

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

2150 Webster Street, P.O. Box 12688, Oakland, CA 94612-2688

Board of Directors Minutes of the 1,924th Meeting January 12, 2023

A regular meeting of the Board of Directors was held on January 12, 2023, convening at 9:03 a.m., via teleconference and in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California, 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. President Li presided; April B. A. Quintanilla, District Secretary.

Directors Present in Oakland: Directors Ames, Foley, Raburn, Saltzman, Simon, and Li.

Directors Present via Teleconference: Directors Allen and McPartland.

Absent: None. Director Dufty entered the Meeting later.

President Li brought the matter of Report of the Board President before the Board. President Li gave remarks regarding the New Year, the BART Board Workshop in February, BART Committee appointments, and the 2023 Board Meeting Schedule.

The following individuals addressed the Board:

Aleta Dupree
Saul Cruz
Andrew Klein

Director Dufty entered the Meeting in Oakland.

President Li announced that there were no reports under Item 3, Board Committee Reports.

President Li brought the matter of Resolution Commending Amy Worth, Former City Councilmember, City of Orinda, before the Board.

Directors Saltzman, Simon, Raburn, Foley, and Li commended former Councilmember Worth's work and leadership and expressed gratitude for former Councilmember Worth's partnership with the District.

Aleta Dupree addressed the Board.

Director Foley moved that Resolution No. 5549, Resolution Commending Amy R. Worth, be adopted. Director Saltzman seconded the motion, which carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, McPartland, Raburn, Saltzman, Simon, and Li. Noes: 0
Former Councilmember Worth addressed the Board.

ORIGINAL

Adopted: March 23, 2023

President Li brought the matter of Resolution Commending Therese McMillan, Executive Director, Metropolitan Transportation Commission and Association of Bay Area Governments before the Board.

Directors Li, Saltzman, Dufty, Raburn, Ames, and Simon commended Executive Director McMillan's work, experience, and leadership and expressed gratitude for former Councilmember McMillan's dedication to serving the public transit industry.

Aleta Dupree addressed the Board.

Director Dufty moved that Resolution No. 5550, Resolution Commending Therese McMillan, be adopted. Director Simon seconded the motion, which carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, McPartland, Raburn, Saltzman, Simon, and Li. Noes: 0

Executive Director McMillan addressed the Board.

A photograph of the Board Members, BART staff, former Councilmember Worth, and Executive Director McMillan was taken.

Consent Calendar items brought before the Board were:

1. Resolution to Continue Virtual Meetings During the Pandemic.
2. 2023 Organization of Committees and Special Appointments.
3. Submission of Title VI Triennial Report to the Federal Transit Administration.
4. Rescind Original Authorization to Award and Reject All Bids for Contract No. 15CQ-211, Procurement of Direct Fixation Fastener Assemblies.
5. Award of Agreement No. 6M3619 with G.A. Higgins Inc. and Agreement No. 6M3620 with Elite Maintenance Inc., for Systemwide Parking Lot Sweeping Services.
6. Authorization to Enter into a First Amendment to the Lease for 150 California Street in San Francisco, CA.

Director Saltzman made the following motions as a unit. Director Simon seconded the motions.

1. That Resolution No. 5551, In the Matter of Re-Authorizing the District's legislative and subordinate legislative bodies to utilize the provisions enacted by Assembly Bill (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, be adopted.
2. That the Board of Directors ratifies the proposed Organization of Committees and Special Appointments for 2023 (attached).
3. That the Board of Directors approves the District's Title VI Civil Rights Program 2022 Triennial Update.

4. That the Board authorizes the General Manager to rescind the original authorization to award, reject all Bids for Contract No. 15CQ-211, Procurement of Director Fixation Fastener Assemblies, and re-advertise the Solicitation.
5. That the General Manager be authorized to award Agreement No. 6M3619 to G. A. Higgins Inc. to provide Systemwide Parking Lot Sweeping Services Zone 1 in an amount not to exceed \$1,024,425.24 and Agreement No. 6M3620 to Elite Maintenance Inc. to provide Systemwide Parking Lot Sweeping Services Zone 2 in an amount not to exceed \$1,539,008.94, each for a base term of three (3) years, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures; and that the General Manager also be authorized to exercise up to two (2) one-year options for Agreement No. 63619 for \$357,107.18 and up to two (2) one-year options for Agreement No. 6M3620 and \$564,297.54 and \$564,297.54 for a maximum term of five (5) years per Agreement.
6. That the General Manager or his designee be authorized to: (1) execute a First Amendment to Lease with PFF OFF 150 California Street, LP for 2,921 square feet of office space at 150 California Street, San Francisco for a three-year term, with a two-year option, and (2) to exercise said option if he or his designee determines it is in the District's best interest to do so.

