# TOWN OF LOS GATOS
# COUNCIL MEETING AGENDA
# NOVEMBER 17, 2026
# 110 EAST MAIN STREET AND TELECONFERENCE
# TOWN COUNCIL CHAMBERS
# 7:00 PM

*Rob Moore, Mayor*
*Maria Ristow, Vice Mayor*
*Mary Badame, Council Member*
*Matthew Hudes, Council Member*
*Rob Rennie, Council Member*

**IMPORTANT NOTICE**

This is a hybrid meeting and will be held in-person at the Town Council Chambers at 110 E. Main Street and virtually through Zoom Webinar (log-in information provided below). You may watch the Council meeting without providing public comment on Comcast cable channel 15 or at www.LosGatosCA.gov/TownYouTube. Members of the public may provide public comments for agenda items in-person or virtually by following the instructions listed at the end of the agenda.

To watch and participate via Zoom, please go to:

https://losgatosca-gov.zoom.us/j/86730363468?pwd=pfKQoh92JnbwOYwFvZqIdSSWpjxYoK.1

Enter Passcode: 577971

**CALL MEETING TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**PRESENTATIONS**

i. Mayor's Recognitions
ii. Ruby Bridges Walk to School Day Proclamation

**CONSENT ITEMS** *(Consent Items are considered routine Town business and may be approved by one motion. Any member of the Council may remove an item from the Consent Items for comment and action. Members of the public may provide input on any or multiple Consent Item(s) when the Mayor asks for public comments on the Consent Items. If you wish to comment, please follow the Participation Instructions located at the end of this agenda. If an item is removed, the Mayor has the sole discretion to determine when the item will be heard. Each speaker is limited to no more than three (3) minutes or such time as authorized by the Mayor.)*

1. **Approve the Minutes of the October 28, 2026, Closed Session Town Council Meeting.**
RECOMMENDED: Approve the Minutes of the October 28, 2026, Closed Session Town Council Meeting.

2. **Approve the Minutes of the November 2, 2026, Special Town Council Meeting.**
RECOMMENDED: Approve the Minutes of the November 2, 2026, Special Town Council Meeting.

3. **Adopt an Ordinance Amending Chapter 29 (Zoning Regulations) of the Town Code Regarding Objective Design Standards for Single-Family and Two-Family Residential Dwelling Units and Second-Story Additions. The Proposed Amendments to the Town Code are Not Subject to CEQA Review Pursuant to CEQA Section 15061(b)(3) Because it can be Seen with Certainty that they will not Significantly Affect the Physical Environment in that they Make Minor Changes to the Regulations and Design Review Process Applicable to New Single-Family and Two-Family Residential Dwelling Units and Second-Story Additions. Town Code Amendment Application A-26-003. Project Location: Town Wide. Applicant: Town of Los Gatos.**
**Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, Zoning Regulations, of the Town Code Regarding Objective Design Standards for Single-Family and Two-Family Residential Dwelling Units and Second-Story Additions.**
RECOMMENDATION: Adopt an ordinance amending Chapter 29 (Zoning Regulations) of the Town Code regarding new objective design standards for single-family and two-family residential dwelling units and second-story additions.

4. **Authorize Certificate of Acceptance and Notice of Completion for the 2026 Annual Curb, Gutter, and Sidewalk Maintenance Project and Authorize the Town Clerk to File the Notice of Completion.**
RECOMMENDATION: Authorize the Town Manager to execute a Certificate of Acceptance and Notice of Completion for the 2026 Annual Curb, Gutter, and Sidewalk Maintenance Project and authorize the Town Clerk to file the Notice of Completion.

5. **Authorize the Town Manager to Execute Certificate of Acceptance and Notice of Completion for the Oak Meadow Bandstand Area Improvements Project and Authorize the Town Clerk to File the Notice of Completion.**
RECOMMENDATION: Authorize the Town Manager to execute a Certificate of Acceptance and Notice of Completion for the Oak Meadow Bandstand Area Improvements Project and authorize the Town Clerk to file the Notice of Completion.

6. **Approve and Ratify the Accounts Payable Check Registers and Payroll Report.**
RECOMMENDATION: Approve the Accounts Payable Check Registers dated October 30, 2026, and November 6, 2026, and ratify and approve the Payroll Report dated October 30, 2026.

7. **Consider Approval to Add a Full-Time Senior Planner Position to the Fiscal Year 2026-27 Budget and Approve an Expenditure Budget Adjustment of $176,550 for the Position from the Community Development Operating Budget.**
RECOMMENDATION: Authorize the Town Manager to add a full-time Senior Planner position to the Fiscal Year 2026-27 Budget and approve an expenditure budget appropriation adjustment of $176,550 for the position from the Community Development Operating Budget.

8. **Approve an Agreement with Berliner Cohen, LLP, for Interim Town Attorney Legal Services; Appoint Jolie Houston as Interim Town Attorney; Authorize the Town Manager to Execute the Agreement in Substantially the Form Presented; and Authorize the Town Attorney to Execute a Conflict Waiver.**
RECOMMENDATION: Approve an Agreement with Berliner Cohen, LLP for Interim Town Attorney Legal Services; Appoint Jolie Houston as Interim Town Attorney; Authorize the Town Manager to Execute the Agreement in Substantially the Form Presented; and Authorize the Town Attorney to Execute a Conflict Waiver.

9. **Receive the Fiscal Year 2026-27 First Quarter Financial Report and the Preliminary Unaudited Fiscal Year 2025-26 Year-End Results.**
RECOMMENDATION: Receive the Fiscal Year 2026-27 First Quarter Financial Report and the preliminary unaudited Fiscal Year 2025-26 Year-End Results.

10. **Receive the Monthly Financial and Investment Report for September 2026.**
RECOMMENDATION: Receive the Monthly Financial and Investment Report for September 2026.

**VERBAL COMMUNICATIONS** *(Members of the public are welcome to address the Town Council on any matter that is not listed on the agenda and is within the subject matter jurisdiction of the Town Council. The law generally prohibits the Town Council from discussing or taking action on such items. However, the Council may instruct staff accordingly. Town resources may not be used to facilitate audio or visual presentations. To ensure all agenda items are heard, this portion of the agenda is limited to 30 minutes. In the event additional speakers were not heard during the initial Verbal Communications portion of the agenda, an additional Verbal Communications will be opened prior to adjournment. Each speaker is limited to no more than three (3) minutes or such time as authorized by the Mayor.)*

**PUBLIC HEARINGS** *(Presentations during the Public Hearings portion of the agenda by appellants and applicants, including any expert or consultant assisting with the presentation, shall be limited to a total of no more than five (5) minutes for all speakers. Appellants and applicants shall be provided no more than three (3) minutes to rebut at the end of the public hearing. Visual presentations that require the use of staff resources shall be limited to appellants and applicants. Members of the public testifying at public hearings shall be limited to no more than three (3) minutes, or such time as authorized by the Mayor.)*

11. **Consider a Recommendation of Denial from the Planning Commission Regarding Introduction of an Ordinance Amending Chapter 4 (Animals and Fowl) and Chapter 29 (Zoning Regulations) of the Town Code Regarding Electronic Dog Containment and the Town's Fence Regulations. The Proposed Amendments to the Town Code are Not Project Under Section 15378 of the California Environmental Quality Act. Town Code Amendment Application A-26-006. Project Location: Town Wide. Applicant: Town of Los Gatos.**
RECOMMENDATION: Consider Planning Commission's recommendation of denial regarding introduction of an Ordinance amending Chapter 4 (Animals and Fowl) and Chapter 29 (Zoning Regulations) of the Town Code regarding electronic dog containment

and the Town's fence regulations.

**OTHER BUSINESS** *(Each speaker is limited to no more than three (3) minutes or such time as authorized by the Mayor.)*

12. **Appointment of Two Councilmembers to Serve on an Ad Hoc Committee to meet with staff and SB 330 Applicants as needed.**
RECOMMENDATION: Appointment of two Councilmembers to serve on an ad hoc committee to meet with staff and SB 330 applicants as needed.

13. **Adopt a Resolution Finding the FY 2026-27 Sustaining Grants Serve a Public Purpose and Authorize Disbursement of Sustaining Grants Contingent on Verification of Good Standing.**
RECOMMENDATION: Adopt a resolution finding that the FY 2026-27 Sustaining Grants serve a public purpose and authorize the Town Manager, or designee, to disburse approved grant funds upon verification that each recipient satisfies the good-standing requirements identified in this report.

**COUNCIL MATTERS** *(Members of the public who wish to speak on matters listed under Council Matters may do so under Verbal Communications.)*

**MANAGER MATTERS**

**ATTORNEY MATTERS AND CLOSED SESSION REPORT**

**ADJOURNMENT** *(Council policy is to adjourn no later than eleven p.m. unless a majority of Council votes for an extension of time.)*

**ADA NOTICE** - In compliance with the Americans with Disabilities Act, if you require special assistance to participate in this meeting, please contact the Clerk's Office at (408) 354-6834. Please notify the Clerk's Office at least two (2) business days prior to the meeting so that reasonable arrangements can be made to ensure accessibility in compliance with 28 CFR §35.102-35.104 and related provisions.

**NOTICE REGARDING SUPPLEMENTAL MATERIALS** - Materials related to an item on this agenda submitted to the Town Council after initial distribution of the agenda packets are available for public inspection in the Clerk's Office at Town Hall, 110 E. Main Street, Los Gatos and on the Town's website at www.losgatosca.gov. Town Council agendas and related materials can be viewed online at https://losgatos-ca.municodemeetings.com/.

**HOW TO PARTICIPATE**

Members of the public may provide public comments for agenda items in-person or virtually through the Zoom Webinar by following the instructions listed below.
The public is welcome to provide oral comments in real-time during the meeting in three ways:

- **Zoom Webinar (Online)**: To participate from a PC, Mac, iPad, iPhone or Android device. Please use this URL to join: https://losgatosca-

gov.zoom.us/j/86730363468?pwd=pfKQoh92JnbwOYwFvZqIdSSWpjxYoK.1
Passcode: **577971**. You can also type in **867 3036 3468** in the "Join a Meeting" page on the Zoom website at www.zoom.us and use passcode **577971**. When the Mayor announces the item for which you wish to speak, click the "raise hand" feature in Zoom.

- **Telephone**: To participate by phone please dial 1 (408) 961-3927 or 1 (855) 758-1310 for US Toll-free and use Meeting ID: **867 3036 3468**. When the Mayor announces the item for which you wish to speak, press *9 on your telephone keypad to raise your hand.
- **In-Person**: Please complete a "speaker's card" located on the back of the chamber benches and submit it to the Town Clerk before the meeting or when the Mayor announces the item for which you wish to speak.

**NOTES:** Comments will be limited to three (3) minutes or less at the Mayor's discretion. If you are unable to participate in real-time, you may email Clerk@losgatosca.gov with the subject line "Public Comment Item #__ " (insert the item number relevant to your comment).
Deadlines to submit written comments are:

-3:00 p.m. the Thursday before the Council meeting for inclusion in the agenda packet.
-3:00 p.m. the Friday and Monday before the Council meeting for inclusion in an addendum.
-11:00 a.m. the day of the Council meeting for inclusion in a desk item.

**TOWN OF LOS GATOS**
**COUNCIL CLOSED SESSION MINUTES**

MEETING DATE: 11/17/2026
ITEM NO: 1

**DRAFT**
**Minutes of the Town Council Special Meeting Closed Session**
**Wednesday, October 28, 2026**

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

## MEETING CALLED TO ORDER AT APPROXIMATELY 4:06 P.M.

## ROLL CALL

Present: Mayor Rob Moore, Vice Mayor Ristow, Council Member Mary Badame, Council Member Rennie, Council Member Matthew Hudes.
Absent: None.

## VERBAL COMMUNICATIONS (ONLY ON ITEMS ON THE AGENDA)

The following individual spoke:

1. Member of the Public

The Town Attorney announced the closed session title as listed on the agenda.

## THE TOWN COUNCIL MOVED TO CLOSED SESSION ON THE FOLLOWING ITEMS:

1. Public Employment (Gov. Code)
   Title: Interim Town Attorney Appointment

Gabrielle Whelan, Town Attorney, stated that the Town Council met in closed session to discuss the Interim Town Attorney appointment pursuant to Government Code Section 54957 and was no report action.

## ADJOURNMENT

The meeting adjourned at approximately 5:19 p.m.

Attest:

_____
Jenna De Long, Deputy Town Clerk

Submitted by:

_____
Chris Constantin, Town Manager

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

MEETING DATE: 11/17/2026
ITEM NO: 2

**DRAFT**
**Minutes of the Town Council - Special Meeting**
**Monday, November 2, 2026**

The Town Council of the Town of Los Gatos conducted a special meeting in person and via teleconference.

**MEETING CALLED TO ORDER AT 7:02 P.M.**

**ROLL CALL**
Present: Mayor Rob Moore, Vice Mayor Ristow, Council Member Mary Badame, Council Member Rennie (participated remotely under Government Code Section 54953.8.3 under the circumstance of "Just Cause" related to a physical condition and stated that no individuals over the age of 18 were present), Council Member Matthew Hudes.
Absent: None.

**PLEDGE OF ALLEGIANCE**
Vice Mayor Ristow led the Pledge of Allegiance. The audience was invited to participate.

**PRESENTATIONS**
Mayor Moore presented a proclamation to Dr. Dormady with El Camino Health to recognize Movember and raise awareness for men's health.

**CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)**
1. Approve the Minutes of the October 20, 2026, Closed Session Town Council Meeting.
2. Approve the Minutes of the October 20, 2026, Town Council Meeting.
3. Approve and Ratify the Accounts Payable Check Registers and Payroll Report.
4. Authorize the Town Manager to Execute an Agreement for Professional Services with Whitlock & Weinberger Transportation, Inc. dba W-Trans, for Traffic Engineering Support, at an Amount Not to Exceed $125,000.
5. Authorize the Town Manager to Execute an Agreement for Professional Services with CSG Consultants Inc. for Land Development Review Services for an Amount Not to Exceed $125,000.
6. Authorize the Town Manager to Execute a Second Amendment to the Agreement for Services with Bear Electrical Solutions, LLC for Total Compensation Not to Exceed $1,160,306 and Approve FY 2026-27 Budget Adjustments.
7. Approve an Amendment to the Town Employees Association (TEA) Salary Schedule to Establish a New Classification Title, the Salary Range for Property and Evidence Technician, and the Property and Evidence Technician Job Description.

Mayor Moore opened public comment.

The following individual spoke on the consent items:

1. Member of the Public (Items 1, 2, 4, 5, 6, 7)

Mayor Moore closed public comment.

**(Video time: 00:27:50)**
**MOTION:** **Motion** by **Vice Mayor Ristow** to approve items one through seven. **Seconded** by **Council Member Badame.**

**VOTE:** **Motion passed unanimously by roll call vote.**

**VERBAL COMMUNICATIONS**
Mayor Moore opened public comment.

The following individuals spoke during verbal communications:

1. Member of the Public
2. Austin

Mayor Moore closed public comment.

**PUBLIC HEARING**
8. Consider a Recommendation of Approval by the Planning Commission to Adopt a Resolution Amending the North Forty Specific Plan Pursuant to Implementation Program D of the 2023-2031 Housing Element to: Allow 30 to 40 Dwelling Units Per Acre; Remove the Housing Unit Cap; and Remove Guest Parking Requirements on Properties Zoned North Forty Specific Plan and North Forty Specific Plan: Housing Element Overlay Zone. Project Location: North Forty Specific Plan Area. **RESOLUTION 2026-059**

Jocelyn Shoopman, Senior Planner, presented the staff report.

The Council asked preliminary questions.

Mayor Moore opened public comment.

The following individuals spoke on this item:

1. Lee Fagot
2. Member of the Public
3. Rob McCarthy

Mayor Moore closed public comment.

Council discussed the item further.

**(Video time: 00:56:52)**

**MOTION:** **Motion** by **Council Member Badame** to accept the Planning Commission's recommendation and adopt the resolution in attachment two amending the North 40 Specific Plan pursuant to Implementation Program D of the 2023-2031 Housing Element to allow 30 to 40 dwelling units per acre, remove the housing unit cap, remove guest parking requirements, and make the required findings in attachment one, which include making the findings for CEQA, the General Plan, and public interest. **Seconded** by **Vice Mayor Ristow.**

**VOTE:** **Motion passed by a roll call vote of 3-1-1. Council Member Hudes voted no and Council Member Rennie abstained.**

**OTHER BUSINESS**

9. Adopt a Resolution Approving the Street Naming and Address Numbering Policy. **RESOLUTION 2026-060; POLICY 1-11**

Gary Heap, Town Engineer, gave a presentation.

The Council asked preliminary questions.

Mayor Moore opened public comment.

No one spoke.

Mayor Moore closed public comment.

Council discussed the item further.

**(Video time: 01:10:30)**

**MOTION:** **Motion** by **Council Member Badame** to adopt a resolution in attachment one approving the street naming and address numbering policy. **Seconded** by **Council Member Hudes.**

**VOTE:** **Motion passed unanimously by roll call vote.**

10. Adopt an Interim Urgency Ordinance Prohibiting Custodial Detention Facilities and Custodial Processing Facilities. **ORDINANCE 2386**

Gabrielle Whelan, Town Attorney, presented the staff report.

The Council asked preliminary questions.

Mayor Moore opened public comment.

The following individuals spoke on this item:

1. Raania Mohsen (Representative for Congressman Sam Liccardo)
2. Bernadette Frager
3. Patricia James
4. Julie Gallinat
5. Sue Ann Lorig
6. Gordon Yamate
7. Austin
8. Member of the Public
9. Jeremy Barousse
10. Kjirste Morrell

Mayor Moore closed public comment.

Council discussed the item further.

**(Video time: 02:07:32)**

**MOTION:** **Motion** by **Vice Mayor Ristow** to adopt an interim urgency ordinance [the second revised draft distributed in the desk item] prohibiting custodial detention facilities and custodial processing facilities and as discussed in section VII under limited exclusions, where the ordinance does not apply, adding the CHP and the County Sheriff to those organizations, [revise Section IX Severability clause to state "In the event that a court of competent jurisdiction holds any section, subsection, paragraph, sentence, clause or phrase in this ordinance unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this ordinance and shall not affect the validity of the remaining portions of this ordinance. The Town hereby declares that it would have adopted each section, subsection, paragraph, sentence, clause or phrase in this ordinance irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases in this ordinance might be declared unconstitutional, preempted, or otherwise invalid."] **AMENDMENT:** Include deleting the parenthetical "(as occurred in the City of Gilroy)"; [Section XII will be revised as stated by the Town Attorney "the reference to Government Code 65858 should be a reference to Government Code Section 36933, regarding publication requirements"]. **Seconded** by **Council Member Rennie.**

The Mayor requested Council Matters, Manager Matters, and Attorney Matters be provided before the vote.

**VOTE:** **Motion passed by a roll call vote of 4-0-1. Council Member Badame abstained.**

**COUNCIL MATTERS**

- Council Member Badame stated she met with residents on various issues.
- Vice Mayor Ristow stated she attended the Los Gatos-Monte Sereno Police Foundation Recognition Luncheon, a Candidate Forum at the Terraces of Los Gatos; presented Youth Citizen of the Year Commendations; attended the public restroom toilet paper cutting; attended the Silicon Valley Clean Energy Authority (SVCEA) Finance and Administration Committee; and met with residents on a variety of topics.
- Council Member Hudes stated he spoke to residents about various topics.
- Council Member Rennie stated he attended the public restroom toilet paper cutting and a Valley Water Advisory Board meeting.
- Mayor Moore stated he attended Throne public restroom toilet paper cutting, which was accompanied by a Save Station AED ribbon cutting, the Los Gatos-Monte Sereno Police Foundation Recognition Luncheon, the Silicon Valley Council of Non-Profits "Be Our Guest" Event; participated in a Morning Rotary Skit; and attended a West Valley Mayors and Managers meeting.

**MANAGER MATTERS**

Chris Constantin, Town Manager

- Stated currently the Town is recruiting for Board, Commission, or Committee members, and the recruitment closes Monday, November 23. Additional information can be found on the website.
- Stated that the Town provides sandbags for residents during severe storms.

**ATTORNEY MATTERS AND CLOSED SESSION REPORT**

Gabrielle Whelan, Town Attorney

- Stated that in the urgency ordinance in section XII the reference to Government Code Section 65858 should be reference to Government Code Section 36933, regarding publication requirements.

**ADJOURNMENT**

The meeting adjourned at 9:31 p.m.

Respectfully Submitted:

_____

Jenna De Long, Deputy Town Clerk

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

MEETING DATE: 11/17/2026
ITEM NO: 3

DATE: November 12, 2026

TO: Mayor and Town Council

FROM: Chris Constantin, Town Manager

SUBJECT: **Adopt an Ordinance Amending Chapter 29 (Zoning Regulations) of the Town Code Regarding Objective Design Standards for Single-Family and Two-Family Residential Dwelling Units and Second-Story Additions. The Proposed Amendments to the Town Code are Not Subject to CEQA Review Pursuant to CEQA Section 15061(b)(3) Because it can be Seen with Certainty that they will not Significantly Affect the Physical Environment in that they Make Minor Changes to the Regulations and Design Review Process Applicable to New Single-Family and Two-Family Residential Dwelling Units and Second-Story Additions. Town Code Amendment Application A-26-003. Project Location: Town Wide. Applicant: Town of Los Gatos.**
**Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, Zoning Regulations, of the Town Code Regarding Objective Design Standards for Single-Family and Two-Family Residential Dwelling Units and Second-Story Additions.**

RECOMMENDATION: Adopt an ordinance amending Chapter 29 (Zoning Regulations) of the Town Code regarding new objective design standards for single-family and two-family residential dwelling units and second-story additions.

FISCAL IMPACT:

There is no fiscal impact associated with the adoption of these new objective design standards.

STRATEGIC PRIORITY:

The amendments to Chapter 29 of the Town Code regarding new objective design standards for single-family and two-family residential dwelling units and second-story additions supports the

PREPARED BY: Ryan Safty
Associate Planner

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Administrative Services Director

Town's core goal of Community Character and the strategic priority to preserve the Town's small-town charm and provide a range of housing opportunities and historic neighborhoods, while diligently maintaining and implementing the Housing Element.

BACKGROUND:

At the regular meeting on October 20, 2026, the Town Council held a public hearing to consider introducing an ordinance to amend Chapter 29 (Zoning Regulations) of the Town Code to create new objective design standards applicable to single-family and two-family residential dwelling units and second-story additions. The Town Council voted unanimously to approve the introduction of the ordinance.

CONCLUSION:

Adoption of the ordinance (Attachment 1) would finalize this decision. The Ordinance will take effect 30 days after its adoption.

COORDINATION:

This report was coordinated with the offices of the Town Manager and Town Attorney.

ENVIRONMENTAL ASSESSMENT:

The proposed amendments establish design and development standards for future residential projects, but do not approve or authorize the construction of any specific residential development. The amendments include provisions addressing building placement, hillside grading, building height, exterior materials, architectural details, and privacy screening. In determining the applicability of CEQA Guidelines Section 15061(b)(3), the Town has considered the nature and scope of these amendments and their potential direct and reasonably foreseeable indirect physical environmental effects. A Notice of Exemption will not be filed.

ATTACHMENT:
1. Draft Ordinance

# DRAFT ORDINANCE

## AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING CHAPTER 29, ZONING REGULATIONS, OF THE TOWN CODE REGARDING OBJECTIVE DESIGN STANDARDS FOR SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DWELLING UNITS AND SECOND-STORY ADDITIONS.

## TOWN CODE AMENDMENT APPLICATION A-26-003.

**WHEREAS**, the Town of Los Gatos (Town) has adopted a General Plan to ensure a well-planned and safe community; and

**WHEREAS**, protection of public health, safety, and welfare is fully articulated in the General Plan; and

**WHEREAS**, state law requires that the Town's Zoning Code conform with the General Plan's goals and policies; and

**WHEREAS**, in 2021, the California Legislature approved, and the Governor signed into law Senate Bill (SB) 9, which among other things, added Government Code Sections 65852.21 and 66411.7 to impose new limits on local authority to regulate two-unit housing development and urban lot splits; and

**WHEREAS**, SB 9 requires the Town to provide for the ministerial (or "by right") approval of a housing development containing no more than two residential units of at least 800 square feet in floor area (two-unit housing development) and a parcel map dividing one existing lot into two approximately equal parts (urban lot split) within a single-family residential zone; and

**WHEREAS**, SB 9 eliminates discretionary review and public oversight of proposed two-unit housing developments and urban lot splits by removing public notice and hearings by the Development Review Committee or Planning Commission, by requiring only administrative review of the project, and by requiring ministerial approval of two-unit housing developments and/or urban lot splits that meet objective design or subdivision standards; and

**WHEREAS**, original SB 9 law from 2021 allowed the Town to adopt objective zoning, design, and subdivision standards for two-unit housing developments and urban lot splits; and

**WHEREAS**, the Town desired to amend its local regulatory scheme to comply with and implement Government Code Sections 65852.21 and 66411.7 and to appropriately regulate projects under SB 9; and

**WHEREAS**, on November 15, 2022, Town Council adopted Ordinance 2334 to regulate SB 9 projects within the Town by creating objective design and subdivision standards applicable to SB 9 projects; and

**WHEREAS**, the Town Council of the Town of Los Gatos adopted the 2023-2031 Housing Element on January 30, 2023, which includes policies that promote SB 9 units as a means to increase access to opportunity for lower-income households by encouraging infill of smaller units in single-family neighborhoods (Policy HE-1.7); and

**WHEREAS**, on May 21, 2024, Town Council adopted Ordinance 2359 to modify certain design provisions of previous SB 9 Ordinance 2334; and

**WHEREAS**, in 2024, the California Legislature approved, and the Governor signed into law Senate Bill (SB) 450, which among other things, amended Government Code Sections 65852.21 and 66411.7 to prohibit local jurisdictions from adopting specific zoning, subdivision, or design standards for SB 9 two-unit housing development and urban lot split projects that do not already apply uniformly to development in the underlying zoning district; and

**WHEREAS**, SB 450 eliminated many of the Town's SB 9 standards for two-unit housing developments as the standards in Ordinance 2359 are more restrictive than the standards in the underlying zone; and

**WHEREAS**, the previous standards in Ordinance 2359 must first be made applicable and applied uniformly to all development in the underlying zoning district in order to apply to SB 9 projects; and

**WHEREAS**, the Town researched state law and analyzed how other neighboring jurisdictions have addressed the changes from SB 450 and has drafted new objective design standards applicable to all new single-family and two-family residential dwelling units and second-story additions, along with other clarifying revisions; and

**WHEREAS**, this matter was regularly noticed in conformance with state and Town law and came before the Planning Commission for public hearing on August 12, 2026; and

**WHEREAS**, the Planning Commission at its meeting on August 12, 2026, reviewed the proposed amendments in the draft Ordinance, held a public hearing, and forwarded a recommendation of approval to the Town Council with suggested modifications; and

**WHEREAS**, this matter was regularly noticed in conformance with state and Town law and came before the Town Council for public hearing on October 20, 2026; and

**WHEREAS**, on October 20, 2026, the Town Council accepted the report of the Planning Commission's recommendation of approval on the draft Ordinance regarding new Objective Design Standards for Single-Family and Two-Family Residential Dwelling Units and Second-Story Additions, held a public hearing, and voted to introduce the Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Los Gatos as follows:

**SECTION I.** Section 29.10.020, "Definitions," of Division 1, "Miscellaneous", of Article I, "In General", of Chapter 29, "Zoning Regulations," of the Town of Los Gatos Town Code is amended to include the following definitions in alphabetical order:

**Sec. 29.10.020. Definitions.**

[…]

*Hillside Area* means all properties zoned Hillside Residential or properties located within the Hillside Area Map of the Town's Hillside Development Standards and Guidelines.

[…]

*Landscaping* means an area devoted to plantings, lawn, ground cover, gardens, trees, shrubs, and other plant materials.

[…]

**SECTION II.** Section 29.40.070, "Projections allowed into yards", of Division 1, "Generally," of Article IV, "Residential Zones," of Chapter 29, "Zoning Regulations," of the Town of Los Gatos Town Code is amended to read as follows:

**Sec. 29.40.070. Projections allowed into yards.**

(a) A porte cochere may be permitted over a driveway in a side yard, provided that it is not more than one (1) story high and twenty-four (24) feet long, with supporting columns a minimum of three (3) feet from the side lot line with a maximum eave length of twelve (12) inches, and is entirely open on at least three (3) sides, except for the necessary supporting columns and customary architectural features.

(b) Cornices, eaves, belt courses, sills, canopies, bay windows, chimneys or other similar architectural features may extend or project into a required side yard not more than twenty-four (24) inches and may extend or project into a required front or rear yard not more than thirty (30) inches.

(c) Porches, patios, decks, platforms, balconies, and other open, unenclosed areas, not covered by a roof or canopy:

(1) Less than one (1) foot above grade, may project into front, side or rear yards. The maximum projection into the front or street-side yard shall be six (6) feet, and in no case shall the projection be closer than ten (10) feet from a front or street-side property line.

(2) Less than four (4) feet above grade may project into front, side, or rear yards or into any court up to six (6) feet. In no case shall the projection into a side or rear yard be

closer than six (6) feet to the property line, or into a front or street-side yard be closer than ten (10) feet from the property line, or into a court exceed a distance of more than twenty (20) percent of the width of such court.

**SECTION III.** Division 1, "Generally," of Article IV, "Residential Zones," of Chapter 29, "Zoning Regulations," of the Town of Los Gatos Town Code is amended to include the following sections in numerical order:

[…]

**Sec. 29.40.080. Objective Design Standards for New Single-Family and Two-Family Residential Dwelling Units and Second-Story Additions.**

**Sec. 29.40.085. Purpose and applicability.**

The purpose of these Objective Design Standards is to ensure that new single-family and two-family residential dwelling units and second-story additions meet minimum design standards to maintain privacy and neighborhood compatibility with surrounding use(s). These standards apply to both ministerial and discretionary application types for any new single- or two-family residential dwelling unit(s), whether attached or detached; a new second story; an addition to an existing second-story; or any new porches, patios, decks, platforms, balconies, and other open, unenclosed areas four (4) feet above grade or greater.

These standards are subject to the following application types, and are in addition to other, existing Town standards:

**Ministerial Applications**: Projects invoking a ministerial approval process for a new residential dwelling unit (such as two-unit housing developments) shall comply with these standards except to the extent that State law requires minimum unit sizes of 800 square feet, pursuant to Government Code Section 65852.21 (b)(2)(A).

**Discretionary Applications**: In addition to these standards, discretionary applications (architecture and site and minor residential project applications) are also reviewed for compliance with the Town's Single- and Two-Family Residential Design Guidelines and Hillside Development Standards and Guidelines (when applicable) by the Town's Consulting Architect, and/or the Historic Preservation Committee, depending on if the existing structure or property is considered historic. Projects proceeding with an architecture and site application may request exceptions from these standards during the discretionary review process, pursuant to Town Code Section 29.40.100.

**Sec. 29.40.090. Site Planning and Architectural Detail Standards.**

(a) *Building sites*. The footprint of the proposed residential unit(s) and garage(s) shall not be located on lands with slopes exceeding thirty (30) percent.

(b) *Site grading*. In the Hillside Area, site grading shall not extend beyond the minimum areas necessary for the footprint of the house, driveway, drainage, parking, required minimum

access, and vehicular turnaround areas. Required minimum access includes pedestrian access, ingress, egress, and emergency access required by applicable building and fire codes.

(c) *Material changes*. Exterior material changes shall occur at the inside corner of two walls and not the outside corner. See Section 3.8.4 of the Town's Single- and Two-Family Residential Design Guidelines for an example diagram.

(d) *Exterior materials*. For properties in the Hillside Area, exterior material colors for dwelling units and garages shall comply with the requirements in Chapter V, Section I, Standard 2 of the Town's Hillside Development Standards and Guidelines for maximum light reflectivity value (LRV).

(e) *Mechanical equipment screening*. Heating, ventilation, and air conditioning (HVAC) units, generators, energy storage systems (ESS) and other similar ground mounted mechanical equipment shall be screened from view from any adjacent street. If not already located out of view behind a building or solid fence, the equipment shall be screened with an exterior building material used on the adjacent residence. The screening shall be at least the same height as the item being screened.

**Sec. 29.40.095. Massing and Privacy Standards.**

(a) *Porches, patios, decks, platforms, balconies, and other open, unenclosed areas, with or without a roof or canopy cover*.

(1) See Town Code Section 29.40.070 for projection allowances for unroofed areas under four (4) feet in height.

(2) If four (4) feet above grade or greater, including rooftops, the underlying setbacks of the zone shall be met, and in no case shall they be located less than twenty (20) feet from a rear property line and ten (10) feet from any other property line. Additionally, each area shall also include a minimum of one of the following screening techniques along the entire portion of the open area that faces existing residential use(s) or zone(s). The additional screening techniques are not required when these open areas are proposed facing a public right-of-way.

a. Solid or opaque privacy wall of at least six (6) feet in height, measured from the deck surface below, blocking direct visibility along the edges of the deck or open, unenclosed area; or

b. Property line fence of at least six (6) feet solid material with one (1) foot lattice above (seven (7) feet high in total) and privacy landscape screening consisting of native, evergreen species. Trees are to be a minimum of twenty-four (24) inch box size, shall be a minimum of six (6) feet tall at the time of planting, with a typical mature height of at least twenty-five (25) feet and mature canopy width of fifteen (15) feet, and planted at a rate of one (1) tree for every twenty-five (25) linear feet between. Three closely spaced tall screening shrubs of at least

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fifteen (15) gallon in size with a mature height of at least fifteen (15) feet and a mature width of at least three (3) feet may be substituted for one screening tree. Both fencing and landscaping shall be located on the subject property, adjacent to the shared property line, with a cone-of-vision defined by a thirty (30) degree angle from the furthest edges of the deck or open, unenclosed area.

(b) *Windows.* All new second-story windows less than twenty (20) feet from a rear property line or ten (10) feet from any other property line, and all new first-story windows less than six (6) feet from a property line where the finished floor is three (3) feet or more above grade, shall comply with at least one of the following. This standard does not apply to windows facing a public right-of-way.

(1) Clerestory, with the bottom of the glass at least six (6) feet above the finished floor;

(2) Opaque glazing, blocking direct visibility; or

(3) Property line fence of at least six (6) feet solid material with one (1) foot lattice above (seven (7) feet high in total) and privacy landscape screening consisting of native, evergreen species. Trees are to be a minimum of twenty-four (24) inch box size, shall be a minimum of six (6) feet tall at the time of planting, with a typical mature height of at least twenty-five (25) feet and mature canopy width of fifteen (15) feet, and planted at a rate of one (1) tree for every twenty-five (25) linear feet between. Three closely spaced tall screening shrubs of at least fifteen (15) gallon in size with a mature height of at least fifteen (15) feet and a mature width of at least three (3) feet may be substituted for one screening tree. Both fencing and landscaping shall be located on the subject property, adjacent to the shared property line, with a cone-of-vision defined by a thirty (30) degree angle from the furthest side window jamb.

*(c) Second story location.* A new second story, whether a new second-story added above an existing single-story structure, addition to an existing second-story, or new two-story structure, shall meet the underlying setbacks of the zone, and in no case be less than eight (8) feet from a property line except as allowed in Section 29.10.245.

*(d) Plate height.* The maximum plate height of the first story shall be limited to ten (10) feet, and the maximum plate height of the second story shall be limited to eight (8) feet. This standard does not apply to additions to existing first and second stories where the existing plate height exceeds these limits.

*(e) Two-story articulation.* A new second-story which is not stepped-back from the single-story wall below and creates a two-story wall shall include at least one of the following to provide visual relief along that two-story wall:

(1) Bellyband extending the full width of the two-story elevation;

(2) Projections or bay windows;

(3) Material and color changes;

(4) Chimneys;

(5) Overhangs with projecting brackets;

(6) Juliet balconies;

(7) Window boxes; or

(8) Landscaped trellis or lattice.

**Sec. 29.40.100. Exceptions.**

An exception to any of these Objective Design Standards for New Single-Family and Two-Family Residential Dwelling Units and Second Story Additions may be granted if the project is submitted as a discretionary architecture and site application. In granting an exception, the applicable deciding body shall make a finding, based on the circumstances of the proposed project, that the exception is consistent with the purposes of these standards and that the proposed design provides adequate consideration of neighborhood compatibility and neighboring privacy. In making this finding, the deciding body shall consider the Town's Single- and Two-Family Residential Design Guidelines and Hillside Development Standards and Guidelines, when applicable.

[…]

**SECTION IV.** Section 29.40.170 (a), "Development Standards", of Division 2, "RC or Resource Conservation Zone," of Article IV, "Residential Zones," of Chapter 29, "Zoning Regulations," of the Town of Los Gatos Town Code is amended to read as follows:

**Sec. 29.40.170. Development standards.**

(a) *Height.* The maximum height of any principal building in a RC zone is eighteen (18) feet unless a Visibility Analysis is provided pursuant to Chapter II, Section B of the Town's Hillside Development Standards and Guidelines, demonstrating that the proposed building(s) is not visible from any of the Town's established viewing areas, in which case the maximum height is twenty-five (25) feet. The height shall be measured as provided in section 29.40.045 and is subject to the exception listed in Section 29.10.090.

[…]

**SECTION V.** Section 29.40.275, "Height", of Division 3, "HR or Hillside Residential Zone," of Article IV, "Residential Zones," of Chapter 29, "Zoning Regulations," of the Town of Los Gatos Town Code is amended to read as follows:

**Sec. 29.40.275. Height.**

The maximum height of any principal building in an HR zone is eighteen (18) feet unless a Visibility Analysis is provided pursuant to Chapter II, Section B of the Town's Hillside Development Standards and Guidelines, demonstrating that the proposed building(s) is not visible from any of the Town's established viewing areas, in which case the maximum height is

twenty-five (25) feet. The height shall be measured as provided in Section 29.40.045 and is subject to the exception listed in section 29.10.090.

**SECTION VI.** Section 29.40.410, "Height", of Division 4, "R-1 or Single-Family Residential Zone," of Article IV, "Residential Zones," of Chapter 29, "Zoning Regulations," of the Town of Los Gatos Town Code is amended to read as follows:

**Sec. 29.40.410. Height.**

The maximum height of any principal building in a R-1 or single-family residential zone is thirty (30) feet. For properties located within the Hillside Area, the maximum height of any principal building is eighteen (18) feet unless a Visibility Analysis is provided pursuant to Chapter II, Section B of the Town's Hillside Development Standards and Guidelines, demonstrating that the proposed building(s) is not visible from any of the Town's established viewing areas, in which case the maximum height is twenty-five (25) feet. The height shall be measured as provided in section 29.40.045 and is subject to the exception listed in Section 29.10.090.

**SECTION VII.** Section 29.40.745, "Height", of Division 7, "R-1D or Single-Family Residential Downtown Zone," of Article IV, "Residential Zones," of Chapter 29, "Zoning Regulations," of the Town of Los Gatos Town Code is amended to read as follows:

**Sec. 29.40.745. Height.**

The maximum height of any building in a R-1D or single-family residential downtown zone is thirty (30) feet. For properties located within the Hillside Area, the maximum height of any principal building is eighteen (18) feet unless a Visibility Analysis is provided pursuant to Chapter II, Section B of the Town's Hillside Development Standards and Guidelines, demonstrating that the proposed building(s) is not visible from any of the Town's established viewing areas, in which case the maximum height is twenty-five (25) feet. The height shall be measured as provided in section 29.40.045 and is subject to the exception listed in Section 29.10.090.

**SECTION VIII. California Environmental Quality Act (CEQA) Considerations.**

The Town Council finds that the proposed amendments are not subject to CEQA review pursuant to CEQA, Section 15061(b)(3), because it can be seen with certainty that they will not significantly affect the physical environment in that they make only minor changes to the regulations and design review process applicable to single-family and two-family residential dwelling units and second-story additions.

**SECTION IX. Severability.**

In the event that a court of competent jurisdiction holds any Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance unconstitutional, preempted, or

otherwise invalid, the invalid portion shall be severed from this Ordinance and shall not affect the validity of the remaining portions of this Ordinance. The Town hereby declares that it would have adopted each Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance irrespective of the fact that any one or more Sections, subsections, paragraphs, sentences, clauses or phrases in this Ordinance might be declared unconstitutional, preempted, or otherwise invalid.

**SECTION X. Publication.**

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. The Town Council hereby directs the Town Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 of the Government Code of the State of California.

**SECTION XI. Effective Date.**

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 20th day of October 2026, and adopted by the Town Council of the Town of Los Gatos at its regular meeting on the 17th day of November 2026, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

_____

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

_____

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

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

MEETING DATE: 11/17/2026
ITEM NO: 4

DATE: November 17, 2026

TO: Mayor and Town Council

FROM: Chris Constantin, Town Manager

SUBJECT: **Authorize Certificate of Acceptance and Notice of Completion for the 2026 Annual Curb, Gutter, and Sidewalk Maintenance Project and Authorize the Town Clerk to File the Notice of Completion**

RECOMMENDATION: Authorize the Town Manager to execute a Certificate of Acceptance and Notice of Completion for the 2026 Annual Curb, Gutter, and Sidewalk Maintenance Project and authorize the Town Clerk to file the Notice of Completion.

FISCAL IMPACT:

There is no fiscal impact associated with the recommended actions. This report allows staff to close out the contract with QLM, Inc. associated with the 2026 Annual Curb, Gutter, and Sidewalk Maintenance Project work. There are sufficient funds available in the Capital Improvement Program budget to pay for the work performed The 2026 project work was completed within budget, and there were no change orders associated with this project.

STRATEGIC PRIORITY:

This project supports the Town's Core Goal of Quality Public Infrastructure, which is to maintain the condition and viability of public facilities, transportation systems, and related infrastructure. The completed work ensures safety for all users and supports compliance with the Americans with Disabilities Act (ADA).

PREPARED BY: Gary Heap
Town Engineer

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Finance Director, and Parks and Public Works Director

BACKGROUND:

The adopted Fiscal Year (FY) 2025/26–2029/30 Capital Improvement Program (CIP) Budget provides annual funding for the Curb, Gutter, and Sidewalk Maintenance Project (Legacy CIP No. 813-9921; New CIP No. 8120). The project replaces and improves damaged or outdated curbs, gutters, sidewalks, driveways, and curb ramps within the Town's jurisdiction to address safety and operational issues and improve accessibility.

The Annual Curb, Gutter, and Sidewalk Maintenance (Concrete) Project work included replacing or retrofitting curb ramps for compliance with the ADA and other accessibility requirements. Title II of the ADA obligates jurisdictions to upgrade non-conforming curb ramps when streets are resurfaced from one intersection to another. The United States Department of Justice has determined that surface treatments such as asphalt overlay, rubber cape seal, and micro surfacing trigger the requirement for ADA compliant curb ramps on associated streets.

The 2026 Curb, Gutter, and Sidewalk Maintenance Project was advertised for bids on Friday, February 20, 2026. On March 17, 2026, bid packages were opened with twelve contractors submitting bids. QLM, Inc. was the lowest responsive bidder. Town Council awarded the project to QLM, Inc. on April 21, 2026.

DISCUSSION:

Project construction commenced on May 18, 2026, and was completed on July 14, 2026. The work has been completed to the satisfaction of the Town Engineer. The project included installation of 54 new ADA compliant curb ramps, 1,660 linear feet of curb and gutter repair, and 8,350 square feet of sidewalk replacement. The total cost associated with QLM's contract was $646,336.00, consistent with the April 20, 2026 Town Council Award. There were no change orders associated with this project.

The contractor is obligated to warranty the work for one year from the date of Town Council acceptance per contract section 11.2(B). The execution and recordation of the Certificate of Acceptance and Notice of Completion (Attachment 1) will allow the Town to proceed with final payment and release of undisputed retention in accordance with the Contract Documents and applicable law. Specifically, Public Contracts Code Section 7107 indicates that public entities must release retention within 60 days of project acceptance.

CONCLUSION:

The Town Engineer and Director of Parks and Public Works have confirmed that all project work has been completed and request the Town Manager to sign the Certificate of Acceptance once approved by Town Council. This action formally accepts the contractor's work and affirms that

it meets the Town's standards and requirements. The completion of the required work finalizes all contractual obligations, allowing for the release of retention.

COORDINATION:

This project has been coordinated with the Finance Department.

ENVIRONMENTAL ASSESSMENT:

This is a project defined under CEQA as being Categorically Exempt pursuant to CEQA Guidelines Section 15301(c). A Notice of Exemption has been filed.

Attachment:
1. Certificate of Acceptance and Notice of Completion
2. Verification of Work

Recording Requested By:
TOWN OF LOS GATOS

When Recorded Mail To:
TOWN CLERK
TOWN OF LOS GATOS
110 E. MAIN STREET
LOS GATOS, CA 95030

EXEMPT FROM RECORDING FEES PER
GOVERNMENT CODE § 27383

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

**CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION**
**2026 ANNUAL CURB, GUTTER, AND SIDEWALK MAINTENANCE PROJECT**
Civil Code §§ 9204 and 9208

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is the agent of the owner of the Project described below.

2. Owner's full name is Town of Los Gatos ("Town")

3. Town's address is 110 E. Main Street, Los Gatos, CA 95030

4. The nature of City's interest in the Project is:
_X_ Fee Ownership __ Lessee __ Other:_____

5. Construction work on the Project performed on Town's behalf is generally described as follows: Curb ramp, sidewalk, curb, and gutter improvements.

6. The name of the original Contractor for the Project is: QLM, Inc. located at: 94 Umbarger Road, San Jose, CA 95111.

7. The Project was accepted as complete on: July 14, 2026.

8. The Project is located at: Work occurred along streets listed in Exhibit A.

Verification: In signing this document, I, the undersigned, declare under penalty of perjury under the laws of the State of California that I have read this notice, and I know and understand the contents of this notice, and that the facts stated in this notice are true and correct.

_____ _____
Date and Place Signature

Chris Constantin, Town Manager

*EXEMPT FROM NOTARY ACKNOWLEDGMENT REQUIREMENTS PER GOVERNMENT CODE § 27287 AND CIVIL CODE § 9208*

# Exhibit A

## 2026 Sidewalk Curb and Gutter Project Street Lists

| Street | Begin Location | End Location |
|---|---|---|
| **BASE BID:** | | |
| ALBERT CT | ALBERT DR | END |
| ALBERT DR | NINO AV | CALFHILL CT |
| ALBERTO WY | HWY 9 | 440' NORTH OF LOS GATOS SARATOGA RD |
| ALBERTO WY | 440' NORTH OF LOS GATOS SARATOGA RD | END |
| ALMOND BLOSSOM LN | HARWOOD RD | CITY LIMITS |
| BIRD AV | WOODLAND AV | CHESTER ST |
| BROOKLYN AV | PLEASANT | CHICAGO AVE |
| CALFHILL CT | ALBERT DR | END |
| CHESTER ST | WOODLAND AV | UNIVERSITY AV |
| CHURCH ST | HIGH SCHOOL CT | E MAIN ST |
| CLIFTON AV | BROADWAY | END |
| COOPER CT | UNIVERSITY AV | END |
| FISHER AV | ROBERTS RD | NINO AV |
| FORREST AV | ROBERTS AV | OAK MEADOW DR |
| HIGH SCHOOL CT | E MAIN ST | CHURCH ST |
| LUNDY LN | W MAIN ST | END |
| NEW YORK AV | PLEASANT ST | END (NW) |
| NINO AV | LOS GATOS BL | FISHER AV |
| NINO AV | FISHER AV | NINO WY |
| NINO WY | NINO AV | END |
| OHLONE CT | ROBERTS RD | END |
| PARK AV | W. MAIN ST | END |
| ROBERTS RD EAST | BLOSSOM HILL RD | LOS GATOS BL |
| TERRACE CT | PLEASANT | END |
| WOODLAND AV | CHESTER ST | WRAIGHT AV |
| WRAIGHT AV | CHESTER ST | HWY 9 |

**TOWN OF LOS GATOS**

**PARKS AND PUBLIC WORKS COMMENTS**

To: Chris Constantin

From: Nicolle Burnham

Date: November 2, 2026

Subject: Notice of Acceptance – 2026 Annual Curb, Gutter, and Sidewalk Maintenance Project

Acceptance of Work for the 2026 Annual Curb, Gutter, and Sidewalk Maintenance Project (Legacy CIP No. 813-9921, New CIP No. 8120)

The work performed under this contract was inspected by authorized representatives of the Town, Contractor and Engineer, and determined to be complete. The Town Engineer acknowledges the completion of this project and requests the Town Manager to sign the Certificate of Acceptance form. Photo examples of typical curb ramp, sidewalk, curb and gutter project work can be seen below.

Date of Final Inspection: 7/14/26
Project Participants: Kevin Selfridge, Janice Chin, Gary Heap (Town of Los Gatos)
Hector Deanda (QLM Inc.)

1. All construction and punch list items have been completed? **Yes**
2. All change orders have been executed? **N/A**
3. Claims if any have been resolved? **N/A**

REVIEWED AND APPROVED BY:

Gary Heap
TOWN ENGINEER

DATE: 11/2/2026

Nicolle Burnham
DIRECTOR OF PUBLIC WORKS

DATE: 11/2/2026

**TOWN OF LOS GATOS**

**PARKS AND PUBLIC WORKS COMMENTS**



**TOWN OF LOS GATOS**

**PARKS AND PUBLIC WORKS COMMENTS**



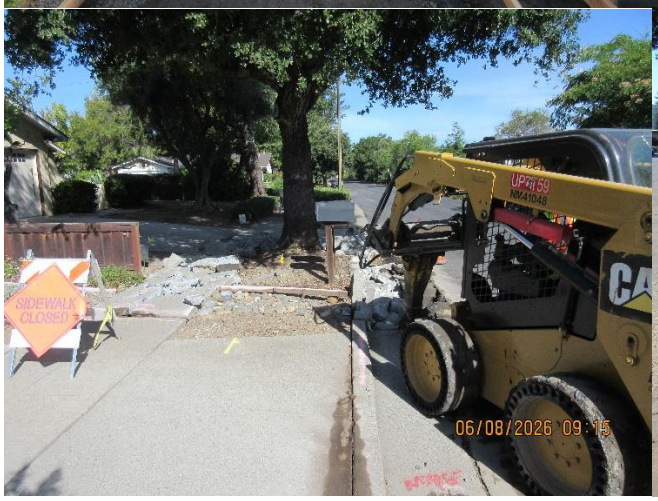















**TOWN OF LOS GATOS**
**COUNCIL AGENDA REPORT**

MEETING DATE: 11/17/2026
ITEM NO: 5

DATE: November 17, 2026

TO: Mayor and Town Council

FROM: Chris Constantin, Town Manager

SUBJECT: **Authorize the Town Manager to Execute Certificate of Acceptance and Notice of Completion for the Oak Meadow Bandstand Area Improvements Project and Authorize the Town Clerk to File the Notice of Completion**

RECOMMENDATION: Authorize the Town Manager to execute a Certificate of Acceptance and Notice of Completion for the Oak Meadow Bandstand Area Improvements Project and authorize the Town Clerk to file the Notice of Completion.

FISCAL IMPACT:

There are no fiscal impacts associated with the recommended actions. This report is meant to close out the contract with QLM, Inc. associated with the Oak Meadow Bandstand Area Improvements Project work. There were sufficient funds available in the CIP Budget for the project. The work was completed within the authorized contract and contingency amount. There is $196,730 in Proposition 68 grant funding associated with this project. Staff will seek reimbursement of a portion of the construction funding through this grant.

STRATEGIC PRIORITY:

This project supports the Town's Core Goal of Quality Public Infrastructure. The project improves the functionality and accessibility of the existing Oak Meadow Park bandstand area and supports the Town's investment in public facilities.

BACKGROUND:

The adopted FY 2025-26 to 2029-30 Capital Improvement Program (CIP) Budget designated funding for the Oak Meadow Bandstand Area Improvements Project to enhance the perimeter

PREPARED BY: Gary Heap
Town Engineer

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Administrative Services Director, and Parks and Public Works Director

outdoor space surrounding the Lyndon Bandstand at Oak Meadow Park and improve its functionality as an accessible and programmable event space.

The project was initiated to address increased demand for event space, as the Lyndon Bandstand has become a popular destination for larger events and activities. To accommodate the increased need for programmable and reservable space, the area around the bandstand needed improvements and modifications. The completed improvements stabilized the area with decorative hardscape, improved accessibility, and enhanced landscaping to support a broader range of public and private events.

The Project was advertised for bid on January 23, 2026. Bid packages were opened on February 18, 2026. Eight contractors submitted bids, with QLM Inc. as the apparent lowest responsive and responsible bidder. The agreement for construction was approved by Council on April 6, 2026.

DISCUSSION:

Project construction commenced on July 6, 2026, and was completed on August 28, 2026. The work has been completed to the satisfaction of the Town Engineer. The original QLM contract was $163,538 with change order authority not to exceed $16,354. Two change orders totaling $4,857 increased the final contract amount to $168,395.

The contractor is obligated to warranty the work for one year from the date of Town Council acceptance per contract section 11.2(B). The execution and recordation of the Certificate of Acceptance and Notice of Completion will allow the Town to proceed with final payment and release of undisputed retention in accordance with the Contract Documents and applicable law. Specifically, Public Contracts Code Section 7107 indicates that public entities must release retention within 60 days of project acceptance. Staff recommends that the Town Council accept the construction of the project and authorize the Town Manager to execute the Certificate of Acceptance and Notice of Completion for the Oak Meadow Bandstand Area Improvements Project (Attachment 1).

CONCLUSION:

The Town Engineer and Director of Parks and Public Works have confirmed that all project work has been completed and request the Town Manager to sign the Certificate of Acceptance once approved by Town Council. This action formally accepts the contractor's work and affirms that it meets the Town's standards and requirements. The completion of the required work finalizes all contractual obligations, allowing for the release of retention.

COORDINATION:

This staff report has been coordinated with the Finance Department.

ENVIRONMENTAL ASSESSMENT:

This is a project defined under CEQA as being Categorically Exempt pursuant to CEQA Guidelines Section 15301(c). A Notice of Exemption has been filed.

Attachment:
1. Certificate of Acceptance and Notice of Completion
2. Verification of Work

Recording Requested By:
TOWN OF LOS GATOS

When Recorded Mail To:
TOWN CLERK
TOWN OF LOS GATOS
110 E. MAIN STREET
LOS GATOS, CA 95030

EXEMPT FROM RECORDING FEES PER
GOVERNMENT CODE § 27383

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

**CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION**
**OAK MEADOW BANDSTAND AREA IMPROVEMENT PROJECT**
Civil Code §§ 9204 and 9208

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is the agent of the owner of the Project described below.

2. Owner's full name is Town of Los Gatos ("Town")

3. Town's address is 110 E. Main Street, Los Gatos, CA 95030

4. The nature of Town's interest in the Project is:
_X_ Fee Ownership __ Lessee __ Other:_____

5. Construction work on the Project performed on Town's behalf is generally described as follows: Oak Meadow Bandstand Area Improvements.

6. The name of the original Contractor for the Project is: QLM, Inc. located at: 94 Umbarger Road, San Jose, CA 95111.

7. The Project was accepted as complete on: August 28, 2026.

8. The Project is located at: Oak Meadow Park.

Verification: In signing this document, I, the undersigned, declare under penalty of perjury under the laws of the State of California that I have read this notice, and I know and understand the contents of this notice, and that the facts stated in this notice are true and correct.

_____ _____
Date and Place Signature

Chris Constantin, Town Manager

*EXEMPT FROM NOTARY ACKNOWLEDGMENT REQUIREMENTS PER GOVERNMENT CODE § 27287 AND CIVIL CODE § 9208*

**TOWN OF LOS GATOS**

**PARKS AND PUBLIC WORKS COMMENTS**

To: Chris Constantin

From: Nicolle Burnham

Date: November 2, 2026

Subject: Notice of Acceptance – Oak Meadow Bandstand Area Improvements Project

Acceptance of Work for the Oak Meadow Bandstand Area Improvement Project (Legacy CIP No. 831-4007)

The work performed under this contract was inspected by authorized representatives of the Town, Contractor and Engineer, and determined to be complete. The Town Engineer acknowledges the completion of this project and requests the Town Manager to sign the Certificate of Acceptance form.

Date of Final Inspection: August 28, 2026
Project Participants: Kevin Selfridge, Janice Chin, Gary Heap (Town of Los Gatos)
Hector Deanda (QLM Inc.)

1. All construction and punch list items have been completed? **Yes**
2. Have all change orders been executed? **Yes**
3. Claims if any have been resolved? **N/A**

REVIEWED AND APPROVED BY:

Gary Heap
TOWN ENGINEER

DATE: 11/2/2026

Nicolle Burnham
DIRECTOR OF PUBLIC WORKS

DATE: 11/2/2026



Parks and Public Works Department • Engineering Division
41 Miles Ave, Los Gatos, CA 95030 • 408.399.5771 • www.losgatosca.gov

**TOWN OF LOS GATOS**

**PARKS AND PUBLIC WORKS COMMENTS**


















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

MEETING DATE: 11/17/2026
ITEM NO: 6

DATE: November 5, 2026

TO: Mayor and Town Council

FROM: Chris Constantin, Town Manager

SUBJECT: **Approve and Ratify the Accounts Payable Check Registers and Payroll Report**

RECOMMENDATION: Approve the Accounts Payable Check Registers dated October 30, 2026, and November 6, 2026, and ratify and approve the Payroll Report dated October 30, 2026.

FISCAL IMPACT:

Approval and ratification of the reports will have no additional fiscal impact. The reports document $1,453,427.66 in payments issued as of November 6, 2026, consisting of $500,214.66 in accounts payable payments and $953,213.00 in payroll payments. All payments were charged to accounts authorized in the Town Council approved budgets and were within available appropriations.

STRATEGIC PRIORITY:

This item supports the Town's Strategic Priority to ensure prudent financial management, under the Fiscal Stability Core Goal.

BACKGROUND:

Pursuant to Town Municipal Code section 2.30.020(d) payroll warrants need not be audited by the Town Council prior to payment. Payrolls shall be presented to the Town Council for ratification and approval at the regular meeting after delivery of the payroll warrants.

The Town Code does not provide specific direction on accounts payable. However, Government Code Section 37208 provides the following guidance:

PREPARED BY: Melissa Ynegas
Senior Administrative Analyst

Reviewed by: Town Manager, Assistant Town Manager, and Administrative Services Director

(a) Payroll warrants or checks need not be audited by the legislative body prior to payment. Payrolls shall be presented to the legislative body for ratification and approval at the first meeting after delivery of the payroll warrants or checks.

(b) Warrants or checks drawn in payment of demands certified or approved by the city clerk as conforming to a budget approved by ordinance or resolution of the legislative body need not be audited by the legislative body prior to payment.

(c) Notwithstanding subdivisions (a) and (b), budgeted payrolls and demands paid by warrants or checks may be presented to the legislative body for ratification and approval in the form of an audited comprehensive annual financial report.

DISCUSSION:

Administrative Services staff presents payroll reports to the Town Council for ratification and approval in accordance with the payroll presentation requirements described in the Background section. Staff also presents accounts payable check registers on the consent calendar for regular Town Council meetings to provide transparency and Council oversight.

Accounts payable and payroll for the following periods have been audited and approved by staff for the following payments:

| Type | Check Date | Amount |
|---|---|---|
| Accounts Payable | October 30, 2026 | $ 196,393.02 |
| Accounts Payable | November 6, 2026 | $ 303,821.64 |
| Payroll | October 30, 2026 | $ 953,213.00 |
| **Combined Accounts Payable and Payroll Total** | | **$ 1,453,427.66** |

ALTERNATIVES:

The Council may request clarification or correction of a specified register and continue consideration of that portion of the item. Because the payroll warrants have already been delivered, staff recommends that any requested correction be narrowly identified and returned promptly for Council ratification and approval.

CONCLUSION:

Staff requests Town Council ratification and approval of the Payroll Report dated October 30, 2026. Presenting the accounts payable registers provides additional transparency and Council oversight as an administrative best practice.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

ATTACHMENTS:
1. Accounts Payable Register for October 30, 2026
2. Accounts Payable Register for November 6, 2026
3. Payroll by Location for October 30, 2026

**ACCOUNTS PAYABLE CHECK REGISTER**
**CHECK DATE 10-30-26**

| CHECK NUMBER | CHECK DATE | VENDOR NAME | INVOICE | DESCRIPTION | ORG | OBJECT | AMOUNT |
|---|---|---|---|---|---|---|---|
| 164025 | 10/30/2026 | ACE COAST SERVICES INC | I62996 | PLAZA PARK PORTABLE TOILET | 1115301 | 62378 | $ 1,726.00 |
| 164025 | 10/30/2026 | ACE COAST SERVICES INC | I65930 | PLAZA PARK PORTABLE TOILET | 1115301 | 62378 | $ 1,506.25 |
| **164025 Total** | | | | | | | $ 3,232.25 |
| 164026 | 10/30/2026 | ADVANCED GRAPHIX INC | 220322 | DECAL/SHIPPING | 1115402 | 61265 | $ 530.00 |
| **164026 Total** | | | | | | | $ 530.00 |
| 164027 | 10/30/2026 | AMAZON CAPITAL SERVICES INC | 16NCMHXXHDJW | SUPPLIES | 2617301 | 62424 | $ 45.22 |
| 164027 | 10/30/2026 | AMAZON CAPITAL SERVICES INC | 1C41HMRYGXH7 | SUPPLIES | 1113201 | 61251 | $ 773.88 |
| 164027 | 10/30/2026 | AMAZON CAPITAL SERVICES INC | 1FWVMF64X9Y6 | SUPPLIES | 6335423 | 61214 | $ 143.70 |
| 164027 | 10/30/2026 | AMAZON CAPITAL SERVICES INC | 1HFYWLQNTGXP | SUPPLIES | 1117202 | 61192 | $ 37.05 |
| 164027 | 10/30/2026 | AMAZON CAPITAL SERVICES INC | 1LLQXNNKJ174 | SUPPLIES | 1117202 | 61192 | $ 112.56 |
| 164027 | 10/30/2026 | AMAZON CAPITAL SERVICES INC | 1N64H3PJYNNJ | SUPPLIES | 6335423 | 61214 | $ 63.62 |
| 164027 | 10/30/2026 | AMAZON CAPITAL SERVICES INC | 1NHWWHJ61YCY | SUPPLIES | 1112201 | 61111 | $ 147.70 |
| 164027 | 10/30/2026 | AMAZON CAPITAL SERVICES INC | 1NQLY4HYPT9Y | SUPPLIES | 1117201 | 61191 | $ 101.98 |
| 164027 | 10/30/2026 | AMAZON CAPITAL SERVICES INC | 1VDXP7M7DCJ1 | SUPPLIES | 1115101 | 61111 | $ 31.85 |
| 164027 | 10/30/2026 | AMAZON CAPITAL SERVICES INC | 1VPXD7HRC1DJ | SUPPLIES | 1115402 | 61265 | $ 14.93 |
| **164027 Total** | | | | | | | $ 1,472.49 |
| 164028 | 10/30/2026 | ANA SOFIA PAULO GUERREIRO | WS-12/26 | 101126 LIBRARY PROGRAM | 2617301 | 62424 | $ 335.31 |
| **164028 Total** | | | | | | | $ 335.31 |
| 164029 | 10/30/2026 | BKF ENGINEERS | 26100703 | 082426-092726 SERVICE | 4218510 | 82405 | $ 2,378.04 |
| 164029 | 10/30/2026 | BKF ENGINEERS | 26100703 | 082426-092726 SERVICE | 4118510 | 82405 | $ 816.96 |
| **164029 Total** | | | | | | | $ 3,195.00 |
| 164030 | 10/30/2026 | BLACKSTONE AUDIO INC | 2247482 | AUDIOBOOKS | 1117201 | 61191 | $ 98.72 |
| **164030 Total** | | | | | | | $ 98.72 |
| 164031 | 10/30/2026 | BPS TACTICAL, INC | 26040019 | PATROL DUTY VEST COVER | 1114301 | 61165 | $ 1,667.14 |
| **164031 Total** | | | | | | | $ 1,667.14 |
| 164032 | 10/30/2026 | BRIGHTVIEW LANDSCAPE SERVICES INC | 9925849 | AUGUST STREET TREE GRID PRUNING | 1115401 | 62354 | $ 34,975.00 |
| **164032 Total** | | | | | | | $ 34,975.00 |
| 164033 | 10/30/2026 | BURR PLUMBING & PUMPING | 127254 | 100726 MAINTENANCE | 6335423 | 62378 | $ 650.00 |
| **164033 Total** | | | | | | | $ 650.00 |
| 164034 | 10/30/2026 | CAROL PHAM | 08/05/26-10/07/26 | MILEAGE-SVLS MEETING/AMHS SITE VISITS | 1117101 | 64211 | $ 90.59 |
| 164034 | 10/30/2026 | CAROL PHAM | 09/30/26-10/07/26 | MILEAGE - AMHS SITE VISITS | 1117101 | 64211 | $ 351.88 |
| **164034 Total** | | | | | | | $ 442.47 |
| 164035 | 10/30/2026 | CHRIS CONSTANTIN | 09/23/26-09/25/26 | LOCC CONF - PER DIEM REIMBURSEMENT/AIRFARE/UBER | 1112101 | 64111 | $ 71.75 |
| 164035 | 10/30/2026 | CHRIS CONSTANTIN | 09/23/26-09/25/26 | LOCC CONF-PER DIEM REIMBURSEMENT/AIRFARE/UBERS | 1112101 | 64211 | $ 429.74 |
| **164035 Total** | | | | | | | $ 501.49 |
| 164036 | 10/30/2026 | CLASSIC CAR WASH | 0491 | SEPTEMBER 2026 BILLING | 1114301 | 62392 | $ 120.00 |
| **164036 Total** | | | | | | | $ 120.00 |
| 164037 | 10/30/2026 | COLANTUONO HIGHSMITH & WHATLEY PC | 72916 | SERVICES THROUGH 093026 | 1111301 | 63215 | $ 337.50 |
| 164037 | 10/30/2026 | COLANTUONO HIGHSMITH & WHATLEY PC | 72917 | SERVICES THROUGH 093026 | 1111301 | 63215 | $ 945.00 |
| **164037 Total** | | | | | | | $ 1,282.50 |
| 164038 | 10/30/2026 | COMMUNITY FIRE PROTECTION | 2810 | QUARTERLY INSPECTION | 6335423 | 61232 | $ 550.00 |
| 164038 | 10/30/2026 | COMMUNITY FIRE PROTECTION | 2811 | QUARTERLY INSPECTION | 6335423 | 61232 | $ 275.00 |
| 164038 | 10/30/2026 | COMMUNITY FIRE PROTECTION | 2812 | QUARTERLY INSPECTION | 6335423 | 61232 | $ 825.00 |
| 164038 | 10/30/2026 | COMMUNITY FIRE PROTECTION | 2813 | QUARTERLY INSPECTION | 6335423 | 61232 | $ 275.00 |

**ACCOUNTS PAYABLE CHECK REGISTER**
**CHECK DATE 10-30-26**

| CHECK NUMBER | CHECK DATE | VENDOR NAME | INVOICE | DESCRIPTION | ORG | OBJECT | AMOUNT |
|---|---|---|---|---|---|---|---|
| 164038 | 10/30/2026 | COMMUNITY FIRE PROTECTION | 2814 | QUARTERLY INSPECTION | 6335423 | 61232 | $ 275.00 |
| 164038 | 10/30/2026 | COMMUNITY FIRE PROTECTION | 2815 | QUARTERLY INSPECTION | 6335423 | 61232 | $ 275.00 |
| **164038 Total** | | | | | | | $ 2,475.00 |
| 164039 | 10/30/2026 | CORELOGIC INFORMATION SOLUTIONS INC | 30889893 | 070126-073126 PERIOD | 6212502 | 63332 | $ 454.33 |
| 164039 | 10/30/2026 | CORELOGIC INFORMATION SOLUTIONS INC | 30890102 | 070126-073126 PERIOD | 6212502 | 63332 | $ 491.88 |
| **164039 Total** | | | | | | | $ 946.21 |
| 164040 | 10/30/2026 | DELL MARKETING LP | 10893876627 | VLA AZURE USAGE RECONCILE | 6212502 | 63332 | $ 895.54 |
| **164040 Total** | | | | | | | $ 895.54 |
| 164041 | 10/30/2026 | DGDG 16 LLC | 269997 | AUTO PARTS | 1115402 | 61265 | $ 126.63 |
| **164041 Total** | | | | | | | $ 126.63 |
| 164042 | 10/30/2026 | DUDEK | 202609599 | 082226-092526 SERVICE | 1115401 | 63219 | $ 14,387.60 |
| **164042 Total** | | | | | | | $ 14,387.60 |
| 164043 | 10/30/2026 | EWING IRRIGATION | 32212404 | SUPPLIES | 1115301 | 61215 | $ 206.20 |
| **164043 Total** | | | | | | | $ 206.20 |
| 164044 | 10/30/2026 | FLEETPRIDE, INC. | 138337333 | AUTO PARTS | 1115402 | 61265 | $ 83.58 |
| **164044 Total** | | | | | | | $ 83.58 |
| 164045 | 10/30/2026 | FRONTIER CALIFORNIA INC | 1970036-090226 | 090226-100126 SERVICE | 6212502 | 62614 | $ 400.00 |
| 164045 | 10/30/2026 | FRONTIER CALIFORNIA INC | 1970184-102226 | 102226-112126 SERVICE | 6212502 | 62614 | $ 399.74 |
| **164045 Total** | | | | | | | $ 799.74 |
| 164046 | 10/30/2026 | GARDENLAND POWER EQUIPMENT | 1290172 | SUPPLIES | 1115301 | 61214 | $ 309.21 |
| **164046 Total** | | | | | | | $ 309.21 |
| 164047 | 10/30/2026 | GRAINGER | 9105312434 | SUPPLIES | 6335423 | 61214 | $ 2,608.88 |
| 164047 | 10/30/2026 | GRAINGER | 9106546618 | SUPPLIES | 6335423 | 61214 | $ 189.87 |
| 164047 | 10/30/2026 | GRAINGER | 9107163611 | SUPPLIES | 6335423 | 61214 | $ 7.73 |
| 164047 | 10/30/2026 | GRAINGER | 9108038846 | SUPPLIES | 6335423 | 61214 | $ 383.09 |
| 164047 | 10/30/2026 | GRAINGER | 9110369171 | SUPPLIES | 6335423 | 61216 | $ 212.06 |
| **164047 Total** | | | | | | | $ 3,401.63 |
| 164048 | 10/30/2026 | HALEY & ALDRICH INC | 9076891 | SERVICES THROUGH 100226 | 4118106 | 82303 | $ 26,392.50 |
| 164048 | 10/30/2026 | HALEY & ALDRICH INC | 9076966 | SERVICES THROUGH 100226 | 4118106 | 82405 | $ 21,244.61 |
| **164048 Total** | | | | | | | $ 47,637.11 |
| 164049 | 10/30/2026 | INTERWEST CONSULTING GROUP | 4270452 | 50 SARATOGA-LOS GATOS ROAD | 1113999 | 68416 | $ 421.25 |
| **164049 Total** | | | | | | | $ 421.25 |
| 164050 | 10/30/2026 | LOS GATOS CHAMBER OF COMMERCE | 20095 | JULY 2026 SERVICE | 1112106 | 67102 | $ 7,333.33 |
| 164050 | 10/30/2026 | LOS GATOS CHAMBER OF COMMERCE | 20097 | AUGUST 2026 SERVICES | 1112106 | 67102 | $ 7,333.33 |
| 164050 | 10/30/2026 | LOS GATOS CHAMBER OF COMMERCE | 20101 | SEPTEMBER 2026 SERVICES | 1112106 | 67102 | $ 7,333.33 |
| **164050 Total** | | | | | | | $ 21,999.99 |
| 164051 | 10/30/2026 | LOS GATOS TOWN EMPLOYEES FOUNDATION | 112779 | LGTEF PPE 10/24/26 | 111 | 21264 | $ 438.00 |
| **164051 Total** | | | | | | | $ 438.00 |
| 164052 | 10/30/2026 | LYNX TECHNOLOGIES | 10745 | SEPTEMBER 2026 GIS SERVICES | 6212502 | 63331 | $ 2,665.00 |
| **164052 Total** | | | | | | | $ 2,665.00 |
| 164053 | 10/30/2026 | MAKIKO NIWA | 007-110326 | 110326 LIBRARY PROGRAM | 2617301 | 62415 | $ 250.00 |
| **164053 Total** | | | | | | | $ 250.00 |
| 164054 | 10/30/2026 | MARIA L RISTOW | 09/23/26-09/25/26 | LOCC CONF - PER DIEM REIMBURSEMENT/AIRFARE/UBER | 1111101 | 64111 | $ 126.50 |
| 164054 | 10/30/2026 | MARIA L RISTOW | 09/23/26-09/25/26 | LOCC CONF-PER DIEM REIMBURSEMENT/AIRFARE/UBERS | 1111101 | 64211 | $ 384.75 |

**ACCOUNTS PAYABLE CHECK REGISTER**
**CHECK DATE 10-30-26**

| CHECK NUMBER | CHECK DATE | VENDOR NAME | INVOICE | DESCRIPTION | ORG | OBJECT | AMOUNT |
|---|---|---|---|---|---|---|---|
| **164054 Total** | | | | | | | $ 511.25 |
| 164055 | 10/30/2026 | MATRIX CONSULTING GROUP LTD | 1 | REVIEW COSTING MODEL FOR POLICE SERVICES | 1111201 | 63219 | $ 5,120.00 |
| **164055 Total** | | | | | | | $ 5,120.00 |
| 164056 | 10/30/2026 | MIDWEST MOTOR SUPPLY CO., INC. | 104922676 | SUPPLIES | 1115402 | 61265 | $ 589.87 |
| **164056 Total** | | | | | | | $ 589.87 |
| 164057 | 10/30/2026 | MIDWEST TAPE | 509531750 | DVDS | 1117201 | 61191 | $ 33.74 |
| **164057 Total** | | | | | | | $ 33.74 |
| 164058 | 10/30/2026 | MULTI SERVICE TECHNOLOGY SOLUTIONS | 148ST1-4305716273 | J GAMBOA | 6335423 | 61213 | $ 347.23 |
| 164058 | 10/30/2026 | MULTI SERVICE TECHNOLOGY SOLUTIONS | 160ST1-3751219429 | D HASTINGS | 1115301 | 61213 | $ 180.00 |
| **164058 Total** | | | | | | | $ 527.23 |
| 164059 | 10/30/2026 | MUNICIPAL MAINTENANCE EQUIPMENT | 044575 | CREDIT MEMO | 1115402 | 61265 | $ (411.98) |
| 164059 | 10/30/2026 | MUNICIPAL MAINTENANCE EQUIPMENT | 054628 | SUPPLIES | 1115402 | 61265 | $ 1,315.56 |
| **164059 Total** | | | | | | | $ 903.58 |
| 164060 | 10/30/2026 | NICHOLS CONSULTING ENGINEERS | 58205537 | SERVICES THROUGH 091826 | 4118106 | 82303 | $ 7,363.75 |
| **164060 Total** | | | | | | | $ 7,363.75 |
| 164061 | 10/30/2026 | NOAL D GROVER | 09/13/26-09/17/26 | REIMBURSEMENT - IAPMO CONF AIRPORT PARKING & CABS | 1113301 | 64211 | $ 177.90 |
| **164061 Total** | | | | | | | $ 177.90 |
| 164062 | 10/30/2026 | O'BRIEN CODE CONSULTING, INC, | 2026001100 | B26-0535 15947 LINDA AVENUE | 1113999 | 68416 | $ 712.90 |
| 164062 | 10/30/2026 | O'BRIEN CODE CONSULTING, INC, | 2026001101 | B26-0706 188 & 188-A JACKSON STREET | 1113999 | 68416 | $ 1,447.96 |
| 164062 | 10/30/2026 | O'BRIEN CODE CONSULTING, INC, | 2026001108TM | B24-0363R 128 & 28-A YOSEMITE WAY | 1113999 | 68416 | $ 225.00 |
| 164062 | 10/30/2026 | O'BRIEN CODE CONSULTING, INC, | 2026001109TM | B25-1348R 18 WALNUT AVENUE | 1113999 | 68416 | $ 300.00 |
| 164062 | 10/30/2026 | O'BRIEN CODE CONSULTING, INC, | 2026001112TM | B25-1311 446 SAN BENITO AVENUE | 1113999 | 68416 | $ 150.00 |
| **164062 Total** | | | | | | | $ 2,835.86 |
| 164063 | 10/30/2026 | O'REILLY AUTO ENTERPRISES, LLC | 2572-122701 | AUTO PARTS | 1115402 | 61265 | $ 39.98 |
| 164063 | 10/30/2026 | O'REILLY AUTO ENTERPRISES, LLC | 2572-122704 | AUTO PARTS | 1115402 | 61265 | $ 36.57 |
| 164063 | 10/30/2026 | O'REILLY AUTO ENTERPRISES, LLC | 2572-122998 | AUTO PARTS | 1115402 | 61265 | $ 158.15 |
| 164063 | 10/30/2026 | O'REILLY AUTO ENTERPRISES, LLC | 2572-123069 | AUTO PARTS | 1115402 | 61265 | $ 76.90 |
| **164063 Total** | | | | | | | $ 311.60 |
| 164064 | 10/30/2026 | OCCUPATIONAL HEALTH CENTERS OF CA | 92743507 | 100526 SERVICE | 1112201 | 64431 | $ 136.00 |
| **164064 Total** | | | | | | | $ 136.00 |
| 164065 | 10/30/2026 | ODP BUSINESS SOLUTIONS | 480535596001 | SUPPLIES | 1112301 | 61111 | $ 44.04 |
| 164065 | 10/30/2026 | ODP BUSINESS SOLUTIONS | 483483850001 | SUPPLIES | 1115101 | 61111 | $ 83.23 |
| 164065 | 10/30/2026 | ODP BUSINESS SOLUTIONS | 483659396001 | SUPPLIES | 1113201 | 61111 | $ 17.57 |
| 164065 | 10/30/2026 | ODP BUSINESS SOLUTIONS | 483659459001 | SUPPLIES | 1113201 | 61111 | $ 46.02 |
| 164065 | 10/30/2026 | ODP BUSINESS SOLUTIONS | 483483850001-01 | SUPPLIES | 1115201 | 61111 | $ 64.43 |
| **164065 Total** | | | | | | | $ 255.29 |
| 164066 | 10/30/2026 | REX PARKER | 100226-2 | M26-153 18400 OVERLOOK RD #14 | 111 | 23544 | $ 162.08 |
| **164066 Total** | | | | | | | $ 162.08 |
| 164067 | 10/30/2026 | PACIFIC GAS & ELECTRIC | 17087-101926 | 091226-101226 SERVICE | 1115401 | 62621 | $ 98.31 |
| **164067 Total** | | | | | | | $ 98.31 |
| 164068 | 10/30/2026 | ROB MOORE | 09/23/26-09/25/26 | LOCC CONF - PER DIEM REIMBURSEMENT/AIRFARE/UBER | 1111101 | 64111 | $ 153.50 |
| 164068 | 10/30/2026 | ROB MOORE | 09/23/26-09/25/26 | LOCC CONF - PER DIEM REIMBURSEMENT/AIRFARE/UBER | 1111101 | 64211 | $ 481.74 |
| **164068 Total** | | | | | | | $ 635.24 |
| 164069 | 10/30/2026 | RURAL SUPPLY HARDWARE INC | 8461 | SUPPLIES | 6335423 | 61214 | $ 9.88 |

**ACCOUNTS PAYABLE CHECK REGISTER**
**CHECK DATE 10-30-26**

| CHECK NUMBER | CHECK DATE | VENDOR NAME | INVOICE | DESCRIPTION | ORG | OBJECT | AMOUNT |
|---|---|---|---|---|---|---|---|
| 164069 | 10/30/2026 | RURAL SUPPLY HARDWARE INC | 8470 | SUPPLIES | 6335423 | 61214 | $ 4.93 |
| 164069 | 10/30/2026 | RURAL SUPPLY HARDWARE INC | 8472 | SUPPLIES | 6335423 | 61214 | $ 25.24 |
| 164069 | 10/30/2026 | RURAL SUPPLY HARDWARE INC | 8479 | SUPPLIES | 1115401 | 61275 | $ 186.77 |
| 164069 | 10/30/2026 | RURAL SUPPLY HARDWARE INC | 8485 | SUPPLIES | 1115401 | 61275 | $ 58.73 |
| 164069 | 10/30/2026 | RURAL SUPPLY HARDWARE INC | 8506 | SUPPLIES | 1115301 | 61214 | $ 15.92 |
| **164069 Total** | | | | | | | $ 301.47 |
| 164070 | 10/30/2026 | SAFETY-KLEEN SYSTEMS, INC. | 100850183 | SUPPLIES | 1115402 | 61265 | $ 617.53 |
| **164070 Total** | | | | | | | $ 617.53 |
| 164071 | 10/30/2026 | SANTA CLARA COUNTY SHERIFF OFFICE | 1800099832 | EVOC TRAINING 100926 | 1114301 | 64111 | $ 836.00 |
| **164071 Total** | | | | | | | $ 836.00 |
| 164072 | 10/30/2026 | SILICON VALLEY COMMUNITY NEWSPAPERS | 0006989463 | 090126-093026 AD | 1113201 | 62311 | $ 192.10 |
| 164072 | 10/30/2026 | SILICON VALLEY COMMUNITY NEWSPAPERS | 0006989470 | 090126-093026 AD | 1113201 | 62311 | $ 194.36 |
| 164072 | 10/30/2026 | SILICON VALLEY COMMUNITY NEWSPAPERS | 0006989471 | 090126-093026 AD | 1113201 | 62311 | $ 194.36 |
| 164072 | 10/30/2026 | SILICON VALLEY COMMUNITY NEWSPAPERS | 0006989475 | 090126-093026 AD | 1113202 | 62311 | $ 177.41 |
| 164072 | 10/30/2026 | SILICON VALLEY COMMUNITY NEWSPAPERS | 0006989480 | 090126-093026 AD | 1113201 | 62311 | $ 177.41 |
| **164072 Total** | | | | | | | $ 935.64 |
| 164073 | 10/30/2026 | STATE OF CALIFORNIA DEPT OF JUSTICE | 078215 | SEPTEMBER 2026 FINGERPRINTING | 1112201 | 64433 | $ 64.00 |
| 164073 | 10/30/2026 | STATE OF CALIFORNIA DEPT OF JUSTICE | 078215-1 | SEPTEMBER 2026 FINGERPRINTING | 6335423 | 63351 | $ 32.00 |
| **164073 Total** | | | | | | | $ 96.00 |
| 164074 | 10/30/2026 | SUMMIT UNIFORMS LLC | 47581 | UNIFORMS | 1114301 | 61165 | $ 27.50 |
| **164074 Total** | | | | | | | $ 27.50 |
| 164075 | 10/30/2026 | SUNBELT RENTALS INC | 190248332-0001 | SUPPLIES | 1115301 | 62353 | $ 463.83 |
| **164075 Total** | | | | | | | $ 463.83 |
| 164076 | 10/30/2026 | THE PREFERRED IMAGE, INC. | 2636924 | PD26-0029 AUTO REPAIRS ASSET # 5509 | 1115404 | 62392 | $ 2,528.44 |
| **164076 Total** | | | | | | | $ 2,528.44 |
| 164077 | 10/30/2026 | TOWN EMPLOYEES ASSOCIATION | 112778 | TEA DUES PPE 10/24/26 | 111 | 21261 | $ 1,375.90 |
| **164077 Total** | | | | | | | $ 1,375.90 |
| 164078 | 10/30/2026 | US BANK | 9783-102226 | OCTOBER 2026 CAL CARD PAYMENT | 111 | 21115 | $ 24,003.95 |
| **164078 Total** | | | | | | | $ 24,003.95 |
| **Grand Total** | | | | | | | $ 196,393.02 |

**ACCOUNTS PAYABLE CHECK REGISTER**
**CHECK DATE 11-06-26**

| CHECK NUMBER | CHECK DATE | VENDOR NAME | INVOICE | DESCRIPTION | ORG | OBJECT | AMOUNT |
|---|---|---|---|---|---|---|---|
| 164079 | 11/06/2026 | 4LEAF INC | 402-26-002 | B26-0554 101 COOPER CT | 1113999 | 68416 | $ 7,108.07 |
| **164079 Total** | | | | | | | $ 7,108.07 |
| 164080 | 11/06/2026 | ALSCO INC | LSJO1707909 | DELIVERY TO 41 MILES AVE | 6335423 | 62351 | $ 139.80 |
| 164080 | 11/06/2026 | ALSCO INC | LSJO1707917 | DELIVERY TO 110 E MAIN ST | 6335423 | 62351 | $ 332.38 |
| 164080 | 11/06/2026 | ALSCO INC | LSJO1713786 | DELIVERY TO 41 MILES AVE | 6335423 | 62351 | $ 141.01 |
| 164080 | 11/06/2026 | ALSCO INC | LSJO1713794 | DELIVERY TO 110 E MAIN ST | 6335423 | 62351 | $ 332.38 |
| 164080 | 11/06/2026 | ALSCO INC | LSJO1719648 | DELIVERY TO 41 MILES AVE | 6335423 | 62351 | $ 144.29 |
| 164080 | 11/06/2026 | ALSCO INC | LSJO1719655 | DELIVERY TO 100 VILLA AVE | 6335423 | 62351 | $ 108.81 |
| 164080 | 11/06/2026 | ALSCO INC | LSJO1719656 | DELIVERY TO 110 E MAIN ST | 6335423 | 62351 | $ 337.37 |
| 164080 | 11/06/2026 | ALSCO INC | LSJO1725613 | DELIVERY TO 41 MILES AVE | 6335423 | 62351 | $ 139.80 |
| 164080 | 11/06/2026 | ALSCO INC | LSJO1725620 | DELIVERY TO 100 VILLA AVE | 6335423 | 62351 | $ 107.20 |
| 164080 | 11/06/2026 | ALSCO INC | LSJO1725621 | DELIVERY TO 110 E MAIN ST | 6335423 | 62351 | $ 332.38 |
| **164080 Total** | | | | | | | $ 2,115.42 |
| 164081 | 11/06/2026 | ALSCO INC | LSJO1668974-CRD | 25/26 UNIFORM & FLOOR MATS | 6335423 | 62351 | $ (106.19) |
| 164081 | 11/06/2026 | ALSCO INC | LSJO1672587-CRD | 25/26 UNIFORM & FLOOR MATS | 6335423 | 62351 | $ (50.00) |
| 164081 | 11/06/2026 | ALSCO INC | LSJO1673809-CRD | 25/26 UNIFORM & FLOOR MATS | 6335423 | 62351 | $ (106.19) |
| 164081 | 11/06/2026 | ALSCO INC | LSJO1707913 | DELIVERY TO 15900 LGB | 6335423 | 62351 | $ 106.19 |
| 164081 | 11/06/2026 | ALSCO INC | LSJO1707916 | DELIVERY TO 100 VILLA AVE | 6335423 | 62351 | $ 107.20 |
| 164081 | 11/06/2026 | ALSCO INC | LSJO1713789 | DELIVERY TO 15900 LGB | 6335423 | 62351 | $ 106.19 |
| 164081 | 11/06/2026 | ALSCO INC | LSJO1713793 | DELIVERY TO LIBRARY | 6335423 | 62351 | $ 107.20 |
| 164081 | 11/06/2026 | ALSCO INC | LSJO1716709 | DELIVERY TO 41 MILES AVE | 6335423 | 62351 | $ 66.77 |
| 164081 | 11/06/2026 | ALSCO INC | LSJO1719651 | DELIVERY TO 15900 LGB | 6335423 | 62351 | $ 106.19 |
| 164081 | 11/06/2026 | ALSCO INC | LSJO1725616 | DELIVERY TO 15900 LGB | 6335423 | 62351 | $ 106.19 |
| **164081 Total** | | | | | | | $ 443.55 |
| 164082 | 11/06/2026 | ALSCO INC | LSJO1670171-CRD | 25/26 UNIFORM & FLOOR MATS | 6335423 | 62351 | $ (50.00) |
| 164082 | 11/06/2026 | ALSCO INC | LSJO1671394-CRD | 25/26 UNIFORM & FLOOR MATS | 6335423 | 62351 | $ (50.00) |
| 164082 | 11/06/2026 | ALSCO INC | LSJO1675035-CRD | 25/26 UNIFORM & FLOOR MATS | 6335423 | 62351 | $ (50.00) |
| 164082 | 11/06/2026 | ALSCO INC | LSJO1715252 | DELIVERY TO 41 MILES AVE | 6335423 | 62351 | $ 40.22 |
| 164082 | 11/06/2026 | ALSCO INC | LSJO1718153 | DELIVERY TO 41 MILES AVE | 6335423 | 62351 | $ 40.22 |
| 164082 | 11/06/2026 | ALSCO INC | LSJO1721130 | DELIVERY TO 41 MILES AVE | 6335423 | 62351 | $ 40.22 |
| 164082 | 11/06/2026 | ALSCO INC | LSJO1722611 | DELIVERY TO 41 MILES AVE | 6335423 | 62351 | $ 40.22 |
| 164082 | 11/06/2026 | ALSCO INC | LSJO1724106 | DELIVERY TO 41 MILES AVE | 6335423 | 62351 | $ 40.22 |
| 164082 | 11/06/2026 | ALSCO INC | LSJO1727121 | SERVICE AT 41 MILES AVE | 6335423 | 62351 | $ 47.76 |
| 164082 | 11/06/2026 | ALSCO INC | LSJO1728615 | DELIVERY TO 41 MILES AVE | 6335423 | 62351 | $ 40.22 |
| **164082 Total** | | | | | | | $ 139.08 |
| 164083 | 11/06/2026 | ALSCO INC | LSJO1703454 | DELIVERY TO 41 MILES AVE | 6335423 | 62351 | $ 40.22 |
| 164083 | 11/06/2026 | ALSCO INC | LSJO1703454-CRD | CREDIT MEMO | 6335423 | 62351 | $ (40.22) |
| 164083 | 11/06/2026 | ALSCO INC | LSJO1704924 | DELIVERY TO 41 MILES AVE | 6335423 | 62351 | $ 40.22 |
| 164083 | 11/06/2026 | ALSCO INC | LSJO1704924-CRD | CREDIT MEMO | 6335423 | 62351 | $ (40.22) |
| 164083 | 11/06/2026 | ALSCO INC | LSJO1706417 | DELIVERY TO 41 MILES AVE | 6335423 | 62351 | $ 40.22 |
| 164083 | 11/06/2026 | ALSCO INC | LSJO1709380 | DELIVERY TO 41 MILES AVE | 6335423 | 62351 | $ 40.22 |
| 164083 | 11/06/2026 | ALSCO INC | LSJO1710860 | DELIVERY TO 41 MILES AVE | 6335423 | 62351 | $ 40.22 |
| 164083 | 11/06/2026 | ALSCO INC | LSJO1712314 | DELIVERY TO 41 MILES AVE | 6335423 | 62351 | $ 40.22 |
| **164083 Total** | | | | | | | $ 160.88 |
| 164084 | 11/06/2026 | AMAZON CAPITAL SERVICES INC | 11JHNDHT99F7 | SUPPLIES | 6335423 | 61214 | $ 171.21 |

**ACCOUNTS PAYABLE CHECK REGISTER**
**CHECK DATE 11-06-26**

| CHECK NUMBER | CHECK DATE | VENDOR NAME | INVOICE | DESCRIPTION | ORG | OBJECT | AMOUNT |
|---|---|---|---|---|---|---|---|
| 164084 | 11/06/2026 | AMAZON CAPITAL SERVICES INC | 16QNWX9491CP | SUPPLIES | 1115401 | 61133 | $ 41.52 |
| 164084 | 11/06/2026 | AMAZON CAPITAL SERVICES INC | 16QNWX9491CP | SUPPLIES | 1115301 | 61133 | $ 20.76 |
| 164084 | 11/06/2026 | AMAZON CAPITAL SERVICES INC | 16RRRJKCMDMM | SUPPLIES | 1117201 | 61191 | $ 18.13 |
| 164084 | 11/06/2026 | AMAZON CAPITAL SERVICES INC | 191VJKPPL7JD | SUPPLIES | 2617301 | 62415 | $ 138.84 |
| 164084 | 11/06/2026 | AMAZON CAPITAL SERVICES INC | 1D4KXQXGMQL7 | SUPPLIES | 1117201 | 61191 | $ 32.63 |
| 164084 | 11/06/2026 | AMAZON CAPITAL SERVICES INC | 1F766TRCKHG7 | SUPPLIES | 2617301 | 62421 | $ 244.31 |
| 164084 | 11/06/2026 | AMAZON CAPITAL SERVICES INC | 1GFLPXLFR7DG | SUPPLIES | 1117201 | 61191 | $ 152.08 |
| 164084 | 11/06/2026 | AMAZON CAPITAL SERVICES INC | 1VHTRJKXV4MM | SUPPLIES | 1117201 | 61191 | $ 105.26 |
| 164084 | 11/06/2026 | AMAZON CAPITAL SERVICES INC | 1XHRN7G91VVL | SUPPLIES | 1115301 | 61133 | $ 995.68 |
| 164084 | 11/06/2026 | AMAZON CAPITAL SERVICES INC | 1XHRN7G91VVL | SUPPLIES | 1115401 | 61133 | $ 1,991.36 |
| 164084 | 11/06/2026 | AMAZON CAPITAL SERVICES INC | 1YR14YQFLQJV | SUPPLIES | 1117204 | 61132 | $ 367.88 |
| **164084 Total** | | | | | | | $ 4,279.66 |
| 164085 | 11/06/2026 | AMAZON CAPITAL SERVICES INC | 191D1R3PRLH4 | CREDIT MEMO | 1117201 | 61191 | $ (16.81) |
| 164085 | 11/06/2026 | AMAZON CAPITAL SERVICES INC | 1HH7CJYYTFYT | SUPPLIES | 1115202 | 61111 | $ 7.68 |
| 164085 | 11/06/2026 | AMAZON CAPITAL SERVICES INC | 1KN3MTCQPMGC | SUPPLIES | 1112105 | 61111 | $ 10.98 |
| 164085 | 11/06/2026 | AMAZON CAPITAL SERVICES INC | 1RKR9VDNNCCY | SUPPLIES | 6335423 | 61112 | $ 17.22 |
| **164085 Total** | | | | | | | $ 19.07 |
| 164086 | 11/06/2026 | ANNA MARIA VIOLICH OLIVIER | 110226 | 110426 LIBRARY PROGRAM | 2617301 | 62415 | $ 570.00 |
| **164086 Total** | | | | | | | $ 570.00 |
| 164087 | 11/06/2026 | ATCHISON, BARISONE & CONDOTTI | 35209 | 090126-093026 SERVICES | 1111301 | 63215 | $ 20,612.10 |
| **164087 Total** | | | | | | | $ 20,612.10 |
| 164088 | 11/06/2026 | BELLECCI & ASSOCIATES | 260767-4 | 090126-093026 SERVICE | 4628316 | 82303 | $ 30,262.56 |
| 164088 | 11/06/2026 | BELLECCI & ASSOCIATES | 260837-4 | 090126-093026 SERVICES | 4628313 | 82303 | $ 3,635.00 |
| **164088 Total** | | | | | | | $ 33,897.56 |
| 164089 | 11/06/2026 | BIGGS CARDOSA ASSOCIATES | 97430 | 090126-093026 SERVICES | 4118151 | 82405 | $ 4,153.00 |
| **164089 Total** | | | | | | | $ 4,153.00 |
| 164090 | 11/06/2026 | CALIFORNIA ASSOCIATION OF TACTICAL OFFICERS | 3003405 | LESS LETHAL INSTRUCTOR COURSE-GOTELLI/MARTIN | 1114301 | 64111 | $ 786.00 |
| **164090 Total** | | | | | | | $ 786.00 |
| 164091 | 11/06/2026 | CALIFORNIA SOCIETY OF MUNICIPAL FINANCE OFFICERS | 300022140 | C CONSTANTIN MEMBERSHIP RENEWAL | 1112101 | 62152 | $ 165.00 |
| **164091 Total** | | | | | | | $ 165.00 |
| 164092 | 11/06/2026 | CALMAT CO. | 7768207 | SUPPLIES | 1115401 | 61275 | $ 485.97 |
| **164092 Total** | | | | | | | $ 485.97 |
| 164093 | 11/06/2026 | COUNTY OF SANTA CLARA | 2607310502 | WO#224923 073026 SERVICE | 1114201 | 62344 | $ 183.00 |
| **164093 Total** | | | | | | | $ 183.00 |
| 164094 | 11/06/2026 | CROWN CASTLE USA, INC. | 60021836 | JULY 2026 TOWER RENTAL | 1114201 | 62522 | $ 1,741.76 |
| 164094 | 11/06/2026 | CROWN CASTLE USA, INC. | 60153227 | AUGUST 2026 TOWER RENTAL | 1114201 | 62522 | $ 1,741.76 |
| 164094 | 11/06/2026 | CROWN CASTLE USA, INC. | 60256405 | SEPTEMBER 2026 TOWER RENTAL | 1114201 | 62522 | $ 1,809.94 |
| 164094 | 11/06/2026 | CROWN CASTLE USA, INC. | 60355676 | OCTOBER 2026 TOWER RENTAL | 1114201 | 62522 | $ 1,809.94 |
| **164094 Total** | | | | | | | $ 7,103.40 |
| 164095 | 11/06/2026 | DELL MARKETING LP | 10894996997 | DELL PRO BACKPACK | 6212502 | 61133 | $ 78.00 |
| **164095 Total** | | | | | | | $ 78.00 |
| 164096 | 11/06/2026 | DICK'S AUTOMOTIVE TRANSPORT | 35445 | 101526 SERVICE | 1115402 | 62392 | $ 70.00 |
| **164096 Total** | | | | | | | $ 70.00 |
| 164097 | 11/06/2026 | DPREP INC | OIS20261013-14 | OIS FOR FIELD SUPERVISORS - RONDEAU | 1114301 | 64111 | $ 299.00 |
| **164097 Total** | | | | | | | $ 299.00 |

