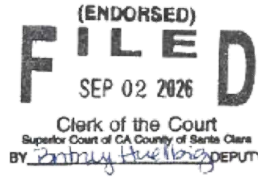


County of Santa Clara

Office of the County Executive

County Government Center, East Wing
70 West Hedding Street
San Jose, California 95110
(408) 299-5105



DATE: August 25, 2026

TO: Greta S. Hansen, Chief Operating Officer

FROM: Harry Freitas, Director, Roads and Airports Department ^{DS} *HF*
Tony LoPresti, County Counsel ^{DS} *TL*

SUBJECT: Response to the Santa Clara County Civil Grand Jury Final Report
Pothole Damage: Improving claims processes within Santa Clara County

The Santa Clara County Civil Grand Jury's Final Report, *Pothole Damage: Improving claims processes within Santa Clara County* contained multiple findings and recommendations requiring a response from the County of Santa Clara ("County"), consistent with the provisions of California Penal Code section 933.05. This memorandum contains the response from the 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.

Response to Finding 1

The County lacks sufficient information to agree or disagree with the pothole claims data presented in the report regarding jurisdictions within Santa Clara County.

Finding 2

Claims are often rejected because the claimant filed with the incorrect jurisdiction, which can happen because jurisdictional lines are often unclear or

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Re: Response to the Santa Clara County Civil Grand Jury Final Report *Pothole Damage: Improving claims processes within Santa Clara County*
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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.

Response to Finding 2

The County lacks sufficient information to agree or disagree with the finding relating to websites of other jurisdictions but agrees that jurisdictional boundaries can be complex and subject to confusion.

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.

Response to Recommendation 2a

This recommendation will not be implemented because it is not warranted. The County maintains a robust Geographic Information Systems page (<https://gis.santaclaracounty.gov/access-geospatial-information-sccmap>) on the County website, precluding the need for a bespoke system unique to claims.

Moreover, the County receives hundreds of claims every year regarding a very broad range of issues. Pothole claims comprise a tiny fraction of the overall claims received. It would not be reasonable or practicable to provide specific guidance on the County's claims website for every type of claim that might be filed; nor would it be reasonable to focus the County's claims website on meeting the perceived needs of a tiny fraction of 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.

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The jurisdictions should implement this by December 15, 2026.

Response to Recommendation 2b

This recommendation will not be implemented because it is not warranted. Listing roads that are commonly mistaken as being in the County jurisdiction would confuse many public users. Many roads, for example, belong to multiple jurisdictions depending on the segment, and jurisdictional boundaries overseen by the Local Agency Formation Commission (LAFCO) can be precise to the point of specific street number ranges and road centerlines.

Moreover, the County receives hundreds of claims every year regarding a very broad range of issues. Pothole claims comprise a tiny fraction of the overall claims received. It would not be reasonable or practicable to provide specific guidance on the County's claims website for every type of claim that might be filed; nor would it be reasonable to focus the County's claims website on meeting the perceived needs of a tiny fraction of claimants.

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.

Response to Finding 3

The County lacks sufficient information to agree or disagree with the finding relating to websites of other jurisdictions and disagrees with the finding that it is difficult to file a claim in the County.

Recommendation 3a

Eleven jurisdictions – the County, Campbell, Cupertino, Los Altos, Los Altos Hills, Milpitas, Monte Sereno, Morgan Hill, Mountain View, San José, and

Memorandum to Chief Operating Officer Greta S. Hansen
Re: Response to the Santa Clara County Civil Grand Jury Final Report *Pothole Damage: Improving claims processes within Santa Clara County*
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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.

Response to Recommendation 3a

This recommendation will not be implemented because it is not warranted. The County provides a single point of entry and single one-page form to file a claim against the County for any purpose.

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.

Response to Recommendation 3b

The County will translate its claims form into multiple languages by December 15, 2026.

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.

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Response to Finding 4

The County lacks sufficient information to agree or disagree with the characterization of the notice process in other jurisdictions and lacks sufficient information generally on a claimant's level of satisfaction.

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.

Response to Recommendation 4

This recommendation will not be implemented because it is not warranted. The recommendation that the County provide a more detailed response to claims and a contact person to engage with the claimant is not contemplated by the Government Code, which provides strict guidance regarding the timing, form, and content of claims responses. The County currently provides timely, code-compliant claim responses and specifically indicates when a claim is rejected because it was untimely or directed to the wrong jurisdiction. As a practical matter, the County receives hundreds of claims every year and does not have the taxpayer-funded resources to provide a more detailed response to, and answer questions regarding, every claim filed.

County of Santa Clara

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70 West Hedding Street
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(408) 299-5105



DATE: September 1, 2026

TO: Greta S. Hansen, Chief Operating Officer

FROM: Harry Freitas, Director, Roads and Airports Department ^{DS} HF
Tony LoPresti, County Counsel ^{DS} TL

SUBJECT: Response to the Santa Clara County Civil Grand Jury Final Report
Pothole Damage: Improving claims processes within Santa Clara County

Note, this memorandum updates the memorandum dated August 25, 2026, the date on which the Board of Supervisors adopted the County response, to reflect a correction to the response to Recommendation 3b, the work for which was completed after the original memorandum was posted to the Board agenda.

The Santa Clara County Civil Grand Jury's Final Report, *Pothole Damage: Improving claims processes within Santa Clara County* contained multiple findings and recommendations requiring a response from the County of Santa Clara ("County"), consistent with the provisions of California Penal Code section 933.05. This memorandum contains the response from the 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.

Response to Finding 1

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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.

Response to Finding 2

The County lacks sufficient information to agree or disagree with the finding relating to websites of other jurisdictions but agrees that jurisdictional boundaries can be complex and subject to confusion.

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.

Response to Recommendation 2a

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Moreover, the County receives hundreds of claims every year regarding a very broad range of issues. Pothole claims comprise a tiny fraction of the overall claims received. It would not be reasonable or practicable to provide specific guidance on the County's claims website for every type of claim that might be filed; nor would it be reasonable to focus the County's claims website on meeting the perceived needs of a tiny fraction of claimants.

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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.

Response to Recommendation 2b

This recommendation will not be implemented because it is not warranted. Listing roads that are commonly mistaken as being in the County jurisdiction would confuse many public users. Many roads, for example, belong to multiple jurisdictions depending on the segment, and jurisdictional boundaries overseen by the Local Agency Formation Commission (LAFCO) can be precise to the point of specific street number ranges and road centerlines.

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Response to Finding 3

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The jurisdictions should implement this by December 15, 2026.

Response to Recommendation 3a

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Recommendation 3b

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The jurisdictions should implement this by December 15, 2026.

Response to Recommendation 3b

The County has implemented this recommendation by translating its claims form into Spanish, Vietnamese, Chinese, and Tagalog.

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

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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.

Response to Finding 4

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Recommendation 4

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