



2020-09-1

GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT

MEMORANDUM OF MINUTES

SPECIAL BOARD OF DIRECTORS MEETING

SEPTEMBER 11, 2020

Executive Order N-25-20 and N-29-20, issued by the Governor of the State of California, in which portions of the Ralph M. Brown Act are suspended and allows, all Board members, staff and the public to participate by telephone.

These minutes are provided as a supplement to the audio recording that is posted online at:
<https://www.goldengate.org/district/board-of-directors/meeting-documents/>

The Board of Directors (Board) of the Golden Gate Bridge, Highway and Transportation District (District) met in a special session via audio conference, on Friday, September 11, 2020, at 10:00 a.m., President Pahre presiding.

- (1) **CALL TO ORDER:** President Barbara L. Pahre.
- (2) **ROLL CALL:** Secretary of the District Amorette M. Ko-Wong.

Directors Present (16): Directors Arnold, Fewer, Fredericks, Garbarino, Grosboll, Hernández, Hill, Mastin, Moylan, Rabbitt, Sears, Sobel and Yee; Second Vice President Cochran; First Vice President Theriault; President Pahre.

Director Absent (1): Director Belforte.

[Note: On this date, there were two vacancies on the Board of Directors.]

Staff Present: General Manager Denis Mulligan; Auditor-Controller Joseph Wire; District Engineer Ewa Bauer-Furbush; Secretary of the District Amorette Ko-Wong; Attorney Madeline Chun; Deputy General Manager/Administration and Development Kellee Hopper; Deputy General Manager/Bridge Division Steve Miller; Deputy General Manager/Bus Transit Division Mona Babauta; Deputy General Manager/Ferry Division James Swindler; Executive Administrator to the General Manager Justine Bock; Senior Board Analyst Elizabeth Eells.

- (3) **PLEDGE OF ALLEGIANCE:** First Vice President Michael Theriault

**BOARD OF DIRECTORS MEETING
SEPTEMBER 11, 2020/PAGE 2**

Copies of all reports are available on the District's web site at <https://www.goldengate.org/district/board-of-directors/meeting-documents> or upon request from the Office of the District Secretary.

[Directors Arnold and Rabbitt arrived.]

(4) PUBLIC COMMENT: [3:21 Minutes Mark on the Audio Recording]

(A) Public Comment

The following individuals spoke under public comment:

- Shane Weinstein, Amalgamated Transit Union (ATU), Local 1575
- Lamoin Werlein-Jaen, IFPTE, Local 21
- Max Alper, Marine Engineers' Beneficial Association
- Frank Gleason, Bus Operator

(B) Response to Public Comments [14:39 Minutes Mark on the Audio Recording]

Mr. Mulligan said he would respond to the public comments under Agenda Item No. 5.C.2.

(5) SPECIAL ORDER OF BUSINESS:

(A) Open Session

(1) Approve Actions Relative to Adoption of the CalPERS Health Contract Resolutions and Associated Actions for Amalgamated Transit Union Local 1575, Non-Represented Employees, Public Employees Union Local 1, and Members of the Board of Directors [15:15 Minutes Mark on the Audio Recording]

Deputy General Manager/Administration and Development Kellee Hopper presented the staff report.

The following individuals spoke under public comment: [19:05 Minutes Mark on the Audio Recording]

- Helen Moore, Former District Employee
- Mary Currie, Former District Employee

Directors COCHRAN/GARBARINO

Resolution Nos. 2020-059 to 2020-069 approves adoption of the following CalPERS Health Program Resolutions for Amalgamated Transit Union (ATU) Local 1575 employees and retirees, non-represented administrative employees and retirees, Public Employees Union (PEU) Local 1 (Painters) employees and retirees, and members of the Board of Directors, each to be effective January 1, 2021:

- (a) Resolution 2020-060**, Electing to be Subject to the Public Employees' Medical Hospital Care Act at an Unequal Amount for Employees and Annuitants with Respect to a Recognized Employee Organization 001 PERS Non-Represented;