**ACCOUNTS PAYABLE CHECK REGISTER**
**CHECK DATE 11-06-26**

| CHECK NUMBER | CHECK DATE | VENDOR NAME | INVOICE | DESCRIPTION | ORG | OBJECT | AMOUNT |
|---|---|---|---|---|---|---|---|
| 164098 | 11/06/2026 | DUDEK | 202609669 | 090126-093026 SERVICE | 4218115 | 82303 | $ 43,968.03 |
| **164098 Total** | | | | | | | $ 43,968.03 |
| 164099 | 11/06/2026 | EMC PLANNING GROUP, INC. | 25-122-4 | SERVICES THROUGH 093026 | 1113999 | 68411 | $ 354.64 |
| **164099 Total** | | | | | | | $ 354.64 |
| 164100 | 11/06/2026 | EWING IRRIGATION | 32309175 | SUPPLIES | 1115301 | 61215 | $ 710.87 |
| **164100 Total** | | | | | | | $ 710.87 |
| 164101 | 11/06/2026 | FRONTIER CALIFORNIA INC | 1884819-102826 | 102826-112726 SERVICE | 6335423 | 62631 | $ 6,356.88 |
| **164101 Total** | | | | | | | $ 6,356.88 |
| 164102 | 11/06/2026 | GARDENLAND POWER EQUIPMENT | 1291546 | SUPPLIES | 1115301 | 61211 | $ 286.97 |
| **164102 Total** | | | | | | | $ 286.97 |
| 164103 | 11/06/2026 | GLORIA M FIELDS | 53064 | TMO NAMEPLATES | 1112101 | 61111 | $ 24.75 |
| 164103 | 11/06/2026 | GLORIA M FIELDS | 53064-1 | PPW NAMEPLATES | 6335423 | 61251 | $ 49.50 |
| **164103 Total** | | | | | | | $ 74.25 |
| 164104 | 11/06/2026 | GOLDFARB & LIPMAN | 499146 | SERVICES THROUGH 093026 | 1111301 | 63215 | $ 2,253.50 |
| 164104 | 11/06/2026 | GOLDFARB & LIPMAN | 499223 | SERVICES THROUGH 093026 | 1111301 | 63215 | $ 7,633.80 |
| 164104 | 11/06/2026 | GOLDFARB & LIPMAN | 499236 | SERVICES THROUGH 093026 | 1111301 | 63215 | $ 10,624.76 |
| **164104 Total** | | | | | | | $ 20,512.06 |
| 164105 | 11/06/2026 | GRAINGER | 9117955022 | SUPPLIES | 6335423 | 61214 | $ 30.74 |
| **164105 Total** | | | | | | | $ 30.74 |
| 164106 | 11/06/2026 | GVP VENTURES INC | 11682 | EXECUTIVE SEARCH - Town Attorney | 1112201 | 63213 | $ 8,400.00 |
| **164106 Total** | | | | | | | $ 8,400.00 |
| 164107 | 11/06/2026 | HINDERLITER, DE LLAMAS & ASSOCIATES | SIN067968 | JULY-SEPTEMBER 2026 TRANSACTIONS TAX | 1111201 | 63211 | $ 900.00 |
| **164107 Total** | | | | | | | $ 900.00 |
| 164108 | 11/06/2026 | INTERNATIONAL CITY MANAGEMENT ASSN | 1077928-2027 | 010127-123127 CONSTANTIN MEMBERSHIP | 1112101 | 62152 | $ 1,200.00 |
| **164108 Total** | | | | | | | $ 1,200.00 |
| 164109 | 11/06/2026 | JAVA CONNECTIONS LLC | 2733-628 | CUSTOM GRAPHICS | 1117204 | 63332 | $ 546.30 |
| **164109 Total** | | | | | | | $ 546.30 |
| 164110 | 11/06/2026 | KIER & WRIGHT | 327980 | 083126-092726 BILLING PERIOD | 1115999 | 68615 | $ 2,310.00 |
| 164110 | 11/06/2026 | KIER & WRIGHT | 327984 | 083126-092726 BILLING PERIOD | 1115999 | 68615 | $ 1,064.00 |
| 164110 | 11/06/2026 | KIER & WRIGHT | 327985 | 083126-092726 BILLING PERIOD | 1115999 | 68615 | $ 970.50 |
| 164110 | 11/06/2026 | KIER & WRIGHT | 327986 | 083126-092726 BILLING PERIOD | 1115999 | 68615 | $ 2,698.50 |
| **164110 Total** | | | | | | | $ 7,043.00 |
| 164111 | 11/06/2026 | MARUNDEE ELECTRIC INC | 1614 | THRONE ELECTRICAL | 6335423 | 63354 | $ 1,000.00 |
| **164111 Total** | | | | | | | $ 1,000.00 |
| 164112 | 11/06/2026 | MCCI LLC | SC31931 | SEPTEMBER SCANNING | 6212502 | 63331 | $ 400.00 |
| **164112 Total** | | | | | | | $ 400.00 |
| 164113 | 11/06/2026 | MIDWEST MOTOR SUPPLY CO., INC. | 104938295 | SUPPLIES | 1115402 | 61265 | $ 990.52 |
| **164113 Total** | | | | | | | $ 990.52 |
| 164114 | 11/06/2026 | MIDWEST TAPE | 509564248 | DVDS | 1117201 | 61191 | $ 39.52 |
| **164114 Total** | | | | | | | $ 39.52 |
| 164115 | 11/06/2026 | NINYO & MOORE GEOTECHNICAL & ENVIRONMENTAL | 328386 | SERVICES THROUGH 092526 | 4118414 | 82405 | $ 1,760.00 |
| **164115 Total** | | | | | | | $ 1,760.00 |
| 164116 | 11/06/2026 | O'BRIEN CODE CONSULTING, INC, | 2026001099 | B26-0435 270 & 270-A BELVUE DRIVE | 1113999 | 68416 | $ 825.13 |
| 164116 | 11/06/2026 | O'BRIEN CODE CONSULTING, INC, | 2026001103 | B26-0733 148 MARICOPA DRIVE | 1113999 | 68416 | $ 2,171.56 |
| 164116 | 11/06/2026 | O'BRIEN CODE CONSULTING, INC, | 2026001027TM | B26-0226 17180 & 17180-A CRESCENT DRIVE | 1113999 | 68416 | $ 1,200.00 |

**ACCOUNTS PAYABLE CHECK REGISTER**
**CHECK DATE 11-06-26**

| CHECK NUMBER | CHECK DATE | VENDOR NAME | INVOICE | DESCRIPTION | ORG | OBJECT | AMOUNT |
|---|---|---|---|---|---|---|---|
| 164116 | 11/06/2026 | O'BRIEN CODE CONSULTING, INC, | 2026001070TM | B26-0444 312 NSC AVENUE | 1113999 | 68416 | $ 300.00 |
| 164116 | 11/06/2026 | O'BRIEN CODE CONSULTING, INC, | 2026001104A | B26-0738 16401 (16403) ENGLEWOOD AVENUE | 1113999 | 68416 | $ 855.16 |
| 164116 | 11/06/2026 | O'BRIEN CODE CONSULTING, INC, | 2026001104B | B26-0739 16401 ENGLEWOOD AVENUE | 1113999 | 68416 | $ 495.25 |
| **164116 Total** | | | | | | | $ 5,847.10 |
| 164117 | 11/06/2026 | O'REILLY AUTO ENTERPRISES, LLC | 2572-123350 | AUTO PARTS | 1115402 | 61265 | $ 34.87 |
| 164117 | 11/06/2026 | O'REILLY AUTO ENTERPRISES, LLC | 2572-123432 | AUTO PARTS | 1115402 | 61265 | $ 311.52 |
| 164117 | 11/06/2026 | O'REILLY AUTO ENTERPRISES, LLC | 2572-123436 | AUTO PARTS | 1115402 | 61265 | $ 40.41 |
| 164117 | 11/06/2026 | O'REILLY AUTO ENTERPRISES, LLC | 2572-123467 | AUTO PARTS | 1115402 | 61265 | $ 40.24 |
| **164117 Total** | | | | | | | $ 427.04 |
| 164118 | 11/06/2026 | OCCUPATIONAL HEALTH CENTERS OF CA | 92832736 | 101326 SERVICES | 1112201 | 64431 | $ 473.00 |
| **164118 Total** | | | | | | | $ 473.00 |
| 164119 | 11/06/2026 | ODP BUSINESS SOLUTIONS | 485199825001 | SUPPLIES | 1115101 | 61111 | $ 90.02 |
| **164119 Total** | | | | | | | $ 90.02 |
| 164120 | 11/06/2026 | PACIFIC GAS & ELECTRIC | 07036-102126 | 091526-101326 SERVICE | 1115401 | 62621 | $ 675.76 |
| 164120 | 11/06/2026 | PACIFIC GAS & ELECTRIC | 10807-102126 | 091526-101326 SERVICE | 1115401 | 62621 | $ 146.45 |
| 164120 | 11/06/2026 | PACIFIC GAS & ELECTRIC | 31221-102126 | 082526-092326 SERVICE | 1115401 | 62621 | $ 2,649.79 |
| 164120 | 11/06/2026 | PACIFIC GAS & ELECTRIC | 32085-102226 | 091726-101526 SERVICE | 6335423 | 62611 | $ 20,525.78 |
| 164120 | 11/06/2026 | PACIFIC GAS & ELECTRIC | 32085-102226 | 091726-101526 SERVICE | 6335423 | 62612 | $ 3,535.99 |
| 164120 | 11/06/2026 | PACIFIC GAS & ELECTRIC | 43001-102026 | 091426-101226 SERVICE | 1115401 | 62621 | $ 280.79 |
| 164120 | 11/06/2026 | PACIFIC GAS & ELECTRIC | 52897-102126 | 091526-101326 SERVICE | 1115301 | 62611 | $ 3,924.85 |
| 164120 | 11/06/2026 | PACIFIC GAS & ELECTRIC | 52897-102126 | 091526-101326 SERVICE | 1115401 | 62621 | $ 73.68 |
| 164120 | 11/06/2026 | PACIFIC GAS & ELECTRIC | 54633-102226 | 091626-101426 SERVICE | 6335423 | 62611 | $ 50.64 |
| 164120 | 11/06/2026 | PACIFIC GAS & ELECTRIC | 61917-102126 | 091526-101326 SERVICE | 1115401 | 62621 | $ 133.18 |
| 164120 | 11/06/2026 | PACIFIC GAS & ELECTRIC | 66647-102126 | 091526-101326 SERVICE | 1115402 | 61264 | $ 7.27 |
| 164120 | 11/06/2026 | PACIFIC GAS & ELECTRIC | 73663-102226 | 091826-101626 SERVICE | 1115401 | 62621 | $ 14,709.94 |
| **164120 Total** | | | | | | | $ 46,714.12 |
| 164121 | 11/06/2026 | PACIFIC GAS & ELECTRIC | 63609-102026 | 091526-101326 SERVICE | 1115401 | 62621 | $ 3.25 |
| **164121 Total** | | | | | | | $ 3.25 |
| 164122 | 11/06/2026 | PACIFIC WATER ART INC | 78849 | OCTOBER 2026 SERVICE | 1115301 | 62378 | $ 7,668.00 |
| **164122 Total** | | | | | | | $ 7,668.00 |
| 164123 | 11/06/2026 | PLAN JPA | PLAN-0758 | SEPTEMBER 2026 CLAIMS | 6111302 | 65541 | $ 5,221.59 |
| **164123 Total** | | | | | | | $ 5,221.59 |
| 164124 | 11/06/2026 | RANEY PLANNING & MANAGEMENT INC | 2622E-6 | SEPTEMBER 2026 101 S SANTA CRUZ AVE | 1113999 | 68411 | $ 6,520.00 |
| **164124 Total** | | | | | | | $ 6,520.00 |
| 164125 | 11/06/2026 | ROBERT SARETTI | 101926 | REIMBURSEMENT - FINGERPRINTING SERVICES | 1112201 | 64433 | $ 29.00 |
| **164125 Total** | | | | | | | $ 29.00 |
| 164126 | 11/06/2026 | RURAL SUPPLY HARDWARE INC | 8530 | SUPPLIES | 1115401 | 61275 | $ 34.05 |
| 164126 | 11/06/2026 | RURAL SUPPLY HARDWARE INC | 8537 | SUPPLIES | 6335423 | 61214 | $ 3.29 |
| 164126 | 11/06/2026 | RURAL SUPPLY HARDWARE INC | 8560 | SUPPLIES | 1115301 | 61214 | $ 46.21 |
| 164126 | 11/06/2026 | RURAL SUPPLY HARDWARE INC | 8564 | SUPPLIES | 1115301 | 61214 | $ 39.53 |
| 164126 | 11/06/2026 | RURAL SUPPLY HARDWARE INC | 8565 | SUPPLIES | 1115401 | 61275 | $ 8.61 |
| 164126 | 11/06/2026 | RURAL SUPPLY HARDWARE INC | 8567 | SUPPLIES | 6335423 | 61214 | $ 26.99 |
| **164126 Total** | | | | | | | $ 158.68 |
| 164127 | 11/06/2026 | SAN JOSE WATER COMPANY | 04216-102226 | 091726-101926 SERVICE | 1115301 | 62613 | $ 2,884.55 |
| 164127 | 11/06/2026 | SAN JOSE WATER COMPANY | 06660-102226 | 092226-102226 SERVICE | 6335423 | 62613 | $ 2,824.04 |

**ACCOUNTS PAYABLE CHECK REGISTER**
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| CHECK NUMBER | CHECK DATE | VENDOR NAME | INVOICE | DESCRIPTION | ORG | OBJECT | AMOUNT |
|---|---|---|---|---|---|---|---|
| 164127 | 11/06/2026 | SAN JOSE WATER COMPANY | 08501-102226 | 091726-101926 SERVICE | 1115301 | 62613 | $ 1,074.46 |
| 164127 | 11/06/2026 | SAN JOSE WATER COMPANY | 10300-102326 | 092126-102226 SERVICE | 2225203 | 62613 | $ 867.27 |
| 164127 | 11/06/2026 | SAN JOSE WATER COMPANY | 22767-102226 | 091726-101926 SERVICE | 1115301 | 62613 | $ 8,126.18 |
| 164127 | 11/06/2026 | SAN JOSE WATER COMPANY | 26334-102226 | 091526-101926 SERVICE | 1115301 | 62613 | $ 5,761.75 |
| 164127 | 11/06/2026 | SAN JOSE WATER COMPANY | 36725-102226 | 092226-102226 SERVICE | 1115301 | 62613 | $ 1,100.53 |
| 164127 | 11/06/2026 | SAN JOSE WATER COMPANY | 55379-102226 | 092226-102226 SERVICE | 1115301 | 62613 | $ 2,163.70 |
| 164127 | 11/06/2026 | SAN JOSE WATER COMPANY | 60886-102226 | 091726-101526 SERVICE | 1115301 | 62613 | $ 740.70 |
| 164127 | 11/06/2026 | SAN JOSE WATER COMPANY | 69838-102226 | 091726-101526 SERVICE | 1115301 | 62613 | $ 2,253.45 |
| **164127 Total** | | | | | | | $ 27,796.63 |
| 164128 | 11/06/2026 | SAN JOSE WATER COMPANY | 05325-102226 | 092226-102226 SERVICE | 6335423 | 62613 | $ 180.11 |
| 164128 | 11/06/2026 | SAN JOSE WATER COMPANY | 09595-102226 | 092226-102226 SERVICE | 1115301 | 62613 | $ 376.41 |
| 164128 | 11/06/2026 | SAN JOSE WATER COMPANY | 15970-102226 | 091826-102126 SERVICE | 1115301 | 62613 | $ 466.89 |
| 164128 | 11/06/2026 | SAN JOSE WATER COMPANY | 27204-102226 | 092226-102226 SERVICE | 6335423 | 62613 | $ 180.11 |
| 164128 | 11/06/2026 | SAN JOSE WATER COMPANY | 28168-102226 | 092226-102226 SERVICE | 2515408 | 62613 | $ 229.24 |
| 164128 | 11/06/2026 | SAN JOSE WATER COMPANY | 66752-102226 | 091726-101526 SERVICE | 1115301 | 62613 | $ 248.50 |
| 164128 | 11/06/2026 | SAN JOSE WATER COMPANY | 70771-102226 | 092226-102226 SERVICE | 1115301 | 62613 | $ 180.11 |
| 164128 | 11/06/2026 | SAN JOSE WATER COMPANY | 80684-102226 | 091826-102126 SERVICE | 1115301 | 62613 | $ 466.89 |
| 164128 | 11/06/2026 | SAN JOSE WATER COMPANY | 82653-102226 | 092226-102226 SERVICE | 6335423 | 62613 | $ 180.11 |
| 164128 | 11/06/2026 | SAN JOSE WATER COMPANY | 83824-102226 | 092226-102226 SERVICE | 1115301 | 62613 | $ 424.46 |
| **164128 Total** | | | | | | | $ 2,932.83 |
| 164129 | 11/06/2026 | SAN JOSE WATER COMPANY | 41134-102226 | 092226-102226 SERVICE | 1115301 | 62613 | $ 114.61 |
| 164129 | 11/06/2026 | SAN JOSE WATER COMPANY | 42179-102226 | 092226-102226 SERVICE | 6335423 | 62613 | $ 114.61 |
| 164129 | 11/06/2026 | SAN JOSE WATER COMPANY | 73060-102226 | 092226-102226 SERVICE | 1115301 | 62613 | $ 114.61 |
| 164129 | 11/06/2026 | SAN JOSE WATER COMPANY | 85995-102226 | 092226-102226 SERVICE | 6335423 | 62613 | $ 114.61 |
| **164129 Total** | | | | | | | $ 458.44 |
| 164130 | 11/06/2026 | SEQUOIA ECOLOGICAL CONSULTING INC | 000002026554 | 090126-093026 SERVICES | 4118507 | 82303 | $ 3,114.50 |
| **164130 Total** | | | | | | | $ 3,114.50 |
| 164131 | 11/06/2026 | SHIRLEY NG | 08/30/26-09/02/26 | PER DEIM REIMBURSEMENT - CRRA CONFERENCE | 1115302 | 64111 | $ 137.25 |
| **164131 Total** | | | | | | | $ 137.25 |
| 164132 | 11/06/2026 | SUMMIT UNIFORMS LLC | 47593 | UNIFORMS | 1114301 | 61165 | $ 2,528.50 |
| **164132 Total** | | | | | | | $ 2,528.50 |
| 164133 | 11/06/2026 | THE NEW YORK TIMES | 889154704-102526 | 092526-092327 PERIOD | 1117201 | 61191 | $ 1,600.76 |
| **164133 Total** | | | | | | | $ 1,600.76 |
| 164134 | 11/06/2026 | THE PREFERRED IMAGE, INC. | 28894840 | 9310 REPAIR | 1115404 | 62392 | $ 4,986.41 |
| **164134 Total** | | | | | | | $ 4,986.41 |
| 164135 | 11/06/2026 | URBAN37 INC | 2361 | 092426 SERVICE | 1113999 | 68416 | $ 340.52 |
| 164135 | 11/06/2026 | URBAN37 INC | 2362 | 092426 SERVICE | 1113999 | 68416 | $ 1,668.14 |
| 164135 | 11/06/2026 | URBAN37 INC | 2363 | 092526 SERVICE | 1113999 | 68416 | $ 770.48 |
| 164135 | 11/06/2026 | URBAN37 INC | 2385 | 092926 SERVICE | 1113999 | 68416 | $ 618.05 |
| 164135 | 11/06/2026 | URBAN37 INC | 2390 | 083126 AND 092826 SERVICES | 1113999 | 68416 | $ 2,062.50 |
| 164135 | 11/06/2026 | URBAN37 INC | 2397 | 102026 SERVICE | 1113999 | 68416 | $ 1,007.60 |
| 164135 | 11/06/2026 | URBAN37 INC | 2398 | 101426 SERVICE | 1113999 | 68416 | $ 1,051.63 |
| **164135 Total** | | | | | | | $ 7,518.92 |
| 164136 | 11/06/2026 | VERIZON WIRELESS | 6155678940 | 091326-101226 SERVICE | 6335423 | 62632 | $ 66.96 |
| 164136 | 11/06/2026 | VERIZON WIRELESS | 6155678940 | 091326-101226 SERVICE | 1115401 | 62632 | $ 359.59 |

**ACCOUNTS PAYABLE CHECK REGISTER**
**CHECK DATE 11-06-26**

| CHECK NUMBER | CHECK DATE | VENDOR NAME | INVOICE | DESCRIPTION | ORG | OBJECT | AMOUNT |
|---|---|---|---|---|---|---|---|
| 164136 | 11/06/2026 | VERIZON WIRELESS | 6155678940 | 091326-101226 SERVICE | 1115301 | 62632 | $ 133.92 |
| 164136 | 11/06/2026 | VERIZON WIRELESS | 6155678940 | 091326-101226 SERVICE | 1115201 | 62632 | $ 22.32 |
| 164136 | 11/06/2026 | VERIZON WIRELESS | 6155678940 | 091326-101226 SERVICE | 1115101 | 62632 | $ 22.32 |
| 164136 | 11/06/2026 | VERIZON WIRELESS | 6155678940 | 091326-101226 SERVICE | 1113401 | 62632 | $ 22.32 |
| 164136 | 11/06/2026 | VERIZON WIRELESS | 6155678940 | 091326-101226 SERVICE | 1113301 | 62632 | $ 111.60 |
| 164136 | 11/06/2026 | VERIZON WIRELESS | 6155678940 | 091326-101226 SERVICE | 6212502 | 62632 | $ 114.03 |
| **164136 Total** | | | | | | | $ 853.06 |
| 164137 | 11/06/2026 | VICKI L BLANDIN | LG19-26 | TRANSCRIPTION SERVICES | 1113201 | 62310 | $ 1,325.00 |
| 164137 | 11/06/2026 | VICKI L BLANDIN | LG31-26 | TRANSCRIPTION SERVICES | 1113201 | 62310 | $ 175.00 |
| **164137 Total** | | | | | | | $ 1,500.00 |
| **Grand Total** | | | | | | | $ 303,821.64 |

Town of Los Gatos Check Date 10/30/26

| Location | Total Payroll | Number of Employees |
|---|---|---|
| 1301 - TOWN ATTORNEY | 11,923.00 | 1 |
| 2101 - TOWN MANAGER | 39,237.00 | 7 |
| 2105 - EMERGENCY PREPAREDNESS | 8,780.00 | 2 |
| 2106 - ECONOMIC VITALITY | 5,795.00 | 1 |
| 2201 - HUMAN RESOURCES | 22,445.00 | 3 |
| 2301 - FINANCE | 49,812.00 | 8 |
| 2401 - CLERK ADMINISTRATION | 17,547.00 | 3 |
| 2501 - INFORMATION TECHNOLOGY | 15,512.00 | 3 |
| 3101 - COMMUNITY DEVELOPMENT | 118,112.00 | 21 |
| 4101 - POLICE | 398,913.00 | 59 |
| 5101 - PARKS AND PUBLIC WORKS | 200,314.00 | 42 |
| 7101 - LIBRARY | 64,823.00 | 25 |
| | 953,213.00 | 175 |

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

MEETING DATE: 11/17/2026
ITEM NO: 7

DATE: November 12, 2026

TO: Mayor and Town Council

FROM: Chris Constantin, Town Manager

SUBJECT: **Consider Approval to Add a Full-Time Senior Planner Position to the Fiscal Year 2026-27 Budget and Approve an Expenditure Budget Adjustment of $176,550 for the Position from the Community Development Operating Budget**

RECOMMENDATION: Authorize the Town Manager to add a full-time Senior Planner position to the Fiscal Year 2026-27 Budget and approve an expenditure budget appropriation adjustment of $176,550 for the position from the Community Development Operating Budget.

FISCAL IMPACT:

Approval of the proposed action will add one full-time Senior Planner position to the Community Development Department. The estimated cost for the remainder of Fiscal Year 2026-27 is $176,550, which requires a corresponding expenditure budget adjustment. Funding is expected to be supported primarily through Community Development fee revenue. To the extent fee revenue is insufficient, the remaining costs would be funded through available General Fund resources. Ongoing annual costs for the position will be evaluated and incorporated as part of future annual budget adoption processes.

STRATEGIC PRIORITY:

The item relates to the strategic priority to preserve the Town's small-town charm and provide a range of housing opportunities and historic neighborhoods, while diligently maintaining and implementing the Housing Element.

PREPARED BY: Cheryl Parkman
Human Resources Director

Reviewed by: Town Manager, Town Attorney, and Administrative Services Director

SUBJECT: Consideration and Approval to Add a Full-Time Senior Planner Position to the Fiscal Year 2026-27 Budget and Approve an Expenditure Budget Adjustment of $176,550 for the Position from the Community Development Operating Budget.

DATE: November 12, 2026

BACKGROUND:

The Housing Element is the Town's strategic plan for housing the Town's present and future residents. Pursuant to Government Code Section 65588.5, jurisdictions are required to adopt a Housing Element that is in substantial compliance with State Housing Element law every eight (8) years. The next Housing Element will need to be approved by Town Council by January 2031 for the time period of 2031-2039. Planning for the Seventh Cycle Housing Element will need to commence soon to ensure adoption before the deadline. The addition of this position is intended to support capacity within the Planning Division to begin efforts early.

The Town also has long-range planning needs for the 2040 General Plan related to land use, commercial development, open space, and community design. These are focused areas to strategically manage development in the Town.

DISCUSSION:

Adoption and certification of the Housing Element before the state mandated deadline is a critical need for the Town to avoid consequences imposed by the courts and the California Department of Housing and Community Development. Additionally, there are aspects of the Housing Element that may require Town Municipal Code changes, public comment and participation, and multiple Council meetings before adoption.

The Community Development Department does not currently have a Senior Planner with a sole focus on long-range planning needs. With the addition of a Senior Planner in CDD, this staff member can begin working on the Seventh Cycle Housing Element that will need to be adopted and certified by January 2031. The Senior Planner will also be focused on strategically implementing the General Plan and updating the Plan and Municipal Codes, as needed. Additionally, the Senior Planner will be focused on monitoring legislation that necessitates updates to Town regulations. The substantial amount of time required to ensure conformity to state law, Town regulations, and stakeholder communication necessitates a full-time employee.

Community Development Department staff balance current planning functions, permit processing, development review, Housing Element implementation, Municipal Code updates, and General Plan implementation activities. Existing staffing resources are fully allocated to ongoing operational responsibilities and do not provide sufficient capacity for the extensive long-range planning efforts required for preparation of the Seventh Cycle Housing Element, implementation of the General Plan, and responsiveness to evolving State housing and land use legislation. The addition of a dedicated Senior Planner will allow the Town to proactively address these long-range planning obligations while maintaining existing service levels for development review and permit processing.

SUBJECT: Consideration and Approval to Add a Full-Time Senior Planner Position to the Fiscal Year 2026-27 Budget and Approve an Expenditure Budget Adjustment of $176,550 for the Position from the Community Development Operating Budget.

DATE: November 12, 2026

CONCLUSION:

Staff recommends that Town Council approve the addition of a full-time Senior Planner position to the Fiscal Year 2026-27 Budget and approve an expenditure budget adjustment of $176,550 for the position from the Community Development Operating Budget.

COORDINATION:

This memo was coordinated with the Town Manager, Town Attorney and Community Development Director.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

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

MEETING DATE: 11/17/2026
ITEM NO: 8

DATE: November 17, 2026

TO: Mayor and Town Council

FROM: Gabrielle Whelan, Town Attorney

SUBJECT: **Approve an Agreement with Berliner Cohen, LLP, for Interim Town Attorney Legal Services; Appoint Jolie Houston as Interim Town Attorney; Authorize the Town Manager to Execute the Agreement in Substantially the Form Presented; and Authorize the Town Attorney to Execute a Conflict Waiver**

RECOMMENDATION: Approve an Agreement with Berliner Cohen, LLP for Interim Town Attorney Legal Services; Appoint Jolie Houston as Interim Town Attorney; Authorize the Town Manager to Execute the Agreement in Substantially the Form Presented; and Authorize the Town Attorney to Execute a Conflict Waiver.

FISCAL IMPACT:

The agreement includes a monthly retainer of $21,500 for up to 70 hours of basic services. Services exceeding 70 hours per month and approved litigation or special-project services will be billed at $385 per attorney hour, with paralegal services billed at $150 per hour. Services performed during November 2026 will be billed on an hourly basis. Funding for these services is included in the FY 2026-27 Adopted Budget through salary and benefit savings associated with the vacant Town Attorney position.

STRATEGIC PRIORITY:

This item does not directly address a Strategic Priority; however, entry into a contract for Interim Town Attorney services aligns with the goal of good governance.

PREPARED BY: Gabrielle Whelan
Town Attorney

Reviewed by: Town Manager and Administrative Services Director

BACKGROUND:

The current Town Attorney is retiring effective November 20, 2026. The Town is currently recruiting for a new Town Attorney, which is anticipated to take several months. During that time frame, the Town will contract for Interim Town Attorney services. Interim legal services are necessary to ensure uninterrupted legal counsel to the Town Council, Planning Commission, Town boards and commissions, and Town staff while recruitment for a permanent Town Attorney is ongoing.

The Town solicited Requests for Proposals from law firms specializing in municipal law. The Town Council appointed an ad hoc committee to review the proposals. The ad hoc committee evaluated each proposal based on municipal law experience, land use expertise, availability, depth of staffing resources, and proposed costs, and determined that Berliner Cohen was best suited to provide interim services to the Town.

DISCUSSION:

The firm proposed Jolie Houston, a partner, to serve as Los Gatos's Interim Town Attorney. Ms. Houston has over 30 years of experience and currently serves as City Attorney for the City of Los Altos and Assistant City Attorney for the City of Gilroy. Ms. Houston will be supported by several other lawyers at the firm.

The proposed agreement includes a conflict waiver addressing matters in which Jolie Houston previously represented or currently represents private applicants. This is not uncommon, because the pool of municipal lawyers and land use practitioners is small. Ms. Houston previously represented the applicant for a project at 178 Twin Oaks but no longer represents that applicant. In addition, Ms. Houston currently represents Shannon Road LLC, which has submitted a planning application for a development project on Shannon Road. While serving as Interim Town Attorney, Ms. Houston will not work on the Shannon Road proposal or have access to any Town work product related to that project. If the Town Council approves the contract, staff is seeking authorization to execute a conflict waiver.

The firm has also agreed to waive any charges for travel time.

CONCLUSION:

Staff recommends that the Town Council approve the proposed contract with the law firm of Berliner Cohen for Interim Town Attorney services, appoint Jolie Houston as Interim Town Attorney, authorize its execution by the Town Manager in substantially the form presented, and authorize the Town Attorney to execute a conflict waiver.

COORDINATION:

This report was coordinated with the Town Manager's Office.

ENVIRONMENTAL ASSESSMENT:

Approval of a contract for Interim Town Attorney services is not a project defined under CEQA, and no further action is required.

Attachments:
1. Proposed Contract for Interim Town Attorney Services

# AGREEMENT FOR LEGAL SERVICES

This Agreement for Legal Services ("Agreement") is made and entered into this _____ day of _____, 2026, by and between Town of Los Gatos, a California Municipal Corporation (hereinafter referred to as the "Town"), and Berliner Cohen, LLP, Attorneys, a partnership ("BC").

WITNESSES

WHEREAS, it is the desire of the parties hereto to enter into this Agreement and establish the terms and conditions for rendition of interim legal services to the Town and the compensation therefor.

NOW, THEREFORE, IT IS MUTUALLY AGREED as follows:

1.0 Appointment of Interim Town Attorney ("Town Attorney").

The Town hereby retains BC effective November 18, 2026, to perform the professional services described herein. The Town shall appoint Jolie Houston, a Partner in BC, as Interim Town Attorney effective November 21, 2026, to serve at the pleasure of the Town. BC shall expend its best efforts to carry out the professional services described herein, and faithfully represent the interests of the Town during the term of this Agreement.

2.0 Attorney's Services and Scope of Work.

Commencing November 21, 2026, BC shall be responsible for providing the services set forth in this Agreement as Exhibit "A" ("Basic Services") at the fees set forth in Exhibit "B" ("Fee Proposal Form"). Effective November 18, 2026, BC will be retained to work alongside the current Town Attorney before assuming the role of Town Attorney on November 21st.

It is understood that BC, in the performance of the work and services agreed to be performed, shall act as an independent contractor and not an employee of the Town. As an independent contractor, BC shall not obtain any rights to retirement benefits or other benefits which accrue to Town employees.

Contractor warrants that it is an equal opportunity employer and shall comply with applicable regulations governing equal employment opportunity. Contractor will not discriminate against persons employed or seeking employment on the basis of age, sex, color, race, marital status, sexual orientation, ancestry, physical or mental disability, national origin, religion, or medical condition, unless based upon a bona fide occupational qualification pursuant to the California Fair Employment and Housing Act.

3.0 Compensation.

Commencing December 1, 2026, BC proposes a flat-rate retainer of $21,500 per month for up to 70 hours for the Basic Services. Hourly billing to apply after 70 hours per month or for special projects and would be at a proposed hourly rate of $385 per hour for all attorneys. The retainer and hourly rate will be subject to an annual automatic 3% increase, effective July 1. For the month of November, BC will bill on an hourly basis.

The flat-rate retainer will include the services outlined in Exhibit A.

Reimbursable Expenses. Litigation costs and expenses for statutory fees, witness fees, reporters' per diem and stenographic transcriptions, photocopying, jury fees, electronic research, and the expenses of serving process shall be advanced by BC and reimbursed by the Town. Travel time is excluded. Expert consultants and witnesses may be retained by BC on terms acceptable to Town, approved in advance by email or letter by the Town representative, in which case Town shall reimburse BC or pay such consultants or experts directly.

4.0 Litigation and Special BC Projects.

In addition to the basic services, BC shall provide litigation and special project services at the request of the Town. Litigation includes court and administrative proceedings of every type or nature, and litigation services includes client conferences, file and report reviews, interviews, legal research, site visits and discussions with witnesses and experts prior to formal proceedings. BC shall provide to the Town Manager and Town Council periodic reports of the status of all litigation assigned to it.

Special projects may include non-routine or complex real estate transactions, negotiations and agreements, complex land use and CEQA matters, sewer related matters paid by the sewer fund, code enforcement matters and any other matter requested by the Town.

If the request involves services that are outside the expertise of BC or that it cannot undertake because of conflicts or any other reason, BC shall recommend that the counsel be engaged to provide the services and, when permitted by applicable Rules of Professional Conduct, suggest specific firms or attorneys for consideration by the Town.

BC represents Shannon Road LLC that currently has a pending land use entitlement matter (Project) that requires the Town's review. The Town is an adverse party with respect to that Project. BC agrees that it will not represent the Town regarding the Project's entitlement process or have access to privileged Town work product regarding the Project. The Town agrees that BC may continue to represent Shannon Road LLC and that the Town will seek separate representation if and when the Project proceeds through the Town's entitlement process during BC's tenure.

In cases of unusual significance or complexity, BC may recommend that the Town retain other counsel in addition to, or in lieu of BC. In all cases, retention of counsel for litigation or special projects shall be at the discretion of the Town; however, it is the expectation of the parties that BC will be engaged when it has the requisite experience, expertise and resources to perform the work.

4.1 Litigation by Town.

All litigation in which the Town is plaintiff shall be initiated only at the direction of the Town.

4.2 Defense of Litigation.

Unless otherwise determined by the Town, BC shall defend all actions and other

proceedings brought against the Town, its elected officials, appointed offices and agents ("Town parties").

4.3 Compensation for Litigation and Special Projects.

Advance approval by the Town Council is required for special projects and litigation as defined in sections 4.1 and 4.2. In any event, except when precluded by a conflict of interest, BC shall provide representation until such time as the Town has engaged BC or other counsel as directed by the Town Manager and as necessary to maintain the status quo or prevent the entry of a default.

4.4 Billings.

The charges for litigation, special project services and basic services are to be billed and paid monthly. With its statement, BC shall provide an accounting of the number of hours billed for legal services. The billings will be reviewed by the Town Manager, or his designee, and if in order, in his/her opinion, approved for payment. Any questions about billings that cannot be mutually resolved between the Town Manager and Town Attorney may be referred to the Town Council for resolution.

5.0 Duties of Town Attorney.

Town Attorney shall provide representation and advice to Town as provided in this Agreement, either personally or by assigning and supervising other BC attorneys or by overseeing the performance and work of other attorneys who are engaged by the Town (unless otherwise directed by the Town Council). Town Attorney shall review charges for services rendered by other attorneys to ensure that they are consistent with this Agreement and/or the terms of the specific engagement and otherwise reasonable. Town Attorney shall monitor the work of other attorneys to ensure that it is done efficiently and competently and, when appropriate in her judgment, shall adjust charges for work by BC attorneys that does not meet these standards. As used in this paragraph, "other attorneys" shall include BC attorneys and, unless otherwise directed by the Town Council, other firms and attorneys who are retained by the Town as provided herein.

Town Attorney shall attend Town Council meetings (2 per month) unless prevented by illness or vacation or excused by the Mayor or Town Manager, in which case a BC Attorney shall attend unless excused by the Mayor or Town Manager.

The BC Attorneys (a) shall assist the Town Attorney as she directs, and (b) shall perform the duties of the Town Attorney whenever she is unavailable due to illness, vacation or other reason approved by the Town Attorney.

6.0 Priorities.

If there are more requests for service than can be accomplished in the time allowed, Town Attorney or BC may request the Town Manager to establish priorities. Otherwise, Town Attorney shall respond in a reasonable time to all requests.

7.0 Termination.

This Agreement shall continue until terminated. BC understands that this Agreement may

be terminated by the Town or BC, without cause, upon 30 days' written notice. The Town shall be required to pay only for services rendered and charges incurred before the effective date of termination and shall not be responsible for services rendered or charges incurred thereafter.

8.0 No Assignment.

This Agreement is entered into by the Town and BC and the rights and obligations may not be assigned or delegated by BC to any other attorney without the express written consent of the Town Council. This Agreement is not assignable.

9.0 Indemnification and Insurance.

A. Indemnification. BC shall indemnify the Town, its elected and appointed officials, employees, and agents from and against all damages, liabilities, penalties, costs, or expenses in law or equity that may at any time arise out of damages to property or personal injury received by reason of, or in the course of performing work which may be occasioned by any act or omissions of BC, or any of BC's officers, employees, agents, or any subcontractor. BC shall defend the Town against any such claims.

B. Minimum Scope of Insurance. BC shall, at its own expense, procure and maintain policies of insurance of the types and in the amounts set forth below, for the duration of this Agreement, including any extensions thereto. The policies shall state that they afford primary coverage. Failure to maintain required insurance at all times shall constitute a default and material breach of this Agreement. In such event, BC shall immediately notify the Town and cease all performance under this Agreement until further directed by the Town.

(1) General Liability insurance shall be maintained with minimum limits of $1,000,000 combined single limits written on an Insurance Services Office (ISO) Comprehensive General Liability "occurrence" form or its equivalent for coverage on an occurrence basis. Premises/Operations and Personal Injury coverage shall be included.

(2) BC shall maintain automobile insurance at least as broad as Insurance Services Office form CA 00 01 covering bodily injury and property damage for all activities of BC arising out or in connection with services to be performed under this Agreement, including coverage for any owned, hired, non-owned, or rented vehicles, in an amount not less than $1,000,000 combined single limit for each accident.

(3) Professional errors and omissions liability insurance shall be maintained with minimum limits of $1,000,000. If a claims-made policy is purchased, a "tail" of at least three years shall be purchased if non-renewed within three years of completion of performance of this Agreement. Applicable aggregates must be identified and claims history provided to determine amounts remaining under the aggregate.

(4) The Town, its elected and appointed officials, employees, and agents, are to be covered as additional insured as respects: liability arising out of activities performed by or on behalf of BC, products and completed operations of BC, and

premises owned or used by BC.

(5) BC's insurance coverage shall be primary insurance as respects the Town, its elected and appointed officials, employees, and agents. Any insurance or self-insurances maintained by the Town, its elected or appointed officials, employees, or agents, shall be excess of BC's insurance and shall not contribute with it.

(6) BC shall provide to the Town all certificates of insurance, with original endorsements effecting coverage. BC agrees that certificates and endorsements are to be received and approved by the Town before work commences.

(7) Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Town, its elected or appointed officials, employees, or agents.

(8) All insurance coverage maintained or procured pursuant to this Agreement shall be endorsed to waive subrogation against the Town, its elected or appointed officials, employees, and agents, or shall specifically allow BC or others providing insurance evidence in compliance with these specifications to waive their right of recovery prior to a loss. BC hereby waives its own right of recovery against the Town and shall require similar written express waivers and insurance clauses from each of its subcontractors.

(9) Each insurance policy required shall be endorsed to state that coverage shall not be suspended, voided, cancelled, reduced in coverage or in limits except after 30 days' prior written notice by certified mail, return receipt requested, has been given to the Town. Current certification of such insurance shall be kept on file at all times during the term of this Agreement with the Clerk.

(10) The Town Manager may modify or waive any of the specific requirements for the above insurance, except for the policy limits. Any such waiver may include substitute requirements and shall be confirmed by letter.

(11) BC shall comply with the applicable portions of the California Labor Code concerning workers' compensation for injuries on the job.

10.0 Opinions.

All written opinions requested by the Town Council and prepared by Town Attorney or BC shall be provided to the Town Manager and all Town Council members.

11.0 Review.

The Town Council may meet with Town Attorney and review her performance. At this time, the parties may agree to changes or amendments hereto, including, but not limited to, changes in compensation provisions, which changes or amendments shall be evidenced by written amendment hereto.

12.0 Delegation.

The Town Council may delegate any of its duties, obligations, discretion or authority under

this Agreement to its Town Manager.

13.0 Waiver.

No failure on the part of either party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder, nor does waiver of a breach or default under this Agreement constitute a continuing waiver of a subsequent breach of the same or any other provision of this Agreement.

14.0 Severability.

If any term of this Agreement is held invalid by a court of competent jurisdiction, the remainder of this Agreement shall remain in effect.

15.0 Governing Law.

This Agreement shall be governed by and construed to the laws of the State of California. Venue for any action regarding this Agreement shall be in the Superior Court of the County of Santa Clara.

16.0 Mediation.

Should any dispute arise out of this Agreement, any party may request that it be submitted to mediation. The parties shall meet in mediation within 30 days of a request. The mediator shall be agreed to by the mediating parties. In the absence of an agreement, the parties shall each submit one name from mediators listed by either the American Arbitration Association, the California State Board of Mediation and Conciliation, or other agreed-upon service. The mediator shall be selected by a blind draw. The cost of mediation shall be borne equally by the parties. Neither party shall be deemed the prevailing party. No party shall be permitted to file a legal action without first meeting in mediation and making a good faith attempt to reach a mediated settlement. The mediation process, once commenced by a meeting with the mediator, shall last until agreement is reached by the parties but not more than 60 days, unless maximum time is extended by the parties.

17.0 Amendment.

No modification, waiver, mutual termination, or amendment of this Agreement is effective unless made in writing and signed by the Town and BC.

[Signatures on next page]

WITNESSETH:

**BERLINER COHEN, LLP, ATTORNEYS**

Dated: _____ By: _____
Jolie Houston, Partner

**TOWN OF LOS GATOS**
a California Municipal Corporation of the
State of California

Dated: _____ By: _____

Town Manager

Approved as to form:

Dated: _____ By: _____

Town Attorney

## EXHIBIT A

## BASIC SERVICES

Basic services to be provided by the Interim Town Attorney shall include representation of and advice to the Council, committees and commissions and all Town officials in legal matters of municipal government. This includes:

a) Attendance at all Town Council meetings (two per month), unless excused by Mayor or Town Manager (attendance at special meetings or study sessions only upon request by Town Manager or Mayor) and one Planning Commission meeting per month;

b) Town Hall office hours on the day of the Town Council Meeting. Office hours may include projects assigned by the Town Attorney's Office staff on an as-needed basis;

c) Consultation with Town Manager, Town Staff, or authorized representatives to provide legal advice on Town legal matters, including the Brown Act, Public Records Act and FPPC;

d) Assistance with the preparation/review of all proposed ordinances, resolutions, contracts, proposed Town policies and activities, and other documents pertaining to Town business;

e) Assistance with Town personnel issues (excluding collective bargaining and investigations) requiring legal attention;

f) Keeping the Council and Town Manager informed of the status of litigation involving Town. Town Attorney shall also advise the Town Council and Town Manager of significant developments in litigation involving Town as the occur;

g) Providing written legal opinions when requested by any three Council members; and

h) Assisting Town Council, Town Manager and appropriate staff in continuing to identify feasible options toward implementing and achieving the goals, policies and objectives of the Town Council.

# EXHIBIT B

## Fee Proposal Form

Proposer Name: Jolie Houston, Berliner Cohen

Proposers may attach supplemental pricing detail, but this form should be completed to facilitate comparison. All fees should be stated in U.S. dollars.

**A1. Monthly Retainer Option**

| | |
|---|---|
| Monthly retainer amount | $ 21,500 - 70 hours/month |
| Included office hours / availability per week (in-person and/or remote teleconferencing) | Yes |
| Included Council / special meeting assumptions | Yes |
| Included Planning Commission assumptions | Yes |
| Any monthly hour cap or other limitation | 70 Hours |

Describe services included in the monthly retainer and all exclusions:
Retainer of $21,500 for 70 hours/month of work. Work over the retainer will be billed at $385 for all attorneys, $150 for paralegals.

**A2. Hourly Rates for Work Outside the Retainer**

| Timekeeper / Classification | Name (if applicable) | Hourly Rate |
|---|---|---|
| Proposed Town Attorney | Jolie Houston | $ |
| Primary Backup Town Attorney | | $ |
| Partner / Shareholder | | $ |
| Of Counsel | | $ |
| Senior Associate | ASSOCIATES | $ |
| Associate | Garrett Berghold | $ |
| Paralegal / Law Clerk | Monica Hammer | $ |
| Other | Matt Toscano | $ |

**A3. Specialized Services / Litigation**

Describe services considered specialized or outside the base retainer and provide applicable rates or alternative pricing:
Over the monthly retainer hours or specialized litigation approved by Town Council will be charged at $385/hour for all attorneys

**A4. Expenses, Billing Practices, and Rate Adjustments**

Billing increment: 0.3 / Hr

Routine local travel charges:
None

Other reimbursable expenses / markups:
None

Rate guarantee period: Adjusted per year (CPI or minimum of 3%)

Proposed annual rate adjustment after guarantee period:

Transition / onboarding charges, if any:
None

**A5. Alternative Fee Proposal (Optional)**

Describe any alternative fee arrangement the proposer believes will provide superior value or predictability to the Town:
See Draft Agreement

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

MEETING DATE: 11/17/2026
ITEM NO: 9

DATE: November 17, 2026

TO: Mayor and Town Council

FROM: Chris Constantin, Town Manager

SUBJECT: **Receive the Fiscal Year 2026-27 First Quarter Financial Report and the Preliminary Unaudited Fiscal Year 2025-26 Year-End Results**

RECOMMENDATION: Receive the Fiscal Year 2026-27 First Quarter Financial Report and the preliminary unaudited Fiscal Year 2025-26 Year-End Results.

FISCAL IMPACT:

This item has no fiscal impact. Receiving this informational report has no direct fiscal impact and does not amend appropriations or estimated revenues.

First-quarter FY 2026-27 revenues across all funds totaled $13.7 million, or 14.8% of revised estimates, while expenditures and encumbrances totaled 22.2% of revised appropriations. Preliminary unaudited FY 2025-26 results show an approximately $5.9 million increase in the combined General Fund balance. No budget action is requested with this report.

STRATEGIC PRIORITY:

The First Quarter Report supports the Council's Fiscal Stability priorities by promoting prudent financial management, transparent budget monitoring, and accountability for Town funding resources.

BACKGROUND:

As part of the Town's new ongoing monthly financial reporting process, staff is providing standardized expenditure and revenue reports that present financial activity by fund and expense and revenue category levels.

PREPARED BY: Kristina Alfaro
Administrative Services Director

Reviewed by: Town Manager and Town Attorney

All the attached reports were provided to the Finance Commission in its November 9, 2026, meeting agenda packet. In addition, reports by department and by department and category were also provided. The Commission received and forwarded the reports to the Town Council. The following questions were received by staff on this item. Responses were not provided at that time but are included below.

1. How much of the $0.67M permit variance is the tree-removal reclassification, and how much is volume?

   Approximately $300k was tree removal reclassification.

2. Did the business license audit produce one-time collections in FY 2025-26?

   The business license audit would produce lower collections from non-compliant accounts in the first year because the consultant receives a percentage of accounts brought into compliance. In subsequent years, should the business remain in the Town, we would receive the full amount of business license revenue.

3. Does the $66.7M include earnings of fund 732, the Section 115 pension trust?

   No, the unrealized earnings for the 115 pension trust are removed from the fund balance number.

4. Of the $1.73M contract savings, how much was deferred work, and how much was carried into FY 2026-27?

   Approximately $360K was carried forward to FY 2026-27.

5. What was the actual vacancy rate by department against the budgeted 4.6%, and how much Police overtime covered vacancies?

   The FY 2025/26 budget already incorporates a 4.6% vacancy savings factor in departmental salary budgets. As a result, any department that was over budget did not meet the 4.6% vacancy factor, and any departments with a positive percentage met and exceeded that number. The table below shows vacancy rates above the 4.6%, excluding overtime costs.

**Personnel Costs Excluding Overtime (General Fund Only)**

| Department | Budget (Excl. OT) | Actual (Excl. OT) | Additional Savings/ (Overage) | Vacancy Rate above/(below) 4.6% |
|---|---|---|---|---|
| Town Council | $195,446 | $200,779 | ($5,333) | -2.73% |
| Townwide | $690,000 | $690,093 | ($93) | -0.01% |
| Town Attorney | $539,889 | $555,562 | ($15,673) | -2.90% |
| Administrative Services | $6,069,136 | $5,860,369 | $208,767 | 3.44% |
| Community Development | $4,383,075 | $4,227,684 | $155,391 | 3.55% |
| Police | $18,641,817 | $16,977,333 | $1,664,484 | 8.93% |
| Parks and Public Works | $7,199,060 | $7,008,565 | $190,495 | 2.65% |
| Library | $2,565,671 | $2,589,475 | ($23,804) | -0.93% |
| **Total** | **$40,284,094** | **$38,109,859** | **$2,174,235** | 5.40% |

Excluding overtime, the Police Department generated approximately $1.66 million of personnel savings beyond the budgeted vacancy factor. Police overtime expenditures totaled approximately $1.37 million, exceeding the overtime budget by approximately $776K. After offsetting the overtime overage, Police still realized approximately $889K in net personnel savings or 4.8% instead of 8.9%.

6. Why were benefits 11% to 16% under budget with salaries on budget, and why is PERS still 18.6% under?

   Overall benefits were under because, although the 4.6% vacancy savings is calculated on total salary and benefits, the reduction is only applied to salaries. This results in benefit accounts coming in significantly under budget. CalPERS is lower because the Town budgets the full unfunded actuarial liability payments as if they were monthly payments. The Town pays this as an upfront lump sum payment to garner additional savings from CalPERS of $204k.

7. What is the $3.81M of transfers out in the FY 2026-27 budget, against $0.3M in FY 2025-26?

   The transfer out is due to a transfer out of the General Fund unassigned fund balance to the Capital Project Funds – Future Community Benefit. These are proceeds from the sale of 4 Tait that have been allocated to this fund by the Town Council.

8. Why did pass-through leave $0.19M in the General Fund, and have the crosswalk errors been corrected?

The known permitting-to-financial-system crosswalk errors have been corrected. Staff is separately reconciling the remaining approximately $0.19 million difference between pass-through revenue and expenditures and anticipates providing the result with the Annual Comprehensive Financial Report in December.

9. Does the Raftelis forecast exclude pass-through? Please restate Item 6's reconciliation like-for-like and correct its $6.6M breakdown.

   Staff is working with Raftelis to provide the like-for-like reconciliation. We anticipate having this updated with the NHA final reports in December.

10. Will the mid-year report separate the surplus into recurring, delayed and one-time amounts, and rebase the forecast on normalized results?

    Yes.

The quarterly reporting format approved by the Town Council at the October 6, 2026 meeting was used.

As part of the Town's new ongoing monthly and quarterly financial reporting process, staff are providing standardized expenditure and revenue reports that present financial activity with multiple levels of detail. These monthly and quarterly reports are intended to enhance transparency, support monitoring of departmental spending, and ensure timely administrative oversight.

Financial reporting is completed two months in arrears to allow for the closing of each accounting period, verification of transactions, and reconciliation of revenue postings. As a result, the First Quarter Financial Report that includes revenue and expenditure data through September is being presented in November 2026. In addition, this report also contains preliminary FY 2025-26 year-end unaudited reporting for all funds and analysis for the General Fund.

DISCUSSION:

The First Quarter Financial Report provides expenditure and revenue information with the following breakdowns

1. **By Fund**
   Total expenditures and revenues for each Town fund, allowing for high-level review of fiscal performance across all funding sources.
2. **By Fund and Category**

Expenditures and revenues within each fund divided into major categories such as personnel, operating, capital, charges for services, taxes, and other revenue types.

3. **Historical Reports by Fund and Revenue, Expense and by Department for the General Fund**
   Revenue and expenditures for a 4-year period. Includes 3 prior years and the current fiscal year.
4. **Prior fiscal year-end revenue and expenditure reports by Fund**
   Provided only in the first quarter report, these provide preliminary unaudited year-end revenue and expenditure totals by fund.
5. **Prior fiscal year-end reports by fund and category for the General Fund only**
   Provided only in the first quarter report, these provide preliminary unaudited year-end numbers for the General Fund by revenue and expense categories.

Analysis Overview

The first-quarter financial report supports monitoring of budget-to-actual performance and identification of variances. Unlike monthly reports, it includes a preliminary unaudited prior-year General Fund analysis, reporting by individual fund rather than fund type, and a look ahead to mid-year reporting.

Staff compares first-quarter FY 2026-27 results with the same period from the prior three fiscal years, using a 25% straight-line benchmark for illustration while relying primarily on historical trends. The analysis begins at the fund level, followed by detailed General Fund reviews by category and department, and includes vacancy savings across all funds. Revenue collection is calculated as year-to-date actuals divided by the revised budget, while expenditures include both actuals and encumbrances. Because encumbrances convert to actual expenditures as obligations are paid, early variances are expected to normalize.

However, budgets exceeding 100% are reviewed for possible adjustment. The Town uses modified accrual accounting, and most early-year anomalies involving receivables, encumbrances, and carryovers should have resolved by the end of the first quarter, with any remaining issues discussed in the report.

CONCLUSION:

The preliminary unaudited FY 2025-26 year-end results reflect a favorable position for the General Fund. Actual revenues totaled $66.7 million, or 4.2% above the revised budget, and expenditures totaled $60.8 million, or 4.6% below the revised budget. This resulted in an approximately $5.9 million increase to the General Fund balance. Although some of the favorable revenue variance resulted from one-time or accounting-related activity, overall results show revenues exceeded expectations and expenditures remained below available

appropriations. The Town will present recommendations for the final year-end surplus in the mid-year financial report.
Both revenue and expenditure reports for the quarter provide a generally favorable picture of the Town's financial performance. Revenue collections are trending above the prior three-year range overall, while expenditures and encumbrances are trending below historical levels. General Fund revenues are 17.3% collected, compared with a historical range of 11.0% to 14.7%. General Fund expenditures and encumbrances are 22.1% of the revised budget, compared with a historical range of 25.3% to 26.5%. Delays in reporting between the Community Development and Finance systems are resulting in the Q1 revenue numbers being understated by approximately $1.2 million in the Licenses and Permits and Town Services revenue categories in the General Fund. Staff anticipates posting these items to the financial system by the October monthly reports.

Salaries are at 20.1%, slightly below the 20.3% pay-period benchmark, while overtime is at 22.3% and above the benchmark. PERS, medical benefits, and other benefits remain below the 25% monthly benchmark.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:
1. First Quarter Financial Report
2. Expenditure by Fund
3. Expenditure by Fund and Category
4. Revenue by Fund
5. Revenue by Fund and Category
6. Historical First Quarter Reports
7. FY 2025-26 Year-end Expenditures by Fund Report
8. FY 2025-26 Year-end Revenues by Fund Report
9. FY 2025-26 Year-end General Fund Expenditures by Fund and Category
10. FY 2025-26 Year-end General Fund Revenues by Fund and Category

# TOWN OF LOS GATOS
# QUARTERLY FINANCIAL REPORT – FY 2026-27
# JULY-SEPTEMBER

The following is the First Quarter Financial Report for Fiscal Year 2026-27. It informs the Town Council, Town Leadership, and the public of the Town's fiscal status. The Finance Commission is receiving the report in its advisory capacity and may provide comments or recommendations to the Town Council. This report also provides a preliminary, unaudited prior year-end analysis of the General Fund; year-to-date revenue and expenditure analysis as of the first quarter of the fiscal year; analysis by fund; General Fund analysis by revenue and expense categories; and department and vacancy savings estimates to date. Lastly, it looks forward to mid-year and third-quarter reporting.

## Executive Summary

### FY 2025-26 Year-End

Across all funds, FY 2025-26 is expected to end the fiscal year with the following: $88.1M in revenues and $76.6M in expenditures. This resulted in an overall positive impact on the fund balance/retained earnings of $11.4M. General Fund revenue is $66.8M, and expenditures are $60.8M, resulting in an increase to fund balance of $6.0M. A more in depth discussion of the General Fund is included later in this report.

**FY 2025-26 YEAR-END UNAUDITED ACTUALS BY FUND TYPE**

| Fund Type | Revenues | Expenditures[1] | Impact to Fund Balance |
|---|---|---|---|
| General (111/121/732) | $66,749,831[2] | $60,802,878 | $5,946,953 |
| Special Revenue (2*) | $515,788 | $413,033 | $102,755 |
| Capital Projects (4*) | $9,622,689 | $7,171,054 | $2,451,635 |
| Internal Service (6*) | $7,178,957 | $5,915,283 | $1,263,674 |
| Trust (9*) | $3,983,262 | $2,320,741 | $1,662,521 |
| **TOTAL** | **$88,050,527** | **$76,622,989** | **$11,427,538** |

### FY 2026-27 First Quarter

Revenue across all funds for the first quarter of the fiscal year is at 14.8% and trending above the prior three-year range of 8.9 to 13.6%. Expenditure and encumbrances across all funds are 22.2% and trending below the prior three-year range of 28.9% to 31.9%. Delays in reporting between the Community Development and Finance systems are resulting in the Q1 revenue

[1] For FY 2025-26 only YTD Exp are included in the Expenditures totals. Encumbrances in all but Capital Funds will be liquidated as part of the financial system year-end close after the completion of the Annual Comprehensive Financial Report.

[2] System-reported revenue for funds 111, 121, and 732 totaled $66,252,654. To report only actual revenue received accurately, staff added back the negative $777,343 in unrealized mark-to-market loss and removed the positive $280,166 of unrealized interest in Fund 732, resulting in an adjusted General Fund revenue of $66,749,831. The Town currently includes both the loss and unrealized interest earnings in a revenue account.

numbers being understated by approximately $1.2 million in the Licenses and Permits and Town Services revenue categories in the General Fund. Staff anticipates posting these items to the financial system by the October monthly reports.

**FY 2026-27 BY FUND TYPE FIRST QUARTER SUMMARY**

| Fund | Fund Type | REVENUE | | | EXPENDITURES | | |
|---|---|---|---|---|---|---|---|
| | | HISTORICAL RANGE | FY 26-27 % COLL | TREND | HISTORICAL RANGE | FY 26-27 % EXP | TREND |
| 111/ 121/ 732 | GENERAL FUND | 11.0%- 14.7% | 17.3% | ↑ | 25.3%- 26.5% | 22.1% | ↓ |
| 2* | SPECIAL REVENUE FUNDS | 30.3%- 63.2% | 35.7% | ✓ | 18.5%- 26.7% | 26.1% | ✓ |
| 4* | CAPITAL PROJECTS FUND | 3.1%- 11.3% | 3.6% | ✓ | 29.5%- 35.2% | 11.5% | ↓ |
| 6* | INTERNAL SERVICE FUNDS | 12.7%- 20.5% | 21.3% | ↑ | 42.1%- 49.2% | 54.2% | ↑ |
| 9* | TRUST FUND | 0.0%- 0.0% | 0.0% | ✓ | 44.0%- 45.7% | 45.4% | ✓ |
| **OVERALL REVENUE AND EXPENDITURE TRENDS BY FUND** | | **8.9%- 13.6%** | **14.8%** | **↑** | **28.9%- 31.9%** | **22.2%** | **↓** |

Background

On June 2, 2026, the Town Council adopted the Fiscal Year (FY) 2026-27 Final Budget (Original Approp), an $84,944,559 spending plan funded by $84,016,419 (Original Estim Rev), resulting in the use of fund balance of $928,140. The General Fund expenditure appropriation was adopted at $67,468,583 with estimated revenues of $64,815,086, resulting in an estimated use of unassigned fund balance of $2,653,497 due primarily to the transfer out of $3.0 million of unassigned fund balance to a new Capital Projects Fund for Future Community Use. As of September 2026, $22.9M in budget revisions and transfers have occurred. All increases are the result of the year-end carryover process. The Capital Projects Fund has the largest portion of the carryovers with $21.8M primarily due to funded but uncompleted capital projects. More detail is provided in the table below.

**BUDGET TRANSFERS AND ADJUSTMENTS TO DATE**

| Fund | Department | Category | Amount[3] | Description |
|---|---|---|---|---|
| **General** | Townwide | Contracts | $5,000 | Prior year encumbered funds for ongoing services |
| | Emergency Preparedness | Contracts | $905,624 | Dedicated allocation for emergency preparedness |

[3] Totals may vary due to rounding.

| Fund | Department | Category | Amount[3] | Description |
|---|---|---|---|---|
| | | | | and response. Carryovers each year until fully spent |
| | Police Administration | Contracts | $22,923 | Prior year encumbered funds for ongoing services |
| | Town Engineering | Contract | $5,260 | Prior year encumbered funds for ongoing services |
| | Measure B Fund Education and Encouragement | Contracts | $116,423 | Prior year grant funding carried forward for ongoing services |
| **TOTAL GENERAL FUND ADJ AND TRANSFERS** | | | **$1,055,230** | |
| **Capital Projects Fund** | Capital Programs | Capital Projects | $21,812,183 | Funding for approved but unfinished capital projects |
| **Internal Service Funds** | Parks and Public Works | Capital Projects | $15,449 | Prior year encumbered funds for a speed trailer purchase |
| **TOTAL BUDGET TRANSFERS AND ADJUSTMENTS ALL FUNDS** | | | **$22,882,862** | |

In this report, the General Fund is shown as a combination of three funds 111, 121, and 732. Attached system reports show these funds separately.

Reports Provided

The First Quarter Financial Report provides expenditure and revenue information with the following breakdowns:

1. **By Fund**
   Total expenditures and revenues for each Town fund, allowing for high-level review of fiscal performance across all funding sources.
2. **By Fund and Category**
   Expenditures and revenues within each fund divided into major categories such as personnel, operating, capital, charges for services, taxes, and other revenue types.
3. **By Fund and Department**
   Departmental expenditures by the specific fund supporting each program or operational area.
4. **By Fund, Department and Expense/Revenue Category**
   A detailed breakdown that ties each department's budget activity to the relevant fund and categorizes expenditures and revenues for more granular analysis.
5. **Historical Reports by Fund and Revenue, Expense and by Department for the General Fund**
   Revenue and expenditures for 4 years. Includes 3 prior years and the current fiscal year.

6. **Prior fiscal year-end revenue and expenditure reports by Fund**
   Provided only in the first quarter report, these provide preliminary unaudited year-end revenue and expenditure totals by fund.
7. **Prior fiscal year-end reports by fund and category for the General Fund only**
   Provided only in the first quarter report, these provide preliminary unaudited year-end numbers for the General Fund by revenue and expense categories.

Analysis Overview

These reports support ongoing monitoring of budget-to-actual performance, highlight variances that may require adjustment, and help ensure compliance with adopted financial policies. Staff approaches the analysis in two ways.

The first quarter report differs from the monthly reports in three ways:

1. A preliminary unaudited General Fund prior year-end analysis
2. By Fund vs. by Fund Type Analysis
3. Look forward to Mid-Year Reporting

Analysis remains the same; staff begins with a straight-line analysis that assumes expenditures and revenues are expended and collected evenly throughout the year, with each month representing 3/12, or 25.0%, of the annual budget. Straight line analysis was shown as part of trend analysis tables; however, staff show this for illustrative purposes. As you will see, the trend analysis provides far more meaningful analysis, and we would expect this trend to continue throughout the fiscal year.

In trend analysis, staff have reviewed the first quarter reports for revenue/expenditures of three prior fiscal years (FY) 2023-24 to 2025-26 against actual revenues/expenditures and collections in FY 2026-27 to determine if we are on trend with prior years.

Analysis is done by Fund first, followed by in depth analysis for the General Fund only that includes, by category, by department analysis. Staff focused on irregular patterns and on items trending above or below prior year trends for both revenues and expenditures for all analysis completed in this report.

Staff completed a vacancy savings analysis across all funds to determine how the budget is tracking against projected salary savings. This is done across all funds because salary and benefits are charged across multiple funds, with the largest majority being in the General Fund.

When looking at the % Collected and % Expended columns across various reports, the following formulas are used: revenue YTD Actuals/Revised Budget. For expenditures, the formula is (YTD Actuals + Encumbrances)/Revised Budget.

MTD refers to Month to Date, and encumbrances represent money that has been set aside for an agreement to purchase goods or services. As actual expenditures are charged against the

encumbrance, it should decrease, and actual expenditures should increase. For this reason, in many areas where % Expended is trending greatly above the trend or straight line, staff will note the reason, but this is not a cause for concern. We expect both analyses to normalize as the year progresses. However, should a budget be over 100% expended, staff will note the reason, as this may indicate an issue that may require an adjustment.

The Town operates on a modified accrual basis. Under this basis, revenues and expenditures are generally recognized when measurable and incurred, with year-end accruals used to assign transactions to the appropriate fiscal year.

By the first quarter of the fiscal year, the prior two months' reporting anomalies related to receivables, encumbrances, and budget carryovers should be mostly resolved. Any outstanding issues will be discussed.

FY 2025-26 Preliminary Year-End Revenue Analysis General Fund (111, 121 and 732) Only

Overall, the General Fund ended FY 2025-26 with $66.7M in actual revenue, $2.7M, or 4.2% higher than the revised budget of $64.0M. Categories that varied significantly from the revised budget are discussed in more detail.

| Revenue Category | FY 2025-26 Revised Budget | FY 2025-26 Actuals | Variance | % Variance |
|---|---|---|---|---|
| PROPERTY TAX | $26,771,710 | $26,960,910 | $189,200 | 0.7% |
| SALES & USE TAX | $7,501,065 | $7,628,141 | $127,076 | 1.7% |
| MEASURE G | $1,369,000 | $1,385,985 | $16,985 | 1.2% |
| TRANSIENT OCCUPANCY | $2,255,805 | $2,215,045 | ($40,760) | -1.8% |
| BUSINESS LIC & OTHER | $2,619,281 | $2,813,957 | $194,676 | 7.4% |
| FRANCHISE FEES | $1,008,838 | $1,009,397 | $ 559 | 0.1% |
| FINES & FORFEITURES | $312,200 | $525,003 | $212,803 | 68.2% |
| LICENSES & PERMITS | $7,302,170 | $7,976,805 | $674,635 | 9.2% |
| TOWN SERVICES | $4,446,819 | $4,409,580 | ($37,239) | -0.8% |
| OTHER SOURCES | $2,883,699 | $4,541,143 | $1,657,444 | 57.5% |
| INTERGOVERNMENTAL | $1,531,719 | $1,198,288 | ($333,431) | -21.8% |
| PASS THRU | $3,540,829 | $3,605,398 | $64,569 | 1.8% |
| TRANSFERS IN | $582,029 | $572,029 | ($10,000) | -1.7% |
| DEBT SERVICE REMIB | $1,908,150 | $1,908,150 | $ 0 | 0.0% |
| **Total General Fund Revenue** | **$64,033,314** | **$66,749,831** | **$2,716,517** | **4.2%** |

*Business Lic & Other* actual revenue at year-end is $2.8M, $0.2M, or 7.4% higher than the revised budget. This is primarily due to business license revenue materializing higher than budgeted. The last 5 years have averaged $2.3M, with the most recent two years materializing

at $3.0M and $2.8M. Staff will continue to monitor this category and may return at the mid-year financial report to increase this revenue category.

*Fines and Forfeitures* actual revenue at year-end is $0.5M, $0.2M, or 68.2% higher than the revised budget. This is primarily due to citation data revenue materializing higher than budgeted due to underbudgeting of this revenue category. The last 5 years have averaged $0.4M, with the most recent two years materializing at $0.4M and $0.5M. Staff will continue to monitor this category and may return at the mid-year financial report to increase this category.

*Licenses and Permits* actual revenue at year-end is $8.0M, $0.7M, or 9.2% higher than the revised budget. This is primarily due to higher tree removal, online parking, encroachment, alarm, building, and planning permit fees. The largest increase is in tree removal revenue due to the reclassification of pass thru revenues to department revenues because of a crosswalk error between the financial and permitting systems. Town staff conducted a review of all accounts and have corrected any errors.

*Other Sources* actual revenue at year-end is $4.5M, $1.7M, or 57.5% higher than the revised budget. This is primarily due to the GASB 96 entry of $0.9M that has an offsetting expense entry, resulting in no impact to fund balance. Interest and investment earnings of $0.5M, and an unanticipated insurance reimbursement of $0.2M also contributed to higher revenue.

*Intergovernmental* actual revenue at year-end is $1.2M, -$0.3M, or 21.8% lower than the revised budget. This is primarily due to unspent Supplemental Law Enforcement (SLESF) funds. These revenues have been carried forward and budgeted in FY 2026-27.

| Expense Category | FY 2025-26 Revised Budget | FY 2025-26 Actuals | Variance | % Variance |
|---|---|---|---|---|
| SALARIES | $23,408,220 | $23,348,159 | ($60,060) | -0.3% |
| OVERTIME | $704,376 | $1,452,950 | $748,575 | 106.3% |
| PERS | $10,597,119 | $9,420,279 | ($1,176,840) | -11.1% |
| MEDICAL BENEFITS | $3,395,753 | $2,842,329 | ($553,424) | -16.3% |
| OTHER BENEFITS | $2,883,003 | $2,499,091 | ($383,912) | -13.3% |
| **Total Salaries & Benefits** | $40,988,470 | $39,562,809 | ($1,425,661) | **-3.5%** |
| RETIREE MEDICAL | $2,173,606 | $2,037,365 | ($136,241) | -6.3% |
| MATERIALS & SUPPLIES | $1,110,604 | $1,180,868 | $70,264 | 6.3% |
| CONTRACTS | $7,075,983 | $5,343,843 | ($1,732,140) | -24.5% |
| UTILITIES | $905,046 | $906,075 | $1,029 | 0.1% |
| GRANTS AND AWARDS | $251,820 | $261,843 | $10,023 | 4.0% |
| PASS THRU | $3,852,358 | $3,417,988 | ($434,370) | -11.3% |
| MISCELLANEOUS | ($41,000) | ($174,838) | ($133,838) | 326.4% |
| INT SERVICE CHARGES | $4,894,461 | $4,741,204 | ($153,256) | -3.1% |
| DEBT SERVICE | $2,057,884 | $2,128,347 | $70,463 | 3.4% |
| CAPITAL PROJECTS | $191,868 | $1,097,372 | $905,504 | 471.9% |
| TRANSFERS OUT | $300,000 | $300,000 | $0 | 0.0% |
| OPEB | $0 | $0 | $0 | 0.0% |

| Expense Category | FY 2025-26 Revised Budget | FY 2025-26 Actuals | Variance | % Variance |
|---|---|---|---|---|
| **GENERAL FUND EXPENDITURES** | **$63,761,100** | **$60,802,878** | **($2,958,222)** | **-4.6%** |

*Salaries & Benefits* actual expenses at year-end are $39.6M, ($1.4M), or 3.5% lower than the revised budget. This is primarily due to two reasons: first, how we budget the vacancy savings, and second, additional vacancy savings achieved due to attrition and the time it takes to replace an employee who has retired or left Town service. We budget vacancy savings as 4.6% of all budgeted salary and benefits. However, the full savings amount is only budgeted in the salary category and not in each benefit category. This is why we don't see consistent savings across all categories. Most of the budget savings, 60%, is in the Police Department, followed by 16% in Parks and Public Works, with the remaining departments making up the 24%.

*Contracts* actual expenses at year-end are $5.4M or ($1.7M), or 24.5% lower than the revised budget. This is primarily due to savings across various departments, with the largest savings in Non-Departmental, Administrative Services, and Parks and Public Works. In non-departmental, the largest savings come from special studies and financial services. Administrative services savings were in legal and labor relations, software annual support, and custodial trustee services. Parks and public works savings were in misc services and repairs, tree pruning services, special studies, and traffic signalization. In the upcoming fiscal year, we anticipate ending the year closer to budget because of the base budget exercise that was completed as part of the fiscal year 2026-27 budget.

*Pass Thru* actual expenses at year-end are $3.4M ($0.4M), or 11.3% lower than the revised budget. This is primarily due to decreased plan check expenses of $0.6M, offset by increased expenses for environmental impacts, arborist, and excess SLESF funds.

*Miscellaneous* actual expenses at year-end are ($0.2M), ($.1M), or 326.4% lower than the revised budget. This is primarily due to higher copy charges and a GASB 96 entry.

*Capital Project* actual expenses at year-end are $1.1M, $0.9M, or 471.9% higher than the revised budget. This is primarily due to the GASB 96 subscription-based technology agreements entry of $0.9M. This has an offsetting revenue entry in other sources and results in a net zero impact for fund balance in the General Fund.

<u>FY 2026-27 First Quarter Analysis</u>

Revenues by Fund Trend Analysis
Overall revenues across all funds as of the first quarter are 14.8% collected and trending above the same period in prior years. Prior years ranged from 8.9% to 13.6% collected as a percent of the revised budget for the quarter.

| Fund | Fund Name | FY 2023-24 % COLL | FY 2024-25 % COLL | FY 2025-26 % COLL | STRAIGHT LINE | FY 2026-27 % COLL | TREND |
|---|---|---|---|---|---|---|---|
| 111 | GENERAL FUND | 15.0% | 11.2% | 11.4% | 25.0% | 17.6% | ↑ |
| 121 | MEASURE G FUND | 7.4% | 7.2% | 0.0% | 25.0% | 8.1% | ↑ |
| 732 | PERS CEPPT PENSION TRUST | 0.0% | 0.0% | 0.0% | 25.0% | 0.0% | ✓ |
| **Total General Fund** | | **14.7%** | **11.0%** | **11.2%** | **25.0%** | **17.3%** | **↑** |
| 222 | URBAN RUNOFF FUND | 16.7% | 16.7% | 16.7% | 25.0% | 16.7% | ✓ |
| 251 | LOS GATOS THEATRE | 24.2% | 216.9% | 37.3% | 25.0% | 58.1% | ✓ |
| 261 | LIBRARY TRUST DONATIONS | 125.4% | 84.9% | 98.9% | 25.0% | 105.6% | ✓ |
| 411 | CAPITAL PROJECTS FUND | 23.5% | 8.1% | 6.8% | 25.0% | 1.6% | ↓ |
| 412 | COMMUNITY CENTER DEVELOPMENT | 0% | 0.0% | 0.0% | 25.0% | N/A | N/A |
| 413 | LONG-TERM COMMUNITY BENEFIT | 0.0% | 0.0% | 0.0% | 25.0% | 0.0% | ✓ |
| 421 | GRANT FUNDED PROJECTS | 0.7% | 0.2% | 11.8% | 25.0% | 1.7% | ✓ |
| 461 | STORM BASIN 1 | 38.0% | 22.4% | 19.2% | 25.0% | 20.4% | ✓ |
| 462 | STORM BASIN 2 | 27.2% | 4.4% | 77.2% | 25.0% | 7.8% | ✓ |
| 463 | STORM BASIN 3 | 3784.2% | 0.0% | -25.5% | 25.0% | 0.0% | ✓ |
| 471 | TRAFFIC MITIGATION FUND | 0.0% | 0.0% | 0.0% | 25.0% | 0.0% | ✓ |
| 472 | UTILITY UNDERGROUND TAX FUND | 21.7% | 7.8% | 18.3% | 25.0% | 0.0% | ↓ |
| 481 | GAS TAX FUND | 13.4% | 14.1% | 13.0% | 25.0% | 18.4% | ↑ |
| 611 | GENERAL LIABILITY FUND | 0.6% | 0.0% | 0.0% | 25.0% | 19.8% | ↑ |
| 612 | WORKERS COMPENSATION FUND | 7.0% | 2.8% | 5.8% | 25.0% | 26.0% | ↑ |
| 621 | INFO TECH | 26.5% | 21.1% | 21.9% | 25.0% | 24.2% | ✓ |
| 631 | EQUIPMENT REPLACEMENT FUND | 24.4% | 25.0% | 24.6% | 25.0% | 24.3% | ↓ |
| 633 | FACILITIES MAINTENANCE FUND | 38.2% | 24.4% | 23.8% | 25.0% | 16.0% | ↓ |
| 942 | SA TRUST FUND | 0.0% | 0.0% | 0.0% | 25.0% | 0.0% | ✓ |
| **TOTAL REVENUE BY FUND** | | **13.6%** | **8.9%** | **11.0%** | **25.0%** | **14.8%** | **↑** |

*111/121/732 General Fund* revenues collected are 17.3% and trending above the same point in the prior three years. Prior years ranged from 11.2% to 14.7% collected as a percent of the revised budget for the same period. This is primarily due to a large one-time payment for the

sale of the 4 Tait property. This is discussed in more detail in the General Fund by category section of this report.

*472 Utility Underground Tax Fund actual* revenues collected are 0.0% and trending below the same point in the prior three years. Prior years ranged from 7.8% to 21.7% collected as a percent of the revised budget for the quarter. This is primarily due to a delay in posting community development system revenues into the financial system.

*481 Gas Tax Fund actual* revenues collected are 18.4% and trending above the same point in the prior three years. Prior years ranged from 13.0% to 14.1% collected as a percent of the revised budget for the quarter. This is primarily due to the timing of the SB1 RMRA payment in the current quarter. Two payments have been received in the current quarter, and only one payment was received in the prior quarters.

*612 Workers' Compensation Fund actual* revenues collected are 26.0% and trending above the same point in the prior three years. Prior years ranged from 2.8% to 7.0% collected as a percent of the revised budget for the quarter. This is primarily due to a process change to post internal service fund revenue quarterly. In prior years, this revenue was posted in the second half of the fiscal year.

*631 Equipment Replacement Fund actual* revenues collected are 24.3% and trending below the same point in the prior three years. Prior years ranged from 24.6% to 25.0% collected as a percent of the revised budget for the quarter. This is primarily due to reduced charges to departments from prior years, resulting in decreased revenue.

*633 Facilities Maintenance Fund* actual revenues collected are 16.0% and trending below the same point in the prior three years. Prior years ranged from 23.4% to 38.2% collected as a percent of the revised budget for the quarter. This is primarily due to higher budgeted revenue than prior years, causing consistent quarterly revenue to trend lower as a percent of budget.

Expenditures by Fund Trend Analysis

Expenditures and encumbrances are 22.2% as of the first quarter and below the trend for the same period in the prior three years, which have ranged from 28.9% to 31.9% expended as a percent of the revised budget.

| Fund | Fund Name | FY2023-24 % EXP | FY2024-25 % EXP | FY2025-26 % EXP | STRAIGHT LINE | FY2026-27 % EXP | ON TREND |
|---|---|---|---|---|---|---|---|
| 111 | GENERAL FUND | 27.1% | 25.9% | 26.3% | 25.0% | 22.5% | ↓ |
| 121 | MEASURE G FUND | 0.0% | 0.0% | 0.0% | 25.0% | 0.0% | ✓ |
| 732 | PERS CEPPT PENSION TRUST | 0.0% | 0.0% | 0.0% | 25.0% | 0.0% | ✓ |
| **TOTAL GENERAL FUND** | | **26.5%** | **25.3%** | **25.8%** | **25.0%** | **22.1%** | **↓** |

| Fund | Fund Name | FY2023-24 % EXP | FY2024-25 % EXP | FY2025-26 % EXP | STRAIGHT LINE | FY2026-27 % EXP | ON TREND |
|---|---|---|---|---|---|---|---|
| 222 | URBAN RUNOFF FUND | 21.0% | 19.6% | 14.2% | 25.0% | 25.3% | ↑ |
| 231 | BLACKWELL DISTRICT | 53.6% | 36.3% | 41.7% | 25.0% | 38.9% | ✓ |
| 232 | KENNEDY MEADOWS DISTRICT | 82.5% | 61.5% | 65.5% | 25.0% | 61.9% | ✓ |
| 233 | GEMINI COURT DISTRICT | 55.6% | 31.7% | 31.7% | 25.0% | 33.9% | ✓ |
| 234 | SANTA ROSA HEIGHTS DISTRICT | 92.2% | 82.2% | 82.2% | 25.0% | 82.9% | ✓ |
| 235 | VASONA HEIGHTS DISTRICT | 59.2% | 52.5% | 52.5% | 25.0% | 53.1% | ✓ |
| 236 | HILLBROOK DISTRICT | 43.4% | 25.7% | 35.0% | 25.0% | 42.0% | ✓ |
| 251 | LOS GATOS THEATRE | 38.6% | 11.0% | 12.2% | 25.0% | 28.6% | ✓ |
| 261 | LIBRARY TRUST DONATIONS | 14.4% | 7.8% | 11.6% | 25.0% | 10.9% | ✓ |
| 411 | CAPITAL PROJECTS FUND | 24.0% | 25.5% | 36.0% | 25.0% | 2.6% | ↓ |
| 421 | GRANT FUNDED PROJECTS | 53.7% | 43.0% | 20.9% | 25.0% | 3.5% | ↓ |
| 462 | STORM BASIN 2 | 0.0% | 20.7% | 4.6% | 25.0% | 32.7% | ↑ |
| 471 | TRAFFIC MITIGATION FUND | 35.3% | 44.0% | 0.0% | 25.0% | 0.0% | ✓ |
| 481 | GAS TAX FUND | 45.2% | 47.6% | 28.0% | 25.0% | 49.3% | ↑ |
| 611 | GENERAL LIABILITY FUND | 87.3% | 86.1% | 84.3% | 25.0% | 89.4% | ↑ |
| 612 | WORKERS COMPENSATION FUND | 37.6% | 36.9% | 37.9% | 25.0% | 42.1% | ↑ |
| 621 | INFO TECH | 63.8% | 59.0% | 45.3% | 25.0% | 67.2% | ↑ |
| 631 | EQUIPMENT REPLACEMENT FUND | 16.0% | 27.4% | 7.6% | 25.0% | 0.0% | ↓ |
| 633 | FACILITIES MAINTENANCE FUND | 47.8% | 32.3% | 47.2% | 25.0% | 39.5% | ✓ |
| 942 | SA TRUST FUND | 44.0% | 44.9% | 45.7% | 25.0% | 45.4% | ✓ |
| **TOTAL EXPENDITURES** | | **31.9%** | **30.6%** | **28.9%** | **25.0%** | **22.2%** | ↓ |

*111/121/732 General Fund actual* expenditures and encumbrances are 22.1% and trending below the prior three years, which have ranged from 25.3% to 26.5% expended as a percent of

the revised budget for the quarter. This is due to variances across multiple expense categories. See the General Fund by category section for further information.

*222 Urban Runoff Fund actual* expenditures and encumbered funds are 25.3% and are trending above the same point in the prior three years. Prior years ranged from 14.2% to 21.0% expended as a percent of the revised budget for the quarter. This is primarily due to a West Valley Storm Water Authority (WVSA) assessment for the value of their services that exceed the property assessment residents pay to the County for their work.

*411 Capital Projects Fund actual* expenditures and encumbered funds are 2.6% and trending below the same point in the prior three years. Prior years ranged from 24.0% to 36.0% expended as a percent of the revised budget for the quarter. This is primarily due to expenses for capital projects varying based on project timelines and phases.

*421 Grant Funded Projects actual* expenditures and encumbered funds are 3.5% and trending below the same point in the prior three years. Prior years ranged from 20.9% to 53.7% expended as a percent of the revised budget for the quarter. This is primarily due to expenses for capital projects varying based on project timelines and phases.

*462 Storm Basin 2 actual* expenditures and encumbered funds are 32.7% and trending above the same point in the prior three years. Prior years ranged from 0.0% to 20.7% expended as a percent of the revised budget for the quarter. This is primarily due to expenses for capital projects varying based on project timelines and phases.

*481 Gas Tax Fund actual* expenditures and encumbered funds are 49.3% and trending above the same point in the prior three years. Prior years ranged from 28.0% to 47.6% expended as a percent of the revised budget for the quarter. This is primarily due to expenses for capital projects varying based on project timelines and phases.

*611 General Liability Fund actual* expenditures and encumbered funds are 89.4% and trending above the same point in the prior three years. Prior years ranged from 84.3% to 87.3% expended as a percent of the revised budget for the quarter. This is primarily due to a change in insurance providers, resulting in a lower budget number compared to expended funds.

*612 Workers' Compensation Fund actual* expenditures and encumbered funds are 42.1% and trending above the same point in the prior three years. Prior years ranged from 36.9% to 37.9% expended as a percent of the revised budget for the quarter. This is primarily due to a combination of encumbered funds and fluctuations in budgeted expenditures.

*621 Information Technology Fund actual* expenditures and encumbered funds are 67.2% and trending above the same point in the prior three years. Prior years ranged from 45.3% to 63.8% expended as a percent of the revised budget for the quarter. This is primarily due to a combination of encumbered funds and fluctuations in budgeted expenditures.

*631 Equipment Replacement Fund actual* expenditures and encumbered funds are 0.0% and are trending below the same point in the prior three years. Prior years ranged from 7.6% to 27.4% expended as a percent of the revised budget for the quarter. This is primarily due to the timing of vehicle and equipment purchases in the current year.

General Fund[4] Department Revenue Trend Analysis

Overall General Fund revenues across all departments as of the first quarter are 17.3% collected and trending above the same period in prior years. Prior years ranged from 11.0% to 14.7% collected as a percent of the revised budget for the quarter.

| Department Name | FY 2023-24 % COLL | FY 2024-25 % COLL | FY 2025-26 % COLL | STRAIGHT LINE | FY 2026-27 % COLL | TREND |
|---|---|---|---|---|---|---|
| Townwide | 4.5% | 3.6% | 3.4% | 25% | 11.4% | ↑ |
| Town Attorney | 0.0% | 0.0% | 0.0% | 25% | 0.0% | ✓ |
| Administrative Services | 48.5% | 2.3% | -22.5% | 25.0% | 6.0% | ✓ |
| Community Development | 35.2% | 41.2% | 59.7% | 25.0% | 33.4% | ↓ |
| Police | 18.4% | 18.7% | 23.4% | 25.0% | 31.6% | ↑ |
| Parks & Public Works | 91.9% | 83.5% | 77.1% | 25.0% | 69.1% | ↓ |
| Library | 123.4% | 90.2% | 55.6% | 25.0% | 29.3% | ↓ |
| **General Fund % Collected by Department** | **14.7%** | **11.0%** | **11.2%** | **25.0%** | **17.3%** | **↑** |

*Townwide actual* revenues collected are 11.4% and are trending above the same point in the prior three years. Prior years ranged from 3.4% to 4.5% collected as a percent of the revised budget for the quarter. This is primarily due to the sale of 4 Tait.

*Community Development* actual revenues collected are 33.4% and are trending below the same point in the prior three years. Prior years have ranged from 35.2% to 59.7% collected as a percent of the revised budget for the quarter. This is primarily due to a continued delay in posting town services revenue from the permitting software to the financial system.

*Police* actual revenues collected are 31.6% and trending above the same point in the prior three years. Prior years have ranged from 18.4% to 23.4% collected as a percent of the revised budget for the quarter. This is primarily due to the carryforward of unspent Supplemental Law Enforcement Service Funds (SLESF) revenue from the prior fiscal year.

*Parks and Public Works* actual revenues collected are 69.1% and trending below the same point in the prior three years. Prior years ranged from 77.1% to 91.9%. This is due to a delay in posting deferred pass thru revenues from the prior year.

[4] The General Fund includes Funds 111, 121 and 732.

*Library actual* revenues collected are 29.3% and trending below the same point in the prior three years. Prior years ranged from 55.6% to 123.4% collected as a percent of the revised budget for the quarter. This is primarily due to larger grant funds received in prior years.

General Fund Revenue by Category Trend Analysis

Overall General Fund revenues across all categories as of the first quarter are 17.3% collected and are above the same period in prior years. Prior years ranged from 11.0% to 14.7% collected as a percent of the revised budget for the quarter.

| CATEGORY | FY 2023-24 % COLL | FY 2024-25 % COLL | FY 2025-26 % COLL | STRAIGHT LINE | FY 2026-27 % COLL | TREND |
|---|---|---|---|---|---|---|
| PROPERTY TAX | 0.6% | 0.3% | 0.3% | 25.0% | 0.5% | ✓ |
| SALES & USE TAX | 7.0% | 7.5% | 7.4% | 25.0% | 5.9% | ↓ |
| MEASURE G | 7.4% | 7.2% | 7.2% | 25.0% | 8.1% | ↑ |
| TRANSIENT OCCUPANCY | 11.1% | 12.6% | 10.2% | 25.0% | 8.1% | ↓ |
| BUSINESS LIC & OTHER | 1.9% | 2.4% | 2.5% | 25.0% | 5.8% | ↑ |
| FRANCHISE FEES | 20.6% | 0.0% | 0.0% | 25.0% | 0.0% | ✓ |
| FINES & FORFEITURES | 44.4% | 23.3% | 35.5% | 25.0% | 37.1% | ✓ |
| LICENSES & PERMITS | 36.0% | 26.5% | 32.1% | 25.0% | 24.9% | ↓ |
| TOWN SERVICES | 25.6% | 26.1% | 34.4% | 25.0% | 18.7% | ↓ |
| OTHER SOURCES | 96.7% | 0.0% | -41.4% | 25.0% | 136.4% | ↑ |
| INTERGOVERNMENTAL | 21.4% | 38.5% | 40.0% | 25.0% | 81.5% | ↑ |
| PASS THRU | 101.0% | 119.6% | 98.8% | 25.0% | 99.4% | ✓ |
| TRANSFERS IN | 21.3% | 0.0% | 0.0% | 25.0% | 0.0% | ✓ |
| DEBT SERVICE REMIB | 0.0% | 0.0% | 0.0% | 25.0% | 0.0% | ✓ |
| **GENERAL FUND % COLLECTED BY CATEGORY** | **14.7%** | **11.0%** | **11.2%** | **25.0%** | **17.3%** | **↑** |

*Sales & Use Tax actual* revenues collected are 5.9% and trending below the same point in the prior three years. Prior years ranged from 7.0% to 7.5% collected as a percent of the revised budget for the quarter. This is primarily due to increased budgeting in this category based on better analysis from the Town's sales tax consultant. Sales tax received for the quarter is trending above the two most recent years.

*Measure G actual* revenues collected are 8.1% and trending above the same point in the prior three years. Prior years ranged from 7.2% to 7.4% collected as a percent of the revised budget for the quarter. This is primarily due to increased collections across most sales tax categories.

*Transient Occupancy Tax actual* revenues collected are 8.1% and are trending below the same point in the prior three years. Prior years ranged from 10.2% to 12.6% collected as a percent of the revised budget for the quarter. This is primarily due to the closure of a hotel in the fall of last fiscal year.

*Business Lic & Other actual* revenues collected are 5.8% and trending above the same point in the prior three years. Prior years ranged from 1.9% to 2.5% collected as a percent of the revised budget for the quarter. This is primarily due to the business license audit that is currently in progress.
*Licenses and Permits' actual* revenues collected are 24.9% and trending below the same point in the prior three years. Prior years ranged from 26.5% to 36.0% collected as a percent of the revised budget for the quarter. This is primarily due to a continued delay in posting Licenses and Permits revenue from the permitting software to the financial system.

*Town Services actual* revenues collected are 18.7% and trending below the same point in the prior three years. Prior years ranged from 25.6% to 34.4% collected as a percent of the revised budget for the quarter. This is primarily due to a continued delay in posting town services revenue from the permitting software to the financial system.

*Other Sources actual* revenues collected are 136.4% and trending above the same point in the prior three years. Prior years ranged from -41.4% to 96.7%, collected as a percent of the revised budget for the quarter. This is primarily due to the sale of 4 Tait.

*Intergovernmental actual* revenues collected are 81.5% and are trending above the same point in the prior three years. Prior years ranged from 21.4% to 40.0%, collected as a percent of the revised budget for the quarter. This is primarily due to the carryforward of unspent Supplemental Law Enforcement Service Funds (SLESF) revenue from the prior fiscal year.

