MARYLAND TRANSPORTATION AUTHORITY

STATEMENT FOR CLOSING A MEETING

LOCATION: Maryland Transportation Authority
8019 Corporate Center Drive
White Marsh, MD

DATE: October 26, 2017

TIME: 9:00 a.m.

MOTION BY: Gangemi

SECONDED BY: Ensor

VOTE TO CLOSE SESSION:

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STATUTORY AUTHORITY TO CLOSE SESSION
GENERAL PROVISIONS ARTICLE, §3-305(b)

(1) [X ] To discuss:
   (i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or
   (ii) any other personnel matter that affects 1 or more specific individuals.

(2) [ ] To protect the privacy or reputation of individuals with respect to a matter that is not related to public business.

(3) [ ] To consider the acquisition of real property for a public purpose and matters directly related thereto.

(4) [ ] To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State.
STATEMENT FOR CLOSING A MEETING
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(5) [ ] To consider the investment of public funds.

(6) [ ] To consider the marketing of public securities.

(7) [ ] To consult with counsel to obtain legal advice.

(8) [ ] To consult with staff, consultants, or other individuals about pending or potential litigation.

(9) [ ] To conduct collective bargaining negotiations or consider matters that relate to the negotiations.

(10) [ ] To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including:

   (i) the deployment of fire and police services and staff; and

   (ii) the development and implementation of emergency plans.

(11) [ ] To prepare, administer, or grade a scholastic, licensing, or qualifying examination.

(12) [ ] To conduct or discuss an investigative proceeding on actual or possible criminal conduct.

(13) [ ] To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.

(14) [ ] Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

TOPICS TO BE DISCUSSED:

The Meeting will be closed under § 3-305(b) (1)(i) and (ii) of the General Provisions Article of the Annotated Code of Maryland, to discuss matters related to the compensation and benefits packages for certain individual MDTA Police command staff.

REASON FOR CLOSING:

To discuss matters that are permitted by statute to be discussed during a closed session of a meeting of a public body.

[Signature]

PRESIDING OFFICER
MARYLAND TRANSPORTATION AUTHORITY
BOARD MEETING
THURSDAY, OCTOBER 26, 2017
8019 CORPORATE DRIVE, WHITE MARSH, MD 21236

OPEN SESSION

Pete K. Rahn, Chairman

MEMBERS ATTENDING: Katherine B. Armstrong
P. Jack Basso
William H. Cox, Jr.
William Ensor
W. Lee Gaines
Mario J. Gangemi
John von Paris

STAFF ATTENDING: Roan Bennett
Trudy Edwards
Clayton Fisher
Chantelle Green
Michele Gross
Valencia Hainesworth
James Harkness
Jaclyn Hartman
Natalie Henson
Colonel W. Jerry Jones
James Kruszynski
John Lohmeyer
Kimberly Millender, Esquire
Tonya Morant
John O’Neill
Will Pines
Kevin C. Reigrut
Darol Smith
Cheryl Sparks
Dan Williams
Melissa Williams

OTHERS ATTENDING: Pamela Beidle, Delegate
Patrick Carlson, Senate Finance Staff
Thomas Krueger, Conduent
Michael Lore, Senator Lee Staff
Ed McDonald, MDOT, Chief of Staff
Thomas McLain Middleton, Senator
Graylin Smith, SB & Company, LLC
Johnny Ray Salling, Senator
Patrick Tracy, Department of Legislative Services
Gretchen Vreeland, Conduent
Tiana Wynn, SB & Company
At 9:05 a.m. Chairman Pete K. Rahn called the meeting of the Maryland Transportation Authority (MDTA) Board to order.

APPROVAL – OPEN SESSION MINUTES OF SEPTEMBER 28, 2017

Upon motion by Member William Cox and seconded by Member Katherine Bays Armstrong, the Open meeting minutes of the MDTA Board meeting held on September 28, 2017 were unanimously approved.

