

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

Wednesday, April 9, 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  
Robert Jacobvitz, Vice Chairperson  
(BOMA) –Silicon Valley  
Norman Kline  
Gaye Morando  
Commerce Coalition  
Margaret Okuzumi  
Charlotte Powers  
Connie Rogers  
Martin Schulter  
Laura Stuchinsky  
Noel Tebo, Chairperson

**Members Absent**

Chris Elias  
Judi Kirkham  
Sally Probst

**Representing**

Mass Transit Users  
West Valley Cities  
Bicyclists  
Building Industry Association  
Santa Clara County  
Building Owners and Managers Association  
  
Pedestrians  
Santa Clara County Chamber of  
  
North County Cities  
City of San Jose  
South County Cities  
Disabled Persons  
Silicon Valley Leadership Group  
City of San Jose

**Representing**

Environmentalists  
South Bay AFL-CIO Labor Council  
Senior Citizens

**A quorum was present.**

**2. ORDERS OF THE DAY**

Chairperson Tebo requested that the following Item be heard after **Agenda Item #14.**, CAC and the 2000 Measure A Citizens Watchdog Work Plan: **Agenda Item #10.**, Discuss further the proposal to modify the VTA Governance Structure.

Chairperson Tebo requested that the following Item be accepted as information: **Agenda Item #11.**, 2000 Measure A Program Financial Report for Fiscal Year 2007.

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

Member Kline arrived at the meeting and took his seat at 4:40 p.m.

### **3. PUBLIC PRESENTATIONS**

Carl Cilker, Owner of Cilker Orchards Apartments located near the Ohlone-Chynoweth Station, expressed concern regarding security, maintenance, and public facilities in the area. Mr. Cilker stressed the importance for VTA to increase security and implement better maintenance at the Ohlone-Chynoweth Station.

Member Stuchinsky arrived at the meeting and took her seat at 4:42 p.m.

Mr. Cilker stated that the owners of the apartment communities have hired security to assist with safety concerns and incidents in the area. Mr. Cilker expressed concern related to the coordination and ability of the local law enforcement jurisdictions assigned to the Ohlone-Chynoweth Station area.

Member Powers asked about the issues related to the coordination of the San Jose Police Department and Sheriffs Department. Mr. Cilker stated that VTA has two Deputy Officers to enforce the law on the light rail system and the Sheriffs Department is responsible for the stations. Mr. Cilker stated that it takes a long time for the Sheriffs Department to respond to incidents at the Ohlone-Chynoweth Station.

Upon inquiry from Vice Chairperson Jacobvitz, Mr. Cilker responded that he has forwarded the station issues to VTA, City of San Jose Vice Mayor David Cortese, and the Transit Planning and Operations (TPO) Committee. Mr. Cilker stated that VTA has responded to the station maintenance concerns, but the security and public facility issues are on-going.

Mr. Cilker stated that his presentation was to inform the Citizens Advisory Committee (CAC) of the concerns and issues at the Ohlone-Chynoweth Station. Chairperson Tebo forwarded Mr. Cilker's concerns to staff to be addressed.

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

Michael T. Burns, General Manager, provided a brief report highlighting: 1) Announced his appointment as Chairperson of the California Transit Association (CTA); 2) Introduced Yolanda Cruz, Assistant Board Secretary, and Joseph Smith, Chief Financial Officer; 3) Announced the retirement of VTA General Counsel, Suzanne Gifford. Kevin Allmand, Assistant Counsel, will serve as Acting General Counsel

effective April 4, 2008. VTA will initiate the process to hire a permanent replacement for the General Counsel position; 4) Noted increased challenges associated with funding for transportation and transportation infrastructure; 5) Noted several issues related to the Federal and State Budgets; 6) VTA running below budget on the sales tax revenues for the year but will manage VTA's Budget to accommodate for the reduction; 7) Board of Directors at their May 1, 2008 meeting will consider a support position for AB 1815 (Feuer); 8) Adopted the VTA Sustainability Program; 9) Commented on the proposed Governance Structure; 10) Revisions to VTA's Vision and Mission Statement; 11) Bus Ridership increased in February 2008 as compared to 2007; and 12) Commented on the April 25, 2008 Board of Directors Workshop meeting with updates on the Revenue and Expenditure Plan.