General Fund Department Expense Trend Analysis
Actual expenditures and encumbered funds are 22.1% or below the same point in the prior three years. Prior years ranged from 25.3% to 26.5% expended as a percent of the revised budget for the quarter.

| Department | FY2023-24 % EXP | FY2024-25 % EXP | FY2025-26 % EXP | STRAIGHT LINE | FY2026-27 % EXP | Trend |
|---|---|---|---|---|---|---|
| Town Council | 23.6% | 23.6% | 22.8% | 25.0% | 22.5% | ↓ |
| Townwide | 26.3% | 14.6% | 15.6% | 25.0% | 11.9% | ↓ |
| Town Attorney | 16.2% | 36.2% | 56.1% | 25.0% | 44.1% | ✓ |
| Administrative Services | 22.8% | 24.7% | 19.3% | 25.0% | 21.0% | ✓ |
| Community Development | 27.5% | 33.9% | 38.7% | 25.0% | 24.4% | ↓ |
| Police | 23.6% | 21.8% | 21.8% | 25.0% | 20.1% | ↓ |
| Parks & Public Works | 34.4% | 34.9% | 35.7% | 25.0% | 32.4% | ↓ |
| Library | 26.9% | 29.2% | 26.4% | 25.0% | 23.8% | ↓ |
| **GENERAL FUND % EXPENSED BY DEPARTMENT** | 26.5% | 25.3% | 25.8% | 25.0% | 22.1% | ↓ |

*Town Council actual* expenditures and encumbered funds are 22.5% and trending below the same point in the prior three years. Prior years ranged from 22.8% to 23.6% expended as a percent of the revised budget for the quarter. This is primarily due to a copier charge that was previously budgeted across departments that is now accounted for in the IT internal service fund.

*Townwide actual* expenditures and encumbered funds are 11.9% and trending below the same point in the prior three years. Prior years ranged from 14.6% to 26.3% expended as a percent of the revised budget for the quarter. This is primarily due to a higher revised budget than prior years.

*Community Development actual* expenditures and encumbered funds are 24.4% and are trending below the same point in the prior three years. Prior years ranged from 27.5% to 38.7% expended as a percent of the revised budget for the quarter. This is primarily due to prior years having a large encumbrance in pass thru that has yet to be encumbered in the current year.

*Police actual* expenditures and encumbered funds are 20.1% and trending below the same point in the prior three years. Prior years ranged from 21.8% to 23.6% expended as a percent of the revised budget for the quarter. This is primarily due to a few encumbrances that were set up in prior years that have yet to be set up in the current year.

*Parks and Public Works actual* expenditures and encumbered funds are 32.4% and trending below the same point in the prior three years. Prior years ranged from 34.4% to 35.7% expended as a percent of the revised budget for the quarter. This is primarily due to prior years having a large encumbrance in pass thrus that has yet to be encumbered in the current year.

*Library actual* expenditures and encumbered funds are 23.8% and trending below the same point in the prior three years. Prior years ranged from 26.4% to 29.2% expended as a percent of the revised budget for the quarter. This is primarily due to decreased software expenses.

General Fund by Expense Category Analysis: *Actual* expenditures and encumbered funds are 22.1% and below the same point in the prior three years. Prior years ranged from 25.3% to 26.5% expended as a percent of the revised budget for the quarter.

| CATEGORY | FY 2023-24 % EXP | FY 2024-25 % EXP | FY 2025-26 % EXP | STRAIGHT LINE | FY 2026-27 % EXP | TREND |
|---|---|---|---|---|---|---|
| SALARIES | 21.1% | 20.8% | 20.9% | 25.0% | 20.1% | ↓ |
| OVERTIME | 35.7% | 46.2% | 31.3% | 25.0% | 22.3% | ↓ |
| PERS | 20.3% | 21.3% | 20.1% | 25.0% | 20.4% | ✓ |
| MEDICAL BENEFITS | 21.2% | 20.7% | 20.4% | 25.0% | 21.8% | ↑ |
| OTHER BENEFITS | 20.4% | 21.0% | 19.9% | 25.0% | 19.9% | ✓ |
| RETIREE MEDICAL | 31.0% | 33.9% | 30.3% | 25.0% | 25.2% | ↓ |
| MATERIALS & SUPPLIES | 31.0% | 37.1% | 32.6% | 25.0% | 34.7% | ✓ |

| CATEGORY | FY 2023-24 % EXP | FY 2024-25 % EXP | FY 2025-26 % EXP | STRAIGHT LINE | FY 2026-27 % EXP | TREND |
|---|---|---|---|---|---|---|
| CONTRACTS | 47.6% | 46.7% | 39.8% | 25.0% | 48.0% | ↑ |
| UTILITIES | 39.0% | 35.5% | 38.3% | 25.0% | 40.5% | ↑ |
| GRANTS AND AWARDS | 34.7% | 29.7% | 10.6% | 25.0% | 5.5% | ↓ |
| PASS THRU | 63.7% | 58.2% | 73.1% | 25.0% | 10.8% | ↓ |
| MISCELLANEOUS | 18.1% | 59.2% | 71.3% | 25.0% | NA | N/A |
| INT SERVICE CHARGES | 22.0% | 23.2% | 23.5% | 25.0% | 22.9% | ✓ |
| DEBT SERVICE | 1.3% | 0.6% | 1.3% | 25.0% | 1.3% | ✓ |
| CAPITAL PROJECTS | 100.0% | 53.0% | 91.3% | 25.0% | 0.0% | ↓ |
| TRANSFERS OUT | 0.0% | 0.0% | 0.0% | 25.0% | 0.0% | ✓ |
| OPEB | 0.0% | 0.0% | 0.0% | 25.0% | 0.0% | ✓ |
| **GENERAL FUND TOTALS BY CATEGORY** | 26.5% | 25.3% | 25.8% | 25.0% | 22.1% | ↓ |

*Salaries actual* expenditures and encumbered funds are 20.1% and trending below the same point in the prior three years. Prior years ranged from 20.8% to 21.1% expended as a percent of the revised budget for the quarter. See the vacancy savings analysis portion of this report for more information.

*Overtime actual* expenditures and encumbered funds are 22.3% and trending below the same point in the prior three years. Prior years ranged from 31.3% to 46.2% expended as a percent of the revised budget for the quarter. This is primarily due to budgeting overtime closer to prior-year actuals, resulting in a lower overall percentage utilization.

*Medical Benefits* actual expenditures and encumbered funds are 21.8% and trending above the same point in the prior three years. Prior years ranged from 20.4% to 21.2% expended as a percent of the revised budget for the quarter. This is due to a change in budgeting methodology that has resulted in a lower budgeted number, resulting in higher percentage utilization.

*Retiree Medical* actual expenditures and encumbered funds are 25.2% and trending below the same point in the prior three years. Prior years ranged from 30.3% to 33.9% expended as a percent of the revised budget for the quarter. This is due to the prior two fiscal years including an October payment, and the current year does not.

*Contracts* actual expenditures and encumbered funds are 48.0% and trending above the same point in the prior three years. Prior years ranged from 39.8% to 47.6% expended as a percent of the revised budget for the quarter. This is primarily due to the business license administration costs related to the audit, special studies for the fiscal condition assessment, and the Santa Clara County's City's Association annual contribution.

*Utilities* actual expenditures and encumbered funds are 40.5% and trending above the same point in the prior three years. Prior years ranged from 35.5% to 39.0% expended as a percent of

the revised budget for the quarter. This is primarily due to the timing of September payments for fuel, water, and energy occurring in the first quarter of this year that occurred as part of the second quarter in prior years.

*Grants and Awards* actual expenditures and encumbered funds are 5.5% and trending below the same point in the prior three years. Prior years ranged from 10.6% to 34.7% expended as a percent of the revised budget for the quarter. This is primarily due to delayed community grant expenditures.

*Pass Thru* actual expenditures and encumbered funds are 10.8% and trending below the same point in the prior three years. Prior years ranged from 58.2% to 73.1% expended as a percent of the revised budget for the quarter. This is primarily due to several encumbrances that were set up in prior years that are not in the current year.

*Miscellaneous* actual expenditures as no revised budget and therefore does not have a meaningful percentage-utilization calculation. The first-quarter report reflects a net credit of $4,120, related to interdepartmental postage charges that were inadvertently posted after the budget was removed. Staff expects to correct the posting as part of the October reporting.

*Capital Projects* actual expenditures and encumbered funds are 0.0% and trending below the same point in the prior three years. Prior years ranged from 53.0% to 100.0% expended as a percent of the revised budget for the quarter. This is primarily due to prior years containing encumbrances for capital purchases. There is no encumbrance in the current year.

All Fund Vacancy Savings by Pay Period Analysis

The adopted budget includes a 4.6% vacancy-savings assumption. This amount was calculated by applying 4.6% to the pre-vacancy salary-and-benefit base. The revised salary-and-benefit budget shown below reflects the resulting vacancy-savings reduction.

The payroll percentage column is derived by taking all the pay periods in the quarter (5) plus 29% of the last payroll in June that was paid in July, based on the total days in July in that pay period. Adding these two together and dividing by the total pay periods in a year, or 26, arrives at 5.29 pay periods having occurred as of the first quarter. The by-pay-period analysis is appropriate for salaries and overtime categories. The remaining benefit categories are processed monthly (3/12 or 25%) and are a more accurate benchmark percentage for analysis of these categories.

| Category | Revised Budget | YTD Expenditures | Available Budget | PCT USED | % of Pay Periods/ Straight-line |
|---|---|---|---|---|---|
| 5A SALARIES | $24,306,514 | $4,875,252 | $19,431,262 | 20.1% | 20.30% |
| 5B OVERTIME | $1,457,000 | $324,779 | $1,132,221 | 22.3% | 20.30% |
| 5C PERS | $10,841,562 | $2,207,419 | $8,634,143 | 20.4% | 25.00% |

| Category | Revised Budget | YTD Expenditures | Available Budget | PCT USED | % of Pay Periods/ Straight-line |
|---|---|---|---|---|---|
| 5D MEDICAL BENEFITS | $3,386,013 | $735,905 | $2,650,108 | 21.7% | 25.00% |
| 5E OTHER BENEFITS | $2,931,818 | $582,727 | $2,349,091 | 19.9% | 25.00% |
| **Total Salary and Benefits** | $42,922,906 | $8,726,082 | $34,196,824 | 20.3% | 25.00% |

Salary and benefit expenditures are 20.3% of the revised budget as of the first quarter. Salaries are trending slightly below the benchmark, and overtime is trending above the 20.3% payroll-period benchmark, at 22.3%. Benefit categories of PERS, Medical Benefits, and Other Benefits are all below the 25% monthly straight-line benchmark.

*Estimated Additional Salary Savings*

In addition to the analysis above, staff has estimated additional vacancy savings above the 4.6% vacancy savings already included in the budget. The table below estimates, based on either a PPP or per pay period or monthly methodology, the estimated actual costs as of the first quarter. We begin by dividing salaries and overtime by 26 pay periods and all other categories by 12 months to get a PPP or monthly costs. We then multiply those amounts by the total pay periods or months in the quarter. This gets us estimated Q1 costs. We then compare this to actual Q1 costs and get either additional vacancy savings or overages. As of Q1, we are projecting to have achieved $805,650 or 8.5% savings.

| CATEGORY | REVISED BUDGET | Method | Per PPP Costs (Revised/ 26 pay periods or 12 months) | Q1 Budgeted Costs (PPP Cost*5.29 or 3 months) | Q1 Actual Costs | Est Add'l Vacancy Savings Q1 | % Savings |
|---|---|---|---|---|---|---|---|
| 5A SALARIES | $24,306,514 | PPP | $934,866 | $4,945,441 | $4,875,252 | $70,189 | 1.4% |
| 5B OVERTIME | $1,457,000 | PPP | $56,038 | $296,443 | $324,779 | ($28,336) | -9.6% |
| 5C PERS | $10,841,562 | Monthly | $903,463 | $2,710,390 | $2,207,419 | $502,971 | 18.6% |
| 5D MEDICAL BENEFITS | $3,386,013 | Monthly | $282,168 | $846,503 | $735,905 | $110,598 | 13.1% |
| 5E OTHER BENEFITS | $2,931,818 | Monthly | $244,318 | $732,954 | $582,727 | $150,227 | 20.5% |
| **Total Salary and Benefits** | **$42,922,906** | | **$2,420,854** | **$9,531,732** | **$8,726,082** | **$805,650** | **8.5%** |

A dedicated vacancy report is not yet available from the ERP; once operational, staff will use that report to provide a more direct analysis of vacancy savings.

*Mid-Year and Third Quarter Reporting Goals*

Town finance staff is working toward providing the following additional updates and recommendations as part of the mid-year and third quarter reports.

At mid-year, staff anticipates providing recommendations for the final year-end fund balance surplus of $6.0M. In addition, staff will provide an updated General Fund forecast. Lastly, we anticipate preliminary year-end projections for FY 2026-27.

In the third quarter, staff will provide an updated FY 2026-27 year-end forecast.

CONCLUSION

The preliminary unaudited FY 2025-26 year-end results reflect a favorable position for the General Fund. Actual revenues totaled $66.7 million, or 4.2% above the revised budget, and expenditures totaled $60.8 million, or 4.6% below the revised budget. This resulted in an approximately $5.9 million increase to the General Fund balance. Although some of the favorable revenue variance resulted from one-time or accounting-related activity, overall results show revenues exceeded expectations and expenditures remained below available appropriations. The Town will present recommendations for the final year-end surplus in the mid-year financial report.

Both revenue and expenditure reports for the quarter provide a generally favorable picture of the Town's financial performance. Revenue collections are trending above the prior three-year range overall, while expenditures and encumbrances are trending below historical levels. General Fund revenues are 17.3% collected, compared with a historical range of 11.0% to 14.7%. General Fund expenditures and encumbrances are 22.1% of the revised budget, compared with a historical range of 25.3% to 26.5%. Delays in reporting between the Community Development and Finance systems are resulting in the Q1 revenue numbers being understated by approximately $1.2 million in the Licenses and Permits and Town Services revenue categories in the General Fund. Staff anticipates posting these items to the financial system by the October monthly reports.

Salaries are at 20.1%, slightly below the 20.3% pay-period benchmark, while overtime is at 22.3% and above the benchmark. PERS, medical benefits, and other benefits remain below the 25% monthly benchmark.

# YEAR-TO-DATE BUDGET REPORT EXPENDITURES

**BY FUND**

FOR 2027 03

| | ORIGINAL APPROP | REVISED BUDGET | YTD EXPENDED | MTD EXPENDED | ENCUMBRANCES | AVAILABLE BUDGET | PCT USED |
|---|---|---|---|---|---|---|---|
| 111 GENERAL FUND | 66,201,027 | 67,256,257 | 12,299,973.97 | 4,983,442.56 | 2,855,872.57 | 52,100,410.50 | 22.5% |
| 121 MEASURE G FUND | 1,267,556 | 1,267,556 | .00 | .00 | .00 | 1,267,556.00 | .0% |
| 222 URBAN RUNOFF FUND | 272,433 | 272,433 | 68,966.74 | 33,965.37 | .00 | 203,466.31 | 25.3% |
| 231 BLACKWELL DISTRICT | 3,544 | 3,544 | 448.02 | 355.02 | 930.00 | 2,165.98 | 38.9% |
| 232 KENNEDY MEADOWS DISTRICT | 12,695 | 12,695 | 1,768.26 | 1,159.26 | 6,090.00 | 4,836.74 | 61.9% |
| 233 GEMINI COURT DISTRICT | 1,628 | 1,628 | 92.00 | 46.00 | 460.00 | 1,076.00 | 33.9% |
| 234 SANTA ROSA HEIGHTS DISTRICT | 8,087 | 8,087 | 1,118.00 | 559.00 | 5,590.00 | 1,379.00 | 82.9% |
| 235 VASONA HEIGHTS DISTRICT | 8,957 | 8,957 | 1,008.42 | 375.00 | 3,750.00 | 4,198.20 | 53.1% |
| 236 HILLBROOK DISTRICT | 5,578 | 5,578 | 943.42 | 803.42 | 1,400.00 | 3,234.10 | 42.0% |
| 251 LOS GATOS THEATRE | 82,919 | 82,919 | 14,711.87 | 6,654.02 | 9,025.00 | 59,181.97 | 28.6% |
| 261 LIBRARY TRUST DONATIONS | 72,000 | 72,000 | 7,860.34 | 2,149.24 | .00 | 64,139.66 | 10.9% |
| 263 MCCLENDON TRUST | 1,700 | 1,700 | .00 | .00 | .00 | 1,700.00 | .0% |
| 264 BARBARA J CASSIN TRUST | 6,000 | 6,000 | .00 | .00 | .00 | 6,000.00 | .0% |
| 411 CAPITAL PROJECTS FUND | 4,254,364 | 16,163,752 | 1,140,519.24 | 130,483.07 | -728,100.89 | 15,751,334.06 | 2.6% |
| 412 COMMUNITY CENTER DEVELOPMENT | 0 | 437,500 | 182,440.00 | 182,440.00 | 45,950.00 | 209,110.00 | 52.2% |
| 421 GRANT FUNDED PROJECTS | 36,750 | 5,387,765 | 176,386.43 | 14,138.05 | 13,184.57 | 5,198,194.29 | 3.5% |
| 461 STORM BASIN 1 | 0 | 886,775 | 12,893.75 | 195.00 | -12,893.75 | 886,775.00 | .0% |
| 462 STORM BASIN 2 | 130,000 | 696,226 | 88,725.60 | 11,445.80 | 139,092.40 | 468,407.72 | 32.7% |
| 463 STORM BASIN 3 | 0 | 238,770 | .00 | .00 | .00 | 238,770.00 | .0% |
| 471 TRAFFIC MITIGATION FUND | 10,000 | 10,000 | .00 | .00 | .00 | 10,000.00 | .0% |
| 481 GAS TAX FUND | 2,023,807 | 4,446,316 | 1,891,227.64 | 363,663.70 | 303,002.06 | 2,252,086.76 | 49.3% |
| 611 GENERAL LIABILITY FUND | 1,416,500 | 1,416,500 | 1,266,627.00 | 5,131.00 | .00 | 149,873.00 | 89.4% |
| 612 WORKERS COMPENSATION FUND | 1,762,379 | 1,762,379 | 694,766.72 | 73,135.04 | 47,741.75 | 1,019,870.53 | 42.1% |
| 621 INFORMATION TECHNOLOGY | 1,313,722 | 1,313,722 | 627,603.45 | 15,915.91 | 254,802.08 | 431,316.07 | 67.2% |
| 631 EQUIPMENT REPLACEMENT FUND | 338,843 | 354,292 | 15,448.20 | .00 | -15,448.20 | 354,291.97 | .0% |
| 633 FACILITIES MAINTENANCE FUND | 1,776,027 | 1,776,027 | 288,685.33 | 114,078.93 | 412,370.88 | 1,074,970.52 | 39.5% |
| 942 SA TRUST FUND | 3,938,045 | 3,938,045 | 1,788,146.44 | 153.84 | .00 | 2,149,898.49 | 45.4% |
| GRAND TOTAL | 84,944,559 | 107,827,422 | 20,570,360.84 | 5,940,289.23 | 3,342,818.47 | 83,914,242.87 | 22.2% |

** END OF REPORT - Generated by Kristina Alfaro **

# YEAR-TO-DATE BUDGET REPORT EXPENDITURES

**BY FUND AND CATEGORY**

FOR 2027 03

| | ORIGINAL APPROP | REVISED BUDGET | YTD EXPENDED | MTD EXPENDED | ENCUMBRANCES | AVAILABLE BUDGET | PCT USED |
|---|---|---|---|---|---|---|---|
| **111 GENERAL FUND** | | | | | | | |
| 5A SALARIES | 24,176,333 | 24,176,333 | 4,853,031.51 | 1,835,104.24 | .00 | 19,323,301.65 | 20.1% |
| 5B OVERTIME | 1,457,000 | 1,457,000 | 324,765.68 | 140,049.87 | .00 | 1,132,234.32 | 22.3% |
| 5C PERS | 10,800,788 | 10,800,788 | 2,198,938.42 | 758,591.37 | .00 | 8,601,850.07 | 20.4% |
| 5D MEDICAL BENEFITS | 3,371,803 | 3,371,803 | 733,482.10 | 242,301.12 | .00 | 2,638,321.14 | 21.8% |
| 5E OTHER BENEFITS | 2,922,678 | 2,922,678 | 580,874.15 | 199,696.18 | .00 | 2,341,803.71 | 19.9% |
| 5F RETIREE MEDICAL | 2,193,606 | 2,193,606 | 542,226.65 | 180,516.21 | 9,614.00 | 1,641,765.35 | 25.2% |
| 5G MATERIALS & SUPPLIES | 1,162,435 | 1,162,435 | 155,999.01 | 51,134.93 | 247,890.79 | 758,545.40 | 34.7% |
| 5H CONTRACTS | 6,418,548 | 7,473,778 | 1,171,563.54 | 350,478.82 | 2,443,243.78 | 3,858,970.76 | 48.4% |
| 5I UTILITIES | 1,001,460 | 1,001,460 | 281,318.48 | 114,303.11 | 124,216.61 | 595,925.13 | 40.5% |
| 5J GRANTS AND AWARDS | 283,950 | 283,950 | 488.31 | .00 | 15,000.00 | 268,461.69 | 5.5% |
| 5K PASS THRU | 1,462,593 | 1,462,593 | 274,498.66 | 213,849.66 | 15,907.39 | 1,172,186.95 | 19.9% |
| 5L MISCELLANEOUS | 0 | 0 | -4,119.71 | -4,119.71 | .00 | 4,119.71 | 100.0% |
| 5M INT SERVICE CHARGES | 5,065,614 | 5,065,614 | 1,160,901.57 | 888,533.96 | .00 | 3,904,712.22 | 22.9% |
| 5N DEBT SERVICE | 2,057,884 | 2,057,884 | 26,005.60 | 13,002.80 | .00 | 2,031,878.40 | 1.3% |
| 5O CAPITAL PROJECTS | 15,000 | 15,000 | .00 | .00 | .00 | 15,000.00 | .0% |
| 5P TRANSFERS OUT | 3,811,334 | 3,811,334 | .00 | .00 | .00 | 3,811,334.00 | .0% |
| TOTAL GENERAL FUND | 66,201,027 | 67,256,257 | 12,299,973.97 | 4,983,442.56 | 2,855,872.57 | 52,100,410.50 | 22.5% |
| **121 MEASURE G FUND** | | | | | | | |
| 5H CONTRACTS | 50,520 | 50,520 | .00 | .00 | .00 | 50,520.00 | .0% |
| 5K PASS THRU | 1,217,036 | 1,217,036 | .00 | .00 | .00 | 1,217,036.00 | .0% |
| TOTAL MEASURE G FUND | 1,267,556 | 1,267,556 | .00 | .00 | .00 | 1,267,556.00 | .0% |
| **222 URBAN RUNOFF FUND** | | | | | | | |
| 5A SALARIES | 128,934 | 128,934 | 21,950.59 | 7,683.05 | .00 | 106,983.22 | 17.0% |
| 5C PERS | 40,378 | 40,378 | 8,391.07 | 2,803.40 | .00 | 31,986.71 | 20.8% |
| 5D MEDICAL BENEFITS | 14,209 | 14,209 | 2,422.84 | 757.33 | .00 | 11,786.48 | 17.1% |
| 5E OTHER BENEFITS | 9,020 | 9,020 | 1,826.09 | 612.04 | .00 | 7,194.21 | 20.2% |
| 5G MATERIALS & SUPPLIES | 3,717 | 3,717 | .00 | .00 | .00 | 3,717.00 | .0% |
| 5H CONTRACTS | 55,406 | 55,406 | 32,139.02 | 20,898.00 | .00 | 23,266.98 | 58.0% |
| 5I UTILITIES | 14,265 | 14,265 | 1,089.34 | 845.07 | .00 | 13,175.66 | 7.6% |
| 5M INT SERVICE CHARGES | 6,504 | 6,504 | 1,147.79 | 366.48 | .00 | 5,356.05 | 17.6% |

# YEAR-TO-DATE BUDGET REPORT EXPENDITURES
**BY FUND AND CATEGORY**

FOR 2027 03

| | ORIGINAL APPROP | REVISED BUDGET | YTD EXPENDED | MTD EXPENDED | ENCUMBRANCES | AVAILABLE BUDGET | PCT USED |
|---|---|---|---|---|---|---|---|
| TOTAL URBAN RUNOFF FUND | 272,433 | 272,433 | 68,966.74 | 33,965.37 | .00 | 203,466.31 | 25.3% |
| **231 BLACKWELL DISTRICT** | | | | | | | |
| 5H CONTRACTS | 1,484 | 1,484 | 186.00 | 93.00 | 930.00 | 368.00 | 75.2% |
| 5I UTILITIES | 1,600 | 1,600 | 262.02 | 262.02 | .00 | 1,337.98 | 16.4% |
| 5P TRANSFERS OUT | 460 | 460 | .00 | .00 | .00 | 460.00 | .0% |
| TOTAL BLACKWELL DISTRICT | 3,544 | 3,544 | 448.02 | 355.02 | 930.00 | 2,165.98 | 38.9% |
| **232 KENNEDY MEADOWS DISTRICT** | | | | | | | |
| 5H CONTRACTS | 8,385 | 8,385 | 1,218.00 | 609.00 | 6,090.00 | 1,077.00 | 87.2% |
| 5I UTILITIES | 2,800 | 2,800 | 550.26 | 550.26 | .00 | 2,249.74 | 19.7% |
| 5P TRANSFERS OUT | 1,510 | 1,510 | .00 | .00 | .00 | 1,510.00 | .0% |
| TOTAL KENNEDY MEADOWS DISTRICT | 12,695 | 12,695 | 1,768.26 | 1,159.26 | 6,090.00 | 4,836.74 | 61.9% |
| **233 GEMINI COURT DISTRICT** | | | | | | | |
| 5H CONTRACTS | 1,018 | 1,018 | 92.00 | 46.00 | 460.00 | 466.00 | 54.2% |
| 5P TRANSFERS OUT | 610 | 610 | .00 | .00 | .00 | 610.00 | .0% |
| TOTAL GEMINI COURT DISTRICT | 1,628 | 1,628 | 92.00 | 46.00 | 460.00 | 1,076.00 | 33.9% |
| **234 SANTA ROSA HEIGHTS DISTRICT** | | | | | | | |
| 5H CONTRACTS | 7,427 | 7,427 | 1,118.00 | 559.00 | 5,590.00 | 719.00 | 90.3% |
| 5P TRANSFERS OUT | 660 | 660 | .00 | .00 | .00 | 660.00 | .0% |
| TOTAL SANTA ROSA HEIGHTS DISTRICT | 8,087 | 8,087 | 1,118.00 | 559.00 | 5,590.00 | 1,379.00 | 82.9% |
| **235 VASONA HEIGHTS DISTRICT** | | | | | | | |

# YEAR-TO-DATE BUDGET REPORT EXPENDITURES
**BY FUND AND CATEGORY**

FOR 2027 03

| 235 VASONA HEIGHTS DISTRICT | ORIGINAL APPROP | REVISED BUDGET | YTD EXPENDED | MTD EXPENDED | ENCUMBRANCES | AVAILABLE BUDGET | PCT USED |
|---|---|---|---|---|---|---|---|
| 5H CONTRACTS | 5,138 | 5,138 | 750.00 | 375.00 | 3,750.00 | 638.05 | 87.6% |
| 5I UTILITIES | 2,389 | 2,389 | 258.42 | .00 | .00 | 2,130.15 | 10.8% |
| 5P TRANSFERS OUT | 1,430 | 1,430 | .00 | .00 | .00 | 1,430.00 | .0% |
| TOTAL VASONA HEIGHTS DISTRICT | 8,957 | 8,957 | 1,008.42 | 375.00 | 3,750.00 | 4,198.20 | 53.1% |
| 236 HILLBROOK DISTRICT | | | | | | | |
| 5H CONTRACTS | 2,055 | 2,055 | 280.00 | 140.00 | 1,400.00 | 375.40 | 81.7% |
| 5I UTILITIES | 3,272 | 3,272 | 663.42 | 663.42 | .00 | 2,608.70 | 20.3% |
| 5P TRANSFERS OUT | 250 | 250 | .00 | .00 | .00 | 250.00 | .0% |
| TOTAL HILLBROOK DISTRICT | 5,578 | 5,578 | 943.42 | 803.42 | 1,400.00 | 3,234.10 | 42.0% |
| 251 LOS GATOS THEATRE | | | | | | | |
| 5H CONTRACTS | 15,696 | 15,696 | 975.00 | 325.00 | 9,025.00 | 5,696.00 | 63.7% |
| 5I UTILITIES | 67,223 | 67,223 | 13,736.87 | 6,329.02 | .00 | 53,485.97 | 20.4% |
| TOTAL LOS GATOS THEATRE | 82,919 | 82,919 | 14,711.87 | 6,654.02 | 9,025.00 | 59,181.97 | 28.6% |
| 261 LIBRARY TRUST DONATIONS | | | | | | | |
| 5H CONTRACTS | 37,000 | 37,000 | 7,860.34 | 2,149.24 | .00 | 29,139.66 | 21.2% |
| 5L MISCELLANEOUS | 35,000 | 35,000 | .00 | .00 | .00 | 35,000.00 | .0% |
| TOTAL LIBRARY TRUST DONATIONS | 72,000 | 72,000 | 7,860.34 | 2,149.24 | .00 | 64,139.66 | 10.9% |
| 263 MCCLENDON TRUST | | | | | | | |
| 5G MATERIALS & SUPPLIES | 1,700 | 1,700 | .00 | .00 | .00 | 1,700.00 | .0% |
| TOTAL MCCLENDON TRUST | 1,700 | 1,700 | .00 | .00 | .00 | 1,700.00 | .0% |
| 264 BARBARA J CASSIN TRUST | | | | | | | |

# YEAR-TO-DATE BUDGET REPORT EXPENDITURES
**BY FUND AND CATEGORY**

FOR 2027 03

| 264 BARBARA J CASSIN TRUST | ORIGINAL APPROP | REVISED BUDGET | YTD EXPENDED | MTD EXPENDED | ENCUMBRANCES | AVAILABLE BUDGET | PCT USED |
|---|---|---|---|---|---|---|---|
| 5G MATERIALS & SUPPLIES | 6,000 | 6,000 | .00 | .00 | .00 | 6,000.00 | .0% |
| TOTAL BARBARA J CASSIN TRUST | 6,000 | 6,000 | .00 | .00 | .00 | 6,000.00 | .0% |
| **411 CAPITAL PROJECTS FUND** | | | | | | | |
| 5O CAPITAL PROJECTS | 3,812,873 | 15,722,261 | 1,140,519.24 | 130,483.07 | -728,100.89 | 15,309,843.06 | 2.6% |
| 5P TRANSFERS OUT | 441,491 | 441,491 | .00 | .00 | .00 | 441,491.00 | .0% |
| TOTAL CAPITAL PROJECTS FUND | 4,254,364 | 16,163,752 | 1,140,519.24 | 130,483.07 | -728,100.89 | 15,751,334.06 | 2.6% |
| **412 COMMUNITY CENTER DEVELOPMENT** | | | | | | | |
| 5O CAPITAL PROJECTS | 0 | 437,500 | 182,440.00 | 182,440.00 | 45,950.00 | 209,110.00 | 52.2% |
| TOTAL COMMUNITY CENTER DEVELOPMEN | 0 | 437,500 | 182,440.00 | 182,440.00 | 45,950.00 | 209,110.00 | 52.2% |
| **421 GRANT FUNDED PROJECTS** | | | | | | | |
| 5O CAPITAL PROJECTS | 36,750 | 5,387,765 | 176,386.43 | 14,138.05 | 13,184.57 | 5,198,194.29 | 3.5% |
| TOTAL GRANT FUNDED PROJECTS | 36,750 | 5,387,765 | 176,386.43 | 14,138.05 | 13,184.57 | 5,198,194.29 | 3.5% |
| **461 STORM BASIN 1** | | | | | | | |
| 5O CAPITAL PROJECTS | 0 | 886,775 | 12,893.75 | 195.00 | -12,893.75 | 886,775.00 | .0% |
| TOTAL STORM BASIN 1 | 0 | 886,775 | 12,893.75 | 195.00 | -12,893.75 | 886,775.00 | .0% |
| **462 STORM BASIN 2** | | | | | | | |
| 5O CAPITAL PROJECTS | 130,000 | 696,226 | 88,725.60 | 11,445.80 | 139,092.40 | 468,407.72 | 32.7% |
| TOTAL STORM BASIN 2 | 130,000 | 696,226 | 88,725.60 | 11,445.80 | 139,092.40 | 468,407.72 | 32.7% |
| **463 STORM BASIN 3** | | | | | | | |

# YEAR-TO-DATE BUDGET REPORT EXPENDITURES
**BY FUND AND CATEGORY**

FOR 2027 03

| 463 STORM BASIN 3 | ORIGINAL APPROP | REVISED BUDGET | YTD EXPENDED | MTD EXPENDED | ENCUMBRANCES | AVAILABLE BUDGET | PCT USED |
|---|---|---|---|---|---|---|---|
| 5O CAPITAL PROJECTS | 0 | 238,770 | .00 | .00 | .00 | 238,770.00 | .0% |
| TOTAL STORM BASIN 3 | 0 | 238,770 | .00 | .00 | .00 | 238,770.00 | .0% |
| **471 TRAFFIC MITIGATION FUND** | | | | | | | |
| 5P TRANSFERS OUT | 10,000 | 10,000 | .00 | .00 | .00 | 10,000.00 | .0% |
| TOTAL TRAFFIC MITIGATION FUND | 10,000 | 10,000 | .00 | .00 | .00 | 10,000.00 | .0% |
| **481 GAS TAX FUND** | | | | | | | |
| 5O CAPITAL PROJECTS | 1,917,807 | 4,340,316 | 1,891,227.64 | 363,663.70 | 303,002.06 | 2,146,086.76 | 50.6% |
| 5P TRANSFERS OUT | 106,000 | 106,000 | .00 | .00 | .00 | 106,000.00 | .0% |
| TOTAL GAS TAX FUND | 2,023,807 | 4,446,316 | 1,891,227.64 | 363,663.70 | 303,002.06 | 2,252,086.76 | 49.3% |
| **611 GENERAL LIABILITY FUND** | | | | | | | |
| 5H CONTRACTS | 1,416,500 | 1,416,500 | 1,266,627.00 | 5,131.00 | .00 | 149,873.00 | 89.4% |
| TOTAL GENERAL LIABILITY FUND | 1,416,500 | 1,416,500 | 1,266,627.00 | 5,131.00 | .00 | 149,873.00 | 89.4% |
| **612 WORKERS COMPENSATION FUND** | | | | | | | |
| 5H CONTRACTS | 1,762,379 | 1,762,379 | 694,766.72 | 73,135.04 | 47,741.75 | 1,019,870.53 | 42.1% |
| TOTAL WORKERS COMPENSATION FUND | 1,762,379 | 1,762,379 | 694,766.72 | 73,135.04 | 47,741.75 | 1,019,870.53 | 42.1% |
| **621 INFORMATION TECHNOLOGY** | | | | | | | |
| 5G MATERIALS & SUPPLIES | 336,520 | 336,520 | 30,113.27 | 1,688.95 | 69,032.22 | 237,374.51 | 29.5% |
| 5H CONTRACTS | 956,742 | 956,742 | 591,596.68 | 12,411.19 | 185,769.86 | 179,375.06 | 81.3% |

# YEAR-TO-DATE BUDGET REPORT EXPENDITURES
**BY FUND AND CATEGORY**

FOR 2027 03

| | ORIGINAL APPROP | REVISED BUDGET | YTD EXPENDED | MTD EXPENDED | ENCUMBRANCES | AVAILABLE BUDGET | PCT USED |
|---|---|---|---|---|---|---|---|
| 5I UTILITIES | 20,460 | 20,460 | 5,893.50 | 1,815.77 | .00 | 14,566.50 | 28.8% |
| TOTAL INFORMATION TECHNOLOGY | 1,313,722 | 1,313,722 | 627,603.45 | 15,915.91 | 254,802.08 | 431,316.07 | 67.2% |
| **631 EQUIPMENT REPLACEMENT FUND** | | | | | | | |
| 5O CAPITAL PROJECTS | 338,843 | 354,292 | 15,448.20 | .00 | -15,448.20 | 354,291.97 | .0% |
| TOTAL EQUIPMENT REPLACEMENT FUND | 338,843 | 354,292 | 15,448.20 | .00 | -15,448.20 | 354,291.97 | .0% |
| **633 FACILITIES MAINTENANCE FUND** | | | | | | | |
| 5G MATERIALS & SUPPLIES | 78,794 | 78,794 | 8,067.32 | 1,738.05 | 5,957.91 | 64,769.07 | 17.8% |
| 5H CONTRACTS | 628,835 | 628,835 | 111,537.99 | 51,684.09 | 406,412.97 | 110,884.47 | 82.4% |
| 5I UTILITIES | 733,314 | 733,314 | 169,080.02 | 60,656.79 | .00 | 564,233.98 | 23.1% |
| 5L MISCELLANEOUS | 335,083 | 335,083 | .00 | .00 | .00 | 335,083.00 | .0% |
| TOTAL FACILITIES MAINTENANCE FUND | 1,776,027 | 1,776,027 | 288,685.33 | 114,078.93 | 412,370.88 | 1,074,970.52 | 39.5% |
| **942 SA TRUST FUND** | | | | | | | |
| 5A SALARIES | 1,247 | 1,247 | 269.49 | 102.03 | .00 | 977.53 | 21.6% |
| 5B OVERTIME | 0 | 0 | 13.78 | 6.22 | .00 | -13.78 | 100.0% |
| 5C PERS | 395 | 395 | 89.10 | 31.02 | .00 | 306.35 | 22.5% |
| 5E OTHER BENEFITS | 120 | 120 | 26.94 | 9.67 | .00 | 92.81 | 22.5% |
| 5H CONTRACTS | 5,395 | 5,395 | 3,520.00 | .00 | .00 | 1,875.00 | 65.2% |
| 5L MISCELLANEOUS | 120,823 | 120,823 | .00 | .00 | .00 | 120,823.01 | .0% |
| 5M INT SERVICE CHARGES | 64 | 64 | 14.63 | 4.90 | .00 | 49.07 | 23.0% |
| 5N DEBT SERVICE | 3,810,001 | 3,810,001 | 1,784,212.50 | .00 | .00 | 2,025,788.50 | 46.8% |
| TOTAL SA TRUST FUND | 3,938,045 | 3,938,045 | 1,788,146.44 | 153.84 | .00 | 2,149,898.49 | 45.4% |
| GRAND TOTAL | 84,944,559 | 107,827,422 | 20,570,360.84 | 5,940,289.23 | 3,342,818.47 | 83,914,242.87 | 22.2% |

** END OF REPORT - Generated by Kristina Alfaro **

# YEAR-TO-DATE BUDGET REPORT REVENUE

**BY FUND**

FOR 2027 03

| | ORIGINAL ESTIM REV | REVISED EST REV | ACTUAL YTD REVENUE | ACTUAL MTD REVENUE | REMAINING REVENUE | PCT COLL |
|---|---|---|---|---|---|---|
| 111 GENERAL FUND | 63,067,086 | 63,183,510 | 11,093,597.15 | 2,637,343.19 | 52,089,912.69 | 17.6% |
| 121 MEASURE G FUND | 1,358,000 | 1,358,000 | 109,731.62 | 109,731.62 | 1,248,268.38 | 8.1% |
| 222 URBAN RUNOFF FUND | 315,072 | 315,072 | 52,511.82 | 26,255.91 | 262,560.18 | 16.7% |
| 231 BLACKWELL DISTRICT | 3,210 | 3,210 | .00 | .00 | 3,210.00 | .0% |
| 232 KENNEDY MEADOWS DISTRICT | 10,605 | 10,605 | .00 | .00 | 10,605.00 | .0% |
| 233 GEMINI COURT DISTRICT | 4,750 | 4,750 | .00 | .00 | 4,750.00 | .0% |
| 234 SANTA ROSA HEIGHTS DISTRICT | 4,550 | 4,550 | .00 | .00 | 4,550.00 | .0% |
| 235 VASONA HEIGHTS DISTRICT | 10,075 | 10,075 | .00 | .00 | 10,075.00 | .0% |
| 236 HILLBROOK DISTRICT | 6,040 | 6,040 | .00 | .00 | 6,040.00 | .0% |
| 251 LOS GATOS THEATRE | 121,100 | 121,100 | 70,417.72 | 25,168.00 | 50,682.28 | 58.1% |
| 261 LIBRARY TRUST DONATIONS | 71,000 | 71,000 | 75,000.00 | .00 | -4,000.00 | 105.6% |
| 262 NESS TRUST | 400 | 400 | .00 | .00 | 400.00 | .0% |
| 263 MCCLENDON TRUST | 2,000 | 2,000 | .00 | .00 | 2,000.00 | .0% |
| 264 BARBARA J CASSIN TRUST | 6,000 | 6,000 | .00 | .00 | 6,000.00 | .0% |
| 411 CAPITAL PROJECTS FUND | 1,263,873 | 2,201,746 | 35,283.00 | 16,227.00 | 2,166,462.87 | 1.6% |
| 413 LONG-TERM COMMUNITY BENEFIT | 3,000,000 | 3,000,000 | .00 | .00 | 3,000,000.00 | .0% |
| 421 GRANT FUNDED PROJECTS | 36,750 | 7,514,371 | 126,500.71 | 113,881.52 | 7,387,870.63 | 1.7% |
| 461 STORM BASIN 1 | 70,337 | 70,337 | 14,370.00 | .00 | 55,966.92 | 20.4% |
| 462 STORM BASIN 2 | 117,302 | 117,302 | 9,122.00 | 9,122.00 | 108,180.18 | 7.8% |
| 463 STORM BASIN 3 | -3,446 | -3,446 | .00 | .00 | -3,445.78 | .0% |
| 471 TRAFFIC MITIGATION FUND | 10,000 | 10,000 | .00 | .00 | 10,000.00 | .0% |
| 472 UTILITY UNDERGROUND TAX FUND | 46,346 | 46,346 | .00 | .00 | 46,346.10 | .0% |
| 481 GAS TAX FUND | 1,919,278 | 1,919,278 | 353,793.60 | 180,675.36 | 1,565,484.50 | 18.4% |
| 611 GENERAL LIABILITY FUND | 1,984,001 | 1,984,001 | 393,795.56 | 393,795.56 | 1,590,205.17 | 19.8% |
| 612 WORKERS COMPENSATION FUND | 1,997,508 | 1,997,508 | 518,805.48 | 414,296.87 | 1,478,702.92 | 26.0% |
| 621 INFORMATION TECHNOLOGY | 1,313,722 | 1,313,722 | 318,122.13 | 300,077.37 | 995,599.47 | 24.2% |
| 631 EQUIPMENT REPLACEMENT FUND | 679,960 | 679,960 | 164,990.00 | 164,990.00 | 514,970.00 | 24.3% |
| 633 FACILITIES MAINTENANCE FUND | 2,286,974 | 2,286,974 | 366,279.10 | 314,190.08 | 1,920,694.50 | 16.0% |
| 732 PERS CEPPT PENSION TRUST | 390,000 | 390,000 | .00 | .00 | 390,000.00 | .0% |
| 942 SA TRUST FUND | 3,923,926 | 3,923,926 | .00 | .00 | 3,923,926.00 | .0% |
| GRAND TOTAL | 84,016,419 | 92,548,337 | 13,702,319.89 | 4,705,754.48 | 78,846,017.01 | 14.8% |

** END OF REPORT - Generated by Kristina Alfaro **

# YEAR-TO-DATE BUDGET REPORT REVENUE

**BY FUND AND CATEGORY**

FOR 2027 03

| | ORIGINAL ESTIM REV | REVISED EST REV | ACTUAL YTD REVENUE | ACTUAL MTD REVENUE | REMAINING REVENUE | PCT COLL |
|---|---|---|---|---|---|---|
| **111 GENERAL FUND** | | | | | | |
| 4A PROPERTY TAX | 28,224,841 | 28,224,841 | 129,161.06 | 49,423.27 | 28,095,679.94 | .5% |
| 4B SALES & USE TAX | 8,380,517 | 8,380,517 | 496,093.83 | 496,093.83 | 7,884,423.17 | 5.9% |
| 4D TRANSIENT OCCUPANCY | 2,278,360 | 2,278,360 | 183,935.52 | 456,199.88 | 2,094,424.48 | 8.1% |
| 4E BUSINESS LIC & OTHER | 2,686,760 | 2,686,760 | 155,396.87 | 119,465.09 | 2,531,363.13 | 5.8% |
| 4F FRANCHISE FEES | 1,089,210 | 1,089,210 | .00 | .00 | 1,089,210.00 | .0% |
| 4G FINES & FORFEITURES | 315,200 | 315,200 | 116,825.87 | 56,293.16 | 198,374.13 | 37.1% |
| 4H LICENSES & PERMITS | 7,802,811 | 7,802,811 | 1,941,565.67 | 491,177.69 | 5,861,245.33 | 24.9% |
| 4I TOWN SERVICES | 3,906,037 | 3,906,037 | 731,113.24 | 475,860.68 | 3,174,923.76 | 18.7% |
| 4J OTHER SOURCES | 2,630,318 | 2,630,318 | 4,120,983.62 | 286,190.99 | -1,490,665.62 | 156.7% |
| 4K INTERGOVERNMENTAL | 741,477 | 857,901 | 699,232.71 | 165,908.60 | 158,668.13 | 81.5% |
| 4L PASS THRU | 2,534,469 | 2,534,469 | 2,519,288.76 | 40,730.00 | 15,180.24 | 99.4% |
| 4M TRANSFERS IN | 562,411 | 562,411 | .00 | .00 | 562,411.00 | .0% |
| 4N DEBT SERVICE REMIB | 1,914,675 | 1,914,675 | .00 | .00 | 1,914,675.00 | .0% |
| TOTAL GENERAL FUND | 63,067,086 | 63,183,510 | 11,093,597.15 | 2,637,343.19 | 52,089,912.69 | 17.6% |
| **121 MEASURE G FUND** | | | | | | |
| 4C MEASURE G | 1,358,000 | 1,358,000 | 109,731.62 | 109,731.62 | 1,248,268.38 | 8.1% |
| TOTAL MEASURE G FUND | 1,358,000 | 1,358,000 | 109,731.62 | 109,731.62 | 1,248,268.38 | 8.1% |
| **222 URBAN RUNOFF FUND** | | | | | | |
| 4H LICENSES & PERMITS | 315,072 | 315,072 | 52,511.82 | 26,255.91 | 262,560.18 | 16.7% |
| TOTAL URBAN RUNOFF FUND | 315,072 | 315,072 | 52,511.82 | 26,255.91 | 262,560.18 | 16.7% |
| **231 BLACKWELL DISTRICT** | | | | | | |
| 4A PROPERTY TAX | 3,160 | 3,160 | .00 | .00 | 3,160.00 | .0% |
| 4J OTHER SOURCES | 50 | 50 | .00 | .00 | 50.00 | .0% |
| TOTAL BLACKWELL DISTRICT | 3,210 | 3,210 | .00 | .00 | 3,210.00 | .0% |
| **232 KENNEDY MEADOWS DISTRICT** | | | | | | |

# YEAR-TO-DATE BUDGET REPORT REVENUE
**BY FUND AND CATEGORY**

FOR 2027 03

| | ORIGINAL ESTIM REV | REVISED EST REV | ACTUAL YTD REVENUE | ACTUAL MTD REVENUE | REMAINING REVENUE | PCT COLL |
|---|---|---|---|---|---|---|
| 4A PROPERTY TAX | 10,275 | 10,275 | .00 | .00 | 10,275.00 | .0% |
| 4J OTHER SOURCES | 330 | 330 | .00 | .00 | 330.00 | .0% |
| TOTAL KENNEDY MEADOWS DISTRICT | 10,605 | 10,605 | .00 | .00 | 10,605.00 | .0% |
| **233 GEMINI COURT DISTRICT** | | | | | | |
| 4A PROPERTY TAX | 4,600 | 4,600 | .00 | .00 | 4,600.00 | .0% |
| 4J OTHER SOURCES | 150 | 150 | .00 | .00 | 150.00 | .0% |
| TOTAL GEMINI COURT DISTRICT | 4,750 | 4,750 | .00 | .00 | 4,750.00 | .0% |
| **234 SANTA ROSA HEIGHTS DISTRICT** | | | | | | |
| 4A PROPERTY TAX | 4,500 | 4,500 | .00 | .00 | 4,500.00 | .0% |
| 4J OTHER SOURCES | 50 | 50 | .00 | .00 | 50.00 | .0% |
| TOTAL SANTA ROSA HEIGHTS DISTRICT | 4,550 | 4,550 | .00 | .00 | 4,550.00 | .0% |
| **235 VASONA HEIGHTS DISTRICT** | | | | | | |
| 4A PROPERTY TAX | 9,735 | 9,735 | .00 | .00 | 9,735.00 | .0% |
| 4J OTHER SOURCES | 340 | 340 | .00 | .00 | 340.00 | .0% |
| TOTAL VASONA HEIGHTS DISTRICT | 10,075 | 10,075 | .00 | .00 | 10,075.00 | .0% |
| **236 HILLBROOK DISTRICT** | | | | | | |
| 4A PROPERTY TAX | 5,950 | 5,950 | .00 | .00 | 5,950.00 | .0% |
| 4J OTHER SOURCES | 90 | 90 | .00 | .00 | 90.00 | .0% |
| TOTAL HILLBROOK DISTRICT | 6,040 | 6,040 | .00 | .00 | 6,040.00 | .0% |
| **251 LOS GATOS THEATRE** | | | | | | |

# YEAR-TO-DATE BUDGET REPORT REVENUE
**BY FUND AND CATEGORY**

FOR 2027 03

| | ORIGINAL ESTIM REV | REVISED EST REV | ACTUAL YTD REVENUE | ACTUAL MTD REVENUE | REMAINING REVENUE | PCT COLL |
|---|---|---|---|---|---|---|
| 4J OTHER SOURCES | 121,100 | 121,100 | 70,417.72 | 25,168.00 | 50,682.28 | 58.1% |
| TOTAL LOS GATOS THEATRE | 121,100 | 121,100 | 70,417.72 | 25,168.00 | 50,682.28 | 58.1% |
| **261 LIBRARY TRUST DONATIONS** | | | | | | |
| 4J OTHER SOURCES | 71,000 | 71,000 | 75,000.00 | .00 | -4,000.00 | 105.6% |
| TOTAL LIBRARY TRUST DONATIONS | 71,000 | 71,000 | 75,000.00 | .00 | -4,000.00 | 105.6% |
| **262 NESS TRUST** | | | | | | |
| 4J OTHER SOURCES | 400 | 400 | .00 | .00 | 400.00 | .0% |
| TOTAL NESS TRUST | 400 | 400 | .00 | .00 | 400.00 | .0% |
| **263 MCCLENDON TRUST** | | | | | | |
| 4J OTHER SOURCES | 2,000 | 2,000 | .00 | .00 | 2,000.00 | .0% |
| TOTAL MCCLENDON TRUST | 2,000 | 2,000 | .00 | .00 | 2,000.00 | .0% |
| **264 BARBARA J CASSIN TRUST** | | | | | | |
| 4J OTHER SOURCES | 6,000 | 6,000 | .00 | .00 | 6,000.00 | .0% |
| TOTAL BARBARA J CASSIN TRUST | 6,000 | 6,000 | .00 | .00 | 6,000.00 | .0% |
| **411 CAPITAL PROJECTS FUND** | | | | | | |
| 4H LICENSES & PERMITS | 120,000 | 120,000 | .00 | .00 | 120,000.00 | .0% |
| 4I TOWN SERVICES | 0 | 80,000 | .00 | .00 | 80,000.00 | .0% |
| 4J OTHER SOURCES | 106,000 | 106,000 | 35,283.00 | 16,227.00 | 70,717.00 | 33.3% |
| 4K INTERGOVERNMENTAL | 1,037,873 | 1,895,746 | .00 | .00 | 1,895,745.87 | .0% |

# YEAR-TO-DATE BUDGET REPORT REVENUE
**BY FUND AND CATEGORY**

FOR 2027 03

| | ORIGINAL ESTIM REV | REVISED EST REV | ACTUAL YTD REVENUE | ACTUAL MTD REVENUE | REMAINING REVENUE | PCT COLL |
|---|---|---|---|---|---|---|
| TOTAL CAPITAL PROJECTS FUND | 1,263,873 | 2,201,746 | 35,283.00 | 16,227.00 | 2,166,462.87 | 1.6% |
| **413 LONG-TERM COMMUNITY BENEFIT** | | | | | | |
| 4M TRANSFERS IN | 3,000,000 | 3,000,000 | .00 | .00 | 3,000,000.00 | .0% |
| TOTAL LONG-TERM COMMUNITY BENEFIT | 3,000,000 | 3,000,000 | .00 | .00 | 3,000,000.00 | .0% |
| **421 GRANT FUNDED PROJECTS** | | | | | | |
| 4K INTERGOVERNMENTAL | 36,750 | 7,514,371 | 126,500.71 | 113,881.52 | 7,387,870.63 | 1.7% |
| TOTAL GRANT FUNDED PROJECTS | 36,750 | 7,514,371 | 126,500.71 | 113,881.52 | 7,387,870.63 | 1.7% |
| **461 STORM BASIN 1** | | | | | | |
| 4H LICENSES & PERMITS | 48,695 | 48,695 | 14,370.00 | .00 | 34,325.31 | 29.5% |
| 4J OTHER SOURCES | 21,642 | 21,642 | .00 | .00 | 21,641.61 | .0% |
| TOTAL STORM BASIN 1 | 70,337 | 70,337 | 14,370.00 | .00 | 55,966.92 | 20.4% |
| **462 STORM BASIN 2** | | | | | | |
| 4H LICENSES & PERMITS | 48,695 | 48,695 | 9,122.00 | 9,122.00 | 39,573.31 | 18.7% |
| 4J OTHER SOURCES | 68,607 | 68,607 | .00 | .00 | 68,606.87 | .0% |
| TOTAL STORM BASIN 2 | 117,302 | 117,302 | 9,122.00 | 9,122.00 | 108,180.18 | 7.8% |
| **463 STORM BASIN 3** | | | | | | |
| 4H LICENSES & PERMITS | 2,627 | 2,627 | .00 | .00 | 2,626.50 | .0% |
| 4J OTHER SOURCES | -6,072 | -6,072 | .00 | .00 | -6,072.28 | .0% |
| TOTAL STORM BASIN 3 | -3,446 | -3,446 | .00 | .00 | -3,445.78 | .0% |
| **471 TRAFFIC MITIGATION FUND** | | | | | | |

# YEAR-TO-DATE BUDGET REPORT REVENUE
**BY FUND AND CATEGORY**

FOR 2027 03

| | ORIGINAL ESTIM REV | REVISED EST REV | ACTUAL YTD REVENUE | ACTUAL MTD REVENUE | REMAINING REVENUE | PCT COLL |
|---|---|---|---|---|---|---|
| 4J OTHER SOURCES | 10,000 | 10,000 | .00 | .00 | 10,000.00 | .0% |
| TOTAL TRAFFIC MITIGATION FUND | 10,000 | 10,000 | .00 | .00 | 10,000.00 | .0% |
| **472 UTILITY UNDERGROUND TAX FUND** | | | | | | |
| 4E BUSINESS LIC & OTHER | 30,000 | 30,000 | .00 | .00 | 30,000.00 | .0% |
| 4J OTHER SOURCES | 16,346 | 16,346 | .00 | .00 | 16,346.10 | .0% |
| TOTAL UTILITY UNDERGROUND TAX FUN | 46,346 | 46,346 | .00 | .00 | 46,346.10 | .0% |
| **481 GAS TAX FUND** | | | | | | |
| 4J OTHER SOURCES | 1,471 | 1,471 | .00 | .00 | 1,471.10 | .0% |
| 4K INTERGOVERNMENTAL | 1,917,807 | 1,917,807 | 353,793.60 | 180,675.36 | 1,564,013.40 | 18.4% |
| TOTAL GAS TAX FUND | 1,919,278 | 1,919,278 | 353,793.60 | 180,675.36 | 1,565,484.50 | 18.4% |
| **611 GENERAL LIABILITY FUND** | | | | | | |
| 4I TOWN SERVICES | 1,984,001 | 1,984,001 | 393,795.56 | 393,795.56 | 1,590,205.17 | 19.8% |
| TOTAL GENERAL LIABILITY FUND | 1,984,001 | 1,984,001 | 393,795.56 | 393,795.56 | 1,590,205.17 | 19.8% |
| **612 WORKERS COMPENSATION FUND** | | | | | | |
| 4I TOWN SERVICES | 1,997,508 | 1,997,508 | 387,829.47 | 387,829.47 | 1,609,678.93 | 19.4% |
| 4J OTHER SOURCES | 0 | 0 | 130,976.01 | 26,467.40 | -130,976.01 | 100.0% |
| TOTAL WORKERS COMPENSATION FUND | 1,997,508 | 1,997,508 | 518,805.48 | 414,296.87 | 1,478,702.92 | 26.0% |
| **621 INFORMATION TECHNOLOGY** | | | | | | |

# YEAR-TO-DATE BUDGET REPORT REVENUE
**BY FUND AND CATEGORY**

FOR 2027 03

| | ORIGINAL ESTIM REV | REVISED EST REV | ACTUAL YTD REVENUE | ACTUAL MTD REVENUE | REMAINING REVENUE | PCT COLL |
|---|---|---|---|---|---|---|
| 4I TOWN SERVICES | 1,313,722 | 1,313,722 | 318,122.13 | 300,077.37 | 995,599.47 | 24.2% |
| TOTAL INFORMATION TECHNOLOGY | 1,313,722 | 1,313,722 | 318,122.13 | 300,077.37 | 995,599.47 | 24.2% |
| **631 EQUIPMENT REPLACEMENT FUND** | | | | | | |
| 4I TOWN SERVICES | 659,960 | 659,960 | 164,990.00 | 164,990.00 | 494,970.00 | 25.0% |
| 4J OTHER SOURCES | 20,000 | 20,000 | .00 | .00 | 20,000.00 | .0% |
| TOTAL EQUIPMENT REPLACEMENT FUND | 679,960 | 679,960 | 164,990.00 | 164,990.00 | 514,970.00 | 24.3% |
| **633 FACILITIES MAINTENANCE FUND** | | | | | | |
| 4E BUSINESS LIC & OTHER | 25,000 | 25,000 | .00 | .00 | 25,000.00 | .0% |
| 4I TOWN SERVICES | 1,234,499 | 1,234,499 | 308,624.75 | 308,624.75 | 925,874.25 | 25.0% |
| 4J OTHER SOURCES | 216,141 | 216,141 | 57,654.35 | 5,565.33 | 158,486.25 | 26.7% |
| 4M TRANSFERS IN | 811,334 | 811,334 | .00 | .00 | 811,334.00 | .0% |
| TOTAL FACILITIES MAINTENANCE FUND | 2,286,974 | 2,286,974 | 366,279.10 | 314,190.08 | 1,920,694.50 | 16.0% |
| **732 PERS CEPPT PENSION TRUST** | | | | | | |
| 4J OTHER SOURCES | 390,000 | 390,000 | .00 | .00 | 390,000.00 | .0% |
| TOTAL PERS CEPPT PENSION TRUST | 390,000 | 390,000 | .00 | .00 | 390,000.00 | .0% |
| **942 SA TRUST FUND** | | | | | | |
| 4J OTHER SOURCES | 61,664 | 61,664 | .00 | .00 | 61,664.00 | .0% |
| 4N DEBT SERVICE REMIB | 3,862,262 | 3,862,262 | .00 | .00 | 3,862,262.00 | .0% |
| TOTAL SA TRUST FUND | 3,923,926 | 3,923,926 | .00 | .00 | 3,923,926.00 | .0% |
| GRAND TOTAL | 84,016,419 | 92,548,337 | 13,702,319.89 | 4,705,754.48 | 78,846,017.01 | 14.8% |

** END OF REPORT - Generated by Kristina Alfaro **

## GENERAL FUND HISTORICAL YTD SEPTEMBER ACTUALS VS. REVISED BUDGET BY REVENUE CATEGORY
## (in millions)

| REVENUE CATEGORY | FY 2023-24 REVISED BUDGET | FY 2023-24 YTD ACTUALS | FY 2023-24 PCT COLL | FY 2024-25 REVISED BUDGET | FY 2024-25 YTD ACTUALS | FY 2024-25 PCT COLL | FY 2025-26 REVISED BUDGET | FY 2025-26 YTD ACTUALS | FY 2025-26 PCT COLL | FY 2026-27 REVISED BUDGET | FY 2026-27 YTD ACTUALS | FY 2026-27 PCT COLL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| PROPERTY TAX | $(23.2) | $(0.2) | 0.6% | $(25.2) | $(0.1) | 0.3% | $(26.8) | $(0.1) | 0.3% | $(28.2) | $(0.1) | 0.5% |
| SALES & USE TAX | $(7.9) | $(0.6) | 7.0% | $(6.6) | $(0.5) | 7.5% | $(6.6) | $(0.5) | 7.4% | $(8.4) | $(0.5) | 5.9% |
| MEASURE G | $(1.3) | $(0.1) | 7.4% | $(1.3) | $(0.1) | 7.2% | $(1.3) | $(0.1) | 7.2% | $(1.4) | $(0.1) | 8.1% |
| TRANSIENT OCCUPANCY | $(2.4) | $(0.3) | 11.1% | $(2.3) | $(0.3) | 12.6% | $(2.4) | $(0.2) | 10.2% | $(2.3) | $(0.2) | 8.1% |
| BUSINESS LIC & OTHER | $(2.4) | $(0.0) | 1.9% | $(2.4) | $(0.1) | 2.4% | $(2.5) | $(0.1) | 2.5% | $(2.7) | $(0.2) | 5.8% |
| FRANCHISE FEES | $(2.1) | $(0.4) | 20.6% | $(1.0) | $- | 0.0% | $(1.0) | $- | 0.0% | $(1.1) | $- | 0.0% |
| FINES & FORFEITURES | $(0.2) | $(0.1) | 44.4% | $(0.3) | $(0.1) | 23.3% | $(0.3) | $(0.1) | 35.5% | $(0.3) | $(0.1) | 37.1% |
| LICENSES & PERMITS | $(3.1) | $(1.1) | 36.0% | $(6.0) | $(1.6) | 26.5% | $(6.6) | $(2.1) | 32.1% | $(7.8) | $(1.9) | 24.9% |
| TOWN SERVICES | $(3.3) | $(0.9) | 25.6% | $(3.4) | $(0.9) | 26.1% | $(4.1) | $(1.4) | 34.4% | $(3.9) | $(0.7) | 18.7% |
| OTHER SOURCES | $(1.8) | $(1.7) | 96.7% | $(2.7) | $(0.0) | 0.0% | $(2.2) | $0.9 | -41.4% | $(3.0) | $(4.1) | 136.4% |
| INTERGOVERNMENTAL | $(0.9) | $(0.2) | 21.4% | $(1.2) | $(0.5) | 38.5% | $(1.1) | $(0.4) | 40.0% | $(0.9) | $(0.7) | 81.5% |
| PASS THRU | $(2.2) | $(2.2) | 101.0% | $(1.9) | $(2.2) | 119.6% | $(2.6) | $(2.6) | 98.8% | $(2.5) | $(2.5) | 99.4% |
| TRANSFERS IN | $(0.5) | $(0.1) | 21.3% | $(0.6) | $- | 0.0% | $(0.6) | $- | 0.0% | $(0.6) | $- | 0.0% |
| DEBT SERVICE REMIB | $(1.9) | $- | 0.0% | $(1.9) | $- | 0.0% | $(1.9) | $- | 0.0% | $(1.9) | $- | 0.0% |
| **TOTAL** | **$(53.3)** | **$(7.8)** | **14.7%** | **$(56.9)** | **$(6.3)** | **11.0%** | **$(60.1)** | **$(6.8)** | **11.2%** | **$(64.9)** | **$(11.2)** | **17.3%** |

## GENERAL FUND HISTORICAL YTD SEPTEMBER ACTUALS VS. REVISED BUDGET BY EXPENDITURE CATEGORY
## (in millions)

| | FY 2023-24 | | | | FY 2024-25 | | | | FY 2025-26 | | | | FY 2026-27 | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| EXPENSE CATEGORY | REVISED BUDGET | ACTUALS | ENC | PCT EXP | REVISED BUDGET | ACTUALS | ENC | PCT EXP | REVISED BUDGET | ACTUALS | ENC | PCT EXP | REVISED BUDGET | ACTUALS | ENC | PCT EXP |
| SALARIES | $21.2 | $4.5 | $0.0 | 21.1% | $23.4 | $4.9 | $0.0 | 20.8% | $23.2 | $4.8 | $0.0 | 20.9% | $24.2 | $4.9 | $0.0 | 20.1% |
| OVERTIME | $0.6 | $0.2 | $0.0 | 35.7% | $0.6 | $0.3 | $0.0 | 46.2% | $0.7 | $0.2 | $0.0 | 31.3% | $1.5 | $0.3 | $0.0 | 22.3% |
| PERS | $8.6 | $1.8 | $0.0 | 20.3% | $9.2 | $2.0 | $0.0 | 21.3% | $10.3 | $2.1 | $0.0 | 20.1% | $10.8 | $2.2 | $0.0 | 20.4% |
| MEDICAL BENEFITS | $2.7 | $0.6 | $0.0 | 21.2% | $3.1 | $0.6 | $0.0 | 20.7% | $3.4 | $0.7 | $0.0 | 20.4% | $3.4 | $0.7 | $0.0 | 21.8% |
| OTHER BENEFITS | $2.0 | $0.4 | $0.0 | 20.4% | $2.5 | $0.5 | $0.0 | 21.0% | $2.9 | $0.6 | $0.0 | 19.9% | $2.9 | $0.6 | $0.0 | 19.9% |
| RETIREE MEDICAL | $1.6 | $0.5 | $0.0 | 31.0% | $1.7 | $0.6 | $0.0 | 33.9% | $2.1 | $0.6 | $0.0 | 30.3% | $2.2 | $0.5 | $0.0 | 25.2% |
| MATERIALS & SUPPLIES | $1.2 | $0.2 | $0.2 | 31.0% | $1.2 | $0.1 | $0.3 | 37.1% | $1.1 | $0.2 | $0.2 | 32.6% | $1.2 | $0.2 | $0.2 | 34.7% |
| CONTRACTS | $5.4 | $0.8 | $1.8 | 47.6% | $5.7 | $0.8 | $1.9 | 46.7% | $7.1 | $1.0 | $1.8 | 39.8% | $7.5 | $1.2 | $2.5 | 48.0% |
| UTILITIES | $0.8 | $0.2 | $0.2 | 39.0% | $0.9 | $0.2 | $0.2 | 35.5% | $0.9 | $0.2 | $0.1 | 38.3% | $1.0 | $0.3 | $0.1 | 40.5% |
| GRANTS AND AWARDS | $0.7 | $0.2 | $0.0 | 34.7% | $0.6 | $0.0 | $0.1 | 29.7% | $0.3 | $0.0 | $0.0 | 10.6% | $0.3 | $0.0 | $0.0 | 5.5% |
| PASS THRU | $3.9 | $1.6 | $0.9 | 63.7% | $2.5 | $0.2 | $1.3 | 58.2% | $2.8 | $0.3 | $1.7 | 73.1% | $2.7 | $0.3 | $0.0 | 10.8% |
| MISCELLANEOUS | -$0.1 | $0.0 | $0.0 | 18.1% | $0.0 | $0.0 | $0.0 | 59.2% | $0.0 | $0.0 | $0.0 | 71.3% | $0.0 | $0.0 | $0.0 | 100% |
| INT SERVICE CHARGES | $3.4 | $0.7 | $0.0 | 22.0% | $4.4 | $1.0 | $0.0 | 23.2% | $4.9 | $1.2 | $0.0 | 23.5% | $5.1 | $1.2 | $0.0 | 22.9% |
| DEBT SERVICE | $2.1 | $0.0 | $0.0 | 1.3% | $2.1 | $0.0 | $0.0 | 0.6% | $2.1 | $0.0 | $0.0 | 1.3% | $2.1 | $0.0 | $0.0 | 1.3% |
| CAPITAL PROJECTS | $0.1 | $0.0 | $0.1 | 100.0% | $0.1 | $0.0 | $0.0 | 53.0% | $0.2 | $0.0 | $0.2 | 91.3% | $0.0 | $0.0 | $0.0 | 0.0% |
| TRANSFERS OUT | $1.6 | $0.0 | $0.0 | 0.0% | $1.1 | $0.0 | $0.0 | 0.0% | $0.0 | $0.0 | $0.0 | 0.0% | $3.8 | $0.0 | $0.0 | 0.0% |
| OPEB | $0.0 | $0.0 | $0.0 | 0.0% | $0.0 | $0.0 | $0.0 | 0.0% | $0.0 | $0.0 | $0.0 | 0.0% | $0.0 | $0.0 | $0.0 | 0.0% |
| **TOTAL** | **$55.7** | **$11.7** | **$3.1** | **26.5%** | **$59.0** | **$11.1** | **$3.8** | **25.3%** | **$61.8** | **$11.9** | **$4.1** | **25.8%** | **$68.5** | **$12.3** | **$2.9** | **22.1%** |

## ALL FUNDS HISTORICAL YTD SEPTEMBER REVENUE ACTUALS VS. REVISED BUDGET
## (in millions)

| | FY 2023-24 | | | FY 2024-25 | | | FY 2025-26 | | | FY 2026-27 | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **FUND TYPE** | **REVISED BUDGET** | **YTD ACTUALS** | **PCT COLL** | **REVISED BUDGET** | **YTD ACTUALS** | **PCT COLL** | **REVISED BUDGET** | **YTD ACTUALS** | **PCT COLL** | **REVISED BUDGET** | **YTD ACTUALS** | **PCT COLL** |
| 1 - General | $(53.3) | $(7.8) | 14.7% | $(56.9) | $(6.3) | 11.0% | $(60.1) | $(6.8) | 11.2% | $(64.9) | $(11.2) | 17.3% |
| 2 - Special Revenue | $(0.5) | $(0.2) | 30.3% | $(0.3) | $(0.2) | 63.2% | $(0.4) | $(0.1) | 35.4% | $(0.6) | $(0.2) | 35.7% |
| 4 - Capital Project | $(23.9) | $(2.7) | 11.3% | $(23.5) | $(0.7) | 3.1% | $(16.4) | $(1.8) | 11.1% | $(14.9) | $(0.5) | 3.6% |
| 5 -Internal Service | $(4.9) | $(1.0) | 20.5% | $(6.8) | $(0.9) | 12.7% | $(7.4) | $(1.0) | 13.2% | $(8.3) | $(1.8) | 21.3% |
| 9 - Trust | $(3.8) | $- | 0.0% | $(3.8) | $- | 0.0% | $(3.9) | $- | 0.0% | $(3.9) | $- | 0.0% |
| **TOTAL** | **$(86.6)** | **$(11.7)** | **13.6%** | **$(91.3)** | **$(8.1)** | **8.9%** | **$(88.3)** | **$(9.7)** | **11.0%** | **$(92.5)** | **$(13.7)** | **14.8%** |

## ALL FUNDS HISTORICAL YTD SEPTEMBER EXPENDITURE ACTUALS VS. REVISED BUDGET

| | FY 2023-24 | | | | FY 2024-25 | | | | FY 2025-26 | | | | FY 2026-27 | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Fund Type** | **REVISED BUDGET** | **ACTUALS** | **ENC** | **PCT EXP** | **REVISED BUDGET** | **ACTUALS** | **ENC** | **PCT EXP** | **REVISED BUDGET** | **ACTUALS** | **ENC** | **PCT EXP** | **REVISED BUDGET** | **ACTUALS** | **ENC** | **PCT EXP** |
| 1 - General | $55.7 | $11.7 | $3.1 | 26.5% | $59.0 | $11.1 | $3.8 | 25.3% | $61.8 | $11.9 | $4.1 | 25.8% | $68.5 | $12.3 | $2.9 | 22.1% |
| 2 - Special Revenue | $0.5 | $0.1 | $0.0 | 26.7% | $0.6 | $0.1 | $0.0 | 18.5% | $0.5 | $0.1 | $0.0 | 18.5% | $0.5 | $0.1 | $0.0 | 26.1% |
| 4 - Capital Project | $45.1 | $3.6 | $12.3 | 35.2% | $44.2 | $0.8 | $14.1 | 33.7% | $28.4 | $2.5 | $5.9 | 29.5% | $28.3 | $3.5 | $(0.2) | 11.5% |
| 5 -Internal Service | $6.3 | $2.3 | $0.8 | 49.2% | $8.0 | $2.7 | $1.0 | 46.1% | $8.9 | $2.9 | $0.9 | 42.1% | $6.6 | $2.9 | $0.7 | 54.2% |
| 9 - Trust | $3.8 | $1.7 | $- | 44.0% | $3.8 | $1.7 | $- | 44.9% | $3.8 | $1.7 | $- | 45.7% | $3.9 | $1.8 | $- | 45.4% |
| **TOTAL** | $111.4 | $19.3 | $16.3 | 31.9% | $115.6 | $16.4 | $18.9 | 30.6% | $103.4 | $19.0 | $10.9 | 28.9% | $107.8 | $20.6 | $3.3 | 22.2% |

# YEAR-TO-DATE BUDGET REPORT EXPENDITURES

**BY FUND,**

FOR 2026 13

| | ORIGINAL APPROP | REVISED BUDGET | YTD EXPENDED | MTD EXPENDED | ENCUMBRANCES | AVAILABLE BUDGET | PCT USED |
|---|---|---|---|---|---|---|---|
| 111 GENERAL FUND | 59,113,090 | 62,463,369 | 59,411,596.59 | 4,318,216.79 | 1,952,871.69 | 1,098,900.27 | 98.2% |
| 121 MEASURE G FUND | 1,267,556 | 1,297,731 | 1,385,985.40 | 1,352,755.40 | .00 | -88,254.40 | 106.8% |
| 211 CDBG LOAN FUND | 0 | 0 | 78,752.35 | 78,752.35 | .00 | -78,752.35 | 100.0% |
| 222 URBAN RUNOFF FUND | 221,318 | 221,318 | 162,837.52 | 2,995.05 | .00 | 58,480.47 | 73.6% |
| 231 BLACKWELL DISTRICT | 3,072 | 3,762 | 2,907.56 | 649.33 | .00 | 854.44 | 77.3% |
| 232 KENNEDY MEADOWS DISTRICT | 11,875 | 12,513 | 11,963.34 | 2,000.66 | .00 | 549.66 | 95.6% |
| 233 GEMINI COURT DISTRICT | 1,742 | 1,742 | 1,208.00 | 610.00 | .00 | 534.00 | 69.3% |
| 234 SANTA ROSA HEIGHTS DISTRICT | 8,156 | 8,156 | 7,413.00 | 660.00 | .00 | 743.00 | 90.9% |
| 235 VASONA HEIGHTS DISTRICT | 9,019 | 9,019 | 7,555.05 | 1,430.00 | .00 | 1,463.95 | 83.8% |
| 236 HILLBROOK DISTRICT | 6,536 | 6,536 | 4,869.06 | 685.36 | .00 | 1,666.94 | 74.5% |
| 251 LOS GATOS THEATRE | 121,916 | 121,916 | 61,101.97 | 5,833.72 | .00 | 60,814.21 | 50.1% |
| 261 LIBRARY TRUST DONATIONS | 74,000 | 74,000 | 66,425.45 | 35,000.00 | .00 | 7,574.55 | 89.8% |
| 263 MCCLENDON TRUST | 2,000 | 2,000 | 2,000.00 | .00 | .00 | .00 | 100.0% |
| 264 BARBARA J CASSIN TRUST | 6,000 | 6,000 | 6,000.00 | .00 | .00 | .00 | 100.0% |
| 411 CAPITAL PROJECTS FUND | 4,290,936 | 4,944,056 | 5,195,694.51 | 2,318,615.92 | 3,212,238.93 | -3,463,877.70 | 170.1% |
| 421 GRANT FUNDED PROJECTS | 0 | 745,855 | 745,854.70 | 116,618.00 | 618,043.62 | -618,043.62 | 182.9% |
| 461 STORM BASIN 1 | 571,300 | 34,525 | 34,525.00 | 13,140.00 | 122,535.00 | -122,535.00 | 454.9% |
| 462 STORM BASIN 2 | 475,000 | 154,319 | 154,319.28 | .00 | 78.25 | -78.25 | 100.1% |
| 463 STORM BASIN 3 | 75,000 | 0 | .00 | .00 | .00 | .00 | .0% |
| 471 TRAFFIC MITIGATION FUND | 10,000 | 10,000 | .00 | .00 | .00 | 10,000.00 | .0% |
| 481 GAS TAX FUND | 1,784,585 | 1,040,660 | 1,040,660.19 | 106,000.00 | 27,290.00 | -27,290.00 | 102.6% |
| 611 GENERAL LIABILITY FUND | 1,758,736 | 1,758,736 | 1,751,876.09 | 116,677.25 | .00 | 6,859.91 | 99.6% |
| 612 WORKERS COMPENSATION FUND | 1,846,050 | 1,846,050 | 1,214,598.73 | -226,824.84 | .00 | 631,451.27 | 65.8% |
| 621 INFORMATION TECHNOLOGY | 1,588,716 | 1,593,457 | 1,342,341.39 | 488,118.88 | .00 | 251,115.46 | 84.2% |
| 631 EQUIPMENT REPLACEMENT FUND | 2,105,936 | 433,670 | 184,517.64 | .00 | 15,448.68 | 233,704.17 | 46.1% |
| 633 FACILITIES MAINTENANCE FUND | 1,419,567 | 1,449,567 | 1,421,948.96 | 60,006.66 | .00 | 27,617.67 | 98.1% |
| 732 PERS CEPPT PENSION TRUST | 0 | 0 | 5,295.80 | 5,295.80 | .00 | -5,295.80 | 100.0% |
| 942 SA TRUST FUND | 3,817,112 | 3,817,112 | 2,320,741.29 | 417,025.83 | .00 | 1,496,370.38 | 60.8% |
| GRAND TOTAL | 80,589,218 | 82,056,068 | 76,622,988.87 | 9,214,262.16 | 5,948,506.17 | -515,426.77 | 100.6% |

** END OF REPORT - Generated by Kristina Alfaro **

# YEAR-TO-DATE BUDGET REPORT REVENUES

**BY FUND,**

FOR 2026 13

| | ORIGINAL ESTIM REV | REVISED EST REV | ACTUAL YTD REVENUE | ACTUAL MTD REVENUE | REMAINING REVENUE | PCT COLL |
|---|---|---|---|---|---|---|
| 111 GENERAL FUND | 58,176,761 | 61,974,313 | 63,896,502.16 | 5,716,202.74 | -1,922,188.88 | 103.1% |
| 121 MEASURE G FUND | 1,298,825 | 1,369,000 | 1,385,985.40 | 245,355.42 | -16,985.40 | 101.2% |
| 222 URBAN RUNOFF FUND | 163,690 | 163,690 | 163,689.96 | 13,640.83 | .04 | 100.0% |
| 231 BLACKWELL DISTRICT | 3,210 | 3,210 | 3,814.76 | 654.76 | -604.76 | 118.8% |
| 232 KENNEDY MEADOWS DISTRICT | 10,605 | 10,605 | 11,172.94 | 1,110.28 | -567.94 | 105.4% |
| 233 GEMINI COURT DISTRICT | 4,750 | 4,750 | 6,798.24 | 2,198.24 | -2,048.24 | 143.1% |
| 234 SANTA ROSA HEIGHTS DISTRICT | 4,550 | 4,550 | 5,853.89 | 1,253.70 | -1,303.89 | 128.7% |
| 235 VASONA HEIGHTS DISTRICT | 10,075 | 10,075 | 11,817.47 | 2,082.47 | -1,742.47 | 117.3% |
| 236 HILLBROOK DISTRICT | 6,040 | 6,040 | 7,083.07 | 1,308.07 | -1,043.07 | 117.3% |
| 251 LOS GATOS THEATRE | 121,100 | 121,100 | 205,948.81 | -42,038.52 | -84,848.81 | 170.1% |
| 261 LIBRARY TRUST DONATIONS | 71,000 | 75,000 | 79,048.50 | 4,818.50 | -4,048.50 | 105.4% |
| 262 NESS TRUST | 400 | 400 | 1,030.98 | 1,030.98 | -630.98 | 257.7% |
| 263 MCCLENDON TRUST | 2,000 | 2,000 | 3,803.99 | 3,803.99 | -1,803.99 | 190.2% |
| 264 BARBARA J CASSIN TRUST | 6,000 | 6,000 | 15,725.52 | 15,725.52 | -9,725.52 | 262.1% |
| 411 CAPITAL PROJECTS FUND | 2,542,254 | 3,667,697 | 4,324,699.01 | 1,086,648.32 | -657,002.27 | 117.9% |
| 421 GRANT FUNDED PROJECTS | 0 | 2,602,163 | 2,610,587.96 | 328,750.23 | -8,425.13 | 100.3% |
| 461 STORM BASIN 1 | 59,055 | 59,055 | 143,776.23 | 36,471.23 | -84,721.23 | 243.5% |
| 462 STORM BASIN 2 | 102,493 | 102,493 | 330,777.73 | 96,000.36 | -228,284.73 | 322.7% |
| 463 STORM BASIN 3 | -8,306 | -8,306 | -666.57 | -8,100.57 | -7,639.43 | 8.0% |
| 471 TRAFFIC MITIGATION FUND | 0 | 0 | 162,352.01 | 162,352.01 | -162,352.01 | 100.0% |
| 472 UTILITY UNDERGROUND TAX FUND | 45,870 | 45,870 | 190,554.79 | 160,028.41 | -144,684.79 | 415.4% |
| 481 GAS TAX FUND | 1,822,989 | 1,822,989 | 1,860,607.78 | 245,779.43 | -37,618.78 | 102.1% |
| 611 GENERAL LIABILITY FUND | 1,825,348 | 1,825,348 | 1,674,179.61 | 447,559.65 | 151,168.18 | 91.7% |
| 612 WORKERS COMPENSATION FUND | 1,901,696 | 1,901,696 | 1,981,016.19 | 439,840.74 | -79,319.74 | 104.2% |
| 621 INFORMATION TECHNOLOGY | 954,554 | 954,554 | 899,670.72 | 19,140.10 | 54,882.90 | 94.3% |
| 631 EQUIPMENT REPLACEMENT FUND | 1,187,544 | 1,187,544 | 1,204,651.23 | 14,960.41 | -17,107.23 | 101.4% |
| 633 FACILITIES MAINTENANCE FUND | 1,519,570 | 1,419,570 | 1,419,439.51 | 4,135.21 | 130.49 | 100.0% |
| 732 PERS CEPPT PENSION TRUST | 390,000 | 690,000 | 970,166.21 | 280,166.21 | -280,166.21 | 140.6% |
| 942 SA TRUST FUND | 3,923,926 | 3,923,926 | 3,983,262.43 | 2,022,850.43 | -59,336.43 | 101.5% |
| GRAND TOTAL | 76,145,998 | 83,945,332 | 87,553,350.53 | 11,303,729.15 | -3,608,018.82 | 104.3% |

** END OF REPORT - Generated by Kristina Alfaro **

# YEAR-TO-DATE BUDGET REPORT EXPENDITURES

**BY FUND AND CATEGORY**

FOR 2026 13

| | ORIGINAL APPROP | REVISED BUDGET | YTD EXPENDED | MTD EXPENDED | ENCUMBRANCES | AVAILABLE BUDGET | PCT USED |
|---|---|---|---|---|---|---|---|
| **111 GENERAL FUND** | | | | | | | |
| 5A SALARIES | 23,182,932 | 23,408,220 | 23,348,159.48 | 447,088.64 | .00 | 60,060.33 | 99.7% |
| 5B OVERTIME | 657,310 | 704,376 | 1,452,950.49 | 34,025.60 | .00 | -748,574.82 | 206.3% |
| 5C PERS | 10,297,119 | 10,597,119 | 9,420,279.00 | 86,621.94 | .00 | 1,176,840.25 | 88.9% |
| 5D MEDICAL BENEFITS | 3,382,768 | 3,395,753 | 2,842,329.05 | 7,293.70 | .00 | 553,423.55 | 83.7% |
| 5E OTHER BENEFITS | 2,883,003 | 2,883,003 | 2,499,091.23 | 14,899.50 | .00 | 383,911.54 | 86.7% |
| 5F RETIREE MEDICAL | 2,125,000 | 2,173,606 | 2,037,365.13 | -5,479.48 | .00 | 136,240.87 | 93.7% |
| 5G MATERIALS & SUPPLIES | 1,091,060 | 1,110,604 | 1,180,868.02 | 36,397.34 | .00 | -70,264.42 | 106.3% |
| 5H CONTRACTS | 5,852,202 | 7,025,463 | 5,293,667.37 | 401,673.07 | 363,660.04 | 1,368,136.01 | 80.5% |
| 5I UTILITIES | 905,046 | 905,046 | 906,074.96 | 11,083.60 | .00 | -1,029.06 | 100.1% |
| 5J GRANTS AND AWARDS | 274,307 | 251,820 | 261,843.48 | 15,000.00 | .00 | -10,023.48 | 104.0% |
| 5K PASS THRU | 1,551,000 | 2,605,147 | 2,076,882.26 | 143,873.57 | 1,589,211.65 | -1,060,946.89 | 140.7% |
| 5L MISCELLANEOUS | -41,000 | -41,000 | -174,837.90 | -75,780.27 | .00 | 133,837.90 | 426.4% |
| 5M INT SERVICE CHARGES | 4,894,461 | 4,894,461 | 4,741,204.27 | .00 | .00 | 153,256.24 | 96.9% |
| 5N DEBT SERVICE | 2,057,884 | 2,057,884 | 2,128,347.42 | 1,985,316.62 | .00 | -70,463.42 | 103.4% |
| 5O CAPITAL PROJECTS | 0 | 191,868 | 1,097,372.33 | 916,202.96 | .00 | -905,504.33 | 571.9% |
| 5P TRANSFERS OUT | 0 | 300,000 | 300,000.00 | 300,000.00 | .00 | .00 | 100.0% |
| TOTAL GENERAL FUND | 59,113,090 | 62,463,369 | 59,411,596.59 | 4,318,216.79 | 1,952,871.69 | 1,098,900.27 | 98.2% |
| **121 MEASURE G FUND** | | | | | | | |
| 5H CONTRACTS | 50,520 | 50,520 | 44,880.00 | 11,650.00 | .00 | 5,640.00 | 88.8% |
| 5K PASS THRU | 1,217,036 | 1,247,211 | 1,341,105.40 | 1,341,105.40 | .00 | -93,894.40 | 107.5% |
| TOTAL MEASURE G FUND | 1,267,556 | 1,297,731 | 1,385,985.40 | 1,352,755.40 | .00 | -88,254.40 | 106.8% |
| **732 PERS CEPPT PENSION TRUST** | | | | | | | |
| 5H CONTRACTS | 0 | 0 | 5,295.80 | 5,295.80 | .00 | -5,295.80 | 100.0% |
| TOTAL PERS CEPPT PENSION TRUST | 0 | 0 | 5,295.80 | 5,295.80 | .00 | -5,295.80 | 100.0% |
| GRAND TOTAL | 60,380,646 | 63,761,100 | 60,802,877.79 | 5,676,267.99 | 1,952,871.69 | 1,005,350.07 | 98.4% |

** END OF REPORT - Generated by Kristina Alfaro **

# Town of Los Gatos ~CA 55122~

## YEAR-TO-DATE BUDGET REPORT REVENUE
**BY FUND AND CATEGORY**

FOR 2026 13

| | ORIGINAL ESTIM REV | REVISED EST REV | ACTUAL YTD REVENUE | ACTUAL MTD REVENUE | REMAINING REVENUE | PCT COLL |
|---|---|---|---|---|---|---|
| **111 GENERAL FUND** | | | | | | |
| 4A PROPERTY TAX | 26,828,299 | 26,771,710 | 26,960,910.39 | 206,020.98 | -189,200.39 | 100.7% |
| 4B SALES & USE TAX | 6,639,081 | 7,501,065 | 7,628,140.83 | 2,054,186.89 | -127,075.83 | 101.7% |
| 4D TRANSIENT OCCUPANCY | 2,422,390 | 2,255,805 | 2,215,045.31 | 512,224.62 | 40,759.69 | 98.2% |
| 4E BUSINESS LIC & OTHER | 2,500,992 | 2,619,281 | 2,813,957.32 | 25,114.91 | -194,676.70 | 107.4% |
| 4F FRANCHISE FEES | 1,043,730 | 1,008,838 | 1,009,396.88 | 100,337.85 | -558.88 | 100.1% |
| 4G FINES & FORFEITURES | 315,200 | 312,200 | 525,002.51 | 44,627.98 | -212,802.51 | 168.2% |
| 4H LICENSES & PERMITS | 6,573,301 | 7,302,170 | 7,976,804.84 | -244,001.54 | -674,634.84 | 109.2% |
| 4I TOWN SERVICES | 4,114,498 | 4,446,819 | 4,409,579.55 | -359,071.02 | 37,239.45 | 99.2% |
| 4J OTHER SOURCES | 1,784,799 | 2,193,699 | 3,073,799.72 | 1,504,998.89 | -880,100.72 | 140.1% |
| 4K INTERGOVERNMENTAL | 835,936 | 1,531,719 | 1,198,287.85 | -305,046.25 | 333,431.15 | 78.2% |
| 4L PASS THRU | 2,647,974 | 3,540,829 | 3,605,397.96 | -303,369.57 | -64,569.30 | 101.8% |
| 4M TRANSFERS IN | 562,411 | 582,029 | 572,029.00 | 572,029.00 | 10,000.00 | 98.3% |
| 4N DEBT SERVICE REMIB | 1,908,150 | 1,908,150 | 1,908,150.00 | 1,908,150.00 | .00 | 100.0% |
| TOTAL GENERAL FUND | 58,176,761 | 61,974,313 | 63,896,502.16 | 5,716,202.74 | -1,922,188.88 | 103.1% |
| **121 MEASURE G FUND** | | | | | | |
| 4C MEASURE G | 1,298,825 | 1,369,000 | 1,385,985.40 | 245,355.42 | -16,985.40 | 101.2% |
| TOTAL MEASURE G FUND | 1,298,825 | 1,369,000 | 1,385,985.40 | 245,355.42 | -16,985.40 | 101.2% |
| **732 PERS CEPPT PENSION TRUST** | | | | | | |
| 4J OTHER SOURCES | 390,000 | 690,000 | 970,166.21 | 280,166.21 | -280,166.21 | 140.6% |
| TOTAL PERS CEPPT PENSION TRUST | 390,000 | 690,000 | 970,166.21 | 280,166.21 | -280,166.21 | 140.6% |
| GRAND TOTAL | 59,865,586 | 64,033,313 | 66,252,653.77 | 6,241,724.37 | -2,219,340.49 | 103.5% |

** END OF REPORT - Generated by Kristina Alfaro **

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

MEETING DATE: 11/17/2026
ITEM NO: 10

DATE: November 17, 2026

TO: Mayor and Town Council

FROM: Chris Constantin, Town Manager

SUBJECT: **Receive the Monthly Financial and Investment Report for September 2026**

RECOMMENDATION: Receive the Monthly Financial and Investment Report for September 2026

FISCAL IMPACT:

This report has no fiscal impact.

STRATEGIC PRIORITY:

This item aligns with the Town's Core Goals of Good Governance and Fiscal Stability by ensuring adherence to proper financial reporting guidelines and information.

BACKGROUND:

California Government Code Section 41004 requires that the Town Treasurer submit to the Town Clerk and the legislative body a written report and accounting of all receipts, disbursements, and fund balances. The Administrative Services Director assumes the Town Treasurer role. Attachment 1 contains the September 2026 monthly Financial and Investment Report, which fulfills this requirement.

The September 2026 Monthly Financial and Investment Report was received by the Finance Commission in the agenda packet for their November 9, 2026, regular meeting.

PREPARED BY: Eric Lemon
Finance and Accounting Manager

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Administrative Services Director

DISCUSSION:

The September 2026 Monthly Financial and Investment Report includes a Fund Balance Schedule, representing estimated funding available for all funds at the beginning of the fiscal year and at the end of the respective month.

As operations fluctuate month to month, there are differences between balances in one month and balances in another. Such differences may be significant due to the type of activity in those months and the timing of any estimates used in the presentation, based on the information available. This is demonstrated by the attached September 30, 2026, fund balance report. If differences are extraordinary and unanticipated, we will ensure we present more information to explain the differences.

The difference between the September 30 and August 31 estimated fund balance is due to normal day-to-day fluctuations in revenues and expenditures.

The difference between the beginning fund balance in the September 2026 Investment Report and the ending fund balance in the June 2026 Investment Report was approximately $4.67 million increase in total fund balance. The majority of the variance was caused by the accrual entry of 2026 Q2 sales taxes of approximately $1.52 million, mark-to-market adjustment of approximately $0.56 million, June permit revenue reclassifications of approximately $0.53 million, and year-end reclassifications in the Successor Agency Fund of approximately $1.70 million. In addition, there were several large, one-time, entries that were offset by large regular year-end entries. The one-time entries include a correction to the Below Market Price Housing Program to recognize prior years revenue of $2.74 million and an expenditure of $0.51 million from the removal of two GASB 87 lease contracts that were determined to be short term leases. This was offset by larger regular year-end entries of $0.57 million in bond interest revenue, $2.83 million in reclassifications of revenues to unearned revenue, and $0.12 million in depreciation expense entered for the successor agency. The remainder of the $0.51 million difference is a result of several small year-end entries.

Please note that the amount in the Fund Balance Schedule differs from the Portfolio Allocation and Treasurer's Cash Fund Balances Summary schedule because assets and liabilities are components of the Fund Balance.

As illustrated in the summary below, Ending Fund Balance = Cash + Assets – Liabilities. The resulting amount represents estimated accounting fund balance across Town funds and includes amounts that may be nonspendable, restricted, committed, or assigned.

As of September 30, 2026, the Town's financial position (Cash Plus Other Assets $97.13M, Liabilities $21.77M, and Fund Equity $75.36M) remains strong, and the Town has sufficient funds to meet the cash demands for the next six months.

As of September 30, 2026, the Town's weighted average yield to maturity for investments under management was 4.25%, which was 34 basis points above the Local Agency Investment Fund (LAIF) yield of 3.91% for the same reporting period. Currently, the LAIF portfolio's weighted average maturity (WAM) is 281 days versus the Town's longer WAM of 587 days. The Town's assets under management reflect the Town's selection of the 1-3 year benchmark investment strategy through the Town's investment advisor to lock in higher yields at the top of the interest rate cycle. The longer maturities are balanced with shorter-term yields available on investments held with the State's LAIF. The Town's weighted average yield to maturity on investments under management of 4.25% at the close of September was 5 basis points higher when compared to the prior month's return of 4.20% reported as of August 31, 2026.

Since September 2025, LAIF yields decreased from 421 basis points (4.21%) to 391 basis points (3.91%) through the end of September 2026. The State LAIF pool typically lags the market when current market yields are either increasing or decreasing.

The Federal Open Market Committee held steady rates for most of calendar year 2026. At its September meeting, the committee voted to raise rates 25 basis points to the range of 3.75%-4.00%. This adjustment aligns with the FOMC's objective to promote maximum employment and achieve an inflation target of 2% over the long run.

Nonfarm payrolls increased by 162,000 in August. The prior two months were revised upward by a combined 55,000. The unemployment rate remained at 4.1%, while the labor force participation rate edged higher to 61.6%. Employment gains were concentrated in food services, drinking places and local government education, while the information sector lost jobs.

The Town's investments are in compliance with the Town's Investment Policy dated August 4, 2026, and are also in compliance with the requirements of Section 53600 et seq. of the California Government Code. Based on the information available, the Town has sufficient funds to meet the cash demands for the next six months.

