

## BOARD OF DIRECTORS MEETING

Thursday, October 6, 2022

### MINUTES

#### 1. CALL TO ORDER AND ROLL CALL

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The Regular Meeting of the Santa Clara Valley Transportation Authority's (VTA) Board of Directors (Board) was called to order by Chairperson Jones at 5:30 p.m. via video and teleconference.

##### 1.1. ROLL CALL

Attendee Name	Title	Status
Margaret Abe-Koga	Ex-Officio Member	Present
Marie Blankley	Alternate Board Member	Absent
Pat Burt	Board Member	Present
Magdalena Carrasco	Board Member	Present
Cindy Chavez	Board Member	Present
Rich Constantine	Vice Chairperson	Present
Dev Davis	Alternate Board Member	Absent
Glenn Hendricks	Board Member	Present
Sudhanshu "Suds" Jain	Board Member	Present
Sergio Jimenez	Board Member	Present
Charles "Chappie" Jones	Chairperson	Present
Otto Lee	Board Member	Present
Lynette Lee-Eng	Alternate Board Member	Present
Sam Liccardo	Board Member	Present
Carmen Montano	Alternate Board Member	Present
Darcy Paul	Board Member	Present
Raul Peralez	Board Member	Present
Rob Rennie	Alternate Board Member	Present

\* Alternates do not serve unless participating as a Member.

**A quorum was present.**

##### 1.2. Orders of the Day

Chairperson Jones noted the revised agenda with amended language for **Closed Session Item #9.1.G.**, Conference with Legal Counsel - Existing Litigation; **Closed Session Item #9.1.H.**, Conference with Legal Counsel - Existing Litigation; and **Closed Session Item #9.1.I.**, Conference with Legal Counsel - Anticipated Litigation.

Board Member Peralez arrived at the  
video and teleconference meeting at 5:34 p.m.

**M/S/C (Constantine/Jain)** to accept the Orders of the Day.

<b>RESULT:</b>	<b>ACCEPTED -Orders of the Day</b>
<b>MOVER:</b>	Rich Constantine, Vice Chairperson
<b>SECONDER:</b>	Suds Jain, Board Member
<b>AYES:</b>	Burt, Carrasco, Constantine, Hendricks, Jain, Jones, Lee, Liccardo, Paul, Peralez
<b>NOES:</b>	None
<b>ABSENT:</b>	Chavez, Jimenez

## **2. AWARDS AND COMMENDATION**

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### **2.1. Resolution of Appreciation for VTA Chief of Staff, Brandi Childress**

Board Member Jimenez arrived at the  
video and teleconference meeting at 5:35 p.m.

Brandi Childress, Chief of Staff, thanked the Board and VTA for the opportunities, experiences, and support she had at VTA.

Board Member Chavez arrived at the  
video and teleconference meeting at 5:36 p.m.

Members of the Board thanked Ms. Childress for her contributions to VTA.

**M/S/C (Constantine/Paul)** to adopt **Resolution No. 2022.10.31** for VTA Chief of Staff, Brandi Childress.

<b>RESULT:</b>	<b>ADOPTED - Agenda Item #2.1</b>
<b>MOVER:</b>	Rich Constantine, Vice Chairperson
<b>SECONDER:</b>	Darcy Paul, Board Member
<b>AYES:</b>	Burt, Carrasco, Constantine, Hendricks, Jain, Jimenez, Jones, Lee, Liccardo, Paul, Peralez
<b>NOES:</b>	None
<b>ABSENT:</b>	Chavez

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

### **3. PUBLIC COMMENT**

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The following Interested Citizens acknowledged Ms. Childress' contributions to VTA:

- John Courtney, Amalgamated Transit Union (ATU);
- Simon Oh; and
- Eugene Bradley, Silicon Valley Transit Riders.

Blair Beekman, Interested Citizen, commented on surveillance concerns.

Anne Marie Ruiz, Interested Citizen, made the following comments: 1) expressed appreciation for Ms. Childress; and 2) requested support for women operators.

