

2024-6

GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT

MEMORANDUM OF MINUTES

BOARD OF DIRECTORS MEETING

JUNE 28, 2024

These minutes are supplemented by 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 regular session in the Board Room, Administration Building, Golden Gate Bridge Toll Plaza, San Francisco, CA, on Friday, June 28, 2024, at 10:00 a.m., with President Cochran presiding. A remote audio option for public participation was available.

- (1) <u>CALL TO ORDER</u>: President Gerald D. Cochran.
- (2) <u>ROLL CALL</u>: Secretary of the District Amorette M. Ko-Wong. [00:27 Minutes Mark on the Audio Recording]

Directors Present (14): Directors Conroy, Dorsey, Engardio, Garbarino, Giudice, Grosboll, Mastin, Moulton-Peters, Pahre, Rodoni, Thériault and Thier; First Vice President Hill; President Cochran.

Directors Absent (5): Directors Hernández, Safaí, Snyder and Stefani; Second Vice President Rabbitt.

Staff Present: General Manager Denis Mulligan; Auditor-Controller Joseph Wire; District Engineer Ewa Bauer-Furbush; Secretary of the District Amorette Ko-Wong; Attorney Julie Sherman; Deputy General Manager/Bus Transit Division Les Belton; Deputy General Manager/Administration and Development Kellee Hopper; Executive Administrator to the General Manager Justine Bock; Senior Board Analyst Elizabeth Eells.

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.

(3) <u>PLEDGE OF ALLEGIANCE</u>: Director Gerard Giudice [01:29 Minutes Mark on the Audio Recording]

(4) **PUBLIC COMMENT:** [02:26 Minutes Mark on the Audio Recording]

President Cochran introduced Public Comment and stated that each speaker would have two minutes in which to make his or her comments.

The following individuals spoke under Public Comment:

- Dave Rhody, The Climate Reality Project (in person)
- Shane Weinstein, Amalgamated Transit Union, Local 1575 (in person)
- Antonio Da Camara Canto, Bus Operator (in person)
- David May, Bus Operator (in person)
- Kevin Tedrick, Bus Operator (in person)
- Kimmiko Joseph, Bus Operator (in person)
- Joseph Fracyon, Bus Operator (in person)
- David Herrera, Bus Operator (in person)
- Roy Martinez, Bus Operator (in person)
- Manuel Gamboa, Sacramento County resident (remotely)
- Kymberlyrenée Gamboa, Sacramento County resident (remotely)
- Tim Jacobsen, Bus Operator (remotely)
- Robert Kaufman, Bus Operator (remotely)
- Frank Gleason, Bus Operator (remotely)
- Charles McDonald, Marin County resident (remotely)
- James Lindsay, International Vice President, ATU (remotely)
- Dave Crockett, Bus Operator (remotely)
- Harjinder Singh, Bus Operator (remotely)

[Director Conroy arrived]

[50:20 Minutes Mark on the Audio Recording]

President Cochran and General Manager Denis Mulligan thanked the speakers for their comments. Mr. Mulligan expressed appreciation for the Gamboa family's and Mr. Rhody's advocacy. He spoke about the District's FY 24/25 Budget and the deficit of \$34 million. He also spoke about the Bus Operator Apprentice Program, the District's goal for Bus Operators to work more reasonable work hours and staff's upcoming Bus Operator Compensation report.

Director Thier reported that Tiburon would have an electric ferry in the future and expressed appreciation for the Bus Operators' contribution to the District.

(5) <u>CONSENT CALENDAR</u>: [59:12 Minutes Mark on the Audio Recording]

Secretary of the District Amorette Ko-Wong introduced Public Comment.

<u>Directors GIUDICE/GARBARINO</u> moved and seconded to approve the Consent Calendar. All items were approved by the following vote of the Board of Directors:

AYES (14): Directors Conroy, Dorsey, Engardio, Garbarino, Giudice, Grosboll, Mastin, Moulton-Peters, Pahre, Rodoni, Thériault and Thier; First Vice President Hill; President Cochran.

NOES (0): None.

ABSENT (5): Directors Hernández, Safaí, Snyder and Stefani; Second Vice President Rabbitt.

