



City Hall
555 Santa Clara Street
Vallejo, CA 94590

AGENDA VALLEJO CITY COUNCIL SPECIAL MEETING

APRIL 11, 2008

MAYOR
Osby Davis

CITY COUNCIL
Tom Bartee, Vice Mayor
Hermie Sunga
Stephanie Gomes
Michael Wilson
Joanne Schivley
Erin Hannigan

This AGENDA contains a brief general description of each item to be considered. The posting of the recommended actions does not indicate what action may be taken. If comments come to the City Council without prior notice and are not listed on the AGENDA, no specific answers or response should be expected at this meeting per State law.

Those wishing to address the Council on any matter for which another opportunity to speak is not provided on the AGENDA but which is within the jurisdiction of the Council to resolve may come forward to the podium during the "COMMUNITY FORUM" portion of the AGENDA. Those wishing to speak on a "PUBLIC HEARING" matter will be called forward at the appropriate time during the public hearing consideration.

Copies of written documentation relating to each item of business on the AGENDA are on file in the Office of the City Clerk and are available for public inspection. Information may be obtained by calling (707) 648-4527, TDD (707) 649-3562, or at our web site: <http://www.ci.vallejo.ca.us/>



Vallejo City Council Chambers is ADA compliant. Devices for the hearing impaired are available from the City Clerk. Requests for disability related modifications or accommodations, aids or services may be made by a person with a disability to the City Clerk's office no less than 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act of 1990 and the federal rules and regulations adopted in implementation thereof.

***NOTICE:** Members of the public shall have the opportunity to address the City Council concerning any item listed on the notice before or during consideration of that item. No other items may be discussed at this special meeting.*

VALLEJO CITY COUNCIL **SPECIAL MEETING** **4:00 P.M. – COUNCIL CHAMBERS**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **ADMINISTRATIVE ITEMS**
 - A. **CONSIDERATION OF A RESOLUTION AUTHORIZING MAYOR OSBY DAVIS TO TESTIFY BEFORE COMMITTEE(S) OF THE CALIFORNIA STATE LEGISLATURE REGARDING SB 1093 (SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY), AND AUTHORIZING STAFF TO WORK WITH SENATOR PATRICIA WIGGINS, ASSEMBLYWOMAN NOREEN EVANS AND VARIOUS STAKEHOLDERS TO AMEND THE BILL TO ADDRESS CITY OF VALLEJO CONCERNS**

PROPOSED ACTION: Approve the resolution.

4. **ADJOURNMENT**




Agenda Item No. ADMIN A

COUNCIL COMMUNICATION

Date: April 11, 2008

TO: Honorable Mayor and Members of the City Council

FROM: Gary A. Leach, Public Works Director 

SUBJECT: APPROVAL OF A RESOLUTION AUTHORIZING MAYOR OSBY DAVIS TO TESTIFY IN FRONT OF CALIFORNIA SENATE POLICY COMMITTEE(S) REGARDING SENATE BILL 1093 AND AUTHORIZING STAFF TO WORK WITH SENATOR WIGGINS, ASSEMBLYWOMAN NOREEN EVANS AND VARIOUS STAKEHOLDERS TO AMEND THE BILL TO ADDRESS CITY OF VALLEJO CONCERNS

BACKGROUND

Senate Bill 976 (Torlakson) approved by the Governor on October 14, 2007, became law on January 1, 2008. This legislation repealed prior legislation that created the San Francisco Bay Area Water Transit Authority (WTA) and established a new agency, the Water Emergency Transportation Authority (WETA). The WETA has specified powers and duties, including but not limited to, taking over the City of Vallejo's Baylink ferry service operation and facilities and coordinating the emergency activities of all water transportation on the bay.

The primary purpose of the authority is to operate a comprehensive nine-county San Francisco Bay Area regional public water transit system. In this capacity, the new authority plans to acquire, own, lease, construct and operate water transit vessels and equipment, including but not limited to, real and personal property, and equipment, and any facilities of the authority (excepting those under the direction of the national parks system).

In the aftermath of the rapid legislative approval and enactment of SB 976, City staff identified a number of policy and political issues with this new law that needs to be addressed to the City's satisfaction. Staff with assistance from Bill Gray of Gray-Bowen & Company (a consultant assisting the City in managing the Vallejo Station Project) put together a list of our issues and assembled a team of three consulting firms specializing in lobbying and governmental relations, Joe A. Gonsalves & Son, California Strategies & Advocacy, LLC. and Barnes Mosher Whitehurst Lauter & Partners to support the City of Vallejo's efforts in addressing the bill. On November 27, 2007, City Council authorized the City Manager by resolution to enter into contracts with the firms to maximize the City's success in addressing the bill.