CONCLUSION:

Staff recommends that the Town Council receive the monthly financial and investment report for September 2026.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

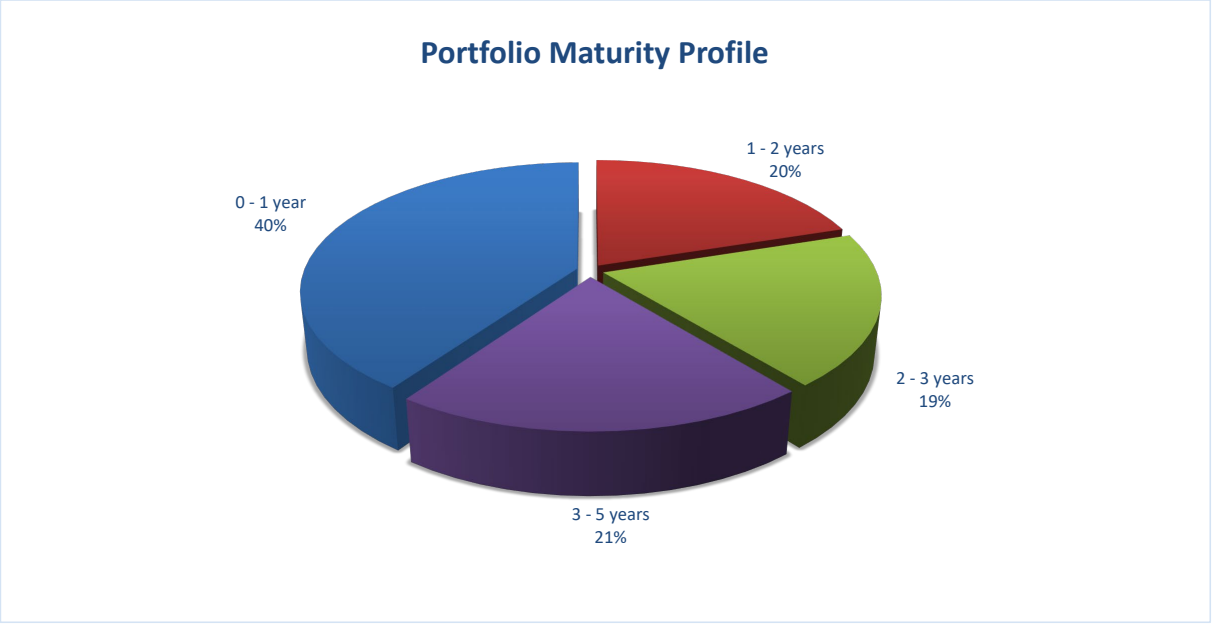
Attachments:
1. Financial and Investment Report (September 2026)

# Town of Los Gatos
## Summary Investment Information
## September 30, 2026

| | |
|---|---|
| **Weighted Average YTM Portfolio Yield on Investments under Management** | **4.25%** |
| **Weighted Average Maturity (days)** | **587** |

| | This Month | Last Month | One year ago |
|---|---|---|---|
| **Portfolio Allocation & Treasurer's Cash Balances** | $79,482,206 | $80,075,730 | $69,933,610 |
| Managed Investments | $54,646,678 | | |
| Local Agency Investment Fund | $15,910,115 | | |
| Reconciled Demand Deposit Balances | $8,925,413 | | |
| Portfolio Allocation & Treasurer's Cash Balances | $79,482,206 | | |

| **Benchmarks/ References:** | | | |
|---|---|---|---|
| Town's Average Yield | 4.25% | 4.20% | 4.31% |
| LAIF Yield for month | 3.91% | 3.86% | 4.21% |
| 3 mo. Treasury | 4.11% | 3.83% | 3.93% |
| 6 mo. Treasury | 4.33% | 3.99% | 3.84% |
| 2 yr. Treasury | 4.89% | 4.34% | 3.61% |
| 5 yr. Treasury | 5.09% | 4.50% | 3.74% |
| 10 Yr. Treasury | 5.28% | 4.75% | 4.15% |

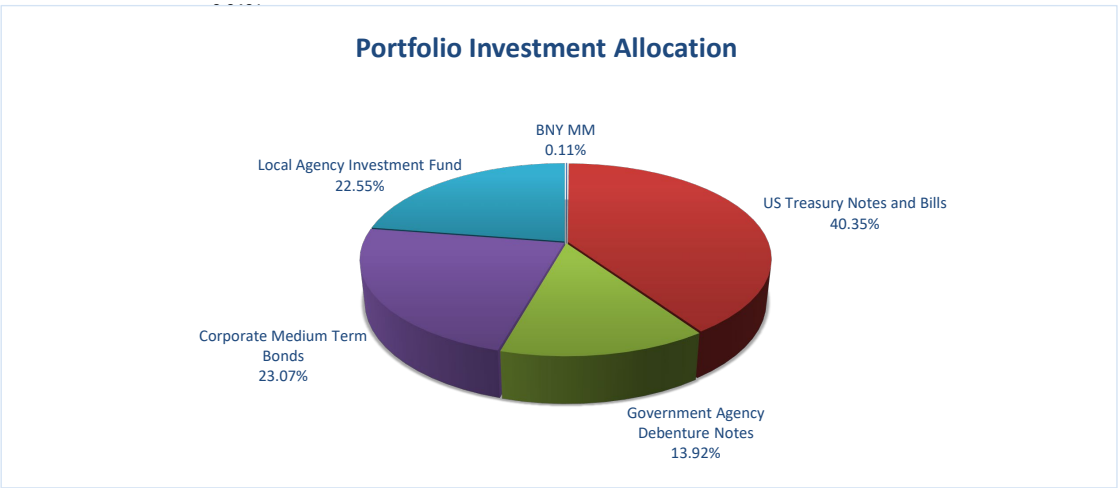


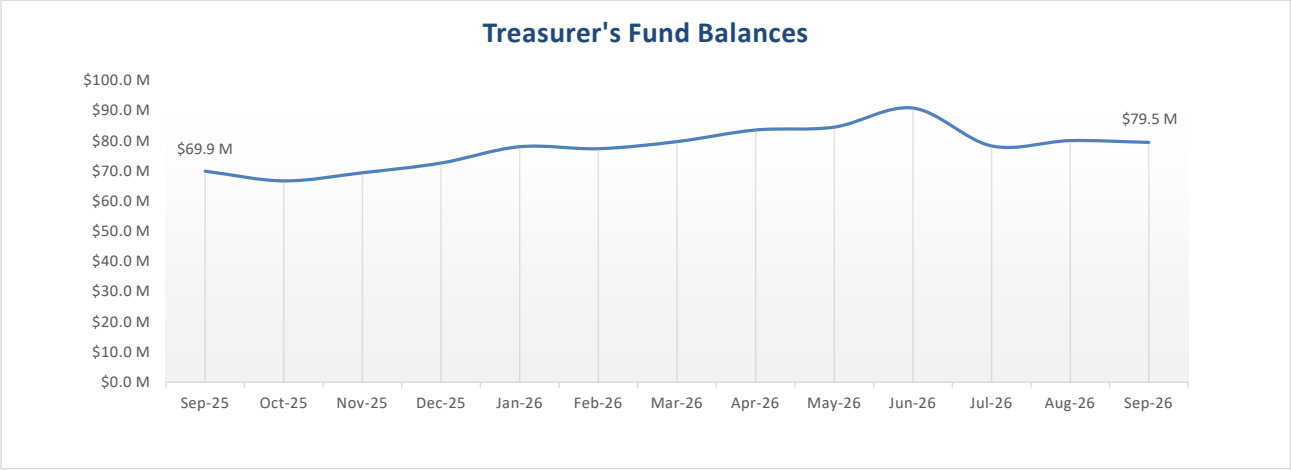

**Compliance:** The Town's investments are in compliance with the Town's investment policy dated August 4, 2026, and also in compliance with the requirements of Section 53600 et seq. of the California Government Code. Based on the information available, the Town has sufficient funds to meet the cash demands for the next six months.

**Town of Los Gatos**
**Portfolio Allocation & Treasurer's Cash Balances**
**September 30, 2026**

| | Month | YTD |
|---|---|---|
| Cash & Investment Balances - Beginning of Month/Period | $ 80,075,730.24 | $ 90,859,940.45 |
| Receipts | 3,004,883.32 | 20,546,754.34 |
| Disbursements | (3,598,407.54) | (31,924,488.77) |
| Cash & Investment Balances - End of Month/Period | $79,482,206.02 | $79,482,206.02 |

| Portfolio Allocation | Amount | % of Portfolio | Max. % or $ Allowed per State Law or Policy |
|---|---|---|---|
| BNY MM | $76,828.84 | 0.11% | 20% of Town Portfolio |
| US Treasury Notes and Bills | $28,473,129.84 | 40.35% | No Max. on US Treasuries |
| Government Agency Debenture Notes | $9,820,777.81 | 13.92% | No Max. on Non-Mortgage Backed |
| Corporate Medium Term Bonds | $16,275,941.30 | 23.07% | 30% of Town Portfolio |
| Local Agency Investment Fund | $15,910,114.99 | 22.55% | $75 M per State Law |
| Subtotal - Investments | 70,556,792.78 | 100.00% | |
| Reconciled Demand Deposit Balances | 8,925,413.24 | | |
| Total Portfolio Allocation & Treasurer's Cash Balances | $79,482,206.02 | | |



# Town of Los Gatos
## Non-Treasury Restricted Fund Balances
## September 30, 2026

| | Beginning Balance | September 2026 Deposits Realized Gain/Adj. | September 2026 Interest/ Unrealized Gains (Losses)/ Gains (Losses) | September 2026 Withdrawals / Fees | Ending Balance | |
|---|---|---|---|---|---|---|
| Non-Treasury Funds: | | | | | | |
| Cert. of Participation 2002 Ser A Reserve Fund | $ 686,251.00 | $ - | $ 1,856.97 | $ - | $ 688,107.97 | **Note 1** |
| Cert. of Participation 2010 Ser Lease Payment Fund | 580.21 | | 233.24 | | $ 813.45 | **Note 2** |
| Cert. of Participation 2002 Ser A Lease Payment Fund | 13,152.53 | - | 123.36 | - | $ 13,275.89 | **Note 1** |
| Cert. of Participation 2010 Ser Reserve Fund | 1,334,533.57 | - | 4,051.06 | - | $ 1,338,584.63 | **Note 2** |
| Total Restricted Funds: | $ 2,034,517.31 | $ - | $ 6,264.63 | $ - | $ 2,040,781.94 | |
| CEPPT IRS Section 115 Trust | 4,049,223.84 | - | (105,721.07) | (757.51) | $ 3,942,745.26 | **Note 3** |
| Grand Total COPs and CEPPT Trust | $ 6,083,741.15 | $ - | $ (99,456.44) | $ (757.51) | $ 5,983,527.20 | |

*These accounts are not part of the Treasurer's fund balances reported elsewhere in this report, as they are for separate and distinct entities.*

**Note 1:** The Certificates of Participation (COP) 2002 Series A bond accounts include a reserve fund which will guarantee the lease payments**,** and a lease payment account for the disbursement to bond holders.

**Note 2:** The 2010 COP accounts include a reserve fund which guarantees lease payments, and a lease payment fund for the disbursement to bond holders.

**Note 3**: The CEPPT IRS Section 115 Trust was established as an irrevocable trust dedicated to accumulate resources to fund the Town's unfunded liabilities related to pension and other post employment benefits.

**Town of Los Gatos**
**Statement of Interest Earned**
**September 30, 2026**

| | | |
|---|---|---|
| July 2026 | $ | 247,458.13 |
| August 2026 | $ | 248,870.16 |
| September 2026 | $ | 264,754.36 |
| October 2026 | $ | - |
| November 2026 | $ | - |
| December 2026 | $ | - |
| January 2027 | $ | - |
| February 2027 | $ | - |
| March 2027 | $ | - |
| April 2027 | $ | - |
| May 2027 | $ | - |
| June 2027 | $ | - |
| | $ | 761,082.65 |

**Town of Los Gatos**
**Investment Schedule**
**September 30, 2026**

| Institution | CUSIP # | Security | Coupon | Deposit Date | Par Value | Original Cost | Original Issue (Discount) Premium | Market Value | Market Value Above (Under) Cost | Purchased Interest | Maturity Date or Call Date | Yield to Maturity or Call | Interest Received to Date | Interest Earned Prior Yrs. | Interest Earned Current FY | Days to Maturity or Call |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Apple | 037833DB3 | Corporate Bond | 2.90% | 12/20/2022 | 1,300,000.00 | 1,228,591.00 | (71,409.00) | 1,277,965.00 | 49,374.00 | | 6/12/2027 | 4.19% | $ 140,537.22 | $ 189,288.22 | $ 13,520.59 | 255 |
| FFCB | 3133EN5V8 | Gov. Agency Debenture | 4.13% | 1/17/2023 | 236,000.00 | 239,174.20 | 3,174.20 | 235,929.20 | (3,245.00) | | 1/11/2027 | 3.76% | $ 33,910.25 | $ 30,856.96 | $ 2,253.05 | 103 |
| FHLB | 3130AQF65 | Gov. Agency Debenture | 1.25% | 11/30/2022 | 1,300,000.00 | 1,160,559.40 | (139,440.60) | 1,291,459.00 | 130,899.60 | | 12/21/2026 | 4.15% | $ 57,822.92 | $ 181,301.91 | $ 12,752.12 | 82 |
| FHLB | 3130APJH9 | Gov. Agency Debenture | 1.00% | 1/17/2023 | 1,000,000.00 | 907,010.00 | (92,990.00) | 998,710.00 | 91,700.00 | | 10/28/2026 | 4.17% | $ 33,354.17 | $ 119,424.46 | $ 8,719.88 | 28 |
| FFCB | 3133EN5N6 | Gov. Agency Debenture | 4.00% | 2/8/2023 | 1,700,000.00 | 1,706,732.00 | 6,732.00 | 1,685,533.00 | (21,199.00) | | 1/6/2028 | 3.91% | $ 231,955.56 | $ 225,992.90 | $ 16,794.30 | 463 |
| American Honda | 02665WED9 | Corporate Bond | 4.70% | 5/11/2023 | 600,000.00 | 608,856.00 | 8,856.00 | 596,466.00 | (12,390.00) | | 1/12/2028 | 4.34% | $ 89,378.33 | $ 82,594.77 | $ 6,630.64 | 469 |
| US Treasury | 91282CEF4 | US Treasury Note | 2.50% | 6/9/2023 | 1,500,000.00 | 1,416,626.12 | (83,373.88) | 1,486,965.00 | 70,338.88 | | 3/31/2027 | 4.09% | $ 124,077.87 | $ 181,711.12 | $ 14,966.36 | 182 |
| Colgate-Palmolive | 194162AR4 | Corporate Bond | 4.60% | 7/14/2023 | 500,000.00 | 504,655.00 | 4,655.00 | 497,230.00 | (7,425.00) | | 2/1/2028 | 4.37% | $ 72,002.79 | $ 65,152.13 | $ 5,539.74 | 489 |
| FFCB | 3133EPBM6 | Gov. Agency Debenture | 4.13% | 7/14/2023 | 600,000.00 | 596,220.00 | (3,780.00) | 597,624.00 | 1,404.00 | | 8/23/2027 | 4.29% | $ 76,931.25 | $ 76,093.32 | $ 6,470.04 | 327 |
| PNC Bank | 69353RFJ2 | Corporate Bond | 3.25% | 7/25/2023 | 1,000,000.00 | 921,490.00 | (78,510.00) | 977,110.00 | 55,620.00 | | 12/23/2027 | 5.23% | $ 97,229.17 | $ 147,524.43 | $ 12,672.50 | 449 |
| US Treasury | 91282CFU0 | US Treasury Note | 4.13% | 7/31/2023 | 1,300,000.00 | 1,290,660.60 | (9,339.40) | 1,292,733.00 | 2,072.40 | | 10/31/2027 | 4.31% | $ 147,468.75 | $ 162,872.14 | $ 14,069.71 | 396 |
| Toyota Motor Credit | 89236TKL8 | Corporate Bond | 5.45% | 8/25/2023 | 1,600,000.00 | 1,617,168.00 | 17,168.00 | 1,608,320.00 | (8,848.00) | | 11/10/2027 | 5.16% | $ 236,166.67 | $ 236,851.22 | $ 20,952.22 | 406 |
| US Treasury | 912810FE3 | US Treasury Note | 5.50% | 10/3/2023 | 1,200,000.00 | 1,238,207.14 | 38,207.14 | 1,213,692.00 | (24,515.14) | | 8/15/2028 | 4.76% | $ 189,211.96 | $ 159,492.42 | $ 14,658.64 | 685 |
| US Treasury | 91282CEW7 | US Treasury Note | 3.25% | 10/16/2023 | 1,000,000.00 | 950,039.06 | (49,960.94) | 991,060.00 | 41,020.94 | | 6/30/2027 | 4.73% | $ 87,961.96 | $ 124,455.54 | $ 11,588.98 | 273 |
| US Treasury | 91282CEN7 | US Treasury Note | 2.75% | 10/31/2023 | 1,300,000.00 | 1,214,336.39 | (85,663.61) | 1,287,845.00 | 73,508.61 | | 4/30/2027 | 4.82% | $ 89,375.00 | $ 160,571.39 | $ 15,182.50 | 212 |
| US Treasury | 91282CCH2 | US Treasury Note | 1.25% | 12/21/2023 | 900,000.00 | 798,647.55 | (101,352.45) | 846,207.00 | 47,559.45 | | 6/30/2028 | 3.99% | $ 28,430.71 | $ 84,949.54 | $ 8,476.53 | 639 |
| US Treasury | 91282CFB2 | US Treasury Note | 2.75% | 1/2/2024 | 1,000,000.00 | 960,354.91 | (39,645.09) | 985,430.00 | 25,075.09 | | 7/31/2027 | 3.95% | $ 70,917.12 | $ 96,185.71 | $ 9,724.27 | 304 |
| US Treasury | 91282CHE4 | US Treasury Note | 3.63% | 1/17/2024 | 1,800,000.00 | 1,775,185.72 | (24,814.28) | 1,765,332.00 | (9,853.72) | | 5/31/2028 | 3.97% | $ 154,567.63 | $ 173,911.85 | $ 17,876.97 | 609 |
| JP Morgan Chase | 46647PDG8 | Corporate Bond | 4.85% | 2/1/2024 | 1,400,000.00 | 1,396,528.00 | (3,472.00) | 1,397,676.00 | 1,148.00 | | 7/25/2027 | 4.93% | $ 168,653.10 | $ 166,143.66 | $ 17,369.56 | 298 |
| US Bancorp | 91159HJF8 | Corporate Bond | 4.55% | 2/5/2024 | 1,000,000.00 | 989,200.00 | (10,800.00) | 995,520.00 | 6,320.00 | | 7/22/2027 | 4.89% | $ 112,057.67 | $ 116,642.74 | $ 12,250.15 | 295 |
| FFCB | 3133EP5U5 | Gov. Agency Debenture | 4.13% | 3/28/2024 | 1,700,000.00 | 1,687,981.00 | (12,019.00) | 1,667,547.00 | (20,434.00) | | 3/20/2029 | 4.28% | $ 173,754.17 | $ 163,757.14 | $ 18,283.56 | 902 |
| US Treasury | 9128285M8 | US Treasury Note | 3.13% | 4/30/2024 | 1,200,000.00 | 1,123,832.14 | (76,167.86) | 1,157,436.00 | 33,603.86 | | 11/15/2028 | 4.69% | $ 76,545.34 | $ 117,561.57 | $ 13,673.41 | 777 |
| Cisco Systems | 17275RBR2 | Corporate Bond | 4.85% | 5/15/2024 | 1,000,000.00 | 999,130.00 | (870.00) | 991,830.00 | (7,300.00) | | 1/26/2029 | 4.87% | $ 110,606.94 | $ 103,505.53 | $ 12,271.27 | 849 |
| Home Depot | 437076CW0 | Corporate Bond | 4.90% | 5/17/2024 | 1,000,000.00 | 1,001,790.00 | 1,790.00 | 991,810.00 | (9,980.00) | | 3/15/2029 | 4.86% | $ 93,644.44 | $ 103,121.00 | $ 12,257.28 | 897 |
| Treasury | 91282CJR3 | US Treasury Note | 3.75% | 5/31/2024 | 1,200,000.00 | 1,154,629.02 | (45,370.98) | 1,170,096.00 | 15,466.98 | | 12/31/2028 | 4.68% | $ 93,708.79 | $ 114,284.87 | $ 13,834.48 | 823 |
| Citibank | 17325FBK3 | Corporate Bond | 4.84% | 8/15/2024 | 1,250,000.00 | 1,263,062.50 | 13,062.50 | 1,233,387.50 | (29,675.00) | | 7/6/2029 | 4.60% | $ 119,438.12 | $ 108,325.83 | $ 14,570.14 | 1010 |
| FNMA | 3135G05Y5 | Gov. Agency Debenture | 0.75% | 9/10/2024 | 1,100,000.00 | 1,010,724.00 | (89,276.00) | 1,057,837.00 | 47,113.00 | | 10/8/2027 | 3.56% | $ 13,016.67 | $ 67,182.14 | $ 9,393.25 | 373 |
| US Treasury | 91282CFL0 | US Treasury Note | 3.88% | 12/3/2024 | 1,100,000.00 | 1,088,144.31 | (11,855.69) | 1,065,878.00 | (22,266.31) | | 9/30/2029 | 4.12% | $ 77,755.49 | $ 70,894.37 | $ 11,362.86 | 1096 |
| FHLB | 3130ATUT2 | Gov. Agency Debenture | 4.50% | 2/12/2025 | 505,000.00 | 508,253.21 | 3,253.21 | 496,778.60 | (11,474.61) | | 12/14/2029 | 4.35% | $ 30,426.25 | $ 30,390.32 | $ 5,558.47 | 1171 |
| FFCB | 3133ER5X5 | Gov. Agency Debenture | 3.88% | 3/12/2025 | 1,000,000.00 | 998,480.00 | (1,520.00) | 987,290.00 | (11,190.00) | | 3/7/2028 | 3.93% | $ 57,586.81 | $ 51,089.86 | $ 9,895.30 | 524 |
| Treasury | 91282CJF9 | US Treasury Note | 4.88% | 3/31/2025 | 1,100,000.00 | 1,130,167.75 | 30,167.75 | 1,099,351.00 | (30,816.75) | | 10/31/2028 | 4.04% | $ 58,069.06 | $ 56,493.38 | $ 11,397.79 | 762 |
| Freddie Mac | 3134HAW33 | Gov. Agency Debenture | 4.75% | 4/30/2025 | 1,000,000.00 | 1,005,644.00 | 5,644.00 | 988,860.00 | (16,784.00) | | 12/18/2029 | 4.23% | $ 54,493.07 | $ 54,018.19 | $ 11,665.90 | 1175 |
| US Treasury | 91282CNG2 | US Treasury Note | 4.00% | 6/30/2025 | 660,000.00 | 665,184.24 | 5,184.24 | 637,104.60 | (28,079.64) | | 5/31/2030 | 3.82% | $ 24,236.08 | $ 25,346.41 | $ 6,388.68 | 1339 |
| US Treasury | 91282CMG3 | US Treasury Note | 4.25% | 8/4/2025 | 825,000.00 | 842,308.43 | 17,308.43 | 805,439.25 | (36,869.18) | | 1/31/2030 | 3.74% | $ 34,681.39 | $ 28,219.67 | $ 7,867.30 | 1219 |
| US Treasury | 91282CMA6 | US Treasury Note | 4.13% | 8/25/2025 | 1,200,000.00 | 1,218,847.77 | 18,847.77 | 1,169,016.00 | (49,831.77) | | 11/30/2029 | 3.72% | $ 37,868.86 | $ 38,167.38 | $ 11,363.75 | 1157 |
| US Treasury | 91282CHR5 | US Treasury Note | 4.00% | 9/23/2025 | 950,000.00 | 967,036.38 | 17,036.38 | 915,382.00 | (51,654.38) | | 7/31/2030 | 3.59% | $ 32,423.92 | $ 26,458.71 | $ 8,693.57 | 1400 |
| US Treasury | 91282CGQ8 | US Treasury Note | 4.00% | 10/3/2025 | 1,000,000.00 | 1,013,362.72 | 13,362.72 | 968,200.00 | (45,162.72) | | 2/28/2030 | 3.67% | $ 36,353.59 | $ 27,346.70 | $ 9,318.13 | 1247 |
| State Street Corp | 857477DB6 | Corporate Bond | 4.83% | 11/10/2025 | 580,000.00 | 596,535.80 | 16,535.80 | 567,843.20 | (28,692.60) | | 3/24/2030 | 4.13% | $ 12,772.51 | $ 15,415.70 | $ 6,113.12 | 1271 |
| US Treasury | 91282CKA8 | US Treasury Note | 4.13% | 12/17/2025 | 1,150,000.00 | 1,157,775.34 | 7,775.34 | 1,149,310.00 | (8,465.34) | | 2/15/2027 | 3.52% | $ 31,453.12 | $ 21,775.81 | $ 10,273.72 | 138 |
| US Treasury | 91282CHW4 | US Treasury Note | 4.13% | 12/17/2025 | 1,150,000.00 | 1,170,308.54 | 20,308.54 | 1,111,992.50 | (58,316.04) | | 8/31/2030 | 3.71% | $ 33,284.88 | $ 23,038.22 | $ 10,869.31 | 1431 |
| US Treasury | 91282CHZ7 | US Treasury Note | 4.63% | 1/13/2026 | 1,050,000.00 | 1,089,087.89 | 39,087.89 | 1,033,473.00 | (55,614.89) | | 9/30/2030 | 3.75% | $ 34,554.09 | $ 18,536.39 | $ 10,150.88 | 1461 |
| Morgan Stanley Pvt Bank | 61776NU43 | Corporate Bond | 4.21% | 2/26/2026 | 1,250,000.00 | 1,254,137.50 | 4,137.50 | 1,211,712.50 | (42,425.00) | | 2/8/2029 | 4.09% | $ 22,820.42 | $ 17,414.89 | $ 12,920.73 | 862 |
| John Deere Capital Corp | 24422EXN4 | Corporate Bond | 4.90% | 3/17/2026 | 1,000,000.00 | 1,024,660.00 | 24,660.00 | 974,680.00 | (49,980.00) | | 3/7/2031 | 4.34% | $ 23,138.89 | $ 12,670.06 | $ 11,101.39 | 1619 |
| US Treasury | 91282CLC3 | US Treasury Note | 4.00% | 4/6/2026 | 1,050,000.00 | 1,053,691.41 | 3,691.41 | 1,022,805.00 | (30,886.41) | | 7/31/2029 | 3.88% | $ 13,458.56 | $ 9,521.94 | $ 10,306.10 | 1035 |
| US Treasury | 91282CMB4 | US Treasury Note | 4.00% | 4/6/2026 | 1,050,000.00 | 1,052,378.91 | 2,378.91 | 1,041,390.00 | (10,988.91) | | 12/15/2027 | 3.86% | $ 8,076.92 | $ 9,453.63 | $ 10,232.16 | 441 |
| Bank of America | 06051GMY2 | Corporate Bond | 4.48% | 6/1/2026 | 1,250,000.00 | 1,244,325.00 | (5,675.00) | 1,215,812.50 | (28,512.50) | 5,907.15 | 4/23/2029 | 4.65% | $ (5,907.15) | $ 4,602.04 | $ 14,599.56 | 936 |
| US Treasury | 91282CKN0 | US Treasury Note | 4.63% | 6/15/2026 | 650,000.00 | 662,037.33 | 12,037.33 | 637,864.50 | (24,172.83) | 3,757.81 | 4/30/2031 | 4.20% | $ (3,757.81) | $ 1,134.01 | $ 6,955.24 | 1673 |
| US Treasury | 91282CJG7 | US Treasury Note | 4.88% | 6/15/2026 | 650,000.00 | 667,801.01 | 17,801.01 | 645,580.00 | (22,221.01) | 3,960.94 | 10/31/2030 | 4.18% | $ (3,960.94) | $ 1,135.24 | $ 6,962.79 | 1492 |
| US Treasury | 91282CMW8 | US Treasury Note | 3.75% | 6/15/2026 | 600,000.00 | 596,580.14 | (3,419.86) | 590,604.00 | (5,976.14) | 3,750.00 | 4/15/2028 | 4.07% | $ (3,750.00) | $ 1,001.22 | $ 6,140.83 | 563 |
| American Express Co | 025816ET2 | Corporate Bond | 4.44% | 7/17/2026 | 600,000.00 | 594,702.00 | (5,298.00) | 584,622.00 | (10,080.00) | 5,406.87 | 5/3/2029 | 4.78% | $ (5,406.87) | $ - | $ 5,868.08 | 946 |
| US Treasury | 91282CJX0 | US Treasury Note | 4.00% | 8/5/2026 | 1,000,000.00 | 986,800.23 | (13,199.77) | 958,400.00 | (28,400.23) | 543.48 | 1/31/2031 | 4.33% | $ (543.48) | $ - | $ 6,587.71 | 1584 |
| Caterpillar Financial Svcs | 14913V2D9 | Corporate Bond | 4.50% | 9/3/2026 | 1,050,000.00 | 1,031,110.50 | (18,889.50) | 1,005,522.00 | (25,588.50) | 14,175.00 | 5/15/2031 | 4.93% | $ (14,175.00) | $ - | $ 3,792.59 | 1688 |
| US Treasury | 91282CKT7 | US Treasury Note | 4.50% | 9/24/2026 | 1,000,000.00 | 991,565.85 | (8,434.15) | 988,240.00 | (3,325.85) | 14,262.30 | 5/31/2029 | 4.84% | $ (14,262.30) | $ - | $ 791.36 | 974 |
| US Treasury | 912797WP8 | US Treasury Bill | 0.00% | 9/24/2026 | 200,000.00 | 197,532.94 | (2,467.06) | 197,692.00 | 159.06 | | 1/12/2027 | 4.04% | $ - | $ - | $ 134.57 | 104 |
| Subtotal | | | | | $ 55,306,000.00 | $ 54,569,848.95 | $ (736,151.05) | $ 54,369,592.35 | $ (200,256.60) | $ 51,763.55 | | | $ 3,494,414.93 | $ 4,103,878.63 | $ 564,064.04 | |
| BNY MM | | Money Market | | | | 76,828.84 | | 76,828.84 | 0.00 | | | 0.00% | | | | 1 |
| LAIF | | State Investment Pool | | | | 15,910,114.99 | | 15,822,361.32 | (87,753.67) | | | 3.91% | | | 175,721.96 | 1 |
| | | | | | **55,306,000.00** | **70,556,792.78** | | **$70,268,782.51** | **($288,010.27)** | **$51,763.55** | | | $ 3,494,414.93 | $ 4,103,878.63 | $ 739,786.00 | |
| Matured Assets | | | | | | | | | | | | | | | | |
| FFCB | 3133EPQC2 | Gov. Agency Debenture | 4.63% | 7/17/2023 | 500,000.00 | 501,957.50 | 1,957.50 | | | | 7/17/2026 | 4.48% | $ 69,375.00 | $ 66,434.16 | $ 1,046.69 | |
| State Street Corp | 857477CD3 | Corporate Bond | 5.27% | 4/30/2025 | 800,000.00 | 811,184.00 | 11,184.00 | | | | 8/3/2026 | 4.04% | $ 53,071.47 | $ 38,867.24 | $ 3,102.08 | |
| FFCB | 3133EPUW3 | Gov. Agency Debenture | 4.75% | 10/13/2023 | 1,000,000.00 | 994,338.00 | (5,662.00) | | | | 9/1/2026 | 4.96% | $ 136,958.33 | $ 134,289.32 | $ 8,537.06 | |
| FNMA | 3135G0Q22 | Gov. Agency Debenture | 1.88% | 12/21/2023 | 900,000.00 | 845,676.00 | (54,324.00) | | | | 9/24/2026 | 4.22% | $ 46,546.88 | $ 92,315.93 | $ 8,610.81 | |
| Total Interest from Matured Investments Total | | | | | | | | | | | | | | | $ 21,296.65 | |
| Interest FY 2026-27, Matured and Current | | | | | | | | | | | | | | | $ 761,082.65 | |

**Maturity Profile**

| | Amount | Percent |
|---|---|---|
| 0-1 year | $ 28,400,891.19 | 40% |
| 1-2 years | $14,119,765.06 | 20% |
| 2-3 years | $13,499,014.17 | 19% |
| 3-5 years | $ 14,537,122.36 | 21% |
| | $70,556,792.78 | 100% |

**Town of Los Gatos**
**Investment Transaction Detail**
**September 30, 2026**

| Date | Cusip/Id | Description | Transaction Type | Trade Date | Settlement Date | Par | Coupon | Maturity Date | Price | Principal | Interest | Transaction Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 9/1/2026 | 3133EPUW3 | FEDERAL FARM CREDIT BANK 4.75% 01SEP2026 | REDEMPTION | 9/1/2026 | 9/1/2026 | 1,000,000.00 | 0.000% | 9/1/2026 | 100.00 | 1,000,000.00 | - | 1,000,000.00 |
| 9/1/2026 | 3133EPUW3 | FEDERAL FARM CREDIT BANK 4.75% 01SEP2026 | BOND INTEREST | 9/1/2026 | 9/1/2026 | 1,000,000.00 | 0.000% | 9/1/2026 | - | - | 23,750.00 | 23,750.00 |
| 9/1/2026 | 194162AR4 | COLGATE-PALMOLIVE CO 4.6% 01MAR2028 (CALLABLE 01FEB28) | BOND INTEREST | 9/1/2026 | 9/1/2026 | 500,000.00 | 4.600% | 3/1/2028 | - | - | 11,500.00 | 11,500.00 |
| 9/3/2026 | 14913V2D9 | CATERPILLAR FINL SERVICE 4.5% 15MAY2031 | FI-PUR | 9/2/2026 | 9/3/2026 | 1,050,000.00 | 4.500% | 5/15/2031 | 98.20 | 1,031,110.50 | 14,175.00 | 1,045,285.50 |
| 9/2/2026 | Cash-USD | Cash-USD | SHORT TERM INVESTMENT FUND INCOME | 9/2/2026 | 9/2/2026 | 540.52 | 0.000% | | 100.00 | - | - | 540.52 |
| 9/8/2026 | 3133ER5X5 | FEDERAL FARM CREDIT BANK 3.875% 07MAR2028 | BOND INTEREST | 9/7/2026 | 9/7/2026 | 1,000,000.00 | 3.875% | 3/7/2028 | - | - | 19,375.00 | 19,375.00 |
| 9/8/2026 | 24422EXN4 | JOHN DEERE CAPITAL CORP 4.9% 07MAR2031 | BOND INTEREST | 9/8/2026 | 9/8/2026 | 1,000,000.00 | 4.900% | 3/7/2031 | - | - | 24,500.00 | 24,500.00 |
| 9/14/2026 | 037833DB3 | APPLE INC 2.9% 12SEP2027 (CALLABLE 12JUN27) | BOND INTEREST | 9/12/2026 | 9/12/2026 | 1,300,000.00 | 2.900% | 9/12/2027 | - | - | 18,850.00 | 18,850.00 |
| 9/21/2026 | 3133EP5U5 | FEDERAL FARM CREDIT BANK 4.125% 20MAR2029 | BOND INTEREST | 9/20/2026 | 9/20/2026 | 1,700,000.00 | 4.125% | 3/20/2029 | - | - | 35,062.50 | 35,062.50 |
| 9/24/2026 | 91282CKT7 | USA TREASURY 4.5% 31MAY2029 | FI-PUR | 9/23/2026 | 9/24/2026 | 1,000,000.00 | 4.500% | 5/31/2029 | 99.16 | 991,565.85 | 14,262.30 | 1,005,828.15 |
| 9/24/2026 | 912797WP8 | USA TREASURY BILL 0% 12JAN2027 | MM-PUR | 9/23/2026 | 9/24/2026 | 200,000.00 | 0.000% | 1/12/2027 | 98.77 | 197,532.94 | - | 197,532.94 |
| 9/24/2026 | 3135G0Q22 | FANNIE MAE 1.875% 24SEP2026 | BOND INTEREST | 9/24/2026 | 9/24/2026 | 900,000.00 | 0.000% | 9/24/2026 | - | - | 8,437.50 | 8,437.50 |
| 9/24/2026 | 3135G0Q22 | FANNIE MAE 1.875% 24SEP2026 | REDEMPTION | 9/24/2026 | 9/24/2026 | 900,000.00 | 0.000% | 9/24/2026 | 100.00 | 900,000.00 | - | 900,000.00 |
| 9/30/2026 | 91282CEF4 | USA TREASURY 2.5% 31MAR2027 | BOND INTEREST | 9/30/2026 | 9/30/2026 | 1,500,000.00 | 2.500% | 3/31/2027 | - | - | 18,750.00 | 18,750.00 |
| 9/30/2026 | 91282CFL0 | USA TREASURY 3.875% 30SEP2029 | BOND INTEREST | 9/30/2026 | 9/30/2026 | 1,100,000.00 | 3.875% | 9/30/2029 | - | - | 21,312.50 | 21,312.50 |
| 9/30/2026 | 91282CHZ7 | USA TREASURY 4.625% 30SEP2030 | BOND INTEREST | 9/30/2026 | 9/30/2026 | 1,050,000.00 | 4.625% | 9/30/2030 | - | - | 24,281.25 | 24,281.25 |

# TOWN OF LOS GATOS, CA

## Insight ESG ratings as of September 30, 2026

| CUSIP | Security description | Maturity date | Par/Shares | Total market value ($) | S&P rating | Moody's rating | Insight ESG rating | Environment | Social | Governance |
|---|---|---|---|---|---|---|---|---|---|---|
| 025816ET2 | AMERICAN EXPRESS CO 4.444% 03MAY2030 (CALLABLE 03MAY29) | 5/3/2030 | 600,000 | 595,591 | A- | A2 | 3 | 1 | 3 | 4 |
| 02665WED9 | AMERICAN HONDA FINANCE 4.7% 12JAN2028 | 1/12/2028 | 600,000 | 602,711 | BBB+ | A3 | 3 | 2 | 3 | 3 |
| 037833DB3 | APPLE INC 2.9% 12SEP2027 (CALLABLE 12JUN27) | 9/12/2027 | 1,300,000 | 1,279,932 | AA+ | Aaa | 5 | 3 | 5 | 4 |
| 06051GMY2 | BANK OF AMERICA CORP 4.477% 23APR2030 (CALLABLE 23APR29) | 4/23/2030 | 1,250,000 | 1,240,660 | A- | A1 | 3 | 1 | 3 | 4 |
| 14913V2D9 | CATERPILLAR FINL SERVICE 4.5% 15MAY2031 | 5/15/2031 | 1,050,000 | 1,023,463 | A | A1 | 3 | 3 | 3 | 3 |
| 17275RBR2 | CISCO SYSTEMS INC 4.85% 26FEB2029 (CALLABLE 26JAN29) | 2/26/2029 | 1,000,000 | 996,645 | AA- | A1 | 3 | 1 | 3 | 3 |
| 17325FBK3 | CITIBANK NA 4.838% 06AUG2029 (CALLABLE 06JUL29) | 8/6/2029 | 1,250,000 | 1,242,103 | A+ | Aa3 | 3 | 1 | 2 | 5 |
| 194162AR4 | COLGATE-PALMOLIVE CO 4.6% 01MAR2028 (CALLABLE 01FEB28) | 3/1/2028 | 500,000 | 499,212 | A+ | Aa3 | 3 | 3 | 3 | 3 |
| 24422EXN4 | JOHN DEERE CAPITAL CORP 4.9% 07MAR2031 | 3/7/2031 | 1,000,000 | 978,585 | A | A1 | 2 | 1 | 2 | 4 |
| 437076CW0 | HOME DEPOT INC 4.9% 15APR2029 (CALLABLE 15MAR29) | 4/15/2029 | 1,000,000 | 1,014,682 | A | A2 | 2 | 2 | 3 | 3 |
| 46647PDG8 | JPMORGAN CHASE & CO 4.851% 25JUL2028 (CALLABLE 25JUL27) | 7/25/2028 | 1,400,000 | 1,409,803 | A | A1 | 3 | 2 | 3 | 4 |
| 61776NU43 | MORGAN STANLEY PVT BANK 4.213% 08FEB2030 (CALLABLE 08FEB29) | 2/8/2030 | 1,250,000 | 1,219,621 | A+ | Aa3 | 3 | 1 | 3 | 5 |
| 69353RFJ2 | PNC BANK NA 3.25% 22JAN2028 (CALLABLE 23DEC27) | 1/22/2028 | 1,000,000 | 983,403 | A | A2 | 3 | 3 | 3 | 3 |
| 857477DB6 | STATE STREET CORP 4.834% 24APR2030 (CALLABLE 24MAR30) | 4/24/2030 | 580,000 | 580,411 | A | Aa3 | 1 | 1 | 2 | 2 |
| 89236TKL8 | TOYOTA MOTOR CREDIT CORP 5.45% 10NOV2027 | 11/10/2027 | 1,600,000 | 1,642,449 | A+ | A1 | 1 | 1 | 2 | 4 |
| 91159HJF8 | US BANCORP 4.548% 22JUL2028 (CALLABLE 22JUL27) | 7/22/2028 | 1,000,000 | 1,004,196 | A | A3 | 3 | 2 | 3 | 4 |
| **Total Corporate / weighted average** | | | **16,380,000** | **16,313,469** | | | **3** | **2** | **3** | **4** |

ESG ratings are from 1 to 5, with 1 as the highest rating and 5 as the lowest. All ratings are weighted by industry rankings, based on the importance of the category within the individual industry.

# Fund Schedule

| Fund Number | Fund Description | Prior Year Carryforward 7/1/2026* | Increase/ (Decrease) July - August | September 2026 | | | | Estimated Fund Balance 9/30/2026* |
|---|---|---|---|---|---|---|---|---|
| | | | | Current Revenue | Current Expenditure | Transfer In | Transfer Out | |
| | **GENERAL FUND** | | | | | | | |
| | **Non-Spendable:** | | | | | | | |
| | Loans Receivable | 159,000 | - | - | - | - | - | 159,000 |
| | **Restricted Fund Balances:** | | | | | | | |
| | Pension | 3,090,731 | - | - | - | - | - | 3,090,731 |
| | Land Held for Resale | - | - | - | - | - | - | - |
| | **Committed Fund Balances:** | | | | | | | |
| | Budget Stabilization | 7,870,639 | - | - | - | - | - | 7,870,639 |
| | Catastrophic | 7,870,639 | - | - | - | - | - | 7,870,639 |
| | Pension/OPEB | 1,300,000 | - | - | - | - | - | 1,300,000 |
| | Measure G District Sales Tax | - | - | - | - | - | - | - |
| | **Assigned Fund Balances:** | | | | | | | |
| | Open Space | 410,000 | - | - | - | - | - | 410,000 |
| | Sustainability | 140,553 | - | - | - | - | - | 140,553 |
| | Capital/Special Projects | 1,983,271 | - | - | - | - | - | 1,983,271 |
| | Carryover Encumbrances | 6,367 | - | - | - | - | - | 6,367 |
| | Compensated Absences | 1,519,243 | - | - | - | - | - | 1,519,243 |
| | ERAF Risk Reserve | - | - | - | - | - | - | - |
| | Market Fluctuations | 1,201,824 | - | - | - | - | - | 1,201,824 |
| | Council Priorities - Economic Recovery | - | - | - | - | - | - | - |
| | **Unassigned Fund Balances:** | | | | | | | |
| 111 | Other Unassigned Fund Balance Reserve (Pre YE distribution) | 18,401,372 | 1,139,723 | 2,747,075 | (4,983,443) | - | - | 17,304,727 |
| | **General Fund Total** | 43,953,639 | 1,139,723 | 2,747,075 | (4,983,443) | - | - | 42,856,994 |

* Interfund transfers to be performed as part of the fiscal year end closing entries.

# Fund Schedule

| Fund Number | Fund Description | Prior Year Carryforward 7/1/2026* | Increase/ (Decrease) July - August | September 2026 | | | | Estimated Fund Balance 9/30/2026* |
|---|---|---|---|---|---|---|---|---|
| | | | | Current Revenue | Current Expenditure | Transfer In | Transfer Out | |
| | **SPECIAL REVENUE** | | | | | | | |
| 211/212 | CDBG | 87,901 | - | - | - | - | - | 87,901 |
| 222 | Urban Runoff (NPDES) | 665,021 | (8,745) | 26,256 | (33,965) | - | - | 648,567 |
| 231-236 | Landscape & Lighting Districts | 204,231 | (2,080) | - | (3,298) | - | - | 198,853 |
| 251 | Los Gatos Theatre | 525,967 | 37,192 | 25,168 | (6,654) | - | - | 581,673 |
| 261-264,269 | Library Trusts | 584,928 | 69,289 | - | (2,149) | - | - | 652,068 |
| | **Special Revenue Total** | 2,068,048 | 95,656 | 51,424 | (46,066) | - | - | 2,169,062 |
| | **CAPITAL PROJECTS** | | | | | | | |
| 411 | GFAR - General Fund Appropriated Reserve | 16,103,950 | (990,980) | 16,227 | (130,483) | - | - | 14,998,714 |
| 412 | Community Center Development | 819,604 | - | - | (182,440) | - | - | 637,164 |
| 421 | Grant Funded Projects | 287,303 | (149,629) | 113,882 | (14,138) | - | - | 237,418 |
| 461-463 | Storm Basin Projects | 3,110,277 | (75,609) | 9,122 | (11,641) | - | - | 3,032,149 |
| 471 | Traffic Mitigation Projects | 838,834 | - | - | - | - | - | 838,834 |
| 472 | Utility Undergrounding Projects | 3,954,468 | - | - | - | - | - | 3,954,468 |
| 481 | Gas Tax Projects | 2,950,496 | (1,354,446) | 180,675 | (363,664) | - | - | 1,413,061 |
| | **Capital Projects Total** | 28,064,932 | (2,570,664) | 319,906 | (702,366) | - | - | 25,111,808 |
| | **INTERNAL SERVICE FUNDS** | | | | | | | |
| 611 | Town General Liability | 131,050 | (1,261,496) | 393,796 | (5,131) | - | - | (741,781) |
| 612 | Workers Compensation | 2,026,390 | (517,123) | 414,297 | (73,135) | - | - | 1,850,429 |
| 621 | Information Technology | 2,142,432 | (593,643) | 300,077 | (15,916) | - | - | 1,832,950 |
| 631 | Vehicle & Equipment Replacement | 4,910,562 | (15,448) | 164,990 | - | - | - | 5,060,104 |
| 633 | Facility Maintenance | 302,651 | (122,517) | 314,190 | (114,079) | - | - | 380,245 |
| | **Internal Service Funds Total** | 9,513,085 | (2,510,227) | 1,587,350 | (208,261) | - | - | 8,381,947 |
| | **Trust/Agency** | | | | | | | |
| 942 | RDA Successor Agency | (1,374,625) | (1,787,993) | - | (154) | - | - | (3,162,772) |
| | **Trust/Agency Fund Total** | (1,374,625) | (1,787,993) | - | (154) | - | - | (3,162,772) |
| | **Total Town** | **82,225,079** | **(5,633,505)** | **4,705,755** | **(5,940,290)** | **-** | **-** | **75,357,039** |

* Interfund transfers to be performed as part of the fiscal year end closing entries.

**Deposit Accounts of Interest:**

111-23541 General Plan Update deposit account balance $619,191.98

111-23521 BMP Housing deposit account balance $800,866.46

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

MEETING DATE: 11/17/2026
ITEM NO: 11

DATE: November 17, 2026

TO: Mayor and Town Council

FROM: Gabrielle Whelan, Town Attorney

SUBJECT: **Consider a Recommendation of Denial from the Planning Commission Regarding Introduction of an Ordinance Amending Chapter 4 (Animals and Fowl) and Chapter 29 (Zoning Regulations) of the Town Code Regarding Electronic Dog Containment and the Town's Fence Regulations. The Proposed Amendments to the Town Code are Not Project Under Section 15378 of the California Environmental Quality Act. Town Code Amendment Application A-26-006. Project Location: Town Wide. Applicant: Town of Los Gatos.**

RECOMMENDATION: Consider Planning Commission's recommendation of denial regarding introduction of an Ordinance amending Chapter 4 (Animals and Fowl) and Chapter 29 (Zoning Regulations) of the Town Code regarding electronic dog containment and the Town's fence regulations.

FISCAL IMPACT:

No additional appropriation is required. One time publication and codification costs are expected to be absorbed within existing departmental budgets.

STRATEGIC PRIORITY:

A strategic priority does not address this action. This action supports the Town core goals of Good Governance by resolving conflicting Town Code provisions and Community Character by preserving wildlife movement and hillside appearance.

BACKGROUND:

A resident provided the Town with information pertaining to electronic dog containment systems and requested that the Town consider amending the Town Code to allow for the use of

PREPARED BY: Gabrielle Whelan, Town Attorney

Reviewed by: Town Manager and Community Development Director

electronic dog containment systems (Attachment 6). Specifically, the resident asked that the Town Council consider amending Town Code Section 4.40.005 to recognize hidden underground electronic fence systems as an additional method of dog containment. In response, the Town Council requested a brief informational report on this topic.

The Town Council received an informational report on August 4, 2026. After discussion, the Town Council directed the Town Attorney to draft an Ordinance permitting the use of underground electronic fence systems on properties of one acre or more in the hillside area. The reason for the amendment is to fill a gap in the current Town Code.

When proposed changes to the Town Code will affect Chapter 29, "Zoning Code," of the Town Code, they are referred to the Planning Commission for a recommendation to the Town Council. The Planning Commission considered the proposed Ordinance on October 28, 2026. Public comment was provided by the resident who requested the Town Code change, a neighbor, and the Santa Clara Valley Bird Alliance. At the hearing, the Planning Commission received the following information. The resident who requested the change resided on a parcel of .87 acres that would not be affected by the change. The neighbor expressed concern regarding harm to animals and the efficacy of electronic dog containment systems. The Santa Clara Valley Bird Alliance requested public outreach and an evaluation of the potential impacts to wildlife before the Town Code is amended.

Based on this public testimony, the Planning Commission voted 5-0-1 (Commissioner Sordi was absent) on October 28, 2026, to recommend denial of the Ordinance.

CURRENT TOWN CODE:

The draft Ordinance would amend Town Code Sections 4.40.005, 29.40.0310, and 29.40.0315.

Town Code Section 4.40.005 (a) currently requires that pets be contained or on a leash. If pets are contained by a fence, the fence is required to be six feet tall. Section 4.40.005 (a) reads as follows:

**Sec. 4.40.005. - Restraint of dogs.**

(a) The owner or person with the right to control any dog shall keep such dog under the owner's own physical restraint by means of a leash not to exceed six (6) feet in length, or shall keep such dog confined behind a fence not less than six (6) feet high. This section shall not apply to the following:
(1) Guide dogs for the blind or deaf while performing their duties;
(2) Dogs participating in field or obedience trails or exhibitions as permitted by the Town;
(3) Dogs assisting a security guard or assisting a peace officer engaged in law enforcement activities;

(4) Dogs assisting their owner/handler in legal hunting or in the herding of livestock;
(5) Dogs within an off-leash area designated by the Town;
(6) Dogs being trained for any of the above purposes on private land with permission of the landowner, so long as such dogs are under direct control of such individuals to assure that they do not violate any other provision of law.

Town Code Sections 29.40.030 through 29.40.0330 address fences in residential zones. Because it is important to read these provisions of the Town Code together, a copy of those Sections is included as Attachment 7.

Town Code Section 29.40.0315 prohibits solid fences in the hillside area and requires that perimeter fencing on properties of one acre or more, be wildlife friendly:

> Town Code Section 29.40.0310 defines "wildlife-friendly fence" as: a fence that allows any animal, regardless of size, to climb under, pass through, or jump over, with a maximum height of 42 inches and a minimum distance between the bottom rail and the ground of 18 inches.

When Sections 4.40.005 and 29.40.0315 are read together, they prohibit a dog owner on a property of one acre or more located in the hillside area from building a perimeter fence at the property line to contain a dog. The height that Section 4.40.005 requires is a height that is prohibited by Section 29.40.0315. This does not appear to have been a deliberate policy choice. Section 4.40.005 predates adoption of Section 29.40.0315. Both Sections predate widespread consumer availability of buried-wire containment technology, which was patented in 1973 and first became widely available between 1989-1993.

It should be noted that existing Town Code Section 29.40.0320 authorizes the Community Development Director to grant exceptions to the Town's fence regulations when specified conditions are present. Subsection (d) authorizes an exception when "a special security concern exists that cannot be practically addressed through alternatives." Subsection (e) authorizes an exception when "a special circumstance exists, including lot size or configuration, where strict enforcement of these regulations would result in undue hardship."

DISCUSSION:

One common type of electronic pet containment system is a wired invisible fence. The system uses a wire buried around the perimeter of a property to establish a designated boundary for the pet.

The State of California does not prohibit the use of electronic fences for ordinary pet containment. However, state law regarding "potentially dangerous or vicious dogs" requires an "enclosure," which is defined as "a fence or structure suitable to prevent the entry of young children, and which is suitable to confine a vicious dog in conjunction with other measures

which may be taken by the owner or keeper of the dog. The enclosure shall be designed to prevent the animal from escaping . . . ." (Food and Agricultural Code Sections 31601-31683). Thus, for potentially dangerous or vicious dogs, this language requires a physical fence as opposed to an electronic pet containment system.

Based on public comment and review of industry publications, staff has identified the following pros of allowing dog owners to use electronic dog containment systems:

1) Fills a gap between Town Code Sections 4.40.005 and 29.40.0315 affecting properties of one acre or more located in the hillside area;
2) Allows wildlife movement, which is consistent with the "Room to Roam Act" (described below);
3) Provides hillside property owners on property of one acre or more with a cost-effective tool to assist with keeping their dogs on their property while preserving the appearance of the Town's hillsides; and
4) Covers large acreage and adapts to hilly areas where fences are difficult to build.

Staff has identified the following California jurisdictions that allow the use of electronic dog containment fences:

| **Jurisdiction** | **Code Section** | **Scope of Authorization** | **Relevant Language / Summary** | **Conditions or Limitations** |
|---|---|---|---|---|
| **County of San Diego** | **San Diego County Code § 62.669** | **General dog-control provision** | Recognizes an **"electronic pet containment system"** as one method by which a dog may be effectively controlled, in addition to voice control or physical restraint. | Applies to dogs; electronic containment is treated as an alternative method of control. |
| **City of Del Mar** | **Del Mar Municipal Code § 4.04.020**, incorporating specified San Diego County animal-control provisions | **General dog-control provision** | Incorporates San Diego County law requiring owners to effectively control dogs by voice, an **electronic pet containment system**, or physical and humane restraint by leash, fence, or other enclosure. | The City's treatment appears to derive substantially from its adoption of applicable County animal-control provisions. |

| Jurisdiction | Code Section | Scope of Authorization | Relevant Language / Summary | Conditions or Limitations |
|---|---|---|---|---|
| **City of Salinas** | **Salinas Municipal Code § 7-1** | **General animal-containment provision** | Animals are deemed to be running at large unless restrained or confined within an appropriate enclosure, **"such as an electrified fence or an electronic fence."** | Applies broadly to dogs and other animals, except domesticated cats. The enclosure must be designed to prevent escape. |
| **County of Monterey** | **Monterey County Code § 8.04.010** | **General dog-containment provision** | Recognizes a dog as confined within a "dog-tight enclosure" where contained by an **"electric or electronic fence."** | Applies to dogs in the unincorporated County. |
| **City of Rolling Hills** | **Rolling Hills Municipal Code § 6.24** | **Aggressive animals** | Expressly permits confinement of an aggressive animal by **"a fence, electronic fence, running line, pulley, or trolley system,"** or another approved device. | Limited to aggressive animals and subject to requirements designed to prevent escape. |

The information provided by the resident also references a new state law, the "Room to Roam Act" (Attachment 8). Assembly Bill 1889 amends Government Code Section 65302 effective January 1, 2028. After January 1, 2028, Government Code Section 65302 will require that the Conservation Element of the Town's General Plan identify ways in which wildlife corridors can be protected in the Town.

A redline version of the draft Ordinance is attached as Attachment 3. A clean version of the draft Ordinance is attached as Attachment 2.

CONCLUSION:

The draft Ordinance would change Town Code Sections 4.40.005, 29.40.0310, and 29.40.0315 regarding electronic dog containment and the Town's fence regulations.

ALTERNATIVES:

The Town Council can:

1. Introduce the Ordinance;
2. Decline to introduce the Ordinance; or
3. Continue the matter with specific direction.

COORDINATION:

This item was coordinated with the Town Attorney's Office, Community Development Department, and Town Manager's Office.

ENVIRONMENTAL ASSESSMENT:

The proposed Ordinance amendments are not a project subject to CEQA because allowing electronic pet containment systems on specified properties will not result in an impact on the physical environment (CEQA Guidelines Section 15378). In addition, the proposed amendments are exempt from CEQA pursuant to the "common sense" exemption, because it can be seen with certainty that they will not impact the physical environment. (CEQA Guidelines Section 15061(b)(3).)

Attachments:
1. Required Findings
2. Draft Ordinance
3. Redline Showing Proposed Ordinance Amendments
4. October 28, 2026, Planning Commission Staff Report with Exhibits
5. October 28, 2026, Planning Commission Verbatim Minutes
6. Information provided by resident
7. Town Code Sections 29.40.030-29.40.0330
8. Room to Roam Act
9. Public Comments

**TOWN COUNCIL** – November 17*, 2026*
**REQUIRED FINDINGS FOR:**

**Town Code Amendment Application A-26-006**

Consider a Recommendation of Denial from the Planning Commission Regarding Introduction of an Ordinance Amending Chapter 4 (Animals and Fowl) and Chapter 29 (Zoning Regulations) of the Town Code Regarding Electronic Pet Containment and the Town's Fence Regulations. The Proposed Amendments to the Town Code are Not Project Under Section 15378 of the California Environmental Quality Act. Town Code Amendment Application A-26-006. Project Location: Town Wide. Applicant: Town of Los Gatos.

**FINDINGS**

**Required Findings for CEQA:**

- The proposed amendments are not a project subject to CEQA because it can be seen with certainty it will not impact the physical environment pursuant to CEQA Guidelines Section 15378.

**Required Findings for General Plan:**

- The amendments to Chapter 29 of the Town Code regarding electronic pet containment and the Town's fence regulations are consistent with the General Plan because they will allow property owners to contain pets while maintaining wildlife corridors and maintain the open appearance of hillsides (General Plan Open Space Policies 1.4, 2.1, 2.4, and Conservation Policy 5.3).

**ATTACHMENT 1**

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# DRAFT ORDINANCE

## AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING SECTION 4.40.005, "RESTRAINT OF DOGS," OF CHAPTER 4, "GENERAL PROVISIONS," AND SECTION 29.40.0310, "DEFINITIONS," AND SECTION 29.40.0315, "HEIGHT, MATERIALS AND DESIGN, AND LOCATION," OF CHAPTER 29, "ZONING REGULATIONS," OF THE TOWN CODE REGARDING ELECTRONIC PET CONTAINMENT AND TOWNS FENCE REGULATIONS.

**WHEREAS,** the Town Code regulates fencing in the Town; and

**WHEREAS,** the Town Code currently does not permit hidden underground electronic fencing for pet containment; and

**WHEREAS,** the purpose of Ordinance is to allow the use of hidden underground electronic fencing for pet containment in hillside areas on properties of one acre or more in size; and

**WHEREAS**, this matter was regularly noticed in conformance with state and Town law and came before the Planning Commission for public hearing on October 28, 2026; and

**WHEREAS**, on October 28, 2026, the Planning Commission reviewed and commented on the proposed amendments regarding electronic pet containment and the Town's fence regulations to correct an inconsistency in the current Town Code and forwarded a recommendation to the Town Council for denial of the proposed amendments; and

**WHEREAS**, this matter was regularly noticed in conformance with state and Town law and came before the Town Council for public hearing on November 17, 2026; and

**WHEREAS**, on November 17, 2026, the Town Council reviewed and commented on the proposed amendments regarding electronic pet containment and the Town's fence regulations to correct an inconsistency in the current Town Code and the Town Council voted to introduce the Ordinance; and

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Los Gatos as follows:

**SECTION I.** Purpose.

The proposed Ordinance would change Town Code Sections 4.40.005, 29.40.0310, and 29.40.0315 to allow the use of electric pet containment systems on property of one acre or more located in the hillside area. This item came before the Planning Commission because the Planning Commission reviews and proposes amendments to Chapter 29.

**SECTION II.** Amendments – Town Code.

The Town of Los Gatos Town Code is hereby amended as follows:

1. Section 4.40.005, "*Restraint of Dogs*" of Chapter 4, "*General Provisions*," is hereby amended to read:

(a) The owner or person with the right to control any dog shall keep such dog under the owner's own physical restraint by means of a leash not to exceed six (6) feet in length, or shall keep such dog confined behind either:

(1) a fence not less than six (6) feet high; or

(2) On a property of one acre or more located in the hillside area, as defined by Town Code Section 29.40.0310, a Hidden Underground Electronic Dog Fence as defined in Town Code Section 29.40.0310

(b) This section shall not apply to the following:

(1) Guide dogs for the blind or deaf while performing their duties;

(2) Dogs participating in field or obedience trials or exhibitions as permitted by the Town;

(3) Dogs assisting a security guard or assisting a peace officer engaged in law enforcement activities;

(4) Dogs assisting their owner/handler in legal hunting or in the herding of livestock;

(5) Dogs within an off-leash area designated by the Town;

(6) Dogs being trained for any of the above purposes on private land with permission of the landowner, so long as such dogs are under direct control of such individuals to assure that they do not violate any other provision of law.

(c) Potentially dangerous dog maintenance requirement: In addition to subsection (a) above, the following requirements for the maintenance of a potentially dangerous dog are as follows:

(1) A sign advising of the presence of a potentially dangerous dog shall be posted at the entrance to every place wherein any such dog is confined. The sign shall be capable of being understood by a child with normal reading skills of a second grader.

(2) A potentially dangerous dog must be restrained by a person with the physical capability to control the dog.

(3) A potentially dangerous dog must wear a muzzle, head collar or head halter type device, as determined by the Town Manager or hearing officer, and be on a sturdy, non-retractable leash of no more than six (6) feet in length when it is on any public street or in any other public place or upon any private

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place or property or common area of any planned development, cluster, townhouse, or condominium project unless the dog owner/guardian or person with a right to control the dog has obtained the consent of the owner/guardian or person in control of the private place or property or common area of the planned development, cluster, townhouse, or condominium project.

(4) A potentially dangerous dog must be spayed or neutered.

(5) A potentially dangerous dog must have a microchip implant for identification purposes.

(6) A Hidden Underground Electronic Dog Fence may not be used to confine a potentially dangerous dog.

(d) In addition to subsections (a) through (c) above, the owner or person with the right to control a dangerous dog shall:

(1) Keep the dog under the owner's own physical restraint by means of both a sturdy, non-retractable leash not to exceed three (3) feet in length and capable of restraining four (4) times the weight of the dog; and be attached to an escape-proof commercial quality walking harness that fastens securely across the shoulders and mid-chest encompassing the rib area and upper abdomen of the dog. Neck collars alone of any type or material, will not be sufficient. The dog must be securely muzzled with a device constructed to allow normal respiration but impossible for the dog to remove without human assistance. The Town Manager or hearing officer will make the final determination as to the efficacy of these restraint methods. The dog must be under the direct physical control of a person eighteen (18) years old or older who is physically capable of restraining the animal when the animal is off the property of the owner/guardian with the right to control the animal.

(2) Ensure that when the dog is in a house, apartment, building or similar structure, that the windows and doors of same are secured to prevent the dog from exiting without the assistance of the owner or person with the right to control such dog and that, when inside, the dog does not pose a threat to other occupants of the premises.

(3) Post a sign advising of the presence of a dangerous dog at the entrance to every place wherein any such dog is confined. The sign shall be capable of being understood by a child with normal reading skills of a second grader.

(4) The Town Manager or designee may, in their discretion, require that a dangerous dog be maintained in an enclosed and locked pen or kennel having secured sides and a secured top attached to the sides, and having a secure bottom or floor attached to the side, or with sides embedded not less

than two (2) feet into the ground. When outside, said pen must be behind a fence not less than six (6) feet high.

(5) It is understood that the provision of subsection (c)(4), above, shall not apply to the owner or person with the right to control a dangerous dog living in an apartment or condominium.

(6) A dangerous dog is subject to special dog permit tag requirements under section 4.40.020.

(7) The dog owner/guardian or person with a right to control the dog must attend a dog obedience class with the dog that exhibited the behavior leading to its designation of dangerous. Pre-approval to attend such class may be required by the administrator of the dog obedience class.

(e) In addition to subsections (a) through (c) above, the owner or person with the right to control a vicious dog shall maintain the dog as follows:

(1) Outdoors:

a. The dog must be confined by means of a securely enclosed escape-proof, locked kennel, or pen. Such kennel, pen or structure must have secure sides and a secure top attached thereto. The kennel or pen must be constructed in a manner and of such material so that it cannot be broken down by any action of the confined dog. All structures used for confinement of dangerous or vicious dogs must be locked with a key or combination lock of sufficient strength to ensure confinement of the dog. Such structures must be erected upon a secure bottom or floor constructed of concrete or other material of sufficient depth to prevent the dog from digging free.

b. The supporting posts of the structure must be set in concrete or other material not less than two (2) feet into the ground and no further than six (6) feet apart. The sides and ends of the structure must be constructed of solid boards or chain-link material not less than six (6) feet in height and securely fastened to the top and bottom of the structure. The structure may not be constructed or maintained in any front or required side yard and must be maintained in a sanitary condition at all times. The dog(s) confined therein must be afforded adequate protection from the elements and kept in a humane manner.

c. The escape-proof, locked kennel or pen may not be enclosed by an outdoor fence less than six (6) feet high.

(2) Indoors: The dog must be confined by means of a house, apartment, building, or similar structure wherein the windows and doors are secured to prevent the dog from exiting without the assistance of either the owner/guardian or

person with a right to control the dog, and the owner must ensure that the dog is not a threat to other occupants of the premises.

(3) The Town Manager or hearing officer may impose additional conditions upon the ownership/guardian and control of a vicious dog if the hearing officer determines that under these additional conditions the dog would not present a significant threat to the public health, safety, and welfare.

(4) If the Town Manager or hearing officer determines that a dog is vicious but additional conditions upon the ownership/guardianship and control of the dog will not sufficiently mitigate a significant threat to the public health, safety, and welfare, the hearing officer may order the dog be destroyed by the Town in accordance with the law.

(e) Violation of this section shall be punishable as a misdemeanor.

2. Section 29.40.0310, "*Definitions*" of Chapter 29, is amended to add the following definition:

*"Hidden underground electronic dog fence means a system manufactured by an Underwriters Laboratory-approved manufacturer consisting of a low-voltage transmitter unit and a buried boundary wire that broadcasts radio frequencies to activate a receiver collar worn by the dog, and installed by a contractor authorized to install for animal control devices."*

3. Section 29.40.0315, "*Height, materials and design, and location*" of Chapter 29, "*Zoning Regulations*" is hereby amended to read as follows:

"(a) *Height.*

(1) Fences, walls, gates, or hedges may not exceed six (6) feet in height, with one (1) foot of lattice on top (seven (7) feet high in total); except as provided in subsections (2), (3), and (4) below.

(2) In the hillside area:

a. Fences, walls, gates, or hedges may not exceed six (6) feet.

b. On properties one (1) acre or greater, perimeter fencing shall be a wildlife-friendly fence or a hidden underground electronic dog fence as defined in Section 29.40.0310.

(3) Fences, walls, gates, and hedges may not exceed three (3) feet in height when located within a required front or side yard abutting a street (as required by the zone), driveway view area, traffic view area, or corner sight triangle unless an exception is granted by the Town Engineer and Community Development

Director. Trees, hedges, and vegetation within a corner sight triangle shall meet the requirements of section 26.10.065.

(4) Pedestrian gateways or entryway arbors may be up to eight (8) feet high. No more than one (1) gateway or entryway arbor per street frontage is allowed.

(b) *Materials and design.*

(1) The following fence types and materials are prohibited:

a. Any fence with bare lengths of wire stretched between posts.

b. With the exception of hidden underground electronic dog fences where permitted, electric fences, including any fence designed to produce an electric shock.

c. Barbed or razor wire fences, including any fence with attached barbs, sharp points, or razors.

d. Transparent fences such as barriers of glass or clear plastic.

(2) In the hillside area:

a. Fences located within twenty (20) feet of a property line adjacent to a street shall be open view fencing as defined in section 29.40.0310.

b. On properties one (1) acre or greater, perimeter fencing shall be a wildlife-friendly fence or a hidden underground electronic dog fence as defined in section 29.40.0310.

c. Chain link, welded wire, wire mesh, or similar material shall be coated with green, brown, or black vinyl or finish and shall be supported by a wood frame.

d. Buck and rail, double, and solid fences are prohibited.

(3) In the Landmark and Historic Preservation Overlay:

a. Plastic fencing is prohibited.

b. Fences located in a required front yard shall be open view.

(4) Pedestrian gateways or entryway arbors shall be open view. A gateway or entryway arbor shall have a maximum width of six (6) feet and a maximum depth of four (4) feet.

(c) *Location.*

(1) No fence, wall, or gate shall be located within emergency egress easements.

(2) No fence, wall, or gate shall be located within twenty (20) feet of a riparian corridor as defined in section 29.40.0310.

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(3) Vehicular gates shall be set back from the edge of the adjacent street a minimum of eighteen (18) feet as measured along the centerline of the driveway. A greater setback may be required when a gated entrance serves more than one (1) house."

**SECTION III.** Severability.

In the event that a court of competent jurisdiction holds any Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this ordinance and shall not affect the validity of the remaining portions of this ordinance. The Town hereby declares that it would have adopted each Section, subsection, paragraph, sentence, clause, or phrase in this ordinance irrespective of the fact that any one or more Sections, subsections, paragraphs, sentences, clauses or phrases in this Section might be declared unconstitutional, preempted, or otherwise invalid.

**SECTION IV.** CEQA.

Adopting this Ordinance is not a project subject to CEQA because it can be seen with certainty that it will not impact the environment (CEQA Guidelines Section 15378).

**SECTION V.** Publication.

The Town Council hereby directs the Town Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 of the Government Code of the State of California.

**SECTION VI.** Effective Date.

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 17 day of November, 2026, and was adopted by the Town Council of the Town of Los Gatos at its regular meeting on the xx$^{th}$ day of xx 2026, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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SIGNED:

_____
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

_____
TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

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## Sec. 4.40.005. Restraint of dogs.

(a) ~~(a)~~ The owner or person with the right to control any dog shall keep such dog under the owner's own physical restraint by means of a leash not to exceed six (6) feet in length, or shall keep such dog confined behind ~~a fence not less than six (6) feet high.~~ either:

(1) A~~a~~ fence not less than six (6) feet high; or

(2) On a property of one acre or more located in the hillside area a Hidden Underground Electronic Dog Fence as defined in Town Code Section 29.40.0310.

(b) ~~.~~ This section shall not apply to the following:

(1) Guide dogs for the blind or deaf while performing their duties;

(2) Dogs participating in field or obedience ~~trails~~ trials or exhibitions as permitted by the Town;

(3) Dogs assisting a security guard or assisting a peace officer engaged in law enforcement activities;

(4) Dogs assisting their owner/handler in legal hunting or in the herding of livestock;

(5) Dogs within an off-leash area designated by the Town;

(6) Dogs being trained for any of the above purposes on private land with permission of the landowner, so long as such dogs are under direct control of such individuals to assure that they do not violate any other provision of law.

(c~~b~~) Potentially dangerous dog maintenance requirement: In addition to subsection (a) through (b) above, the following requirements for the maintenance of a potentially dangerous dog are as follows:

(1) A sign advising of the presence of a potentially dangerous dog shall be posted at the entrance to every place wherein any such dog is confined. The sign shall be capable of being understood by a child with normal reading skills of a second grader.

(2) A potentially dangerous dog must be restrained by a person with the physical capability to control the dog.

(3) A potentially dangerous dog must wear a muzzle, head collar or head halter type device, as determined by the Town Manager or hearing officer, and be on a sturdy, non-retractable leash of no more than six (6) feet in length when it is on any public street or in any other public place or upon any private place or property or common area of any planned development, cluster, townhouse, or condominium project unless the dog owner/guardian or person with a right to control the dog has obtained the consent of the owner/guardian or person in control of the private place or property or common area of the planned development, cluster, townhouse, or condominium project.

(4) A potentially dangerous dog must be spayed or neutered.

(5) A potentially dangerous dog must have a microchip implant for identification purposes.

(6) A Hidden Underground Electronic Dog Fence may not be used to confine a potentially dangerous dog.

(d~~c~~) In addition to subsections (a) ~~and~~ through (c~~b~~) above, the owner or person with the right to control a dangerous dog shall:

(1) Keep the dog under the owner's own physical restraint by means of both a sturdy, non-retractable leash not to exceed three (3) feet in length and capable of restraining four (4) times the weight of the dog; and be attached to an escape-proof commercial quality walking harness that fastens securely across the shoulders and mid-chest encompassing the rib area and upper abdomen of the dog. Neck collars alone of any type or material, will not be sufficient. The dog must be securely muzzled with a

device constructed to allow normal respiration but impossible for the dog to remove without human assistance. The Town Manager or hearing officer will make the final determination as to the efficacy of these restraint methods. The dog must be under the direct physical control of a person eighteen (18) years old or older who is physically capable of restraining the animal when the animal is off the property of the owner/guardian with the right to control the animal.

(2) Ensure that when the dog is in a house, apartment, building or similar structure, that the windows and doors of same are secured to prevent the dog from exiting without the assistance of the owner or person with the right to control such dog and that, when inside, the dog does not pose a threat to other occupants of the premises.

(3) Post a sign advising of the presence of a dangerous dog at the entrance to every place wherein any such dog is confined. The sign shall be capable of being understood by a child with normal reading skills of a second grader.

(4) The Town Manager or designee may, in their discretion, require that a dangerous dog be maintained in an enclosed and locked pen or kennel having secured sides and a secured top attached to the sides, and having a secure bottom or floor attached to the side, or with sides embedded not less than two (2) feet into the ground. When outside, said pen must be behind a fence not less than six (6) feet high.

(5) It is understood that the provision of subsection (~~c~~d)(4), above, shall not apply to the owner or person with the right to control a dangerous dog living in an apartment or condominium.

(6) A dangerous dog is subject to special dog permit tag requirements under section 4.40.020.

(7) The dog owner/guardian or person with a right to control the dog must attend a dog obedience class with the dog that exhibited the behavior leading to its designation of dangerous. Pre-approval to attend such class may be required by the administrator of the dog obedience class.

(~~d~~e) In addition to subsections (a~~), (b) and~~) through (d~~c~~) above, the owner or person with the right to control a vicious dog shall maintain the dog as follows:

(1) Outdoors:

a. The dog must be confined by means of a securely enclosed escape-proof, locked kennel, or pen. Such kennel, pen or structure must have secure sides and a secure top attached thereto. The kennel or pen must be constructed in a manner and of such material so that it cannot be broken down by any action of the confined dog. All structures used for confinement of dangerous or vicious dogs must be locked with a key or combination lock of sufficient strength to ensure confinement of the dog. Such structures must be erected upon a secure bottom or floor constructed of concrete or other material of sufficient depth to prevent the dog from digging free.

b. The supporting posts of the structure must be set in concrete or other material not less than two (2) feet into the ground and no further than six (6) feet apart. The sides and ends of the structure must be constructed of solid boards or chain-link material not less than six (6) feet in height and securely fastened to the top and bottom of the structure. The structure may not be constructed or maintained in any front or required side yard and must be maintained in a sanitary condition at all times. The dog(s) confined therein must be afforded adequate protection from the elements and kept in a humane manner.

c. The escape-proof, locked kennel or pen may not be enclosed by an outdoor fence less than six (6) feet high.

(2) Indoors: The dog must be confined by means of a house, apartment, building, or similar structure wherein the windows and doors are secured to prevent the dog from exiting without the assistance of

either the owner/guardian or person with a right to control the dog, and the owner must ensure that the dog is not a threat to other occupants of the premises.

(3) The Town Manager or hearing officer may impose additional conditions upon the ownership/guardian and control of a vicious dog if the hearing officer determines that under these additional conditions the dog would not present a significant threat to the public health, safety, and welfare.

(4) If the Town Manager or hearing officer determines that a dog is vicious but additional conditions upon the ownership/guardianship and control of the dog will not sufficiently mitigate a significant threat to the public health, safety, and welfare, the hearing officer may order the dog be destroyed by the Town in accordance with the law.

(~~e~~f) Violation of this section shall be punishable as a misdemeanor.

(Ord. No. 1971, § II, 2-22-94; Ord. No. 2276, § 1, 9-18-18; Ord. No. 2320, § III, 9-7-21)

## Sec. 29.40.0310. Definitions.

The following words, terms, and phrases, when used in these fence regulations, shall have the meanings ascribed to them in this ~~section~~article:

*Buck and rail fence* means a fence constructed with wood rails where the posts are arranged to form a triangle to provide the vertical structure of the fence. The horizontal rails are then attached to the triangle support posts.

*Corner sight triangle* means a triangular area at street intersections having sides thirty (30) feet in length, as measured from intersecting property lines.

*Double fence* means two (2) fences spaced a few feet apart regardless of height and material.

*Driveway view area* means a triangular area at the intersection of driveways and sidewalks and street intersections having sides ten (10) feet in length, as measured along the driveway's path of travel from the back of the sidewalk or street.

*Fence* means a structure constructed of posts, rails, wire, and/or barrier panels, used to define a boundary or as a means of protection, confinement, or visual obstruction.

*Fence regulations* means sections 29.40.030 through 29.40.0330.

*Hidden Underground Electronic Dog Fence* means a system manufactured by an Underwriters Laboratory-approved manufacturer consisting of a low-voltage transmitter unit and a buried boundary wire that broadcasts radio frequencies to activate a receiver collar worn by the dog, and installed by a contractor authorized to install for animal control devices.

*Hillside area* means all properties located within the area defined by the Hillside Area Map as contained in the Town of Los Gatos Hillside Development Standards and Guidelines.

*Open view fence* means a fence constructed in such a way so that no more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.

*Perimeter fence* means a fence located on the property line of a lot.

*Riparian corridor* means an area comprised of habitat strongly influenced and delineated by the presence of perennial or intermittent streams.

*Solid fence* means a fence constructed in such a way so that more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.

*Traffic view area* means the area which is within fifteen (15) feet of a street and within two hundred (200) feet of the right-of-way line of an intersection.

*Wildlife-friendly fence* means a fence that allows any animal, regardless of size, to climb under, pass through, or jump over, with a maximum height of forty-two (42) inches and a minimum distance between the bottom rail and the ground of eighteen (18) inches.

(Ord. No. 2286, § I, 8-6-19)

## Sec. 29.40.0315. Height, materials and design, and location.

(a) *Height.*

(1) Fences, walls, gates, or hedges may not exceed six (6) feet in height, with one (1) foot of lattice on top (seven (7) feet high in total); except as provided in subsections (2), (3), and (4) below.

(2) In the hillside area:

a. Fences, walls, gates, or hedges may not exceed six (6) feet.

b. On properties one (1) acre or greater, perimeter fencing shall be a wildlife-friendly fence or a Hidden Underground Electronic Dog Fence as defined in Ssection 29.40.0310.

(3) Fences, walls, gates, and hedges may not exceed three (3) feet in height when located within a required front or side yard abutting a street (as required by the zone), driveway view area, traffic view area, or corner sight triangle unless an exception is granted by the Town Engineer and Community Development Director. Trees, hedges, and vegetation within a corner sight triangle shall meet the requirements of section 26.10.065.

(4) Pedestrian gateways or entryway arbors may be up to eight (8) feet high. No more than one (1) gateway or entryway arbor per street frontage is allowed.

(b) *Materials and design.*

(1) The following fence types and materials are prohibited:

a. Any fence with bare lengths of wire stretched between posts.

b. With the exception of Hidden Underground Electronic Dog Fences where permitted, eElectric fences, including any fence designed to produce an electric shock.

c. Barbed or razor wire fences, including any fence with attached barbs, sharp points, or razors.

d. Transparent fences such as barriers of glass or clear plastic.

(2) In the hillside area:

a. Fences located within twenty (20) feet of a property line adjacent to a street shall be open view fencing as defined in section 29.40.0310.

b. On properties one (1) acre or greater, perimeter fencing shall be a wildlife-friendly fence or a Hidden Underground Electronic Dog Fence as defined in section 29.40.0310.

c. Chainlink, welded wire, wire mesh, or similar material shall be coated with green, brown, or black vinyl or finish and shall be supported by a wood frame.

d. Buck and rail, double, and solid fences are prohibited.

(3) In the Landmark and Historic Preservation Overlay:

a. Plastic fencing is prohibited.

b. Fences located in a required front yard shall be open view.

(4) Pedestrian gateways or entryway arbors shall be open view. A gateway or entryway arbor shall have a maximum width of six (6) feet and a maximum depth of four (4) feet.

(c) *Location.*

(1) No fence, wall, or gate shall be located within emergency egress easements.

(2) No fence, wall, or gate shall be located within twenty (20) feet of a riparian corridor as defined in section 29.40.0310.

(3) Vehicular gates shall be set back from the edge of the adjacent street a minimum of eighteen (18) feet as measured along the centerline of the driveway. A greater setback may be required when a gated entrance serves more than one (1) house.

(Ord. No. 2286, § I, 8-6-19)

**TOWN OF LOS GATOS**
**PLANNING COMMISSION**
**REPORT**

MEETING DATE: 10/28/2026

ITEM NO: 3

DATE: October 23, 2026

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Forward a Recommendation to the Town Council on an Ordinance Amending Chapter 4 (Animals and Fowl) and Chapter 29 (Zoning Regulations) of the Town Code Regarding Electronic Pet Containment and the Town's Fence Regulations. The Proposed Amendments to the Town Code are Not Considered a Project Under Section 15378 of the California Environmental Quality Act. Town Code Amendment Application A-26-006. Project Location: Town Wide. Applicant: Town of Los Gatos.

RECOMMENDATION:

Forward a recommendation to the Town Council on an Ordinance amending Chapter 4 (Animals and Fowl) and Chapter 29 (Zoning Regulations) of the Town Code regarding electronic pet containment and the Town's fence regulations.

CEQA:

The proposed Ordinance amendments are not a project subject to CEQA because it can be seen with certainty it will not impact the physical environment (CEQA Guidelines Section 15378).

BACKGROUND:

A resident provided the Town with information pertaining to electronic pet containment systems and requested that the Town consider amending the Town Code to allow for the use of electronic pet containment systems (Exhibit 4). Specifically, the resident asked that the Town Council consider amending Town Code Section 4.40.005 to recognize hidden underground electronic fence systems as an additional method of pet containment. In response, the Town Council requested a brief informational report on this topic.

The Town Council received an informational report on August 4, 2026. After discussion, the

PREPARED BY: Gabrielle Whelan
Town Attorney

Reviewed by: Planning Manager and Community Development Director

Town Council directed the Town Attorney to draft an Ordinance permitting the use of underground electric fence systems on properties of one acre or more in the hillside area. The reason for the amendment is to correct an inconsistency in the current Town Code.

CURRENT ORDINANCES:

The draft Ordinance would change Town Code Sections 4.40.005, 29.40.0310, and 29.40.0315. This item is before the Planning Commission because the Planning Commission reviews amendments to Chapter 29.

Town Code Section 4.40.005 (a) currently requires that pets be contained or on a leash. If pets are contained by a fence, the fence is required to be six feet tall. Section 4.40.005 (a) reads as follows:

**Sec. 4.40.005. - Restraint of dogs.**

(a) The owner or person with the right to control any dog shall keep such dog under the owner's own physical restraint by means of a leash not to exceed six (6) feet in length, or shall keep such dog confined behind a fence not less than six (6) feet high. This section shall not apply to the following:
  (1) Guide dogs for the blind or deaf while performing their duties;
  (2) Dogs participating in field or obedience trails or exhibitions as permitted by the Town;
  (3) Dogs assisting a security guard or assisting a peace officer engaged in law enforcement activities;
  (4) Dogs assisting their owner/handler in legal hunting or in the herding of livestock;
  (5) Dogs within an off-leash area designated by the Town;
  (6) Dogs being trained for any of the above purposes on private land with permission of the landowner, so long as such dogs are under direct control of such individuals to assure that they do not violate any other provision of law.

Town Code Sections 29.40.030 through 29.40.0330 address fences in residential zones. Because it is important to read these provisions of the Town Code together, a copy of those Sections are included as Exhibit 2.

Town Code Section 29.40.0315 prohibits solid fences in the hillside area and requires that perimeter fencing on properties of one acre or more, be wildlife friendly:

> Town Code Section 29.40.0310 defines "wildlife-friendly fence" as: a fence that allows any animal, regardless of size, to climb under, pass

> through, or jump over, with a maximum height of 42 inches and a minimum distance between the bottom rail and the ground of 18 inches.

When Sections 4.40.005 and 29.40.0315 are read together, they prohibit an animal owner on a property of one acre or more located in the hillside area from building a perimeter fence at the property line to contain the animal. The height that Section 4.40.005 requires is a height that is prohibited by Section 29.40.0315. This does not appear to have been a deliberate policy choice. Section 4.40.005 predates adoption of Section 29.40.0315. Both Sections predate widespread consumer availability of buried-wire containment technology, which was patented in 1973 and first became widely available between 1989-1993.

Town Code Section 29.40.0320 authorizes the Community Development Director to grant exceptions to the Town's fence regulations when specified conditions are present. Subsection (d) authorizes an exception when "a special security concern exists that cannot be practically addressed through alternatives." Subsection (e) authorizes an exception when "a special circumstance exists, including lot size or configuration, where strict enforcement of these regulations would result in undue hardship."

DISCUSSION:

One common type of electronic pet containment system is a wired invisible fence. The system uses a wire buried around the perimeter of a property to establish a designated boundary for the pet.

The State of California does not prohibit the use of electronic fences for ordinary pet containment. However, state law regarding "potentially dangerous or vicious dogs" requires an "enclosure," which is defined as "a fence or structure suitable to prevent the entry of young children, and which is suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper of the dog. The enclosure shall be designed to prevent the animal from escaping . . . ." (Food and Agricultural Code Sections 31601-31683.) Thus, for potentially dangerous or vicious dogs, this language requires a physical fence as opposed to an electronic pet containment system.

Based on public comment and review of industry publications, staff has identified the following pros of allowing pet owners to use electronic pet containment systems:

1) Removes a conflict between Town Code Sections 4.40.005 and 29.40.0315 affecting properties of one acre or more located in the hillside area;
2) Allows wildlife movement, which is consistent with the "Room to Roam Act" (described below);

3) Provides hillside property owners on property of one acre or more with a cost-effective tool to assist with keeping their pets on their property while preserving the appearance of the Town's hillsides; and
4) Covers large acreage and adapts to hilly areas where fences are difficult to build.

Staff has identified the following local jurisdictions in California that allow the use of electric pet containment fences:

| Jurisdiction | Code Section | Scope of Authorization | Relevant Language / Summary | Conditions or Limitations |
|---|---|---|---|---|
| **County of San Diego** | **San Diego County Code § 62.669** | **General dog-control provision** | Recognizes an **"electronic pet containment system"** as one method by which a dog may be effectively controlled, in addition to voice control or physical restraint. | Applies to dogs; electronic containment is treated as an alternative method of control. |
| **City of Del Mar** | **Del Mar Municipal Code § 4.04.020**, incorporating specified San Diego County animal-control provisions | **General dog-control provision** | Incorporates San Diego County law requiring owners to effectively control dogs by voice, an **electronic pet containment system**, or physical and humane restraint by leash, fence, or other enclosure. | The City's treatment appears to derive substantially from its adoption of applicable County animal-control provisions. |
| **City of Salinas** | **Salinas Municipal Code § 7-1** | **General animal-containment provision** | Animals are deemed to be running at large unless restrained or confined within an appropriate enclosure, **"such as an electrified fence or an electronic fence."** | Applies broadly to dogs and other animals, except domesticated cats. The enclosure must be designed to prevent escape. |
| **County of Monterey** | **Monterey County Code § 8.04.010** | **General dog-containment provision** | Recognizes a dog as confined within a "dog-tight enclosure" where contained by an | Applies to dogs in the unincorporated County. |

| Jurisdiction | Code Section | Scope of Authorization | Relevant Language / Summary | Conditions or Limitations |
|---|---|---|---|---|
| | | | **"electric or electronic fence."** | |
| **City of Rolling Hills** | **Rolling Hills Municipal Code § 6.24** | **Aggressive animals** | Expressly permits confinement of an aggressive animal by **"a fence, electronic fence, running line, pulley, or trolley system,"** or another approved device. | Limited to aggressive animals and subject to requirements designed to prevent escape. |

The information provided by the resident also references a new state law, the "Room to Roam Act" (Exhibit 6). Assembly Bill 1889 amends Government Code Section 65302 effective January 1, 2028. After January 1, 2028, Government Code Section 65302 will require that the Conservation Element of the Town's General Plan identify ways in which wildlife corridors can be protected in the Town.

A redline version of the draft Ordinance is attached as Exhibit 3. A clean version of the draft Ordinance is attached on Exhibit 2.

PUBLIC COMMENTS:

The Town published notice of this item in the Los Gatos Weekly. Public comments received by 3:00 p.m., Friday, October 23, 2026, are included as Exhibit 7.

CONCLUSION:

A. Summary

The draft Ordinance would change Town Code Sections 4.40.005, 29.40.0310, and 29.40.0315 regarding electronic pet containment and the Town's fence regulations to correct an inconsistency in the current Town Code.

B. Recommendation

Staff recommends that the Planning Commission review the information included in the staff report, provide comments, open the public hearing, and forward a recommendation to the Town Council to introduce the draft Ordinance amending Chapter 4 (Animals and Fowl) and Chapter 29 (Zoning Ordinance) regarding electronic pet containment and the Town's

fence regulations (Exhibit 2). The Planning Commission should also include any comments or recommended changes to the draft Ordinance in taking the following actions:

1. Make the finding that the proposed amendments are not a project subject to CEQA because it can be seen with certainty it will not impact the physical environment pursuant to CEQA Guidelines Section 15378 (Exhibit 1);
2. Make the required finding that the amendments to Chapter 29 of the Town Code in the draft Ordinance are consistent with the General Plan (Exhibit 1); and
3. Forward a recommendation to the Town Council for approval of the amendments to Chapter 4 (Animals and Fowl) and Chapter 29 (Zoning Ordinance) regarding electronic pet containment and the Town's fence regulations in the draft Ordinance (Exhibit 2).

C. Alternatives

Alternatively, the Planning Commission can:

1. Forward a recommendation to the Town Council for approval of the draft Ordinance with modifications; or
2. Vote not to recommend approval of the draft Ordinance; or
3. Continue the matter to a date certain with specific direction.

EXHIBITS:

1. Required Findings
2. Draft Ordinance
3. Redline Showing Proposed Ordinance Amendments
4. Information Provided by Resident
5. Town Code Section 29.40.030 – 29.40.0330
6. Assembly Bill 1889, "Room to Roam Act"
7. Public Comments Received Prior to Packet Publication

**PLANNING COMMISSION** – *October 28, 2026*
**REQUIRED FINDINGS FOR:**

**Town Code Amendment Application A-26-006**

Forward a Recommendation to the Town Council on an Ordinance Amending Chapter 4 (Animals and Fowl) and Chapter 29 (Zoning Regulations) of the Town Code Regarding Electronic Pet Containment and the Town's Fence Regulations. The Proposed Amendments to the Town Code are Not Considered a Project Under Section 15378 of the California Environmental Quality Act. Project Location: Town Wide. Applicant: Town of Los Gatos.

**FINDINGS**

**Required Findings for CEQA:**

- The proposed amendments are not a project subject to CEQA because it can be seen with certainty it will not impact the physical environment pursuant to CEQA Guidelines Section 15378

**Required Findings for General Plan:**

- The amendments to Chapter 29 of the Town Code regarding electronic pet containment and the Town's fence regulations are consistent with the General Plan because they will allow property owners to contain pets while maintaining wildlife corridors and maintain the open appearance of hillsides. (General Plan Open Space Policies 1.4, 2.1, 2.4, Conservation Policy 5.3.).

**EXHIBIT 1**

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# DRAFT ORDINANCE

## AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING SECTION 4.40.005, "RESTRAINT OF DOGS," OF CHAPTER 4, "GENERAL PROVISIONS," AND SECTION 29.40.0310, "DEFINITIONS," AND SECTION 29.40.0315, "HEIGHT, MATERIALS AND DESIGN, AND LOCATION," OF CHAPTER 29, "ZONING REGULATIONS," OF THE TOWN CODE REGARDING ELECTRONIC PET CONTAINMENT AND TOWNS FENCE REGULATIONS.

**WHEREAS,** the Town Code regulates fencing in the Town; and

**WHEREAS,** the Town Code currently does not permit hidden underground electronic fencing for pet containment; and

**WHEREAS,** the purpose of Ordinance is to allow the use of hidden underground electronic fencing for pet containment in hillside areas on properties of one acre or more in size; and

**WHEREAS**, this matter was regularly noticed in conformance with state and Town law and came before the Planning Commission for public hearing on October 28, 2026; and

**WHEREAS**, on October 28, 2026, the Planning Commission reviewed and commented on the proposed amendments regarding electronic pet containment and the Town's fence regulations to correct an inconsistency in the current Town Code and forwarded a recommendation to the Town Council for approval of the proposed amendments; and

**WHEREAS**, this matter was regularly noticed in conformance with state and Town law and came before the Town Council for public hearing on _____; and

**WHEREAS**, on _____, the Town Council reviewed and commented on the proposed amendments regarding electronic pet containment and the Town's fence regulations to correct an inconsistency in the current Town Code and the Town Council voted to introduce the Ordinance; and

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Los Gatos as follows:

**SECTION I.** Purpose.

The proposed Ordinance would change Town Code Sections 4.40.005, 29.40.0310, and 29.40.0315 to allow the use of electric pet containment systems on property of one acre or more located in the hillside area. This item came before the Planning Commission because the Planning Commission reviews and proposes amendments to Chapter 29.

**SECTION II.** Amendments – Town Code.

The Town of Los Gatos Town Code is hereby amended as follows:

1. Section 4.40.005, "*Restraint of Dogs*" of Chapter 4, "*General Provisions*," is hereby amended to read:

(a) The owner or person with the right to control any dog shall keep such dog under the owner's own physical restraint by means of a leash not to exceed six (6) feet in length, or shall keep such dog confined behind either:

(1) a fence not less than six (6) feet high; or

(2) On a property of one acre or more located in the hillside area, as defined by Town Code Section 29.40.0310, a Hidden Underground Electronic Dog Fence as defined in Town Code Section 29.40.0310

(b) This section shall not apply to the following:

(1) Guide dogs for the blind or deaf while performing their duties;

(2) Dogs participating in field or obedience trials or exhibitions as permitted by the Town;

(3) Dogs assisting a security guard or assisting a peace officer engaged in law enforcement activities;

(4) Dogs assisting their owner/handler in legal hunting or in the herding of livestock;

(5) Dogs within an off-leash area designated by the Town;

(6) Dogs being trained for any of the above purposes on private land with permission of the landowner, so long as such dogs are under direct control of such individuals to assure that they do not violate any other provision of law.

(c) Potentially dangerous dog maintenance requirement: In addition to subsection (a) above, the following requirements for the maintenance of a potentially dangerous dog are as follows:

(1) A sign advising of the presence of a potentially dangerous dog shall be posted at the entrance to every place wherein any such dog is confined. The sign shall be capable of being understood by a child with normal reading skills of a second grader.

(2) A potentially dangerous dog must be restrained by a person with the physical capability to control the dog.

(3) A potentially dangerous dog must wear a muzzle, head collar or head halter type device, as determined by the Town Manager or hearing officer, and be on a sturdy, non-retractable leash of no more than six (6) feet in length when

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it is on any public street or in any other public place or upon any private place or property or common area of any planned development, cluster, townhouse, or condominium project unless the dog owner/guardian or person with a right to control the dog has obtained the consent of the owner/guardian or person in control of the private place or property or common area of the planned development, cluster, townhouse, or condominium project.

