

**TOWN OF PORTOLA VALLEY**  
**Regular Meeting of the Town Council**  
**Wednesday, October 11, 2023**  
**7:00 P.M.**

**Jeff Aalfs**, Mayor  
**Sarah Wernikoff**, Vice Mayor  
**Judith Hasko**, Councilmember  
**Mary Hufty**, Councilmember  
**Craig Taylor**, Councilmember

**HYBRID MEETING**

**HISTORIC SCHOOLHOUSE- 765 Portola Road, Portola Valley, CA 94028**

**Remote Public Comments:** Meeting participants are encouraged to submit public comments in writing in advance of the meeting. Please submit your comments using this [online form](#) by 1:00 PM on the day of the meeting. Time permitting, your correspondence will be uploaded to the website. All received questions will be forwarded to Council, Commission, or Committee members for consideration during the meeting and included in the public record. Additionally, technology permitting, the public body will take questions using the Raise Hand button for those who attend the meeting online or by phone. Phone callers may provide comments by pressing \*9 on their phone to "raise your hand" and \*6 to mute/unmute themselves. The meeting Chair will call on people to speak by the phone number calling in. Remote participation is provided as a supplemental way to provide public comment, but this method does not always work. The public is encouraged to attend in person to ensure full participation.

**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 [towncenter@portolavalley.net](mailto:towncenter@portolavalley.net). 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/88655854920?pwd=XszTxjE40CjvoP06G3lTWdd0BUYARQ.cRdLnyRNZwWs7Q\\_0](https://us06web.zoom.us/j/88655854920?pwd=XszTxjE40CjvoP06G3lTWdd0BUYARQ.cRdLnyRNZwWs7Q_0)

**Webinar ID: 886 5585 4920**

**Passcode: 566631**

**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- REGULAR SESSION**

**2. 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. *Each speaker's time is limited to three minutes.*

**3. CONSENT AGENDA**

- a. **Approval** of Minutes - Regular Meeting Minutes of September 27, 2023
- b. **Approval** of Warrant List- 10/11/2023
- c. **Appointment** to Parks and Recreation Committee to fill unscheduled vacancy

**4. REGULAR AGENDA-PUBLIC HEARING**

- a. Electronic Communications Policy Update

**5. COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS**

Oral and written reports arising out of liaison appointments to both in-town and regional committees and initiatives. The Town Council does not take action under this agenda item.

**6. TOWN MANAGER REPORT**

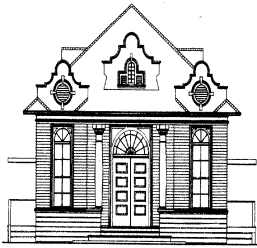
*There are no written materials, and the Town Council does not take action under this agenda item.*

**7. ADJOURNMENT**

The next Regular Town Council meeting will be held on October 25, 2023, at 7:00 p.m.

\*\*\*\*\*

**Land Acknowledgement:** The Town of Portola Valley acknowledges the colonial history of this land we dwell upon the unceded territory of the Ramaytush (rah-my-toosh) Ohlone, Tamien Nation, and Muwekma (mah-WEK-mah) Ohlone, 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.



**TOWN OF PORTOLA VALLEY**  
**Regular Meeting of the Town Council**  
**Wednesday, September 27, 2023**  
**7:00 P.M.**

**Jeff Aalfs**, Mayor  
**Sarah Wernikoff**, Vice Mayor  
**Judith Hasko**, Councilmember  
**Mary Hufty**, Councilmember  
**Craig Taylor**, Councilmember

**1. CALL TO ORDER 7:01 PM**

**Present:** Mayor Aalfs, Councilmembers Hufty and Taylor  
**Absent:** Vice Mayor Wernikoff and Councilmember Hasko

**2. ORAL COMMUNICATIONS**

The following spoke during oral communications:

- Chief Tom Cuschieri, Woodside Fire Protection District
- Rita Comes
- Kristi Corley

**3. CONSENT AGENDA**

The following spoke during public comment:

- Rita Comes

Councilmember Hufty pulled item 3 a. for a correction to the minutes. Requested a change to the ad-hoc committee name noted in section 4 d. from "Town Manager" to "Hawthorns" committee and make a correction to the members listed, removing Paul Heiple and replacing him with Catherine Magill

Councilmember Hufty pulled item 3 d. for further discussion

Mayor Aalfs requested a motion to approve Items 3 b. and 3 c.

