

LYNX Board Audit Committee Agenda

Central Florida Regional Transportation Authority

455 N. Garland Ave.

2nd Floor Board Room

Orlando, FL 32801

Board Date: 7/27/2006

Time: 10:30 AM







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

1. Call to Order

2. Approval of Minutes

-  June 22, 2006 Audit Committee Minutes (pg 2-11)




3. Audit Agenda Items

- A.  Review of the public records request administrative rule
- Attachment     (pg 12-20)
- B.  Authorization to amend the project budget for the LYNX Operations Center (LOC) and amend the proposed FY2007 Capital Budget, accordingly. (pg 21-23)

4. Review of Board Package: 7/27/2006

5. Information Items

(For Review Purposes Only - No action required)

- I.  Paratransit to Fixed Route Transfers (pg 24-26)
- II.  Monitoring Bus Operators for Work Rules compliance
- Attachment  (pg 27-28)

LYNX
Central Florida Regional Transportation Authority
Audit Committee Meeting

PLACE: **LYNX Central Station**
 455 N. Garland Avenue
 Board Room, 2nd Floor
 Orlando, FL 32801

DATE: **June 22, 2006**

TIME: **10:30 a.m.**

Audit Committee Members in Attendance:

Seminole County Chair, Carlton Henley, Vice Chair
Osceola County Commissioner Atlee Mercer, Chair
Interim FDOT District 5 Secretary, Kevin Thibault
City of Orlando, Roger Neiswender

Not in Attendance:

City of Orlando, Mayor Buddy Dyer
Orange County Commissioner, Homer Hartage

1. Call to Order

The meeting was called to order at 10:30 a.m.

2. Approval of Minutes

Commissioner Carlton Henley moved to approve the minutes of the April 27, 2006 Audit Committee meeting. FDOT Secretary Thibault seconded the motion. Motion passed unanimously.

3. Audit Agenda Items

A. Discussion and decision regarding ATU Pension Plan amendment regarding disability benefits

Peggy Gies, Chief Marketing Officer, introduced Ms. Nadine Schaal from Akerman Senterfitt.

Ms. Schaal explained how the disability benefits from the ATU pension plan had been developed a number of years ago, resulting from a law suit that stipulated that the benefits and funding would be subject to collective bargaining.

There is a Board that runs the plan composed of three members that are appointed by management and three members appointed by the Union. The plan document for the pension plan does provide that the Board of Trustees has the authority to amend the plan but when there is an amendment that would affect benefits it must then be signed off by LYNX and forwarded to the actuary for the State approving that change.

The Union wanted to change the disability benefit provisions. The Board of Trustees did adopt a change approximately one year ago. The Plan's Actuary provided a letter dated

November 30, 2005 that states there is no actuarial cost to the plan amendment; however, there could conceivably be costs in the future if there is increased usage of the disability provisions. The Actuary stated that there was no way to measure the potential cost impact.

Ms. Schaal went on to explain that the amendment does not change how the benefit is calculated but does change who is eligible for the benefit.

Since this is a change to the benefits in the pension plan, it is subject to collective bargaining. This particular change has not yet been subjected to the collective bargaining process.

Linda Watson, LYNX CEO, explained that LYNX is just now starting labor negotiations for the next 3-year contract. Therefore, if the Board desires, this could be included in that bargaining process. Ms. Watson asked for the Board's direction on how to proceed.

Commissioner Henley feels that the Board would have to take action to agree to waive the bargaining on this particular point. He also explained that the Board does not have to introduce it for bargaining. The Union can request that it be an item brought up for bargaining. Commissioner Henley asked Ms. Schaal if it can be implemented without the letter.

Ms. Schaal indicated that it could not be implemented without the letter. She went on to explain that the Union does have one individual who is eligible under the proposed definition but not the existing plan definition. The Union is looking for closure because of this.

Discussion ensued.

Chairman Mercer commented that this would be a dangerous precedent setting decision for the Board to waive already established bargaining rights. Chairman Mercer stated he will not support it. Commissioner Henley stated he would not support it either. Commissioner Henley went on to state that even if this was bargained, he would not support it because of some of the language in the plan. There is too much unclear and it leaves LYNX open to too much risk.

Chairman Mercer asked the Audit Committee how staff should proceed.

Ms. Schaal explained that because this is outside of the collective bargaining process that it should not be blanket approved unless the Audit Committee set that precedent to accept any changes that do affect benefits, without it going through that process.

Motion: Commissioner Henley moved that the Board deny signing the letter. Roger Neiswender seconded. The motion passed unanimously.

B. Status report on the development of FY2007 and FY2008 Budgets

Bert Francis provided an update on the budget development. Mr. Francis explained that the budget has been submitted to all of LYNX' funding partners. Feedback has been received and to date, it has all been positive. A meeting has been established for LYNX staff, the City of Orlando and Orange County to go over any further questions they may have.

Commissioner Henley requested when there are questions from one funding partner, that all funding partners be copied on the answer, as a standing policy. Chairman Mercer indicated that all four funding partners should be kept up-to-date, not just the City of Orlando and Orange County.

Chairman Mercer explained that Commissioner Hartage spearheaded an effort to begin to implement the recommendations of the Comprehensive Operations Analysis (COA). Chairman Mercer asked if the largest funding partner has indicated that they will go forward with the execution of the recommendations.

Mr. Francis explained that the first step was to show Orange County the basic budget that was presented to the Board that included a 27% increase. Also included was the implementation of what it would take to get from a 70% on-time performance to 90% on-time performance, as well as implementing the first phase of the COA.

