



CAPITAL AREA TRANSIT SYSTEM

*Connecting you to what matters.*

**MEETING OF THE  
BOARD OF COMMISSIONERS OF  
CAPITAL AREA TRANSIT SYSTEM  
AND  
PUBLIC TRANSPORTATION COMMISSION  
NOVEMBER 17, 2020  
4:30 p.m.  
BREC Administration Building  
6201 Florida Boulevard  
Baton Rouge, LA 70806**

**MINUTES**

**I. CALL TO ORDER: Mr. Mark Bellue**

Mr. Bellue called the meeting to order.

**II. ROLL CALL: Ms. Amie McNaylor**

Present at the meeting were Messrs. Bellue, Breaux, Cohran, Hill, and Lambert, and Mss. Pierre and Perkins. Mr. O’Gorman and Ms. Green were absent. Also present were Mr. Bill Deville, CEO; other CATS staff; Creighton Abadie, CATS attorney; and members of the public.

**III. APPROVAL OF MINUTES OF OCTOBER 20, 2020 MEETING: Mr. Mark Bellue**

Ms. Perkins moved to approve the minutes of the October 20, 2020, meeting and Ms. Pierre seconded the motion. Mr. Bellue invited public comment and there was none. The motion passed unanimously with no abstentions.

**IV. PRESIDENT’S ANNOUNCEMENTS: Mr. Mark Bellue**

Mr. Bellue thanked those assembled for attending the meeting.

Mr. Bellue reviewed the COVID-19 restrictions in place per BREC guidelines. He noted that any members of the staff and public who wished

to attend the meeting would need to observe from the hall once the allocated seats were filled.

He noted that all who speak were asked to speak clearly and loudly enough to be heard in the microphone.

Mr. Bellue shared that the board would likely enter executive session for the last action item and that all those gathered would be asked to wait in the lobby during the session.

Mr. Bellue reviewed the public comment process and noted that general public comments are heard at the end of the meeting.

## **V. ADMINISTRATIVE MATTERS**

### **1. Executive and Financial Report: Mr. Bill Deville and Executive Staff**

Mr. Deville let the board know that Governor Edwards has extended Phase 3 through December 9<sup>th</sup>. CATS is still providing the same lifeline service.

Ms. Williams noted that there are currently 147 total operators. There are 100 active operators. The remaining operators are out as a result of COVID-19, FMLA, and Workers' Comp.

Operations is meeting more frequently as the reopening incrementally expands to determine what Phase 3 requirements look like for the agency.

Ms. Williams shared that ridership for October was 114,030, and the ridership continues to grow each month. The on-time performance was 68.13%, which is higher than October 2019. The percentage of trips operated in October was 98.24%. The agency operated 204,348 miles. There were 2.4 preventable accidents per 100,000 miles in October and 10,217 mean miles between road calls.

It was noted that the operator barriers were expected to ship to CATS at the end of November.

Ms. Thomas shared that staff is working with Operations to get operators back to work who have been out as a result of COVID-19.

CATS has met with Gallagher regarding the health insurance benefits for 2021 and is making a recommendation to the board members as an action item.

**Pending approval of the recommended 2021 health insurance plan by the Board, open enrollment is slated for the first week of December.**

**CATS hosted ExxonMobil and the Capital Area United Way on November 13<sup>th</sup> for their annual “United we feed” event.**

**CATS submitted a grant application for the Public Transportation COVID-19 Research Demonstration Grant Program.**

**CATS is supporting Build Baton Rouge to honor Mr. Johnnie Jones, who was the attorney at the center of the Baton Rouge bus boycott.**

**Ms. Soileau shared that CATS is working with HDR to establish KPIs and it is anticipated this project will be completed in February 2021.**

**The Transit Development Plan and Strategic Plan being done with HNTB is being reviewed and next steps included board member and stakeholder engagement.**

**The February service change will address post-COVID ridership needs, and it will increase frequency on job-friendly routes.**

**A Service Standards Manual is being created that will address types of routes, passenger amenities, Title VI/Disparate Analysis evaluations, and ADA/Paratransit operations.**

**The 2021 capital budget has been submitted and Planning is working with Finance to streamline the process in the future.**

**The CEA for the Plank-Nicholson BRT Corridor is being submitted for approval by the CATS Board and the Metro Council.**

