

SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY

MINUTES OF THE BOARD OF DIRECTORS MEETING

(May 7, 2009)

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 1:05 p.m. Directors present were Chair Johnson, Vice Chair Anthony Intintoli, Director Gerald Bellows and Director John O'Rourke. Vice Chair Intintoli led the Pledge of Allegiance.

2. REPORT OF BOARD CHAIR

Chair Johnson reported on the public hearings which had taken place in San Francisco and Vallejo on April 15 and in Alameda on April 16 to gather input on the Draft Transition Plan and Draft Emergency Water Transportation System Management Plan and noted that she looked forward to receiving additional comments before the comment period ends on May 18.

3. REPORT OF DIRECTORS

None.

4. REPORTS OF STAFF

Executive Director Nina Rannells noted that she would be reinstating the monthly Executive Director reports to keep the Board informed of the status of ongoing projects and that this would grow to include a monthly financial summary.

Director Bellows asked if *Pisces* was in service to Harbor Bay. Ms. Rannells replied that there were training issues causing a delay. Operations Manager Keith Stahnke added that he was actively working with the parties involved to resolve the situation and explained that the delay was primarily due to crew scheduling issues. Chair Johnson indicated concern that the crews be fully trained and Director O'Rourke asked if there were not minimum training requirements mandated for the crews. Mr. Stahnke replied that Harbor Bay Maritime is responsible for ensuring that their crews are properly trained.

Chair Johnson asked if Marina Secchitano of the IBU had also been working on a solution regarding the scheduling issues. Mr. Stahnke replied that she had and was unhappy with how Harbor Bay Maritime had been handling the situation and added that Harbor Bay is running a similar vessel with qualified crews. Chair Johnson asked for clarification of the charter agreement. WETA counsel Stanley Taylor III of Nossaman, LLP explained that the charter agreement was with the City of Alameda and that Harbor Bay Maritime was the operator.

Vice Chair Intintoli asked how long the training process would take. Mr. Stahnke replied that the 30 to 40 hours per crew member was used for the Gemini. Director Bellows asked if the charter agreement itself required a certain level of training. Mr. Stahnke replied that the operator's policies would cover minimum requirements. Ms. Rannells clarified that the crews were qualified but that the issue at hand was the training required specific to this vessel.

Chair Johnson asked what needed to be done next and if it was correct that Harbor Bay Maritime had control of the vessel but could not operate it until the training requirement was met. Mr. Taylor replied that under the charter agreement with the City of Alameda, Harbor Bay could operate the vessel but that he would check into the issue. Chair Johnson replied that she wanted the crew training problem documented and that WETA should request assistance from the City of Alameda in resolving the issue.

Director Bellows asked for an update regarding the status of *Gemini*. Mr. Stahnke responded that it was running without a hitch except for a steering issue that had been resolved several weeks before. Ms. Rannells added that there were issues with the float in Jack London Square which prevented *Gemini* from entering Alameda/Oakland service. She expressed hope that the City of Alameda and the Port of Oakland would address the float soon. Mr. Stahnke elaborated that he had observed an evaluation of the float and that it was currently safe but was not in good order and that it needed repair as soon as possible. Vice Chair Intintoli asked what was needed to have that happen. Ms. Rannells stated that the facility belonged to the Port of Oakland and that it was her impression that they would rather not deal with it, but she hoped to partner with them to accelerate repair. Vice Chair Intintoli asked if it was in WETA's budget to replace the float. Ms. Rannells noted that it was in the Transition Plan but that replacement would require Proposition 1B funding. She added that WETA might be able to make modifications to the float that would allow docking of the vessels with federal funding. Mr. Intintoli then asked what would be done with the next two boats when they arrive. Ms. Rannells replied that that was a conversation that needed to take place soon.

Ms. Rannells reported that Manager of Planning and Development John Sindzinski had met with Jim McGrath of US Windsurfing and San Francisco Board Sailors in Berkeley. Mr. Sindzinski added that there were parking survey issues discussed and that he would be meeting the next day for a follow up. He added that he felt WETA would be able to meet the needs of the windsurfers. Chair Johnson asked about the issue of CEQA requirements. Mr. Sindzinski responded that URS and WETA's position was that they were in full compliance and that the final EIR was now underway. He added that URS, who were preparing the document, were an extremely qualified firm.

5. CONSENT CALENDAR

Vice Chair made a motion to approve the minutes from the April 2, 2009 Board of Directors meeting. Director O'Rourke seconded the motion and the item carried unanimously.

