



TOWN OF LOS GATOS
***AMENDED COUNCIL MEETING AGENDA**
AUGUST 02, 2022
TELECONFERENCE
7:00 P.M.

Rob Rennie, Mayor
Maria Ristow, Vice Mayor
Mary Badame, Council Member
Matthew Hudes, Council Member
Marico Sayoc, Council Member

PARTICIPATION IN THE PUBLIC PROCESS

How to participate: The Town of Los Gatos strongly encourages your active participation in the public process, which is the cornerstone of democracy. If you wish to speak to an item on the agenda, please follow the participation instructions on page 2 of this agenda. If you wish to speak to an item NOT on the agenda, you may do so during the “Verbal Communications” period, by following the participation instructions on page 2 of this agenda. The time allocated to speakers may change to better facilitate the Town Council meeting.

Effective Proceedings: The purpose of the Town Council meeting is to conduct the business of the community in an effective and efficient manner. For the benefit of the community, the Town of Los Gatos asks that you follow the Town’s meeting guidelines while attending Town Council meetings and treat everyone with respect and dignity. This is done by following meeting guidelines set forth in State law and in the Town Code. Disruptive conduct is not tolerated, including but not limited to: addressing the Town Council without first being recognized; interrupting speakers, Town Council or Town staff; continuing to speak after the allotted time has expired; failing to relinquish the podium when directed to do so; and repetitiously addressing the same subject.

Deadlines for Public Comment and Presentations are as follows:

- Persons wishing to make an audio/visual presentation on any agenda item must submit the presentation electronically, either in person or via email, to the Clerk’s Office no later than 3:00 p.m. on the day of the Council meeting.
- Persons wishing to submit written comments to be included in the materials provided to Town Council must provide the comments as follows:
 - For inclusion in the regular packet: by 11:00 a.m. the Thursday before the Council meeting
 - For inclusion in any Addendum: by 11:00 a.m. the Monday before the Council meeting
 - For inclusion in any Desk Item: by 11:00 a.m. on the day of the Council Meeting

Town Council Meetings Broadcast Live on KCAT, Channel 15 (on Comcast) on the 1st and 3rd Tuesdays at 7:00 p.m.
Rebroadcast of Town Council Meetings on the 2nd and 4th Mondays at 7:00 p.m.
Live & Archived Council Meetings can be viewed by going to:
www.LosGatosCA.gov/TownYouTube

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE CLERK DEPARTMENT AT (408) 354-6834. NOTIFICATION 48 HOURS BEFORE THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28 CFR §35.102-35.104]

**COUNCIL MEETING AGENDA
AUGUST 02, 2022
TELECONFERENCE
7:00 PM**

IMPORTANT NOTICE

This meeting is being conducted utilizing teleconferencing and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.). Consistent with AB 361 and Town of Los Gatos Resolution 2021-044, this meeting will not be physically open to the public and the Council will be teleconferencing from remote locations. Members of the public can only participate in the meeting by joining the Zoom webinar (log in information provided below).

PARTICIPATION

To provide oral comments in real-time during the meeting:

- **Zoom webinar:** Join from a PC, Mac, iPad, iPhone or Android device: Please click this URL to join. <https://losgatosca.gov.zoom.us/j/84512934204?pwd=RVlrdEN0T0RzZGh6V0FGdVdYLnZQT09>
Passcode: 325785. You can also type in 84512934204 in the “Join a Meeting” page on the Zoom website at <https://zoom.us/join>.
- **Join by telephone:** Join by Telephone: Dial: USA 877 336 1839 US Toll-free or 636 651 0008 US Toll. Conference code: 969184

When the Mayor announces the item for which you wish to speak, click the “raise hand” feature in Zoom. If you are participating by phone on the Zoom app, press *9 on your telephone keypad to raise your hand. If you are participating by calling in, press #2 on your telephone keypad to raise your hand.

When called to speak, you will be asked to provide your full name and your town/city of residence. This identifying information is optional and not a requirement for participation. Please limit your comments to three (3) minutes, or such other time as the Mayor may decide, consistent with the time limit for speakers at a Council meeting.

If you wish to speak to an item or items on the Consent Calendar, please state which item number(s) you are commenting on at the beginning of your time.

If you are unable to participate in real-time, you may email to PublicComment@losgatosca.gov the subject line “Public Comment Item #__” (insert the item number relevant to your comment) or “Verbal Communications – Non-Agenda Item.” Comments received by 11:00 a.m. the day of the meeting will be reviewed and distributed before the meeting. All comments received will become part of the record.

REMOTE LOCATION PARTICIPANTS *The following Council Members are listed to permit them to appear electronically or telephonically at the Town Council meeting: MAYOR ROB RENNIE, VICE MAYOR MARIA RISTOW, COUNCIL MEMBER MARY BADAME, COUNCIL MEMBER MATTHEW HUDES, and COUNCIL MEMBER MARICO SAYOC. All votes during the teleconferencing session will be conducted by roll call vote.*

RULES OF DECORUM AND CIVILITY

To conduct the business of the community in an effective and efficient manner, please follow the meeting guidelines set forth in the Town Code and State law.

The Town does not tolerate disruptive conduct, which includes but is not limited to:

- addressing the town Council without first being recognized;
- interrupting speakers, Town Council, or Town staff;
- continuing to speak after the allotted time has expired;
- failing to relinquish the microphone when directed to do so;
- repetitiously addressing the same subject.

Town Policy does not allow speakers to cede their commenting time to another speaker.

Disruption of the meeting may result in a violation of Penal Code 403.

MEETING CALL TO ORDER

ROLL CALL

PRESENTATIONS

- i. Commendation for Outgoing Town Clerk Shelley Neis.

COUNCIL / MANAGER MATTERS

CONSENT ITEMS *(Items appearing on the Consent Items are considered routine Town business and may be approved by one motion. Any member of the Council may request to have an item removed 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 contained on Page 2 of this agenda. If an item is removed, the Mayor has the sole discretion to determine when the item will be heard.)*

- [1.](#) Approve Draft Minutes of the June 20, 2022 Special Town Council Meeting.
- [2.](#) Approve Draft Minutes of the June 21, 2022 Town Council Meeting.
- [3.](#) Approve Draft Minutes of the June 28, 2022 Special Town Council Meeting.
- [4.](#) Approve Draft Minutes of the June 30, 2022 Closed Session Town Council Meeting
- [5.](#) Approve Draft Minutes of the June 30, 2022 Special Town Council Meeting.
- [6.](#) Approve Draft Minutes of the July 12, 2022 Town Council Closed Session Meeting.
- [7.](#) Approve Draft Minutes of the July 12, 2022 Town Council Special Meeting.
- [8.](#) Adopt a Resolution Reaffirming Resolution 2021-044 Regarding Brown Act Compliance and Teleconferencing and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, During the COVID-19 Pandemic.

- [9.](#) Appoint Council Member Marico Sayoc as the Town's Voting Delegate for the League of California Cities Annual Conference Scheduled for September 7 - 9, 2022 in Long Beach.
- [10.](#) Adopt a Resolution to Rescind Resolution 2019-033 and Replace It for Consistency with Town Council Policy 04-06: Purchasing Policy, and Accept Report on Town Manager Approved Actions During the 2022 Town Council Legislative Recess.
- [11.](#) Approve a Second Contract Amendment with AP&I Design, Inc in the Amount of \$23,808 for a Total Contract Amount Not to Exceed \$115,000 for Capital Improvement Project 813-0235 Downtown Streetscape Revitalization/Economic Recovery Efforts.
- [12.](#) Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the Fiscal Year 2021/22 Curb, Gutter, and Sidewalk Maintenance Project (CIP No. 813-9921), Completed by Spencon Construction, and Authorize the Town Clerk to File for Recordation.
- [13.](#) Authorize the Town Manager to Execute a Four-Year Agreement for Services with Universal Site Services for Enhanced Downtown Garbage, Recycling, and Pizza Box Receptacle Collection and Cleaning Services in an Amount of \$45,961.06 for Fiscal Year 2022/23, with a Succeeding Annual Base Amount of \$56,336.28, for a Total Agreement Base Amount Valued at \$214,969.90 Prior to Any Future Increase Adjustments Made for Consumer Price Index (CPI).
- [14.](#) Authorize the Town Manager to Execute an Agreement for Services with S & H Construction Inc. for the Corporation Yard Building Replacement Project (CIP No. 821-2302) at 41 Miles Avenue for a Total Agreement Amount Not to Exceed \$999,180 Including 30% for Unanticipated Services.
- [15.](#) Adopt a Resolution Summarily Vacating Public Utility Easement at 112 Wilder Avenue and 115 North Santa Cruz Avenue.

VERBAL COMMUNICATIONS *(Members of the public are welcome to address the Town Council on any matter that is not listed on the agenda. To ensure all agenda items are heard and unless additional time is authorized by the Mayor, this portion of the agenda is limited to 30 minutes and no more than three (3) minutes per speaker. In the event additional speakers were not able to be heard during the initial Verbal Communications portion of the agenda, an additional Verbal Communications will be opened prior to adjournment.)*

PUBLIC HEARINGS *(Applicants/Appellants and their representatives may be allotted up to a total of five minutes maximum for opening statements. Members of the public may be allotted up to three minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of three minutes maximum for closing statements. Items requested/recommended for continuance are subject to Council's consent at the meeting.)*

- [16.](#) Consider Objections to the 2022 Weed Abatement Program Assessment Report and Adopt a Resolution Confirming the Report and Authorizing Collection of the Assessment Charges.

OTHER BUSINESS (*Up to three minutes may be allotted to each speaker on any of the following items.*)

- [17.](#) Approve Revisions as Recommended by the Policy Committee to Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum.
- [18.](#) * Adopt a Resolution of the Council of the Town of Los Gatos for Model 3, Calling a Municipal Election for November 8, 2022, Requesting that the County Consolidate the Municipal Election with the General Election on November 8, 2022, and Submitting to the Qualified Electors of the Town at the November 8, 2022 Consolidated General Election a Measure to Amend Chapter 14 of the Los Gatos Town Code Relating to Business License Taxes.

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

Writings related to an item on the Town Council meeting agenda distributed to members of the Council within 72 hours of the meeting are available for public inspection at the front desk of the Los Gatos Town Library, located at 100 Villa Avenue, and are also available for review on the official Town of Los Gatos website.

Note: The Town of Los Gatos has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a decision of the Town Council must be brought within 90 days after the decision is announced unless a shorter time is required by State or Federal law.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/02/2022

ITEM NO: 1

**DRAFT
Minutes of the Town Council Special Meeting
June 20, 2022**

The Town Council of the Town of Los Gatos conducted a special meeting utilizing teleconference and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.) and Town of Los Gatos Resolution 2021-044 on Monday, June 20, 2022, at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:00 P.M.

ROLL CALL

Present: Mayor Rob Rennie, Vice Mayor Maria Ristow, Council Member Mary Badame, Council Member Matthew Hudes, Council Member Marico Sayoc (all participating remotely).

Absent: None

VERBAL COMMUNICATIONS

None.

PUBLIC HEARINGS

1. Conduct a Public Hearing, Review the Planning Commission Recommendations, Determine Any Additional Modifications, Adopt the Draft 2040 General Plan, and Certify the Final Environmental Impact Report.

Jennifer Armer, Planning Manager, presented the staff report.

Opened public comment.

Kathleen Willey

- Commented in support of the plant-based diet education program Planning Commission recommendation.

Rob Stump

- Commented in opposition of increasing housing density within the Wildland Urban Interface (WUI).

Sue Ann Lorig

- Commented in support of the plant-based diet education program Planning Commission recommendation.

Public Hearing Item #1 – continued

Karen Rubio, Plant-Based Advocates

- Commented in support of the plant-based diet education program Planning Commission recommendation.

Steve Rothenberg

- Commented in opposition of increasing housing density.

Lynn Williams

- Commented in opposition of increasing housing density in residential areas.

Daniel Cooley

- Commented in opposition of increasing housing density.

John Shepardson

- Commented in opposition of increasing housing density, in support of the Planning Commission's plant-based diet education program and a Justice, Equity, Diversity, and Inclusion (JEDI) element.

Lee Quintana

- Commented in agreement with Rob Stump and John Shepardson's comments.

Barney Davidge

- Inquired about the proposed increase in housing density and commented on fire concerns.

Catherine Somers

- Commented in support of prioritizing alternative modes of transportation.

Closed public comment.

Council discussed the item.

MOTION: Motion by Vice Mayor Ristow to approve the proposed changes from the Planning Commission and Town Staff and outside agencies for the introduction and items 1-8 as contained in Attachment 7 with the following changes:

- Direct staff to bring back proposed language for the Vision Statement that acknowledges a mix of businesses.
- Direct staff to bring back proposed language for the Community Vitality Guiding Principle that highlights our unique and historic downtown.

Public Hearing Item #1 – continued

- Ensure the proposed revision regarding bike classes allowed on Shannon Road from Los Gatos Blvd. to Cherry Blossom Ln. from “Proposed Class I” to “Proposed Class II” is correct.

AMENDMENT: Amend a sentence in the introduction from “Council is the political body” to “Council is the elected body”. **Seconded by Council Member Sayoc.**

VOTE: Motion passed unanimously.

MOTION: Motion by Vice Mayor Ristow to direct the Town’s external JEDI consultant to review Chapter 2 Racial, Social, and Environmental Justice Element of the Draft 2040 General Plan and Planning Commission recommendations 9-14 and 42 in Attachment 7, and bring any proposed changes to the Council on June 30, 2022.

AMENDMENT: Direct the Town’s external JEDI consultant to review all of Chapter 2, Chapter 12 Glossary, and any supporting material related to the Justice, Equity, Diversity, and Inclusion aspects of the Draft General Plan. **Seconded by Council Member Hudes.**

VOTE: Motion passed unanimously.

MOTION: Motion by Council Member Badame to approve Planning Commission Recommendations 15-17 as contained in Attachment 7. **Seconded by Vice Mayor Ristow.**

VOTE: Motion passed unanimously.

MOTION: Motion by Mayor Rennie to approve the Planning Commission recommendations 18-22 as contained in Attachment 7. **Seconded by Vice Mayor Ristow.**

VOTE: Motion passed unanimously.

MOTION: Motion by Mayor Rennie to approve Planning Commission recommendations 23-25 as contained in Attachment 7. **Seconded by Vice Mayor Ristow.**

VOTE: Motion passed unanimously.

Public Hearing Item #1 – continued

MOTION: Motion by **Council Member Badame** to approve Planning Commission recommendations 26-38 and direct staff to bring revised verbiage of item 39 to the meeting on June 30, 2022. **Seconded by Mayor Rennie.**

VOTE: Motion passed unanimously.

MOTION: Motion by **Mayor Rennie** to approve Planning Commission recommendations 40 and 41 as contained in Attachment 7. **Seconded by Vice Mayor Ristow.**

VOTE: Motion passed unanimously.

Recess 9:08 p.m.

Reconvene 9:15 p.m.

MOTION: Motion by **Mayor Rennie** to direct staff bring back proposed language for Council consideration for MOB 11.3 to allow for improvements of Highway 17. **Seconded by Council Member Hudes.**

VOTE: Motion passed unanimously.

MOTION: Motion by **Mayor Rennie** to direct staff to bring back proposed language for Council consideration for ENV-10.1 to reduce packaging and microplastics. **Seconded by Council Member Badame.**

VOTE: Motion passed unanimously.

MOTION: Motion by **Mayor Rennie** to on page 8-33 under item NN, revise the phrase “installation of rooftop solar” to “installation of rooftop solar and storage.” **Seconded by Vice Mayor Ristow.**

VOTE: Motion passed unanimously.

MOTION: Motion by **Mayor Rennie** to approve the Planning Commission recommendations item 43 through 45 as contained in Attachment 7. **Seconded by Vice Mayor Ristow.**

VOTE: Motion passed unanimously.

Public Hearing Item #1 – continued

MOTION: Motion by Council Member Badame to replace the terms “missing middle housing” with the phrase “small multi-unit housing” in the Land Use Element section of the 2040 Draft General Plan. **Seconded by Council Member Hudes.**

VOTE: Motion passed unanimously.

MOTION: Motion by Mayor Rennie to direct staff to bring implications of reverting the Low Density Residential (LDR) to the previous density range and propose a Low Medium Density designation (0-10 units per acre) to be used in the Community Place Districts for Council consideration on June 30, 2022. **Seconded by Vice Mayor Ristow.**

VOTE: Motion passed unanimously.

MOTION: Motion by Council Member Hudes to rename Community Place Districts to Community Growth Districts. **Seconded by Council Member Badame.**

VOTE: Motion passed unanimously.

MOTION: Motion by Council Member Badame to remove LU-1.3 and LU-3.5. **Seconded by Council Member Hudes.**

VOTE: Motion fails 2/3. Mayor Rennie, Vice Mayor Ristow, and Council Member Sayoc voting no.

MOTION: Motion by Council Member Hudes to remove LU-1.3. **Seconded by Council Member Badame.**

VOTE: Motion passed 3/2. Vice Mayor Ristow and Council Member Sayoc voting no.

MOTION: Motion by Council Member Badame to rewrite LU-5 as a goal incorporating Land Use Goal #1 in the existing 2020 General Plan and direct staff to bring back proposed verbiage for Council consideration on June 30, 2022. **Seconded by Vice Mayor Ristow.**

VOTE: Motion passed unanimously.

Public Hearing Item #1 – continued

MOTION: Motion by **Council Member Hudes** to replace the word “urban” with the word “community” in LU-2 and replace the phrase “urban services” with the phrase “municipal services”. **Seconded by Council Member Badame.**

VOTE: Motion passed unanimously.

MOTION: Motion by **Vice Mayor Ristow** to approve Planning Commission recommendation 46 as contained in Attachment 7. **Seconded by Council Member Sayoc.**

VOTE: Motion passed 3/2. Council Members Badame and Hudes voting no.

MOTION: Motion by **Council Member Sayoc** to approve Planning Commission recommendations 47-52, exclusive of 51, as contained in Attachment 7.
AMENDMENT: Replace the word “and” with “or” in recommendation 49 contained in Attachment 7. **Seconded by Vice Mayor Ristow.**

VOTE: Motion passed unanimously.

MOTION: Motion by **Council Member Badame** to approve Planning Commission recommendation 51 as contained in Attachment 7. **Seconded by Council Member Hudes.**

VOTE: Motion passed 3-1-1. Vice Mayor Ristow voting no, Council Member Sayoc abstaining.

MOTION: Motion by **Council Member Hudes** to revise the total capacity to be the Regional Housing Needs Allocation (RHNA) of 1,993 units plus a 15% buffer, and revisit the numbers when more information is obtained from the State understanding the number of units may need to be adjusted. **Seconded by Council Member Badame.**

VOTE: Motion fails 2/3. Mayor Rennie, Vice Mayor Ristow, and Council Member Sayoc voting no.

MOTION: Motion by **Vice Mayor Ristow** to continue this item to a date certain of June 30, 2022. **Seconded by Council Member Sayoc.**

VOTE: Motion passed unanimously.

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SUBJECT: Draft Minutes of the Town Council Special Meeting of June 20, 2022

DATE: June 20, 2022

The item was continued to a date certain of June 30, 2022.

ADJOURNMENT

Meeting adjourned at 11:58 p.m.

Respectfully submitted:

Jenna De Long, Deputy Town Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/02/2022

ITEM NO: 2

**DRAFT
Minutes of the Town Council Meeting
June 21, 2022**

The Town Council of the Town of Los Gatos conducted a regular meeting utilizing teleconference and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.) and Town of Los Gatos Resolution 2021-044 on Tuesday, June 21, 2022 at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:00 P.M.

ROLL CALL

Present: Mayor Rob Rennie, Vice Mayor Maria Ristow, Council Member Mary Badame, Council Member Matthew Hudes, Council Member Marico Sayoc (all participating remotely).

Absent: None

PRESENTATIONS

- i. Rob Stephenson, Safe Routes to School (SR2S) President, presented its annual report.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Council Member Sayoc stated she attended the Cities Association General Membership meeting with Council Member Hudes, a meeting of Valley Water and Calcities, and the Housing Element Advisory Board (HEAB) meeting with Vice Mayor Ristow.
- Council Member Badame stated she attended the West Valley Sanitation District Authority (WVSDA) Board meeting as an alternate, Finance Commission (FC) meeting as an observer, and corresponded with residents.
- Council Member Hudes announced Council Member Sayoc was recognized for her leadership at the Cities Association meeting, stated he attended the Finance Commission, and the Association of Bay Area Governments (ABAG) General Assembly meeting, and the Summer Promenade.
- Vice Mayor Ristow stated she attended the HEAB and the Green Streets for Sustainable Communities meetings, the Summer Promenade, and met with residents.
- Mayor Rennie stated he attended the Silicon Valley Clean Energy Authority (SVCEA) Board and special Board training meetings; Bay Area Air Quality Management District (BAAQMD) Board, Legislative, Legislative Ad Hoc Committee, and Stationary Source Committee; Finance Commission meetings; and a Valley Transportation Authority (VTA) Board meeting as an alternate; League of Cities Cannabis Roundtable Webinar; Silicon Valley Leadership Group

Council Matter – continued

Sustainability Summit; Silicon Valley Bike Coalition Bike event; and met with a Tesla representative.

Manager Matters

- Announced free COVID testing will be held at the Adult Recreation Center (ARC) on Thursday, June 23rd.
- Announced Symphony in the Park will be held on July 4th at Oak Meadow Park.
- Announced we are launching a Community Police Academy on August 25th and spaces are limited; more information can be found on our Police website.

