

BOARD OF DIRECTORS MEETING

May 3, 2007

MINUTES

1. CALL TO ORDER

The Regular Meeting of the Santa Clara Valley Transportation Authority's (VTA) Board of Directors was called to order by Chairperson Chu at 5:38 p.m. in the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, San Jose, California.

3. ROLL CALL

Members Present

Nora Campos
Dean J. Chu, Chairperson
Don Gage
Breene Kerr
Liz Kniss, Vice Chairperson
Sam Liccardo
Laura Macias
Chuck Reed
Dolly Sandoval
Greg Sellers
Forrest Williams
Ken Yeager, Ex-Officio

Members Absent

David Cortese

Alternates Present

Dominic Caserta
Roland Velasco

Alternates Absent

Judy Chirco
Kathleen King
Pete McHugh

* Alternates do not serve unless participating as a Member.

A quorum was present.

3. ORDERS OF THE DAY

Chairperson Chu noted that staff requested that the following agenda items be moved from the consent agenda to the regular agenda: **Agenda Item #9.**, Approve the Minutes of the Board of Directors' Workshop Meeting of March 23, 2007 and Agenda Item # 19., Authorize the General Manager to execute a contract with CRA International (CRA) in the amount of \$287,484.00 to conduct DBE Availability and Utilization Study. The term amount of the contract will be from May 4, 2007 to August 30, 2007.

Chairperson Chu requested deferral of **Agenda Item #25.**, Approve the changes to the Downtown East Valley (DTEV) Capitol Expressway Light Rail Project (Project) through the following actions: 1) Certify that the Final Supplemental Environmental Impact Report (SEIR): a) meets the requirements of the California Environmental Quality Act (CEQA); b) represents the independent judgment of the Santa Clara Valley Transportation Authority (VTA) as the Lead Agency; and c) was presented to the VTA Board of Directors for review and consideration; 2) Adopt: a) Findings of Fact; and b) Statement of Overriding Considerations; 3) Adopt a Mitigation Monitoring and Reporting Program; and 4) Amend the Capitol Expressway Light Rail Project as described in the Final SEIR.

M/S/C (Gage/Sandoval) to accept the Orders of the Day.

4. AWARDS AND COMMENDATIONS

Employees of the Month for May 2007

Chairperson Chu recognized and presented awards to Tracene Crenshaw, Board Assistant, River Oaks Administration; Ron Morin, Coach Operator, Chaboya Operations; and Densel Smith, Light Rail Paint and Body Worker, Guadalupe Maintenance, as Employees of the Month for May 2007. Bill Wilson accepted the award on behalf of Densel Smith.

Alternate Board Member Caserta left the meeting at 5:41 p.m.

Vice Chairperson Kniss left her seat at 5:41 p.m.

Chairperson Chu noted that Michael T. Burns, General Manager, is temporarily seated on the dais during a trial period to determine if it will be more conducive for the General Manager sit at the dais with the Board Members.

5. Policy Advisory Committee (PAC) Chairperson's Report

On order of Chairperson Chu, there being no objection, the PAC Chairperson's Report was deferred pending arrival of PAC Chairperson Chris Moylan.

Board Member Reed left his seat at 5:43 p.m.

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

6. REPORT FROM THE GENERAL MANAGER

Ex-Officio Board Member Yeager arrived at the meeting and took his seat at 5:45 p.m.
Vice Chairperson Kniss took her seat at 5:46 p.m.

Michael T. Burns, General Manager noted that the Organizational and Financial Assessment (Assessment) that recommended that the General Manager sit at the dais during Board of Directors Meeting. He provided a report highlighting the following:

- VTA will conduct five public meetings for the Budget during this week. Towards the end of May 2007, VTA will also hold public meetings for the Comprehensive Operations Analysis (COA).
- VTA is coordinating with the Cities in Santa Clara County to include in the respective City Council Agendas presentations on the COA, Budget, and Assessment.
- VTA is sponsoring three energizer stations for the Bike-to-Work Day on May 17, 2007 as well as Bike to Work Celebration at VTA River Oaks Campus.
- The groundbreaking for Hwy 152/156 will take place on May 10, 2007 at 10:00 a.m.
- On April 24, 2007, VTA successfully sold \$26 million of 2007 Bonds through negotiated sales with Goldman Sachs and Company. The bonds were priced very favorably and generated a net present value savings of \$1.6 million, exceeding the anticipated savings by \$200,000.

Board Member Kerr arrived at the meeting and took his seat at 5:49 p.m.

- In an effort to implement the recommendation of the Assessment for more Board training, Mr. Burns invited the Board to the Ethics and Leadership Camp of Santa Clara University (SCU) on June 27-28, 2007. He noted that brochures are available for interested Board Members.

Board Member Reed took his seat at 5:50 p.m.

Alternate Board Member Velasco arrived at the meeting at 5:50 p.m.

A. Introductory Remarks from Carl Guardino, California Transportation Commission (CTC)

Mr. Burns introduced Carl Guardino, CTC Commissioner and Silicon Valley Leadership Group President and Chief Executive Officer (CEO). Governor Schwarzenegger appointed Mr. Guardino to a four-year term on the CTC in February 2007. Mr. Guardino offered to meet with all the regional transit systems and Congestion Management Agencies (CMA) to provide introductory remarks and engage in a dialogue about how CTC could better respond to the needs of the local communities.

Mr. Guardino encouraged Board Members to participate in the Bike to Work Day on May 17, 2007. He provided introductory remarks regarding the CTC and noted that in the history of CTC, Silicon Valley only had one representative (Dianne McKenna) prior to him. He solicited input from the Board Members regarding 1) top road priorities from a traffic perspective; 2) top road priorities

from a safety perspective; 3) top priorities in terms of automobile; and 4) strategies for leveraging limited State monies.

Board Member Sellers highlighted the transportation and congestion problems in the South County. He noted that the South County Regional Transportation preliminary findings suggest that there will be a gridlock in Coyote Valley due to the many commuters of South County and its adjacent counties (Merced, San Benito, Monterey, and Santa Cruz Counties). Board Member Sellers expressed concern that if unsolved, this problem will threaten not just the commuters but Silicon Valley's economy as well. Board Member Sellers noted that they would be happy to work with Mr. Guardino and the CTC to address that issue.

Mr. Guardino responded that he is already scheduled to meet with San Benito, Monterey, and Santa Cruz Counties to discuss the growing region and the commute problems.

