

Minutes

RTA Board of Trustees Meeting

10:32 a.m., May 12, 2020

Present: Clough (Chair), Lucas (Vice Chair), Bibb, Byrne, Joyce, McCall, Moss, Pellot, Serrano, Weiss

Not present: None

Also Present: Anderson, Benford, Birdsong, Bober, Brown, Burney, Caver, Cottrell-Peiffer, Dangelo, Feliciano, Ferraro, Fields, Freilich, Garofoli, Gautam, Goodwin, Kirkland, Lewis, Pickett, Schipper, Sutula, Togher, Wilson, Young

Mayor Clough called the meeting to order at 10:32 a.m. The secretary called the roll and reported that ten (10) committee members were present

This meeting was conducted by teleconference for members of the Board in accordance with House Bill 197 of the 133rd General Assembly, signed by the Governor of the State of Ohio on March 27, 2020, the March 9, 2020 order of the Governor of the State of Ohio declaring a public health emergency and the April 30, 2020 order of the Director of the Ohio Department of Public Health prohibiting any gathering of ten (10) or more people, the Board meetings was live-streamed on RTA's Facebook page (www.facebook.com/rideRTA) for staff and members of the public.

The Secretary advised that notice of this meeting has been posted more than twenty-four hours in advance of the meeting, that the usual notification has been given the news media and other interested persons, and that all requirements of the Ohio Revised Code and Rules and Bylaws of this Board regarding notice of meeting have been complied with.

Minutes

Mayor Clough stated that the minutes from the April 14, 2020 Board Meeting had been previously distributed and reviewed and asked whether there were any additions and/or corrections. There were no corrections. The minutes were approved.

Public Comments

Public comments on agenda items were accepted via email at BoardComment@gcrta.org
There were no agenda item comments.

Committee Reports

There were no reports.

Ad Hoc Committee Reports

There were no reports.

Introduction of New Employees/Promotions

There were five promotions. They are Maria Shurik-Labor & Employee Relations Specialist, Eric Vukmanic-Senior Budget Management Analyst, Miles Varga and Joseph Roberts-Line Maintainers and Brian Saunders-Signal Technician. Mayor Clough congratulated the promotions.

Introduction of Resolutions

- A. 2020-32 – Authorizing Contract No. 2020-004 with Expert of Canton DBA Complete Pest Solutions for Pest Control Services in an amount not to exceed \$199,980.00 for the base three-year period, and in an amount not to exceed \$66,660.00 for each option year, for a total contract amount not to exceed \$333,300.00 for five years (General Fund, Service Management Department budget), the adoption of which was moved by Mr. Serrano, seconded by Mr. Joyce and approved by unanimous vote.
- B. 2020-33 – Authorizing Contract No. 2020-005 with Johnson Controls Fire Protection, LP to provide fire and safety inspection and testing through the State of Ohio, Department of Administrative Services, Cooperative Purchasing Program, in an amount not to exceed \$131,945.25 for a period of one year and in an amount not to exceed \$131,945.25 for one option year, for a total contract amount not to exceed \$263,890.50 (General Fund, Transit Police Department budget), the adoption of which was moved by Mr. Serrano, seconded by Mayor Byrne and approved by unanimous vote.
- C. 2020-34 – Authorizing Contract No. 2020-017 with JB Hadden of Murray Murphy Moul + Basil LLP and Terrence O'Donnell of Dickinson Wright PLLC to provide State Advocacy Services for a two-year period in an amount not to exceed \$170,000.00 and not to exceed \$170,000.00 for one, two-year option, for a total four-year contract amount not to exceed \$340,000.00 (General Fund, Executive Department budget), the adoption of which was moved by Mr. Joyce, seconded by Mr. Bibb and approved by unanimous vote.

Mayor Clough noted that RTA has received money from the State so it is important to continue the advocacy, but he asked for quarterly reports on how well they are doing.

- D. 2020-35 – Authorizing Contract No. 2020-049 with Petrochoice, LLC. for the furnishing of antifreeze, as specified and as required, for a period of two (2) years in an amount not to exceed \$200,200.00 (General Fund, Fleet Management Department budget), adoption of which was moved by Mr. Serrano, seconded by Ms. Peilot and approved by unanimous vote.
- E. 2020-36 – Authorizing Contract No. 2020-068 with Kronos Incorporated to provide Kronos Annual Subscription & Support Renewal for a period of one year in an amount not to exceed \$115,332.00 (General Fund, Information Technology Department budget), the adoption of which was moved by Mr. Joyce, seconded by Mayor Weiss and approved by unanimous vote.
- F. 2020-37 – Authorizing an increase to Contract No. 2017-030 with Occupational Health Center of Ohio, P.A. Co., DBA Concentra Medical Centers for Temperature Testing Services in an amount not to exceed \$80,000.00 for a total contract amount not to exceed \$927,943.75 (General Fund, Human Resources Department budget), the adoption of which was moved by Mr. Serrano, seconded by Mayor Byrne and approved by unanimous vote.

