



MAYOR DARCY PAUL
dpaul@cupertino.org

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3195 • FAX: (408) 777-3366
CUPERTINO.ORG

March 16, 2021

The Honorable Marc Berman
California Assemblymember, 24th District
State Capitol, Room 3123
Sacramento, CA 95814

RE: AB 1091 (Berman) – Oppose

Dear Assemblymember Berman:

I am writing on behalf of the City of Cupertino to delineate our opposition to AB 1091, your measure which would change the governance structure of the Santa Clara Valley Transportation Authority (VTA).

Specifically, beginning July 1, 2022, AB 1091 would reduce the size of the VTA Board to nine members, increase their terms of office to four years, and provide for residents living in the county to serve on the board, rather than local elected officials. The measure provides that one resident will be appointed by the County Board of Supervisors from each of the five County supervisorial districts, two residents from San Jose by the San Jose City Council, and two residents representing two groups of municipalities (fourteen Cities and Towns) within the County by a mechanism not specifically articulated in the language of the proposed legislation.

The City's primary objection with AB 1091 is that it will eviscerate local accountability for the VTA Board. Under the provisions of AB 1091, the appointees to the VTA Board could not hold elected office, which would remove direct accountability to local voters. The appointee that would represent Cupertino would represent eight cities, meaning that our various Cities' and Towns' local voters apparently lack any ability to hold their board member accountable.

VTA has many transit infrastructure improvements which are in progress and utilize voter-approved funding. The Board, following discussion and input from elected members, establishes policy and determines which projects move forward, and when. Each member has the benefit of having their constituents be in direct communication with them through their elected position and this in turn ensures that the voters are represented.

I am currently a VTA Board Member representing five West Valley municipalities. As Mayor of Cupertino, like my counterparts, I also assign our Council Members to various VTA committees. Having this level of involvement by our elected officials ensures that what is happening at VTA is communicated to us bilaterally, with the ability to provide meaningful input. Elected officials of Campbell, Cupertino, Los Gatos, Monte Sereno and Saratoga selected me as the representative of West Valley municipalities.

AB 1091 would permanently undermine this process because it asks that we replace this with a construct wherein the Board members representing the overwhelming majority of our municipalities have no voter accountability. It seems that your proposed bill contemplates a process wherein each member of the Board of Supervisors has some say in selecting one non-elected representative each, for a total of five. San Jose's City Council would select two non-elected representatives. And yet the elected governance of the remaining fourteen municipalities of Santa Clara County would apparently have no say whatsoever in selecting their non-elected VTA Board representative. That is deeply troubling. On a broader level and at least equally disconcerting is the question of voting rights pertaining to the County. The electorate of Santa Clara County should determine future VTA Board structure, as opposed to putting this to a State-wide vote in the Legislature. The adverse relation of this proposal as relates to democratic process and representation creates significant concerns.

While there is undeniably room for improvement with the governance of this regional public agency, the City of Cupertino believes that those improvements should be driven by the agency, its member jurisdictions, and the voters served by the agency in those jurisdictions. The governance structure proposed in AB 1091 removes accountability to our voters without any assurance that the proposed structure will deliver an improved agency for the community.

It is for these reasons that the City of Cupertino opposes AB 1091.

Sincerely,



Darcy Paul
Mayor
City of Cupertino

cc: Senator Dave Cortese
Assemblymember Evan Low
Assemblymember Marc Berman