Board Member Gage thanked Mr. Guardino for participating in the meeting. Board Member Gage noted that Santa Clara County already relayed its priorities to Mr. Guardino and noted that he looks forward to Mr. Guardino's response.

Mr. Guardino noted that the top road priorities he obtained from the County are: Route 152, Route 101/25, Yerba Buena/101 and I-208/I-880 Interchanges.

Vice Chairperson Kniss commented that Highway 237 is also congested. She expressed concern about the road conditions, road surfaces, and litter control on freeways in Santa Clara County. She expressed interest in finding out how VTA/Santa Clara County rank in the nation in terms of roads, how VTA rank in terms of how money comes in, and how VTA ranks both in federal and state funding.

Mr. Guardino noted that Santa Clara County has the second worse roadway condition in the nation. He acknowledged Governor Schwarzenegger and the California Legislature for the Infrastructure Bond that was passed in November 2006. Mr. Guardino noted that on the Federal side, California obtains \$0.92 out of each \$1 contributed to road funds and \$0.0286 out of the \$0.184 federal gas tax. Mr. Guardino noted the importance of looking at other funds such as the State Highway Operation and Protection Program (SHOPP) for the local streets and roads that have deteriorated and are safety issues.

Board Member Reed referred to Propositions 1B and 1C and noted that it recognizes that we have a regional economy. He noted that it should be ensured that self-help counties are not penalized and that smart growth is supported.

Mr. Guardino noted that the \$19.9 billion in Proposition 1B included \$1 billion for State Local Partnerships for self help counties. The legislature will help define what a self-help county means. Currently, there are 19 counties in California that

have a local sales tax for transportation. Mr. Guardino noted that self-help counties will not be penalized but rather rewarded. He offered assistance to counties in passing specific tax measures for transportation.

Board Member Kerr also expressed concern about road surface, road conditions, and congestion and hoped that bond monies will fix roadways that are in dire need of repair. He directed attention to VTA's efforts on hydrogen research (Zero Emission Buses) and hoped that Mr. Guardino could collaborate with VTA to make the hydrogen research a better project. He also noted the possibility of performing research in the area to produce hydrogen fuel out of renewable sources instead of natural gas and make this available to the public. He hoped that the CTC could help make this project a reality.

Mr. Guardino noted that AB 32 – Global Warming Solutions Act was passed last year. He noted that he believes this bill has good value to the State. With regard to the statewide system, Mr. Guardino noted that CTC's Chair James C. Ghielmetti has indicated publicly and privately that the State needs to review the overall state transportation system and plan more thoroughly and successfully than in the past.

Board Member Liccardo thanked Mr. Guardino for his leadership. He referenced Board Member Cortese's effort to promote smart growth at the Association of Bay Area Governments (ABAG) and asked if Mr. Guardino could do the same at the CTC. He noted that it will be helpful to have a linkage between how the non-auto transportation funds are allocated and housing.

Mr. Guardino responded that \$750 million of the \$2.85 billion in Proposition 1C housing bond is for smart growth. The legislature is currently defining how these funds will be allocated and there is still time for VTA and other cities to weigh in on the issue.

Board Member Macias noted that the allocation of transportation funds and housing funds should consider existing density. Board Member Macias suggested the consideration of rubberized asphalt for roadway repairs/improvements. She expressed concern about the safety of at-grade rail crossings. She stressed the need for ensuring the safety of individuals using mass transit and individuals in their vehicles.

Mr. Guardino noted that Proposition 1B includes a small amount of funds for at-grade crossings. He added that these funds are inadequate and more work is necessary to ensure that at-grade crossings are safer.

Board Member Williams congratulated Mr. Guardino for his CTC appointment. Board Member Williams noted that the Silicon Valley needs BART to come to the cities of San Jose, Santa Clara, and Milpitas. He stated that BART is necessary to support the volume of people and jobs expected to come to the Silicon Valley and to maintain the current quality of life.

Board Member Williams referred to the High Speed Rail (HSR) Alignment and noted that it should enter the Bay Area in San Jose. He noted the need for a factual and economical solution rather than a political solution.

Mr. Guardino noted that the State Legislature, Governor, and the CTC have embraced the importance of bringing BART to Silicon Valley. He noted that the Traffic Congestion Relief Fund included approximately \$760 million to bring BART to Warm Springs then on to Santa Clara. Mr. Guardino stated that an additional \$240 million requires allocation and is not assured even though it is included in the state statute.

Mr. Guardino noted that the HSR alignment is a big issue and the legislature needs a champion to move it forward. He also noted that the HSR will provide the opportunity for Caltrain upgrades.

Board Member Campos invited Mr. Guardino to the California League of Cities meeting that will take place in San Jose to talk about how Santa Clara County plays a bigger role in California in terms of transportation.

Board Member Sandoval thanked Mr. Guardino for being an advocate for transportation in Santa Clara County and California. She also congratulated Mr. Guardino for his appointment at the CTC.

Mr. Guardino stated that the CTC meets on a monthly basis and noted that he will send the agenda to all Board Members. He encouraged them to provide feedback to him on items that are deemed important or are of concern.

Chairperson Chu noted that VTA identified the Highway 85/237 Interchange as a candidate for improvements for safety reasons. Chairperson Chu referred to the rail systems and reiterated the great need to get people out of cars and encourage them to use transit. The other concern to all transit agencies is Governor Schwarzenegger's budget proposal to divert Proposition 42 funds to schools. He noted the importance of collaboration to ensure that the Proposition 42 stays in Transportation.

Board Member Liccardo left his seat at 6:29 p.m

Mr. Guardino thanked and commended Vice Chairperson Kniss who has been deeply concerned about safety issues at Highway 9 and Board Member Gage for his leadership on U.S. 101/25 and Route 152. He also thanked Chairperson Chu for noting the safety issues at Highway 85/237.

Mr. Guardino noted that the next CTC Meeting will take place on June 6-7, 2007 and at that meeting, the CTC will allocate \$2 billion in State Transportation Improvement Plan (STIP) Augmentation Funds. He encouraged VTA to continue to work with the Metropolitan Transportation Commission (MTC) for regional needs as it is one of the strongest Metropolitan Planning Organizations in the nation.

Vice Chairperson Kniss suggested that on an as-needed basis, Mr. Guardino can send notices to Board Members to request them to lobby for important issues.

The Agenda was taken out of order.