Michelle DeRobertis, Senior Transportation Planner, provided a brief report on the Draft 2008 Santa Clara Countywide Bicycle Plan, highlighting: 1) Countywide Bicycle Plan Process; 2) Purpose of the Countywide Bicycle Plan; 3) Goals, Policies, and Action Steps; and 4) Potential Capital Projects.

Member Okuzumi referenced the Mayfair Community Plan and offered to forward the information link to be considered in the Draft 2008 Santa Clara Countywide Bicycle Plan.

Jim Lawson, Senior Policy Advisor and Staff Liaison, provided a brief report highlighting: 1) Board of Directors at their April 3, 2008 meeting approved the TransLink ® Program, discussed the West San Carlos Project, and announced the Transit Career Ladder Program a joint grant between the Amalgamated Transit Union (ATU), VTA, and community colleges; 2) the State Audit; 3) thank you letter from Jack J. Collins, Former Chief Construction and Engineering Officer, to the CAC and 2000 Measure A Citizens Watchdog Committee.

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

Chairperson Tebo commented on the information received from Member Rogers on the Association of Bay Area Governments (ABAG) Political Roundtable notice on Land Use Target.

Chairperson Tebo referenced the Vasona Extension and inquired about the Union Pacific Railroad (UPRR) Right-of-Way (ROW). Chairperson Tebo inquired about the supply of rail laid out at the property and if the rail was for VTA's Extension Project or UPRR and if UPRR was working in coordination with VTA.

Vice Chairperson Jacobvitz stressed the importance and suggested that CAC Members be included on the distribution list to receive VTA meeting notices.

## **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 March 12, 2008**

M/S/C (Powers/Jacobvitz) to approve the Minutes of March 12, 2008.

7. **2008 Quarterly Attendance Report**

M/S/C (Powers/Jacobvitz) to accept the 2008 Quarterly Attendance Report.

**CITIZENS ADVISORY COMMITTEE REGULAR AGENDA**

8. **Updated VTA Vision/Mission Statements**

Greta Helm, Chief External Affairs Officer, reported that VTA's current Vision and Mission Statements were adopted in 1995 and have never been updated. Ms. Helm noted that there has been recurring discussions about the need to update VTA's Vision and Mission Statements.

The Hay Group Organizational and Financial Assessment noted that VTA's Vision and Mission Statements were overly broad and no longer appropriate given current and projected financial constraints and challenges facing VTA.

Ms. Helm reported that the Board of Directors and executive management participated at the February 1, 2008 Board Summit to discuss shared values and themes that should be considered to update VTA's Vision and Mission Statements. The information was shared with VTA staff and employees were asked to identify and prioritize their shared values in a survey conducted in March 2008.

Ms. Helm commented that VTA's Vision and Mission Statements were modified to place greater emphasis on the need to partner in VTA's efforts to deliver services effectively and within fiscal constraints. The following modified statements were based on Board discussion and the employee survey responses: "The Vision of the Santa Clara Valley Transportation Authority is to deliver transportation solutions that meet the evolving mobility needs of Santa Clara County." "The Mission of the Santa Clara Valley Transportation Authority is to partner in providing sustainable, community-focused transportation options that are innovative, and environmentally responsible, while promoting the vitality of our region."

Ms. Helm stated that the recommended modified VTA Vision and Mission Statements will be forwarded for consideration at the June 5, 2008 Board of Directors Meeting.

Member Kline recommended to remove the phrase "The Vision of the Santa Clara Valley Transportation Authority" and "The Mission of the Santa Clara Valley Transportation Authority" from the modified statements.

Member Kline suggested that the modified Vision Statement state, "Delivers public transportation solutions that meet the evolving needs of Santa Clara County."

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

Member Okuzumi expressed concern that the modified Vision Statement did not focus toward the future or on the transit side of the organization. She stressed the importance to use positive adjectives in the statement to attract riders to the system.