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

1. Approve the Draft Minutes of the Town Council Special Meeting on June 7, 2022 Commissioner Interviews.
2. Approve Draft Minutes of the June 7, 2022 Town Council Meeting.
3. Adopt a Resolution Reaffirming Resolution 2021-044 Regarding Brown Act Compliance and Teleconferencing and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, During the COVID -19 Pandemic. **RESOLUTION 2022-037**
4. Receive Fiscal Year 2020/21 Federal Single Audit Report and Corrective Action Plan.
5. Authorize the Town Manager to Execute a Three-Year Agreement with Microsoft to Purchase Software Licensing Through Dell Technologies in an Amount Not to Exceed \$250,000.
6. Authorize the Town Manager to Execute an Agreement for Consultant Services with Monarch Consulting to Provide Services as Arborist Consultant to the Town.
7. Authorize the Town Manager to Execute an Agreement for Consultant Services with Walter Levison to Provide Services as Arborist Consultant to the Town.
8. Authorize the Town Manager to Execute an Agreement for Consultant Services with Larry Cannon, Cannon Design Group to Provide Services as Architectural Consultant to the Town.
9. Authorize the Town Manager to Submit Applications in the One Bay Area Grant Program.
10. Authorize the Town Manager to Execute a Five-Year Agreement for Services with Brightview Landscape Services, Inc. for Landscape Maintenance Services in an Amount of \$167,402 Annually, Plus an Additional Five Percent (\$8,370) for Unforeseen Services for a Total Annual Amount Not to Exceed \$175,772, and a Total Agreement Base Amount Valued at \$878,860 Prior to Any Increase Adjustments Made for Consumer Price Index (CPI).
11. Accept the Complete Streets and Transportation Commission's Recommendation to Not Proceed with a Pilot Program with Any Electric Scooter Providers.
12. Approve an Amendment to the Classification Plan to Create a Flexibly Staffed Police Records Specialist Job Series.

Consent Items – continued

13. Authorize the Following Actions Related to the Cal OES Pass Through Grant Subaward:
 - a. Accept a California Governor’s Office of Emergency Services (Cal OES) Pass Through Grant Subaward in the Amount of \$7,000,000 for Public Safety and Emergency Resiliency;
 - b. Authorize a Revenue and Expenditure Budget Adjustment in the Amount of \$7,000,000 to Receive and Disburse the Subaward; and
 - c. Authorize the Town Manager to Execute Subrecipient Agreements with the Implementing Agencies to Disburse the Cal OES Pass Through Grant Subaward Based on the Original Grant Request.
14. Authorize the Town Manager to Execute a Five-Year Agreement with Tyler Technologies to Provide Enterprise Resource Planning (ERP) Software Implementation and Ongoing Support for the Town of Los Gatos for \$1,147,328 plus a 10% contingency for a Total Agreement Amount Not to Exceed \$1,262,061.
15. Authorize the Town Manager to Execute a Second Amendment to the Agreement for Audit Services with Badawi and Associates to Increase Compensation by \$5,400 for a Total Contract Amount Not to Exceed \$173,385.
16. Operating and Capital Budgets:
 - a. Adopt a Resolution Approving the Town of Los Gatos Fiscal Year (FY) 2022/23 Operating Budget and FY 2022/23 – 2026/27 Capital Improvement Program (CIP), New Appropriations, Additional Council Actions on May 17, 2022 and Revisions Related to Salary and Benefit Costs as Presented in the Labor Agreements Agenda Reports on June 7, 2022; American Rescue Plan Act Budget Adjustment, Minor Corrections, and Carry-Forward Appropriations. **RESOLUTION 2022-038**
 - b. Adopt a Resolution Approving Commitment of Fund Balances under GASB 54. **RESOLUTION 2022-039**
 - c. Approve FY 2021/22 Budget Adjustments:
 - 1) Major Revenue Adjustments to Match Year-End Estimated Revenues as Directed by the Town Council on May 17, 2022; and as Determined from Updated Information
 - i. Property Tax Revenue Increase in the Amount of \$582,609,
 - ii. Sales Tax Revenue Increase in the Amount of \$428,828 (\$361,806 in regular Sales Tax and \$67,022 in Measure G Sales Tax)
 - iii. Business License Tax Revenue Increase in the Amount of \$175,000,
 - iv. Transient Occupancy Tax Increases in the Amount of \$75,000, and
 - v. Recognize \$36,308 General Fund Salary Reimbursement for Capital Improvement Staff Work.
 - 2) Expenditure Increases to Reflect Past Actions:
 - i. In the Amount of \$300,000 to expense the \$300,000 available General Fund Pension/OPEB Reserve to the CEPPT Trust.
 - ii. In the Amount of \$136,308 General Fund Salary Reimbursement for Capital Improvement Staff Work.

Consent Items – continued

- 3) Approve American Rescue Plan Act Budget Adjustments.
- 17. Receive an Update on the Dittos Lane Affordable Housing Project.

Opened public comment.

Catherine Somers

- Commented on the increase in Transient Occupancy Tax (TOT) and sales tax revenue due to the parklets and destination marketing.

Closed public comment.

MOTION: Motion by Council Member Badame to approve consent items 1-17. Seconded by Council Member Hudes.

VOTE: Motion passed unanimously.

VERBAL COMMUNICATIONS

Catherine Somers

- Announced Drum in the Park will take place at Town Plaza Park on July 16th from 12:00 - 7:00 p.m.

PUBLIC HEARINGS

- 18. Conduct Brush Abatement Program Public Hearing to Consider Objections to the Proposed Removal of Brush on Parcels Listed on the 2022 Wildland Urban Interface (WUI) Area Non-Compliant Parcel List and Order Abatement of the Public Nuisance and Potential Fire Hazard Pursuant to the Town of Los Gatos Municipal Code (Chapter 9) Regarding Defensible Space.

Meredith Johnston, Administrative Technician, presented the staff report.

Opened public comment.

Gala Johnson

- Commented in support of the brush abatement program.

Closed public comment.

All properties are in compliance, so no resolution is required to be adopted.

19. Authorize the Following Actions for Landscape and Lighting Assessment Districts No. 1 and 2:

- a. Adopt a Resolution Confirming the Diagram and Assessments and Levying and Authorizing Collection of Assessments for Landscape and Lighting Assessment District No. 1-Blackwell Drive Benefit Zone. **RESOLUTION 2022-040**
- b. Adopt a Resolution Confirming the Diagram and Assessments and Levying and Authorizing Collection of Assessments for Landscape and Lighting Assessment District No. 1-Kennedy Meadows Benefit Zone. **RESOLUTION 2022-041**
- c. Adopt a Resolution Confirming the Diagram and Assessments and Levying and Authorizing Collection of Assessments for Landscape and Lighting Assessment District No. 1-Santa Rosa Heights Benefit Zone. **RESOLUTION 2022-042**
- d. Adopt a Resolution Confirming the Diagram and Assessments and Levying and Authorizing Collection of assessments for Landscape and Lighting Assessment District No. 1-Vasona Heights Benefit Zone. **RESOLUTION 2022-043**
- e. Adopt a Resolution Confirming the Diagram and Assessments and Levying and Authorizing Collection of assessments for Landscape and Lighting Assessment District No. 1-Hillbrook Drive Benefit Zone. **RESOLUTION 2022-044**
- f. Adopt a Resolution Confirming the Diagram and Assessments and Levying and Authorizing Collection of assessments for Landscape and Lighting Assessment District No. 2-Gemini Court Benefit Zone. **RESOLUTION 2022-045**

Meredith Johnston, Administrative Technician, presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Badame to adopt the resolutions as contained in Attachments 1-6. **Seconded** by Council Member Sayoc.

VOTE: Motion passed unanimously.

OTHER BUSINESS

20. Approve Senior Services Roadmap Goals as Recommended by the Senior Service Committee.

Tom Picraux, Senior Service Committee Chair, presented the staff report.

Other Business Item #20 – continued

Opened public comment.

Dick Conrad, Community Health and Senior Services Chair

- Commented in support of the item.

Lisanne Kennedy, Los Gatos-Saratoga Recreation 55+ Coordinator

- Thanked the Town and Commission for the support of senior services.

Closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Badame to approve Senior Services Roadmap Goals as recommended by the Senior Service Committee. **Seconded by Vice Mayor Ristow.**

VOTE: Motion passed unanimously.

21. Receive a Report on the June 16, 2022, Promenade Event and Provide Additional Direction to Staff on Event Format or Other Provisions if Needed.

Laurel Prevetti, Town Manager, presented the staff report.

Opened public comment.

Brian Bernasconi, Chamber of Commerce Board Member

- Commented on how the first promenade went.

Closed public comment.

Council discussed the item and received the report.

22. Receive the Town of Los Gatos Business License Analysis and Ordinance Review, Direct Staff to Continue Research and Public Outreach, and Return to Town Council on August 2, 2022 with Proposed Ballot Measure Language to Modernize and Create a More Equitable Business License Tax Structure.

Arn Andrews, Assistant Town Manager, presented the staff report.

Other Business Item #22 – continued

Opened public comment.

Catherine Somers

- Commented on the concerns of the Chamber Board.

Closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Sayoc that staff continue research and public outreach on proposed models 2 and 3 as contained in the staff report, engage the Town Council on the community engagement opportunities, return to Town Council with community feedback and proposed ballot measure wording for both options on August 2nd. **Seconded** by Vice Mayor Ristow.

VOTE: Motion passed unanimously.

23. Maintain a Ban on Cannabis Businesses in Los Gatos and Consider a Ballot Measure to Tax Cannabis Businesses.

Laurel Prevetti, Town Manager, presented the staff report.

Staff addressed Council questions.

Recess 9:04 p.m.

Reconvene 9:16 p.m.

Opened public comment.

Gayla Johnson

- Commented in support of taxing cannabis business in Town.

Grant Palmer

- Commented in opposition of maintaining a ban on cannabis businesses and in support of the ballot measure.

Joanne Rodgers

- Read the public comment of Phil Koen contained in the Desk Item.

Other Business Item #23 – continued

Joe Rodgers

- Continued reading the public comment of Phil Koen contained in the Desk Item.

Lisa Harris

- Commented in support of maintaining a ban on cannabis businesses.

Diane Pleasant

- Commented in support of maintaining a ban on cannabis businesses and in support of the ballot measure.

Jeff Suzuki

- Commented in opposition of maintaining a ban on cannabis businesses and in support of the ballot measure.

Brian Bernasconi

- Commented in opposition of maintaining a ban on cannabis businesses and in support of the ballot measure.

Donna McCurrie

- Commented in opposition of maintaining a ban on cannabis businesses and in support of the ballot measure.

Kristina Taroni

- Commented in opposition of maintaining a ban on cannabis businesses and in support of the ballot measure.

Lee Fagot

- Commented in support of maintaining a ban on cannabis businesses.

Catherine Somers

- Commented in support of placing a cannabis business tax on the ballot.

Chris Lee, Airfield Supply Company

- Commented on costs covered by cannabis retailers.

Nathan Hill

- Commented on the regulations on cannabis businesses.

Mariko Cooley

- Commented on the regulations on cannabis businesses.

Other Business Item #23 – continued

Phil Barry

- Commented in support of the tax initiative to be placed on the ballot.

Ann Ortmeier

- Commented in support of maintaining a ban on cannabis businesses.

Andrea Romano, Chamber of Commerce Board President

- Commented in support of the ballot measure.

Margaret Smith

- Commented in support of maintaining a ban on cannabis businesses.

Susan Burnett

- Commented in support of maintaining a ban on cannabis businesses.

Sean Kali-Rai, Silicon Valley Cannabis Alliance

- Commented on the availability of cannabis in Los Gatos.

Tom Woods

- Commented in opposition of maintaining a ban on cannabis businesses and in support of the ballot measure.

Closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Hudes to prepare a ballot measure as proposed and include a question whether the voters would approve of cannabis operations in Town. **Motion failed for lack of a second.**

MOTION: Motion by Vice Mayor Ristow to prepare ballot language options regarding whether to tax cannabis if cannabis sales occur in Town in the future. **Seconded by Council Member Sayoc.**

VOTE: Motion failed 1/4. Mayor Rennie and Council Members Badame, Hudes, and Sayoc voting no.

PAGE **10** OF **10**

SUBJECT: Draft Minutes of the Town Council Meeting of June 21, 2022

DATE: June 21, 2022

ADJOURNMENT

The meeting adjourned at 11:12 p.m.

Respectfully submitted:

Jenna De Long, Deputy Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/02/2022

ITEM NO: 3

**DRAFT
Minutes of the Town Council Special Meeting
June 28, 2022**

The Town Council of the Town of Los Gatos conducted a special meeting utilizing teleconference and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.) and Town of Los Gatos Resolution 2021-044 on Tuesday, June 28, 2022, at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:00 P.M.

ROLL CALL

Present: Mayor Rob Rennie, Vice Mayor Maria Ristow, Council Member Mary Badame, Council Member Matthew Hudes, Council Member Marico Sayoc (all participating remotely).

Absent: None

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

1. Authorize the Town Manager to Negotiate and Execute a Lease Agreement with Anwar and Masoma Shoja, for 45 North Santa Cruz Avenue, in Substantially the Form Presented.
2. Authorize the Town Manager to Execute a Second Amendment to the Lease Agreement with Los Gatos Museum Association (LGMA) to Extend the Council Consideration Date in Section 7.2 of the First Amendment.

Opened Public Comment.

No one spoke.

Closed Public Comment.

MOTION: Motion by Vice Mayor Ristow to approve Consent Items 1 and 2. Seconded by Council Member Sayoc.

VOTE: Motion passed unanimously.

OTHER BUSINESS

3. Authorize the Town Manager to Negotiate and Execute a Lease Agreement with CineLux Theatres Co. LLC for the Operation and Program Management of the Los Gatos Theatre in Substantially the Form Presented.

Other Business Item #3 – continued

Arn Andrews, Assistant Town Manager, presented the staff report.

Opened Public Comment.

Heidi Boynton, Jacobs Heart Children's Cancer Support Services

- Commented in support of the item.

Deborah Weinstein, Los Gatos Education Foundation

- Commented in support of the item.

Paul Gunsky

- Commented in support of the item.

Closed Public Comment.

Council discussed the item.

MOTION: Motion by Council Member Badame to authorize the Town Manager to negotiate and execute a lease agreement with CineLux Theatres Co. LLC for the operation and program management of the Los Gatos Theatre in substantially the form presented.

AMENDMENT: Amend Section 2C. of the agreement to Section 2B. and a signature page before the agreement is executed. **Seconded by Vice Mayor Ristow.**

VOTE: Motion passed unanimously.

ADJOURNMENT

The meeting adjourned at 7:31 p.m.

Respectfully submitted:

Jenna De Long, Deputy Town Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/02/2022

ITEM NO: 4

**DRAFT
Minutes of the Town Council Special Meeting - Closed Session
June 30, 2022**

The Town Council of the Town of Los Gatos conducted a special meeting utilizing teleconference and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.) and Town of Los Gatos Resolution 2021-044 on Thursday, June 30, 2022 at 6:15 p.m.

MEETING CALLED TO ORDER AT 6:15 P.M.

ROLL CALL

Present: Mayor Rob Rennie, Vice Mayor Maria Ristow, Council Member Mary Badame, Council Member Matthew Hudes, Council Member Marico Sayoc (all participating remotely).

Absent: None

VERBAL COMMUNICATIONS

None.

THE TOWN MOVED TO CLOSED SESSION ON THE FOLLOWING ITEM:

1. Conference with Legal Counsel - Anticipated Litigation
(Government Code § 54956.9(d)(2): Significant exposure to litigation against the Town.

ADJOURNMENT

Closed Session adjourned at 6:45 p.m.

Attest:

Submitted by:

Jenna De Long, Deputy Town Clerk

Laurel Prevetti, Town Manager



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/02/2022

ITEM NO: 5

**DRAFT
Minutes of the Town Council - Special Meeting
June 30, 2022**

The Town Council of the Town of Los Gatos conducted a special meeting utilizing teleconference and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.) and Town of Los Gatos Resolution 2021-044 on Tuesday, June 3, 2022 at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:00 P.M.

ROLL CALL

Present: Mayor Rob Rennie, Vice Mayor Maria Ristow, Council Member Mary Badame, Council Member Matthew Hudes, Council Member Marico Sayoc (all participating remotely).

Absent: None.

CONTINUED PUBLIC HEARINGS

1. Conduct a Public Hearing, Review the Planning Commission Recommendations, Determine Any Additional Modifications, Adopt the Draft 2040 General Plan, and Certify the Final Environmental Impact Report.

Jennifer Armer, Planning Manager, presented the staff report.

Opened public comment.

Rob Moore

- Commented in support of the Draft 2040 General Plan as presented.

Jeffrey Suzuki, Los Gatos Anti-Racism Coalition

- Commented in support of the Draft 2040 General Plan as presented.

Ali Miano, Los Gatos Anti-Racism Coalition and Complete Streets and Transportation Commission

- Commented in support of the Draft 2040 General Plan as presented.

Jeremy Barnes, Los Gatos Anti-Racism Coalition

- Commented in opposition of lowering the total housing capacity.

Public Hearing Item #1 – continued

Quinn Morgan

- Commented in support of affordable housing.

Leonie Pennington

- Commented on traffic concerns related to State Route 17, and in support of affordable housing.

Kinsey Lee, Los Gatos Anti-Racism Coalition

- Commented in support of the Draft 2040 General Plan as presented.

John Shepardson

- Commented on concerns of increasing housing density.

Jak Van Nada

- Commented in opposition of increasing housing density.

Closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Hudes to approve item 1 as contained in the staff report. **Seconded** by Council Member Sayoc.

VOTE: Motion passes unanimously.

MOTION: Motion by Council Member Sayoc to approve item 4 as contained in the staff report. **Seconded** by Vice Mayor Ristow.

VOTE: Motion passes unanimously.

MOTION: Motion by Vice Mayor Ristow to approve item 6 as contained in the staff report. **Seconded** by Council Member Sayoc.

VOTE: Motion passes unanimously.

MOTION: Motion by Vice Mayor Ristow to approve item 7 as contained in the staff report. **Seconded** by Council Member Hudes.

VOTE: Motion passes 4/1. Mayor Rennie voting no.

Public Hearing Item #1 – continued

MOTION: Motion by **Council Member Sayoc** to approve change in staff report item 10 as contained in the staff report. **Seconded** by **Vice Mayor Ristow**.

VOTE: Motion passes unanimously.

MOTION: Motion by **Vice Mayor Ristow** to approve item 11 as contained in the staff report. **Seconded** by **Council Member Sayoc**.

VOTE: Motion passes unanimously.

MOTION: Motion by **Council Member Badame** to approve item 12 as contained in the staff report. **Seconded** by **Vice Mayor Ristow**.

VOTE: Motion passes unanimously.

MOTION: Motion by **Council Member Sayoc** to approve item 19 as contained in the staff report. Amendment: revise language to “Goal LU-5: Maintain, cherish, and enhance the Town’s a sense of place and character, while expanding housing opportunities for a diverse population.” **Seconded** by **Vice Mayor Ristow**.

VOTE: Motion passes 3/2. Council Members Badame and Hudes voting no.

MOTION: Motion by **Council Member Badame** to revise Policy LU-5.8 to remove the word “encourage” and add the word “shall”. Revised language to state “New construction, remodels, and additions shall be compatible with the existing neighborhood.” **Seconded** by **Council Member Hudes**.

VOTE: Motion passes unanimously.

Recess 8:47 p.m.

Reconvene 9:05 p.m.

Public Hearing Item #1 – continued

MOTION: Motion by Council Member Hudes to:

- Revert Low Density Residential designation housing density back to the existing 2020 General Plan level;
- Revert Medium Density Residential designation housing density back to the existing 2020 General Plan level;
- Reduce the allowed density in the Mixed-Use designation from 40 dwelling units per acre to 30 dwelling units per acre;
- Reduce the allowed density in the High-Density Residential designation from 40 dwelling units per acre to 30 dwelling units per acre;
- Revert properties in the new Central Business District designation back to housing density allowed in the existing 2020 General Plan
- Include 116 hillside residential units and 250 Senate Bill 9 (SB9) units;
- Include the full amount of the Office Professional and Service Commercial designations as presented in the Draft 2040 General Plan. **Seconded by Council Member Badame.**

VOTE: Motion fails 2/3. Mayor Rennie, Vice Mayor Ristow, and Council Member Sayoc voting no.

MOTION: Motion by Mayor Rennie to:

- Revert Low Density Residential and Medium Density Residential designations back to the existing 2020 General Plan density levels;
- AMENDMENT: Change the Medium Density Residential Designation to the Planning Commission recommendation of 14 to 22 units per acre except in the Very High Fire Severity Zone where the density would remain 5 to 12 units per acre as in the 2020 General Plan;
- Keep the Office Professional at the 2020 General Plan level and remove the housing potential from the Service Commercial designation, resulting in 114 units. **Seconded by Vice Mayor Ristow.**

Recess 10:16 p.m.

Reconvene 10:24 p.m.

VOTE: Motion passes 3/2. Council Members Hudes and Badame voting no.

Public Hearing Item #1 – continued

MOTION: Motion by Vice Mayor Ristow to assess the need for changes to the 2040 General Plan if and when production of 1,000 housing units occurs. **Seconded by Council Member Badame**

VOTE: Motion passes unanimously.

MOTION: Motion by Council Member Hudes to rename Medium Density Residential to High Density Residential and rename High Density Residential to Very High Density Residential in the 2040 General Plan. **Seconded by Council Member Badame.**

VOTE: Motion passes 3/2. Mayor Rennie and Vice Mayor Ristow voting no.

MOTION: Motion by Mayor Rennie to adopt the resolution certifying the Final EIR of the 2040 General Plan as stated in Attachment 5 to the June 20th meeting staff report, including findings and fact and overriding considerations in Attachment 5 Exhibit A with a modification to section 4.3 to add the following: “Such changes or alterations are within the jurisdiction of another public agency and not the agency making the findings. Such changes have been adopted by such other agency or can and should be adopted by such other agency”. **Seconded by Vice Mayor Ristow.**

VOTE: Motion passes 3/2. Council Members Badame and Hudes voting no.

MOTION: Motion by Council Member Sayoc to adopt a resolution as contained in Attachment 6 of the June 20th staff report to adopt the 2040 General Plan which include the progress motions modifications of the June 20th and June 30th meetings. **Seconded by Vice Mayor Ristow.**

VOTE: Motion passes 3/2. Council Members Badame and Hudes voting no.

