

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

BOARD MEETING AGENDA

December 18, 2014

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, December 18, 2014, 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. 2014 Holiday Toy Drive Recipient: Brighter Beginnings of Antioch, Bay Point, Oakland, and Richmond.
- B. Oath of Office for 2014 Newly Elected Director.

3. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of November 20, 2014 (Regular); December 4, 2014 (Special); and December 11, 2014 (Special).* Board requested to authorize.
- B. Declaration of November 4, 2014, Election Results.* Board requested to authorize.
- C. Revision to 2014 Standing Committee and Special Appointments: Rules of the Board of Directors of the San Francisco Bay Area Rapid Transit District Ad Hoc Committee.* Board requested to authorize.

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. 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.)

D. Resolution Commending James Fang.* Board requested to adopt.

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.)

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

Board of Directors
Minutes of the 1,720th Meeting
November 20, 2014

A regular meeting of the Board of Directors was held November 20, 2014, convening at 9:04 a.m. in the Board Room, 344 20th Street, Oakland, California; and 809 Sacramento Street, San Francisco, California. President Keller presided; Kenneth A. Duron, District Secretary.

Directors present in Oakland: Directors Blalock, Mallett, Raburn, Saltzman, and Keller.

Directors present in San Francisco: None.

Absent: None. Directors Fang, McPartland, Murray, and Radulovich entered the Meeting later.

President Keller introduced and welcomed Mr. Alan Smith, Chair of the BART Accessibility Task Force. Mr. Smith gave a report of the task force's activities over the past year.

Director Murray entered the Meeting.

Director Fang entered the Meeting in San Francisco.

Mr. Randall Glock, Vice Chair of the BART Accessibility Task Force, addressed the Board.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of October 23, 2014.
2. Award of Contract No. 15NU-130, Station Access, Path and Wayfinding Improvements, San Bruno.
3. Award of Contract No. 15QJ-150, Reroof Fremont Station Entrance Canopies.
4. Award of Contract No. 15QJ-160, Reroof Fruitvale Station Train Control Facilities and Bay Fair Station Entrance Canopy.
5. Award of Contract No. 17AG-140, Refurbish Breakrooms.
6. Award of Invitation for Bid No. 8938A, Transformers, Control, 75KVA.

Director Blalock made the following motions as a unit. The motion was seconded and carried by unanimous roll call vote. Ayes - 7: Directors Blalock, Fang, Mallett, Murray, Raburn, Saltzman, and Keller. Noes - 0. Absent - 2: Directors McPartland and Radulovich.

1. That the Minutes of the Meeting of October 23, 2014, be approved.
2. That the General Manager be authorized to award Contract No. 15NU-130, Station Access, Path and Wayfinding Improvements, San Bruno, to Sustainable Group, Inc., for the bid price of \$174,569.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures and Federal Transit Administration's requirements related to protest procedures.
3. That the General Manager be authorized to award Contract No. 15QJ-150, Reroof Fremont Station Entrance Canopy, to Stronger Building Services of Hayward, California, for the bid price of \$132,500.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.
4. That the General Manager be authorized to award Contract No. 15QJ-160, Reroof Fruitvale Station Train Control Facilities and Bay Fair Entrance Canopy, to Andy's Roofing Company, Inc., of San Leandro, California, for the bid price of \$134,740.60, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.
5. That the General Manager be authorized to award Contract No. 17AG-140, Refurbish Break Rooms, to Barrera's Builders, for the bid price of \$349,766.56, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.
6. That the General Manager be authorized to award Invitation for Bid No. 8938A, for purchase of Transformer, Control, 75KVA, to Graybar Electric, Dublin, California, in the amount of \$169,896.12 (including all taxes), pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures and Federal Transit Administration's requirements related to protest procedures.

(The foregoing motion was made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

President Keller announced that the Board would enter into closed session under Item 2-A (Public Employee Performance Evaluation) of the Regular Meeting agenda, and that the Board would reconvene in open session at the end of the closed session.

The Board Meeting was recessed at 9:13 a.m.

The Board reconvened in closed session at 9:18 a.m.

Directors present in Oakland: Directors Blalock, Mallett, McPartland, Murray, Raburn, Saltzman, and Keller.