6. ACCEPT THE INDEPENDENT AUDITOR'S REPORTS FOR FY 2007/08

Ms. Rannells introduced this item regarding the audit of WETA's first full fiscal year. She noted that the reports were comprised of three components, the Independent Auditor's Report, including the auditor's statement, basic financial statements and management's discussion and analysis, and a Memorandum of Internal Controls. She added that the one deficiency reported by Maze and Associates was due to a temporary vacancy in ABAG's Assistant Finance Director position, which ABAG responded to by noting that both the previous and current Finance Directors were working to respond to the increased risk in internal control.

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

7. AUTHORIZE FILING AN APPLICATION WITH THE METROPOLITAN TRANSPORTATION COMMISSION FOR \$3 MILLION FOR FY 2009/10 REGIONAL MEASURE 2 OPERATING FUNDS

Ms. Rannells introduced this item regarding authorization to file an application with the Metropolitan Transportation Commission for \$3 million for FY 2009/10 Regional Measure 2 operating funds.

Vice Chair Intintoli asked if there would be any way to receive the funding up front or if there would continue to be a reimbursement process. Ms. Rannells said that it would be a monthly process with a quarterly true-up but that WETA would continue to work with MTC to find a way to create a much needed cash reserve.

Public Comment:

Veronica Sanchez of Masters, Mates and Pilots asked for clarification regarding the Federal Ferryboat Discretionary Fund and other federal funding. Ms. Rannells explained that the amount being discussed that was available to all US operators from the FFDF was \$60 million and that WETA was requesting \$10 million to make up for Proposition 1B funds for the South San Francisco project. She also noted that funding from the stimulus package went to MTC for distribution, and they used it to fund existing operators with a “fix it first” philosophy rather than funding organizations like WETA that were not yet operating. Ms. Sanchez suggested that the funding picture could be made clearer on the watertransit.org website.

Chair Johnson asked if \$60 million was the usual amount for the FFDF. Ms. Rannells replied that this was an additional amount on top of the usual annual appropriation.

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

8. APPROVAL OF AMENDMENT NUMBER 8 TO THE AGREEMENT WITH THE ASSOCIATION OF BAY AREA GOVERNMENTS FOR THE PROVISION OF SUPPORT SERVICES

Ms. Rannells introduced this item regarding an amendment to WETA's agreement with ABAG for accounting support services for FY 2009/10. Ms. Rannells stated that ABAG's services were sufficient for WETA's current needs.

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

9. APPROVAL OF AMENDMENT NUMBER 10 TO THE AGREEMENT WITH NOSSAMAN, LLP FOR THE PROVISION OF LEGAL SERVICES

Ms. Rannells presented this item regarding an amendment to the agreement with Nossaman, LLP as expenses had exceeded the contract amount for the current year. She noted that she anticipated bringing a request to the board at the June meeting for an amendment to the Nossaman agreement FY 2009/2010.

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

10. APPROVAL OF AMENDMENT NUMBER 8 TO THE AGREEMENT WITH LINDSAY, HART, NEIL & WEIGLER, LLP FOR THE PROVISION OF FEDERAL LEGISLATIVE REPRESENTATION

Ms. Rannells presented this item regarding an amendment to the agreement with Lindsay, Hart, Neil & Weigler, LLP (LHNW) to extend the term of their contract through FY 2009/10. She noted Peter Freidmann and Kathy Beaubien's efforts in the past as well as in-progress work such as the Small Starts program.

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

11. APPROVAL OF AMENDMENT NUMBER 5 TO THE AGREEMENT WITH BROAD & GUSMAN, LLP FOR THE PROVISION OF STATE LEGISLATIVE REPRESENTATION

Ms. Rannells presented this item regarding an amendment to agreement with Broad & Gusman, LLP to extend the term of their contract for FY 2009/10. She noted Mr. Broad's work on AB 1203, which will help with how Prop 1B funding will flow to WETA.

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

12. PUBLIC COMMENT

Paul Kamen of the Berkeley Waterfront Commission stated that the Commission voted unanimously to not support the ferry terminal as currently proposed and would be sending a letter to the City of Berkeley in opposition. He said that the Planning and Transportation Commissions were less than enthusiastic about the project.

Mr. Kamen said that unless there was a serious examination of the parking issue that he sees the project will going down in flames. He said WETA was dreaming if they thought they would have use of the 84 public spaces in the marina which are already shared between windsurfers, kayakers and other users of the marina. He said the parking study was done in March and was completely useless. He said WETA would waste a lot of time and money and would look very silly unless there is some serious renegotiation with user groups that he believes will otherwise have their access seriously curtailed.

13. RECESS INTO CLOSED SESSION AND REPORT ON CLOSED SESSION

Chair Johnson called the meeting into closed session at 1:50 p.m. Upon reopening of the meeting at 2:55 p.m. she reported that no action had been taken.

14. ADJOURNMENT

All business having concluded, the meeting was adjourned at 2:58 p.m.

Respectfully Submitted,

Board Secretary
