

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

BOARD MEETING AGENDA

December 20, 2012

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, December 20, 2012, in the BART Board Room, Kaiser Center 20<sup>th</sup> Street Mall – Third Floor, 344 – 20<sup>th</sup> 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 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](mailto:BoardofDirectors@bart.gov); in person or U.S. mail at 300 Lakeside Drive, 23<sup>rd</sup> 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. The Honorable Jim Beall, California State Senator, 15th Senate District.  
(Director Mallett's request.)
- B. Oath of Office for 2012 Newly Elected and Appointed Directors.

3. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of December 6, 2012.\* Board requested to authorize.
- B. Declaration of November 6, 2012, Election Results.\* Board requested to authorize.

4. ADMINISTRATION ITEMS

Director Murray, Vice Chairperson  
NO ITEMS.

5. ENGINEERING AND OPERATIONS ITEMS

Director Fang, Chairperson  
NO ITEMS.

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

Director Blalock, Chairperson  
NO ITEMS.

7. GENERAL MANAGER'S REPORT

NO REPORT.

8. BOARD MATTERS

- A. Board Member Reports. For information.  
(An opportunity for Board members to provide brief reports on meetings attended at District expense.)
- 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. Election of Officers.
  - 1. President.
  - 2. Vice President.

8. GENERAL DISCUSSION AND PUBLIC COMMENT



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

Board of Directors  
Minutes of the 1,667th Meeting  
December 6, 2012

A regular meeting of the Board of Directors was held December 6, 2012, convening at 9:14 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President McPartland presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Keller, King, Raburn, Radulovich, and McPartland.

Absent: Directors Murray and Sweet.

Director Fang entered the Meeting.

President McPartland introduced and welcomed Mr. Michael Ducey and Ms. Christine Dillman of the Tri-Valley Haven in Livermore, the District's 2012 Holiday Toy Drive Recipient. Mr. Ducey and Ms. Dillman addressed the Board.

Consent Calendar item brought before the Board was:

1. Approval of Minutes of the Meetings of October 11, 2012, and November 15, 2012.

Director Fang moved that the Minutes of the Meetings of October 11, 2012, and November 15, 2012, be approved. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Fang, Keller, King, Raburn, Radulovich, and McPartland. Noes – 0. Absent – 2: Directors Murray and Sweet.

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

President McPartland brought the matter of Report of the Citizen Review Board before the Board. Mr. Mark Smith, Independent Police Auditor, briefly presented the report and introduced Citizen Review Board members Chairperson Benjamin Douglas, Vice Chairperson Sharon Anne Kidd, Douglas Hambleton, and Les Mensinger. The report was discussed. Mr. Douglas, Ms. Kidd, Mr. Hambleton, and Mr. Mensinger addressed the Board.

Director Radulovich, in the absence of the Chairperson and Vice Chairperson of the Administration Committee, brought the matter of Approval of New Employee Relocation Expense Reimbursement before the Board. Mr. Benjamin Gomez, Assistant General Manager – Administration, presented the item. Director Keller moved that the General Manager or her designee be authorized to enter into a relocation agreement with the Assistant General Manager, Transit System Development, and, as needed, the Chief Safety Officer, each in an amount not to exceed \$18,000.00, consistent with Management Procedure No. 70, New Employee Relocation



Expense Reimbursement. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Fang, Keller, King, Raburn, Radulovich, and McPartland. Noes – 0. Absent – 2: Directors Murray and Sweet.

Director Radulovich brought the matter of Approval of District Veteran’s Preference in Hiring Policy before the Board. Mr. Gomez presented the item. The item was discussed. Director Raburn moved that the Board adopt the proposed Veterans’ Preference Policy. Director Keller seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Fang, Keller, King, Raburn, Radulovich, and McPartland. Noes – 0. Absent – 2: Directors Murray and Sweet. (A copy of the Policy is attached and hereby made a part of these Minutes.)

Director Radulovich brought the matter of Resolution of Project Compliance and Initial Project Report for Assembly Bill 1171 Funds for the Proposed Livermore Extension Project Environmental Phase Activities before the Board. Mr. Carter Mau, Executive Manager, Planning and Budgets, and Ms. Marianne Payne, Program Manager, presented the item. The item was discussed.

The following individuals addressed the Board.