(A) Approve the Minutes of the following Meetings:

- (1) Building and Operating Committee of May 23, 2024;
- (2) Finance-Auditing Committee of May 23, 2024;
- (3) Rules, Policy and Industrial Relations Committee of May 23, 2024; and,
- (4) Board of Directors of May 24, 2024.

Motion

(B) Ratification of Previous Actions by the Auditor-Controller:

Resolution No. 2024-037 (as detailed in the June 27, 2024, Finance-Auditing Committee meeting)

- (1) Ratify Commitments and/or Expenditures
- (2) Ratify Previous Investments
- (3) Authorize Reinvestments
- (4) Accept Investment Report, May 2024

Resolution

(6) REPORTS OF OFFICERS:

(A) General Manager [01:02:53 Hour Mark on the Audio Recording]

Mr. Mulligan highlighted a few items in the report including: 1) Bridge traffic and transit ridership; 2) Metropolitan Transportation Commission (MTC) Transportation Revenue Measure Select Committee and Director Moulton-Peters' and ATU James Lindsay's participation on the committee; 3) Fraudulent communication about Fastrak; 4) San Rafael Transit Center project; 5) District's partnership with Oak Hill School and expressed appreciation for Deputy General Manager/Administration and Development Kellee Hopper and Executive Administrator to the General Manager Justine Bock; 6) Employee recognition of Kellee Hopper, Lovely Quitlong and Robert Payne.

[01:12:15 Hour Mark on the Audio Recording]

Director Thériault commented and inquired about the District's climate change activities.

Mr. Mulligan spoke about the District's Solar Panel Installation project and participation in the Sea Change pilot project.

(B) Attorney [01:13:50 Hour Mark on the Audio Recording]

Attorney Julie Sherman presented the Attorney Report, which was for informational purposes only and no action was required.

(1) Closed Session

(a) Appointment of Officer

Pursuant to Government Code Section 54957(b)(1)

Title: District Engineer

Attorney Julie Sherman, at the request of President Cochran, 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, Items No. 6.B.1.a. as outlined above.

(2) Open Session [01:27:55 Hour Mark on the Audio Recording]

(a) Approve Appointment of the District Engineer

After Closed Session, President Cochran called the meeting to order in Open Session with a quorum present. Attorney Sherman reported that the Board had met in Closed Session, as permitted by the Brown Act, and received a report from the District's Review of Officers Committee regarding the matters listed on the Board Agenda as Items No. 6.B.1.a.

She stated the Board reached consensus on the appointment of John Eberle as the District Engineer with the terms outlined below.

Directors HILL/DORSEY

<u>Resolution No. 2024-038</u> approves the appointment of John R. Eberle as the District Engineer, effective July 8, 2024, and authorizes execution of an Employment Agreement with John Eberle for a three and a half (3 $\frac{1}{2}$) year term, an annual salary of \$308,225.00, and a \$750.00 monthly car allowance.

Adopted

AYES (14): Directors Conroy, Dorsey, Engardio, Garbarino, Giudice, Grosboll, Mastin, Moulton-Peters, Pahre, Rodoni, Thériault and Thier; First Vice President Hill; President Cochran.

NOES (0): None.

ABSENT (5): Directors Hernández, Safaí, Snyder and Stefani; Second Vice President Rabbitt.

(C) <u>District Engineer</u> [01:29:37 Hour Mark on the Audio Recording]

District Engineer Ewa Bauer-Furbush presented the District Engineer Report, which was for informational purposes only and no action was taken. She provided an update on a number of projects including:

- San Rafael Parking Lot Improvements and Solar Panel Installation project; and
- Suicide Deterrent System project.

Director Thériault expressed appreciation for Ms. Bauer-Furbush and led a standing ovation.

President Cochran thanked Ms. Bauer-Furbush for her final Engineering Report.

(7) <u>OTHER REPORTS</u>:

There were no Other Reports to discuss.

- (8) <u>REPORT OF COMMITTEES</u>: [01:32:51 Hour Mark on the Audio Recording]
 - (A) <u>Building and Operating Committee</u> [01:32:51 Hour Mark on the Audio Recording]

June 27, 2024

Chair Patricia Garbarino

Chair Garbarino expressed appreciation for Ms. Bauer-Furbush's contributions to the District over the past 30 years.

