

Bay Area Toll Authority Oversight Committee

October 9, 2019

Agenda Item 4d

BATA Resolution No. 131, Revised

Subject: Update to Membership of the Regional Measure 3 Independent Oversight Committee

Background: In June 2019, BATA adopted Resolution No. 131, establishing the Regional Measure 3 (RM3) Independent Oversight Committee. The California Streets and Highways Code Section 30923(h)(2) requires the Independent Oversight Committee to be composed of two representatives from each county within the jurisdiction of the Metropolitan Transportation Commission, to be appointed by the applicable county Board of Supervisors to serve a four-year term, limited to two terms.

On May 3, 2019, staff sent letters to the Boards of Supervisors of each county requesting the names of two individuals appointed to the Independent Oversight Committee. Revisions to Attachment A to BATA Resolution No. 131 reflect appointees named by county Boards of Supervisors to date (correspondence attached). This month, appointees are being added from Alameda, Contra Costa, Marin, San Mateo, and Santa Clara Counties.

According to statute, members of the committee cannot be current or former members or staff of MTC or BATA, current employees of an organization or person that has ever received funds from MTC or BATA, or previous employees or contractors of an organization or person that has ever received funds from MTC or BATA within one year of having worked for or contracted with that organization.

Issues: Regional Measure 3 is the subject of ongoing litigation. The committee will likely not meet until the litigation is resolved.

Recommendation: Refer BATA Resolution No. 131, Revised to the Authority for approval.

Attachments: BATA Resolution No. 131, Revised
Correspondence appointing committee members



Therese W. McMillan

Date: June 26, 2019
Referred by: BATA Oversight
Revised: 07/24/19-BATA
10/23/19-BATA

ABSTRACT

BATA Resolution No. 131, Revised

This resolution establishes the Regional Measure 3 Independent Oversight Committee, as set forth in Section 30923(h) of the California Streets and Highways Code and approved by voters on the June 5, 2018 ballot.

Attachment A to this Resolution was revised on July 24, 2019 to update appointees.

Attachment A to the Resolution was revised on October 23, 2019 to update appointees.

Further discussion of this resolution is contained in the BATA Oversight Committee Summary Sheets dated June 12, 2019, July 10, 2019, and October 9, 2019.

Date: June 26, 2019
Referred by: BATA Oversight

Re: Regional Measure 3 Independent Oversight Committee

BAY AREA TOLL AUTHORITY
RESOLUTION NO. 131

WHEREAS, on June 5, 2018, a special election was held in the City and County of San Francisco, and the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma (individually, each a “County” and, collectively, the “Counties”) to approve a toll increase of three dollars (\$3.00) phased in over time, including a one dollar (\$1.00) toll increase on January 1, 2019, a one dollar (\$1.00) toll increase on January 1, 2022, and a one dollar (\$1.00) toll increase on January 1, 2025, for vehicles traveling on the state-owned bridges located in the San Francisco Bay Area (“Regional Measure 3”); and

WHEREAS, on September 26, 2018, the Bay Area Toll Authority (“Authority”) adopted Resolution No. 126 accepting certified statements from the Registrar of Voters of the City and County of San Francisco and each of the Counties and observing that a majority of all voters voting on Regional Measure 3 at such special election voted affirmatively for Regional Measure 3; and

WHEREAS, on December 19, 2018, the Authority adopted Resolution No. 128 adopting a toll schedule phasing in the toll increase approved pursuant to Regional Measure 3, effective on January 1, 2019; and

WHEREAS, in accordance with subsection (h) of Section 30923 of the California Streets and Highways Code (“SHC”), the Authority shall, within six months of the effective date of the toll increase, establish an independent oversight committee, with specified composition and duties; now, therefore, be it

RESOLVED, that the Authority specifically finds and declares that the statements, findings and determinations of the Authority set forth in the preambles above are true and correct; and be it further

RESOLVED, that pursuant to SHC § 30923(h), the Authority hereby establishes the Regional Measure 3 Independent Oversight Committee (“Committee”); and be it further

