

From: [Jennifer Torres](#)
To: [Jennifer Torres](#)
Subject: FW: Updated Electronic Communications policy - Part of Tonight's Meeting 10/25
Date: Wednesday, October 25, 2023 3:48:54 PM

----- Forwarded message -----

From: **Rita Comes** <[REDACTED]>
Date: Wed, Oct 25, 2023 at 3:11 PM
Subject: Updated Electronic Communications policy - Part of Tonight's Meeting 10/25
To: Judith Hasko <jhasko@portolavalley.net>, Mary Hufty <mhufty@portolavalley.net>, Sarah Wernikoff <swernikoff@portolavalley.net>, Jeff Aalfs <jaalfs@portolavalley.net>, <ctaylor@portolavalley.net>

To the Council Members of Portola Valley

Greetings

Thank you for perusing an Updated Electronic Communications policy for the Town of Portola Valley. I hope that this new policy, when implemented, is under regular review so that it does not become outdated. The Town has had two previous policies on this subject passed in 2009 and 2010. I noticed in the last Portola Valley Town Council Meeting where this new policy was discussed, the 2009 policy showed a signed copy, but the 2010 policy did not show a signed copy in the packet that was presented. How are these policies shared with Council Members/Commissioners and Committee members? Who in the Town of Portola Valley is responsible for monitoring the use and understanding of these policies by the intended audience?

Having an updated electronics and communications policy is very important, especially in a Town that is full of residents that are responsible for many of the great historic updates in electronic communication in the world. How are our Town Meetings managed in this area? Is it by the [Brown Act](#), the [Bagley-Keen Open Meeting Act](#) (2017), or [AB992](#) (Signed 2020)?

The Governor of California, Gavin Newsom signed into law, 2020, a communications policy that discusses how and where Town communications should and could be shared by individuals in town government [AB992](#). AB 992, which amends Government Code section 54952.2, clarifies what kind of communications a public

official may have via social media and what kind of communications are prohibited.

There have also been a few recent incidents in Portola Valley that have forced these policies to be updated at this time:

- when a council member shared their computer screen during a Wildfire Committee Meeting and unwittingly showed a private ongoing chat with other members of that Committee and public during the meeting. Because of this incident – a pending lawsuit against the Town of Portola Valley caused the Town to agree to an updated policy change.
- the other incident is when another Council Member discussed an issue on the PV Forum (a selective private chat group) an item that was to be voted on by the Town Council and named a private resident and implied information about this private resident.

Some Towns, such as [Palm Desert](#), have taken their Technology Usage and Electronic Communications Policies one step further than AB992, I hope that our Town can form a consensus and come to an agreement on a new policy that can be reviewed on a regular basis so that it does not become outdated as the technology of communication advances.

Thank you for your time on clearing up this pressing and important policy.

Rita Comes Whitney
Westridge Drive

From: webmaster@portolavalley.net
To: [Town Center](#)
Subject: New Entry on Town Council Comments Survey
Date: Sunday, November 5, 2023 3:01:15 PM

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

Form Name: Comment on an Agenda Item for Town Council Meeting
Date & Time: 11/05/2023 3:01 PM
Response #: 44
Submitter ID: 7114
IP address: [REDACTED]
Time to complete: 5 min. , 39 sec.

Survey Details

Page 1

1. First and Last Name

David Cardinal

2. Email address (will not be publicly displayed)

[REDACTED]

3. Organization (Enter name of organization, business, or non profit if you are submitting comments on their behalf.)

Not answered

4. Street address (will not be publicly displayed)

[REDACTED]

5. City

Portola Valley

6. State

CA

7. Zip Code

94028

8. Date of Meeting you are submitting comment for.

11/08/2023

9. Agenda Item number or name

9 b Affordable Housing Fun

10. Comment

First, I think it's great that we're finally doing this, and I think the proposed policy is wonderful. I do have two notes that might be nits, but I wanted to double check:

"Purchase land directly (land banking) or provide funding to affordable housing developers or community land trusts to purchase suitable sites to build affordable housing."

I'd like to see us spending our \$\$ towards land that is committed to affordable housing, not just that might allow it.

"Supporting the development and construction of accessory dwelling units and junior accessory dwelling units."

I hope this is tied to only funding ones that provide for affordable housing, but I wasn't sure from the wording.

Thanks! -- Dave Cardinal

11. Optional: You can upload a copy of your comments.

Thank you,
Portola Valley, CA

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From: webmaster@portolavalley.net
To: [Town Center](#)
Subject: New Entry on Town Council Comments Survey
Date: Tuesday, November 7, 2023 10:33:06 AM

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

Form Name: Comment on an Agenda Item for Town Council Meeting
Date & Time: 11/07/2023 10:32 AM
Response #: 45
Submitter ID: 7115
IP address: [REDACTED]
Time to complete: 3 min. , 43 sec.

