



TOWN OF PORTOLA VALLEY

7:00 PM – Special Meeting of the Town Council
Wednesday, September 9, 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.

To access the meeting by computer

<https://zoom.us/j/93923044127>

To access the meeting by phone:

Dial 1-669-900-6833 or
1-877-853-5247 (toll-free)

Webinar ID:

939 2304 4127

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 included in the public record.

Town Council will take questions during the meeting by using the Q&A button provided at the bottom of the webinar screen. *Speakers' time is limited to three minutes per speaker.*

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.

Speakers' time is limited to three minutes.

1. **PRESENTATION** – Nomination of Rebecca Flynn as Portola Valley's Submission for the Small Town America (4)
Civic Volunteer Award

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.

2. **Approval of Minutes** – August 12, 2020 (14)
3. **Ratification of Warrant List** – August 20, 2020 (21)
4. **Ratification of Warrant List** – August 26, 2020 (24)
5. **Recommendation by Town Clerk** – Updating the Designated Positions and Disclosure Obligations in the (31)
Town's Conflict of Interest Code
 - (a) A Resolution of the Town Council of the Town of Portola Valley Designating Public Officials and Employees and their Disclosure Categories for the Town's Conflict of Interest Code (Resolution No. __)
6. **Appointment by Mayor** – Member to the Trails & Paths Committee (34)

REGULAR AGENDA

STAFF REPORTS & RECOMMENDATIONS

7. **Presentation from Zonehaven** – Evacuation Planning Software (35)
8. **Report by Town Manager and Subcommittee** – Update, Race and Equity Conversation (36)
9. **COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS** (37)
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.*
10. **TOWN MANAGER REPORT** (38)

WRITTEN COMMUNICATIONS

11. **Town Council Digest** – August 13, 2020 (39)
12. **Town Council Digest** – August 20, 2020 (42)
13. **Town Council Digest** – August 27, 2020 (56)
14. **Town Council Digest** – September 4, 2020 (82)

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).



TOWN OF PORTOLA VALLEY

Colleagues Memo

TO: Members of the Town Council

FROM: Mayor Jeff Aalfs

DATE: September 9, 2020

RE: Nomination of Rebecca Flynn as Portola Valley's submission for the Small Town America Civic Volunteer Award

RECOMMENDATION

I recommend that:

1. Rebecca Flynn be nominated as Portola Valley's first nominee for the Small Town America Civic Volunteer Award, and
2. The Mayor be appointed to work with staff to complete the nomination forms

BACKGROUND

The Small Town America Civic Volunteer Award (STACVA) is a new program that "honors 100 extraordinary public service volunteers in smaller localities under 5,000" residents. The program is co-sponsored by a number of national organizations, including the National Association of Towns and Townships, Points of Light (the largest non-profit in the world dedicated to volunteerism and community service), the National Association of Counties, and the National Volunteer Fire Council.

DISCUSSION

I was contacted by managers of the STACVA earlier this summer, and immediately thought of Rebecca. Her many years of volunteer service to Portola Valley, whether as the founder, moderator and technical support for PV Forum, or her time on Town Committees, including the Sustainability Committee, is an inspirational example of the value and importance of civic service.

Rebecca worked with other like-minded residents earlier this year to create tools to connect those vulnerable to COVID-19 with volunteers who could perform a variety of services and deliveries.

I can think of no other Portola Valley resident more suitable than Rebecca for our first nominee to the STACVA.

ATTACHMENTS:

1. STACVA FAQ
2. STACVA Advisory Team



Small Town America Civic Volunteer Award

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Frequently Asked Questions

Q. What is the Small Town Civic Volunteer Award?

A. STACVA is a new, nationwide recognition and award program designed for two purposes. The first is to shine a spotlight on the increasing challenge faced by many smaller localities in finding volunteers for critical public service roles. The second is to recognize individual civic volunteers and volunteer organizations for outstanding service. The program is available to small communities and counties with populations of 5,000 or less.

Q. What are examples of public service volunteers?

A. Civic volunteers are unpaid* residents who fill critical roles in municipalities and counties. They include local government board and council members, volunteer firefighters, emergency medical technicians, librarians, parks and recreation officials, planning and zoning committee members, and others.

Q. When will the STACVA program take place?

A. STACVA will officially launch on June 1. Nominations must be submitted by September 15. The announcement of winners and the presentation of awards will be made on or about October 1.

Q. Who is sponsoring STACVA?

A. The Small Town America Civic Volunteer Award program is being underwritten by CivicPlus. CivicPlus is the nation's leading technology platform for local government, working with over 4,000 local governments, including municipalities, counties and municipal departments. For more information on the company visit www.CivicPlus.com.

Q. What inspired the creation of this program?

A. CivicPlus CEO Brian Rempe described his company's inspiration this way: "Over the past 20 years working with local governments, we have seen first-hand that the most successful cities, towns and counties are powered by passionate people who want to make a difference in the place they call home. We are hoping to accomplish two critical goals with this initiative: bring attention to the need for more civic volunteerism, and recognize those who have found solutions to declining participation and are building powerful community networks focused on civic engagement".

Q. Are other organizations supporting this program?

A. Yes, there are several major co-sponsors of the STACVA program. They include:

- National Volunteer Fire Council (NVFC)
- National Association of Counties (NACo)
- National Association of Towns and Townships (NATaT)
- Points of Light (the world's largest nonprofit dedicated to volunteerism and community service).
- Main Street America

Q. What will STACVA winners receive?

A. CivicPlus will provide cash awards of \$10,000, \$7,500 and \$5,000 respectively to the local governments represented by the top three national honorees. Localities represented by the top 100 nominees will receive free CivicCMS websites and 12 months of free ongoing website services from CivicPlus, with a total estimated value of more than \$1 million.

Q. Must our local government agree to replacing existing websites with a CivicPlus website in order to participate in the STACVA program?

A. There is no obligation to replace your current website; there is also an option to create a website for a related department such as public safety or economic development.

Q. Will websites be customized for each winning municipality and county?

Winners may pick from a wide variety of website designs; all will be fully responsive to mobile devices and fully featured. Each will also include a “Volunteer Module” to help recruit, track, and retain future volunteers.

Q. What happens to our website after the 12 months of free ongoing website services?

A. After the complimentary 12 months of ongoing website services, local governments may continue to have their websites hosted by CivicPlus at an annual cost of \$1,900. There is no obligation to continue using the CivicPlus website.

Q. How many STACVA nominations may my local government make?

A. Local governments may submit up to two STACVA entries each.

Q. Who is administering the STACVA program?

A. The Barton Russell Group - the Nation’s leading small town and rural America consultancy – will manage the program. BRG has built, managed and/or consulted on major community engagement projects, programs and services for Fortune 500 companies and others seeking to do good, while doing well. BRG was founded by Bart Russell, a nationally recognized expert on “everything small town” (its 32,000 communities and 120 million people). One former U.S. President called him “the voice of small town America”.

Q. Who can nominate a volunteer(s) and how must nominations be submitted?

A. All eligible general purpose local governments may submit nominations for STACVA awards. Applications can be accessed online after June 1 at www.civic-volunteer.com. The chief elected or administrative official (or his/her designee) from the local government making the nomination must authorize the application, which will ask for a brief essay describing the outstanding volunteer service or retention/recruitment initiatives developed and/or carried out by nominated candidate(s).

Q. What constitutes a “citizen (public service) organization” for purposes of this award?

Any board, committee, council, commission, trust, or related entity that is officially sanctioned by a general purpose local government to do work on behalf of that authority. It could be, for example, a town committee/advisory committee, a library board, or an entire fire department that accomplished something powerful as a team.

Q. What criteria will be used to judge nominations?

A. Judging metrics for evaluating nominations include: the degree to which a nominee's service has made a significant, lasting impact on their locality; the length of their public service; and, whether their service contributions would be considered above and beyond the "call to duty".

Q. Who will serve as judges for the contest?

A. STACVA nominations will be judged by senior professionals from the Barton Russell Group, each of whom have high-level, related experiences in their capacities as: the president of a major, national foundation; a senior performance consultant for Fortune 100 companies, state agencies and nonprofit organizations; an examiner for the Malcolm Baldrige National Quality Award and a fellow of the Juran Institute; and, the CEO of national organizations representing local government leaders from small towns.

Q. Who do I contact if I have a question, and how?

A. Please use this link to email us questions: [Contact Us](#).

Q. Will I receive an acknowledgement when my nomination has been received?

A. Yes, every STACVA application will be acknowledged so nominators know their nominations have been received and are being considered.

Q. How will winners of the contest be notified?

A. The top 100 STACVA honorees will be notified via email prior to the public announcement on or about September 15.

Q. What are the contest rules?

Here is a link to the [Legal Notices](#).

* Some local governments provide public service volunteers with small stipends, money to reimburse them for travel and other modest forms of financial support. These are not considered "pay" for the purpose of the STACVA contest.



QUICK LINKS

[About STACVA](#)

[Legal Notices](#)

[Nomination Questions](#)

302 South 4th Street
Manhattan, Kansas 66502

www.civicplus.com

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Small Town America Civic Volunteer Award



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STACVA National Advisory Team

The national Advisory Team which supports the **Small Town America Civic Volunteer Award** program collectively brings decades of experience understanding the value of public service volunteers to the communities they serve. This impressive group of leaders has and will continue to provide input on the execution of the program and the recognition of deserving winners of the award.

Patrice Frey President & CEO Main Street America

Patrice Frey is President and CEO of Main Street America, where she oversees the Center’s work, offering technical assistance, research, advocacy, and education and training opportunities for Main Street’s network of approximately 1,800 members.

Based in Chicago, Illinois, the Main Street America is a subsidiary of the National Trust for Historic Preservation, and has participated in the renewal of more than 2,000 older commercial districts during its 30- year history. Before joining Main Street America in May 2013, Patrice serviced as the Director of Sustainability at the National Trust for Historic Preservation, where she oversaw the National Trust’s efforts to promote the reuse and greening of older and historic buildings.

Prior to joining the National Trust, Patrice worked for several years in the field of community development and urban research. She is a graduate of the University of Pennsylvania's program in historic preservation, where she received a master's degree in preservation planning and a

certificate in real estate design and development through the Penn School of Design and Wharton Business School.

Steve Hirsch, Board Chair, National Volunteer Fire Council

Steve Hirsch is the Board Chair of the National Volunteer Fire Council. He also serves as the training officer for Sheridan County Fire District # 1, Thomas County Fire District #4, and Grinnell Fire Department, all of which are 100% volunteer fire departments. Additionally, Steve is the first vice chair of the Kansas State Firefighters Association, after serving as secretary from 2000-2018. His father started a rural fire district in north central Kansas in 1963, the year after he was born, so he grew up in the fire service.

Steve is also the county attorney in Decatur County in northwest Kansas. He has a private law practice and serves as city attorney for 18 cities in Norton, Phillips, Graham, Mitchell, Rawlins, Decatur, Sheridan, Thomas, and Gove counties. He is a graduate of Kansas State University and Washburn School of Law.

Natalye Paquin, President & CEO, Points of Light

Natalye Paquin is the president and chief executive officer of Points of Light. She is a visionary and results-oriented leader with a strong track record of performance and transformation in turnaround and high-paced organizations. Prior to joining Points of Light in 2017, Natalye served as chief transformation officer at Girl Scouts of the USA, where she was responsible for strategy integration and was the key face and spokesperson for aligning and unifying the Girl Scouts federation of 112 councils around the strategy. Natalye also served five years as chief executive officer of the Girl Scouts of Eastern Pennsylvania, the state's largest girl-serving organization and among the largest Girl Scouts councils in the nation.

She began her career in the nonprofit sector as chief operating officer of the Kimmel Center for the Performing Arts, after having been a volunteer, helping the center think through its education and new audience development programs. Ms. Paquin earned a juris doctor from DePaul University College of Law and an undergraduate degree from Florida A&M University.

David Sanko, Executive Director, Pennsylvania State Association of Township Supervisors • Former President, National Association of Towns and Townships

David Sanko is the executive director of the Pennsylvania State Association of Township Supervisors (PSATS), near Harrisburg, PA. Sanko has held this position since January 2010. From January 2005 through December 2009, Dave was the chief operating officer for Bucks County in southeast Pennsylvania. From 2003 through the beginning of 2005, he was a member

of Pennsylvania Governor Ed Rendell's cabinet as the director of the Pennsylvania Emergency Management Agency (PEMA).

Dave successfully directed Pennsylvania's emergency response and recovery operations through multiple Presidential declared disasters, including the floods of Hurricane Ivan. Prior to his directorship at PEMA, he was chief of staff for Governor Mark Schweiker during both Schweiker's governorship and lieutenant governorship. Prior public service includes Deputy Auditor General, Commonwealth of Pennsylvania 1992– 1994 and Chief of Staff to Pennsylvania State Senate Majority Leader 1982–83. Dave is a graduate of East Stroudsburg University.

Brian Namey, Chief Public Affairs Officer, National Association of Counties

Brian Namey is the Chief Public Affairs Officer of the National Association of Counties (NACo), a position he has held since 2015. Prior to that, he served as the Association's Director of Communications. Before joining NACo, he was the Communications Director at the National Network to End Domestic Violence (2009-2011) and a communications advisor for non-profit and private-sector efforts against domestic and sexual violence. Brian previously served as Press Secretary for the Democratic Governors Association (2004-2009). He earned his MSc from the University of Oxford and his BA from Carnegie Mellon University.