Directors present in San Francisco: None.

Absent: None. Directors Fang and Radulovich entered the Meeting later.

Director Fang entered the Meeting in San Francisco.

Director Radulovich entered the Meeting in Oakland.

The Board Meeting was recessed at 10:31 a.m.

The Board reconvened in open session at 10:34 a.m.

Directors present in Oakland: Directors Blalock, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller.

Directors present in San Francisco: None.

Absent: None. Director Fang entered the Meeting later.

President Keller announced that the Board had concluded its closed session and there were no announcements to be made.

President Keller announced that the order of agenda items would be changed.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Lease of Retail Space at the Richmond BART Station Parking Structure before the Board. Mr. Jeffrey Ordway, Department Manager, Real Estate and Property Development, presented the item.

Director Fang entered the Meeting in San Francisco.

The following individuals addressed the Board.

Ms. Amanda Elliott
Mr. Chadrick Smalley
Mr. Derreck Johnson

Director Mallett moved that the General Manager or her designee be authorized to execute a lease for ten years, with options to renew for two additional ten-year terms, with Phillips Hospitality Corporation dba Home of Chicken and Waffles, for approximately 9,000 square feet of commercial space on the 1500 block of Macdonald Avenue, located on the ground floor of the Richmond BART Station parking structure. Director Blalock seconded the motion, which

carried by unanimous roll call vote. Ayes - 9: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes - 0.

Director Raburn brought the matter of Emeryville-Berkeley-Oakland Transit Study Update by Diana Keena, Associate Planner, Community Development Department, City of Emeryville, before the Board. Mr. Duncan Watrey, Principal Planner, introduced Ms. Keena, who presented the item. The item was discussed.

Mr. Jerry Grace addressed the Board.

Director Saltzman, Chairperson of the Administration Committee, brought the matter of Implementation of Bay Area Rapid Transit Collective Bargaining Report before the Board. Ms. Allison Picard, Assistant General Manager, Employee Relations, and Ms. Carol Isen, Chief Employee Relations Officer, presented the item.

The following individuals addressed the Board.

Mr. Deslar Patten
Mr. Chris Finn

The item was discussed.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Agreements with Fluoresco Lighting & Signs, for Spot Relamping Services for BART Facilities (Agreements No. 6M3254 and 6M3263), before the Board. Mr. Paul Oversier, Assistant General Manager – Operations, and Mr. Larry Fisher, Manager of Maintenance Administration, presented the item.

The following individuals addressed the Board.

Mr. John Arantes
Mr. Jerry Grace

The item was discussed. Director Murray moved that the General Manager be authorized to award Agreements No. 6M3254 (West Bay Zone) and No. 6M3263 (East Bay Zone), to provide spot relamping services for BART facilities, to Fluoresco Lighting & Signs of Oakland, California, for a base period of three years, for the bid prices of \$853,271.00 and \$1,142,802.35 respectively, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures. Director Keller seconded the motion.

Director Radulovich proposed an amendment to the motion, adding that the General Manager be authorized to award up to two one-year options for Agreement No. 6M3254 for \$176,510.00 each, and for Agreement No. 6M3263 for \$297,396.53 each, provided that the Board be provided with a report on staff's exploration of the possibility of creating a new entry level electrician position to perform similar work with District employees and that the Board authorizes the General Manager to exercise the options. Directors Murray and Keller accepted the amendment.

Director Fang exited the Meeting.

Discussion continued. The amended motion carried by unanimous acclamation. Ayes - 8: Directors Blalock, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes - 0. Absent – 1: Director Fang.

Director McPartland brought the matter of Agreement with WEBCO Sweeping LLC for Systemwide Parking Lot Sweeping Services (Agreement No. 6M3258) before the Board. Mr. Fisher presented the item. The item was discussed. Director Blalock moved that the General Manager be authorized to award Agreement No. 6M3258, to provide systemwide parking lot sweeping services, (Zone 1 and 2) to WEBCO Sweeping, LLC, for an amount not to exceed \$2,155,276.62, for a base period of three years; and that the General Manager be authorized to exercise up to two one-year options for Zone 1, each for \$285,532.68, and up to two one-year options for Zone 2, each for \$432,892.86. Director Murray seconded the motion, which carried by unanimous acclamation. Ayes - 8: Directors Blalock, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes - 0. Absent – 1: Director Fang.

