

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

Wednesday, May 12, 2010

MINUTES

1. CALL TO ORDER

The Regular Meeting of the Citizens Advisory Committee (CAC) was called to order at 5:30 p.m. by Chairperson Powers, County Government Center, Board of Supervisors Chambers, 70 West Hedding Street, San Jose, California.

ROLL CALL

Attendee Name	Title	Status
Stephen Blaylock	CAC Member	Present
Clinton Brownley	CAC Member	Present
Bena Chang	CAC Member	Present
Chris Elias	CAC Member	Present
Ray Hashimoto	CAC Member	Present
Roberta Hughan	CAC Member	Absent
Robert Jacobvitz	CAC Vice Chairperson	Present
Bruce Liedstrand	CAC Member	Absent
Gaye Morando	CAC Member	Present
Aaron Morrow	CAC Member	Absent
Charlotte Powers	CAC Chairperson	Present
Sally Probst	CAC Member	Present
Connie Rogers	CAC Member	Absent
Martin Schulter	CAC Member	Present
Noel Tebo	CAC Member	Present
Herman Wadler	CAC Member	Present

A quorum was present.

2. ORDERS OF THE DAY

Chairperson Powers announced the Citizens Watchdog Committee's Public Hearing would begin promptly at 6:00 p.m., after which the committee would return to the Citizens Advisory Committee meeting.

3. PUBLIC PRESENTATIONS

There were no Public Presentations.

4. Committee Staff Report

Greta Helm, Chief External Affairs Officer and Staff Liaison, reported: 1) Thursday, May 13, 2010, is “Bike to Work Day.” VTA participates in this annual event by encouraging bike riding, passing out maps for the county-wide bike trails, and providing refreshments at the Great Mall Transit Center; 2) VTA has officially launched its Facebook web page, which focuses more on encouraging feedback rather than strictly providing information; 3) An online survey is available on VTA’s website, seeking input from those currently not utilizing VTA; 4) During the Earth Day Celebration, VTA staff were surveying the public to determine what VTA can do to improve service.

5. Chairperson’s Report

Chairperson Powers noted she recently attended: 1) the Diridon Station Task Force meeting; 2) the High Speed Rail (HSR) open house; and 3) The Building Owners and Managers Association (BOMA) luncheon. BOMA’s guest speaker was VTA’s General Manager, Michael T. Burns.

- Financial Recovery Committee Member Report

Vice Chairperson Jacobvitz gave a brief overview of the May 5, 2010, Financial Recovery Committee meeting, noting: 1) The process is to review the different elements within VTA for potential consolidation or elimination; 2) A representative from Outreach spoke to the committee; 3) Stephen Flynn, Senior Management Analyst, reported on the ECO Pass Program; and 4) A review was provided of VTA’s partner agencies: Altamont Commuter Express, Caltrain, Santa Cruz Metro, Monterey Salinas Transit, Dumbarton, and AC Transit, as well as the DASH Service, VTA Airport Flyer, IBM-Hitachi Shuttle and the ACE Shuttles.

Vice Chairperson Jacobvitz expressed his concern over the potential elimination of the San Jose Airport Flyer. The City of San José is considering eliminating its \$1.1 million subsidy. Vice Chairperson Jacobvitz noted his belief the Committee should advocate on behalf of the San Jose Airport Flyer.

Chairperson Powers stated the San Jose Airport Flyer would be placed on the June CAC agenda to enable the CAC to comment prior to budget adoptions by the cities within Santa Clara County.

- CAC Stakeholder Representation Subcommittee Report

Member Tebo provided a handout to the committee, which included:

Ace Process changes approved by the Board in January: 1) the CAC Bicyclists position was converted to the Bicycle & Pedestrian Advisory Committee (BPAC) position; and 2) The CAC Pedestrians position was converted to the Committee for Transit Accessibility (CTA) position.

Potential CAC Actions: 1) Consider converting the existing “Disabled Person” representative position to represent the Education Community; 2) Interest Groups that may merit future inclusion in the CAC process or for outreach on issue-related basis:

a) Public Policy Interests; b) Community Interests; c) Public Housing Residents; d) High Schools; and e) Major Transport Destinations.

