



TOWN OF PORTOLA VALLEY
Wildfire Preparedness Committee
Tuesday, April 5, 2022, 4:00 PM
Virtual Meeting

SPECIAL VIDEOCONFERENCE MEETING AGENDA

Remote Meeting Covid-19 Advisory: On September 16, the Governor signed AB 361, amending the Ralph M. Brown Act (Brown Act) to allow legislative bodies to continue to meet virtually during the present public health emergency. AB 361 is an urgency bill which goes into effect on October 1, 2021. The bill extends the teleconference procedures authorized in Executive Order N-29-20, which expired on September 30, 2021, during the current COVID-19 pandemic and allows future teleconference procedures under limited circumstances defined in the bill. Portola Valley Town Council and commission and committee public meetings are being conducted electronically to prevent imminent risks to the health or safety of attendees. The meeting is not available for in-person attendance. Members of the public may attend the meeting by video or phone linked in this agenda.

Join Zoom Meeting:

<https://us06web.zoom.us/j/87023862176?pwd=djB2c3VTdjBPTlp6SWp2RUUpJRVZoZz09>

To access the meeting by phone, dial:

1-699-900-6833

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

*Mute/Unmute - press *6 / Raise Hand - press *9*

Meeting ID: 870 2386 2176

Password: 185944

MEETING AGENDA

1. Call to Order
2. Oral Communications for Items not on Agenda
3. Town Attorney Update on Brown Act Cease and Desist Notice and Public Records Act Request Directed to Wildland Preparedness Committee
4. Approval of Minutes of the March 1, 2022, Meeting
5. Discuss Safety Element Update / Wildfire Section (K. Vahtra)
6. Review and Approve Proposal for Wildfire Preparedness Fair (MJ Lee)
7. Review and Approve Certain Waivers for Pilot Project – Ready for Wildfire Sprint (MJ Lee)
8. Presentation and Discussion of the NIST 2205 Paper (R. Younge)
(The NIST 2205 Paper can be accessed here – <https://doi.org/10.6028/NIST.TN.2205>)
9. Review and Discuss Letter from Committee Chairs to Town Council on Safety Element Update (M. Tomars)
10. Subcommittee Updates
 - a. Vegetation Management / Home Hardening (J. Youstra / MJ Lee) (J. Youstra)
 - b. Finance / Insurance (J. Hammer)
 - c. Evacuation (D. Pfau)
11. Safety Element Update (J. Dennis)

12. Standing Items – As Needed

- * Fire Marshal Update
- * Staff Updates
- * Review of Committee Correspondence / Items of Note

13. Adjourn



TOWN OF PORTOLA VALLEY

STAFF REPORT

TO: Chair and Members of the Wildfire Preparedness Committee

FROM: Cara Silver, Town Attorney

DATE: April 5, 2022

RE: Transmittal of Brown Act “Cease and Desist” Notice and Public Records Act Request

RECOMMENDATION

Staff recommends that the Wildfire Preparedness Committee hear an update from the Town Attorney on a Brown Act “Cease and Desist” Notice and Public Records Act request.

BACKGROUND

On March 30, 2022, the Town received a Brown Act “Cease and Desist” notice relating to allegedly multiple Brown Act violations committed by the WPC on March 1, 2022 and on other unspecified dates. This notice was sent by two law firms representing Portola Valley residents Lloyd “Rusty” Day, Kristen Day, Ron Eastman, Bruce Roberts, Shirley Roberts, James Rooney, Jim Vernazza and Ellen Vernazza. In addition, the notice contained a public records act request seeking four categories of documents relative to the alleged Brown Act violations.

The Brown Act

The Ralph M. Brown Act is California’s “sunshine” law for local government. In a nutshell, it requires local government business to be conducted at open and public meetings, except in certain limited situations.

The requirements of the Brown Act apply to “legislative bodies” of local governmental agencies. The term “legislative body” is defined to include the governing body of a local agency (e.g., the town council) and any commission or committee whether permanent or temporary, decision-making or advisory, that is created by formal action of a legislative body.¹ The WPC is considered to be a legislative body under the Brown Act.

The Brown Act does not apply to ad hoc or sub-committees consisting of less than a quorum of the legislative body, provided they are composed solely of members of the

¹ Government Code § Section 54952.

legislative body and provided that these ad hoc committees do not have some “continuing subject matter jurisdiction,” and do not have a meeting schedule fixed by formal action of a legislative body.

The central provision of the Brown Act requires that all “meetings” of a legislative body be open and public. The Brown Act also requires agendas be published in advance of meetings and that the public be permitted to comment on each item on the agenda.

Serial Meetings

The Brown Act prohibits a majority of members of a legislative body outside of a lawful meeting from directly or indirectly using a series of meetings to discuss, deliberate or take action on any item of business within the subject matter jurisdiction of the body.² A serial meeting is a series of meetings or communications between individuals in which ideas are exchanged among a majority of a legislative body (i.e., five WPC members) through either one or more persons acting as intermediaries or through use of a technological device (such as text, e-mail, phone or voice mail), even though a majority of members never gather in a room at the same time.

