

## Minutes

### RTA Committee of the Whole Meeting

10:27 a.m., Tuesday, May 7, 2024

**Committee Members:** Koomar (Chair), Welch (Vice Chair), Love, Mersmann, Pacetti, Sleasman

**Not present:** Biasiotta (left early), Lucas, McPherson, Weiss (left early)

**Staff:** Becker, Birdsong Terry, Brown, Burney, Caver, Cesla, Dangelo, Davidson, Fesler, Fields, Fleig, Freilich, Ganther, Gautam, Gibson, Jenkins, Jones, Jupina, Kersh, Kirkland, Laule, Miller, Miranda, O'Donnell, Prebish, Rusnov, Schipper, Sutula, Tarka, Togher, Walker-Minor, Young

**Public:** Gibbons, Hagar

The meeting was called to order at 10:27 a.m. There were six (6) committee members present. Mayor Biasiotta and Mayor Weiss had to depart early.

#### Code Book Update

Dawn Tarka, Associate Counsel, and Jim Rusnov, Senior Real Estate Manager, gave the presentation.

The Board Policies ("Code Book") were codified in 1989 (Resolution 1989-176). Staff are reviewing and updating them to bring the policies in line with current operations. The policies are subject to review every 3 years. The Legal Department works with subject matter experts to update these policies. Today's discussion is on real estate policies.

#### *Real Estate Policies*

Most real estate policy modifications presented for Board review result from a collaborative effort between the Legal Division and other department. Modification request and edits to the policy documents are to improve definition and clarity within the policy statements.

Today's request is to increase the compensation threshold for a permanent easement requiring Board authorization for an amount that exceeds \$10,000. A permanent easement valued at \$10,000 or less is to be authorized by administrative action. The threshold is currently set at \$2,500 as established in 2004. With evolving market conditions, there are few permanent easements valued at less than \$10,000. If they are valued at less than \$10,000, they are typically a basic request or a request to modify an existing easement due to changes in technology, equipment or access in service requirements. The \$10,000 threshold would more accurately reflect current industry standards and compensation for this type of easement. Over the previous eight years, he doesn't recall seeing a permanent easement transaction valued at less than \$10,000. Conversely, they do not recommend any modification to the Board approval requirements established in 2004 of the threshold amounts for lease, license, limited use or joint development agreements.

Currently compensation that exceeds \$25,000 or a term of more than 3 years, requires Board Authorization. These types of agreements are varied in nature and often complex but are presented to the Board in a manageable volume. So, they felt it best practice to keep the current review and authorization process intact. The modifications that Dawn Tarka will present regarding these agreements will offer improved clarity and definition to Chapter 470 without requesting a substantial change.

Chapter 1066 Promotional Activities

- Repeal Chapter 1066
- Move to new Section 470.10 Use of Authority Facilities for Special Events
  - 470.10(d)(9) – language added to allow Authority to permit ticket sales at door on an event-by-event basis

Chapter 1094 Newspaper Dispensing Box Policy

- Repeal - program that allowed newspapers to place boxes on Authority property discontinued

Chapter 470 Real Estate Policies

- Correct title of General Manager
- For leases, temporary easements, license agreements and limited use agreements, clarify that Board approval is:
  - Required for agreements that exceed either \$25,000 or term of 3 years
  - Not required for agreements of \$25,000 or less and term of three years or less

Chapter 470 Real Estate Policies

- For permanent easements, Board approval is:
  - Required for easements with a value of more than \$10,000 (increased from \$2,500)
  - Not required for easements with a value of \$10,000 or less

Chapter 470 Real Estate Policies

- New Section 470.11 added
  - Authority may remove items left on Authority property without Authority's permission
  - Authority may sell or otherwise dispose of property

This policy is separate from the Lost & Found policy.

Chapter 850 Public Assembly on Authority Property

- Update wording to better align with First Amendment principles
- Update reference to new Section 470.10

Staff requests that the Committee of the Whole recommend these provisions to the Board of Trustees for approval. Ms. Mersmann asked how the value for real estate transactions is established and if there was discussion about allowing the sale of food and alcohol at events on RTA property. Mr. Rusnov said market transactions require MAI appraisal value and consideration of whether assets are being disposed of or acquired. Fees for easements or licenses require a survey. He also inquires with government entities to gauge the market value. He adjusts according to market trends.

Ms. Terry said the sale of alcohol doesn't align with RTA's mission statement. Ms. Burney said the sale of alcohol can also create a liability for the Authority. Additional supervision would be required. Ms. Mersmann noted that the policy does allow serving alcohol, but not selling it. She asked if the sale of food could be considered. She also noted a few areas where the GM/CEO title needs to be corrected. She also asked how long items are kept before they are sold or disposed of and if that includes bicycles. Ms. Dawn said there is not time requirement, but they would use a reasonable amount of time. Chief Jones said they vet lost bicycles for criminal cases. They are looking to locate the owner of bikes, but if the owner is not found, they would work with the Administration & External Affairs Department to handle the bikes. Ms. Walker Minor said they work with Legal and Procurement to donate those bikes to a co-op.

Ms. Welch suggested the special events policy be shared with the Community Advisory Committee (CAC) for collaboration and communication with the public. Ms. Burney asked the committee to reach out to her with further suggestions. Mayor Koomar asked the GM/CEO to make some slight adjustments to the policy related to food and that they be highlighted before the provision is approved. It was moved by Ms. Welch, seconded by Ms. Mersmann and approved to move this to the full Board.

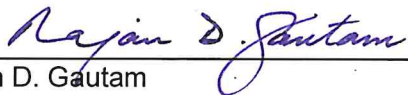
Executive Session Requested

Mayor Koomar asked for a motion and second to go into executive session to enable the Board to conference with GCRTA attorneys for information-gathering, fact-finding and to receive legal advice; and to conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action.

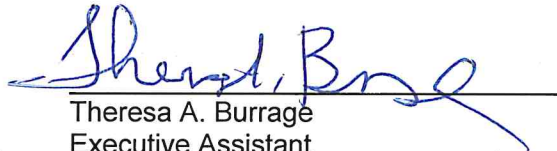
10:51 a.m. - It was moved by Ms. Welch, seconded by Mr. Sleasman. There were six (6) ayes and none opposed.

11:37 a.m. – It was moved by Ms. Welch, seconded by Ms. Mersmann to come out of executive session. There were six (6) ayes and none opposed.

The meeting was adjourned at 11:37 a.m.



Rajan D. Gautam  
Secretary/Treasurer



Theresa A. Burrage  
Executive Assistant