ADJOURNMENT

The meeting adjourned at 11:40 p.m.

Respectfully submitted:

Jenna De Long, Deputy Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/02/2022

ITEM NO: 6

**DRAFT
Minutes of the Town Council Special Meeting – Closed Session
July 12, 2022**

The Town Council of the Town of Los Gatos conducted a special meeting utilizing teleconference and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.) and Town of Los Gatos Resolution 2021-044 on Tuesday, July 12, 2022 to hold a Closed Session at 5:00 p.m.

MEETING CALLED TO ORDER AT 5:00 P.M.

ROLL CALL

Present: Mayor Rob Rennie, Vice Mayor Maria Ristow, Council Member Mary Badame, Council Member Matthew Hudes, Council Member Marico Sayoc (all participating remotely).

Absent: None

VERBAL COMMUNICATIONS

None.

THE TOWN MOVED TO CLOSED SESSION ON THE FOLLOWING ITEM:

1. Conference with Legal Counsel - Anticipated Litigation
Initiation of litigation pursuant to Subsection (d)(4) of Government Code Section 54956.9:
1 case.

ADJOURNMENT

Closed Session adjourned at 5:42 p.m.

Attest:

Submitted by:

Jenna De Long, Deputy Town Clerk

Laurel Prevetti, Town Manager



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/02/2022

ITEM NO: 7

**DRAFT
Minutes of the Town Council Special Meeting
July 12, 2022**

The Town Council of the Town of Los Gatos conducted a special meeting utilizing teleconference and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.) and Town of Los Gatos Resolution 2021-044 on Tuesday, July 12, 2022 at 5:45 p.m.

MEETING CALLED TO ORDER AT 5:45 P.M.

ROLL CALL

Present: Mayor Rob Rennie, Vice Mayor Maria Ristow, Council Member Mary Badame, Council Member Matthew Hudes, Council Member Marico Sayoc (all participating remotely).

Absent: None

CLOSED SESSION REPORT

Town Attorney Whelan stated Council met as duly noted on the agenda on July 12, 2022, and no action was taken deemed reportable under the Brown Act.

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

1. Adopt a Resolution Reaffirming Resolution 2021-044 Regarding Brown Act Compliance and Teleconferencing and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, During the COVID -19 Pandemic. **RESOLUTION 2022-048**
2. Adopt a Resolution of the Town Council of the Town of Los Gatos to Authorize Investment Monies in the Local Agency Investment Fund and Rescind Resolution 2007-093 Resolution of the Town Council of the Town of Los Gatos, Authorizing Investment Monies in the Local Agency Investment Fund. **RESOLUTION 2022-049**

Opened public comment.

No one spoke.

Closed public comment.

PAGE 2 OF 2

SUBJECT: Draft Minutes of the Town Council Special Meeting of July 12, 2022

DATE: July 12, 2022

Consent Items – continued

MOTION: Motion by Vice Mayor Ristow to approve consent items 1 and 2. Seconded by Council Member Sayoc.

VOTE: Motion passed unanimously.

ADJOURNMENT

The meeting adjourned at 5:53 p.m.

Respectfully submitted:

Jenna De Long, Deputy Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/02/2022

ITEM NO: 8

DATE: July 26, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution Reaffirming Resolution 2021-044 Regarding Brown Act Compliance and Teleconferencing and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, During the COVID-19 Pandemic

RECOMMENDATION:

Adopt a Resolution reaffirming Resolution 2021-044 and making findings pursuant to Government Code Section 54953, as amended by Assembly Bill 361, and authorizing the continued use of virtual meetings due to health and safety concerns for the public.

BACKGROUND:

On March 17, 2020, Governor Newsom issued Executive Order N-29-20, which allowed for relaxed provisions of the Ralph M. Brown Act (Brown Act) that allowed legislative bodies to conduct meetings through teleconferencing without having to meet the strict compliance of the Brown Act. All provisions of Executive Order N-29-20 concerning the conduct of public meetings expired on September 30, 2021.

DISCUSSION:

AB 361 was signed into law by the Governor on September 16, 2021, and went into effect immediately upon signing. It amends the Brown Act to allow local legislative bodies to continue using teleconferencing and virtual meeting technology after the September 30, 2021, expiration of the current Brown Act exemptions as long as there is a "proclaimed state of emergency" by the Governor. This allowance also depends on State or local officials imposing or recommending measures that promote social distancing or a legislative body finding that meeting in person would present an imminent safety risk to attendees.

PREPARED BY: Wendy Wood
Town Clerk

Reviewed by: Town Manager, Assistant Town Manager, and Town Attorney

DISCUSSION (Cont):

AB 361 requires Public agencies to make findings by majority vote within 30 days of the first teleconferenced meeting under AB 361 and every 30 days thereafter that a state of emergency

still exists and continues to directly impact the ability of the members to meet safely in person, or that officials continue to impose or recommend measures to promote social distancing.

Town Council adopted Resolution 2021-044 on October 5, 2021 regarding Brown Act compliance and teleconferencing pursuant to Government Code Section 54953, as amended by AB 361, and adopted resolutions on the following dates reaffirming Resolution 2021-044:

- November 2, 2021 adopted Resolution 2021-046
- November 16, 2021 adopted Resolution 2021-048
- December 7, 2021 adopted Resolution 2021-054
- December 21, 2021 adopted Resolution 2021-059
- January 18, 2022 adopted Resolution 2022-001
- February 1, 2022 adopted Resolution 2022-003
- February 15, 2022 adopted Resolution 2022-004
- March 1, 2022 adopted Resolution 2022-006
- March 15, 2022 adopted Resolution 2022-009
- April 5, 2022 adopted Resolution 2022-013
- April 19, 2022 adopted Resolution 2022-017
- May 3, 2022 adopted Resolution 2022-021
- May 17, 2022 adopted Resolution 2022-031
- June 7, 2022 adopted Resolution 2022-032
- June 21, 2022 adopted Resolution 2022-037
- July 12, 2022 adopted Resolution 2022-048

CONCLUSION:

Adopt a Resolution reaffirming Resolution 2021-044 making findings pursuant to Government Code Section 54953, as amended by Assembly Bill 361, and authorizing the continued use of virtual meetings. If adopted, virtual meetings may continue for all Town Boards, Commissions, and Committees.

COORDINATION:

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

PAGE 3 OF 3

SUBJECT: Adopt a Resolution Regarding Brown Act Compliance and Teleconferencing

DATE: July 26, 2022

FISCAL IMPACT:

There will be no fiscal impact to the Town at this time.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Draft Resolution

RESOLUTION 2022-

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS REAFFIRMING RESOLUTION 2021-044 REGARDING BROWN ACT COMPLIANCE AND TELECONFERENCING PURSUANT TO GOVERNMENT CODE SECTION 54953, AS AMENDED BY ASSEMBLY BILL 361, DURING THE COVID-19 PANDEMIC

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 12, 2020, the Town Manager of Los Gatos acting in the capacity of Town of Director of Emergency Services, issued a Proclamation of Local Emergency; and

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended and modified the teleconferencing requirements under the Brown Act (California Government Code Section 54950 et seq.) so that local legislative bodies can hold public meetings via teleconference (with audio or video communications, without a physical meeting location), as long as the meeting agenda identifies the teleconferencing procedures to be used; and

WHEREAS, on March 17, 2020, the Town Council of the Town of Los Gatos ratified the Proclamation of Local Emergency as set forth in Resolution 2020-008 and remains in full force and effect to date; and

WHEREAS, on June 4, 2021, the Governor clarified that the “reopening” of California on June 15, 2021 did not include any change to the proclaimed state of emergency or the powers exercised thereunder; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21, which extended the provision of N-29-20 concerning the conduct of public meetings through September 30, 2021, and the Governor subsequently signed legislation revising Brown Act requirements for teleconferenced public meetings (Assembly Bill 361, referred to hereinafter as “AB 361”); and

WHEREAS, on September 16, 2021 Governor Newsom signed AB 361, which added subsection (e) to Government Code section 54953 of the Brown Act, and makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

ATTACHMENT 1

WHEREAS, the Town Council of the Town of Los Gatos approved Resolution No. 2021-044 on October 5, 2021 declaring the need for the Town Council, Boards, Commissions, and Committees to continue to meet remotely in order to ensure the health and safety of the public; and

WHEREAS, the Town of Los Gatos remains in a state of emergency due to the continuing spread of COVID-19; and

WHEREAS, the Centers for Disease Control and Prevention recommends physical distancing of at least six (6) feet whenever possible, avoiding crowds, and avoiding spaces that do not offer fresh air from the outdoors, particularly for people who are not fully vaccinated, or are at a higher risk of severe illness due to COVID-19; and

WHEREAS, that the Santa Clara County Public Health Department continues to recommend that public bodies meet remotely to the extent possible; and

WHEREAS, the Town's public meeting facility is indoor and not designed to ensure circulation of fresh/outdoor air, and not designed to ensure that attendees can remain six (6) feet apart; and

WHEREAS, holding in-person meetings would encourage community members to come to Town facilities to participate in local government, and some of them would be at high risk of severe illness due to COVID-19; and

WHEREAS, technology exists that allows full participation from members of the public without requiring in-person attendance at a Town Council, Board, Commission, or Committee meeting.

WHEREAS, the Town Council has considered all information related to this matter, including the associated staff report and other information relating to COVID-19 provided at prior public meetings of the Town Council; and

WHEREAS, the Town Council now desires to adopt a Resolution finding that the requisite conditions continue to exist for the legislative bodies of the Town of Los Gatos, as defined in the Brown Act, to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES HEREBY RESOLVE:

1. The Town Council hereby finds that the fact set forth in the above recitals and as contained in Resolution 2021-044 are true and correct, and establish the factual basis for the adoption of this Resolution;
2. There is an ongoing proclaimed state of emergency relating to the novel coronavirus causing the disease known as COVID-19 and as a result of that emergency,

meeting in person would present imminent risks to the health or safety of attendees of in-person meetings of this legislative body and all Town advisory bodies within the meaning of California Government Code section 54953(e)(1).

3. Under the present circumstances, including the risks mentioned in the preceding paragraph, the Town Council determines that authorizing teleconferenced public meetings consistent with Assembly Bill 361 is necessary and appropriate.

4. Staff are directed to take all actions necessary to implement this Resolution for all Town meetings in accordance with the foregoing provisions and the requirements of Government Code section 54953, as amended by Assembly Bill 361, including but not limited to returning for ratification of this Resolution every 30 days after teleconferencing for the first time pursuant to Assembly Bill 361 for so long as either of the following circumstances exists: (a) the state of emergency continues to directly impact the ability of this legislative body to meet in person; and/or (b) state or local officials, including but not limited to the County Health Officer, continue to impose or recommend measures to promote social distancing.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 2nd day of August 2022, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/02/2022

ITEM NO: 9

DATE: July 18, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Appoint Council Member Marico Sayoc as the Town's Voting Delegate for the League of California Cities Annual Conference Scheduled for September 7 - 9, 2022 in Long Beach

RECOMMENDATION:

Appoint Council Member Marico Sayoc as the Town's voting delegate for the League of California Cities Annual Conference scheduled for September 7 - 9, 2022 in Long Beach.

REMARKS:

Each year, the League of California Cities conducts an annual conference to discuss key legislative, social, fiscal, and service issues affecting California municipalities. One important aspect of the conference is its annual business meeting at which the League membership takes action on conference resolutions. Annual conference resolutions guide cities and the League in efforts to improve the quality, responsiveness, and vitality of local government in California.

To expedite the annual business meeting, participating cities/towns have been asked to designate a primary voting delegate and optionally, an alternate voting delegate. The voting delegate is typically the Town's appointed Representative or the appointed Alternate. As the current appointed Representative to the League, Council Member Marico Sayoc will be attending the conference and has agreed to serve as the Town's voting delegate.

The Town has not yet received the 2022 League of California Cities Conference Resolutions Packet. It has been the Town's past practice to have the appointed voting delegate determine the Town's position based on resolution discussion and feedback at the League Annual Business Meeting. Once the Town receives the packet, it will be shared with the Town Council for its information.

PREPARED BY: Janette Judd
Executive Assistant to the Town Manager and Town Council

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Interim Finance Director



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/02/2022

ITEM NO: 10

DATE: July 22, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution to Rescind Resolution 2019-033 and Replace It for Consistency with Town Council Policy 04-06: Purchasing Policy, and Accept Report on Town Manager Approved Actions During the 2022 Town Council Legislative Recess

RECOMMENDATION:

Adopt a Resolution (Attachment 2) to rescind Resolution 2019-033 and replace it for consistency with Town Council Policy 04-06: Purchasing Policy, and accept this report on the Town Manager approved action taken during the 2022 Town Council legislative recess.

BACKGROUND:

On June 20, 2019, the Town Council adopted Resolution 2019-033 (Attachment 1) authorizing the Town Manager to execute the following duties during periods of official Town Council legislative recess in consultation with the Mayor:

1. Approval of plans and specifications for capital projects and authorization to advertise for bids.
2. Award of construction contracts and construction contract change orders in excess of the amount included in the contingency.
3. Execution of agreements and amendments to agreements in excess of \$50,000 that ordinarily require Town Council approval.

PREPARED BY: Janette Judd
Executive Assistant to the Town Manager and Town Council

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Interim Finance Director

SUBJECT: Accept Report on Town Manager Approved Actions During the Town Council
Legislative Recess

DATE: July 22, 2022

BACKGROUND (continued):

On November 16, 2021, the Town Council adopted Town Council Policy 04-06: Purchasing Policy. Among other items, the Policy increased the Department Director purchase authority up to the amount of \$50,000 and the Town Manager's authority up to \$100,000. The Purchasing Policy is available on the Town website:

<https://www.losgatosca.gov/DocumentCenter/View/29648/4-06-Purchasing-Policy-11-16-21>

Resolution 2019-033 does not align with the Town's current Purchasing Policy and staff is recommending its rescission. A draft replacement Resolution (Attachment 2) is consistent with the Purchasing Policy and authorizes the Town Manager to execute the following duties during periods of official Town Council legislative recess in consultation with the Mayor and for purchase amounts over \$100,000:

1. Approval of plans and specifications for capital projects and authorization to advertise for bids.
2. Award of construction contracts and construction contract change orders in excess of the amount included in the contingency.
3. Execution of agreements and amendments to agreements in excess of \$100,000 that ordinarily require Town Council approval.

The Town Council took an official legislative recess from June 22, 2022 to August 1, 2022. During this recess, and pursuant to authority granted by the Town Council consistent with the Town's Purchasing Policy, the Town Manager executed one action in consultation with the Mayor:

- Agreement with Foothill Mechanical Inc. for HVAC System at the Adult Recreation Center Services/Purchase (Parks and Public Works Department Memorandum, Attachment 3)

The Town Manager determined that immediate action on the above item was necessary due to lengthy lead times for equipment and delivery and in order to maintain critical services to the occupants and patrons of the facility. The above item has already been approved by the Town Manager and Mayor, and Council members may request additional information or provide additional direction regarding these items.

CONCLUSION:

Staff recommends that the Town Council rescind and replace Resolution 2019-033, consistent with the Town's Purchasing Policy adopted November 16, 2021.

PAGE 3 OF 3

SUBJECT: Accept Report on Town Manager Approved Actions During the Town Council
Legislative Recess

DATE: July 22, 2022

CONCLUSION (continued):

Staff also recommends that the Town Council accept this report on the Town Manager approved action taken during the 2022 Town Council legislative recess, as authorized by the Town Council and in consultation with the Mayor.

Attachments:

1. Resolution 2019-033
2. Draft Resolution 2022-xxx
3. Parks and Public Works Department Memorandum, Foothill Mechanical Inc. Agreement

RESOLUTION 2019-033

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
AUTHORIZING THE TOWN MANAGER TO EXECUTE THE FOLLOWING DUTIES
DURING PERIODS OF OFFICIAL TOWN COUNCIL RECESS,
IN CONSULTATION WITH THE MAYOR:
APPROVAL OF PLANS AND SPECIFICATIONS FOR CAPITAL PROJECTS AND
AUTHORIZATION TO ADVERTISE FOR BIDS;
AWARD OF CONSTRUCTION CONTRACTS AND CONSTRUCTION CONTRACT CHANGE
ORDERS IN EXCESS OF THE AMOUNT INCLUDED IN THE CONTINGENCY;
EXECUTION OF AGREEMENTS IN EXCESS OF \$50,000
THAT ORDINARILY REQUIRE TOWN COUNCIL APPROVAL.**

WHEREAS, the Town Council is taking an official legislative recess from June 19, 2019 to August 6, 2019; and

WHEREAS, the Town Council may take official legislative recesses in the future; and

WHEREAS, it is possible that issues may arise during official Town Council recesses that would normally require Town Council approval; and

WHEREAS, in order to avoid the possibility of critical scheduling delays or increased expenses resulting from delays during the official Town Council recess, the Town Manager should be authorized during official Town Council recesses to take certain actions, in consultation with the Mayor.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Los Gatos, County of Santa Clara, that the Town Manager is authorized, in consultation with the Mayor, during periods of official Town Council recesses, to:

- 1) Approve plans and specifications for capital projects and authorize staff to advertise for bids;
- 2) Award construction contracts and construction contract change orders in excess of the amount included in the contingency; and
- 3) Execute agreements and amendments to agreements in excess of \$50,000 that ordinarily require Town Council approval.

ATTACHMENT 1

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 18th day of June, 2019 by the following vote:

COUNCIL MEMBERS:

AYES: Marcia Jensen, Rob Rennie, Marico Sayoc, Barbara Spector, Mayor Steven Leonardis

NAYS: None

ABSENT: None

ABSTAIN: None

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE:

6/20/19

ATTEST:

Shelley New

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

DATE:

6/24/19

RESOLUTION 2022-xxx

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
AUTHORIZING THE TOWN MANAGER TO EXECUTE THE FOLLOWING DUTIES
DURING PERIODS OF OFFICIAL TOWN COUNCIL RECESS,
IN CONSULTATION WITH THE MAYOR:
APPROVAL OF PLANS AND SPECIFICATIONS FOR CAPITAL PROJECTS AND
AUTHORIZATION TO ADVERTISE FOR BIDS;
AWARD OF CONSTRUCTION CONTRACTS AND CONSTRUCTION CONTRACT CHANGE
ORDERS IN EXCESS OF THE AMOUNT INCLUDED IN THE CONTINGENCY;
EXECUTION OF AGREEMENTS IN EXCESS OF \$100,000
THAT ORDINARILY REQUIRE TOWN COUNCIL APPROVAL; AND RESCIND
RESOLUTION 2019-033**

WHEREAS, the Town Council takes an official legislative recess annually following its second regular meeting each June; and

WHEREAS, it is possible that issues may arise during official Town Council recesses that would normally require Town Council approval; and

WHEREAS, in order to avoid the possibility of critical scheduling delays or increased expenses resulting from delays during the official Town Council recess, the Town Manager should be authorized during official Town Council recesses to take certain actions, in consultation with the Mayor.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Los Gatos, County of Santa Clara, that the Town Manager is authorized, in consultation with the Mayor, during periods of official Town Council recesses, to:

- 1) Approve plans and specifications for capital projects and authorize staff to advertise for bids;
- 2) Award construction contracts and construction contract change orders in excess of the amount included in the contingency; and
- 3) Execute agreements and amendments to agreements in excess of \$100,000 that ordinarily require Town Council approval; and
- 4) Rescind Resolution 2019-033 which is hereby replaced by this Resolution.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 2nd day of August, 2022 by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____



MEMORANDUM

Parks and Public Works Department

TO: LAUREL PREVETTI, TOWN MANAGER

MAYOR REVIEW

FROM: JIM HARBIN, ACTING DIRECTOR

SUBJECT: ADULT RECREATION CENTER HEATING VENTILATION AND AIR
CONDITIONING UNIT REPLACEMENT PROJECT

RECEIVED

DATE: July 11, 2022

JUL 14 2022

RECOMMENDATION:

TOWN MANAGER

It is recommended that the Town Manager execute an agreement with Foothill Mechanical Inc. in an amount not to exceed \$195,000 inclusive of all unforeseen costs.

BACKGROUND:

The Heating, Ventilation and Air Conditioning (HVAC) System at the Adult Recreation Center has reached the end of its serviceable life. This HVAC system was installed in 1978 when the building was first constructed. PPW Facilities have been making substantial repairs to the system for several years. These costly repairs have been done through both contracted and in-house labor. The majority of the stand-alone HVAC units have failed (14 out of 18). All of the units are in need of replacement.

DISCUSSION:

Staff received quotes from 2 of the 3 contractors solicited. Foothill Mechanical Inc. provided the most cost-effective proposal for this work. Due to long lead times for delivery of equipment and providing comfort to the occupants and patrons of this facility, it would be beneficial to execute this agreement.

PREPARED BY:

Dan Keller
Facilities and Environmental Program Manager

Reviewed as necessary: Town Manager, Assistant Town Manager, Town Attorney, Finance Director, and Acting Director of Parks and Public Works

110 E. Main Street Los Gatos, CA 95030 • 408-354-6832

www.losgatosca.gov

ATTACHMENT 3

CONCLUSION:

It is recommended that the Town Manager execute an agreement with Foothill Mechanical Inc. in an amount not to exceed \$195,000 inclusive of all unforeseen costs.

ENVIRONMENTAL ASSESSMENT:

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

FISCAL IMPACT:

There are sufficient funds available for this project through the CIP Program Budget as demonstrated in the following fiscal table.

Adult Recreation Center - HVAC Unit Replacement CIP No. 821-2010		
	Budget	Costs
GFAR	\$ 310,000	
Total Budget	\$ 310,000	
		Costs
Agreement with Foothill Mechanical Inc.		\$ 195,000
Total Costs		\$ 195,000
Available Balance		\$ 115,000

Attachments:

1. Purchase and Service Agreement



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/02/2022

ITEM NO: 11

DATE: July 26, 2022

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Approve a Second Contract Amendment with AP&I Design, Inc in the Amount of \$23,808 for a Total Contract Amount Not to Exceed \$115,000 for Capital Improvement Project 813-0235 Downtown Streetscape Revitalization/Economic Recovery Efforts

RECOMMENDATION:

Approve a second contract amendment with AP&I Design, Inc in the amount of \$23,808 for a total contract amount not to exceed \$115,000 for Capital Improvement Project 813-0235 Downtown Streetscape Revitalization/Economic Recovery Efforts.