Director McPartland brought the matter of Quarterly Performance Report, First Quarter Fiscal Year 2015 - Service Performance Review, before the Board. Mr. Oversier presented the item. The item was discussed.

Ms. Sheila Gunn-Cushman addressed the Board.

President Keller called for the General Manager's Report. General Manager Grace Crunican reported on steps she had taken and activities and meetings she had participated in, reminded the Board of upcoming events, especially the opening of the BART to Oakland Airport service, and gave a report on the progress of outstanding Roll Call for Introductions items.

President Keller called for the Quarterly Report of the Controller/Treasurer. Mr. Scott Schroeder, Controller/Treasurer, reported on the activities of the Office over the past quarter. The report was discussed.

Director Blalock, Chairperson of the Wayside Safety Ad Hoc Committee, gave a brief report on the activities of the committee.

President Keller called for Board Member Reports and Roll Call for Introductions.

Director Mallett requested an update on a previous Roll Call for Introductions item on urinal detection sensors.

Director Raburn reported he had attended an Oakland City Council meeting and the Lake Merritt Station Area Plan had been approved.

Director Raburn requested a report on efforts to reduce greenhouse gas (GHG) emissions, how those efforts (staffing, adopted goals, investments and monitoring) are meeting state GHG reduction goals, and whether there are models from other large organizations in California that BART could follow. Director Saltzman seconded the request.

Director Saltzman reported she had attended the or Vision Planning meeting, given introductory comments at the Oakland Chamber of Commerce Pulse of Oakland award event, had attended

the Future BART event at Fruitvale Station, and gave a Building a Better BART presentation at Alameda's Elder Village.

Director Saltzman reported she had attended the Joint BART/AC Transit Interagency Liaison Committee meeting, spoke at an Orinda City Council meeting.

Director Saltzman requested staff bring an action item to the Board with a policy limiting the percentage of advertisement space any one advertiser could purchase at one time in any one station, not limiting the number of stations an advertiser could advertise in at any given time, and if there are serious legal barriers to making this policy change, staff should bring an informational report to the board with these findings. Director Radulovich seconded the request.

President Keller called for In Memoriam commemorations. Director Murray requested the Meeting be adjourned in memory of former Board member Barclay Simpson.

President Keller called for Public Comment. The following individuals addressed the Board.
Mr. Nicholas Sese
Mr. Jerry Grace

The Board Meeting was adjourned at 1:20 p.m. in memory of Mr. Barclay Simpson.

Kenneth A. Duron
District Secretary

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

Board of Directors
Minutes of the 1,721st Meeting
December 4, 2014

A special meeting of the Board of Directors was held December 4, 2014, convening at 9:03 a.m. in the Board Room, 344 20th Street, Oakland, California, and 809 Sacramento Street, San Francisco, California. President Keller presided; Kenneth A. Duron, District Secretary.

Directors present in Oakland: Directors Blalock, Mallett, McPartland, Raburn, Radulovich, and Keller.

Directors present in San Francisco: None.

Absent: Director Saltzman. Directors Fang and Murray entered the Meeting later.

President Keller introduced and welcomed Ms. Mary Martinez, and thanked her for her service to the District on the occasion of her retirement.

Director Murray entered the Meeting.

Consent Calendar items brought before the Board were:

1. Award of Invitation for Bid No. 8932, Procurement of Fuse, Collector Shoe.
2. Award of Invitation for Bid No. 8939A, Procurement of Transit Rail Car Switcher, D&E Cars.

Director Mallett made the following motions as a unit. Director Blalock seconded the motions, which carried by unanimous acclamation. Ayes - 7: Directors Blalock, Mallett, McPartland, Murray, Raburn, Radulovich, and Keller. Noes - 0. Absent – 2: Directors Fang and Saltzman.

