

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

Board of Directors
Minutes of the 1,871st Meeting
September 24, 2020

A regular meeting of the Board of Directors was held on September 24, 2020, convening at 9:00 a.m. via teleconference, pursuant to Governor Gavin Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate. Vice President Foley presided; Patricia K. Williams, District Secretary.

Directors Present: Directors Ames, Dufty, Foley, Li, McPartland, and Saltzman.

Absent: None. Directors Allen, Raburn, and Simon entered the Meeting later.

Vice President Foley recognized the passing of The Honorable Ruth Bader Ginsburg, United States Supreme Court Justice.

Director Raburn entered the Meeting.

Vice President Foley gave instructions on the virtual meeting, viewing the Meeting and accessing presentation materials online, Public Comment, and Board Members' remarks.

Consent Calendar action items brought before the Board were:

1. Approval of Minutes of the Meeting of September 10, 2020.
2. Submittal of California Office of Emergency Services (CalOES) Form 130, Designating Agents Necessary to Provide for All Matters Pertaining to State and Federal Emergency Management Agency (FEMA) Reimbursements.
3. Resolution Authorizing Cycle 6 Lifeline Transportation Program Funds from the Metropolitan Transportation Commission (MTC).

Vice President Foley called for Public Comment on the Consent Calendar. No comments were received.

Director McPartland made the following motions as a unit. Director Raburn seconded the motions, which carried by unanimous roll call vote. Ayes: 7 – Directors Ames, Dufty, Foley, Li, McPartland, Raburn, and Saltzman. Noes: 0. Absent: 2 – Directors Allen and Simon.

1. That the Minutes of the Meeting of September 10, 2020, be approved.
2. That Resolution No. 5456, Designation of Applicant's Agent Resolution for Non-State Agencies, be adopted.
3. That Resolution No. 5453, In the Matter of Authorizing the San Francisco Bay Area Rapid Transit District Requesting the Metropolitan Transportation Commission to Program Lifeline Transportation Program Funds, be adopted.

Director Allen entered the Meeting.

Vice President Foley called for general Public Comment. The following individuals addressed the Board:

Debora Ju
Aleta Dupree
Roland Lebrun

Director McPartland, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2020 Year-End Budget Revision before the Board. Christopher Simi, Director of Budgets, presented the item.

Aleta Dupree addressed the Board.

Director Dufty moved that Resolution No. 5454, In the matter of amending Resolution No. 5401 regarding Fiscal Year 2020 Annual Budget, be adopted. Director Saltzman seconded the motion.

The item was discussed, with the following highlights:

Director Allen expressed support for the motion and thanked Pamela Herhold, Assistant General Manager, Performance and Budget, and Christopher Simi for their work.

Director Ames expressed agreement with Director Allen regarding support for the motion and inquired about the payment of unfunded accrued liability.

Director Dufty expressed appreciation for Budget and Performance staff's work; acknowledged the debt-refinancing led by Rosemarie Poblete, Controller/Treasure, in 2019 and thanked her for her work; and expressed support for the budget amendment.

Director Li thanked staff for their work.

Director McPartland thanked staff for their work.

Director Raburn commended Pamela Herhold, Christopher Simi, Christopher Gan, and staff for their work; expressed support for the budget, including the additions to the operating reserves; and inquired about BART's risk regarding other agencies' payments to BART.

Director Saltzman thanked finance staff, Tamar Allen, Assistant General Manager, Operations, unions, and employees for their work.

Director McPartland commented on the unions leaders' role in ensuring teamwork.

Vice President Foley thanked finance staff, employees, and unions, for their work; inquired about tracking overtime hours by the type of work performed; and requested that staff make information about the need for overtime easily identifiable.

Director McPartland commented on overtime in relation to law enforcement.

Director Allen commented on and/or inquired about the \$52 million expenditure line item; pension contributions for the Fiscal Years 2020 and 2021, the federal subsidy applied to the budgets for Fiscal Years 2020 and 2021, and payment for past unfunded liabilities.

The motion brought by Director Dufty and seconded by Director Saltzman carried by unanimous roll call vote. Ayes: 8 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, and Saltzman. Noes: 0. Absent: 1 – President Simon.

Director McPartland brought the matter of Fiscal Year 2021 Budget Outlook before the Board. Michael Eiseman, Director of Financial Planning, and Christopher Simi presented the item.

President Simon entered the Meeting.

Roland Lebrun and Aleta Dupree addressed the Board.

