

Date: \_\_\_\_\_ March 26, 2008

Committee Meeting Date: \_\_\_\_\_ April 9, 2008

Board Meeting Date: \_\_\_\_\_ N/A

**BOARD MEMORANDUM**

**ACTION ITEM**

**TO:** 2000 Measure A Citizens Watchdog Committee  
Santa Clara Valley Transportation Authority  
Board of Directors

**THROUGH:** Michael T. Burns  
General Manager

**FROM:** Jim Lawson  
Senior Policy Advisor

**SUBJECT:** Publication of Public Hearing Notice and Results of Independent Audit

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**RECOMMENDATION:**

Approve:

1. The content and format of the combined summary notice for publication in local newspapers notifying the public of the CWC's public hearing on May 7, 2008 and the results of the Independent Audit of the FY 2007 Measure A financial statements and records.
2. The content and format of the combined notice for placement on VTA's website notifying the public of the CWC's public hearing in May 7, 2008 and the results of the Independent Audit of the FY 2007 Measure A financial statements and records.
3. The publication strategy for publishing the combined notice in local newspapers.

**BACKGROUND:**

In November 2000, the voters in Santa Clara County approved Measure A, a 30-year half cent sales tax devoted to transit projects. The Measure A ballot mandated that an independent citizens watchdog committee, consisting of VTA's Citizens Advisory Committee (CAC), must:

- Review all 2000 Measure A expenditures.
- Have an audit conducted each fiscal year by an independent auditor to ensure tax dollars are being spent in accordance with the intent of this measure.
- Hold public hearings and issue reports "on at least an annual basis to inform Santa Clara County residents how the funds are being spent."
- Publish the results of the independent audit and the annual report in local newspapers.

On April 1, 2006 the Citizens Advisory Committee assumed its duties as the Citizens Watchdog Committee (CWC) for the 2000 Measure A program.

## **DISCUSSION:**

The 2000 Measure A ballot requires the Citizens Watchdog Committee to hold a public hearing annually to provide a forum for the community to give input to the Committee on the 2000 Measure A Program, the results of the annual independent audit, and on the annual report for the 2000 Measure A Program. The ballot also requires the CWC to publish the results of the annual independent audit in local newspapers.

At its March 12th, 2008 meeting, the Committee approved for its 2008 public hearing on FY 2007 public expenditures:

- (1) Conducting the hearing at its scheduled May 7, 2008 meeting in combination with the CAC meeting.
- (2) Having the May CAC meeting start at 5:30 PM and the CWC public hearing commence at 6:00 PM.
- (3) Holding the May CAC meeting/CWC public hearing at the County of Santa Clara Government Center (70 West Hedding Street) in Room 157.

### **Public Notice**

Submitted for Committee consideration is the combination public notice announcing both the public hearing on May 7<sup>th</sup> and the results of the independent audit of the FY 2007 Measure A financial statements and records. By combining into one ad what had been previously accomplished using two, significant savings on newspaper advertising will be realized.

**Attachment A** is the summary version intended for publication in local newspapers as required by the ballot. It indicates the information required by the ballot: (1) when and where the CWC's public hearing will be held; and (2) the results of the independent audit of the FY 2007 Measure A financial statements and records. It also indicates where additional information on each item can be found (for example, VTA's website).

**Attachment B** is the detailed version intended for placement on VTA's website. It contains detailed information on the public hearing process and the independent audit, including the history and background of the 2000 Measure A ballot and the 2000 Measure Transit Improvement Program. It will also contain photographs and links to other documents, including the comprehensive FY 2007 Measure A Financial Report and Independent Auditor's Report (also being considered by the Committee at its April meeting)..

In general, both versions of the public notice will prominently indicate the purpose, schedule and location of the public hearing. Both will also indicate where the public can access detailed information on the program (for example, online at VTA's website, at specified VTA facilities, public libraries, etc.). Both will indicate that accessible versions are available and that translator services will be available. They will also, for the members of the public unable to attend, specify the process and timeframe for submitting written comments to the Committee. The detailed version, however, will briefly describe the 2000 Measure A Program and its history and more fully explain the CWC's duties, requirements and limitations.

The primary goal is to have the summary version notify the public that the hearing is being held and the results of the audit while directing them to VTA's website for more information and a more robust explanation.

### **Publication Strategy**

The publication strategy determines in which general circulation newspapers in VTA's service area and on approximately which dates the public notice should be published.

It was previously determined that the Brown Act requires that the notice be publicly posted and published a minimum of 72 hours prior to the hearing. However, the Committee agreed that to provide every reasonable opportunity for the public to attend and provide input, the notice should be publicly posted and published in local newspapers as close to 21 days prior to the hearing as possible. The 21-day convention was utilized for the first CWC public hearing held in April 2007. If the Committee approves the publication strategy for the public hearing at its April meeting, the 21-days prior convention should be able to be met.

For the CWC's 2007 public hearing, the notice was published in the *San Jose Mercury News* and two non-English newspapers (*El Observador*, a Spanish-language newspaper and *Thoi Bao*, a Vietnamese-language newspaper). The public notice will also be prominently posted on VTA's website.

Staff recommends that for the 2008 meeting, the Committee use the same publication strategy it did for the 2007 hearing of publishing in the *Mercury News*, *El Observador* and *Thoi Bao*. This achieves a broad distribution of the information at a reasonable expense. If the Committee approves this publication strategy, the ads would most likely run during the week of April 13th - 19th.