The “Red Team” (Staff and consultants) was charged with addressing the following immediate concerns:

- *WETA Representation* – The consultants would provide advice and assistance in ensuring adequate Solano County (Vallejo) representation (focusing on Mayor Intintoli’s appointment) on the new five-member WETA board.
- *Clean-Up Legislation* – This team will assist the city in pursuit of identified and emerging policy goals in an anticipated, author-sponsored “clean-up” bill, or alternatively, seek introduction and passage of legislation to address these matters, and other issues as they are identified:
 - Compensation for transfer of assets to WETA and leased assets, as well as for a range of costs associated with the establishment of the WETA;
 - Ensure the continuation of appropriate Ferry service levels to Vallejo;
 - Address issues surrounding the related future, planned developments that are intrinsically woven into the city’s vision for downtown and the waterfront, including the Vallejo Station Parking Garage and Ferry Maintenance Facility;
 - Ensure that WETA respects the city’s purview over local planning and zoning, including related agreements;
 - Seek a change in the approach and timing outlined in law for the WETA management plan and transition plan to achieve the goals above;
 - WETA management plan and Transition plan to not compromise current Vallejo Transit bus services.

DISCUSSION

On March 20, 2008, Governor Schwarzenegger appointed former Mayor Intintoli, Jr as the Vice Chair of the WETA Board. The Governor also appointed Charlene Haught Johnson, to serve as the chair and Gerald Bellows as a member. Senator Perata named Beverlt Johnson, Mayor of the City of Alameda as a member as well. On April 2, 2008, Assembly Speaker Fabian Nunez appointed John O’Rourke to the WETA Board.

In addition to the Red Team’s successful efforts to get Mayor intintoli, Jr. appointed to the board, we have been working with Senator Wiggins staff and Sen. Peratas to introduce the clean up legislation.

SB 1093 was introduced by Senator Wiggins as the legislative vehicle to clarify and amend SB 976. This bill was amended on April 7, 2008. As part of the legislative



process, the bill was submitted to leg council and must now go before the Senate Transportation and Housing Committee on Tuesday April 15, 2008. Attached is the draft of SB 1093 that will be acted upon by this committee next Tuesday. While many of Vallejo's issues and concerns have been addressed in this latest draft, staff is still working with Wiggin's staff and WETA's staff on a few additional changes and clarifications.

A brief summary of those additional changes that we will be seeking follows:

- clarification that no property transfers (in addition to operational changes) are to take place until the required transition is adopted by WETA (section 66540.6 (a)).
- clarify the section relating to reimbursement for "reasonable administrative costs" (Section 66541.11 (e))
- make it clear that the City of Vallejo will have a representative on the Board (Section 66540.12 (c))
- No arbitration if no agreement is reached.
- clarify language and the requirements as to what must be included in the required "transition plan" that WETA is required to prepare (section 66540.32 (b)(2)) to include:
 - Descriptions of existing and proposed ferry services.
 - A description of those assets that WETA proposes be transferred.
 - An initial five year CIP.
 - That no assets (i.e. the boats and equipment) will be transferred until Vallejo City Council adopts a resolution authorizing said transfer.

Tonight's action is to authorize the Mayor to testify in front of the Senate Transportation and Housing committee, as well as other legislative committees as this bill goes through the legislative process (See Attachment d). The Mayor's testimony will urge this committee to move this bill forward to allow time for the City to continue to work with



Senator Wiggins and Senator Perata, as well as the WETA Board, to develop a mutually acceptable final bill.

Fiscal Impact

None

RECOMMENDATION

Staff recommends approving the resolution authorizing Mayor Davis to testify in front of California Senate Policy committee and other committees as necessary regarding SB 1093 and authorizing staff to work with Senator Wiggins, Assemblywoman Evans and various stakeholders to amend the bill to address the City of Vallejo concerns.

ENVIRONMENTAL REVIEW

Not applicable.

ALTERNATIVES CONSIDERED

The alternative to this proactive approach to the Mayor testifying at the Senate Hearing would be for him not to present testimony for the City of Vallejo at this time. Staff does not recommend this approach because unless the City of Vallejo communicates its position, the bill (or clean up legislation that is needed to protect the City's interests) may not be moved through the legislative process this year, which would seriously jeopardizing the City's interests in the ferry system.

PROPOSED ACTION

Adopt a resolution authorizing the Mayor to testify in front of California Senate Policy committee and other committees as necessary regarding SB 1093 and authorizing staff to work with Senator Wiggins, Assemblywoman Evans and various stakeholders to amend the bill to address the City of Vallejo concerns.

