



DRAFT MINUTES

San Francisco County Transportation Authority

Tuesday, November 8, 2022

1. Roll Call

Chair Mandelman called the meeting to order at 10:03 a.m.

Present at Roll Call: Commissioners Chan, Mandelman, Melgar, Preston, Peskin, Ronen, Safai, Stefani, and Walton (9)

Absent at Roll Call: Commissioners Dorsey and Mar (2)

2. Approve the Minutes of the October 25, 2022 Meeting - ACTION*

There was no public comment.

Commissioner Melgar moved to approve the minutes, seconded by Commissioner Walton.

The minutes were approved without objection by the following vote:

Ayes: Commissioners Chan, Mandelman, Melgar, Preston, Peskin, Ronen, Safai, Stefani, and Walton (9)

Absent: Commissioners Dorsey and Mar (2)

3. Community Advisory Committee Report - INFORMATION*

Jerry Levine, member of the Community Advisory Committee (CAC), reported that the CAC supported the five Prop K sales tax requests that were before the Board. With respect to the Brotherhood Way Safety and Circulation Project, the CAC hoped that there would be short-term safety improvements made, even while the planning project was underway, and suggested that staff include Park Merced and San Francisco State University students as part of the community engagement process.

Mr. Levine said that the CAC had a lengthy discussion about the School Access Plan and as part of that discussion, expressed a desire for additional outreach including another citywide virtual townhall. He said that as a result of CAC input, staff had extended the timeline for the School Access Plan survey and planned to hold a second virtual community meeting on November 14th.

There was no public comment.

4. Appoint Two Members to the Community Advisory Committee - ACTION

Commissioner Chan asked the Chair to continue the appointment of the District 1 CAC member to a future meeting since her intended nominee, David Klein recently withdrew his application because he had decided to spend more time with his family and become more actively involved in his son's school. Commissioner Chan thanked Mr. Klein for his service and stated that she appreciated his data driven and intellectual perspective. Hearing no objections, the Chair continued appointment of



a District 1 representative to a future meeting and invited staff to present.

Amelia Walley, Policy and Programming Analyst, presented the item.

Jerry Levine spoke to his interest and qualifications in being reappointed to the CAC.

Commissioner Stefani thanked Jerry Levine for his continued service, commended his qualifications, and said that she was very happy that he was willing to continue serving.

There was no public comment.

Commissioner Stefani moved to reappoint Jerry Levine to the CAC, seconded by Commissioner Safai.

The motion to reappoint Jerry Levine was approved without objection by the following vote:

Ayes: Commissioners Chan, Mandelman, Melgar, Preston, Peskin, Ronen, Safai, Stefani, and Walton (9)

Absent: Commissioners Dorsey and Mar (2)

5. Allocate \$941,758 in Prop K Funds and Appropriate \$175,516, with Conditions, for Five Requests - ACTION*

Prior to the staff presentation, Commissioner Chan discussed the San Francisco Municipal Transportation Agency's (SFMTA's) sales tax requests for Bike to Wherever Day 2023 and Bicycle Safety Education and Outreach. She recalled that Vice Chair Peskin and Commissioner Safai had voted against these grants the last time they were before the Board due to concerns about granting funds to a non-profit that provides support for elected candidates, including members of this body. She said that she supported these grants in the past as she had been unaware of any found evidence of campaign violations with respect to the organization's 501C3 status. Commissioner Chan continued by stating there was a current complaint against the Bicycle Coalition with the San Francisco Ethics Commission and that the Fair Political Practices Commission (FPPC) was investigating. She requested that these two requests be continued to allow the investigations to be completed and said that if the Bicycle Coalition were found in violation, that SFMTA as the direct grant recipient, would do an audit, take needed corrective actions, and ensure a firewall between the 501C3 and 501C4 entities.

Vice Chair Peskin stated that in his role as a member of the Board of Supervisors, he was working with the City Attorney on citywide legislation that would not allow the City and County of San Francisco from granting funds or otherwise doing business with 501C4s and if that were put into place, he would introduce the same policy at the Transportation Authority.

Commissioner Preston inquired if there was a legal concern related to the two subject requests.

Chair Mandelman responded that as a matter of collegial courtesy and to allow more time for the Board to review these issues, he was inclined to continue the requests.

Commissioner Preston asked about the impact of a delay in approving the two projects, noting it may take some time to investigate the legal issues conclude the



review.

Tilly Chang, Executive Director, responded that there were no significant impacts to her knowledge and ask staff to provide any additional information they may have.

Mr. Pickford commented that it would be understood from SFMTA that there would be no impacts to postponing the Bike to Wherever Day 2023 Sponsorship request, but a delay in approval of the Bicycle Safety and Education request could result in fewer classes being offered due to the upcoming contract expiration between SFMTA and the Bicycle Coalition.

John Knox White, Project Manager at SFMTA, clarified that the Bike to Wherever Day was a sponsorship with the 501C3 and not the 501C4. He confirmed that delay of funding for the bicycle classes request would result in a gap and likely fewer classes scheduled in spring, requiring coordination of make up classes in the summer.

Commissioner Preston observed that the City and County of San Francisco and the Transportation Authority contracted with 501C3s that are also 501C4s. He expressed appreciation for the issues being raised and also expressed concern regarding impacts of delay. He said he would support the proposed continuance to allow time for the Board to review but preferred to do so with a fixed end date so as not to interfere with the project timelines.

