



# Board of Commissioners

## Open Meeting

Friday, November 19, 2021 at 8:30 AM

Headquarters - Board Room, 6th Floor

One Metropolitan Square, 211 N. Broadway, Suite 650

St. Louis, Missouri 63102



## Board of Commissioners Open Meeting - November 19, 2021 at 8:30 AM

1. Call to Order	Approval	Chair Windmiller
2. Roll Call	Quorum	M. Bennett
3. Proclamation Presentations	Information	Chair Windmiller / T. Roach
4. Public Comment	Information	Chair Windmiller
A. Comments Received as of November 11, 2021 - 3		
5. Approval of the Minutes of the October 1, 2021, Board of Commissioners, Open Meeting	Approval	Chair Windmiller
A. Draft Minutes - October 1, 2021 - Board of Commissioners, Open Meeting - 7		
6. Review of Notes from Cancelled Board of Commissioners Meeting on September 24, 2021	Information	Chair Windmiller
A. Draft Notes September 24, 2021 - Cancelled Board of Commissioners, Open Meeting - 18		
7. Report of the President	Information	T. Roach
8. Report of the Audit, Finance & Administration Committee	Information	Vice Chair Zimmerman
A. Draft Minutes - October 15, 2021 - Audit, Finance & Administration Committee, Open Meeting - 20		
9. Report of the Operations Committee	Information	Chair Windmiller
A. Draft Minutes - October 15, 2021 - Operations Committee, Open Meeting - 25		
10. Report of the Safety & Security Committee	Information	Commissioner Simmons
11. Adjustment of the Consent Agenda	Approval	Chair Windmiller
12. Consent Agenda	Approval	Chair Windmiller
A. Parkway Interlocking / Richmond Heights Turnout Design Contract Extension (Resolution #1165)		
1. Briefing Paper - 32		
2. Resolution #1165 - 33		
B. Contract Modification: MetroLink Structures Inspection Program (Resolution #1166)		
1. Briefing Paper - 35		
2. Resolution #1166 - 37		
C. Contract Modification: Time Extension and Contract Amount Increase - On-Call General Engineering Consulting (GEC) Communications Systems Engineering Services (Resolution		

#1167)

1. Briefing Paper - 40
2. Resolution #1167 - 42

D. Contract Award – North County Transit Center & Civic Center Transit Center Cleaning Service (Resolution #1168)

1. Briefing Paper - 44
2. Resolution #1168 - 46

E. St. Louis Downtown Airport Surplus Property, 4320 Vector (Resolution #1169)

1. Briefing Paper - 49
2. Exhibit A - St. Louis Downtown Surplus Property - 4320 Vector - 51
3. Resolution #1169 - 55

F. 2021 Annual Surplus Property Holdings (Resolution #1170)

1. Briefing Paper - 57
2. Table 1 - 2021 Annual Surplus Property Holdings - 59
3. Exhibit A - 2021 Annual Surplus Property Holdings, New Additions - 62
4. Resolution #1170 - 78

G. Extension of Pilot Fare Programs to Promote Access, Equity, and Ridership (Resolution #1171)

1. Briefing Paper - 80
2. Resolution #1171 - 84

13. 23rd Amendment to the Bi-State Development Agency of the Missouri-Illinois District and Local 788 Amalgamated Transit Union, AFL-CIO, Employees' Pension Plan (Resolution #1172)

Approval

C. Stewart

- A. Briefing Paper - 86
- B. Amendment 23 - Underlined Revisions - 88
- C. Amendment 23 - Clean Copy - 91
- D. Resolution #1172 - 95

14. Memorandum of Understanding between Citizens for Modern Transit, St. Clair County Transit District and Bi-State Development for the Development of a Bus Stop at Belleville MetroLink Station (Resolution #1173)

Approval

T. Roach

- A. Briefing Paper - 99
- B. MOU with CMT SCCTD for Belleville Bus Stop and Station - 100
- C. Resolution #1173 - 105

15. Authorizing the President and CEO to Pursue Plans and Financing for the MetroLink Secure Platform Project (Resolution #1174)

Approval

T. Roach

- A. Briefing Paper - 108



Name: Tony Barsanti  
Representing: Myself  
Topic: Bus Lines/Frequency

Comments: Hello,

If we are to thrive as a metro area and provide our residents with the ability to lead the lives they want, it won't be possible without a robust, reliable transit system that gives people transportation options other than owning one or multiple vehicles. Plainly, we need to drastically increase both the number of bus routes and their frequency. While it would benefit everyone in the STL Metro area, north city and county would stand to benefit the most, since these areas have been shown to have the lowest rate of car ownership, therefore finally providing residents there a reliable and affordable source of transit. Lastly, as usage rises, traffic congestion would plummet, reducing the need for constant road/highway widening and repairs, and the fewer sources of engine exhaust would greatly improve air quality. It's a win-win for everyone, and needs to be done desperately. In a modern, advanced society, a typical family shouldn't be forced to have two car payments just to get to work and live their lives. We need more options.

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Name: Richard Bose  
Representing: myself  
Topic: Bus service

Comments: Please redouble your efforts to staff bus service. Coercing people to spend money on cars is burdensome.

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This e-mail was sent from the public comment form on [bistatedev.org](http://bistatedev.org)

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Name: John Nash  
Representing: Myself  
Topic: Bus Driver Shortage, Frequency Changes, and Route Adjustments

Comments: We need to make it easier to become a bus driver, not penalize the riders for poor leadership. Raise the pay, incentivize the training, and make bus routes more frequent and comprehensive.

Spending money on security will do nothing except satisfy the suburban population who hold the misconception that public transit is riddled with crime. Reallocate that money toward bus driver pay, upgrading stations and bus shelters, and generally spending money in ways that actual riders would benefit from. Otherwise, the 'shortage' will continue to get worse and ridership will decrease when we prioritize security over reliability.

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Name: Austin Archinal  
Representing: Austin Archinal  
Topic: Bus Frequency and Safety

Comments: In the time of this pandemic, safety aboard public transit vehicles is greatly affected by the frequency of the routes. I know many factors must go into determining schedules, but if passengers are regularly riding two-to-a-seat with some standing on the #70 or #11 or #10 etc (and with no enforcement of the long-standing mask mandate, I might add), the safety of public transit passengers is put at greater and greater risk. A large factor, perhaps the largest, at play in this mess is the low wages paid to drivers. I work in the back of a retail shop and have been paid more for years, I'm getting a raise soon. Treat the drivers well so that the routes can at a healthier pace for everyone.

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Name: Nathan Kwarta  
Representing: Myself and the other poor and working class of St. Louis  
Topic: Buses and Drivers

Comments: Bi-State needs to increase pay and benefits for Bus Drivers so that our region can rely on dependable, frequent bus service. New Bus Drivers in Kansas City make nearly two dollars more an hour. As the backbone of the system, they deserve higher than starting wages than what is essentially minimum livable wage.

We should be listening to ridership, we are screaming for frequency to get to jobs, school, doctor's appointments, etc. This is life and death for many. We should also consider moving funds for hiring safety contractors to improving safety through frequency. Initiatives like Bus Rapid Transit lines, which are inexpensive to roll out and provide stabile lines to re-imagine how the system can benefit those who use it most.

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Name: Kyle Green  
Representing: Brustl.org  
Topic: Public Transportation

Comments: This city needs to prioritize public transportation. Buses have been delayed or showing up not at all, as of late. It's not hard to understand that when you pay drivers a minimal wage, and they see they can just simply drop off Amazon packages for more money, they would never want to interact with the public. This city has a transportation problem and the only news we ever here about transportation is for that dumb--- trolley in the loop that goes nowhere. (No offense Joe) the civic center station which was built to make riders more comfortable and provided restrooms and a heated area, is a glass walled break room for police and metro employees. We need more drivers running lines and on time. People will pay for it if it's reliable and safe. Also don't say its a dollar a ride. Its more expensive now than before the pandemic to catch a bus then the metro without a monthly pass. I ride our metro system everyday, yet it feels more and more like the city and county don't care about people who ride public transportation.

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Name: Erica Brooks

Representing: Erica Brooks & Gabriel Cornelius

Topic: Reconsider the Temporary Suspension Bus Services for Bus Route #79 on November 29, 2021

Comments:

Dear City of Ferguson and Bi-State Development Agent,

We, my son Gabriel Q. Cornelius and I, Erica M. Brooks, the Grassroots Organizers were at this juncture in 2019 spearheading the campaigning to retain Bus Route #79, as well as retaining access to affordable, convenient, and safe public transportation after 7pm and on weekends. At that time, there was a feedback process which started in 2017 which we weren't informed about by the City of Ferguson. It was only when my Facebook notification appeared on my phone that we demanded a chance to give our feedback as a community and had a opportunity to pursue a campaign for 6 months to retain Bus Route #79.

However, this time, as a community we were notified on November 5, 2021 which is 24 days before the changes. It came up on your website and I was sent a text on that same day, November 5, 2021. It explain that our bus service, Bus Route #79 would be "TEMPORARLY" suspended after 8pm. <https://www.metrostlouis.org/upcoming-schedule-changes/>. This change is similar to the cuts Bi-State's project, Metro Reimagined and Ferguson's former City Manager Jeffrey Blume were trying to arrange before (No bus services after 7pm, no services on the weekend and by to cut out the Suburban Ave. and Dade Ave. , This is the neighborhood portion of Bus Route #79. Nevertheless they wanted to retain the business portion of Bus Route #79 in the special business district of Ferguson, MO. In addition, the former City Manager, Jeffrey Blume told me in my face that he empathized with Metro's business sense totally excluding to importance of his residents (students, elderly, taxpaying citizens, low-income, the disable and anyone else who would have had to walk a mile to access affordable, convenient, and safe public transportation. He didn't care about us walking more than a mile to the bus stop, physical or health challenges, our safety, the weather, carrying our belongings for more than a mile, etc. This short notice puts a strain on our financial circumstances and job opportunities, increases in the homelessness and joblessness, creates unsafe neighborhoods and challenging situations for the physically disable. In addition, it doesn't fully live up to the mission of the Transportation & Mobility section in the OurFerguson 2040 Comprehensive Plan. The mission of Ferguson when it comes to Transportation & Mobility is as follows:

"Transportation & Mobility in OurFerguson At its essence, the transportation is about connecting people to their community. It is made up of the streets and sidewalks, buses and greenways that run throughout the city and the region. When the network functions properly, it provides mobility for all people, regardless of means or ability. It connects people to employment, commerce, entertainment- and to each other. When it is meaningfully integrated into a place, it can create interactions and vitality. When transportation fails, where it is broken, it adversely affects health, limits opportunity, and can isolate rather than connect. "(Page, 68)

This is why our City of Ferguson need to intercede on our, the Community's behalf to let Bi-State know that "Temporarily Suspension on bus services after 8pm which could led to a permanent change when Bi-State sees that this change suites them well. In addition, the City of Ferguson and the steer committee of the Our Ferguson 2040 Comprehensive Plan didn't put the correct bus route number in the original or description of the route of Bus Route #79. After I, Erica M. Brooks brought to Brian Hurd,

Rise Community Development, Program Manager of the planning team for the comprehensive plan attention that's when he looked into the situation. The bus route number was changed from #70 to 79, but the description of the route is still just going down Florissant Road and not altering between Suburban Ave. and Dade Ave., as well as Florissant Road. This is an opportunity for the current changes of Metro STL to temporarily suspend the of services without changing the description of the Our Ferguson 2040 Comprehensive Plan. As a result, it will all go back to the original mission of Metro Reimagined and Jeffrey Blume's, the former Ferguson City Manager's plan in 2019 to cut out Suburban Ave. and Dade Ave. and just service Florissant Road. This is the description from the comprehensive plan:

### **Availability of Transit**

Metro operates three bus routes that directly serve the City of Ferguson: the #74 (north-south along West Florissant Avenue), the #61 (east-west along Chambers/Hereford Road), and the #79 (North Florissant Road serving the west side of the city). All three routes provide service to the North County Transit Center, just north of the City of Ferguson, providing connectivity to the broader Metro transit network. (Page, 69)

The incorrect description needs to be changed to option #3 which we, as the community of Ferguson chose in 2019 during our Ferguson Public Transportation Town Hall on Saturday, May 19, 2019. In order to create a beneficial situation for the community of Ferguson to have access to affordable, convenient and safe public transportation on Bus Route #79, the following opportunities should be retained for the bus riders and created for the bus drivers:

1. Our services should not be suspended after 8pm, but maintained by offering the current bus drivers the bonus Metro is offering as an incentive to the new bus drivers. If the bus drivers are already in place, why not accommodate them through the COVID-19 pandemic to be encouraged to stay. I would think that Metro should be able to afford this after the CARES ACT Funds and The ARPA Funds as a financial loss and health risk for the bus drivers and the passengers.

[https://www.stltoday.com/news/local/metro/st-louis-public-transit-company-offers-2-000-signing-bonuses-for-new-drivers-electricians-and/article\\_ef5668e1-7e1a-5c7b-9e29-bed2120a93b0.html](https://www.stltoday.com/news/local/metro/st-louis-public-transit-company-offers-2-000-signing-bonuses-for-new-drivers-electricians-and/article_ef5668e1-7e1a-5c7b-9e29-bed2120a93b0.html)

2. Metro said, "Evening service in North St. Louis County will be available with Via Metro STL from 8 p.m. to 1 a.m., seven days a week. Via Metro STL is an on-demand transit service that lets you hail a ride using the Via app when you need it - no schedule or advance booking required."

<https://www.metrostlouis.org/upcoming-schedule-changes/> As we know, having a scheduled bus service is more reliable and safe. We will know where and where the bus service will pick us up no matter the weather and a traffic delay. In addition, we won't have a clue if the Via Metro STL is in our area or if there is room in the vehicle according to the COVID-19 social distance mandate.

3. Last, but not least, as taxpaying residents, when Bi-State/Metro receive our sales tax dollars from St. Louis County, it is contractually promised by Bi-State/Metro monetarily will provide us with access to reliable, affordable, convenient and safe public transportation.

City of Ferguson and Metro STL, deciding to make this last minute changes doesn't demonstrate that you both are looking out for our livelihood, our financial stability and/or our safe. Please reconsider this changes.

**BI-STATE DEVELOPMENT  
BOARD OF COMMISSIONERS MEETING  
(Virtual Meeting)  
OPEN SESSION MINUTES  
October 1, 2021**

**Board Members in Attendance via Zoom**

**Missouri**

Rose Windmiller, Chair  
Vernal Brown  
Sam Gladney  
Fred Pestello, Secretary – Absent  
Nate Johnson – Absent

**Illinois**

Justin Zimmerman, Vice Chair  
Herbert Simmons, Treasurer  
Irma Golliday  
Terry Beach  
Derrick Cox – Absent

**Staff in Attendance via Zoom**

Taulby Roach, President and Chief Executive Officer  
Brenda Deertz, Director of Executive Services  
Barbara Enneking, General Counsel and Deputy Secretary  
Myra Bennett, Manager of Board Administration  
Jessica Mefford-Miller, Executive Director Metro Transit  
Crystal Messner, Chief Audit Executive  
Tammy Fulbright, Executive Vice President Chief Financial Officer  
Kevin Scott, General Manager Security

**Others in Attendance**

Tera Briggs, ASL Interpreter  
Chelsey Niezwaag, ASL Interpreter  
Jim Wallis, Chestnut Health Systems

**1. Open Session Call to Order**

**8:30 a.m.** Chair Windmiller called the Open Session of the Bi-State Development Agency, Board of Commissioners Meeting to order at 8:30 a.m.

**2. Roll Call**

**8:30 a.m.** Roll call was taken, as noted above.

**3. Public Comment**

**8:31 a.m.** Myra Bennett, Manager of Board Administration, read the following public comments that were submitted for the meeting:

From: Gina Becnel  
Representing: Rider's interest  
Topic: Service Reduction/Driver Shortage

Comments: My daily rider has not shown up three times in the past two weeks. I ride the 11 between work and home daily. I don't have a car nor do I have the option to carpool. I rely on the bus in order to get to work on time. This reduction of service and unreliable last minute schedule changes as a result of the driver's shortage are making it impossible to rely on metro. Outside of the ill effects on me and my friends that rely on this system in place of a car, to get to work every morning, the long term damage to our transit system, in terms of people seeing it as totally unreliable and being forced to run themselves into debt buying cars, is inexcusable.

I attended a public meeting and asked Tishaura Jones what her admin was doing to solve this problem. She told me that Metro is handling it by offering a hiring incentive. But is that really all we're doing in the St. Louis community to get people from A to B? Is that all we're capable of doing? Is this all we have to offer captive riders? Why is the wage for drivers stagnant? Why is the system about to waste millions on turnstiles to attract new, leisure riders with a performance of safety when it can't even service its current riders? A budget is a moral document. And Metro's budget shows that the comfort of the more affluent riders it's trying to court is more important than keeping good on the promises made to the riders that currently rely on it and need it the most.

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From: Mitch Eagles  
Representing: Bus riders, who you don't seem to care about  
Topic: Hire more bus drivers

Comments: Hello. Bus trips are getting cancelled left and right without notice. Lines that we "reimagined" to have 15 minute frequencies are now coming as rarely as once an hour. This severely hurts our ability to rely on Metro, and as a result, many riders are left standing - quite literally in the rain sometimes. How long do you think a rider puts up with that treatment before they go buy a car, whether they can afford it or not. I know that none of the commissioners really use the bus, and that the president's job is to entirely focus on "security" while the rest of the system is stripped bare, but we are BEGGING you: please focus on hiring more bus operators! Clearly whatever you are currently doing isn't working. We need more hazard pay and more protections for operators so that we can attract and retain them. For example, it's kind of ridiculous that indoor waiting areas remained closed out of an abundance of caution due to the delta variant - despite that meaning riders who are transferring buses have to wait outside in the heat or rain (and on top of that, they have to wait even longer given all of the cancelled trips) - but at the same time, we're not abundantly cautious enough to return to backdoor bus boarding, something that would most definitely help to protect bus drivers?

Metro keeps our region running. Even though most of you probably don't depend on it, many of us do. If there is one mission, and one direction, and it is "forward," then why are we moving backwards in so many ways?

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From: Chris Bowman  
Representing: Self  
Topic: Bus Frequency/ Driver Shortage

Comments: Did any of the members present take the bus to the meeting? If so, was your bus on time? If not, you should! Bus service is very bad right now, and you should experience firsthand how difficult it is to be somewhere like a job or board meeting by taking MetroBus. "Frequent" 15 minute service enacted in the metro reimagined plan has devolved to 40 minute or hour frequency, if a bus shows up at all. The proposed "hiring bonus" is inadequate. Seattle pays their drivers \$61,650. Using a cost of living adjustment calculator, that equals \$40,646. The current pay range at 1950 hours a year is \$33,559-38,707.5. Drivers should be paid \$20.85/hr. minimum. Our downtown, greater economy, and tax base depends on reliable bus service. Thank you for your time.

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From: Julie Wisch  
Representing: Myself  
Topic: Safety and Frequency

Comments: I am a regular commuter on bistate (WUSTL employee), as well as the mother of a toddler who loves spending his weekends riding public transit. I am more than satisfied with the safety of the metro system. I speculate that I would feel equally safe with even half of the security presence that I currently see. I would like to see more resources go into increasing frequency than paying for police/guard presence. It seems like Metro is constantly touting increased security presence as a reason to ride, but what would make it easier for me to ride more frequently would be if my bus came more often. I would also feel safer if I knew I wouldn't ever wind up in a situation where I was waiting 20 or even 55 - 60 mins at a stop because there weren't sufficient drivers to maintain the published schedule. I know staffing is a challenge right now. I would encourage bistate to do what they can to pay drivers enough to maintain a full schedule, even if that comes at the cost of "security".

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From: Karl Mitchell  
Representing: Self  
Topic: Driver shortage

Comments: I firmly believe the reason the company has trouble finding drivers is the low wages. A job of this importance and stress level need to start at \$20.

From: Tim Costello  
Representing: myself  
Topic: Fix the Buses Please

Comments: I take the bus every weekday to work, and it keeps not showing up and making me late. People's jobs are already messed up because of COVID, and you will lose customers so fast if you make it harder for us to get to work.

You have to hire more bus drivers. Do a marketing campaign, raise the wage, do whatever it takes to make your bus system functional. Today my bus home did not show up, and there were at least 10 security guards just standing around doing nothing. Why do you keep hiring people to do anything other than drive buses?

Please get your priorities straight and fix the buses.

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From: Benjamin West  
Representing: self  
Topic: MetroBus driver pay

Comments: Transit that runs on a reliable and regular schedule is critical to our region's economy, be it for commuting to work/school, to sporting/cultural events, and even for leisure. A bus route with highly irregular wait times approaching 40 minutes or more during daytime hours becomes a route with dwindling ridership. Not to mention the vehicles bought with public funds sitting idle for longer periods of time. It is imperative commissioners maintain the regular schedule of its service and retain its vehicle operators, via increased compensation or equivalent.

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- 4. Approval of the Minutes of the June 25, 2021, Board of Commissioners, Open Meeting 8:39 a.m.** The minutes from the June 25, 2021, Meeting of the Board of Commissioners, were provided in the Board packet. A motion to approve the minutes, as presented, was made by Commissioner Golliday and seconded by Commissioner Gladney.

**The motion passed unanimously.**

- 5. Approval of the Minutes from the August 12, 2021, Executive Committee, Open Meeting 8:40 a.m.** The minutes from the August 12, 2021, meeting of the Executive Committee were provided in the Board packet. A motion to approve the minutes, as presented, was made by Commissioner Brown and seconded by Commissioner Zimmerman.

**The motion passed unanimously.**

**6. Approval of the Minutes from the August 20, 2021, Special Meeting of the Board of Commissioners, Open Session**

**8:40 a.m.** The minutes from the August 20, 2021, Special Meeting of the Board of Commissioners, were provided in the Board packet. A motion to approve the minutes, as presented, was made by Commissioner Zimmerman and seconded by Commissioner Golliday.

**The motion passed unanimously.**

**7. Report of the President**

**8:41 a.m.** President and Chief Executive Officer, Taulby Roach, stated that he appreciates the comments from the public, and he would like to address some of those concerns. He confirmed that Metro Transit is currently missing trips. He noted that the Agency has a significant worker shortage, as the Board is well aware. Mr. Roach stated that the Board of Commissioners has authorized a bonus incentive to try to address this issue in an extraordinary way. He stated that staff is extremely concerned, and he noted that he speaks with Jessica Mefford-Miller, Executive Director Metro Transit, several times a day regarding this issue. Mr. Roach stated that it is not legitimate to say that operator pay is the issue. He noted that Metro Transit wages are above the midpoint of pay for our transit peers, and the wages are not stagnant. President/CEO Roach reported that not only is there an employee shortage, but also shortages on the supply chain with regard to rolling stock, which is affecting vehicle maintenance. He stated that he and staff take these issues and concerns very seriously, and staff continues to work to find additional solutions to these current challenging issues.

President/CEO Roach stated that staff continues to work towards increasing the vaccination rate of our employees, through education and incentives. He provided information regarding the current employee vaccination rates, noting that approximately 49% of the Agency's 2100 employees have been vaccinated. Mr. Roach stated that he would like to see that number increase, and staff will continue to work to increase that number. He noted the effect of the COVID delta variant in the months of August and September, and stated that the Agency is staying vigilant in its policies regarding masking and social distancing.

President/CEO Roach noted that Kevin Scott, General Manager Public Safety, will be addressing the Board today regarding an innovative program from Chestnut Health Systems. He stated that BSD Public Safety goes beyond policing. He noted that the proposed program is designed to provide mental health services, and that this innovative program has been successfully initiated by the St. Clair County Transit District.

Commissioner Zimmerman posed questions regarding the vaccination rates provided, regarding whether the numbers for the City and County include all residents, or those 18 years of age and older. President/CEO Roach stated that the numbers were compiled by Andrew Ghiassi, General Manager Safety, and he will get an answer to that question from Mr. Ghiassi and forward the information to the Board.

Commissioner Gladney asked if there is an update on the impact that the incentives are having on employee recruitment. He also asked if additional information could be provided with regard to the parts shortage, which is impacting maintenance. President/CEO Roach stated that he would ask Jessica Mefford-Miller to address these issues in greater detail under Operations.

**8. Report of the Audit, Finance, & Administration Committee**

**8:49 a.m.** Commissioner Zimmerman stated that a virtual meeting of the Audit, Finance and Administration Committee was held on August 20, 2021, immediately following the Board of Commissioner's Special Meeting, and he stated that the draft minutes of that meeting are included in the meeting materials, under Item #8.

He noted that there were no action items on the Agenda for approval; however, several informational items were presented to the Committee, including:

- IAD Audit Follow-Up Summary – 4th Quarter – FY2021
- Internal Audit Status Report – 4th Quarter FY2021
- IAD SSO-Status Report – 2nd Quarter – Calendar Year 2021
- Treasury Safekeeping Quarterly Accounts Audit, Ending March 30, 2021
- Treasury Safekeeping Quarterly Accounts Audit, Ending June 30, 2021
- Quarterly Financial Statements – Fourth Quarter
- Treasurer's Report
- Procurement Report
- Pension Plan Performance Updates as of June 30, 2021
- Update on Risk Management Insurance Program

**9. Report of the Operations Committee**

**8:50 a.m.** Chair Windmiller stated that a virtual meeting of the Operations Committee was held on August 12, 2021, immediately following the Safety & Security Committee Meeting, and she noted that the draft minutes of that meeting are included in the meeting materials, under Item #9.

She stated that the Operations Committee is introducing four (4) items on the Consent Agenda for consideration today, under Item #12, with the Committee's recommendation of approval. Those items include Item #12:

- A. Contract Award - Brentwood Facility & Bus Cleaning Service (Resolution #1152)
- B. Contract Award - Central Facility & Call-A-Ride Van Cleaning (Resolution #1153)
- C. Contract Award - Track Maintenance Services (Resolution #1154)
- D. Operations Management Software: HASTUS Upgrade (Resolution #1155)

Chair Windmiller also reported that, at the August Committee meeting, an Operations Report was provided by Jessica Mefford-Miller, Executive Director Metro Transit.

**10. Report of the Safety & Security Committee**

**8:52 a.m.** Myra Bennett, Manager of Board Administration, presented the Safety and Security Committee report, on behalf of Commissioner Simmons. She stated that a virtual meeting of the Safety & Security Committee was held on August 12, 2021, immediately following a meeting of the Executive Committee, and she noted that the draft minutes of that meeting are included in the meeting materials, under Item #10. She reported that the Safety & Security Committee is introducing two (2) items on the Consent Agenda for consideration today, under Item #12, with the Committee's recommendation of approval.

She noted that those items include Item #12:

- E. Contract Amendment allowing for the Extension of the Grant Administration Agreement for Additional Metro Security Scorecard Updates and Implementation Assistance (Resolution #1156)
- F. Memorandum of Understanding with the St. Louis County, Missouri, Police Department for Secondary Police Officers (Resolution #1157)

In addition, Ms. Bennett noted that, at the August Committee meeting, Kevin Scott, General Manager – Security, provided an update to the Committee regarding the acquisition of G4S Solutions by Allied Universal.

**11. Adjustment of Consent Agenda**

**8:54 a.m.** Chair Windmiller asked if there are any adjustments to the Consent Agenda.

**12. Consent Agenda Items**

**8:54 a.m.** Consent Agenda Items:

- a. Contract Award - Brentwood Facility & Bus Cleaning Service (Resolution #1152)
- b. Contract Award - Central Facility & Call-A-Ride Van Cleaning (Resolution #1153)
- c. Contract Award - Track Maintenance Services (Resolution #1154)
- d. Operations Management Software: HASTUS Upgrade (Resolution #1155)
- e. Contract Amendment allowing for the Extension of the Grant Administration Agreement for Additional Metro Security Scorecard Updates and Implementation Assistance (Resolution #1156)
- f. Memorandum of Understanding with the St. Louis County, Missouri, Police Department for Secondary Police Officers (Resolution #1157)

Commissioner Zimmerman noted that he voted “nay” on Item 12 e. at the Committee level, and stated that he would like his vote noted as “nay” on this specific item on the Consent Agenda. Chair Windmiller recommended that Item 12 e. be removed from the Consent Agenda, to be voted on separately.

A motion to approve the Consent Agenda Items 12 a, b, c, d, and f, as presented, was made by Commissioner Zimmerman and was seconded by Commissioner Brown.

**The motion passed unanimously.**

Commissioner Beach made a motion to approve Item 12 e. Contract Amendment allowing for the Extension of the Grant Administration Agreement for Additional Metro Security Scorecard Updates and Implementation Assistance (Resolution #1156). The motion was seconded by Commissioner Golliday.

Chair Windmiller asked if there is any discussion regarding this item. Commissioner Zimmerman stated that, as he had previously stated at the Committee meeting, he feels as though the WSP Scorecard, at this point, has served its purpose, and he feels that it is time to move beyond it.

Commissioner Simmons stated that he concurs with Commissioner Zimmerman, and feels that we have used the Scorecards for some time now, and there are items that should have already been addressed; therefore, he is reconsidering his vote on this issue.

President/CEO Roach stated that, with regard to the WSP Scorecard, he feels that the Agency is “rounding the bend”. He stated that he feels this is about keeping the integrity of several Scorecards that have been positive, and agrees with Kevin Scott that these have been a good guidepost for the Agency. He stated that he feels that the Agency is close to having this concluded; however, this includes maintaining the integrity of the partnership with East-West Gateway, and Jim Wild, who have worked very hard, in conjunction with Agency, in the development of the Scorecards, and he stated that he would like to fulfill that commitment, and feels that it would be valuable to complete this contract.

Chair Windmiller stated that she would like to make a motion that a roll call vote be held regarding Item 12 e. The motion was seconded by Commissioner Beach. The motion passed unanimously.

With regard to the motion made by Commissioner Beach, and seconded by Commissioner Golliday, to approve Item 12 e. Contract Amendment allowing for the Extension of the Grant Administration Agreement for Additional Metro Security Scorecard Updates and Implementation Assistance (Resolution #1156), a roll call vote was held, as follows:

Rose Windmiller – Yea  
Vernal Brown – Yea  
Sam Gladney – Yea

Justin Zimmerman – Nay  
Herbert Simmons – Nay  
Irma Golliday – Yea  
Terry Beach – Yea

**The motion failed.**

**13. Agreement for Transit Client Engagement Services between Chestnut Health Systems, INC and Bi-State Development Agency (Resolution #1164)**

**9:02 a.m.** A briefing paper was included in the meeting materials, regarding a request that the Board of Commissioners authorize the President and CEO to enter into a one-year Agreement, with Chestnut Health Services, INC, for Transit Client Engagement Services, in an amount not to exceed \$353,520.00. Kevin Scott, General Manager Security, gave an overview of this item. He noted that Chestnut Health is a private, not-for-profit, multi-disciplinary organization, offering a complete scope of health and behavioral health services, in Missouri and Illinois. Mr. Scott stated that the Agency recognizes that the overall public safety structure is not solely dependent upon enforcement of security. He stated that there is a mental health impact to the system, and in some cases, people just need to be connected to helpful resources. Mr. Scott reported that the proposed program is an extension of a highly successful pilot program already in place on the MetroLink Alignment within the St. Clair County Transit District, with the same provider, Chestnut Health Systems. He noted that this would be a 1 year pilot program, operating at the North Hanley and Civic Center Transit Centers. He stated that Mr. Jim Wallis, Chestnut Health, is in attendance should the Commissioners have questions.

