

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

AGENDAS FOR BOARD AND COMMITTEE MEETINGS

December 17, 2009

9:00 a.m.

A regular meeting of the Board of Directors will be held on Thursday, December 17, 2009, commencing at 9:00 a.m.

This meeting shall consist of a simultaneous teleconference call at the following locations:

BART Board Room Kaiser Center 20 <sup>th</sup> Street Mall – Third Floor 344 – 20 <sup>th</sup> Street Oakland, CA 94612	Hilton Palm Springs 400 East Tahquitz Canyon Way Palm Springs, CA 90401
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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.

Rules governing the participation of the public at meetings of the Board of Directors and Standing Committees are available for review on the District's website (<http://www.bart.gov/about/bod>), in the BART Board Room, and upon request, in person or via mail, at the Office of the District Secretary, 23rd Floor, 300 Lakeside Drive, Oakland, California.

Any action requiring more than a majority vote for passage will be so noted.

Items placed under “consent calendar” and “consent calendar addenda” are considered routine and will be received, enacted, approved, or adopted by one motion unless a request for removal for discussion or explanation is received from a Director or from a member of the audience.

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

BART provides service/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 Board/Committee meetings, depending on the service requested. Please contact the Office of the District Secretary at (510) 464-6083 for information.

Kenneth A. Duron  
District Secretary

Regular Meeting of the  
BOARD OF DIRECTORS

The purpose of the Board Meeting is to consider and take such action as the Board may desire in connection with:

1. CALL TO ORDER

- A. Roll Call.
- B. Pledge of Allegiance.
- C. Introduction of Special Guests.
  - i. Richard McCarthy, Director, California Seismic Safety Commission (Director McPartland's request.)
  - ii. Bayside R/C Club, Fremont: President Pete Kontorinis, Vice President Dan Seivert, and Treasurer Will Seivert.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of November 19, 2009.\* Board requested to authorize.
- B. Amendments to Flexible Benefits Plan.\* Board requested to authorize.

3. REPORTS OF STANDING COMMITTEES

- A. ADMINISTRATION COMMITTEE  
Director Murray, Chairperson  
NO REPORT.
- B. ENGINEERING AND OPERATIONS COMMITTEE  
Director Keller, Chairperson  
NO REPORT.
- C. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE  
Director Sweet, Chairperson  
NO REPORT.

4. GENERAL MANAGER'S REPORT

NO REPORT.

5. BOARD MATTERS

- A. Roll Call for Introductions.
- B. Restructuring of Board Meetings.\* For discussion. (Director Franklin's request.)
- C. Election of Officers.
  - 1. President.
  - 2. Vice President.

6. GENERAL DISCUSSION AND PUBLIC COMMENT

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## MEMORANDUM

**TO:** Board of Directors **DATE:** December 11, 2009  
**FROM:** General Manager  
**SUBJECT:** Amendments to San Francisco Bay Area Rapid Transit District Flexible Benefits Plan

Staff will be bringing a resolution that authorizes amendments to the District's Flexible Benefits Plan ("the Plan") to the Board for approval at the December 17, 2009 Board meeting. The Plan amendments will bring the Plan into conformance with recent changes to applicable law and implement terms agreed to in the 2009-2013 collective bargaining agreements, including providing a vehicle for the \$100 per month payments to employees who elect not to participate District provided medical coverage and providing a vehicle for ATU part-time employees who are not eligible for District paid vision and dental coverage to pay the premiums for such coverage on a pre-tax basis. The Plan Amendment must be finalized before January 1, 2010, the beginning of the Plan Year. A resolution and accompanying EDD on this matter will be forwarded to the Board early next week.

If you have any questions or require additional information, please feel free to contact Elaine Kurtz, Department Manager, Human Resources, at (510) 464-7591.

  
Dorothy W. Dugger

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

## SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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### MEMORANDUM

**TO:** Board of Directors

**DATE:** December 11, 2009

**FROM:** Director, District 3

**SUBJECT:** Restructuring Board Meetings

I am proposing for your consideration on December 17, 2009 a restructure of Board meetings. Currently, the BART Board votes on action items at the end of the Board meeting, after all items have been presented. This proposal would combine the *Administration; Engineering and Operations; Planning, Public Affairs, Access, and Legislation* Committee meetings and the *Board* meeting into just one *Board* meeting. Immediately following the staff report and discussion for each item, a vote would occur.

Directors would still be appointed to chair and vice chair the standing committees, although these committees will no longer meet regularly. In the new proposed structure, the chairperson of each committee would continue to preside over each item under their specific committee "section" of the Board meeting agenda. After staff's presentation and the public comment on each item, the President would entertain a motion and preside over the vote. After the vote, the chair would continue with the next item in their section.

The purpose for this change would be to allow members of the public and staff the opportunity to leave after their item has been addressed, instead of having to wait until the end of the meeting and after all items have been presented before a vote is taken on an individual item of particular concern. Additionally, since there are sometimes discussions during the presentation of an item and then again when the vote occurs, this would concentrate the discussion of the item to just one time in the agenda.

Sample agenda:

#### *Meeting of the BART Board of Directors*

1. *Call to Order/Roll Call*
2. *Pledge of Allegiance*
3. *Introduction of Special Guests*
4. *Consent Calendar*
5. *Administration Section\**
  - a. *Item 1\*\**
6. *E&O Section\**
  - a. *Item 1\*\**
7. *PPAAL Section\**
  - a. *Item 1\*\**

8. *General Manager's Report*

9. *Board Matters*

a. *Roll Call for Introductions*

10. *General Discussion and Public Comment*

(Public Comment would also be included in the discussion of each item.)

\* Not a separate meeting, but part of the Board meeting.

\*\* Followed by a vote on this item.

This new structure potentially could impact a Director's stipend. Resolution No. 4739 states that Directors are permitted to miss two meetings in a calendar year before compensation is impacted. Missing a meeting under this proposal would count as one absence, whereas missing a whole day in the current Board format could count as missing up to 4 meetings.

Thank you for your consideration.



Bob Franklin

cc: Board Appointed Officers