

BOARD OF DIRECTORS MEETING

Thursday, November 4, 2021

MINUTES

1. CALL TO ORDER AND ROLL CALL

The Regular Meeting of the Santa Clara Valley Transportation Authority's (VTA) Board of Directors (Board) was called to order by Chairperson Hendricks at 5:34 p.m. via video and teleconference.

1.1. ROLL CALL

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

* Alternates do not serve unless participating as a Member.

A quorum was present.

1.2. Orders of the Day

Chairperson Hendricks noted a revised agenda was distributed with the following changes: 1) the number of cases for **Closed Session Item #9.1.C**; and 2) **Items #9.1.D., #9.1.E, #9.1.F, and #9.1.G.** were added to the Closed Session.

Chairperson Hendricks noted staff's request to hear **Agenda Item #7.5:** Annual Comprehensive Financial Report (ACFR) for the VTA, and Financial Reports for ATU Pension Plan, and Retirees' OPEB as the first item on the Regular Agenda.

M/S/C (Liccardo/Jones) to accept the Orders of the Day.

RESULT:	Accepted Orders of the Day – Agenda Item #1.2
MOVER:	Sam Liccardo, Board Member
SECONDER:	Chappie Jones, Vice Chairperson
AYES:	Chavez, Constantine, Davis, Hendricks, Jones, Lee-Eng, Liccardo, Montano, Paul, Peralez, Simitian
NOES:	None
ABSENT:	Carrasco

2. AWARDS AND COMMENDATION

The Board of Directors recognized Henry Ramirez, VTA bus operator, for his heroic act. Mr. Ramirez's quick action helped a missing man get medical treatment and get reunited with his family.

Public Comment

Roland Lebrun, Interested Citizen, applauded Operator Ramirez' actions.

Scott Mace, Interested Citizen, expressed concern about parking payment machines at Berryessa BART station not working properly.

Blair Beekman, Interested Citizen, expressed gratitude for Operator Ramirez.

3. PUBLIC COMMENT

Mr. Lebrun made the following comments: 1) requested that the Otter link be posted with the Zoom link on agendas and the agenda portal; and 2) cautioned Board Members to be aware of campaign contributions and items on the VTA agendas.

Mr. Beekman commented on COVID vaccines and mask wearing.

4. PUBLIC HEARINGS

There were no Public Hearings.

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

5. COMMITTEE REPORTS

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

Citizens Advisory Committee (CAC) Chairperson Swaminathan provided a brief report on the CAC meeting of October 13, 2021.

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

Policy Advisory Committee (PAC) Chairperson Moore provided a brief report on the PAC meeting of October 14, 2021.

5.3. Standing Committee Chairperson's Report

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

5.4. Policy Advisory Board Chairpersons' Report

There were no Policy Advisory Board Chairpersons' reports.

Public Comment

Mr. Lebrun expressed concern that the Caltrain report and his written public comment for **Agenda Item #6.5.**, HNTB/WSP Contract Amendment, were removed from the website.

Mr. Beekman commented on housing for low incomes.

6. CONSENT AGENDA

Alternate Board Member Lee-Eng requested removing **Agenda Item #6.6.**, Request for Offer (RFO) at Capitol Station for Affordable Housing Development and **Agenda Item #6.7.**, Request for Offer (RFO) at Branham Station for Affordable Housing Development from the Consent Agenda and placed them on the Regular Agenda.

Board Member Simitian noted his abstention on **Agenda Item #6.4.**, Mott MacDonald/Wong Joint Venture Contract Amendment and **Agenda Item #6.5.**, HNTB/WSP Contract Amendment.

Thalia Young, Board Assistant, noted that written public comment from Mr. Lebrun was provided to the Board and can be found in the online agenda packet.

Public Comment

Mr. Beekman commented on creating a transportation plan with bicycle accessibility.

Mr. Lebrun opposed the staff recommendation for **Agenda Item #6.5.**, HNTB/WSP Contract Amendment.