Chair Windmiller stated that she feels this is an incredible program, which she supports whole heartedly. Commissioner Zimmerman stated that he feels this is a great program, and a great

opportunity for the Agency. He noted that, when he toured the facilities, it was a huge eye-opener, regarding the other issues being addressed by security, including mental health and drug abuse issues. He encouraged any Commissioners who have not taken part in the tours to do so. Commissioner Beach asked Commissioner Simmons how the program is working in Illinois. Commissioner Simmons stated that the reports show that the program has been highly successful.

Commissioner Zimmerman made a motion to approve this item, as presented. The motion was seconded by Commissioner Brown.

**The motion passed unanimously.**

**14. Unscheduled Business**

**9:10 a.m.** President and CEO, Taulby Roach stated that there is no unscheduled business.

**15. Operations Report**

**9:10 a.m.** Jessica Mefford-Miller, Executive Director Metro Transit, provided a report to the Board of Commissioners, addressing the workforce shortage. She apologized to the riders for the missed trips, and noted that the past several months have been the most painful experience that the Agency has had. She noted that approximately 2% of trips have been missed. Metro has reduced service by approximately 5%, and is utilizing managers to operate the buses, in order to keep from missing routes. Ms. Mefford-Miller stated that the system designed for 15 minutes trips has eroded, due to the workforce shortages. She reported that on November 29<sup>th</sup>, services will be decreased by 11%. She stated that supplemental strategies, will be utilized to help alleviate some of the issues.

Ms. Mefford-Miller gave an overview of the recruitment process, including employee recognition incentives, hiring incentives, job fairs, and use of temporary staff to expedite the process. She noted discussions that have been held regarding lowering the employment age, when possible, to recruit additional applicants. Ms. Mefford-Miller noted that most individuals are looking for positions with a work/life balance, which is difficult in the transit industry; however, she noted that Metro is making changes, when possible, to achieve more balanced schedules for operators. She reported that the Agency is working with the ATU, regarding training and mentoring programs. She provided an overview of operator, mechanic, and electrician pay for the Commissioners.

Commissioner Simmons asked how many drivers are needed. Ms. Mefford-Miller stated that 150 Operators are needed. Commissioner Simmons asked the timeframe involved from the time a person is hired and trained. Ms. Mefford-Miller stated that this is a 6 week timeframe. Commissioner Simmons asked if there have been cuts to the service in Illinois. Ms. Mefford-Miller stated that there have been no changes to that service, and that Illinois service is operating at 89% of the pre-pandemic level. Commissioner Windmiller posed questions relating to applicants who do not have a CDL when hired, and Ms. Mefford-Miller stated that those applicants are paid to complete the training. Chair Windmiller asked if there are any part-time drivers. Ms. Mefford-Miller indicated that all operators are full time employees. Commissioner Zimmerman stated that he appreciates the statistics, and it is helpful to have more performance data, in order to put the information into context. He asked if anything is being done to address the high “washout” rate for potential drivers. Ms. Mefford-Miller stated that managers are working with new employees, and Metro is developing a mentoring program, to provide

additional support. Commissioner Brown expressed concerns regarding missed trips, and asked if any notification is given to the ridership in advance. Ms. Mefford-Miller stated that information is pushed out on the transit app, if Metro knows that they cannot make a route. She stated that this situation is painful for the Agency, as it is for our customers. Commissioner Gladney noted that, although notifications through the transit app are helpful, we must recognize that not all customers have accessibility to the app. He asked if the information is disseminated by other means. Ms. Mefford-Miller stated that the information is distributed through the app, when Metro recognizes, that day, that a route will be missed. She stated that customers can call to check on routes, at any time. She also reported that two weeks' notice is given on all major service changes. Ms. Mefford-Miller noted that Metro would still be missing trips at this point, even if they were fully staffed, due to the supply chain, parts shortage. She also noted vehicle purchasing delays related to paratransit van delivery and battery electric bus delivery. She stated that she will give a more complete overview of these issues at the October Operations Committee meeting.

**16. Call of Dates for Future Board and Committee Meetings**

**9:42 a.m.** Myra Bennett, Manager of Board Administration, noted that the Safety & Security Committee Meeting, scheduled to be held on Thursday, October 7, 2021, has been cancelled. She advised the Board of the upcoming meetings, as follows:

Audit, Finance & Administration Committee:	Friday	October 15, 2021	8:30 AM
Operations Committee Meeting:	Friday	October 15, 2021	9:30 AM
Board of Commissioners Meeting:	Friday	November 19, 2021	8:30 AM

**17. Adjournment to Executive Session for the purpose of discussing legal, confidential, or privileged matters, as permitted under Bi-State Development Board Policy, Chapter 10, Section 10.080; (D) (1) – Legal, (D) (2) – Real Estate, and (D) (10) – Auditors**

**9:43 a.m.** Chair Windmiller asked for a motion to move into Executive Session for the purpose of discussing legal, confidential, or privileged matters, as permitted under Bi-State Development Board Policy, Chapter 10, Section 10.080; (D) (1) – Legal, and (D) (10) – Auditors. The motion was made by Commissioner Brown and was seconded by Commissioner Simmons.

The poll of the Board being as follows:

Rose Windmiller – Yea	Justin Zimmerman – Yea
Vernal Brown – Yea	Herbert Simmons – Yea
Sam Gladney – Yea	Irma Golliday – Yea
	Terry Beach – Yea

**The motion passed unanimously.**

The Board of Commissioners moved into Executive Session at approximately 9:43 a.m.

**18. Reconvene to Open Meeting**

**10:03 a.m.** Chair Windmiller noted that the Board has reconvened to the Open Meeting.

Commissioner Brown made a motion to approve the minutes of the June 25, 2021, Board of Commissioners, Executive Session, as presented, as a closed record. The motion was seconded by Commissioner Zimmerman.

The poll of the Board being as follows:

Rose Windmiller – Yea  
Vernal Brown – Yea  
Sam Gladney – Yea

Justin Zimmerman – Yea  
Herbert Simmons – Yea  
Irma Golliday – Yea  
Terry Beach – Yea

**The motion passed unanimously.**

Commissioner Gladney made a motion to approve the consent agenda items, as presented, including:

- A. Draft Management and Performance Audit by Infrastructure Management Group, Inc.- St. Louis Metro Transit (Resolution #1158);
- B. Draft Office Supply Account Audit Report (Resolution #1159);
- C. Draft Accounts Payable DataServ Audit Report (Resolution #1160);
- D. Draft Ticket Vending Machine (TVM) Audit Report (Resolution #1161);
- E. Draft - TrueNorth IT Penetration Report (Resolution #1162); and
- F. Draft - TrueNorth SCADA Assessment Report (Resolution #1163).

The motion was seconded by Commissioner Zimmerman.

The poll of the Board being as follows:

Rose Windmiller – Yea  
Vernal Brown – Yea  
Sam Gladney – Yea

Justin Zimmerman – Yea  
Herbert Simmons – Yea  
Irma Golliday – Yea  
Terry Beach – Yea

**The motion passed unanimously.**

## **19. Adjournment**

**10:05 a.m.** Chair Windmiller asked if there was any further business, and being none, Commissioner Simmons made a motion to adjourn the meeting. The motion was seconded by Commissioner Brown. Unanimous vote in favor taken. The motion passed, and the meeting was adjourned at approximately 10:06 a.m.

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Deputy Secretary to the Board of Commissioners  
Bi-State Development

**BI-STATE DEVELOPMENT  
BOARD OF COMMISSIONERS MEETING  
(Virtual Meeting)  
OPEN SESSION – NOTES  
September 24, 2021**

**Board Members in Attendance via Zoom**

**Missouri**

Rose Windmiller, Chair  
Vernal Brown, Secretary – Absent  
Fred Pestello – Absent  
Nate Johnson  
Sam Gladney

**Illinois**

Justin Zimmerman, Vice Chair  
Herbert Simmons, Treasurer – Absent  
Irma Golliday – Absent  
Terry Beach  
Derrick Cox – Absent

**Staff in Attendance via Zoom**

Taulby Roach, President and Chief Executive Officer  
Barbara Enneking, General Counsel and Deputy Secretary  
Myra Bennett, Manager of Board Administration  
Jessica Mefford-Miller, Executive Director Metro Transit  
Jerry Vallely

**Others in Attendance**

ASL Interpreter  
ASL Interpreter  
Jim Wallis, Chestnut Health Systems

**1. Open Session Call to Order**

**8:32 a.m.** Chair Windmiller called the Open Session of the Bi-State Development Agency, Board of Commissioners Meeting to order at 8:32 a.m.

**2. Roll Call**

**8:32 a.m.** Roll call was taken, as noted above. Myra Bennett, Manager of Board Administration, noted that a quorum was not present. Chair Windmiller noted that unfortunately, there is not a quorum present, due in part to some last minute personal issues for some of the Board members. She noted that business cannot be conducted today, in which votes would be taken; therefore, she will turn the meeting over to President and CEO, Taulby Roach, for comments. Chair Windmiller stated that the Board meeting will be rescheduled, as soon as possible.

President and CEO, Taulby Roach, apologized to the Board of Commissioners, staff, and public that the meeting is not able to be held, due to last minute cancellations. He stated that we do, double check on participation; however, as in this case, emergencies do happen.

Mr. Roach stated that e-mails have been distributed to the Commissioners and to the employees, regarding the recent deaths of two of the organization's valuable, long term team members, due to COVID-19: Steven Coleman and Jay Statler. He stated that these were long-time, dedicated employees. He noted that these deaths bring the death total for the organization to four. Mr. Roach noted that the new cases of COVID-19 continue to grow within the community and the organization. He reported that August 2021 was the third highest month to date for confirmed positive COVID-19 cases within the team, and the number of cases to date in September are alarming. Mr. Roach stated that the continued proliferation of COVID-19 across the U.S. is dominated by the Delta variant. He asked that the Board and staff join him in expressing thoughts and prayers to the families that have been affected by this. Mr. Roach noted that the leadership team has met regarding President Biden's pending Executive Orders, and their potential impact on the organization. He stated that, at this time, he is uncertain of the specific requirements and timing of such a mandate, but the organization is exploring the possible impacts. He stated that additional discussion regarding these matters will be held during the next Executive Session. He stated that he wanted to take a moment to acknowledge the realities of these issues, publicly. Mr. Roach stated that COVID-19 continues to devastate not only our ridership, but our employees, and the organization is doing everything it can to make these adjustments. He stated that he appreciates the Board's continued support in attempting to deal with this devastating pandemic. Mr. Roach stated that he would like to thank the employees who continue to show up and continue to do the work that they need to do, in order to move St. Louis. He stated that he is very proud to lead this organization and represent those employees who continue to do a great job. Mr. Roach asked the Board of Commissioners and the public to hold a moment of respect for Mr. Steven Coleman and Mr. Jay Statler, long-term employees, who were serving the public and doing their job at Metro Transit, who have unfortunately passed, due to COVID-19.

Chair Windmiller expressed condolences to the families, friends and co-workers of Mr. Coleman and Mr. Statler, on behalf of herself and the Bi-State Development Board of Commissioners. She stated that this is a devastating virus, and has affected so many people, especially frontline workers like those at Bi-State. Chair Windmiller stated that she extends condolences to the families, and hopes that they know that we are thinking of them, in this time of sorrow.

### **3. Adjournment**

**8:38 a.m.** Being no other business, Chair Windmiller asked for a motion to adjourn. Commissioner Gladney made a motion to adjourn, and the motion was seconded by Commissioner Zimmerman.

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Deputy Secretary to the Board of Commissioners  
Bi-State Development

**BI-STATE DEVELOPMENT**  
**AUDIT, FINANCE & ADMINISTRATION COMMITTEE MEETING**  
**OPEN SESSION MINUTES**  
**(Virtual Meeting)**  
**October 15, 2021 at 8:30 AM**

**Audit, Finance & Administration Committee Members participating via Zoom**

Justin Zimmerman, Chair – Absent  
Herbert Simmons  
Fred Pestello – Joined the meeting at 8:38 a.m.  
Nate Johnson  
Sam Gladney

**Other Commissioners participating via Zoom**

Rose Windmiller – Acting Chair, in Commissioner Zimmerman’s absence

Derrick Cox  
Irma Golliday – Absent  
Vernal Brown  
Terry Beach

**Staff participating via Zoom**

Taulby Roach, President and Chief Executive Officer  
Brenda Deertz, Director of Executive Services  
Myra Bennett, Manager of Board Administration  
Thomas Curran, Executive Vice President – Administration  
Jessica Mefford-Miller, Executive Director Metro Transit  
Tammy Fulbright, Executive Vice President, Chief Financial Officer  
Crystal Messner, Chief Audit Executive  
Charles Stewart, Executive Vice President Organizational Effectiveness

**Others participating via Zoom**

Amy Athy, ASL Interpreter  
Loretto Freeman, ASL Interpreter  
Lisa Stump, Lashly & Baer

- 1. Open Session Call to Order**  
**8:30 a.m.** Chair Windmiller called the Open Session of the Audit, Finance & Administration Committee Meeting to order at 8:30 a.m.
- 2. Roll Call**  
**8:30 a.m.** Roll call was taken, as noted above.

**3. Public Comment**

**8:31 a.m.** Myra Bennett, Manager of Board Administration noted that no comment cards were received for the meeting.

**4. Minutes of the August 20, 2021 Audit, Finance & Administration Committee, Open Meeting**

**8:32 a.m.** The minutes of the August 20, 2021 Audit, Finance & Administration Committee, Open Meeting were provided in the Committee packet. A motion to approve the minutes was made by Commissioner Brown and seconded by Commissioner Cox. **The motion passed unanimously.**

**5. 23rd Amendment to the Bi-State Development Agency of the Missouri-Illinois District and Local 788 Amalgamated Transit Union, AFL-CIO, Employees' Pension Plan**

**8:32 a.m.** A briefing paper was included in the meeting materials, presenting to the Operations Committee, for discussion, acceptance, and referral to the Board of Commissioners for approval, the 23<sup>rd</sup> Amendment to the Bi-State Development Agency of the Missouri-Illinois District and Local 788 Amalgamated Transit Union, AFL-CIO, Employees' Pension Plan. Charles Stewart, Executive Vice President – Organizational Effectiveness, gave an overview of this item, noting the proposed changes to the Plan:

- The benefit multiplier increases from \$55 to \$60 per year of service, for active plan participants who retire with 25 or more years of credited service for service earned after the effective date of the change (non-retroactive) which was April 1, 2020.
- The Participant contribution increases by five dollars (\$5.00) per week, in addition to the normal cost sharing arrangements provided under both the Plan and the Collective Bargaining Agreement. This increase remains in effect until such time that the Plan reaches an 85% over-all funding level, at which time the Participant contribution decreases to \$1.50, with the Agency then contributing \$3.50 per week per participant, of the required \$5.00 funding amount.

Mr. Stewart noted that the plan is currently 65% funded.

A motion to accept this agenda item, as presented, and recommend it to the Board of Commissioners for approval, was made by Commissioner Cox and seconded by Commissioner Gladney. **The motion passed unanimously.**

**6. IAD Audit Follow-Up Summary – 1st Quarter - FY2022**

**7. IAD Status Report – 1st Quarter - FY2022**

**8. IAD SSO-Status Report – 3rd Quarter - Calendar Year 2021**

**8: 35 a.m.** Briefing papers were included in the meeting materials regarding each of these items. Crystal Messner, Chief Audit Executive, asked that Items 6, 7, and 8 be addressed together. Ms. Messner stated that, regarding the follow-ups, Internal Audit Department (IAD) staff was able to work with management to complete two audits. She stated that seven (7) new audits have taken place during the last 2 quarters; therefore, currently there are 66 completed items and 59 items that are still open. Ms. Messner reported that, with regard to the 2022 Internal Audit Plan, IAD

staff is on point with that process. She stated that, for next quarter, IAD is actively conducting its risk assessment, as part of the Audit Plan, and stated that she is hoping to begin updating this plan by January 2022. Ms. Messner reported that, for the IAD SSO report, 3<sup>rd</sup> Quarter, Calendar Year 2021, status report, IAD has successfully completed all of the outsourcing for Kensington Consulting, and they were on-site October 6<sup>th</sup> through the 8<sup>th</sup>, performing fieldwork and initial interviews. They completed the exit conference on October 8<sup>th</sup>. Ms. Messner reported that the seven (7) audits they conducted this year included the following:

- Safety and Public Safety
- Emergency Management
- Security: Administrative
- Procurement and Inventory Management
- Information Technology
- Rail Planning and Scheduling
- Public Information

Ms. Messner reported that SSO Audits from last calendar year resulted in twelve (12) corrective action plans (CAPs). Current status of CAPs are as follows:

- Seven (7) CAPs remain open, yet are actively in process of improvements.
- Two (2) CAPs are closed.
- Three (3) CAPs were submitted to the Bi-State Safety Oversight for closure.

Ms. Messner noted that Andrew Ghiassi, General Manager, Safety, has assisted her in the formation of a CAP Advisory Committee, which will meet monthly to address the Safety and Security CAP's that remain open. These items were presented for information only.

**\*\*Commissioner Fred Pestello joined the meeting at approximately 8:38 a.m.**

#### **9. Pension Audits - Update**

**8:38 a.m.** Pension Plans, 401(k) Retirement Savings Program and OPEB Trust Investment Performance updates were included in the meeting materials. Charles Stewart, Executive Vice President Organizational Effectiveness, gave an overview of this item, noting that unmodified opinions were submitted regarding each of these audits. This item was presented as information only.

#### **10. Treasurer's Report**

**8:39 a.m.** A Treasurer's Report was included in the meeting materials. Tammy Fulbright, Executive Vice President, Chief Financial Officer, gave an overview of this item. She reported that, due to labor market conditions, she expects rates to remain low until 2022. She noted that, in late August, the Agency refunded the Arch Tram Bonds, which reduced the rate from 4% to 2.5%, without extending the maturity date. She reported that this saves approximately \$30,000 annually in debt service expense. Ms. Fulbright noted that, with regard to the fuel hedge, realized gains to date are approximately \$310,000. She noted that continued, increased prices will continue to increase the Agency's realized gains. Commissioner Cox asked if additional funds have been budgeted for next year. Ms. Fulbright noted that that Agency has locked in the fuel pricing at approximately 95% - 100% hedged, for approximately three (3) years, and are somewhat backing off at this time, and are expecting to stay in line with the budget.

President/CEO Roach noted that this is the exact purpose of the hedge, to help reduce the oscillation in price. He noted that the price of fuel continues to rise; however, with fuel already purchased, the Agency can continue to operate on a level playing field. Chair Windmiller asked if the Agency has considered buses that are fueled by natural gas. President/CEO Roach stated that this is not being considered at this time. He reported that this was attempted several years ago, out of the Brentwood location; however, it did not work well. He noted that the shift to battery electric buses, however, is working well, and stated that Jessica Mefford-Miller, Executive Director Metro Transit, will have more to report on this issue at the Operations Committee meeting today. This item was presented as information only.

**11. Procurement Report**

**8:43 a.m.** A Procurement Report was included in the meeting materials regarding this item. Thomas Curran, Executive Vice President Administration, gave an overview of this item. He noted that non-competitive procurements totaled approximately \$2.7 million, or 11.7% of the total purchase order commitment volume for first quarter, FY 2022. He noted that, for the past 12 months, non-competitive procurements totaled \$13.6 million, or 12.8% of the total. Mr. Curran stated that the rolling average continues to decline. He also noted that the average purchase for individual purchases in 2021 was \$361.00. This item was presented as information only.

**12. Unscheduled Business**

**8:45 a.m.** There was no unscheduled business.

**13. President/CEO Report**

**8:45 a.m.** Bi-State Development President/CEO Taulby Roach noted that the Agency has entered into a new budget cycle. He reported that the Audit is not complete at this time; however, staff anticipates that the Audit will be presented to the Board of Commissioners at its November meeting.

**14. Call of Dates for Future Board and Committee Meetings**

**8:47 a.m.** Myra Bennett, Manager of Board Administration, advised the Committee of the upcoming meetings, as follows:

Board of Commissioners Meeting:            Friday, November 19, 2021                            8:30 AM

**15. Adjournment to Executive Session – If such action is approved by a majority vote of the Bi-State Development Agency’s Board of Commissioners who constitute a quorum, the Board may go into closed session to discuss legal, confidential, or privileged matters pursuant to Bi-State Development Board Policy Chapter 10, §10.080(D) Closed Records; Legal under §10.080(D)(1); and Auditors under §10.080(D)(10)**

**8:47 a.m.** Chair Windmiller stated that the only item for consideration on the Executive Session agenda is the Approval of the Minutes of the August 20, 2021, Audit, Finance and Administration Committee, Executive Session Meeting. She noted that, if there are no corrections to the minutes and no discussion is necessary, the Committee could proceed to a motion and vote, without going into Executive Session. The Committee agreed.

Chair Windmiller asked for a motion to approve the minutes of the August 20, 2021, Audit, Finance and Administration Committee Meeting, Executive Session, as presented, as a closed

record. The motion was made by Commissioner Brown and was seconded by Commissioner Gladney. The poll of the Committee being:

Rose Windmiller – Yea  
Vernal Brown – Yea  
Fred Pestello – Yea  
Nate Johnson – Yea  
Sam Gladney – Yea

Terry Beach – Yea  
Derrick Cox – Yea  
Herbert Simmons – Yea

**The motion passed unanimously.**

**17. Adjournment**

**8:48 a.m.** Chair Windmiller asked if there was any further business, being none, Commissioner Simmons made a motion to adjourn the meeting. The motion was seconded by Commissioner Cox. Unanimous vote in favor was taken. The motion passed, and the meeting was adjourned at approximately 8:49 a.m.

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Deputy Secretary to the Board of Commissioners  
Bi-State Development

**BI-STATE DEVELOPMENT  
OPERATIONS COMMITTEE MEETING  
OPEN SESSION MINUTES  
(Virtual Meeting)  
October 15, 2021  
Immediately following the  
Audit, Finance & Administration Committee Meeting**

**Operations Committee Members participating via Zoom**

Rose Windmiller, Chair  
Derrick Cox  
Vernal Brown  
Terry Beach  
Irma Golliday – Absent

**Other Commissioners participating via Zoom**

Herbert Simmons  
Fred Pestello  
Nate Johnson  
Sam Gladney  
Justin Zimmerman – Absent

**Staff participating via Zoom**

Taulby Roach, President and Chief Executive Officer  
Brenda Deertz, Director of Executive Services  
Myra Bennett, Manager of Board Administration  
Thomas Curran, Executive Vice President – Administration  
Jessica Mefford-Miller, Executive Director Metro Transit  
John Langa, Vice President Economic Development  
Chris Poehler, Assistant Executive Director Engineering Systems

**Others participating via Zoom**

Lisa Stump, Lashly & Baer  
Amy Athy, ASL Interpreter  
Loretto Freeman, ASL Interpreter

- 1. Open Session Call to Order**  
**8:50 a.m.** Chair Windmiller called the Open Session of the Operations Committee Meeting to order at 8:50 a.m.
- 2. Roll Call**  
**8:50 a.m.** Roll call was taken, as noted above.
- 3. Public Comment**

**8:50 a.m.** Myra Bennett, Manager of Board Administration, noted that no public comment cards had been received for the meeting.

**4. Minutes of the August 12, 2021 Operations Committee, Open Meeting**

**8:51 a.m.** The minutes of the August 12, 2021, Operations Committee, Open Meeting were provided in the Committee packet. A motion to approve the minutes, as presented, was made by Commissioner Cox, and the motion was seconded by Commissioner Gladney. **The motion passed unanimously.**

**5. Parkway Interlocking / Richmond Heights Turnout Design Contract Extension**

**8:51 a.m.** A briefing paper was included in the meeting materials, presenting to the Operations Committee, for discussion and referral to the Board of Commissioners for approval, a request to authorize the President & CEO to approve a contract modification, to extend the period of performance for an existing contract, for design and construction phase services for the Parkway Interlocking/Richmond Heights Turnout, with STV Inc., d/b/a STV Engineers, Inc. Chris Poehler, Assistant Executive Director Engineering Systems, gave an overview of this item noting that Bi-State Development/Metro has determined that the construction of an additional crossover and turnout is necessary to achieve reliable levels of service during the future rehabilitation of Skinker Tunnel and Big Bend Tunnel. The additional crossover will be added to the existing single crossover, located west of the Forest Park – DeBaliviere Passenger Station. The new Richmond Heights Turnout will be located adjacent to the existing Richmond Heights Passenger Station. It was noted that on November 22, 2019, the Bi-State Development Board of Commissioners authorized the President and CEO (Resolution #1010) to enter into Contract 20-RFP-106367-DR, Parkway Interlocking/Richmond Heights Turnout Design, with STV Inc., d/b/a STV Engineers, Inc., to provide design and construction phase services for the aforementioned capital projects. Mr. Poehler stated that the design phase is complete; however, he is requesting a time extension for the construction phase of the project, from April 30, 2021 to December 31, 2022. He noted that the contract cost will not change.

A motion to accept this item and recommend it to the Board of Commissioners for approval, as presented, was made by Commissioner Beach and seconded by Commissioner Brown. **The motion passed unanimously.**

**6. Contract Modification: MetroLink Structures Inspection Program**

**8:53 a.m.** A briefing paper was included in the meeting materials, presenting to the Operations Committee, for discussion, acceptance, and referral to the Board of Commissioners for approval, a request to authorize the President & CEO to approve a contract modification with Juneau Associates, Inc. P.C., for MetroLink Structure Inspection Program engineering services, to provide for a 90-day time extension, to extend the contract from March 20, 2023, to June 19, 2023, and to add additional funds of \$622,614.00, for a total, not-to-exceed contract amount of \$5,070,542.72. Tom Curran, Executive Vice President Administration, gave an overview of this item. Chair Windmiller asked if the Agency will be going out for bid for this service, when the contract expires in June 2023. Jessica Mefford-Miller stated that the Agency would be going out for bid for these services at that time.

A motion to accept this agenda item, as presented, and recommend it to the Board of Commissioners for approval, was made by Commissioner Cox and seconded by Commissioner Johnson. **The motion passed unanimously.**

**7. Contract Modification: Time Extension and Contract Amount Increase - On-Call General Engineering Consulting (GEC) Communications Systems Engineering Services**

**8:56 a.m.** A briefing paper was included in the meeting materials, presenting to the Operations Committee, for discussion, acceptance, and referral to the Board of Commissioners for approval, a request to authorize the President & CEO to approve a contract modification to HNTB Architects Engineers and Planners, for the continuation of Contract 16-RFP-102385-DW/MD - On-Call GEC Communications Systems Engineering Services, to increase the total not-to exceed amount of the contract to \$760,605.39, and also provide for a time extension for the contract period, until April 30, 2022. Tom Curran, Executive Vice President Administration, gave an overview of this item, noting that HNTB was selected in 2016, through an RFP process, to provide Communications Systems Engineering Services for the Agency. He noted that this firm has completed six previous task orders; however, additional time and funding is needed to complete task order #7. He noted that funding for the proposed SCADA system work is necessary for HNTB to perform market research for a system-wide upgrade, which will include additional SCADA points for the Mid-America Airport light rail extension and also provide the underlying system for future access control needs.

A motion to accept this agenda item, as presented, and recommend it to the Board of Commissioners for approval, was made by Commissioner Brown and seconded by Commissioner Beach. **The motion passed unanimously.**

**8. Contract Award – North County Transit Center & Civic Center Transit Center Cleaning Service**

**8:59 a.m.** A briefing paper was included in the meeting materials, presenting to the Operations Committee, for discussion, acceptance, and referral to the Board of Commissioners for approval, a request to authorize the President & CEO to enter into a 5-year contract, with funds to be committed annually, for cleaning of Metro’s North County Transit Center & Civic Center Transit Center Facilities with Innex Service Company, in the not-to-exceed amount of \$2,608,637.00. Tom Curran, Executive Vice President Administration, gave an overview of this item. He noted that an RFP was issued on July 3, 2021 regarding this item, and four responses were received. He stated that upon review and evaluation of the proposals, a consensus meeting was held, and Innex was deemed the highest ranking firm.

A motion to accept this agenda item, as presented, and recommend it to the Board of Commissioners for approval, was made by Commissioner Cox and seconded by Commissioner Johnson. **The motion passed unanimously.**

**9. St. Louis Downtown Airport Surplus Property, 4320 Vector**

**9:01a.m.** A briefing paper was included in the meeting materials, presenting to the Operations Committee, for discussion, acceptance, and referral to the Board of Commissioners for approval, the report reaffirming and declaring that the 4,099 square feet 4320 Vector lot with portable hangar (4320 Vector) portion of the property known at the St. Louis Downtown Airport (Airport) by locator number 01-36.0-300-032, is not useful for BSD aeronautical or revenue purposes in its present condition; and, that the property be declared surplus and conveyed to a successful offeror

selected through a competitive process, related to the creation of a new hangar. John Langa, Vice President, Economic Development, gave an overview of this item. As noted in the briefing paper, the Airport owns 4320 Vector, a 4,099 square feet lot with a 1,060 square feet dilapidated portable hangar the Airport believes no longer in a condition that it can be leased to others. The hangar was built prior to 1988 and has not been leased since September 2020, due to its condition. The Airport believes, given the age and condition of the facility and the likely cost of repairs and improvements, estimated by the Airport in the \$20,000 range, it is neither economically prudent to upgrade the hangar, nor would it likely garner market interest without significant improvements that would cost substantially more than a return on a lease.

As with other areas of the Airport, the Airport has on-going control of the 4320 Vector ground and is able to own or long-term lease any improvement on it. For this project, the Airport is open to demolishing the hangar using its own maintenance staff, or having a developer demolish the hangar as part of the process of the developer also building a new hangar. Should this property be declared excess, the Airport will undertake a competitive process to oversee these efforts, and while the Airport may demolish the hangar using its own staff, it would not build or own the new hangar.

Chair Windmiller asked if the Agency would sell the property, if it is declared surplus. Mr. Langa stated that the Airport would control the ground and lease it to a developer, with an estimated annual ground lease rent in the \$818 range. The tenant would build the hangar, and after 30 years, the hangar would become the property of the Agency.

