

Meeting Agenda

Bay Area Headquarters Authority

Authority Members:

*Alfredo Pedroza, Chair Nick Josefowitz, Vice Chair
Margaret Abe-Koga, Cindy Chavez, Federal D. Glover,
Amy R. Worth*

Wednesday, September 28, 2022

9:45 AM

HYBRID (In-Person Option Available)

The Bay Area Headquarters Authority is scheduled to meet on Wednesday, September 28, 2022 at 9:45 a.m. or immediately following the 9:40 a.m. BATA meeting, in the Bay Area Metro Center (Hybrid with In-person option available). In light of Governor Newsom's State of Emergency declaration regarding COVID-19 and in accordance with the recently signed Assembly Bill 361 allowing remote meetings, this meeting will be accessible via webcast, teleconference, and Zoom for all participants. A Zoom panelist link for meeting participants will be sent separately to committee, commission, or board members.

Meeting attendees may opt to attend in person for public comment and observation at 375 Beale Street, Board Room (1st Floor). In-person attendees must adhere to posted public health protocols while in the building.

The meeting webcast will be available at

<https://mtc.ca.gov/whats-happening/meetings/live-webcasts>.

Members of the public are encouraged to participate remotely via Zoom at the following link or phone number:

Attendee Link: <https://bayareametro.zoom.us/j/83723668259>

Or iPhone one-tap: US: +13462487799,,83723668259# or +14086380968,,83723668259#

Or Join by Telephone: (for higher quality, dial a number based on your current location) US:

+1 408 638 0968 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or

+1 312 626 6799 or +1 646 876 9923 or +1 301 715 8592 or

877 853 5247 (Toll Free) or 888 788 0099 (Toll Free)

Webinar ID: 837 2366 8259

International numbers available: <https://bayareametro.zoom.us/j/83723668259>

Detailed instructions on participating via Zoom are available at:

<https://mtc.ca.gov/how-provide-public-comment-board-meeting-zoom>. Committee members and members of the public participating by Zoom wishing to speak should use the "raise hand" feature or dial "*9". In order to get the full Zoom experience, please make sure your application is up to date.

Members of the public may participate by phone or Zoom or may submit comments by email at info@bayareametro.gov by 5:00 p.m. the day before the scheduled meeting date. Please include the committee or board meeting name in the subject line. Due to the current circumstances there may be limited opportunity to address comments during the meeting. All comments received will be submitted into the record.

1. Call to Order / Roll Call / Confirm Quorum

Quorum: A quorum of this Authority shall be a majority of its regular voting members (3).

2. Consent Calendar

- 2a. [22-1206](#) Minutes of the August 24, 2022 meeting

Action: Authority Approval

Attachments: [2a 22-1206 August 24 Draft BAHA Minutes.pdf](#)

- 2b. [22-1207](#) BAHA Resolution No. 037 Providing for Remote Meetings Pursuant to Assembly Bill 361

Action: Authority Approval

Attachments: [2b 22-1207 BAHA-Reso-37 AB 361.pdf](#)

3. Approval

- 3a. [22-1208](#) BAHA Resolution No. 1, Revised - Amendment to the BAHA Establishing Resolution

A request for approval of BAHA Resolution No. 1, Revised to conform BAHA's members and officers to the current elected and appointed officers of the Metropolitan Transportation Commission (MTC) or Bay Area Toll Authority (BATA) who serve as BAHA officers; and to authorize the MTC Executive Director (ED) or designee to amend Attachment A from time to time as MTC or BATA elected officials, or staff who serve as officers, may complete their term or be reassigned.

Action: Authority Approval

Presenter: Denise Rodrigues

Attachments: [3a 22-1208 BAHA Reso_001 BAHA Establishing Resolution Amendment.pr](#)

4. Public Comment / Other Business

5. Adjournment / Next Meeting

The next meeting of the Bay Area Headquarters Authority is scheduled to be held on October 26, 2022. Any changes to the schedule will be duly noticed to the public.

Public Comment: The public is encouraged to comment on agenda items at Authority meetings by completing a request-to-speak card (available from staff) and passing it to the Authority secretary. Public comment may be limited by any of the procedures set forth in Section 3.09 of MTC's Procedures Manual (Resolution No. 1058, Revised) if, in the chair's judgment, it is necessary to maintain the orderly flow of business.

Meeting Conduct: If this meeting is willfully interrupted or disrupted by one or more persons rendering orderly conduct of the meeting unfeasible, the Chair may order the removal of individuals who are willfully disrupting the meeting. Such individuals may be arrested. If order cannot be restored by such removal, the members of the Authority may direct that the meeting room be cleared (except for representatives of the press or other news media not participating in the disturbance), and the session may continue.

