



Members of the Board

Charlene Haught Johnson, Chair
Anthony J. Intintoli, Jr., Vice Chair
Gerald Bellows
Beverly Johnson
John O'Rourke

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

Thursday, June 17, 2010 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> | Information |
| 2. <u>ROLL CALL/PLEDGE OF ALLEGIANCE</u> | Information |
| 3. <u>REPORT OF BOARD CHAIR</u> | Information |
| 4. <u>REPORTS OF DIRECTORS</u> | Information |
| 5. <u>REPORTS OF STAFF</u> | Information |
| a. Executive Director's Report | |
| b. Legislative Update | |

Water Emergency Transportation Authority
June 17, 2010 Meeting of the Board of Directors

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|---|------------------------------------|
| 6. <u>CONSENT CALENDAR</u>
a. Minutes May 20, 2010 | <i>Action</i> |
| 7. <u>UPDATE ON SENATE BILL 1205 (CORBETT)</u> | <i>Information</i> |
| 8. <u>APPROVE CONTRACT AWARD TO BROAD & GUSMAN, LLP FOR THE PROVISION OF STATE LEGISLATIVE REPRESENTATION</u> | <i>Resolution</i> |
| 9. <u>APPROVE CONTRACT AWARD FOR ENVIRONMENTAL REVIEW SERVICES FOR SAN FRANCISCO FERRY TERMINAL EXPANSION PROJECT</u> | <i>Resolution</i> |
| 10. <u>APPROVE CONTRACT AWARD FOR DESIGN AND ENGINEERING SERVICES FOR SAN FRANCISCO FERRY TERMINAL EXPANSION PROJECT</u> | <i>Resolution</i> |
| 11. <u>UPDATE ON MARKETING/OUTREACH PROGRAM DEVELOPMENT</u> | <i>Information</i> |
| 12. <u>RECESS INTO CLOSED SESSION</u> | |
| a. <u>CONFERENCE WITH REAL PROPERTY NEGOTIATORS</u>
Property: City of Alameda ferry terminal related property/assets
Agency Negotiators: Nina Rannells and Keith Stahnke, San Francisco Bay Area Water Emergency Transportation Authority
Negotiating Parties: City of Alameda
Under Negotiation: Terms and conditions to the transfer of property with the City of Alameda for the Alameda Oakland and Harbor Bay Ferry Services | <i>Action
To Be Determined</i> |
| b. <u>CONFERENCE WITH REAL PROPERTY NEGOTIATORS</u>
Property: City of Vallejo ferry terminal related property/assets
Agency Negotiators: Nina Rannells and John Sindzinski, San Francisco Bay Area Water Emergency Transportation Authority
Negotiating Parties: City of Vallejo
Under Negotiation: Terms and conditions to the transfer of property/assets with the City of Vallejo for the Vallejo Baylink Service | <i>Action
To Be Determined</i> |
| c. <u>CONFERENCE WITH REAL PROPERTY NEGOTIATORS</u>
Property: City of Berkeley ferry terminal related property
Agency Negotiators: Nina Rannells and John Sindzinski, San Francisco Bay Area Water Emergency Transportation Authority
Negotiating Parties: City of Berkeley
Under Negotiation: Terms and conditions to the cooperative agreement/lease with the City of Berkeley for Berkeley service | <i>Action
To Be Determined</i> |
| 13. <u>REPORT OF ACTIVITY IN CLOSED SESSION</u>
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. | <i>Action
To Be Determined</i> |

Water Emergency Transportation Authority
June 17, 2010 Meeting of the Board of Directors

14. 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. 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 Gov't. Code sec. 84308 and to applicable regulations.

MEMORANDUM

TO: WETA Board Members
FROM: Nina Rannells, Executive Director
DATE: June 17, 2010
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.

WETA met with City of Alameda staff on May 14 to review the Draft Final Transition Agreement and to discuss remaining issues. Alameda staff expects that the Final Transition Agreement will be considered by City Council in September, with operational transfer of the Alameda ferry services expected by January 1, 2011. WETA and City of Alameda staff met with representatives from Bay Ship & Yacht to coordinate and discuss the possible expansion of their business operations to a site west of the Main St Terminal. Additionally, WETA and Alameda staffs met with the potential developers of Alameda Point to discuss their development plans, which may include a ferry terminal. The WETA board was briefed on the structure and progress for transitioning the Alameda ferry services to WETA during closed session on May 20.

WETA staff met with City of Vallejo staff on May 3, to discuss the FY 2010/11 service budget and continue to work towards finalizing a funding agreement to reimburse the City for transition related expenses. WETA, Vallejo and Metropolitan Transportation Commission (MTC) staff met on June 10 to discuss transition plan development, FY 2010/11 funding and details. A discussion and necessary actions will be brought forward for Board action in July.

Emergency Water Transportation System Management Plan (EWTSMMP) – This plan sets a framework for WETA coordination of emergency response and recovery efforts using passenger ferries and will provide a detailed definition of WETA's roles and responsibilities for incident planning, response, recovery and restoration of normal operations. The WETA Board of Directors adopted the final Emergency Water Transportation System Management Plan on June 18, 2009, in compliance with the requirements of Senate Bills 976 and 1093.

Preparation of the EWTSMMP and the Emergency Operations Plan (agency's internal plan) are complete. WETA staff, Manager of the Alameda Ferry Services, and a representative from Blue & Gold Fleet participated in the MTC Functional Exercise held in parallel with the Statewide Golden Guardian exercise on May 18. This provided an opportunity for both WETA staff and the contracted operators to understand each entity's procedures for service suspension and resumption in the event of a major emergency or disaster. Staff is currently working on an After Action Report which will evaluate and provide suggestions for addressing shortfalls in the agency's internal emergency response procedures.

Spare Vessels - Two spare vessels, *Gemini* and *Pisces*, have been constructed by Nichols Brothers Boat Builders and Kvichak Marine Industries that will be used to augment existing services and expand WETA's emergency response capabilities. Both of these vessels are chartered to the City of Alameda and are currently being utilized in Alameda-Oakland, Tiburon and Alameda Harbor Bay services.

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.

Two 199-passenger vessels, Scorpio and Taurus, have been constructed by Kvichak Marine Industries and Nichols Brothers Boat Builders. Both of these vessels are chartered to the City of Alameda and are currently being utilized in Alameda-Oakland, Tiburon and Alameda Harbor Bay services.

Subsequent to the approval by the Board of the two construction contract awards staff has begun negotiating contracts and starting the final design work for both the terminal and float projects. At this point in time we expect final design to be completed this summer with mobilization taking place in September soon to be followed up by pile driving in time to meet the work window that closes on December 1, 2010. The final schedules for both projects are being fine tuned but it seems likely the project will be complete by September 2011.

Finally, staff presented a progress report on the project to the San Mateo Transportation Authority at its June Board meeting.

Berkeley Ferry Service – This service will provide an alternative transportation link between Berkeley and downtown San Francisco.

Staff is working with our consultant, FTA, and the City of Berkeley to complete the EIR/EIS consistent with federal and state requirements and the conditions that the Berkeley City Council imposed in its resolution supporting the project.

Treasure Island Service – This project, implemented by 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.

Staff met with its design team as well as representatives of TIDA and the developer and is in the process of finalizing a plan to phase in new ferry service to and from the Island. Details on this phasing plan will be presented to the WETA Board this summer.

Downtown San Francisco Ferry Berthing Expansion - This project will expand ferry berthing capacity at the San Francisco Downtown Ferry Terminal to accommodate expanded regular and emergency response ferry services. The current capacity at this terminal can only sustain the addition of the Berkeley-to-San Francisco route; any other route will require further terminal capacity.

Staff has prepared requests that the Board authorize contract awards to URS Corporation to provide environmental review services and ROMA Design Group to provide design and engineering services for this project. These items are included for action at this month's Board meeting.

Pier 9 Berthing Facility - This project would construct 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.

Staff is working to finalize an agreement for construction management services and anticipates issuing an RFP for construction in July 2010.

Central Bay Operations and Maintenance Facility - This project will develop a site for WETA operations and maintenance to serve basic vessel fueling, maintenance, shop, warehouse, storage and emergency operations needs.

A draft final concept design has been prepared for this project that will be reviewed by WETA staff and revised as necessary. The final concept design will support preparation of the necessary environmental impact review documents required by CEQA and NEPA regulations. Environmental clearance of this project is anticipated to occur by the end of 2010 allowing WETA to proceed with preliminary and final design for the proposed maintenance facility.