Bart Russell, Principal, Barton Russell Group

Bart Russell is Chair of the STACVA's National Advisory Team. Bart has spent more than 30 years serving as the country's most prominent small town America advocate and spokesperson. During that time he served as the founding CEO of the National Association of Towns and Townships, President of the National Center for Small Communities and Executive Director of the Council of Small Towns. He founded the Barton Russell Group (www.BartonRussell.com) in 1994. Since then, senior consultants with extensive experience in the business, philanthropic, local-state government and academic arenas have become members of the firm. BRG has built or consulted on major national award and grant programs including the *Best Small Towns in America*, the *American Hometown Leaders Award*, the \$ 1/4 billion *Small Town Economic Assistance Program* and the *America's Best Communities* contest. These public-private partnerships have spotlighted and supported extraordinary local government leaders and small communities nationwide.



QUICK LINKS

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Manhattan, Kansas 66502

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PORTOLA VALLEY TOWN COUNCIL REGULAR MEETING NO. 995, AUGUST 12, 2020

CALL TO ORDER AND ROLL CALL

Mayor Aalfs called the Town Council's Special Teleconference meeting to order at 7:00 p.m. Ms. Hanlon called the roll.

Present: Councilmembers Craig Hughes, John Richards, and Ann Wengert; Vice Mayor Maryann Derwin; Mayor Jeff Aalfs

Absent: None

Others: Jeremy Dennis, Town Manager
Cara Silver, Town Attorney
Sharon Hanlon, Town Clerk

ORAL COMMUNICATIONS

None.

CONSENT AGENDA

- (1) **Approval of Minutes** – Town Council Regular Meeting of July 22, 2020.
- (2) **Approval of Warrant List** – August 12, 2020, in the amount of \$287,117.63.
- (3) **Recommendation by Town Manager** – California Employers' Retiree Benefit Trust (CERBT) Fund Final Paperwork.
 - (a) Resolution of the Town Council of the Town of Portola Valley Approving and Authorizing Execution of California Employers' Retiree Benefit Trust (CERBT) Agreement (Resolution No. 2831-2020)
- (4) **Recommendation by Town Manager** – Contract Amendment for Contract Planning Services with Good City Company [*Pulled from Consent Agenda.*]

Councilmember Hughes moved to approve Consent Agenda Items 1, 2, and 3. Seconded by Vice Mayor Derwin, the motion carried 5-0, by roll call vote.

- (4) **Recommendation by Town Manager** – Contract Amendment for Contract Planning Services with Good City Company

Councilmember Richards said he understands the importance of this move at this point considering the ability to provide service but he wanted to bring attention to the fact that long term the Town wants to have contractor services be used exclusively for special projects. Town Manager Dennis said the budget for 2019-20 included funding and an FTE for a Senior/Associate Planner. He said the attempt to fill that position was unsuccessful and so they are shifting to a model where they are utilizing some services from Good City. He said the flexibility is useful in the short term. He said staff's recommendation is to keep the FTE in place but instead fund through the contract for the services needed now, with the long-term desire to have the position fully filled on staff. Commissioner Wengert was supportive of the contract extension and Good City. She asked regarding the projection of what was expected to be spent in this category during this next fiscal year. Town Manager Dennis said it will depend on how much they are able to accomplish around the special projects. He said the General Plan update, depending on when it starts in the 3rd or 4th quarter of this year, would certainly be a primary expenditure. He said he did not anticipate spending the full \$100,000, depending upon Planning Director Russell coming back and tweaks made to

the current Planning use. He said it also depends on special projects happening over the next year related to large-scale land use development projects. He said he would be surprised to spend the full amount but the flexibility is useful given the uncertainty.

Vice Mayor Derwin moved to approve Consent Agenda Item 4. Seconded by Commissioner Wengert, the motion carried 5-0, by roll call vote.

REGULAR AGENDA

(5) Report by Town Manager and Subcommittee – Update on Race and Equity Conversation

Town Manager Dennis introduced Brandon Alvarez. Brandon and their colleagues worked on the review of the Los Trancos Woods-Vista Verde Vegetation Management Home Hardening Program. Town Manager Dennis was so impressed he offered them the opportunity to intern in Town. Town Manager Dennis described Brandon's experience, educational background, and work with trans rights at Stanford. Town Manager Dennis has been impressed with Brandon's interest in working with staff on the issues such as the use of pronouns (they/them). Brandon expressed their appreciation to work with the Town, especially on the race inequity project and also the sustainability project. Brandon said they have been trying to find where they fit in different change-making work and it has been a joy to get a bit of experience in local government to see what working to build change looks like in this venue. Town Manager Dennis said Brandon will also be working with the Climate Action Plan. Brandon has also been tasked with the development of a Sustainable Teen Committee.

Vice Mayor Derwin said the Town is very fortunate to be able to work with Brandon. She said Brandon is an absolute joy to be around and they's work is stellar. Vice Mayor Derwin said the subcommittee is excited to share their proposal for three virtual events on the topics of Policing in the Sheriff's Office, Implicit Bias, and Understanding the History of Residential Segregation in Southern San Mateo County.

Vice Mayor Derwin said that, for the topic of Policing in the Sheriff's Office, they are in the process of inviting panelists and have so far confirmed Sheriff Carlos Bolanos, who has never before agreed to participate in a public forum of this type; District Attorney Steve Wagstaffe; Capt. Christina Corpus; and Reverend Lorrie Carter Owens, President of San Mateo Branch of NAACP. Henrietta Burroughs, Executive Director of EPA Center for Community Media, will be the moderator. They are awaiting a response from Dez Frazier, an organizer in the Redwood City Black Lives Matter protest. She said Mr. Frasier is 20 years old, graduated from Sequoia High School two years ago and currently attends Menlo College. They are also awaiting a response from an attorney on the criminal justice panel of the Private Defender's office. She said once the panelists are finalized, the subcommittee will choose a date in late September or October.

Vice Mayor Derwin said that for topic of Implicit Bias there will be an event sponsored by the Library, who will bring Stanford Professor, Jennifer Eberhardt, who wrote the book "Biased," and who will participate in a Zoom author event. She said the community will have the opportunity to read the book before the event. They also talked to Anne-Marie Despain, the Executive Director of the Library JPA, about book availability. Ms. Despain said there is now an "always available social justice book list," that will allow simultaneous use of ebooks and audio with no limit to how long you can keep it. The date for this event may be announced by the end of this week as they are working with Ms. Eberhardt's publisher.

Vice Mayor Derwin said that prior to each event, residents will be encouraged to submit questions for the panelists and author through the website portal. She said there will be an opportunity for questions from the audience.

Councilmember Richards said some of the fallout from the history of racism in society has been the barriers to home ownership that generations of people of color have had to deal with. He said there is a lot of interest right now in the history of redlining, blockbusting, and restrictive CC&Rs. They will be sharing the history and consequences of this issue at the next Town Hall meeting. The panel may include

people who live in the areas that were targets of those policies, such as Belle Haven and East Palo Alto, Ultimately they hope to explore potential ideas for counteracting the effects of what are now illegal policies and practices.

Councilmember Richards said over the last couple of months he has attended most of the Sunday after-meetings at the corner of Alpine and Portola Road, which are held just after the demonstrations, to discuss racism inequity in society as a whole and in the Town in particular. He said it is very positive and energizing meeting, and he has learned a lot about how people think and issues that need to be addressed. He has asked the attendees of those meetings to participate in the Town portal and make more comments. He hopes the Town Halls will generate more comments and give-and-take.

Councilmember Richards added he has been reading a lot and running into book availability issues and is happy that Ms. Despain has found a solution to that issue.

Mayor Aalfs congratulated the subcommittee for lining up the great Town Halls and the impressive lineup of panelists. He said he has missed two of the BLM post-demonstration discussions and agreed it has been a great discussion group, with people trying to be honest with themselves and others about their own biases.

Brandon met with Town Manager Dennis and Communications & Community Engagement Analyst Chinn. Brandon is developing digital resources to post on Town social media and website about the upcoming Town Halls and also having a permanent portal on the Town website to help bring people into the conversation. They said a big part of having race inequity conversations is getting to the point where people who have things to say feel comfortable being able to speak out and feel able to enter these spaces and safely communicate the things they are going through or the questions that they have. Brandon said there will be different resource pages for people to access, such as the book list, movie lists, lists of places where people can donate, current initiatives to get involved in, and spaces where people are actively encouraged to get involved in passive ways. They said that education about these issues is a big part of the journey, as well as learning how to actively make these things part of the discussions and actively making them a small part of our personal lives. Brandon will work with Communications & Community Engagement Analyst Chinn to develop a social media campaign including flyers and promotion of the Zoom Town Halls, hoping to develop a clear and concise narrative about how the Town is trying to address these issues, broadening the conversations outside of the current spaces.

Mayor Aalfs invited questions.

Councilmember Hughes thanked Vice Mayor Derwin for the memo which addressed the rephrasing of language and clarification for the record to better reflect the original intent.

Caroline Vertongen said she is concerned that Brandon is new to Town and does not know what has been going on. She asked for Brandon's email address so citizens can inform they about what has been going on, what has been disclosed, and the shortcomings. Ms. Vertongen said she hopes the Council will not conduct these Town Hall meetings the same way they did with the affordable housing discussions where they brought in strangers who already have agendas in place and citizen concerns and solutions were completely dismissed. She said it was a waste of time and no progress occurred. She said they have been speaking out for a long time. She said if they really want a community, they have to listen to the constituents. She said the handbook says they listen to the constituents but they don't see that. She said hopefully there will be change and the Town will approach these events completely differently than they did with affordable housing.

Rita Comes welcomed Brandon. She said the information currently in the portal on this subject is based on the past couple of meetings. She said she has been asking for a clarification and update. She said she asked again for it at the last meeting and Councilmember Hughes suggested for some wording that she supported. She said last night she saw the update and saw information about different people that were tasered to death. She sent a letter to Town Manager Dennis and Mayor Aalfs about this last night. She said when providing this type of information, personal bias needs to be removed. She said perhaps an

outside person needs to be hired to review this information or it should be brought to the Sunday after-group. She said perhaps Brandon and their group needs to review things like this before they get posted, because this will keep people from coming to Town. She said this is not welcoming information and is incomplete. She said there are court cases against all of these police for these four different people. She said the three people of color were killed and the actions justified by the determination of them being mentally challenged or drug addicts. She said this is misleading information and saddens her as a member of this community that this information is now posted on the portal representing this information for social justice for this Town. She asked Brandon to reach out to some of the members of color in this community so they can share their issues. She said it does not seem like they are being invited to the table to have that conversation unless they post their personal information in an online portal with their names. She would like to discuss the portal with Brandon.

(6) **Recommendation by Town Manager – Other Post-Employment Benefits (OPEB) Trust Payments**

Town Manager Dennis presented the background, discussion items, and fiscal impact of the OPEB trust payments, as detailed in the staff report. Staff recommended that the Town Council accept and act upon the Finance Committee's recommendation to schedule quarterly payments to the California Employer's Retiree Benefit Trust (CERBT).

Mayor Aalfs invited questions from the Council.

Councilmember Hughes said he understood the request to delay the payment until the budget is done but asked what difference that will make since it would be about a month anyway. Town Manager Dennis said the plan is to cancel the August 26 Council meeting so the first meeting a check could potentially be issued would be September 9. He said under the COVID emergency authority he could cut the check, but does not think it is necessary. He would like to align it with the start of a month or the start of a quarter. He said there is some benefit in waiting for the budget because he is not sure exactly where the number will end up based on the final calculations. Because the Council has provided direction to staff to take a conservative approach in the development of the budget, he thinks it makes more sense to see how that all shakes out before a final decision is made. He said the Council could also say they want to do it but wants to wait, which would indicate support to the Finance Committee.

Commissioner Wengert asked what figure was used in the extension budget, \$800K or \$1.19M. Town Manager Dennis said all of the '19-'20 reserve assignments were rolled over. Commissioner Wengert confirmed it was in the approved budget at the lower level.

Mayor Aalfs asked for confirmation of his understanding that the Finance Committee is recommending the Town prepay these liabilities for the same reasons they prepaid their pension obligation back in 2014, because money will be saved in the long run by cancelling out that short fund and not paying interest or having to worry about future investments covering it. Councilmember Hughes said it is technically different in that the money is being put into a trust fund that can invest in things the Town itself is not allowed to invest in. The previous money was actually paid to CalPERS against the liability. He said that is in the CalPERS account now and can't be returned. The OPEB money is slightly different in that it will still show up in the Town's accounts, but will essentially be a reserved account that can earn a better rate of interest. OPEB will not yet be paid but the trust will pay OPEB the money as the bills come due. There will be a better rate of return in the meantime. He said it is similar reasoning but a different mechanism than the 2014 payment.

Mayor Aalfs invited public comment. Hearing none, Mayor Aalfs invited questions and comments from the Council.

Councilmember Richards was supportive of this approach; however, he is always a bit leery about aggressive investing. Commissioner Wengert said the portion in global equity has been reduced from 59 to 50, which she said is a good reduction in this current environment. She said given the longer term nature of these dollars, she thinks the Finance Committee's approach is relatively conservative. She would prefer to wait for the final budget to make a determination on the allocation percentages.

