

# **San Francisco Bay Area Rapid Transit District**

2150 Webster Street, P. O. Box 12688, Oakland, CA 94612-2688



## **BOARD OF DIRECTORS MINUTES OF THE 1,960<sup>TH</sup> MEETING THURSDAY, JULY 11, 2024**

Members of the Board of Directors  
Bevan Dufty, President (District 9)  
Janice Li (District 8)  
Mark Foley, Vice President (District 2)  
Debora Allen (District 1)  
Rebecca Saltzman (District 3)  
Robert Raburn (District 4)  
Melissa Hernandez (District 5)  
Elizabeth Ames (District 6)  
Lateefah Simon (District 7)

Adopted: August 15, 2024

## MEETING DESCRIPTION

A Regular Meeting of the Board of Directors was held on July 11, 2024, convening at 9:01 a.m. in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California. President Dufty presided, Louis Ósémwegie, Assistant District Secretary.

### 1. CALL TO ORDER

President Dufty called the Meeting to order at 9:01 a.m.

#### A. Roll Call.

Directors Present in Oakland: Directors Allen, Ames, Foley, Hernandez, Li, Raburn, Saltzman, and Dufty.

Directors Present via Teleconference: None.

Absent: Director Simon.

#### B. Pledge of Allegiance. Director Hernandez led the Pledge of Allegiance.

#### C. Introduction of Special Guests.

- i. Angela Averiett, Chief of Police, City of San Leandro – Presented by Director Lateefah Simon.
- ii. Armando Sandoval, Form Supervisor of Crisis Intervention & Outreach Programs and Current Transit Security Advisory Committee Member.

President Dufty called for Introduction of Special Guests and introduced and Angela Averiett, Chief of Police, City of San Leandro. President Dufty recognized Chief Averiett as a lifetime member of the BART family and noted that Chief Averiett previously served in the BART Police Department, starting as a Lieutenant and promoted to Deputy Chief, where she led the development of the Progressive Community Bureau.

Gina Galetti, Deputy Chief of Police, highlighted Chief Averiett's contributions, leadership, and dedication during her time at BART, and acknowledged her as an amazing mentor, role model, and inspiration to colleagues.

Chief Averiett expressed gratitude for the recognition and shared her deep connection with BART, emphasizing the importance of regional partnerships, and noting the presence of two BART stations in San Leandro.

President Dufty introduced Armando Sandoval, who retired recently after starting with BART as a Community Outreach Specialist and highlighted his 40-year career in law enforcement, mental health, homeless outreach, gang outreach, work with at-risk youth, and college instruction.

Ja'Son Scott, Deputy Chief of Police, acknowledged Armando's instrumental role in developing the Community Resource Guide for Outreach and creating the Alameda County Multi-Disciplinary Forensic Team.

Armando Sandoval expressed gratitude for the recognition and highlighted the progressive steps BART took in response to tragic events, establishing a model bureau recognized nationwide.

The session concluded with applause and gratitude for Chief Averiett's and Armando Sandoval's contributions.

## **2. REPORT OF THE BOARD PRESIDENT**

President Dufty brought the item before the Board and indicated that Item 10-A, State Legislation - Senate Bill 827 (Glazer), would be postponed due to recent amendments that passed the Assembly Judiciary Committee on July 2<sup>nd</sup>. President Dufty also highlighted upcoming discussions on revisions to the Roll Call for Introductions (RCI) report to ensure it reflects contemporary issues and resolutions, rather than including items submitted by former Board Members.

President Dufty acknowledged Chief Averiett's involvement in Pride events, and thanked staff for joining the walk-through with Millbrae City Councilmember Gina Papan, Commissioners, and station stakeholders for retail development at Millbrae Station.

### **Public Comment**

Glenn Overton and Aleta Dupree addressed the Board.

## **3. BOARD COMMITTEE REPORTS**

There were no Board Committee Reports.

## **4. BOND UPDDATE**

A. Update on Safety, Reliability, and Traffic Relief Program (Measure RR).

President Dufty brought the item before the Board and introduced Sylvia Lamb, Assistant General Manager, Infrastructure Delivery, acknowledging the presence of Dr. Cindy Rosenthal, Vice Chairperson of the Bond Oversight Committee.

Rachel Russell, Measure RR Project Manager, presented the item.

### **Action**

No Board action was taken, as the item was presented for information only.

