



*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: *"VTA's Management and Oversight of BART Silicon Valley Phase II"*

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: *"VTA's Management and Oversight of BART Silicon Valley Phase II."* 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,  
“VTA’S MANAGEMENT AND OVERSIGHT OF BART SILICON VALLEY PHASE II”

**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.”*

**Disagree.** The City is not a member of VTA Board Appointing Authority Groups 2 through 5 and thus, cannot agree with whether those respective groups do not follow VTA Administrative Code (Section 2-14).

**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.*

**Will not be implemented.** The City, as Appointing Authority Group 1, is not a part of VTA Board Appointing Authority Groups 2 through 5 and thus, cannot implement the recommendation.

**Finding #7**

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

**Agree.**

**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.*

**Will not be implemented.** While several recommendations made with the Grand Jury Report have the potential to improve the effectiveness of the VTA Board of Directors, the City of San José is not the agency best suited to make policy recommendations nor move proposals forward through the state legislative process.