Member Fletcher suggested that the modified Vision Statement should emphasize on improving transit as a goal to make it more convenient for riders. She stressed the importance to emphasize bicycle and pedestrians projects.

Member Powers stressed the importance for the modified Vision Statement be affirmative and concise. Member Powers suggested that the modified Vision Statement state, "VTA delivers transportation solutions."

Member Schulter stated that a Vision Statement is a future approach where the organization wants to move and a Mission Statement is what the organization does.

Chairperson Tebo expressed concern that the Vision and Mission Statements appear to be identical. He stressed the importance for the Vision Statement to show the organization's goals for the future.

Member Kline suggested that the modified Mission Statement state, "Providing Safe Efficient Transportation System."

Member Hughan recommended changing "while" to "and" in the modified Mission Statement.

Member Blaylock stressed the importance to not limit to Santa Clara County area only.

Vice Chairperson Jacobvitz stated that the Vision is where the organization would like to be and the Mission is the goals of the how the organization will move forward.

Member Okuzumi encouraged staff to visit the Transportation and Land Use Coalition (TALC) website as a reference model for the Vision and Mission Statements.

Ms. Helm stated that the goal is to articulate to the public the qualities that are influencing the decision making through VTA's core values.

**On order of Chairperson Tebo**, there being no objection, the Committee discussed the Updated VTA Vision/Mission Statements.

## **9. Measure A Revenue and Expenditure Plan Update Process and Policy Guidance**

Jim Lawson, Senior Policy Advisor and Staff Liaison, reported that on November 2000 the voters in Santa Clara County approved the Measure A by 71 percent, which approved a ½ cent increase in the sales tax dedicated to a list of transportation projects on the ballot. Mr. Lawson stated that the new sales tax is for 30 years and began April 1, 2006.

Mr. Lawson commented that on June 15, 2006, the Board of Directors approved the 2000 Measure A Revenue and Expenditure Plan, which provided a roadmap to move the projects forward through the various stages of development.

Mr. Lawson reported that the adoption of a revised 2000 Measure A Revenue and Expenditure Plan will provide short-term direction for key decisions to be made on the following three projects: Silicon Valley Rapid Transit (SVTR) Project, the Downtown East Valley Light Rail Extension to Eastridge Mall, and the Caltrain South County Project.

Mr. Lawson commented that the Measure A Revenue and Expenditure Plan Update Process has three critical elements:

- Development of Policy Guidance – VTA Transit Sustainability Policy, the Metropolitan Transportation Commission (MTC) Regional Transportation Plan Policy, and the VTA Vision Statement, which is currently being modified;
- Revised Financial Model; and
- Portfolio of Plans, which will include different assumptions about new revenue sources and timing of project delivery.

Mr. Lawson stated that VTA recommends that the Plans address the following four revenue scenarios:

- No New Revenue;
- Valley Transportation Plan 2035 (VTP 2035) Revenue;
- 1/8 cent sales tax; and
- ¼ cent sales tax.

Mr. Lawson stated that VTA staff has outlined the following schedule that includes the time points for information and discussion for the Committees and Board of Directors:

- April 3, 2008 Board of Directors Meeting – Introduction of Plan Update Process and proposed Policy Guidance;
- April 25, 2008 Board of Directors Workshop – Update on Measure A Projects, Discussion of Policy Guidance, Description of Financial Planning Tool, and Financial Plan Update;
- May 15, 2008 Committee Meetings – Discussion of Policy Guidance;
- June 5, 2008 Board of Directors Meeting - Adoption of Policy Guidance, and Direction on the development of a Portfolio of Plans and related analysis;
- August 7, 2008 Board of Directors Meeting – Presentation of results of the Portfolio of Plans and Discussion of Plan;
- August 21, 2008 Committee Meetings – Discussion of Portfolio of Plans and recommendations; and
- September 4, 2008 Board of Directors Meeting – Approval of Revenue and Expenditure Plans and Direction on near-term projects' phases.

Member Kline stressed the importance for the CAC Committee to be involved early in the process and provide feedback to the Board of Directors.

