



Members of the Board

Charlene Haught Johnson, Chair
Anthony J. Intintoli, Jr., Vice Chair
Gerald Bellows
Timothy Donovan
Beverly Johnson

**MEETING AGENDA FOR THE
WETA BOARD OF DIRECTORS**

BOARD OF DIRECTORS' MEETING
Thursday, March 15, 2012 at 1:00 P.M.

**San Francisco Bay Area
Water Emergency Transportation Authority
9 Pier, Suite 111
San Francisco**

The full agenda packet is available for download at www.watertransit.org.

AGENDA

This information will be made available in alternative formats upon request. To request an agenda in an alternative format, please contact the Board Secretary at least five (5) working days prior to the meeting to ensure availability.

PUBLIC COMMENTS The Water Emergency Transportation Authority welcomes comments from the public. Speakers' cards and a sign-up sheet are available. Please forward completed speaker cards and any reports/handouts to the Board Secretary.

Non-Agenda Items: A 15 minute period of public comment for non-agenda items will be held at the end of the meeting. Please indicate on your speaker card that you wish to speak on a non-agenda item. No action can be taken on any matter raised during the public comment period. Speakers will be allotted no more than three (3) minutes to speak and will be heard in the order of sign-up.

Agenda Items: Speakers on individual agenda items will be called in order of sign-up after the discussion of each agenda item and will be allotted no more than three (3) minutes to speak. You are encouraged to submit public comments in writing to be distributed to all Directors.

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|--|---------------------------|
| 1. <u>CALL TO ORDER – BOARD CHAIR</u> | <i>Information</i> |
| 2. <u>ROLL CALL/PLEDGE OF ALLEGIANCE</u> | <i>Information</i> |
| 3. <u>REPORT OF BOARD CHAIR</u> | <i>Information</i> |
| 4. <u>REPORTS OF DIRECTORS</u> | <i>Information</i> |
| 5. <u>REPORTS OF STAFF</u> | <i>Information</i> |
| a. Executive Director's Report | |
| b. Legislative Update | |
| 6. <u>CONSENT CALENDAR</u> | |
| a. Minutes February 16, 2012 | <i>Action</i> |

**Water Emergency Transportation Authority
March 15, 2012 Meeting of the Board of Directors**

7. AUTHORIZE STAFF TO PROCEED TO DEVELOP LEGISLATION TO
CREATE STAGGERED DIRECTOR TERMS **Action**

8. APPROVE FY 2011/12 OPERATING BUDGET INCREASE AND
AUTHORIZE FILING AN APPLICATION WITH THE METROPOLITAN
TRANSPORTATION COMMISSION FOR ADDITIONAL FY 2011/12
REGIONAL MEASURE 2 OPERATING FUNDS TO SUPPORT THIS
INCREASE **Action**

9. APPROVE PROPOSITION 1B PROGRAM OF PROJECTS AND
AUTHORIZE AGENCY OFFICIALS TO EXECUTE PROGRAM
REQUIREMENTS **Action**

10. RECESS INTO CLOSED SESSION
 - a. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Executive Director **Action
To Be Determined**

11. REPORT OF ACTIVITY IN CLOSED SESSION **Action
To Be Determined**

Chair will report any action taken in closed session that is subject to reporting at this time. Action may be taken on matters discussed in closed session.

12. OPEN TIME FOR PUBLIC COMMENTS FOR NON-AGENDA ITEMS

ADJOURNMENT

Water Emergency Transportation Authority (WETA) meetings are wheelchair accessible. Upon request WETA will provide written agenda materials in appropriate alternative formats to individuals with disabilities. Please send a written request to contactus@watertransit.org or call (415) 291-3377 at least five (5) days before the meeting.

Participation in a meeting may be available at one or more locations remote from the primary location of the meeting. See the header of this Agenda for possible teleconference locations. In such event, the teleconference location or locations will be fully accessible to members of the public. Members of the public who attend the meeting at a teleconference location will be able to hear the meeting and testify in accordance with applicable law and WETA policies.

Under Cal. Gov't. Code sec. 84308, Directors are reminded that they must disclose on the record of the proceeding any contributions received from any party or participant in the proceeding in the amount of more than \$250 within the preceding 12 months. Further, no Director shall make, participate in making, or in any way attempt to influence the decision in the proceeding if the Director has willfully or knowingly received a contribution in an amount of more than \$250 within the preceding 12 months from a party or such party's agent, or from any participant or his or her agent, provided, however, that the Director knows or has reason to know that the participant has a financial interest in the decision. For further information, Directors are referred to Government Code section 84308 and to applicable regulations.



MEMORANDUM

TO: WETA Board Members

FROM: Nina Rannells, Executive Director

DATE: March 15, 2012

RE: Executive Director's Report

PROJECT UPDATES

Service Transition Implementation – The Transition Plan guides the consolidation of the Vallejo, Alameda/Oakland and Harbor Bay ferry services under WETA and presents a five year financial outlook of WETA operating and expansion activities. The WETA Board of Directors adopted the final Transition Plan on June 18, 2009, in compliance with Senate Bills 976 and 1093 requirements.

All escrow requirements for the Alameda Transition were completed in April and the Alameda services were transferred to WETA on April 29, 2011. The WETA Board of Directors approved the Vallejo Transfer Agreement on October 6, and the Vallejo City Council approved it on October 11. WETA legal counsel and staff are working to finalize the document for execution and continue to work on necessary due diligence and pre-closing activities required prior to the close of escrow and transfer of the service to WETA. The system transfer is anticipated to be completed by June 30, 2012.

Vessels - Two 149-passenger vessels, *Gemini* and *Pisces*, and two 199-passenger vessels, *Scorpio* and *Taurus*, have been constructed by Nichols Brothers Boat Builders and Kvichak Marine Industries for use in WETA services and to expand WETA's emergency response capabilities. One of these vessels is currently chartered to the City of Vallejo for utilization in the Vallejo Baylink service while two of their ferries undergo midlife rehabilitation work.

South San Francisco Ferry Service - This service will provide access to biotech and other jobs in South San Francisco for East Bay commuters and expand the geographic reach of emergency ferry transportation response capabilities on the San Francisco Bay. Both contractors are completing their work at the site and beginning the clean-up process. The project will be substantially complete by month's end except for the installation of real time signage and the back-up generator which are long lead items for the suppliers.

John Sindzinski and Keith Stahnke met again with the Army Corps of Engineers on February 27 and learned that the start of their project inside the Oyster Point Marina has been delayed until late summer and therefore it will not be completed until October 2012 at the earliest and assuming no further delays.

Berkeley Ferry Service – This service will provide an alternative transportation link between Berkeley and downtown San Francisco. The environmental and conceptual design work includes plans for shared of an existing City owned parking lot at the terminal site between ferry and local restaurant (H^s Lordships) patrons. City participation is required in order to move the project forward and reach agreement on a shared use concept. In early February, Staff met with the Interim Deputy City Manager to discuss the status and next steps for the project. Staff is continuing to work with the City to outline the entitlement process for the project.

The Draft EIS/EIR identified a mitigation measure requiring WETA to prepare a Parking Mitigation Plan to address potential parking impacts on nearby users. In the Fall of 2011, WETA engaged the services of a transportation consultant to develop a Parking Management Plan. The plan identifies a set of parking management strategies to be implemented by WETA, the City and H^s Lordships. The key strategies include organizational coordination, attendant parking, marketing and communications, enforcement and signage. Staff coordinated with the City and H^s Lordships throughout development of the plan. The plan was completed in January 2012 and will be included in the Final EIS/EIR and serve as a basis for future coordination and agreement between WETA, the City and H^s Lordships.

The Draft EIS/EIR was published in October 2008. Staff has been working with the environmental consultant to prepare a re-evaluation of the Draft EIS/EIR. The purpose of the re-evaluation is to demonstrate that conditions near the preferred terminal location have not changed enough since publication of the Draft EIS/EIR to warrant preparation of a supplemental environmental document. In February, the FTA agreed with the conclusions in the re-evaluation document that a supplemental or new Draft EIS/EIR is not necessary. Staff is working with the environmental consultant to complete the Final EIS/EIR.

Treasure Island Service – This project, implemented by the Treasure Island Development Authority (TIDA), the Mayor's Office of Economic and Workforce Development and the prospective developer, will institute new ferry service between Treasure Island and downtown San Francisco in connection with planned Island development.

Staff recently met with TIDA to review operating and budgeting scenarios for future Treasure Island ferry service. TIDA and WETA staffs are working to prepare a draft Memorandum of Understanding (MOU) outlining each agencies' roles and responsibilities for moving forward with the project. The MOU will be subject to review and approval by the WETA Board.

Downtown San Francisco Ferry Berthing Expansion - This project will expand berthing capacity at the Downtown San Francisco Ferry Terminal in order to support new ferry services to San Francisco as set forth in WETA's Implementation and Operations Plan. The proposed project would also include landside improvements needed to accommodate expected increases in ridership and to support emergency response capabilities if a catastrophic event occurs.

The project team is in the process of preparing a Draft EIR/EIS based on scoping comments received to date that is scheduled to be completed and released for public review by mid-2012.

Pier 9 Berthing Facility - This project consists of two layover berths for mooring and access to ferry vessels on Pier 9 alongside the northern pier apron and adjacent to the WETA Administrative Offices. Guide piles, floats and gangways have been installed and final project work was completed in November 2011.

Central Bay Operations and Maintenance Facility - This project will develop an operations and maintenance facility at Alameda Point to serve as the base for WETA's existing and future central bay ferry fleet. The proposed project would provide running maintenance services such as fueling, engine oil changes, concession supply, and light repair work for WETA vessels and serve as WETA's Operations Control Center for day-to-day management and oversight of service, crew, and facilities. In the event of a regional disaster, the facility would function as an Emergency Operations Center, serving passengers and sustaining water transit service for emergency response and recovery.

FTA recently initiated formal consultation with the National Marine Fisheries Service (NMFS) and informal consultation with the US Fish and Wildlife Service (USFWS) on behalf of WETA as required under Section 7 of Endangered Species Act. Staff has received comments on the project from NMFS and is the process of preparing responses. Pending completion of these consultation processes and

the anticipated issuance of a Biological Opinion by NMFS, WETA will be able to move forward with FTA to finalize environmental clearance of the project under NEPA.

Ridership Forecast Model Update – Staff has worked with its consultant to generate updated ridership forecast model runs to support planning efforts for the Downtown San Francisco Ferry Terminal Expansion Project, South San Francisco Business Plan, and Short Range Transit Plan. Staff has reserved funds in the approved project budget should additional future model runs be required to further support these projects or other agency planning efforts.

Hercules Environmental Review/Conceptual Design -This project is currently on hold awaiting clarification from the City as to its plans and ability to build the multimodal transportation center that is a necessary precondition to any ferry terminal. In early March, WETA staff met with City staff to discuss the City's phasing plans for building the adjacent multi-modal station. Based upon this discussion, it appears that in the event that sufficient funds are available to move this project forward, the work required to be done on the multi-modal facility prior to ferry terminal construction will not be completed until FY 2014/15 at the earliest. Staff met with the City of Hercules in early December to receive project status update.

Antioch, Martinez and Redwood City Ferry Service Expansion Projects – These projects involve conceptual design and environmental review for potential future ferry services to the cities of Antioch, Martinez, Redwood City and Richmond. WETA staff has coordinated with staff from each city throughout the respective planning processes. Concept designs for each proposed terminal are informed by projections of the ridership forecast model update currently in process. Ridership projections are used to determine appropriate capacity for terminal components such as, parking facilities, terminal access, passenger waiting areas, and passenger loading and unloading facilities. The updated ridership projections are also used to forecast appropriate service levels and related operational costs for the potential new services.

WETA staff has engaged in early consultation with applicable state and federal agencies for all of the expansion projects. Early consultation will help to identify concerns of the state and federal agencies to be addressed in the conceptual design and environmental review processes. The consultation will also help to streamline the permit processes after environmental review is complete.

Chad Mason and John Sindzinski attended and presented to TRANSPLAN about the Antioch service. TRANSPLAN is an east Contra Costa policy board overseeing the planning and implementation of various sales tax financed transportation projects. Members of TRANSPLAN as well as citizens in attendance expressed concern that WETA needs to do more with respect to the agency's emergency preparedness program and should be looking at ways to develop new facilities for emergency response. TRANSPLAN has asked for a closer working relationship with WETA in its interest to see the agency fulfill this mandate.

Richmond Ferry Service – This service will provide an alternative transportation link between the City of Richmond and downtown San Francisco. The environmental and conceptual design work includes plans for replacement of an existing facility (float and gangway) and a phased parking plan. Staff is working with City of Richmond staff and representatives of Orton Development Inc. to develop the plans. In early March, staff met with BCDC staff to review the proposed plan and received positive feedback on the proposed plan. Staff is working with the design consultant to refine the plans prior to starting the environmental review process. The environmental review is anticipated to start to start by early April.

Clipper Fare Media Implementation – WETA is coordinating with MTC to implement Clipper fare media on the future South San Francisco ferry service and its existing Alameda/Oakland and Alameda Harbor Bay ferry services.

Design requirements and business rules for the WETA Clipper implementation have been finalized. WETA's construction contractor is proceeding with site preparation work required for the installation of Clipper Fare Collection Equipment by the Clipper contractor, Cubic Transportation Systems, at five WETA terminals. The project is currently being delayed by issues with AT&T advancing the network order that MTC and WETA initiated several months ago. AT&T has yet to provide WETA with the details required to complete its site preparation work or provide the network infrastructure to complete its Clipper implementation. Despite this delay, staff still anticipates that the project will be completed prior to launch of the South San Francisco ferry service.

Short-Range Transit Plan – WETA is required to prepare a short-range transit plan (SRTP) now that the agency is a transit service operator. The main purpose of the SRTP is to serve as a management and policy document for the transit operator, as well as a means of annually providing FTA and MTC with information necessary to meet regional fund programming and planning requirements. Staff has started to prepare the draft SRTP in accordance with MTC guidelines. In the coming months, staff will be bringing informational items before the Board to provide updates on the draft SRTP and to obtain direction from the Board on policy-related decisions. WETA adoption of the SRTP is expected to be in the summer or fall of 2012, pending further details on the schedule from MTC.

UPDATE ON RELEVANT PROJECTS IMPLEMENTED BY OTHER AGENCIES

Vallejo Station - Vallejo Station is a compact, transit-oriented mixed-use project in the City of Vallejo that includes two major transit elements – a bus transfer facility that will consolidate local, regional and commuter bus services and a 1,200 space parking garage for ferry patrons and the general public.