Record of Meeting: Authority meetings are recorded. Copies of recordings are available at a nominal charge, or recordings may be listened to at MTC offices by appointment. Audiocasts are maintained on MTC's Web site (mtc.ca.gov) for public review for at least one year.

Accessibility and Title VI: MTC provides services/accommodations upon request to persons with disabilities and individuals who are limited-English proficient who wish to address Commission matters. For accommodations or translations assistance, please call 415.778.6757 or 415.778.6769 for TDD/TTY. We require three working days' notice to accommodate your request.

可及性和法令第六章: MTC 根據要求向希望來委員會討論有關事宜的殘疾人士及英語有限者提供服務/方便。需要便利設施或翻譯協助者，請致電 415.778.6757 或 415.778.6769 TDD / TTY。我們要求您在三個工作日前告知，以滿足您的要求。

Acceso y el Titulo VI: La MTC puede proveer asistencia/facilitar la comunicación a las personas discapacitadas y los individuos con conocimiento limitado del inglés quienes quieran dirigirse a la Comisión. Para solicitar asistencia, por favor llame al número 415.778.6757 o al 415.778.6769 para TDD/TTY. Requerimos que solicite asistencia con tres días hábiles de anticipación para poderle proveer asistencia.

Attachments are sent to Authority members, key staff and others as appropriate. Copies will be available at the meeting.

All items on the agenda are subject to action and/or change by the Authority. Actions recommended by staff are subject to change by the Authority.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 22-1206 **Version:** 1 **Name:**

Type: Minutes **Status:** Authority Approval

File created: 7/8/2022 **In control:** Bay Area Headquarters Authority

On agenda: 9/28/2022 **Final action:**

Title: Minutes of the August 24, 2022 meeting

Sponsors:

Indexes:

Code sections:

Attachments: [2a 22-1206 August 24 Draft BAHA Minutes.pdf](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Subject:
Minutes of the August 24, 2022 meeting

Recommended Action:
Authority Approval



Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105

Meeting Minutes

Bay Area Headquarters Authority

Authority Members:

*Alfredo Pedroza, Chair Nick Josefowitz, Vice Chair
Margaret Abe-Koga, Cindy Chavez, Federal D. Glover,
Amy R. Worth*

Wednesday, August 24, 2022

9:45 AM

REMOTE

Special Meeting

Call Meeting to Order

1. Roll Call / Confirm Quorum

Present: 5 - Commissioner Abe-Koga, Commissioner Chavez, Commissioner Glover, Vice Chair Josefowitz and Commissioner Worth

Absent: 1 - Chair Pedroza

2. Consent Calendar

Upon the motion by Commissioner Worth and seconded by Commissioner Abe-Koga, the Authority unanimously approved the Consent Calendar by the following vote:

Aye: 5 - Commissioner Abe-Koga, Commissioner Chavez, Commissioner Glover, Vice Chair Josefowitz and Commissioner Worth

Absent: 1 - Chair Pedroza

2a. [22-1199](#) Minutes of the July 27, 2022 meeting

Action: Authority Approval

2b. [22-1200](#) BAHA Resolution No. 036 Providing for Remote Meetings Pursuant to Assembly Bill 361

Action: Authority Approval

3. Public Comment

4. Adjournment / Next Meeting

The next meeting of the Bay Area Headquarters Authority is scheduled to be held on September 28, 2022. Any changes to the schedule will be duly noticed to the public.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 22-1207 **Version:** 1 **Name:**

Type: Resolution **Status:** Authority Approval

File created: 7/8/2022 **In control:** Bay Area Headquarters Authority

On agenda: 9/28/2022 **Final action:**

Title: BAHA Resolution No. 037 Providing for Remote Meetings Pursuant to Assembly Bill 361

Sponsors:

Indexes:

Code sections:

Attachments: [2b_22-1207_BAHA-Reso-37_AB_361.pdf](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Subject:
BAHA Resolution No. 037 Providing for Remote Meetings Pursuant to Assembly Bill 361

Recommended Action:
Authority Approval

Bay Area Headquarters Authority
BAHA

September 28, 2022

Agenda Item 2b - 22-1207

BAHA Resolution No. 37 Providing for Remote Meetings Pursuant to AB 361

Subject:

A request for approval of BAHA Resolution No. 37 providing for remote meetings pursuant to AB 361.

