CC 10-06-20

Oral Communications

Written Comments

Cyrah Caburian

From: Jean Bedord <Jean@bedord.com>
Sent: Tuesday, October 6, 2020 3:35 PM
To: City Clerk
Subject: Presentations for city council meeting tonight
Attachments: Bedord Council - 2020-10-06 Oral Communication.pptx; Bedord Council - 2020-10-06 Agenda # 10.pptx

Could make these PPT slides available to the regular meeting of the city council tonight:

* Oral Communications
* Agenda Item #10

Please include in the public record. Thanks much!

Warm regards,
Jean Bedord

Responsible Support of Education

- **Jean Bedord**
- **Cupertino City Council**
- **October 6, 2020**

1

Support Local School Districts

- Support Measure M for FUHSD
  - Renew $98 per parcel tax to provide $5 million per year to Fremont Union High School District
  - Needed to balance budget after expiration in 2022
- DO NOT Support square foot parcel tax for CUSD
  - Berkeley Schools Excellence Program (BSEP) is example – RENEWAL
  - NEW tax highly unlikely to pass – requires 2/3 approval
  - Student enrollment decline is an elementary school a year – funding is per student so revenue drops proportionally to # of kids
  - District must cut $5-7 million for next fiscal year or risk state intervention. NEW taxes are not an option

2

FUHSD Square Footage Ballot Parcel Tax

- Tax Measures require 2/3 approval
  - Measure O for CUSD in March 2020 failed
  - Measure H for FHDA (DeAnza) failed
- Significant Costs
  - Study done in **2018** by FUHSD - $25K
  - District cost to put on ballot - $100K to $2M (money not used for instruction)
  - Private fund raising for campaign – minimum $100K

FUHSD Board decided **against** this tax measure – seasoned Superintendent and board

CUSD has neither, so NOT a financially viable option

3

Cyrah Caburian

From: Jim Moore <maxcinco@comcast.net>
Sent: Tuesday, October 6, 2020 10:39 PM
To: Steven Scharf; Darcy Paul; Jon Robert Willey; Liang Chao; Rod Sinks; Cupertino City Manager's Office; City Attorney's Office
Cc: City Clerk
Subject: Jim and Susan Moore and two neighbors (6 votes out of 6) support the Berkeley sqft property tax model for CUSD

Dear Mayor Scharf, Vice Major Paul, council members Willey, Chao, and Sinks, City Manager Feng, and City Attorney Minner,

Sue and I have discussed the Berkeley sqft property tax model with two other neighbor families (just two so far). All six of us (100%) now support charging property taxes based on the build-out sqft of the property as we want to fully fund our neighborhood CUSD schools.

I also discussed the change to a sqft usage property tax with my Son-in-Law (SIL), a county assessor. He sees no concerns with the Assessor's Office changing their assessment methodology to accommodate a change to sqft property tax for CUSD.

Recently, residents learned that there are about 39,000 parcels in CUSD. For about $5,000, the County assessor will provide the data showing building sqft for each parcel. With sqft per parcel build-out, along with the building type (SFH, apt., commercial, ...), a $ charge per sqft can be determined that brings in the amount required to fully fund the budget for CUSD.

The Berkeley change to sqft was passed, its first time on the ballot, by 83% of the voters. Residents/voters in CUSD highly value neighborhood schools as does Berkeley. When the benefits of the Berkeley sqft property

tax model are properly presented to CUSD residents, the most likely outcome is passage with over 67% of CUSD votes.

During Oral Communications, Sudha provided a numerical example of this property tax change to sqft. A Single Family Home (SFH) and a 200-unit Apartment complex, each on a single parcel, now pay $250 annually. She assumes the SFH is 2500 sqft. She assumes the Apartment complex has 200 units, and averages 1000 sqft/unit. In Sudha's example, at $0.10/sqft, this SFH will pay the same amount, $250, as its prior parcel tax. The 200-unit Apartment Complex will pay, for its 200,000 total sqft, $20,000. If we reasonably assume that a SFH has 1 - 2 students, and each 1000 sqft Apartment unit has 1 - 2 students, the fair amount to support CUSD neighborhood schools is $250 for the SFH, and $20,000 for the 200-unit Apartment complex. Residents want property tax fairness, and the sqft property tax is fair and equitable. The current parcel tax is not fair and equitable. Let's work to change it.

