



TOWN OF PORTOLA VALLEY

7:00 PM – Special Meeting of the Town Council
Wednesday, April 15, 2020

**THIS SPECIAL MEETING IS BEING HELD
VIA TELECONFERENCE ONLY**

SPECIAL MEETING AGENDA

COVID-19 DISEASE ADVISORY NOTICE

The San Mateo County Health Officer, in conjunction with colleagues from five other Bay Area Counties, has issued legal orders to help stop the spread of the coronavirus. These legal orders include directing all residents to shelter in place, with exceptions for visits to essential service providers such as grocery stores, gas stations, and pharmacies.

This meeting will be conducted in compliance with the Governor's Executive Order N-25-20 issued on March 12, 2020, and N-29-20 issued on March 18, 2020, allowing for deviation of teleconference rules required by the Brown Act. On Thursday, March 19, Governor Gavin Newsom issued a statewide stay-at-home order to protect the health and well-being of all Californians. In an effort to reduce the risk of spreading Coronavirus (COVID-19), members of the Town Council, the Town Manager, and the Town Attorney will all participate via teleconference. The purpose of this is to provide the safest environment for officials, staff, and the public while allowing for public participation.

Remote Public Comments: Meeting participants are encouraged to submit public comments in writing in advance of the meeting. Please send an email to jdennis@portolavalley.net by 5:00 PM on the day of the meeting. All received questions and comments will be read by the Mayor and addressed and will be included in the public record.

Additionally, the Town Council will take questions by using the Q&A button for those who attend the meeting online or on the App.

Finally, if you can only call in and you did not send in questions and comments ahead of time, you can press *9 on your phone to "raise your hand" The town council will call on people to speak by the phone number that is calling in.

We encourage anyone who has the ability to join the meeting online to do so. You will have access to any presentations that will be shown on your screen and can easily ask questions in the Q&A.

Below are instructions on how to join and participate in a Zoom meeting.

<p><u>Join Zoom Meeting Online:</u></p> <p>Please click the link below to join the webinar:</p> <p>https://zoom.us/j/277665343</p> <p>Or Telephone: +1 669 900 6833 Webinar ID: 277 665 343</p> <p>Or iPhone one-tap : US: +16699006833, 277665343#</p>	<p><u>Remote Public Comments:</u></p> <p>Meeting participants are encouraged to submit public comments in writing in advance of the meeting. Please send an email to jdennis@portolavalley.net by 5:00 PM on the day of the meeting. All received questions and comments will be read by the Mayor and addressed and will be included in the public record.</p> <p>Town Council will take questions by using the Q&A button.</p>
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7:00 PM - CALL TO ORDER AND ROLL CALL

Councilmember Wengert, Councilmember Richards, Councilmember Hughes, Vice Mayor Derwin, and Mayor Aalfs

ORAL COMMUNICATIONS

Persons wishing to address the Town Council on any subject may do so now. Please note, however, that the Council is not able to undertake extended discussion or action tonight on items, not on the agenda.

CONSENT AGENDA

The following items listed on the Consent Agenda are considered routine and approved by one roll call motion. The Mayor or any member of the Town Council or of the public may request that any item listed under the Consent Agenda be removed and action taken separately.

1. **Appointment by Mayor** – Member to the Ad-Hoc Wildfire Preparedness Committee (3)
2. **Recommendation by Town Manager** – Proposed Public Comment Policy (4)

REGULAR AGENDA

3. **Report by Town Manager** - Updates on COVID-19 and Town Response (10)
4. **Recommendation** to Cancel Cultural Arts Committee Summer Events due to COVID-19 (11)
5. **Recommendation by Town Attorney** – Consideration of Adoption of an Urgency Ordinance of the Town Council of the Town of Portola Valley Establishing a Moratorium on Evictions for Non-payment of Rent by Small Business Commercial Tenants Directly Impacted by the COVID-19 Pandemic (Ordinance No. __) (12)
6. **COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS** (20)
Oral reports arising out of liaison appointments to both in-town and regional committees and initiatives. *There are no written materials, and the Town Council does not take action under this agenda item.*
7. **TOWN MANAGER REPORT** (21)

WRITTEN COMMUNICATIONS

8. **Town Council Digest** – April 9, 2020 (22)

ADJOURNMENT

ASSISTANCE FOR PEOPLE WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at (650) 851-1700. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

AVAILABILITY OF INFORMATION

Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Portola Valley Library located adjacent to Town Hall. In accordance with SB343, Town Council agenda materials, released less than 72 hours prior to the meeting, are available to the public at Town Hall, 765 Portola Road, Portola Valley, CA 94028.

