

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2688

Board of Directors
Minutes of the 1,524th Meeting
February 14, 2008

A regular meeting of the Board of Directors was held February 14, 2008, convening at 9:06 a.m. in the Board Room, 344 20th Street, Oakland, California. President Murray presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Franklin, Keller, Luce, Radulovich, Sweet, Ward Allen, and Murray.

Absent: None. Director Fang entered the Meeting later.

President Murray called for a moment of silence in honor of the recently deceased Congressman Tom Lantos.

General Manager Dorothy W. Dugger introduced Ms. Marilyn McAllister as a special guest, and announced that Ms. McAllister was the longest tenured employee in the District's history, and that she would be retiring on February 19, 2008, with 40 years service.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of January 24, 2008.
2. Change Order to Agreement No. 49GD-526, Litigation Support Services, with Kroll Ontrack Inc.

Consent Calendar motions, as follow, were moved as a unit by Director Blalock. Director Keller seconded the motions, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Franklin, Keller, Luce, Radulovich, Sweet, Ward Allen, and Murray. Noes – 0. Absent – 1: Director Fang.

1. That the Minutes of the Meeting of January 24, 2008, be approved.
2. That the General Counsel be authorized to execute Change Order No. 1 to Agreement No. 49GD-526, with Kroll Ontrack Inc., for litigation support services, for an amount not to exceed \$95,000.00.

Consent Calendar report brought before the Board was:

1. Fiscal Year 2008 Budget: Second Quarter Financial Report.

The Board Meeting recessed at 9:14 a.m.

The Board reconvened at 11:31 a.m.

Directors present: Directors Blalock, Fang, Franklin, Keller, Radulovich, Sweet, Ward Allen, and Murray.

Absent: None. Director Luce entered the Meeting later.

Consent Calendar Addenda items brought before the Board were:

1. Approval of Northern California Power Agency Agreement for Renewable Geothermal Power Supply.
2. Award of Invitation for Bid No. 8805, Magnetic Stripe Plastic Tickets.
3. Proposed 2008 State and Federal Legislative Agenda.
4. Internet Sales of Student Teenage Discount Tickets.

Consent Calendar Addenda motions, as follow, were moved as a unit by Director Sweet. Director Ward Allen seconded the motions, which carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Fang, Franklin, Keller, Radulovich, Sweet, Ward Allen, and Murray. Noes – 0. Absent – 1: Director Luce.

1. Adoption of Resolution No. 5040, In the Matter of Approving the Execution of the Northern California Power Agency Third Phase Agreement for Western GeoPower Inc. Renewable Energy Power Purchase Agreement.
2. That the General Manager be authorized to award Invitation for Bid No. 8805, an estimated quantity contract, for Magnetic Stripe Plastic Tickets, to Electronic Data Magnetics, Inc., for up to 150% of the total contract bid price of \$3,433,200.00, subject to the availability of funds to which will be added all applicable taxes, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.

(The foregoing motion was made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

3. a) That the Board approve the following basic components of a state legislative program to:
 - Monitor and respond to BART funding needs
 - Monitor environmental legislation and proposals; position BART, where appropriate, as an “environmental asset”

- Respond to BART's need for continued funding from Infrastructure Bond implementation
 - Follow through on pending legislation and proposals, including support for Senate Bill 748 (Corbett)
 - Advance California Transit Association legislative and legal goals
- b) That the Board approve the following basic components of a federal legislative program to:
- Participate in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) reauthorization process
 - Continue seismic retrofit efforts
 - Position transit as an asset in any cap and trade legislation
 - Support new/increased funding sources for transit security needs
 - Continue support for rise in pre-tax transit benefit
4. That the General Manager be authorized to develop an internet ticket sales program for the Student Teenage Discount Program that makes orange tickets available to students enrolled in participating schools, with the program to return to the Board no later than the first Board Meeting in May for review before implementation in September, and an evaluation after the end of the 2008-2009 school year.

Director Franklin, Chairperson of the Administration Committee, reported that the sole matter on the committee agenda had been forwarded to Consent Calendar Addenda.

Director Fang, Chairperson of the Engineering and Operations Committee, reported that the committee had received and discussed the Quarterly Performance Report, Second Quarter Fiscal Year 2008 - Service Performance Review.

Director Ward Allen, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, reported that all matters on the committee agenda had been forwarded to Consent Calendar Addenda.

President Murray asked for the General Manager's Report. Ms. Dugger introduced Mr. Eugene Skoropowski, Managing Director, Capitol Corridor, who reviewed the Agenda for the Capitol Corridor Joint Powers Board Meeting of February 20, 2008.

President Murray brought Roll Call for Introductions before the Board.

Director Blalock requested a review/summary of initiatives, actions, and improvements the District has implemented with regard to energy conservation.

Director Radulovich requested an annual environmental performance report.

Director Fang thanked President Murray for conducting the meeting in Tom Lantos' honor and

recognized Congressman Lantos' remarkable achievements, personally and as a transit advocate, public official, and human rights champion.

Director Luce entered the meeting.

Director Murray requested the District revisit its security practice of restricting newspaper recycling bins on station platforms.

Director Sweet thanked Transportation Department staff for support in escorting a youth group on BART.

Director Blalock briefed the Board on a complaint letter submitted by Mr. Charlie Cameron.

President Murray called for General Discussion and Public Comment.

Mr. Jerry Grace addressed the Board.

President Murray announced that the Board would enter into closed session as described in Item 8-A (Public Employee Performance Evaluation) and Item 8-B (Conference with Negotiators) of the regular meeting agenda, and that the Board would reconvene in open session upon conclusion of the closed session.

The Board Meeting recessed at 11:50 a.m.

The Board reconvened in closed session at 12:00 p.m.

Directors present: Directors Blalock, Franklin, Keller, Luce, Radulovich, Sweet, Ward Allen, and Murray.

Absent: Director Fang.

The Board Meeting recessed at 12:30 p.m.

The Board reconvened in open session at 12:31 p.m.

Directors present: Directors Blalock, Franklin, Keller, Luce, Sweet, Ward Allen, and Murray.

Absent: Directors Fang and Radulovich.

President Murray brought the matter of Compensation and Benefits for Controller/Treasurer and District Secretary before the Board.

Director Blalock moved that the Board authorize compensation adjustments for the Controller/Treasurer and District Secretary as follows, effective January 1, 2008: Merit increases of two percent to base salary; and an increase in annual management incentive pay of \$2,500.00, and that the Board President be authorized to execute amendments to the employment agreements incorporating these changes in a form approved by the Office of the General Counsel. Director Sweet seconded the motion, which carried by unanimous electronic vote. Ayes - 7: Directors Blalock, Franklin, Keller, Luce, Sweet, Ward Allen, and Murray. Noes – 0. Absent – 2: Directors Fang and Radulovich.

President Murray announced that the Board would continue meeting in closed session under Item 8-A (Public Employee Performance Evaluation) of the agenda, and that the Board would adjourn upon conclusion of the closed session.

The Board Meeting recessed at 12:35 p.m.

The Board reconvened in closed session at 12:36 p.m.

Directors present: Directors Blalock, Franklin, and Murray.

Absent: Directors Fang, Keller, Luce, Radulovich, Sweet, and Ward Allen.

The Board Meeting adjourned at 1:35 p.m. in honor of Representative Tom Lantos and Reverend Dr. Herbert L. Guice.

Kenneth A. Duron
District Secretary