

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2688

Board of Directors
Minutes of the 1,858th Meeting
February 27, 2020

A regular meeting of the Board of Directors was held on February 27, 2020, convening at 9:00 a.m. in the BART Board Room, 2040 Webster Street, Oakland, California. President Simon presided; Patricia K. Williams, District Secretary.

Present: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman and Simon.

Absent: None. Director Dufty entered the Meeting later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of January 23, 2020 and February 13 & 14, 2020.
2. Amendment to Legal Services Agreement with Glynn & Finley, LLP.
3. Amendment to Professional Services Agreement No. 6M4516, Provide Temporary Help Services, with HR Management, Inc., for Extension of the Current Contract.
4. Award of Invitation For Bid No. 9074-A, Assisted Lift Retractable Bollards.
5. Agreements with Public and Private Transportation Providers for Temporary Bus Services and to Pay for Related Bus Bridge Expenses.
6. Change Order to Contract No. 6M4549, Emergency Restoration, Preventive Maintenance, Non-Emergency Repair and Seismic Relocation Work of the Commercial Fiber Optic and Wireless Network, for Relocation of Commercial Communications Infrastructure (C.O. No. 004).
7. Reject All Bids for Contract No. 15EI-182, Cast Coil Transformer Replacement Project.
8. Resolution Authorizing Project Compliance and Initial Project Report for Regional Measure 2 (RM2) Funds for the Warm Springs Extension Irvington Station Project.

Director Allen requested that Item 2-C, Amendment to Professional Services Agreement No. 6M4516, Provide Temporary Help Services, with HR Management, Inc., for Extension of the Current Contract, be removed from the Consent Calendar.

Director Raburn made the following motions as a unit. Directors McPartland and Saltzman seconded the motions.

1. That the Minutes of the Meetings of January 23, 2020 and February 13 & 14, 2020 be approved.
2. That the amendment of the agreement with Glynn & Finley, LLP to continue its joint representation of the District in the Maynard, et. al. v. BART, et. al., matter and as required to complete joint representation of the District in this matter, be approved.
3. That the General Manager be authorized to award Invitation for Bid No. 9074-A, Procurement of Assisted Lift Retractable Bollards, to Delta Scientific Corporation., for the Bid price of \$423,248.90, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures.
4. That the General Manager be authorized to enter into agreements with public and/or private bus operators and vendors, including but not limited to Alameda-Contra Costa Transit District (AC Transit) and Central Contra Costa Transit Authority (County Connection), to provide temporary bus transportation services and related support expenses in a total amount not to exceed \$200,000.00 per day for each day that the District is unable to provide complete train service due to maintenance projects; these authorizations will expire on December 31, 2020 or after fourteen bus bridge weekends, whichever occurs first.
5. That the General Manager be authorized to execute a Change Order to Contract No. 6M4549, Emergency Restoration, Preventive Maintenance, Non-Emergency Repair and Seismic Relocation Work of the Commercial Fiber Optic and Wireless Network, in an amount not to exceed \$750,000.00.
6. That the General Manager be authorized to reject all Bids for Contract No. 15EI-182 – Cast Coil Transformer Replacement Project.
7. Adoption of Resolution No. 5434, In the Matter of the Approval of a Resolution of Project Compliance and Initial Project Report for Regional Measure 2 Funds for the Warm Springs Extension Irvington Station Project.

Director Allen requested that Item 2-C, Amendment to Professional Services Agreement No. 6M4516, Provide Temporary Help Services, with HR Management, Inc., for Extension of the Current Contract, be considered in the discussion of Item 4-A, Award of Professional Services Agreements to Provide Temporary Help Services.

Director Raburn rescinded the motion and moved that all items on the Consent Calendar be approved. The substitute motion died for lack of a second.

Director Saltzman made the following motions as a unit. Director Allen seconded the motions, which carried by unanimous electronic vote. Ayes: 8 – Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0. Absent: 1 – Director Dufty.

1. That the Minutes of the Meetings of January 23, 2020 and February 13 & 14, 2020 be approved.
2. That the amendment of the agreement with Glynn & Finley, LLP to continue its joint representation of the District in the Maynard, et. al. v. BART, et. al., matter and as required to complete joint representation of the District in this matter, be approved.
3. That the General Manager be authorized to award Invitation for Bid No. 9074-A, Procurement of Assisted Lift Retractable Bollards, to Delta Scientific Corporation., for the Bid price of \$423,248.90, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures.

