

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

Board of Directors
Minutes of the 1,515th Meeting
September 13, 2007

A regular meeting of the Board of Directors was held September 13, 2007, convening at 9:13 a.m. in the Board Room, 344 20th Street, Oakland, California. President Sweet presided; Kenneth A. Duron, District Secretary.

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

Absent: Directors Fang and Ward Allen.

President Sweet recognized Evan O'Dorney the New 2007 Scripps National Spelling Bee Champion and his parents Michael and Jennifer O'Dorney. Evan O'Dorney received accolades from the Board of Directors on his great success.

President Sweet recognized former Director Robert S. Allen as a special guest.

President Sweet recognized Dorothy W. Dugger, San Francisco Bay Area Rapid Transit District's new General Manager on her first meeting of the Board of Directors as General Manager.

Consent Calendar items brought before the Board were:

1. Approval of the Minutes of the Meeting of August 23 (Regular), and August 23, 2007 (Special).
2. Award of Contract No. 91CW-110 Furnish and Install Electronic Bicycle Lockers.

Consent Calendar motions, as follow, were moved as a unit by Director Radulovich. Director Murray seconded the motions, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Franklin, Keller, Luce, Murray, Radulovich, and Sweet. Noes – 0. Absent – 2: Directors Fang and Ward Allen.

1. That the Minutes of the Meeting of August 23, 2007 (Regular), and August 23, 2007 (Special) be approved.
2. That the General Manager be authorized to award Contract No. 91CW-110, Furnish and Install Bicycle Lockers, to Nari Construction Inc., for the bid price of \$538,000.00 (including all applicable taxes), pursuant to notification to be issued by the General Manager.

The Board Meeting recessed at 9:24 a.m.

The Board reconvened at 11:38 a.m.

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

Absent: Directors Fang and Ward Allen.

Director Luce exited the meeting.

Director Sweet exited the meeting.

Consent Calendar Addenda item brought before the Board was:

1. Contract No. 03QH-110, Concord Yard Train Washer.

Director Blalock moved that the General Manager be authorized to award Contract No. 03QH-110 for the Concord Yard Train Washer to Taber Construction, Inc. for the bid price of \$3,546,000. Director Keller seconded the motion, which carried by unanimous electronic vote. Ayes – 5: Directors Blalock, Franklin, Keller, Radulovich and Murray. Noes – 0. Absent – 4: Directors Fang, Luce, Sweet and Ward Allen.

Director Franklin, Chairperson of the Administration Committee, reported that the committee had received and discussed a presentation on Fiscal Year 2007 Year-End Budget Revisions; and Public Comments on Financial Year 2008 Draft Short Range Transit Plan (SRTP) and Capital Improvement Program (CIP).

Director Luce entered the meeting.

Director Franklin, brought the matter of Fiscal Year 2007 Annual Budget before the Board, and Director Blalock moved Adoption of Resolution 5028, In the Matter of Amending Resolution No. 4988 regarding Fiscal Year 2007 Annual Budget, as amended . Director Keller seconded the motion, which carried by unanimous electronic vote. Ayes – 6: Directors, Blalock, Franklin, Keller, Luce, Radulovich and Murray. Noes – 0. Absent – 3: Directors, Fang, Sweet and Ward Allen.

Director Blalock, Vice - Chairperson of the Engineering and Operations Committee, reported that the single action item had been forwarded to the Consent Calendar Addenda and the committee received the Quarterly Performance Report.

Director Radulovich, Chairperson of the Planning, Public Affairs, Access and Legislation Committee noted the committee had received a presentation on the Draft Bay Area Regional Rail Plan.

Vice President Murray asked for the General Manager's Report. General Manager Dorothy W. Dugger introduced Mr. Eugene Skoropowski, Managing Director, Capitol Corridor, who reviewed the Agenda for the Capitol Corridor Joint Powers Board Meeting of September 19, 2007.

Ms. Dugger reported on the achievement of several milestones for BART. She thanked the BART Staff providing service over the Labor Day weekend in support of the Bay Bridge retrofit work, and established four new ridership records during the Labor Day weekend Friday through Monday. Ms. Dugger noted BART commemorated its 50th year history and 35th year of service at the Capitol in Sacramento, and that a short video will play in the Capitol theatre all month. Ms. Dugger advised celebrations will also take place throughout the District at various locations for employees.

Vice President Murray brought Roll Call for Introductions before the Board. No items were introduced.

Vice President Murray called for General Discussion and Public Comment. Mr. Jerry Grace addressed the Board.

Vice President Murray announced that the Board would enter into closed session under Item 8-A (Conference with Labor Negotiators) and Item 8-B (Conference with Labor Negotiators -Public Employee Performance Evaluation) of the regular meeting agenda, and that the Board would reconvene in open session under Item 9-A (Compensation and Benefits for General Manager) of the meeting agenda immediately upon conclusion of the closed session.

The Board Meeting recessed at 11:52 a.m.

The Board entered into closed session at 12:01 p.m.

Directors present: Directors Blalock, Franklin, Keller, Luce, Radulovich, and Murray

Absent: Directors Fang, Sweet and Ward Allen.

The Board Meeting recessed at 1:48 p.m.

The Board reconvened in open session at 1:49 p.m.

Directors present: Directors Blalock, Franklin, Keller, Luce, Radulovich, and Murray

Absent: Directors Fang, Sweet, and Ward Allen

Vice President Murray brought the matter of Compensation and Benefits for the General Manager before the Board and moved that the Board approve compensation and benefits for the General Manager, effective August 23, 2007, under the same substantive terms as the prior General Manager, with the following changes: Retroactive to July 1, 2007 and through October 31, 2007, base salary and management incentive pay at the General Manager's former Deputy General Manager rate, with base salary of \$196,339 and management incentive pay of \$20,300; Effective November 1, 2007; Base salary shall be \$290,000, The amount of Management incentive pay shall be increased by \$5,000 over the rate of the prior General Manager, subject to the cost of living adjustments provided in the Agreement, resulting in total Management Incentive Pay of \$32,500 per year; One-time transfer of up to 240 hours of the General Manager's accrued sick leave into the sick leave bank and three months notice of termination. The Board President is authorized to execute an employment agreement incorporating these substantive terms in a form approved by the Office of the General Counsel.

Directors Blalock and Keller seconded the motion, which carried by unanimous electronic vote. Ayes – 6: Directors Blalock, Franklin, Keller, Luce, Radulovich and Murray. Noes – 0. Absent – 3: Directors Fang, Sweet and Ward Allen.

The Board Meeting adjourned at 1:52 p.m.

Kenneth A. Duron
District Secretary