



San Francisco Bay Area Rapid Transit District SPECIAL BOARD MEETING AGENDA

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

Board of Directors Special Meeting

Thursday, November 3, 2022

9:00 AM

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

Zoom Link:

<https://us06web.zoom.us/j/87068494707>

The November 3rd Special Board Meeting will be via teleconference with an option for
in-person public
participation in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, CA
94612.

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

NOTICE OF SPECIAL MEETING AND AGENDA
BOARD OF DIRECTORS

November 3, 2022
9:00 a.m.

President Saltzman has called a Special Meeting of the Board of Directors on Thursday, November 3, 2022, at 9:00 a.m. The Special Board Meeting will be held via teleconference and in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California 94612.

Please note that this meeting will be via teleconference with an option for in-person public participation in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California 94612. Face masks are strongly recommended on BART property, including the BART Board Room.

Please note, pursuant to all necessary findings having been made by the Board of Directors of the San Francisco Bay Area Rapid Transit District (for itself as well as all subordinate legislative bodies) to continue remote public meetings in the manner contemplated under urgency legislation Assembly Bill No. 361, public participation for this meeting will be available via teleconference and in person.

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

You may attend the Special Board Meeting in person or join the Special Board Meeting via Zoom by calling 833-548-0282 and entering access code 870 6849 4707; logging in to Zoom.com and entering access code 870 6849 4707; or typing the following Zoom link into your web browser:
<https://us06web.zoom.us/j/87068494707>

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 November 2, 2022 in order to be included in the record.
- 2) Complete a “Request to Address the Board” form (available at the entrance to the Board Room) and hand it to the District Secretary before the Item is considered by the Board.
- 3) Call 833-548-0282, enter access code 870 6849 4707, 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 870 6849 4707, and use the raise hand feature; or join the Special Board Meeting via the Zoom link (<https://us06web.zoom.us/j/87068494707>) and use the raise hand feature.

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

The purpose of the Special 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.
2. Public Comment on Item 3 Only.

3. [22-403](#)
Resolution to Continue Virtual Meetings During the Pandemic.
Board requested to adopt.

Attachments: [Resolution to Continue Virtual Meetings During the Pandemic - Resolution](#)

4. Public Comment on Item 5 Only.

5. 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. PUBLIC EMPLOYMENT

Title: Inspector General
Government Code Section: 54957

6. OPEN SESSION.

- A. Announcement from Closed Session, if any.

7. Public Comment on Item 6 Only.

April B. A. Quintanilla
District Secretary

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/Committee meetings, depending on the service requested. Please contact the Office of the District Secretary at (510) 464-6083 for information.

Date Posted: October 31, 2022

In the Matter of Re-Authorizing
the District's legislative and subordinate
legislative bodies to utilize the provisions
enacted by AB 361 to meet remotely
with teleconferenced meetings
during a re-proclaimed emergency as
authorized by law in accordance with
Government Code Section 54953(e)
and other applicable provisions of the
Ralph M. Brown Act for an additional
period of thirty (30) days from the adoption
of this Resolution. _____ /

Resolution No. _____

WHEREAS, the San Francisco Bay Area Rapid Transit District is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the San Francisco Bay Area Rapid Transit District's legislative and subordinate legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District's legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board of Directors previously adopted a Resolution, Number 5535 on October 13, 2022, finding that the requisite conditions exist for the legislative and subordinate legislative bodies of the San Francisco Bay Area Rapid Transit District to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in the District, and the Board of Directors has done so; and

WHEREAS, emergency conditions persist in the District, specifically; and

WHEREAS, social distancing best practices are still necessary and appropriate to prevent an imminent risk to the health and safety of public meeting; and

WHEREAS, the Board of Directors does hereby find that the continuing State of Emergency and conditions causing imminent risk to attendees has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to affirm a local emergency exists and re-ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency persisting, the Board of Directors does hereby find that the legislative and subordinate legislative bodies of the San Francisco Bay Area Rapid Transit District may continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, all best practices to ensure access of the public to the District's remote meetings have been, and will continue to be faithfully observed during this extension period of this local emergency.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Affirmation that Local Emergency Persists. The Board of Directors hereby considers the conditions of the state of emergency in the District and proclaims that a local emergency persists throughout the District, and social distancing measures recommended by the Center for Disease Control and modifications to public meeting laws that advance best practices still appear to be necessary and appropriate to safeguard the public's health and safety, and are therefore continued and maintained.

Section 3. Re-ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The General Manager, District Secretary, legislative and subordinate legislative bodies of the San Francisco Bay Area Rapid Transit District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) thirty (30) days from the adoption of this resolution, or (ii) such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the San Francisco Bay Area Rapid Transit District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of the San Francisco Bay Area Rapid Transit District, this _____ day of _____, 20____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN: