

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

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



## **BOARD OF DIRECTORS DRAFT MINUTES OF THE 1,961<sup>ST</sup> MEETING THURSDAY, AUGUST 15, 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)

## MEETING DESCRIPTION

A Regular Meeting of the Board of Directors was held on August 15, 2024, convening at 9:03 a.m. in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California. President Dufty presided, April B. A. Quintanilla, District Secretary.

### 1. CALL TO ORDER

President Dufty called the Meeting to order at 9:03 a.m.

#### A. Roll Call.

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

Director Present via Teleconference: Director Li.

Absent: Director Saltzman. Directors Allen and Simon entered the Meeting later.

#### B. Request of Director Janice Li to Participate Remotely Due to Emergency Circumstances.

Director Li submitted a request to attend the Meeting via teleconference under the Emergency circumstances provision of Government Code Section 54953(f)(2).

President Dufty moved that, pursuant to California Government Code Section 54953(f)(2), the Board approve the request of Director Li to participate remotely in the Meeting due to emergency circumstances.

Director Raburn seconded the motion.

#### Action

Upon motion by President Dufty and second by Director Raburn, the Board approved the request of Director Li to participate remotely in the Meeting due to emergency circumstances by unanimous roll call vote.

#### *Vote Summary:*

*Moved / Seconded: President Dufty / Director Raburn*

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

*No: 0.*

*Abstain: 0.*

*Absent: Directors Allen, Saltzman, and Simon.*

*Result: 6-0, motion carried by unanimous roll call vote.*

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

D. Introduction of Special Guests. President Dufty called for Introduction of Special Guests. No Special Guests were introduced.

2. **REPORT OF THE BOARD PRESIDENT**

President Dufty indicated that there was no formal report due to the vacation period and announced that Item 12-B, Public Employee Performance Evaluation, would be continued to a future Board Meeting in September, as some Board Members were absent.

3. **ENGINEERING AND OPERATIONS ITEMS - PART I**

Lateefah Simon, Chairperson

A. VTA's BART Silicon Valley Phase II Extension Update.

President Dufty brought the item before the Board.

Tom Maguire, Chief Megaprojects Delivery Officer, Santa Clara Valley Transportation Authority (SCVTA), and Shane Edwards, Assistant General Manager, Operations presented the item.

Director Allen entered the Meeting in Oakland.

Director Simon entered the Meeting in Oakland.

Public Comment

Aleta Dupree and Barney Smits addressed the Board.

Discussion

The item was discussed, with the following highlights:

Director Allen expressed concern regarding the delayed response to the RCI (Roll Call for Introductions) request that she and Director Ames submitted in April, noting that they had yet to receive the written responses.

Director Simon suggested that providing a clear timeframe for the delivery of the RCI responses might help address Director Allen's concerns.

Director Ames requested that a recent California Environmental Quality Act (CEQA) addendum document be shared with the Board and inquired about the possibility of sharing updates on the ventilation system's design and safety concerns as the project progresses.

Director Raburn highlighted his support for public transit, sharing his recent experience using the Capitol Corridor train to attend the San José Jazz Festival. Director Raburn also inquired about the spending rate for the project.

President Dufty expressed gratitude for Chief Megaprojects Delivery Officer Maguire's presence and the collaborative efforts within the BART-VTA joint committee meetings, particularly noting the effective handling of previous projects such as the Berryessa and Milpitas BART extensions.

Director Hernandez inquired about the timeline for beginning construction once funding is fully secured.

#### Action

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

#### **4. BOARD COMMITTEE REPORTS**

President Dufty brought the item before the Board.

Vice President Foley, Vice Chairperson of the Audit Committee, reported that the Audit Committee met on August 1<sup>st</sup> at 2:00 p.m. and that the following items were presented during the meeting: Internal Audit's Fiscal Year 2024 activities review, summary of operational accomplishments, capital audit work, and non-audit support activities, and work plan for Fiscal Year 2025; the Inspector General's update on the Office of the Inspector General Charter; and the Inspector General's year-end Fiscal Year 2024 budget results.

