

**TOWN OF LOS GATOS  
DIVERSITY, EQUITY, AND INCLUSION COMMISSION AGENDA  
OCTOBER 10, 2024  
110 EAST MAIN STREET  
TOWN COUNCIL CHAMBERS  
5:00 PM**

*Gordon Yamate, Chair  
Diane Fisher, Vice Chair  
Carmen Lo, Commissioner  
Varily Isaacs, Commissioner  
Folake Phillips, Commissioner  
D. Michael Kane, Commissioner  
Vacant, Commissioner  
Vacant, Arts and Culture Commissioner  
Pradeep Khanal, Community Health and  
Senior Services Commissioner  
Pravin Balasingham, Youth Commissioner  
Ryan Idemoto, Youth Commissioner*

**HOW TO PARTICIPATE**

The Town of Los Gatos strongly encourages your active participation in the public process. If you are interested in providing oral comments during the meeting, you must attend in-person, complete a speaker's card, and return it to the staff. If you wish to speak to an item on the agenda, please list the item number on the speaker card. The time allocated to speakers may change to better facilitate the meeting. If you are unable to attend the meeting in-person, you are welcome to submit written comments via email to [clerk@losgatosca.gov](mailto:clerk@losgatosca.gov).

**Public Comment During the Meeting:**

When called to speak, please limit your comments to three (3) minutes, or such other time as the Chair may decide, consistent with the time limit for speakers at a Town meeting.

Speakers at public meetings may be asked to provide their name and to state whether they are a resident of the Town of Los Gatos. Providing this information is not required.

**Deadlines to Submit Written Comments:**

If you are unable to participate in person, you may email [clerk@losgatosca.gov](mailto:clerk@losgatosca.gov) with the subject line "Public Comment Item #\_" (insert the item number relevant to your comment). Persons wishing to submit written comments to be included in the materials provided to the Commission must provide the comments as follows:

For inclusion in the agenda packet: by 11:00 a.m. the Friday before the Commission meeting.  
For inclusion in the agenda packet supplemental materials: by 11:00 a.m. on the day of the Commission meeting.

Persons wishing to make an audio/visual presentation on any agenda item must submit the presentation electronically, either in person or via email to [clerk@losgatosca.gov](mailto:clerk@losgatosca.gov) by 3:00 p.m. the

day of the meeting.

## **CALL MEETING TO ORDER**

### **ROLL CALL**

**VERBAL COMMUNICATIONS** *(Members of the public are welcome to address the Diversity, Equity, and Inclusion Commission on any matter that is not listed on the agenda and is within the subject matter jurisdiction of the Commission. To ensure all agenda items are heard, this portion of the agenda is limited to 30 minutes. In the event additional speakers were not able to be heard during the initial Verbal Communications portion of the agenda, an additional Verbal Communications will be opened prior to adjournment. Each speaker is limited to three minutes or such time as authorized by the Chair.)*

**CONSENT ITEMS** *(Items appearing on the Consent are considered routine Town business and may be approved by one motion. Members of the public may provide input on any Consent Item(s) when the Chair asks for public comment on the Consent Items.)*

1. Approve the Draft Minutes of the September 12, 2024 Diversity, Equity, and Inclusion Commission Regular Meeting.

### **COMMISSIONER/STAFF LIAISON REPORTS**

**OTHER BUSINESS** *(Up to three minutes may be allotted to each speaker on any of the following items.)*

2. Debrief the Commission's Participation in the Town's Screen on the Green Event (Work Plan Item Regarding Town Events, Goal B., Item 1.a.).
3. Discuss the DEI Commission's Participation in Los Gatos in Lights, the Town's Annual Winter Celebration, Through Winter Messaging Displayed at the Event and Provide Direction to Staff on the Messaging and Display Options
4. Discuss a Potential Restrictive Covenant Redaction Project (Work Plan Item Regarding Developing a Community Learning Opportunity on Historic Inequities and Developing Diversity, Sensitivity, and Awareness Training Goal B, Items 3.a. and b. and Work Plan Item Regarding Annual Communications Campaign Goal D, Item 1.a).
5. Discuss a Listening Campaign for Outreach to Community Partners in the Categories of (1) Education/Schools, (2) Religious Groups, (3) Businesses, and (4) Non-Profits/Service Organizations (Work Plan Item Regarding Collaboration with Community Organizations Goal C, Item 2.a. Community- and School-Based Programming).
6. Explore Options for a Panel Discussion Event (Work Plan Item Regarding Developing a Community Learning Opportunity on Historic Inequities and Developing Diversity, Sensitivity, and Awareness Training Goal B, Items 3.a. and b.)

## **ADJOURNMENT**

**ADA NOTICE** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk's Office at (408) 354- 6834. Notification at least two (2) business days prior to the meeting date will enable the Town to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR §35.102-35.104]



**TOWN OF LOS GATOS  
DEIC COMMISSION  
AGENDA REPORT**

MEETING DATE: 10/10/2024

ITEM NO: 1

---

**DRAFT  
Minutes of the Diversity, Equity, and Inclusion Commission Meeting  
September 12, 2024**

The Diversity, Equity, and Inclusion (DEI) Commission of the Town of Los Gatos conducted a regular meeting in person in the Town Council Chambers on Thursday, September 12, 2024, at 5:00 p.m.

**CALL MEETING TO ORDER**

The meeting was called to order at 5:02 p.m.

**ROLL CALL**

Present: Chair Gordon Yamate, Vice Chair Diane Fisher, and Commissioners Carmen Lo, Folake Phillips, D. Michael Kane, Pradeep Khanal, and Anya Singh. Ryan Idemoto participated until 5:30 p.m. Commissioner Varily Isaacs participated by telephone pursuant to the Brown Act.

Absent: Commissioner Memarzia.

Town Staff Present: Assistant Town Manager Katy Nomura and Senior Management Analyst Holly Young.

**VERBAL COMMUNICATIONS**

Opened public comment.

Jamie Donofrio (New Museum Los Gatos (NUMU))

-Commented that she wanted to introduce herself to the Commission.

Closed public comment.

**CONSENT ITEMS**

1. Approve the Draft Minutes of the August 8, 2024 Diversity, Equity, and Inclusion Commission Regular Meeting.

No one spoke.

**MOTION: Motion by Commissioner Kane to approve the consent calendar. Seconded by Commissioner Idemoto.**

**VOTE: Motion passed unanimously by roll call vote.**

### **COMMISSIONER/STAFF LIAISON REPORTS**

Commissioner Lo reported that she met with Jeff Suzuki (Los Gatos Anti-Racism Coalition) to discuss the Coalition's projects including DEI education in schools, affordable housing, and the August 20 Council discussion regarding the public comment submitted at the August 8 DEI Commission meeting regarding the Library's working document for Holiday and Recognition Events.

