



**TOWN OF PORTOLA VALLEY**  
**Race and Equity Committee Meeting**  
**Tuesday, August 9, 2022**  
**6:30pm**

**Kim Marinucci**, Chair  
**Johnathan Clark**, Vice Chair  
**Lucy Neely**, Secretary  
**Patt Baenen**, Member  
**Adnan Iftekhhar**, Member  
**Cole Kawaja**, Member  
**Judith Murphy**, Member  
**Andrew Pierce**, Member

**SPECIAL VIRTUAL MEETING**

**REMOTE MEETING COVID-19 MEETING ADVISORY:** On September 16, 2021, 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. COVID-19 is still a major health concern and virtual attendance to the Town Council meeting is encouraged, particularly during case increases.

**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 or by email at [mthurman@portolavalley.net](mailto:mthurman@portolavalley.net) 48 hours prior to the meeting start time. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

**VIRTUAL PARTICIPATION VIA ZOOM**

**To access the meeting by computer:**

<https://us06web.zoom.us/j/82763140026?pwd=K0p3SEpZWXF0Ykw5aTVabIVVMWszZz09>

**Webinar ID: 827 6314 0026**

**Passcode: 790843**

**To access the meeting by phone:**

1-669-900-6833 or

1-888-788-0099 (toll-free)

*Mute/Unmute – Press \*6 / Raise Hand – Press \*9*

- 1. CALL TO ORDER, ROLL CALL, LAND ACKNOWLEDGMENT & ICE BREAKER**
- 2. ORAL COMMUNICATIONS FOR ITEMS NOT ON THE AGENDA**  
*Speakers' time is limited to two minutes.*
- 3. APPROVAL OF MINUTES:**
  - a. Special meeting, June 30, 2022
  - b. Regular meeting, July 12, 2022
- 4. NEW BUSINESS:**
  - a. Fixin' San Mateo presentation
  - b. Group norms (Adnan)
  - c. Organizing our work/documents (Adnan)
    - i. Agenda proposal Google document
    - ii. One organizing document in Google docs
  - d. Accept Memo on Text and Email Policy
  - e. Booth at Zots to Tots, Sept 17
  - f. Land acknowledgment: Draft memo and revised land acknowledgment to the Town Council

**5. OLD BUSINESS:**

- a. Inclusionary Housing Fund subcommittee report—first draft recommendation on how to use inclusionary funds
- b. Subcommittee reports (Housing Element, Calendar/communications, Town seal)

**6. ADJOURNMENT**

The next regularly scheduled meeting date is Tuesday, September 6, 2022 6:30pm.

Town of Portola Valley  
Race & Equity Committee  
Thursday June 30, 2022  
6:30 pm, Zoom

Minutes

1. Call to Order and Roll Call—Call to order at 6:35 pm. Present: Committee Members Patt Baenen, Andrew Pierce, Judith Murphy, Lucy Neely, Kim Marinucci; Council Liaison John Richards; Member of Public Kristi Corley.
2. Oral Communications—None
3. New Business
  - a. Housing Element Fair Housing—Changes to the draft document. Murphy shared the portion included in the agenda packet that jumped out at her and suggested changes. Murphy and Pierce agree the mention of mortgages is random and extraneous. Murphy notes that it is factually not accurate to say that low-income households are more likely to be racial minorities, and that it's important to correct this damaging conflation. Discussion ensues. Murphy also notes that as the Housing Element is implemented, and especially the Fair Housing portion, it will be important for the committee to stay involved, for instance at the Wedge. Corley brings up grants for bicycles. Richards notes that Howard Young is aware of grants and applies for appropriate funding. Murphy makes a motion to approve suggested changes as included in the agenda packet. Pierce seconds. All committee members vote in favor.
4. Adjournment—7:10pm. Next regularly scheduled meeting Tuesday July 12, 6:30 pm.

# Portola Valley Race and Equity Committee

## Meeting Guidelines

Adapted from: Conversational guidelines from S.E.E.D., Seeking Educational Equity and Diversity. *S.E.E.D. is an organization that supports inclusion by deepening conversations around issues of diversity, equity, and inclusion. It has a fundamental commitment to hearing all the voices in the room in order to surface the collective wisdom of the group through talking circles.*

- Be fully present
- Speak from the “I” perspective
  - Speak with “I” messages. “I think... I feel...” In other words, speak from your personal experience.
- Lean into Discomfort
- Respect the messiness of ideas
- Suspend judgment of self and others
- Honor confidentiality
  - Handle with care and confidence that is shared.
- Accept silence as part of the process
  - Listen to understand; keep an open mind.
- Take space, make space, invite in
  - Respect time constraints. Every Voice Matters.
  - Listen and wait your turn without interrupting to comment or ask questions, knowing that you will be able to engage in further conversation at other times.
- Seek multiple perspectives, treating the candidness of others as a gift
- Practice self-care. Step away if you need to take care of yourself.

