



**TOWN OF LOS GATOS
COUNCIL AGENDA
CLOSED SESSION REPORT**

MEETING DATE: 02/21/2025

ITEM NO: 1

DESK ITEM

DATE: February 21, 2025
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: CONFERENCE WITH LEGAL COUNSEL— EXISTING LITIGATION
(Government Code §54956.9(d)(1))
Lynley Kerr Hogan vs. Rob Moore et al
Santa Clara County Superior Court Case Number: 25CV456254

REMARKS:

Attachment 2 contains public comments received before 11:01 a.m. on Friday, February 21, 2025.

Attachments previously received:

1. February 11, 2025 Closed Session Desk Item, February 18, 2025 Closed Session Desk Items, and Document Submitted During Verbal Communication

Attachments received with this Desk Item:

2. Public comments received before 11:01 a.m. on Friday, February 21, 2025

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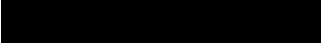
From: [Pat Blair](#)
To: [Clerk](#)
Subject: Egregious wrong
Date: Thursday, February 20, 2025 1:59:36 PM

[EXTERNAL SENDER]

To whom it may concern,

I just want to email in absolute and total support of Maria Ristow and Rob Moore. They should not be allowed to be under attack by a woman that we know to be unstable and not be fully supported by our town. Please stand behind these hard working town council members!! We need to stand up for what is right!

Pat Blair



From: [REDACTED]
To: [Rob Rennie](#)
Cc: [Gabrielle Whelan](#); cconstantin@losgatosca.gov; [Clerk](#)
Subject: Please support Councilmembers Moore/Ristow in re: Hogan v. Moore et al.
Date: Thursday, February 20, 2025 2:29:31 PM
Attachments: [image001.png](#)

[EXTERNAL SENDER]

Dear Councilmember Rennie:

Thank you for your time on Tuesday night so I and others could verbally address you and the other councilmembers in this matter. I am writing again to express my strong support for Councilmembers Maria Ristow and Rob Moore in their request for the Town of Los Gatos to provide them with legal defense in the lawsuit *Hogan v. Moore et al.* My reasons are as follows:

1. These council members are publicly elected officials carrying out their duties. They are hard-working, dedicated people who devote enormous amounts of time to make our community better. As such, they deserve the Town's full protection in this matter.
2. If the Town does not stand by its elected officials when they are targeted in the course of their service, it sets a dangerous precedent—one that discourages civic participation, chills free expression, and undermines the ability of future leaders to serve without fear of personal financial ruin. No one should be deterred from public service because of the threat of costly litigation that arises from their role as an elected representative.
3. The original lawsuit explicitly named defendants as Councilmembers; then the suit was refiled with changed verbiage, **a clear and uncontestable attempt to strip them of defense by the Town**. Since the claims in the refiled suit remain substantively unchanged, it is only fair that the Town continue to defend them as it initially agreed.
4. Council Members cannot function in the interest of the Town and on behalf of constituents if they fear they might be sued and left with no support or assistance by the Town they serve. We must protect them so they can do their jobs. I urge the Town Council to reaffirm its commitment to supporting those who serve our community by defending and indemnifying Councilmembers Ristow and Moore and making sure they receive the legal defense they deserve.

I have been involved with Town activities for several years now, mainly through my nonprofit Plant-Based Advocates. I have personally spoken to and worked with all five current Council members as well as past Council members, and I truly appreciate your support and willingness to work with us to achieve our goals to better our Town. I truly appreciate all the hard work

that each Council member does, giving of their time and energy to make Los Gatos a great place to live.

As a Town resident, I have considered serving on a commission in the future. I can honestly say that now, seeing the willingness of some residents to pursue their extreme anti-LGBTQ, anti-VAX, and anti-DEI agenda – to the point of ruining others’ lives – I would not want to serve the Town knowing that I would be exposed to a hateful agenda with no support. I have attached a flyer from August 2022 as an example of just SOME of the many anti-DEI incidents and actions that our Town has experienced since 2020. The author is unknown, but the claimant has espoused these views many times at Council meetings.

