

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

BOARD MEETING AGENDA

December 16, 2010

8:30 a.m.

A regular meeting of the Board of Directors will be held at 8:30 a.m. on Thursday, December 16, 2010. This meeting shall consist of a simultaneous teleconference call at the following locations:

BART Board Room Kaiser Center 20 th Street Mall – Third Floor 344 – 20 th Street Oakland, CA 94612	Hilton Garden Inn Palm Springs/Rancho Mirage 71-700 Highway 111 Rancho Mirage, CA 92270
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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.

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.

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 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>), in the BART Board Room, and upon request, in person or via mail.

Meeting notices and agendas are available for review on the District's website (<http://www.bart.gov/about/bod/meetings.aspx>), and via email or via regular mail upon request. Complete agenda packets (in PDF format) are available for review on the District's website no later than 48 hours in advance of the meeting. Those interested in being on the mailing list for meeting notices (email or regular mail) can do so by providing the District Secretary with the appropriate address.

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.

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.

2. CLOSED SESSION (Room 303, Board Conference Room)

- A. CONFERENCE WITH LABOR NEGOTIATORS - PUBLIC
EMPLOYEE PERFORMANCE EVALUATION:
Agency Negotiators: Directors Fang, Franklin, and Blalock
Titles: General Manager, General Counsel,
Controller-Treasurer, and District Secretary
Gov't Code Sections: 54957 and 54957.6

3. INTRODUCTION OF SPECIAL GUESTS

- A. 2010 Holiday Toy Drive Benefiting Chinatown Community Development Center of San Francisco, Reverend Norman Fong, Deputy Director.
- B. The Honorable Marie Gilmore, City Councilmember and Mayor-elect of Alameda; The Honorable H. E. Christian Peoples, Director, AC Transit; The Honorable Jean Quan, City Councilmember and Mayor-elect of Oakland; and Mr. Brian Hooker, Representative from the Office of Congressman John Garamendi. (Director Raburn's request.)
- C. Oath of Office for 2010 Newly Elected Director, District 4.

4. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of November 18, 2010.* Board requested to authorize.
- B. Declaration of November 2, 2010, Election Results.* Board requested to authorize.
- C. Support for the Commuter Benefits Equity Act of 2009.* Board requested to authorize. (Director Raburn's request.)

5. ADMINISTRATION ITEMS

Director Blalock, Chairperson
NO ITEMS.

6. ENGINEERING AND OPERATIONS ITEMS

Director Keller, Chairperson
NO ITEMS.

7. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS
Director Sweet, Vice Chairperson
NO ITEMS.
8. GENERAL MANAGER'S REPORT
9. BOARD MATTERS
 - A. Compensation and Benefits for General Manager, General Counsel, Controller-Treasurer, and District Secretary. Board requested to authorize.
 - B. Resolution Commending Carole Ward Allen.* Board requested to authorize.
 - C. Roll Call for Introductions.
 - D. Election of Officers.
 1. President.
 2. Vice President.
10. GENERAL DISCUSSION AND PUBLIC COMMENT



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia de la Cruz</i>		GENERAL MANAGER ACTION REQ'D: Approve and place on Board Meeting Agenda		
DATE: c <i>12/7/10</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kenneth A Duron Dept: Office of the District Secretary	General Counsel <i>Audrey Paris</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BARC
Signature/Date: <i>[Signature] 12/07/10</i>	<i>[Signature] 12/7/10</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
TITLE:				

DECLARATION OF NOVEMBER 2, 2010 ELECTION RESULTS

NARRATIVE:

PURPOSE:

This proposed action is to declare the results of the general district election held on November 2, 2010, for Districts 4 and 8, and to declare the appointment of a Director for District 2 and a Director for District 6.

DISCUSSION:

The San Francisco Bay Area Rapid Transit District was scheduled to hold a general district election on November 2, 2010, for the purpose of electing one Director in each of Districts 2, 4, 6, and 8.

The Registrars of Voters of Alameda County and the City and County of San Francisco have reported the election returns for Election Districts 4 and 8.

California Elections Code Section 10515 provides that when only one person files a declaration of candidacy for an elective office and a petition requesting an election for such office has not been filed with the Registrar of Voters, that person shall be appointed to office in lieu of being elected. Director Joel Keller was the only person to file for candidacy in District 2, Director Thomas M. Blalock was the only person to file for candidacy in District 6, and no petition was filed requesting an election for such offices. The Board of Supervisors of Contra Costa County will declare Joel Keller appointed BART Director, District 2 and the Board of Supervisors of Alameda County will declare Thomas M. Blalock appointed BART Director, District 6.

Certificates of Election and Certificates of Appointment have been prepared and will be issued to the successful candidates and appointees following declaration of the results of the election and the declaration of appointments.

DECLARATION OF NOVEMBER 2, 2010 ELECTION RESULTS

*ELECTION RETURNS, NOVEMBER 2, 2010

<u>District</u>	<u>Candidate</u>	<u>Alameda County</u>	<u>City and County of San Francisco</u>	<u>Total Votes</u>
4	Robert Raburn	34,006		34,006
	Carole Ward Allen	25,341		25,341
	Monique Rivera	12,557		12,557
	Write-in	775		775
8	James Fang		42,700	42,700
	Bert Hill		20,890	20,890
	Brian J. Larkin		18,931	18,931
	Write-in		328	328

*Returns as reported by the Registrars of Voters of Alameda County and the City and County of San Francisco.

FISCAL IMPACT: None.