Adina Levin, Friends of Caltrain, expressed concern about the BART Silicon Valley Extension Project Phase II.

Board Member Chavez recused herself from the following items: **Agenda Item #6.1.**, Approve Changes to the Cerone ZEB Infrastructure Project Budget and Grant Funding; **Agenda Item #6.4.**, Mott MacDonald/Wong Joint Venture Contract Amendment; and **Agenda Item #6.5.**, HNTB/WSP Contract Amendment.

Board Member Liccardo recused himself from the following: **Agenda Item #6.2.**, North Yard Pavement Rehabilitation (C20238); **Agenda Item #6.4.**, Mott MacDonald/Wong Joint Venture Contract Amendment; and **Agenda Item #6.5.**, HNTB/WSP Contract Amendment. He also removed **Agenda Item #6.1.**, Approve Changes to the Cerone ZEB Infrastructure Project Budget and Grant Funding, from the Consent Agenda and placed it on the Regular Agenda.

ADMINISTRATION AND FINANCE (A&F) COMMITTEE

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

Augment the Fiscal Years 2022 and 2023 Biennial Capital Spending Budget for P-1085 by \$11,830,000, by allocating \$11,754,000 in LCTOP funds and an additional \$76,000 of CEC funds to the Cerone ZEB project (P-1085).

6.2. North Yard Pavement Rehabilitation (C20238)

M/S/C (Paul/Montano) on a vote of 10 ayes 0 no and 1 refusal to authorize the General Manager to execute a contract with the lowest responsive and responsible bidder, Tri Valley Excavating Company, Inc., in the amount of \$1,146,730.62 for the construction of the North Yard Pavement Rehabilitation (C20238). Board Member Liccardo recused.

6.3. Highway 17 Consolidated Transit Service Amendment #10

M/S/C (Paul/Montano) to authorize the General Manager to execute the Tenth Amendment to the Memorandum of Understanding (MOU) with Santa Cruz Metropolitan Transit District (METRO), San Joaquin Joint Powers Authority (SJJP), Capitol Corridor Joint Powers Authority (CCJPA) and Santa Clara Valley Transportation Authority (VTA) for a two-year extension up to \$800,000 which includes service and WiFi costs for the Highway 17 Consolidated Transit Service.

6.4. Mott MacDonald/Wong Joint Venture Contract Amendment

M/S/C (Paul/Montano) on a vote of 8 ayes to 0 noes to 1 abstention to 2 refusals to authorize the General Manager to execute a contract amendment with the Mott MacDonald/Wong Joint Venture (S18088) for an amount up to \$16,600,000 to continue providing General Engineering services for VTA's BART Silicon Valley Phase II Extension. Board Member Simitian abstained. Board Members Chavez and Liccardo recused.

6.5. HNTB/WSP Contract Amendment

M/S/C (Paul/Montano) on a vote of 8 ayes to 0 noes to 1 abstention to 2 recusals to authorize the General Manager to execute a contract amendment with the HNTB/WSP Joint Venture (S17017) for an amount up to \$11,900,000 for a six-month period ending June 30, 2022 to continue providing Program Management services for VTA's BART Silicon Valley Phase II Extension. Board Member Simitian abstained. Board Members Chavez and Liccardo recused.

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

Authorize the General Manager to issue a Request for Offers (RFO) for the Capitol Station Affordable Housing Transit-Oriented Development (TOD) project in conjunction with the Santa Clara County Office of Supportive Housing (OSH) pursuant to the Santa Clara Valley Transportation Authority (VTA) and OSH Cost Sharing Agreement for County Measure A-Funded Affordable Housing TOD.

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

Authorize the General Manager to issue a Request for Offers (RFO) for the Branham Station Affordable Housing Transit-Oriented Development (TOD) project in conjunction with the Santa Clara County Office of Supportive Housing (OSH) pursuant to the Santa Clara Valley Transportation Authority (VTA) and OSH Cost Sharing Agreement for County Measure A-Funded affordable housing TOD.

