



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO COUNCIL

SUBJECT

Approve City's Response to the 2018-2019 Santa Clara County Civil Grand Jury Report Titled, "Inquiry into the Governance of the Valley Transportation Agency".

BACKGROUND

On June 18, 2019, the Santa Clara County Civil Grand Jury released a report, Inquiry into the Governance of the Valley Transportation Agency (VTA), included in this report as Attachment 2. The report details the findings and recommendations from the Grand Jury's investigation concerning the governance structure of the Valley Transportation Agency and the effectiveness of VTA's operating and fiscal performance.

During the investigation, the Grand Jury employed the following methodology:

- Interviewed over 37 individuals (some more than once) over more than 50 interview hours.
- Reviewed past reports specific to VTA including previous grand jury reports, a California State Auditor's report, and private consulting firm reports.
- Reviewed governing documents: California Public Utilities Code, VTA Administrative Code, and agreements among members of city groups who share representation on the VTA Board.
- Visited the VTA headquarters, one of the VTA bus yards, VTA's downtown customer service center, and bus and light rail stops and stations.
- Traveled on the transit system during peak and off-peak hours.
- Compared VTA's performance in various operating and financial categories to the performance of other metropolitan transit organizations.
- Attended meetings of the VTA Board and its committees.

California Penal Code Section 933(c) requires the government body of the public agency that has been the subject of the Grand Jury report respond to the Presiding Judge of the Superior Court on the findings and recommendations. This response, which is included as Attachment 1 to this report, is due no later than September 16, 2019.

EXISTING POLICY

Pursuant to Administrative Policy Chapter 1, Article 19 *Responding to Civil Grand Jury Reports*, the City's obligations, under California Penal Code §§ 925-933.6, are to provide a response to the Presiding Judge of the Superior Court within 90 days.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" with the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378 (b) (5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes

in the environment.

DISCUSSION

The Grand Jury investigation resulted in 5 findings and 12 recommendations (pages 43 to 46 in the Grand Jury report). Sunnyvale is required to respond to one of the findings and three of the recommendations. The recommendations applicable to Sunnyvale are focused around the themes of:

- Reviewing the governance structure of VTA's Board of Directors.
- Issuing a report to VTA and the County Board of Supervisors with specific elements related to board size, term of service, director qualifications, and proportional demographic representation.
- Proposing legislation to include appropriate amendments to Sections 100060 through 100063 of the California Public Utilities Code, to improve the governance structure of VTA.
- Proposing legislation amending Section 100061 of the California Public Utilities Code changing the term of the Chairperson of the VTA Board.

City staff have reviewed the findings and the recommendations and have prepared a draft response letter.

FISCAL IMPACT

There is no fiscal impact from the City's response to the Grand Jury report.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

ALTERNATIVES

1. Approve the City's response to the 2018-2019 Santa Clara County Civil Grand Jury report as presented in Attachment 1 and authorize the Mayor to sign the response.
2. Approve the City's response to the 2018-2019 Santa Clara County Civil Grand Jury report as presented in Attachment 1 with modifications and authorize the Mayor to sign the response.

STAFF RECOMMENDATION

Alternative 1: Approve the City's response to the 2018-2019 Santa Clara County Civil Grand Jury report as presented in Attachment 1 to the report and authorize the Mayor to sign the response.

Prepared by: Tamara Davis, Senior Management Analyst

Reviewed by: Chip Taylor, Director, Public Works Department

Reviewed by: Robert Boco, Senior Assistant City Attorney

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Draft City Response Letter
2. Civil Grand Jury Report