BACKGROUND:

On April 20, 2021, the Town Council discussed the status of parklets in the downtown and approved an increase in parklet subsidy per business to \$40,000 or 75% of the total cost for semi-permanent parklets.

On March 15, 2021, the Town entered an agreement with AP&I Design, Inc. in the amount of \$49,000 for design of semi-permanent parklets under previous Council direction. This agreement provides base semi-permanent parklet design documents to help streamline permitting review and reduce costs to businesses for up to ten parklets. With the increased subsidy, the demand for parklets has increased from the original anticipated number to an upper potential of 26 parklets, the Town Council approved a first amendment to the agreement on June 15, 2022 with AP&I Design, Inc. to increase the agreement amount to a not to exceed (NTE) amount of \$91,192.

PREPARED BY: Monica Renn
Economic Vitality Manager

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Interim Finance Director

DISCUSSION:

As the semi-permanent parklet project continues to progress, more resources than originally anticipated have been required to provide design updates and engineering support for the parklet designs, mostly related to achieving accessibility in line with the Americans with Disability Act (ADA). While there is a standard design being implemented for the parklets, each parklet has required specific tailoring to meet the existing conditions of the street and adjacent sidewalk. This has resulted in AP&I design, Inc. using more of its staff resources to address these needed design modifications.

The team was originally selected based on their experience in designing previous parklets for businesses and the ability for that team to quickly adjust the template and move the process forward. Staff recommends continuing and expanding this agreement to accommodate the additional scope.

CONCLUSION:

The addition to the design contract will facilitate the increased scope of design work necessary to continue the installation of semi-permanent parklets in the downtown.

COORDINATION:

This project is coordinated with the Community Development and Parks and Public Works Departments.

FISCAL IMPACT:

Funding for this project has been previously identified from the Capital Improvement Project titled Downtown Streetscape/Economic Recovery Efforts and using American Rescue Plan Act (ARPA) funding.

ENVIRONMENTAL ASSESSMENT:

The actions associated with this item are not a project defined under CEQA, and no further action is required.

Attachments:

1. Second Amendment to the Agreement
2. Original Agreement and First Amendment

SECOND AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES

This SECOND AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES is dated for identification this 2nd day of August 2022, and amends that certain First Amendment to the Agreement for Consultant Services dated June 15, 2021, made by and between the Town of Los Gatos, ("Town,") and AP+I Design, Inc. ("Consultant").

RECITALS

- A. Town and Consultant entered into an Agreement for Consultant Services on March 15, 2021, ("Agreement"), then authorized a First Amendment to the Agreement on June 15, 2021, a copy of which is attached hereto and incorporated by reference as Attachment 1 to this Amendment.
- B. Town desires to amend the agreement to provide additional funding for compensation on existing scope of work.

AMENDMENT

2.6 Compensation is amended to include an additional **\$23,808**, for a total agreement amount not to exceed \$115,000.

All other terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the Town and Consultant have executed this Amendment.

Town of Los Gatos

AP+I Design, Inc., by:

By: _____
Laurel Prevetti, Town Manager

Name

Department Approval:

Title

Monica Renn
Economic Vitality Manager

Approved as to Form:

Attest:

Gabrielle Whelan, Town Attorney

Wendy Wood, Town Clerk

FIRST AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES

This FIRST AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES is dated for identification this 15th day of June 2021, and amends that certain Agreement for Consultant Services dated March 15, 2021 , made by and between the Town of Los Gatos, ("Town,") and AP+I Design, Inc. ("Consultant").

RECITALS

- A. Town and Consultant entered into an Agreement for Consultant Services on March 15, 2021, ("Agreement"), a copy of which is attached hereto and incorporated by reference as Attachment 1 to this Amendment.
- B. Town desires to amend the agreement to increase the scope of work and provide additional compensation.

AMENDMENT

- 2.1 Scope of Services is amended to provide five (5) additional parklets as described in Exhibit B.
- 2.6 Compensation is amended to include an additional **\$42,192**, for a total agreement amount not to exceed \$91,192

All other terms and conditions of the Agreement remain in full force and effect.

ATTACHMENT 2

IN WITNESS WHEREOF, the Town and Consultant have executed this Amendment.

Town of Los Gatos

AP+I Design, Inc., by:

DocuSigned by:
By: Laurel Prevetti 7/7/2021
853FEEA2EB39470...
Laurel Prevetti, Town Manager

DocuSigned by:
C. Sandman 7/1/2021
BDB4B7F3D2FF4C1...
Name Carol L. Sandman

President

Title

Department Approval:

DocuSigned by:
Matt Morley 7/1/2021
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Matt Morley
Director of Parks and Public Works

Approved as to Form:

Attest:

DocuSigned by:
Robert W. Schultz 7/7/2021
2FE0008655B744G...
Robert Schultz, Town Attorney

DocuSigned by:
Shelley Neis 7/8/2021
B9666F65B1F34F6...
Shelley Neis, MMC, CPMC, Town Clerk



06.07.21
Job No. 21026

Mr. Matt Morley
The Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

Attention: Matt Morley

Subject: Los Gatos Parklets – Request for Additional Fee No. 1

Dear Mr. Morley:

We are submitting this request for additional fee based on the following out of scope services.

The town of Los Gatos has determined that there is likely to be additional parklets beyond the original ten planned for in the proposal. In order to keep cost to the business owner down, the town has opted to prepay for a portion of the use fee for parklets. This request for additional fee allows for the prepayment of additional parklets in either five or ten parklet increments.

See below for both options which may be taken individually or in combination.

Business owners will still contract directly with AP+I for the remainder of the use fee and to produce site specific drawings. See business owner fee included for reference only.

COMPENSATION 5 ADDITIONAL PARKLETS:

Architectural Fees (Partial Use Fee up to 5 parklets)	\$5,912
Structural Fees (Partial Use Fee up to 5 parklets)	\$4,636
Sub Total	\$10,548
Reimbursable Expenses (Incl. above)	\$0
Total	\$10,548

Contract Summary

Original Contract	\$46,197
RAF #1 - 5 Additional Parklets	\$10,548
Total	\$56,745

COMPENSATION 10 ADDITIONAL PARKLETS:

Architectural Fees (Partial Use Fee up to 10 parklets)	\$11,823
Structural Fees (Partial Use Fee up to 10 parklets)	\$9,273
Sub Total	\$21,096
Reimbursable Expenses (Incl. above)	\$0
Total	\$21,096

Contract Summary

Original Contract	\$46,197
RAF #1 - 10 Additional Parklets	\$21,096
Total	\$67,293

COMPENSATION BUSINESS OWNER FEE (FOR REFERENCE ONLY):

Contract Documents	\$ 1,519
Construction Administration (hourly not-to-exceed)	\$ 540
Sub Total	\$ 2,059
Structural Engineering	\$ 1,800
Errors and Omissions Insurance	\$ 41
Total	\$ 3,900
Reimbursable Expenses (Estimate)	\$ 850

Please call me to discuss at your earliest convenience. Thank you.

Very truly yours,



Allison Young, AIA
Associate Principal

Signature

Date

AGREEMENT FOR CONSULTANT SERVICES

THIS AGREEMENT is made and entered into on March 15, 2021 by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and AP+I Design, Inc., ("Consultant"), whose address is 117 Easy Street, Mountain View, CA 94043. This Agreement is made with reference to the following facts.

I. RECITALS

- 1.1 The Town desires to engage Consultant to provide professional architectural design services for the Town of Los Gatos Parklet Program.
- 1.2 The Consultant represents and affirms that it is willing to perform the desired work pursuant to this Agreement.
- 1.3 Consultant warrants it possesses the distinct professional skills, qualifications, experience, and resources necessary to timely perform the services described in this Agreement. Consultant acknowledges Town has relied upon these warranties to retain Consultant.

II. AGREEMENTS

- 2.1 Scope of Services. Consultant shall provide services as described in that certain Proposal sent to the Town on March 2, 2021, which is hereby incorporated by reference and attached as Exhibit A.
- 2.2 Term and Time of Performance. This contract will remain in effect from March 25, 2021 through Dec 31, 2022. Consultant shall perform the services described in Exhibit A.
- 2.3 Compliance with Laws. The Consultant shall comply with all applicable laws, codes, ordinances, and regulations of governing federal, state and local laws. Consultant represents and warrants to Town that it has all licenses, permits, qualifications and approvals of whatsoever nature which are legally required for Consultant to practice its profession. Consultant shall maintain a Town of Los Gatos business license pursuant to Chapter 14 of the Code of the Town of Los Gatos.
- 2.4 Sole Responsibility. Consultant shall be responsible for employing or engaging all persons necessary to perform the services under this Agreement.
- 2.5 Information/Report Handling. All documents furnished to Consultant by the Town and all reports and supportive data prepared by the Consultant under this Agreement are the Town's property and shall be delivered to the Town upon the completion of Consultant's services or at the Town's written request. All reports, information, data, and exhibits prepared or assembled by Consultant in connection with the performance of its services pursuant to this Agreement are confidential until released by the Town to the public, and

the Consultant shall not make any of the these documents or information available to any individual or organization not employed by the Consultant or the Town without the written consent of the Town before such release. The Town acknowledges that the reports to be prepared by the Consultant pursuant to this Agreement are for the purpose of evaluating a defined project, and Town's use of the information contained in the reports prepared by the Consultant in connection with other projects shall be solely at Town's risk, unless Consultant expressly consents to such use in writing. Town further agrees that it will not appropriate any methodology or technique of Consultant which is and has been confirmed in writing by Consultant to be a trade secret of Consultant.

2.6 Compensation. Compensation for Consultant's professional services **shall not exceed \$49,000**, inclusive of all costs. Payment shall be based upon Town approval of each task.

2.7 Billing. Billing shall be monthly by invoice within thirty (30) days of the rendering of the service and shall be accompanied by a detailed explanation of the work performed by whom at what rate and on what date. Also, plans, specifications, documents or other pertinent materials shall be submitted for Town review, even if only in partial or draft form.

Payment shall be net thirty (30) days. All invoices and statements to the Town shall be addressed as follows:

Invoices:

Town of Los Gatos

Attn: Accounts Payable

P.O. Box 655

Los Gatos, CA 95031-0655

2.8 Availability of Records. Consultant shall maintain the records supporting this billing for not less than three years following completion of the work under this Agreement. Consultant shall make these records available to authorized personnel of the Town at the Consultant's offices during business hours upon written request of the Town.

2.9 Assignability and Subcontracting. The services to be performed under this Agreement are unique and personal to the Consultant. No portion of these services shall be assigned or subcontracted without the written consent of the Town.

2.10 Independent Contractor. It is understood that the Consultant, in the performance of the work and services agreed to be performed, shall act as and be an independent contractor and not an agent or employee of the Town. As an independent contractor he/she shall not obtain any rights to retirement benefits or other benefits which accrue to Town employee(s). With prior written consent, the Consultant may perform some obligations under this Agreement by subcontracting, but may not delegate ultimate responsibility for performance or assign or transfer interests under this Agreement. Consultant agrees to testify in any litigation brought regarding the subject of the work to be performed under

this Agreement. Consultant shall be compensated for its costs and expenses in preparing for, traveling to, and testifying in such matters at its then current hourly rates of compensation, unless such litigation is brought by Consultant or is based on allegations of Consultant's negligent performance or wrongdoing.

- 2.11 Conflict of Interest. Consultant understands that its professional responsibilities are solely to the Town. The Consultant has and shall not obtain any holding or interest within the Town of Los Gatos. Consultant has no business holdings or agreements with any individual member of the Staff or management of the Town or its representatives nor shall it enter into any such holdings or agreements. In addition, Consultant warrants that it does not presently and shall not acquire any direct or indirect interest adverse to those of the Town in the subject of this Agreement, and it shall immediately disassociate itself from such an interest, should it discover it has done so and shall, at the Town's sole discretion, divest itself of such interest. Consultant shall not knowingly and shall take reasonable steps to ensure that it does not employ a person having such an interest in this performance of this Agreement. If after employment of a person, Consultant discovers it has employed a person with a direct or indirect interest that would conflict with its performance of this Agreement, Consultant shall promptly notify Town of this employment relationship, and shall, at the Town's sole discretion, sever any such employment relationship.
- 2.12 Equal Employment Opportunity. Consultant warrants that it is an equal opportunity employer and shall comply with applicable regulations governing equal employment opportunity. Neither Consultant nor its subcontractors do and neither shall discriminate against persons employed or seeking employment with them 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 & Housing Act.

III. INSURANCE AND INDEMNIFICATION

- 3.1 Minimum Scope of Insurance:
- i. Consultant agrees to have and maintain, for the duration of the contract, General Liability insurance policies insuring him/her and his/her firm to an amount not less than: one million dollars (\$1,000,000) combined single limit per occurrence for bodily injury, personal injury and property damage.
 - ii. Consultant agrees to have and maintain for the duration of the contract, an Automobile Liability insurance policy ensuring him/her and his/her staff to an amount not less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.
 - iii. Consultant shall provide to the Town all certificates of insurance, with original endorsements effecting coverage. Consultant agrees that all

certificates and endorsements are to be received and approved by the Town before work commences.

- iv. Consultant agrees to have and maintain, for the duration of the contract, professional liability insurance in amounts not less than \$1,000,000 which is sufficient to insure Consultant for professional errors or omissions in the performance of the particular scope of work under this agreement.

General Liability:

- i. The Town, its officers, officials, employees and volunteers are to be covered as insured as respects: liability arising out of activities performed by or on behalf of the Consultant; products and completed operations of Consultant, premises owned or used by the Consultant. This requirement does not apply to the professional liability insurance required for professional errors and omissions.
- ii. The Consultant's insurance coverage shall be primary insurance as respects the Town, its officers, officials, employees and volunteers. Any insurance or self-insurances maintained by the Town, its officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
- iii. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Town, its officers, officials, employees or volunteers.
- iv. The Consultant's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.

3.2 All Coverages. Each insurance policy required in this item shall be endorsed to state that coverage shall not be suspended, voided, cancelled, reduced in coverage or in limits except after thirty (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 Town Clerk.

3.3 Workers' Compensation. In addition to these policies, Consultant shall have and maintain Workers' Compensation insurance as required by California law and shall provide evidence of such policy to the Town before beginning services under this Agreement. Further, Consultant shall ensure that all subcontractors employed by Consultant provide the required Workers' Compensation insurance for their respective employees.

- 3.4 Indemnification. The Consultant shall save, keep, hold harmless and indemnify and defend the Town its officers, agent, employees and volunteers from all damages, liabilities, penalties, costs, or expenses in law or equity that may at any time arise or be set up because of damages to property or personal injury received by reason of, or in the course of performing work which may be occasioned by a willful or negligent act or omissions of the Consultant, or any of the Consultant's officers, employees, or agents or any subconsultant.

IV. GENERAL TERMS

- 4.1 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.
- 4.2 Governing Law. This Agreement, regardless of where executed, 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.
- 4.3 Termination of Agreement. The Town and the Consultant shall have the right to terminate this agreement with or without cause by giving not less than fifteen days (15) written notice of termination. In the event of termination, the Consultant shall deliver to the Town all plans, files, documents, reports, performed to date by the Consultant. In the event of such termination, Town shall pay Consultant an amount that bears the same ratio to the maximum contract price as the work delivered to the Town bears to completed services contemplated under this Agreement, unless such termination is made for cause, in which event, compensation, if any, shall be adjusted in light of the particular facts and circumstances involved in such termination.
- 4.4 Amendment. No modification, waiver, mutual termination, or amendment of this Agreement is effective unless made in writing and signed by the Town and the Consultant.
- 4.5 Disputes. In any dispute over any aspect of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, including costs of appeal.
- 4.6 Notices. Any notice required to be given shall be deemed to be duly and properly given if mailed postage prepaid, and addressed to:

Town of Los Gatos
Attn: Town Clerk
110 E. Main Street
Los Gatos, CA 95030

AP+I Design, Inc.
117 Easy Street
Mountain View, CA 94043

or personally delivered to Consultant to such address or such other address as Consultant designates in writing to Town.

- 4.7 Order of Precedence. In the event of any conflict, contradiction, or ambiguity between the terms and conditions of this Agreement in respect of the Products or Services and any attachments to this Agreement, then the terms and conditions of this Agreement shall prevail over attachments or other writings.
- 4.8 Entire Agreement. This Agreement, including all Exhibits, constitutes the complete and exclusive statement of the Agreement between the Town and Consultant. No terms, conditions, understandings or agreements purporting to modify or vary this Agreement, unless hereafter made in writing and signed by the party to be bound, shall be binding on either party.

IN WITNESS WHEREOF, the Town and Consultant have executed this Agreement.

Town of Los Gatos by:

DocuSigned by:

Laurel Prevetti

3/25/2021

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Laurel Prevetti, Town Manager

Consultant, by:

DocuSigned by:

C. Sandman

3/16/2021

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Recommended by:

DocuSigned by:

Matt Morley

3/24/2021

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Matt Morley, Director of Parks and Public Works

Carol Sandman - President

Printed Name and Title

Approved as to Form:

DocuSigned by:

Robert W. Schultz

3/24/2021

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Robert Schultz, Town Attorney

Attest:

DocuSigned by:

Shelley Neis

3/25/2021

B9066F05B1F34F6...

Shelley Neis, MMC, CPMC, Town Clerk



03.02.2021
Proposal No. 21026

Mr. Matt Morley
The Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

Dear Mr. Morley:

AP+I Design is pleased to present the following proposal for professional architectural design services for The Town of Los Gatos Parklet Program. We have prepared the following proposal based on our understanding of the work to be done described during our meeting on February 4th, 2021. We are very excited about your project and hope to work in partnership with you in the development of pre-approved parklets for the Town of Los Gatos.

PROJECT DESCRIPTION:

The project consists of developing standardized designs and pre-approved drawing packages for outdoor parklets based on previously approved design documents. These standardize designs will include limited modification options for individual sites including color variation and railing type. The Town of Los Gatos will make these pre-approved model plans available for limited use by business owners. AP+I will provide limited license to the Town of Los Gatos such that each individual parklet to be built from the plans will incur a use and modification fee. For each built parklet the business owner or the Town will contract with AP+I Design and RCL Engineers for the additional fee indicated in order to make minor modifications to the plans.

Parklet construction is limited to (10) ten total parklets under this contract. Additionally for each parklet constructed AP+I and RCL will be notified by the town or business owner and use fee paid.

Disabled accessibility (Title 24/ADA) issues will be addressed for the parklets only.

Civil engineering services are not included and each parklet builder will be responsible for suverying their site and/or working with a contractor to finalize finish elevations.

Construction Administration is included on a limited basis as a hourly not-to-exceed fee.

SCOPE OF WORK – Model Plans:

Under this scope of work AP+I and RCL Structural Engineers will provide model parklet options to be reviewed and approved by the Town and held on file for future use.

STANDARDS DEVELOPMENT

- Field verify existing parklet construction with sample parklets in the field
- Provide standardized parklet layouts for the following parklet types:
 - 2 Parking Stalls Long – Flat Site (up to .9% grade)
 - 3 Parking Stalls Long – Flat Site (up to .9% grade)
 - 4 Parking Stalls Long – Flat Site (up to .9% grade)
 - 2 Parking Stalls Long – Sloped Site (up to 4.9% grade)

STANDARDS DEVELOPMENT (CONT.)

- Provide finish options to include the following:
 - Planter color options
 - Railing color options
 - Railing style
- Provide Contract Documentation for each layout option. Documentation will include the following for each drawing package:
 - Cover Sheet
 - Parklet Plan
 - Finish Plan & Elevations
 - Structural Design
 - Details
 - Structural Calculations
- Coordinate with Structural Engineer for development of standard structural drawings.

PLAN CHECK

- Submit drawing packages and finish options to the Town of Los Gatos Planning and Building Departments.
- Respond to comments from the Town of Los Gatos and update drawings as required.

TOWN OF LOS GATOS RESPONSIBILITIES

- Approve program information to allow project design to begin.
- Provide timely input to allow project to remain on schedule.
- Provide approval at end of each phase of the project.

SCOPE OF WORK – Use of Plans:

Under this scope of work individual business owners or the Town of Los Gatos will contract with AP+I and RCL Structural Engineers to provide minor modifications to adapt the model plan to an individual site and for a contractor to build (1) such modified parklet up to 10 parklets total. Note a portion of the fee for the scope below will be covered by the town of Los Gatos.

CONTRACT DOCUMENTS

- Field verify new parklet site and develop site plan.
- Provide general modifications to Pre-Approved drawing package to include:
 - Cover sheet with project specific information
 - Site plan and finish selections
 - Plan modifications as required by site features such as manholes
- Present finish and railing options for selection by owner.

PLAN CHECK

- Submit contract documents to the Town of Los Gatos Planning and Building Departments.
- Respond to comments from the Town of Los Gatos in house plan check and redline drawings as required.

CONSTRUCTION ADMINISTRATION - Provided on an hourly not-to-exceed basis

- Respond to requests for information from the contractor. Provide clarifications as required.
- Make periodic site as required

BUSINESS OWNER RESPONSIBILITIES

- Provide timely input to allow project to remain on schedule.
- Coordinate non-architectural areas of work such as furniture, planting selection, etc.
- Provide approval at end of each phase of the project.

OVERALL PROJECT ASSUMPTIONS

- Planning and contract documentation is based on the 2019 California Building Code along with applicable local ordinances.
- After finalization of scope of work at the beginning of the project, additional work, which may be added, will be considered a change in scope.

OVERALL PROJECT ASSUMPTIONS (CONT.)

