

LYNX Oversight Committee Agenda

Meeting Date: 12/5/2018
Meeting Time: 10:00 AM

Central Florida Regional Transportation Authority
455 N. Garland Ave.
2nd Floor Open Space
Orlando, FL 32801

As a courtesy to others, please silence all electronic devices during the meeting.

1. Call to Order

2. Approval of Committee Minutes



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3. Public Comments

- Citizens who would like to speak under Public Comments shall submit a request form to the Assistant Secretary prior to the meeting. Forms are available at the door.






4. Chief Executive Officer's Report

5. Finance & Audit Committee Report







6. Committee Consent Agenda Items

- A.  Authorization to Submit a Grant Application to the Federal Transit Administration's Surface Transportation Program in the Amount of \$1,841,408 for Automatic Passenger Counters and Access LYNX Cameras Pg 17
- B.  Authorization to Submit Grant Applications to the Florida Department of Transportation (FDOT) for the Enhanced Mobility of Seniors and Individuals with Disabilities Section 5310 Program, the Formula Grants for Rural Areas 5311 Program and the Bus and Bus Facilities Section 5339 Program in the Total Amount of \$3.1 Million Pg 19
- Attachments 
- C.  Authorization to Issue a Purchase Order to New Flyer for the Purchase of Ten (10) CNG (Compressed Natural Gas) Sixty-Foot (60') Articulated Buses with a Not-to-Exceed Amount of Eight Million, Seven Hundred Thousand (\$8,700,000) Dollars Pg 24
- D.  Authorization to Order Two (2) 15-Passenger Vans in an Amount Not to Exceed \$80,000 for 5310 Sub-Recipient Awards. Pg 26
- E.  Adoption of Resolution #18-007 to Reappoint Donna Tefertiller to the Board of Trustees for the Amalgamated Transit Union (ATU) Local 1596 Pension Plan (Defined Benefit Plan) Pg 28
- Attachments 










7. Committee Discussion Items

- A.  Discussion on Oversight Committee Purpose and 2019 Meeting Dates Pg 31
- B.  Update on LYNX FY2018 Reserve Analysis Pg 34
-Attachments 
- C.  Summary of First-Time Fuel Audit by the State of Florida Department of Revenue Pg 53
-Attachments 

8. Committee Action Items

- A.  Authorization to Release a Request for Proposal (RFP) for Legal Services. Pg 55
-Attachments 
- B.  Authorization to Approve the Updated LYNX Purchasing Card Procedure Pg 63
-Attachments 
- C.  Authorization to Increase Contract #15-C12 for Cherry Bekaert, LLP by \$7,500 for One Year to Comply with the Federal Transit Administration's NTD Reporting Requirements. Pg 70
- D.  Authorization to Award a Contract for Fresh Food, Traditional Vending and Related Services with Compass Group USA, Inc. at No Cost to LYNX, for a Period of Three (3) Years with the Option to Extend for Two (2) One (1) Year Periods. Pg 72

9. Committee Information Items

- A.  State Road 436 Transit Corridor Study - Project Update and Recommendations Pg 74
-Attachments  
- B.  Update on the Installation of Digital Signage in the LYNX Central Station Bus Bays and the Operator's Lounges Pg 90
- C.  Mobility Management Update Pg 91
-Attachments 
- D.  Update on the Electric Vehicle Analysis for ACCESS LYNX Paratransit Service Pg 110
-Attachments 
- E.  Update on the Results of the Computer Aided Dispatch and Automatic Vehicle Location Conversion Pilot Pg 129

10. Other Business

Section 286.0105, Florida Statutes states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that, for such purposes, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans With Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Benjamin Gonzalez at 455 N. Garland Ave, Orlando, FL 32801 (407) 254-6038, not later than three business days prior to the meeting. If hearing impaired, contact LYNX at (407) 423-0787(TDD).

Central Florida Regional Transportation Authority
Oversight Committee Meeting Minutes

PLACE: LYNX Central Station
455 N. Garland Avenue
2nd Floor, Open Space Conference Room
Orlando, FL 32801

DATE: September 27, 2018

TIME: 10:30 a.m.

Members in Attendance:

Jim Harrison, Orange County
Pat Christiansen, Legal Counsel
Billy Hattaway, City of Orlando
Jo Santiago, FDOT
Tawny Olore, Osceola County

Staff Members in Attendance:

Edward L. Johnson, Chief Executive Officer
Tiffany Homler-Hawkins, Chief Administrative Officer
Bert Francis, Chief Financial Officer
Thomas Stringer, Chief Operations Officer
William Slot, Chief Sustainability & Innovations Officer
Tellis Chandler, Deputy Director of Safety
Matt Friedman, Director of Marketing Communications
Brian Anderson, Human Resources
Tomika Monterville, Director of Planning & Develop.
Rose Hernandez, Executive Assistant
Dyana Blickle, Fiscal Assistant
Leonard Antmann, Director of Finance
Chris Plummer, Finance Assistant
Doug Jamison, Senior ITS Development
Jeff Reine, Senior Project Manager
Kim Forbragd, Mgr. of Financial Planning and Budgets
Louemma Cromity, Manager of Procurement

Members Absent:

Viviana Janer, Chair, Osceola County
Lee Constantine, Seminole County
Mike Shannon, Secretary FDOT

1. Call to Order

Vice Chair, Jim Harrison, called the meeting to order at 10:34 a.m.

2. Approval of Minutes

Mr. Harrison asked the Committee if there was any discussion about the July 26, 2018 Oversight Committee Meeting minutes. A motion to approve was made by Bruce McMenemy, and seconded by Jo Santiago. Motion carried unanimously.

3. Public Comments

No members of the public requested to speak.

4. **Chief Executive Officer's Report**

Mr. Harrison called upon Edward L. Johnson, Chief Executive Officer, to provide his report.

Mr. Johnson recognized Nicholas Atkins, a representative from LYNX Mobility Services, for receiving a scholarship from the American Public Transportation Association Foundation as well as Florida Public Transportation Association Foundation. Mr. Atkins is a UCF student working on his degree in Public Administration and planning.

Mr. Johnson also commended Ms. Tomika Monterville, the Director of Planning and Development on her leadership role as she also just started her Leadership APTA Program. They both did an amazing job and left much to be said about the energy and passion they demonstrated in the meeting.

During the Nashville meeting, Ms. Tiffany Homler Hawkins, Chief Administrative Officer, spoke on things that we are doing here in Florida to the Mobility Management Group at APTA.

Mr. Johnson reminded everyone that there was not going to be a Board of Directors meeting in the afternoon, however, LYNX will seek approval on the items from the committee agenda to include the fiscal year budget into operation and will review the board agenda items. He indicated that he needed to add an item to the agenda, to adopt the Transit Asset Management (TAM) Policy and submit this program to the Federal Transit Administration that is due by Oct.1, 2018. It is on the agenda under item #6 but should be under item #7 as action item.

Mr. Harrison congratulated Mr. Johnson on his leadership and all he has accomplished through APTA.

5. Finance & Audit Committee Report

Amanda Clavijo, the Finance and Audit Committee Chairperson provided a report of the Finance & Audit Committee Meeting she attended on Tuesday, September

25, 2018. Ms. Clavijo stated the committee heard and approved to move forward with the following:

- Authorization to Amend the No Show Policy for Paratransit and NeighborLink Services (changes in the Policy are based on percentage of rights and are now comply with ADA requirements).
- Authorization to Amend the Existing Contract for Access LYNX Paratransit Services with MV Transportation Inc., to reflect an annual Fixed Price Fee of \$19,200,000 (the increase on the demand of this service – staff are changing the process internally so the requests also go to other sources not just MV).
- Authorization to Adopt LYNX FY2019 Proposed Operating and Capital Budgets. This had a lengthy discussion due to using the reserves, which will require Mr. Johnson to provide a plan on how to get it back up to the required level.
- Authorization to Solicit FY2019 Project Applications for the Federal Transit Administration Enhanced Mobility of Seniors and individuals with Disabilities Section 5310 Program.
- Authorization to Execute METROPLAN Orlando's FY2018-2019 Unified Planning Work Program (UPWP) Pass-Thru Funding Agreement for Transit Planning Projects.
- Board Ratification on Grant Applications Submitted to the Florida Department of Transportation (FDOT) Public Transportation Emergency Relief Program for Resilience Projects.
- Authorization to enter into a Sole Source Agreement with Trapeze for the Conversion of the bus fleet to a single Computer Aided Dispatch / Automatic Vehicle Locator (CAD/AVL) System for an Amount Not to Exceed \$656,641
- Authorization to issue a Purchase Order to SPX doing business as Genfare for Procurement of Fast Fare Fareboxes and Paratransit validators.
- Authorization to Waive Collective Bargaining and Approve Amendment to Eliminate Interest on the Return of Participant Contributions with the Amalgamated Transit Union (ATU) Local 1596 Pension Plan.

Mr. Harrison asked what the timing was for LYNX to provide the plan to get the reserves back up to the 45 days.

Mr. Johnson stated we need to move the Mobility Management Program into Phase II in an effort to reduce trip length, this will help defray some of the costs. These passengers may not live near a fixed route alignment and therefore passengers are picked up from their home and taken to their final destination.

LYNX exceeds the Federal requirement, to provide paratransit service within $\frac{3}{4}$ of a mile of a fixed route alignment and only have to provide that service when that route is operating. LYNX has traditionally operated paratransit service 24 hours a day, 7 days a week throughout the entire service area of Orange, Osceola and Seminole Counties. Several customers travel well over 20 miles in one direction a day.

6. Committee Agenda Item: (The TAM Plan moved to Committee Action Item under #7 as it required approval)

A. Update on Transit Asset Management (TAM) Plan & Policy

Mr. Johnson advised the chairman that this will include seeking authorization for the Board to act on it and we will ask the chairman to allow us to sign the policy and submit the plan before Oct. 1, 2018.

LYNX is seeking for a motion to recommend that we move this forward with a recommendation to the board to authorize the Transit Asset Management plan.

LYNX provides a wide range of services for the Metropolitan region and as required by the Federal Government 49CFR Part 625, we are required to provide and develop a Transit Asset Management Plan and a State of Good Repair Policy effective October 1, 2018 for 4 years.

Rick Sparer, Sr. Transportation Planning Manager for AECOM, provided an update on the TAM Plan and requested the authorization to adopt a policy. Mr. Sparer stated that TAM Plan and State of Good Repair Policy is shown on ES1 and ES2 in the executive summary.

The TAM policy states that there are four basic principles: Safety, Reliability, Preservation First, (maintain what we have in the best state of good repair so that it can achieve the useful life or beyond) and Environmental Sustainability.

The state of good repair policy and transit asset management plan need to be adopted by the board and submitted to FTA. The targets for FY19 are submitted with the National Transit Database reporting this year as well as the NPO.

Mr. Sparer concluded, that LYNX is seeking authorization to submit the TAM Plan & State of Good Repair Policy to FTA. (It states that we will establish a transit asset management plan and we will focus on safety preservation and other two factors that go along with it.)

Mr. McMenemy moved to approve the plan and policy as presented to FTA, Ms. Santiago seconded it. The motion passed unanimously.

7. Committee Action Items: Annual recurring items

A. Authorization to Transfer Three Paratransit Vehicles to BrightStart Pediatrics for the 5310 Enhanced Mobility of Senior's and Individuals with Disabilities Program.

Mr. Harrison called Belinda Balleras, Grants Manager, to present her request.

Ms. Balleras stated that items 7 A, B & C are annual recurring items.

The authorization to transfer three retired paratransit vehicles to Bright Start Pediatrics, one of our 5310 providers and will use one of our low mileage vehicles utilization for their own clients. These clients are also paratransit clients.

Ms. Santiago moved to approve, Ms. Olore seconded it. Motion passed unanimously.

- B. Authorization to Solicit FY2019 Project Applications for the Federal Transit Administration Enhanced Mobility of seniors and individuals with Disabilities Section 5310 Program.

Ms. Balleras, Grants Manager, presented item B to the committee.

Ms. Balleras stated that this is also an annual recurring request as part of our responsibility as the designated recipient for the seniors and individuals with disabilities program.

Ms. Santiago moved to approve, Ms. Olore seconded it. Motion passed unanimously.

- C. Authorization to Execute METROPLAN Orlando's FY2018-2019 Unified Planning Work Program (UPWP) Pass-Thru Funding Agreement for Transit Planning Projects and the Florida Commission for the Transportation Disadvantaged Funding in the Amount \$618,120

Ms. Balleras, Grants Manager, presented item C to the committee.

Mr. McMenemy moved to approve, Ms. Olore seconded it. Motion passed unanimously

- D. Board Ratification of Grant Applications Submitted on August 3rd to the Florida Department of Transportation (FDOT) Public Transportation Emergency Relief Program for Resilience Projects

Ms. Balleras, Grants Manager, stated that FDOT had released some funding as a result of the past three hurricanes and there is an opportunity to apply for capital projects for resilience to protect equipment and facilities. LYNX submitted two projects: to upgrade the windows of the LCS building to the new standard of 200 mph, and to convert three (3) QC emergency generators to natural gas. LYNX is seeking approval to ratify. The applications were due August 3rd and if we receive the grant, it will be 100% federally funded.

Ms. Olore moved to approve, Mr. McMenemy seconded it. Motion passed unanimously

- E. Authorization to Execute a Contract with McCree Design Builders, Inc. for Design-Build Services for the LYNX Operations Center (LOC) Expansion Project to include a parking lot and Administrative facilities and all supporting requirements in the amount of \$3,734,166.

Mr. Harrison called Tomika Monterville, Director of Planning and Development, to present her request.

Ms. Monterville stated that LYNX solicited competitive proposals from the industry to support us in this effort. We received three proposals: McCree Design Builders, Odyssey Global, RC Stevens Construction Company and our selection and evaluation committee which was comprised of Jeff Reine, Sr. Project Manager at LYNX, Jeff Hart of OCPS, Thomas Stringer, LYNX Chief Operations Officer and **Jafari Bowden of LYNX's** Security Team. The team determined that McCree Design Builder best met the needs of the organization to deliver this project. The lowest total ranking was McCree Builders, their ordinal ranking was 4. The source evaluation committee determined that with the inclusion of the price, McCree Builders has the lowest price at \$3.734 million. This project had been budgeted for 4.2 million to cover the costs associated with this total project for fiscal year 2019. Ms. Monterville indicated that LYNX is currently working on an RFP for the CEI services and contingencies that will be put out later this year.

Ms. Olore moved to approve, Ms. Santiago seconded it. Motion passed unanimously.

- F. Authorization to Enter into a Sole Source Agreement with Trapeze for the Conversion of the bus fleet to a single Computer Aided Dispatch/Automatic Vehicle Locator (CAD/AVL) System for an Amount Not to Exceed \$656,641

Mr. Harrison called Mr. John Slot, Chief Innovation and Sustainability Officer to present this request.

Mr. Slot indicated that this is a consolidation of our CAD/AVL System at LYNX. He explained that the operations systems team have to manage and maintain multiple bus systems and they cannot see all the bus inventory on one system. LYNX is currently paying Clever Devices and Trapeze for the same system. In Feb of 2018 the Board approved \$540,000 for the integration of this project. That approval assumed that both Clever and Trapeze hardware would be able to be integrated through software by both vendors. Both of the systems have been deemed proprietary and the vendors do not want to write that integration.

This has necessitated LYNX to look for another option and the project team has decided to replace the hardware on the buses to have one system. LYNX has the funds for this project in the budget. They are seeking the approval for the additional \$656,700 to replace the hardware on the buses.

Ms. Santiago moved to approve, Ms. Olore seconded it. Motion passed unanimously.

- G. Authorization to Issue a Purchase Order to SPX d/b/a Genfare for Procurement of Fast Fare Fareboxes and Paratransit Validators for Acceptance of Fare from Cash, Smart Cards, and Mobile Ticketing for an amount not to exceed \$5,663,541.57

Doug Jamison, Senior ITS Developer stated that LYNX initially installed Odyssey Model Fareboxes on the fixed route Fare boxes from GenFare since 2001 and does not have capability of accepting the new technology. In 2012 LYNX worked with ACS, now part of Conduent to put validators on the bus that would accept the smart cards from SunRail. That project is behind schedule and LYNX does not intend to deploy those specific validators, they are now over 6 years old. This will free over \$900,000 in the budget which has been placed for that project. Last year LYNX deployed a mobile fare application with American Eagle and it is currently in a visual manner. There is 1.9 million dollars in the budget to buy validators for American Eagle. As LYNX started working with GenFare, they have a solution now which is called the Fast Fare Farebox which is what this request is for. This will allow LYNX to meet the needs of SunRail's smartcards along with Mobile Fare currently in place with American Eagle.

LYNX will have a smaller validator for paratransit that has the same functionality with the exception that it does not take cash into the validator.

Mr. Harrison reiterated that LYNX freed up 1.9 million dollars from American Eagle and about \$900,000 from the ACS contract. This contract is 5.7 million dollars and the remainder is in the 2019 budget. Mr. Jamison confirmed that LYNX is releasing the \$900,000 and the 1.9 million dollars, adding 2.8 million dollars to make it a whole project. This should bring us into the 21st Century.

Mr. Johnson said that the equipment will be installed here to save on the installation which can run hundreds of thousands of dollars.

The fare box has the application program interface, the API that allows it to take the transaction, read it and forward it out to conduit directly. Conduent will respond back through the 4G network to let us know that it is an approved pass or not. It can directly integrate through that system. It goes through the 4G cell phone network with a modem so it can have real time communications. This will enable integration with the SunRail system and create a regional fare system. This will take away from the paper transfer between SunRail and LYNX and move to the electronic transfer.

Mr. Johnson added that the FTA only requires LYNX to purchase goods that are open architecture and some agencies have not been quite diligent with that.

Ms. Olore moved to approve, Ms. Santiago seconded it. Motion passed unanimously.

- H. Authorization to Waive Collective Bargaining and Approve Amendment to Eliminate Interest on the Return of Participant Contributions in the Amalgamated Transit Union (ATU) Local 1596 Pension Plan.

Mr. Francis, Chief Financial Officer explained that the Pension Board bought this item to the two parties of collective bargaining back in 2013, but it requires an amendment to the plan. We were giving interest on contributions to the people that left the plan, there was an erosion of interest out of the plan at 5%. LYNX is requesting the committee to make a recommendation to the board to waive collective bargaining and to approve the amendment to eliminate interest on the return of contributions.

Mr. Harrison asked the legal counsel if they were good with this request and Mr. Goldsmith confirmed it was.

Ms. Santiago abstained from voting as she has a relative employed by LYNX. (An 8B Form has been completed and signed by Ms. Santiago and is on file for the record.)

Mr. McMenemy moved to approve, Ms. Olore seconded it. Motion passed unanimously

- I. Authorization to Amend the No Show Policy for Paratransit and NeighborLink Services.

Selita Stubbs, Acting Deputy Director of Mobility referenced the edited Policy that was viewed from legal counsel to ensure that LYNX was in compliance with the ADA regulations. Staff is asking approval to amend the "No Show" policy to bring it in line with ADA requirements based on the way they want you to administer the policy with the community. LYNX is experiencing a high level of no shows under the paratransit and Access LYNX Program. This causes LYNX to absorb the cost of Paratransit when they send vehicles out and no one is boarding the vehicle.

Mr. Johnson stated that the Federal Transit Administration is starting to crack **down on how the transit agency "No Show Policies" are being carried out.** It is important to make this correction now to ensure that when FTA comes in to do the triennial review, that LYNX has a policy that is reflective of the Federal Law.

Mr. **Goldsmith, LYNX's legal counsel stated** that the ADA Counsel reviewed the policy and added a few provisions which are reflective in the comments.

Ms. Stubbs added that this policy applies to both the ADA and TD clients.

Mr. Harrison asked for a motion to approve the amended policy as presented today with the authorization to make minor changes as approved by legal counsel.

Mr. McMenemy moved to approve, Ms. Santiago seconded it. Motion passed unanimously.

- J. Ratification of the amendment to the existing contract for Access LYNX Paratransit Services with MV Transportation Inc., to Reflect an annual Fixed Price Fee of \$19,200,000

Mr. Francis, Chief Financial Officer, stated that this item is to amend the current MV contract to fix the price at 19,200.00 a year for the Access LYNX services and cap it at 37,000 trips per month. Mr. Francis referenced a chart that reflected trip numbers for Fiscal Years, 2016, 2017 & 2108. The volume of the trip numbers have escalated and by January or February when LYNX had put their budget together, the trip volume had already exceeded well over what was anticipated. The price for this year and the remainder of FY2019 is at \$19,200,000. It would be 4 or 5 million higher had LYNX not fixed this price.

LYNX is asking for the board to ratify what Mr. Johnson has already done. Mr. Johnson has already signed a revision to the contract with MV, stopping this amount at \$19,200,000 and paying it at 37,000 trips. Trips over that will go to **the TNC's and to the other means at a lower price.**

LYNX will review the qualifications and conduct a functional assessment.

Mr. Harrison expressed a concern with the ridership dropping after the functional assessment evaluation is completed.

Mr. Johnson stated that there is a clause on the contract that would allow either party to open that option back up if needed.

Mr. Francis stated that the total trip volume is approximately 52,000, there is **37,000 with MV and there is room to cut down on the TNC's to fill the bucket** at 37,000. We can either raise or lower the limit.

Mr. Johnson stated that LYNX values MV and what they bring to the table and they are able to work with special needs people who are the most vulnerable.

Mr. Johnson said there was a recertification process every two to three years where they have to reapply.

Ms. Olore moved to approve, Mr. McMenemy seconded it. Motion passed unanimously.

K. Authorization to Adopt FY2019 Operating and Capital Budgets

Mr. Francis presented the proposed operating and capital budgets for FY2019. He stated that the operating revenue will require more from the reserves to balance the budget. It is the same budget you saw back in July with the exception of the six million dollars. One million dollars is coming from preventive maintenance and the rest will come out of the reserves.