## B. Bond Oversight Committee Annual Report.

Dr. Rosenthal expressed pleasure in serving the community and presented the item. Dr. Rosenthal acknowledged colleagues, Vinit Shrawagi (Institute of Certified Public Accountants) and Suzanne Loosen (League of Women Voters), who were instrumental in drafting the report.

### Public Comment

Aleta Dupree addressed the Board.

### Discussion

The item was discussed, with the following highlights:

Director Raburn commended the Measure RR report's success in supporting small businesses, with over 1,500 enterprise contracts awarded, totaling nearly \$300 million. Director Raburn indicated that this figure exceeded the projections set by the Office of Civil Rights and he urged keeping the 25-page report readily accessible for reference throughout the year, emphasizing its importance and positive impact.

Director Li emphasized the importance of the Measure RR Bond Oversight Committee's work in ensuring public accountability for the \$3.5 billion bond measure and noted the visible improvements at BART's Market Street station, including new canopies and escalator replacements.

Director Ames inquired about the renewal of the 34.5KV power infrastructure, highlighting a recent breakdown and the need for its replacement. Director Ames expressed appreciation for the report's transparency in addressing the breakdown and the expedited replacement.

Director Saltzman praised the Measure RR work as one of the most significant achievements during her 12 years of service on the Board and highlighted that being ahead of schedule and under budget means BART can deliver more than initially promised to voters.

Vice President Foley emphasized the importance of oversight and highlighted the critical role in ensuring taxpayer money is used wisely, which often goes unnoticed by the public.

President Dufty thanked the Board Members for their positive comments, expressed gratitude to the staff and Dr. Rosenthal, and indicated that he is looking forward to continued progress and achievements.

### Action

No Board action was taken, as the item was presented for information only.

## 5. CONSENT CALENDAR.

President Dufty brought the following Consent Calendar items before the Board.

- A. Approval of Minutes of the Meeting of June 13, 2024.
- B. Increase in Allocation of Funding for BART Police Citizen Review Board Members' Attendance at the National Association for Civilian Oversight of Law Enforcement (NACOLE) Annual Conference, Participation in Training, and Engagement in Community Outreach. (President Dufty's Request.).
- C. Amended Joint Exercise of Powers Agreement for the West Contra Costa Transportation Advisory Committee (WCCTAC).
- D. Single Source Procurement with Dailey-Wells Communications, Inc. for Materials, Equipment, Software, and Technical Services for the L3Harris P25 Trunked Radio System. (TWO-THIRDS VOTE REQUIRED).
- E. Amendments to BART Accessibility Task Force (BATF) By-Laws.

### Public Comment

Aleta Dupree and Glenn Overton addressed the Board.

Vice President Foley moved to approve all Consent Calendar items by one motion.

Director Saltzman seconded the motion.

### Action

Upon motion by Vice President Foley and second by Director Saltzman, the Board took the following actions by unanimous roll call vote by the required two-thirds vote.

#### *Vote Summary:*

*Moved / Seconded: Vice President Foley / Director Saltzman*

*Aye: Directors Allen, Ames, Foley, Hernandez, Li, Raburn, Saltzman, and Dufty.*

*No: 0.*

*Abstain: 0.*

*Absent: Director Simon.*

*Result: 8-0, motion carried by unanimous roll call vote by the required two-thirds vote.*

- A. The Minutes of the Meeting of June 13, 2024, were approved. (*Vote: 8-0*)
- B. The District Secretary was directed to make available \$10,000.00 each year from the District Secretary's Office's annual operating budget for the sole purpose of funding expenses related to the BART Police Citizen Review Board (BPCRB) members' attendance at the NACOLE annual conference, participation in training, and engagement in community outreach; the funding shall be allocated in accordance with

the process duly adopted for this purpose by the BPCRB, and no allocation shall be made prior to the adoption of such policy; and any portion of the designated amount that remains unused for the funding of the BPCRB each year shall not be used by the District Secretary's Office for any other purpose and shall receive the same treatment as any other unused funds within District Secretary's Office's annual operating budget. *(Vote: 8-0)*