Background:

AB 361 provides for continuing availability of remote meetings during the pandemic-related state of emergency in California. In order to invoke this option, governing boards of Brown Act bodies, or their authorized designated committees must make certain findings in support of remote meetings within 30 days of the first meeting occurring after October 1, 2021, and every 30 days thereafter. Attached for your review and approval is a resolution invoking AB 361 and providing for remote meetings prospectively for 30 days following the Bay Area Headquarters Authority's action.

Issues:

Findings in support of Resolution No. 37 are found in the attached. Given the continuing state of public health emergency and the improved public access afforded by holding public meetings of regional bodies in a virtual setting, the resolution under AB 361 is supportable.

Recommended Action:

The Bay Area Headquarters Authority is requested to adopt Resolution No. 37, authorizing its committees and related entities, to meet remotely pursuant to the provisions of AB 361.

Attachments:

- Attachment A: BAHA Resolution No. 37



Therese W. McMillan

Date: September 28, 2022
Referred By: BAHA

ABSTRACT

Resolution No. 037

This resolution makes findings pursuant to AB 361 to continue virtual public meetings for the Bay Area Headquarters Authority (BAHA), its related entities and committees during the COVID-19 State of Emergency.

Further discussion of this subject is contained in the BAHA Summary Sheet dated September 28, 2022.

Date: September 28, 2022
Referred By: BAHA

RE: Findings Pursuant to AB 361 to Continue Virtual Public Meetings for the Bay Area Headquarters Authority (BAHA), With its Related Entities and Committees, During the COVID-19 State of Emergency

BAY AREA HEADQUARTERS AUTHORITY
RESOLUTION NO. 037

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency, as defined under the California Emergency Services Act, due to the COVID-19 pandemic; and

WHEREAS, the State of Emergency remains in effect; and

WHEREAS, beginning in March 2020, the Governor's Executive Order N-29-20 suspended Brown Act requirements related to teleconferencing during the COVID-19 pandemic provided that notice, accessibility, and other requirements were met, and the public was allowed to observe and address the legislative body at the meeting; and

WHEREAS, Executive Order N-08-21 extended the previous order until September 30, 2021; and

WHEREAS, the Bay Area Headquarters Authority (BAHA) and its related entities and committees have conducted their meetings virtually, as authorized by the Executive Order, since March 17, 2020; and

WHEREAS, on September 16, 2021, the Governor signed into law AB 361, an urgency measure effective upon adoption, that provides flexibility to government bodies, allowing them to meet virtually without conforming to the Brown Act teleconferencing rules if: (i) the legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; (ii) the legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or (iii) the legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a

result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, the San Francisco Public Health Department continues to recommend and/or require measures to promote social distancing in combination with other safety precautions when activities occur in shared indoor spaces to mitigate the risk of COVID-19 transmission; and

WHEREAS, recently, multiple COVID-19 variants have surged in the United States and are believed by medical experts to be more contagious than previous variants, and data has shown these variants have increased transmissibility even among some vaccinated people; and

WHEREAS, due to uncertainty and concerns about recent COVID-19 variants and current conditions, many workplaces that had announced a return to regular in-person operations have pushed back the full return date; and

WHEREAS, virtual meetings have not diminished the public's ability to observe and participate and have expanded opportunities to do so for some communities; and

WHEREAS, given the heightened risks of the predominant variant of COVID-19 in the community, holding meetings with all members of the legislative body, staff, and the public in attendance in person in a shared indoor meeting space would pose an unnecessary and immediate risk to the attendees;

NOW, THEREFORE, BE IT RESOLVED, that the Bay Area Headquarters Authority hereby determines that, as a result of the emergency, meeting in person presents imminent risks to the health or safety of attendees; and be it further

RESOLVED, that in accordance with AB 361, based on the findings and determinations herein, meetings of BATA, its related entities and its committees will be held virtually, with Brown Act teleconferencing rules suspended; and be it further

RESOLVED, that this resolution shall be effective upon adoption and remain in effect for 30 days in accordance with AB 361.

BAY AREA HEADQUARTERS AUTHORITY

Alfredo Pedroza, Chair

The above resolution was entered into by the Bay Area Headquarters Authority at a duly called and noticed meeting held in San Francisco, California and at other remote locations, on September 28, 2022.

Legislation Details (With Text)

File #: 22-1208 **Version:** 1 **Name:**

Type: Resolution **Status:** Authority Approval

File created: 7/8/2022 **In control:** Bay Area Headquarters Authority

On agenda: 9/28/2022 **Final action:**

Title: BAHA Resolution No. 1, Revised - Amendment to the BAHA Establishing Resolution

A request for approval of BAHA Resolution No. 1, Revised to conform BAHA’s members and officers to the current elected and appointed officers of the Metropolitan Transportation Commission (MTC) or Bay Area Toll Authority (BATA) who serve as BAHA officers; and to authorize the MTC Executive Director (ED) or designee to amend Attachment A from time to time as MTC or BATA elected officials, or staff who serve as officers, may complete their term or be reassigned.