The Bus Transfer Facility portion of the project has been operational since July 2011. Construction of Vallejo Station Parking Structure Phase A, which began in June 2010, is approximately 98% complete and is on schedule to be completed in March 2012. Street work was completed this past December 2011. Sidewalks, street lights and landscaping along Mare Island Way and Santa Clara Street have been installed. The sidewalk is now again open to the public. Various items inside the parking structure such as pavers at paseo, security camera installation and decorative tree arbors still need to be completed. Phase B of the Parking Structure is in the final design stage. Construction of this project phase is dependent upon relocation of the Post Office property and securing full project funding.

The City has hired a consultant develop a Parking Management Plan and recommend a revenue control system to be integrated into the parking structure and surrounding area in order to cover facility operating and maintenance costs. The Parking Management Plan along with a recommended fee will be presented to City Council this spring. Implementation of this plan is anticipated to occur later this summer.

Mare Island Ferry Maintenance Facility – This project will construct a new ferry maintenance facility located at Building 165 on Mare Island in Vallejo in three phases. Phase 1 constructs a 48,000 gallon fuel storage and delivery system. Phase 2 includes construction of a system of modular floats and piers, demolition of Building 855, and construction of a new warehouse/shop in its place. Phase 3 will renovate Building 165 into a permanent office and shop space.

The City issued an RFP for construction of Phases 1 and 2 of this project in October 2011 and bids were received on December 2. All bids and bid alternatives exceeded both the Engineer's Estimate and the City's project budget. The City and its consultants are involved in post-bid analysis and have been examining various land-side and water-side alternatives along with WETA and Lennar. The consultants prepared an alternatives matrix for a stakeholder group review and discussion on January 30, 2012. Following this meeting the consultant was tasked by the City to finalize a more detailed recommendation to the stakeholders during the week of February 13, 2012.

On December 15 the CTC approved the City's request for a 20 month extension for the \$4.2 million STIP grant allocated to the project in June 2011 to provide time to evaluate bids and potentially re-design and re-bid the project.

OPERATIONS

San Francisco Bay Ferry Presidents' Day Service: Over the three day holiday, the SFBF carried a total of 7,198 passengers: 5,954 on the Alameda/Oakland service and 1,244 on the Harbor Bay service. The Presidents' Day service was funded by the Bay Area Toll Authority as part of their program to provide transit alternatives during the three-day closure of the Oakland Bay Bridge.

OUTREACH, PUBLIC INFORMATION, AND MARKETING EFFORTS

On February 10, Lauren Gularte attended the region's DBE Business Outreach Committee meeting.

On March 2, John Sindzinski and Chad Mason met with BCDC staff to review the proposed Richmond terminal project.

On March 6, Keith Stahnke met with MTC, Caltrans and CalEMA to discuss the impact of relocating CalEMA's Regional Emergency Operations Center (REOC) from Oakland to Sacramento.

On March 7 Ernest Sanchez met with employers in South San Francisco to talk about upcoming service.

On March 8, Keith Stahnke participated in the MTC Trans Response Plan (TRP) Steering Committee Meeting.

On March 8, John Sindzinski presented an update on WETA activities and expansion project planning to TRANSPLAN (eastern Contra Costa County communities).

OTHER ACTIVITIES / ITEMS

America's Cup – The City of San Francisco will host the 34th America's Cup race and related events in 2012 and 2013. WETA staff is participating on the City's interagency task force for event transportation in order to support transportation planning and identify the role that WETA's ferry system might play in supporting this event. The City's Planning Commission approved the Final EIR in December 2011.

ADMINISTRATION

Attached are the monthly financial statements for FY 2011/12 through January 2012, including the Statement of Revenues and Expenses and the Capital Budget vs. Expenditures reports.

San Francisco Bay Area Water Emergency Transportation Authority
FY 2011/12 Statement of Revenues and Expenses
For Period Ending 01/31/2012

				<i>% of Year Elapsed</i>	<i>58.9%</i>
	Current Month	Prior Year Actual	2011/12 Budget	2011/12 Actual	% of Budget
Operating Expenses:					
Planning & General Administration:					
Wages and Fringe Benefits	118,784	1,451,663	1,546,000	748,772	48.4%
Services	118,084	2,712,835	2,199,000	1,095,989	49.8%
Materials and Supplies	1,123	32,616	51,000	7,516	14.7%
Utilities	1,267	12,032	15,000	6,438	42.9%
Insurance	13,195	29,767	33,000	28,578	86.6%
Miscellaneous	6,777	42,390	128,000	20,708	16.2%
Leases and Rentals	21,535	290,944	298,000	161,305	54.1%
Sub-Total Planning & Gen Admin	280,764	4,572,247	4,270,000	2,069,306	48.5%
Ferry Operation:					
Vessel Operation	258,779		4,618,058	2,471,226	53.5%
Vessel Maintenance	380,872		1,459,905	1,012,770	69.4%
Facility Maintenance	99,144		419,144	274,437	65.5%
General & Administration	297,968		576,336	375,050	65.1%
Sub-Total Ferry Operation	1,036,762	-	7,073,443	4,133,484	58.4%
Total Operating Expenses	1,317,526	4,572,247	11,343,443	6,202,790	54.7%
Total Capital Expenses	1,221,582	21,835,930	24,392,774	9,071,752	37.2%
Total Expenses	2,539,108	26,408,177	35,736,217	15,274,542	42.7%

Operating Revenues					
Fare Revenue	591,382		2,982,383	1,954,323	65.5%
Local - Bridge Toll	678,204	4,572,247	7,782,866	3,936,253	50.6%
Local - TIF	47,940		500,000	253,441	50.7%
Local - LLAD	-		78,194	58,644	75.0%
Local - Other Revenue	-		-	130	0.0%
Total Operating Revenues	1,317,526	4,572,247	11,343,443	6,202,790	54.7%
Total Capital Revenues	1,221,582	21,835,930	24,392,774	9,071,752	37.2%
Total Revenues	2,539,108	26,408,177	35,736,217	15,274,542	42.7%

San Francisco Bay Area Water Emergency Transportation Authority
FY 2011/12 Statement of Capital Revenues and Expenses
For Period Ending 01/31/2012

Project Description	Current Month	Project Budget	Prior Year Actual	2011/12 Budget	2011/12 Actual	Future Year	% of Project
Capital Expenses:							
SSF Mitigation Study	-	275,000	42,459	232,541	2,221	0	16%
SSF Terminal Construction	1,031,433	26,000,000	15,414,540	10,509,460	6,348,761	76,000	84%
Berkeley Environ/Conceptual Design	29,005	2,304,700	1,785,235	519,465	107,082	-	82%
Berkeley Terminal Final Design	-	3,200,000	-	500,000	-	2,700,000	0%
Hercules Environ/Conceptual Design	-	1,080,000	989,932	90,068	530	-	92%
Pier 9 Mooring/Floats	16,268	3,150,000	1,733,540	1,416,460	1,346,337	-	98%
Environmental Studies/Conceptual Design	7,609	3,250,000	251,465	2,998,535	97,534	-	11%
Central Bay Ops/Maint Fac - Environ/Design	3,266	2,600,000	362,872	2,237,128	36,274	-	15%
Central Bay Ops/Maint Fac - Construction	-	30,000,000	-	130,000	-	29,870,000	0%
Passenger / Emergency Float	2,967	2,500,000	90,000	1,500,000	13,760	910,000	4%
S.F. Berthing - Environ/Conceptual Design	48,842	3,300,000	950,349	1,861,651	494,454	488,000	44%
Vessel Engine Overhaul	53,404	1,103,564	-	1,103,564	150,746	-	14%
Vessel Mid-Life Overhaul - Bay Breeze	17,511	5,015,000	-	515,000	25,256	4,500,000	1%
Channel Dredging - Harbor Bay	-	250,000	-	250,000	-	-	0%
Infatable Boyancy Apparatus Purchase - 20	-	120,000	-	20,000	-	100,000	0%
Terminal Facility Improv - Harbor Bay	-	250,000	-	20,000	-	230,000	0%
Terminal Parking Lot Rehabilitation	11,278	475,000	-	475,000	447,158	-	94%
Emergency Repair - Harbor Bay Facilities	-	177,440	175,800	1,640	1,639	-	100%
Communications Equipment	-	52,000	39,737	12,263	-	-	76%
Total Capital Expenses	1,221,582	85,102,704	21,835,930	24,392,774	9,071,752	38,874,000	