SUBMITTAL OF AGENDA ITEMS

The deadline for submittal of agenda items is 12:00 Noon WEDNESDAY of the week prior to the meeting. By law no action can be taken on matters not listed on the printed agenda unless the Town Council determines that emergency action is required. Non-emergency matters brought up by the public under Communications may be referred to the administrative staff for appropriate action.

PUBLIC HEARINGS

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge any proposed action(s) in court, you may be limited to raising only issues you or someone else raised at the Public Hearing(s) described in this agenda, or in written correspondence delivered to the Town Council at, or prior to, the Public Hearing(s).

A new entry to a form/survey has been submitted.

Form Name: Committee Application

Date & Time: 04/08/2020 9:49 AM

Response #: 95

Submitter ID: 5149

Time to complete: 9 min. , 47 sec.

Survey Details

Committee applications are submitted to Portola Valley's Town Clerk, Sharon Hanlon. Please feel free to forward a letter of interest or resume with your application as well. Sharon can be reached at (650) 851-1700 ex210, or you may email her at shanon@portolavalley.net<mailto:shanon@portolavalley.net>.

Name of committee which I am interested in serving on (please note that only committees currently seeking volunteers are listed):

Ad-Hoc Wildfire Preparedness Committee

Applicant Information

Full Name: Jennifer Youstra

Email Address

Street Address

City/Zip Portola Valley, CA 94028

Number of years in Portola Valley

20

Cell Phone

Home Phone

Other Phone

Not answered

Preferred Phone Contact Number

Cell

Please state why you have an interest in this committee, and state any background or experience you may have that may be useful in your service to this committee.

I was referred to this committee by Don Bullard and current committee Chair Michael Tomars. I am interested in helping to find ways to improve Portola Valley's Fire Safety, and to help investigate fundraising toward that end. Please note that I am interested in the Fire Safety Committee.

Do you have any personal or financial interest that could be perceived by others as a conflict of interest relative to your service on the committee? If so, please describe.

My primary residence is in PV, but I don't think that's different from other residents of Portola Valley. Otherwise, I do not have a conflict.

TIME COMMITMENT: Generally committees meet monthly and require a significant time commitment and participation at regular meetings. Please consider this level of commitment when evaluating your interest in serving on one of the Town's Committees.



TOWN OF PORTOLA VALLEY

STAFF REPORT

TO: Mayor and Members of the Town Council

FROM: Jeremy Dennis, Town Manager

DATE: April 15, 2020

RE: Public Comment Policy

RECOMMENDATION

Staff recommends that the Town Council

1. Adopt the attached Public Comment Policy for Town Council meetings
2. Amend the Decorum Policy

BACKGROUND

The Town does not currently have a Public Comment Policy. In 2016, the Town Council adopted a Decorum Policy, designed to create a neutral environment where public speakers could address a body in the Historic Schoolhouse without concern of inappropriate or unruly behavior.

Most cities have adopted such a public comment policy for the purposes described above.

DISCUSSION

Public Comment Policy

As drafted (Attachment 2), the Public Comment Policy is designed to provide:

1. An opportunity for all public speakers to enjoy a positive experience when addressing a body
2. Guidance to prospective public speakers on the process and use of materials
3. Guidance to the members of the body

By adopting such a policy, the Council is declaring its hope that all public speakers:

1. Understand the basic contours of public meetings in Portola Valley
2. Are appreciated by both the body and attendees
3. That their comments are entered into the public record, and recorded

While staff recognizes that the adoption of such a policy may take away from some of the current informal nature of public speaking at Town meetings, an increase in significant projects and controversial issues obliges the creation of a policy that all speakers can inform themselves of, and create an equitable environment for all who wish to speak.

Decorum Policy

Per the drafted Public Comment Policy, the Decorum Policy has been amended. Elements of the Decorum Policy have been incorporated in to the draft Public Comment Policy.

Commission Use

While the staff's recommendation is for this policy for the Planning Commission and ASCC, Staff recommends that the Council refer the policy for their adoption with modifications that reflect each body's needs and responsibilities.