Jim Moore

Resident volunteer

CC 10-06-20

#9
Ballot Measures Discussion

Written Comments

Cyrah Caburian

From: Minna <minnaxc99@gmail.com>
Sent: Tuesday, October 6, 2020 12:47 PM
To: City Council; City Clerk
Subject: Regarding Subject 9 of council meeting agenda tonight

Dear Councilmembers,

I am a Cupertino resident. I just want to express my concern on item#9 of the meeting agenda.

I am very curious, why a city council has to vote on the State issues. No offense, but I don't think it could solve any real problem in our city, other than causing division.
Here I state my personal point of view on these topics, hope councilmember can consider:

For Prop16, I am really worrying that once it passed, race card can be openly used in education topics. In my opinion, hard work should be rewarded, regardless of your skin color. Every student should be treated equally

As I know, Prop19 was backed by CAR (California Association of Realtor). It's obvious that it can benefit realtors. But for old people who hope to leave properties to their sons/daughters, they have to pay more taxes. Though I am pro-business, I don't think this law is fair.

Prop21 actually is promoting rent control. Once it passed, even SFH may be subject to rent control statewide. Our community may be heavily impacted.

Please put my comments in public record. Thank you!

Best wishes,
Minna Xu

Cyrah Caburian

From: Helen H <huahelen@gmail.com>
Sent: Tuesday, October 6, 2020 3:24 PM
To: City Clerk; City Council
Subject: Opposing Prop. 16

Proposition 16 allows discrimation based on race, color and gender. It is not equal opportunity for all but the opposite. It is wrong to treat people differently by how they were born into. It will damage the foundation for fair competition, bring down standards, open door for corruption, hurt our economy, drive talents out and devastate California.

Kamala Harris is a successful Black/Asian female politician from Californian, born in an immigrant family, nominated as candidate running for Vice President of this country. Prop 16's biggest donor's husband is a Black billionaire businessperson. UC just admitted the largest ever Hispanic undergraduate student group, making Hispanic the largest ethnic group in freshman class of 2020. ... The list goes on and on. California is a very diverse place with great opportunities for those who work hard and obtain the right skills from proper education.

Prop 16 doesn't really help those who desperately need help and they are in all races and colors as well. The real question is K-12 education. Half of Californian high school students do not meet CSU/UC admission requirements. Those kids are the ones lagging behind and need help. Prop 16 doesn't help students struggling in community colleges and/or even high schools who are the ones have the most difficulties in their life. Prop 16 would just put students in certain races/colors into UC Berkeley or LA over students who are more qualified but borned into the "less favorite" race(s)/color(s). It also opens door for more corruption. In addition, Prop 16 will create tension between races and discourage hard working and fair competition. K-12 public education is the one should be looked into seriously, to be reformed to help and save the struggling kids. No on Prop 16.

Thank you for taking our concerns into consideration in making your decision on this.

Best regards,
Helen

Cyrah Caburian

From: Grace Chin <gchin30@gmail.com>
Sent: Tuesday, October 6, 2020 2:39 PM
To: City Clerk
Subject: Regarding # Prop 16

Dear Council members,

I strongly oppose # Prop 16 . Prop # 209 is a race blind AA which focuses on socially economically disadvantaged persons. This is the fairest for every resident in CA.

In the public education field, the proportion of UC freshmen who would be the first in their families to earn a four-year college degree increased to 45 percent (35,058), while the proportion of low-income students grew to 44 percent (30,865) in 2020. (the definition of low income family: annual household income is below $58,000)

CA government demographics did show diversity and balance. Dr. Weber claimed that the number of women and Latinos employed by the state of California has decreased significantly relative to population growth is not a fact. All CA government employees' ratio between female and male is 46:54. All race's ratio is almost par with its population except Latio is a little behind its population size. (Source: 2019 statewide report https://www.calhr.ca.gov/Pages/statewide-reports.aspx) Especially, our government still has a set aside quota of employees for disabled people and veterans.