- C. The amended Joint Exercise of Powers Agreement (JPA) for the West Contra Costa Transportation Advisory Committee (WCCTAC) was approved and the President of the Board and the General Manager were directed to execute the amended JPA and forward to WCCTAC. *(Vote: 8-0)*
- D. Pursuant to Public Contract Code Section 20227, the Board found by a two-thirds vote that Dailey-Wells is the single source of supply for the procurement of compatible materials, equipment, software and technical services for the L3Harris P25 Trunked Radio System; and the General Manager was authorized to negotiate and execute Non-Competitive, Non-Federal Agreements with Dailey-Wells in an amount not to exceed \$890,932.00. *(Vote: 8-0)*
- E. The General Manager was authorized to amend the BART Accessibility Task Force By-Laws by accepting the proposed changes, as shown in 'Attachment B BATF 2024 By-Laws with All Proposed Changes Included.' (Attachment B is attached and hereby made a part of these Minutes.) *(Vote: 8-0)*

## 6. GENERAL MANAGER'S REPORT

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

Michael Jones, Deputy General Manager, reported on the BARTmobile's upcoming birthday party, the release of the "BART's Role in the Region" report, pre-sale of BART holiday merchandise, and ridership.

Deputy Chief Galetti reported on the fatal pushing incident and abduction incident at Powell Street Station, BART Police Department (BPD) recruitment and staffing, and BPD's commitment to safety.

### Public Comment

Aleta Dupree and Glenn Overton addressed the Board.

### Discussion

The item was discussed, with the following highlights:

Director Li expressed condolences for the tragic death of Corazon Dandan, a long-time BART rider, and acknowledged the quick response from the BPD and coordination with various officials, including the Office of Victim Rights, San Francisco Police Department, and the District Attorney's Office.

Director Li also confirmed there was no current evidence suggesting the incident was a targeted act of Asian hate and highlighted BART's leadership in transit safety initiatives recognized at the state level, including the passing of Senate Bill 434.

Director Ames commended the update and the BPD presence addressing the recent crimes, and recognized the importance of the "See Something, Say Something" message for public awareness and safety.

Director Allen Inquired whether the suspects in both incidents had valid fare media at the time of their arrests, or if the cameras at the gates could determine if they jumped the gates. Director Allen also inquired about the current number of vacancies in the sworn BPD officer positions following the recent swearing-in of nine new officers.

7. **PUBLIC COMMENT**

President Dufty called for general Public Comment, an opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda.

Public Comment

Aleta Dupree and Glenn Overton addressed the Board.

8. **ADMINISTRATION ITEMS**

Janice Li, Chairperson

Director Li, Chairperson of the Administration Committee, had no report and no items were presented.

9. **ENGINEERING AND OPERATIONS ITEMS**

Lateefah Simon, Chairperson.

A. Next Generation Fare Gates Update.

Director Ames, Vice Chairperson of the Engineering and Operations Committee, brought the item before the Board.

Sylvia Lamb, Assistant General Manager, Infrastructure Delivery, presented the item.

Public Comment

The following individuals addressed the Board:

Aleta Dupree  
Glenn Overton  
Laura Hill  
Barney Smits

## Discussion

The item was discussed, with the following highlights:

Director Ames commended the presentation and emphasized that the fare gates should become cost-neutral for BART over time, perhaps within four years.

Vice President Foley inquired about the importance of the locking mechanism on the fare gates and requested that staff provide monthly schedule updates on the fare gates installation progress to monitor the timeline.

Director Allen acknowledged the lengthy process of advocating for fare gates replacement since 2017 and expressed concern about the timeline for starting installation.

Director Raburn expressed satisfaction with the installation of fare gates, particularly at Fruitvale Station, and welcomed the acceleration of the installation schedule from eight to twelve stations this year.

Director Saltzman noted that the first group of 12 stations, including West Oakland Station, will have a significant impact on reducing fare evasion, especially at the busiest stations.

Director Hernandez highlighted the importance of integrating public input into safety measures beyond fare gates and policing and encouraged seeking ideas from the public to improve overall safety and comfort for BART riders.

Director Ames advocated for a comprehensive deployment strategy for fare gates and combining private sector involvement with staff efforts to set up arrays and deploying contractors to complete installations.

## Action

No Board action was required, as the item was presented for information only.

## **10. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS**

Robert Raburn, Chairperson

- A. State Legislation – Senate Bill 827 (Glazer).

*Item 10-A was postponed.*

- B. BART 2023 Annual Report: Sustainability.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the item before the Board.

Val Menotti, Chief Planning and Development Officer; Michael Cox, Principal Sustainability Analyst; and Monica Meagher, Group Manager, Sustainability Program, presented the item.



## Public Comment

Aleta Dupree and Glenn Overton addressed the Board.