Committee Use

Staff does not recommend that this policy be applied to committees at this time. Staff recommends that the Council refer to each committee the policy for their review so each could decide whether they should adopt.

FISCAL IMPACT

None

ATTACHMENT

1. Decorum Policy (redlined)
2. Draft Public Comment Policy

Approved by: Jeremy Dennis, Town Manager

TOWN OF PORTOLA VALLEY PUBLIC MEETING DECORUM POLICY

Public comment at open meetings of the Town Council, Commissions and Committees are a cherished element of local government.

It is the intent of these rules to allow everyone to be heard without fear of being discouraged from participating.

Members of the public attending a Portola Valley public meeting shall observe the same rules of order and decorum applicable to the governing body. Any person wishing to address the Council is requested to announce his/her name and address (address disclosure is not a requirement). Any person while addressing a governing body who

- Makes slanderous, impertinent and profane remarks
- whistles, yells, disturbs or displays disruptive behavior that impedes the orderly conduct of meeting

shall, at the discretion of the Presiding Officer or Chair, or a majority of the governing body, be barred from further audience during that meeting.

No matter how passionate one is about an issue, the goal is to conduct oneself in a way that will add to one's credibility and standing as a thoughtful member of the community. Following the chairperson's direction will ensure a positive experience for all who attend.

~~SUGGESTED TIME LIMITS FOR PUBLIC COMMENT:~~

- ~~1. Individual Speakers — 3 Minutes.~~
- ~~2. Organized group (in lieu of individual speakers) — up to 15 minutes, depending on the number of speakers represented.~~
- ~~3. The Mayor may, at his/her discretion, allow additional time and/or limit the amount of time allotted to the speaker(s) when needed.~~



TOWN of PORTOLA VALLEY

Town Hall: 765 Portola Road, Portola Valley, CA 94028 - Tel: (650) 851-1700 Fax: (650) 851-4677

Public Comments During Town Council Meetings

Public comment at open meetings of the Town Council meetings are a cherished element of local government, and a critical component to the decision-making process. Feedback, opinion, and information from the public is a vital part of the Town's inclusive process. This guide provides information to potential speakers on how to prepare and provide comments at public meetings.

1. Components of a Public Meeting Agenda

All Town agendas follow the same basic structure:

1. Call to Order/Roll Call – the official beginning of the meeting and the determination of the body's attendance
2. Oral Communications – the portion of the meeting dedicated to hearing from the public on matters that are not otherwise on the body's agenda. The body cannot take action on items not on the agenda, or brought up in oral communications
3. Consent Agenda – these items are voted on at once by the body, unless a member of the body or the public requests that an item be considered separately
4. Regular Agenda – these items are called in sequential order (unless changed by vote of the body), and members of the public may speak to any item during its public comment period, as called by the presiding officer (typically the Mayor)
5. Member reports – these are summaries provided by each member of the body on items of note
6. Adjournment

Members of the public may speak during items 2, 3, 4, or 5.

2. General Rules to Public Comment

Participation in the public decision-making process is a privilege all members of the public are afforded. Ensuring that such participation is a positive experience is the responsibility of all those who attend a public meeting. All attendees, including members of the Council, shall follow these general rules.

1. All speakers must be treated with respect. Public speaking on a potentially controversial item is not an easy task for many, and participation should be appreciated. Members of the public should not fear jeers or cheers that can

discourage public participation. For this reason, all who attend a meeting should respect these rules, and the Mayor or Presiding Officer may ask a speaker to leave the meeting should unruly or disruptive behavior take place.

2. Any person while addressing a governing body who
 - Makes slanderous, impertinent and profane remarks
 - Interrupts another speaker
 - whistles, yells, disturbs or displays disruptive behavior that impedes the orderly conduct of meeting

shall, at the discretion of the Mayor or Presiding Officer, or a majority of the governing body, be barred from further audience during that meeting.