A motion to accept this agenda item, as presented, and recommend it to the Board of Commissioners for approval, was made by Commissioner Johnson and seconded by Commissioner Simmons. **The motion passed unanimously.**

**10. 2021 Annual Surplus Property Holdings**

**9:06 a.m.** A briefing paper was included in the meeting materials, presenting to the Operations Committee, for discussion, acceptance, and referral to the Board of Commissioners for approval, a report reaffirming and approving that the properties included herein in Table 1 are not required for BSD purposes, and may, therefore, be declared surplus and subject to sale, lease, or the grant of other property rights. John Langa, Vice President, Economic Development, gave an overview of this item, noting the addition of two properties in 2021: 3158 Pershall, approved by the Board in February, 2021; and 4320 Vector at the Airport, which was discussed today, under item #9.

A motion to accept this agenda item, as presented, and recommend it to the Board of Commissioners for approval, was made by Commissioner Simmons and seconded by Commissioner Brown. **The motion passed unanimously.**

**11. Extension of Pilot Fare Programs to Promote Access, Equity, and Ridership**

**9:06 a.m.** A briefing paper was provided in the Committee packet, regarding a request to accept, and refer to the BSD Board of Commissioners for approval, continuation of the pilot On the Way with ADA and Discounted One Day Pass through May 2022. Jessica Mefford-Miller, Executive Director of Metro Transit, gave an overview of this item. She noted that the On the Way with ADA program was developed to help meet the demand for paratransit travel. She noted that this pilot program makes fixed route (MetroBus and MetroLink) free to customers who are eligible for paratransit. The goal of such a no-fare program is to encourage customers, for whom fixed

route is an option, to shift from paratransit service, which is far more costly to operate than fixed route, and is strained by higher demand and operator shortages. She noted that over 1,500 Gateway Cards were issued between June 21 and September 21, 2021, and over 450 customers are using the cards on a regular basis. She also reported that this program has reduced Call-A-Ride service by 50%, since the cards were issued.

Ms. Mefford-Miller also noted that a pilot discount to Metro's One-Day Pass was implemented, whereby the cost of the One Day Pass was reduced from \$7.50 to \$5.00. She noted that this promotional fare program provides an equitable substitute for the Two-Hour Transfer paper pass, and encourages new and former customers to ride transit. She reported increased usage since implementation of the discount program.

Commissioner Simmons stated concerns regarding usage of the Gateway Cards, noting issues in the past. He stated that he does not feel that this has been successful. Ms. Mefford-Miller noted that there have been some issues in the past; however, this is only a tool that has been used to increase utilization of the system. She stated that she would be happy to engage in a conversation regarding his past concerns; however, she is asking specifically for continuation of the two pilot, fare programs. Commissioner Simmons stated that he would like more information on how the Agency is going to move forward with a new fare system. Chair Windmiller stated that she feels the two pilot programs are positive steps. She added that, although there are issues with the fare system itself, she commended staff for implementation of the pilot programs. President/CEO Roach stated that, of all of the modes of transportation offered by Metro Transit, Call-A-Ride is the most expensive. He noted that moving customers to main line service is more cost efficient, and the Agency is using the residual Smart Cards to assist in moving riders from paratransit service to main line service. He noted that, at a previous meeting, the issue of new fare media was tabled. Mr. Roach noted that the pilot programs increase efficiency of the system, and financially makes sense.

A motion to accept this agenda item, as presented, and recommend it to the Board of Commissioners for approval, was made by Commissioner Pestello and seconded by Commissioner Brown. **The motion passed.** (Commissioner Simmons voted nay.)

**12. Unscheduled Business**

**9:16 a.m.** There was no unscheduled business.

**13. Operations Report**

**9:17 a.m.** An operations report for Metro Transit was included in the Committee packet. Jessica Mefford-Miller, Executive Director of Metro Transit provided a PowerPoint presentation for the Committee, which included a status update regarding fleet maintenance and modernization efforts pertaining to bus replacement, electric bus infrastructure, Call-A-Ride van replacement, and light rail vehicle replacement projects.

Chris Poehler, Assistant Executive Director Engineering Systems, noted current capital improvement projects including: Downtown Station Enhancement Project, Eads Bridge / Laclede's Landing Station Brick Repairs, Skinker Bridge, Illinois Parking Lot Resurfacing, Union Station Tunnel Rehabilitation and Downtown Tunnel Rehabilitation. Chair Windmiller asked if the structural projects were being discussed in collaboration with Safety & Security. Ms.

Mefford-Miller indicated that all customer service oriented improvements and projects include Safety & Security.

Ms. Mefford-Miller provided a Metro Transit Service update, noting that ridership is returning at a moderate pace. She reported that Special Events ridership has increased approximately 30%, and stated that passenger revenue is growing. In addition, she provided an overview of Ridership History for MetroLink and MetroBus.

Ms. Mefford-Miller provided an update regarding Metro Transit, service level adjustments, stating that the FY22 service goal is to operate at 90% of pre-pandemic service; however the Agency is not yet capable of delivering this service level due to the continued workforce shortage. She noted that approximately 3% of trips were missed in September. She reported that Call-A-Ride demand is nearly the same as pre-pandemic; however, there is currently not enough workforce to meet the demand. Ms. Mefford-Miller reviewed projected ridership and service level, and gave an outline of the proposed service changes to take place on November 29<sup>th</sup>, noting that information regarding the changes will be released to the public at the end of October.

Commissioner Gladney posed questions regarding the locations of the proposed changes, noting that many of the last service changes seemed to impact North County the most. Ms. Mefford-Miller stated that the proposed changes will be spread throughout the Metro service area. Commissioner Simmons asked what impact the changes will have to Illinois. Ms. Mefford-Miller stated that there are no scheduled changes for Illinois, other than changes that have been requested by the St. Clair County Transit District.

Ms. Mefford-Miller provided a summary of the customer communications that will be going out to ridership, regarding the upcoming changes, and provided a Workforce Update. She noted that staffing levels are down across the board, she noted that MetroBus Operators are down 11.5%, Call-A-Ride Operators are down 30.40%, and MetroLink ElectroMechanics are down 22.5%. She also supplied information regarding recruitment and retention efforts.

Chair Windmiller requested that the information contained in the presentation be made available to the public. Ms. Mefford-Miller stated that the information will be forwarded to the Commissioners, and will be made available to the public.

#### **14. President/CEO Report**

**9:58 a.m.** Bi-State Development President/CEO Taulby Roach stated that the most important issues at this time are the workforce shortage issue and proposed service changes, which have wide reaching impact. He asked that the Commissioners and the public look closely at the details of the Operations Report regarding employment numbers. He stated that he wants to address the concerns of the public, and it is factual that Metro has missed trips. He noted that the Agency is working to address these issues.

Mr. Roach asked Tom Curran, Executive Vice President Administration, to give an update regarding the issues that the Agency is experiencing related to obtaining parts for rolling stock. Mr. Curran stated that the Agency is making significant progress regarding parts availability due to assistance from our product development division and in the hiring of additional buyer/planners. He stated that, on Monday of this week, \$630,000 in parts were ordered to support our maintenance of buses. He noted that on October 1<sup>st</sup>, there were 406 parts not in

stock, and 95 of those missing parts had not yet been ordered. By October 13<sup>th</sup>, the number of “not in stock” parts had dropped from 406 to 239 parts, and all of the missing parts had been ordered. He stated that 25 additional transmission rebuild kits have been ordered to maintain the program through April of next year. Mr. Curran noted that the Agency will continue to focus on proactive ordering of parts, to prepare for any further supply chain disruptions. He noted that procurement training for new employees began this week, and additional training will be held to ensure that new employees understand minimum and maximum stock levels, as well as lead times for acquiring new parts. Mr. Curran reported that the Agency has selected a new, Assistant Vice President of Procurement, with a start date of October 25<sup>th</sup>.

Commissioner Cox asked that President/CEO Roach provide an update regarding the proposed Safe Platform plan, when he has the opportunity. Mr. Roach stated that he will provide an update to the Board.

**15. Call of Dates for Future Board and Committee Meetings**

**10:02 a.m.** Myra Bennett, Manager of Board Administration, advised the Committee of the upcoming meeting, as follows:

Board of Commissioners Meeting      Friday      November 19, 2021      8:30 AM

**16. Adjournment**

**10:02 a.m.** Chair Windmiller asked if there was any further business, being none, Commissioner Simmons made a motion to adjourn the meeting. The motion was seconded by Commissioner Brown. Unanimous vote in favor taken. The motion passed, and the meeting was adjourned at approximately 10:02 a.m.

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Deputy Secretary to the Board of Commissioners  
Bi-State Development

**Bi-State Development Agency  
Board of Commissioners  
Open Session Agenda Item  
November 19, 2021**

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**From:** Taulby Roach, President & Chief Executive Officer  
**Subject:** **Parkway Interlocking / Richmond Heights Turnout Design  
Contract Extension**  
**Disposition:** Approval  
**Presentation:** Jessica Mefford-Miller, Executive Director – Metro Transit  
Christopher Poehler, Asst. Exec. Director Engineering Systems  
Thomas Curran, Executive Vice President – Administration

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**Objective:**

To present to the Board of Commissioners for approval, a request to extend the period of performance for an existing contract for design and construction phase services for the Parkway Interlocking/Richmond Heights Turnout, with STV Inc., d/b/a STV Engineers, Inc.

**Background:**

On November 22, 2019, the Bi-State Development Board of Commissioners authorized the President and CEO (Resolution #1010) to enter into Contract 20-RFP-106367-DR Parkway Interlocking/Richmond Heights Turnout Design, with STV Inc., d/b/a STV Engineers, Inc., to provide design and construction phase services for the aforementioned capital projects.

Bi-State Development / Metro has determined that the construction of an additional crossover and turnout is necessary to achieve reliable levels of service during the future rehabilitation of Skinker Tunnel and Big Bend Tunnel. The additional crossover will be added to the existing single crossover, located west of the Forest Park – DeBaliviere Passenger Station. The new Richmond Heights Turnout will be located adjacent to the existing Richmond Heights Passenger Station. The turnout will consist of roughly 300 feet of un-electrified storage track and allow for the storage of work trains and equipment during the rehabilitation of the respective tunnels.

**Previous Action:**

This item was recommended for approval at the October 15, 2021, Operations Committee meeting.

**Board Action Requested:**

The Operations Committee recommends that the Board of Commissioners approve this request to extend the contract period of performance from April 30, 2021 to December 31, 2022, for an existing contract for design and construction phase services for the Parkway Interlocking/Richmond Heights Turnout, with STV Inc., d/b/a STV Engineers, Inc. (This contract modification will extend the contract completion date allowing STV Inc. to finalize the design and provide services during the construction of this project. The initial contract period of performance did not include time for project construction support activities. Also, the previously approved not to exceed contract amount of **\$1,088,916.40**, which includes a 10% contingency, will not change as part of this action.)

**Funding Source:**

This project is supported by FTA grant MO-2019-029, with matching local Prop M funds. The federal funds are section 5307 formula funds.

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BI-STATE  
DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN  
DISTRICT AUTHORIZING A CONTRACT EXTENSION TO  
STV INC., D/B/A STV ENGINEERS, INC. FOR DESIGN AND  
CONSTRUCTION PHASE SERVICES FOR THE PARKWAY  
INTERLOCKING/RICHMOND HEIGHTS TURNOUT**

**Preambles:**

*Whereas*, The Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the “Agency”/“BSD”) is a body corporate and politic, created by an interstate compact between the States of Missouri and Illinois, acting by and through its Board of Commissioners (the “Board of Commissioners”); and

*Whereas*, the Agency is authorized by Mo. Rev. Stat. §§ 70.370 et seq. and 45 Ill. Comp. Stat. 100/1 et seq. (jointly referred to herein as the “Compact”) to acquire by gift, purchase or lease, sell or otherwise dispose of, and to plan, construct, operate and maintain, or lease to others for operation and maintenance, airports, wharves, docks, harbors, and industrial parks adjacent to and necessary and convenient thereto, bridges, tunnels, warehouses, grain elevators, commodity and other storage facilities, sewage disposal plants, passenger transportation facilities, and air, water, rail, motor vehicle and other terminal or parking facilities; to contract and to be contracted with; and to perform all other necessary and incidental functions; and

*Whereas*, Board Policy 50, Purchasing, Section 50.010 Procurement and Contract Administration, G.2 – Contract Modification, states that Board approval is required for contract extensions beyond 180 days; and

*Whereas*, on November 22, 2019, the Bi-State Development Board of Commissioners authorized the President and CEO (Resolution #1010) to enter into Contract 20-RFP-106367-DR Parkway Interlocking/Richmond Heights Turnout Design, with STV Inc., d/b/a STV Engineers, Inc., to provide design and construction phase services for the aforementioned capital projects; and

*Whereas*, the Bi-State Development Agency has determined that the construction of an additional crossover and turnout is necessary to achieve reliable levels of service during the future rehabilitation of Skinker Tunnel and Big Bend Tunnel; and

*Whereas*, the initial contract period of performance did not include time for project construction support activities; and

*Whereas*, it is feasible, necessary and in the public interest for the Board to authorize the President and CEO to approve a request to extend the contract period of performance from April 30, 2021 to December 31, 2022, for an existing contract for design and construction phase services for the Parkway Interlocking/Richmond Heights Turnout, with STV Inc., d/b/a STV Engineers, Inc., in accordance with the terms and conditions described herein.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

Section 1.        Findings. The Board of Commissioners hereby finds and determines those matters set forth in the preambles hereof as fully and completely as if set out in full in this Section 1.

Section 2.        Approval of the Modification of the Contract. The Board of Commissioners hereby authorizes the President and CEO to approve the request to extend the contract period of performance from April 30, 2021 to December 31, 2022, for an existing contract for design and construction phase services for the Parkway

Interlocking/Richmond Heights Turnout, with STV Inc., d/b/a STV Engineers, Inc., under and pursuant to this Resolution and the Compact for the authorized Agency purposes set forth in the preambles hereof and subject to the conditions hereinafter provided.

Section 3. Actions of Officers Authorized. The officers of the Agency, including, without limitation, the President and CEO, and Vice President of Procurement are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and the Contract and the execution of such documents or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. Severability. It is hereby declared to be the intention of the Board of Commissioners that each and every part, section and subsection of this Resolution shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Commissioners intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Resolution shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the intent of this Resolution.

Section 5. Rights Under Resolution Limited. No rights shall be conferred by this Resolution upon any person or entity other than the Agency and STV Inc., d/b/a STV Engineers, Inc.

Section 6. Governing Law. The laws of the State of Missouri shall govern this Resolution.

Section 7. No Personal Liability. No member of the Board of Commissioners, officer, employee or agent of the Agency shall have any personal liability for acts taken in accordance with this Resolution and the Contract.

Section 8. Payment of Expenses. The Senior Vice President and CFO is hereby authorized and directed to pay or cause to be paid all costs, expenses and fees incurred in connection with or incidental to this Resolution.

Section 9. Effective Date. This Resolution shall be in full force and effect from and after its passage and approval.

**ADOPTED** by the Board of Commissioners of The Bi-State Development Agency of the Missouri-Illinois Metropolitan District this 19<sup>th</sup> day of November, 2021.

*In Witness Whereof*, the undersigned has hereto subscribed her signature and caused the Seal of the Agency to be affixed.

**THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT**

By \_\_\_\_\_  
Title \_\_\_\_\_

[SEAL]

ATTEST:

By \_\_\_\_\_  
Deputy Secretary to the Board of Commissioners

**Bi-State Development Agency  
Board of Commissioners  
Open Session Agenda Item  
November 19, 2021**

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**From:** Taulby Roach, President & Chief Executive Officer  
**Subject:** **Contract Modification: MetroLink Structures Inspection Program**  
**Disposition:** Approval  
**Presentation:** Jessica Mefford-Miller, Executive Director Metro Transit;  
Darren Curry, Assistant Executive Director Transit Assets

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**Objective:**

To present to the Board of Commissioners for approval, a request to modify a contract with an engineering consulting firm, Juneau Associates, Inc. P.C., for MetroLink Structure Inspection Program engineering services (RFP-18-104788-DGR).

**Background:**

Metro has developed the MetroLink Standard for Structures Inspection and Maintenance, in conformance with industry guidelines and state/federal regulatory requirements. The standard provides the basis for continuing inspections of MetroLink alignment structures.

The standard details the structure types to be inspected, documentation necessary for reporting, schedule guidelines for inspection, methods of performing inspections and requires assessment of risk to facilitate prioritization of capital investment requirements. The documentation of the structures also forms a basis for planning emergency operations in the event of collision, earthquake, or other hazards.

The MetroLink Structures Inspection Program (**MSIP**) is managed within the MetroLink Maintenance of Way Department, under the direction of the Structures Inspection Program Manager. Metro has historically retained the services of an engineering firm to provide expertise to conduct the required inspections, but continues to expand its own capabilities to perform these inspections with qualified internal staff.

On February 23, 2018, the Board of Commissioners approved award of Contract 18-RFP-104788-DGR-MetroLink Structures Inspection Program Engineering Services to Juneau Associates, Inc. The contract consists of two base years and three option years. To date, the contract is currently in its second option year, with no performance issues from any of the consulting engineering firms under this contract. The third and final contract option year is planned to be executed on March 21, 2022, and expire on March 20, 2023.

The existing contract allows for up to two, 90-day time extensions. Prior to executing this final option year of the contract, BSD will need to issue a 90-day time extension to align the end of the final contract year with the end of BSD's fiscal year and to facilitate internal budgeting and accounting of subsequent contracts. To accommodate this time extension, a contract modification increase of \$622,614 will need to be added to the overall total not-to-exceed contract amount, to cover the scheduled inspection services during this time. The total not-to-exceed contract amount would increase from \$4,447,928.72 to \$5,070,542.72, and the contract end date would extend from March 20, 2023, to June 19, 2023.

**Analysis:**

The requested increase in overall contract amount is based on the additional scope of work defined by the current, recurring scheduled inspections during the 90-day time extension, and the previous year's costs for these services performed under this contract. A Disadvantaged Business Enterprises (DBE) goal of 16% is included in the current contract, and this goal has been exceeded in every contract year to date.

**Funding Source:**

This project is funded 100% through Operational funds. Metro's approved budget includes sufficient funds for performing structure inspections, in order to comply with the intensity and frequency of inspections detailed in the MetroLink Standard for Structures Inspection and Maintenance.

**Previous Action:**

This item was recommended for approval at the October 15, 2021, meeting of the Operations Committee.

**Board Action Requested:**

The Operations Committee recommends that the Board of Commissioners approve a contract modification with engineering consulting firm, Juneau Associates, Inc. P.C., for MetroLink Structure Inspection Program engineering services, to extend the contract end date from March 20, 2023, to June 19, 2023, and to add the additional funds of \$622,614.00 to cover the expenses associated with the 90-day time extension, with a new, total, not-to-exceed contract amount of **\$5,070,542.72**.

**A RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF THE BI-STATE DEVELOPMENT AGENCY  
OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT  
MODIFYING A CONTRACT WITH THE JUNEAU ASSOCIATES, INC., P.C.  
FOR METROLINK STRUCTURE INSPECTION PROGRAM  
ENGINEERING SERVICES**

**PREAMBLES:**

*Whereas*, The Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the “Agency”/ “BSD”) is a body corporate and politic, created by an interstate compact between the States of Missouri and Illinois, acting by and through its Board of Commissioners (the “Board of Commissioners”); and

*Whereas*, the Agency is authorized by Mo. Rev. Stat. § 70.370 et seq. and 45 Ill. Comp. Stat. 100/1 et seq. (jointly referred to herein as the “Compact”) to plan, construct, maintain, own and operate passenger transportation facilities, and to perform all other necessary and incidental functions, and to disburse funds for its lawful activities, to adopt rules and regulations for the proper operation of its passenger transportation facilities and conveyances, to contract and to be contracted with; and

*Whereas*, Board Policy Chapter 50.010, Section E.1.d., requires the Board of Commissioners to approve Procurements which exceed the amounts budgeted or otherwise approved by the Board of Commissioners for such project, function or service, and Board Policy G.1., requires the Board of Commissioners to approve contract modifications above the original contract amount; and

*Whereas*, on February 23, 2018, the Board of Commissioners approved award of Contract 18-RFP-104788-DGR-MetroLink Structures Inspection Program Engineering Services to Juneau Associates, Inc. The contract consists of two base years and three option years; and

*Whereas*, to date, the contract is currently in its second option year, with no performance issues from the consulting engineering firm under this contract. The third and final contract option year is planned to be executed on March 21, 2022, and expire on March 20, 2023; and

*Whereas*, prior to executing this final option year of the contract, the Agency will need to issue a 90-day time extension to align the end of the final contract year with the end of Agency’s fiscal year and to facilitate internal budgeting and accounting of subsequent contracts; and

*Whereas*, to accommodate this time extension, a contract modification increase of \$622,614 would need to be added to the overall total not-to-exceed contract amount, to cover the scheduled inspection services during this time; therefore, the total not-to-exceed contract amount would increase from \$4,447,928.72 to \$5,070,542.72, and the contract end date would extend from March 20, 2023, to June 19, 2023; and

*Whereas*, it is feasible, necessary and in the public interest for the Agency for the Board of Commissioners to approve a request to authorize the President and CEO to sign a contract modification with engineering consulting firm, Juneau Associates, Inc. P.C., for MetroLink Structure Inspection Program engineering services, to extend the contract end date from March 20, 2023, to June 19, 2023, and to add the additional funds of \$622,614.00, to cover the expenses associated with the 90-day time extension, with a new, total, not-to-exceed contract amount of \$5,070,542.72, in accordance with the terms and conditions described herein.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

Section 1. Findings. The Board of Commissioners hereby finds and determines those matters set forth in the preambles hereof as fully and completely as if set out in full in this Section 1.

Section 2. Approval of the Modification of the Contract. The Board of Commissioners hereby approves a request to authorize the President and CEO to sign a contract modification with engineering consulting firm, Juneau Associates, Inc. P.C., for MetroLink Structure Inspection Program engineering services, to extend the contract end date from March 20, 2023, to June 19, 2023, and to add the additional funds of \$622,614.00 to cover the expenses associated with the 90-day time extension, with a new, total, not-to-exceed contract amount of \$5,070,542.72, under and pursuant to this Resolution and the Compact for the authorized Agency purposes set forth in the preambles hereof and subject to the conditions hereinafter provided.

Section 3. Actions of Officers Authorized. The officers of the Agency, including, without limitation, the President and CEO, and Vice President of Procurement are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and the Contract and the execution of such documents or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. Severability. It is hereby declared to be the intention of the Board of Commissioners that each and every part, section and subsection of this Resolution shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Commissioners intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Resolution shall be determined to be or have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the intent of this Resolution.

Section 5. Rights under Resolution Limited. No rights shall be conferred by this Resolution upon any person or entity other than the Agency and Juneau Associates, Inc. P.C.

Section 6. Governing Law. The laws of the State of Missouri shall govern this Resolution.

Section 7. No Personal Liability. No member of the Board of Commissioners, officer, employee or agent of the Agency shall have any personal liability for acts taken in accordance with this Resolution and the Contract.

Section 8. Payment of Expenses. The Senior Vice President and CFO is hereby authorized and directed to pay or cause to be paid all costs, expenses and fees incurred in connection with or incidental to this Resolution and the Contract.

Section 9. Effective Date. This Resolution shall be in full force and effect from and after its passage and approval.

**ADOPTED** by the Board of Commissioners of The Bi-State Development Agency of the Missouri-Illinois Metropolitan District this 19<sup>th</sup> day of November, 2021.

*In Witness Whereof*, the undersigned has hereto subscribed her signature and caused the Seal of the Agency to be affixed

**THE BI-STATE DEVELOPMENT AGENCY OF THE  
MISSOURI-ILLINOIS METROPOLITAN DISTRICT**

By \_\_\_\_\_  
Title \_\_\_\_\_

[SEAL]

ATTEST:

By \_\_\_\_\_  
Deputy Secretary to the Board of Commissioners

**Bi-State Development Agency  
Board of Commissioners  
Open Session Agenda Item  
November 19, 2021**

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**From:** Taulby Roach, President & Chief Executive Officer  
**Subject:** **Contract Modification: Time Extension and Contract Amount Increase - On-Call General Engineering Consulting (GEC) Communications Systems Engineering Services**  
**Disposition:** Approval  
**Presentation:** Jessica Mefford-Miller, Executive Director – Metro Transit  
 Thomas Curran – Executive Vice President, Administration

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**Objective:**

To present to the Board of Commissioners for approval, a request for authorization to execute a contract modification, increasing the contract amount and time of performance with HNTB Architects Engineers and Planners for the continuation of Contract 16-RFP-102385-DW/MD - On-Call GEC Communications Systems Engineering Services.

**Background:**

In April 2016, Bi-State Development (BSD) procured services from qualified engineering firms for on-call communications systems engineering services. The intent of the Request for Proposals was to provide Bi-State with a source of qualified firms that would be contracted in each discipline for “on-call” services in their respective areas of expertise. The most qualified firm for each discipline entered into an agreement with BSD, and as projects were approved, individual “task orders” were negotiated.

The services were made available as an extension of BSD’s engineering staff in support of in-house projects, ranging from studies to contract document preparation.

The disciplines were called upon individually for a service, relative to a specific project. The selected projects were of short duration and were awarded by task orders. The selection process granted awards to five firms for three base years, with two one-year option periods that were exercisable at BSD’s discretion.

On April 1, 2016, the firms that were issued on-call contracts were:

Firm	Discipline/Services
Jacobs Engineering	Discipline 1 - Architectural Engineering, Civil and Structural Engineering and Surveying, Environmental/Geotechnical Services and Materials Testing, and Mechanical Engineering
HNTB, Inc.	Discipline 2 – Communications Systems Engineering Services
STV, Inc.	Discipline 3 – Track Engineering Services
Isis, Inc.	Discipline 4 – Signal System Engineering Services
STV, Inc.	Discipline 5 – Traction Power System Engineering Services

Two, 90-day contract extensions have been issued that allowed HNTB to continue as BSD's On-Call GEC Communications System engineering firm of record during the current procurement process, which includes publication of solicitation, evaluation, and award of a new contract. Contract Modification No. 3 – Time Extension allowed HNTB to receive new task orders/task order modifications up to October 2021 and required all task orders to be completed.

**Analysis:**

MetroLink's communications system needs and requirements continue to evolve, while existing equipment is reaching the end of its useful life; therefore, HNTB expertise is needed to support critical decision-making related to network configuration upgrades, fixed CCTV system upgrades, and expansion and/or replacement of the SCADA system.

HNTB has previously performed work under six earlier task orders including Video Management/Communication Transmission System (VMS/CTS) upgrades, signal circuit modification designs for the Union Station Tunnel, upgrades to MetroLink's public address system, and design of conduit from the Airport to North Hanley Stations to support CCTV for fixed cameras.

Funding for the proposed SCADA system work is necessary for HNTB to perform market research for a system-wide upgrade, which will include additional SCADA points for the Mid-America Airport light rail extension and also provide the underlying system for future access control needs. Additional time is required to allow HNTB to complete the services outlined in Task Order No. 7, by incorporating a 180-day time extension (until April 30, 2022) and a \$150,000 increase in funding for a total contract not-to-exceed amount of \$760,604.39.

**Funding:**

Funding for this task order will be from both federal and local funds.

**Previous Action:**

This item was recommended for approval at the October 15, 2021, meeting of the Operations Committee.

**Board Action Requested:**

The Operations Committee recommends that the Board of Commissioners approve the request to allow BSD to issue a contract modification, to increase HNTB's total contract to an amount not to exceed \$760,604.39, and a time extension for the contract period until April 30, 2022.

**A RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF THE BI-STATE DEVELOPMENT AGENCY  
OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT  
MODIFYING A CONTRACT WITH HNTB ARCHITECTS ENGINEERS AND  
PLANNERS FOR THE CONTINUATION OF ON-CALL GEC  
COMMUNICATIONS SYSTEMS ENGINEERING SERVICES**

**PREAMBLES:**

*Whereas*, The Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the “Agency”/ “BSD”) is a body corporate and politic, created by an interstate compact between the States of Missouri and Illinois, acting by and through its Board of Commissioners (the “Board of Commissioners”); and

*Whereas*, the Agency is authorized by Mo. Rev. Stat. § 70.370 et seq. and 45 Ill. Comp. Stat. 100/1 et seq. (jointly referred to herein as the “Compact”) to plan, construct, maintain, own and operate passenger transportation facilities, and to perform all other necessary and incidental functions, and to disburse funds for its lawful activities, to adopt rules and regulations for the proper operation of its passenger transportation facilities and conveyances, to contract and to be contracted with; and

*Whereas*, Board Policy Chapter 50.010, Section E.1.d., requires the Board of Commissioners to approve Procurements which exceed the amounts budgeted or otherwise approved by the Board of Commissioners for such project, function or service, and Board Policy G.2., requires the Board of Commissioners to approve contract extensions beyond 180 days; and

*Whereas*, in April 2016, Bi-State Development (BSD) procured services from qualified engineering firms for on-call communications systems engineering services, including HNTB, Inc. for Communications Systems Engineering Services; and

*Whereas*, two, 90-day contract extensions have been issued that allowed HNTB to continue as BSD’s On-Call GEC Communications System engineering firm of record during the current procurement process, which includes publication of solicitation, evaluation, and award of a new contract; and

*Whereas*, Contract Modification No. 3 – Time Extension, allowed HNTB to receive new task orders/task order modifications up to October 2021 and required all task orders to be completed; and

*Whereas*, HNTB expertise is needed to support critical decision-making related to network configuration upgrades, fixed CCTV system upgrades, and expansion and/or replacement of the SCADA system; and

*Whereas*, it is feasible, necessary and in the public interest for the Agency for the Board of Commissioners to approve a request to authorize the President and CEO to issue a contract modification, to increase HNTB’s total contract to an amount not-to exceed \$760,604.39, and a time extension for the contract period, until April 30, 2022, in accordance with the terms and conditions described herein.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

Section 1.        Findings. The Board of Commissioners hereby finds and determines those matters set forth in the preambles hereof as fully and completely as if set out in full in this Section 1.

Section 2.        Approval of the Modification of the Contract. The Board of Commissioners hereby approves a request to authorize the President and CEO to issue a contract modification, to increase HNTB’s total contract to an amount not-to exceed \$760,604.39, and a time extension for the contract period, until April 30, 2022,

under and pursuant to this Resolution and the Compact for the authorized Agency purposes set forth in the preambles hereof and subject to the conditions hereinafter provided.

Section 3. Actions of Officers Authorized. The officers of the Agency, including, without limitation, the President and CEO, and Vice President of Procurement are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and the Contract and the execution of such documents or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. Severability. It is hereby declared to be the intention of the Board of Commissioners that each and every part, section and subsection of this Resolution shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Commissioners intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Resolution shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the intent of this Resolution.

Section 5. Rights under Resolution Limited. No rights shall be conferred by this Resolution upon any person or entity other than the Agency and HNTB, Inc.