Capital Revenues:

Federal	789,065	23,233,404	8,839,892	7,794,447	2,918,842	6,599,065	51%
State	39,299	42,078,461	4,775,865	9,582,205	958,521	27,720,392	14%
Local - Bridge Toll	58,380	7,616,713	4,497,839	2,433,169	1,408,789	685,705	78%
Local - San Mateo Sales Tax Measure A	301,178	10,935,686	3,546,535	4,420,314	3,748,753	2,968,837	67%
Local - Alameda Sales Tax Measure B	33,659	1,238,440	175,800	162,640	36,848	900,000	17%
Total Capital Revenues	1,221,582	85,102,704	21,835,930	24,392,774	9,071,752	38,874,000	

LINDSAY, HART, NEIL & WEIGLER, LLP
ATTORNEYS AT LAW

1120 G Street, NW
Suite 1020
Washington, DC 20005
Tel: (202) 783-3333
Fax: (202) 783-4422

Peter Friedmann
Of Counsel

OurManInDC@FederalRelations.com

DATE: March 9, 2012
TO: WETA Board Members
FROM: Peter Friedmann
Tel: 202-783-3333 Fax: 202-783-4422 OurManInDC@federalrelations.com
SUBJECT: Report to the Board: Progress!

Despite all the talking heads on TV, Congress will actually move forward and get some things done this year, and one of them will be transportation infrastructure. The debate might be partisan, but by the time Congress adjourns (which might be after a Lame Duck Session after the elections), I believe they will pass a transportation bill. And a development this week is encouraging on the ferry boat front.

The previous Transportation Bills introduced this year have floundered due to the lack of revenue (Highway Gas Tax) and lack of agreement on new sources of revenue – such as the proposed royalties on additional offshore and Alaska oil drilling. But this past week the House and Senate are coming together on a modest Transportation Bill, perhaps only two years in length, and they have agreed, tentatively, on including a ferry boat provision. While many transportation modes will face funding cuts, this ferry boat provision would keep the Ferry Boat Discretionary Fund at the current \$67 million level. Ferry Ssytems would have to compete for grants and we will need all the help we can get from our Congressional Delegation. But when other transportation modes are cut, we can be very glad that ferry funding will continue.

The Changing Delegation

We will have new Members of the San Francisco Bay Congressional Delegation in the future. Congressman Mike Thompson's district is moving from the northernmost corner of California by the Pacific Ocean and the Oregon border, to San Francisco Bay, starting in Sacramento and going down to the area north of Oakland. Other changes are in store and we will be educating them on the importance of WETA for their constituents.

SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY

MINUTES OF THE BOARD OF DIRECTORS MEETING

(February 16, 2012)

The Board of Directors of the San Francisco Bay Area Water Emergency Transportation Authority met in regular session at the WETA offices at Pier 9, Suite 111, San Francisco, CA.

1. ROLL CALL AND CALL TO ORDER

Chair Charlene Haught Johnson called the meeting to order at 1:11 p.m. Directors present were Vice Chair Anthony Intintoli, Director Gerald Bellows and Director John O'Rourke. WETA representative Stanley Taylor III of Nossaman LLP led the pledge of allegiance.

2. REPORT OF BOARD CHAIR

Chair Johnson reported that the U.S. Army Corps of Engineers (USACE) is undertaking a project in the Oyster Point Marina that will likely delay the grand opening of the South San Francisco Ferry Terminal which WETA was targeting for at the end of April. She wanted to report that she had toured the new ferry terminal with several interested people including members of the Oyster Point Yacht Club who were thrilled with the project.

3. REPORT OF DIRECTORS

None.

4. REPORTS OF STAFF

Executive Director Nina Rannells referred to her written report and stated that the USACE recently awarded a construction contract for work to be done in the Oyster Point Marina that will likely result in a delay of the new South San Francisco ferry service launch. The contract would entail the reconstruction of the recreational piers within the harbor related to the breakwater that was built several years ago. The breakwater did not completely protect the harbor so this work is a fix to address issues.

Manager of Operations Keith Stahnke and Manager of Planning and Development John Sindzinski recently had an opportunity to meet with the USACE, the San Mateo County Harbor District and the construction firm for the subcontractor to talk about this work. Mr. Sindzinski stated that we were aware that the project was developed a few years ago but did not realize that it hadn't yet been completed. We were made aware that the project was moving forward in recent weeks by the San Mateo County Harbor District. Apparently the project was bid and awarded by USACE approximately two years ago but did not proceed due to lack of funds. Funds were recently secured and the contractor has been given a notice to proceed.

Construction was expected to begin at the end of May or June and last approximately two months. The contractors will require the use of a 60 foot barge to build wave attenuators at the end of the recreation docks and will require an additional 30 feet of work space so the 90 plus feet blocks over half the channel that WETA vessels have to travel to and from the ferry terminal. This could cause operational conflicts with the WETA vessels unless the contractor is instructed to work around WETA vessel schedules.

Chair Johnson voiced concern that in the event that we delay the service start to allow the construction to be completed and the USACE project is delayed, this could push the service start date out indefinitely. She asked if it would be helpful to have a few Board members meet with the USACE to stress our concerns.

Director O'Rourke wanted to know if WETA had a sense of where the USACE stood in regards to working with the WETA. Mr. Sindzinski stated that he believed that the USACE would be willing to work with the WETA but added that the USACE is a very large organization and decisions are deferred back to Washington, DC.

Mr. Stahnke noted that options were discussed on how to accommodate ferry service and noted that the Harbor District indicated it could extend the working hours to accommodate more working time from 5 p.m. to 7 p.m. for a longer operating period.

Ms. Rannells indicated that staff would press for another meeting with Harbor District and USACE staff to discuss the project construction details and schedule in order to determine if WETA can proceed to launch the services this spring or if we should wait until the USACE project is completed in August or September.

On a separate subject, Director Bellows asked if there was a meeting with the U.S. Chinese Transportation Forum. Ms. Rannells stated that the meeting was arranged through the Mineta Transportation Institute and WETA was asked to talk to the delegation from China about who WETA is and does and what WETA's emergency responsibilities are.

Mr. Stahnke added that he gave a presentation related to WETA's emergency response activities and agency responsibilities. Manager of Transportation Services Ernest Sanchez arranged for the delegation to board a WETA vessel over to Alameda to continue on with the multi-modal tour. Mr. Sanchez said that the group was here to see how agencies deal with emergency responsibilities and Department of Transportation representatives who were traveling with the delegation explained how WETA was organized and funded. At the conclusion of the presentation, one of the members of the delegation came up to Mr. Sanchez and proclaimed Mr. Stahnke must be the head person in charge.

