

**TRANSPORTATION PENNY ADVISORY COMMITTEE MEETING
MONDAY, APRIL 25, 2016
RICHLAND PENNY PROGRAM DEVELOPMENT TEAM OFFICE
201 ARBOR LAKE DRIVE, COLUMBIA SC**



In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building.

MEMBERS PRESENT: Hayes Mizell, Carol Kososki, Murray Coleman, Trevor Bowers, Bill Wiseman, Frank Anderson, J. T. McLawhorn, Virginia Sanders, Dorothy Sumter, Philip Simoneaux, Councilman Paul Livingston, and Councilman Norman Jackson

OTHERS PRESENT: Tony Edwards, Shawn Salley, Michelle Onley, Brenda Parnell, Tony McDonald and Kristen Hutto

CALL TO ORDER

The meeting was called to order at approximately 5:30 p.m.

CITIZEN'S INPUT

No one signed up to speak.

UPDATE ON COUNCIL ACTIONS

Mr. Edwards stated Council approved the 2016 Bikeway and Sidewalk Project recommendations on April 5th and the Resurfacing Package H on April 19th.

Mr. Livingston stated there is an upcoming Transportation Penny Ad Hoc Committee. He will direct staff to forward a meeting notice to the TPAC Committee members. The TPA C Committee recommendations will be placed on the agenda for further discussion.

AUDIT UPDATE

Mr. Mizell stated the purpose of this item is to get information regarding the ongoing audits.

Mr. Driggers stated the scope of the audit has been completed with Elliot Davis. The scope has been provided to Council for review. Council comments are due back by the end of the week. Once the comments have been received, staff will ready to move forward.

Mr. Driggers further stated from a financial perspective staff believes the audit of the transportation funds is included in the annual audit. This audit is more programmatic.

Mr. McDonald stated the County is continuing to work with the Department of Revenue.

Mr. McLawthorn thanked staff for their continued work on this matter.

THE COMET

Dr. Schneider stated in respect to auditing there is a couple of key components related to the COMET:

- Receive Federal, State and local dollars
- Obligated to follow Federal guidelines for all Federal procurements
- Every 3 years an intensive audit is conducted by the Federal Transit Administration
- State of South Carolina also conducts an audit
- FTA conducted a Performance & Management review in 2012
- FTA conducted a Procurement Oversight in Summer 2014
- A transactional review is conducted by an external auditor
- Do not have sole source contracts
- \$2.665 million goes to para-transit service
- \$13.690 allocated to the Penny Transportation Program
- The Board meets every other month
- The committees meet monthly
- Projected ridership of 2.5 million this year; 16% increase

Ms. Kososki requested an in depth audit/financial report from the COMET.

Mr. McLawhorn requested County staff to meet with the COMET staff to compile an audit report for the TPAC Committee members.

SMALL LOCAL BUSINESS ENTERPRISE PROGRAM

Ms. Parnell gave a brief overview of the Small Local Business Enterprise Program.

Ms. Sanders inquired about the additional staff needed for the office. In addition, she inquired as to who tracks the overruns on the contracts.

Ms. Parnell stated Administration would have to address the job vacancies. The overruns come from the work authorizations and are approved by the Transportation Department.

Mr. Edwards is to request Mr. Perry provide a written response to the issue of the overruns listed in the monthly report.

Mr. McDonald stated the matter of hiring the additional personnel has been put on hold until the issue with the Department of Revenue has been resolved.

Ms. Sanders inquired about drafting of the RFPs.

Mr. McDonald stated the RFPs are drafted by the Procurement Department.

Mr. David Beatty expounded upon Mr. McDonald's response. The PDT does some of the design preparation, which they are under contract for. When the projects are ready to go to design teams (Dirt Road and the 5 On-Call), County staff assigns the projects to those teams.

FEBRUARY/MARCH 2016 PROGRESS REPORT

Ms. Kososki thanked staff for the improvements to the progress report this month.

APPROVAL OF MINUTES

January 25, 2016 – The minutes were approved unanimously.

MOTIONS

Mr. Mizell requested that any committee members that wishes to make a motion to do so in writing; therefore, there is an accurate record of the motion.

Ms. Kososki's Motions

Motion #1: The Transportation Penny Advisory Committee requests that beginning in April 2016, the Committee will regularly receive payment information for all Transportation Penny entities.

Explanation/ Background – The TPAC currently receives payment information only for certified firms (Exhibit A of the Bi-Weekly Report), not non-certified firms. For example, payments to M B Kahn, Lane Construction, Sloan, C R Jackson, etc. do not appear on any exhibits. This prevents the TPAC from understanding total payments. The TPAC receives payment information on certified firms that have lower award amount, but does not receive information on non-certified firms with much larger award amounts.

Ms. Kososki moved, seconded by Ms. Sanders, to approve the recommendation. The vote in favor was unanimous.

Motion #2: The Transportation Penny Advisory Committee requests a written explanation of why Transportation Penny payments to certified firms are (a) allowed to exceed their award limits and (b) once exceeded, why they are allowed to continue exceeding their award limits.

Explanation/Background: Exhibit A of the December 11, 2015 report shows the total award to

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Brownstone at \$3,176,133. Total payments in this December report to Brownstone are \$3,498,971.21. The January 22, 2016 report shows payments to Brownstone at \$3,507,945.26 with no change in award amount. Again in the February 22, 2016 report, payments increased to \$3,745,315.84 with no change in award amount. A second example is Campbell Consulting. The December 11, 2015 and January 22, 2016 reports show payments of \$330,624.56 with an award amount of \$325,110. Then in the February 22, 2016 report, Campbell received total payments of \$356,592.06 with no change in the award amount of \$325,110.

The committee debated when an overage in a contract (3%, 5%, etc.) should be brought to the committee's attention.

Ms. Kososki moved, seconded by Mr. Coleman, to approve the recommendation. The vote in favor was unanimous.

Mr. Hayes Motions

Motion #1: The Transportation Advisory Committee (TPAC) requests that the Richland County Administrator routinely provide the TPAC with copies of written communications from or to the South Carolina Department of Revenue (DOR) regarding DOR allegations set forth in its December 3, 2015 letter to the County, and in subsequent related letters.

Mr. Mizell moved, seconded by Mr. Wiseman, to approve the recommendation. The vote in favor was unanimous.

Motion #2: The Transportation Penny Advisory Committee (TPAC) requests that at each TPAC meeting an appropriate representative of Richland County make a presentation updating the TPAC on all actions taken by the County to resolve, clarify, or refute allegations made by the DOR in its December 3, 2016 letter to the County, and in subsequent related communications. *Explanation/Background:* Citizens of Richland County expect the TPAC to monitor the implementation of the Transportation Penny Program, including administration of Penny Tax revenue. In light of the South Carolina Department of Revenue's letter of December 3, 2015 to the County, and subsequent related letters, it is necessary for the TPAC to be fully informed about ongoing developments to resolve, clarify, or refute the DOR allegations.

Mr. Mizell moved, seconded by Mr. Wiseman, to approve the recommendation. The vote in favor was unanimous.

NEXT MEETING: MONDAY, MAY 23, 2016 AT 5:30 PM

ADJOURN

The meeting adjourned at approximately 6:45 p.m.