Section 6. Governing Law. The laws of the State of Missouri shall govern this Resolution.

Section 7. No Personal Liability. No member of the Board of Commissioners, officer, employee or agent of the Agency shall have any personal liability for acts taken in accordance with this Resolution and the Contract.

Section 8. Payment of Expenses. The Senior Vice President and CFO is hereby authorized and directed to pay or cause to be paid all costs, expenses and fees incurred in connection with or incidental to this Resolution and the Contract.

Section 9. Effective Date. This Resolution shall be in full force and effect from and after its passage and approval.

**ADOPTED** by the Board of Commissioners of The Bi-State Development Agency of the Missouri-Illinois Metropolitan District this 19<sup>th</sup> day of November, 2021.

*In Witness Whereof*, the undersigned has hereto subscribed her signature and caused the Seal of the Agency to be affixed.

**THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT**

By \_\_\_\_\_  
Title \_\_\_\_\_

[SEAL]

ATTEST:

By \_\_\_\_\_  
Deputy Secretary to the Board of Commissioners

**Bi-State Development Agency  
Board of Commissioners  
Open Session Agenda Item  
November 19, 2021**

---

**From:** Taulby Roach, President & Chief Executive Officer  
**Subject:** **Contract Award – North County Transit Center & Civic Center Transit Center Cleaning Service**  
**Disposition:** Approval  
**Presentation:** Jessica Mefford-Miller, Executive Director – Metro Transit  
Thomas Curran, Executive Vice President, Administration

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**Objective:**

To present to the Board of Commissioners for approval, a request to authorize the President & CEO to enter into a contract with Innex Service Company, to provide cleaning services at Metro’s North County & Civic Center Facilities.

**Background:**

On June 3, 2021, Bi-State Development (**BSD**) issued solicitation 21-RFP-233990-KM North County Transit Center & Civic Center Transit Center Cleaning Service, to obtain a qualified firm to provide all equipment, supplies, materials, labor, supervision, staff, and transportation necessary to provide cleaning of Centers at Metro’s North County & Civic Center locations. The solicitation was advertised on BSD/Metro’s iSupplier website. A Disadvantaged Business Enterprise (**DBE**) Goal of 10% was recommended for this project. The contract period of performance consists of five (5) years, with funds to be committed annually for cleaning of Metro’s North County & Civic Center Transit Center Facilities.

**Analysis:**

In response to the solicitation, a total of four (4) proposals were received:

- MERS Goodwill
- 4M Building Solutions
- World Management, Inc.
- Innex

All four (4) proposals were deemed responsive and responsible and were forwarded to the evaluation committee, which consisted of individuals within BSD/Metro’s Rail Facility Maintenance Department.

The proposals were scored in accordance with the evaluation requirements specified in the solicitation package. After completion of the initial technical evaluation, a consensus meeting was held to discuss the scoring.

The table below displays the overall results, representing the consensus technical and cost scores combined, and as a result, Innex is the highest ranking firm.

Firm:	Cost	Cost Score	Technical Score	Total
KATSAM	\$ 2,482,465.00	250.00	166.67	416.67
MERS	\$ 5,164,394.90	120.17	156.67	276.84
4M	\$ 2,954,597.79	210.05	156.67	366.72
INNEX	\$ 2,608,637.00	237.91	196.67	434.58
<b>Total Possible Points</b>		<b>250</b>	<b>250</b>	<b>500</b>
Percentage of Total Points		<b>50%</b>	<b>50%</b>	<b>100%</b>

**Previous Action:**

This item was recommended for approval at the October 15, 2021, meeting of the Operations Committee.

**Board Action Requested**

The Operations Committee recommends that the Board of Commissioners approve this request to authorize the President and CEO to enter into a 5-year contract, with funds to be committed annually, for cleaning of Metro’s North County Transit Center & Civic Center Transit Center Facilities with the highest ranking firm, Innex Service Company, whose proposal is most advantageous to BSD, with price and other factors considered, in the not-to-exceed amount of **\$2,608,637.00**.

**Funding Source:** Funding is provided through the Operating Budget.

**A RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF THE BI-STATE DEVELOPMENT AGENCY  
OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT  
AWARDING A CONTRACT TO INNEX SERVICE COMPANY FOR  
CLEANING SERVICES AT METRO TRANSIT’S NORTH COUNTY AND  
CIVIC CENTER FACILITIES**

**PREAMBLES:**

*Whereas*, The Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the “Agency”/ “BSD”) is a body corporate and politic, created by an interstate compact between the States of Missouri and Illinois, acting by and through its Board of Commissioners (the “Board of Commissioners”); and

*Whereas*, the Agency is authorized by Mo. Rev. Stat. §§ 70.370 et seq. and 45 Ill. Comp. Stat. 100/1 et seq. (jointly referred to herein as the “Compact”) to plan, construct, maintain, own and operate passenger transportation facilities, and to perform all other necessary and incidental functions, and to disburse funds for its lawful activities, to adopt rules and regulations for the proper operation of its passenger transportation facilities and conveyances, to contract and to be contracted with; and

*Whereas*, Board Policy Chapter 50 §50.010 (E)(1)(a), the Board of Commissioners to approve Competitive Negotiated Procurements which exceed \$500,000; and

*Whereas*, on June 3, 2021, Bi-State Development (BSD) issued solicitation 21-RFP-233990-KM North County Transit Center & Civic Center Transit Center Cleaning Service, to obtain a qualified firm to provide all equipment, supplies, materials, labor, supervision, staff, and transportation necessary to provide cleaning of Centers at Metro’s North County & Civic Center locations; and

*Whereas*, a Disadvantaged Business Enterprise (DBE) Goal of 5% was recommended for this project, with a contract period of performance consisting of five (5) years, with funds to be committed annually for cleaning of Metro’s North County & Civic Center Transit Center Facilities; and

*Whereas*, in response to the solicitation, four (4) proposals were received that were deemed responsible and responsive and were forwarded to the evaluation committee, which consisted of individuals within BSD/Metro’s Rail Facility Maintenance Department; and

*Whereas*, the proposals were scored in accordance with the evaluation requirements specified in the solicitation package, and after completion of the initial technical evaluation, a consensus meeting was held to discuss the scoring; and

*Whereas*, the overall results, representing the consensus technical and cost scores combined, deemed Innex Service Company as the highest ranking firm; and

*Whereas*, it is feasible, necessary and in the public interest for the Agency to authorize the President and CEO to enter into a 5-year contract, with Innex Service Company, with funds to be committed annually, for cleaning of buses and Metro’s North County Transit Center & Civic Center Transit Center Facilities, in the not-to-exceed amount of \$2,608,637.00, in accordance with the terms and conditions described herein.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

Section 1. Findings. The Board of Commissioners hereby finds and determines those matters set forth in the preambles hereof as fully and completely as if set out in full in this Section 1.

Section 2. Approval of the Contract. The Board of Commissioners hereby authorizes the President and CEO to enter into a 5-year contract, with Innex Service Company, with funds to be committed annually, for cleaning of buses and Metro's North County Transit Center & Civic Center Transit Center Facilities, in the not-to-exceed amount of \$2,608,637.00, under and pursuant to this Resolution and the Compact for the authorized Agency purposes set forth in the preambles hereof and subject to the conditions hereinafter provided.

Section 3. Actions of Officers Authorized. The officers of the Agency, including, without limitation, the President and CEO, and Vice President of Procurement are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and the Contract and the execution of such documents or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. Severability. It is hereby declared to be the intention of the Board of Commissioners that each and every part, section and subsection of this Resolution shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Commissioners intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Resolution shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the intent of this Resolution.

Section 5. Rights under Resolution Limited. No rights shall be conferred by this Resolution upon any person or entity other than the Agency and Innex Service Company.

Section 6. Governing Law. The laws of the State of Missouri shall govern this Resolution.

Section 7. No Personal Liability. No member of the Board of Commissioners, officer, employee or agent of the Agency shall have any personal liability for acts taken in accordance with this Resolution and the Contract.

Section 8. Payment of Expenses. The Senior Vice President and CFO is hereby authorized and directed to pay or cause to be paid all costs, expenses and fees incurred in connection with or incidental to this Resolution and the Contract.

Section 9. Effective Date. This Resolution shall be in full force and effect from and after its passage and approval.

**ADOPTED** by the Board of Commissioners of The Bi-State Development Agency of the Missouri-Illinois Metropolitan District this 19<sup>th</sup> day of November, 2021.

*In Witness Whereof*, the undersigned has hereto subscribed her signature and caused the Seal of the Agency to be affixed.

**THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT**

By \_\_\_\_\_  
Title \_\_\_\_\_

[SEAL]

ATTEST:

By \_\_\_\_\_  
Deputy Secretary to the Board of Commissioners

**Bi-State Development Agency  
Board of Commissioners  
Open Session Agenda Item  
November 19, 2021**

---

**From:** Taulby Roach, President & Chief Executive Officer  
**Subject:** **St. Louis Downtown Airport Surplus Property, 4320 Vector**  
**Disposition:** Approval  
**Presentation:** Mary Lamie, Executive Vice President – Multi Modal Enterprises  
John Langa, Vice President, Economic Development

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**Objective:**

To present to the Bi-State Development Board of Commissioners for approval, the report reaffirming and declaring that the 4,099 square feet 4320 Vector lot with portable hangar (**4320 Vector**) portion of the property known at the St. Louis Downtown Airport (**Airport**) by locator number 01-36.0-300-032, is not useful for BSD aeronautical or revenue purposes in its present condition; and, that the property be declared surplus and conveyed to a successful offeror, selected through a competitive process, related to the creation of a new hangar.

**Background:**

The Airport owns 4320 Vector, a 4,099 square feet lot with a 1,060 square feet dilapidated portable hangar the Airport believes no longer in a condition that it can be leased to others. The hangar was built prior to 1988 and has not been leased since September 2020, due to its condition. The Airport believes, given the age and condition of the facility and the likely cost of repairs and improvements, estimated by the Airport in the \$20,000 range, it is neither economically prudent to upgrade the hangar, nor would it likely garner market interest without significant improvements that would cost substantially more than a return on a lease.

As with other areas of the Airport, the Airport has on-going control of the 4320 Vector ground and is able to own or long-term lease any improvement on it. For this project, the Airport is open to demolishing the hangar using its own maintenance staff, or have a developer demolish the hangar as part of the process of the developer also building a new hangar. Should this property be declared excess, the Airport will undertake a competitive process to oversee these efforts, and while the Airport may demolish the hangar using its own staff, it would not build or own the new hangar.

**Analysis**

The Airport believes 4320 Vector is not available for lease in its present condition, and the best course of action is for the existing hangar to be demolished and a new hangar constructed in its place. The Airport estimates new hangar construction (by others) in the range of \$100,000 to \$250,000. The Airport would control the ground and lease that to a developer, with an estimated annual ground lease rent in the \$818 range.

Should 4320 Vector be declared excess property and redeveloped by a developer it could provide the Airport an on-going source of ground rent without hangar repair liabilities; and, given the poor condition of the existing hangar, provide an upgraded appearance for the Airport with the new hangar development.

**Previous Action:**

This item was recommended for approval at the October 15, 2021, meeting of the Operations Committee.

**Board Action Requested:**

The Operations Committee recommends that the BSD Board of Commissioners approve the report, reaffirming and declaring that the 4,099 square feet 4320 Vector lot with portable hangar (**4320 Vector**) portion of the property known at the St. Louis Downtown Airport (**Airport**) by locator number 01-36.0-300-032 is not useful for BSD aeronautical or revenue purposes in its present condition; and, that the property be declared surplus and conveyed to a successful offeror selected through a competitive process, related to the creation of a new hangar.

**Funding Source:**

The Airport budget would be the funding source for this project. The preliminary budget is \$2,500 for legal fees associated with a developer agreement and ground lease process. The Airport already has the survey and lot information that would be required for new hangar development, and if the Airport, itself, demolishes the hangar, it would use its own maintenance staff.

**Attachments:**

Exhibit A: St. Louis Downtown Airport Surplus Property, 4320 Vector

County Parcel Number	01360300032
Type of Interest	Fee Simple
Address	1400 Upper Cahokia Road
Location	4320 Vector
Parcel Size	470.22 acres, total - but includes <u>only</u> the 1,060 square feet hangar on the 4,099 square feet site at 4320 Vector to be declared as surplus property.
Acquisition Cost	Part of Tract A-1 acquired fee simple on December 22, 1964 from the Illinois State Trust Company – Trustee.
Notes	Only the improvements referred to as the 4320 Vector site and hangar are being declared surplus. All other land and improvements (as applicable) will remain with the Airport.
Grant Number	FAA: FAAP 9-11-048-0401, State: Not Applicable, Participation Ration, Unknown
Potential Disposition	The 4320 Vector hangar may be demolished to allow for the construction of a new hangar. The 1,060 square feet hangar sits on a 4,099 square feet site.

**EXHIBIT A**

Approximate Location of  
4320 Vector

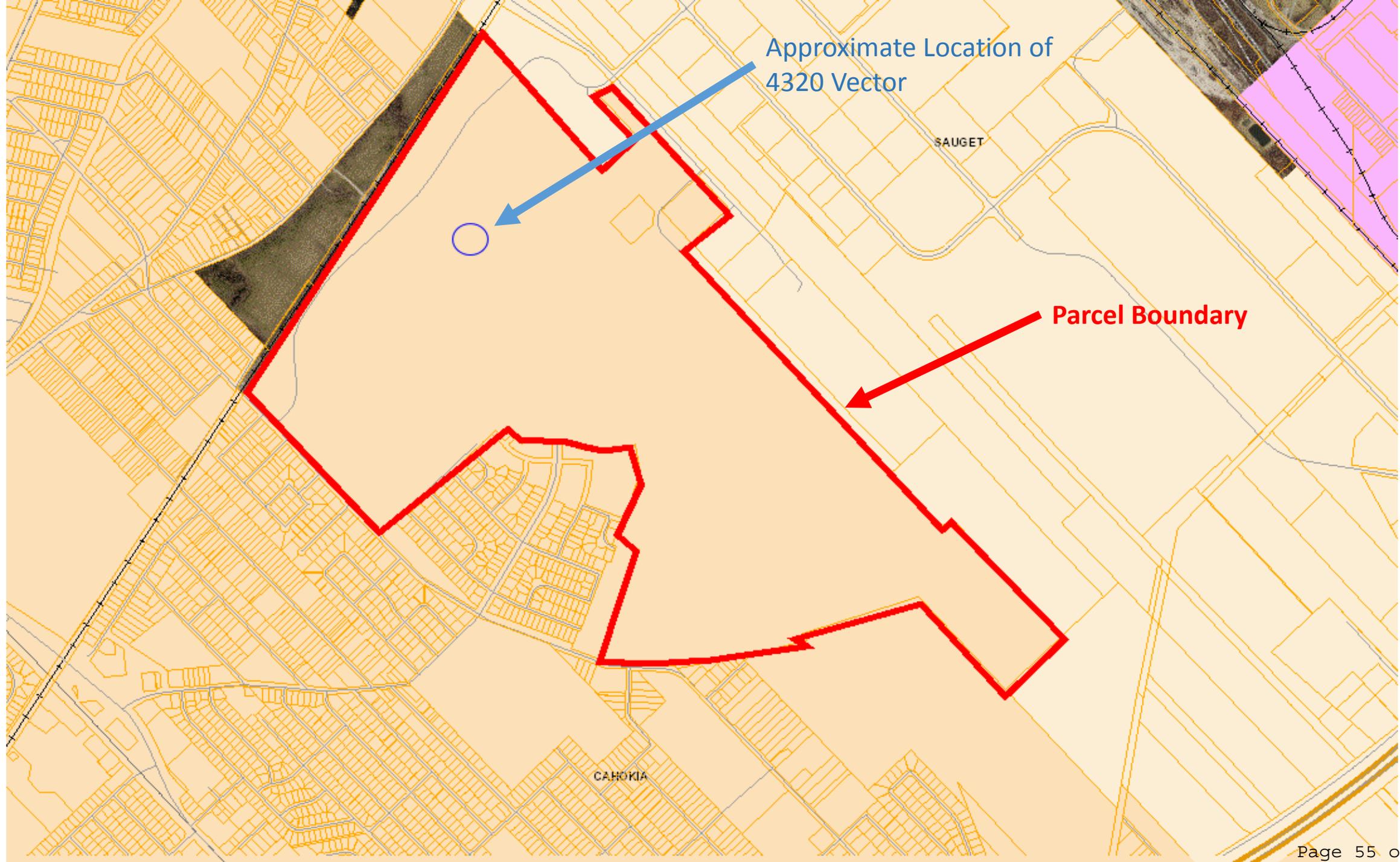


Approximate Location of  
4320 Vector

SAUGET

**Parcel Boundary**

CAHOKIA



# Raw Text:

<b>Parcel:01360300032</b>	
Parcel Number:	1360300032
Acreage:	470.22
Assessor ID:	01-36.0-300-032
Site Address:	1400 UPPER CAHOKIA RD
Site City Zip:	CAHOKIA, IL 62206
Subdivistion:	CAHOKIA COMMONFIELD
Owner:	BI-STATE PARKS AIRPORT
Owner Address:	ATTN: R. MCDANIEL
Owner Address2:	1680 SAUGET IND. PARKWAY
Owner City:	SAUGET, IL
Township Name:	CENTREVILLE
Assessed Land Value:	0
Assessed Building Value:	0
Assessed Certified Total Value:	0
Elementary School District:	
High School District:	
Unit School District:	CAHOKIA UNIT #187
Fire District:	CAHOKIA FIRE
Library District:	CAHOKIA PUB LIB DIST
Park District:	
Sewer District:	METRO-EAST SANITARY
TIF District:	CAHOKIA T.I.F. #3
Municipal Place:	VILLAGE OF CAHOKIA
Square Footage:	20,482,744.09

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF  
THE BI-STATE DEVELOPMENT AGENCY  
OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT  
DECLARING 4320 VECTOR AS AGENCY SURPLUS PROPERTY**

**PREAMBLES:**

*Whereas*, The Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the “Agency”/ “BSD”) is a body corporate and politic, created by an interstate compact between the States of Missouri and Illinois, acting by and through its Board of Commissioners (the “Board of Commissioners”); and

*Whereas*, the Agency is authorized by Mo. Rev. Stat. §§ 70.370 et seq. and 45 Ill. Comp. Stat. 100/1 et seq. (jointly referred to herein as the “Compact”) to purchase or lease, sell or otherwise dispose of, and to plan, construct, operate and maintain, or lease to others for operation and maintenance, passenger transportation facilities, and motor vehicle and other terminal or parking facilities; to contract with municipalities or other political subdivisions for the services or use of any facility owned or operated by the Agency, or owned or operated by any such municipality or other political subdivision; to contract and to be contracted with; and to perform all other necessary and incidental functions; and

*Whereas*, Board Policy, Section 40.050, Disposition of Surplus Property, provides that:

the President and CEO, in conjunction with the Agency’s Real Estate Department shall review all Agency real estate to determine the appropriate use of each property, and shall annually submit a report to the Board of Commissioners for its approval detailing all Agency property or properties that are not required for Agency purposes and may therefore be declared to be surplus and subject to sale, lease, or the grant of other property rights; and

*Whereas*, in accordance with Board Policy, the St. Louis Downtown Airport (Airport) has determined that the Agency property identified in the Briefing Paper as 4320 Vector is not available for lease in its present condition, and the best course of action is for the existing hangar to be demolished and a new hangar constructed in its place. The Airport estimates new hangar construction (by others) in the range of \$100,000 to \$250,000. The Airport would control the ground and lease that to a developer, with an estimated annual ground lease rent of \$818; and

*Whereas*, should 4320 Vector be declared excess property and redeveloped by a developer, it could provide the Airport an on-going source of ground rent without hangar repair liabilities; and, given the poor condition of the existing hangar, provide an upgraded appearance for the Airport with the new hangar development; and

*Whereas*, it is feasible, necessary and in the public interest for the Board of Commissioners to reaffirm and declare that the Agency property, the 4,099 square feet, 4320 Vector lot with portable hangar (4320 Vector) portion of the property known at the St. Louis Downtown Airport (Airport) by locator number 01-36.0-300-032 is not useful for BSD aeronautical or revenue purposes in its present condition; and, that the property be declared surplus and conveyed to a successful offeror selected through a competitive process, related to the creation of a new hangar, in accordance with the terms and conditions described herein.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

Section 1. Findings. The Board of Commissioners hereby finds and determines those matters set forth in the preambles hereof as fully and completely as if set out in full in this Section 1.

Section 2.        Declaration of Surplus Property. The Board of Commissioners hereby reaffirms and declares that the Agency property, the 4,099 square feet, 4320 Vector lot with portable hangar (4320 Vector) portion of the property known at the St. Louis Downtown Airport (Airport) by locator number 01-36.0-300-032 is not useful for BSD aeronautical or revenue purposes in its present condition; and, that the property be declared surplus and conveyed to a successful offeror selected through a competitive process, related to the creation of a new hangar, under and pursuant to this Resolution and the Compact for the authorized Agency purposes set forth in the preambles hereof and subject to the conditions hereinafter provided.

Section 3.        Actions of Officers Authorized. The officers of the Agency, including, without limitation, the President and CEO, and the Vice President of Economic Development, are hereby authorized and directed to take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution.

Section 4.        Severability. It is hereby declared to be the intention of the Board of Commissioners that each and every part, section and subsection of this Resolution shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Commissioners intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Resolution shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the intent of this Resolution.

Section 5.        Rights Under Resolution Limited. No rights shall be conferred by this Resolution upon any person or entity other than the Agency, its officers and employees.

Section 6.        Governing Law. The laws of the State of Missouri shall govern this Resolution.

Section 7.        No Personal Liability. No member of the Board of Commissioners, officer, employee or agent of the Agency shall have any personal liability for acts taken in accordance with this Resolution.

Section 8.        Payment of Expenses. The Senior Vice President and CFO is hereby authorized and directed to pay or cause to be paid all costs, expenses and fees incurred in connection with or incidental to this Resolution.

Section 9.        This Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED by the Board of Commissioners of The Bi-State Development Agency of the Missouri-Illinois Metropolitan District this 19<sup>th</sup> day of November, 2021.

*In Witness Whereof*, the undersigned has hereto subscribed her signature and caused the Seal of the Agency to be affixed.

**THE BI-STATE DEVELOPMENT AGENCY OF THE  
MISSOURI-ILLINOIS METROPOLITAN DISTRICT**

By \_\_\_\_\_  
Title \_\_\_\_\_

[SEAL]

ATTEST

By: \_\_\_\_\_  
Deputy Secretary to the Board of Commissioners

\_\_\_\_\_  
Resolution #1169  
Bi-State Development Agency Board of Commissioners  
November 19, 2021  
Approve 4320 Vector as Surplus Property  
Page 2

**Bi-State Development Agency  
Board of Commissioners  
Open Session Agenda Item  
November 19, 2021**

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**From:** Taulby Roach, President & Chief Executive Officer  
**Subject:** **2021 Annual Surplus Property Holdings**  
**Disposition:** Approval  
**Presentation:** John Langa, Vice President, Economic Development  
Jeff Braun, Director, Real Estate

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**Objective:**

To present to the Bi-State Development Board of Commissioners for approval, the report reaffirming and approving that the properties included herein in Table 1 are not required for BSD purposes, and may, therefore, be declared surplus and subject to sale, lease, or the grant of other property rights.

**Background:**

At the end of the 2021 calendar year, there are 93 surplus (for purposes of this paper, the words “excess” and “surplus” are used interchangeably) properties owned by BSD. These annual totals, which have been reported in this manner since 2013, include as follows:

<u>Year</u>	<u>Total Surplus Properties</u>
2013	87
2014	92
2015	100
2016	101
2017	100
2018	90
2019	91
2020	91
2021	93

These parcels are identified in Table 1 by their BSD Parcel Number (unless otherwise noted), and the MetroLink station section of the alignment, or other areas, to which they are in close proximity. All but three (3) of the properties were originally acquired for transit-related purposes, with these at the St. Louis Downtown Airport (**Airport**). In 2021, there were two (2) properties added, 3158 Pershall, approved by the Board in February, and 4320 Vector at the Airport, which is being considered by the Committee and the Board in October and November, respectively. In the event 4320 Vector is not declared excess, it will be removed from the final list of surplus properties presented to the Board at its November 2021 meeting.

**Analysis**

As with similar previous reports, this list will be used by BSD as the basis for future triennial excess property reports for the Federal Transit Administration (**FTA**). Table 1 is formatted in a manner consistent with these reports, and when the next triennial report is due, the Airport properties will not be included.

**Previous Action:**

This item was recommended for approval at the October 15, 2021, meeting of the Operations Committee.

**Board Action Requested:**

The Operations Committee recommends that the Board of Commissioners approve the report reaffirming and declaring that the properties included herein in Table 1 are not required for BSD purposes, and may, therefore, be declared surplus and subject to sale, lease, or the grant of other property rights.

**Funding Source:**

No use of BSD funds is anticipated as part of this declaration of surplus properties.

**Attachments:**

Table 1. 2021 Annual Excess Property Holdings

Exhibit A. 2021 Annual Excess Property Holdings, New Property Additions

Table 1. 2021 Annual Surplus Property Holdings (General Description Section is a Synopsis of the Materials in the Excess Property Book)

BSD Parcel Number	Location / Area	General Description
<i>Transit-related parcels</i>		
ID802.01F	East Riverfront Area	2.3 acres along Riverfront Drive, potential disposition with IDOT Route 3 upgrades
02-21.0-119-015 (St. Clair County parcel number)	East St. Louis	0.42 acres, L shaped parcel, could be part of an assemblage
SO1RW144	5 <sup>th</sup> & Missouri Area	0.04 acres, could be part of an assemblage
SO1RW107	5 <sup>th</sup> & Missouri Area	1.6 acres, could be part of an assemblage, at 5 <sup>th</sup> and Broadway in downtown
1D003.00F-02,1D001.00F-02	5 <sup>th</sup> & Missouri Area	1.4 acres, 2 parcels, a portion could be part of an assemblage
1D012.00F-02, 1P013.00F-02, 1P014.00F-02	5 <sup>th</sup> & Missouri Area	0.3 acres, landlocked, 3 parcels could be part of an assemblage
1P024.01F-02	5 <sup>th</sup> & Missouri Area	0.08 acres, could be part of an assemblage
1P026.00F-02	5 <sup>th</sup> & Missouri Area	0.14 acres, could be part of an assemblage
1P028.00F-2, 1P029.00F-02, 1P031.00F-02, 1P032.00F-02, 1P033.00F-02, 1P034.00F-02, 1P035.00F-02	Emerson Park Area	0.87 acres, 7 parcels, thin triangular strip, could be part of an assemblage
1P036.00F-02	Emerson Park Area	0.18 acres, could be part of an assemblage
1P038.00F-02, 1P039.00F-02	Emerson Park Area	0.38 acres, 2 parcels, along N. 6 <sup>th</sup> Street, could be part of an assemblage
1P041.00F-02, 1P042.00F-02	Emerson Park Area	0.17 acres could be part of an assemblage, 2 parcels
1P044.00F-02	Emerson Park Area	0.21 acres, could be part of an assemblage
1P046.01F-02, 1P047.01F-02, 1P048.00F-02, 1P049.01F-02, 1P049.02F	Emerson Park Area	5 parcels, along North 7 <sup>th</sup> Street, less than an acre, could be part of an assemblage
1P048.00F-00, 1P050.02F-02	Emerson Park Area	0.28 acres, 2 parcels, could be part of an assemblage
1D053.01F-02, 1P053.01F-02, 1P052.02F-02, 1P054.01F-02, 1P052.01F-02	Emerson Park Area	0.34 acres, 5 parcels, between 7 <sup>th</sup> and 8 <sup>th</sup> Streets, could be part an assemblage
1P048.00F-00, 1P063.00F-02	Emerson Park Area	0.11 acres, 2 parcels, could be part of an assemblage

1D064.03F-02	Emerson Park Area	0.04 acres, could be part of an assemblage
1P048.00F-02, 1P064.01F-02, 1P065.01F-02, 1P063.01F-02	Emerson Park Area	0.11 acres, 3 parcels, could be part of an assemblage
1P069.00F-02, 1P069.01F-02, 1D073.00F-02	Emerson Park Area	0.34 acres, 3 parcels, triangular strip, could be part of an assemblage
1P072.02F-02, 1P072.03F-02	Emerson Park Area	0.23 acres, 2 parcels, could be part of an assemblage
1P048.00F-02, 1P074.00F-02, 1P074.02F-02, 1P075.00F-02, 1P076.00F-02	Emerson Park Area	0.17 acres, 5 parcels, triangular landlocked piece, could be part of an assemblage
1P048.00F-00	Emerson Park Area	0.17 acres, could be part of an assemblage
1P048.00F-02	Emerson Park Area	0.07 acres, could be part of an assemblage, landlocked
1P078.00F-02	Emerson Park Area	0.13 acres, could be part of an assemblage
2P001.05F-05	Washington Park Area	Less than an acre, wetland
2P038.00F-06, 2P039.00F-06	Belleville Memorial Area	9.11 acres, hillside slope next to BSD parking lot
6P007.00F-10	SWIC Area	4.1 acres, landlocked, long linear property, possible disposition to adjoining owner
6P002.00F-10	SWIC Area	0.74 acres, landlocked triangular piece, possible disposition to adjoining owner
6P012.00F-10	SWIC Area	0.45 acres, landlocked triangular piece, possible disposition to adjoining owner
6P004.00F-10	SWIC Area	13.64 acres, landlocked, wetland
6P005.00F-10	SWIC Area	2 acres, landlocked, scrub, near farm ground
6P006.00F-10	SWIC Area	1.86 acres, landlocked, farm ground
SO7RW062-068	Lambert #2 Area	2 +/- acres, possible billboard location at I-70 and I-170, landlocked
Multiple City Parcel Numbers (14)	Hodiamont ROW	Multiple parcels, part of the Hodiamont ROW, 3-mile 25' ROW
A portion of 13 J31 1026 (St. Louis County parcel number)	North Hanley	2 + acres, SW corner of North Hanley MetroLink parking lot,

		proposed University Crossing TOD project
14H410323, 14H410314, 14H431030 (St. Louis County parcel number)	Webster Groves	0.81 acres, 3 parcels, flood plain, possible municipal bike path
22 K53 0671 (St. Louis County parcel number)	Brentwood Garage	Surplus 6.75 acre wetland area south of Brentwood Garage, possible municipal or GRG park site
2P459.01F-X10	Sunnen Station Area	0.35 acres, possible interest from adjacent foundry
3873-00-06500 (City of St. Louis parcel number)	Debaliviere Area	0.3 acres, kiss-n-ride site, under contract for Echo at Forest Park TOD phase II
Added in 2021 10 G44 0338	North County Transit Center Area	3.5 acres, 3158 Pershall, possible use for an assemblage, does not have frontage
<i>Airport-related parcels</i>		
07-06.0-400-031 (St. Clair County parcel number)	St. Louis Downtown Airport	3.72 acres, I-255 and Mousette Lane, public storage interest
Hangar 5 portion of 01-36.0-300-032 (St. Clair County parcel number)	St. Louis Downtown Airport	0.5 acres, 6,200 SF hangar, proposed for hangar redevelopment
Added in 2021 4320 Vector portion of 01-36.0-300-032 (St. Clair County parcel number)	St. Louis Downtown Airport	0.1 acres, 1,060 SF hangar, proposed for hangar redevelopment

# Exhibit A

Bi-State Development Agency  
Board of Commissioners  
Executive Session Agenda Item  
February 19, 2021

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**From:** Taulby Roach, President and Chief Executive Officer  
**Subject:** Surplus Property Declaration, 3158 Pershall Road, Ferguson, Missouri  
**Disposition:** Approval  
**Presentation:** John Langa, Vice President, Economic Development;  
Jeff Braun, Director, Real Estate

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## **Objective:**

To present to the Bi-State Development Board of Commissioners (**Board**) for approval that 3158 Pershall Road, Ferguson, Missouri (**Property**) known by locator number 10 g44 0338 is (1) declared as incidental, non-transit use property (*FTA Circular C 7050.1*) and proposed for development as excess property (*BSD Board Policy 40.050*); (2) confirmed for conveyance via lease, sale, joint development buyout or other alternative acceptable to BSD and the Federal Transit Administration (*FTA*); and (3) herein authorize BSD's President and CEO to finalize and execute agreements in support of the project.

