



**TOWN OF LOS GATOS
SPECIAL MEETING OF THE TOWN COUNCIL AGENDA
FEBRUARY 15, 2023
110 EAST MAIN STREET AND VIA TELECONFERENCE
LOS GATOS, CA
6:30 PM**

*Maria Ristow, Mayor
Mary Badame, Vice Mayor
Matthew Hudes, Council Member
Rob Moore, Council Member
Rob Rennie, Council Member*

PARTICIPATION IN THE PUBLIC PROCESS

How to participate: The Town of Los Gatos strongly encourages your active participation in the public process, which is the cornerstone of democracy. If you wish to speak to an item on the agenda, please follow the participation instructions on page 2 of this agenda. The time allocated to speakers may change to better facilitate the Town Council meeting.

Effective Proceedings: The purpose of the Town Council meeting is to conduct the business of the community in an effective and efficient manner. For the benefit of the community, the Town of Los Gatos asks that you follow the Town's meeting guidelines while attending Town Council meetings and treat everyone with respect and dignity. This is done by following meeting guidelines set forth in State law and in the Town Code. Disruptive conduct is not tolerated, including but not limited to: addressing the Town Council without first being recognized; interrupting speakers, Town Council or Town staff; continuing to speak after the allotted time has expired; failing to relinquish the podium when directed to do so; and repetitiously addressing the same subject.

Deadlines for Public Comment and Presentations are as follows:

- Persons wishing to make an audio/visual presentation on any agenda item must submit the presentation electronically, either in person or via email, to the Clerk's Office no later than 3:00 p.m. on the day of the Council meeting.
- Persons wishing to submit written comments to be included in the materials provided to Town Council must provide the comments as follows:
 - For inclusion in the regular packet: by 11:00 a.m. the Thursday before the Council meeting
 - For inclusion in any Addendum: by 11:00 a.m. the Monday before the Council meeting
 - For inclusion in any Desk Item: by 11:00 a.m. on the day of the Council Meeting

***Town Council Meetings Broadcast Live on KCAT, Channel 15 (on Comcast) on the 1st and 3rd Tuesdays at 7:00 p.m.
Rebroadcast of Town Council Meetings on the 2nd and 4th Tuesdays at 7:00 p.m.
Live & Archived Council Meetings can be viewed by going to:
www.LosGatosCA.gov/TownYouTube***

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE CLERK DEPARTMENT AT (408) 354-6834. NOTIFICATION 48 HOURS BEFORE THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28 CFR §35.102-35.104]

**TOWN OF LOS GATOS
SPECIAL MEETING OF THE TOWN COUNCIL AGENDA
FEBRUARY 15, 2023
TOWN COUNCIL CHAMBERS AND VIA TELECONFERENCE
110 E. MAIN STREET
6:30 PM**

IMPORTANT NOTICE

This is a hybrid meeting and will be held in-person at the Town Council Chambers at 110 E. Main Street and virtually through the Zoom webinar application (log-in information provided below). Members of the public may provide public comments for agenda items in-person or virtually through the Zoom webinar by following the instructions listed below.

PARTICIPATION

To provide oral comments in real-time during the meeting:

- **Zoom webinar:** Join from a PC, Mac, iPad, iPhone or Android device: Please click this URL to join: <https://losgatosca.gov.zoom.us/j/82326283109?pwd=dXd2OVlvRmdaZllwNUVBaWdSUGxkQT09>
Passcode: 084378 You can also type in 823 2628 3109 in the “Join a Meeting” page on the Zoom website at <https://zoom.us/join>.
 - When the Mayor announces the item for which you wish to speak, click the “raise hand” feature in Zoom. If you are participating by phone on the Zoom app, press *9 on your telephone keypad to raise your hand.
- **Join by telephone:** Join by Telephone: Dial: USA 877 336 1839 US Toll-free or 636 651 0008 US Toll. Conference code: 686100
 - If you are participating by calling in, press #2 on your telephone keypad to raise your hand.
- **In-Person:** If you wish to speak during the meeting, please complete a “speaker’s card” located on the back of the chamber benches and return it to the Town Clerk. If you wish to speak to an item on the agenda, please list the item number. The time allocated to speakers may change to better facilitate the Town Council meeting.

When called to speak, you may be asked to provide your full name and your town/city of residence. This identifying information is optional and not a requirement for participation. Please limit your comments to three (3) minutes, or such other time as the Mayor may decide, consistent with the time limit for speakers at a Council meeting.

If you are unable to participate in real-time, you may email to Clerk@losgatosca.gov the subject line “Public Comment Item #__” (insert the item number relevant to your comment). Comments received by 11:00 a.m. the day of the meeting will be reviewed and distributed before the meeting. All comments received will become part of the record.

REMOTE LOCATION PARTICIPANTS *The following Council Members are listed to permit them to appear electronically at the Town Council meeting: COUNCIL MEMBER ROB RENNIE. All votes during the teleconferencing session will be conducted by roll call vote.*

RULES OF DECORUM AND CIVILITY

To conduct the business of the community in an effective and efficient manner, please follow the meeting guidelines set forth in the Town Code and State law.

The Town does not tolerate disruptive conduct, which includes but is not limited to:

- Addressing the Town Council without first being recognized;
- Interrupting speakers, Town Council, or Town staff;
- Continuing to speak after the allotted time has expired;
- Failing to relinquish the microphone when directed to do so;
- Repetitiously addressing the same subject.

Town Policy does not allow speakers to cede their commenting time to another speaker. Disruption of the meeting may result in a violation of Penal Code Section 403.

MEETING CALL TO ORDER

ROLL CALL

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

1. Accept Recommendation of Censure of, and Counseling for, a Planning Commissioner Regarding Communication to the California Department of Housing and Community Development or Take Other Action.

ADJOURNMENT *(Council policy is to adjourn no later than midnight unless a majority of Council votes for an extension of time).*

Writings related to an item on the Town Council meeting agenda distributed to members of the Council within 72 hours of the meeting are available for public inspection at the front desk of the Los Gatos Town Library, located at 100 Villa Avenue, and are also available for review on the official Town of Los Gatos website. Copies of desk items distributed to members of the Council at the meeting are available for review in the Town Council Chambers.

Note: The Town of Los Gatos has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a decision of the Town Council must be brought within 90 days after the decision is announced unless a shorter time is required by State or Federal law.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 02/15/2023

ITEM NO: 1

DATE: February 10, 2023
TO: Mayor and Town Council
FROM: Gabrielle Whelan, Town Attorney
SUBJECT: Accept Recommendation of Censure of, and Counseling for, a Planning Commissioner Regarding Communication to the California Department of Housing and Community Development or Take Other Action

RECOMMENDATION:

Accept recommendation of censure of, and counseling for, a Planning Commissioner regarding communication to the California Department of Housing and Community Development or take other action.

