

San Francisco Bay Area Rapid Transit District

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



BOARD OF DIRECTORS MINUTES OF THE 1,933RD MEETING THURSDAY, MAY 11, 2023

Members of the Board of Directors
Janice Li, President (District 8)
Mark Foley, Vice President (District 2)
Debora Allen (District 1)
Rebecca Saltzman (District 3)
Robert Raburn (District 4)
John McPartland (District 5)
Elizabeth Ames (District 6)
Lateefah Simon (District 7)
Bevan Dufty (District 9)

Adopted: October 12, 2023

MEETING DESCRIPTION

A Regular Meeting of the Board of Directors was held on May 11, 2023, convening at 2:00 p.m. in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California. President Li presided, April B. A. Quintanilla, District Secretary.

1. CALL TO ORDER

Vice President Foley called the Meeting to order at 2:00 p.m.

A. Roll Call.

Directors Present in Oakland: Directors Allen, Ames, Dufty, Foley, McPartland, Raburn, Saltzman, and Simon.

Directors Present via Teleconference: None.

Absent: None. President Li entered the Meeting later.

B. Pledge of Allegiance. Director McPartland led the Pledge of Allegiance.

C. Introduction of Special Guests. Vice President Foley called for Introduction of Special Guests.

Director Raburn introduced Janey Qian Wang, a nominee for the BART Safety, Reliability and Traffic Relief Program (Measure RR) Bond Oversight Committee.

President Li entered the Meeting in Oakland.

2. REPORT OF THE BOARD PRESIDENT

Item 2 was heard before Item 5, General Manager's Report.

President Li brought the Report of the Board President before the Board. President Li reported on the upcoming BART Board meeting calendar, noting that the first meetings in July and August would be cancelled and ongoing efforts to address safety and security concerns at various BART stations plazas. President Li also noted the cooperation of Kevin Franklin, Interim Chief of Police, in increasing the security presence at these locations, including an opportunity to meet with various stakeholders, including the San Francisco Police Department, progressive policing representatives, and ambassadors. President Li acknowledged that the issues related to safety and security were challenging and emphasized that this would be an ongoing conversation.

Public Comment

No comments were received.

3. BOARD COMMITTEE REPORTS

Vice President Foley called for Board Committee Reports. No Board Committee Reports were received.

4. CONSENT CALENDAR

Vice President Foley brought the following Consent Calendar items before the Board.

- A. Award of Invitation for Bid No. 9117, Insulator and Coverboard Assembly Parts.
- B. Procurement with Engage Communication, Inc for Serial Servers.
- C. Appointments to BART Safety, Reliability and Traffic Relief Program (Measure RR) Bond Oversight Committee.
- D. Compensation and Benefits for Inspector General.

Director Saltzman moved to approve the Consent Calendar by one motion.

Director Dufty seconded the motion.

Public Comment

Janey Qian Wang addressed the Board.

Action

Upon motion by Director Saltzman and second by Director Dufty, the following actions were approved by unanimous roll call vote.

Vote Summary:

Moved / Seconded: Director Saltzman / Director Dufty

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

No: 0.

Abstain: 0.

Result: 9-0, motion carried by unanimous roll call vote.

- A. The General Manager was authorized to award Invitation for Bid (IFB) No. 9117 for the procurement of insulator and coverboard assembly parts to Mance & Associates, Inc., of Santa Clara, California for the amount of \$1,097,377.00 (includes all applicable taxes), pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedures. (*Vote: 9-0*)

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

- B. The General Manager was authorized to purchase 24 units of serial servers from Engage Communication in an amount of \$108,682.00. (*Vote: 9-0*)

- C. The BART Board of Directors appointed the following individuals to the July 1, 2023 to June 30, 2025 term of the Measure RR Bond Oversight Committee while staff continues to seek new members to complete the necessary composition of the seven member committee:

1. Catherine Newman, Ph.D.
2. Vinit Shrawagi
3. Cindy Simon Rosenthal, Ph.D.
4. Sonja Stewart
5. Janey Qian Wang, Ph.D.

(Vote: 9-0)

- D. The Board approved the following terms of employment for Claudette Biemeret:

Service for a term of four years commencing on May 2, 2023, subject to termination as set forth in California Public Utilities Code Section 28840(b); base salary of \$220,000.00 per year; and benefits afforded non-represented management employees and retirees. *(Vote: 9-0)*

President Li congratulated Janey Qian Wang on being appointed to the Measure RR Bond Oversight Committee and Claudette Biemeret on being appointed as Inspector General.