- b. Approval of Warrant List- 9/27/2023**
- c. Approval of Grand Jury Response for Bike Safety in San Mateo County**

Councilmember Taylor made a motion, seconded by Councilmember Hufty, to approve item 3 b. and 3 c. on the consent agenda. The motion passed by the following vote:

**Ayes:** Mayor Aalfs, Councilmembers Hufty and Taylor  
**Nays:** None

- a. Approval of Minutes - Regular Meeting Minutes of September 13, 2023**

Councilmember Hufty made a motion, seconded by Councilmember Taylor, to approve item 3 a. on the Consent Agenda as corrected. The motion followed by the following vote:

**Ayes:** Mayor Aalfs, Councilmembers Hufty and Taylor  
**Nays:** None

- d. Appoint Ad-Hoc Housing Element Post-Adoption Plan Subcommittee**

Councilmember Taylor made a motion, seconded by Councilmember Hufty, to approve item 3 d. on the Consent Agenda. The motion followed by the following vote:

**Ayes:** Mayor Aalfs, Councilmembers Hufty and Taylor

**Nays:** None

#### **4. REGULAR AGENDA-PUBLIC HEARING**

- a. Adoption** of Resolution Approving and Authorizing Execution of Farmers' Market License Agreement

Councilmember Hufty made a motion, seconded by Councilmember Taylor, to approve item 4 a. on the Regular Agenda. The motion followed by the following vote:

**Ayes:** Mayor Aalfs, Councilmembers Hufty and Taylor

**Nays:** None

The following spoke during public comment:

- Rita Comes
- Kristi Corley

#### **5. COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS**

Oral and written reports arising out of liaison appointments to both in-town and regional committees and initiatives. The Town Council does not take action under this agenda item.

The following spoke during public comment:

- Danna Breen
- Rita Comes
- Mary & Rob Jack
- Kristi Corley

#### **6. INTERIM TOWN MANAGER REPORT**

*There are no written materials, and the Town Council does not take action under this agenda item.*

#### **7. ADJOURNMENT**

At 8:11 PM, the Mayor adjourned the September 27, 2023 meeting. The next Regular Town Council meeting will be held on October 11, 2023, at 7:00 p.m.

Check Register

Check Number	Vendor Number	Vendor Name	Check Amount	Check Date	BW	Check Type
Checks for Cash Account: 910-11011-000						
3513	41	AT&T	55.70	10/05/23		
3514	80	CALPERS	7,814.08	10/05/23		EFTPS
3515	135	CSG CONSULTANTS INC	16,865.00	10/05/23		
3516	167	ECS IMAGING	12,617.70	10/05/23		
3517	195	GOOD CITY COMPANY	37,418.75	10/05/23		
3518	213	HILLYARD INC	931.13	10/05/23		
3519	218	MISSIONSQUARE RETIREMENT	17,494.00	10/05/23		
3520	275	KRUPKA CONSULTING	1,225.00	10/05/23		
3521	295	LYNX TECHNOLOGIES INC	675.00	10/05/23		
3522	324	MIRANDAS LANDSCAPE	4,104.00	10/05/23		
3523	364	PERS HEALTH	20,663.67	10/05/23		
3524	374	PLAN JPA	10,839.50	10/05/23		
3525	375	PLATINUM FACILITY SERVICES	5,384.69	10/05/23		
3526	376	PORTOLA VALLEY HARDWARE	1,469.35	10/05/23		
3527	429	SHELLY SWEENEY	1,576.00	10/05/23		
3528	447	STAPLES CREDIT PLAN	1,111.30	10/05/23		
3529	452	STUART RENTAL COMPANY	2,996.37	10/05/23		
3530	518	GOT GOPHERS?	1,050.00	10/05/23		
3531	553	COUNTY OF SAN MATEO-PSC	13,570.00	10/05/23		
3532	642	CYBERTARY.COM	247.90	10/05/23		
3533	690	CRUZ STRATEGIES	625.00	10/05/23		
3534	730	URBAN PLANNING PARTNERS INC	2,451.25	10/05/23		
3535	914	UNITED MECHANICAL INC	3,643.00	10/05/23		
3536	946	JARVIS FAY LLP	1,938.00	10/05/23		
3537	949	PORTER CAPITAL CORPORATION	49.50	10/05/23		
3538	1016	SHUTE, MIHALY & WEINBERGER LLP	7,608.50	10/05/23		
Check totals:			166,610.31			
ACH totals:						
EFTPS totals:			7,814.08			
Wire transfer totals:						
Payment Manager totals:						
GRAND TOTALS			174,424.39			
Check totals:			166,610.31			
ACH totals:						
EFTPS totals:			7,814.08			
Wire transfer totals:						
Payment Manager totals:						
GRAND TOTALS			174,424.39			

