

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

Board of Directors
Minutes of the 1,867th Meeting
July 23, 2020

A regular meeting of the Board of Directors was held on July 23, 2020, convening at 9:01 a.m. via teleconference, pursuant to Governor Gavin Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate. President Simon presided; Jacqueline R. Edwards, Assistant District Secretary.

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

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

Director Raburn entered the Meeting.

President Simon gave opening remarks and called for Introduction of Special Guests. President Simon introduced Mr. Michael McGill, Chairperson of the Bond Oversight Committee (BOC) and thanked him for his service to BART.

Mr. McGill addressed the Board.

Director Allen entered the Meeting.

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

President Simon brought the matter of Update on Safety, Reliability, and Traffic Relief Program (Measure RR) before the Board. Ms. Tracy Johnson, Chief Transit System Development Officer, Extensions Development; Ms. Sylvia Lamb, Assistant Chief Engineering Officer, Maintenance and Engineering; Mr. Joseph Towner, Manager of Program Planning Support, Office of Civil Rights; and Ms. Gia Ilole, Assistant General Manager, Administration presented the item.

Aleta Dupree addressed the Board.

Director Saltzman requested that Item 2-B, Bond Oversight Committee Annual Report be brought before the Board. Mr. McGill; Ms. Catherine Newman, BOC Member; Ms. Leah Edwards, BOC Member; Ms. Alicia Trost, Chief Communications Officer; Ms. Lamb; Mr. Carl Holmes, Assistant General Manager, Design and Construction; Mr. Robert Powers, General Manager; and Ms. Tamar Allen, Assistant General Manager, Operations presented the item.

President Simon thanked the BOC members for their service.

The items were discussed, with the following highlights:

Director Saltzman thanked the BOC members for their service; commented on her appreciation of the BOC Annual Report and posting the Report on bart.gov; and requested that the Report be included in the online agenda packet immediately and in the future.

President Simon asked for confirmation that the Report could be posted on bart.gov and that the public be advised of the location of the Report on bart.gov if the Report had already been posted online.

Director Ames commented on and/or inquired about including more project details in the Report, fare gates, and heating, ventilation, and air conditioning (HVAC) recirculation of Systems; and thanked Mr. McGill for his work.

Director Raburn thanked Mr. McGill, Ms. Newman, and Ms. Edwards for their work; commended the BOC; and commented on and/or inquired about communications-based train control (CBTC), acceleration of the program, whether a dollar figure is associated with load shedding, and the full funding grant agreement for the CBTC design-build contract.

Director Allen expressed appreciation for Mr. McGill and the BOC and commented on and/or inquired about whether contractors have been asked to produce deductive change orders for escalations in the work, additional change orders for COVID-19 costs, tracking productivity, discussing mobilization costs with contractors, realizing savings on projects, earned value data, transparency and data, BOC Member Mr. Michael Day's request for more context for numbers, Mr. McGill's request for timelines, and the responses to the requests from Mr. Day and Mr. McGill; and requested a list of all projects and regular roll-forward reporting.

Director Dufty thanked the BOC for its work; asked staff to address labor-management relations; and commented on frontline employees' reporting to work, employees working on long-term projects, and his pride in BART's honoring contracts.

President Simon thanked the BOC for its work, staff for their collaboration, and Board Members for their input in the Report.

Director McPartland commended Mr. Powers, staff, Mr. McGill, and the BOC for their work and applauded Mr. Powers for his leadership.

President Simon thanked Mr. McGill and the BOC members for their time and efforts.

President Simon brought the matter of Issuance and Sale of General Obligation Bonds (Election of 2016) 2020 Series C (Green Bonds) before the Board. Ms. Rosemarie Poblete, Controller/Treasurer, presented the item.

Director Dufty moved that Resolution No. 5447, Authorizing and Approving the Issuance and Sale of Not to Exceed \$700 Million Aggregate Principal Amount of San Francisco Bay Area Rapid Transit District General Obligation Bonds (Election of 2016), 2020 Series C; Authorizing the Execution and Delivery of a Second Supplemental Trust Agreement Pursuant to Which Such Bonds Are to Be Issued, a Bond Purchase Agreement Pursuant to Which Such Bonds Are to Be Sold By Negotiated Sale;

Approving an Official Statement Relating to Such Bonds; Authorizing Execution and Delivery of the Official Statement and Certain Documents In Connection with the Issuance and Sale of Such Bonds, Including a Continuing Disclosure Agreement; Delegating to the Controller/Treasurer of the District Power to Determine Final Terms of Such Bonds and Complete Said Documents and Authorizing Certain Other Matters Relating Thereto. Director Li seconded the motion.