CONGESTION MANAGEMENT PROGRAM & PLANNING (CMPP) COMMITTEE
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6.8. FY 2021/22 Transportation Fund for Clean Air (TFCA) Program Manager Funds

M/S/C (Paul/Montano) to approve the programming of FY 2021/22 Transportation Fund for Clean Air (TFCA) County Program Manager (CPM) funds to projects.

6.9. One Bay Area Grant Cycle 2 Funds Reprogramming

M/S/C (Paul/Montano) to approve reprogramming approximately \$4.6 million One Bay Area Grant Cycle 2 Surface Transportation Block Grant Program funds to the following projects: a) Campbell - Pedestrian and bicycle safety improvements along Campbell Ave, Civic Center Drive and Orchard City Drive; b) San Jose - convert East Julian Street and East Saint James Street from one-way to two-way streets, reducing vehicle speeds and calming traffic; and c) Mountain View - improvements for the neighborhood connection to the Transit Center and downtown.

6.10. Valley Transportation Plan (VTP) Transportation Program Semi-Annual Report Ending June 30, 2021

M/S/C (Paul/Montano) to receive the Valley Transportation Plan (VTP) Transportation Program Semi-Annual Report Ending June 30, 2021.

6.11. 2000 Measure A Transit Improvement Program Semi-Annual Report Ending June 30, 2021

M/S/C (Paul/Montano) to receive the 2000 Measure A Transit Improvement Program Semi-Annual Report Ending June 30, 2021.

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 and 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. Subsequent Resolution to Continue Remote Board and Committee Meetings

M/S/C (Paul/Montano) to adopt **Resolution No. 2021.11.34** 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).

6.13. Regular Meeting Minutes of October 7, 2021

M/S/C (Paul/Montano) to approve the Regular Meeting Minutes of October 7, 2021.

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

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

RESULT: APPROVED – Agenda Item #6.2
MOVER: Darcy Paul, Board Member
SECONDER: Carmen Montano, Board Member
AYES: Chavez, Constantine, Davis, Hendricks, Jones, Lee-Eng, Montano, Paul, Peralez, Simitian
NOES: None
RECUSED: Liccardo
ABSENT: Carrasco

RESULT: APPROVED – Agenda Items #6.3, 6.8-6.14
MOVER: Darcy Paul, Board Member
SECONDER: Carmen Montano, Board Member
AYES: Chavez, Constantine, Davis, Hendricks, Jones, Lee-Eng, Liccardo, Montano, Paul, Peralez, Simitian
NOES: None
ABSENT: Carrasco

RESULT: APPROVED – Agenda Items #6.4-6.5
MOVER: Darcy Paul, Board Member
SECONDER: Carmen Montano, Board Member
AYES: Constantine, Davis, Hendricks, Jones, Lee-Eng, Montano, Paul, Peralez
NOES: None
ABSTAINED: Simitian
RECUSED: Chavez, Liccardo
ABSENT: Carrasco

7. REGULAR AGENDA

The Agenda was taken out of order.

ADMINISTRATION AND FINANCE (A&F) COMMITTEE

6.1. Approve Changes to the Cerone ZEB Infrastructure Project Budget and Grant Funding

Board Member Liccardo inquired about VTA’s efforts to partner with the City of San José or the private sector.

Public Comment

Mr. Beekman expressed support for local procurement.

Mr. Lebrun requested that the Chairperson announce the agenda item for which public comment is being taken.

M/S/C (Montano/Liccardo) to augment the Fiscal Years 2022 and 2023 Biennial Capital Spending Budget for P-1085 by \$11,830,000, by allocating \$11,754,000 in LCTOP funds and an additional \$76,000 of CEC funds to the Cerone ZEB project (P-1085). Board Member Chavez recused.