Check Date	Check Number	Special Information	Net Check Amount	Total Invoices Paid	Invoice Number
Vendor: 10/05/23	41 3513	AT&T August Statement	55.70	55.70	000020488401
Vendor:	80 3514	CALPERS September Unfunded Liability	7,814.08	7,814.08	100000017276694
Vendor:	135 3515	CSG CONSULTANTS INC July Code Enforcement, Bldg Svcs, Stormwater C4 Inspection July Code Enforcement, Bldg Svcs, Stormwater C4 Inspection July Code Enforcement, Bldg Svcs, Stormwater C4 Inspection	16,865.00	2,016.00 2,268.00 12,581.00	52988 52817 52853
Vendor:	167 3516	ECS IMAGING Scanning and Planning Scanning and Planning	12,617.70	5,760.10 6,857.60	18063 17930
Vendor:	195 3517	GOOD CITY COMPANY Planning Consultant Services - August 2023	37,418.75	37,418.75	3272
Vendor:	213 3518	HILLYARD INC Janitorial Supplies	931.13	931.13	605248104
Vendor:	218 3519	MISSIONSQUARE RETIREMENT Defer Comp, July - Sept '23	17,494.00	17,494.00	Q1_2024
Vendor:	275 3520	KRUPKA CONSULTING On-Call Traffic & Transportation - April 2023	1,225.00	1,225.00	1360
Vendor:	295 3521	LYNX TECHNOLOGIES INC GIS Professional Services in September	675.00	675.00	10001
Vendor:	324 3522	MIRANDAS LANDSCAPE August Landscape Maintenance Services	4,104.00	4,104.00	3375
Vendor:	364 3523	PERS HEALTH October Health	20,663.67	20,663.67	100000017294265
Vendor:	374 3524	PLAN JPA General Liability Claims-June 2023 General Liability Claims-August 2023	10,839.50	1,198.50 9,641.00	PLAN-2023-0281 PLAN-2024-0044
Vendor:	375 3525	PLATINUM FACILITY SERVICES Janitorial Services - Aug 2023. Fridays disinfection svcs Janitorial Services - September 2023 Janitorial Services - Sept 2023. Fridays disinfection svcs	5,384.69	448.01 4,488.67 448.01	47106 47282 47283

Check Date	Check Number	Special Information	Net Check Amount	Total Invoices Paid	Invoice Number
Vendor:	376	PORTOLA VALLEY HARDWARE			
	3526	April Statement	1,469.35	517.13	193-APRIL23
		March Statement		556.96	193-MARCH23
		July Statement		197.63	193-JULY23
		August Statement		197.63	193-AUGUST23
Vendor:	429	SHELLY SWEENEY			
	3527	Summer 2023 Classes	1,576.00	1,576.00	SUMMER-2023
Vendor:	447	STAPLES CREDIT PLAN			
	3528	April through September Statement	1,111.30	1,111.30	2814APR-SEPT 23
Vendor:	452	STUART RENTAL COMPANY			
	3529	Town Picnic Equip Rentals, Deposit	2,996.37	2,996.37	218427
Vendor:	518	GOT GOPHERS?			
	3530	Town Fields Gopher Trapping- September 2023	1,050.00	1,050.00	52323
Vendor:	553	COUNTY OF SAN MATEO-PSC			
	3531	Participation in the FY2023-2024	13,570.00	13,570.00	FYFY23-24_DUES
Vendor:	642	CYBERTARY.COM			
	3532	August Transcription Services	247.90	247.90	4742
Vendor:	690	CRUZ STRATEGIES			
	3533	Government Relations Work - September 2023	625.00	625.00	2868
Vendor:	730	URBAN PLANNING PARTNERS INC			
	3534	PV Housing Element Update- July	2,451.25	2,451.25	21029-230731
Vendor:	914	UNITED MECHANICAL INC			
	3535	Community Hall HVAC Repair	3,643.00	3,643.00	82058
Vendor:	946	JARVIS FAY LLP			
	3536	Legal Services - Housing Element August	1,938.00	1,938.00	17972
Vendor:	949	PORTER CAPITAL CORPORATION			
	3537	Temp Service, Michelle Magahiz 9/25/23-10/01/23	49.50	49.50	7288
Vendor:	1016	SHUTE, MIHALY & WEINBERGER LLP			
	3538	July Legal Service	7,608.50	1,281.00	282657
		July Legal Service		4,967.50	282658
		July Legal Service		1,360.00	282656

