Citizens’ Oversight Committee Meeting

Wednesday, May 6, 2015 4:30 pm

Conference Room 1700
Kaiser Center Tower, 17th Floor
300 Lakeside Drive, Oakland CA 94612

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<thead>
<tr>
<th>Meeting Number</th>
<th>Meeting Date</th>
<th>Meeting Time</th>
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<tr>
<td>Term 5, Meeting 1</td>
<td>May 6, 2015</td>
<td>4:40pm – 5:25pm</td>
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<thead>
<tr>
<th>Attendees</th>
<th>Current Members</th>
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<tr>
<td>Janine De Hart</td>
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<td>Sang Bak Lee</td>
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<td>Clinton J. Loftman</td>
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<td>Derek Schaible</td>
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<td>Karen Varnado</td>
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<td>Ching Wu</td>
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<td>Staff</td>
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<td>Thomas Horton</td>
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<td>Micaela Mazzini</td>
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<td>Molly McArthur</td>
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<td>BART Director</td>
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<td>Robert Raburn</td>
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<th>Agenda Item</th>
<th>Action Taken</th>
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<td>Welcome &amp; Introductions</td>
<td>M. McArthur called the meeting to order at approximately 4:40 pm.</td>
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<td>M. McArthur invited BART staff and members of the Committee to introduce themselves, noting that a returning member, Ralph Mason was not in attendance but would be present at future meetings.</td>
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<td>M. McArthur noted that BART Director Robert Raburn was in attendance.</td>
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<td>Director Raburn later addressed the Committee members, remarked on the critical role of the COC and thanked members for their services.</td>
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<td>Welcome to the 2015 – 2017 Term</td>
<td>M. McArthur welcomed members to the first meeting of the 2015-2017 term.</td>
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<td>M. McArthur delivered a brief summary of the Committee’s history and responsibilities, noting the following:</td>
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<td>• The 2004 Measure AA Bond established the Citizens’ Oversight Committee</td>
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<td>• Review of the Measure AA Bond language</td>
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• Review of the Brown Act
• The role of the Committee
• BART Staff will provide administrative support.
• The requirement for a Report to the BART Board of Directors

M. McArthur notified the members that they will select a new Committee Chair and Vice Chair for the term at the next meeting.

Program Overview

M. McArthur provided a history of the Earthquake Safety Program, including an overview of program milestones, purpose and scope.

T. Horton detailed the construction of the BART system, and the seismic issues related to it. He discussed vulnerability and various retrofit concepts, including:

• Liquefaction around the Transbay Tube
• Areas being addressed in the Transbay Tube
• Foundations, columns and bent caps are being reinforced on BART elevated structures and stations
• Life Safety vs. Operability
• Retrofit Locations within the BART system

Committee Orientation

M. McArthur and T. Horton further reviewed the language of Measure AA and remarked on the limitations for spending of General Obligation Bond funds, stating:

• Measure AA will limit work to retrofit construction and not allow for construction of new facilities or betterment
• Funds will only be used toward “Real Property”
• The COC’s role is to review expenditure of Bond money and not other sources of program funding

T. Horton identified the various sources of funds for ESP.

M. McArthur further detailed the role and responsibilities of the Citizens’ Oversight Committee, noting the following:

• Scheduling and budgeting of projects funded by the Bond measure
• Confirm that work is completed and Bond funds are expended in accordance with the Bond measure
• Inform the public concerning the expenditure of
### Bond Revenues
- The Committee can receive independent audits of the General Obligation Bond
- BART will provide administrative assistance and reimbursement of expenses for travel on BART to travel to the meetings

M. McArthur apologized to the Committee for Clipper Card issues. Members will be reimbursed for their travel on BART and the problem will be resolved.

M. McArthur notified the Committee that they will be choosing a Committee Chair and remarked that key functions of those roles were to provide a Report to the BART Board and to represent the Committee.

M. McArthur provided another brief review of the Brown Act, the Conflict of Interest Code and associated exhibits, Ethics Training, and the COC Bylaws.

M. Mazzini requested that members perform the free online Ethics Training by the next meeting and provide certification of the completed training when the Committee gathers again.

C. Loftman asked if all of the new members were familiar with the Brown Act.

M. McArthur expanded on details related to the Brown Act which governs public meetings for local bodies including requirements for public notice and attendance.

### Project Update
T. Horton provided an overview of the program’s progress, noting the following:
- **Completed activities:** most work has been completed except limited areas of the Transbay Tube and along the Fremont Line
- **Current activities:** design for Transbay Tube retrofit is underway; two “miscellaneous” contracts are under construction
- **Upcoming activities:** two contracts for work at Bay Fair Station and several columns on the northern part of the Richmond Line will be awarded this month; larger contracts for work on the Fremont Line will be advertised later this year
M. McArthur noted the significant amount of construction that has already been completed since the program’s inception.

### Financial Report

T. Horton provided an overview of the program’s finances and schedule, noting the following:

- The projected total budget was originally $1.3 billion, but has been reduced by $25 million after unspent funds were removed for other uses.
- The program has expended $560,543,892 in general obligation bond funds, of the projected total of $980,000,000.
- There was slippage in the schedule due to increases in the program’s scope.
- The program’s projected completion date is now 2022, with most of the time accounting for work on the Transbay Tube.
- Average spending is $870,383 per month which will increase as work accelerates with the start of upcoming construction contracts.
- The BART Treasurer has issued three tranches, for $100 million, $400 million, and $240 million.

M. McArthur invited the members to submit questions or continue the discussion on the Financial Report.

D. Shaible asked for clarification of “R, C, M, and A Lines”.

T. Horton explained that these terms are short-hand for the BART service lines (Richmond, Pittsburgh/Bay Point, Millbrae, and Fremont). Staff was directed to provide a graphic to the members to illustrate the terminology.

C. Loftman inquired about which contracts will have federal funds and how that will affect procurement requirements.

T. Horton explained that only two remaining contracts, both on the Fremont Line, will have federal funds, and that does not federalize the entire project.

### Review of Administrative Matters

M. McArthur reviewed usage of the Clipper Cards for travel to the meetings and explained that they would be
distributed at the next meeting.

M. Mazzini stated that members will be requested to submit a W-9 for use of the Clipper Cards.

M. McArthur proposed holding meetings on a quarterly basis, with the next in August.

M. Mazzini noted that dates should avoid conflicting with BART Board meetings.

Members requested to meet on Thursdays and selected August 6, 2015 as the next meeting date.

M. McArthur reviewed action-items for the next meeting, including:
- Completion of the online Ethics Training and submission of certification
- Selection of the Committee Chair and Vice Chair

**Adjournment**

The meeting was adjourned at approximately 5:25 pm.