Councilmember Hughes favored waiting to make the decision on the amount of the first payment until the budget is finalized. He said the OPEB liabilities are quite long-term, likely in the 15- to 20-year range. He said it is a fairly equity-heavy portfolio for a retirement account type of investment, but this money will not be needed in the near future. He is supportive of the overall more aggressive mix and said it is the right blend for a 15- to 20-year liability.

Vice Mayor Derwin said she implicitly trusts Councilmember Hughes, Commissioner Wengert, and the Finance Committee and is comfortable with the suggestion of waiting until after the budget is approved to determine the first payment.

Mayor Aalfs is supportive of the overall concept. He had no preference for waiting for the budget or writing a check tomorrow. He is supportive of the more aggressive mix of investments.

Town Manager Dennis said they will go to the Finance Committee in early September to review the budget and he will be sure there is an item on the agenda to discuss the stratagems. He said perhaps they can make a more explicit recommendation.

The Council directed staff to defer the final decision to the September 9 Council meeting in order to consider as part of the overall budget.

(7) **COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS**

Councilmember Wengert – She attended the Field Users meeting on July 24. A comprehensive plan has been developed for the older teen players of the Alpine Strikers league to be able to start playing. Town Manager Dennis said it has started with the older Alpine Strikers and will expand to the younger players next week. The research and work done by them will be helpful to other leagues. She attended two Airport Roundtable meetings, one directly with the FAA where they discussed their new route plans for night flights, called the Hush Route. The request had been made to route as many routes as possible during the nighttime hours and the FAA, after almost three years of analysis, came back saying they can move some but only from 1:00 a.m. to 5:00 a.m. Commissioner Wengert attended the County level Bicycle Pedestrian Committee meeting, where they discussed their comprehensive bicycle and ped plan with the help of an outside firm. She said there did not seem to be any adjustment made for COVID. Commissioner Wengert attended last week's San Francisco Roundtable meeting where the big discussion was whether or not to expand the membership to include Palo Alto. She said the membership and roundtable consists of San Francisco County and the Mayor's office and a series of other offices, and all of San Mateo County, with each City represented. She said Palo Alto was particularly impacted by the convergence of all the routes using the NextGen technology, with planes coming in very low. She said the discussion was to review the process for admitting new members. She said the Roundtable operates under an MOU that has been in place for 30 years. She said it is funded principally by the airport and they are picking up a lion's share of the costs. She said dues are paid by each of the member cities but not all cities in San Mateo County participate, such as East Palo Alto or Colma, although they are always invited. Commissioner Wengert said admitting a new member to the Roundtable requires a two-thirds vote of all members of the Roundtable and also requires a two-thirds vote at each Town and City Council. She said when this came up six years ago, it didn't get out of the Roundtable to be brought to each Council because the North Counties were opposed to having any new members, their concern always being that the Roundtable was focusing too much on arrivals and was formed in reaction to the departure noise. Commissioner Wengert said if Palo Alto is being impacted by noise of flights arriving at SFO, then they should be included in the community and have at least one voice. She asked for Council input on this matter. Mayor Aalfs said he felt the initial decision not to include Palo Alto was petty and shortsighted and he is supportive of allowing the group to address both departures and arrivals. Vice Mayor Derwin was at

that meeting because Commissioner Wengert could not attend. Vice Mayor Derwin said she will never go to another of their meetings because it was disgusting how they would not allow Palo Alto be part of their club. Councilmember Hughes and Councilmember Richards were also supportive of Palo Alto being a part of the Roundtable. Commissioner Wengert attended the updated website meeting with Councilmember Hughes. She said it is exciting and will be a very positive change.

Councilmember Richards – None.

Councilmember Hughes – Said the new website will be much easier for staff to manage and keep up to date. He also attended Bicycle Pedestrian Traffic Safety meeting where they discussed Windy Hill parking and the situation with the volume of cars parked on Portola Road and the Alpine side on a regular basis. He said the Sheriff's patrol will focus on that area during heavy parking days and have been advised on what type of citations can be written. They can also issue warnings instead of citations with flyers telling people where they should be parking and potential civil code violations.

Vice Mayor Derwin – Attended Flood and Sea Level Rise Resiliency District Meeting on July 10. She said the Legislative Analyst office released a report called "What Threat Does Sea Level Rise Pose to California?" She said it really goes to the heart of why the District is so important. They discussed SB-795 about housing and homelessness, which also provides some money for climate resilience that will go to the Strategic Growth Council and Coastal Conservancy. The CEO reported on the Bay Front Canal. She said between July 28 and August 6 she watched four Zooms, including one by the Palo Alto Park and Rec about Foothills Park opening to nonresidents. On July 29 she watched part 2 of Racial and Social Injustice in America, which is available on MidPen Media. She also watched Fire and Flora, Restoring Healthy Balance, sponsored by Grass Roots Ecology. She asked if there were any plans to do fire management on Windy Hill. They have a website with a map for Windy Hill with areas of concern and they are trying to decide priorities, including the area behind the Sequoias, the Alpine Road escape route around Coal Mine Ridge, and a lot of brush mid-slope on Windy Hill. He asked that input be provided now. In response to Vice Mayor Derwin's question, Town Manager Dennis said MROSD has not reached out specifically to the Town and he will reach out again. He said they last time they engaged in this was about two months ago when they presented their overall fire management plan and it was clear they weren't funding anything anytime soon. He will follow-up. Vice Mayor Derwin said she also watched Youth Rising Up which had a very good moderator.

Mayor Aalfs – Attended Conservation Committee meeting where they discussed the Stanford Wedge project, formulating a list of regulations they will pass on to the ASCC, mostly around vegetation in and around the area. He said Peninsula Clean Energy is working with Sunrun to roll out the Solar Plus Battery program, possibly being ready to talk to people about projects this week or next week. They will be offering batteries at a discount.

(8) **TOWN MANAGER REPORT** – Town Manager Dennis reported he is working with the Building Official on getting the update to the Building Code for the home hardening related items that came out of the Wildfire Preparedness Committee. He said it looks like the work will be started a little later this month, expecting to bring it to the Council by December. Town Manager Dennis said it was reported that the West Nile virus was discovered in Los Altos Hills. He said the Vector Control Agency is taking it very seriously and he would not be surprised if they put down some traps in town. Town Manager Dennis said he will be attending the Portola Valley School District meeting where they will vote tomorrow night on their plan to reopen the schools. He will share the Town's best wishes to the staff and all the hard work they've done. Town Manager Dennis added that the portal remains open for race inequity thoughts, comments, and ideas and there will be an effort to reinvigorate that. Town Manager Dennis said the Alpine Strikers are having a wonderful time but the expansion to the younger kids is a little more challenging. Town Manager Dennis said the two Zoom meetings have become the most popular on the Town's You Tube channel. With regard to the Windy Hill parking situation, Town Manager Dennis said he had a good conversation with MROSD about keeping options open moving forward, making sure they are fully engaged. He said the Sequoia Trail will be opening up soon. He thanked Department of Public Works Director Howard Young for all his hard work. Commissioner Wengert asked Town Manager Dennis to provide an update about the Commercial Business Assistance Grant (CBAG). Town Manager Dennis

said there have been five applicants and Town Manager Dennis will reach out further to eligible businesses in Town later this week. Commissioner Wengert thanked Town Attorney Cara Silver for her work on this.

WRITTEN COMMUNICATIONS

(9) **Town Council Digest** – July 23, 2020

None.

(10) **Town Council Digest** – July 30, 2020

None.

(11) **Town Council Digest** – August 6, 2020

None.

ADJOURNMENT 8:22 *p.m.*

Mayor Aalfs adjourned the meeting.

Mayor

Town Clerk

Check Date	Check Number	Special Information	Net Check Amount	Total Invoices Paid	Invoice Number
Vendor: 08/20/20	32 55087	ANTONIO CREMONA SALON INC COVID Business Assistance Grant Program	5,000.00	5,000.00	CBAG_ACS2020
Vendor:	376 55088	PORTOLA VALLEY HARDWARE COVID Business Assistance Grant Program	5,000.00	5,000.00	CBAG_PVH2020
Vendor:	403 55089	RON RAMIES AUTOMOTIVE INC. COVID Business Assistance Grant Program	5,000.00	5,000.00	CBAG_RRA2020
Vendor:	525 55090	CAROUSEL SADDLERY COVID Business Assistance Grant Program	5,000.00	5,000.00	CBAG_CS2020
Vendor:	526 55091	PACIFIC THERX COVID Business Assistance Grant Program	5,000.00	5,000.00	CBAG_PTX2020
Vendor:	527 55092	PARKSIDE GRILLE COVID Business Assistance Grant Program	5,000.00	5,000.00	CBAG_PG2020
Vendor:	528 55093	PORTOLA CAFE DELI COVID Business Assistance Grant Program	5,000.00	5,000.00	CBAG_PCD2020
Check Date Totals			35,000.00		
Grand Total			35,000.00		

Check Register

Check Number	Vendor Number	Vendor Name	Check Amount	Check Date	BW	Check Type
Checks for Cash Account: 910-11012-000						
55087	32	ANTONIO CREMONA SALON INC	5,000.00	08/20/20		
55088	376	PORTOLA VALLEY HARDWARE	5,000.00	08/20/20		
55089	403	RON RAMIES AUTOMOTIVE INC.	5,000.00	08/20/20		
55090	525	CAROUSEL SADDLERY	5,000.00	08/20/20		
55091	526	PACIFIC THERX	5,000.00	08/20/20		
55092	527	PARKSIDE GRILLE	5,000.00	08/20/20		
55093	528	PORTOLA CAFE DELI	5,000.00	08/20/20		
Check totals:			35,000.00			
ACH totals:						
EFTPS totals:						
Wire transfer totals:						
Payment Manager totals:						
GRAND TOTALS			35,000.00			
Check totals:			35,000.00			
ACH totals:						
EFTPS totals:						
Wire transfer totals:						
Payment Manager totals:						
GRAND TOTALS			35,000.00			

TOWN OF PORTOLA VALLEY
Warrant Disbursement Journal
August 20, 2020

Claims totaling \$35,000.00 having been duly examined by me and found to be correct are hereby approved and verified by me as due bills against the Town of Portola Valley.

Date _____

Jeremy Dennis, Treasurer

Motion having been duly made and seconded, the above claims are hereby approved and allowed for payment.

Signed and sealed this (Date) _____

Sharon Hanlon, Town Clerk

Mayor

Check Date	Check Number	Special Information	Net Check Amount	Total Invoices Paid	Invoice Number
Vendor:	8	ACCOUITEMPS			
09/04/20	55094	Temp/Clerical/Acctg Support, Week-Ended 7/3/20	5,208.00	882.00	56060871
		Temp/Clerical/Accounting Support, Week-ended 7/17/2020		1,428.00	56099588
		Temp/Clerical/Acctg Support, Week-Ended 7/31/20		1,428.00	56160933
		Temp/Clerical/Acctg Support, Week-Ended 8/7/20		42.00	56198473
		Temp/Clerical/Acctg Support, Week-Ended 8/14/20		1,428.00	56212638
Vendor:	41	AT&T			
	55095	July Statement	280.16	44.11	000015126789
		July Statement		192.77	000015136790
		July Statement		43.28	9391026533
Vendor:	44	BANK OF AMERICA			
	55096	March Statement	16,957.63	6,697.72	1388-MARCOVID-19
		April Statement/COVID19		3,602.39	1388-APR
		June Statement/COVID19		6,657.52	1388-JUNECOV19
Vendor:	44	BANK OF AMERICA			
	55097	March Statement	1,282.94	1,282.94	1388-MAR
Vendor:	44	BANK OF AMERICA			
	55098	May Statement/COVID	3,482.74	3,482.74	1388-MAY
Vendor:	78	CALIFORNIA WATER SERVICE CO			
	55099	Water Service, 7/11 - 8/11/20	13,828.94	13,828.94	AUG STATEMENTS
Vendor:	113	CITY OF REDWOOD CITY			
	55100	FY 19/20 Un-billed IT Hours of Support	13,069.39	13,069.39	BR56935
Vendor:	121	CLEANSTREET			
	55101	April Litter/Street Clean	1,712.27	1,712.27	97247
Vendor:	124	COMCAST			
	55102	WiFi, 8/21/20 - 9/20/20	135.80	135.80	ACCT 0101945
Vendor:	135	CSG CONSULTANTS INC			
	55103	Bldg Inspection, June 2019	58,952.00	13,720.00	25876
		Bldg Inspection, Aug 2019		14,464.00	26516
		Bldg Inspection, Oct 2019		12,516.00	27859
		Bldg Inspection, through 3/27/2020		6,804.00	30211
		June Applicant Charges		11,448.00	JUNE APPL CHGS
Vendor:	162	DLT SOLUTIONS LLC			
	55104	AutoCAD, Annual Subscription 9/28/20-9/27/21	1,563.71	1,563.71	SI488516

