

San Francisco Bay Area Rapid Transit District

2150 Webster Street, P. O. Box 12688, Oakland, CA 94604-2688



BOARD MEETING AGENDA

Thursday, December 2, 2021

9:00 AM

via Teleconference Only.

Board of Directors

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, December 2, 2021.

Please note, pursuant to Governor Newsom's Executive Order N-15-21, public participation for this meeting will be via teleconference only.

You may watch the Board Meeting live or archived at <https://www.bart.gov/about/bod/multimedia>

Presentation materials will be available via Legistar at <https://bart.legistar.com>

You may also join the Board Meeting via Zoom by calling 1-669-900-6833 or logging in to Zoom.com and entering access code 853 3222 6031

If you wish to make a public comment:

- 1) Submit written comments via email to board.meeting@bart.gov, using "public comment" as the subject line. Your comment will be provided to the Board and will become a permanent part of the file. Please submit your comments as far in advance as possible. Emailed comments must be received before 4:00 p.m. on December 1, 2021 in order to be included in the record.
- 2) Call 1-669-900-6833, enter access code 853 3222 6031, dial *9 to raise your hand when you wish to speak, and dial *6 to unmute when you are requested to speak; OR log in to Zoom.com, enter access code 853 3222 6031, and use the raise hand feature.

Public comment is limited to three (3) minutes per person.

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.

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>).

Meeting notices and agendas are available at bart.legistar.com; via email (<https://cloud.info.bart.gov/signup>); or via regular mail upon request submitted to the District Secretary.

Complete agenda packets (in PDF format) are available for review at bart.legistar.com no later than 48 hours in advance of the meeting.

Please submit your requests to the District Secretary via email to BoardofDirectors@bart.gov; in person or U.S. mail at 2150 Webster Street, 10th Floor, Oakland, CA 94612; or telephone 510-464-6083.

Jacqueline R. Edwards
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

1. CALL TO ORDER

- A. Roll Call
- B. Pledge of Allegiance
- C. Introduction of Special Guests.

Union City BART Station Area Update:

Union City BART Station Area Update

Attachments: [Union City BART Station Area Update- Presentation](#)

- i. Carol Dutra-Vernaci, Mayor of Union City
- ii. Joan Malloy, City Manager of Union City

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of November 18, 2021. Board requested to authorize.

Attachments: [Approval of Minutes of the Meeting of November 18, 2021](#)

- B. Revision to Succession Resolution. Board requested to adopt.

Attachments: [Revision to Succession Resolution - Memo](#)

- C. BART Police Citizen Review Board Member Appointment. Board requested to ratify.

Attachments: [BART Police Citizen Review Board Member Appointment - Memo](#)

- D. Award of Agreement No. 6M2081, with Sperry Capital, Inc, for Ad Hoc Financial Advisory Services. Board requested to authorize.

Attachments: [Award of Agreement No. 6M2081, with Sperry Capital - EDD](#)

- E. Resolution of Local Support for Alameda County Transportation Commission Measure BB Allocation, for the 19th Street/Oakland BART Station Modernization Project. Board requested to adopt.

Attachments: [Resolution of Local Support for Alameda County Transportation Commission Measure BB Allocation, for the 19th - EDD](#)

- F. Resolution of Local Support for Alameda County Transportation Commission Measure BB Allocation, for the Fleet of the Future Maintenance Facilities Project. Board requested to adopt.

Attachments: [Resolution of Local Support for Alameda County Transportation Commission Measure BB Allocation, for the Fleet - EDD](#)

- G. Resolution Fixing the Non - California Public Employees Retirement System (CalPERS) Medical Plan Structure and Rates for Calendar Year 2022. Board requested to adopt.

Attachments: [Resolution Fixing the Non - California Public Employees Retirement System - EDD](#)

- H. Resolution of Local Support and Application for Congestion Mitigation and Air Quality Improvement Program Funds, for the MacArthur BART Station Mobility HUB Project. Board requested to adopt.

Attachments: [Resolution of Local Support and Application for Congestion Mitigation - EDD](#)

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- I. Independent Audit Reports for the Fiscal Year Ended June 30, 2021. Board requested to authorize.
- a) BART Annual Financial Statements
 - b) Independent Auditor's Report on Financial Statement of BART's Retiree Health Benefit Trust
 - a) Independent Auditor's Report on Financial Statement of BART's Survivors Benefit Trust
 - b) Agreed Upon Procedures Report for Evaluation of Board of Directors' Expenses
 - c) Independent Auditor's Report on Compliance for Measure B Program and Report on Internal Control over Compliance
 - d) Independent Auditor's Report on Compliance for Measure BB Program and Report on Internal Control over Compliance
 - e) Independent Auditor's Report on Compliance for Public Transportation Modernization, Improvement and Service Enhancement Account Guidelines (Proposition 1B PTMISEA Funds) and Report on Internal Control over Compliance
 - f) Independent Auditor's Report on Compliance with the Transportation Development Act (TDA) and Report on Internal Control over Compliance
 - i. State Transit Assistance Program
 - ii. Low Carbon Transit Operations Program (LCTOP)
 - iii. State of Good Repairs Program (SGR)
 - g) National Transit Database Audit Report - Independent Accountant's Report on Applying Agreed-Upon Procedures
 - h) National Transit Database Report - Independent Auditor Statement - Financial Data Review
 - k) Single Audit Report
 - i. Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards
 - ii. Independent Auditor's Report on Compliance for Each Major Federal Program and Report on Internal Control Over Compliance
 - l) Management Letter - SAS114