3. While it may seem appropriate, if not valued, to applaud a speaker when you agree with them, it can have the effect of silencing those who have a different opinion. Please refrain from applause after a speaker concludes if you concur with their comments. .
4. If you wish to speak to an item on the agenda, you are invited to submit a speaker card to the Town Clerk. Any person wishing to address the Council is requested to announce his/her name and address (name/address disclosure is not a requirement).
5. Members of the public are invited and encouraged to speak at the podium microphone to ensure that all attendees can hear and so comments may be captured in the public record recording.
6. Unless otherwise specified by the Mayor or Presiding Officer, all members of the public are allotted three minutes for each item. A timer is available so a speaker to monitor their remaining time. The Mayor or Presiding Officer may use the timer to more closely manage speaking times if there are many speakers present.
7. Should a group of people wish to address the body on the same item, a spokesperson may address the body and can use each group member's three minutes, up to a total of a half hour. Members of the public allotting their time must be in attendance at the meeting.
8. If you are an applicant for a project, you may address a body for a total of 20 minutes as part of a formal presentation; you may also speak for a total of five minutes in closing remarks, should you wish to do so.
9. All remarks should be addressed to the body and not to any individual member of the body, staff, or any other member of the public.
10. The Mayor or Presiding Officer may direct a staff member to answer any questions from a speaker.
11. Council members shall not enter into debate or discussion with speakers during oral communications.
12. The Mayor or Presiding Officer may request, by unanimous consent of the Council, shortening speaking time to two minutes or ask speakers to limit themselves to new information and points of view not already covered by previous speakers should there be a large number of speakers. This may be necessary, not to limit public

input, but to ensure that all speakers are able to participate in the full meeting, including the decision-making portion.

13. The Mayor or Presiding Officer may also allow for a speaker to extend beyond three minutes should it be necessary to complete a statement or other for other extenuating circumstances.

3. Presentation Materials

Organized groups with a spokesperson may use presentation materials to support their public comments. These can include power points or other computer-projected materials, or short videos. Such materials should be submitted in advance of the meeting by sending before 3 pm of the day of the meeting to:

Town Council –

Sharon Hanlon, Town Clerk
shanlon@portolavalley.net

There are no written materials for Updates on COVID-19 and Town Responses

There are no written materials for Cancellation of Cultural Arts Committee
Summer Events due to COVID-19



TOWN OF PORTOLA VALLEY TOWN ATTORNEY REPORT

TO: Mayor and Members of the Town Council

FROM: Cara Silver, Town Attorney

DATE: April 15, 2020

RE: Urgency Ordinance Establishing a Temporary Moratorium on Evictions of Commercial Small Business Tenants Directly Impacted by COVID-19

RECOMMENDATION

Staff recommends that the Town Council consider adopting an urgency ordinance establishing a temporary moratorium on evictions of small business commercial tenants directly impacted by COVID-19. (Attachment 1.)

BACKGROUND

On April 8, the Town Council considered adopting an Urgency ordinance protecting commercial evictions during the COVID 19 pandemic. The Council discussed a preference for having property owners and tenants work among themselves to arrange mutually agreeable rent deferrals if needed. If these conversations did not occur, the Council expressed a willingness to explore adopting a temporary urgency ordinance to protect local businesses from leaving Town due to inability to pay rent during the crisis.

DISCUSSION

On April 8, the Council reviewed a draft ordinance and some council members expressed concern about the long payback period for rent deferrals. The payback period was modeled after a similar ordinance adopted by the City of San Mateo. The City Attorney also reviewed the payback period contained in the County of San Mateo's ordinance. The payback period commences at different times in each ordinance: in the City of San Mateo it commences six months following termination of the local emergency, while the County's period commences six months following expiration of the urgency ordinance (i.e. May 31). At this point, we don't know when the local emergency will expire, but it is likely to continue longer than May 31 (the expiration of the urgency ordinance). To provide more clarity on the commencement date of the payback, the City Attorney recommends following the County's

ordinance. In addition, the County ordinance allows for a three month rent deferral, with three successive 30 day extensions upon the tenant's showing of continued financial need. Again, the County language appears to better address council members' concerns about balancing the financial interests of both landlord and tenant. Accordingly, the attached ordinance has been further updated to incorporate the County's payback provision. The provision reads:

Upon expiration or termination of this ordinance, a tenant who demonstrated an inability to pay full rent when due to financial impacts related to COVID-19, as required under this ordinance, shall have up to 180 days after the expiration or termination of this ordinance to pay all past-due rent. The tenant shall tender the full amount of all past due rent within 90 days if able to do so; however, if the tenant remains unable to tender the full amount of all past-due rent for the reasons set forth in this ordinance, the tenant may provide the landlord another written notice and additional documentation to support that claim and thereby extend the payment date an additional 30 days. The tenant may provide additional written notices and documentation every 30 days to further extend the deadline, but under no circumstances shall the landlord be required to extend the deadline beyond 180 days after the expiration or termination of this ordinance. A landlord may not charge or collect a late fee for any portion of unpaid rent that is delayed because a tenant's inability to pay in accordance with this ordinance.