(1) <u>Authorize Approval of Contract Change Order No. 87S1 to Contract No. 2016-B-01, Golden Gate Bridge Physical Suicide Deterrent System and Wind Retrofit Project</u> [01:33:14 Hour Mark on the Audio Recording]

Directors GARBARINO/THÉRIAULT

Resolution No. 2024-039 authorizes approval of Contract Change Order No. 87 Supplement 1 (CCO 87S1) to Contract No. 2016-B-01, *Golden Gate Bridge Suicide Deterrent System and Wind Retrofit Project*, in the amount of \$572,303 for modifications to the sidewalk bracket strengthening details at the North Approach Viaduct, with the understanding that sufficient funds are available in the Contract No. 2016-B-01 construction contingency to finance this CCO.

Adopted

AYES (14): Directors Conroy, Dorsey, Engardio, Garbarino, Giudice, Grosboll, Mastin, Moulton-Peters, Pahre, Rodoni, Thériault and Thier; First Vice President Hill; President Cochran.

NOES (0): None.

ABSENT (5): Directors Hernández, Safaí Snyder, and Stefani; Second Vice President Rabbitt.

(2) Adopt the Golden Gate Bridge, Highway, and Transportation
District's Draft 2024 Americans with Disabilities Act (ADA) Transition
Plan [01:34:20 Hour Mark on the Audio Recording]

Directors GARBARINO/HILL

Resolution No. 2024-040 adopts the Golden Gate Bridge, Highway and Transportation District's (District) Draft 2024 Americans with Disabilities Act (ADA) Transition Plan (Plan) for District-owned facilities.

Adopted

AYES (14): Directors Conroy, Dorsey, Engardio, Garbarino, Giudice, Grosboll,

Mastin, Moulton-Peters, Pahre, Rodoni, Thériault and Thier; First

Vice President Hill; President Cochran.

NOES (0): None.

ABSENT (5): Directors Hernández, Safaí, Snyder and Stefani; Second Vice President Rabbitt.

(3) Approve Actions Relative to Contract No. 2017-D-30, San Rafael

Transportation Center Relocation Analysis, Environmental Clearance,
and Preliminary Design, with Kimley-Horn and Associates [01:34:56]

Hour Mark on the Audio Recording

[Director Hill recused himself and departed.]

Directors GARBARINO/MASTIN

<u>Resolution No. 2024-041</u> approves the following actions relative to Contract No. 2017-D-30, San Rafael Transportation Center Relocation Analysis, Environmental Clearance, and Preliminary Design as follows:

- a) Authorizes execution of the Fifth Amendment to Contract No. 2017-D-30, San Rafael Transportation Center Relocation Analysis, Environmental Clearance, and Preliminary Design, with Kimley-Horn and Associates in an amount not-to-exceed \$896,755.41 for the total contract amount of \$5,066,115.50 for continuation of consulting services; and,
- b) Revises the contract contingency by the addition of \$89,676, which is equal to 10% of the amendment amount (\$896,755.41).
- c) Authorizes a budget increase of \$986,431 in the FY 23/24 Bus Division Capital Budget for Project #1717, for a revised total project budget of \$5,644,609.

Adopted

AYES (13): Directors Conroy, Dorsey, Engardio, Garbarino, Giudice,

Grosboll, Mastin, Moulton-Peters, Pahre, Rodoni, Thériault

and Thier: President Cochran.

NOES (0): None.

RECUSAL (1): Director Hill.

ABSENT (5): Directors Hernández, Safaí, Snyder and Stefani; Second Vice

President Rabbitt.

[Director Hill returned.]

(B) <u>Meeting of the Finance-Auditing Committee</u> [01:36:39 Hour Mark on the Audio Recording]

June 27, 2024

Vice Chair Barbara L. Pahre

President Cochran thanked Vice Chair Pahre for standing in for Chair Rabbitt.

Vice Chair Pahre thanked everyone for their feedback at the Finance-Auditing Committee of the previous day.