Director Allen asked why the Preliminary Official Statement did not include data from 2019.

Director Ames commented on and/or inquired about the bond counsel fees, the underwriter's discount, the "Preliminary, subject to change" footnote on Exhibit A-1, and her appreciation for the negotiation process with bond and disclosure counsel.

Aleta Dupree addressed the Board.

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

Consent Calendar action items brought before the Board were:

1. Approval of Minutes of the Meeting of June 25, 2020.
2. BART Accessibility Task Force Appointments.
3. Award of Contract No. 15TC-123, Richmond Yard Fence Rehabilitation.
4. Agreements to Provide Detailed Station Cleaning Services.
5. Invitation for Bid No. 9082, Isolation Disconnect Switch.
6. Invitation for Bid No. 9085, Hayward Maintenance Complex (Phase 2) Mainline Trackwork Procurement.
7. Agreement with The Salvation Army for Homeless Outreach.

Director Saltzman made the following motions as a unit. Director Dufty seconded the motions, which carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

1. That the Minutes of the Meeting of June 25, 2020 be approved.
2. That the BART Board accepts the recommendations of the BART Accessibility Task Force (BATF) and appoints the nominated candidates, Hale Zukas and Anita Ortega, for membership to the BATF for a term beginning July 23, 2020 for one year, or until the Board makes new appointments and/or reappointments for a new term, whichever occurs later.

3. That the General Manager be authorized to award Contract No. 15TC-123, Richmond Yard Fence Rehabilitation, to Perimeter Security Group LLC for the bid price of \$3,419,104.10 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 award the following Technical Services Agreements to provide detailed station cleaning services as follows: Agreement 6M8173 to Aim to Please Janitorial Services, Inc., Agreement No. 6M8174 to Zero Waste Solutions, and Agreement No. 6M8175 to Bay Area Green Solutions in an amount not to exceed \$600,000.00 for each Agreement for a term not to exceed three (3) years, pursuant to notification to be issued by the General Manager and subject to the District's Protest Procedures.
5. That the General Manager be authorized to award Invitation for Bid No. 9082 for 35KV Isolation Disconnect Switch for an amount of \$1,843,485.02 (includes all applicable taxes), pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures.
6. That the General Manager be authorized to award Invitation for Bid No. 9085 Hayward Maintenance Complex (Phase 2) Mainline Trackwork Procurement to Voestalpine Railway Systems Nortrak, Inc. for an amount of \$2,228,857.88, pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedures and the Federal Transit Administration's requirements related to Protests.

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

7. That the Board approves the first Fiscal Year 2021 (FY21) Agreement with The Salvation Army (TSA) in the amount of \$250,000.00 for one homeless outreach team (HOT) team; and that the General Manager be authorized to enter into direct negotiations with TSA to execute a Fiscal Year 2022 (FY22) amendment upon budget adoption by the Board that includes the TSA HOT team. The total for the two year program shall not exceed \$500,000.00.

President Simon called for general Public Comment. Aleta Dupree addressed the Board.

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

President Simon brought item 11-A, Transit Security Advisory Committee Membership Appointments, before the Board and called for Board Members' ranked-choice votes for the appointments to the Transit Security Advisory Committee (TSAC). Ms. Edwards presented the item.

Stephine Barnes and Randall Glock addressed the Board.

Ms. Edwards announced that Tiffany Lacsado was unable to call into the Meeting and that she was interested in TSAC membership.

Manuel Vasquez addressed the Board.

Director Raburn thanked all the applicants and gave remarks regarding Tiffany Lacsado.

The Board Members announced their ranked-choice votes to determine the TSAC appointees via roll call vote. Director Saltzman asked whether the motion to approve the TSAC appointees could include the selection of an Alternate and Vice President Foley supported Director Saltzman's suggestion to include an Alternate selection in the TSAC membership appointment vote. The item was continued to later in the Meeting.

Director Raburn brought item 11-B, Resolution Commending Hale Zukas for Meritorious Service, before the Board. Director Raburn gave remarks regarding Hale Zukas.

A video highlighting Mr. Zukas' accomplishments, the Americans with Disabilities Act (ADA), and the BATF, was shown.