(The foregoing motion was made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

4. That the General Manager be authorized to enter into agreements with public and/or private bus operators and vendors, including but not limited to Alameda-Contra Costa Transit District (AC Transit) and Central Contra Costa Transit Authority (County Connection), to provide temporary bus transportation services and related support expenses in a total amount not to exceed \$200,000.00 per day for each day that the District is unable to provide complete train service due to maintenance projects; these authorizations will expire on December 31, 2020 or after fourteen bus bridge weekends, whichever occurs first.
5. That the General Manager be authorized to execute a Change Order to Contract No. 6M4549, Emergency Restoration, Preventive Maintenance, Non-Emergency Repair and Seismic Relocation Work of the Commercial Fiber Optic and Wireless Network, in an amount not to exceed \$750,000.00.
6. That the General Manager be authorized to reject all Bids for Contract No. 15EI-182 – Cast Coil Transformer Replacement Project.
7. Adoption of Resolution No. 5434, In the Matter of the Approval of a Resolution of Project Compliance and Initial Project Report for Regional Measure 2 Funds for the Warm Springs Extension Irvington Station Project.

President Simon called for Public Comment. Michael Granat addressed the Board.

Vice President Foley asked for clarification of staff's interaction with the labor force regarding schedule changes.

Ms. Tamar Allen, Assistant General Manager, Operations, addressed the Board.

Director Dufty entered the Meeting.

Joe Helweg addressed the Board.

President Simon announced that the order of the agenda items would be changed.

Director Dufty, Chairperson of the Engineering and Operations Committee, brought the matter of Quality of Life: BART Police Department before the Board. Mr. Michael Jones, Deputy General Manager; Police Chief Ed Alvarez; Deputy Police Chief Lance Haight; and Mr. Russell Bloom, Independent Police Auditor, presented the item.

Director Li thanked Mr. Robert Powers, General Manager, Mr. Jones, Chief Alvarez, Deputy Chief Haight, Mr. Bloom, and staff for their presentation and work to analyze the data presented; commented on her desire to analyze lower level offenses; and expressed support for Chief Alvarez's vision and confidence in Mr. Powers and Chief Alvarez's ability to achieve the vision.

Director McPartland thanked staff; commented on his experience with diversity, equity, and accountability in relation to law enforcement and his experience with conducting similar data analysis as a public safety officer; commended staff's work; and expressed support for BART's transparency.

President Simon acknowledged that it was Oscar Grant's birthday; commented on transparency and thoughtfulness in law enforcement within BART, the importance of acknowledging disparities, analyzing the role of race in actions, determining how to address disparities, staff's efforts to analyze and address disparities, understanding how BART can be the best law enforcement institution in the United States, gaining knowledge from experiences and applying knowledge, experiencing other agencies' efforts to decrease and understand bias, working with partners to determine why disparities exist, cities and counties' responsibility to serve those in need and BART's role in helping with this effort, the interaction between poverty, homelessness, and race and contact with law enforcement, and BART's efforts to ensure that those who need to use the system can use the system, such as the means-based fare program; and expressed appreciation for the presentation and transparency.

Vice President Foley thanked Director Li for bringing the Roll Call for Introductions (RCI) request forward; thanked staff for their work; commented on honesty and transparency with the implications of the data, next steps for action, the meaning of the data, improving BART if change is necessary, embracing opportunities for improvement, and asking difficult questions; and expressed appreciation for staff's efforts to approach the issue with a willingness to implement change if an opportunity for improvement exists.

Keith Garcia and Andrew Sullivan addressed the Board.

Vice President Foley asked clarifying questions regarding the decrease in fare-related enforcement, providing and collecting data in accordance with the Racial and Identity Profiling Act (RIPA), and the difference in the citation and field interview data.

Director Allen thanked and commended staff for their work; noted the consistency of the data with prior data, the development of the fare inspector program in 2017, the accuracy of the fare inspector data in relation to police officers' experiences, the need to address racial disparities and existence of disparities in other social institutions and conditions, and the significance of the data; expressed support of BART's participation in programs that assist with addressing racial bias in policing; discussed the definition of "disparity" within BART, the comparison of the data to ridership information, and the need for and lack of reliable data regarding the racial composition of BART riders for comparison, the viability of comparing the data to (1) the general populations of the counties that BART runs through, (2) the racial composition of crime committed in cities that BART runs through, or (3) the racial composition of those who completed the 2018 Customer Satisfaction Survey; commented on the racial demographic

information derived from the Customer Satisfaction Survey, the comparison of the data to the racial demographic information from the Survey, the inappropriateness of relying on racial demographic information derived from a survey as an indicator of the average racial composition of BART riders, and the need for a proper study of ridership demographics to further address racial disparities in policing; and requested that the Communications staff no longer cite the Customer Satisfaction Survey data as the factual evidence of BART's ridership.