Commissioner Khanal reported that he attended Democracy Tent community group meeting and they are interested in a member of the DEI Commission speaking at one of their future meetings. He also attended the September 3 Town Council meeting where outgoing Town Manager Laurel Prevetti was recognized.

Commissioner Kane reported that he continues to hand out his DEI Commission business card to community members, met with St. Mary's Pastor Father Angelo who was interested in meeting with the incoming and outgoing Los Gatos Mayors, and pointed out the mention of the DEI Commission on page 18 of the Town of Los Gatos Annual Report.

Commissioner Idemoto reported that he attended two school district board meetings and that there will be a potential new Principle's Advisory Committee being created. He attended the Youth Commission meeting on September 10 where the new Commissioners were sworn in and Aanya Singh was assigned to the DEI Commission in place of former Commissioner Balasingham, who is now the Youth Commission Chair.

Commissioner Singh reported that Blossom Hill Elementary School is having a multicultural event on September 26.

Commissioner Phillips reported that in reference to the August 8 Council discussion that Commissioner Lo mentioned, she supports the Library not redacting the working document for Holiday and Recognition Events. She reminded everyone of the DEI Commission's role of helping the Town to be a more welcoming and inclusive community.

Commissioner Isaacs reported that she worked on the DEI Commission's bookmark for the Screen on the Green event as referenced in Item 2 on the agenda.

Vice Chair Fisher reported that the United Against Hate event on September 22 she mentioned at the last meeting has been cancelled.

Chair Yamate reported that he attended Councilmember Moore's Open House and a Zoom meeting regarding the Santa Clara County restrictive covenant redaction process. He also went to the County Recorder's Office to view restrictive covenants, met with NUMU regarding the

museum's strategic planning process, and attended the September 3 Council meeting where outgoing Town Manager Laurel Prevetti was recognized. He announced he will be speaking at the Democracy Tent community group meeting on September 23. Regarding the August 8 Council discussion that Commissioners Lo and Phillips mentioned, he said that Commissioners have been advised that there is no need to respond to public comments and reminded Commissioners to slow down and identify themselves when speaking at meetings for purposes of the audio recordings.

The staff liaison announced that the potential new Commission Events Policy will be considered by Council on September 17 and the modifications to the existing policy regarding commissioner attendance are still being considered by the Policy Committee. She also announced that the recording of the Brown Act Training was sent out by the Clerk and to reach out if that recording is needed by any Commissioners.

## **OTHER BUSINESS**

2. Discuss Participation in the Town's Screen on the Green Event (Work Plan Item Regarding Town Events, Goal B., Item 1.a.).

No one spoke.

The Commission discussed the item.

3. Discuss a Potential Restrictive Covenant Redaction Project (Work Plan Item Regarding Developing a Community Learning Opportunity on Historic Inequities and Developing Diversity, Sensitivity, and Awareness Training Goal B, Items 3.a. and b. and Work Plan Item Regarding Annual Communications Campaign Goal D, Item 1.a).

No one spoke.

The Commission discussed the item and the Housing ad hoc working group made up of Chair Yamate and Commissioners Lo and Kane will continue work on the potential Restrictive Covenant Redaction Project.

4. Discuss a Listening Campaign for Outreach to Community Partners in the Categories of (1) Education/Schools, (2) Religious Groups, (3) Businesses, and (4) Non-Profits/Service Organizations (Work Plan Item Regarding Collaboration with Community Organizations Goal C, Item 2.a. Community- and School-Based Programming).

No one spoke.

PAGE 4 OF 4

SUBJECT: Draft Minutes of the DEI Commission Meeting of September 12, 2024

DATE: October 10, 2024

The Commission discussed the item and added Commissioner Singh to both the Education/Schools and Non-Profits/Service Organizations ad hoc working groups. The working groups are now comprised as follows:

- Education/Schools: Commissioners Carmen Lo, Varily Isaacs, Folake Phillips, Ryan Idemoto, and Aanya Singh
- Religious Groups: Vice Chair Diane Fisher and Commissioners D. Michael Kane and Folake Phillips
- Businesses: Chair Gordon Yamate and Commissioners Pradeep Khanal and Carmen Lo
- Non-Profits/Service Organizations: Chair Gordon Yamate, Vice Chair Diane Fisher, and Commissioner Aanya Singh

**ADJOURNMENT:**

The meeting adjourned at 6:59 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the September 12, 2024, meeting as approved by the Diversity, Equity, and Inclusion Commission.

---

Holly Young, Senior Management Analyst



**TOWN OF LOS GATOS  
DEI COMMISSION REPORT**

MEETING DATE: 10/10/2024

ITEM NO: 2

---

DATE: September 25, 2024  
TO: Diversity, Equity, and Inclusion Commission  
FROM: Holly Young, Senior Management Analyst  
SUBJECT: Debrief the Commission's Participation in the Town's Screen on the Green Event (Work Plan Item Regarding Town Events, Goal B., Item 1.a.).

**RECOMMENDATION:**

Debrief the Commission's participation in the Town's Screen on the Green event (Work Plan Item Regarding Town Events, Goal B., Item 1.a.).

**REMARKS:**

On September 20, 2024, the DEI Commission participated in the Town's Screen on the Green event. The Commission sponsored the short film "Boundin'" that played before the feature film and Commissioners volunteered at a table with a children's bookmark coloring activity. This discussion item is an opportunity for the Commissioners to review the event including what went well and what could be done differently in the future.

Staff looks forward to the Commission's discussion.

**PREPARED BY:** Holly Young  
Senior Management Analyst





**TOWN OF LOS GATOS  
COMMISSION AGENDA REPORT**

MEETING DATE: 10/10/2024

ITEM NO: 3

---

DATE: October 4, 2024  
TO: Diversity, Equity, and Inclusion Commission  
FROM: Monica Renn, Economic Vitality Manager  
SUBJECT: Discuss the DEI Commission's Participation in Los Gatos in Lights, the Town's Annual Winter Celebration, Through Winter Messaging Displayed at the Event and Provide Direction to Staff on the Messaging and Display Options

**RECOMMENDATION:**

Discuss the DEI Commission's participation in Los Gatos in Lights, the Town's Annual Winter Celebration, through winter messaging displayed at the event and provide direction to staff on the messaging and display options.

**BACKGROUND:**

Each year, on the first Friday in December, the Town implements a special event at Town Plaza Park. This community celebration blends the decades long tradition of lighting a tree in Town Plaza Park and Santa Claus arriving by fire truck, with the new traditions of a winter celebration that lights up the entire park, delivers snow flurries, offers live music from community youth groups, and more to kick off a festive season of celebrations in Town. The intent of the event is to be a fun, youthful, and light-hearted community celebration where community members all feel welcome. This event is now branded as the Town's annual Winter Celebration, *Los Gatos in Lights*.