DOCUMENTS AVAILABLE FOR REVIEW

- a. A resolution authorization for the Mayor Davis to testify in front of California Senate Policy Committee regarding SB 1093 and authorizing staff to work with Senator Wiggins, Assemblywoman Evans and various stakeholders to amend the bill to address the City of Vallejo concerns.
- b. Amended 4/7/08 Senate Bill 1093
- c. Proposed Amendments to Senate Bill 976 (list of City's original issues)



d. Lifecycle of Senate Bill 1093.

CONTACT PERSON

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RESOLUTION NO. 08-_____ N.C.

BE IT RESOLVED by the Council of the City of Vallejo as follows:

WHEREAS, SB 976 (Torlakson) was approved by the Governor on October 14, 2007, and became law on January 1, 2008; and

WHEREAS, this bill creates the San Francisco Bay Area Emergency Transportation Authority (WETA) with powers and duties to take over all of the funding and assets related to the operation of the City of Vallejo's Baylink Ferry Service; and

WHEREAS, Transportation staff has been working and continues to work with lobbyists, legislators and various stakeholders to address issues raised by SB976 to address City of Vallejo concerns; and

WHEREAS, California State Senator Pat Wiggins has introduced clean-up legislation (SB1093), attached to this resolution, which is meant to address the concerns of the various stakeholders, including the City of Vallejo with regard to the previous legislation described above (SB 976); and

WHEREAS, even though SB1093 is still in its preliminary stages, and does not yet fully address all City of Vallejo concerns, it is desirable to have this legislation as a vehicle to address City of Vallejo concerns as it continues to move through the legislative process; and

WHEREAS, California State Senator Pat Wiggins' office has asked the City of Vallejo for a letter of support for SB1093 and for testimony at the upcoming hearings on this bill; and

WHEREAS, City of Vallejo Transportation Staff have been advised by the City's lobbyist that changes to the legislation as proposed may be accomplished at several points throughout the legislative process so that City of Vallejo concerns might be more fully addressed; and

WHEREAS, it is desirable to have City of Vallejo Mayor Osby Davis as a witness to testify in front of various legislative committees as SB1093 is being considered by the California State Senate and Assembly,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Vallejo hereby authorizes Mayor Osby Davis to testify in front of California legislative committee(s) regarding SB1093, and authorizes staff to work with Senator Wiggins, Assemblywoman Evans and various stakeholders to amend the bill to address City of Vallejo concerns.

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BILL TEXT**AMENDED IN SENATE APRIL 7, 2008**INTRODUCED BY Senator Wiggins
(Principal coauthor: Assembly Member Evans)**JANUARY 10, 2008**

An act to amend Sections 66540.4 and 66540.5 of 66540.6, 66540.11, 66540.12, 66540.22, 66540.32, and 66540.68 of, and to add Section 66540.315 to, the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1093, as amended, Wiggins. San Francisco Bay Area Water Emergency Transportation Authority.

Existing law, *the San Francisco Bay Area Water Emergency Transportation Response and Disaster Recovery Act*, establishes the San Francisco Bay Area Water Emergency Transportation Authority as a local governmental entity of regional government and gives that entity the authority to plan, manage, operate, and coordinate the emergency activities of all water transportation and related facilities within the bay area region, except as specified.

~~Existing law requires that, in certain states of emergency, the authority coordinate emergency activities for all water transportation services in the bay area region in cooperation with certain specified entities. Existing law requires the transfer of public transportation ferries and related water transportation services and facilities in the bay area region, as specified, to the authority and requires the authority to adopt a transition plan to facilitate that transfer. Existing law requires that the planning, management, and operation of any existing or planned public transportation ferries and related facilities and services in the bay area region be consolidated under the authority's control.~~

This bill would make that consolidation subject to the authority's adoption of the transition plan and would prohibit the authority from compelling operational changes to water transportation services provided by public agencies on or before January 1, 2008, prior to the adoption of that plan. The bill would require the transition plan to include specified information, including, but not limited to, a description of any compensation proposed to be made for the execution of the transfer of ownership of any assets, as specified, and would require that the amount of compensation be mutually agreed upon by the authority and the local agency, as specified. The bill would require that proposed changes to the City of Vallejo's water transportation services be proposed in a specified manner and would require the authority to ensure that the ferry maintenance facility located on Mare Island remains operational and that specified plans for improvement or expansion of that facility are completed. The bill would also authorize the authority to establish a community advisory committee to receive community and passenger

recommendations related to consolidation or operational issues affecting existing and proposed water transportation services.