Director Raburn gave additional remarks regarding Mr. Zukas; thanked Ms. Jessica Kuo, Access Coordinator, Customer Development and Station Access; Ms. Laura Timothy, Manager of Access and Accessible Services, Customer Development and Station Access; Mr. Robert Franklin, Director of Customer Access, Customer Development and Station Access; Ms. Elena Van Loo, Senior Administrative Analyst, Customer Development and Station Access; Mr. Michael Jones, Deputy General Manager, for their work; acknowledged the volunteer service of the BATF members; recited an excerpt from an article written by Ms. Melissa Jordan, Principal Marketing Representative, Communications; and thanked Mr. Zukas for his service.

Director Raburn moved adoption of Resolution No. 5448, Resolution Commending Hale Zukas In Honor of the 30th Anniversary of the ADA. Director McPartland seconded the motion.

President Simon exited the Meeting and Vice President Foley presided over the Meeting in her absence.

Director Saltzman thanked Director Raburn for bringing the item forward; thanked Mr. Zukas for his service; gave remarks regarding Mr. Zukas and the video that was shown; and thanked staff for their work on the video.

Randall Glock addressed the Board and Ms. Edwards read a written comment submitted by former Board of Director Gail Murray into the record.

Vice President Foley thanked Mr. Zukas for his leadership and work.

Director Raburn commented that Mr. Zukas was re-appointed to the BATF via the Consent Calendar vote that occurred earlier in the Meeting.

President Simon re-entered the Meeting and presided over the remainder of the Meeting.

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

Director Saltzman, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of State Legislation for Consideration before the Board. Mr. Rodd Lee, Assistant General Manager, External Affairs, and Ms. Amanda Cruz, Manager of Government Relations and Legislative Affairs, Government and Community Relations, presented the item.

Director Saltzman commented on her intent to move staff's recommendation regarding support for Proposition 16 and include support for Assembly Bill (AB) 2850, if amended, in the motion; Service Employees International Union (SEIU) and labor staff's work related to AB 2850; the Board's previous opposition to a related bill; and collaborative work on amendments.

Director Saltzman moved that the Board of Directors support Proposition 16 and that the Board of Directors support AB 2850, if amended as follows:

1. A new definition of the "District" that includes all operations and extensions of the transportation system, regardless of modality or vehicle type, and excluding all temporary bus lines shall be placed within the Labor Provisions Chapter of the District Act, where it would exclusively apply.
2. Clarifying language is added that states new sections to the Labor Provisions Chapter of the District Act shall be interpreted in a manner consistent with California Public Employment Relations Board's (PERB) interpretation of parallel provisions in statutes it enforces.

Directors Dufty and Foley seconded the motion.

The item was discussed, with the following highlights:

Director Raburn thanked Director Saltzman for her position regarding AB 2850 and commented on SEIU's work with the Board and BART's lobbyist to make changes requested by the Board.

Director Li echoed Director Raburn's comments; noted that she, Vice President Foley, and Director Saltzman attended the Labor Negotiations Review Special Committee (LNRSC) meeting and that an update on AB 2850 was provided at the Meeting; indicated that collaborative work among staff, SEIU, and union leadership on AB 2850 was the best-case scenario; and commented on her support for the proposed motion.

Director McPartland indicated that the agreement was the best cooperative agreement that could be reached.

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

Director Saltzman brought the matter of Update on Assembly Bill 2923, San Francisco Bay Area Rapid Transit District: Transit-Oriented Development before the Board. Ms. Abby Thorne-Lyman, Group Manager, Transit-Oriented Development, and Ms. Kamala Parks, Senior Planner, Station Area Planning, presented the item.

Rodney Nickens addressed the Board.

Ms. Edwards read a written comment submitted by Avalon Schultz into the record.

The item was discussed, with the following highlights:

Director Dufty congratulated Ms. Thorne-Lyman and staff for their work and asked staff to comment on strategies to address displacement.

Director Li thanked staff and commended their work; commented on word choice in the proposed development principles, criteria for alignment with “local context” and defining local design standards, the objectivity of objective design standards, desire for stronger language regarding transportation demand management (TDM) programs in the development principles, and the BART parking policies included in the development principles. She aligned herself with the comments by Rodney Nickens.