**BOARD OF DIRECTORS MEETING
SEPTEMBER 11, 2020/PAGE 3**

- (b) **Resolution 2020-061**, Electing to be Subject to the Public Employees' Medical Hospital Care Act at an Unequal Amount for Employees and Annuitants with Respect to a Recognized Employee Organization 002 Public Employees Union, Local 1;
- (c) **Resolution 2020-062**, Electing to be Subject to the Public Employees' Medical Hospital Care Act at an Unequal Amount for Employees and Annuitants with Respect to a Recognized Employee Organization 701 Non-PERS Amalgamated Transit Union, Local 1575;
- (d) **Resolution 2020-063**, Electing to be Subject to the Public Employees' Medical Hospital Care Act at an Unequal Amount for Employees and Annuitants with Respect to a Recognized Employee Organization 702 Non-PERS Board of Directors;
- (e) **Resolution 2020-064**, Electing to Adopt Survivor Benefits Under Section 22819 of the Public Employees' Medical and Hospital Care Act with Respect to a Recognized Employee Organization 001 PERS Non-Represented;
- (f) **Resolution 2020-065**, Electing to Adopt Survivor Benefits Under Section 22819 of the Public Employees' Medical and Hospital Care Act with Respect to a Recognized Employee Organization 002 Public Employees Union, Local 1;
- (g) **Resolution 2020-066**, Electing to Adopt Survivor Benefits Under Section 22819 of the Public Employees' Medical and Hospital Care Act with Respect to a Recognized Employee Organization 701 Non-PERS Amalgamated Transit Union, Local 1575;
- (h) **Resolution 2020-067**, Electing to Adopt Survivor Benefits Under Section 22819.1 of the Public Employees' Medical and Hospital Care Act with Respect to a Recognized Employee Organization 001 PERS-Non Represented;
- (i) **Resolution 2020-068**, Electing to Adopt Survivor Benefits Under Section 22819.1 of the Public Employees' Medical and Hospital Care Act with Respect to a Recognized Employee Organization 002 Public Employees Union, Local 1; and
- (j) **Resolution 2020-069**, Electing to Adopt Survivor Benefits Under Section 22819.1 of the Public Employees' Medical and Hospital Care Act with Respect to a Recognized Employee Organization 701 Non-PERS Amalgamated Transit Union, Local 1575.

Adopted

AYES (16): Directors Arnold, Fewer, Fredericks, Garbarino, Hernández, Hill, Mastin, Moylan, Rabbitt, Sears, Sobel and Yee; Second Vice President Cochran; First Vice President Theriault; President Pahre.

NOES (0) None.

ABSENT (1): Director Belforte.

- (2) **Authorize Execution of a Professional Services Master Agreement with Navia Benefit Solutions Inc., Relative to Best Interest No. 2020-D-050, HRA, FSA and Retiree Premium Payment Benefit Administration Services**
[27:46 Minutes Mark on the Audio Recording]

**BOARD OF DIRECTORS MEETING
SEPTEMBER 11, 2020/PAGE 4**

Deputy General Manager/Administration and Development Kellee Hopper presented the staff report.

The following individuals spoke under public comment **[31:50 Minutes Mark on the Audio Recording]**:

- Helen Moore, Former District Employee
- Mary Currie, Former District Employee

Directors Grosboll, Fewer and Hernández inquired about the staff report and public comments.

Mr. Mulligan and Ms. Hopper responded to the Directors' inquiries. Ms. Hopper provided the Benefits Hotline number of (415) 257-4526.

Directors MOYLAN/RABBITT

Resolution No. 2020-070 authorizes execution of a Professional Services Agreement relative to Best Interest No. 2020-D-050, *HRA, FSA and Retiree Premium Payment Benefit Administration Services*, with Navia Benefit Solutions Inc., to provide benefit administration services as part of the CalPERS Health Benefit Transition, for a total not-to-exceed amount of \$459,000 for the three-year base term, including two additional one-year options, to be exercised at the General Manager's discretion, provided funding is available within the Golden Gate Bridge, Highway and Transportation District's annual budget.

Adopted

AYES (16): Directors Arnold, Fewer, Fredericks, Garbarino, Grosboll, Hernández, Hill, Mastin, Moylan, Rabbitt, Sears, Sobel and Yee; Second Vice President Cochran; First Vice President Theriault; President Pahre.

NOES (0) None.

ABSENT (1): Director Belforte.

