



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 03/05/2024

ITEM NO: 3

DESK ITEM

DATE: March 5, 2024
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution Modifying the Diversity, Equity, and Inclusion (DEI) Commission Enabling Resolution as Recommended by the DEI Commission and Modify the Town Council Commission Appointment Policy 2-11 for Consistency.

REMARKS:

Attachment 6 contains public comments received before 11:00 a.m. on Tuesday, March 5, 2024.

Attachments Previously Received with the Staff Report:

1. DEIC Enabling Resolution
2. Redlined DEIC Enabling Resolution with Modifications Recommended by the DEIC
3. Clean Updated DEIC Enabling Resolution
4. Redlined Commission Appointment Policy
5. Clean Updated Commission Appointment Policy

Attachments Received with this Desk Item:

6. Public Comments

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From: Linda Swenberg
Sent: Monday, March 4, 2024 2:59 PM
To: Clerk <Clerk@losgatosca.gov>
Subject: Public Comment Item #3

[EXTERNAL SENDER]

This is a comment on an item on the agenda for tomorrow night's Council meeting. (You can publish my name and you can provide my email address to the Council members and Town staff, but I prefer that my email address not be made publicly available.)

Honorable Council members,
Again, thank you for serving our fine town. I am a local resident and am an active volunteer in the community. I have lived in Los Gatos for 29 years. During my time here, I have had occasional spurts of civic engagement and have attempted to learn how our local government works.

I am writing to object to Item #3, to "Adopt a Resolution Modifying the Diversity, Equity, and Inclusion (DEI) Commission Enabling Resolution as Recommended by the DEI Commission and Modify the Town Council Commission Appointment Policy 2-11 for Consistency." This appears to be simply a clarification of an exception that was previously approved. I objected to the original change to the town appointment policy and I am now writing to object to incorporating it into the enabling resolution for the DEI Commission.

Town commissioners have historically been required to be residents of the town. They serve at the pleasure of the Council for the benefit of Town of Los Gatos residents. At the October 3, 2023 Council meeting the issue of modifying the Council policy regarding commission appointments was first proposed. At that time this policy change was proposed as a consent item. I submitted public comments on this item prior to the meeting. Because comments had been submitted, Councilmember Hudes pulled the item from the consent calendar. It was then moved to the regular agenda and additional public comments were submitted. In the end, after some deliberation, the item was passed with a divided vote of 3-2.

Residency is required for appointment and continued membership on all Town of Los Gatos boards with the exception of the Youth Commission and the DEI Commission. There is a good rationale for the exception for the Youth Commission, but not the DEI Commission. There are also residency restrictions placed on "non-residents" appointed to the Youth Commission. No such restrictions are in place for the DEI Commission. Anybody who owns (or is employed by) a Los Gatos business, is a faith leader for a congregation in Los Gatos, or is an employee of a Los Gatos non-profit can serve on the DEI Commission.

The Youth Commission only allows for this exception because the school district boundaries include unincorporated areas of the County of Santa Clara. The exception is limited to residents who have a Los Gatos mailing address. This residency requirement exceptions clearly benefits youth who go to schools within the Town of Los Gatos boundaries.

The Commission Appointment Policy clearly states that its purpose is to "encourage participation by the Town's residents" on Town Commissions. How does allowing NON-resident members of any commission encourage participation by Town's residents? Instead, the change would encourage participation by non-

residents. This proposed change seems to be in conflict with the stated purpose of the Appointment Policy itself.

The original enabling resolution reserved one of the memberships of the DEI Commission for a Los Gatos resident business owner. (There is another seat for a business owner or employee who may or may not be a resident.) Now it appears that this change is only being considered because there is “concern about the difficulty of filling the remaining seat.” Are we to change commission enabling resolutions just because of a vacancy? What a terrible precedent.

Before you make this change, I would want to know what efforts have been made to reach out to resident business members in Los Gatos? Has every possible effort been made to reach out to residents who are also business owners to fill this vacancy? What is the rush?

You have an opportunity to remove this item from the Consent items and to deliberate this policy change once again, rather than further disenfranchising the residents of Los Gatos.

Thank you for your consideration in this matter, Linda Swenberg