

## Minutes of the

### SPECIAL MEETING OF THE MANAGEMENT COMMITTEE

Wednesday, October 27, 2021

**Committee Members Present:** Chair Christopher Ferguson, Vice Chair Judy Johnson, Deb Barber, Francisco Gonzalez, Abdirahman Muse

**Committee Members Absent:** Chai Lee, Robert Lilligren

#### CALL TO ORDER

A quorum being present, Chair Christopher Ferguson, called the special meeting of the Council's Management Committee to order at 2:02 p.m. on Wednesday, October 27, 2021.

**Motion carried** on the following roll call vote:

Aye: 5 Barber, Ferguson, Gonzalez, Johnson, Muse  
Nay: 0  
Absent: 2 Lee, Lilligren

#### APPROVAL OF AGENDA AND MINUTES

There were no changes to the agenda.

It was moved by Barber and seconded by Gonzalez to approve the minutes of the Wednesday, September 22, 2021, Special Management Committee meeting.

**Motion carried** on the following roll call vote:

Aye: 5 Barber, Ferguson, Gonzalez, Johnson, Muse  
Nay: 0  
Absent: 2 Lee, Lilligren

#### BUSINESS

**2021-265:** Ratification of Emergency Declaration –COVID-19 Related Procurement

It was moved by Johnson and seconded by Gonzalez that the Metropolitan Council ratify the attached Emergency Declaration for purchase of COVID-19 saliva Take Home and On-site Testing kits and access to 37 clinic locations for PCR testing in the amount of \$1,835,000.00.

Phil Walljasper, Acting Deputy Regional Administrator, 651-602-1787) presented the item.

**Motion carried** on the following roll call vote:

Aye: 4 Ferguson, Gonzalez, Johnson, Muse  
Nay: 0  
Abstain: 1 Barber  
Absent: 2 Lee, Lilligren

**2021-271:** Annual Sole Source Hardware/Software Maintenance Services

It was moved by Barber and seconded by Gonzalez that the Metropolitan Council authorize the Regional Administrator to make ongoing maintenance, hosted services and support service payments as Sole Source purchase orders in an amount not to exceed \$5,496,600. This includes installed software and hardware as listed on the attached 2022 Information Services Sole Source Vendor list.

Theresa Nistler, Assistant Director, IS Finance & Budget, 651-602-1504 presented the item.

**Motion carried** on the following roll call vote:

Aye: 5 Barber, Ferguson, Gonzalez, Johnson, Muse  
Nay: 0  
Absent: 2 Lee, Lilligren

**2021-276:** Minnesota State Retirement System (MSRS) Program Unclassified Retirement Plan: Resolution 2021-30

It was moved by Gonzalez and seconded by Johnson that the Metropolitan Council approve the attached resolution changing certain designated position titles in the Minnesota State Retirement System unclassified plan.

Marcy Syman, Director of Human Resources, 651-602-1417 presented the item.

**Motion carried** on the following roll call vote:

Aye:	5	Barber, Ferguson, Gonzalez, Johnson, Muse
Nay:	0	
Absent:	2	Lee, Lilligren

## INFORMATION

### **INFO 1: Discussion of Attorney-Client Privileged matters and Litigation issues**

Ann Bloodhart, General Counsel, 651-602-1105 presented the item.

It was moved by Johnson, and seconded by Barber, to close this meeting to the public to discuss attorney-client privileged matters. Because this was the final agenda item, it was noted that the meeting would not be reopened following the discussion of attorney-client matters and the meeting would be adjourned at the conclusion of the discussions.

**Motion carried** on the following roll call vote:

Aye:	5	Barber, Ferguson, Gonzalez, Johnson, Muse
Nay:	0	
Absent:	2	Lee, Lilligren

In accordance with the motion, the meeting was closed to the public and began discussion of Attorney-Client Privileged matters and Litigation issues at 2:17 pm.

The following persons attended the closed portion of the committee meeting: Greg Ricci, Marie Henderson, Lori Connery, Mary Bogie, Phil Walljasper, Dave Larrabee, Ann Bloodhart, David Theisen, George Henry, Margaret Jocot, Trina Harris, Terri Dresen, Darcy Erickson, and Daniel Abelson.