5. Policy Advisory Committee (PAC) Chairperson's Report

Chris Moylan, PAC Chairperson provided a report regarding the April 12, 2007 PAC Meeting and highlighted the following: 1) PAC endorsed staff recommendation for the Programming of the 2007/08 Transportation Fund for Clean Air Program Manager (TFCA 40%) funds and FY 07-08 CMP Work Program and Member Agency Fee Schedule; 2) PAC received a presentation from the City of Santa Clara regarding the city's transportation initiatives and priorities; 3) Received a presentation on the Organizational and Financial Assessment; and 4) PAC approved a motion to request the Board of Directors to consider amendments to the PAC bylaws.

Board Member Campos left her seat at 6:33 p.m.

Board Member Liccardo took his seat at 6:34 p.m.

Board Member Kerr left his seat at 6:34 p.m.

6. REPORT FROM THE GENERAL MANAGER (continued)

B. Introductory remarks from Bill Dodd, Metropolitan Transportation Commission (MTC) Chairperson

Mr. Burns introduced and welcomed Bill Dodd, MTC Chairperson representing District 4 on the Napa County Board of Supervisors. Mr. Dodd also chairs MTC's Administration Committee while also serving on three other standing committees. Beyond the MTC, Mr. Dodd serves on the Napa County Transportation Planning Agency, Napa County Flood Control Board, Local Agency Formation Commission, Napa County League of Governments, and Napa Valley Housing Authority.

Board Member Kerr took his seat at 6:38 p.m.

Board Member Campos took her seat at 6:39 p.m.

Board Member Gage left his seat at 6:40 p.m.

Bill Dodd introduced himself and noted that he looks forward to working with the three new MTC representatives who also serve on the VTA Board of Directors.

Board Member Gage inquired how to improve VTA's communication with MTC to ensure that the County's priorities are communicated effectively.

Mr. Dodd responded that to ensure that priorities are communicated, VTA should communicate those priorities to their MTC representatives and also communicate it to other Commissioners that VTA or its Board Members have relationships with.

Upon inquiry of Board Member Kerr regarding MTC's position regarding the Dumbarton Rail Project, Mr. Dodd responded that he will need to ask staff to provide that information.

Chairperson Chu noted that the Dumbarton Rail Project covers Southern Alameda County, San Mateo County, and Santa Clara County. He noted that he was appointed as MTC's representative to the Dumbarton Rail Project Policy Advisory Board. He stated that there is a revenue shortfall and alternatives are currently being explored.

Board Member Reed thanked Mr. Dodd for coming to tonight's Board Meeting and also thanked MTC for their valuable help during the CTC meeting held in Irvine, California.

Ex-Officio Board Member Yeager thanked Mr. Dodd for coming to tonight's Board Meeting and for their discussion about Proposition 1B. He noted that he looks forward to working with Mr. Dodd at the MTC level.

Vice Chairperson Kniss expressed her appreciation to Mr. Dodd for coming to tonight's Board Meeting. She noted that VTA has serious concerns about MTC's Proposition 1B allocation proposal. She noted that with the MTC representatives that also serve on the VTA Board, VTA will have a fighting chance to receive its fair share.

Eugene Bradley, VTA Riders Union, expressed concern that he did not hear about accountability from either Mr. Guardino or Mr. Dodd. He referred to the Assessment, Grand Jury Findings, and editorials and noted that VTA should operate within its means. He added that the CTC will be more effective if it demands that VTA should operate within its means.

Vice Chairperson Kniss left her seat at 6:50 p.m.

7. REPORT FROM THE CHAIRPERSON

There was no report from the Chairperson.

8. PUBLIC PRESENTATIONS

Michael Ludwig, Interested Citizen, inquired about the re-opening of the Frances Street in Sunnyvale. Michael T. Burns, General Manager, noted that staff will respond to Mr. Ludwig's inquiry.

Ex-Officio Board Member Yeager left his seat at 6:52 p.m.

James Whigman, Interested Citizen, provided suggestions on light rail routes and frequency. He noted that the Mountain View/Winchester Line should go to Great America on weekends starting next year and Santa Teresa Line should go to Great America on weekends as well. He inquired about the re-opening of the Santa Clara Station in Downtown San Jose. Mr. Burns responded that the Santa Clara Station will re-open on May 18, 2007.

Vice Chairperson Kniss took her seat at 6:53 p.m.

CONSENT AGENDA

Board Member Reed advised that he will recuse himself on the Consent Agenda per Government Code Section 84308.

Board Member Reed left his seat at 6:55 p.m.

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

Approve the Minutes of the Board of Directors' Workshop Meeting of March 23, 2007.

10. Minutes of the Regular Board of Directors' Meeting of April 5, 2007

M/S/C (Williams/Sellers) on a vote of 9 ayes, 0 noes, 0 abstentions, and 1 recusal to approve the Minutes of the Regular Board of Directors' Meeting of April 5, 2007. Board Member Reed recused and Board Member Gage absent.

ADMINISTRATION AND FINANCE COMMITTEE

11. Legislative Positions

M/S/C (Williams/Sellers) on a vote of 9 ayes, 0 noes, 0 abstentions, and 1 recusal to adopt a support position for AB 23 (Ma) and AB 57 (Soto); and further, adopt an oppose position for SB 540 (Harman). Board Member Reed recused and Board Member Gage absent.

12. Reaffirm the existing Investment Policy on Unrestricted and Restricted Funds

M/S/C (Williams/Sellers) on a vote of 9 ayes, 0 noes, 0 abstentions, and 1 recusal to reaffirm the Investment Policy on Unrestricted and Restricted Funds. Board Member Reed recused and Board Member Gage absent.

13. Contract for Workers' Compensation Third Party Administrator Services

M/S/C (Williams/Sellers) on a vote of 9 ayes, 0 noes, 0 abstentions, and 1 recusal to authorize the General Manager to execute a fixed fee contract with Tristar Risk Management for Workers' Compensation Third Party Administrator (TPA) claims services for a three year term, from July 1, 2007 through June 30, 2010, with an option for two additional one-year extensions. The total three-year contract cost for claims service is not to exceed \$3,759,866 and the total five-year contract cost is not to exceed \$6,488,741. Board Member Reed recused and Board Member Gage absent.

14. Contract for Workers' Compensation Medical Management Services

M/S/C (Williams/Sellers) on a vote of 9 ayes, 0 noes, 0 abstentions, and 1 recusal to authorize the General Manager to execute a contract with Monitor Integrated Healthcare for Workers' Compensation Medical Management services for a three-year term, from July 1, 2007 through June 30, 2010, with an option for two additional one-year extensions. The total three-year contract cost for Medical Management services is not to exceed \$1,004,157 and the total five-year contract cost is not to exceed \$1,713,573. Board Member Reed recused and Board Member Gage absent.

