



- I. **Call to Order:** The RDA Board of Directors meeting was called to order at 10:00 a.m. CDT on Thursday, March 12, 2020 with Chairman Donald P. Fesko presiding.
- II. **Roll Call:** Present: Chairman Donald P. Fesko, Christopher Campbell, Randy Palmateer, Africa Tarver, Thomas Golab and Tony Walker. Six members were present constituting a quorum.
- III. **General Public Comment:** *None*
- IV. **Special Recognition, City of Gary Appointment, Bill Joiner:** D. Fesko thanked Bill Joiner for his many years of service to the RDA. Mr. Joiner was one of the last original RDA Board members.
- V. **Installation of New Board Member(s):** D. Hollenbeck formally sworn in Gary appointment, Tony Walker
- VI. **Election of Board Officers:**

T. Walker motioned to nominate Donald P. Fesko for Chairman; Randy Palmateer for Vice Chairman; and Christopher Campbell for Treasurer with a second by A. Tarver. All were in favor and the motion for approved.

VII. **Consent Agenda:**

T. Walker motioned and requested to remove items 2 and 6 from the consent agenda for the purpose of discussion with a second by R. Palmateer. All were in favor and the motion was approved.

1. ***Minutes:*** Board Meeting of December 12, 2019
2. ***Reports:*** MWBE Quarterly Expenditure Compliance (4th QTR 2019)
3. ***Reports:*** Buy Indiana Quarterly Report (4th QTR 2019)
4. ***Reports:*** Zip Code Quarterly Report (4th QTR 2019)
5. ***Report:*** Contractor Utilization Report (4th QTR 2019)
6. ***Compliance:*** Exemption Requests

C. Campbell motioned to approve items 1, 3, 4 and 5 with a second by T. Golab. All were in favor and the motion was approved.

S. Ziller reported that item 2 is a report that the RDA's compliance consultant (ODS) prepares for the RDA that is presented to the Board quarterly. This report shows the activity and the status for each grantee.

T. Walker deferred to the two NICTD projects reported on the compliance report (item 2) and asked that when the Board approved the exemption of the MWBE requirements back in December of 2018, why no money was spent.

S. Ziller reported that the Preliminary Engineering and Environmental Assessment were part of the FTA's process for the Double Track project. A consultant firm was hired to perform the engineering work and environmental assessment.



T. Walker then referred to #1 on item 2 and asked the staff to elaborate on the status.

S. Ziller responded and stated that this issue is a policy question for the RDA Board to consider later on in the meeting about whether or not the RDA can open up their compliance monitoring program to include the monitoring of disadvantaged business enterprises.

T. Walker asked S. Ziller if NICTD has spent the entire \$20,000,000 on the WLE FEIS and whether or not they did zero amount MB/WBE

S. Ziller reported that is correct and that NICTD did spend the entire \$20,000,000 and deferred the second part question to J. Huber.

J. Huber added that since this is a federally funded grant, the RDA has been monitoring throughout the duration of the \$20,000,000 expenditures, per invoice, all DBE activity. The RDA has been requiring that prior to invoice payment that the information needs to be included and monitored.

S. Ziller asked J. Huber, for clarification purposes, that although NICTD has not met the MBE (15%) and the WBE (5%) do we have the percentage for DBE.

J. Huber responded that we currently do not have DBE percentages and that the RDA is still figuring those number out as of now and waiting on the policy to be approved. However, the RDA is collecting the information as it stands now.

T. Walker motioned to approve item 2 on the consent agenda, after further discussion, with a second by R. Palmateer. All were in favor and the motion was approved.

S. Ziller reported that item 6 (*Compliance: exemption requests*) is used as a last resort to go before the Board. However, under certain circumstances, MBE/WBE compliance could not be obtained. S. Ziller stated that we have three MWBE compliance exemption requests to go before the Board today. They total \$1,511,253.30 and staff is recommending the Board exempt these dollars from MBE/WBE compliance monitoring. These requests have been vetted through ODS, consultant to RDA, for Compliance Monitoring, and per RDA policy, and we are asking the RDA Board to make the final decision on the requests.

S. Ziller reported that the first exemption request is for Buffington Harbor and that the exemption request is for \$1,214,260.00. The project includes complex and curved girders required to be fabricated by an AISC Certified Steel Bridge Fabricator for intermediate bridges and to the RDA's due diligence and knowledge, no such fabricator exists as an MBE/WBE firm.

The second exemption request, as presented by S. Ziller, is another one for Buffington Harbor, in the amount of \$250,000.00. The project requires railroad flagging for the protection of both the railroad and the construction workers. Flagging for the railroad is required to be provided by the railroad operating the existing railroad line and it is being requested that this amount (\$250,000.00) be

deducted from the original value (\$7,500,000.00) in determining the required MBE/WBE participation.

T. Walker voiced his concern regarding the Buffington Harbor project(s) stating that the City compliance people took a look at the project and they had somewhat of a different perspective in this as it relates to the exemption request. T. Walker also addressed that in the future that the RDA have a representative speak at future RDA Board meetings for any exemption requests moving forward.

T. Golab motioned to approve all three exemptions, as presented with a second by. C. Campbell. The motion failed with dissent. Dissenting: T. Walker, R. Palmateer.

VIII. Actions on Recommendations from Fiscal Task Force

- i. **Review: Policy and Procedures Manual Update:** S. Ziller reported that with the Employee Handbook considered at the RDA's September 2019 board meeting, staff is recommending the review of the RDA's Policy and Procedures Manual. ODS and staff have been updating the manual and legal will conduct a review shortly. The changes/modifications are as follows:
 1. **Zip Code Policy:** Pursuant to IC 36-7.5-3-5.4, the Zip Code Policy requires Grantees to achieve employment from certain northwest Indiana cities for work on RDA projects through the creation of a policy goal for workforce attainment of at least 20% of employees who reside in the cities within the RDA's jurisdiction of Lake and Porter County, and have an unemployment rate that exceeds the state unemployment rate by more than 20%. Grantees will be asked to provide payroll reports (only employee name and address, including city and state), for contractors and subcontractors on RDA capital projects requiring construction or demolition, and so long as attainment of the 20% goal does not interfere with federal or state laws and regulations.
 2. **Telephonic Meeting Participation Policy:** pursuant to IC 5-14-1.5-3.6(f) and adopted by the RDA board of directors on April 2, 2013 authorizes the RDA to permit Governing Board Member telephonic meeting participation.
 3. **Monitoring, Site Visits:** Policy modifications will reflect RDA practices for conducting and documenting site visits for projects funded by the RDA and project awards made to the RDA by other federal, state, and/or local grant awards.
 4. **Compliance, MBE/WBE, Program Requirements:** Policy modifications will allow the Board of Directors to consider and vote on the use of Disadvantaged Business Enterprise (DBE) on RDA projects which are federally funded. If the Grantee has requested DBE status for the project, the percentage must be submitted with explanation of how the percentage was calculated for board consideration. DBE is a legislatively mandated USDOT program that applies to Federal-aid highway dollars expended on federally-assisted contracts issued by USDOT recipients such as State Transportation Agencies (STAs), and used as a program measurement on most other federally funded projects. The Grantee must make the case for DBE and provide the suggested DBE percentage that will be utilized for the project. The Board will then approve, negotiate, or deny the percentage suggested. The Grantee will be responsible for reporting DBE compliance on a quarterly basis in conjunction with all other RDA compliance monitoring.

5. **Compliance, MBE/WBE, Corrective Action Plan:** Policy and procedure modifications are relevant to the inclusion of DBE language (with board approval as outlined in program requirements).
6. **Compliance, MBE/WBE, Exemption Requests:** policy and procedure modifications are relevant to the inclusion of DBE language (with board approval as outlined in program requirements).
7. **Monitoring, MBE/WBE, Minority Compliance:** policy and procedure modifications are relevant to the inclusion of DBE language (with board approval as outlined in program requirements).

S. Ziller recommended Board approval for the Policy and Procedures Manual contingent upon legal review.

C. Campbell motioned to approve the changes to the Policy and Procedures Manual contingent upon legal review with a second by A. Tarver. All were in favor and the motion was approved.

IX. Project Status Review:

a. Surface Transportation and Development:

- i. **Update:** B. Hanna reported that the West Lake Corridor expansion project is in the process of moving forward in their negotiations with Paschen which is the chosen design firm to carry out the West Lake project. The project is moving in the right direction and we continue to enjoy great support from our Governor.

b. Transit Development Districts:

- i. **Update:** S. Ziller updated the Board stating that the TDD Steering Committee held their first meeting of the year in February and welcomed a few new members. From the City of Gary, Eric Reeves, and from the City of Portage, AJ Monroe and Scott Jefferson from the Town of Dyer was elected Chairman for 2020. The meeting focused on diving into the details on how a TDD would work with the potential benefits in terms of adding additional management tools to their development toolbox. In terms of working with the communities as a whole, the team is continuing to work with Munster to finalize a date for the first public meeting and the team is presenting to the Town Council on Tuesday. The team recently had a very productive meeting with the City of Gary last Friday and thanked T. Walker for being instrumental in the entire process. The team plans to meet with the Town of Porter tomorrow and is continuing to work with Portage, Ogden Dunes and NICTD to resolve Portage's concern over the location of a new parking lot. Additionally, the RDA has been sending the Board quarterly updates at the request of M. Reed at the last RDA Board meeting.

T. Walker thanked the TDD team and was very impressed by the team of consultants at the community meeting that was hosted by the City of Gary last week.

c. **RDA Operations:**

- i. **Update:** S. Ziller reported that as per the RDA policy, the RDA needs the Board of Director's to update and fill out their conflict of interest statements and submit them to the RDA at their earliest convenience. S. Ziller also reported that the RDA's internal and financial audit is scheduled for Monday and Tuesday of next week and will have the results of that audit to present to the Board at the next meeting.

X. **Unfinished Business:**

- i. **Update:** *None*

XI. **New Business:**

- i. **Update:** *None*

XII. **2020 Board Planning Calendar:** The quarterly Board meeting structure is reflected in the planning calendar.

XIII. **General Public Comment:** *None*

XIV. **Adjournment:** Without further business the meeting was adjourned.

Respectfully submitted by Amy L. Jakubin