## Discussion

The item was discussed, with the following highlights:

Vice President Foley emphasized the critical importance of sustainability work for saving the planet and inquired about the role of the sustainability team in the new BART Police Headquarters project.

Director Allen sought clarification on when the detailed sustainability report would be available and expressed concern about the lighting systems at BART stations, which do not adjust with daylight saving time changes.

Director Ames acknowledged the Walnut Creek Extension Riparian project, highlighting its partnership with the John Muir Land Trust to monitor the ecosystem.

Director Hernandez emphasized the importance of complying with Senate Bill 1383, which mandates organic waste reduction, and highlighted the use of garbage cans in Dublin parks that indicate when they are full and have solar panels, which could be beneficial for BART.

Director Raburn expressed concern that BART's energy mix now includes only 88% zero greenhouse gas emissions, down from previous achievements, and inquired about the status of current power purchase agreements (PPAs), such as the Feather River small hydro project.

## Action

No Board action was taken, as the item was presented for information only.

## **11. BOARD MATTERS**

### A. Proposed Revisions to Rules of the Board of Directors. (Director Saltzman's Request.)

President Dufty brought the item before the Board and invited Director Saltzman to explain the background of the proposed revisions for consideration.

Director Saltzman explained that the proposed changes to the Board Rules are primarily clean-up revisions recommended by the General Counsel and the District Secretary and that the primary impetus for the revisions was to address a Brown Act compliance issue related to committees. Director Saltzman indicated that the revisions regarding committees aim to acknowledge that committees function as "committees of the whole," allowing more flexibility in meetings and interactions, unlike the restrictive current setup.

President Dufty expressed appreciation for Director Saltzman's efforts and noted the importance of these updates, especially with a new Board coming in January.

## Public Comment

No comments were received.

## Discussion

The item was discussed, with the following highlights:

Director Allen expressed approval for revisiting and updating outdated Board rules, particularly related to committee operations and compliance with the Brown Act and concern about eliminating the rotation of the Board President and Vice President. Director Allen also expressed concern and inquired about the proposed revisions to Section 5, Financial Contribution Limitations.

Vice President Foley expressed concern about the election filing period opening on Monday and closing before the next Board meeting, questioning whether keeping the existing language regarding Financial Contribution Limitations might misinform potential candidates.

Director Ames expressed concern about eliminating the rotation of the Board President and Vice President and indicated that the rotation ensures democratic and equitable representation among districts.

Director Hernandez commented on the \$250.00 contribution limit in state law and expressed support for keeping the regular updates regarding vendors and contractors provided the District Secretary's Office.

Director Allen commented on the history of the Districts that have held the Presidency since 2011 and expressed a concern about a lack of equity regarding District representation in the President's seat.

Director Saltzman provided background information regarding the Presidency, highlighting history related to Districts 9 and 1.

Director Saltzman moved that the proposed revisions to the Rules of the Board of Directors, except for those revisions proposed to Section 5 of the Rules be adopted, with Section 5 to be presented to the Board for consideration on a later date.

President Dufty seconded the motion

Director Ames expressed opposition to the motion, citing concerns about equitable leadership rotation.

Director Raburn expressed concern that revising the rotation of Offices could prioritize political convenience over fair representation and indicated that he preferred to maintain the existing guidelines in Section 2-1.5, which allow for an orderly rotation that can be amended by a majority of the Board.

Director Raburn made a substitute motion to adopt the proposed revisions to the Rules of the Board of Directors, except for those revisions proposed to Section 2-1.5 of the Rules.

Director Ames seconded Director Raburn's substitute motion.

## Action

The substitute motion brought by Director Raburn and seconded by Director Ames, failed by roll call vote.

### *Vote Summary:*

*Moved / Seconded: Director Raburn / Director Ames*

*Aye: Directors Allen, Ames, and Raburn.*

*No: Directors Foley, Hernandez, Li, Saltzman, and Dufty.*

*Abstain: 0.*

*Absent: Director Simon.*

*Result: 3-5, motion failed by roll call vote.*

## Action

Upon motion by Director Saltzman and second by President Dufty, the proposed revisions to the Rules of the Board of Directors, except for those revisions proposed to Section 5 of the Rules were adopted, with Section 5 to be presented to the Board for consideration on a later date, by roll call vote.

