



Office of the City Attorney

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September 9, 2026

The Honorable Julie A. Emede
Presiding Judge
Santa Clara County Superior Court
Department 17
191 North First Street
San Jose, CA 95113
CGJ@scscourt.org

Re: Santa Clara Civil Grand Jury Report: *"Pothole Damage: Improving claims processes within Santa Clara County"*

Dear Judge Emede:

Pursuant to California Penal Code section 933, et seq., please accept the City's response to the 2025-2026 Santa Clara County Civil Grand Jury Report: *"Pothole Damage: Improving claims processes within Santa Clara County."* The City Council approved the City's response to the Grand Jury report on August 25, 2026. The approved City response and the Grand Jury's Report are enclosed.

Please feel free to contact me if you have any questions. Thank you for your consideration.

Very truly yours,

SUSANA ALCALA WOOD, City Attorney

By: _____
MATTHEW TOLNAY
Senior Deputy City Attorney

CITY OF SAN JOSE RESPONSE TO
THE FINDINGS AND RECOMMENDATIONS OF THE
2025-2026 SANTA CLARA COUNTY CIVIL GRAND JURY REPORT,
“POTHOLE DAMAGE: IMPROVING CLAIMS PROCESSES WITHIN
SANTA CLARA COUNTY”

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.

Disagree. The City is unable to agree with Finding #1 as it lacks sufficient information concerning the rate of rejection for pothole claims in other jurisdictions.

Recommendation #1

No recommendation.

Not Applicable.

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.

Disagree, in part. The City disagrees that jurisdictional lines are often unclear or poorly communicated to claimants. The City’s website includes a publicly accessible, searchable “Streets & Intersections” map that allows users to determine whether a particular street or segment of a street falls within the City’s jurisdiction. While the City acknowledges that the “Streets & Intersections” map is not directly linked to the City’s claims webpage, that is by design. The purpose of the City’s claims webpage is to provide claimants with the claim form, filing instructions, and information necessary to submit a claim. It is not intended to serve as a comprehensive directory of all City webpages that may be relevant or helpful to a particular claimant. Claimants may access other City resources, including the “Streets & Intersections” map, through the City’s Public Works “Maps Gallery” website navigation.

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.

Will not be implemented. While this recommendation may have the potential to aid claimants in determining whether the City has jurisdiction over the location giving rise to a claim, the City does not

believe including such information on the claims webpage is appropriate. The purpose of the City's claims webpage is to provide access to the claim form, filing instructions, and other information necessary to submit a claim against the City. Individuals file claims for many reasons beyond instances allegedly involving potholes. To promote clarity, accessibility, and ease of use, the City has intentionally limited the claims webpage to information directly related to the claims filing process without reference to information which may be relevant to only a select number of potential claimants.

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.

Will not be implemented. As discussed in the City's response to Recommendation #2a, the City does not believe adding information to the claims webpage is appropriate and consistent with the intended purpose of that webpage.

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 José, Santa Clara, and Saratoga – have websites with deficiencies that make it difficult to file a claim.

Disagree. Finding #3 does not identify the specific deficiencies in the City's claims webpage that allegedly make it difficult to file a claim. The City maintains that its claims webpage is easily accessible, provides a direct link to the claim form, and includes clear instructions for completing and submitting a claim as required by Chapter 1 and Chapter 2 of Division 3.6 of Title 1 of the California Government Code.

Recommendation #3a

Eleven jurisdictions – the County, Campbell, Cupertino, Los Altos, Los Altos Hills, Milpitas, Monte Sereno, Morgan Hill, Mountain View, San José, and Saratoga – should update their websites to provide clear instructions and information about how to file a claim in addition to a link to the claim form.

The jurisdictions should implement this by December 15, 2026.

Implemented. The City's claim form, which is linked to the City's claims webpage, includes information and instructions about how to file a claim in accordance with the requirements of Chapter 1 and Chapter 2 of Division 3.6 of Title 1 of the California Government Code.

Recommendation #3b

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 – 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.

Not Implemented because it requires further analysis. The City acknowledges that its claim form is not currently available in multiple languages. The City is committed to promote language access and equity and will evaluate the feasibility of providing translated claims forms or links to translated versions of the claim form. In doing so, the City must evaluate and ensure that any translation method provides accurate and reliable translations and does not inadvertently complicate the claims filing or review process through translation errors or inconsistencies.

Finding #4

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.

Disagree, in part. While the City acknowledges that claim rejection may add to a claimant's frustration, the City's claim rejection notices conform to the requirements of Government Code Section 913.

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.

Will not be implemented. While the City acknowledges that the rejection of a claim may be frustrating to a claimant, the City disagrees that specifying all possible reasons for claim rejection is appropriate or feasible. The City complies with all statutory requirements applicable to rejection of claims as required by Government Code Section 913. Claims may be rejected for a variety of legal, factual or procedural reasons, many of which are case-specific and may involve legal issues or defense strategies that may be subject of future litigation. Providing detailed explanations beyond those required by law could create confusion, prejudice the City's legal position, or otherwise interfere with subsequent legal proceedings. Accordingly, the City cannot commit to providing specified reasons for claim rejection beyond those required by law.