15. Contract for Workers' Compensation Medical Bill Repricing Services

M/S/C (Williams/Sellers) on a vote of 9 ayes, 0 noes, 0 abstentions, and 1 recusal to authorize the General Manager to execute a contract with GENEX Services, Inc. for Workers' Compensation Medical Bill Repricing services for a three-year term, from July 1, 2007 through June 30, 2010, with an option for two additional one-year extensions. The total three-year contract cost for claims services is not to exceed \$578,668 and the total five-year contract cost is not to exceed \$978,295. Board Member Reed recused and Board Member Gage absent.

16. FY 2006-07 Federal Transit Administration (FTA) Section 5309 Bus/Bus Facilities Discretionary Grant Application

M/S/C (Williams/Sellers) on a vote of 9 ayes, 0 noes, 0 abstentions, and 1 recusal to authorize the filing of grant applications and execution of grants agreement with the Federal Transit Administration (FTA) for funding under the FY07 Section 5309 (49 USC Section 5309) Bus and Bus-Related Facilities Discretionary Grant Program for the implementation of an Advanced Zero-Emission Bus Demonstration Program. Board Member Reed recused and Board Member Gage absent.

17. Contract Amendment with Rajappan & Meyer, Consulting Engineers, Inc. for Preliminary Engineering and Environmental phase on the US 101 De La Cruz Boulevard/Trimble Road Interchange Reconstruction Project

M/S/C (Williams/Sellers) on a vote of 9 ayes, 0 noes, 0 abstentions, and 1 recusal to authorize the General Manger to: 1) amend the contract with Rajappan & Meyer, Consulting Engineers, Inc. to services for the preliminary engineering and environmental

phase on the US 101 De La Cruz Boulevard/Trimble Road Interchange Reconstruction Project, increasing the approved contract value by \$420,000 for a new total contract value of \$500,000; and 2) extend the term of the contract through March 31, 2009. Board Member Reed recused and Board Member Gage absent.

18. Contract with Parsons Brinkerhoff Quade & Douglas (PBQ&D) for Preliminary Engineering and Environmental Phase on the Charcot Avenue Extension Project

M/S/C (Williams/Sellers) on a vote of 9 ayes, 0 noes, 0 abstentions, and 1 recusal to authorize the General Manager to negotiate and execute a contract with Parsons Brinkerhoff Quade & Douglas (PBQ&D) for the preliminary engineering and environmental phase on the Charcot Avenue Extension Project, for a total contract value not to exceed of \$600,000. Board Member Reed recused and Board Member Gage absent.

19. Removed from the Consent Agenda and placed on Regular Agenda.

Authorize the General Manager to execute a contract with CRA International (CRA) in the amount of \$287,484 to conduct a DBE Availability and Utilization Study. The term of the contract will be from May 4, 2007 to August 30, 2007.

CONGESTION MANAGEMENT PROGRAM AND PLANNING COMMITTEE

20. Programmed Projects Quarterly Monitoring Report for January to March 2007

M/S/C (Williams/Sellers) on a vote of 9 ayes, 0 noes, 0 abstentions, and 1 recusal to review the Programmed Projects Quarterly Monitoring Report for January to March 2007. Board Member Reed recused and Board Member Gage absent.

21. Fiscal Year 2008 Transportation Fund for Clean Air Program Manager Fund

M/S/C (Williams/Sellers) on a vote of 9 ayes, 0 noes, 0 abstentions, and 1 recusal to approve the programming of FY 2007/08 Transportation Fund for Clean Air Program Manager (TFCA 40%) funds to projects. Board Member Reed recused and Board Member Gage absent.

22. Recommended FY 07-08 Congestion Management Program Work Program

M/S/C (Williams/Sellers) on a vote of 9 ayes, 0 noes, 0 abstentions, and 1 recusal to approve the Recommended FY 07-08 Congestion Management Program Work Program. Board Member Reed recused and Board Member Gage absent.

TRANSIT PLANNING AND OPERATIONS COMMITTEE

23. Agreement for Relocation of Level 3 Facilities for the Caltrain South County Capacity Improvement Program

M/S/C (Williams/Sellers) on a vote of 9 ayes, 0 noes, 0 abstentions, and 1 recusal to authorize the General Manager to execute an Agreement with Level 3 in the amount of \$4,100,000 for the relocation of fiber optic facilities required for the Caltrain South County Capacity Improvement Program. Board Member Reed recused and Board Member Gage absent.

24. Cooperative Diesel Fuel Contract

M/S/C (Williams/Sellers) on a vote of 9 ayes, 0 noes, 0 abstentions, and 1 recusal to authorize the General Manager to execute a contract with SC Fuels for supply and delivery of Ultra Low Sulfur diesel fuel. The term of this contract is for two years with an option for three additional one-year periods at an estimated annual cost of \$13,517,369.20. Board Member Reed recused and Board Member Gage absent.

REGULAR AGENDA

<p>TRANSIT PLANNING AND OPERATIONS COMMITTEE CHAIRPERSON'S REPORT – (See Agenda Item #31.C.)</p>

Board Members Gage, Reed, and Ex-Officio Board Member Yeager took their seats at 6:55 p.m.

9. Board of Directors Workshop Meeting Minutes of March 23, 2007

Michael T. Burns, General Manager, explained that this item was pulled from consent agenda to clarify the two statements made by the consultant from Rachlin, Cohen & Holtz, LLP (Consultant) about VTA's financial condition at the March 23, 2007 workshop that were misinterpreted by many people.

Mr. Burns referred to the Consultant's clarification letter dated April 26, 2007 and highlighted that the restricted reserves and unrestricted reserves are two separate numbers and the sales tax revenues are increasing.

M/S/C (Sandoval/Kniss) to approve the Minutes of the Board of Directors' Workshop Meeting of March 23, 2007.

Board Member Reed and Ex-Officio Board Member Yeager left their seats at 6:57 p.m.

19. DBE Availability and Utilization Study Contract Award

Michael T. Burns, General Manager, explained that this item was removed from the consent agenda due to a protest submitted by Mason Tillman, one of the firms that submitted a proposal. Mr. Burns noted that staff recommends award of the contract to

CRA International (CRA) in the fixed amount of \$287,484 to conduct a DBA Availability and Utilization Study. This recommendation is the result of a federal court rate ruling that requires VTA to demonstrate the need for a race-conscious DBE program in its contracting.