1. That the General Manager be authorized to award Invitation for Bid No. 8932, for Procurement of Fuse, Collector Shoe, to Alameda Electric Distributors of Alameda, CA, for the price of \$754,789.25 (includes all taxes), pursuant to notification to be issued by the General Manager, subject to the District's protest procedures.
2. That the General Manager be authorized to award Invitation for Bid No. 8939A, Procurement of Transit Rail Car Switcher, to Shuttlewagon, Inc., for the price of \$487,275.00, including all applicable taxes, subject to certification by the Controller/Treasurer that funding is available.

(The foregoing two motions were made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

President Keller announced that the Board would enter into closed session under Item 3-A (Conference with Labor Negotiators) of the Special Meeting agenda, and that the Board would reconvene in open session at the end of the closed session.

The Board Meeting was recessed at 9:09 a.m.

The Board reconvened in closed session at 9:12 a.m.

Directors present in Oakland: Directors Blalock, Mallett, McPartland, Murray, Raburn, Radulovich, and Keller.

Directors present in San Francisco: None.

Absent: Directors Fang and Saltzman.

The Board Meeting was recessed at 9:55 a.m.

The Board reconvened in open session at 9:56 a.m.

Directors present in Oakland: Directors Blalock, Mallett, McPartland, Murray, Raburn, Radulovich, and Keller.

Directors present in San Francisco: None.

Absent: Director Saltzman. Director Fang entered the Meeting later.

President Keller announced that the Board had recessed its closed session and would return to it at the end of the Special Meeting agenda; and that there were no additional announcements to be made.

President Keller announced that the order of agenda items would be changed.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Authorization of Exclusive Negotiating Agreement with China Harbour Engineering Company, Ltd., for Development at West Oakland Station, before the Board. Mr. Jeffrey Ordway, Department Manager, Real Estate and Property Development, presented the item.

Director Fang entered the Meeting in San Francisco.

The following individuals addressed the Board.

Mr. Jabari Herbert
Mr. Darrel Carey
Mr. Jim Levine
Mr. Zac Wald
Mr. Gerald Agee
Mr. Monse Nitoto
Mr. Darrell Ford
Mr. Ron Muhammad
Mr. Charlie Walker
Mr. Nadar Bey
Ms. Carole Ward Allen
Mr. Jun Ji
Mr. Robin Chiang
Mr. Michael Bernick
Ms. Adrienne Taylor
Mr. Lee Davis
Mr. Chris Finn

The item was discussed. Director Mallett moved that the General Manager or her designee be authorized to enter into an Exclusive Negotiating Agreement with China Harbour Engineering, Ltd., for development at the West Oakland BART Station, for a period of twelve months; and that a timeline be provided to the Board by the end of January 2015; and that at the end of twelve months the progress of the project be brought back to the Board for consideration of continuing to work with China Harbour Engineering, Ltd., for an additional twelve months. Director Radulovich seconded the motion, which carried by unanimous roll call vote. Ayes - 8: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Radulovich, and Keller. Noes - 0. Absent - 1: Director Saltzman.

Director Raburn brought the matter of Authorization of Exclusive Negotiating Agreement with SolarCity for Potential Development of Photovoltaic Systems before the Board. Mr. Ordway presented the item.

The following individuals addressed the Board.

Mr. Jesse Jones
Mr. Nadar Bey
Mr. Charlie Walker

The item was discussed.

Director Fang exited the Meeting.

Director Blalock moved that the General Manager or her designee be authorized to execute a 24-month Exclusive Negotiating Agreement with SolarCity for development of photovoltaic systems at the Warm Spring BART Station, the Antioch eBART Station, the Hayward Maintenance Complex and the rooftops for the MacArthur and future Walnut Creek parking structures. Director McPartland seconded the motion, which carried by unanimous electronic

vote. Ayes - 7: Directors Blalock, Mallett, McPartland, Murray, Raburn, Radulovich, and Keller. Noes - 0. Absent - 2: Directors Fang and Saltzman.

President Keller announced that Customer Communications during Major Service Disruptions and Improvement Initiatives would be continued to a future meeting.

President Keller announced that the Board would re-enter into closed session under Item 3-A (Conference with Labor Negotiators) of the Special Meeting agenda, and that the Board would reconvene in open session at the end of the closed session.

The Board Meeting was recessed at 12:31 p.m.

The Board reconvened in closed session at 12:34 p.m.