RESOLVED, that the Committee shall annually review the expenditure of funds by the Authority for the projects and programs specified in SHC § 30914.7 and prepare and submit a report to the transportation committee of each house of the Legislature summarizing its findings, and that the Committee may request any documents from the Authority to assist the Committee in performing its functions; and be it further

RESOLVED, that pursuant to SHC § 30923(h)(2), the Committee shall include two representatives from each county within the jurisdiction of the Metropolitan Transportation Commission (the “Commission”), and each representative shall be appointed by the applicable county board of supervisors and serve a four-year term and be limited to two terms; and be it further

RESOLVED, that pursuant to SHC § 30923(h)(3), a representative appointed to the Committee shall not be a member, former member, staff, or former staff of the Commission or the Authority, shall not be employed by any organization or person that has received or is receiving funding from the Commission or the Authority, and shall not be a former employee or a person who has contracted with any organization or person that has received or is receiving funding from the Commission or the Authority within one year of having worked for or contracted with that organization or person; and be it further

RESOLVED, that the Committee roster, as appointed by the applicable county board of supervisors, is contained in Attachment A to this resolution; and be it further

RESOLVED, that the travel reimbursement rate and stipend policy for members of the Committee is contained in Attachment B to this resolution; and be it further

RESOLVED, that the Chair of the Authority, the Vice Chair of the Authority, the Executive Director, the Chief Financial Officer and other appropriate officers and staff of the Authority, are hereby authorized and directed, jointly and severally, for and in the name and on behalf of the Authority, to do any and all things that they deem necessary or advisable in order to effectuate the purposes of this Resolution in accordance with the terms hereof and of applicable provisions of law.

BAY AREA TOLL AUTHORITY



Scott Haggerty, Chair

The above resolution was entered into by the
Bay Area Toll Authority at a regular
meeting of the Authority held in San
Francisco, California, on June 26, 2019.

Regional Measure 3 Independent Oversight Committee Membership

| County | Member Name | Term Length | Term No. |
|---------------|--|-----------------------|----------|
| Alameda | Anu Natarajan | July 2019 – June 2023 | First |
| Alameda | William Harrison | July 2019 – June 2023 | First |
| Contra Costa | Nazanin Shakerin | July 2019 – June 2023 | First |
| Contra Costa | Kathy Chang | July 2019 – June 2023 | First |
| Marin | Kevin Hagerty | July 2019 – June 2023 | First |
| Marin | William McNicholas | July 2019 – June 2023 | First |
| Napa | <i>To be appointed by Board of Supervisors</i> | July 2019 – June 2023 | First |
| Napa | <i>To be appointed by Board of Supervisors</i> | July 2019 – June 2023 | First |
| San Francisco | <i>To be appointed by Board of Supervisors</i> | July 2019 – June 2023 | First |
| San Francisco | <i>To be appointed by Board of Supervisors</i> | July 2019 – June 2023 | First |
| San Mateo | Frederick A. Hansson | July 2019 – June 2023 | First |
| San Mateo | Pam Frisella | July 2019 – June 2023 | First |
| Santa Clara | Joanne Benjamin | July 2019 – June 2023 | First |
| Santa Clara | David Fung | July 2019 – June 2023 | First |
| Solano | Steve Lessler | July 2019 – June 2023 | First |
| Solano | William G. Jerry Hayes | July 2019 – June 2023 | First |
| Sonoma | <i>To be appointed by Board of Supervisors</i> | July 2019 – June 2023 | First |
| Sonoma | <i>To be appointed by Board of Supervisors</i> | July 2019 – June 2023 | First |

Travel Reimbursement Rate and Stipend for Members of the Regional Measure 3 Independent Oversight Committee

1. Individual members of the Regional Measure 3 Independent Oversight Committee (“Committee”) appointed by county boards of supervisors shall each be eligible to receive a stipend of \$50 per meeting of the Committee, as defined below, with a maximum of four meetings per year. Meetings are defined as publicly noticed meetings or subcommittee meetings of the Committee.
2. Members of the Committee may be reimbursed for actual travel expenses, as defined below, for a maximum of four meetings per year.
3. The mileage reimbursement rate is the rate allowable by the Internal Revenue Service when a personal vehicle is used. Related bridge tolls, parking fees and actual expenses for use of public transit will be reimbursed.

All requests for stipend and reimbursement of expenses shall be submitted quarterly to the Committee staff liaison and processed according to the procedures established by MTC's Executive Director.

The MTC Deputy Executive Director, Policy shall administer this Attachment B. Any questions regarding its application shall be decided by the Deputy Executive Director, Policy whose decision shall be final.



CLERK, BOARD OF SUPERVISORS

Therese W. McMillan
Executive Director
Bay Area Toll Authority
Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, CA 94105

Dear Ms. McMillan:

On behalf of the Alameda County Board of Supervisors, this letter appoints the following individuals to the Regional Measure 3 Independent Oversight Committee, per your request dated May 3, 2019:

- Anu Natarajan, appointed on 7/23/19
- William Harrison, appointed on 7/23/19

This letter also certifies that the above-named individuals are eligible to serve on the committee according to the restrictions listed in California Streets and Highways Code Section 30923(h)(3), which states:

“A representative appointed to the oversight committee shall not be a member, former member, staff, or former staff of the commission or the authority, shall not be employed by any organization or person that has received or is receiving funding from the commission or the authority, and shall not be a former employee or a person who has contracted with any organization or person that has received or is receiving funding from the commission or the authority within one year of having worked for or contracted with that organization or person.”

If you have any questions, please contact me at (510) 272-3898.

Sincerely,

Anika Campbell-Belton
Clerk of the Board
Alameda County

The Board of Supervisors

County Administration Building
651 Pine Street, Room 106
Martinez, California 94553-1293

John Gioia, 1st District
Candace Andersen, 2nd District
Diane Burgis, 3rd District
Karen Mitchoff, 4th District
Federal D. Glover, 5th District

Contra Costa County



David Twa
Clerk of the Board
and
County Administrator
(925) 335-1900

Ms. Therese McMillan
Executive Director
Metropolitan Transportation Commission
375 Beale St., #800
San Francisco, CA 94105

August 26, 2019

Subject: Contra Costa County Appointments for the Regional Measure 3 Independent Oversight Committee

Dear Ms. McMillan:

On behalf of the Contra Costa County Board of Supervisors, this letter appoints the following individuals to the Regional Measure 3 Independent Oversight Committee, per your request dated May 4, 2019:

- Nazanin Shakerin
 - [REDACTED]
 - [REDACTED]
- Kathy Chang
 - [REDACTED]
 - [REDACTED]

This letter also certifies that Nazanin and Kathy are eligible to serve on the committee according to the restrictions listed in California Streets and Highways Code Section 30923(h)(3), which states:

"A representative appointed to the oversight committee shall not be a member, former member, staff, or former staff of the commission or the authority, shall not be employed by any organization or person that has received or is receiving funding from the commission or the authority, and shall not be a former employee or a person who has contracted with any organization or person that has received or is receiving funding from the commission or the authority within one year of having worked for or contracted with that organization or person."

If you have any questions on this action please don't hesitate to contact staff, John Cunningham, 925-674-7833, john.cunningham@dcd.cccounty.us

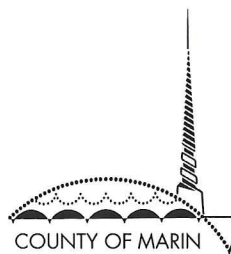
Sincerely,



John M. Gioia
Chair
Board of Supervisors

cc:

- John Kopchik, Department of Conservation and Development – Director
- Julie Enea, County Administrators Office – Senior Deputy County Administrator



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VICE PRESIDENT

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Diane Patterson

ASSISTANT CLERK OF THE BOARD

Marin County Civic Center

3501 Civic Center Drive

Suite 329

San Rafael, CA 94903

415 473 7331 T

415 473 3645 F

415 473 6172 TTY

August 26, 2019

Therese W. McMillan
Executive Director
Bay Area Toll Authority
Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, CA 94105

Dear Ms. McMillan:

