



Board Meeting
Friday, January 20, 2023 – 10:00 AM
FDOT District 7 Office
11201 McKinley Drive
Tampa, FL 33612

MINUTES

CALL TO ORDER

Chair Manuel called the meeting to order at 10:07 AM.

PRESENT

Chair Cliff Manuel
Commissioner Kathryn Starkey
Mr. Jim Holton
Councilmember Deborah Figgs-Sanders
Councilmember Lynn Hurtak
Commissioner Pat Kemp
Secretary David Gwynn
Mayor Ken Welch
Commissioner Janet Long
Commissioner Jerry Campbell
Commissioner James Satcher (virtual)
Ms. Nicole Mills (virtual)
Mr. David Green, Executive Director
Ms. Jennifer Cowan, Legal Counsel
TBARTA Staff

ABSENT

Commissioner Rene Flowers

PUBLIC COMMENT

Charles Loeb Citizen Hillsborough County:

I was saddened to hear that you all will be disbanding the Board, though I see this is not your last meeting. But it is a process and you all will not have any funding after June of next year. I opposed that at the meetings that were over here regularly and do want to say a couple of things. First, I hope you keep in touch with each other. The need for public transportation is going to continue with or without this Board. Second there should be transportation summits planned for the future. That would get more public attention. A transportation summit would help inform the public of what buses offer. It is important for the public to know. Public summits are a better way to inform the public than Board meetings. I wish you all the best and do feel your efforts are not in vain.

Bill Roberts former Chairman of CAC committee:

I wanted to come before you as a citizen of Hillsborough County to say a couple of comments. First, I want to thank this Board and your predecessors for the time and diligence you have put in on regional transportation and transit. I want to thank DPR Secretary Griffin for appointing me to the CAC several years ago. I want to thank the members of the CAC who spent time, energy and diligence in advising this

Board. We have had a very active committee during the time I spent on the committee, and I think this Board has found the comments and recommendations helpful. Oftentimes the CAC was ahead of the Board itself in terms of its thinking. The CAC represents the various counties and is made up of members you have appointed, and I think they have brought you some good recommendations and suggestions and I hope in some form those recommendations will be carried forward. I want to challenge you as elected officials and as community leaders to continue to address the issue of regional transportation and transit. This situation will not get better on its own. It's going to take a concerted effort. I pledge to you that there are citizens in all your counties who are very interested in what is going on and finding solutions to these problems. Think about what is needed and then find ways to work together to implement a viable plan for our region.

INFORMATION ITEMS

September and December 2022 Financial Statements presented by Melonie Williams

First is a draft for FY 2022. The final report will be presented in May by the auditors. The YTD net surplus through the end of September was \$414,325, which is \$76,359 over budget. Revenue was under budget by \$291,307 due to timing of the PD&E and Gondola Feasibility Study reimbursements. Expenses were under budget by \$367,666 due to consulting services related to the studies. The Accounts Payable balance was \$592,846 and Accounts Receivable \$876,738. The cash balance at the end of FY 2022 was \$791,341.

The YTD net deficit through the end of December is \$55,901, which is under budget by \$628,313. Revenue was \$1.1 million under budget primarily due to reduction of salaries, timing of projects, and the loss of \$538,000 in local funding. Expenses are under budget by \$553,794 due to professional services. The Accounts Payable balance is \$286,643 and Accounts Receivable \$468,308. The cash balance at the end of December is \$827,673.

Commissioner Long asked if the remaining money is all federal money. Ms. Williams responded the majority is from last year's local funding from partner counties. The rest is the timing between invoices and reimbursements.

ACTION ITEMS

Approval of October 2022 Board Meeting Minutes

Motion made by Commissioner Long to approve October 2022 meeting minutes. Seconded by Commissioner Starkey. Motion passed unanimously.

Commuter Vanpool Services Contract Amendment presented by David Green

While developing a plan to close the agency I was also coordinating some related activities, and transitioning the vanpool program to another agency is a significant event in that timeline. The vanpool program is a tremendous regional asset and has been hugely successful. We reached 200 vanpools in December, which is an all-time high and a noteworthy milestone. There were about 125 vanpools when our contract with Enterprise started in 2018. The program steadily grew to 175 and we were already talking about 200 when COVID hit. At that point our numbers dropped to 140 but we've been able to climb out of that hole and then some while many agencies are struggling to regain their pre-COVID ridership. Obviously, we don't want to do anything to jeopardize that growth and success. When we

spoke to FDOT about our contract with Enterprise expiring in June, they acknowledged how important it was to maintain continuity of the program and asked us to continue managing it while another contract is procured. As a result, counsel prepared the contract amendment which is in front of you today. The amendment extends our contract with Enterprise through December 2023 and allows another agency to assume it if the legislature dissolves TBARTA before then. It also increases the monthly subsidy from \$400 dollars per vehicle to \$450 per vehicle to help offset inflation and the rising cost of vehicle maintenance. The extra \$50 will be funded from our federal 5307 grant. Our recommendation is to approve the Fourth Amendment to the Agreement for Commuter Vanpool Services with Enterprise.