Chair Johnson asked if there were any new developments with the Richmond service site. Ms. Rannells stated that WETA had met with the City of Richmond on January 9 and talked about next steps and all the things that need to happen to develop a partnership to utilize shared use of the existing pier and facility.

Mr. Sindzinski elaborated that WETA is updating plans to use the existing docking area and had conversations with FTA about the environmental clearance required. He further stated that WETA will be meeting with BCDC to determine if WETA can use the existing area permits to support the project. Mr. Sindzinski noted that the City recently won the bid for the Lawrence Berkeley Lab campus which should provide some additional demand for the service. Chair Johnson thought that this seems like a great project that we should focus on implementing. Ms. Rannells agreed that it has the potential to move forward quickly and more economically than most other terminal sites due to the existing infrastructure.

5. CONSENT CALENDAR

Director O'Rourke made a motion to approve the consent calendar which included minutes from the January 5, 2012 Board of Directors meeting, acceptance of the independent auditor's annual financial reports for the fiscal year 2010/11 and authorization for the Executive Director to execute a

Master Programs Funding Agreement with the Alameda County Transportation Commission. Director Bellows seconded the motion and the item carried unanimously.

Ms. Rannells noted that the Master Programs Funding Agreement with the Alameda County Transportation Commission is the latest agreement for the next ten years. The Commission has been working on a sales tax extension and increase which is currently at a half cent and they are looking to extend the term and add another half cent on top of it. The current sales tax gives WETA about \$775,000 per year to support the Alameda ferry services and approximately an additional \$500,000 if that increase passes.

Vice Chair Intintoli asked if the Solano Transportation Authority was working to initiate a sales tax. Ms. Rannells indicated that she was not aware of any effort at this time.

6. APPROVE A SOLE SOURCE CONTRACT WITH VALLEY POWER SYSTEMS NORTH INC., FOR IN FRAME OVERHAUL OF THE ENCINAL'S MAIN ENGINES

Mr. Stahnke presented this item requesting Board approval of a sole source contract with Valley Power Systems North Inc., for the in-frame overhaul of the Encinal's main engines in an amount not to exceed \$800,000.

The exact costs will be determined as the parts are removed and examined. Funding for this project was secured over two years ago through a federal grant planning for the worst case scenario with funds available if all parts required replacement.

Ms. Rannells stated that staff was asking the Board to authorize an amount not to exceed \$800,000 with the hope that much less will be spent.

Director Bellows concurred that Valley Power Systems North is the correct choice and requested an amendment to the resolution to reflect responsive and responsible in place of response and responsible which Mr. Taylor indicated was standard language used in public procurement contracts. Responsive means that the proposal that was made by the contractor was responsive to the RFP and responsible goes to the reputation of the bidder and problems with previous contracts.

Director Bellows made a motion to approve the item with the correction on the resolution. Director O'Rourke seconded the motion and the item carried unanimously.

7. APPROVE ON-CALL MARKETING AND PUBLIC INFORMATION SERVICES LIST AND AUTHORIZE THE EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE CONTRACTS

Mr. Sanchez presented this item requesting Board approval of an on-call marketing and public information services list and authorizing the Executive Director to negotiate and execute the contracts. The skills and abilities WETA is seeking are not marketing and planning skills but implementation of an advertising and promotional campaign.

Director Bellows asked if any of the companies were a disadvantaged business enterprise. Ms. Rannells noted that these services would not be funded with federal funds, so the federal policy was not applicable.

Director Bellows noticed that only one of the firms was providing printing services and asked if there were other firms that could provide these services. Mr. Sanchez confirmed that only one of the responsive bidders offered to provide printing services through the RFP. We could chose to use them for this service or issue a stand-alone RFP for ticket printing services in the future.

Ms. Rannells noted that this list does not preclude the WETA from going out to bid for these services, but the intent was to provide access to services.

Director O'Rourke made a motion to approve the item. Director Bellows seconded the motion and the item carried unanimously.

8. APPROVE CHANGES TO DIVERSITY PROGRAM FOR CONTRACTS AND SUBMITTAL OF THE REVISED PROGRAM TO THE U.S. DEPARTMENT OF TRANSPORTATION

Administrative/Policy Analyst Lauren Duran Gularte presented this item requesting that the Board approve the changes to the diversity program for contacts and authorize the submittal of the revised program to the U.S. Department of Transportation (DOT) by February 28, 2012.

Vice Chair Intintoli made a motion to approve the item. Director Bellows seconded the motion and the item carried unanimously.

9. APPROVE VESSEL BRANDING PLAN

Mr. Sanchez presented this item requesting Board approval of the Vessel Branding Plan for staged implementation beginning in FY2011/12.

Vice Chair Intintoli was wondering what was going to happen with his brand and expressed his concern for the \$30,000 cost per boat. Mr. Sanchez stated that staff was going to proceed in the most cost effective way possible.

Vice Chair Intintoli made a motion to approve the item. Director Bellows seconded the motion and the item carried unanimously.

10. AUTHORIZE RELEASE OF A REQUEST FOR QUALIFICATIONS (RFQ) FOR CONSTRUCTION MANAGEMENT SERVICES FOR DREDGING PROJECTS

Mr. Stahnke presented this item requesting Board authorization for the release of a Request for Qualifications (FQ) for construction management (CM) services for dredging projects.

Director Bellows asked if WETA was planning on having one company handle projects or several companies. Mr. Stahnke is seeking one company for the Harbor Bay project to work with under a three year contract with two-one year options to manage these various projects over the years stating that Vallejo has regularly scheduled maintenance dredging and this would simplify procurement as long lead times exist for permits, sampling and surveys.

Director O'Rourke made a motion to approve the item. Director Bellows seconded the motion and the item carried unanimously.

Ms. Rannells commented that WETA is a small staff and now that WETA is in operations, procurement is becoming a huge issue with a big investment in time. Staff is attempting to bundle things in a way to work as efficiently as possible and wants to thank Board for their support.

11. PROVIDE DIRECTION TO STAFF REGARDING POTENTIAL LEGISLATION TO STAGGER BOARD TERMS

Ms. Rannells presented this item stating that this item had been the topic of discussion at a couple of meetings and Barry Broad of Broad & Gusman, LLP presented an informational item last month. She reminded the Board that this item was on the agenda for formal discussion as requested.

Vice Chair Intintoli agreed clean up language was needed on staggered terms but expressed his concern that WETA was not dealing with the issue of representation for currently serviced

communities and those that may have service in the future. The fact that the communities are impacted by the service and that the service is important to the communities means that WETA should try to deal with representation over the next four to six years presuming that there would be no more than three or four main services.

He felt that this was important for communities like Vallejo and Alameda which will be two of WETA's most viable services may end up with no representation as things exist today unless language was added when reappointments are made.

Ms. Rannells introduced Shane Gusman of Broad & Gusman, LLP. Mr. Gusman indicated that the draft language provided was only focused on staggering the board terms and was designed to create the least controversy to the legislature.

Mr. Gusman stated that there were alternatives to extending the terms; however, extending the terms of previous appointments would likely create a negative reaction in the legislature as one of the responsibilities of our representatives is to make appointments, so we would be modifying their authority.

The issue with respect to identifying a member from a location has merit, but, again, would potentially change this from a non-controversial technical fix to a controversial bill. The concern would be how to choose which community has representation.