RESULT:	APPROVED – Agenda Item #6.1
MOVER:	Carmen Montano, Board Member
SECONDER:	Sam Liccardo, Board Member
AYES:	Chavez, Constantine, Davis, Hendricks, Jones, Lee-Eng, Liccardo, Montano, Paul, Peralez, Simitian
NOES:	None
RECUSALS:	Chavez
ABSENT:	Carrasco

Agenda Items #6.6 and 6.7 were heard together.

Agenda Items #6.6 and 6.7

6.6. Request for Offer (RFO) at Capitol Station for Affordable Housing Development

6.7. Request for Offer (RFO) at Branham Station for Affordable Housing Development

Members of the Board and staff discussed the following: 1) housing the unhoused; 2) timeline needed to secure funding; and 3) informing PAC of the progress.

Board Member Carrasco joined the teleconference and
video conference meeting at 6:22 p.m.

Public Comment

Mr. Beekman encouraged VTA to plan for 2022 not 2023.

6.6. Request for Offer (RFO) at Capitol Station for Affordable Housing Development

M/S/C (Paul/Lee-Eng) to authorize the General Manager to issue a Request for Offers (RFO) for the Capitol Station Affordable Housing Transit-Oriented Development (TOD) project in conjunction with the Santa Clara County Office of Supportive Housing (OSH) pursuant to the Santa Clara Valley Transportation Authority (VTA) and OSH Cost Sharing Agreement for County Measure A-Funded Affordable Housing TOD. Further the Board made the following requests: 1) refer the policy-based issue of how to optimize supportive housing and services for the unhoused community at any future transit-oriented developments to the PAC; and 2) present any staff-recommended changes to the policy to either Administration & Finance (A&F) or Capital Program Committee (CPC).

6.7. Request for Offer (RFO) at Branham Station for Affordable Housing Development

M/S/C (Paul/Lee-Eng) to authorize the General Manager to issue a Request for Offers (RFO) for the Branham Station Affordable Housing Transit-Oriented Development (TOD) project in conjunction with the Santa Clara County Office of Supportive Housing (OSH) pursuant to the Santa Clara Valley Transportation Authority (VTA) and OSH Cost Sharing Agreement for County Measure A-Funded affordable housing TOD. Further the Board made the following requests: 1) refer the policy-based issue of how to optimize supportive housing and services for the unhoused community at any future transit-oriented developments to the PAC; and 2) present any staff-recommended changes to the policy to either A&F or CPC.

RESULT:	APPROVED – Agenda Items #6.6-6.7
MOVER:	Darcy Paul, Board Member
SECONDER:	Lynette Lee-Eng, Alternate Board Member
AYES:	Carrasco, Chavez, Constantine, Davis, Hendricks, Jones, Lee-Eng, Liccardo, Montano, Paul, Peralez, Simitian
NOES:	None

GOVERNANCE AND AUDIT (G&A) COMMITTEE

7.5. Annual Comprehensive Financial Report (ACFR) for the Santa Clara Valley Transportation Authority (VTA), and Financial Reports for Amalgamated Transit Union (ATU) Pension Plan, and Retirees' Other Post Employment Benefits (OPEB) Trust (both referred to as Trusts) for Fiscal Year 2021

Kathleen Kelly, Interim Chief Financial Officer, introduced Ahmad Gharaibeh, Eide Bailly, who provided a presentation entitled “Fiscal Year Ended June 30, 2021.”

M/S/C (Montano/Jones) to review and receive the audited Annual Comprehensive Financial Report (ACFR) for the Santa Clara Valley Transportation Authority (VTA), and Financial Reports for Amalgamated Transit Union (ATU) Pension Plan, and Retirees' Other Post-Employment Benefits (OPEB) Trust (both referred to as Trusts) for Fiscal Year 2021.

RESULT:	APPROVED – Agenda Item #7.5
MOVER:	Carmen Montano, Board Member
SECONDER:	Chappie Jones, Vice Chairperson
AYES:	Carrasco, Constantine, Davis, Hendricks, Jones, Lee-Eng, Liccardo, Montano, Paul, Peralez, Simitian
NOES:	None
ABSENT:	Chavez

ADMINISTRATION AND FINANCE (A&F) COMMITTEE

7.2. Eastridge to BART Regional Connector – Final Design and Engineering Services Contract Amendment #6

Ken Ronsse, Deputy Director, Rail and Facilities, provided an overview of the staff report.

