

(ENDORSED)
FILED
SEP 01 2026
Clerk of the Court
Superior Court of CA County of Santa Clara
BY *Anthony Huellings* DEPUTY

For a California public entity to be liable for property-related injuries like pothole damage, a claimant must prove: (1) the entity owns or controls the property at issue; the property was in a dangerous condition at the time of injury; (2) the condition proximately caused the injury; (3) the condition created a reasonably foreseeable risk of the kind of injury that occurred; and either (a) a public employee's negligent or wrongful act created the dangerous condition, or (b) the entity had actual or constructive notice of the condition long enough before the injury to have taken protective measures and failed to do so. (Gov. Code § 835.) A “dangerous condition” is a condition of public property that creates a substantial risk of injury—as opposed to a minor, trivial, or insignificant risk—when the property (or adjacent property) is used with due care in a way that's reasonably foreseeable. (Gov. Code § 830.)

City of Palo Alto

Office of the Mayor and City Council

If a pothole claim received by the City of Palo Alto does not meet the requirements for liability under Government Code section 835, the City rejects the claim. Conversely, where a claimant meets the burden of establishing a dangerous condition of property existed, the City will reimburse the claimant for substantiated damages caused by the dangerous condition. Claims are investigated and evaluated on a case-by-case basis.

Civil Grand Jury Finding 2: Jurisdictional Confusion

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 Palo Alto Response:

The City of Palo Alto agrees with the finding in part. It is the claimant's responsibility to determine the jurisdiction in which an incident took place. However, it is common for claims to be submitted to multiple jurisdictions because claimants and/or their attorneys fail to conduct a diligent investigation before filing their claims, and find it is easier to submit claims to multiple jurisdictions without evaluating where the incident actually occurred. During the reporting period January 20, 2020 through October 31, 2025, 26 pothole damage claims were submitted to the City of Palo Alto, and 18 were sent back as insufficient due to jurisdiction (69%).

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. The jurisdictions should implement this by December 15, 2026.

City of Palo Alto Response:

The City of Palo Alto will implement this recommendation in modified form. The City will update its website to direct claimants to a publicly available online mapping or search tool, such as Google, to help them confirm whether a given road is maintained by the City 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. The jurisdictions should implement this by December 15, 2026.

City of Palo Alto Response:

The City of Palo Alto will implement this recommendation. By December 15, 2026, the City will add guidance to its claims webpage identifying roads commonly mistaken for City jurisdiction, including portions of US-101, I-280, and El Camino Real (SR-82) (which are maintained by Caltrans), and Page Mill Road, Oregon Expressway, and Foothill Expressway (which are maintained by the County).

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Civil Grand Jury Finding 3: Website Deficiencies

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

City of Palo Alto Response:

The City of Palo Alto disagrees with the finding as it applies to Palo Alto. Palo Alto's claims webpage already provides clear instructions on how to file a claim, a direct link to the claim form, and a translation tool that lets users translate the claims-process webpage and instructions into multiple languages. The City agrees, however, that the claim form itself cannot currently be translated through this tool. As discussed in the City's response to Recommendation 3b below, the need to submit a claim in English is not a "deficiency".

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 José, 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. The jurisdictions should implement this by December 15, 2026.

City of Palo Alto Response:

The City of Palo Alto will not implement this recommendation. As noted in the City's response to Finding 3, the City's website already provides a translation tool that allows claimants to translate the claims-process webpage and instructions, including the instructions on how to file a claim, into multiple languages. However, the City will not translate the claim form itself. All claims have the potential to result in litigation, and the claim form is evidence that the plaintiff complied with claim submission requirements, a mandatory prerequisite to filing a lawsuit. The claim form is the best evidence of that compliance with that requirement and would need to be translated into English to be considered in court. Translation of non-English language forms into English creates unnecessary costs and risk of evidentiary disputes. The costs, risks, and burdens imposed by this process outweigh the limited benefit of providing non-English language claim forms, particularly where translated instructions for completing the English-language form are already available.

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Civil Grand Jury Finding 4: Vague Rejection Notices

When pothole claims are rejected, claimants filing claims against the County, Los Altos, Los Gatos, Mountain View, Palo Alto, and San José 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 Palo Alto Response:

The City of Palo Alto agrees with this finding in part. Palo Alto's current rejection notice includes the statutory language required by Government Code section 913 but does not specify the reason for the denial or provide dedicated contact information for follow-up questions, which is addressed in the City's response to Recommendation 4 below.

Civil Grand Jury Recommendation 4

The County, Los Altos, Los Gatos, Mountain View, Palo Alto, and San José 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 rejection. The jurisdictions should implement this by December 15, 2026.

City of Palo Alto Response:

The City of Palo Alto will partially implement this recommendation. The City is not legally required to state the reason a claim is rejected, but in practice the City conveys some information to claimants regarding the reasons for rejection. Claims rejected as untimely receive a late claim notification, and claims rejected as insufficient because the road falls outside City jurisdiction are noted as such. Claimants may also call the City Attorney's Office for more information about the disposition of a claim.

Going forward, the City will update its notices to specify when a claim is rejected because the road at issue is outside Palo Alto's jurisdiction. The City will not otherwise expand its notices to state the basis for rejections made on other grounds, such as lack of prior notice, because it is not legally required to do so. This City will update its notices as described by December 15, 2026.

Sincerely,

Signed by:

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VICKI VECCHIET

Mayor, City of Palo Alto