

Motion to Approve the Contract for Services between ABAG and MTC as to Form  
Contingent on Meeting Specified Condition(s)

Moved that

- the ABAG Executive Board approve as to form the Contract for Services between ABAG and MTC as presented to the Board at its April 20 meeting
- and amended as follows:
  - A. changes in the email from Revan Tranter;
  - B. changes in the letter dated April 19 from Henry Gardner;
  - C. changes to the Contract for Services in the memo dated April 19 from Jake Mackenzie
- Contingent on the following condition(s) being met:
  - 1. ABAG and MTC senior management agreeing on contract language that if CalPERS determines that one or more members of the consolidated staff are, for CalPERS purposes, ABAG employees, the parties will make each other whole for the financial consequences of the CalPERS determination and MTC will make each affected employee whole for the financial consequences of the CalPERS determination; and
  - 2. MTC voluntarily recognizes SEIU 1021 as the labor representative of the members of the Transitioned Employees currently represented by them and to bargain with SEIU 1021 regarding employment with MTC.
- This/These condition(s) will be deemed to have been met when the following occur:
  - a. As to the CalPERS condition, a written communication to the ABAG Executive Board and the Commission of MTC signed by the chief executive officers of ABAG and MTC stating that agreement has been reached and transmitting the agreed upon contract language.
  - b. As to the labor condition, a written communication to the ABAG President signed by the chief executive officer of MTC and the President of SEIU 1021 stating that the condition has been met.