On behalf of the Marin County Board of Supervisors, this letter appoints the following individuals to the Regional Measure 3 Independent Oversight Committee, per your request dated May 3, 2019:

- Kevin Hagerty
- William McNicholas

This letter also certifies that the above-named individuals are eligible to serve on the committee according to the restrictions listed in California Streets and Highways Code Section 30923(h)(3), which states:

"A representative appointed to the oversight committee shall not be a member, former member, staff, or former staff of the commission or the authority, shall not be employed by any organization or person that has received or is receiving funding from the commission or the authority, and shall not be a former employee or a person who has contracted with any organization or person that has received or is receiving funding from the commission or the authority within one year of having worked for or contracted with that organization or person."

Sincerely,

Kathrin Sears, President, Board of Supervisors

Therese W. McMillan
Executive Director
Bay Area Toll Authority
Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, CA 94105

Dear Ms. McMillan:

On behalf of the San Mateo County Board of Supervisors, this letter appoints the following individuals to the Regional Measure 3 Independent Oversight Committee, per your request dated May 3, 2019:

- Frederick A. Hansson
- Pam Frisella

This letter also certifies that the above-named individuals are eligible to serve on the committee according to the restrictions listed in California Streets and Highways Code Section 30923(h)(3), which states:

“A representative appointed to the oversight committee shall not be a member, former member, staff, or former staff of the commission or the authority, shall not be employed by any organization or person that has received or is receiving funding from the commission or the authority, and shall not be a former employee or a person who has contracted with any organization or person that has received or is receiving funding from the commission or the authority within one year of having worked for or contracted with that organization or person.”

Carole Groom

Carole Groom, President, Board of Supervisors

Sept 18 2019

Date

County of Santa Clara

Office of the Clerk of the Board of Supervisors
County Government Center, East Wing
70 West Hedding Street
San Jose, California 95110-1770
(408) 299-5001



Megan Doyle
Clerk of the Board

September 19, 2019

Kimberley Ward
Clerk of the Committee
Metropolitan Transportation Commission
Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, CA 94105

Dear Ms. Ward:

Per your request dated May 3, 2019, this letter serves as notice that at the September 10, 2019 regular meeting of the Board of Supervisors of the County of Santa Clara (Item No. 75), the Board unanimously approved the appointments of the following individuals to the Metropolitan Transportation Commission (MTC) Regional Measure 3 Independent Oversight Committee:

- Joanne Benjamin
- David Fung

This letter also certifies that the above-named individuals are eligible to serve on the committee according to the restrictions listed in California Streets and Highways Code Section 30923(h)(3), which states:

“A representative appointed to the oversight committee shall not be a member, former member, staff, or former staff of the commission or the authority, shall not be employed by any organization or person that has received or is receiving funding from the commission or the authority, and shall not be a former employee or a person who has contracted with any organization or person that has received or is receiving funding from the commission or the authority within one year of having worked for or contracted with that organization or person.”

Megan Doyle
Clerk of the Board of Supervisors

BOARD OF SUPERVISORS & BOARDS AND COMMISSIONS

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The County of Santa Clara California

Board/Commission Appointment 98368

Approved
Sep 10, 2019 9:30 AM

Supervisor Simitian nominates:

Information

Department: Supervisor S. Joseph Simitian (Supervisory District Five)

Category: Appointment

Sponsors:

Attachments

[Printout](#)

Multiple Recommendations

- i. Joanne Benjamin for appointment to the Metropolitan Transportation Commission (MTC) Regional Measure 3 Independent Oversight Committee.
- ii. David Fung for appointment to the MTC Regional Measure 3 Independent Oversight Committee.

Meeting History

[Sep 10, 2019 9:30 AM Video](#)

**Board of
Supervisors**

Regular Meeting

Draft

RESULT: APPROVED [UNANIMOUS]
MOVER: Susan Ellenberg, Supervisor
SECONDER: Mike Wasserman, Supervisor
AYES: Mike Wasserman, Cindy Chavez, Dave Cortese, Susan Ellenberg, S. Joseph Simitian