

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

Board of Directors  
Minutes of the 1,493rd Meeting  
October 26, 2006

A regular meeting of the Board of Directors was held October 26, 2006, convening at 9:06 a.m. in the Board Room, 344 20th Street, Oakland, California. President Ward Allen presided; Kenneth A. Duron, District Secretary.

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

Absent: Director Radulovich. Director Fang entered the meeting later.

President Ward Allen brought Recognition of BART Employees by American Red Cross for Participation in 2005 Hurricane Katrina and Tsunami Relief Efforts before the Board, and introduced Ms. Elaine Kurtz, Department Manager, Human Resources. Ms. Kurtz introduced and welcomed Ms. Joan Kelley-Williams, Director of International Services, Ms. Helen Knudsen, Board Member, and Ms. Marian Wilson-Sylvestre, Executive Director, of the American Red Cross. Ms. Kurtz introduced and thanked the following union officials for their members' participation and contributions to the Katrina relief effort: Ms. Sue Angeli and Mr. Bud Brandenberger, Service Employees International Union Local 790 (SEIU); and Ms. Norma del Mercado, American Federation of State, County, and Municipal Employees Local 3993 (AFSCME). Ms. Kurtz went on to acknowledge the highest contributors in the respective unions: Mr. Michael Patchen, Amalgamated Transit Union Local 1555; Ms. Debra Tse and Mr. Carlos de Luz, SEIU; Robert Fail, AFSCME; Ms. Anisa McNack, BART Police Officers Association; and Mr. John Austin, BART Police Managers Association. Ms. Kurtz also gave special recognition to former Department Manager of Human Resources, Michal Settles, Ph.D., for her efforts.

Ms. Helen Knudsen and Ms. Joan Kelley-Williams addressed the Board, thanking the District for its contributions and support. Ms. Marian Wilson-Sylvestre presented the District with a plaque to acknowledge the Red Cross's appreciation for the District's assistance.

Consent Calendar item brought before the Board was:

1. Approval of the Minutes of the Meeting of October 12, 2006.

Director Franklin moved that the Minutes of the Meeting of October 12, 2006, be approved. Director Murray seconded the motion, which carried by unanimous acclamation. Ayes – 7: Directors Blalock, Franklin, Keller, Luce, Murray, Sweet, and Ward Allen. Noes – 0. Absent - 2: Directors Fang and Radulovich.

Director Fang entered the meeting.

The Board Meeting was recessed at 9:15 a.m.

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The Board Meeting reconvened at 9:40 a.m.

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

Absent: Director Radulovich.

Consent Calendar Addenda items brought before the Board were:

1. Authorize the Issuance and Sale of the District's Sales Tax Revenue Bonds, Refunding Series 2006A, and the Execution and Delivery of the Required Documents.
2. Adopt Position in Opposition to Proposition 90: Government Acquisition, Regulation of Private Property, Initiative Constitutional Amendment.

Consent Calendar Addenda motions, as follow, were moved as a unit by Director Sweet. Director Blalock seconded the motions, which carried by unanimous acclamation. Ayes – 8: Directors Blalock, Fang, Franklin, Keller, Luce, Murray, Sweet, and Ward Allen. Noes – 0. Absent - 1: Director Radulovich.

1. Adoption of Resolution No. 4996, Resolution of the San Francisco Bay Area Rapid Transit District Authorizing and Approving the Issuance and Sale of San Francisco Bay Area Rapid Transit District Sales Tax Revenue Bonds, Refunding Series 2006 A; Authorizing the Execution and Delivery of a Supplemental Indenture Pursuant to Which Such Bonds Are to Be Sold and the Publication of Notice of Intention to Sell; Approving an Official Statement Relating to Such Bonds; Authorizing Execution and Delivery of Certain Documents in Connection with the Issuance, Sale and Security of Such Bonds, Including a Continuing Disclosure Agreement and an Escrow Agreement; Delegating to the Controller/Treasurer of the District Power to Determine Final Terms of Such Bonds, to Complete Said Documents and to Negotiate Credit Support for Said Bonds; and Authorizing Certain Other Matters Relating Thereto.
2. That the Board opposes Proposition 90, the Government Acquisition, Regulation of Private Property: Initiative Constitutional Amendment.

Director Keller, Chairperson of the Administration Committee, reported that the sole item on the committee agenda had been forwarded to Consent Calendar Addenda.

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

Director Franklin, Vice Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Authorize Extension of Existing Option Agreement with

Developer at Walnut Creek Station before the Board, and moved that the Board authorize the General Manager or his designee to execute an amendment to extend the Option Agreement with Walnut Creek Transit Lifestyle Associates, LLC, for development at the Walnut Creek BART Station, for two years to accommodate the expanded scope.

Directors Blalock and Murray seconded the motion, which carried by unanimous acclamation. Ayes – 8: Directors Blalock, Fang, Franklin, Keller, Luce, Murray, Sweet, and Ward Allen. Noes – 0. Absent - 1: Director Radulovich.

President Ward Allen asked for the General Manager’s Report. Deputy General Manager Dorothy W. Dugger announced that the District would be celebrating a groundbreaking on October 27, 2006, for a new parking garage at the Dublin/Pleasanton Station.

Ms. Dugger introduced Mr. Eugene Skoropowski, Managing Director, Capitol Corridor, who gave a brief overview of the Draft Agenda for the Capitol Corridor Joint Powers Board Meeting of November 15, 2006.

Vice President Sweet, Chairperson of the District Security Advocacy Ad Hoc Committee, reported on the recent passage of the Fiscal Year 2007 Homeland Security Appropriations Bill, which included \$175 million for rail and transit security. Vice President Sweet mentioned that the District has been conducting on-going anti-terrorism training for employees in conjunction with other agencies.

President Ward Allen brought Roll Call for Introductions before the Board. No items were introduced.

President Ward Allen called for General Discussion and Public Comment. Mr. Jerry Grace addressed the Board.

President Ward Allen announced that the Board would enter into closed session under Item 8-A (Conference with Real Property Negotiators) of the regular meeting agenda, and that the Board would adjourn upon conclusion of the closed session.

The Board Meeting recessed at 9:51 a.m.

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The Board entered into closed session at 10:05 a.m.

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

Absent: Directors Fang and Radulovich.

The Board Meeting adjourned at 10:59 a.m.

Kenneth A. Duron  
District Secretary