Public Comment

Mr. Lebrun commented on Regional Measure 3 (RM3) funding.

Mr. Beekman commented on planning for 2022 and not 2023.

M/S/C (Chavez/Carrasco) to authorize the General Manager to amend Contract S16250 in the amount of \$6,038,000 with BKF Engineers (BKF) to complete final design for the Eastridge to BART Regional Connector (EBRC) project, resulting in a new total authorized contract amount of \$30,117,983, and extend the contract to December 31, 2023.

RESULT:	APPROVED – Agenda Item #7.2
MOVER:	Cindy Chavez, Board Member
SECONDER:	Magdalena Carrasco, Board Member
AYES:	Carrasco, Chavez, Constantine, Davis, Hendricks, Jones, Lee-Eng, Liccardo, Montano, Paul, Peralez, Simitian
NOES:	None

7.1. Fiscal Year 2021 Statement of Revenues and Expenses for the Period Ending June 30, 2021

Ms. Kelly provided a presentation entitled “FY2021 Year-End Statement of Revenues and Expenses.”

Public Comment

Mr. Lebrun inquired about pandemic related federal funding received.

Mr. Beekman commented on the following: 1) local procurement; and 2) good accounting practices.

M/S/C (Liccardo/Chavez) to review and accept the Fiscal Year 2021 Statement of Revenues and Expenses for the period ending June 30, 2021.

RESULT:	ACCEPTED – Agenda Item #7.1
MOVER:	Sam Liccardo, Board Member
SECONDER:	Cindy Chavez, Board Member
AYES:	Carrasco, Chavez, Constantine, Davis, Hendricks, Jones, Lee-Eng, Liccardo, Montano, Paul, Peralez, Simitian
NOES:	None

CONGESTION MANAGEMENT PROGRAM & PLANNING (CMPP) COMMITTEE

7.3. Lifeline Transportation Program Funds Reprogramming

Celeste Fiore, Transportation Planner, provided an overview of the staff report.

Ms. Young noted that written public comment from Mr. Beekman was provided to the Board and can be found in the online agenda packet.

Public Comment

Eugene Bradley, Interested Citizen, commented on moving the money to BART.

Mr. Lebrun commented on reassigning drivers, noting Route 22 is a lifeline.

Mr. Beekman expressed support for lifeline funding.

Kevin Ma, Interested Citizen, expressed support for reprogramming the money to avoid losing it.

Members of the Board requested a timeline of restoring service on Route 22 be brought to Committees and the Board.

M/S/C (Montano/Chavez) on a vote of 10 ayes to 1 no to approve reprogramming of Lifeline Transportation Program funds from VTA Route 22 Overnight Service to VTA Rapid 568; and adopt **Resolution No. 2021.11.35**. Further the Board asked that the service restoration plan be presented to the Congestion Management Program & Planning (CMPP) and Safety, Security, and Transit Planning & Operations (SSTPO) Committees in December 2021 and to the Board in January 2022. Board Member Simitian opposed.

RESULT:	APPROVED – Agenda Item #7.3
MOVER:	Carmen Montano, Board Member
SECONDER:	Cindy Chavez, Board Member
AYES:	Chavez, Constantine, Davis, Hendricks, Jones, Lee-Eng, Liccardo, Montano, Paul, Peralez
NOES:	Simitian
ABSENT:	Carrasco

7.4. 2022 State Transportation Improvement Program

Amin Surani, Principal Transportation Planner, provided an overview of the staff report.

Public Comment

Mr. Lebrun encouraged VTA to look at freeway widening in Gilroy.

Members of the Board requested a follow-up on revenue projections.