## **Background:**

In November 2019, Joe Webber approached BSD regarding his interest in the Property. Mr. Webber has owned the retail strip center immediately north of the Property for approximately five-years and now has an interest in using the Property in conjunction with retail and service uses at his center. Please see **Exhibit A**, an aerial of the Property (**Exhibit A, Site B**) and of surrounding properties. **Exhibit B** provides directional views of adjacent properties.

BSD acquired the Property in December 2014. At that time, BSD was contemplating a bus garage project as part of the overall North County Transit Center investment, and the Property, which is immediately west of the North County Transit Center, would have been used for overflow parking or as part of an open space requirement supporting the proposed bus garage development. BSD acquired the Property from the City (**City**) of Ferguson for \$27,702, a total which represented half of the cost of the City's Property acquisition and demolition. The City had acquired the Property due to a tax delinquency, and led the demolition effort of a dilapidated building on the Property. Of note, the building (**Exhibit A, Site A**) Mr. Webber acquired was similar to the depilated building on the Property, but in better condition, and since owning it, he has routinely made improvements to his building.

An abstract of the Property follows:

Address: 3158 Pershall Road, Ferguson, Missouri 63136  
Locator No: 10 g44 0338  
Ownership: Bi-State Development  
Acquisition: December 5, 2014, \$27,702, local, not FTA funds  
Appraised Value: 2020 appraisal in process; 2013 appraisal \$160,000 (if improvements are demolished, land site only, and if all 3.54 acres are usable, as-is), Real Estate Analysts

Facing East: North County Transit Center  
Facing South: Residential neighborhood, City of Ferguson  
Facing West: Active church  
Facing North: 3156 Pershall Road (Joe Webber's property)

Acreage: 3.54, width 504', depth 300' to 312'  
Property: Vacant, steep slope going up-hill on the back half of the property  
Zoning: C-2, Planned Commercial District, City of Ferguson  
Other: Utilities to site; site appears to not drain well due to existing topography, existing storm sewer, or both issues; access easement exists through the parking lot at 3156 Pershall Road (the property to the north) to Pershall Road between the I-270/West Florissant and I-270/Halls Ferry interchanges; and, approximately half the site is useable for development given topography.

As noted above, the primary purpose for BSD acquiring the Property was in the event that BSD moved forward with a proposed 150,000 square foot bus garage that would have been immediately east of the North County Transit Center - the Property would have supported the overall development's increased parking and/or open space needs. Since that time, BSD has redeveloped the property containing the North County Transit Center, and used a portion of the remaining site for drainage requirements supporting the Transit Center, and a proposed BSD cell tower. The North County Transit Center is actually comprised of two properties (Exhibit A, Site C), a 3.00 acre tract that held the original 26,087 square foot former auto dealership remodeled for the Transit Center, and a 5.65 acre tract adjacent to the east (a portion of the 5.65 acre tract has been used in support of drainage requirements for the redevelopment of the Transit Center, and more recently for the proposed BSD cell tower).

BSD ordered an appraisal for the Property in December 2020. At the time of writing this Briefing Paper, BSD is waiting on that appraisal to come in. Mr. Webber is fully aware that his offer cannot be less than appraised value, and, as that offer comes in, BSD would advertise for additional interest in the property (any such advertisement process would be undertaken in lieu of a request for proposals or hiring a broker to dispose of the Property). Given Mr. Webber's interest, and the potential disposition process now underway, it is possible that BSD could dispose of the property in the first half of 2021.

#### Analysis

The Property was purchased to potentially support North County Transit Center uses, specifically should the overall development have included a bus garage. Given the development of the Transit Center, which included using a portion of the eastern Transit Center acreage for development related drainage, and a proposed BSD cell tower, it is unlikely that there is sufficient acreage to develop a bus garage of the size originally contemplated. Furthermore, the possibility of a garage at that location has not been pursued over the past few years. Metro Transit has been made aware of this potential disposition and has not expressed interest in BSD's continuing to hold the Property for transit uses.

Other potential uses could include BSD developing the Property to support the Transit Center, or working with a group that might consider the same. An inhibiting issue for the Property is that it faces the back side and loading area of the building immediately to its north (the building that Mr. Webber owns). Additional development concerns include site topography, which slopes steeply uphill to the south and leaves approximately half of the site available for development, and poor

drainage. Given such, BSD staff estimates that the updated appraisal may come in considerably less than the original appraisal.

**Previous Action:**

This item was recommended for approval at the January 22, 2021, meeting of the Operations Committee.

**Board Action Requested:**

The Operation Committee recommends that the Bi-State Development Board of Commissioners approve that 3158 Pershall Road, Ferguson, Missouri (**Property**) known by locator number 10 g44 0338 is (1) declared as incidental, non-transit use property (*FTA Circular C 7050.1*) and proposed for development as excess property (*BSD Board Policy 40.050*); (2) confirmed for conveyance via lease, sale, joint development buyout or other alternative acceptable to BSD and the Federal Transit Administration (**FTA**); and (3) herein authorize BSD's President and CEO to finalize and execute agreements in support of the project.

**Funding Source:**

The Economic Development and Real Estate budgets would be the funding source for this project. The full appraisal costs are estimated at \$3,100, advertising at \$900, and BSD staff estimates legal fees will be in the \$2,000 range.

Exhibit A: Property Aerial

Exhibit B: Adjacent Properties

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF  
THE BI-STATE DEVELOPMENT AGENCY  
OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT  
DECLARING 3158 PERSHALL ROAD, FERGUSON, MISSOURI,  
AS SURPLUS PROPERTY**

**PREAMBLES:**

*Whereas*, The Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the "Agency"/ "BSD") is a body corporate and politic, created by an interstate compact between the States of Missouri and Illinois, acting by and through its Board of Commissioners (the "Board of Commissioners"); and

*Whereas*, the Agency is authorized by Mo. Rev. Stat. §§ 70.370 et seq. and 45 Ill. Comp. Stat. 100/1 et seq. (jointly referred to herein as the "Compact") to purchase or lease, sell or otherwise dispose of, and to plan, construct, operate and maintain, or lease to others for operation and maintenance, passenger transportation facilities, and motor vehicle and other terminal or parking facilities; to contract with municipalities or other political subdivisions for the services or use of any facility owned or operated by the Agency, or owned or operated by any such municipality or other political subdivision; to contract and to be contracted with; and to perform all other necessary and incidental functions; and

*Whereas*, Board Policy, Section 40.050, Disposition of Surplus Property, provides that:

the President and CEO, in conjunction with the Agency's Real Estate Department shall review all Agency real estate to determine the appropriate use of each property, and shall annually submit a report to the Board of Commissioners for its approval detailing all Agency property or properties that are not required for Agency purposes and may therefore be declared to be surplus and subject to sale, lease, or the grant of other property rights; and

*Whereas*, in accordance with Board Policy, the Real Estate Department has determined the Agency property identified in the Briefing Paper as 3158 Pershall Road, Ferguson, Missouri (Property) known by locator number 10 g44 0338, was purchased to potentially support North County Transit Center uses, specifically the development of a bus garage; and

*Whereas*, given the development of the Transit Center, which included using a portion of the eastern Transit Center acreage for development related drainage, and a proposed BSD cell tower, it is unlikely that there is sufficient acreage to develop a bus garage of the size originally contemplated, and furthermore, the possibility of a garage at that location has not been pursued over the past few years; and

*Whereas*, it is feasible, necessary and in the public interest for the Board of Commissioners to determine that the Agency property, 3158 Pershall Road, Ferguson, Missouri, known by locator number 10 g44 0338 is (1) declared as incidental, non-transit use property (FTA Circular C 7050.1) and proposed for development as excess property (BSD Board Policy 40.050); (2) confirmed for conveyance via lease, sale, joint development buyout or other alternative acceptable to BSD and the Federal Transit Administration (FTA); and (3) herein authorize BSD's President and CEO to finalize and execute agreements in support of the project, in accordance with the terms and conditions described herein.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

Section 1. Findings. The Board of Commissioners hereby finds and determines those matters set forth in the preambles hereof as fully and completely as if set out in full in this Section 1.

Section 2. Declaration of Surplus Property. The Board of Commissioners hereby determines that the Agency property, 3158 Pershall Road, Ferguson, Missouri, known by locator number 10 g44 0338 is (1) declared as incidental, non-transit use property (FTA Circular C 7050.1) and proposed for development as excess property (BSD Board Policy 40.050); (2) confirmed for conveyance via lease, sale, joint development buyout or other alternative acceptable to BSD and the Federal Transit Administration (FTA); and (3) herein authorize BSD's President and CEO to finalize and execute agreements in support of the project, under and pursuant to this Resolution and the Compact for the authorized Agency purposes set forth in the preambles hereof and subject to the conditions hereinafter provided.

Section 3. Actions of Officers Authorized. The officers of the Agency, including, without limitation, the President and CEO, and the Vice President of Economic Development, are hereby authorized and directed to take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution.

Section 4. Severability. It is hereby declared to be the intention of the Board of Commissioners that each and every part, section and subsection of this Resolution shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Commissioners intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Resolution shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the intent of this Resolution.

Section 5. Rights Under Resolution Limited. No rights shall be conferred by this Resolution upon any person or entity other than the Agency, its officers and employees.

Section 6. Governing Law. The laws of the State of Missouri shall govern this Resolution.

Section 7. No Personal Liability. No member of the Board of Commissioners, officer, employee or agent of the Agency shall have any personal liability for acts taken in accordance with this Resolution.

Section 8. Payment of Expenses. The Senior Vice President and CFO is hereby authorized and directed to pay or cause to be paid all costs, expenses and fees incurred in connection with or incidental to this Resolution.

Section 9. This Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED by the Board of Commissioners of The Bi-State Development Agency of the Missouri-Illinois Metropolitan District this 19<sup>th</sup> day of February, 2021.

*In Witness Whereof*, the undersigned has hereto subscribed her signature and caused the Seal of the Agency to be affixed.

**THE BI-STATE DEVELOPMENT AGENCY OF THE  
MISSOURI-ILLINOIS METROPOLITAN DISTRICT**

By: \_\_\_\_\_  
Title

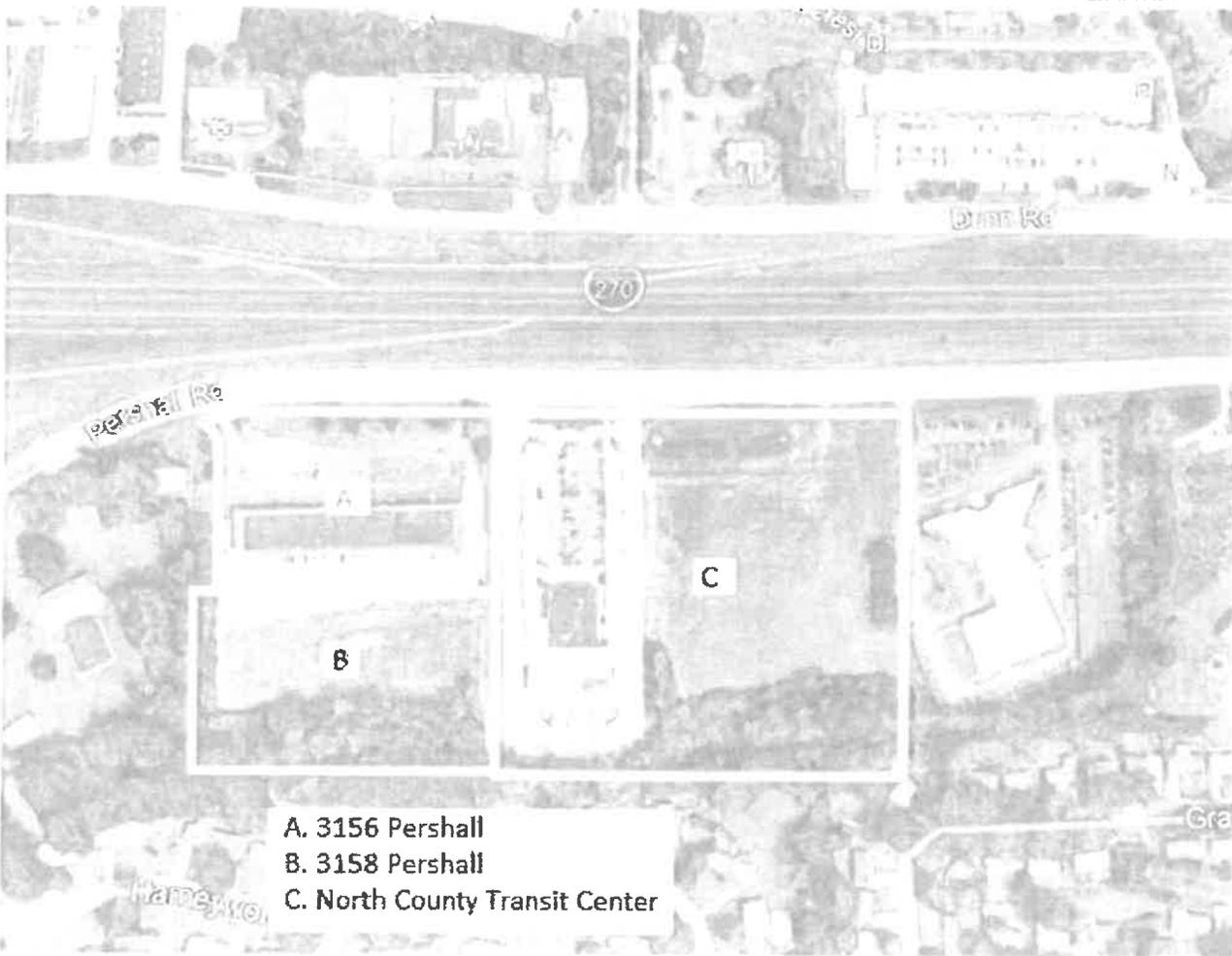
[SEAL]

ATTEST

By: \_\_\_\_\_  
Deputy Secretary to the Board of Commissioners

Resolution #1113  
Bi-State Development Agency Board of Commissioners  
February 19, 2021  
Surplus Property Declaration, 3158 Pershall Road, Ferguson, Missouri  
Page 2

**Exhibit A**



Looking East



Looking Generally North



Looking South



Looking Generally West



**Bi-State Development  
Open Session Agenda Item  
Operations Committee  
October 15, 2021**

---

**From:** John Langa, Vice President, Economic Development  
**Subject:** St. Louis Downtown Airport Surplus Property Holdings  
**Disposition:** **Approval**  
**Presentation:** Mary Lamie, Executive Vice President – Multi Modal Enterprises, Erick Dahl, Airport Director, St. Louis Downtown Airport, John Langa, Vice President, Economic Development

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**Objective:**

To present to the Bi-State Development (**BSD**) Operations Committee (**Committee**) for approval and referral to the BSD Board of Commissioners (**Board**) the report reaffirming and declaring that the 4,099 square feet 4320 Vector lot with portable hangar (**4320 Vector**) portion of the property known at the St. Louis Downtown Airport (**Airport**) by locator number 01-36.0-300-032 is not useful for BSD aeronautical or revenue purposes in its present condition; and, that the property be declared surplus and conveyed to a successful offeror selected through a competitive process related to the creation of a new hangar.

**Background:**

The Airport owns 4320 Vector, a 4,099 square feet lot with a 1,060 square feet dilapidated portable hangar the Airport believes no longer in a condition that it can be leased to others. The hangar was built prior to 1988 and has not been leased since September 2020 due to its condition. The Airport believes given the age and condition of the facility and the likely cost of repairs and improvements, estimated by the Airport in the \$20,000 range, it is neither economically prudent to upgrade the hangar nor would it likely garner market interest without significant improvements that would cost substantially more than a return on a lease.

As with other areas of the Airport, the Airport has on-going control of the 4320 Vector ground and is able to own or long-term lease any improvement on it. For this project, the Airport is open to demolishing the hangar using its own maintenance staff, or have a developer demolish the hangar as part of the process of the developer also building a new hangar. Should this property be declared excess, the Airport will undertake a competitive process to oversee these efforts, and while the Airport may demolish the hangar using its own staff, it would not build or own the new hangar.

**Analysis**

The Airport believes 4320 Vector is not available for lease in its present condition and the best course of action is for the existing hangar to be demolished and a new hangar constructed in its place. The Airport estimates new hangar construction (by others) in the range of \$100,000 to \$250,000. The Airport would control the ground and lease that to a developer, with an estimated annual ground lease rent in the \$818 range.

Should 4320 Vector be declared excess property and redeveloped by a developer it could provide the Airport an on-going source of ground rent without hangar repair liabilities; and, given, the poor condition of the existing hangar, provide an upgraded appearance for the Airport with the new hangar development.

**Committee Action Requested:**

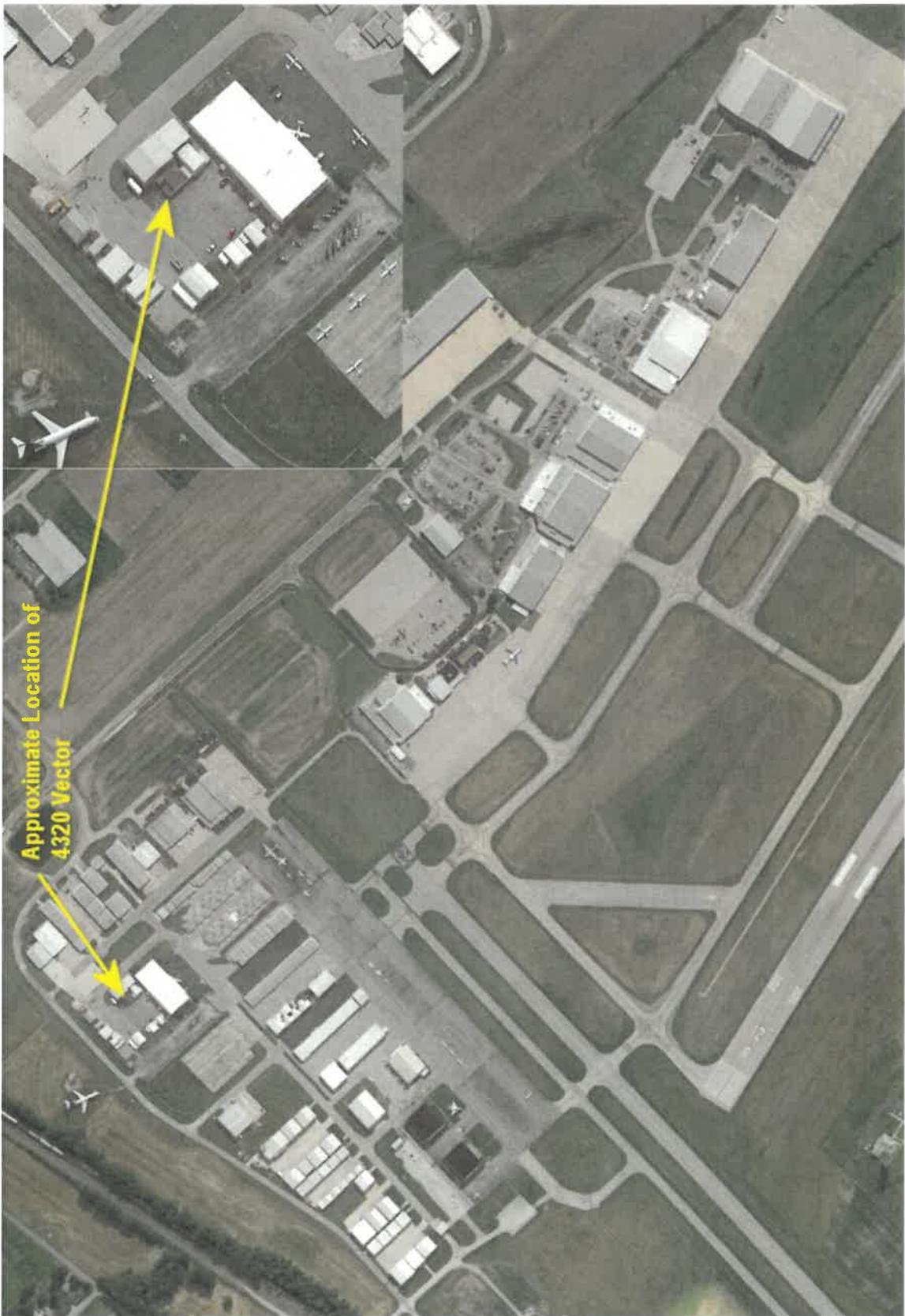
Management recommends that the Bi-State Development (**BSD**) Operations Committee (**Committee**) approve and refer to the BSD Board of Commissioners (**Board**) the report reaffirming and declaring that the 4,099 square feet 4320 Vector lot with portable hangar (**4320 Vector**) portion of the property known at the St. Louis Downtown Airport (**Airport**) by locator number 01-36.0-300-032 is not useful for BSD aeronautical or revenue purposes in its present condition; and, that the property be declared surplus and conveyed to a successful offeror selected through a competitive process related to the creation of a new hangar.

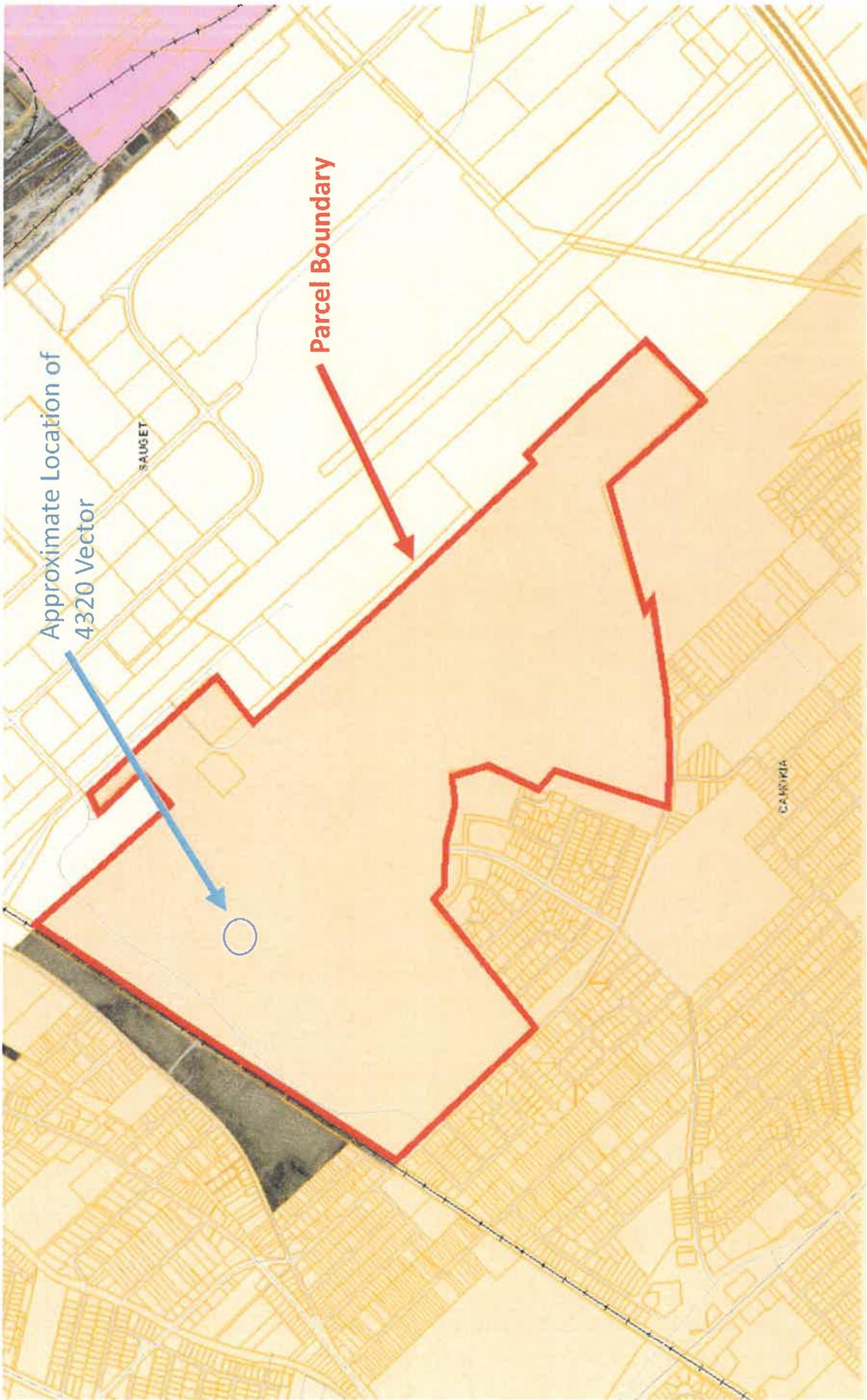
**Funding Source:**

The Airport budget would be the funding source for this project. The preliminary budget is \$2,500 for legal fees associated with a developer agreement and ground lease process. The Airport already has the survey and lot information that would be required for new hangar development, and if the Airport, itself, demolishes the hangar, it would use its own maintenance staff.

Exhibit A: 4320 Vector Surplus Property Information

County Parcel Number	01360300032
Type of Interest	Fee Simple
Address	1400 Upper Cahokia Road
Location	4320 Vector
Parcel Size	470.22 acres, total - but includes <u>only</u> the 1,060 square feet hangar on the 4,099 square feet site at 4320 Vector to be declared as surplus property.
Acquisition Cost	Part of Tract A-1 acquired fee simple on December 22, 1964 from the Illinois State Trust Company – Trustee.
Notes	Only the improvements referred to as the 4320 Vector site and hangar are being declared surplus. All other land and improvements (as applicable) will remain with the Airport.
Grant Number	FAA: FAAP 9-11-048-0401, State: Not Applicable, Participation Ration, Unknown
Potential Disposition	The 4320 Vector hangar may be demolished to allow for the construction of a new hangar. The 1,060 square feet hangar sits on a 4,099 square feet site. <b>EXHIBIT A</b>





Raw Text:

Parcel:01360300032

Parcel Number 1360300032  
Acreage 470.22  
Assessor ID 01-36-0-300-032  
Site Address 1400 UPPER CAHOKIA RD  
Site City, Zip CAHOKIA, IL 62206  
Subdivision CAHOKIA COMMONFIELD  
Owner BI-STATE PARKS AIRPORT  
Owner Address ATTN: R. MCDAMIEL  
Owner Address 2 1680 SAUGET IND. PARKWAY  
Owner City SAUGET, IL  
Township Name CENTREVILLE  
Assessed Land Value 0  
Assessed Building Value 0  
Assessed Certified Total Value 0  
Elementary School District  
High School District  
Unit School District CAHOKIA UNIT #127  
Fire District CAHOKIA FIRE  
Library District CAHOKIA PUB LIB DIST  
Park District  
Sewer District METRO-EAST SANITARY  
TIF District CAHOKIA T.I.F. #3  
Municipal Code VILLAGE OF CAHOKIA  
Square Footage 20,482,744.09

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF  
THE BI-STATE DEVELOPMENT AGENCY  
OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT  
APPROVING THE REPORT DECLARING  
CERTAIN AGENCY PROPERTY AS SURPLUS**

**PREAMBLES:**

*Whereas*, The Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the “Agency”/“BSD”) is a body corporate and politic, created by an interstate compact between the States of Missouri and Illinois, acting by and through its Board of Commissioners (the “Board of Commissioners”); and

*Whereas*, the Agency is authorized by Mo. Rev. Stat. §§ 70.370 et seq. and 45 Ill. Comp. Stat. 100/1 et seq. (jointly referred to herein as the “Compact”) to purchase or lease, sell or otherwise dispose of, and to plan, construct, operate and maintain, or lease to others for operation and maintenance, passenger transportation facilities, and motor vehicle and other terminal or parking facilities; to contract with municipalities or other political subdivisions for the services or use of any facility owned or operated by the Agency, or owned or operated by any such municipality or other political subdivision; to contract and to be contracted with; and to perform all other necessary and incidental functions; and

*Whereas*, Board Policy, Section 40.050, Disposition of Surplus Property provides that:

the President and CEO, in conjunction with the Agency’s Real Estate Department shall review all Agency real estate to determine the appropriate use of each property, and shall annually submit a report to the Board of Commissioners for its approval detailing all Agency property or properties that are not required for Agency purposes and may therefore be declared to be surplus and subject to sale, lease, or the grant of other property; and

*Whereas*, in accordance with Board policies, the Real Estate Department identified the properties listed on Briefing Paper Table 1 (hereinafter the "Report") as properties that are not required for Agency purposes and may therefore be declared to be surplus and available for disposition; and

*Whereas*, it is feasible, necessary and in the public interest for the Board of Commissioners to approve the Report declaring that the Agency properties included therein are not required for Agency purposes and may, therefore, be declared surplus and subject to sale, lease, or the grant of other property rights, in accordance with the terms and conditions described herein.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

Section 1.        Findings. The Board of Commissioners hereby finds and determines those matters set forth in the preambles hereof as fully and completely as if set out in full in this Section 1.

Section 2.        Approval of the Report. The Board of Commissioners hereby approves the Report as provided in Table 1 (attached hereto as Briefing Paper, Table 1 and made a part hereof), declaring certain Agency properties as surplus and therefore, may be subject to sale, lease, or the grant of other property rights, under and pursuant to this Resolution and the Compact for the authorized Agency purposes set forth in the preambles hereof and subject to the conditions hereinafter provided.

