

Minutes of the One Hundred Third Unified Carrier Registration Plan Board of Directors Meeting

November 19th, 2015

Tele-conference

The One Hundred Third (103rd) Unified Carrier Registration (UCR) Plan Board of Directors (Board) meeting was called to order by Avelino Gutierrez, Chairman at 12:05 am MDT.

Attendance - Board of Directors:

Present – Avelino Gutierrez, Adam Anderson, Sandy Bowling, Mike Hoeme, Scott Morris, Elizabeth Leaman, Woody Chambers, Daphne Jefferson, Tina Thurman, Robert Pitcher and Larry Herold.

Absent – Angel Oliver, Chris Burroughs, Monte Weiderhold and Rick Schweitzer.

Avelino Gutierrez conducted a roll call of the States with **self-introductions** of government and industry representatives made by those in attendance.

Sandy Bowling moved to accept the **meeting agenda**, which was seconded by Adam Anderson Agenda (Exhibit A) – Motion passed

Avelino Gutierrez established the **teleconference ground rules**.

Scott Morris moved to accept the **minutes of the October 15th, 2015 Board meeting**, seconded by Sandy Bowling. (Exhibit B) – Motion passed.

UCR Legislative Update – No Report

FMCSA Update – Daphne Jefferson – Still on track to implement the URS on December 12, 2015.

Report by Dave Lazarides, UCR Board Contractor – Avelino Gutierrez reported that in the documents supplied included the executed contract with Dave Lazarides, (Exhibit C). Dave Lazarides reported on his progress since the contract was initiated and that he intended to visit with each subcommittee chair. Dave outlined his progress and noted that he was in need of a letter from the Board for introduction and authorization to act in behalf of the board to move forward on some projects, (Exhibit D).

Audit Subcommittee – Angel Oliver – No Report

Procedures/Best Practices Subcommittee – Adam Anderson – reported that a new matrix document was being worked on that would be presented at the December Board meeting. The Matrix was developed by Jay Sweeney and Jody Grossman with the State of Wisconsin. A survey will be sent out to the states asking what programs everyone has access to. This way an understanding of what everyone has will help in developing the procedure. Once the Matrix is completed it is hoped that the procedure will follow shortly and in January the Procedure Subcommittee will do audits with the new matrix and then complete the procedure. It is planned to try and hold a training WebEx sometime in late February.

Adam Anderson also asked for a little clarification on the inability for passenger carriers with 10 or more passengers to subtract any intrastate only vehicles from their vehicle count. Adam and Scott Morris will visit off line.

Adam Anderson also discussed another issue the Committee was looking at and that was in relation to the movement of registration funds from the Indiana System to the States and then

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the Depository having to send invoices to request that money back. As mentioned in the 49 USC 14504a and the Agreement – states are allowed to receive and keep the money they are entitled to up to their cap.

Adam Anderson moved that the Board authorize the Procedure Subcommittee work with the Depository and the Indiana Systems Subcommittees to look into simplifies the process in that when a state meets its cap the money would then be transferred directly to the Depository, Seconded by Scott Morris.

Sandy Bowling mentioned that there was going to have to be some work done on the MOU, there were a couple of sections regarding the money transfers.

Kathy from California asked how the issue with refunds would be handled and Adam responded that the system can be built in a way that the report would show the beginning Cap Balance and then any refunds issued, then the amount collected for the month. It would also show the amount being sent to the state to ensure it is at its cap with the remaining balance going to the Depository.

Sandy Bowling mentioned that this how the system already is basically working.

Avelino Gutierrez took a roll call vote: Yes – 12 No – 0 Absent - 3

Industry Advisory Subcommittee – Robert Pitcher – Reminded everyone that there will be a Subcommittee meeting in San Diego.

Revenue and Fees Subcommittee – Larry Herold – No Report

Dispute Resolution Subcommittee – Tina Thurman – Reported that she had contacted Illinois and left a message introducing herself and is now waiting for a return call.

Indiana System Subcommittee – Sandy Bowling – reported on the number of e-mails sent out and that the newest percentages where posted online. Sandy also reviewed the ucr fixes report showing the list of items that need to be fixed in the system and fixes for the website (Exhibit E)

Sandy Bowling moved that the Board request that the UCR fixes report be brought back to the Board meeting on December 8th in San Diego with date to be completed by for each item, seconded by Adam Anderson.

Motion passed: Yes – 12; No – 0; Absent - 3

Administrative Fee's Subcommittee – Elizabeth Leaman – No Report

Depository Subcommittee - Scott Morris – Reported on the State Systems reports (Exhibit F). All the information has been entered into the system and are now working through the Balance Sheet. (Exhibit G). Reviewed the operating funds report showing amounts transferred into the account over the last month and the expenditures and the BBVA Compass account (Exhibit H). Reviewed the Depository expenditures.

Scott Morris reported that he was still working through the issue on having the states validate

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the money before he can do a disbursements for the 2015 registrations.

Past Due invoices report was given showing the states that have not made the payments for the 2014 and for the June 2015 invoices (Exhibit I).

Scott Morris moved that the Board authorize him to do a disbursement for the 2011 registration money but to subtract out the balances owed by Illinois, Adam Anderson Seconded.

Motion passed: 8 yes; 0 no; 5 absent.

Old/New Matters:

Avelino Gutierrez reviewed the documents provided by Bradley Arant and Boulton Cummings in relation to the Boards ability to establish a non-profit origination and ability to spend the money (Exhibit J).

Scott Morris moved that the Board engage the services of Bradley Arant and Boulton Cummings to begin the process of organizing the nonprofit entity and to begin the process to obtain a tax exemption from the IRS. Also for Bradley Arant and Boulton Cummings to draft a management agreement between the Board of Directors and the Nonprofit, Seconded by Adam Anderson

Motion passed: Yes – 8; No – 1; Abstain – 1; Absent - 5

Future Board Meetings:

December 8th (subcommittee meetings), 9th, 2015 in San Diego Ca. Board meeting beginning 8:00 am PDT.

February 1st Subcommittee meeting and 2nd Board Meeting in Scottsdale Az.

March 17th, 2015 12:00 PM to 3:00 PM EDT

May 12th, 2015 12:00 pm to 3:00 PM EDT

June 4th – 9th in Rhode Island.

The Board adjourned at 1:40 pm EDT.

Minutes approved by the UCR Board on .

Adam Anderson, UCR Board Secretary

Exhibit A – Meeting Agenda

Exhibit B – Board Meeting Minutes

Exhibit C – Professional Services Agreement

Exhibit D – Contract Services Report

Exhibit E – UCR System Fixes

Exhibit F – Systems Reports

Exhibit G – Balance Sheet

Exhibit H – Operating Funds Report/BBVA

Exhibit I – Past Due Invoices

Exhibit J – Response by Arant/Cummings