I can’t emphasize enough that we must support all Council members who serve this Town in their capacity as elected officials. Thank you for your time and consideration.

Thank you,

Karen Rubio
Organizer



**Rob
Moore**

FOR LOS GATOS TOWN COUNCIL

~~Moore LGBTQ+++
Moore BLM
Moore Critical Race Theory
Moore Identity politics
Moore propaganda
Moore community division
Moore inappropriate wasteful spending
Moore government mandates & control
Moore commercialization of Los Gatos
Moore traffic congestion
Moore destruction of our beautiful town~~

The citizens of Los Gatos want **NO MOORE** rainbow sidewalks, racist agendas, quarreling neighbors, forced acceptance, lockdowns, big business, low-cost housing and **CRIME!** We want to preserve our historical presence, wholesome traditions, family community and continue to be a very desirable place to live.

Just say NO MOORE!

From: [REDACTED]
To: [Clerk](#)
Subject: FW: Please support Councilmembers Moore/Ristow in re: Hogan v. Moore et al.
Date: Thursday, February 20, 2025 3:48:30 PM
Attachments: [image002.png](#)
[PR - Plant-Based Advocates supports Town of Los Gatos Diversity initiative - version 6.6.21.docx](#)
[Opinion - Los Gatos is pushing back against hate, divisiveness.pdf](#)

[EXTERNAL SENDER]

In addition, I will be bringing copies of these documents to share with Council members and Town attorney. Just wanted to make sure they are in your file as well.

Thank you,
Karen Rubio

From: [REDACTED]
Sent: Thursday, February 20, 2025 2:28 PM
To: 'clerk@losgatosca.gov' <clerk@losgatosca.gov>
Subject: FW: Please support Councilmembers Moore/Ristow in re: Hogan v. Moore et al.

Dear Clerk,

I understand that emails sent to Councilmembers Hudes, Badame and Rennie are not being received. I am forwarding this email to you to make sure you receive it. Can you confirm?

Thank you,
Karen Rubio

From: [REDACTED]
Sent: Thursday, February 20, 2025 1:56 PM
To: 'mhudes@losgatosca.gov' <mhudes@losgatosca.gov>
Cc: 'gwhelan@losgatosca.gov' <gwhelan@losgatosca.gov>; 'cconstantin@losgatosca.gov.' <cconstantin@losgatosca.gov>
Subject: Please support Councilmembers Moore/Ristow in re: Hogan v. Moore et al.

Dear Mayor Hudes:

Thank you for your time on Tuesday night so I and others could verbally address you and the other councilmembers in this matter. I am writing again to express my strong support for Councilmembers Maria Ristow and Rob Moore in their request for the Town of Los Gatos to provide them with legal defense in the lawsuit *Hogan v. Moore et al.* My reasons are as follows:

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As a Town resident, I have considered serving on a commission in the future. I can honestly say that now, seeing the willingness of some residents to pursue their extreme anti-LGBTQ, anti-VAX, and anti-DEI agenda – to the point of ruining others' lives – I would not want to serve the Town knowing that I would be exposed to a hateful agenda with no support. I have attached a flyer from August 2022 as an example of just SOME of the many anti-DEI incidents and actions that our Town has experienced since 2020. The author is unknown, but the claimant has espoused these views many times at Council meetings.

I can't emphasize enough that we must support all Council members who serve this Town in their capacity as elected officials. Thank you for your time and consideration.

