

**CITIZENS ADVISORY COMMITTEE
and
2000 MEASURE A CITIZENS WATCHDOG COMMITTEE**

Wednesday, February 13, 2008

MINUTES

1. CALL TO ORDER

The Regular Meeting of the Citizens Advisory Committee (CAC) was called to order at 4:31 p.m. by Chairperson Tebo, in Conference Room B-104, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

ROLL CALL

Members Present

Stephen Blaylock
Ellen Fletcher
Roberta Hughan
Robert Jacobvitz, Vice Chairperson

Judi Kirkham
Norman Kline
Charlotte Powers
Connie Rogers
Martin Schulter, Chairperson
Laura Stuchinsky
Noel Tebo

Members Absent

Don Burnett
Chris Elias
Ray Hashimoto
Gaye Morando
Margaret Okuzumi
Sally Probst

Representing

Mass Transit Users
Bicyclists
Santa Clara County
Building Owners and Managers Association (BOMA) –
Silicon Valley
South Bay AFL-CIO Labor Council
Pedestrians
City of San Jose
South County Cities
Disabled Persons
Silicon Valley Leadership Group
City of San Jose

Representing

West Valley Cities
Environmentalists
Building Industry Association
Santa Clara County Chamber of Commerce Coalition
North County Cities
Senior Citizens

A quorum was present.

2. ORDERS OF THE DAY

Chairperson Tebo deferred the following Item from the Agenda: **Agenda Item #8.**, Status Report on FY 2007 Audit from Independent Auditor.

Chairperson Tebo requested that the following Item be presented after Agenda Item #8., Status Report on FY 2007 Audit from Independent Auditor: **Agenda Item #12.**, 2000 Measure A Transit Improvement Program Semi-Annual Report – December 2007.

On order of Chairperson Tebo, there being no objection, the Committee accepted the Orders of the Day.

3. PUBLIC PRESENTATIONS

There were no Public Presentations.

4. Committee Staff Report

Jim Lawson, Senior Policy Advisor and Staff Liaison, provided a brief report highlighting: 1) February 1, 2008 Board of Directors Summit Meeting, 2) Board of Directors at their February 7, 2008 meeting approved the VTA's Sustainability Program, Green Republic, LLC, developer on the West San Carlos Joint Development Project, the Debt Reduction Fund Policies, and Proposition 1B Trade Corridors Improvement Fund for a new alignment of State Route 152, and 3) VTA Board of Directors received an update on the Governance Committee.

Mr. Lawson introduced Joseph Smith, Chief Financial Officer, to the Committee.

Member Stuchinsky arrived and took her seat at 4:40 p.m.

Member Fletcher referenced the January 9, 2008 Citizens Advisory Committee (CAC) Minutes, and inquired why there was less discussion noted in the Committee minutes. Member Fletcher recommended that VTA's Sustainability Program encourage bicycle and walkability.

Mr. Lawson responded that VTA's Board of Directors are implementing changes on how the Committee and Board minutes are written as well as the role and responsibilities of the Committees to improve communications and reporting to the Board of Directors.

Chairperson Tebo stressed the importance for VTA's Advisory Committees to be invited to attend and participate in Board events, such as the Board Summit.

5. Chairperson's Report

Chairperson Tebo stressed the importance for Committee Members to attend and participate in Committee meetings and urged members to notify staff in the event that they are unable to attend. Chairperson Tebo noted that Member Okuzumi was unable to attend due to a schedule conflict and Member Probst due to health issues.

Vice Chairperson Jacobvitz requested that the 2008 CAC Roster with members contact information be distributed to the Committee. Mr. Lawson responded that the information will be distributed; however, recommended that members contact the Board Office instead of other members to ensure that the Committee remain in compliance with the Brown Act by not participating in communications with other members by email or telephone, which could potentially appear to be a violation of the Brown Act.

Chairperson Tebo reported that Member Elias has requested a temporary attendance waiver due to a family health care issue of up to six meetings beginning with February 13, 2008.

Chairperson Tebo reported that a member may request a temporary attendance waiver for significant reasons by providing a written request to the Office of the Board Secretary prior to the fourth absence. The written request must indicate the reason for the temporary attendance waiver and the expected duration of absence.

The Chairperson will consider the request and consult with the Committee Staff Liaison then make a decision to grant or deny the waiver. The requestor or any Committee Member may appeal the Chairperson's decision to the Committee. If appealed, the decision will be made by Committee vote at the next scheduled meeting.

On order of Chairperson Tebo, there being no objection, the Committee accepted the decision to grant Member Elias the temporary attendance waiver for six meetings beginning February 13, 2008.

BUSINESS REFERRED TO COMMITTEE BY THE BOARD OF DIRECTORS/ GENERAL MANAGER

COMBINED CAC AND 2000 MEASURE A CITIZENS WATCHDOG COMMITTEE CONSENT AGENDAS

6. Minutes of January 9, 2008

M/S/C (Kline/Rogers) to approve the Minutes of January 9, 2008.