Ms. Birdsong said this is a precautionary measure that the RTA staff has elected to move forward in response to the COVID-19 pandemic. They are temperature testing at the Main Office and at the districts. This contractor also handles drug and alcohol testing. She felt the need to have a 3rd party handling the testing. This is an on call service that would be available should there be any spikes with the virus. This will allow them to

respond quickly without having an emergency meeting of the Board to make the decision. This service will be reimbursable through the CARES Act. Ms. Moss asked if employees have been sent home with fevers and if staff can see this service being needed for two years. Ms. Birdsong said if the temperature is over 104 degrees, they are sent home with pay. They have sent home 10-15 employees within the last few weeks. They work with the Labor and HR Department to follow up with those employees as to whether they need to be quarantined. There are variations with the temperature taking depending on the weather.

They are reevaluating if this will continue through the summer especially with the reopening of the city. They review it daily and will keep the Board updated as to whether they will discontinue toward the end of May. This contract is for extended services should it be needed in the fall. Rev. Lucas asked if employees are referred to be tested if they have a temperature. She said that staff doesn't send them for testing, but does require a doctor intervention or self-quarantine. Mr. Ferraro, director of employee and labor relations said they double and triple check if the employee's fever meets the threshold before they are sent home. They have sent home 12 people. They tell them per the Governor's Order they have to stay home for a week and be symptom free for 72 hours without medication. They have conducted 12,000 check from April 20 through May 7. Ms. McCall said she is not sure that staff can have the employee get tested per the CARES act, but they have to follow up with their doctor.

Ms. McCall said if the temperature taking was stopped it would have to be mandated by the federal government. HIPPA regulations also have to be followed. She asked if telemedicine options could be considered with Concentra in the future. Mr. Fields said they can check this for return-to-work options. Ms. Moss asked if the CARES Act requires that testing has to happen with no end date. Mr. Fields said the Governor recommends employers provide temperature checking and some type of self-assessment. They will keep the Board updated on when they believe the temperature taking could end.

- G. 2020-38 – Authorizing the exercise of option year one of two under Contract No. 2016-140 with Passport Labs, Inc. for the purchase of a Mobile Ticketing Solution in an amount not to exceed \$96,000.00 (General Fund, Information Technology Department budget), the adoption of which was moved by Mr. Serrano, seconded by Mr. Bibb and approved by unanimous vote.

Mr. Bibb asked if this will allow for mobile ticketing on buses and trains or just inside of RTA customer centers. Mr. Anderson said it's for the phone app. It's been in use since 2016. This is to extend it one more year. The Board asked staff to bring this back for the option years. Ms. Birdsong is looking at other options for future years.

- H. 2020-39 – Making appropriations for the current expenses and other expenditures of the Capital Improvement Budget for the Greater Cleveland Regional Transit Authority for Fiscal Year ("FY") 2021, the adoption of which was moved by Mayor Byrne, seconded by Ms. Moss and approved by unanimous vote.
- I. 2020-40 – Amending Section 840.03 "Fares" of the Codified Rules and Regulations of the Greater Cleveland Regional Transit Authority to delay implementation of the August 2018 fare increase until August 2021, the adoption of which was moved by Mr. Serrano, seconded by Mr. Bibb and approved by unanimous vote.

Mayor Clough said the Board decided a few years ago to increase fares, but based on the current circumstances it was decided not to do this. Mr. Bibb asked for an update at the next meeting on the finalization of the fare study and whether it may need to be reexamined in light of how the operating model may change on the path of recovery.

Mayor Clough asked for a motion to add a resolution to the agenda related to amending the current contract of the General Manager to have maternity leave. That was not in the original contract and under the current policy she would have to be at the Authority for one year before this benefit is offered. It was moved by Rev. Lucas, seconded by Mr. Serrano and approved to add it to the agenda.

- J. 2020-41 - Amending employment agreement of India L. Birdsong as General Manager and Chief Executive Officer of the Greater Cleveland Regional Transit Authority and authorizing the execution of the first amendment to that agreement, the adoption of which was moved by Rev. Lucas, seconded by Mr. Serrano and approved by unanimous vote.