On the capital budget, it is the original amount of about \$101 million dollars. after we closed **out the PO's** and what was actually spent, The rollover comes out to be a little bit more after we close out all of the purchase orders and see what was actually spent. This will be determined when September is closed out. Not a lot of funds were used on vehicles last year. This year there is a better understanding of the types of vehicles and budget for revenue vehicles. Passenger amenities and support equipment are all included in the FY19 Budget for next year. In the technology some funds are rolling over to 2019.

This will be funded primarily by Federal dollars. There was a bit of state and local \$2 capital in there too which makes the \$107 million dollars.

Update on the LYNX Reserve:

Mr. Francis explained that we updated our reserve through July of this year. We revised it to what is our real reserve requirement today as we move forward.

We had originally figured to use about 1.7 million from reserves and that would keep at the 45 day level. Now that we add in that \$6.5 million dollars in reserves, it drops the reserve requirement below the 45 day mark to a 39 day reserve. Our policy requires the Executive Director to come back with a plan on how we plan to get that back to a 45 days reserve requirement.

Paratransit costs are the biggest culprit. Fares and revenue sources are limited. With paratransit costs continuing to go up, we need a solution on how to address that, we cannot continue to go into reserves. LYNX will come back to the Board on a plan on how we are going to get the reserves back up to the 45 day mark.

Mr. Johnson said we are going to try to control costs on the paratransit side, there are some other areas we can focus on, but that is the last resort. This will change the policy on how to operate paratransit as a whole. We can go back to FTA minimum requirements or we can continue to operate the way we are doing now. We are bringing additional carriers at a cheaper rate that can

help offset some of these expenses. The Board authorized LYNX to award a contract to a company called OWL. We have begun giving them 100 trips per day and there is another group called UZURV that we are bringing them on board. The contract has already been executed.

Mr. Harrison said LYNX is looking for authorization to adopt the budget and the next step will be to enter into the Funding agreements with the funding partners. Drop the reserves below the recommended Policy guidelines which the briefing he got from the finance committee representative, who indicated that he thought that was the only approach brought forward by LYNX, but stated Mr. Francis mentioned it was not sustainable.

Ms. Olore also expressed a concern and stated that the representatives are nervous about the reserves. She asked if LYNX can provide a timeline to present their plan.

Mr. Johnson stated that the Route Optimization Study is to assist finding efficiency so LYNX can expand the production of the Fixed Route, however this is in the preliminary stages and may not be until 2020 when the plan is implemented.

The staff shared with the Finance Committee that while we get a 3% increase each year from our funding partners, our actual expense is anywhere between 7 and 11% increase. What LYNX has to do is provide the board with a full picture demonstrating what it really costs to operate the services and what our natural progression of costs will be over a 5 year period if we continue to move forward with a 3% increase from a salary perspective taking into account other operating costs that go up on an annual basis, unless we are looking at cutting services.

Ms. Olore stated that Osceola County begins their budget process as early as March with two public hearings and they will need to know what the requests are in preparation of their budget meetings.

Mr. McMenemy stated that he realizes that LYNX may have some issues that have to be addressed, but when reserves drop by 15%, that is a pretty significant item. LYNX needs to come up with a plan (in under 60 days), even if it has to be tweaked later on. If there are funding issues, they have to be addressed. Mr. McMenemy is a bit uncomfortable moving forward with this but understands that a plan needs to be put in place.

Mr. Johnson agreed that a plan needs to be presented and can produce something for the committee by December, but also stated that he would like to hear from the Oversight Committee what are the constraints that LYNX is to operate under as they were told no fare increase, no elimination of services, and capping the amount of Federal funds that LYNX is to use to cover operating

expenses. With these three factors not being on the table, it limits a lot of what LYNX can do from a staffing perspective.

Ms. Olore said a couple of options need to be made for LYNX.

Mr. Harrison said he wasn't sure he can provide restraints at this moment and agreed with Ms. Olore that the committee needs to explore the menu of options and this needs to be done quickly.

Mr. Johnson said they can bring it back to the December meeting, understanding that we have the flexibility of putting everything on the table.

Mr. Harrison said they can explore the ramifications and benefits.

Mr. McMenemy said that 90 days should be ample time to put this plan in place.

Mr. Harrison reiterated that LYNX is looking for authorization to adopt the FY2019 Operating Capital Budget. This has been reviewed by the Finance Committee and recommended for approval.

Mr. McMenemy made a motion to approve, Ms. Olore seconded it. Motion passed unanimously

L. Authorization to Enter into the FY2019 Service Funding Agreements with the Regional Funding Partners

Mr. Francis, Chief **Financial Officer stated that it's just an authorization from the board's** standpoint to move forward and enter into the funding agreements. They are consistent with the 3.5%.

Ms. Olore moved to approve, Mr. McMenemy seconded it. Motion passed unanimously

Mr. Harrison stated the motion was approved to recommend to the board the entering into the service funding agreement for 2019.

Committee Information Items:

Mr. Johnson stated that he has a consent agenda that has a number of items, some of which have been discussed today. The ones that were not discussed are routine or previously discussed with the board members.

Mr. Harrison asked if any committee member saw anything on the Board Agenda of which they want to discuss. He stated that the Action Items are the ones they just heard.

Mr. Johnson said the only one that is on the agenda that is not considered routine is item D. xi: Miscellaneous, they had two fixed route vehicles that were damaged in an accidents and cannot be repaired. These vehicles are being transferred to Valencia College for training in their fire department. There is no value in these vehicles.

Mr. Harrison asked for a motion if there was anything on the consent agenda that anyone has any concerns about.

Mr. McMenemy moved to recommend to the board the approval of the agenda and Ms. Olore seconded. Motion passed unanimously.

The meeting adjourned at 12:07 p.m.

Certification of Minutes:

I certify that the foregoing minutes of the September 27, 2018 Oversight Committee meeting are true and correct, approved by the Oversight Committee.

X

Assistant

LYNX Oversight Committee Agenda

Oversight Committee Consent Agenda Item #6.A.

To: LYNX Oversight Committee

From: **Tiffany Homler**
CHIEF ADMINISTRATIVE OFFICER
William Slot
(Technical Contact)
Tellis Chandler
(Technical Contact)
Belinda Balleras
(Technical Contact)

Phone: 407.841.2279 ext: 6064

Item Name: Request for Proposal (RFP)
Authorization to Submit a Grant Application to the Federal Transit Administration's Surface Transportation Program in the Amount of \$1,841,408 for Automatic Passenger Counters and Access LYNX Cameras

Date: 12/5/2018

ACTION REQUESTED:

Staff is requesting the Board of Directors' authorization for the Chief Executive Officer (CEO) or designee to submit a grant application to the Federal Transit Administration's Surface Transportation Program (STP) in the amount of \$1,841,408 for 254 Automatic Passenger Counters and 603 ACCESS LYNX surveillance cameras with 201 DVRs.

BACKGROUND:

LYNX submitted a request to MetroPlan Orlando (MPO) in the amount of \$1,143,070 in STP funds to install and upgrade 254 Automatic Passenger Counters (APC) units on all of the LYNX fleet. This will provide 100% passenger counting for LYNX and eliminates the need to perform annual manual sampling of passengers. In addition to granting LYNX' request, the MPO has added funding in the amount of \$698,338 for Access LYNX surveillance cameras and DVRs for the paratransit fleet. The MPO and FDOT worked together to program these funds into the regional transportation improvement program, which allows LYNX to submit an application for these funds from the Federal Transit Administration.

This funding supports the Computer Aided Dispatch (CAD)/Automatic Vehicle Locator (AVL) System conversion to the Trapeze Ranger system. LYNX currently operates two different CAD/AVL systems. The CAD/AVL system is linked with many of the operating systems within the bus including automated passenger counters, the Talking Bus system, radios, fare boxes, and destination signs. These integrated systems are also connected to the real-time information

LYNX Oversight Committee Agenda

signage located at various points in the LYNX route system and they support the DoubleMap Real-Time Bus Tracker. The Trapeze Ranger system is already installed on the majority of the fixed route fleet and is the preferred system as it has a quicker refresh rate for data transmission that is critical for real-time applications and real-time bus arrival information. The conversion to one CAD/AVL system will allow for improved customer service, improved data collection, reduced complexity and more effective route planning and evaluation.

The current camera system for Access LYNX is DriveCam. DriveCam provides one camera per bus and the system is only activated to record when a vehicle experiences unusual forces such as hard braking, swerving, excessive speed, a collision or other potentially unsafe actions that could lead to a collision. Upgrading the camera system to a continuous recording solution will allow for improved customer service through informal video audits, thorough investigations, and improved training and safety programs.

This STP grant will be matched by transportation development credits.

FISCAL IMPACT:

LYNX staff will include the award for this program in the appropriate LYNX fiscal year budget upon confirmation of award.

LYNX Oversight Committee Agenda

Oversight Committee Consent Agenda Item #6.B.

To: LYNX Oversight Committee

From: **Tiffany Homler**
CHIEF ADMINISTRATIVE OFFICER
Belinda Balleras
(Technical Contact)
Prahallad Vijayvargiya
(Technical Contact)
Sheila Maldonado
(Technical Contact)

Phone: 407.841.2279 ext: 6064

Item Name: **Request for Proposal (RFP)**
Authorization to Submit Grant Applications to the Florida Department of Transportation (FDOT) for the Enhanced Mobility of Seniors and Individuals with Disabilities Section 5310 Program, the Formula Grants for Rural Areas 5311 Program and the Bus and Bus Facilities Section 5339 Program in the Total Amount of \$3.1 Million

Date: 12/5/2018

ACTION REQUESTED:

Staff is requesting the Board of Directors' authorization for the Chief Executive Officer (CEO) or designee to submit grant applications to the Florida Department of Transportation (FDOT) and authorize the Chairman to execute Resolution #18-004 attached hereto. This action also includes authorization for the Chief Executive Officer (CEO) or designee to execute Public Transportation Grant Agreements (PTGA) from FDOT originating from these programs, as well as any future amendments to the PTGA.

LYNX intends to submit grant applications for Section 5310 (Enhanced Mobility of Seniors and Individuals with Disabilities Program) funding to FDOT for approximately \$600,000 in capital and \$800,000 in rural operating funds, for Section 5311 (Formula Grants for Rural Areas) approximately \$500,000 in operating funds, and for Section 5339 (Bus and Bus Facilities Capital Program) for approximately \$1,000,000 in the FY2019/2020 FDOT funding cycle.

BACKGROUND:

On October 2, 2018, the Florida Department of Transportation conducted a grant workshop to announce its funding solicitation and guidance for FTA's Section 5310-Enhanced Mobility of Seniors and Individuals with Disabilities Program, Section 5311-Formula Grants for Rural Areas

LYNX Oversight Committee Agenda

Program, and Section 5339-Bus and Bus Facilities Program under the FAST Act. These solicitations are due for submission January 11, 2019.

The funding programs are described as follows:

- ***Enhanced Mobility of Seniors and Individuals with Disabilities Program (49 U.S.C. 5310)***: Provides formula funding to improve mobility for seniors and individuals with disabilities.

MAP-21, now the FAST Act, expanded the eligibility of the 49 U.S.C. 5310 program funds to be used for operating expenses, in addition to capital expenses, for transportation services addressing the needs of seniors and individuals with disabilities. Not less than 55 percent of the funds available for this program must be used for capital projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable. Remaining funds may be used for operations, such as: public transportation projects that exceed the requirements of the ADA; public transportation projects that improve access to fixed-route service and decrease reliance by individuals with disabilities on complementary paratransit services; or develop alternatives to public transportation that assist seniors and individuals with disabilities.

The matching requirements for this program remain the same: capital assistance is provided on an 80 percent Federal share, 10 percent state share and 10 percent local share, with operating assistance requiring a 50 percent match.

LYNX intends to apply for both capital and operating projects; approximately \$600,000 for vehicles and approximately \$800,000 for rural NeighborLink and other contracted services for specialized transportation under the Mobility Management brokerage model. These operating projects are part of our continuing mobility initiatives to address paratransit needs with NeighborLink routes

- ***Formula Grants for Rural Areas Program (49 U.S.C. 5311)***. The Rural Areas program provides formula funding for the purpose of supporting public transportation in areas with a population of less than 50,000. Funding may be used for capital, operating, planning, job access and reverse commute projects, and administration expenses.

LYNX intends to apply for operating projects, approximately \$500,000 of 49 U.S.C. 5311 to maintain provision of services in the rural areas. 49 U.S.C. Section 5311 operating funds are 50% federal and 50% non-Department of Transportation match.

- ***Bus and Bus Facilities (49 U.S.C. 5339)***. The Bus and Bus Facilities Program provides capital funding to replace, rehabilitate and purchase buses and related equipment and to construct bus-related facilities for services in the rural areas.

LYNX intends to apply for capital projects, approximately \$1,000,000 under the 49 U.S.C. 5339 program for buses and/or NeighborLink vehicles with the necessary technologies and equipment. These capital purchases will support the provision of both fixed-route and NeighborLink services

LYNX Oversight Committee Agenda

that operate either entirely or predominately in rural areas. 49 U.S.C. Section 5339 capital funds are 80% federal and 20% non-federal share (FDOT will provide the required 20% match).

FISCAL IMPACT:

LYNX staff will include the Section 5310, 5311, and 5339 project awards in future operating and capital budgets as appropriate.

CFRTA RESOLUTION 18-004

A RESOLUTION OF THE CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY; AUTHORIZING THE CHIEF EXECUTIVE OFFICER (CEO) TO SUBMIT GRANT APPLICATIONS WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR FY2019/2020 SECTION 5311 FEDERAL TRANSIT ADMINISTRATION FORMULA GRANTS FOR RURAL AREAS PROGRAM, FY2019/2020 SECTION 5339 FEDERAL TRANSIT ADMINISTRATION FUNDS FOR RURAL AREA BUS AND BUS FACILITIES PROGRAM, AND FY2019/2020 SECTION 5310 FEDERAL TRANSIT ADMINISTRATION ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAM.

WHEREAS, LYNX has satisfied the requirement to complete a Transportation Development Plan (TDP) for FY2019-2028 which has been submitted to FDOT in September 2018 and the TDP is consistent with the five-year Transportation Improvement Plan (TIP) and FDOT's State Work Program, and the projects identified in the TDP are consistent with METROPLAN Orlando's Year 2040 Long Range Plan and Five Year Transportation Improvement Plan (TIP).

WHEREAS, this is a resolution of the GOVERNING BOARD of the Central Florida Regional Transportation Authority (hereinafter BOARD), which hereby authorizes the signing and submission of the LYNX grant applications and supporting documents and assurances to the Florida Department of Transportation.

NOW THEREFORE, BE IT RESOLVED THAT:

1. The BOARD has the authority to authorize the submission of grant applications to the Florida Department of Transportation.
2. The BOARD has the authority to authorize the execution of Joint Participation Agreements to be issued by FDOT in FY2018.
3. The BOARD authorizes Edward L. Johnson, Chief Executive Officer, or designee to file and execute the applications on behalf of the Central Florida Regional Transportation Authority, d/b/a LYNX with the Florida Department of Transportation.
4. The BOARD authorizes Edward L. Johnson, Chief Executive Officer (CEO), or designee, to sign any and all agreements or contracts, which may be required in connection with the application, and subsequent agreements, with the Florida Department of Transportation for operating assistance for rural transportation services (5311), capital assistance for rural bus and bus facilities (5339), and transportation services for elderly person and persons with disabilities program funds (5310).

5. The BOARD authorizes Edward L. Johnson, Chief Executive Officer (CEO), or designee, to sign any and all assurances, reimbursement invoices, warranties, certifications and any other documents, which may be required in connection with the applications or subsequent agreements and supplements.
6. That the above authorizations shall be continuing in nature until revoked by the Chairman of the Governing Board.

CERTIFICATION OF THE ADOPTION OF THE PROPOSED RESOLUTION APPROVING THE EXECUTION OF THE PUBLIC TRANSPORTATION GRANT AGREEMENTS WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR FY2019/2020 SECTION 5311 FEDERAL TRANSIT ADMINISTRATION FORMULA GRANTS FOR RURAL AREAS PROGRAM, FY2019/2020 SECTION 5339 FEDERAL TRANSIT ADMINISTRATION FUNDS FOR RURAL AREA BUS AND BUS FACILITIES PROGRAM, AND FY2019/2020 SECTION 5310 FEDERAL TRANSIT ADMINISTRATION ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAM.

APPROVED AND ADOPTED this 6th day of December 2018, by the Governing Board of Directors of the Central Florida Regional Transportation Authority.

CENTRAL FLORIDA REGIONAL
TRANSPORTATION AUTHORITY

By: Governing Board

Chairman

ATTEST:

Assistant Secretary

LYNX Oversight mmittee Agenda

Oversight Committee Consent Agenda Item #6.C.

To: LYNX Oversight Committee

From: **James Fetzer**
DIRECTOR OF MAINTENANCE
Muriel Bryant-Manolesakis
(Technical Contact)
Helen Miles
(Technical Contact)
Rose Hernandez
(Technical Contact)

Phone: 407.841.2279 ext: 6158

Item Name: **Authorization to Issue a Purchase Order to New Flyer for the Purchase of Ten (10) CNG (Compressed Natural Gas) Sixty-Foot (60') Articulated Buses with a Not-to-Exceed Amount of Eight Million, Seven Hundred Thousand (\$8,700,000) Dollars**

Date: 12/5/2018

ACTION REQUESTED:

Staff is requesting the Board of Directors' authorization for the Chief Executive Officer (CEO) or designee to issue a Purchase Order to New Flyer for the purchase of ten (10) CNG (Compressed Natural Gas) sixty-foot (60') articulated buses with a not-to-exceed amount of \$8,700,000. These buses will replace vehicles in the LYNX fleet that have exceeded their useful life.

BACKGROUND:

In July 2018, LYNX executed a contract with New Flyer for the purchase of up to seventy-five (75) CNG articulated 60' buses. Per the executed contract, LYNX will purchase ten (10) of the seventy-five contracted vehicles.

The projected ridership increases under the LYNX FORWARD plan supports the use of articulated buses. The increased capacity provided by adding the articulated buses will: 1) Enhance operational efficiencies; and 2) Improve the overall customer experience as a result of less crowding. Therefore, the purchase of articulated buses will contribute positively to the region by increasing the mobility of citizens in some of our region's most congested corridors.

LYNX Oversight Committee Agenda

FISCAL IMPACT:

LYNX staff included \$17,250,000 in the FY2019 Adopted Capital Budget for the purchase of replacement buses.

LYNX Oversight Committee Agenda

Oversight Committee Consent Agenda Item #6.D.

To: LYNX Oversight Committee

From: **William Slot**
CHIEF INNOVATION SUSTAIN OFF
James Fetzer
(Technical Contact)
Selita Stubbs
(Technical Contact)
Matthew Friedman
(Technical Contact)

Phone: 407.841.2279 ext: 6146

Item Name: **Request for Proposal (RFP)**
Authorization to Order Two (2) 15-Passenger Vans in an Amount Not to Exceed \$80,000 for 5310 Sub-Recipient Awards.

Date: 12/5/2018

ACTION REQUESTED:

Staff is requesting the Board of Directors' authorization for the Chief Executive Officer (CEO) or designee to issue a purchase order for two (2) fifteen (15) passenger vehicles to be leased to 5310 sub-recipients through the LYNX' VanPool program in an amount less than eighty thousand (\$80,000) dollars to a vendor on the Florida Department of Management Services State Contract for two 15-passenger vans.

In the March 22, 2018 Board meeting, the Board authorized staff to order vehicles for 5310 sub-recipients. That Board authorization inadvertently omitted two 15-passenger vans that are part of the 5310 awards.

BACKGROUND:

LYNX is the agency designated to administer the FTA's Section 5310 funding program in the urbanized areas of Orlando and Kissimmee. As the designated recipient, LYNX has the responsibility to develop the program of projects, including soliciting projects from non-profit organizations and other eligible entities under Section 5310 to serve seniors and individuals with disabilities. The Section 5310 program is intended to enhance mobility for seniors and persons with disabilities by providing funds for programs to serve the special needs of transit-dependent populations beyond traditional public transportation services and Americans with Disabilities Act (ADA) complementary paratransit services.

LYNX Oversight Committee Agenda

LYNX received Board authorization on February 1, 2018 to provide Section 5310 sub-recipient funding to six non-profit agencies. Sub-recipients will provide the 50% local match under the Section 5310 grant program for operating projects. The previously approved non-profit agencies include a vanpool lease to Primrose Center for the two additional 15-passenger vans.

The requested two 15-passenger vans will be at an expense of less than \$40,000 each or less than \$80,000 for the amended purchase order. These passenger vans will be purchased through the Florida Department of Management Services State Contract.

DISADVANTAGE BUSINESS ENTERPRISE (DBE) PARTICIPATION:

LYNX' DBE program requires that each transit vehicle manufacturer as a condition to bid for or propose on FTA-assisted vehicle procurements must provide certification of compliance with the requirements of the regulations by having an established annual overall percentage goal approved by FTA. DBE requirement is monitored by the Federal Transit Administration (FTA).

FISCAL IMPACT:

LYNX staff included \$1,200,000 in the FY2019 Adopted Capital Budget for section 5310 sub-recipient capital related expenses.

LYNX Oversight Committee Agenda

Oversight Committee Consent Agenda Item #6.E.

To: LYNX Oversight Committee

From: Terri Settington
DIRECTOR OF HUMAN RESOURCES
Brian Anderson
(Technical Contact)

Phone: 407.841.2279 ext: 6106

Item Name: Request for Proposal (RFP)
Adoption of Resolution #18-007 to Reappoint Donna Tefertiller to the Board of Trustees for the Amalgamated Transit Union (ATU) Local 1596 Pension Plan (Defined Benefit Plan)

Date: 12/5/2018

ACTION REQUESTED:

Staff is requesting the Board of Directors' adoption of Resolution #18-007 to reappoint Ms. Donna Tefertiller, Director of Organizational Development and Training, as Management Appointee to the Board of Trustees for the Amalgamated Transit Union (ATU) Local 1596 Pension Plan (Defined Benefit Plan).