Member Tebo noted approximately 150,000 students and staff at Santa Clara County colleges are commuters and potential transit riders. He questioned whether VTA was doing a good job of meeting their needs.

Chairperson Powers stated this item should be placed on the Committee's June Agenda.

Chairperson Powers requested staff provide a report on how the bus system is currently serving colleges within Santa Clara County.

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 April 8, 2010

M/S/C (Wadler/Probst) to approve the Regular Meeting Minutes of April 8, 2010.

7. Bill Position: SB 901 (Ashburn)

M/S/C (Wadler/Probst) to recommend that the VTA Board of Directors adopt a support position for SB 901 (Ashburn), which authorizes the lead agency for a grade separation or safety project funded through the Proposition 1B Highway-Railroad Crossing Safety Account to apply for a Letter of No Prejudice (LONP) that would allow the agency to expend its own funds for any bond-funded component of the project and be eligible to seek reimbursement from bond proceeds at a later date under certain circumstances.

8. Bill Position: SB 964 (Alquist)

M/S/C (Wadler/Probst) to recommend that the VTA Board of Directors adopt a support position for SB 964 (Alquist), which requires the California High-Speed Rail Authority to contract with the State Employment Development Department to put together a strategy for ensuring that the necessary training programs are in place to facilitate the availability of a skilled, in-state workforce for California's proposed high-speed train system.

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

9. Bill Position: AB 2324 (J. Perez)

M/S/C (Wadler/Probst) to recommend that the VTA Board of Directors adopt a support position for AB 2324 (J. Perez), which prohibits the following: (a) a person from knowingly possessing specified weapons within a sterile area of a public transit facility; (b) an unauthorized person from knowingly entering a restricted area of a public transit facility; and (c) a person from intentionally avoiding submission to screening and inspection when entering or re-entering a sterile area of a public transit facility. In addition, this bill increases the penalties for repeat fare evasion offenders and for certain acts of public transit passenger misconduct.

10. Monthly Legislative History Matrix

On order of Chairperson Powers and there being no objection, the Committee reviewed the Monthly Legislative History Matrix.

2000 MEASURE A CITIZENS WATCHDOG COMMITTEE REGULAR AGENDA

11. Revised Final Compliance Audit Report on FY09 2000 Measure A Program Revenues and Expenditures

Craig Boyer, Certified Public Account, Macias Gini & O'Connell LLP, presented the results of the 2009 Fiscal Year Financial Audit and summarized the requested changes within the report from what was presented to the CAC in April:

On Page 6, Note E was revised to include a debt service repayment schedule showing the amount of principal and interest that will need to be repaid related to debt service payments as requested by the Board.

On Pages 7 and 8, Note F: 1) revisions were made to the allocation methodology used to allocate the program-wide expenditures and then reallocated them accordingly, both cumulative and for the fiscal year; 2) Staff requested a change be made in presentation to the budget comparison schedule (Page 2). Specifically, staff was concerned that the presentation of the budget for project expenditures was not comparable with the presentation of the actual project expenditures. Staff requested Macias Gini & O'Connell show a remaining budget rather than an entire-project budget to give a more comparable presentation between the budget and the actual for the project expenditures.

M/S/C (Morando/Brownley) to receive and accept revised compliance audit of Fiscal Year 2009 (FY09), 2000 Measure A revenues and expenditures, incorporating minor clarifications requested by VTA staff at the April 14, 2010, meeting.

The Agenda was taken out of order.

CITIZENS ADVISORY COMMITTEE REGULAR AGENDA

13. Amendments to the Citizens Advisory Committee Bylaws

Member Elias took his seat at 5:51 p.m.

Members of the Committee expressed concern over the member-appointment terms listed within the memo. Stephen Flynn, Senior Management Analyst, stated two-year appointments were recommended to match the appointed terms for the Committee for Transit Accessibility (CTA) and Bicycle & Pedestrian Advisory Committee (BPAC).