In 2023, Town staff placed lawn signs around Town Plaza Park during the event that included the phrase "Happy Holidays" in the five most spoken languages in Santa Clara County, including English, Spanish, Tagalog, Chinese, and Russian. Staff received feedback from a community member during the event that they would like to see Ukrainian added in the future.

**DISCUSSION:**

As staff plans Los Gatos in Lights for 2024, it is looking to the Commission to understand if it would like to provide direction on a multi-language welcome sign at the event. Staff is recommending that the Commission choose a brief phrase or word to be translated, and direct

**PREPARED BY:** Monica Renn  
Economic Vitality Manager

staff on the languages in which the phrase shall be translated. Staff will use the online design tool, Canva, to create and translate the messaging, then cross check it with at least one other online source to strive for accuracy in the translation. Canva offers the following language translations:

- **Asia Region** - Arabic, Armenian, Assamese, Bengali, Bhojpuri, Cebuano, Chinese (Simplified), Chinese (Traditional), Dhivehi, Dogri, Filipino (Tagalog), Georgian, Gujarati, Hebrew, Hindi, Hmong, Ilocano, Indonesian, Japanese, Javanese, Kannada, Kazakh, Khmer, Konkani, Korean, Kurdish, Kurdish (Sorani), Kyrgyz, Lao, Maithili, Malay, Malayalam, Marathi, Meiteilon (Manipuri), Mizo, Mongolian, Myanmar (Burmese), Nepali, Odia (Oriya), Pashto, Persian, Punjabi, Sanskrit, Sindhi, Sinhala (Sinhalese), Sundanese, Tagalog (Filipino), Tajik, Tamil, Telugu, Thai, Turkish, Turkmen, Urdu, Uyghur, Uzbek, and Vietnamese
- **North, Central & South America, Caribbean & Oceania Region** - Aymara, English, Guarani, Haitian Creole, Hawaiian, Portuguese (Brazil), Quechua, Spanish, and Samoan
- **Europe Region** - Albanian, Dutch, French, Azerbaijani, Basque, Belarusian, Bosnian, Bulgarian, Catalan, Corsican, Croatian, Czech, Danish, Esperanto, Estonian, Finnish, Frisian, Galician, German, Greek, Hungarian, Icelandic, Irish, Italian, Latin, Latvian, Lithuanian, Luxembourgish, Macedonian, Maltese, Norwegian, Polish, Portuguese (Portugal), Romanian, Russian, Scots Gaelic, Serbian, Slovak, Slovenian, Spanish, Swedish, Tatar, Ukrainian, Welsh, and Yiddish
- **Africa Region** - Afrikaans, Amharic, Bambara, Ewe, Hausa, Igbo, Kinyarwanda, Krio, Lingala, Luganda, Malagasy, Nyanja (Chichewa), Oromo, Sepedi, Sesotho, Shona, Somali, Swahili, Tigrinya, Tsonga, Twi (Akan), Xhosa, Yoruba, and Zulu

This year, instead of individual yard signs, staff recommends that the messaging be displayed on two large standing banners, prominently placed with lighting. The banners will be aligned with the branding for the Los Gatos in Lights marketing. A sample of the general aesthetic and layout of a banner is Attachment 1 to this report for the Commission's reference.

The Commission may wish to continue with the phrase "Happy Holidays" or choose an alternative word or short well-wishing phrase. Staff also recommends that language similar to the following be added near the sign messaging:

*The Town's Diversity, Equity, and Inclusion Commission welcomes you to Los Gatos in Lights! The translations reflected here are made in a good faith effort to be accurate, respectful, and inclusive. Should a community member realize an inaccuracy, please share your feedback with us. Thank you! [specialevents@losqatosca.gov](mailto:specialevents@losqatosca.gov)*

CONCLUSION:

As the Commission discusses this item, staff is requesting the following information be specifically addressed. Staff is under a time constraint for ordering custom banner or sign materials and asks that the Commission provide full direction within this discussion.

1. Would the Commission like to provide a multi-language welcome message at the 2024 Los Gatos in Lights event?
2. What word or single phrase would the Commission like to have displayed? Options include: Welcome, Hello, Warm Wishes, Celebrate, Cheers, Happy Winter, Happy Holidays, or similar greeting.
3. What languages would the Commission like to have included on the signage? Staff recommends limiting the number to between six and eight languages.
4. Does the Commission have edits to the following message to be displayed along with the banner? *The Town's Diversity, Equity, and Inclusion Commission welcomes you to Los Gatos in Lights! The translations reflected here are made in a good faith effort to be accurate, respectful, and inclusive. Should a community member realize an inaccuracy, please share your feedback with us. Thank you!* [specialevents@losgatosca.gov](mailto:specialevents@losgatosca.gov)

ATTACHMENTS:

1. Sample Banner for Los Gatos in Lights



# HELLO FRIENDS

¡Hola,  
amigos!

Chào các bạn

こんにちは、  
みんな

Привет,  
друзья!

Kamusta mga  
Kaibigan

## CIAO AMICI

Привіт, друзі

Salut  
les  
amis

大家好

Γεια σας,  
φίλοι!

Aloha mai e  
na hoa!

TOWN OF  
*Los* GATOS  
CALIFORNIA



THE TOWN'S DIVERSITY, EQUITY, AND INCLUSION COMMISSION WELCOMES YOU TO LOS GATOS IN LIGHTS. THE TRANSLATIONS REFLECTED HERE ARE MADE IN A GOOD FAITH EFFORT TO BE ACCURATE, RESPECTFUL, AND INCLUSIVE. SHOULD A COMMUNITY MEMBER REALIZE AN INACCURACY, PLEASE SHARE YOUR FEEDBACK WITH US. THANK YOU! SPECIALEVENTS@LOSGATOSCA.GOV



**TOWN OF LOS GATOS**  
**DEI COMMISSION REPORT**

MEETING DATE: 10/10/2024

ITEM NO: 4

---

**DATE:** September 25, 2024  
**TO:** Diversity, Equity, and Inclusion Commission  
**FROM:** Holly Young, Senior Management Analyst  
**SUBJECT:** Discuss a Potential Restrictive Covenant Redaction Project (Work Plan Item Regarding Developing a Community Learning Opportunity on Historic Inequities and Developing Diversity, Sensitivity, and Awareness Training Goal B, Items 3.a. and b. and Work Plan Item Regarding Annual Communications Campaign Goal D, Item 1.a).

**RECOMMENDATION:**

Discuss a potential Restrictive Covenant Redaction Project (Work Plan Item Regarding Developing a Community Learning Opportunity on Historic Inequities and Developing Diversity, Sensitivity, and Awareness Training Goal B, Items 3.a. and b. and Work Plan Item Regarding Annual Communications Campaign Goal D, Item 1.a).