In the government contract field,using race/gender as indicators to help is not correct. Why do we only focus women,minorities, black people, Latino people in #Prop 16 for helping? Every race has rich people and poor people. Even some men's socioeconomic status are not as good as women. Are all women and minorities people who need help? What we should help is not based on race but income level. "MWBE(minority women business enterprise) was a marriage of political convenience—a working alliance between the economically privileged of both races. The white business elite signed on to a piece-of-the-pie for blacks in order to polish its image as socially conscious and secure support for the downtown revitalization it wanted. Black politicians used the bargain to suggest their own importance to low-income constituents for whom the set-asides actually did little. Neither cared whether the policy in fact provided real economic benefits—which it didn't." (https://www.brookings.edu/articles/black-progress-how-far-weve-come-and-how-far-we-have-to-go/)

In fact after prop 209, although the CA government canceled the MWBE program, State Departments are required to award 25 percent of their annual contracting dollars to certified Small Businesses (SB) and 3 percent to certified Disabled Veteran Business Enterprises (DVBE). In FY 2017-2018, the state met both SB/MB and DVBE participation goals, reporting 32.5 percent and 4.7 percent, respectively. So it reveals the CA government has already supported and cultivated small businesses,but not limited to women and minority groups. Nowadays, men are not as rich/strong as women. Small male business owners also need the help.If we really think that is not enough for Women and Minority groups, we can set aside goals for them like other state's policy.(https://www.ncsl.org/research/labor-and-employment/minority-business-development.aspx)

Fourthmore, the CA government still has other disadvantaged business enterprise (DBE)programs with race/gender conscious measures inside. For the next 10 year , Caltrans projects cost more than $42 billions. Caltrans has established an overall annual goal of 17.6 percent DBE participation for its FFYs 2019-

2021.This overall goal is expected to be achieved 13.4 percent with race-gender conscious measures and 4.2 percent with race-gender neutral measures **.** (Data Source**: CA Government Website https://dot.ca.gov/programs/civil-rights/dbe/overall-disadvantaged-business-enterprise-goal-and-methodology-federal-fiscal-years-2019-2021)**

The most important of all, according to a 2020 study ,if Prop 16 is passed, the State of California and its citizens will collectively suffer $16.1 billion in higher costs for State contracting and construction work and the loss of over 50,000 jobs, most of them concentrated among racial and ethnic minorities. (https://californiansforequalrights.org/2020/06/30/aca-5s-economic-and-employment-costs-case-of-state-transportation-contracting/?fbclid=IwAR0euQDnT4SDzbuJ_zrbck4-i1VlNOjCWlg60BReYCuzAGQR4GnEP79hkr8). **If California adopted #Prop 16, it will cost taxpayers billions of money since the state/city contracts can not accept the most competent bids while state and local governments are facing a tax shortage's problems everywhere and are poursing to increase tax everywhere.**

After GF's death , everyone becomes very emotional. People want to change. However good intentions don't bring good results for sure. Prop 209 really let MLK's dream come true. People in California are not judged by their color of skin but their contents inside. Because of this equality, California has become the fifth largest economy in the world. At the same time, we still pursue diversity and help to solve inequality by using different measures like Local control funding formula for K-12 education, disability program, Veteran Program,etc. We can create the new program to solve any inequality problem but keep our accumulated progress after prop 209.

What we face for Prop 16 is not left or right. It is right or wrong. We, Californians, deserve equal treatment. Please Vote NO to # Prop 16 for not only saving taxpayers' pockets but also keeping the real equal principle of American.

Best Regards,
Grace

Cyrah Caburian

From: Alexis Ellis <mochaae@outlook.com>
Sent: Tuesday, October 6, 2020 4:28 PM
To: City Clerk
Subject: Public comments regarding Agenda item 9--city position on Prop 16

Honorable mayor, City Council members, city staff and fellow citizens,

During last three month, there had been many car rallies organized by residents throughout California to oppose proposition 16, one was held in our city this July. I was in the rally and learned that Prop 16 is aiming to repeal Prop 209, part of California constitution, which clearly prohibits the state from discriminating against, or granting preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting. Yet the state wants to repeal it. If Prop 16 passes in the Nov election, it means we the Californians allow the state to discriminate against all of us based on our race, gender or color and allow special treatment by the state in college admissions, jobs and contracting. This is totally unconstitutional and against the American value of equal rights.

Furthermore, I have learned that the ballot label was written in a very misleading fashion. It says Prop 16 allows diversity as a factor in public employment, education and contracting decisions. The legislators are playing word game with the voters. They replaced the word “discrimination” with the word “diversity”. This is discrimination in the name of “diversity”.

Let’s all not be misled by the ballot label. We should all say no to discrimination and most of all discrimination from the state level. Please vote NO on Prop 16 in Nov!