### **4. PUBLIC HEARINGS**

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#### **4.1. Notice of Intention to Adopt Resolutions of Necessity**

Ron Golem, Director of Real Estate & Transit Oriented Development, provided a presentation entitled, "VTA's BART Silicon Valley Phase II Project (BSV II): Resolution of Necessity Hearing."

Chairperson Jones officially opened the public hearing for each property.

Board Member Chavez left the  
video and teleconference meeting at 6:14 p.m.

#### **Public Comment**

Kevin Brogan from Hill Farrer & Burrill, representative for Central Concrete Supply Co. Inc., expressed concern with the following: 1) offer terms; 2) the boring machine; and 3) impacts of boring.

Kitty Moore, Interested Citizen, inquired about the tunnel easement.

Ms. Ruiz inquired what a resolution of necessity is used for.

Board Member Carrasco left the  
video and teleconference meeting at 6:17 p.m.

**M/S/C (Constantine/Jain)** to close hearing and adopt **Resolution Nos. 2022.10.32, 2022.10.33, 2022.10.34, 2022.10.35, 2022.10.36 and 2022.10.37** determining that the public interest and necessity require the acquisitions of real property interests on properties located in the City of San Jose owned respectively by (1) Main St Bagels, Inc., a California corporation; (2) Nguyen Trong Nguyen and Phuong Kim Thi Nguyen, as co-Trustees of The Nguyen Family Living Trust, U/A dated October 21, 2021; (3) William and Beatrice Jauch, Trustees of The Jauch Family Trust; (4) Allen Guggenheim and Karen Merle Guggenheim, Trustees of the Guggenheim Family Trust dated December 24, 1998, and Albert M. Sabes and Susan L. Sabes, Trustees, or their successor(s), under The Sabes 1992 Revocable Trust dated November 6, 1992; (5) Bay Area/Diablo Petroleum Company, a California corporation, and (6) Central Concrete Supply Co. Inc., a California corporation for VTA's BART Silicon Valley Phase II Project.

**Property ID/Assessor's Parcel Number/Owner (Resolution No. 2022.10.32)**

B3014 (APN No.: 467-09-042) owned by Main St Bagels, Inc., a California corporation.

**Property ID/Assessor's Parcel Number/Owner (Resolution No. 2022.10.33)**

B3015 (APN No.: 467-09-060) owned by Nguyen Trong Nguyen and Phuong Kim Thi Nguyen, as co-Trustees of The Nguyen Family Living Trust, U/A dated October 21, 2021.

**Property ID/Assessor's Parcel Number/Owner (Resolution No. 2022.10.34)**

B3319 (APN No.: 261-04-004 and 261-04-005) owned by William E. Jauch and Beatrice A. Jauch, Trustees of The Jauch Family Trust.

**Property ID/Assessor's Parcel Number/Owner (Resolution No. 2022.10.35)**

B3220 (APN No.: 261-04-039) owned by Allen Guggenheim and Karen Merle Guggenheim, Trustees of the Guggenheim Family Trust dated December 24, 1998, and Albert M. Sabes and Susan L. Sabes, Trustees, or their successor(s), under The Sabes 1992 Revocable Trust dated November 6, 1992.

**Property ID/Assessor's Parcel Number/Owner (Resolution No. 2022.10.36)**

B4002 (APN No.: 230-41-003) owned by Bay Area/Diablo Petroleum Company, a California corporation.

**Property ID/Assessor's Parcel Number/Owner (Resolution No. 2022.10.37)**

B4005 (APN No.: 261-11-003) owned by Central Concrete Supply Co. Inc., a California corporation.

<b>RESULT:</b>	<b>ADOPTED - Agenda Item #4.1</b>
<b>MOVER:</b>	Rich Constantine, Vice Chairperson
<b>SECONDER:</b>	Suds Jain, Board Member
<b>AYES:</b>	Burt, Constantine, Hendricks, Jain, Jimenez, Jones, Lee, Liccardo, Paul, Peralez
<b>NOES:</b>	None
<b>ABSENT:</b>	Carrasco, Chavez

## 5. REPORTS

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### 5.1. Committee Reports

#### 5.1.A. Citizens Advisory Committee (CAC) Chairperson's Report

Citizens Advisory Committee (CAC) Vice Chairperson Miller provided a brief report on the CAC meeting of September 7, 2022.