**A ferry study has been commissioned by CRPC to study the feasibility of reinstating a ferry between East and West Baton Rouge.**

**A Microtransit feasibility study has been conducted to address the first mile/last mile in underserved areas, with two focus areas for implementation.**

**Transit centers and bus shelters are being considered in various locations throughout the service area. There is an allocation of \$250,000 in the 2021 budget for 16 new shelters at key destinations and major activity centers. There are plans for another 15 shelters in 2022.**

**Staff is evaluating the possibility of temporarily relocating the terminal to the I/110 underpass.**

**CATS received \$300,000 in grant funding to analyze the highest and best use of the Florida terminal site.**

**Staff is seeking a suitable site for the South Baton Rouge Transit Center.**

**The East Baton Rouge/Cortana Transit Center needs to have upgrades to new standards with customer amenities.**

**There is an RFP for preliminary engineering for the Baker Park and Ride site.**

**The technical on-call master service agreement with Atlas Technical is augmenting staff and providing business systems support.**

**Emergent Method is working with CATS on strategic communications and is coordinating public engagement and outreach activities for projects that are underway. Emergent will be supporting internal and external communications needs.**

**Mr. Deville let the board know that he attended the November 10<sup>th</sup> meeting of the Metro Council at the request of DTD Director Fred Raiford for consideration of the CEA between CATS and the City-Parish for the Plank-Nicholson BRT Corridor.**

**CATS has completed its draft of the 2021 budget and it has been advertised and posted on the CATS website. The CATS Board will be asked to approve the budget at its December meeting.**

**CATS is participating in the LSU IFC Regional Roundtable Discussion.**

**CATS was presented with the “Rising Star” award by Louisiana Clean Fuels for its significant introduction of electric buses to the agency’s fleet.**

**Mr. Cutrone presented the October financials and noted that the total current assets as of October 31, 2020, are \$28,695,160. The total assets are \$52,782,014. The total current liabilities are \$5,013,847 and the total liabilities are \$8,509,806. The total net assets are \$44,272,208.**

The total operating expenses for the month of October are \$2,771,454. There were three payrolls as well as transmission rebuilds during the month.

The total CATS-generated operating revenues for the month as of October 31, 2020, are \$47,828. The total non-federal subsidies for the month are \$1,598,203 and the total federal subsidies are \$240,970. The total operating revenues are \$1,887,002. The net operations balance as of October 31, 2020, is a deficit of \$1,113,604.

## **VI. COMMITTEE REPORTS AND ANY ACTION THEREON**

### **1. Finance and Executive: Mr. Mark Bellue**

Mr. Bellue referred the members to the minutes of the November 12<sup>th</sup> meeting in their packets. He noted that the first two items were recommended for approval by the committee.

Mr. Bellue let the members know that the health insurance item and the MV Transportation contract amendment were sent to the board without a recommendation.

The employment and labor services contract with Breazeale, Sachse & Wilson was recommended for approval but with a scope limited to arbitrations only.

### **2. Technical, Policies and Practices: Dr. Peter Breaux**

Dr. Breaux noted the committee did not meet.

Dr. Breaux asked that the board consider keeping virtual meetings as an option with the rise in COVID-19 cases.

### **3. Audit: Mr. Cohran**

It was noted the committee did not meet.

### **4. Planning: Mr. Kevin O’Gorman**

Mr. Bellue reported for Mr. O’Gorman that the committee met on November 13<sup>th</sup> and he referred the members to the minutes in their packets.

Mr. Bellue noted that the meeting covered the service changes planned for February 2021, a capital projects update, and a program management update.

**5. Special Committee: Mr. Johnathan Hill**

Mr. Hill noted that the committee met on October 30<sup>th</sup> and again on November 13<sup>th</sup>.

The committee has considered several items, including communication between board members and staff, audits and triennial reports, performance measures, contract authority, and other items.

Mr. Hill shared that the staff has been very helpful and forthcoming with information requested.

The committee is on track to make recommendations in December.

**6. Community Relations: Ms. Linda Perkins**

Ms. Perkins referred the members to the minutes of the November 10<sup>th</sup> meeting and shared the highlights. She noted that the agency is going to resume refresher training and customer service training.

This was the second month in a row with zero pass up complaints from customers.

Barriers have been installed in CATS On Demand vehicles.

Ms. Perkins introduced Serena Thomas, the new General Manager at MV.