## ORGANIZING OUR WORK

Agenda, Meeting Notes, Frequently Used Documents:

<https://docs.google.com/document/d/12zYXLiAdmxFBvcfpHMA5kupt-eClQMqStFd-JKo9WI/edit>

Agenda requests:

[https://docs.google.com/document/d/14iGvhfjygNel\\_HX2gfqWcNP-cExWU2WBSP5kU3i6DLo/edit](https://docs.google.com/document/d/14iGvhfjygNel_HX2gfqWcNP-cExWU2WBSP5kU3i6DLo/edit)



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

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**TO:** All Town Commissions and Committees

**CC:** Jeremy Dennis, Town Manager

**FROM:** Cara Silver, Town Attorney

**DATE:** August 3, 2022

**RE:** New Policy Regarding Texting and Emailing During Public Meetings

On August 1, 2022, the Town Council adopted the attached policy prohibiting private email or text communications among commission and committee members during public meetings. (See the [August 1 Staff Report](#) for further background on this policy.) This policy also prevents commission and committee members from privately communicating with a third-party consultant employed by the Town during a public meeting. This policy does not prevent commission and committee members from communicating with Town staff or the Town Attorney during public meetings. This policy is directed at communications relating to the business of the legislative body. Thus, this policy is not intended to prevent commission and committee members from texting one another to report an internet connection problem during a remote meeting or to request a restroom break.

Below are some common examples of both prohibited and permitted communications.

**Prohibited Communications (during public meetings):**

- Text asking fellow committee member a clarifying question about an agenda item
- Text to a fellow committee member providing additional information on a pending agenda item
- Text to a fellow committee member forwarding a historic document relative to an item contained on the agenda, but not included in the agenda packet
- Text from a committee member to the chair asking if a member of the public could be recognized even though public comment time has ended

- Text from a committee chair asking an evacuation consultant who has made a presentation to the committee whether they can respond to a question raised by a member of the public
- Text from a committee chair to an evacuation consultant scheduled to make a presentation to the committee whether their schedule would be impacted if the committee re-arranged the agenda
- Email from chair to entire committee forwarding a power point slide deck for an agenda item

### **Permitted Communications (during public meeting)**

- Text from a committee member asking the Town Manager to respond to a question from a member of the public
- Text from a committee member asking the Town Manager a clarifying or technical question regarding a matter on the agenda
- Text from a committee member to the Town Attorney asking whether a public member's summary of a new State law is accurate
- Text from a committee member to the chair informing them that their internet connection is unstable and they plan to exit and rejoin the meeting
- Text from a member of the public to the chair complaining about the disrespectful tone of one of the committee members (and responding text from chair)
- Text from a member of the public to a committee member stating that Town staff's summary of the resident comments received at a community meeting is inaccurate
- Text from a committee member to chair that the member must leave the remote meeting due to a family emergency
- Text from a committee member to chair requesting a restroom break

This new policy does not apply to communications outside a public meeting. The Brown Act prohibits direct or serial communications outside a meeting amongst a quorum of commission and committee members. To avoid an inadvertent serial Brown Act violation, a practical tip is to select a single "Brown Act buddy" and only communicate with that person. Commission and committee member may have different Brown Act buddies for different topics.

For more information on the Brown Act, see [Open & Public V: A Guide to the Ralph M. Brown Act](#). The Town Attorney and Town Clerk are available to provide additional Brown Act training to your commission and committee.

For more background on this new policy, see [August 1 Town Council Staff Report](#).

Attachment: Unconditional Commitment Letter



# TOWN of PORTOLA VALLEY

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

August 1, 2022

Lawrence A. Jacobson  
Cohen and Jacobson LLP  
Attorneys at Law  
60 Bovet Road, Suite 285  
San Mateo, CA 94402

Dear Mr. Jacobson:

The Town of Portola Valley, and its legislative body Wildfire Preparedness Committee (WPC), have received your "Cease and Desist" letter dated March 30, 2022, alleging that the following described past action of the legislative body violates the Ralph M. Brown Act:

The WPC held a publicly noticed, video-recorded meeting on March 1, 2022, starting at approximately 4:30 pm and concluding at approximately 7:20 pm. A portion of the video time-stamped 2:26:00 through 2:26:50 of the March 1, 2022, meeting shows Town Council Liaison and Vice Mayor Sarah Wernikoff communicating via text message with Committee Member Jennifer Youstra, Committee Chairman Michael Tomars, and Town Manager Jeremy Dennis. The text communications, which were disclosed to the public during the meeting through a screenshare, include:

1. A message exchanged with Committee Member Youstra at 6:01 pm relating to Committee business;
2. A message exchanged with Committee Chairman Tomars at 6:14 pm allegedly relating to Committee business; and
3. A message exchanged with Town Manager Dennis at 6:25 pm relating to Committee business.

Representatives or agents of the Town Council alleged to be attending the meeting included (a) the Vice Mayor attending and participating in this meeting as a member of the Town Council and as the Liaison of and for the Town Council, (b) Jeremy Dennis attending and participating as Town Manager, and (c) Cara Silver attending as Town Attorney.

The Cease and Desist letter further asserts that based upon the conduct described above further alleged violations may similarly have been committed by the other legislative bodies of the Town. The Cease and Desist Letter also contains a Public Records Act request for records reflecting such other communications.