Director Raburn requested that Item 5-C, Submission of Title VI Triennial Report to the Federal Transit Administration, be removed from the Consent Calendar.

In response to Director Raburn's request to remove Item 5-C from the Consent Calendar, Director Saltzman made the following motions as a unit. Director Raburn seconded the motions, which carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, McPartland, Raburn, Saltzman, Simon, and Li. Noes: 0.

1. That Resolution No. 5551, In the Matter of Re-Authorizing the District's legislative and subordinate legislative bodies to utilize the provisions enacted by Assembly Bill (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, be adopted.
2. That the Board of Directors ratifies the proposed Organization of Committees and Special Appointments for 2023 (attached). (The ratified Organization of Committees and Special Appointments for 2023 is attached and hereby made a part of these Minutes.)
3. That the Board authorizes the General Manager to rescind the original authorization to award, reject all Bids for Contract No. 15CQ-211, Procurement of Director Fixation Fastener Assemblies, and re-advertise the Solicitation.
4. That the General Manager be authorized to award Agreement No. 6M3619 to G. A. Higgins Inc. to provide Systemwide Parking Lot Sweeping Services Zone 1 in an amount not to exceed \$1,024,425.24 and Agreement No. 6M3620 to Elite Maintenance Inc. to provide Systemwide Parking Lot Sweeping Services Zone 2 in an amount not to exceed \$1,539,008.94, each for a base term of three (3) years, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures; and that the General Manager also be authorized

to exercise up to two (2) one-year options for Agreement No. 63619 for \$357,107.18 and up to two (2) one-year options for Agreement No. 6M3620 and \$564,297.54 and \$564,297.54 for a maximum term of five (5) years per Agreement.

5. That the General Manager or his designee be authorized to: (1) execute a First Amendment to Lease with PFF OFF 150 California Street, LP for 2,921 square feet of office space at 150 California Street, San Francisco for a three-year term, with a two-year option, and (2) to exercise said option if he or his designee determines it is in the District's best interest to do so.

Director Raburn commented on Item 5-C, Submission of Title VI Triennial Report to the Federal Transit Administration, noting the size of the report and the Fleet of the Future and possible related inequities; and requested that staff establish a goal of equitable deployment of the Fleet of the Future cars.

Director Raburn moved that the Board of Directors approves the District's Title VI Civil Rights Program 2022 Triennial Update. Director Dufty seconded the motion, which carried by unanimous vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, McPartland, Raburn, Saltzman, Simon, and Li. Noes: 0.

President Li called for the General Manager's Report. Robert Powers, General Manager, reported on the 19th Street Ribbon Cutting Event; BART's support of Suicide Prevention and implementing updated posters systemwide; the retirement of Paula Fraser, Assistant Chief Transportation Officer; the BART Safety, Reliability and Traffic Relief Program (Measure RR) Safe Routes to School Project; recent cybersecurity events and the District's responsive action (Travis Engstrom, Director of Technology, assisted with the report); and the effects of the recent inclement weather on train service, ridership, and the trains (Shane Edwards, Assistant General Manager, Operations, assisted with the report).

The item was discussed, with following highlights:

Director Raburn recognized and thanked staff for their work to address the weather-related issues that arose in the system to keep service running safely.

Director President Foley commented on providing more effective communication to riders in advance of service issues, in addition to communication with the Board, and adding more ten-car trains to service schedules.

Director Ames commented on flooding at the South Hayward and Union City BART stations and seeking grant funding to address emergencies.

President Li expressed gratitude to the Office of the Chief Information Officer (OCIO) for addressing the cybersecurity incident and requested that staff provide an update on the protocol to communicate with riders and the general public about cancellations and major events.

Aleta Dupree addressed the Board.

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

Andrew Klein
Aleta Dupree
Ryan Chang
Clarence Fisher
Steven Rehfeld

Director Saltzman, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Metropolitan Transportation Commission (MTC) Update on Regional Network Management before the Board. Val Menotti, Chief Planning and Development Officer; Therese McMillan, MTC Executive Director; and Alex Bachmann, MTC Deputy Executive Director, presented the item.

Senator Scott Weiner addressed the Board regarding Item 10-A, Strategic Action Plan to Address Homelessness.

Aleta Dupree and Clarence Fisher addressed the Board.

The item was discussed, with the following highlights:

Director Ames requested information about state and public funding for Regional Network Management.

President Li requested information about a funding strategy related to Regional Network Management.

Director Raburn commented on the importance of fare integration.

Director Saltzman inquired about the process for Committee Member selection and the funding sources for support staff and requested that presentations be user-friendly for anyone who may review them.