Ms. Watson stated that Orange County staff has been very favorable toward the requests.

Mr. Francis mentioned that more meetings are scheduled for next week.

C. Status report on switching to the Florida Retirement System

Mr. Francis explained that employee information sessions have been held on two occasions and they were fairly well attended. There are many pros and cons to staying with the existing system versus switching to the FRS. The legislature recently approved changes to the FRS contribution rate and it went up to 9.85% starting in July and goes up 10.71% next July. Mr. Francis went on to describe some of the differences between the two plans.

Chairman Mercer asked if all new employees would be required to go to the FRS system if the Board adopts going forward with the FRS plan. Mr. Francis answered yes.

Discussion ensued.

Mr. Francis explained that additional information sessions will be held and employees will be surveyed. He will come back to the Board with an additional update.

4. Information Items

1. Blanche Sherman, Manager of Finance, gave the Board an update on the Great Plains system implementation. She explained that staff, with the assistance of Sampey and Dexter, is progressing well with the action plan to implement the Great Plains system upgrade and additional software modules. As of February 2006, staff has successfully installed a test environment for the system.

Sampey and Dexter will be finalizing the system requirements, set-up and configuration for the Conference Room Pilot (CRP) by the second week in June. The goal of the CRP is to ascertain if the set-up and system configuration will satisfy the functional requirements before continuing with the implementation process.

5. Review of Board Package

Ms. Watson reviewed the Board packet.

Chairman Mercer requested that the presentation regarding the authorization to execute a contract with MV Transportation, Inc. for Paratransit Services be moved to this Audit Committee meeting.

6. Action Item

1. Lisa Darnall, Chief Operations Officer, went over the procurement process for MV Transportation. Linda Watson introduced Jon Monson, President and CEO of MV, Nikki Frenney and Ed Griffin, also of MV.

Ms. Darnall explained the background of the paratransit contract procurement process. The current MV contract began March, 2002 and extended through September 30, 2006. The new contract coincides with LYNX' fiscal year. The identified goals for the next contract are to stabilize the work force, improve on-time performance, reduce the fleet age, and decrease telephone hold time. Ms. Darnall went over the methodology of determining the contract award.

Early on it became evident for the need to consider all options available and to hire a consultant to provide technical assistance in preparing the RFP and evaluating the bid responses. Russell Thatcher and Rosemary Mathias of TranSystems provided that assistance to LYNX. Both are nationally recognized experts in the area of specialized transportation, particularly services for people with disabilities.

There were many goals for this contract and coupled with the consultant's knowledge, a need to change the reimbursement methodology, LYNX was able to develop an RFP that meets the needs of our community and LYNX was determined.

As opposed to the current per-trip reimbursement, the new contract is based on a per-hour rate structure that will be paid based on a fixed cost and an hourly variable cost. The only thing that will vary is the number of service hours.

While purchasing trips on a per-trip basis is easy to administer, there are documented instances throughout the paratransit industry where the projected trip volume has not been realized, whether too high or too low. When too low, the contractor is unable to cover costs and comes back to request an increase in per-trip funding levels. This has been the case at LYNX.

The fixed cost plus variable cost reduces the risk for the agency and the contractor because known fixed costs are covered in the base rate and additional variable costs are paid based on the number of service hours provided in accordance with average productivity goals established by the transit agency.

Furthermore, hourly rates for service should always be accompanied by incentives and disincentives relating to cost, productivity, and service quality, which LYNX has established for this contract.

The primary benefits of this methodology are:

- Allows bidders to more accurately estimate cost because the only thing that varies is the service hours, which are determined by LYNX. Knowledge of the service hours allows a bidder to better estimate fuel and labor costs. Without this knowledge, there is more risk to the contractor and to minimize the risk they may over price their services.
- Productivity, which is the number of trips provided per revenue hour is a key component of this methodology because it eliminates the temptation of contractors to over schedule and seeks to maximize profits at the cost of service quality and overall project budget
- On the other hand, this methodology requires LYNX to:
 - Closely monitor contractor productivity
 - Periodically review and adjust revenue hours and productivity standards for reasonableness

LYNX is prepared to do this.

A Paratransit RFP Focus Group was established. The following individuals comprised the focus group:

- **Dr. Bill Moon**, is a former TD Commissioner, and currently a LCB member, and a LYNX TAC member. Dr. Moon is employed by the Osceola Council on Aging (CoA), which represents the elderly and users of our system.
- **Cheryl Stone**, is a former TD Commissioner, and currently a LCB member, LYNX TAC member, and is on the Center for Independent Living's Board of Directors. Cheryl is employed as a Microbiologist at Florida Hospital and a user of our paratransit services.
- **Diane Ketts** is a LYNX TAC member and is employed by Lighthouse Central Florida as an Orientation and Mobility Specialist. Diane's primary role includes

teaching residents of our community who are visually impaired to use various forms of transportation.

- **Bob Melia** is a LYNX TAC member and advocate for residents with disabilities. Bob is employed by Orlando Regional Healthcare System's Spinal Cord Injury Recovery Program and a user of paratransit services
- **Verdine Mells**, who's daughter is and late husband was a user of our paratransit services. Verdine is employed in LYNX' Paratransit Operations Division.

LYNX appreciates the valuable input they provided during this process.

A Source Evaluation Committee (SEC) was established. The members were: Lisa Darnall, LYNX Chief Operating Officer, Bill Hearndon, LYNX Manager of Paratransit, Blanche Sherman, LYNX Manager of Finance, Jack Couture, Chairman, LYNX Transit Advisory Committee, and Marilyn Baldwin, Member, TDLCB.

