



DRAFT
Minutes of the Town Council Special Meeting – Closed Session
Tuesday, February 21, 2025
2:30 P.M.

The Town Council of the Town of Los Gatos conducted a special meeting in person to hold a Closed Session.

MEETING CALLED TO ORDER AT 2:30 P.M.

ROLL CALL

Present: Mayor Matthew Hudes, Council Member Mary Badame, and Council Member Rob Rennie.

Absent: Vice Mayor Rob Moore and Council Member Maria Ristow.

VERBAL COMMUNICATIONS (ONLY ON ITEMS ON THE AGENDA)

Ernestina Jara

- Commented in support of the Town providing legal support for Vice Mayor Moore and Council Member Ristow in the existing litigation.

Kristine Goldberg

- Commented in support of the Town providing legal support for Vice Mayor Moore and Council Member Ristow in the existing litigation.

Sue Ann Lorig

- Commented in support of the Town providing legal and indemnification support for Vice Mayor Moore and Council Member Ristow in the existing litigation.

Karen Rubio

- Commented in support of the Town providing legal support for Vice Mayor Moore and Council Member Ristow in the existing litigation.

Lynley Kerr Hogan

- Commented on the existing litigation case, free speech, and censorship.

Gabrielle Whelan, Town Attorney, stated that in accordance with Government Code Section 54956.9(d)(1), the Town Council is meeting in closed session to discuss existing litigation filed by Lynley Hogan against Councilmembers Moore and Ristow. The Town is a “party” per the definition set forth in subsection (h) of Government Code Section 54956.9.

THE TOWN MOVED TO CLOSED SESSION ON THE FOLLOWING ITEM:

1. 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

The Town Council reconvened in open session. Gabrielle Whelan, Town Attorney, stated that Mayor Hudes and Councilmembers Badame and Rennie met in closed session to considering defending Councilmembers Moore and Ristow in the second lawsuit filed by Lynley Kerr Hogan on January 10th, and voted unanimously to provide a defense to Councilmembers Moore and Ristow.

The Town Attorney further stated that the decision to expend Town resources is a serious matter, as defending a lawsuit can be time-consuming and expensive. In agreeing to provide a legal defense in this matter, the Council expressly reserves the right to not indemnify the Councilmembers if they are found liable and if their liability is based on conduct that did not occur in the course and scope of their Town Council office. Should the court find that the Councilmembers were not acting within the course and scope of their employment, the Councilmembers will not receive further defense of their actions. In addition, in accordance with Government Code Section 825, the Town will not pay any award of punitive or exemplary damages.

ADJOURNMENT

The meeting adjourned at approximately 3:17 p.m.

Attest:

Submitted by:

Wendy Wood, Town Clerk

Chris Constantin, Town Manager