(4) A potentially dangerous dog must be spayed or neutered.

(5) A potentially dangerous dog must have a microchip implant for identification purposes.

(6) A Hidden Underground Electronic Dog Fence may not be used to confine a potentially dangerous dog.

(d) In addition to subsections (a) through (c) above, the owner or person with the right to control a dangerous dog shall:

(1) Keep the dog under the owner's own physical restraint by means of both a sturdy, non-retractable leash not to exceed three (3) feet in length and capable of restraining four (4) times the weight of the dog; and be attached to an escape-proof commercial quality walking harness that fastens securely across the shoulders and mid-chest encompassing the rib area and upper abdomen of the dog. Neck collars alone of any type or material, will not be sufficient. The dog must be securely muzzled with a device constructed to allow normal respiration but impossible for the dog to remove without human assistance. The Town Manager or hearing officer will make the final determination as to the efficacy of these restraint methods. The dog must be under the direct physical control of a person eighteen (18) years old or older who is physically capable of restraining the animal when the animal is off the property of the owner/guardian with the right to control the animal.

(2) Ensure that when the dog is in a house, apartment, building or similar structure, that the windows and doors of same are secured to prevent the dog from exiting without the assistance of the owner or person with the right to control such dog and that, when inside, the dog does not pose a threat to other occupants of the premises.

(3) Post a sign advising of the presence of a dangerous dog at the entrance to every place wherein any such dog is confined. The sign shall be capable of being understood by a child with normal reading skills of a second grader.

(4) The Town Manager or designee may, in their discretion, require that a dangerous dog be maintained in an enclosed and locked pen or kennel having secured sides and a secured top attached to the sides, and having a secure bottom or floor attached to the side, or with sides embedded not less

than two (2) feet into the ground. When outside, said pen must be behind a fence not less than six (6) feet high.

(5) It is understood that the provision of subsection (c)(4), above, shall not apply to the owner or person with the right to control a dangerous dog living in an apartment or condominium.

(6) A dangerous dog is subject to special dog permit tag requirements under section 4.40.020.

(7) The dog owner/guardian or person with a right to control the dog must attend a dog obedience class with the dog that exhibited the behavior leading to its designation of dangerous. Pre-approval to attend such class may be required by the administrator of the dog obedience class.

(e) In addition to subsections (a) through (c) above, the owner or person with the right to control a vicious dog shall maintain the dog as follows:

(1) Outdoors:

a. The dog must be confined by means of a securely enclosed escape-proof, locked kennel, or pen. Such kennel, pen or structure must have secure sides and a secure top attached thereto. The kennel or pen must be constructed in a manner and of such material so that it cannot be broken down by any action of the confined dog. All structures used for confinement of dangerous or vicious dogs must be locked with a key or combination lock of sufficient strength to ensure confinement of the dog. Such structures must be erected upon a secure bottom or floor constructed of concrete or other material of sufficient depth to prevent the dog from digging free.

b. The supporting posts of the structure must be set in concrete or other material not less than two (2) feet into the ground and no further than six (6) feet apart. The sides and ends of the structure must be constructed of solid boards or chain-link material not less than six (6) feet in height and securely fastened to the top and bottom of the structure. The structure may not be constructed or maintained in any front or required side yard and must be maintained in a sanitary condition at all times. The dog(s) confined therein must be afforded adequate protection from the elements and kept in a humane manner.

c. The escape-proof, locked kennel or pen may not be enclosed by an outdoor fence less than six (6) feet high.

(2) Indoors: The dog must be confined by means of a house, apartment, building, or similar structure wherein the windows and doors are secured to prevent the dog from exiting without the assistance of either the owner/guardian or

person with a right to control the dog, and the owner must ensure that the dog is not a threat to other occupants of the premises.

(3) The Town Manager or hearing officer may impose additional conditions upon the ownership/guardian and control of a vicious dog if the hearing officer determines that under these additional conditions the dog would not present a significant threat to the public health, safety, and welfare.

(4) If the Town Manager or hearing officer determines that a dog is vicious but additional conditions upon the ownership/guardianship and control of the dog will not sufficiently mitigate a significant threat to the public health, safety, and welfare, the hearing officer may order the dog be destroyed by the Town in accordance with the law.

(e) Violation of this section shall be punishable as a misdemeanor.

2. Section 29.40.0310, "*Definitions*" of Chapter 29, is amended to add the following definition:

*"Hidden underground electronic dog fence means a system manufactured by an Underwriters Laboratory-approved manufacturer consisting of a low-voltage transmitter unit and a buried boundary wire that broadcasts radio frequencies to activate a receiver collar worn by the dog, and installed by a contractor authorized to install for animal control devices."*

3. Section 29.40.0315, "*Height, materials and design, and location*" of Chapter 29, "*Zoning Regulations*" is hereby amended to read as follows:

"(a) *Height.*

(1) Fences, walls, gates, or hedges may not exceed six (6) feet in height, with one (1) foot of lattice on top (seven (7) feet high in total); except as provided in subsections (2), (3), and (4) below.

(2) In the hillside area:

a. Fences, walls, gates, or hedges may not exceed six (6) feet.

b. On properties one (1) acre or greater, perimeter fencing shall be a wildlife-friendly fence or a hidden underground electronic dog fence as defined in Section 29.40.0310.

(3) Fences, walls, gates, and hedges may not exceed three (3) feet in height when located within a required front or side yard abutting a street (as required by the zone), driveway view area, traffic view area, or corner sight triangle unless an exception is granted by the Town Engineer and Community Development

Director. Trees, hedges, and vegetation within a corner sight triangle shall meet the requirements of section 26.10.065.

(4) Pedestrian gateways or entryway arbors may be up to eight (8) feet high. No more than one (1) gateway or entryway arbor per street frontage is allowed.

(b) *Materials and design.*

(1) The following fence types and materials are prohibited:

a. Any fence with bare lengths of wire stretched between posts.

b. With the exception of hidden underground electronic dog fences where permitted, electric fences, including any fence designed to produce an electric shock.

c. Barbed or razor wire fences, including any fence with attached barbs, sharp points, or razors.

d. Transparent fences such as barriers of glass or clear plastic.

(2) In the hillside area:

a. Fences located within twenty (20) feet of a property line adjacent to a street shall be open view fencing as defined in section 29.40.0310.

b. On properties one (1) acre or greater, perimeter fencing shall be a wildlife-friendly fence or a hidden underground electronic dog fence as defined in section 29.40.0310.

c. Chain link, welded wire, wire mesh, or similar material shall be coated with green, brown, or black vinyl or finish and shall be supported by a wood frame.

d. Buck and rail, double, and solid fences are prohibited.

(3) In the Landmark and Historic Preservation Overlay:

a. Plastic fencing is prohibited.

b. Fences located in a required front yard shall be open view.

(4) Pedestrian gateways or entryway arbors shall be open view. A gateway or entryway arbor shall have a maximum width of six (6) feet and a maximum depth of four (4) feet.

(c) *Location.*

(1) No fence, wall, or gate shall be located within emergency egress easements.

(2) No fence, wall, or gate shall be located within twenty (20) feet of a riparian corridor as defined in section 29.40.0310.

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(3) Vehicular gates shall be set back from the edge of the adjacent street a minimum of eighteen (18) feet as measured along the centerline of the driveway. A greater setback may be required when a gated entrance serves more than one (1) house."

**SECTION III.** Severability.

In the event that a court of competent jurisdiction holds any Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this ordinance and shall not affect the validity of the remaining portions of this ordinance. The Town hereby declares that it would have adopted each Section, subsection, paragraph, sentence, clause, or phrase in this ordinance irrespective of the fact that any one or more Sections, subsections, paragraphs, sentences, clauses or phrases in this Section might be declared unconstitutional, preempted, or otherwise invalid.

**SECTION IV.** CEQA.

Adopting this Ordinance is not a project subject to CEQA because it can be seen with certainty that it will not impact the environment (CEQA Guidelines Section 15378).

**SECTION V.** Publication.

The Town Council hereby directs the Town Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 of the Government Code of the State of California.

**SECTION VI.** Effective Date.

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the xx$^{th}$ day of xx, 2026, and was adopted by the Town Council of the Town of Los Gatos at its regular meeting on the xx$^{th}$ day of xx 2026, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

_____
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

_____
TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

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## Sec. 4.40.005. Restraint of dogs.

(a) ~~(a)~~ The owner or person with the right to control any dog shall keep such dog under the owner's own physical restraint by means of a leash not to exceed six (6) feet in length, or shall keep such dog confined behind ~~a fence not less than six (6) feet high.~~ either:

(1) A~~a~~ fence not less than six (6) feet high; or

(2) On a property of one acre or more located in the hillside area a Hidden Underground Electronic Dog Fence as defined in Town Code Section 29.40.0310.

(b) ~~.~~ This section shall not apply to the following:

(1) Guide dogs for the blind or deaf while performing their duties;

(2) Dogs participating in field or obedience ~~trails~~ trials or exhibitions as permitted by the Town;

(3) Dogs assisting a security guard or assisting a peace officer engaged in law enforcement activities;

(4) Dogs assisting their owner/handler in legal hunting or in the herding of livestock;

(5) Dogs within an off-leash area designated by the Town;

(6) Dogs being trained for any of the above purposes on private land with permission of the landowner, so long as such dogs are under direct control of such individuals to assure that they do not violate any other provision of law.

(c~~b~~) Potentially dangerous dog maintenance requirement: In addition to subsection (a) through (b) above, the following requirements for the maintenance of a potentially dangerous dog are as follows:

(1) A sign advising of the presence of a potentially dangerous dog shall be posted at the entrance to every place wherein any such dog is confined. The sign shall be capable of being understood by a child with normal reading skills of a second grader.

(2) A potentially dangerous dog must be restrained by a person with the physical capability to control the dog.

(3) A potentially dangerous dog must wear a muzzle, head collar or head halter type device, as determined by the Town Manager or hearing officer, and be on a sturdy, non-retractable leash of no more than six (6) feet in length when it is on any public street or in any other public place or upon any private place or property or common area of any planned development, cluster, townhouse, or condominium project unless the dog owner/guardian or person with a right to control the dog has obtained the consent of the owner/guardian or person in control of the private place or property or common area of the planned development, cluster, townhouse, or condominium project.

(4) A potentially dangerous dog must be spayed or neutered.

(5) A potentially dangerous dog must have a microchip implant for identification purposes.

(6) A Hidden Underground Electronic Dog Fence may not be used to confine a potentially dangerous dog.

(d~~c~~) In addition to subsections (a) ~~and~~ through (c~~b~~) above, the owner or person with the right to control a dangerous dog shall:

(1) Keep the dog under the owner's own physical restraint by means of both a sturdy, non-retractable leash not to exceed three (3) feet in length and capable of restraining four (4) times the weight of the dog; and be attached to an escape-proof commercial quality walking harness that fastens securely across the shoulders and mid-chest encompassing the rib area and upper abdomen of the dog. Neck collars alone of any type or material, will not be sufficient. The dog must be securely muzzled with a

device constructed to allow normal respiration but impossible for the dog to remove without human assistance. The Town Manager or hearing officer will make the final determination as to the efficacy of these restraint methods. The dog must be under the direct physical control of a person eighteen (18) years old or older who is physically capable of restraining the animal when the animal is off the property of the owner/guardian with the right to control the animal.

(2) Ensure that when the dog is in a house, apartment, building or similar structure, that the windows and doors of same are secured to prevent the dog from exiting without the assistance of the owner or person with the right to control such dog and that, when inside, the dog does not pose a threat to other occupants of the premises.

(3) Post a sign advising of the presence of a dangerous dog at the entrance to every place wherein any such dog is confined. The sign shall be capable of being understood by a child with normal reading skills of a second grader.

(4) The Town Manager or designee may, in their discretion, require that a dangerous dog be maintained in an enclosed and locked pen or kennel having secured sides and a secured top attached to the sides, and having a secure bottom or floor attached to the side, or with sides embedded not less than two (2) feet into the ground. When outside, said pen must be behind a fence not less than six (6) feet high.

(5) It is understood that the provision of subsection (c)(4), above, shall not apply to the owner or person with the right to control a dangerous dog living in an apartment or condominium.

(6) A dangerous dog is subject to special dog permit tag requirements under section 4.40.020.

(7) The dog owner/guardian or person with a right to control the dog must attend a dog obedience class with the dog that exhibited the behavior leading to its designation of dangerous. Pre-approval to attend such class may be required by the administrator of the dog obedience class.

(~~d~~e) In addition to subsections (a~~), (b) and~~) through (d~~e~~) above, the owner or person with the right to control a vicious dog shall maintain the dog as follows:

(1) Outdoors:

a. The dog must be confined by means of a securely enclosed escape-proof, locked kennel, or pen. Such kennel, pen or structure must have secure sides and a secure top attached thereto. The kennel or pen must be constructed in a manner and of such material so that it cannot be broken down by any action of the confined dog. All structures used for confinement of dangerous or vicious dogs must be locked with a key or combination lock of sufficient strength to ensure confinement of the dog. Such structures must be erected upon a secure bottom or floor constructed of concrete or other material of sufficient depth to prevent the dog from digging free.

b. The supporting posts of the structure must be set in concrete or other material not less than two (2) feet into the ground and no further than six (6) feet apart. The sides and ends of the structure must be constructed of solid boards or chain-link material not less than six (6) feet in height and securely fastened to the top and bottom of the structure. The structure may not be constructed or maintained in any front or required side yard and must be maintained in a sanitary condition at all times. The dog(s) confined therein must be afforded adequate protection from the elements and kept in a humane manner.

c. The escape-proof, locked kennel or pen may not be enclosed by an outdoor fence less than six (6) feet high.

(2) Indoors: The dog must be confined by means of a house, apartment, building, or similar structure wherein the windows and doors are secured to prevent the dog from exiting without the assistance of

either the owner/guardian or person with a right to control the dog, and the owner must ensure that the dog is not a threat to other occupants of the premises.

(3) The Town Manager or hearing officer may impose additional conditions upon the ownership/guardian and control of a vicious dog if the hearing officer determines that under these additional conditions the dog would not present a significant threat to the public health, safety, and welfare.

(4) If the Town Manager or hearing officer determines that a dog is vicious but additional conditions upon the ownership/guardianship and control of the dog will not sufficiently mitigate a significant threat to the public health, safety, and welfare, the hearing officer may order the dog be destroyed by the Town in accordance with the law.

(e) Violation of this section shall be punishable as a misdemeanor.

(Ord. No. 1971, § II, 2-22-94; Ord. No. 2276, § 1, 9-18-18; Ord. No. 2320, § III, 9-7-21)

## Sec. 29.40.0310. Definitions.

The following words, terms, and phrases, when used in these fence regulations, shall have the meanings ascribed to them in this ~~section~~article:

*Buck and rail fence* means a fence constructed with wood rails where the posts are arranged to form a triangle to provide the vertical structure of the fence. The horizontal rails are then attached to the triangle support posts.

*Corner sight triangle* means a triangular area at street intersections having sides thirty (30) feet in length, as measured from intersecting property lines.

*Double fence* means two (2) fences spaced a few feet apart regardless of height and material.

*Driveway view area* means a triangular area at the intersection of driveways and sidewalks and street intersections having sides ten (10) feet in length, as measured along the driveway's path of travel from the back of the sidewalk or street.

*Fence* means a structure constructed of posts, rails, wire, and/or barrier panels, used to define a boundary or as a means of protection, confinement, or visual obstruction.

*Fence regulations* means sections 29.40.030 through 29.40.0330.

*Hidden Underground Electronic Dog Fence* means a system manufactured by an Underwriters Laboratory-approved manufacturer consisting of a low-voltage transmitter unit and a buried boundary wire that broadcasts radio frequencies to activate a receiver collar worn by the dog, and installed by a contractor authorized to install for animal control devices.

*Hillside area* means all properties located within the area defined by the Hillside Area Map as contained in the Town of Los Gatos Hillside Development Standards and Guidelines.

*Open view fence* means a fence constructed in such a way so that no more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.

*Perimeter fence* means a fence located on the property line of a lot.

*Riparian corridor* means an area comprised of habitat strongly influenced and delineated by the presence of perennial or intermittent streams.

*Solid fence* means a fence constructed in such a way so that more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.

*Traffic view area* means the area which is within fifteen (15) feet of a street and within two hundred (200) feet of the right-of-way line of an intersection.

*Wildlife-friendly fence* means a fence that allows any animal, regardless of size, to climb under, pass through, or jump over, with a maximum height of forty-two (42) inches and a minimum distance between the bottom rail and the ground of eighteen (18) inches.

(Ord. No. 2286, § I, 8-6-19)

## Sec. 29.40.0315. Height, materials and design, and location.

(a) *Height.*

(1) Fences, walls, gates, or hedges may not exceed six (6) feet in height, with one (1) foot of lattice on top (seven (7) feet high in total); except as provided in subsections (2), (3), and (4) below.

(2) In the hillside area:

a. Fences, walls, gates, or hedges may not exceed six (6) feet.

b. On properties one (1) acre or greater, perimeter fencing shall be a wildlife-friendly fence or a Hidden Underground Electronic Dog Fence as defined in Ssection 29.40.0310.

(3) Fences, walls, gates, and hedges may not exceed three (3) feet in height when located within a required front or side yard abutting a street (as required by the zone), driveway view area, traffic view area, or corner sight triangle unless an exception is granted by the Town Engineer and Community Development Director. Trees, hedges, and vegetation within a corner sight triangle shall meet the requirements of section 26.10.065.

(4) Pedestrian gateways or entryway arbors may be up to eight (8) feet high. No more than one (1) gateway or entryway arbor per street frontage is allowed.

(b) *Materials and design.*

(1) The following fence types and materials are prohibited:

a. Any fence with bare lengths of wire stretched between posts.

b. With the exception of Hidden Underground Electronic Dog Fences where permitted, eElectric fences, including any fence designed to produce an electric shock.

c. Barbed or razor wire fences, including any fence with attached barbs, sharp points, or razors.

d. Transparent fences such as barriers of glass or clear plastic.

(2) In the hillside area:

a. Fences located within twenty (20) feet of a property line adjacent to a street shall be open view fencing as defined in section 29.40.0310.

b. On properties one (1) acre or greater, perimeter fencing shall be a wildlife-friendly fence or a Hidden Underground Electronic Dog Fence as defined in section 29.40.0310.

c. Chainlink, welded wire, wire mesh, or similar material shall be coated with green, brown, or black vinyl or finish and shall be supported by a wood frame.

d. Buck and rail, double, and solid fences are prohibited.

(3) In the Landmark and Historic Preservation Overlay:

a. Plastic fencing is prohibited.

b. Fences located in a required front yard shall be open view.

(4) Pedestrian gateways or entryway arbors shall be open view. A gateway or entryway arbor shall have a maximum width of six (6) feet and a maximum depth of four (4) feet.

(c) *Location.*

(1) No fence, wall, or gate shall be located within emergency egress easements.

(2) No fence, wall, or gate shall be located within twenty (20) feet of a riparian corridor as defined in section 29.40.0310.

(3) Vehicular gates shall be set back from the edge of the adjacent street a minimum of eighteen (18) feet as measured along the centerline of the driveway. A greater setback may be required when a gated entrance serves more than one (1) house.

(Ord. No. 2286, § I, 8-6-19)

# TECHNICAL ANALYSIS & STAFF GUIDANCE

## Proposed Amendment to Los Gatos Municipal Code

### Section 4.40.005(a) — Recognition of Hidden Underground Electronic Dog Fence Systems as a Compliant Means of Dog Containment in Hillside and Wildlife Corridor Areas

*with Corresponding Clarification to Section 29.40.0315*

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April 2026

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**Prepared for review by:**
Town Attorney, Town of Los Gatos • Town Planning & Community Development Staff
Silicon Valley Animal Control Authority (SVACA) • Santa Clara County Officials

**EXHIBIT 4**

# Executive Summary

## What is the gap?

Section 4.40.005(a) of the Los Gatos Municipal Code (Animal Code) requires dogs to be kept either on a leash or behind a fence not less than six feet high. The hillside fence regulations (§29.40.0315) prohibit solid fences in hillside areas and require that perimeter fencing on properties of one acre or greater be wildlife-friendly — a maximum of 42 inches high. The result is an unintended conflict: the Animal Code requires a six-foot fence for off-leash dog containment, while the Hillside Code prohibits that same fence. Hillside residential property owners in the Town's 1,170 HR-zoned parcels have no currently compliant means of allowing their dogs off-leash on their own property. This appears to be an unintended gap created by older code language that predates the widespread availability of electronic pet containment technology.

## What change is requested?

A two-part amendment is proposed. First, §4.40.005(a) would be amended to recognize a UL-Listed hidden underground electronic dog fence system — consisting of a low-voltage transmitter and buried boundary wire installed by a CA-licensed D-64 contractor — as a third compliant means of dog containment in designated hillside areas, alongside leash and physical fence. Second, a clarifying note would be added to §29.40.0315 confirming that the existing prohibition on "electric fences" refers to traditional above-ground perimeter fencing carrying live line voltage, and does not apply to buried-wire electronic containment systems as defined and permitted under the amended §4.40.005(a). A five-step permitting process with defined installation parameters is proposed to govern approval.

## Why is the change consistent with wildlife protection?

Hidden underground electronic dog fence systems do not create an above-grade physical barrier to wildlife movement. The buried boundary wire carries no voltage and has no physical presence above ground. Wildlife — deer, mountain lions, coyotes, bobcats, turkeys, and foxes — pass freely through the property. Only the trained dog wearing a receiver collar is affected. The system is fully consistent with the intent of §29.40.0305, which calls for hillside fencing to allow the free movement of wildlife. It is also aligned with AB 1889 (Room to Roam Act, effective 2028), which requires municipalities to consider wildlife-friendly fencing standards. By contrast, the interior-setback solid fencing currently used as an informal workaround by some hillside residents creates real physical barriers to wildlife movement and represents a worse outcome under the hillside fence intent policy.

# Purpose of This Document

This technical analysis is prepared to assist the Town Attorney, Planning Department staff, SVACA, and Santa Clara County officials in evaluating the proposed two-part amendment to Los Gatos Municipal Code §4.40.005(a) and §29.40.0315. It is designed to make the review and adoption process as straightforward as possible by providing:

Note: Town Planning Department records confirm 1,170 HR-zoned (Hillside Residential) parcels within Town limits.[1] Approximately 400 properties have had hidden underground electronic dog

[1] Parcel count confirmed by Ryan Safty, Community Development Department, Town of Los Gatos, email correspondence April 2026.

fence systems installed in the Los Gatos hills and the Santa Clara County side of the Santa Cruz Mountains Area — a community-scale adoption currently operating in a legal gray area that this amendment would resolve.[2]

- Verbatim text of the three relevant Town Code sections for quick reference
- A structured conflict and gap analysis identifying where the code fails hillside residents
- Documentation of current workarounds residents are employing, with analysis of their impacts
- A summary of precedents from California, Oregon, and other jurisdictions where this technology is formally recognized
- Animal professional endorsements supporting the safety and efficacy of the technology
- The proposed amendment language and five-step permitting process

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## I. Relevant Town Code Sections — Verbatim Text

The following three sections of the Los Gatos Municipal Code are directly relevant to this amendment. They are reproduced verbatim for quick reference.

### Section 4.40.005(a) — Animal Code: Restraint of Dogs

**SOURCE: LGMC Chapter 4, Article IV, §4.40.005(a)**

> No person owning or having charge, care, custody or control of any dog shall permit such dog to be or remain off the premises of the owner of such dog unless such dog is under the owner's own physical restraint by means of a leash not to exceed six feet in length, or shall keep such dog confined behind a fence not less than six feet high.

Note: This section was written before hidden underground electronic dog fence technology existed as a viable consumer product. It has never been updated to recognize this technology as a third compliant means of containment.

### Section 29.40.0305 — Hillside Fence Code: Intent

**SOURCE: LGMC Chapter 29, Article IV, §29.40.0305 (enacted Ord. No. 2286, Aug. 6, 2019)**

> The intent of these fence regulations is to preserve the natural beauty of the Town of Los Gatos, the natural movement of wildlife, and to protect traffic view areas while acknowledging that residents have the right to fence their properties to protect children, contain their animals, protect garden or agricultural areas, and maintain privacy. Specifically, within the hillside area, the intent of these fence regulations is to allow for the movement of wildlife within the hillside area.

### Section 29.40.0315 — Hillside Fence Code: Prohibited Fence Types

**SOURCE: LGMC Chapter 29, Article IV, §29.40.0315 (as amended, Ord. No. 2286, Aug. 6, 2019; Ord. No. 1316, June 7, 1976 as original)**

[2] Installation count based on information provided by Troy Dykes, D-64 Licensed Contractor, DogWatch Hidden Fences, covering installations in the Los Gatos and Santa Cruz Mountains area.

> The following fence types are prohibited in the hillside area: (a) Electric fences, including any fence designed to produce an electric shock. (b) Solid fences, including wood, masonry, concrete, or vinyl fences with more than 20% surface obstruction. (c) Buck-and-rail and double fences. On properties of one (1) acre or greater, perimeter fencing shall be wildlife-friendly fence as defined in Section 29.40.0310 – maximum 42 inches in height with an 18-inch gap at the bottom.

Note: The “electric fence” prohibition originates from Ord. No. 1316 (June 7, 1976), enacted for agricultural-style live-voltage perimeter shock fencing. Live describes an exposed conductor that carries electrical power, typically above 60 V DC or 30 V AC, which are thresholds widely considered hazardous.

Hidden underground electronic dog fence technology was patented in 1973 but had only sold 50 units by 1976 and was not a viable consumer product. The 2019 rewrite carried this prohibition forward without addressing this technology as a distinct category.

## Section 29.40.0310 — Definitions

### SOURCE: LGMC Chapter 29, Article IV, §29.40.0310

> The following words, terms, and phrases, when used in these fence regulations, shall have the meanings ascribed to them in this section:
>
> *Buck and rail fence means a fence constructed with wood rails where the posts are arranged to form a triangle to provide the vertical structure of the fence. The horizontal rails are then attached to the triangle support posts.*
>
> *Corner sight triangle means a triangular area at street intersections having sides thirty (30) feet in length, as measured from intersecting property lines.*
>
> *Double fence means two (2) fences spaced a few feet apart regardless of height and material.*
>
> *Driveway view area means a triangular area at the intersection of driveways and sidewalks and street intersections having sides ten (10) feet in length, as measured along the driveway's path of travel from the back of the sidewalk or street.*
>
> *Fence means a structure constructed of posts, rails, wire, and/or barrier panels, used to define a boundary or as a means of protection, confinement, or visual obstruction.*
>
> *Fence regulations means sections 29.40.030 through 29.40.0330.*
>
> *Hillside area means all properties located within the area defined by the Hillside Area Map as contained in the Town of Los Gatos Hillside Development Standards and Guidelines.*
>
> *Open view fence means a fence constructed in such a way so that no more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.*
>
> *Perimeter fence means a fence located on the property line of a lot.*
>
> *Riparian corridor means an area comprised of habitat strongly influenced and delineated by the presence of perennial or intermittent streams.*

> *Solid fence means a fence constructed in such a way so that more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.*
>
> *Traffic view area means the area which is within fifteen (15) feet of a street and within two hundred (200) feet of the right-of-way line of an intersection.*
>
> *Wildlife-friendly fence means a fence that allows any animal, regardless of size, to climb under, pass through, or jump over, with a maximum height of forty-two (42) inches and a minimum distance between the bottom rail and the ground of eighteen (18) inches.*

The following fence types are prohibited in the hillside area:

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## II. Conflict and Gap Analysis

### The Three-Section Problem

A careful reading of the three code sections above reveals a structural gap that leaves hillside dog owners with no currently compliant means of containing their dogs off-leash on their own property. This appears to be an unintended gap created by older code language, combined with hillside-specific restrictions that were designed for environmental protection, not pet containment.

| Code Section | What It Requires / Prohibits | Effect on Hillside Dog Owner |
|---|---|---|
| **§4.40.005(a) — Animal Code** | Dog must be on leash OR behind a fence not less than six feet high. Only two options recognized. | No hidden fence option recognized. Code gap — technology never addressed. |
| **§29.40.0315 — Prohibited Fences** | Solid fences prohibited in hillside. Perimeter fencing on 1+ acre must be wildlife-friendly (max 42", 18" ground gap). | 6-foot solid fence required by §4.40.005(a) is prohibited here. Wildlife-friendly fence is too short (42" vs. 72" required). |
| **§29.40.0305 — Hillside Fence Intent** | Hillside fence regulations exist specifically to allow the free movement of wildlife through corridors. | A 6-foot solid fence would directly violate this intent even if physically permitted. No compliant option satisfies both codes. |

Result: A hillside property owner who wishes to allow their dog off-leash in their own yard has no currently compliant option under the existing code. This appears to be an unintended gap created by older code language — a consequence of three code sections that were written at different times and have not been reconciled with each other or with technological developments over the past fifty years.

### Why the Electric Fence Prohibition Does Not Apply — and Why Clarification Is Still Needed

The prohibition on "electric fences" in §29.40.0315 was written in 1976 for agricultural-style perimeter shock fencing: exposed above-ground wires carrying live line voltage. Such fencing presents real hazards — fire ignition risk in dry hillside vegetation, shock risk to people, children, wildlife, and livestock. The prohibition is valid and should be retained.

A hidden underground electronic dog fence is categorically different technology:

- The boundary wire is buried a few inches underground and carries no voltage or current
- It functions as a passive radio frequency emitter only (AM and FM bands)
- There is no exposed conductor, no shock hazard to people or wildlife, no fire risk
- Only the trained dog wearing the receiver collar is affected — all other animals and people pass freely

The 1976 ordinance never contemplated this technology. The 2019 rewrite (Ord. No. 2286) carried the prohibition forward by inertia, not deliberate policy determination. A clarifying note to §29.40.0315 is needed to confirm that the "electric fence" prohibition refers to traditional line-voltage above-ground perimeter fencing, and does not apply to hidden underground electronic dog fence systems as defined and permitted under §4.40.005(a).

## III. How the Current Code Is Failing: Resident Workarounds and Their Impacts

Because the current code provides no compliant off-leash option for hillside dog owners, residents have developed informal workarounds. These workarounds range from a responsible, wildlife-compatible solution that should be formally recognized, to harmful circumventions of the hillside fence code that produce exactly the environmental damage the code was designed to prevent.

### Preferred Compliance Option: Hidden Underground Electronic Dog Fence (Currently Unrecognized)

The Town of Los Gatos Planning Department has confirmed that there are 1,170 HR-zoned (Hillside Residential) parcels within the Town limits (confirmed by Ryan Safty, Associate Planner, Community Development Department, April 2026). Of these, approximately 400 hidden underground electronic dog fence systems have already been installed across the Los Gatos and Santa Cruz Mountain hillside area by a California State Licensed D-64 Non-Specialized Contractor (DogWatch, installer Troy Dykes) — representing roughly 34% of all hillside parcels operating in a legal gray area. These systems:

- Contain the dog completely within the property boundary
- Present zero physical obstruction to wildlife — deer, mountain lions, bobcats, turkeys, coyotes, and foxes pass freely through the property
- Require no grading, no above-grade materials, no structural alteration
- Carry no voltage in the boundary wire — passive RF emitter only, zero fire risk
- Have been recognized on-site by SVACA as valid dog containment at properties in Los Gatos

These installations exist in a legal gray area: residents have chosen the most environmentally responsible available technology, but the code does not formally recognize it. This creates enforcement uncertainty for residents, SVACA, and Town staff.

The scale of adoption is significant. With 1,170 confirmed HR-zoned parcels and approximately 400 installations already in place, this is not a niche concern — it is a community-wide issue affecting a material fraction of the hillside residential population, with growth likely as awareness increases.

## Resident Community Testimony

The following is representative of the community support for this amendment, received from a Los Gatos hillside resident following the April 7, 2026 Town Council meeting:

> *"Through the hillside neighborhoods of Los Gatos — and across the broader Santa Cruz Mountains — Town residents have been quietly and responsibly using invisible electric fence systems for years. These installations are wildlife-friendly. Unlike solid or chain-link fencing, invisible fences present no physical barrier to deer, mountain lions, coyotes, turkeys, bobcats and other native species moving freely through our wildlife corridors. The hillside ecosystem functions as intended. Aesthetically consistent with hillside character — there are no visible structures, no fencing panels, and no visual impact on the natural landscape that defines our neighborhoods. Already recognized regionally — Silicon Valley Animal Control (SVACA) already accepts my invisible electric fence installation as a valid form of dog containment. The Town's code simply hasn't caught up with that regional standard."*

Resident further noted that their DogWatch system was installed by a CA Low Voltage Licensed contractor who has installed the same fence for hundreds of properties along the Santa Cruz Mountains and greater Bay Area, including multiple properties on the same street. The resident described the technology as "more comprehensive and failsafe than the current ordinance requirement" which relies on physical barriers with gates and doors that can fail.

## Less Desirable Alternative: Interior-Setback Solid Fencing

Town planning staff have noted (conversation with Ryan Safty, LG Planning Department, April 2026) that some hillside residents are addressing the containment problem by constructing solid fences set back a few feet from the property line, rather than on the property boundary.

Their rationale: §29.40.0315 requires that perimeter fencing (fencing at the property boundary line) be wildlife-friendly. A solid fence set back from the property line is not technically "perimeter" fencing under this reading, and therefore may not be subject to the wildlife-friendly requirement.

This workaround is problematic on multiple grounds:

- **It creates solid physical barriers inside the wildlife corridor. The barrier effect on wildlife movement is identical to a property-line fence — setback by a few feet changes nothing ecologically. Solid fences fragment habitat, block species movement, and reduce genetic connectivity regardless of their distance from the property line.** Environmental harm:
- **This workaround is only available to residents with sufficient lot depth to set a fence back meaningfully. Smaller or more steeply sloped properties cannot use it. It creates a two-tier system based on lot size rather than policy.** Inequity:
- **This interpretation has not been formally sanctioned by the Planning Department or confirmed by the Town Attorney. It is a practice that is tolerated informally, not a recognized compliant solution. Residents relying on it are exposed to potential enforcement action.** Legal uncertainty:
- **The express intent of §29.40.0305 is to allow wildlife movement within the hillside area. A solid fence anywhere within that area — whether on the property line or set back — undermines that intent.** Contrary to intent:
- **The hidden underground electronic dog fence achieves the same dog containment objective with zero above-grade structure, zero wildlife impact, and**

**zero visual intrusion. The interior-setback solid fence achieves containment at the cost of wildlife movement, viewshed, and hillside character.** Worse outcome than hidden fence:

The interior-setback workaround is a symptom of the code gap, not a solution to it. Formally recognizing the hidden underground electronic dog fence under §4.40.005(a) would eliminate the pressure that drives residents toward this harmful workaround.

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## IV. Jurisdictional Precedents

Multiple California and out-of-state jurisdictions have formally recognized hidden underground electronic dog fence systems as a compliant means of dog containment, explicitly distinguishing them from traditional electric fences. These precedents provide a strong foundation for the proposed amendment.

### California Precedents

#### San Diego County Code §62.669(c) — California's Leading Precedent

San Diego County is the most directly applicable California precedent. Section 62.669(c) of the San Diego County Code explicitly lists electronic pet containment systems as a third compliant means of dog control on private property, alongside leash and physical fence:

> SEC. 62.669. RESTRAINT OF DOGS REQUIRED. (c) A dog's owner or custodian or a person having control of a dog that is lawfully on private property shall keep the dog: (1) leashed or tethered as allowed under Health and Safety Code section 122335, (2) under direct and effective control by voice or electronic pet containment system, or (3) in a building or enclosure that is adequate to ensure the physical confinement of the dog and that also meets humane standards.

This is the precise structure proposed for Los Gatos §4.40.005(a): a third option alongside leash and physical enclosure. San Diego County's code confirms that California law supports this formulation and that it can be implemented at the county level. Based on the jurisdictions reviewed, no Santa Clara County city or town has yet adopted equivalent language — Los Gatos appears poised to be the first in this region (subject to Town Attorney confirmation).

#### Los Altos Hills — Adjacent Santa Clara County Precedent

The Town of Los Altos Hills, also in Santa Clara County and also a hillside community with wildlife corridor concerns, recently amended its fence ordinance (May 2025) to address wildlife corridor fencing requirements. While it does not specifically codify hidden fence technology, its approach confirms that Santa Clara County hillside jurisdictions actively manage the intersection of fencing and wildlife movement at the ordinance level.

#### Ventura County — Wildlife Corridor Fencing Regulations

Ventura County has implemented dedicated wildlife corridor regulations in its zoning ordinance that explicitly identify impermeable fencing as a barrier to be minimized, and establish a permitting pathway for fencing near wildlife corridors. This is the regulatory model that AB 1889 (Room to Roam Act) will require all California cities and counties to adopt by 2028.

### Oregon Precedents

#### City of Central Point, Oregon — Express Statutory Exclusion

The City of Central Point, Oregon (City Code §17.57) provides the clearest statutory model for distinguishing hidden underground electronic dog fences from traditional electric fences. The code states:

> "Electrified fence" does not include underground wireless fencing (invisible fencing) which consists of an electronic system that uses a buried wire and radio signal to keep dogs or other animals from leaving the yard, which is permitted in any zone.

This is exactly the clarification proposed for Los Gatos §29.40.0315: a statement that the electric fence prohibition does not apply to hidden underground electronic dog fence systems. Central Point's language confirms that this categorical distinction is legally sound, administratively straightforward, and has been successfully implemented in Oregon municipal code.

### Oregon Municipality — Express Exemption from Electric Fence Prohibition

Multiple Oregon municipal codes explicitly exempt underground electronic pet containment systems from electric fence prohibitions. One representative example:

> Farm animal containment fences in A-1 Agriculture Districts not used as a dwelling and electronic underground pet containment fences in all zoning districts are exempt from this section.

This confirms that the approach of expressly exempting hidden underground electronic dog fences from electric fence prohibitions is a well-established and legally tested technique in Oregon municipal codes.

## National Context and Scale

Hidden underground electronic dog fence technology is in widespread national use, recognized as a legitimate containment method across multiple jurisdictions:

- Over 3 million pets protected by Invisible Fence® Brand alone since 1973 (PR Newswire, 2019)
- DogWatch® has over 200 independent dealers worldwide, operating since 1990
- Multiple states and municipalities have expressly distinguished this technology from traditional electric fences in their codes
- Kansas (Overland Park Municipal Code 6.08.020): formally recognizes electronic containment as a compliant form of dog control with specific operational conditions — see full subsection below

## Overland Park, Kansas — Detailed National Precedent (Municipal Code 6.08.020)

The City of Overland Park, Kansas (Municipal Code 6.08.020, subsection (a)(3)) explicitly authorizes electronic dog fences as a compliant containment method, with specific operational parameters that closely mirror the Los Gatos proposed amendment structure:

> *"Dogs may be confined to the premises of the residential property of their owner, keeper or harborer by an electronic fence or an electronic collar. An electronic fence or electronic collar is defined as a fence or a collar that controls the movement of a dog by emitting an electrical shock when the animal wearing the collar nears the boundary of the owner's, keeper's or harborer's property. Dogs confined to residential property by an electronic fence or an electronic collar shall not be permitted to be nearer than 10 feet away from any public sidewalk or property line that is contiguous to neighboring property. In addition, dogs are prohibited from being confined by an electronic fence or an electronic collar in the*

> *front yards of an owner's, keeper's or harborer's property. No dog having been found a dangerous animal by the animal control division shall be confined by an electronic fence or an electronic collar."*

The structural parallels to the proposed Los Gatos amendment are direct: (1) electronic containment recognized as a third compliant option alongside leash and physical enclosure; (2) setback from property lines and sidewalks required; (3) front yard exclusion; (4) dangerous dog exclusion. These are the same operational parameters proposed for Los Gatos, adapted for hillside and wildlife corridor conditions rather than suburban residential.

## Legal Uncertainty Created by the Current Code Gap

The current code gap creates legal exposure for residents beyond mere inconvenience. Kenneth M. Phillips, a nationally recognized dog bite attorney (dogbitelaw.com), articulates the prevailing legal doctrine:

> *"If the municipal code requires a fence, and does not address electronic systems, then the dog owner must provide a physical fence, not an electronic one."*

Under this doctrine, the approximately 400 hillside Los Gatos residents currently using DogWatch systems may not be legally compliant with §4.40.005(a) — even though SVACA has recognized their systems on-site as valid containment. This creates a two-track enforcement environment: residents are practically compliant but legally exposed. The proposed amendment resolves this uncertainty cleanly in both directions.

Phillips also notes that due process requires any prohibition to be stated clearly or it is unenforceable: codes prohibiting "electric fences" without defining precisely what devices are covered create interpretive uncertainty. This reinforces the need for the clarifying note to §29.40.0315 proposed as the secondary element of this amendment — confirming that the prohibition does not reach hidden underground electronic dog fence systems as defined.

- The technology is active in every major California metropolitan area, including San Mateo, Santa Clara, Alameda, Contra Costa, Solano, Napa, Sonoma, Marin, and Mendocino counties (Pet Stop of the Peninsula and North Bay)
- Texas (Argyle, Fate, and others): multiple Texas municipalities use identical model ordinance language expressly recognizing invisible fence systems as sufficient restraint — see full subsection below
- Maryland (Baltimore City): formal Health Department regulatory framework with permit system recognizing electronic fence as valid animal restraint, with operational conditions including setbacks and posted signage — see full subsection below
- North Carolina (Pineville): invisible fence system expressly recognized as a qualifying "secure enclosure" under animal restraint ordinance (§90.040), subject to posted signage requirement

## Texas — Model Ordinance Language (Argyle, Fate, and Others)

At least two Texas municipalities — the Town of Argyle (Chapter 2, Animal Control) and the City of Fate (Ordinance No. O-1783) — use identical language in their animal control ordinances expressly recognizing invisible fence systems as compliant restraint. The identical phrasing across separate municipalities indicates this language derives from a shared Texas model animal control ordinance, suggesting adoption is broader than these two examples alone:

> *"An 'invisible fence' will suffice as sufficient restraint so long as the animal is not found outside the premises of the owner."*

This is among the most direct statutory language found in any jurisdiction: no conditions other than demonstrated containment (the animal must not be found outside the premises). It stands

in contrast to the more structured permitting approaches in Kansas, Maryland, and proposed for Los Gatos, but confirms that straightforward legislative recognition of this technology is legally tested and in active use across Texas municipalities. Both Argyle and Fate also expressly exclude dangerous dogs from electronic containment eligibility, consistent with the Los Gatos proposed amendment.

### Baltimore, Maryland — Health Department Regulatory Framework

Baltimore City, Maryland, formally recognizes electronic dog fences as valid animal restraint through a permit and exemption system administered by the Health Department's Office of Animal Control. The regulatory framework has been in place since at least 2009 and remains active today, with a formal permit application process. Key operational conditions under the Baltimore framework:

- The dog cannot come within 10 feet of any public walkway, footpath, alley, or street
- The fence must be at least 2 feet from any adjacent property
- A visible sign must be posted on the property indicating that an electronic fence is in use

The structural parallel to the Los Gatos proposed amendment is direct: setback from public ways and adjacent properties, posted signage, and permit-based approval. Baltimore's framework demonstrates that a formal permitting pathway for electronic pet containment is administratively viable and has operated successfully in a major U.S. city for over fifteen years.

### Pineville, North Carolina — Invisible Fence as Qualifying Secure Enclosure

Section 90.040 of the Pineville, North Carolina Code of Ordinances expressly recognizes an invisible fence system as a qualifying "secure enclosure" under its animal restraint ordinance, with two conditions:

> *"If the secure enclosure is an invisible fence system, then all components of the system must be in working order and in proper place. Additionally, there must be a visible, permanent sign on the premises stating that there is an invisible fence."*

The operational requirement — system in working order with posted signage — maps directly onto the proposed Los Gatos permitting parameters. The characterization of invisible fence as a qualifying "secure enclosure" is also legally significant: it confirms that courts and enforcement agencies in at least one jurisdiction have accepted this technology as satisfying the enclosure standard, resolving the legal uncertainty identified by Kenneth M. Phillips (see Section II, Legal Uncertainty Created by the Current Code Gap).

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## V. Animal Professional Endorsements

### Veterinary Research: University of Pennsylvania

The foundational safety research on hidden underground electronic dog fence systems was conducted in partnership with the University of Pennsylvania School of Veterinary Medicine. The research proved the system to be safe, gentle, and effective for animals, with no short- or long-term adverse effects on the animals contained. This research was conducted beginning in 1975 and has underpinned the technology's widespread adoption.

### SVACA — Silicon Valley Animal Control Authority

SVACA is the regional animal control authority that serves and enforces animal control laws for the Town of Los Gatos. SVACA officers have visited the DogWatch hidden underground

electronic dog fence installation at 100 Hill Top Drive, Los Gatos, and recognized the system as a valid form of dog containment consistent with the requirement that dogs be "properly confined to the owner's property."

SVACA's operational recognition of this technology predates the proposed code amendment. The amendment would formalize what SVACA already endorses in practice.

### California-Based Veterinary Endorsements

Dr. Jamie Textor, veterinarian, California (DogWatch Bay Area & Northern California testimonial):

> As a veterinarian and a dog owner, I would highly recommend this company. Within the week [of installation], the fence was installed and the problem was literally SOLVED that day.

### National Veterinary Endorsements

Dr. Roxane Jackson, veterinarian, Washington (DogWatch of the Twin Cities testimonial):

> I am a veterinarian, and I recommend this fence system to my clients. The price, installation, and training were all reasons I chose this brand.

### Australian Veterinary Association (AVA)

The Australian Veterinary Association acknowledges that there are situations in which a hidden underground electronic dog fence can increase the safety and welfare of an animal, and supports responsible use in those situations. The AVA's position confirms the technology's place in the spectrum of responsible pet ownership tools when used appropriately with proper training.

### D-64 Non-Specialized Contractor Licensing

California is the only state with a dedicated contractor license classification for animal control device installation: the D-64 Non-Specialized Contractor license. Troy Dykes of DogWatch Hidden Fences holds this license and is believed to be one of the only active D-64 licensed contractors in the region. The existence of this license category confirms that California's contractor licensing framework already recognizes hidden underground electronic dog fence installation as a professional, regulated trade.

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## VI. Proposed Amendment Language

### Primary Amendment — Town Code Section 4.40.005(a)

The following language is proposed to be added to §4.40.005(a) as a third compliant containment option, applicable in designated hillside areas:

> In designated hillside areas of the Town of Los Gatos, a Hidden Underground Electronic Dog Fence system — manufactured under UL Listed DogWatch (or other UL-listed equivalent manufacturer as approved by the Town), consisting of a low-voltage transmitter unit and a buried boundary wire that broadcasts radio frequencies to activate a receiver collar worn by the dog, and installed by a

> California State Licensed D-64 Non-Specialized Contractor authorized for Animal Control Devices — shall be recognized as a third compliant means of dog containment under this section, in addition to leash and physical fence, subject to the permitted installation parameters and permitting process set forth herein.

### Secondary Clarification — Town Code Section 29.40.0315

The following clarifying note is proposed for addition to §29.40.0315:

> The prohibition on "electric fences, including any fence designed to produce an electric shock" refers to traditional perimeter fencing carrying live line voltage along exposed above-ground conductors. This prohibition does not apply to Hidden Underground Electronic Dog Fence systems as defined and permitted under Section 4.40.005(a), which carry no voltage or current in their boundary wire and present no fire or shock hazard.

### Permitted Installation Parameters

- Electronic boundary observes same setbacks from property lines as required for a 6-foot solid fence under §29.40.0315 and §4.40.005(a)
- Training certificate required: property owner must obtain certification that their dog(s) have been successfully trained to respect the boundary, issued by the licensed D-64 installing contractor; certification logged with SVACA dog license record
- 24-hour backup battery required to sustain system operation in event of power interruption
- 20-foot setback from any riparian corridor (as defined in §29.40.0310); setback applies to the programmed electronic boundary, not the buried wire routing
- Not applicable to dogs designated Potentially Dangerous, Dangerous, or Vicious under LGMC §4.10.010 or §4.40.005

### Five-Step Permitting Process

1. Property Survey — Prepared by a licensed surveyor, showing property boundaries, setbacks, recorded easements, riparian corridors, utility meters, and underground access vaults or covers.
2. Proposed Site Plan — Prepared by the D-64 licensed contractor or architect, illustrating the electronic boundary location, 20-foot riparian corridor setback, control box location, power supply connection, and backup power system.
3. Approved Permit — Pulled by D-64 Licensed Contractor or property owner; identifies D-64 contractor and California license number.
4. Installation Inspection — Follows same procedure as traditional fence permits to validate conformance with approved site plan.
5. Dog Certification — Following inspection sign-off, dog(s) trained to containment system; certification submitted to SVACA to be added to dog's license record.

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## VII. Alignment with State Law — AB 1889, Room to Roam Act

This amendment is directly aligned with AB 1889, the Room to Roam Act, signed by Governor Newsom on September 27, 2024, and effective January 1, 2028. The law amends Government

Code §65302 to require California cities and counties, upon their next General Plan update on or after January 1, 2028, to:

- Identify and analyze wildlife connectivity areas, permeability, and natural landscape areas within the jurisdiction
- Identify and analyze existing or planned wildlife passage features
- Consider impacts of development and barriers to wildlife movement, and avoid, minimize, or mitigate those impacts
- Consider incorporating “wildlife-friendly fencing” as a standard, policy, or implementation program

Hidden underground electronic dog fence systems do not create an above-grade physical barrier to wildlife movement — they have no physical structure above grade and present no impediment to free passage of wildlife through the property. Formally recognizing this technology in the Town Code now positions Los Gatos ahead of the 2028 compliance requirement and demonstrates proactive leadership on wildlife corridor protection. Based on the jurisdictions reviewed, Los Gatos appears poised to become the first municipality in Santa Clara County to codify this specific technology, setting a regional precedent aligned with the direction of state law (subject to Town Attorney review and confirmation).

## VIII. Key Contacts for Staff Reference

| Role | Name & Organization | Contact |
|---|---|---|
| Proponent | Keith Blaine AIA LEED AP | keithblaine@mac.com \| 408-784-1821 |
| D-64 Licensed Installer | Troy Dykes, DogWatch Hidden Fences | Contact via DogWatch® network |
| SVACA Executive Director | Dan Soszynski, SVACA | SVACA main line: 408-764-0344 |
| Town Planning Dept. | Ryan Safty, Planning Department | Community Development: 408-354-6874 |
| CC Recipient | Allen Meyer, Town Planning Dept. | Community Development: 408-354-6874 |
| CC Recipient | Megan Blaine, Blaine Architects | Blaine Architects |

## APPENDIX B — Precedent Municipalities: Jurisdictions Formally Recognizing Electronic Pet Containment Systems

The following table summarizes jurisdictions identified in this analysis that have formally recognized hidden underground electronic dog fence or invisible fence systems as a compliant means of animal containment in their municipal codes or regulatory frameworks. All code language is reproduced verbatim or summarized from primary sources. This table is provided

for staff reference and is not exhaustive; additional jurisdictions may have adopted equivalent language, particularly in Texas where identical language appears across multiple municipalities suggesting derivation from a shared model ordinance.

| State / Jurisdiction | Code / Authority | Key Code Language / Framework |
|---|---|---|
| **California**<br>San Diego County | County Code §62.669(c) | Dog on private property shall be kept: (1) leashed or tethered; (2) under direct and effective control by voice or *electronic pet containment system*; or (3) in a building or adequate enclosure. Third-option structure identical to proposed Los Gatos amendment. |
| **Oregon**<br>City of Central Point | City Code §17.57 | *"Electrified fence" does not include underground wireless fencing (invisible fencing) which consists of an electronic system that uses a buried wire and radio signal to keep dogs or other animals from leaving the yard, which is* ***permitted in any zone****.* |
| **Kansas**<br>City of Overland Park | Municipal Code 6.08.020(a)(3) | Dogs may be confined by electronic fence or electronic collar. Conditions: 10-ft setback from sidewalk/property line; prohibited in front yards; no dangerous dogs; owner must post signage. Electronic containment recognized as third compliant option alongside leash and physical enclosure. |
| **Texas**<br>Town of Argyle | Code of Ordinances Ch. 2 (Animal Control) | *"An 'invisible fence' will suffice as sufficient restraint so long as the animal is not found outside the premises of the owner."* Dangerous dog exclusion applies. Identical language to Fate, TX (Ord. No. O-1783) — believed to derive from Texas model animal control ordinance. |
| **Texas**<br>City of Fate | Ordinance No. O-1783 (Animal Control) | *"An 'invisible fence' will suffice as sufficient restraint so long as the animal is not found outside the premises of the owner."* Dangerous dog exclusion applies. Identical language to Argyle, TX. |
| **Maryland**<br>Baltimore City | Health Dept. Regulatory Action on Electronic Fences as Animal Restraints (2009, active) | Formal permit system recognizing electronic fence as valid animal restraint. Conditions: dog must not come within 10 ft of public walkways/alleys/streets; fence at least 2 ft from adjacent property; visible sign required. Permit application required; issued by Health Department Office of Animal Control. Active since 2009. |
| **North Carolina**<br>Town of Pineville | Code of Ordinances §90.040 (Restraint of Animals) | *"If the secure enclosure is an invisible fence system, then all components of the system must be in working order and in proper place. Additionally, there must be a visible, permanent sign on the premises stating that there is an invisible fence."* Invisible fence expressly qualifies as a "secure enclosure" under this section. |

*Note: Colorado Springs, CO permits electronic fences with signage requirements as an administrative practice, but no formally codified ordinance recognizing electronic containment as a compliant restraint method was identified. Fort Worth, TX requires a physically enclosed structure and does not recognize electronic containment under its current code, illustrating that recognition is not universal and that explicit codification as proposed here is necessary to resolve the legal uncertainty.*

## APPENDIX — Technology Timeline for Staff Reference

Here's the complete, sourced timeline — which is directly relevant to your code gap argument:

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**1973** — Richard Peck U.S. Patent 3,753,421 was the first electronic dog fence ("Stay-Put"). Collar is the size of a deck of cards / 13 oz. Fifty units sold in the first year, by mail order only. Not practically available to most consumers.

**1976** — Peck sells patent rights to John Purtell, who renames it "Invisible Fence." Los Gatos fence ordinance (Ord. No. 1316) is enacted this same year. At this moment, the technology existed but had sold only ~50 units nationwide and was not a viable consumer product.

**1980s** — Collar shrinks from 13 oz. to 3 oz., opening the market to smaller dogs. Dealer network begins expanding. Still a niche, premium professional-install product.

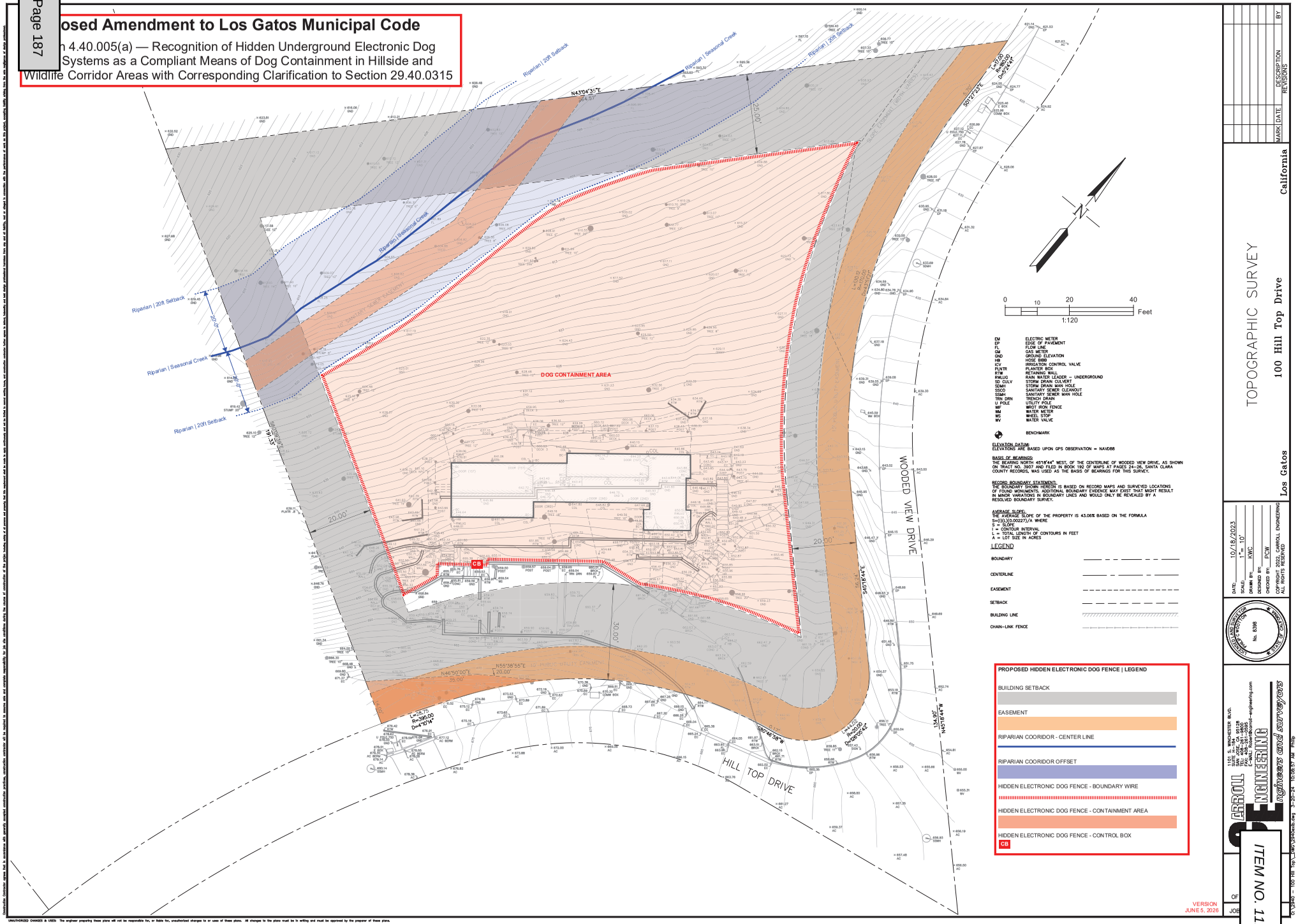
**1989–1993** — The original patent expires (sources vary slightly: some say 1989, some say 1990, one says 1993). This is the pivotal moment — competitors enter the market immediately. DogWatch, PetSafe, and Innotek all emerge after the patent expires.

**1990s–2000s** — Mass-market adoption. Multiple competing brands, falling prices, wider availability, DIY kits introduced. The technology becomes a mainstream consumer product.

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## osed Amendment to Los Gatos Municipal Code

n 4.40.005(a) — Recognition of Hidden Underground Electronic Dog Systems as a Compliant Means of Dog Containment in Hillside and Wildlife Corridor Areas with Corresponding Clarification to Section 29.40.0315




TOPOGRAPHIC SURVEY
100 Hill Top Drive
Los Gatos California

| MARK | DATE | DESCRIPTION REVISIONS | BY |
|---|---|---|---|

DATE: 10/18/2023
SCALE: 1" = 10'
DRAWN BY: KWC
DESIGNED BY:
CHECKED BY: PCW

COPYRIGHT 2022, CARROLL ENGINEERING
ALL RIGHTS RESERVED

PHILIP C. WOLTERSDORF No. 8396 REGISTERED PROFESSIONAL ENGINEER STATE OF CALIFORNIA

CARROLL ENGINEERING civil engineers and surveyors
1101 S. WINCHESTER BLVD.
SAN JOSE, CA 95128
TEL: 408-296-4200
FAX: 408-296-8293
www.carroll-engineering.com

VERSION
JUNE 5, 2026

SHEET OF
JOB

ITEM NO. 11.

UNAUTHORIZED CHANGES & USES: The engineer preparing these plans will not be responsible for, or liable for, unauthorized changes to or uses of these plans. All changes to the plans must be in writing and must be approved by the preparer of these plans.

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## Sec. 29.40.030. Fences, walls, gates, gateways, entry arbors, and hedges.

(Ord. No. 2286, § I, 8-6-19)

Ord. No. 2286, § I, adopted Aug. 6, 2019, repealed § 29.40.030 and enacted new provisions as §§ 29.40.030—29.40.0330, to read as herein set out. Former § 29.40.030 pertained to similar subject matter and derived from Ord. No. 1316, § 4.10.020, adopted June 7, 1976; Ord. No. 1493, adopted March 17, 1981; Ord. No. 1873, § I, adopted Oct. 7, 1991; Ord. No. 2049, § I, adopted Oct. 5, 1998; Ord. No. 2062, § I, adopted June 21, 1999; and Ord. No. 2278, § II, adopted Dec. 18, 2018.

## Sec. 29.40.0305. Intent.

The intent of these fence regulations, as defined in section 29.40.0310, is to preserve the natural beauty of the Town of Los Gatos, the natural movement of wildlife, and to protect traffic view areas while acknowledging that residents have the right to fence their properties to protect children, contain their animals, protect garden or agricultural areas, and maintain privacy. Specifically, within the hillside area, the intent of these fence regulations is to allow for the movement of wildlife. Unless specified otherwise, these fence regulations are applicable Town-wide. These fence regulations incorporate portions of the Hillside Development Standards and Guidelines related to fencing.

(Ord. No. 2286, § I, 8-6-19)

## Sec. 29.40.0310. Definitions.

The following words, terms, and phrases, when used in these fence regulations, shall have the meanings ascribed to them in this section:

*Buck and rail fence* means a fence constructed with wood rails where the posts are arranged to form a triangle to provide the vertical structure of the fence. The horizontal rails are then attached to the triangle support posts.

*Corner sight triangle* means a triangular area at street intersections having sides thirty (30) feet in length, as measured from intersecting property lines.

*Double fence* means two (2) fences spaced a few feet apart regardless of height and material.

*Driveway view area* means a triangular area at the intersection of driveways and sidewalks and street intersections having sides ten (10) feet in length, as measured along the driveway's path of travel from the back of the sidewalk or street.

*Fence* means a structure constructed of posts, rails, wire, and/or barrier panels, used to define a boundary or as a means of protection, confinement, or visual obstruction.

*Fence regulations* means sections 29.40.030 through 29.40.0330.

*Hillside area* means all properties located within the area defined by the Hillside Area Map as contained in the Town of Los Gatos Hillside Development Standards and Guidelines.

*Open view fence* means a fence constructed in such a way so that no more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.

*Perimeter fence* means a fence located on the property line of a lot.

*Riparian corridor* means an area comprised of habitat strongly influenced and delineated by the presence of perennial or intermittent streams.

*Solid fence* means a fence constructed in such a way so that more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.

*Traffic view area* means the area which is within fifteen (15) feet of a street and within two hundred (200) feet of the right-of-way line of an intersection.

*Wildlife-friendly fence* means a fence that allows any animal, regardless of size, to climb under, pass through, or jump over, with a maximum height of forty-two (42) inches and a minimum distance between the bottom rail and the ground of eighteen (18) inches.

(Ord. No. 2286, § I, 8-6-19)

## Sec. 29.40.0315. Height, materials and design, and location.

(a) *Height.*

(1) Fences, walls, gates, or hedges may not exceed six (6) feet in height, with one (1) foot of lattice on top (seven (7) feet high in total); except as provided in subsections (2), (3), and (4) below.

(2) In the hillside area:

a. Fences, walls, gates, or hedges may not exceed six (6) feet.

b. On properties one (1) acre or greater, perimeter fencing shall be a wildlife-friendly fence as defined in section 29.40.0310.

(3) Fences, walls, gates, and hedges may not exceed three (3) feet in height when located within a required front or side yard abutting a street (as required by the zone), driveway view area, traffic view area, or corner sight triangle unless an exception is granted by the Town Engineer and Community Development Director. Trees, hedges, and vegetation within a corner sight triangle shall meet the requirements of section 26.10.065.

(4) Pedestrian gateways or entryway arbors may be up to eight (8) feet high. No more than one (1) gateway or entryway arbor per street frontage is allowed.

(b) *Materials and design.*

(1) The following fence types and materials are prohibited:

a. Any fence with bare lengths of wire stretched between posts.

b. Electric fences, including any fence designed to produce an electric shock.

c. Barbed or razor wire fences, including any fence with attached barbs, sharp points, or razors.

d. Transparent fences such as barriers of glass or clear plastic.

(2) In the hillside area:

a. Fences located within twenty (20) feet of a property line adjacent to a street shall be open view fencing as defined in section 29.40.0310.

b. On properties one (1) acre or greater, perimeter fencing shall be a wildlife-friendly fence as defined in section 29.40.0310.

c. Chainlink, welded wire, wire mesh, or similar material shall be coated with green, brown, or black vinyl or finish and shall be supported by a wood frame.

d. Buck and rail, double, and solid fences are prohibited.

(3) In the Landmark and Historic Preservation Overlay:

a. Plastic fencing is prohibited.

b. Fences located in a required front yard shall be open view.

(4) Pedestrian gateways or entryway arbors shall be open view. A gateway or entryway arbor shall have a maximum width of six (6) feet and a maximum depth of four (4) feet.

(c) *Location.*

(1) No fence, wall, or gate shall be located within emergency egress easements.

(2) No fence, wall, or gate shall be located within twenty (20) feet of a riparian corridor as defined in section 29.40.0310.

(3) Vehicular gates shall be set back from the edge of the adjacent street a minimum of eighteen (18) feet as measured along the centerline of the driveway. A greater setback may be required when a gated entrance serves more than one (1) house.

(Ord. No. 2286, § I, 8-6-19)

## Sec. 29.40.0320. Exceptions.

An exception to any of these fence regulations may be granted by the Community Development Director. A fence exception application and fee shall be filed with the Community Development Department and shall provide written justification that demonstrates one (1) of the following conditions exist:

(a) Adjacent to commercial property, perimeter fences or walls may be eight (8) feet if requested or agreed upon by a majority of the adjacent residential property owners.

(b) On interior lots, side yard and rear yard fences, walls, gates, gateways, entry arbors, or hedges, behind the front yard setback, may be a maximum of eight (8) feet high provided the property owner can provide written justification that either:

(1) A special privacy concern exists that cannot be practically addressed by additional landscaping or tree screening; or

(2) A special wildlife/animal problem affects the property that cannot be practically addressed through alternatives. Documented instances of wildlife grazing on gardens or ornamental landscaping may be an example of such a problem.

(c) At public utility facilities, critical infrastructure, and emergency access locations, exceptions may be granted where strict enforcement of these regulations will result in a security or safety concern.

(d) A special security concern exists that cannot be practically addressed through alternatives.

(e) A special circumstance exists, including lot size or configuration, where strict enforcement of these regulations would result in undue hardship.

(Ord. No. 2286, § I, 8-6-19)

## Sec. 29.40.0325. Exemptions.

All fences, hedges, gates, and walls existing on the effective date of this ordinance [from which this section derives] that do not meet the regulations contained herein are nonconforming and are exempt from these regulations. Existing nonconforming fences may be maintained and/or replaced in kind, including historic stone or river rock walls.

(Ord. No. 2286, § I, 8-6-19)

## Sec. 29.40.0330. Penalties.

A property owner who has unlawfully constructed any fence, wall, gate, gateway, entry arbor, or hedge is subject to applicable enforcement and penalties as described in sections 29.20.930 through 29.20.965 of the Town Code.

(Ord. No. 2286, § I, 8-6-19)

STATE OF CALIFORNIA
AUTHENTICATED
ELECTRONIC LEGAL MATERIAL



# Assembly Bill No. 1889

CHAPTER 686

An act to amend Section 65302 of the Government Code, relating to land use.

[Approved by Governor September 27, 2024. Filed with Secretary of State September 27, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1889, Friedman. Conservation element: wildlife and habitat connectivity.

Existing law, the Planning and Zoning Law, requires the legislative body of a city or county to adopt a comprehensive general plan that includes various elements, including land use, housing, and conservation elements, as specified. Existing law requires the conservation element to consider the effect of development within the jurisdiction on natural resources located on public lands.

This bill would additionally require the conservation element to consider the effect of development within the jurisdiction on the movement of wildlife and habitat connectivity. The bill would require the conservation element, upon the next update of one or more elements on or after January 1, 2028, to, among other things, identify and analyze connectivity areas, permeability, and natural landscape areas within the jurisdiction, identify and analyze existing or planned wildlife passage features, and consider the impacts of development and the barriers caused by development to wildlife, as defined, and habitat connectivity. The bill would authorize a city, county, or city and county to incorporate by reference into its general plan an existing plan, including a certified local coastal plan, that meets these requirements. The bill would authorize a city, county, or city and county preparing to update its conservation element to consider incorporating appropriate standards, policies, and feasible implementation programs, consult with specified entities, and consider relevant best available science and the most appropriately scaled scientific information on linkages, corridors, and other locations that are essential to maintain landscape connectivity. The bill would authorize a city, county, or city and county to consult with other appropriate entities and meet the above-described requirements in a separate component or section of the general plan entitled a wildlife connectivity element. The bill would include related legislative findings and declarations. By adding to the duties of county and city officials in the administration of their land use planning duties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Development and human activities adversely impact wildlife by reducing or eliminating their core habitat, severing connections between habitats, and interfering with their behavioral patterns and ability to access food, water, shelter, and genetically diverse mates.

(2) Climate change is a significant threat to California's biodiversity. As climate change alters the habitat, ranges, and movement patterns of numerous animals and plants, wildlife must have the ability to shift their ranges to effectively adapt to changed climatic conditions and resource availability. Moreover, wildlife must be able to move to effectively respond to extreme weather events, includes wildfire, drought, and floods.

(3) Executive Order No. N-82-20, codified by the Legislature in Section 71450 of the Public Resources Code, declared that it is the goal of the state to conserve at least 30 percent of California's land and coastal waters by 2030 to combat the climate and biodiversity crisis. Wildlife connectivity contributes to the preservation and restoration of biodiversity by ensuring that wildlife has the opportunity to move through the landscape to forage, find mates and reproduce, seek shelter from stochastic events including flooding or wildfires, and adapt to the impacts of climate change.

(4) The public trust doctrine, codified in Section 1600 of the Fish and Game Code among other sections, holds that wildlife is held in trust for the people and that the protection and conservation of fish and wildlife is of utmost public interest. The California Constitution grants cities and counties the power to control and organize development within their boundaries as a means of serving the general welfare. Because cities and counties have the power to control development decisions within their boundaries, they have a responsibility under the public trust doctrine to do so in a manner that protects fish and wildlife and habitat connectivity.

(5) It is therefore the policy of the state to protect, restore, and improve the functioning of fish, wildlife, and habitat connectivity through local government land use planning and zoning.

(b) It is the intent of the Legislature that, in carrying out the policy of the state, local jurisdictions, including cities and counties, shall consider and implement measures to avoid, minimize, or mitigate impacts to fish, wildlife, and habitat connectivity from existing and planned land uses within their jurisdictions. It is further the intent of the Legislature that local jurisdictions, including cities and counties, implement measures to remediate

barriers to wildlife connectivity within their jurisdictions to the extent feasible.

(c) This act shall be known, and may be cited, as the Room to Roam Act.

SEC. 2. Section 65302 of the Government Code is amended to read:

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, greenways, as defined in Section 816.52 of the Civil Code, and other categories of public and private uses of land. The location and designation of the extent of the uses of the land for public and private uses shall consider the identification of land and natural resources pursuant to paragraph (3) of subdivision (d). The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall identify and annually review those areas covered by the plan that are subject to flooding identified by flood plain mapping prepared by the Federal Emergency Management Agency (FEMA) or the Department of Water Resources. The land use element shall also do both of the following:

(1) Designate in a land use category that provides for timber production those parcels of real property zoned for timberland production pursuant to the California Timberland Productivity Act of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1 of Division 1 of Title 5).

(2) Consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas, when proposing zoning ordinances or designating land uses covered by the general plan for land, or other territory adjacent to military facilities, or underlying designated military aviation routes and airspace.

(A) In determining the impact of new growth on military readiness activities, information provided by military facilities shall be considered. Cities and counties shall address military impacts based on information from the military and other sources.

(B) The following definitions govern this paragraph:

(i) "Military readiness activities" mean all of the following:

(I) Training, support, and operations that prepare the members of the military for combat.

(II) Operation, maintenance, and security of any military installation.

(III) Testing of military equipment, vehicles, weapons, and sensors for proper operation or suitability for combat use.

(ii) "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the

United States Department of Defense as defined in paragraph (1) of subsection (e) of Section 2687 of Title 10 of the United States Code.

(b) (1) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the plan.

(2) (A) Commencing January 1, 2011, upon any substantive revision of the circulation element, the legislative body shall modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.

(B) Upon any substantive revision of the circulation element on or after January 1, 2025, the legislative body shall do all of the following:

(i) Incorporate the principles of the Federal Highway Administration's Safe System Approach, in the circulation element by including policies that aim to eliminate fatal and serious injuries for all road users through a holistic view of the roadway system, including provisions that account for human error, recognize vulnerable road users, and promote redundant and proactive safety measures.

(ii) Develop bicycle plans, pedestrian plans, and traffic calming plans based on the policies and goals in the circulation element that shall address all of the following for any urbanized area within the scope of the general plan:

(I) Identify safety corridors and any land or facility that generates high concentrations of bicyclists or pedestrians.

(II) Use evidence-based strategies, including strategies identified in the United States Department of Transportation's Strategic Highway Safety Plan to develop safety measures specific to those areas that are intended to eliminate traffic fatalities, with an emphasis on fatalities of bicyclists, pedestrians, and users of any other form of micromobility device in the areas identified in subclause (I).

(III) Set goals for initiation and completion of all actions identified in the plans within 25 years of the date of adoption of the modified circulation element based upon projected development activities within urbanized areas within the scope of the general plan and projected availability of revenues.

(C) (i) A county or city shall begin implementation of the modified circulation element plan specified in subparagraph (B) within two years of the date of adoption of the plan.

(ii) A county or city shall regularly review the progress towards and identify impediments to completing implementation of the plan for a multimodal transportation network, including all bicycle plans, pedestrian plans, and traffic calming plans iterated in the modified circulation element, and the construction of any related infrastructure.

(iii) A county or city shall consider revising the circulation element if, following the review under clause (ii), the county or city determines it will

not reach the goals of the bicycle, pedestrian, or traffic calming plans within 25 years of the date of adoption of the modified circulation element.

(D) For the purposes of this paragraph, the following definitions shall apply:

(i) "Business activity district" has the same meaning as defined in Section 22358.9 of the Vehicle Code.

(ii) "Land facilities that generate high concentrations of bicyclists or pedestrians" has the same meaning as described in Section 22358.7 of the Vehicle Code.

(iii) "Micromobility device" means a bicycle, electric bicycle, or motorized scooter as those terms are defined and described in Division 1 (commencing with Section 100) of the Vehicle Code.

(iv) "Safety corridor" has the same meaning as defined in Section 22358.7 of the Vehicle Code.

(v) "Urbanized area" has the same meaning as defined in Section 21071 of the Public Resources Code.

(E) For purposes of this paragraph, "users of streets, roads, and highways" mean bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.

(c) A housing element as provided in Article 10.6 (commencing with Section 65580).

(d) (1) A conservation element for the conservation, development, and utilization of natural resources, including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. The conservation element shall consider the effect of development within the jurisdiction, as described in the land use element, on natural resources located on public lands, including military installations. The conservation element shall consider the effect of development within the jurisdiction, as described in the land use element, on the movement of wildlife and habitat connectivity. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies, including flood management, water conservation, or groundwater agencies that have developed, served, controlled, managed, or conserved water of any type for any purpose in the county or city for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information described in Section 65352.5, if that information has been submitted by the water agency to the city or county.

(2) The conservation element may also cover all of the following:

(A) The reclamation of land and waters.

(B) Prevention and control of the pollution of streams and other waters.

(C) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.

(D) Prevention, control, and correction of the erosion of soils, beaches, and shores.

(E) Protection of watersheds.

(F) The location, quantity, and quality of the rock, sand, and gravel resources.

(3) Upon the next revision of the housing element on or after January 1, 2009, the conservation element shall identify rivers, creeks, streams, flood corridors, riparian habitats, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management.

(4) Upon the adoption or next revision of one or more elements on or after January 1, 2028, the conservation element shall be updated to:

(A) Identify and analyze connectivity areas, permeability, and natural landscape areas within the jurisdiction, as those terms are defined in Section 158 of the Streets and Highways Code.

(B) Identify and analyze existing or planned wildlife passage features, as defined in Section 158 of the Streets and Highways Code, including, but not limited to, wildlife passage features included in the inventory of connectivity needs on the state highway system, as described in Section 158.1 of the Streets and Highways Code, to ensure that planned development does not undermine the effectiveness of existing and potential wildlife passage features, as defined in Section 158 of the Streets and Highways Code.

(C) (i) Consider the impacts of development and the barriers caused by development to wildlife and habitat connectivity.

(ii) For the purposes of this subparagraph, "wildlife" has the same meaning as defined in Section 89.5 of the Fish and Game Code.

(D) Avoid, minimize, or mitigate impacts and barriers to wildlife movement to the extent feasible.

(E) Analyze and consider opportunities to remediate existing barriers to wildlife connectivity and restore degraded habitat and open space.

(5) If a city, county, or city and county has already included policies in existing plans, including its certified local coastal plan, that meet the requirements of paragraph (4), the city, county, or city and county may incorporate the plan by reference into the general plan to comply with this section.

(6) In preparing to update the conservation element, the city, county, or city and county may do any of the following:

(A) Consider incorporating appropriate standards, policies, and feasible implementation programs such as wildlife-friendly fencing and lighting, buffers from sensitive resources, prohibitions on invasive plants, habitat connectivity overlay zones, and compact development standards, or consider whether adoption of ordinances is necessary to feasibly implement these standards, policies, and implementation programs, and include goals to adopt any necessary ordinances.

(B) Consult with the Department of Fish and Wildlife, any California Native American tribe that is on the contact list maintained by the Native American Heritage Commission and that has traditional lands located within the city, county, or city and county's jurisdiction, and any open-space district that owns lands designated for conservation within the city, county, or city and county's jurisdiction. Upon receiving a request for consultation, the

department, tribe, or district may, in its sole discretion, accept or refuse to consult, based on the priority of natural resources impacted or other factors.

(C) Consider relevant best available science as appropriate, including, but not limited to, peer-reviewed literature, citable publicly available datasets, publicly sourced online datasets, and information and reports from government agencies, California Native American tribes, and academic institutions.

(D) Consider the most appropriately scaled scientific information on linkages, corridors, and other locations that are essential to maintain landscape connectivity, including, but not limited to, any of the following:

(i) Habitat linkages and wildlife corridors, such as those identified and summarized in the Areas of Conservation Emphasis, as defined by subdivision (a) of Section 1851 of the Fish and Game Code, and in regional habitat connectivity assessments.

(ii) Wildlife corridors, such as migration corridors identified by global positioning system collar studies.

(iii) Wildlife movement barriers, such as connectivity areas, as defined by subdivision (a) of Section 158 of the Street and Highways Code, and barriers identified by the Department of Fish and Wildlife's Restoring California's Wildlife Connectivity report.

(iv) Other connectivity considerations, such as those outlined in the State Wildlife Action Plan, habitat conservation plans approved pursuant to Section 1539 of Title 16 of the United States Code, natural community conservation plans approved pursuant to Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code, regional conservation investment strategies approved pursuant to Chapter 9 (commencing with Section 1850) of Division 2 of the Fish and Game Code, and other relevant plans, policies, and ordinances adopted by neighboring jurisdictions.

(7) In preparing to update the conservation element, the city, county, or city and county may consult with other appropriate local, state, or federal agencies, or academic institutions, as deemed appropriate by the city or county.

(8) The city, county, or city and county may meet the requirements in paragraphs (4) through (6), inclusive, in a separate component or section of the general plan entitled a wildlife connectivity element.

(e) An open-space element as provided in Article 10.5 (commencing with Section 65560).

(f) (1) A noise element that shall identify and appraise noise problems in the community. The noise element shall analyze and quantify, to the extent practicable, as determined by the legislative body, current and projected noise levels for all of the following sources:

(A) Highways and freeways.

(B) Primary arterials and major local streets.

(C) Passenger and freight online railroad operations and ground rapid transit systems.

(D) Commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation.

(E) Local industrial plants, including, but not limited to, railroad classification yards.

(F) Other ground stationary noise sources, including, but not limited to, military installations, identified by local agencies as contributing to the community noise environment.

(2) Noise contours shall be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average sound level ($L_{dn}$). The noise contours shall be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified in subparagraphs (A) to (F) of paragraph (1), inclusive.

(3) The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise.

(4) The noise element shall include implementation measures and possible solutions that address existing and foreseeable noise problems, if any. The adopted noise element shall serve as a guideline for compliance with the state's noise insulation standards.

(g) (1) A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence; liquefaction; and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of Division 2 of the Public Resources Code, and other geologic hazards known to the legislative body; flooding; and wildland and urban fires. The safety element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, military installations, peakload water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.

(2) The safety element, upon the next revision of the housing element on or after January 1, 2009, shall also do the following:

(A) Identify information regarding flood hazards, including, but not limited to, the following:

(i) Flood hazard zones. As used in this subdivision, "flood hazard zone" means an area subject to flooding that is delineated as either a special hazard area or an area of moderate or minimal hazard on an official flood insurance rate map issued by FEMA. The identification of a flood hazard zone does not imply that areas outside the flood hazard zones or uses permitted within flood hazard zones will be free from flooding or flood damage.

(ii) National Flood Insurance Program maps published by FEMA.

(iii) Information about flood hazards that is available from the United States Army Corps of Engineers.

(iv) Designated floodway maps that are available from the Central Valley Flood Protection Board.

(v) Dam failure inundation maps prepared pursuant to Section 6161 of the Water Code that are available from the Department of Water Resources.

(vi) Awareness Floodplain Mapping Program maps and 200-year flood plain maps that are or may be available from, or accepted by, the Department of Water Resources.

(vii) Maps of levee protection zones.

(viii) Areas subject to inundation in the event of the failure of project or nonproject levees or floodwalls.

(ix) Historical data on flooding, including locally prepared maps of areas that are subject to flooding, areas that are vulnerable to flooding after wildfires, and sites that have been repeatedly damaged by flooding.

(x) Existing and planned development in flood hazard zones, including structures, roads, utilities, and essential public facilities.

(xi) Local, state, and federal agencies with responsibility for flood protection, including special districts and local offices of emergency services.

(B) Establish a set of comprehensive goals, policies, and objectives based on the information identified pursuant to subparagraph (A), for the protection of the community from the unreasonable risks of flooding, including, but not limited to:

(i) Avoiding or minimizing the risks of flooding to new development.

(ii) Evaluating whether new development should be located in flood hazard zones, and identifying construction methods or other methods to minimize damage if new development is located in flood hazard zones.

(iii) Maintaining the structural and operational integrity of essential public facilities during flooding.

(iv) Locating, when feasible, new essential public facilities outside of flood hazard zones, including hospitals and health care facilities, emergency shelters, fire stations, emergency command centers, and emergency communications facilities or identifying construction methods or other methods to minimize damage if these facilities are located in flood hazard zones.

(v) Establishing cooperative working relationships among public agencies with responsibility for flood protection.

(C) Establish a set of feasible implementation measures designed to carry out the goals, policies, and objectives established pursuant to subparagraph (B).

(3) Upon the next revision of the housing element on or after January 1, 2014, the safety element shall be reviewed and updated as necessary to address the risk of fire for land classified as state responsibility areas, as defined in Section 4102 of the Public Resources Code, and land classified as very high fire hazard severity zones, as defined in Section 51177. This review shall consider the advice included in the Office of Planning and Research's most recent publication of "Fire Hazard Planning, General Plan Technical Advice Series" and shall also include all of the following:

(A) Information regarding fire hazards, including, but not limited to, all of the following:

(i) Fire hazard severity zone maps available from the Office of the State Fire Marshal.

(ii) Any historical data on wildfires available from local agencies or a reference to where the data can be found.

(iii) Information about wildfire hazard areas that may be available from the United States Geological Survey.

(iv) General location and distribution of existing and planned uses of land in very high fire hazard severity zones and in state responsibility areas, including structures, roads, utilities, and essential public facilities. The location and distribution of planned uses of land shall not require defensible space compliance measures required by state law or local ordinance to occur on publicly owned lands or open-space designations of homeowner associations.

(v) Local, state, and federal agencies with responsibility for fire protection, including special districts and local offices of emergency services.

(B) A set of goals, policies, and objectives based on the information identified pursuant to subparagraph (A) for the protection of the community from the unreasonable risk of wildfire.

(C) A set of feasible implementation measures designed to carry out the goals, policies, and objectives based on the information identified pursuant to subparagraph (B), including, but not limited to, all of the following:

(i) Avoiding or minimizing the wildfire hazards associated with new uses of land.

(ii) Locating, when feasible, new essential public facilities outside of high fire risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, or identifying construction methods or other methods to minimize damage if these facilities are located in a state responsibility area or very high fire hazard severity zone.

(iii) Designing adequate infrastructure if a new development is located in a state responsibility area or in a very high fire hazard severity zone, including safe access for emergency response vehicles, visible street signs, and water supplies for structural fire suppression.

(iv) Working cooperatively with public agencies with responsibility for fire protection.

(D) If a city or county has adopted a fire safety plan or document separate from the general plan, an attachment of, or reference to, a city or county's adopted fire safety plan or document that fulfills commensurate goals and objectives and contains information required pursuant to this paragraph.

(4) Upon the next revision of a local hazard mitigation plan, adopted in accordance with the federal Disaster Mitigation Act of 2000 (Public Law 106-390), on or after January 1, 2017, or, if a local jurisdiction has not adopted a local hazard mitigation plan, beginning on or before January 1, 2022, the safety element shall be reviewed and updated as necessary to address climate adaptation and resiliency strategies applicable to the city

or county. This review shall consider advice provided in the Office of Planning and Research's General Plan Guidelines and shall include all of the following:

(A) (i) A vulnerability assessment that identifies the risks that climate change poses to the local jurisdiction and the geographic areas at risk from climate change impacts, including, but not limited to, an assessment of how climate change may affect the risks addressed pursuant to paragraphs (2) and (3).

(ii) Information that may be available from federal, state, regional, and local agencies that will assist in developing the vulnerability assessment and the adaptation policies and strategies required pursuant to subparagraph (B), including, but not limited to, all of the following:

(I) Information from the internet-based Cal-Adapt tool.

(II) Information from the most recent version of the California Adaptation Planning Guide.

(III) Information from local agencies on the types of assets, resources, and populations that will be sensitive to various climate change exposures.

(IV) Information from local agencies on their current ability to deal with the impacts of climate change.

(V) Historical data on natural events and hazards, including locally prepared maps of areas subject to previous risk, areas that are vulnerable, and sites that have been repeatedly damaged.

(VI) Existing and planned development in identified at-risk areas, including structures, roads, utilities, and essential public facilities.

(VII) Federal, state, regional, and local agencies with responsibility for the protection of public health and safety and the environment, including special districts and local offices of emergency services.

(B) A set of adaptation and resilience goals, policies, and objectives based on the information specified in subparagraph (A) for the protection of the community.

(C) A set of feasible implementation measures designed to carry out the goals, policies, and objectives identified pursuant to subparagraph (B), including, but not limited to, all of the following:

(i) Feasible methods to avoid or minimize climate change impacts associated with new uses of land.

(ii) The location, when feasible, of new essential public facilities outside of at-risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, or identifying construction methods or other methods to minimize damage if these facilities are located in at-risk areas.

(iii) The designation of adequate and feasible infrastructure located in an at-risk area.

(iv) Guidelines for working cooperatively with relevant local, regional, state, and federal agencies.

(v) The identification of natural infrastructure that may be used in adaptation projects, where feasible. Where feasible, the plan shall use existing natural features and ecosystem processes, or the restoration of

natural features and ecosystem processes, when developing alternatives for consideration. For purposes of this clause, "natural infrastructure" means using natural ecological systems or processes to reduce vulnerability to climate change related hazards, or other related climate change effects, while increasing the long-term adaptive capacity of coastal and inland areas by perpetuating or restoring ecosystem services. This includes, but is not limited to, the conservation, preservation, or sustainable management of any form of aquatic or terrestrial vegetated open space, such as beaches, dunes, tidal marshes, reefs, seagrass, parks, rain gardens, and urban tree canopies. It also includes systems and practices that use or mimic natural processes, such as permeable pavements, bioswales, and other engineered systems, such as levees that are combined with restored natural systems, to provide clean water, conserve ecosystem values and functions, and provide a wide array of benefits to people and wildlife.

(D) (i) If a city or county has adopted the local hazard mitigation plan, or other climate adaptation plan or document that fulfills commensurate goals and objectives and contains the information required pursuant to this paragraph, separate from the general plan, an attachment of, or reference to, the local hazard mitigation plan or other climate adaptation plan or document.

(ii) Cities or counties that have an adopted hazard mitigation plan, or other climate adaptation plan or document that substantially complies with this section, or have substantially equivalent provisions to this subdivision in their general plans, may use that information in the safety element to comply with this subdivision, and shall summarize and incorporate by reference into the safety element the other general plan provisions, climate adaptation plan or document, specifically showing how each requirement of this subdivision has been met.

(5) Upon the next revision of the housing element on or after January 1, 2020, the safety element shall be reviewed and updated as necessary to identify residential developments in any hazard area identified in the safety element that do not have at least two emergency evacuation routes.

(6) After the initial revision of the safety element pursuant to paragraphs (2), (3), (4), and (5), the planning agency shall review and, if necessary, revise the safety element upon each revision of the housing element or local hazard mitigation plan, but not less than once every eight years, to identify new information relating to flood and fire hazards and climate adaptation and resiliency strategies applicable to the city or county that was not available during the previous revision of the safety element.

(7) Cities and counties that have flood plain management ordinances that have been approved by FEMA that substantially comply with this section, or have substantially equivalent provisions to this subdivision in their general plans, may use that information in the safety element to comply with this subdivision, and shall summarize and incorporate by reference into the safety element the other general plan provisions or the flood plain ordinance, specifically showing how each requirement of this subdivision has been met.

(8) Before the periodic review of its general plan and before preparing or revising its safety element, each city and county shall consult the California Geological Survey of the Department of Conservation, the Central Valley Flood Protection Board, if the city or county is located within the boundaries of the Sacramento and San Joaquin Drainage District, as set forth in Section 8501 of the Water Code, and the Office of Emergency Services for the purpose of including information known by and available to the department, the agency, and the board required by this subdivision.

(9) To the extent that a county's safety element is sufficiently detailed and contains appropriate policies and programs for adoption by a city, a city may adopt that portion of the county's safety element that pertains to the city's planning area in satisfaction of the requirement imposed by this subdivision.

(h) (1) An environmental justice element, or related goals, policies, and objectives integrated in other elements, that identifies disadvantaged communities within the area covered by the general plan of the city, county, or city and county, if the city, county, or city and county has a disadvantaged community. The environmental justice element, or related environmental justice goals, policies, and objectives integrated in other elements, shall do all of the following:

(A) Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.

(B) Identify objectives and policies to promote civic engagement in the public decisionmaking process.

(C) Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.

(2) A city, county, or city and county subject to this subdivision shall adopt or review the environmental justice element, or the environmental justice goals, policies, and objectives in other elements, upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018.

(3) By adding this subdivision, the Legislature does not intend to require a city, county, or city and county to take any action prohibited by the United States Constitution or the California Constitution.

(4) For purposes of this subdivision, the following terms shall apply:

(A) "Disadvantaged communities" means an area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code or an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.

(B) "Public facilities" includes public improvements, public services, and community amenities, as defined in subdivision (d) of Section 66000.

(C) "Low-income area" means an area with household incomes at or below 80 percent of the statewide median income or with household incomes at or below the threshold designated as low income by the Department of Housing and Community Development's list of state income limits adopted pursuant to Section 50093 of the Health and Safety Code.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

O

**From:** Nazzi Shishido [redacted]
**Sent:** Thursday, October 15, 2026 8:58 AM
**To:** Clerk <Clerk@losgatosca.gov>
**Cc:** Town Manager <Manager@losgatosca.gov>
**Subject:** Re: Electronic Pet Containment – Public and Animal Safety Concerns. (October 20, 2026), Addition to my email for council

[EXTERNAL SENDER]

Hello,

This is an addition to my email below.

I have been regularly watching the Town Council agendas for the electronic pet containment item because I understood that it would be returning to the Council for further consideration. I have not seen the item appear on a subsequent agenda.

At the August 4 meeting, this issue was brought forward based on a request from a single resident. Other than Vice Mayor Ristow's strong support for moving the matter forward, the discussion reflected questions and concerns regarding the need for the change, Town priorities, enforcement, cost, and whether there was broader public demand for it.

Because this proposed ordinance could affect hillside residents safety throughout Los Gatos, I believe the public should have an opportunity to review the actual proposed ordinance and participate in a meaningful discussion before any change is adopted.

I am particularly interested in the treatment of hillside properties **under one acre.** The August 4 discussion addressed the Hillside and also specifically discussed properties over one acre. **The Town should not lump all hillside properties together. Hillside properties are not all the same and present different challenges depending on lot size, location, road access, neighboring properties, easements, driveways, and proximity to public areas.** I would like to understand what is now being proposed for properties under one acre and why.

Could you please let me know when this item will return to the Town Council agenda and when the public will have an opportunity to comment? **I respectfully request that this matter be placed on a future Town Council agenda so that the public has an opportunity to review the proposed changes and participate in a meaningful discussion before any ordinance is adopted.**

**Thank you,**

**Nazzi Shishido, [redacted] Los Gatos, 95032**

On Oct 15, 2026, at 8:14 AM, Nazzi Shishido [redacted] wrote:



**EXHIBIT 7**

Good morning,

My name is Nazzi Shishido, and I am a Los Gatos hillside resident and an animal lover. I plan to attend the October 20 Town Council meeting and would like to raise a public-safety concern as well as an animal safety concern regarding electronic pet containment.

The ordinance should also specifically address hillside properties **under one acre**. While the Town's current fencing regulations address wildlife passage requirements for larger hillside properties, properties under one acre **do not** have the same wildlife-passage concern but present different safety concerns, particularly on corner lots where electronic containment may be close to streets, public rights-of-way, neighboring property lines, easements, and driveways.

Those protections should include **minimum setbacks** from public areas and rights-of-way, neighboring property lines, easements, and driveways, as well as a requirement that the containment system be **properly maintained and functioning**. This is particularly important because if an electronic containment system fails, an animal may be able to leave the property without any physical barrier preventing it from reaching pedestrians, other animals, neighboring properties, driveways, or roadways. A failure could result in a dog bite, traffic accident, injury, or other serious safety incident. **Repeated incidents or citations** involving an animal leaving its designated containment area should be a clear indication that the electronic containment system is not functioning effectively and that additional safety measures may be necessary.

The Town should also consider whether **additional safeguards** are appropriate for larger dogs, dogs with a documented bite or escape history, or dogs with known behavioral issues. **The Town should also consider that larger dogs with documented behavioral issues, including biting, charging, or attacking, can pose a danger not only to people and other pets, but also to local wildlife such as deer and wild turkeys.**

Clear standards are important not only for public safety, but also so that dog owners understand their responsibilities and Town staff have objective standards that can actually be enforced. These standards also **protect the animals themselves** from escape, traffic accidents, injury, and other preventable harm.

I respectfully request that a Council Member ask to **place electronic pet-containment safety standards and setbacks on a future Town Council agenda.**

Thank you for your support and cooperation. I can be reached at [redacted].

**Thank you,**

**Nazzi**

**From:** Lisa Van Buskirk [redacted]
**Sent:** Tuesday, October 20, 2026 12:07 PM
**To:** Clerk <Clerk@losgatosca.gov>; Council <Council@losgatosca.gov>; Planning <Planning@losgatosca.gov>
**Subject:** town council meeting and planning commission meeting

[EXTERNAL SENDER]

To whom it may concern, it has been brought to our attention that the city of Los Gatos is considering allowing electric fences. We ask that the city slow down to carefully consider all options and seek experts for advice. Thank you.