Survey Details

Page 1

1. First and Last Name

Karen Vahtra

2. Email address (will not be publicly displayed)

[REDACTED]

3. Organization (Enter name of organization, business, or non profit if you are submitting comments on their behalf.)

Not answered

4. Street address (will not be publicly displayed)

Hillbrook

5. City

Portola Valley

6. State

Ca

7. Zip Code

94028

8. Date of Meeting you are submitting comment for.

11/08/2023

9. Agenda Item number or name

9a and 9b

10. Comment

Dear Portola Valley Town Council

I would like to address the Town Council on the two substantive subjects for the Nov 8, 2023 meeting.

Finances

First, I want to thank our new Town Manager Sharif Etman for hiring a consultant to address our financial concerns. Krisch & Company have found many serious process concerns in our financial procedures. I suspect that many of these items have been missing in our town procedures for many years. I also appreciate the approach of honesty and transparency that Sharif Etman is bringing to our town. As we become more transparent even if the news is bad, we can openly discuss problems and hopefully reduce the tension in the town.

There are three items that are not included in the report that may not have been in scope of the initial contract. The first item centers around the current lack of categorization of different expenditures. Just last week the Open Space Committee discussed that they cannot determine an appropriate budget because of the lack of clarity between dollars spent and actual projects. I am hoping this financial update will include more detailed expenditure tracking in different categories.

I also would like to see an annual Budget report similar to Woodside. Woodside also uses the Open Gov software and probably a fair amount of their 50 page report is boiler plate and can be reused every year once written. Atherton's report and many of the other towns I researched last month offer similar detailed information.

The third item is the general ability for all of us including staff to easily find any data we might need in the Open Gov database.

I support spending the \$135,000 for Krisch & Company to assist in this very important work.

Inclusionary Housing

In general I think the approach is good but I do have a few comments:

"4. Should we prioritize low and very-low income housing over other opportunities, or should we generally look to make housing opportunities available (which in theory may help those needing affordable housing indirectly)?"

We should prioritize extremely low (a subset of very-low) if and where feasible. Portola Valley would benefit from a more diverse socioeconomic demographic. Both the housing market and construction costs will drive construction into the higher categories.

"7. What types of deed restrictions should be required for projects for which funds are allocated? Should these be included in the policy or left for future determination based on the nature of specific projects?"

Rentals that qualify in California require deed restrictions typically for 55 years or in perpetuity. The owner

should file an Affordable Rent Certification with the town annually. In the case of an internal ADU or JADU, perhaps we can lower the length of the deed restriction.

We should also require an initial limit on resale (such as 10 years) that require the home to be resold only to a low-income buyer at an affordable price during that period. Upon resale of the unit, the town should recapture both the Initial Subsidy and the Proportionate Share of Appreciation.

I like the Finance Committee's approach of having a \$100K subsidy for the conversion of part of an existing home to a JADU or an internal ADU if the owner is willing to deed restrict the conversion — perhaps \$80K for low income, \$100 for very low and \$120 for extremely low income categories.

With today's construction costs, we probably cannot encourage standalone ADUs without a much more significant subsidy.

"1. Construct, rehabilitate, preserve, or subsidize very low, low, moderate income and workforce housing."

I am a concerned about the words "rehabilitate and preserve". If our goal is to create more housing, these two words could imply a lot of other projects. We have a handful of historic buildings that could qualify to be rehabilitated or preserved. Individuals may wish to convert a barn into a housing unit using up a lot of the fund.

In the case of a homeowner creating an internal ADU or a JADU, a lot of the subsidy could be spent 'updating' the room instead of simple modifications to provide an appropriate living space. Perhaps using words such as 'modify', 'bring up to current code', or 'add necessary living features' could be used.

I would eliminate the term "workforce housing" as it is very general and could be considered redundant.

"3. Hire or engage consultants with demonstrated experience in the development of affordable housing projects to evaluate the feasibility of potential affordable housing sites or projects and/or develop site and building designs that reflect an appropriate affordable housing project on such sites."

I would only be comfortable with this bullet if there is a strict limit on the consultants, say up to a maximum amount per year or per project.

11. Optional: You can upload a copy of your comments.

Thank you,
Portola Valley, CA

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

From: webmaster@portolavalley.net
To: [Town Center](#)
Subject: New Entry on Town Council Comments Survey
Date: Tuesday, November 7, 2023 12:21:19 PM

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

Form Name: Comment on an Agenda Item for Town Council Meeting
Date & Time: 11/07/2023 12:21 PM
Response #: 46
Submitter ID: 7116
IP address: [REDACTED]
Time to complete: 16 min. , 2 sec.