Direct contacts concerning local agency business with fellow members of the same legislative body, whether through face-to-face or telephonic conversations, notes or letters, electronic mail or staff members, are the most obvious means by which an illegal serial meeting can occur. This is not to say that a member of a legislative body is precluded from discussing items of agency business with another member of the body outside of a meeting; as long as the communication does not involve a quorum, no “meeting” has occurred.

Public Records Act

The Public Records Act allows the public to request access to public records maintained by state or local agencies. The agency must respond within 10 days to indicate whether the requested documents will be produced, but there is no specific time frame for producing the actual documents.

The Public Records Act defines “public records” as “any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.”³ There are numerous exemptions from disclosure, including attorney client communications, personnel documents, medical documents, law enforcement documents deliberative process and preliminary drafts.

DISCUSSION

The law of remote meetings is continuing to evolve. The Brown Act does not expressly prohibit members of a legislative body from texting or emailing during a meeting, just as the Brown Act does not restrict members from whispering to one another or passing notes

² Government Code § 54952.2(b)(1).

³ Government Code § 6252, subd. (e).

during a meeting. However, if member text or otherwise communicate with a quorum of the legislative body about a substantive agenda item during the meeting (either through a group text/email or through a series of separate communications), members could unwittingly violate the Brown Act. A quorum of the WPC is 5 members (since there are 9 members). Thus to constitute a Brown Act violation by conducting a serial meeting through text messages while at a convened public meeting (sometimes referred to as a meeting within a meeting), there would have to be communications between at least five members. Quorums also vary depending on the number of committee members actually present at a meeting or participating in a matter.

The notice alleges the WPC violated the Brown Act at its March 1, 2022 meeting. Based on the documentary evidence submitted by the residents, it appears there were substantive communications between only two members and a communication on a procedural issue with a third. Thus, based on the documentary evidence submitted by the residents there does not appear to be a Brown Act violation on March 1.⁴ However, the notice also requests emails and text messages from committee members to see if there were other communications outside the public meeting. Staff will need to review these additional communications to determine definitively whether there was a Brown Act violation.

Accordingly, staff requests that all committee members search their personal devices and submit all responsive documents to the Town. The Town Attorney will provide instructions for submitting these documents by a separate communication.

ATTACHMENT

1. March 30, 2022 Notice

⁴ There were 8 members present at this meeting and thus a quorum is 5 members.

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March 30, 2022

Sharon Hanlon
Town Clerk
Town of Portola Valley
765 Portola Road
Portola Valley, California 94028

Cara Silver
Town Attorney
Town of Portola Valley
765 Portola Road
Portola Valley, California 94028

Re: Brown Act Violations and Public Records Act Request

Dear Town Clerk and Town Attorney:

I write to you together with my co-counsel, Joseph McMonigle of Long & Levit, LLP, regarding violations of the Brown Act as detailed below. I am writing on behalf of the Portola Valley residents identified in the attached Exhibit A (the “Residents”) for the following purposes:

1. To deliver this “cease and desist” letter regarding violations of the Brown Act that occurred during an online meeting of the Wildfire Preparedness Committee on March 1, 2022 (the “March 1 Violations”) and, based upon content revealed at that meeting, similar violations regarding the business of other legislative bodies of town; to demand full disclosure and acknowledgment of all such violations, including the March 1 Violations; to demand cure and correction of all such violations, including the March 1 Violations; and to give notice of intent to seek further relief with respect to any future violations.
2. To request delivery of public records pursuant to the Public Records Act request set forth below.

We direct this letter to you pursuant to Government Code §54960.2(a)(1) and Government Code §6253. Please immediately provide a copy of this letter to Vice Mayor Sarah Wernikoff, Town Manager Jeremy Dennis, Wildfire Preparedness Committee Chairman Michael Tomars and Committee member Jennifer Youstra and request them to preserve and not delete, erase or destroy any of the records requested in this letter.

**Brown Act Violations As Recorded
(California Government Code Sections 54950 et seq.)**

The March 1, 2022 Meeting Video

The Wildfire Preparedness Committee held a publicly noticed, video-recorded meeting on March 1, 2022 commencing at approximately 4:30 pm and concluding at approximately 7:20 pm. A portion of the video recording of the meeting posted by the Town of Portola Valley (the “March 1 Public Video”) is accessible [here](#).

The portion of the video recording time-stamped 2:26:00 through 2:26:50 of the March 1, 2022 meeting reveals clear evidence of non-public internet-based messaging between and among Town Council Liaison and Vice Mayor Sarah Wernikoff, committee members Jennifer Youstra and Michael Tomars, and Town Manager Jeremy Dennis relating to the business of the committee as well as the business of the Emergency Preparedness Committee.

