

**MINUTES OF THE
BI-STATE REGIONAL COMMISSION**

Wednesday, December 15, 2010, 3:30 p.m.
Scott County Administration Building
Sixth Floor Conference Room
600 West Fourth Street
Davenport, Iowa

MEMBERS PRESENT: Freemire – Chair, Austin, Dean, Gallin, Gluba, Goodwin, Heninger, Lawrence, McDaniel, Meeker, Minard, O’Boyle, O’Brien, Sherwin, Shoultz, Sunderbruch, Tank, Thodos, Volz, Wells, Welvaert

MEMBERS ABSENT: Becker, Bohnsack, Brown, Gordon, Henry, Pauley, Rangel, Rockwell, Stoermer, Tossell, Washburn, Williams

OTHERS PRESENT: Maria Hobbs, Iowa Department of Transportation

STAFF PRESENT: Bulat, Connors, McCullough, Miller, Moritz

Chair Freemire called the meeting to order at 3:32 p.m.

1. Approval of the November 17, 2010 Minutes. Ms. Dean moved approval of the minutes of November 17, 2010 as presented. Mayor Thodos seconded the motion, and the motion passed unanimously.
2. Treasurer’s Report. Ms. Gallin presented the Treasurer’s Report for the month ending November 30, 2010, noting an ending total bank and book balance of \$681,689.75. Ms. Gallin moved the report be accepted as written and mailed. Mr. Minard seconded the motion, and the motion passed unanimously.
3. Finance and Personnel Committee.
 - a. Bills. Mr. Austin presented the bills totaling \$145,991.03, as listed on the following bills listing and addendum dated December 15, 2010:

Bills List

Louisa Ewert, Treasurer	\$ 5,646.82
01/11 Rent	\$4,618.38
01/11 Internet Access	88.00
11/10 Postage	703.92
11/10 Printing	83.48
11/10 Supplies	99.60
11/10 Cell Phone	53.44
McClure Engineering Associates, Inc., East West Corridor Study	888.90
McGladrey & Pullen, LLP, final billing for the June 30, 2010 audit	1,200.00
MRA, annual membership	500.00
Thomas A. Skorepa, P.C. Administrative Hearing Officer services (cost reimbursed by MUNICES)	2,765.00
TH Enterprises, Inc., 2011 software agreement	6,480.00

Addendum

Bancard Center, VISA charge card expenses related to Chief Elected & Administrative Officials meeting (cost reimbursed by participants); Quad City Riverfront Council meeting (cost reimbursed by participants); 2 staff attending the Economic Development & National Association of Development Organizations conference; office supplies	2,001.23
Cumulus Quad Cities, radio advertising to promote “Commuter Challenge” Workshops	997.50
Mark Hunt, tuition reimbursement	763.50
Hurt, Norton & Associates, November legislative technical services (cost reimbursed by participating local governments)	8,750.00
Mel Foster Co., Inc., annual premium for Business Owner’s Package, Auto Policy, Worker’s Comp Policy, Crime Policy, Umbrella Policy, and Employment Practice Policy	15,469.33
RK Dixon, maintenance service on network and monthly copier charges	528.75
Disbursement of funds for the following Revolving Loan Program Loan: Boemecke Enterprises, Inc.	100,000.00

Mr. Austin moved approval of the bills totaling \$145,991.03 as presented above. Mayor O’Boyle seconded the motion, and the motion passed unanimously.

b. Report on Progress on Commission’s FY 2011 Program Budget as of November 30, 2010.

Mr. Austin explained the Program Budget Status Report was mailed in the agenda packet. The Commission is 41.7% through the fiscal year with 38.9% expended and within budget.

c. Consideration of a Recommendation to Accept the Financial and Compliance Report for the Year ended 06/30/10. Mr. Austin stated the Finance and Personnel Committee received a detailed audit presentation and are recommending approval of the audit report. He reported that McGladrey and Pullen stated that Bi-State complied with all laws, regulations, contracts, and grants. The Commission once again received the highest audit opinion, a “Clean Audit” with no findings or questioned costs.

Mayor Thodos made a motion to accept the Financial and Compliance Report for the year ended June 30, 2010. Mayor Gluba seconded the motion, and the motion passed unanimously.

d. Consideration of a Recommended Affirmative Action Analysis and Plan. Ms. Connors reviewed the annual Bi-State Affirmative Action Plan. She explained that this document provides information on employment practices for the period April 1, 2009 through October 31, 2010 and an Action Oriented Program for FY 2011. Employment practices were analyzed in relation to hires, promotions, terminations, compensation and benefits, and workforce utilization. Underutilization was declared in two categories for the analysis period. Bi-State’s efforts will continue to be directed towards recruiting more minority applicants for our applicant pool. The Action Oriented Program for FY 2011 provides for continued support of equal opportunity and affirmative action, and continued aggressive recruitment of protected status applicants when positions are open.