BACKGROUND:

Employees who are members of ATU Local 1596 participate in a defined benefit retirement Plan. The Plan has an oversight Trustee Board consisting of three Union and three Management employees. LYNX' Chief Executive Officer selects three Management employees to serve as Trustees with confirmation from the LYNX Board of Directors' and the Union's Executive Board appoints its representatives.

Each member serves a three-year term. Ms. Tefertiller is being appointed to serve her 4th term. Her first term began on November 29, 2011 when she replaced Mr. Edward Johnson. Management Trustees for this board are Employer-nominated trustees who serve a three year term and are given the authority to perform, in good judgement, all acts necessary or appropriate to manage, invest, and distribute the assets/funds in the plan.

CFRTA RESOLUTION 18-007

**A RESOLUTION OF THE CENTRAL FLORIDA REGIONAL TRANSPORTATION
AUTHORITY TO, APPROVING THE APPOINTMENT
OF A MANAGEMENT APPOINTEE TO THE BOARD
OF TRUSTEES FOR THE
AMALGAMATED TRANSIT UNION LOCAL 1596 PENSION PLAN**

WHEREAS, this is a resolution of the Governing Board of Central Florida Regional Transportation Authority ,d/b/a LYNX (hereinafter BOARD), heretofore established a pension plan effective as of October 1, 1984 known as the Amalgamated Transit Union Local 1596 Pension Plan (the "Plan"); and

WHEREAS, Article II of the Plan authorizes the Employer to appoint three members to the Plan's Board of Trustees; and

WHEREAS, the Employer wishes to re-appoint Donna Tefertiller to the Board of Trustees of the Plan, effective, January 1, 2019.

NOW THEREFORE, BE IT RESOLVED THAT:

RESOLVED, by the Governing Board that the Employer is authorized to re-appoint Donna Tefertiller to the Board of Trustees of the Plan effective as of January 1, 2019; and it is

FURTHER RESOLVED, by the Board of Directors that any employee classified as a senior officer of the Employer is authorized to prepare and execute, on behalf of the Employer, any documents necessary to effectuate the appointment to the Board of Trustees of the Plan, and perform any other acts necessary to implement the appointment to the Board of Trustees of the Plan

RESOLUTION CERTIFICATION

**CERTIFICATION OF THE ADOPTION OF RESOLUTION #18-007 BY THE BOARD
OF DIRECTORS OF CENTRAL FLORIDA REGIONAL TRANSPORTATION
AUTHORITY d/b/a LYNX**

APPROVING THE APPOINTMENT OF A MANAGEMENT APPOINTEE TO THE BOARD
OF TRUSTEES FOR THE

AMALGAMATED TRANSIT UNION LOCAL 1596 PENSION PLAN

APPROVED AND ADOPTED this day 6TH DAY OF December 2018, by the Governing Board
of Directors of the Central Florida Regional Transportation Authority, d/b/a LYNX.

CENTRAL FLORIDA REGIONAL
TRANSPORTATION
AUTHORITY

By: Governing Board

Chairman

ATTEST:

Assistant Secretary

LYNX Oversight Committee Agenda

Oversight Committee Discussion Item #7.A.

To: LYNX Oversight Committee

From: Edward Johnson
CHIEF EXECUTIVE OFFICER
Rose Hernandez
(Technical Contact)

Phone: 407.841.2279 ext: 6017

Item Name: Discussion on Oversight Committee Purpose and 2019 Meeting Dates

Date: 12/5/2018

DISCUSSION ITEM:

LYNX CEO Edward Johnson will lead a discussion about the purpose and function of the LYNX Oversight Committee. LYNX staff will propose a slate of meeting dates for the Committee's consideration.

BACKGROUND:

The LYNX Oversight Committee is responsible for making recommendations to the LYNX Oversight Committee and LYNX Staff on financial policies and budgets as set forth in Section 2.12.1 of the LYNX Administrative Rule 2 which is listed below.

- 2.1.1 **Establishment of Oversight Committee; Purpose.** A committee is hereby established to be known as the Oversight Committee. The Oversight Committee's primary functions are (i) to serve as a workshop to review and discuss matters prior to the Governing Board taking official action on such matters and (ii) to oversee the Finance and Audit Committee and the Risk Management Committee. The Oversight Committee is provided specific authority to make recommendations to the Director of Finance/Chief Financial Officer, the Chief Executive Officer and the Governing Board with respect to matters that come before it.
- A. **Composition.** The Oversight Committee shall be comprised of five members (each an "**Oversight Committee Member**"). The Members of the Governing Board shall comprise the membership of the Oversight Committee; provided, however, that any Oversight Committee Member may designate an employee of the governmental entity that such member represents to attend any meeting of the Oversight Committee and exercise all of the powers of the Oversight Committee Member in such member's absence. The duration of any designation shall be for such period of time as is determined by the Oversight Committee member making the designation.

LYNX Oversight Committee Agenda

- B. **Meeting Schedule and Notice.** The Oversight Committee shall annually establish a schedule for meetings; provided, that the chairperson may cancel or reschedule any previously scheduled meeting or call a special meeting. The Oversight Committee shall meet at the offices of the Authority, or at such other location within the jurisdiction serviced by the Authority. All meetings of the Oversight Committee except as may otherwise be provided herein below and in accordance with applicable law shall be duly scheduled, subject to public notice and open to the public, to the extent required by, and in accordance with, Florida law.
- C. **Quorum.** The presence in person of a majority of the Oversight Committee Members shall constitute a quorum for the transaction of business.
- D. **Committee Action.** If a quorum is present, the affirmative vote of a majority of the Oversight Committee Members shall constitute an act of the Oversight Committee.
- E. **Officers.** The Oversight Committee shall annually elect from its members a chairperson and vice chairperson and such other officers as determined by the Oversight Committee. The chairperson, and in his or her absence the vice chairperson, shall preside over all meetings of the Oversight Committee. In the absence of a chairperson or vice chairperson, the Oversight Committee members shall elect a replacement chairperson for such meeting.
- F. **Responsibilities.** The Oversight Committee shall carry out such responsibilities as are assigned to it by the Governing Board and take such actions as it deems appropriate within the scope of its responsibilities assigned hereunder. In furtherance thereof the Oversight Committee shall:
 - 1. **General.**
 - a. Review and make recommendations to LYNX staff and the Governing Board as to the agenda for upcoming meetings of the Governing Board.
 - b. Serve as a workshop to discuss and make recommendations to the Governing Board on matters being considered or to be considered by the Governing Board as the Oversight Committee may deem appropriate.
 - c. Receive reports from the Finance and Audit Committee and Risk Management Committee and provide recommendations and guidance.

LYNX Oversight mmittee Agenda

- d. Review the Chief Executive Officer's Report to the Governing Board and make recommendations to the Chief Executive Officer regarding the same.

The proposed dates for 2019 are as follows:

- January 10, 2019
- February 14, 2019
- March 14, 2019
- April 11, 2019
- May 9, 2019
- June 13, 2019
- July 11, 2019
- August 8, 2019
- September 12, 2019
- October 10, 2019
- November 28, 2019

LYNX Oversight Committee Agenda

Oversight Committee Discussion Item #7.B.

To: LYNX Oversight Committee

From: Albert Francis
CHIEF FINANCIAL OFFICER
LEONARD ANTMANN
(Technical Contact)

Phone: 407.841.2279 ext: 6058

Item Name: Update on LYNX FY2018 Reserve Analysis

Date: 12/5/2018

LYNX' Reserve Policy is based on sound fiscal principles designed to allow LYNX to maintain continuation of operations in adverse conditions. The Reserve Policy is essential to maintain adequate levels of reserves to mitigate current and future risks such as revenue shortfalls, emergencies, natural disasters, and unanticipated expenditures.

At the September 2018 Finance & Audit Committee meeting it was discussed that due to Paratransit trips increasing by thirty percent, the FY2019 operating budget included the use of reserves for funding in the amount of \$6,598,821. This created a projected shortfall to the forty-five (45) day reserve requirement of \$5,395,006 based on the cash balance on July 31, 2018. LYNX has since aggressively pursued the collection of Federal and State grant opportunities to eliminate this shortfall as of October 31, 2018.

The FY2019 budget was based on current running rates for paratransit services. Trip demand continues to grow, this may create additional ongoing shortfalls in funding in the future. The following are discussion items for possible funding solutions:

1. Funding Partners provide additional funding (Break out Paratransit from other funding) Fund separately
2. Change Policies for PT to meet FTA's ADA standards – update eligibility requirements
3. Implement Phase II of mobility mgt. (1st/Last mile)
4. Bring Services in-house (\$1.5M savings per year)
5. New RFP for paratransit
6. Transition customer to Fixed route
7. Preventative Maintenance Policy – how we utilize this pool of funding
8. Fare Increase
9. Dedicated Funding
10. Consider Block Grant
11. Amend the \$2.00 capital funding partner provision from per service mile to per capita

LYNX Oversight Committee Agenda

LYNX' Reserves are as follows:

- **Reserves for Operations (Cash Reserves)**

\$17.9mm forty-five days, \$23.8mm sixty days, \$35.7mm ninety days

LYNX should establish a goal to maintain a reserve of forty-five to sixty days, or fifteen to twenty percent of regular operating expenditures to be used for short term cash flow purposes, or to ensure adequate resources for operating purposes at the beginning of the fiscal year. The cash reserve also helps to protect LYNX in the event it must respond to a natural or man-made disaster. This appropriation may also be considered to fund one-time capital outlay, but shall not be used to support ongoing operating expenses.

- **Reserves for Contingency (Emergencies)**

\$7,118,571 - 5% of FY2018 Adopted Operating Budget

LYNX should establish a goal to maintain a contingency reserve at a not to exceed 5% of the total budget. The contingency is commonly known as the emergency reserve to be used in the case of a major storm or other unforeseen disaster. The contingency reserve may also be used to cover unanticipated expenditures of a non-recurring nature, to meet unexpected immediate increases in service delivery costs, and to temporarily maintain service levels in the event that an economic downturn should cause a shortfall in revenues.

- **Reserves for Capital Funds and Debt Service**

\$945,634 (CNG bus lease), \$2,474,662 (Pine Hills Transfer Center), \$21,273 (Orlando Urban Trail), \$290,527 (Other Capital Projects))

In the event that the operating reserve balance exceeds the amount set forth in this policy, the excess will be transferred to Reserves for Capital. The goal will be to fund the future infrastructure. This only pertains to items and/or projects included in the annual capital budget. Debt Service Reserves are subjected to the creation of a very specific reserve amount as a part of the Loan Covenants. Therefore, the amount to be appropriated must adhere to these requirements and will be budgeted, accordingly.

- **Reserves for Self-Insurance Programs**

\$6,844,706 (Workers Compensation and General Liability Claims), \$1,700,000 (Medical Self Insured Surplus Assets) and \$1,570,432 Medical Insurance Claims)

Risk Management should maintain a minimum reserve equal to the 80% to 90% undiscounted confidence level of the annual actuarial study to ensure financial viability for Workers Compensation and General Liability Claims.

LYNX Oversight Committee Agenda

In addition, should a claim be made against LYNX that is identified subsequent to the actuarial report and prior to the issuance of the Comprehensive Annual Financial Report that is financially material to the fund and highly likely to succeed, additional reserves should be established to provide adequate funds in reserve.

Florida Statue requires that a self-funded medical plan offered by a public entity maintain surplus assets equal to at least sixty (60) days of claims either as assets in the plan or in the form of unencumbered surplus elsewhere in the organization to pay claims. These funds are in addition to the run out liability. As such, LYNX established a reserve equal to two months to support unanticipated increases in medical insurance expenses.

- **Reserves for Fuel Stabilization**

\$1,000,000 Budget Stabilization

In 2011, LYNX established a fuel hedging program to curtail some of the extreme volatility experienced in the price of fuel. The hedging program is not meant to “out-guess” the market for fuel, but rather is an attempt to eliminate some of the pricing volatility and provide budget stabilization. This program, combined with establishing a Fuel Stabilization Reserve, will give LYNX, and ultimately our funding partners, some assurance of price and funding stability, as it pertains to the costs of fuel. The reserve will be funded via reserving excess revenues.

In summary, the reserves are as follows:

LYNX Reserves	45 days	60 days	90 days
Operations	\$17,850,000	\$23,800,000	\$35,700,000
Contingency -5%	7,118,571	7,118,571	7,118,571
Debt Service	0	0	0
Pine Hills Transit Center	2,474,662	2,474,662	2,474,662
Bus Shelters	40,527	40,527	40,527
Orlando Urban Trail Project	21,273	21,273	21,273
Other Capital Projects - CNG Bus State Rebate	250,000	250,000	250,000
Capital Bus Lease	945,634	945,634	945,634
Self-Insurance Programs			
General Liability	4,808,858	4,808,858	4,808,858
Worker's Compensation	1,240,848	1,240,848	1,240,848
Medical Claims - IBNR	795,000	795,000	795,000

LYNX Oversight Committee Agenda

State required – Medical self-insured surplus	1,700,000	1,700,000	1,700,000
60 days medical insurance claims	1,570,432	1,570,432	1,570,432
Compensated Absences	4,163,321	4,163,321	4,163,321
Fuel Stabilization	1,000,000	1,000,000	1,000,000
Total Reserve Requirement	\$43,979,126	\$49,929,126	\$61,829,126
FY2019 \$2 Capital Funding	(176,074)	(176,074)	(176,074)
FY2018 \$2 Capital Funding	(2,001,877)	(2,001,877)	(2,001,877)
Self-Insurance (Long-term)	(4,059,751)	(4,059,751)	(4,059,751)
SIB Loan – Federally Funded	0	0	0
Pine Hills Transfer Center	(2,474,662)	(2,474,662)	(2,474,662)
Bus Shelters	(40,527)	(40,527)	(40,527)
Orlando Urban Trail Project	(21,273)	(21,273)	(21,273)
Other Capital Projects - CNG Bus State Rebate	(250,000)	(250,000)	(250,000)
Operating Reserve Fund Requirement	\$34,954,962	\$40,904,962	\$52,804,962
Restricted Fund Balance	(5,917,860)	(5,917,860)	(5,917,860)
Unrestricted Fund Balance	(38,251,722)	(38,251,722)	(38,251,722)
Funds in Transit	(5,886,194)	(5,886,194)	(5,886,194)
FY2019 Budget - Use of Reserves	6,958,821	6,958,821	6,958,821
Unpaid Investment in Capital Assets	4,964,413	4,964,413	4,964,413
Adjusted Net Position	(\$38,132,542)	(\$38,132,542)	(\$38,132,542)
FY2019 (Excess) Shortfall Cash Reserves	(\$3,177,580)	\$2,772,420	\$14,672,420

LYNX' Reserves Update

Presented to the
Oversight Committee
December 5, 2018

Reserves for Operations (Cash Reserves)

- ✓ To be used for short term cash flow purposes, or to ensure adequate resources for operating purposes at the beginning of the fiscal year.
- ✓ Not to exceed forty-five to sixty days

Reserves for Contingency (Emergencies)

- ✓ To be used in the case of a major storm or other unforeseen disaster.
- ✓ Not to exceed 5% of the total budget.
- ✓ May also be used to cover unanticipated expenditures of a non-recurring nature, to meet unexpected immediate increases in service delivery costs, and to temporarily maintain service levels in the event that an economic downturn should cause a shortfall in revenues.

Policy Requirements

Reserves for Capital Funds and Debt Service

- ✓ In the event that the operating reserve balance exceeds the amount set forth the excess will be transferred to Reserves for Capital.
- ✓ The goal will be to fund the future infrastructure. This only pertains to items and/or projects included in the annual capital budget.
- ✓ Debt Service Reserves are subjected to the creation of a very specific reserve amount as a part of the Loan Covenants. Therefore, the amount to be appropriated must adhere to these requirements and will be budgeted, accordingly.

Reserves for Self-Insurance Programs

- ✓ Annual actuarial study to ensure financial viability for Workers Compensation and General Liability Claims.
- ✓ Florida Statute requires that a self-funded medical plan offered by a public entity maintain surplus assets equal to at least 60 days of claims either as assets in the plan or in the form of unencumbered surplus elsewhere in the organization to pay claims. These funds are in addition to the run out liability.
- ✓ LYNX established a reserve equal to two months to support unanticipated increases in medical insurance expenses.

Operating – Reserve Requirement



LYNX Reserves	45 Days	60 Days	90 Days
Operations	\$17,850,000	\$23,800,000	\$35,700,000
Contingency 5%	7, 118,571	7, 118,571	7, 118,571

Capital – Reserve Requirement



LYNX Reserves	45 Days	60 Days	90 Days
Pine Hills Transit Center	2,474,662	2,474,662	2,474,662
Bus Shelters	40,527	40,527	40,527
Orlando Urban Trail Project	21,273	21,273	21,273
Other Capital Projects – CNG Bus State Rebate	250,000	250,000	250,000
Capital Bus Lease	945,634	945,634	945,634

Statutory – Reserve Requirement



LYNX Reserves	45 Days	60 Days	90 Days
General Liability	\$4,808,858	\$4,808,858	\$4,808,858
Worker's Compensation	1,240,848	1,240,848	1,240,848
Medical Claims – IBNR	795,000	795,000	795,000
State Required – Medical self insured surplus	1,700,000	1,700,000	1,700,000

Funding Policy – Reserve Requirement



LYNX Reserves	45 Days	60 Days	90 Days
60 Days Medical Insurance Claims	\$1,570,432	\$1,570,432	\$1,570,432
Compensated Absences	4,163,321	4,163,321	4,163,321
Fuel Stabilization	1,000,000	1,000,000	1,000,000

Total Reserve Requirement



LYNX Reserves	45 Days	60 Days	90 Days
Operations	\$17,850,000	\$23,800,000	\$35,700,000
Contingency 5%	7,118,571	7,118,571	7,118,571
Pine Hills Transit Center	2,474,662	2,474,662	2,474,662
Bus Shelters	40,527	40,527	40,527
Orlando Urban Trail Project	21,273	21,273	21,273
Other Capital Projects – CNG Bus State Rebate	250,000	250,000	250,000
Capital Bus Lease	945,634	945,634	945,634
General Liability	\$4,808,858	\$4,808,858	\$4,808,858
Worker’s Compensation	1,240,848	1,240,848	1,240,848
Medical Claims – IBNR	795,000	795,000	795,000
State Required – Medical self insured surplus	1,700,000	1,700,000	1,700,000
60 Days Medical Insurance Claims	1,570,432	1,570,432	1,570,432
Compensated Absences	4,163,321	4,163,321	4,163,321
Fuel Stabilization	1,000,000	1,000,000	1,000,000
Total Reserve Requirement	\$43,979,126	\$49,929,126	\$61,829,126

Operating – Capital Reserve Requirement



LYNX Reserves	45 Days	60 Days	90 Days
FY2019 \$2 Capital Funding	(176,074)	(176,074)	(176,074)
FY2018 \$2 Capital Funding	(2,001,877)	(2,001,877)	(2,001,877)
Pine Hills Transfer Center	(2,474,662)	(2,474,662)	(2,474,662)
Bus Shelters	(40,527)	(40,527)	(40,527)
Orlando Urban Trail Project	(21,273)	(21,273)	(21,273)
Other Capital Projects – CNG Bus State Rebate	(250,000)	(250,000)	(250,000)

Operating – Statutory Requirement



LYNX Reserves	45 Days	60 Days	90 Days
Self-Insurance (Long-Term)	(4,059,751)	(4,059,751)	(4,059,751)

Operating – Total Reserve Fund Requirement



LYNX Reserves	45 Days	60 Days	90 Days
Total Reserve Requirement	\$43,979,126	\$49,929,126	\$61,829,126
FY2017 \$2 Capital Funding	(176,074)	(176,074)	(176,074)
FY2018 \$2 Capital Funding	(2,001,877)	(2,001,877)	(2,001,877)
Pine Hills Transfer Center	(2,474,662)	(2,474,662)	(2,474,662)
Bus Shelters	(40,527)	(40,527)	(40,527)
Orlando Urban Trail Project	(21,273)	(21,273)	(21,273)
Other Capital Projects – CNG Bus State Rebate	(250,000)	(250,000)	(250,000)
Self-Insurance (Long-Term)	(4,059,751)	(4,059,751)	(4,059,751)
Total Operating Reserve Requirement	\$34,954,962	\$40,904,962	\$52,804,962

Available Funds



LYNX Reserves	45 Days	60 Days	90 Days
Restricted Fund Balance	(5,917,860)	(5,917,860)	(5,917,860)
Unrestricted Fund Balance	(38,251,722)	(38,251,722)	(38,251,722)
Funds in Transit	(5,886,194)	(5,886,194)	(5,886,194)

Existing Commitments



LYNX Reserves	45 Days	60 Days	90 Days
FY2019 Budget – Use of Reserves	6,958,821	6,958,821	6,958,821
Unpaid Investment in Capital Assets	4,964,413	4,964,413	4,964,413

Net Position



LYNX Reserves	45 Days	60 Days	90 Days
Total Operating Reserve Fund Requirement	\$34,954,962	\$40,904,962	\$52,804,962
Restricted Fund Balance	(5,917,860)	(5,917,860)	(5,917,860)
Unrestricted Fund Balance	(38,251,722)	(38,251,722)	(38,251,722)
Funds in Transit	(5,886,194)	(5,886,194)	(5,886,194)
FY2019 Budget – Use of Reserves	6,958,821	6,958,821	6,958,821
Unpaid Investment in Capital Assets	4,964,413	4,964,413	4,964,413
Adjusted Net Position	(\$38,132,542)	(\$38,132,542)	(\$38,132,542)
FY2019 (Excess) Shortfall Cash Reserves	(\$3,177,580)	\$2,772,420	\$14,672,420

LYNX Oversight Committee Agenda

Oversight Committee Discussion Item #7.C.

