

San Francisco Bay Area Rapid Transit District

300 Lakeside Drive, P. O. Box 12688, Oakland, CA 94604-2688



BOARD MEETING AGENDA

Thursday, December 3, 2020

9:00 AM

via teleconference only

Board of Directors

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

BOARD MEETING AGENDA

December 3, 2020

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, December 3, 2020.

Please note, pursuant to Governor Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate, which prevents all but essential travel, public participation for this meeting will be via teleconference only.

You may watch the Board Meeting live or archived at <https://www.bart.gov/about/bod/multimedia>

Presentation materials will be available via Legistar at <https://bart.legistar.com>

You may also join the Board Meeting via Zoom by calling 1-669-900-6833 and entering access code 935 6287 8837

If you wish to make a public comment:

- 1) Submit written comments via email to board.meeting@bart.gov, using "public comment" as the subject line. Your comment will be provided to the Board and will become a permanent part of the file. Please submit your comments as far in advance as possible. Emailed comments must be received before 9:00 a.m. in order to be included in the record.
- 2) Call 1-669-900-6833, enter access code 935 6287 8837, and dial *9 to raise your hand when you wish to speak.

Public comment is limited to three (3) minutes per person.

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

Items placed under "consent calendar" 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.

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 meetings, depending on the service requested. Please contact the Office of the District Secretary at 510-464-6083 for information.

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>).

Meeting notices and agendas are available for review on the District's website (<https://www.bart.gov/about/bod/meetings/>); at bart.legistar.com; and via email (<https://cloud.info.bart.gov/signup>) or via regular mail upon request submitted to the District Secretary. Complete agenda packets (in PDF format) are available for review on the District's website and bart.legistar.com no later than 48 hours in advance of the meeting.

Please submit your requests to the District Secretary via email to BoardofDirectors@bart.gov; in person or U.S. mail at 300 Lakeside Drive, 23rd Floor, Oakland, CA 94612; fax 510-464-6011; or telephone 510-464-6083.

Jacqueline R. Edwards
Assistant District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

1. CALL TO ORDER

- A. Roll Call
- B. Pledge of Allegiance
- C. Introduction of Special Guests.

2. CONSENT CALENDAR

- A. Fiscal Year 2021 First Quarter Financial Report. For information.

Attachments: [Fiscal Year 2021 First Quarter Financial Report - Memo and Report](#)

3. PUBLIC COMMENT - 15 Minutes

(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda.)

4. ADMINISTRATION ITEMS

Director McPartland, Chairperson

- A. Independent Auditor's Reports on the Basic Financial Statements and Internal Control for the Fiscal Year Ended June 30, 2020. For information.

Attachments: [Independent Auditor's Reports on the Basic Financial Statements and Internal Control - EDD](#)
[Independent Auditor's Reports on the Basic Financial Statements and Internal Control - BART FS FY2020 Final - Report](#)
[Independent Auditor's Reports on the Basic Financial Statements and Internal Control - Management Letter FY 6.30.2020 \(SECURED\) - Report](#)
[Independent Auditor's Reports on the Basic Financial Statements and Internal Control - RHBT Report FY2020 - Report](#)

- B. Independent Auditor's Reports on Compliance for the State Transportation Development Act, Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA) State Proposition 1B, Alameda County Transportation Commission (ACTC) Measure B and Measure BB, and Board of Directors' Expenses, for the Fiscal Year Ended June 30, 2020. For information.

Attachments: [Independent Auditor's Reports on Compliance for the State Transportation Development Act - EDD](#)
[Independent Auditor's Reports on Compliance - Board Policy Compliance FY 6.30.2020 \(SECURED\) - Report](#)
[Independent Auditor's Reports on Compliance - Measure B Fund Financial Statements FY 6.30.2020 \(SECURED\) - Report](#)
[Independent Auditor's Reports on Compliance - Measure BB Fund Financial Statements FY 6.30.2020 \(SECURED\) - Report](#)
[Independent Auditor's Reports on Compliance - Prop 1B Compliance Report FY 6.30.2020 \(SECURED\) - Report](#)
[Independent Auditor's Reports on Compliance - STA Compliance Report FY 6.30.2020 \(SECURED\) - Report](#)

5. ENGINEERING AND OPERATIONS ITEMS

Director Dufty, Chairperson

- A. Change Order to Contract No. 09DJ-160, Transbay Tube Cathodic Protection Anode Sled and Cable Replacement Project, with Manson Construction Co., for Extension of Time (C.O. No. 9). Board requested to authorize.