Prepared by: Stephen Flynn, Sr. Management Analyst

**Public Hearing Notice**

Citizens Watchdog Committee on 2000 Measure A Program Expenditures

Results of the Independent Audit  
on FY 2007 2000 Measure A Program Expenditures

**PUBLIC HEARING:** The Citizens Watchdog Committee (CWC) for the 2000 Measure A Transit Sales Tax Program (“Measure A”) is holding a ballot-required Public Hearing on FY2007 Measure A expenditures to receive input from the community:

**Wednesday, May 7th, 2008, at 6:00 p.m.  
Room 157, County of Santa Clara Government Center  
70 West Hedding Street, San Jose, CA 95110**

This location is served by VTA Light Rail and Bus Lines 61, 62, 66, 180 and 181.

The public is encouraged to attend but for those unable, **written comments will be accepted until 5:00 p.m. on May 7th** by email to: [board.secretary@vta.org](mailto:board.secretary@vta.org) or by mail to: Office of the Board Secretary, 3331 N. First Street, Building B-2, San José, CA 95134-1927. Sign language services will be provided. If additional interpreter services are required, please contact VTA Customer Services at least five days prior to the meeting at (408) 321-2300, TDD (408) 321-2330.

Copies of Measure A Program documents and reports are available for public inspection from 8 a.m. to 5 p.m. weekdays at the Valley Transportation Authority (VTA) offices at 3331 N. First Street, San Jose, CA, in the Building B Lobby. They are also available for viewing at local public libraries and at VTA’s website: [www.vta.org](http://www.vta.org) (which includes accessible versions). Questions on the public hearing should be directed to: Stephen Flynn, Senior Management Analyst, at (408) 321-5720 or to [stephen.flynn@vta.org](mailto:stephen.flynn@vta.org).

**INDEPENDENT AUDIT:** Fulfilling its ballot-defined responsibilities, the CWC commissioned an audit of the Measure A Program financial records and statements for the period for Fiscal Year 2007 (July 1, 2006 – June 30, 2007). Vavrinek, Trine, Day & Company, LLP, independent certified public accountants, conducted the audit in accordance with generally accepted auditing standards for the U.S. They issued an unqualified or “clean” opinion on the financial activities of the Measure A Program and its basic financial statements. Copies of the audit results and other related reports are available at the locations stated above and at [www.vta.org](http://www.vta.org).

**DRAFT (for website - to include photos)      ATTACHMENT B**

**Notice of Public Hearing**

2000 Measure A Citizens Watchdog Committee  
on FY 2007 2000 Measure A Transit Improvement Program Expenditures  
Wednesday, May 7th, 2008, at 6:00 p.m.

**Public Notification**

Results of the Independent Audit  
on FY 2007 2000 Measure A Transit Improvement Program Expenditures

**PUBLIC HEARING**

The Citizens Watchdog Committee (CWC) for the 2000 Measure A Transit Sales Tax Program (“Measure A”) is holding a Public Hearing on Measure A expenditures for FY2007 to receive input from the community:

**Wednesday, May 7th, 2008, at 6:00 p.m.**  
**Room 157, County of Santa Clara Government Center**  
**70 West Hedding Street, San Jose, CA 95110**

This location is served by VTA Light Rail and Bus Lines 61, 62, 66, 180 and 181.

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**Background**

Measure A, approved by Santa Clara County voters in 2000, is a 30-year half cent sales tax devoted to improvement projects for the area’s public transit network. Measure A specified the Santa Clara Valley Transportation Authority (VTA) as the implementing authority and among the projects specified in the ballot are:

- Extend BART to Silicon Valley.
- Extend Light Rail from Downtown San Jose to the East Valley.
- Improve bus service in major bus corridors.
- Purchase zero-emission buses and construct service facilities.
- Provide connections from Mineta San Jose Airport to BART, Caltrain and VTA light rail.
- Construct a new Palo Alto Intermodal Transit Center.
- Increase Caltrain service and electrify from Palo Alto to Gilroy.

The Measure A ballot specified that the Citizens Watchdog Committee, comprised of the private citizens serving on VTA's Citizens Advisory Committee, must review all 2000 Measure A expenditures, have an independent audit conducted each fiscal year, hold public hearings and issue reports at least annually to inform Santa Clara County residents how the funds are being spent, and publish the results of the independent audit and the annual report in local newspapers and make them available to the public.

The VTA Board of Directors is responsible for implementation of the 2000 Measure A Program and for all policy-related decisions including the composition, implementation schedule and funding level of projects. The Citizens Watchdog Committee's responsibility is limited to reviewing 2000 Measure A expenditures to ensure funds are being spent in accordance with the intent of the ballot.

### **Reports and Additional Information**

Copies of Measure A Transit Improvement Program documents, including the Program's Annual Report for FY 2007 showing expenditures for both the period and cumulative for the program, are available for public inspection from 8 a.m. to 5 p.m. weekdays at the Valley Transportation Authority offices at 3331 North First Street, San Jose, CA, in the Building B Lobby. They are also available for viewing at local public libraries and at VTA's website: [www.vta.org](http://www.vta.org) (accessible versions are provided). A hard copy may be requested by writing to: VTA Office of the Board Secretary, 3331 N. First Street, Building B-2, San José, CA 95134-1927 or by emailing your request to: [board.secretary@vta.org](mailto:board.secretary@vta.org).

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### **Audit Results and Additional Information**

Copies of 2000 Measure A Transit Improvement Program documents and reports, including the results of the independent audit of the Measure A Program financial records and statements for Fiscal Year 2007, are available for public inspection from 8 a.m. to 5 p.m. weekdays at the Valley Transportation Authority offices at 3331 North First Street, San Jose, CA, in the Building B Lobby. They are also available for viewing at local public libraries and at VTA's website: [www.vta.org](http://www.vta.org) (accessible versions are provided). A hard copy may be requested by writing to: VTA Office of the Board Secretary, 3331 N. First Street, Building B-2, San José, CA 95134-1927 or by emailing your request to: [board.secretary@vta.org](mailto:board.secretary@vta.org).