Survey Details

Page 1

1. First and Last Name

Nona Chiariello

2. Email address (will not be publicly displayed)

[REDACTED]

3. Organization (Enter name of organization, business, or non profit if you are submitting comments on their behalf.)

Joint Subcommittee of PV Conservation and Open Space Committees, addressing Open Space maintenance funding

4. Street address (will not be publicly displayed)

[REDACTED]

5. City

Portola Valley

6. State

CA

7. Zip Code

94028

8. Date of Meeting you are submitting comment for.

11/08/2023

9. Agenda Item number or name

9a. Town Manager Update and State of the Town

10. Comment

Attached please find our letter to the Council regarding maintenance goals and finances for Town-owned Open Space properties.

Sincerely,

Nona Chiariello, Betsy Morgenthaler, Judy Murphy, Gary Nielsen, Marianne Plunder
Members, Joint Subcommittee of the Conservation and Open Space Committees

11. Optional: You can upload a copy of your comments.

Letter to Town Council from Joint Subcommittee on Open Space Maintenance 7Nov2023.docx

Thank you,
Portola Valley, CA

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

From: Joint subcommittee from the Conservation Committee (CC) and Open Space Committee (OSC) on the maintenance budget for Town-owned open space in FY2024
To: Portola Valley Town Council
Date: November 6, 2023

On June 27, 2023 the Portola Valley Town Council reduced the budget for maintenance of Town-owned open space by more than half, from \$94,000 in FY2023 to \$44,000 in FY2024, and decided that the maintenance budget would be “supported by the open space fund rather than the general fund at a maximum of 10% of the projected Utility User Tax revenue” (meeting transcript, 7:33:54PM).

Our joint CC & OSC subcommittee was convened to advise on how to prioritize open space maintenance within the \$44,000, and whether to tap the open space UUT more deeply in this crisis year. Over the course of two meetings (8/14/2023 and 10/16/2023) and hours of studying Town finances, we became convinced of the need for a broader discussion of the goals and finances of open space acquisition, preservation, and maintenance, now and for years to come. We offer three recommendations toward such a discussion. We realize that our findings are just a piece of a large and complicated financial reckoning that you have undertaken. We thank you and hope our findings are useful.

1. Revise open space maintenance accounts to provide more detailed, accessible information.

Making hard choices about what open space maintenance to continue and what to defer during this budget crisis requires information that has not been readily available, such as the cost and frequency of mowing and weeding for the three main open spaces during the past few years. We understand that the FY2024 budget will cover, at most, basic maintenance at Spring Down, Frog Pond, and Ford Open Space. Given our limited information and flexibility, we recommend allocating the \$44,000 to basic maintenance and not drawing further on UUT revenue. Going forward, however, such information is important, whether or not there is a financial crisis. We propose that the Town create a mechanism to make that information on open space operations and expenses more easily accessible, such as a separate account.

2. Revise the management of Fund 204, with a goal of improving the income on the Fund.

Given the size and historic nature of this year’s cuts, we examined more closely the Open Space Fund (204) within the Final Proposed budget for FY2024. Reported revenues to Fund 204 raised two issues (Appendix A). First, it appears that the Open Space Fund earned 1.1% last year, or less. Second, although the Council capped the FY2024 maintenance budget at 10% of projected open space UUT revenue, the dollar amount (\$44,000) appears to be 10% of the combined UUT Revenue (\$355,047) and earnings of Fund 204 (\$81,578 + \$1,000). We feel the Town’s investment policy and management of Funds need to change and become more transparent, urgently. Growing and stewarding the Open Space Fund could transform many hard choices.

3. Stay true to the vision and promise of the Open Space Fund because it is increasingly vital.

The Town has repeatedly affirmed that the purpose of the open space UUT is to grow the Open Space Fund in order to acquire and preserve open space (Appendix B). If the benefits provided by open space are to be shared by all future residents and sustain local wildlife, open space must remain a priority even in challenging financial conditions. Future priority projects could be diverse, ranging from new linkages—trails and wildlife corridors—that connect existing open spaces and compensate for reductions in “backyard habitat” due to fuel reduction and additional housing, to larger properties that form new environmental legacies. The Town must be able to mobilize when potential open spaces become available.

Respectfully,

Nona Chiariello (CC, OSC), Betsy Morgenthaler (OSC), Judy Murphy (CC), Gary Nielsen (OSC), and Marianne Plunder (CC); members, Joint Subcommittee on maintenance budget for Town-owned open space in FY2024

APPENDIX A: Revenues table from <https://stories.opengov.com/portolavalleyca/published/nhFUT4wc9>. We have three questions (questions match numbered arrows):

1. Is the \$355,047 in revenue to Fund 204 from “Charges for Services” or is this the open space UUT revenue (i.e., should this entry be moved down one cell in the table)?
2. Is the \$81,578 in revenue to Fund 204 from “Use of Money & Property” the income on the Open Space Fund? Based on estimated and projected Fund 204 totals of \$7,627,877 in 2021-22 and \$8,065,502 in 2022-23 (as recorded in <https://stories.opengov.com/portolavalleyca/published/rquTng-Gj>), can we conclude that the income on the Fund was <1.1%?
3. What is the source of the \$1,000 in “Miscellaneous Revenue” to Fund 204?