To: LYNX Oversight Committee

From: **Edward Johnson**
CHIEF EXECUTIVE OFFICER
Albert Francis
(Technical Contact)
LEONARD ANTMANN
(Technical Contact)
Christopher Plummer
(Technical Contact)

Phone: 407.841.2279 ext: 6017

Item Name: Summary of First-Time Fuel Audit by the State of Florida Department of Revenue

Date: 12/5/2018

The Florida Department of Revenue (DOR) completed a “first-time” motor fuel audit for both the Authority’s Mass Transit Provider and Wholesaler’s License earlier this year. The audit period reviewed was September 2014 to August 2017. After a comprehensive evaluation of LYNX’ current operations and internal controls, the DOR closed the audit with a staff meeting on October 30, 2018. A summary of the DOR findings is detailed in LYNX’ Chief Executive Officer’s draft letter to the Board.

November 16, 2018

LYNX – Central Florida Regional Transportation Authority (Business Partner Number 1270539)
Attn: Board of Director Members
455 N. Garland Avenue
Orlando, FL 32801

Re: State of Florida Fuel Audit Findings and Associated Fines, Penalties, and Interest Due

Dear Board Members,

Earlier this year, LYNX was notified by the Florida Department of Revenue (DOR) of their intent to perform a “first time” motor fuel audit for both our Mass Transit Provider (#200231885) and Wholesaler’s License (#200229890). The time period under review was September 2014 – August 2017. After a thorough assessment of our current operations and the internal controls in place, the DOR closed LYNX’s audit with an in-person meeting on October 30, 2018.

The DOR had two notable findings which would be subject to tax, interest and possibly penalties:

- 1) Mass Transit Provider Audit – Only revenue service vehicles (buses) used specifically for Mass Transit are eligible to avoid fuel and excise tax. All Road Ranger, Supervisor Support, and Administrative Vehicles do not operate as “mass transit” and therefore their fuel consumption is subject to tax. The 3 year tax and interest due for this oversight was \$160,200.79. The portion of the tax and interest due that is attributable to the Road Ranger activities is approximately \$42,562. LYNX will approach FDOT to seek reimbursement for this amount.
- 2) Wholesaler Audit - Only (ACCESSLYNX and NeighborLink specific) vehicles used to conduct Mass Transit operations are eligible to avoid fuel and excise tax. All MV Supervisors and their associated Administrative Vehicles do not operate as “mass transit” and therefore their fuel consumption is subject to tax. The 3 year tax and interest due for this oversight was \$149,046.34.

Both of these incidents are also subject to penalties. LYNX has written two letters to the Florida DOR on November 2, 2018 acknowledging ignorance of the law, citing reasonable cause, and requesting abatement of an aggregated penalty in the amount of \$226,379.46 for both occurrences. Our letters accompanied checks #0113052 and #113053 to the Florida Department of Revenue for the amounts underlined in bullets 1) and 2) above. To date, the Authority has not received feedback as to whether the additional penalty stated above would be waived.

LYNX is committed to excellence in financial reporting. During the close of this audit, a more complete understanding regarding State and Federal reporting requirements was attained. LYNX will act on the Florida DOR audit team’s suggestions to enhance LYNX processes to be in compliance with statutory regulations.

Please contact me with any questions regarding this letter’s contents.

Sincerely,

Edward J. Johnson
Chief Executive Officer LYNX – Central Florida Regional Transportation Authority

LYNX Oversight Committee Agenda

Oversight Committee Action Item #8.A.

To: LYNX Oversight Committee

From: **Edward Johnson**
CHIEF EXECUTIVE OFFICER
Tiffany Homler
(Technical Contact)

Phone: 407.841.2279 ext: 6017

Item Name: Authorization to Release a Request for Proposal (RFP) for Legal Services.

Date: 12/5/2018

ACTION REQUESTED:

Staff is requesting the Board of Directors' authorization for the Chief Executive Officer (CEO) or designee to release a Request for Proposal (RFP) for the following legal services: general counsel to the LYNX Board, labor/employment, tort, workers' compensation and real estate legal services.

BACKGROUND:

LYNX has a need for legal counsel for direct support to the Board, Chief Executive Officer (CEO) and staff in the following areas: general counsel, real estate, construction, and labor/employment law.

Previously the Board of Directors has authorized staff to execute contracts with the following Attorneys:

- ✓ Akerman Senterfitt for general counsel services
- ✓ Baker & Hostetler LLP for labor/employment legal services
- ✓ Zimmerman, Kiser & Sutcliffe, P.A. for tort legal services
- ✓ Hilyard, Bogan & Palmer for tort legal services
- ✓ Bolton & Helm, LLP for workers' compensation legal services

All of the above contracts will expire in the June and July of 2019.

LYNX intends to contract with various legal firms to supplement its in-house legal services for procurement and contracts. The support of additional legal firms will provide expertise, quality, experience and resources to effectively represent LYNX for specific legal services, such as personal injury/property damage, workers compensation, litigation and defense, and municipal finance and bond counsel services, workman compensation, employment law, and tort legal services.

LYNX Oversight Committee Agenda

Attached for information is a memorandum prepared by the Gray Robinson law firm on a proposed reporting structure for new in-house General Counsel. Recognizing that there is a need for transition to this new reporting structure, LYNX has included in-house legal services for Procurement/Contracts only in the FY19 budget. Transition to in-house General Counsel will occur over the period of the new contract term for General Counsel to the Board of Directors.

DISADVANTAGE BUSINESS ENTERPRISE (DBE) PARTICIPATION:

This procurement is not funded with DOT assisted dollars. LYNX has established a small business goal of 7.6% that cannot and will not be counted toward FTA DBE overall goal participation in accordance with the guidelines of 49 CFR Part 26. LYNX will outreach to available, interested and qualified firms ready and willing with notification of this solicitation for participation.

FISCAL IMPACT:

LYNX staff included \$789,800 in the FY2019 Adopted Operating Budget for Legal Services – General.

850-577-9090
TY.JACKSON@GRAY-ROBINSON.COM

MEMORANDUM

TO: LYNX
FROM: GrayRobinson, P.A.
DATE: August 17, 2018
SUBJECT: General Counsel Structure

You have asked that our firm review and make recommendations regarding the positional and reporting structure for the new in-house General Counsel to be employed by LYNX. Our recommendations follow and are primarily guided by the Rules Regulating the Florida Bar, Florida Bar Ethics Opinions, and the many studies and scholarly articles published on the subject in the wake of the corporate compliance issues that arose in the late 1990s and early 2000s.

Introduction

The lawyer serving as general counsel to an entity—whether in-house or outside counsel—faces tensions, stresses and professional responsibilities that often differ from those of lawyers who represent individuals. *See* E. Norman Veasey, Christine T. Di Guglielmo, The Tensions, Stresses, and Professional Responsibilities of the Lawyer for the Corporation, 62 Bus. Law. 1 (2006). The various challenges faced by lawyers to entities include maintenance of professional independence, dealing with potential up-the-ladder reporting obligations, seeking to serve the client’s best interests through persuasive counseling, the separation of legal and business advice, and dealing with internal investigations, among others. *Id.*

For example, the General Counsel works day to day with senior management and typically reports to the CEO or another senior executive officer. Report of the American Bar Association Task Force on Corporate Responsibility, 59 Bus. Law. 145, 164 (2003). Although such interaction is necessarily with members of management, the General Counsel’s client is the entity. *Id.* To be effective, the General Counsel must maintain a close, open relationship with the CEO and other senior executives, and have a thorough understanding of the client’s business and other objectives. *See* New York City Bar, Report of the Task Force on the Lawyer’s Role in

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Corporate Governance, p. 51 (Nov. 2006), available at https://www.nycbar.org/pdf/report/CORPORATE_GOVERNANCE06.pdf.¹

He or she must be seen as a trusted advisor, partner to the business, and advocate for the entity. *Id.* If a culture is promoted in which the General Counsel is seen only as an enforcer of the law, the General Counsel risks creating “an atmosphere of adversity, or at least arm’s length dealing, between the lawyer and the corporate client’s senior executive officers that is inimical to the lawyer’s essential role as a counselor promoting the corporation’s compliance with the law.” *Id.*, quoting Report of the American Bar Association Task Force on Corporate Responsibility, 59 Bus. Law. at 156. The tension is “between giving independent judgment and advice and securing the trust and confidence of management and the Board.” Benjamin W. Heineman, Jr., The Ideal of the Lawyer-Statesman, 22 No. 5 ACC Docket 59, 62 (May 2004).

These considerations inform and frame our analysis and recommendations herein, which will begin with a review of the LYNX governance structure. We will then discuss the ethical obligations of a lawyer to his or her client, with a focus on the nuances of those obligations where the lawyer’s client is an organization. Finally, with these guidelines and boundaries established, we will offer recommendations for the structure of the role of the LYNX General Counsel.

LYNX Governance Structure

The role of the General Counsel, who the General Counsel will answer to, how communications should flow, etc., will all be impacted by the governance structure for LYNX. Thus, our analysis begins with a review of the LYNX governance structure as relates to the General Counsel role.

Part III, Chapter 343, Florida Statutes, sets forth the Central Florida Regional Transportation Authority Act (the “Act”) establishing the Central Florida Regional Transportation Authority, also known as LYNX. LYNX is governed by a Governing Board which is authorized to adopt bylaws for the regulation of the affairs and the conduct of the business of LYNX. § 343.62-343.64, Florida Statutes. The LYNX Bylaws as adopted by the Governing Board are set forth in LYNX Administrative Rule 2, Board Governance (the “LYNX Bylaws”).

Pursuant to the LYNX Bylaws, the Governing Board is vested with all powers provided under the Act to carry out the purposes set forth in the Act. LYNX Bylaws, § 2.3. All powers of the Governing Board not expressly delegated to an official, employee or agent of LYNX pursuant to the Administrative Rules or other official action of the Governing Board are reserved to the Governing Board. *Id.*

¹ The New York City Bar Association’s Report of the Task Force on the Lawyer’s Role in Corporate Governance is a comprehensive analysis of the role of counsel, both in-house and outside, to an organization that has been cited numerous times in scholarly articles. It primarily references the ABA’s Model Rules, which the Rules Regulating the Florida Bar were largely patterned after.

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The Governing Board is led by a Chairman who is elected annually by the Members of the Governing Board. LYNX Bylaws, §§ 2.3.4, 2.3.4.B. Direction of the day-to-day operations of LYNX shall be made by action of the Governing Board and implemented by the Chief Executive Officer or such other person designated by the Governing Board. LYNX Bylaws, § 2.3.6. No individual Member of the Governing Board shall have authority to direct Officers or employees of LYNX with regard to any action or duty relating to the day-to-day operations of LYNX. *Id.* Notwithstanding the foregoing, the Chairman is authorized to exercise oversight functions over and make inquiries of the Officers and LYNX employees. *Id.*

The Chief Executive Officer of LYNX is the highest administrative official and chief executive officer of LYNX. LYNX Bylaws, § 2.9.1. The CEO shall, subject to the actions, control, and directions of the Governing Board (including the Chairman in accordance with Section 2.3.6 and any limitations contained in the Administrative Rules), have general management and control over the affairs of LYNX. LYNX Bylaws, § 2.9.1.A. If the Governing Board has authorized LYNX to undertake a particular course of action, the CEO is authorized to take all reasonable actions necessary to carry out that particular course of action, subject to certain limitations that may require further approval of the Governing Board as identified in the Bylaws. LYNX Bylaws, § 2.9.1.B.

The CEO may nominate one or more Senior Officers, or other officers that perform the functions of a C-Suite officer or have a policy making functions and report directly to the CEO, and may define their power and duties (subject to such limitations as are contained in the Administrative Rules or are otherwise imposed by the Governing Board). LYNX Bylaws, § 2.9.2.A. All such nominations, along with proposed compensation and other conditions of employment, shall be submitted to the Governing Board for consideration and approval, which approval may be granted or withheld in the sole discretion of the Governing Board. *Id.*

Pursuant to Human Resources Policy/Procedure HR-008, in the absence of a specific written agreement, the CEO has authority to terminate an employee of LYNX at any time for any legally valid reason. Otherwise, it is the policy of LYNX to terminate employment because of an employee's resignation, discharge, or retirement, the expiration of an employment contract, or a permanent reduction in the workforce. *Id.* at p. 1.

Ethical Obligations of Counsel Where an Entity is the Client

An entity such as LYNX cannot act except through its directors, officers, employees and other constituents; nonetheless, it must be recognized that where a lawyer serves as counsel to an entity, the entity is the client, and the lawyer owes a duty of loyalty solely to the entity. *See R. Regulating Fla. Bar 4-1.13, Organization as Client; see also Rudolf v. Gray, Harris & Robinson, P.A.*, 901 So. 2d 148, 150 n.4 (Fla. 5th DCA 2005) (“The Comments to the rule provides that when a lawyer represents an organization, the entity is the client, not the constituents of the organization.”) The duty is to render independent, competent and conflict-free advice solely

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with the interests of the client in mind. R. Regulating Fla. Bar 4-1.1, 4-1.7, 4-1.13; Report of the Task Force on the Lawyer's Role in Corporate Governance, p. 51.

While the lawyer renders advice, the lawyer must also respect the decision-making authority of the client. *See* R. Regulating Fla. Bar 4-1.2, 4-1.13; *Rudolf*, 901 So. 2d at 150 n.4 (“Where a constituent is validly authorized by the organization to act for it, ordinarily the lawyer must accept those decisions.”). This is true even if the utility or prudence of the decision may be doubtful. *See* Comments to R. Regulating Fla. Bar 4-1.13. Further, “decisions concerning policy and operations, including ones entailing serious risk, are not as such in the lawyer’s province.” *Id.*

However, different considerations arise when a lawyer knows that the entity may be substantially injured by action of a constituent that is in violation of law. In that instance, the Comments to Rule 4-1.13 of the Rules Regulating the Florida Bar provide the following guidance:

In such a circumstance, it may be reasonably necessary for the lawyer to ask the constituent to reconsider the matter. If that fails, or if the matter is of sufficient seriousness and importance to the organization, it may be reasonably necessary for the lawyer to take steps to have the matter reviewed by a higher authority in the organization. Clear justification should exist for seeking review over the head of the constituent normally responsible for it. The stated policy of the organization may define circumstances and prescribe channels for such review, and a lawyer should encourage the formulation of such a policy. Even in the absence of organization policy, however, the lawyer may have an obligation to refer a matter to higher authority, depending on the seriousness of the matter and whether the constituent in question has apparent motives to act at variance with the organization’s interest. Review by the chief executive officer or by the board of directors may be required when the matter is of importance commensurate with their authority. At some point it may be useful or essential to obtain an independent legal opinion.

Similarly, the lawyer must maintain the client’s confidences learned in the course of representing the entity, but those confidences are limited to the extent that the lawyer cannot advise or knowingly assist a client in committing a crime or fraud. *See* R. Regulating Fla. Bar 4-1.2, 4-1.6.

These ethical considerations will guide our recommendations, which follow below.

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Recommendations

In consideration of the above, the following are our recommendations for Policies and Procedures regarding the position of General Counsel, hiring and firing of the General Counsel, and reporting structure for the General Counsel.

General Counsel Position Within the Organization

Our recommendation is that the position of General Counsel should be the equivalent of a Senior Officer position, perhaps taking the title of General Counsel and Chief Legal Officer.

As noted by the American Bar Association, the General Counsel generally works day to day with senior management and typically reports to the CEO or another senior executive officer. This is consistent with the organizational structure currently established by the LYNX Bylaws, with the CEO being the highest administrative official and chief executive officer of LYNX with authority to nominate one or more Senior Officers who report directly to the CEO.

As a Senior Officer position, the CEO would have the authority to nominate an individual to serve as the General Counsel. Such nomination, along with proposed compensation and other conditions of employment, would be submitted to the Governing Board for consideration and approval, which approval may be granted or withheld in the sole discretion of the Governing Board.

Regarding termination, as stated in current policy, absent an agreement otherwise, the CEO would generally have the authority to terminate the General Counsel for any legal reason. As a safeguard, and recognizing the General Counsel's ethical obligations, we would recommend that, for the General Counsel position, the general policy on termination be revised to provide that the CEO would have the authority to recommend termination of the General Counsel to the Board which termination shall be approved unless the Board determines that the termination arises out of or is the result of the General Counsel's actions taken pursuant to Rule 4-1.13(b) of the Rules Regulating the Florida Bar.

General Counsel Reporting Obligations

Consistent with the existing organizational structure of LYNX as set forth in the LYNX Bylaws, we recommend that the General Counsel should report to the CEO on all matters for which the CEO has been delegated authority, including all matters concerning the day-to-day operations of LYNX as delegated by the Governing Board.

Moreover, in recognition of the General Counsel's ethical obligations, the General Counsel shall also be authorized to report directly to the Chairman of the Board, or if necessary the full

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Governing Board at a duly organized meeting, in the event that the General Counsel determines such report is necessary under Rule 4-1.13 of the Rules Regulating the Florida Bar.

Further, consistent with the LYNX Bylaws, and as with all LYNX Officers, the Chairman of the Board would be authorized to exercise oversight functions over and make inquiries of the General Counsel. This right is reserved to and retained solely in the Chairman, and other individual Members of the Governing Board do not have such authority per the LYNX Bylaws. We recommend that this distinction be retained such that any inquiries from the Board to the General Counsel shall come through the Chairman.

These recommendations are consistent with the LYNX Bylaws, as well as the findings and recommendations of the American Bar Association. *See* Report of the American Bar Association Task Force on Corporate Responsibility, 59 Bus. Law. at 161, 164.²

² The ABA also suggested that in addition to a direct line of communication to the Chairman and/or full Board, that an entity may consider establishing regular conferences of the General Counsel and Board designee, the Chairman in the case of LYNX, to provide the General Counsel with a forum to discuss concerns arising under the equivalent to Rule 4-1.13 of the Rules Regulating the Florida Bar. Such meeting would be for those purposes, and are not meant as an outlet for the General Counsel to question the business decisions of management to the extent those decisions do not rise to the level of issues as identified in Rule 4-1.13. In our opinion, given the LYNX structure, frequency of Board meetings and access to the Chairman, such meetings are not necessary to maintain an open line of communication, but are an option should LYNX choose to establish such meetings.

LYNX Oversight Committee Agenda

Oversight Committee Action Item #8.B.

To: LYNX Oversight Committee

From: **Albert Francis**
CHIEF FINANCIAL OFFICER
LEONARD ANTMANN
(Technical Contact)
Warren Hersh
(Technical Contact)

Phone: 407.841.2279 ext: 6058

Item Name: Authorization to Approve the Updated LYNX Purchasing Card Procedure

Date: 12/5/2018

ACTION REQUESTED:

Staff is requesting the Board of Directors' authorization for the Chief Executive Officer (CEO) or designee to adopt the updated LYNX Purchasing Card Policy.

BACKGROUND:

LYNX has instituted a program under which Purchasing Cards (P-Cards) are used as a cost effective way to pay for emergency small dollar purchases and approved travel. The P-Card Program was established with the aim of streamlining the purchasing and accounts payable processes and reducing the paperwork and administrative costs associated with the purchase of such items. In addition, the Policy supports the strategy of reducing the number of issued P-Cards.

The updated LYNX Purchasing Card Policy supports the P-Card program as follows:

- Establishes clearly defined roles for cardholders, approving officials, department heads, budget reps, and, accounting.
- Clarifies the requirements for usage for emergencies.
- Establishes clear documentation standards.
- Emphasizes the need to plan effectively by implementing blanket purchase orders with suppliers for known and anticipated emergencies which allows LYNX to take advantage of master contracts, budget controls, and volume discounts.

A copy of the policy is attached for reference.

FISCAL IMPACT:

LYNX Staff anticipates this policy will be budget neutral.

PURCHASING AND CONTRACTS POLICY PROCEDURE	Policy Number: PRO-007
SUBJECT: Purchasing Card Policy	EFFECTIVE DATE: 01-01-2019
SIGNATURE OF APPROVAL: Edward L. Johnson Chief Executive Officer, LYNX	REVISION NUMBER: 1 REPLACES: Purchasing and Contract Policy Procedure (PRO-007) DATED October 21, 2002 APPROVED DATE:

I. OBJECTIVE:

The Central Florida Regional Transportation Authority (hereinafter "Authority") was created by Part II, Chapter 31,3, Florida Statutes, to own, operate, maintain and manage a public transportation system in the area of Seminole, Orange, and Osceola Counties, and to adopt such policies as necessary to govern the operating of a public transportation system and public transportation facilities. The Chief Executive Officer is authorized to establish and administer such policies. Therefore, this document outlines the policy governing the LYNX Purchasing (P-Card) Card Program.

II. SCOPE:

This Policy shall apply to all officers and employees and agents of the Authority.

III. AUTHORITY:

Authority for this policy and procedure are as follows:
Administrative Rule 4 – Procurement and Contract Administration

IV. POLICY:

LYNX has instituted a program under which Purchasing Cards (P-Cards) are used as a cost effective way to pay for emergency small dollar purchases and approved travel. The P-Card Program was established with the aim of streamlining the purchasing and accounts payable processes and reducing the paperwork and administrative costs associated with the purchase of such items. All transactions must be accurately documented with sufficient justification of the business and public purpose.

V. DEFINITIONS

Approving Official - The cardholder's direct supervisor or other designee.

Cardholder - An employee who has been issued a P-Card and is authorized to make purchases within the limits specified in accordance with these procedures and LYNX Policies.

Department Budget Administrator- The employee responsible for ensuring that all purchases are within the budget constraints. (In most cases this is the responsibility of the Department head.)

