

Minutes

Management Committee



Meeting Date: February 8, 2023

Time: 2:30 PM

Location: 390 Robert Steet

Members Present:

- Chair, Judy Johnson, District 1
- Vice Chair, Vacant

- Deb Barber, District 4
- John Pacheco, District 6
- Robert Lilligren, District 7

- Abdirahman Muse, District 8
- Chai Lee, District 13
- = present, E = excused

Call to Order

A quorum being present, Committee Chair Johnson called the regular meeting of the Management Committee to order at 2:31 p.m.

Agenda Approved

Council Members did not have any comments or changes to the agenda.

Approval of Minutes

It was moved by Lilligren, seconded by Muse to approve the minutes of the January 11, 2023, regular meeting of the Management Committee. **Motion carried.**

Closed Session

Litigation Review: Discussion of Attorney-Client Privileged matters and Litigation issues
Ann Bloodhart, General Counsel, 651-602-1105 presented the item.

It was moved by Barber, to close this meeting to the public to discuss attorney-client privileged matters. Chair Johnson stated that the meeting could be closed to discuss attorney-client privileged matters pursuant to Minnesota Statutes section 13D.05, subdivision 3(b) and she identified the litigation and other matter (relating to Business Item No. 2023-44) that would be discussed during the closed portion of the meeting. The motion was seconded by Lilligren. **Motion Carried.**

In accordance with the motion, the meeting was closed to the public and discussion of Attorney-Client Privileged matters and Litigation issues began at 2:34 pm, Wednesday, February 8, 2023. **Chair Johnson** 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 discussions were concluded at 3:37 p.m.

The following persons attended the closed portion of the committee meeting: Greg Ricci, Lori Connery, Georges Gonzalez, Phil Walljasper, Ann Bloodhart, David Theisen, Margaret Jacot, Jody Jacoby, Daniel Abelson, Darcy Erickson, Mary Bogie, Terri Dresen, Jim Alexander, (Business Item 2023-44 only), and Nick Thompson (Business Item 2023-44 only).

DISCUSSION (in closed meeting):

Attorney-Client privileged discussions were held on the following matters:

- A. *ATU, Local 1005 v. Metropolitan Council*
- B. *Brenda Lutzke v. Metropolitan Council*
- C. *Jason Berner v. Metropolitan Council, Metro Transit Division*
- D. *Timmy Webber v. Metropolitan Council*
- E. *Rice Lake Construction Group v. Metropolitan Council*
- F. *Zina Baker v. Metropolitan Council*
- G. *WPG Northtown Venture, LLC. v. Metropolitan Council*

Discussion of Attorney-Client Privileged Matters Regarding a Matter Entitled 2023-44: METRO Green Line Extension Systems Contract Change Order to Add 00810 Supplemental Conditions for Re-Baselined Systems Schedule Cost Claims Resolution. Dan Abelson, Associate General Counsel, and Jim Alexander, METRO Green Line Extension Project Director presented. There was a discussion of attorney-client privileged matters related to this business item in closed session.

Re-Open Meeting: It was moved by Barber, and seconded by Lilligren, to re-open this meeting to the public to complete the remaining business on the agenda. **Motion Carried.** Meeting re-opened to the public at 3:37 pm.

The Chair discussed adjusting the agenda in light of the remaining time and it was decided to move the following to the February 22, 2023, agenda:

2023-39: Amendment to List of Authorized Financial Institutions (Mark Thompson, Director, Treasury, 651-602-1629)

Quarterly Investment Review Advisory Committee Report (Mark Thompson, Director, Treasury, 651-602-1629)

Procurement & Office of Equity & Equal Opportunity Quarterly Review (Jody Jacoby, Procurement Director, 651-602-1144; Ashanti Payne, OEEO Assistant Director, 651-602-7660)

Non-Consent Business

2023 - 44: METRO Green Line Extension Systems Contract Change Order to Add 00810 Supplemental Conditions for Re-Baselined Systems Schedule Cost Claims Resolution

It was moved by Barber, seconded by Lilligren, that the Metropolitan Council authorize the Regional Administrator to negotiate and execute a change order to the Systems Contract (Contract No. 17P000) with Aldridge-Parsons, a Joint Venture (APJV), to add the 00810 Supplemental Conditions for Re-Baselined Systems Schedule Cost Claims Resolution.

Dan Abelson, Associate General Counsel, 651-602-1713; Jim Alexander, METRO Green Line Extension Project Director, 612-373-3880 presented the item.

Motion Carried

2023 - 39: Amendment to List of Authorized Financial Institutions

This item was moved to the February 22, 2023 Management Committee agenda

2023 - 40: Minnesota Public Facilities Authority (PFA) Loan Agreement and General Obligation Wastewater Revenue Note. Res no 2023-1

It was moved by Lilligren, seconded by Pacheco, that the Metropolitan Council approve the attached parameters Resolution 2023-1, which authorizes the Regional Administrator to



execute a project loan agreement with the Minnesota Public Facilities Authority (PFA), in substantially the form as the attached draft agreement, and authorizes the issuance and sale of the supporting General Obligation Wastewater Revenue Note securing the loan, in substantially the form as the draft Note referenced in the Resolution.

Mark Thompson, Director, Treasury, 651-602-1629, presented the item.

Motion Carried

2023 - 38: **Recommend General Counsel and RA Salary Adjustments**

It was moved by Muse, seconded by Pacheco, that the Metropolitan Council accept Chair Zelle's 2023 salary adjustment recommendation for Mary Bogie, Regional Administrator, and Ann Bloodhart, General Counsel, and authorize staff to implement salary increases effective December 24, 2022.

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

Motion Carried

Information

~~FTA DBE Program Analysis (Cyrenthia Jordan, Director, OEE0, 651-602-1085; Ashanti Payne, OEE0 Assistant Director, 651-602-7660)~~

~~COOP—Continuity of Operations Update (Kathy Matter, Manager—Business Continuity Program, 651-602-1653)~~

Both Information items were moved to the February 22, 2023, Management Committee agenda.

Adjournment

Business completed; the meeting adjourned at 3:48 p.m.

Certification

I hereby certify that the foregoing narrative and exhibits constitute a true and accurate record of the Management Committee meeting of February 8, 2023.

Approved this 22 day of February 2023.

Council Contact:

Lori Connery, Recording Secretary
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