Director Ames thanked Director Allen for her comments regarding BART's demographic data collection and suggested that the collection methods could be refined; commented on the prevalence of fare evasion as reflected by the data; asked clarifying questions regarding the Quality of Life data chart and whether a study has been conducted to establish that fare evaders engage in other Quality of Life infractions; thanked staff for their work; expressed that stations need to be hardened with the inclusion of new faregates; commented on equity and the reflection of social problems and demographics in the data; requested additional training for BART Police Officers; asked clarifying questions regarding training that would be implemented for BART Police Officers; expressed support for additional training; recognized disparity within BART; noted that equity problems exist in society and that BART wishes to be a leader in policing; and indicated a desire to increase training and implement new faregates this year to stop lawlessness on the trains.

Director Saltzman thanked Director Li for introducing the item and staff for their work; commented on the benefit of additional data; requested that the data be posted on the Open Data Portal for the public; associated herself with the comments of Director Foley and President Simon; and asked staff to respond to the discussion regarding race and ethnicity data.

Mr. Powers; Mr. Aaron Weinstein, Director of Marketing and Research; and Mr. Maceo Wiggins, Director of the Office of Civil Rights, addressed the Board.

Director Saltzman requested an update on the implementation of Assembly Bill 953: The Racial and Identity Profiling Act of 2015; expressed support for participation in the Government Alliance on Race and Equity (GARE); thanked staff for their commitment to participate in GARE; requested reports on GARE later this year and after the GARE program concludes; commented on the lack of data regarding the reason for fare evasion, the assumption that a majority of fare evasion occurs due to cost considerations, the increase in school attendance rates after Alameda County implemented free transit passes for students, the means-based fare program and communicating options, such as the program and youth discount, hardening the system, BART's inability to change social problems with income inequality, and informing riders about legal ways to use and afford BART; and requested information about how fare evaders will be informed of their eligibility for or the existence of the means-based fare program and youth discount so that riders can afford to pay fare.

Director Raburn thanked Mr. Sullivan for his comments; commented on the Board's development of the proof-of-payment system and protocol to ensure fair enforcement in 2017; expressed appreciation for Master Police Officer and President of the BART Police Officers' Association Keith Garcia's comment that officers do not engage in disparate treatment and that the protocols are being followed; indicated that additional efforts may be necessary and that oversight is required; shared his experience with listening to a presentation on implicit bias by Emeryville's Chief of Police; asked whether implicit bias training is woven into BART Police Officers' training; noted that while policies exist, the concern is individuals who misbehave; commented on the individual officer element of the Center for Policing Equity (CPE) Research Premises and asked whether an early warning system would be an effective way

to track individual behaviors; expressed desire for hardening the system; addressed the trade-off between enforcement and infrastructure; asked whether participation or monitoring of GARE training would be available to the Directors; requested the schedule of GARE training sessions; and thanked Chief Alvarez for his efforts and emphasis on equity.

Director Li noted that homelessness is not illegal and that unhoused people can pay fare to ride BART for warmth; commented on the California housing crisis, funding provided for local homeless outreach teams (HOT), the impact of HOT, approved funding for station modernization, and replacing faregates throughout the system; indicated that the issues are difficult; asked for information about fixing the issue, how BART can acknowledge the data and embrace an action plan, an explanation of the reason why the CPE study has taken so long, whether the disparities reflected in the data are problematic and, if so, how they are problematic, and an explanation of field interviews; and indicated that the data does not suggest that individual officers are engaged in misconduct or are racist, but the data shows that BART's Police Department does not differ from the national trends in law enforcement regarding who is engaged with law enforcement through stops, citations, or arrests; commented on the current racial bias and profiling issues within the San Francisco Police Department, the importance of BART's efforts to understand disparities and end bias, and the process of ending bias; and requested quarterly reports regarding findings and progress.

Director Dufty thanked Director Li for initiating the request and staff and leadership for their work.

Director Dufty brought the matter of Change Order to Contract No. 15EJ-171, 34.5 KV Cable Replacement M-Line MVS Switching Station and MTF, MSS, MPS, and MTW Substations, for Additional Expansion Joints and Phenolic Reinforced Thermosetting Resin Conduit (C.O. No. 007), before the Board.