#### **5. CONSENT CALENDAR**

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

- A. Approval of Minutes of the Meetings of June 27, 2024 and July 11, 2024.
- B. Set the Fiscal Year 2025 Property Tax Rates - General Obligation Bonds.
- C. District Base Pay Schedules.
- D. Resolution to Revise San Francisco Bay Area Rapid Transit District Debt Policy.
- E. Award of Invitation for Bid No. 9130, Rotary Dump Truck with HI-Rail System.
- F. Award of Agreements for Hazardous Waste Removal Services.
  - i. Agreement No. 6M5210 to American Integrated Services, Inc.
  - ii. Agreement No. 6M5211 to ABE Arens Brothers, Inc.
  - iii. Agreement No. 6M5212 to North State Environmental, Inc.
- G. Amendment to Agreement No. 6M5213, Hazardous Waste Disposal Services, with North State Environmental for Hazardous Material Cleanup of KTS Traction Power Facility.
- H. Change Order(s) to Contract No. 15EK-105, Traction Power Facilities Replacement - Walnut Creek, with C3M Clark Cupertino A Joint Venture, for Repairs to Restore Traction Power Substation Redundancy.

I. Appointment of BART Accessibility Task Force Member.

Director Raburn moved to approve the Consent Calendar by one motion.

Director Simon seconded the motion.

Discussion

The item was discussed, with the following highlights:

Pamela Herhold, Assistant General Manager, Performance and Budget, and Priya Mathur, Director of Funding Strategy, presented Item 5-D, Resolution to Revise San Francisco Bay Area Rapid Transit District Debt Policy.

Director Allen acknowledged the need for administrative changes in the debt policy and expressed concern about changes that would not require the Board's future input and authorization regarding certain items. Director Allen inquired about the United States Department of Transportation's (DOT) reimbursement for capital projects.

Director Allen moved that Item 5-D be removed from the Consent Calendar and continued to a future Board Meeting.

Director Ames seconded the motion.

Vice President Foley inquired about the practical implications of postponing the item, and the impact on day-to-day operations, loan applications, and whether a delay would affect BART's ability to operate or secure funding.

President Dufty indicated he would not support the motion brought by Director Allen.

Director Allen inquired about the close of escrow for the new BART Police Department Headquarters property.

Public Comment

Joe Kunzler addressed the Board.

Discussion

Discussion continued, with the following highlights:

Director Li inquired how many USDOT loans BART currently has and whether BART had any of these loans in the past 15-20 years. Director Li also indicated that she would not support the motion brought by Director Allen and encouraged continued clarity on the tools and options available to the Board.

Director Ames inquired about the rationale behind allowing savings to be lower than generally permitted under "extraordinary circumstances" and sought clarification on why this might be necessary.

Director Allen inquired about the proposed revision to Section XII of the debt policy.

### Action

The motion brought by Director Allen and seconded by Director Ames failed by roll call vote.

#### *Vote Summary:*

*Moved / Seconded: Director Allen / Director Ames*

*Aye: Directors Allen and Ames.*

*No: Directors Foley, Hernandez, Li, Raburn, Simon, and Dufty.*

*Abstain: 0.*

*Absent: Director Saltzman.*

*Result: 2-6, motion failed by roll call vote.*

Director Raburn emphasized the value of having more tools available for cost-saving measures.

Director Raburn moved that Resolution No. 5591 be adopted.

President Dufty seconded the motion.

### Action

Upon motion by Director Raburn and second by President Dufty, Resolution No. 5591 was adopted by roll call vote.

#### *Vote Summary:*

*Moved / Seconded: Director Raburn / President Dufty*

*Aye: Directors Foley, Hernandez, Li, Raburn, Simon, and Dufty.*

*No: Directors Allen and Ames.*

*Abstain: 0.*

*Absent: Director Saltzman.*

*Result: 6-2, motion carried by roll call vote.*

President Dufty recognized Sam Buman, the recommended appointee for the BART Accessibility Task Force (BATF), and invited him to speak.

Sam Buman addressed the Board.

### Public Comment

Aleta Dupree addressed the Board.

## Action

Upon motion by Director Raburn and second by Director Simon, the Board took the following actions by unanimous roll call vote.