Emergency - A situation that requires immediate attention and remedial action for a sudden, unexpected, and or impending event. This may involve risk to life, safety, property, health, environment, service delivery, etc. Some emergencies are self-evident (such as natural disasters) while others require the user to decide whether it meets this standard. Known potential situations should be assessed and Blanket Purchase Orders set up through Procurement to take advantage of volume discounts and budget controls.

Goods - For the purposes of this policy, anything not considered a service (i.e., tangible products or merchandise).

Issuing Bank – Financial institution administering the program and issuing LYNX P-Cards.

P-Card - A type of credit card used for the purchase of low dollar value items used in the conduct of LYNX business as noted in this Policy.

P-Card Administrator - The employee responsible for administration of the P-Card program.

Supervisor of Financial Reporting - The employee in the Finance Organization responsible for reviewing the monthly P-Card transaction summary, verifying monthly payment amounts, and coordinating accounting general ledger reclassifications.

Services - For the purposes of this policy, a task that involves labor by an outside source or vendor. The vendor providing service is required to have a W9, Request for Taxpayer Identification Number and Certification, on file with LYNX.

Statement of Account - A monthly listing of all transactions by each cardholder, issued by the issuing bank directly to LYNX. In addition, each cardholder has access to the Enterprise Spend Platform to reconcile their account, document their purchases, and approve their transactions.

Enterprise Spend Platform – Automated system to manage and administer P-Card activities including, transaction descriptions, uploading of receipts, and approvals.

Vendor/Supplier – A company from which a cardholder purchases goods, travel and services under the provisions of this program.

VI. GUIDELINES:

- 1.0 P-Cards may be used for a single transaction limit totaling less than \$750. Individual spending limits are generally up to \$5,000 per month, except where the authorized limit is different per LYNX policies. P-Card may be used as follows:
 - 1.1 Goods for LYNX business purposes only for emergencies
 - 1.1.1 Known repeatable purchases should be procured via blanket POs through the Lynx Procurement process to take advantage of volume discounts, budget controls, etc.
 - 1.2 Approved travel expenditures
 - 1.2.1 Must be pre-approved in accordance with the LYNX Travel Policy (documented and attached to the receipt(s)).
 - 1.3 Services for LYNX business purposes only for emergencies
 - 1.3.1 A task that involves labor by an outside source or vendor.
 - 1.3.2 The vendor providing service is required to have a W9 on file with LYNX.
 - 1.3.3 Only for emergency services with prior approval from the Department Head and the Director of Procurement.
 - 1.3.4 No other services are permitted for purchase on a P-Card.
 - 1.3.5 The vendor must be on the LYNX vendor master list with appropriate business insurance.
- 2.0 All transactions must be documented with sufficient justification of the business and public purpose as well as the rationale to qualify it as an “emergency”.
- 3.0 P-Cards may not be used for the following:
 - 3.1 Capital purchases
 - 3.2 Services not for emergencies
 - 3.3 Cash advances
 - 3.4 Fuel for personal vehicles
 - 3.5 Personal items
 - 3.6 Food not in the normal course of LYNX business (e.g., working lunches, training, etc.)
 - 3.7 Any other items not allowable or not in accordance with the section above.

[If in doubt contact your supervisor (Approving Official), the Manager of Procurement or the Comptroller.]
- 4.0 The P-Card program incorporates internal controls to provide oversight of each cardholder’s transactions. The controls provide a framework to safeguard against improper or fraudulent use.
- 5.0 Cardholders shall NOT split transactions to circumvent the applicable limits. These include, but are not limited to:
 - 5.1 Maximum dollar amount of a single transaction
 - 5.2 Total spending limit per month per cardholder

6.0 P-Card Security

- 6.1 The cardholder is responsible to safeguard his/her P-Card and account number.
- 6.2 The cardholder will be held financially liable and may be subject to disciplinary action, up to and including termination of employment for intentional misuse of a P-Card (e.g., use for non-business or non-public purpose). All disciplinary matters will be referred to the Human Resources Department for appropriate discipline.
- 6.3 If the P-card is lost or stolen, the cardholder must immediately notify the issuing bank. The cardholder must advise the banking representative that the call is regarding a P-Card. The P-Card Administrator and the Approving Officer must also be notified as soon as possible.
- 6.4 A new card will be issued to the cardholder after the reported loss or theft. A P-card that is found by the cardholder after being reported lost or stolen must be returned to the P-Card Administrator.

7.0 Cardholder Responsibilities:

- 7.1 Enter all required data into the Enterprise Spending Platform, including:
 - 7.1.1 Full and complete description of the business need and the public purpose of the transaction.
 - 7.1.2 Names of all attendees and the public purpose for meals.
 - 7.1.3 Correct transaction coding.
 - 7.1.4 Correct expense type.
 - 7.1.5 Other required information as indicated in the Enterprise Spend Platform.
- 7.2 Send all receipts to the P-Card Administrator by the 5th calendar day after the transaction month.
- 7.3 Resolve any disputes with vendors/suppliers.
- 7.4 Adhere to all aspects of this Policy.

8.0 Approver Responsibility:

- 8.1 Approve transactions on a timely basis within the Enterprise Spend Platform system before the monthly close of the monthly statement. (An email will be sent to the designated approver for cardholder transactions.) Note: At the bottom of the approval screen is a link "**View Statement Report**" which will provide the details including the description for all the transactions.
- 8.2 Ensure that each transactions is allowable under LYNX policies
- 8.3 Ensure that the description accurately supports the transaction.
- 8.4 Resolve any misuse or non-compliance issues with the Cardholder.
- 8.5 Notify the Comptroller immediately of any improper, unauthorized use, or non-compliant transactions.

9.0 P-Card Administrator

- 9.1 Serve as liaison between LYNX and the Issuing Bank and oversee the P-Card program.
- 9.2 Verify the transaction record is accurate, complete, and approved by correct individuals.
- 9.3 Process new cardholder applications.
- 9.4 Verify card information has been accurately captured by the Issuing Bank.
- 9.5 Distribute cards to approved cardholders after appropriate training is complete.
- 9.6 Design and conduct training sessions for cardholders and approving officials.
- 9.7 Maintain a database of all active cardholders including spending limits, approving official, contact information, etc.
- 9.8 Process account maintenance requests, including suspension, cancellation, and changes to cardholder information.
- 9.9 Monitor P-Card usage based on reports furnished by the Issuing Bank.
- 9.10 Issue monthly and ad hoc reports on the use of the program to various levels of management, as needed.
- 9.11 Support cardholders to resolve disputes (e.g., improper charges).
- 9.12 Act on all requests for P-card suspension or cancellation.

10.0 Requests for adds, changes, or cancellations of P-Cards.

- 10.1 All requests for new cardholders or changes to current cardholders will be documented by submitting "**Request for New/Change or Delete of Purchasing Card**" form. The form will be processed through the approving official to the P-Card Administrator and the CFO. In addition, the "**Procurement Card Application and Cardholder Agreement**" form must also be completed. All forms will be maintained on file by the P-Card Administrator.
- 10.2 All requests for purchasing cards must be approved by the Department Head and the CFO.
- 10.3 When P-Card Administrator receives the P-card from the issuer, the cardholder is to personally sign for their P-card utilizing the "**Procurement Card Signature Form**" which will be maintained on file by the P-Card Administrator.
- 10.4 All approved cardholders and approving official must go through training. Procurement and the Comptroller will conduct training annually or on an as needed individual basis.
- 10.5 If the cardholder leaves the program, he/she must return the P-Card to the Approving Official or the P-Card Administrator.

11.0 Terminating Employee

- 11.1 The P-Card Administrator will notify the issuer and dispose of the terminated employee P-Card.
- 11.2 Human Resources will confirm at the exit interview that the P-Card is no longer active.

12.0 Disciplinary Action Guidelines

- 12.1 Any incident of improper or unauthorized use shall be immediately reported to the P-Card Administrator and the Comptroller.
- 12.2 The P-Card Administrator, under the direction of the CFO, may suspend or terminate cardholder privileges for improper or unauthorized use.
- 12.3 Improper or unauthorized use of the P-Card, as specified within this Policy, may subject the employee to appropriate disciplinary action, such as:
 - 12.3.1 Verbal and/or written reprimand.
 - 12.3.2 Suspension.
 - 12.3.3 Termination of employment.

The appropriate disciplinary action will be dispensed per LYNX's Human Resources Discipline Standards, HR-015.

- 12.4 In addition to any administrative and disciplinary action, the employee will be required to reimburse LYNX for the improper charges through payroll deduction or check to LYNX.
- 12.5 Failure to approve and justify transactions timely could subject the employee to appropriate action:
 - 12.5.1 **First Offense:** Suspension of cardholder privileges for a minimum of seven (7) days.
 - 12.5.2 **Second Offense:** Suspension of cardholder privileges for a minimum of thirty (30) days.
 - 12.5.3 **Third Offense:** Immediate termination of cardholder privileges and a written reprimand to be maintained in the employee's LYNX personnel file.
- 12.6 The Department Chief, based on consultation with the CFO, the individual and their supervisor, and pursuant to LYNX's Policies and Procedures will dispense the appropriate action.

LYNX Oversight Committee Agenda

Oversight Committee Action Item #8.C.

To: LYNX Oversight Committee

From: Albert Francis
CHIEF FINANCIAL OFFICER
LEONARD ANTMANN
(Technical Contact)

Phone: 407.841.2279 ext: 6058

Item Name: Authorization to Increase Contract #15-C12 for Cherry Bekaert, LLP by \$7,500 for One Year to Comply with the Federal Transit Administration's NTD Reporting Requirements.

Date: 12/5/2018

ACTION REQUESTED:

Staff is requesting the Board of Directors' Authorization for the Chief Executive Officer (CEO) or his designee to approve a one year increase for Cherry Bekaert, LLP's contract, #15-C12 by \$7,500.

BACKGROUND:

The purpose of this one year increase is pay for additional work required in NTD reporting. These agreed upon procedures have been approved by the FTA and are in accordance with the AICPA professional standards.

The primary change in the FTA's policy which predicated this extra effort by LYNX's external auditor is a regular comprehensive financial data review. This review is required to be performed on the Authority every ten years; assuming such an engagement has not been performed within the previous ten year period. A full background detailing the AICPA's decision may be found on www.aicpa.org/ under GAQC Alert #365, dated August 9, 2018.

Cherry Bekaert, LLP will be administering agreed upon procedure testing for the fiscal year ended September 30, 2018. Their company will not express an opinion, but will issue a report listing the procedures performed and their findings.

A list of the procedures specified by the FTA to be tested during this engagement include:

- 1) NTD Crosswalk – Obtain NTD Reporting Forms detailing Funds Expended, Funds Earned, Uses of Capital, Operating Expenses, and the Authority's Financial Statements.
- 2) Accrual Accounting- To determine whether the Authority used accrual accounting as the basis for producing Authority Financial Statements.

LYNX Oversight mmittee Agenda

- 3) Source of Funds Testing
- 4) Uses of Capital Testing
- 5) Operating Expenses Testing
- 6) Operating Expenses Summary Testing
- 7) Financial Statement Testing

LYNX's year-end financial statement audit for the year ending September 30, 2018 is slated to begin the second week of December. Upon approval by the Board, data collection to determine LYNX's compliance with the FTA's NTD reporting guidelines is scheduled to commence during the audit period.

FISCAL IMPACT:

LYNX staff included \$319,850 in the FY2019 Adopted Operating Budget for professional services, including \$107,000 for audit related services from Cherry Bekaert, LLP. LYNX staff will fund the additional \$7,500 through budget savings in other professional services.

LYNX Oversight mmittee Agenda

Oversight Committee Action Item #8.D.

To: LYNX Oversight Committee

From: **Terri Settington**
DIRECTOR OF HUMAN RESOURCES
Terri Settington
(Technical Contact)
Sara Holtzman
(Technical Contact)

Phone: 407.841.2279 ext: 6106

Item Name: **Authorization to Award a Contract for Fresh Food, Traditional Vending and Related Services with Compass Group USA, Inc. at No Cost to LYNX, for a Period of Three (3) Years with the Option to Extend for Two (2) One (1) Year Periods.**

Date: 12/5/2018

ACTION REQUESTED:

Staff is requesting the Board of Directors' authorization for the Chief Executive Officer (CEO) or designee to award a contract for Fresh Food, Traditional Vending and Related Services with Compass Group USA, Inc. at no cost to LYNX, for a period of Three (3) Years with the Option to Extend For Two (2) One (1) Year Periods.

BACKGROUND:

LYNX is interested in helping its employees lead healthier lifestyles. A concept of Fresh Food Vending has been around for several years and LYNX will now introduce fresh food vending at its LOC locations. All of LYNX remaining properties will have traditional vending with healthy alternatives. This service is at no cost to LYNX and the revenues received from this program will be used to spearhead various educational healthy programs for LYNX employees.

On August 31, 2018, LYNX Procurement and Contracts Division released a Request for Proposal (RFP) for Fresh Food, Traditional Vending, and Related Services to provide a healthier option for LYNX employees. The RFP was posted on LYNX Procurement website, DemandStar, and sent directly to interested suppliers.

Four (4) suppliers submitted proposals in response to the RFP requirements. Below are the suppliers who submitted a proposal:

- Compass Group USA, Inc.
- Global Vending

LYNX Oversight Committee Agenda

- Right Choice Vending
- The Vending Station

The Source Evaluation Committee (SEC) consisted of the following LYNX Staff:

- Dan Rousseau
- Sara Holtzman
- Esther Mitchell
- Brian Anderson
- Terri Settingington

The proposals were evaluated by the SEC members on the following criteria:

Scoring Criteria	Value
General quality and innovation of food service and vending program	45
Demonstrated expertise/capability to provide quality program	20
Proposer Qualifications	10
Reasonableness and Cost Effectiveness of Price Proposal	25

After publically noticing the Shortlist Evaluation Meeting, the SEC Committee met on October 23, 2018 to review, evaluate all proposals received, and shortlist the most qualified suppliers.

The shortlisted suppliers were invited for presentations and food product sampling/demonstrations. Presentations and food product demonstrations were held on October 31, 2018. The committee agreed by consensus to enter into negotiations and contract award with Compass Group USA, Inc. who received the Total Lowest Ordinal Final Ranking. Below is the Total Ordinal Final Ranking per supplier:

Supplier	Total Ordinal Ranking
Compass Group USA, Inc.	5
Global Vending Service	15
Right Choice Vending, Inc.	17
The Vending Station	10

FISCAL IMPACT:

LYNX staff did not include an amount for estimated revenue from the Fresh Food Vending in the FY2019 Adopted Operating Budget.

LYNX Oversight Committee Agenda

Oversight Committee Information Item #9.A.

To: LYNX Oversight Committee

From: **Tiffany Homler**
CHIEF ADMINISTRATIVE OFFICER
MYLES OKEEFE
(Technical Contact)
Tomika Monterville
(Technical Contact)
BRUCE DETWEILER
(Technical Contact)

Phone: 407.841.2279 ext: 6064

Item Name: State Road 436 Transit Corridor Study - Project Update and Recommendations

Date: 12/5/2018

BACKGROUND:

At the September 22, 2016, Board meeting, the LYNX Board of Directors authorized the contract award to Kittelson and Associates, Inc. (Kittelson) for the State Road 436 Transit Corridor Study.

The SR 436 Corridor Study (Study) evaluated various transportation alternatives to enhance transit services along SR 436. The primary focus of the Study was a 23-mile segment of SR 436 from the Orlando International Airport (OIA) in Orange County, FL, to SR 434 in Seminole County, FL. The Study considered the current and future demand of transit services and improvements targeted to support a more efficient connection to the airport, while supporting economic redevelopment planned along the corridor.

As the Study has been completed, LYNX staff will present an update to the LYNX Board of Directors and share the recommendations resulting from the Study.

OVERVIEW:

The Study began in earnest in January 2017, with the identification of the SR 436 corridor's issues and opportunities, through the development of an Existing Conditions Report. As part of that work, the Study team:

- Conducted 22 in-person, stakeholder interviews;
- Attended 23 community events;
- Received almost 1,000 survey responses; and

LYNX Oversight Committee Agenda

- Has seen over 11,547 visits to the Study website, by 3,420 people.

Some of the information reviewed includes current and historical automobile and transit travel patterns and volumes, existing and future land uses, existing and future populations, and existing infrastructure.

To inform the decision making process, the Study team meets with a Partner Agency Working Group (PAWG) comprised of representatives from the following:

- Florida Department of Transportation
- City of Orlando
- Orange County
- Seminole County
- MetroPlan Orlando
- City of Altamonte Springs
- City of Casselberry
- City of Maitland
- City of Winter Park
- East Central Florida Regional Planning Council
- GOAA
- Central Florida Expressway Authority

The PAWG members met 10 times throughout the project to review the Study's progress, and to provide direction and feedback as representatives of their jurisdictions, but also as regional partners.

Simultaneously, a Health Impact Assessment Working Group (HIAWG) met four times, with representation from:

- Seminole County Department of Health
- Orange County Department of Health
- reThink Your Commute
- University of Central Florida
- Orange County Public Schools
- Florida Hospital (now Advent Health)
- MetroPlan Orlando
- East Central Florida Regional Planning Council
- City of Orlando
- Florida Department of Transportation
- City of Casselberry
- Health Council of East Central Florida (HCECF)

The HIAWG provided recommendations to improve the health of residents along the corridor that influenced the overall final study recommendations.

As a result of the PAWG, HIAWG, numerous public outreach events, and survey responses, the Study team recommends a series of Ongoing, Short-Term, and Mid-Term actions for LYNX

LYNX Oversight mmittee Agenda

and its regional partners to undertake to prepare the SR 436 corridor for Bus Rapid Transit, operating between Orlando International Airport and the Altamonte Springs SunRail Station.

Additional information on the project, and related documentation, can be found on the Study website: www.LYNXSR436.com.

A decorative graphic consisting of a grid of squares in various shades of gray and magenta, arranged in a pattern that tapers to the right.

SR 436

TRANSIT CORRIDOR STUDY
CONNECTING COMMUNITIES



IMAGINE TRANSIT THAT

GETS YOU THERE ON TIME

CONNECTS OUR COMMUNITIES

PUTS OUR REGION ON TOP

WHY SR 436?

A critical artery connecting key economic centers of growing Metro Orlando

A local business street with 100,000 jobs

Home to 200,000 residents

The gateway for many of the 72 million annual Orlando tourists

WHY NOW?

Addressing safety for all users is imperative

Premium transit is vital to compete for high tech jobs and talents

Other regions are investing in premium transit; Central Florida cannot be left behind!



Link 436S is the **highest ridership route** among those that run every 30 minutes

Source: LYNX Forward (2017)



Home to **3 Universities** Including Full Sail and its **16,000** on-campus and online **students**

Source: Winter Park Magazine (2018)



Highest concentration of residents in Central Florida

Source: ACS 2012-16 population density by Census Tract

Over **1/2** of all **fatal crashes** in the past 5 years involved a **pedestrian**



Source: CARS (2011-15)



2 of the Top 5 Busiest Stops in the LYNX system are on the corridor

FERN PARK SUPERSTOP

DIXIE BELLE SUPERSTOP

OIA SUPERSTOP

New **\$2.1 Billion terminal** will have higher-speed rail to South Florida

Source: Orlando Sentinel



WHAT ALTERNATIVES ARE BEING CONSIDERED?

In **Alternatives A & B**, long right-turn lanes are converted to Business Access and Transit (BAT) lanes. Elsewhere, the bus runs in mixed-traffic.



In **Alternatives C1 & C2**, the bus would run in exclusive transit lanes along the median or on the curbside.

Transit in the Median

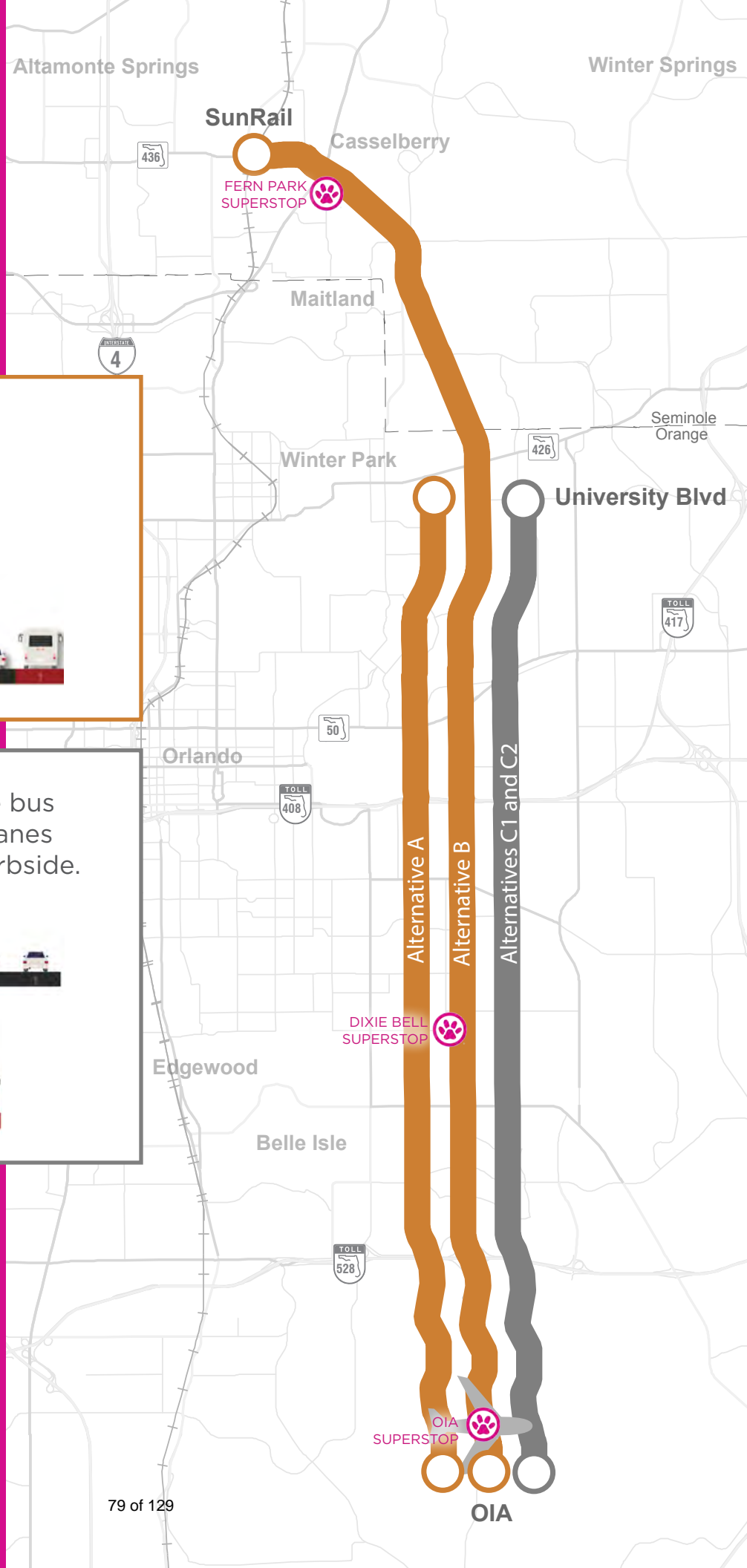


Transit on the Curbside



ALL ALTERNATIVES INCLUDE

- Sheltered stations spaced farther apart
- Real-time bus arrival info
- Priority for buses at intersections
- Off-board ticketing
- Near-level boarding
- Bicycle racks
- Better buses



WHAT COULD WE ACHIEVE?