Hercules Environmental Review/Conceptual Design - WETA has worked cooperatively with the City of Hercules to prepare the necessary environmental documents to support new ferry service in coordination with

a Capitol Corridor commuter train station (and local feeder bus service) in a new Water Transit Oriented Development (WaTOD) being built at the Hercules waterfront.

The City of Hercules is working to complete its own environmental assessment for the Capitol Corridor station project as this is a "fast track" project for the City that needs to be in construction in 2010. The environmental assessment for the ferry terminal and service is being completed by Impact Sciences, under contract with WETA and in consultation with the City of Hercules. Impact Sciences is scheduled to complete an Administrative Draft of the EIR/EIS for WETA, City and FTA review in late spring. Additionally staff has asked Coast and Harbor, the agency's coastal engineering consultant on this project, to update and refine the dredging volumes and cost estimates for this project.

Miscellaneous Environmental Assessments/Conceptual Design – This project involves completing environmental and conceptual design documents for potential future ferry services in Antioch, Martinez, Redwood City and Richmond.

WETA has begun the process of re-engaging the environmental review consultants to re-start the assessments after a year and a half hiatus due to the suspension of Proposition 1 B funds in December 2008. Staff will issue an RFQ for the conceptual design work that will be required to complete these environmental assessments in July 2010 and anticipates being in a position to recommend contract award for these services in August or September.

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.

Design of Phase A of the parking structure is 100% complete and all funding sources for Phase A of the Program have been secured. On April 13, Vallejo City Council awarded the construction contract for Phase I of the parking structure to Howard S. Wright Construction Co in the amount of \$16,654,126. Notice to proceed for construction was issued on June 1st with an expected construction completion date of February 2012. The City of Vallejo will hold a groundbreaking ceremony for this project on Monday, June 21 at 9:00am.

Meetings with USPS personnel regarding relocation are still underway and a potential relocation site has been identified. Design of Phase B of the Parking Structure is in the final design stage with the construction start date being dependent on the relocation of the post office property and full funding for this phase. Site work and utility construction is complete on the Bus Transit Center and structural steel has been erected. Internal and external framing is complete and the HVAC system is being installed. Construction is currently at 32% completion, with a new anticipated construction end date of April 2011.

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 (2 week supply) and delivery system. Phase 2 includes construction of a system of floats and piers to initially berth 6 vessels but designed in a modular fashion to accommodate future growth of the fleet, 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 (including lead dust abatement), and security installations. The design consultants, Winzler & Kelly, finished the conceptual design for all three phases in August 2005.

In anticipation of WETA taking over ferry operations from the City of Vallejo, WETA Staff reviewed the project in early 2009 and recommended that five specific areas of the plan be re-studied/amended including fuel tank storage options, modular construction of vessel berths, options to address BCDC global warming criteria, re-examining if continuing renovation of building 165 is optimal and revising lead dust abatement cost estimates.

Lennar (landlord of the site) and City of Vallejo, in consultation with WETA, are working to complete a 95% clean draft of the Facilities Agreement Lease in the very near term. Once received, the document will be routed to the City and WETA staff for a comprehensive review. The City Engineer and Ferry Staff completed a walk through of the parcel with Lennar on May 13. Verbal agreements were reached regarding a slight reorientation of the southern parcel line to maximize utility of the site. A drawing showing the revised parcel line is being prepared by Winzler & Kelly. The drawing will be forwarded to Lennar for inclusion in the 95% Facility Agreement Lease.

Work continues on the 50% plans and specifications package for the Phase 1 Ferry Fueling Facility and Phase 2 Waterfront Infrastructure. The consultant team, being led by Winzler & Kelly, expects to have the 50% package completed for City and WETA review by the end of August 2010.

A letter has been sent to the US Army Corps of Engineers formally requesting a waiver regarding the project's impact on the navigable channel in Mare Island Strait.

OUTREACH, PUBLIC INFORMATION, AND MARKETING EFFORTS

On May 12, Nina Rannells gave a presentation to the Alameda Mayors' Conference on the status of WETA's program and up-coming projects

On May 17, WETA hosted the *Taurus* christening and open house at Jack London Square attended by Congresswoman Barbara Lee, Assemblywoman Fiona Ma, CalEMA Secretary Bettenhausen, MTC Commissioner and Berkeley Mayor Bates, Bay Area Council CEO Jim Wunderman, several WETA Board Members, WETA staff and approximately 500 members of the public.

On May 18, WETA staff participated in the MTC Functional Exercise. This emergency response exercise required each transit agency to test their procedures for activating their Emergency Operations Center.

On May 19, Leamon Abrams and Lauren Duran met with City of Vallejo staff to discuss a possible Vallejo Baylink marketing effort to coincide with the toll increase on state owned bridges scheduled for July 1.

On May 19, Michael Gougherty, working with the University of California Transportation Center (UCTC) out of UC Berkeley, lead an educational outing and informational session regarding ferry transportation planning efforts in the San Francisco Bay Area.

On May 26, Nina Rannells and Lauren Duran attended the Women's Transportation Seminar annual scholarship award dinner in San Francisco.

On May 28, Keith Stahnke met with City of Alameda staff and representatives from Bay Ship & Yacht to discuss the possible expansion of Bay Ship & Yacht's operation to a site west of the Main Street ferry terminal.

On June 1, Mike Gougherty presented an informational item to the San Mateo County Transportation Authority Citizen Advisory Committee providing an update on the South San Francisco and Redwood City ferry terminal projects.

On June 3, WETA staff met with City of Alameda staff and SunCal developers to discuss possible development plans for a ferry terminal at Alameda Point.

On June 3, John Sindzinski presented an information item to the San Mateo County Transportation Authority Board providing an update on the South San Francisco and Redwood City ferry terminal projects.

On June 5, Mike Gougherty presented an update on the South San Francisco and Redwood City Ferry Terminal projects to the League of Women Voters of North and Central San Mateo County.

OTHER ACTIVITIES / ITEMS

WETA Reserves/Regional Measure 2 Funds/MTC Loan – Staff continued discussions with MTC on May 27 regarding establishing a funding mechanism for addressing WETA cash flow needs associated with implementing our operating and capital programs. This issue relates to the need to have access to cash reserves to support ongoing operations and emergency response capabilities and to make up-front payment of capital project invoices prior to receiving grant reimbursements. Creating a cash reserve is an important operating requirement for WETA as it moves forward to take on system operations and will be equally as important as WETA moves forward with large construction projects, such as South San Francisco terminal construction, which requires WETA to make up-front payments for work activities. Staff is working on an agreement with MTC and hopes to have the details finalized for Board discussion in July.

Prevailing Wage – On July 1, 2009 staff sent a letter to the Department of Industrial Relations (DIR) asking whether or not prevailing wage laws apply to passenger ferry operations on the San Francisco Bay and if DIR can conduct a special determination even if prevailing wage laws do not apply. On July 14 WETA received a letter from DIR stating that WETA is not required by state law to pay prevailing wage for ferry operations work. DIR issued a draft special determination for prevailing wages for regular ferry operations on the San Francisco Bay on October 7, 2009, and a clarifying letter on February 17, 2010, related to health and welfare rates for deckhands. Staff has reviewed the information in these letters and will incorporate a discussion on prevailing wage into the up-coming development of a ferry service operating RFP this summer, which would serve to consolidate transitioned city services and new SSF service under one operator.

ADMINISTRATION

April Financial Statements - Attached are the monthly financial statements for April 2010, including the Statement of Revenues and Expenses and the Capital Budget vs. Expenditures reports.

