

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

Special Meeting of the Board of Directors
February 24, 2011
9:00 a.m.

AGENDA

MEMBERS OF THE PUBLIC MAY ADDRESS THE BOARD OF DIRECTORS REGARDING ANY MATTER ON THIS AGENDA. PLEASE COMPLETE A "REQUEST TO ADDRESS THE BOARD" FORM (AVAILABLE AT THE ENTRANCE TO THE BOARD ROOM) AND HAND IT TO THE SECRETARY BEFORE THE ITEM IS CONSIDERED BY THE BOARD. IF YOU WISH TO DISCUSS A MATTER THAT IS NOT ON THE AGENDA DURING A REGULAR MEETING, YOU MAY DO SO UNDER GENERAL DISCUSSION AND PUBLIC COMMENT.

ANY ACTION REQUIRING MORE THAN A MAJORITY VOTE FOR PASSAGE WILL BE SO NOTED.

1. Roll Call and Pledge of Allegiance. (Board Room, Third Floor)
2. Public Comment on Item 3 Only.
3. Consent Calendar.
 - A. Report of Action Taken by Board of Directors in Closed Session, February 10, 2011 (Alleged Brown Act Violation).* Board requested to adopt.

Please refrain from wearing scented products (perfume, cologne, after-shave, etc.) to this meeting, as there may be people in attendance susceptible to environmental illnesses.

BART provides services/accommodations upon request to persons with disabilities and individuals who are limited English proficient who wish to address BART Board matters. A request must be made within one and five days in advance of a Board meeting, depending on the service requested. Please contact the District Secretary's Office at (510) 464-6083 for information.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** February 22, 2011
FROM: General Counsel 
SUBJECT: Announcement of Vote from Prior Closed Session

Recently there have been statements made by Directors in the press indicating that they believe a violation of the Brown Act occurred in closed session on February 10, 2011.

The District takes allegations of violation of the Brown Act seriously, as the Act serves the important purpose of ensuring that the public has access to certain deliberations of the Board. Generally, the Brown Act bars a lawsuit against the public agency if the Board cures the alleged wrongful action in a timely manner.

At the request of Director Keller, I have prepared such a cure in response to the action that occurred on February 10, 2011. The cure in this instance is a public announcement of the votes that occurred.

MOTION: That the following announcement be made public:

ANNOUNCEMENT:

The Board voted in closed session at the Regular meeting of February 10, 2011, under the topic of Public Employee Performance Evaluation – General Manager, to seek the resignation of the General Manager. All nine members were present, with five voting in favor. Those five were Directors Fang, Franklin, McPartland, Raburn and Radulovich. Following this vote, the Board voted in closed session to rescind this action and that motion passed unanimously with all members voting.