Directors present in Oakland: Directors Blalock, Mallett, McPartland, Murray, Raburn, Radulovich, and Keller.

Directors present in San Francisco: None.

Absent: Directors Fang and Saltzman.

The Board Meeting was recessed at 1:32 p.m.

The Board reconvened in open session at 1:33 p.m.

Directors present in Oakland: Directors Blalock, Mallett, McPartland, Raburn, and Keller.

Directors present in San Francisco: None.

Absent: Directors Fang and Saltzman. Directors Murray and Radulovich entered the Meeting later.

President Keller announced that the Board had concluded its closed session and that there were no additional announcements to be made.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15EK-120, Traction Power Substation Replacement – ASL/KTE Installation, before the Board. Mr. Paul Oversier, Assistant General Manager – Operations, and Mr. Mark Pfeiffer, Group Manager, Electrical and Mechanical Engineering, presented the item.

Director Murray entered the Meeting.

Director Radulovich entered the Meeting.

The item was discussed. Director Blalock moved that the General Manager be authorized to award Contract No. 15EK-120, Traction Power Substation Replacement ASL/KTE Installation, to Aldridge Electric, Inc., for the Bid amount of \$4,560,400.00, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures and Federal Transit Administration requirements related to protest procedures. Director Mallett seconded the motion, which carried by unanimous acclamation. Ayes - 7: Directors Blalock, Mallett, McPartland, Murray, Raburn, Radulovich, and Keller. Noes - 0. Absent - 2: Directors Fang and Saltzman.

Director Murray, Vice Chairperson of the Administration Committee, brought the matter of Amended and Restated Flexible Spending Plan before the Board. Ms. Allison Picard, Assistant General Manager, Employee Relations, presented the item. The item was discussed. Director McPartland moved adoption of Resolution No. 5282, In the Matter of Approving the Amended and Restated San Francisco Bay Area Rapid Transit District Flexible Benefits Plan. Director Blalock seconded the motion. Director Mallett stated he would abstain. The motion carried by acclamation. Ayes - 6: Directors Blalock, McPartland, Murray, Raburn, Radulovich, and Keller. Noes - 0. Abstain - 1: Director Mallett. Absent - 2: Directors Fang and Saltzman.

Director Blalock exited the Meeting.

President Keller called for the General Manager's Report. General Manager Grace Crunican reported on steps she had taken and activities and meetings she had participated in, reminded the Board of upcoming events, and gave a report on the progress of outstanding Roll Call for Introductions items.

President Keller brought the matter of Roll Call for Introductions Procedure Review before the Board. Ms. Crunican presented the item. The item was discussed.

President Keller called for Board Member Reports, Roll Call for Introductions, and In Memoriam.

Director Murray reported she had observed many potholes at the Walnut Creek Station.

Director Mallett requested an evaluation of options and feasibility of instituting a routine employee satisfaction survey program relating to employees' satisfaction with their management team and as affiliates of BART. Director McPartland seconded the request.

President Keller called for Public Comment. No comments were received.

The Board Meeting was adjourned at 1:59 p.m.

Kenneth A. Duron
District Secretary

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

Board of Directors
Minutes of the 1,722nd Meeting
December 11, 2014

A special meeting of the Board of Directors was held December 11, 2014, convening at 9:06 a.m. in the Board Room, 344 20th Street, Oakland, California. President Keller presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Josefowitz, Mallett, McPartland, Raburn, Radulovich, and Keller.

Absent: None. Directors Murray and Saltzman entered the Meeting later.

Director Murray entered the Meeting.

Director Saltzman entered the Meeting.

President Keller announced that the Board would enter into closed session under Item 2-B (Conference with Labor Negotiators; Public Employee Performance Evaluation) of the Special Meeting agenda, and that the Board would reconvene in open session at the end of the closed session.

The Board Meeting was recessed at 9:08 a.m.

The Board reconvened in closed session at 9:12 a.m.

Directors present: Directors Blalock, Josefowitz, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller.

Absent: None.

The Board Meeting was recessed at 9:46 a.m.

The Board reconvened in open session at 9:47 a.m.

Directors present: Directors Blalock, Josefowitz, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller.

Absent: None.