Check Date	Check Number	Special Information	Net Check Amount	Total Invoices Paid	Invoice Number
Check Date Totals			174,424.39		
Grand Total			174,424.39		



**TOWN OF PORTOLA VALLEY**  
**Warrant Disbursement Journal**  
**October 11, 2023**

Claims totaling \$174,424.39 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 \_\_\_\_\_

\_\_\_\_\_  
Sharif Etman, Town Manager

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

Signed and sealed this (Date) \_\_\_\_\_

\_\_\_\_\_  
Jennifer Torres, Town Clerk

\_\_\_\_\_  
Mayor



# TOWN OF PORTOLA VALLEY STAFF REPORT

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**TO:** Mayor and Members of the Town Council  
**FROM:** Jennifer Torres, Town Clerk  
**DATE:** October 11, 2023  
**RE:** Appointment to Parks and Recreation Committee

**RECOMMENDATION:**

Town Council appointment of a new member to the Parks and Recreation Committee to fill an unscheduled vacancy.

**BACKGROUND:**

Only one member application was received and is included as Attachment 1. The appointee will complete the term of appointment, concluding at the end of 2024.

**FISCAL IMPACT:**

None

**ATTACHMENT:**

Member Application

# ATTACHMENT 1

**From:** [webmaster@portolavalley.net](mailto:webmaster@portolavalley.net)  
**To:** [Town Center](#)  
**Subject:** Committee Application  
**Date:** Sunday, September 17, 2023 10:06:02 AM

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

**Form Name:** Committee Application  
**Date & Time:** 09/17/2023 10:05 AM  
**Response #:** 190  
**Submitter ID:** 7092  
**IP address:** [REDACTED]  
**Time to complete:** 7 min. , 23 sec.

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## Survey Details

### Page 1

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

(o) Parks & Recreation

### Applicant Information

**Full Name** Cindy Rowe  
**Email Address** [REDACTED]  
**Street Address** [REDACTED]  
**City/Zip** Portola Valley, CA 94028  
**Number of years in Portola Valley** 35  
**Cell Phone** [REDACTED]  
**Home Phone** [REDACTED]  
**Other Phone** Not answered  
**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.**

In 2019 the town management felt that the tennis courts were under-utilized. I gave a pickleball demonstration for residents to see if there was any interest. As it turned out, there was a great deal of interest. We have since grown into a 7-day a week, multi-generational community activity involving over 200 people. I feel that as significant users of the town facilities, we should contribute to the management of those facilities. I have been working closely with the Parks and Recreation committee for the past 4 years and think it is time to step up and help.

## ATTACHMENT 1

My background experience for serving on committees includes 5 years on the Alpine West Menlo Little League Board serving as Majors Players Agent , Treasurer, Minors Commissioner and Senior Commissioner; 6 years on the AYSO Board mostly managing Registration; 5 years on the Portola Valley Schools Foundation Board managing donations. In addition, I am currently on the Executive Board of the Friends of the Portola Valley Library serving as Secretary and Archivist.

Most of the volunteer work I have done has involved managing computer data in various forms. I currently manage the PV Pickleball website and Groups.io email list as well as general management of the group and organize all play. I believe my skill set and enthusiasm for Portola Valley recreation will be of use to the Parks and Recreation Committee.