ENHANCE TRANSIT EXPERIENCE

Riders will save 30-45 minutes each day.



SAFE WALKING & BICYCLING

Wider sidewalks, more crossings, and less speeding



ENCOURAGE REDEVELOPMENT

Up to 19 station areas catalyzing redevelopment and economic growth.



RELIABLE AUTO MOBILITY

Reduced conflicts will result in safer and more reliable auto mobility.



IMPLEMENTABLE IMPROVEMENTS

The project is cost-effective and will be competitive when seeking Federal grants



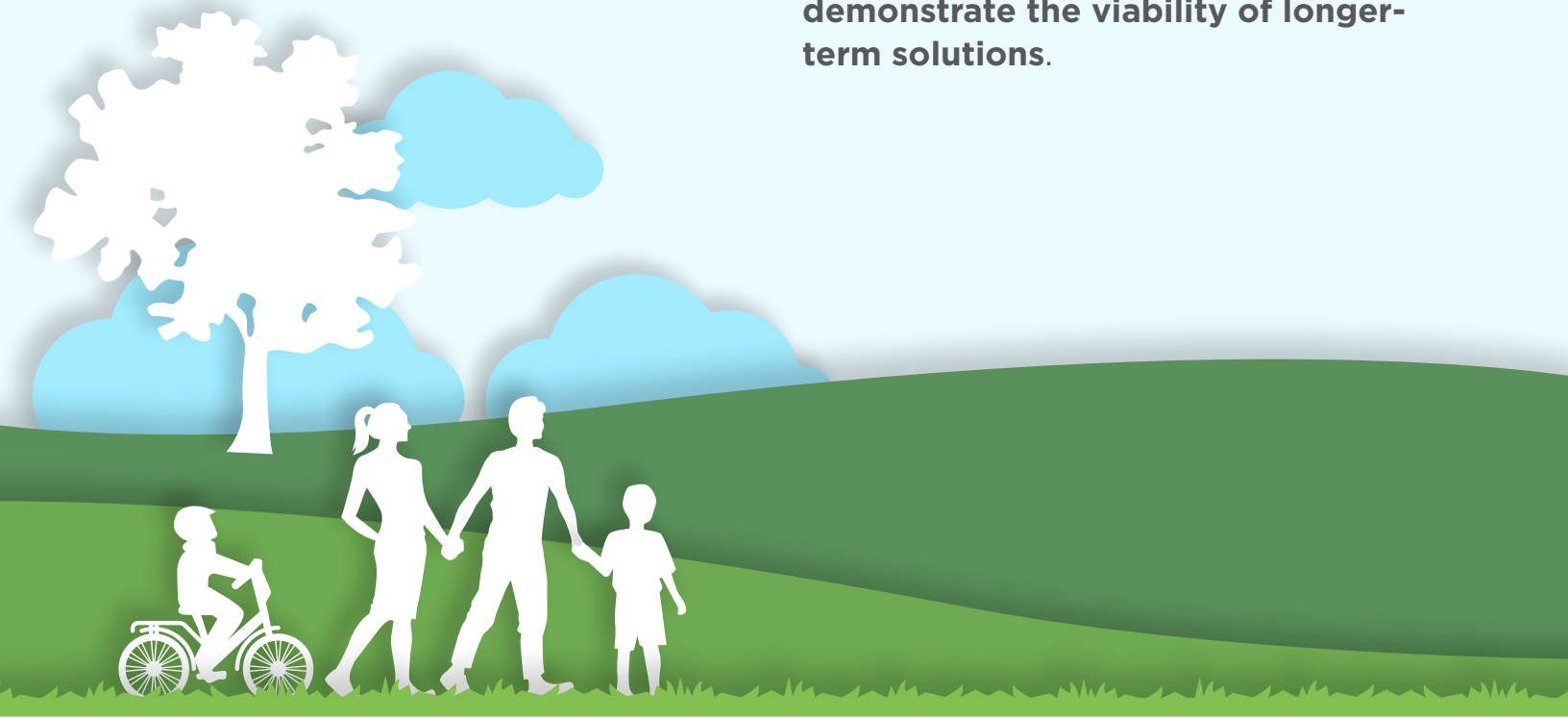
SUPPORT COMMUNITY HEALTH

A Health Impact Assessment identified opportunities to encourage healthier communities



IN THE MEANTIME...

LYNX and our partners are looking to give riders a **new choice** by adding limited-stop FastLink service on SR 436. This **short-term low-cost** improvement will offer new connections to SunRail, get riders used to premium transit, and **demonstrate the viability of longer-term solutions.**



Visit and share our website at www.lynxr436.com or contact: Myles O'Keefe Senior Planner | LYNX 407.254.6076 | mokeefe@golynx.com





IMAGINE TRANSIT THAT

GETS YOU THERE ON TIME

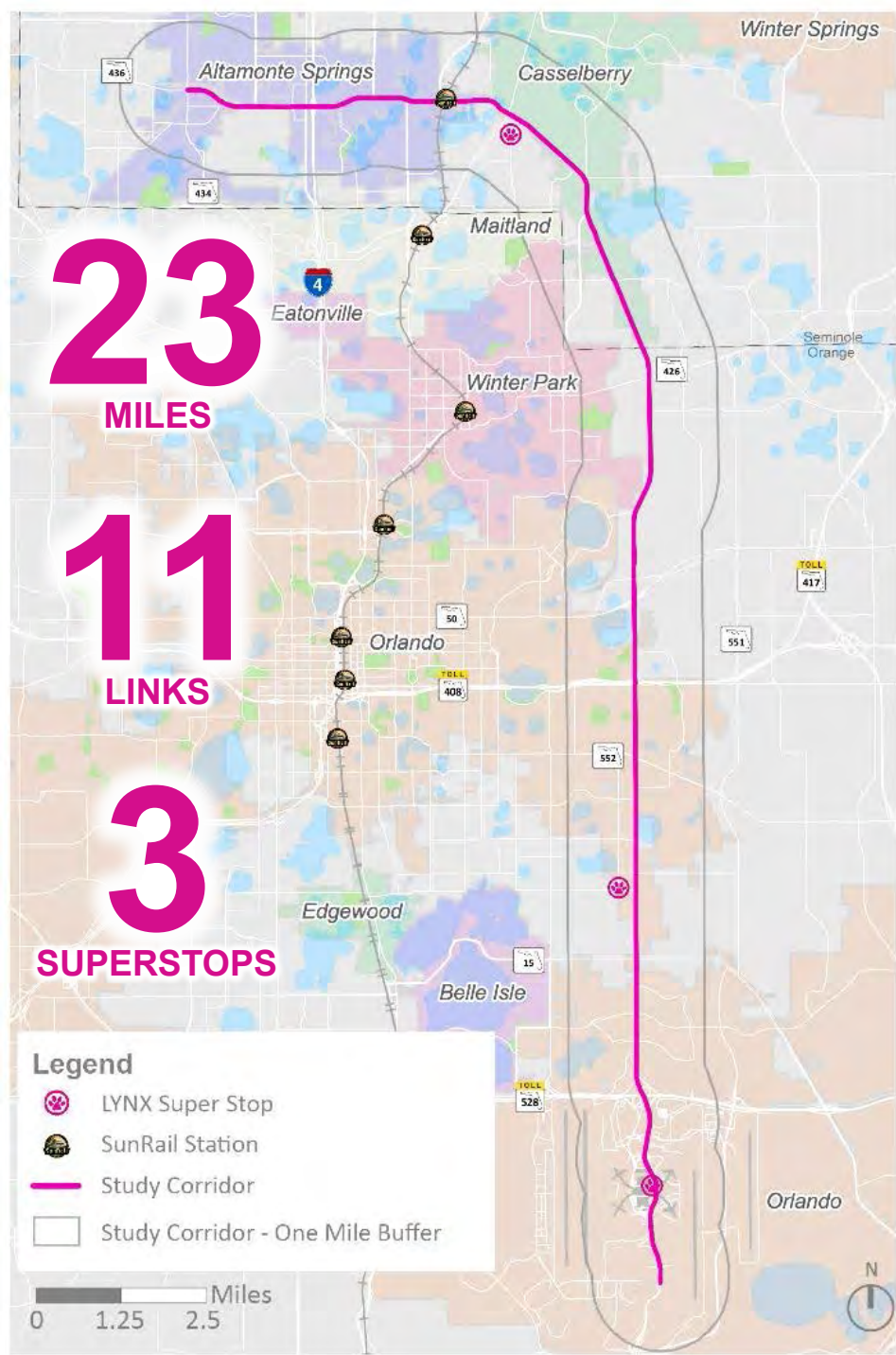
CONNECTS OUR COMMUNITIES

PUTS OUR REGION ON TOP

LYNX Board Meeting

December 6, 2018





Why SR 436?



Highest Concentration

Central Florida residents
on SR 436

Source: American Community Survey 2011-2016,
residential density by Census Tract



18K employees
45M annual passengers

https://en.wikipedia.org/wiki/Orlando_International_Airport



1M Ridership

436S has the highest
annual ridership of all
30-minute headway routes

<https://www.golynx.com/core/fileparse.php/143255/urlt/2017-Annual-Ridership-by-Link.pdf>

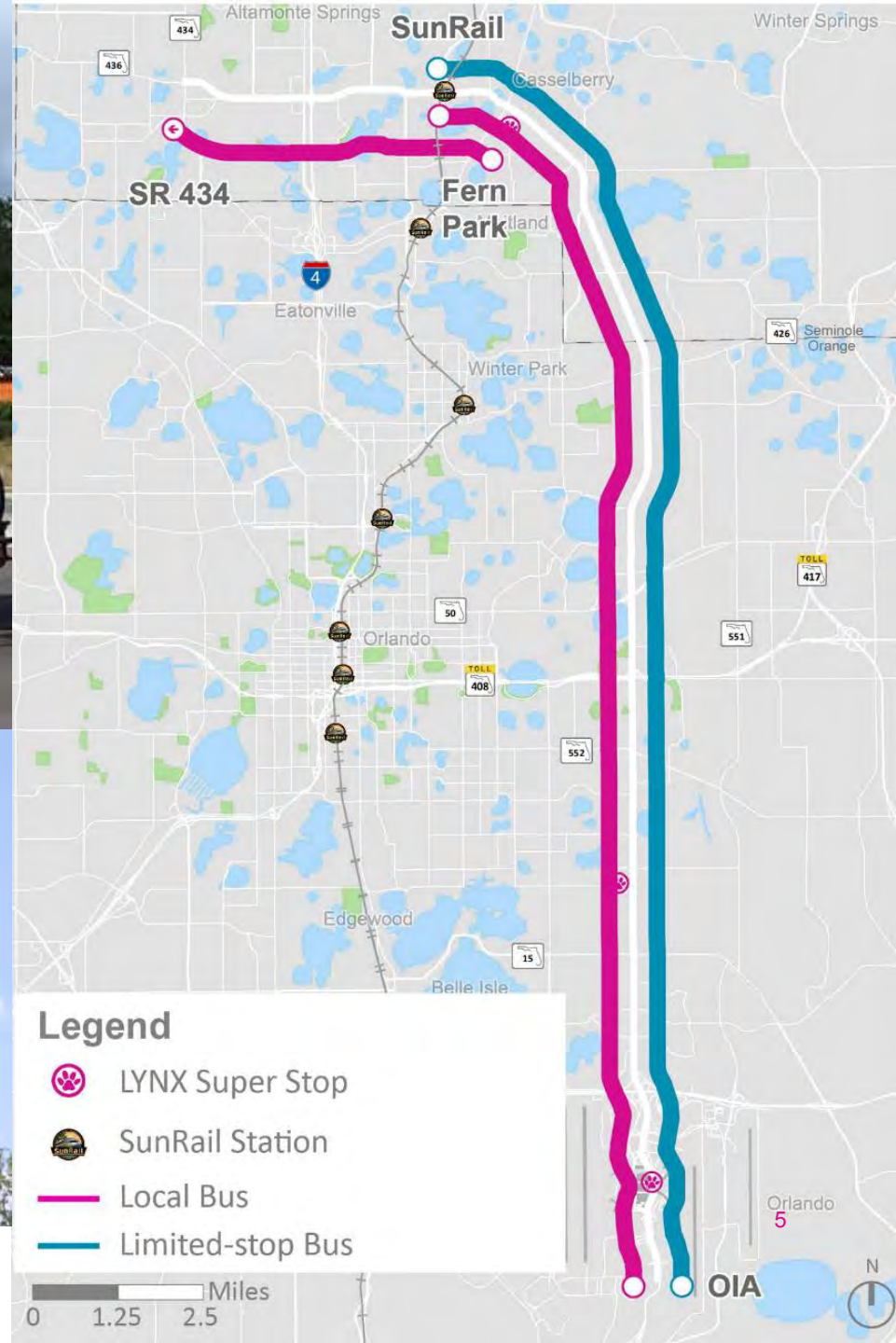


Short-term Recommendation



Limited-stop bus from OIA to SunRail

- Maintain existing local service
 - Extend local 436S to SunRail to match
- Operate as FastLink
- Use existing shelters
- 30-minute headways



Long-term Recommendation



Bus Rapid Transit from OIA to SunRail

Simple, fast, reliable

- **Frequent** buses (15 mins)
- **Premium** buses
- **Faster** ride
 - Fewer stations, farther apart
 - Exclusive or semi-exclusive lanes
 - Smart signals: bus communicate with signals for faster ride
- **Shorter stopping** times
 - Off-board tickets
 - Level boarding
- **Premium** stations: real-time bus arrival info, shelter, seating



Long-term
Recommendation



Bus Rapid Transit from OIA to SunRail

Supported by ped/bike
infrastructure and
land use policies

- Wider and shaded sidewalks
- More crossings
- Less speeding
- Transit-supportive patterns:
connected streets, mix of uses,
healthy densities, managed parking
- Affordable multi-family housing



How much do we need to build & operate BRT?

Capital

\$60M-\$80M

BAT Lanes or curbside exclusive
(no widening)



*Using existing
auxiliary lanes*



*Repurposing a
travel lane*

\$250M+

Median exclusive
(widening)



*Widening into the
median*

Operating

\$4M

Annually (LYNX's annual
operating expenses is \$160M)



What could we achieve?

ENHANCE TRANSIT EXPERIENCE

Up to 8,800 corridor riders

BRT riders save 30 to 45 minutes daily



SAFE WALKING & BICYCLING

Wider sidewalks, more crossings, and less speeding



ENCOURAGE REDEVELOPMENT

Up to 19 station areas catalyzing redevelopment and economic growth.



RELIABLE AUTO MOBILITY

Reduced conflicts will result in safer and more reliable auto mobility.



IMPLEMENTABLE IMPROVEMENTS

The project is cost-effective and will be competitive when seeking Federal grants



SUPPORT COMMUNITY HEALTH

A Health Impact Assessment identified opportunities to encourage healthier communities





Thanks for your time!
lynxsr436.com

LYNX Oversight Committee Agenda

Oversight Committee Information Item #9.B.

To: LYNX Oversight Committee

From: William "John" Slot
CHIEF INNOVATION SUSTAIN OFF
Kenneth Jamison
(Technical Contact)
Craig Bayard
(Technical Contact)

Phone: 407.841.2279 ext: 6146

Item Name: Update on the Installation of Digital Signage in the LYNX Central Station Bus Bays and the Operator's Lounges

Date: 12/5/2018



LYNX has installed digital departure information signs in the 24 bus bays at LYNX Central Station. The installation, which replaced the original static signage, was completed on September 28, 2018.

The signs provide customers with the bay letter designation, the Links (routes) serving the bay, and the next two departure times for each Link.

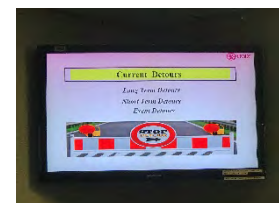
Full screen images can also be displayed to assist in updates to our customers. Recent messages have included updates on public meetings, changes to service hours during holidays, and outreach related to the LYNX branded mobile applications.



Text messages can be scrolled at the bottom of the screens to inform customers of incidents and delays affecting service, including events and road closures. Messages can be sent to all signs or to only the

affected bays.

LYNX has updated the digital display system used internally in the operator's lounges. Each department has the capability of updating information in real time to the drivers. Information being displayed ranges from detours that operators are encountering on the routes to the improvements in the LYNX Wellness program.



LYNX Oversight Committee Agenda

Oversight Committee Information Item #9.C.

To: LYNX Oversight Committee

From: **William Slot**
CHIEF INNOVATION SUSTAIN OFF
Selita Stubbs
(Technical Contact)
Nanette Stephens
(Technical Contact)

Phone: 407.841.2279 ext: 6146

Item Name: Mobility Management Update

Date: 12/5/2018

LYNX staff will provide an update on the Mobility Services Division's current status and the Mobility Management program.



Mobility Management Services

Board of Director's Meeting – December 6, 2018



IMAGINE



INNOVATE



CONNECT



ARRIVE

Overview

- **Community Transportation Coordinator (CTC) Activities**
- **Program Activities**
 - Overview
 - Recruitment & Retention
 - No Show Policy Update
- **Service Delivery**
 - Application Processing
 - Eligible Customers
 - Call Center Activities
 - Average Call Hold Times (Minutes) and Trip Volume
- **Performance/Ridership**
 - Trips by Carrier
 - Access LYNX
 - Trip Purpose
 - Performance Measures
 - Trips
 - October 2018 Costs



CTC Activities

- Prepared and disseminated Fiscal Year 2019 Coordination Agreements for 27 of agencies
- Conducted FY19 5310 Program Coordinated Agency Meetings for 14 agencies applying for grant funding
- Approximately 14,000 email surveys were sent with responses from 338 customers (2.4% response rate)
- Participated in MetroPlan Orlando Meetings
 - Quality Assurance Task Force (QATF) 10-20-18
 - Public/LCB Board Meeting 11-15-18
- **Mass Mailings**
 - Paratransit Ridership Survey
 - Public Meeting Notification



IMAGINE



INNOVATE



CONNECT



ARRIVE

Program Activities

Overview

- Conducting Implementation Meetings with New Providers
 - Elite and UZURV
- Conducting Safety Sensitive Information (SSI) Meetings
- Continued progress with the LYNX Operations Center (LOC) Expansion Project



IMAGINE



INNOVATE



CONNECT



ARRIVE

Program Activities

Recruitment & Retention (1 of 2)

- **Current Call Center Staff:**

- 2 Mobility Services Managers
- 4 Mobility Services Supervisors
- 40 Mobility Service Representatives (MSR) (currently - 8 vacancies)
- 1 Mobility Relations (Vacant)

Total of 9 vacant positions



IMAGINE



INNOVATE



CONNECT



ARRIVE

Program Activities

Recruitment & Retention (Page 2 of 2)

- Actively increasing the pool of candidates
- Attending and conducting job fairs
- Conducting a wage review
- Initiating employee development / structured training events
- Defining standardized shifts aligned to call volume
- Exploring roles that may be able to telecommute