As indicated below, a screenshot of Ms. Wernikoff’s computer screen shows a record of private/non-public text messages sent or received by her during a portion of the meeting between 5:52 pm and 6:25 pm, including:

- A message exchanged with Committee Member Jennifer Youstra at 6:01 pm relating to Committee business,
- A message exchanged with Committee Chairman Michael Tomars at 6:14 pm relating to Committee business, and
- A message exchanged with Town Manager Jeremy Dennis at 6:25 pm relating to Committee business.

A Screenshot of a portion of the video displays certain offending communications:

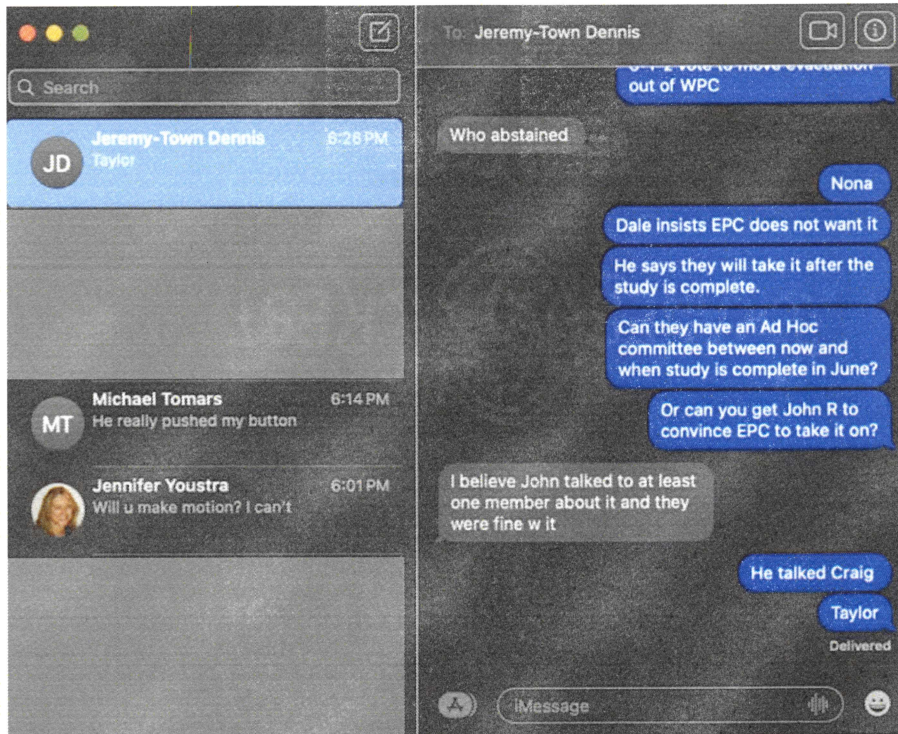


Fig. 1. Screen shot at 2:26:39 showing private communication between Vice Mayor Wernikoff and Town Manager Dennis about the subject under deliberation, and documenting serial communication with Council Member Richards. Messages unrelated to Town business redacted.

The video recording does not reveal the extent of messages exchanged by Ms. Wernikoff regarding the meeting beyond the 33 minute time period between 5:52 and 6:25 displayed in her text box above. Nor does it indicate whether the full content of the messages exchanged at 6:01 and 6:14 with Ms. Youstra or Mr. Tomars that are displayed.

The video does reveal, however, that the communication with Mr. Dennis at 6:25 entailed several messages, including a request to coordinate voting by members of the Emergency Preparedness Committee on business of that committee.

The March 1, 2022 Meeting Violations

The March 1 Public Video reveals multiple serious violations of the Brown Act, including without limitation:

- Private, internet-based texting between and among certain members of the committee, Liaison to the Town Council, and a town employee during the March 1 Meeting of the

Wildfire Preparedness Committee relating to the business of the Committee and the business of the Emergency Preparedness Committee;

- Non-public access to or disclosure of such private communications;
- Private, non-public coordination of votes by the participants in the March 1 Violations and the persons identified in the March 1 Public Video relating to business of the Committee;
- Private, non-public coordination of votes by the Liaison to the Town Council, a town employee and certain members of the Emergency Preparedness Committee relating to business of the Committee; and
- Private, sequential communications of Liaison to the Town Council, a town employee, members of the Wildfire Preparedness Committee and Town Council relating to the business of the Wildfire Preparedness Committee and the Emergency Preparedness Committee.

Requested Actions

The Residents request a thorough investigation and written disclosure by the Town Council, the Wildfire Preparedness Committee, and the other addressees above, of the full extent of this violative conduct in this and other meetings, particularly but not exclusively those in which Sarah Wernikoff has participated as Vice Mayor, committee member, or Liaison to the Town Council.