Existing law requires the authority to create and adopt the transition plan on or before January 1, 2009, and an emergency water transportation system management plan on or before July 1, 2009. Under existing law, the authority is required to provide a copy of those plans to each city and county in the bay area region at least 45 days prior to adopting the plans.

This bill would extend the date for the creation and adoption of the transition plan to July 1, 2009. In addition, the bill would require the authority to conduct specified public hearings and provide copies of the plans or plan amendments to specified cities and counties within certain periods of time prior to adopting those plans or amendments.

Existing law provides that the authority is governed by a board of 5 members and requires that each member of the board be a resident of a county in the bay area region.

This bill would require that a ferry terminal collecting at least 40% of the total receipts of the ferry system be represented on the board, as specified.

Existing law requires the board to supervise and regulate every water transportation services facility owned or operated or controlled by the authority, including the establishment of rates and the making and enforcement of schedules, among other things, for or in connection with any transportation facility owned or operated or controlled by the authority.

This bill would require the board to conduct a public hearing at least 60 days prior to adopting changes to rates or schedules and to provide notification of those changes to the public, specified newspapers, and the city where the ferry terminal affected by the changes is located, as specified.

Existing law prohibits the authority from assuming any financial obligations in accepting a transfer other than those associated with the operation of the services and facilities being transferred to it.

Existing law also requires the authority to bear reasonable administrative costs incurred by public transportation ferries and related water transportation services related to the transfer of public transportation services to the authority.

This bill would authorize the authority to assume any costs associated with engine repowering, engine overhauling, and dredging, as specified, and would also require the authority to bear the reasonable administrative costs incurred by public transportation ferries and related water transportation services related to the implementation of the San Francisco Bay Area Water Emergency Transportation Response and Disaster Recovery Act.

Existing law requires the authority to assume and be bound by the employment terms and conditions set forth in any collective bargaining agreement or employment contract between the San Francisco Bay Area Water Transit Authority and any labor organization or employee affected by the creation of the authority, as specified.

This bill would also require the authority to assume and be bound by the employment terms and conditions set forth in any collective bargaining agreement or employment contract between any public or private entity whose services the authority directly assumes, and any labor organization or employee affected by the assumption of those services.

The bill would enact other related provisions.

By imposing additional duties on the authority, the bill would impose 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.

~~This bill would make technical, nonsubstantive changes to those provisions.~~

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

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

SECTION 1. Section 66540.6 of the Government Code is amended to read:

66540.6. (a) In order to establish and secure emergency activities of all water transportation and related facilities within the bay area region, the authority shall have the authority to operate a comprehensive emergency public water transportation system that includes water transportation services, water transit terminals, and any other transport and facilities supportive of the system for the bay area region, provided that ~~any such~~ those facilities are consistent with the Bay Plan adopted by the Bay Conservation and Development Commission, as it may be amended from time to time, and that the authority consults in good faith with affected municipalities, counties, and other public agencies that may be affected by a particular facility. The authority shall have authority and control over all public transportation ferries within the bay area region, except those owned and operated by the Golden Gate Bridge, Highway and Transportation District. The planning, management, and operation of any existing or planned public transportation ferries and related facilities and services in the bay area region shall be consolidated under the authority's control, *subject to the adoption of the transition plan required by subdivision (b) of Section 66540.32. The authority shall not compel operational changes to water transportation services provided by public agencies on or before January 1, 2008, prior to the adoption of that transition plan.*

(b) Because of the importance of an orderly development of a comprehensive bay area region emergency water transportation system, the environmental, health, and public safety issues implicated, and the scarce resources available, the authority shall determine the entry within its jurisdiction of any water transportation service or facility that will

affect public lands or receive or benefit from the use of federal, state, or local funds, except those owned and operated by the Golden Gate Bridge, Highway and Transportation District.

(c) Nothing in this section shall be construed to be in derogation of the existing authority of the California Public Utilities Commission.

SEC. 2. Section 66540.11 of the Government Code is amended to read:

66540.11. (a) All public transportation ferries and related water transportation services and facilities within the bay area region shall be transferred to the authority in accordance with the transition plan required under subdivision (b) of Section 66540.32, except for the services and facilities owned, operated, and provided by the Golden Gate Bridge, Highway and Transportation District.

(b) The authority may accept the transfer of ownership, operation, and management of any other public transportation ferries and related water transportation services and facilities within the bay area region developed or adopted by any general purpose local government or special district that operates or sponsors water transit, including, but not limited to, those water transportation services provided under agreement with a private operator.

(c) All transfers pursuant to subdivision (a) and (b) shall be consistent with the transition plan required under subdivision (b) of Section 66540.32 and shall include, but not be limited to, all of the following:

(1) All real and personal property, including, but not limited to, all terminals, ferries, vehicles or facilities, parking facilities for passengers and employees, and buildings and facilities used to operate, maintain, and manage the water transportation services system.