BACKGROUND:

The Town has received a number of complaints (Attachment 1) regarding a letter sent by a Planning Commissioner to the State Department of Housing and Community Development ("HCD"). The letter asked whether HCD was aware that there was a referendum of portions of the Town's General Plan, stated that the referendum proponents were "rich white men," and asked for HCD's assistance.

When the Town receives complaints regarding Commissioner conduct, the Town applies its Code of Conduct (Attachment 2). Pursuant to the Code of Conduct, an evaluation committee consisting of the Mayor, Vice Mayor, Town Manager, and Town Attorney met to review the complaints and recommend a course of action.

DISCUSSION:

The primary questions raised by the complaints were whether:

- 1) The Planning Commissioner has a conflict of interest affecting her ability to serve as a Planning Commissioner;

PREPARED BY: Gabrielle Whelan
Town Attorney

Reviewed by: Town Manager and Town Attorney

DISCUSSION (continued):

- 2) The Planning Commissioner exhibited bias which will affect her ability to vote on Housing Element amendments in the future; and
- 3) There was a violation of the Town Council's Code of Conduct (which also applies to Commissioners).

The evaluation committee determined that there is no conflict of interest because neither she nor her employer financially benefit from housing development in Los Gatos. The evaluation committee also determined that Procedural Due Process will not preclude the Commissioner from voting on future Housing Element amendments. Procedural Due Process principles prohibit public officials from exhibiting bias or pre-judgment before making a "quasi-judicial" decision. The Town's Housing Element is a legislative rather than a "quasi-judicial" decision. Commissioners are free to express opinions on general policy matters such as housing or legislative matters such as the Housing Element.

The evaluation committee did conclude that there was a violation of the Town's Code of Conduct in that the proponents of the referendum were described by race and socio-economic status. This violates the Code of Conduct's requirement for "constructive communication." The letter was also inconsistent with the Planning Commissioner Handbook's admonitions to: be considerate of "all interests, attitudes, and differences of opinion," "observe the appearance as well as the principle of impartiality," and "treat everyone with respect and dignity,"

Despite this violation of the Code of Conduct, the evaluation committee recognized that Commissioner Clark is prepared and participates actively in her responsibilities as a Planning Commissioner and noted that this is the first time she has violated the Town's Code of Conduct. For those reasons, the review committee has concluded unanimously that removal from the Planning Commission is not warranted.

CONCLUSION:

The evaluation committee recommends that the Town Council censure the Planning Commissioner for violating the Code of Conduct requirement for "constructive communication." In addition, the committee recommends that the Mayor provide counseling to the Commissioner regarding future communications.

COORDINATION:

This report was coordinated between the Town Manager's and Town Attorney's office.

PAGE 3 OF 3

SUBJECT: Complaints Re: Planning Commissioner Letter to HCD

DATE: February 10, 2023

FISCAL IMPACT:

There is no fiscal impact to the Town.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Complaints Received
2. Town Council Code of Conduct

To: Gabrielle Whelan, Laurel Prevetti
Cc: Town Council members, Planning Commission members
From: Chris Wiley
Subject: Formal Complaint - Planning Commissioner Kylie Clark
Date: January 19, 2023

I believe that formal complaints must be made in writing. Therefore, I would like my public comments, below, from the Town Council meeting of January 17, 2023, to be treated as a **formal complaint**. Kindly acknowledge the receipt of this complaint.

I am concerned about Planning Commissioner Kylie Clark and her email sent **directly** to HCD in Sacramento giving her personal thoughts on the draft Housing Element.

While she has that right, her letter makes clear her personal agenda and biases, making her unfit to be a Planning Commissioner where objectivity is **required**. Housing issues before the Planning Commission **must** be treated objectively, and **citizen's** before the Planning Commission need to feel that they are getting a **fair** hearing.

She also makes derogatory comments about concerned citizens trying to further democracy by putting the Housing Element up for a citizen's vote via an **upfront, open, legal** process, supported by **3,400** Los Gatos

ATTACHMENT 1

citizens. Her derogatory comments are incompatible with the town's stated goals of "strongly condemning hate speech and offensive, hateful language or racial intolerance of any kind".

In addition, Kylie's comments are not helpful in avoiding the dreaded "builder's remedy", which it seems no one wants.

This needs to be fully investigated and appropriate action taken, including **removal** from the Planning Commission.

Kylie's email can be found by searching for "housing element" on the town's website and bringing up the "additional public comments sent directly" to HCD link.

LOS GATOS SHOPPING CENTER, LLC

FORMAL COMPLAINT AGAINST KYLIE CLARK
1/24/23

To: GWhelan@losgatosca.gov, LPrevetti@losgatosca.gov, MRistow@losgatosca.gov
MBadame@losgatosca.gov, RRennie@losgatosca.gov, MHudes@losgatosca.gov
RMoore@losgatosca.gov

January 24, 2023

Dear Ms. Whelan, Ms. Prevetti, Mr. Paulson and Council:

While looking at the latest updates on the Los Gatos Housing Element web site, to identify the current building sites, I came across a letter sent to our town from HCD and comment letters sent into HCD, in Sacramento.

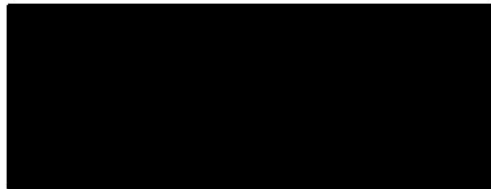
What is very concerning is a letter sent in by Kylie Clark, as a private citizen but also describing herself as a Planning Commission.

The overall impact of her letter suggests her disappointment in the Los Gatos voting citizens, of which almost 3500 signed a referendum she refers to, in just three weeks!

Ms Clark further goes on to identify some Los Gatos residents as, "rich WHITE anti-housing men". Apparently exercising a right to gather signatures for a referendum is not okay with her.

In her letter further on, she again refers to "upset rich residents" implying they want less housing. Incidentally, the referendum clearly wants to abide by the RHNA requirement.

My question would be how can someone who is showing an apparent bias towards someone, "rich" or "rich and white" or "rich white men" be on such an important commission as the Planning Commission or any other Town Commission or Committee'??

