

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

Wednesday, March 12, 2008

**MINUTES**

**1. CALL TO ORDER**

The Regular Meeting of the Citizens Advisory Committee (CAC) was called to order at 4:35 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  
Don Burnett  
Ellen Fletcher  
Ray Hashimoto  
Roberta Hughan  
Judi Kirkham  
Norman Kline  
Gaye Morando  
Margaret Okuzumi  
Charlotte Powers  
Connie Rogers  
Martin Schulter, Chairperson  
Laura Stuchinsky  
Noel Tebo

**Representing**

Mass Transit Users  
West Valley Cities  
Bicyclists  
Building Industry Association  
Santa Clara County  
South Bay AFL-CIO Labor Council  
Pedestrians  
Santa Clara County Chamber of Commerce Coalition  
North County Cities  
City of San Jose  
South County Cities  
Disabled Persons  
Silicon Valley Leadership Group  
City of San Jose

**Members Absent**

Chris Elias  
Robert Jacobvitz, Vice Chairperson  
  
Sally Probst

**Representing**

Environmentalists  
Building Owners and Managers Association  
(BOMA) –Silicon Valley  
Senior Citizens

**A quorum was present.**

**2. ORDERS OF THE DAY**

There were no Orders of the Day.

### **3. PUBLIC PRESENTATIONS**

There were no Public Presentations.

### **4. Committee Staff Report**

Stephen Flynn, Senior Management Analyst, provided a brief report highlighting: 1) Governor Schwarzenegger announced that VTA is set to receive \$12.1 million in state funding, which is part of \$394 million in Proposition 1B Bond Funding. VTA will use the funds toward design improvements along the Santa Clara/Alum Rock Corridor Project; 2) Board of Directors at their March 6, 2008 meeting approved the initial Valley Transportation Plan 2035 (VTP 2035) Project List for submittal to the Metropolitan Transportation Commission (MTC), reviewed the fund estimates for VTP 2035 and MTC's Transportation 2035 (T 2035), and reviewed the proposed Vision Policy Strategies for VTP 2035; and 3) announced the resignation of VTA Board Secretary Maria Marinos. Ms. Marinos will join the County of Santa Clara as the Chief Deputy Clerk of the Board of Supervisors.

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

Member Powers asked about the percentage allocation of funding the north will receive as compared to the south from the \$394 million in Proposition 1B Bond Funding. Mr. Flynn responded that he would get back to the Committee with the information.

Member Hashimoto arrived at the meeting and took his seat at 4:41 p.m.

### **5. Chairperson's Report**

The Citizens Advisory Committee and 2000 Measure A Citizens Watchdog Committee recognized and presented an award to Member Schuler for his outstanding contributions as the 2006 and 2007 Chairperson for the Citizens Advisory Committee and 2000 Measure A Citizens Watchdog Committee.

Chairperson Tebo commented on his attendance at the March 6, 2008 Caltrain Joint Powers Board (JPB) meeting, noting that the report from the Citizens Advisory Committee is a standard item on the agendas for the Caltrain JPB and SamTrans.

Chairperson Tebo commented on his attendance at the March 6, 2008 VTA Board of Directors meeting, noting that he extended an offer on behalf of the CAC as one of VTA's Advisory Committees to provide additional assistance to the Board of Directors.

Member Kline recommended that the Citizens Advisory Committee (CAC) Chairperson's Report be a standard item on VTA's Board of Directors Regular Meeting Agenda.

## **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 February 13, 2008**

M/S/C (Rogers/Powers) to approve the Minutes of February 13, 2008.

**7. (Removed from the Consent Agenda and placed on the Regular Agenda.)**

Proactive CMP Reviewed and Approved Projects Quarterly Status Report October 2007 through December 2007.

### **CITIZENS ADVISORY COMMITTEE REGULAR AGENDA**

**7. Proactive CMP Reviewed and Approved Projects Quarterly Status Report October 2007 through December 2007**

Member Burnett referenced the Lawson Lane Campus Construction Project Bicycle and Pedestrian Facilities on Page 26 of 28 and suggested that the access from San Tomas Aquino Creek trail be mentioned in the construction description. Mr. Flynn responded that the suggestion will be forwarded to staff for consideration.

M/S/C (Burnett/Rogers) to review the Proactive CMP Reviewed and Approved Projects Quarterly Status Report - October 2007 through December 2007.

**8. VTA Governance**

Scott Haywood, Policy and Community Relations Manager, provided a brief report highlighting, 1) Director Greg Sellers was asked to work with VTA staff and consultants to develop recommendations regarding VTA's governance for the Board's consideration; 2) Director Sellers provided a brief update on the governance activities and initial recommendations at the February 7, 2008 Board meeting; and 3) Director Sellers sent letters regarding a summary of the governance recommendations on February 15, 2008 to every Santa Clara County Mayor, VTA Board Member, and VTA Policy Advisory Committee (PAC) Member.

Mr. Haywood commented on the Governance Committee four proposed recommendations:

- Reconfigure the existing small city groupings and add one new group based on geographic proximity and population size to create "regions" within the County;
- Eliminate the concept of city rotation within the region. Each of the regions of the County will "select" their representative(s) to serve as a Director on the VTA Board;

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

- Regional representatives serving on the VTA Board will be encouraged to serve consecutive two-year terms or longer; and
- A process will be developed for selection of regional representatives on the VTA Board of Directors. Regional representatives serving as VTA Directors should have the required experience, qualifications, and time available in their term to serve a four-year term on the VTA Board.

Member Powers stressed the importance for the city groupings to meet on a regular basis to ensure there is communication between the groupings.

Member Kline queried about the selection process to determine the regional representative on the VTA Board. Mr. Haywood responded that the authority will rest with the city groupings.