Commissioner Long asked for clarification that you want vanpool services to be extended until December 2023. Mr. Green responded yes.

Motion made by Commissioner Long to approve the amendment for vanpool services. Seconded by Mayor Welch. Motion passed unanimously.

Repeal of the Agency presented by David Green

The repeal of TBARTA requires an act of the legislature and we are hoping to coordinate a repeal date of June 30, 2024. That date makes sense for two reasons: first, it's the end of the state fiscal year and second, it provides time in the event we run into any unforeseen issues. We also want to be sure the Department of State will become our successor so we can properly coordinate the transfer of records.

The proposed plan is to discontinue operations on December 31, 2023, which coincides with the expiration of the vanpool contract. Final closure would be on March 31, 2024. The Executive Director and Director of Accounting would receive 20 weeks' severance including continuation of benefits. We would also recommend the Manager of Commuter Services is hired by the new program administrator. Staff would be paid for all unused vacation and we would reimburse member counties our final cash reserve in the same proportion as funds were contributed.

Three things factor into the timeline: 1) FY 2022 financial audit is due by June 30, 2023, 2) federal triennial review will be completed in fall 2023, and 3) Enterprise contract expires December 31, 2023.

Key details of the plan include:

- May and August Board meetings only
- Discontinue all committee meetings
- Close final state grant by December 31, 2023
- Close federal grants by February 28, 2024
- 5307 grant will be deobligated and funds transferred back to the urbanized area
- Federal funds allocated to TBARTA (FY 19-22) will go back to the urbanized area
- Terminate state lobbying services effective April 30, 2023
- Terminate office lease and Wi-Fi effective September 30, 2023
- Cancel phone service effective December 31, 2023
- Discontinue website and internet domains December 31, 2023
- Continue email and IT services into March 2024
- Renew insurance policies through March 31, 2024
- Cancel pcards and credit card by March 1, 2024
- Dispose of property and reimburse FTA for unamortized share
- Reimburse landlord for unamortized improvements, free rent, and commission

- Reimburse counties final cash reserve in March 2024
- Close bank account prior to March 31, 2024
- Transfer agency records to Department of State by March 31, 2024

Our recommendation is to support the repeal of TBARTA's enabling act, approve the proposed plan to close the agency, and direct staff to begin performing required activities.

Chair Manuel commented that the bill that has been drafted doesn't include a lot about timeframes for closing our agency. There is one sentence allowing us the opportunity to do those things but it doesn't tell us how long we have to accomplish them. Can that be a part of the bill or can we propose from today's vote to allow us the time to close the agency professionally? Mr. Ron Pierce responded I think we can, however both House and Senate bills identify a date of June 30, 2024 to close the agency. No additional dates would be required if all activities were completed by then.

Chair Manuel asked Mr. Green if we can accomplish that. Mr. Green responded yes.

Commissioner Long commented I do not agree with a lot of the recommendations. First, I think it is important that we recognize these are public dollars and I have a vested interest in protecting the dollars that we have contributed from Pinellas County. To drag this out until June 2024 is irresponsible. Secondly, there have been many conversations among our stakeholders and all three of our Tampa Bay regions in district 7 about what alternatives might be. There are several other agencies who are perfectly positioned to absorb the responsibilities that have just been outlined. I think it is irresponsible to only have two more meetings because there are too many details that need to be ironed out and I believe we have a responsibility to work on those details and have very fluid and robust conversations about how that might work. There is a Memorandum of Understanding between TBARTA and PSTA and another between PSTA and HART. There is a fabulous relationship between Pinellas and Pasco and it would not be hard to craft the same kind of memorandum with Pasco County. It is the same concept as an interlocal agreement. It would be in our best interest to ask those other agencies to make it a seamless transition and hear what their ideas might be. I ask you to consider my comments and am interested to hear if anyone thinks they are meaningful.

Mr. Holton commented I agree in principle with the Commissioner's comments but it should probably be the legislature that decides where that work goes, as opposed to us entering interlocal agreements at this late date. Discussing that here could delay our primary focus, which now is to wind down. I spoke with Chairman DiCeglie and he wants this completed as quickly as possible.

Commissioner Long commented when I served in the legislature I very much appreciated recommendations from the local agencies and governments we were trying to craft legislation for. Ron, would you not agree that most legislators would like to have a plan to consider from local agencies? Mr. Pierce responded the bill includes three things: 1) it repeals the agency, 2) it identifies a completion date of June 30, 2024, and 3) it requires any leftover funds to be disbursed back to the local organizations that contributed them. The bills have been introduced in Tallahassee. Representative Holcomb is the House sponsor and Senator DiCeglie is the Senate sponsor. I don't expect any issues getting the bill through the legislature or Governor's office.