#### 5.1.B. Policy Advisory Committee (PAC) Chairperson's Report

Policy Advisory Committee (PAC) Chairperson Moore provided a brief report on the PAC meeting of September 8, 2022.

#### 5.1.C. Standing Committee Chairpersons' Report

Chairperson Jones noted that the Standing Committee Chairpersons' reports were available in the online agenda packet.

#### 5.1.D. Policy Advisory Board Chairpersons' Report

There were no Policy Advisory Board Chairpersons' Reports.

#### Public Comment

Mr. Beekman commented on the CAC membership.

Board Member Liccardo left  
the video and teleconference meeting at 6:30 p.m.

### 5.2. General Manager Report

Carolyn Gonot, General Manager/CEO, provided a report, highlighting the following: 1) ridership; 2) bus operator graduation; 3) California Infrastructure Advisor Antonio Villaraigosa's visit; 4) rail safety enforcement; 5) Women's Transportation Seminar's (WTS) 2022 Woman of the Year is VTA's Chief Planning & Programming Officer Deborah Dagang; and 6) update on media relations, marketing, and outreach activities.

**5.2.A. Government Affairs Update**

Ms. Gonot noted that the Government Affairs Update is in the online packet.

Ms. Gonot also noted that the ridership and safety and security statistics were in the online packet.

**Public Comment**

Mr. Bradley commented on buses not showing up.

Mr. Courtney commented that operators do not feel there is an increase in security.

Ms. Ruiz made the following comments: 1) consistent security presence; 2) support for female drivers; and 3) bus parts shortage is one of the reasons for missed pull outs.

Mr. Beekman referenced the rail enforcement report and expressed concern about the bomb sniffing dogs.

**On order of Chairperson Jones** and there being no objection, the Board received the General Manager Report.

**5.3. Chairperson's Report**

Chairperson Jones provided a report on the following: 1) micro-transit launches in Milpitas and Morgan Hill; and 2) September 22, 2022, Meet the Primes event with the City of San José and Valley Water.

**Public Comment**

Mr. Courtney expressed concerns about the micro-transit operators and vehicles.

**On order of Chairperson Jones** and there being no objection, the Board received the Chairperson's Report.

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**6. CONSENT AGENDA**

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**Public Comment**

Mr. Courtney referenced **Agenda Item #6.2.**, Approval of Competitive Negotiation Process – Bus Procurement, and encouraged VTA to have a training plan for employees.

Mr. Beekman made the following comments: 1) referenced **Agenda Item #6.17.**, Unapproved Minutes/Summary Reports from VTA Committees, Joint Powers Boards (JPB), and Regional Commissions, commenting on working cooperatively with other agencies on high-speed rail; and 2) referenced **Agenda Item #6.10.**, One Bay Area Grant Cycle 3 Prioritized List of Projects, and expressed concern with technology.

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**ADMINISTRATION AND FINANCE (A&F) COMMITTEE**

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**6.1. FY 2022 Q4 Statement of Revenue & Expenses**

M/S/C (Constantine/Hendricks) to review and accept the Fiscal Year 2022 Statement of Revenues and Expenses for the period ending June 30, 2022.

**6.2. Approval of Competitive Negotiation Process – Bus Procurement**

M/S/C (Constantine/Hendricks) to adopt a **Resolution No. 2022.10.38** upon a two-thirds vote of the Board of Directors finding that a competitive sealed bid process does not constitute a method of procurement adequate for VTA's needs and directing the use of Competitive Negotiation for the purchase of up to 35 low-floor zero emission electric buses, up to 43 foot in length, with an additional option to buy up to 35 Hybrid diesel-electric buses.

**6.3. Authorize the General Manager to Enter into Agreements with the City of Mountain View to implement the Take Charge Initiative and Amend VTA's Transit Enterprise Capital Budget to Include this Project**

M/S/C (Constantine/Hendricks) to authorize the General Manager/CEO to enter into agreements with the City of Mountain View to implement the Take Charge Initiative. Amend the FY 2022 and FY 2023 Transit Enterprise Capital budget to add the project and related budget appropriation.