Water Emergency Transportation Authority
FY2009/10 Statement of Revenues and Expenses
April 2010

	Current Month	Prior Year Actual	FY 2009/10 Budget	FY 2009/10 Actual	% of Budget
% of Year Elapsed 83%					
Operating Revenues					
Operating Assistance					
RM 2 Planning	281,736	3,656,290	4,500,000	2,806,194	62.4%
SUASI	-	173,802	-	26,198	0%
Total Operating Assistance	281,736	3,830,092	4,500,000	2,832,392	62.9%
Other Revenues					
Interest Income	1,262	34,643	30,000	10,959	36.5%
Other	-	51,500	-	1,000	0.0%
Total Other Revenues	1,262	86,143	30,000	11,959	39.9%
Total Operating Revenues	282,998	3,916,235	4,530,000	2,844,351	62.8%
Total Capital Revenues	37,395	17,675,940	35,816,070	6,438,270	18.0%
Total Revenues	320,393	21,592,175	40,346,070	9,282,621	23.0%
Operating Expenses					
Operations					
Wages and Fringe Benefits	115,336	1,294,230	1,590,000	1,224,368	77.0%
Services	137,359	2,164,056	2,370,000	1,301,255	54.9%
Materials and Supplies	625	29,045	92,500	7,054	7.6%
Utilities	991	12,847	17,000	8,296	48.8%
Insurance	-	30,352	35,000	28,216	80.6%
Miscellaneous	3,624	41,170	95,500	30,729	32.2%
Leases and Rentals	23,800	295,942	300,000	232,473	77.5%
Total Operations	281,736	3,867,643	4,500,000	2,832,392	62.9%
Total Operating Expenses	281,736	3,867,643	4,500,000	2,832,392	62.9%
Total Capital Expenses	37,395	17,675,940	35,816,070	6,438,270	18.0%
Total Expenses	319,132	21,543,583	40,316,070	9,270,662	23.0%
Excess Revenues (Loss)	1,262	48,592	30,000	11,959	

**Water Emergency Transportation Authority
FY 2009/10 Capital Budget vs Expenditures
April 2010**

Project Description	Current Month	Project Budget	Prior Year Actual	2009/10 Budget*	2009/10 Actual	Future Year	% of Project
Expenses							
2 Spare Vessels	(20,000)	17,000,000	16,758,493	241,507	(12,323)	-	99%
SSF Vessels	22,424	20,500,000	11,441,898	7,000,000	4,642,793	2,058,102	78%
SSF Terminal Design	-	3,000,000	2,794,926	205,074	57,288	-	95%
SSF Mitigation Study	-	275,000	35,581	100,000	6,875	139,419	15%
SSF Terminal Construction	10,091	26,000,000	-	15,000,000	1,360,950	11,000,000	5%
Berkeley Environ/Conceptual Design	7,173	1,782,700	1,490,239	292,461	145,003	-	92%
Berkeley Terminal Design	-	3,200,000	-	1,500,000	-	1,700,000	0%
Hercules Environ/Conceptual Design	6,615	1,080,000	908,016	171,984	54,392	-	89%
Pier 9 Mooring/Floats	-	2,750,000	237,562	2,512,438	88,875	-	12%
Environmental Studies/Conceptual Design	-	3,000,000	56,000	1,500,000	-	1,444,000	2%
Central Bay Ops/Maintenance Facility	11,094	2,600,000	7,394	2,592,606	94,416	-	4%
Maintenance Barge, Floats & Ramps	-	5,000,000	-	3,500,000	-	1,500,000	0%
S.F. Berthing - Environ/Conceptual Design	-	2,500,000	-	1,200,000	-	1,300,000	0%
Total Capital Expenses	37,395	88,687,700	33,730,110	35,816,070	6,438,270	19,141,520	
Revenues							
RM 2	4,999	37,887,699	30,960,852	5,996,429	2,573,216	930,418	89%
San Mateo County Sales Tax	5,046	15,000,000	-	8,653,950	361,188	6,346,050	2%
Federal	-	9,480,002	2,705,864	4,174,100	2,009,636	2,600,038	50%
Proposition 1B	27,351	26,319,999	63,395	16,991,590	1,494,231	9,265,014	6%
Total Capital Revenues	37,395	88,687,700	33,730,110	35,816,070	6,438,270	19,141,520	

**Actual FY2008/09 expenditures were greater than the estimate; therefore, FY2009/10 Budget is \$51,070 less than the Adopted Budget.*

BROAD & GUSMAN, LLP
ATTORNEYS AT LAW

To: WETA Board
From: Barry Broad
RE: State Legislative Report
Date: June 7, 2010

The deadline has now passed for bills to move from their house of origin. The Legislature will now turn seriously to consideration of the state budget. At this point, the Governor, the Senate Democrats, and the Assembly Democrats have released plans to close the roughly \$20 billion budget deficit. These can be considered opening positions in the vigorous debate to follow.

The Governor's proposal includes a series of cuts, including total elimination of the Cal-Works program (the state's welfare program), further cuts to Medi-Cal, cuts to K-12 Education, continuation and expansion of state employee furloughs. His plan includes no tax increases.

The Senate Democrats' proposal is a series of tax increases.

The Assembly Democrats' proposal is based on a novel approach. It would close the budget deficit by securitizing California's beverage recycling program, borrowing money from the State Disability Program (SDI), and enacting an oil severance fee. It does not propose new taxes.

The Senate and Assembly Republicans have not yet made any proposal of their own, but have essentially rejected the proposals of the Governor and the Senate and Assembly Democrats.

The bills we are tracking are as follows:

SB 1061 (Hancock)—WATCH

SB 1061 would authorize the Bay Area Toll Authority (BATA) to use bridge toll revenue to fund a bicycle pathway on the Bay Bridge and around the Bay Area. The bill is sponsored by the East Bay Bicycle Coalition and is supported by a number of Environmental groups. There is no opposition. The bill passed the Senate by a vote of 23-11 (along party lines). It will next be heard in the Assembly Transportation Committee.

According to the floor analysis of the bill, it would not allow bridge tolls to be used to fund any bicycle path unless the existing statutory claims on bridge toll revenue fell to the point that there was a surplus. Thus,

This project could conceivably be funded if toll revenues were to exceed forecasted amounts, federal funds are made available for the project, local
1127 11TH Street, Suite 501
Sacramento, CA 95814
(916) 442-5999
Fax (916) 442-3209

sources of funds become available, or a combination of funds from different sources arise.

SB 1205 (Corbett)—WATCH

SB 1205 creates the San Francisco Bay Area Recovery Planning Council. It passed the Senate on a vote of 22-14 (along party lines). The bill will next be heard in the Assembly Local Government Committee. The bill has no opposition and is supported by a number of Bay Area governmental entities including the following:

Association of Bay Area Governments
City and County of San Francisco
Cities of: Brisbane, Hercules, and Los Gatos
County of San Mateo
East Bay Municipal Utility District

The proposed new Planning Council is intended to create a structure for the region to plan complex issues of housing replacement, business recovery, government services, transportation, health, education, vulnerable communities, and land use change. The Planning Council will not have an operational or fiscal agent role following a disaster, and its jurisdiction is limited to planning. An administrative and technical committee provides specialized expertise to the Council.

SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY

MINUTES OF THE BOARD OF DIRECTORS MEETING

(May 20, 2010)

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 2:10 p.m. Directors present were 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

None.

3. REPORT OF DIRECTORS

None.

4. REPORTS OF STAFF

Executive Director Nina Rannells thanked all who were able to attend the Taurus christening celebration. She thanked staff for their work on the event and reported that the day had been a success.

Chair Johnson agreed and said that she was pleased with the celebration despite the bad weather.

WETA council Stanley Taylor III of Nossaman LLP noted that there had been positive press coverage of the event.

5. CONSENT CALENDAR

Vice Chair Intintoli made a motion to approve the minutes from the May 6, 2010 Board of Directors meeting. Director Bellows seconded the motion and the item carried unanimously.

6. RECESS INTO CLOSED SESSION AND REPORT ON CLOSED SESSION

Chair Johnson called the meeting into closed session at 2:30 p.m. Upon reopening of the meeting at 4:15 p.m. Vice Chair Intintoli reported that no action had been taken.

7. ADJOURNMENT

All business having concluded, the meeting was adjourned at 4:15 p.m.

Respectfully Submitted,

Board Secretary

MEMORANDUM

TO: Board Members

FROM: Nina Rannells, Executive Director
Lauren Duran, Administrative Policy Analyst

SUBJECT: Update on Senate Bill 1205 (Corbett)

Recommendation

This is an informational item only.

Background

At the May Board of Directors Meeting, the Board asked staff to bring back information regarding Senate Bill 1205 (Corbett) for discussion. This item provides the Board with a more detailed summary of this bill and how it may relate to WETA, as well as an update on its status in the legislative process. The most recent version of SB 1205, as of June 10, is provided as an attachment.

Discussion

Introduced by Senator Corbett (D-10th) and co-authored by DeSaulnier and Hancock, SB 1205 creates the Bay Area Disaster Recovery Planning Council to establish a long-term regional recovery plan to be implemented before and after an earthquake.

As currently established, the Council's responsibilities are limited to planning for the post-disaster, 90-day and beyond recovery period. The Council will address issues such as how to prevent further depopulation of the region due to inadequate or unsafe housing and/or the inability of workers and employers to return to work, reaching consensus with various stakeholders on the region's priorities for long-term disaster recovery, and improving preparation for long-term recovery through establishing guidelines to align finance department preparation, building ordinances, emergency housing strategies, and nonemergency response mutual aid agreements. The scope and purpose of planning will be to increase the speed of rebuilding lifeline infrastructure, including water and energy pipelines, and planning for temporary transportation and transit programs during the repair of the transportation system.

