

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

300 Lakeside Drive, P. O. Box 12688, Oakland, CA 94604-2688



## **BOARD MEETING AGENDA**

**Thursday, January 14, 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, January 14, 2021.

Please note, pursuant to Governor Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate, which prevents all but essential travel, 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 and entering access code 933 2692 3246

If you wish to make a public comment:

- 1) Submit written comments via email to [board.meeting@bart.gov](mailto: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 January 13, 2021 in order to be included in the record.
- 2) Call 1-669-900-6833, enter access code 933 2692 3246, and dial \*9 to raise your hand when you wish to speak.

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](http://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](http://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](mailto:BoardofDirectors@bart.gov); in person or U.S. mail at 300 Lakeside Drive, 23rd Floor, Oakland, CA 94612; fax 510-464-6011; or telephone 510-464-6083.

Patricia K. Williams  
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.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of December 10, 2020 (Special), and December 17, 2020 (Regular). Board requested to authorize.

**Attachments:** [Approval of Minutes of the Meeting of December 10, 2020 \(Special\)](#)  
[Approval of Minutes of the Meeting of December 17, 2020 \(Regular\)](#)

- B. Declaration of November 3, 2020, Election Results. Board requested to authorize.

**Attachments:** [Declaration of November 3, 2020, Election Results - EDD](#)

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

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

- D. Resolution Fixing the Non - California Public Employees Retirement System (CalPERS) Medical Plan Structure and Rates for Calendar Year 2021. Board requested to adopt.

**Attachments:** [Res. Fixing the Non -\(CalPERS\) Medical Plan Structure - EDD](#)

E. Resolutions Fixing the Employer's Contribution to the California Public Employees Retirement System (CalPERS).

a. Public Employees' Medical and Hospital Care Act for Employees Represented by American Federation of State, County and Municipal Employees, Local 3993; Amalgamated Transit Union, Local 1555; Service Employees International Union, Local 1021; and Non-Represented Employees.

b. Public Employees' Medical and Hospital Care Act at an Equal Amount for Employees and Annuitants Represented by American Federation of State, County and Municipal Employees, Local 3993; Amalgamated Transit Union, Local 1555; Service Employees International Union, Local 1021; and Non-Represented Employees.

Board requested to adopt.

**Attachments:** [Resolutions Fixing the Employer's Contribution to the California Public Employees Retirement Sys-EDD](#)

F. (CONTINUED from November 19, 2020, Board Meeting)  
Award of Contract No. 20LZ-130A, Train Control Room Battery Replacement, Phase 3. Board requested to authorize.

**Attachments:** [Award of Contract No. 20LZ-130A, Train Control Room Battery Replacement, Phase 3 - EDD](#)

G. Award of Invitation for Bid No. 9080, Hi-Rail Swing Crane - 180 Degrees. Board requested to authorize.

**Attachments:** [Award of Invitation for Bid No. 9080, Hi-Rail Swing Crane - 180 Degrees - EDD](#)

H. Amendment to Agreement No. 6M3312, with ACR Glazing Contractors, Inc., for On-Call Glass Repair and Replacement Services. Board requested to authorize.

**Attachments:** [Amendment to Agreement No. 6M3312, with ACR Glazing Contractors, Inc., for On-Call Glass Repair -EDD](#)

- I. Procurement with Cisco Systems, for the Lab Equipment for Clipper 2.0 Network Segmentation Configuration and Testing. Board requested to authorize.

**Attachments:** [Procurement with Cisco Systems, for the Lab Equipment for Clipper 2.0 Network Seg. Config. - EDD](#)

3. BOARD MATTERS

- A. Resolution in Support of Pirone's Prosecution. (Directors Dufty, Li, Saltzman, and Simon's request.) Board requested to adopt.

**Attachments:** [Resolution in Support of Pirone's Prosecution - Memo](#)  
[Resolution in Support of Pirone's Prosecution - Resolution](#)

4. 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.)

5. ENGINEERING AND OPERATIONS ITEMS

Director Dufty, Chairperson

- A. Center for Policing Equity Final Report - BART Police Department. For information.