(B) Closed Session [43:25 Minutes Mark on the Audio Recording]

(1) Conference with Labor Negotiator
Pursuant to Government Code Section 54957.6
Report of Hanson Bridgett LLP
Employee organizations: Union Coalition, Public Employees Union Local 1, Amalgamated Transit Union Local 1575 and Non-Represented Employees: All Positions **[43:53 Minutes Mark on the Audio Recording]**

Attorney Madeline Chun, at the request of President Pahre, stated that the Board would convene in Closed Session, as permitted by the Brown Act, to discuss the matters listed on the Board Agenda as Closed Session, Item No. 5.B.1.

(C) Reconvene in Open Session [44:24 Minutes Mark on the Audio Recording]

After Closed Session, President Pahre called the meeting to order in Open Session with a quorum present. Attorney Chun reported that the Board had met in Closed Session, as permitted by the Brown Act, regarding the item outlined above.

**BOARD OF DIRECTORS MEETING
SEPTEMBER 11, 2020/PAGE 5**

She reported that the Board received a briefing regarding Agenda Item No. 5.B.1, and there is an action item for the Board's consideration.

(1) Authorize Ratification of a Memorandum of Understanding with Public Employees Union Local 1, Representing Bridge Painters [45:00 Minutes Mark on the Audio Recording]

The District's Labor Negotiator, Attorney Molly Kaban outlined the key terms of the agreement reached with the Public Employees Union Local 1, Representing Bridge Painters (Painters):

- The Painters agreed to a Memorandum of Understanding (MOU) term of 12 months, with no wage increase, with an expiration date of August 31, 2021;
- The District will fill four Painter Apprentice positions with current employees;
- The MOU will include a "Me Too" provision, such that if the District negotiates more favorable terms with the Labor Coalition, those terms would also apply to the Painters Union;
- The Painters will transition to the CalPERS medical plans, which are consistent with the Amalgamated Transit Union and non-represented CalPERS medical plans; and
- The District will acknowledge the Painters' good faith bargaining and leadership.

She also read the following statement:

"In negotiations, the Painters wanted it known that they took a risk in agreeing to join the CalPERS medical plans with no wage increase or other financial incentives. They took the lead in this regard, agreeing to these changes ahead of the Coalition, and that they did it for the right reasons – to try to save other employees' jobs given the current financial crisis.

I wholeheartedly agree with this statement and I promised to let the Board know. The Painters deserve a lot of credit for making tough choices in this negotiations. So please join me, [General Manager] Denis [Mulligan] and [Deputy General Manager/Bridge Division] Steve Miller in thanking them for their professionalism and their compassion for their co-workers. It is much deserved."

President Pahre expressed the Board's appreciation for the Painters good faith bargaining efforts and willingness to make good decisions. At Director Arnold's suggestion, the Directors gave the Painters a round of applause.

The following individual spoke under public comment: [49:03 Minutes Mark on the Audio Recording]

- Frank Gleason, Bus Operator

Directors ARNOLD/GARBARINO

Resolution No. 2020-071 authorizes ratification of a Memorandum of Understanding (MOU) with Public Employees Union Local 1, representing Bridge Painters as follows:

**BOARD OF DIRECTORS MEETING
SEPTEMBER 11, 2020/PAGE 6**

- The Painters agreed to a Memorandum of Understanding (MOU) term of 12 months, with no wage increase, with an expiration date of August 31, 2021;
- The District will fill the four Painter Apprentice positions with current employees;
- The MOU will include a “Me Too” provision, such that if the District negotiates more favorable terms with the Labor Coalition, those terms would also apply to the Painters’ MOU;
- The Painters will transition to the CalPERS medical plans, which are consistent with the Amalgamated Transit Union and non-represented CalPERS medical plans; and
- The District will acknowledge the Painters’ good faith bargaining and leadership.

Adopted

AYES (16): Directors Arnold, Fewer, Fredericks, Garbarino, Grosboll, Hernández, Hill, Mastin, Moylan, Rabbitt, Sears, Sobel and Yee; Second Vice President Cochran; First Vice President Theriault; President Pahre.

NOES (0) None.

ABSENT (1): Director Belforte.

[Director Moylan departed]

- (2) **Approve Issuance of Worker Adjustment and Retraining Notification (WARN) Act Notices in Response to COVID-19 Service Impacts and Depletion of Associated Federal Funding** [52:32 Minutes Mark on the Audio Recording]

General Manager Denis Mulligan presented the staff report.

