**AGENDA ITEM 6b**

**MEETING: January 13, 2022**

**SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY**

**MINUTES OF THE BOARD OF DIRECTORS MEETING**

***(December 9, 2021)***

The Board of Directors of the San Francisco Bay Area Water Emergency Transportation Authority met in regular session 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. He welcomed directors, staff, and meeting guests and noted that the meeting was being recorded. He advised guests about offering public comment and how guests could sign up to speak throughout the meeting.

1. **ROLL CALL**

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

1. **REPORT OF BOARD CHAIR**

Chair Wunderman reported that the Bay Area Council had hosted a webinar which included Metropolitan Transportation Commission (MTC) Executive Director Therese McMillan, Congressman Mark DeSaulnier who serves on the Committee for Transportation and Infrastructure, and HNTB Senior Vice President Darlene Gee to talk about the future of transportation, funding challenges, and opportunities. He thanked WETA Executive Director Seamus Murphy and his staff for doing a great job during a year of uncertainty. He said that he receives constant, positive feedback so that there was a lot to be proud of and looked forward to 2022.

1. **REPORTS OF DIRECTORS**

Director Intintoli thanked Mr. Murphy and Planning & Development Manager Kevin Connolly for their presentation to the Solano Transportation Authority.

Vice Chair Moyer reported that companies were not going to be returning people to the office anytime soon based on a poll of technology companies in the Bay area and worldwide. She said that she appreciated how creative, strategic, and collaborative everyone has been. She added her thanks to her colleagues for getting WETA through the year and to WETA’s partners.

The Directors echoed their thanks to the WETA staff.

1. **REPORTS OF STAFF**

Mr. Murphy thanked the Directors for their kind words and the compliments to the staff.

He introduced Transportation Planner Arthi Krubanandh to talk about the Fare Coordination and Integration Study (Study) co-managed by MTC and Bay Area Rapid Transit (BART). Ms. Krubanandh shared her presentation that provided an overview and update on the Study. She stated that the primary objective of the Study was to have a fare system that improves user experience and increases ridership.

Chair Wunderman thanked Ms. Krubanandh for her presentation. He stated that the implications of the Study would be significant but that it was an important consideration for passengers.

Director Alba stated that fare integration and coordinated wayfinding are fantastic initiatives for the Bay Area for the next generation of transit riders.

In response to Director Moyer, Ms. Krubanandh clarified that the Study was anticipated to be adopted in February 2022 and that the Board would have an action item supporting participation in the program and the implementation plan.

In response to Director Alba, Mr. Murphy noted that formal action would be taken by the Boards of transit agencies that would be impacted and added that agency costs and funding would need to be considered. He said that the timeline for both the approval process and the implementation of the initial phase were not defined and that participation was voluntary.

Mr. Murphy stated that WETA would revert to the pre-pandemic fare program if the Board did not act on a new fare program. He said that WETA was expecting to propose a new fare program and that the new fares along with the ridership assumptions would be incorporated into the fiscal year 2023 budget.

The Directors expressed the challenges trying to equalize fares with other transit agencies.

Mr. Murphy said that the goal was to increase ridership and figuring out a way to subsidize the services so that revenues are not impacted by the recommendations and talked about the state budget surplus and regional ballot measure opportunities.

Mr. Murphy reported that the California Public Employees’ Pension Reform Act of 2013 (PEPRA) caused the United States Department of Labor (USDOL) to withhold Federal Transit Administration (FTA) grants due to California transit agencies. The USDOL states that the pension reform law violates collective bargaining rights protected under federal law. He said that WETA is actively working on clarifying whether WETA will be impacted by this ruling since WETA does not have any represented employees directly employed by the agency and was going to make sure to do whatever it takes to avoid future impacts.