Ms. Thomas of MV Transportation shared that CATS On Demand had 4,316 scheduled trips in October. Of the scheduled trips, 4,308 were completed and seven were cancellations.

There was one valid complaint for the month.

The on-time performance for the month was 93%.

**VII. ACTION ITEMS**

**1. Consideration of authorization to purchase three BYD electric buses**

Mr. Godwin noted that this is the last three of the nine buses on the BYD contract.

The total cost of the three electric buses will not exceed \$2,296,245. The cost will be paid with a combination of grant funds and CATS local funds.

Mr. Lambert moved that the CEO is authorized to purchase three BYD electric buses at a cost not to exceed \$2,296,245 and Mr. Cohran seconded the motion. Mr. Bellue invited public comment and there was none. The motion carried unanimously with no abstentions.

**2. Consideration of authorization to execute Cooperative Endeavor Agreement with City-Parish for Plank-Nicholson Bus Rapid Transit Corridor**

Ms. Soileau noted that the proposed CEA outlines the responsibility of both CATS and the City-Parish.

The CEA was approved by the Metro Council at its November 10<sup>th</sup> meeting.

There is \$850,000 in local share funds for design services. There is a total of \$8.7 million in grant money to be paid by CATS. The project is a \$53 million project in total.

Ms. Pierre moved that the CEO is authorized to execute a Cooperative Endeavor Agreement with the City-Parish for the Plank-Nicholson Bus Rapid Transit Corridor project and Ms. Perkins seconded the motion. Mr. Bellue invited public comment and there was none. The motion passed with Mr. Lambert abstaining.

**3. Consideration of authorization to approve health insurance contract for 2021**

Ms. Thomas shared that the board is being asked to approve the 2021 benefits package with a move from United Healthcare to Blue Cross Blue Shield that will lead to a reduction in cost.

Mr. Trey Little of Gallagher informed the board that there is a \$3,500 PPO plan as well as a \$2,000 PPO plan. There is also a community blue plan.

CATS and Gallagher are recommending all three plans with BCBS and the employee will have the ability to choose their preferred plan.

Dental coverage is being offered through Sunlife with no increase in cost.

**Vision coverage is being offered through Sunlife at a 5% reduction in cost.**

**Employer paid life insurance is being offered with a move to Equitable at a 15% decrease in cost.**

**Voluntary life will remain the same.**

**Short-term disability is recommended to move to Equitable at a cost decrease and long-term disability is recommended to move to Equitable at a cost decrease.**

**There was an inquiry as to the COVID-19 policy and whether BCBS provided 100% coverage and Mr. Little indicated he did not know specifics of the policy as it relates to Covid. He noted that most carriers are covering the Covid test the same way.**

**It was noted that the dental, vision, life insurance, voluntary life, and disability coverages are locked in for two years.**

**Mr. Bellue moved that the CEO is authorized to execute a contract with Blue Cross Blue Shield for health insurance for 2021 and Mr. Lambert seconded the motion. Mr. Bellue invited public comment and there were comments.**

**Anthony Garland asked if the board had just negotiated the healthcare piece of the collective bargaining agreement. He advised the board members to look at Article 36 of the CBA and noted that is a bargaining effect of the working conditions of this body.**

**Yvette Rhines stated that this was not introduced to employees and asked how the board is going to approve it when the employees have not seen it. She noted that this is part of the contract that is binding between the union and the agency. No one received a phone call related to this at all.**

**Mr. Hill stated that he would like to hear a response from staff or counsel regarding the questions raised. Mr. Deville stated that this was an unusual situation this year with COVID-19 and the situation with employees that cannot be discussed here. Management went forward with communicating with the locals that management would let the employees know as soon as management finished negotiating with the insurance agent the best fit with the cost that was budgeted and notify them of the policy that was selected once the board approved it. Mr. Deville stated that we went into a trustee situation and he cannot get into that right now because it is legal.**



**Mr. Bellue noted that this motion is simply to authorize the CEO to execute the contract and that the board is not executing the contract.**

**Mr. Abadie stated that the board is simply authorizing the CEO to execute the contract and that the CEO would not sign the contract if there is an issue that needs to be discussed.**

**Mr. Hill stated that he was still uncertain and asked if the board is giving the CEO the authority to enter into the contract for health insurance for 2021.**