Inspector General Biemeret addressed the Board, expressing her commitment to independence and collaboration.

5. **GENERAL MANAGER'S REPORT**

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

Robert Powers, General Manager, reported on BART's participation in Asian American Pacific Islander Heritage Month, the public unveiling of the Rail Inspection Vehicle (RIV) at the Daly City shop and yard, participation in a listening session convened by the Secretary of Transportation for the State of California at the Metropolitan Transportation Commission (MTC) headquarters, the status of track and state-of-good-repair improvements on the Yellow Line between Rockridge and Orinda, and ridership.

General Manager Powers also addressed the results of the survey commissioned by the Bay Area Council, highlighting that BART is already taking steps to increase police and security presence in the system, the recruitment challenges faced by the BART Police Department, and the complexity of the challenges within the system. General Manager Powers also indicated that BART is committed to installing the next generation fare gates as quickly as possible, noting the need for accuracy, and emphasized that BART is committed to listening to our riders, addressing their concerns, and providing safe, clean, and reliable public transportation.

Public Comment

Aleta Dupree and Laura Hill addressed the Board.

Discussion

The item was discussed, with the following highlights:

Michael Jones, Deputy General Manager, introduced Kevin Franklin, Interim Chief of Police, who provided a brief update on an event that occurred in the system in which a passenger was stabbed by a knife on a train at West Oakland Station. Interim Chief Franklin noted that the suspect was detained, and the victim was transported to the hospital and treated.

Director Ames expressed frustration with the current state of transit funding and governance, emphasizing the need to take action to improve safety, security, and fare gate systems. Director Ames also mentioned the Bay Area Council's concerns and urged for a dialogue to expedite the hiring of police officers and the implementation of transformational transit plans.

Director Allen thanked the Bay Area Council for conducting a survey and highlighted that the public's demand for safety had been a recurring issue for years. Director Allen also emphasized the importance of focusing on police officers' recruitment and retention.

Director Saltzman noted that the Bay Area Council survey results should be viewed with some skepticism, given that nearly half of the respondents were infrequent BART riders. Director Saltzman mentioned that the survey showed strong support for progressive policing initiatives, cleanliness, and fare gate replacement.

Vice President Foley acknowledged the need for improvements within and emphasized the importance of interpreting survey results cautiously, noting that the wording of survey questions can influence the responses received. Vice President Foley commented that the survey results indicate a desire for a cleaner BART system and provided positive feedback received from the General Manager and the budget office regarding efforts to address these concerns. Vice President Foley also commented on flexibility to increase police staffing if necessary and suggested taking a step back to examine the survey questions themselves as they influence the responses obtained.

President Li defended BART's efforts to improve safety and reliability, highlighting the need for better communication about the positive changes taking place within the system.

6. PUBLIC COMMENT

President Li called for general Public Comment, an opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda.

Glenn Overton and Aleta Dupree addressed the Board.

7. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS – PART I **Director Saltzman, Chairperson**

A. Transit Financial Stability: Update on Short-Term and Long-Term Strategies.

Director Saltzman, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the item before the Board.

Rodd Lee, Assistant General Manager, External Affairs; Michael Pimentel, Executive Director, California Transit Association (CTA); and Rebecca Long, Director of Legislation and Public Affairs, Metropolitan Transportation Commission (MTC)/Association of Bay Area Government Relations, presented the item.

Public Comment

The following individuals addressed the Board:

Aleta Dupree
Joe Kunzler
Adina Levin

Discussion

The item was discussed, with the following highlights:

President Li commended the work that has been done since the presentations at the Board Workshop, emphasizing the importance of the partnership with MTC and their work with transit operators and advocates through the Survive and Thrive committees. President Li discussed the need for a strategic approach, expressed support for the recommendations, and inquired about the role of BART and the BART Board in engaging with the legislative process. President Li also inquired about the possibility of a 2024 or 2026 funding measure and expressed concern about the alignment between the MTC and state legislators. President Li requested a breakdown of polling data by county to understand the support for different funding options in the Bay Area and emphasized the importance of demonstrating alignment and collaboration among agencies and stakeholders.