*Vote Summary:*

*Moved / Seconded: Director Raburn / Director Simon*

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

*No: 0.*

*Abstain: 0.*

*Absent: Director Saltzman.*

*Result: 8-0, motion carried by unanimous roll call vote.*

- A. The Minutes of the Meetings of June 27, 2024 and July 11, 2024, were approved. *(Vote: 8-0)*
- B. Resolution No. 5589, In The Matter of Setting The Rate of Taxes For San Francisco Bay Area Rapid Transit District for Fiscal Year 2024/25, was adopted. *(Vote: 8-0)*
- C. The Board approved the current base pay schedule, and a revision to the base pay schedule originally approved on January 26, 2023. *(Vote: 8-0)*
- E. The General Manager was authorized to award Invitation for Bid (IFB) No. 9130 for the purchase of three (3) Rotary Dump Trucks with Hi-Rail Systems to Omaha Track Equipment in an amount of \$1,456,925.00 (including all applicable taxes), pursuant to notification to be issued by the General Manager and, subject to compliance with the District's Protest Procedures and Federal Transit Administration (FTA) procedures related to protest. *(Vote: 8-0)*
- F. The General Manager was authorized to award Agreement No. 6M5210 to American Integrated Services, Inc., Agreement No. 6M5211 to ABE Arens Brothers, Inc., and Agreement No. 6M5212 to North State Environmental, Inc., in an amount not-to-exceed \$1,297,667.00 each, pursuant to notification to be issued by the General Manager and subjected to compliance with the District's Protest Procedures. The General Manager was authorized to exercise up to two (2) one-year options for Agreement No. 6M5210, Agreement No. 6M5211 and Agreement No. 6M5212, not to exceed the total value of the remaining funds from the initial \$1,291,667.00 allocation, if at the conclusion of the three (3) year base agreement, funds are available from the initial \$1,291,667.00. *(Vote: 8-0)*
- G. The General Manager was authorized to add \$40,000.00 in funds to Agreement No. 6M5213 with North State Environmental to perform the necessary work that will allow BART to complete its required fire investigation and bring the KTS facility back into operation. *(Vote: 8-0)*
- H. The General Manager was authorized to execute Change Order(s) to Walnut Creek (CWC) project, Contract No. 15EK-105 (C3M CLARK CUPERTINO), in an amount not to exceed \$2,000,000.00 for repairs to restore traction power substation redundancy. *(Vote: 8-0)*

- I. The BART Board of Directors appointed the nominated candidate, Sam Buman, for membership to the BART Accessibility Task Force (BATF) beginning August 15, 2024 for a one year term, or until the Board makes new appointments and/or reappointments for a new term, whichever occurs later.  
*(Vote: 8-0)*

## 6. **GENERAL MANAGER'S REPORT**

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

Robert Powers, General Manager, reported on ridership, the August 12<sup>th</sup> service change, National Night Out, and BART Night with the Oakland Ballers.

Travis Engstrom, Director of Technology, provided an update regarding the August 8<sup>th</sup> service disruption caused by vandalism.

Rodd Lee, Assistant General Manager, External Affairs, provided an update regarding the regional housing bond effort.

### Discussion

The item was discussed, with the following highlights:

Director Simon praised the collaboration between BART and the Ballers organization, noting that the partnership has been highly successful.

Vice President Foley inquired whether current ridership is under or over budget projections and whether the August 8<sup>th</sup> incident was an attempted theft or strictly vandalism.

Director Ames expressed concern about the recent vandalism and the impact on service, which resulted in an eight-hour closure on the service line between Bay Fair Station and Warm Springs Station.

Director Allen requested an update on the 12th Street fire and inquired about whether trains are still running at a slower speed and the current status of the repairs.

### Public Comment

Aleta Dupree and Barney Smits addressed the Board.