**Mr. Abadie indicated he has not involved in this process. At this time, it is his opinion that the board can make the authorization and Mr. Deville will give the board assurances that he will not enter into the contract if the contract or the process is improper.**

**Mr. Abadie stated that the board may defer the matter and noted the issue with deferring the item until the December board meeting is that there is an open enrollment period planned that will begin the first week or so of December. If the board waits until the next board meeting, there may be some logistical issues.**

**Mr. Cohran stated that his understanding from the F&E meeting was that if this is deferred, there will be a delay with employees receiving insurance cards but not coverage.**

**Mr. Little stated that all carriers have cutoff dates. If the agency stays with United Healthcare, there is no delay and everything stays the same, but there is an increase in cost.**

**Mr. Little stated that Gallagher was trying to get the best deal for the employees and CATS by finding similar offerings at lesser premiums. If CATS chooses to go with Blue Cross Blue Shield, there is a cutoff date of December 5<sup>th</sup>. If CATS does not meet that deadline, coverage will still be in effect January 1<sup>st</sup>, but members will not have their cards. Mr. Little added that if members have to go to the doctor or pharmacist before they get their cards they will have to pay out of pocket until that card is received.**

**Mr. Hill asked if the December 5<sup>th</sup> date was a contract date or if members have to be signed up by December 5<sup>th</sup>. Mr. Little noted that date is an internal BCBS date so BCBS has time to enter all the members and their coverages in their system.**

**Mr. Hill inquired as to when open enrollment was scheduled to start and Mr. Deville stated it would start immediately after we decide to sign the contract.**

**Mr. Deville stated that he would like to remind everyone that there have been some significant challenges with the COVID-19 epidemic and that some due dates have been moved back – federal, state, and local – but CATS does not want to face the New Year without an insurance plan and the employees having coverage. We have a tight window in the next couple of days to resolve any open questions we may have.**

**Mr. Deville strongly urged the board to move on this item and he would do the right thing.**

**Mr. Deville stated that he has talked with the international earlier in the day and will continue to talk with him and Mr. Garland after today to meet any other requirements or concerns they may have. Mr. Deville urged the board to vote now and as general counsel spoke earlier, he will hold Mr. Deville to the compliance concerns of the ATU.**

**Mr. Cohran requested that the members of the audience allow board members to speak and provide respect so everyone can be heard.**

**Mr. Bellue stated that if approved, he is requesting that the CEO consult with general counsel so that general counsel may review the matter to ensure that it is done in compliance with the contract with the union.**

**Mr. Bellue stated that he is willing to amend his motion to include this stipulation and Mr. Lambert approved the amended motion.**

**The amended motion is that the CEO is authorized to execute a contract with Blue Cross Blue Shield for health insurance benefits for 2021 and that general counsel review the contract before execution to ensure that it meets all ATU requirements.**

**Mr. Hill stated that he had a concern that based on Mr. Little's comment that BCBS has a cutoff date of December 5<sup>th</sup>, and according to the Executive Report, open enrollment is going to happen the first week of December. He asked if that was the first full week of December or was that December 1<sup>st</sup>, which is still a tight window.**

**Mr. Little responded that some of the confusion may be that he believes the union has five days to review the plan. If the plan is not approved today, then they cannot do the paperwork or submit everything to BCBS so that everyone is loaded into the BCBS system for January 1<sup>st</sup>.**

**Mr. Bellue noted that the original motion had been amended and asked if there was public comment on the amended motion.**

**Shavez Smith stated that the union was supposed to approve the health insurance policy before it got to this point. It was supposed to be negotiated between the union and management before it gets presented to the board. He stated that at this point, if the board approves this, Mr. Deville will not honor the contract.**

**Mr. Abadie reiterated that he was not involved in this process. He stated that the information the board has in front of it is the same information that he has in front of him. The ATU is informing the board members that they were not involved in the process and it is their claim that they are required to be involved in the process before the board makes an authorization. With this being the case, it is Mr. Abadie's recommendation that the board not take action on the item this evening. If the board is required to have a special meeting in the next couple of weeks to resolve the issue, then that should be done. At this point, to prevent any future issues going forward, it is his recommendation that these issues be resolved.**

