

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

August 13, 2008

**MINUTES**

**CALL TO ORDER**

The Regular Meeting of the Citizens Advisory Committee (CAC) was called to order at 4:36 p.m. by Chairperson Tebo, in Conference Room B-104, VTA River Oaks Campus, 3331 North First Street, San Jose, California.

**1. ROLL CALL**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Stephen Blaylock	CAC Member	Present	4:40 p.m.
Bena Chang	CAC Member	Present	4:50 p.m.
Chris Elias	CAC Member	Present	4:40 p.m.
Ellen Fletcher	CAC Member	Present	
Ray Hashimoto	CAC Member	Present	4:45 p.m.
Roberta Hughan	CAC Member	Present	
Robert Jacobvitz	CAC Vice Chair	Absent	
Norman Kline	CAC Member	Present	
Gaye Morando	CAC Member	Absent	
Margaret Okuzumi	CAC Member	Present	
Charlotte Powers	CAC Member	Present	
Sally Probst	CAC Member	Absent	
Connie Rogers	CAC Member	Present	
Martin Schulter	CAC Member	Absent	
Noel Tebo	CAC Chair	Present	

**A quorum was not present and a Committee of the Whole was declared.**

**2. ORDERS OF THE DAY**

Chairperson Tebo noted that Agenda Item # 10., Update on State Route 85 and U.S. 101 High Occupancy Toll (HOT) Lanes Preliminary Engineering would be presented after Agenda Item # 12., State Auditor Report.

**3. PUBLIC PRESENTATIONS**

Rob Means, Sunnyhills Neighborhood Association, requested the opportunity to provide a presentation on Personal Rapid Transit (PRT) Crossing of Railroad Track in Milpitas at a future Citizens Advisory Committee (CAC) meeting.

Members Blaylock and Elias took their seats at 4:40 p.m.  
and a quorum was declared.

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

##### **Report from the General Manager**

Michael T. Burns, General Manager, reported that at the August 7, 2008 Board of Directors meeting, the Board approved placing a measure on the November ballot asking residents to approve a one-eighth Cent Sales Tax increase to fund operating and maintenance expenses for the BART extension to Santa Clara County.

Member Hashimoto took his seat at 4:45 p.m.

Mr. Burns provided a brief report highlighting the one-eighth Cent Sales Tax Measure:

- VTA must demonstrate to the Federal Transit Administration (FTA) that it has a dedicated source of funds to operate the BART Extension Project without eroding existing bus and light rail service levels, in order to receive federal funds to build the BART extension;
- The proposed one-eighth Cent Sales Tax increment would be dedicated to the BART Extension Project, and would not be levied until VTA secures state and federal funds to match the local funds coming from the 2000 Measure A Program, which is necessary to reenter the federal New Starts Program; and
- Upon reentering the New Starts Program, the BART Extension Project must satisfy additional criteria before a full funding agreement is executed.

Member Chang took her seat at 4:50 p.m.

Mr. Burns reported that the Bureau of State Audits (BSA) released its report on VTA on July 31, 2008. The BSA report validates the Hay Group Organizational and Financial Assessment recommendations, reaffirms the efforts that VTA has carried out to advance the recommendations, and advises that VTA continues to complete the recommendations. Mr. Burns stated that the BSA report included its own recommendations on how VTA could streamline existing practices.

Mr. Burns commented on the following findings from the BSA report:

- The BSA report did not recommend significant changes to VTA's governance, but endorsed the incremental changes that are already being pursued by the Board of Directors;
- BSA report established that VTA's financial reporting and planning generally meet best practices in government finance, and acknowledged that VTA has made significant strides since the release of the Hay Group Organizational and Financial Assessment; and
- BSA report determined that VTA's project planning practices generally conform to best practices, but noted that there is room for improving procedures for estimating project costs and revenues, as well as project monitoring.

Mr. Burns stated that VTA generally concurs with the BSA's findings and has identified steps to take in response to the BSA's recommendations. VTA's action plan is included as part of the BSA report.

Mr. Burns continued that VTA plans to involve its Advisory Committees in the process

to redefine each committee's purpose and role, which will define the areas of responsibility for each committee. Mr. Burns introduced Jennie Loft, Public Information Officer, stating that Ms. Loft will work with staff and each committee to refine and focus its purpose and goal, minimize overlap, and maximize the contribution each committee can make to the decision-making process.

Jim Lawson, Senior Policy Advisor and Staff Liaison, stated that VTA has the following measures on the November ballot: 1) one-eighth Cent Sales Tax Measure; 2) Advisory Measure regarding the Comprehensive Transportation Program identified in Valley Transportation Plan 2035; and 3) Adoption of a resolution for an additional measure delegating the responsibility to the 2000 Measure A Citizens Watchdog Committee (CWC).

Mr. Lawson commented on the Government Affairs Legislative Program link available on VTA's website.

**5. Receive Chairperson's Report**  
**Chairperson's Report**

Chairperson Tebo introduced and welcomed Bena Chang, new CAC member representing the Silicon Valley Leadership Group (SVLG), to the Committee. Ms. Chang expressed appreciation and thanked the Committee for the opportunity to attend and participate in the Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) Meeting.

Member Blaylock reported that the Audit Subcommittee, which consists of Members Blaylock and Schulter met with Stephen Flynn, Senior Management Analyst, and staff on Wednesday, August 13, 2008 to review and score the three applicants for the auditing services contract.