**On order of Chairperson Tebo**, there being no objection, the Committee received the Report on the Measure A Revenue and Expenditure Plan Update Process and Policy Guidance.

**10. (Placed after Agenda Item #14 on the Agenda.)**

Discuss further the proposal to modify the VTA Governance Structure.

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

### **11. 2000 Measure A Program Financial Report for Fiscal Year 2007**

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 VTD has audited the 2000 Measure A Program's financial records and financial statements.

Mr. Dana reported that VTD has issued an unqualified opinion on the 2000 Measure A Program's financial statements. The audit report states that the Program's financial statements present fairly in all respects and the changes in financial position of the Program for the year ended in conformity with principles generally accepted in the United States of America.

Mr. Dana reported that there were no reportable conditions or material weaknesses in internal control procedures. The Independent Auditor's Report, the 2000 Measure A Program's financial statements, and the financial statements are contained in the Financial Section of the 2000 Measure A Program Financial Report Fiscal Year Ended June 30, 2007.

Jim Lawson, Senior Policy Advisor and Staff Liaison, stated that the 2000 Measure A Program Financial Report for Fiscal Year 2007 will be forwarded for consideration at the May 7, 2008 Citizens Advisory Committee meeting.

**On order of Chairperson Tebo**, there being no objection, the Committee received the 2000 Measure A Program Financial Report for Fiscal Year 2007.

### **12. Information On and Requirements for Public Hearing Process**

Stephen Flynn, Senior Management Analyst, provided a brief report highlighting that the Measure A Ballot mandated that the Citizens Watchdog Committee (CWC) must:

- Review all 2000 Measure A Expenditures;
- Conduct an audit each fiscal year by an independent auditor to ensure tax dollars are spent in accordance with the intent of the 2000 Measure A Ballot;
- Conduct public hearings and issue reports "on at least an annual basis 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.

Mr. Flynn commented that the public notice will indicate the purpose of the public hearing and briefly describe the 2000 Measure A Program and the history. The notice will indicate where the public can access detailed information on the program, that translator services will be available at the hearing, a transcript of the proceedings

prepared by a court reporter, and an audio recording of the hearing will be available within a reasonable timeframe following the hearing.

**On order of Chairperson Tebo**, there being no objection, the Committee received the Information On and Requirements for Public Hearing Process.

**13. Publication of Public Hearing Notice and Results of Independent Audit**

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 the combined CAC/CWC meeting and Public Hearing is scheduled on May 7, 2008 at the County of Santa Clara Government Center located at 70 West Hedding Street in Conference Room 157. The public notice announcing the public hearing and the results of the independent audit of the Fiscal Year 2007 Measure A Financial Statements and Records will be published in the Mercury Newspaper, El Observador, and Thoi Bao and available on VTA's website.

**M/S/C (Stuchinsky/Fletcher)** to approve 1) 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; and 3) the publication strategy for publishing the combined notice in local newspapers.

Member Blaylock left the meeting at 6:30 p.m.

**COMBINED CAC AND CITIZENS WATCHDOG COMMITTEE ITEMS**

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

Member Powers requested an update on the security, maintenance, and San Jose Police Department and Sheriffs Department jurisdiction issues at the Ohlone-Chynoweth Station 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.

**13. Publication of Public Hearing Notice and Results of Independent Audit (continued)**

**M/S/C (Stuchinsky/Rogers)** to recommend that the May 7, 2008 combined CAC/CWC meeting start at 5:00 p.m. with the CWC Public Hearing commencing at 6:00 p.m.

**10. Discuss further the proposal to modify the VTA Governance Structure**

Member Okuzumi recommended that the discussion on the proposal to modify the VTA Governance Structure be deferred until after the State Audit report is released.

**On order of Chairperson Tebo**, there being no objection, the Committee deferred the discussion on the proposal to modify the VTA Governance Structure.

## **OTHER**

### **15. Announcements**

There were no Announcements.

### **16. ADJOURN**

**On order of Chairperson Tebo**, there being no objection, the meeting was adjourned at 6:40 p.m.

Respectfully submitted,

Michelle M. Garza, Board Assistant  
VTA Board of Directors