President Keller announced that the Board had concluded its closed session and would return to the open Meeting agenda; and that there were no additional announcements to be made.

Director Saltzman, Chairperson of the Administration Committee, brought the matter of Side Letter of Agreement between San Francisco Bay Area Rapid Transit District and Amalgamated Transit Union, Local 1555: Train Operator Special Project Assignments, before the Board. Ms. Carol Isen, Chief Employee Relations Officer, presented the item.

Mr. Chris Finn addressed the Board.

The item was discussed. Director Mallett moved that the General Manager be authorized to execute the Side Letter of Agreement with Amalgamated Transit Union, Local 1555 (ATU), regarding Train Operator Special Assignments, providing for a system of bidding for special project assignments, and a ten percent premium payment above the Train Operator base rate for all hours worked while performing special project duties as assigned; and that the ATU collective bargaining agreement be modified as specified therein. Director Murray seconded the motion, which carried by unanimous acclamation. Ayes - 9: Directors Blalock, Josefowitz, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes - 0.

President Keller announced that the presentation on Customer Communications during Major Service Disruptions and Improvement Initiatives would be continued to a future meeting.

President Keller brought the matter of Board of Directors Standing Committees: Consideration of Structure, Nature and Responsibilities, and Functions, before the Board. Director Mallett introduced the item. The item was discussed.

President Keller announced that the Board would enter into closed session under Item 6-B (Conference with Labor Negotiators; Public Employee Performance Evaluation) of the Special Meeting agenda, and that the Board would reconvene in open session at the end of the closed session.

The Board Meeting was recessed at 10:04 a.m.

The Board reconvened in closed session at 10:10 a.m.

Directors present: Directors Blalock, Josefowitz, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller.

Absent: None.

The Board Meeting was recessed at 2:16 p.m.

The Board reconvened in open session at 2:18 p.m.

Directors present: Directors Blalock, Josefowitz, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller.

Absent: None.

President Keller announced that the Board had concluded its closed session and there were no additional announcements to be made.

President Keller brought the matter of Compensation and Benefits for General Manager, General Counsel, Controller/Treasurer, District Secretary, and Independent Police Auditor before the Board. Director McPartland moved to increase the base salary of each of the Board appointees by 3.7214 percent effective July 1, 2015, when their PERS contribution will also increase by 1% of pensionable compensation. Director Blalock seconded the motion, which carried by electronic vote. Ayes - 6: Directors Blalock, Josefowitz, McPartland, Radulovich, Saltzman, and Keller. Noes - 3: Directors Mallett, Murray, and Raburn.

Director Murray made the following motion.

That in order to help offset the impact on the General Manager of the limit on pensionable compensation under Internal Revenue Code Section 401a17, effective for the 2015 plan year, the Board wishes to provide an annual matching contribution to the Money Purchase Pension Plan equal to the General Manager's deferral contributions to the District's 457(b) Plan for the plan year. This additional contribution to the Money Purchase Pension Plan will be limited to the combined limit on deferrals for such plan under Internal Revenue Code Sections 457(e)(15) and (18) and conditioned on the General Manager remaining employed on December 1 of that year. The Board reserves the right to modify this annual contribution to the Money Purchase Pension Plan.

The actuarial impact upon future annual costs to the District as determined by the District's actuaries will not exceed \$24,000 in 2015 and each year thereafter, as adjusted each year for inflation in the same amount as the combined adjustment, if any, to Internal Revenue Code sections 457(e)(15) and (18).

The Board will work with the Office of the General Counsel and District staff to take the necessary steps to amend the Money Purchase Pension Plan to provide for such increased benefits, including compliance with Government Code 7507.

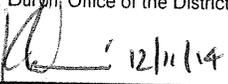
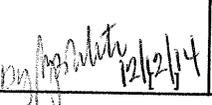
Director Blalock seconded the motion, which carried by electronic vote. Ayes - 7: Directors Blalock, Josefowitz, McPartland, Murray, Raburn, Saltzman, and Keller. Noes - 1: Director Radulovich. Abstain - 1: Director Mallett.

The Board Meeting was adjourned at 2:24 p.m.