Director Raburn expressed appreciation for the work and options presented by MTC and thanked the MTC for having a vision and goals for long-term sustainability and ridership improvement. Director Raburn acknowledged the challenges of achieving a two-thirds majority for transit funding and mentioned the need to integrate fares and improve wayfinding and signage programs to obtain support. Director Raburn also suggested exploring the possibility of rescinding or eliminating the match requirement for capital improvement grants, as the requirement might hinder BART's ability to compete for grants.

Director Ames expressed gratitude to the MTC and CTA staff for their efforts in the statewide \$5 billion campaign, acknowledged the importance of accountability and the "skin in the game" requested by the state government while raising concerns about declining transit ridership. Director Ames also inquired about ridership trends from 2019 to 2021. Director Ames sought clarification on the potential diversion of transit capital funding to operating expenses between 2026 and 2028.

Director Allen commented on the accountability and reform framework, expressing concern about the lack of specific information, and requested details about how BART plans to deliver services more efficiently and affordably in the future. Director Allen also emphasized the importance of making promises regarding accountability and reform. Director Allen expressed eagerness to see the accountability framework when it becomes available and emphasized the need to address the workforce's preference for remote work and its impact on ridership.

Director Dufty commended the thoughtfulness and quality of the presentation and acknowledged the strong relationship between BART and the MTC. Director Dufty indicated support for the Clipper® START program, which benefits low-income riders. Director Dufty mentioned attending a press event with Senator Scott Wiener and expressed gratitude to the MTC for its support regarding the Inspector General's Office. Director Dufty also highlighted the challenges faced by the BART Police Department and the need for increasing the number of officers, emphasizing the importance of working with people in crisis rather than relying on sworn officers as social workers.

Director McPartland emphasized the importance of strategic approaches in securing federal funding and inquired whether the federal government would be receptive to providing funding without requiring a matching contribution given BART's unique financial challenges and reduced ridership projections due to the pandemic.

Director Saltzman expressed gratitude for the presentation, thanked BART's CTA and MTC partners, and highlighted the significance of developing accountability measures at a statewide or regional level, as opposed to specific measures that might not be suitable for all transit agencies, expressed anticipation for the funding to move forward, and thanked everyone for their participation.

Action

No Board action was taken, as the item was presented for information only.

8. ADMINISTRATION ITEMS

Director Dufty, Chairperson

A. Briefing on Other Post-Employment Benefits (Retiree Medical) and Pension Liabilities.

Director Dufty, Chairperson of the Administration Committee, brought the item before the Board.

Pamela Herhold, Assistant General Manager, Performance and Budget; Diane Iwata, Manager of Benefits; Mary Beth Redding, Senior Actuary, Bartel Associates, LLC; and Doug Pryor, Vice President and Actuary, Bartel Associates, LLC, presented the item.

Public Comment

No comments were received.

Discussion

The item was discussed, with the following highlights:

Director Raburn sought clarification of the spending ratio of employees relative to the number of the retiree medical of the people enrolled.

Director Ames sought clarification about why the California Public Employees Retirement System (CalPERS) has risky investments and what purpose they serve.

Action

No Board action was taken, as the item was presented for information only.

B. Rail Service Plan, Fiscal Year 2024 and Fiscal Year 2025 Operating and Capital Sources and Uses.

Director Dufty brought the item before the Board.

John McCormick, Director of Operations Planning, and Christopher Simi, Director of Budgets, presented the item.

Public Comment

Clarence Fischer addressed the Board.

Discussion

The item was discussed, with the following highlights:

Director Ames expressed concern about revenue projections not meeting targets, the rising overtime expenses, and the need for a detailed plan to reduce overtime department by department. Director Ames also sought to understand what steps were being taken to address overtime. Director Ames mentioned the need to prioritize capital projects and inquired about the allocation of funds between projects such as Link21 and substation upgrades.

Director Allen expressed concern about the budgeting process and inquired about her previous request that staff provide an analysis of potential budget cuts, including a 10% reduction in operating expenses.