While the Council's responsibilities include planning for temporary transportation and transit programs during the recovery, the Council is required to consult with local governments and emergency managers involved in disaster recovery planning efforts in order to ensure that the Council's plan incorporates local plans and is not duplicative of work already being done in the region. This work should serve to complement WETA's efforts to plan, manage, operate and coordinate the emergency activities of water-borne passenger transportation.

The Council can apply for federal and state grants, be funded by bonds, receive and manage a dedicated revenue source, and enter into joint powers agreements. The Council is prohibited from owning real property, incurring debt or levying taxes, assessments and fees, as well as applying for funding dedicated solely to planning for emergency response immediately after a disaster.

Members of the Council will include all members of the ABAG Regional Planning Committee, one member appointed by the ABAG Executive Board, four members representing infrastructure districts, one school or county board of education member, one non-profit service delivery agency

member, one member of Urban Bay Area Security Initiative, four members representing private sector businesses, and one county or city emergency manager. An Administrative and Technical Advisory committee will advise the Council.

The Senate approved SB 1205 on May 28, and sent it to the Assembly for their first review on June 2. Supporters include: ABAG, East Bay Municipal Utility District, City and County of San Francisco, County of San Mateo, Napa County Supervisor Rose Jacobs Gibson, Solano County Supervisor Barbara Kondylis, Clayton Mayor Hank Stratford, South San Francisco Mayor Richard Garbarino, Union City Mayor Mark Green, Clayton City Councilmember Julie Pierce, and Cities of Brisbane, Hercules, and Los Gatos.

Fiscal Impact

There is no fiscal impact associated with this informational item.

End

AMENDED IN SENATE JUNE 1, 2010
AMENDED IN SENATE APRIL 13, 2010
AMENDED IN SENATE MARCH 24, 2010

SENATE BILL

No. 1205

**Introduced by Senator Corbett
(Coauthors: Senators DeSaulnier and Hancock)**

February 18, 2010

An act to add and repeal Title 7.26 (commencing with Section 66720) of the Government Code, relating to disaster recovery.

LEGISLATIVE COUNSEL'S DIGEST

SB 1205, as amended, Corbett. ~~The San Francisco Bay Area Disaster Recovery Authority Planning Council Act.~~

Existing law authorizes 2 or more public agencies, by agreement, to jointly exercise common powers. Existing law also establishes the San Francisco Bay Restoration Authority to raise and allocate resources for the restoration, enhancement, protection, and enjoyment of wetlands and wildlife habitats in the San Francisco Bay.

This bill would establish, *until January 1, 2030*, the ~~San Francisco Bay Area Disaster Recovery Authority Planning Council~~ to create a long-term regional recovery plan, to be implemented before and after an earthquake or other disaster occurs in the bay area, by cooperating with various stakeholders in the bay area, including, but not limited to, the cities, counties, special districts, ~~schools~~ *school districts*, emergency ~~operators~~ *managers*, hospitals, members of the public, private businesses, and nongovernmental organizations.

The bill would impose specific duties on the Association of Bay Area Governments, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

The people of the State of California do enact as follows:

1 SECTION 1. Title 7.26 (commencing with Section 66720) is
2 added to the Government Code, to read:

3
4 TITLE 7.26. ~~SAN FRANCISCO-BAY AREA DISASTER~~
5 ~~RECOVERY AUTHORITY PLANNING COUNCIL~~

6
7 CHAPTER 1. FINDINGS AND DECLARATIONS

8
9 66720. This title shall be known and may be cited as the Bay
10 Area Disaster Recovery ~~Authority~~ *Planning Council Act*.

11 66721. The Legislature hereby finds and declares all of the
12 following:

13 (a) The San Francisco Bay area will experience a major
14 ~~manmade or natural disaster such as an earthquake in its future.~~
15 *earthquake in its future.*

16 (b) Disasters not properly managed and planned for can easily
17 escalate into catastrophies that will have major lasting
18 consequences on the region.

19 (c) The nine counties surrounding the San Francisco Bay
20 constitute a region of vital importance to the national economy
21 and future business innovation. The bay area leads the nation in
22 innovation, research, and new technology.

23 (d) The bay area is crisscrossed by many active faults. Several
24 of these faults, including the San Andreas and Hayward faults, are
25 capable of causing a major disaster in the region. The United States
26 Geological Survey predicts that there is a 67 percent chance that
27 a major earthquake will strike the bay area in the next 30 years.
28 The Hayward fault, which runs through the ~~dense~~ *densely*
29 *populated* urban cities of Fremont, Oakland, and Berkeley,
30 experiences a major earthquake approximately every 140 years.

1 The last earthquake on this fault was in 1868, making the Hayward
2 fault the most dangerous in the bay area today.

3 (e) While the bay area has appropriately focused on risk
4 mitigation strategies and emergency response preparation, there
5 has been little attention given to the lengthy post-90 day, long-term
6 recovery period that will follow a major disaster such as an
7 earthquake. This is the period that will make or break the region's
8 economic future.

9 (f) The bay area is making great strides to reduce the impacts
10 of a major earthquake, but the scale of the problem is huge and
11 critical components of the system are still vulnerable. A great
12 amount of work still needs to be done to prepare the region.
13 Transportation, water, and housing are key systems that must be
14 robust in order to facilitate a speedy recovery for the region.

15 (g) Recent disasters have repeatedly shown that the weeks and
16 months following a disaster require that all city and county
17 departments, special jurisdictions, ~~and~~ the state and federal
18 government, *and the private sector* work together toward disaster
19 recovery. ~~Similarly, while hazard mitigation is essential to~~
20 ~~minimize the damage of disasters to communities, having a~~
21 ~~comprehensive plan for the long-term process of recovery is often~~
22 ~~overlooked and is the key to preventing disasters from becoming~~
23 ~~catastrophes.~~

24 (h) Past disasters clearly show the consequences of not ~~preparing~~
25 *planning* for recovery. In 2010, the San Francisco Bay Bridge
26 *seismic retrofit* has still not been ~~replaced~~ *completed* despite the
27 known hazard since the 1989 Loma Prieta earthquake, and the City
28 of Atascadero is just beginning to replace its city hall that was
29 damaged in the 2003 San Simeon earthquake ~~because of difficulty~~
30 ~~it has faced with the Federal Emergency Management Agency~~
31 ~~process.~~ New Orleans is still struggling to rebuild its communities
32 more than five years after Hurricane Katrina. In Kobe, Japan,
33 where a massive earthquake devastated the region in 1995,
34 thousands of people still live in temporary housing nearly 15 years
35 after the earthquake.

36 (i) ~~Disasters such as earthquakes~~ *Earthquakes* will affect the
37 entire region, not just individual cities and counties. The regional
38 nature of an earthquake demands a regional long-term recovery
39 strategy, but few models exist from other regions.

1 (j) With 101 cities, nine counties, and more than 400 special
2 districts, the bay area is poorly structured to undertake the
3 regional-scale challenge of the long-term recovery phase. However,
4 with advance planning and organization, the bay area can be
5 prepared *plan* for long-term recovery. This ~~would~~ *will* entail having
6 an understanding of the issues that will confront the region, the
7 goals pursued, and the decisionmaking protocols that it will follow.

8 ~~(k) When the San Francisco Bay area experiences a major
9 disaster such as an earthquake in the future, government agencies
10 will immediately activate emergency response plans and scramble
11 to restore order, alleviate human suffering, and protect property.
12 In the days after a disaster, short-term recovery plans will be
13 implemented to set up shelter locations, remove debris, and tag
14 buildings. But what happens later, in the weeks, months, and years
15 after immediate life and safety needs have been addressed, will
16 determine whether the region recovers and persists as a vibrant
17 community and driver of the nation's prosperity, or whether the
18 disaster escalates into a catastrophe and the region suffers long-term
19 depopulation with businesses and residents permanently relocating
20 to more stable communities.~~

21 *(k) Adequate planning for the weeks, months, and years after
22 immediate life and safety needs have been addressed will determine
23 whether the region recovers and persists as a vibrant community
24 and driver of the nation's prosperity, or whether the region suffers
25 long-term depopulation with businesses and residents permanently
26 relocating to more stable communities.*

27 (l) A major earthquake on the Hayward fault, for example, is
28 predicted to leave 156,000 housing units uninhabitable and 356,600
29 people displaced. In contrast to Hurricane Katrina, where 40
30 percent of homeowners were insured, less than 10 percent of bay
31 area homeowners have earthquake insurance. Because of high
32 deductibles, it is anticipated that only 4.4 percent of losses will be
33 covered by insurance. The likelihood that these homeowners will
34 have the resources to rebuild their homes in a timely manner is
35 low and rebuilding will depend on the ability of homeowners to
36 attract private investment to their properties. At a time when rental
37 vacancy rates are already very low and homeowners are struggling
38 to hold on to their properties, there is little incentive or ability for
39 uninsured homeowners to invest in the rebuilding of their
40 properties.