Mr. Burns explained the process noting that the Board approved the Request for Proposal (RFP). He noted that the procurement process including the evaluation scores is outlined in the staff report. Mr. Burns noted that Mason Tillman's protest and allegations were independently investigated by the Purchasing Manager and Chief Financial Officer (CFO). Both investigations found no substantiation to support the allegations in the protest, therefore the CFO upheld the protest denial. Mr. Burns noted that in his own review, the selection process was performed in accordance with VTA's established policies and practices. He believes that the selection panel applied the established criteria fairly and without discrimination. The recommended firm, CRA International is qualified and fully capable of performing the work. Mark Berkman, Ph.D., CRA International has 14 year experience and was the principal investigator on several DBE Availability Studies including that of Alameda and Contra Costa Counties, San Francisco Redevelopment Agency, City of San Francisco, and City of Hayward. References checks for CRA were exemplary.

Board Member Macias left her seat at 7:00 p.m.

Eleanor Mason Ramsey, Ph.D., President and Owner of Mason Tillman & Associates (Mason Tillman), distributed handouts entitled "VTA DBE Availability Utilization Study Statement of Facts" and "Mason Tillman Associates Ltd. Fact Sheet." She noted the following issues that they included in their protest:

- Since 1990, Mason Tillman completed 95 disparity studies throughout United States including City of New York, State of Texas, City of San Jose, City of San Francisco, State of Missouri, and Indiana. Mason Tillman is one of the six companies in the nation that has specialty and expertise in conducting disparity studies.
- Mason Tillman filed a protest with a contention that it was not thoroughly reviewed. She requested that the Board set this item aside and look at the actual facts that were presented in the protest. She expressed concern about the timing of VTA's response to their requests.
- She referred to the last paragraph of Page 2 of 4 of the Board Memo and directed attention to the Statement of Facts handout that notes the firm personnel comparison between Mason Tillman and CRA. She referred to VTA staff's comment that CRA performed a San Francisco study and she stated that study is not yet released and therefore has not been reviewed to ensure that it meets the standards set forth by the Supreme Court in 1990. Dr. Ramsey noted that Mason Tillman's 16 staff members have performed numerous studies and added that none of their studies have been challenged.
- Dr. Ramsey reviewed the firm qualifications comparison and highlighted the comparison between Mason Tillman and CRA on the following: Disparity Studies – Mason Tillman – 95 compared to 0 from CRA; Goal Settings Studies for US

Department of Transportation – Mason Tillman – 5 compared to 0 from CRA; and Bay Area Disparity Studies- Mason Tillman – 9 compared to 0 from CRA.

- Dr. Ramsey noted that upon review of VTA's submittals to the Federal Transportation Administration (FTA) it notes that in FY 03-04, VTA did not award any contract to an African American woman and in FY 04-05 VTA awarded 0.11 percent to African American women.
- Dr. Ramsey expressed concern about the adjustment of scores from the written proposal and the final evaluation after oral interviews noted on Page 3 of 4 of the Board Memo. Dr. Ramsey noted that Mason Tillman does an exceptional job and yet the firm was not given an opportunity to have a fair and reasonable assessment of their proposal and protest. Dr. Ramsey noted that Mason Tillman was timely in their submission of protest and appeal but VTA did not respond to their appeal until the morning of May 3, 2007.

Mr. Burns thanked Dr. Ramsey for her comments. He referred to Dr. Ramsey's comments about timing of VTA's response and noted that VTA was working on a very tight schedule. VTA took the protest seriously and evaluated the protest thoroughly. He noted that he does not view this as an indictment of Mason Tillman but based on the established criteria, the diverse selection panel's independent evaluation recommended CRA.

Upon inquiry of Board Member Gage, Mr. Burns noted that the legal department was part of the review process. Suzanne Gifford, General Counsel, responded that one of the attorneys was on the review panel. In accordance with the Board's protest procedures, she also reviewed the evaluation of the protest and determined that from a legal perspective, all of the requirements were met and there was an adequate evaluation.

Board Member Liccardo inquired about the accuracy of the VTA DBE Availability/Utilization Study – Firm Personnel Comparison handout distributed by Mason Tillman.

Vice Chairperson Kniss left her seat at 7:12 p.m.

Mr. Burns noted that there are different levels of disparity studies. However, in terms of the disparity study based on the Western States Case last year, there is not a lot of experience to meet that specific requirement. Mr. Burns noted that the key for the selection panel was the experience of the principal investigator for CRA. Mr. Burns reiterated that the CRA reference checks were exemplary.

Tom Smith, Purchasing Manager, responded that in his own independent review of the selection panel's work, the panel acted independently, they reviewed the criteria and scored the two proposers based on the evaluation criteria.

Vice Chairperson Kniss took her seat at 7:14 p.m.

Mr. Burns added that he cannot confirm the accuracy of the handout as he was not part of the selection panel. He noted however, that the selection panel looked at the relative experience of both firms and used it as a consideration for their decision.

Dr. Ramsey noted that Mr. Smith reviewed Mason Tillman's protest and expressed concern that Mason Tillman's protest was not given a rigorous evaluation and assessment.

Board Member Kerr noted that staff must evaluate contract proposals and the Board must provide oversight. He noted that the review of the protest was probably focused on whether the selection panel conducted its duties according to the law and VTA's procedures. It is not to determine whether or not the selection panel made the right decision. He noted that he is not comfortable questioning staff's decision. He added that he is convinced that the selection panel followed VTA's procedure and conducted its evaluation in a legal manner.

Board Member Sandoval noted that she is not comfortable with the assessment. She referred to the Firm Personnel Comparison and noted that two out of the eight consultants listed under CRA have little to no experience on disparity studies. She requested an explanation of the four-month study time frame and inquired about the Board's legal options.

Mr. Burns noted that CRA recently completed a disparity study for San Francisco and received an exemplary reference. He believes that this is the first disparity study conducted in this region in response to the Western States ruling. CRA has demonstrated that they can do the work. Mr. Burns added that this is a fixed price contract and the firms can add hours or names but the firm is held to the well-defined scope of work.

Board Member Macias took her seat at 7:22 p.m.

Board Member Sandoval requested explanation of fixed price and inquired if VTA would have control over who is part of the consultant team. Mr. Burns responded that VTA will have control and that the selection panel reviewed that information.

Mr. Smith noted that aside from the written proposals, the selection panel also conducted oral interviews for both firms. Mr. Smith added that the Purchasing Department conducted the reference checks and is convinced that CRA is qualified to do this type of work.