The Residents further request a written public acknowledgment that such private communications among public officials and Town employees relating to the conduct of the Town's public business is prohibited and will not reoccur.

With respect to any acknowledgment, cure and correction, the public has a right to know:

- What other non-public exchanges occurred during the March 1 meeting among meeting participants relating to the conduct of the committee's public business, the content of those communications and who was involved in them
- In what other town meetings or decision-making processes Sarah Wernikoff and/or other town officials identified in the March 1 Public Video have engaged in similar non-public communications, and the identity of all officials involved in such communications
- In what other circumstances Sarah Wernikoff and/or other town officials identified in the March 1 Public Video acted to coordinate or orchestrate non-public decision-making of the town's legislative bodies through Town Manager Dennis, town officials, committee members or otherwise

While the Residents seek compliance with the provisions regarding past violations of the Brown Act, the Residents further hereby give notice of their intention to seek to identify and to seek to prevent, or gain redress with respect to, future violations of the Brown Act.

Legal Basis of The Brown Act Violations

Article 1, section 3 of the California Constitution clearly provides that:

“The people have the right of access to information concerning the conduct of the people’s business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.”

In furtherance of this constitutional mandate, the Brown Act expressly provides:

“The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.” Government Code § 54950.

Because the Town Council and its subordinate town committees and commissions exist to aid in the conduct of the people’s business, their actions must be taken openly and their deliberations must be conducted openly. *Id.*

Section 54953(a) of the Brown Act provides that

“All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.”

Section 54953(c)(1) provides that:

“No legislative body shall take action by secret ballot, whether preliminary or final.”

The Brown Act expressly prohibits internet-based messaging among members of a legislative body regarding any matter within the body’s jurisdiction:

“A member of the legislative body shall not respond directly to any communication on an internet-based social media platform regarding a matter that is within the subject matter jurisdiction of the legislative body that is made, posted, or shared by any other member of the legislative body.” Government Code § 54952.2(b)(3)(A).

If a legislative body elects to use teleconferencing, such as Zoom, to conduct a meeting, § 54953(b)(3) provides that it shall identify each teleconference location in the notice and agenda of the meeting, provide public access to each teleconference location, and conduct the meeting in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.

Section 54952.2(b)(1) provides that:

“A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.”

The March 1 Public Video openly reveals the use of non-public texting during or regarding town meetings by Vice Mayor and Council Liaison Sarah Wernikoff, the persons identified in the video, and possibly others, including Town Manager Dennis, relating to the conduct of public business.

This practice not only excludes the public from the decision-making process but it also apparently excludes certain members of the committees involved, raising disturbing questions about the impartiality and private coordination of town decision-making. It also raises disturbing questions about serial non-public communications to lobby for or orchestrate decision-making by town committees.

Public Records Request
(Government Code § 6250 et seq.)

Pursuant to the California Public Records Act, Government Code § 6250 et seq., the Residents hereby request access to, and reproduction of, the following:

1. All records of all electronic and written communications (including all written reports and correspondence, phone, fax, electronic mail, instant messaging, and any new technologies that may have been utilized in effecting communications (collectively and non-exclusively, the “Communications”))¹ between or among Sarah Wernikoff and one or more members of the Town Council, the Wildfire Preparedness Committee, the Ad Hoc Housing Element Committee or any town employee relating to the conduct of business of any such legislative body since December 1, 2021.

¹ The Portola Valley Commission and Advisory Commission Policy and Procedures Handbook includes the Town’s acknowledgment of the various forms of writings that are within the scope of the Brown Act as follows: “NOTE: The Brown Act applies to all forms of communication used in the deliberation of any public business, including but not limited to written reports and correspondence, phone, fax, electronic mail, instant messaging, and any new technologies that may be devised.”

2. All records of all electronic and written Communications between or among Jeremy Dennis and one or more members of the Town Council, the Wildfire Preparedness Committee, the Emergency Preparedness Committee or any town employee relating to the conduct of business of any such legislative body since December 1, 2021.
3. All records of all electronic and written Communications between or among Michael Tomars and one or more members of the Wildfire Preparedness Committee, or any Council Liaison or town employee relating to the conduct of business of such legislative body since December 1, 2021.
4. All records of all electronic and written Communications between or among Jennifer Youstra and one or more members of the Town Council, the Wildfire Preparedness Committee, the Ad Hoc Housing Element Committee or any Council Liaison or town employee relating to the conduct of business of such legislative body since December 1, 2021.

The Residents further request that you (a) promptly inform the appropriate personnel of the Town of this public records request to assure timely compliance, (b) instruct each Town official whose records are sought by this request of their obligation and duty to preserve and produce their records of town business and not to delete, erase or destroy any such records, (c) act to preserve and not destroy or erase any records of the communications referenced in this letter, including the communications covered by this request, and (d) otherwise avoid all forms of spoliation of the records sought by this request.