**6.4. Silicon Valley Express Lanes Program Phase 4 – HNTB Corporation Contract Amendment #10**

M/S/C (Constantine/Hendricks) to authorize the General Manager/CEO to execute Contract Amendment 10 with HNTB Corporation to extend the contract term to December 31, 2023 to complete Final Design Services for the Silicon Valley Express Lanes (SVEL) Program Phase 4 Project.

**6.5. Funding Agreement Amendment with the County of Santa Clara for Mental Health Services**

M/S/C (Constantine/Hendricks) to authorize the General Manager/CEO to amend the interagency funding agreement with the County of Santa Clara to provide professional mental health services for those traumatized by the May 26, 2021 shooting in the amount of \$600,000 for a total of \$1,200,000.

**6.6. Letter of No Prejudice Request**

M/S/C (Constantine/Hendricks) to adopt **Resolution No. 2022.10.39** for planning and early property acquisition for the Diridon Intermodal Station Concept (DISC).

**6.7. Fiscal Year 2023 Transit Operations Insurance Program Outcome**

M/S/C (Constantine/Hendricks) to receive a report summarizing the outcome of VTA's Fiscal Year 2023 Transit Operations Insurance program.

**6.8. Independent Assessment of TriStar's Performance in its Administration of VTA's Workers' Compensation**

M/S/C (Constantine/Hendricks) to receive a report on the independent assessment by Willis Towers Watson and the VTA Auditor General on the performance of TriStar in the administration of VTA's Workers' Compensation Program.

**CONGESTION MANAGEMENT PROGRAM & PLANNING (CMPP)  
COMMITTEE**

**6.9. Adoption of Countywide Local Roads Safety Plan**

M/S/C (Constantine/Hendricks) to adopt the Countywide Local Roads Safety Plan.

**6.10. One Bay Area Grant Cycle 3 Prioritized List of Projects**

M/S/C (Constantine/Hendricks) to approve One Bay Area Grant Cycle 3 prioritized list of projects and adopt **Resolution No. 2022.10.40** for submission to the Metropolitan Transportation Commission.

**6.11. FY 2022 Silicon Valley Express Lanes Operations Report**

M/S/C (Constantine/Hendricks) to receive update on the Silicon Valley Express Lanes Fiscal Year 2022 Operations Report.

**SAFETY, SECURITY, AND TRANSIT PLANNING & OPERATIONS (SSTP&O)  
COMMITTEE**

*There were no items submitted for the Consent Agenda from the Safety, Security, and Transit Planning & Operations Committee.*

**GOVERNANCE AND AUDIT (G&A) COMMITTEE**

*There were no items submitted for the Consent Agenda from the Governance & Audit Committee.*

**BOARD OF DIRECTORS**

**6.12. Regular Meeting Minutes of September 1, 2022**

M/S/C (Constantine/Hendricks) to approve the Regular Meeting Minutes of September 1, 2022.



**6.13. Workshop Meeting Minutes of September 16, 2022**

M/S/C (Constantine/Hendricks) to approve the Workshop Meeting Minutes of September 16, 2022.

**6.14. 2016 Measure B Caltrain Corridor Capacity Cooperative Agreements**

M/S/C (Constantine/Hendricks) to authorize the General Manager/CEO to execute the necessary separate agreements and amendments with the Peninsula Corridor Joint Powers Board to deliver the Caltrain Corridor Wide Grade Separation Study and Diridon Station Preliminary Business Case Projects.

**6.15. SJAM Diridon Parking Agreement Amendment #17**

M/S/C (Constantine/Hendricks) to authorize the General Manager to execute Amendment No. 7 to the Cooperative Parking Agreement (Parking Agreement) between San Jose Arena Management (SJAM), the Peninsula Corridor Joint Powers Board (Caltrain), and VTA, to allow SAP Arena event parking on the Caltrain and VTA Diridon parking lots.