**REMARKS:**

On June 13, 2024, the DEI Commission discussed putting together the framework for a community education campaign regarding how to have restrictive covenants redacted from property title documents. This project overlaps with the Commission's work plan items regarding a community learning opportunity and also a communications campaign.

On July 11, 2024, the Commission discussed preliminary information regarding the proposed project including the Santa Clara County Restrictive Covenant Modification Program. The Commission discussed having the Housing ad hoc working group made up of Chair Yamate, Commissioner Lo, and Commissioner Kane continue to gather information.

On August 8, 2024, the DEI Commission discussed three prongs to the Commission's potential restrictive covenant redaction project:

- A recommendation to the Town Council that the Town launch a webpage to educate the Los Gatos community regarding what restrictive covenants are, how to check property records for them, and how to get them redacted through Santa Clara County;
- A recommendation that the Town Council approve a proclamation acknowledging and repudiating restrictive covenants; and

**PREPARED BY:** Holly Young  
Senior Management Analyst

PAGE 2 OF 2

SUBJECT: Potential Restrictive Covenant Redaction Project

DATE: October 10, 2024

- A recommendation to the Town Council that the Town retain copies of the restrictive covenants found in Los Gatos for historical records purposes. \*\*To Note: The Los Gatos Library currently has historical housing files for properties in Town. If community members were to submit copies of restrictive covenants from their properties, the Library has the capability to add them to those housing files for archiving purposes.

On September 12, 2024, the DEI Commission continued its discussion and assigned the ad hoc working group to continue its work on this topic.

Chair Yamate submitted the revised proposal for the public education effort regarding restrictive covenants in Attachment 1 and the outline of a potential recommendation to the Town Council in Attachment 2 for the full Commission's consideration.

Staff looks forward to the Commission's discussion.

ATTACHMENTS:

1. Revised Public Education Proposal
2. Outline of Potential Council Recommendation

## Proposal for Los Gatos DEI Commission Effort to Educate Public on Restrictive Covenants

Formatted: Space Before: 12 pt

We have a challenge. We need to find creative ways to educate our community on DEI issues. ~~Understanding the historical factors that have contributed to~~As pointed out during the process of updating our Town's Housing Element, Los Gatos has been unfortunately recognized ~~unfortunate status of as~~ being among the "most segregated, heavily white cities in [Santa Clara County]".<sup>1</sup> ~~would be a prudent starting point.~~How did the Town get this way? While the Los Gatos Town Library maintains a "collection of historically valuable documents" regarding the Town's history, information relating to Los Gatos residents who are members of BIPOC communities and/or other groups suffering discrimination are underrepresented in the Library's collection.<sup>2</sup> If an important goal of Los Gatos is to shed this undesirable status, it is important to understand what specific factors got the Town to this point.

The historic practice of using restrictive covenants to prevent the transfer of property in Los Gatos to non-white persons might serve as an entry point ~~and vehicle to shed light on~~ understand how discriminatory practices ~~historically~~ started and evolved in the Town. These vestiges still exist ~~today~~ as a reminder of the Town's racist past. While the California State Legislature has taken steps to remove these offensive provisions from the public record, an opportunity exists for Los Gatos residents to use that process to determine whether their own properties may contain restrictive covenants. We ask that the community actively participate in reporting whether restrictive covenants exist regarding their property. We will collect the results of this community effort and assist Los Gatos property owners on what they can do to get rid of these distasteful and obnoxious provisions.

### ***What are restrictive covenants?***

Restrictive covenants are provisions in title documents that govern and impact the use and/or transfer of real property. Not all restrictive covenants are illegal, invalid or unenforceable. For example, two-story buildings may be prohibited in a neighborhood that desires to maintain the character of one-story buildings. However, restrictive covenants that prohibit the transfer of the property ~~covered by that title document~~ to non-white persons or other Constitutionally-

Attachment 1

protected classes of individuals are not legal, valid or enforceable by law. Some racially restrictive covenants specifically reference particular races or ethnicities. California has a long well-documented history of prominent public and private leaders who advocated against the presence of Asians—mainly those of Chinese and Japanese ethnicity<sup>3</sup> ~~[add footnote]~~. But, these covenants can also apply to any Constitutionally-protected classes of individuals who have been discriminated against based upon gender, religion, age, sexual preference, and disability, among others.

***When were these restrictive covenants used? Are they enforceable as a matter of law?***

Although the U.S. Supreme Court in its 1926 decision *Corrigan v. Buckley* discusses the use of racially-based restrictive covenants, the practice dates back to at least the late 1800s, if not earlier. A reported California federal district court case in 1892 struck down the enforceability of a restriction on selling property to Chinese Americans, but surprisingly that case was ignored by the courts and seldom cited. In the *Corrigan* decision, the Court actually upheld the mere existence of restrictive covenants in title documents on the grounds that such transactions were between private parties and involved no state action (e.g., no use of governmental agencies or tribunals to enforce such covenants). Twenty-two years later, the Court struck down the enforceability of these types of covenants in *Shelley v. Kraemer*. In *Shelley*, the seller of a parcel of real estate discovered that the purchaser of the property was not white and sought to prevent the purchaser from taking possession of the property. In finding the racial covenant violative of the Equal Protection Clause of the Fourteenth Amendment, the Court found state action present with the contemplated judicial enforcement of those covenants. Subsequent federal and state fair housing laws have also made such restrictive covenants and practices unlawful.

***What has California done to deal with these restrictive covenants?***

In 1999, California began creating ways for property owners, upon discovering the existence of a restrictive covenant in their title documents, to apply to the Fair Employment and Housing Commission (FEHC) to have the FEHC review the validity of the covenant and, if found invalid, request the county recorder to strike the unlawful covenant.<sup>4</sup> In 2005, the law was streamlined to allow owners to file directly with the county recorder a Restrictive Covenant Modification (RCM) form to have such covenants redacted from title documents.<sup>5</sup> However, these changes did not prevent restrictive covenants from appearing in title documents, and unsuspecting buyers



might nevertheless be unduly influenced by such covenants and ~~choose not to proceed with~~ pursue the purchase ~~or at the very least feel unwelcome in that neighborhood.~~<sup>6</sup>

**What has Santa Clara County done to deal with these restrictive covenants?**

Formatted: Space Before: 12 pt

In 2022, California law was amended to require county recorders to develop plans to affirmatively identify and redact restrictive covenants.<sup>7</sup> Santa Clara County has created a Restrictive Covenant Modification Program ("~~County Covenant~~RCM Program"), where it has committed to devote staff and resources to the process of identifying restrictive covenants, evaluating their lawfulness and enforceability, and redacting the covenants from the public record.<sup>8</sup> With a deadline of December 2027, the challenges for the County's RCM Program are enormous. The County estimates that it needs to process over 24 million pages of recorded documents, the vast majority of which have not yet been digitized. Starting in July 2022, the County has processed to date 462,600 pages or just under 2%. At its new offices in North San Jose, the County makes available computer terminals where the public can access recorded documents with the assistance of staff. But, unless the party interested in reviewing his or her property deeds already possesses a title report for that property, a search at the County office will most likely not uncover the restricted covenants. Even if a property owner has an address and assessor's parcel number for the property, that will likely not be sufficient to locate all of the documents in the chain of title that have some bearing or impact on the property.