1 ~~(m) Retrofitting homes is an effective method to reducing~~
2 ~~housing losses in a disaster, but relatively few homes have been~~
3 ~~retrofitted and programs and funds to encourage more widespread~~
4 ~~retrofit are scarce. Recovery of the business economy depends on~~

5 *(m) Recovery of the business economy depends on the ability*
6 *of workers to return to work, and workers without homes are*
7 *unlikely to be able to do so.*

8 ~~(n) A regional long-term recovery plan cannot simply be an~~
9 ~~operations plan for governments to follow. All stakeholders, from~~
10 ~~local governments, lifelines operators, schools, private-sector~~
11 ~~businesses, members of the public, the health and hospital~~
12 ~~community, and nongovernmental organizations, must reach~~

13 *(n) A regional long-term recovery plan must involve all*
14 *stakeholders from local governments, emergency managers, lifeline*
15 *operators, schools, private sector businesses, members of the*
16 *public, the health and hospital community, and nongovernmental*
17 *organizations. These stakeholders must reach consensus on the*
18 *priorities for long-term disaster recovery, including serving*
19 *vulnerable communities that may have the least access to resources,*
20 *are more reliant upon government services, and most susceptible*
21 *to the impacts of delays in government action post-disaster. after*
22 *a disaster.*

23 ~~(o) Key functional areas of recovery that must be understood~~
24 ~~include lifelines, lifeline interdependency, long-term housing~~
25 ~~replacement, business recovery, government facilities and services,~~
26 ~~transportation, health and education, vulnerable communities, and~~
27 ~~land use change.~~

28 ~~(p) Public-private partnerships are key to this process. Private~~
29 ~~businesses must be confident that recovery will happen quickly in~~
30 ~~order to continue to invest in the region. The planning process~~
31 ~~must address their needs and concerns. The roles of private~~
32 ~~business in the long-term recovery plan will be identified together~~
33 ~~with local governments.~~

34 ~~(q) The Association of Bay Area Governments (ABAG) is a~~
35 ~~unique regional entity, well suited to lead this effort. The ABAG~~
36 ~~was formed as a Council of Governments by the 101 cities and~~
37 ~~nine counties of the bay area to address social, environmental, and~~
38 ~~economic issues that transcend local borders. The mission of the~~
39 ~~ABAG is to facilitate and strengthen cooperation and coordination~~
40 ~~among local governments.~~

1 ~~(r) ABAG has a long history of planning for disasters and has~~
2 ~~been a national leader among planning agencies in developing and~~
3 ~~continuing an earthquake and hazards planning program. In the~~
4 ~~past this program has coordinated with all of its member cities and~~
5 ~~counties, as well as special districts to develop a Federal~~
6 ~~Emergency Management Agency approved multijurisdiction local~~
7 ~~hazard mitigation plan with regional mitigation strategies agreed~~
8 ~~upon by all the participating jurisdictions.~~

9 ~~(s)~~

10 ~~(r) The San Francisco Bay area needs to develop regional~~
11 ~~mechanisms to generate and allocate additional resources to address~~
12 ~~mechanisms to address~~ threats of natural hazards and to secure
13 opportunities for the improvement of the long-term disaster
14 recovery capacity of the San Francisco Bay area, which will
15 promote sustainable redevelopment and create a more
16 disaster-resistant region.

17 ~~(t) It is in the public interest to create the San Francisco Bay~~
18 ~~Area Disaster Recovery Authority as a regional entity to generate~~
19 ~~and allocate resources for development of long-term disaster~~
20 ~~recovery plans, protocols, and mitigation projects for the San~~
21 ~~Francisco Bay area. The authority will endeavor to provide its~~

22 ~~(s) It is in the public interest to create the Bay Area Disaster~~
23 ~~Recovery Planning Council as a regional entity to facilitate~~
24 ~~long-term disaster recovery planning for the bay area. The council~~
25 ~~will endeavor to provide its members with shared knowledge and~~
26 ~~familiarity of the issues necessary to tackle critical tasks of~~
27 ~~prioritizing recovery activities, sharing resources, and interfacing~~
28 ~~with a vast array of local entities and stakeholders as well as state~~
29 ~~and federal agencies. The authority council will sponsor and review~~
30 ~~local actions to improve preparation for long-term recovery,~~
31 ~~including guidelines for member cities, counties, and agencies to~~
32 ~~align finance department preparation, building ordinances,~~
33 ~~emergency housing strategies, mutual aid, nonemergency response~~
34 ~~mutual aid agreements, and a variety of additional tasks, along~~
35 ~~with information gathering, plan consolidation, application for~~
36 ~~resources, and policy discussion.~~

CHAPTER 2. DEFINITIONS

66722. Unless the context otherwise requires, the following definitions govern the construction of this title:

(a) "ABAG" means the Association of Bay Area Governments.

(b) "Administrative committee" means the Bay Area Disaster Recovery Planning Administrative Committee convened by the governing board of the San Francisco Bay Area Disaster Recovery Authority board of the Bay Area Disaster Recovery Planning Council pursuant to Section 66724.5.

~~(e) "Authority" means the San Francisco Bay Area Disaster Recovery Authority established as a regional entity pursuant to Section 66723.~~

~~(d) "Board" means the governing board of the San Francisco Bay Area Disaster Recovery Authority.~~

~~(e) "Member" means a person appointed as a member of the governing board of the San Francisco Bay Area Disaster Recovery Authority.~~

(c) "Board" means the governing board of the council.

(d) "Council" means the Bay Area Disaster Recovery Planning Council established pursuant to Section 66723.

(e) "Member" means a person appointed as a member of the board.

(f) "San Francisco Bay area" or "bay area" means the area that includes the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma.

(g) "Technical advisory committee" means the Bay Area Disaster Recovery Planning Technical Advisory Committee convened by the board pursuant to Section 66724.6.

CHAPTER 3. ~~SAN FRANCISCO~~ BAY AREA DISASTER RECOVERY
AUTHORITY PLANNING COUNCIL

66723. (a) ~~The San Francisco~~ Bay Area Disaster Recovery Authority Planning Council is hereby established as a regional entity with jurisdiction extending throughout the San Francisco Bay area.

~~(b) The authority shall create a long-term regional recovery plan, to be implemented before and after an earthquake or other disaster occurs in the bay area, by cooperating with various~~

1 stakeholders in the bay area, including, but not limited to, the cities;
2 eounties, special districts, school districts, emergency operators;
3 hospitals, members of the public, private business, and
4 nongovernmental organizations.

5 (b) The council shall create a long-term regional recovery plan
6 by cooperating with various stakeholders in the bay area,
7 including, but not limited to, the cities, counties, special districts,
8 school districts, emergency managers, hospitals, members of the
9 public, private business, and nongovernmental organizations.

10 (c) The scope and purpose of the recovery plan shall be for
11 planning for the region's resiliency following a disaster by
12 increasing the speed of rebuilding lifeline infrastructure, including,
13 but not limited to, water, and energy pipelines, planning for
14 temporary transportation and transit programs during the repair
15 of the transportation system, enhancing government management
16 capacity for large scale capital projects programs, planning for
17 the reconstruction of housing supply damaged by the disaster,
18 creating mechanisms to assist businesses with temporary relocation
19 and financing, and other issues associated with sustainable
20 redevelopment following a major disaster. In planning for the
21 purposes contained within this section, the council shall consult
22 with emergency managers and other local government staff
23 involved in disaster recovery to ensure that the plan incorporates
24 local planning efforts and is not duplicative of work already being
25 done in the region. The recovery plan shall not be a postdisaster
26 operations plan.

27 (d) Nothing in this title shall be deemed to confer upon the
28 council any land use, regulatory, or permitting authority. The
29 power of the council is limited to planning.

30 (e)

31 (e) The jurisdiction of the ~~authority~~ council is not subject to the
32 Cortese-Knox-Hertzberg Local Government Reorganization Act
33 of 2000 (Division 3 (commencing with Section 56000) of Title 5).
34 66723.5. It is the intent of the Legislature that the ~~authority~~
35 council complement existing efforts by cities, counties, districts,
36 and other local, regional, and state entities, related to addressing
37 the goals described in this title.

CHAPTER 4. GOVERNING BODY

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66724. (a) ~~The authority council~~ shall be governed by ~~a~~ *the* board composed of voting members, as follows:

(1) All members of the ABAG Regional Planning Committee.