The item was discussed, with the following highlights:

Director Allen inquired about moving capital goods by train and commented on reporting on capital budget spending.

Director Ames commented on transporting goods by train; inquired about the Bay Area Council's analysis of work schedules and staff's feedback regarding work schedules; requested more information about the remote work phenomenon; and expressed agreement with Director Allen regarding reporting on capital budget spending.

Director Li inquired about the reason for BART's low ridership and the Metropolitan Transportation Commission's (MTC) decision regarding telecommuting; expressed concern about the MTC's decision; and suggested that a letter regarding the impacts of the telecommuting decision on BART's operations and service be submitted to the MTC.

Director McPartland inquired about reimbursement from the Federal Emergency Management Agency (FEMA); commented on Controller/Treasurer Rosemarie Poblete's coordination of a disaster reimbursement seminar; and requested feedback on a Memorandum of Understanding (MOU) with the California Governor's Office of Emergency Services for transportation.

Director Raburn commented on the MTC's telecommuting decision and expressed that BART will need to make a strong response to the decision.

Director Saltzman commented on the MTC's telecommuting decision and requested that staff present a resolution in opposition to the MTC's decision for the Board's consideration.

Director McPartland expressed support for Director Saltzman's request.

Vice President Foley commented on the MTC's telecommuting decision; expressed support for Director Saltzman's request; and commented on working with the MTC.

Director Dufty, Chairperson of the Engineering and Operations Committee, had no report.

Director Saltzman, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Amendment to Power Purchase Agreement for Renewable Energy with Sky River Wind, LLC, developed by NextEra Energy Resources before the Board. Paul Bostrom, Manager of Energy, presented the item.

Aleta Dupree addressed the Board.

Director Raburn moved that the General Manager be authorized to execute the Second Amendment to the Power Purchase Agreement between Sky River Wind, LLC and San Francisco Bay Area Rapid Transit District. Director Dufty seconded the motion.

The item was discussed, with the following highlights:

Director Li commented on the amendment and the original Power Purchase Agreement (PPA) and expressed dissatisfaction with the situation.

Director Allen commented on the situation; expressed support for the PPA amendment; and requested that, in the future, staff provide the Board with an analysis of changes to agreements.

Director Ames inquired about BART's power portfolio and the frequency of purchasing power on the spot market; requested information about the power portfolio and purchasing on the spot market; and expressed support for the PPA amendment.

Director Saltzman expressed agreement with Director Ames regarding her request for power portfolio information and requested that staff provide the power portfolio, including information about cost and renewable energy.

Director Raburn commended Paul Bostrom for his work and commented on the benefits of the PPA as amended.

The motion brought by Director Raburn and seconded by Director Dufty carried by unanimous roll call 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 Headquarters Office Building (2150 Webster St., Oakland, CA) before the Board. Carl Holmes, Assistant General Manager, Design and Construction, and Maceo Wiggins, Director of the Office of Civil Rights, presented the item.

Aleta Dupree addressed the Board.

The item was discussed, with the following highlights:

Vice President Foley requested that staff provide monthly updates on the BART Headquarters project to the Board; inquired about the facility services supporting the BART Headquarters building; and commented on staff working with labor partners, reaching out to support employees, and evaluating flexible scheduling that allows for proper social distancing.

Director Ames requested community feedback regarding the community space and requested innovations regarding ultraviolet (UV) lighting and enhanced air filtration in the BART Headquarters building.

Director Raburn thanked Carl Holmes and Maceo Wiggins for their work and commented on ensuring that stairs are as convenient as elevators and utilizing screens to mitigate the presence of columns in the new Board Room.

President Simon recognized Director McPartland's birthday and encouraged Directors to share stories about Director McPartland.

President Simon inquired about the potential cost savings over the next ten years as a result of purchasing the BART Headquarters building and thanked Carl Holmes, Maceo Wiggins, and staff for their work.

Director McPartland commented on his briefing and tour of Workday, Inc.'s building and flexibility with open architecture, and inquired about facilitating proper social distancing at the desks in the new Board Room.

Director Saltzman inquired about the maximum occupancy of the new Board room in comparison to the current Board Room and the overflow plan for the new Board Room; expressed concern about not expanding the capacity of the new Board Room; requested that the next presentation include overflow information and an overflow plan for the new Board Room and that information about the Board Room be posted on bart.gov; requested feedback from the public; inquired about the columns in the new Board Room and consideration of alternate first floor layouts; commented on the new Board Room; and requested more details in the next presentation and that staff prepare a public outreach plan.