### *Vote Summary:*

*Moved / Seconded: Director Saltzman / President Dufty*

*Aye: Directors Foley, Hernandez, Li, Saltzman, and Dufty.*

*No: Directors Allen, Ames, and Raburn.*

*Abstain: 0.*

*Absent: Director Simon.*

*Result: 5-3, motion carried by roll call vote.*

- B. Board Member Reports.
- C. Roll Call for Introductions.
- D. In Memoriam.

President Dufty called for Items 11-B, Board Member Reports; 11-C, Roll Call for Introductions; and 11-D, In Memoriam.

Director Hernandez reported that she had attended the Mineta Institute Graduation on June 9<sup>th</sup>, expressed enthusiasm for the program, and congratulated the Class of 2024 for their long-term commitment and achievements.

Director Raburn reported that he had attended the BART Accessibility Task Force meeting on June 27<sup>th</sup>, and highlighted a staff presentation on the K-Line bus bridge, which received positive feedback and led to proposed adjustments by staff.

Director Ames reported that she had attended the Alameda County Mayors' Conference in Newark and noted that the highlight of the event was a visit to an electric vehicle company headquarters. Director Ames also reported that the Bay Conservation Development Commission (BCDC) presented a sea-level rise adaptation plan, requiring all cities and agencies to develop their own plans by 2033. Director Ames emphasized the need for multi-jurisdictional and regional planning to avoid isolated efforts and indicated that she is working with

the South Bay Connect project, noting that she met with stakeholders in Hayward concerned about losing the Capitol Corridor Hayward Station.

Vice President Foley issued a reminder that Fair Political Practices Commission (FPPC) forms were due by July 31st for those maintaining campaigns. Vice President Foley also reported that he had given a Safe and Clean presentation to the Contra Costa Community College District. Vice President Foley indicated that the Clipper® START program does not fully serve the average student age of 26 and noted that he plans to collaborate with staff to explore improvements, such as the BayPass program or other incentives. Vice President Foley mentioned the need for stronger outreach to promote trades career opportunities, in response to concerns raised by the Board of Governors regarding a shortage of trades professionals, and indicated that he will work with staff to enhance job outreach and support for trades programs.

Director Saltzman expressed concern over not receiving information on Roll Call for Introductions (RCI) 19-820 and requested a memo confirming completion before closing the issue. Director Saltzman also inquired about the deletion of RCI 19-823 without prior communication and expressed intention to add a new RCI if it was being deleted.

Director Allen expressed unease over the lack of communication before deleting or marking RCIs as addressed and indicated that, before any RCI is deleted, the concerned Director should be contacted by phone or email to discuss how the RCI was addressed, listing specific RCIs that need attention: 18-817, 18-818, and 18-819.

Vice President Foley requested deletion of RCI 22-844 and 17-805.

President Dufty confirmed that RCI 22-844 and 17-805 will be deleted as requested by Vice President Foley, and reassured Directors that the deletions of RCIs would be corrected.

Director Li requested that the Meeting be adjourned in honor of Corazon Dandan, a BART rider killed in the system on July 1<sup>st</sup>.

President Dufty acknowledged that the RCI document is a living document and will reflect all changes suggested in the next version. President Dufty expressed gratitude to staff members responsible for making meetings more accessible to the public.

President Dufty emphasized the importance of respectful interactions between Directors and BART staff, indicating that if Directors are dissatisfied with staff performance or handling of issues, they should address concerns with the appropriate Board-Appointed Officer or the staff's supervisor.

## 12. **CLOSED SESSION**

### A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: 2001 Franklin Street, Oakland, CA 94612. APN: 8-650-16-4.

District Negotiators: Val Menotti, Chief Planning and Development Officer; Joe Basuino, Director of Real Estate and Property Management; Tom Maloney, Jones Lang LaSalle Brokerage, Inc.; and Francisco Torres, Jones Lang LaSalle Brokerage, Inc.

Negotiating Parties: San Francisco Bay Area Rapid Transit District/Jones Lang LaSalle, Inc. and California Bank and Trust/CBRE

Under Negotiation: Price and Terms

Government Code Section: 54956.8

B. CONFERENCE WITH LABOR NEGOTIATORS

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

Employee Organizations: Amalgamated Transit Union, Local 1555; American Federation of State, County and Municipal Employees, Local 3993; Service Employees International Union, Local 1021, BART Chapter; Service Employees International Union, Local 1021, BART Professional Chapter; and Unrepresented Employees (Positions: All)

Government Code Section: 54957.6

President Dufty brought the item before the Board and indicated that the Board would enter Closed Session under Items 12-A (Conference with Real Property Negotiators) and 12-B (Conference With Labor Negotiators).

