

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

BOARD MEETING AGENDA

December 17, 2015

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, December 17, 2015, in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th Street, Oakland, California.

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 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. INTRODUCTION OF SPECIAL GUESTS
 - A. 2015 Holiday Toy Drive Recipient: League of Volunteers, Newark

3. CONSENT CALENDAR
NO ITEMS

4. ADMINISTRATION ITEMS
Director Saltzman, Chairperson
NO ITEMS

5. ENGINEERING AND OPERATIONS ITEMS
Director McPartland, Chairperson
NO ITEMS

6. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS
Director Raburn, Chairperson
NO ITEMS

7. GENERAL MANAGER'S REPORT
 - A. Report of Activities, including Update of Roll Call for Introductions Items.

8. BOARD MATTERS
 - A. Resolution to Amend the Money Purchase Pension Plan to Provide for Additional Contributions for the General Counsel.* Board requested to adopt.

 - B. 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.)

 - C. 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.)

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

E. Election of Officers.
1. President.
2. Vice President.

9. PUBLIC COMMENT

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

8. BOARD MATTERS

- A. Resolution to Amend the Money Purchase Pension Plan to Provide for Additional Contributions for the General Counsel.* Board requested to adopt.
- B. 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.)
- C. 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.)
- D. In Memoriam.
(An opportunity for Board members to introduce individuals to be commemorated.)
- E. Election of Officers.
 - 1. President.
 - 2. Vice President.

**BOARD
MATTERS**

December 17, 2015

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: December 7, 2015

FROM: Jeana Zelan Peterson, Attorney
Office of the General Counsel

SUBJECT: Amendment to Money Purchase Pension Plan

Attached please find a resolution to amend the District's Money Purchase Pension Plan to provide for additional contributions on behalf of the General Counsel in accordance with the Board's direction at its December 2, 2015 meeting.



Jeana Zelan Peterson

cc: Board Appointed Officers (w/attachments)
Deputy General Manager (w/attachments)
AGM, Employee Relations (w/attachments)

Motion: Adoption of the attached resolution "In the Matter of An Amendment to the Money Purchase Pension Plan."

BEFORE THE BOARD OF DIRECTORS OF THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

In the Matter of An
Amendment to the Money
Purchase Pension Plan

Resolution No. _____

WHEREAS, at its December 2, 2015 meeting the Board expressed its wish to provide additional contributions to the Money Purchase Pension Plan on behalf of the General Counsel equal to 2.7214 percent of the General Counsel's compensation, effective July 1, 2016, with such contributions limited each year by the Internal Revenue Code Section 401(a)(17) compensation limit and the Internal Revenue Code Section 415(c) contribution limit; and

WHEREAS, California Government Code Section 7507 requires that adoption of a retirement benefit change occur no less than two weeks after the actuarial impact upon future annual costs is made public at a public meeting; and

WHEREAS, at the December 2, 2015 meeting it was publicly disclosed that the actuarial impact upon future annual costs to the District of this change as determined by the District's actuaries will not exceed \$3,606 in 2016 and \$7,348 in 2017 and each year thereafter, as adjusted each year for inflation in the Internal Revenue Code Section 401(a)(17) compensation limit.

NOW, THEREFORE, BE IT RESOLVED that the Board approves the attached Amendment No. 11 to the February 1, 2013 Restatement of the Money Purchase Pension Plan which adds new Subsection (e) to current Section 3.01 and authorizes the Board President to sign the amendment on behalf of the Board; and

BE IT FURTHER RESOLVED that the Board reserves the right to modify this annual contribution to the Money Purchase Pension Plan in the future.

Adopted: _____

**AMENDMENT NO. ELEVEN TO THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
MONEY PURCHASE PENSION PLAN
(As restated effective February 1, 2013)**

The San Francisco Bay Area Rapid Transit District Money Purchase Pension Plan (as restated effective February 1, 2013) (the "Plan") is hereby amended as follows:

Effective January 1, 2016 Section 3.01 of the Plan, "Determination of Contribution," is hereby amended to state in its entirety as follows:

Section 3.01 Determination of Contribution. With respect to each Plan Year the Employer shall pay to the Trustee as its contribution to the Plan an amount equal to the sum of the following:

