



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/04/2026

ITEM NO: 12

DATE: August 4, 2026
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: **Approve Response to 2026 Santa Clara County Civil Grand Jury Report,
"Pothole Damage: Improving Claims Processes within Santa Clara County"**

RECOMMENDATION: Review, consider, and approve the Town of Los Gatos response to the Santa Clara County Civil Grand Jury report titled "Pothole Damage: Improving claims processes within Santa Clara County"; 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. Any future fiscal impact associated with implementation of a recommendation will be identified when a specific action is brought forward for Town Council consideration.

STRATEGIC PRIORITY:

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

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.

PREPARED BY: Chris Constantin
Town Manager

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

SUBJECT: Approve Response to 2026 Santa Clara County Civil Grand Jury Report "Pothole Damage"

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On June 11, 2026, the Civil Grand Jury issued the report titled "Pothole Damage: Improving claims processes within Santa Clara County." The report requests that the Town of Los Gatos respond to findings 1 through 4 and recommendations 2a, 2b, 3b, and 4.

Findings

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..
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.
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.
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.

Recommendations

- 2a. All jurisdictions within Santa Clara County should include a link to a map or list of roads they maintain on their claims website.
- 2b. All jurisdictions within Santa Clara County should update their claims websites to identify roads that are commonly mistaken as being in their jurisdictions.
- 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.
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.

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The Town's response is due no later than December 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:

The Civil Grand Jury report includes 4 findings and 4 recommendations that are directed to the Town of Los Gatos. Attachment 1 provides the Mayor's transmittal letter. Attachment 2 provides the proposed Town response. Attachment 3 provides the Civil Grand Jury report.

The proposed response is intended to facilitate clear Town Council review and approval. The Town Council may approve the staff recommended response, revise individual responses, or provide other direction before transmittal.

CONCLUSION:

Staff recommends that the Town Council approve the attached responses and authorize the Mayor to sign and transmit the response 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.

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COORDINATION:

This report was prepared by the Town Manager's Office in coordination with Parks and Public Works, the Town Attorney's Office, and the Town Clerk's Office.

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 or Relevant Excerpts