Larry Jacobson  
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In order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the Town of Portola Valley (the "Town"), for itself and all legislative bodies thereof (the "Legislative Bodies" or, individually, a "Legislative Body"), hereby unconditionally commits that members of all Legislative Bodies will cease and desist from the following:

1. Non-public texting or emailing, or engaging in any other non-public communications, between or among members and/or third-party consultants (not including legal counsel), during any meeting that is subject to the Brown Act relating to business of the Legislative Body.
2. For the purposes of this letter, the prohibited texting, emailing and other forms of non-public communication shall mean and include all such communication between or among members participating in a meeting collectively or by serial communications constituting a meeting within the scope of the Brown Act which are not open and shared with the public.

The Town, for itself and all Legislative Bodies, may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as "Rescission of Brown Act Commitment." You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address or addresses you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, you will have the right to commence legal action pursuant to [subdivision \(a\) of Section 54960 of the Government Code](#). That notice will be delivered to you by the same means as this commitment, or may be mailed to an address that you have designated in writing.

Very truly yours,

  
\_\_\_\_\_  
Craig Hughes  
Mayor

## LAND ACKNOWLEDGMENT DRAFT MEMO FOR REVIEW

To: Mayor Hughes and Council Members  
From: Race & Equity Committee  
Date: August \_\_ 2022  
Re: Land acknowledgment revision and implementation

Regarding the land acknowledgment statement [adopted by the Council](#)[JA1] (red page 19) on November 11, 2020 and recommended actions, the Race & Equity Committee recommends the following:

1. Approve revised land acknowledgment statement to include the Muwekma Ohlone, Ramaytush Ohlone, and Tamien Ohlone peoples and to clarify the intention.
2. Implement the use of the land acknowledgment statement:
  - a. Publish in the footer of the Town's website.
  - b. Begin the practice of reading the land acknowledgment at the beginning of all Town public meetings (Council, Committees, and events).

In the future the Race & Equity Committee will seek ways to put the statement into action make further recommendations to the council

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[JA1]It's unclear to me whether or not there was a vote on the recommendations.

### *PV's current land acknowledgment:*

Occupying the traditional, ancestral, and unceded territory of the Ramaytush Ohlone peoples, Portola Valley both recognizes and acknowledges the violent[JA1] colonial history of the land that it dwells upon. As a part of this history, Portola Valley recognizes that it has, and will continue to, profit from land stolen from the Indigenous Ohlone peoples, and commits to an ongoing effort to dismantle[JA2] these legacies.

### *Revised land acknowledgment:*

The Town of Portola Valley acknowledges the colonial history of this land we dwell upon—the unceded territory of the Muwekma Ohlone, Ramaytush Ohlone, and Tamien Nation, who endured a human and cultural genocide that included removal from their lands and their sacred relationship to the land. Portola Valley recognizes that we profit from the commodification of land seized from indigenous peoples and now bear the ecological consequences. We seek to understand the impact of these legacies on all beings and to find ways to make repair.

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[JA1]Something more descriptive (see revised version)

[JA2]This word feels like it will date quickly. Again, something more descriptive.

## INCLUSIONARY HOUSING FUNDS Subcommittee

### FUNDING PRIORITIES

- Limit to housing for Low and Very Low income housing?
  - Yes!
  - Concessions, fee reduction, etc are a separate matter and should be available to all units that count toward rhna.
- Financial Assistance – Use up as direct aid vs. maintain ongoing program?
  - Maintaining the program is important so incentives can continue into the future.
  - Loans better than direct aid; repayment will re-fund the program.
    - Loans preferable to grants
    - Loan fees could grow fund.
- A few larger vs many smaller projects?
  - Suggest language: No more than 15% of the total fund will be allocated to any 1 project.
- Prioritize ADUs
  - Direct immediate support to ADU conversions and JADUs since those are the faster, lower cost projects.
    - Dedicated staff, streamlined process for all
    - Financial assistance for selected - criteria?
    - Prioritize JADUs and conversion of permitted accessory buildings that need only added kitchen or bath to become ADUs to count toward rhna.
- Consider use for Affiliated housing
  - Sequoias, Priory and Stanford already partners
  - Actively solicit additional affiliated housing partners.
- Require deed restriction or BMR contracts?
  - Yes, for any projects receiving financial assistance.
    - Not for those just getting fee waivers, expedited approvals, etc.
  - Require this and must have monitoring structures in place before loans made.
  - Monitoring –confirm amortization schedule, loan payments, actually rented? Actually rented to low income?
  - Deed restriction vs BMR contracts - needs further analysis
- Income requirements to get aid? Should we be giving these funds to wealthy residents?
  - Needs further discussion and details.
- Use for hiring consultants?
  - Yes for Planning Dept dedicated staffing for streamlined process; ?hiring a dedicated staff member for (3) years.
  - Minimize spending on outside consultants
  - Apprenticeships to help with details?
    - Corte Madera Apprenticeships?
    - Woodside Priory Internships?
    - Local college/university internships?
- Notice of Funding Availability? If using the HTF to assist nonprofits providing housing-related services, consider using a competitive process to award these funds
  - This is appropriate only with specific identified projects as planning begins.