Thank you,

Karen Rubio
Organizer



[Redacted]

[Redacted]



Plant-Based Advocates
LOS GATOS

FOR IMMEDIATE RELEASE

Contact:

Karen Rubio



Plant-Based Advocates Supports Efforts by Los Gatos to Eradicate Racism

Town Council Attacked for its Diversity, Equity and Inclusivity Initiative

Los Gatos, CA, June 7, 2021 – The Town of Los Gatos recently stated that it is committed to diversity, equity and inclusivity for all its residents. The statement reads in part:

“The Town of Los Gatos is committed to inclusivity. We value all our community members, regardless of religion, immigration status, ethnicity, race, disability, gender, sexual orientation, or gender identity. We strive to ensure all community members feel safe, respected, and comfortable to be themselves and express all aspects of their identities. We work proactively to ensure the rights and opportunities of everyone in Town and oppose any attempts to undermine the safety, security, and rights of any members of our community.

The Los Gatos Town Council and Chamber of Commerce recently came under fire from local residents opposed to their Diversity, Equity and Inclusivity initiative, which includes banners around Town that encourage residents to “Listen, Learn, Grow and Change.” The program is meant to address the disparity of racial diversity in Los Gatos as compared to the rest of Santa Clara County, and comes in response to recent local and nationwide attacks on people of Asian descent, as well as the chronic, systemic racism that affects our black, indigenous and people of color communities.

At the last several Town Council meetings, including the latest on June 1, the Town’s efforts were criticized by some residents who claim that systemic racism does not exist.

It is an undeniable truth that our nation was created by immigrants who killed the indigenous peoples living here, forcing survivors onto reservations. Our nation was built in part by the labor of peoples captured in Africa and forced into slavery. While our country has changed and grown, many people still suffer from systemic injustices.

We affirm that:

- Racial inequity is present in our society, and that injustices and hate incidents have occurred in the past and continue to occur;
- Many of these injustices are systemic, in that they are imbedded in our institutions such as the education system, justice system, the housing market, etc. Racial injustice cannot be dismissed simply as “a few bad apples.”
- The practice of identifying and discussing occurrences of racial inequity, bias, injustice and hate is key to resolving conflict and a necessary step in becoming a more inclusive and just community and nation;
- No person should ever be made to feel “less than” because of the color of their skin, their income level, their gender, or their religious affiliation or belief system;
- We support the principles of Diversity, Equity and Inclusivity and will actively engage to spread these principles throughout our work; and
- We support the Los Gatos Town Council, Chamber of Commerce, Police Department and other Town departments and groups in their efforts to maintain a welcoming, safe community for all.

The principles of DEI are fully compatible with the work of Plant-Based Advocates in bringing about a more equitable, sustainable society by advocating for a worldwide shift to plant-based diets. Factory farms and slaughterhouses are situated predominantly near people of color and low-income residents who suffer from illnesses caused by pollutants these operations generate. Slaughterhouse workers are usually immigrants who have few other options for work and are often treated unfairly. Climate change, caused in large part by animal agriculture, is driving more frequent and intense storms and other extreme weather events such as drought, disproportionately impacting “frontline” communities comprised mainly of low-income and people of color. The most poignant evidence of systemic racism in our food system is the USDA food guidelines, which *still* recommend 3 servings of dairy per day - despite the fact that 65-70% of the population (this number is higher for people of color) cannot digest dairy!

The Town’s plea for inclusivity is not an attack on white people; it is an invitation to, in Mayor Sayoc’s words, “Address and counter racism and discrimination in all its forms,” and in so

doing, “Start authentic conversations that contribute to deeper understanding, compassion, and community healing.”

We support our Mayor and Town Council and look forward to helping make our beautiful Los Gatos even more welcoming and inclusive.

ABOUT

Plant-Based Advocates -Los Gatos is a community of people passionate about addressing climate change, reversing environmental destruction, and improving the health of our residents. Our mission is to mitigate climate change by reducing the traditional reliance on meat and dairy and encouraging the adoption of plant-based diets in our community. Learn more about us here: <http://www.plantbasedadvocates.com/>For questions, or to be notified about events and information, please send your name, city and email to pbadvocates@gmail.com.