**Mr. Bellue withdrew his motion and Mr. Lambert agreed.**

**Ms. Pierre stated that her concern was that employees will have to pay out of pocket if this is deferred because employees need health coverage. That is her concern. She stated that sometimes we get caught up into "stuff" and we do not look at the big picture which is that people need health insurance now more than ever. Unless you have been impacted by this pandemic, then you truly may not understand the importance of people having healthcare. Ms. Pierre stated she has been personally impacted and she understands the need for healthcare. Ms. Pierre wished that we would all put our ego and our issues aside and work as a team to do what's best for everyone.**

**Mr. Bellue noted that he felt it should be pretty easy for counsel to review the matter and make sure the process is being followed, but if not, he encouraged management to meet with the union and come to an agreement quickly so the board can review the matter and in a timely manner approve the health insurance for the 2021 year.**

**Mr. Bellue noted that the school board also authorized BCBS for the school system and the plans look similar.**

**Dr. Breaux inquired as to how long it would take to get the information to the union so that they can consider it.**

**Mr. Deville stated that in normal times when we had not just gone through a pandemic, the union has five days to review. He stated that the clause in question is a communication clause; it is not that the union gets to decide which insurance management can decide it can afford to pay. He stated it's a formality that we go through to communicate to get them to understand what we are trying to do in terms of getting the best policy for them. It is not that we have to go to them to get permission to do what we want to do as portrayed earlier. Because of the situation right now with the trustee here one day and out the next day, what we did last time, according to the article, was that we had five days after we made a decision to notify the union of the policy and the conclusion we reached. We are going to do the same thing this time.**

**Mr. Deville stated that we are going to notify the union representative in the Maintenance Department, unless Mr. Garland is here, within that five day period to review what we have.**

**Ms. Perkins stated that it is her understanding that time is a factor and asked if the motion was for Mr. Deville to go into negotiations in reference to the insurance.**

**Mr. Bellue stated that was not the intent of the motion. It was to have general counsel review to make sure CATS complied with the union contract requirements before entering into the contract, but that motion has been withdrawn.**

**Mr. Bellue has consulted with counsel and he recommends that before we try to craft a motion that we withdraw it and come back for a special meeting if necessary.**

**Mr. Abadie stated that you cannot undo what has been done. If you are not following the proper procedures tonight, you cannot undo your action. It is his recommendation to not take action so as to make sure CATS is following the CBA and past practices. At this point he is not familiar with what has occurred to this point, nor is he familiar with the past practices.**

**Mr. Deville stated that we want our employees to have insurance in a timely manner and he doesn't think that Mr. Garland or the ATU or anyone would want our employees to not have insurance. He inquired if the board could pass a resolution pending the result of the review.**

**Mr. Bellue stated that he had already asked that question of counsel and Mr. Abadie still recommends not taking action tonight.**

**Ms. Pierre asked if we have assurances that the employees of this organization will have health insurance on January 1<sup>st</sup>. She asked what assurances we have that employees will not have to come out of pocket until they get insurance cards.**

**Mr. Deville stated that he can give assurances if action that general counsel disagrees with can be taken tonight.**

**Mr. Little guaranteed that no one would have their insurance cancelled. Employees will have to pay out of pocket and get reimbursed.**

**Mr. Abadie stated that the board may unfortunately have to reconvene at a special board meeting. He assured Ms. Pierre that he would work posthaste to get to the bottom of this and he hopes that the ATU and management can get together posthaste as well to come to an agreement that will allow this process be resolved quickly such that Ms. Pierre's concerns do not come to fruition.**

**Mr. Garland stated that open enrollment comes every year and management knew about this. There is a healthcare piece in the CBA that has to be negotiated and if there is communication with the union, we can resolve it. He stated that he is in town Monday through Friday each week. He noted that because we have this adversarial relationship, we don't communicate. But there are items in the CBA that were agreed upon by the parties and he wishes that more attention would be paid to it. It's not only the healthcare piece. It's also the pandemic policy. Those are collective bargaining issues. He is trying to inform the board and the board doesn't want to listen. Management knew about the collective bargaining piece all year long and open enrollment is not new.**

**4. Consideration of authorization to amend paratransit services contract with MV Transportation**

**Ms. Thomas noted that this item was deferred from the October meeting. She further noted that an F&E Committee member inquired**

**if MV received any Payroll Protection Program funding or CARES Act funding and stated that they did not because they have more than 500 employees.**