Director Raburn commended staff for their work and commented on word choice in the proposed development principles, the map, MacArthur Station’s ineligibility for development, development of small parcels assembled with adjacent parcels, parking replacement, the parking policy section in the proposed development principles, parking management as a universal need at every station, support for the comments by Directors Li and Dufty regarding anti-displacement and providing tenant rights in existing developments nearby, and funds derived from housing and transportation.

Director Ames thanked staff for including a section regarding the regional jobs-housing imbalance in the proposed development principles; applauded Mayor London Breed for her desire to build missing middle housing in San Francisco; commented on and/or inquired about workforce housing, the jobs-housing imbalance, prioritization of station development, desire for coordination with rail and transit connections to be considered by the Board, consideration of inter-model connections, support for the jobs-housing imbalance component; and clarified her previous opposition to AB 2923.

Director Allen commented on general development of BART parking lots, development of land previously paid for by taxpayers for a particular purpose, jobs-oriented development at outer stations, opposition to development of parking lots, lack of opportunity for the Board to review exclusive negotiating agreements with developers prior to the agreements being signed, the potential for BART to own and run buildings on leased land, disagreement with BART leasing land for real estate development, and focusing resources on ridership and financial issues.

Vice President Foley thanked Ms. Thorne-Lyman for her work and commented on the need for the support of local jurisdictions, creating long-term career-oriented jobs if BART property is converted, the need for parking alternatives to be in place before parking is replaced, and the need for transit-oriented development to be revenue positive for BART.

Director Saltzman thanked staff for their work; thanked public speakers; thanked city partners for their work with BART; commented on cities’ responses to AB 2923, support for the suggestions for language adjustments to the proposed development principles, and the grants obtained for the access study of the Richmond line; and requested that the Transit-Oriented Development Policy be included in the agenda packet when the proposed development principles are brought to the Board for action.

The Board Meeting recessed at 11: 55 a.m.

The Board Meeting reconvened at 12:18 p.m.

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

Absent: None.

Director Saltzman brought the matter of Update on New Transbay Rail Crossing Program before the Board. Mr. Carl Holmes, Assistant General Manager, Design and Construction; Ms. Sadie Graham, Project Manager, Capital, New Transbay Rail Crossing; Ms. Camille Tsao, Manager of Special Projects, Capitol Corridor Joint Powers Authority; and Mr. Maceo Wiggins, Director of the Office of Civil Rights, presented the item.

The following individuals addressed the Board:

Aleta Dupree
Aaron Eckhouse
Roland Lebrun

The item was discussed, with the following highlights:

Director Saltzman asked staff to address the cost of the project.

Director Raburn asked which consultant service categories will address funding and ensure equity, and suggested that the engagement and outreach team be involved in testing funding proposals.

Director Li commented on and/or inquired about when realistic cost estimates will be available and major milestones, the cost estimate level that will be available in two to three years, when more public engagement is expected to occur, the impact of the Project, public outreach, the cost estimate for the Project, inclusion of the Project in the Metropolitan Transportation Commission's (MTC) Plan Bay Area 2050, and the governance of the Project.

Director Ames thanked public speakers and commented on and/or inquired about limited federal and state funding, evaluating the cost-benefit of the potential sites in San Francisco, the MTC's vision for the regional rail connection between Fremont and Redwood City, desire to review the Request for Proposal (RFP)'s scope of work and a cost-benefit analysis that delivers conceptual cost estimates, the Plan Bay Area 2050 – Transportation element information, the need for rail service from San Joaquin County to the Redwood City train station, funding for rail projects, issuing an RFP without cost information and a cost benefit-analysis of stations in San Francisco, and the inadequacy of housing in San Francisco.

Director McPartland inquired about funding and staffing for the Project, the cost of contractual requirements, the overhead cost of personnel and contracts, and whether costs are shared.

Director Saltzman requested that staff provide a memo to the Board before the next presentation of the Project, regarding staffing, contracts, and funding sources.

Director Allen commented and/or inquired about the number of people who were surveyed in the resident survey and where and how survey participants were contacted, the need for more information, the cost of large projects, the previously proposed BART extension to southern Alameda County/Livermore, competition among the New Transbay Rail Crossing project and other projects for funding, funding for infrastructure improvements, support for an additional transbay rail crossing, and whether public-private partnership on the project had been explored.

Director Saltzman commented on and/or inquired about the previously proposed BART extension to Livermore, appreciation for more information about the Project, the public's responses to the Project, the need for transparency, and recapturing the revenue generated by the additional transbay rail crossing.

President Simon commented on previous construction of mass infrastructure and counties' difficulty with accessing mass transportation and rail.

Director Dufty, Chairperson of the Engineering and Operations Committee, brought the following matters before the Board:

1. Award of Contract No. 15EK-102, TCCCP New Traction Power Facilities, West Bay.
2. Award of Contract No. 15TC-107, Aerial Structure Fall Protection, A-Line North.
3. Change Orders to Contract No. 09EK-130A, Oakland Emergency Generator (OEG) System, with DMZ Builders.
 - a. Impacts from Differing Site Conditions (C.O. No. 50, 55, 65, 66, 72, 74, and 84).
 - b. Design Changes (C.O. No. 49, 56, 60, 61, 64, 67, 68, 70, 71, 73, 75, 77, 78, and 79).
 - c. Unplanned Work Stoppages (C.O. No. 57, 62, and 63).
4. Change Order to Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit, with Shimmick/CEC Joint Venture, for Revisions to the Scope of Work (C.O. No. 175).

Mr. Myat San, Group Manager, Electrical and Mechanical Engineering, Maintenance and Engineering; Ms. Linda Lee, Project Manager, Strategic Engineering; Mr. Raymond Hsu, Manager of Engineering Programs, Strategic Engineering; Ms. Tracy Johnson, Chief Transit System Development Officer, Extensions Development; Ms. Tamar Allen; and Mr. Carl Holmes presented the items.

Aleta Dupree addressed the Board.

The items were discussed, with the following highlights:

Director Raburn inquired about the percent of aerial structures that will have fall protection after the Aerial Structure Fall Protection, A-Line North project is completed and suggested that BART labor forces participate in aerial structure fall protection work.

Director Ames commented on and/or inquired about the reduction of the scope of work for the BART Earthquake Safety Program TBT Internal Retrofit project and requested that staff provide an engineering memo regarding the reduction of the scope of work.

Director Raburn suggested that Ms. Johnson could provide an overview of the Bond Oversight Committee's discussion of the revision of the scope of work for the BART Earthquake Safety Program TBT Internal Retrofit project and commented that the Earthquake Safety Program – Citizens' Oversight Committee has considered the revision.

Director Raburn made the following motions as a unit. Director McPartland seconded the motions, which carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Duffy, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

1. That the General Manager be authorized to award Contract No. 15EK-102, TCCCP New Traction Power Facilities, West Bay, to C3M, Clark, Cupertino A Joint Venture for the Bid amount of \$54,959,114.00, pursuant to notification to be issued by the General Manager.
2. That the General Manager be authorized to award Contract No. 15TC-107, Aerial Structure Fall Protection, A-Line North, to DMZ Builders for the bid price of \$20,595,082.00 pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures.
3. That the General Manager be authorized to execute the various Change Orders in an aggregate amount not to exceed \$4,870,000.00 to Contract No. 09EK-130A, Oakland Emergency Generator (OEG) System Project.
4. That the General Manager be authorized to execute Change Order No. 175, Revisions to TBT Scope of Work, for additional work and a credit in an amount not less than \$28,000,000.00 to Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit with Shimmick/CEC Joint Venture.

Director McPartland, Chairperson of the Administration Committee, brought the matter of COVID-19 Update: Impact of and Responses to COVID-19 before the Board. Ms. Pamela Herhold, Assistant General Manager, Performance and Budget; Mr. Michael Eiseman, Director of Financial Planning; Mr. Christopher Simi, Director of Budgets; Mr. Lee; Ms. Tamar Allen; Chief of Police Ed Alvarez; Ms. Gia Ilole; and Mr. Powers presented the item. The presentation contained sections on COVID-19, Ridership/15 Step Welcome Back Plan, Budget, Front Line Safety Efforts, and Employee and Labor Partner Engagement.

Aleta Dupree addressed the Board.

The item was discussed, with the following highlights:

Director Allen commented on and/or inquired about fare revenue, Coronavirus Aid, Relief, and Economic Security (CARES) Act funding, sales tax, consumer spending, the 14% projected loss in the budget, overestimation of the largest sources of revenue, her intent to present a Roll Call for Introductions (RCI) request for staff to provide preliminary results for Fiscal Year 2020 (FY 20), a budget analysis, and an actionable agenda item to adjust the Fiscal Year 2021 (FY 21)

budget at the next Board Meeting; and requested that staff provide information regarding taxable sales at the next Board Meeting.

Director Saltzman commented on the Board's decision-making process, staff providing recommendations for budget changes in August, federal funding, desire for budget updates at every Board Meeting, staff's knowledge of how to control costs, and increasing service based on ridership data; and thanked staff for their work.

Director Saltzman exited the Meeting.

Director Allen commented on sales tax, the sales tax revenue estimate for FY 20, federal unemployment benefits, consumer spending, and unemployment.

Director Ames expressed agreement with Director Allen's assessment regarding the need for a worst-case scenario; commented on and/or inquired about the pandemic, long-term decision-making, new air filter technology and ridership, the economic impact of the pandemic, evaluating the balance between ridership and service levels and loans to operate the system, BART's financial situation, ridership recovery, evaluating cost-benefit analyses before October, the vision for BART if ridership stays below 15% and no federal stimulus funds are received, reducing long-term costs, and desire for outreach to riders regarding ridership; and requested monthly budget updates before October.

Director Li thanked employees for their work and Ms. Herhold for the information presented regarding Clipper® and contactless payment; commented on and/or inquired about the Clipper mobile rollout, desire for the Clipper mobile application to be free of charge, exploring additional contactless payment options, ridership recovery, disagreement with Director Allen regarding projected ridership, federal funding, her alignment with Director Saltzman's comments, disagreement with utilizing the RCI process for decision-making and advancing an action item at the August Board Meeting, the vote for the FY 21 budget, and whether taking action to revise the budget in August would be helpful; expressed support for staff to provide preliminary FY 20 results and openness to staff recommendations; and commented on Board Members' approval of the budget and budget revision process.

Director McPartland indicated that he would second Director Allen's RCI request; suggested that budget issues be discussed separately from the COVID-19 update at the next Board Meeting; and inquired about decontamination of all trains at the end of the line, the status of and national best practices for utilizing ultraviolet (UV) light in the filtration system, the length of time required to install UV lighting in the duct work of the train fleet, and the KN95 mask.

Director Raburn commented on the nine positive COVID-19 cases among employees; expressed appreciation for Ms. Ilole and staff's response to the employees and for facilitating tracking and testing; extended his best wishes and hope for full recovery to the ill employees; and commented on and/or inquired about sales tax, activity in San Francisco, the \$12 million dollar deferral from FY 20, and support for the adopted budget review plan.

Vice President Foley thanked employees for their work and suggested that future presentations include information about income, expenses, and the status of the budget.

President Simon commented on the impact of COVID-19, understanding the importance of keeping the trains running, addressing difficult decisions, and receiving monthly financial overviews and memos regarding COVID-19; expressed pride in the District; and thanked employees for their work.

Director Dufty associated himself with President Simon and Director Li; commended frontline employees for their work; and commented on morale in relation to budget staff, BART's leadership and decisions, and the complexity of BART; commended BART's financial leaders; expressed lack of support for an RCI request; and commented on staff's collaboration, the press, and the Board's decisions.

Ms. Edwards indicated that a second Board Member would need to support Director Allen's RCI request for the request to move forward.

Director Ames indicated that she would second Director Allen's RCI request.

Director McPartland commented on the need for the RCI request and redundancy.

Director Allen commented on the need for the RCI request.

Director McPartland expressed agreement with Director Allen regarding the need for the RCI request.

Director McPartland brought the matter of Parking Addendum to the Title VI Fare Equity Analysis and Public Participation Report for the Proposed Discontinuance of Sales of Magnetic-Stripe Tickets before the Board. Mr. Wiggins presented the item.

Director Dufty moved that the Board of Directors approve the Parking Addendum to the "Title VI Fare Equity Analysis for the Proposed Discontinuance of Sales of Magnetic-Stripe Tickets." Director Allen seconded the motion.

Aleta Dupree and Roland Lebrun addressed the Board.

Vice President Foley expressed concern about the negative impact of the Parking Addendum on unbanked, low-income, and minority populations and made the following substitute motion: That the Board of Directors approve the Parking Addendum to the "Title VI Fare Equity Analysis for the Proposed Discontinuance of Sales of Magnetic-Stripe Tickets;" and direct staff to further enhance mitigation measures by holding additional Clipper® Card giveaway events and allowing riders to contact BART Customer Service to acquire free Clipper Cards.

Director McPartland commented on the absence of a provision to address the logistical and administrative aspects of managing Clipper Card distribution and opposition to the substitute motion. Director McPartland suggested that Vice President Foley amend his substitute motion to address the logistical aspects of Clipper Card distribution.

Vice President Foley declined Director McPartland's suggestion to amend the substitute motion.

President Simon seconded the substitute motion, which carried by roll call vote. Ayes: 6 – Directors Ames, Dufty, Foley, Li, Raburn, and Simon. Noes: 2 – Directors Allen and McPartland. Absent: 1 – Director Saltzman.

President Simon brought the matter of Quarterly Report of the Independent Police Auditor before the Board. Mr. Russell Bloom, Independent Police Auditor, presented the item.

The report was discussed, with the following highlights:

Director Li thanked Mr. Bloom for reporting and working on the BART Police Department's (BPD) grooming policy; expressed appreciation for Mr. Bloom's work on the grooming policy issue and Chief Alvarez's responsiveness and openness to changing BPD's grooming policy; and requested that Mr. Bloom's next quarterly report include a presentation with a document attached.

President Simon expressed that the presentation and report requested by Director Li could be sent to Board Members' constituents and support for the Director Li's request; commented on the interaction between BART's police oversight body, independent auditor, and police chief, Chief Alvarez and the Office of the Independent Police Auditor's (OIPA) commitment to reform using data, thoughtful processes, and best practices; thanked the OIPA for becoming an integral part of BART; and recognized Director Raburn as one of the architects of the Independent Police Auditor (IPA) process.

Director Raburn thanked Mr. Bloom for his work during this period of heightened attention to policing and commented on his participation in the National Association for Civilian Oversight of Law Enforcement (NACOLE) meetings, BPD as the standard, support for Director Li's request, and inclusion of use-of-force information in Mr. Bloom's reports.

President Simon brought the matter of Semi-Annual Report of the Inspector General before the Board. Ms. Harriet Richardson, Inspector General, presented the item.

The report was discussed, with the following highlights:

Director Ames commented on and/or inquired about fraud, freezing positions that are necessary to prevent fraud, and the Board's receipt of a list of the second round of positions that were frozen; and requested that staff provide Ms. Richardson with a list of the second round of positions that were frozen.

Director Allen commended Ms. Richardson on her report and commented on and/or inquired about whether Ms. Richardson has received enough funding to independently exercise the legislature's mandate, the timing for the risk assessment and when the next annual report to the legislature will be submitted, realignment of positions and internal controls, whether federal requirements exist for auditing CARES Act recipients, recovering the cost of the Inspector General's Office through findings of efficiency, the cost of the M-Line lighting project, and feedback on the challenges to accessing information that Ms. Richardson needs to do her work.

President Simon requested that Ms. Richardson send a letter to the General Counsel regarding the difficulties that Ms. Richardson has articulated in developing systems; commented on the

Personnel Review Special Committee's (PRSC) meeting with Ms. Richardson, the PRSC's mandate for the Inspector General's Office; and requested a copy of Ms. Richardson's letter to the General Counsel and that Ms. Richardson provide the Board with her report to the Governor.

Director McPartland commented on and/or inquired about whether Ms. Richardson could write a report on the M-Line project regarding the resolution of the project and path forward to avoid mistakes, staff providing information when requested by the Inspector General, the chain of command, the role of the Inspector General, whether Ms. Richardson was working on a document regarding the role of the Inspector General, and her assessment after networking with other transportation Inspector Generals; and expressed support for the Inspector General.

President Simon called for the General Manager's Report. Mr. Powers reported that staff worked with the Metropolitan Transportation Commission (MTC) on the second tranche of CARES Act funding; that all operators in the Bay Area are creating a Health and Safety Plan in Transit document; and that staff is continuing to advocate for financial assistance from the Federal and State governments.

Director Li asked Mr. Powers to address if, and how, he was engaged in conversations about the Caltrain sales tax and the impact on BART and regional public transit if the Caltrain sales tax is not approved.

President Simon called for the results of the ranked-choice vote for the appointments to the Transit Security Advisory Committee. Ms. Edwards announced that the first choice was Stephine Barnes, the second choice was Manuel Vasquez, the third choice was Tiffany Lacsado, and the potential alternate was Randall Glock.