Public Comment

No comments were received.

The Board Meeting recessed at 12:49 p.m.

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The Board reconvened in Closed Session at 12:57 p.m.

Directors Present in Oakland: Directors Allen, Ames, Foley, Hernandez, Li, Raburn, Saltzman, and Dufty.

Directors Present via Teleconference: None.

Absent: Director Simon.

The Board Meeting recessed at 1:42 p.m.

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### **13. OPEN SESSION**

The Board reconvened in Open Session at 1:43 p.m.

Directors Present in Oakland: Directors Allen, Ames, Foley, Hernandez, Li, Raburn, Saltzman and Dufty.

Directors Present via Teleconference: None.

Absent: Simon.

A. Announcements from Closed Session, if any.

President Dufty announced that the Board had concluded its Closed Session under Items 12-A and 12-B and that there were no announcements to be made.

### **14. ADJOURNMENT**

The Meeting adjourned at 1:43 p.m. in honor of Corazon Dandan.

Louis Ósémwegie  
Assistant District Secretary

San Francisco Bay Area Rapid Transit District  
BART Accessibility Task Force  
By-Laws  
July 2024

**ARTICLE I – NAME OF TASK FORCE**

The name of this task force shall be the BART Accessibility Task Force and may be referred to as “BATF.”

**ARTICLE II – MISSION STATEMENT**

The mission of the BATF is to advise the BART Board of Directors and staff on ways to maintain and improve the accessibility of the BART system for people with disabilities and for seniors. This mission is consistent with the District’s Strategic Plan goal to encourage public input.

**ARTICLE III – RESPONSIBILITIES**

A. Work with staff to:

1. Review, analyze and prepare recommendations on issues and policies, capital projects, compliance with local, state and federal legislation relating to the provision of accessible services at BART and other issues that might be brought to the BATF by the public, staff or the Board.
2. Develop recommendations which take into consideration the needs of people with different disabilities and seniors.
3. Participate in the development of proposed new policies and the planning and implementation of new services that affect people with disabilities and seniors who use BART.
4. Provide a public forum for discussion of all BART related issues concerning people with disabilities and seniors.
5. Act as a resource group to BART staff who interact with people with disabilities and seniors to answer complaints, to develop new programs, to solve architectural problems in the system, to conduct staff disability trainings, and other areas as needed.

B. In order to accomplish these responsibilities BATF shall:

1. Educate themselves about the BART system, the budget process, the administrative process, the ADA as it relates to transportation accessibility issues, the project cost-analysis process, and the Brown Act.
2. Establish annual goals for BATF.
3. Make reports or recommendations to appropriate BART staff through the staff member designated to support the BATF as needed.
4. Report to the BART Board of Directors and send additional reports or recommendations as needed, which reports may be accompanied by a staff report as appropriate.
5. Recuse themselves from any matter before the Task Force in which they have a financial interest.
6. Complete ethics training required by the State of California within six months of being appointed to the BATF and every two years for active BATF members.

## **ARTICLE IV – MEMBERSHIP**

### **A. COMPOSITION**

Members should be active BART users, who are people with disabilities or seniors over the age of 65. Except as stated above, BATF does not discriminate based on race, color, origin, sex, religion, sexual orientation, disability, or age in its membership.

The BATF shall be composed up to 18 members. The number of active members and the actual vote on actions shall be included on all communications to the Board and staff. If there are more than 18 applicants for the BATF, BART staff shall recommend 18 from among all those endorsed by the BATF, taking into consideration the goal of including people from all the parts of the BART system representing a diversity of disabilities and ages. There shall be no minimum number of members.

Some exceptions may be made to these eligibility criteria. The membership may include up to two non-disabled persons with special knowledge or technical training regarding the transportation needs for a particular disability.



## B. TERM OF OFFICE

The term for each member of the BATF shall end on June 30 of odd-numbered years or when the BART Board announces appointments and reappointments for a new term, whichever occurs later.

## C. NOMINATION AND SELECTION PROCESS

During the 2nd quarter of each odd-numbered calendar year, the staff liaison will contact each member to determine if they are interested in continuing to serve.

