

OFFICE OF THE TOWN MANAGER

(408) 354-6832

Manager@LosGatosCA.gov

August 20, 2019

Mr. John Pedersen, Foreperson
Santa Clara County Civil Grand Jury
Superior Court Building
191 North First Street
San Jose, CA 95113

RE: Response to the Santa Clara Civil Grand Jury Report on “Inquiry into the Governance of the Valley Transportation Authority” Dated June 18, 2019

Dear Mr. Pedersen,

The Town would like to thank you and the other jurors for your work on this important topic. Attached, please find the Town’s response to the Santa Clara Civil Grand Jury Report on “Inquiry into the Governance of the Valley Transportation Authority.”

The response was reviewed and approved by the Los Gatos Town Council on September 3, 2019. The Town is required to respond to one Finding and three Recommendations. The attached document contains the Town’s responses to the Finding and Recommendations. In summary, the Town partially agrees with Finding 1 and the Recommendations require further analysis as noted.

If you have any questions, please contact me at Manager@LosGatosCA.gov or (408) 354-6832.

Sincerely,

LAUREL PREVETTI

Town Manager

Attachment

LP/jj

cc: Robert Schultz, Town Attorney
Presiding Judge, Santa Clara County Superior Court
Clerk of the Santa Clara County Superior Court
Clerk of the Valley Transportation Authority Board

ATTACHMENT 2

Town of Los Gatos Response to Grand Jury Report on VTA Governance

Finding 1

The VTA Board, currently made up exclusively of elected officials from Santa Clara County, Board of Supervisors, the City of San Jose, and the other smaller cities in the County, suffers from:

- A lack of experience, continuity and leadership;
- Inadequate time for the directors to devote to their duties to the VTA Board due to their primary focus on the demands of their elected positions;
- A lack of engagement on the part of some directors, fostered in part by the committee system, resulting in VTA functioning largely as a staff-driven organization;
- Domination, in terms of numbers, seniority and influence, by representatives of the Santa Clara County Board of Supervisors and the City of San Jose; and
- Frequent tension between the director's (sic) fiduciary duties to VTA and its regional role, on the one hand, and the political demands of their local elected positions, on the other.

Response: Partially Agree.

While the finding correctly identifies many of the factors influencing effective leadership of the VTA Board, some of the broad generalizations are not applicable to every director. Specifically, some directors do have transportation experience having served on other VTA committees and/or being engaged in local transportation issues. In addition, some directors create the necessary time to prepare for meetings.

Recommendation 1c

As constituent agencies of VTA, each of the cities in the County should prepare and deliver to the VTA and the County Board of Supervisors a written report setting forth its views regarding VTA governance, with specific reference to the elements listed in Recommendation 1a. These reports should be completed and delivered prior to December 31, 2019.

Response: Requires further analysis.

Recommendation 1a requests that "VTA commission a study of governance structures of successful large city transportation agencies." The Town of Los Gatos respectfully requests that such a study explore successful transportation agencies that serve a major metropolitan area consisting of multiple municipalities, such as Portland, Oregon. Governance models of individual large cities may not be as applicable to the unique and diverse communities within Santa Clara County.

The recommendation for individual constituent cities to perform a similar analysis and explain their views on governance issues requires further analysis and resources to implement thoroughly. The Town of Los Gatos appreciates the Grand Jury's interest to engage the constituent cities in these important governance questions; however, small jurisdictions cannot undertake such an analysis alone. As an alternative, the analysis might be best performed by a representative body of the cities, such as the Cities Association of Santa Clara County with financial support from VTA. This approach would enable the more efficient use of available resources and an existing institutional framework for collaboration. Once funding is committed, it is estimated that the analysis and compilation of the cities' input would require at least 120 days. After completion, a report would be submitted to the VTA Board and County Board of Supervisors. The Town would participate in such a multi-agency approach.

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Recommendation 1d

Within six months following the completion of the studies and reports specified in Recommendations 1a, 1b and 1c, the County of Santa Clara and/or one or more of VTA's other constituent agencies, should propose enabling legislation, including appropriate amendments to Sections 100060 through 100063 of the California Public Utilities Code, to improve the governance structure of VTA (which potentially could include an increase in the directors' term of service, the addition of term limitations and the inclusion of appointed directors who are not currently serving elected officials).

Response: Requires further analysis.

Assuming that the analysis and engagement of the constituent agencies occurs pursuant to the response to Recommendation 1c, the Town of Los Gatos is open to participating in the development of legislation regarding VTA governance. Any legislation should address the root concerns regarding underrepresentation of the smaller jurisdictions.

Recommendation 1e

In order to provide more continuity in the leadership of the VTA Board, within six months following the completion of the studies and reports specified in Recommendations 1a, 1b and 1c, the County of Santa Clara and/or one or more of VTA's other constituent agencies, should propose enabling legislation amending Section 100061 of the California Public Utilities code (sic) to provide that the Chairperson of the VTA Board shall be elected for a term of two years rather than one.

Response: Requires further analysis.

It is premature to commit to a specific legislative action pending the outcome of the requested studies and reports. Specifically, while continuity in leadership is typically effective for any governing body, the continuity is only effective if it is fairly distributed among the constituent agencies. Otherwise, a longer term of the Chairperson would exacerbate the issues identified in the Grand Jury Report.