Vice Chair Intintoli expressed his comments as an individual stating that he was not concerned about the size of the Board as there are only two services currently in operation with the possibility of three more in the next five years. He suggested besides cleaning up the term issue that language be added stating that communities that have a service ought to have representation as it is vital to the community and doesn't think that it is tolerable for Alameda or Vallejo which have the biggest services that WETA is serving to end up in a few years with no representation.

Mr. Gusman suggested that if we proceed in this manner, consideration for appointment be given to impacted communities in a way that doesn't specify a particular appointment come from a specific community. He believes that general guiding language to the appointing authority would be viewed more palatably. Vice Chair Intintoli prefers to be more specific. Ms. Rannells asked where the line would be drawn. She noted that as a regional authority, the Board currently has no members that specifically represent any of the current cities or counties where terminals are or are planned. Once the discussion starts regarding potential representation, what would stop all other communities with terminals, such as Oakland, San Francisco and South San Francisco at the moment, from also wanting seats?

Mr. Gusman offered the option of waiting until next year to come up with plan using research in terms of political viability and language that addresses issues raised and seeking a legal opinion about once current Board terms expired whether the Board can continue to take action on things until a new or reappointment has been made.

Mr. Taylor responded that actions taken beyond the expiration of terms was not prohibited until vacancy is filled and explained that the sitting member continues to serve. He indicated that WETA could introduce a bill as a place holder with the intent to draft amendments at a later point. .

Mr. Gusman stated that the deadline for the introduction of the bill is Friday, February 24 and that the WETA could introduce a spot bill such as the draft included in the staff report and could amend it later down the road. He added that the problem with a spot bill is that WETA needed to come to an agreement before it comes up in committee. Vice Chair Intintoli asked if control could be

exercised as to when the bill came up in committee which Mr. Gusman indicated would be no later than the end of April.

Ms. Rannells stated that she was focused on staggering and was hearing that Vice Chair Intintoli thought that staggering may communicate the wrong message out to the cities and posed the question about whether WETA works through these issues now and does something this term or if we should wait until next year.

Mr. O'Rourke felt that the term limit piece is critical and suggested moving forward with this and consider adding acceptable language that embraces the concept to include members of the Board from all possible locations so that no appointing entity will be bound to appointing a member from a particular area at a later date.

Vice Chair Intintoli stated that February 24 is the deadline for submitting something and wanted to address the issues of staggered terms and representation but asked for Mr. Gusman to come back with more research and information on the issues raised.

Mr. Taylor stated that this was an informational item but WETA could exercise the urgency exception as action was required now. Mr. Gusman stated that WETA can amend something later on some other bill if an opportunity arose without introducing a bill at all but that this method is always a lot harder and leaves to chance that WETA may not find vehicle to do it. The other option was to stick this language into the Transportation Omnibus bill by consensus.

Vice Chair Intintoli suggested that a spot bill be introduced and that this item be rescheduled for discussion at the next meeting.

Director Bellows suggested having one term expire every year to avoid potential problems and create the idea of fairness between appointing entities. He also wanted to clarify the definition of representation and whether it be a person who takes public transportation from that location or a resident who may not use the system at all. Ms. Rannells added that most transit agencies are either elected or appointed by cities or counties.

Director O'Rourke asked if introducing a bill would preclude another entity from adding on to or tweaking WETA's bill. He liked the idea of not losing more than one member at a time for intellectual history.

Mr. Gusman said that WETA would have control over the bill and that a spot bill could not be amended for 30 days and that specific language will need to be introduced when the bill first goes to committee. He also noted that the bill could be killed if it was not moving in the direction desired.

Public Comment

Veronica Sanchez representing herself provided some historical perspective. She recalled both Contra Costa and San Mateo counties both asked to have seats when they approved funds for ferry services in their sales tax measures. She further stated that these types of bills are put on the MTC roster for legislative committee review which could raise additional awareness and interest in others having seats. Initially, WTA addressed those concerns through the CAC and TAC; however, she felt that these committees would not appease the counties now.

Mr. Taylor suggested preserving options through the introduction of a spot bill to address staggering of terms with the intent to revisit geographical representation and offered a formal two-step process.

Mr. Gusman stated that he was going to have legislative counsel change the draft to a true spot will with true technical or intent language.

Vice Chair Intintoli made a motion to convert this agenda item to an action item. Director O'Rourke seconded the motion and the conversion carried unanimously.

Vice Chair Intintoli made a motion to direct Broad and Gusman to introduce a spot bill. Director O'Rourke seconded the motion and the Board's direction carried unanimously.

12. RECESS INTO CLOSED SESSION AND REPORT ON CLOSED SESSION

Chair Johnson called the meeting into closed session at 2:53 p.m. Upon reopening of the meeting at 3:25 p.m., she reported no action had been taken.

13. ADJOURNMENT

All business having concluded, the meeting was adjourned at 3:25 p.m.

Respectfully Submitted,
Board Secretary

MEMORANDUM

TO: Board Members

FROM: Nina Rannells, Executive Director

SUBJECT: Authorize Staff to Proceed to Develop Legislation to Create Staggered Director Terms

Recommendation

Authorize staff to proceed to develop legislation to create staggered terms for the WETA Board of Directors.

Background

The terms of the members of most boards and commissions in state government are staggered to keep continuity of board policy, maintain institutional memory and expertise among board members and to make transitions when there is a change in administration more gradual. This applies to both appointed and elected boards. Examples of boards with staggered terms are the San Francisco Bay Area Rapid Transit District (Pub. Util. Code section 28748.2), Los Angeles County Metropolitan Transportation Authority (Pub. Util. Code section 30201), San Diego Transit District (Pub. Util. Code section 90193, San Mateo County Transit District (Pub. Util. Code section 103108), Alameda-Contra Cost County Transit District (Pub. Util. Code section 24862).

Typically, members of the first board to be appointed would have either a short or long term and then be subject to reappointment for a fixed length of term. This was not done when WETA was created, resulting in a situation where all Board members terms will expire at the same time indefinitely. Government Code Section 66540.12 provides that members of the WETA Board are appointed to six-year terms, commencing on January 11, 2008. Three members are appointed by the Governor, and one each is appointed by the Assembly Speaker and Senate President Pro Tem. As a result of these identical terms, the current board members' terms will all expire at the same time in January 2014, and every six years thereafter unless the statute is modified.

Discussion

The Board has expressed interest in addressing the issue of non-staggered terms for a number of months and previously directed staff to work with WETA State lobbyist, Barry Broad, of Broad & Gusman, LLP, to develop a means to create a technical fix to this issue through legislative changes to WETA's enabling statute.

Bill language to create staggered terms was developed and brought before the Board for discussion at the February 16 meeting. The proposed language served to stagger board appointments by changing the length of several board seats during the second term appointment.

More specifically, the language developed would require that during the second board term (starting January 2014) two of the three members appointed by the Governor would serve two year terms and one would serve a regular six year term. At the same time, the two legislative appointees would serve four year terms. At the conclusion of this staggered second term all subsequent terms would be for a six year period as originally defined in WETA's enabling

legislation. This approach was developed with the single purpose of making a balanced technical fix to WETA's enabling legislation that would result in a staggered board appointment schedule in order to keep continuity of board policy, maintain institutional memory and expertise among board members and to make transitions when there is a change in administration more gradual.

As a result of the discussion at the February 16 meeting, the Board authorized staff to seek a spot bill as a placeholder for final bill language and to bring the item back for further discussion in March. A spot bill (AB 2433) was introduced by Assembly Member Hill on February 24 as a placeholder for final language to enact legislation to create staggered terms for the members of the Board of Directors of WETA (copy provided as **Attachment A**).