Director Allen inquired about the process for a formal motion regarding the 10% reduction and issuing director to staff.

Director Dufty suggested conducting a straw poll to gauge the Board's interest in directing staff to explore 10% cuts in operating expenses.

President Li expressed opposition to the idea of a 10% across-the-board reduction and staff taking the time to study a 10% reduction across BART operations.

Director Simon encouraged the Board to be focused on performance-based budgeting, cautioned against across-the-board cuts, and suggested focusing on targeted cost-saving scenarios.

Director Dufty expressed opposition to an effort to prepare a 10% reduction and indicated that the path BART is on is the appropriate and thoughtful path.

Director McPartland indicated that while he agreed that current revenue projections and the rising expenses will be destructive and unacceptable, identifying and isolating the necessary budget reductions individually would be worthwhile.

Director Saltzman expressed opposition to a 10% reduction and expressed concern about the impact of such a reduction on services.

Vice President Foley expressed opposition to the 10% reduction and emphasized the need to expand services.

Director Ames expressed interest in exploring reductions where possible, but not necessarily a 10% reduction.

President Li expressed support for staff's direction regarding the budget and stressed the importance of making the transit system safer, reliable, and better for riders and advocated for maintaining service levels. President Li also expressed support for the expansion of the Office of Inspector General and mentioned ongoing efforts to fill related positions.

President Li discussed staff's previous presentation of budget reductions that aim to keep service strong, a previous exercise conducted by the MTC, which provided insight into the impact of service cuts, the Governor's budget and future discussions regarding budget approvals, and considering significant reductions after the state budget is finalized. President Li indicated a commitment to work diligently to navigate the challenges presented by the COVID-19 pandemic and ensure the transit system's stability.

Director Allen expressed appreciation for the Board's input, reiterated her concerns about budget increases, and suggested that the Board hold a budget workshop to engage the public and address fiscal sustainability.

Public Comment

Director Dufty re-opened Public Comment on Item 8-B.

Aleta Dupree addressed the Board.

Action

No Board action was taken, as the item was presented for information only.

9. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS – PART II **Director Saltzman, Chairperson**

A. (CONTINUED from April 27, 2023 Board Meeting) Legislation for Consideration.

Director Saltzman brought the item before the Board. Director Saltzman noted that the bills would be considered separately and indicated that President Li would need to recuse herself from discussion and action on Senate Bill (SB) 434.

President Li noted that she would recuse herself from Senate Bill 434 due to her employment at Chinese Affirmative Action and her involvement with the “Stop AAPI Hate” movement.

President Li exited the Meeting.

Director Dufty moved that the Board of Directors supports SB 434.

Director Allen seconded the motion.

Public Comment

No comments were received.

Action

Upon motion by Director Dufty and second by Director Allen, the Board took the following action by general consent:

The Board of Directors supports SB 434.

Vote Summary:

Moved / Seconded: Director Dufty / Director Allen

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

No: 0.

Abstain: 0

Absent: President Li.

Result: 8-0-1, motion carried by general consent.

President Li re-entered the Meeting in Oakland.

Public Comment

The following individuals addressed the Board:

Aleta Dupree
Mark Mollineaux
Adina Levin
Derek Sagehorn

Discussion

The item was discussed, with the following highlights:

Director Allen expressed concern about Assembly Bill (AB) 819, indicated that she was lobbying legislators to oppose the Bill, and expressed intent to write a letter against the Bill. Director Allen emphasized the Bill was not in the best interest of BART. Director Allen also expressed opposition to Assembly Constitutional Amendment (ACA) 1 and suggested that the Bill be voted on separately.

Vice President Foley expressed concern about AB 819 and inquired whether staff had conferred with Interim Chief Franklin or the BART Police Department (BPD) to discuss the impacts of AB 819, as the proposition appeared to remove a useful tool in the BPD tool belt. Vice President Foley requested that staff speak with the two BART Police Labor Associations, (BART Police Officers' Association and BART Police Managers' Association) to understand their thoughts on this change in law.

Vice President Foley requested that ACA 1 be voted on separately from other the bills and expressed opposition to ACA 1, due to the lack of increase in protection or exemption for individuals with disabilities, retired individuals, or older homeowners with fixed incomes.

Director Simon exited the Meeting.

