



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/04/2026

ITEM NO: 13

DATE: August 4, 2026
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: **Approve Response to 2025-2026 Santa Clara County Civil Grand Jury Report, "VTA's Management and Oversight of BART Silicon Valley Phase II" and Authorize the Mayor to Sign the Transmittal Letter**

RECOMMENDATION: Review, consider, and approve the Town of Los Gatos response to the Santa Clara County Civil Grand Jury report titled "VTA's Management and Oversight of BART Silicon Valley Phase II"; authorize the Mayor to sign the transmittal letter; and direct staff to submit the response to the Presiding Judge of the Superior Court, file the response with the Town Clerk, and take related administrative actions required by law.

FISCAL IMPACT:

There is no direct fiscal impact associated with approving and transmitting the Town response. The proposed responses do not commit the Town to a new appointment process or additional expenditures. Any future fiscal impact associated with a specific change proposed by VTA or the Group 3 cities would be evaluated before separate Town Council action.

STRATEGIC PRIORITY:

This item does not directly address a Strategic Priority; however, it aligns with the Core Goal of Good Governance.

PREPARED BY: Chris Costantin
Town Manager

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Administrative Services Director

BACKGROUND:

The Santa Clara County Civil Grand Jury reviews local government operations and may issue reports containing findings and recommendations. When a Grand Jury report requests a response from a public agency, California Penal Code Sections 933 and 933.05 establish the response timing and content requirements.

On June 17, 2026, the Civil Grand Jury issued the report titled "VTA's Management and Oversight of BART Silicon Valley Phase II." The report examines VTA's financial planning, project oversight, coordination, Board continuity, appointment practices, and public communication regarding BART Silicon Valley Phase II. The report requests that the Town of Los Gatos respond to Findings 6 and 7 and Recommendations 6 and 7.

Findings

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

Recommendations

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

The Town response is due within 90 days of issuance, on or about September 15, 2026, unless otherwise directed by the Presiding Judge.

For each finding, the response must indicate either:

1. Agreement with the finding, either wholly or in part; or
2. Disagreement with the finding, either wholly or in part, identifying the disputed portion and explaining the reason for the disagreement.

For each recommendation, the response must indicate one of the following:

1. The recommendation has been implemented, with a summary of the implementing action;
2. The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation;

3. The recommendation requires further analysis, with an explanation and the scope and parameters of the analysis or study, and a timeframe no longer than six months for the matter to be prepared for discussion by the appropriate Town official or the Town Council; or
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation.

DISCUSSION:

It should be noted that the majority of the Grand Jury report centered around the oversight and management decision-making practices at the VTA Board level. With term limits and turnover, it is important for jurisdictions to apply their perspectives in who they appoint among the respective group they represent. Thus, in considering the Grand Jury findings and recommendations directed towards cities, more direction from the VTA Board would be beneficial to guide any change that may be considered by jurisdictions. Until then, the approach taken by Group 3, the group of cities including Los Gatos, appears to be appropriate for our respective cities.

The Civil Grand Jury directs Findings 6 and 7 and Recommendations 6 and 7 to the Town and the other cities that participate in VTA Board Appointing Authority Groups 2 through 5. Los Gatos is a member of Group 3 with the cities of Campbell, Cupertino, Monte Sereno, and Saratoga. Under Section 2-14 of the VTA Administrative Code, each city grouping determines its own procedure for selecting directors and alternates. The Code strongly encourages appointing authorities, where possible, to consider transportation experience and qualifications, sufficient remaining time in elected office, and consecutive terms.

The proposed response partially disagrees with Finding 6. The Town agrees that transportation qualifications and continuity are important but does not agree with the broad conclusion that the appointing groups often fail to follow the Administrative Code. Approval of the response would confirm the Town's continued commitment to consider the Section 2-14 factors where possible.

The proposed response agrees with Finding 7 that the appointing groups use different appointment processes. It recommends no change to the Group 3 process at this time. The current process is considered adequate and is consistent with the Administrative Code's delegation of appointment procedures to each grouping. The Town and the other Group 3 cities would remain open to considering a specific alternative process developed or recommended by VTA, including supporting legal and operational analysis. In the absence of such a proposal, the Town does not intend to pursue a uniform countywide appointment process.

CONCLUSION:

PAGE 4 OF 4

SUBJECT: Approve Response to 2025-2026 Civil Grand Jury Report on VTA Board
Appointments

DATE: August 4, 2026

Staff recommends that the Town Council approve the attached response and authorize the Mayor to sign and transmit it to the Presiding Judge of the Superior Court in accordance with California Penal Code Sections 933 and 933.05.

ALTERNATIVES:

The Town Council may modify the proposed response before approval, provide direction to staff to return with revised language, or take another action consistent with the statutory response deadline.

COORDINATION:

This report was prepared by the Town Manager's Office in coordination with the Town Attorney's Office, the Town Clerk's Office, and representatives of the other VTA Board Appointing Authority Group 3 cities.

ENVIRONMENTAL ASSESSMENT:

This action is not a project defined under the California Environmental Quality Act, and no further action is required.

Attachments:

1. Mayor's Transmittal Letter to the Presiding Judge
2. Proposed Town of Los Gatos Response to the Civil Grand Jury Report
3. Santa Clara County Civil Grand Jury Report, "VTA's Management and Oversight of BART Silicon Valley Phase II"