(2) All personnel currently employed by the water transportation services system, subject to the provisions of Article 5 (commencing with Section 66540.55) of Chapter 5.

(3) All contracts with tenants, concessionaires, leaseholders, and others.

(4) All subsidies for the water transportation services system, other than the direct subsidy the Golden Gate Bridge, Highway and Transportation District currently provides to the water transportation services system it provides.

(5) All financial obligations ~~secured by revenues and fees~~ generated from the operations of the water transportation services system, including, but not limited to, bonded indebtedness and subsidies associated with the public transportation ferry system.

(d) In accepting a transfer, the authority may assume no financial obligations other than ~~those associated with the operation of the services and facilities being transferred to it.~~
the following:

(1) The financial obligations associated with the operation of the services and facilities being transferred to the authority.

(2) The costs, on a pro rata basis, associated with any long-term engine repowering or engine overhauling necessary to keep the vessels being transferred to the authority in working order.

(3) The costs associated with any dredging required prior to the transfer of ferry services to the authority.

(e) Reasonable administrative costs incurred by the other public transportation ferries and related water transportation services and facilities related to the transfer *required by this section or the implementation of this title* shall be borne by the authority.

SEC. 3. Section 66540.12 of the Government Code is amended to read:

66540.12. (a) The authority shall be governed by a board composed of five members, as follows:

(1) Three members shall be appointed by the Governor, subject to confirmation by the Senate. The Governor shall make the initial appointment of these members of the board within 10 days after the effective date of this title.

(2) One member shall be appointed by the Senate Committee on Rules.

(3) One member shall be appointed by the Speaker of the Assembly.

(b) Each member of the board shall be a resident of a county in the bay area region.

(c) If a ferry terminal collects at least 40 percent of the total receipts of the ferry system under the control of the authority, the city or public agency where that terminal is located shall have a representative on the board.

(e)

(d) Public officers associated with any area of government, including planning or water, whether elected or appointed, may be appointed to serve contemporaneously as members of the board. No local jurisdiction or agency may have more than one representative on the board of the authority.

(d)

(e) The Governor shall designate one member as the chair of the board and one member as the vice chair of the board.

(e)

(f) The term of a member of the board shall be six years

(f)

(g) Vacancies shall be immediately filled by the appointing power for the unexpired portion of the terms in which they occur.

SEC. 4. Section 66540.22 of the Government Code is amended to read:

66540.22. (a) The board shall supervise and regulate every water transportation services facility owned or operated or controlled by the authority, including the establishment of rates, rentals, charges, and classifications, and the making and

enforcement of rules, regulations, contracts, practices, and schedules, for or in connection with any transportation facility owned or operated or controlled by the authority.

(b) If the board proposes to change rates or schedules for or in connection with a facility described in subdivision (a), the board shall conduct a public hearing at least 60 days prior to adopting those changes. The hearing shall be located in the city where the ferry terminal affected by the proposed changes is located and the board shall do all of the following:

(1) Make copies of the proposed changes available to the public on the Internet at least 30 days prior to the public hearing.

(2) Provide written notification of the proposed changes to all major newspapers in the area affected by those changes at least 30 days prior to the public hearing. For purposes of this paragraph, "major newspaper" means a newspaper with a circulation rate of at least 10,000.

(3) Provide written notification of the proposed changes to the city where the ferry terminal affected by those changes is located at least 30 days prior to the public hearing.

SEC. 5. Section 66540.315 is added to the Government Code, to read:

66540.315. The authority may establish a community advisory committee to receive community and passenger recommendations related to consolidation and operational issues affecting existing and proposed water transportation services. The authority shall determine the composition of these committees.

SEC. 6. Section 66540.32 of the Government Code is amended to read:

66540.32. (a) The authority shall create and adopt, on or before July 1, 2009, an emergency water transportation system management plan for water transportation services in the bay area region in the event that bridges, highways, and other facilities are rendered wholly or significantly inoperable.

(b) (1) The authority shall create and adopt, on or before ~~January 1~~ July 1, 2009, a transition plan to facilitate the transfer of existing public transportation ferry services within the bay area region to the authority pursuant to this title. In the preparation of the transition plan, priority shall be given to ensuring continuity in the programs, services, and activities of existing public transportation ferry services.

(2) The plan required by this subdivision shall include all of the following:

(A) A description of the proposed expansion of ferry services in the bay area region and a description of any proposed changes to the operations of existing ferry services in the bay area region.

(B) An estimate of the costs to provide the services described in subparagraph (A) and available or proposed sources of revenue to meet those costs.