**MV is requesting to change the rate for their hours of service from \$46.20 per hour to \$55.44 per hour for the period of August through December 2020. The rate will revert to the original \$46.20 in January 2021.**

**Mr. Bellue inquired if the contract calls for any specified amount of hours to be provided or a guarantee from CATS of a certain number of hours operated.**

**Ms. Thomas indicated there is no guarantee of hours, but there is a stipulation that if there is a five percent change in MV operating expenses, they are allowed to ask for a change. They have had a far greater than five percent fluctuation due to the pandemic.**

**Mr. Abadie noted that there is a triggering mechanism that if MV's operating expenses decrease by five percent then they can renegotiate an hourly rate. The five percent change is related to MV's operating expenses.**

**Mr. Abadie noted that there was historical basis for the hours noted in the contract as to how many revenue service hours they would provide and what their hourly rate would be.**

**It was noted that the service hours were approximately 4,000 when Reliant Transportation provided the service, but after the transition to MV, the number of hours was as high as 6,000. Since the pandemic, service hours have decreased as low as 2,200 hours.**

**Ms. Thomas indicated that this rate increase would not affect the total value of the contract.**

**Mr. Bellue inquired if there was a justification for the cost increase and if MV provided any documentation and Ms. Thomas noted that this was the information that was provided.**

**Ms. Serena Thomas shared that MV's service hours for October 2020 were 2,564 and last October the hours were approximately 5,000. There were 2,473 revenue hours in September.**

**Dr. Breaux inquired if the increased rate would revert to the \$46.20 rate in January and Serena Thomas indicated it would.**

**Mr. Abadie noted that contract language would have to be amended to allow pandemic language to be added as a reason to request a rate change. He shared that any motion would need to include both contract language to amend the contract and a rate change amendment.**

**The item failed for lack of a motion.**

**Ms. Perkins moved to amend the agenda to take public comments ahead of executive session and Ms. Pierre seconded the motion. Mr. Bellue invited public comment and there was none. The motion passed unanimously with no abstentions.**

## **VIII. PUBLIC COMMENT**

**Shavez Smith stated that the ATU stands by its accusations regarding theft, mismanagement, compliance, and defrauding the federal government. Today we strengthen our knowledge of mismanagement based on disclosed information sent to the union by employees and former employees. There is enough information to file complaints with the FBI, DOTD, and FTA as well as complaints to the Attorney General, Ethics Board and Boards and Commissions. Media stories from the past have revealed lie after lie by the current CEO.**

**ATU Local 1546 as well as ATU will not be supporting the upcoming tax millage due to continuous wasteful and dysfunctional behavior. The union has no confidence in the Board or the Metro Council to provide oversight of CATS.**

**The board is implicit or complicit and the taxpayers, workers, and riders deserve better.**

**There is a contract with PLAC Enterprises, owned by Pearlina Thomas, indicating she came to CATS for a \$50,000 contract to work on the DBE program. She was paid the full amount and the program still does not exist. This is fraud. Every other transit agency has this program and is getting federal funds for it, but not CATS. She also got sued for contract fraud at the same time that she was employed by CATS and she lost and had to pay the fines.**

**Yvette Rhines stated that there is embezzlement of fare media, FTA grant fraud, mismanagement of daily CATS functions, and incompetence of executive officers, retaliation and intimidation of employees, and the CEO assigning contracts to friends without the proper procurement RFP and bidding regulatory process. The CAO was assigned after being charged with unethical behavior by the Louisiana State Licensing Board. These**

have created a dysfunctional environment at CATS. The leadership must go to meet the new challenges. We cannot provide responsible service today so how can we adopt the complexities of BRT for tomorrow?

Melvin Sanders asked why CATS was carrying the water for its MV friends. MV was hired to provide mobility service. They are a major fixed route service provider in the US and should have planned better for this service decrease. This was a business decision and they should incur the cost of overruns. MV should be paying assessment penalties to the taxpayers for lack of contractual service obligations not rendered throughout the existence of the current contract. Friends are trying to help friends at MV.

Anthony Garland stated that working as a trustee has given him an up close view of CATS and its management. It is not a pretty picture. People of the city rely on CATS to meet the needs of their everyday lives. Essential workers rely on CATS to get to work. If the bus doesn't work, Baton Rouge doesn't work. The people have the right to expect that they will have a bus.