Ms. Darnall went on to explain that five proposals were received. The Source Evaluation Committee (SEC) met a total of four times during the month of May. During the first session, three proposers were asked to return for oral presentations. They were First Transit, Laidlaw, and MV Transportation.

Throughout the process the committee looked at the strengths and weaknesses of the three proposers. First Transit is nationally known for their call center experience. They had low staff wages, driver and call center wages when compared to the other bidders. The SEC thought the start-up costs were too low.

Laidlaw Transit had many strengths. Their hourly wages were competitive. They had one of the best staffing plans out of the three proposals; however, their costs were higher and they are not established locally.

MV Transportation had strengths and weaknesses, as well. MV's project manager, Ed Griffin, has a good knowledge of Florida and LYNX. They had a driver compensation plan that is very strong. And, there are inherent advantages of an incumbent. Furthermore, the cost savings of MV, compared to the next higher price of Laidlaw, was approximately \$13.4 M over the 5-year life of the contract.

The total costs for the three bidders over a 5-year period were as follows:

First Transit - \$92.6M

Laidlaw - \$91.3M

MV - \$77.8

The scoring criteria included the following:

- Six areas evaluated
- Experience and staffing compensation package

- Safety and training programs
- Maintenance program and procedures
- Proposed vehicles and equipment
- Transition plan
- Costs

Chairman Mercer asked if the selection committee was comfortable that the difference in costs was sustainable in the term of the contract and was not low-bid, that LYNX would later on have to compensate for. Ms. Darnall explained that the methodology used for this contract should minimize, if not eliminate them to come back. Chairman Mercer went on to say that LYNX had this model originally and it is how LYNX was able to establish what level of service actually could be accomplished.

Ms. Darnall explained that this methodology is tied to a productivity requirement that is not currently in place. Because of the associated incentive and disincentives, it is in MV's best interest to strive to meet or even exceed those productivity levels. MV will be held to much stricter standards in order to meet LYNX requirements.

Chairman Mercer asked Mr. Monson of MV to come up to the Dais. Chairman Mercer asked if it is clear to Mr. Monson that LYNX is trying to structure something that enables MV to have a particular revenue stream and be able to make a profit with this contract; however, because the methodology has changed, LYNX will be less inclined to adjust this contract as it is going forward. Mr. Monson thanked Chairman Mercer for explaining the contract that was first entered into with LYNX in 2002. That contract was an hourly reimbursement contract, and had that contract never been changed MV would not have been back discussing issues during the term of the contract. What occurred in 2003, when Mr. Tipton was here, he and the board, at that time, requested a significant reduction in cost which MV accommodated to the tune of \$5 - \$6 million per year.

Ms. Darnall went on to explain that the SEC followed a scoring criteria when the proposals were evaluated. There was an experience component, safety and training component, maintenance program and procedures, proposed vehicles and equipment, transition plan and costs. There was a fairly close margin between Laidlaw and MV; however, it was a unanimous decision to recommend MV as the preferred provider.

The next steps include asking the Board to authorize the award of this contract. There were a couple of items in MV's proposal that they suggested LYNX negotiate with them and although it is not anticipated that there will be significant costs associated with those, some of the items that MV is suggesting are definitely in LYNX' best interest. One in particular is the "progress payments" which is something that is being done with the current contract where LYNX pays them twice a month instead of monthly which saves LYNX approximately \$100,000 annually.

Commissioner Henley asked if LYNX was going from quarterly to monthly monitoring for disincentives. Ms. Darnall explained that specific to complaints, they must respond within 5 business days. The goal is to have less than 3 valid complaints per thousand one-way passenger trips provided. The incentive/disincentive is a \$50 per unresolved complaint per day beyond the 5 days.

Discussion ensued.

Commissioner Henley stated that regardless of who gets this contract he has a number of questions, i.e. what are the fixed costs, variable costs, etc. Who is making the determination of increasing fixed costs? Does MV decided when to increase fixed costs or is LYNX in a partnership with MV?

Ms. Darnall explained that the fixed costs and vehicle costs were part of their bid proposal. The only thing that is going to change are their variable costs (fuel, wages), things that will vary with the number of service hours that are provided. The fixed costs should not change.

Discussion ensued.

Roger Neiswender, City of Orlando, asked how and when will you resolve the interactive voice and web-based reservations. Ms. Darnall stated that all these things will be discussed and negotiated with MV. Mr. Neiswender asked what the contract provides for stretcher service. Ms. Darnall deferred to Bill Hearndon, Manager of Paratransit. Mr. Hearndon explained that the stretcher trip productivity is traditionally lower than regular paratransit services. Because of this significant difference, and the fact that MV is planning to subcontract that service to a DBE provider to make their administration easier, it would be in their best interest to do the reimbursement on a per-trip basis.

Ms. Darnall mentioned that Mr. Jon Monson, President and CEO of MV, has asked for LYNX to sign a letter of intent today so they are able to give that to their bank to purchase the vehicles now. Chairman Mercer agreed. Once there is Board action this afternoon, this can take place.

Chairman Mercer asked to have an addendum to the agenda item presented at the Board meeting that says “as part of this action, LYNX’ Board will be authorizing staff to execute a letter of intent” so it is part of the process.

2. Pat Christiansen, LYNX legal counsel, updated the Board on the two action agenda items for the Board.
 - a. Administrative Rule 4. At the last Board meeting Legal Counsel appeared before the Audit Committee and brought to their attention the request to permit the Chief Executive Officer to delegate authority to approve procurements for less than \$150,000. The three criteria are:

1. \$10,000 or less
2. In the budget
3. Normal course of LYNX' business

Mr. Christiansen presented the actual language that will go into Administrative Rule 4 that explains, if those three criteria are present, the Chief Financial Officer or Chief Administrative Officer could execute those contracts.

