



DATE: September 9, 2026

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

FROM: Kimbra McCarthy, City Manager *KM*

SUBJECT: Response to 2026 Santa Clara County Civil Grand Jury Report "VTA's Management and Oversight of BART Silicon Valley Phase II"

The City of Mountain View hereby respectfully submits its response to the Response to 2026 Santa Clara County Civil Grand Jury Report entitled "VTA's Management and Oversight of BART Silicon Valley Phase II" pursuant to California Penal Code §§ 933 and 933.05.

Civil Grand Jury 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 Mountain View Response to Finding 6:

The Cities of Group 2 share the Grand Jury's concerns regarding the BART project, however can only respond to Findings and Recommendations 6 and 7. The Cities of Group 2 disagree with the Grand Jury's findings. Group 2 Cities have adopted bylaws governing the appointment of the VTA Group 2 Board Representative, and strive to select representatives with transportation experience and knowledge by selecting individuals who have two or more of the following qualifications: (1) at least one year's service on the VTA Board within the last 4 years; (2) at least one year's service on a policy advisory body that reports directly to the VTA Board (Policy Advisory Committee, Policy Advisory Board, the Citizens Advisory Committee) and has a minimum 80% attendance record; (3) any other transportation policy credential deemed relevant by the majority of the Working Group as meeting the intent of the experience requirement within the last 4 years; and (4) demonstrates working knowledge of the VTA.

Civil Grand Jury 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. This should be implemented by December 31, 2026.

City of Mountain View Response to Recommendation 6:

This recommendation has been implemented. Since 2021 Cities of Group 2 have appointed VTA Board Representatives to ensure that representatives possess transportation knowledge and experience. Group 2 Cities representatives are chosen based recent VTA experience, attendance record, transportation policy credentials, and/or working knowledge of the VTA. The current Group 2 Representative has prior VTA Board experience.

Civil Grand Jury Finding 7:

VTA Board Appointing Authority Groups 2 through 5 have different processes for making Board appointments.

City of Mountain View Response to Finding 7:

The Cities of Group 2 agree with this Finding.

Civil Grand Jury 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 Mountain View Response to Recommendation 7:

This recommendation requires further analysis. Group 2 Cities have adopted bylaws consistent with the VTA Administrative Code governing the process for making appointments. The City of Mountain View is willing to meet with the other Appointing Authority Groups to consider a uniform process for making Board appointments by December 31, 2026. However, at this juncture it is not known whether a uniform process can be crafted for all of the Appointing Authority Groups or be accomplished within the designated time frame.