

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 18, 2008

9:00 a.m.

A regular meeting of the Board of Directors will be held on Thursday, December 18, 2008, 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 th Street Mall – Third Floor 344 – 20 th 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.

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:
The Honorable James Davis, Mayor, City of Antioch;
The Honorable Brian Kalinowski, Antioch City Councilmember;
Kathleen Hamm, Board President, Shelter, Inc., of Contra Costa County;
Timothy O’Keefe, Executive Director, Shelter, Inc., of Contra Costa County;
Henry Renteria, Director, California Governor’s Office of Emergency Services

- D. Oath of Office for 2008 Newly Elected Director, District 5.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of December 4, 2008.* Board requested to authorize.

3. REPORTS OF STANDING COMMITTEES

ADMINISTRATION COMMITTEE

Director Franklin, Chairperson

NO REPORT.

ENGINEERING AND OPERATIONS COMMITTEE

Director Fang, Chairperson

NO REPORT.

PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE

Director Ward Allen, Chairperson

NO REPORT.

4. GENERAL MANAGER’S REPORT

NO REPORT.

5. BOARD MATTERS

- A. Roll Call for Introductions.
- B. Declaration of November 4, 2008, Election Results.* Board requested to authorize.
- C. Resolution Commending Zoyd R. Luce.* Board requested to authorize. (President Murray’s request.)
- D. Election of Officers.
 - 1. President.
 - 2. Vice President.

6. GENERAL DISCUSSION AND PUBLIC COMMENT



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia delBande</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors		
DATE: c <i>12/10/08</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kenneth A Dbron Dept: Office of the District Secretary	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>KAD 12/09/08</i>	<i>Andres Ramos 12/9/08</i>	[]	<i>KAD 12/09/08</i>	[]

TITLE:

DECLARATION OF NOVEMBER 4, 2008 ELECTION RESULTS

NARRATIVE:

PURPOSE:

This proposed action is to declare the results of the general district election held on November 4, 2008, for Districts 5, 7, and 9, and to declare the appointment of a Director for District 1 and a Director for District 3.

DISCUSSION:

The San Francisco Bay Area Rapid Transit District was scheduled to hold a general district election on November 4, 2008, for the purpose of electing one Director in each of Districts 1, 3, 5, 7 and 9.

The Registrars of Voters of Alameda County, Contra Costa County, and the City and County of San Francisco have reported the election returns for Election Districts 5, 7, and 9.

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 Gail Murray was the only person to file for candidacy in District 1, Director Bob Franklin was the only person to file for candidacy in District 3, and no petition was filed requesting an election for such offices. The Board of Supervisors of Contra Costa County declared Gail Murray appointed BART Director, District 1 and the Board of Supervisors of Alameda County declared Bob Franklin appointed BART Director, District 3.

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 4, 2008 ELECTION RESULTS

*ELECTION RETURNS, NOVEMBER 4, 2008

<u>District</u>	<u>Candidate</u>	<u>Alameda County</u>	<u>Contra Costa County</u>	<u>City and County of San Francisco</u>	<u>Total Votes</u>
5	John McPartland	64,978	22,720		87,698
	Linda Jeffery Sailors	41,067	12,886		53,953
	Write-in	408	108		516
7	Lynette Sweet	28,454	28,157	15,093	71,704
	Marshall Walker III	11,929	16,131	5,052	33,112
	Write-in	401	261	167	829
9	Tom Radulovich			90,911	90,911
	Peter A. Klivans			16,281	16,281
	Write-in			774	774

*Returns as reported by the Registrars of Voters of Alameda County, Contra Costa 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 5, 7, and 9 as taken by the Registrars of Voters of Alameda County, Contra Costa County and the City and County of San Francisco for the election of November 4, 2008, the elected candidates having received the highest number of votes cast in their respective election districts based on said official canvass;

That there be entered into the Minutes of the Board copies of the motion passed by the Board of Supervisors of Contra Costa County appointing Gail Murray as Director for District 1; and the motion passed by the Board of Supervisors of Alameda County appointing Bob Franklin as Director for District 3;

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>
1	Gail Murray
3	Bob Franklin
5	John McPartland
7	Lynette Sweet
9	Tom Radulovich

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

Resolution Commending
ZOYD R. LUCE
For Meritorious Service

Resolution No. _____

WHEREAS, Zoyd R. Luce served as a member of the Board of Directors of the San Francisco Bay Area Rapid Transit District from December 3, 2004 to December 4, 2008, and

WHEREAS, the service of Director Luce also included terms as Chairperson of the Board's District Security Advocacy Ad Hoc Committee, liaison to the I-580 Livermore Study Policy Advisory Committee, and as an alternate member of the Capitol Corridor Joint Powers Authority Board of Directors, as well as serving on numerous other committees and in liaison capacities, and

WHEREAS, Director Luce's dedicated advocacy for the use of increased objective assessments, measurable criteria, and effective solutions contributed to the improvement of comprehensive District safety and security programs, and

WHEREAS, Director Luce's career of public service has included over twelve years in the District's System Safety Department, and professional affiliations such as the American Society of Safety Engineers, National Environmental Training Association, Project Management Institute, American Society of Industrial Security, Oakland City Emergency Management Board, California Community College Advisory Board, and the California State Fire Chiefs Association's Explosive Safety Board and other appointments, all of which demonstrate his abilities, devotion, and dedication to providing safe service to the Bay Area's diverse population,

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 contributions Mr. Luce has made to the cause of public transportation on both regional and local stages, and

BE IT FURTHER RESOLVED that Director Luce be thanked and recognized for his passion and commitment to public safety, and

BE IT FURTHER RESOLVED that a suitably engrossed copy of this Resolution be tendered to Mr. Zoyd R. Luce as a token of the esteem in which Mr. Luce 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 18, 2008

ATTEST:

Kenneth A. Duron
District Secretary

Gail Murray
President