Fiscal Impact

There is no fiscal impact associated with this item.

END

Item 7: Attachment A

BILL NUMBER: AB 2433 INTRODUCED
BILL TEXT

INTRODUCED BY Assembly Member Hill

FEBRUARY 24, 2012

An act relating to the San Francisco Bay Area Water Emergency Transportation Authority.

LEGISLATIVE COUNSEL'S DIGEST

AB 2433, as introduced, Hill. San Francisco Bay Area Water Emergency Transportation Authority: terms of board members.

Existing law establishes the San Francisco Bay Area Water Emergency Transportation Authority (WETA) with specified powers and duties, including, but not limited to, the authority to coordinate the emergency activities of all water transportation and related facilities within the bay area region, as defined.

Existing law provides for a board of directors who serve 6-year terms, 3 members of which are appointed by the Governor and one each by the Senate Committee on Rules and the Speaker of the Assembly.

This bill would state the intent of the Legislature to enact legislation to create staggered terms for the members of the board of directors of WETA.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. It is the intent of the Legislature to enact legislation that will create staggered terms for the members of the board of directors of the San Francisco Bay Area Water Emergency Transportation Authority.

MEMORANDUM

TO: Board Members

FROM: Nina Rannells, Executive Director
Lynne Yu, Manager, Finance & Grants

SUBJECT: Approve FY 2011/12 Operating Budget Increase and Authorize Filing an Application with the Metropolitan Transportation Commission for Additional FY 2011/12 Regional Measure 2 Operating Funds

Recommendation

Staff recommends that the Board of Directors approve actions related to the FY 2011/12 Operating Budget as follows:

- 1) Approve a budget increase in the amount of \$887,000 for the FY 2011/12 Operating Budget to support the Alameda ferry services;
- 2) Authorize, by resolution, the filing of an application with the Metropolitan Transportation Commission (MTC) for an additional \$819,000 in FY2011/12 Regional Measure 2 (RM2) operating funds to support this increase; and
- 3) Authorize the Executive Director to take such other and further actions, including execution of related documents and agreements, necessary to implement the intent of this resolution.

Background/Discussion

In October 2011, the Board of Directors awarded a new contract for operation and maintenance of WETA's ferry services to Blue & Gold Fleet, L.P., which, among other things, consolidated the operation of the Alameda/Oakland and Alameda Harbor Bay services under one contract operator. Staff identified some start-up costs as well as anticipated moderate operating cost increases under the new consolidated contract at the time of the award and indicated that we would return with a system operating budget adjustment once the new contract was in effect and we had time to review the contract requirements and system needs against the annual budget and expenditures.

The Adopted FY 2011/12 Operating Budget provided \$7.1 million to support the Alameda ferry services (Alameda/Oakland ferry service and Harbor Bay ferry service). As summarized in **Attachment A**, total expenditures for the Alameda ferry services for the first six months, through December 2011, is approximately 50% of the adopted budget of \$3.5 million. However, staff anticipates that expenditures during the second half of the fiscal year could be higher than the budgeted amount to account for increased contract operating costs as well as to account for recent fuel price increases and vessel maintenance work scheduled to be completed this Spring. As a result, staff recommends a budget increase and the authority to seek additional RM2 funds from MTC to support this increase.

The most significant increases relate to vessel operations and maintenance costs. Vessel operations costs, which are largely made up of fuel and crew costs, are projected to increase by \$190,000 in total. The cost for general vessel maintenance, including mechanic labor, repair parts and supplies, is projected to increase by \$457,000. In addition, staff has determined that maintenance and repair of the deck area facilities on the Encinal is

necessary. The scope of work includes cleaning, repair, and painting of the interior and exterior deck and galley areas, repair of exterior aluminum window frames, installation of new benches and replacement of deck floor coverings. The estimated cost to complete this work is \$200,000.

In order to ensure that sufficient funds are allocated by MTC and in place to cover these expenses, staff recommends a budget increase in the amount of \$887,000 and authorization to seek an additional RM2 allocation from MTC for the Alameda services in an amount of \$819,000. The balance of the budget increase would be funded with an additional \$68,000 in FY 2011/12 Regional Measure 1 - 5% (RM1 5%) and other funds already secured.

Fiscal Impact

This item increases the FY 2011/12 Operating Budget by \$887,000, to be funded with an additional \$819,000 in FY 2011/12 Regional Measure 2 operating funds and \$68,000 in FY 2011/12 Regional Measure 1 and other funds.

END

Attachment A

San Francisco Bay Area Water Emergency Transportation Authority Revised FY 2011/12 Operating Budget Ferry Services

Operating Expenses	FY 2011/12 Adopted Budget	FY 2011/12 Actual Jul to Dec 2011	FY 2011/12 Proposed Revised Budget	FY 2011/12 Proposed Budget Increase
Alameda Oakland Ferry Service (AOFS):				
Vessel Operation	3,271,560	1,505,490	3,385,230	113,670
Vessel Maintenance	977,790	602,400	1,526,150	548,360
Facilities Maintenance	273,980	149,600	273,980	-
General & Administration	580,290	274,260	580,290	-
Subtotal AOFS Expense	5,103,620	2,531,750	5,765,650	662,030
Alameda Harbor Bay Ferry Service (AHFS):				
Vessel Operation	1,204,500	545,330	1,277,280	72,780
Vessel Maintenance	482,120	234,140	591,140	109,020
Facilities Maintenance	145,160	122,830	160,330	15,170
General & Administration	138,040	71,360	166,040	28,000
Subtotal AHBS Expense	1,969,820	973,660	2,194,790	224,970
Total Expense	7,073,440	3,505,410	7,960,440	887,000

Operating Revenues	FY 2011/12 Adopted Budget	FY 2011/12 Actual Jul to Dec 2011	FY 2011/12 Proposed Revised Budget	FY 2011/12 Proposed Budget Variance
Fare Revenue	2,982,390	1,738,720	2,982,390	-
Local - Regional Measure 1 5%	1,539,970	515,980	1,607,840	67,870
Local - Regional Measure 2	1,972,890	986,450	2,791,890	819,000
Local - Transportation Improvement Fund	500,000	205,490	500,000	-
Local - Lighting & Landscape Assess District	78,190	58,640	78,190	-
Other Revenue	-	130	130	130
			-	-
Total Revenue	7,073,440	3,505,410	7,960,440	887,000

MEMORANDUM

TO: Board Members

**FROM: Nina Rannells, Executive Director
Lynne Yu, Manager, Finance & Grants**

**SUBJECT: Approve Proposition 1B Program of Projects and Authorize Agency
Officials to Execute Program Requirements**

Recommendation

Authorize the following actions related to the FY 2011-12 Proposition 1B Waterborne grant program:

- 1) Approve a list of FY 2011-12 Proposition 1B Waterborne projects for transmittal to the California Emergency Management Agency; and
- 2) Authorize the Executive Director, Attorney and Finance and Grants Manager to execute grant program documents required to obtain funding.

Background

Proposition 1B funds in the amount of \$25 million were authorized as a part of the FY 2011-12 State budget for projects that 1) provide increased protection against a security or safety threat and 2) increase the capacity of waterborne transit agencies to provide disaster response. The funds made available in FY 2011-12 represent the fifth year increment of a total of \$250 million authorized for the waterborne element of the Proposition 1B program. Pursuant to California Government Code Section 66540.8, as set forth in SB 976, WETA is the designated recipient of these funds which are managed through the California Emergency Management Agency (Cal EMA).