Board Member Campos left her seat at 7:25 p.m.

Ms. Gifford noted that she reviewed that the details of the evaluation summary, copies of protest, response to protest, and response to the appeal. She noted that VTA is sensitive to the technical requirements of responding to a protest. She added that these are public documents.

Board Member Campos took her seat at 7:29 p.m.

Board Member Sandoval inquired about the Board's alternatives.

Ms. Gifford noted that the Board cannot consider the protest but rather review the documents of the protest and refer back to staff.

Mr. Burns added that the Board's alternatives are to: approve the contract; reject and direct a new process; or defer the item.

Mark Berkman, CRA International Vice President and proposed team leader for the DBE Study, refuted Mason Tillman's claims about the 95 studies versus five plus experience in disparity studies. He noted that he directed eight studies including San Francisco's studies, which is one of the first studies that came out after the Western States Paving decision. He added that the Western States Paving decision directs some very specific elements of the study and noted that CRA is especially well qualified to do those elements of the study. In addition to the eight studies, he also worked on a number of other availability studies locally including updates to availability estimates for BART and San Francisco MUNI. He also completed a great deal of work on other areas of discrimination including detailed statistical analyses of complex questions relating to very detailed and difficult data. He noted that he also worked for the National Association for the Advancement of Colored People (NAACP), Fair Housing Coalition, and various corporations. He noted the education and experience of the proposed team members.

Dr. Berkman noted that the unnamed members of the team reflected in Mason Tillman's handout are research assistants. He explained that he did not identify the names because it will depend on when the project will start and who is available and who has the best skills. He added that CRA typically hires fresh graduates from Berkeley and Stanford who have excellent credentials in math and statistics. Research assistants will be closely supervised.

Ex-Officio Board Member Yeager took his seat at 7:35 p.m.

Board Member Sandoval expressed appreciation to Dr. Berkman for making clarifications on the handout. She inquired about the location of CRA. Dr. Berkman responded that CRA has offices in Oakland and Palo Alto.

Board Member Williams referred to Mason Tillman's statement about adjustment of scores and requested for staff response. Mr. Burns noted that the process had two evaluations: it started with an evaluation of the written proposals, followed by a second evaluation of the information from the oral interviews. CRA was rated higher than Mason Tillman both on the written proposal and after the oral interviews.

Mr. Smith stated that the discrepancy Dr. Ramsey referred to was the change in the cost and price evaluation between the written proposal and the overall evaluation scores after the interviews. Mr. Smith confirmed that there were no changes to the prices submitted by both firms during the oral interviews. Mr. Smith noted that the lower price proposal will normally get the higher points during the interviews, stating that CRA received 30 points while Mason Tillman received 28.4 points.

Upon request of Board Member Williams, Dr. Ramsey explained that she focused on the cost and price because it represents the most objective piece of information submitted. She expressed concern that there should have been no change in the value assigned to price.

Mr. Burns responded that the reason for that change would have been that the selection panel had questions that were answered during the oral interviews that they were satisfied with. Mr. Burns noted that the scores for cost and price were adjusted for both firms after the oral interviews.

Board Member Campos left her seat at 7:41 p.m.

Board Member Sandoval left her seat at 7:45 p.m.

Board Member Williams inquired if staff is confident that the process was done fairly and if it would stand a challenge. Mr. Burns responded that staff is confident that the process established was a good process and it was implemented fairly. The protest that was received was reviewed at two levels. The claims in the protest were determined to be unfounded. The protest process included the participation of the General Counsel and General Counsel fully concurs with staff recommendation.

Board Member Sandoval took her seat at 7:47 p.m.

Vice Chairperson Kniss noted that the Board sets the policy and noted that she supports staff recommendation.

M/S/C (Kniss/Kerr) on a vote of 7 ayes, 2 noes, 0 abstentions, and 1 recusal to authorize the General Manager to execute a contract with CRA International (CRA) in the amount of \$287,484 to conduct a DBE Availability and Utilization Study. The term of the contract will be from May 4, 2007 to August 30, 2007. Board Members Liccardo and Sandoval opposed. Board Member Reed recused and Board Member Campos was absent.

Board Member Gage left his seat at 7:48 p.m.

Board Member Gage took his seat at 7:50 p.m.

25. Deferred.

Approve the changes to the Downtown East Valley (DTEV) Capitol Expressway Light Rail Project (Project) through the following actions: 1) Certify that the Final Supplemental Environmental Impact Report (SEIR): a] meets the requirements of the California Environmental Quality Act (CEQA); b] represents the independent judgment of the Santa Clara Valley Transportation Authority (VTA) as the Lead Agency; and c] was presented to the VTA Board of Directors for review and consideration; 2) Adopt: a]

Findings of Fact; and b] Statement of Overriding Considerations; 3) Adopt a Mitigation Monitoring and Reporting Program; and 4) Amend the Capitol Expressway Light Rail Project as described in the Final SEIR.

**ADMINISTRATION AND FINANCE COMMITTEE
CHAIRPERSON'S REPORT – (See Agenda Item #31.A.)**

Board Member Gage and Alternate Board Member Velasco left the meeting at 7:55 p.m.

Board Member Campos took her seat at 7:57 p.m.

Board Member Reed took his seat at 7:58 p.m.

26. Joint Development Policy Amendments

Chris Augenstein, Transportation Planning Manager, noted that the January 2007 Board Workshop affirmed that the Joint Development Policy and Program were worth pursuing. Staff incorporated the Board comments. Staff recommends adding points for local preference and green and sustainable building practices. Staff also clarified the role of community participation, and role of VTA and City. Staff also outlines criteria for the use of joint development funds.

Ex-Officio Board Member Yeager referred to Page 3 of 4 of the VTA Joint Development Policy, Section V – Use of Revenues generated from the Joint Development Program, and inquired about the need for a special account.

Michael T. Burns, General Manager, responded that the concern in the Board Workshop was that the funds come from one time sources and VTA should be very judicious with one-time revenues, particularly from real estate decisions. He added that these should be used for the real estate development program as a priority and not in the general fund.

Ex-Officio Board Member Yeager referred to the focus and the emphasis of the policy noted on Paragraph 2 of Page 1 of 4 of the Joint Development Policy. He inquired about how VTA will reconcile which is the top priority, whether it be density, increased ridership, neighborhoods or Transit Oriented Development.

Mr. Augenstein responded that density is part of a comprehensive set of priorities. The analysis will include a review of a wide range of issues to include design, community acceptance, etc.