FY 2023-24 Revenues and Expenses by Governmental Fund																
	Fund 101	Fund 401	Fund 201	Fund 202	Fund 203	Fund 204	Fund 205	Fund 206	Fund 211	Fund 212	Fund 213	Fund 221	Fund 222	Fund 225	Fund 701	TOTALS
	OPERATING	CAPITAL PROJECTS	GRANTS	PUBLIC SAFETY	COPS	OPEN SPACE	LIBRARY	GAS TAX	MEASURE A	MEASURE M	MEASURE W	PARK-IN-LIEU	INCLUS-IN-LIEU	APRA COV RLF	CASE REVIEWS	
Revenues																
Property Taxes	\$ 3,706,327															\$ 3,706,327
Sales & Use Tax	350,000															350,000
Other Taxes	131,625															131,625
Franchise Fees	400,484															400,484
Fines & Forfeitures	8,000															8,000
Licenses & Permits	336,779															336,779
Intergovernmental Revenue	14,357		464,600	15,000	145,000			245,646	381,927	335,500	252,925					1,854,955
Charges for Services	1,089,248					355,047									475,000	1,919,295
Utility Users Tax	1,008,651															1,008,651
Use of Money & Property	100,500				1,482	81,578		2,985	569	2,964		447	48,078			238,603
Miscellaneous Revenue	4,100		146,718			1,000										151,818
Operating Transfers In		228,019						139,330								367,349
Appropriated Fund Balance	868,174						49,000							532,281		1,449,455
Revs. Sub-Totals	\$ 8,018,245	228,019	\$ 611,318	\$ 15,000	\$ 146,482	\$ 437,625	\$ 49,000	\$ 387,961	\$ 382,496	\$ 338,464	\$ 252,925	\$ 447	\$ 48,078	\$ 532,281	\$ 475,000	\$ 11,923,341

APPENDIX B. Statements (bolding is added) from the history of the UUT (<https://www.portolavalley.net/town-government/town-finance/portola-valley-s-utility-users-tax>)

“...Revenues received under the 2% Utility Users’ Tax will be exclusively appropriated and expended for the Open Space Acquisition Fund”

<https://www.portolavalley.net/town-government/town-finance/portola-valley-s-utility-users-tax> : See item 2, Adopted Policy on Expenditure Restrictions for UUT Revenues (09-28-05)

“...UUT revenueThe intent of this revenue is to acquire and improve land for preservation as open space. In any one year, the open space UUT is insufficient to provide for the acquisition of land in Portola Valley. Therefore, the funds are put into a reserve for future use. Given that the sole intent of these funds is to eventually purchase a capital asset (land) and possibly make improvements to that land for preservation as open space, this revenue is exempt from the Limit as a reserve for future capital outlay.”

<https://www.portolavalley.net/town-government/town-finance/portola-valley-s-utility-users-tax> : See item 4, Memo to Council on Appropriations Limit (06-12-13)

“Why Portola Valley needs the UUT:The open space UUT provides approximately \$245,000 per year towards a capital reserve fund to pay for the acquisition and preservation of open space in Portola Valley.”

<https://www.portolavalley.net/town-government/town-finance/portola-valley-s-utility-users-tax>

From: webmaster@portolavalley.net
To: [Town Center](#)
Subject: New Entry on Town Council Comments Survey
Date: Wednesday, November 8, 2023 9:24:12 AM

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

Form Name: Comment on an Agenda Item for Town Council Meeting
Date & Time: 11/08/2023 9:24 AM
Response #: 47
Submitter ID: 7117
IP address: [REDACTED]
Time to complete: 4 min. , 40 sec.

Survey Details

Page 1

1. First and Last Name

Joan Leighton

2. Email address (will not be publicly displayed)

[REDACTED]

3. Organization (Enter name of organization, business, or non profit if you are submitting comments on their behalf.)

Not answered

4. Street address (will not be publicly displayed)

[REDACTED]

5. City

PV

6. State

CA

7. Zip Code

94028

8. Date of Meeting you are submitting comment for.

11/08/2023

9. Agenda Item number or name

Finance

10. Comment

Assuming the Town Council is the official supervisor of the Town Manager, I would an explanation from the TC of why the TC permitted the excessive delays of financial reporting. Neither Covid nor new financial systems are sufficient responses in my opinion. Thank you.

11. Optional: You can upload a copy of your comments.

Thank you,
Portola Valley, CA

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