- Formal cost estimating is not included.
- No site utilities work is anticipated.
- Structural engineering services outside of the pre-approved package are not included or anticipated at this time. Should they be required, additional fees will be requested.
- Civil engineering services are not included and each parklet builder will be responsible for suverying their site and/or working with a contractor to finalize finish elevations.
- Changes in the work requested by Town of Los Gatos or Business Owner after completion of an approved phase would be considered an additional service.
- The field survey of the existing site conditions is not exhaustive and will require certain assumptions to be made regarding such conditions. Business Owner agrees to hold harmless and indemnify AP+I Design from unforeseen conditions not apparent in field survey.

COMPENSATION – Model Plans:

Standards Development	\$	13,185
Plan Check	\$	2,565
Sub Total	\$	15,750
Structural Engineering	\$	8,800
Partial Use Fee Architectural (up to 10 parklets)	\$	11,823
Partial Use Fee Structural (up to 10 parklets)	\$	9,273
Errors and Omissions Insurance	\$	551
Total	\$	46,197
Reimbursable Expenses (Estimate)	\$	650

COMPENSATION – Use of Plans:

Contract Documents	\$	1,519
Construction Administration (hourly not-to-exceed)	\$	540
Sub Total	\$	2,059
Structural Engineering	\$	1,800
Errors and Omissions Insurance	\$	41
Total	\$	3,900
Reimbursable Expenses (Estimate)	\$	850

pOur fee for the above-described scope of work is provided on a Lump Sum Basis, billed monthly based on the percentage of work complete. Additional services, if required, can be billed on either a Lump Sum or Time and Materials Basis according to the hourly rates listed below. Reimbursable expenses include costs incurred for transportation, long distance phone calls, fax transmissions, postage, delivery charges, reproductions, computer plots, professional renderings and models. Consultant and reimbursable expenses will be billed at cost x 1.1. Plan check fees will be paid for by AP+I Design when we are required to submit a building permit application. These fees cannot be anticipated and will be invoiced separately from any other compensation at cost x 1.1.

AP+I Design carries Professional Liability Errors and Omissions Insurance for this project, which is prorated per job at 2% of the total professional fee and has been included in the above compensation. Coverage for claims relating to the presence of hazardous materials is not available and is not included in our insurance.

This proposal shall remain open and valid for a period of 90 days from the date of this letter.

TERMS AND CONDITIONS:**Use of Documents**

Drawings and specifications as instruments of service are prepared for this project only. AP+I Design shall provide the Town with a reproducible set of drawings and specifications for their records. They are not to be used by the Town or business owners for other projects or extensions to this project, except by agreement in writing and with appropriate compensation to AP+I Design, Inc. as detailed under this proposal.

Site Access + Photography Permission

AP+I Design shall have access to the project site at all reasonable hours and shall be permitted to photograph the project during construction and upon completion for its records and future uses.

Termination of Agreement

This agreement may be terminated by either party upon 30 days advance written notice of the termination date. In such event, the client shall pay AP+I Design compensation for professional services and reimbursable expenses to termination date, plus all expenses directly attributable to termination for which AP+I Design is not otherwise compensated, in accordance with this Agreement.

Successors and Assigns

The client and AP+I Design each bind itself, its successors and assigns to this Agreement. Neither the client nor AP+I Design shall assign or transfer its interest in this Agreement without written consent of the other.

Limitations of Liability

The client agrees to limit AP+I Design's liability to the client and to contractors and subcontractors on the project due to AP+I Design's negligent acts, errors or omissions, such that the total aggregate liability to AP+I Design and to all thus named shall not exceed the amount paid to AP+I Design for project services.

Arbitration

Any disputes, claims and other matters in question arising out of enforcement or interpretation of any terms of the agreement or performance thereof shall be settled by Arbitration in the County of Santa Clara, State of California.

Americans with Disabilities Act (ADA)

The ADA requires compliance on new projects and removal of existing architectural barriers where "readily achievable". The client acknowledges that the requirements of the ADA will be subject to various and possibly contradictory interpretations. AP+I Design, therefore, will use its best professional efforts to interpret applicable ADA requirements and other federal, state and local laws, codes and regulations as they apply to the project. AP+I Design, however, cannot and does not warranty or guarantee that this project will fully comply with interpretations of ADA requirements by regulatory bodies or court decisions.

ADDITIONAL SERVICES:

- Changes in program, schedule, budget or original scope of services.
- Redesign due to factors outside the control of the design team.
- Major changes to the pre-approved design.
- Bid printing.
- Record documents.
- 3D Renderings.

Your issuance of a purchase order number or signature below will authorize us to begin the project. We are prepared to begin work as required to meet your schedule.

We appreciate the opportunity to provide you with this proposal. Please let me know if you have any questions or require any clarifications. We look forward to the chance to work with you on this project.

Very truly yours,



Allison Young, AIA
Associate Principal

cc: Carol Sandman, AP+I Design

Authorization Signature and Title

Date



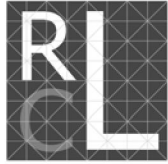
HOURLY RATE SCHEDULE

JANUARY 1, 2021 through DECEMBER 31, 2021

TITLE	HOURLY RATE
Principal	\$180
Associate Principal	\$170
Director of Design	\$160
Director of Environmental Graphic Design	\$150
Senior Architect	\$160
Senior Project Manager	\$150
Project Manager	\$140
Job Captain	\$130
Senior Interior Designer	\$130
Workplace Strategist	\$130
Designer / Drafter I	\$120
Designer / Drafter II	\$110
Senior Graphic Designer	\$140
Graphic Designer I	\$130
Graphic Designer II	\$110
Support Staff	\$100
Consultant Fees	Cost x 1.1
Reimbursable Expenses	Cost x 1.1

Invoices due and payable net 30 days. A service charge of 1-1/2% per month will be added to any outstanding balance over 30 days.

Reimbursable expenses include costs incurred for transportation, postage, delivery charges, permit and plan check fees, reproductions, computer plots, professional renderings and models.



**RCL STRUCTURAL
ENGINEERS, INC**

February 19, 2021

Mr. Matt Morley
The Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

Project: The Town of Los Gatos Parklet Program
Project No: 1163.124

Subject: Proposal to provide structural engineering services

Dear Mr Morley:

Thank you for the opportunity to provide you with structural engineering services for the above referenced project. We understand the project to consist of the development of pre-approved parklets for the Town of Los Gatos by developing standardized designs and pre-approved drawing packages for outdoor parklets based on previously approved design documents. These standardize designs will include limited modification options for individual sites including planter, railing and lighting poles variation. The Town of Los Gatos will make these pre-approved model plans available for limited use by business owners as reference and will have each business owners hired us to obtain a final building permit with modifications to the plans to incorporate field conditions

Below you will find the break down on the building scope of works.

Base Services for Model Plan

- Provide deck design and anchorage
- Verify light poles anchorage
- Provide fence anchorage
- Platform ends and corners must be capable of withstanding 500 pounds of horizontal force.
- Additional street side platform reinforcement capable of withstanding 500 pounds of horizontal force must be placed a minimum of every 15 feet.
- Provide standardized parklet layouts for the following parklet types:
 - Flat Site (up to .9% grade) – 2, 3 and 4 Parking Stalls Long options included
 - Sloped Site (up to 4.9% grade) – 2 Parking Stalls Long (one option included)

t 408.463.6832
f 408.685.2038
info@rclse.com

570 East El Camino Real, Suite D
Sunnyvale, CA 94087

Construction Documents

Produce structural construction documents and supporting calculations for the above-defined scope of work. This package will describe the gravity and lateral force resisting structural systems as well as the foundation design, all based on the 2019 California Building Code as adopted by the Town of Los Gatos.

Plan Check

Respond to plan check review comments.

Base Services for Use of Plans

- Provide general modifications to Pre-Approved drawing package to include:
- Plan modifications as required by site features such as manholes
- Final approval layout based on finishes selected by owner

Construction Documents

Produce structural construction documents and supporting calculations for the above-defined scope of work. This package will describe the gravity and lateral force resisting structural systems as well as the foundation design, all based on the 2019 California Building Code as adopted by the Town of Los Gatos.

Plan Check

Respond to plan check review comments.

Construction Support

Provide construction support services which will include providing any required clarification of the construction documents, responding to contractor questions, and performing periodic site visits, at your request, to determine that constructed work is in general conformance with the construction documents.

Base Services for Model Plan fee

Construction Documents And plan check	-	\$8,000.00
Partial Use Fee (up to 10 parklets)	-	\$8,430.00
Total Fees:		\$16,430.00
Reimbursable:		150.00 (Estimate)

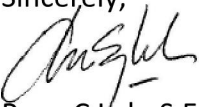
Base Services for Use Plan fee (Up to 10 parklets)

Construction Documents and plan check	-	\$1,277.00
Construction Support	-	\$ 360.00 (Hourly N.T.E)
Total Fees:		\$ 1,637.00
Reimbursable:		\$350.00 (Estimate)

Reimbursable expenses such as blueprinting, plotting for submittals and deliveries will be billed at our cost plus 10%, as an addition to the above quoted fees. We will bill you monthly for labor and expenses expended in the prior month.

Please find attached a copy of our terms and conditions. Should this proposal meet with your approval, please return a signed copy of this letter indicating your acceptance. A signed copy of this letter will evidence you have reviewed and accepted to our terms and conditions

We look forward to working with you on this project.

Sincerely,

Ryan C Loh, S.E
Lic No S5192

Signature: _____

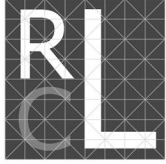
Print Name: _____

Date: _____

Standard Billing Rates

The following are **RCL Structural Engineers, Inc** current personnel hourly billing rates:

<u>Item</u>	<u>Billing Rate (\$/hour)</u>
Principal	185.00
Associate	175.00
Project Manager	165.00
Project Engineer	155.00
Design Engineer	145.00
Staff Engineer	135.00
CAD Drafter	100.00
Clerical	65.00



RCL STRUCTURAL ENGINEERS, INC

A. Scope of Agreement

The parties to this Agreement are: **RCL Structural Engineers, Inc** (Including: all **RCL Structural Engineers, Inc** officers, directors, employees and **RCL Structural Engineers, Inc** sub-consultants) and the party to whom the proposal letter is addressed, herein called the **CLIENT**. All provisions contained herein are applicable to the services and work product provided to the **CLIENT** and described within the proposal letter along with this statement of Terms and Conditions from **RCL Structural Engineers, Inc** to the **CLIENT**.

B. Compensation

1. Invoices will be submitted monthly based on terms quoted within the proposal letter, and on the services rendered up to date of invoice issue. Invoices are due upon receipt. Invoices are considered past due 15 calendar days after invoice issue date.
2. All fees unpaid after 30 calendar days will subject to a late charge at a rate of 1 1/2 % per month based on the outstanding balance.
3. If the **CLIENT** fails to make payment when due for services and expenses, **RCL Structural Engineers, Inc** reserves the right upon seven days written notice to the **CLIENT**, suspend performance of services under this agreement. Unless **RCL Structural Engineers, Inc** receives payment in full within seven days of the date of the notice; the suspension shall take effect without further notice. In the event of a suspension of services, **RCL Structural Engineers, Inc** shall have no liability to the **CLIENT** for delay or damage caused the **CLIENT** because of such suspension of services.

C. Reimbursable Expenses

Reimbursable expenses are in addition to the fees quoted within the Basic Services and include actual expenditures made by **RCL Structural Engineers, Inc** in the interest of the project. They shall be billed at 1.15 times the direct cost and are payable monthly as incurred. Reimbursable costs include, but are not limited to the following:

1. The cost of reproduction of all documents produced at the **CLIENT**'s request for the project's behalf.
2. Travel expenses for site visits.
3. Fees and charges for services contracted on the project's behalf authorized by the **CLIENT**.
4. Expenses for materials authorized by the **CLIENT** and purchased on the project's behalf.
5. Messenger and other special delivery services.

D. Additional Services

Additional services are services that are not included in the scope of work.

The following items are considered additional services and shall be billed on a labor and expenses basis per standard billing rates provided in effect at the time of service in addition to fees quoted for basic services. Written notification will be given before proceedings with any additional services.

1. Services resulting from additions or changes in magnitude of the project scope as described and agreed upon under the Agreement.
2. Redesign to reduce construction cost or to respond to third party comments after the design development phase is completed.
3. Redesign services required by major changes in architectural design after the design development phase has been completed.
4. Redesign services requested to accommodate particular construction materials, methods or sequences.
5. Structural design services related to Secondary Structural Elements and their attachments.
6. Services resulting from corrections or revisions required because of construction deviations from the work specified within the contract documents.
7. Design services related to re-designs necessitated by discovery of existing conditions which are different from conditions shown on original drawings or assumed existing conditions.

The Town of Los Gatos Parklet Program – February 19, 2021 1163.124-Terms and Conditions

E. Construction Support Services

It is agreed that if professional services of **RCL Structural Engineers, Inc** do not extend to or include the review or site observations of the Contractor's work or performance and if the **CLIENT** elects not to retain **RCL Structural Engineers, Inc** to provide construction support services, the **CLIENT** will defend, indemnify, and hold harmless, **RCL Structural Engineers, Inc** from any claim or suit whatsoever, including but not limited to all payments, expenses, or cost involved, arising from or alleged to have arisen from the Contractor's performance or the failure of the Contractor's work to conform to the design intent and the contract documents.

F. Ownership and Use of Documents

The Client acknowledges and agrees that the Documents may be used only for this Project. Upon request, the Client will be provided with reproducible copies of the Documents. Documents produced by **RCL Structural Engineers, Inc** under this agreement are instruments of service and shall remain the property of **RCL Structural Engineers, Inc**. They shall not be used for any purpose or project except as defined within the Agreement, without express written agreement and appropriate compensation to **RCL Structural Engineers, Inc**.

G. Limitation of Liability

To the maximum extent permitted by law, the **CLIENT** agrees to limit **RCL Structural Engineers, Inc**'s liability for the **CLIENT**'s damages to the lesser of: **RCL Structural Engineers, Inc**'s fee or \$20,000.00.

H. Mediation

Claims, disputes or other matters in question between parties to this Agreement arising out of or relating to services rendered and/or the work product provided under this agreement shall be subject to mediation exclusive of legal counsel under the auspices of a recognized neutral third party professional mediation service or other mediation method acceptable to the parties prior to undertaking any other dispute resolution action. The cost of the mediation service shall be borne equally by both parties. A demand for mediation shall be made within thirty days after the claim, dispute, or matter in question has arisen.

In the event of a lawsuit between the parties under this agreement, such lawsuit shall be filed and tried only in a court of competent jurisdiction within Santa Clara County, California. California law shall apply to any such proceeding.

I. Termination

This agreement may be terminated by either party upon written notice to the other party in the event of a substantial failure of performance of such other party, or if the project should be abandoned or indefinitely postponed. In the event of such termination, **RCL Structural Engineers, Inc** shall be compensated within 30 calendar days for all services rendered and all costs incurred up to date of termination, in accordance with the Compensation section of this Agreement. Any dispute regarding termination shall, along with all other issues, be resolved in accordance with the Mediation section of this Agreement.

J. Standard Billing Rates

The following are **RCL Structural Engineers, Inc** current personnel hourly billing rates:

Item	Billing Rate (\$/hour)
Principal	185.00
Associate	175.00
Project Manager	165.00
Project Engineer	155.00
Design Engineer	145.00
Staff Engineer	135.00
CAD Drafter	100.00
Clerical	65.00

Client's Initials: _____



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 06/15/2021

ITEM NO: 18

DATE: June 4, 2021

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Capital Improvement Project 813-0235 Downtown Streetscape Revitalization/
Economic Recovery Efforts:

- a. Approve a Contract Amendment with AP&I Design, Inc in the Amount of \$42,192 for a Total Contract Amount not to Exceed \$92,192; and
- b. Approve an Extension to the Application Deadline for Applications to the Parklet Program to July 29, 2021.

RECOMMENDATION:

Capital Improvement Project 813-0235 Downtown Streetscape Revitalization/Economic Recovery Efforts:

- a. Approve a contract amendment with AP&I Design, Inc in the amount of \$42,192 for a total contract amount not to exceed \$92,192; and
- b. Approve an extension to the application deadline for applications to the parklet program to July 29, 2021.

BACKGROUND:

On April 20, 2021, the Town Council discussed the status of parklets in the downtown and approved an increase in parklet subsidy per business to \$40,000 or 75% of the total cost for semi-permanent parklets.

On March 15, 2021, the Town entered an agreement with AP&I Design, Inc. in the amount of \$49,000 for design of semi-permanent parklets under previous Council direction. This agreement provides base semi-permanent parklet design documents to help streamline permitting review and reduce costs to businesses for up to ten parklets.

PREPARED BY: Matt Morley
Parks and Public Works Director

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

PAGE 2 OF 2

SUBJECT: Contract Amendment with AP&I Design

DATE: June 4, 2021

BACKGROUND (continued):

With the increased subsidy, the demand for parklets has increased from the original anticipated number to an upper potential of 26 parklets.

DISCUSSION:

The increased interest in parklets will require additional work from the project architects, AP&I Design. The team was originally selected based on their experience in designing previous parklets for businesses and the ability for that team to quickly adjust the template and move the process forward. Staff recommends continuing and expanding this agreement to accommodate the additional scope.

In addition, staff recommends extending the deadline for businesses to submit their applications from the current date of June 30 to July 29, 2021. This extension will allow businesses to fully commit to the expense of the semi-permanent parklets. The required timeline for final construction will remain December 31, 2022.

CONCLUSION:

The addition to the design contract and the extension to the application deadline will facilitate the increased demand and installation of semi-permanent parklets in the downtown.

COORDINATION:

This project is coordinated with the Economic Vitality Manager and the Community Development Department.

FISCAL IMPACT:

Funding for this project has been previously identified from the Capital Improvement Project titled Downtown Streetscape/Economic Recovery Efforts.

ENVIRONMENTAL ASSESSMENT:

The actions associated with this item are not a project defined under CEQA, and no further action is required.

Attachments:

1. Amendment to the Agreement
2. Original Agreement



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 8/2/2022

ITEM NO: 12

DATE: July 8, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the Fiscal Year 2021/22 Curb, Gutter, and Sidewalk Maintenance Project (CIP No. 813-9921), Completed by Spencon Construction, and Authorize the Town Clerk to File for Recordation

RECOMMENDATION:

Authorize the Town Manager to execute a Certificate of Acceptance and Notice of Completion for the Fiscal Year (FY) 2021/22 Curb, Gutter, and Sidewalk Maintenance Project (CIP No. 813-9921), completed by Spencon Construction, and authorize the Town Clerk to file for recordation.

BACKGROUND:

The FY 2021/22 Curb, Gutter, and Sidewalk Maintenance Project focused on replacing or retrofitting curb ramps in compliance with the Americans with Disabilities Act (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 roadway resurfacing work such as asphalt overlay and rubber cape seal prompts curb ramps on associated streets to be installed or upgraded per the latest ADA requirements and standards.

At the February 15, 2022 Town Council meeting, Council approved the plans and specifications for the Annual (FY 2021/22) Curb, Gutter, and Sidewalk Maintenance Project, approved advertising for bid, and authorized the Town Manager to award a construction contract in an amount not to exceed \$588,500, including contingencies.

PREPARED BY: WooJae Kim
Town Engineer

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

SUBJECT: Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the FY 2021/22 Curb, Gutter, and Sidewalk Maintenance Project (CIP No. 813-9921), Completed by Spencon Construction, and Authorize the Town Clerk to File for Recordation

DATE: July 8, 2022

BACKGROUND (continued):

On March 10, 2022, the Town received twelve bids ranging from \$367,145 to \$723,600. The Town entered into an agreement with Spencon Construction for the work for the lowest responsible bid of \$367,145. Bidding the projects early in the year helped the Town receive favorable bids.

DISCUSSION:

With the timely execution of the contract, the construction project started in April 2022. Spencon Construction has since satisfactorily completed all contracted work items, including Town requested change order work, for a final construction cost of \$387,225. Per the original scope, a total of 57 curb ramps were made ADA compliant, and 250 square feet of sidewalk and 65 linear feet of curb and gutter which were uplifted and damaged were replaced. The Town requested change order work that resulted in an additional 90 square feet of sidewalk and 84 linear feet of curb and gutter being replaced as needed prior to the street resurfacing scheduled this year. Staff recommends accepting the project.

Five percent of the faithful performance bonds will remain in effect for a period of two years as a guarantee for any needed repair or replacement caused by defective materials and/or workmanship for the project. The execution and recordation of the Certificate of Acceptance is required to finalize the Town's acceptance and to release the retention funds withheld from the contractor.

CONCLUSION:

Authorize the Town Manager to execute a Certificate of Acceptance and Notice of Completion for the FY 2021/22 Curb, Gutter, and Sidewalk Maintenance Project (CIP No. 813-9921), completed by Spencon Construction, and authorize the Town Clerk to file the certificate with the County Clerk-Recorder's Office for recordation.

COORDINATION:

This project has been coordinated with the Finance Department.

FISCAL IMPACT:

Parks and Public Works staff costs are tracked for all projects. Tracking of staff costs allows for accountability in the costs of the project, recovery of costs for grant funded projects, and identification of future staffing needs. This project utilized both full-time and part-time

SUBJECT: Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the FY 2021/22 Curb, Gutter, and Sidewalk Maintenance Project (CIP No. 813-9921), Completed by Spencon Construction, and Authorize the Town Clerk to File for Recordation

DATE: July 8, 2022

FISCAL IMPACT (continued):

temporary staff. The costs associated with staff that are not included in the Parks and Public Works Department budget will be charged to the project through an administrative transfer of funds.

The fiscal table below reflects expenditures for the FY 2020/21 project which was delayed, resulting in the work performed and payment made during FY 2021/22. This report is meant to close out the contract with Spencon Construction associated with the FY 2021/22 work. The project fund balance will carry to the next year's project.