Mr. Bob Vinn

Mr. Jerry Grace

President McPartland moved adoption of Resolution No. 5204, In the Matter of the Approval of a Resolution of Project Compliance and Initial Project Report for AB 1171 Bridge Toll Funds for the Proposed BART to Livermore Extension Project, as described in the Initial Project Report (IPR) Summary, and addresses BART Board approved policies, and delegates authority to the General Manager or her designee to make non-substantive changes or minor amendments to the IPR as she deems appropriate. Director Blalock seconded the motion, which carried by electronic vote. Ayes – 6: Directors Blalock, Fang, Keller, King, Radulovich, and McPartland. Noes – 1: Director Raburn. Absent – 2: Directors Murray and Sweet.

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Resolution Adopting Modifications to the Warm Springs Extension Project before the Board. Mr. Paul Medved, Project Manager, Warm Springs Extension Program, presented the item. Director Blalock moved adoption of Resolution No. 5205, In the Matter of Adopting Modifications to the Warm Springs Extension Project. Directors Raburn and McPartland seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Fang, Keller, King, Raburn, Radulovich, and McPartland. Noes – 0. Absent – 2: Directors Murray and Sweet.

Director Fang brought the matter of Change Orders to Contract No. 02ED-110, Warm Springs Extension, Fremont Central Park Subway, with Shimmick Construction Co. Inc./Skanska USA Civil West California District Inc./a Joint Venture, before the Board. Mr. Medved presented the item. The item was discussed.

President McPartland exited the Meeting, and Vice President Radulovich assumed the gavel.



Director Blalock moved that the General Manager be authorized to execute the following Change Orders (C.O.) to Contract No. 02ED-110: C.O. No. 8, Nesting Bird Deterrents – 2011; C.O. No. 44, Schedule Delay Avoidance Measures – 2011; and C.O. No. 45, Schedule Delay Avoidance Measures – 2012, for a total not-to-exceed amount of \$4,997,500.00. Director Radulovich seconded the motion, which carried by unanimous electronic vote. Ayes – 6: Directors Blalock, Fang, Keller, King, Raburn, and Radulovich. Noes – 0. Absent – 3: Directors McPartland, Murray and Sweet.

Director Fang brought the matter of Oakland Airport Connector Project: Quarterly Update, before the Board. Mr. Thomas Dunscombe, Project Manager – Oakland Airport Connector, presented the item. The item was discussed.

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, had no report.

Vice President Radulovich called for the General Manager's report. General Manager Grace Crunican reported on steps she had taken and meetings she had participated in.

Vice President Radulovich called for Board Member Reports and Roll Call for Introductions.

Director King reported she had participated in a film honoring Stuart Cohen of Transform. Director King shared remarks on her experience on the Board, as this was her last Meeting, and thanked Director Sweet for her contributions and service on the Board.

Director Raburn reported that he had attended the Planning, Public Affairs, Access, and Legislation Committee Meeting, four Bus Rapid Transit (BRT) meetings in Oakland, the BART Bicycle Accessibility Task Force Meeting, and a panel discussion of the Boards and Commissions Leadership Institute.

Director Fang thanked Director King for her service on the Board.

Director Blalock reported he had attended the Planning, Public Affairs, Access, and Legislation Committee Meeting and a meeting of the South Hayward BART Station Access Authority.

Director Keller thanked Director King for her service.

Director Keller requested that when the procurement for the proposed development of the property at the Millbrae Station returns to the Board, the agenda include the opportunity for the Board to consider and take an action whether to address the matter in closed session, open session, or a combination of both.

Vice President Radulovich called for General Discussion and Public Comment.

The following individuals addressed the Board.

Mr. Jerry Grace

Ms. Antonette Bryant

Vice President Radulovich thanked Directors King and Sweet for their service on the Board.

The Board Meeting was adjourned at 11:36 .m.

Kenneth A. Duron  
District Secretary



## **BART's Proposed Veterans Preference Policy**

### **I. General**

The District supports the employment of individuals who have served the country as members of the United States armed forces. Accordingly, it is the policy of the District to provide preference in hiring eligible veterans as described below. This preference shall apply only to those positions that are open to candidates who are not already employed by the District. Such preference shall not supersede the provisions of the District's collective bargaining agreements. Veterans' preference does not guarantee that any individual veteran will be hired. The preference does not apply to internal agency recruitment activity including promotions, transfers, reassignments and reinstatements.

### **II. Eligibility**

An individual may establish eligibility for the District's Veterans' preference by providing proof of service in an active (non-reserve) status for a period of at least 181 consecutive days, and release from active duty under conditions other than dishonorable. Such eligibility must be established, as specified herein, at the time the individual files his or her application for employment with the District.