Sponsors:

Indexes:

Code sections:

Attachments: [3a_22-1208_BAHA_Reso_001_BAHA_Establishing_Resolution_Amendment.pdf](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Subject:

BAHA Resolution No. 1, Revised - Amendment to the BAHA Establishing Resolution

A request for approval of BAHA Resolution No. 1, Revised to conform BAHA’s members and officers to the current elected and appointed officers of the Metropolitan Transportation Commission (MTC) or Bay Area Toll Authority (BATA) who serve as BAHA officers; and to authorize the MTC Executive Director (ED) or designee to amend Attachment A from time to time as MTC or BATA elected officials, or staff who serve as officers, may complete their term or be reassigned.

Presenter:

Denise Rodrigues

Recommended Action:

Authority Approval

Bay Area Headquarters Authority
BAHA

September 28, 2022

Agenda Item 3a - 22-1208

BAHA Resolution No. 1, Revised – Amendment to the BAHA Establishing Resolution

Subject:

A request for approval of BAHA Resolution No. 1, Revised to conform BAHA's members and officers to the current elected and appointed officers of the Metropolitan Transportation Commission (MTC) or Bay Area Toll Authority (BATA) who serve as BAHA officers; and to authorize the MTC Executive Director (ED) or designee to amend Attachment A from time to time as MTC or BATA elected officials, or staff who serve as officers, may complete their term or be reassigned.

Background:

On October 12, 2011, BAHA adopted Resolution No. 1 which established the Authority. Attachment A to BAHA Resolution No. 1 lists the members of the governing board and officers of BAHA.

BAHA Resolution No. 1 provided that Attachment A shall be amended from time to time as the persons holding these positions change. This amendment revises Attachment A to reflect the current elected chair and vice chair of MTC, and other current members and officers. This revision also allows the allow the MTC ED or designee to amend Attachment A from time to time as the terms of the officers of MTC or BATA are reassigned or completed.

Issues:

None.

Recommended Action:

Staff recommends that this Authority approve BAHA Resolution No. 1, Revised to conform the members and officers to the current elected and appointed officers of MTC and its committees and to allow the MTC ED or designee to amend Attachment A from time to time as the terms of the officers of MTC or BATA are reassigned or completed. A copy of the resolution showing the changes in membership is attached.

Attachments:

- Attachment A: BAHA Resolution No. 1, Revised



Therese W. McMillan

Date: October 12, 2011
W.I.: 9130
Revised: 01/25/12-BAHA 04/24/13-BAHA
04/22/15-BAHA 01/22/20-BAHA
09/28/22-BAHA

ABSTRACT

BAHA Resolution No. 1, Revised

This resolution establishes the Bay Area Headquarters Authority. Discussion of this action is contained in the Executive Director's Memorandum, dated October 6, 2011.

This resolution was revised on January 25, 2012 to allow the Authority to meet on more frequent intervals on the dates of the regularly-scheduled MTC meetings in each year, commencing February 2012.

Appendix A was revised April 24, 2013 to conform the Members and Officers to the newly elected appointed officers of MTC and its committees.

Appendix A was revised April 22, 2015 to conform the Members and Officers to the newly elected appointed officers of MTC and its committees.

Appendix A was revised January 22, 2020 to conform the Members and Officers to the elected appointed officers of MTC and its committees.

Appendix A was revised September 28, 2022 to confirm the Members and Officers to the elected appointed officers of MTC and its committees.

Discussions of these actions are contained in the Executive Director's Memoranda to BAHA, dated January 18, 2012, April 10, 2013, and April 15, 2015, January 22, 2020, and the Summary Sheet dated September 28, 2022.