(C) A description of the proposed services, duties, functions, responsibilities, and liabilities of the authority and those of agencies providing or proposed to provide water transportation services.

(D) (i) To the extent the plan includes the transfer of ownership of any assets, including, but not limited to, vessels, personnel, terminals, and parking structures, a description of any compensation proposed to be made for the execution of those transfers.

(ii) For purposes of this subparagraph, the amount of compensation to be made shall be mutually agreed upon by the authority and the local agency. This agreement shall not be implemented until both the authority and the local agency pass a resolution in support of the agreement. The authority and the local agency shall provide notice of the agreement to the public within 30 days of reaching the agreement and shall pass the resolution within 60 days of reaching the agreement. If the authority and the local agency are unable to agree on an amount, the authority shall enter into an agreement with the local agency to arbitrate the controversy.

(E) A commitment to leverage or seek funding that supports the completion of existing or planned capital projects, as of January 1, 2008, that further the expansion, efficiency, or effectiveness of the ferry system.

(F) A description of how existing and expanded water transportation services will provide seamless connections to other transit providers in the bay area region, including, but not limited to, a description of how the authority will coordinate with all local agencies to ensure optimal public transportation services that support access to the ferry system for the immediate and surrounding communities.

(3) To the extent the plan required by this subdivision includes proposed changes to water transportation services provided by the City of Vallejo, those changes shall be proposed in a manner consistent with that city's general plan, its downtown and waterfront redevelopment plans, and its development and disposition agreements, including, but not limited to, the construction of the proposed Vallejo Station Joint Development Project, which includes a parking garage and a separate bus transfer facility.

(4) To the extent the plan required by this subdivision includes proposals for ferry maintenance facilities, the authority shall ensure that the existing ferry maintenance facility located on Mare Island remains in operation and that any plans for the improvement or expansion of the facility that have received funds on or before January 1, 2008, are completed.

*(c) In developing the plans described in subdivisions (a) and (b), the authority shall cooperate to the fullest extent possible with the Metropolitan Transportation Commission, the State Office of Emergency Services, the Association of Bay Area Governments, and the San Francisco Bay Conservation and Development Commission, and shall, to the fullest extent possible, coordinate its planning with local agencies, including those local ~~agencies~~ *agencies* that operated, or contracted for the operation of, public water transportation services as of the effective date of this title. – To avoid duplication of work, the authority shall make maximum use of data and information available from the planning programs of the Metropolitan Transportation Commission, the State Office of Emergency Services, the Association of Bay Area Governments, the San Francisco Bay Conservation and Development Commission, the cities and counties*

in the San Francisco Bay area, and other public and private planning agencies. In addition, the authority shall consider both of the following:

(1) The San Francisco Bay Area Water Transit Implementation and Operations Plan adopted by the San Francisco Bay Area Water Transit Authority on July 10, 2003.

(2) Any other plan concerning water transportation within the bay area region developed or adopted by any general purpose local government or special district that operates or sponsors water transit, including, but not limited to, those water transportation services provided under agreement with a private operator.

(d) The authority shall prepare a specific transition plan for any transfer not anticipated by the transition plan required under subdivision (b).

~~(e) At least 45 days prior to adoption of~~ Prior to adopting the plans required by subdivisions ~~(a) and (b)~~ this section, the authority shall ~~provide~~ do both of the following:

~~(1) Provide a copy of the plan adopted pursuant to subdivision (a) and the plan adopted pursuant to subdivision (b) plans to each city and county in the bay area region. Any of these at least 90 days prior to adopting the plans in order to allow those cities or counties may to provide comments on these the plans to the authority.~~

~~(2) Conduct a public hearing at least 60 days prior to adopting the plans in each city where an operational ferry terminal existed on January 1, 2008. For purposes of the public hearing required by this paragraph, the board shall do both of following:~~

~~(A) Make copies of the plans available to the public on the Internet at least 30 days prior to the public hearing.~~

~~(B) Provide written notification of the plans to all major newspapers in the city where the hearing will occur at least 30 days prior to the public hearing.~~

~~(f) Prior to amending any of the plans adopted pursuant to this section, the authority shall do both of the following:~~

~~(1) At least 90 days prior to adopting the amendments, provide a copy of the amendments to each city and county affected by the amendments in order to allow those cities and counties to provide comments on the amendments to the authority.~~

~~(2) Conduct a public hearing at least 60 days prior to adopting the amendments in each city affected by the amendments. For purposes of the public hearing, the board shall do both of the following:~~

~~(A) Make copies of the amendments available to the public on the Internet at least 30 days prior to the public hearing.~~

~~(B) Provide written notification of the amendments to all major newspapers in the city where the hearing will occur at least 30 days prior to the public hearing.~~

~~(g) For purposes of this section, "major newspaper" means a newspaper with a circulation rate of at least 10,000.~~

SEC. 7. Section 66540.68 of the Government Code is amended to read:

66540.68. (a) This article does not apply to any employees of the authority in a bargaining unit that is represented by a labor organization, except as to the protection of the rights of those employees that were employees of the San Francisco Bay Area Water Transit Authority as specifically provided in Section 66540.56.