### **III. Guidelines**

- A. The following guidelines shall apply only after it is determined that the eligible veteran meets the minimum qualifications for the position in questions.
- B. An eligible veteran who competes for a position through a selection process, appropriately requests consideration for veterans' preference, and achieves a passing score in the first phase of the evaluation process, shall be given an additional five (5) percent the score for that examination.
- C. No other or further Veterans' credits shall be provided to an individual subsequent to his/her appointment to a position and completion of the required probationary period.
- D. An applicant must notify BART of Veteran status when submitting an application for any position for which Veterans' preference may be applicable using the form provided through the District's website. The information must be attached the job application.
- E. Appropriate documentation to support the request must be provided no later than the date of the first phase of the evaluation process. Documentation in the form of a legible copy of discharge document (DD214), or other official discharge documents, showing the enlisted and discharge dates, social security number, and the charter of service (i.e. Type of Discharge) is required.



- F. A statement that the District welcomes the employment of Veterans of the United States armed services, and provides a Veterans' preference program in accordance with applicable law and District procedures will be included in all District job postings.

General

The District supports the employment of individuals who have served the country as members of the United States Armed Forces. Accordingly, it is the policy of the District to provide preference in hiring eligible veterans as detailed below. The preference will apply only to those positions that are open to candidates who are not already employed by the District. Such preference shall not supersede the provisions of the District's collective bargaining agreements. Veterans' preference does not guarantee that any individual veteran will be hired. The preference does not apply to internal agency recruitment activity including promotions, transfers, reassignments and reinstatements.

Eligibility

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Qualifications

- A. The following guidelines will apply only after it is determined that the eligible veteran meets the minimum qualifications for the position in question:
  - B. An eligible veteran who competes for a position through a selection process, appropriately receives consideration for veterans' preference, and achieves a passing score in the first phase of the evaluation process, shall be given an additional five (5) percent the score for that examination.
  - C. No other or further Veterans' credits shall be provided to an individual subsequent to their appointment to a position and completion of the required probationary period.
  - D. An applicant must notify BART of Veterans status when submitting an application for any position for which Veterans' preference may be applicable using the form provided through the District's website. The information must be attached to the job application.
  - E. Appropriate documentation to support the request must be provided no later than the date of the first phase of the evaluation process. Documentation in the form of a valid copy of discharge document (DD216), or other official discharge document, showing the enlist and discharge dates, social security number, and the character of service (i.e. Type of Discharge) is required.





## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marce Deland</i>		GENERAL MANAGER ACTION REQ'D: Approve and place on Board Meeting Agenda		
DATE: c <i>12/12/12</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kenneth A Duron Dept: <i>VC</i>	General Counsel <i>Andrew Rivas</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BARC <i>[ ]</i>
Signature/Date: <i>[Signature]</i> 12/12/12	<i>[Signature]</i> 12/12/12	<i>[Signature]</i> 12/12/12	<i>[Signature]</i> 12/12/12	<i>[ ]</i>

TITLE:

### DECLARATION OF NOVEMBER 6, 2012 ELECTION RESULTS

NARRATIVE:

#### PURPOSE:

This proposed action is to declare the results of the general district election held on November 6, 2012, for Districts 3, 5, 7, and 9 and to declare the appointment of a Director for District 1.

#### DISCUSSION:

The San Francisco Bay Area Rapid Transit District was scheduled to hold a general district election on November 6, 2012, 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 3, 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 and no petition was filed requesting an election for such office. The Board of Supervisors of Contra Costa County will declare Gail Murray appointed BART Director, District 1.

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.

#### ELECTION RETURNS NOVEMBER 6, 2012

<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>
3	Rebecca Saltzman	57,093	12,714		69,807
	Anthony Pegram	32,009	10,755		42,764
	Federico Wright Lopez	13,455	5,666		19,121
	Write-in	732	85		817
	Total	103,289	29,220		132,509



DECLARATION OF NOVEMBER 6, 2012 ELECTION RESULTS

5	John McPartland	73,343			73,343
	John Maher	42,001			42,001
	Write-in	489			489
	Total	115,833			115,833
7	Zakhary Mallett	11,722	21,109	4,203	37,034
	Lynette Sweet	7,736	16,699	8,716	33,151
	Maria Alegria	5,113	13,249	1,306	19,668
	Margaret L. Gordon	4,972	8,144	1,599	14,715
	Write-in	345	256	88	689
	Total	29,888	59,457	15,912	105,257
9	Tom Radulovich			88,115	88,115
	Luke Lucas			17,785	17,785
	Peter A. Klivans			12,574	12,574
	Write-in			730	730
	Total			119,204	119,204

\*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 3, 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 6, 2012, 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;

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	Rebecca Saltzman
5	John McPartland
7	Zakhary Mallett
9	Tom Radulovich