Mayor Welvaert moved for the Affirmative Action Analysis and Plan to be approved as presented. Ms. Dean seconded the motion, and the motion passed unanimously.

- e. Consideration to Renew the Executive Director’s Annual Employment Agreement. Mr. Austin reported evaluation forms were sent to Commissioners and member government officials, with Ms. Bulat receiving high marks by those who responded. Mr. Austin stated the Finance and Personnel Committee recommended the Executive Director’s employment contract be renewed for the year November 1, 2010 – November 1, 2011, with a 2.5% merit increase.

Mayor Thodos made a motion to renew the Executive Director’s annual employment agreement. Ms. Dean seconded the motion, and the motion passed unanimously. Ms. Bulat thanked Commissioners for their support and recognized the fiscal staff for their work related to the clean audit.

4. Iowa DBE Program and Highway Construction. Maria Hobbs, Iowa Department of Transportation External Civil Right Administrator, presented information to the Commissioners on the regulations, programs, and opportunities her department has to ensure EEO/AA in highway construction. She outlined the Disadvantaged Business Enterprise application process and the percentage goal set every year (starting in FY12, goals will be set every 3 years) as part of statewide contracting. In FY10, \$19 million was contracted to DBE firms.

Ms. Hobbs reported that all contractors are required to have an approved EEO/AA Policy on file with our office and updated annually before they can enter into a contract or subcontract over \$10,000 for an Iowa Department of Transportation contract. Within this policy, there is a contract statement required to operate as an equal opportunity employer to hire, recruit, upgrade, demote, transfer, and provide training and rates of pay without regard to race, religion, sex, color, national origin, age, or disability.

In addition to the EEO/AA Policies, Ms. Hobbs stated that her office conducts approximately 30 compliance reviews throughout the year. With limited resources, a rotating and random selection to review all companies with over 15 employees is conducted. When selected for a compliance review, the company will provide an existing report of the female and minority male employees by work class at the time of the review. This information is compared to the annual workforce data report that all companies performing work on DOT-let projects are required to submit during the peak week of construction (the last week in July). The annual data is combined and percentages are calculated for total workforce in Iowa by females and by racial ethnicity for each work class.

Ms. Hobbs explained in an overview of the process that if underutilization in any work class is observed, a review of the last year’s job vacancy postings is done. The effort to advertise informative job placement ads in a wide circulation of female and minority referral sources is required. A list of publication sources must be maintained and reviewed during this process. Companies must provide facilities with adequate access and without segregation. A company must conduct and document meetings with EEO/AA discussions and encourage the referral of female and minority applicants from existing employees. She noted that it is important to note that compliance is determined on a company wide basis. A contractor can assign workers to any projects located across the entire state and have them represented on the annual report.

Ms. Hobbs stated that in situations where the review reveals minor deficiencies, the company must make reasonable efforts to secure compliance and file a written statement to correct minor deficiencies through a plan of specified voluntary corrective actions. A violation or failure to complete an agreement plan will progress into a notice of “Show Cause” or enforcement proceeding that allows the contractor to explain why necessary actions to ensure compliance cannot be met. If this cannot be demonstrated within 30 days and still no submission of a corrective action plan, the department can enforce sanctions. Sanctions may include actions of withholding progress payments, termination of a contract, and suspension for a specified or indefinite period of time. At the present time, all contractors performing work and bidding with the IA DOT is in compliance with their EEO/AA requirements.

Ms. Hobbs then reviewed training opportunities for female and minorities in Highway Construction that is sponsored and funded by IA DOT. This program is a partnership with some of the larger community colleges located all across the state. The program provides a “Core Construction” curriculum and also a Commercial Drivers License (CDL) class. This program enables participants to gain introductory information and skills to become a successful construction applicant/employee. Ms Hobbs took questions at the end of her presentation in the discussion that followed. She noted local training opportunities, and as a follow-up would provide a list of existing DBE firms in the area and larger firms receiving federal contracts.

5. Questions or Comments by Commissioners. There were no other questions or comments.
6. Other Business. Mayor Freemire recognized outgoing Commissioners Dean, Gallin, Shoultz, and Ripperger for their service to the Commission. In addition, he introduced new Commissioner Tim Wells, Henry County Board Chair, and welcomed him to the Commission.

Consideration of the following Contract Amendment. Ms. Bulat requested approval of the following contract amendment over \$7,500 that requires Commission approval:

- Energy Efficiency and Conservation Block Grant award amendments to the following to be expended by March 31, 2011.

Village of Annawan	\$13,546.47
Village of Cambridge	\$ 8,397.00
Henry County	\$24,240.00
Mercer County	\$ 6,755.32
Rock Island County	\$61,447.96

Mr. Austin moved the Bi-State Regional Commission approve the contract amendment as described above. Mayor Thodos seconded the motion, and the motion passed unanimously.

7. Adjournment. The meeting adjourned at 4:35 p.m.

Respectfully submitted,

Dennis Pauley
Secretary