President Simon presided over the remainder of the Meeting.

President Simon thanked Vice President Foley for presiding over the previous items and called for the General Manager's report. Tamar Allen reported on the failure of the communications network that occurred on September 13, 2020. Robert Powers, General Manager, commended Tamar Allen and staff for their work to get the system running on September 13th.

Director Dufty inquired about potential reoccurrence of the incident on September 13th and the duration of the communications network update project.

Director Ames inquired about the cause of the incident on September 13th and thanked staff for their work to restore the system.

General Manager Powers reported on the A65 track project and activities that he and staff had participated in.

Director McPartland expressed appreciation for staff's work and indicated that he would update agencies on the completion of the A65 track project and the efficiency with which the work was completed.

Michael Jones, Deputy General Manager, reported on the progress of the review of the BART Police model.

Director Raburn inquired about the new progressive policing component of policing reform.

President Simon brought the matter of Resolution in Support of Clean Air Day before the Board. Vice President Foley presented the item and moved that Resolution No. 5455, In the matter of Support for and Declaration of California Clean Air Day, be adopted. Director Saltzman seconded the motion.

Director Raburn thanked Vice President Foley for his initiative and commented on BART's opportunity to participate in Save the Bay's 5th Annual Bay Day.

Director Li thanked Vice President Foley for presenting the Resolution and requested that staff present information about free BART fare on Spare the Air Days to the Board.

Director Allen exited the Meeting.

The motion brought by Vice President Foley and seconded by Director Saltzman carried by unanimous roll call vote. Ayes: 8 – Directors Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0. Absent: 1 – Director Allen.

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

Director Ames thanked staff, BART Police Officers, and frontline workers for responding to the stabbing incident on a train at Warm Springs/South Fremont Station; recognized Transportation staff for their response to the incident; commented on completing station hardening, installing new fare gates, and enclosing elevators this year and the unacceptability of stabbing incidents; and requested that staff identify a funding source to complete station hardening as soon as possible.

Director Dufty requested that the Meeting be adjourned in honor of Breonna Taylor, who died when Louisville Metro Police Officers attempted to serve a search warrant. Director Dufty thanked Tamar Allen, Roy Aguilera, Chief Transportation Officer, Paula Fraser, Assistant Chief Transportation Officer, M-Line Management, and Greg Lombardi, Assistant Chief Maintenance Officer, Maintenance and Engineering, for assisting with the Latino Task Force on COVID-19's testing and flu-shot efforts.

Director Li asked whether a fare gate update would be provided to the Board before the end of the year and shared a story about Director McPartland.

Director McPartland commented on Board Members' appreciation for each other.

Director Raburn thanked Director Dufty for his *In Memoriam* request; wished Director McPartland a Happy Birthday; reported that the Capitol Corridor Joint Powers Authority Board changed its 2021 meeting schedule to allow the meeting hosted by BART to be held in the new BART Board Room in September and that he had attended the final session of the 32nd Annual National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference; and noted that Russell Bloom, Independent Police Auditor, and BART Police Citizen Review Board members attended Conference sessions, as well.

Director Saltzman wished Director McPartland a Happy Birthday and gave remarks regarding Director McPartland.

Vice President Foley wished Director McPartland a Happy Birthday and gave remarks regarding Director McPartland. Vice President Foley reported that he had attended the Contra Costa Transportation Authority (CCTA) Board meeting; thanked Abby Thorne-Lyman and Nicole Franklin, Principal Property Development Officer, Real Estate and Property Development, for their presentation to CCTA staff; and requested that the Chief of Police provide reports of incidents that occur onboard BART trains and recommendations regarding opportunities for change in the future.

President Simon commented on Alicia Trost, Chief Communications Officer, and staff's work with the Alliance for Girls and requested that the Meeting be adjourned in honor of Nandi Perry, a member of the Alliance for Girls and daily BART rider.

President Simon announced that the Board would enter closed session under Item 9-A of the Regular Meeting agenda.

The Board Meeting recessed at 11:57 a.m.

The Board reconvened in closed session at 12:04 p.m.

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

Absent: None.

Due to technical difficulties, the Board was unable to reconvene in open session following closed session. The announcement from closed session, if any, will be presented at the next Board Meeting.

The Meeting adjourned at 1:44 p.m. in honor of The Honorable Ruth Bader Ginsburg, Breonna Taylor, and Nandi Perry.

Patricia K. Williams
District Secretary