Member Blaylock continued that the Audit Subcommittee will meet on Wednesday, September 11, 2008 to interview the three applicants. The next step is for the CAC Committee to interview the final applicants to determine the proposed candidate.

Member Kline expressed support for the Audit Subcommittee to interview the final applicants to determine the proposed candidate then forward the recommendation for consideration to the CAC Committee.

Member Elias stressed the importance for the CAC Committee to have the opportunity to interview the proposed candidate.

## **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 June 11, 2008**

M/S/C (Rogers/Hashimoto) to approve the Minutes of June 11, 2008.

**7. CAC Quarterly Attendance Report**

M/S/C (Rogers/Hashimoto) to receive the CAC Quarterly Attendance Report.

**8. Programmed Projects Quarterly Monitoring Report for April - June 2008**

M/S/C (Rogers/Hashimoto) to receive the Programmed Projects Quarterly Monitoring Report for April - June 2008.

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

**9. Amend CAC Bylaws to Institute a CAC Chairperson Report Requirement at VTA Board Meetings**

Stephen Flynn, Senior Management Analyst, reported that the recommendation is to amend the Citizens Advisory Committee (CAC) Bylaws to include an additional responsibility of the CAC Chairperson to provide a verbal report on the previous CAC meeting and Committee concerns at the Board of Directors Regular Meeting.

Mr. Flynn stated that if the Board approves the proposed amendment to the CAC Bylaws at the September 4, 2008 Board of Directors Regular Meeting then the CAC Chairperson's verbal report will be schedule for the October 2, 2008 Board of Directors Regular Meeting.

M/S/C (Powers/Rogers) to amend Section 4.1 of the Citizens Advisory Committee bylaws, as indicated, to include as an additional responsibility of the CAC Chairperson that they are required to provide to the Board of Directors at each of its meetings a verbal report on the previous CAC meeting and any concerns of the Committee.

**The Agenda was taken out of order.**

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

## 11. VTA's Governance Structure Proposal

Member Kline stated that the Governance Subcommittee was comprised of the following six members: Board Members Sellers and Casas, Policy Advisory Committee (PAC) Members Moylan and Glickman, and the Citizens Advisory Committee (CAC) Members Kline and Okuzumi.

The Governance Subcommittee was assigned to review and determine the proposed recommendations to VTA's Governance Structure then forward the proposed recommendations to the Board of Directors for consideration.

Member Kline reported that the Governance Subcommittee forwarded two proposals for consideration at the August 7, 2008 Board of Directors Regular meeting, where the Board appointed the Administration and Finance Committee as the lead to discuss the proposed changes to the Governance Structure.

Member Okuzumi reported that there are many challenges to change the Governance Structure, noting that the Joint Powers Agreement for the Administration of the Santa Clara County Congestion Management Program states that any change to the agreement requires the ratification by the Santa Clara County Board of Supervisors (BOS), a majority of the population in Santa Clara County and VTA.

Jim Lawson, Senior Policy Advisor and Staff Liaison, stated that the Governance Structure is scheduled for the August 21, 2008 Administration and Finance Committee meeting.

Member Okuzumi expressed concern that the Governance Subcommittee meetings did not provide the opportunity for public input or involvement within the process.

Member Kline expressed his appreciation and thanked the Governance Subcommittee members for their diligent work and effort on the Governance Structure issues.

**On order of Chairperson Tebo**, there being no objection, the Committee received the update on VTA's Governance Structure Proposal.

## 12. State Auditor Report

Jim Lawson, Senior Policy Advisor and Staff Liaison, reported that the California Bureau of State Audits (BSA) released the VTA audit report on July 31, 2008. The audit report is posted on the BSA website located at [www.bsa.ca.gov](http://www.bsa.ca.gov).

Member Elias suggested that future verbal reports note where an individual can locate the information pertaining to the agenda item.

Member Kline suggested that the State Audit Report be agendized for future meetings and presented in phases over a year time period.

**On order of Chairperson Tebo**, there being no objection, the Committee received the update on the State Auditor Report.

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

### **10. Update on State Route 85 and U.S. 101 High Occupancy Toll (HOT) Lanes Preliminary Engineering**

**On order of Chairperson Tebo**, there being no objection, the Committee deferred the State Route 85 and U.S. 101 High Occupancy Toll (HOT) Lanes Preliminary Engineering Update.

### **13. Semi-Annual Measure A Fund Exchange Report for January - June 2008**

Amin Surani, Principal Transportation Planner, reported that at the February 1, 2007 and December 13, 2007 Board of Directors Regular Meetings, the Board approved the exchange of \$107.98 million in 2000 Measure A funds with State Transportation Improvement Program (STIP) funds.

Mr. Surani stated that the report provides an update on the expenditure and status of the projects and programs allocated by the exchange of funds. Mr. Surani commented that the next Semi-Annual 2000 Measure A Fund Exchange Report will be prepared for July - December 2008.

**On order of Chairperson Tebo**, there being no objection, the Committee received the Semi-Annual Measure A Fund Exchange Report for January - June 2008.

## **COMBINED CAC AND CITIZENS WATCHDOG COMMITTEE ITEMS**

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

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

## **OTHER**

### **15. Announcements**

There were no Announcements.

### **16. ADJOURN**

**On order of Chairperson Tebo**, there being no objection, the meeting was adjourned at 6:14 p.m.

Respectfully submitted,

Michelle M. Garza, Board Assistant  
VTA Board of Directors