



DATE: September 9, 2026

TO: The Honorable Julie A. Emede, Presiding Judge, Santa Clara County Superior Court

FROM: Kimbra McCarthy, City Manager

SUBJECT: Response to 2026 Santa Clara County Civil Grand Jury Report "Pothole Damage: Improving claims processes within Santa Clara County"

The City of Mountain View hereby respectfully submits its response to the 2025 -2026 Santa Clara County Civil Grand Jury Report entitled "Pothole Damage: Improving claims processes within Santa Clara County" pursuant to California Penal Code §§ 933 and 933.05.

Civil Grand Jury Finding 1:

Jurisdictions within Santa Clara County rejected 92% of pothole claims from 2020 to 2025 due to reasons including missed deadlines, incorrect jurisdiction, and lack of prior notice.

City of Mountain View Response to Finding 1:

This response is limited to the claims filed with the City of Mountain View. The City of Mountain View agrees that it has rejected such claims because the alleged pothole was not located in the City of Mountain View, that the claim form submitted by claimant did not provide adequate information for the City to evaluate the claim, and the claim did not comply with the Government Tort Claims Act including the statutory timelines for filing a claim. It is important to note that each claim requires an analysis of compliance with the Government Tort Act, whether the City has sufficient information to evaluate the claim, and whether the city is liable for the alleged damages. The liability analysis includes a determination whether the roadway is owned or maintained by the city, whether the public property constituted a dangerous condition, and if so whether the dangerous condition created a reasonably foreseeable risk of the type of injury that occurred, whether the city had actual or constructive notice of the condition and whether the alleged damages were caused by the pothole. In addition, the analysis of pothole claims requires an investigation whether a third party, such as a contractor, is liable.

Civil Grand Jury Finding 2:

Claims are often rejected because the claimant filed with the incorrect jurisdiction, which can happen because jurisdictional lines are often unclear or poorly communicated. The claims websites of all jurisdictions within Santa Clara County lack information about how to determine if a road is in its jurisdiction.

City of Mountain View Response to Finding 2:

The City of Mountain View response is limited to the claims filed with the City. During the time period examined by the Grand Jury, the City of Mountain View received a number of claims for incidents that occurred on US 101 and 237, state highways under the jurisdiction of the California Department of Transportation. In addition, the City received claims for incidents that occurred on El Camino Real which is also known as State Route 82 and is also within the jurisdiction of the California Department of Transportation. The City of Mountain View agrees the website could provide additional information about how to determine if a road is owned and maintained by the City of Mountain View.

Civil Grand Jury Recommendation 2a:

All jurisdictions within Santa Clara County should include a link to a map or list of roads they maintain on their claims website.

City of Mountain View Response to Recommendation 2a:

The City of Mountain View is in the process of implementing this recommendation and will make an interactive map available on its website to assist claimants in determining whether they should file a claim with the City of Mountain View. This recommendation will be implemented by December 15, 2026.

Civil Grand Jury Recommendation 2b:

All jurisdictions within Santa Clara County should update their claims websites to identify roads that are commonly mistaken as being in their jurisdictions.

City of Mountain View Response to Recommendation 2b:

The City of Mountain View is in the process of implementing this recommendation and will make an interactive map available on its website to assist claimants in determining whether they should file a claim with the City of Mountain View. This recommendation will be implemented by December 15, 2026.

Civil Grand Jury Finding 3:

Fifteen jurisdictions – the County, Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Monte Sereno, Morgan Hill, Mountain View, Palo Alto, San Jose, Santa Clara, and Saratoga – have websites with deficiencies that make it difficult to file a claim.

City of Mountain View Response to Finding 3:

The City of Mountain View's response is limited to its website. The City of Mountain View disagrees partially with this finding. It recently added a fillable form to the website to facilitate the filing of government tort claims. However, the City of Mountain View agrees improvements can be made to the website to make it easier for claimants to understand the process and file claims.

Civil Grand Jury Recommendation 3a:

Eleven jurisdictions – the County, Campbell, Cupertino, Los Altos, Los Altos Hills, Milpitas, Monte Sereno, Morgan Hill, Mountain View, San Jose, and Saratoga – have websites with deficiencies that make it difficult to file a claim.

City of Mountain View Response to Recommendation 3a:

The City of Mountain View's response is limited to its website. The City is updating its website to provide more information about the claims process. This recommendation has not yet been implemented but will be implemented by December 15, 2026.

Civil Grand Jury Recommendation 3b:

Fourteen jurisdictions – the County, Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Monte Sereno, Morgan Hill, Mountain View, Palo Alto, San Jose, and Santa Clara should incorporate useable software on their websites that can translate claim forms into multiple languages or provide claim forms in multiple languages based on the demographics they serve.

City of Mountain View Response to Recommendation 3b:

This recommendation requires further analysis. Claim forms are legal documents and require specialized translation services that will meet legal standards. In response to this recommendation, the city will update its website to include instructions and general guidance on the claims process in multiple languages based on the demographics served by the City on or before December 15, 2026. In addition, the City of Mountain View will continue to explore methods to expand language access to claimants, as well providing greater translation services City-wide for all City services.

Civil Grand Jury Finding 4:

When pothole claims are rejected, claimants filing claims against the County, Los Altos, Los Gatos, Mountain View, Palo Alto and San Jose receive a notice that provides little or sometimes no explanation for the rejection. Although jurisdictions within Santa Clara County are not legally obligated to provide a reason for rejection, the lack of clarity in the decisions made on the claims can add to a claimant's frustration.

City of Mountain View Response to Finding 4:

The City of Mountain View can only respond to the claims filed with the city. The City of Mountain View agrees partially with this finding. It has provided this information in some rejection notices. The City will include the reason for the rejection in the future.

Civil Grand Jury Recommendation 4:

The County, Los Altos, Los Gatos, Mountain View, Palo Alto, and San Jose should update their rejection letters to specify whether the decision was due to lack of timeliness, incorrect jurisdiction, lack of prior notice, or other reason and to provide a specific contact to call or email if the claimant has further questions about the reason for the rejection.

City of Mountain View Response to Recommendation 4:

This recommendation has been implemented.