Check Date	Check Number	Special Information	Net Check Amount	Total Invoices Paid	Invoice Number
Vendor:	193	GO NATIVE INC			
55105		TC & Springdown Vegetation Maintenance	17,361.25	11,281.25	3437
		Springdown Open Space Landscape/Vegetation Mgmt		6,080.00	3439
Vendor:	195	GOOD CITY COMPANY			
55106		Planning Services, June 2020	2,025.00	2,025.00	2187
Vendor:	214	HINDERLITER DE LLAMAS & ASSOC			
55107		Sales Tax 2nd Qtr (Estimated)	1,514.82	757.41	SIN001575
		Sales Tax Audit, 4th Qtr		757.41	SIN002058
Vendor:	265	JUSTIN BIXBY			
55108		Reimbursement, HDMI Kit ALPR	26.33	26.33	REIMB_071620
Vendor:	323	MIG-TRA			
55109		Applicant Dep Refund	4,118.75	4,118.75	0065688
Vendor:	324	MIRANDAS LANDSCAPE			
55110		Trails Maintenance Work, Cervantes Trail	23,540.00	23,540.00	1433
Vendor:	332	NCE			
55111		2019-20 Street Resurf Proj, through June 12, 2020	310.00	310.00	424245507
Vendor:	334	NOLTE ASSOCIATES INC NV5			
55112		Oct 2018 Outstanding Appl Chg (clarified) 1 of 2	4,428.92	150.00	108384
		Oct 2018 Outstanding Appl Chg (clarified) 2 of 2		128.13	108385
		Public Works Support, July 2019		418.08	134816
		Public Works Support, Jan 2020		308.88	153435
		Public Works Support, Feb 2020		360.36	158682
		June Applicant Charges		3,063.47	JUNE APPL CHGS
Vendor:	343	OPENGOV INC.			
55113		Budget Builder Tool (prorated)	8,442.00	8,442.00	INV-004306
Vendor:	367	PG&E			
55114		July Statements	247.26	247.26	JULY 2020
Vendor:	372	PINNACLE BUILDING & DESIGN			
55115		Refund Deposit, 501 Portola Rd, #C (BLDR0045-2020)	1,000.00	1,000.00	REF DEP BL45-20
Vendor:	373	PITNEY BOWES INC.			
55116		Postage Meter Rental, 5/30/20 - 8/29/20	170.43	170.43	1016180122
Vendor:	375	PLATINUM FACILITY SERVICES			

Check Date	Check Number	Special Information	Net Check Amount	Total Invoices Paid	Invoice Number
09/04/20	55117	Remainder on February 2020 (2nd half)	2,451.57	2,451.57	37746
Vendor:	403	RON RAMIES AUTOMOTIVE INC.			
	55118	June Fuel Statement	7,507.13	642.86	JUNE FUEL ST
		'01 Silverado, Steering Rack Repair		3,340.48	65820
		'01 Silverado, Oil/Filter Change & Maintenance		308.25	65311
		'01 Silverado, Caliper Repair		455.83	65858
		'00 Chevy C3500, Oil/Filter Service		316.07	65271
		'00 Chevy C3500 Water Pump Remove & Replace		495.83	66030
		'00 Chevy C3500, Tire Replacement - Parts & Labor		1,947.81	65776
Vendor:	411	SAN MATEO LAWNMOWER			
	55119	Chain Loop; Pole Saw Repair	805.47	297.21	203062/203545
		Mower Blades		202.54	203377
		Replace Tank; Repair Control Handle		305.72	204222/204223
Vendor:	430	SHELTON ROOFING			
	55120	Refund Deposit, 9 Coalmine View	1,000.00	1,000.00	REF CSD DEP
Vendor:	431	SIERRA PACIFIC TURF SUPPLY INC			
	55121	Soil Testing - ALL Fields	262.20	262.20	0579466-IN
Vendor:	447	STAPLES CREDIT PLAN			
	55122	July Statement	235.58	235.58	2814-JULY
Vendor:	468	THERMAL MECHANICAL INC			
	55123	Annual HVAC Svc & Filter Upgrades, COVID-19 Delta System Troubleshooting (IT)	2,949.58	2,624.58	79263
				325.00	79686
Vendor:	484	TYLER TECHNOLOGIES INC			
	55124	FundBalance Software, Support/Maint 8/1/200-7/31/21 Final	3,742.03	3,742.03	025-300256
Vendor:	486	VANCE BROWN INC.			
	55125	Refund Deposit, 4139 Alpine	5,000.00	5,000.00	REF CSD DEP
Vendor:	489	VERIZON WIRELESS			
	55126	July Cellular	393.59	393.59	9859459522
Vendor:	505	WOODSIDE FIRE PROTECTION DISTR			
	55127	Roadside Veg Mgmt, Support Crew 2020-21 Chipper Program	33,079.31	4,946.31	WFPD CREW-1002
				28,133.00	PV-CHIPPER2020
Vendor:	529	GIRL SCOUTS-NO CA TROOP 62409			
	55128	CH Deposit Refund	350.00	250.00	DEFPREF_40331

Check Date	Check Number	Special Information	Net Check Amount	Total Invoices Paid	Invoice Number
09/04/20	55128	CH Kitchen Dep Refund	350.00	100.00	DEPREF_KITCHEN
Vendor:	530	TRI-CITY ROOFING			
	55129	Refund Deposit, 20 Cordova	1,000.00	1,000.00	REF CSD DEP
Vendor:	531	BAIRD + DRISKELL			
	55130	Town portion of 21 Elements FY 2019/20	3,900.00	1,950.00	2004 - 1 OF 2
		Town portion of 21 Elements FY 2020/21		1,950.00	2004 - 2 OF 2
Vendor:	532	COUNTY OF SAN MATEO			
	55131	FY 2020-21 Animal Care Shelter Construction Costs (PV Share)	4,144.00	4,144.00	ASC20-21-PV
Vendor:	533	SMCCMA			
	55132	SMCCMA Annual Dues, FY 2020-21	300.00	300.00	FY20-21DUES
Vendor:	534	METROPOLITAN TRANS COMMISSION			
	55133	StreetSaver Annual Subscription	1,500.00	1,500.00	#4926-AR11740
Check Date Totals			248,278.80		
Grand Total			248,278.80		

Check Register

Check Number	Vendor Number	Vendor Name	Check Amount	Check Date	BW	Check Type
Checks for Cash Account: 910-11012-000						
55094	8	ACCOMTEMS	5,208.00	09/04/20		
55095	41	AT&T	280.16	09/04/20		
55096	44	BANK OF AMERICA	16,957.63	09/04/20		
55097	44	BANK OF AMERICA	1,282.94	09/04/20		
55098	44	BANK OF AMERICA	3,482.74	09/04/20		
55099	78	CALIFORNIA WATER SERVICE CO	13,828.94	09/04/20		
55100	113	CITY OF REDWOOD CITY	13,069.39	09/04/20		
55101	121	CLEANSTREET	1,712.27	09/04/20		
55102	124	COMCAST	135.80	09/04/20		
55103	135	CSG CONSULTANTS INC	58,952.00	09/04/20		
55104	162	DLT SOLUTIONS LLC	1,563.71	09/04/20		
55105	193	GO NATIVE INC	17,361.25	09/04/20		
55106	195	GOOD CITY COMPANY	2,025.00	09/04/20		
55107	214	HINDERLITER DE LLAMAS & ASSOC	1,514.82	09/04/20		
55108	265	JUSTIN BIXBY	26.33	09/04/20		
55109	323	MIG-TRA	4,118.75	09/04/20		
55110	324	MIRANDAS LANDSCAPE	23,540.00	09/04/20		
55111	332	NCE	310.00	09/04/20		
55112	334	NOLTE ASSOCIATES INC NV5	4,428.92	09/04/20		
55113	343	OPENGOV INC.	8,442.00	09/04/20		
55114	367	PG&E	247.26	09/04/20		
55115	372	PINNACLE BUILDING & DESIGN	1,000.00	09/04/20		
55116	373	PITNEY BOWES INC.	170.43	09/04/20		
55117	375	PLATINUM FACILITY SERVICES	2,451.57	09/04/20		
55118	403	RON RAMIES AUTOMOTIVE INC.	7,507.13	09/04/20		
55119	411	SAN MATEO LAWNMOWER	805.47	09/04/20		
55120	430	SHELTON ROOFING	1,000.00	09/04/20		
55121	431	SIERRA PACIFIC TURF SUPPLY INC	262.20	09/04/20		
55122	447	STAPLES CREDIT PLAN	235.58	09/04/20		
55123	468	THERMAL MECHANICAL INC	2,949.58	09/04/20		
55124	484	TYLER TECHNOLOGIES INC	3,742.03	09/04/20		
55125	486	VANCE BROWN INC.	5,000.00	09/04/20		
55126	489	VERIZON WIRELESS	393.59	09/04/20		
55127	505	WOODSIDE FIRE PROTECTION DISTR	33,079.31	09/04/20		
55128	529	GIRL SCOUTS-NO CA TROOP 62409	350.00	09/04/20		
55129	530	TRI-CITY ROOFING	1,000.00	09/04/20		
55130	531	BAIRD + DRISKELL	3,900.00	09/04/20		
55131	532	COUNTY OF SAN MATEO	4,144.00	09/04/20		
55132	533	SMCCMA	300.00	09/04/20		
55133	534	METROPOLITAN TRANS COMMISSION	1,500.00	09/04/20		

TOWN OF PORTOLA VALLEY
Warrant Disbursement Journal
August 26, 2020

Claims totaling \$248,278.80 having been duly examined by me and found to be correct are hereby approved and verified by me as due bills against the Town of Portola Valley.

Date _____

Jeremy Dennis, Treasurer

Motion having been duly made and seconded, the above claims are hereby approved and allowed for payment.

Signed and sealed this (Date) _____

Sharon Hanlon, Town Clerk


Mayor



TOWN OF PORTOLA VALLEY

STAFF REPORT

TO: Mayor and Members of the Town Council

FROM: Sharon Hanlon, Town Clerk 

DATE: September 9, 2020

RE: Update of Designated Positions and Disclosure Obligations in the Town's Conflict of Interest Code

RECOMMENDATION:

That the Town Council adopts the attached Resolution updating the designated position titles and disclosure obligations for the Town's conflict of interest code.

BACKGROUND:

The Political Reform Act ("Act") requires certain designated public officials, employees and consultants that make or participate in making governmental decisions to file statements of economic interests. The Act requires every agency to adopt a conflict of interest code and to review it every two years to determine if it is accurate or needs to be amended.

In the past, the designated position titles and disclosure obligations were included in the Town's Municipal Code and every two years an ordinance was adopted to update the Municipal Code. On June 24, 2015, the Town Council adopted Ordinance 2015-406, updating Title 2, which contains the Town's conflict of interest code, to incorporate the designated position titles and disclosure obligations by reference. Therefore, the designated position titles and disclosure obligations can now be updated by resolution.

The Town's list of designated position titles and disclosure obligations was last updated on December 12, 2018. Since that time, the position of Assistant Planner has been added. The current position is reflected in the attached resolution.

ATTACHMENT

1. Resolution Amending Local Conflict of Interest Policy

RESOLUTION NO. _____ -2020

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
OF PORTOLA VALLEY DESIGNATING PUBLIC
OFFICIALS AND EMPLOYEES AND THEIR DISCLOSURE
CATEGORIES FOR THE TOWN'S CONFLICT OF
INTEREST CODE**

WHEREAS, the Political Reform Act of 1974, Government Code section 87100 et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes and review those codes biennially; and

WHEREAS, the Town of Portola Valley ("Town") last updated its conflict of interest codes in December 2018; and

WHEREAS, on June 24, 2015, the Town Council adopted Ordinance 2015-406, amending Section 2.36.010 [Incorporation by reference] of Chapter 2.36 [Conflict of Interest] of Title 2 [Administration and Personnel] of the Portola Valley Municipal Code; and

WHEREAS, with the adoption of Ordinance 2015-406, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are incorporated by reference and, along with the resolution approved by the Town Council in which public officials and employees are designated and their disclosure categories identified, constitute the Conflict of Interest Code of the Town; and

WHEREAS, the Town now desires to adopt the resolution identifying the current position titles for public officials and their disclosure requirements.

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

**DESIGNATED POSITIONS
AND DISCLOSURE OBLIGATIONS**

DESIGNATED PUBLIC OFFICIALS

Member of Town Council
Member of the Planning Commission
Member of the Architectural and Site Control Committee
Town Manager
Town Attorney

**OTHER DESIGNATED EMPLOYEES, INCLUDING CONSULTANTS SERVING
IN THESE POSITIONS**

Assistant to Town Manager
Finance Director
Public Works Director
Planning and Building Director
Senior Planner
Associate Planner

DISCLOSURE CATEGORIES

Disclosure Category 1: Full Disclosure - All investments, business positions, interests in real property and sources of income, including gifts, loans and travel payments.

Disclosure Category 2: Limited Disclosure - The Town Manager may determine in writing that a particular consultant is required to provide Limited Disclosure. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The determination of the Town Manager is public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

REQUIRED DISCLOSURES FOR DESIGNATED POSITIONS

Designated Position	Disclosure Category
Member of Town Council	1
Member of the Planning Commission	1
Town Manager	1
Town Attorney	1
Member of the Architectural and Site Control Committee	1
Assistant to Town Manager	1
Finance Director	1
Public Works Director	1
Planning and Building Director	1
Senior Planner	1
Associate Planner	1
Assistant Planner	1
Town Engineer	1
Town Geologist	1
Consultant	2

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Portola Valley held on the 9thth day of September, 2020.

By: _____
Mayor

ATTEST:

Town Clerk

From: webmaster@portolavalley.net <webmaster@portolavalley.net>

Sent: Thursday, July 16, 2020 6:54 AM

Page 34

To: Town Center <TownCenter@portolavalley.net>

Subject: Portola Valley, CA: Committee Application - Trails / Nicholls

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

Form Name: Committee Application

Date & Time: 07/16/2020 6:53 AM

Response #: 98

Submitter ID: 5325

IP address:

Time to complete: 6 min. , 39 sec.