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

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.**

**New Text Information**

Thank you,  
**Portola Valley, CA**

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**This is an automated message generated by Granicus. Please do not reply directly to this email.**



# TOWN OF PORTOLA VALLEY

## STAFF REPORT

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**TO:** Mayor and Members of the Town Council

**FROM:** Catherine Engberg, Interim Town Attorney

**DATE:** October 11, 2023

**RE:** Updated Electronic Communications Policy

**RECOMMENDED ACTION:**

Adopt an Updated Electronic Communications Policy.

**BACKGROUND:**

Technology has significantly expanded opportunities to enhance communication, efficiency, and productivity. Members of the Town Council, as well as Town Commissions and Committees, routinely use electronic media in order to improve communication and efficiently perform their Town duties.

On July 12, 2023, the Council held a study session to consider a potential electronic communications policy to help ensure that the use of electronic media by members of the Town Council, Commissions, and Committees complies with applicable law, including the Public Records Act (PRA) and the Brown Act. The Council received information regarding AB 992, which provides that officials subject to the Brown Act may not respond directly to any social media communication posted, made, or shared by another member of the same legislative body if it concerns a matter of agency business.

Since the July 12 study session, the Town's newly hired Town Clerk identified two applicable Town policies regarding e-communications, both of which need updating. Specifically, in September 2009, the Town Council adopted a Council Correspondence Policy (attached). The Council Correspondence Policy reflects outdated Town practices regarding the distribution of Council correspondence and the printing of public records, references sections of the PRA that have been recodified, and reflects outdated practices regarding how the Town responds to PRA requests.

In addition, in October 2010, the Town Council adopted a Personal Computing Devices Policy (attached). The Personal Computing Devices Policy generally reflects current law but reflects an outdated practice of Town-issued personal computing devices to

Councilmembers. It further assumes that Councilmembers download agenda materials as opposed to accessing materials on the internet during Council meetings.

Furthermore, in August 2022, the Council adopted a policy regarding texting and emailing during public meetings (“texting policy”).<sup>1</sup> The texting policy generally prohibits private email or text communications among Council, Commission, and Committee members during public meetings regarding the business of that legislative body. The texting policy does not apply to electronic communications outside a public meeting, nor does it address communications on social media sites. At the July 12 study session, Council provided direction to expand the Texting Policy to generally prohibit all e-communications by Councilmembers, Commissioners and Committee members during public meetings so that they may focus on Town business without distraction.

### **DISCUSSION:**

Staff prepared the attached proposed updated Electronic Communications Policy, which contains the following key features:

- Applies to all legislative bodies subject to the Brown Act, including Town Council, Commissions, and Committees. The Brown Act provisions of this Policy are not intended to cover non-legislative bodies such as committees that advise a single decisionmaker or are appointed by staff.
- Incorporates and updates the Council Correspondence Policy adopted in 2009 and the Personal Computing Devices Policy adopted in 2010. It does not remove any of the unconditional commitments included in the Texting Policy, which resolved Brown Act litigation, but does expand some of its provisions to go above and beyond those prior commitments.
- Requires that Council members use Town email accounts for official Town business. Commissioners and Committee members use personal email accounts for Town business and should include a copy to the Town alias e-mail address.
- Prohibits electronic communication (including social media) by a quorum of Councilmembers, Commissioners, or Committee members.
- Provides that Council members, Commissioners, and Committee members may engage in separate conversations with members of the public on social media on matters of Town business. However, Council members, Commissioners, and Committee members may not respond directly to any communication on social media posted, made, or shared by another member of the body on which they serve if it concerns a matter of that body’s business.

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<sup>1</sup> The texting policy is available on the Town’s website at <https://www.portolavalley.net/home/showpublisheddocument/16426/637952260183230000>.

- Goes above and beyond the 2022 Texting Policy by prohibiting e-communication by Council members, Commissioners, and Committee members during meetings, with exception for family emergencies.
- Establishes procedures to respond to PRA requests that cover e-communications other than e-mail communications (such as social media or text conversations).
- Updates policy from 2009 ensuring that the Town shall have a warning on the Town's website that communications made to Town staff, Council members, and Commissioners and Committee members may be a public document and subject to disclosure.