Directors Yee and Grosboll inquired about the staff report.

Mr. Mulligan responded to the Directors’ inquiries. He said that the District’s reserves are outlined on pages 42, 45 and 179 of the FY 2020/2021 Adopted Budget, which is available at: <https://www.goldengate.org/assets/1/6/budget-fy2020-2021.pdf>. Mr. Wire added to Mr. Mulligan’s comments and noted that even with layoffs, the District only saves \$25 million, and as a result, the District would exhaust its reserves this fiscal year.

Directors Grosboll/Theriault made a motion to postpone the vote on this item until January 2021.

Directors Sobel, Sears, Fewer, Hill, Rabbitt, Hernández, Fredericks, and Theriault, and President Pahre commented on the staff report and the possible postponement of action on the item.

Mr. Mulligan and Attorney Chun responded to the Directors’ inquiries.

The following individuals spoke under public comment [1:37:41 Hours Mark on the Audio Recording]:

**BOARD OF DIRECTORS MEETING
SEPTEMBER 11, 2020/PAGE 7**

- Shane Weinstein, ATU, Local 1575
- Anonymous, Bus Passenger of Golden Gate Transit
- Marina Secchitano, Inlandboatmen's Union (IBU)
- Helen Moore, Former District Employee
- Frank Gleason, Bus Operator
- Pete Guthlein, District Employee
- Kimmiko Joseph, Bus Operator
- John Holden, Bus Operator
- Aspen Thompson, Bus Operator

Mr. Mulligan and Mr. Wire responded to the public comments.

Directors Grosboll/Theriault moved and seconded to postpone the vote on this item until January 2021. **[2:05:20 Hours Mark on the Audio Recording]**

AYES (7): Directors Arnold, Grosboll, Hernández, Hill, Mastin, and Sears; First Vice President Theriault.

NOES (8) Directors Fewer, Fredericks, Garbarino, Rabbitt, Sobel and Yee; Second Vice President Cochran; President Pahre.

ABSENT (2): Directors Belforte and Moylan.

Failed

President Pahre reviewed the recommendation being considered. **[2:07:30 Hours Mark on the Audio Recording]**

The following individuals spoke under public comment: **[2:11:26 Hours Mark on the Audio Recording]**

- Robert Kaufman, Bus Operator
- Max Alper, Marine Engineers' Beneficial Association
- Frank Gleason, Bus Operator
- Shane Weinstein, ATU, Local 1575
- Helen Moore, Former District Employee
- Robert Barley, Supervising Vessel Master
- Moniquea Vinson, Bus Operator
- Robert Estrada, IBU
- Aspen Thompson, Bus Operator

Directors Fredericks, Arnold, Mastin and Fewer, and President Pahre commented and inquired about the WARN Notice.

Mr. Mulligan responded to the Directors' inquiries.

Directors SOBEL/FREDERICKS

Resolution No. 2020-072 approves the issuance of federal Worker Adjustment and Retraining Notification (WARN) Act Notices to potentially-affected employees and union representatives in response to service impacts resulting from the COVID-19 pandemic and depletion of the Coronavirus Aid, Relief, and Economic Security

**BOARD OF DIRECTORS MEETING
SEPTEMBER 11, 2020/PAGE 8**

(CARES) Act grant funding; with the understanding that if additional federal grants to support transit operations during the pandemic are made to the Golden Gate Bridge, Highway and Transportation District, then the contemplated layoffs may not be necessary.

Adopted

AYES (10): Directors Arnold, Fewer, Fredericks, Garbarino, Rabbitt, Sears, Sobel and Yee; Second Vice President Cochran; President Pahre.

NOES (5) Directors Grosboll, Hernández, Hill, Mastin; First Vice President Theriault.

ABSENT (2): Directors Belforte and Moylan.

(6) NEW BUSINESS:

There was no "New Business" to discuss.

(7) ADJOURNMENT: [2:43:56 Hours Mark on the Audio Recording]

All business having been concluded **Directors ARNOLD/FREDERICKS** moved and seconded that the meeting be adjourned at 12:52 p.m.

Carried

Respectfully submitted,



Amorette M. Ko-Wong
Secretary of the District

AMK:EIE:mjl