Please read out my comments in the meeting

Thank you

Alexis

Cyrah Caburian

From: Ping Gao <gaoping@gmail.com>
Sent: Tuesday, October 6, 2020 3:35 PM
To: City Council
Subject: Prop 16, 19 and 21

Dear City Council Members,

This is Ping, a 13-year Cupertino resident. I just want to voice my opposition to all these propositions: Prop 16, 19 and 21 that are to be discussed in tonight's city council meeting.

Regarding Prop 16: big NO NO. It is just ridiculous that it is not rewarding hard working, but skin color. It is dividing Californians instead of uniting them. If hard working is not rewarded, American Dream will just be a dream.

Prop 19: also NO. it will most likely benefit realtors or businessmen. For those who are already benefiting from Prop 13, it is not doing anything. It is not a systematic solution and it may create more problems.

Prop 21: also NO. Once it passed, it would make single family home subject to statewide rental control, which is not doing any good to our community and our city.

Thanks,
Ping Gao
Cupertino Resident

Cyrah Caburian

From: lilia <lilia_yy@yahoo.com>
Sent: Tuesday, October 6, 2020 2:51 PM
To: City Council
Subject: Opposing Prop16

Dear Cupertino councilor,

As a citizen, I have to share my opinion to oppose Prop 16.

Today some people are so used to special treatment that equal treatment is considered to be discrimination. Prop16 asks voters to repeal Prop 209, which allows racial preference admission based on race or gender. It admits and enforces the concept that certain races are not able to stand up on their own, so they need to chop off other races in order to make it equal in the outcome. This, by definition, is systemic racism. The use of race adds to create racial equality does not cure racial injustice but hides the problem and makes further racial discrimination. So It will divide American. Prop 16 is also against the Federal law and state constitution, “The state shall not discriminate against, or grant preferential treatment to, any individual or group, on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.” Only by treating everyone equally can a state as brilliantly diverse as California be fair to everyone.

Prop 16 is a scam and a giant step backward. We certainly don't need to favor one race over another. We need equal opportunities rather than equal results. Merit-based, racist free fairness must be the goal across all of American society. If a child works hard, no matter what race they are, they must be given a fair chance to ascend to the highest levels.

Therefore, please stop on the racist Prop 16.

Sincerely,
Lilia

Cyrah Caburian

From: Jocelyn Yeh <jocyeh1@gmail.com>
Sent: Tuesday, October 6, 2020 3:46 PM
To: City Council
Subject: No to State Measure 16

Honorable City Council, elected officials, etc.,

My name is Jocelyn Yeh. I'm writing this to express my strong opposition to State **Measure 16.** State Measure 16 uses race to judge the qualifications of applicants to universities, to jobs, etc., This is a textbook definition of racism, pure and simple. If it is passed, how far will we slide down this slippery, dangerous slope? What's next? Set racial quota for elected positions? Set racial quota for NBA and NFL? Set racial quota for TV anchors? Set racial quota for movies and songs?

For Measure 19, I would encourage you to support No so the older people who are over age 55 have better flexibility of managing their financial.

For Measure 21, I would position No or not to have rent control for the right of the rental property owners and the economic growth.

Thanks,

Jocelyn

Cyrah Caburian

From: someday <chuang95129@gmail.com>
Sent: Tuesday, October 6, 2020 3:47 PM
To: City Council
Subject: Please vote "No" against Prop16

Dear Council Members:

My name is Carrie Hung and I am writing to express my strong opposition on Prop16. Prop 16 will only benefit upper class blacks and Latinos and it is a governmental preferential treatment . Current Affirmative Action is based on the social, economical and individual base and Prop16 is not the same as the current AA and it will judge people based on the skin and race. When did America become ok with birth classes? No on Prop 16! Thanks!

Carrie

Cyrah Caburian

From: Su Chen <chensudidi@gmail.com>
Sent: Tuesday, October 6, 2020 4:12 PM
To: City Council
Subject: Strong Opposition to State Measure 16

Honorable City Council, elected officials, etc.,

I am a resident in Cupertino. I'm writing this to express my strong opposition to State Measure 16. Measure 16 opens the door to the race based discrimination, which is too dangerous for our society.
I am deeply worried about the consequences if the measure passes. Please vote "NO" for us against State Measure 16.

