

Minutes of the

SPECIAL MEETING OF THE MANAGEMENT COMMITTEE

Wednesday, August 25, 2021

Committee Members Present: Chair Christopher Ferguson, Vice Chair Judy Johnson, Deb Barber, Francisco Gonzalez, Chai Lee, Robert Lilligren

Committee Members Absent: Abdirahman Muse

CALL TO ORDER

A quorum being present, Chair Christopher Ferguson, called the special meeting of the Council's Management Committee to order at 2:00 p.m. on Wednesday, August 25, 2021.

Motion carried on the following roll call vote:

Aye: 6 Barber, Ferguson, Johnson, Gonzalez, Lee, Lilligren
Nay: 0
Absent: 1 Muse

APPROVAL OF AGENDA AND MINUTES

There were no changes to the agenda.

It was moved by Lilligren and seconded by Johnson to approve the minutes of the Wednesday, August 11, 2021, Management Committee meeting.

Motion carried on the following roll call vote:

Aye: 6 Barber, Ferguson, Johnson, Gonzalez, Lee, Lilligren
Nay: 0
Absent: 1 Muse

BUSINESS

2021-211: Labor Agreement with the Law Enforcement Labor Services (LELS), Inc., Local 192, Part Time Police Officers

It was moved by Barber and seconded by Lee that the Metropolitan Council authorize the Regional Administrator to enter into an agreement with the Law Enforcement Labor Services (LELS) Local #192 (Part-Time Police) effective for the period January 1, 2021, through December 31, 2023.

Marcy Cordes, Chief Labor Relations Officer, 651-602-1582 presented the item.

Motion carried on the following roll call vote:

Aye: 6 Barber, Ferguson, Johnson, Gonzalez, Lee, Lilligren
Nay: 0
Absent: 1 Muse

2021-219: Labor Agreement with the Amalgamated Transit Union (ATU), Local 1005

It was moved by Barber and seconded by Gonzalez that the Metropolitan Council authorize the Regional Administrator to enter into a labor agreement with the Amalgamated Transit Union (ATU), Local 1005, effective August 1, 2020, through July 31, 2023.

Marcy Cordes, Chief Labor Relations Officer, 651-602-1582, presented the item.

Motion carried on the following roll call vote:

Aye: 6 Barber, Ferguson, Johnson, Gonzalez, Lee, Lilligren
Nay: 0
Absent: 1 Muse

2021-218: Metropolitan Council Policy, 3-3-4 Travel and Meeting Reimbursement Policy
It was moved by Johnson and seconded by Lilligren that the Metropolitan Council approve changes to the Metropolitan Council Policy 3-3-4 Travel and Meeting Reimbursement Policy.
Marie Henderson, Acting Chief Financial Officer, 651-602-1387, presented the item.

Motion carried on the following roll call vote:

Aye: 6 Barber, Ferguson, Johnson, Gonzalez, Lee, Lilligren
Nay: 0
Absent: 1 Muse

2021-228: Commitment to Reducing Barriers and Increasing Opportunities for Small Targeted Group Businesses and Veteran-Owned Small Businesses
It was moved by Lee and seconded by Lilligren that the Metropolitan Council adopt the attached resolution (Resolution No. 2021-28) expressing the Metropolitan Council’s commitment to reducing barriers and increasing and increasing opportunities for small targeted group businesses and veteran-owned small businesses participating in the Metropolitan Council’s Underutilized Business (MCUB) Program by directing staff to utilize the tools and best practices available to them, including implementation of up to a 6 percent preference in the amount bid for specified goods and services as permitted by statute.
Jody Jacoby, Director of Procurement, 651-602-1144, presented the item.

Motion carried on the following roll call vote:

Aye: 6 Barber, Ferguson, Johnson, Gonzalez, Lee, Lilligren
Nay: 0
Absent: 1 Muse

INFORMATION

INFO 1: 2nd Quarter Financial Report (Marie Henderson, Acting Chief Financial Officer, 651-602-1387; Ed Petrie, Director, MT Finance, 612-349-7624; Ned Smith, Director ES Finance & Revenue, 651-602-1162; Heather Aagesen-Huebner, Director, CD and MTS Finance and Administration, 651-602-1728) **Presentation**, presented the item.

INFO 2: Annual Self-Insurance Report Rate Setting (Marcy Cordes, Chief Labor Relations Officer, 651-602-1582 was in for Marcy Syman, Director of Human Resources, 651-602-1417; Marie Henderson, Acting Chief Financial Officer, 651-602-1387) presented the item.

INFO 3: 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 Lilligren, 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: 6 Barber, Ferguson, Johnson, Gonzalez, Lee, Lilligren
Nay: 0
Absent: 1 Muse

In accordance with the motion, the meeting was closed to the public and began discussion of Attorney-Client Privileged matters and Litigation issues at 3:16 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, Peter Hanf, George Henry, Margaret Jocot, Trina Harris, 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 *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.
- C. **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.
- D. **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.
- E. **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.
- 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 *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.
- H. **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.
- 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 *Jack Shaw v. Metropolitan Council*.** 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.

- K. 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.
- L. 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.
- M. Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding a Matter Entitled *Doran 810, LLC, and Doran 810 apartments, LLC, v. Metropolitan Council*.** 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.
- N. Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding a Matter Entitled *Marlon Carter and Jeffrey Bailey v. First Transit and Metropolitan Council*.** 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.

Motion carried on the following roll call vote:

Aye:	6	Barber, Ferguson, Johnson, Gonzalez, Lee, Lilligren
Nay:	0	
Absent:	1	Muse

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 3:16 p.m., Wednesday, August 25, 2021. Closed session business was concluded at 3:43 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 3:43 p.m.

Lori Connery
Recording Secretary