Discussion ensued

- b. Mr. Christiansen explained the annual review and salary adjustment for the CEO with respect to compensation and review. Mr. Christiansen described the background and process.

Mr. Christiansen then distributed a chart that highlighted the relevant portions of Ms. Watson's contract and the suggested adjustments. Ms. Watson's original contract is for three years of service, he recommends adding a year and have it coincide with LYNX' fiscal year. He also wanted to make clear that the contributions to the pension plan was not by-weekly but monthly.

Commissioner Henley asked if approved by the Board, will this be retroactive to October 2005. Mr. Christiansen said yes. Commissioner Henley indicated that he did not support all items. He could not, in light of the current budget situation and public scrutiny of other agencies, support the bonus or the additional vacation.

Chairman Mercer expressed a different view. He explained that the LYNX Board demanded a very high level of performance for the management of a very complex organization through a very difficult budget situation and Ms. Watson has met or exceeded all the Board member's expectations. Chairman Mercer is not comfortable with allowing press opinion to affect good policy and if there is an executive director who has done everything asked of them, who has changed the entire community view of the Central Florida Regional Transit Authority, and then not offer a reasonable compensation for those accomplishments without jeopardizing the baseline salary in any significant way in the future, the only way to solve that problem is through a bonus rather than a salary increase. The bonus situation resolves that issue. It does not establish a new ground-level ceiling, but it does recognize the fact that Ms. Watson has shown exemplary performance in the executive office. The level of compensation proposed is more than fair considering the size of the organization, what the organization is doing and how it has changed its direction. He feels the proposed contract changes are relevant and he does support it.

Mr. Thibault asked, the bonus proposed is 10% but is based upon the current base, what is governing this, is it 10% of the base at the time or is it 10% of some other number? Mr. Christiansen explained that there was nothing in the contract that

has a bonus structure. In light of the raise increase of 3% there was a discussion about a bonus.

Mr. Thibault asked if it was current LYNX policy that the maximum is three weeks of vacation. He asked if this will change the current policy. Mr. Christiansen replied that the current policy allows for four weeks.

Discussion ensued.

Mr. Christiansen explained that this is an annual review process and therefore, Ms. Watson's performance will be reviewed again in October of this year.

Mr. Neiswender supports the proposed adjustments.

The Audit Committee meeting ended at approximately 11:45 a.m.

LYNX Board Audit Committee Agenda

Audit Committee Agenda Item #3.A

To: LYNX Board Of Directors

From: Linda Watson
CHIEF EXECUTIVE OFFICER
Edward Johnson
(Technical Contact)

Phone: 407.841.2279 ext: 3017

Item Name: Review of the public records request administrative rule

Date: 7/27/2006

Ms. LeighAnn Murvin, Legal Counsel with Akerman and Senterfitt will provide the Audit Committee with an overview of a proposed Board of Directors Rule for Public Records Request.

ADMINISTRATIVE RULE 9 PUBLIC RECORDS

SCOPE:

This Administrative Rule shall apply to all officers, managers, employees or agents of the Authority and Members of the Governing Board.

AUTHORITY:

Authority for establishment of this Administrative Rule is as follows:

Article 1, Section 24, Florida Constitution

Chapter 119, Florida Statutes

Rule 9: Public Records

Section 9.1. Public Access to Records. Public records held by LYNX, except those specifically protected from disclosure by a statutory exemption, shall be available, in any form and format used by LYNX, to all persons for inspection or copying under the supervision of the records custodian (or designee) during LYNX's normal business hours (generally 8:00 a.m. – 5:00 p.m. Eastern Time, Monday through Friday).

Section 9.2 Definition of Public Records. "Public Records" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by LYNX.

Section 9.3 Format of Records. Copies of records shall be made available to the public in the format requested, provided that such records are stored in that format. Copies of records shall be available for a fee as specified by law or, if none is specified, for such fee, not to exceed the actual cost of duplication, as may be in effect at LYNX from time to time. If a person wishes a photocopied page to contain a certification that it is a true and correct copy of the original, there is an additional charge of \$1.00 per page. If the nature or volume of records to be inspected or copied is such as to require extensive use of LYNX information technology resources or extensive clerical or supervisory assistance by LYNX personnel, an additional service charge will be imposed. This charge shall be reasonable and shall be based on the cost incurred for such extensive use of the information technology resources or the actual labor cost of the personnel providing such assistance.

Section 9.4 Public Records Office. All public records requests should immediately be referred to the LYNX Public Records Office. That office may respond to the request, or relay it to the correct department for response, then act as the conduit for the release of the information and receipt of payment for any fees or charges.

- i. Each LYNX department should identify the records and parts thereof in their custody which are exempt from inspection, examination, and copying under the Public Records Law. The Public Records Office will answer any related questions or refer you to the appropriate legal authority.
- ii. Managers and supervisors should be knowledgeable of records inspection and copying activities occurring within their area of responsibility.
- iii. Managers and supervisors should ensure that the actual cost of duplication and/or extensive use charges are applied to records requests in a consistent manner and communicated to the Public Records Office.

Section 9.5 Public Records Requests.