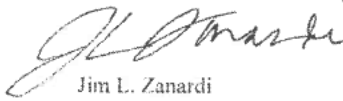


(2)

Ms Clark would have to frequently recuse herself or resign in the best interests of this town. The choice should not be hers, in my opinion and my formal complaint, she has violated a code of conduct with divisive speech and causing dissension; she should be removed!

Our town is just starting to recover from hurtful times, this kind of speech brings all that to the forefront!

Sincerely,

A handwritten signature in cursive script, appearing to read "JL Zanardi".

Jim L. Zanardi

RECEIVED
TOWN OF LOS GATOS

JAN 30 2023

Michael Kilkenny


CLERK DEPARTMENT

2:38pm

January 29, 2023

TO: Gwhelen@losgatosca.gov, Lprevetti@losgatosca.gov, Mristow@losgatosca.gov,
Mbadame@losgatosca.gov, Rmoore@losgatosca.gov

re: Housing Element For Town of Los Gatos

Recently I have become aware of the State of California requirement for more housing, and the number of units mandated for Los Gatos, as well as, a recent referendum to limit/modify the housing requirement to the "RHNA."

The letter penned by Kylie Clark dated November 18, 2022 addressed to Housing Elements , Division of Housing Policy Development, SUBJECT: Los Gatos General Plan Referendum, relative to our Housing Element, were members of the Council aware and copied of this missive?

I take umbrage at Kylie Clark's blanket reference of the signatories, being touted as, "fully paid for and passed by a few rich white anti-housing men!" What all men? Sure? HOW RACIST.

I suggest Kylie Clark be PROMPTLY removed from the Planning Commission.

Can you imagine having a proposal rejected by Kylie Clark, based on someone's socio economic background, rightly or wrongly perceived, on any other merits other than the proposed?

By the by.....Not that it should carry any more weight than the next guy in line, my family settled in Los Gatos as residents in the early nineteen hundreds. My brother-in-law, Patrick F O'Laughlin, served on both the Town Planning, as well as, Mayor, as consensus taker who represented the Town without bias and honor.

As to housing, presently I/we are in the early stages of setting up a new non-profit to create as many first time homebuyers as possible and build as many "new single family" developments in the State of California as possible in order to do our part in meeting the demands of the housing crisis and to help reverse the trend of institutional economic slavery in America.

Best,
Michael

RECEIVED
TOWN OF LOS GATOS

JAN 30 2023

CLERK DEPARTMENT

2:38 pm

Ann M Cali


January 29, 2023

TO: Gwhelen@losgatosca.gov, Lprevetti@losgatosca.gov, Mristow@losgatosca.gov,
Mbadame@losgatosca.gov, Rmoore@losgatosca.gov

re: Housing Element For Town of Los Gatos

Recently I have become aware of Kylie Clark's subversive letter dated November 18, 2022 submitted to Housing Element Division of Housing Policy Development, as well as, touting some Los Gatos Taxpayers, in reference to their rights in support of the 'Referendum' as a "few rich white men" and "few upset rich residents."

Kylie Clark, a public servant, has the downright temerity to tone her opinions of taxpayers like this? She defames citizens for daring to challenge dictums handed down from above? Surely, it's antithetical to Democracy!

While homo sapiens may have inherent or learned biases, for a public servant, Kylie Clark to display them, is not to be tolerated, and calls for immediate dismissal! It's nothing short of abhorrent!

Eingang Verboten.

Ann

Gabrielle Whelan

From: [REDACTED]
Sent: Thursday, January 19, 2023 2:41 PM
To: Gabrielle Whelan; Laurel Prevetti
Subject: FW: follow up formal complaint against Kylie Clark Planning Commissioner

EXTERNAL SENDER

Good afternoon Ms. Whelan and Ms. Prevetti,
It has been brought to my attention that Kylie Clark was appointed to her position as Planning Commissioner by Maria Ristow, Rob Rennie, and Marico Sayoc. Therefore, I think it would be inappropriate for Ristow and Rennie to be involved in the investigation of Kylie Clark's racist comments. I also think it would be inappropriate for Rob Moore, who lives with Kylie and has an intimate relationship with her, to be involved as well. None of the aforementioned parties can be objective in this matter.

I heard that someone affiliated with the Town said that Kylie has the right to the First Amendment, which is the freedom of speech. I want to be very clear, yes, anyone has the right to freedom of speech, no matter how ugly and racist their words are, but an appointed town official or town employee must conduct themselves with civility. In addition, she can not be objective in her position since she has shown her true colors with regards to how she feels about "rich white men" in our community.

She must be removed from her position for moral and ethical reasons.

My question to both of you is how is a complaint as serious as racism handled, and who will be following up with this?

Thank you,
Lisa Harris

From: Maria Ristow <MRistow@losgatosca.gov>
Sent: Wednesday, January 18, 2023 9:39 PM
To: [REDACTED]
Subject: Re: formal complaint against Kylie Clark Planning Commissioner

Thank you for your comments. We take all complaints into consideration.

Maria Ristow
Mayor, Los Gatos Town Council

To help avoid violations of the Brown Act, please reconsider before forwarding this email.

From: [REDACTED]
Sent: Wednesday, January 18, 2023 9:25:37 PM
To: Gabrielle Whelan <GWhelan@losgatosca.gov>; Laurel Prevetti <LPrevetti@losgatosca.gov>; Arn Andrews <aandrews@losgatosca.gov>; Joel Paulson <jpaulson@losgatosca.gov>
Cc: mhudes@comcast.net <mhudes@comcast.net>; Maria Ristow <MRistow@losgatosca.gov>; mary@marybadame.com <mary@marybadame.com>; Rob Rennie <RRennie@losgatosca.gov>

robmoore37@outlook.com <robmoore37@outlook.com>

Subject: formal complaint against Kylie Clark Planning Commissioner

EXTERNAL SENDER

Dear Ms. Whelan, Ms. Prevetti, Mr. Andrews, and Mr. Paulson,

This email serves as my formal complaint regarding Kylie Clark who is a Planning Commissioner for the Town Of Los Gatos. As some of you may recall I spoke about her at the Town Council Meeting on January 17, 2023.

This complaint is in reference to her letter that was written to the HCD on November 18, 2022. The letter was posted on the Housing Element site in the Findings/ Comments January 12, 2023.*** Please see attached of Kylie Clark's letter below my signature..

Her letter was regarding the referendum that was done recently. In it she says," The referendum was passed by a few rich white anti-housing men in our town."