(2) ~~ABAG~~ *The ABAG Executive Board* shall appoint one member representing each of the following:

(A) Not less than four members representing lifeline infrastructure districts such as water and wastewater, power and energy, telecommunications, and transit.

~~(B) A school district or county board of education.~~

(B) *A school board member or member of a county board of education.*

(C) A nonprofit service delivery agency.

(D) A member of the Bay Area ~~Super-Urban~~ *Urban Area* Security Initiative.

(E) Not less than four members representing private sector business, economics, and planning organizations.

(F) *A county or city emergency manager.*

(b) Each member shall serve at the pleasure of ~~the ABAG~~ *the ABAG Executive Board.*

(c) A vacancy shall be filled by ~~ABAG~~ *the ABAG Executive Board* within 90 days from the date on which the vacancy occurs.

66724.1. The members of the board are subject to the Political Reform Act of 1974 (Title 9 (commencing with Section 81000)).

66724.2. Each member shall exercise his or her independent judgment on behalf of the interests of the residents, the property owners, and the public as a whole in furthering the intent and purposes of this title.

66724.3. The board shall elect from its own members a chair and a vice chair who shall preside in the absence of the chair.

66724.4. (a) The time and place of the first meeting of the board shall be at a time and place within the San Francisco Bay area fixed by ~~the chair of the board~~ *ABAG President.*

(b) After the first meeting described in subdivision (a), the board shall hold meetings at times and places determined by the board.

(c) Meetings of the board are subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5).

1 66724.5. (a) Not later than six months after the date of the
2 board's first meeting described in subdivision (a) of Section
3 66723.4, the board shall convene a Bay Area Disaster Recovery
4 *Planning Administrative Committee* to assist and advise the board
5 in carrying out the functions of the board. The administrative
6 committee shall meet on a regular basis.

7 (b) The membership of the administrative committee shall be
8 determined by the ~~authority~~ *council* based upon criteria that provide
9 a broad representation of community and agency interests and
10 geographical diversity within the ~~authority's~~ *council's* jurisdiction
11 over the long-term disaster recovery in the San Francisco Bay area.
12 The membership of the administrative committee shall be appointed
13 by the ~~authority~~ *council*.

14 66724.6. (a) *Not later than six months after the date of the*
15 *board's first meeting described in subdivision (a) of Section*
16 *66723.4, the board shall convene a Bay Area Disaster Recovery*
17 *Planning Technical Advisory Committee to be composed of local*
18 *emergency managers, city and regional planners, engineers, and*
19 *members of other technical fields, as necessary. The technical*
20 *advisory committee shall meet on a regular basis.*

21 (b) *The membership of the technical advisory committee shall*
22 *be determined by the council based upon criteria that provide a*
23 *broad representation of community and agency interests and*
24 *geographical diversity within the council's jurisdiction over the*
25 *long-term disaster recovery in the San Francisco Bay area. The*
26 *membership of the technical advisory committee shall be appointed*
27 *by the council.*

28 ~~66724.6.~~

29 66724.7. (a) The board is the legislative body of the ~~authority~~
30 *council* and, consistent with this title, shall establish policies for
31 the operation of the ~~authority~~ *council*.

32 (b) The board may act either by ordinance or resolution in order
33 to regulate the ~~authority~~ *council* and to implement this title.

34 (c) A majority of the voting members of the board shall
35 constitute a quorum for the purpose of transacting any business of
36 the ~~authority~~ *council*. A recorded majority vote of the total voting
37 membership of the board is required on each action.

CHAPTER 5. POWERS AND DUTIES

~~Article 1. General Provisions~~

66725. The ~~authority~~ *council* may do all of the following:

(a) Apply for and receive grants from federal and state agencies.

(b) Solicit and accept gifts, fees, grants, and allocations from public and private entities.

(c) Receive and manage a dedicated revenue source.

(d) Deposit or invest moneys of the ~~authority~~ *council* in banks or financial institutions in the state in accordance with state law.

(e) Sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

(f) Engage counsel and other professional services.

(g) Enter into and perform all necessary contracts.

(h) Enter into joint powers agreements pursuant to the Joint Exercise of Powers Act (Chapter 5 (commencing with Section 6500) of Division 7 of Title 1).

(i) Use interim or temporary staff provided by ~~appropriate state agencies or~~ the Association of Bay Area Governments. A person who performs duties as interim or temporary staff shall not be considered an employee of the ~~authority~~ *council*.

66725.1. The ~~authority~~ *council* shall not acquire or own real property.

66725.2. All records prepared, owned, used, or retained by the ~~authority~~ *council* are public records for purposes of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

66725.3. *The council shall not apply for funding dedicated solely for planning for emergency response immediately after a disaster.*

~~Article 2. Grant Program~~

66725.5. ~~(a) The authority may raise funds and award grants to public and private entities, including, but not limited to, owners or operators of public and private property within the San Francisco Bay area, for the purposes of maintaining and enhancing the region's resiliency following a disaster by reducing the potential~~

1 loss of life, property damage, or environmental degradation, and
 2 accelerating economic recovery from those disasters.

3 ~~(b) In reviewing and assessing projects, the authority shall solicit~~
 4 ~~input from the administrative committee convened pursuant to~~
 5 ~~Section 66724.5. The authority shall give priority to projects that~~
 6 ~~do either of the following:~~

7 ~~(1) To the greatest extent possible, address the highest priority~~
 8 ~~mitigation strategies identified in the most recent multijurisdictional~~
 9 ~~Local Hazard Mitigation Plan led by ABAG and adopted by the~~
 10 ~~Federal Emergency Management Agency.~~

11 ~~(2) Address additional needs identified in the recovery plan.~~

12 ~~(c) Grants awarded pursuant to subdivision (a) may be used to~~
 13 ~~support all phases of planning, construction, monitoring, operation,~~
 14 ~~and maintenance for projects that are eligible pursuant to~~
 15 ~~subdivision (b).~~

16 CHAPTER 6. FINANCIAL PROVISIONS

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 19 66726. (a) The board shall provide for regular audits of the
 20 ~~authority's council's~~ accounts and records and shall maintain
 21 accounting records and shall report accounting transactions in
 22 accordance with generally accepted accounting principles adopted
 23 by the Government Accounting Standards Board of the Financial
 24 Accounting Foundation for both public reporting purposes and for
 25 reporting of activities to the Controller.

26 (b) The board shall provide for annual financial reports. The
 27 board shall make copies of the annual financial reports available
 28 to the public.

29 66726.5. The ~~authority council~~ shall be funded through gifts,
 30 donations, grants, state or local bonds, ~~assessments~~, other
 31 appropriate funding sources, and other types of financial assistance
 32 from public and private sources. Nothing in this title shall be
 33 construed to authorize the ~~authority council~~ to incur debt or raise
 34 revenue by levying taxes, assessments, or fees.

35 CHAPTER 7. REPEAL

36
 37
 38 66727. This title shall remain in effect only until January 1,
 39 2030, and as of that date is repealed, unless a later enacted statute,
 40 that is enacted before January 1, 2030, deletes or extends that date.

1 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
2 ~~Section 6 of Article XIII B of the California Constitution because~~
3 ~~a local agency or school district has the authority to levy service~~
4 ~~charges, fees, or assessments sufficient to pay for the program or~~
5 ~~level of service mandated by this act, within the meaning of Section~~
6 ~~17556 of the Government Code.~~

7 *SEC. 2. No reimbursement is required by this act pursuant to*
8 *Section 6 of Article XIII B of the California Constitution because*
9 *the only costs that may be incurred by a local agency or school*
10 *district are the result of a program for which legislative authority*
11 *was requested by that local agency or school district, within the*
12 *meaning of Section 17556 of the Government Code and Section 6*
13 *of Article XIII B of the California Constitution.*

MEMORANDUM

TO: Board Members

**FROM: Nina Rannells, Executive Director
Leamon Abrams, Manager, Public Affairs**

**SUBJECT: Approve Contract Award to Broad & Gusman, LLP for the Provision
of State Legislative Representation**

Recommendation

Approve contract award for state legislative services to Broad & Gusman, LLP, in an amount of \$66,000 for FY 2010/11 and authorize the Executive Director to execute the contract.

Background

Since November 2004, WTA/WETA has utilized the Law Offices of Broad & Gusman, LLP (Broad & Gusman) to provide state legislative support services. The agreement for services with Broad & Gusman was developed as the result of a competitive RFQ process completed in 2004. Since 2004, this agreement has been renewed annually to coincide with each new fiscal year. The FY 2009/10 agreement, which concludes June 30, is for a fixed annual fee of \$60,000.