Public Records Request Exclusions

The records sought by this request exclude Communications between and/or among individuals who do not serve as an employee of the town or member of the Town Council, the Wildfire Preparedness Committee or the Ad Hoc Housing Element Committee.

The records sought by this request exclude Communications that are subject to privilege or exemption provided, however, that as to any Communications as to which any responding party asserts any privilege or exemption as a basis of exclusion, the response must state the factual and legal basis for such assertions and describe the Communication with sufficient particularity to allow review of the validity of such assertions.

Legal Basis of this Public Records Request

When, as here, a Town official or employee uses a personal cell phone or internet account to communicate about the conduct of public business, the communications are subject to disclosure under the California Public Records Act (CPRA). *City of San Jose v. Smith*, 2 Cal.5th 608 (2017).

As the California Supreme Court noted in *Smith*, the California Public Records Act expressly provides that “access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state.”

The Court in *Smith* explained the fundamental concept as follows:

“In 2004, voters made this principle part of our Constitution. A provision added by Proposition 59 states: ‘The people have the right of access to information concerning the conduct of the people’s business and, therefore, the writings of public officials and agencies shall be open to public scrutiny.’ (Cal. Const., art. 1, § 3, subd. (b)(1).) Public access laws serve a crucial function. Openness in government is essential to the functioning of a democracy. ‘Implicit in the democratic process is the notion that government should be accountable for its actions. In order to verify accountability, individuals must have access to government files. Such access permits checks against the arbitrary exercise of official power and secrecy in the political process.’”

Proposition 59 further amended the Constitution to provide that rules regulating the people’s right of access “shall be broadly construed if it furthers the people’s right of access, and narrowly construed if it limits the right of access.” (Cal. Const., art. 1, § 3, subd. (b)(2).)

If the Town or any other responding party contends that any portion of the records sought by this request are exempt from disclosure by express provisions of law, Government Code § 6253(a) requires segregation and redaction of that material in order than the remainder of the records be released.

If the Town or any other responding party contends that any express provision of law exempts from disclosure all or any portion of the records sought by this request, Government Code § 6253(c) requires the Town or other objecting party to notify the Residents of the reasons and basis of such contention not later than 10 days from receipt of this request.

Pursuant to Government Code §§ 6253(d) and 6255(b), any response to this request that includes an assertion of privilege or exemption must be in writing signed by the person responsible for the Town’s response.

Cohen and Jacobson, LLP
Long & Levit LLP

By  _____
Lawrence A. Jacobson

cc: Joseph McMonigle, Long & Levit LLP

Exhibit "A"

This communication is sent on behalf of each and all of the following Residents:

Lloyd Day and Kristin Day

Ron Eastman

Bruce Roberts and Shirley Roberts

James Rooney

Jim Vernazza and Ellen Vernazza

Wildfire Preparedness Committee Minutes

March 1, 2022

In attendance:

Committee Members:

Michael Tomars, Chair
Dale Pfau, Vice Chair
Nona Chiariello
Jennifer Hammer
M.J. Lee
Robert Younge
Jennifer Youstra

Town Council Liaison

Hanlon Wernikoff

Town Staff

Jeremy Dennis, Town Manager
Sharon Hanlon

Fire Marshal

Don Bullard

Members of the Public:

Bob Adams
Valerie Baldwin
David Cardinal
Dudley Carlson
Rusty Day
Diana Fischer
Rebecca Flynn
Roger F Pease
Bob Grandy, Fehr & Peers
Alyson Wood Illich
Sid Liebes
Vic Schachter
Cyrus Simmons
Bud Trapp
Bob Turcott
Ellen Vernazza
Ann Willard

Corrections to attendance above? Please contact jennifer@youstra.com.

Item 1 - Call to Order:

The meeting was called to order at 4:00pm.

Item 2 - Open Communications:

Dudley Carlson mentioned that she really appreciated the efforts of the Committee and its volunteers for working under stressful conditions on matters that are of great importance to the Town.

Bob Adams inquired as to the membership of Don Bullard's advisory committee.

Item 3 - Approval of Minutes:

The February minutes were approved with a request to amend the February minutes to include links to presentations, including those related to the Moritz and Grandy presentations.

Note: WPC minutes will only reflect action items going forward. Meetings will be recorded going forward for those who would like more detailed information.

Changes to the order of the meeting: Move Item 6 to Item 4. Also, Item 7 was moved to Item 5.

Item 4 - Review and Approve Amended Committee's Governing Documents / Consider Recommendation to Amend Scope

A. Review and Approve Amended Committee Charter (attached)

The Committee voted on a resolution requesting the Town Council to amend the committee charter, as detailed in the agenda packet. Jennifer Youstra motioned to approve the recommendation. The motion was seconded by MJ Lee. The motion was approved with four in favor, two opposed and one abstention.