Survey Details

Page 1

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 shanlon@portolavalley.net.

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

(o) Trails & Paths

Applicant Information

Full Name Michael Nicolls
Email Address
Street Address Cherokee Way
City/Zip Portola Valley, CA 94028
Number of years in 10
Portola Valley
Cell Phone
Home Phone
Other Phone
Emergency Preparedness Not answered

Preferred Phone Contact Number

(o) 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.

We moved to Portola Valley because of the access to trails and open space areas, and it is one of the defining characteristics of the town. We use the trails on a daily basis. I am motivated to contribute to keeping the trails well maintained and accessible, and to promote their responsible use. As a home/land owner with trail easements on our property, I am aware of some of the issues that come up with our trail system. I would like to contribute with effective policies and decision making for our trail system.

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.

No

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.

There are no written materials for Presentation from Zonehaven Evacuation Planning Software

There are no written materials for Update to Race and Equity Conversation

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 – August 13, 2020

1. Agenda – Trails & Paths Committee – Tuesday, August 18, 2020
2. Agenda (Canceled) – Planning Commission – Wednesday, August 19, 2020
3. Western City Magazine – [August 2020](#)

Attached Separates (Council Only)

(placed in your town hall mailbox)

1. None



Special Videoconference Meeting via Zoom

SPECIAL VIDEOCONFERENCE MEETING AGENDA

Join Zoom Meeting:

<https://zoom.us/j/92844749318?pwd=cUdHb1N1amdXYnE3QTNxU25XSkxidz09>

Phone into Zoom Meeting:

1-669-900-6833

1-877-853-5247 Toll-free

Meeting ID: 928 4474 9318

Password: 806134

1. **Call to Order**
2. **Oral / Community Communications**
3. **Approval of Minutes:** July 21, 2020 Meeting
4. **Old Business**
 - a. **Trail Conditions, Work, and Budget, July 2020:** Howard - Update/Discussion
 - b. **Temporary Signs on Alpine and Hillbrook Trail:** Group – Discussion
 - c. **Reopening of Sequoia Trail:** Group – Discussion
 - d. **Replacement Signs on Shady Trail:** Gary - Discussion
5. **New Business**
 - a. **2021 Budget**
6. **Other Business**
7. **Adjournment**

Enclosures:

Minutes from July 21, 2020 meeting

Trail Work Map & Memo and Budget – July 2020



TOWN OF PORTOLA VALLEY
7:00 PM – Regular Meeting of the Planning Commission
Wednesday, August 19, 2020
Historic Schoolhouse
765 Portola Road, Portola Valley, CA 94028

NOTICE OF MEETING CANCELLATION

PORTOLA VALLEY PLANNING COMMISSION MEETING REGULARLY SCHEDULED FOR

Wednesday, August 19, 2020

Notice is hereby given that the Portola Valley Planning Commission meeting regularly scheduled for Wednesday, August 19, 2020 has been cancelled.

The next regular meeting of the Portola Valley Planning Commission is scheduled for Wednesday, September 2, 2020 at 7:00 PM.

TOWN COUNCIL WEEKLY DIGEST

Thursday – August 20, 2020

1. Agenda – Architectural & Site Control Commission – Monday, August 24, 2020
2. Agenda – Conservation Committee – Tuesday, August 25, 2020
3. Email from Kit O’Doherty, Director of Partners in Animal Care & Compassion (PACC) re Portola Valley’s participation in San Mateo County Control & Shelter Services Contract
4. Email from Mike Griffiths, Torrance Councilmember re Support for California Cities for Local Control

Attached Separates (Council Only)
(placed in your town hall mailbox)

1. None



TOWN OF PORTOLA VALLEY

4:00 PM – Architectural Site Control Commission Meeting
Monday, August 24, 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.

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

Join Zoom Meeting Online:

Please select this link to join the meeting: <https://zoom.us/j/91787277815>

Or: Go to Zoom.com – Click Join a Meeting – Enter the Meeting ID

Meeting ID: 917 8727 7815

Or Telephone:

1.669.900.6833

1.888.788.0099 (toll-free) Enter same Meeting ID

Remote Public Comments: Meeting participants are encouraged to submit public comments in writing in advance of the meeting. Please send an email to Dylan Parker, Assistant Planner at dparker@portolavalley.net by 12:00 PM on the day of the meeting. All received questions and comments will be read by staff and will be included in the public record.

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 using the "raise your hand" feature when the Chair calls for them.

4:00 PM - CALL TO ORDER

ORAL COMMUNICATIONS

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

NEW BUSINESS

1. Architectural Review of an Application for Fence Replacement in Required Creek Setback at 838 Portola Road, File # PLN_ARCH 0007-2020. (J. Garcia)
2. Architectural and Site Development review of an application for a new residence with basement and pool, 138 Goya Road, Aruna Gambhir, File #PLN_ARCH04-2020 (D.Parker)

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

3. Commission Reports
4. Staff Report
5. News Digest: Planning Issues of the Day

APPROVAL OF MINUTES

6. ASCC Meeting of July 13, 2020

ADJOURNMENT

AVAILABILITY OF INFORMATION

For more information on the projects to be considered by the ASCC at the Special Field and Regular meetings, as well as the scope of reviews and actions tentatively anticipated, please contact Carol Borck in the Planning Department at Portola Valley Town Hall, 650-851-1700 ex. 211. Further, the start times for other than the first Special Field meeting are tentative and dependent on the actual time needed for the preceding Special Field meeting.

Any writing or documents provided to a majority of the Town Council or Commissions regarding any item on this agenda will be made available for public inspection at Town Hall located 765 Portola Road, Portola Valley, CA during normal business hours. Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall.

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 Planning Department 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.

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 Architectural and Site Control Commission at, or prior to, the Public Hearing(s).



**TOWN OF PORTOLA VALLEY
Special Conservation Committee
Virtual Meeting
Tuesday, August 25, 2020 – 1:00 PM**

Special Videoconference Meeting via Zoom

SPECIAL VIDEOCONFERENCE MEETING AGENDA

To access the meeting by computer, click on the link below:

<https://zoom.us/j/92055677963?pwd=eFJTWWhoYUY5ckpHOWZWY2dOM212dz09>

To access the meeting by phone, dial:

1-699-900-6833

1-877-853-5247 (toll-free)

Meeting ID: 920 5567 7963

Password: 148240

SPECIAL MEETING AGENDA

1. Call to Order
2. Zoom instructions – Raise hand to speak, unmute when called on.
3. Oral Communications
4. Approval of Minutes for July 28, 2020
5. Site Permits
6. Old Business
 - a. Oversight of Significant Town Owned Properties.
 - I. Spring Down
 - II. Town Center
 - III. Frog Pond
 - IV. Triangle Park
 - V. Ford Field
 - VI. Rossotti Field
 - b. Committee/Town Cooperation
 - I. Public Works - Murphy
 - II. Sustainability Committee - Murphy
 - III. Trails - Stromeyer
 - IV. Open Space - Chiariello
 - c. Label trees at Town Center
 - d. Tip of the Month - Magill
 - e. What's blooming now – Magill
 - f. Kudos
 - g. What are our Singing Frogs doing now? Murphy, Kawaja, Heiple Seasonal, not monthly
 - h. Changes heritage shrubs – in Planning hands
 - i. Predators / Rodenticides – Chiariello, Kawaja, Plunder
7. New Business
8. Adjournment
9. Next meeting: Tuesday, September 22, 1:00 pm via Zoom

From: Kit O'Doherty <kitodoherty@gmail.com>
Sent: Sunday, August 16, 2020 5:22 PM
To: Town Center <TownCenter@portolavalley.net>
Cc: Chris Guio <cguio1@yahoo.com>
Subject: Informing Portola Valley's Participation in the San Mateo County Animal Control & Shelter Services Contract

Hello Mr. Dennis,

I am writing on behalf of Partners in Animal Care & Compassion (PACC) with regard to Portola Valley's participation in the San Mateo County Control & Shelter Services contract. As you are likely aware, the county has not put this contract out to bid since 1952! While the attached letter outlines the most obvious reason why continuously extending the current contract is not a good idea, namely that it is illegal, additionally, there is a long and growing list of concerns with the current provider. Because Peninsula Humane Society has had a lock on the contract for 69 years, there has been no motivation to keep up with the times and address serious problems, including the following, among others:

- The use of outdated and invalid animal behavior evaluations resulting in regular and needless euthanasia (see numerous references [here](#))
- Antiquated policies and practices related to dogs and cats in our county's care ([PACC Recommendations](#))
- Irrefutable evidence of breed discrimination resulting in premature death for certain dogs ([Animal Records - Breed Discrimination](#))
- Animals isolated in kennels far longer than is healthy or necessary (both for lack of volunteers at the Coyote Point shelter and refusal to adopt modern, scaled strategies for exercise and/behavioral enrichment)
- Irrefutable proof of manipulating the numbers to reflect better outcomes ([Owner Surrenders recorded as Owner Requests for Euthanasia](#))
- Dissemination of false information - including telling the public that dogs were in foster homes when they were actually sitting in cages at the Coyote Point shelter
- Exorbitant executive salaries... while other critical salaries are far below the norm ([Sept 2019 PACC salary survey](#))
- Turning away foster homes during COVID-19 resulting in animals isolated in kennels when they could be in homes - while most other shelters scrambled to move unprecedented numbers of animals into foster homes during sheltering-in place (examples available [here](#))

As a contributing town, Portola Valley has the negotiating power to insist that the county issue an RFP in time for FY 21-22 in hopes of changing the culture of the current provider from one of entitlement to one of public service.

PACC has been encouraging reputable organizations to consider applying when the contract is open for bid. Unfortunately, those efforts are being undermined by the appearance of fraud and certainly favoritism related to this contract. Most do not believe the county is open to a new provider, a belief that is hard to counter given the circumstances. PACC plans to apply, just as we continue to urge others to. Our main interests are forcing the current provider to compete as a mechanism for holding them more accountable; opening up choices for the county and its contributing cities and towns; and bringing animal control & sheltering practices in our county, into the modern era.

Thank you for your consideration of this information. We will follow up to answer any questions you might have.

Kit O'Doherty
Director, Partners in Animal Care & Compassion (PACC)
O: (650) 560-9798 | C: (650) 274-5236
kitodoherty@gmail.com | partnersinanimalcare.com



Jennifer L. Dauer
T: 916-492-5073
F: 916-446-2640
jdauer@diepenbrock.com
www.diepenbrock.com

May 14, 2020

Via Email: wslocum@smcgov; dcanepa@smcgov; dpine@smcgov;
cgroom@smcgov; and dhorsley@smcgov

Board of Supervisors
San Mateo County
Hall of Justice
400 County Center
Redwood City, CA 94063-1662

Re: Request for Proposals For Animal Control Services

Dear Mr. Slocum and Board Members:

I am writing on behalf of my client, Partners in Animal Care and Compassion (“Partners”), regarding the failure of San Mateo County (“County”) to conduct a competitive procurement for animal control services, as recommended by a 2017 Grand Jury report (“Report”) and as the County committed to do in response to that Report. This is to request that the County immediately issue the Request for Proposals (“RFP”) for animal control services that it committed to prepare and issue in 2019, and that it extend the existing contract only to the extent necessary to allow the competitive process to be completed and any new contractor to transition the work.

As the Report found, the County has not conducted a request for proposals for animal control services, allowing Peninsula Humane Society & SPCA (“PHS”) to be the sole vendor since 1952—nearly 70 years! The County agreed with that finding. The Report identified material concerns with PHS’ performance, including failure to meet reporting obligations and concerns about maintenance of the facility, and recommended that:

The County shall issue a request for proposals or a request for qualifications for animal control services in preparation for the end of the existing agreement term (July 2020) in an effort to bring transparency and competitive bidding to the process.

Report at 10 (Recommendation 1). The County Manager’s response to the Report for the September 26, 2017 Board of Supervisors meeting (“Response”) stated, with respect to Recommendation 1, that

The recommendation will be implemented. The current animal control contract expires June 2020. During 2019 an RFP will be developed in concert with the Cities and issued to allow for competitive bidding for the Animal Control and Care contract.

Warren Slocum and Board of Supervisors
May 14, 2020
Page 2

Response at 2 of 4. Partners has been in regular contact with the County Supervisors about the promised RFP, notifying the Board that Partners has been soliciting interest from other potential contractors in bidding. Partners has been told at various times that the RFP would be issued in January 2019, March 2019, and finally September 2019. However, as of May 2020, the County has not issued that RFP.

San Mateo County Code (“Code”) section 6.04.020 provides that the County has the authority to “contract for animal control services to be performed County wide.” The County has not adopted contracting procedures for services, either for animal control or generally, so the County simply must act reasonably. The Legislature has found that competitive procurements “protect[] the public from misuse of public funds,” “provide all qualified bidders with a fair opportunity to enter the bidding process,” and help to “eliminate favoritism, fraud, and corruption in the awarding of public contracts.” Pub. Cont. Code § 100. Caselaw warns against even the appearance of favoritism in public contracting. See, e.g., *Schram Const., Inc. v. Regents of the Univ. of Cal.*, 187 Cal. App. 4th 1040, 1059 (2010) (noting that even the appearance of favoritism undermines the “integrity of the bidding process”). The County conducts competitive bidding for its public works contracts, and has acknowledged the need to issue an RFP for the animal control services. As implied by the Report, a sole source contract for more than 60 years is not reasonable; unnecessarily extending that sole source contract also cannot be considered reasonable.