9.5.1 Form of Request. Requests for records may be made in writing, by electronic mail, telephone, fax or letter, or in person. Preferably, however, to assist in defining and documenting facts necessary for complying with records requests, a requesting party should complete the Public Records Request Form provided on the LYNX web page in accordance with the accompanying Instructions for Requesting Public Records. Requestors are not required to identify themselves or state the reason they desire the records. If the request is insufficient to identify the records sought, the department holding the records shall promptly notify the requesting party that more information is needed in order to produce the records. It is the responsibility of LYNX and not the requestor to follow up on any request for public records.

9.5.2 Business Hours. Requests for records should be accepted and records made accessible for inspection or duplication during normal LYNX business hours. Inspection and examination should be allowed as soon as reasonably possible after receiving the records request.

9.5.3 Response to Requests. Requests for public records must be filled as soon as reasonably possible after the request is received. The document custodian shall notify the requestor by mail as soon as reasonably possible after the request is received if the request seeks copies of public records which are not in the possession of or prepared, owned, used, or retained by LYNX and/or otherwise not subject to disclosure, including whether any records requested have been deemed confidential or otherwise exempt from disclosure by the source of the record. If the search for records finds the records voluminous, the requestor must be notified as soon as reasonably possible after the request is received of the approximate number of pages and/or length of time it will take to process the request. If the request is to review records, rather than receive copies, the documents custodian shall notify the requestor once the records are gathered, and an appointment shall be made with the requestor for review at LYNX business offices.

Section 9.6 Public Records Fees and Charges.

9.6.1 Costs for Duplication of Records. The Public Records Law allows LYNX to collect its actual cost for materials and supplies used to duplicate records. In addition, LYNX may collect a reasonable service charge when the request requires the extensive use of information technology resources and/or the extensive use of clerical or supervisory assistance. LYNX considers records requests taking more than 30 minutes to access the record, copy the record, delete or excise therefrom any confidential material, to have appropriate LYNX staff supervise the review of the record, or to otherwise make available the requested material, as a diversion of resources which will result in extensive use charges.

9.6.2 Multiple Requests. When multiple requests are made by one individual, they may be considered as one request and extensive use charges may be applied after the first 30 minutes of staff or resource time. Costs totaling less than \$1.00 will be waived, as it is not cost effective to process payment for such an amount.

9.6.3 Fee Standards. The following fee/charge standards and guidelines are designed to ensure that LYNX is consistent in its application of the Public Records Law, which allow the recovery of actual duplication costs and extensive use charges. Applicable fees and charges will be adjusted from time to time to account for inflation.

- i. Actual Duplication Costs – Actual duplication costs shall be applied uniformly by LYNX in compliance with the following guidelines. The records custodian should consult with the Public Records Office to determine the actual cost of duplication when records are duplicated using a medium other than those listed below. However, LYNX is not required to create a record in a particular medium if the record is not maintained in such medium in the normal course of business.
 - (a) Paper copies – Paper copies shall be provided at a cost of \$0.15 per one-sided copy and \$0.20 per double-sided copy. An additional charge of \$1.00 per copy shall be assessed for a certified copy of a record.
 - (b) Shipping – U.S. postage or other shipping costs incurred in the delivery of records shall be included in the actual duplication costs charged to the requestor.
 - (c) Audio Tapes – The cost of an audio tape is \$3.00 plus any staff/information technology resource time in excess of 30 minutes. LYNX will accept a tape of the same length from the requestor for duplication, in which case the cost of the tape will not be included in the final charges.
 - (d) Video Tapes – The cost of a video tape is \$3.00 plus any staff/information technology resource time in excess of 30

minutes. LYNX will accept a tape of the same length from the requestor for duplication, in which case the cost of the tape will not be included in the final charges.

- (e) Diskettes and CD's – The cost of a computer diskette and compact disc is \$2.00 plus any staff/information technology resource time in excess of 30 minutes. LYNX will not accept external diskettes brought in by a requestor due to the possibility of contracting a computer virus.

ii. Extensive Use Charges – Extensive use charges shall be applied uniformly in compliance with the following guidelines. Departments shall use the fees set forth in this policy when charging for extensive use of staff time or information technology resources. When the use of a particular technology is not specifically stated herein, the department should consult with the Public Records Office to determine a fair charge.

- (a) Labor Costs – When more than 30 minutes of clerical and/or supervisory time is spent in the inspection or duplication of a record, the special service charge shall be calculated from the prorated hourly cost of the salary of the employee(s) required to fulfill the request. If the employee is not paid hourly, then the hourly cost will be the prorated cost of the annual salary of the employee.
- (b) Information Technology Resource Costs – Information technology resources include use of personal computers, microfiche readers, or other office machinery. A special service charge shall be collected if the time reasonably required to produce or display the record is over 30 minutes. The special service charge shall be based on a prorated amount to be determined by the department providing the record.

iii. Fee Collection and Processing -

- (a) When all allowable fees/charges applicable to a particular records request can be calculated in advance, they will be collected in advance.
- (b) When actual duplication costs and extensive use charges cannot be calculated with certainty in advance, the department responding to the request shall estimate the charges and collect one-half of the estimated amount in advance. Providers should use their best efforts to ensure that the estimates are accurate within 25% of the final cost. If the requestor accepts the estimate and prepays half the

cost estimate, the district will then fill the request and furnish the records upon receipt of the balance due.

- (c) Should the requestor fail to pay the total duplication costs and/or extensive use charges incurred to fulfill the request, the Public Records Office shall refer the bill to the Accounts Payable department for collection. Future records requests by such an individual will not be filled without payment of all past due amounts and a deposit of at least one-half the estimated cost of the new request.
- (d) No sales tax is currently charged on public records request fees.
- (e) All requests and payments must be reported to the Public Records Office. All payments are processed through the Finance Department.