7. Programmed Projects Quarterly Monitoring Report for October to December 2007

M/S/C (Kline/Rogers) to review the Programmed Projects Quarterly Monitoring Report for October to December 2007.

2000 MEASURE A CITIZENS WATCHDOG COMMITTEE REGULAR AGENDA

8. (Deferred)

Receive Status Report on FY 2007 Audit from Independent Auditor.

The Agenda was taken out of order.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.

12. 2000 Measure A Transit Improvement Semi-Annual Report – December 2007

Mark Robinson, Acting Chief Engineering and Construction Officer, provided a brief progress report highlighting: 1) Completed 65 percent of the first phase of the Caltrain Double Tracking Project to Gilroy; 2) Completed a list of priorities for Caltrain Capital Needs, including the Blossom Hill Pedestrian Overcrossing, Safety Enhancements, and Mountain View Parking; 3) Completed 65 percent on Capitol Expressway Light Rail to Eastridge; 4) Proceeding through the 65 percent Engineering Phase on the BART Extension to Silicon Valley; 5) Refunded 2006 Sales Tax Revenue Bonds Series F & G with Measure A 2007 Series A Sales Tax Revenue Refunding Bonds on September 26, 2007; and 6) Swap an additional \$50.4 million in 2006 State Transportation Improvement Program (STIP) funds for an equivalent amount of 2000 Measure A Sales Tax funds.

On order of Chairperson Tebo, there being no objection, the Committee received the 2000 Measure A Transit Improvement Semi-Annual Report – December 2007.

9. Citizens Watchdog Committee Supplemental Report

Stephen Flynn, Senior Management Analyst, provided a brief report highlighting, the Committee's recommendation that a supplemental report summarizing the Board authorized efforts and expenditures to deliver the 2000 Measure A Program Projects prior to fiscal year 2006 be published on VTA's website and not published in local newspapers in order to reduce costs.

Mr. Flynn stated that the Committee will be notified via electronic mail and provided with the electronic link when the Supplemental Report is available on VTA's website.

M/S/C (Stuchinsky/Kline) to approve the content and format of CWC Supplemental Report for publication; and further, approve the publication strategy of placing the item on VTA's website.

10. Citizens Watchdog Committee (CWC) Duties, Responsibilities, and Limitations

Stephen Flynn, Senior Management Analyst, commented on the Committee's primary functions and responsibilities to review the 2000 Measure A expenditures to ensure that the funds are being spent in accordance with the intent of the ballot and to inform the Santa Clara County citizens on a regular basis on the Committee's conclusion on how the 2000 Measure A tax dollars are spent.

On order of Chairperson Tebo, there being no objection, the Committee received the report on the Citizens Watchdog Committee (CWC) Duties, Responsibilities, and Limitations.

11. Audit Process Subcommittee

Stephen Flynn, Senior Management Analyst, reported that Vavrinek Trine Day & Company, LLP (VTD), independent auditing firm, conducted the audit of Fiscal Year 2006 and 2007 on the 2000 Measure A Transit Improvement Program financial statements and records; however, the Committee recommended that an

independent auditing firm not under contract with VTA be hired to conduct the audit for Fiscal Year 2008.

Mr. Flynn commented that the Request for Proposal (RFP) process for the independent auditor is currently underway and the Committee will be informed of the final proposals received before the March 12, 2008 CAC Committee meeting.

M/S/C (Powers/Rogers) to approve the establishment of the ad hoc Audit Process Subcommittee to review and evaluate proposals on providing independent audit services to the Citizens Watchdog Committee and that will make a recommendation to the Committee on which form to select.

Members Kirkham, Schuler, and Blaylock volunteered to serve on the Audit Process Subcommittee.

M/S/C (Kline/Rogers) to approve the appointment to the Audit Process Subcommittee of Committee members that volunteer to serve on it the following members.

COMBINED CAC AND CITIZENS WATCHDOG COMMITTEE ITEMS

13. CAC and the 2000 Measure A Citizens Watchdog Work Plan

Member Rogers requested that the Fremont A's Ballpark Planning issue be agendized at a future Committee meeting when appropriate.

Member Powers recommended that the Facilitated Discussion on the Joint Policy Advisory Committee (PAC)/Citizens Advisory Committee (CAC) Workshop Topics be agendized after VTA Board of Directors conclude with crafting VTA's Vision and Mission Statement; and further, recommended that the Joint PAC/CAC Workshop Topics item be discussed without the PAC Committee members.

On order of Chairperson Tebo, there being no objection, the CAC and the 2000 Measure A Citizens Watchdog Work Plan was reviewed.

OTHER

14. Announcements

There were no Announcements.

15. ADJOURN

On order of Chairperson Tebo, there being no objection, the Meeting was adjourned at 5:50 p.m.

Respectfully submitted,

Michelle M. Garza, Board Assistant
VTA Board of Directors