Members of the Committee chose to amend the motion to further evaluate the implications of the two-year term for advisory committee members and decide whether to recommend future inclusion.

M/S/C (Tebo/Wadler) to approve amending the Citizens Advisory Committee (CAC) bylaws to modify the membership structure by converting two existing positions into one voting member each from the Bicycle & Pedestrian Advisory Committee and the Committee for Transit Accessibility, as recommended by the Advisory Committee Enhancement Task Force with the amendment that member terms will not change until clarified by the Committee at a future meeting.

12. Conduct CWC Public Hearing

Chairperson Powers called the 2000 Measure A Citizens Watchdog Committee public hearing on Measure A Program expenditures to order at 6:00 p.m.

Chairperson Powers stated the Citizens Watchdog Committee is conducting a Public Hearing in accordance with the 2000 Measure A ballot. The purpose of this Hearing is to provide the community the opportunity to express to the Committee its views, opinions and concerns on the Measure A Program expenditures, the results of the annual independent compliance audit, and on Measure A Program reports for the period of FY09 (July 1, 2008 – June 30, 2009).

Chairperson Powers continued by noting the input, combined with other information and data received, will be used by the CWC to form its conclusion on whether 2000 Measure A tax dollars for the period were spent in accordance with the intent of the Measure. Once the CWC has developed its conclusion, it will be published in local newspapers, and placed on VTA's website to inform the citizens of the County of the CWC's finding. The CWC's finding will also be contained in the CWC's Annual Report on Fiscal Year 2009, which will be made available to the public through various methods and also placed on VTA's website.

Chairperson Powers reported in November 2000 the voters in Santa Clara County approved Measure A, a 30-year half cent sales tax devoted to specified transit projects. It also established the Citizens Watchdog Committee (CWC), vesting it with the following responsibilities:

- Reviewing all Measure A expenditures;

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- Having a compliance audit conducted each fiscal year by an independent auditor to ensure tax dollars are being spent in accordance with the intent of the Measure;
 - Holding public hearings and issuing reports at least annually to inform county residents on how the funds are being spent; and
 - Publishing the results of the independent audit and the annual report in local newspapers

Chairperson Powers stated it is important to note that policy-related decisions for the Measure A Program, including the composition, implementation and funding level of projects, are the responsibility of the VTA Board of Directors. The Citizens Watchdog Committee is responsible for reviewing Measure A expenditures to ensure funds are being spent in accordance with the intent of the ballot.

Chairperson Powers stated, because the purpose of the Public Hearing is to receive input exclusively on the 2000 Measure A Program, members of the public wishing to speak will be required to limit their comments to 2000 Measure A Program related issues only.

Chairperson Powers noted the purpose of the Public Hearing is to receive community input. During the hearing, the CWC does not debate or engage in extended discussion with speakers or other CWC members. CWC members may, however, ask brief questions to clarify a statement or issue. If readily available or easily answered, the CWC or staff may provide very brief answers to a speaker's questions. All other questions will be referred to staff to formulate a written response from the CWC.

Chairperson Powers asked staff if any written comments had been received from the public, either via e-mail or US mail. Those comments received will be provided to the CWC and audience and be entered into the official Public Hearing record. Stephen Flynn, Senior Management Analyst, responded staff did not receive any written comments from members of the public desiring to speak at the Public Hearing.

Chairperson Powers noted any members of the public in the audience who wished to speak on this matter were required to fill out a blue speaker's card.

Public Comment:

Lowell E. Gratton, Interested Citizen, expressed his concern over bringing BART to San Jose. Mr. Gratton provided two handouts entitled: 1) BART Won't Relieve San Jose Congestion; and 2) VTA is the Worst Transit System in the US.

Member Tebo requested that documentation provided by the public be sent to the committee via email.

Chairperson Powers questioned whether there were any additional members of the public who wished to speak. Hearing no further requests to address the CWC, Chairperson Powers closed the Public Hearing at 6:11 p.m.