(b) The adoption, terms, and conditions of the retirement systems covering employees of the authority in a bargaining unit represented by a labor organization shall be pursuant to a collective bargaining agreement between that labor organization and the authority. Any such retirement system adopted pursuant to a collective bargaining agreement shall be on a sound actuarial basis. The authority and the labor organization representing the authority's employees in a bargaining unit shall be equally represented in the administration of that retirement system.

(c) (1) The authority shall assume and be bound by the terms and conditions of employment set forth in any collective bargaining agreement or employment contract between the San Francisco Bay Area Water Transit Authority and any labor organization or employee affected by the creation of ~~that~~*the* authority, as well as the duties, obligations, and liabilities arising from, or relating to, labor obligations imposed by state or federal law upon the San Francisco Bay Area Water Transit Authority.

(2) *The authority shall assume and be bound by the terms and conditions of employment set forth in any collective bargaining agreement or employment contract between any entity, whether public or private, whose services the authority directly assumes, and any labor organization or employee affected by the assumption of those services.*

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

~~SECTION 1. Section 66540.4 of the Government Code is amended to read:~~

~~66540.4. There is hereby established the San Francisco Bay Area Water Emergency Transportation Authority as a local governmental entity of regional government with jurisdiction extending throughout the bay area region.~~

~~SEC. 2. Section 66540.5 of the Government Code is amended to read:~~

~~66540.5. The authority shall have the authority to plan, manage, operate, and coordinate the emergency activities of all water transportation and related facilities within the bay area region, except those provided or owned by the Golden Gate Bridge, Highway and Transportation District. During a state of war emergency, a state of emergency, or a local emergency, as described in Section 8558, the authority, in cooperation with the State Office of Emergency Services, the United States Coast Guard, the Federal Emergency Management Agency, and the Metropolitan Transportation Commission, shall coordinate the emergency activities for all water transportation services in the bay area region and,~~

~~for those purposes, shall be known as the Bay Area Maritime Emergency Transportation Coordinator.~~

City of Vallejo
proposed amendments to SB 976

	Issue	reference in 976	Request	Negotiations w/ WETA	Address in clean-up legislation	additional information/ notes
Representation/ Community Participation						
1	Local representation on the WETA Board.	66540.12	A City of Vallejo representative on WETA Board		X	amend Section 66540.12 to include a requirement that at least one member appointed to the WETA Board shall have been nominated by the City of Vallejo.
2	Community (local) participation in future WETA decisions.	66540.22 66540.32(e)	local hearings on proposed changes to fares or schedules; make available copies of required plans (transition and system management) at least 90 days prior to adoption and hold at least one noticed public hearing on the proposed plans in Vallejo and/or Solano.		X	Amend Section 66540.22 to require noticed public hearings on proposed changes to fares or schedules be held in communities with an operational ferry system on January 1, 2008; amend section 66540.32(e) to require copies of plans (transition and system management) be made available at least 90 days prior to adoption and that WETA hold at least one noticed public hearing in Vallejo and/or Solano county prior to adoption.
Capital Assets, Real and Personal Property/ Out of Pocket Expenses						
Fair and equitable compensation for:						
3	Boats, docking facilities and equipment as well as all related facilities to be transferred to (or used by) WETA.	66540.11(b) 66540.37	A one time payment for the four high speed ferries, ferry docks and related facilities	X	X	amend sections 66540.11(b) and/or 66540.37 to provide for one time payment to the City for the boats, docks and related equipment.
4	Reimburse prior General Fund contributions to the Transportation Fund (city would have been able to reimburse itself over time were it not for SB 976).	66540.11(c)(5)	One Time Payment	X	X	modify section 66540.11(c)(5) to make it clear that to reimbursement of the City's Transportation Fund (enterprise fund) is an eligible "financial obligation" of the city and reimbursable by WETA
5	Reimbursement for out of pocket expenses incurred in conjunction with implementing SB 976.	66540.11(e)	One Time Payment	X	X	modify section 66540.11(e) to make it clear that "reasonable administrative costs"
6	Existing and planned parking for ferry patrons to be made available to WETA.		long term lease with WETA	X		
7	Ferry Maintenance Facility, ferry terminal and related equipment to be made available to WETA.		long term lease with WETA	X		