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OPINION > COMMENTARY • News, Opinion

Opinion: Los Gatos is pushing back against hate, divisiveness

The Los Gatos Stands United Against Hate Walk on Nov. 14 is designed to promote inclusiveness



Verbal Communications

Los Gatos Town Council

08/17/21



A screengrab of Eden Berg, a Los Gatos resident, speaking during a Los Gatos council meeting on August 17, 2021. Berg is part of a group that has been disrupting Los Gatos Town Council meetings to the point where police have had to shut down the council chambers. (Town of Los Gatos Council)

By [KAREN RUBIO](#) |

PUBLISHED: November 2, 2021 at 5:15 a.m. | UPDATED: November 2, 2021 at 7:06 a.m.



When Marico Sayoc was elected to the Los Gatos Town Council in 2014, the first woman of color serving on that body, her deep commitment to diversity and equity opened some doors. But the breakdown of democratic norms and civil discourse that has rocked our country since her first term as mayor in 2016 has now erupted during her 2020 term with some of the ugliest vitriol imaginable. We shouldn't be surprised to see the instability, because change has been boldly promoted by many, not just the mayor. But change won't come easy.

The Los Gatos Anti-Racism Coalition was founded by students amid the Black Lives Matter protests last summer. The town hosted a series of community workshops to address racial and social injustice, including one facilitated by Judge LaDoris Cordell. The Los Gatos Chamber launched a LISTEN LEARN CHANGE GROW campaign with dozens of banners all over town to normalize the idea that building an inclusive culture is a learning process that must be embraced by everyone.

The ensuing turmoil has been painful. For months, protestors have brought chaos and disruption to town council meetings. They've expressed outrage at the town's diversity campaign and LGBTQ support, even going so far as to verbally attack the mayor's teen son in a council meeting for speaking in favor of diversity. They've carried signs saying "Recall Marxist Mayor Sayoc," decried the COVID-19 vaccine as a "poison shot" and defied mask mandates while espousing far-right conspiracy theories. They have harassed residents — even minors — in person and on Instagram.

Los Gatos-Saratoga High School District meetings have also been embroiled in culture wars over the new ethnic studies curriculum they approved, with critics calling it a "socialism tactic" that will "make white children feel bad about their skin color."

The family of Mayor Sayoc, who is Filipina, was recently harassed by protestors outside their home. "We know all about you, Mayor Sayoc. You need to leave this town. We don't want you here," screamed one woman. "How dare you say there is systemic racism in this town?"

The scrawling of swastikas on the Addison-Penzak Jewish Community Center and two other town sites led to a town press release announcing Los Gatos Stands United Against Hate Walk, as part of the statewide United Against Hate Week November 14-20. Not in Our Town, the organization that famously inspired Billings, Mont., to stand against discrimination against Jewish, Black and Native people, started the week in 2017 and now has helped over 200 communities stand up against hate.

A majority of voters elected a woman of color to the Town Council. A majority of businesses have posted Los Gatos Stands United Against Hate signs. "All bounds of decency have been eroded by a small number of angry people," said Councilwoman Maria Ristow. "Enough is enough."

It's not only elected officials speaking out.

"The best way to combat all of this hate is by drowning it out with our voices of support," said Rob Moore, a local community organizer, and that sentiment is building steam. A substantial coalition of school districts, faith communities, businesses, sports clubs, the museum, the Chamber, nonprofits and individuals is joining forces to organize the march on Nov. 14. Elected leaders representing Los Gatos from all levels of government, including U.S. Rep. Anna Eshoo, Assemblyman Evan Low and state Sen. Dave Cortese, have submitted statements into the Town record affirming that the harassment of public leaders will not be tolerated.

The hope is that the sense of solidarity expressed around the Los Gatos Stands United Against Hate Walk instills the strength in many people to continue being upstanders and promoters of an inclusive town. Hate will not define us.

Karen Rubio is a resident of Los Gatos, co-founder of Plant-Based Advocates and part of the organizing team for the Los Gatos Stands United Against Hate Walk. The walk will be held Nov. 14 at 2 p.m., starting at Fisher Middle School. See www.losgatosCA.gov/United for details.