Her comments were racially inflammatory, ageist, and divisive. If you removed the word "white" and inserted any other race, most people would say that it is a racist comment. By the way, I am Mexican. I find any disparaging comments about any race, Caucasian or otherwise, to be offensive and hateful.

This type of behavior is neither appropriate nor acceptable. In the town council website under Legal and Ethical Standards it says that town representatives must serve as a role model of leadership and civility. Kylie Clark has a responsibility to abide by the code of conduct and clearly has not done so. We have the right as town citizens to be represented by someone who respects all people.

The town hired a Diversity, Equity, Inclusion Consultant. I expect better from our own town leadership.

I am requesting that Kylie Clark be removed from her position as a town Planning Commissioner and banned from any position in the Town Of Los Gatos going forward due to her racist and divisive comments.

Kind regards,
Lisa Harris

Gabrielle Whelan

From: Joanne Rodgers [REDACTED]
Sent: Sunday, January 22, 2023 4:00 PM
To: Gabrielle Whelan; Laurel Prevetti; Arn Andrews; Joel Paulson
Cc: Matthew Hudes; Mary Badame; Maria Ristow; Rob Rennie; Rob Moore
Subject: Re: Formal Complaint against Kylie Clark, Planning Commissioner

EXTERNAL SENDER

On Jan 20, 2023, at 6:20 PM, Joanne Rodgers [REDACTED] wrote:

Dear Ms. Prevetti, Ms. Whelan, Mr. Andrews, Mr. Paulson,
On Tuesday evening January 17, 2023 at our Town Council meeting I presented a case against Planning Commissioner Kylie Clark.
She is an appointed commissioner whose rude and racist comments sent in a letter to the Department of Housing and Community Development division of Housing Policy Development in Sacramento have violated the Code of Conduct which have been set forth by the Legal and Ethical Standards for all Los Gatos residents.
Her letter to HCD in Sacramento was dated November 18, 2022.

I have numerous concerns:

1. Ms Clark has circumvented not only the hardworking Los Gatos staff employees by going directly to Sacramento, but also the other Planning Commissioners.
2. It is my understanding that the Planning Commissioners make recommendations to the Town Council, therefore it would seem that she also circumvented the Town Council's decision on our Housing Element.
3. If Ms. Clark were writing her letter as "just a concerned citizen" why would she state and use her position as "I'm a Los Gatos Planning Commissioner"?
Is she using her position to promote her agenda to our State officials as she represents Los Gatos as a Planning Commissioner.
I question her intent in sending this letter directly to HCD without the consent of the other Planning Commissioners.
4. Why is she asking the State government to step in, support our town and override decisions made by the staff, commissioners and council?
What is motivating her to go to the next level of government to ask them for help to make decisions for our town?
5. She has insulted the 3412 Los Gatos residents who chose to sign the referendum.
6. In her letter she used a racist comment about the organizers of the referendum and called them, "a few rich white anti-housing men".

In every stated and printed Code of Conduct for our Los Gatos government we have asked and are required to be civil and polite. Her statement is Not.

7. She has a direct conflict of interest in her paid work as Assistant Manager of Advocacy and Public Policy at West Valley Community Services

Her job is to advocate/lobby for low cost housing in Los Gatos and other local municipalities. Based on her position in that agency how can she be objective?

She calls herself a "Community Organizer". Perhaps, any referendum she would have organized would be acceptable to her.

8. As a democracy, citizens have a right to gather signatures and question government decisions.

Ms.Clark suggests that going to "the voters" could cause some serious problems with our Housing Elements". Does she support and understand Democracy?

Ms Kylie Clark should be immediately removed from her position as Planning Commissioner.

She does not reflect the Legal and Ethical Standards that we expect of our Los Gatos officials who hold leadership roles and who are making important decisions for our town.

She has damaged the process that our Town of Los Gatos was pursuing.

This letter serves as a formal complaint and a request to remove Kylie Clark as a Planning Commissioner.

I would appreciate a response to this complaint.

Joanne Rodgers

Los Gatos Citizen since 1973

From: Kylie Clark <[REDACTED]>
Sent: Friday, November 18, 2022 4:42 PM
To: HousingElements@HCD <HousingElements@hcd.ca.gov>
Subject: Los Gatos General Plan Referendum

Hello,

I hope this email finds you well! Thank you so much for all of the work you are doing on the Housing Element. As someone who does housing work in a lot of anti-housing cities, I really appreciate the work you are doing to resolve our state's housing crisis. I'm a Los Gatos Planning Commissioner, but I am writing to you just as a concerned citizen.

I am reaching out to make sure you are aware of a [referendum \[losgatosca.gov\]](https://www.losgatosca.gov/land-use/land-use-elements/land-use-element-referendum) that was recently signed by enough Los Gatos voters to be placed on the ballot. The referendum suspends the town's Land Use and Community Design Elements in our General Plan, which was approved by our Town Council in the last few months. The referendum was fully paid for and passed by a few rich white anti-housing men in our town (they paid the signature gatherers \$10 per signature).

The justification for this referendum is their opposition to our planned housing numbers, as we went above the state mandate (which makes sense, as this is our General Plan looking 20 years out, not just planning for this 8-year HE cycle). The anti-housing group is claiming that the town will build 12,000 new units in the next 8 years (haha I wish).

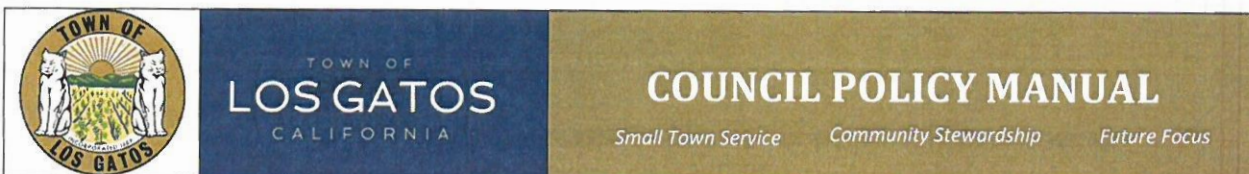
I have a lot of questions about this referendum, including whether it is even lawful, as it places land use on the ballot, meaning if the town wanted to make any future changes to our land use we would have to take it to the voters. It also might cause some serious problems with our Housing Element, as obviously our Land Use Element is closely tied to it.

I wanted to make y'all aware of this and to see if you would be able to support our town in any way. We put a lot of work into our General Plan, and these are very strong elements. I would hate to see them reformed to allow for less housing just because of a few upset rich residents.

Thank you so much!