Ms. Moss asked how RTA defines a maternity leave. Mr. Fields said there is not a specific maternity leave policy, but the Family Medical Leave Act provides for up to 12 weeks after a full year of service and at least 1,250 hours of work. Additionally, there is an extended disability policy that covers leave for up to 26 weeks such as maternity leave. Both of the leaves do not apply in this instance. This is an amendment to her contract as opposed to a policy amendment because she has not been employed for one year. Ms. Moss asked for the terms. Mayor Clough said that under normal circumstances one would use accumulated time first, then FMLA would kick in. In this case, she will use her accumulated time, then she will be on-call for the remaining time. Mr. Fields said the leave will take her from May 18, 2020 through August 24, 2020. During that period of time, she will use vacation, sick and personnel time. At some point, there will be a 5 or 6 week time frame where the maternity leave will kick in. She will be on-call in August.

Ms. Birdsong thanked the Board for their consideration. The RTA team has done a great job through the COVID-19 pandemic. All projects have been completed on time and on budget. She will ensure that RTA will not skip a beat. Mayor Clough asked who will act in her place. She said Dr. Caver will be acting while she is on leave. He served as Interim before she was hired. They have laid the groundwork for how projects will be completed through the summer. Rev. Lucas wished her well.

Interim Secretary-Treasurer's Report

Dr. Caver gave the report. The economic conditions of the city, county and nation have a huge impact on RTA's revenue situation. The unemployment rate for April 2020, which was the first full month of the pandemic and Stay At Home orders, increased to 14.7%, which is 0.3 percentage points above the March numbers. This is the highest and largest over the month increase in the history of the series dating back to January 1948. In April, throughout the nation, the number of unemployed persons rose to 15.9 M people to a total of 23.1 M Americans who lost their employment. The state and county numbers will come out later this week. For April, the nation's unemployment rate is 14.7%. When the nation was at historic low numbers, the county and the state were above the nation for unemployment. Unemployment claims for the week ending May 2, were 1.1 M in Ohio compared to 360,000 for the entire year of 2019. The last three years from the Ohio Department of Jobs & Family

Services (ODJFS) was a total of 1.1 M Ohio unemployment claims. This shows a grave reality of this pandemic on the nation and employment in particular.

Compared to budget for 2020, which was \$41.4 M for passenger fares. Given the trends and ridership loss, only \$19.3 M will be collected, which is a loss of \$22.1 M. Starting with the first week in March, there was a downward trend in ridership close to 70%. This is being watched closely. Sales & Use tax makes up 70-75% of the General Fund budget. From Jan-April, the sales tax was performing well. It had an increase of 4.5% for that time period. But the sales tax has a three month lag time. The current environment will be reflected in June for March and July for April. The team is working with the state and local agencies to gauge what is happening with sales tax. The May-Dec projections predict a loss of \$94 M or 65% reduction. The annual reduction is being projected at 41%.

The last time there was a recession in 2008-2009, the US unemployment rate was 10%. The first full year of the recession, 10.9% of sales tax was lost. They project with the 2020 pandemic there will be a realignment more like a 40% aggregate loss. Unemployment is not expected to drop below 10% in the near future. Operator labor and service is the largest part of the budget. There was a 15% service reduction in April. In June 28, a bus bridge is needed for the rail to be reconstructed on the light rail. There are some small increase of service for the three most productive bus lines. The number of vehicles needed to provide the service only increase incrementally. Service is still constrained.

General Manager, Chief Executive Officer's Report

Ms. Birdsong gave the report. There is a selective hiring freeze in place. April 12th cuts show reductions in the Park N Ride and trolley service. They will come back to the Board about that service in the summer in accordance with the lifting of the Stay At Home Orders. Estimated reductions in expenses are in various categories such as salaries and overtime, fuel, utilities, inventory, services, purchased transportation (Paratransit) and other misc. expenses totaling \$22.7 M over the next six or seven months. Rev. Lucas asked if the trolley drivers are furloughed or given other assignments. Ms. Birdsong said they are still on the books. There has not been any layoffs or furloughs. They have mainly cut the overtime. They have become extra board operators or assigned to a different route. They worked this out with the union.

COVID-19 expenses incurred through May 4 for cleaning, supplies, services, temperature testing laptops and equipment total \$1.2 M. Staff will be drawing down on the CARES Act funds for reimbursement. From now to the end of the year, expenses will come in at \$2.8 M. FTA approved RTA's application for the CARES Act. They expect to receive \$111.8 M for Cleveland, which has been vetted through Ohio and NOACA. It is based on federal formula funding and there is no local match required. Other actions that are continuing is working from home, providing PPE to employees, communication through the Internet and Intranet and providing mask to all employees. Today was the first day that mask were required for all employees in RTA buildings and vehicles. Audio messages and signs have been added to buses and plastic shields were added to all buses. There has been controversy on collecting fares, but the barriers have helped create a separator to protect the operators. Fares will continue to be collected.