Ex-Officio Board Member Yeager inquired about the three city representatives that will serve on the committee. Mr. Augenstein responded that the committee will evaluate the proposals or request for qualifications. In past practice, city staff were part of that committee and VTA conducted meetings with the City Council Member that had jurisdiction over the property. Mr. Augenstein responded that it may be difficult to have a Council Member participate in the evaluation of many proposals. However, the Council Member with jurisdiction over the property will be apprised of the proposal and project progress.

Ex-Officio Board Member Yeager referred to the West San Carlos site and noted that it took a while for the Council Member's office to know about the proposal/project. He expressed concern that if the evaluation of the proposal is kept at staff level, it may take sometime before the neighborhood is apprised of the proposed development.

Mr. Augenstein noted that staff is sensitive to that and plans to include early outreach to the affected community. Mr. Augenstein noted that the city staff participation will include a higher level such as the director level.

Board Member Sandoval inquired how the local preference will be scored. She inquired about the rationale for giving higher scores for local preference when developers or contractors usually create a local office.

Mr. Augenstein noted that there is emphasis on local team members with local experience.

Board Member Sandoval referred to Page 3 of 4 of the Joint Development Policy, Section IV, Roles and Responsibilities of the Project Review and Approval Process, #2, and expressed concern that the phrase "VTA shall ensure that the joint development projects comply with land use and zoning regulations of the city, county or city and county in which the project is located....." should not be VTA's responsibility. She noted that the developer should perform its due diligence to ensure that the proposed project complies with the land use and zoning of the regulations of the city or county in which the project is located.

Mr. Augenstein suggested that using "Joint Development shall comply with land use and zoning regulations...."

Upon inquiry of Board Member Sandoval on the Development Proposal Evaluation Matrix table on Page A-5 of the Developer Selection Procedure, Mr. Burns noted that the Sustainable Development and Local Firm will represent about 12 percent of the final total score.

Board Member Liccardo referred to the Developer Selection Procedure and expressed concern that the process noted on the report is redundant and sub-optimal. He requested explanation for the two-stage process and the rationale for asking for a Request for Qualification (RFQ) that is not site-specific.

Mr. Augenstein clarified that the recommended procedures allows developers to bid on sites that they want to bid on.

Mr. Burns noted that the Board reviews each of the steps in the Developer Selection Procedure.

Board Member Kerr noted that the revision of the policy was a result of some disappointment with the way the selection process was set up in the past. He noted that he believes it is inappropriate to sell a piece of land and use the proceeds for operations, other projects or to balance the budget. He noted that VTA should bank and use the funds

to buy other properties for potential use as a future station or headquarters. He expressed support for the recommendations and noted that a review should take place in the future.

Board Member Reed inquired about the inclusion of politics in the evaluation process. He noted that it should be clear in the policy that it is not a political decision and that the proposals will be evaluated on technical merit.

Mr. Burns noted that it is VTA's intent to ensure that the process is a staff driven process.

Vice Chairperson Kniss noted that the intention was to ensure that no one was left out of the process.

Board Member Macias noted that the community must be involved before the proposals are submitted. She suggested that the Leadership in Energy and Environmental Design (LEED) certification or green building should be given more than five points in the future. She referred to Board Member Sandoval's comments about local preference and noted that in her opinion, local means the whole Bay Area. She also referred to the use of funds generated for joint development and noted that there is still a budget deficit. She suggested considering using a small portion of the funds (i.e. less than 20 percent of funds) to assist in the day-to-day operations.

M/S/C (Sandoval/Kniss) to adopt the revised Joint Development Policy and Request for Proposal (RFP) Developer Selection Criteria, with the inclusion of language on Page 3 of 4 of the Joint Development Policy, Section IV, Roles and Responsibilities of the Project Review and Approval Process, #2, to read, "Joint development projects shall comply with the land use and zoning regulations of the city, county, or city and county in which the project is located, including the appropriate environmental review and certification, community involvement, and the issuance of entitlements and building permits."

Vice Chairperson Kniss noted that the LEED Certification or green building should be given more points in the future, as mentioned by Board Member Macias.

27. Open Government Initiatives from Director Reed

Jim Lawson, Government Affairs Manager, noted that the Administration and Finance Committee discussed the recommendations contained in the agenda packet. He noted the staff recommendations for each of the open government initiatives outlined by Board Member Reed in his letter of February 13, 2007.

Board Member Reed thanked staff for their diligent work. He inquired if the Joint Development Policy is considered a procurement process. He noted that he wants to make sure that Board Members are not interfering with staff when they are doing their professional evaluation of a contract or RFP. He noted that it is important to clearly state

the appropriate time for Board Members to exercise their discretion and talk to staff, but this should take place after staff completes their evaluation and makes a recommendation.

Mr. Lawson noted that Board Members could ask general questions to staff after the agenda item has been prepared and distributed to the Board.

Board Member Sandoval stated that staff should state to Board Members that an evaluation is not yet complete and input from Board Members is not yet appropriate.

Eugene Bradley, VTA Riders Union, noted his support for the reforms put forward by Board Member Reed. He noted that he looks forward to the implementation of recommendations. He noted that the starting time for public meetings should have been included in the changes. He stated that public meetings should start at 5:30 p.m. and not in the mornings to allow the public to participate.

Board Member Sellers suggested that Board Members provide staff a list of names of individuals or firms that they might have potential conflict.

M/S/C (Reed/Sellers) to approve staff recommended changes to VTA policies and procedures based upon request of Director Reed and input from Board Members regarding Open Government Initiatives, with modification to the item dealing with evaluation process to make it clear that it applies to the joint development policy and that there is a time period when it is completely appropriate for Board Members to talk to staff and do the work that they need to do. The staff recommended changes noted in the memorandum are:

Revise the format of Board Memorandums to clearly indicate those items of a policy nature.

Revise the format of Board memos to clearly indicate the parties, including subcontractors, to all contracts other than competitively bid contracts.

Add the following to **Sec. 2-70, Incompatible uncompensated activities**, of the VTA Administrative Code:

*“(c) Board members or their staff shall not attempt to influence contract awards.
(d) During any procurement process, Board Members or their staff shall not communicate with VTA staff regarding the procurement.”*

Revise Chapter 9 of the Administrative Code to reflect current California law concerning the availability of information to the public as detailed below.

Direct the General Counsel to report public records requests that result in controversy with the requestor to the Administration & Finance Committee or the whole Board via email if there is insufficient time.