In community,

Kylie
(Pronouns: she, her, hers)



TITLE: Town Council Code of Conduct		POLICY NUMBER: 2-04
EFFECTIVE DATE: 5/3/2004		PAGES: 8
ENABLING ACTIONS: 2004-059; 2006-111; 2021-047		REVISED DATES: 12/17/2012; 3/3/2015; 12/17/2019; 11/2/2021; 10/4/2022
APPROVED: 		

I. Preamble

The legal responsibilities of the Los Gatos Town Council are set forth by applicable state and federal laws. In addition, the Town Council has adopted regulations, including this Code of Conduct Policy, that hold Council Members to standards of conduct above and beyond what is required by law. This Policy is written with the assumption that Council Members, through training, are aware of their legal and ethical responsibilities as elected officials. These expectations of conduct also apply to all members of the Town's Boards, Committees, and Commissions.

II. Form of Government

The Town of Los Gatos operates under a Council-Manager form of government as prescribed by Town Code, Section 2.30.305. Accordingly, members of the Council are elected at-large, provide legislative direction, set Town policy, and ultimately answer to the public. The Town Manager serves as the Town's chief administrative officer and is responsible for directing the day-to-day operations of the Town and implementing policy direction.

III. Town Council Roles and Responsibilities

The role of the Town Council is to act as a legislative and quasi-judicial body. Through its legislative and policy authority, the Council is responsible for assessing and achieving the community's desire for its present and future and for establishing policy direction to achieve its desired outcomes. All members of the Town Council, including those who serve as Mayor and Vice Mayor, have equal votes.

Members of the Town Council fulfill their role and responsibilities through the relationships they have with each other and the public. Town Council Members should approach their work, each other, and the public in a manner that reflects ethical behavior, honesty and integrity. The commitment of Town Council Members to their work is characterized by open constructive communication, innovation, and creative problem solving.

TITLE: Town Council Code of Conduct	PAGE: 2 of 9	POLICY NUMBER: 2-04
--	------------------------	-------------------------------

IV. Mayoral and Vice Mayoral Selection Process

Per Town Municipal Code, Section 2.20.035, the selection of the Mayor and Vice Mayor occurs annually at a special meeting in December by majority vote of the Town Council. The Mayor and Vice Mayor serve at the pleasure of the Town Council and may be replaced by a majority vote of the Council.

V. Mayoral and Vice Mayoral Roles, Responsibilities, Relationships

The following outlines some of the key roles, responsibilities, and relationships as they relate to the positions of Mayor and Vice Mayor:

Mayor

- A. The Mayor is the presiding officer of the Town Council. In this capacity, the Mayor is responsible for developing Council agendas in cooperation with the Town Manager and leading Council meetings.
- B. The Mayor recommends various standing committee appointments to the Council for approval.¹ This will be done at a Council meeting in December of each year. When making committee recommendations, the Mayor should attempt to balance shared responsibilities and opportunities among Council Members. The Mayor may also appoint citizens to committees not established by Town ordinance or resolution as s/he deems appropriate.
- C. The title of Mayor carries with it the responsibility of communicating with the Town Council, Town Manager, members of the public, and the media regarding decisions made by a majority of the Town Council. The Mayor also represents the Council at official and ceremonial occasions.
- D. The Mayor performs special duties consistent with the Mayoral office, including, but not limited to: signing of documents on behalf of the Town, issuing proclamations, serving as the official voting delegate for various municipal advocacy groups, and delivering the State of the Town Address at his or her discretion.² The Town Council will determine any additional authority or duties that the Mayor shall perform.
- E. Special duties consistent with the Mayoral office may be delegated to the Vice Mayor or any other member of the Town Council.
- F. In the event that one or more members of a Town Board, Commission, or Committee acts in a manner contrary to approved Board/Commission policies and procedures, the Mayor may counsel those members about the rules set forth in the Town Commissioner Handbook.³

¹ Council Agenda Format and Rules Policy

² Council Commendation and Proclamation Policy

³ Resolution 1999-167

TITLE: Town Council Code of Conduct	PAGE: 3 of 9	POLICY NUMBER: 2-04
--	------------------------	-------------------------------

Vice Mayor

- A. In the Mayor's absence, the Vice Mayor shall perform the formal duties of the Mayor.⁴
- B. When the Vice Mayor performs the duties of the Mayor in his/her absence, the Vice Mayor also carries the responsibility of communicating with the Town Manager, Town Council, and members of the public.

VI. Council Conduct in Public Meetings

To ensure the highest standards of respect and integrity during public meetings, Council Members should:

- A. *Use formal titles.* The Council should refer to one another formally during Council meetings such as Mayor, Vice Mayor or Council Member or Mr., Mrs., or Ms., followed by the individual's last name.
- B. *Practice civility and decorum in discussions and debate.* Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of free democracy in action. During public discussions, Council Members should be respectful of others and diverse opinions and allow for the debate of issues.
- C. *Honor the role of the presiding officer in maintaining order and equity.* Respect the Mayor/Chair's efforts to focus discussion on current agenda items.
- D. *Council decisions should be reserved until all applicable information has been presented.*
- E. *Conduct during public hearings.* During public testimony, Council Members should refrain from engaging the speaker in dialogue. Speakers at public meetings will be asked to provide their full name and to state whether they are a resident of the Town of Los Gatos. This information is optional but not required. For purposes of clarification, Council Members may ask the speaker questions. Council comment and discussion should commence upon the conclusion of all public testimony

VII. Maintaining Civility at Council Meetings

The public is welcome to participate at Town Council meetings and the Mayor should remind the public of the Town's expectations for civility in order for the business of the Town to be completed efficiently and effectively. These expectations include and are not limited to:

- A. For the benefit of the entire community, the Town of Los Gatos asks that all speakers follow the Town's meeting guidelines by treating everyone with respect and dignity. This is done by following meeting guidelines set forth in State law, in the Town Code, and on the cover sheet of the Council agenda.
- B. The Town embraces diversity and strongly condemns hate speech and offensive, hateful language or racial intolerance of any kind at Council Meetings.