Kenneth A. Duron
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and place on Board Meeting agenda		
DATE: c		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kenneth A Duron Dept: Kenneth A. Duron, Office of the District Secretary	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date:  12/11/14	 12/11/14	 12/12/14	 12-11-14	[]
TITLE:				

DECLARATION OF NOVEMBER 4, 2014 ELECTION RESULTS

NARRATIVE:

PURPOSE:

This proposed action is to declare the results of the general district election held on November 4, 2014, 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 4, 2014, 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 4, 2014 ELECTION RESULTS

*ELECTION RETURNS, NOVEMBER 4, 2014

<u>District/Candidate</u>	<u>Alameda County</u>	<u>City & County of San Francisco</u>	<u>Total Votes</u>
4 Robert Raburn	39,538		39,538
Lena Tam	25,520		25,520
Larry Lionel Young Jr.	6,928		6,928
Write-in	211		211
Total	72,197		72,197
8 James Fang		34,259	34,259
Flash Gordon		5,609	5,609
Nicholas Josefowitz		41,993	41,993
Write-in		337	337
Total		82,198	82,198

*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 4, 2014, 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	Nicholas Josefowitz

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

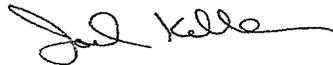
TO: Board of Directors **DATE:** December 12, 2014
FROM: President
SUBJECT: Establishment of the Rules of the Board of Directors Ad Hoc Committee

I am appointing an ad hoc committee of three members of the Board to review the Rules of the Board of Directors.

Board Rule 3-3.2 requires the ratification by a majority vote of all members of the Board any appointment of any Committee member by the Board President. The Rule includes a provision that such appointments shall be submitted directly to the Board.

In accordance with Board Rule 3-3.2, I am bringing my appointments to the Rules of the Board of Directors Ad Hoc Committee before the Board of Directors for ratification on the December 18, 2014, Calendar of Business.

Contact me if you have any questions.



Joel Keller

Attachments

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

**RATIFICATION OF REVISION TO
2014 STANDING COMMITTEE AND SPECIAL APPOINTMENTS**

MOTION:

That the Board of Directors ratifies the following revision to the 2014 Standing Committee and Special Appointments:

Rules of the Board of Directors Ad Hoc Committee:

Zakhary Mallett
Tom Radulovich
Rebecca Saltzman

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

Resolution Commending
JAMES FANG
For Meritorious Service

Resolution No. _____

WHEREAS, James Fang served as a member of the Board of Directors of the San Francisco Bay Area Rapid Transit District from December 4, 1990 to December 5, 2014, the longest tenure for an elected representative on the Board and his service included terms as President in 1998, 2004, 2010 and Vice President in 1997, 2003 and 2009, and

WHEREAS, the distinguished service of Director Fang included terms as Chairperson of the Board's Administration Committee, and Engineering and Operations Committee, as well as Chairperson, Vice Chairperson and member on numerous other committees representing the District throughout the region, including the Capitol Corridor Joint Powers Authority Board of Directors, and

WHEREAS, Director Fang vigorously supported the construction and celebrated completion of the San Francisco Airport Extension and assertively advocated with the Congress and federal administration for full funding of the project, and

WHEREAS, Director Fang championed the Earthquake Safety Program, co-chairing the committee in 2004 to bring this critical program into public awareness, resulting in the successful passage of a general obligation bond measure to fund the program, and

WHEREAS, Director Fang's visionary leadership aided the successful implementation of an ambitious system extensions program and continued expansion using innovative financing and technologies, including the historic agreement with Santa Clara Valley Transportation Authority to expand BART to Santa Clara County, the Oakland Airport Connector and the Eastern Contra Costa (eBART) extension, and

WHEREAS, Director Fang maintained a steadfast commitment to ensuring equal opportunities in employment and engagement of Disadvantaged, Minority and Small Business Enterprises, and

WHEREAS, Director Fang advocated the District's first international Sister Transit Agency relationship with the city of Shanghai,

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 Mr. Fang has made to the cause of public transportation on the international, national, regional and local stages, and

BE IT FURTHER RESOLVED that a suitably engrossed copy of this Resolution be tendered to James Fang as a token of the high esteem in which Director Fang 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, 2014

ATTEST:

Kenneth A. Duron
District Secretary

Joel Keller
President