# CITY OF MILPITAS

## OFFICE OF THE CITY MANAGER

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(ENDORSED)
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Clerk of the Court
Superior Court of CA County of Santa Clara
BY Bethey Hulbig DEPUTY


September 21, 2026

Via EMAIL
Hon. Julie A. Emede
Presiding Judge
Santa Clara County Superior Court
191 North First Street
San Jose, CA 95113
CGJ@scscourt.org

Re: City of Milpitas Response to June 17, 2026 Santa Clara County Civil Grand Jury Final Report: "VTA's Management and Oversight of BART Silicon Valley Phase II"

The City of Milpitas' responds to the June 17, 2026, Grand Jury report titled "VTA's Management and Oversight of BART Silicon Valley Phase II" (the "Report"). The City is providing this response pursuant to California Penal Code section 933.

## FINDINGS

**Finding 6:** VTA Board Appointing Authority Groups 2 through 5 often do not follow VTA Administrative Code (Section 2-14) admonitions to "appoint individuals with appropriate experience and qualifications in transportation" and to "reappoint representatives to consecutive terms."

**City of Milpitas Response to Finding 6:** Milpitas disagrees with this finding as it applies to Milpitas. Because appointees must be selected from among the elected members of the City Council, who are subject to both regular elections and term limits, neither continuity nor relevant expertise can be guaranteed. The City, however, has strived to provide continuity and expertise in making its appointments to this seat. In particular, the representative for Milpitas is currently serving a third consecutive term, maximizing the opportunity to build familiarity with the agency's operations. The Report does not identify, and Milpitas is unaware of, any information suggesting that Milpitas does not follow these admonitions. The Report does not identify any information suggesting that any VTA Board Member from the City has ever lacked sufficient qualifications. Milpitas lacks sufficient information to respond to this finding as it applies to other jurisdictions.

**Finding 7:** VTA Board Appointing Authority Groups 2 through 5 have different processes for making Board appointments.

**City of Milpitas Response to Finding 7:** Milpitas agrees with this finding.

## RECOMMENDATIONS

**Recommendation 6:** VTA Board Appointing Authority Groups 2 through 5 should certify to the VTA Board that they will adhere to VTA Administrative Code (Section 2-14) admonitions, regarding Board member expertise and appointment to consecutive terms.

**City of Milpitas Response to Recommendation 6:** This recommendation is not being implemented as it is not reasonable. Milpitas has appointed its current representative to a third consecutive term and has worked to provide and cultivate member expertise. As a general law City with an elected mayor, however, the City's appointment process is set by Government Code section 40605. The Attorney General has opined that this extends to regional board in addition to internal commissions or committees. The City Council does not have the authority to change this process and cannot bind current or future elected officials.

**Recommendation 7:** The cities represented in Appointing Authority Groups 2 through 5 should agree on a uniform process for making Board appointments.

This should be implemented by December 31, 2026.

**City of Milpitas Response to Recommendation 7:** This recommendation will not be implemented because it is unwarranted. The Milpitas is unaware of any problems caused by the differences in the selection processes among the groups. As such, the City is unsure as to what this recommendation is intended to address. The City, however, is open to other specific methods that the Grand Jury or VTA might recommend, should there be a need.

This completes the City of Milpitas' response to the Report per section 933.

Sincerely,

Willie A. Hopkins, Jr.
City Manager