**Lisa Van Buskirk** | Senior Vice President

Development, Planned Giving & Community Engagement

**Peninsula Humane Society & SPCA**

1450 Rollins Road | Burlingame, CA 94010

[redacted]

**From:** Nazzi Shishido [redacted]
**Sent:** Tuesday, October 20, 2026 2:40 PM
**To:** Planning <Planning@losgatosca.gov>; Attorney <Attorney@losgatosca.gov>; Town Manager <Manager@losgatosca.gov>; Council <Council@losgatosca.gov>
**Cc:** Clerk <Clerk@losgatosca.gov>; Hiroshi Shishido <hshishido@alumni.gsb.stanford.edu>; Joel Paulson <jpaulson@losgatosca.gov>
**Subject:** Public Comment – Opposition to Electronic Pet Containment for Hillside Properties Below One Acre

[EXTERNAL SENDER]

Good afternoon,

Attached is my written public comment in opposition to the proposed electronic pet-containment changes for hillside properties below one acre.

I respectfully ask that the attached PDF be included in the public record and provided to the Town Council, Planning Commission, Planning Department, Town Manager, and Town Attorney.

I will be attending tonight's Town Council meeting and the Planning Commission meeting on October 28, 2026.

Thank you for your time and consideration.

Regards,

Nazzi Shishido, [redacted]

To: **Town council, Planning department, Planning Commission, Town Manager Town Attorney**

CC: Town Clerk, Town Manager Office

From: Nazzi Shishido

Subject: **Opposition to Electronic Fencing for Pet Containment on Hillside Properties Below One Acre**

Date: October 20, 2026

My name is Nazzi Shishido, and we have lived at [redacted] in Los Gatos, a hillside property of less than one acre, for 21 years.

**Request to Town Council:** Please do not change the Town's hillside fencing rules to recognize electronic containment as a substitute for secure physical fencing for hillside properties below one acre unless and until the Town completes independent and proper due diligence, involves environmental experts, animal welfare groups, wildlife organizations, engages Los Gatos residents, and fully evaluates the safety issues associated with electronic fencing and its potential impact on the Town of Los Gatos.

My family's documented experience shows that the consequences of electronic-containment failure are not theoretical. Our experience is at the end of this email.

There is no issue with having six-foot physical fencing on our property for safety and dog containment, thanks to the extensive work that began in 2017 by the Los Gatos Planning Department, Planning Commission, Town Council, and Council Policy Committee, with significant participation from Los Gatos residents and careful consideration of wildlife protection and movement throughout our hillside communities. It took approximately two and a half years of public review and consideration to develop and implement these regulations— a stark contrast to what is happening now: a rushed process without adequate due diligence that risks putting wildlife in danger and turning wildlife into prey, while also creating safety risks for Los Gatos residents, children, pets, neighbors, delivery workers, pedestrians, cyclists, utility workers, first responders, police officers, and firefighters.

This proposal originated from one petitioner's request for electronic fencing as a form of pet containment, based on the inaccurate premise that the petitioner has no other option and cannot install a physical fence to contain the dog. That premise is inaccurate. Existing Town rules do not prevent the petitioner from containing a dog on the property. A six-foot physical fence is permitted. The citation issue is not the absence of a fence; it is the failure to properly confine the dog and the use of electronic fencing as the means of containment when it should not have

been relied upon for that purpose. The Town's April 7, 2026 and August 4, 2026 meeting videos should be reviewed as part of the record.

If the existing code already provides a lawful and effective means of containing the dog, then what problem with the Town Code are we actually trying to solve? One resident does not represent the Town of Los Gatos, and an individual request should not become Town-wide policy without demonstrated community need.

The Planning Commission began considering hillside fencing amendments in July 2017, and the Town specifically sought public input. The issue continued through Planning Commission review, Town Council consideration, and Council Policy Committee review. In October 2018, the Council referred portions of the proposed hillside fencing amendments to the Policy Committee for further discussion. The Policy Committee considered the matter in November and again in December 2018. In March 2019, the proposed hillside regulations returned to the Planning Commission, and the Town again specifically requested written and oral public participation. The matter continued to the Town Council in June 2019. (Los Gatos Official Site)

The result was a deliberate balance. Los Gatos hillside residents were permitted physical fences, while the Town sought to preserve wildlife habitat and movement through the hillsides. At the same time, the Town recognized that residents have legitimate reasons for physical fencing, including the protection and containment of animals.

Hillside properties of less than one acre may have fences up to 6 feet and are not subject to the wildlife-fencing requirements applicable to larger hillside parcels; in many circumstances, a permit is not even required. Hillside properties of one acre or more are subject to wildlife-friendly fencing requirements, including a maximum height of 42 inches with 18 inches of clearance at the bottom. These distinctions were developed through a lengthy public process centered on wildlife protection and movement.

**Official Town records:**

2017 Planning Commission — Hillside Fences, Hedges and Walls Staff Report

2018 Town record — Council and Policy Committee hillside fencing review and public input

2019 Town record — Planning Commission review and public input

# Electronic Dog Containment Is Not Adequate Protection

Electronic dog-containment systems—sometimes called invisible fences, wireless fences, GPS fences, or electronic-collar containment systems—should not be accepted as a substitute for a secure, visible physical fence. They do not create a physical barrier. Instead, they depend on a dog receiving and responding to a warning or correction, such as a tone, vibration, or electronic stimulation.

The Town should evaluate these systems under foreseeable real-world conditions—not only under ideal conditions when the equipment is functioning, batteries are charged, the owner is present, the dog is calm, and no wildlife, emergency, or unexpected trigger is present.

A secure physical fence helps keep a dog inside while also creating separation from wildlife, other dogs, strangers, children, and other hazards. An electronic boundary does not provide that physical separation.

## A Hypothetical Hillside Scenario Using Electronic Fence

Consider a typical hillside neighborhood.  Neighbor A owns a corner lot and relies on an electronic fence to contain a large, high-prey-drive dog. Neighbor B lives immediately to the right, Neighbor C lives across the street, and Neighbor D lives below the property.

It is an ordinary afternoon. Neighbor B's gardener is working in the yard. Neighbor C is sitting on the front porch. Neighbor D's children are playing in their yard. A cyclist is riding down the street. A pedestrian is walking a small dog. An Amazon delivery driver is approaching to deliver a package.

Neighbor A's dog is outside. A deer walks onto the property. The deer does not know that an electronic boundary exists. The dog sees the deer and its prey drive takes over. It begins chasing the deer.  Now consider what happens next.

The deer can run anywhere. It can cross the invisible boundary, enter Neighbor B's yard where the gardener is working, run into the street toward the cyclist or the pedestrian and dog, cross toward Neighbor C's property, or run downhill toward Neighbor D's yard where children are playing.

The electronic fence does nothing to stop the deer or the dog and disaster happened.

If the pursuing dog is sufficiently stimulated by the chase to cross the electronic boundary despite the correction, there is now no physical barrier separating that dog from the gardener, the children, the pedestrian and small dog, the cyclist, the delivery driver, the roadway, or the surrounding properties.

And once the dog crosses the electronic boundary, another problem arises: the dog may be reluctant to cross the boundary again to return home because returning may require receiving another electronic correction.

One deer entering one yard can therefore turn an electronic-containment failure on a single property into a safety issue affecting an entire group of neighboring residents and members of the public.

A physical fence does something fundamentally different: it creates an actual barrier between the dog and the deer and helps prevent the chase from beginning in the first place.

Electronic containment should also not encourage a situation in which a dog is left outside to function, in effect, as an unsupervised perimeter-security system. A dog should not become the barrier between private property and neighbors, children, workers, delivery personnel, pedestrians, or other members of the public. **The containment system should contain the dog; the dog should not be expected to police the boundary and be the bodyguard.**

This is why electronic containment cannot be evaluated only by asking whether it usually keeps a dog within a particular boundary. The Town must consider what happens on the occasion when it does not.

## Wildlife and Prey Drive

This issue is especially important in hillside neighborhoods where dogs may encounter deer, fawns, wild turkeys, rabbits, squirrels, birds, coyotes, bobcats, and other wildlife.

A moving animal can trigger an immediate chase response. A dog with a strong prey drive—or a dog that becomes excited, fearful, territorial, or intensely focused—may charge through an electronic boundary in pursuit. At that moment, instinct may override the dog's learned avoidance of the warning or correction.

An electronic collar does not create a physical barrier capable of stopping a large, fast-moving, or highly aroused dog. Once the dog crosses the boundary, nothing physically prevents it from entering a neighboring property, roadway, driveway, trail, open-space area, or wildlife habitat.

The concern is not the same for every breed or type of dog. There is a meaningful difference between a hunting or pointing breed developed to pursue game and a companion dog with substantially different behavioral traits. Breed, size, strength, temperament, and particularly prey drive are relevant when evaluating the risks of electronic containment. A high-prey-drive hunting dog pursuing wildlife may present a very different containment challenge than a lower-prey-drive companion dog. For dogs with strong hunting and pursuit instincts, secure physical containment should be required rather than relying solely on an electronic boundary.

## Risk to Neighbors, Children and Pets

Electronic containment can also shift the burden of safety onto neighboring property owners. If one owner relies on an electronic fence that does not reliably contain a dog, surrounding residents may feel forced to install physical fencing on their own properties simply to protect their families, pets, workers, and use of their own yards and driveways. In effect, one property owner's decision not to use physical containment can require multiple neighboring properties to construct physical barriers instead. The Town should consider whether that is a reasonable or equitable consequence of changing its containment requirements.

When a dog crosses an electronic boundary, the risk extends beyond wildlife.

What happens if children are playing on the other side of the property line? What happens if a small dog, cat, or other pet is nearby? What happens if an elderly resident, a small-statured adult,

or another person walking a dog is suddenly confronted by a large, fast-moving, highly excited dog?

Possible consequences include:

- A child, pedestrian, or dog walker being knocked down
- A small pet being chased, injured, or killed
- A dog-on-dog confrontation
- A leash being pulled from a handler's hands
- A frightened person falling or entering the roadway to avoid the dog
- A dog bite or defensive bite
- A dog associating a person, cyclist, child, or another animal with the correction and becoming more fearful or reactive

A visible fence gives neighbors, children, delivery workers, visitors, and others notice of the dog's boundary. An electronic boundary gives no such notice. Someone may unknowingly enter an area the dog perceives as its territory because there is

## Equipment and Maintenance Failure

Electronic containment is only as reliable as its equipment, power source, signal, collar, maintenance, training, and the person responsible for operating it. Foreseeable failures include:

- Power outages
- Dead or depleted collar batteries
- Equipment malfunction
- Damaged buried wire
- Loss, drift, or interruption of a wireless or GPS signal
- Improper collar fit
- Inadequate training
- Failure to inspect, recharge, repair, or maintain the equipment
- Owner absence, vacation, illness, or inability to respond

A physical fence remains visible and continues to provide a barrier when the power is out, equipment fails, batteries die, or the owner is not present.

The Town must also determine how electronic containment can realistically be inspected, monitored, and enforced. Who verifies that the system is functioning? How often must it be tested? How would Code Enforcement determine whether an invisible boundary is operating properly? What happens after a power outage, dead battery, damaged wiring, signal failure, landscaping, excavation, erosion, or other disruption? What happens when the system is inoperable or a dog escapes?

If electronic containment is recognized as lawful pet containment, the Town needs an enforceable standard for maintaining it—not simply an assumption that the equipment will continue to work and that every owner will properly maintain it.

## Dogs, Owners and Hillside Properties Are Not Interchangeable

The Town should not assume that all dogs, owners, and hillside properties present the same circumstances. Dogs range from small companion animals to powerful working and hunting breeds, including breeds with strong prey drive, speed, endurance, and an instinct to pursue wildlife. Dogs may also have behavioral or aggression issues that do not become known until an incident occurs.

Electronic containment depends on the individual dog, its training, properly functioning equipment, and the owner's responsible and consistent use of the system.

Nor should the Town assume that every owner will use electronic containment merely as an additional precaution. For some owners, it may become a substitute for physical containment, allowing a dog to remain outside for extended periods rather than being walked, supervised, exercised, or taken outside by its owner. The Town should evaluate foreseeable uses of the technology, not simply its best-case use.

Hillside properties themselves are not interchangeable. They include steep terrain, narrow and shared driveways, ingress and egress easements, open areas adjacent to neighboring driveways, limited sightlines, narrow roads, properties without sidewalks, wildlife corridors, and areas where residents, workers, children, cyclists, delivery personnel, utility workers, and emergency responders may pass immediately alongside private property.

An electronic boundary is invisible to every one of those people—and to wildlife approaching from the other direction.

## Roads, Drivers and Cyclists

The Town should consider what happens when a dog suddenly enters a roadway. A cyclist traveling uphill, downhill, or around a blind curve may have little opportunity to avoid a dog running into the road.

A cyclist may brake suddenly, swerve, fall, or collide with the dog. A driver may brake or swerve to avoid it. The consequences could injure the cyclist, pedestrian, driver, passenger, dog, or wildlife.

These risks are particularly serious on narrow, winding hillside roads with limited visibility, steep grades, parked vehicles, and little room for a cyclist or pedestrian to avoid danger.

### Escape and Return

The Town should independently evaluate what happens after a dog crosses an electronic boundary.

A dog may cross while frightened, excited, pursuing wildlife, responding to another dog, or fleeing a perceived threat. Once outside, the dog may hesitate or refuse to return if doing so requires crossing the correction zone again.

That can create the worst possible result: the dog has escaped and may be reluctant to come back. Meanwhile, there is no physical barrier preventing it from entering a roadway, neighboring property, driveway, open space, or wildlife habitat.

## Emergency, 911, Fire and Evacuation Risks

These concerns become even more serious during the emergencies for which Los Gatos hillside communities must prepare.

During a 911 call, medical emergency, fire, wildfire evacuation, earthquake, utility failure, prolonged power outage, or other urgent event, electronic containment may fail or become unreliable precisely when residents and emergency responders need predictable, unobstructed access.

Firefighters, police officers, paramedics, utility crews, animal-control officers, and evacuation personnel should not unexpectedly encounter an uncontained dog while responding to an emergency. A dog frightened by sirens, smoke, flames, flashing lights, strangers, hoses, emergency vehicles, or people rushing onto the property may react unpredictably, escape, chase, guard its territory, or interfere with emergency access.

During a wildfire or evacuation, a frightened dog may run through an electronic boundary, be unable or unwilling to return, enter a roadway, obstruct an evacuation route, or confront residents and responders. Electronic containment also provides no physical barrier between the dog and wildlife or other animals fleeing a fire.

In hillside areas, defensible-space work requires reliable access for firefighters, vegetation-management crews, contractors, utility personnel, and inspectors. A loose or unpredictable dog can delay or prevent access to a property. During a wildfire, medical emergency, or evacuation, even a short delay can have serious consequences.

The danger is not merely inconvenience. An emergency responder who must stop to avoid, assess, restrain, or defend against an uncontained dog loses time. A resident who cannot safely leave because of a loose dog, or a dog that enters an evacuation route, can create a dangerous situation.

Public-safety regulations should not assume that every owner is a responsible owner, will be home, every battery will be charged, every collar will work, every signal will remain available, and every dog will respond to an electronic correction during a crisis.

## Delivery, Utility and Service Workers

Electronic containment provides no visible warning to delivery drivers, postal carriers, food-delivery workers, contractors, landscapers, gardeners, utility workers, and other service providers.

These workers may approach a driveway, porch, garage, gate, or side yard in the ordinary course of their work, often carrying packages or equipment and with limited ability to quickly move away.

If a dog crosses an electronic boundary while reacting to a delivery vehicle, unfamiliar person, wildlife, or another trigger, the worker may unexpectedly encounter a loose, barking, charging, frightened, or excited dog. A physical fence provides both a visible boundary and an actual barrier. An electronic system does not.

## Protection for the Entire Community

The Town's dog-containment standards should protect the entire community, rather than depend on an electronic system functioning under ideal conditions. Those standards should protect:

- Wildlife, including deer, fawns, wild turkeys, birds, rabbits, squirrels, and other native animals
- Children and families
- Neighbors, pedestrians, and visitors
- Small pets, other dogs, and cats
- Cyclists, drivers, and vehicle passengers
- Delivery drivers, postal carriers, food-delivery workers, and other service providers
- Contractors, landscapers, gardeners, and housekeepers
- Utility workers and defensible-space crews
- Firefighters, police officers, paramedics, animal-control officers, and evacuation personnel
- The dog itself

A properly designed and maintained physical fence, enclosed dog run, or other secure physical enclosure is not a guarantee against every incident. But it creates an actual, visible barrier. It helps keep dogs contained, creates separation from wildlife and other people, remains functional during power outages, gives others notice of the dog's boundary, and provides a more dependable safeguard during ordinary life and emergencies.

Electronic containment should therefore be treated, at most, as a supplemental tool—not as a substitute for secure physical containment where public safety, wildlife protection, emergency access, and neighborhood safety are at stake.

## Independent Due Diligence and Verification

Before changing the Municipal Code, the Town should independently verify the factual claims, sources, endorsements, installation figures, legal interpretations, and animal-control representations that have been submitted in support of electronic containment.

A proposal seeking a code amendment is advocacy; it is not an independent public-safety, wildlife, animal-welfare, or enforcement study. The Town should not rely solely on manufacturer claims, installer representations, testimonials, or statements from anyone who may financially benefit from the sale, installation, training, maintenance, or expanded use of electronic-containment systems.

Before changing the law, the Town should obtain independent review from qualified professionals with no financial interest in electronic containment, including appropriate wildlife, veterinary, animal-behavior, public-safety, fire-safety, and animal-control professionals.

## My Family's Experience with Electronic Fencing and Why This Proposed Change Matters to Us

My family experienced firsthand during 2024 and 2025 what can happen when electronic fencing does not reliably contain a dog. I am providing this history because it is directly relevant to the policy the Town is now considering.

A physical fence could have been installed at the neighboring property, but electronic containment was used instead. The dog was a large, athletic hunting dog with behavioral issues and had been subject to an electronic containment system shock since 2021. The dog exhibited aggressive behavior, including biting at hands and feet. The dog was left outside for extended periods and became increasingly difficult to control. I observed the dog chasing baby deer and squirrels and, on occasion, killing and tearing apart wild turkeys. The dog also roamed outside the property and was not reliably contained by the electronic fence. The owner was aware that the dog was getting out.

We also learned that delivery personnel would not deliver due to the concern about the dog.

In February or March 2024, our surveyor had to stop working because the dog was not contained by the electronic fence. He knocked on our door visibly upset and told me that the dog had charged him three times. He took photographs, packed his equipment, and left. We had to arrange for him to return later to finish the survey, and he required that the dog be confined. The surveyor also told me that another woman had warned him that the dog was "nasty" and asked why I had not warned him.

The situation escalated in August 2024 when the electronic boundary was relocated closer to the property line, very close to our driveway and closer to an area used by the public. Beginning around August 7, 2024, this resulted in police calls and involvement by Silicon Valley Animal Control.

On August 9, 2024, Silicon Valley Animal Control issued a warning concerning restraint of the dog. Officer Castro was involved. Owner ignored. **Case# A24-155773**

On August 10, 2024, another warning was issued by Silicon Valley Animal Control. Officer Castro was again involved. Owner ignored. **Case# A24-155773**

As the situation continued, Mr. Dan Soszynski, Executive Director of Silicon Valley Animal Control, was informed. Mr. Patrick Pedrotti, Field Services Manager, also came to our home to observe the conditions firsthand.

The dog's bark was extremely loud and frightened people in the area. I recall Animal Control referring to the dog as "Cujo," and I asked what that meant.

On August 20, 2024, the Town of Los Gatos issued a $100 citation concerning restraint of the dog. Importantly, the Town's citation instructed that the dog be confined by a fence of not less than six feet so that the dog would not continue running loose. **Town Violation # 24-398, $100**

The electronic containment system was already in place, yet it was not reliably containing the dog.

For almost a month, the situation significantly affected our daily lives. We were afraid to come out of our home, walk down our driveway, or check our mail because of the possibility of encountering the dog. We stopped or limited visits by our gardener, cleaners, and other workers because we did not want them exposed to the same risk. We only left the home in our cars.

## 2025

In 2025, the containment problems began again after another dog was brought to the property.

On August 9, 2025, my husband experienced a medical emergency requiring a 911 response and resulting in approximately one week of hospitalization. During that emergency, I was concerned about the dog, both for my husband's safety while being transported by stretcher and for the safety of the emergency responders who needed access to our property.

This experience is directly relevant to the issue now before the Town. During a 911 emergency, residents should not have to wonder whether an electronic containment system is functioning or whether a dog will cross an invisible boundary while firefighters or paramedics are trying to reach someone.

On August 29, 2025, Silicon Valley Animal Control issued another warning concerning the dog running loose. The Town of Los Gatos also issued a $100 citation through Mr. Allen Meyer, Code Compliance Officer. The Town Attorney's office was involved. **Town violation # 25-279, $100**

On August 30, 2025, the dog was again running loose, and another citation was issued by the Town of Los Gatos through Mr. Meyer. **Town violation # 25-279, $100**

On September 19, 2025, the dog was again running loose and charging toward our house. Another Town citation was issued on October 1, 2025. **Town Violation #25-325, $100**

During this period, the dog was observed in our backyard, roaming in our driveway, near our garage, and near our front door.

## Why This Experience Matters

I am providing these names and dates because these events can be independently checked for accuracy through Town records and Silicon Valley Animal Control records.

Those records should reflect the involvement of Officer Castro, Executive Director Dan Soszynski, Field Services Manager Patrick Pedrotti, Los Gatos Code Compliance Officer Allen Meyer, the Town Attorney's office, and other personnel involved in these incidents.

DogWatch is also relevant to this history. Troy Dykes was the installer of the electronic fencing system being used at the neighboring property that did not work.

**The central point is simple: an electronic containment system was used to confine a large, athletic hunting dog with known behavioral issues. The system repeatedly failed to contain the dog. The owner was aware of those failures, yet the dog continued to run loose.**

There were repeated incidents. There were Animal Control warnings. There were Town citations. Police became involved. A surveyor had to stop working and leave. Delivery personnel were affected. Our gardeners, cleaners, and other workers were affected. Wildlife was affected. Our ability to safely use our own property was affected. During a 911 medical emergency, I was concerned about the safety of my husband and the emergency responders trying to reach him.

This is not a theoretical concern about whether electronic containment might fail. My family experienced what happens when it simply does not work.

Before Los Gatos changes its existing hillside fencing rules and recognizes electronic containment as a substitute for physical containment, this real-world history should be part of the Town's due diligence and expand.

The incidents, Animal Control warnings, and Town citations described in this letter can be independently verified through Town and Silicon Valley Animal Control records. I can provide supporting documentation upon request.

Thank you to the Town Council, Planning Commission, Town staff, and everyone involved for taking the time to review my concerns and the information I have provided.

I will be attending tonight's Town Council meeting, and I also plan to attend the Planning Commission meeting on October 28, 2026.

I respectfully ask that this email and the information provided with it be included in the public record and added to the appropriate meeting packet for consideration by the Town Council and Planning Commission. I can be reached at [redacted]

Thank you for your time and consideration.

Nazzi Shishido

Nazzi Shishido
[redacted]
Los Gatos, CA 95032

**From:** Nazzi Shishido [redacted]
**Sent:** Wednesday, October 21, 2026 3:50 PM
**To:** Rob Moore <RMoore@losgatosca.gov>; Matthew Hudes <MHudes@losgatosca.gov>; Maria Ristow <MRistow@losgatosca.gov>; Mary Badame <MBadame@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>
**Cc:** Clerk <Clerk@losgatosca.gov>; Gabrielle Whelan <GWhelan@losgatosca.gov>; Chris Constantin <CConstantin@losgatosca.gov>; Planning <Planning@losgatosca.gov>; Hiroshi Shishido [redacted]; Town Manager <Manager@losgatosca.gov>; Joel Paulson <jpaulson@losgatosca.gov>
**Subject:** False SVACA Endorsement in Petitioner's E-Fencing Submission — SVACA Unaware of Statements nor endorse E Fencing for containment of pets

[EXTERNAL SENDER]

Mayor Moore and Councilmembers,

I was made aware of this issue only last Wednesday. Before then, I had never accessed the Town website to review Council minutes, videos, or related records. My mistake.

**I hope you are as troubled by what I discovered today as I am, and as I believe any Los Gatos resident would be, when representations of this significance are presented to the Town as a basis for changing our Municipal Code.**

Since last Wednesday, I have focused on the April 7 and August 4, 2026 Council meetings, read the Town records, watched the videos, and reviewed the petitioner's 17-page document.

To my surprise, I found that the report repeatedly represents to the Town that the Silicon Valley Animal Control Authority (SVACA) has recognized, accepted, and endorsed electronic fencing as valid dog containment.

Because of these representations, I contacted SVACA directly. I emailed Dan Soszynski, Executive Director; Patrick Pedrotti, Field Services Manager; and Officer Castro.

**Today, I received a telephone call from Patrick Pedrotti the field service manager at SVACA:**

**• SVACA has never inspected or evaluated the hidden electronic fence system at 100 Hill Top Drive;**

**• SVACA has never recognized that system as valid dog containment;**

**• SVACA has never endorsed hidden electronic dog fences or this proposed amendment;**

**• His team and SVACA have had no contact with the petitioner concerning his electronic fence system other than Animal Control enforcement interactions and citations;**

**• He has never spoken with, communicated with, or had any connection with DogWatch or Troy Dykes concerning this system or electronic fencing;**

**• SVACA does not consider electronic fencing a substitute for physical containment and supports physical fencing for dog containment; and**

**• SVACA has handled cases involving children being mauled by dogs where electronic fencing failed.**

Mr. Pedrotti also explained that SVACA will enforce whatever ordinance the Council ultimately approves because that is its responsibility.

**Now compare what I was told directly by SVACA with what the petitioner's report tells the Town:**

• Page 6 — Electronic fence systems "have been recognized on-site by SVACA as valid dog containment at properties in Los Gatos."

• Page 7 — An unnamed resident states that SVACA "already accepts my invisible electric fence installation as a valid form of dog containment."

• Page 10 — The report again states that "SVACA has recognized their systems on-site as valid containment."

• Pages 11–12, under **"Animal Professional Endorsements"** — The report specifically states:

"SVACA officers have visited the DogWatch hidden underground electronic dog fence installation at 100 Hill Top Drive, Los Gatos, and recognized the system as a valid form of dog containment."

"The amendment would formalize what SVACA already endorses in practice."

• Page 13 — The report proposes that installer-issued training certificates be logged with SVACA dog-license records and submitted to SVACA. I have seen nothing in the report establishing that SVACA agreed to assume this role.

This is extremely concerning when the Town is being asked to change its Municipal Code based, in part, upon a submission invoking the authority and purported endorsement of the agency responsible for animal control services in Los Gatos.

My position remains simple: a homeowner may choose to use electronic fencing as an additional precaution, but electronic fencing should **never replace a physical enclosure as the required means of dog containment**.

There is an anonymous online petition circulating claiming victory on 8/5/26, the day after the Council meeting, and stating that postcards were mailed to more than 1,000 residents. Yet no one I have spoken with in my hillside neighborhood received one, nor did we.

Thank you council and I appreciate your care and support for protecting the safety of hillside residents, pedestrians, children, pets, and wildlife as well as delivery people and utility workers that this can impact. **You are the decision maker and we rely on you for help and protection.**

Dear Clerk,….Please submit this for the 10/28/26 meeting for Planning commission.

**Thank you,**

**Nazzi Shishido,** [redacted]

# TECHNICAL ANALYSIS & STAFF GUIDANCE

## Proposed Amendment to Los Gatos Municipal Code

### Section 4.40.005(a) — Recognition of Hidden Underground Electronic Dog Fence Systems as a Compliant Means of Dog Containment in Hillside and Wildlife Corridor Areas

*with Corresponding Clarification to Section 29.40.0315*

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Prepared by: Keith Blaine AIA LEED AP | 100 Hill Top Drive, Los Gatos, CA 95032
[redacted] | [redacted]
April 2026

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**Prepared for review by:**
Town Attorney, Town of Los Gatos • Town Planning & Community Development Staff
Silicon Valley Animal Control Authority (SVACA) • Santa Clara County Officials

ATTACHMENT 1

# Executive Summary

## What is the gap?

Section 4.40.005(a) of the Los Gatos Municipal Code (Animal Code) requires dogs to be kept either on a leash or behind a fence not less than six feet high. The hillside fence regulations (§29.40.0315) prohibit solid fences in hillside areas and require that perimeter fencing on properties of one acre or greater be wildlife-friendly — a maximum of 42 inches high. The result is an unintended conflict: the Animal Code requires a six-foot fence for off-leash dog containment, while the Hillside Code prohibits that same fence. Hillside residential property owners in the Town's 1,170 HR-zoned parcels have no currently compliant means of allowing their dogs off-leash on their own property. This appears to be an unintended gap created by older code language that predates the widespread availability of electronic pet containment technology.

## What change is requested?

A two-part amendment is proposed. First, §4.40.005(a) would be amended to recognize a UL-Listed hidden underground electronic dog fence system — consisting of a low-voltage transmitter and buried boundary wire installed by a CA-licensed D-64 contractor — as a third compliant means of dog containment in designated hillside areas, alongside leash and physical fence. Second, a clarifying note would be added to §29.40.0315 confirming that the existing prohibition on "electric fences" refers to traditional above-ground perimeter fencing carrying live line voltage, and does not apply to buried-wire electronic containment systems as defined and permitted under the amended §4.40.005(a). A five-step permitting process with defined installation parameters is proposed to govern approval.

## Why is the change consistent with wildlife protection?

Hidden underground electronic dog fence systems do not create an above-grade physical barrier to wildlife movement. The buried boundary wire carries no voltage and has no physical presence above ground. Wildlife — deer, mountain lions, coyotes, bobcats, turkeys, and foxes — pass freely through the property. Only the trained dog wearing a receiver collar is affected. The system is fully consistent with the intent of §29.40.0305, which calls for hillside fencing to allow the free movement of wildlife. It is also aligned with AB 1889 (Room to Roam Act, effective 2028), which requires municipalities to consider wildlife-friendly fencing standards. By contrast, the interior-setback solid fencing currently used as an informal workaround by some hillside residents creates real physical barriers to wildlife movement and represents a worse outcome under the hillside fence intent policy.

# Purpose of This Document

This technical analysis is prepared to assist the Town Attorney, Planning Department staff, SVACA, and Santa Clara County officials in evaluating the proposed two-part amendment to Los Gatos Municipal Code §4.40.005(a) and §29.40.0315. It is designed to make the review and adoption process as straightforward as possible by providing:

Note: Town Planning Department records confirm 1,170 HR-zoned (Hillside Residential) parcels within Town limits.[1] Approximately 400 properties have had hidden underground electronic dog

[1] Parcel count confirmed by Ryan Safty, Community Development Department, Town of Los Gatos, email correspondence April 2026.

fence systems installed in the Los Gatos hills and the Santa Clara County side of the Santa Cruz Mountains Area — a community-scale adoption currently operating in a legal gray area that this amendment would resolve.[2]

- Verbatim text of the three relevant Town Code sections for quick reference
- A structured conflict and gap analysis identifying where the code fails hillside residents
- Documentation of current workarounds residents are employing, with analysis of their impacts
- A summary of precedents from California, Oregon, and other jurisdictions where this technology is formally recognized
- Animal professional endorsements supporting the safety and efficacy of the technology
- The proposed amendment language and five-step permitting process

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## I. Relevant Town Code Sections — Verbatim Text

The following three sections of the Los Gatos Municipal Code are directly relevant to this amendment. They are reproduced verbatim for quick reference.

### Section 4.40.005(a) — Animal Code: Restraint of Dogs

**SOURCE: LGMC Chapter 4, Article IV, §4.40.005(a)**

> No person owning or having charge, care, custody or control of any dog shall permit such dog to be or remain off the premises of the owner of such dog unless such dog is under the owner's own physical restraint by means of a leash not to exceed six feet in length, or shall keep such dog confined behind a fence not less than six feet high.

Note: This section was written before hidden underground electronic dog fence technology existed as a viable consumer product. It has never been updated to recognize this technology as a third compliant means of containment.

### Section 29.40.0305 — Hillside Fence Code: Intent

**SOURCE: LGMC Chapter 29, Article IV, §29.40.0305 (enacted Ord. No. 2286, Aug. 6, 2019)**

> The intent of these fence regulations is to preserve the natural beauty of the Town of Los Gatos, the natural movement of wildlife, and to protect traffic view areas while acknowledging that residents have the right to fence their properties to protect children, contain their animals, protect garden or agricultural areas, and maintain privacy. Specifically, within the hillside area, the intent of these fence regulations is to allow for the movement of wildlife within the hillside area.

### Section 29.40.0315 — Hillside Fence Code: Prohibited Fence Types

**SOURCE: LGMC Chapter 29, Article IV, §29.40.0315 (as amended, Ord. No. 2286, Aug. 6, 2019; Ord. No. 1316, June 7, 1976 as original)**

[2] Installation count based on information provided by Troy Dykes, D-64 Licensed Contractor, DogWatch Hidden Fences, covering installations in the Los Gatos and Santa Cruz Mountains area.

> The following fence types are prohibited in the hillside area: (a) Electric fences, including any fence designed to produce an electric shock. (b) Solid fences, including wood, masonry, concrete, or vinyl fences with more than 20% surface obstruction. (c) Buck-and-rail and double fences. On properties of one (1) acre or greater, perimeter fencing shall be wildlife-friendly fence as defined in Section 29.40.0310 – maximum 42 inches in height with an 18-inch gap at the bottom.

Note: The “electric fence” prohibition originates from Ord. No. 1316 (June 7, 1976), enacted for agricultural-style live-voltage perimeter shock fencing. Live describes an exposed conductor that carries electrical power, typically above 60 V DC or 30 V AC, which are thresholds widely considered hazardous.

Hidden underground electronic dog fence technology was patented in 1973 but had only sold 50 units by 1976 and was not a viable consumer product. The 2019 rewrite carried this prohibition forward without addressing this technology as a distinct category.

## Section 29.40.0310 — Definitions

### SOURCE: LGMC Chapter 29, Article IV, §29.40.0310

> The following words, terms, and phrases, when used in these fence regulations, shall have the meanings ascribed to them in this section:
>
> *Buck and rail fence means a fence constructed with wood rails where the posts are arranged to form a triangle to provide the vertical structure of the fence. The horizontal rails are then attached to the triangle support posts.*
>
> *Corner sight triangle means a triangular area at street intersections having sides thirty (30) feet in length, as measured from intersecting property lines.*
>
> *Double fence means two (2) fences spaced a few feet apart regardless of height and material.*
>
> *Driveway view area means a triangular area at the intersection of driveways and sidewalks and street intersections having sides ten (10) feet in length, as measured along the driveway's path of travel from the back of the sidewalk or street.*
>
> *Fence means a structure constructed of posts, rails, wire, and/or barrier panels, used to define a boundary or as a means of protection, confinement, or visual obstruction.*
>
> *Fence regulations means sections 29.40.030 through 29.40.0330.*
>
> *Hillside area means all properties located within the area defined by the Hillside Area Map as contained in the Town of Los Gatos Hillside Development Standards and Guidelines.*
>
> *Open view fence means a fence constructed in such a way so that no more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.*
>
> *Perimeter fence means a fence located on the property line of a lot.*
>
> *Riparian corridor means an area comprised of habitat strongly influenced and delineated by the presence of perennial or intermittent streams.*

> *Solid fence means a fence constructed in such a way so that more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.*
>
> *Traffic view area means the area which is within fifteen (15) feet of a street and within two hundred (200) feet of the right-of-way line of an intersection.*
>
> *Wildlife-friendly fence means a fence that allows any animal, regardless of size, to climb under, pass through, or jump over, with a maximum height of forty-two (42) inches and a minimum distance between the bottom rail and the ground of eighteen (18) inches.*

The following fence types are prohibited in the hillside area:

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## II. Conflict and Gap Analysis

### The Three-Section Problem

A careful reading of the three code sections above reveals a structural gap that leaves hillside dog owners with no currently compliant means of containing their dogs off-leash on their own property. This appears to be an unintended gap created by older code language, combined with hillside-specific restrictions that were designed for environmental protection, not pet containment.

| Code Section | What It Requires / Prohibits | Effect on Hillside Dog Owner |
|---|---|---|
| **§4.40.005(a) — Animal Code** | Dog must be on leash OR behind a fence not less than six feet high. Only two options recognized. | No hidden fence option recognized. Code gap — technology never addressed. |
| **§29.40.0315 — Prohibited Fences** | Solid fences prohibited in hillside. Perimeter fencing on 1+ acre must be wildlife-friendly (max 42", 18" ground gap). | 6-foot solid fence required by §4.40.005(a) is prohibited here. Wildlife-friendly fence is too short (42" vs. 72" required). |
| **§29.40.0305 — Hillside Fence Intent** | Hillside fence regulations exist specifically to allow the free movement of wildlife through corridors. | A 6-foot solid fence would directly violate this intent even if physically permitted. No compliant option satisfies both codes. |

Result: A hillside property owner who wishes to allow their dog off-leash in their own yard has no currently compliant option under the existing code. This appears to be an unintended gap created by older code language — a consequence of three code sections that were written at different times and have not been reconciled with each other or with technological developments over the past fifty years.

### Why the Electric Fence Prohibition Does Not Apply — and Why Clarification Is Still Needed

The prohibition on "electric fences" in §29.40.0315 was written in 1976 for agricultural-style perimeter shock fencing: exposed above-ground wires carrying live line voltage. Such fencing presents real hazards — fire ignition risk in dry hillside vegetation, shock risk to people, children, wildlife, and livestock. The prohibition is valid and should be retained.

A hidden underground electronic dog fence is categorically different technology:

- The boundary wire is buried a few inches underground and carries no voltage or current
- It functions as a passive radio frequency emitter only (AM and FM bands)
- There is no exposed conductor, no shock hazard to people or wildlife, no fire risk
- Only the trained dog wearing the receiver collar is affected — all other animals and people pass freely

The 1976 ordinance never contemplated this technology. The 2019 rewrite (Ord. No. 2286) carried the prohibition forward by inertia, not deliberate policy determination. A clarifying note to §29.40.0315 is needed to confirm that the "electric fence" prohibition refers to traditional line-voltage above-ground perimeter fencing, and does not apply to hidden underground electronic dog fence systems as defined and permitted under §4.40.005(a).

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## III. How the Current Code Is Failing: Resident Workarounds and Their Impacts

Because the current code provides no compliant off-leash option for hillside dog owners, residents have developed informal workarounds. These workarounds range from a responsible, wildlife-compatible solution that should be formally recognized, to harmful circumventions of the hillside fence code that produce exactly the environmental damage the code was designed to prevent.

### Preferred Compliance Option: Hidden Underground Electronic Dog Fence (Currently Unrecognized)

The Town of Los Gatos Planning Department has confirmed that there are 1,170 HR-zoned (Hillside Residential) parcels within the Town limits (confirmed by Ryan Safty, Associate Planner, Community Development Department, April 2026). Of these, approximately 400 hidden underground electronic dog fence systems have already been installed across the Los Gatos and Santa Cruz Mountain hillside area by a California State Licensed D-64 Non-Specialized Contractor (DogWatch, installer Troy Dykes) — representing roughly 34% of all hillside parcels operating in a legal gray area. These systems:

- Contain the dog completely within the property boundary
- Present zero physical obstruction to wildlife — deer, mountain lions, bobcats, turkeys, coyotes, and foxes pass freely through the property
- Require no grading, no above-grade materials, no structural alteration
- Carry no voltage in the boundary wire — passive RF emitter only, zero fire risk
- Have been recognized on-site by SVACA as valid dog containment at properties in Los Gatos

These installations exist in a legal gray area: residents have chosen the most environmentally responsible available technology, but the code does not formally recognize it. This creates enforcement uncertainty for residents, SVACA, and Town staff.

The scale of adoption is significant. With 1,170 confirmed HR-zoned parcels and approximately 400 installations already in place, this is not a niche concern — it is a community-wide issue affecting a material fraction of the hillside residential population, with growth likely as awareness increases.

## Resident Community Testimony

The following is representative of the community support for this amendment, received from a Los Gatos hillside resident following the April 7, 2026 Town Council meeting:

> *"Through the hillside neighborhoods of Los Gatos — and across the broader Santa Cruz Mountains — Town residents have been quietly and responsibly using invisible electric fence systems for years. These installations are wildlife-friendly. Unlike solid or chain-link fencing, invisible fences present no physical barrier to deer, mountain lions, coyotes, turkeys, bobcats and other native species moving freely through our wildlife corridors. The hillside ecosystem functions as intended. Aesthetically consistent with hillside character — there are no visible structures, no fencing panels, and no visual impact on the natural landscape that defines our neighborhoods. Already recognized regionally — Silicon Valley Animal Control (SVACA) already accepts my invisible electric fence installation as a valid form of dog containment. The Town's code simply hasn't caught up with that regional standard."*

Resident further noted that their DogWatch system was installed by a CA Low Voltage Licensed contractor who has installed the same fence for hundreds of properties along the Santa Cruz Mountains and greater Bay Area, including multiple properties on the same street. The resident described the technology as "more comprehensive and failsafe than the current ordinance requirement" which relies on physical barriers with gates and doors that can fail.

## Less Desirable Alternative: Interior-Setback Solid Fencing

Town planning staff have noted (conversation with Ryan Safty, LG Planning Department, April 2026) that some hillside residents are addressing the containment problem by constructing solid fences set back a few feet from the property line, rather than on the property boundary.

Their rationale: §29.40.0315 requires that perimeter fencing (fencing at the property boundary line) be wildlife-friendly. A solid fence set back from the property line is not technically "perimeter" fencing under this reading, and therefore may not be subject to the wildlife-friendly requirement.

This workaround is problematic on multiple grounds:

- **It creates solid physical barriers inside the wildlife corridor. The barrier effect on wildlife movement is identical to a property-line fence — setback by a few feet changes nothing ecologically. Solid fences fragment habitat, block species movement, and reduce genetic connectivity regardless of their distance from the property line.** Environmental harm:
- **This workaround is only available to residents with sufficient lot depth to set a fence back meaningfully. Smaller or more steeply sloped properties cannot use it. It creates a two-tier system based on lot size rather than policy.** Inequity:
- **This interpretation has not been formally sanctioned by the Planning Department or confirmed by the Town Attorney. It is a practice that is tolerated informally, not a recognized compliant solution. Residents relying on it are exposed to potential enforcement action.** Legal uncertainty:
- **The express intent of §29.40.0305 is to allow wildlife movement within the hillside area. A solid fence anywhere within that area — whether on the property line or set back — undermines that intent.** Contrary to intent:
- **The hidden underground electronic dog fence achieves the same dog containment objective with zero above-grade structure, zero wildlife impact, and**

**zero visual intrusion. The interior-setback solid fence achieves containment at the cost of wildlife movement, viewshed, and hillside character.** Worse outcome than hidden fence:

The interior-setback workaround is a symptom of the code gap, not a solution to it. Formally recognizing the hidden underground electronic dog fence under §4.40.005(a) would eliminate the pressure that drives residents toward this harmful workaround.

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## IV. Jurisdictional Precedents

Multiple California and out-of-state jurisdictions have formally recognized hidden underground electronic dog fence systems as a compliant means of dog containment, explicitly distinguishing them from traditional electric fences. These precedents provide a strong foundation for the proposed amendment.

### California Precedents

#### San Diego County Code §62.669(c) — California's Leading Precedent

San Diego County is the most directly applicable California precedent. Section 62.669(c) of the San Diego County Code explicitly lists electronic pet containment systems as a third compliant means of dog control on private property, alongside leash and physical fence:

> SEC. 62.669. RESTRAINT OF DOGS REQUIRED. (c) A dog's owner or custodian or a person having control of a dog that is lawfully on private property shall keep the dog: (1) leashed or tethered as allowed under Health and Safety Code section 122335, (2) under direct and effective control by voice or electronic pet containment system, or (3) in a building or enclosure that is adequate to ensure the physical confinement of the dog and that also meets humane standards.

This is the precise structure proposed for Los Gatos §4.40.005(a): a third option alongside leash and physical enclosure. San Diego County's code confirms that California law supports this formulation and that it can be implemented at the county level. Based on the jurisdictions reviewed, no Santa Clara County city or town has yet adopted equivalent language — Los Gatos appears poised to be the first in this region (subject to Town Attorney confirmation).

#### Los Altos Hills — Adjacent Santa Clara County Precedent

The Town of Los Altos Hills, also in Santa Clara County and also a hillside community with wildlife corridor concerns, recently amended its fence ordinance (May 2025) to address wildlife corridor fencing requirements. While it does not specifically codify hidden fence technology, its approach confirms that Santa Clara County hillside jurisdictions actively manage the intersection of fencing and wildlife movement at the ordinance level.

#### Ventura County — Wildlife Corridor Fencing Regulations

Ventura County has implemented dedicated wildlife corridor regulations in its zoning ordinance that explicitly identify impermeable fencing as a barrier to be minimized, and establish a permitting pathway for fencing near wildlife corridors. This is the regulatory model that AB 1889 (Room to Roam Act) will require all California cities and counties to adopt by 2028.

### Oregon Precedents

#### City of Central Point, Oregon — Express Statutory Exclusion

The City of Central Point, Oregon (City Code §17.57) provides the clearest statutory model for distinguishing hidden underground electronic dog fences from traditional electric fences. The code states:

> "Electrified fence" does not include underground wireless fencing (invisible fencing) which consists of an electronic system that uses a buried wire and radio signal to keep dogs or other animals from leaving the yard, which is permitted in any zone.

This is exactly the clarification proposed for Los Gatos §29.40.0315: a statement that the electric fence prohibition does not apply to hidden underground electronic dog fence systems. Central Point's language confirms that this categorical distinction is legally sound, administratively straightforward, and has been successfully implemented in Oregon municipal code.

### Oregon Municipality — Express Exemption from Electric Fence Prohibition

Multiple Oregon municipal codes explicitly exempt underground electronic pet containment systems from electric fence prohibitions. One representative example:

> Farm animal containment fences in A-1 Agriculture Districts not used as a dwelling and electronic underground pet containment fences in all zoning districts are exempt from this section.

This confirms that the approach of expressly exempting hidden underground electronic dog fences from electric fence prohibitions is a well-established and legally tested technique in Oregon municipal codes.

## National Context and Scale

Hidden underground electronic dog fence technology is in widespread national use, recognized as a legitimate containment method across multiple jurisdictions:

- Over 3 million pets protected by Invisible Fence® Brand alone since 1973 (PR Newswire, 2019)
- DogWatch® has over 200 independent dealers worldwide, operating since 1990
- Multiple states and municipalities have expressly distinguished this technology from traditional electric fences in their codes
- Kansas (Overland Park Municipal Code 6.08.020): formally recognizes electronic containment as a compliant form of dog control with specific operational conditions — see full subsection below

## Overland Park, Kansas — Detailed National Precedent (Municipal Code 6.08.020)

The City of Overland Park, Kansas (Municipal Code 6.08.020, subsection (a)(3)) explicitly authorizes electronic dog fences as a compliant containment method, with specific operational parameters that closely mirror the Los Gatos proposed amendment structure:

> *"Dogs may be confined to the premises of the residential property of their owner, keeper or harborer by an electronic fence or an electronic collar. An electronic fence or electronic collar is defined as a fence or a collar that controls the movement of a dog by emitting an electrical shock when the animal wearing the collar nears the boundary of the owner's, keeper's or harborer's property. Dogs confined to residential property by an electronic fence or an electronic collar shall not be permitted to be nearer than 10 feet away from any public sidewalk or property line that is contiguous to neighboring property. In addition, dogs are prohibited from being confined by an electronic fence or an electronic collar in the*

> *front yards of an owner's, keeper's or harborer's property. No dog having been found a dangerous animal by the animal control division shall be confined by an electronic fence or an electronic collar."*

The structural parallels to the proposed Los Gatos amendment are direct: (1) electronic containment recognized as a third compliant option alongside leash and physical enclosure; (2) setback from property lines and sidewalks required; (3) front yard exclusion; (4) dangerous dog exclusion. These are the same operational parameters proposed for Los Gatos, adapted for hillside and wildlife corridor conditions rather than suburban residential.

## Legal Uncertainty Created by the Current Code Gap

The current code gap creates legal exposure for residents beyond mere inconvenience. Kenneth M. Phillips, a nationally recognized dog bite attorney (dogbitelaw.com), articulates the prevailing legal doctrine:

> *"If the municipal code requires a fence, and does not address electronic systems, then the dog owner must provide a physical fence, not an electronic one."*

Under this doctrine, the approximately 400 hillside Los Gatos residents currently using DogWatch systems may not be legally compliant with §4.40.005(a) — even though SVACA has recognized their systems on-site as valid containment. This creates a two-track enforcement environment: residents are practically compliant but legally exposed. The proposed amendment resolves this uncertainty cleanly in both directions.

Phillips also notes that due process requires any prohibition to be stated clearly or it is unenforceable: codes prohibiting "electric fences" without defining precisely what devices are covered create interpretive uncertainty. This reinforces the need for the clarifying note to §29.40.0315 proposed as the secondary element of this amendment — confirming that the prohibition does not reach hidden underground electronic dog fence systems as defined.

- The technology is active in every major California metropolitan area, including San Mateo, Santa Clara, Alameda, Contra Costa, Solano, Napa, Sonoma, Marin, and Mendocino counties (Pet Stop of the Peninsula and North Bay)
- Texas (Argyle, Fate, and others): multiple Texas municipalities use identical model ordinance language expressly recognizing invisible fence systems as sufficient restraint — see full subsection below
- Maryland (Baltimore City): formal Health Department regulatory framework with permit system recognizing electronic fence as valid animal restraint, with operational conditions including setbacks and posted signage — see full subsection below
- North Carolina (Pineville): invisible fence system expressly recognized as a qualifying "secure enclosure" under animal restraint ordinance (§90.040), subject to posted signage requirement

## Texas — Model Ordinance Language (Argyle, Fate, and Others)

At least two Texas municipalities — the Town of Argyle (Chapter 2, Animal Control) and the City of Fate (Ordinance No. O-1783) — use identical language in their animal control ordinances expressly recognizing invisible fence systems as compliant restraint. The identical phrasing across separate municipalities indicates this language derives from a shared Texas model animal control ordinance, suggesting adoption is broader than these two examples alone:

> *"An 'invisible fence' will suffice as sufficient restraint so long as the animal is not found outside the premises of the owner."*

This is among the most direct statutory language found in any jurisdiction: no conditions other than demonstrated containment (the animal must not be found outside the premises). It stands

in contrast to the more structured permitting approaches in Kansas, Maryland, and proposed for Los Gatos, but confirms that straightforward legislative recognition of this technology is legally tested and in active use across Texas municipalities. Both Argyle and Fate also expressly exclude dangerous dogs from electronic containment eligibility, consistent with the Los Gatos proposed amendment.

### Baltimore, Maryland — Health Department Regulatory Framework

Baltimore City, Maryland, formally recognizes electronic dog fences as valid animal restraint through a permit and exemption system administered by the Health Department's Office of Animal Control. The regulatory framework has been in place since at least 2009 and remains active today, with a formal permit application process. Key operational conditions under the Baltimore framework:

- The dog cannot come within 10 feet of any public walkway, footpath, alley, or street
- The fence must be at least 2 feet from any adjacent property
- A visible sign must be posted on the property indicating that an electronic fence is in use

The structural parallel to the Los Gatos proposed amendment is direct: setback from public ways and adjacent properties, posted signage, and permit-based approval. Baltimore's framework demonstrates that a formal permitting pathway for electronic pet containment is administratively viable and has operated successfully in a major U.S. city for over fifteen years.

### Pineville, North Carolina — Invisible Fence as Qualifying Secure Enclosure

Section 90.040 of the Pineville, North Carolina Code of Ordinances expressly recognizes an invisible fence system as a qualifying "secure enclosure" under its animal restraint ordinance, with two conditions:

> *"If the secure enclosure is an invisible fence system, then all components of the system must be in working order and in proper place. Additionally, there must be a visible, permanent sign on the premises stating that there is an invisible fence."*

The operational requirement — system in working order with posted signage — maps directly onto the proposed Los Gatos permitting parameters. The characterization of invisible fence as a qualifying "secure enclosure" is also legally significant: it confirms that courts and enforcement agencies in at least one jurisdiction have accepted this technology as satisfying the enclosure standard, resolving the legal uncertainty identified by Kenneth M. Phillips (see Section II, Legal Uncertainty Created by the Current Code Gap).

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## V. Animal Professional Endorsements

### Veterinary Research: University of Pennsylvania

The foundational safety research on hidden underground electronic dog fence systems was conducted in partnership with the University of Pennsylvania School of Veterinary Medicine. The research proved the system to be safe, gentle, and effective for animals, with no short- or long-term adverse effects on the animals contained. This research was conducted beginning in 1975 and has underpinned the technology's widespread adoption.

### SVACA — Silicon Valley Animal Control Authority

SVACA is the regional animal control authority that serves and enforces animal control laws for the Town of Los Gatos. SVACA officers have visited the DogWatch hidden underground

electronic dog fence installation at 100 Hill Top Drive, Los Gatos, and recognized the system as a valid form of dog containment consistent with the requirement that dogs be "properly confined to the owner's property."

SVACA's operational recognition of this technology predates the proposed code amendment. The amendment would formalize what SVACA already endorses in practice.

### California-Based Veterinary Endorsements

Dr. Jamie Textor, veterinarian, California (DogWatch Bay Area & Northern California testimonial):

> As a veterinarian and a dog owner, I would highly recommend this company. Within the week [of installation], the fence was installed and the problem was literally SOLVED that day.

### National Veterinary Endorsements

Dr. Roxane Jackson, veterinarian, Washington (DogWatch of the Twin Cities testimonial):

> I am a veterinarian, and I recommend this fence system to my clients. The price, installation, and training were all reasons I chose this brand.

### Australian Veterinary Association (AVA)

The Australian Veterinary Association acknowledges that there are situations in which a hidden underground electronic dog fence can increase the safety and welfare of an animal, and supports responsible use in those situations. The AVA's position confirms the technology's place in the spectrum of responsible pet ownership tools when used appropriately with proper training.

### D-64 Non-Specialized Contractor Licensing

California is the only state with a dedicated contractor license classification for animal control device installation: the D-64 Non-Specialized Contractor license. Troy Dykes of DogWatch Hidden Fences holds this license and is believed to be one of the only active D-64 licensed contractors in the region. The existence of this license category confirms that California's contractor licensing framework already recognizes hidden underground electronic dog fence installation as a professional, regulated trade.

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## VI. Proposed Amendment Language

### Primary Amendment — Town Code Section 4.40.005(a)

The following language is proposed to be added to §4.40.005(a) as a third compliant containment option, applicable in designated hillside areas:

> In designated hillside areas of the Town of Los Gatos, a Hidden Underground Electronic Dog Fence system — manufactured under UL Listed DogWatch (or other UL-listed equivalent manufacturer as approved by the Town), consisting of a low-voltage transmitter unit and a buried boundary wire that broadcasts radio frequencies to activate a receiver collar worn by the dog, and installed by a

> California State Licensed D-64 Non-Specialized Contractor authorized for Animal Control Devices — shall be recognized as a third compliant means of dog containment under this section, in addition to leash and physical fence, subject to the permitted installation parameters and permitting process set forth herein.

### Secondary Clarification — Town Code Section 29.40.0315

The following clarifying note is proposed for addition to §29.40.0315:

> The prohibition on "electric fences, including any fence designed to produce an electric shock" refers to traditional perimeter fencing carrying live line voltage along exposed above-ground conductors. This prohibition does not apply to Hidden Underground Electronic Dog Fence systems as defined and permitted under Section 4.40.005(a), which carry no voltage or current in their boundary wire and present no fire or shock hazard.

### Permitted Installation Parameters

- Electronic boundary observes same setbacks from property lines as required for a 6-foot solid fence under §29.40.0315 and §4.40.005(a)
- Training certificate required: property owner must obtain certification that their dog(s) have been successfully trained to respect the boundary, issued by the licensed D-64 installing contractor; certification logged with SVACA dog license record
- 24-hour backup battery required to sustain system operation in event of power interruption
- 20-foot setback from any riparian corridor (as defined in §29.40.0310); setback applies to the programmed electronic boundary, not the buried wire routing
- Not applicable to dogs designated Potentially Dangerous, Dangerous, or Vicious under LGMC §4.10.010 or §4.40.005

### Five-Step Permitting Process

1. Property Survey — Prepared by a licensed surveyor, showing property boundaries, setbacks, recorded easements, riparian corridors, utility meters, and underground access vaults or covers.
2. Proposed Site Plan — Prepared by the D-64 licensed contractor or architect, illustrating the electronic boundary location, 20-foot riparian corridor setback, control box location, power supply connection, and backup power system.
3. Approved Permit — Pulled by D-64 Licensed Contractor or property owner; identifies D-64 contractor and California license number.
4. Installation Inspection — Follows same procedure as traditional fence permits to validate conformance with approved site plan.
5. Dog Certification — Following inspection sign-off, dog(s) trained to containment system; certification submitted to SVACA to be added to dog's license record.

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## VII. Alignment with State Law — AB 1889, Room to Roam Act

This amendment is directly aligned with AB 1889, the Room to Roam Act, signed by Governor Newsom on September 27, 2024, and effective January 1, 2028. The law amends Government

Code §65302 to require California cities and counties, upon their next General Plan update on or after January 1, 2028, to:

- Identify and analyze wildlife connectivity areas, permeability, and natural landscape areas within the jurisdiction
- Identify and analyze existing or planned wildlife passage features
- Consider impacts of development and barriers to wildlife movement, and avoid, minimize, or mitigate those impacts
- Consider incorporating "wildlife-friendly fencing" as a standard, policy, or implementation program

Hidden underground electronic dog fence systems do not create an above-grade physical barrier to wildlife movement — they have no physical structure above grade and present no impediment to free passage of wildlife through the property. Formally recognizing this technology in the Town Code now positions Los Gatos ahead of the 2028 compliance requirement and demonstrates proactive leadership on wildlife corridor protection. Based on the jurisdictions reviewed, Los Gatos appears poised to become the first municipality in Santa Clara County to codify this specific technology, setting a regional precedent aligned with the direction of state law (subject to Town Attorney review and confirmation).

## VIII. Key Contacts for Staff Reference

| Role | Name & Organization | Contact |
|---|---|---|
| Proponent | Keith Blaine AIA LEED AP | keithblaine@mac.com \| 408-784-1821 |
| D-64 Licensed Installer | Troy Dykes, DogWatch Hidden Fences | Contact via DogWatch® network |
| SVACA Executive Director | Dan Soszynski, SVACA | SVACA main line: 408-764-0344 |
| Town Planning Dept. | Ryan Safty, Planning Department | Community Development: 408-354-6874 |
| CC Recipient | Allen Meyer, Town Planning Dept. | Community Development: 408-354-6874 |
| CC Recipient | Megan Blaine, Blaine Architects | Blaine Architects |

## APPENDIX B — Precedent Municipalities: Jurisdictions Formally Recognizing Electronic Pet Containment Systems

The following table summarizes jurisdictions identified in this analysis that have formally recognized hidden underground electronic dog fence or invisible fence systems as a compliant means of animal containment in their municipal codes or regulatory frameworks. All code language is reproduced verbatim or summarized from primary sources. This table is provided

for staff reference and is not exhaustive; additional jurisdictions may have adopted equivalent language, particularly in Texas where identical language appears across multiple municipalities suggesting derivation from a shared model ordinance.

| State / Jurisdiction | Code / Authority | Key Code Language / Framework |
|---|---|---|
| **California** San Diego County | County Code §62.669(c) | Dog on private property shall be kept: (1) leashed or tethered; (2) under direct and effective control by voice or *electronic pet containment system*; or (3) in a building or adequate enclosure. Third-option structure identical to proposed Los Gatos amendment. |
| **Oregon** City of Central Point | City Code §17.57 | *"Electrified fence" does not include underground wireless fencing (invisible fencing) which consists of an electronic system that uses a buried wire and radio signal to keep dogs or other animals from leaving the yard, which is* ***permitted in any zone****.* |
| **Kansas** City of Overland Park | Municipal Code 6.08.020(a)(3) | Dogs may be confined by electronic fence or electronic collar. Conditions: 10-ft setback from sidewalk/property line; prohibited in front yards; no dangerous dogs; owner must post signage. Electronic containment recognized as third compliant option alongside leash and physical enclosure. |
| **Texas** Town of Argyle | Code of Ordinances Ch. 2 (Animal Control) | *"An 'invisible fence' will suffice as sufficient restraint so long as the animal is not found outside the premises of the owner."* Dangerous dog exclusion applies. Identical language to Fate, TX (Ord. No. O-1783) — believed to derive from Texas model animal control ordinance. |
| **Texas** City of Fate | Ordinance No. O-1783 (Animal Control) | *"An 'invisible fence' will suffice as sufficient restraint so long as the animal is not found outside the premises of the owner."* Dangerous dog exclusion applies. Identical language to Argyle, TX. |
| **Maryland** Baltimore City | Health Dept. Regulatory Action on Electronic Fences as Animal Restraints (2009, active) | Formal permit system recognizing electronic fence as valid animal restraint. Conditions: dog must not come within 10 ft of public walkways/alleys/streets; fence at least 2 ft from adjacent property; visible sign required. Permit application required; issued by Health Department Office of Animal Control. Active since 2009. |
| **North Carolina** Town of Pineville | Code of Ordinances §90.040 (Restraint of Animals) | *"If the secure enclosure is an invisible fence system, then all components of the system must be in working order and in proper place. Additionally, there must be a visible, permanent sign on the premises stating that there is an invisible fence."* Invisible fence expressly qualifies as a "secure enclosure" under this section. |

*Note: Colorado Springs, CO permits electronic fences with signage requirements as an administrative practice, but no formally codified ordinance recognizing electronic containment as a compliant restraint method was identified. Fort Worth, TX requires a physically enclosed structure and does not recognize electronic containment under its current code, illustrating that recognition is not universal and that explicit codification as proposed here is necessary to resolve the legal uncertainty.*

## APPENDIX — Technology Timeline for Staff Reference

Here's the complete, sourced timeline — which is directly relevant to your code gap argument:

---

**1973** — Richard Peck U.S. Patent 3,753,421 was the first electronic dog fence ("Stay-Put"). Collar is the size of a deck of cards / 13 oz. Fifty units sold in the first year, by mail order only. Not practically available to most consumers.

**1976** — Peck sells patent rights to John Purtell, who renames it "Invisible Fence." Los Gatos fence ordinance (Ord. No. 1316) is enacted this same year. At this moment, the technology existed but had sold only ~50 units nationwide and was not a viable consumer product.

**1980s** — Collar shrinks from 13 oz. to 3 oz., opening the market to smaller dogs. Dealer network begins expanding. Still a niche, premium professional-install product.

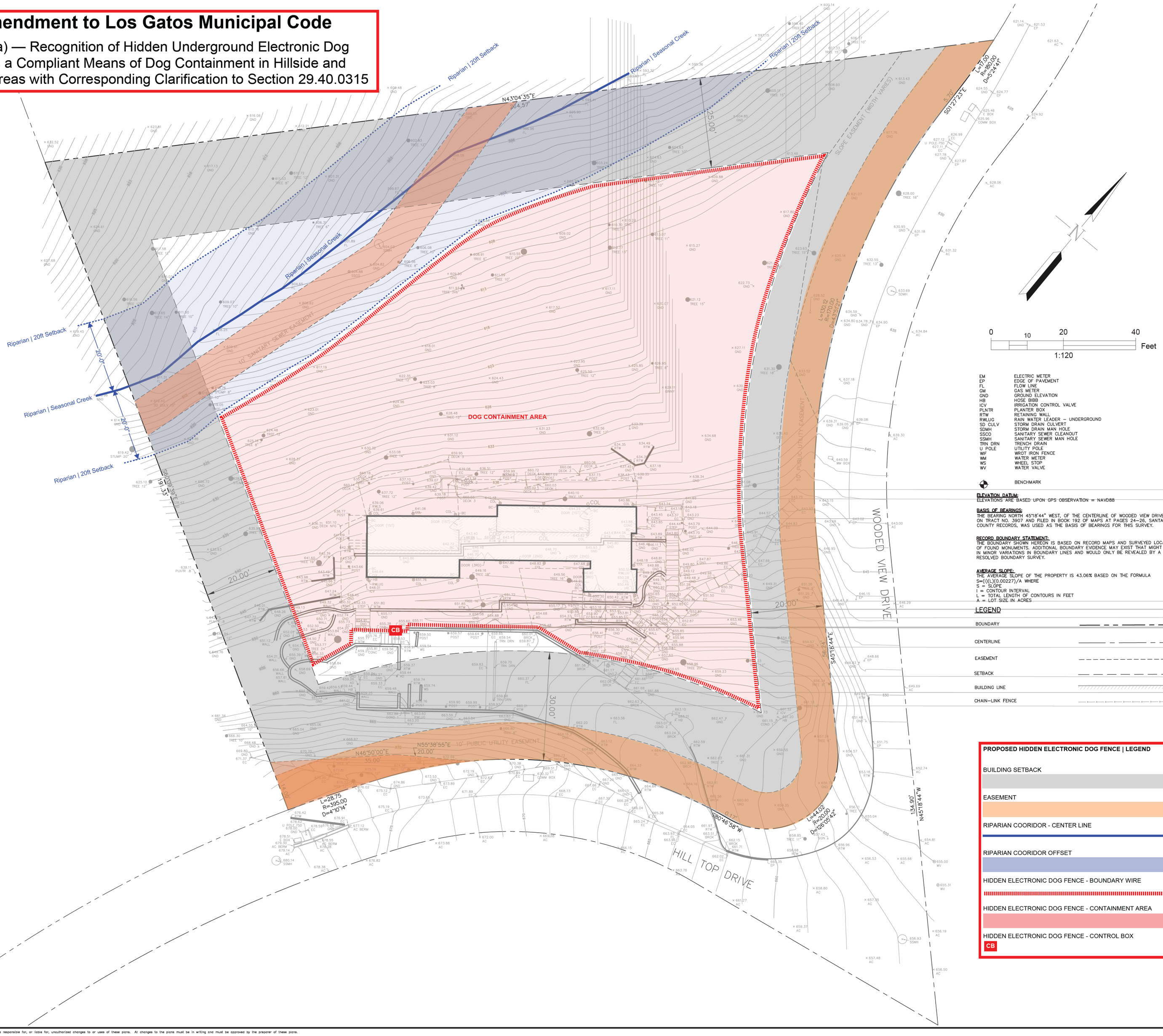
**1989–1993** — The original patent expires (sources vary slightly: some say 1989, some say 1990, one says 1993). This is the pivotal moment — competitors enter the market immediately. DogWatch, PetSafe, and Innotek all emerge after the patent expires.

**1990s–2000s** — Mass-market adoption. Multiple competing brands, falling prices, wider availability, DIY kits introduced. The technology becomes a mainstream consumer product.

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# Proposed Amendment to Los Gatos Municipal Code

Section 4.40.005(a) — Recognition of Hidden Underground Electronic Dog Fence Systems as a Compliant Means of Dog Containment in Hillside and Wildlife Corridor Areas with Corresponding Clarification to Section 29.40.0315




| | |
|---|---|
| EM | ELECTRIC METER |
| EP | EDGE OF PAVEMENT |
| FL | FLOW LINE |
| GM | GAS METER |
| GND | GROUND ELEVATION |
| HB | HOSE BIBB |
| ICV | IRRIGATION CONTROL VALVE |
| PLNTR | PLANTER BOX |
| RTW | RETAINING WALL |
| RWLUG | RAIN WATER LEADER – UNDERGROUND |
| SD CULV | STORM DRAIN CULVERT |
| SDMH | STORM DRAIN MAN HOLE |
| SSCO | SANITARY SEWER CLEANOUT |
| SSMH | SANITARY SEWER MAN HOLE |
| TRN DRN | TRENCH DRAIN |
| U POLE | UTILITY POLE |
| WF | WROT IRON FENCE |
| WM | WATER METER |
| WS | WHEEL STOP |
| WV | WATER VALVE |

BENCHMARK

**ELEVATION DATUM:**
ELEVATIONS ARE BASED UPON GPS OBSERVATION = NAVD88

**BASIS OF BEARINGS:**
THE BEARING NORTH 45°18'44" WEST, OF THE CENTERLINE OF WOODED VIEW DRIVE, AS SHOWN ON TRACT NO. 3907 AND FILED IN BOOK 192 OF MAPS AT PAGES 24–26, SANTA CLARA COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

**RECORD BOUNDARY STATEMENT:**
THE BOUNDARY SHOWN HEREON IS BASED ON RECORD MAPS AND SURVEYED LOCATIONS OF FOUND MONUMENTS. ADDITIONAL BOUNDARY EVIDENCE MAY EXIST THAT MIGHT RESULT IN MINOR VARIATIONS IN BOUNDARY LINES AND WOULD ONLY BE REVEALED BY A RESOLVED BOUNDARY SURVEY.

**AVERAGE SLOPE:**
THE AVERAGE SLOPE OF THE PROPERTY IS 43.06% BASED ON THE FORMULA
S=((I)(L)(0.00227))/A WHERE
S = SLOPE
I = CONTOUR INTERVAL
L = TOTAL LENGTH OF CONTOURS IN FEET
A = LOT SIZE IN ACRES

LEGEND

- BOUNDARY
- CENTERLINE
- EASEMENT
- SETBACK
- BUILDING LINE
- CHAIN–LINK FENCE

**PROPOSED HIDDEN ELECTRONIC DOG FENCE | LEGEND**

- BUILDING SETBACK
- EASEMENT
- RIPARIAN COORIDOR - CENTER LINE
- RIPARIAN COORIDOR OFFSET
- HIDDEN ELECTRONIC DOG FENCE - BOUNDARY WIRE
- HIDDEN ELECTRONIC DOG FENCE - CONTAINMENT AREA
- HIDDEN ELECTRONIC DOG FENCE - CONTROL BOX (CB)

VERSION
JUNE 5, 2026

| MARK | DATE | DESCRIPTION REVISIONS | BY |
|---|---|---|---|

# TOPOGRAPHIC SURVEY

**100 Hill Top Drive**

**Los Gatos** **California**

DATE: 10/18/2023
SCALE: 1"= 10'
DRAWN BY: KWC
DESIGNED BY:
CHECKED BY: POW

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PHILIP O'WOOTTON — No. 8398 — LICENSED LAND SURVEYOR — STATE OF CALIFORNIA

CARROLL ENGINEERING
civil engineers and surveyors
1100 S. WINCHESTER BLVD.
SUITE 150
SAN JOSE, CA 95128
PHONE: 408-296-4200
FAX: 408-261-0595
E-MAIL: Admin@carroll-engineering.com

SHEET 1 OF 1 SHEETS

JOB NO. 2940

Construction Contractor agrees that in accordance with generally accepted construction practices, construction contractor will be required to assume sole and complete responsibility for job site conditions during the course of construction of the project, including safety of all persons and property, that this requirement shall be made to apply continuously and not be limited to normal working hours, and that the contractor shall defend, indemnify and hold design professional harmless from any and all liability, real or alleged, in connection with the performance of work on this project, even though design professional may have been negligent in the performance of duties. Any copyrighted information, worksheets or documents noted herein as prepared by design professional are not to be used in any way on any other project and are to be returned to design professional upon request at completion of the project, with ownership and common law copyright protection in such materials remaining the property of design professional. Submission or distribution of documents to meet official regulatory requirements or for other purposes in connection with this project is not to be construed as publication in derogation of design professional's reserved rights.

UNAUTHORIZED CHANGES & USES: The engineer preparing these plans will not be responsible for, or liable for, unauthorized changes to or uses of these plans. All changes to the plans must be in writing and must be approved by the preparer of these plans.

**From:** Nazzi Shishido [redacted]
**Sent:** Thursday, October 22, 2026 11:11 AM
**To:** Planning <Planning@losgatosca.gov>
**Cc:** Joel Paulson <jpaulson@losgatosca.gov>
**Subject:** Transcript of April 7th, 2026, Petitioner opening statement for E Fencing

[EXTERNAL SENDER]
Good morning Planning,

As you know, I am objecting to the proposed adoption of electronic fencing for pet containment. I believe the existing physical-fence requirements should remain in place.

One petitioner has been championing this change. During public comment on April 7, 2026, the petitioner made statements regarding the ability of hillside residents to contain their pets under the existing regulations. I have reviewed the April 7 Town documents but cannot locate his written comments or submission in the Town record.

I do have the video of his public comment and would like to provide an accurate transcript as part of the record. His statements are important because they appear to be part of the premise for requesting this ordinance change, including the assertion that hillside residents do not have a practical way to contain their pets under the existing rules.

Could you please let me know whether the Town has a written statement, email, presentation, or other submission from the petitioner associated with his April 7, 2026 public comment?

I am working on one more document which clearly states we do have option and will be submitting it by tomorrow. But the statement from petitioner is very important.

**Thank you,**

**Nazzi**

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A P P E A R A N C E S:

| | |
|---|---|
| Los Gatos Planning Commissioners: | Kendra Burch, Chair<br>Jeffrey Barnett, Vice Chair<br>Susan Burnett<br>Adam Mayer<br>Rob Stump<br>Emily Thomas |
| Community Development Director: | Joel Paulson |
| Town Attorney: | Gabrielle Whelan |
| Transcribed by: | Vicki L. Blandin<br>(619) 541-3405 |

P R O C E E D I N G S:

CHAIR BURCH: We will now reopen the meeting, and we are now on to Item 3. Forward a recommendation to the Town Council on an ordinance amending Chapter 4 (Animals and Fowl) and Chapter 29 (Zoning Regulations) of the Town Code regarding electronic pet containment and the Town's fence regulations. The proposed amendments to the Town Code are not considered a project under Section 15378 of the California Environmental Quality Act. Town Code Amendment Application A-26-006. Project location is Town Wide, and the Applicant is the Town of Los Gatos.

Mr. Mullins, are you going to be giving the Staff Report? Oh, Ms. Whelan.

ATTORNEY WHELAN: Good evening, are you ready? Gabrielle Whelan, Town Attorney, and I will be presenting this item to the Planning Commission.

The Town Council held a study session approximately three months ago to discuss the topic of electronic pet containment and recommended that my office prepare an ordinance for consideration by the Planning Commission. The proposal is to amend Town Code Section 4.40.005 to recognize underground electronic fence systems

as an approved method of pet containment on properties in a hillside of an acre or more in size.

What electronic pet containment systems are is using a buried wire that establishes a containment boundary for pets, and the pets wear a collar, and when they cross the boundary they receive an electric shook.

There is State law on this topic, which does allow local jurisdictions to provide for electronic pet containment systems for most pets, however, an actual physical enclosure is required for potentially dangerous or vicious dogs.

Currently, the Town Code requires that dogs either be on a leash or confined behind a 6’ fence. However, there is another provision that applies solely to properties in the hillside areas of town, and that’s located in the Town’s Zoning Code, and that provides that in the hillside area fences can’t exceed 6’, and on properties of one acre or more perimeter fencing must be wildlife-friendly. The ordinance goes on to define what constitutes a wildlife-friendly fence, and it’s defined as “a fence that allows any animals, regardless of size, to climb under, pass through, or jump over, with a maximum height of 42 inches and a minimum distance between the bottom rail and the ground at 18”.

The problem that has arisen is that wildlife-friendly fences do not contain animals, and so properties of one acre or more in the hillside area are limited with regard to how they can contain their pets.

There is another State law on point called the "Room to Roam Act," and that does require cities to consider wildlife movement when they're planning new development, and the goal is to allow animals to move safely throughout property.

With regard to the Town changing its ordinance to allow electronic pet containment, there are pros and cons to such an amendment, and so I wanted to spend some time talking about those.

The pros are that it would resolve an existing conflict between Town Code Sections 4.40.005 and 29.40.0315 in that Chapter 4.40 requires that pets be contained, and then the Zoning Code requires that it be a wildlife-friendly fence.

Amending the code would also support wildlife movement consistent with the Room to Roam Act. It is a cost-effective option for hillside and large acreage properties. It's also an option that works well on large or uneven terrain where it's difficult to build a standard fence.

There are also cons for the Planning Commission to consider. The first con is that electronic correction can hurt pets. The electronic fence would not keep wildlife or stray animals off of property, and that pets do occasionally escape when the electronic pet containment system fails or if their battery dies.

With regard to other California jurisdictions that allow electronic pet containment, there are regulations that allow them in the County of San Diego, the City of Del March, the City of Salinas, the County of Monterey, the City of Rolling Hills, and locally Santa Clara County and Los Altos Hills are working on wildlife-friendly fencing regulations, but not specifically electronic pet containment.

There is a redline of the proposed changes in the Planning Commission's packet, and the gist of changes is that the ordinance would permit the use of electronic dog fences of properties of one acre or more in the hillside area, however, to match with State law, the ordinance would prohibit the use of electronic dog fences to confine potentially dangerous or vicious dogs. The ordinance would also define what constitutes a hidden, underground electronic fence.

If the Planning Commission opts to recommend that the Town Council introduce the ordinance, then the ordinance would be scheduled for a future Town Council meeting for consideration.

I'm available as questions come up this evening.

CHAIR BURCH: Thank you. I do have one question. How do you define a dangerous dog?

ATTORNEY WHELAN: We define it in our local Town Code, and our definition derives from State law, and there is a procedure in State law where an animal control officer can petition a court to have the dog declared either potentially dangerous or vicious. I did hand out the definition section that defines those terms, and then I have copies of those definitions on the table at the front of the Council chambers as well, and if it would be helpful, I could read that into the record.

CHAIR BURCH: All right, thank you. Commissioner Stump.

COMMISSIONER STUMP: Thank you for the other jurisdictions that have implemented this. I found it interesting though that only—was it Los Altos Hills?—is looking at that locally. I was kind of hoping we'd have more local examples, because obviously Saratoga and Monte Sereno and parts of Cupertino are very much like Los Gatos,

and it's interesting that perhaps—I don't know if you queried all of them—but if they have not gone that direction and why they have not gone in that direction, because I do think there are some concerns, and I know we'll get into those a little bit later.

But thank you, again, for that information. Did you actually query Saratoga, Monte Sereno, etc.?

ATTORNEY WHELAN: No, I literally searched on the Internet to see which other cities had electronic fencing regulations in place.

COMMISSIONER STUMP: Thank you.

CHAIR BURCH: Are there any other questions of Staff? Commissioner Mayer.

COMMISSIONER MAYER: For the Town Attorney. I just wondered, where did the definition for wildlife-friendly fence come from? Is that something that the Town came up with in its own code, or did it refer to some other law from somewhere else?

SEAN MULLIN: I can jump in, just because the Town Attorney wasn't here during this effort. I think in 2019-2020 the Town's Fence Ordinance was significantly updated and introduced the term "wildlife-friendly fencing." That language was, I think, the original drafts of it were kind of pulled from other hillside communities

of the peninsula, and massaged through the Planning Commission and Town Council review to what you see in front of you today.

COMMISSIONER MAYER: Follow-up question. So, the metrics maximum height of 42" and a minimum distance between the bottom rail and the ground of 18", that's just something the Town arrived at through research?

SEAN MULLIN: Yes.

COMMISSIONER MAYER: It's not like a State law?

SEAN MULLIN: To my recollection, we referenced a lot of different documents, not just town ordinances. My memory is failing, but I know that we referenced technical documents about wildlife-friendly fencing and used the dimensions from them. So, we didn't just arrive at them out of the blue; it was an educated guess.

COMMISSIONER MAYER: Got it. Thanks.

CHAIR BURCH: Commissioner Stump.

COMMISSIONER STUMP: I'm not sure if this is an appropriate question or not, but you referenced a study session on this. I'm not asking by name, but was this study session well attended? Were there groups that presented?

ATTORNEY WHELAN: No, I would say it was sparsely attended.

COMMISSIONER STUMP: You said lightly attended?

ATTORNEY WHELAN: Yes.

COMMISSIONER STUMP: Okay, thank you.

CHAIR BURCH: Any other questions? Vice Chair Barnett.

VICE CHAIR BARNETT: Would it be fair to add to the list of cons that a vicious dog could breach an electronic fence?

ATTORNEY WHELAN: Yes, I think that's accurate.

VICE CHAIR BARNETT: Thank you.

CHAIR BURCH: Any other questions? Commissioner Stump.

COMMISSIONER STUMP: Once again, the purveyor of inappropriate questions. Was there any discussion about how these electric containment fences work? So, if a dog breaches containment, does it continue to get a constant shock, or does that shock end once it gets across, and now it's 10' across, and there is no longer any signal? Then again, maybe the dog doesn't want to come back, but what happens with, I guess, a "typical" system?

ATTORNEY WHELAN: There was no discussion of that, and I actually don't know the answer to that question.

COMMISSIONER STUMP: Thank you.

CHAIR BURCH: Commissioner Thomas.

COMMISSIONER THOMAS: What was the list of cons again? Can we just see that?

CHAIR BURCH: I have it is a shock to animals, other animals can obviously still get onto your property, and they can fail if like the battery dies.

COMMISSIONER THOMAS: Okay. Oh, so like separately? Okay, I understand what Commissioner Barnett was trying to add. I thought it said that pets can escape, but specifically you're saying just if it fails in general, specifically a vicious dog an escape.

VICE CHAIR BARNETT: Maybe I should say my comments after public comment.

COMMISSIONER THOMAS: No, no, you were clarifying. We're just clarifying.

VICE CHAIR BARNETT: Well, I undertook research to determine potential problems with electronic fences, and it seems to be well established that a vicious dog, amped up, will go through the electronic fence, and that's the point I was trying to make.

CHAIR BURCH: Okay, thank you. Any other questions? Yes, Commissioner Burnett.

COMMISSIONER BURNETT: During discussion, I can give examples of an electronic fence for my dog, Wesley.

CHAIR BURCH: All right. Any others? Okay, here was my thought. I'm going to use the marked-up version, because it's going to allow us to see… Oh, gosh, sorry. Yeah, I was like jumping right into it. I was ready to plan. I'm now going to open the public portion of Item 3 and call Nazzi Shishido.

NAZZI SHISHIDO: Good afternoon, my name is Nazzi Shishido and this is my first time on coming to the Planning Commission. I know Mr. Paulson, I know Mr. Mullen, and the reason I got involved is first of all, thank you, Ms. Whelan for informing me that there is a lot of confusion by one petitioner about this subject.

We have two zones in the hillside, and I'm a homeowner of hillside property below sub-acre, so some confusion has been created that this is for all hillside, and I'm very glad to know that we will remain the sub-acre pet containment to a physical fence of 6', which exists today.

2017 through 2019, there were wildlife animal welfare environmentalists. There were thousands of residents of Los Gatos involved. Mr. Paulson's and Mr. Mullin's group did an amazing job, and it took two-and-a-half years to make sure that we do have rules that satisfy the wildlife and the Room to Roam Act, as well as give

permission to homeowners to have fences. Some people want them for their children, some want them for pets, some people want for diseases, for privacy. So, sub-one acre has the option to have a 6' fence, and that's for pet containment. That's going to remain the same, so thank you, and I know that you will provide that to the Council, and I was at the Council meeting.

What I want to say about pet electronic fences, there is 17 pages of document that has been submitted to the Town, and in that document, which I have reviewed it and I will say the majority of it, 90%, is unsupported.

One of the biggest things is that it is claimed that the Silicon Valley Animal Control—which I have worked with them and I have contacted them—supported this. They don't. They do not support electronic fences. They will do whatever you recommend to the Commission, and if the Council says yes, then they will go ahead and figure out how to implement it.

Electronic fences do not work. I live next to a person who had an electronic fence, and I know people who have electronic fences. In Santa Clara County it is banned. It is not a way to contain animals.

First, we lose electricity. When we lose electricity, that system does not work, and all this

nonsense about battery backup and all that stuff does not work.

It shocks the animal. Just think about it.

CHAIR BURCH: That was actually time. However, hold on. Let's see are there any questions for the speaker?

VICE CHAIR BARNETT: Could you summarize the other points that you had in mind?

NAZZI SHISHIDO: Yes, thank you.

VICE CHAIR BARNETT: Thank you.

NAZZI SHISHIDO: Just imagine you have a dog. You are assuming every owner is responsible. You assume every owner has the right intention for the electronic fence. You assume their pet doesn't have behavioral issues that is not known to the public. You assume he graduated from Cupcake Camp, and you assume they're not a hunting dog, they're not a big dog. I'm a very small person, and a lot of the big hunting dogs are bigger than me.

Just think about this. You are this dog that is sitting in the middle of a hillside property with the squirrels going around, with pedestrians walking by the road, with all sorts of distractions. He is a dog. I have a doodle; he is very smart, but he's a dog. He's smart till he's not smart. So, this dog is sitting in the hillside, sees this squirrel. He is bored. He decided to go and cross

that electronic fence, and then he gets shocked, which no homeowner wants their dog shocked if they're a good, responsible homeowner. He's going to pass through that electronic fence that normally our experience was 90% never worked, and so he's going to pass to get the squirrel.

Now, he got shocked. He doesn't want to come back. Guess what it does? It's going to go to the street. From the street it's going to be into the car. An accident. Pedestrian…

VICE CHAIR BARNETT: I'm sorry, I was looking for kind of a concise summary of the points.

NAZZI SHISHIDO: I am sorry.

VICE CHAIR BARNETT: We definitely have your point on that, but is there anything else you wanted to add then, and substantive?

NAZZI SHISHIDO: They fail. We live in hillside property. How many times do you lose electricity of PG&E? Then it's not going to work.

VICE CHAIR BARNETT: Okay, we heard that.

NAZZI SHISHIDO: We have wildlife. The wires are chewed. Also, electronic fence company, it's business for them.

CHAIR BURCH: Other Commissioners have questions, so hold, please. Commissioner Stump.

COMMISSIONER STUMP: So, as we consider this item this evening, what is it that you would ask us to do?

NAZZI SHISHIDO: I ask you to please never, ever pass sub-acre on the hillside. If you want to do this for a ten-acre, I still consider it no, but I really do not want to give input since my property is not ten acres, so that is something to be left for public owners that are above one acre to come in and discuss this with you, because we live in the Town of Los Gatos. One petitioner should not make the things change.

I have talked to the wildlife people; I think they have sent you a letter. It would be they were involved for two-and-a-half years. They were outraged that this has even got considered.

CHAIR BURCH: I think I've got it. Thank you.

COMMISSIONER STUMP: Thank you.

NAZZI SHISHIDO: Thank you very much.

CHAIR BURCH: Are there any other questions? All right, thank you. Keith Blaine.

KEITH BLAINE: Good evening. My name is Keith Blaine. I am the individual referenced in documents that you guys have in front of you. I just wanted to address some of the comments in my time.

As it relates to Silicon Valley Animal Control's support that was related to my individual dog when they came out to my property on two occasions, they acknowledged that he was contained. Obviously, their "authority" is actually this town's laws and codes, so they're just enforcing it. So, just to address that support from them. They're not necessarily an agency.

It states that Petitioner, me, made two inaccurate claims. "Petitioner states that the Section 4.40.0054, Animal Code, was written in the seventies, and there are only two forms." I agree that it's a leash and 6', and then it references the Hillside Fence Code, which is 29.40.0315, and as we discussed earlier today, thanks to our attorney, that that's 42" tall, 18" above ground, so that's 24" of solid area. That fence is intended for one-acre perimeter.

What a lot of residents do, in speaking with Code Enforcement, is in order to get a solid fence and to bypass the Hillside Fence Code for a fence they come in 3', and so you then have that solid fence. We're missing the intent of the wildlife corridor and the intent of the code.

I think I actually have a sub-one-acre lot, and I'm a hillside resident. Our town has 1,103 hillside residents. I do support the concerns of the community. If

we would like to open the discussion up to that 1,103 residents and come to a conclusion, I'm more than happy to do this. This is something that's important to me to live here. Commissioner Burnett, you have a dog fence. The Town Council acknowledged that solid fences are only as successful as the gate being closed. The system becomes a little bit more passive. It is dependent on low voltage, so that's 12 volts. Any questions?

CHAIR BURCH: For the sake of fairness, I'm going to also ask you if you want to summarize your thoughts.

KEITH BLAINE: In doing this, I did quite a bit of research, and I submitted that with her attorney. There are at least 400 of these fences installed within the Los Gatos town and adjacent hillside. I think our dog was very happy with the ability to run around. I know my boys were happy with that ability for the dog to run around. I know our other neighbors have similar technology.

I do want to address the vicious dog comment. The ordinance as the proposal is written is that this does not apply to them. If you are a listed registered vicious dog, then this containment method doesn't apply, so that's not a conflict there.

CHAIR BURCH: All right. Are there any questions for the speaker? Commissioner Stump.

COMMISSIONER STUMP: Again, what was your reference to 1,100 hillside residents?

KEITH BLAINE: Speaking with Planning or one of the (inaudible) departments, I was able to receive a list of the hillside resident HR zoned residents, and that number came in at close to 1,300, but if you take out PG&E, you take out San Jose Water, and you take all the different utilities that own property in the hillside, there is then 1,100 residents with owners of various LLCs and trusts.

COMMISSIONER STUMP: And again, you mentioned that there were a certain number of electronic fences already installed up in the hillside. What was that number again?

KEITH BLAINE: That is 400 of the brand that I have, which is DogWatch. There are other manufacturers for which I don't have those statistics, so it could be higher. The term "invisible fence" is a brand name, so it's trademarked, but the one that we have and the one that our other neighbor on the street has is DogWatch.

COMMISSIONER STUMP: How large is your property?

KEITH BLAINE: I think it's .87.

COMMISSIONER STUMP: Okay, thank you.

CHAIR BURCH: Any other questions for the speaker? Vice Chair Barnett.

VICE CHAIR BARNETT: When Ms. Shishido mentioned a 17-page document, is that something you submitted to the Town?

KEITH BLAINE: I did to the Town Council, yes.

VICE CHAIR BARNETT: Oh, to the Council. Okay, we didn't see it in our packet. Thank you.

And then has your dog been the subject of an investigation by the Town or of the County for potentially vicious behavior?

KEITH BLAINE: My dog is not—I'm not sure what the term is—classified or has not been qualified as a vicious dog. He's a Weimaraner, was a Weimaraner. Silicon Valley came out twice to give us notice in discussions with them on the phone and onsite, and they said that okay, he is contained, and they stopped citing us or responding to solicitations to come out to the site.

Then I received three citations from the Town Code Enforcement, and then in discussion, or in this forum with the Town Council, our Town Manager acknowledged retroactively that those three citations actually would not stand, because the dog in all three citations was actually on my property at the time of citation.

VICE CHAIR BARNETT: So, what is the containment that you have for your Weimaraner?

KEITH BLAINE: It's this DogWatch technology, which is a 12-volt underground radio that transmits to a radio receiver on the collar. From the battery standpoint, lithium batteries, the battery in the collar lasts over a year, and the system can easily have a 12-volt battery just like your fire alarm, your home security, that would sustain for days on that 12-volt system.

VICE CHAIR BARNETT: Okay, thank you.

CHAIR BURCH: Commissioner Stump.

COMMISSIONER STUMP: Could you then clarify for us again, so then why did you get cited?

KEITH BLAINE: The Code Enforcement, Allen Mayer, he was fulfilling his job and his interpretation of the code, and in reviewing those citations with the Town Manager, he pointed out that had I contested them; he doesn't believe that they would have actually been able to enforce them.

COMMISSIONER STUMP: So, is this a result of neighbor complaints? Is that what happened?

KEITH BLAINE: That's correct.

COMMISSIONER STUMP: Then one last question. On your .87 acres, do you have any fencing internal to your property? Oftentimes hillside folks might have a small area fenced off just because they don't want the deer even on an

acre of property, but do you have any internal fencing on your property?

KEITH BLAINE: It's hard to describe, but I have like a deck railed area. I wouldn't consider it fencing, but it does some containment, or would contain, but it's not, say, 6'.

COMMISSIONER STUMP: Thank you.

CHAIR BURCH: All right, any other questions? Thank you. And then I have Megan Blaine.

MEGAN BLAINE: Hello, I'm Megan Blaine, and (inaudible) spoken before at a Council meeting, so thank you for having me.

Like Keith said, we have an under one-acre parcel in the hillside, and I just wanted to tell you a little bit more about the dog fence and our experience over the last five years with our fence.

The dog fence has a backup battery. The power has gone out, many, many times, and the dog stayed within the barrier. But not only that, we were alerted to the power outage from the dog fence device, because it has this little alarm that won't turn off until it gets power again, because it just wants you to know the battery is being use, and the battery lasts for a minimum of 48 hours, and then I know Keith said the battery on the collar is a year, but

Troy, who installed the dog fence for us, said it's actually up to three years, and we never actually had to replace it.

The other really great thing about these fences that I think is pretty cool is we've had a lot of Weimaraners, and we had a 6' fence at our previous residence in San Jose, and that dog could jump it, and that dog could dig under it, and that dog got out of the gate all the time.

Since we got the electronic dog fence, it records every time the dog breaches the barrier, and in five years he breached it twice, and both times were within the first week of installation, so he was learning the barrier and the boundary.

Then in regard to it hurting the dog, there is a 6' offset from the wire that triggers a little noise, and the dog hears the noise and goes oops, I'm right by the wire, and runs the other way, and it was so incredibly effective that, let's say I gave the dog a bath and let him out without putting the collar back on, he had no idea he didn't have the collar on, because he was so trained to stay within the barrier, so that let us have like we had daily turkeys walking through the yard, we have little trails and pathways, we have deer all the time, and it's

just been really, really nice to see the wildlife and have a dog in the hillside.

Our property is super steep too, so it's like fencing it in would kind of be ridiculous; the dog would just (indicates jumping the fence), get right out, so this dog fence is really great for us.

We have another neighbor that was down on the other side of the dog fence, and he liked the dog so much he would like play with it with sticks, because he could just walk in, and so the dog was, I don't know, kind of a neighborhood feature.

The other dog on our block that has this dog fence comes over and they play in our fence.

CHAIR BURCH: Any questions or anything else, for the sake of fairness, you wanted to summarize?

MEGAN BLAINE: For me? Let's see. I think I got through everything.

CHAIR BURCH: Are there any questions for the speaker? No. All right, thank you very much.

MEGAN BLAINE: Thank you.

CHAIR BURCH: Do we have anyone on Zoom?

DIRECTOR PAULSON: We do have a hand raised on Zoom. Shani, you can unmute yourself.

SHANI KLEINHAUS: Hi, my name is Shani Kleinhaus; I'm the Environmental Advocate for the Santa Clara Valley Bird Alliance, and this has been an interesting discussion.

I think what surprised me is that after all the engagement from the community, both environmental organizations and residents, that was so intensive, at this point there is no public involvement, so it's not clear whether there was not outreach enough, or people just don't care. I don't know, but I expected to hear a lot more from residents on this one, and also some more studies of potential impacts on deer or other animals if the dogs chase them out of the fence. So, it's just surprising that there is so little engagement, and that there was no outreach to the organizations that have been involved in the past. Anyway, thank you.

CHAIR BURCH: Thank you. Are there any questions for the speaker? No. All right, thank you. I think that's probably it, so I'll close the public portion of this item, and getting ahead of myself earlier, I apologize.

I'm very open to thoughts, but I had thought I would take the marked-up version so that we can see what was removed or added, and just go through section-by-section, and if there are comments or changes people want

to have made, or questions to Staff, we can address them then. Does that sound all right with everyone? Okay.

To make sure I did get this right, because I did pull it off the printers that ran out, the first page I have for Exhibit 3 is page 151. Is that the same page? Okay, excellent.

So, that is Section 4.40.005, Restraint of Dogs, in the top section. We can see that there are some deletions and some additions. Are there any comments on (a) or (b)? I guess there is one (c) also. Commissioner Stump.