⁴ Council Agenda Format and Rules Policy

TITLE: Town Council Code of Conduct	PAGE: 4 of 9	POLICY NUMBER: 2-04
--	------------------------	-------------------------------

- C. Town Council and staff are well aware of the public's right to disagree with their professional opinion on various Town issues. However, anti-social behavior, slander, hatred, and bigotry statements are completely unacceptable and will not be tolerated in any way, shape or form at Town Council meetings.
- D. All public comments at the Town Council meeting must pertain to items within the subject matter jurisdiction of the Town and shall not contain slanderous statements, hatred, and bigotry against non-public officials.
- E. The Town will go through the following steps if a disturbance results from a member of the public not following these rules:
 - 1. If participating remotely, Town staff may mute the individual with an explanation for the record of why muting occurred consistent with this Policy.
 - 2. If participating in-person, the Mayor may call a recess for violation of this Policy, resulting in the immediate cessation of the audio and video recording and the Council exiting the Chamber. Staff will determine if the individual should be removed or if all members of the public should leave depending on the extent of the disturbance. In the event that all public members exit, only the press would be allowed back in the meeting. Once the individual(s) leave, the Council would return to the Chamber and the Mayor would resume the meeting.
 - 3. Persons disrupting a Council meeting may be cited for violation of the California Penal Code Section 403.

VIII. Legal Requirements

The Town Council operates under a series of laws that regulate its operations as well as the conduct of its members. The Town Attorney serves as the Town's legal officer and is available to advise the Council on these matters.

A. Training

Biannual training in the following areas shall be provided by staff to Council Members:

- 1. The Ralph M. Brown Act
- 2. Town / CA State Law on Conflict of Interest (AB 1234)
- 3. Government Section 1090
- 4. Incompatible Offices
- 5. The Fair Political Practices Commission Forms
- 6. Bias
- 7. Town / CA State Law on Harassment (SB 1343)

B. Procurement

Unless authorized by the Town Council, Council Members shall not become involved in administrative processes for acquiring goods and services.

TITLE: Town Council Code of Conduct	PAGE: 5 of 9	POLICY NUMBER: 2-04
--	------------------------	-------------------------------

C. Land Use Applications

The merits of an application shall only be evaluated on information included in the public record. Council Members shall disclose ex parte communication and any information obtained outside of the public record that may influence his/her decision on a matter pending before the Town Council. Council disclosure shall occur after the Public Hearing section of the agenda, and before Council deliberations.

D. Code of Conduct Policy

Newly elected Council Members are strongly encouraged to sign a statement affirming they have read and understand the Town of Los Gatos Council Code of Conduct Policy.

E. Non-Profit Organizations

Council Members may not sit on boards of directors of non-profit organizations which receive funding or in-kind contributions from the Town, unless the role serves a legitimate Town purpose, such as the League of California Cities, and the participation is approved by the full Council.

IX. Council Participation in Boards, Commissions and Committees, and Reporting Requirements

There are several committees that Town Council Members have been appointed to or have an interest in, including but not limited to: Town Council standing and ad hoc committees, Town boards and commissions, regional boards and commissions, and community-generated committees.

Primary Council representatives should update the Council about board, commission, and committee activities. When serving as the primary Council representative on any board, commission, or committee, Council Members should periodically provide updated reports to the Council during the "Council Matters" opportunity on the Council meeting agenda.

Recommended actions by Council Committees should be reported to the Council. When serving on a Council Committee, whether standing or ad hoc, all work undertaken by the Committee must be directed by the Council, and all recommended actions of a Council Committee shall be reported to the Council.

X. Council Relationship with Town Staff

The Town Council has adopted a Council-Manager form of government. The Town Manager's powers and duties are outlined in the Town Code, Section 2.30.295.

Council Conduct and Communication with Town Staff

To enhance its working relationship with staff, Council should be mindful of the support and resources needed to accomplish Council goals. When communicating and working with staff, Council should follow these guidelines:

TITLE: Town Council Code of Conduct	PAGE: 6 of 9	POLICY NUMBER: 2-04
--	------------------------	-------------------------------

- A. *Council Members should treat staff as professionals.* Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. As with Council colleagues, practice civility and decorum in all interactions with Town staff.
- B. *Council Members should direct questions about policy, budget, or professional opinion to the Town Manager, Town Attorney or Department Directors.* Council Members can direct questions and inquiries to any staff for information that is readily available to the general public or easily retrievable by staff.
- C. *The Town Manager and staff are responsible for implementing Town policy and/or Council action.* The processing of Council policy and decisions takes place with the Town Manager and staff. Council should not direct policy/program administrative functions and implementation; rather it should provide policy guidance to the Town Manager.
- D. *Council Members should attempt to communicate questions, corrections, and/or clarifications about reports requiring official action to staff prior to Council meetings.* Early feedback will enable staff to address Council questions and incorporate minor corrections or changes to a Council report, resulting in a more efficient Council meeting discussion; however, this does not preclude Council Members from asking questions at Council Meetings.
- E. *Council Members should not direct the Town Manager to initiate any action, change a course of action, or prepare any report without the approval of Council.* The Town Manager's responsibility is to advise on resources available and required for a particular course of action as it relates to the direction of the majority of the Council.
- F. *Council Members should not attend department staff meetings unless requested by the Town Manager.*
- G. *All Council Members should have the same information with which to make decisions.* Information requested by one Council Member will be shared with all members of the Council.
- H. *Concerns related to the behavior or work of a Town employee should be directed to the Town Manager.* Council Members should not reprimand employees.
- I. *Per California Government Code, Sections 3201-3209, Council Members should not solicit financial contributions from Town staff or use promises or threats regarding future employment.* Although Town staff may, as private citizens with constitutional rights, support political candidates, such activities cannot take place during work hours, at the workplace, or in uniform.

XI. Council Communication with the Public and other Council Members

The Public has a reasonable expectation that it may engage its Council Members on matters of community concern. In response, Council Members may express a preliminary opinion on general issues or policies that are in the development phase. Any such preliminary statement shall not indicate that a decision has been reached before the public hearing or create a presumption of bias on any quasi-adjudicatory decision such as a land use approval. In addition, Council Members may from time to time express opinions regarding broad policy matters which may be in conflict with currently adopted Council policies or explain an individual vote. Such

TITLE: Town Council Code of Conduct	PAGE: 7 of 9	POLICY NUMBER: 2-04
--	------------------------	-------------------------------

statements are permissible if clearly characterized as personal opinion or policy change objectives rather than the opinion of the full Town Council.

XII. Enforcement

A. Purpose

The Council Code of Conduct Policy establishes guiding principles for appropriate conduct and behavior and sets forth the expectations of Council Members. The purpose of the policy language is to establish a process and procedure that:

1. Allows the public, Town Council, and Town employees to report Code of Conduct policy violations or other misconduct.
2. Provides guidelines to evaluate Code of Conduct policy violations or other misconduct and implement appropriate disciplinary action when necessary.