Commissioner Melgar commented that she shared Commissioner Preston's concern regarding the impact of the delay and supported established a fixed end date. She said that she had taken a few classes previously, and found it was important for a sense of safety and security for bicycling in the city and said that she would like to ensure these classes are available for people.

Chair Mandelman responded that the next opportunities to discuss the two projects would be at the November 15 or December 6 Board meetings.

Commissioner Walton expressed concern that funding an organization with political activities and ethics violations was an issue and funding to the organization should end.

Commissioner Peskin commented that the organization did not deny the allegations set forth in newspapers regarding contributions made to the organization for a political campaign that were presented as tax-deductible in violation of the law.

Commissioner Preston stated that the issue was not whether the proposed grants for the two bike projects were being used for political purposes as these were grants to the 501C3. He affirmed that if the Bicycle Coalition or any other organization was not maintaining boundaries between the 501C3 and 501C4, it would be a serious issue. He said he had not seen any evidence that the organization was using grants giving to the 501C3 for political activity or that that was what was alleged.

Commissioner Chan commented on Commissioner Preston and Commissioner Melgar's question regarding timing for returning to the Board. She said that an article published in the Standard on October 13th stated the complaint was under review by the FPPC and the Ethics Commission. The violations under review were whether the organization was using their 501C3 to raise funds for political campaigning activities and claiming the contributions were tax deductible. She said there were no confirmed findings as the investigation was pending. Commissioner Chan suggested either



waiting for the proposed findings to be made or, if SFMTA were willing, to conduct an independent audit of the Bicycle Coalition to ensure that the 501C3 had a clear firewall and followed any internal protocols and procedures recommended in audits for its 501C4, that it was not mixing staffing, campaign funds, etc. She said that SFMTA should be conducting this kind of audit for all non-profits that it funds.

Commissioner Walton commented that he had been a former Executive Director on an organization that received funding from the City and County of San Francisco. He stated he was not comfortable giving resources to an organization that participated in political activity and that was not aware of or fully understanding the required firewalls.

Chair Mandelman stated that his intention was to bring the Bike to Wherever Day and Bicycle Safety and Education projects for further discussion for those who wanted to vote on the two requests relatively soon, potentially on November 15th or December 6th. He said that if SFMTA could provide further analysis about how the money was being spent by that time it would be helpful. If not ready by those two dates, the Chair said the two bike requests could be scheduled for a future meeting. The Chair clarified that the Board would be able to hear from staff on the other three Prop K requests at this meeting.

Commissioner Walton asked why the body was trying to act on the allocations within a month before the results of the investigations were even known.

Commissioner Safai commented that he was not aware of the allegations and was not comfortable with voting up or down until they received further information.

Commissioner Preston echoed Commissioner Safai's comments and said he agreed with Chair Mandelman's proposed approach.

Commissioner Walton commented that he was aware that the organization participated in political activities and the Board should ensure that city funds were not being used for this.

Commissioner Mandelman continued the SFMTA's Bike to Wherever Day Sponsorship 2023 and Bicycle Safety and Education requests as noted earlier and invited staff to present on the BART Station Hearing Loops, Brotherhood Way Safety and Circulation Plan, and Beale Street Bikeway and Transit Lane projects.

Mike Pickford, Senior Transportation Planner and David Long, Transportation Planner presented on the three requests.

Commissioner Melgar commented on the Brotherhood Way Safety and Circulation Plan. She expressed gratitude to Director Chang for her engagement and active role with the Merced Extension Triangle Neighborhood Association. She commented how addressing the safety issues on Brotherhood Way was essential to help the people who lived there and people who may live there in the future as housing increased. She added that the area around San Francisco State University and the path between Daly City was crucial and yet, currently dangerous to traverse.

Commissioner Safai echoed Commissioner Melgar's comments and said he passed Brotherhood Way several times a day and the proximity of housing next to 19th Avenue and Holloway made for some difficult transitions and was neither pedestrian nor bike friendly. He said that there was a lot of opportunity in the area and



appreciated the study advancing.

Chair Mandelman expressed how he was also surprised by the significant increase in housing in the area since his childhood. He stated that pathways for people who walk and take other transportation modes was a necessary investment.

There was no public comment.

Commissioner Melgar moved to approve the item, seconded by Commissioner Safai.

The motion was approved without objection by the following vote:

Ayes: Commissioners Chan, Mandelman, Melgar, Preston, Peskin, Ronen,
Safai, Stefani, and Walton (9)

Absent: Commissioners Dorsey, Mar (2)

6. Execute Contract Renewals and Options for Various Professional Services in an Amount Not to Exceed \$1,025,000 - ACTION*

Cynthia Fong, Deputy Director of Finance and Administration, presented the item per the staff memorandum.

There was no public comment.

Commissioner Peskin moved to approve the item, seconded by Commissioner Melgar.

The motion was approved without objection by the following vote:

Ayes: Commissioners Chan, Mandelman, Melgar, Preston, Peskin, Ronen,
Safai, Stefani, and Walton (9)

Absent: Commissioners Dorsey and Mar (2)

Other Items

7. Introduction of New Items - INFORMATION

There were no new items introduced.

8. Public Comment

There was no public comment.

9. Adjournment

The meeting was adjourned at 10:50 a.m.