Santa Clara County's RCM Program has to date uncovered 19 instances of racially restrictive covenants governing parcels located within the Town of Los Gatos. All of these racially restrictive covenants were identified by County staff utilizing key word searches. None of the 19 redactions of racially restrictive covenants were initiated by private parties. Information on a county-wide basis is updated from time to time on the County's website.<sup>9</sup> The Town's DEI Commission will ~~is continue to explore exploring~~ ways ~~that it may to~~ assist Santa Clara County in such redaction process as it relates to properties located within the Town of Los Gatos.

***If the Santa Clara County Recorder is already underway to redact restrictive covenants from public records, why do I need to take any further action to get them removed?***

While we understand that Santa Clara County will address racially and other discriminatory restrictive covenants through its RCM Program, we also recognize the enormous undertaking of such program and anticipate that it will take longer than currently planned to ameliorate this problem. ~~We~~ In addition, we want to encourage Los Gatos property owners to affirmatively take steps to investigate whether their homes or other properties may be subject to these covenants and get them eliminated from their title deeds. By affirmatively undertaking steps to

discover the existence of restrictive covenants, Town residents can denounce these practices and demonstrate our community's concern with eliminating these covenants.

We are concerned, however, that such voluntary efforts by property owners will not occur unless that process to identify and redact restrictive covenants to is be simple, burdenless (with little or minimal cost), timely and efficient for property owners. in Los Gatos. Currently, the County CovenantRCM Program appears to assume that the property owner has a readily available copy of his or her title documents that, which will reveal whether a restrictive covenant on that property exists. It is unclear how a property owner can obtain title documents if the original purchase documents cannot be located or are not otherwise readily available. A party who has recently acquired a property in Los Gatos is more likely to have ready access to the package of closing documents containing the title report. However, if the purchase of a home occurred some years ago, such documents may not be readily available. Presumably, those documentsA title report can be obtained at the county recorder's office or from a title company, but there may will be charges for the title search and report. Although the County's public computers can be used to search title documents without charge, online information may not be downloaded or otherwise transmitted electronically, and users will normally be charged for making copies of relevant documents.

We are seeking to locate a third party organization who would be willing to collaborate with the Town and facilitate access to title documents for Los Gatos property owners without charge or at a reduced cost. We have enlisted the assistance of the Los Gatos Chamber of Commerce in trying to locate such an intermediary in addition to exploring other nonprofit organizations, including organizations that may have the capacity to underwrite the costs of such title searches. We are aware of the Town's policy to not include business contacts directly on its website or to name specific businesses that may be able to help property owners (notwithstanding such businesses may well be interested in so participating directly).

To the extent that property owners undertake efforts to determine whether their properties are subject to restrictive covenants, we encourage property ownersthem to share information about the covenants revealed in the title documents and, even if no such covenant is found, to report to the DEI Commission that information. We believe that such efforts can help inform the Town about the extent of such discriminatory practices. While we understand that Santa Clara County will address the restrictive covenants through their Restrictive Covenant Modification Program, we also recognize the enormous undertaking of such program and anticipate that it will take longer than currently planned to ameliorate this problem. By affirmatively undertakings steps to discover the existence of restrictive covenants, Town residents can denounce these practices and demonstrate our community's concern with eliminating these covenants.

We propose that the Town offer on its website a clear and easy to use process described in the foregoing paragraph that would supplement and enhance the County's Restrictive Covenant Modification Program. In the coming week, we will be meeting with a representative from

~~County who manages the Restrictive Covenant Modification Program to understand the County's process and procedures for identifying and redacting restrictive covenants, to determine whether there are any barriers to public participation in that program and evaluate where the Town may be of additional assistance in the process.~~ We will ~~also also share~~ explore with the New Museum of Los Gatos and the Los Gatos Public Library ~~how~~ information uncovered in this process ~~so that it~~ can be incorporated into programs, historical records and archives, and other informational sources of value to the community.

The information gleaned from such action by Town residents may serve as part of an educational project for the Town, helping us understand how restrictive covenants have contributed to the highly segregated community in Los Gatos. When restrictive covenants are discovered, ~~we encourage~~ residents ~~should to~~ look more deeply into the circumstances surrounding the recording of such covenant. Apart from identifying the source and nature of the covenant, residents ~~would could be encouraged to~~ consider the following:

- (1) To the extent that restrictive covenants are discovered, do they extend to neighboring properties or to particular tracts or subdivisions? The discovery of a restrictive covenant on one parcel may help focus the search on adjoining or nearby parcels.
- (2) -What was going on in Los Gatos at the time such covenants were inserted or used? Do historical records reveal events, circumstances or thinking that may have given rise or influenced the use of these covenants? What was going on in areas beyond Los Gatos that may have explained these covenants?
- (3) What might have been the fears or concerns of the people who inserted the covenants in the title documents?
- (4) Who were the parties involved in transactions that included such covenants? Were they known community leaders or otherwise active in the community? Did other people voice concerns about using these covenants, both for and against?
- (5) Were other efforts undertaken to achieve the same result as the restrictive covenants?

***What is the ultimate purpose and value of this project?***

If you embrace and celebrate concepts of DEI and believe they are essential for creating a better community for Los Gatos, ~~then you~~ can demonstrate your support ~~for of~~ DEI principles by investigating whether your property is subject to such restrictive covenants, and if so, taking

Formatted: Indent: Left: 0.25", Space Before: 12 pt

Formatted: Indent: Left: 0", Space Before: 12 pt, Add space between paragraphs of the same style

Formatted: Space Before: 12 pt

steps to have that provision redacted from your title report. We admit that this is largely a symbolic effort, but it sends a message of your concern for critical values embraced by this community. Participating in ~~our [Los Gatos Against Restrictive Covenants] program~~ these efforts reaffirms our community's rejection of racist behavior, and strengthens Los Gatos' reputation for being a DEI community.