B. Review and Approve Recommendation to Amend Scope of Committee Responsibilities and Restructure Subcommittees (attached)

The Committee voted on a resolution requesting the Town Council to amend the scope of Committee responsibilities and to restructure subcommittees, as detailed in the agenda packet. Jennifer Youstra motioned to approve the recommendation. The motion was seconded by Jennifer Hammer. The motion was approved with five in favor and two opposed.

Upon a motion duly made and seconded, the Committee approved an amended version of the recommendation to include the following language to bullet point four:

Pursue relocation of the Evacuation Subcommittee within the Emergency Preparedness ("EPC") or some alternative

Upon a motion duly made and seconded, the recommended was approved with five in favor and two opposed.

Item 5 - Discuss Goals and Priorities

A. Vegetation Management (J. Youstra)

The Vegetation Management Subcommittee will be working on the following projects in the coming year:

1. Support adoption vegetation management recommendations approved by the WPC in 2021.
2. In conjunction with the Home Hardening subcommittee (which is now merged with Vegetation Management), run a pilot program for Home Hardening/Vegetation Management WPV-Ready/CERP HH&VM block activation plan.
3. Revise Canyon Report and move knowledge of Canyon maintenance to the Town level across multiple canyons instead of one.
4. Support the WFPD with their mapping project so individual homeowners have access to personal information on how to increase their fire safety.
5. Support Finance/Insurance subcommittee in determining price/potential grants for Vegetation Management in PV, as needed.
6. Recruit additional member to WFC.

B. Finance/Insurance (J. Hammer)

Jennifer Hammer presented the attached presentation entitled: Wildfire Preparedness Committee Finance Subcommittee.

C. Evacuation (D. Pfau)

Complete the evacuation study and plan.

D. Home Hardening (MJ Lee)

MJ discussed the proposed home hardening day at the Town Center and provided an outline as to possible participating vendors. She also discussed soliciting assistance from the Conservation Committee. May is the target month for this event.

Item 6 - Update on Evacuation Study (Bob Grandy, Fehr and Peers)

Dale introduced Bob Grandy. This represented the WPC's third meeting with Mr. Grandy. It was noted that the study represented the first step in understanding the evacuation needs for Portola Valley. As part of the study, we need to assess the number of cars that leave town at a point in time when roads are experiencing highest levels of traffic. The study focuses on main arteries and not side streets. The Committee thanked Rob Younge for his work on tabulating horses and horse trailers that would need to be evacuated. This step represents the last update before running the scenarios. The email for Evacuation Subcommittee is: pvevacwpc@poWFPDavalley.net.

Bob Grandy's presentation is attached.

Item 7 - Safety Element Update (J. Dennis)

Michael introduced Jeremy, who spoke about the upcoming review of the Safety Element for the Town.

Jeremy brought [the resolution of the Town Council to update the Town's Safety Element](#) to the WPC. This process will occur concurrently with the Housing Element update with Urban Planning Partners, the Town's consultant.

The Safety Element needs to be vetted by the Geologic Committee, WPC, and EPC before the Town Council can review and approve the update. Urban Planning Partners will draft the updates and provide them to the committees for input. The anticipated completion for the update is later this year, which would be around the same time as the housing element.

The Safety Element will be regularly updated on the Town Website's Planning and Building page. Residents can submit comments to the Town's Safety Element webpage.

Item 8 - Standing Items- As Needed

a. Fire Marshal Update

Residents can check out DisasterSafety.org if they are looking for landscaping solutions for the 0-5 ft. space. A lengthy list of plants was provided.

WFPD is focused on getting back to defensible space and home hardening starting early this year. Their push will include distributing education material to residents, and they especially want to make sure people are creating appropriate defensible space around their structures.

Don reviewed the [Hazard and Risk Assessment](#) presented to the Housing Element Committee in its February 22, 2022 meeting.

b. Staff Updates

None.

c. Review of Committee Correspondences/Items of Note

Included in the agenda packet.

Item 9 - Adjournment

MJ motioned to adjourn and Michael seconded.
The Committee meeting was adjourned at 6:52pm.

Project Plan for Wildfire Preparedness Fair
MJ Lee & Jennifer Hammer

Date: Mar-29-2022

Re: Review and approve May-14-2022 Wildfire Preparedness Fair

PROPOSAL

The merged Home Hardening and Vegetation Management subcommittee proposes to hold a Wildfire Preparedness Fair on Saturday May-14-2022 from 10:00 AM to 2:00 PM at the Portola Valley Town Center.

PURPOSE

The purpose of the Fair is to bring approximately 20 wildfire preparedness vendors, contractors, service providers, and community organizations together in one place so that residents can easily meet exhibitors and educate themselves on available products, services and resources to implement wildfire mitigation and resiliency. No commercial activity will be allowed on-site, it will be a meet and greet educational event. The fair will provide tables for exhibitors, there will be no formal speakers or presentations.