M/S/C (Chavez/Jones) on a vote of 9 ayes to 2 noes to 1 abstention to: 1) Program \$64.253 million of 2022 State Transportation Improvement Program (STIP) funds to the U.S. 101 Express Lanes Phase 5 project and \$1.268 million to Planning, Programming and Monitoring; 2) Adopt Resolution **No. 2021.11.36** to program 2022 STIP funding to these projects; and 3) Authorize the General Manager to execute appropriate funding agreements to receive STIP funds. Board Members Lee-Eng and Simitian opposed. Board Member Paul abstained.

RESULT:	ADOPTED – Agenda Item #7.4
MOVER:	Cindy Chavez, Board Member
SECONDER:	Chappie Jones, Vice Chairperson
AYES:	Carrasco, Chavez, Constantine, Davis, Hendricks, Jones, Liccardo, Montano, Peralez
NAYS:	Lee-Eng, Simitian
ABSTAIN:	Paul

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

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

BOARD OF DIRECTORS

7.6. Silicon Valley Rapid Transit (SVRT) Program Update

Takis Salpeas, BART Silicon Valley Extension Project Chief, provided an update and presentation entitled “VTA’s BART Silicon Valley Phase II Extension.”

Ms. Young noted that written public comment from Mr. Lebrun was provided to the Board and can be found in the online agenda packet.

Public Comment

Mr. Lebrun raised concern with funding for the project.

Mr. Beekman commented on preparing financially for the future.

Mr. Mace expressed support for the project but encouraged VTA to look at other options which have passed environmental review.

Mr. Ma expressed concern with the cost of the extension.

Daniel Hulse, Interested Citizen, suggested the cost increase is related to the single bore design.

James Kuszmaul, Interested Citizen, commented on the cost of the extension.

Ms. Levin expressed concern with funding the extension.

Mark Mollineaux, California Common Ground, expressed concern with the current design and cost.

Raayan, Interested Citizen, expressed support for the project but expressed concern with the design chosen.

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

8. OTHER ITEMS

8.1. General Manager Report

Carolyn Gonot, General Manager/CEO, provided a report, highlighting the following: 1) the launch of Rapid Bus Route 568; 2) funding approval for emission reduction projects; 3) American Public Works Association Award Project of the Year Award for BART Phase I; 4) Parade of Champions in Santa Clara; and 5) new bus operators.

Jay Tyree, Service Planning & Scheduling Manager, provided a presentation entitled "Transit Service Update."

8.1.A. Senate Bill 129 Joint Labor Management Committee Update

Brandi Childress, Chief of Staff to the General Manager, provided a presentation entitled "Senate Bill (SB) 129 Joint Labor-Management Committee Update: Funding Allocation Plan."

8.1.B. Government Affairs Report.

Jim Lawson, Chief External Affairs Officer, provided a brief update on the Public Employees' Pension Reform Act (PEPRA).

Ms. Gonot noted that the Government Affairs written report was provided to the Board and can be found in the online agenda packet.

Public Comment

Mr. Mace noted that the roadmap to resuming service lacked information on safety.

Mr. Lebrun made the following comments: 1) BART ridership was not provided; and 2) inquired about farebox recovery for BART.

Mr. Beekman commented that the Board can make decisions about Route 22 in December 2021 when there is more known about the direction of the pandemic.

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

8.2. Chairperson's Report

8.2.A. Board Chairperson and Vice Chairperson Election Process

Chairperson Hendricks reviewed the Board leadership selection process.

8.2.B. Proposed 2022 Board of Directors Meeting Schedule

Chairperson Hendricks referenced the proposed Board of Directors meeting dates for 2022 and asked Board Members to review them, and to notify the Office of the Board Secretary of any conflicts. Chairperson Hendricks noted that the Board of Directors is scheduled to approve their meeting schedule at the December 2, 2021 meeting.

Public Comment

Mr. Lebrun suggested having the Board leadership elected after the new Board is seated in January 2022.

Mr. Beekman commented on Mayor Liccardo's work with BART.

