

San Francisco Bay Area Rapid Transit District

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



BOARD MEETING AGENDA

The Board Meeting will be held in person with an option for public participation via teleconference. Please note that a revised attachment has been added under Item 11-A.

Thursday, September 28, 2023

9:00 AM

BART Board Room, 2150 Webster Street, 1st Floor, Oakland, CA 94612.

Zoom Link: <https://us06web.zoom.us/j/83425062927>

Board of Directors

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
2150 Webster Street, P.O. Box 12688, Oakland, CA 94604-2688

BOARD MEETING AGENDA

September 28, 2023

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, September 28, 2023, in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California 94612.

Please note that this meeting will be held in person in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California 94612 with an option for public participation via teleconference.

You may watch the Board Meeting live or archived at <https://bart.gov/boardtv>

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

You may attend the Board Meeting in person or join the Board Meeting via Zoom by calling 833-548-0282 and entering access code 834 2506 2927; logging in to Zoom.com and entering access code 834 2506 2927; or typing the following Zoom link into your web browser:

<https://us06web.zoom.us/j/83425062927>

Members of the public may address the Board of Directors regarding any matter on this agenda. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under Public Comment.

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 September 27, 2023, in order to be included in the record.
- 2) Complete a “Request to Address the Board of Directors” form (available at the entrance to the Board Room) and give it to the District Secretary before the Item is considered by the Board.
- 3) Call 833-548-0282, enter access code 834 2506 2927, dial *9 to raise your hand when you wish to speak, and dial *6 to unmute when you are requested to speak; log in to Zoom.com, enter access code 834 2506 2927, and use the raise hand feature; or join the Board Meeting via the Zoom link (<https://us06web.zoom.us/j/83425062927>) 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.

Please refrain from wearing scented products (perfume, cologne, after-shave, etc.) to these meetings, as there may be people in attendance susceptible to environmental illnesses.

BART provides services/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 (<https://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 generally 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, California 94612; or telephone at 510-464-6083.

April B. A. Quintanilla
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

The purpose of the Board Meeting is to consider and take such action as the Board may desire in connection with:

1. CALL TO ORDER

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

2. REPORT OF THE BOARD PRESIDENT

3. BOARD COMMITTEE REPORTS

(An opportunity for Committee Chairpersons to report out on the activities of Board Committees that have met since the last Board Meeting.)

4. BOARD MATTERS

- A. Resolution Commending Matthew Burrows.
Board requested to adopt.

Attachments: [Resolution Commending Matthew Burrows - Resolution](#)

5. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of April 13, 2023 and April 27, 2023.
Board requested to authorize.

Attachments: [Approval of Minutes of the Meeting of April 13, 2023](#)
[Approval of Minutes of the Meeting of April 27, 2023](#)

- B. Purchase of Rubrik Software Expanded Software License Subscription Term from ePlus Technology, Inc.
Board requested to authorize.

Attachments: [Purchase of Rubrik Software - EDD](#)

- C. Amendment to Agreement No. 6M4424, with Foster and Foster Consulting Actuaries, Inc., to Extend the Term of the Agreement.
Board requested to authorize.

Attachments: [Amendment to Agreement No. 6M4424 - EDD](#)

- D. Amendments to Agreement No. 6M4600, with Athens Administrators, Inc., to Extend the Agreement and Increase Funding and to Agreement Nos. 6M4601, with CareWorks Managed Care Services, Inc., and 6M4599A, with Genex Services, LLC, to Extend the Agreements.

Board requested to authorize.

Attachments: [Amendments to Agreement No. 6M4600, 6M4601, and 6M4599A - EDD](#)

- E. Amendment to Statement of Investment Policy for Retiree Health Benefit Trust and Approval to Implement the Updated Policy.

Board requested to adopt and authorize.

Attachments: [Amendment to Statement of Investment Policy for Retiree Health Benefit Trust - EDD](#)
[Amendment to Statement of Investment Policy for Retiree Health Benefit Trust - Redlined Policy](#)
[Amendment to Statement of Investment Policy for Retiree Health Benefit Trust - Policy](#)

- F. Resolution Declaring Official Intent to Reimburse Certain Expenditures from Proceeds of Indebtedness.

Board requested to adopt.

Attachments: [Resolution Declaring Official Intent to Reimburse Certain Expenditures from Proceeds of Indebtedness - EDD](#)
[Resolution Declaring Official Intent to Reimburse Certain Expenditures from Proceeds of Indebtedness - Resolution](#)

- G. Change Order to Contract No. 01RQ-101, Hayward Maintenance Complex (Phase 2) Trackwork Procurement, with voestalpine Railway Systems Nortrak, Inc., for One Modified No. 08 Track Crossover.

Board requested to authorize.

Attachments: [Change Order to Contract No. 01RQ-101 - EDD](#)

- H. System Development Policy.

Board requested to adopt.

Attachments: [System Development Policy - EDD](#)
[System Development Policy - Policy](#)

- I. Amendment to Fiscal Year 2023 Elevator Attendant Agreement.
Board requested to authorize.

Attachments: [Amendment to Fiscal Year 2023 Elevator Attendant Agreement - EDD](#)

- J. BART Police Administrative Headquarters Title VI Siting Analysis Report.
Board requested to authorize.

Attachments: [BART Police Administrative Headquarters Title VI Siting Analysis Report - EDD](#)
[BART Police Administrative Headquarters Title VI Siting Analysis Report - Report](#)
[BART Police Administrative Headquarters Title VI Siting Analysis Report - Public Comments](#)

6. GENERAL MANAGER'S REPORT

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

7. 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 is limited to three (3) minutes per person.)

8. ADMINISTRATION ITEMS

Director Dufty, Chairperson

NO ITEMS.

9. ENGINEERING AND OPERATIONS ITEMS

Director Foley, Chairperson

- A. BART's Annual Surveillance Report - 2023.
Board requested to authorize.

Attachments: [BART's Annual Surveillance Report - 2023 - EDD](#)
[BART's Annual Surveillance Report - 2023 - Report](#)
[BART's Annual Surveillance Report - 2023 - Letter](#)

- B. Capital Programs and Project Status Update.

For information.

Attachments: [Capital Programs and Project Status Update - Memo](#)
[Capital Programs and Project Status Update - Presentation](#)

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

Director Saltzman, Chairperson

NO ITEMS.

11. BOARD MATTERS

- A. Modifications to Bikes on BART Rules. (Director Saltzman's request.)

For action.

Attachments: [Modifications to Bikes on BART Rules - Memo](#)
[Modifications to Bikes on BART Rules - Revised Summary Document](#)

- B. 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 the last Board Meeting.)

- C. 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.)

- D. In Memoriam.

(An opportunity for Board members to introduce individuals to be commemorated.)

12. CLOSED SESSION

A. 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; BART Police Officers' Association; BART Police Managers' Association; 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

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): one case

13. OPEN SESSION

A. Announcements from Closed Session, if any.

14. ADJOURNMENT