If adopted, the Policy would be posted to the Town's website and included in future trainings of Town Commissions and Committees.

### **ATTACHMENTS**

1. Proposed Updated Electronic Communications Policy
2. Portola Valley Town Council Resolution No. 2466-2009 adopting a Council Correspondence Policy (September 23, 2009)
3. Portola Valley Town Council Resolution No. 2507-2010 adopting a Personal Computing Devices Policy (October 13, 2010)

1686517.2

**RESOLUTION NO. XX-2023**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY  
ADOPTING A POLICY REGARDING THE USE OF ELECTRONIC  
COMMUNICATIONS**

**WHEREAS**, the Town of Portola Valley seeks to promote effective use of electronic communications by Town Council members, Commissioners, and Committee members in conducting Town business and to create a system that allows compliance with state and federal laws governing electronic communications including the Brown Act, the Public Records Act, records retention laws, and state and federal rules of evidence; and

**WHEREAS**, the Town Council approved Resolution No. 2466-2009 on September 23, 2009 adopting a Council Correspondence Policy and approved Resolution No. 2507-2010 on October 13, 2010 adopting a Personal Computing Devices Policy; and

**WHEREAS**, the Council Correspondence Policy reflects outdated Town practices regarding the distribution of Council correspondence and the printing of public records; and

**WHEREAS**, the Personal Computing Devices Policy generally reflects current law but also reflects an outdated practice of Town-issued personal computing devices to all Councilmembers; and

**WHEREAS**, on August 1, 2022, the Town Council adopted a policy prohibiting private email or text communications *among* Council members, Commissioners, and Committee members during public meetings (the "Texting Policy"); and

**WHEREAS**, the Town wishes to update the Council Correspondence Policy and the Personal Computing Devices Policy to align with current technology and Town practice, and to expand the Texting Policy to generally prohibit *all* e-communications by Councilmembers, Commissioners and Committee members during public meetings so that they may focus on Town business as set forth in the agenda topics.

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

- I. **Purpose:** Use of electronic media is necessary and useful for Town Council and Commission and Committee members in order to improve communication and efficiently perform their Town duties. The purpose of this policy is to ensure the proper use of the Town's electronic media and to set out the policy the Town Council and Commission and Committee members will follow when using electronic media and the Town's electronic communication system. This policy will also ensure that use of Town electronic media complies with applicable law, including the Public Records Act and Brown Act.



## ATTACHMENT 1

This Resolution supersedes the Council Correspondence Policy adopted in 2009 and the Personal Computing Devices Policy adopted in 2010. This Resolution does not remove any of the unconditional commitments included in the Texting Policy, which resolved Brown Act litigation, but does expand some of its provisions to go above and beyond the Brown Act and the Texting Policy.

The Town Council hereby adopts the Electronic Communications Policy as set forth herein. Except where stated otherwise, this policy is applicable to all of the Town's legislative bodies that are subject to the Brown Act. However, the Brown Act provisions of this Policy are not intended to cover non-legislative bodies such as committees that advise a single decisionmaker or are appointed by staff.

### II. Definitions

- a. **Personal computing device**, for purposes of this Resolution, includes mobile phones, iPads, tablets, laptops, notebooks, desktop computers and other such devices.
- b. **Electronic communications (e-communications)** means electronic text or visual communication and attachments distributed via email, websites, instant messaging, text messaging, social media platform, or comparable services.
- c. **Social Media Platform** means a publicly accessible technologies used to publish and/or share information using the internet. Examples of social media include: Nextdoor, Facebook, Instagram, Twitter (X), PV Forum, LinkedIn, and YouTube.

### III. Procedures

- a. **Procedures for Electronic Communications.** E-Communication by nature represents and reflects upon the Town's public image and integrity. Council members and Commissioners should ensure that their messages are respectful, professional, and are consistent with Town policies. E-Communication should be written or otherwise presented in the same professional and respectful manner as paper communications.
- b. **Town Council E-mail Accounts and E-Communications.** Council members will be issued accounts for use of Town electronic media for e-mail on Town business. Council members shall not use their personal or business email accounts or addresses for any communication pertaining to Town business. When using email, users should communicate with the public and staff solely via their designated Town email addresses. Council members should not commingle e-communication pertaining to Town business with e-communication pertaining to their personal life or business. If a personal or business email address is inadvertently used for

## ATTACHMENT 1

Town business, the Council member shall copy their Town email address in the response and notify the other party to the communication that future communication on that matter should occur through the Town issued email address. Council members shall keep a record of all e-communications other than email communications (such as social media or text conversations) relating to Town business and provide a copy to the Town Clerk upon request in the event of a Public Records Act request.