**6.16. Subsequent Resolution to Continue Remote Board and Committee Meetings**

M/S/C (Constantine/Hendricks) to adopt **Resolution No. 2022.10.41** authorizing the Santa Clara Valley Transportation Authority (VTA) Board of Directors and all standing, advisory, policy, oversight, steering, and inter-agency committees and subcommittees of the Board to continue to meet by remote teleconference, subject to the requirements of Assembly Bill 361 (Rivas).

**6.17. Unapproved Minutes/Summary Reports from VTA Committees, Joint Powers Boards (JPB), and Regional Commissions**

M/S/C (Constantine/Hendricks) to receive unapproved Minutes/Summary Reports from VTA Committees, Joint Powers Boards (JPB), and Regional Commissions.

<b>RESULT:</b>	<b>APPROVED - Agenda Items #6.1-6.17</b>
<b>MOVER:</b>	Rich Constantine, Vice Chairperson
<b>SECONDER:</b>	Glenn Hendricks, Board Member
<b>AYES:</b>	Burt, Constantine, Hendricks, Jain, Jimenez, Jones, Lee, Paul, Perez
<b>NOES:</b>	None
<b>ABSENT:</b>	Carrasco, Chavez, Liccardo

**7. REGULAR AGENDA**

**ADMINISTRATION AND FINANCE (A&F) COMMITTEE**

*There were no items submitted for the Regular Agenda from the Administration and Finance Committee.*

**CONGESTION MANAGEMENT PROGRAM & PLANNING (CMPP)  
COMMITTEE**

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

**SAFETY, SECURITY, AND TRANSIT PLANNING & OPERATIONS (SSTP&O)  
COMMITTEE**

**7.1. 2023 Transit Service Plan**

Janice Soriano-Ramos, Senior Transportation Planner, provided a presentation entitled “2023 Transit Service Plan.”

**Public Comment**

Mr. Bradley inquired about light rail operating 15 minutes all day every day and Line 568 service on Saturdays.

Mr. Courtney noted the current service levels are a result of maintenance issues.

Ms. Ruiz commented that the 50 buses down at Chaboya have the personnel to operate but are not mechanically sound.

Mr. Beekman expressed concern with the change of bus stop locations.

Monica Mallon, Interested Citizen, praised the transit service plan for the access it will provide residents across the county.

Mr. Oh encouraged VTA to expand early morning and later in the evening service in the West Valley.

Members of the Committee and staff discussed the following: 1) convenient transit; 2) bus maintenance; and 3) messaging of why buses are not running. Staff was requested to provide a more substantive information on the bus parts shortage.

**M/S/C (Constantine/Hendricks)** to adopt the 2023 Transit Service Plan.

<b>RESULT:</b>	<b>ADOPTED - Agenda Item #7.1</b>
<b>MOVER:</b>	Rich Constantine, Vice Chairperson
<b>SECONDER:</b>	Glenn Hendricks, Board Member
<b>AYES:</b>	Burt, Constantine, Hendricks, Lee, Jain, Jimenez, Jones, Paul, Peralez
<b>NOES:</b>	None
<b>ABSENT:</b>	Carrasco, Chavez, Liccardo

**GOVERNANCE AND AUDIT (G&A) COMMITTEE**

**7.2. VTA Access Paratransit Service Scope of Work**

Rachelle Tagud, Senior Management Analyst - Regional Transportation Services, provided a presentation entitled “VTA ACCESS Paratransit Services: Scope of Work.”

**Public Comment**

Mr. Beekman commented on cleanliness of vehicles.

**On order of Chairperson Jones** and there being no objection, the Board reviewed and discussed the scope of work for VTA Access Paratransit Services.

**BOARD OF DIRECTORS**

**7.3. 2022 Title VI Program**

Jaye Bailey, Director of Policy & Compliance, and Mark Greene, Manager - Office of Civil Rights, provided a presentation entitled “Office of Civil Rights: Title VI Program.”