Discussion

Cal EMA has issued program guidelines for the \$25 million FY 2011-12 Proposition 1B funds made available to support WETA's efforts to develop a regional waterborne emergency response capability for the San Francisco Bay Area. Staff has identified the following recommended program of projects for FY 2011-12 Proposition 1B funding:

<u>Project</u>	<u>Amount</u>
1. WETA Ferry Vessels	\$20,000,000
2. East Bay Ferry Terminals	<u>\$ 5,000,000</u>
Total	\$25,000,000

This program focuses on providing needed funds for ferry vessel procurements for WETA's vessel fleet and provides funds to support continued development of new terminal sites in Richmond and/or Berkeley. These projects are both integral to WETA's mandate to develop and operate a regional ferry system to serve regular and emergency response transportation needs. A more detailed description of these projects is provided in **Attachment A** to this report.

The next steps in the grant process include Cal EMA's review and approval of the program of projects and WETA's submittal of the Financial Management Forms Workbook, Board Resolution and program Grant Assurances to Cal EMA. Consistent with Cal EMA's requirements, the recommended Board action includes establishing agency positions with the authority to carry out these administrative tasks, including executing the program Grant Assurances as contained in **Attachment B** to this report.

While Cal EMA's program schedule provides for award of funds in March, the actual availability of project funds is subject to future state bond sales which are not yet scheduled at this time.

Fiscal Impact

This item supports actions necessary to secure \$25 million FY 2011-12 Proposition 1B funds to support WETA's capital program.

END

Attachment A

Proposition 1B Program of Projects

	Recommended FY2011-12 Prop 1B Amount	FY2011-12 Project Notes
Projects Recommended for Funding		
1. East Bay Ferry Terminals	\$5,000,000	<i>This project will provide funds to support the creation and issuance of final design reports and drawings, technical specifications, contract bidding documents, construction permits and the construction of WETA ferry terminals in the cities of Berkeley and Richmond.</i>
2. WETA Ferry Vessels	\$20,000,000	<i>This project will provide funds to construct passenger only vessels to enhance WETA's regional ferry system and its ability to provide waterborne emergency response in the event of a regional disaster. The funds will support the construction of new expansion vessels as well as replacements for end-of-life vessels.</i>
Total Recommended Program	\$25,000,000	

Attachment B

GRANT ASSURANCES FY 2011-2012 Transit System Safety, Security and Disaster Response Account Program

Name of Applicant: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: (_____) _____

E-Mail Address: _____

As the duly authorized representative of the applicant, I certify that the applicant named above:

1. Has the legal authority to apply for Transit System Safety, Security, and Disaster Response Account funds, and has the institutional, managerial and financial capability to ensure proper planning, management and completion of the grant provided by the State of California and administered by the California Emergency Management Agency (Cal EMA).
2. Will assure that grant funds are only used for allowable, fair, and reasonable costs.
3. Will give the State of California generally and Cal EMA in particular, through any authorized representative, access to and the right to examine all paper or electronic records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or Cal EMA directives.
4. Will provide progress reports and other information as may be required by Cal EMA.
5. Will initiate and complete the work within the applicable time frame after receipt of Cal EMA approval.
6. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain for themselves or others, particularly those with whom they have family, business or other ties.

7. Will comply with all California and federal statutes relating to nondiscrimination. These include but are not limited to:

- a. Title VI of the Civil Rights Act of 1964 (P.L. 88-352), as amended, which prohibits discrimination on the basis of race, color or national origin;
- b. Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex;
- c. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §§ 794) which prohibits discrimination on the basis of handicaps;
- d. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107) which prohibits discrimination on the basis of age;
- e. The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255) as amended, relating to nondiscrimination on the basis of drug abuse;
- f. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
- g. Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290dd-2), as amended, relating to confidentiality of alcohol and drug abuse patient records;
- h. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing;
- i. Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made; and
- j. The requirements on any other nondiscrimination statute(s) which may apply to the application.

8. Will comply, if applicable, with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

9. Will comply with applicable environmental standards which may be prescribed pursuant to California or federal law. These may include, but are not limited to, the following:

- a. California Environmental Quality Act. California Public Resources Code Sections 21080-21098. California Code of Regulations, Title 14, Chapter 3 Sections 15000-15007;
- b. Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;
- c. Notification of violating facilities pursuant to EO 11738;
- d. Protection of wetlands pursuant to EO 11990;
- e. Evaluation of flood hazards in floodplains in accordance with EO 11988;
- f. Assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.);

- g. Conformity of federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.);
 - h. Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and
 - i. Protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
10. Will comply, if applicable, with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et. seq.) related to protecting components or potential components of the national wild and scenic rivers system.
11. Will assist Cal EMA, as appropriate, in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §§ 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§ 469a-1 et seq).
12. Will comply with Standardized Emergency Management System requirements as stated in the California Emergency Services Act, Gov Code §§ 8607 et seq. and CCR Title 19, Sections 2445, 2446, 2447 and 2448.
13. Will:
- a. Promptly return to the State of California all the funds received which exceed the approved, actual expenditures as accepted by Cal EMA;
 - b. In the event the approved amount of the grant is reduced, the reimbursement applicable to the amount of the reduction will be promptly refunded to the State of California; and
 - c. CTS GP-RPWT funds must be kept in a separate interest bearing account. Any interest that is accrued must be accounted for and used towards the approved Prop 1B project approved by Cal EMA.
14. Will comply, if applicable, with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
15. Agrees that equipment acquired or obtained with grant funds:
- a. Will be made available under the California Disaster and Civil Defense Master Mutual Aid Agreement in consultation with representatives of the various fire, emergency medical, hazardous materials response services, and law enforcement agencies within the jurisdiction of the applicant;
 - b. Will be made available pursuant to applicable terms of the California Disaster and Civil Defense Master Mutual Aid Agreement and deployed with personnel trained in the use of such equipment in a manner consistent with the California Law

Enforcement Mutual Aid Plan or the California Fire Services and Rescue Mutual Aid Plan.

16. Will comply, if applicable, with Subtitle A, Title II of the Americans with Disabilities Act (ADA) 1990.
17. Will comply with all applicable requirements, and all other California and federal laws, executive orders, regulations, program and administrative requirements, policies and any other requirements governing this program.
18. Understands that failure to comply with any of the above assurances may result in suspension, termination or reduction of grant funds.
 - a. The applicant certifies that it and its principals:
 1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of federal benefits by a state or federal court, or voluntarily excluded from covered transactions by any federal department or agency;
 2. Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; and
 3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and (d) Have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.
 - b. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.
19. Will retain records for 35 years after notification of grant closeout by the State.
20. Will comply with the audit requirements set forth in the Office of Management and Budget (OMB) Circular A-133, "Audit of States, Local Governments and Non-Profit Organizations."
21. Grantees and subgrantees will use their own procurement procedures which reflect applicable State and local laws and regulations.
22. Grantees and subgrantees will comply with their own contracting procedures or with the California Public Contract Code, whichever is more restrictive.

23. Grantees and subgrantees will maintain procedures to minimize the time elapsing between the award of funds and the disbursement of funds.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

The undersigned represents that he/she is authorized by the above named applicant to enter into this agreement for and on behalf of the said applicant.

Signature of Authorized Agent: _____

Printed Name of Authorized Agent: _____

Title: _____ Date: _____