Director Saltzman moved that the General Manager be authorized to execute Change Order No. 007 to Contract No. 15EJ-171 for Additional Expansion Joints for Phenolic Reinforced Thermosetting Resin Conduit, with DMZ Builders Co., Inc. in the amount not to exceed \$1,000,000.00 and to extend the Contract completion date by zero (0) calendar days. President Simon seconded the motion, which carried by unanimous electronic vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

Director Dufty brought the matter of Quarterly Performance Report, Second Quarter Fiscal Year 2020 – Service Performance Review, before the Board. Ms. Tamar Allen and Chief Alvarez presented the item.

Director Dufty commented on the lack of live monitoring of cameras in parking lots, the reduction in criminal activity, hearing about passengers' frustration when their vehicles are damaged; and requested real-time monitoring of parking lot cameras at stations that have had problems to prevent incidents from occurring.

Director Saltzman requested that weekend ridership be added to the BART summary chart and that a goal for weekend ridership be set; asked when the report will include cleanliness ratings for the Fleet of the Future that are separate from the cleanliness ratings for the Legacy Fleet; commented on displaying the cleanliness ratings in the reports for riders to view; and requested a report regarding efforts to decrease delays due to police activity.

Director Raburn thanked staff for their report; commented on success with computer control upgrades, street elevator availability, and improvement in passenger safety in stations and on trains; expressed hope that the public will sense improvement in the stations and on trains and concern regarding wayside train control; asked whether staff has the resources to keep the trains functioning at a high level of reliability, for clarification of staff's response, and whether work on the communications-based train control will increase reliability in the near term.

Director Allen commented on decreasing delays due to police activity by prioritizing solutions for fare evasion in the system; and expressed satisfaction with the majority of the Board's support for station hardening and addressing lower level crimes that occur on the trains.

Director McPartland, Chairperson of the Administration Committee, brought the matters of Award of Professional Service Agreements to Provide Temporary Help Services and Item 2-C, Amendment to Professional Services Agreement No. 6M4516, Provide Temporary Help Services, with HR Management, Inc., for Extension of the Current Contract, before the Board. Ms. Diane Iwata, Manager of HRIS and Benefits, Human Resources and Administration, and Ms. Gia Ilole, Acting Assistant General Manager, Administration, presented the items.

Director Allen asked for clarification of the contract terms and the contract award amount per vendor; commented that three-year contracts are sufficient, that she prefers for the Board to have more oversight of the contracts, and that AppleOne Employment's (AppleOne) contract includes a 59.5% markup while the other vendors' markups are lower; asked for an explanation of the additional 70% payment under the AppleOne Employment contract, and whether four contracts needed to be approved by the Board.

Director Allen moved that the General Manager be authorized to award Agreement No. 6M4690 to SearchPros Staffing, Agreement No. 6M4692 to Tryfacta, Inc., and Agreement No. 6M4694 to Wollborg Michelson Personnel Service, Inc. to provide temporary help services, for a three-year term at \$3,000,000.00 for each Agreement; and that if additional agreements are necessary, that staff solicit competitive bids.

Director Ames seconded the motion; expressed concern over the amount of money outlined in the original motion; asked whether a policy can be created to limit overhead charges; and commented that a guidance document regarding limitations on overhead charges would be helpful and that she did not feel comfortable with the amount of money outlined in the original motion.

Director Saltzman asked whether AppleOne provides anything that the other firms do not provide; for an explanation of the process by which temporary help services would be obtained with the four firms available to select from; for clarification of when staff would start with the firm that offers the lowest cost; whether all four contracts could be awarded with additional language stating that staff must first try to fill positions using the lower bidders; and whether staff would be in agreement with awarding a smaller amount to AppleOne, knowing that BART would try not to utilize their services as much and whether this action would be legal; and commented on the state of the labor market and the benefit of AppleOne's availability.

Director Saltzman made the following substitute motion: (1) That the General Manager be authorized to (a) award Agreement No. 6M4690 to SearchPros Staffing, Agreement No. 6M4692 to Tryfacta, Inc., and Agreement No. 6M4694 to Wollborg Michelson Personnel Service, Inc. to provide temporary help services, each Agreement for three (3) years, and to execute two one-year options for each Agreement,

in an amount not to exceed \$5,000,000.00 for each Agreement, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures; and (b) award Agreement No. 6M4693 to Howroyd-Wright Employment Agency, Inc. dba AppleOne to provide temporary help services for three (3) years and to execute two one-year options for the Agreement, in an amount not to exceed \$2,500,000.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures; and (2) That staff prioritize Tryfacta, Inc., SearchPros Staffing, and Wollborg Michelson Personnel Service, Inc. over AppleOne and utilize AppleOne when staff cannot fill a position through Tryfacta, Inc., SearchPros Staffing, or Wollborg Michelson Personnel Service, Inc. Director Li seconded the substitute motion.