**M/S/C (Hendricks/Lee)** to adopt **Resolution No. 2022.10.42** approving VTA’s Title VI Program.

<b>RESULT:</b>	<b>ADOPTED - Agenda Item #7.3</b>
<b>MOVER:</b>	Glenn Hendricks, Board Member
<b>SECONDER:</b>	Otto Lee, Board Member
<b>AYES:</b>	Burt, Constantine, Hendricks, Jain, Jimenez, Jones, Lee, Paul, Peralez
<b>NOES:</b>	None
<b>ABSENT:</b>	Carrasco, Chavez, Liccardo

**7.4. Fiscal Year 2023 Budget Augmentation and Amendment**

Greg Richardson, Chief Financial Officer, provided a presentation entitled “Budget Amendment Fiscal year 2023.”

**M/S/C (Hendricks/Constantine)** to approve the augmentation and modification to the Fiscal Year 2023 Adopted Budget by \$27.23 million to incorporate the following:

- Augment the Transit Operating budget by \$12.90 million.
- Augment the Transit Capital Program budget by \$14.33 million, \$7.15 million of VTA Transit funds, and \$7.18 million from State of Good Repair, Federal Grant and 2016 Measure B Program funds.

<b>RESULT:</b>	<b>APPROVED - Agenda Item #7.4</b>
<b>MOVER:</b>	Glenn Hendricks, Board Member
<b>SECONDER:</b>	Rich Constantine, Vice Chairperson
<b>AYES:</b>	Burt, Constantine, Hendricks, Jain, Jimenez, Jones, Lee, Paul, Peralez
<b>NOES:</b>	None
<b>ABSENT:</b>	Carrasco, Chavez, Liccardo

**7.5. Silicon Valley Rapid Transit (SVRT) Program Update**

Gary Griggs, Chief BART Silicon Valley Extension Program Officer, provided a presentation entitled “VTA’s BART Silicon Valley Phase II Extension.”

Board Member Chavez returned the  
video and teleconference meeting at 6:14 p.m.

**Public Comment**

Mr. Beekman commented on sharing of ideas.

**On order of Chairperson Jones** and there being no objection, the Board received the Silicon Valley Rapid Transit (SVRT) Program update.

**7.6. SB 129 Joint Labor Management Committee Update**

Mark Delong, Transportation Authority Engineers and Architects (TAEA) Local 21, provided an update on the SB 129 Joint Labor Management Committee.

**Public Comment**

Mr. Beekman advocated for allowing union leadership more time to talk.

Board Member Hendricks requested a slide showing the steps/projective timeline at future meetings.

**On order of Chairperson Jones** and there being no objection, the Board received SB 129 Joint Labor Management Committee Update.

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**8. OTHER ITEMS**

**8.1. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION**

There were no Items of Concern and Referral to Administration.

**8.2. Announcements**

There were no Announcements.

**8.3. Public Comment (Continued)**

There was no Public Comment.

**9. CLOSED SESSION**

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**Public Comment**

Mr. Beekman expressed appreciation for public comment on Closed Session Items.

**9.1. Recessed to Closed Session at 8:35 p.m.**

- A.** Threat to Public Services or Facilities  
[Government Code Section 54957(a)]

Consultation with the following staff:  
Scott Johnson, Auditor General  
Rich Bertalan, Technology Deputy Director  
Max Egan, Sr. Cyber Security Analyst
- B.** Conference with Legal Counsel - Existing Litigation  
[Government Code Section 54956.9(d)(1)]

Name of Case: Lane et al v. Universal Protection Service, LP et al  
(Santa Clara County Superior Court Case No. 22CV398848)
- C.** Conference with Legal Counsel - Existing Litigation  
[Government Code Section 54956.9(d)(1)]

Name of Case: Davallou et al v. Universal Protection Service, LP et al  
(Santa Clara County Superior Court Case No. 22CV399418)
- D.** Conference with Legal Counsel - Existing Litigation  
[Government Code Section 54956.9(d)(1)]

Name of Case: Fritch et al v. Universal Protection Service, LP et al  
(Santa Clara County Superior Court Case No. 22CV399095)
- E.** Conference with Legal Counsel - Existing Litigation  
[Government Code Section 54956.9(d)(1)]

Name of Case: Megia et al v. Universal Protection Service, LP et al  
(Santa Clara County Superior Court Case No. 22CV399096)
- F.** Conference with Legal Counsel - Existing Litigation  
[Government Code Section 54956.9(d)(1)]