9.7 Public Records Exemptions. LYNX is responsible for protecting information defined as confidential or as otherwise exempt from public inspection or copying under the Public Records Law, and each department is responsible for knowing what information is exempt. A specific listing is available in Section 119.07, Florida Statutes, and the Government in the Sunshine Manual prepared annually by the Florida Attorney General's Office. Confidential information shall be deleted or excised from records prior to inspection, examination, or distribution of copies of the nonexempt portions. Charges for the use of district/staff resources to extract the information may be levied according to the above guidelines. Questions relative to these guidelines should be directed to the Public Records Office, 455 N. Garland Avenue, Orlando, Florida 32801, phone (407) 841-LYNX.

CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY, d/b/a LYNX

INSTRUCTIONS FOR REQUESTING PUBLIC RECORDS

(Florida Public Records Law, Chapter 119, Florida Statutes)

1. In order to expedite your public records request, requests for records should be in writing, and requests will be processed in the order in which they are received. You may request that a Public Records Request Form be faxed to you by calling (407) 841-2279, extension 3170. Such form is also available on the LYNX web page at www.golynx.com. Select the "Public Records" menu. Requests may be submitted by facsimile to (407) 254-6137, or by e-mail to publicrecords@golynx.com.
2. Requests must be for records in the possession of or prepared, owned, used, or retained by LYNX, and requests should be for sufficiently identifiable records. If necessary, LYNX will assist the requestor in making a request that describes sufficiently identifiable records. Requests not meeting these criteria may be returned, indicating that more information is needed in order to produce the records. Copies will not be provided if the information is confidential or otherwise exempt from public inspection or copying under the Public Records Law. Confidential information shall be deleted or excised from records prior to inspection, examination, or distribution of copies of the nonexempt portions.
3. Your request will be filled as soon as reasonably possible after receipt of the request. You will be notified by mail as soon as reasonably possible after LYNX receives your request if your request seeks copies of public records which are not in the possession of or prepared, owned, used, or retained by LYNX and/or otherwise not subject to disclosure. Such notice will indicate if the records you requested have been deemed confidential or otherwise exempt from disclosure by the source of the record. If the search for records finds the records voluminous, you will be notified of the approximate number of pages and/or length of time it will take to process your request.
4. If your request is to review records, rather than receive copies, LYNX will notify you once the records are gathered, and an appointment will be made with you for review at LYNX business offices.
5. Charges for the cost of duplication are as follows: Paper copies, \$0.15 per one-sided copy and \$0.20 per two-sided copy (additional \$1.00 charge for certified copy); data on copied CD, \$2.00 each; data on copied diskette, \$2.00 each; data on copied audio tape, \$3.00 each. An invoice will accompany your records when completed. Payment in full shall be made prior to release of the requested documentation. There may be additional charges for extensive use of staff time or information technology resources. These rates shall be adjusted from time to time for inflation.
6. For further clarification please refer to the Florida Public Records Law (Florida Statutes, Section 119.01 et seq.) and the LYNX Policy for Implementing the Florida Public Records Law. The policy is available on the LYNX website at www.golynx.com.

If you have questions pertaining to the submittal of a Public Records Request, you may contact the Public Records Office, (407) 841-2279, extension 3170, Monday through Friday, 8:00 a.m. to 5:00 p.m. Our Fax number is (407) 254-6137. Our e-mail address is publicrecords@golynx.com.

CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY, d/b/a LYNX

PUBLIC RECORDS REQUEST FORM

STEP 1: PRINT & COMPLETE all information. Please date and sign the request. For assistance, see the Instructions for Requesting Public Records, available at LYNX offices or at www.golynx.com, under the Public Records menu.

STEP 2: SUBMIT completed form to Public Records Office, LYNX, 455 North Garland Avenue, Orlando, Florida 32801, FAX: (407) 254-6137. Do not attach payment to this form. Instead, wait to receive a notice of the estimated cost.

STEP 3: PAY FEE, if applicable. Once you have received a notice of estimated cost, submit fees by personal check or money order payable to LYNX, together with a copy of the invoice to: Public Records Office, LYNX, 455 North Garland Avenue, Orlando, Florida 32801. If payment is not received within 10 working days after notice of the estimated cost is forwarded, it may be necessary to initiate a new request. **RECORDS ARE NOT RELEASED BEFORE FEES ARE PAID.**

COMPLETE BELOW:

LAST NAME _____ FIRST NAME _____ MIDDLE INITIAL ____

NAME OF ORGANIZATION/COMPANY _____

MAILING ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____

TELEPHONE (____) _____ FAX (____) _____

E-MAIL _____@_____

Description of Records Requested (Type or Print): To expedite the request, be as specific as possible. You may attach additional pages to the form as necessary. Clearly mark any attachments.

Delivery information – Check appropriate box below. Costs for producing the requested information shall be paid in advance of delivery or viewing of records.

- Make public records available for viewing.** The requestor will be notified when records are available for review at LYNX Administrative Offices. There is no cost to view the public record, unless fees apply for the extensive use of information technology resources or extensive clerical or supervisory assistance.
- Make copies for pick up by requestor.** The requestor will be invoiced and must pay for the copies before the copies are released.
- Make copies and mail to requestor.** The requestor will be invoiced and must pay for the copies before the copies are released.
- Make copies and fax to requestor.** The requestor will be invoiced, and the requestor must pay for the copies before the copies are released.

CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY, d/b/a LYNX

PUBLIC RECORDS REQUEST FORM

**SUBMISSION OF REQUEST IS CERTIFICATION THAT REQUESTOR UNDERSTANDS AND ACCEPTS
OBLIGATION TO PAY APPLICABLE FEES FOR COPIES OF RECORDS REQUESTED AND THAT NO COPIES
MAY BE RETURNED FOR CREDIT.**

SIGNATURE OF REQUESTOR: _____

If submitted electronically, signature and date on line above unnecessary.

If you have any questions please e-mail us at publicrecords@golynx.com
This form is available at www.golynx.com, Public Records

LYNX Board Audit Committee Agenda

Audit Committee Agenda Item #3.B

To: LYNX Board Of Directors

From: Bert Francis II
CHIEF FINANCIAL OFFICER
Allan Lemaux
(Technical Contact)
Lisa Darnall
(Technical Contact)

Phone: 407.841.2279 ext: 3047

Item Name: Authorization to amend the project budget for the LYNX Operations Center (LOC) and amend the proposed FY2007 Capital Budget, accordingly.

Date: 7/27/2006

ACTION REQUESTED:

Authorization is requested from the LYNX Board of Directors to have the Chief Executive Officer or designee amend the project budget for the LYNX Operations Center (LOC) in the amount of \$1,995,000 for a total project cost of \$ 36,476,000. In addition, we are requesting authorization to amend the proposed FY2007 Capital Budget, accordingly.

BACKGROUND:

The LYNX Operations Center is being constructed on approximately 24.1 acres located at the northwest corner of John Young Parkway and Princeton Street intersection. The Center will be accessed via LYNX Lane and is scheduled for completion in the third quarter of 2006.

In early 2002, the projected project scope of work was \$35.6M. The Center was designed as an operating base for 250 buses and a maintenance facility for 450 buses.

In Spring 2002, funding limitations reduced the original project scope of \$35.6M to \$30M. The \$5.6M reduction forced LYNX to change the operating base from 250 buses to 200 buses and the maintenance facility from 450 buses to 200 buses. The largest impact was the maintenance building that eliminated heavy maintenance, paint/body shop, and central parts and receiving. Additionally, furnishings and equipment were reduced as well as two of the three canopies.

In November 2003, the construction bid estimated at \$17.9M was received for \$15M. Because the bid received was so low, LYNX was able to add back into the project scope some of the critical elements previously eliminated in the amount of \$2.9M. The portion added back

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included central parts and receiving and portions of the heavy maintenance to approximately 40% of original design. Although the operating base remained at 200 buses, the maintenance facility increased from 200 to 250 buses.

In November 2003, funding became available due to the SIB loan being awarded for the local match. Various delays caused escalation cost increases for structural steel, rebar, pipe, concrete, and concrete block. At that time, there were indications that staff was aware that the current contingency may be insufficient. In December 2005, the Board authorized the amendment of the project budget to the current amount of \$33,864,000.

Since December 2005, the project has experienced a large number of unforeseeable contractor change order requests. Since December, an additional twenty-three change orders, having a net total of \$1,037,285.86, have been executed. All these change orders to date, have been able to be included within the current project budget.

However, the request for additional funds is necessitated by additional change orders that have been received from the contractor during the last three months, as well as other proposed changes to the project that have been identified.

FISCAL IMPACT:

In order to move forward with the project, we are requesting the budget be revised by \$1,995,000 from an original budget of \$ 33,864,000 to a new total of \$ 35,859,000.

In order to fund the proposed change, we are recommending the following:

Utilization of the remainder of the SIB loan

\$ 883,596

Orange County one time capital swap

\$ 113,904

State Urban Development Grant

\$ 997,500

Total

\$1,995,000

The utilization of the remainder of the SIB loan represents funds that are currently on hand but were earmarked for replacement buses. We will reprogram these funds towards the LOC budget and thus will reprogram Federal funds for replacement buses. This will allow us to utilize the State Urban Development Grant that is only available for the LOC project.

The utilization of the Orange County one time swap is similar to how we used these funds in December 2005 to facilitate the original budget revision.

LYNX Board Audit Committee Agenda

Staff will continue to monitor the budget on an ongoing basis, while continuing to explore potential cost savings.

LYNX Board Audit Committee Agenda

Audit Committee Information Item #.I

To: LYNX Board Of Directors

From: Lisa Darnall
CHIEF OPERATING OFFICER
Randolph Cantor
(Technical Contact)

Phone: 407.841.2279 ext: 3036

Item Name: Paratransit to Fixed Route Transfers

Date: 7/27/2006

At the June 2006 Board of Directors' meeting, a public comment implied that it was against Federal ADA Regulations for LYNX to charge a "double fare" for paratransit customers using ACCESS LYNX as a feeder to the LYNX fixed route service and thereby collected a fare on both the paratransit leg of the trip as well as the fixed route leg of the trip.

The actual Federal Regulation (shown below) makes no mention of fares, however an interpretation of the same Federal Regulation (also shown below) indicates that a double fare should not be charged (emphasis added).

In polling the other fixed route providers within Florida, we only found one entity that uses their paratransit service as a feeder to their fixed route service – Hillsborough Area Regional Transportation (HART) in Tampa. Those who had experimented with this scenario indicated that the coordination of the paratransit vehicle meeting up with the fixed route vehicle was too cumbersome and often times easier to simply take the customer to their destination using their paratransit service.

HART accommodates this by requiring the customer, when making their paratransit reservation, to indicate that they will be transferring to the fixed route system. The paratransit driver that is scheduled to pick the customer up for their outbound trip is issued a fixed route day pass to provide to the customer. The customer pays the paratransit fare for the outbound and return trips and the difference (if any) between the day pass and the outbound paratransit trip.

Using this model for LYNX, our fixed route day passes are \$3.50 and one-way paratransit trips vary by funding source from \$0.00 to \$5.00. This would result in the following fares for our customers:

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Paratransit Funding Source	One-Way Paratransit Fare	Round-Trip Paratransit Fare	Additional Fare for Day Pass	Round-Trip Paratransit/ Fixed Route Feeder Cost
Medicaid	\$0.00	\$0.00	\$3.50	\$3.50
Medicaid	\$1.00	\$2.00	\$2.50	\$4.50
TD	\$2.00	\$4.00	\$1.50	\$5.50
ADA or TD	\$3.00	\$6.00	\$0.50	\$6.50
TD	\$4.00	\$8.00	\$0.00	\$8.00
Premium ADA	\$5.00	\$10.00	\$0.00	\$10.00

Staff will continue to research the use of paratransit service as a feeder to the fixed route service. It is believed that a feeder service may work better in some areas of our service area than others.

Above referenced regulation and interpretation:

The actual regulation:

Sec. 37.129 Types of service.

(a) Except as provided in this section, complementary paratransit service for ADA paratransit eligible persons shall be origin-to-destination service.

(b) Complementary paratransit service for ADA paratransit eligible persons described in Sec. 37.123(e)(2) of this part may also be provided by on-call

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bus service or paratransit feeder service to an accessible fixed route, where such service enables the individual to use the fixed route bus system for his or her trip.

(c) Complementary paratransit service for ADA eligible persons described in Sec. 37.123(e)(3) of this part also may be provided by paratransit feeder service to and/or from an accessible fixed route.

Appendix D to Part 37 -- Construction and Interpretation of Provisions of 49 CFR Part 37:

Section 37.129 Types of Service

The basic mode of service for complementary paratransit is demand responsive, origin-to-destination service. This service may be provided for persons in any one of the three eligibility categories, and must always be provided to persons in the first category (e.g., people who cannot navigate the system). The local planning process should decide whether, or in what circumstances, this service is to be provided as door-to-door or curb-to-curb service.

For persons in the second eligibility category (e.g., persons who can use accessible buses, but do not have an accessible bus route

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available to take them to their destination), origin-to-destination service can be used. Alternatively, the entity can provide either of two other forms of service. One is on-call bus, in which the individual calls

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the provider and arranges for one or more accessible buses to arrive on the routes he needs to use at the appropriate time. On-call bus service must meet all the service criteria of Sec. 37.131, except that on-call buses run only on fixed routes and the fare charged can be only the fixed route fare that anyone pays on the bus (including discounts).

The second option is "feeder paratransit" to an accessible fixed route that will take the individual to his or her destination. Feeder paratransit, again, would have to meet all the criteria of Sec. 37.131.

With respect to fares, the paratransit fare could be charged, but the individual would not be double charged for the trip. That is, having paid the paratransit fare, the transfer to the fixed route would be free.

For persons in the third eligibility category (e.g., persons who can use fixed route transit but who, because of a specific impairment-related condition, cannot get to or from a stop), the "feeder paratransit" option, under the conditions outlined above, is available. For some trips, it might be necessary to arrange for feeder service at both ends of the fixed route trip. Given the more complicated logistics of such arrangements, and the potential for a mistake that would seriously inconvenience the passenger, the transit provider should consider carefully whether such a "double feeder" system, while permissible, is truly workable in its system (as opposed to a simpler system that used feeder service only at one end of a trip when the bus let the person off at a place from which he or she could independently get to the destination). There may be some situations in which origin to destination service is easier and less expensive.

LYNX Board Audit Committee Agenda

Audit Committee Information Item #.II

To: LYNX Board Of Directors

From: Lisa Darnall
CHIEF OPERATING OFFICER
Bill Jamison
(Technical Contact)

Phone: 407.841.2279 ext: 3036

Item Name: Monitoring Bus Operators for Work Rules compliance

Date: 7/27/2006

The Transportation Division used a private investigator to randomly observe bus operators for compliance with the LYNX Work Rules regarding using the Transit Television Network, Talking Bus System, or making verbal announcements as required by the Americans with Disabilities Act (ADA). Announcements are to be made at major intersections and at locations where customers can transfer to other Links.

Eighty-Eight percent of the operators were identified as being compliant. The non-compliant operators were notified and re-instructed regarding the A.D.A. requirement and the LYNX requirement that they must use the Transit Television Network, The Talking Bus System, or make verbal announcements.

Currently, Transportation Supervisors are randomly checking operators at the LYNX Central Station, the LYMMO Garage, at SuperStops, and at the end of the line. If the TTN or the Talking Bus System is not functioning, or was not properly programmed, the operators are re-instructed on the use of the systems. The supervisors were instructed to take the appropriate action to ensure operators are compliant.

LYNX
Transportation Division
On-Board Monitoring TTN and Talking Bus System

Total – Three Day – October 2005

Note: 31 Total Buses

- 2 - No TTN/No Talking Bus/No verbal announcements
- 19 - Everything OK
- 10 - TTN working/no verbal or low volume
- 9 - No seat belt
- 2 - No ID
- 1 - Cell phone

Total – Three Day – December 2005

Note: 39 Total Buses

- 17 – Everything OK
- 6 – No ID
- 10 – No seat belt
- 10 – TTN working but no verbal or low volume
- 5 – TTN not working but verbal announcements were made.
- 1 – Used cell phone while driving.
- 0 – Discourteous