Rev. Lucas asked if the shields will be placed on Paratransit buses. Ms. Birdsong said they will be put on those vehicles. Dr. Caver said they have been placed on the MV1 taxi type vehicles. They are in the process of finalizing the prototype, which is expected within a week or two for the regular cut away vehicles. These vehicles are different because they have to go behind the driver seat and then along the side parallel to the door. They are working on models that will make it easier for the operator to get in and out. Mr. Bibb thanked the management team for managing the crisis effectively. He said we can't afford to go back to normal until the virus subsides. He asked if this is

an opportunity to imagine a new operating model. He asked if there are certain operational changes that could be maintained and in relation to the pillar studies, should the deliverables be reassessed. Ms. Birdsong said they will look at what can be kept or modified like cleaning and making good on the mission and promises. They are looking at surveying during the fall. They are working with a consultant to work through that through strategic planning. Communications has been bolstered over the months, which has improved the relationship with the unions. Working at the state and federal level with that support is good. Looking at ridership and first mile/last mile and working with community members and business leaders to determine what the service design looks like. It's a good opportunity. More public comment will be received for realigning the service. A few agencies have committed to helping with this effort to ensure the service matches the needs of the business community. Mr. Bibb asked that there be a formal process to document these operating model changes post COVID-19. Current operating models have been share with APTA. Tony Garofoli has shared his audit contingency planning COVID-19 document with APTA through his Internal Audit committee. She suggested it be shared with the Board and codified in one document with other models.

Mr. Bibb asked if the CARES Act money can be used for hazard pay for frontline workers. Ms. Birdsong said that hazard pay hasn't been streamlined through the industry. A hand full of agencies have accepted that payout. Rev. Lucas asked if the operators qualify for hazard pay. The funding has been put into the barriers and cleaning to reduce the threat to the operators. RTA has low numbers of reported cases, which are up to 11. Four of the original eight cases were married couples. Mayor Weiss asked if the CARES Act money was only for reimbursable expenses or if it is flexible. Mr. Gautam said the intent of the money is for loss of revenue and expenditures incurred to mitigate the risk of the virus. They are working through the drawdown requirements and should be ready to draw down later this week.

Public comments on non-agenda items

Comments were received via email at BoardComment@gccta.org until the conclusion of the meeting. Mayor Clough asked if there were comments that the Board could address and let the staff address administrative questions. Mr. Bibb asked that all the comments be read not to lose the spirit of the process.

1. Dana – Cleveland, OH - Will new BRT Healthline vehicles have necessary proof of payment tech required to be considered a BRT system?

Dr. Caver said they are in the process of looking at what the tech package will be. A resolution will be brought to the Board this summer to look at speeding up boarding on the HealthLine.

2. Christopher Stocking– Cleveland, OH - CPT asks the RTA Board to implement rear-door boarding to allow social distancing and restore proof-of-payment to the HealthLine. After COVID, all-door-boarding can continue to be implemented with rear-door fare readers used for years by cities like San Francisco to improve rider experience year-round.

This is in line with recommendations from the Centers for Disease Control and the Ohio Department of Health. Furthermore, the HealthLine, the highest ridership line, now requires fares to be validated with the operator despite millions of dollars spent on special buses and reconstruction of Euclid Avenue to allow for a special fare system to speed up buses by minimizing contact between operators and riders. Riders have to board on the left side of the bus and crowd around the operator and other riders, creating a full on transmission vector. There is no way to social distance this process.

The following agencies have implemented rear-door boarding: Akron Metro March 17, PARTA (Portage County/Canton) March 18, TARTA (Toledo) March 18, COTA (Columbus) March 19, Laketran (Lake County/Mentor) March 25. Non-Ohio Agencies: DDOT (Detroit) March 18, Baltimore MTA March 18, Sound Transit (Puget Sound/Seattle) March 21, Valley Metro (Phoenix) March 21, King County Metro (King County/Seattle) March 21, NJ Transit March 22 and MTA (New York) March 23. We look forward to RTA joining the list so we can safely work together for more funding.