- Attachments:** [Independent Audit Reports for the Fiscal Year - Memo](#)
[Independent Audit Reports for the Fiscal Year - EDD](#)
a) [BART Annual Financial Statements](#)
b) [Independent Auditor's Report on Financial Statement of BART's Retiree Health Benefit Trust](#)
c) [Independent Auditor's Report on Financial Statement of BART's Survivors Benefit Trust](#)
d) [Agreed Upon Procedures Report for Evaluation of Board of Directors' Expenses](#)
e) [Independent Auditor's Report on Compliance for Measure B Program and Report on Internal Control over Compliance](#)
f) [Independent Auditor's Report on Compliance for Measure BB Program and Report on Internal Control over Compliance](#)
g) [Independent Auditor's Report on Compliance for PTMISEA Guidelines and Internal Control over Compliance](#)
h) [Independent Auditor's Report on Compliance with the Transportation Development Act \(TDA\) and Report](#)
i) [National Transit Database Audit Report - Independent Accountant's Report on Applying Agreed Upon Procedures](#)
j) [National Transit Database Report - Independent Auditor Statement - Financial Data Review](#)
k) [Single Audit Report](#)
l) [Management Letter - SAS114](#)

- J. Procurement with Cisco Systems, as the Official National Association of State Procurement Officials (NASPO) Provider, for SmartNet Maintenance Services. Board requested to authorize.

- Attachments:** [Procurement with Cisco Systems, as the Official National Association of State Procurement - EDD](#)

3. PUBLIC COMMENT - 15 Minutes

(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda. An additional period for Public Comment is provided at the end of the Meeting.)

4. INSPECTOR GENERAL'S REPORT

- A. Office of the Inspector General's Audit Plan. For information.

Attachments: [Office of the Inspector General's Audit Plan - Report](#)
[Office of the Inspector General's Audit Plan - Presentation](#)

5. ADMINISTRATION ITEMS

Director Li, Chairperson

NO ITEMS.

6. ENGINEERING AND OPERATIONS ITEMS

Director Simon, Chairperson

NO ITEMS.

7. PLANNING, PUBLIC AFFAIRS ACCESS, AND LEGISLATION ITEMS

Director Raburn, Chairperson

- A. BART's 2022 Federal and State Legislative Advocacy Program. Board requested to authorize.

Attachments: [BART's 2022 Federal and State Legislative Advocacy - EDD](#)
[BART's 2022 Federal and State Legislative Advocacy - Presentation](#)

- B. Update on BART Headquarters Office Building (2150 Webster St., Oakland, CA). Board requested to authorize.

i. Change Order to Contract no. 6M4706, Differing Site Conditions and Operational Functionality Modifications (C.O. 514).

ii. Authorization to Execute Change Orders for Moving Services.

Attachments: [Update on BART Headquarters Office Building - Presentation](#)
[Change to Contract no. 6M4706, Differing Site Conditions - EDD](#)
[Authorization to Execute Change Orders for Moving Services - EDD](#)

- C. Silicon Valley BART Extension, Phase II, Project Update. For information.

Attachments: [Silicon Valley BART Extension, Phase II - Memo](#)
[Silicon Valley BART Extension, Phase II - Presentation](#)

8. GENERAL MANAGER'S REPORT

- A. Report of Activities, including Updates of Operational, Administrative, and Roll Call for Introductions Items.

9. 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.)

10. CLOSED SESSION

A. CONFERENCE WITH LABOR NEGOTIATORS:

Designated representatives: Robert Powers, General Manager; Michael Jones, Deputy General Manager; and David Coleman, Manager of Labor Relations

- Employee Organizations:
- (1) Amalgamated Transit Union, Local 1555;
 - (2) American Federation of State, County and Municipal Employees, Local 3993;
 - (3) BART Police Officers Association;
 - (4) BART Police Managers Association;
 - (5) Service Employees International Union, Local 1021; and
 - (6) Service Employees International Union, Local 1021, BART Professional Chapter
 - (7) Unrepresented Employees (Positions: all)

Government Code Section: 54957.6

B. CONFERENCE WITH LEGAL COUNSEL— EXISTING LITIGATION

Name of Case: Basting v. San Francisco Bay Area Rapid Transit District
Case No.: 20-CV-05981

Name of Case: Senior and Disability Action, et al. v. San Francisco Bay Area Rapid Transit District
Case No.: 17-CV-0186

Name of Case: TransMart v. San Francisco Bay Area Rapid Transit District
Case No.: A159044 and A160511

Name of Case: Pegram v. San Francisco Bay Area Rapid Transit District
Case No.: RG17848402

Name of Case: Arega, et al. v. San Francisco Bay Area Rapid Transit District
Case No.: RG19023067

Name of Case: Theus v. San Francisco Bay Area Rapid Transit District and ATU
Case No.: RG20064106

Name of Case: Williams v. San Francisco Bay Area Rapid Transit District
Case No.: RG20061816

Name of Case: Smith v. San Francisco Bay Area Rapid Transit District
Case No.: RG21091445

Name of Case: Madrona v. San Francisco Bay Area Rapid Transit District and Louie
Case No.: 21-CV-07095

Name of Case: Greene v. San Francisco Bay Area Rapid Transit District et. al.
Case No.: 4:21-CV-00113-DMR

Name of Case: Lambert v San Francisco Bay Area Rapid Transit District et. al.
Case No.: 21-CV-002940

Government Code Section: 54956.9

C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to California Government Code Section 54956.9(b).

One potential case.

11. OPEN SESSION

A. Announcement from Closed Session, if any