Chair Manuel commented I agree and feel the bill should give us time to conduct our business. I think the June 30, 2024 date is a good one and I personally support it. Everyone keeps mentioning we should do it quicker but quicker means unwinding professional agreements and financial commitments properly. If we need help with that then that is a local Board decision. If you would like to meet more often to discuss those things, we can. But I appreciate Tallahassee giving us the time to not trip up on

anything because the most important thing, from my perspective, is to cancel our contracts and relationships professionally and with courtesy.

Mayor Welch commented I agree with the proposal as it stands. I really appreciated David's professionalism and walking us through this, and the whole TBARTA staff for their work throughout the process of having the responsibility without the authority, without the funding, and without the individual counties and cities being on the same page. So I want to recognize publicly the job David and staff have done. I think it has been very good work. The only question I have is about ending the website and internet domains at the end of this year. Who would be responsible for the archived records of TBARTA? Where would that reside after this year? Mr. Green commented, to my knowledge, that would fall with the Department of State. I'll meet with the Department of State in March to coordinate some of those things and the website is one of the questions I have for them. Obviously, we'll give them all the physical and electronic records but I don't know if they have any specific guidance about websites.

Commissioner Starkey commented, Pasco County does have a great relationship with Pinellas County and others. I'm not familiar with unwinding federal contracts so I need to look to others for advice on how long it takes. I was surprised how long this was being drawn out. I think a 6 month severance is what was recommended and, for me, that seems like a long time. This is my first experience unwinding something like this and I do want to say Pasco County stands ready to keep working for a regional solution. We think TBARTA was doing very important work and it is very sad that we have come to this point today but that doesn't mean our work is done. The way it gets done is just going to change. We owe it to our citizens to find a solution to the problem of regional transit. Is the six months' severance standard? Chair Manuel replied the 20 weeks is in reference to if he is let go without cause. That is in Mr. Green's contract with us.

Chair Manuel commented it's an interesting position to be the chair of your demise, but our professional responsibilities to both our staff and our vendors will ultimately create the timeframe for us to completely dissolve ourselves. I think everyone sitting here recognizes how important that is for us. Our transit needs won't change. To me, the people sitting here at this table are the ones who should continue this conversation, however it changes. This same group of people must continue strong communication for transportation in Tampa Bay to work. Today we are voting to repeal ourselves and recognize the proposed bill as a guideline for when we sunset, and let Mr. Green start unwinding things for our agency. He provided a lot of details about how we will close and he should periodically meet with the Board to review our progress. If the Board would like to meet more often then we can take action to do so. We can meet monthly as we have in the past. That is a Board decision and I would support it. The staff recommendations are simply times Mr. Green needs our input.

Commissioner Campbell commented he is happy to be here. I echo the sentiments of people that have spoken already. It's sad that it has come to this but the work is not done in Hernando County. Like Pasco and Pinellas Counties, Tampa and Hillsborough County, Hernando County stands ready to do what we need to fix this issue and to serve our community well.

Commissioner Satcher thanked the Chair for recognizing him and the Board for allowing him to attend virtually. As far as the timeline, we know getting a government agency to accomplish a significant goal around Christmas will be difficult. It might be wise for us to take the next six months to find someone to take over the vanpool contract. However, if that is not an option then it's not a deal breaker for me. I appreciate the hard work of everyone there.

Motion made by Commissioner Long to approve repeal plan. Seconded by Commissioner Satcher. Motion passed unanimously.

CY 2023 Meeting Calendar

Chair Manuel asked for the Board's direction on how often you would like to meet in 2023.

Commissioner Long asked if anybody else would like to hear some of the other ideas that were mentioned over the past six months.

Commissioner Starkey commented I think we have a lot of big discussions and I think we should meet in between those two dates. We need to schedule another meeting.

Chair Manuel commented Commissioner Starkey has asked us to weigh in on additional meetings and agenda topics in 2023. Are there any other thoughts about that? I feel that is a Board decision and not something the Chair will do without your input. I think Commissioner Long's input is clear.

Councilmember Figgs-Sanders agreed that updates would be helpful as we close TBARTA. My recommendation is if we schedule more dates that we get commitment that Board members will attend. I would hate for us to schedule meetings and then not have a quorum.

Commissioner Long commented if we wait until May then we miss our opportunity coordinate something different with the legislature.

Secretary Gwynn commented we may not need all the way to the end of the year but we don't want June as a hard deadline. We'll start to work immediately on finding the right place for the vanpool program but giving us until the end of the calendar year gives us a little more time to make sure we do it right. There are also federal funds that we don't want to lose. The additional six months will prevent us from rushing and give us time to be thoughtful about where it should be managed.