**CONGESTION MANAGEMENT PROGRAM AND PLANNING COMMITTEE
CHAIRPERSON'S REPORT – (See Agenda Item #31.B.)**

There were no items submitted for the Regular Agenda by the Congestion Management Program and Planning Committee.

OTHER ITEMS

28. Expression of Interest for the Purchase of First Market Plaza in Downtown San Jose

Michael T. Burns, General Manager, explained that the Mitchell Block is one of the sites that VTA identified as a potential staging area for the construction of the Downtown San Jose station. This is early in the process and VTA staff wanted to make sure that the Board is comfortable with staff's pursuit of land.

M/S/C (Williams/Kerr) to authorize General Manger to submit an Expression of interest for the purchase of approximately 3.6 acres of real property in downtown San Jose being offered for sale as First Market Plaza. The property is also known as the Mitchell Block and is bounded by First Street, Santa Clara Street, Market Street, and West St. John Street.

29. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

There were no Items of Concern and Referral to Administration.

30. MONTHLY LEGISLATIVE HISTORY MATRIX

On order of Chairperson Chu, there being no objection, the Monthly Legislative History Matrix was accepted as contained in the Agenda Packet.

31. SUMMARY MINUTES FROM STANDING COMMITTEES

A. Administration and Finance Committee

On order of Chairperson Chu, there being no objection, the April 19, 2007 Administration and Finance Committee Summary Minutes was accepted as contained in the Agenda Packet.

B. Congestion Management Program and Planning

On order of Chairperson Chu, there being no objection, the April 19, 2007 Congestion Management Program and Planning Summary Minutes was accepted as contained in the Agenda Packet.

C. Transit Planning and Operations Committee

On order of Chairperson Chu, there being no objection, the April 18, 2007 Transit Planning and Operations Committee Summary Minutes was accepted as contained in the Agenda Packet.

32. REPORTS (UNAPPROVED MINUTES) FROM ADVISORY COMMITTEES

A. Committee for Transit Accessibility (CTA)

On order of Chairperson Chu, there being no objection, the April 11, 2007 Committee for Transit Accessibility Minutes were accepted as contained in the Agenda Packet.

B. Citizens Advisory Committee (CAC)

On order of Chairperson Chu, there being no objection, the April 11, 2007 Citizens Advisory Committee Minutes were accepted as contained in the Agenda Packet.

C. Bicycle & Pedestrian Advisory Committee (BPAC)

On order of Chairperson Chu, there being no objection, the April 11, 2007 Bicycle & Pedestrian Advisory Committee Minutes were accepted as contained in the Agenda Packet.

D. Technical Advisory Committee (TAC)

On order of Chairperson Chu, there being no objection, the April 12, 2007 Technical Advisory Committee Minutes were accepted as placed on the dais.

E. Policy Advisory Committee (PAC)

There was no report from the April 12, 2007 Policy Advisory Committee Meeting.

33. REPORTS FROM JOINT POWERS BOARDS (JPBs) & REGIONAL COMMISSIONS

Chairperson Chu advised the Board of Directors that the Reports from the Joint Powers Boards (JPBs) & Regional Commissions were placed on the dais.

A. Peninsula Corridor JPB

On order of Chairperson Chu, there being no objection, the Peninsula Corridor JPB Report was received.

B. Capitol Corridor JPB

There was no report from the Capitol Corridor JPB.

C. Dumbarton Rail Corridor Policy Committee

On order of Chairperson Chu, there being no objection, the Dumbarton Rail Corridor Policy Committee Report was received.

D. Metropolitan Transportation Commission (MTC)

On order of Chairperson Chu, there being no objection, the Metropolitan Transportation Commission (MTC) Report was received.

Jerry Grace, Interested Citizen, noted that he has questions about Items #21 and #24. He referred to the MacArthur Maze Collapse and commended MTC and other transit agencies for providing free rides to relieve traffic congestions after the collapse of the bridge.

34. REPORTS FROM VTA POLICY ADVISORY BOARDS (PABs)

A. Vasona Light Rail PAB

There was no report from the Vasona Light Rail PAB.

B. Silicon Valley Rapid Transit Corridor PAB

There was no report from the Silicon Valley Rapid Transit Corridor PAB.

C. Downtown East Valley PAB

On order of Chairperson Chu, there being no objection, the December 1, 2006 Downtown East Valley PAB Minutes was accepted as contained in the Agenda Packet.

D. Highway PAB – South

There was no report from the Highway PAB - South.

E. I-680 Sunol SMART Carpool Lane Policy Advisory Committee

There was no report from the I-680 Sunol SMART Carpool Lane Policy Advisory Committee.

35. ADJOURNED TO CLOSED SESSION at 8:35 p.m.

A. Conference with Legal Counsel – Existing Litigation
[(Government Code Section 54956.9(a)]

1. Name of Case: Springer, et al. v. Albright, et al.
Santa Clara Co. Superior Court Case No. 1-06-CV-072624
2. Name of Case: Amalgamated Transit Union (ATU) v. Valley Transportation Authority (VTA)
Santa Clara Co. Superior Court Case No. 1-06-CV-072632

B. Conference with Labor Negotiators
[Government Code Section 54957.6]

VTA Designated Representatives:
Bill Lopez, Chief Administrative Officer
Robert Escobar, Manager, Office of Employee Relations

Employee Organization:
American Federation of State, County, and Municipal Employees (AFSCME)

RECONVENED TO OPEN SESSION at 9:07 p.m.

36. CLOSED SESSION REPORT

A. Conference with Legal Counsel – Existing Litigation
[(Government Code Section 54956.9(a)]

1. Name of Case: Springer, et al. v. Albright, et al.
Santa Clara Co. Superior Court Case No. 1-06-CV-072624

There was no reportable action taken during Closed Session.

2. Name of Case: Amalgamated Transit Union (ATU) v. Valley Transportation Authority (VTA)
Santa Clara Co. Superior Court Case No. 1-06-CV-072632

There was no reportable action taken during Closed Session.

B. Conference with Labor Negotiators
[Government Code Section 54957.6]

VTA Designated Representatives:
Bill Lopez, Chief Administrative Officer
Robert Escobar, Manager, Office of Employee Relations

Employee Organization:
American Federation of State, County, and Municipal Employees (AFSCME)

There was no reportable action taken during Closed Session.

37. ANNOUNCEMENTS

There were no Announcements.

38. ADJOURNMENT

On order of Vice Chairperson Chu, there being no objection, the meeting was adjourned at 9:07 p.m.

Respectfully Submitted,

Elaine F. Baltao, Board Assistant
VTA Board of Directors