## **BUSINESS (in closed meeting):**

- A. **Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding a Matter Entitled *Rice Lake Construction Group v. Metropolitan Council*.** Associate General Counsel Dan Abelson advised the committee members on the facts and issues regarding this matter and answered committee member questions. Committee members discussed the matter.
- B. **Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding a Matter Entitled *Metropolitan Council v. DIYA Hospitality Inc.*** Associate General Counsel Darcy Erickson advised the committee members on the facts and issues regarding this matter and answered committee member questions. Committee members discussed the matter.
- C. **Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding a Matter Entitled *Jason Berner v. Metropolitan Council, Metro Transit Division*** Associate General Counsel Margaret Jacot advised the committee members on the facts and issues regarding this matter and answered committee member questions. Committee members discussed the matter.
- D. **Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding a Matter Entitled *Dennis Sershen v. Metropolitan Council, et al.*** General Counsel Ann Bloodhart advised the committee members on the facts and issues regarding this matter and answered committee member questions. Committee members discussed the matter.
- E. **Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding a Matter Entitled *Serina Tanya Brueggemann v. Gail Towns and Metropolitan Council DBA Metro***

*Transit* Manager, Risk Management & Claims, Dave Larrabee advised the committee members on the facts and issues regarding this matter and answered committee member questions. Committee members discussed the matter.

- F. **Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding a Matter Entitled *Asma Abdisamed, Ismail Abdisamed Abdulahi, and Kin Mohamud Abas v. Metropolitan Council/Metro Transit and Guido Arias*.** Manager, Risk Management & Claims, Dave Larrabee advised the committee members on the facts and issues regarding this matter and answered committee member questions. Committee members discussed the matter.
- G. **Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding a Matter Entitled *Arthur Lindquist v. Metropolitan Council*.** Manager, Risk Management & Claims, Dave Larrabee advised the committee members on the facts and issues regarding this matter and answered committee member questions. Committee members discussed the matter.
- H. **Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding a Matter Entitled *Virginia Jones v. Richard R. Wegner, Metro Transit, Metropolitan Council*** Manager, Risk Management & Claims, Dave Larrabee advised the committee members on the facts and issues regarding this matter and answered committee member questions. Committee members discussed the matter.
- I. **Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding a Matter Entitled *Daniel Joseph Faley v. Metropolitan Council, James Wollin and Grace Ann Knoer*** Manager, Risk Management & Claims, Dave Larrabee advised the committee members on the facts and issues regarding this matter and answered committee member questions. Committee members discussed the matter.
- J. **Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding a Matter Entitled *Metropolitan Council v. John Zarbinski, Lucas Therrien and Cuzzin Construction*.** Manager, Risk Management & Claims, Dave Larrabee advised the committee members on the facts and issues regarding this matter and answered committee member questions. Committee members discussed the matter.
- K. **Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding a Matter Entitled *Bridget Dow, Individually and a Trustee for the Heirs and Next of Kin of Grayson Dow, Decedent v. Metropolitan Council and BNSF Railway Company*.** Manager, Risk Management & Claims, Dave Larrabee advised the committee members on the facts and issues regarding this matter and answered committee member questions. Committee members discussed the matter.
- L. **Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding a Matter Entitled *Khadijo Ahmed v. Metropolitan Council and Nekesha Banks*.** Manager, Risk Management & Claims, Dave Larrabee advised the committee members on the facts and issues regarding this matter and answered committee member questions. Committee members discussed the matter.
- M. **Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding a Matter Entitled *Jack Shaw v. Metropolitan Council*.** Associate General Counsel Margaret Jacot advised the committee members on the facts and issues regarding this matter and answered committee member questions. Committee members discussed the matter.
- N. **Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding a Matter Entitled *WPG Northtown Venture, LLC. v. Metropolitan Council*.** Associate General Counsel George Henry advised the committee members on the facts and issues regarding this matter and answered committee member questions. Committee members discussed the matter.
- O. **Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding a Matter Entitled *Barry Segal v. Metropolitan Council*.** Associate General Counsel Dan Abelson advised the committee members on the facts and issues regarding this matter and answered committee member questions. Committee members discussed the matter.
- P. **Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding a Matter Entitled *Marlon Carter and Jeffrey Bailey v. First Transit and Metropolitan Council*.** Associate

General Counsel George Henry advised the committee members on the facts and issues regarding this matter and answered committee member questions. Committee members discussed the matter.

**Motion carried** on the following roll call vote:

Aye:	5	Barber, Ferguson, Gonzalez, Johnson, Muse
Nay:	0	
Absent:	2	Lee, Lilligren

Chair Ferguson asked for the room to be cleared except for Council Members, Management Committee staff and others whose presence is necessary to conduct the closed meeting.

The Management Committee meeting at Robert Street closed at 2:17 p.m., Wednesday, October 27, 2021. Closed session business was concluded at 2:56 p.m.

## **ADJOURNMENT**

Business completed; meeting was adjourned at the conclusion of the closed portion. No other business and/or information items were considered, and no further discussions were held.

The meeting adjourned 2:56 p.m.

Lori Connery  
Recording Secretary