[Report an error](#)

[Policies and Standards](#)

[Contact Us](#)



Tags: [Hate Crime](#), [Race & Race Relations](#), [South Bay Crime](#)



Karen Rubio



From: [REDACTED]
To: [Mary Badame](#)
Cc: [Gabrielle Whelan](#); [Chris Constantin](#); [Clerk](#)
Subject: Please support Councilmembers Moore/Ristow in re: Hogan v. Moore et al.
Date: Thursday, February 20, 2025 2:29:35 PM
Attachments: [image001.png](#)

[EXTERNAL SENDER]

Dear Council member Badame:

Thank you for your time on Tuesday night so I and others could verbally address you and the other councilmembers in this matter. I am writing again to express my strong support for Councilmembers Maria Ristow and Rob Moore in their request for the Town of Los Gatos to provide them with legal defense in the lawsuit *Hogan v. Moore et al.* My reasons are as follows:

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I can’t emphasize enough that we must support all Council members who serve this Town in their capacity as elected officials. Thank you for your time and consideration.

Thank you,

Karen Rubio
Organizer



**Rob
Moore**

FOR LOS GATOS TOWN COUNCIL

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Moore destruction of our beautiful town~~

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Just say NO MOORE!

From: Carole Phipps [REDACTED]
Sent: Thursday, February 20, 2025 3:14 PM
To: Council <Council@losgatosca.gov>
Subject: Re: Support our Council Members

[EXTERNAL SENDER]

I am writing once again to the Los Gatos Town Council on the topic of Hogan vs Moore et al. I want to express my strong support for all of our hard-working council members and request that the Town indemnify and defend them in this lawsuit.

Clearly Council Members cannot function in the interest of the Town and all of us if they fear they may be sued and left with no support or assistance from the Town they serve. We must protect them so they can do their jobs.

Thank you,

Carole Phipps
[REDACTED]
Los Gatos, CA

From: [Jo Greiner](#)
To: [Marna Taylor](#); [Steve Hall](#); [Sue Ahmadian](#); [Ed Lozowicki](#); [Tim Ororke](#)
Cc: [Clerk](#)
Subject: Maria Ristow and Ron Moore
Date: Thursday, February 20, 2025 5:12:15 PM

[EXTERNAL SENDER]

I am the Outreach Director at St Luke's Church working with our local unhoused community. I have had the rare privilege of working with both Maria Ristow and Rob Moore over the past two years. Both have enthusiastically endorsed our Outreach Program for our unhoused friends, and each has visited our weekly program at St Luke's and the UMC Church multiple times. I am a proud member of a dedicated group of faith leaders representing St Luke's, St Mary's and the UMC, and we have been blessed with their strong support for issues covering food security, a shower ministry, and the hotel program for inclement weather. I have lived in Los Gatos since 1980, and I cannot recall two finer individuals than Maria Ristow and Rob Moore. Their integrity, leadership, and support have made all the difference to our program. In addition, as a life partner in a same sex marriage, I am extremely saddened to hear of the misguided and unfair allegations targeting Maria and Rob. Both of these individuals have earned the respect of our town and deserve our Total Support!

Jo Greiner. Outreach Director.
St Luke's Church. Los Gatos

From: [REDACTED]
To: [Matthew Hudes](#); [Mary Badame](#); [Rob Moore](#); [Rob Rennie](#); [Maria Ristow](#)
Cc: [Town Manager](#); [Gabrielle Whelan](#); [Katy Nomura](#); [Clerk](#)
Subject: Closed Session, Comment 2-21-25
Date: Thursday, February 20, 2025 6:50:24 PM

[EXTERNAL SENDER]

Dear Members of the Los Gatos Town Council,

The Los Gatos Community Alliance writes to emphasize an important principle regarding the rights and responsibilities of elected officials. While elected officials possess the right to exercise free speech—a cornerstone of our democratic society—they are not entitled to a publicly funded legal defense when acting outside the scope of their official role.