Thank you very much,
Su

Cyrah Caburian

From: Hong Cong <cindycong@gmail.com>
Sent: Tuesday, October 6, 2020 4:18 PM
To: City Council
Subject: No for Measure 16

To whom it may concern,
My name is Hong Cong. I'm writing this to express my strong opposition to State Measure 16. State Measure 16 uses race to judge the qualifications of applicants to universities, to jobs, etc., This is a textbook definition of racism, pure and simple. If it is passed, how far will we slide down this slippery, dangerous slope? What's next? Set racial quota for elected positions? Set racial quota for NBA and NFL? Set racial quota for TV anchors? Set racial quota for movies and songs? When people with different race measure to each other, how to define the race?
Hard work should get rewarded, regardless of your skin color. If hard work is not rewarded, people with favorite color would lose motivation to reach their full potential.
Measure16 divide people, and make people more aware of race difference. With Measure 16, Government will have more control, and people have less freedom.

Best regards,
Cindy

Cyrah Caburian

From: Jian-Kun Zhao <jiankunzhao@yahoo.com>
Sent: Tuesday, October 6, 2020 4:27 PM
To: City Council
Subject: No on prop16, prop 19 and prop 21

To whom it may concern,

I am a cupertino resident and I oppose prop 16, 19 and 21.

I oppose prop 16 because I think hard work should be rewarded and we should strive to advance the best and brightest to keep our nation's advantage in global competition.

I oppose prop 19 because it harms the old people and it's not fair for them.

I oppose prop 21 because once it is passed , it will make single family house subject to state wide rent control, which will harm our suburban community

Thank you for your attention and time!

Jian-Kun Zhao
7478 Fallenleaf Lane
Cupertino, California

Cyrah Caburian

From: Yin Wang <yin.wang.pub@gmail.com>
Sent: Tuesday, October 6, 2020 2:21 PM
To: City Council
Subject: No to measure 16

Honorable City Council, elected officials, etc.,

My name is ___Yin Wang _. I'm writing this to express my strong opposition to State Measure 16. State Measure 16 uses race to judge the qualifications of applicants to universities, to jobs, etc., This is a textbook definition of racism, pure and simple. If it is passed, how far will we slide down this slippery, dangerous slope? What's next? Set racial quota for elected positions? Set racial quota for NBA and NFL? Set racial quota for TV anchors? Set racial quota for movies and songs?

Please join us to vote "NO" against State Measure 16. Please read out my comments in the city council meeting.
Thanks,
-Yin

Cyrah Caburian

From: Yonghui Mou <yonghui.mou2@gmail.com>
Sent: Tuesday, October 6, 2020 2:18 PM
To: City Council
Subject: Proposition 16 and Proposition 21

Dear Cupertino City Council,
Please vote NO to Prop 16. The title of Prop 16 on the ballot "Allows Diversity" is very misleading. Prop 16 wants to repeal Prop 209 from the state constitution.

Prop 209 states very clearly and precisely "generally prohibits state and local governments from discriminating against, or granting preferential treatment to, individuals or groups on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, education, or contracting."

Prop 16 actually introduces systematic discremenation.

Please vote NO to Prop 21. Please allow the market to adjust the rental price. Too much government interference actually hurts the market and is not healthy economic activity.

Thanks,

Yonghui (Cupertino Resident)

Cyrah Caburian

From: Cathy Luo <luocathy@hotmail.com>
Sent: Tuesday, October 6, 2020 1:59 PM
To: City Council
Subject: No Prop16

Honorable City Council, elected officials, etc.,

My name is Cathy Luo. I'm writing this to express my strong opposition to State Measure 16. State Measure 16 uses race to judge the qualifications of applicants to universities, to jobs, etc., This is a textbook definition of racism, pure and simple. If it is passed, how far will we slide down this slippery, dangerous slope? What's next? Set racial quota for elected positions? Set racial quota for NBA and NFL? Set racial quota for TV anchors? Set racial quota for movies and songs?

Please join us to vote "NO" against State Measure 16. Please read out my comments in the city council meeting. Thanks,

Cathy

Sent from my iPhone

Cyrah Caburian

From: Qinghua Huang <qinghuahuang@hotmail.com>
Sent: Tuesday, October 6, 2020 2:10 PM
To: City Council
Subject: opposition on measure 19 and 21

Measure 19 is not fair to the old people.
Measure 21 would make single family house subject to statewide rent control which will bring harm to our society.