COMMISSIONER STUMP: I just want to get some clarification; maybe I'm missing it. I was looking back through the report, it says, (a)(2), "On a property of one acre or more located in the hillside…a Hidden Underground Electronic Dog Fence is defined…" So, are we now talking about properties that are an acre or more, or is this any size in the hillside from, you know, their lot is .87 acres?

ATTORNEY WHELAN: The intent of the ordinance is to cover only properties of one or more, and the reason for that is that elsewhere in the Town Code it requires that properties of one acre or more have wildlife-friendly fences, and the wildlife-friendly fences don't contain pets, and so this ordinance was intended to fill that gap.

COMMISSIONER STUMP: So, there is nothing to preclude somebody with a smaller piece of property on the hillside to have a hidden underground electric fence?

ATTORNEY WHELAN: No, as draft, the ordinance would require regular fencing for properties under one acre. It would not permit underground electronic fences.

COMMISSIONER STUMP: I thought they just said they've got that type of fencing on .87 acres.

ATTORNEY WHELAN: I don't think their system is permitted.

COMMISSIONER STUMP: Okay, thank you.

CHAIR BURCH: Commissioner Burnett.

COMMISSIONER BURNETT: Yes, thank you. I'd just like some clarification. Should we move forward with going through these sections if we are considering not recommending approval of the draft ordinance, or is this something different?

CHAIR BURCH: Well, if you have made up your mind before we've had the discussion, I would still appreciate your input.

COMMISSIONER BURNETT: I just wonder if the rest of the Commission feels that maybe after reading through everything they feel they may not be for this draft ordinance, so I don't know if it would be time wasted to go

through this exercise, or are we trying to clarify readings in the zone?

CHAIR BURCH: Mr. Paulson.

DIRECTOR PAULSON: I think for the benefit, either way this goes, whether it's recommended for approval or denial, obviously the Council ultimately will get verbatim minutes. I think they will be informed by any conversation the Commissioners individually and collectively will have, so I suggest walking through it so that that's on the record.

COMMISSIONER BURNETT: Thank you.

CHAIR BURCH: Thank you, Mr. Paulson. Commissioner Mayer.

COMMISSIONER MAYER: Personally, I haven't made any decision one way or the other, and I'd like to go through that to just review and think about it. Thanks.

CHAIR BURCH: Okay, excellent. I appreciated the questions you just asked, Commissioner Stump, because I was trying to figure out the same thing as far as like if I have a smaller property, I have to fence my yard in if I want to have a pet? Like, I can't say I have less than an acre, I love deer and turkeys, but if I have a dog I *have* to put a fence in the hillside? I can't do something like this as an option?

ATTORNEY WHELAN: As the code is right now, it says, "The owner or the person with the right to control any dog shall keep such dog under the owner's own physical restraint by means of a leash not to exceed 6' in length, or shall keep such dog confined behind a fence not less than 6' high.

CHAIR BURCH: Okay.

ATTORNEY WHELAN: And the proposed change would be you can either keep it with a fence if you're under an acre, or if you're on an acre or more, you can use a hidden underground electronic dog fence, and so that's the proposed ordinance, and the Planning Commission could propose changes to the ordinance, if desired.

CHAIR BURCH: Okay, thank you. Commissioner Thomas.

COMMISSIONER THOMAS: As the ordinance is written right now, and the proposed changes, like if I am in my front yard and I have my dog on a leash that's longer than 6', that's against code?

ATTORNEY WHELAN: I'm sorry, did you say the leash in not 6'?

COMMISSIONER THOMAS: It's longer than 6'.

ATTORNEY WHELAN: Technically, that would be out of compliance with the code as written.

COMMISSIONER THOMAS: Okay, even if it can get to the edge of my property?

ATTORNEY WHELAN: Would you like me to reread the section?

COMMISSIONER THOMAS: No, I just am trying to clarify, because then I am violating this code, because often… I mean, I don't leave my dog on my front porch without me there, but like because I do work in the front yard. I don't know, it just seems obviously like we don't get a bunch of code violation reports for that, but I don't know if that… I understand that you need to keep your dog on a 6' leash in a public space. I am not sure if there needs to be another option here if it's contained, if something can be longer than 6' if it's within your actual property, as long as the dog can't get across your property line.

ATTORNEY WHELAN: The proposed changes tonight were as minimal as possible, so if the Planning Commission has other changes to the existing code, that could be discussed as well, but the goal was to keep it very limited.

COMMISSIONER THOMAS: Okay.

CHAIR BURCH: I have a question on I think it's (c)(6), because we are now talking about the potentially

dangerous dog, and we do have a definition here. Is there somewhere actually in this document that relates back to all these definitions?

ATTORNEY WHELAN: Yes, there is a definition section. No, it was not in your packet for tonight.

CHAIR BURCH: But there is something that says this is the definition.

ATTORNEY WHELAN: I did distribute the definition section at the dais, and then I have it at the entrance to the Council chambers. Section 4.10.010 defines the terms "dangerous dog," "potentially dangerous dog," and "vicious dog."

CHAIR BURCH: Okay. My whole thing is I just wanted it to be cross-referenced, because I don't know, some people have opinions on what a dangerous dog is. Does anybody have anything else on the first page? Vice Chair Barnett.

VICE CHAIR BARNETT: Is it the position of the Town that the hidden underground electronic dog fence for properties over one acre is necessary to comply with the federal law about roaming wildlife?

ATTORNEY WHELAN: I don't think the State law is exactly on point, because it says, "Consider fencing when you're approving new development." It's like a related

topic, but it's not directly on point with regard to the Town's ordinance.

VICE CHAIR BARNETT: I thought I heard that. Thank you.

CHAIR BURCH: Commissioner Thomas.

COMMISSIONER THOMAS: I just want to clarify, because we have the definition of the potentially dangerous dog as "threatens the safety of persons while the persons are off the property of the owner or keeper of the dog, or without (inaudible) human," blah, blah, blah, or "injures a domestic animal to the extent that it is…" Okay, so that is… I'm just confirming that we all understand what the potentially dangerous dog is, and so I'm sorry, I know that we've really gone over this much, but who determines if these things have… How do you document and determine if these things have happened without provocation on two separate occasions?

ATTORNEY WHELAN: The Town contracts with the Silicon Valley Animal Control agency, and so they would be called to the location, probably in concert with the Town's Code Compliance Officer, and the State law provides that either a law enforcement officer or an animal control officer can petition to the Superior Court to have the dog declared potentially dangerous, dangerous, or vicious.

COMMISSIONER THOMAS: So, there is like a process and a legal pathway forward. It can't just be like the two-pound or whatever the barked at me the other day?

ATTORNEY WHELAN: Yes.

COMMISSIONER THOMAS: Okay, thank you.

CHAIR BURCH: Anything else on page 1? All right, so then 2 of 6. Not a lot of changes here, so is there any… Not necessarily only about the changes. Are there any comments on anything on this particular page? No. All right, page 3.

This does, I guess, have some definitions. We've got the definition of the hidden underground electronic dog fence. I don't know if it's a standard, so maybe I'm just going to ask something, but I actually like the idea that if the fence goes in default, there is an alarm. I used to have one like that for around my pool when my kids were little, and if like the sensor got hit or we lost power, it would actually beep. Or would I just be opening a can of worms that none of you would like me for if there was a way to say, even if you just say preferably, it has an alarm system should it go offline?

ATTORNEY WHELAN: Since it's an ordinance, I would recommend that it not say preferably, that it be

black and white. But the Commission could, if they wanted, add a requirement that it have an alarm.

CHAIR BURCH: I would like some language in there about that.

COMMISSIONER THOMAS: I think that some sort of backup battery system… I mean, this is just a recommendation to Town Council, and I don't know much about what options are out there for electronic fences, but I feel like some sort of notification that when it fails or loses power, and then some sort of specific guaranteed backup of 12 hours, 24 hours, whatever. If it needs to be specific, that's something that could be included.

ATTORNEY WHELAN: Yes, it could, and the Planning Manager just reminded me that in order to initiate the discussion, we need to have a motion on the table. Would anyone like to make a motion at this point?

VICE CHAIR BARNETT: I'll make a motion to approve the proposed redline changes as a recommendation to the Town Council.

CHAIR BURCH: Second?

COMMISSIONER THOMAS: I'll second that.

CHAIR BURCH: Apologies. Sorry about that. Thank you for bringing that up, Mr. Mullin. All right, so was

there any… No, we don't have to vote; we can have discussion.

VICE CHAIR BARNETT: Sorry about (Inaudible).

CHAIR BURCH: No, it's okay. You're making me feel better that your question is to… We're all tired.

DIRECTOR PAULSON: Through the Chair, you could vote.

CHAIR BURCH: There is like two more pages, and there's almost nothing. So, we'll get there. All right, anything else on page 3 or 4.

COMMISSIONER THOMAS: Should the definition of a potentially dangerous dog be included here too, or is that weird to include it in two places?

ATTORNEY WHELAN: I usually recommend against that, because sometimes when we have definitions in two places…

COMMISSIONER THOMAS: Then one changes.

ATTORNEY WHELAN: …when we amend it in one, we forget to amend in the other.

COMMISSIONER THOMAS: What I figured, but I wanted to confirm. Thank you.

CHAIR BURCH: Yes, and I remember when we went through all of these. This is very specific about the fencing definition section. So, if there's nothing on

those, page 5. I don't have anything. Does anyone have any thoughts on page 5? All right, and then that's 6.

So, not necessarily about the markups or anything, but are there other comments or things that we want to add if the motion passes that does get passed on to Council? For example, I'm going to say that I think no matter what size my property is, if I want deer, then should be able to do an underground fence. But that is just my opinion. Anybody else have other thoughts. Commissioner Mayer.

COMMISSIONER MAYER: I did some research on the invisible electronic fence, and it is the case, and I know people that live in unincorporated areas of the County and outside of the County that have large acreage rural properties, dog breeds with high prey drive often break it. They'll go right through it, because they see a prey animal and they just go after it, so I think the fact that this is only applying to larger acreage makes sense, because the smaller acreage properties are in sort of denser areas of town where there is more commotion and things going on, like people walking by, cars going by, so I'd be a little bit hesitant to make that change.

CHAIR BURCH: That's a good thought. Anything else anyone wants to add or discuss before we vote? Commissioner Stump and then Commissioner Burnett.

COMMISSIONER STUMP: First of all, I find it so hard to believe that somebody that's got ten acres is going to put literally an electronic fence around ten acres, and when you think about that, this brings up the issues related to the birds and the wildlife. These dogs don't even have to cross a boundary to go ten acres and chase things down.

We live on an acre. Our golden retriever loves chasing the turkeys, loves chasing the deer, loves chasing the coyotes, until they come back at her, and she stays on our property. But we have had cases where you've got fawns that are not too stable yet, they get a dog chasing after them, and if that dog has got ten acres, that dog is probably going to be able to get that deer, so I guess I'm still concerned about our wildlife in the hills.

And again, I realize it's the owners property and they can say I want my dogs to run on ten acres; that may be a different issue. But I'm just saying that I do have concerns about huge, open spaces for dogs roaming the hillside, even if it is on their property. I think that's what the Santa Clara Valley Bird Alliance was concerned

about, that these birds can't… Well, turkeys, they're pretty mean, but they can be chased down as well, and other wildlife.

So, I just don't get the idea that people are going to want to put… And maybe that's just it: they're not going to put in huge fences on property, but I don't know, there's just something that seems not right, and I can't really put my finger on it other than to say I'm concerned about wildlife.

CHAIR BURCH: But then do we say you have a big property, you can't have a dog, because the type of fencing that's required out there…

COMMISSIONER STUMP: No, I'm saying you contain your dog in a smaller space. Like we've got probably 500 square feet of our acreage fenced off, where if we need to have our dog right by the house, we need to have our dog stay in one location outside, that's where she's located. She does not have the run of the entire acre, but I think probably a lot of pet owners do that. They don't let their dogs run the full acreage.

CHAIR BURCH: Right.

COMMISSIONER STUMP: They keep them… Like I say, I just haven't thought through it enough. It's not that I'm

totally against it, it's just that something seems funny to me.

CHAIR BURCH: No, it's a good thing to think about. It's a good thing to think about. I'm sorry, Commissioner Burnett, you had had your hand up too.

COMMISSIONER BURNETT: Thank you. I just wanted Commissioner Mayer to clarify what he… Could you repeat what you said?

COMMISSIONER MAYER: So, this change applies only to hillside lots over one acre, correct? My comment was going forward I don't want it to apply to below one acre.

COMMISSIONER BURNETT: Thank you.

COMMISSIONER MAYER: What I'm saying is that what the attorney has prepared here is what I agree with and I don't want to make a change to that. Thank you.

CHAIR BURCH: Any other comments? Commissioner Stump.

COMMISSIONER STUMP: I know I've heard we have 400 installations in Los Gatos, and their acreage is .87, and so you would say well, that's not an appropriate use for this fence, because we're talking about his fencing being used for one acre or above, and so I'm assuming that we probably have a lot of people in town, if there are 400,

that are less than an acre, and so now we're basically setting them up for noncompliance.

CHAIR BURCH: Or they're all going to build fences, and then the wildlife isn't moving through any of that.

COMMISSIONER STUMP: Here's the other… I live in the hillside, and I realize some people maybe they lived in a residential area where you've got to have a fence on your property line. We have a 500 square-foot fence. Our property lines end where we live, they're all open. We do not have neighbors with 83 homes that are building fences. Now, they've got maybe some containment, but wildlife, trust me, it's running free up in our neighborhood, so I'd prefer not to see fences around ten acres, or even an acre.

CHAIR BURCH: Vice Chair Barnett.

VICE CHAIR BARNETT: Would ordinance change apply retroactively?

ATTORNEY WHELAN: No, just prospectively.

VICE CHAIR BARNETT: Thank you.

CHAIR BURCH: Anything else? Commissioner Mayer.

COMMISSIONER MAYER: I think you make a really good point, Commissioner Stump. This is a complicated issue, because there is inconsistency in the code here, and how to resolve it in a fair manner I'm actually struggling

with, but I appreciate your input as a resident in the hillside.

Honestly, I would like to hear more input from the public. I know there was outreach, and perhaps there wasn't more input, but yes, I'm really struggling with it.

CHAIR BURCH: Commissioner Thomas.

COMMISSIONER THOMAS: Can I just get clarification from Staff that either way currently if it's under an acre and people are using an electronic fence to contain their dog, whether or not we make this change, they're not complying with the current code.

ATTORNEY WHELAN: That's correct.

COMMISSIONER THOMAS: Okay, I just wanted to clarify that.

CHAIR BURCH: Commissioner Burnett.

COMMISSIONER BURNETT: I just wanted to throw this in. I have a Westie who is a small, little terrier, and I have an electronic fence, and I have almost a third of an acre, a pretty big sized lot, he has the run of the place. But I tell you, if something came by that he wanted to go after, he'd go right through it and he didn't care if he got shocked, because it was just the initial go-through, but it was worth it for him to go out there. So, I don't have a lot of faith in these electronic fences doing

anything with a pet that really wants to go after something, so that's my concern.

CHAIR BURCH: And this is where it kind of gets difficult, because it then comes down to the personality of the pet, because I have seen them work really well. I'm from an area where people have 25 acres, and you've got animals all over it, and my mom wanted to contain her dog and it worked. That's why I think this one is actually kind of difficult. I had a dog that climbed fences.

COMMISSIONER STUMP: This will be my last comment.

CHAIR BURCH: No, go ahead.

COMMISSIONER STUMP: No, seriously, because coming back to what Commissioner Mayer said, I'm also concerned this feels a little bit rushed and that we've got few voices speaking into this. Now, look, I like to be a bottom-line guy, let's get to it really quickly, but something just seems funny that we're moving this quickly on this issue without additional feedback, and could even be support from the hillside, but we just don't have a lot of voices speaking into this. We don't have voices from Silicon Valley Animal Control. We don't have voices from formerly the Audubon folks, now the Santa Clara Valley Bird

Alliance, what their concerns are. I just feel like we're racing to a quick conclusion, and that's my last comment.

CHAIR BURCH: If I'm gauging the temperature on this conversation that I've heard so far anyway, it doesn't sound like a lot of people are very comfortable with probably recommending anyway, so I was going to call the vote or see if there is another motion. Commissioner Thomas.

COMMISSIONER THOMAS: I don't have another motion, but I do just want to say that this was brought to Town Council, and Town Council directed Staff to clean it up because there is a misalignment in our current code, so that's my understanding of why we're here right now. I think we've said our concerns, and so hopefully when Town Council gets this, whichever way the vote goes, they'll take into account the questions and these concerns that we raised, but before they remedy the code issue.

COMMISSIONER STUMP: The question I would have: why would this go to Town Council first? What drove that?

ATTORNEY WHELAN: It was a request from a member of the public, and so the purpose of this study session was to gauge the Council's interest in pursuing an ordinance amendment.

CHAIR BURCH: Here's my question. I can call the vote, or does somebody want to make an alternative motion? Right now, there's a motion to recommend approval as is.

COMMISSIONER STUMP: I will move to make a recommendation to deny the passage of this ordinance as is, as recommended, and the adder to that would primarily be I think this needs more work is the editorial.

COMMISSIONER BURNETT: I'll second.

CHAIR BURCH: Is there any other discussion? So, remind me, if I remember correctly, I vote on the second one first, correct?

ATTORNEY WHELAN: Yes.

CHAIR BURCH: And then depending on how that goes.

COMMISSIONER THOMAS: The first one, were there any recommended changes? We did recommend the change that we make sure that it has an alarm, like a notification system and/or a backup.

SEAN MULLIN: Those were never offered as a friendly amendment…

CHAIR BURCH: No.

COMMISSIONER THOMAS: Oh, okay,

SEAN MULLIN: …and accepted by the Maker and the Seconder, so they were just discussion.

CHAIR BURCH: I'm going to call the question of the second motion, which is we are not recommending this to Council. So, I'm going to call that. All in favor of that motion. I think that's like 6-1.

SEAN MULLIN: 5-1, but who's counting?

CHAIR BURCH: 5-1, sorry. So, there are no appeal rights?

SEAN MULLIN: There are no appeal rights. The recommendation will be forwarded to the Council.

CHAIR BURCH: Okay, perfect. All right.

(END)

# TECHNICAL ANALYSIS & STAFF GUIDANCE

## Proposed Amendment to Los Gatos Municipal Code

### Section 4.40.005(a) — Recognition of Hidden Underground Electronic Dog Fence Systems as a Compliant Means of Dog Containment in Hillside and Wildlife Corridor Areas

*with Corresponding Clarification to Section 29.40.0315*

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**Prepared for review by:**
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Silicon Valley Animal Control Authority (SVACA) • Santa Clara County Officials

**ATTACHMENT 6**

## Executive Summary

### What is the gap?

Section 4.40.005(a) of the Los Gatos Municipal Code (Animal Code) requires dogs to be kept either on a leash or behind a fence not less than six feet high. The hillside fence regulations (§29.40.0315) prohibit solid fences in hillside areas and require that perimeter fencing on properties of one acre or greater be wildlife-friendly — a maximum of 42 inches high. The result is an unintended conflict: the Animal Code requires a six-foot fence for off-leash dog containment, while the Hillside Code prohibits that same fence. Hillside residential property owners in the Town's 1,170 HR-zoned parcels have no currently compliant means of allowing their dogs off-leash on their own property. This appears to be an unintended gap created by older code language that predates the widespread availability of electronic pet containment technology.

### What change is requested?

A two-part amendment is proposed. First, §4.40.005(a) would be amended to recognize a UL-Listed hidden underground electronic dog fence system — consisting of a low-voltage transmitter and buried boundary wire installed by a CA-licensed D-64 contractor — as a third compliant means of dog containment in designated hillside areas, alongside leash and physical fence. Second, a clarifying note would be added to §29.40.0315 confirming that the existing prohibition on "electric fences" refers to traditional above-ground perimeter fencing carrying live line voltage, and does not apply to buried-wire electronic containment systems as defined and permitted under the amended §4.40.005(a). A five-step permitting process with defined installation parameters is proposed to govern approval.

### Why is the change consistent with wildlife protection?

Hidden underground electronic dog fence systems do not create an above-grade physical barrier to wildlife movement. The buried boundary wire carries no voltage and has no physical presence above ground. Wildlife — deer, mountain lions, coyotes, bobcats, turkeys, and foxes — pass freely through the property. Only the trained dog wearing a receiver collar is affected. The system is fully consistent with the intent of §29.40.0305, which calls for hillside fencing to allow the free movement of wildlife. It is also aligned with AB 1889 (Room to Roam Act, effective 2028), which requires municipalities to consider wildlife-friendly fencing standards. By contrast, the interior-setback solid fencing currently used as an informal workaround by some hillside residents creates real physical barriers to wildlife movement and represents a worse outcome under the hillside fence intent policy.

## Purpose of This Document

This technical analysis is prepared to assist the Town Attorney, Planning Department staff, SVACA, and Santa Clara County officials in evaluating the proposed two-part amendment to Los Gatos Municipal Code §4.40.005(a) and §29.40.0315. It is designed to make the review and adoption process as straightforward as possible by providing:

Note: Town Planning Department records confirm 1,170 HR-zoned (Hillside Residential) parcels within Town limits.[1] Approximately 400 properties have had hidden underground electronic dog

[1] Parcel count confirmed by Ryan Safty, Community Development Department, Town of Los Gatos, email correspondence April 2026.

fence systems installed in the Los Gatos hills and the Santa Clara County side of the Santa Cruz Mountains Area — a community-scale adoption currently operating in a legal gray area that this amendment would resolve.[2]

- Verbatim text of the three relevant Town Code sections for quick reference
- A structured conflict and gap analysis identifying where the code fails hillside residents
- Documentation of current workarounds residents are employing, with analysis of their impacts
- A summary of precedents from California, Oregon, and other jurisdictions where this technology is formally recognized
- Animal professional endorsements supporting the safety and efficacy of the technology
- The proposed amendment language and five-step permitting process

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## I. Relevant Town Code Sections — Verbatim Text

The following three sections of the Los Gatos Municipal Code are directly relevant to this amendment. They are reproduced verbatim for quick reference.

### Section 4.40.005(a) — Animal Code: Restraint of Dogs

**SOURCE: LGMC Chapter 4, Article IV, §4.40.005(a)**

> No person owning or having charge, care, custody or control of any dog shall permit such dog to be or remain off the premises of the owner of such dog unless such dog is under the owner's own physical restraint by means of a leash not to exceed six feet in length, or shall keep such dog confined behind a fence not less than six feet high.

Note: This section was written before hidden underground electronic dog fence technology existed as a viable consumer product. It has never been updated to recognize this technology as a third compliant means of containment.

### Section 29.40.0305 — Hillside Fence Code: Intent

**SOURCE: LGMC Chapter 29, Article IV, §29.40.0305 (enacted Ord. No. 2286, Aug. 6, 2019)**

> The intent of these fence regulations is to preserve the natural beauty of the Town of Los Gatos, the natural movement of wildlife, and to protect traffic view areas while acknowledging that residents have the right to fence their properties to protect children, contain their animals, protect garden or agricultural areas, and maintain privacy. Specifically, within the hillside area, the intent of these fence regulations is to allow for the movement of wildlife within the hillside area.

### Section 29.40.0315 — Hillside Fence Code: Prohibited Fence Types

**SOURCE: LGMC Chapter 29, Article IV, §29.40.0315 (as amended, Ord. No. 2286, Aug. 6, 2019; Ord. No. 1316, June 7, 1976 as original)**

[2] Installation count based on information provided by Troy Dykes, D-64 Licensed Contractor, DogWatch Hidden Fences, covering installations in the Los Gatos and Santa Cruz Mountains area.

> The following fence types are prohibited in the hillside area: (a) Electric fences, including any fence designed to produce an electric shock. (b) Solid fences, including wood, masonry, concrete, or vinyl fences with more than 20% surface obstruction. (c) Buck-and-rail and double fences. On properties of one (1) acre or greater, perimeter fencing shall be wildlife-friendly fence as defined in Section 29.40.0310 – maximum 42 inches in height with an 18-inch gap at the bottom.

Note: The “electric fence” prohibition originates from Ord. No. 1316 (June 7, 1976), enacted for agricultural-style live-voltage perimeter shock fencing. Live describes an exposed conductor that carries electrical power, typically above 60 V DC or 30 V AC, which are thresholds widely considered hazardous.

Hidden underground electronic dog fence technology was patented in 1973 but had only sold 50 units by 1976 and was not a viable consumer product. The 2019 rewrite carried this prohibition forward without addressing this technology as a distinct category.

## Section 29.40.0310 — Definitions

### SOURCE: LGMC Chapter 29, Article IV, §29.40.0310

> The following words, terms, and phrases, when used in these fence regulations, shall have the meanings ascribed to them in this section:
>
> *Buck and rail fence means a fence constructed with wood rails where the posts are arranged to form a triangle to provide the vertical structure of the fence. The horizontal rails are then attached to the triangle support posts.*
>
> *Corner sight triangle means a triangular area at street intersections having sides thirty (30) feet in length, as measured from intersecting property lines.*
>
> *Double fence means two (2) fences spaced a few feet apart regardless of height and material.*
>
> *Driveway view area means a triangular area at the intersection of driveways and sidewalks and street intersections having sides ten (10) feet in length, as measured along the driveway's path of travel from the back of the sidewalk or street.*
>
> *Fence means a structure constructed of posts, rails, wire, and/or barrier panels, used to define a boundary or as a means of protection, confinement, or visual obstruction.*
>
> *Fence regulations means sections 29.40.030 through 29.40.0330.*
>
> *Hillside area means all properties located within the area defined by the Hillside Area Map as contained in the Town of Los Gatos Hillside Development Standards and Guidelines.*
>
> *Open view fence means a fence constructed in such a way so that no more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.*
>
> *Perimeter fence means a fence located on the property line of a lot.*
>
> *Riparian corridor means an area comprised of habitat strongly influenced and delineated by the presence of perennial or intermittent streams.*

> *Solid fence means a fence constructed in such a way so that more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.*
>
> *Traffic view area means the area which is within fifteen (15) feet of a street and within two hundred (200) feet of the right-of-way line of an intersection.*
>
> *Wildlife-friendly fence means a fence that allows any animal, regardless of size, to climb under, pass through, or jump over, with a maximum height of forty-two (42) inches and a minimum distance between the bottom rail and the ground of eighteen (18) inches.*

The following fence types are prohibited in the hillside area:

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## II. Conflict and Gap Analysis

### The Three-Section Problem

A careful reading of the three code sections above reveals a structural gap that leaves hillside dog owners with no currently compliant means of containing their dogs off-leash on their own property. This appears to be an unintended gap created by older code language, combined with hillside-specific restrictions that were designed for environmental protection, not pet containment.

| Code Section | What It Requires / Prohibits | Effect on Hillside Dog Owner |
|---|---|---|
| **§4.40.005(a) — Animal Code** | Dog must be on leash OR behind a fence not less than six feet high. Only two options recognized. | No hidden fence option recognized. Code gap — technology never addressed. |
| **§29.40.0315 — Prohibited Fences** | Solid fences prohibited in hillside. Perimeter fencing on 1+ acre must be wildlife-friendly (max 42”, 18” ground gap). | 6-foot solid fence required by §4.40.005(a) is prohibited here. Wildlife-friendly fence is too short (42” vs. 72” required). |
| **§29.40.0305 — Hillside Fence Intent** | Hillside fence regulations exist specifically to allow the free movement of wildlife through corridors. | A 6-foot solid fence would directly violate this intent even if physically permitted. No compliant option satisfies both codes. |

Result: A hillside property owner who wishes to allow their dog off-leash in their own yard has no currently compliant option under the existing code. This appears to be an unintended gap created by older code language — a consequence of three code sections that were written at different times and have not been reconciled with each other or with technological developments over the past fifty years.

### Why the Electric Fence Prohibition Does Not Apply — and Why Clarification Is Still Needed

The prohibition on “electric fences” in §29.40.0315 was written in 1976 for agricultural-style perimeter shock fencing: exposed above-ground wires carrying live line voltage. Such fencing presents real hazards — fire ignition risk in dry hillside vegetation, shock risk to people, children, wildlife, and livestock. The prohibition is valid and should be retained.

A hidden underground electronic dog fence is categorically different technology:

- The boundary wire is buried a few inches underground and carries no voltage or current
- It functions as a passive radio frequency emitter only (AM and FM bands)
- There is no exposed conductor, no shock hazard to people or wildlife, no fire risk
- Only the trained dog wearing the receiver collar is affected — all other animals and people pass freely

The 1976 ordinance never contemplated this technology. The 2019 rewrite (Ord. No. 2286) carried the prohibition forward by inertia, not deliberate policy determination. A clarifying note to §29.40.0315 is needed to confirm that the "electric fence" prohibition refers to traditional line-voltage above-ground perimeter fencing, and does not apply to hidden underground electronic dog fence systems as defined and permitted under §4.40.005(a).

## III. How the Current Code Is Failing: Resident Workarounds and Their Impacts

Because the current code provides no compliant off-leash option for hillside dog owners, residents have developed informal workarounds. These workarounds range from a responsible, wildlife-compatible solution that should be formally recognized, to harmful circumventions of the hillside fence code that produce exactly the environmental damage the code was designed to prevent.

### Preferred Compliance Option: Hidden Underground Electronic Dog Fence (Currently Unrecognized)

The Town of Los Gatos Planning Department has confirmed that there are 1,170 HR-zoned (Hillside Residential) parcels within the Town limits (confirmed by Ryan Safty, Associate Planner, Community Development Department, April 2026). Of these, approximately 400 hidden underground electronic dog fence systems have already been installed across the Los Gatos and Santa Cruz Mountain hillside area by a California State Licensed D-64 Non-Specialized Contractor (DogWatch, installer Troy Dykes) — representing roughly 34% of all hillside parcels operating in a legal gray area. These systems:

- Contain the dog completely within the property boundary
- Present zero physical obstruction to wildlife — deer, mountain lions, bobcats, turkeys, coyotes, and foxes pass freely through the property
- Require no grading, no above-grade materials, no structural alteration
- Carry no voltage in the boundary wire — passive RF emitter only, zero fire risk
- Have been recognized on-site by SVACA as valid dog containment at properties in Los Gatos

These installations exist in a legal gray area: residents have chosen the most environmentally responsible available technology, but the code does not formally recognize it. This creates enforcement uncertainty for residents, SVACA, and Town staff.

The scale of adoption is significant. With 1,170 confirmed HR-zoned parcels and approximately 400 installations already in place, this is not a niche concern — it is a community-wide issue affecting a material fraction of the hillside residential population, with growth likely as awareness increases.

## Resident Community Testimony

The following is representative of the community support for this amendment, received from a Los Gatos hillside resident following the April 7, 2026 Town Council meeting:

> *"Through the hillside neighborhoods of Los Gatos — and across the broader Santa Cruz Mountains — Town residents have been quietly and responsibly using invisible electric fence systems for years. These installations are wildlife-friendly. Unlike solid or chain-link fencing, invisible fences present no physical barrier to deer, mountain lions, coyotes, turkeys, bobcats and other native species moving freely through our wildlife corridors. The hillside ecosystem functions as intended. Aesthetically consistent with hillside character — there are no visible structures, no fencing panels, and no visual impact on the natural landscape that defines our neighborhoods. Already recognized regionally — Silicon Valley Animal Control (SVACA) already accepts my invisible electric fence installation as a valid form of dog containment. The Town's code simply hasn't caught up with that regional standard."*

Resident further noted that their DogWatch system was installed by a CA Low Voltage Licensed contractor who has installed the same fence for hundreds of properties along the Santa Cruz Mountains and greater Bay Area, including multiple properties on the same street. The resident described the technology as "more comprehensive and failsafe than the current ordinance requirement" which relies on physical barriers with gates and doors that can fail.

## Less Desirable Alternative: Interior-Setback Solid Fencing

Town planning staff have noted (conversation with Ryan Safty, LG Planning Department, April 2026) that some hillside residents are addressing the containment problem by constructing solid fences set back a few feet from the property line, rather than on the property boundary.

Their rationale: §29.40.0315 requires that perimeter fencing (fencing at the property boundary line) be wildlife-friendly. A solid fence set back from the property line is not technically "perimeter" fencing under this reading, and therefore may not be subject to the wildlife-friendly requirement.

This workaround is problematic on multiple grounds:

- **It creates solid physical barriers inside the wildlife corridor. The barrier effect on wildlife movement is identical to a property-line fence — setback by a few feet changes nothing ecologically. Solid fences fragment habitat, block species movement, and reduce genetic connectivity regardless of their distance from the property line.** Environmental harm:
- **This workaround is only available to residents with sufficient lot depth to set a fence back meaningfully. Smaller or more steeply sloped properties cannot use it. It creates a two-tier system based on lot size rather than policy.** Inequity:
- **This interpretation has not been formally sanctioned by the Planning Department or confirmed by the Town Attorney. It is a practice that is tolerated informally, not a recognized compliant solution. Residents relying on it are exposed to potential enforcement action.** Legal uncertainty:
- **The express intent of §29.40.0305 is to allow wildlife movement within the hillside area. A solid fence anywhere within that area — whether on the property line or set back — undermines that intent.** Contrary to intent:
- **The hidden underground electronic dog fence achieves the same dog containment objective with zero above-grade structure, zero wildlife impact, and**

**zero visual intrusion. The interior-setback solid fence achieves containment at the cost of wildlife movement, viewshed, and hillside character.** Worse outcome than hidden fence:

The interior-setback workaround is a symptom of the code gap, not a solution to it. Formally recognizing the hidden underground electronic dog fence under §4.40.005(a) would eliminate the pressure that drives residents toward this harmful workaround.

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## IV. Jurisdictional Precedents

Multiple California and out-of-state jurisdictions have formally recognized hidden underground electronic dog fence systems as a compliant means of dog containment, explicitly distinguishing them from traditional electric fences. These precedents provide a strong foundation for the proposed amendment.

### California Precedents

#### San Diego County Code §62.669(c) — California's Leading Precedent

San Diego County is the most directly applicable California precedent. Section 62.669(c) of the San Diego County Code explicitly lists electronic pet containment systems as a third compliant means of dog control on private property, alongside leash and physical fence:

> SEC. 62.669. RESTRAINT OF DOGS REQUIRED. (c) A dog's owner or custodian or a person having control of a dog that is lawfully on private property shall keep the dog: (1) leashed or tethered as allowed under Health and Safety Code section 122335, (2) under direct and effective control by voice or electronic pet containment system, or (3) in a building or enclosure that is adequate to ensure the physical confinement of the dog and that also meets humane standards.

This is the precise structure proposed for Los Gatos §4.40.005(a): a third option alongside leash and physical enclosure. San Diego County's code confirms that California law supports this formulation and that it can be implemented at the county level. Based on the jurisdictions reviewed, no Santa Clara County city or town has yet adopted equivalent language — Los Gatos appears poised to be the first in this region (subject to Town Attorney confirmation).

#### Los Altos Hills — Adjacent Santa Clara County Precedent

The Town of Los Altos Hills, also in Santa Clara County and also a hillside community with wildlife corridor concerns, recently amended its fence ordinance (May 2025) to address wildlife corridor fencing requirements. While it does not specifically codify hidden fence technology, its approach confirms that Santa Clara County hillside jurisdictions actively manage the intersection of fencing and wildlife movement at the ordinance level.

#### Ventura County — Wildlife Corridor Fencing Regulations

Ventura County has implemented dedicated wildlife corridor regulations in its zoning ordinance that explicitly identify impermeable fencing as a barrier to be minimized, and establish a permitting pathway for fencing near wildlife corridors. This is the regulatory model that AB 1889 (Room to Roam Act) will require all California cities and counties to adopt by 2028.

### Oregon Precedents

#### City of Central Point, Oregon — Express Statutory Exclusion

The City of Central Point, Oregon (City Code §17.57) provides the clearest statutory model for distinguishing hidden underground electronic dog fences from traditional electric fences. The code states:

> "Electrified fence" does not include underground wireless fencing (invisible fencing) which consists of an electronic system that uses a buried wire and radio signal to keep dogs or other animals from leaving the yard, which is permitted in any zone.

This is exactly the clarification proposed for Los Gatos §29.40.0315: a statement that the electric fence prohibition does not apply to hidden underground electronic dog fence systems. Central Point's language confirms that this categorical distinction is legally sound, administratively straightforward, and has been successfully implemented in Oregon municipal code.

### Oregon Municipality — Express Exemption from Electric Fence Prohibition

Multiple Oregon municipal codes explicitly exempt underground electronic pet containment systems from electric fence prohibitions. One representative example:

> Farm animal containment fences in A-1 Agriculture Districts not used as a dwelling and electronic underground pet containment fences in all zoning districts are exempt from this section.

This confirms that the approach of expressly exempting hidden underground electronic dog fences from electric fence prohibitions is a well-established and legally tested technique in Oregon municipal codes.

## National Context and Scale

Hidden underground electronic dog fence technology is in widespread national use, recognized as a legitimate containment method across multiple jurisdictions:

- Over 3 million pets protected by Invisible Fence® Brand alone since 1973 (PR Newswire, 2019)
- DogWatch® has over 200 independent dealers worldwide, operating since 1990
- Multiple states and municipalities have expressly distinguished this technology from traditional electric fences in their codes
- Kansas (Overland Park Municipal Code 6.08.020): formally recognizes electronic containment as a compliant form of dog control with specific operational conditions — see full subsection below

## Overland Park, Kansas — Detailed National Precedent (Municipal Code 6.08.020)

The City of Overland Park, Kansas (Municipal Code 6.08.020, subsection (a)(3)) explicitly authorizes electronic dog fences as a compliant containment method, with specific operational parameters that closely mirror the Los Gatos proposed amendment structure:

> *"Dogs may be confined to the premises of the residential property of their owner, keeper or harborer by an electronic fence or an electronic collar. An electronic fence or electronic collar is defined as a fence or a collar that controls the movement of a dog by emitting an electrical shock when the animal wearing the collar nears the boundary of the owner's, keeper's or harborer's property. Dogs confined to residential property by an electronic fence or an electronic collar shall not be permitted to be nearer than 10 feet away from any public sidewalk or property line that is contiguous to neighboring property. In addition, dogs are prohibited from being confined by an electronic fence or an electronic collar in the*

> *front yards of an owner's, keeper's or harborer's property. No dog having been found a dangerous animal by the animal control division shall be confined by an electronic fence or an electronic collar."*

The structural parallels to the proposed Los Gatos amendment are direct: (1) electronic containment recognized as a third compliant option alongside leash and physical enclosure; (2) setback from property lines and sidewalks required; (3) front yard exclusion; (4) dangerous dog exclusion. These are the same operational parameters proposed for Los Gatos, adapted for hillside and wildlife corridor conditions rather than suburban residential.

## Legal Uncertainty Created by the Current Code Gap

The current code gap creates legal exposure for residents beyond mere inconvenience. Kenneth M. Phillips, a nationally recognized dog bite attorney (dogbitelaw.com), articulates the prevailing legal doctrine:

> *"If the municipal code requires a fence, and does not address electronic systems, then the dog owner must provide a physical fence, not an electronic one."*

Under this doctrine, the approximately 400 hillside Los Gatos residents currently using DogWatch systems may not be legally compliant with §4.40.005(a) — even though SVACA has recognized their systems on-site as valid containment. This creates a two-track enforcement environment: residents are practically compliant but legally exposed. The proposed amendment resolves this uncertainty cleanly in both directions.

Phillips also notes that due process requires any prohibition to be stated clearly or it is unenforceable: codes prohibiting "electric fences" without defining precisely what devices are covered create interpretive uncertainty. This reinforces the need for the clarifying note to §29.40.0315 proposed as the secondary element of this amendment — confirming that the prohibition does not reach hidden underground electronic dog fence systems as defined.

- The technology is active in every major California metropolitan area, including San Mateo, Santa Clara, Alameda, Contra Costa, Solano, Napa, Sonoma, Marin, and Mendocino counties (Pet Stop of the Peninsula and North Bay)
- Texas (Argyle, Fate, and others): multiple Texas municipalities use identical model ordinance language expressly recognizing invisible fence systems as sufficient restraint — see full subsection below
- Maryland (Baltimore City): formal Health Department regulatory framework with permit system recognizing electronic fence as valid animal restraint, with operational conditions including setbacks and posted signage — see full subsection below
- North Carolina (Pineville): invisible fence system expressly recognized as a qualifying "secure enclosure" under animal restraint ordinance (§90.040), subject to posted signage requirement

## Texas — Model Ordinance Language (Argyle, Fate, and Others)

At least two Texas municipalities — the Town of Argyle (Chapter 2, Animal Control) and the City of Fate (Ordinance No. O-1783) — use identical language in their animal control ordinances expressly recognizing invisible fence systems as compliant restraint. The identical phrasing across separate municipalities indicates this language derives from a shared Texas model animal control ordinance, suggesting adoption is broader than these two examples alone:

> *"An 'invisible fence' will suffice as sufficient restraint so long as the animal is not found outside the premises of the owner."*

This is among the most direct statutory language found in any jurisdiction: no conditions other than demonstrated containment (the animal must not be found outside the premises). It stands

in contrast to the more structured permitting approaches in Kansas, Maryland, and proposed for Los Gatos, but confirms that straightforward legislative recognition of this technology is legally tested and in active use across Texas municipalities. Both Argyle and Fate also expressly exclude dangerous dogs from electronic containment eligibility, consistent with the Los Gatos proposed amendment.

### Baltimore, Maryland — Health Department Regulatory Framework

Baltimore City, Maryland, formally recognizes electronic dog fences as valid animal restraint through a permit and exemption system administered by the Health Department's Office of Animal Control. The regulatory framework has been in place since at least 2009 and remains active today, with a formal permit application process. Key operational conditions under the Baltimore framework:

- The dog cannot come within 10 feet of any public walkway, footpath, alley, or street
- The fence must be at least 2 feet from any adjacent property
- A visible sign must be posted on the property indicating that an electronic fence is in use

The structural parallel to the Los Gatos proposed amendment is direct: setback from public ways and adjacent properties, posted signage, and permit-based approval. Baltimore's framework demonstrates that a formal permitting pathway for electronic pet containment is administratively viable and has operated successfully in a major U.S. city for over fifteen years.

### Pineville, North Carolina — Invisible Fence as Qualifying Secure Enclosure

Section 90.040 of the Pineville, North Carolina Code of Ordinances expressly recognizes an invisible fence system as a qualifying "secure enclosure" under its animal restraint ordinance, with two conditions:

> *"If the secure enclosure is an invisible fence system, then all components of the system must be in working order and in proper place. Additionally, there must be a visible, permanent sign on the premises stating that there is an invisible fence."*

The operational requirement — system in working order with posted signage — maps directly onto the proposed Los Gatos permitting parameters. The characterization of invisible fence as a qualifying "secure enclosure" is also legally significant: it confirms that courts and enforcement agencies in at least one jurisdiction have accepted this technology as satisfying the enclosure standard, resolving the legal uncertainty identified by Kenneth M. Phillips (see Section II, Legal Uncertainty Created by the Current Code Gap).

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## V. Animal Professional Endorsements

### Veterinary Research: University of Pennsylvania

The foundational safety research on hidden underground electronic dog fence systems was conducted in partnership with the University of Pennsylvania School of Veterinary Medicine. The research proved the system to be safe, gentle, and effective for animals, with no short- or long-term adverse effects on the animals contained. This research was conducted beginning in 1975 and has underpinned the technology's widespread adoption.

### SVACA — Silicon Valley Animal Control Authority

SVACA is the regional animal control authority that serves and enforces animal control laws for the Town of Los Gatos. SVACA officers have visited the DogWatch hidden underground

electronic dog fence installation at 100 Hill Top Drive, Los Gatos, and recognized the system as a valid form of dog containment consistent with the requirement that dogs be "properly confined to the owner's property."

SVACA's operational recognition of this technology predates the proposed code amendment. The amendment would formalize what SVACA already endorses in practice.

### California-Based Veterinary Endorsements

Dr. Jamie Textor, veterinarian, California (DogWatch Bay Area & Northern California testimonial):

> As a veterinarian and a dog owner, I would highly recommend this company. Within the week [of installation], the fence was installed and the problem was literally SOLVED that day.

### National Veterinary Endorsements

Dr. Roxane Jackson, veterinarian, Washington (DogWatch of the Twin Cities testimonial):

> I am a veterinarian, and I recommend this fence system to my clients. The price, installation, and training were all reasons I chose this brand.

### Australian Veterinary Association (AVA)

The Australian Veterinary Association acknowledges that there are situations in which a hidden underground electronic dog fence can increase the safety and welfare of an animal, and supports responsible use in those situations. The AVA's position confirms the technology's place in the spectrum of responsible pet ownership tools when used appropriately with proper training.

### D-64 Non-Specialized Contractor Licensing

California is the only state with a dedicated contractor license classification for animal control device installation: the D-64 Non-Specialized Contractor license. Troy Dykes of DogWatch Hidden Fences holds this license and is believed to be one of the only active D-64 licensed contractors in the region. The existence of this license category confirms that California's contractor licensing framework already recognizes hidden underground electronic dog fence installation as a professional, regulated trade.

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## VI. Proposed Amendment Language

### Primary Amendment — Town Code Section 4.40.005(a)

The following language is proposed to be added to §4.40.005(a) as a third compliant containment option, applicable in designated hillside areas:

> In designated hillside areas of the Town of Los Gatos, a Hidden Underground Electronic Dog Fence system — manufactured under UL Listed DogWatch (or other UL-listed equivalent manufacturer as approved by the Town), consisting of a low-voltage transmitter unit and a buried boundary wire that broadcasts radio frequencies to activate a receiver collar worn by the dog, and installed by a

> California State Licensed D-64 Non-Specialized Contractor authorized for Animal Control Devices — shall be recognized as a third compliant means of dog containment under this section, in addition to leash and physical fence, subject to the permitted installation parameters and permitting process set forth herein.

### Secondary Clarification — Town Code Section 29.40.0315

The following clarifying note is proposed for addition to §29.40.0315:

> The prohibition on "electric fences, including any fence designed to produce an electric shock" refers to traditional perimeter fencing carrying live line voltage along exposed above-ground conductors. This prohibition does not apply to Hidden Underground Electronic Dog Fence systems as defined and permitted under Section 4.40.005(a), which carry no voltage or current in their boundary wire and present no fire or shock hazard.

### Permitted Installation Parameters

- Electronic boundary observes same setbacks from property lines as required for a 6-foot solid fence under §29.40.0315 and §4.40.005(a)
- Training certificate required: property owner must obtain certification that their dog(s) have been successfully trained to respect the boundary, issued by the licensed D-64 installing contractor; certification logged with SVACA dog license record
- 24-hour backup battery required to sustain system operation in event of power interruption
- 20-foot setback from any riparian corridor (as defined in §29.40.0310); setback applies to the programmed electronic boundary, not the buried wire routing
- Not applicable to dogs designated Potentially Dangerous, Dangerous, or Vicious under LGMC §4.10.010 or §4.40.005

### Five-Step Permitting Process

1. Property Survey — Prepared by a licensed surveyor, showing property boundaries, setbacks, recorded easements, riparian corridors, utility meters, and underground access vaults or covers.
2. Proposed Site Plan — Prepared by the D-64 licensed contractor or architect, illustrating the electronic boundary location, 20-foot riparian corridor setback, control box location, power supply connection, and backup power system.
3. Approved Permit — Pulled by D-64 Licensed Contractor or property owner; identifies D-64 contractor and California license number.
4. Installation Inspection — Follows same procedure as traditional fence permits to validate conformance with approved site plan.
5. Dog Certification — Following inspection sign-off, dog(s) trained to containment system; certification submitted to SVACA to be added to dog's license record.

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## VII. Alignment with State Law — AB 1889, Room to Roam Act

This amendment is directly aligned with AB 1889, the Room to Roam Act, signed by Governor Newsom on September 27, 2024, and effective January 1, 2028. The law amends Government

Code §65302 to require California cities and counties, upon their next General Plan update on or after January 1, 2028, to:

- Identify and analyze wildlife connectivity areas, permeability, and natural landscape areas within the jurisdiction
- Identify and analyze existing or planned wildlife passage features
- Consider impacts of development and barriers to wildlife movement, and avoid, minimize, or mitigate those impacts
- Consider incorporating “wildlife-friendly fencing” as a standard, policy, or implementation program

Hidden underground electronic dog fence systems do not create an above-grade physical barrier to wildlife movement — they have no physical structure above grade and present no impediment to free passage of wildlife through the property. Formally recognizing this technology in the Town Code now positions Los Gatos ahead of the 2028 compliance requirement and demonstrates proactive leadership on wildlife corridor protection. Based on the jurisdictions reviewed, Los Gatos appears poised to become the first municipality in Santa Clara County to codify this specific technology, setting a regional precedent aligned with the direction of state law (subject to Town Attorney review and confirmation).

## VIII. Key Contacts for Staff Reference

| Role | Name & Organization | Contact |
|---|---|---|
| Proponent | Keith Blaine AIA LEED AP | keithblaine@mac.com \| 408-784-1821 |
| D-64 Licensed Installer | Troy Dykes, DogWatch Hidden Fences | Contact via DogWatch® network |
| SVACA Executive Director | Dan Soszynski, SVACA | SVACA main line: 408-764-0344 |
| Town Planning Dept. | Ryan Safty, Planning Department | Community Development: 408-354-6874 |
| CC Recipient | Allen Meyer, Town Planning Dept. | Community Development: 408-354-6874 |
| CC Recipient | Megan Blaine, Blaine Architects | Blaine Architects |

## APPENDIX B — Precedent Municipalities: Jurisdictions Formally Recognizing Electronic Pet Containment Systems

The following table summarizes jurisdictions identified in this analysis that have formally recognized hidden underground electronic dog fence or invisible fence systems as a compliant means of animal containment in their municipal codes or regulatory frameworks. All code language is reproduced verbatim or summarized from primary sources. This table is provided

for staff reference and is not exhaustive; additional jurisdictions may have adopted equivalent language, particularly in Texas where identical language appears across multiple municipalities suggesting derivation from a shared model ordinance.

| State / Jurisdiction | Code / Authority | Key Code Language / Framework |
|---|---|---|
| **California**<br>San Diego County | County Code §62.669(c) | Dog on private property shall be kept: (1) leashed or tethered; (2) under direct and effective control by voice or *electronic pet containment system*; or (3) in a building or adequate enclosure. Third-option structure identical to proposed Los Gatos amendment. |
| **Oregon**<br>City of Central Point | City Code §17.57 | *"Electrified fence" does not include underground wireless fencing (invisible fencing) which consists of an electronic system that uses a buried wire and radio signal to keep dogs or other animals from leaving the yard, which is* ***permitted in any zone****.* |
| **Kansas**<br>City of Overland Park | Municipal Code 6.08.020(a)(3) | Dogs may be confined by electronic fence or electronic collar. Conditions: 10-ft setback from sidewalk/property line; prohibited in front yards; no dangerous dogs; owner must post signage. Electronic containment recognized as third compliant option alongside leash and physical enclosure. |
| **Texas**<br>Town of Argyle | Code of Ordinances Ch. 2 (Animal Control) | *"An 'invisible fence' will suffice as sufficient restraint so long as the animal is not found outside the premises of the owner."* Dangerous dog exclusion applies. Identical language to Fate, TX (Ord. No. O-1783) — believed to derive from Texas model animal control ordinance. |
| **Texas**<br>City of Fate | Ordinance No. O-1783 (Animal Control) | *"An 'invisible fence' will suffice as sufficient restraint so long as the animal is not found outside the premises of the owner."* Dangerous dog exclusion applies. Identical language to Argyle, TX. |
| **Maryland**<br>Baltimore City | Health Dept. Regulatory Action on Electronic Fences as Animal Restraints (2009, active) | Formal permit system recognizing electronic fence as valid animal restraint. Conditions: dog must not come within 10 ft of public walkways/alleys/streets; fence at least 2 ft from adjacent property; visible sign required. Permit application required; issued by Health Department Office of Animal Control. Active since 2009. |
| **North Carolina**<br>Town of Pineville | Code of Ordinances §90.040 (Restraint of Animals) | *"If the secure enclosure is an invisible fence system, then all components of the system must be in working order and in proper place. Additionally, there must be a visible, permanent sign on the premises stating that there is an invisible fence."* Invisible fence expressly qualifies as a "secure enclosure" under this section. |

*Note: Colorado Springs, CO permits electronic fences with signage requirements as an administrative practice, but no formally codified ordinance recognizing electronic containment as a compliant restraint method was identified. Fort Worth, TX requires a physically enclosed structure and does not recognize electronic containment under its current code, illustrating that recognition is not universal and that explicit codification as proposed here is necessary to resolve the legal uncertainty.*

## APPENDIX — Technology Timeline for Staff Reference

Here's the complete, sourced timeline — which is directly relevant to your code gap argument:

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**1973** — Richard Peck U.S. Patent 3,753,421 was the first electronic dog fence ("Stay-Put"). Collar is the size of a deck of cards / 13 oz. Fifty units sold in the first year, by mail order only. Not practically available to most consumers.

**1976** — Peck sells patent rights to John Purtell, who renames it "Invisible Fence." Los Gatos fence ordinance (Ord. No. 1316) is enacted this same year. At this moment, the technology existed but had sold only ~50 units nationwide and was not a viable consumer product.

**1980s** — Collar shrinks from 13 oz. to 3 oz., opening the market to smaller dogs. Dealer network begins expanding. Still a niche, premium professional-install product.

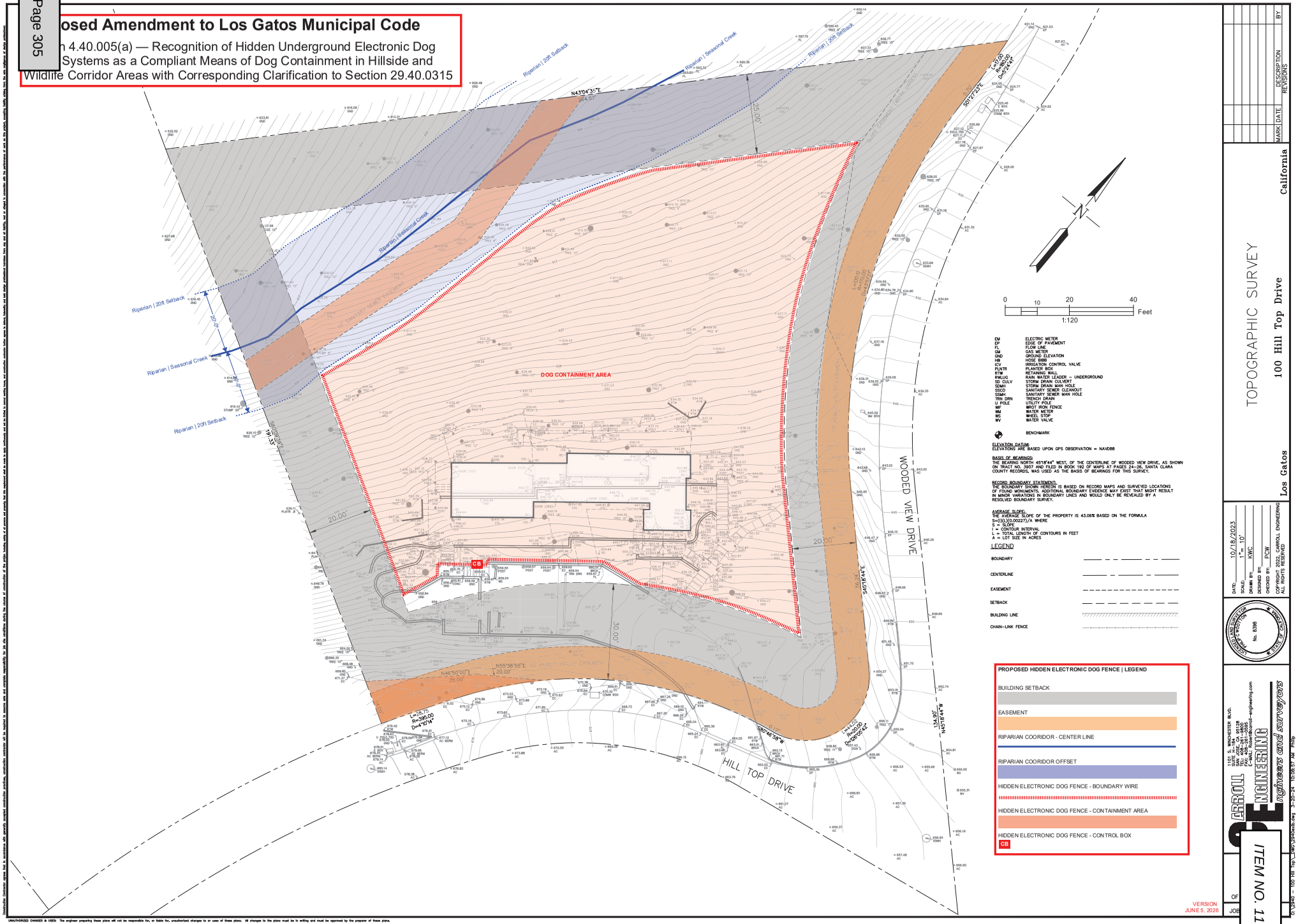
**1989–1993** — The original patent expires (sources vary slightly: some say 1989, some say 1990, one says 1993). This is the pivotal moment — competitors enter the market immediately. DogWatch, PetSafe, and Innotek all emerge after the patent expires.

**1990s–2000s** — Mass-market adoption. Multiple competing brands, falling prices, wider availability, DIY kits introduced. The technology becomes a mainstream consumer product.

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## osed Amendment to Los Gatos Municipal Code

n 4.40.005(a) — Recognition of Hidden Underground Electronic Dog Systems as a Compliant Means of Dog Containment in Hillside and Wildlife Corridor Areas with Corresponding Clarification to Section 29.40.0315




TOPOGRAPHIC SURVEY

100 Hill Top Drive

Los Gatos California

VERSION JUNE 5, 2026

ITEM NO. 11.

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## Sec. 29.40.030. Fences, walls, gates, gateways, entry arbors, and hedges.

(Ord. No. 2286, § I, 8-6-19)

Ord. No. 2286, § I, adopted Aug. 6, 2019, repealed § 29.40.030 and enacted new provisions as §§ 29.40.030—29.40.0330, to read as herein set out. Former § 29.40.030 pertained to similar subject matter and derived from Ord. No. 1316, § 4.10.020, adopted June 7, 1976; Ord. No. 1493, adopted March 17, 1981; Ord. No. 1873, § I, adopted Oct. 7, 1991; Ord. No. 2049, § I, adopted Oct. 5, 1998; Ord. No. 2062, § I, adopted June 21, 1999; and Ord. No. 2278, § II, adopted Dec. 18, 2018.

## Sec. 29.40.0305. Intent.

The intent of these fence regulations, as defined in section 29.40.0310, is to preserve the natural beauty of the Town of Los Gatos, the natural movement of wildlife, and to protect traffic view areas while acknowledging that residents have the right to fence their properties to protect children, contain their animals, protect garden or agricultural areas, and maintain privacy. Specifically, within the hillside area, the intent of these fence regulations is to allow for the movement of wildlife. Unless specified otherwise, these fence regulations are applicable Town-wide. These fence regulations incorporate portions of the Hillside Development Standards and Guidelines related to fencing.

(Ord. No. 2286, § I, 8-6-19)

## Sec. 29.40.0310. Definitions.

The following words, terms, and phrases, when used in these fence regulations, shall have the meanings ascribed to them in this section:

*Buck and rail fence* means a fence constructed with wood rails where the posts are arranged to form a triangle to provide the vertical structure of the fence. The horizontal rails are then attached to the triangle support posts.

*Corner sight triangle* means a triangular area at street intersections having sides thirty (30) feet in length, as measured from intersecting property lines.

*Double fence* means two (2) fences spaced a few feet apart regardless of height and material.

*Driveway view area* means a triangular area at the intersection of driveways and sidewalks and street intersections having sides ten (10) feet in length, as measured along the driveway's path of travel from the back of the sidewalk or street.

*Fence* means a structure constructed of posts, rails, wire, and/or barrier panels, used to define a boundary or as a means of protection, confinement, or visual obstruction.

*Fence regulations* means sections 29.40.030 through 29.40.0330.

*Hillside area* means all properties located within the area defined by the Hillside Area Map as contained in the Town of Los Gatos Hillside Development Standards and Guidelines.

*Open view fence* means a fence constructed in such a way so that no more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.

*Perimeter fence* means a fence located on the property line of a lot.

*Riparian corridor* means an area comprised of habitat strongly influenced and delineated by the presence of perennial or intermittent streams.

*Solid fence* means a fence constructed in such a way so that more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.

*Traffic view area* means the area which is within fifteen (15) feet of a street and within two hundred (200) feet of the right-of-way line of an intersection.

*Wildlife-friendly fence* means a fence that allows any animal, regardless of size, to climb under, pass through, or jump over, with a maximum height of forty-two (42) inches and a minimum distance between the bottom rail and the ground of eighteen (18) inches.

(Ord. No. 2286, § I, 8-6-19)

## Sec. 29.40.0315. Height, materials and design, and location.

(a) *Height.*

(1) Fences, walls, gates, or hedges may not exceed six (6) feet in height, with one (1) foot of lattice on top (seven (7) feet high in total); except as provided in subsections (2), (3), and (4) below.

(2) In the hillside area:

a. Fences, walls, gates, or hedges may not exceed six (6) feet.

b. On properties one (1) acre or greater, perimeter fencing shall be a wildlife-friendly fence as defined in section 29.40.0310.

(3) Fences, walls, gates, and hedges may not exceed three (3) feet in height when located within a required front or side yard abutting a street (as required by the zone), driveway view area, traffic view area, or corner sight triangle unless an exception is granted by the Town Engineer and Community Development Director. Trees, hedges, and vegetation within a corner sight triangle shall meet the requirements of section 26.10.065.

(4) Pedestrian gateways or entryway arbors may be up to eight (8) feet high. No more than one (1) gateway or entryway arbor per street frontage is allowed.

(b) *Materials and design.*

(1) The following fence types and materials are prohibited:

a. Any fence with bare lengths of wire stretched between posts.

b. Electric fences, including any fence designed to produce an electric shock.

c. Barbed or razor wire fences, including any fence with attached barbs, sharp points, or razors.

d. Transparent fences such as barriers of glass or clear plastic.

(2) In the hillside area:

a. Fences located within twenty (20) feet of a property line adjacent to a street shall be open view fencing as defined in section 29.40.0310.

b. On properties one (1) acre or greater, perimeter fencing shall be a wildlife-friendly fence as defined in section 29.40.0310.

c. Chainlink, welded wire, wire mesh, or similar material shall be coated with green, brown, or black vinyl or finish and shall be supported by a wood frame.

d. Buck and rail, double, and solid fences are prohibited.

(3) In the Landmark and Historic Preservation Overlay:

a. Plastic fencing is prohibited.

b. Fences located in a required front yard shall be open view.

(4) Pedestrian gateways or entryway arbors shall be open view. A gateway or entryway arbor shall have a maximum width of six (6) feet and a maximum depth of four (4) feet.

(c) *Location.*

(1) No fence, wall, or gate shall be located within emergency egress easements.

(2) No fence, wall, or gate shall be located within twenty (20) feet of a riparian corridor as defined in section 29.40.0310.

(3) Vehicular gates shall be set back from the edge of the adjacent street a minimum of eighteen (18) feet as measured along the centerline of the driveway. A greater setback may be required when a gated entrance serves more than one (1) house.

(Ord. No. 2286, § I, 8-6-19)

## Sec. 29.40.0320. Exceptions.

An exception to any of these fence regulations may be granted by the Community Development Director. A fence exception application and fee shall be filed with the Community Development Department and shall provide written justification that demonstrates one (1) of the following conditions exist:

(a) Adjacent to commercial property, perimeter fences or walls may be eight (8) feet if requested or agreed upon by a majority of the adjacent residential property owners.

(b) On interior lots, side yard and rear yard fences, walls, gates, gateways, entry arbors, or hedges, behind the front yard setback, may be a maximum of eight (8) feet high provided the property owner can provide written justification that either:

(1) A special privacy concern exists that cannot be practically addressed by additional landscaping or tree screening; or

(2) A special wildlife/animal problem affects the property that cannot be practically addressed through alternatives. Documented instances of wildlife grazing on gardens or ornamental landscaping may be an example of such a problem.

(c) At public utility facilities, critical infrastructure, and emergency access locations, exceptions may be granted where strict enforcement of these regulations will result in a security or safety concern.

(d) A special security concern exists that cannot be practically addressed through alternatives.

(e) A special circumstance exists, including lot size or configuration, where strict enforcement of these regulations would result in undue hardship.

(Ord. No. 2286, § I, 8-6-19)

## Sec. 29.40.0325. Exemptions.

All fences, hedges, gates, and walls existing on the effective date of this ordinance [from which this section derives] that do not meet the regulations contained herein are nonconforming and are exempt from these regulations. Existing nonconforming fences may be maintained and/or replaced in kind, including historic stone or river rock walls.

(Ord. No. 2286, § I, 8-6-19)

## Sec. 29.40.0330. Penalties.

A property owner who has unlawfully constructed any fence, wall, gate, gateway, entry arbor, or hedge is subject to applicable enforcement and penalties as described in sections 29.20.930 through 29.20.965 of the Town Code.

(Ord. No. 2286, § I, 8-6-19)

STATE OF CALIFORNIA
AUTHENTICATED
ELECTRONIC LEGAL MATERIAL



# Assembly Bill No. 1889

CHAPTER 686

An act to amend Section 65302 of the Government Code, relating to land use.

[Approved by Governor September 27, 2024. Filed with Secretary of State September 27, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1889, Friedman. Conservation element: wildlife and habitat connectivity.

Existing law, the Planning and Zoning Law, requires the legislative body of a city or county to adopt a comprehensive general plan that includes various elements, including land use, housing, and conservation elements, as specified. Existing law requires the conservation element to consider the effect of development within the jurisdiction on natural resources located on public lands.

This bill would additionally require the conservation element to consider the effect of development within the jurisdiction on the movement of wildlife and habitat connectivity. The bill would require the conservation element, upon the next update of one or more elements on or after January 1, 2028, to, among other things, identify and analyze connectivity areas, permeability, and natural landscape areas within the jurisdiction, identify and analyze existing or planned wildlife passage features, and consider the impacts of development and the barriers caused by development to wildlife, as defined, and habitat connectivity. The bill would authorize a city, county, or city and county to incorporate by reference into its general plan an existing plan, including a certified local coastal plan, that meets these requirements. The bill would authorize a city, county, or city and county preparing to update its conservation element to consider incorporating appropriate standards, policies, and feasible implementation programs, consult with specified entities, and consider relevant best available science and the most appropriately scaled scientific information on linkages, corridors, and other locations that are essential to maintain landscape connectivity. The bill would authorize a city, county, or city and county to consult with other appropriate entities and meet the above-described requirements in a separate component or section of the general plan entitled a wildlife connectivity element. The bill would include related legislative findings and declarations. By adding to the duties of county and city officials in the administration of their land use planning duties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Development and human activities adversely impact wildlife by reducing or eliminating their core habitat, severing connections between habitats, and interfering with their behavioral patterns and ability to access food, water, shelter, and genetically diverse mates.

(2) Climate change is a significant threat to California's biodiversity. As climate change alters the habitat, ranges, and movement patterns of numerous animals and plants, wildlife must have the ability to shift their ranges to effectively adapt to changed climatic conditions and resource availability. Moreover, wildlife must be able to move to effectively respond to extreme weather events, includes wildfire, drought, and floods.

(3) Executive Order No. N-82-20, codified by the Legislature in Section 71450 of the Public Resources Code, declared that it is the goal of the state to conserve at least 30 percent of California's land and coastal waters by 2030 to combat the climate and biodiversity crisis. Wildlife connectivity contributes to the preservation and restoration of biodiversity by ensuring that wildlife has the opportunity to move through the landscape to forage, find mates and reproduce, seek shelter from stochastic events including flooding or wildfires, and adapt to the impacts of climate change.

(4) The public trust doctrine, codified in Section 1600 of the Fish and Game Code among other sections, holds that wildlife is held in trust for the people and that the protection and conservation of fish and wildlife is of utmost public interest. The California Constitution grants cities and counties the power to control and organize development within their boundaries as a means of serving the general welfare. Because cities and counties have the power to control development decisions within their boundaries, they have a responsibility under the public trust doctrine to do so in a manner that protects fish and wildlife and habitat connectivity.

(5) It is therefore the policy of the state to protect, restore, and improve the functioning of fish, wildlife, and habitat connectivity through local government land use planning and zoning.

(b) It is the intent of the Legislature that, in carrying out the policy of the state, local jurisdictions, including cities and counties, shall consider and implement measures to avoid, minimize, or mitigate impacts to fish, wildlife, and habitat connectivity from existing and planned land uses within their jurisdictions. It is further the intent of the Legislature that local jurisdictions, including cities and counties, implement measures to remediate

barriers to wildlife connectivity within their jurisdictions to the extent feasible.

(c) This act shall be known, and may be cited, as the Room to Roam Act.

SEC. 2. Section 65302 of the Government Code is amended to read:

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, greenways, as defined in Section 816.52 of the Civil Code, and other categories of public and private uses of land. The location and designation of the extent of the uses of the land for public and private uses shall consider the identification of land and natural resources pursuant to paragraph (3) of subdivision (d). The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall identify and annually review those areas covered by the plan that are subject to flooding identified by flood plain mapping prepared by the Federal Emergency Management Agency (FEMA) or the Department of Water Resources. The land use element shall also do both of the following:

(1) Designate in a land use category that provides for timber production those parcels of real property zoned for timberland production pursuant to the California Timberland Productivity Act of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1 of Division 1 of Title 5).

(2) Consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas, when proposing zoning ordinances or designating land uses covered by the general plan for land, or other territory adjacent to military facilities, or underlying designated military aviation routes and airspace.

(A) In determining the impact of new growth on military readiness activities, information provided by military facilities shall be considered. Cities and counties shall address military impacts based on information from the military and other sources.

(B) The following definitions govern this paragraph:

(i) "Military readiness activities" mean all of the following:

(I) Training, support, and operations that prepare the members of the military for combat.

(II) Operation, maintenance, and security of any military installation.

(III) Testing of military equipment, vehicles, weapons, and sensors for proper operation or suitability for combat use.

(ii) "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the

United States Department of Defense as defined in paragraph (1) of subsection (e) of Section 2687 of Title 10 of the United States Code.

(b) (1) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the plan.

(2) (A) Commencing January 1, 2011, upon any substantive revision of the circulation element, the legislative body shall modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.

(B) Upon any substantive revision of the circulation element on or after January 1, 2025, the legislative body shall do all of the following:

(i) Incorporate the principles of the Federal Highway Administration's Safe System Approach, in the circulation element by including policies that aim to eliminate fatal and serious injuries for all road users through a holistic view of the roadway system, including provisions that account for human error, recognize vulnerable road users, and promote redundant and proactive safety measures.

(ii) Develop bicycle plans, pedestrian plans, and traffic calming plans based on the policies and goals in the circulation element that shall address all of the following for any urbanized area within the scope of the general plan:

(I) Identify safety corridors and any land or facility that generates high concentrations of bicyclists or pedestrians.

(II) Use evidence-based strategies, including strategies identified in the United States Department of Transportation's Strategic Highway Safety Plan to develop safety measures specific to those areas that are intended to eliminate traffic fatalities, with an emphasis on fatalities of bicyclists, pedestrians, and users of any other form of micromobility device in the areas identified in subclause (I).

(III) Set goals for initiation and completion of all actions identified in the plans within 25 years of the date of adoption of the modified circulation element based upon projected development activities within urbanized areas within the scope of the general plan and projected availability of revenues.

(C) (i) A county or city shall begin implementation of the modified circulation element plan specified in subparagraph (B) within two years of the date of adoption of the plan.

(ii) A county or city shall regularly review the progress towards and identify impediments to completing implementation of the plan for a multimodal transportation network, including all bicycle plans, pedestrian plans, and traffic calming plans iterated in the modified circulation element, and the construction of any related infrastructure.

(iii) A county or city shall consider revising the circulation element if, following the review under clause (ii), the county or city determines it will

not reach the goals of the bicycle, pedestrian, or traffic calming plans within 25 years of the date of adoption of the modified circulation element.

(D) For the purposes of this paragraph, the following definitions shall apply:

(i) "Business activity district" has the same meaning as defined in Section 22358.9 of the Vehicle Code.

(ii) "Land facilities that generate high concentrations of bicyclists or pedestrians" has the same meaning as described in Section 22358.7 of the Vehicle Code.

(iii) "Micromobility device" means a bicycle, electric bicycle, or motorized scooter as those terms are defined and described in Division 1 (commencing with Section 100) of the Vehicle Code.

(iv) "Safety corridor" has the same meaning as defined in Section 22358.7 of the Vehicle Code.

(v) "Urbanized area" has the same meaning as defined in Section 21071 of the Public Resources Code.

(E) For purposes of this paragraph, "users of streets, roads, and highways" mean bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.

(c) A housing element as provided in Article 10.6 (commencing with Section 65580).

(d) (1) A conservation element for the conservation, development, and utilization of natural resources, including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. The conservation element shall consider the effect of development within the jurisdiction, as described in the land use element, on natural resources located on public lands, including military installations. The conservation element shall consider the effect of development within the jurisdiction, as described in the land use element, on the movement of wildlife and habitat connectivity. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies, including flood management, water conservation, or groundwater agencies that have developed, served, controlled, managed, or conserved water of any type for any purpose in the county or city for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information described in Section 65352.5, if that information has been submitted by the water agency to the city or county.

(2) The conservation element may also cover all of the following:

(A) The reclamation of land and waters.

(B) Prevention and control of the pollution of streams and other waters.

(C) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.

(D) Prevention, control, and correction of the erosion of soils, beaches, and shores.

(E) Protection of watersheds.

(F) The location, quantity, and quality of the rock, sand, and gravel resources.

(3) Upon the next revision of the housing element on or after January 1, 2009, the conservation element shall identify rivers, creeks, streams, flood corridors, riparian habitats, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management.

(4) Upon the adoption or next revision of one or more elements on or after January 1, 2028, the conservation element shall be updated to:

(A) Identify and analyze connectivity areas, permeability, and natural landscape areas within the jurisdiction, as those terms are defined in Section 158 of the Streets and Highways Code.

(B) Identify and analyze existing or planned wildlife passage features, as defined in Section 158 of the Streets and Highways Code, including, but not limited to, wildlife passage features included in the inventory of connectivity needs on the state highway system, as described in Section 158.1 of the Streets and Highways Code, to ensure that planned development does not undermine the effectiveness of existing and potential wildlife passage features, as defined in Section 158 of the Streets and Highways Code.

(C) (i) Consider the impacts of development and the barriers caused by development to wildlife and habitat connectivity.

(ii) For the purposes of this subparagraph, "wildlife" has the same meaning as defined in Section 89.5 of the Fish and Game Code.

(D) Avoid, minimize, or mitigate impacts and barriers to wildlife movement to the extent feasible.

(E) Analyze and consider opportunities to remediate existing barriers to wildlife connectivity and restore degraded habitat and open space.

(5) If a city, county, or city and county has already included policies in existing plans, including its certified local coastal plan, that meet the requirements of paragraph (4), the city, county, or city and county may incorporate the plan by reference into the general plan to comply with this section.

(6) In preparing to update the conservation element, the city, county, or city and county may do any of the following:

(A) Consider incorporating appropriate standards, policies, and feasible implementation programs such as wildlife-friendly fencing and lighting, buffers from sensitive resources, prohibitions on invasive plants, habitat connectivity overlay zones, and compact development standards, or consider whether adoption of ordinances is necessary to feasibly implement these standards, policies, and implementation programs, and include goals to adopt any necessary ordinances.

(B) Consult with the Department of Fish and Wildlife, any California Native American tribe that is on the contact list maintained by the Native American Heritage Commission and that has traditional lands located within the city, county, or city and county's jurisdiction, and any open-space district that owns lands designated for conservation within the city, county, or city and county's jurisdiction. Upon receiving a request for consultation, the

department, tribe, or district may, in its sole discretion, accept or refuse to consult, based on the priority of natural resources impacted or other factors.

(C) Consider relevant best available science as appropriate, including, but not limited to, peer-reviewed literature, citable publicly available datasets, publicly sourced online datasets, and information and reports from government agencies, California Native American tribes, and academic institutions.

(D) Consider the most appropriately scaled scientific information on linkages, corridors, and other locations that are essential to maintain landscape connectivity, including, but not limited to, any of the following:

(i) Habitat linkages and wildlife corridors, such as those identified and summarized in the Areas of Conservation Emphasis, as defined by subdivision (a) of Section 1851 of the Fish and Game Code, and in regional habitat connectivity assessments.

(ii) Wildlife corridors, such as migration corridors identified by global positioning system collar studies.

(iii) Wildlife movement barriers, such as connectivity areas, as defined by subdivision (a) of Section 158 of the Street and Highways Code, and barriers identified by the Department of Fish and Wildlife's Restoring California's Wildlife Connectivity report.

(iv) Other connectivity considerations, such as those outlined in the State Wildlife Action Plan, habitat conservation plans approved pursuant to Section 1539 of Title 16 of the United States Code, natural community conservation plans approved pursuant to Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code, regional conservation investment strategies approved pursuant to Chapter 9 (commencing with Section 1850) of Division 2 of the Fish and Game Code, and other relevant plans, policies, and ordinances adopted by neighboring jurisdictions.

(7) In preparing to update the conservation element, the city, county, or city and county may consult with other appropriate local, state, or federal agencies, or academic institutions, as deemed appropriate by the city or county.

(8) The city, county, or city and county may meet the requirements in paragraphs (4) through (6), inclusive, in a separate component or section of the general plan entitled a wildlife connectivity element.

(e) An open-space element as provided in Article 10.5 (commencing with Section 65560).

(f) (1) A noise element that shall identify and appraise noise problems in the community. The noise element shall analyze and quantify, to the extent practicable, as determined by the legislative body, current and projected noise levels for all of the following sources:

(A) Highways and freeways.

(B) Primary arterials and major local streets.

(C) Passenger and freight online railroad operations and ground rapid transit systems.

(D) Commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation.

(E) Local industrial plants, including, but not limited to, railroad classification yards.

(F) Other ground stationary noise sources, including, but not limited to, military installations, identified by local agencies as contributing to the community noise environment.

(2) Noise contours shall be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average sound level ($L_{dn}$). The noise contours shall be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified in subparagraphs (A) to (F) of paragraph (1), inclusive.

(3) The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise.

(4) The noise element shall include implementation measures and possible solutions that address existing and foreseeable noise problems, if any. The adopted noise element shall serve as a guideline for compliance with the state's noise insulation standards.

(g) (1) A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence; liquefaction; and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of Division 2 of the Public Resources Code, and other geologic hazards known to the legislative body; flooding; and wildland and urban fires. The safety element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, military installations, peakload water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.

(2) The safety element, upon the next revision of the housing element on or after January 1, 2009, shall also do the following:

(A) Identify information regarding flood hazards, including, but not limited to, the following:

(i) Flood hazard zones. As used in this subdivision, "flood hazard zone" means an area subject to flooding that is delineated as either a special hazard area or an area of moderate or minimal hazard on an official flood insurance rate map issued by FEMA. The identification of a flood hazard zone does not imply that areas outside the flood hazard zones or uses permitted within flood hazard zones will be free from flooding or flood damage.

(ii) National Flood Insurance Program maps published by FEMA.

(iii) Information about flood hazards that is available from the United States Army Corps of Engineers.

(iv) Designated floodway maps that are available from the Central Valley Flood Protection Board.

(v) Dam failure inundation maps prepared pursuant to Section 6161 of the Water Code that are available from the Department of Water Resources.

(vi) Awareness Floodplain Mapping Program maps and 200-year flood plain maps that are or may be available from, or accepted by, the Department of Water Resources.

(vii) Maps of levee protection zones.

(viii) Areas subject to inundation in the event of the failure of project or nonproject levees or floodwalls.

(ix) Historical data on flooding, including locally prepared maps of areas that are subject to flooding, areas that are vulnerable to flooding after wildfires, and sites that have been repeatedly damaged by flooding.

(x) Existing and planned development in flood hazard zones, including structures, roads, utilities, and essential public facilities.

(xi) Local, state, and federal agencies with responsibility for flood protection, including special districts and local offices of emergency services.

(B) Establish a set of comprehensive goals, policies, and objectives based on the information identified pursuant to subparagraph (A), for the protection of the community from the unreasonable risks of flooding, including, but not limited to:

(i) Avoiding or minimizing the risks of flooding to new development.

(ii) Evaluating whether new development should be located in flood hazard zones, and identifying construction methods or other methods to minimize damage if new development is located in flood hazard zones.

(iii) Maintaining the structural and operational integrity of essential public facilities during flooding.

(iv) Locating, when feasible, new essential public facilities outside of flood hazard zones, including hospitals and health care facilities, emergency shelters, fire stations, emergency command centers, and emergency communications facilities or identifying construction methods or other methods to minimize damage if these facilities are located in flood hazard zones.

(v) Establishing cooperative working relationships among public agencies with responsibility for flood protection.

(C) Establish a set of feasible implementation measures designed to carry out the goals, policies, and objectives established pursuant to subparagraph (B).

(3) Upon the next revision of the housing element on or after January 1, 2014, the safety element shall be reviewed and updated as necessary to address the risk of fire for land classified as state responsibility areas, as defined in Section 4102 of the Public Resources Code, and land classified as very high fire hazard severity zones, as defined in Section 51177. This review shall consider the advice included in the Office of Planning and Research's most recent publication of "Fire Hazard Planning, General Plan Technical Advice Series" and shall also include all of the following:

(A) Information regarding fire hazards, including, but not limited to, all of the following:

(i) Fire hazard severity zone maps available from the Office of the State Fire Marshal.

(ii) Any historical data on wildfires available from local agencies or a reference to where the data can be found.

(iii) Information about wildfire hazard areas that may be available from the United States Geological Survey.

(iv) General location and distribution of existing and planned uses of land in very high fire hazard severity zones and in state responsibility areas, including structures, roads, utilities, and essential public facilities. The location and distribution of planned uses of land shall not require defensible space compliance measures required by state law or local ordinance to occur on publicly owned lands or open-space designations of homeowner associations.

(v) Local, state, and federal agencies with responsibility for fire protection, including special districts and local offices of emergency services.

(B) A set of goals, policies, and objectives based on the information identified pursuant to subparagraph (A) for the protection of the community from the unreasonable risk of wildfire.

(C) A set of feasible implementation measures designed to carry out the goals, policies, and objectives based on the information identified pursuant to subparagraph (B), including, but not limited to, all of the following:

(i) Avoiding or minimizing the wildfire hazards associated with new uses of land.

(ii) Locating, when feasible, new essential public facilities outside of high fire risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, or identifying construction methods or other methods to minimize damage if these facilities are located in a state responsibility area or very high fire hazard severity zone.

(iii) Designing adequate infrastructure if a new development is located in a state responsibility area or in a very high fire hazard severity zone, including safe access for emergency response vehicles, visible street signs, and water supplies for structural fire suppression.

(iv) Working cooperatively with public agencies with responsibility for fire protection.

(D) If a city or county has adopted a fire safety plan or document separate from the general plan, an attachment of, or reference to, a city or county's adopted fire safety plan or document that fulfills commensurate goals and objectives and contains information required pursuant to this paragraph.

(4) Upon the next revision of a local hazard mitigation plan, adopted in accordance with the federal Disaster Mitigation Act of 2000 (Public Law 106-390), on or after January 1, 2017, or, if a local jurisdiction has not adopted a local hazard mitigation plan, beginning on or before January 1, 2022, the safety element shall be reviewed and updated as necessary to address climate adaptation and resiliency strategies applicable to the city

or county. This review shall consider advice provided in the Office of Planning and Research's General Plan Guidelines and shall include all of the following:

(A) (i) A vulnerability assessment that identifies the risks that climate change poses to the local jurisdiction and the geographic areas at risk from climate change impacts, including, but not limited to, an assessment of how climate change may affect the risks addressed pursuant to paragraphs (2) and (3).

(ii) Information that may be available from federal, state, regional, and local agencies that will assist in developing the vulnerability assessment and the adaptation policies and strategies required pursuant to subparagraph (B), including, but not limited to, all of the following:

(I) Information from the internet-based Cal-Adapt tool.

(II) Information from the most recent version of the California Adaptation Planning Guide.

(III) Information from local agencies on the types of assets, resources, and populations that will be sensitive to various climate change exposures.

(IV) Information from local agencies on their current ability to deal with the impacts of climate change.

(V) Historical data on natural events and hazards, including locally prepared maps of areas subject to previous risk, areas that are vulnerable, and sites that have been repeatedly damaged.

(VI) Existing and planned development in identified at-risk areas, including structures, roads, utilities, and essential public facilities.

(VII) Federal, state, regional, and local agencies with responsibility for the protection of public health and safety and the environment, including special districts and local offices of emergency services.

(B) A set of adaptation and resilience goals, policies, and objectives based on the information specified in subparagraph (A) for the protection of the community.

(C) A set of feasible implementation measures designed to carry out the goals, policies, and objectives identified pursuant to subparagraph (B), including, but not limited to, all of the following:

(i) Feasible methods to avoid or minimize climate change impacts associated with new uses of land.

(ii) The location, when feasible, of new essential public facilities outside of at-risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, or identifying construction methods or other methods to minimize damage if these facilities are located in at-risk areas.

(iii) The designation of adequate and feasible infrastructure located in an at-risk area.

(iv) Guidelines for working cooperatively with relevant local, regional, state, and federal agencies.

(v) The identification of natural infrastructure that may be used in adaptation projects, where feasible. Where feasible, the plan shall use existing natural features and ecosystem processes, or the restoration of

natural features and ecosystem processes, when developing alternatives for consideration. For purposes of this clause, "natural infrastructure" means using natural ecological systems or processes to reduce vulnerability to climate change related hazards, or other related climate change effects, while increasing the long-term adaptive capacity of coastal and inland areas by perpetuating or restoring ecosystem services. This includes, but is not limited to, the conservation, preservation, or sustainable management of any form of aquatic or terrestrial vegetated open space, such as beaches, dunes, tidal marshes, reefs, seagrass, parks, rain gardens, and urban tree canopies. It also includes systems and practices that use or mimic natural processes, such as permeable pavements, bioswales, and other engineered systems, such as levees that are combined with restored natural systems, to provide clean water, conserve ecosystem values and functions, and provide a wide array of benefits to people and wildlife.

(D) (i) If a city or county has adopted the local hazard mitigation plan, or other climate adaptation plan or document that fulfills commensurate goals and objectives and contains the information required pursuant to this paragraph, separate from the general plan, an attachment of, or reference to, the local hazard mitigation plan or other climate adaptation plan or document.

(ii) Cities or counties that have an adopted hazard mitigation plan, or other climate adaptation plan or document that substantially complies with this section, or have substantially equivalent provisions to this subdivision in their general plans, may use that information in the safety element to comply with this subdivision, and shall summarize and incorporate by reference into the safety element the other general plan provisions, climate adaptation plan or document, specifically showing how each requirement of this subdivision has been met.

(5) Upon the next revision of the housing element on or after January 1, 2020, the safety element shall be reviewed and updated as necessary to identify residential developments in any hazard area identified in the safety element that do not have at least two emergency evacuation routes.

(6) After the initial revision of the safety element pursuant to paragraphs (2), (3), (4), and (5), the planning agency shall review and, if necessary, revise the safety element upon each revision of the housing element or local hazard mitigation plan, but not less than once every eight years, to identify new information relating to flood and fire hazards and climate adaptation and resiliency strategies applicable to the city or county that was not available during the previous revision of the safety element.

(7) Cities and counties that have flood plain management ordinances that have been approved by FEMA that substantially comply with this section, or have substantially equivalent provisions to this subdivision in their general plans, may use that information in the safety element to comply with this subdivision, and shall summarize and incorporate by reference into the safety element the other general plan provisions or the flood plain ordinance, specifically showing how each requirement of this subdivision has been met.

(8) Before the periodic review of its general plan and before preparing or revising its safety element, each city and county shall consult the California Geological Survey of the Department of Conservation, the Central Valley Flood Protection Board, if the city or county is located within the boundaries of the Sacramento and San Joaquin Drainage District, as set forth in Section 8501 of the Water Code, and the Office of Emergency Services for the purpose of including information known by and available to the department, the agency, and the board required by this subdivision.

(9) To the extent that a county's safety element is sufficiently detailed and contains appropriate policies and programs for adoption by a city, a city may adopt that portion of the county's safety element that pertains to the city's planning area in satisfaction of the requirement imposed by this subdivision.

(h) (1) An environmental justice element, or related goals, policies, and objectives integrated in other elements, that identifies disadvantaged communities within the area covered by the general plan of the city, county, or city and county, if the city, county, or city and county has a disadvantaged community. The environmental justice element, or related environmental justice goals, policies, and objectives integrated in other elements, shall do all of the following:

(A) Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.

(B) Identify objectives and policies to promote civic engagement in the public decisionmaking process.

(C) Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.

(2) A city, county, or city and county subject to this subdivision shall adopt or review the environmental justice element, or the environmental justice goals, policies, and objectives in other elements, upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018.

(3) By adding this subdivision, the Legislature does not intend to require a city, county, or city and county to take any action prohibited by the United States Constitution or the California Constitution.

(4) For purposes of this subdivision, the following terms shall apply:

(A) "Disadvantaged communities" means an area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code or an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.

(B) "Public facilities" includes public improvements, public services, and community amenities, as defined in subdivision (d) of Section 66000.

(C) "Low-income area" means an area with household incomes at or below 80 percent of the statewide median income or with household incomes at or below the threshold designated as low income by the Department of Housing and Community Development's list of state income limits adopted pursuant to Section 50093 of the Health and Safety Code.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

O

**From:** Nazzi Shishido [redacted]
**Sent:** Thursday, October 15, 2026 8:58 AM
**To:** Clerk <Clerk@losgatosca.gov>
**Cc:** Town Manager <Manager@losgatosca.gov>
**Subject:** Re: Electronic Pet Containment – Public and Animal Safety Concerns. (October 20, 2026), Addition to my email for council

[EXTERNAL SENDER]

Hello,

This is an addition to my email below.

I have been regularly watching the Town Council agendas for the electronic pet containment item because I understood that it would be returning to the Council for further consideration. I have not seen the item appear on a subsequent agenda.

At the August 4 meeting, this issue was brought forward based on a request from a single resident. Other than Vice Mayor Ristow's strong support for moving the matter forward, the discussion reflected questions and concerns regarding the need for the change, Town priorities, enforcement, cost, and whether there was broader public demand for it.

Because this proposed ordinance could affect hillside residents safety throughout Los Gatos, I believe the public should have an opportunity to review the actual proposed ordinance and participate in a meaningful discussion before any change is adopted.

I am particularly interested in the treatment of hillside properties **under one acre.** The August 4 discussion addressed the Hillside and also specifically discussed properties over one acre. **The Town should not lump all hillside properties together. Hillside properties are not all the same and present different challenges depending on lot size, location, road access, neighboring properties, easements, driveways, and proximity to public areas.** I would like to understand what is now being proposed for properties under one acre and why.

Could you please let me know when this item will return to the Town Council agenda and when the public will have an opportunity to comment? **I respectfully request that this matter be placed on a future Town Council agenda so that the public has an opportunity to review the proposed changes and participate in a meaningful discussion before any ordinance is adopted.**

**Thank you,**

**Nazzi Shishido, [redacted] Los Gatos, 95032**

On Oct 15, 2026, at 8:14 AM, Nazzi Shishido [redacted] wrote:

Good morning,

My name is Nazzi Shishido, and I am a Los Gatos hillside resident and an animal lover. I plan to attend the October 20 Town Council meeting and would like to raise a public-safety concern as well as an animal safety concern regarding electronic pet containment.

The ordinance should also specifically address hillside properties **under one acre**. While the Town's current fencing regulations address wildlife passage requirements for larger hillside properties, properties under one acre **do not** have the same wildlife-passage concern but present different safety concerns, particularly on corner lots where electronic containment may be close to streets, public rights-of-way, neighboring property lines, easements, and driveways.

Those protections should include **minimum setbacks** from public areas and rights-of-way, neighboring property lines, easements, and driveways, as well as a requirement that the containment system be **properly maintained and functioning**. This is particularly important because if an electronic containment system fails, an animal may be able to leave the property without any physical barrier preventing it from reaching pedestrians, other animals, neighboring properties, driveways, or roadways. A failure could result in a dog bite, traffic accident, injury, or other serious safety incident. **Repeated incidents or citations** involving an animal leaving its designated containment area should be a clear indication that the electronic containment system is not functioning effectively and that additional safety measures may be necessary.

The Town should also consider whether **additional safeguards** are appropriate for larger dogs, dogs with a documented bite or escape history, or dogs with known behavioral issues. **The Town should also consider that larger dogs with documented behavioral issues, including biting, charging, or attacking, can pose a danger not only to people and other pets, but also to local wildlife such as deer and wild turkeys.**

Clear standards are important not only for public safety, but also so that dog owners understand their responsibilities and Town staff have objective standards that can actually be enforced. These standards also **protect the animals themselves** from escape, traffic accidents, injury, and other preventable harm.

I respectfully request that a Council Member ask to **place electronic pet-containment safety standards and setbacks on a future Town Council agenda.**

Thank you for your support and cooperation. I can be reached at [redacted].

**Thank you,**

**Nazzi**

**From:** Lisa Van Buskirk [redacted]
**Sent:** Tuesday, October 20, 2026 12:07 PM
**To:** Clerk <Clerk@losgatosca.gov>; Council <Council@losgatosca.gov>; Planning <Planning@losgatosca.gov>
**Subject:** town council meeting and planning commission meeting

[EXTERNAL SENDER]

To whom it may concern, it has been brought to our attention that the city of Los Gatos is considering allowing electric fences. We ask that the city slow down to carefully consider all options and seek experts for advice. Thank you.

**Lisa Van Buskirk** | Senior Vice President

Development, Planned Giving & Community Engagement

**Peninsula Humane Society & SPCA**

1450 Rollins Road | Burlingame, CA 94010

[redacted]

**From:** Nazzi Shishido [redacted]
**Sent:** Tuesday, October 20, 2026 2:40 PM
**To:** Planning <Planning@losgatosca.gov>; Attorney <Attorney@losgatosca.gov>; Town Manager <Manager@losgatosca.gov>; Council <Council@losgatosca.gov>
**Cc:** Clerk <Clerk@losgatosca.gov>; Hiroshi Shishido [redacted]; Joel Paulson <jpaulson@losgatosca.gov>
**Subject:** Public Comment – Opposition to Electronic Pet Containment for Hillside Properties Below One Acre

[EXTERNAL SENDER]

Good afternoon,

Attached is my written public comment in opposition to the proposed electronic pet-containment changes for hillside properties below one acre.

I respectfully ask that the attached PDF be included in the public record and provided to the Town Council, Planning Commission, Planning Department, Town Manager, and Town Attorney.

I will be attending tonight's Town Council meeting and the Planning Commission meeting on October 28, 2026.

Thank you for your time and consideration.

Regards,

Nazzi Shishido, [redacted]

To: **Town council, Planning department, Planning Commission, Town Manager Town Attorney**

CC: Town Clerk, Town Manager Office

From: Nazzi Shishido

Subject: **Opposition to Electronic Fencing for Pet Containment on Hillside Properties Below One Acre**

Date: October 20, 2026

My name is Nazzi Shishido, and we have lived at [redacted] in Los Gatos, a hillside property of less than one acre, for 21 years.

**Request to Town Council:** Please do not change the Town's hillside fencing rules to recognize electronic containment as a substitute for secure physical fencing for hillside properties below one acre unless and until the Town completes independent and proper due diligence, involves environmental experts, animal welfare groups, wildlife organizations, engages Los Gatos residents, and fully evaluates the safety issues associated with electronic fencing and its potential impact on the Town of Los Gatos.