B. Procedures

1. Reporting of Complaints

The following section outlines the process for reporting Council Member Code of Conduct Policy violations or other misconduct:

- a. Complaints made by members of the public, the Town Manager, and Town Attorney should be reported to the Mayor. If a complaint involves the Mayor, it should be reported to the Vice Mayor.
- b. Complaints made by Council Members should be reported to the Town Manager or Town Attorney to adhere to Brown Act requirements.
- c. Complaints made by Town employees should be reported to the Town Manager, who will direct them to the Mayor or Vice Mayor.

2. Evaluation of Complaints Alleging Violations

Upon report of a written complaint, the Town Manager and Town Attorney will join the Mayor or Vice Mayor as an evaluation committee to determine the validity of the complaint and, if appropriate, an initial course of action as discussed below. If the Town Manager or Town Attorney is the complainant, the longest serving uninvolved Council Member will replace the Town Manager or Town Attorney on the evaluation committee.

Within seventy-two (72) hours of receipt of the complaint by the Mayor or Vice Mayor, the Council Member in question shall be notified of the reported complaint by the Mayor or his/her designee. The notification shall include a copy of the written complaint and supporting documentation, if any, the identity of the complainant and nature of the complaint.

3. Unsubstantiated or Minor Violations

If the majority of the Committee agrees that the reported violation is without substance, no further action will be taken. If the reported violation is deemed valid but minor in nature, the Mayor or Vice Mayor shall counsel and, if appropriate, admonish the Council Member privately to resolve the matter. Admonishment is considered to be a reproof or warning directed to a Council Member about a particular type of behavior that violates Town policy.

4. Allegations of Major Violations

If the reported violation is considered to be serious in nature, the matter shall be referred to outside legal counsel selected by the Committee for the purpose of conducting an initial interview with the subject Council Member. The outside counsel shall report his/her initial findings back to the Committee.

If the Committee then determines that an investigation is warranted, the Committee shall direct the outside legal counsel to conduct an investigation. The investigation process would include, but is not limited to, the ascertainment of facts relevant to the complaint through interviews and the examination of any documented materials.

5. Report of Findings

At the conclusion of the investigation, outside legal counsel shall report back to the Committee in writing. The report shall either (1) recommend that the Council Member be exonerated based on a finding that the investigation did not reveal evidence of a serious violation of the Code of Conduct, or (2) recommend disciplinary proceedings based on findings that one or more provisions of the Code of Conduct or other Town policies have been violated. In the latter event, the report shall specify the provisions violated along with the facts and evidence supporting each finding.

The Committee shall review the report and its recommendations. If the consensus of the Committee is to accept the report and recommendations, the Committee shall implement the recommendations. Where the recommendation is exoneration, no further action shall be taken. Where the recommendation is to initiate disciplinary proceedings, the matter shall be referred to the Council. Where there is no consensus of the Committee regarding the recommendations, the matter shall be referred to the Council.

The subject Council Member shall be notified in writing of the Committee's decision within 72 hours. Where the decision is to refer the matter to the Council, a copy of the full report, including documents relied on by the investigator shall be provided with the notification, and a copy of both shall be provided to the whole Council.

6. Proceedings

Investigative findings and recommended proceedings and disciplinary action that are brought forward to Council as a result of a significant policy violation shall be considered at a public hearing. The public hearing should be set far enough in advance to allow the Council Member in question reasonably sufficient time to prepare a response.

Investigative findings shall be presented to the Town Council at a public hearing. The rules of evidence do not apply to the public hearing. It shall not be conducted as an adversarial proceeding.

C. Disciplinary Action

1. Considerations in Determining Disciplinary Action

Disciplinary action may be imposed by Council upon Council Members who have violated the Council Code of Conduct Policy. Disciplinary action or sanctions are considered when a serious violation of Town policy has occurred by a Council Member. In determining the type of sanction imposed, the following factors may be considered:

- a. Nature of the violation
- b. Prior violations by the same individual
- c. Other factors which bear upon the seriousness of the violation

2. Types of Sanctions

At the discretion of the Council, sanctions may be imposed for violating the Code of Conduct or engaging in other misconduct. These actions may be applied individually or in combination. They include, but are not limited to:

- a. *Public Admonishment* – A reproof or warning directed to a Council Member about a particular type of behavior that violates Town policy.
- b. *Revocation of Special Privileges* – A revocation of a Council Member's Council Committee assignments, including standing and ad hoc committees, regional boards and commissions, and community-generated board/committee appointments. Other revocations may include temporary suspension of official travel, conference participation, and ceremonial titles.
- c. *Censure* – A formal statement or resolution by the Council officially reprimanding a Council Member.

APPROVED AS TO FORM:



Gabrielle Whelan, Town Attorney



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 02/15/2023

ITEM NO: 1

DESK ITEM

DATE: February 15, 2023
TO: Mayor and Town Council
FROM: Gabrielle Whelan, Town Attorney
SUBJECT: Accept Recommendation of Censure of, and Counseling for, a Planning Commissioner Regarding Communication to the California Department of Housing and Community Development or Take Other Action

REMARKS:

Attachment 3 contains public comments received after the publication of the staff report and before 11:01 a.m. on Wednesday, February 15, 2023.

Attachments Previously Received with the Staff Report:

1. Complaints Received
2. Town Council Code of Conduct

Attachment Received with this Desk Item:

3. Public Comments

PREPARED BY: Gabrielle Whelan
Town Attorney

Reviewed by: Town Manager and Town Attorney

From: John Bertolotti [REDACTED]
Sent: Monday, February 13, 2023 4:35:17 PM
To: GWhelan@losgatosca.cov <GWhelan@losgatosca.cov>; LPrevett@losgatosca.gov <LPrevett@losgatosca.gov>; MRisrow@losgatosca.gov <MRisrow@losgatosca.gov>; Mary Badame <MBadame@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>; MHudis@losgaotsca.gov <MHudis@losgaotsca.gov>; RMoore@losgatosca.com <RMoore@losgatosca.com>
Subject: Kylie Clark's prejudicial biases

[EXTERNAL SENDER]

To Our Town Council Members,

I am a long term resident of Los Gatos in possession of a letter written by Kylie Clark dated November 18, 2022. I am totally insulted by her reference to “a few rich white anti-housing men in our town”. That is a racial statement and derogatory to anyone with assets. At what level of assets does one become a “rich guy”?

I had no knowledge nor did I partake in any form of signature gathering.

I do not think that Kylie Clark belongs in ANY decision making position within our town. Her prejudicial statement, above, shows her personal bias.