Date: October 12, 2011
W.I.: 1542
Revised: 01/25/12

Re: Establishment of Bay Area Headquarters Authority

BAY AREA HEADQUARTERS AUTHORITY
RESOLUTION NO. 1

WHEREAS, the Metropolitan Transportation Commission (“MTC”) and the Bay Area Toll Authority (“BATA”) have executed a joint exercise of powers agreement dated September 28, 2011 (the “Agreement”), which Agreement creates and establishes the Bay Area Headquarters Authority (“BAHA”); and

WHEREAS, a copy of the Agreement is presented herewith and on file with the Secretary of BAHA; now, therefore, be it

RESOLVED, that BAHA finds that the foregoing recitals are true and correct; and be it further

RESOLVED, that BAHA hereby confirms that the Agreement shall govern its structure and operations; and be it further

RESOLVED, that, pursuant to the Agreement, the members of MTC and BATA governing boards holding the official positions listed in the first table on Attachment A to this resolution, attached hereto and incorporated herein as though set forth at length, shall be the members of the governing board of BAHA; and be it further

RESOLVED, that Attachment A shall be amended from time to time as the terms of the members of MTC or BATA governing boards holding such positions are reassigned or completed; and be it further

RESOLVED, that, pursuant to the Agreement, future regular meetings of BAHA shall be held on the date of the regularly-scheduled MTC meetings in each year, commencing February 2012, at such time as may be designated by appropriate notice and at the same location as such regularly scheduled MTC meetings occur; and be it further

RESOLVED, that, pursuant to the Agreement, the officers of MTC listed in the second table on Attachment A to this resolution, attached hereto and incorporated herein as though set forth at length, shall be the officers of BAHA; and be it further

RESOLVED, that the MTC Executive Director or designee shall amend Attachment A from time to time as the terms of the officers of MTC or BATA are reassigned or completed; and be it further

RESOLVED, that, pursuant to the Agreement, the General Counsel for MTC shall be and act as General Counsel for BAHA; and be it further

RESOLVED, that, pursuant to the Agreement, MTC's Conflict of Interest Code is hereby adopted as the Conflict of Interest Code of BAHA; and be it further

RESOLVED, that, pursuant to the Agreement, the manner in which BAHA shall exercise its powers and perform its duties is and shall be subject to the restrictions upon the manner in which BATA could exercise such powers and perform such duties; and be it further

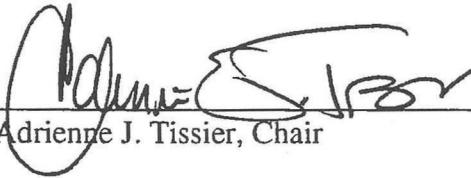
RESOLVED, that, pursuant to Section 7 of the Agreement, any funds held by BAHA that are determined by BAHA to be in excess of BAHA's then current capital and operating needs shall be paid to BATA and may be used by BATA for any lawful purpose, free and clear of the restrictions of the Agreement; and be it further

RESOLVED, that whenever an officer of MTC is designated an officer of BAHA, the assistants and deputies of such officer from time to time shall also be ex officio officers of BAHA; and whenever a power is granted to, or a duty imposed upon, such officer, the power may be exercised, or the duty performed, by such assistant or deputy; and be it further

RESOLVED, the officers and agents of BAHA are hereby authorized and directed to take all further actions necessary and convenient to carry out the purposes of this resolution and that all actions heretofore taken by the officers and agents of BAHA with respect to the Agreement and the formation of BAHA are hereby acknowledged, ratified, and approved; and be it further

RESOLVED, that this Resolution shall take effect from and after its adoption.

BAY AREA HEADQUARTERS AUTHORITY



Adrienne J. Tissier, Chair

The above resolution, revising and superseding the resolution approved on October 12, 2011, was entered into by the Bay Area Headquarters Authority at a special meeting of BAHA held in Oakland, California, on January 25, 2012.

Date: October 12, 2011
 W.I.: 9130
 Revised: 01/25/12-BAHA 04/24/13-BAHA
 04/22/15-BAHA 01/22/20-BAHA
 09/28/22-BAHA

Date: October 12, 2011
 Attachment A
 BAHA Resolution No. 1
 Page 1 of 1

Members of Governing Board of BAHA:

| MTC or BATA Office | |
|--|--|
| Chair of MTC | |
| Vice Chair of MTC | |
| Chair, BATA Oversight Committee | |
| Vice Chair, BATA Oversight Committee | |
| Chair, MTC Administration Committee | |
| Vice Chair, MTC Administration Committee | |

Officers of BAHA:

| BAHA Office | MTC or BATA Office | |
|--|--|--|
| Chair | Chair of MTC | |
| Vice Chair | Vice Chair of MTC | |
| Executive Director | Executive Director of MTC | |
| Deputy Executive Director, Policy | Deputy Executive Director, Policy | |
| Deputy Executive Director, Operations | Deputy Executive Director, Operations | |
| Deputy Executive Director, Local Government Services | Deputy Executive Director, Local Government Services | |
| Secretary | Secretary, MTC | |
| Treasurer and Auditor | Chief Financial Officer of MTC | |