**Attachments:** [Center for Policing Equity Final Report – BART Police Department - Memo](#)  
[Center for Policing Equity Final Report – BART Police Department - Presentation](#)  
[Center for Policing Equity Final Report – BART Police Department - Report Presentation](#)  
[Center for Policing Equity Final Report – BART Police Department - City Report Final](#)  
[Center for Policing Equity Final Report – BART Police Department - Report](#)

- B. Update to Roll Call for Introductions Item No. RCI 20-832, BART Progressive Policing. For information.

**Attachments:** [Update to Roll Call for Introductions Item No. RCI 20-832, BART Progressive Policing - Memo](#)  
[Update to Roll Call for Introductions Item No. RCI 20-832, BART Progressive Policing - Presentation](#)  
[Update to Roll Call for Introductions Item No. RCI 20-832, BART Progressive Policing - Report](#)  
[Update to Roll Call for Introductions Item No. RCI 20-832, BART Progressive Policing - External Stakeholders](#)  
[Update to Roll Call for Introductions Item No. RCI 20-832, BART Progressive Policing - Internal Stakeholders](#)  
[Update to Roll Call for Introductions Item No. RCI 20-832, BART Progressive Policing - Open Survey](#)  
[Update to Roll Call for Introductions Item No. RCI 20-832, BART Progressive Policing - Random Sample Survey](#)

- C. Change Order to Contract No. 09EK-130A, Oakland Emergency Generator (OEG) System, with DMZ Builders, for Extension of Time (C.O. No. 69). Board requested to authorize.

**Attachments:** [Change Order to Contract No. 09EK-130A, Oakland Emergency Generator \(OEG\) Syst - EDD](#)

## 6. ADMINISTRATION ITEMS

Director McPartland, Chairperson

- A. Establish the Audit Committee and Approve Audit Committee Charter. Board requested to authorize.

**Attachments:** [Establish the Audit Committee and Approve Audit Committee Charter - EDD](#)  
[Establish the Audit Committee and Approve Audit Committee Charter - Final Charter](#)  
[Establish the Audit Committee and Approve Audit Committee Charter - Draft Charter](#)



- B. Approve Charter for the Office of Inspector General. Board requested to authorize.

**Attachments:** [Approve Charter for the Office of Inspector General - Memo](#)  
[Approve Charter for the Office of Inspector General - Charter](#)  
[Approve Charter for the Office of Inspector General - Presentation](#)

- C. Actuarial Report on Changes to Pensions (Money Purchase Pension Plan and Deferred Compensation Plan) Related to District Retirement Incentive Program (DRIP) Consideration by the District. For information.

**Attachments:** [Actuarial Report on Changes to Pensions \(MPP and Deferred Comp.\) for DRIP- Report](#)

- D. Budget Update. For information.

**Attachments:** [Budget Update - Memo](#)  
[Budget Update - Presentation](#)

7. PLANNING, PUBLIC AFFAIRS ACCESS, AND LEGISLATION ITEMS

Director Saltzman, Chairperson

NO ITEMS.

8. GENERAL MANAGER'S REPORT

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

9. BOARD MATTERS

- A. Response to Roll Call for Introductions Item No. RCI 19-827, Labor Peace Agreement for Hotel Policy for Board Consideration. For information.

**Attachments:** [Response to RCI 19-827 TOD Hotel Policy - Memo](#)  
[Response to RCI 19-827, Hotel Policy - Presentation](#)

- 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 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.)

10. CLOSED SESSION

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Titles: General Manager, General Counsel, Controller-Treasurer,  
District Secretary, Independent Police Auditor, and Inspector General  
Government Code Section: 54957

B. CONFERENCE WITH LABOR NEGOTIATORS:

Designated representatives: Robert Powers, General Manager; Michael Jones,  
Deputy General Manager; and Shana Dines,  
Chief Employee Relations Officer

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

11. OPEN SESSION

A. Announcement from Closed Session, if any.