Director Dufty commented on BART's access to a diversity of firms, firms' strengths with providing services in various fields, the importance of flexibility, the absence of a penalty for hiring temporary employees, and the ability to access full-time talent through firms when temporary employees become permanent employees; and expressed support for Director Saltzman's substitute motion.

Director Raburn commented that temporary hiring provides a pathway for success for people who would otherwise not have access to working at BART; noted variation amongst the firms under Board consideration; asked whether Tryfacta, Inc. specializes in Information Technology (IT) employees; noted that AppleOne is a high-profile minority-owned firm and that HR Management, Inc. is a minority-owned firm that has been underutilized over the past three years, despite an allocation of up to \$3,000,000.00; asked for information about the amount that has been paid to HR Management, Inc.; indicated a desire for BART to reach out to HR Management, Inc. and local groups; suggested that AppleOne is the high-profile choice; expressed support for the original motion; requested equity with utilization among temporary employment firms; and indicated that he was not in agreement with the motions brought by Directors Allen or Saltzman and that he preferred the original motion.

Director McPartland asked for information about BART's history with utilizing AppleOne and for clarification of the function of the temporary employment companies; expressed agreement with Director Allen's concerns regarding AppleOne's 59.5% overhead charge; and asked whether AppleOne was included as a firm for contracting because of their potentially available skillset.

Director Allen indicated that, with the addition of Item 2-C, there are five firms for consideration; commented on the extension of the HR Management, Inc. contract and the utilization of the old contract amount; noted that the contract with HR Management, Inc. lists the incorrect firm name, that the correct name for the firm is HR Management Corp. Inc., and that BART has not utilized HR Management Corp. Inc. (HR Management, Inc.) since August 2018; commented on the staffing provided by HR Management Corp. Inc.; asked whether HR Management Corp. Inc. failed to meet the Request for Proposals (RFP) requirements; expressed that the Board should not extend the contract for HR Management Corp. Inc. because the firm failed to satisfy the new RFP requirements and that if a firm is unable to provide BART with services, then BART should move on to other firms; and requested that Items 2-C and 4-A be voted on separately.

Director Dufty noted that he spoke with Director Allen about Mr. Hunt and his contract; commented that Mr. Hunt's business is a local, small minority-owned business, that Mr. Hunt had sought to work with BART for some time, and that he plans to follow-up and ensure that Mr. Hunt has the optimum opportunity; explained that Mr. Hunt is not qualified under Item 4-A because of the volume of work outlined in the RFP, not because Mr. Hunt has done anything wrong; requested that the Board not reject Item 2-C; indicated that this is a learning experience demonstrating that sometimes small firms have

challenges competing with firms like AppleOne; emphasized that payment will not be made unless work is done; and suggested that the Office of Civil Rights and Human Resources work with Mr. Hunt to identify ways in which he can be successful, and that there is no risk to BART in this situation.

Vice President Foley asked for information about the markup rate for HR Management Corp. Inc.

Director McPartland asked for confirmation that none of the contract amount maximums were expected to be reached.

The substitute motion brought by Director Saltzman and seconded by Director Li carried by electronic vote. Ayes: 6 – Directors Dufty, Foley, Li, McPartland, Saltzman, and Simon. Noes: 3 – Directors Allen, Ames, and Raburn.

Director Dufty moved that the General Manager be authorized to execute an amendment to Agreement No. 6M4516, Temporary Staff Services, with HR Management, Inc., to extend the term of the Agreement through April 30, 2023. Director Li seconded the motion.

The motion brought by Director Dufty and seconded by Director Li carried by electronic vote. Ayes: 8 – Directors Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 1 – Director Allen.

President Simon recognized representatives from the Alliance for Girls.

President Simon brought the matter of Resolution in Support of Alliance for Girls before the Board. She gave remarks regarding safety, feedback from youth riders, the Alliance for Girls, BART's engagement with the Alliance for Girls, including recognition of Ms. Alicia Trost, Chief Communications Officer, for her efforts to work with the Alliance for Girls; thanking Ms. Trost and BART leadership for prioritizing a partnership with the Alliance for Girls; thanking Ms. Jennifer Easton, Manager of Special Projects, Systems Development, for her work with Ms. Trost; and recognizing Mr. Matthew Burrows, General Counsel, for his work with the Alliance for Girls at a townhall event.