Commissioner Campbell commented I don't think any of us want to meet just for the sake of meeting. We have more productive things to do but if there is a topic where we can have productive conversation then I would certainly be open to that.

Chair Manuel commented if the proposed meeting calendar is approved by the Board today, we will meet on May 26 and August 25. Does the Board want to add any meetings to the 2023 calendar?

Councilmember Figgs-Sanders asked if a motion could be made to add dates as necessary or if we are just tied to these dates. Chair Manuel replied that the chair can call a meeting at any time. If there is something of importance for the Board to hear then we would work on securing a quorum and schedule the meeting. That certainly can be done throughout the year.

No vote was taken on the Meeting Calendar due to loss of quorum.

Mr. Green asked for clarification on the previous vote. The proposed plan to close TBARTA included three items in the recommendation. I want to confirm that all three of those pieces were captured in the motion and the vote that was approved. Chair Manuel responded yes.

Commissioner Long asked if we heard what financial obligation would be incurred for the severance package. Chair Manuel responded that the recommendation was to continue employment of the Executive Director through the conclusion of the repeal process. His termination would be consistent with his employment contract with the Board.

Commissioner Long clarified she would like to know the cost because it will be paid from local funds. She also asked if there is anybody else besides the Executive Director that is included because it does not mention it in the document. Mr. Green responded that the plan I just presented includes severance for

the Accounting Director and the Executive Director for 20 weeks, the total cost of which is \$117,166.50. The continuation of benefits during that time is an additional \$29,361.38. Those are included in our forecast and were deducted from the balance we estimate would be reimbursed to the counties.

Chair Manuel commented I assume Ms. Cowen had an opportunity to review this for consistency with our obligations to staff. Is there anything we should know or be concerned about, or are the recommendations consistent with our obligations. Ms. Cowen responded that the only thing I reviewed is the Board's obligation to the Executive Director and you do have an obligation for severance. Chair Manuel asked if she could do the same due diligence for the Director of Accounting. Ms. Cowen responded yes.

Commissioner Satcher asked when the 20 weeks of severance will begin. Chair Manuel responded it will start the date we are repealed. Mr. Green clarified it will be March 31. There will be no money left in the bank account the day we close it. Everything will be paid at that point. Ms. Cowen added that, generally, there is a final check cut and that is the severance pay. That occurs on the date of termination.

PRESENTATIONS

I-275 RRT PD&E Study presented by Scott Pringle, WSP

The I-275 Regional Rapid Transit project is TBARTA's plan to advance a bus rapid transit (BRT) catalyst project along I-275 connecting Pasco, Hillsborough, and Pinellas Counties. The Project Development & Environment (PD&E) Study was conducted to determine the project alignment, runningway, station locations, operating/service plans, and estimated construction and operating costs. After the multi-year effort to develop a technical plan, create the conceptual design, conduct community outreach, and complete detailed performance analyses, the TBARTA Board voted unanimously on August 6, 2021, to advance a Locally Preferred Alternative (LPA) that serves the three-county area of Tampa Bay with Freeway BRT for the I-275 corridor connecting Downtown St. Petersburg, the Greater Gateway area, Westshore, Downtown Tampa, the USF area, and Wesley Chapel. There were four milestones throughout the study. Milestone 1 focused on evaluating and optimizing the number of stations that would help inform the design and how to provide service along the I-275 corridor. Milestone 2 focused on the design concepts themselves, first focusing on how the service would operate, followed by several different public outreach events. It also examined ridership through each county. Milestone 3 identified the recommended alternative. The technically recommended alternative was endorsed by the Board. This regional service does a great job of complementing local initiatives. Milestone 4 completed our conceptual design work and began the process of conducting our federal environmental review and coordination with FTA. The majority of 2022 was spent working with FTA on approval of an environmental class of action which set the course for how the corridor was analyzed. We found no adverse effects to the environment as a result of constructing RRT. Final federal approval is pending.

Secretary Gwynn reminded everyone that one of the original benefits of this project was the ability to leverage highway funds to offset the transit money because the local match didn't exist for the larger transit investment. A lot of that will remain as something to build on. When you consider the Gateway project that will open later this year, and the Westshore interchange, the Howard Frankland Bridge, Veterans, Suncoast, and the Moffit Cancer Center going further north, the express lane system could be used as an express bus system. It is not along the entire length but we will continue to assess if it makes sense to widen shoulders when we complete highway expansions in the corridor. The incremental cost of doing it as part of a road widening project is not significant so that might give us a future opportunity to operate transit on the shoulder. So not all is lost in this.

ADJOURNMENT

Chair Manuel adjourned the meeting at 11:16 AM.

****NEXT BOARD MEETING****

May 26, 2023 – 10:00 AM
Pinellas Suncoast Transit Authority
3201 Scherer Drive
St. Petersburg, FL 33716