(1) <u>Authorize Budget Transfers and Adjustments to the FY 23/24</u> <u>Operating Budget</u>

[01:37:12 Hour Mark on the Audio Recording]

Directors PAHRE/GIUDICE

Resolution No. 2024-042 authorizes operating budget transfers of \$5,295,000, or 1.9%, of total FY 23/24 Operating Budget Expenses, as detailed in Attachment A, but summarized below:

- (a) The Bridge Division will transfer \$620,000 between budget categories in the Bridge Division.
- (b) The Bus Division will transfer \$225,000 between budget categories in the Bus Division. Additionally, the Bus Transit Division will transfer \$1,250,000 between budget categories to the Bridge Division and \$600,000 between budget categories in the Ferry Division.
- (c) The Ferry Division will transfer \$1,350,000 between budget categories in the Ferry Division.
- (d) The District Division will transfer \$1,250,000 between budget categories in the District Division.

Adopted

AYES (14): Directors Conroy, Dorsey, Engardio, Garbarino, Giudice, Grosboll, Mastin, Moulton-Peters, Pahre, Rodoni, Thériault and Thier; First Vice President Hill; President Cochran.

NOES (0): None.

ABSENT (5): Directors Hernández, Safaí, Snyder and Stefani; Second Vice President Rabbitt.

(2) Approve Actions Relative to the State of Good Repair (SGR) Program [01:37:50 Hour Mark on the Audio Recording]

Directors PAHRE/GIUDICE

Resolution No. 2024-043 approves actions necessary to secure FY 24/25 State of Good Repair (SGR) Program funds to support projects that maintain the public transit system in a state of good repair for the Golden Gate Bridge, Highway and Transportation District (District):

- (a) Authorizes the General Manager or his designee to execute for and on behalf of the District any documents necessary relative to the FY 24/25 SGR Program; and,
- (b) Approves submission of the Ferry Division Capital Project #2443, San Francisco Ferry Terminal (SFFT) West and East Berth Rehabilitation, for

the FY 24/25 proposed project list to the Metropolitan Transportation Commission (MTC).

Adopted

AYES (14): Directors Conroy, Dorsey, Engardio, Garbarino, Giudice, Grosboll, Mastin, Moulton-Peters, Pahre, Rodoni, Thériault and Thier; First Vice President Hill; President Cochran.

NOES (0): None.

ABSENT (5): Directors Hernández, Safaí, Snyder and Stefani; Second Vice President Rabbitt.

(3) Approve Renewal of the Liability and Property Insurance Programs
[01:38:55 Hour Mark on the Audio Recording]

Directors PAHRE/GIUDICE

<u>Resolution No. 2024-044</u> approves the final negotiated amounts of the Liability Insurance Program, effective July 1, 2024, as follows:

(a) Renews the Excess General and Automobile Liability Insurance including Public Officials and Employment Practices Liability with Terrorism Risk Insurance Act (TRIA) coverage, for a not to exceed amount of \$4,102,022 for a one-year term. The Golden Gate Bridge, Highway and Transportation District's (District) insurance brokers negotiated with various potential insurers (some of which currently provide coverage to the District) including Safety National, Inigo, MAP, AWAC, Westchester, Westfield, Hiscox, Canopius, Convex, Hamilton Re, Aspen, Sompo, Apollo, Liberty, Genesis, Everest, Munich Re, and others to secure the best coverage options available.

The expiring program has a \$85 million limit and a self-insured retention of \$7.5 million for Auto Liability and \$3 million for General Liability, including legal defense costs within the self-insured retention. The annual premium for this policy is \$4,102,022.

- (b) Renews the Excess Workers' Compensation and Employers' Liability Insurance Program with Safety National, for a one-year term, in excess of a Self-Insured Retention of \$1,250,000 for each accident, with a \$25 million limit, for an annual premium of \$405,621.
- (c) Renews the Public Officials'/Employment Practices Liability Insurance Program with Ironshore, for a one-year term, with a liability limit of \$2 million for each occurrence/annual aggregate. The program has a Self-Insured Retention of \$250,000 for each Director's and Officer's claim, and \$250,000 for Employment Practices Liability claims the only exception being a \$1,000,000 self-insured retention for claims concerning Class Actions or Layoffs. The annual premium for this policy is \$155,189.