In addition, staff shall seek members through notices, in stations, on the BART website, contact with underrepresented disabled groups and seniors, and other means as appropriate. Out of three consecutive meetings, an interested applicant must attend two and then apply for membership. Prospective members may attend these two meetings in-person or remotely. Applicants must be endorsed by the members of the BATF through a majority vote. Their names are submitted by the BATF staff liaison to the BART Board of Directors for final approval. The BATF staff liaison will notify the applicant of the Board's decision regarding their application.

## D. VOTING RIGHTS

Each member shall be entitled to one vote and may cast that vote on each matter submitted to a vote at a meeting of the BATF. Proxy, telephonic, electronic, or absentee ballots shall not be permitted.

## E. RESIGNATION

Members may resign by notifying the BATF Chair or staff liaison, who then will inform the staff and BART Board of Directors.

## **ARTICLE V – TERMINATION OF MEMBERSHIP**

- A. A member's appointment to the BATF shall be terminated upon a determination by the BATF that:
1. A member has missed four regular meetings in a calendar year.  
Because it is important that all views be represented at meetings, there is no provision for excused absences.

2. At the time of appointment, a member materially misrepresented information on their application.
  3. A member has engaged in a consistent pattern of disruptive behavior in BATF or other BART related meetings which includes use of slurs, derogatory comments, or any other conduct, whether physical, verbal or written directed at another person or based upon another person's race, color, origin, sex, religion, sexual orientation, disability, or age.
  4. A member has ceased to reside in the BART District.
  5. Notification has been received that a person is not available to serve as a member.
  6. A member has failed to complete the required ethics training.
- B. Staff liaison will notify the terminated individual about the termination, first by e-mail. If there is no response, then by phone. If there no response, then the individual will be notified about the end of their membership during the next two regularly scheduled meetings.

## **ARTICLE VI – OFFICERS**

### **A. CHAIR**

The BATF shall elect from its membership a Chair. The Chair will work with BART staff to develop an agenda, lead meetings and keep order, appoint members to subcommittees, present reports to the BART Board of Directors, and prepare and sign all letters, reports and other communications of the BATF. The Chair shall perform such other duties as may be requested from time to time by the BATF or BART staff.

### **B. VICE-CHAIR**

The BATF shall elect from its membership a Vice-Chair who, in the absence or inability of the Chair to serve, shall have all of the powers and shall perform all of the duties of the Chair. The Vice-Chair shall perform such other duties from time to time as may be requested by the Chair.

### **C. 2nd VICE-CHAIR**

The BATF shall elect from its membership a 2nd Vice-Chair who, in the absence or inability of the Chair and Vice-Chair to serve, shall have all the powers and shall

perform all of the duties of the Chair and Vice-Chair. The 2nd Vice-Chair shall perform such other duties from time to time as may be requested by the Chair.

#### D. ELECTION OF CHAIR, VICE-CHAIR AND 2ND VICE-CHAIR

##### 1. Term of Office

The officers of the BATF shall serve for one year or until the next election is held. Officers shall serve for no more than two consecutive terms in the same office, unless no other member is interested in serving in that role. After a one-year break, members may serve in any officer role again.

##### 2. Nomination

At the September meeting, nominations and election of officers will be held. People may self-nominate or be nominated by other members. Nominations will be accepted from the floor prior to the close of nominations on the day of elections. The election of officers shall be by simple majority vote.

##### 3. Vacancy

A vacancy in any office shall be filled by election for the unexpired term.

##### 4. Temporary or Permanent Vacancies

If the Chair, Vice-Chair, and 2nd Vice-Chair are absent from any meeting and/or are unable to act, the meeting shall be called to order by staff. The staff shall immediately call for the selection of a Temporary Presiding Officer.

##### 5. Failure to Elect

If the BATF fails to elect a Chair, Vice-Chair, or 2nd Vice-Chair, the existing Chair, Vice-Chair, or 2nd Vice-Chair shall continue to serve until the BATF elects a successor.

#### E. STAFF SUPPORT

The BART General Manager or a designee shall designate a person to serve as BATF staff to prepare meeting notices, agendas, and minutes as required and to serve as liaison between BATF and other BART staff and the Board of Directors.