***How Can the Los Gatos DEI Commission Help Los Gatos Residents Deal with Restrictive Covenants?***

---

<sup>1</sup> [https://www.losgatosca.gov/DocumentCenter/View/38848/3\\_Adopted-2023-2031-Housing-Element-Clean-Copy](https://www.losgatosca.gov/DocumentCenter/View/38848/3_Adopted-2023-2031-Housing-Element-Clean-Copy), p. A-3 of Appendix A, p. 61 of 331,

Formatted: Space Before: 12 pt

<sup>2</sup> <https://www.losgatosca.gov/2616/Represent-Los-Gatos>

<sup>3</sup> James D. Phelan, "The Japanese Evil in California," 210 *The North American Review* 323-328 (September 1919). See also [https://encyclopedia.densho.org/James\\_D.\\_Phelan/](https://encyclopedia.densho.org/James_D._Phelan/).

<sup>4</sup> SB 1148 (Burton), Chapter 589, Statutes of 1999

<sup>5</sup> AB 394 (Niello), Chapter 297, Statutes of 2005

<sup>6</sup> Senate Committee Report on AB 1466 <https://trackbill.com/s3/bills/CA/2021/AB/1466/analyses/senate-judiciary.pdf>

<sup>7</sup> Assembly Bill 1466 (McCarty), Chapter 359, Statutes of 2021

Formatted: Space Before: 12 pt

Formatted: Heading 1, Space Before: 12 pt, Font Alignment: Baseline

<sup>8</sup> <https://clerkrecorder.sccgov.org/unlawfully-discriminatory-restrictive-covenant-modification-program-assembly-bill-1466> Link to SCC program

Formatted: Space Before: 12 pt

<sup>9</sup> <https://clerkrecorder.sccgov.org/unlawfully-discriminatory-restrictive-covenant-modification-program-assembly-bill-1466>

## RECOMMENDATION TO THE LOS GATOS TOWN COUNCIL REGARDING RESTRICTIVE COVENANTS

1. Create a Town webpage as a public service to alert and educate Los Gatos residents about racially or other discriminatory restrictive covenants in real property records and explain what residents can do about them and why they should be redacted. The webpage content would be mutually agreed to by the Town Council and the DEI Commission and would provide, among other information:
  - a. Steps on locating appropriate property records and determining whether a property record contains a restrictive covenant that is illegal and unenforceable;
  - b. A referral link to the Restrictive Covenant Modification (RCM) Program managed by the Santa Clara County Office of the County Clerk-Recorder, explaining how the County's redaction process works;
  - c. A referral link to a nonprofit organization that can direct to local title companies and/or other real estate businesses requests for assistance in obtaining a title report at either a greatly reduced cost or without charge to Los Gatos property owners to determine if restrictive covenants exist on, or apply to, their properties; and
  - d. An email link to the Town's DEI Commission for Los Gatos residents who have questions about the RCM Program or who would like to share information uncovered or discovered from inquiry into their recorded property deeds.
2. Approve a Town Council proclamation in a form mutually agreeable to the Town Council and the DEI Commission, acknowledging and repudiating the use of racially or other discriminatory restrictive covenants regarding the sale, transfer or use of real property within the Town.



**TOWN OF LOS GATOS**  
**DEI COMMISSION REPORT**

MEETING DATE: 10/10/2024

ITEM NO: 5

---

DATE: October 4, 2024

TO: Diversity, Equity, and Inclusion Commission

FROM: Holly Young, Senior Management Analyst

SUBJECT: Discuss a Listening Campaign for Outreach to Community Partners in the Categories of (1) Education/Schools, (2) Religious Groups, (3) Businesses, and (4) Non-Profits/Service Organizations (Work Plan Item Regarding Collaboration with Community Organizations Goal C, Item 2.a. Community- and School-Based Programming).

**RECOMMENDATION:**

Discuss a listening campaign for outreach to community partners in the categories of (1) Education/Schools, (2) Religious Groups, (3) Businesses, and (4) Non-Profits/Service Organizations (Work Plan item regarding Collaboration with Community Organizations Goal C, Item 2.a. Community- and School-Based Programming).

**REMARKS:**

At its July 11, 2024 meeting, the Commission unanimously voted to create four ad hoc working groups focusing on community outreach in the areas of (1) Education/Schools, (2) Religious Groups, (3) Businesses, and (4) Non-Profits/Service Organizations to develop a set of outreach questions for the organizations in each category in order to support a listening campaign.

The ad hoc working groups are currently comprised as follows:

- Education/Schools: Commissioners Carmen Lo, Varily Isaacs, Folake Phillips, Ryan Idemoto, and Aanya Singh
- Religious Groups: Vice Chair Diane Fisher and Commissioners D. Michael Kane and Folake Phillips
- Businesses: Chair Gordon Yamate and Commissioners Pradeep Khanal and Carmen Lo
- Non-Profits/Service Organizations: Chair Gordon Yamate, Vice Chair Diane Fisher, and Commissioner Aanya Singh

Prepared by: Holly Young  
Senior Management Analyst

---

PAGE 2 OF 2

SUBJECT: Listening Campaign for Outreach to Community Partners

DATE: October 10, 2024

On September 12, the Commission discussed the item including the fact that the work should not delve into assessing the practices of private businesses, religious groups, and other organizations without Council direction. Instead, the conversations should stay focused on opportunities to collaborate and learn as a community. The questions that were previously proposed regarding managing DEI efforts within organizations or DEI approaches used by organizations with their employees/vendors/customers (proposed questions #2 and #4 in Attachments 1 and 2) go beyond the collaboration focus and would need Town Council approval.

The Commission may also consider expanding the language in the proposed questions to include reference to the broader Los Gatos community and how all can come together to further DEI work.

Staff looks forward to the Commission's continued discussion of this item.

ATTACHMENTS:

1. Previously Submitted Potential Questions for Schools
2. Previously Submitted Potential Questions for Businesses

**DEI Commission:**  
**Questions for Schools for Needs Assessment**

- Do you have concerns about the issues of diversity, equity, and inclusion in the Town of Los Gatos?
- Do you have concerns about the issues of diversity, equity, and inclusion in this school, or the school district?
- What are you most hopeful for relative to these concerns?
- How does the school approach this subject with regard to the teachers and staff? With regard to the students?
- Do you see opportunities for the Town to do more to promote and ensure diversity, equity, and inclusion?
- What type of support could the Town and the DEI Commission provide to the schools to create a more inclusive community?



**DEI Commission**  
**Questions for Businesses for Needs Assessment**

1. Does your business have concerns about the issues of diversity, equity and inclusion in the Town of Los Gatos?
2. Do you have concerns about the issues of diversity, equity and inclusion in operating and/or managing your business?
3. What are you most hopeful for relative to these concerns?
4. How does your business approach this subject with regard to your employees? With regard to your suppliers, vendors, contractors and others with whom you do business or have business relationships? With regard to your customers or clients?
5. Do you see opportunities for the Town to do more to promote and ensure diversity, equity and inclusion?
6. What type of support could the Town and the DEI Commission provide to your business to provide a more inclusive community?