APPROVAL – MD 22 @ I-95 OVERPASS – DEDICATION IN HONOR OF CIVIL WAR VETERAN SERGEANT ALFRED B. WILTON

Mr. Kevin Reigrut and Ms. Melissa Williams provided background information and a recommendation, pursuant to MDTA Board Policy A-MDT-STDR-0101, regarding the request by Senator Robert G. Cassilly, District 34 to dedicate the bridge located at the intersection of Maryland Route 22 and Interstate 95 in honor of Civil War Veteran Sergeant Alfred B. Hilton, Harford County’s only Medal of Honor recipient. This item has been reviewed by the Capital and Finance Committees and recommended for approval.

Sergeant Alfred B. Hilton was born in Harford County, MD in 1842. He enlisted in the U.S. Army during the American Civil War at twenty-one years old. Sgt. Hilton was assigned to Company H, 4th Regiment U.S. Colored Troops, and was awarded the Medal of Honor posthumously after succumbing to injuries sustained at the Battle of Chaffin’s Farm outside Richmond Virginia.

On September 29, 1864, Sgt. Hilton was a member of his unit’s color guard carrying the American Flag into Battle. When his regimental color bearer was wounded, Sgt. Hilton carried the regimental colors as well. Sgt. Hilton carried both flags until he was severely wounded.

Senator Cassilly requested that MDTA memorialize Sgt. Hilton by dedicating the bridge at MD 22 in his honor. He says it “…would draw attention to true American Heroes at a time when we so often forget what sacrifices have been made for freedom.”

Upon motion by Member Cox and seconded by Member Ensor, the Members unanimously approved the dedication of MDTA Facility Bridge located at the intersection of Maryland Route 22 and Interstate 95 in the honor of Sergeant Alfred B. Hilton.

UPDATE – INDEPENDENT AUDITOR’S REPORT FOR THE FISCAL YEAR (FY) 2017 FINANCIAL STATEMENTS AUDIT AND SOC 1 REPORT

Ms. Jaclyn Hartman presented the results of the audits conducted by MDTA’s independent auditors, SB & Company, LLC (SB). This item was reviewed by the Finance Committee.

SB Auditors, Graylin Smith and Tiana Wynn provided a presentation that included key financial highlights and required auditor communications for the FY2017 Financial Statements Audit and Service Organization Control Report for the Maryland E-ZPass® System.
APPROVAL – BOARD COMMITTEE ASSIGNMENTS

Mr. Reigrut requested approval of the new Committee assignments. The changes reflect the appointment of Member Mario Gangemi, which gives MDTA its full complement of Board Members. The new Committee Assignments are outlined below:

Capital Committee: William Ensor, III (Chair), William H. Cox, Jr., W. Lee Gaines, Jr., and Mario Gangemi.

Finance Committee: P. Jack Basso (Chair), John von Paris, Katherine Bays Armstrong, and Dontae Carroll.

Liaison Position: William H. Cox, Jr. – Canton Railroad.

Upon motion by Member P. Jack Basso and seconded by Member W. Lee Gaines, Jr., the Members unanimously approved the Committee Assignments as outlined.

UPDATE – EXPRESS TOLL LANES


UPDATE – EXECUTIVE DIRECTORS REPORT

Mr. Reigrut reported on several topics to include the MDTA Job Fair, the Bay Bridge Crossing Virtual Meeting; the Bay Bridge 10K Walk/Run on November 5; the Strategic Advance; and the MD 22 Bridge Dedication Ceremony set for November 9 at 1:30 pm.

APPROVAL – MODIFICATION OF THE COLLECTIVE BARGAINING AGREEMENT WITH FOP 34

Ms. Hartman requested approval of an agreement reached between the State and the MDTA Police Lodge #34, Fraternal Order of Police (FOP). This item was reviewed by the Finance Committee and recommended for approval.