So say no to measure 19 and 21

Regards,
Tracie

Dear city council and city staff,

Thank you for your hard work. 2020 has been a difficult year for all of us. But now is the time we need you to establish your leadership over your constituency. We need you to take a difficult, but correct stand.

On this November ballot, Proposition 16 will seek voters' passage to remove this term from Californian Constitution： "The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting."

Although Proposition 16 is summarized as a bill for diversity, it's really about "governmental preferences". Proposition 16 will legalize discrimination. It distracts the focus on helping the poor and needs instead give leeway to the powerful and rich especially in preferred races and identity politicians to take advantage of government resources.

While the nation is questioning the systematic racism, Proposition 16 foreshadows a systematic racism in California.

That's why, as a resident and constituent, I'm requesting you to join hundreds of politicians, civil rights leaders, parents, and children to oppose proposition 16.

Please read out my comments in the meeting. Thank you!

Bri

Cyrah Caburian

From: Yan Yu <yanyu2005@gmail.com>
Sent: Tuesday, October 6, 2020 6:28 PM
To: City Council
Subject: No on Prop 16

Dear Cupertino councils,
I would like to convey my strong opposition to Prop 16.
For those ppl supporting prop 16 should go to study the chinese recent history of cultural revolution. The admission criteria based on the identity politics other than merit based system cause the entire college graduates of that decade being dismissed and discredited in future decades and people have good reasons to discredit them. Prop 16 will cause talented people of minorities subject to discredit and dismiss since they are NOT admitted based on their qualifications but based on their race identity. btw, identity politics will cause science and civilization go stagnant and backwards. We need to stop this dangerous trend!

Thanks!
yan

Sent from my iPhone

Cyrah Caburian

From: mzhang <myyzhang@yahoo.com>
Sent: Tuesday, October 6, 2020 8:01 PM
To: City Council
Subject: Vote No to Prop 16, 19, 21

Hi Cupertino City Council Members,

I am a Cupertino resident. Please vote No to Prop 16, Prop 19 and Prop 21. My reasons are the following.

No for Prop 16: People should be selected based on their qualification, regardless of their skin color. Dr. ML King said similar slogan.

No for Prop 19: To protect seniors in California to live peacefully.

No for Prop 21: Rent control is not good for the market economy. It will kill the rental business.

Thanks,

Michael Zhang
Resident of Cupertino

Cyrah Caburian

From: tessa parish <tessa@parishrealestategroup.com>
Sent: Tuesday, October 6, 2020 7:22 PM
To: City Clerk
Cc: Cupertino City Manager's Office; City Attorney's Office
Subject: Final amended statement on item #9

Dear Mayor and Council members,

I urge you NOT to take a position on ANY proposition as it does not reflect the opinion of ALL of the residents and perhaps not even the majority.

Just as we wouldn't allow campaigning on public property. I think that when Cities take the position of an item currently on the ballot, it violates the spirit of that law. This year's propositions are very controversial and while city council members may be passionate about any one proposition, I don't think it is supports our democratic process.

Thank you,

Tessa Parish

Cyrah Caburian

From: tessa parish <tessa@parishrealestategroup.com>
Sent: Tuesday, October 6, 2020 6:35 PM
To: City Clerk
Cc: Cupertino City Manager's Office; City Attorney's Office
Subject: Comment item #9 Agenda 10/6/2020

Dear Mayor & Council members,

I would like to urge the Council to NOT decide to take ANY position on ANY proposition. I believe this violates the spirit of the existing State Law

General Prohibition on Use of Public Facilities

"State law in RCW 42.17A.555 prohibits the use of facilities of a public office to support or oppose a ballot measure or an election campaign for public office. This prohibition is not new, as it was a part of Initiative 276 adopted by the voters in 1972.

It is important for local government officials to be aware of what may and may not be done in regard to supporting or opposing a ballot proposition. These rules apply to all units of local government and their officials and employees, including counties, cities, towns, transit districts, port districts and other special districts.

The general prohibition against use of public facilities is very broad and comprehensive. The term "public facilities" is defined to include use of stationery, postage, equipment, use of employees during working hours, vehicles, office space, publications of the office, or lists of persons served by the local government. This prohibition means that elective or appointive personnel of local governments may not work to support or oppose a ballot proposition during work time or allow public facilities to be used for that purpose."

Though some of the Council members may be passionately opposed or in support of a specific proposition, in my opinion it is not ok to use their position to "promote" their wishes on a people.