**TOWN OF LOS GATOS**  
**DEI COMMISSION REPORT**

MEETING DATE: 10/10/2024

ITEM NO: 6

---

DATE: October 2, 2024  
TO: Diversity, Equity, and Inclusion Commission  
FROM: Holly Young, Senior Management Analyst  
SUBJECT: Explore Options for a Panel Discussion Event (Work Plan Item Regarding Developing a Community Learning Opportunity on Historic Inequities and Developing Diversity, Sensitivity, and Awareness Training Goal B, Items 3.a. and b.)

**RECOMMENDATION:**

Explore options for a panel discussion event (Work Plan Item Regarding Developing a Community Learning Opportunity on Historic Inequities and Developing Diversity, Sensitivity, and Awareness Training Goal B, Items 3.a. and b.)

**BACKGROUND:**

Earlier this year, the DEI Commission discussed a potential recommendation to the Town Council for the DEI Commission to host a panel discussion event regarding the [Silicon Valley Pain Index](#) and specifically focusing on the housing and education data in the report and how those inequities came about. An ad hoc working group made up of Commissioners Phillips, Lo, and Kane worked on this topic.

Simultaneously, the Town Policy Committee was working on the development of a Commission Events Policy to ensure all Commissions are provided the same guidance and direction from Council regarding events. On August 8, 2024, the DEI Commission decided to hold off on any further panel discussion event planning until the Commission Events Policy was complete so that the Commission could take into account the parameters and expectations provided by the Council.

**DISCUSSION:**

On September 17, 2024, the Town Council adopted the Commission Events Policy in Attachment 1 and the revised Town Council Policy 5-03 "Commission Budgets" in Attachment 2.

In an effort to provide consistent guidance to Commissions and ensure appropriate use of staff resources, the Commission Events Policy encourages Commissions to have self-sufficient tabling

**PREPARED BY:** Holly Young  
Senior Management Analyst

at existing Town events, rather than separate events, to minimize use of staff resources. If a Commission wants to hold a unique event, as an exception and not the norm, the Commission would submit a recommendation to the Town Council for consideration and approval.

The amendments to the Commission Budget Policy broaden appropriate uses of a Commission's budget to include purchasing giveaway items for any event authorized under the Commission Events Policy and hosting Town Council approved Commission Events in accordance with the Commission Events Policy.

The panel discussion event previously discussed by the DEI Commission would be a Commission Hosted Event as referenced on page 3 of the Commission Events Policy in Attachment 1:

**a. Commission Hosted Events:**

- i. Commission Hosted Events are events hosted, funded, and implemented by the Commission.*
- ii. Commissions are advisory bodies to Council and do not typically host or produce events, unless requested by Town Council. Therefore, Commissions are encouraged to participate in existing Town Hosted or Externally Hosted Events as outlined above, rather than hold Commission Hosted Events. If no Town Hosted or Externally Hosted Event exists, alternatives could be for an appropriate non-profit to develop an Externally Hosted Event or to pursue the event outside of the Commission's or Commissioner's official capacity.*
- iii. In the rare instance a Commission is interested in holding a Commission Hosted Event, the Commission should make a recommendation to the Town Council for its consideration.*
- iv. All Commission Hosted Events require Town Council approval prior to implementation to ensure adequate staff and financial resources are available, alignment with Town Council priorities, and consideration of liability and logistics. If staff attendance is necessary, events past 8:00 p.m. or on weekends should be avoided whenever possible and staff availability should be taken into account when planning the date and time.*

Options for the panel discussion event would be as follows:

- (1) An appropriate non-profit could host the event;
- (2) The event can be pursued outside of the Commission's official capacity; or
- (3) The Commission can make a recommendation to the Town Council for the Commission to host the panel discussion event.

If the Commission decides to pursue making a recommendation to the Town Council for the Commission to host the event, the Commission should put together as much detailed information as possible to present to the Council regarding the content of the proposed event. Items to consider may include:

PAGE 3 OF 3

SUBJECT: Panel Discussion Community Learning Opportunity

DATE: August 1, 2024

- An outline of the information that will be presented/discussed
- A copy of any presentations or slide decks
- A list of the potential speakers/panelists with bios

If Council approves the proposed event, then the Commission can work out the specifics such as date, time, and location. No speakers or venues should be booked until Council approval is received if the Commission decides to pursue the third option.

ATTACHMENTS:

1. Commission Events Policy
2. Commission Budgets Policy

<b>TITLE: COMMISSION EVENTS</b>	<b>POLICY NUMBER: 5-04</b>
<b>EFFECTIVE DATE: 09/17/2024</b>	<b>PAGES: 3</b>
<b>ENABLING ACTIONS:</b>	<b>REVISED DATES:</b>
<b>APPROVED:</b> <i>Mary Badame</i>	

**I. PURPOSE:**

The Town Boards, Commissions, and/or Committees (hereafter, Commissions) may have interest in engaging the public through community events. This Policy sets forth the criteria for Commission participation in events and the use of Town resources for such activities. For the purposes of this Policy, participation in events refers to serving in a formal Town Commission role in an event for purposes of engaging the attendees and does not refer to simply attending an event. This Policy pertains to a Commissioner’s participation in events in its official capacity and does not apply when a Commissioner is not acting in their official capacity.

This Policy works in concert with the Town’s Purchasing Policy and other policies and procedures.

**II. COMMISSION EVENTS**

**A. Applicability**

a. The following sections of this Policy will apply to all Commissions with the exception of the Youth Commission. In the Youth Commission’s enabling resolution, one of its duties is to hold forums. In addition, youth may not be able to operate as independently as adult Commissioners and different considerations may need to be made for safety and successful event participation. Due to this specific duty and the additional considerations for participating youth, Youth Commission events may occur with the approval of the Police Chief to ensure adequate consideration of budget, safety, liability, logistics, and staffing resources, unless otherwise requested by the Town Council.

**B. General Guidelines:**

a. A Commission’s participation in an event must directly relate to its enabling resolution and be within the scope of the Commission.

<b>TITLE:</b> Commission Events	<b>PAGE:</b> 2 of 3	<b>POLICY NUMBER:</b> 5-04
---------------------------------	------------------------	-------------------------------

- b. Participation and activities must be appropriate for the type of event and provide meaningful interaction with the event attendees.
- c. Commissions may not participate in events that are:
  - i. Related to lobbying or for endorsing political candidates or parties; or
  - ii. Expressly in opposition to the Town’s Vision Statement, Guiding Principles, and Core Values.
- d. A Commission’s budget must be used to fund any necessary expenditures for a Commission event and must be done in accordance with Council Policies 5-03, “Commission Budgets” and 4-06 “Purchasing Policy.” Any additional funds require Council approval and allocation.
- e. Commissioners are responsible for preparing for and staffing their portion of any event and Town staff is not expected to participate. Exceptions may be made by the Town Council when the use of staff time has been considered and approved by Town Council; exceptions may only be granted if staffing resources are available, budget is available to cover any necessary overtime, and the event is approved by the Town Council and is found to be in compliance with this Policy.