The Fair will be held in the Community Hall plus outdoor areas as needed. At least one provider will bring its own demo truck. WFPD will provide a fire truck and we will try to arrange for a food truck to participate.

A list of vendors is being collected from committee members and PVForum. The goal is to invite vendors who represent any of: vegetation management, home assessment and ember defense, roof sprinklers, roofing and gutter guards, non-combustible fencing/siding/decking, fire-resistant vents, fire-retardant coatings, enclosing eaves, and the 0-5 foot zone. Other town committees and WPV-Ready will also be invited to participate.

For organizations who would like to participate but cannot attend, we will provide a table to distribute handouts as well as brochures/flyers from WFPD and the CA Dept of Insurance.

FISCAL IMPACT

Request \$1,200 to cover refreshments (water and snack) for exhibitors. Any printing and banners will be provided by Kari Chinn.

Draft staff report for Ready for Wildfire Sprint (R4W Sprint)

To: Mayor and Members of the Town Council

From: Jeremy Dennis, Town Manager

Date: March 29, 2022 (DRAFT)

Re: Wildfire Preparedness Committee Recommendation to expedite right of way cleanup for neighborhood pilot project known as the Ready for Wildfire Sprint (R4W Sprint)

RECOMMENDATION

Staff recommends that the Town Council approve after the fact permits for right of way encroachment and/or tree removal for fire reasons, along with waiver of permit fees.

BACKGROUND

The recently merged Home Hardening and Vegetation Subcommittee of the Wildfire Preparedness Committee has created a pilot program to promote private property clean-up efforts in a community barn-raising type of event. The name of this program is the Ready for Wildfire Sprint (**R4W Sprint**).

A neighborhood block of residences will perform coordinated wildfire assessment and mitigation as a community during a 2-4 week period beginning in March 2022. The purpose of the limited time window is to spur action during those weeks that would otherwise be delayed or not attempted at all. Other considerations are to initiate the pilot before peak wildfire season and before bird nesting season.

The goals of the R4W Sprint are to maximize participation in a local fire-hardening program and learn how better to promote home hardening and vegetation management with the broader community. Additional goals of the pilot are:

- To assess costs associated with private property cleanup
- To understand what percent of residents will participate (an ideal goal of 75%)
- To understand the timing and resources associated with running the program at scale through all of Portola Valley
- To visually demonstrate what it looks like when a neighborhood prepares for wildfire

DISCUSSION

Working with a neighborhood block captain, the Subcommittee and Town Staff have arranged for the Woodside Fire Protection District (WFPD) to perform home fire safety assessments on participating residences during a single period of 1-2 weeks. The Subcommittee will then refer the residents to contractors who can perform the needed repairs or work in a defined time frame (2-4 weeks after the assessments).

During or after the work period, Town Staff will arrange for cleanup of the right of way on the neighborhood's street; work may be performed by either the Town or the residents. At the end of the work period, WFPD will provide chipping services. At the end of the project, WFPD will provide a letter to residents citing their wildfire readiness, which they in turn could present to homeowner insurers.

The Subcommittee has arranged the following workflow:

1. Inform the neighborhood (through neighborhood leader) about the program and recruit as many homeowners as possible.
2. Schedule initial assessments in a short (1-2 week) period, to be performed by WFPD.
3. Perform assessments, distribute reports to homeowners and follow up to answer questions.
4. Refer interested homeowners to a group of contractors (landscapers, building contractors, etc.) to perform the prescribed upgrades in a 2-4 week period.
5. Homeowners have the option to conduct right of way cleanup themselves so that they have more aesthetic control.
6. Town Staff waives permit fees and issues after the fact permits for right of way encroachment and/or any tree removed by the homeowner for fire reasons, when accompanied with WFPD explanation/justification/assessment.
7. If the homeowner declines to mitigate the right of way, Town Staff performs the cleanup as a prioritization of the neighborhood in the Public Works general plan.
8. WFPD provides chipping services at the end of the work period.
9. At completion, WFPD provides a letter confirming neighborhood wildfire readiness.
10. Follow up with homeowners on the nature and extent of work done and their experience with the program to prepare for a scale-up of the program.

RIGHT OF WAY CLEANUP

The inclusion of the right of way cleanup is important to create a visual result that is appealing, instructional, and inspirational to all Portola Valley residents. The overall look of the neighborhood should demonstrate the benefits of home hardening, defensible space, and vegetation management around the homes and in the right of way. The overall look should communicate that the combination of Town and community effort will reduce ignitions, increase wildfire readiness, and improve evacuation safety.

When the homeowner does the right of way cleanup, the purpose of an encroachment permit is to ensure the work is done to the Town's standards. In addition, work must be performed according to WFPD recommendation.

