

## Minutes of the

### SPECIAL MEETING OF THE MANAGEMENT COMMITTEE

Wednesday, January 26, 2022

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

**Committee Members Absent:**

#### 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, January 26, 2022.

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

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

#### APPROVAL OF AGENDA AND MINUTES

There were no changes to the agenda.

It was moved by Johnson and seconded by Barber to approve the minutes of the Wednesday, December 8, 2021, Special Management Committee meeting.

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

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

#### BUSINESS

##### **2021-353:** Drug and Alcohol Policies

It was moved by Lilligren and seconded by Lee that the Metropolitan Council authorize the Regional Administrator to approve the following revised and new policies.

HR 2-2 Drug and Alcohol-Free Workplace Policy – Revised

HR 2-3 Federal Transit Administration (FTA) Drug and Alcohol Policy – Revised

HR 2-4 Non-DOT (Department of Transportation) Drug and Alcohol Policy – Revised

HR 2-5 Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Policy – New  
Deborah Aebi, Sr. Manager Human Resources, 651-602-1319 presented the item.

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

Aye: 7 Ferguson, Barber, Lee, Lilligren Gonzalez, Johnson, Muse  
Nay: 0  
Abstain: 0  
Absent: 0

##### **2021-307:** International Union of Operating Engineers, Local No. 49 Labor Agreement

It was moved by Lee and seconded by Gonzalez that the Metropolitan Council authorize the Regional Administrator to enter into a labor agreement with the International Union of Operating Engineers, Local No. 49, effective 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: 7 Ferguson, Barber, Lee, Lilligren Gonzalez, Johnson, Muse  
Nay: 0

Abstain: 0  
Absent: 0

**2022-10: Labor Agreement with the Transit Managers and Supervisors Association (TMSA)**

It was moved by Lilligren and seconded by Barber that the Metropolitan Council authorize the Regional Administrator to enter into an agreement with the Transit Managers and Supervisors Association (TMSA) 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: 7 Ferguson, Barber, Lee, Lilligren Gonzalez, Johnson, Muse  
Nay: 0  
Abstain: 0  
Absent: 0

**2022-18: 2022 Salary Adjustments for the Regional Administrator and General Counsel**

It was moved by Johnson and seconded by Barber that the Metropolitan Council accept Chair Zelle's 2022 salary adjustment recommendation for Mary Bogie, Regional Administrator, and Ann Bloodhart, General Counsel, and authorize staff to implement salary increases effective December 25, 2021.

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

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

Aye: 7 Ferguson, Barber, Lee, Lilligren Gonzalez, Johnson, Muse  
Nay: 0  
Abstain: 0  
Absent: 0

**2022-17: FM 14-2 Expenditures for the Procurement of Goods, Services, and Real Estate Policy**

It was moved by Lilligren and seconded by Gonzalez that the Metropolitan Council adopt FM 14-2 Expenditures for the Procurement of Goods, Services, and Real Estate Policy version 4.

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

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

Aye: 7 Ferguson, Barber, Lee, Lilligren Gonzalez, Johnson, Muse  
Nay: 0  
Abstain: 0  
Absent: 0

## **INFORMATION**

### **INFO 1: 2022 Work Plan**

Georges Gonzalez, Deputy Regional Administrator, 651-602-1567, presented the item.

### **INFO 2: 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 Lee, 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	Ferguson, Lee, Lilligren Gonzalez, Johnson, Muse
Nay:	0	
Abstain:	0	
Absent:	1	Barber

In accordance with the motion, the meeting was closed to the public and began discussion of Attorney-Client Privileged matters and Litigation issues at 2:39 pm, Wednesday, January 26, 2022. 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.

Closed session business was concluded at 3:02 p.m.

The following persons attended the closed portion of the committee meeting: Greg Ricci, Marie Henderson, Lori Connery, Georges Gonzalez, Phil Walljasper, Dave Larrabee, Trina Harris, Ann Bloodhart, David Theisen, George Henry, Margaret Jocot, Daniel Abelson and Lisa Barajas.

**BUSINESS (in closed meeting):**

- A. **Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding a Matter Entitled *Galasso 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.
- B. **Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding a Matter Entitled *Angela Yvonne Gibson v. Kingwood Management, Metropolitan Council Metro HRA*.** 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.
- C. **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.
- D. **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.
- E. **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.
- 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 *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.
- H. **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.

- I. **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.
- J. **Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding a Matter Entitled *Tammy Mendez 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.
- 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.

## 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 3:02 p.m.

Lori Connery  
Recording Secretary