**c. E-Communications by Commissioners and Committee Members.**

Commissioners and Committee members who have not been issued a Town email address may use their personal accounts for Town business. In order to ensure that the Town has a record of all e-communications concerning Town business, e-communications concerning Commission/Committee business should include a copy to the Town alias e-mail address. Commissioners and Committee members shall keep a record of all e-communications other than email communications (such as social media or text conversations) relating to Town business and provide a copy to the Town Clerk upon request in the event of a Public Records Act request.

**d. Electronic Communications between Council members or Commissioners/Committee Members Concerning Town Business.**

Communications from (1) a Council member to another Council member or members concerning Town business, and (2) a Commissioner/Committee member to other Commissioners/Committee Members concerning Town business should never be used to form or attempt to form a consensus on an issue within the Town's business and should never take place during a noticed public meeting. Such e-communication should be only for informational or procedural purposes. E-communications for informational purposes should state "For Informational Purposes Only – Please Do Not Respond."

**e. Use of E-Communication During Meetings.** Town Council members shall not use E-Communication at any time during a meeting of the Town Council at which they are in attendance. No Commissioner or Committee member may use E-Communication at any time during a meeting of the Commission or Committee of which they are a member at which they are in attendance. The foregoing limitation shall not apply to receipt of telephone calls or text messages from family members in the event of an urgent family matter; a Council member or Commissioner/Committee Member wishing to respond to such a message during the meeting shall do so during a recess or shall excuse themselves from the meeting to place the return call or text in a manner that does not disrupt the meeting.

**f. E-Communications with the Public on Social Media Platforms.** In accordance with the Brown Act, Council members, Commissioners, and Committee members may engage in separate conversations with

## ATTACHMENT 1

members of the public on Social Media Platforms to answer questions, provide information, and request information from the public on matters of Town business. Council members, Commissioners, and Committee members may not respond directly to any communication on a Social Media Platform posted, made, or shared by another member of the body on which they serve if it concerns a matter of that body's business. This prohibition applies to commenting, posting emojis or other images, and other digital icons (including clicking on a reactive symbol, such as "thumbs up," "like," or "heart").

- g. Electronic Communication on Social Media Platforms by a Quorum of the Council and Commission or a Council and Commission Standing Committee.** A majority of the members of the Council or a Commission shall not send or exchange facts about or engage in discussions including commenting, replying, sharing, reacting or using digital icons), regarding matters of the Council's (for Council members) or their Commission or Committee's (for Commissioners and Committee members) business via E-Communication, including e-mail, Social Media Platforms or chat rooms, news groups, on-line forums, weblogs, or list-serves.
  - h. Public Records Act.** Town records, whether paper or electronic, are governed by the public disclosure requirements of the Public Records Act. In the event that the Town receives a request for disclosure of Town records that includes E-Communication, the person responsible for the requested records must use his or her best efforts to preserve all Town E-Communication covered by the request until the responsive E-Communications have been identified. Requests for disclosure of any Town records applicable to E-Communication or other electronic records of any Council member, Commissioner, or Committee Member shall be submitted to the Town Clerk.
  - i. Website Warning.** To warn the public of the public nature of e-communications sent and received by the Town and Council members and Commissioners/Committee members, the Town shall have a warning on the Town's website that communications made to Town staff, Council members, Commissioners, and Committee members may be a public document and subject to disclosure.
- IV. Compliance with this Policy:** It is the responsibility of every Councilmember, Commissioner, and Committee Member to ensure that they are in compliance with this Electronic Communications Policy.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

ATTACHMENT 1

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

1675091.3

**RESOLUTION NO. 2466-2009**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY ADOPTING A POLICY REGARDING THE DISTRIBUTION OF WRITINGS SUBMITTED TO MEMBERS OF THE TOWN COUNCIL**