IMAGINE



INNOVATE



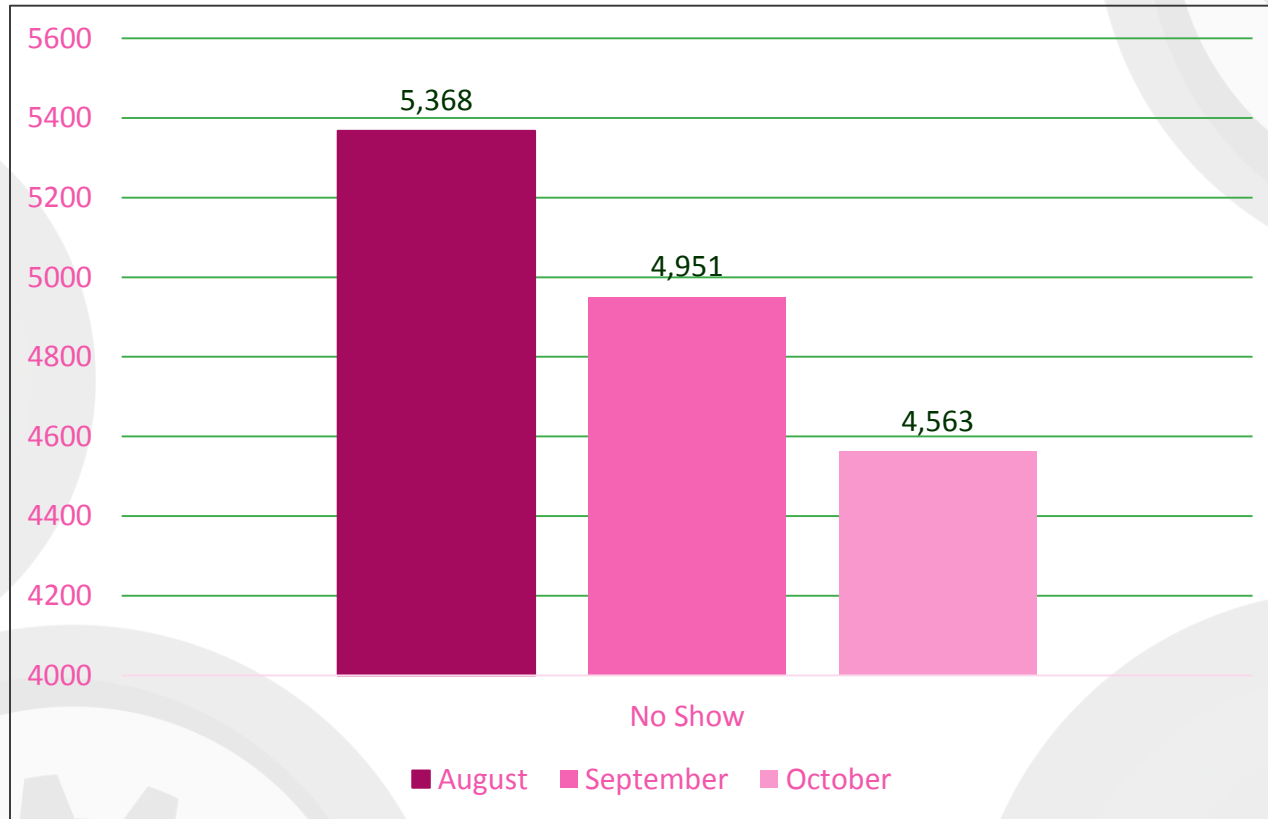
CONNECT



ARRIVE

Program Activities

No Shows: August - October 2018



NOTE: August 1, 2018 – Reviewing the validity of No Shows with MV

Program Activities

No Show Policy Activities

- **August 1, 2018** – Reviewing the validity of No Shows with MV
- **September 27, 2018** -Amended No Show Policy approved by LYNX Board
- **October 23, 2018** - MetroPlan Orlando, Quality Assurance Task Force(QATF) Presentation
- **November 15, 2018** –MetroPlan Orlando Board Meeting Presentation
- **October-November, 2018** – No Show Policy & Enforcement Process mass mailing preparation for distribution to all ACCESS LYNX Clients
- **October – December, 2018** -Mobility Supervisors review & validation of “No Show” reports in preparation for January 2019 mailings
- **January 10, 2019** - First enforcement letters to be mailed to clients and by the 10th of each month, thereafter



IMAGINE



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Service Delivery

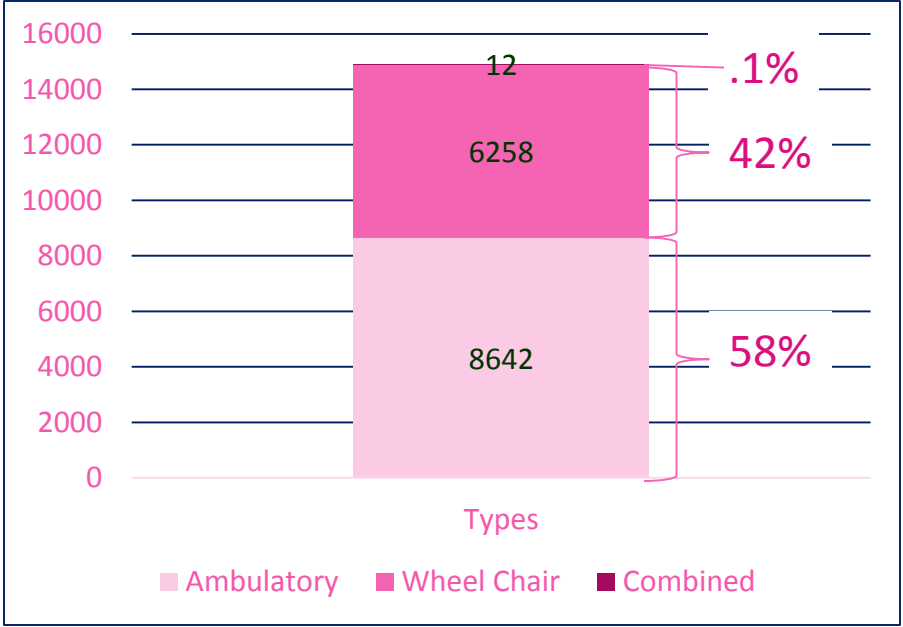
ACCESS LYNX Customer Applications October 2018

Application Category	Number
ADA New Applications	356
<i>Approved</i>	212
<i>Pending Functional Assessment</i>	143
<i>Denials</i>	1
ADA Re-certification	180
ADA Sub-Total	536
TD New Applications	74
TD Denied	3
TD Recertification	51
TD Sub-Total	128
OTHER – Incomplete information	70
TOTAL	734

Note: Denials Included: Goes thru Complete Review Process before Denial Determination is made

Service Delivery

Eligible Customers



Total: 14,912

Footnote: Snapshot as of 11/16/18

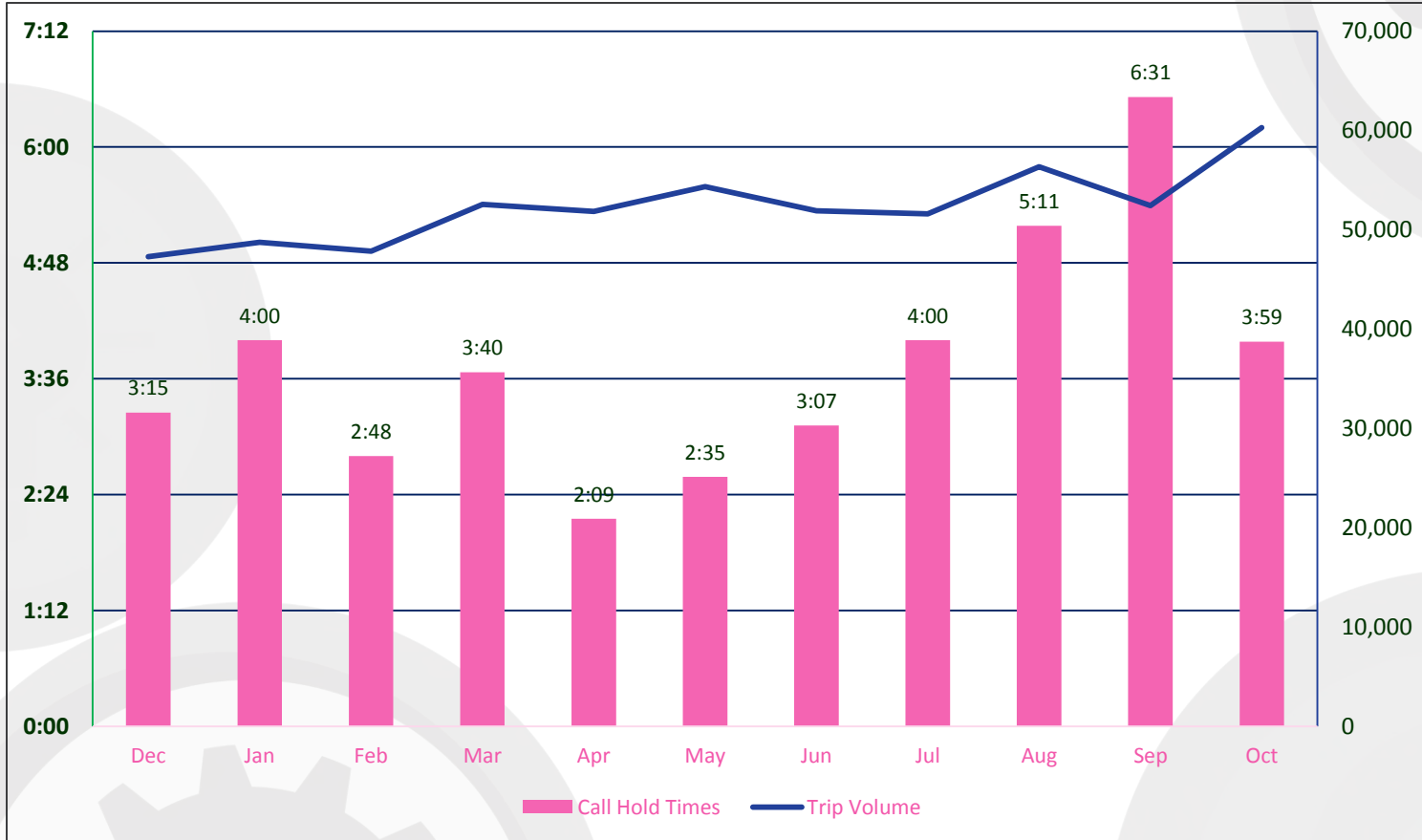
Service Delivery

Call Center Activity – October 2018

WEEK	TOTAL CALLS	AVG HOLD TIMES
1	17,704	7:02
2	15,783	2:43
3	16,640	3:25
4	15,850	3:20
5	17,151	4:09
Total	58,088	3:59

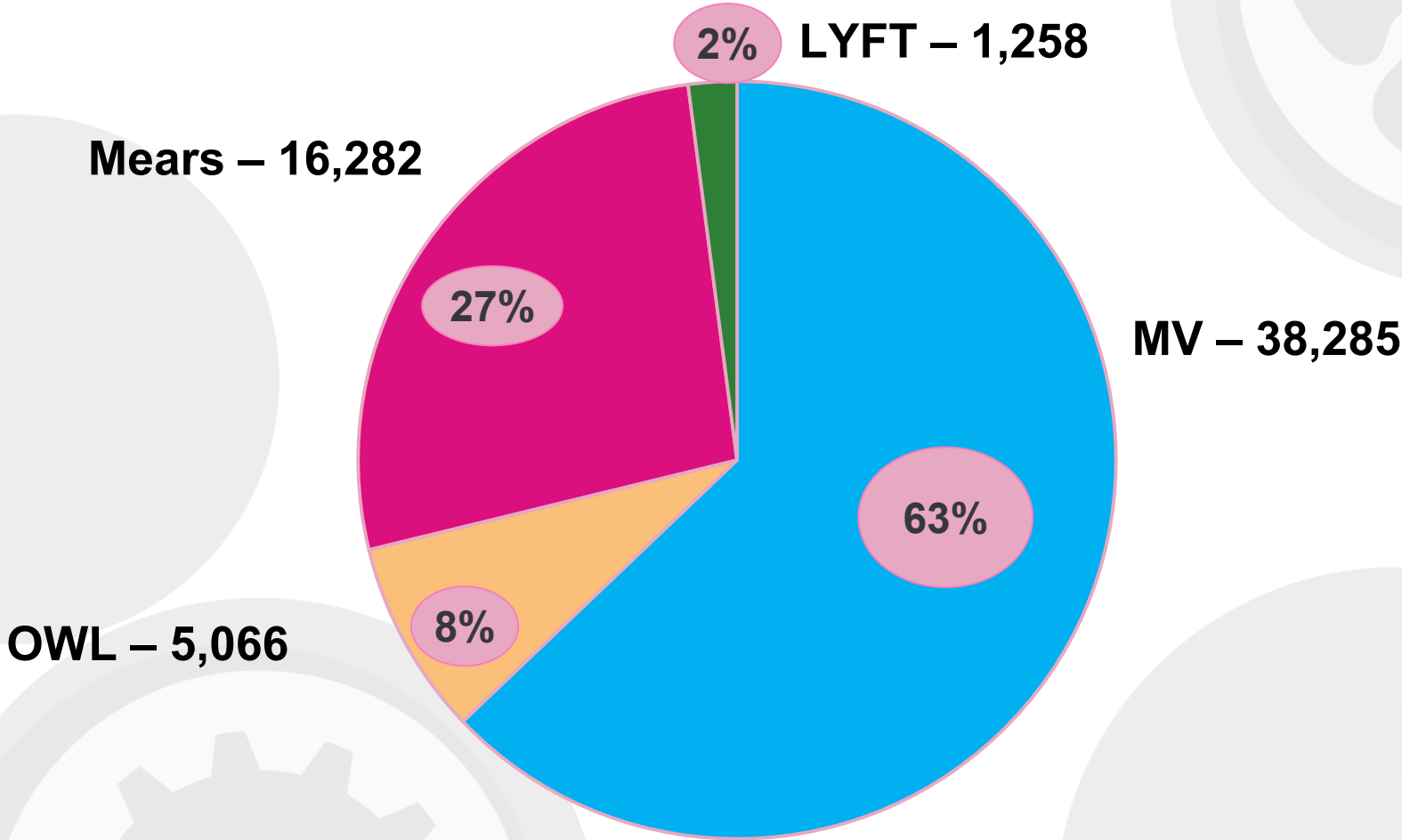
Service Delivery

Average Call Hold Times (Minutes) and Trip Volume



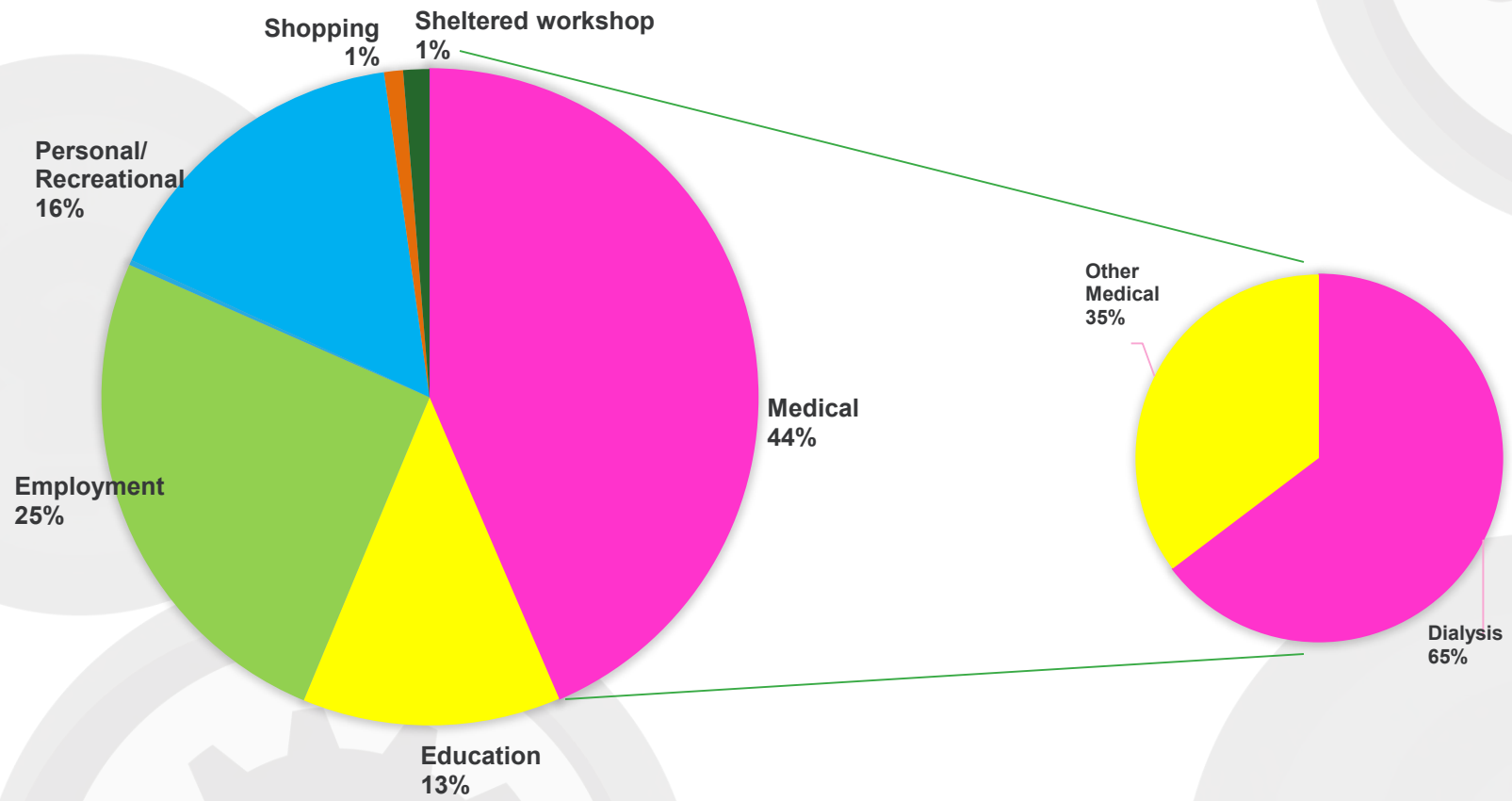
Performance & Ridership

Trips By Carrier October 2018



Performance & Ridership

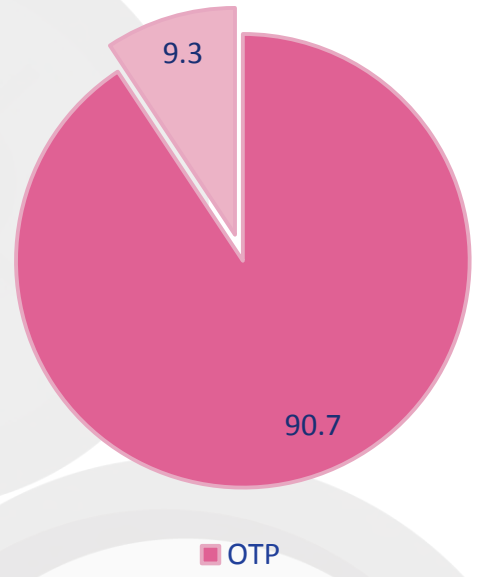
ACCESSLYNX Trip Purpose - October 2018



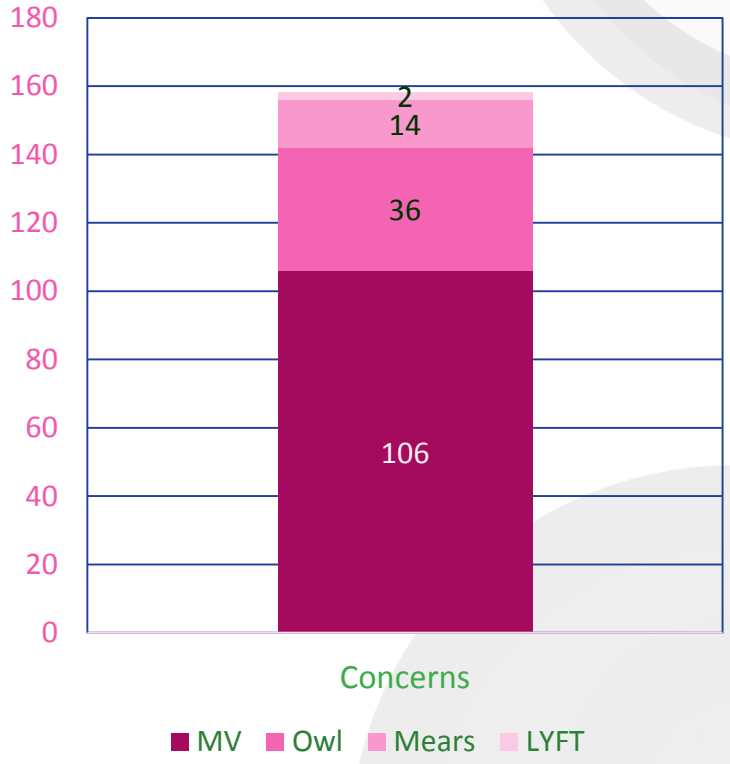
Performance & Ridership

ACCESS LYNX – Performance Measures

On Time Performance

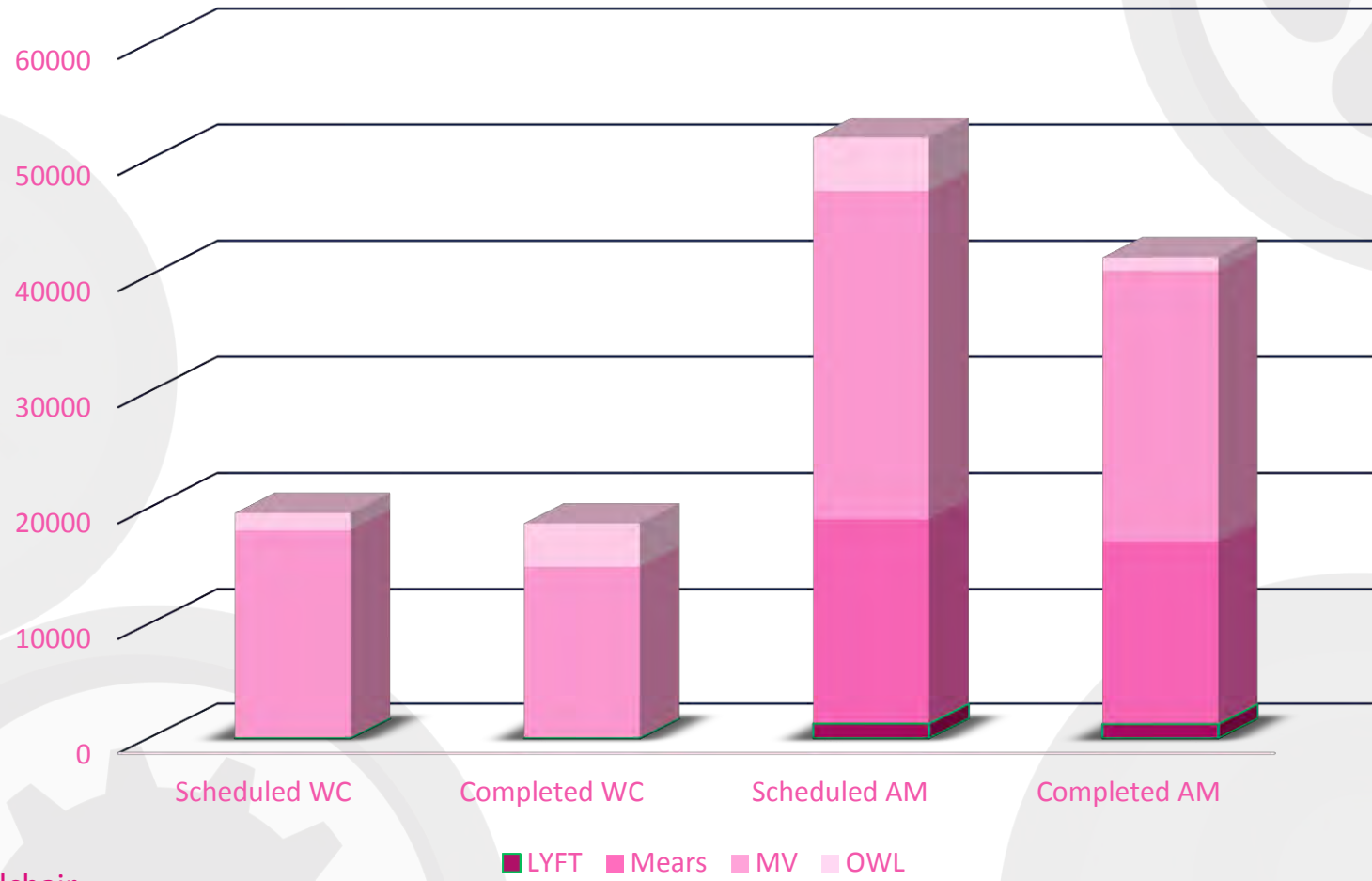


Customer Concerns



Performance & Ridership

ACCESS LYNX Trips



WC – Wheelchair
AM - Ambulatory

Performance & Ridership

ACCESS LYNX – October 2018 Costs

in thousands

Provider	Cost	Budget	Variance
MV	\$1,600	\$1,573	(\$27)
OWL	\$152	\$149	(\$3)
Mears	\$344	\$240	(\$104)
LYFT	\$25	\$24	(\$1)
	<u>\$2,121</u>	<u>\$1,986</u>	<u>(\$135)</u>

Note: Figures are pending reconciliation and unaudited as of November 12, 2018

Questions?