President Simon introduced Haleema Bharoocha, Advocacy Manager, Alliance for Girls, and Ms. Bharoocha addressed the Board.

The following individuals addressed the Board:

Andrea Zamora
Alondra Amaral-Lepe
Concepcion James
A'lonnah Bautista
Aiko Garrido
Kelty Kauffman
Vylma Ortiz
Ja'Nai Aubry
Assumpta Irpoazu
Anyka Barber
Arnetta Rogers
Zorina Guidry
Chaka Davis

Makayla Hegler
Amber Johnson
Dr. L. B. Williams
Kiana Callahan
Ayana Ivery
Jae Maldonado

President Simon expressed that it was an honor for the Board to hear testimony from and on behalf of young people, and commented on the Resolution in Support of Alliance for Girls, highlighting the expected collaboration between the working group and BART staff.

President Simon moved that Resolution No. 5435, In the Matter of Support of Enhancing the Experience of Girls and Women Riding BART, be adopted. Director Li seconded the motion.

Director Saltzman expressed desire for more engagement with the Board and stakeholders on this important issue; commented that BART is the first transit agency to consider such a Resolution; and requested that, if the Resolution was approved, staff send the Resolution to all the other transit agencies in the Bay Area and the Metropolitan Transportation Commission (MTC) with a letter encouraging the agencies to approve similar resolutions and address this issue; and indicated that many young women ride BART and buses and that transit agencies wish to ensure their safety throughout their journey.

Vice President Foley thanked the public speakers for their comments; expressed full support for the Resolution; noted his daughters' use of BART and thanked the stakeholders for their work to help protect his daughters; commented that the work that the stakeholders are trying to accomplish is critically important; indicated that he looks forward to working with the Alliance for Girls and One Day at a Time as an Antioch resident; and thanked the public speakers for their courage.

Director Dufty thanked the speakers; noted the testimony was inspiring; and expressed that BART looks forward to continuing to partner with the stakeholders and advance such a great cause.

Director Li noted that the current Board is the first BART Board comprised of a majority of women; indicated that when she was elected to the Board, this cause was the type of cause she wished to hear and act upon; expressed thanks for the speakers, noting that their words speak for themselves; commented that the Board's action was not the end; requested that the stakeholders' hold BART accountable; and noted that BART will continue to work with the stakeholders.

Director Raburn thanked the speakers for their comments; noted that he represents all the stations in East Oakland and Downton Oakland, as well as MacArthur Station; commented on Ms. Kiana Callahan's comment regarding travel, his privilege to travel as a male, and the geographic opportunities he has received through his privilege; expressed that geographic opportunities should not be denied to anyone because of their gender; indicated that BART must and can do everything possible to reduce vulnerabilities; thanked the stakeholders for their support; and commented that BART will support the stakeholders.

Director Ames commented on the bravery of the public speakers and that she was honored to hear their comments; applauded the effort by the stakeholders; and expressed that she looks forward to BART's collaboration with the Alliance for Girls and art projects that bring needed awareness to this issue; noted

that the public speakers were incredible and applauded them; and indicated that she looks forward to more work ahead.

Director Allen expressed agreement with the public comments and commended the speakers for their comments; noted that the Board heard the speakers; thanked the speakers for speaking on behalf of themselves and everyone; commented that the stakeholders' work to ensure their safety in transit would benefit everyone; and thanked the speakers for their attendance.

Director McPartland thanked the speakers for their comments; shared that he does not feel the same degree of fear and vulnerability as a male that the speakers feel; commended the speakers for their comments; noted that he understands that the speakers are potential victims when they use public transportation; expressed that the speakers have strength through the working group and additional strength and support from the Board; indicated that other transportation agencies would also provide support; and thanked the stakeholders for their strength and coalition and the leaders who organized the cause.

The motion brought by President Simon and seconded by Director Li carried by unanimous electronic vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

A photograph with the stakeholders in the audience, the Board, and BART staff was taken.

The Board Meeting recessed at 12:52 p.m.

The Board Meeting reconvened at 1:01 p.m.

Director Saltzman, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of BART Safety, Reliability and Traffic Relief Program (Measure RR) Safe Routes to BART Grant Program before the Board. Mr. Carl Holmes, Assistant General Manager, Design and Construction, presented the item.

