



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

Dear Judge Emede,

The Los Gatos Town Council reviewed the Santa Clara County Civil Grand Jury report titled "VTA's Management and Oversight of BART Silicon Valley Phase II" at its August 4, 2026 meeting and is providing the attached response pursuant to California Penal Code Sections 933 and 933.05.

The Town's response addresses Findings 6 and 7 and Recommendations 6 and 7 concerning the qualifications, continuity, and selection processes for city-appointed members of the VTA Board of Directors. The Town values effective regional representation and supports consideration of transportation qualifications and continuity when appointments are made.

The Town believes the existing appointment process used by VTA Board Appointing Authority Group 3 is adequate and consistent with the discretion provided by the VTA Administrative Code. The Town remains open to considering a specific alternative approach developed or recommended by VTA. In the absence of such a proposal, the Town does not intend to change the current Group 3 appointment process.

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 2025-2026 Santa Clara County Civil Grand Jury Report "VTA's Management and Oversight of BART Silicon Valley Phase II"

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. The Town of Los Gatos is one of five jurisdictions in VTA Board Appointing Authority Group 3, together with Campbell, Cupertino, Monte Sereno, and Saratoga.

FINDINGS

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."

Response: Disagree partially. The Town agrees that transportation experience and qualifications, sufficient time remaining in an appointee's elected term, and continuity through consecutive service are important considerations. The Town disagrees with the report's broad conclusion that Appointing Authority Groups 2 through 5 often do not follow Section 2-14. Section 2-14 states that appointing authorities are strongly encouraged to consider these factors "where possible," while also providing that each grouping determines its own selection procedure. The Group 3 process includes consideration during joint meeting of the Group's mayors during monthly mayor and managers' meetings. The report does not establish that Group 3's current process is inadequate or that its appointments have failed to account for the Section 2-14 considerations. We are open to considering further guidance in what mechanism the Board would recommend for implementing VTA Administrative Code.

Finding 7

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

Response: Agree. The appointing authority groups use different selection processes. This is consistent with Section 2-14 of the VTA Administrative Code, which provides that the procedures for selecting directors and alternates are to be determined by the cities in each respective grouping.

RECOMMENDATIONS

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.

Response: The recommendation has been implemented. By approving this response, the Town affirms that, when participating in Group 3 appointment decisions, it will continue to consider the factors identified in Section 2-14, including appropriate transportation experience and qualifications, sufficient remaining time in elected official's term of office, and reappointing representatives to consecutive terms, where possible. This response does not alter the discretion granted to the Group 3 cities to determine their appointment procedure or require appointment of a particular eligible elected official. Each of the other Group 3 jurisdictions acts through its own governing body and may provide a corresponding response.

Recommendation 7

The cities represented in Appointing Authority Groups 2 through 5 should agree on a uniform process for making Board appointments.

Response: The recommendation will not be implemented because it is not warranted or reasonable at this time. The Town and the other Group 3 cities consider the current Group 3 appointment process adequate. The process reflects the composition and needs of the five participating cities and is consistent with Section 2-14, which expressly assigns each grouping responsibility for determining its own procedure. A uniform process across Groups 2 through 5 could reduce the flexibility needed to account for differences in group size, representation, elected-term timing, and local circumstances. If VTA develops and recommends a specific alternative approach, the Town would be open to considering it in coordination with the other Group 3 cities. Unless and until such a proposal is presented, the Town does not intend to change the existing Group 3 appointment process.