## 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.



The following individuals addressed the Board:

Alex Vila  
Glenn Overton  
Aleta Dupree  
Barney Smits  
Joe Kunzler

8. **ADMINISTRATION ITEMS**

Janice Li, Chairperson

- A. Resolutions Ratifying the Agreements to Extend the Collective Bargaining Agreements (CBAs) and Create Successor Agreements.
- i. CBA with the American Federation of State, County and Municipal Employees, Local 3993.
  - ii. CBA with the Amalgamated Transit Union, Local 1555.
  - iii. CBA with the Service Employees International Union, Local 1021.

President Dufty brought the item before the Board, due to Director Li's remote participation.

David Coleman, Director of Labor Relations, presented the item.

Public Comment

The following individuals addressed the Board:

Jerry Grace  
Sal Cruz  
John Arantes  
LL Cool Daddy

Discussion

The item was discussed, with the following highlights:

Vice President Foley expressed gratitude to all involved in the agreement process and moved that Resolution No. 5590, In the Matter of Ratifying the Agreement to Extend the Collective Bargaining Agreement and Create a Successor Agreement for 2025-2027 between the District and the American Federation of State, County and Municipal Employees, Local 3993 (AFSCME), and Resolution No. 5592, In the Matter of Ratifying the Agreement to Extend the Collective Bargaining Agreement and Create a Successor Agreement for 2025-2027 between the District and the Service Employees International Union, Local 1021 (SEIU), be adopted.

Director Raburn seconded the motion.

Director Li thanked staff for their foresight in working with labor partners early, and expressed gratitude to all three labor partners for their engagement and efforts to reach agreements and strengthen BART. Director Li also expressed support for the motion brought by Vice President Foley.

Director Raburn expressed a desire to learn more about the union voting process and to explore ways to increase voter participation and make it easier for union members to vote.

Director Allen expressed intention not to support the extension of the contracts and concern about the representation of costs.

Director Ames inquired about the timeline shown in the presentation, regarding bargaining and the extension, expressing concern about the feasibility and practicality of securing a tax measure by November 2026.

### Action

Upon motion by Vice President Foley and second by Director Raburn, Resolution No. 5590, In the Matter of Ratifying the Agreement to Extend the Collective Bargaining Agreement and Create a Successor Agreement for 2025-2027 between the District and the American Federation of State, County and Municipal Employees, Local 3993 (AFSCME), and Resolution No. 5592, In the Matter of Ratifying the Agreement to Extend the Collective Bargaining Agreement and Create a Successor Agreement for 2025-2027 between the District and the Service Employees International Union, Local 1021 (SEIU), were adopted by roll call vote.

#### *Vote Summary:*

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

*Aye: Directors Foley, Hernandez, Li, Raburn, Simon, and Dufty.*

*No: Directors Allen and Ames.*

*Abstain: 0.*

*Absent: Director Saltzman.*

*Result: 6-2, motion carried by roll call vote.*

## **9. ENGINEERING AND OPERATIONS ITEMS - PART II**

Lateefah Simon, Chairperson

A. Award of Contract No. 47CJ-140A, Installation of Fare Gates.

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

Joy Sharma, Chief Infrastructure Delivery Officer, presented the item.

## Discussion

The item was discussed, with the following highlights:

Director Allen inquired about the execution timeline and scope of installation work.

Vice President Foley inquired about how lessons from the West Oakland Station installation are being applied to stations with a single array of fare gates.

Director Simon praised the team's efforts in the rollout of fare gates at West Oakland Station, noting the effective communication and community engagement which contributed to a successful pilot.

Director Raburn noted that temporary fare gates at Fruitvale Station are functioning well, with effective communication and preparation prior to installation.

Director Raburn moved that the General Manager be authorized to award Contract Number 47CJ-140A for Installation of Fare Gates to Cupertino Electric, Inc. of San Jose, CA for the total contract price of \$7,372,571.14, subject to the District's Protest Procedures and the Federal Transit Administration's requirements related to protests.

President Dufty seconded the motion.

Director Hernandez suggested using QR codes for easy access to information, instead of distributing paper fliers.

## Public Comment

Aleta Dupree addressed the Board.

## Action

Upon motion by Director Raburn and second by President Dufty, the General Manager was authorized to award Contract Number 47CJ-140A for Installation of Fare Gates to Cupertino Electric, Inc. of San Jose, CA for the total contract price of \$7,372,571.14, subject to the District's Protest Procedures and the Federal Transit Administration's requirements related to protests, by unanimous roll call vote.