8.3. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

Chairperson Hendricks noted a referral from Board Member Chavez regarding Highway 17 Wildlife and Trail Crossings Project – Project Sponsor and Project Delivery Partner Request, which has been posted on the agenda portal. Board Member Chavez provided additional information on the project.

Board Member Montano would like staff to investigate a Los Angeles County program offering free fares for students. Board Member Montano offered Milpitas High School to do a pilot program.

Board Member Liccardo inquired on the timeline for the light rail conversion to rubber tire.

8.4. Announcements

There were no Announcements.

9. CLOSED SESSION

Public Comment

The following Interested Citizens expressed support for **Closed Session Item 9.1.G** and retroactive hazard pay:

- Anne Marie;
- Rachel Garcia Feezel;
- Mr. Beekman; and
- Mr. Lebrun.

9.1. Recessed to Closed Session at 8:50 p.m.

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

Name of Case: Romo v. Santa Clara Valley Transportation Authority
(Workers Compensation Appeals Board, ADJ 14745130)

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

Name of Case: Balleza v. Santa Clara Valley Transportation Authority
(Workers Compensation Appeals Board, ADJ1 4897666)

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

Significant Exposure to Litigation

No. of Cases: 5 from primary surviving dependents of the May 26, 2021,
event at Guadalupe Light Rail Facility

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

Name of Case: Megia v. Santa Clara Valley Transportation Authority
(Workers Compensation Appeals Board, ADJ 14952543)

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

Name of Case: Alaghmandan v. Santa Clara Valley Transportation
Authority (Workers Compensation Appeals Board, ADJ 15265334)

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

Name of Case: Gonzalez v. Santa Clara Valley Transportation Authority
(Workers Compensation Appeals Board, ADJ 15076647)

- G.** Conference with Labor Negotiators
(Government Code Section 54957.6)

VTa Designated Representatives

Carolyn Gonot, General Manager/CEO

Jaye Bailey, Deputy Director of Employee Relations & Civil Rights

Employee Organization

American Federation of State, County, and Municipal Employees (AFSCME) Local
101

Amalgamated Transit Union (ATU), Local 265

Service Employees International Unions (SEIU) Local 521

Transportation Authority Engineers and Architects Association (TAEA) Local
21

9.2. Reconvened to Open Session at 9:56 p.m.

9.3. Closed Session Report

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

Name of Case: Romo v. Santa Clara Valley Transportation Authority
(Workers Compensation Appeals Board, ADJ 14745130)

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: Balleza v. Santa Clara Valley Transportation Authority
(Workers Compensation Appeals Board, ADJ1 4897666)

Ms. Tran noted no reportable action was taken during closed session.

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

Significant Exposure to Litigation

No. of Cases: 5 from primary surviving dependents of the May 26, 2021, event at Guadalupe Light Rail Facility

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: Megia v. Santa Clara Valley Transportation Authority
(Workers Compensation Appeals Board, ADJ 14952543)

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: Alaghmandan v. Santa Clara Valley Transportation Authority
(Workers Compensation Appeals Board, ADJ 15265334)

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: Gonzalez v. Santa Clara Valley Transportation Authority
(Workers Compensation Appeals Board, ADJ 15076647)

Ms. Tran noted no reportable action was taken during closed session.

G. Conference with Labor Negotiators
(Government Code Section 54957.6)

VTa Designated Representatives

Carolyn Gonot, General Manager/CEO

Jaye Bailey, Deputy Director of Employee Relations & Civil Rights

Employee Organization

American Federation of State, County, and Municipal Employees (AFSCME) Local 101

Amalgamated Transit Union (ATU), Local 265

Service Employees International Unions (SEIU) Local 521

Transportation Authority Engineers and Architects Association (TAEA) Local 21

Ms. Tran noted no reportable action was taken during closed session.

10. ADJOURNMENT

On order of Chairperson Hendricks and there being no objection, the meeting was adjourned at 9:57 p.m.

Respectfully submitted,

Thalia Young, Board Assistant
VTA Office of the Board Secretary