- (a) 6.65% of the Compensation of each Participant for such Plan Year, provided, however, that in determining this portion of the contribution, the following shall not be taken into account:
 - (i) Compensation on or after January 1, 2010 and before July 1, 2013 of Participants who are represented by BART Police Managers Association;
 - (ii) Compensation on or after July 1, 2010 and before July 1, 2013 of Participants who are represented by BART Police Officers Association; and
- (b) 1.627% of Payroll, provided, however, that in determining this portion of the contribution, the following shall not be taken into account:
 - (i) \$37 per month on or after March 1, 2014 and before July 1, 2017 for Participants who are members of Amalgamated Transit Union, Local 1555 or Service Employees International Union, Local 1021 and who participate in a District medical plan;
 - (ii) \$37 per month on or after February 1, 2014 and before July 1, 2017 for Participants who are members of American Federation of State, County and Municipal Employees, Local Union 3993 and who participate in a District medical plan;
 - (iii) An additional .0888% of Payroll on or after March 1, 2014 and before July 1, 2017 for Participants who are members of Amalgamated Transit Union, Local 1555 or Service Employees International Union, Local 1021;

- (iv) An additional .0888% of Payroll on or after February 1, 2014 and before July 1, 2017 for Participants who are members of American Federation of State, County and Municipal Employees, Local Union 3993;
 - (v) Payroll of Participants who are members of the BART Police Officers Association and are sworn police officers with full peace officer powers pursuant to the California Penal Code;
 - (vi) Payroll of Participants who are either the BART Chief of Police or are represented by the BART Police Managers Association and are sworn police officers with full peace officer powers pursuant to the California Penal Code;
 - (vii) Payroll on or after July 1, 1992 and before July 1, 2013 of Participants who are members of the BART Police Managers Association, other than sworn police officers with full peace officer powers pursuant to the California Penal Code;
 - (viii) Payroll on or after July 1, 1992 and before July 1, 2013 of Participants who are represented by the BART Police Officers Association other than sworn police officers with full peace officer powers pursuant to the California Penal Code;
 - (ix) .0888% of Payroll on or after March 1, 2014 and before July 1, 2017 for non-represented Participants; and
- (c) From October 1, 2001, until the Employer's account within CalPERS ceases to be "superfunded," as determined by CalPERS, 3.5% of the Reportable Compensation of non-represented Participants (other than the Chief of Police as of April 25, 2002) and of Participants who are members of the Amalgamated Transit Union, Local No. 1555, the Service Employees International Union, Local No. 790, the American Federation of State, County and Municipal Employees, Local No. 3993, the BART Police Officers' Association, or the BART Police Managers' Association, provided such members of the BART Police Officers Association and BART Police Managers' Association are also local miscellaneous members of CalPERS, provided further, however, that in determining this portion of the contribution Reportable Compensation on or after July 1, 2003 and before July 1, 2004 of the following Participants shall not be taken into account: the General Manager, the Controller-Treasurer, the General Counsel, the District Secretary, the Deputy General Manager, the Executive Assistant to the General Manager, the Assistant General Managers of Administration and Operations, the Executive Managers of External Affairs, Planning & Budget, Transit System Compliance and Transit System Development, the Managing Director, Capitol Corridor, and members of the Service Employees International Union, Local 790, whose classifications are in the Clerical Subunit, but are not in the Professional Chapter; and

- (d) On behalf of the General Manager, an additional amount equal to the General Manager's deferral of compensation under the San Francisco Bay Area Rapid Transit District Deferred Compensation Plan (the "Deferred Compensation Plan") for such Plan Year, taking into account Pre-Tax Contributions, Designated Roth Contributions and Catch-up Deferrals, as those terms are defined in the Deferred Compensation Plan. In no event, however, shall the Employer contribution under this subsection (d) exceed the maximum total amount of compensation permitted to be deferred under Section 4.2(c) of the Deferred Compensation Plan, and as described in Internal Revenue Code sections 457(e)(15) and (18). Furthermore, the Employer contribution under this subsection (d) is conditioned on the General Manager being employed with the Employer as of December 1st of such Plan Year.

- (e) On behalf of the General Counsel, additional contributions equal to 2.7214 percent of Payroll, on or after July 1, 2016.

The contributions shall be paid in cash and allocated as described in Article IV of the Plan. The Trustee shall not be responsible for the collection of any contributions to the Trust Fund.

IN WITNESS WHEREOF, this Amendment No. Eleven to the Plan has been executed on this _____ day of December, 2015.

SAN FRANCISCO BAY AREA RAPID
TRANSIT DISTRICT

By: _____
Its: Board President