



TOWN OF LOS GATOS

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

August 6, 2026

Subject: Town of Los Gatos Response to 2026 Santa Clara County Civil Grand Jury Report, "Pothole Damage: Improving claims processes within Santa Clara County"

Dear Judge Emede,

The Los Gatos Town Council has reviewed the Santa Clara County Civil Grand Jury report titled "Pothole Damage: Improving claims processes within Santa Clara County" and is providing this response, as attached, pursuant to California Penal Code Sections 933 and 933.05.

It is the Town Council's and staff's desire to appropriately address the Civil Grand Jury's findings and recommendations as related to the report. The Town of Los Gatos is committed to effective, accountable, and responsive local government. If additional information or clarification is necessary, the Town will respond further as appropriate.

The Town Council thanks the Santa Clara County Civil Grand Jury for its commitment to oversight of local government operations and for evaluating and providing input regarding services provided to the community. The Town will continue to review the report, consider the comments received, and pursue improvements that support efficient and effective governance.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Rob Moore".

Rob Moore, Mayor
Town of Los Gatos

cc: Chris Constantin, Town Manager
Katy Nomura, Assistant Town Manager
Gabrielle Whelan, Town Attorney
Wendy Wood, Town Clerk
Nicolle Burnham, Parks and Public Works Director

EXHIBIT A

Town of Los Gatos Response to 2026 Santa Clara County Civil Grand Jury Report "Pothole Damage: Improving claims processes within Santa Clara County"

DISCUSSION

The following responses are provided pursuant to California Penal Code Sections 933 and 933.05. The Town responses are organized by the finding and recommendation numbering used in the Santa Clara County Civil Grand Jury report.

FINDINGS

F1. 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: **Agreed.** Typically, when a claim has been reviewed and there is a legal basis for rejection, the claim is formally rejected, triggering the six-month statute of limitations for filing a lawsuit, rather than the two-year statute of limitations that may otherwise apply. Common grounds for rejecting a claim include failure to provide required prior notice, filing the claim with the wrong public agency, or missing a statutory filing deadline.

F2. 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: **Agreed.** The jurisdictional lines can be unclear and not directly communicated to someone wishing to file a claim. Specifically, the claims site does not explicitly provide a mapping mechanism to identify streets. However, the Town does provide access to an interactive GIS map on a different Town webpage that allows a user to access jurisdictional rights of ways.

F3. 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: **Disagreed in part.** The Civil Grand Jury's review found that access to claim information varied among jurisdictions. The review identified several jurisdictions where claim information or claim forms could not be located on the agency website, and others where users were required to take additional steps to locate or request a claim form. In contrast, the Town of Los Gatos was identified as providing online claims process instructions and a direct link to the claim form, allowing members of the public to readily access information regarding the claims process and obtain the necessary form to submit a claim. These findings demonstrate that the Town's website provides clear access to claim information and does not create an unreasonable barrier to filing a claim.

F4. 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.

Response: **Agreed in part.** When possible, claim rejection notices include the basis for rejection. However, the Town may not be able to provide a specific basis for rejection in instances where information has been requested but not received.

RECOMMENDATIONS

R2a. All jurisdictions within Santa Clara County should include a link to a map or list of roads they maintain on their claims website.

Response: **Implemented.** The Town currently provides an interactive GIS mapping webpage which allows a claimant to search incorporated areas, including roads, to determine if a road is in the jurisdiction. Both search terms of "map" and "GIS" provide search results making it easy to lookup incorporated rights of way. The Town updated its claim website to provide a direct link to this GIS interactive map. Additionally, language was added to advise a claimant that they may contact the Town Clerk to determine if a specific location is subject to the jurisdiction of the Town of Los Gatos.

R2b. All jurisdictions within Santa Clara County should update their claims websites to identify roads that are commonly mistaken as being in their jurisdictions.

Response: **Implemented.** The jurisdiction has few pothole claims. However, since Caltrans Highway 9 is commonly mistaken as being in the Town's jurisdiction, the language added to provide a link to the GIS map also provides this specific roadway as an example of a road commonly mistaken as being in the Town's responsibility.

R3b. 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.

Response: **Will not be implemented because it is not warranted.** The Town's website provides translation functionality that allows users to view webpages in dozens of languages. The claim form is also available as a downloadable PDF, which can be translated using widely available translation tools. Additionally, the Town has provided supplemental information on the webpage to assist users with completing the form, and this information can be translated using the website's available translation tool.

R4. 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.

Response: **Implemented.** The claim rejection notices include contact information for the Town's third-party claims administrator for claimants who have questions regarding the rejection. Effective in 2026, claim rejection notices include the basis for rejection of the claim. However, in limited circumstances, a specific basis may not be available if there is insufficient information to complete the review of the claim.