

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

Board of Directors
Minutes of the 1,533rd Meeting
July 10, 2008

A regular meeting of the Board of Directors was held July 10, 2008, convening at 9:01 a.m. in the Board Room, 344 20th Street, Oakland, California. President Murray presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Fang, Franklin, Keller, Luce, Ward Allen, and Murray.

Absent: None. Directors Radulovich and Sweet entered the meeting later.

President Murray acknowledged two BART employees who had passed away in the past two weeks. Chief of Police Gary Gee spoke briefly about Officer Craig Wilson, and Assistant General Manager – Operations Paul Oversier spoke about Operations Supervisor Linda Karriem.

Director Sweet entered the meeting.

Director Sweet moved that the Minutes of the Meeting of June 26, 2008, be approved. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Franklin, Keller, Sweet, Ward Allen, and Murray. Noes – 0. Absent – 1: Director Radulovich.

President Murray announced that under the provisions of Government Code Section 4217.10 and following sections, now was the time set to hold a public hearing on a proposed solar and energy conservation project, and that staff would give a brief presentation, and that the meeting would then be opened for comments from the public.

Mr. Frank Schultz, Manager of Energy Programs, gave a presentation on Authority to Enter into Energy Service Contract and Facility Ground Lease Pursuant to California Government Code Section 4217.12.

President Murray called for public comment. No comments were received.

The public hearing was closed, and the Board Meeting recessed at 9:13 a.m.

The Board reconvened at 9:32 a.m.

Directors present: Directors Blalock, Fang, Franklin, Luce, Keller, Radulovich, Sweet, Ward Allen, and Murray.

Absent: None.

Director Franklin, Chairperson of the Administration Committee, brought the matter of Agreement with Sun Edison Inc. for Solar Photovoltaic and Energy Conservation Projects before the Board, and made the following motions:

1. That the Board finds pursuant to the provisions of Section 4217.12 of the Government Code that:
 - a. The anticipated cost to the District for electrical energy and conservation services provided under the proposed agreement will be less than the anticipated marginal cost to the District of electrical energy that would have been consumed by the District in the absence of those purchases; and
 - b. The difference, if any, between the fair rental value for the real property subject to the facility ground lease and the agreed rent is anticipated to be offset by below-market energy purchases or other benefits provided under the agreement.
2. That the General Manager be authorized to negotiate and enter into the solar services and energy conservation agreement with Sun Edison LLC and its subsidiaries for three locations at a cost not to exceed \$3,800,000.00.

Director Blalock seconded the motions, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Fang, Franklin, Keller, Luce, Radulovich, Sweet, Ward Allen, and Murray. Noes – 0.

Director Fang, Chairperson of the Engineering and Operations Committee, had no report.

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

President Murray asked for the General Manager's Report. Deputy General Manager Marcia deVaughn announced that on July 17, 2008, there would be a groundbreaking ceremony to initiate the second phase of a transit village at the Pleasant Hill Station.

President Murray brought Training Session: Training in General Ethics Principles and Ethics Laws Relevant to Public Service, in Accordance with California Government Code Section 53235 before the Board.

Mr. Richard Whitmore of Liebert Cassidy Whitmore conducted the training session.

President Murray brought Roll Call for Introductions before the Board.

President Murray called for General Discussion and Public Comment.

Ms. Linda Jeffery Sailors addressed the Board.

Director Franklin reported that the Sustainability/Green Committee had met on July 7, 2008.

Director Blalock noted that work was progressing on the repairs of the Hayward Yard, and that some of the affected routes had returned to the standard schedule.

The Board Meeting adjourned at 11:42 a.m. in memory of Linda Karriem and Craig Wilson.

Kenneth A. Duron
District Secretary