Director Raburn commented that the project is important and was incorporated into Measure RR; noted that the project helps BART prioritize projects near stations; and indicated that BART can assist local jurisdictions by providing grants.

Director Raburn moved that the General Manager be authorized to administer the Measure RR-funded Safe Routes to BART (SR2B) Grant Program through capital project funding agreements for an aggregate amount not to exceed \$25,000,000.00. Director Saltzman seconded the motion.

Director Saltzman expressed support for the grant program; noted that the program is the first grant program offered by BART; indicated that the program recognizes that city governments' support of providing pedestrian access through upgrades to stations and trains is necessary; commented that the program is great way to partner with cities; and asked for clarification of the number of rounds offered by the program.

The motion brought by Director Raburn and seconded by Director Saltzman carried by unanimous electronic vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

Director Saltzman brought the matter of Update on BART and Valley Transportation Authority Phase I before the Board. Mr. Holmes; Mr. Manan Garg, Chief Transit System Development Officer, Design and Construction; and Mr. Shane Edwards, Chief Maintenance and Engineering Officer, presented the item.

Director Ames expressed support for Mr. Takis Salpeas' new position with the Santa Clara Valley Transportation Authority; requested a critical path schedule and milestones for BART's testing; asked when the California Public Utilities Commission (CPUC) would become involved in the project; and requested that the critical path schedule include the CPUC's approval and the steps following the approval.

Director McPartland commented on the list of discrepancies and the rush to complete the project by the end of 2019, indicating that if the project were completed as scheduled, there would have been errors; expressed satisfaction with the pace of the project, given the potential for errors; and expressed support of staff working on the project.

Jerry Grace addressed the Board.

President Simon called for the General Manager's Report. Mr. Jeffery Lau, Chief Safety Officer, reported on staff's monitoring of the Coronavirus situation; preparation for employee protection; staff's review and update of previous response plans for similar crises; and the Centers for Disease Control and Prevention's (CDC) current recommendation regarding face masks. Mr. Powers reported that the Board was provided with an update on staff's proactive approach to the Coronavirus situation and that he forwarded the update to BART's partnership agencies in the region to share BART's information with the agencies.

Vice President Foley asked for information about the plan to escalate efforts to clean trains, if necessary, and the frequency of train cleaning if efforts need to be escalated.

Director Allen echoed Director Foley's question regarding the plan to escalate efforts to clean trains, if necessary.

Director Saltzman asked for the status of providing hand sanitizers in BART stations; expressed that the agency should proceed as though the Coronavirus will be present within the District, due to the likelihood of a case occurring within the District and the number of cases already reported in California; and indicated that BART should be immediately ready to respond to the presence of the Coronavirus, if necessary.

Director McPartland commented that BART's plan to respond to the presence of Coronavirus is adequate, with the exception of spraying; noted that train personnel know what to expect, that there is potential for a pandemic, and that there is no cure for the Coronavirus; discussed the impact of the Spanish Flu; indicated that if the spread of the Coronavirus worsens, then all public transportation would be shut down and that BART's preparation would allow BART to continue to operate if public transportation can continue; suggested that if a pandemic occurs and the Bay Area is quarantined, then

people may self-isolate which will decrease ridership; and expressed that BART is prepared to be in alignment with the requirements of health care agencies.

Director Raburn noted that the Office of External Affairs should be included in Mr. Lau's working group; suggested that BART should embark on a multi-lingual hygiene education effort now, noting good hygiene practices; and indicated that society can stop the spread of Coronavirus with good hygiene practices.

Mr. Powers reported that he had attended meetings regarding funding to combat homelessness, improving safety and cleanliness at BART, the Core Capacity Project, and FASTER Bay Area at the State Capitol, and the Oath of Office Ceremony for Chief Alvarez hosted by the BART Police Department; that staff was providing tours of the new BART Headquarters at 2150 Webster Street, Oakland, CA for employees; that staff invited Dr. Sacha Joseph-Matthews to host townhall events for employees in March; that Clipper® utilization was positive; that the public campaign for the parking mobile application would be launched on March 4, 2020 and that the application would initially include the Antioch, Hayward, West Oakland, El Cerrito Del Norte, and San Francisco stations before including all stations; and that there were 12 active RCI requests.

Vice President Foley brought the matter of Resolution in Support of Census 2020 before the Board and commented on the purpose of the Resolution, highlighting the importance of counting all people and ensuring that people know the importance of being heard and counted.