Notwithstanding that the County acknowledged that the animal control contract must be bid, the County has not issued the promised RFP. Partners understands the 2019 delay while Citygate audited the current contract to make recommendations on the new contract. Although the Citygate contract was through March 2019, the report was not provided until December 2019. However, even if the County was waiting for that report to revise the contract and issue the RFP, nothing prevented the County from issuing the RFP in January 2020, which would have allowed sufficient time to select the new contractor before the existing PHS contract expires on June 30, 2020.

The construction of the new facility also does not excuse the delay in issuing the RFP. On February 28, 2017 the Board approved a design-build agreement to construct the new animal shelter, which was to be complete **over a year ago**, by the end of March 2019. In early December 2018, the budget for that shelter construction was increased, presumably with some increase in time for design changes although no time extension was mentioned in the Board resolution. The budget was again increased in February 2020, apparently largely to compensate for changed conditions and previously-directed changes. The County website reflects that the “final completion date for Phase 2 is scheduled for June 2020.” <https://cmo.smcgov.org/animal-shelter-updates>.

The new facility is expected to be complete in June 2020. The County’s consultant provided comments in December 2019 to revise the contract for use in the competitive procurement. No rational reason exists not to have issued the RFP so that the new contractor could begin operations when the new facility opens.

Warren Slocum and Board of Supervisors
May 14, 2020
Page 3

However, Partners has been informed that the County intends to grant PHS **yet another** year on its lengthy series of sole source contracts at exactly the time that a new contractor should be given the opportunity to assume operations—upon opening the new shelter. The County intends to do so notwithstanding that it has been informed that other entities are interested in submitting proposals in a competitive procurement to operate the shelter. Such an unnecessary extension gives the appearance of favoritism and providing a competitive advantage to the longstanding vendor.

Finally, the current contract with PHS purportedly was awarded under Government Code section 31000. However, animal control services are not the types of “expert,” special services included within section 31000, *i.e.*, “financial, economic, accounting (including the preparation and issuance of payroll checks or warrants), engineering, legal, medical, therapeutic, administrative, architectural, airport or building security matters, laundry services or linen services.” See 76 Ops. Cal. Att’y Gen. 86 (1993) at *3 (recognizing that section 31000 does not “suggest[] that a county may contract for services without regard to the ‘special services’ limitation”). Section 31000 does not authorize the County to contract for the services for which it contracted with PHS. Moreover, even if it applied, section 31000 does not exempt the County from reasonable competitive procurement methods acknowledged as necessary and appropriate.

For the reasons reflected in this letter, in the interest of fair, neutral, and transparent expenditure of public funds, Partners strongly urges the County Board of Supervisors to direct staff to immediately issue an RFP, and, if any extension is necessary on PHS’ current contract, to limit that extension to only the time necessary to complete the competitive procurement for the new service provider.

Thank you for your attention to this matter.

Very truly yours,

DIEPENBROCK ELKIN
DAUER MCCANDLESS LLP



Jennifer L. Dauer

JLD/mj

cc: Kit O’Doherty (via email)
Mike Callagy, County Manager (mcallagy@smcgov)

From: Torrance Councilmember, Mike Griffiths
To: [Town Center](#)
Subject: The Death of Local Control ?
Date: Wednesday, August 19, 2020 2:14:45 AM
Attachments: [Our Mission Statement.pdf](#)
[2020-79 State Housing Legislation.pdf](#)



Attention Fellow City Leader:

Are you tired of the continuing attempts by our State to take over the decision-making that was once **our** responsibility?

Do you agree that local leaders know better how to manage their Cities than State legislators?

We are rapidly losing the **local control** that the State Constitution intended Cities to have, and this is why and how we have organized to fight back.

Like many other local leaders with whom I have spoken, **I have had enough!** While individual Cities can't fight this takeover alone, we believe we'd have far greater power and leverage by joining with one another. Through the efforts of a team of volunteers, we are reaching out to all the Elected Officials in all the Cities in California to join a coalition we call "**California Cities for Local Control**".

Please join us NOW! If you want to fight these attacks on OUR local control:

1. Reply to this email by stating "**YES, I add my name to the fight for Local Control**".
2. **Pass a Resolution** stating your strong support for retaining local control of your community (see below). Join the rapidly growing list of Cities who have already!
3. Email me back a copy of the signed resolution once passed.

TOGETHER, we can make a difference. There is no cost to join with us. We want your

name on our list and your approved resolution to present to our State Legislators and other groups to let them know the scope of our disapproval. Please continue to oppose the individual bills that you feel go too far, and let your local State representatives know. But UNITE with us TODAY!

Attached is a copy of the *California Cities For Local Control* Mission Statement, as well as the Resolution For Local Control from the City of Torrance, which you may use as a template and modify as you see fit.

Thank you for your consideration for helping to bring self-determination back to our Cities. As our coalition continues to grow, we will communicate further.

Mike Griffiths
Councilmember
City of Torrance

Mission Statement
California Citizens FOR Local Control
Volunteer Organization

Our mission is to spread awareness and enlist support to ensure that Cities can continue to manage their own land use and zoning issues. We must not allow the State Legislature to mandate changes to our Cities that will remove local control and be detrimental to our communities.

We do this by reaching out to California City Elected Officials to educate and enlist them to our cause. Our activities include, but are not limited to, signing onto petitions, having Cities pass resolutions in support of our efforts, and seeking out allies for possible legal action against the State and/or to promote efforts for a ballot initiative to legislate the desired results.

With this alliance of City Elected Officials working together as one, we stand a better chance of having our message resonate loud and clear to all groups that proclaim to support us.

WE WILL NOT STAND FOR THIS LOSS OF LOCAL CONTROL AND UNFUNDED MANDATES being imposed upon us by our State.

RESOLUTION NO. 2020-79

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, EXPRESSING OPPOSITION TO PROPOSED HOUSING LEGISLATION AND EXPRESSING SUPPORT FOR ACTIONS TO FURTHER STRENGTHEN LOCAL DEMOCRACY, AUTHORITY AND CONTROL

WHEREAS, the legislature of the State of California, has proposed a number of bills addressing a range of housing issues; and

WHEREAS, the majority of these bills usurp the authority of local jurisdictions to determine for themselves the land use policies and practices that best suit their cities and residents and instead impose mandates that do not take into account the needs and differences of jurisdictions throughout the State, as well as imposing unfunded mandates on jurisdictions for actions that are not in their best interests; and

WHEREAS, for example, the ability of jurisdictions to determine for themselves which projects require review beyond a ministerial approval, what parking requirements are appropriate for various locales within their jurisdiction, what plans and programs are suitable and practical for each community rather than having these decisions imposed upon cities without regard to the circumstances of each individual city is a matter of great import to the City of Torrance, and

WHEREAS, the City Council of the City of Torrance feels strongly that our local government is best able to assess the needs of our community and objects to the proliferation of State legislation that deprives us of that ability;

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF TORRANCE HEREBY:

Registers its strong opposition to the following pieces of State legislation that usurp local control and impose unfunded mandates:

- AB 831 (Grayson) – Planning and zoning: housing: development application modifications.
- AB 953 (Ting) – Land use: accessory dwelling units.
- AB 1279 (Bloom) - Housing Developments. High Resource Areas.
- AB 2323 (Friedman) – California Environmental Quality Act Exemptions.
- AB 2405 (Burke) – Right to safe, decent, and affordable housing.
- AB 3153 (Rivas, Robert) Parking and zoning: bicycle and car-share parking credits.
- AB 3269 (Chui) State and local agencies: homelessness plan.
- SB 288 (Wiener) California Environmental Quality Act: exemptions.
- SB 899 (Weiner) Planning and zoning: housing development: higher education institutions and religious institutions.
- AB 725 (Wicks) General Plans: housing element: moderate-income and above moderate-income housing: suburban and metropolitan jurisdictions.
- AB 1851 (Wicks) Religious institution affiliated housing development projects: parking requirements.
- AB 2168 (McCarty) Planning and zoning: electric vehicle charging stations: permit application: approval.

- AB 2345 (Gonzalez) Planning and zoning: density bonuses: annual report: affordable housing.
- AB 2988 (Chu) Planning and zoning: supportive housing: number of units: emergency shelter zones.
- AB 3107 (Bloom) Planning and zoning: General Plan: housing development.
- SB 902 (Weiner) Planning and zoning: housing development: zoning.
- SB 995 (Atkins) Environmental Quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2011: housing projects.
- SB 1085 (Skinner) Density Bonus Law: qualifications for incentives or concessions: student housing for lower income students: moderate-income persons and families: local government constraints.
- SB 1120 (Atkins) Subdivisions: tentative maps.
- SB 1138 (Weiner) Housing Element: emergency shelters: rezoning of sites; and,

Registers its equally strong opposition to the current practice of the State legislature of proposing and passing multitudes of bills that directly impact and interfere with the ability of Cities to control their own destiny through use of the zoning authority that has been granted to them; and

Declares that, should the State continue to pass legislation that attacks local municipal authority, control and revenue, the City of Torrance will support actions such as a ballot measure that would limit the State ability to control local activities and strengthen local democracy and authority.

INTRODUCED, APPROVED, and ADOPTED this 21st day of July, 2020.

Mayor Patrick J. Furey

APPROVED AS TO FORM:
PATRICK Q. SULLIVAN, City Attorney

ATTEST:

Tatia Y. Strader, Assistant City Attorney

Rebecca Poirier, MMC, City Clerk

TORRANCE CITY COUNCIL RESOLUTION NO. 2020-79

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF TORRANCE)

I, Rebecca Poirier, City Clerk of the City of Torrance, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Torrance at a regular meeting of said Council held on the 21st day of July, 2020 by the following roll call vote:

AYES: COUNCILMEMBERS Ashcraft, Chen, Goodrich, Griffiths, Kalani, Mattucci, and Mayor Furey.

NOES: COUNCILMEMBERS None.

ABSTAIN: COUNCILMEMBERS None.

ABSENT: COUNCILMEMBERS None.

Date: _____

Rebecca Poirier, MMC
City Clerk of the City of Torrance

TOWN COUNCIL WEEKLY DIGEST

Thursday – August 27, 2020

1. Agenda – Bicycle, Pedestrian & Traffic Safety Committee – Wednesday, September 2, 2020
2. Agenda (Canceled) – Planning Commission – Wednesday, September 2, 2020
3. Agenda – Emergency Preparedness Committee – Thursday, September 3, 2020
4. Conference Announcement – Resolution Packet for League of California Cities' 2020 Virtual Annual Conference, October 7 - 9, 2020

Attached Separates (Council Only)
(placed in your town hall mailbox)

1. None



TOWN OF PORTOLA VALLEY
Special Bicycle, Pedestrian and Traffic
Safety Committee Meeting
Wednesday, September 2, 2020 – 8:15 AM

Zoom Teleconference

SPECIAL VIDEOCONFERENCE MEETING AGENDA

Join Zoom Video Meeting:

<https://zoom.us/j/97975239970?pwd=MIVJcWg1T2pQTW1nNnN5QjNpVWZTQT09>

Phone into Zoom Meeting:

1-669-900-6833

1-877-853-5247 (toll-free)

Meeting ID:

979 7523 9970

Password:

135808

SPECIAL MEETING AGENDA

1. Call to Order / Roll Call
2. Oral Communications - Resident and Committee Open Comments
3. Review/Approve of the Minutes from the August 5, 2020 meeting
4. Special Meeting Discussion: Day Visitor Overflow Parking Associated with MROSD and Town Trails
 - a. Issues noted at Willowbrook & Alpine Roads
 - b. The issues noted at Portola Road and nearby streets
 - c. Influencing factors, short and long term. Potential measures.
 - d. Outline BPTS and Town Next steps
5. Sheriff's report:
 - a. Accidents and Citations
 - b. Request for Monitoring:
 - i. Speeding
 - ii. Stop sign violations
6. Public Works Update:
7. Ongoing Committee Business
 - a. Outreach to forum for PV residents
8. Matters Arising
9. Next meeting scheduled: October 7, 2020. Default time 8:15 AM, Via Zoom
10. Adjournment



TOWN OF PORTOLA VALLEY
7:00 PM – Regular Meeting of the Planning Commission
Wednesday, September 2, 2020
Historic Schoolhouse
765 Portola Road, Portola Valley, CA 94028

NOTICE OF MEETING CANCELLATION

**PORTOLA VALLEY PLANNING COMMISSION MEETING
REGULARLY SCHEDULED FOR**

Wednesday, September 2, 2020

Notice is hereby given that the Portola Valley Planning Commission meeting regularly scheduled for Wednesday, September 2, 2020 has been cancelled.

The next regular meeting of the Portola Valley Planning Commission is scheduled for Wednesday, September 16, 2020 at 7:00 PM.