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

Director Foley, Chairperson of the Engineering and Operations Committee, brought the matter of the Strategic Action Plan to Address Homelessness. Daniel Cooperman, Senior Manager of Social Services Partnerships, Ja'Son Scott, Deputy Police Chief, and Shane Reiss, Senior Police Officer, presented the item.

Jason Toro, Chief Program Officer of La Familia, and James Lancaster, BART Supervisor of Crisis Intervention and Outreach Program, addressed the Board.

The item was discussed, with the following highlights:

Director Dufty commented on positive progress with addressing homelessness issues related to BART and community involvement in the strategic plan.

Director Simon commented on the importance of collaborating with other community agencies to address homelessness issues; commended BART police for their service, especially with social issues; and inquired about collaboration with other stakeholders to address social issues that eventually lead the homeless population into the BART transit system.

President Li expressed support for the Strategic Homeless Action Plan and requested that staff provide data related to the plan.

Director Ames commented on collecting data to support creation of a non-profit organization and providing social services.

Director Allen commented on the lack of social services; inquired whether BART records the service contacts made with the target populations and staffing; requested that staff provide budget information regarding progressive policing; and commented that BART should utilize what has been established to address any social services or issues and focus more on transit operational issues.

Director Saltzman expressed support for a non-profit organization and addressing the homelessness issues.

Director Foley commented on the large scale of social issues and the need to collaborate with other partners at the county, state, and federal levels.

Director Dufty, Chairperson of the Administration Committee, brought the matter of Update on Racial Equity Initiatives before the Board. Maceo Wiggins, Director of the Office of Civil Rights; Joseph Towner, Manager of Program Planning Support; and Javieree Pruitt-Hill, Senior Administrative Analyst, presented the item.

Aleta Dupree addressed the Board.

The item was discussed, with the following highlights:

Director Dufty commented on the importance of the work of the Office of Civil Rights.

Director Simon commented on her personal experiences with racism, inequality, and inequity and the importance of creating a workplace where individuals are seen, heard, and respected.

Director Allen exited the Meeting.

Director Foley commended the increased awareness of diversity in politics, the workplace, and the community.

President Li expressed her support for the Racial Equity Initiatives.

Director McPartland commended staff's work on promoting racial equity.

President Li called for Board Member Reports, Roll Call for Introductions, and In Memoriam Requests.

Directors Saltzman and Simon requested that the Meeting be adjourned in honor of Quentin Williams, Connecticut State Representative.

President Li expressed condolences on the passing of Quentin Williams.

Director Foley thanked Information Technology (IT) staff for their assistance; reported that he had attended the Contra Costa County Transportation Authority Board meeting, a meeting with the new Chief Executive Officer (CEO) of Tri-Delta Transit, and meetings with the Concord City Council regarding the Concord Naval Weapons Station term sheet and the North Concord/Martinez BART Station.

Director Dufty inquired about the purchase of vehicles of the progressive policing program.

Director Raburn reported that he had continued to follow the election transitions; attended the Hayward Area Recreation and Park District Board meeting; and celebrated with the new City of Oakland Mayor, Sheng Thao.

President Li called for Public Comment on the Closed Session items, Items 12-A (Conference with Legal Counsel – Existing Litigation) and 12-B (Public Employment). No comments were received.

President Li announced that the Board would enter into closed session under Items 12-A and 12-B of the Regular Meeting agenda, and that the Board would reconvene in open session upon conclusion of the closed session.

The Board Meeting recessed at 1:18 p.m.

The Board reconvened in closed session at 1:24 p.m.

Directors Present in Oakland: Directors Dufty, Foley, Raburn, Saltzman, and Li.

Directors Present via Teleconference: Directors Allen and McPartland.

Absent: None. Directors Ames and Simon entered the Meeting later.

Director Ames entered the Meeting in Oakland.

Director Simon entered the Meeting in Oakland.

Director Simon exited the Meeting.

The Board Meeting recessed at approximately 2:25 p.m.

The Board reconvened in open session at 2:26 p.m.

Directors Present in Oakland: Directors Ames, Dufty, and Li.

Directors Present via Teleconference: None.

Absent: Directors Allen, Foley, McPartland, Raburn, Saltzman, and Simon.

President Li announced that the Board had concluded its closed session under Items 12-A and 12-B and that there were no announcements to be made.

The Meeting adjourned at 2:26 p.m. in honor of Quentin Williams.