**City of Vallejo
proposed amendments to SB 976**

Ferry Operations	Issue	reference in 976	Request	Address in		additional information/ notes
				Negotiations w/ WETA	clean-up legislation	
6	Minimum Service Levels – maintenance of current service levels (schedules and fares).	66540.11(d) 66540.41 66540.42	provide legislative assurance and agreement w/ WETA related to notice and hearings on any changes to schedules or fares	X	X	Modify section 66540.42 to require public hearings related to any proposed service or fare changes be conducted within jurisdictions operating a ferry service on January 1, 2008.
8A	Operations and Maintenance Costs		Make it clear that costs associated with needed engine repowering, engine overhauls or dredging would be covered by WETA	X	X	Amend section 66540.11(d) to make it clear that costs associated with required routine or major maintenance (engine overhauls, repowering, etc.) would be an eligible financial obligation
9	Timing of transfer to WETA – no physical transfer of operations or assets until WETA is fully capable of operating ferry service (i.e. transfer should be transparent to riders).	66540.32	provide assurance that no physical transfer of the high speed ferries or other facilities will occur unless and until WETA is fully capable of operating service		X	Add a subsection to Section 66540.32 to require WETA to obtain concurrence from the operators of pre-existing ferry service (with ridership in excess of 600,000 passengers per year) that it is fully capable of operating service.
10	Reimbursement – City to be reimbursed for use of docking facilities, terminal building, parking facilities, security and other related facilities/ activities/ services through a ferry user fee.	66540.35	Reimburse the City's expenses related to operation and maintenance of the terminal building, parking structure and other related facilities through a "ferry user fee" and/or a "per parking space fee".	X		No legislative action required.
Planned Future Support Facilities/ Operations						
Vallejo Station Parking Garage						
11	City continues as lead with the Vallejo Station project.	66540.32	clarification that the city of vallejo will continue as lead agency on all matters related to design, construction and subsequent operation of the Vallejo Station Parking Garage and the proposed bus transfer facility.		X	amend section 66540.32 to provide that the City of Vallejo remains in the lead with all local development projects, including the Vallejo Station Garage project
12	Programmed funds (STIP, etc.) continue to accrue to the City.	66540.11(c)4	provide assurance that all federal, state and regional (RM2) funds currently programmed for the Vallejo Station project will not be diverted to WETA.		X	Section 66540.11(c)4

**City of Vallejo
proposed amendments to SB 976**

Issue	reference in 976	Request	Address in Negotiations w/ WETA	clean-up legislation	additional information/ notes
13 WETA to support City efforts to secure additional funding and to make WETA funding and bonding authority available for completion/expansion of the garage.		make \$50 to \$60 million in Proposition 1B bond money available to city; agreement w/ WETA with respect to bonding authority	X	X	

City of Vallejo
proposed amendments to SB 976

	Issue	reference in 976	Request	Address in		additional information/ notes
				Negotiations w/ WETA	clean-up legislation	
	Ferry Maintenance Facility					
14	Funding commitments to the City to remain unchanged. WETA to support City efforts to secure additional funding and to make WETA funding and bonding authority available for completion/ expansion of the facility.	66540.69	legislative assurance		X	
15	Operations (parking and maintenance facility)		legislative intent and agreement w/ WETA	X	X	Clarification
16	City to make parking, ferry terminal and maintenance facilities available to WETA through a negotiated fair market value lease.		long term lease	X		
17	Garage and other parking to be available to the city for other uses during off peak hours.		part of agreement - in long term lease?	X		
	Relationship to City Plans/ Joint Development					
18	WETA to honor the city's general plan, zoning, specific area plans, agreements, Development and Disposition Agreements, etc.	66540.32	legislative assurance		X	include language in Section 66540.32 to require WETA to acknowledge and honor the city's general plan, zoning, specific area plans, agreements, Development and Disposition Agreements, etc.
19	Joint development opportunities will continue to accrue to the benefit of the city and/or its redevelopment agency.	66540.32	legislative assurance		X	same as above
	Vallejo Feeder/ Supplemental Bus Service					
20	Funding for its bus operations shall not be compromised.	66540.11(c)(4)	legislative assurance		X	amend section 66540.11(c)(4) to make it clear that funds now used by the city of Vallejo to operate its bus system will not be transferred to WETA.
21	City to be reimbursed for costs associated with providing bus service to the ferries.		agreement w/ WETA	X		
22	WETA to contract with City for supplemental bus service (when ferry service not available or demand exceeds capacity)		agreement w/ WETA	X		