This issue has come to the forefront with regard to officials posting on platforms such as Nextdoor. Specifically, these postings were made from personal accounts that did not identify the individuals as council members, clearly indicating that the communications were personal and conducted outside the scope of their official duties. When such postings violate the Town's established policy on public communication, the official is acting beyond the parameters defined by law and Town policy. In these instances, Government Code section 995.2 clearly indicates that the Town is not obligated to provide a legal defense for actions that are not within an official's responsibilities.

It is important to clarify that this policy does not give rise to First Amendment issues. The First Amendment robustly protects free speech, and officials retain the right to express themselves—even on personal platforms such as Nextdoor. However, the Constitution does not require the use of taxpayer funds to defend speech made outside of official duties. The delineation between personal and official actions ensures that while free speech is protected, public resources are reserved for defending actions taken in the official capacity. By posting on personal accounts without official identification, these communications are clearly individual expressions. Consequently, the Town's decision not to fund legal defense in these circumstances is consistent with both statutory requirements and established policy, and does not infringe upon First Amendment rights.

Our community values transparency, accountability, and the responsible use of public funds. It is imperative that the boundaries of an official's role—set forth by both statutory law and the Town's own policies—be respected. Public resources should support officials in matters directly tied to their official responsibilities, not in circumstances where personal actions contravene Town policy.

We urge the Council to reaffirm these distinctions and to ensure that any deviations from established communication protocols are addressed appropriately. Upholding these principles not only protects the integrity of public office but also reinforces the trust our community places in its leaders.

Thank you for your attention to this important matter.

Sincerely,

The following people have given me email permission authorizing the placement of their name on this email to the Council for the Closed meeting on 2-21-25

Jak Van Nada
Cathy Smith

David Weissman
Rick Van Hoeson
Phil Koen, signing as an individual and not representing the Finance Commission
Cindy Weintraub
John Estill
Neesha Joseph
Dan Seltzer
Terry Reinhart
Art Monk
Lani Harr
Patrick Harr
Jeff Loughridge
Silvia Loughridge
June Beeler
Laura Howard
Clay GoodMan
Robert Rinehart
Art Dutra
Jon Witkin
Karen Van Nada
Rick Kananan
Thomas Ferrito
Trudy Esrey
Cassandra Joseph
Sandy Decker

*Jak Van Nada -
Los Gatos Community Alliance
Facts Matter; Transparency Matters; Honesty Matters
www.lqca.town*



From: [Beverley Bryant](#)
To: [Matthew Hudes](#); [Mary Badame](#); [Rob Rennie](#)
Cc: [Council](#); [Clerk](#); [Town Manager](#)
Subject: Hogan v. Moore, et al.: Defending Council Members" Moore and Ristow
Date: Friday, February 21, 2025 2:14:30 AM

[EXTERNAL SENDER]

Dear Mayor Hudes, Council Member Mary Badame, and Council Member Rob Rennie:

As a thirty year resident, I hope that you will accept my thanks for your many years of service to the Town of Los Gatos.

My request is for your commitment to provide legal defense funding for your two fellow Council Members, Vice Mayor Rob Moore and Council Member Maria Ristow in the Lynley Kerr Hogan vs. Rob Moore et al. Santa Clara County Superior Court Case Number: 25CV456254.

It is my understanding that the case was filed because of disagreements with their public activities. Knowing these Council Members, I am confident they each were acting in good faith and with integrity. I also believe that it is the responsibility of the Town to defend its Council Members as they engage with the public, because public interaction is an expected part of the job.

Over the years, Maria and Rob have worked extraordinarily hard, and have served our community well. They deserve our respect and our financial support at this challenging time.

To do anything less will send the wrong message to future volunteers who might be interested in serving on town boards and commissions. Our fragile democracy is based on voluntary commitment to public service; those who step up must be supported by the institutions that benefit from their efforts.

Respectfully,
Beverley B. Bryant

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Beverley B. Bryant, Ph.D.

Phone: [REDACTED]