

SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY
MINUTES OF THE BOARD OF DIRECTORS MEETING

(September 1, 2022)

The Board of Directors of the San Francisco Bay Area Water Emergency Transportation Authority met in regular session at the Port of San Francisco at Pier 1, San Francisco CA and via videoconference consistent with AB 361 as codified in Government Code Section 54953.

1. CALL TO ORDER

Chair James Wunderman called the meeting to order at 1:01 p.m.

2. ROLL CALL

Chair James Wunderman, Vice Chair Monique Moyer, Director Jessica Alba, and Director Anthony Intintoli were in attendance.

Chair Wunderman led the Pledge of Allegiance. He welcomed directors, staff, and meeting guests and noted that the meeting was being conducted in person and by videoconference and was being recorded. He advised guests about offering public comment and how guests could sign up to speak throughout the meeting.

3. REPORT OF BOARD CHAIR

Chair Wunderman reported on the status of the Bay Area Council's Historic *Klamath* project.

He said that he had received a notice announcing the retirement of Metropolitan Transportation Commission and the Association of Bay Area Governments (MTC-ABAG) Executive Director Therese McMillan effective January 31, 2023.

4. REPORTS OF DIRECTORS

Director Intintoli recognized longtime Blue & Gold Fleet crewmember William Bartz whom Director Intintoli has watched for many years and commended Mr. Bartz for his patience in working with the public.

Director Alba noted that September is transit month and looked forward to participating in many of the transit events.

Chair Wunderman commented that United States Secretary of Transportation Pete Buttigieg would be visiting San Francisco and meeting with Speaker Nancy Pelosi.

5. REPORTS OF STAFF

Mr. Murphy stated that Ms. McMillan organized a meeting of all the general managers of all the major Bay Area transportation systems notifying them of her retirement.

Mr. Murphy provided an update on the *Sea Change* demonstration project before the vessel could be transported to the Bay Area.

Public Information & Marketing Manager Thomas Hall shared that WETA will be sponsoring Bay Area Transit Month and highlighted a few of the many transit month activities. He stated that Mr. Murphy would be participating in the Ride-Along and Summer Social with Bay Area Transit Leaders, which involves general managers meeting together to ride on multiple transit systems, culminating in a

summer social happy hour. He said that WETA would be hosting a Ferry Pub Crawl featuring ferry rides, trivia, and prizes.

Planning & Development Manager Kevin Connolly stated that the monthly ridership and recovery report would be presented differently showing the span of the entire fiscal year and that the WETA was exploring ways to increase service before introducing Transportation Planner Gabriel Chan to present the monthly ridership report.

Mr. Chan shared his presentation comparing the entire fiscal year to pre-pandemic levels. In response to Chair Wunderman, Mr. Chan clarified that key periods were not performing as well individually compared to systemwide.

Mr. Murphy said that WETA's primary focus should be to capture a larger share of the people driving to work already and that some of the incremental improvements would be reflected with the next schedule change.

Director Intintoli said that he thinks people drive because their final destinations are complicated by the last mile issue.

Director Alba noted that the sub-variant of Omicron hit in July but that there was an upward trajectory from July into August and that WETA was providing a different service now than it had previously.

In response to Chair Wunderman, Mr. Murphy said that WETA will be taking the opportunity to market and attract people to the ferry especially with bridge traffic reaching pre-pandemic levels.

Mr. Murphy said that WETA's pilot program in Solano County offers a discount to Uber and Lyft riders to the ferry terminal and said that WETA would think about creative first and last mile partnerships or some sort of promotional fare.

Chair Wunderman called for public comments, and there were none.

Vice Chair Moyer said that WETA needed to get creative to figure out ways to capitalize on the new hybrid work and some of the team building that hybrid work brings when people come into the office.

Mr. Hall said that Chase Center ridership was really good throughout the season and summarized the results of the Warriors service survey.

Director Alba noted the first and last mile shuttle service for limited mobility passengers as an initiative to explore.

Mr. Murphy provided five written reports and offered to answer questions.

6. CONSENT CALENDAR

Director Intintoli made a motion to approve the consent calendar:

- a. Adopt Resolution Regarding Remote Meetings Pursuant to Assembly Bill 361
- b. Board Meeting Minutes – August 17, 2022
- c. Authorize Release of a Request for Proposal for Marketing and Public Relations Services
- d. Item 6d Removed from Consent Calendar
- e. Authorize Filing Applications for FY 2021/22 through FY 2023/24 Federal Transit Administration Formula Program Funds to Support Various Capital Projects

Chair Wunderman suggested removing Item 6d - Authorize Release of a Request for Proposal for Community Outreach Services and linking it ahead of Item 9 – Community Outreach Program Report.

Chair Wunderman called for public comments on the consent calendar, and there were none.

Director Alba seconded the motion, and the consent calendar carried unanimously.

Yeas: Alba, Intintoli, Moyer, Wunderman. Nays: None. Absent: DelBono.