Section 3.        Actions of Officers Authorized. The officers of the Agency, including, without limitation, the President and CEO, and the Vice President of Economic Development, are hereby authorized and directed to take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution.

Section 4. Severability. It is hereby declared to be the intention of the Board of Commissioners that each and every part, section and subsection of this Resolution shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Commissioners intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Resolution shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the intent of this Resolution.

Section 5. Rights Under Resolution Limited. No rights shall be conferred by this Resolution upon any person or entity other than the Agency, its officers and employees.

Section 6. Governing Law. The laws of the State of Missouri shall govern this Resolution.

Section 7. No Personal Liability. No member of the Board of Commissioners, officer, employee or agent of the Agency shall have any personal liability for acts taken in accordance with this Resolution.

Section 8. Payment of Expenses. The Senior Vice President and CFO is hereby authorized and directed to pay or cause to be paid all costs, expenses and fees incurred in connection with or incidental to this Resolution.

Section 9. Effective Date. This Resolution shall be in full force and effect from and after its passage and approval.

**ADOPTED** by the Board of Commissioners of The Bi-State Development Agency of the Missouri-Illinois Metropolitan District this 19<sup>th</sup> day of November, 2021.

*In Witness Whereof*, the undersigned has hereto subscribed her signature and caused the Seal of the Agency to be affixed.

**THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT**

By \_\_\_\_\_  
Title \_\_\_\_\_

[SEAL]

ATTEST

By: \_\_\_\_\_  
Deputy Secretary to the Board of Commissioners

**Bi-State Development Agency  
Board of Commissioners  
Open Session Agenda Item  
November 19, 2021**

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**From:** Taulby Roach, President and Chief Executive Officer  
**Subject:** **Extension of Pilot Fare Programs to Promote Access, Equity, and Ridership**  
**Disposition:** Approval  
**Presentation:** Jessica Mefford-Miller, Executive Director Metro Transit; Jessica Gershman, Assistant Executive Director for Planning & System Development

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**Objective:**

To present to the Board of Commissioners, a request for approval to extend by 180 days, the promotional fare programs launched by Metro in June 2021. The two promotional programs we are recommending for extension include On the Way with ADA (no-fare on fixed route for ADA paratransit riders) and a pilot One-Day Pass discount. These promotional fare discount programs are designed to incentivize ridership and an increased number of trips per rider, provide more equitable access to transit service, and allow staff to explore aspects of Metro’s proposed update to its Fare Program, forthcoming in 2022.

**Background:**

A planned update to Metro Transit’s Fare Program in 2022 will recommend and seek Bi-State Development [BSD] Board approval on restructuring transit fare, including new discounts for various services and ridership groups. The guiding principles for the proposed Fare Program include: ridership stabilization, fiscal responsibility, customer and community focus, and prioritizing equitable fares and access to transit service.

Additionally, our current operator workforce shortage has had a disproportionate impact on our Call-A-Ride (CAR) paratransit service. This shortage has led to CAR having to turn down over 9,900 requests for trips from eligible customers in August 2021. Preliminary figures for September 2021 show an increase in denials. While CAR paratransit service has largely sustained its pre-pandemic level of demand, there is currently excess capacity on bus and light rail modes.<sup>1</sup>

The development of a Fare Program update, as well as the current CAR labor shortage, set the stage for Metro to explore fare discount programs that could reduce barriers and enable more people to ride the fixed route system (MetroBus and MetroLink), while being less dependent on CAR service. A promotional fare mechanism, outlined in BSD Board Policy Chapter 90, states that the “Agency may offer experimental or promotional fares to attract new passengers or provide an incentive to passengers to increase their use of the transit system.” The BSD CEO may authorize these promotional programs for up to 180 days.<sup>2</sup> Metro has offered the programs described below

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<sup>1</sup> Call-A-Ride resumed collecting cash fares onboard its vans in June 2021, after suspending fare collection for over a year due to COVID-19 safety concerns with the cash collection methods that were formerly used. Newly installed fareboxes on vans made cash fares – which comprise the majority of paratransit fares – safer and feasible to collect again, starting at \$2/ride (which is double the current COVID base fixed route fare). Resuming fare collection on Call-A-Ride was expected to have the effect of lessening some demand, but workforce shortages remain a challenge and demand is at a historic high in the context of these scarce resources.

<sup>2</sup> Board Policy Chapter 90 Transit Operations, Section 90.010 Transit System Fares, C. Promotional Fares.

since June 2021, under the approval of BSD’s CEO. We now seek Board approval to continue running these programs for an additional 180 days, from the end of November 2021 through May 2022.

**Analysis:**

In order to increase equitable access to transit service, while generating long-term transit customers, Metro staff is requesting Board approval of a plan to continue the following two promotional fare programs through May 2022:

***No-Fare on Fixed Route for ADA Paratransit Cardholders***

The “On the Way with ADA” (OTW) pilot fare program makes fixed route (MetroBus and MetroLink) free to customers who are eligible for paratransit. The goal of such a no-fare program is to encourage customers, for whom fixed route is an option, to shift from paratransit service, which is far more costly to operate than fixed route, and is strained by higher demand and operator shortages.

Metro launched this pilot program on June 21, 2021, to coincide with the resumption in cash fare collection aboard Call-A-Ride. The program is currently scheduled to end on December 17, 2021.

Over 1,500 OTW Gateway Cards were issued between June 21 and September 21, 2021. The distribution of these cards was focused on current frequent CAR riders, with other CAR eligible riders receiving cards by request. Any new applicants or riders seeking renewal or replacement ADA paratransit-eligible cards were also issued an OTW Gateway Card.

During this same time period, 468 of the individuals who received an OTW Gateway Card validated the card on either MetroBus or MetroLink platforms. Of these 468 early program adopters, each individual validated the card 49 times on average during this three-month period. **These 468 early adopters of the OTW program reduced their CAR trip by half, the first three months of the pilot, compared to their usage in the three months prior to the launch of the pilot.** By comparison, ADA Paratransit Eligible customers on average took 28.6 trips during the three months prior to the pilot, and 27.52 trips during the first three months of the OTW pilot.

**FIGURE 1**

Comparison of Call a Ride Utilization during first 3 months of Pilot and during 3 months prior to Pilot start date:

	Average # of CAR trips Pre-Pilot (2-22-21 to 5-21-21)	Average # of CAR trips During Pilot (6-22-21 to 9-21-21)
OTW Adopter	18.88	9.04
OTW Card Holder	38.75	26.86
ADA Paratransit Eligible	28.6	27.52

\*OTW Adopter-has OTW Gateway Card and Validated at least once.

\*OTW Card Holder-has OTW Gateway Card and may or may not have validated on MetroBus/MetroLink  
\*ADA Paratransit Eligible-has current ADA Paratransit Eligibility and may or may not have OTW Gateway Card

Through the 180 day extension of the pilot, we aim to:

- collect qualitative information including OTW participants' experience and perception of the program
- continue coordinating existing programs with OTW, including Travel Training
- shift more demand from CAR to fixed-route service in the face of especially challenging resource scarcity for paratransit services.
- further explore potential annual cost savings to the agency upwards of \$500,000, assuming a minimum of a 2.5% shift in trips from CAR to fixed route – based on pre-pandemic figures of paratransit operating costs, less the amount of passenger revenue not collected from ADA customers on bus/train.

The OTW program is compatible with the intent of Americans with Disabilities Act (1990), such as inclusion and full participation in society. Even though there is no cost to OTW participants to ride Metro's fixed route service, OTW participants still are required to tap their card at the onboard farebox on MetroBus or at the MetroLink platform validator upon boarding light rail. These taps track utilization of the program, so that staff plan can for potential future phases.

### ***Pilot Discount to Metro's One-Day Pass***

By reducing the cost of a One Day Pass from \$7.50 to \$5, this promotional fare program (a) provides an equitable substitute for the Two-Hour Transfer paper pass, and (b) encourages new and former customers to ride transit.

Prior to the launch of this pilot in June 2021, Metro's One-Day unlimited ride fare product was sold at \$7.50/pass at the Metro Store in Downtown St. Louis and at Ticket Vending Machines (TVMs) at all major transfer centers. Unlimited passes – like the Two-Hour Transfer Pass, the One-Day or the Monthly passes – are time-bound but otherwise provide discounted fares for the transit system's most committed riders. They are an especially valuable type of fare product on a system like Metro Transit and a region like St. Louis, where land use and economic patterns make it difficult to reach many destinations, without transferring between multiple vehicles along a full transit trip.

Early in the COVID-19 pandemic, Metro temporarily suspended the sale and use of paper Two-Hour Transfer Passes, because of safety concerns about viral transmission with the contact required between operator and customer for paper transfers. Metro's emergency fare solution has been to institute \$1/One Ride tickets on MetroBus, which does not require close operator-passenger interaction. However, the offering of a more affordable One-Day Pass provides a contactless substitute for the paper Two-Hour Transfer Pass, which had been priced at \$3/pass. The reasons for pricing the promotional discount at \$5 include: it approximates the cost of

roundtrip travel (multiplying twice the cash base train fare of \$2.50/ride); it offers a simple fare option that does not require coins/change; it is less expensive than paying cash for roundtrips that require multiple transfers; and in all iterations of a new fare program modeling conducted by our Transit Fare expert consultants, recommendations are to lower the One-Day Pass, in order to attract more riders and be more aligned with peer transit system prices.

**Previous Action:**

This item was recommended for approval at the October 15, 2021, Operations Committee meeting.

**Board Action Requested:**

The Operations Committee recommends that the Board of Commissioners approve the continuation of the pilot On the Way with ADA and Discounted One Day Pass through May 2022.

**Funding Source:**

Funding is accommodated within Metro's Operating Budget.

**A RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF THE BI-STATE DEVELOPMENT AGENCY  
OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT  
EXTENDING METRO TRANSIT PILOT PROGRAMS TO PROMOTE  
ACCESS, EQUITY AND RIDERSHIP**

**PREAMBLES:**

*Whereas*, The Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the “Agency”/ “BSD”) is a body corporate and politic, created by an interstate compact between the States of Missouri and Illinois, acting by and through its Board of Commissioners (the “Board of Commissioners”); and

*Whereas*, the Agency is authorized by Mo. Rev. Stat. §§ 70.370 et seq. and 45 Ill. Comp. Stat. 100/1 et seq. (jointly referred to herein as the “Compact”) to plan, construct, maintain, own and operate passenger transportation facilities, and to perform all other necessary and incidental functions, and to disburse funds for its lawful activities, to adopt rules and regulations for the proper operation of its passenger transportation facilities and conveyances, to contract and to be contracted with; and

*Whereas*, Board Policy, Chapter 90 Transit Operations, Section 90.010 Transit System Fares, C. Promotional Fares, states that experimental or promotional programs exceeding 180 days may commence only after receiving authorization from the Board of Commissioners; and

*Whereas*, the current operator workforce shortage has had a disproportionate impact on BSD Call-A-Ride (CAR) paratransit service, and this shortage has led to CAR having to turn down over 9,900 requests for trips from eligible customers in August 2021; and

*Whereas*, the development of a Fare Program update, as well as the current CAR labor shortage, has set the stage for Metro Transit to explore fare discount programs that could reduce barriers and enable more people to ride the fixed route system (MetroBus and MetroLink), while being less dependent on CAR service; and

*Whereas*, by reducing the cost of a One Day Pass from \$7.50 to \$5, this discounted promotional fare program provides an equitable substitute for the Two-Hour Transfer paper pass, and encourages new and former customers to ride transit; and

*Whereas*, Metro Transit has offered these two pilot programs since June 2021, under the approval of BSD’s CEO, including “On the Way with ADA” and a Discounted One-Day Pass program, as outlined in the briefing paper; and

*Whereas*, these two promotional pilot programs are designed to increase equitable access to transit service, while generating long-term transit customers; and

*Whereas*, it is feasible, necessary and in the public interest for the Board of Commissioners to authorize the continuation of the pilot “On the Way with ADA” and “Discounted One Day Pass” programs through May 2022, in accordance with the terms and conditions described herein.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

Section 1. Findings. The Board of Commissioners hereby finds and determines those matters set forth in the preambles hereof as fully and completely as if set out in full in this Section 1.

Section 2. Approval of the Extension of Metro Transit Pilot Programs. The Board of Commissioners hereby authorizes the continuation of the pilot “On the Way with ADA” and “Discounted One Day Pass” programs through May 2022, as outlined in the briefing paper and made a part hereof, under and pursuant to this Resolution and the Compact for the authorized Agency purposes set forth in the preambles hereof and subject to the conditions hereinafter provided.

Section 3. Actions of Officers Authorized. The officers of the Agency, including, without limitation, the President and CEO, and Executive Director Metro Transit are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and the execution of such documents or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. Severability. It is hereby declared to be the intention of the Board of Commissioners that each and every part, section and subsection of this Resolution shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Commissioners intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Resolution shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the intent of this Resolution.

Section 5. Rights under Resolution Limited. No rights shall be conferred by this Resolution upon any person or entity other than the Agency and its employees.

Section 6. Governing Law. The laws of the State of Missouri shall govern this Resolution.

Section 7. No Personal Liability. No member of the Board of Commissioners, officer, employee or agent of the Agency shall have any personal liability for acts taken in accordance with this Resolution.

Section 8. Payment of Expenses. The Senior Vice President and CFO is hereby authorized and directed to pay or cause to be paid all costs, expenses and fees incurred in connection with or incidental to this Resolution.

Section 9. Effective Date. This Resolution shall be in full force and effect from and after its passage and approval.

**ADOPTED** by the Board of Commissioners of The Bi-State Development Agency of the Missouri-Illinois Metropolitan District this 19<sup>th</sup> day of November, 2021.

*In Witness Whereof*, the undersigned has hereto subscribed her signature and caused the Seal of the Agency to be affixed.

**THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT**

By \_\_\_\_\_  
Title \_\_\_\_\_

[SEAL]

ATTEST:

By \_\_\_\_\_  
Deputy Secretary to the Board of Commissioners

**Bi-State Development Agency  
Board of Commissioners  
Open Session Agenda Item  
November 19, 2021**

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**From:** Taulby Roach, President & Chief Executive Officer  
**Subject:** **23<sup>rd</sup> Amendment to the Bi-State Development Agency of the Missouri-Illinois District and Local 788 Amalgamated Transit Union, AFL-CIO, Employees' Pension Plan**  
**Disposition:** Approval  
**Presentation:** Charles A. Stewart, Jr., EVP Organizational Effectiveness

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**Objective:**

To present to the Board of Commissioners for approval, the 23<sup>rd</sup> Amendment to the Bi-State Development Agency of the Missouri-Illinois District and Local 788 Amalgamated Transit Union, AFL-CIO, Employees' Pension Plan.

**Background:**

The 23<sup>rd</sup> Amendment to the above referenced pension plan was adopted in February 2021 by the Pension Committee. This amendment revised the retirement benefit formula for Participants who meet the eligibility requirements and addressed the corresponding Participant contributions required to fund the additional benefit.

**Analysis:**

The amendment made two plan changes as follows –

1. The benefit multiplier increases from \$55 to \$60 per year of service for active plan participants who retire with 25 or more years of credited service for service earned after the effective date of the change (non-retroactive) which was April 1, 2020.
2. The Participant contribution increases by five dollars (\$5.00) per week in addition to the normal cost sharing arrangements provided under both the Plan and the Collective Bargaining Agreement. This increase remains in effect until such time that the Plan reaches an 85% over-all funding level at which time the Participant contribution decreases to \$1.50 with the Agency then contributing \$3.50 per week per participant of the required \$5.00 funding amount.

**Previous Action:**

This item was recommended for approval at the October 15, 2021, meeting of the Audit, Finance & Administration Committee.

**Board Action Requested:**

The Audit, Finance & Administration Committee recommends that the Board of Commissioners approve the 23<sup>rd</sup> Amendment to the Bi-State Development Agency of the Missouri-Illinois District and Local 788 Amalgamated Transit Union, AFL-CIO, Employees' Pension Plan.

**Attachment:**

- Twenty Third Amendment to the Bi-State Development Agency of the Missouri-Illinois District and Local 788 Amalgamated Transit Union, AFL-CIO, Employees' Pension Plan – Underlined Revisions
- Twenty Third Amendment to the Bi-State Development Agency of the Missouri-Illinois District and Local 788 Amalgamated Transit Union, AFL-CIO, Employees' Pension Plan – Clean Copy

**Funding Source:**

No funding request is made for this matter. The pension plan is funded by employer and participant contributions.

*Board Policy 70.050(A)(3), 70.050(A)(4), and 70.050(A)(5), provide that the Board shall oversee Trustee administration of the pension and 401(k) retirement savings plans; approve amendments, benefit formulas and funding to the plans; and review plan investment policies, procedures and provisions*

Twenty-Third Amendment

to the

Bi-State Development Agency of the Missouri-Illinois Metropolitan District and Local 788 Amalgamated Transit Union, AFL-CIO, Employees' Pension Plan

WHEREAS, this Twenty-third Amendment to the Bi-State Development Agency of The Missouri-Illinois Metropolitan District and Local 788 Amalgamated Transit Union, AFL-CIO, Employees' Pension Plan, hereinafter referred to as the "Plan," is adopted by and between Bi-State Development Agency of the Missouri-Illinois Metropolitan District (d/b/a Metro), a body corporate and political subdivision of the States of Missouri and Illinois, hereinafter referred to as "Metro," and Local 788, Amalgamated Transit Union, AFL-CIO, hereinafter referred to as the "Union," and

WHEREAS, Metro and the Union desire to amend the Plan,

NOW, THEREFORE, the Plan is hereby amended as follows:

1. Article III, Section 3.01(a) is amended by adding the following underlined language:

Metro shall contribute to the Plan for each Participant for each week in which Credited Service accrues, subject to Sections 1.06 and 3.03. The total weekly contribution for full-time service, effective with the payroll period that commenced on March 2, 2015, as determined then and hereafter by the actuary based on the terms of the O & M Plan, shall be the total cost of \$170.50 per Participant. Metro shall contribute seventy percent (70%) of the actuarially recommended cost (\$119.35) for Participants in the O & M Plan and sixty-eight percent (68%) of the actuarially recommended cost (\$115.94) for Participants in the Clerical Plan as of March 31, 2015. Effective with the first payroll period that commences after the Pension Committee's approval of an actuarial valuation report reflecting that the Plan's Funded Ratio is eighty-five percent (85%) or higher, Metro will contribute an additional Three Dollars and Fifty Cents (\$3.50) per week for all Participants in the O & M Plan and the Clerical Plan. The term "Funded Ratio" as used in this Section 3.01(a) means the actuarial value of Plan assets divided by the actuarial accrued liability. All contribution rates in effect prior to March 2, 2015, are set forth in Exhibits 1-A, 1-B, and 1-C. Metro's contribution

rate for part-time service shall be seventy percent (70%) of its contribution rate for full-time service.

2. Article III, Section 3.01(b)(2) is amended by adding the following underlined language:

Each full-time Participant will contribute per week at the applicable rate of contribution, but no weekly contribution (including make-up contributions as provided for in Section 3.05(a)) shall exceed two (2) times the applicable contribution rate. The total weekly contribution, effective with the payroll period that commenced on March 2, 2015, as determined then and hereafter by the actuary based on the terms of the O & M Plan, shall be the total cost of \$170.50 per Participant, with all Participants in the Clerical Plan as of March 31, 2015, contributing thirty-two percent (32%) of the actuarially recommended cost (\$54.56) and all Participants in the O & M Unit contributing thirty percent (30%) of the actuarially recommended cost (\$51.15). Effective April 1, 2020, all Participants in the O & M Plan and the Clerical Plan will contribute an additional Five Dollars (\$5) per week, until the Plan's Funded Ratio, based on an actuarial valuation report is eighty - five percent (85%) or higher, at which time this additional contribution will be reduced by Three Dollars and Fifty Cents (\$3.50). The term "Funded Ratio" as used in this Section 3.01 (b) means the actuarial value of Plan assets divided by the actuarial accrued liability. All Participant contribution rates in effect prior to March 2, 2015, are set forth in Exhibits 1-A, 1-B, and 1-C.

3. Article IV, Section 4.02(a) is amended by adding the following underlined language:

Any Participant who has Credited Service of twenty-five (25) years or more may, at his election and regardless of age, be retired from service and shall receive a lifetime monthly pension of Fifty-five Dollars (\$55) for each year of Credited Service earned before April 1 2020; the Fifty-five, Dollars (\$55) shall be increased to Sixty Dollars (\$60) for each year of Credited Service earned on or after April 1, 2020; and

4. Article IV, Section 4.03(a) is amended by adding the following underlined language:

Any Participant who has Credited Service of twenty-five (25) years or more may, at his election and regardless of age, be retired from service and shall receive a lifetime monthly pension of Fifty-five Dollars (\$55) for each year of Credited Service earned before April 1, 2020; the Fifty-five Dollars (\$55) shall be increased to Sixty Dollars (\$60) for each year of Credited Service earned on or after April 1. 2020; and

Except as set forth herein, the Plan remains in full force and effect.

IN WITNESS WHEREOF, the Bi-State Development Agency of the Missouri-  
Illinois Metropolitan District has caused this Twenty-third Amendment to be executed by its  
duly authorized officer this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Attest: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: Taulby Roach  
Title: President and Chief Executive Officer

## **Twenty-Third Amendment**

**to the**

### **Bi-State Development Agency of the Missouri-Illinois Metropolitan District and Local 788 Amalgamated Transit Union, AFL-CIO, Employees' Pension Plan**

WHEREAS, this Twenty-third Amendment to the Bi-State Development Agency of The Missouri-Illinois Metropolitan District and Local 788 Amalgamated Transit Union, AFL-CIO, Employees' Pension Plan, hereinafter referred to as the "Plan," is adopted by and between Bi-State Development Agency of the Missouri-Illinois Metropolitan District (d/b/a Metro), a body corporate and political subdivision of the States of Missouri and Illinois, hereinafter referred to as "Metro," and Local 788, Amalgamated Transit Union, AFL-CIO, hereinafter referred to as the "Union," and

WHEREAS, Metro and the Union desire to amend the Plan,

NOW, THEREFORE, the Plan is hereby amended as follows:

1. Article III, Section 3.01(a) is amended by adding the following underlined language:

Metro shall contribute to the Plan for each Participant for each week in which Credited Service accrues, subject to Sections 1.06 and 3.03. The total weekly contribution for full-time service, effective with the payroll period that commenced on March 2, 2015, as determined then and hereafter by the actuary based on the terms of the O & M Plan, shall be the total cost of \$170.50 per Participant. Metro shall contribute seventy percent (70%) of the actuarially recommended cost (\$119.35) for Participants in the O & M Plan and sixty-eight percent (68%) of the actuarially recommended cost (\$115.94) for Participants in the Clerical Plan as of March 31, 2015. Effective with the first payroll period that commences after the Pension Committee's approval of an actuarial valuation report reflecting that the Plan's Funded Ratio is eighty-five percent (85%) or higher, Metro will contribute an additional Three Dollars and Fifty Cents (\$3.50) per week for all Participants in the O & M Plan and the Clerical Plan. The term "Funded Ratio" as used in this Section 3.01(a) means the actuarial value of Plan assets divided by the actuarial accrued liability. All contribution rates in effect prior to March 2, 2015, are set forth in Exhibits 1-A, 1-B, and 1-C. Metro's contribution

rate for part-time service shall be seventy percent (70%) of its contribution rate for full-time service.

2. Article III, Section 3.01(b)(2) is amended by adding the following underlined language:

Each full-time Participant will contribute per week at the applicable rate of contribution, but no weekly contribution (including make-up contributions as provided for in Section 3.05(a)) shall exceed two (2) times the applicable contribution rate. The total weekly contribution, effective with the payroll period that commenced on March 2, 2015, as determined then and hereafter by the actuary based on the terms of the O & M Plan, shall be the total cost of \$170.50 per Participant, with all Participants in the Clerical Plan as of March 31, 2015, contributing thirty-two percent (32%) of the actuarially recommended cost (\$54.56) and all Participants in the O & M Unit contributing thirty percent (30%) of the actuarially recommended cost (\$51.15). Effective April 1, 2020, all Participants in the O & M Plan and the Clerical Plan will contribute an additional Five Dollars (\$5) per week until the Plan's Funded Ratio, based on an actuarial valuation report, is eighty-five percent (85%) or higher, at which time this additional contribution will be reduced by Three Dollars and Fifty Cents (\$3.50). The term "Funded Ratio" as used in this Section 3.01(b) means the actuarial value of Plan assets divided by the actuarial accrued liability. All Participant contribution rates in effect prior to March 2, 2015, are set forth in Exhibits 1-A, 1-B, and 1-C.

3. Article IV, Section 4.02(a) is amended by adding the following underlined language:

Any Participant who has Credited Service of twenty-five (25) years or more may, at his election and regardless of age, be retired from service and shall receive a lifetime monthly pension of Fifty-five Dollars (\$55) for each year of Credited Service earned before April 1, 2020; the Fifty-five Dollars (\$55) shall be increased to Sixty Dollars (\$60) for each year of Credited Service earned on or after April 1, 2020; and

4. Article IV, Section 4.03(a) is amended by adding the following underlined language:

Any Participant who has Credited Service of twenty-five (25) years or more may, at his election and regardless of age, be retired from service and shall receive a lifetime monthly pension of Fifty-five Dollars (\$55) for each year of Credited Service earned before April 1, 2020; the Fifty-five Dollars (\$55) shall be increased to Sixty Dollars (\$60) for each year of Credited Service earned on or after April 1, 2020; and

IN WITNESS WHEREOF, this Twenty-third Amendment has been adopted by Metro and the Union and accepted by the Trustees as of this 4th day of February, 2021.

Bi-State Development Agency  
of the Mississippi-Illinois  
Metropolitan District

By: Uliana R. Bentz  
Title: VP, Talent Management  
Date: February 22, 2021

Local 788, Amalgamated  
Transit Union, AFL-CIO

By: Reginald M. Howard  
Title: PRESIDENT BA  
Date: Feb. 22, 2021

Pension Committee of Bi-State Development Agency of the Missouri-Illinois Metropolitan  
District and Local 788 Amalgamated Transit Union, AFL-CIO, Employees' Pension Plan

By: W. J. Chappin  
Date: Feb. 22, 2021

By: Arthur Johnson  
Date: Feb. 22, 2021

By: Uliana R. Bentz  
Date: February 22, 2021

By: Curtis Wilson  
Date: 2-22-2021

By: Eng Stefan  
Date: February 22, 2021

By: Reginald M. Howard  
Date: Feb. 22, 2021

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BI-STATE  
DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN  
DISTRICT AUTHORIZING THE PRESIDENT AND CEO TO ADOPT THE  
23RD AMENDMENT TO THE LOCAL 788 AMALGAMATED TRANSIT  
UNION, AFL-CIO, EMPLOYEES' PENSION PLAN  
OF THE BI-STATE DEVELOPMENT AGENCY**

**Preambles:**

*Whereas*, The Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the “Agency”/”BSD”) is a body corporate and politic, created by an interstate compact between the States of Missouri and Illinois, acting by and through its Board of Commissioners (the “Board of Commissioners”); and

*Whereas*, the Agency is authorized by Mo. Rev. Stat. §§ 70.370 et seq. and 45 Ill. Comp. Stat. 100/1 et seq. (jointly referred to herein as the “Compact”) to acquire by gift, purchase or lease, sell or otherwise dispose of, and to plan, construct, operate and maintain, or lease to others for operation and maintenance, airports, wharves, docks, harbors, and industrial parks adjacent to and necessary and convenient thereto, bridges, tunnels, warehouses, grain elevators, commodity and other storage facilities, sewage disposal plants, passenger transportation facilities, and air, water, rail, motor vehicle and other terminal or parking facilities; to contract and to be contracted with; and to perform all other necessary and incidental functions; and

*Whereas*, Board Policy 70.050(A)(3), 70.050(A)(4), and 70.050(A)(5), provide that the Board shall oversee Trustee administration of the pension and 401(k) retirement savings plans; approve amendments, benefit formulas and funding to the plans; and review plan investment policies, procedures and provisions; and

*Whereas*, in February 2021, the 23<sup>rd</sup> Amendment to the Local 788 Amalgamated Transit Union, AFL-CIO, Employees’ Pension Plan, was adopted by the Pension Committee, which revised the retirement benefit formula for Participants who meet the eligibility requirements and addressed the corresponding Participant contributions required to fund the additional benefit; and

*Whereas*, the amendment made two plan changes, as follows:

1. The benefit multiplier increases from \$55 to \$60 per year of service for active plan participants who retire with 25 or more years of credited service for service earned after the effective date of the change (non-retroactive) which was April 1, 2020.
2. The Participant contribution increases by five dollars (\$5.00) per week in addition to the normal cost sharing arrangements provided under both the Plan and the Collective Bargaining Agreement. This increase remains in effect until such time that the Plan reaches an 85% over-all funding level at which time the Participant contribution decreases to \$1.50 with the Agency then contributing \$3.50 per week per participant of the required \$5.00 funding amount; and

*Whereas*, it is feasible, necessary and in the public interest for the Board to authorize the President and CEO to adopt the 23<sup>rd</sup> Amendment to the Bi-State Development Agency of the Missouri-Illinois District and Local 788 Amalgamated Transit Union, AFL-CIO, Employees’ Pension Plan, in accordance with the terms and conditions described herein.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

Section 1.        Findings. The Board of Commissioners hereby finds and determines those matters set forth in the preambles hereof as fully and completely as if set out in full in this Section 1.

Section 2.        Authorization of the President and CEO to Adopt Amendment 23 to the Pension Plan for 788 Amalgamated Transit Union, AFL-CIO, Employees. The Board of Commissioners hereby authorizes the President and CEO to adopt Amendment 23 to the Bi-State Development Agency of the Missouri-Illinois District and Local 788 Amalgamated Transit Union, AFL-CIO, Employees' Pension Plan, under and pursuant to this Resolution and the Compact for the authorized Agency purposes set forth in the preambles hereof and subject to the conditions hereinafter provided.

Section 3.        Form of the Amendment. The form of the Amendment (Amendment #23 as provided in the Attachment to the Briefing Paper and made a part hereof), in the form presented to this meeting, is hereby approved, and officers of the Agency, including without limitation, the President and CEO and Executive Vice President of Organizational Effectiveness, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and the adoption of the Amendment and the execution of such documents or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4.        Severability. It is hereby declared to be the intention of the Board of Commissioners that each and every part, section and subsection of this Resolution shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Commissioners intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Resolution shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the intent of this Resolution.

Section 5.        Rights Under Resolution Limited. No rights shall be conferred by this Resolution upon any person or entity other than the Agency and the Local 788 Amalgamated Transit Union, AFL-CIO, Employees' Pension Plan of the Bi-State Development Agency of Missouri-Illinois Metropolitan District.

