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TO: City of Cupertino, Legislative Review Committee
FROM: Anthony, Jason, And Paul Gonsalves
SUBJECT: Consider adopting a position on AB 2181 (Berman)
Santa Clara Valley Transportation Authority, Board
Of Directors
DATE: **MAY 31, 2022**

Bill Information:

The official text of AB 2181 can be found [here](#)¹:

Summary:

AB 2181 (Berman) proposes changes to the Santa Clara Valley Transportation Authority (VTA) beginning July 1, 2023. Specifically, AB 2181 revises the membership of the board of directors of the VTA as follows:

- Two county representatives who are community members and appointed by the president of the board of supervisors of Santa Clara County.
- Five representatives of the City of San Jose, including at least two city council members or the mayor and two community members, appointed by the mayor with city council approval.
- Five representatives of the other cities in the county, including at least two community members and two city council members or mayors of those cities, elected through a ranked choice voting process by the city councils of those cities, as specified.
- Authorizes the VTA board to include ex officio nonvoting members from regional transportation or governmental bodies and increases the terms of the board members to four years.

¹ https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB2181

Support:

According to the author, "Valley Transportation Authority provides essential public transit options that help get Santa Clara County's two million residents to and from work, school, and home. However, three Civil Grand Jury Reports over the last 17 years have concluded that VTA's governance structure is a root cause of the agency's poor performance and is in need of structural reform. AB 2181 delivers this structural reform by transitioning the current board—a rotating group of 12 elected officials and 6 alternates in Santa Clara County—to a 12-member hybrid board composed of both elected officials and qualified members of the public. This bill honors local control by building in flexibility, while prioritizing both regional accountability and equity in using a regional ranked choice voting process. The new VTA board members would be selected by city and county officials in a transparent public process, ensuring that expertise related to transportation, infrastructure or project management, and budgetary expertise are represented on the board. A more experienced, transparent, and regionally focused VTA Board will be better positioned to meet Santa Clara County's complex transportation needs."

The City of Campbell, with a support with requests position, writes, "The City of Campbell stands ready to work with our legislature to continue to productively share our input and perspective on this legislation. Accordingly, we encourage you to work with the small to midsized cities in our region to ensure that all residents of our County are represented on this important public agency."

Opposition:

The City of Morgan Hill, in an oppose unless amended position, writes, "While the City of Morgan Hill is in favor of reforming Valley Transportation Authority's (VTA) governance AB 2181 Page 4 structure, we have reservations about the smaller cities in South Santa Clara County representation as AB 2181 is written and are concerned about having an adequate voice. AB 2181 is a significant step that would have far reaching implications for the delivery of transit and transportation in Santa Clara County. The impact of these changes will have a long-lasting effect and seriously undermine the principle of regional representation balanced with population, as with the current VTA board structure."

Status:

AB 2181 is on the Assembly Floor on proposed consent.

Legislative Platform:

This bill falls under Cupertino's 2022 Legislative Platform in the Local Control guiding principle #2 on page 1. "The City... opposes preemption of local control.

Cities are voluntarily created by the residents of a community to provide local self-government and to make decisions at a local level to best meet the needs of the community. Each community has unique needs and characteristics that are best met by policies set by its local governing body. Efforts to remove the ability to set policy at the local level should be opposed...”

Recommended Action:

Adopt an oppose position on AB 2181 and authorize the Mayor to send letters to the state legislature.