Thank you for your consideration,

Tessa Parish

Cyrah Caburian

From: Venkat Ranganathan <n.r.v@live.com>
Sent: Tuesday, October 6, 2020 9:32 PM
To: City Council
Subject: Prop 16

Dear City Council

I tried to speak but because of audio issue could not speak. I would like to urge the council to abstain or vote NO on Prop 16 as it will not be helping in uplifting the lots of the underprivileged it purports to help. Having first hand experience on societal impacts on such quota reservation policies, I can foresee that Prop 16 will be ushering California as a race aware society for all the benefits and will become another tool in the hands of the politicians to further divide the people for their own benefit. I understand the emotions of well-meaning people who feel the pain of the underprivileged who want to vote yes on this but deeper reflection on the societal impacts we will have in future will help them understand the issues this proposition will unforl. We need to address the race relations in a fundamentally different way by providing learning opportunities than create further divisions and quotas in the college seats, employment options etc., based on race.

Thanks

Venkat
Sent from Outlook

CC 10-06-20

#10
Proposed Municipal Code Amendment

Written Comments

Cyrah Caburian

From: Lisa Warren <la-warren@att.net>
Sent: Tuesday, October 6, 2020 10:12 AM
To: City Council
Cc: Lisa Warren
Subject: City Council Agenda Item #10 October 6, 2020

Dear Mayor and City Council,

I am traveling and have very limited access to communication sources.

I hope to participate remotely in tonight's meeting. In the event that I am unable to do so,
I must at least share my thoughts on Item 10 - The consideration of limiting the use of City Attorney time by individual City Councilmembers.

I, as a resident (top of org chart), disagree with the notion that limited access is 'good for the city'. I believe the opposite.
Amending the municipal code (2.18.030) and changing a muni code title for this time limiting 'rule' is a mistake.

I appreciate when our elected officials do their homework and search for clarity or ways to think differently about 'issues' (of all kinds) . Over decades of participating in our city's government and decision making, I have seen 'rubber stampers' and representatives who arrive in council chambers without seeming to have even read their packets. I have seen others who take their 'jobs' seriously. I much prefer the latter.

We have had city attorneys in the past who would engage with residents at a very low level, and I was always told that the city attorney's office 'worked for council', and not the residents. Over the past several years (decade?) being able to communicate directly has been impossible. Residents RELY on city council members to rely their questions to the city attorney. It is our ony way of
To limit that ability feels very much like censorship and should be avoided.

Remember that Residents are on the top of the city's organization chart. To represent that top spot correctly and transparently, limits to legal knowledge and/or advise are ill advised.

Tank you.

Lisa Warren

Cyrah Caburian

From: Jean Bedord <Jean@bedord.com>
Sent: Tuesday, October 6, 2020 3:35 PM
To: City Clerk
Subject: Presentations for city council meeting tonight
Attachments: Bedord Council - 2020-10-06 Oral Communication.pptx; Bedord Council - 2020-10-06 Agenda # 10.pptx

Could make these PPT slides available to the regular meeting of the city council tonight:

* Oral Communications
* Agenda Item #10

Please include in the public record. Thanks much!

Warm regards,
Jean Bedord

Accountability for Legal Services

- City attorney's client is city as entity, NOT individual council members
- Impact of 2 hours per week per council member
- Potentially 50 hours per month – more than full week of billable time
- $275 per hour for attorney time
- Translates into $13,750 per month or $165,000 per year
- NO benefit to residents

Support limiting use of city attorney time for council members and recommend monitoring for abuse

Jean Bedord
Cupertino resident

Cyrah Caburian

From: Peggy Griffin <griffin@compuserve.com>
Sent: Tuesday, October 6, 2020 5:05 PM
To: City Council
Cc: City Clerk
Subject: 2020-10-06 City Council Meeting Agenda Item 10-limiting access to City Attorney

Please include this in the written communication for the City Council meeting 2020–10-06 Agenda Item #10.

Dear City Council,

I urge you to reject this proposal and subsequent change to our laws. If there's a problem, solve it without another law!

Limiting access to our City Attorney by our elected representatives is BS! There are times and issues that require more access and times when 2 hours are way too much. Arbitrarily putting a limit on getting answers to legal questions regarding issues in our city or that come up before our council is very short sighted!

Example: Westport had a lot of issues and as a resident, I'd want every question answered!

