

From: [REDACTED]
To: [City Council](#)
Cc: [Mary Gourley](#)
Subject: Agend Item #13 - Discussion of Appointment of Openings on the Design Review Board - 2/6/2024
Date: Tuesday, February 6, 2024 12:19:33 PM

Dear Mayor Rich and Council Members,

I am writing you last minute regarding Item #13 on tonight's agenda, **Discussion of Appointment of Openings on the Design Review Board.**

In the staff report for that item I was shocked to see our planning director state:

"Additionally, staff has received comments of concern regarding one of the reappointment candidates, and believes it is worth the Council's consideration prior to automatic re-appointment of the current members who re-applied. Particularly, I as the Planning Director have received comments of concerns from both past and present Board members as well as members of the public regarding this Board member. These concerns related to asking questions outside of the purview of the committee (such as applicant budgets, leasing rates for commercial spaces, which is not a design review or tree removal criteria for approval); concerns related to treatment of applicants; and discussing personal and political views not pertinent to the agenda topic to the detriment of the Board's business at hand."

Several things struck me about this:

1. The DRB Member in question is unnamed, is accused of asking questions which are "outside the purview of the committee", and is apparently the subject of anonymous complaints. However, this DRB member is not accused of breaking any laws, ordinances, or ethical guidelines. Further, the applicant is not accused of making improper or illegal decisions, just for asking questions that the Planning Director considered improper.
2. If there was in fact impropriety committed by this DRB member why wasn't it dealt with through official channels at the time? Was this DRB member given a chance to defend themselves?
3. Why does the Planning Director even have input over who is appointed to the DRB, a political appointment? The reason we have citizen board and commissions is to give wide public input into the process rather than having Staff make all decisions. Differing opinions on the Board is a good thing.
4. I served on the Planning Commission for 8 years. In that role, as in yours as Council Members, there is a right and a duty to ask questions which fully inform the decision maker. This is a subjective standard, held by the individual board members. Unless there is a legal or ethical constraint against that question or the information being discussed, the City Staff should offer no opinion as to the propriety of the question. Again, the Planning Director does not accuse this DRB member of violating any statutory or ethical standards, just asking questions which she did not agree with. This could very well be viewed as a violation of this DRB member's First Amendment rights.
5. The DRB Member is also accused of expressing "concerns related to treatment of applicants". Isn't that part of the job? I sincerely hope that all board, commission, and council members in Sebastopol are always looking out for applicants and ensuring they are treated fairly and with respect by all involved.

In summary, denigrating a DRB member for *asking questions* is just wrong. I urge you to stick with the

established process, be transparent, fair, and act solely on the applications that were filed in a timely manner.

Thank you for you time.

-Ken Jacobs

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Sebastopol, CA 95472