Discussion

On March 4, 2010 the Board approved the release of the Request for Qualifications (RFQ) for state legislative advocacy services as a means to consider options for delivering this program and to renew the work scope for these services. Notice of the availability of the RFQ was posted on the Agency's website and sent to firms on our mailing list and included in the Secretary of State Lobbying Directory.

A total of three firms submitted qualifications in response to the RFQ including Platinum Advisors, Smith Watts & Co, and Broad & Gusman. Staff reviewed the written proposals submitted by firm describing their understanding and approach to service provision, relevant staff to be used and client experience. In general, the descriptions of the types of services that each would provide, qualifications of key personnel, and the fees charged were comparable to one another. Based on the review of proposals submitted, staff recommends awarding Broad & Gusman the state legislative services contract for FY 2010/11, focusing on the following agreed upon work program and priorities:

- Monitor state legislation and regulations affecting WETA, keeping the Board and staff regularly informed, and providing a quarterly report;
- Arrange facilitated meetings and at least one annual legislative day for the Board and staff with key policymakers, staff, and others in state government. Lead the preparation for these meetings and conduct meetings, as appropriate, with agency and/or departmental representatives in Sacramento and elsewhere;
- Work to restore, preserve and expand state and regional transportation capital and operating funds and programs that could be used to support WETA projects and programs;

- Work to secure high priority funding for WETA to address its emergency mandate; and
- Develop legislation, as needed, to address agency funding or operational matters.

The contract award will be for one year, with an option to renew each year for a maximum of five years.

Broad & Gusman has recently been successful in working with WETA staff, the Board of Directors and partner agencies and parties to develop state legislation and legislative support to address funding issues critical to WETA's expansion program. Staff believes that Broad & Gusman can continue to provide these essential services to meet WETA's needs in FY 2010/11.

Fiscal Impact

The award of these services would commit the Authority to contract expenses in an amount up to \$66,000 in FY 2010/11, consistent with the approved budget.

END

RESOLUTION NO. 2010-19

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY**

**AWARD CONTRACT FOR STATE LEGISLATIVE SERVICES TO BROAD & GUSMAN, LLP
AND AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE THE AGREEMENT**

WHEREAS:

The San Francisco Bay Area Water Emergency Transportation Authority ("Authority") seeks to enter into a professional services agreement for state legislative services; and

WHEREAS:

The WETA Board of Directors authorized the release of a Request for Qualifications for state legislative services at its March 4, 2010 meeting; and

WHEREAS:

The Authority has established procedures in its Administrative Code relating to the selection and contracting of consulting services, solicitation, and evaluation of qualifications; and

WHEREAS:

The Authority staff has recommended the award of a contract to Broad & Gusman, LLP to provide state legislative services for FY 2010/11 with the option to renew each year for a maximum of five years; and

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Directors of the Authority hereby awards the contract to Broad & Gusman, LLP and authorizes the Executive Director to execute an agreement for state legislative services for a total not to exceed cost of \$66,000.

CERTIFICATION

The undersigned, the Board Secretary, does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the San Francisco Bay Area Water Emergency Transportation Authority held on June 17, 2010.

AYE:

NAY:

ABSTENTION:

ABSENT:

/s/ Board Secretary

END

2010-19

MEMORANDUM

TO: Board Members

FROM: John Sindzinski, Manager, Planning & Development
Nina Rannells, Executive Director

SUBJECT: Approve Contract Award for Environmental Review Services for San Francisco Ferry Terminal Expansion Project

Recommendation

Approve contract award for environmental review services for the San Francisco Ferry Terminal Expansion Project to URS Corporation in an amount not to exceed \$1,457,000, and authorize the Executive Director to negotiate and enter into a contract for this work.

Background

The San Francisco Ferry Terminal Expansion Project represents the final waterfront improvements envisioned for the Ferry Building area in the Port of San Francisco's (Port) Waterfront Land Use Plan. The Project includes the construction of up to three new ferry terminals and ferry-related improvements, in addition to other complementary landside improvements such as the rehabilitation of the Agriculture Building and Ferry Plaza landscaping improvements that will be undertaken by the Port. Once completed this project will provide the additional berthing capacity required by WETA to accommodate planned expansion of regional ferry service to Downtown San Francisco and increased passenger loads in the event of a regional emergency.

In recognition of WETA's interest in this Project and the Port of San Francisco's role as the primary land-use jurisdiction over all development in the Ferry Building area, the two agencies have entered into a Memorandum of Understanding (MOU) to undertake a coordinated planning effort to implement this Project. The MOU defines each agency's project components and sets forth respective roles and responsibilities for undertaking conceptual design and environmental review of the Project. WETA's project components include design and environmental clearance of new ferry terminals and other ferry-related improvements, such as, pier removal and repair, design of a landside transportation and circulation plan, and consideration of public access improvements.

As set forth in the MOU, WETA will pay 100% of the costs to prepare an environmental review evaluating the direct and cumulative environmental impacts of WETA's project components. The Port will be responsible for environmental review costs incurred outside of this scope that relate to the Port's project components, specifically including the cost of preparing specialized reports relating to the reuse of the Agriculture Building, such as historical analysis.

Discussion

On December 4, 2008, the Board authorized staff to release a Request for Qualifications (RFQ) for environmental review services for this Project. The work scope for this contract would include preparation of all documentation and technical studies necessary to meet CEQA and NEPA environmental review requirements, participation in the public outreach process, and other environmental review services related to this Project, as

needed. The project description of the CEQA/NEPA review will be limited to include those items for which WETA will act as "lead agency."

On April 16, 2010, staff issued an RFQ for environmental review services for the San Francisco Ferry Terminal Expansion Project to over 410 firms on the WETA's technical consultant list through email and further solicited interest through notices on the website. A total of four Statement of Qualifications (SOQs) were received in response to the RFQ. The SOQs were reviewed by an evaluation panel that included staff from WETA and the Port of San Francisco. Additionally, the review panel conducted oral interviews with each firm on May 20, 2010 to request additional information concerning each firm's qualifications.

Each firm's qualifications were evaluated by the panel based on the following selection criteria, as established in the RFQ:

- **Project Approach** – The approach taken for completing the work and addressing the issues, challenges, and potential solutions that would be employed;
- **Project Understanding** – Demonstration of a clear understanding of the project and ability to work collaboratively with other consultants, agencies, etc.;
- **Previous Experience** – Relevant experience and past success managing all processes, procedures, and paperwork for similar projects;
- **Team Qualifications** – Team experience working with a multi-disciplinary team of firms engaged with public sector marine projects;
- **References** – Satisfaction of previous clients with regard to project delivery, timeliness and budgets; and
- **DBE Participation** – Percent participation of DBE firms.

The evaluation panel selected URS Corporation as the most qualified firm for this work based on their strong project approach and their extensive previous experience successfully working with WETA and the Port of San Francisco. Furthermore, URS Corporation has proposed a strongly qualified team that has experience preparing joint CEQA/NEPA environmental review documents for complex projects with a multitude of stakeholders. The cost proposal submitted by URS Corp. includes approximately 9% DBE participation for the environmental review work.

Based upon the information submitted and the supplemental interviews, the evaluation panel recommends awarding a contract to URS Corporation to undertake an environmental review of WETA's project components of the San Francisco Terminal Expansion Project. The recommended contract award is for an amount not to exceed \$1,457,000. This work would be managed and completed based upon task orders issued by WETA staff within this overall contract limit.

Fiscal Impact

This project is included in the FY 2010/11 Capital Budget and would be funded with Proposition 1B and Federal Transit Administration grants.

END

RESOLUTION NO. 2010-20

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY**

**AWARD CONTRACT FOR ENVIRONMENTAL REVIEW SERVICES FOR THE SAN
FRANCISCO FERRY TERMINAL EXPANSION PROJECT AND AUTHORIZE THE
EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE THE AGREEMENT**

WHEREAS:

The San Francisco Bay Area Water Emergency Transportation Authority ("Authority") seeks to enter into a professional services agreement for environmental review services for the San Francisco Ferry Terminal Expansion Project; and

WHEREAS:

The WETA Board of Directors authorized the release of a Request for Qualifications for environmental review services for the San Francisco Ferry Terminal Expansion project at its December 8, 2008 meeting; and

WHEREAS:

The Authority has established procedures in its Administrative Code relating to the selection and contracting of consulting services, solicitation, and evaluation of qualifications; and

WHEREAS:

The Authority staff has recommended the award of a contract to URS Corporation to provide environmental review services for the San Francisco Ferry Terminal Expansion Project with actual expenditures authorized on a Task Order basis; and

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Directors of the Authority hereby conditionally awards the contract to URS Corporation and authorizes the Executive Director to negotiate and execute an agreement for environmental review services for the San Francisco Ferry Terminal Expansion Project for a total not to exceed cost of \$1,457,000.