Attachments: [Change Order to Contract No. 09DJ-160, Transbay Tube Cathodic Protection Anode Sled and Cable - EDD](#)

- B. Resolution Ratifying the Collective Bargaining Agreement with the American Federation of State, County and Municipal Employees, Local 3993. Board requested to adopt.

Attachments: [Resolutions Ratifying the Collective Bargaining Agreements - Presentation](#)
[Resolution Ratifying the Collective Bargaining Agreements-EDD](#)
[Resolution Ratifying the Collective Bargaining Agreement -AFSCME](#)

- C. Resolution Ratifying the Collective Bargaining Agreement with the Amalgamated Transit Union, Division 1555. Board requested to adopt.

Attachments: [Resolutions Ratifying the Collective Bargaining Agreements - Presentation](#)
[Resolution Ratifying the Collective Bargaining Agreements-EDD](#)
[Resolution Ratifying the Collective Bargaining Agreement -ATU](#)

- D. Resolution Ratifying the Collective Bargaining Agreement with the Service Employees International Union, Local 1021. Board requested to adopt.

Attachments: [Resolutions Ratifying the Collective Bargaining Agreements - Presentation](#)
[Resolution Ratifying the Collective Bargaining Agreements-EDD](#)
[Resolution Ratifying the Collective Bargaining Agreement -SEIU](#)

- E. Update on Fare Gates. For information.

Attachments: [Update on Fare Gates - Memo](#)
[Update on Fare Gates - Presentation](#)

6. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS

Director Saltzman, Chairperson

- A. 2021 Federal and State Legislative Advocacy Program. Board requested to authorize.

Attachments: [2021 Federal and State Legislative Advocacy Program - EDD](#)
[2021 Federal and State Legislative Advocacy Program - Presentation](#)

- B. Update on BART and Valley Transportation Authority, Phase 2. For information.

Attachments: [Update on BART and Valley Transportation Authority, Phase 2 - Memo](#)
[Update on BART and Valley Transportation Authority Phase 2 - Presentation](#)

7. GENERAL MANAGER'S REPORT

- A. Report of Activities, including Updates of Operational, Administrative, and Roll Call for Introductions Items.

8. BOARD MATTERS

- A. Board Member Reports.

(Board member reports as required by Government Code Section 53232.3(d) are available through the Office of the District Secretary. An opportunity for Board members to report on their District activities and observations since last Board Meeting.)

- B. Roll Call for Introductions.

(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)

- C. In Memoriam.

(An opportunity for Board members to introduce individuals to be commemorated.)

9. CLOSED SESSION

A. CONFERENCE WITH LABOR NEGOTIATORS:

Designated representatives: Robert Powers, General Manager; Michael Jones, Deputy General Manager; and Shana Dines, Chief Employee Relations Officer

- Employee Organizations:
- (1) Amalgamated Transit Union, Local 1555;
 - (2) American Federation of State, County and Municipal Employees, Local 3993;
 - (3) BART Police Officers Association;
 - (4) BART Police Managers Association;
 - (5) Service Employees International Union, Local 1021;
 - and
 - (6) Service Employees International Union, Local 1021, BART Professional Chapter
 - (7) Unrepresented employees (Positions: all)

Government Code Section: 54957.6

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Titles: General Manager, General Counsel, Controller-Treasurer, District Secretary, Independent Police Auditor, and Inspector General

Government Code Section: 54957

C. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT

Title: District Secretary

Government Code Section: 54957(b)(1)

D. CONFERENCE WITH NEGOTIATORS

Designated Representatives: Directors Dufty, McPartland, and Simon

Title: District Secretary

Government Code Section: 54957.6

E. CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

Property: Property Located at 6501 Golden Gate Drive, Dublin, CA 94568 (APN's 941-2842-004-00 and 941-2842-002-00)

District Negotiators: Carl Holmes, Assistant General Manager, Design and Construction;

Val Menotti, Chief Planning and Development Officer; and Sean Brooks, Director of Real Estate & Property Development

Negotiating Parties: Barings LLC and San Francisco Bay Area Rapid Transit District
Under Negotiation: Price and Terms

Government Code Section: 54956.8

Attachments: [Closed Session_District Secretary - Memo](#)

10. OPEN SESSION

- A. Announcement from Closed Session, if any.
- B. Compensation and Benefits for District Secretary. Board requested to authorize.