

From: John Bertolotti [REDACTED]
Sent: Monday, February 13, 2023 4:35:17 PM
To: GWhelan@losgatosca.cov <GWhelan@losgatosca.cov>; LPrevett@losgatosca.gov <LPrevett@losgatosca.gov>; MRisrow@losgatosca.gov <MRisrow@losgatosca.gov>; Mary Badame <MBadame@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>; MHudis@losgaotsca.gov <MHudis@losgaotsca.gov>; RMoore@losgatosca.com <RMoore@losgatosca.com>
Subject: Kylie Clark's prejudicial biases

[EXTERNAL SENDER]

To Our Town Council Members,

I am a long term resident of Los Gatos in possession of a letter written by Kylie Clark dated November 18, 2022. I am totally insulted by her reference to “a few rich white anti-housing men in our town”. That is a racial statement and derogatory to anyone with assets. At what level of assets does one become a “rich guy”?

I had no knowledge nor did I partake in any form of signature gathering.

I do not think that Kylie Clark belongs in ANY decision making position within our town. Her prejudicial statement, above, shows her personal bias.

John Bertolotti

[REDACTED]

Los Gatos

MBA, Real Estate and Urban Land Economics, UC Berkeley

From: Dennis Grist [REDACTED]
Sent: Sunday, January 29, 2023 5:16 PM
To: RHudes@losgatosca.gov; Gabrielle Whelan <GWhelan@losgatosca.gov>
Subject: Planning Commissioner Kylie Clark

[EXTERNAL SENDER]

January 29, 2023

Attn: Los Gatos Town Staff

GWhelan@losgatosca.gov
LPrevetti@losgatosca.gov
JPaulson@losgatosca.gov
JARmer@losgatosca.gov
MRistow@losgatosca.gov
RRennie@losgatosca.gov
RHudes@losgatosca.gov
RMoore@losgatosca.gov

Re: Planning Commissioner Kylie Clark

I am writing this email to you to lodge a complaint against Los Gatos Planning Commissioner Kylie Clark. She recently emailed the State of California Housing Elements (housingelements@hcd.ca.gov) dated November 18, 2022, asking if the State “would be able to support our town in any way” with regards to defeating or not allowing the referendum which would allow the voters of Los Gatos to determine their own housing issues. She refers to the concerned voters and citizens who are in favor of a referendum on the Towns’ housing plans as “a few upset rich residents” and “a few rich white anti-housing men”. Her prejudice and lack of impartiality is front and center and should not be tolerated. A referendum is part of the democratic process whether one agrees with it or not. Although she writes her email “as a concerned citizen,” she also includes that she is a “Los Gatos Planning Commissioner” and signs off with “in community”. That is an admission that she is unable to use unbiased and impartial judgement as a Planning Commissioner while fulfilling her duties to the residents of Los Gatos. She is an agenda-driven activist and will be prejudiced in her decision making. I believe it is time to remove her from her Planning Commission position. We need fairness, discernment, and a Planning Commission that listens to the residents.

Thank you,
Dennis Grist
Los Gatos Resident since 1978
Los Gatos Business owner since 1990

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Dennis Grist
Grist Construction
[REDACTED]

From: [Kylie Clark](#)
To: [Clerk](#)
Subject: Public Comment Item #1 - Special Meeting 2/15/23
Date: Tuesday, February 14, 2023 11:45:28 PM
Attachments: [Kylie Clark Public Comment - Special Meeting 2-15-23.pdf](#)

[EXTERNAL SENDER]

Hi Wendy,

I hope this email finds you well! Attached is my public comment letter for the special meeting. Thank you so much for your hard work.

In community,

Kylie

(Pronouns: she, her, hers)

[Yes, We Live on Ohlone Land. But What Does That Mean?](#)

Kylie Clark

Community organizer, nonprofit professional



Honorable Mayor, Vice Mayor, and Councilmembers,

I hope this email finds you well. As I am only afforded the same three minutes as any other individual in today's hearing, I am writing to you to ensure all of the information I wish to share is included and considered.

I made a mistake, and I wish I had worded things differently. But I had the best interest of the Town at heart and the email was truthful. I strongly feel that a censure is not warranted, and I am eager to learn and grow from this experience. I have learned my lesson, and I don't need a censure to do so.

As I have expressed to the committee, I am extremely concerned that I did not receive fair treatment during this process.

The Town's Code of Conduct Policy states that: "Upon report of a written complaint, the Town Manager and Town Attorney will join the Mayor or Vice Mayor as an evaluation committee to determine the validity of the complaint." This may be discretionary, but it is not clear to me why both the Mayor and Vice Mayor sat on the committee when the policy clearly states it is to be one of them.

The policy goes on to state that: "If the reported violation is considered to be serious in nature, the matter shall be referred to outside legal counsel selected by the Committee for the purpose of conducting an initial interview with the subject Council Member. The outside counsel shall report his/ her initial findings back to the Committee." This is not the process that I received. To my knowledge, no outside legal counsel was consulted, and I was never given the chance to provide my side of the story despite the policy calling for my interview.

After the report from outside counsel, "If the Committee then determines that an investigation is warranted, the Committee shall direct the outside legal counsel to conduct an investigation." Then, "At the conclusion of the investigation, outside legal counsel shall report back to the Committee in writing." The committee would then review the recommendations and come to a consensus of whether to implement the recommendations, which could include a censure.

Many of these steps were skipped and the Town is moving forward with one of the most serious forms of recourse possible. I'm particularly upset by this because the committee came to the conclusion to censure me without following the process that is meant to ensure this is the proper form of action.

The policy states that: "If the reported violation is deemed valid but minor in nature, the Mayor or Vice Mayor shall counsel and, if appropriate, admonish the Council Member privately to resolve the matter. Admonishment is considered to be a reproof or warning directed to a Council Member about a particular type of behavior that violates Town policy." The Town hasn't censured anyone in the past decade, if not longer. This is a serious decision and should not be taken lightly, especially as it has direct and real impacts on my life and future.

In the past 10+ years, council members, commissioners, and committee members have made comments that many would find more offensive than mine during meetings. In response, they received private counsel, as these comments were considered minor violations. Because I said a few poorly chosen words in an email in which I clearly stated I was not speaking as a commissioner, I am being censured. I don't understand why my comment was deemed to be worse than all of those in the past, and I don't understand why this isn't considered a minor violation, especially when I have no history of violating the Town's Code of Conduct.

The Code of Conduct does not state that a censure is required for any violation of the code. Rather, a censure is meant for a major violation in which it is decided that private counsel is not sufficient. Just because the committee found I violated the code does not mean I must be censured; please consider whether this is the proper course of action when many other, less harsh paths exist.

With this censure, you are setting a very dangerous precedent for future engagement from Los Gatos council members, commissioners, and committee members. If someone makes any violation to the Code of Conduct, they may face public admonishment for doing so. By classifying this as a major violation, you are setting a very low bar for what it takes to be censured. Public servants must feel they are able to exercise their right to free speech without intimidation or fear of retaliation.

I understand that in the past, council members and commissioners have been counseled when a violation has occurred. I would happily embrace this opportunity. I clearly was unaware of how my words may be seen by others and I have a lot to learn. I am truly eager to grow from this. I am young and would prefer not to have a censure follow me as I continue my professional journey.

I can assure you that this will not happen again. I feel that the Town has violated its own code of conduct while working to enforce it by circumventing the entire process laid out in the code. Please consider affording me the same grace that has been afforded other public servants for decades, and allow me to grow from this through private counseling rather than a public censure.

Thank you to each of you for all you do.

In community,

Kylie