Member Burnett stated that he would not support the recommendation and suggested that the Board look into the in-depth issues and changes that need to be made to make the governance of VTA functional.

Member Kline stated that the VTA Board lacks fairness and accountability, noting that the VTA Board often represents different areas of the County in non-proportional ways and is designed to place the interests of local cities above those with County transportation issues.

Member Kline expressed concern that the CAC and PAC were not provided with the opportunity to create a task force to review the information to develop a solution to VTA's governance issues.

Member Hashimoto stated that the attempt is a good starting place, but noted that there are many other factors needed in order to establish the governance solution. Member Hashimoto expressed concern that the solution to VTA's governance issues may take too long to develop and reduce the momentum.

Member Kirkham arrived at the meeting and took her seat at 5:25 p.m.

Member Hughan stated that the proposed recommendation is the first step to a solution and a good starting place.

Member Schulter expressed concern that the Governance Committee did not grant VTA's Advisory Committees the opportunity to provide advice on the governance issues and solution.

Member Blaylock stressed the importance for all of VTA's Advisory Committees to be equal and be given the opportunity to provide input on VTA's governance solution.

Member Stuchinsky stated that the proposed governance recommendation is the first step in the interim and allows more time for VTA's Committees and Board to weigh in with additional improvements to ensure that VTA's Board is effective.

Member Morando stressed the importance to create a task force to provide additional study on the development of VTA's governance solution.

Member Rogers stated that the proposed governance recommendation is a first step, but warrants additional review and consideration.

Member Powers concurred with Member Rogers comments and stressed the importance to recommend that the city groupings meet on a regular basis to maintain the integrity of the city groupings.

Member Okuzumi expressed concern that CAC is being asked to consider the first attempt of the governance proposal and moving forward with a recommendation without taking time to discuss the issues.

Member Fletcher stated that the proposed governance recommendation is unacceptable since the public was not allowed the opportunity to provide input. Member Fletcher expressed concern that a task force was not created to study the issues.

Member Kirkham expressed support of the creation of a CAC and PAC task force to review the governance issues. Member Kirkham stated that she was not ready to support the proposed recommendation or make a decision at this time.

Member Okuzumi stressed the importance that the governance issues are complex and require extensive discussion to determine a solution that has community consensus.

Member Kline recommended creation of a large task force comprised of the CAC and PAC members to discuss the governance issues to determine a solution.

**M/S/C (Schulter/Rogers)** on a vote of 13 Ayes to 0 Noes to 1 Abstention to decline the recommendation to amend the VTA Administrative Code based on the CAC members comments; and further, request that the Board of Directors take a holistic and strategic approach on the whole issue of governance and begin an interactive process with all appropriate community stakeholders. Member Powers abstained.

## **2000 MEASURE A CITIZENS WATCHDOG COMMITTEE REGULAR AGENDA**

### **9. Status Report on FY 2007 Audit from Independent Auditor**

Joseph Smith, Chief Financial Officer, introduced Leonard Dana, Auditor representing Vavrinek, Trine, Day & Company, LLP (VTD), a Certified Public Accounting Firm, who provided a brief report on FY 2007 Audit. Mr. Dana stated that the basic audit of the 2000 Measure A Transit Improvement Program has been completed.

Mr. Dana reported that VTA staff has included a separate section in the report with a history of all the receipts and expenditures for the 2000 Measure A Program. The Status Report on FY 2007 Audit will be presented at the April 9, 2008 Citizens Advisory Committee meeting.

**On order of Chairperson Tebo**, there being no objection, the Committee received the Status Report on FY 2007 Audit from Independent Auditor.

10. **Determine Meeting Schedule and Location for the Citizens Watchdog Committee (CWC) 2007 Annual Public Hearing**

Stephen Flynn, Senior Management Analyst, provided a brief report highlighting that the Committee had requested that the CWC Public Hearing be held in a centralized location accessible to mass transit in order to provide more opportunity for the public to attend and participate in the meeting.

Mr. Flynn reported that staff has secured Conference Room 157, County of Santa Clara Government Center located at 70 West Hedding Street for the May 7, 2008 Citizens Advisory Committee (CAC)/Citizens Watchdog Committee (CWC) Public Hearing.

**M/S/C (Stuchinsky/Powers)** to approve conducting the Public Hearing on the date of its scheduled May 7, 2008 Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) meeting; holding the hearing and the CAC meeting at the County of Santa Clara Government Center located at 70 West Hedding Street in Conference Room 157; and having the combined CAC/CWC meeting start at 5:30 p.m. with the CWC Public Hearing commencing at 6:00 p.m.

**COMBINED CAC AND CITIZENS WATCHDOG COMMITTEE ITEMS**

11. **CAC and the 2000 Measure A Citizens Watchdog Work Plan**

Chairperson Tebo referenced the CAC and 2000 Measure A Citizens Watchdog Work Plan and invited members to request items to be added for future consideration on the Committee Work Plan and Agenda. Member Blaylock requested that the new Bus Service and route changes are agendized at a future Committee meeting when appropriate.

Member Okuzumi requested that a status update on the Valley Transportation Plan 2035 Process be agendized when appropriate.

Chairperson Tebo requested an update on the Silicon Valley Rapid Transit (SVRT) BART Project be agendized when appropriate.

Member Stuchinsky requested the following items to be agendized when appropriate: education component on Regional Transportation Plan and an update on High Occupancy Lanes (HOT).

Member Powers requested a status report on audit of VTA by the State Auditor be agendized when appropriate.

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

**OTHER**

**12. Announcements**

There were no Announcements.

**13. ADJOURN**

**On order of Chairperson Tebo**, there being no objection, the Meeting was adjourned at 6:20 p.m.

Respectfully submitted,

Michelle M. Garza, Board Assistant  
VTA Board of Directors