**C. Guidelines Specific to the Type of Event:**


- a. **Commission Participation at Existing Town Hosted Events:**
  - i. Existing Town Hosted Events are events hosted by the Town that are already part of a Town Department’s planned work, independent of Commission interest in the event. These events could include annual Town events (e.g. Spring into Green), public meetings, workshops, or similar activities.
  - ii. Where there is a nexus between the work of a Commission and the intent of an event, or the Commission can provide an activity that creates this nexus, staff may invite Commissions to participate in an event and will provide guidance on how Commissions may participate, should they choose to do so. The guidance will be designed to ensure the success of the event for both Commissioners and staff and will vary depending on the nature of each event. If the provided guidance is followed, no additional Town Council approval is required for Commissioners to participate, unless otherwise requested by Town Council.
  - iii. Not all Town Hosted Events are suitable for Commission participation due to limitations including timing, logistics, space requirements, event intent, and staff bandwidth. Staff will strive to provide Commissions opportunities to participate in Existing Town Hosted Events to the extent reasonably practicable and appropriate.
- b. **Commission Participation at an Externally Hosted Event:**
  - i. Externally Hosted Events are events hosted by entities other than the Town and not hosted by a Town Commission. For example, these events may be

<b>TITLE:</b> Commission Events	<b>PAGE:</b> 3 of 3	<b>POLICY NUMBER:</b> 5-04
---------------------------------	------------------------	-------------------------------

implemented by non-profits, businesses, community groups, and other community and neighborhood stakeholders.

- ii. In their official capacity, Commissions may only participate in Externally Hosted Events that:
    - a. Serve a public benefit or purpose in alignment with the Commission’s purpose as stated in the enabling resolution.
    - b. Are hosted by a non-profit organization, government organization, or official Town partner;
    - c. Are located in the Town of Los Gatos or targeted for the Los Gatos community; and
    - d. Are free to attendees.
  - iii. If these provisions and the General Guidelines are met, no additional Town Council approval is required for Commissioners to participate, unless otherwise requested by Town Council. Exceptions to these provisions require Town Council approval.
- c. Commission Hosted Events:**
- i. Commission Hosted Events are events hosted, funded, and implemented by the Commission.
  - ii. Commissions are advisory bodies to Council and do not typically host or produce events, unless requested by Town Council. Therefore, Commissions are encouraged to participate in existing Town Hosted or Externally Hosted Events as outlined above, rather than hold Commission Hosted Events. If no Town Hosted or Externally Hosted Event exists, alternatives could be for an appropriate non-profit to develop an Externally Hosted Event or to pursue the event outside of the Commission’s or Commissioner’s official capacity.
  - iii. In the rare instance a Commission is interested in holding a Commission Hosted Event, the Commission should make a recommendation to the Town Council for its consideration.
  - iv. All Commission Hosted Events require Town Council approval prior to implementation to ensure adequate staff and financial resources are available, alignment with Town Council priorities, and consideration of liability and logistics. If staff attendance is necessary, events past 8:00 p.m. or on weekends should be avoided whenever possible and staff availability should be taken into account when planning the date and time.

APPROVED AS TO FORM:

  
 \_\_\_\_\_  
 Gabrielle Whelan, Town Attorney

<p><b>TITLE: COMMISSION BUDGETS</b></p>	<p><b>POLICY NUMBER: 5-03</b></p>
---	-----------------------------------

<p><b>EFFECTIVE DATE: 04/17/2024</b></p>	<p><b>PAGES: 2</b></p>
--	------------------------

<p><b>ENABLING ACTIONS:</b></p>	<p><b>REVISED DATES: 09/17/2024</b></p>
---------------------------------	---

**APPROVED:** *Mary Badame*

**I. PURPOSE:**

The Town Council may allocate funding to Town Boards, Commissions, and/or Committees (hereafter, Commissions) for the purpose of communicating the work of the Commission to the Los Gatos community. This Policy sets forth the criteria for the use of these funds, should they be allocated.

This Policy works in concert with the Town’s Purchasing Policy and other procedures.

**II. USE OF COMMISSION BUDGET**

- A. Appropriate Uses:** Appropriate uses of a Commission’s budget, include:
1. Purchasing supplies and materials for Commission activities
  2. Printing flyers or other materials for distribution to the community
  3. Purchasing give away items at Town events (e.g., the Youth Commission giving away succulents at Spring into Green) or events as authorized by the Commission Events Policy
  4. Paying for the registration for a table or booth at a non-Town event in conformance with State law
  5. Attending relevant workshops (registration only)
  6. Hosting a Town Council approved “Commission Hosted Event” in accordance with the Commission Events Policy and the Town’s Purchasing Policy
- B. Inappropriate Uses:** Inappropriate uses of a Commission’s budget, include:
1. Hiring a vendor to perform services
  2. Paying Town employees or other individuals
  3. Granting or donating funds to a third-party organization(s), including being a sponsor or financially supporting a third-party organization’s activities and/or events



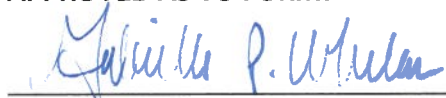
<b>TITLE: Commission Budgets</b>	<b>PAGE: 2 of 2</b>	<b>POLICY NUMBER: 5-03</b>
----------------------------------	-------------------------	--------------------------------

- C. **Modification of Appropriate Uses:** Should a Commission identify a new use for its Town funds, this Policy must be updated by the Town Council.

**III. PROCEDURE FOR EXPENDITURES**

- A. **Prior to Expenditure:** Prior to any expenditure that is an appropriate use, the following procedure must be followed:
1. The request for use of the Commission's budget must be agendized for Commission consideration.
  2. The staff liaison to the Commission would verify that the intended use of the funds meets this Policy.
  3. The staff liaison would verify available funds for the expenditure.
  4. If approved by the Commission, the staff liaison would explain how the purchase would occur.
- B. **Expenditure:** The staff liaison would be responsible for the expenditure, following the Town's Procurement Policy, State law, and local regulations.
- C. **Post-Expenditure:** The staff liaison would be responsible for submitting all receipts and documentation associated with the expenditure to the Finance Department, and retaining the documentation consistent with Town policies, procedures, and practices.

APPROVED AS TO FORM:



Gabrielle Whelan, Town Attorney