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LYNX Oversight mmittee Agenda

Oversight Committee Information Item #9.D.

To: LYNX Oversight Committee

From: **William Slot**
CHIEF INNOVATION SUSTAIN OFF
Kenneth Jamison
(Technical Contact)
James Fetzer
(Technical Contact)
Selita Stubbs
(Technical Contact)

Phone: 407.841.2279 ext: 6146

Item Name: Update on the Electric Vehicle Analysis for ACCESS LYNX Paratransit Service

Date: 12/5/2018

LYNX staff is exploring the feasibility of incorporating electric vehicles into the paratransit fleet. Staff is working in collaboration with colleagues from the City of Orlando, the Orlando Utilities Commission, and the Smart Electric Power Alliance during this analysis.

LYNX staff conducted twelve interviews of vehicle operators, vehicle manufacturers, electric power utilities, and professional staff from contacts provided by the Smart Electric Power Alliance. These interviews were conducted as open discussions to gain knowledge and advice from the industry and from those who are also exploring the deployment of electric vehicles in transit revenue service. Each interview started with a brief introduction to paratransit service to ensure that the interviewee understood the operating environment and the needs of the customer base.

The following themes were present through the interviews:

- Smaller electric vehicles designed for operating paratransit services and that meet the current operating characteristics do not appear to be available in the market at this time.
- LYNX was encouraged to purchase vehicles from major manufacturers who are likely to remain in business and provide parts and warranty support throughout the life cycle of the vehicle.
- It is important to work closely with the local electric utility early and throughout the project. This will ensure that the power needed to charge the vehicles is available when needed. It will also allow all parties to understand the effects and costs of the potential levels of power draw to recharge fleet vehicles.
- Charging infrastructure is a major investment that will remain relatively constant throughout the deployment of electric vehicles. Focus needs to be given to not only the

LYNX Oversight mmittee Agenda

initial deployment, but to the planned full deployment needs to prevent having to upgrade or replace the initial investments.

- The current trend is that batteries are becoming less expensive and are lasting longer as development continues to mature. Longer ranges and lower prices are expected within the next five years.
- A neighborhood circulator, like NeighborLink, may be more feasible for the deployment of electric vehicles at this time.

The working team will continue to monitor the market place to identify when major manufacturers release electric vehicles that are capable of providing paratransit services. LYNX will work with the team to determine the charging infrastructure needs to put in place for the short-term and the long-term needs of the authority. The team also agreed to explore the potential for deploying electric vehicles in NeighborLink service.

EV Analysis

Support & Paratransit Vehicle

11/01/2018

Working Team:

Jennifer Szaro (SEPA); Linda Ferrone (OUC); Pete Westlake (OUC); Sam Choi (OUC); Paul Brooker (OUC), Chris Castro (City of Orlando)

Selita Stubbs, Jim Fetzer, Doug Jamison, Kimberly Forbragd, Ken Nath, Ben Gonzalez, Prahallad Vijayvargiya, Tellis Chandler, Dean Bosnak, Tiffany Homler, John Slot



Electric vehicles suitable for Paratransit service are not yet in the market place; however, the market is rapidly changing and developing.

Batteries are getting less expensive and are capable of more mileage each year and are expected to soon be able to meet the ranges necessary.

Major vehicle manufacturers are not yet producing electric vehicles in this class of vehicles. Smaller manufacturers are not yet stable and certain to remain in the market which could affect warranty and parts availability.

The team will continue to monitor the development of vehicles that would be suitable for the paratransit market and will be ready to proceed once major manufacturers produce and support the vehicles.

Project Objective

Conduct an analysis of Electric Vehicles (“EV”) and Compressed Natural Gas (“CNG”) vehicles for use in the LYNX paratransit fleet and support vehicle fleet aided by our partners at the Orlando Utility Commission (“OUC”), Smart Electric Power Alliance (“SEPA”) and the City of Orlando.

Design Principles

1. Any vehicle solution should be meet current reliability, range, lift capability and air condition capabilities.
2. Any vehicle solution will be piloted in increments less then 20% of the total paratransit fleet (e.g. Total fleet is currently 200 vehicles)
3. Any vehicle solution will have specifications based on current ridership data. This may define the use of smaller more efficient vehicles.
4. Any vehicle solution will be reviewed and analyzed in partnership with other key organizations (City of Orlando, SEPA and OUC)

The Americans with Disabilities Act (ADA) requires public transit agencies that provide fixed-route service to provide **“complementary paratransit”** service to **people with disabilities** who **cannot use the fixed-route bus** or rail service **because of a disability**. The ADA regulations specifically define a population of customers who are entitled to this service as a **civil right**. The regulations also define minimum service characteristics that must be met for this service to be considered equivalent to the fixed-route service it is intended to complement.

Service Characteristics

- “Complimentary” (similar) to fixed route
- Origin and destination within $\frac{3}{4}$ mile of fixed route station or stop during period when bus operates
- For people who would ride the fixed route bus but are prevented from doing so by a disability
- Must be provided to all eligible riders (not constrained) if requested the previous day
- Can negotiate trip times, but no more than an hour before or an hour after the requested time

The Transportation Disadvantaged program allows LYNX to also offer Paratransit service to individuals who fall outside of ADA requirements including senior citizens and those who cannot provide for their own transportation.

LYNX currently operates Paratransit services in the following manner:

- Service is provided 24 hours a day, 7 days a week with most vehicles on the road from 6:00 AM to midnight
- All trips are reserved at least 1 day and up to 7 days in advance.
- Trips are scheduled the night before into runs that are provided to drivers. Drivers will have a different combination of pick-ups and drop offs each day. Runs are not repeatable and are not “local” or “highway.”
- Driver runs are typically 8 to 10 hours and up to 150 miles. Drivers do not have scheduled “down time” or “recovery time.”
- All vehicles should be accessible for both seated and wheelchair using customers. The vehicle must have a lift capable of lifting a combined weight of 1,000 pounds.
- Vehicles must maintain an air conditioned or heated cabin at all times. Doors may be fully open for up to 5 minutes while loading a wheelchair customer. The cabin must be able to recover to the correct temperature.
- Rides are provided in a shared ride environment. Vehicles should range from capacity of 2 wheelchair passengers and from 3 to 14 seated passengers.

C 1. Grant Review	C 2. Board and Partner Communication	I 3. Conduct Data Study	I 4. Vehicle Solution Analysis and Recommendations
Verify with Grants that current funding can be amended to utilize EV or CNG solutions	Verify board and partner communication and project approach with LYNX CEO	Collect and analyze current paratransit invoice data and potentially Trapeze data to support vehicle solution specifications such as vehicle passenger sizing.	Develop an approach and timing with partners for this analysis. Conduct analysis and provide initial vehicle options.
Jim (with Belinda Balleras)	John (with Mr. Johnson)	Seltia (with Chris Plummer and Craig Bayard)	Team
Week 1	Week 1	Week 2-3	Week 2-3
Week of 8/13	Week of 8/13	Week of 8/20	Week of 8/20

- Kickoff Meeting with partners will be scheduled for the week of 8/27

C Complete
I In progress

Key Considerations:

- Analysis should include cost to maintain EV, additional training need to maintain and any cost for charging systems.
- If an EV solution is deemed unacceptable at this time a CNG solution will be considered prior to defaulting to traditional internal combustion engine (“ICE”) vehicles for FY19 purchases.
- Currently vendor maintains paratransit fleet vehicles, LYNX personnel and or vendor will need to be trained to maintain new EVs.
- L B McLeod location operations are currently planned to move to LYNX Operation Center (LOC) in November of 2019.

4. Vehicle Solution Analysis Approach



C 1. Industry Best Practice Research	I 2. Vehicle / Charging Solution Research	C 3. Fleet Management Research	I Next Generation Research
<ul style="list-style-type: none"> Define and conduct phone interviews with several other transit agencies utilizing EV Review existing SEPA case studies on EV Fleet use, maintenance, management Review procurement examples from other agencies that have procured EV for their fleets 	<ul style="list-style-type: none"> Identify potential vehicles Identify potential sources for vehicle procurement Define charging requirements and associated infrastructure Review grid impact based on current operational area 	Conduct meetings with City of Orlando and OUC fleet management teams to understand EV impact on overall fleet management	Conduct research on innovation in the EV market place Develop a roadmap of technologies to watch as it relates to EV for transit purposes
Sept 3 – 12	Sept 10 - 21	Sept 3 – 12	Sept 10 – 21
Jennifer Szaro – Doug Jamison	Sam Choi, Pete Westlake, Jim Fetzer, Selita Stubbs	Chris Castro, Pete Westlake, Jim Fetzer	Sam Choi, Pete Westlake, Jennifer Szaro, Chris Castro, Doug Jamison
SEPA	OUC	City of Orlando and OUC	SEPA, OUC, City of Orlando

Other considerations:

- Support Vehicle analysis will be more straight forward and will follow a different process. Jim Fetzer will work with Pete Westlake of OUC to develop an approach and timeline for this work.
- We believe that the NeighborLink fleet and routes maybe an interesting option for EV minibus fleet. LYNX will add this to EV analysis and define a team to review with support from the City of Orlando and OUC. Next steps will be defined in the month of September.

Electric Vehicle Interview Synopsis

Industry Best Practices - Interviews



LYNX staff conducted twelve interviews of vehicle operators, vehicle manufacturers, electric power utilities, and professional staff from contacts provided by the Smart Electric Power Alliance. These interviews were conducted as open discussions to gain knowledge and advice from the industry and from those who are also exploring the deployment of electric vehicles in transit revenue service.

- **American Public Transportation Association** – *September 20, 2018* – Lisa Jerram, Director – Bus, Paratransit & Surface Transportation
- **BYD** – *September 27, 2018* – John Hatch, South East Regional Sales Manager; Jason Yan, Manager of Sales
- **Calstart** – *September 17, 2018* – Kristian Jokinen, Project Manager
- **Center for Transportation and the Environment** – *September 17, 2018* – Kylie McCord, Senior Engineering Consultant; Alyson Smyth, Engineering Consultant
- **Chanje** – *September 24, 2018* – Carlos Francisco, Consultant
- **FleetCarma** – *September 14, 2018* – Mark Goody, Manager, Electric Vehicle Programs
- **Florida Clean Cities** – *September 14, 2018* – Doug Kettles, Coordinator, Clean City Coalition
- **Lion Electric** – *October 8, 2018* – Marie Bedard, Business Relationship Manager
- **Maui Electric** – *October 4, 2018* – Dr. Gregory Kresge, General Manager of Electrification of Transportation
- **Motiv** – *September 17, 2018* – Marc Herman, Chief Operating Officer
- **New York MTA** – *September 24, 2018* – John Higgins, MTA Chief Maintenance Officer; John Macowitz, NY Power
- **Zenith Motors** – *September 20, 2018* – Christine Smith, Vice President of Sales and Marketing

Electric Vehicle Interview Synopsis

Industry Best Practices - Summary of Themes



A. Smaller electric vehicles designed for operating paratransit services and that meet the current operating characteristics do not appear to be available in the market.

B. Purchase vehicles from large major manufactures.

C. Work closely with the local electric utility early and throughout the project.

D. Charging infrastructure requires focus as it remains relatively constant throughout the deployment.

E. The current trend is that batteries are becoming less expensive and lasting longer as development continues to mature.

F. A Neighborhood circulator service, like NeighborLink, may be more feasible at this time.

A. Smaller electric vehicles designed for operating paratransit services and that meet the current operating characteristics do not appear to be available in the market.

- No interviewee was able to name an electric vehicle in service in a paratransit deployment. Vehicles in service that were identified were fixed route bus service.
- All interviewees believe that electric vehicles could meet the needs of paratransit (10 hours, 150 miles) but most thought these are the upper limits of current vehicles.
- Air-conditioning is not considered a major factor in battery drainage. It was estimated to use no more than 10% of the battery capacity. Heating would be a major factor, but more so when temperatures drop below 50F.
- Deployed vehicles are larger (10 to 20 passenger) and have not been through Altoona Testing, required by Federal law prior to purchasing buses with Federal funds.
- Driver characteristics can impact the range by up to 20%, which could reduce range.

B. Purchase vehicles from large major manufactures.

- Most small vehicle (paratransit size) manufactures are small companies. They may or may not be around for the life of the vehicle. This could affect parts, service, and warranty. (New York MTA started with cutaway vehicles but manufacturers not around 3 years later.)
- Purchase at least 2nd or 3rd generation vehicles to benefit from “lessons learned” with earlier models.
- Most manufactures will train agency maintenance staff to become first level warranty providers.
- Vehicles could cost up to twice the price of a fossil fuel powered vehicle. Savings may come from fuel/energy costs and reduced maintenance, so vehicles should be used as much as possible to realize longer term savings.
- Caution to understand value of “ground up” designed vehicle versus a converted vehicle.

C. Work closely with the local electric utility early and throughout the project.

- Vehicle manufacturer and the Utility must work together from the start to ensure that everything is correctly specified and in place.
- Business electrical rates are normally based on the peak usage during the previous 12 month period. Charging a larger number of vehicles at the same time or during peak periods could raise the entire electric bill to that usage rate for a full year.
- Smart charging software is recommended. This allows vehicles to be “plugged in” but will manage charging to prioritize vehicles required for service and manage load to reduce peak charging. Orlando Utilities should be able to design a lower cost charging scheme based on off-peak times.
- Charging infrastructure must be fully in place and ready before vehicles are delivered.
- Fifty 40-foot buses charging can require the same infrastructure as a major skyscraper. It is important to understand when and how the fleet will recharge.
- Ensure grid resiliency to maintain the ability to charge vehicles, especially during events and severe weather conditions (hurricanes).
- Once you move to a large fleet of electric vehicles, you have to charge at whatever rate is applied. Be sure to understand the potential implications before deployment.

D. Charging infrastructure requires focus as it remains relatively constant throughout the deployment.

- General consensus that vehicles use Level 2 charging, though recommend quick charging upgrades. This may require a few Level 3 chargers for vehicles that may not have 8 hours for a full charge.
- Basic charger comes with the vehicle, but upgrades are needed for quicker charging.
- Estimate \$35,000 in initial set up plus \$4,000 per charger for level 2 chargers for 15 vehicles. Level 3 chargers estimated at \$50,000 each, though the price may drop in the future.
- Need a 200v or 240v charger.
- Charging at 6kW (standard), 220v, 30 amp can take 8 hours for a full charge (Zenith).
- Charging at 13kW (upgrade), 220v, 75 amp can take 4 hours for a full charge (Zenith).
- Design and implement for the full deployment upfront. You don't want to add transformers, trench, or run conduit for a test or limited deployment then have to replace as the system grows.
- Power storage can be charged over time then used to supplement charging power to avoid a peak load.
- Overhead or retractable charging is preferred to prevent cable and plug damage from misplaced and run over cables.
- Install open protocol charging to ensure you aren't locked into a proprietary vendor solution.

E. The current trend is that batteries are becoming less expensive and lasting longer as development continues to mature.

- Battery life was estimated to range from 7 years to 10 years, with 70% of original capacity. The degradation ramps up after the 7 year mark.
- There is not enough “real world” experience to determine actual usage life.
- Currently batteries cannot be used once below 20% of capacity so only 80% is actually usable. A battery under 20% of capacity does not have enough power to move the vehicle in normal driving conditions.
- Most of the increased vehicle cost is in the batteries, which is expected to get lower each year. In 5 years expect the batteries to cost a lot less and last a lot longer.
- Some manufacturers will allow leasing of the batteries. This reduces the original capital cost of the vehicle to make it more competitive with fossil fuel powered vehicles. It also “future proofs” the battery technology.

F. Neighborhood circulator service, like NeighborLink, may be more feasible at this time.

- Circulator service is more likely to return to a known point throughout the day for “downtime” opportunity charging.
- Larger vehicles with 14 or more passengers are in the market.
- Routes are more predictable and repeatable. This allows LYNX to better manage range.

The industry is not yet producing smaller electric vehicles suitable for paratransit services. Interviews indicated that current technology could meet the service hours and mileage traveled, but was at its upper limit. LYNX should **continue to monitor the deployment of vehicles designed for paratransit service** that meet the following criteria:

- Manufactured and warrantied by a major vehicle manufacturer likely to still be in business during the lifespan of the vehicle.
- At least a 3rd generation electric vehicle model to ensure it is stable and reliable.
- Minimum of a four year life span with a minimum of 100,000 miles. (Minimum current Federal lifespan)
- Meets Federal requirements including “Buy America” and vehicle testing in compliance with the 1991 Intermodal Surface Transportation Efficiency Act.
- Continuous service of at least 10 hours and 150 miles between charges, with air-conditioning running and at least 14 wheelchair lift cycles (approximately one third more than estimated current average).
- Seated capacity of at least three passengers plus two secured passengers in wheelchairs, but not more than 8 seated passengers.
- Smaller vehicles able to access most pick-up locations including restricted height, speed bumps and tight turning radius.
- Wheelchair lift or ramp capable of lifting a combined weight of at least 1,000 pounds.
- Use a non-proprietary charger.

Electric Vehicle Interview Synopsis



Conclusions

Vehicles currently available in the marketplace are more suitable for fixed route, circulator and shuttle vehicles. An opportunity will be considered involving LYNX NeighborLink service and potentially for fixed route bus service.

The NeighborLink vehicles drive from the depot to a small service area in which they remain and provide service during the driver's shift. The vehicle returns to a time point at least once per hour for a minimum of 10 minutes to facilitate transfer to a fixed route vehicle. This known location and time allows for opportunity charging throughout the day.

Distributed charging infrastructure as well as depot charging must be considered in the deployment.

LYNX Oversight Committee Agenda

Oversight Committee Information Item #9.E.

To: LYNX Oversight Committee

From: **William "John" Slot**
CHIEF INNOVATION SUSTAIN OFF
Kenneth Jamison
(Technical Contact)
James Fetzer
(Technical Contact)
LEONARD ANTMANN
(Technical Contact)

Phone: 407.841.2279 ext: 6146

Item Name: Update on the Results of the Computer Aided Dispatch and Automatic Vehicle Location Conversion Pilot

Date: 12/5/2018

LYNX is preparing for the conversion of 106 buses from the Clever Devices Computer Aided Dispatch (CAD) / Automatic Vehicle Location (AVL) System to the Trapeze CAD/AVL system. This conversion will move all fixed route buses to a single system for route transit operations and planning, including data collection, bus route assignments, collection of passenger counts, monitoring of on-time performance, and assistance with customer service responsiveness.

The conversion includes the replacement of Clever Devices data terminals on the buses with Trapeze data terminals, and includes the interfaces to other on-bus systems. These include external digital information signs, internal digital customer information signs, transit signal priority equipment, automated internal announcements, and automatic passenger counters.

LYNX converted five (5) buses as a pilot during the second week of November, with the buses representing each of the models of buses deployed in the fleet. This pilot allowed LYNX staff to work with Trapeze staff to document the conversion process and to validate the configuration and the operation of all interfaced components. The five (5) pilot buses were assigned to Links throughout the service area during the validation period from November 26, 2018, through November 30, 2018. Staff is reviewing the testing conducted both by vendor staff and by in-house staff to ensure that all equipment functioned correctly as expected.

The conversion of the remainder of the fleet will begin in January 2019 and will use the installation design developed during the pilot bus installation.