April B. A. Quintanilla
District Secretary

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT ORGANIZATION OF COMMITTEES AND SPECIAL APPOINTMENTS

STANDING COMMITTEES

| ADMINISTRATION** | |
|-------------------------|------------------|
| Bevan Dufty | Chairperson |
| Robert Raburn | Vice Chairperson |
| Debora Allen | |

| ENGINEERING & OPERATIONS** | |
|---------------------------------------|------------------|
| Mark Foley | Chairperson |
| Lateefah Simon | Vice Chairperson |
| Robert Raburn | |

| PLANNING, PUBLIC AFFAIRS, ACCESS & LEGISLATION** | |
|-------------------------------------------------------------|------------------|
| Rebecca Saltzman | Chairperson |
| John McPartland | Vice Chairperson |
| Elizabeth Ames | |

| AUDIT** | |
|----------------|------------------|
| Bevan Dufty | Chairperson |
| Mark Foley | Vice Chairperson |
| Debora Allen | |

SPECIAL COMMITTEES

| LABOR NEGOTIATIONS REVIEW** | |
|------------------------------------|------------------|
| Lateefah Simon | Chairperson |
| Mark Foley | Vice Chairperson |
| Janice Li | |

| PERSONNEL REVIEW** | |
|---------------------------|------------------|
| Janice Li | Chairperson |
| Rebecca Saltzman | Vice Chairperson |
| Mark Foley | |

| SANTA CLARA VALLEY TRANSPORTATION AUTHORITY PARTNERSHIP** | |
|------------------------------------------------------------------|-----------|
| Elizabeth Ames | |
| Robert Raburn | |
| Janice Li | |
| Bevan Dufty | |
| John McPartland | Alternate |

AD HOC COMMITTEE

| FINANCIAL STRUCTURE** | |
|------------------------------|------------------|
| Lateefah Simon | Chairperson |
| Rebecca Saltzman | Vice Chairperson |
| Debora Allen | |
| Bevan Dufty | |

**Brown Act Committee, subject to public meeting requirements

***Brown Act Board, subject to public meeting requirements

NOTE: BART Directors discharging liaison function do not serve as members of either a committee of BART or the other organization, nor as members of a joint committee. Any action on behalf of BART must be taken by the full Board.

Ratified 01/12/2023

SPECIAL APPOINTMENTS - LIAISON

| CONTRA COSTA TRANSPORTATION AUTHORITY** | |
|----------------------------------------------------|-----------|
| Mark Foley | Primary |
| Debora Allen | Alternate |

| PARATRANSIT SERVICE REVIEW ADVISORY COMMITTEE | |
|----------------------------------------------------------|--|
| Lateefah Simon | |
| Robert Raburn | |

| SAN FRANCISCO TRANSPORTATION AUTHORITY** | |
|-----------------------------------------------------|-----------|
| Janice Li | Primary |
| Bevan Dufty | Alternate |

SPECIAL APPOINTMENTS - EXTERNAL

| ALAMEDA COUNTY TRANSPORTATION COMMISSION** | |
|-----------------------------------------------------------|-----------|
| Rebecca Saltzman | Primary |
| John McPartland | Alternate |

| ALTERNATE REPRESENTATIVE TO THE AMERICAN PUBLIC TRANSPORTATION ASSOCIATION BOARD OF DIRECTORS | |
|------------------------------------------------------------------------------------------------------------------|--|
| Lateefah Simon | |

| BART AND AC TRANSIT COORDINATION COMMITTEE** | |
|---------------------------------------------------------|----------------|
| Robert Raburn | Co-Chairperson |
| Rebecca Saltzman | |
| John McPartland | |

| CAPITOL CORRIDOR JOINT POWERS BOARD*** | |
|---------------------------------------------------|---------------|
| John McPartland | Alameda |
| Robert Raburn | Alameda |
| Debora Allen | Contra Costa |
| Rebecca Saltzman | Contra Costa |
| Bevan Dufty | San Francisco |
| Janice Li | San Francisco |

| DIRIDON STATION AREA JOINT POLICY ADVISORY BOARD*** | |
|----------------------------------------------------------------|--|
| Robert Raburn | |

| INNOVATE 680 POLICY ADVISORY COMMITTEE** | |
|-----------------------------------------------------|--|
| Debora Allen | |

| THE OFFICE OF COMMUNITY INVESTMENT AND INFRASTRUCTURE OVERSIGHT BOARD *** | |
|----------------------------------------------------------------------------------------------|--|
| Janice Li | |

| PLEASANT HILL BART STATION LEASING AUTHORITY BOARD OF DIRECTORS*** | |
|-----------------------------------------------------------------------------------|--|
| Debora Allen | |
| Mark Foley | |

| TRI-VALLEY – SAN JOAQUIN REGIONAL RAIL AUTHORITY*** | |
|----------------------------------------------------------------|--|
| John McPartland | |

| WEST CONTRA COSTA TRANSPORTATION ADVISORY COMMITTEE** | |
|----------------------------------------------------------------------|-----------|
| Rebecca Saltzman | Primary |
| Mark Foley | Alternate |

**Brown Act Committee, subject to public meeting requirements

***Brown Act Board, subject to public meeting requirements

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Ratified 01/12/2023