TOWN OF PORTOLA VALLEY
Special Meeting of the
Emergency Preparedness Committee
Thursday, September 3, 2020 - 8:00 AM

Via Zoom Videoconference

SPECIAL VIDEOCONFERENCE MEETING AGENDA

Join Zoom Video Meeting:

<https://zoom.us/j/94701416640?pwd=NnRxUEZaa1NXVpGbXlsK3lWeVN5dz09>

Phone into Zoom Meeting:

1-669-900-6833

1-877-853-5247 (toll-free)

Meeting ID: 947 0141 6640

Password: 839803

Agenda

1. 8:00 Call to Order
 - a. Members: Mark Bercow, Lorrie Duval, Dave Howes, Dale Pfau, Chris Raanes, Ray Rothrock, Jerry Shefren, Craig Taylor, Bud Trapp.
2. 8:01 Introductions
 - a. All committee members to identify themselves including one or two word descriptor of role,
 - b. All guests, same format
3. 8:05 Oral Communications
 - a. Note: issues brought up under Oral Communications that are not on the agenda will be limited to 5 minutes
4. 8:10 Approval of the Minutes of August 6, 2020
5. 8:15 CERPP/WFPD Report (Linder/Brown)
 - a. CZU fire status and report
 - b. General report
6. 8:30 Town Report (de Garreaux)
7. 8:40 Committee Reports
 - a. Medical Subcommittee (Shefren)
 - b. Communications Subcommittee (Rothrock)
 - c. Outreach Subcommittee (Duval)
 - d. CERT/Town/Woodside Integration Subcommittee (Raanes)

8. 8:55 Next Meeting is Oct. 1, 2020
 - a. Identify any specific agenda items
 - b. Quorum check
9. 9:00 Adjourn

Mon 8/24/2020 3:44 PM

From: City_clerks <city_clerks-bounces@lists.cacities.org>; on behalf of; Meghan McKelvey <mmckelvey@cacities.org>

RE: 2020 Annual Conference Resolution Packet

TO: mayors_and_council@lists.cacities.org; city_managers@lists.cacities.org; City Clerk Listserve <city_clerks@lists.cacities.org>

August 24, 2020

To: Mayors, City Managers and City Clerks

From: Melanie Perron, Deputy Executive Director, Advocacy and Public Affairs

Re: League's 2020 Annual Conference Resolution Packet

Please find an enclosed copy of the 2020 Resolution Packet for the League of California Cities' 2020 Annual Conference and Expo being held virtually October 7 – 9. The conference announcement has been sent to all cities and we hope that you and your colleagues will be able to join us. More information about the conference is available on the League's Web site at www.cacities.org.

One resolution has been submitted for consideration. The attached packet contains the proposed resolution, background materials supplied by the sponsors, supporting letters from cities and city officials, and the League's staff analysis for the resolution. The packet also includes detailed information on the League's resolution process. A copy of the resolution packet is posted on the League's website for your convenience:

Voting Delegates: In order to vote during the General Assembly, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event your designated voting delegate is unable to serve in that capacity. If your city has not already done so, *please complete the Voting Delegate form and return it to the League's office no later than Wednesday, September 30.* This will allow us time to establish voting delegate/alternate records prior to the conference. The General Assembly will be held virtually on Friday, October 9 at 11:00 a.m. (subject to change).

We encourage each city council to consider the resolution and to determine a city position so that your voting delegate can represent your city's position on the resolution. Should you have any questions regarding the attached material, please contact Meg Desmond at mdesmond@cacities.org or by phone at 916-837-6822.

Meg Desmond

Legislative and Policy Development Specialist
League of California Cities



***Annual Conference
Resolutions Packet***

2020 Annual Conference Resolutions



October 7 – 9, 2020

INFORMATION AND PROCEDURES

RESOLUTIONS CONTAINED IN THIS PACKET: The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, one resolution has been introduced for consideration at the Annual Conference and referred to League policy committees.

POLICY COMMITTEES: Two policy committees will meet virtually at the Annual Conference to consider and take action on the resolution referred to them. The committees are: Governance, Transparency & Labor Relations and Public Safety. These committees will meet virtually on Tuesday, September 29, with the Governance, Transparency and Labor Relations Policy Committee meeting from 9:30 – 11:30 a.m. and the Public Safety Policy Committee meeting from 1:00 – 3:00 p.m. The sponsor of the resolution has been notified of the time and location of the meeting.

GENERAL RESOLUTIONS COMMITTEE: This committee will meet virtually at 1:00 p.m. on Thursday, October 8, to consider the reports of the policy committees regarding the resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president.

GENERAL ASSEMBLY: This meeting will be held virtually at 11:00 a.m. on Friday, October 9.

PETITIONED RESOLUTIONS: For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Meeting of the General Assembly. This year, that deadline is 12:30 p.m., Thursday, October 8.

Any questions concerning the resolutions procedures may be directed to Meg Desmond at the League office: mdesmond@cacities.org or (916) 658-8224

GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League's seven standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

Guidelines for Annual Conference Resolutions

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.
2. The issue is not of a purely local or regional concern.
3. The recommended policy should not simply restate existing League policy.
4. The resolution should be directed at achieving one of the following objectives:
 - (a) Focus public or media attention on an issue of major importance to cities.
 - (b) Establish a new direction for League policy by establishing general principals around which more detailed policies may be developed by policy committees and the board of directors.
 - (c) Consider important issues not adequately addressed by the policy committees and board of directors.
 - (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3

1 - Policy Committee Recommendation to General Resolutions Committee
2 - General Resolutions Committee
3 - General Assembly

GOVERNANCE, TRANSPARENCY & LABOR RELATIONS POLICY COMMITTEE

		1	2	3
1	Amendment to Section 230 of The Communications Decency Act of 1996			

PUBLIC SAFETY POLICY COMMITTEE

		1	2	3
1	Amendment to Section 230 of The Communications Decency Act of 1996			

KEY TO ACTIONS TAKEN ON RESOLUTIONS (Continued)

Resolutions have been grouped by policy committees to which they have been assigned.

KEY TO REVIEWING BODIES

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

KEY TO ACTIONS TAKEN

- | | |
|---|---|
| A | Approve |
| D | Disapprove |
| N | No Action |
| R | Refer to appropriate policy committee for study |

ACTION FOOTNOTES

* Subject matter covered in another resolution

a Amend+

Aa Approve as amended+

** Existing League policy

Aaa Approve with additional amendment(s)+

*** Local authority presently exists

Ra Refer as amended to appropriate policy committee for study+

Raa Additional amendments and refer+

Da Amend (for clarity or brevity) and Disapprove+

Na Amend (for clarity or brevity) and take No Action+

W Withdrawn by Sponsor

Procedural Note:

The League of California Cities resolution process at the Annual Conference is guided by the League Bylaws. A helpful explanation of this process can be found on the League's website by clicking on this link: [Resolution Process](#).

1. A RESOLUTION OF THE GENERAL ASSEMBLY OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR AN AMENDMENT OF SECTION 230 OF THE COMMUNICATIONS DECENCY ACT OF 1996 TO REQUIRE SOCIAL MEDIA COMPANIES TO REMOVE MATERIALS WHICH PROMOTE CRIMINAL ACTIVITIES

Source: City of Cerritos

Concurrence of five or more cities/city officials

Cities: City of Hawaiian Gardens, City of Lakewood, City of Ontario, City of Rancho Cucamonga, City of Roseville

Referred to: Governance, Transparency and Labor Relations and Public Safety Policy Committees

WHEREAS, local law enforcement agencies seek to protect their communities' residents, businesses, and property owners from crime; and

WHEREAS, increasingly, criminals use social media platforms to post notices of places, dates and times for their followers to meet to commit crimes; and

WHEREAS, Section 230 of the Communications Decency Act of 1996 currently provides online platforms (including social media platforms) immunity from civil liability based on third-party content and for the removal of content; and

WHEREAS, in the 25 years since Section 230's enactment, online platforms no longer function simply as forums for the posting of third-party content but rather use sophisticated algorithms to promote content and to connect users; and

WHEREAS, the United States Department of Justice, in its June 2020 report, "Section 230 — Nurturing Innovation or Fostering Unaccountability?," concluded the expansive interpretation courts have given Section 230 has left online platforms immune from a wide array of illicit activity on their services, with little transparency or accountability, noting it "makes little sense" to immunize from civil liability an online platform that purposefully facilitates or solicits third-party content or activity that violates federal criminal law; and

WHEREAS, current court precedent interpreting Section 230 also precludes state and local jurisdictions from enforcing criminal laws against such online platforms that, while not actually performing unlawful activities, facilitate them; and

WHEREAS, amendment of Section 230 is necessary to clarify that online platforms are not immune from civil liability for promoting criminal activities; and

NOW, THEREFORE, BE IT RESOLVED at the League General Assembly, assembled at the League Annual Conference on October 9, 2020 in Long Beach, California, that the League calls upon the U.S. Congress to amend Section 230 of the Communications Decency Act of 1996 to condition immunity from civil liability on the following:

1. Online platforms must establish and implement a reasonable program to identify and take down content which solicits criminal activity; and
2. Online platforms must provide to law enforcement information which will assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity; and
3. An online platform that willfully or negligently fails in either of these duties is not immune from enforcement of state and local laws which impose criminal or civil liability for such failure.

Background Information to Resolution

Source: City of Cerritos

Background:

Social media platforms are now used as a primary means of communication, including by criminals who use them to advertise locations, dates, and times where the criminal acts will take place. Such communications, because they occur online, render the online platform immune from any civil liability for the costs incurred by law enforcement agencies that respond under Section 230 of the Communications Decency Act of 1996. Immunity from civil liability extends even to injunctive relief, thus preventing local governments from merely seeking an injunction against the online platform to have such a post removed.

The City of Cerritos supports the rights of free speech and assembly guaranteed under the First Amendment, but believes cities should have the ability to hold social media companies liable for their role in promoting criminal acts. Recently, the City suffered thousands of dollars in damages to respond to online threats that the Cerritos Mall would be looted. Anonymous posts on Instagram.com invited followers to “work together to loot Cerritos [M]all” only several days after the Lakewood Mall had been looted, causing thousands of dollars in damages. The posts were made under the names “cerritosmalllooting” and “cantstopusall,” among others. The City of Cerritos had no choice but to initiate response to protect the Mall and the public from this credible threat.

At the same time local governments face historic shortfalls owing to the economic effects of COVID-19, the nation’s social media platforms are seeing a record rise in profits. The broad immunity provided by Section 230 is completely untenable. Online platforms should be held responsible—and liable—for the direct harm they facilitate. Local governments are in no position to bear the costs of the crimes facilitated by these companies alone.

Congress is currently reviewing antitrust legislation and by extension, Section 230’s immunity provisions. The League urges Congress to amend Section 230 to limit the immunity provided to online platforms when they promote criminal activity to provide local governments some measurable form of relief.

League of California Cities Staff Analysis on Resolution No. 1

Staff: Charles Harvey, Legislative Representative
 Bijan Mehryar, Legislative Representative
 Caroline Cirrincione, Policy Analyst
 Johnnie Piña, Policy Analyst

Committees: Governance, Transparency and Labor Relations
 Public Safety

Summary:

This resolution states that the League of California Cities should urge Congress to amend Section 230 of the federal Communications Decency Act of 1996 (CDA) to limit the immunity provided to online platforms where their forums enable criminal activity to be promoted.

Ultimately, the policy objectives proposed under this resolution, if enacted, would incentivize social media companies to establish and implement a reasonable program to identify and remove content that solicits criminal activity.

Background:

The City of Cerritos is sponsoring this resolution in reaction to events whereby persons, using social media platforms to coordinate locations, dates, and times for their planned criminal activity, have committed acts of looting and vandalism resulting in both actual economic harm for targeted businesses, and pecuniary loss to cities who used resources to prevent such acts from occurring when such plans are discovered.

For example, just days after the Lakewood Mall had been looted, the City of Cerritos uncovered online communications via social media that persons were planning to target the nearby Cerritos Mall. Consequently, the city felt compelled to undertake measures to protect the Cerritos Mall, costing the city thousands of dollars to guard against what officials believed to be a credible threat.

Staff Comments:

Overview:

While there is certainly an argument to substantiate concerns around censorship, the use of social media as a tool for organizing violence is equally disturbing.

Throughout much of the 2020 Summer, there have been many reports of looting happening across the country during what were otherwise mostly peaceful demonstrations. Combined with the speculation of who is really behind the looting and why, the mayhem has usurped the message of peaceful protestors, causing a great deal of property damage in the process. Likewise, these criminal actions have upended the livelihood of some small business owners, many of whom were already reeling in the wake of the COVID-19 pandemic.

While social media allows people to connect in real time with others all over the world, organized illegal activity using social media is made easier by the anonymous nature of virtual interactions.

Nation's Reaction to the Murder of George Floyd:

Shortly after the senseless killing of George Floyd by law enforcement on May 26, 2020, civil unrest began as local protests in the Minneapolis–Saint Paul metropolitan area of Minnesota before quickly spreading nationwide to more than 2,000 cities and towns across the United States, and in approximately 60 countries in support of the Black Lives Matter movement. Protests unfolded across the country throughout the entire month of June and into July, and persisted in a handful of cities such as Portland and Seattle into the month of August.

Although the majority of protests were peaceful, some demonstrations in cities escalated into riots, looting, and street skirmishes with police. While much of the nation's focus has been on addressing police misconduct, police brutality, and systemic racism, some have used demonstrators' peaceful protests on these topics as opportunities to loot and/or vandalize businesses, almost exclusively under the guise of the "Black Lives Matter" movement. It has been uncovered that these "flash robs"¹ were coordinated through the use of social media. The spontaneity and speed of the attacks enabled by social media make it challenging for the police to stop these criminal events as they are occurring, let alone prevent them from commencing altogether.

As these events started occurring across the country, investigators quickly began combing through Facebook, Twitter, and Instagram seeking to identify potentially violent extremists, looters, and vandals and finding ways to charge them after — and in some cases before — they sow chaos. While this technique has alarmed civil liberties advocates, who argue the strategy could negatively impact online speech, law enforcement officials claim it aligns with investigation strategies employed in the past.