Vice President Foley moved that Resolution No. 5436, In the Matter of Support of United States Census 2020, be adopted. Director Dufty seconded the motion, which carried by unanimous electronic vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

President Simon called for Board Member Reports, Roll Call for Introductions, and In Memoriam requests.

Director Ames reported that she had attended the Capitol Corridor Joint Powers Board meeting; commented on her desire to integrate the Altamont Corridor Express (ACE) with Capitol Corridor service and the status of this effort, that she had met with the Mayor of Newark regarding the inclusion of ACE in the FASTER Bay Area project, and that there would be community meetings with Alameda-Contra Costa Transit District (AC Transit) regarding bus service in her District; reported that she had attended meetings at the State Capitol regarding FASTER Bay Area, transformative projects, such as the Second Transbay Crossing, and funding for faregates; and thanked staff for preparing her for the meetings at the State Capitol.

Director Raburn reported that he had attended the Oakland State of the City event; the Capitol Corridor Joint Powers Board meeting; and meetings with the Stonehurst Neighborhood, one of which concerned a homeless encampment underneath BART tracks. Director Raburn reported that he encountered a fire in the East Bay Greenway, next to wooden structures underneath the tracks; commented on the fire that disrupted BART service on February 26, 2020; and reported that he attended the lobbying efforts at the State Capitol and that he did not hear a lot of major support for FASTER Bay Area.

Director Li thanked Chief Alvarez, Police Officer Chi Lee, and Mr. Jim Allison, Manager of Media Relations, Communications, for hosting a press conference for Chinese media at Montgomery Station to

discuss safety and security concerns and expressed satisfaction with the event and connecting with the Chinese community.

Director Dufty thanked Mr. Powers and Chief Alvarez for attending the meetings at the State Capitol with the Directors and providing information to legislators; requested that the next Meeting's agenda include an item regarding the overhead charge for the Office of the Inspector General; commented on the Board's sole accountability for the Office of the Inspector General, highlighting that the Board needs to be involved in the development of the Office because the Inspector General position and the success of the Office reflects the Directors' integrity and the significance of the Inspector General position; requested that the next Meeting's agenda include an item regarding the establishment of an Audit Committee; and commented on the function of an Audit Committee.

Director Allen indicated that she would second Director Dufty's requests regarding the proposed items for the next Meeting's agenda, if they were being submitted as RCI requests.

President Simon expressed support for including the proposed Inspector General and Audit Committee items in the next Meeting's agenda.

Director Saltzman reported that she had attended several meetings that were reported by other Directors and the BART-AC Transit Interagency Liaison Committee meeting; commented on the status of providing AC Transit drivers with access to restrooms at BART stations; expressed support for BART's partnership with AC Transit on this issue; thanked staff and the unions for their efforts on this issue; and reported that she was going to attend the Alameda County Transportation Commission meeting.

Director Allen reported that she had attended the Walnut Creek State of the City Address; the Capitol Corridor Joint Power Board meeting, noting her support for moving Hercules forward in the process of establishing a Capitol Corridor station; and the Concord California State University (CSU) Community Engagement Workshop, noting that City of Concord is under consideration for the establishment of a new CSU campus. Director Allen reported that she spoke at a Rotary group event in Danville; reported that she attended the Contra Costa Transportation Authority meeting; and thanked Director Dufty and President Simon for their support of the Inspector General and Audit Committee items.

Director Saltzman exited the Meeting.

Director McPartland reported that he had presented to the Castro Valley Rotary Club; attended the Tri-Valley – San Joaquin Valley Regional Rail Authority meeting; toured the South Hayward Station with Director Ames; and attended the Hayward Joint Powers Authority meeting.

Vice President Foley reported that he had given a presentation to the Marsh Creek Democratic Club regarding the state of BART and attended the Contra Costa Transportation Authority meeting. Director Foley thanked Ms. Amanda Cruz, Manager of Government Relations and Legislative Affairs, Government and Community Relations, for her assistance with the tour of Bombardier's plant with Congressman Mark DeSaulnier and Mr. Powers and expressed appreciation for staff's attendance at the tour.

President Simon reported that she had attended the Oath of Office Ceremony for Chief Alvarez and expressed full support and congratulations to Chief Alvarez on behalf of the Board.

Director McPartland requested that the Meeting be adjourned in honor of Ms. Katherine Johnson, female African-American mathematician at the National Aeronautics and Space Administration (NASA).

President Simon called for Public Comment. No comments were received.

The Meeting was adjourned at 1:46 p.m.

Patricia K. Williams
District Secretary