FISCAL IMPACT

There is a nominal financial impact of this ordinance as it will largely be self-enforced.

ENVIRONMENTAL REVIEW

This project is not subject to review under Section 15061 of the California Environmental Quality Act Guidelines in that it is not reasonably foreseeable that it will have a significant impact on the environment.

ATTACHMENT

1. Urgency Ordinance Imposing Commercial Eviction Moratorium

Approved by: Jeremy Dennis, Town Manager

ORDINANCE NUMBER _____

URGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY ESTABLISHING A MORATORIUM ON EVICTIONS FOR NONPAYMENT OF RENT BY SMALL BUSINESS COMMERCIAL TENANTS DIRECTLY IMPACTED BY THE COVID-19 PANDEMIC

WHEREAS, international, national, state, and local governmental and health authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus and commonly referred to as COVID-19;

WHEREAS, on March 3, 2020, the San Mateo County Health Officer (“County Health Officer”) declared a local health emergency throughout San Mateo County related to the COVID-19 outbreak;

WHEREAS, on March 10, 2020, the Board of Supervisors of the County of San Mateo ratified and extended the declaration of a local health emergency;

WHEREAS, on March 14, 2020 the County Health Officer prohibited all public or private gatherings of 50 or more people and urged the cancellation of all gatherings of ten or more people in a single confined space;

WHEREAS, on March 16, 2020, the County Health Officer issued a further order directing, among other things, that all individuals living in the county shelter at their place of residence, except to provide or receive essential services, or engage in essential activities, and that all businesses and governmental agencies cease non-essential operations at all physical locations in the county;

WHEREAS, on March 31, 2020, the County Health extended the shelter-in-place order until May 3, 2020 due to the significant increase in the number of positive cases, hospitalization and deaths from COVID-19;

WHEREAS, the extended shelter-in-place order requires, among other things, that essential businesses that continue to operate scale down operations to their essential components;

WHEREAS, on March 4, 2020 Governor Newsom issued a Proclamation of State of Emergency related to COVID-19;

WHEREAS, on March 16, 2020, Governor Newsom issued Executive Order N-28-20, which grants cities and counties broad authority to enact temporary moratoria on residential and commercial evictions based on a nonpayment of rent caused by the COVID-19 pandemic or by the local, state or federal government response to COVID-19;

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order N-33-20, which imposed a statewide shelter-in-place order requiring individuals to remain in

their places of residence, except as needed to maintain continuity of operations of critical infrastructure, access to necessities such as food, prescriptions, and healthcare, or engage in other authorized activities;

WHEREAS, the Governor of the State of California has stated that individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources, including shelters and food banks;

WHEREAS, on March 17, 2020, the Town of Portola Valley declared a local state of emergency due to the rapid spread of COVID-19;

WHEREAS, the Town of Portola Valley, pursuant to its police powers, has broad authority to maintain the public peace, health, safety, comfort, convenience, prosperity and welfare of its community and preserve quality of life for its residents;

WHEREAS, as a result of the public health emergency, the precautions recommended by state and county health officers, and in compliance with orders issued by those officers, many residents and businesses in Portola Valley have experienced or expect soon to experience sudden and unexpected income loss and that loss of income may have negative impacts on small businesses' ability to make rent payments;

WHEREAS, a number of local small businesses that provide essential items (e.g. food, veterinary services, hardware store, public safety patrol) and services to town residents are deemed essential businesses under the county and statewide shelter-in-place orders, and it is in the public interest to have them continue to operate during the local emergency and after the restrictions in the shelter-in-place orders are lifted;

WHEREAS, to the extent that local small businesses are not currently operating due to the shelter-in-place orders, it is in the public interest to have them resume operations as soon as the county and statewide shelter-in-place orders are lifted because the ongoing existence of such small businesses are essential to the protection of the public peace and health, safety, life, property and general welfare of town residents;

WHEREAS, it is in the public interest to take immediate steps to mitigate the economic impacts of COVID-19 by ensuring that local small businesses, which are essential to the health and vibrancy of the community, survive this current pandemic; and

WHEREAS, based on the foregoing, the Town Council desires to establish a moratorium on eviction of on-payment of rent by small business commercial tenants directly impacted by the COVID-19 pandemic.