John Bertolotti

[REDACTED]

Los Gatos

MBA, Real Estate and Urban Land Economics, UC Berkeley

From: Dennis Grist [REDACTED]
Sent: Sunday, January 29, 2023 5:16 PM
To: RHudes@losgatosca.gov; Gabrielle Whelan <GWhelan@losgatosca.gov>
Subject: Planning Commissioner Kylie Clark

[EXTERNAL SENDER]

January 29, 2023

Attn: Los Gatos Town Staff

GWhelan@losgatosca.gov
LPrevetti@losgatosca.gov
JPaulson@losgatosca.gov
JARmer@losgatosca.gov
MRistow@losgatosca.gov
RRennie@losgatosca.gov
RHudes@losgatosca.gov
RMoore@losgatosca.gov

Re: Planning Commissioner Kylie Clark

I am writing this email to you to lodge a complaint against Los Gatos Planning Commissioner Kylie Clark. She recently emailed the State of California Housing Elements (housingelements@hcd.ca.gov) dated November 18, 2022, asking if the State “would be able to support our town in any way” with regards to defeating or not allowing the referendum which would allow the voters of Los Gatos to determine their own housing issues. She refers to the concerned voters and citizens who are in favor of a referendum on the Towns’ housing plans as “a few upset rich residents” and “a few rich white anti-housing men”. Her prejudice and lack of impartiality is front and center and should not be tolerated. A referendum is part of the democratic process whether one agrees with it or not. Although she writes her email “as a concerned citizen,” she also includes that she is a “Los Gatos Planning Commissioner” and signs off with “in community”. That is an admission that she is unable to use unbiased and impartial judgement as a Planning Commissioner while fulfilling her duties to the residents of Los Gatos. She is an agenda-driven activist and will be prejudiced in her decision making. I believe it is time to remove her from her Planning Commission position. We need fairness, discernment, and a Planning Commission that listens to the residents.

Thank you,
Dennis Grist
Los Gatos Resident since 1978
Los Gatos Business owner since 1990

--

Dennis Grist
Grist Construction
[REDACTED]

From: [Kylie Clark](#)
To: [Clerk](#)
Subject: Public Comment Item #1 - Special Meeting 2/15/23
Date: Tuesday, February 14, 2023 11:45:28 PM
Attachments: [Kylie Clark Public Comment - Special Meeting 2-15-23.pdf](#)

[EXTERNAL SENDER]

Hi Wendy,

I hope this email finds you well! Attached is my public comment letter for the special meeting. Thank you so much for your hard work.

In community,

Kylie
(Pronouns: she, her, hers)

[Yes, We Live on Ohlone Land. But What Does That Mean?](#)

Kylie Clark
Community organizer, nonprofit professional

[REDACTED]

Honorable Mayor, Vice Mayor, and Councilmembers,

I hope this email finds you well. As I am only afforded the same three minutes as any other individual in today's hearing, I am writing to you to ensure all of the information I wish to share is included and considered.

I made a mistake, and I wish I had worded things differently. But I had the best interest of the Town at heart and the email was truthful. I strongly feel that a censure is not warranted, and I am eager to learn and grow from this experience. I have learned my lesson, and I don't need a censure to do so.

As I have expressed to the committee, I am extremely concerned that I did not receive fair treatment during this process.

The Town's Code of Conduct Policy states that: "Upon report of a written complaint, the Town Manager and Town Attorney will join the Mayor or Vice Mayor as an evaluation committee to determine the validity of the complaint." This may be discretionary, but it is not clear to me why both the Mayor and Vice Mayor sat on the committee when the policy clearly states it is to be one of them.

The policy goes on to state that: "If the reported violation is considered to be serious in nature, the matter shall be referred to outside legal counsel selected by the Committee for the purpose of conducting an initial interview with the subject Council Member. The outside counsel shall report his/ her initial findings back to the Committee." This is not the process that I received. To my knowledge, no outside legal counsel was consulted, and I was never given the chance to provide my side of the story despite the policy calling for my interview.

After the report from outside counsel, "If the Committee then determines that an investigation is warranted, the Committee shall direct the outside legal counsel to conduct an investigation." Then, "At the conclusion of the investigation, outside legal counsel shall report back to the Committee in writing." The committee would then review the recommendations and come to a consensus of whether to implement the recommendations, which could include a censure.

Many of these steps were skipped and the Town is moving forward with one of the most serious forms of recourse possible. I'm particularly upset by this because the committee came to the conclusion to censure me without following the process that is meant to ensure this is the proper form of action.

The policy states that: "If the reported violation is deemed valid but minor in nature, the Mayor or Vice Mayor shall counsel and, if appropriate, admonish the Council Member privately to resolve the matter. Admonishment is considered to be a reproof or warning directed to a Council Member about a particular type of behavior that violates Town policy." The Town hasn't censured anyone in the past decade, if not longer. This is a serious decision and should not be taken lightly, especially as it has direct and real impacts on my life and future.

In the past 10+ years, council members, commissioners, and committee members have made comments that many would find more offensive than mine during meetings. In response, they received private counsel, as these comments were considered minor violations. Because I said a few poorly chosen words in an email in which I clearly stated I was not speaking as a commissioner, I am being censured. I don't understand why my comment was deemed to be worse than all of those in the past, and I don't understand why this isn't considered a minor violation, especially when I have no history of violating the Town's Code of Conduct.

The Code of Conduct does not state that a censure is required for any violation of the code. Rather, a censure is meant for a major violation in which it is decided that private counsel is not sufficient. Just because the committee found I violated the code does not mean I must be censured; please consider whether this is the proper course of action when many other, less harsh paths exist.

With this censure, you are setting a very dangerous precedent for future engagement from Los Gatos council members, commissioners, and committee members. If someone makes any violation to the Code of Conduct, they may face public admonishment for doing so. By classifying this as a major violation, you are setting a very low bar for what it takes to be censured. Public servants must feel they are able to exercise their right to free speech without intimidation or fear of retaliation.

I understand that in the past, council members and commissioners have been counseled when a violation has occurred. I would happily embrace this opportunity. I clearly was unaware of how my words may be seen by others and I have a lot to learn. I am truly eager to grow from this. I am young and would prefer not to have a censure follow me as I continue my professional journey.

I can assure you that this will not happen again. I feel that the Town has violated its own code of conduct while working to enforce it by circumventing the entire process laid out in the code. Please consider affording me the same grace that has been afforded other public servants for decades, and allow me to grow from this through private counseling rather than a public censure.

Thank you to each of you for all you do.

In community,

Kylie