FY 2021/22 Curb, Gutter, and Sidewalk Maintenance Project 813-9921		
	Budget	Costs
GFAR FY 2021/22	\$ 980,756	
Grant Funding	\$ 62,884	
Total Budget	\$ 1,043,640	
<i>Expenditures for FY 2021/22 project:</i>		
Construction - Spencon Construction		\$ 387,225
Consultation Services - Ninyo & Moore		\$ 8,247
Advertising		\$ 940
Blueprint/Copy/Postage		\$ 366
Total Expenditures		\$ 396,778
<i>Expenditures for FY2020/21 project posted to FY 2021/22 Budget due to delayed contract with Villalobos:</i>		
Total Expenditures		\$ 396,268
Encumbrances		\$ 10,465
Remaining Budget		\$ 240,130
Staff Costs		
Operating Budget		\$ 64,450
Total		\$ 64,450

PAGE 4 OF 4

SUBJECT: Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the FY 2021/22 Curb, Gutter, and Sidewalk Maintenance Project (CIP No. 813-9921), Completed by Spencon Construction, and Authorize the Town Clerk to File for Recordation

DATE: July 8, 2022

ENVIRONMENTAL ASSESSMENT:

This is a project as defined under CEQA but is Categorically Exempt (Section 15301c). A Notice of Exemption was previously filed.

Attachment:

1. Certificate of Acceptance and Notice of Completion

Recording Requested by:

TOWN OF LOS GATOS

WHEN RECORDED MAIL TO:

TOWN CLERK
TOWN OF LOS GATOS
110 E MAIN ST
LOS GATOS, CA 95030

(SPACE ABOVE BAR FOR RECORDER'S USE)

(RECORD WITHOUT FEE UNDER GOVERNMENT CODE SECTIONS 27383 AND 6103)

TYPE OF RECORDING

CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION

PPW JOB NO. 21-813-9921 FY 2021/22 Curb, Gutter, and Sidewalk Maintenance Project

TO WHOM IT MAY CONCERN:

I do hereby certify that **Spenco Construction** completed the work called for in the agreement with the Town of Los Gatos dated March 30, 2021. The work is outlined in the Town's bid process prepared by the Town of Los Gatos and generally consisted of furnishing all labor, materials, tools, equipment, and services required for completion of the PPW Job No. 21-813-9921 located in the TOWN OF LOS GATOS, County of Santa Clara, State of California and was completed, approved and accepted **August 2, 2022**.

Bond No.: CSB0015664

Date: March 28, 2022

TOWN OF LOS GATOS

By: _____
Laurel Prevetti, Town Manager

Acknowledgement Required

ATTACHMENT 1

AFFIDAVIT
To Accompany Certificate of Acceptance and Notice of Completion
PPW JOB NO. 21-813-9921 FY 2022/21 Curb, Gutter, and Sidewalk Maintenance Project

I, **LAUREL PREVETTI**, the Town Manager of the Town of Los Gatos, have read the foregoing CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION and know the contents thereof. The same is true of my own knowledge, except as to the matters which are therein alleged on information or belief, and as to those matters I believe it to be true.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on _____, 2022 at Los Gatos, California.

LAUREL PREVETTI, TOWN MANAGER
Town of Los Gatos

RECOMMENDED BY:

Nicolle Burnham
Director of Parks and Public Works

Date: _____

APPROVED AS TO FORM:

Gabrielle Whelan, Town Attorney

Date: _____

Notary Jurat Required



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/21/2022

ITEM NO: 13

DATE: July 14, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Execute a Four-Year Agreement for Services with Universal Site Services for Enhanced Downtown Garbage, Recycling, and Pizza Box Receptacle Collection and Cleaning Services in an Amount of \$45,961.06 for Fiscal Year 2022/23, with a Succeeding Annual Base Amount of \$56,336.28, for a Total Agreement Base Amount Valued at \$214,969.90 Prior to Any Future Increase Adjustments Made for Consumer Price Index (CPI).

RECOMMENDATION:

Authorize the Town Manager to execute a four-year agreement for services (Attachment 1) with Universal Site Services for enhanced downtown garbage, recycling, and pizza box receptacle collection and cleaning services in an amount of \$45,961.06 for Fiscal Year (FY) 2022/23, with a succeeding annual base amount of \$56,336.28, for a total agreement base amount valued at \$214,969.90 prior to any future increase adjustments made for Consumer Price Index (CPI).

BACKGROUND:

The Town of Los Gatos has utilized contractual services to provide enhanced downtown garbage collection and recycling on the weekends since August 2015 and the current agreement for services with Universal Site Services will expire on August 31, 2022.

This agreement supports the effort to augment trash collection in the downtown area on the weekends and to provide recycling services to the downtown. The Town's franchise hauler for trash and recycling is unable to meet all the service needs of seven-day trash service and downtown recycling service. In 2021, the Town of Los Gatos added seven pizza box receptacles

PREPARED BY: Marina Chislett
Environmental Programs Specialist

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

SUBJECT: Authorize the Town Manager to Execute a Four-Year Agreement for Services
with Universal Site Services

DATE: July 14, 2022

BACKGROUND (continued):

in response to the overflow in trash receptacles due to an increase in takeout containers with COVID-19.

Implementation of the current service model of contracted recycling, pizza box receptacles, and enhanced trash hauling on weekends in the downtown, combined with an increase in recycling receptacles, has significantly decreased the incidents of overflowing trash cans with a corresponding decrease to the amount of waste going to the landfill. Staff continues to increase the number of recycling receptacles to meet the needs of the downtown with the ultimate goal of completing one-to-one receptacle pairings. Currently, the service includes 61 trash receptacles paired with 50 recycling receptacles.

In addition to collection, Universal Site Services provides cleaning services of the receptacles. The receptacle design leads to soiled surfaces, which have historically been a nuisance downtown.

DISCUSSION:

Recently, staff prepared a Request for Proposals (RFP) for the following service categories:

- Downtown weekend garbage and pizza receptacle collection
- Downtown recycling collection on weekends and midweek
- Receptacle cleaning services

Firms were asked to provide their capability and experience with collection and recycling service and to provide pricing for each category. One proposal was received on May 27, 2022 from Universal Site Services. While only one proposal was received, staff was comfortable moving forward in the process based on peer review, industry knowledge, and experience.

Staff determined that Universal Site Services is the best qualified and the most cost competitive firm to provide the requested services. Universal provides similar services to multiple corporations, municipalities, and public agencies around the Bay Area and have been in business since 1958. The Town's experience with Universal providing enhanced garbage and recycling services as well as other related cleaning services for the Town has been very successful, with high quality service, great communication, and positive responses to issues.

The Agreement includes base amount line item costs for special as-needed services and the addition of receptacles to the inventory prior to any increase adjustments made for the Consumer Price Index (CPI). Staff anticipates an increase in recycling receptacles downtown to bring the garbage to recycling receptacle ratio equal.

PAGE 3 OF 3

SUBJECT: Authorize the Town Manager to Execute a Four-Year Agreement for Services
with Universal Site Services

DATE: July 14, 2022

DISCUSSION (continued):

The four-year agreement term allows for continuity of service and maximizes savings by engaging the firm for multiple years. The contract language provides for cancellation should the need arise during the contract term.

CONCLUSION:

Authorize the Town Manager to execute a four-year agreement for services (Attachment 1) with Universal Site Services in an amount of \$45,961.06 for fiscal year 2022/23, with a succeeding annual base amount of \$56,336.28, for a total agreement base amount valued at \$214,969.90 prior to any future increase adjustments made for CPI.

FISCAL IMPACT:

Funds for the services for FY 2022/23 have been appropriated in the FY 2022/23 Parks and Public Works Operating Budget.

ENVIRONMENTAL ASSESSMENT:

In accordance with CEQA Guidelines Section 15301, this contract is categorically exempt from CEQA because it is maintenance of existing public facilities.

Attachments:

1. Agreement for Services

AGREEMENT FOR SERVICES

THIS AGREEMENT is dated for identification this 1st of September 2022, and is made by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and Universal Site Services ("Service Provider"), whose address is 760 E. Capitol Avenue, Milpitas, CA 95035. This Agreement is made with reference to the following facts.

I. RECITALS

- 1.1 Town sought quotations for the services described in this Agreement through a Request for Proposals (RFP) and Town desires to engage Service Provider as the sole responder for the services described in this Agreement and the Service Provider and was found to be a responsible supplier for these services.
- 1.2 Service Provider represents and affirms that it is willing to perform the desired work pursuant to this Agreement.
- 1.3 Town desires to engage Service Provider to provide garbage, pizza box, and recycling receptacle collection and cleaning services.
- 1.4 Service Provider warrants it possesses the distinct professional skills, qualifications, experience, and resources necessary to timely perform the services described in this Agreement. Service Provider acknowledges Town has relied upon these warranties to retain Service Provider.

II. AGREEMENT

- 2.1 Scope of Services. Service Provider shall provide services as described in that certain Proposal sent to the Town on May 27, 2022, which is hereby incorporated by reference and attached as Exhibit A.
- 2.2 Term and Time of Performance. The effective date of this Agreement shall begin September 1, 2022, and will continue through June 30, 2026, subject to appropriation of funds, notwithstanding any other provision in this agreement.
- 2.3 Compliance with Laws. The Service Provider shall comply with all applicable laws, codes, ordinances, and regulations of governing federal, state and local laws. Service Provider represents and warrants to Town that it has all licenses, permits, qualifications and approvals of whatsoever nature which are legally required for Service Provider to practice its profession. Service Provider shall maintain a Town of Los Gatos business license pursuant to Chapter 14 of the Code of the Town of Los Gatos.
- 2.4 Sole Responsibility. Service Provider shall be responsible for employing or engaging all persons necessary to perform the services under this Agreement.

2.5 Information/Report Handling. All documents furnished to Service Provider by the Town and all reports and supportive data prepared by the Service Provider under this Agreement are the Town's property and shall be delivered to the Town upon the completion of services or at the Town's written request. All reports, information, data, and exhibits prepared or assembled by Service Provider in connection with the performance of its services pursuant to this Agreement are confidential until released by the Town to the public, and the Service Provider shall not make any of these documents or information available to any individual or organization not employed by the Service Provider or the Town without the written consent of the Town before such release. The Town acknowledges that the reports to be prepared by the Service Provider pursuant to this Agreement are for the purpose of evaluating a defined project, and Town's use of the information contained in the reports prepared by the Service Provider in connection with other projects shall be solely at Town's risk, unless Service Provider expressly consents to such use in writing. Town further agrees that it will not appropriate any methodology or technique of Service Provider which is and has been confirmed in writing by Service Provider to be a trade secret of Service Provider.

2.6 Compensation: shall be as follows per the bid pricing sheet as described in Exhibit A.

FY 2022 – 2023 (9/1/22 – 6/30/23)	
Collection & Cleaning Services (current inventory) *CPI Included*	\$43,232.30
One-time Additional Collection post-events (2 events/year)	\$728.76
Unforeseen expenses	\$2,000.00
TOTAL	\$45,961.06

Annual Base Amount (CPI Not Included)	
Collection & Cleaning Services (current inventory)	\$51,878.76
One-time Additional Collection post-events (4 events/year)	\$1,457.52
Unforeseen expenses	\$3,000.00
TOTAL	\$56,336.28

FY 2022/23: \$45,961.06

FY 2023/24: \$56,336.28 + CPI

FY 2024/25: \$56,336.28 + CPI

FY 2025/26: \$56,336.28 + CPI

For a total agreement base amount not to exceed \$214,969.90.

Compensation for year one (FY 2022/23) shall not exceed \$45,961.06. Compensation for future years shall include the projected base amount and be adjusted upward annually for the remaining term of this agreement by the change, if any, in the San Francisco-Oakland-San Jose Metropolitan Area Consumer Price Index for All Urban Consumers, all items

(CPI). The adjustment shall be based upon the CPI published on December 31 of the preceding year. If the CPI indicates a downward adjustment, compensation will remain at the base amount. Payment shall be based upon Town approval of each task.

2.7 Failure to Perform:

It is mutually agreed by SERVICE PROVIDER and TOWN that in the event that performance of the work by SERVICE PROVIDER under this Agreement is not completed as scheduled, TOWN will suffer damages and will incur other costs and expenses of a nature and amount which is difficult or impractical to determine. The Parties agree that by way of ascertaining and fixing the amount of damages, costs and expenses, and not by way of penalty, SERVICE PROVIDER shall pay to TOWN the sum of one hundred dollars (\$100.00) per location per scheduled service in liquidated damages for every missed service in addition to reducing the monthly payment by the cost of that service. In the event that the liquidated damages are not paid, SERVICE PROVIDER agrees that TOWN may deduct the amount of unpaid damages from any money due or that may become due to SERVICE PROVIDER under this Agreement.

2.8 Billing. Billing shall be monthly by invoice within thirty (30) days of the rendering of the service and shall be accompanied by a detailed explanation of the work performed by whom at what rate and on what date. Also, plans, specifications, documents or other pertinent materials shall be submitted for Town review, even if only in partial or draft form.

Payment shall be net thirty (30) days. All invoices and statements to the Town shall be addressed as follows:

Invoices:

Town of Los Gatos

Attn: Accounts Payable

P.O. Box 655

Los Gatos, CA 95031-0655

2.9 Availability of Records. Service Provider shall maintain the records supporting this billing for not less than three years following completion of the work under this Agreement. Service Provider shall make these records available to authorized personnel of the Town at the Service Provider offices during business hours upon written request of the Town.

2.10 Assignability and Subcontracting. The services to be performed under this Agreement are unique and personal to the Service Provider. No portion of these services shall be assigned or subcontracted without the written consent of the Town.

2.11 Independent Contractor. It is understood that the Service Provider, in the performance of the work and services agreed to be performed, shall act as and be an independent contractor and not an agent or employee of the Town. As an independent contractor he/she

shall not obtain any rights to retirement benefits or other benefits which accrue to Town employee(s). With prior written consent, the Service Provider may perform some obligations under this Agreement by subcontracting, but may not delegate ultimate responsibility for performance or assign or transfer interests under this Agreement. Service Provider agrees to testify in any litigation brought regarding the subject of the work to be performed under this Agreement. Service Provider shall be compensated for its costs and expenses in preparing for, traveling to, and testifying in such matters at its then current hourly rates of compensation, unless such litigation is brought by Service Provider or is based on allegations of Service Provider's negligent performance or wrongdoing.

2.12 Conflict of Interest. Service Provider understands that its professional responsibilities are solely to the Town. The Service Provider has and shall not obtain any holding or interest within the Town of Los Gatos. Service Provider has no business holdings or agreements with any individual member of the Staff or management of the Town or its representatives nor shall it enter into any such holdings or agreements. In addition, Service Provider warrants that it does not presently and shall not acquire any direct or indirect interest adverse to those of the Town in the subject of this Agreement, and it shall immediately disassociate itself from such an interest, should it discover it has done so and shall, at the Town's sole discretion, divest itself of such interest. Service Provider shall not knowingly and shall take reasonable steps to ensure that it does not employ a person having such an interest in this performance of this Agreement. If after employment of a person Service Provider discovers it has employed a person with a direct or indirect interest that would conflict with its performance of this Agreement Service Provider shall promptly notify Town of this employment relationship, and shall, at the Town's sole discretion, sever any such employment relationship.

2.13 Equal Employment Opportunity. Service Provider warrants that it is an equal opportunity employer and shall comply with applicable regulations governing equal employment opportunity. Neither Service Provider nor its subcontractors do and neither shall discriminate against persons employed or seeking employment with them 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 & Housing Act.

III. INSURANCE AND INDEMNIFICATION

3.1 Minimum Scope of Insurance:

- i. Service Provider agrees to have and maintain, for the duration of the contract, General Liability insurance policies insuring him/her and his/her firm to an amount not less than: one million dollars (\$1,000,000) combined single limit per occurrence for bodily injury, personal injury and property damage.

- ii. Service Provider agrees to have and maintain for the duration of the contract, an Automobile Liability insurance policy ensuring him/her and his/her staff to an amount not less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.
- iii. Service Provider shall provide to the Town all certificates of insurance, with original endorsements effecting coverage. Service Provider agrees that all certificates and endorsements are to be received and approved by the Town before work commences.

General Liability:

- i. The Town, its officers, officials, employees and volunteers are to be covered as insured as respects: liability arising out of activities performed by or on behalf of the Service Provider; products and completed operations of Service Provider, premises owned or used by the Service Provider.
- ii. The Service Provider's insurance coverage shall be primary insurance as respects the Town, its officers, officials, employees and volunteers. Any insurance or self-insurances maintained by the Town, its officers, officials, employees or volunteers shall be excess of the Service Provider's insurance and shall not contribute with it.
- iii. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Town, its officers, officials, employees or volunteers.
- iv. The Service Provider's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.

3.2 All Coverages. Each insurance policy required in this item shall be endorsed to state that coverage shall not be suspended, voided, cancelled, reduced in coverage or in limits except after thirty (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 Town Clerk.

3.3 Workers' Compensation. In addition to these policies, Service Provider shall have and maintain Workers' Compensation insurance as required by California law and shall provide evidence of such policy to the Town before beginning services under this Agreement. Further, Service Provider shall ensure that all subcontractors employed by Service Provider provide the required Workers' Compensation insurance for their respective employees.

- 3.4 Indemnification. The Service Provider shall save, keep, hold harmless and indemnify and defend the Town its officers, agent, employees and volunteers from all damages, liabilities, penalties, costs, or expenses in law or equity that may at any time arise or be set up because of damages to property or personal injury received by reason of, or in the course of performing work which may be occasioned by a willful or negligent act or omissions of the Service Provider, or any of the Service Provider's officers, employees, or agents or any subcontractor.

IV. GENERAL TERMS

- 4.1 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.
- 4.2 Governing Law. This Agreement, regardless of where executed, 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.
- 4.3 Termination of Agreement. The Town and the Service Provider shall have the right to terminate this agreement with or without cause by giving not less than fifteen days (15) written notice of termination. In the event of termination, the Service Provider shall deliver to the Town all plans, files, documents, reports, performed to date by the Service Provider. In the event of such termination, Town shall pay Service Provider an amount that bears the same ratio to the maximum contract price as the work delivered to the Town bears to completed services contemplated under this Agreement, unless such termination is made for cause, in which event, compensation, if any, shall be adjusted in light of the particular facts and circumstances involved in such termination.
- 4.4 Prevailing Wages. This project is subject to the requirements of Section 1720 et seq. of the California Labor Code requiring the payment of prevailing wages, the training of apprentices and compliance with other applicable requirements. Contractors and all subcontractors who perform work on the project are required to comply with these requirements. Prevailing wages apply to all projects over \$1,000 which are defined as a "public work" by the State of California. This includes: construction, demolition, repair, alteration, maintenance and the installation of photovoltaic systems under a Power Purchase Agreement when certain conditions are met under Labor Code Section 1720.6. This include service and warranty work on public buildings and structures.
- 4.4.1 The applicable California prevailing wage rate can be found at www.dir.ca.gov and are on file with the Town of Los Gatos Parks and Public Works Department, which shall be available to any interested party upon request. The contractor is also required to have a copy of the applicable wage determination posted and/or available at each jobsite.

- 4.4.2 Specifically, contractors are reminded of the need for compliance with Labor Code Section 1774-1775 (the payment of prevailing wages and documentation of such), Section 1776 (the keeping and submission of accurate certified payrolls) and 1777.5 in the employment of apprentices on public works projects. Further, overtime, weekend and holiday pay, and shift pay must be paid pursuant to applicable Labor Code section.
- 4.4.3 The public entity for which work is being performed or the California Department of Industrial Relations may impose penalties upon contractors and subcontractors for failure to comply with prevailing wage requirements. These penalties are up to \$200 per day per worker for each wage violations identified; \$100 per day per worker for failure to provide the required paperwork and documentation requested within a 10-day window; and \$25 per day per worker for any overtime violation.
- 4.4.4 As a condition to receiving progress payments, final payment and payment of retention on any and all projects on which the payment of prevailing wages is required, the contractor agrees to present to the TOWN, along with its request for payment, all applicable and necessary certified payrolls (for itself and all applicable subcontractors) for the time period covering such payment request. The term "certified payroll" shall include all required documentation to comply with the mandates set forth in Labor Code Section 1720 et seq, as well as any additional documentation requested by the Agency or its designee including, but not limited to: certified payroll, fringe benefit statements and backup documentation such as monthly benefit statements, employee timecards, copies of wage statements and cancelled checks, proof of training contributions (CAC2 if applicable), and apprenticeship forms such as DAS-140 and DAS-142.
- 4.4.5 In addition to submitting the certified payrolls and related documentation to the TOWN, the contractor and all subcontractors shall be required to submit certified payroll and related documents electronically to the California Department of Industrial Relations. Failure to submit payrolls to the DIR when mandated by the project parameters shall also result in the withholding of progress, retention and final payment.
- 4.4.6 No contractor or subcontractor may be listed on a bid proposal for a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)].
- 4.4.7 No contractor or subcontractor may be awarded a contract for public work on a public works project, unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5. Contractors MUST be a registered "public works contractor" with the DIR AT THE TIME OF BID. Where the prime contract is less than \$15,000 for maintenance work or less than \$25,000 for construction alternation, demolition or repair work, registration is not required.
- 4.4.8 Should any contractor or subcontractors not be a registered public works contractor and perform work on the project, Contractor agrees to fully

indemnify the TOWN for any fines assessed by the California Department of Industrial Relations against the TOWN for such violation, including all staff costs and attorney's fee relating to such fine.

