

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

Board of Directors
Minutes of the 1,586th Meeting
December 3, 2009

A regular meeting of the Board of Directors was held December 3, 2009, convening at 9:08 a.m. in the Board Room, 344 20th Street, Oakland, California. President Blalock presided; Kenneth A. Duron, District Secretary.

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

Absent: Director Fang. Directors Radulovich and Sweet entered the meeting later.

President Blalock called for a moment of silence to remember retired BART Police Chief Harold E. Taylor.

Consent Calendar item brought before the Board was:

1. eBART Project Regional Measure 2 Resolution of Project Compliance and Initial Project Report.

Director Keller moved adoption of Resolution No. 5118, In the Matter of the Approval of a Resolution of Project Compliance and Initial Project Report for Regional Measure 2 and AB1171 Bridge Toll Funds for the East Contra Costa County Rail Extension/eBART Project. Director Franklin seconded the motion, which carried by unanimous electronic vote. Ayes – 6: Directors Franklin, Keller, McPartland, Murray, Ward Allen, and Blalock. Noes – 0. Absent – 3: Directors Fang, Radulovich, and Sweet.

Consent Calendar report brought before the Board was:

1. Independent Auditor's Report on Basic Financial Statements and Internal Control for the Fiscal Year Ended June 30, 2009.

The Board Meeting recessed at 9:10 a.m.

The Board reconvened at 12:50 p.m.

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

Absent: Director Fang.

Consent Calendar Addenda items brought before the Board were:

1. District Civil Rights Policies.

2. Award of Contract No. 20LN-219, Procurement of Wayside MUX Printed Circuit Boards.

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

1. Adoption of Resolution No. 5119, In the Matter of District Equal Employment Opportunity Policy, Prevention of Sexual Harassment in the Workplace, and Title VI Non Discrimination Policy.
2. That the General Manager be authorized to award Contract No. 20LN-219, Procurement of Wayside Multiplexer Printed Circuit Boards, to LeeMah Electronics, Inc., for the bid price of \$3,359,460.00, plus applicable taxes, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and the Federal Transit Administration's requirements related to protest procedures.

Director Murray, Chairperson of the Administration Committee, reported that one item had been forwarded to Consent Calendar Addenda and that the committee had received and discussed the Disadvantaged Business Enterprise and Non-Discrimination in Subcontracting Programs Update. She noted that a detailed report of the discussion would be prepared by staff and attached to the Minutes. (The report will be distributed to the Board and attached to the Minutes as soon as it is available.)

Director Keller, Chairperson of the Engineering and Operations Committee, reported that one item had been forwarded to Consent Calendar Addenda and that the committee had received and discussed the Quarterly Performance Report, First Quarter Fiscal Year 2010 - Service Performance Review.

Director Sweet, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, reported that the committee had received and discussed a presentation on BART to Livermore Program Draft Environmental Impact Report Release.

President Blalock called for the General Manager's Report. General Manager Dorothy W. Dugger reported on a partnership with American Express to provide tickets to school children for educational field trips.

Ms. Dugger called the Board's attention to a memorandum describing the process and schedule for the selection of a new Chief of Police.

Ms. Dugger reported that the District's annual Toy Drive and the Police Food Drive were underway.

Director Radulovich exited the meeting.

President Blalock brought the matter of Resolution Commending Robert K. McCleary, Contra Costa Transportation Authority Executive Director, before the Board. Director Murray moved adoption of Resolution No. 5120, Resolution Commending Robert K. McCleary. Director Keller

seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Franklin, Keller, McPartland, Murray, Sweet, Ward Allen, and Blalock. Noes – 0. Absent – 2: Directors Fang and Radulovich.

Director Ward Allen, Chairperson of the BART Police Department Review Committee, gave a brief report on the activities of the committee. Director Ward Allen announced that there would be a meeting on December 17, 2009, to solicit input from the public on issues, challenges, and opportunities facing the new chief of police, and what background, experience, and characteristics the new chief of police should have.

Commander Daniel Hartwig gave a brief presentation on police visibility on trains and in stations and on the deployment plan for New Year's Eve.

Assistant General Manager Paul Oversier reported on the strategy the Operations staff would use to supplement the police presence on New Year's Eve, including the implementation of "skip-stop" service. Mr. Oversier reported that the Oscar Grant family would have a memorial event on January 1, 2010, at the Fruitvale Station, which would be supported logistically by the District.

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

President Blalock called for General Discussion and Public Comment.

Director Sweet inquired about District participation in upcoming Conference of Minority Transportation Officials (COMTO) events.

Mr. Jerry Grace and Mr. Scott Mace addressed the Board.

President Blalock announced that the Board would enter into closed session under Item 8-A (Conference with Labor Negotiators – Public Employee Performance Evaluation) and Item 8-B (Conference with Legal Counsel – Anticipated Litigation) of the regular meeting agenda, and that the Board would adjourn upon conclusion of the closed session.

The Board Meeting recessed at 1:24 p.m.

The Board reconvened in closed session at 1:37 p.m.

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

Absent: Directors Fang, Franklin, and McPartland.

Director Sweet exited the meeting.

The Board Meeting adjourned at 2:00 p.m. in honor of Chief Harold E. Taylor.

Kenneth A. Duron
District Secretary