



**City of
Santa Clara**
The Center of What's Possible

(ENDORSED)
FILED
SEP 14 2026
Clerk of the Court
Superior Court of CA County of Santa Clara
BY *Britney Huelbig* DEPUTY

City Manager's Office

Transmitted via Email

September 10, 2026

The Honorable Julie A. Emede
Presiding Judge
Superior Court of California, County of Santa Clara
191 N. First Street
San Jose, CA 95113

Subject: Santa Clara County (SCC) Civil Grand Jury (CGJ) Report, VTA's Management and Oversight of BART Silicon Valley Phase II

Dear Judge Emede:

The City of Santa Clara received the 2025-2026 Santa Clara Civil Grand Jury Final Report, VTA's Management and Oversight of BART Silicon Valley Phase II dated June 17, 2026. Please find below the City's response to the Civil Grand Jury's Findings and Recommendations applicable to the City of Santa Clara, as required by Section 933.05(a) of the California Penal Code.

Response to Findings and Recommendations

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 Response to Finding 6

The City partially disagrees with this finding.

The City disagrees with the finding to the extent it applies to the City of Santa Clara. Santa Clara is a member of Appointing Authority Group 5, along with the cities of Milpitas and Sunnyvale. The City's appointments to the VTA Board of Directors comply with State law, specifically Section 100060(a)(3) of the California Public Utilities Code, which governs the composition of the Santa Clara Valley Transportation Authority Board of Directors and the representation of cities other than the City of San Jose:

"Five city council members or mayors selected from among the city councils and mayors of all of the cities in the county, other than the City of San Jose, as provided by agreements among those cities. The agreements may provide for the appointment of alternates, who shall be city council members or mayors, for those city representatives."

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The City follows this requirement, and all of its appointees and alternates to the VTA Board are Santa Clara Councilmembers or the Mayor.

Section 2-14 of the VTA Administrative Code provides that Board Appointing Authority Groups 2 through 5 are "strongly encouraged, where possible" to appoint individuals with appropriate experience and qualifications in transportation and to reappoint representatives to consecutive terms. By its own terms, this provision encourages but does not require either practice. As a practical matter, the City has no way of guaranteeing that one or more of the individuals elected to the position of Councilmember or Mayor had experience or qualifications specifically in the field of transportation. The requirements to run for such an elected position are set forth in the City Charter, Section 600, et seq. and do not include any requirements for subject matter expertise.

By practice, the City compiles a list each January of Councilmember appointments to City Committees and to regional and outside agency committees for City Council review and consideration. The Mayor recommends which Councilmembers serve as members or alternates, and those recommendations are brought forward at a City Council meeting for the Council to review and approve. Because appointments reflect individual Councilmember interest and the changing needs of the City, and because one City Council cannot bind a future City Council, reappointment to consecutive terms, including on the VTA Board, is not automatic. As a matter of practice, however, the City has generally sought to reappoint the same individual from one year to the next.

The City takes no position on the portion of the finding that concerns the appointment practices of the other agencies in Appointing Authority Groups 2 through 5, as the City has no information regarding how those agencies make their appointments.

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 Response to Recommendation 6

The recommendation will not be implemented because it is not warranted.

The City appreciates the intent of this recommendation, but it does not plan to bind the City Council to administrative rules adopted by a partner agency. The City will continue to follow the California Public Utilities Code and its current practice, which preserves the City Council's discretion to determine appointments to City boards and committees and to regional and outside agency committees.

The City can and will consider the encouraged actions in Section 2-14 of the VTA Administrative Code when making appointments, where possible; this is what the

Administrative Code requires. However, as stated above, the City cannot guarantee that a future appointee will have experience and qualifications in transportation, nor can it commit a future City Council to reappointing a representative to consecutive terms. Further, this should not disenfranchise Santa Clara voters from having a representative on the VTA Board.

Finding 7

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

City Response to Finding 7

The City partially disagrees this this finding.

The City disagrees with the finding to the extent it suggests that the absence of a uniform process results in appointments that do not comply with State law. While Santa Clara does not have an adopted policy or ordinance governing City Council appointments to committees, by practice, the City compiles a list each January of Councilmember appointments to City Committees and to regional and outside agency committees for City Council review and consideration. The Mayor recommends which Councilmembers serve as members or alternates, and those recommendations are brought forward at a City Council meeting for the Council to review and approve. As a matter of practice, however, the City has generally sought to reappoint the same individual from one year to the next. In every instance, the appointment satisfies Section 100060(a)(3) of the California Public Utilities Code.

The City takes no position on the portion of the finding that concerns the processes used by the other agencies in Appointing Authority Groups 2 through 5, as the City is unable to confirm those processes.

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 Response to Recommendation 7

The recommendation will not be implemented because it is not warranted.

The City appreciates the intent of this recommendation, but it does not plan to commit the City Council to an appointment process that differs from its current practice for making appointments to City boards and committees and to regional and outside agency committees. Each city's approach may reflect its own charter, city policies, and local needs, and State law already establishes who is eligible to serve.

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The City remains willing to share its current practice with the other cities in Appointing Authority Groups 2 through 5 should those cities wish to compare approaches.

Sincerely,



Jovan D. Grogan
City Manager

cc: Sujata Reuter, Chief Assistant City Attorney
Aracely Azevedo, Assistant City Manager