Mr. Murphy said that WETA supported private operator Prop SF’s filing with the California Public Utilities Commission (CPUC) to provide publicly scheduled ferry service for Treasure Island. He stated that in accordance with the Memorandum of Understanding with the Treasure Island Mobility Management Agency (TIMMA), the developer of Treasure Island is engaged to provide the initial ferry service until WETA can take over the service.

Mr. Murphy asked WETA Legal Counsel Steven Miller of Hanson Bridgett LLP to provide a summary on WETA’s statutory authority on development of water transportation on the bay.

Mr. Murphy provided an update on the South San Francisco pilot service and WETA’s strategies for identifying a vessel to provide that service. He said that a summary and recommendation about how to proceed would be brought back to the Board. He noted letters received from Oyster Point employers supporting the operation of a pilot service.

Mr. Murphy provided five written reports and briefly discussed the return to in-person meetings.

He said that WETA had an obligation to demonstrate the safety of public transit by taking the proper precautions and returning to in-person meetings starting in February.

He invited Mr. Connolly to provide an update from the City of Berkeley City Council working session. Mr. Connolly noted that there was a very small opposition to the Berkeley project surrounding users of recreational users of the marina. He reported that all nine council members spoke in support of the project and that the council members wanted to acknowledge the leadership of Chair Wunderman and the Board and their appreciation of the partnership.

Vice Chair Moyer thanked Chief Financial Officer Erin McGrath for her perspective and efforts on the financial statements. Ms. McGrath said that the increase in recreational users were a cause to fare revenues trending ahead of budget in response to Vice Chair Moyer. Mr. Connolly agreed with the increase in recreational and weekend riders and noted that weekend riders were in general not Clipper users and therefore, paid a higher average fare than commuters using Clipper. She thanked staff for the Berkeley report.

Mr. Connolly stated that WETA resumed South San Francisco Ferry service and launched the Alameda Short Hop during the ridership and recovery report. He said that there has been consistent growth up to Thanksgiving and a greater growth during commute times than on weekends. Lastly, he congratulated previous Transportation Planner Taylor Rutsch who accepted a position with the California High-Speed Rail Authority. Mr. Connolly acknowledged and recognized Mr. Rutsch for his contributions to WETA and the depth of all his analysis work.

Chair Wunderman thanked Mr. Rutsch for his service to WETA.

**PUBLIC COMMENT**

Genentech Senior Transportation Program Manager said that two letters from companies as part of the Oyster Point commuter coalition were submitted and expressed her support for the South San Francisco pilot service. She said that Genentech was planning a return to campus on January 18.

1. **CONSENT CALENDAR**

Director Intintoli made a motion to approve the consent calendar:

a. Adopt a Resolution Regarding Remote Meetings Pursuant to Assembly Bill 361

b. Board Meeting Minutes – November 4, 2021

c. Authorize Release of a Request for Proposal for the South San Francisco Passenger Float Rehabilitation Project

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

Vice Chair Moyer seconded the motion, and the consent calendar carried unanimously.

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

1. **RECEIVE THE INDEPENDENT AUDITORS’ REPORTS FOR THE FISCAL YEAR ENDING JUNE 30, 2021**

Ms. McGrath presented this item to receive WETA’s annual financial reports for fiscal year ending June 30, 2021, as prepared by Maze & Associates and highlighted the importance and support provided by the COVID-19 relief funds. She acknowledged the Board and staff, and in particular, Lynne Yu for her meticulous work resulting in a clean audit and for taking the necessary steps to address the retiree benefits liability and noted that the last five years of WETA’s financial statements would be accessible on WETA’s website.

Ms. McGrath introduced Maze & Associates Audit Partner David Alvey to provide an overview of the audit. Mr. Alvey explained that he was responsible for making certain that the financial statements were fairly presented and for reviewing and rendering an opinion on WETA’s annual audit. He stated that there were no issues that he needed to bring to the Board’s attention and congratulated WETA on its unmodified or clean audit opinion which is the highest level of assurance given.