My family's documented experience shows that the consequences of electronic-containment failure are not theoretical. Our experience is at the end of this email.

There is no issue with having six-foot physical fencing on our property for safety and dog containment, thanks to the extensive work that began in 2017 by the Los Gatos Planning Department, Planning Commission, Town Council, and Council Policy Committee, with significant participation from Los Gatos residents and careful consideration of wildlife protection and movement throughout our hillside communities. It took approximately two and a half years of public review and consideration to develop and implement these regulations— a stark contrast to what is happening now: a rushed process without adequate due diligence that risks putting wildlife in danger and turning wildlife into prey, while also creating safety risks for Los Gatos residents, children, pets, neighbors, delivery workers, pedestrians, cyclists, utility workers, first responders, police officers, and firefighters.

This proposal originated from one petitioner's request for electronic fencing as a form of pet containment, based on the inaccurate premise that the petitioner has no other option and cannot install a physical fence to contain the dog. That premise is inaccurate. Existing Town rules do not prevent the petitioner from containing a dog on the property. A six-foot physical fence is permitted. The citation issue is not the absence of a fence; it is the failure to properly confine the dog and the use of electronic fencing as the means of containment when it should not have

been relied upon for that purpose. The Town's April 7, 2026 and August 4, 2026 meeting videos should be reviewed as part of the record.

If the existing code already provides a lawful and effective means of containing the dog, then what problem with the Town Code are we actually trying to solve? One resident does not represent the Town of Los Gatos, and an individual request should not become Town-wide policy without demonstrated community need.

The Planning Commission began considering hillside fencing amendments in July 2017, and the Town specifically sought public input. The issue continued through Planning Commission review, Town Council consideration, and Council Policy Committee review. In October 2018, the Council referred portions of the proposed hillside fencing amendments to the Policy Committee for further discussion. The Policy Committee considered the matter in November and again in December 2018. In March 2019, the proposed hillside regulations returned to the Planning Commission, and the Town again specifically requested written and oral public participation. The matter continued to the Town Council in June 2019. (Los Gatos Official Site)

The result was a deliberate balance. Los Gatos hillside residents were permitted physical fences, while the Town sought to preserve wildlife habitat and movement through the hillsides. At the same time, the Town recognized that residents have legitimate reasons for physical fencing, including the protection and containment of animals.

Hillside properties of less than one acre may have fences up to 6 feet and are not subject to the wildlife-fencing requirements applicable to larger hillside parcels; in many circumstances, a permit is not even required. Hillside properties of one acre or more are subject to wildlife-friendly fencing requirements, including a maximum height of 42 inches with 18 inches of clearance at the bottom. These distinctions were developed through a lengthy public process centered on wildlife protection and movement.

**Official Town records:**

2017 Planning Commission — Hillside Fences, Hedges and Walls Staff Report

2018 Town record — Council and Policy Committee hillside fencing review and public input

2019 Town record — Planning Commission review and public input

# Electronic Dog Containment Is Not Adequate Protection

Electronic dog-containment systems—sometimes called invisible fences, wireless fences, GPS fences, or electronic-collar containment systems—should not be accepted as a substitute for a secure, visible physical fence. They do not create a physical barrier. Instead, they depend on a dog receiving and responding to a warning or correction, such as a tone, vibration, or electronic stimulation.

The Town should evaluate these systems under foreseeable real-world conditions—not only under ideal conditions when the equipment is functioning, batteries are charged, the owner is present, the dog is calm, and no wildlife, emergency, or unexpected trigger is present.

A secure physical fence helps keep a dog inside while also creating separation from wildlife, other dogs, strangers, children, and other hazards. An electronic boundary does not provide that physical separation.

## A Hypothetical Hillside Scenario Using Electronic Fence

Consider a typical hillside neighborhood.  Neighbor A owns a corner lot and relies on an electronic fence to contain a large, high-prey-drive dog. Neighbor B lives immediately to the right, Neighbor C lives across the street, and Neighbor D lives below the property.

It is an ordinary afternoon. Neighbor B's gardener is working in the yard. Neighbor C is sitting on the front porch. Neighbor D's children are playing in their yard. A cyclist is riding down the street. A pedestrian is walking a small dog. An Amazon delivery driver is approaching to deliver a package.

Neighbor A's dog is outside. A deer walks onto the property. The deer does not know that an electronic boundary exists. The dog sees the deer and its prey drive takes over. It begins chasing the deer.  Now consider what happens next.

The deer can run anywhere. It can cross the invisible boundary, enter Neighbor B's yard where the gardener is working, run into the street toward the cyclist or the pedestrian and dog, cross toward Neighbor C's property, or run downhill toward Neighbor D's yard where children are playing.

The electronic fence does nothing to stop the deer or the dog and disaster happened.

If the pursuing dog is sufficiently stimulated by the chase to cross the electronic boundary despite the correction, there is now no physical barrier separating that dog from the gardener, the children, the pedestrian and small dog, the cyclist, the delivery driver, the roadway, or the surrounding properties.

And once the dog crosses the electronic boundary, another problem arises: the dog may be reluctant to cross the boundary again to return home because returning may require receiving another electronic correction.

One deer entering one yard can therefore turn an electronic-containment failure on a single property into a safety issue affecting an entire group of neighboring residents and members of the public.

A physical fence does something fundamentally different: it creates an actual barrier between the dog and the deer and helps prevent the chase from beginning in the first place.

Electronic containment should also not encourage a situation in which a dog is left outside to function, in effect, as an unsupervised perimeter-security system. A dog should not become the barrier between private property and neighbors, children, workers, delivery personnel, pedestrians, or other members of the public. **The containment system should contain the dog; the dog should not be expected to police the boundary and be the bodyguard.**

This is why electronic containment cannot be evaluated only by asking whether it usually keeps a dog within a particular boundary. The Town must consider what happens on the occasion when it does not.

## Wildlife and Prey Drive

This issue is especially important in hillside neighborhoods where dogs may encounter deer, fawns, wild turkeys, rabbits, squirrels, birds, coyotes, bobcats, and other wildlife.

A moving animal can trigger an immediate chase response. A dog with a strong prey drive—or a dog that becomes excited, fearful, territorial, or intensely focused—may charge through an electronic boundary in pursuit. At that moment, instinct may override the dog's learned avoidance of the warning or correction.

An electronic collar does not create a physical barrier capable of stopping a large, fast-moving, or highly aroused dog. Once the dog crosses the boundary, nothing physically prevents it from entering a neighboring property, roadway, driveway, trail, open-space area, or wildlife habitat.

The concern is not the same for every breed or type of dog. There is a meaningful difference between a hunting or pointing breed developed to pursue game and a companion dog with substantially different behavioral traits. Breed, size, strength, temperament, and particularly prey drive are relevant when evaluating the risks of electronic containment. A high-prey-drive hunting dog pursuing wildlife may present a very different containment challenge than a lower-prey-drive companion dog. For dogs with strong hunting and pursuit instincts, secure physical containment should be required rather than relying solely on an electronic boundary.

## Risk to Neighbors, Children and Pets

Electronic containment can also shift the burden of safety onto neighboring property owners. If one owner relies on an electronic fence that does not reliably contain a dog, surrounding residents may feel forced to install physical fencing on their own properties simply to protect their families, pets, workers, and use of their own yards and driveways. In effect, one property owner's decision not to use physical containment can require multiple neighboring properties to construct physical barriers instead. The Town should consider whether that is a reasonable or equitable consequence of changing its containment requirements.

When a dog crosses an electronic boundary, the risk extends beyond wildlife.

What happens if children are playing on the other side of the property line? What happens if a small dog, cat, or other pet is nearby? What happens if an elderly resident, a small-statured adult,

or another person walking a dog is suddenly confronted by a large, fast-moving, highly excited dog?

Possible consequences include:

- A child, pedestrian, or dog walker being knocked down
- A small pet being chased, injured, or killed
- A dog-on-dog confrontation
- A leash being pulled from a handler's hands
- A frightened person falling or entering the roadway to avoid the dog
- A dog bite or defensive bite
- A dog associating a person, cyclist, child, or another animal with the correction and becoming more fearful or reactive

A visible fence gives neighbors, children, delivery workers, visitors, and others notice of the dog's boundary. An electronic boundary gives no such notice. Someone may unknowingly enter an area the dog perceives as its territory because there is

## Equipment and Maintenance Failure

Electronic containment is only as reliable as its equipment, power source, signal, collar, maintenance, training, and the person responsible for operating it. Foreseeable failures include:

- Power outages
- Dead or depleted collar batteries
- Equipment malfunction
- Damaged buried wire
- Loss, drift, or interruption of a wireless or GPS signal
- Improper collar fit
- Inadequate training
- Failure to inspect, recharge, repair, or maintain the equipment
- Owner absence, vacation, illness, or inability to respond

A physical fence remains visible and continues to provide a barrier when the power is out, equipment fails, batteries die, or the owner is not present.

The Town must also determine how electronic containment can realistically be inspected, monitored, and enforced. Who verifies that the system is functioning? How often must it be tested? How would Code Enforcement determine whether an invisible boundary is operating properly? What happens after a power outage, dead battery, damaged wiring, signal failure, landscaping, excavation, erosion, or other disruption? What happens when the system is inoperable or a dog escapes?

If electronic containment is recognized as lawful pet containment, the Town needs an enforceable standard for maintaining it—not simply an assumption that the equipment will continue to work and that every owner will properly maintain it.

## Dogs, Owners and Hillside Properties Are Not Interchangeable

The Town should not assume that all dogs, owners, and hillside properties present the same circumstances. Dogs range from small companion animals to powerful working and hunting breeds, including breeds with strong prey drive, speed, endurance, and an instinct to pursue wildlife. Dogs may also have behavioral or aggression issues that do not become known until an incident occurs.

Electronic containment depends on the individual dog, its training, properly functioning equipment, and the owner's responsible and consistent use of the system.

Nor should the Town assume that every owner will use electronic containment merely as an additional precaution. For some owners, it may become a substitute for physical containment, allowing a dog to remain outside for extended periods rather than being walked, supervised, exercised, or taken outside by its owner. The Town should evaluate foreseeable uses of the technology, not simply its best-case use.

Hillside properties themselves are not interchangeable. They include steep terrain, narrow and shared driveways, ingress and egress easements, open areas adjacent to neighboring driveways, limited sightlines, narrow roads, properties without sidewalks, wildlife corridors, and areas where residents, workers, children, cyclists, delivery personnel, utility workers, and emergency responders may pass immediately alongside private property.

An electronic boundary is invisible to every one of those people—and to wildlife approaching from the other direction.

## Roads, Drivers and Cyclists

The Town should consider what happens when a dog suddenly enters a roadway. A cyclist traveling uphill, downhill, or around a blind curve may have little opportunity to avoid a dog running into the road.

A cyclist may brake suddenly, swerve, fall, or collide with the dog. A driver may brake or swerve to avoid it. The consequences could injure the cyclist, pedestrian, driver, passenger, dog, or wildlife.

These risks are particularly serious on narrow, winding hillside roads with limited visibility, steep grades, parked vehicles, and little room for a cyclist or pedestrian to avoid danger.

### Escape and Return

The Town should independently evaluate what happens after a dog crosses an electronic boundary.

A dog may cross while frightened, excited, pursuing wildlife, responding to another dog, or fleeing a perceived threat. Once outside, the dog may hesitate or refuse to return if doing so requires crossing the correction zone again.

That can create the worst possible result: the dog has escaped and may be reluctant to come back. Meanwhile, there is no physical barrier preventing it from entering a roadway, neighboring property, driveway, open space, or wildlife habitat.

## Emergency, 911, Fire and Evacuation Risks

These concerns become even more serious during the emergencies for which Los Gatos hillside communities must prepare.

During a 911 call, medical emergency, fire, wildfire evacuation, earthquake, utility failure, prolonged power outage, or other urgent event, electronic containment may fail or become unreliable precisely when residents and emergency responders need predictable, unobstructed access.

Firefighters, police officers, paramedics, utility crews, animal-control officers, and evacuation personnel should not unexpectedly encounter an uncontained dog while responding to an emergency. A dog frightened by sirens, smoke, flames, flashing lights, strangers, hoses, emergency vehicles, or people rushing onto the property may react unpredictably, escape, chase, guard its territory, or interfere with emergency access.

During a wildfire or evacuation, a frightened dog may run through an electronic boundary, be unable or unwilling to return, enter a roadway, obstruct an evacuation route, or confront residents and responders. Electronic containment also provides no physical barrier between the dog and wildlife or other animals fleeing a fire.

In hillside areas, defensible-space work requires reliable access for firefighters, vegetation-management crews, contractors, utility personnel, and inspectors. A loose or unpredictable dog can delay or prevent access to a property. During a wildfire, medical emergency, or evacuation, even a short delay can have serious consequences.

The danger is not merely inconvenience. An emergency responder who must stop to avoid, assess, restrain, or defend against an uncontained dog loses time. A resident who cannot safely leave because of a loose dog, or a dog that enters an evacuation route, can create a dangerous situation.

Public-safety regulations should not assume that every owner is a responsible owner, will be home, every battery will be charged, every collar will work, every signal will remain available, and every dog will respond to an electronic correction during a crisis.

## Delivery, Utility and Service Workers

Electronic containment provides no visible warning to delivery drivers, postal carriers, food-delivery workers, contractors, landscapers, gardeners, utility workers, and other service providers.

These workers may approach a driveway, porch, garage, gate, or side yard in the ordinary course of their work, often carrying packages or equipment and with limited ability to quickly move away.

If a dog crosses an electronic boundary while reacting to a delivery vehicle, unfamiliar person, wildlife, or another trigger, the worker may unexpectedly encounter a loose, barking, charging, frightened, or excited dog. A physical fence provides both a visible boundary and an actual barrier. An electronic system does not.

## Protection for the Entire Community

The Town's dog-containment standards should protect the entire community, rather than depend on an electronic system functioning under ideal conditions. Those standards should protect:

- Wildlife, including deer, fawns, wild turkeys, birds, rabbits, squirrels, and other native animals
- Children and families
- Neighbors, pedestrians, and visitors
- Small pets, other dogs, and cats
- Cyclists, drivers, and vehicle passengers
- Delivery drivers, postal carriers, food-delivery workers, and other service providers
- Contractors, landscapers, gardeners, and housekeepers
- Utility workers and defensible-space crews
- Firefighters, police officers, paramedics, animal-control officers, and evacuation personnel
- The dog itself

A properly designed and maintained physical fence, enclosed dog run, or other secure physical enclosure is not a guarantee against every incident. But it creates an actual, visible barrier. It helps keep dogs contained, creates separation from wildlife and other people, remains functional during power outages, gives others notice of the dog's boundary, and provides a more dependable safeguard during ordinary life and emergencies.

Electronic containment should therefore be treated, at most, as a supplemental tool—not as a substitute for secure physical containment where public safety, wildlife protection, emergency access, and neighborhood safety are at stake.

## Independent Due Diligence and Verification

Before changing the Municipal Code, the Town should independently verify the factual claims, sources, endorsements, installation figures, legal interpretations, and animal-control representations that have been submitted in support of electronic containment.

A proposal seeking a code amendment is advocacy; it is not an independent public-safety, wildlife, animal-welfare, or enforcement study. The Town should not rely solely on manufacturer claims, installer representations, testimonials, or statements from anyone who may financially benefit from the sale, installation, training, maintenance, or expanded use of electronic-containment systems.

Before changing the law, the Town should obtain independent review from qualified professionals with no financial interest in electronic containment, including appropriate wildlife, veterinary, animal-behavior, public-safety, fire-safety, and animal-control professionals.

## My Family's Experience with Electronic Fencing and Why This Proposed Change Matters to Us

My family experienced firsthand during 2024 and 2025 what can happen when electronic fencing does not reliably contain a dog. I am providing this history because it is directly relevant to the policy the Town is now considering.

A physical fence could have been installed at the neighboring property, but electronic containment was used instead. The dog was a large, athletic hunting dog with behavioral issues and had been subject to an electronic containment system shock since 2021. The dog exhibited aggressive behavior, including biting at hands and feet. The dog was left outside for extended periods and became increasingly difficult to control. I observed the dog chasing baby deer and squirrels and, on occasion, killing and tearing apart wild turkeys. The dog also roamed outside the property and was not reliably contained by the electronic fence. The owner was aware that the dog was getting out.

We also learned that delivery personnel would not deliver due to the concern about the dog.

In February or March 2024, our surveyor had to stop working because the dog was not contained by the electronic fence. He knocked on our door visibly upset and told me that the dog had charged him three times. He took photographs, packed his equipment, and left. We had to arrange for him to return later to finish the survey, and he required that the dog be confined. The surveyor also told me that another woman had warned him that the dog was "nasty" and asked why I had not warned him.

The situation escalated in August 2024 when the electronic boundary was relocated closer to the property line, very close to our driveway and closer to an area used by the public. Beginning around August 7, 2024, this resulted in police calls and involvement by Silicon Valley Animal Control.

On August 9, 2024, Silicon Valley Animal Control issued a warning concerning restraint of the dog. Officer Castro was involved. Owner ignored. **Case# A24-155773**

On August 10, 2024, another warning was issued by Silicon Valley Animal Control. Officer Castro was again involved. Owner ignored. **Case# A24-155773**

As the situation continued, Mr. Dan Soszynski, Executive Director of Silicon Valley Animal Control, was informed. Mr. Patrick Pedrotti, Field Services Manager, also came to our home to observe the conditions firsthand.

The dog's bark was extremely loud and frightened people in the area. I recall Animal Control referring to the dog as "Cujo," and I asked what that meant.

On August 20, 2024, the Town of Los Gatos issued a $100 citation concerning restraint of the dog. Importantly, the Town's citation instructed that the dog be confined by a fence of not less than six feet so that the dog would not continue running loose. **Town Violation # 24-398, $100**

The electronic containment system was already in place, yet it was not reliably containing the dog.

For almost a month, the situation significantly affected our daily lives. We were afraid to come out of our home, walk down our driveway, or check our mail because of the possibility of encountering the dog. We stopped or limited visits by our gardener, cleaners, and other workers because we did not want them exposed to the same risk. We only left the home in our cars.

## 2025

In 2025, the containment problems began again after another dog was brought to the property.

On August 9, 2025, my husband experienced a medical emergency requiring a 911 response and resulting in approximately one week of hospitalization. During that emergency, I was concerned about the dog, both for my husband's safety while being transported by stretcher and for the safety of the emergency responders who needed access to our property.

This experience is directly relevant to the issue now before the Town. During a 911 emergency, residents should not have to wonder whether an electronic containment system is functioning or whether a dog will cross an invisible boundary while firefighters or paramedics are trying to reach someone.

On August 29, 2025, Silicon Valley Animal Control issued another warning concerning the dog running loose. The Town of Los Gatos also issued a $100 citation through Mr. Allen Meyer, Code Compliance Officer. The Town Attorney's office was involved. **Town violation # 25-279, $100**

On August 30, 2025, the dog was again running loose, and another citation was issued by the Town of Los Gatos through Mr. Meyer. **Town violation # 25-279, $100**

On September 19, 2025, the dog was again running loose and charging toward our house. Another Town citation was issued on October 1, 2025. **Town Violation #25-325, $100**

During this period, the dog was observed in our backyard, roaming in our driveway, near our garage, and near our front door.

## Why This Experience Matters

I am providing these names and dates because these events can be independently checked for accuracy through Town records and Silicon Valley Animal Control records.

Those records should reflect the involvement of Officer Castro, Executive Director Dan Soszynski, Field Services Manager Patrick Pedrotti, Los Gatos Code Compliance Officer Allen Meyer, the Town Attorney's office, and other personnel involved in these incidents.

DogWatch is also relevant to this history. Troy Dykes was the installer of the electronic fencing system being used at the neighboring property that did not work.

**The central point is simple: an electronic containment system was used to confine a large, athletic hunting dog with known behavioral issues. The system repeatedly failed to contain the dog. The owner was aware of those failures, yet the dog continued to run loose.**

There were repeated incidents. There were Animal Control warnings. There were Town citations. Police became involved. A surveyor had to stop working and leave. Delivery personnel were affected. Our gardeners, cleaners, and other workers were affected. Wildlife was affected. Our ability to safely use our own property was affected. During a 911 medical emergency, I was concerned about the safety of my husband and the emergency responders trying to reach him.

This is not a theoretical concern about whether electronic containment might fail. My family experienced what happens when it simply does not work.

Before Los Gatos changes its existing hillside fencing rules and recognizes electronic containment as a substitute for physical containment, this real-world history should be part of the Town's due diligence and expand.

The incidents, Animal Control warnings, and Town citations described in this letter can be independently verified through Town and Silicon Valley Animal Control records. I can provide supporting documentation upon request.

Thank you to the Town Council, Planning Commission, Town staff, and everyone involved for taking the time to review my concerns and the information I have provided.

I will be attending tonight's Town Council meeting, and I also plan to attend the Planning Commission meeting on October 28, 2026.

I respectfully ask that this email and the information provided with it be included in the public record and added to the appropriate meeting packet for consideration by the Town Council and Planning Commission. I can be reached at [redacted]

Thank you for your time and consideration.

Nazzi Shishido

Nazzi Shishido
[redacted]
Los Gatos, CA 95032

**From:** Nazzi Shishido [redacted]
**Sent:** Wednesday, October 21, 2026 3:50 PM
**To:** Rob Moore <RMoore@losgatosca.gov>; Matthew Hudes <MHudes@losgatosca.gov>; Maria Ristow <MRistow@losgatosca.gov>; Mary Badame <MBadame@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>
**Cc:** Clerk <Clerk@losgatosca.gov>; Gabrielle Whelan <GWhelan@losgatosca.gov>; Chris Constantin <CConstantin@losgatosca.gov>; Planning <Planning@losgatosca.gov>; Hiroshi Shishido [redacted]; Town Manager <Manager@losgatosca.gov>; Joel Paulson <jpaulson@losgatosca.gov>
**Subject:** False SVACA Endorsement in Petitioner's E-Fencing Submission — SVACA Unaware of Statements nor endorse E Fencing for containment of pets

[EXTERNAL SENDER]

Mayor Moore and Councilmembers,

I was made aware of this issue only last Wednesday. Before then, I had never accessed the Town website to review Council minutes, videos, or related records. My mistake.

**I hope you are as troubled by what I discovered today as I am, and as I believe any Los Gatos resident would be, when representations of this significance are presented to the Town as a basis for changing our Municipal Code.**

Since last Wednesday, I have focused on the April 7 and August 4, 2026 Council meetings, read the Town records, watched the videos, and reviewed the petitioner's 17-page document.

To my surprise, I found that the report repeatedly represents to the Town that the Silicon Valley Animal Control Authority (SVACA) has recognized, accepted, and endorsed electronic fencing as valid dog containment.

Because of these representations, I contacted SVACA directly. I emailed Dan Soszynski, Executive Director; Patrick Pedrotti, Field Services Manager; and Officer Castro.

**Today, I received a telephone call from Patrick Pedrotti the field service manager at SVACA:**

**• SVACA has never inspected or evaluated the hidden electronic fence system at 100 Hill Top Drive;**

**• SVACA has never recognized that system as valid dog containment;**

**• SVACA has never endorsed hidden electronic dog fences or this proposed amendment;**

**• His team and SVACA have had no contact with the petitioner concerning his electronic fence system other than Animal Control enforcement interactions and citations;**

**• He has never spoken with, communicated with, or had any connection with DogWatch or Troy Dykes concerning this system or electronic fencing;**

**• SVACA does not consider electronic fencing a substitute for physical containment and supports physical fencing for dog containment; and**

**• SVACA has handled cases involving children being mauled by dogs where electronic fencing failed.**

Mr. Pedrotti also explained that SVACA will enforce whatever ordinance the Council ultimately approves because that is its responsibility.

**Now compare what I was told directly by SVACA with what the petitioner's report tells the Town:**

• Page 6 — Electronic fence systems "have been recognized on-site by SVACA as valid dog containment at properties in Los Gatos."

• Page 7 — An unnamed resident states that SVACA "already accepts my invisible electric fence installation as a valid form of dog containment."

• Page 10 — The report again states that "SVACA has recognized their systems on-site as valid containment."

• Pages 11–12, under **"Animal Professional Endorsements"** — The report specifically states:

"SVACA officers have visited the DogWatch hidden underground electronic dog fence installation at 100 Hill Top Drive, Los Gatos, and recognized the system as a valid form of dog containment."

"The amendment would formalize what SVACA already endorses in practice."

• Page 13 — The report proposes that installer-issued training certificates be logged with SVACA dog-license records and submitted to SVACA. I have seen nothing in the report establishing that SVACA agreed to assume this role.

This is extremely concerning when the Town is being asked to change its Municipal Code based, in part, upon a submission invoking the authority and purported endorsement of the agency responsible for animal control services in Los Gatos.

My position remains simple: a homeowner may choose to use electronic fencing as an additional precaution, but electronic fencing should **never replace a physical enclosure as the required means of dog containment**.

There is an anonymous online petition circulating claiming victory on 8/5/26, the day after the Council meeting, and stating that postcards were mailed to more than 1,000 residents. Yet no one I have spoken with in my hillside neighborhood received one, nor did we.

Thank you council and I appreciate your care and support for protecting the safety of hillside residents, pedestrians, children, pets, and wildlife as well as delivery people and utility workers that this can impact. **You are the decision maker and we rely on you for help and protection.**

Dear Clerk,….Please submit this for the 10/28/26 meeting for Planning commission.

**Thank you,**

**Nazzi Shishido,** [redacted]

# TECHNICAL ANALYSIS & STAFF GUIDANCE

## Proposed Amendment to Los Gatos Municipal Code

**Section 4.40.005(a) — Recognition of Hidden Underground Electronic Dog Fence Systems**

**as a Compliant Means of Dog Containment in Hillside and Wildlife Corridor Areas**

*with Corresponding Clarification to Section 29.40.0315*

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Prepared by: Keith Blaine AIA LEED AP | 100 Hill Top Drive, Los Gatos, CA 95032
[redacted] | [redacted]
April 2026

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**Prepared for review by:**
Town Attorney, Town of Los Gatos • Town Planning & Community Development Staff
Silicon Valley Animal Control Authority (SVACA) • Santa Clara County Officials

# Executive Summary

## What is the gap?

Section 4.40.005(a) of the Los Gatos Municipal Code (Animal Code) requires dogs to be kept either on a leash or behind a fence not less than six feet high. The hillside fence regulations (§29.40.0315) prohibit solid fences in hillside areas and require that perimeter fencing on properties of one acre or greater be wildlife-friendly — a maximum of 42 inches high. The result is an unintended conflict: the Animal Code requires a six-foot fence for off-leash dog containment, while the Hillside Code prohibits that same fence. Hillside residential property owners in the Town's 1,170 HR-zoned parcels have no currently compliant means of allowing their dogs off-leash on their own property. This appears to be an unintended gap created by older code language that predates the widespread availability of electronic pet containment technology.

## What change is requested?

A two-part amendment is proposed. First, §4.40.005(a) would be amended to recognize a UL-Listed hidden underground electronic dog fence system — consisting of a low-voltage transmitter and buried boundary wire installed by a CA-licensed D-64 contractor — as a third compliant means of dog containment in designated hillside areas, alongside leash and physical fence. Second, a clarifying note would be added to §29.40.0315 confirming that the existing prohibition on "electric fences" refers to traditional above-ground perimeter fencing carrying live line voltage, and does not apply to buried-wire electronic containment systems as defined and permitted under the amended §4.40.005(a). A five-step permitting process with defined installation parameters is proposed to govern approval.

## Why is the change consistent with wildlife protection?

Hidden underground electronic dog fence systems do not create an above-grade physical barrier to wildlife movement. The buried boundary wire carries no voltage and has no physical presence above ground. Wildlife — deer, mountain lions, coyotes, bobcats, turkeys, and foxes — pass freely through the property. Only the trained dog wearing a receiver collar is affected. The system is fully consistent with the intent of §29.40.0305, which calls for hillside fencing to allow the free movement of wildlife. It is also aligned with AB 1889 (Room to Roam Act, effective 2028), which requires municipalities to consider wildlife-friendly fencing standards. By contrast, the interior-setback solid fencing currently used as an informal workaround by some hillside residents creates real physical barriers to wildlife movement and represents a worse outcome under the hillside fence intent policy.

# Purpose of This Document

This technical analysis is prepared to assist the Town Attorney, Planning Department staff, SVACA, and Santa Clara County officials in evaluating the proposed two-part amendment to Los Gatos Municipal Code §4.40.005(a) and §29.40.0315. It is designed to make the review and adoption process as straightforward as possible by providing:

Note: Town Planning Department records confirm 1,170 HR-zoned (Hillside Residential) parcels within Town limits.[1] Approximately 400 properties have had hidden underground electronic dog

[1] Parcel count confirmed by Ryan Safty, Community Development Department, Town of Los Gatos, email correspondence April 2026.

fence systems installed in the Los Gatos hills and the Santa Clara County side of the Santa Cruz Mountains Area — a community-scale adoption currently operating in a legal gray area that this amendment would resolve.[2]

- Verbatim text of the three relevant Town Code sections for quick reference
- A structured conflict and gap analysis identifying where the code fails hillside residents
- Documentation of current workarounds residents are employing, with analysis of their impacts
- A summary of precedents from California, Oregon, and other jurisdictions where this technology is formally recognized
- Animal professional endorsements supporting the safety and efficacy of the technology
- The proposed amendment language and five-step permitting process

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## I. Relevant Town Code Sections — Verbatim Text

The following three sections of the Los Gatos Municipal Code are directly relevant to this amendment. They are reproduced verbatim for quick reference.

### Section 4.40.005(a) — Animal Code: Restraint of Dogs

**SOURCE: LGMC Chapter 4, Article IV, §4.40.005(a)**

> No person owning or having charge, care, custody or control of any dog shall permit such dog to be or remain off the premises of the owner of such dog unless such dog is under the owner's own physical restraint by means of a leash not to exceed six feet in length, or shall keep such dog confined behind a fence not less than six feet high.

Note: This section was written before hidden underground electronic dog fence technology existed as a viable consumer product. It has never been updated to recognize this technology as a third compliant means of containment.

### Section 29.40.0305 — Hillside Fence Code: Intent

**SOURCE: LGMC Chapter 29, Article IV, §29.40.0305 (enacted Ord. No. 2286, Aug. 6, 2019)**

> The intent of these fence regulations is to preserve the natural beauty of the Town of Los Gatos, the natural movement of wildlife, and to protect traffic view areas while acknowledging that residents have the right to fence their properties to protect children, contain their animals, protect garden or agricultural areas, and maintain privacy. Specifically, within the hillside area, the intent of these fence regulations is to allow for the movement of wildlife within the hillside area.

### Section 29.40.0315 — Hillside Fence Code: Prohibited Fence Types

**SOURCE: LGMC Chapter 29, Article IV, §29.40.0315 (as amended, Ord. No. 2286, Aug. 6, 2019; Ord. No. 1316, June 7, 1976 as original)**

[2] Installation count based on information provided by Troy Dykes, D-64 Licensed Contractor, DogWatch Hidden Fences, covering installations in the Los Gatos and Santa Cruz Mountains area.

> The following fence types are prohibited in the hillside area: (a) Electric fences, including any fence designed to produce an electric shock. (b) Solid fences, including wood, masonry, concrete, or vinyl fences with more than 20% surface obstruction. (c) Buck-and-rail and double fences. On properties of one (1) acre or greater, perimeter fencing shall be wildlife-friendly fence as defined in Section 29.40.0310 – maximum 42 inches in height with an 18-inch gap at the bottom.

Note: The “electric fence” prohibition originates from Ord. No. 1316 (June 7, 1976), enacted for agricultural-style live-voltage perimeter shock fencing. Live describes an exposed conductor that carries electrical power, typically above 60 V DC or 30 V AC, which are thresholds widely considered hazardous.

Hidden underground electronic dog fence technology was patented in 1973 but had only sold 50 units by 1976 and was not a viable consumer product. The 2019 rewrite carried this prohibition forward without addressing this technology as a distinct category.

## Section 29.40.0310 — Definitions

### SOURCE: LGMC Chapter 29, Article IV, §29.40.0310

> The following words, terms, and phrases, when used in these fence regulations, shall have the meanings ascribed to them in this section:
>
> *Buck and rail fence means a fence constructed with wood rails where the posts are arranged to form a triangle to provide the vertical structure of the fence. The horizontal rails are then attached to the triangle support posts.*
>
> *Corner sight triangle means a triangular area at street intersections having sides thirty (30) feet in length, as measured from intersecting property lines.*
>
> *Double fence means two (2) fences spaced a few feet apart regardless of height and material.*
>
> *Driveway view area means a triangular area at the intersection of driveways and sidewalks and street intersections having sides ten (10) feet in length, as measured along the driveway's path of travel from the back of the sidewalk or street.*
>
> *Fence means a structure constructed of posts, rails, wire, and/or barrier panels, used to define a boundary or as a means of protection, confinement, or visual obstruction.*
>
> *Fence regulations means sections 29.40.030 through 29.40.0330.*
>
> *Hillside area means all properties located within the area defined by the Hillside Area Map as contained in the Town of Los Gatos Hillside Development Standards and Guidelines.*
>
> *Open view fence means a fence constructed in such a way so that no more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.*
>
> *Perimeter fence means a fence located on the property line of a lot.*
>
> *Riparian corridor means an area comprised of habitat strongly influenced and delineated by the presence of perennial or intermittent streams.*

> *Solid fence means a fence constructed in such a way so that more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.*
>
> *Traffic view area means the area which is within fifteen (15) feet of a street and within two hundred (200) feet of the right-of-way line of an intersection.*
>
> *Wildlife-friendly fence means a fence that allows any animal, regardless of size, to climb under, pass through, or jump over, with a maximum height of forty-two (42) inches and a minimum distance between the bottom rail and the ground of eighteen (18) inches.*

The following fence types are prohibited in the hillside area:

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## II. Conflict and Gap Analysis

### The Three-Section Problem

A careful reading of the three code sections above reveals a structural gap that leaves hillside dog owners with no currently compliant means of containing their dogs off-leash on their own property. This appears to be an unintended gap created by older code language, combined with hillside-specific restrictions that were designed for environmental protection, not pet containment.

| Code Section | What It Requires / Prohibits | Effect on Hillside Dog Owner |
|---|---|---|
| **§4.40.005(a) — Animal Code** | Dog must be on leash OR behind a fence not less than six feet high. Only two options recognized. | No hidden fence option recognized. Code gap — technology never addressed. |
| **§29.40.0315 — Prohibited Fences** | Solid fences prohibited in hillside. Perimeter fencing on 1+ acre must be wildlife-friendly (max 42", 18" ground gap). | 6-foot solid fence required by §4.40.005(a) is prohibited here. Wildlife-friendly fence is too short (42" vs. 72" required). |
| **§29.40.0305 — Hillside Fence Intent** | Hillside fence regulations exist specifically to allow the free movement of wildlife through corridors. | A 6-foot solid fence would directly violate this intent even if physically permitted. No compliant option satisfies both codes. |

Result: A hillside property owner who wishes to allow their dog off-leash in their own yard has no currently compliant option under the existing code. This appears to be an unintended gap created by older code language — a consequence of three code sections that were written at different times and have not been reconciled with each other or with technological developments over the past fifty years.

### Why the Electric Fence Prohibition Does Not Apply — and Why Clarification Is Still Needed

The prohibition on "electric fences" in §29.40.0315 was written in 1976 for agricultural-style perimeter shock fencing: exposed above-ground wires carrying live line voltage. Such fencing presents real hazards — fire ignition risk in dry hillside vegetation, shock risk to people, children, wildlife, and livestock. The prohibition is valid and should be retained.

A hidden underground electronic dog fence is categorically different technology:

- The boundary wire is buried a few inches underground and carries no voltage or current
- It functions as a passive radio frequency emitter only (AM and FM bands)
- There is no exposed conductor, no shock hazard to people or wildlife, no fire risk
- Only the trained dog wearing the receiver collar is affected — all other animals and people pass freely

The 1976 ordinance never contemplated this technology. The 2019 rewrite (Ord. No. 2286) carried the prohibition forward by inertia, not deliberate policy determination. A clarifying note to §29.40.0315 is needed to confirm that the "electric fence" prohibition refers to traditional line-voltage above-ground perimeter fencing, and does not apply to hidden underground electronic dog fence systems as defined and permitted under §4.40.005(a).

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## III. How the Current Code Is Failing: Resident Workarounds and Their Impacts

Because the current code provides no compliant off-leash option for hillside dog owners, residents have developed informal workarounds. These workarounds range from a responsible, wildlife-compatible solution that should be formally recognized, to harmful circumventions of the hillside fence code that produce exactly the environmental damage the code was designed to prevent.

### Preferred Compliance Option: Hidden Underground Electronic Dog Fence (Currently Unrecognized)

The Town of Los Gatos Planning Department has confirmed that there are 1,170 HR-zoned (Hillside Residential) parcels within the Town limits (confirmed by Ryan Safty, Associate Planner, Community Development Department, April 2026). Of these, approximately 400 hidden underground electronic dog fence systems have already been installed across the Los Gatos and Santa Cruz Mountain hillside area by a California State Licensed D-64 Non-Specialized Contractor (DogWatch, installer Troy Dykes) — representing roughly 34% of all hillside parcels operating in a legal gray area. These systems:

- Contain the dog completely within the property boundary
- Present zero physical obstruction to wildlife — deer, mountain lions, bobcats, turkeys, coyotes, and foxes pass freely through the property
- Require no grading, no above-grade materials, no structural alteration
- Carry no voltage in the boundary wire — passive RF emitter only, zero fire risk
- Have been recognized on-site by SVACA as valid dog containment at properties in Los Gatos

These installations exist in a legal gray area: residents have chosen the most environmentally responsible available technology, but the code does not formally recognize it. This creates enforcement uncertainty for residents, SVACA, and Town staff.

The scale of adoption is significant. With 1,170 confirmed HR-zoned parcels and approximately 400 installations already in place, this is not a niche concern — it is a community-wide issue affecting a material fraction of the hillside residential population, with growth likely as awareness increases.

## Resident Community Testimony

The following is representative of the community support for this amendment, received from a Los Gatos hillside resident following the April 7, 2026 Town Council meeting:

> *"Through the hillside neighborhoods of Los Gatos — and across the broader Santa Cruz Mountains — Town residents have been quietly and responsibly using invisible electric fence systems for years. These installations are wildlife-friendly. Unlike solid or chain-link fencing, invisible fences present no physical barrier to deer, mountain lions, coyotes, turkeys, bobcats and other native species moving freely through our wildlife corridors. The hillside ecosystem functions as intended. Aesthetically consistent with hillside character — there are no visible structures, no fencing panels, and no visual impact on the natural landscape that defines our neighborhoods. Already recognized regionally — Silicon Valley Animal Control (SVACA) already accepts my invisible electric fence installation as a valid form of dog containment. The Town's code simply hasn't caught up with that regional standard."*

Resident further noted that their DogWatch system was installed by a CA Low Voltage Licensed contractor who has installed the same fence for hundreds of properties along the Santa Cruz Mountains and greater Bay Area, including multiple properties on the same street. The resident described the technology as "more comprehensive and failsafe than the current ordinance requirement" which relies on physical barriers with gates and doors that can fail.

## Less Desirable Alternative: Interior-Setback Solid Fencing

Town planning staff have noted (conversation with Ryan Safty, LG Planning Department, April 2026) that some hillside residents are addressing the containment problem by constructing solid fences set back a few feet from the property line, rather than on the property boundary.

Their rationale: §29.40.0315 requires that perimeter fencing (fencing at the property boundary line) be wildlife-friendly. A solid fence set back from the property line is not technically "perimeter" fencing under this reading, and therefore may not be subject to the wildlife-friendly requirement.

This workaround is problematic on multiple grounds:

- **It creates solid physical barriers inside the wildlife corridor. The barrier effect on wildlife movement is identical to a property-line fence — setback by a few feet changes nothing ecologically. Solid fences fragment habitat, block species movement, and reduce genetic connectivity regardless of their distance from the property line.** Environmental harm:
- **This workaround is only available to residents with sufficient lot depth to set a fence back meaningfully. Smaller or more steeply sloped properties cannot use it. It creates a two-tier system based on lot size rather than policy.** Inequity:
- **This interpretation has not been formally sanctioned by the Planning Department or confirmed by the Town Attorney. It is a practice that is tolerated informally, not a recognized compliant solution. Residents relying on it are exposed to potential enforcement action.** Legal uncertainty:
- **The express intent of §29.40.0305 is to allow wildlife movement within the hillside area. A solid fence anywhere within that area — whether on the property line or set back — undermines that intent.** Contrary to intent:
- **The hidden underground electronic dog fence achieves the same dog containment objective with zero above-grade structure, zero wildlife impact, and**

**zero visual intrusion. The interior-setback solid fence achieves containment at the cost of wildlife movement, viewshed, and hillside character.** Worse outcome than hidden fence:

The interior-setback workaround is a symptom of the code gap, not a solution to it. Formally recognizing the hidden underground electronic dog fence under §4.40.005(a) would eliminate the pressure that drives residents toward this harmful workaround.

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## IV. Jurisdictional Precedents

Multiple California and out-of-state jurisdictions have formally recognized hidden underground electronic dog fence systems as a compliant means of dog containment, explicitly distinguishing them from traditional electric fences. These precedents provide a strong foundation for the proposed amendment.

### California Precedents

#### San Diego County Code §62.669(c) — California's Leading Precedent

San Diego County is the most directly applicable California precedent. Section 62.669(c) of the San Diego County Code explicitly lists electronic pet containment systems as a third compliant means of dog control on private property, alongside leash and physical fence:

> SEC. 62.669. RESTRAINT OF DOGS REQUIRED. (c) A dog's owner or custodian or a person having control of a dog that is lawfully on private property shall keep the dog: (1) leashed or tethered as allowed under Health and Safety Code section 122335, (2) under direct and effective control by voice or electronic pet containment system, or (3) in a building or enclosure that is adequate to ensure the physical confinement of the dog and that also meets humane standards.

This is the precise structure proposed for Los Gatos §4.40.005(a): a third option alongside leash and physical enclosure. San Diego County's code confirms that California law supports this formulation and that it can be implemented at the county level. Based on the jurisdictions reviewed, no Santa Clara County city or town has yet adopted equivalent language — Los Gatos appears poised to be the first in this region (subject to Town Attorney confirmation).

#### Los Altos Hills — Adjacent Santa Clara County Precedent

The Town of Los Altos Hills, also in Santa Clara County and also a hillside community with wildlife corridor concerns, recently amended its fence ordinance (May 2025) to address wildlife corridor fencing requirements. While it does not specifically codify hidden fence technology, its approach confirms that Santa Clara County hillside jurisdictions actively manage the intersection of fencing and wildlife movement at the ordinance level.

#### Ventura County — Wildlife Corridor Fencing Regulations

Ventura County has implemented dedicated wildlife corridor regulations in its zoning ordinance that explicitly identify impermeable fencing as a barrier to be minimized, and establish a permitting pathway for fencing near wildlife corridors. This is the regulatory model that AB 1889 (Room to Roam Act) will require all California cities and counties to adopt by 2028.

### Oregon Precedents

#### City of Central Point, Oregon — Express Statutory Exclusion

The City of Central Point, Oregon (City Code §17.57) provides the clearest statutory model for distinguishing hidden underground electronic dog fences from traditional electric fences. The code states:

> "Electrified fence" does not include underground wireless fencing (invisible fencing) which consists of an electronic system that uses a buried wire and radio signal to keep dogs or other animals from leaving the yard, which is permitted in any zone.

This is exactly the clarification proposed for Los Gatos §29.40.0315: a statement that the electric fence prohibition does not apply to hidden underground electronic dog fence systems. Central Point's language confirms that this categorical distinction is legally sound, administratively straightforward, and has been successfully implemented in Oregon municipal code.

### Oregon Municipality — Express Exemption from Electric Fence Prohibition

Multiple Oregon municipal codes explicitly exempt underground electronic pet containment systems from electric fence prohibitions. One representative example:

> Farm animal containment fences in A-1 Agriculture Districts not used as a dwelling and electronic underground pet containment fences in all zoning districts are exempt from this section.

This confirms that the approach of expressly exempting hidden underground electronic dog fences from electric fence prohibitions is a well-established and legally tested technique in Oregon municipal codes.

## National Context and Scale

Hidden underground electronic dog fence technology is in widespread national use, recognized as a legitimate containment method across multiple jurisdictions:

- Over 3 million pets protected by Invisible Fence® Brand alone since 1973 (PR Newswire, 2019)
- DogWatch® has over 200 independent dealers worldwide, operating since 1990
- Multiple states and municipalities have expressly distinguished this technology from traditional electric fences in their codes
- Kansas (Overland Park Municipal Code 6.08.020): formally recognizes electronic containment as a compliant form of dog control with specific operational conditions — see full subsection below

## Overland Park, Kansas — Detailed National Precedent (Municipal Code 6.08.020)

The City of Overland Park, Kansas (Municipal Code 6.08.020, subsection (a)(3)) explicitly authorizes electronic dog fences as a compliant containment method, with specific operational parameters that closely mirror the Los Gatos proposed amendment structure:

> *"Dogs may be confined to the premises of the residential property of their owner, keeper or harborer by an electronic fence or an electronic collar. An electronic fence or electronic collar is defined as a fence or a collar that controls the movement of a dog by emitting an electrical shock when the animal wearing the collar nears the boundary of the owner's, keeper's or harborer's property. Dogs confined to residential property by an electronic fence or an electronic collar shall not be permitted to be nearer than 10 feet away from any public sidewalk or property line that is contiguous to neighboring property. In addition, dogs are prohibited from being confined by an electronic fence or an electronic collar in the*

> *front yards of an owner's, keeper's or harborer's property. No dog having been found a dangerous animal by the animal control division shall be confined by an electronic fence or an electronic collar."*

The structural parallels to the proposed Los Gatos amendment are direct: (1) electronic containment recognized as a third compliant option alongside leash and physical enclosure; (2) setback from property lines and sidewalks required; (3) front yard exclusion; (4) dangerous dog exclusion. These are the same operational parameters proposed for Los Gatos, adapted for hillside and wildlife corridor conditions rather than suburban residential.

## Legal Uncertainty Created by the Current Code Gap

The current code gap creates legal exposure for residents beyond mere inconvenience. Kenneth M. Phillips, a nationally recognized dog bite attorney (dogbitelaw.com), articulates the prevailing legal doctrine:

> *"If the municipal code requires a fence, and does not address electronic systems, then the dog owner must provide a physical fence, not an electronic one."*

Under this doctrine, the approximately 400 hillside Los Gatos residents currently using DogWatch systems may not be legally compliant with §4.40.005(a) — even though SVACA has recognized their systems on-site as valid containment. This creates a two-track enforcement environment: residents are practically compliant but legally exposed. The proposed amendment resolves this uncertainty cleanly in both directions.

Phillips also notes that due process requires any prohibition to be stated clearly or it is unenforceable: codes prohibiting "electric fences" without defining precisely what devices are covered create interpretive uncertainty. This reinforces the need for the clarifying note to §29.40.0315 proposed as the secondary element of this amendment — confirming that the prohibition does not reach hidden underground electronic dog fence systems as defined.

- The technology is active in every major California metropolitan area, including San Mateo, Santa Clara, Alameda, Contra Costa, Solano, Napa, Sonoma, Marin, and Mendocino counties (Pet Stop of the Peninsula and North Bay)
- Texas (Argyle, Fate, and others): multiple Texas municipalities use identical model ordinance language expressly recognizing invisible fence systems as sufficient restraint — see full subsection below
- Maryland (Baltimore City): formal Health Department regulatory framework with permit system recognizing electronic fence as valid animal restraint, with operational conditions including setbacks and posted signage — see full subsection below
- North Carolina (Pineville): invisible fence system expressly recognized as a qualifying "secure enclosure" under animal restraint ordinance (§90.040), subject to posted signage requirement

## Texas — Model Ordinance Language (Argyle, Fate, and Others)

At least two Texas municipalities — the Town of Argyle (Chapter 2, Animal Control) and the City of Fate (Ordinance No. O-1783) — use identical language in their animal control ordinances expressly recognizing invisible fence systems as compliant restraint. The identical phrasing across separate municipalities indicates this language derives from a shared Texas model animal control ordinance, suggesting adoption is broader than these two examples alone:

> *"An 'invisible fence' will suffice as sufficient restraint so long as the animal is not found outside the premises of the owner."*

This is among the most direct statutory language found in any jurisdiction: no conditions other than demonstrated containment (the animal must not be found outside the premises). It stands

in contrast to the more structured permitting approaches in Kansas, Maryland, and proposed for Los Gatos, but confirms that straightforward legislative recognition of this technology is legally tested and in active use across Texas municipalities. Both Argyle and Fate also expressly exclude dangerous dogs from electronic containment eligibility, consistent with the Los Gatos proposed amendment.

### Baltimore, Maryland — Health Department Regulatory Framework

Baltimore City, Maryland, formally recognizes electronic dog fences as valid animal restraint through a permit and exemption system administered by the Health Department's Office of Animal Control. The regulatory framework has been in place since at least 2009 and remains active today, with a formal permit application process. Key operational conditions under the Baltimore framework:

- The dog cannot come within 10 feet of any public walkway, footpath, alley, or street
- The fence must be at least 2 feet from any adjacent property
- A visible sign must be posted on the property indicating that an electronic fence is in use

The structural parallel to the Los Gatos proposed amendment is direct: setback from public ways and adjacent properties, posted signage, and permit-based approval. Baltimore's framework demonstrates that a formal permitting pathway for electronic pet containment is administratively viable and has operated successfully in a major U.S. city for over fifteen years.

### Pineville, North Carolina — Invisible Fence as Qualifying Secure Enclosure

Section 90.040 of the Pineville, North Carolina Code of Ordinances expressly recognizes an invisible fence system as a qualifying "secure enclosure" under its animal restraint ordinance, with two conditions:

> *"If the secure enclosure is an invisible fence system, then all components of the system must be in working order and in proper place. Additionally, there must be a visible, permanent sign on the premises stating that there is an invisible fence."*

The operational requirement — system in working order with posted signage — maps directly onto the proposed Los Gatos permitting parameters. The characterization of invisible fence as a qualifying "secure enclosure" is also legally significant: it confirms that courts and enforcement agencies in at least one jurisdiction have accepted this technology as satisfying the enclosure standard, resolving the legal uncertainty identified by Kenneth M. Phillips (see Section II, Legal Uncertainty Created by the Current Code Gap).

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## V. Animal Professional Endorsements

### Veterinary Research: University of Pennsylvania

The foundational safety research on hidden underground electronic dog fence systems was conducted in partnership with the University of Pennsylvania School of Veterinary Medicine. The research proved the system to be safe, gentle, and effective for animals, with no short- or long-term adverse effects on the animals contained. This research was conducted beginning in 1975 and has underpinned the technology's widespread adoption.

### SVACA — Silicon Valley Animal Control Authority

SVACA is the regional animal control authority that serves and enforces animal control laws for the Town of Los Gatos. SVACA officers have visited the DogWatch hidden underground

electronic dog fence installation at 100 Hill Top Drive, Los Gatos, and recognized the system as a valid form of dog containment consistent with the requirement that dogs be "properly confined to the owner's property."

SVACA's operational recognition of this technology predates the proposed code amendment. The amendment would formalize what SVACA already endorses in practice.

### California-Based Veterinary Endorsements

Dr. Jamie Textor, veterinarian, California (DogWatch Bay Area & Northern California testimonial):

> As a veterinarian and a dog owner, I would highly recommend this company. Within the week [of installation], the fence was installed and the problem was literally SOLVED that day.

### National Veterinary Endorsements

Dr. Roxane Jackson, veterinarian, Washington (DogWatch of the Twin Cities testimonial):

> I am a veterinarian, and I recommend this fence system to my clients. The price, installation, and training were all reasons I chose this brand.

### Australian Veterinary Association (AVA)

The Australian Veterinary Association acknowledges that there are situations in which a hidden underground electronic dog fence can increase the safety and welfare of an animal, and supports responsible use in those situations. The AVA's position confirms the technology's place in the spectrum of responsible pet ownership tools when used appropriately with proper training.

### D-64 Non-Specialized Contractor Licensing

California is the only state with a dedicated contractor license classification for animal control device installation: the D-64 Non-Specialized Contractor license. Troy Dykes of DogWatch Hidden Fences holds this license and is believed to be one of the only active D-64 licensed contractors in the region. The existence of this license category confirms that California's contractor licensing framework already recognizes hidden underground electronic dog fence installation as a professional, regulated trade.

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## VI. Proposed Amendment Language

### Primary Amendment — Town Code Section 4.40.005(a)

The following language is proposed to be added to §4.40.005(a) as a third compliant containment option, applicable in designated hillside areas:

> In designated hillside areas of the Town of Los Gatos, a Hidden Underground Electronic Dog Fence system — manufactured under UL Listed DogWatch (or other UL-listed equivalent manufacturer as approved by the Town), consisting of a low-voltage transmitter unit and a buried boundary wire that broadcasts radio frequencies to activate a receiver collar worn by the dog, and installed by a

> California State Licensed D-64 Non-Specialized Contractor authorized for Animal Control Devices — shall be recognized as a third compliant means of dog containment under this section, in addition to leash and physical fence, subject to the permitted installation parameters and permitting process set forth herein.

### Secondary Clarification — Town Code Section 29.40.0315

The following clarifying note is proposed for addition to §29.40.0315:

> The prohibition on "electric fences, including any fence designed to produce an electric shock" refers to traditional perimeter fencing carrying live line voltage along exposed above-ground conductors. This prohibition does not apply to Hidden Underground Electronic Dog Fence systems as defined and permitted under Section 4.40.005(a), which carry no voltage or current in their boundary wire and present no fire or shock hazard.

### Permitted Installation Parameters

- Electronic boundary observes same setbacks from property lines as required for a 6-foot solid fence under §29.40.0315 and §4.40.005(a)
- Training certificate required: property owner must obtain certification that their dog(s) have been successfully trained to respect the boundary, issued by the licensed D-64 installing contractor; certification logged with SVACA dog license record
- 24-hour backup battery required to sustain system operation in event of power interruption
- 20-foot setback from any riparian corridor (as defined in §29.40.0310); setback applies to the programmed electronic boundary, not the buried wire routing
- Not applicable to dogs designated Potentially Dangerous, Dangerous, or Vicious under LGMC §4.10.010 or §4.40.005

### Five-Step Permitting Process

1. Property Survey — Prepared by a licensed surveyor, showing property boundaries, setbacks, recorded easements, riparian corridors, utility meters, and underground access vaults or covers.
2. Proposed Site Plan — Prepared by the D-64 licensed contractor or architect, illustrating the electronic boundary location, 20-foot riparian corridor setback, control box location, power supply connection, and backup power system.
3. Approved Permit — Pulled by D-64 Licensed Contractor or property owner; identifies D-64 contractor and California license number.
4. Installation Inspection — Follows same procedure as traditional fence permits to validate conformance with approved site plan.
5. Dog Certification — Following inspection sign-off, dog(s) trained to containment system; certification submitted to SVACA to be added to dog's license record.

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## VII. Alignment with State Law — AB 1889, Room to Roam Act

This amendment is directly aligned with AB 1889, the Room to Roam Act, signed by Governor Newsom on September 27, 2024, and effective January 1, 2028. The law amends Government

Code §65302 to require California cities and counties, upon their next General Plan update on or after January 1, 2028, to:

- Identify and analyze wildlife connectivity areas, permeability, and natural landscape areas within the jurisdiction
- Identify and analyze existing or planned wildlife passage features
- Consider impacts of development and barriers to wildlife movement, and avoid, minimize, or mitigate those impacts
- Consider incorporating "wildlife-friendly fencing" as a standard, policy, or implementation program

Hidden underground electronic dog fence systems do not create an above-grade physical barrier to wildlife movement — they have no physical structure above grade and present no impediment to free passage of wildlife through the property. Formally recognizing this technology in the Town Code now positions Los Gatos ahead of the 2028 compliance requirement and demonstrates proactive leadership on wildlife corridor protection. Based on the jurisdictions reviewed, Los Gatos appears poised to become the first municipality in Santa Clara County to codify this specific technology, setting a regional precedent aligned with the direction of state law (subject to Town Attorney review and confirmation).

## VIII. Key Contacts for Staff Reference

| Role | Name & Organization | Contact |
|---|---|---|
| Proponent | Keith Blaine AIA LEED AP | keithblaine@mac.com \| 408-784-1821 |
| D-64 Licensed Installer | Troy Dykes, DogWatch Hidden Fences | Contact via DogWatch® network |
| SVACA Executive Director | Dan Soszynski, SVACA | SVACA main line: 408-764-0344 |
| Town Planning Dept. | Ryan Safty, Planning Department | Community Development: 408-354-6874 |
| CC Recipient | Allen Meyer, Town Planning Dept. | Community Development: 408-354-6874 |
| CC Recipient | Megan Blaine, Blaine Architects | Blaine Architects |

## APPENDIX B — Precedent Municipalities: Jurisdictions Formally Recognizing Electronic Pet Containment Systems

The following table summarizes jurisdictions identified in this analysis that have formally recognized hidden underground electronic dog fence or invisible fence systems as a compliant means of animal containment in their municipal codes or regulatory frameworks. All code language is reproduced verbatim or summarized from primary sources. This table is provided

for staff reference and is not exhaustive; additional jurisdictions may have adopted equivalent language, particularly in Texas where identical language appears across multiple municipalities suggesting derivation from a shared model ordinance.

| State / Jurisdiction | Code / Authority | Key Code Language / Framework |
|---|---|---|
| **California** San Diego County | County Code §62.669(c) | Dog on private property shall be kept: (1) leashed or tethered; (2) under direct and effective control by voice or *electronic pet containment system*; or (3) in a building or adequate enclosure. Third-option structure identical to proposed Los Gatos amendment. |
| **Oregon** City of Central Point | City Code §17.57 | *"Electrified fence" does not include underground wireless fencing (invisible fencing) which consists of an electronic system that uses a buried wire and radio signal to keep dogs or other animals from leaving the yard, which is* ***permitted in any zone****.* |
| **Kansas** City of Overland Park | Municipal Code 6.08.020(a)(3) | Dogs may be confined by electronic fence or electronic collar. Conditions: 10-ft setback from sidewalk/property line; prohibited in front yards; no dangerous dogs; owner must post signage. Electronic containment recognized as third compliant option alongside leash and physical enclosure. |
| **Texas** Town of Argyle | Code of Ordinances Ch. 2 (Animal Control) | *"An 'invisible fence' will suffice as sufficient restraint so long as the animal is not found outside the premises of the owner."* Dangerous dog exclusion applies. Identical language to Fate, TX (Ord. No. O-1783) — believed to derive from Texas model animal control ordinance. |
| **Texas** City of Fate | Ordinance No. O-1783 (Animal Control) | *"An 'invisible fence' will suffice as sufficient restraint so long as the animal is not found outside the premises of the owner."* Dangerous dog exclusion applies. Identical language to Argyle, TX. |
| **Maryland** Baltimore City | Health Dept. Regulatory Action on Electronic Fences as Animal Restraints (2009, active) | Formal permit system recognizing electronic fence as valid animal restraint. Conditions: dog must not come within 10 ft of public walkways/alleys/streets; fence at least 2 ft from adjacent property; visible sign required. Permit application required; issued by Health Department Office of Animal Control. Active since 2009. |
| **North Carolina** Town of Pineville | Code of Ordinances §90.040 (Restraint of Animals) | *"If the secure enclosure is an invisible fence system, then all components of the system must be in working order and in proper place. Additionally, there must be a visible, permanent sign on the premises stating that there is an invisible fence."* Invisible fence expressly qualifies as a "secure enclosure" under this section. |

*Note: Colorado Springs, CO permits electronic fences with signage requirements as an administrative practice, but no formally codified ordinance recognizing electronic containment as a compliant restraint method was identified. Fort Worth, TX requires a physically enclosed structure and does not recognize electronic containment under its current code, illustrating that recognition is not universal and that explicit codification as proposed here is necessary to resolve the legal uncertainty.*

## APPENDIX — Technology Timeline for Staff Reference

Here's the complete, sourced timeline — which is directly relevant to your code gap argument:

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**1973** — Richard Peck U.S. Patent 3,753,421 was the first electronic dog fence ("Stay-Put"). Collar is the size of a deck of cards / 13 oz. Fifty units sold in the first year, by mail order only. Not practically available to most consumers.

**1976** — Peck sells patent rights to John Purtell, who renames it "Invisible Fence." Los Gatos fence ordinance (Ord. No. 1316) is enacted this same year. At this moment, the technology existed but had sold only ~50 units nationwide and was not a viable consumer product.

**1980s** — Collar shrinks from 13 oz. to 3 oz., opening the market to smaller dogs. Dealer network begins expanding. Still a niche, premium professional-install product.

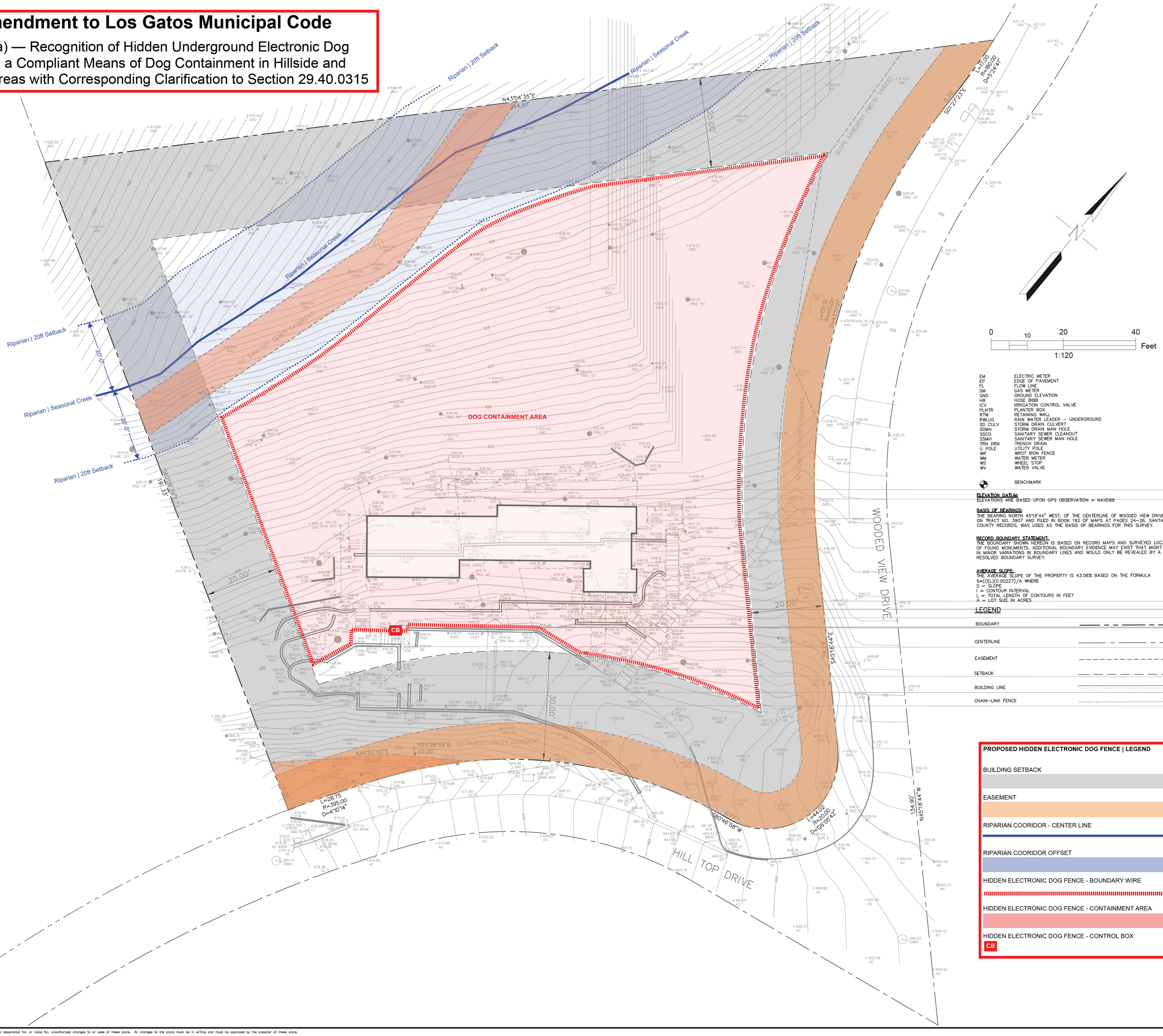
**1989–1993** — The original patent expires (sources vary slightly: some say 1989, some say 1990, one says 1993). This is the pivotal moment — competitors enter the market immediately. DogWatch, PetSafe, and Innotek all emerge after the patent expires.

**1990s–2000s** — Mass-market adoption. Multiple competing brands, falling prices, wider availability, DIY kits introduced. The technology becomes a mainstream consumer product.

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# Proposed Amendment to Los Gatos Municipal Code

Section 4.40.005(a) — Recognition of Hidden Underground Electronic Dog Fence Systems as a Compliant Means of Dog Containment in Hillside and Wildlife Corridor Areas with Corresponding Clarification to Section 29.40.0315




EM ELECTRIC METER
EP EDGE OF PAVEMENT
FL FLOW LINE
GM GAS METER
GND GROUND ELEVATION
HB HOSE BIBB
ICV IRRIGATION CONTROL VALVE
PLNTR PLANTER BOX
RTW RETAINING WALL
RWLUG RAIN WATER LEADER – UNDERGROUND
SD CULV STORM DRAIN CULVERT
SDMH STORM DRAIN MAN HOLE
SSCO SANITARY SEWER CLEANOUT
SSMH SANITARY SEWER MAN HOLE
TRN DRN TRENCH DRAIN
U POLE UTILITY POLE
WF WROT IRON FENCE
WM WATER METER
WS WHEEL STOP
WV WATER VALVE

BENCHMARK

**ELEVATION DATUM:**
ELEVATIONS ARE BASED UPON GPS OBSERVATION = NAVD88

**BASIS OF BEARINGS:**
THE BEARING NORTH 45°18'44" WEST, OF THE CENTERLINE OF WOODED VIEW DRIVE, AS SHOWN ON TRACT NO. 3907 AND FILED IN BOOK 192 OF MAPS AT PAGES 24–26, SANTA CLARA COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

**RECORD BOUNDARY STATEMENT:**
THE BOUNDARY SHOWN HEREON IS BASED ON RECORD MAPS AND SURVEYED LOCATIONS OF FOUND MONUMENTS. ADDITIONAL BOUNDARY EVIDENCE MAY EXIST THAT MIGHT RESULT IN MINOR VARIATIONS IN BOUNDARY LINES AND WOULD ONLY BE REVEALED BY A RESOLVED BOUNDARY SURVEY.

**AVERAGE SLOPE:**
THE AVERAGE SLOPE OF THE PROPERTY IS 43.06% BASED ON THE FORMULA
S=((I)(L)(0.00227))/A WHERE
S = SLOPE
I = CONTOUR INTERVAL
L = TOTAL LENGTH OF CONTOURS IN FEET
A = LOT SIZE IN ACRES

## LEGEND

BOUNDARY
CENTERLINE
EASEMENT
SETBACK
BUILDING LINE
CHAIN–LINK FENCE

**PROPOSED HIDDEN ELECTRONIC DOG FENCE | LEGEND**

BUILDING SETBACK
EASEMENT
RIPARIAN COORIDOR - CENTER LINE
RIPARIAN COORIDOR OFFSET
HIDDEN ELECTRONIC DOG FENCE - BOUNDARY WIRE
HIDDEN ELECTRONIC DOG FENCE - CONTAINMENT AREA
HIDDEN ELECTRONIC DOG FENCE - CONTROL BOX
CB

VERSION
JUNE 5, 2026

| MARK | DATE | DESCRIPTION REVISIONS | BY |
|---|---|---|---|

# TOPOGRAPHIC SURVEY

**100 Hill Top Drive**

**Los Gatos** **California**

DATE: 10/18/2023
SCALE: 1"= 10'
DRAWN BY: KWC
DESIGNED BY:
CHECKED BY: POW

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ALL RIGHTS RESERVED

LICENSED LAND SURVEYOR PHILIP O'WOOTTON No. 8398 STATE OF CALIFORNIA

CARROLL ENGINEERING
civil engineers and surveyors
1100 S. WINCHESTER BLVD.
SUITE 150
SAN JOSE, CA 95128
PHONE: 408-296-4200
FAX: 408-261-0595
EMAIL: Richard@carroll-engineering.com

SHEET 1 OF 1 SHEETS

JOB NO. 2940

Construction Contractor agrees that in accordance with generally accepted construction practices, construction contractor will be required to assume sole and complete responsibility for job site conditions during the course of construction of the project, including safety of all persons and property, that this requirement shall be made to apply continuously and not be limited to normal working hours, and that construction contractor shall defend, indemnify and hold design professional harmless from any and all liability, real or alleged, in connection with the performance of work on this project, except for liability arising from the sole negligence of design professional.

UNAUTHORIZED CHANGES & USES: The engineer preparing these plans will not be responsible for, or liable for, unauthorized changes to or uses of these plans. All changes to the plans must be in writing and must be approved by the preparer of these plans.

O:\2940 - 100 Hill top_DWG\2940bndy.dwg 3-20-24 10:08:57 AM Philip

REF ON FILE

**From:** Nazzi Shishido [redacted]
**Sent:** Thursday, October 22, 2026 11:11 AM
**To:** Planning <Planning@losgatosca.gov>
**Cc:** Joel Paulson <jpaulson@losgatosca.gov>
**Subject:** Transcript of April 7th, 2026, Petitioner opening statement for E Fencing

[EXTERNAL SENDER]
Good morning Planning,

As you know, I am objecting to the proposed adoption of electronic fencing for pet containment. I believe the existing physical-fence requirements should remain in place.

One petitioner has been championing this change. During public comment on April 7, 2026, the petitioner made statements regarding the ability of hillside residents to contain their pets under the existing regulations. I have reviewed the April 7 Town documents but cannot locate his written comments or submission in the Town record.

I do have the video of his public comment and would like to provide an accurate transcript as part of the record. His statements are important because they appear to be part of the premise for requesting this ordinance change, including the assertion that hillside residents do not have a practical way to contain their pets under the existing rules.

Could you please let me know whether the Town has a written statement, email, presentation, or other submission from the petitioner associated with his April 7, 2026 public comment?

I am working on one more document which clearly states we do have option and will be submitting it by tomorrow. But the statement from petitioner is very important.

**Thank you,**

**Nazzi**

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

MEETING DATE: 11/17/2026
ITEM NO: 12

DATE: October 29, 2026

TO: Mayor Moore and Town Council

FROM: Chris Constantin, Town Manager
Gabrielle Whelan, Town Attorney

SUBJECT: **Appointment of Two Councilmembers to Serve on an Ad Hoc Committee to meet with staff and SB 330 Applicants as needed.**

RECOMMENDATION: Appointment of two Councilmembers to serve on an ad hoc committee to meet with staff and SB 330 applicants as needed.

FISCAL IMPACT:

Creation of an ad hoc committee is not anticipated to have a financial impact.

STRATEGIC PRIORITY:

Creation of an ad hoc committee would serve the goal of preserving the Town's charm while providing a range of housing opportunities.

BACKGROUND:

Senate Bill 330 ("SB 330") authorizes applicants for planning entitlements to submit "SB 330 preliminary applications." Once submitted, SB 330 preliminary applications vest applicants to the development standards that were in place at the time the preliminary application was submitted.

A number of planning applications vested prior to certification of the Town's Housing Element by the State's Housing and Community Development Department ("HCD"). As a result, a number of applicants qualify for the "Builder's Remedy" under the state Housing Accountability Act ("HAA"), codified in California Government Code Section 65589.5. . Builder's Remedy limits

PREPARED BY: Gabrielle Whelan
Town Attorney

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Administrative Services Director

a local agency's ability to deny qualifying housing development projects or require them to comply with certain local zoning and general plan requirements that would otherwise apply. The extent of the Town's review authority depends on the applicable statutory requirements and the circumstances of each project.

The Town is currently processing approximately ten SB 330 planning applications. Some applicants may be open to discussions with Town representatives regarding potential changes to "Builder's Remedy" projects. However, under California Government Code Section 65905.5, qualifying housing development projects are subject to a limit of five hearings after the application is deemed complete. Because the statute defines "hearing" to include public hearing, workshop, or similar meeting, including an appeal, the Town must be mindful of this limitation when considering opportunities for further project discussions.

DISCUSSION:

The Brown Act authorizes the Town Council to create ad hoc committees for specific purposes for a limited amount of time (Government Code Section 54952). An ad hoc committee must meet the following criteria:

1) It must be composed of less than a quorum of the Town Council;
2) It must operate for a limited, short-term duration to complete a specific, single task;
3) It must serve an advisory function; and
4) It must end once its objective has been completed.

Town staff believes that it could be productive for members of an ad hoc committee to meet with staff and applicants for pending SB 330 projects to discuss potential changes or alternatives to the proposed projects. The applicant's ultimate project proposals will come to the Town Council for a decision.

CONCLUSION:

For the reason stated above, staff recommends that the Town Council select two of its members to form an ad hoc committee for the limited purpose of meeting with SB 330 applicants to discuss potential changes or alternatives to the proposed projects through June 30, 2027.

ALTERNATIVES:

Alternatively, these discussions could occur at Town Council meetings when the projects are under consideration. However, at that stage, the applicants will have committed to the project, and it will be less likely that the applicants will consider changes.

COORDINATION:

This report was coordinated with the Town Manager's Office and the Community Development Department.

ENVIRONMENTAL ASSESSMENT:

Formation of an ad hoc committee is not a project subject to CEQA, because it can be seen with certainty that this action will not impact the physical environment.

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

MEETING DATE: 11/17/2026
ITEM NO: 13

DATE: November 10, 2026

TO: Mayor and Town Council

FROM: Chris Constantin, Town Manager

SUBJECT: **Adopt a Resolution Finding the FY 2026-27 Sustaining Grants Serve a Public Purpose and Authorize Disbursement of Sustaining Grants Contingent on Verification of Good Standing**

RECOMMENDATION: Adopt a resolution finding that the FY 2026-27 Sustaining Grants serve a public purpose and authorize the Town Manager, or designee, to disburse approved grant funds upon verification that each recipient satisfies the good-standing requirements identified in this report.

FISCAL IMPACT:

Approval of the recommended action authorizes the disbursement of previously appropriated FY 2026-27 Sustaining Grant funds totaling approximately $110,500. No additional appropriation is required because funding was previously approved through the FY 2026-27 Final Budget. Any grant funds not awarded shall remain available for reappropriation or return to the General Fund in accordance with Town budget procedures.

STRATEGIC PRIORITY:

Nexus to the top priority “Ensure prudent financial management to result in structurally balanced five-year forecasts.” Aligns to the additional priority “Develop structure to ensure accountability of how funding resources move forward the Town’s core goals and priorities.”

Some community grants may have a direct alignment and/or nexus to one or more of the following additional priorities, including:

- “Ensure all residents and visitors feel a sense of belonging in Los Gatos, maintaining and enhancing the Town as a welcoming, family-oriented, safe, and inclusive community.”
- “Continue to engage community service providers to meet the needs of older adults.”

PREPARED BY: Ryan Baker
Library Director

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Administrative Services Director

- "Continue to engage community service providers to meet the individualized and complex needs of unhoused residents, while pursuing a more coordinated regional approach."

BACKGROUND:

The Town has been awarding Community Grants since 1992, with numerous changes to the program over the following decades, with significant program changes beginning in 2020 and the most recent changes to the program coming before Council on August 19, 2025.

The Sustaining Grants amounts were set and unanimously approved by the Town Council at their regular meeting on August 19, 2025, in the following amounts:

- $23,000 for Live Oak Nutrition for hot meal services
- $2,500 to St. Vincent de Paul for the laundry program
- $20,000 to West Valley Community Services for human services support
- $20,000 for rental assistance (with staff to work with St. Vincent de Paul and the Los Gatos Anti Racism Coalition to fairly appropriate)
- $10,000 for Counseling and Support Services for Youth (CASSY)
- $10,000 for Next Door Solutions to Domestic Violence
- $6,000 for St. Luke's for food pantry support
- $7,800 to the Los Gatos United Methodist Church for the shower program

Additionally, supplemental funds and modifications to the above were approved in a 3-2 vote by the Town Council on August 4, 2026:

- Additional $1,200 to St. Vincent de Paul for towel and laundry vouchers
- Additional $5,000 to St. Vincent de Paul for rental assistance
- Additional $10,000 to Live Oak Nutrition for hot meal service
- Reduce CASSY funding from $10,000 to $5,000

Following these actions, concerns were raised regarding the administration and oversight of the Community Grants program, including both Sustaining and Competitive Grants. In response, the issuance of all FY 2026-27 Community Grants was placed on administrative hold pending further review. As a result, no Community Grant funds have been disbursed to any organization for FY 2026-27.

Additional concerns regarding financial reporting by the Los Gatos Anti Racism Coalition resulted in a referral of the grant to the Town's external auditor to perform a more in-depth review of any Town grants reaching back to 2022, which is anticipated to begin shortly.

The administrative hold has provided an opportunity for staff to review grant documentation, identify outstanding compliance and reporting requirements, and develop a process to ensure that previously approved Sustaining Grant funds are released only to eligible organizations that satisfy the Town's requirements. This report presents staff's recommended approach for moving forward with the FY 2026-27 Sustaining Grants while maintaining appropriate fiscal oversight and accountability.

DISCUSSION:

In response to the concerns that resulted in the administrative hold on FY 2026-27 Community Grant disbursements, staff has developed a process to address outstanding documentation and accountability requirements while allowing previously approved Sustaining Grants to move forward. The proposed approach is intended to balance the Town's responsibility to ensure the appropriate use of public funds with the desire to provide timely support to the community organizations and residents served by these grants.

Staff's recommendation has two primary components: (1) adoption of a resolution affirming that the previously approved Sustaining Grants serve a public purpose; and (2) authorization for staff to process and disburse grant funds once each organization has satisfied the good-standing requirements outlined in this report.

**Public Purpose Determination**

Article XVI, Section 6 of the California Constitution generally prohibits the expenditure of public funds for private purposes. However, public funds may be used to support activities that serve a legitimate public purpose and provide a substantial benefit to the community.
The Sustaining Grants previously approved by the Town Council support services addressing community needs, including nutrition, housing stability, human services, youth counseling, domestic violence prevention, food access, and hygiene services. These activities provide direct or indirect benefits to the Los Gatos community and further legitimate municipal interests. Although the Town Council previously approved the individual grant allocations, staff recommends that Council formally adopt a resolution documenting its determination that these expenditures serve a public purpose consistent with Article XVI, Section 6 of the California Constitution. The proposed resolution (Attachment 1) establishes this finding and provides a formal record of Council's determination before the previously approved funds are disbursed.

**Grant Processing and Good-Standing Requirements**

Because the Town Council has already taken legislative action approving the Sustaining Grant allocations, staff is not recommending that the grants undergo another competitive evaluation or grant-rating process. Instead, staff recommends proceeding with the previously approved allocations, contingent upon verification that each recipient meets the applicable good-standing requirements.

These requirements are intended to confirm that organizations receiving public funds have satisfied applicable tax-exempt, charitable registration, financial reporting, business licensing, and administrative requirements. Staff proposes the following minimum documentation and verification criteria:

a. **IRS Tax-Exempt Status and Filings:** Confirmation through the IRS Tax Exempt Organization Search that the organization is listed on IRS Publication 78 as tax-exempt; submission of the organization's applicable 2025 IRS Form 990-series return, accounting for organizations with different fiscal years and filing deadlines; and confirmation that the organization's applicable 2024 IRS Form 990-series return shows as received by the IRS. These requirements do not apply to organizations exempt from applicable IRS filing requirements.
b. **California Charitable Registration:** Verification through the California Attorney General's Registry of Charitable Trusts that the organization is listed as "current," "current – in process," or "exempt," as applicable. This requirement does not apply to organizations exempt from Registry requirements.
c. **Prior Grant Reporting:** Confirmation that all required Community Grant reporting documentation for FY 2024-25 and FY 2025-26 is complete and has been reviewed and accepted by the Finance Department. Acceptance requires that reported expenditures be sufficiently documented, consistent with the approved grant purposes, and supported by appropriate financial records. Records requiring additional information or clarification shall remain outstanding until the Finance Department confirms acceptance in writing.
d. **Town Business License:** Confirmation that the organization's Town business license requirements are satisfied, unless the organization is exempt under the Town Code.
e. **Conflict of Interest Disclosure:** Submission of a completed conflict of interest form with signature affirmation affirming potential conflict relationships.
f. **Grant Application:** Submission of a completed grant application.

Staff proposes that verification of these requirements be coordinated through the Library Director, as the program administrator; the Administrative Services Director, representing the Finance Department; and the Town Manager. Grant funds will not be released until the required documentation has been reviewed and the organization's good standing has been established.

**Process for Organizations Requiring Additional Documentation**

Based on staff's preliminary review, all previously approved Sustaining Grant recipients have at least one outstanding documentation or compliance item that must be addressed before grant agreements can be executed and funds can be disbursed.

To provide organizations a reasonable opportunity to satisfy the requirements without further unnecessarily delaying the distribution of community grant funding, staff recommends allowing organizations 60 days to remedy outstanding items after notification by the Town.

If an organization is unable to establish good standing within the 60-day period, it will be deemed ineligible to receive its previously approved grant allocation and will be removed from its status as a Sustaining Grantee. Any associated unissued grant funds will be returned to the General Fund.

The Los Gatos Anti Racism Coalition will be subject to a separate process due to the outstanding independent audit. The organization will have 30 days following the final audit determination to remedy any identified issues, consistent with the requirements established by the Town. Should the Council determine it wants to delay approval until completion of the audit, the Council can remove this grantee, or any other grantee, for future consideration. Grant checks will be processed directly to individual grantees once good standing has been established.

For reference, staff's preliminary review of the current standing of each previously approved Sustaining Grant recipient is summarized below:

- **Live Oak Nutrition:** Requires remedy for outstanding reports, inadequate financial documentation, and conflict of interest form.
- **CASSY:** Requires remedy for charitable trust registration determination and conflict of interest form.
- **St. Vincent de Paul (laundry):** Requires conflict of interest form.
- **St. Vincent de Paul (rental assistance):** Requires remedy for inadequate financial documentation and conflict of interest form.
- **West Valley Community Services:** Requires remedy for inadequate financial documentation and conflict of interest form.
- **Next Door Solutions:** Requires remedy for inadequate financial documentation and conflict of interest form.
- **Los Gatos United Methodist Church:** Requires conflict of interest form.
- **St. Luke's Episcopal:** Requires conflict of interest form.
- **Los Gatos Anti Racism Coalition:** Requires completion of the independent audit process and resolution of any resulting issues, as well as outstanding good-standing documentation, including the conflict of interest form.

**Finance Commission Recommendations**

The proposed good-standing requirements represent a more limited set of documentation and verification criteria than those recommended by the Finance Commission (Attachment 2). Staff considered the Finance Commission's recommendations and are implementing some but not all of the elements. For next year’s grants, staff will fully consider the Finance Commission’s recommendations, but for the current year due to the Town reaching the mid-year, addressing the most significant weaknesses balances the need to ensure accountability with the purpose of issuing grants to provide the funded activity.

Staff therefore recommends proceeding with the more focused verification requirements outlined in this report to address the immediate concerns associated with the FY 2026-27 Sustaining Grants. The broader recommendations of the Finance Commission can be considered separately as part of a future review of the Community Grants program and its ongoing administrative and oversight structure.

CONCLUSION:

The proposed approach provides a path to move forward with the FY 2026-27 Sustaining Grants while addressing the concerns that resulted in the administrative hold. It establishes a formal public-purpose determination, requires verification of each recipient's good standing before funds are released, and provides a defined process and timeframe for organizations to resolve outstanding documentation and compliance issues.

Staff believes this approach appropriately balances fiscal accountability, administrative capacity, and the Town's interest in ensuring continuity of community services supported through the Sustaining Grants program.

Adoption of the recommended resolution (Attachment 1) and staff's proposed processing requirements does not guarantee that any organization will receive its previously approved allocation. Disbursement remains contingent upon each organization satisfying the applicable good-standing requirements within the established timeframe. Any funds associated with organizations that fail to meet these requirements will remain undistributed and will be returned to the General Fund, consistent with Town budget procedures.

ALTERNATIVES:

If Council does not wish to proceed with the staff recommendation, staff suggests that the Council instead suspend Sustaining Grants for FY2026-27 and revisit the program structure in its entirety at a later date.

COORDINATION:

This item was coordinated between Town Management, the Finance Department, the Town Attorney, and the Library Department.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Draft Resolution of the Town Council of the Town of Los Gatos Finding that the Fiscal Year 2026-27 Sustaining Grants Serve a Public Purpose Consistent with Article XVI, Section 6 of the California Constitution
2. Board and Commission Updates for October 16, 2026

**DRAFT RESOLUTION**

# RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS FINDING THAT FISCAL YEAR 2026-27 SUSTAINING COMMUNITY GRANTS SERVE A PUBLIC PURPOSE CONSISTENT WITH ARTICLE XVI, SECTION 6 OF THE CALIFORNIA CONSTITUTION

**WHEREAS**, the Town of Los Gatos has established a Community Grant Program to provide financial assistance to nonprofit organizations delivering programs and services that benefit the Los Gatos community; and

**WHEREAS**, the Town's Sustaining Community Grants provide funding for ongoing services that address community needs and support the health, safety, and general welfare of Town residents; and

**WHEREAS**, Article XVI, Section 6 of the California Constitution prohibits gifts of public funds for private purposes; and

**WHEREAS**, the California Supreme Court has held that an expenditure of public funds for a legitimate public purpose does not constitute a prohibited gift of public funds, even when private individuals or organizations receive incidental benefits (*County of Alameda v. Janssen* (1940) 16 Cal.2d 276, 281); and

**WHEREAS**, the California Supreme Court has further established that the determination of what constitutes a public purpose is primarily a matter of legislative discretion, provided that such determination has a reasonable basis (*County of Alameda v. Carleson* (1971) 5 Cal.3d 730, 745–746); and

**WHEREAS**, the Town Council previously approved the FY 2026-27 Sustaining Community Grant allocations at its August 19, 2025, and August 4, 2026, meetings, as further identified in Exhibit A; and

**WHEREAS**, following those approvals, the Town placed the disbursement of Community Grant funds on administrative hold pending review of grant administration, financial documentation, and recipient accountability requirements; and

**WHEREAS**, the Town Council desires to affirm the public purpose served by the previously approved Sustaining Community Grants and authorize the Town Manager, or designee, to process and disburse the previously approved grant funds upon verification that each recipient has satisfied the applicable good-standing requirements; and

**WHEREAS**, the Town Council has considered the services proposed by the Sustaining Grant recipients identified in Exhibit A, and recognizes that those services address community needs, including food insecurity, housing instability, homelessness, domestic violence, mental health, and other human service needs; and

**ATTACHMENT 1**

**WHEREAS**, the Town Council finds that supporting the services described in Exhibit A advances the public health, safety, and welfare of Los Gatos residents and constitutes a legitimate public purpose; and

**WHEREAS**, any incidental private benefit resulting from the expenditure of grant funds is subordinate to the public benefit provided by the funded services; and

WHEREAS, the Town Council intends that Sustaining Grant funds be used exclusively for their approved purposes, subject to appropriate documentation, reporting, and accountability requirements.

**NOW, THEREFORE, BE IT RESOLVED,** that the Town Council of the Town of Los Gatos does hereby declare, determine, and order as follows:

**1.** The foregoing recitals are true and correct and are incorporated herein by reference.

**2.** Public Purpose. The Town Council finds that the Fiscal Year 2026-27 Sustaining Community Grants identified in Exhibit A serve legitimate public purposes by supporting human services that benefit the Los Gatos community and advance public health, safety, and welfare.

**3.** Findings Regarding Services. The services supported by these grants provide public benefits, as applicable, including nutritional assistance; housing stability and homelessness prevention; youth mental health counseling; hygiene and basic-needs assistance for unhoused persons; domestic violence support; and other direct human services addressing community needs.

**4.** Use of Public Funds. The Town Council finds that the grant expenditures identified in Exhibit A serve a direct and substantial public purpose and do not constitute prohibited gifts of public funds under Article XVI, Section 6 of the California Constitution. Funds shall be used solely for approved programs and services and not for unrelated activities or primarily private purposes.

**5.** Grant Administration. Prior to disbursement, each recipient shall execute a grant agreement or other documentation approved by the Town specifying authorized uses, reporting, recordkeeping, and accountability requirements. The Town Manager, or designee, shall administer compliance with these requirements and applicable Town policies.

**6.** Scope. This resolution applies only to the Fiscal Year 2026-27 Sustaining Community Grants identified in Exhibit A. It does not make public-purpose findings for, or authorize expenditures under, the Competitive Community Grant Program or any other grant program.

**7.** Authorization for Disbursement. Subject to availability of appropriated funds, completion of required documentation, and compliance with applicable laws and Town requirements, the Town Manager, or designee, is authorized to execute the appropriate grant agreement and to disburse the Sustaining Community Grants identified in Exhibit A in the amounts approved by the Town Council.

**ATTACHMENT 1**

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 17th day of November, 2026, by the following vote:

COUNCIL MEMBERS:
AYES:
NAYS:
ABSENT:
ABSTAIN:

SIGNED:

_____
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

_____
TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

**ATTACHMENT 1**

## EXHIBIT A

## FISCAL YEAR 2026-27 SUSTAINING COMMUNITY GRANTS

The Town Council finds that the following grant-funded services serve the public purposes described below, subject to the approved scope of services and the terms of each grant agreement.

| GRANT RECIPIENT | PUBLIC PURPOSE | AWARD |
|---|---|---|
| Counseling and Support Services for Youth (CASSY) | Youth mental health counseling and support services. | $5,000 |
| Live Oak Senior Nutrition | Nutritious meals and related services that support senior health and well-being. | $33,000 |
| Los Gatos Anti-Racism Coalition and St Vincent de Paul | Rental assistance supporting housing stability and homelessness prevention. | $20,000 * |
| Los Gatos United Methodist Church | Shower services that promote hygiene and public health for unhoused individuals. | $7,800 |
| Next Door Solutions to Domestic Violence | Safety and support services for individuals and families affected by domestic violence. | $10,000 |
| St. Luke's Episcopal Church | Food pantry services addressing food insecurity. | $6,000 |
| St. Vincent de Paul | Laundry assistance supporting hygiene and basic needs for unhoused individuals. | $3,700 |
| | Rental assistance supporting housing stability and homelessness prevention. | $5,000 |
| West Valley Community Services | Essential services and community resources for residents in need. | $20,000 |

** The $20,000 divided between St. Vincent de Paul and the Los Gatos Anti-Racism Coalition in accordance with the prior Council direction and subsequent agreement regarding allocation of funds.*

**ATTACHMENT 1**

# COMMISSIONS/BOARDS/COMMITTEES UPDATES

## for October 16, 2026

***As specified by Town Policy, the Mayor or any two members of Council may request consideration of these or any items at a future Council Meeting.***

## FINANCE COMMISSION SPECIAL MEETING RECOMMENDATION FOR SEPTEMBER 30, 2026

At a special meeting on September 30, 2026, the Finance Commission recommended that the Town Council: [(1) Adopt a policy – Adopt a Community Grant Policy by Council action, amending or replacing Resolution 1993-173, and review it every two years; (2) Know the grantee – Require a staff-verified eligibility screen before any application is read: legal standing, filings, board independence, a conflict-of-interest policy, disclosure of Town relationships, prior grants and location, with a five-day document cure. Refer requests made to Council members to staff; Council and commissioner recusal will follow from the Policy 2-04 review; (3) Tie grants to priorities - Require every grant to fit a focus area from a Council-adopted list, including youth, with a measurable outcome reported at closeout; (4) Score in public - Score applications at a noticed public meeting of the reviewing committee, where applicants present their case and every score is recorded and published. Use anchored, calibrated criteria and a written rule for setting amounts, including partial awards. This is where the real work is done; (5) Approve in public - Approve every grant (recipient, amount and purpose) by resolution at a noticed Council meeting, acting on the recommendation of staff or the reviewing committee. This closes the process: no applicant presentations, only the public comment the law requires. Begin with the paused 2026-27 awards; (6) Contract for core services - Convert sustaining grants into service contracts in the operating budget, with firm written criteria for which services qualify, defined outputs and three-year terms reopened to competition. First examine their growth from four lines and $57,000 in 2021-22 to nine lines and $110,500 in 2026-27; (7) Control the money - Pay in advance; prove spending at closeout with reconciled receipts certified by two people; recover unsupported funds; keep a five-year audit right; bar new awards while a prior grant is unresolved; report to the Council annually] and

Recommended that Town Council require Form A-1 (applicant eligibility certification including various regulatory and conflict discloser) of all FY 2026-27 applicants, seat a new rating panel that includes two Finance Commission members chosen by the Commission, and direct that panel to score every sustaining and competitive applicant at a noticed public meeting before any award.], and recommend the Town Council receive the recommendations [page 13 of the addendum - (1) Hold all agreements. None is signed on the July scoring; (2) All applicants, sustaining and competitive, complete proposes A-1 before scoring; (3) Council seats a new rating panel of members who did not score in July, to avoid any appearance of bias; (4) The Finance Commission picks two of its members for the panel at a noticed meeting; (5) The panel scores every applicant, sustaining and competitive, at a noticed public meeting; (6) Eligible applicants present and answer questions; the public may comment; (7) Raters disclose any relationship with an applicant and recuse on the record; all scores are published; and (8) Council approves all awards by resolution with public purpose findings. No grant goes unscored] with exception of (3) to provide flexibility whether they handle a new panel or stay with the existing.



**ATTACHMENT 2**

Summary of Commission Rationale: The Finance Commission made this recommendation in effort to create an equitable, ethical, and transparent community grant process.

Staff Recommendation: Staff recommends considering the recommended policy and procedures for fiscal year 2027-28 Community Grants. For FY 2026-27 Community Grants, staff recommends ensuring reporting compliance as required by the current grant process, with a Finance Department-driven review of 2025-26 grants. Additionally, staff is working to implement certain current-year improvements, including non-profit status, conflict disclosures, public review and action by the rating committee on grant awards, and public Council action on awards. Staff is proceeding and will update the Council on the status of the program. Currently, the 2026-27 program is paused pending additional internal controls.

Council Members may request consideration of these topics at a future Council meeting as specified in the Town Agenda Format and Rules Policy.

## PLANNING COMMISSION MEETING RECAP FOR OCTOBER 14, 2026

PACKETS DELIVERED TO THE COMMISSION ELECTRONICALLY – October 9, 2026.
ROLL CALL – All present except for Chair Burch.

**VERBAL COMMUNICATIONS**
Member of the Public

**CONSENT ITEMS**

1. Approve the Draft Minutes of Approve the Draft Minutes of the September 23, 2026, Planning Commission Meeting.
   **Approved (6-0).**

**PUBLIC HEARINGS**

2. Forward a Recommendation to the Town Council on an Ordinance Amending Chapter 29 (Zoning Regulations) of the Town Code for Senate Bill 9 (SB 9) Regarding Urban Lot Splits and Two-Unit Housing Developments in Response to Changes in State Law. The Proposed Amendments to the Town Code are Not Considered a Project Under Section 15378 of the California Environmental Quality Act, and in Accordance with Government Code Section 66411.7 (n) and 66452.21 (g), Senate Bill 9 Ordinances are Not a Project Subject to the California Environmental Quality Act. Town Code Amendment Application A-26-004. **Project Location: Town Wide.** Applicant: Town of Los Gatos.

   **Forwarded recommendation of approval to the Town Council (6-0).**

**OTHER BUSINESS**
None.