7. APPROVE CONTRACT AWARD TO SHAW YODER ANTWIH SCHMELZER & LANGE FOR THE PROVISION OF STATE LEGISLATIVE REPRESENTATION SERVICES

Government & Regulatory Affairs Manager Lauren Gularte presented this item recommending approving a contract award for state legislative representation services to Shaw Yoder Antwih Schmelzer & Lange (SYASL) in the amount of \$222,000 for a three-year term beginning October 1, 2022, with the option to extend the contract for up to a total of seven years and authorize the Executive Director to negotiate and execute a contract and to exercise the option to extend the term if deemed in WETA's best interest.

Ms. Gularte reported that SYASL is located in Sacramento and specializes in lobbying transportation, public transit, local government, land use, housing, port & goods movement, procurement, and infrastructure issues. She said that SYASL assists their clients with securing funds through state & federal grant programs and the annual state budget process and provides management support for the California Transit Association and through that role regularly serves as policy experts to the State Legislature, Governor's Administration, and a variety of other agencies, departments, and commissions.

Chair Wunderman was surprised that more proposals were not submitted. Mr. Murphy stated that this is always a challenge at the state level and that WETA could expect more bidders for federal advocacy services. He stated that Sacramento firms were often reluctant to bid on contracts without clear signals that the incumbent firm was not being considered.

Before moving forward and assuming that the Board would vote in favor of the award, Chair Wunderman thanked Nossaman LLP for their work the past several years.

Director Intintoli made a motion to adopt Resolution No. 2022-38 approving this item.

Chair Wunderman called for public comments, and there were none.

Vice Chair Moyer seconded the motion, and the item passed unanimously.

Yeas: Alba, Intintoli, Moyer, Wunderman. Nays: None. Absent: DelBono.

Chair Wunderman suggested that staff do some thinking about areas where WETA needed help from the state going into the new legislative session.

Mr. Murphy said that WETA puts together a state and federal legislative program annually that is brought to the Board for input and thoughts.

8. WETA ADVERTISING POLICY

Mr. Hall presented this item recommending adopting the proposed WETA Advertising Policy (Policy) and authorize the Executive Director or his designee to take actions necessary to implement the Policy, including entering into advertising agreements consistent with the Policy.

Mr. Hall stated that the Policy was largely written by WETA's attorneys in response to Director Intintoli.

WETA Attorney Steven Miller from Hanson Bridgett LLP said that other agencies have found themselves in difficult situations after accepting advertisements creating what courts refer to as a public forum on the outside of transit vehicles. He noted the facts that WETA has never offered advertising and is starting with a brand new policy that is viewpoint neutral and limited to commercial speech in response to Chair Wunderman's concerns.

Mr. Miller said that the policies of Bay Area Rapid Transit (BART), Golden Gate Bridge, Highway and Transportation District (Golden Gate Transit), Caltrain, and others were evaluated in response to Director Alba.

Mr. Miller clarified that complaints about advertising were not a part of the Policy in response to Chair Wunderman.

Vice Chair Moyer stated that WETA be very clear and specific about places where advertising will be accepted and maintain a location list. Director Alba felt that WETA's ferries, facilities, publications, website, and social media accounts were too broad.

Vice Chair Moyer suggested adding language noting WETA specified locations into the Policy.

Mr. Hall explained that the Policy on prohibited items was based on items that were allowed to be carried or consumed on board the ferries.

Director Intintoli suggested moving forward with the Policy recognizing that there will be complaints and issues that will need to be addressed.

Director Alba made a motion to adopt Resolution No. 2022-39 approving this item.

Chair Wunderman called for public comments, and there were none.

Director Intintoli seconded the motion, and the item passed unanimously.

Yeas: Alba, Intintoli, Moyer, Wunderman. Nays: None. Absent: DelBono.

9. COMMUNITY OUTREACH PROGRAM REPORT

Mr. Hall presented this informational item and shared his presentation on the community outreach program conducted during FY 2021/22 culminating with the Richmond Ferry Fest.

The Directors thanked Mr. Hall for his encouraging report and for having the forethought to reach out into the community in a different way.

Director Alba asked for a brief update on the Clipper START program at a future meeting.

Chair Wunderman called for public comments, and there were none.

10. AUTHORIZE RELEASE OF REQUEST FOR PROPOSALS FOR COMMUNITY OUTREACH SERVICES

Mr. Hall presented this item recommending authorizing the release of a request for proposal for community outreach.

Director Intintoli made a motion to approve this item.

Chair Wunderman called for public comments, and there were none.

Director Alba seconded the motion, and the item passed unanimously.

Yeas: Alba, Intintoli, Moyer, Wunderman. Nays: None. Absent: DelBono.

11. PUBLIC COMMENTS FOR NON-AGENDA ITEMS

Chair Wunderman called for public comments on non-agenda items, and there were none.

With all business concluded, Chair Wunderman adjourned the meeting at 2:49 p.m.

- Board Secretary

END