CERTIFICATION

The undersigned, the Board Secretary, does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the San Francisco Bay Area Water Emergency Transportation Authority held on June 17, 2010.

AYE:

NAY:

ABSTENTION:

ABSENT:

/s/ Board Secretary

END

2010-20

MEMORANDUM

TO: Board Members

**FROM: John Sindzinski, Manager, Planning & Development
Nina Rannells, Executive Director**

**SUBJECT: Approve Contract Award for Design and Engineering Services for
San Francisco Ferry Terminal Expansion Project**

Recommendation

Approve contract award for design and engineering services for the San Francisco Ferry Terminal Expansion Project to ROMA Design Group in an amount not to exceed \$1,380,000 and authorize the Executive Director to negotiate and enter into a professional services agreement for this work. This agreement would include conceptual design work with the option, at WETA's discretion, to continue with ROMA Design Group to provide preliminary and final design services for this Project.

Background

The San Francisco Ferry Terminal Expansion Project represents the final waterfront improvements envisioned for the Ferry Building area in the Port of San Francisco's (Port) Waterfront Land Use Plan. The Project includes the construction of up to three new ferry terminals and ferry-related improvements, in addition to other complementary landside improvements such as the rehabilitation of the Agriculture Building and Ferry Plaza landscaping improvements that will be undertaken by the Port. Once completed this project will provide the additional berthing capacity required by WETA to accommodate planned expansion of regional ferry service to Downtown San Francisco and increased passenger loads in the event of a regional emergency.

In recognition of WETA's interest in this Project and the Port of San Francisco's role as the primary land-use jurisdiction over all development in the Ferry Building area, the two agencies have entered into a Memorandum of Understanding (MOU) to undertake a coordinated planning effort to implement this Project. The MOU defines each agency's project components and sets forth respective roles and responsibilities for undertaking conceptual design and environmental review of the Project. WETA's project components include design and environmental clearance of new ferry terminals and other ferry-related improvements, such as, pier removal and repair, design of a landside transportation and circulation plan, and consideration of public access improvements.

As set forth in the MOU, WETA will pay 100% of the design and engineering costs to develop a conceptual design in support of an environmental review evaluating the direct and cumulative environmental impacts of WETA's project components. The Port will be responsible for conceptual design costs incurred outside of this scope that relate to the Port's project components, specifically including conceptual design of the Agriculture Building and substructure and landscape design of the Ferry Plaza.

Discussion

On December 4, 2008, the Board authorized staff to release a Request for Qualifications (RFQ) for design and engineering services for this Project. The scope of work for this

contract would include conceptual design of three new ferry terminals and ferry-related improvements, as well as design consideration of other improvements in the project area to the extent required to evaluate the direct and cumulative environmental impacts of WETA's project components. This work will include extensive public outreach and coordination with project stakeholders as the design process will need to be sensitive to the multiple uses and user groups in the project area.

On April 16, 2010, staff issued an RFQ for design and engineering services for the San Francisco Ferry Terminal Expansion Project to over 410 firms on the WETA's technical consultant list through email and further solicited interest through notices on the website. A total of three Statements of Qualifications (SOQs) were received in response to the RFQ. The SOQs were reviewed by an evaluation panel that included staff from WETA and the Port of San Francisco. Additionally, the review panel conducted oral interviews with each firm on May 21, 2010 to request additional information concerning each firm's qualifications.

Each firm's qualifications were evaluated by the panel based on the following selection criteria, as established in the RFQ:

- **Project Approach** – The approach taken for completing the work and addressing the issues, challenges, and potential solutions that would be employed;
- **Project Understanding** – Demonstration of a clear understanding of the project and ability to work collaboratively with other consultants, agencies, etc.;
- **Previous Experience** – Relevant experience and past success managing all processes, procedures, and paperwork for similar projects;
- **Team Qualifications** – Team experience working with a multi-disciplinary team of firms engaged with public sector marine projects;
- **References** – Satisfaction of previous clients with regard to project delivery, timeliness and budgets; and
- **DBE Participation** – Percent participation of DBE firms.

The evaluation panel selected ROMA Design Group as the most qualified firm for this work based on their strong grasp of the major challenges associated with this project and their previous experience working on similar waterfront projects with WETA and the Port of San Francisco. ROMA Design Group has assembled an extremely well-qualified team of consultants with extensive experience and qualifications in each area of technical expertise that will be required to prepare the conceptual design for this project. The cost proposal submitted by ROMA Design Group includes approximately 22% DBE participation for the conceptual design phase of work.

Based upon the information submitted and the supplemental interviews, the evaluation panel recommends awarding a contract to ROMA Design Group to provide conceptual design services in support of the environmental review of WETA's project components of the San Francisco Terminal Expansion Project. The recommended contract award is for an amount not to exceed \$1,380,000. The work would be managed and completed based upon task orders issued by WETA staff within this overall contract limit.

Once the Phase I conceptual design and associated environmental documents are completed, the WETA Board of Directors would have the option to authorize ROMA Design Group to provide Phase II preliminary and final design services to support permitting requirements for this project, as set forth in the RFQ. Phase II work would

require additional funding based upon the final work scope for the project and the extent of improvements that the engineers will be tasked with designing.

Fiscal Impact

This project is included in the FY 2010/11 Capital Budget and would be funded with Proposition 1B and Federal Transit Administration grants.

END

RESOLUTION NO. 2010-21

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY**

**AWARD CONTRACT FOR DESIGN AND ENGINEERING SERVICES FOR THE SAN
FRANCISCO FERRY TERMINAL EXPANSION PROJECT AND AUTHORIZE THE
EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE THE AGREEMENT**

WHEREAS:

The San Francisco Bay Area Water Emergency Transportation Authority ("Authority") seeks to enter into a professional services agreement for design and engineering services for the San Francisco Ferry Terminal Expansion Project; and

WHEREAS:

The WETA Board of Directors authorized the release of a Request for Qualifications for design and engineering services for the San Francisco Ferry Terminal Expansion project at its December 8, 2008 meeting; and

WHEREAS:

The Authority has established procedures in its Administrative Code relating to the selection and contracting of consulting services, solicitation, and evaluation of qualifications; and

WHEREAS:

The Authority staff has recommended the award of a contract to ROMA Design Group to provide design and engineering services for the San Francisco Ferry Terminal Expansion Project with actual expenditures authorized on a Task Order basis; and

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Directors of the Authority hereby conditionally awards the contract to ROMA Design Group and authorizes the Executive Director to negotiate and execute an agreement for design and engineering services for the San Francisco Ferry Terminal Expansion Project for a total not to exceed cost of \$1,380,000.

CERTIFICATION

The undersigned, the Board Secretary, does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the San Francisco Bay Area Water Emergency Transportation Authority held on June 17, 2010.

AYE:

NAY:

ABSTENTION:

ABSENT:

/s/ Board Secretary

END

2010-21

MEMORANDUM

TO: Board Members

**FROM: Nina Rannells, Executive Director
Leamon Abrams, Manager, Public Affairs**

SUBJECT: Update On Marketing/Outreach Program Development

Recommendation

This is an informational item only.

Background

On August 6, 2009, the Board authorized staff to issue a Request for Qualifications (RFQ) for consultant services to assist WETA in creating a system identity and branding strategy and marketing plan. Staff issued a RFQ for this work, received twelve Statements of Qualifications and invited five of the proposing firms to participate in oral interviews. The review panel WETA constituted recommended awarding a contract to the firm of The M-Line. In October, the Board authorized staff to negotiate and execute a contract not to exceed \$70,000 to complete an initial phase of work. The M-Line's team includes Barnes, Mosher, Whitehurst, Lauter & Partners (BMW) as a sub-consultant. BMW was paired with The M-Line to assist with development of communication strategies for targeted stakeholder engagement and advocacy.

Discussion

Initial work efforts have focused on three primary areas including:

- Identifying stakeholders and developing communication strategies for targeted stakeholder engagement and advocacy;
- Developing a plan for branding an identity for WETA's ferry services; and
- Identifying options for communicating the branding strategy and marketing messages.

As a part of this work, The M-Line/BMW undertook a needs assessment, held meetings with key stakeholders, conducted research on the WETA brand position, and completed an assessment of local/regional advocacy needs.

The M-Line will provide a presentation on the results of the work to date at the Board meeting and will discuss next steps for developing a system identity and branding strategy. The proposed "brand promise" would anchor the work created in subsequent stages of WETA's marketing and outreach efforts associated with system transition and future operations.

***END**