**WHEREAS**, the Town Council of the Town of Portola Valley values the open exchange of information; and

**WHEREAS**, at a public meeting on September 9, 2009, the Town Council considered the Email Policy adopted in 2001;

**WHEREAS**, the Town Council desires to update the Email Policy; and

**WHEREAS**, the Town Council, recognizing that technology is changing and the means and the speed at which information is shared without delay is likewise changing, desires to broaden the Email Policy to apply to all writings as defined in Government Code Section 6252; and

**WHEREAS**, the Town Council believes that some personal judgment may be required in the application of the policy regarding the distribution of writings submitted to members of the Town Council and the person exercising that judgment should err on the side of openness and sharing the information with the entire Town Council.

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

1. This Resolution supersedes the Email Policy adopted in 2001.
2. The Town Council hereby adopts the Writings Policy as set forth herein.
3. Writings Policy:
  - A. A “writing” is defined pursuant to Government Code Section 6252 to mean any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.
  - B. A writing should normally not be sent by a staff member to more than two Council members or by a Council member to more than one other Council member and should never be used to form or attempt to form a consensus on an issue within the Town’s business. Such a writing should be only for informational or procedural purposes. Writings for informational purposes should state “For Informational Purposes Only – Please Do Not Respond.”

ATTACHMENT 2

- C. Any writing sent to the Town Attorney about a legal issue should state "Confidential – Attorney/Client Privilege."
- D. Any writing sent to Town Hall or any staff member which is addressed to the Town Council or to a majority of Council members should be forwarded to all Council members in the next weekly digest or the Town Council packet, whichever is distributed sooner.
- E. To warn the public of the public nature of writings sent and received by the Town and Council members at Town Hall, the Town shall have a warning on the Town's website that communications made to Town staff and Council members through the website may be a public document and subject to disclosure.
- F. Writings sent to the Town which contain information subject to retention under state and federal law should be printed and retained in the same manner as other Town records.
- G. When a Public Records Act request is received, the Town Council and Town Attorney should be immediately notified. No writings should be deleted after receipt of the notification. The Town Attorney will review and determine which writings are subject to disclosure.

PASSED AND ADOPTED this 23<sup>rd</sup> day of September, 2009.

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

**RESOLUTION NO. 2507-2010**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY ADOPTING A POLICY REGARDING THE USE OF PERSONAL COMPUTING DEVICES**

**WHEREAS**, the Town Council wishes to have councilmembers use personal computing devices to store agenda materials for and access agenda materials during Town Council meetings in an effort to reduce the amount of paper utilized by the Town; and

**WHEREAS**, the Town Council is required to make decisions on a variety of matters impacting the Town of Portola Valley and its citizens and the Council recognizes the importance of paying attention during Town Council meetings and focusing on the task at hand; and

**WHEREAS**, the Town Council understands that information related to the conduct of the Town's business stored on any personal computing device may be a public record; and

**WHEREAS**, the Town Council wishes to adopt a policy regarding personal computing devices and their use during Town Council meetings.

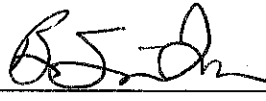
**NOW THEREFORE**, the Town Council of the Town of Portola Valley does hereby **RESOLVE** as follows:

1. A personal computing device, for purposes of this Resolution, includes mobile phones, iPads, tablets, laptops, notebooks, desktop computers and other such devices.
2. Any personal computing device provided by the Town to members of the Town Council for use storing agenda materials for and accessing agenda materials during Town Council meetings shall be the property of the Town and shall be returned to the Town when the councilmember is no longer serving in that capacity.
3. During Town Council meetings, noticed and open to the public pursuant to the Brown Act, the use of personal computing devices by Town councilmembers to access the internet/intranet or receive/send calls, emails, text messages or other communication is not permitted, except for emergency reasons. However, if a majority of the Council present at the meeting determines that a councilmember should check a federal or state law or other similar factual item, the Council may authorize one councilmember to access the internet for that purpose.


ATTACHMENT 3

4. All writings related to the conduct of the Town's business stored on a personal computing device are subject to the Town's email policy, Resolution No. 2466-2009.

PASSED AND ADOPTED this 13th day of October, 2010.

By:   
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Town Clerk