ALTERNATIVES: None.

RECOMMENDATION: That the Board of Directors adopts the following motion:

MOTION:

That there be entered into the Minutes of the Board the official canvass of the returns for Election Districts 4 and 8 as taken by the Registrars of Voters of Alameda County and the City and County of San Francisco for the election of November 2, 2010, the elected candidates having received the highest number of votes cast in their respective election districts based on said official canvass;

That, once passed and available from the respective counties, there be entered into the Minutes of the Board copies of the motion passed by the Board of Supervisors of Contra Costa County appointing Joel Keller as Director for District 2; and the motion passed by the Board of Supervisors of Alameda County appointing Thomas M. Blalock as Director for District 6;

That the following candidates are hereby declared elected or appointed to the Board of Directors of the San Francisco Bay Area Rapid Transit District:

<u>District No.</u>	<u>Candidate Elected/Appointed</u>
2	Joel Keller
4	Robert Raburn
6	Thomas M. Blalock
8	James Fang

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: December 9, 2010

FROM: General Manager

SUBJECT: Extension of Pre-Tax Transit Commuter Benefit

At the request of Director Raburn, a motion for BART to reaffirm its support for the extension of the Pre-tax Transit Commuter Benefit has been placed on the December 16 Board Meeting Consent Calendar. In the past, the BART Board has supported efforts to encourage transit ridership, including the Pre-Tax Transit Commuter Benefit. The Board last acted to support tax or employee incentives to assist transit ridership as part of BART's 2009 legislative program. BART has also supported local cities' efforts to require employers to offer transit benefits which include transit fringe benefit programs in San Francisco, Berkeley and Richmond.

Included in the 2009 American Recovery and Reinvestment Act (ARRA) signed into law by President Obama was a provision that increased the amount of mass transit and vanpool benefits that can be excluded from an employee's gross income. Known as the Pre-Tax Transit Commuter Benefit, Congress increased the maximum transit benefit for workers -- nearly doubling the amount from \$120 per month to \$230 per month -- making it equal to the parking benefit and giving people more incentive to use public transportation and vanpools. Qualified transportation fringe benefits provided by an employer are excluded from an employee's gross income for income tax purposes and from an employee's wages for payroll tax purposes.

This increase in the Pre-Tax Transit Commuter Benefit will expire on December 31 of this year unless it is extended by Congress. Without an extension commuters will see their maximum transit benefit drop back to \$120 per month, while the maximum parking benefit will remain at \$230 per month.

With funding dwindling for public transit and highway congestion increasing, most transit agencies and commuters believe now is not the time to discourage use of public transit. If federal tax law on fringe benefits doesn't treat transit and parking equally there will be, in effect, a tax increase on participating transit riders at a time when transit ridership should be encouraged for the environmental, energy, economic, and quality of life benefits transit provides.

Pre-tax benefits are well used by BART riders. According to a 2008 BART Rider Survey, *Pre-tax Commuter Benefit*, "almost half of weekday riders (46%) currently participate in their employer's programs." The report went on to say that pre-tax benefits can play a significant role in keeping fare costs down. Among those surveyed who received commute benefits, 68% of their BART fares were paid with pre-tax benefits.

MOTION: The Board affirms its support of Pre-Tax Transit Commuter Benefits and seeks support of the 111th Congress to extend those benefits at current levels.


Dorothy W. Dugger

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

Before the Board of Directors of the
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Resolution Commending
CAROLE WARD ALLEN
For Meritorious Service

Resolution No. _____

WHEREAS, Carole Ward Allen served as a member of the Board of Directors of the San Francisco Bay Area Rapid Transit District from December 1998 to December 2010, including terms as President in 2006 and Vice President in 2005, and

WHEREAS, the distinguished service of Director Ward Allen also included terms as Chairperson of the Board's Administration Committee and the Planning, Public Affairs, Access, and Legislation Committee, as well as Chairperson, Vice Chairperson and member on numerous other committees and in many liaison capacities representing the District throughout the region, and

WHEREAS, Director Ward Allen advocated for maintaining customer service standards and in the face of reduced revenues, contributing to the District earning the prestigious Outstanding Public Transportation System Award from the American Public Transportation Association in 2004, and

WHEREAS, Director Ward Allen vigorously supported the construction of the BART Oakland Airport Connector (OAC), and assertively advocated for full funding of the project, and was instrumental in negotiation of the District's first project stabilization agreement for the OAC, and

WHEREAS, Director Ward Allen, as Chair of the BART Police Department Review Committee, provided leadership in the development of important improvements in the BART Police Department, including the establishment of the an Independent Police Auditor and Citizen Review Board, and

WHEREAS, Director Ward Allen admirably championed the participation of disadvantaged, minority, and women-owned businesses in contracting, and has demonstrated a commitment to public service throughout a long and distinguished career, including serving as Commission President for the Port of Oakland, on commissions, and community service organizations throughout the region,

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the San Francisco Bay Area Rapid Transit District does hereby take public cognizance of the immeasurable contributions Ms. Ward Allen has made to the cause of public transportation on the regional and local stages, and

BE IT FURTHER RESOLVED that a suitably engrossed copy of this Resolution be tendered to Ms. Carole Ward Allen as a token of the high esteem in which Director Ward Allen is held by the members of the San Francisco Bay Area Rapid Transit District Board of Directors.

Adopted by the Board of Directors
of the San Francisco Bay Area Rapid Transit District
December 16, 2010

ATTEST:

Kenneth A. Duron
District Secretary

James Fang
President