Section 230 and other Constitutional Concerns

At its core, Section 230(c)(1) of the CDA provides immunity from liability for providers and users of an "interactive computer service" who publish information provided by third-party users. Essentially, this protects websites from lawsuits if a user posts something illegal, although there are exceptions for copyright violations, sex work-related material, and violations of federal criminal law.

Protections from Section 230 have come under more recent scrutiny on issues related to hate speech and ideological biases in relation to the influence technology companies can hold on political discussions.

Setting aside Section 230, there are some potential constitutional issues one could raise, should there be an attempt to implement such a resolution into statute.

¹ The "flash robs" phenomenon—where social media is used to organize groups of teens and young adults to quickly ransack and loot various retail stores—began to occur sporadically throughout the United States over the past ten years.

In the United States, the First Amendment prohibits the government from restricting most forms of speech, which would include many proposals to force tech companies to moderate content. While “illegal” types of speech enjoy limited or no First Amendment protection, the line for delineating between “legal” and “illegal” speech is very difficult to determine. Consequently, one would expect online platforms to push back on whether there is a constitutionally feasible way for them to “identify” protected speech versus unprotected speech, or whether there is a feasible way to define “content which solicits criminal activity.” A law requiring companies to moderate content based on the political viewpoint it expresses, for example, would likely be struck down as unconstitutional.

Nonetheless, private companies can create rules to restrict speech if they so choose. Online platforms sometimes argue they have constitutionally-protected First Amendment rights in their “editorial activity,” and therefore, it violates their constitutional rights to require them to monitor (i.e., “identify and take down”) content that may be protected under the First Amendment. They may also argue, along the same lines, that the government may not condition the granting of a privilege (i.e., immunity) on doing things that amount to a violation of their first amendment rights. This is why Facebook and Twitter ban hate speech and other verifiably false information, for example, even though such speech is permitted under the First Amendment.

With respect to privacy and the Fourth Amendment, online platforms may argue that requiring them to “provide to law enforcement information that will assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity,” turns them into government actors that search users’ accounts without a warrant based on probable cause, in violation of the Fourth Amendment.

Industry Perspective

Unsurprisingly, industry stakeholders have strong opinions for what such changes could mean for their respective business models.

For instance, a Facebook spokesperson recently noted in a Fortune article that, “By exposing companies to potential liability for everything that billions of people around the world say, this would penalize companies that choose to allow controversial speech and encourage platforms to censor anything that might offend anyone.”

The article acknowledges that in recent years, both political parties have put social media companies under increased scrutiny, but they are not unified in their stated concerns. While Republicans accuse the companies of unfairly censoring their post, Democrats complain that these companies fail to do enough to block misinformation, violent content, and hate speech.

The article concludes that there is no way companies like Facebook and Twitter could operate without Section 230, and that the removal of this section would thereby “eliminate social media as we know it.”

Recent Federal Action on Social Media

The President recently issued an *Executive Order on Preventing Online Censorship*. In it, he notes the following:

“The growth of online platforms in recent years raises important questions about applying the ideals of the First Amendment to modern communications technology. Today, many Americans follow the news, stay in touch with friends and family, and share their views on current events through social media and other online platforms. As a result, these platforms function in many ways as a 21st century equivalent of the public square.

Twitter, Facebook, Instagram, and YouTube wield immense, if not unprecedented, power to shape the interpretation of public events; to censor, delete, or disappear information; and to control what people see or do not see.”

Ultimately the President implores the U.S. Attorney General to develop a proposal for federal legislation that “would be useful to promote the policy objectives of this order.” The President is not subtle in communicating his desire to ultimately see legislation heavily slanted toward the preservation of free speech on social media, which some interpret as a maneuver to preempt Twitter and Facebook from regulating speech they otherwise deem as hateful or demonstrably false.

Considerations for Congress

Courts have generally construed Section 230 to grant internet service providers broad immunity for hosting others’ content. Many have claimed that Section 230’s immunity provisions were critical to the development of the modern internet, and some continue to defend Section 230’s broad scope. But simultaneously, a variety of commentators and legislators have questioned whether those immunity provisions should now be narrowed, given that the internet looks much different today than it did in 1996 when Section 230 was first enacted.

One way for Congress to narrow Section 230’s liability shield would be to create additional exceptions, as it did with FOSTA and SESTA². If a lawsuit does not fall into one of the express exceptions contained in Section 230(e)³, courts may have to engage in a highly fact-specific inquiry to determine whether Section 230 immunity applies: Section 230(c)(1) immunity will be inapplicable if the provider itself has developed or helped to develop the disputed content, while Section 230(c)(2) immunity may not apply if a service provider’s decision to restrict access to content was not made in good faith.

Date Storage and Usage Considerations for Cities

Section 2 of the conditions the resolution applies to civil immunity requires that online platforms provide relevant information to law enforcement to assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity. This section would most likely require the development of new procedures and protocols that govern law enforcements usage and retention of such information. Those new policies and procedures would undoubtedly raise privacy concerns depending on how wide the latitude is for law

² The Fight Online Sex Trafficking Act (FOSTA) and the Stop Enabling Sex Traffickers Act (SESTA) create an exception to Section 230 that means website publishers *would* be responsible if third parties are found to be posting ads for prostitution — including consensual sex work — on their platforms.

³ Section 230(e) says that Section 230 will not apply to: (1) federal criminal laws; (2) intellectual property laws; (3) any state law that is “consistent with” Section 230; (4) the Electronic Communications Privacy Act of 1986; and (5) civil actions or state prosecutions where the underlying conduct violates federal law prohibiting sex trafficking.

enforcement to request such information. In those circumstances cities could end up themselves incurring new liability for the governance of data that could either violate certain privacy rules or increase their data governance costs.

Fiscal Impact:

Unlike the costly resources needed to support or oppose a ballot measure, a federal resolution from the League of California Cities that simply urges Congress to undertake certain action should have a negligible fiscal impact, if any monetary impact at all.

Regarding cities, if social media had no immunity for its failure to police content that solicits criminal activity, then an individual city could theoretically save thousands if not millions of dollars, depending on its size and other subjective circumstances. Collectively, cities across the country could potentially save at least hundreds of millions between redress for actual economic harm suffered and/or the cost of preventative measures taken to stop criminal activity from occurring in the first place.

Conversely, if social media platforms were to shut down, due to an inability to comply with a policy requirement to regulate speech on the internet, it is unclear on how cities might be impacted from a fiscal standpoint.

Existing League Policy:

Public Safety:

Law Enforcement

The League supports the promotion of public safety through:

- Stiffer penalties for violent offenders, and
- Protecting state Citizens' Option for Public Safety (COPS) and federal Community Oriented Police Services (COPS) funding and advocating for additional funding for local agencies to recoup the costs of crime and increase community safety.

Violence

The League supports the reduction of violence through strategies that address gang violence, domestic violence, and youth access to tools of violence, including but not limited to firearms, knives, etc.

The League supports the use of local, state, and federal collaborative prevention and intervention methods to reduce youth and gang violence.

Governance, Transparency & Labor Relations:

Private Sector Liability

The League will work closely with private sector representatives to evaluate the potential for League support of civil justice reform measures designed to improve the business climate in California. These measures should be evaluated on a case-by-case basis through the League police process.

Questions to Consider:

Many cities obviously believe that creating civil liability for social media platforms—due to their role in providing the communication mediums for those who organize looting attacks— is key to deterring this organized criminal activity.

If such a change was actually passed by Congress, it would force social media to essentially police every conversation on stakeholders' respective platforms, putting immense pressure on the industry to make subjective determinations about what conversations are appropriate and what are unacceptable.

At the end of the day, there are a few questions to consider in assessing this proposed resolution:

- 1) *What would this resolution's impact be on free speech and government censorship?*
- 2) *What are the expectations for cities when they receive information from a social media platform about a potentially credible threat in their respective communities? Does a city become liable for having information from a social media platform and the threat occurs?*
- 3) *What would the costs be to develop and maintain new data governance policies, including data infrastructure, to store this information?*
- 4) *What is the role of the League in engaging in issues relating to someone's privacy?*

Support:

The following letters of concurrence were received:

City of Hawaiian Gardens

City of Lakewood

City of Ontario

City of Rancho Cucamonga

City of Roseville

LETTERS OF CONCURRENCE

Resolution No. 1

Amendment to Section 230 of the Communications
Decency Act of 1996

"Our Youth - Our Future"



CITY OF HAWAIIAN GARDENS

August 7, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

This proposed resolution with the required background information will be submitted to the League of California Cities for consideration by the General Assembly at the Annual Conference on October 9, 2020. (Attachments 1 and 2) The intent of the resolution is to address the use of social medial platforms for posting information that leads followers to meet and commit crimes and to also hold these platforms and the persons who post said information civilly and criminally accountable for all costs incurred by the local jurisdictions where the crimes occurred.

The public safety efforts in the City of Hawaiian Gardens would certainly benefit from such legislation. This letter serves to support the City of Cerritos in their efforts to submit of the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Ernie Hernandez
City Manager

cc Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos - kmatsumoto@cerritos.us

Jeff Wood
Vice Mayor

Ariel Pe
Council Member

Steve Craft
Council Member

Diane DuBois
Council Member



Todd Rogers
Mayor

August 5, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

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This letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Todd Rogers
Mayor

cc: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos – kmatsumoto@cerritos.us

Lakewood

CITY OF



ONTARIO

303 EAST "B" STREET, CIVIC CENTER ONTARIO

CALIFORNIA 91764-4105

(909) 395-2000

FAX (909) 395-2070

PAUL S. LEON
MAYOR

SCOTT OCHOA
CITY MANAGER

DEBRA DORST-PORADA
MAYOR PRO TEM

August 6, 2020

SHEILA MAUTZ
CITY CLERK

ALAN D. WAPNER
JIM W. BOWMAN
RUBEN VALENCIA
COUNCIL MEMBERS

JAMES R. MILHISER
TREASURER

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

This proposed resolution with the required background information will be submitted to the League of California Cities for consideration by the General Assembly at the Annual Conference on October 9, 2020. (Attachments 1 and 2) The intent of the resolution is to address the use of social medial platforms for posting information that leads followers to meet and commit crimes and to also hold these platforms and the persons who post said information civilly and criminally accountable for all costs incurred by the local jurisdictions where the crimes occurred.

This letter serves to support the City of Cerritos in their efforts to submit the above-mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Alan D. Wapner
Council Member
League of California Cities Board Member

- c: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
- Meg Desmond, League of California Cities - mdesmond@cacities.org
- Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
- Kathy Matsumoto, Assistant City Manager, City of Cerritos – kmatsumoto@cerritos.us



CITY OF RANCHO CUCAMONGA

10500 Civic Center Drive | Rancho Cucamonga, CA 91730 | 909.477.2700 | www.CityofRC.us

August 6, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

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On behalf of the City of Rancho Cucamonga, this letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

L. Dennis Michael
Mayor

cc: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos – kmatsumoto@cerritos.us



City Council
311 Vernon Street
Roseville, California 95678

August 7, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

This proposed resolution with the required background information will be submitted to the League of California Cities for consideration by the General Assembly at the Annual Conference on October 9, 2020. (Attachments 1 and 2) The intent of the resolution is to address the use of social media platforms for posting information that leads followers to meet and commit crimes and to also hold these platforms and the persons who post said information civilly and criminally accountable for all costs incurred by the local jurisdictions where the crimes occurred.

On behalf of the City of Roseville, this letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

A handwritten signature in blue ink, appearing to read "John B. Allard II", is written over a horizontal line.

John B. Allard II,
Mayor

Cc: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos - kmatsumoto@cerritos.us
Jason Gonsalves, Joe A. Gonsalves and Son

TOWN COUNCIL WEEKLY DIGEST

Friday – September 4, 2020

1. Agenda (Canceled) – Parks & Recreation Committee – Monday, September 7, 2020
2. Agenda (Canceled) – Cultural Arts Committee – Thursday, September 10, 2020
3. Notice - Town Hall Closure in Observance of Labor Day Holiday – Monday, September 7, 2020
4. [Western City Magazine – September 2020](#)

Attached Separates (Council Only)

(placed in your town hall mailbox)

1. Bay Area Air Quality Management District – 2019 Annual Report
2. Stanford Children's Health Lucile Packard Children's Hospital – 2019 Community Benefit Report
3. South San Mateo County / League of Women Voters – Request for Membership Renewal



Town of Portola Valley
Parks & Recreation Committee Meeting
Monday, September 7, 2020 – 7:30 pm

MEETING CANCELLATION NOTICE

PARKS & RECREATION
COMMITTEE MEETING

CANCELLATION NOTICE

The regular meeting of the Parks & Recreation Committee scheduled for Monday, September 7, 2020 has been canceled.



TOWN OF PORTOLA VALLEY
Cultural Arts Committee Meeting
Notice of Meeting Cancellation
Thursday, September 10, 2020 - 1:00 PM

NOTICE OF MEETING CANCELLATION

CULTURAL ARTS COMMITTEE MEETING

Thursday, September 10, 2020

The Regular Meeting of the Cultural Arts Committee scheduled for Thursday, September 10, 2020, has been canceled.

PORTOLA VALLEY TOWN HALL



WILL BE CLOSED

**Monday,
September 7, 2020**

In observance of Labor Day

In Case of Emergency: Sheriff's Office: 911