Section 6.        Governing Law. The laws of the State of Missouri shall govern this Resolution.

Section 7.        No Personal Liability. No member of the Board of Commissioners, officer, employee or agent of the Agency shall have any personal liability for acts taken in accordance with this Resolution.

Section 8.        Payment of Expenses. The Senior Vice President and CFO is hereby authorized and directed to pay or cause to be paid all costs, expenses and fees incurred in connection with or incidental to this Resolution.

Section 9.        Effective Date. This Resolution shall be in full force and effect from and after its passage and approval.

**ADOPTED** by the Board of Commissioners of The Bi-State Development Agency of the Missouri-Illinois Metropolitan District this 19<sup>th</sup> day of November, 2021.

*In Witness Whereof*, the undersigned has hereto subscribed her signature and caused the Seal of the Agency to be affixed.

**THE BI-STATE DEVELOPMENT AGENCY OF THE  
MISSOURI-ILLINOIS METROPOLITAN DISTRICT**

By \_\_\_\_\_  
Title \_\_\_\_\_

[SEAL]

ATTEST:

By \_\_\_\_\_  
Deputy Secretary to the Board of Commissioners

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Resolution #1172  
Bi-State Development Agency Board of Commissioners  
November 19, 2021  
Approving Amendment #23 – Local 788 ATU, AFL-CIO, Employees Pension Plan  
Page 3

**Exhibit A**

(Amendment #23 to the Bi-State Development Agency of the Missouri-Illinois District and  
Local 788 Amalgamated Transit Union, AFL-CIO, Employees' Pension Plan)

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Resolution #1172  
Bi-State Development Agency Board of Commissioners  
November 19, 2021  
Approving Amendment #23 – Local 788 ATU, AFL-CIO, Employees Pension Plan  
Page 4

**Bi-State Development Agency  
Board of Commissioners  
Open Session Agenda Item  
November 19, 2021**

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**From:** Taulby Roach, President and Chief Executive Officer  
**Subject:** **Memorandum of Understanding between Citizens for Modern Transit, St. Clair County Transit District and Bi-State Development for the Development of a Bus Stop at Belleville MetroLink Station**  
**Disposition:** Approval  
**Presentation:** Taulby Roach, President and Chief Executive Officer

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**Objective:**

To present to the Board of Commissioners for approval, a Memorandum of Understanding (MOU) between Citizens for Modern Transit (CMT), St. Clair County Transit District (SCCTD) and Bi-State Development (BSD) for the development of the bus stop at the Belleville MetroLink Station (Project).

**Committee Disposition:**

This item has not been presented to any Committee: however, due to the timing of the commencement of the Project, the President and CEO has placed this item on the Agenda for the Board of Commissioners meeting on November 19, 2021.

**Background:**

CMT, SCCTD and BSD will work together to transform the space between the BSD MetroLink entrance and the bus bays at the Belleville MetroLink Station in Belleville, Illinois (City) into a first-rate, interactive, safe and fun space that endeavors to have a positive impact on the City, residents, their families and their communities while promoting transit and a safe environment around transit.

**Analysis:**

For the Project, CMT will manage its overall execution, select the firm and cover the cost of Project design estimated at \$15,000 and the cost of community engagement estimated at \$10,000. SCCTD will own the Project for the lifetime of the infrastructure, including the equipment purchased by SCCTD, cover the cost of the infrastructure construction estimated at \$60,000, and take sole responsibility for maintenance and supervision of its use. BSD will provide access and site preparation, insurance and continuing maintenance, upkeep and repair after the Project is complete.

**Board Action Requested:**

Request that the Board of Commissioners approve authorization for the President and CEO to execute a Memorandum of Understanding between Citizens for Modern Transit, St. Clair County Transit District and Bi-State Development for the development of a bus stop at the Belleville MetroLink Station.

**Attachment:**

Draft Memorandum of Understanding between Citizens for Modern Transit, St. Clair County Transit District and Bi-State Development for the development of a bus stop at the Belleville MetroLink Station.

*No Board Policy applies; however, Missouri Revised Statutes §70.220 and §70.230 require agreements between municipalities or other units of government to be approved by the Governing Board of such entity and Section 5 of the "Intergovernmental Cooperation Act," 5 Ill. Comp. Stat. 22015, provides that any one or more public agencies may contract with any one or more public agencies to perform any governmental service, activity, or undertaking which any of the public agencies entering into the contract is authorized by law to perform, provided that such contact shall be authorized by the governing body of each party to the contract.*

MEMORANDUM OF UNDERSTANDING  
between  
Citizens for Modern Transit, St. Clair County Transit District  
and the Bi-State Development Agency

This Memorandum of Understanding ("MOU") is entered into between Citizens for Modern Transit ("CMT"), 911 Washington, Suite 200, St. Louis, Missouri 63101, St. Clair County Transit District ("SCCTD"), 27 N. Illinois, Belleville, IL 62226 and the Bi-State Development Agency of the Missouri- Illinois Metropolitan District ("BSD"), 211 N. Broadway, Suite 700, St. Louis, MO 63102.

CMT, SCCTD and BSD ("the Parties") desire to enter into a partnership to transform the space between the BSD MetroLink entrance and the bus bays at the Belleville MetroLink Station in Belleville, IL (the "City") into a first-rate, interactive, safe and fun space that endeavors to have a positive impact on the City's residents, their families and their communities while promoting transit and a safe environment around transit.

1. Purpose

The purpose of this MOU is to formally establish the partnership between CMT, SCCTD and BSD and to describe and agree to the parameters and scope of each party's intended engagement in the partnership. This MOU sets forth a structure in which the Parties will work in a mutually beneficial manner to bring new transit infrastructure to residents and riders in Belleville.

2. Background

CMT was founded in 1985 and began its mission to introduce MetroLink to the St. Louis metropolitan area. Since then, CMT members have played key roles in the passage of funding measures for the expansion of MetroLink and other transportation improvements in the region. Today, CMT leads efforts for an integrated, affordable, and convenient public transportation system with light rail expansion as the critical component that will drive economic growth to improve quality of life in the St. Louis region.

SCCTD was created in 1981 under the Illinois Mass Transit District Act. SCCTD provides and manages transportation services for the fifteen townships that make up the District. The fifteen Townships in the District include: Belleville, Canteen, Caseyville, Centreville, East St. Louis, Engelmann, Lebanon, Mascoutah, O'Fallon, St. Clair, Shiloh Valley, Smithon, Stites, Stookey, and Sugarloaf. The SCCTD is a special purpose unit of local government that is empowered to collect a .75 percent sales tax within the District for the purpose of providing public transportation and connecting facilities like MetroBikeLink within the District. St. Clair County's local investment of \$339 million delivers access to a \$1 billion transit system including MetroLink, MetroBus, Paratransit Alternative Transportation Service (ATS) and MetroBikeLink.

BSD is an interstate compact agency and the public transit operator in the St. Louis region - Missouri and Illinois. BSD's fleet includes 87 MetroLink vehicles, 408 MetroBus vehicles, and 126 Metro Call-A-Ride vans.

### 3. Partnership Goal

Through this MOU, CMT, SCCTD and BSD agree to work together to develop a MetroBus Transformation Project for the City of Belleville that will increase transit patronage and City resident engagement and enhance public open space.

Partnership Goal: Implement a Transformation Project at the Belleville MetroLink Station in the City of Belleville, IL (the “Project”)

### 4. Roles and Responsibilities

CMT will:

- i. Provide strategic oversight of the Project on behalf of all Parties;
- ii. Manage the overall execution of the Project on behalf of the Parties;
- iii. Lead selection of Project design/project manager firm;
- iv. Coordinate site preparation activities with SCCTD and BSD;
- v. Cover the cost of Project design/management (\$15,000);
- vi. Cover the cost of community engagement for the Project (\$10,000);
- vii. Work with SCCTD to identify construction firm if needed to complete infrastructure work;
- viii. With the support of Parties, build excitement with community members at the prospect of a new and engaging MetroBus infrastructure; and

SCCTD will:

- i. Identify the site in collaboration with Parties;
- ii. Own the Project in its entirety, for the lifetime of the infrastructure, including the equipment purchased by SCCTD; Real estate will continued to be owned by BSD;
- iii. Cover the cost of capital expenditures for the infrastructure construction (estimated \$60,000);
- iv. SCCTD will obtain or cause to be obtained all necessary city requirements, utility checks, permits, street closures, licenses and land ownership regarding the installation of the new bus stop infrastructure;
- v. Coordinate site preparation activities with BSD, CMT and AARP;
- vi. Work with CMT to identify construction firm if needed to complete infrastructure work; and
- vii. Take sole responsibility for maintenance of the infrastructure and supervise its use. SCCTD shall collaborate with AARP, CMT and BSD during the Project planning process to develop a maintenance program for the infrastructure and, with the support of BSD, shall maintain the infrastructure and the property before and after the Build Day to ensure a safe and attractive space.

BSD will:

- i. Provide access to the site for development of the infrastructure;
- ii. Provide proof of land ownership of the site evidenced by a letter from BSD showing approval for the Project;
- iii. With the support of all Parties, work with SCCTD (where applicable) to perform site preparation and remediation as necessary prior to installation. Needed site preparation

- will be confirmed after the design is completed and could include: pressure washing, removal of structures on the site, and removing grass and leveling the ground;
- iv. Provide insurance on the site; and.
  - v. Provide continuing maintenance, upkeep and repair after the Project is complete.

## 5. Project Costs

SCCTD will cover the capital costs of the build as well as community engagements costs totaling an estimated \$61,000. CMT will cover project design and management costs of an estimated \$25,000.

## 6. Marketing

CMT shall jointly participate in marketing to promote programming and the associated Project executed through this Agreement with approval of each Party.

## 7. Timeline

The Project will take place over the course of 12 months, beginning October 1, 2021 — October 1, 2022, with the possibility of extending the Agreement as mutually agreed upon by all Parties.

## 8. Insurance

SCCTD shall obtain and maintain from no less than seven (7) days prior to the installation of the Project and for a minimum of one year after, commercial general liability insurance (providing coverage against liability for bodily injury, death and property damage that may arise out of or be based upon the use of the MetroBus infrastructure) with a limit of not less than one million dollars (\$1,000,000) per occurrence and which policy shall provide that CMT be given at least thirty (30) days prior written notice of any change or cancellation of coverage.

## 9. Indemnification

To the extent permitted by applicable law, SCCTD shall indemnify and hold harmless CMT and BSD and respective Commissioners, affiliates, directors, officers, managers, partners, members, shareholders, employees, agents and representatives from any and all losses, liabilities, claims, actions, fees and expenses (including interest and penalties due and payable with respect thereto, reasonable attorneys' and accountants' fees and any other reasonable out-of-pocket expenses) arising under, out of or in connection with any breach by SCCTD of this Agreement or resulting from the negligence of SCCTD in connection with the Project. This provision shall survive any termination or expiration of this Agreement.

CMT shall indemnify and hold harmless SCCTD and BSD and its respective Commissioners, affiliates, directors, officers, managers, partners, members, shareholders, employees, agents and representatives from any and all losses, liabilities, claims, actions, fees and expenses (including interest and penalties due and payable with respect thereto, reasonable attorneys' and accountants' fees and any other reasonable out-of-pocket expenses) arising under, out of or in connection with any breach by CMT of this Agreement or resulting from the negligence of CMT in connection with the Project. This provision shall survive any termination or expiration of this Agreement.

To the extent permitted by applicable law, BSD shall indemnify and hold harmless SCCTD and CMT and respective affiliates, directors, officers, managers, partners, members, shareholders, employees, agents and representatives from any and all losses, liabilities, claims, actions, fees and expenses (including interest and penalties due and payable with respect thereto, reasonable attorneys' and accountants' fees and any other reasonable out-of-pocket expenses) arising under, out of or in connection with any breach by BSD of this Agreement or resulting from the negligence of BSD in connection with the Project. This provision shall survive any termination or expiration of this Agreement. By execution and performance of this Agreement, BSD does not intend to, nor shall it be deemed to have waived or relinquished any immunity or defense on behalf of the BSD and BSD's Commissioners, officers, directors, servants, employees, agents, successors or assigns.

#### 10. Termination

In the event that the SCCTD fails to make the payments required under Section V or otherwise breaches this Agreement, CMT and BSD may terminate this Agreement upon written notice to SCCTD of such termination.

In the event CMT fails to make the payments required under Section V or otherwise breaches the Agreement, SCCTD and BSD may terminate this Agreement upon written notice to CMT of such termination.

In the event BSD breaches the agreement, SCCTD and CMT may terminate this Agreement upon written notice to BSD of such termination.

#### 11. Contact Information

Citizens for Modern Transit  
Kim Cella, Executive Director  
911 Washington, Suite 200  
St. Louis, MO 63101  
[kcella@cmt-stl.org](mailto:kcella@cmt-stl.org)  
314-231-7272

St. Clair County Transit District  
Ken Sharkey, Managing Director  
27 N. Illinois  
Belleville, IL 62226  
Email: [ksharkevscctd.org](mailto:ksharkevscctd.org)

Bi-State Development Agency  
Taulby Roach, CEO  
211 North Broadway, Suite 700  
St. Louis, MO 63102  
Email: [TRoach@bistatedev.org](mailto:TRoach@bistatedev.org)

12. General Terms and Conditions

This agreement is effective when signed by each Party and as of the date of the final signature and will remain in effect until six (6) months after completion of the last installation as mutually agreed upon by the Parties.

By executing this Memorandum of Understanding where indicated below, each Party agrees, as of the date of the final signature, to be bound by the terms and provisions set forth above.

For: **CMT**

By: \_\_\_\_\_  
Date: \_\_\_\_\_

Name: Kim Cella  
Title: Executive Director  
Address:  
911 Washington, Suite 200  
St. Louis, MO 63101  
314-231-7272  
Email: [kcellacmt-stl.org](mailto:kcellacmt-stl.org)

For **SCCTD:**

By: \_\_\_\_\_  
Date: \_\_\_\_\_

Name: Ken Sharkey  
Title: Managing Director  
Address: 27 N. Illinois  
Belleville, IL 62226  
Email: [ksharkevsccctd.org](mailto:ksharkevsccctd.org)

For: **BSD:**

By: \_\_\_\_\_  
Date: \_\_\_\_\_

Name: Taulby Roach  
Title: President and CEO  
Address: 211 North Broadway, Suite 700  
St. Louis, MO 63102  
Email: [TRoach@bistatedev.org](mailto:TRoach@bistatedev.org)

**A RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF THE BI-STATE DEVELOPMENT AGENCY  
OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT  
APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE  
CITIZENS FOR MODERN TRANSIT, ST. CLAIR COUNTY TRANSIT DISTRICT  
AND BI-STATE DEVELOPMENT AGENCY FOR THE DEVELOPMENT OF A  
BUS STOP AT BELLEVILLE METROLINK STATION**

**PREAMBLES:**

*Whereas*, the Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the “Agency”/ “BSD”) is a body corporate and politic, created by an interstate compact between the States of Missouri and Illinois, acting by and through its Board of Commissioners (the “Board of Commissioners”); and

*Whereas*, the Agency is authorized by Mo. Rev. Stat. §§ 70.370 et seq. and 45 Ill. Comp. Stat. 100/1 et seq. (jointly referred to herein as the “Compact”) to purchase or lease, sell or otherwise dispose of, and to plan, construct, operate and maintain, or lease to others for operation and maintenance, passenger transportation facilities, and motor vehicle and other terminal or parking facilities; to contract with municipalities or other political subdivisions for the services or use of any facility owned or operated by the Agency, or owned or operated by any such municipality or other political subdivision; to contract and to be contracted with; and to perform all other necessary and incidental functions; and

*Whereas*, no Board Policy applies; however, Missouri Revised Statutes §70.220 and §70.230 require agreements between municipalities or other units of government to be approved by the Governing Board of such entity, and Section 5 of the “Intergovernmental Cooperation Act,” 5 ILCS 220/5 (Chapter 127, paragraph 745), provides that any one or more public agencies may contract with any one or more public agencies to perform any governmental service, activity, or undertaking which any of the public agencies entering into the contract is authorized by law to perform, provided that such contact shall be authorized by the governing body of each party to the contract; and

*Whereas*, the Citizens for Modern Transit (CMT), the St. Clair County Transit District (SCCTD) and Bi-State Development (BSD) will work together to transform the space between the BSD MetroLink entrance and the bus bays at the Belleville MetroLink Station in Belleville, Illinois (City) into a first-rate, interactive, safe and fun space that endeavors to have a positive impact on the City, residents, their families and their communities while promoting transit and a safe environment around transit; and

*Whereas*, for the Project, CMT will manage its overall execution, select the firm and cover the cost of Project design estimated at \$15,000 and the cost of community engagement estimated at \$10,000. SCCTD will own the Project for the lifetime of the infrastructure, including the equipment purchased by SCCTD, cover the cost of the infrastructure construction estimated at \$60,000, and take sole responsibility for maintenance and supervision of its use. BSD will provide access and site preparation, insurance and continuing maintenance, upkeep and repair after the Project is complete; and

*Whereas*, it is feasible, necessary and in the public interest for the Agency to authorize the President and CEO to execute a Memorandum of Understanding between Citizens for Modern Transit, St. Clair County Transit District and Bi-State Development for the development of a bus stop at the Belleville MetroLink Station, in Belleville, Illinois, in accordance with the terms and conditions described herein.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

Section 1. Findings. The Board of Commissioners hereby finds and determines those matters set forth in the preambles hereof as fully and completely as if set out in full in this Section 1.

Section 2. Approval for the President & CEO to Execute a Memorandum of Understanding. The Board of Commissioners hereby authorizes the President and CEO to execute a Memorandum of Understanding between Citizens for Modern Transit, St. Clair County Transit District and Bi-State Development for the development of a bus stop at the Belleville MetroLink Station in Belleville, Illinois, under and pursuant to this Resolution and the Compact for the authorized Agency purposes set forth in the preambles hereof and subject to the conditions hereinafter provided.

Section 3. Actions of Officers Authorized. The officers of the Agency, including, without limitation, the President and CEO, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and the Agreement and the execution of such documents or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. Severability. It is hereby declared to be the intention of the Board of Commissioners that each and every part, section and subsection of this Resolution shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Commissioners intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Resolution shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the intent of this Resolution.

Section 5. Rights under Resolution Limited. No rights shall be conferred by this Resolution upon any person or entity other than the Agency, Citizens for Modern Transit and the St. Clair County Transit District.

Section 6. Governing Law. The laws of the State of Missouri shall govern this Resolution.

Section 7. No Personal Liability. No member of the Board of Commissioners, officer, employee or agent of the Agency shall have any personal liability for acts taken in accordance with this Resolution and the Agreement.

Section 8. Payment of Expenses. The Senior Vice President and CFO is hereby authorized and directed to pay or cause to be paid all costs, expenses and fees incurred in connection with or incidental to this Resolution and Agreement.

Section 9. Effective Date. This Resolution shall be in full force and effect from and after its passage and approval.

**ADOPTED** by the Board of Commissioners of The Bi-State Development Agency of the Missouri-Illinois Metropolitan District this 19<sup>th</sup> day of November, 2021.

*In Witness Whereof*, the undersigned has hereto subscribed her signature and caused the Seal of the Agency to be affixed.

**THE BI-STATE DEVELOPMENT AGENCY OF THE  
MISSOURI-ILLINOIS METROPOLITAN DISTRICT**

By \_\_\_\_\_  
Title \_\_\_\_\_

[SEAL]

ATTEST:

By \_\_\_\_\_  
Deputy Secretary to the Board of Commissioners

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From: Taulby Roach, President and Chief Executive Officer  
Subject: **Authorize President and CEO to Pursue Plans and Financing for the MetroLink Secure Platform Project**  
Disposition: Approval  
Presentation: Taulby Roach, President and Chief Executive Officer

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**Objective:**

To present to the Board of Commissioners for approval, authorization for the President and CEO to pursue plans and financing for the MetroLink Secure Platform Project, including the acceptance of public and private donations and to negotiate and execute any agreements relating thereto.

**Background:**

The MetroLink system must be safe and secure to attract riders. Ridership on MetroLink has decrease by 56% post Covid-19 and a major effort must be undertaken to restore and attract new riders to the system. Kevin Scott, General Manager Security, has stated that that one of the largest MetroLink issues is the perception of safety on the system and has advocated that BSD must do something profound to change the dynamic. He has indicated that the current situation on the system is challenging and difficult for law enforcement, and that platform enhancement would help secure control over these areas.

**Analysis:**

Public transit is an essential component of the St. Louis regional infrastructure and BSD must regain regional confidence in order to regain ridership. The MetroLink Secure Platform Project is a bold measure to address the perception of safety on the MetroLink system and a shift in MetroLink operating practices. The capital plan includes enhanced CCTV, as well as gates and turnstiles. The plan will be implemented at all 38 MetroLink stations across the 46-mile system and enhance the recently implemented safety and security program. Endorsements for the proposed plan have been received from all three of BSD's public funding partners and two police partners: St. Louis City, St. Louis County, St. Clair County, St. Louis County Police Department and St Louis Metropolitan Police Department. This is the first time since the 1990's that the Agency has received such support for improvements. The total estimated cost of the plan is \$52 million, with \$10 million from Bond Refinancing, \$13 million from Private Sector Funding, \$13 million from Illinois allocation credit, and \$16 million from BSD capital and the American Recovery Plan. The Secure Platform Project will be a unique public-private partnership initiative and could help lead the way for more Agency projects of this kind in future.

**Previous Action:**

The President and CEO briefed the Safety and Security Committee regarding the proposed MetroLink Secure Platform Project, during its August 12, 2021 meeting.

**Board Action Requested:**

The Board of Commissioners approve authorization for the President and CEO to pursue plans and financing for the MetroLink Secure Platform Project, including the acceptance of public and private donations and to negotiate and execute any agreements relating thereto.

**Funding Source:**

BSD Bond Refinancing; Illinois Allocation Credit; Private Sector Funding; and BSD Capital Budget and America Recovery Plan.

**Attachment:**

MetroLink Secure Platform Plan Overview

*Additional Compact Powers, Section 10.010.2(1) to acquire by gift, purchase, or lease, sell or otherwise dispose of, and to plan, construct, operate and maintain, or lease to others for operation and maintenance ... passenger transportation facilities....*

# MetroLink Secure Platform Plan

## Dear Regional Leaders,

Public transit is an essential component of any thriving region and it is imperative that Metro Transit regain a position of regional confidence in order to regain ridership. The centerpiece of our plan is an aggressive capital campaign that will reinvigorate Metro Transit for the St. Louis region. The catalyst of this capital campaign is a bold shift in MetroLink platform operating practices. The MetroLink Secure Platform Plan will create centralized customer entrances activated using a new fully integrated fare media system that enhances the customer mobile ticket experience as well as improves access throughout the region to Metro tickets and passes. The MetroLink Secure Platform Plan will be implemented at all 38 MetroLink stations across the 46-mile system and enhance the recently implemented safety and security program. Finally, the MetroLink Secure Platform Plan goes beyond the WSP recommendations and recognizes our community's call for a more secure system, and signals that Metro Transit is serious about improving ridership and regaining the region's confidence in this pivotal regional asset.

### **The information contained on the following pages provides a brief overview of:**

1. Our plan to increase ridership through an aggressive capital infrastructure campaign
2. Rendering of Secure Platform at Richmond Heights MetroLink Station
3. Plan Endorsements: Regional Elected Officials, Police Partners, and Bi-State Development Board of Commissioners
4. Project Budgets, Timelines and Funding Sources
5. Our Commitment and Plan related to funding additional project costs
6. Legal documentation reflecting our ability to accept private funds
7. Private Funding Donation Agreement

My office is responsible for coordinating all aspects of each private funding agreement. Your support is a catalyst for the actions that are laying a foundation for Metro Transit, our community, and regional growth. Your financial support is a pivotal investment, solidifying your leadership role in addressing a critical aspect of safety in our region and will encourage others in the region to be a part of the solution.

We look forward to your participation!



Taulby Roach  
President and Chief Executive Officer  
Bi-State Development

## MetroLink Return to Ridership

The centerpiece of our plan to recapture ridership is an aggressive capital campaign that will radically change the face of Metro Transit service. Some of our larger service improvement projects are highlighted below.

Our comprehensive marketing, communications and community engagement efforts are gearing up and have already begun telling the story of the improvements occurring in public safety.

- **Light Rail Vehicle Replacement.** Roughly 50% of the MetroLink Light Rail Vehicles (LRVs) are scheduled for replacement in the next four years. The next generation MetroLink vehicles will be similar in configuration but will have many upgrades including factory video systems and next generation Wi-Fi capabilities.
- **MetroBus Fleet Replacement.** Bus rolling stock replacement vehicles are being upgraded with enhanced safety and customer enhancements. Most importantly, we are targeting 30% fleet capability with the latest battery electric vehicles. Fourteen 60-foot American made New Flyer battery electric busses have just been put in operation on the #70 Grand line. These vehicles are based out of the Brentwood facility which includes a charging infrastructure built in partnership with Ameren.
- **MetroLink Station Renovation.** A few of our oldest legacy stations are set for renovation in the next 3 years, including all downtown stations. Once completed these renovated stations will celebrate their surrounding community and include new and upgraded finishes, lighting and customer amenities including Wi-Fi.
- **Secure Platforms.** All 38 MetroLink Stations are included in the Secure Platform Plan (68 entrance gates; 81 exit gates). Improvements for each station include gates, fencing and cameras.
- **New Digital Fare Media.** As an integral part of the Secure Platform Plan, new digital fare media will allow for rigorous fare integrity, easier to use and expand availability to more potential customers. This widespread technology will allow fare media to be bought and presented through any smart phone. One easy swipe over the scanner and the fare gates will open.
- **Rigorous Cleaning Standards to be Maintained.** The new market dynamic must address customer demands for a disinfected and exceptionally clean transit system. Over the past several months, we have deployed several layers of enhanced cleaning procedures on all buses, trains, and paratransit vehicles. This includes the use of disinfecting fogging agents along with nightly cleaning protocol. This is the new industry standard, and Metro Transit is committed to maintaining this higher standard.

**Metro Transit Public Safety:** <https://www.youtube.com/watch?v=t1yAaUpeJtA>

**COVID – Always Ready for You to Ride:** [https://www.youtube.com/watch?v=u\\_TPsGMNc\\_I](https://www.youtube.com/watch?v=u_TPsGMNc_I)

# Platform Rendering



## Plan Endorsements:

### Regional Elected Officials, Police Partners, and Bi-State Development Board of Commissioners

The MetroLink Secure Platform Plan has been presented several times to each primary elected official from Bi-State Development's funding jurisdictions and has received their support and endorsement at an executive meeting on July 27, 2021 from St. Louis County Executive Sam Page, St. Louis City Mayor Tishaura Jones, and St. Clair County Board Chairman Mark Kern.

Regional police partners have included their support and endorsements for the Secure Platform Plan.

Subsequently, this plan was presented to the Bi-State Board of Commissioners in executive session where it also received unanimous support.

*(Formal written approval is pending with a special board meeting for BSD in October.)*



OFFICE OF THE MAYOR  
CITY OF ST. LOUIS  
MISSOURI

TISHAURA O. JONES  
MAYOR

CITY HALL - ROOM 200  
1200 MARKET STREET  
SAINT LOUIS, MISSOURI 63103-2877  
(314) 622-3201  
FAX: (314) 622-4061

Taulby Roach  
President & CEO  
Bi-State Development  
211 North Broadway, Suite 700  
St. Louis, MO 63102

Dear Mr. Roach:

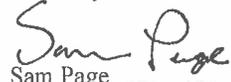
Much has been said about the future of the region and the role of transit. As regional leaders, we are unified in our support for embedding transit into the fabric of the greater St. Louis area. From Missouri to Illinois, we must think of our region as an economic generator that is fueled by our citizens, who often rely on Metro Transit.

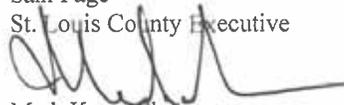
We are also committed to the safety of the system. Bold moves are necessary to respond to this pandemic and its extraordinary effects. In a recent presentation to each of us, you showed a plan for securing MetroLink through the Secure Platform Plan. This proposal would secure the system as never before envisioned through access control systems and coordinated video enhancements. This will signal to the public that Metro is committed to taking proactive steps in response to safety needs and resident concerns.

As an economic engine for our entire region, improving Metro will require financial support from business, civic, and governmental leaders in collaboration. We understand that this plan is funded by a unique public-private partnership combining existing capital resources within the Bi-State capital budget and Bi-State's bond refinance savings with private sector contributions approaching \$13 million dollars. We appreciate Bi-State's willingness to find a creative solution to funding this plan without the need for new, additional public sector contributions. This sort of investment demonstrates that we are working together across sectors for the common good of our citizens.

Please accept this joint statement as evidence of our endorsement and support of this plan.

Sincerely,

  
Sam Page  
St. Louis County Executive

  
Mark Kern, Chairman  
St. Clair County Board

  
Tishaura O. Jones  
Mayor, City of St. Louis



# ST. LOUIS COUNTY POLICE DEPARTMENT

*Lt. Colonel Kenneth L. Gregory*  
*Acting Chief of Police*



(314) 615-4260  
FAX (314) 615-7065

OFFICE OF THE CHIEF OF POLICE  
7900 Forsyth Boulevard  
St. Louis, Missouri 63105

November 3, 2021

Mr. Taulby Roach  
President & CEO  
Bi-State Development  
211 North Broadway  
Suite 700  
St. Louis, Missouri 63102

Mr. Roach:

Thank you for meeting with me and my staff to discuss public safety on MetroLink. As you mentioned in our meeting this sort of rigorous partnership is just the sort of commitment we each must have to achieve success. Please know that my department is committed to such a concept.

On another subject, I was pleased to see your presentation on the Secure Platform plan. This sort of design change is just the sort of project that changes the paradigm for law enforcement. Using the concepts of environmental control and detailed camera systems will deliver a public transit system with the highest degree of safety. I think this is just what our citizens have been asking for.

Therefore, please accept this letter as my endorsement of the plan as presented on October 22<sup>nd</sup>. Additionally, please let me know how my staff can assist in providing law enforcement expertise in moving such a project forward.

Sincerely,

LIEUTENANT COLONEL KENNETH GREGORY  
Acting Chief of Police

KG:aa  
1121280



“Committed to Our Citizens Through Neighborhood Policing”





Tishaura O. Jones  
Mayor

Daniel Isom  
Public Safety Director

COLONEL JOHN W. HAYDEN, JR.  
POLICE COMMISSIONER

Service, Integrity, Leadership, and Fair Treatment to All

# METROPOLITAN POLICE DEPARTMENT

City of St. Louis – 1915 Olive Street – St. Louis, MO – 63103

November 5, 2021

Taulby Roach  
Bi-State Development  
211 North Broadway  
Suite 700  
Saint Louis, MO 63102

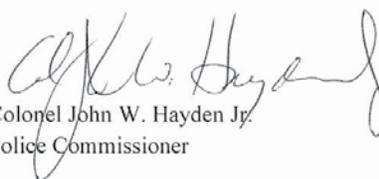
Mr. Roach,

There are few times when projects are presented to us that incorporate the principals of multiple professional disciplines. As often the case in policing and public safety, there are complex decisions made that must be balanced with the practical aspects of our community such as ease of use and practical operations. In my preliminary review of the Secure Platform Plan, your team is on a path to success. Simple and rigorous turnstile systems will allow for a much higher degree of system control and therefore, greater safety.