On December 31, 2015, the State and the FOP reached agreement on a collective bargaining agreement for the term of July 1, 2017 through June 30, 2019. When fully implemented, the agreement provides an annual $4.4 million in additional salary benefits to FOP members. Benefits provided throughout the three-year agreement include a 2% cost-of-living increase, a one-step increase for all FOP members, a two-step “restorative” increase for members employed at certain points of time, certain health insurance related benefits, and the inclusion of certain sick leave and on-call issues under the jurisdiction of the Labor/Management Committee. In addition, the agreement includes a provision for limited economic reopeners if steps or cost-of-living increases are granted to other State employees. On January 28, 2016, the MDTA Board approved the agreement.
On September 13, 2017, the FOP invoked the limited economic reopener clause when it became aware that a one-step increase will be granted to members of the State Law Enforcement Officers Labor Alliance (SLEOLA) in fiscal year 2018. On September 26, 2017, the State and the FOP met to discuss the request. The State confirmed that a one-step increase will be granted to all SLEOLA members in both fiscal years 2018 and 2019 under certain conditions. Specifically, the fiscal year 2018 step will be effective July 1, 2018, and applied retroactively based on the employee’s increment date. The fiscal year 2019 will be effective based on the employee’s increment date. An employee’s increment date is either July 1 or January 1 based on the employee’s entry of duty date.

In the interest of maintaining pay parity among State law enforcement agencies in adherence with limited economic reopener clause of the collective bargaining agreement, the State seeks to provide a fiscal year 2018 and 2019 step to all FOP members. Similar to the provisions of the SLEOLA step, the fiscal year 2018 step will be granted July 1, 2018 and applied retroactively to an employee’s increment date and the fiscal year 2019 step will be applied on the employee’s increment date. As part of the current collective bargaining agreement, increment dates for all FOP members were set at January 1, regardless of entry of duty date.

The MDTA calculated the fiscal impact of this agreement at $2.2 million in fiscal year 2019 for FOP members. Additional costs of $0.2 million will apply is the same provision is granted to command staff. The $2.2 million includes $1.5 million for salaries and $0.7 million for related benefits. Of the total $2.2 million, $0.9 million will be passed on to the Maryland Aviation Administration and the Maryland Port Administration through memorandums of understanding with those agencies for the provision of law enforcement services at the airport and port, respectively. The fiscal impact will increase in fiscal year 2020 to $2.8 million for FOP members due to the annualization of the fiscal year 2019 step. These additional amounts are affordable in the short term; however, the cumulative long-term impact of these personnel action should be noted.

Upon motion by Member Cox and seconded by Member Armstrong, the Members unanimously approved the agreement with the Fraternal Order of Police providing an additional one-step increase in fiscal years 2018 and 2019 in accordance with the terms negotiated by the State.

At 10:08 a.m. upon motion by Member Mario Gangemi and seconded by Member William Ensor, the Board unanimously voted to move into Closed Session pursuant to § 3-305(b)(i) and (ii) of the General Provisions Article of the Annotated Code of Maryland, to discuss matters related to the compensation and benefits packages for certain individual MDTA Police command staff.


At 10:15 a.m., upon motion by Member Gangemi and seconded by Member Ensor, the Members unanimously voted to return to Open Session.
RATIFICATION OF ACTION TAKEN DURING CLOSED SESSION

Upon motion by Member Gangemi and seconded by Member Basso, the Members ratified the vote from Closed Session to approve the additional benefits to the MDTA Police Command Staff as a result of the agreement reached between the State and the MDTA Police Lodge #34, Fraternal Order of Police (FOP).

At 10:21 a.m., upon motion from Member Gangemi and seconded by Member von Paris, the Members unanimously voted to adjourn until 11:00 a.m.

At 11:00 a.m., Chairman Pete K. Rahn called the meeting of the Maryland Transportation Authority (MDTA) Board to order.

Chairman Rahn and the Members met with the Members of the Legislature to update them on an item referenced in a letter dated April 5, 2017 from the Maryland General Assembly. Conversation was held addressing questions and what MDTA’s efforts over the past year to improve Customer Service and streamline operations at certain facilities.

There being no further business, the meeting of the MDTA Board was adjourned by general consensus at 11:42 a.m.

The next MDTA Board Meeting will be held on November 16, 2017, at 9:00 a.m. at 2310 Broening Hwy, Baltimore, Maryland 21224.

APPROVED AND CONCURRED IN: