

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

Board of Directors  
Minutes of the 1,579th Meeting  
September 17, 2009

A special meeting of the Board of Directors was held September 17, 2009, convening at 9:05 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Blalock presided; Patricia K. Williams, Assistant District Secretary.

Directors present: Directors Fang, Franklin, Keller, McPartland, Murray, Ward Allen, and Blalock.

Absent: None. Directors Radulovich and Sweet entered the Meeting later.

Director Fang welcomed and introduced Al Perez, President of the Filipino American Arts Exposition. Mr. Perez addressed the Board, thanking the District for participating in the 16<sup>th</sup> Annual Pistahan Parade and Festival.

President Blalock welcomed and introduced former BART Director, Robert S. Allen.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of July 16, 2009 (Special), July 23, 2009 (Regular), and July 30, 2009 (Special).
2. Employee Recruitment and Relocation for the Position of Executive Manager, Transit System Development, and the Position of Chief of Police.

Director Franklin requested that Item 2-B, Employee Recruitment and Relocation for the Position of Executive Manager, Transit System Development, and the Position of Chief of Police, be removed from the consent calendar.

Director Murray moved that the Minutes of the Meetings of July 16, 2009 (Special), July 23, 2009 (Regular), and July 30, 2009 (Special), be approved. Director Keller seconded the motion, which carried by unanimous voice vote. Ayes – 7: Directors Fang, Franklin, Keller, McPartland, Murray, Ward Allen, and Blalock. Noes – 0. Absent – 2: Directors Radulovich and Sweet.

President Blalock brought the matter of Employee Recruitment and Relocation for the Position of Executive Manager, Transit System Development, and the Position of Chief of Police before the Board.

Director Sweet entered the meeting.

Ms. Elaine Kurtz, Department Manager, Human Resources, gave a presentation on the item.

Director Radulovich entered the meeting.

Discussion on the item was held, and the motion presented by staff was amended.

Director Murray moved that the General Manager or her designee be authorized, in conformance with established District procedures governing the procurement of professional services, to obtain executive search services to identify qualified candidates both inside and outside of California, for the positions of the Executive Manager, Transit System Development, and the Police Chief; and that the General Manager be authorized to enter into a relocation agreement, if necessary, in an amount not to exceed \$18,000.00 for each position, in accordance with Management Procedure Number 70 – New Employee Relocation Expense Reimbursement; and that the BART Police Review Committee review and recommend candidate search firms for the position of Police Chief, and that the Committee meeting be open to public, and that internal Police Department employees be involved in providing input. Director Ward Allen seconded the motion, which carried by unanimous voice vote. Ayes – 9: Directors Fang, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0.

The Board Meeting recessed at 9:41 a.m.

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The Board reconvened at 9:59 a.m.

Directors present: Directors Fang, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock.

Absent: None.

President Blalock brought the matter of Condemnation of Real Property for the Warm Springs Extension Project: BART Parcel Nos. J-2004-1A, J-2004-2A, and J-2004-3A before the Board. Director Fang moved adoption of Resolution No. 5100, Resolution of Necessity to Condemn Real Property; Make Findings and Determinations; Authorize Eminent Domain Proceedings and Application for Possession Prior to Judgment for BART Parcels J-2004-1A, J-2004-2A and J-2004-3A; Draw and Deposit Warrant. Director McPartland seconded the motion, which carried by unanimous voice vote by the required two-thirds majority. Ayes – 9: Directors Fang, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0.

Consent Calendar Addenda items brought before the Board were:

1. Resolution Ratifying Collective Bargaining Agreement with the Amalgamated Transit Union, Division 1555.
2. Resolution Ratifying Collective Bargaining Agreement with the American Federation of State, County and Municipal Employees, Local 3993.

Consent Calendar Addenda motions, as follow, were moved as a unit by Director Murray. Director Sweet seconded the motions, which carried by unanimous voice vote. Ayes – 9: Directors Fang, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0.

1. Adoption of Resolution No. 5101, In the Matter of Ratifying the 2009 – 2013 Collective Bargaining Agreement between the District and Amalgamated Transit Union, Division 1555.
2. Adoption of Resolution No. 5102, In the Matter of Ratifying the 2009 – 2013 Collective Bargaining Agreement between the District and American Federation of State, County and Municipal Employees, Local 3993.

The Board Meeting recessed at 10:02 a.m.

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The Board reconvened at 10:10 a.m.

Directors present: Directors Fang, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock.

Absent: None.

Director Murray, Chairperson of the Administration Committee, reported that all items on the committee agenda had been approved by the Board.

Director Keller, Chairperson of the Engineering and Operations Committee, reported that the Committee had received and discussed the Earthquake Safety Program: Report of the Citizens' Oversight.

Director Sweet, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, had no report.

President Blalock called for the General Manager's Report. General Manager Dorothy W. Dugger reported that preliminary sales tax numbers for the second quarter of the fiscal year had been received and were down nineteen percent from the previous year and that staff would be presenting a revised Fiscal Year 2010 Budget for the Board's consideration at a future meeting. Ms. Dugger expressed appreciation to the District's employees for the outstanding performance over Labor Day weekend while the Bay Bridge was closed, noting that over one million passengers had been carried over the four-day period, including 395,310 passengers on Friday and 244,000 on Saturday.

Ms. Dugger introduced David Martindale of the Marketing and Research Department to present a video of new advertisements promoting BART.

The Board discussed the presentation.

Director Franklin, Chairperson of the Sustainability/Green Committee, gave a report on the Committee's meeting of September 14.

President Blalock brought Roll Call for Introductions before the Board.

Director Franklin requested an update on Translink, with the following concerns to be addressed: speed of processing at faregates, and whether Commuter Checks® would be able to be used to

purchase high-value tickets. Director Radulovich requested that a complete report on Translink be provided.

President Blalock requested a memorandum identifying the rationale for BART Police using patrol cars as opposed to simply riding the system.

President Blalock called for General Discussion and Public Comment.

Mr. Robert S. Allen addressed the Board.

President Blalock announced that the Board would enter into closed session under Item 8-A (Conference with Labor Negotiators) of the special meeting agenda, and that the Board would adjourn upon conclusion of the closed session.

The Board Meeting recessed at 10:38 a.m.

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The Board reconvened in closed session at 10:49 a.m.

Directors present: Directors Fang, Franklin, McPartland, Murray, Radulovich, Ward Allen, and Blalock.

Absent: Directors Keller and Sweet.

The Board Meeting adjourned at 11:39 a.m.

Kenneth A. Duron  
District Secretary