This project is the sort of change and improvement in system safety that our community has been seeking. Please accept this letter as my endorsement of the plan as presented at our meeting on October 28, 2021.

As always, I look forward to working with Metro Transit and appreciate our joint mission to provide quality, safe public service.

Very truly yours,



Colonel John W. Hayden Jr.  
Police Commissioner

# Cost Estimate Summary

MetroLink Stations: 38

Total number of entrance gates: 68

Total number of exit gates: 81

Each station improvement includes gates, fencing and cameras. Many stations have multiple entrances.

## Construction Costs

Entrance Gates (68)	\$ 1,020,000
Exit Gates (81)	980,000
Shelters for Gates	2,010,000
Station Fencing and Sitework	15,000,000
Alignment Fencing and Grounding	2,100,000
Integration with Payment System	100,000
Camera Replacement	170,000
Camera Expansion	2,000,000
Central Control Modifications for Camera System	800,000
Network	1,900,000
Video Storage	70,000
Camera System Installation	6,400,000
<b>Total Construction Costs</b>	<b>\$32,550,000</b>

## Design and Management Costs

Design	3,225,000
Construction Management	3,250,000
Administration	975,000
<b>Total Design and Management Costs</b>	<b>7,450,000</b>

**Sub-Total** **\$40,000,000**

Contingency 12,000,000  
**Total Project cost with Contingency** **\$52,000,000**

## Estimate and certification of financial capacity

The \$52 million dollar engineering estimate is a BSD internal number developed by engineering staff. The number is informed by a barrier study conducted by Jacobs Engineering in 2017. The estimate incorporates concepts behind variations in station design and the inclusion of camera system upgrades. Given years of project experience and a track record that includes stable project management, we stand by the performance of these figure.

## Secure Platforms - Camera Costs

### Cost Estimate Summary

MetroLink Stations: 38

Total Number of Cameras : 791

### Procurement and Installation Costs

Video Management System software / hardware (including optional software)	\$ 1,738,000
Video Storage software / hardware	1,385,000
Video Management System Clients (user interface / hardware)	162,000
Field Equipment (cameras / encoders)	2,485,000
Video Analytics (head end-based, field-based, and hardware / software integration)	531,000
Backbone Network and Interface to external networks	3,462,000
Head End Network (Video Management System, video storage, and clients)	746,000
Field Site Network	831,000
<b>Sub-Total</b>	<b>\$11,340,000</b>
Contingency (30%)	3,402,000
<b>Totals</b>	<b>\$14,742,000</b>

## Source of Funding

### \$52 Million

- \$10 million** Bond refinancing proceeds dedicated to security
- \$13 million** Illinois allocation credit due from federal stimulus
- \$16 million** BSD capital & American Recovery Plan
- \$13 million** Private sector funding

## Plan Schedule – Timeline & Pricing

- Construction timelines will become more precise as specific designs are developed and phasing alternatives are proposed. For general planning purposes, a project of this scope and significance can be implemented in a period of 28 months with staggered deliverables based on logical sub sections. (This specific schedule is currently in development and a draft is expected to be completed for BSD Board of Commissioner endorsement in October 2021.)
- Pricing of this project and potential cost overruns is the normal course of business and falls within the expertise and experience of BSD. Our CFO has been asked to review the plan presented and has certified that BSD has the financial capacity to support the project, including reasonable cost overruns should they occur. (A draft certification from the BSD CFO is attached.)

**Tammy Fulbright**  
Executive Vice President & Chief Financial Officer  
314.982.1503  
tfulbright@BiStateDev.org



October 3, 2021

Bi-State Development Board of Commissioners,

Our organization has a long history of successfully overseeing the construction and financial management of numerous projects of significant magnitude. In construction, it is normal to expect reasonable cost overruns.

The Bi-State Development engineering staff estimates the cost of the Secure Platform Project to be 52 million dollars. At the request of our President and Chief Executive Officer, Taulby Roach, I have reviewed the plan presented and our financial position to ensure our organization has the financial strength to support this project.

As the Chief Financial Officer for Bi-State Development, I certify that we have the financial capacity to cover reasonable cost overruns and with the financial support of the funding jurisdictions and private funding the ability to fully execute the financial plan to complete the Secure Platform Project.

Sincerely,

A handwritten signature in black ink that reads 'Tammy Fulbright'.

Tammy Fulbright  
Executive Vice President and Chief Financial Officer

One Metropolitan Square  
211 North Broadway, Suite 700  
St. Louis, MO 63102-2759  
[BiStateDev.org](http://BiStateDev.org)

Gateway Arch Riverfront Attractions • Metro Transit • St. Louis Downtown Airport • Regional Freight District • Bi-State Development Research Institute



MEMORANDUM

To: Taulby Roach, President and CEO  
From: Barbara Enneking, General Counsel  
Date: April 28, 2021  
RE: Private Donations to the Agency

The Agency has the authority to accept private donations from individuals which further and are consistent with the Agency's purposes as set forth in the Compact; and subject to the limitations specified in the Internal Revenue Code, donors may receive a federal income tax deduction for their donations to the Agency provided the gifts are made to the Agency exclusively for public purposes. Please see attached, October 26, 2011, Lashly & Baer opinion.



**LASHLY & BAER, P.C.**  
ATTORNEYS AT LAW

**RHONDA A. O'BRIEN**  
Licensed in Missouri and Illinois  
DIRECT: 314 436-8336  
roobrien@lashlybaer.com

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714 Locust Street  
St. Louis, MO 63101-1699  
TEL: 314 621.2939  
FAX: 314 621.6844  
www.lashlybaer.com

**ILLINOIS**  
20 East Main Street  
Belleville, IL 62220-1602  
TEL: 618 233.5587  
By Appointment Only

October 26, 2011

Board of Commissioners  
The Bi-State Development Agency of  
the Missouri-Illinois Metropolitan District  
707 North First Street  
St. Louis, Missouri 63102

**Re: Charitable Contributions to the Bi-State Development Agency**

Ladies and Gentlemen:

This letter is in response to your request for our opinion regarding whether: (1) the Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the "Agency") has authority to accept grants and donations; and (2) if so, the donors would be entitled to federal income tax deductions for their contributions under Internal Revenue Code ("Code") Section 170.

In formulating our opinion, we have examined the compact between the States of Illinois and Missouri authorizing the Agency (the "Compact") as codified in Mo. Rev. Stat. Section 70.370 et seq. and 45 Ill. Comp. Stat. 100/1 et seq. The Compact, which establishes the Agency's powers was confirmed by the United States Congress, Joint Resolution of August 31, 1950, 64 Stat. 568, Pub. L. No. 81-743; September 21, 1959, 73 Stat. 582, Pub. L. No. 86-303; September 30, 1985, 99 Stat. 477, Pub. L. No. 99-106; and April 1, 1996, 110 Stat. 883, Pub. L. No. 104-125.<sup>1</sup>

On the basis of our understanding of the relevant facts and the analysis which follows, subject to the limitations contained herein, having regard for legal considerations which we deem relevant, it is our opinion that: (1) the Agency has authority to accept grants and donations which further and are consistent with the Agency's purposes as set forth in the Compact; and (2) subject to the limitations specified in the Code, donors may receive federal income tax deductions for their donations to the Agency provided that the gifts are made to the Agency exclusively for public purposes.

<sup>1</sup> A joint resolution is currently pending in Congress to amend the Compact to extend the term of bonds issued by the Agency from 30 to 40 years.

{Lashly & Baer, P.C. - 00479687.DOC-1}



October 26, 2011

Page 2

1. Authority of the Agency to Accept Gifts.

The public purposes of the Agency are set forth in the Compact which provides in pertinent part as follows:

ARTICLE III...The bi-state agency shall have the following powers:

(1) To plan, construct, maintain, own and operate bridges, tunnels, airports and terminal facilities and to plan and establish policies for sewage and drainage facilities;

(2) To make plans for submission to the communities involved for coordination of streets, highways, parkways, parking areas, terminals, water supply and sewage and disposal works, recreational and conservation facilities and projects, land use pattern and other matters in which joint or coordinated action of the communities within the areas will be generally beneficial;

...

(7) To perform all other necessary and incidental functions; and

(8) To exercise such additional powers as shall be conferred on it by the legislature of either state concurred in by the legislature of the other or by act of congress.

Mo. Rev. Stat. § 70.370 (Article III), 45 Ill. Comp. Stat. 100/1 (Article III). In addition, separate statutory sections provide:

In further effectuation of that certain compact . . . the bi-state development agency . . . is authorized to exercise the following powers in addition to those heretofore expressly authorized by the aforesaid compact:

(1) To acquire by gift, purchase or lease, sell or otherwise dispose of, and to plan, construct, operate and maintain, or lease to others for operation and maintenance, airports, wharves, docks, harbors, and industrial parks . . . , bridges, tunnels, warehouses, grain elevators, commodity and other storage facilities, sewage disposal plants, passenger transportation facilities, and air, water, rail, motor vehicle and other terminal or parking facilities;

Mo. Rev. Stat. § 70.373; 45 Ill. Comp. Stat. 110/1.

Based on these provisions, the Agency has the authority to accept gifts in furtherance of the Agency's public purposes as set forth in the Compact.

{Lashly & Baer, P.C. - 00479687.DOC-1}

October 26, 2011

Page 3

2. Income Tax Deduction.

Code Section 170(c)(1) provides that the term “charitable contribution” includes a contribution or gift “to or for the use of” a state or any political subdivision thereof if made exclusively for public purposes. In Rev. Rul. 54-496, 1954-2 C.B. 60, the Internal Revenue Service (the “Service”) held that the Agency was a political subdivision for purposes of the tax exemption for interest on bonds issued by political subdivision. The term “political subdivision” is defined in Section 1.103-1(b) of the Income Tax Regulations as any division of any state or local governmental unit which is a municipal corporation or which has been delegated the right to exercise part of the sovereign power of the unit. Sovereign powers include the power to tax, the power of eminent domain, and/or police power. An entity need not possess all three powers to attain such status. The Agency has been delegated rulemaking and enforcement powers under Mo. Rev. Stat. Section 70.378 and 45 Ill. Comp. Stat. 110/5 and 110/6 and the power of eminent domain under Mo. Rev. Stat. Section 70.370, Article III §7 and 45 Ill. Comp. Stat. 100/1 §1(8). Therefore, it has sufficient sovereign powers for classification as a political subdivision, for the purposes of Code Section 170.

Under Code Section 170 contributions to the Agency in furtherance of the Agency’s public purposes will be deductible for federal income tax purposes subject to various limitations set forth in the Code.

Specifically, the deductibility of a contribution will be affected by the type of donee, the nature and value of the property which is donated, the way it is used by the donee, whether other contributions have been made and the particular donor’s tax situation. There is a percentage limitation applicable to charitable gifts to the Agency. With respect to all other Code requirements affecting the amount of the deduction, we recommend that the Agency refer contributors to their respective tax advisors to determine the exact amount of any deduction to which such contributor may be entitled.

The basic percentage limitations on the amount which a donor may deduct for any taxable year are found in Code Section 170(b)(2) and (d)(2) for corporations and Code Section 170(b)(1) and (d)(1) for individuals:

(a) Percentage Limitation for Corporations. For corporations, the charitable contribution deduction may not exceed 10% of taxable income (computed without regard to certain specified items). Code Section 170(d)(2) allows corporations a five-year carryover period for excess contributions.

(b) Percentage Limitation for Individuals. Briefly, Code Section 170(b)(1) provides a maximum itemized deduction of 50% of adjusted gross income for individuals making gifts to political subdivisions. Generally, under Code Sections 170(b)(1)(B) and Section 170(d)(1), an individual may carryover contributions that exceed the appropriate percentage limitation in each of the five succeeding years until it is used up.

{Lashly & Baer, P.C. - 00479687.DOC-1}

October 26, 2011  
Page 4

(c) Special rules apply to the percentage limitation and carryover with respect to gifts of long-term capital gain property.

Where a contributor receives financial or economic benefits or an item of value in exchange for the contribution, the charitable deduction will be reduced.

Substantiation. The Code imposes numerous and varying recordkeeping, contribution acknowledgment, and other substantiation requirements on the donor and/or the donee which must be observed in order to establish the value of certain gifts and to preserve the validity of the tax deduction. A detailed discussion of these rules is beyond the scope of this letter. Donors should be referred to their tax advisors for assistance in satisfying the recordkeeping and other substantiation requirements the Code imposes upon them.

In the event the Agency sells, exchanges or otherwise disposes of certain charitable deduction property within three years of receipt, Code Section 6050L, depending upon the value of the items contributed, may require that the Agency report the sale to the Service. Sales of donated property are reported to the IRS on Form 8282.

This opinion speaks only as of the date of this delivery. This opinion letter addresses the legal consequences of only the facts existing or assumed as of the date hereof. The opinions expressed herein are based on an analysis of existing laws and Service rulings and cover certain matters not directly addressed by such authorities. Such opinions may be affected by actions taken or omitted, events occurring, or changes in the relevant facts, after the date hereof.

Moreover, this opinion is rendered solely for information and assistance to the Bi-State Development Agency and may not be relied upon by any other person.

Very truly yours,



Lashly & Baer  
A Professional Corporation

RAO/clj

cc: John Nations, Esq.  
Dee L. Joyce-Hayes, Esq.  
John Fox Arnold, Esq.

{Lashly & Baer, P.C. - 00479687.DOC-1}

**BI-STATE DEVELOPMENT AGENCY SECURE PLATFORM PLAN  
DONATION AGREEMENT**

This Agreement is made and entered into between, \_\_\_\_\_, hereinafter referred to as “Donor,” and the **Bi-State Development Agency of the Missouri-Illinois Metropolitan District**, a body corporate and politic organized pursuant to an interstate compact between the States of Missouri and Illinois and ratified by the United States Congress, hereinafter referred to as “Agency.”

**A. Acknowledgement of Donation and Purpose.**

The parties acknowledge that the Donor will donate \$\_\_\_\_\_ (the “Donation”) to Agency for the purpose of funding:

- (i) A portion of the design, construction, and furnishing of the MetroLink Secure Platform Plan on Agency premises (the “Plan”).

The Donation shall be paid as follows:

\_\_\_\_\_.

**SAMPLE**

Agency shall be solely responsible for the design and construction of the Plan and Donor acknowledges that Donor will have no input into the Plan. However, Agency agrees to provide Donor with periodic updates on the scope of work, design, and progress of the Plan.

**B. Donation Recognition.**

To honor Donor, and to express the appreciation of Agency, Donor agrees that publicity in the form of news announcements, both internal and external, may be made acknowledging Donor’s contribution.

**C. Alternate Application of the Gift.**

In the unlikely event that continuation of the Plan becomes impractical in the judgment of the Agency Board of Commissioners, and/or excess funds from the Donation remain after construction of the Plan which will not be used for secure platform maintenance, Agency will consult with Donor and determine how the remainder of the Donation can be utilized in a manner that coincides as closely as possible with Donor’s original intent.

**D. Amendment of Agreement.**

This Agreement may be amended only by mutual written consent of Donor and Agency.

**E. Acceptance.**

Donor and Agency hereby affix their signatures in acceptance of this Agreement.

**DONOR**

**BI-STATE DEVELOPMENT AGENCY  
OF THE MISSOURI-ILLINOIS  
METROPOLITAN DISTRICT**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**SAMPLE**

**ACKNOWLEDGEMENT**

The BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT hereby acknowledges that its governing body, the BOARD OF COMMISSIONERS OF THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT has approved and it agrees to recognition of the Donation as established in the foregoing Donation Agreement.

**BI-STATE DEVELOPMENT AGENCY OF  
THE MISSOURI-ILLINOIS  
METROPOLITAN DISTRICT**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date



**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BI-STATE  
DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT  
AUTHORIZING THE PRESIDENT AND CEO TO PURSUE PLANS AND FINANCING  
FOR THE METROLINK SECURE PLATFORM PROJECT,  
INCLUDING THE ACCEPTANCE OF PUBLIC AND PRIVATE DONATIONS AND TO  
NEGOTIATE AND EXECUTE ANY AGREEMENTS RELATING THERETO**

**PREAMBLES:**

*Whereas*, the Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the “Agency”/ “BSD”) is a body corporate and politic, created by an interstate compact between the states of Missouri and Illinois, acting by and through its Board of Commissioners (the “Board”); and

*Whereas* the Agency is authorized by Mo. Rev. Stat. §§ 70.370 et seq. and 45 Ill. Comp. Stat. 100/1 et seq. (jointly referred to herein as the “Compact”) to receive for its lawful activities any contributions or moneys appropriated by municipalities, counties, state or other political subdivisions or agencies; to acquire by gift, purchase or lease, and to plan, construct, operate and maintain, or lease to others for operation and maintenance passenger transportation facilities, rail, motor vehicle and other terminal or parking facilities; to perform all other necessary and incidental functions; to acquire by gift, purchase or lease, sell or otherwise dispose of, and to plan, construct, operate and maintain, or lease to others for operation and maintenance, airports, wharves, docks, harbors, and industrial parks bridges, tunnels, warehouses, grain elevators, commodity and other storage facilities, sewage disposal plants, passenger transportation facilities, and air, water, rail, motor vehicle and other terminal or parking facilities; and

*Whereas*, the Agency thus has the power to receive contributions from public entities and to accept private charitable donations to be used for the Agency public purposes; and

*Whereas*, in response to MetroLink safety and security concerns, the President and CEO is proposing that the Agency pursue a project to design, construct and furnish the MetroLink system with secure platforms, which includes enhanced CCTV, as well as gates and turnstiles (the “Project”), and

*Whereas*, the cost of the Project would greatly exceed available Agency resources and thus the President and CEO has proposed an intent to seek both public and private donations or other financing for the Project; and

*Whereas*, it is feasible, necessary and in the public interest for the Board of Commissioners to approve and authorize the President and CEO to pursue plans and financing for the Project including accepting public and private donations and negotiating and executing any agreements related thereto in accordance with the terms and conditions described herein.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

Section 1.        Findings. The Board of Commissioners hereby finds and determines those matters set forth in the preambles as fully and completely as if set out in full in this Section 1.

Section 2.        Approval of the MetroLink Secure Platform Project. The Board of Commissioners hereby approves and authorizes the President and CEO to pursue the planning of a MetroLink Secure Platform Project to design, construct and furnish the MetroLink system with secure platforms, including enhanced CCTV, gates, and turnstiles (the “Project”).

Section 3.            Approval of CEO Authority. The Board of Commissioners hereby approves, authorizes, and ratifies the President and CEO to pursue financing for the Project and to accept public and private donations for the Project on behalf of the Agency and to negotiate and execute agreements related thereto, under and pursuant to this Resolution and the Compact for the authorized Agency purposes set forth in the preambles hereof and subject to the conditions hereinafter provided.

Section 4.            Actions of Officers Authorized. The officers of the Agency, including, without limitation, the President and CEO, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and the execution of such documents or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 5.            Severability. It is hereby declared to be the intention of the Board of Commissioners that each and every part, section and subsection of this Resolution shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Commissioners intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Resolution shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the intent of this Resolution.

Section 6            Rights Under Resolution Limited. No rights shall be conferred by this Resolution upon any person or entity other than the Agency, officers and employees.

Section 7.            Governing Law. The laws of the State of Missouri shall govern this Resolution.

Section 8.            No Personal Liability. No member of the Board of Commissioners, officer, employee or agent of the Agency shall have any personal liability for acts taken in accordance with this Resolution.

Section 9.            Payment of Expenses. The Senior Vice President and CFO is hereby authorized and directed to pay or cause to be paid all costs, expenses and fees incurred in connection with or incidental to this Resolution.

Section 10.          Effective Date. This Resolution shall be in full force and effect from and after its passage and approval.

**ADOPTED** by the Board of Commissioners of The Bi-State Development Agency of the Missouri-Illinois Metropolitan District this 19<sup>th</sup> day of November, 2021.

*In Witness Whereof*, the undersigned has hereto subscribed her signature and caused the Seal of the Agency to be affixed.

**THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT**

By \_\_\_\_\_  
Its \_\_\_\_\_

[SEAL]

ATTEST:

By \_\_\_\_\_  
Deputy Secretary to the Board of Commissioners

**Bi-State Development Agency  
Board of Commissioners  
Open Meeting Agenda Item  
November 19, 2021**

---

**From:** Taulby Roach, President and Chief Executive Officer  
**Subject:** **New Board Policy, Section 30.090 – Donation and Gift Policy**  
**Disposition:** Approval  
**Presentation:** Taulby Roach, President and Chief Executive Officer  
Barbara Enneking, General Counsel

---

**Objective:**

To present to the Board of Commissioners for approval, a new Board Policy, Section 30.090 – Donation and Gift Policy.

**Background:**

The Agency has the authority to accept gifts in the furtherance of the Agency’s public purposes as set forth in its Compact. Although the Agency can accept gifts it has no uniform policy outlining the allowed purposes, what type or form of gift is acceptable, or details of gift administration upon receipt. For any organization accepting gifts or donations it is considered a best practice to have a donation and gift policy in place for guidance and consistency of governance.

**Analysis:**

Management is proposing the adoption of a new Board Policy, Section 30.090 – Donation and Gift Policy. This policy will govern the acceptance and administration of donations and gifts to BSD and provide guidance to prospective donors and their advisors when making gifts. The provisions of this policy shall apply to all gifts received by BSD so that donations may directly and indirectly support the public purposes of the Agency. In addition, the policy provides that the Agency may choose not to accept a gift, if the donor wishes to place limitations or restrictions on its use or disposal. The policy further provides that the Agency may refuse the gift if it does not sufficiently benefit the Agency, presents a conflict for the Agency, puts its reputation at risk or is prohibited by law.

**Previous Action:**

This item has not been presented to any Committee; however, due to the necessity of the proposed new Board Policy, the President and CEO has placed this item on the Agenda for the Board of Commissioners’ Meeting on November 19, 2021.

**Board Action Requested:**

Management recommends that the Board of Commissioners approve the new Board Policy Section 30.090 – Donation and Gift Policy, and waive tabling of the new Board Policy, pursuant to Board Policies, Article VI (D), so that it is effective upon Board approval.

**Funding Source:**

Not Applicable.

**Attachment:**

New Board Policy Section 30.090 – Donation and Gift Policy

**Section 30.090                      Donation and Gift Policy (NEW) effective 11/19/2021**

A.     Policy. It is the policy of the Agency that gifts and donations to the Agency are welcomed and encouraged. Gifts and donations are valued as expressions of individual support for the Agency's mission and help to enhance its services, programs and facilities by supplementing federal, state, or contractual support.

B.     Types of Gifts. The Agency accepts the following types of gifts and donations: cash, tangible personal property, publicly traded and recognizable securities, real estate, bequests, trust funds and annuities.

C.     Use of Gifts. The President and CEO or Board of Commissioners will carefully consider the needs of the Agency and will use a gift where it determines it is most needed, so that all donations may directly and indirectly support the public purposes of the Agency. The Agency may choose not to accept a gift if the donor wishes to place limitations or restrictions on its use or disposal. The Agency may refuse any gift that does not sufficiently benefit the Agency, is in conflict with the Agency's mission, puts the reputation of the Agency at risk, or is prohibited by law.

D.     Acceptance of Gifts. The President and CEO may accept any gift or donation of the types described in Section B on behalf of the Agency. Other types of gifts and donations will be evaluated on a case-by-case basis by the Board of Commissioners

When processing each gift, the Agency will follow generally accepted accounting principles. The Agency takes no responsibility for valuing gifts for tax purposes or for the tax consequences to the donor.

All accepted gifts and donations become the property of the Agency. The Agency reserves the right to sell or otherwise dispose of non-monetary gifts, if the Board of Commissioners or President and CEO, determines that such sale or disposition is advisable or necessary.

E.     Documentation. The Agency will retain a written receipt of each donation and gift identifying the name of the donor, the amount and the date of the donation or gift, and the nature of restriction on the gift, if any. The Agency will acknowledge each donation by letter, thanking the donor. Donors who make a significant financial or material donation will receive a contemporaneous written acknowledgement of the donation from the Agency.

**RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF THE BI-STATE DEVELOPMENT AGENCY OF  
THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT TO APPROVE  
BOARD POLICY, SECTION 30.090 – DONATION AND GIFT POLICY**

**PREAMBLES:**

*Whereas*, the Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the "Agency"/ "BSD") is a body corporate and politic, created by an interstate compact between the states of Missouri and Illinois, acting by and through its Board of Commissioners (the "Board"); and

*Whereas*, the Agency is authorized by Mo. Rev. Stat. §§ 70.370 et seq. and 45 Ill. Comp. Stat. 100/1 et seq. jointly referred to herein as the "Compact"); to make suitable rules and regulations consistent with its mission and not inconsistent with the constitution or laws of either state, or any political subdivision thereof; and

*Whereas*, Article VI of the Bylaws – Board Policies of the Agency, provides that any action by the Board establishing policy, administrative, business, or otherwise, shall be known as "Board Policies" and that the Board may adopt, amend or repeal, in whole or in part, the Board Policies at any meeting of the Board, except that unless otherwise designated by the Chair, all Board Policies shall be tabled for a period of one month and shall become effective upon adoption by the Board; and

*Whereas*, the Agency has the authority to accept gifts in the furtherance of the Agency's public purposes, as set forth in its Compact; however, it has no uniform policy outlining the allowed purposes, what type or form of gift is acceptable, or details of gift administration upon receipt; and

*Whereas*, management is proposing the adoption of a new Board Policy, Section 30.090 – Donation and Gift Policy, which will govern the acceptance and administration of donations and gifts to BSD and provide guidance to prospective donors and their advisors when making gifts; and

*Whereas*, the provisions of this policy shall apply to all gifts received by BSD so that donations may directly and indirectly support the public purposes of the Agency; and

*Whereas*, it is feasible, necessary and in the public interest for the Board of Commissioners to approve and adopt revisions to Board Policy, Section 30.090 – Donation and Gift Policy, and waives tabling of the Section 30.090 – Donation and Gift Policy, as provided in Article VI of the Bylaws, so that it is effective upon Board approval, in accordance with the terms and conditions described herein.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

Section 1. Findings. The Board of Commissioners hereby finds and determines those matters set forth in the preambles as fully and completely as if set out in full in this Section 1.

Section 2. Approval of Board Policy Revisions. The Board of Commissioners hereby approves and adopts Board Policy, Section 30.090 – Donation and Gift Policy, and waives tabling of the Section 30.090 – Donation and Gift Policy, as provided in Article VI of the Bylaws, so that it is effective upon Board approval, under and pursuant to this Resolution and the Compact for the authorized Agency purposes set forth in the preambles hereof and subject to the conditions hereinafter provided.

Section 3. Form of the Board Policy Section 30.090. The form of the Section 30.090 – Donation and Gift Policy (as provided in the Attachment to the Briefing Paper and made a part hereof), substantially in the form presented to this meeting is hereby approved, and officers of the Agency, including without limitation, the President

and CEO, are hereby authorized and directed to execute and deliver and attest, respectively, Section 30.090 – Donation and Gift Policy, with such changes, modifications, insertions and omissions as may be deemed necessary or desirable to affect Section 30.090 – Donation and Gift Policy with the necessity and desirability of such changes, modifications, insertions and omissions conclusively evidenced by their execution thereof.

Section 4. Actions of Officers Authorized. The officers of the Agency, including, without limitation, the President and CEO, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and the execution of such documents or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 5. Severability. It is hereby declared to be the intention of the Board of Commissioners that each and every part, section and subsection of this Resolution shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Commissioners intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Resolution shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the intent of this Resolution.

Section 6. Rights Under Resolution Limited. No rights shall be conferred by this Resolution upon any person or entity other than the Agency, officers and employees.

Section 7. Governing Law. The laws of the State of Missouri shall govern this Resolution.

Section 8. No Personal Liability. No member of the Board of Commissioners, officer, employee or agent of the Agency shall have any personal liability for acts taken in accordance with this Resolution.

Section 9. Payment of Expenses. The Senior Vice President and CFO is hereby authorized and directed to pay or cause to be paid all costs, expenses and fees incurred in connection with or incidental to this Resolution.

Section 10. Effective Date. This Resolution shall be in full force and effect from and after its passage and approval.

**ADOPTED** by the Board of Commissioners of The Bi-State Development Agency of the Missouri-Illinois Metropolitan District this 19<sup>th</sup> day of November, 2021.

*In Witness Whereof*, the undersigned has hereto subscribed his signature and caused the Seal of the Agency to be affixed.

**THE BI-STATE DEVELOPMENT AGENCY OF THE  
MISSOURI-ILLINOIS METROPOLITAN DISTRICT**

By \_\_\_\_\_  
Its \_\_\_\_\_

[SEAL]

ATTEST:

By \_\_\_\_\_  
Deputy Secretary to the Board of Commissioners

**Bi-State Development  
Board of Commissioners  
2022 Board and Committee Meeting Schedule\*  
(Meetings begin at 8:30 a.m. unless otherwise noted)**

**Thursday, January 20, 2022 (Tentative)\***  
Safety & Security Committee

**Friday, January 28, 2022 (Tentative)\***  
OPS Committee  
AFA Committee (following OPS)

**Friday, February 18, 2022**  
Board Meeting

**Thursday, March 10, 2022 (Tentative)\***  
Safety & Security Committee

**Friday, March 18, 2022 (Tentative) \***  
OPS Committee  
AFA Committee (following OPS)  
(Budget Review Meeting)

**Friday, April 22, 2022**  
Board Meeting (Budget Approval)

**Thursday, May 5, 2022 (Tentative)\***  
Safety & Security Committee

**Thursday, May 26, 2022 (Tentative)\***  
OPS Committee  
AFA Committee (following OPS)

**Friday, June 24, 2022**  
Board Meeting

**Thursday, August 11, 2022 (Tentative)\***  
Safety & Security Committee

**Friday, August 19, 2022 (Tentative)\***  
OPS Committee  
AFA Committee (following OPS)

**Friday, September 23, 2022**  
Board Meeting

**Thursday, October 6, 2022 (Tentative)\***  
Safety & Security Committee

**Friday, October 14, 2022 (Tentative)\***  
OPS Committee  
AFA Committee (following OPS)

**Friday, November 18, 2022**  
Board Meeting

\*Committee meeting dates are scheduled tentatively and will be confirmed by each Committee Chair.