The right of way cleanup is part of the Town's general plan for [Fire Mitigation Work on Town Right of Ways and Land](#). The effect of the R4W Sprint is to move up the participating street in the Public Works priority list. However, when the Town does the cleanup, if vegetation has been planted in the right of way, the homeowner may be asked to accept the cost of removal, for example, when a tree trunk diameter exceeds 6 inches.

FISCAL IMPACT

A fiscal impact would be the loss of any waived fees for encroachment permits (\$284) and permits to remove significant trees (\$84). No additional costs are expected from performing right of way cleanup and chipping services ahead of normal schedule and sequence.

FINAL REPORT

The Subcommittee plans to report its conclusions and the outcomes from the R4W Sprint pilot at the May-2022 meeting of the Wildfire Preparedness Committee.

ACKNOWLEDGEMENTS

The Subcommittee thanks neighborhood leader Tricia Christensen for stepping forward to coordinate the residences of Alhambra Court for the first R4W Sprint.

Dear Mayor Hughes and Members of the Town Council:

We are writing to express our shared concern about the update to the Safety Element (“SE”), its current stage of development, and the role of our respective committees in the review and editing process. We understand that consultants have been developing the SE update for the past six or seven months. We also understand that our committees will be receiving regular updates as progress on the SE advances. Further, based on representations made by the Town staff, it is our expectation that our committees will be provided an opportunity to review drafts of the SE during the April to May timeframe. Given these facts, we have serious concerns with respect to the nature and scope of the work product, as well as the time provided to review drafts of the SE update. Our concerns include but are not limited to the following items:

1. ***It would be most helpful if a contingent from each committee could meet with the consultants to understand their progress on the SE update, as well as provide input prior to dropping the entire document for review at a committee meeting.*** *A subcommittee of the Wildfire Preparedness Committee (“WPC”) has found that direct involvement with the consultant working on the Evacuation Traffic Study has been helpful in developing a superior product.*
2. ***We have significant concerns regarding the timeline as currently presented.*** *To provide sufficient time to review the materials for the SE update, the Geologic Safety Committee (“GSC”) has been told to anticipate the need for at least several meetings. The GSC is willing to work with the consultants if given the opportunity. The Emergency Preparedness Committee (“EPC”) is currently unable to find a consensus date for a Veoci demo, and it is unlikely that a quorum could be established for special meetings of the EPC. The further we advance into the summer, the less likely that the SE update will receive the review that is duly warranted.*
3. ***We have received no information on the sections of the SE that will require review, or the number of public meetings that are planned or required.*** *We have also not been provided access to the consultants or specialized alternative consultants that are working on this project.*

We have listed a few suggestions below to improve the process flow.

1. As soon as possible, set up a meeting between the consultants and contingents from EPC, WPC, and GSC to understand the following:
 - a. the status of the SE update;
 - b. sections that each committee will need to review; and
 - c. specific tasks where the committees can gather information, survey residents, or otherwise provide support to the consultants.

Early engagement with the consultants will have the benefit of front-loading multiple processes, which should expedite overall results in the long run.

2. Plan a joint meeting of all three committees where the consultants can be introduced, and an overview of the SE can be presented. This joint meeting would eliminate the need for separate meetings with each committee. To ensure transparency to the community, this meeting should be recorded and made accessible for public view. Such recording may also be viewed by members of the EPC, WPC and GSC who were unable to attend the meeting.
3. Plan a joint discussion with the Committee Chairs to determine how best to proceed with committee reviews of the Safety Element – alternatives include special meetings of the EPC, WPC and GSC and/or their respective subcommittees and/or public meeting.

The EPC, WPC and GSC stand ready to contribute their expertise and offer their oversight in connection with the development of SE update – a critical document that supports multiple safety protocols for our

Town. In response to this letter, please reach out to the EPC, WPC, and GSC so that we can begin to collaborate on how to achieve a desirable outcome.

Regards,

Chet Wrunke
Chair Pro-Tem and Secretary, Geologic Safety Committee

Michael Tomars
Chair, Wildfire Preparedness Committee

Dale Pfau
Chair, Emergency Preparedness Committee

cc: Jeremy Dennis, Town Manager
Sharon Hanlon, Town Clerk

Sharon Hanlon

From: Town Center
Subject: Wildfire Prep Committee [DO NOT CHANGE SUBJECT LINE]

-----Original Message-----

From: Margaret Blair
Sent: Friday, April 1, 2022 11:17 AM
To: Town Center <TownCenter@portolavalley.net>
Subject: Wildfire Prep Committee [DO NOT CHANGE SUBJECT LINE]

I read with interest and understanding the notice about removing “stressed” redwoods. However, I hope this committee is not advocating removing mature, established trees simply because someone doesn’t like them, or they wasn’t a better view, or they don’t like what’s falls from the trees. The mature trees are an important part of our eco-system, as well as the beauty of this area.
Don’t “urbanise” Portola Valley. Thank you.

Sent from my iPhone