President Li expressed support for ACA 1 as written, AB 930, and monitoring AB 819.

Director Ames expressed opposition to ACA 1 due to concerns about highway funding, and AB 930 because it seeks to restore California Environmental Quality Act (CEQA) exemptions.

Director Raburn expressed gratitude to staff for their support of AB 930, albeit with amendments, as well as for being responsive to the public comments that endorsed amendments.

Director Dufty moved that the Board of Directors supports ACA 1.

President Li seconded the motion.

Action

Upon motion by Director Dufty and second by President Li, the following action failed by roll call vote:

The Board of Directors supports ACA 1.

Vote Summary:

Moved / Seconded: Director Dufty / President Li.

Aye: Directors Dufty, Raburn, Saltzman, and Li.

No: Directors Allen, Ames, Foley, and McPartland.

Abstain: 0.

Absent: Director Simon.

Result: 4-4-1, motion failed by roll call vote. Due to the failure, staff was directed to present the item to the Board at the next Board Meeting when all Board Members are present.

Director Saltzman requested that AB 930 be voted on separately.

Director Dufty moved that the Board of Directors supports and will seek amendments to AB 930.

President Li seconded the motion.

Action

Upon motion by Director Dufty and second by President Li, the Board took the following action by roll call vote:

The Board of Directors supports and will seek amendments to AB 930.

Vote Summary:

Moved / Seconded: Director Dufty / President Li

Aye: Directors Allen, Dufty, Foley, McPartland, Raburn, Saltzman, and Li.

No: Director Ames.

Abstain: 0.

Absent: Director Simon.

Result: 7-1-1, motion carried by roll call vote.

Director Raburn moved that the Board of Directors supports AB 719, AB 1377, S. 24, and H.R. 516.

Director Dufty seconded the motion.

Action

Upon motion by Director Raburn and second by Director Dufty, the Board took the following action by unanimous roll call vote:

The Board of Directors supports AB 719, AB 1377, S. 24, and H.R. 516.

Vote Summary:

Moved / Seconded: Director Raburn / Director Dufty

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

No: 0.

Abstain: 0.

Absent: Director Simon.

Result: 8-0-1, motion carried by unanimous roll call vote.

10. ENGINEERING AND OPERATIONS ITEMS **Director Foley, Chairperson**

Vice President Foley, Chairperson of the Engineering and Operations Committee, had no report and no items were presented.

11. CONTROLLER-TREASURER'S REPORT

A. Quarterly Report of the Controller-Treasurer for the Quarter Ending December 31, 2022.

President Li brought the item before the Board.

Christopher Gan, Interim Controller-Treasurer, presented the item.

Public Comment

No comments were received.

Discussion

There was no discussion.

Action

No Board action was taken, as the item was presented for information only.

12. BOARD MATTERS

- A. Board Member Reports.
- B. Roll Call for Introductions.
- C. In Memoriam.

President Li called for Items 12-A, Board Member Reports; 12-B, Roll Call for Introductions; and 12-C, In Memoriam.

Director Raburn reported on attending the Primavera Fiesta at Glad Tides Church in Hayward, giving a presentation to the San Leandro Rotary about the future of San Leandro BART, and attending a meeting of the Diridon Joint Powers Authority in San José.

Director Saltzman reported on her attendance at an outreach open house for the North Berkeley BART transit-oriented development, hosted by developers.

Vice President Foley reported on attending the Contra Costa Mayors' Conference and extended Mother's Day wishes to his mom and wife and all the moms on the Board and in the audience.

Director Ames reported on attending the Alameda County Mayors' Conference and participating in the California State Transportation Agency (CalSTA) grant needs listening session with General Manager Powers and other General Managers.

President Li reported on attending a rally at Dolores Park, organized by Seamless Bay Area and San Francisco Transit Riders, and a memorial event commemorating Courtney Brousseau, an advocate for public transportation and co-founder of Gay for Transit San Francisco. President Li also reported on touring the 16th and 24th Street plazas with Shane Reiss, Senior Police Officer and BART Police Officers' Association President, and Nick Mavrakis, Police Lieutenant.

ADJOURNMENT

The Meeting adjourned at 6:45 p.m.

April B. A. Quintanilla
District Secretary