Chairperson Powers noted a transcript of the hearing prepared by the court reporter and an audio recording of the hearing will be available to the public within a reasonable timeframe following the hearing.

14. Proactive CMP Quarterly Report for January – March 2010

Rob Swierk, Senior Transportation Planner, presented the staff report.

Public Comment:

James Wightman, Interested Citizen, requested information on the elevation of the light rail to Eastridge. John Ristow, Chief Congestion Management Agency Officer, stated current plans for an end-of-the-line station at Eastridge are for an at-grade station. Mr. Ristow noted the light rail will go over the top of Tully in an aerial structure and then come back down to grade.

Mr. Wightman questioned the timeline for the Eastridge extension. Mr. Ristow stated a timeline had not been established, noting everything is dependent upon funding. VTA is currently working on right-of-way, utility relocation, and pedestrian improvements in the corridor.

On order of Chairperson Powers and there being no objection, the Committee received a presentation on the Proactive CMP Quarterly Report for January through March 2010.

15. Senate Bill 83 – Vehicle Registration Fee

Scott Haywood, Policy and Community Relations Manager, provided the staff report.

Members of the Committee requested information on the results of the VTA-commissioned SB83 poll. Mr. Haywood noted the poll was conducted the week of May 3, 2010. He reported the results of the poll as: 1) 59 percent of the voters had initial support of a \$10 vehicle registration fee; 2) 65 percent of those voters remained in favor of the \$10 vehicle registration fee after hearing the reading of a series of positive campaign comments; 3) 62 percent of those voters remained in favor of the \$10 vehicle registration fee after hearing the reading of a series of negative campaign comments.

Members of the Committee questioned why the cost of putting the measure on the ballot would not also be divided between VTA and the cities. John Ristow, Chief Congestion Management Agency Officer, stated VTA would be required to pay for the cost of placing the measure on the ballot. The funds for placing the measure on the ballot would come from Congestion Management Program fees.

Mr. Haywood reminded the Committee that because it is a fee there must be a benefit to those paying the fee. He stated it is anticipated that this fee would bring in approximately \$14 million, of which 80 percent or \$11.2 million of all revenues received would go back to the cities based upon a formula. The cities could use these funds for a series of eligible program categories.

Members of the Committee questioned what types of reporting measures VTA will implement and how VTA will ensure the revenues forwarded to the cities will only be used for projects eligible in the expenditure plan. Mr. Ristow stated that VTA will require regular audits of all revenue to ensure the funds are being spent correctly. He noted expenditure reports will be published on an annual basis.

Members of the Committee questioned the poll's margin of error. Mr. Haywood stated the margin of error is 3.5 percent.

M/S/C (Probst/Tebo) to recommend the Board of Directors take the following actions: 1) Adopt a resolution to place a ballot measure before the voters of Santa Clara County in November 2010 to authorize a \$10 increase in the fees of motor vehicle registration for transportation-related projects and programs, containing a finding of fact that the projects and programs to be funded by the fee increase have a relationship or benefit to the persons who will be paying the fee and the projects or programs are consistent with the Regional Transportation Plan; and 2) Adopt an expenditure plan allocating the revenue to transportation-related programs and projects that have a relationship or benefit to the persons who pay the fee.

COMBINED CAC AND CITIZENS WATCHDOG COMMITTEE ITEMS

16. Citizens Advisory Committee and Citizens Watchdog Committee Work Plans

Items to be added to the June CAC Agenda

- Amendments to the Citizens Advisory Committee Bylaws
- San Jose Airport Flyer

At Chairperson Powers' suggestion, Members of the Committee agreed to cancel the July 2010 CAC meeting.

On order of Chairperson Powers and there being no objection, the Committee reviewed the Citizens Advisory Committee and Citizens Watchdog Committee Work Plans.

OTHER

17. ANNOUNCEMENTS

There were no Announcements.

18. ADJOURNMENT

On order of Chairperson Powers, there being no objection, the meeting was adjourned at 6:52 p.m.

Respectfully submitted,

Susan E. Garcia, Board Assistant
VTA Office of the Board Secretary