Management at CATS seems to have betrayed the public trust at every turn.

The union has made public records requests for hundreds of pages of information and they have been told of favoritism by previous employees.

The union has requested to receive the pandemic policy and has never received it. The union proposed an MOU for a pandemic policy and has not heard anything.

Mr. Garland is once again requesting the pandemic policy be provided to him.

Mr. Deville knows Mr. Garland's number and is able to use it for other things. His only communication with CATS is when an employee is terminated. We can talk or keep airing these issues in public.

Toye Hebert stated that very little money is being spent on PPE, buses, shelters, and proper service to the public. Most CARES Act money is being spent on contracts and consultants and operations. The poor performance must be corrected and the incompetence must end.

Mr. Bellue moved that the board enter into executive session to discuss pending arbitrations and litigation and to discuss strategy regarding the upcoming collective bargaining agreement and Ms. Pierre seconded the motion. Mr. Bellue invited public comment and there was one.



Toye Hebert asked if the persons listed on the agenda should sit in the session or if they have to leave. Mr. Bellue said everyone must clear the room.

The motion passed unanimously with no abstentions.

## **IX. CONTINUATION OF ACTION ITEMS**

- 5. Consideration of authorization to amend employment and labor services contract with Breazeale, Sachse & Wilson, LLP (This matter might possibly be discussed in Executive Session to discuss the pending litigation/employment arbitrations of Yvette Rhines, George Decuir, Shavez Smith, Melvin Sanders, Oscar White, Reginald Lane, Toye Hebert, Brent Mack, and Gretchen Major, and strategy relating to the collective bargaining agreement.)**

Upon returning from executive session, Mr. Cohran moved that the meeting be extended past 7:00 p.m. and Ms. Perkins seconded the motion. Mr. Bellue invited public comment and there was none. The motion carried unanimously with no abstentions.

Ms. Perkins moved that the CEO is authorized to amend the employment and labor services contract with Breazeale, Sachse & Wilson, LLP for a total contract amount not to exceed \$125,000 with the scope of the contract limited to the completion of the pending arbitrations and any related matters such as EEOC claims involving the same parties to the arbitrations.

Mr. Abadie noted that the F&E Committee recommended that the contract be amended with a scope to only cover arbitrations and any related to the arbitrations.

Mr. Abadie noted that the scope of the contract itself is much broader. It called for the firm to work with CATS on employment matters to assure compliance with local, state, and federal labor law; render legal services to CATS with ongoing dealings with the Amalgamated Transit Union in negotiating and administering of the collective bargaining agreements with its employees' union (ATU Local 1546), grievance and interest arbitrations, civil rights, ADA, wage an hour, and other employment claims; general representation services, which includes general corporate services, and assisting CATS in responding to public records requests.

The arbitrations and the labor negotiations are the most prominent items. The F&E Committee recommended that the scope be limited

to the nine pending arbitrations and any related claims, such as EEOC claims.

There was no second to the motion.

Ms. Perkins stated that she wanted her motion to encompass the entire scope.

Ms. Perkins moved that the CEO is authorized to amend the employment and labor services contract with Breazeale, Sachse & Wilson, LLP, for a total contract amount not to exceed \$125,000 with the same scope as the original contract and Mr. Cohran seconded the motion. Mr. Bellue invited public comment and there was one comment. There was a roll call vote and all members present voted yes. The motion passed unanimously with no abstentions.

Mr. Garland asked if the motion was to overrule the F&E Committee or is the \$75,000 over the \$50,000 and if this was negotiated in executive session.

Mr. Bellue noted that no action took place in executive session. There is a motion on the floor that is the only action that has been taken.

Mr. Abadie noted that the F&E Committee made a recommendation, but it is only a recommendation; the board does not have to go along with the recommendation. He added that no action is not allowed to be taken in executive session. He noted that the motion is not consistent with the recommendation of the F&E Committee but the recommendation is only a recommendation.

It was noted that the total amount is not to exceed \$125,000, which covers the original \$50,000 plus an additional \$75,000.

Mr. Bellue made it clear that the total amount of the contract was a \$125,000, and that Mr. Foster assured the board he could do the arbitrations and negotiations for that amount of money.

## **IX. ADJOURNMENT**

Ms. Perkins moved to adjourn the meeting and Mr. Hill seconded the motion. The motion passed unanimously with no abstentions.