NOW, THEREFORE, the Town Council of the Town of Portola Valley does **ORDAIN** as follows:

1. FINDINGS. The Town Council finds that the foregoing recitals are true and correct and are incorporated into this ordinance and adopted as findings of the Town Council. The Town Council further finds, determines and declares that this ordinance is urgently needed for the immediate preservation of the public peace, health, safety or welfare of the community because:

- A. further economic impacts are anticipated as result of COVID-19-related workplace closures, childcare expenditures due to school closures, health care expenses, labor shortages, and other expenditures stemming from compliance with emergency orders, leaving small business tenants vulnerable to eviction;
- B. these economic impacts may inhibit small businesses from fulfilling their financial obligations, including rent and public utility payments such as water, sewer, and solid waste collection charges;
- C. during this emergency, and in the interest of protecting the public welfare it is essential to avoid unnecessary termination of small business tenancies.

2. MORATORIUM ESTABLISHED. A moratorium on eviction for non-payment of rent by small business tenants impacted by the COVID-19 crisis is imposed as follows:

- A. During the period of local emergency declared in response to COVID-19, no landlord shall endeavor to evict a tenant in either of the following situations: (1) for nonpayment of rent if the tenant demonstrates that the tenant is unable to pay rent due to financial impacts related to COVID-19, or (2) for a no-fault eviction, unless necessary for the health and safety of tenants, neighbors or the landlord.
- B. A landlord who knows that a tenant cannot pay some or all of the rent temporarily for the reasons set forth in 2.A. shall not: (1) serve a notice pursuant to California Code of Civil Procedure Section 1161(2), (2) file or prosecute an unlawful detainer action based on a 3-day pay rent or quit notice, or (3) otherwise seek to evict for nonpayment of rent. A landlord knows of a tenant's inability to pay rent within the meaning of this ordinance if the tenant, within 14 days after the date the landlord provides written notice of this emergency ordinance as required in 2.D., notifies the landlord in writing of lost income and inability to pay full rent due to financial impacts related to COVID-19, and provides documentation to support the claim. For purposes of this ordinance, "in writing" includes email or text communications to a landlord or the landlord's representative with whom the tenant has previously corresponded by email or text. Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant's claim.
- C. Upon expiration or termination of this ordinance, a tenant who demonstrated an inability to pay full rent when due to financial impacts related to COVID-19, as required under this ordinance, shall have up to 180 days after the expiration or termination of this ordinance to pay all past-due rent. The tenant shall tender the full amount of all past due rent within 90 days if able to do so; however, if the tenant remains unable to tender the full amount of all past-due rent for the reasons set forth in this

ordinance, the tenant may provide the landlord another written notice and additional documentation to support that claim and thereby extend the payment date an additional 30 days. The tenant may provide additional written notices and documentation every 30 days to further extend the deadline, but under no circumstances shall the landlord be required to extend the deadline beyond 180 days after the expiration or termination of this ordinance. A landlord may not charge or collect a late fee for any portion of unpaid rent that is delayed because a tenant's inability to pay in accordance with this ordinance.

D. Prior to taking any action, during the term of this ordinance, to endeavor to evict a tenant for nonpayment of rent or under any circumstance that constitutes a no-fault termination of tenancy, the landlord must first provide the affected tenant or tenants with written notice of this ordinance; such notice shall include at a minimum: (1) the amount of rent to which the landlord is legally entitled pursuant to any written or oral agreement and under the provisions of state or local law; (2) that this rent is due unless the tenant promptly establishes in writing to the landlord that the amount of rent due qualifies for deferral under this ordinance; and (3) that the notice from the tenant to the landlord of the deferral of rent payment must be provided to the landlord within 14 days of receipt from the landlord of the written notice required by the subdivision.

E. For purposes of this ordinance, the following definitions shall apply:

1. "Financial impacts related to COVID-19" include, but are not limited to, loss of income due to any of the following: (a) being sick with COVID-19, or caring for a household or family member who is sick with COVID-19; (b) lay-off, loss of hours, or other income reduction resulting from business closure or other economic or employer impacts of COVID-19; (c) compliance with a recommendation from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state of emergency; (d) extraordinary out-of-pocket medical expenses; or (d) child-care needs arising from school closures related to COVID-19.