### *Vote Summary:*

*Moved / Seconded: Director Raburn / President Dufty*

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

*No: 0.*

*Abstain: 0.*

*Absent: Director Saltzman.*

*Result: 8-0, motion carried by unanimous roll call vote.*

B. Award of Contract No. 6M4861, Progressive Design-Build of BART Police Department Headquarters.

Michael Jones, Deputy General Manager; Chief Infrastructure Delivery Officer Sharma; and Director of Funding Strategy Mathur presented the item.

Director Simon invited project representatives, Lewis Price, Project Executive at Swinerton Builders; Leah Macaulay, Operations Director and Senior Design Manager at Gensler; and Philip Luo, Public Safety Director at Shah Kawasaki Architects, to make a brief statement.

Project Executive Price, Operations Director Macaulay, and Public Safety Director Luo addressed the Board.

Public Comment

Samuel Adams and Aleta Dupree addressed the Board.

Discussion

The item was discussed, with the following highlights:

Director Raburn expressed appreciation for the presenters and highlighted the importance of the project, noting the need for a permanent facility for the BART Police Department.

Director Raburn moved (1) that the District finds that Swinerton/Gensler/SKA is the most qualified design-build entity to design and construct the Project based on its highest-scoring proposal submitted in response to Request for Proposals (RFP) No. 6M4861; that to that end, the General Manager be authorized to award Contract No. 6M4861 in a not-to-exceed amount of \$8,529,284.00 to Swinerton/Gensler/SKA for the Progressive Design-Build of BART Police Department Headquarters; that the award is contingent upon completion of Right-of-Way certification, certification by the Controller-Treasurer that funding is available, and notification to be issued by the General Manager; and that the award is subject to the District's Protest Procedures and the Federal Transit Administration's requirements related to protests; and (2) that the General Manager be further authorized to issue change orders for the project design, early trade packages and the guaranteed maximum price to complete the Project in an aggregate amount not-to-exceed \$83,430,000.00, subject to negotiation with the Contractor, and upon certification by the Controller-Treasurer that funding is available.

President Dufty seconded the motion.

Director Allen sought clarification on the term of the Transportation Infrastructure Finance and Innovation Act (TIFIA) loan and expressed concern about financing short-term assets over such a long period.

Director Ames expressed disagreement with the choice of the new building location for the Police Department facility and mentioned previous opposition to the building on Broadway, preferring to see the MET building repurposed for the Police Department instead.

Vice President Foley expressed support for the motion, noting that the action is an investment in an asset that BART can hold for many decades and that the asset will increase in value.

### Action

Upon motion by Director Raburn and second by President Dufty, the Board took the following actions by roll call vote.

(1) The District found that Swinerton/Gensler/SKA is the most qualified design-build entity to design and construct the Project based on its highest-scoring proposal submitted in response to RFP No. 6M4861; to that end, the General Manager was authorized to award Contract No. 6M4861 in a not-to-exceed amount of \$8,529,284.00 to Swinerton/Gensler/SKA for the Progressive Design-Build of BART Police Department Headquarters; the award is contingent upon completion of Right-of-Way certification, certification by the Controller-Treasurer that funding is available, and notification to be issued by the General Manager; and the award is subject to the District's Protest Procedures and the Federal Transit Administration's requirements related to protests; and

(2) The General Manager was further authorized to issue change orders for the project design, early trade packages and the guaranteed maximum price to complete the Project in an aggregate amount not-to-exceed \$83,430,000.00, subject to negotiation with the Contractor, and upon certification by the Controller-Treasurer that funding is available.

#### *Vote Summary:*

*Moved / Seconded: Director Raburn / President Dufty*

*Aye: Directors Foley, Hernandez, Li, Raburn, Simon, and Dufty.*

*No: Directors Allen and Ames.*

*Abstain: 0.*

*Absent: Director Saltzman.*

*Result: 6-2, motion carried by roll call vote.*

#### C. Quarterly Service Performance Review - Fourth Quarter Fiscal Year 2024.

Director Simon brought the item before the Board.