President Simon moved that the BART Board of Directors ratify the appointment of the following individuals as Public-at-Large representatives for a term of 2 years, beginning immediately and expiring on June 30, 2022:

- Stephine Barnes
- Manuel Vasque
- Tiffany Lacsado
- Randall Glock, Alternate

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

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

Director Allen noted that she had submitted an RCI request and Ms. Edwards read the following request into the record:

The August 27, 2020 meeting will include an update to the financial budget information for both FY 20 preliminary results and a review of revenue projections used for the FY 21 budget. The agenda item shall include presentation and consideration of action to adjust the FY 21 budgeted operating expenses if deemed necessary by the Board.

Directors McPartland and Ames confirmed their support of Director Allen's RCI request.

Director Ames reported that she had attended a Union City Council meeting regarding the station district for BART; requested that staff update the Union City Station improvements section of bart.gov; commented on Fremont residents' dispute of the South Bay Connect project and lack of coordination surrounding the project; requested that staff provide a report on the status of the project; expressed opposition to the project; and commented on her communication with the State regarding a bottleneck in her District.

President Simon requested that staff contact Director Ames within 24 hours to answer her questions regarding the South Bay Connect project.

Director Ames exited the Meeting.

Director Saltzman re-entered the Meeting.

Director Saltzman submitted the following RCI request:

During the COVID-19 pandemic, as the BART Board has been meeting virtually, the public has had much greater ability and access to speak on important issues during our meetings. To encourage continued public participation once it is safe to meet in person again, the District Secretary's Office should explore ways for the public to comment via phone and/or internet during in person meetings. The District Secretary should present this research to the Board no later than the second meeting in October and agendize the item as an action item so that the Board can consider taking action.

Director Li and Vice President Foley seconded Director Saltzman's RCI request.

Director Saltzman introduced and submitted the following RCI request:

In certain Executive Decision Documents (EDDs) staff recommends contracting out ongoing work. In the future when this is done, the EDD should include an explanation of why staff is recommending contracting the work out, rather than having BART employees do the work. This will help the Board make decisions on these contracts and will make the decision making process more transparent.

Director McPartland seconded Director Saltzman's RCI request.

Director Saltzman exited the Meeting.

Director Dufty thanked Ms. Tamar Allen, Mr. Roy Aguilera, Chief Transportation Officer; Ms. Paula Fraser, Assistant Chief Transportation Office, Service Delivery, M-Line Management; and Mr. Greg Lombardi, Assistant Chief Maintenance Officer, Maintenance and Engineering, for their work with the University of California, San Francisco (UCSF) and the Mission District community to organize COVID-19 testing; thanked Mr. Powers for embracing the testing effort; and commented on the background and process for the testing.

Director Li reported that she had participated in various meetings with staff and others; congratulated MTC and BART for launching Clipper Start and noted that she received a briefing with Ms. Herhold and MTC; reported that the Labor Negotiations Review Special Committee (LNRSC) had met and

expressed appreciation for union presidents' engagement in the LNRSC meeting and staff's work to prepare the Committee members for the meeting.

Director McPartland reported that he had provided multiple public briefings regarding A65 track work and that the MTC elevated the Valley Link project to Phase 1. He requested that the Meeting be adjourned in honor of The Honorable John Lewis, Representative of the Fifth Congressional District of Georgia, and gave remarks regarding Congressman Lewis.

Director Raburn reported that he had participated in a regional housing needs assessment discussion with the East Bay Chapter of the California League of Cities and that he began participating in the NACOLE policing oversight discussions; and thanked Mr. Jones for his work to replace the pylon at the gateway entrance of 19th Street Oakland Station.

Vice President Foley reported that he had given a presentation to the Rotary Club of Antioch, that he had attended the Contra Costa Mayors Conference, and that the LNRSC had met.

President Simon reported that she had given a presentation to Green For All regarding transportation equity and a presentation to Leadership San Francisco and that she had attended Director McPartland's presentation to the Hayward Chapter of the National Association for the Advancement of Colored People (NAACP) regarding track work in Hayward; recognized Ms. Maisha Everhart, Manager of Government and Community Relations, External Affairs, and Mr. Ariel Mercado, Principal Government and Community Relations Representative, External Affairs, for their presentation to the City of Pinole's City Council; and requested that staff provide the Board Members with the presentation and talking points from the presentation to the City of Pinole. President Simon gave remarks regarding The Honorable John Lewis and announced that her daughter was beginning a law program at the Howard University School of Law.

The Meeting was adjourned in honor of The Honorable John Lewis at 3:54 p.m.

Jacqueline R. Edwards
Assistant District Secretary