

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

SPECIAL Open Session Minutes- Board of Directors

October 26, 2005

A SPECIAL Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Wednesday, October 26, 2005 at the Santa Cruz City Council Chambers, 809 Center Street, Santa Cruz, CA

Chair Keogh called the meeting to order at 9:01 a.m.

SECTION 1: OPEN SESSION

1. ROLL CALL:

DIRECTORS PRESENT

Jan Beautz (arrived after roll call)
Dene Bustichi
Michelle Hinkle
Mike Keogh
Emily Reilly
Mike Rotkin
Dale Skillicorn
Pat Spence
Mark Stone
Marcela Tavantzis

DIRECTORS ABSENT

Stephanie Harlan
Ex Officio Wes Scott

STAFF PRESENT

Mark Dorfman, Assistant General Manager
Margaret Gallagher, District Counsel
Steve Paulson, Paratransit Administrator

Elisabeth Ross, Finance Manager
Judy Souza, Acting Operations Manager
Les White, General Manager

EMPLOYEES AND MEMBERS OF THE PUBLIC WHO VOLUNTARILY INDICATED THEY WERE PRESENT

Ellen Aldridge, Avery & Associates
Rhonda Carter, UTU
Sandra Cohen, Bus Driver (for another agency)
Andre Harte, UTU
Nora Hochman, former SEIU Representative
Paul Johnston, MBCLC
Susan Kipping, Felton Resident

Gary Klemz, SEIU Field Representative
Sandra Lipperd, UTU
David Lucier, UTU Retiree
Bonnie Morr, UTU
Sheila Payne, NALC
Will Regan, VMU
Dan Stevenson, UTU

2. REVIEW OF ITEMS TO BE DISCUSSED IN CLOSED SESSION: District Counsel

Margaret Gallagher reported that there would be a conference with METRO's Labor Negotiators regarding labor negotiations with UTU.

3. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION

Chair Keogh stated that the demonstration at Director Bustichi's home last Sunday night harassing his family and children was repugnant, as are those who condone it and invited anyone who feels the need to protest to come to him directly. Chair Keogh also expressed his disappointment that this has resorted to name-calling and referred to letters to be distributed to the Board today by David Lucier.

Director Bustichi read a letter, which is attached to the file copy of these minutes, that he wrote in response to the demonstration by UCSC students and others at his house. The letter stated that the demonstration was an attempt to gain Director Bustichi's respect for the bus drivers; however, the demonstrators' intimidation, vandalism and harassment of his family resulted in the loss of his respect. Director Bustichi also read a letter from a UCSC student, whom he did not name, that no longer supports the bus drivers and found the demonstrators' actions reprehensible and counter-productive.

DIRECTOR BEAUTZ ARRIVED

Chair Keogh opened the public comment period for thirty minutes in order to allow the Board sufficient time for Closed Session

Paul Johnston, MBCLC, said he is a minion, asked the Board not to lose sight of the fact that the parties will have to work together again after the strike, asked the Board to make the distinction between the demonstrators and the bus drivers, and urged the Board to settle the strike today, realizing that neither side can reach agreement on their own terms.

Bonnie Morr, UTU, said she was sorry Director Bustichi's family was frightened by the demonstration by the UCSC students at his house, but that the bus drivers were not involved with that on any level. Ms. Morr said that UTU is here today with another proposal, and requested that the Board to address comments supposedly made by the Management Negotiating Team regarding the Board never accepting UTU's proposal.

David Lucier, UTU Retiree, distributed and read parts of 2 written communications, which are attached to the file copy of these minutes. Mr. Lucier said the District should stop paying Management salaries with the one half percent transaction tax during the strike, because these funds are to be used for transit service, and said that METRO has bargained in bad faith from the very beginning by having Assistant General Manager, Mark Dorfman, on the District's Negotiating team, whom Mr. Lucier described as "crazy" and "playing games".

Dan Stevenson, UTU, said he was rather riled up and explained that this process is stressful and exhausting for him and that he is concerned that drivers will be resented when the strike is

over. Mr. Stevenson said that Mark Dorfman is a financial expert, not an expert on transit or on meeting the needs of the public or society because he cannot determine the cost of the value of an employee. Mr. Stevenson also asked what choice people had other than to protest in front of Directors' homes, when the Board limits public comments made at its meetings.

Sheila Payne, NALC, said the picketing that she participated in at METRO's Encinal location on Monday morning was not reported in the Sentinel because its reporting is biased and it chose to report on the demonstration at Director Bustichi's house instead. Ms. Payne said she would support demonstrations at every Director's home and asked them to think of how the strike is affecting the public.

Andre Harte, UTU, personally apologized for the demonstration at Director Bustichi's home and said that if the strike goes on much longer, people will start losing their homes. (Bonnie Morr asked Mr. Harte to sit down).

Rhonda Carter, UTU, said she was proud to be a bus operator when she started, but now she is disgusted and will take her pay stub, bills and receipts to the Sentinel to prove that the drivers do not make a lot of money. Ms. Carter said she was sorry that the demonstration made Director Bustichi's children feel bad because she knows what that is like.

Susan Kipping, Felton Resident, said the Board is a disgrace, a failure, and that legal action should be taken against them. Ms. Kipping said there should be demonstrations at each of their homes every day until the strike is over, that ACLU should force the Board to divulge how they vote in Closed Session, that the Board members should be held accountable in a painful way such as jail time, and she urged the Board to end the strike today or leave.

Sandra Lipperd, UTU, member of the UTU Negotiating Team, said the past 7 months have been very distasteful with so much negative publicity and attacks from their employer and the Board. Ms. Lipperd said UTU is more unified, strong and prepared to stay out on strike as long as it takes and she urged the Board to reach an agreement with UTU today.

Nora Hochman, former SEIU Representative, echoed the previous speaker and urged the Board to reach an agreement today to end the strike.

Sandra Cohen, bus driver for another agency, said the effect of the strike on people's lives and the environment is tragic and needs to end now.

Vice Chair Rotkin stated that personal attacks and attacking members of the District bargaining team is wrong and not going to end the strike. The Board has not attacked any member of UTU and respects the drivers in general and their right to select their own bargaining team. The Board supports its own negotiating team, the General Manager, the Assistant General Manager, who has helped successfully negotiate over 5 contracts for the District, and it is ridiculous and unproductive to suggest that this strike is about personalities on either side. Vice Chair Rotkin said that by UTU accepting and applauding comments made on its behalf, such as those made today about holding demonstrations at Board member's homes, without UTU saying that is not their view, the Board has to assume it is. Vice Chair Rotkin reiterated that this contract is not

going to be settled by attacks by either side and added that law protects Closed Session voting regarding labor negotiations, only the final vote approving the contract is made public.

There was a comment from the public asking where the audit was. Director Spence asked about it and Les White responded that the audit for the last fiscal year that ended June 30th is underway and that the previous year's audit has been provided to UTU.

SECTION II: CLOSED SESSION

Chair Keogh adjourned to SPECIAL Closed Session at 9:50 a.m. and reconvened to SPECIAL Open Session at 10:59 a.m.

SECTION III: RECONVENE TO OPEN SESSION

4. REPORT OF CLOSED SESSION IF ANY

Margaret Gallagher reported that the Board took no reportable actions.

ADJOURN

There being no further business, Chair Keogh adjourned the SPECIAL meeting at 11:00 a.m.

Respectfully submitted,

CINDI THOMAS
Administrative Services Coordinator