- (d) Renews the Fiduciary Liability Insurance Program for the Other Public Employee Benefits (OPEB) Trust Board with Chubb Insurance Company for a one-year term, with a \$5 million limit for each occurrence, and a \$25,000 deductible, for an annual premium of \$15,105;
- (e) Renews the Crime Insurance Program with F&D/Zurich Insurance Company, for the second year of a three-year term with a \$25,000 deductible and \$1 million limit for an annual premium of \$3,597;
- (f) Renews the three-year Environmental Liability Insurance Program with Chubb Insurance Company, with a \$5 million limit and a \$250,000 Self-Insured Retention for a pre-paid three-year premium of \$73,419; and,
- (g) Renews the Cyber Liability Program with Resilience for a one-year-term. The program has a \$5 million limit and \$250,000 for Social Engineering Fraud. The coverage has a \$50,000 Self-Insured Retention for a premium of \$57,399.

Approves the Property Insurance Program, effective July 1, 2024 as follows:

- (a) Renews the property insurance program with AIG for buildings and facilities with a \$250,000 deductible for a premium of \$905,317, and the excess earthquake and flood insurance program for a premium of \$209,032.
- (b) Renews authority to purchase the Marin Transit Bus Property Damage Program with actual cash value basis and a deductible of \$50,000 with Markel for a premium of \$42,460, and,
- (c) Continues to allocate monies to the Restricted Contingency Reserve, for FY 24/25, in the amount of \$1.3 million, as self-insurance for costs associated with Bridge Physical Damage and Loss of Revenue.

with the understanding that the requisite funds will be available in the Adopted FY 24/25 Operating Budget for the Bridge, Bus, Ferry, and District divisions.

Adopted

AYES (14): Directors Conroy, Dorsey, Engardio, Garbarino, Giudice, Grosboll, Mastin, Moulton-Peters, Pahre, Rodoni, Thériault and Thier; First Vice President Hill; President Cochran.

NOES (0): None.

ABSENT (5): Directors Hernández, Safaí, Snyder and Stefani; Second Vice President Rabbitt.

(4) <u>Approve Proposed FY 24/25 Operating and Capital Budget</u> [01:41:14 Hour Mark on the Audio Recording]

Director Theriault commented that he does not see any reductions in Bus Operator compensation in the FY 24/25 Budget.

Director Mastin commented about Bus Operator hours and stated he would vote "no" on the Budget.

Director Thier inquired about decreases in the FY 24/25 Budget as a result of Bus Operator schedule, break changes and future cost savings.

Director Grosboll inquired about the Run Cut Changes, the possibility of decreases to other staff wages, and the Toll Gantry project. He commented about the upcoming presentation about Bus Operator Compensation.

Director Rodoni requested the presentation about Bus Operator Compensation include recruitment and headcount.

Director Conroy commented about the Bus Operators' contributions to the District's operations and expressed concern about their hours, compensation and mental health. She noted the Board has many considerations which have to be balanced.

Director Thériault encouraged vigorous attendance at next month's Finance-Auditing Committee meeting.

Director Pahre stated that the Board sets policy, and the District's management implements that policy and deploys the workforce.

Director Thier expressed support for negotiating schedule changes that affect pay and spoke about escalating consumer prices. She said she plans to vote for the budget and looks forward to the discussion on Bus Operator compensation next month.

Director Moulton-Peters expressed support for a fair labor process and bus service delivery. She spoke about the financial pressures on transit agencies and expressed interest in learning about pay structures at other agencies.

President Cochran stated that a Bus Operator Compensation report would be presented to the Finance-Auditing Committee in July 2024.

Mr. Mulligan confirmed that there are no cuts related to Bus Operator pay and hours in the FY 24/25 Budget. He spoke about staff's goals to manage District costs.