Please do not put a cap on access to legal unbiased answers from our City Attorney! Don't force council members to have to seek and pay for outside and potentially biased opinions. That's why we have a City Attorney!

Consider always making available to other council members, the questions and answers asked and answered.
Consider, during big projects/big issues, having a question answer closed session between all the City Council members and the City Attorney.
Consider, showing/sharing the City Attorney's calendar to all Council Members.

Please do not put a cap on getting answers!

Sincerely,
Peggy Griffin

Cyrah Caburian

From: Griffin <griffin@compuserve.com>
Sent: Tuesday, October 6, 2020 10:10 PM
To: Jon Robert Willey
Cc: City Clerk; City Council
Subject: 2020-10-06 CC mtg Item 10

Dear Councilman Willey,

You were right on with how you instructed the City Attorney on needs to provide to the City Council.

Thank you for speaking out for support!

Peggy

Cyrah Caburian

From: Jean Bedord <Jean@bedord.com>
Sent: Wednesday, October 7, 2020 5:03 PM
To: City Council; Cupertino City Manager's Office; City Clerk
Subject: Feedback on Item #10 , Limit use of City Attorney Time, Council Meeting, Oct. 6

Mayor Scharf, Vice Mayor Paul and councilmembers,

I was appalled by the consideration of this item at council last night. As stated in the staff report, this agenda item was requested by council on March 3, 2020. As Mayor Scharf commented, the council is probably wasting tens of thousands of dollars that are probably unnecessary, and he recognized that limiting INDIVIDUAL use could reduce the city legal costs. The two hour limit was a reasonable recommendation by staff, consistent with other municipal codes.

In my corporate life, I worked with many lawyers. I was expected to do my homework, getting clarification from staff before consulting with the attorney on the legal aspects, NOT the operational aspects of a matter. Wasting expensive legal time was unacceptable. As a member of the public, I expect the same level of preparedness from council members. This was not demonstrated last night. As the Mercury News observed on Sept. 16, "Cupertino has developed a well-deserved reputation for having one of the most dysfunctional city councils in the Bay Area."

I consider an apology to staff in order. They did what council asked them to do, and should be treated professionally. **Council needs to discipline itself.**

Please put this feedback in the public record for the Oct. 6 city council meeting.

Warm regards,
Jean Bedord

CC 10-06-20

#11
Coronavirus Relief Act

Written Comments

Cyrah Caburian

From: Swim5am (Connie Cunningham) <Swim5am@comcast.NET>
Sent: Tuesday, October 6, 2020 10:43 PM
To: City Council
Subject: October 6, 2020 City Council Meeting, Agenda Item 11, COVID-19 Response CARES Act Framework and Funding Priorities

October 6, 2020 City Council Meeting, Agenda Item 11, COVID-19 Response: Coronavirus Aid, Relief and Economic Security (CARES) Act Framework and Funding Priorities

Mayor, Vice-Mayor, Councilmembers, and City Manager:

I am not surprised that this Agenda Item for spending well over $1,000,000 was the last agenda item to be heard at the Council meeting tonight. I have seen it happen often that important items are not discussed until very late in the evening.

I pull out one topic for comparative purposes:

Page 3, last paragraph: " To date the City has spent approximately …. **$24,500,**… on Category 4….. Category 4 included homeless encampment, employee telework, and senior meal delivery."…."The City is proposing to spend an additional $580,3000 as follows:… Category 4 — Proposed Requests:

$18,000 Senior meal delivery
$50,000 Telework capabilities
$-0- Zero additional funds were proposed for homeless encampment

What a jaw-dropping number. No wonder it was reserved until the end of the day.

Over $500,000 for such things as door openers and acrylic shields, hands-free pluming fixtures, occupancy sensors, sanitary coating for plenums, touches drinking fountain replacements, etc. etc. etc.

Then another several hundred thousand for yet another category.

None of these categories strike me as serious as helping the 159 homeless people living in Cupertino who are suffering from the pandemic, too. Or helping seniors. Cupertino has several grantees that could use extra funds during these times. Even if you don't include WVCS since the City has already helped them, there are many other grantees for support such as senior assistance, abused spouses, and others.

COVID has exposed the cracks in how our system works.

Words fail me. I am disappointed. Extremely disappointed.

I urge you to spend more of these funds on people desperately trying to survive. Just look at the various grants that the City supports already as a starting place.

Connie L Cunningham
Housing Commission (self only)