President Dufty announced that Item 12-A, Conference with Legal Counsel - Existing Litigation, would not occur.

Assistant General Manager Edwards; Kevin Franklin, Chief of Police; and Ja'Son Scott, Deputy Police Chief, presented the item.

### Public Comment

Aleta Dupree addressed the Board.

Director Ames exited the Meeting.

## Discussion

The item was discussed, with the following highlights:

Director Hernandez expressed appreciation for the informative presentation and inquired whether there were any current technology needs that could help the Police Officers perform their duties more effectively.

Director Simon expressed curiosity about how the Police Department is managing to maintain such low response times, noting the unique challenges of operating across five counties.

Director Raburn expressed concern over the rising crime rates in BART parking facilities, despite some positive trends in other areas.

## Action

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

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

Robert Raburn, Chairperson

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, had no report and no items were presented.

### **11. BOARD MATTERS**

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

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

Director Raburn reported that he had attended the Oakland Chamber Spotlight on Alameda County Supervisor Keith Carson, the National Night Out event at Bay Fair Station, the BART-AC Transit Interagency Liaison Committee meeting, the BART-VTA joint committee meeting. Director Raburn also requested that the Meeting be adjourned in honor of Ellen Corbett, former State Senator and President of the East Bay Regional Parks District (EBRPD) Board of Directors, and highlighted her extensive career in public service, commitment to the East Bay Community, and environmental advocacy.

Director Simon gave remarks regarding former State Senator Corbett, expressing the deep sense of loss felt by those who worked with her and praising her as a tough leader, a mentor, and a strong advocate for families, transit-oriented development (TOD), and veterans' housing.

Director Hernandez announced plans to appoint a representative for District 5 on the BART Police Citizen Review Board soon and shared excitement about receiving multiple applications for the position.

After some discussion, Director Hernandez indicated that she was inquiring about annual reporting by the Independent Police Auditor.

Director Simon highlighted her recent interaction with transit riders, particularly with those who work in the biotech sector at Genentech and in Alameda. Director Simon also expressed support for Station Agent Angelique Washington, who was caring for her daughter, and appreciation to Station Agent staff members for their support for their colleague, Angelique.

Director Allen announced that she had initially planned to serve only one term on the BART Board of Directors after being elected in 2016 ; however, she decided to run again in 2020, feeling that her financial expertise was needed on the Board. Director Allen indicated that she did not file for re-election this year, and that the Mayor of Pleasant Hill, Matt Rinn, has filed to represent District 1. Director Allen also noted that since Mayor Rinn was the only person to apply for the District 1 seat, he will be her successor. Director Allen expressed her confidence in Mayor Rinn, praising his experience as a Councilmember and Mayor, as well as his dedication to transparency and accountability.

Director Li reported that she had attended a meeting with Senator Scott Wiener, General Manager Powers, and other staff members, regarding transit operations funding and the Metropolitan Transportation Commission (MTC) Select Committee. Director Li highlighted the significance of this meeting as part of ongoing efforts to ensure BART remains a regional leader in transit funding discussions.

### Public Comment

Russell Bloom addressed the Board.

President Dufty expressed gratitude to the Media, Communications, and IT staff who make meetings more accessible to the public and acknowledged several individuals for their contributions. President Dufty thanked his colleagues and acknowledged the In Memoriam request for former State Senator Corbett.

## **12. CLOSED SESSION**

*Item 12-A did not occur and Item 12-B was continued to a future Board Meeting.*

### **A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Name of Case: Jeanette Lovan v. BART

Case No.: 23CV036534

Government Code Section: 54956.9(d)

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Titles: General Manager, General Counsel, District Secretary, Independent Police Auditor,  
and Inspector General

Government Code Section: 54957

13. **OPEN SESSION**

*Item 13-A did not occur, as there was no Closed Session.*

A. Announcements from Closed Session, if any.

14. **ADJOURNMENT**

The Meeting adjourned at 1:52 p.m. in honor of former State Senator Ellen Corbett.

April B. A. Quintanilla  
District Secretary