2. "No-fault eviction" refers to any eviction for which the notice to terminate tenancy is not based on alleged fault by the tenant, including but not limited to eviction notices served pursuant to California Code of Civil Procedure sections 1161(1) or 1161(5).

3. "Small business" is a business entity with gross receipts of less than \$___ million per year.

F. Violations of this ordinance shall be punishable as set forth in Chapter 1.12 of the Portola Valley Municipal Code. In addition, this ordinance shall serve as a defense in the event that an unlawful detainer action is commenced in violation of this ordinance. In the event of a violation of this ordinance, an aggrieved tenant may institute a civil proceeding for injunctive relief, money damages of not less than three times actual damages (including damages for mental or emotional distress

as specified below), and any other relief the court deems appropriate. In the case of an award of damages for mental or emotional distress, said award shall only be trebled in the trier of fact finds that the landlord acted in knowing violation of or in reckless disregard of this ordinance. The prevailing party shall be entitled to reasonable attorney’s fees and costs pursuant to court order. The remedies available under this section shall be in addition to any existing remedies which may be available to the tenant under local, state or federal law.

G. Hardship review. The Town Manager shall have the authority to review and grant relief to a landlord who experiences undue or excessive hardship as a result of this moratorium. An aggrieved landlord shall file a written request for relief explaining the nature of the hardship. Such request shall be accompanied by documentation supporting the claimed hardship, such as the property owner’s interest in the property, price paid or option price, assessed value, tax on the property, mortgage indebtedness, income and expense statements for income-producing property, and the like.

H. The term of this moratorium shall be from the date of adoption until May 31, 2020, unless otherwise extended or replaced.

3. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION. In accordance with the California Environmental Quality Act (“CEQA”) guidelines section 15061(b)(3), adoption of this ordinance is exempt from the provisions of CEQA, because there is no possibility that the implementation of this ordinance may have a significant effect on the environment. This ordinance will apply tenant protections to tenants in existing buildings for a limited period of time.

4. SEVERABILITY. In the event any section, clause or provision of this ordinance shall be determined invalid or unconstitutional, such section, clause or provision shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

5. EFFECTIVE DATE AND POSTING. This ordinance shall be published in a newspaper of general circulation. This ordinance was introduced and adopted on April 8, 2020 and shall be effective immediately upon adoption.

INTRODUCED on the ___ day of April 2020.

PASSED AND ADOPTED as an ordinance of the Town of Portola Valley at a regular meeting of said Council on the ___ day of April 2020, by the following vote:

- AYES: Councilmembers:
- NOES: Councilmembers:
- ABSTENTIONS: Councilmembers:
- ABSENT: Councilmembers:

ATTEST

Sharon Hanlon, Town Clerk

Jeff Aalfs, Mayor

APPROVED AS TO FORM

Town Attorney

There are no written materials for Council Liaison Committee and Regional Agencies Reports

There are no written materials for Town Manager Report

TOWN COUNCIL WEEKLY DIGEST

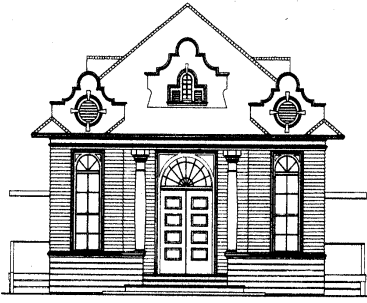
Thursday – April 9, 2020

1. Agenda (Canceled) – Architectural & Site Control Commission – Monday, April 13, 2020
2. Town's Response to COVID-19 - [Link](#) to Communications from the Mayor to the Community with Updates & Resources

Attached Separates (Council Only)

(placed in your town hall mailbox)

1. None



TOWN OF PORTOLA VALLEY

**7:00 PM – Regular Meeting of the Architectural and Site Control
Commission (ASCC)**

Monday, April 13, 2020

Historic Schoolhouse

765 Portola Road, Portola Valley, CA 94028

NOTICE OF MEETING CANCELLATION

**ARCHITECTURAL AND SITE CONTROL COMMISSION
MEETING REGULARLY SCHEDULED FOR**

Monday, April 13, 2020

Notice is hereby given that the Portola Valley Architectural and Site Control Commission meeting regularly scheduled for April 13, 2020 has been cancelled.