Ms. Birdsong said the barriers have been implemented to prevent contact between the operator and customer to give social distancing. They have looked at rear door boarding related to the HealthLine, however with the current technology for fare collection, RTA does not have that capability. They will look at this option and update the Board. Agencies that use rear door boarding have reversed this practice due to the inability to control who is on the vehicle at any particular time. Agencies outside of Ohio that still collect fares include New York, Los Angeles, Chicago, San Francisco, Boston, Philadelphia, Dallas, Minneapolis and St. Louis. The views of Clevelanders for Public Transit are respected, but she hopes they see the benefits of the barriers.

3. Ludmilla Rowinsky – Parma, OH - Rear door boarding, waiving of fares will protect both passengers and drivers. You could also place fare boxes at the back door or have one at major stops, like downtown and rapid stations. A human could sell passes and take payment in those protected booths that are now empty in the transit center. You are endangering human lives. Please do the right thing.
4. Andrew Robbins Donshik- Simsbury, CT/CWRU Campus - I rode the eastbound HealthLine for the first time during the pandemic after dropping my car at a repair shop downtown and I'm not sure how I can characterize it as anything but a major transmission vector. Because fare enforcement has remained in place, everyone must board on the second door, move from the second door to the driver to validate, and move back towards the seats. There is simply no way to do this without exposing multiple passengers to each other. By continuing HealthLine fare enforcement GCRTA is directly contributing to the heavily marginalized impact of this pandemic and putting the lives of many in danger. This needs to be stopped.
5. Diane Howard – Cleveland, OH - Co-chair Public Transportation Committee Northern Ohioans for Budget Legislation Equality (NOBLE) and former GCRTA Bus Driver. NOBLE appreciates the measures GCRTA has taken to protect passengers and operators per your news release* May 5, 2020. We understand that these measures also add to the complexity of daily operations to have a safe workplace and public transportation service.

However any safety measures are only effective when implemented properly. NOBLE members have reported that on buses on routes across the county the new shielding to separate drivers from passengers is not in use while the bus is in service but pulled back and not providing the intended protection. The shielding is installed to protect drivers and riders. It is also installed to instill confidence in the public that measures are taken to ensure a safe less-anxious trip; particularly when some have recommended not using public transportation.

It's understood that GCRTA is suffering a dramatic loss of riders due to the pandemic and even effective remedies as the state's Stay-at-Home order. But GCRTA should not potentially contribute to the loss by not consistently applying its own safety measures and eroding public confidence in its transit service. Please ensure all Covid transit guidance** is regularly posted and distributed to ALL GCRTA employees. Please post and regularly distribute all guidance to

riders at stops, stations and via social media. Keep all Covid safety measures in place through the pandemic and after into the future. NOBLE supports public transportation for all.

6. William Tarter – Broadview Heights, OH - Currently, the State of Ohio lists three registered lobbyists for GCRTA, James Hadden, Terrence O'Donnell, and William Vorys. All three are registered with the Legislature, but not the Executive Branch. One contract with Mr. Hadden was approved during today's meeting. I am grateful to hear RTA engaging on the continued support of public transit at the state level. Three questions: 1) What are the individual lobbying responsibilities for each of these three lobbyists? 2) From a messaging standpoint, how do these lobbyists work with the Ohio Public Transit Association (OPTA)? 3) Finally, if these gentlemen are not registered for lobbying with the Executive Branch, how will the lobbying message reach ODOT in order to engage in future public policy transportation decisions?

(This comment was noted after the meeting ended. His questions were answered by staff in an email.)

7. Robert Winn – Cleveland, OH – During the quarterly management report provided by CEO/GM Birdsong, she indicated that customer satisfaction improved vs Q1 2019. For 1Q 2019, the QMR showed 15,263 boardings between complaints. The 1Q 2020 QMR showed 7,769 boardings between complaints. This represents a decrease in boardings between complaint, or an increase in the ratio of complaints received per boarding. (I.e., decreased satisfaction.) This is clarified when the QMR goes on to say "Each district has shown a decrease in performance over 1st quarter 2019." If RTA is receiving more complaints, how is this accurately characterized as an improvement in passenger satisfaction?

(This comment was noted after the meeting ended. His questions were answered by staff in an email.)

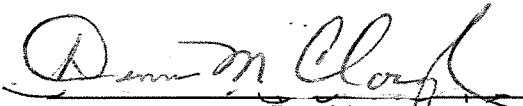
Mayor Clough said he appreciates all of the comments. There was a potential executive session on the agenda related to the General Manager's contract, but it was discussed earlier in the agenda.

Upcoming Meetings

The next regular Board meeting is scheduled for Tuesday, June 23, 2020 in the Board Room of the Authority, Root-McBride Building, 1240 West Sixth Street, Cleveland, Ohio 44113.

This meeting was adjourned at 11:50 a.m.

Attest: 
Interim Secretary-Treasurer


President