Name of Case: Gil v. Universal Protection Service, LP et al  
(Santa Clara County Superior Court Case No. 22CV400206)

**G.** Conference with Legal Counsel – Existing Litigation  
[Government Code Section 54956.9(d)(1)]

Name of Case: Bertolet et al v. Universal Protection Service, LP et al  
(Santa Clara County Superior Court Case No. 22CV400239)

**H.** Conference with Legal Counsel - Existing Litigation  
[Government Code Section 54956.9(d)(1)]

Name of Case: Skanska-Shimmick-Herzog v. Santa Clara Valley  
Transportation Authority  
(San Mateo Superior Court Case No. 20-CIV-02854)

**I.** Conference with Legal Counsel - Anticipated Litigation  
[Government Code Section 54956.9(d)(2)]

Significant Exposure to Litigation relating to personal injury claim by John  
Shea

**9.2. Reconvened to Open Session at 11:05 p.m.**

**9.3. Closed Session Report**

**A.** Threat to Public Services or Facilities  
[Government Code Section 54957(a)]

Consultation with the following staff:  
Scott Johnson, Auditor General  
Rich Bertalan, Technology Deputy Director  
Max Eagan, Sr. Cyber Security Analyst

Evelynn Tran, General Counsel, noted no reportable action was taken  
during Closed Session.

**B.** Conference with Legal Counsel - Existing Litigation  
[Government Code Section 54956.9(d)(1)]

Name of Case: Lane et al v. Universal Protection Service, LP et al  
(Santa Clara County Superior Court Case No. 22CV398848)

Ms. Tran noted no reportable action was taken during Closed Session.

**C.** Conference with Legal Counsel - Existing Litigation  
[Government Code Section 54956.9(d)(1)]

Name of Case: Davallou et al v. Universal Protection Service, LP et al  
(Santa Clara County Superior Court Case No. 22CV399418)

Ms. Tran noted no reportable action was taken during Closed Session.

**D.** Conference with Legal Counsel - Existing Litigation  
[Government Code Section 54956.9(d)(1)]

Name of Case: Fritch et al v. Universal Protection Service, LP et al  
(Santa Clara County Superior Court Case No. 22CV399095)

Ms. Tran noted no reportable action was taken during Closed Session.

**E.** Conference with Legal Counsel - Existing Litigation  
[Government Code Section 54956.9(d)(1)]

Name of Case: Megia et al v. Universal Protection Service, LP et al  
(Santa Clara County Superior Court Case No. 22CV399096)

Ms. Tran noted no reportable action was taken during Closed Session.

**F.** Conference with Legal Counsel - Existing Litigation  
[Government Code Section 54956.9(d)(1)]

Name of Case: Gil v. Universal Protection Service, LP et al  
(Santa Clara County Superior Court Case No. 22CV400206)

Ms. Tran noted no reportable action was taken during Closed Session.

**G.** Conference with Legal Counsel – Existing Litigation  
[Government Code Section 54956.9(d)(1)]

Name of Case: Bertolet et al v. Universal Protection Service, LP et al  
(Santa Clara County Superior Court Case No. 22CV400239)

Ms. Tran noted no reportable action was taken during Closed Session.

**H.** Conference with Legal Counsel - Existing Litigation  
[Government Code Section 54956.9(d)(1)]

Name of Case: Skanska-Shimmick-Herzog v. Santa Clara Valley  
Transportation Authority  
(San Mateo Superior Court Case No. 20-CIV-02854)

Ms. Tran noted no reportable action was taken during Closed Session.

**I.** Conference with Legal Counsel - Anticipated Litigation  
[Government Code Section 54956.9(d)(2)]

Significant Exposure to Litigation relating to personal injury claim by John  
Shea

Ms. Tran noted no reportable action was taken during Closed Session.

## **10. ADJOURNMENT**

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**On order of Chairperson Jones** and there being no objection, the meeting was adjourned at 11:06 p.m.

Respectfully submitted,

Thalia Young, Board Assistant  
VTA Office of the Board Secretary