## **ARTICLE VII – MEETINGS**

### **A. REGULAR MEETINGS**

All regular and special meetings of the BATF shall be conducted in accordance with the Ralph M. Brown Act. Meeting agendas shall be posted in a public place in the same manner as agendas posted for meetings of the BART Board of Directors. Meetings will be open to the public, held in a location accessible to people with disabilities, and within the geographical boundaries of the BART District. At least 72 hours prior to a regular meeting, an agenda must be posted which contains a brief general description of each item to be transacted or discussed at the meeting. Members of the public have the right to directly address BATF during public comment for issues which are not on the agenda, or for any item on the agenda, before or during the consideration of the item. Agendas will be mailed or emailed (based on preference) to members of the BATF and to persons requesting them according to the requirements of the Brown Act.

### **B. SPECIAL MEETINGS**

Special meetings may be called by the Chair when in the opinion of the Chair the business of the BATF requires it or by the request of a majority of the BATF membership. Notice for special meetings will conform to the requirements of the Brown Act. No other business shall be considered at such meeting.

### **C. QUORUM**

A majority of the appointed members of the must be present in order to constitute a quorum necessary for the transaction of the business of the BATF.

### **D. ADVICE AND DECISIONS OF THE BATF**

All decisions of the BATF which require a formal vote shall be made only after an affirmative vote of a majority of its members present and voting. Minutes of meetings, as well as any special reports or communications desired by the BATF, shall be forwarded by staff to the BART Board of Directors. In addition, the Chair or a

designee may present reports to the BART Board of Directors or an appropriate committee in person.

#### E. BATF MEETING EXPENSES FOR MEMBERS

BART will cover travel costs on public transit for BATF members to attend regular or special BATF meetings.

### **ARTICLE VIII – AGENDAS, MINUTES, RULES OF CONDUCT, AND ACCOMODATIONS**

#### A. AGENDAS

Members may contact the chair to have items put on the agenda. Also, each meeting agenda shall have an item when members may ask to put items on future agendas.

The Chair shall schedule items on the agenda in consultation with the staff liaison. The BATF staff liaison shall be responsible to work with BATF Officers, BATF members and BART departments to schedule items on the agenda, prepare the agenda, compile the associated agenda materials and distribute the final agenda for each meeting. Agenda materials shall normally be mailed to members one week prior to each meeting, but agenda distribution shall always conform to the requirements of the Brown Act.

#### B. MINUTES

Draft minutes of each BATF meeting shall be prepared by staff and distributed to BATF members and others together with the agenda for the next meeting. Minutes shall be made final after a majority vote of those BATF members who were present at the meeting.

#### C. RULES OF CONDUCT

All regular and special meetings of the BATF shall be conducted in accordance with these bylaws and with the Rules of Order used by the BART Board. In case of conflict, these bylaws shall take precedence.

The Chair, or a member appointed by the Chair, may represent the BATF to the BART Board of Directors with prior notice to the BATF and staff if possible. No member shall represent the BATF or BART to the general public unless authorized by the Board of Directors or its designee.

## D. ACCOMMODATIONS FOR MEMBERS AND THE PUBLIC

On-going arrangements will be made with individual BATF members to accommodate their disability-related need for alternative formats for minutes, correspondence, exhibits and other graphic information, sign language interpreters, and captioning. Non-routine requests for accommodation must be made in a timely fashion.

The general public can also request routine or one-time provision of materials in alternative formats by making a request to the BART staff liaison in a timely fashion in advance of scheduled meeting times.

## **ARTICLE IX – SUBCOMMITTEES**

The Chair has authority with concurrence by the BATF to appoint subcommittees and/or ad-hoc committees to address issues as needed.

## **ARTICLE X – BYLAWS AMENDMENTS**

The bylaws may be proposed for amendment or repeal by a motion that is made and seconded and passed by a three-fourths (3/4) vote of members present at any regular or special meeting. In addition, written notice of the proposed amendment must be agendized and distributed given at the meeting prior to that at which action will be taken. The notice must contain both the original language and the proposed amending language to the bylaws. The proposed bylaws change must be reviewed by the BART legal staff and will be made final upon approval by the BART Board of Directors or their designee.

In addition to the procedure above, any bylaw may be altered, amended or annulled at any time by a majority vote of the BART Board of Directors after consultation with or by recommendation of the BATF and approval of BART legal staff.

## **ARTICLE XI – TERM OF BATF**

BATF Term: The BATF shall remain in existence until discharged by action of the BART Board of Directors. The Board may periodically review the need for the BATF and may modify its composition, structure or bylaws after consultation with the BATF.

Robert M. Powers  
General Manager

*Amended July 2024*