Directors PAHRE/GIUDICE

<u>Resolution No. 2024-045</u> approves the Fiscal Year 2024/2025 (FY 24/25) Proposed Operating and Capital Budget, as follows:

- (a) Authorizes the following items as contained in the budget:
 - (i) District Goals, Objectives, and Capital Projects;
 - (ii) The Reserve Structure; and,

- (iii) Changes to the Table of Organization;
- (b) Includes negotiated salary increases for the Amalgamated Transit Union (ATU) represented employees. It does not include salary increases for Coalition employees as they are under negotiation, nor does it include salary increases for Non-represented employees, which will be considered at a later date;
- (c) Includes a Capital Contribution amount of \$21 million; and,
- (d) Authorizes the following items that are not currently included in the Proposed Budget but will be included in the Adopted Budget:
 - (i) Any Board approved actions through June 30, 2024 that have a fiscal impact to the FY 24/25 Capital and/or Operating Budget;
 - (ii) The carryover of any incomplete projects in the FY 23/24 Capital Budget to FY 24/25Director as authorized by the General Manager;
 - (iii) The move of any capital projects from the FY 25/26 budget to the FY 24/25 budget, as authorized by the General Manager, as staff resources become available in FY 24/25;
 - (iv) Final FY 23/24 budget transfers needed to comply with the Board's budget policy will be implemented in the FY 24/25 Adopted Budget Book; and,
 - (v) Staff compensation adjustments made per the compensation policy approved on May 24, 2024 and as detailed in Appendix B of this board report.

Adopted

AYES (13): Directors Conroy, Dorsey, Engardio, Garbarino, Giudice, Grosboll, Moulton-Peters, Pahre, Rodoni, Thériault and Thier; First Vice President Hill; President Cochran.

NOES (1): Director Mastin.

ABSENT (5): Directors Hernández, Safaí, Snyder and Stefani; Second Vice President Rabbitt.

(9) <u>ADDRESSES TO BOARD</u>:

There were no Addresses to Board.

(10) **SPECIAL ORDER OF BUSINESS:**

(A) Authorize the Preparation and Presentation of a Resolution of Appreciation to Ewa Z. Bauer-Furbush, District Engineer, in Recognition of Her Dedicated Service to the Golden Gate Bridge, Highway and Transportation District [02:06:48 Hour Mark on the Audio Recording]

President Cochran presented a Resolution of Appreciation to Ms. Bauer-Furbush and congratulated her.

[02:07:25 Hour Mark on the Audio Recording]

Ms. Bauer-Furbush expressed appreciation for the opportunity to have an engineering career at the District as the Deputy District Engineer and District Engineer, and work on numerous District projects. She acknowledged the support of previous and current members of the Board of Directors, District employees and attorneys, and thanked numerous people, including Mr. Mulligan and the Engineering department staff. She said that although she is retiring, her heart will be with the Bridge and District forever.

Directors Moulton-Peters and Rodoni presented a County of Marin Resolution of Appreciation and each one read key sections of the document.

President Cochran expressed appreciation for Ms. Bauer-Furbush's contributions.

Directors HILL/GIUDICE

Resolution No. 2024-046 approves the preparation and presentation of a Resolution of Appreciation to Ewa Z. Bauer in recognition of her public service as District Engineer for the Golden Gate Bridge, Highway and Transportation District.

Adopted

AYES (14): Directors Conroy, Dorsey, Engardio, Garbarino, Giudice, Grosboll,

Mastin, Moulton-Peters, Pahre, Rodoni, Thériault and Thier; First

Vice President Hill; President Cochran.

NOES (0): None.

ABSENT (5): Directors Hernández, Safaí, Snyder and Stefani; Second Vice

President Rabbitt.

(11) <u>UNFINISHED BUSINESS</u>

There was no Unfinished Business.

(12) <u>NEW BUSINESS</u>

There was no New Business.

(13) <u>COMMUNICATIONS</u> [02:15:35 Hour Mark on the Audio Recording]

President Cochran stated that copies of Communications are available from the District Secretary's Office.

Director Theriault commented on the letter sent by WTB-TAM President Patrick Seidler and WTB-TAM Director of Planning Matthew Hartzell regarding the District's Strategic Plan.

(14) ADJOURNMENT: [02:16:18 Hour Mark on the Audio Recording]

All business having been concluded <u>Directors GROSBOLL/GARBARINO</u> moved and seconded that the meeting be adjourned in honor of Lucia Yuk Moon Wong and Patrick Sau-Kuen Fong at 12:17 p.m.

Carried

Respectfully submitted,

Amorette M. Ko Wong Secretary of the District

AMK:EIE:tnm