- 4.4.9 The TOWN shall withhold any portion of a payment; including the entire payment amount, until certified payroll forms and related documentation are properly submitted, reviewed and found to be in full compliance. In the event that certified payroll forms do not comply with the requirements of Labor Code Section 1720 et seq., the TOWN may continue to hold sufficient funds to cover estimated wages and penalties under the contract.
- 4.5 Amendment. No modification, waiver, mutual termination, or amendment of this Agreement is effective unless made in writing and signed by the Town and the Service Provider.
- 4.6 Disputes. In any dispute over any aspect of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, including costs of appeal.
- 4.7 Notices. Any notice required to be given shall be deemed to be duly and properly given if mailed postage prepaid, and addressed to:
- | | |
|---------------------|-------------------------|
| Town of Los Gatos | Universal Site Services |
| Attn: Town Clerk | 460 E. Capitol Avenue |
| 110 E. Main Street | Milpitas, CA 95035 |
| Los Gatos, CA 95030 | |
- or personally delivered to Service Provider to such address or such other address as Service Provider designates in writing to Town.
- 4.8 Order of Precedence. In the event of any conflict, contradiction, or ambiguity between the terms and conditions of this Agreement in respect of the Products or Services and any attachments to this Agreement, then the terms and conditions of this Agreement shall prevail over attachments or other writings.
- 4.9 Entire Agreement. This Agreement, including all Exhibits, constitutes the complete and exclusive statement of the Agreement between the Town and Service Provider. No terms, conditions, understandings or agreements purporting to modify or vary this Agreement, unless hereafter made in writing and signed by the party to be bound, shall be binding on either party.

IN WITNESS WHEREOF, the Town and Service Provider have executed this Agreement.

Town of Los Gatos by:

Universal Site Services, by:

Laurel Prevetti, Town Manager

Recommended by:

Nicolle Burnham, Director of Parks and Public
Works

Title

Approved as to Form:

Gabrielle Whelan, Town Attorney

Attest:

Wendy Wood, CMC, Town Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/02/2022

ITEM NO: 14

DATE: July 15, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Execute an Agreement for Services with S & H Construction Inc. for the Corporation Yard Building Replacement Project (CIP No. 821-2302) at 41 Miles Avenue for a Total Agreement Amount Not to Exceed \$999,180 Including 30% for Unanticipated Services

RECOMMENDATION:

Authorize the Town Manager to execute an Agreement for Services with S & H Construction Inc. for the Corporation Yard Building Replacement Project (CIP No. 821-2302) at 41 Miles Avenue for a total agreement amount not to exceed \$999,180 including 30% for unanticipated services.

BACKGROUND:

This project includes the construction of a replacement building at 41 Miles Avenue which will be utilized entirely for storage for Parks and Public Works (PPW) equipment and Police evidence.

DISCUSSION:

Originally this project was scoped to include the demolition of the existing building and was advertised in January 2022. Only 1 bid was received at that time and the cost proposal was over the allotted budget amount. On March 3, 2022, as recommended by staff, the Town Council rejected the single bid and approved an additional \$600,000 for the project. In order to facilitate a more competitive bidding process, the existing building was demolished on July 5, 2022 to help reduce the costs for the overall project. The Town advertised and received two bids for the revised project on July 12, 2022. S & H Construction Inc. had the most cost-effective proposal for the building construction within our revised budget.

PREPARED BY: Dan Keller
Facilities and Environmental Services Manager

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

PAGE 2 OF 2

SUBJECT: Authorize the Town Manager to Execute an Agreement for Services with S & H Construction Inc. for the Corporation Yard Building Replacement Project (CIP No. 821-2302) at 41 Miles Avenue for a Total Agreement Amount Not to Exceed \$999,180 Including 30% for Unanticipated Services.

DATE: July 15, 2022

CONCLUSION:

Authorize the Town Manager to execute an Agreement for Services with S & H Construction Inc. for the Corporation Yard Building Replacement Project (CIP No. 821-2302) at 41 Miles Avenue for a total agreement amount not to exceed \$999,180 including 30% for unanticipated services.

FISCAL IMPACT:

Building Replacement at Corporation Yard CIP No. 821-2302		
	Budget	Costs
GFAR	\$ 1,237,483	
Total Budget	\$ 1,237,483	
		Costs
Agreement with S&H Construction (Approved with this Staff Report)		\$ 999,180
Total Costs		\$ 999,180
Available Balance		\$ 238,303

ENVIRONMENTAL ASSESSMENT:

In accordance with CEQA Guidelines Section 15302, this contract approval is categorically exempt from CEQA as replacement or reconstruction of existing facility.

Attachments:

1. Agreement for Services

AGREEMENT FOR SERVICES

THIS AGREEMENT is dated for identification this 18th day of July 2022, and is made by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and S & H Construction Inc. (Vendor), whose address is 5560 Boscell Common, Fremont, CA 94538 (Address). This Agreement is made with reference to the following facts.

I. RECITALS

- 1.1 Town sought quotations for the services described in this Agreement, and Service Provider was found to be the lowest responsible supplier for this purchase.
- 1.2 Service Provider represents and affirms that it is willing to perform the desired work pursuant to this Agreement.
- 1.3 Town desires to engage Service Provider to provide General Contracting Construction Services.
- 1.4 Service Provider warrants it possesses the distinct professional skills, qualifications, experience, and resources necessary to timely perform the services described in this Agreement. Service Provider acknowledges Town has relied upon these warranties to retain Service Provider.

II. AGREEMENT

- 2.1 Scope of Services. Service Provider shall provide services as described in that certain Proposal sent to the Town on July 12, 2022, which is hereby incorporated by reference and attached as Exhibit A.
- 2.2 Term and Time of Performance. The effective date of this Agreement shall begin upon execution and will continue through December 31, 2023, subject to appropriation of funds, notwithstanding any other provision in this agreement.
- 2.3 Compliance with Laws. The Service Provider shall comply with all applicable laws, codes, ordinances, and regulations of governing federal, state and local laws. Service Provider represents and warrants to Town that it has all licenses, permits, qualifications and approvals of whatsoever nature which are legally required for Service Provider to practice its profession. Service Provider shall maintain a Town of Los Gatos business license pursuant to Chapter 14 of the Code of the Town of Los Gatos.
- 2.4 Sole Responsibility. Service Provider shall be responsible for employing or engaging all persons necessary to perform the services under this Agreement.

- 2.5 Information/Report Handling. All documents furnished to Service Provider by the Town and all reports and supportive data prepared by the Service Provider under this Agreement are the Town's property and shall be delivered to the Town upon the completion of services or at the Town's written request. All reports, information, data, and exhibits prepared or assembled by Service Provider in connection with the performance of its services pursuant to this Agreement are confidential until released by the Town to the public, and the Service Provider shall not make any of these documents or information available to any individual or organization not employed by the Service Provider or the Town without the written consent of the Town before such release. The Town acknowledges that the reports to be prepared by the Service Provider pursuant to this Agreement are for the purpose of evaluating a defined project, and Town's use of the information contained in the reports prepared by the Service Provider in connection with other projects shall be solely at Town's risk, unless Service Provider expressly consents to such use in writing. Town further agrees that it will not appropriate any methodology or technique of Service Provider which is and has been confirmed in writing by Service Provider to be a trade secret of Service Provider.
- 2.6 Compensation. Compensation for services shall not exceed \$999,180 inclusive of all costs including 30% for unforeseen services. Payment shall be based upon Town approval of each task.
- 2.7 Billing. Billing shall be monthly by invoice within thirty (30) days of the rendering of the service and shall be accompanied by a detailed explanation of the work performed by whom at what rate and on what date. Also, plans, specifications, documents or other pertinent materials shall be submitted for Town review, even if only in partial or draft form.

Payment shall be net thirty (30) days. All invoices and statements to the Town shall be addressed as follows:

Invoices:

Town of Los Gatos

Attn: Accounts Payable

P.O. Box 655

Los Gatos, CA 95031-0655

- 2.8 Availability of Records. Service Provider shall maintain the records supporting this billing for not less than three years following completion of the work under this Agreement. Service Provider shall make these records available to authorized personnel of the Town at the Service Provider offices during business hours upon written request of the Town.
- 2.9 Assignability and Subcontracting. The services to be performed under this Agreement are unique and personal to the Service Provider. No portion of these services shall be assigned or subcontracted without the written consent of the Town.

- 2.10 Independent Contractor. It is understood that the Service Provider, in the performance of the work and services agreed to be performed, shall act as and be an independent contractor and not an agent or employee of the Town. As an independent contractor he/she shall not obtain any rights to retirement benefits or other benefits which accrue to Town employee(s). With prior written consent, the Service Provider may perform some obligations under this Agreement by subcontracting, but may not delegate ultimate responsibility for performance or assign or transfer interests under this Agreement. Service Provider agrees to testify in any litigation brought regarding the subject of the work to be performed under this Agreement. Service Provider shall be compensated for its costs and expenses in preparing for, traveling to, and testifying in such matters at its then current hourly rates of compensation, unless such litigation is brought by Service Provider or is based on allegations of Service Provider's negligent performance or wrongdoing.
- 2.11 Conflict of Interest. Service Provider understands that its professional responsibilities are solely to the Town. The Service Provider has and shall not obtain any holding or interest within the Town of Los Gatos. Service Provider has no business holdings or agreements with any individual member of the Staff or management of the Town or its representatives nor shall it enter into any such holdings or agreements. In addition, Service Provider warrants that it does not presently and shall not acquire any direct or indirect interest adverse to those of the Town in the subject of this Agreement, and it shall immediately disassociate itself from such an interest, should it discover it has done so and shall, at the Town's sole discretion, divest itself of such interest. Service Provider shall not knowingly and shall take reasonable steps to ensure that it does not employ a person having such an interest in this performance of this Agreement. If after employment of a person Service Provider discovers it has employed a person with a direct or indirect interest that would conflict with its performance of this Agreement Service Provider shall promptly notify Town of this employment relationship, and shall, at the Town's sole discretion, sever any such employment relationship.
- 2.12 Equal Employment Opportunity. Service Provider warrants that it is an equal opportunity employer and shall comply with applicable regulations governing equal employment opportunity. Neither Service Provider nor its subcontractors do and neither shall discriminate against persons employed or seeking employment with them 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 & Housing Act.

III. INSURANCE AND INDEMNIFICATION

3.1 Minimum Scope of Insurance:

- i. Service Provider agrees to have and maintain, for the duration of the contract, General Liability insurance policies insuring him/her and his/her firm to an amount not less than: one million dollars (\$1,000,000) combined

single limit per occurrence for bodily injury, personal injury and property damage.

- ii. Service Provider agrees to have and maintain for the duration of the contract, an Automobile Liability insurance policy ensuring him/her and his/her staff to an amount not less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.
- iii. Service Provider shall provide to the Town all certificates of insurance, with original endorsements effecting coverage. Service Provider agrees that all certificates and endorsements are to be received and approved by the Town before work commences.

General Liability:

- i. The Town, its officers, officials, employees and volunteers are to be covered as insured as respects: liability arising out of activities performed by or on behalf of the Service Provider; products and completed operations of Service Provider, premises owned or used by the Service Provider.
- ii. The Service Provider's insurance coverage shall be primary insurance as respects the Town, its officers, officials, employees and volunteers. Any insurance or self-insurances maintained by the Town, its officers, officials, employees or volunteers shall be excess of the Service Provider's insurance and shall not contribute with it.
- iii. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Town, its officers, officials, employees or volunteers.
- iv. The Service Provider's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.

3.2 All Coverages. Each insurance policy required in this item shall be endorsed to state that coverage shall not be suspended, voided, cancelled, reduced in coverage or in limits except after thirty (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 Town Clerk.

3.3 Workers' Compensation. In addition to these policies, Service Provider shall have and maintain Workers' Compensation insurance as required by California law and shall provide evidence of such policy to the Town before beginning services under this Agreement.

Further, Service Provider shall ensure that all subcontractors employed by Service Provider provide the required Workers' Compensation insurance for their respective employees.

- 3.4 Indemnification. The Service Provider shall save, keep, hold harmless and indemnify and defend the Town its officers, agent, employees and volunteers from all damages, liabilities, penalties, costs, or expenses in law or equity that may at any time arise or be set up because of damages to property or personal injury received by reason of, or in the course of performing work which may be occasioned by a willful or negligent act or omissions of the Service Provider, or any of the Service Provider's officers, employees, or agents or any subcontractor.

IV. GENERAL TERMS

- 4.1 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.
- 4.2 Governing Law. This Agreement, regardless of where executed, 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.
- 4.3 Termination of Agreement. The Town and the Service Provider shall have the right to terminate this agreement with or without cause by giving not less than fifteen days (15) written notice of termination. In the event of termination, the Service Provider shall deliver to the Town all plans, files, documents, reports, performed to date by the Service Provider. In the event of such termination, Town shall pay Service Provider an amount that bears the same ratio to the maximum contract price as the work delivered to the Town bears to completed services contemplated under this Agreement, unless such termination is made for cause, in which event, compensation, if any, shall be adjusted in light of the particular facts and circumstances involved in such termination.
- 4.4 Prevailing Wages. This project is subject to the requirements of Section 1720 et seq. of the California Labor Code requiring the payment of prevailing wages, the training of apprentices and compliance with other applicable requirements. Contractors and all subcontractors who perform work on the project are required to comply with these requirements. Prevailing wages apply to all projects over \$1,000 which are defined as a "public work" by the State of California. This includes: construction, demolition, repair, alteration, maintenance and the installation of photovoltaic systems under a Power Purchase Agreement when certain conditions are met under Labor Code Section 1720.6. This include service and warranty work on public buildings and structures.

- 4.4.1 The applicable California prevailing wage rate can be found at www.dir.ca.gov and are on file with the Town of Los Gatos Parks and Public Works Department,

which shall be available to any interested party upon request. The contractor is also required to have a copy of the applicable wage determination posted and/or available at each jobsite.

- 4.4.2 Specifically, contractors are reminded of the need for compliance with Labor Code Section 1774-1775 (the payment of prevailing wages and documentation of such), Section 1776 (the keeping and submission of accurate certified payrolls) and 1777.5 in the employment of apprentices on public works projects. Further, overtime, weekend and holiday pay, and shift pay must be paid pursuant to applicable Labor Code section.
- 4.4.3 The public entity for which work is being performed or the California Department of Industrial Relations may impose penalties upon contractors and subcontractors for failure to comply with prevailing wage requirements. These penalties are up to \$200 per day per worker for each wage violations identified; \$100 per day per worker for failure to provide the required paperwork and documentation requested within a 10-day window; and \$25 per day per worker for any overtime violation.
- 4.4.4 As a condition to receiving progress payments, final payment and payment of retention on any and all projects on which the payment of prevailing wages is required, the contractor agrees to present to the TOWN, along with its request for payment, all applicable and necessary certified payrolls (for itself and all applicable subcontractors) for the time period covering such payment request. The term "certified payroll" shall include all required documentation to comply with the mandates set forth in Labor Code Section 1720 et seq, as well as any additional documentation requested by the Agency or its designee including, but not limited to: certified payroll, fringe benefit statements and backup documentation such as monthly benefit statements, employee timecards, copies of wage statements and cancelled checks, proof of training contributions (CAC2 if applicable), and apprenticeship forms such as DAS-140 and DAS-142.
- 4.4.5 In addition to submitting the certified payrolls and related documentation to the TOWN, the contractor and all subcontractors shall be required to submit certified payroll and related documents electronically to the California Department of Industrial Relations. Failure to submit payrolls to the DIR when mandated by the project parameters shall also result in the withholding of progress, retention and final payment.
- 4.4.6 No contractor or subcontractor may be listed on a bid proposal for a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)].
- 4.4.7 No contractor or subcontractor may be awarded a contract for public work on a public works project, unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5. Contractors MUST be a registered "public works contractor" with the DIR AT THE TIME OF BID. Where the prime contract is less than \$15,000 for maintenance work or less than

\$25,000 for construction alternation, demolition or repair work, registration is not required.

- 4.4.8 Should any contractor or subcontractors not be a registered public works contractor and perform work on the project, Contractor agrees to fully indemnify the TOWN for any fines assessed by the California Department of Industrial Relations against the TOWN for such violation, including all staff costs and attorney's fee relating to such fine.
- 4.4.9 The TOWN shall withhold any portion of a payment; including the entire payment amount, until certified payroll forms and related documentation are properly submitted, reviewed and found to be in full compliance. In the event that certified payroll forms do not comply with the requirements of Labor Code Section 1720 et seq., the TOWN may continue to hold sufficient funds to cover estimated wages and penalties under the contract.
- 4.5 Amendment. No modification, waiver, mutual termination, or amendment of this Agreement is effective unless made in writing and signed by the Town and the Service Provider.
- 4.6 Disputes. In any dispute over any aspect of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, including costs of appeal.
- 4.7 Notices. Any notice required to be given shall be deemed to be duly and properly given if mailed postage prepaid, and addressed to:
- Town of Los Gatos
Attn: Town Clerk
110 E. Main Street
Los Gatos, CA 95030
- or personally delivered to Service Provider to such address or such other address as Service Provider designates in writing to Town.
- 4.8 Order of Precedence. In the event of any conflict, contradiction, or ambiguity between the terms and conditions of this Agreement in respect of the Products or Services and any attachments to this Agreement, then the terms and conditions of this Agreement shall prevail over attachments or other writings.
- 4.9 Entire Agreement. This Agreement, including all Exhibits, constitutes the complete and exclusive statement of the Agreement between the Town and Service Provider. No terms, conditions, understandings or agreements purporting to modify or vary this Agreement, unless hereafter made in writing and signed by the party to be bound, shall be binding on either party.

IN WITNESS WHEREOF, the Town and Service Provider have executed this Agreement.

Town of Los Gatos by:

S & H Construction Inc. by:

Laurel Prevetti, Town Manager

Recommended by:

Nicolle Burnham, Director of Parks and Public Works

Title

Approved as to Form:

Gabrielle Whelan, Town Attorney

Attest:

Wendy Wood, CMC, Town Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/02/2022

ITEM NO: 15

DATE: July 19, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution Summarily Vacating Public Utility Easement at 112 Wilder Avenue and 115 North Santa Cruz Avenue

RECOMMENDATION:

Adopt a resolution summarily vacating public utility easement (PUE) at 112 Wilder Avenue and 115 North Santa Cruz Avenue.

BACKGROUND:

A seven-foot wide PUE within the property located at 112 Wilder Avenue, Accessor's Parcel Number (APN) 510-17-103, was dedicated to the Town of Los Gatos for the purpose of providing electric service through the property from a Pacific Gas and Electric (PG&E) joint pole on Victory Lane Alley to a PG&E streetlight on Wilder Avenue. The Grant of Easement for the dedication was recorded at the Santa Clara County Clerk-Recorder's Office on December 1, 1981, as Document Number 7224823.

Through a Certificate of Lot Line Adjustment recorded on September 24, 2008, as Document Number 19997560, the property line between 112 Wilder Avenue and 115 North Santa Cruz Avenue (APN 510-17-102) was adjusted along Victory Lane Alley, which resulted in this PUE existing within both parcels.

The property owners of 112 Wilder Avenue have requested that certain portions of the PUE over their building structure be vacated as PG&E reroutes the electric service away from their building space.

PREPARED BY: WooJae Kim
Town Engineer

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

PAGE 2 OF 2

SUBJECT: Adopt a Resolution Summarily Vacating Public Utility Easement at 112 Wilder Avenue and 115 North Santa Cruz Avenue

DATE: July 19, 2022

DISCUSSION:

Staff has reviewed the documents provided with the Request for Abandonment of Easement application and has verified that the portion of PG&E streetlight electrical service through 112 Wilder Avenue and 115 North Santa Cruz Avenue within the area of the abandonment request has been relocated. Utility companies with services within the area were notified of the request for the vacation. The Town has received responses from PG&E, San Jose Water Company, Comcast, Verizon, and West Valley Sanitation District with no objections. Staff has determined that this PUE is no longer necessary for future public purpose.

In accordance with the California Streets and Highways Code Section 8333, the legislative body of a local agency or any public officer or employee authorized by the legislative body may summarily vacate a public service or utility easement, if the easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.

CONCLUSION:

Adopt a resolution (Attachment 1) to vacate a specified portion of PUE at 112 Wilder Avenue and 115 North Santa Cruz Avenue as described in Exhibit "A" and depicted on the plat map on Exhibit "B" of this resolution. Once adopted, the Town Clerk would be authorized to file the resolution with the Santa Clara County Clerk-Recorder's Office for recordation.

ENVIRONMENTAL ASSESSMENT

The proposed summary vacation of PUE is categorically exempt from review under the California Environmental Quality Act (CEQA) Guidelines, Section 15305, Minor Alterations in Land Use Limitations.

FISCAL IMPACT:

No material fiscal impact is anticipated.