The Directors were pleased about funding retirement commitments proactively, for receiving a clean audit, and said that it was important to continue to adequately fund retirement obligations.

Vice Chair Moyer thanked Ms. McGrath for her opening comments remarking that WETA’s public audit demonstrated the critical importance of the Coronavirus Aid, Relief, and Economic Security (CARES) Act and other federal support. She thanked Mr. Alvey and his team for his work in putting together a readable report with all its complexities.

Vice Chair Moyer made a motion to receive the 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.

1. **APPROVE THE WETA 2022 LEGISLATIVE PROGRAM**

Government & Regulatory Affairs Manager Lauren Gularte introduced this item and Government & Regulatory Affairs Specialist Terence Candell presented this item recommending approval of WETA’s 2022 Legislative Program. He provided an overview of the program stating that the biggest change was combining the federal and state programs into one and including a regional legislative program that will share the same guiding principles and overarching goals.

Mr. Candell said that the issues covered in the 2022 Legislative Program fit within two primary categories: 1) funding opportunities and 2) legislative, regulatory, and administrative issues.

Chair Wunderman commented that legislative program was comprehensive and thoughtfully done.

Director Intintoli emphasized the importance of not only the support for the expansion of service but also for the new funding needed to operate the service.

In response to Chair Wunderman’s question regarding the missing $1.25 billion for water transit, Ms. Gularte said that WETA’s federal lobbyist were hopeful that it would be addressed during the appropriations process. Mr. Murphy acknowledged WETA’s labor partners for collaborating on the advocacy.

Chair Wunderman commented that water transit has historically been left out during transit discussions and reminded everyone to explore ways to include water transit. He thanked organized labor who have been influential in working with WETA on these issues.

Director Alba made a motion to approve the 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.

1. **WETA 2050 SERVICE VISION & BUSINESS PLAN UPDATE**

Mr. Connolly kicked off this informational item and provided an overview of the plan and the focus areas that have been identified. He noted that survey and workshop participants had placed a clear emphasis on equity to serve the broadest cross section of the Bay Area and addressing global warming and greenhouse gas emissions with the vision of WETA becoming carbon neutral within the time frame of the business plan.

CivicMakers Project Manager Mike King shared his presentation on a recap of the discovery phase and by identifying the focus areas of the project, and WETA Principal Planner Michael Gougherty provided details on the six focus areas.

CivicMakers Co-Founder & Chief Everything Officer Lawrence Grodeska expanded on the 2022 plan development timeline and the community and stakeholder engagement process.

**PUBLIC COMMENT**

Inlandboatmen’s Union Regional Director Robert Estrada expressed his concern about focus area #1 and feeling threatened by calling it a regional ferry network and not the WETA ferry network.

Mr. Gougherty explained that the intent at this point is to summarize some general assumptions of WETA responsibilities in order fulfill the service vision and that WETA would keep an open mind on how those responsibilities are staffed.

Mr. Murphy added that labor is an important stakeholder and critical to the success of the plan.

Chair Wunderman stated that he had no interest in building a system at the expense of the workforce.

The Directors thanked staff for the presentation and their hard work. They expressed their concerns about funding the project and how the project fits into the WETA system.

Vice Chair Moyer thanked the staff, CivicMakers, and the community for investing time in this effort. Her feeling was that the agency has matured and was planning for the future and not for the status quo.

Director Alba stressed the importance of continuing to forge lasting and new relationships and partnerships. She noted that the engagement process of considering stakeholder input and feedback has been inclusive.

Chair Wunderman called for public comments, and there were none. He thanked Director Alba and Vice Chair Moyer for working as a team with CivicMakers and the staff on the plan.

1. **PUBLIC COMMENTS FOR NON-AGENDA ITEMS**

No further public comments were shared.

With all business concluded, Chair Wunderman adjourned the meeting at 3:20 p.m.

- Board Secretary

\*\*\*END\*\*\*