Attachments:

1. Resolution with legal description and plat map

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

*Record without fee pursuant to
Government Code Section 6103*

SUMMARY VACATION OF PUBLIC UTILITY EASEMENT

112 Wilder Avenue and 115 North Santa Cruz Avenue
Los Gatos, CA 95030
APN 510-17-103 and 510-17-102

RESOLUTION 2022-

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS SUMMARILY VACATING PUBLIC UTILITY EASEMENT AT 112 WILDER AVENUE AND 115 NORTH SANTA CRUZ AVENUE

WHEREAS, Chapter 4 of the Public Streets, Highways and Service Easements Vacation Law, commencing with Streets and Highways Code Section 8330 et seq., provides the process for summary vacation of streets and public service easements; and

WHEREAS, the seven-foot wide public utility easement within the property located at 112 Wilder Avenue, was dedicated to the Town of Los Gatos for the purpose of providing electric service from a PG&E joint pole on Victory Lane Alley to a PG&E street light on Wilder Avenue; and

WHEREAS, the Grant of Easement for the dedication was recorded at the Santa Clara County Clerk-Recorder's Office on December 1, 1981, as Document Number 7224823; and

WHEREAS, a Certificate of Lot Line Adjustment between properties at 112 Wilder Avenue and 115 North Santa Cruz Avenue was recorded on September 24, 2008, as Document Number 19997560, which resulted in this public utility easement existing within both parcels; and

WHEREAS, PG&E relocated a portion of the street light electrical service within the area of the abandonment of easement request from the property owners of 112 Wilder Avenue to clear their building structure; and

WHEREAS, no utilities or public improvements now exist in public utility easement particularly described herein in Exhibit "A" attached to this resolution and depicted on the plat map attached as Exhibit "B" to this resolution, and the public convenience and necessity do not require reservation of this portion of the easement.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Los Gatos that the summary vacation is made under the authority of California Streets and Highways Code

Chapter 4 of part 3 of Division 9, commencing at Section 8330 et. seq.; and

BE IT FURTHER RESOLVED that public utility easement has been superseded by relocation and there are no other public facilities located within this portion of easement described herein on Exhibit “A” and depicted on the plat map attached as Exhibit “B”; and

BE IT FURTHER RESOLVED that Section 8333 of the Streets and Highways Code authorizes the Town Council or any public officer or employee authorized by the legislative body to summarily vacate public service utilities easements when the easement has been superseded by relocation and there are no other public facilities located within the easement; and

BE IT FURTHER RESOLVED that based upon the findings of this resolution and the provisions of Section 8333 of the Streets and Highways Code, the Town Council hereby order that the public utility easement as shown on the attached map shall be and hereby summarily vacated; and

BE IT FURTHER RESOLVED that from and after the date this Resolution is recorded, the public utility easement vacated no longer constitutes a public easement; and

BE IT FURTHER RESOLVED that The Town Clerk is hereby authorized to record at the Santa Clara County Clerk-Recorder’s Office a certified copy of this Resolution including the Exhibits; and

BE IT FURTHER RESOLVED that the Council finds that the summary vacation of the public service easement is exempt from review under the California Environmental Act pursuant to Title 14 California Code of Regulations section 15305 as a minor alteration in land use limitations.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 2nd of August 2022, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CA

ATTEST:

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

EXHIBIT "A"

**LEGAL DESCRIPTION FOR ABANDONMENT OF
PUBLIC UTILITY EASEMENT (DOC. NO. 7224823)
OVER LOTS 16 & 17, "C" MAPS 3
112 WILDER AVENUE, LOS GATOS, CA**

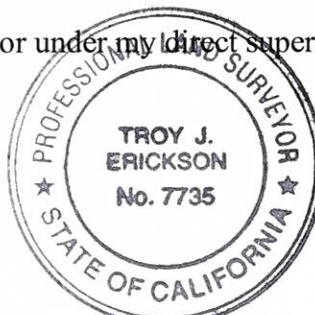
All that real property situate in the Town of Los Gatos, County of Santa Clara, State of California, being a portion of a 7 foot wide Public Utility Easement, as described in that certain Grant of Easement recorded on December 1, 1981 as Document Number 7224823, in the Office of the Recorder of Santa Clara County, and being a portion of Parcels A and B, as described in that certain Certificate of Lot Line Adjustment recorded on September 24, 2008 as Document Number 19997560, in the Office of the Recorder of Santa Clara County and being more particularly described as follows:

BEGINNING at the most westerly corner of said Parcel B, said point being on the southeasterly right-of-way line of Wilder Avenue, at the common corner of Lots 15 and 16, in Block 2, all as shown on that certain map entitled "MAP OF ALMOND GROVE ADDITION TO THE TOWN OF LOS GATOS", filed for record on September 5, 1887 in Book "C" of Maps at Page 3, in the Office of the Recorder of Santa Clara County; thence along said right-of-way line North 20°10'00" East, a distance of 28.50 to the beginning of the centerline of said Public Utility Easement; thence along the centerline of said easement the following four (4) courses: 1) South 61°19'20" East, a distance of 9.50 feet; 2) North 20°10'00" East, a distance of 31.90 feet; 3) South 61°19'20" East, a distance of 72.10 feet; 4) South 17°20'00" East, a distance of 5.04 feet to the TRUE POINT OF BEGINNING; thence leaving said centerline South 61°19'20" East, a distance of 5.04 feet to the easterly line of said easement; thence along said easement line South 17°20'00" East, a distance of 80.82 feet to the southwesterly line of said Parcel B and said common line between Lots 15 and 16 of Block 2; thence along said lines North 61°22'00" West, a distance of 10.07 feet to the westerly line of said easement; thence along said easement line North 17°20'00" West, a distance of 80.83 feet to an angle point in said easement line; thence leaving said easement line South 61°19'20" East, a distance of 5.04 feet to the TRUE POINT OF BEGINNING and containing an area of 566 square feet, more or less.

As shown on the plat, EXHIBIT "B", attached hereto and by this reference made a part hereof.

This description was prepared by me or under my direct supervision.

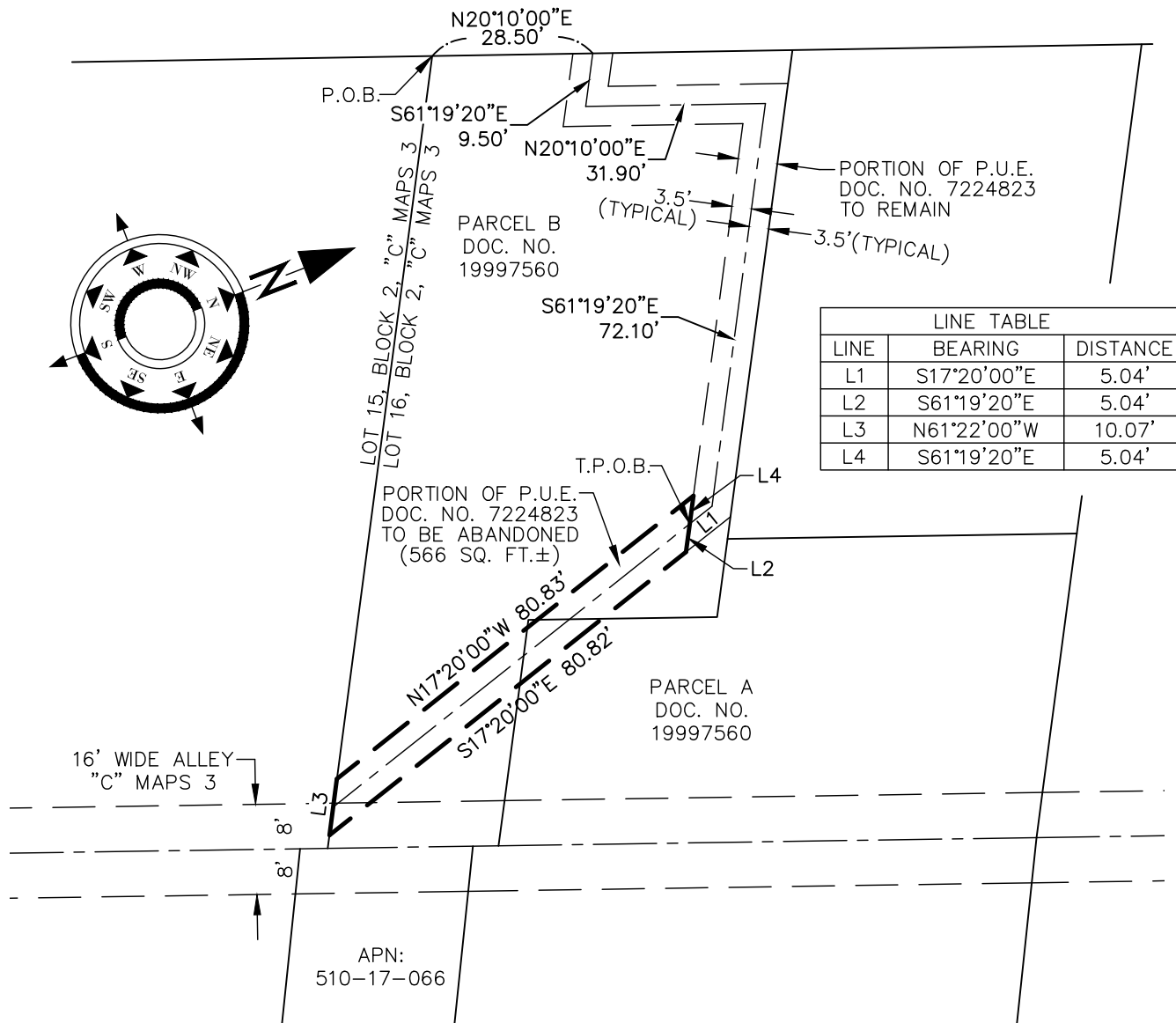

Troy J. Erickson, PLS 7735
License expires: 12/31/23



5/4/22
Dated

EXHIBIT "A"
PAGE 1 OF 1

WILDER AVENUE



LEGEND

APN	ASSESSOR'S PARCEL NUMBER
DOC. NO.	DOCUMENT NUMBER
P.O.B.	POINT OF BEGINNING
P.U.E.	PUBLIC UTILITY EASEMENT
SQ. FT.	SQUARE FEET
T.P.O.B.	TRUE POINT OF BEGINNING
---	PORTION OF EASEMENT TO TO BE ABANDONED
---	LOT LINE
---	CENTERLINE

DATE: 4/28/22

SCALE: 1"=30'

DRAWN BY: TJE

SURVEYED BY: TJE

JOB NO.: 18-240

PAGE 1 OF 1

PLAT TO ACCOMPANY LEGAL DESCRIPTION
ABANDONMENT OF A PORTION OF A PUBLIC UTILITY EASEMENT
112 WILDER AVENUE, LOS GATOS



TS CIVIL ENGINEERING, INC.
1776 TECHNOLOGY DRIVE
SAN JOSE, CA 95110

CIVIL ENGINEERING

PH: 408.452.9300

FAX: 408.837.7550

EXHIBIT
"B"



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/02/2022

ITEM NO: 16

DATE: July 15, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Consider Objections to the 2022 Weed Abatement Program Assessment Report and Adopt a Resolution Confirming the Report and Authorizing Collection of the Assessment Charges

RECOMMENDATION:

Consider objections to the 2022 Weed Abatement Program Assessment Report (Attachment 1) and adopt a resolution (Attachment 2) confirming the report and authorizing collection of the assessment charges.

BACKGROUND:

The Weed Abatement Program is a different, but complimentary program to the Brush Abatement Program, that works to protect the Town by preventing fire hazards created by vegetative growth and the accumulation of combustible debris with the goal of voluntary compliance.

The Town of Los Gatos Municipal Code Chapter 11, Article II et seq requires property owners to prevent potential fire hazards based on the California Health & Safety Code to provide protection for the property and any nearby structures by clearing hazards according to Minimum Fire Safety Standards. It also authorizes the County to remove the weeds if the property owner fails to do so and to recover costs through an assessment on the property tax bill for each parcel.

Typically, a property is placed in the program after a County inspector identifies a potential fire hazard on the premises. Fire Departments, Code Enforcement, Public Works, and other public agencies can also submit complaints to the County. Once a parcel is placed in the program, it will remain until it displays compliance for three consecutive years, at which point it will be removed.

PREPARED BY: Meredith Johnston
Administrative Technician

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

PAGE 2 OF 3

SUBJECT: Consider Objections to the 2022 Weed Abatement Program Assessment Report
and Adopt a Resolution Confirming the Report and Authorizing Collection of the
Assessment Charges

DATE: July 15, 2022

BACKGROUND (continued):

The Program is administered by the County on behalf of the Town and is funded from fees assessed on the properties included on the assessment list. Every year while in the program, each of the property owners are charged an annual compliance inspection fee and some incur costs for additional inspections, administrative, and abatement fees.

On December 7, 2021, the Town Council passed Resolution 2021-057 (Attachment 3) declaring hazardous vegetation (weeds) a public nuisance, providing for their abatement, and setting January 18, 2022 as a public hearing date for the annual program. The County mailed property owners a notice of the January 18, 2022 Public Hearing for the Los Gatos jurisdiction along with guidelines on the Los Gatos Weed Abatement Program.

DISCUSSION:

The 2022 Weed Abatement Assessment Report list includes assessment charges for the annual compliance inspection fee of \$91, and any additional inspection, administrative, and abatement fees as described in Attachment 4. The attached resolution affirms these costs and acknowledges the costs will be assessed by the County Tax Collector against the respective properties.

The Town of Los Gatos mailed property owners a notice of the August 2, 2022 Public Hearing for the Los Gatos jurisdiction, including detailed information on the assessment charges and contact information for potential questions pertaining to the assessments (Attachment 5). This public hearing is an opportunity to allow property owners who are on the assessment report to object to the assessment.

CONCLUSION:

Staff recommends that the Council conduct a public hearing to consider objections to the 2022 Weed Abatement Program Assessment Report and adopt a resolution confirming the report and authorizing collection of the assessment charges.

COORDINATION:

This program has been coordinated with the County's Consumer and Environmental Protection Agency (CEPA) - Weed Abatement Program.

PAGE 3 OF 3

SUBJECT: Consider Objections to the 2022 Weed Abatement Program Assessment Report
and Adopt a Resolution Confirming the Report and Authorizing Collection of the
Assessment Charges

DATE: July 15, 2022

FISCAL IMPACT:

The County's Weed Abatement Program administers services for 13 local agencies which operates on a 100% cost recovery basis, and, the County has confirmed it is able to obtain cost recovery through assessments on parcels that are in the 2022 Weed Abatement Program. Funds have been provided in the Fiscal Year (FY) 2021/22 and 2022/23 for the 2022 Weed Abatement Program, which crosses fiscal years. The Operating Budget will cover the cost of publishing all required legal notices.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. 2022 Weed Abatement Program Assessment Report.
2. Resolution 2022-XXX Confirming the Report and Authorizing Collection of the Assessment Charges.
3. Resolution 2021-057 Declaring Hazardous Vegetation (Weeds) a Public Nuisance and Providing for their Abatement.
4. County Letter to Property Owners (December).
5. Town Letter to Property Owners (July).

2022 WEED ABATEMENT PROGRAM
ASSESSMENT REPORT
CITY OF LOS GATOS

	SITUS	APN	OWNERS ADDRESS	TAXROLL AMT
831	POLLARD	406-26-011	LAM MITCHELL	\$596.00
	CALLE MARGUERITA	409-04-049	GUPTA MOHIT AND APAN PARUL	\$91.00
		409-08-001	UNION PACIFIC RAILROAD	\$10,092.00
17291	WEDGEWOOD	409-14-013	KIM YOUNG CHANG AND TAI HYUN TRUSTEE	\$91.00
14330	LA RINCONADA	409-14-020	GERA NICHOLAS TRUSTEE & ET AL	\$91.00
14341	BROWNS	409-14-035	KOWITZ MICHAEL D TRUSTEE	\$596.00
14316	MULBERRY	409-15-005	SAWHNEY CHANDANDEEP AND BHATIA MONTY	\$91.00
17631	WEDGEWOOD	409-17-010	BELCHER PHYLLIS TRUSTEE	\$596.00
14821	GOLF LINKS	409-27-005	NEAL WALTER E JR TRUSTEE	\$596.00
16245	BURTON	424-06-115	SWENSON C B TRUSTEE	\$91.00
	BURTON	424-06-116	SWENSON C B TRUSTEE	\$91.00
14823	LOS GATOS	424-07-065	14823 LGB LLC	\$596.00
14926	LOS GATOS	424-10-009	TSAI DAVID Y AND UNDINE Y TRUSTEE	\$596.00
15545	BENEDICT	424-20-008	NELSON VICTORIA A	\$91.00
15710	WINCHESTER	424-27-013	DONNELLY TESSA I ET AL	\$596.00
	LAUREL	510-41-068	GERTRIDGE JOHN H ET AL	\$91.00
72	FAIRVIEW PLAZA	510-43-010	MURPHY ROBERT J	\$91.00
110	WOOD	510-47-038	COVIA COMMUNITIES	\$596.00
138	WOOD	510-47-044	FRENKEL LILY M AND DRAA JUSTIN S	\$91.00
779	BLOSSOM HILL	523-04-037	BLANTON LOUISE C TRUSTEE	\$91.00
15931	BLOSSOM HILL	523-25-028	TERRY NAKA K	\$91.00
263	PINEHURST	523-43-019	GORMAN ROBERT L AND THERESA A	\$91.00
15941	QUAIL HILL	527-02-006	KHOSRAVI ARVIN AND MOZAFAR FIROUZEH J TRUST	\$91.00
72	DRYSDALE	527-02-007	DIEP JOHN AND ALLISON	\$91.00
15790	BLOSSOM HILL	527-07-006	TAI CHAIN CHANG AND HOH BAO LIAN	\$91.00
16084	GREENRIDGE	527-15-002	LUU RICHARD T	\$91.00
	LARGA VISTA	527-16-013	GUEVARA MARIA E TRUSTEE & ET AL	\$1,645.00
14960	LARGA VISTA	527-16-016	PROUTY PAUL ROBERT AND KYMBERLY KAY TRUSTEE	\$91.00
14850	BLOSSOM HILL	527-18-014	O'DEEGAN STEVE	\$91.00

401	SURMONT	527-20-002	BATE ROSEMARY S	\$7,538.81
175	BELWOOD GATEWAY	527-30-032	HOUGH JUSTIN TRUSTEE	\$596.00
	ALTA TIERRA	527-55-042	OHM VICTOR J AND VANNA J	\$91.00
118	HARWOOD	527-56-020	SIU MARIAN Y TRUSTEE	\$91.00
112	HARWOOD	527-57-008	CHANG WEICHAU AND YISHAN Y	\$91.00
615	BLOSSOM HILL	529-16-026	DUNN PROPERTIES LP ETAL	\$596.00
	BELLA VISTA	529-21-010	MASTERSON ANTHONY D ET AL	\$91.00
	BELLA VISTA	529-23-015	PETERS JAKE C AND KATHERINE H TRUSTEE	\$1,697.80
	BELLA VISTA	529-23-016	ROSS DANIEL LEE TRUSTEE	\$1,697.80
401	ALBERTO	529-23-018	LP ACQUISITIONS LLC	\$596.00
	BELLA VISTA	529-23-019	HARLAN MARILYN S TRUSTEE	\$91.00
	BELLA VISTA	529-23-020	SHANKER BENJAMIN J AND SHARI ET AL	\$91.00
		529-29-065	DOUGLAS-KIDDER VASILIKI TRUSTEE	\$91.00
	RESERVOIR	529-29-066	DOUGLAS-KIDDER VASILIKI TRUSTEE	\$557.00
140	FOSTER	529-37-015	MULLANEY, STEVE & LIZ	\$91.00
	(VACANT)	529-39-047	ST WARD PROPS LP	\$2,269.00
16461	KENNEDY	532-17-027	WALL RYAN COMFORT TRUSTEE & ET AL	\$857.00
15876	SHANNON	537-26-009	LIVE WELL HOMES INC	\$944.00
15760	SHANNON	537-26-018	KELLERMANN MARC ET AL	\$1,270.70

RESOLUTION 2022-

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ADOPTING REPORT DESCRIBING PARCELS OF REAL PROPERTY, AND SHOWING AMOUNT OF HAZARDOUS VEGETATION (WEEDS) ABATEMENT ASSESSMENTS TO BE COLLECTED ON THE SECURED PROPERTY TAX ROLL OF THE TOWN OF LOS GATOS IN THE COUNTY OF SANTA CLARA, FOR 2022

WHEREAS, the Town Council of the Town of Los Gatos, pursuant to Sections 39501 and 39502 of the Government Code of the State of California, has adopted by ordinance a procedure for the abatement of hazardous vegetation (weeds) and the collection of the charges therefore on the tax roll, as contained in Chapter 11, Article II, Sections 11.20.010 through 11.20.45 of the Los Gatos Town Code; and

WHEREAS, pursuant thereto, Resolution No. 2021-057 declaring weeds a public nuisance and providing for their abatement, was adopted by the Town Council on December 7, 2021; and

WHEREAS, pursuant to notice duly and regularly given, the public hearing was held with respect thereto on January 18, 2022, considering objections to the proposed abatement of hazardous vegetation (weeds) for properties listed on the 2022 Weed Abatement Commencement Report and ordering abatement of weeds as a public nuisance, was adopted by the Town Council; and

WHEREAS, a written report has been filed with the Town Clerk of the Town of Los Gatos, containing a description of each parcel of real property, and showing the amount of the charge to be collected on the secured property tax roll with respect thereto, computed in conformity with the charges prescribed by said ordinance; and

WHEREAS, the Town Clerk has set the 2nd day of August 2022, utilizing teleconferencing, as the time and place when and where said Town Council would hear and consider all objections or protest, if any, to said report.

RESOLVED, by the Town Council of the Town of Los Gatos, County of Santa Clara, State of California, that the Town Council does hereby find and declare:

1. That notice of said public hearing was duly and regularly published and given as required by Section 11.20.035 of the Los Gatos Town Code and as otherwise required by law; and

2. All persons desiring to be heard during said hearing were given an opportunity to do so, all matters and things pertaining to said report were fully heard and considered by the Town Council, and all protests and objections, if any, are hereby overruled.

FURTHER RESOLVED, that said report, and each charge thereon, with any charges that may be noted on the face of said report pursuant to action taken by this Town Council, is hereby confirmed and approved.

FURTHER RESOLVED, that the charges are affirmed and shall be assessed against the real properties listed on the property tax bill if not sooner paid.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 2nd day of August 2022, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____

RESOLUTION 2021-057

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
DECLARING CERTAIN HAZARDOUS VEGETATION GROWING IN
THE TOWN OF LOS GATOS TO BE A PUBLIC NUISANCE, DESCRIBING PROPERTIES
WHERE SUCH NUISANCE EXISTS; ORDERING ABATEMENT AND SETTING A PUBLIC
HEARING DATE OF JANUARY 18, 2022 TO CONSIDER OBJECTIONS FOR PROPOSED
ABATEMENT**

WHEREAS, Section 39501 and Section 39502 of the Government Code of the State of California authorize the Town of Los Gatos to prescribe a procedure for compelling the owner, lessees or occupant of buildings, grounds, or lots to remove hazardous vegetation (weeds) from such buildings or grounds and adjacent sidewalks, and, upon his failure to do so, to remove such hazardous vegetation (weeds) at owner's expense, making the cost thereof a lien upon such property; and

WHEREAS, the Town of Los Gatos, by ordinance, has adopted such a procedure, codified in Chapter 11, Article II, Sections 11.20.010 through 11.20.045 of the Los Gatos Town Code.

NOW, THEREFORE, BE IT RESOLVED: that the Town Council hereby finds that hazardous vegetation "weeds," as that term is defined in Section 11.20.010, are growing upon and adjacent to private property within the Town of Los Gatos, and declares that all hazardous vegetation (weeds) growing upon any private property or properties, and in any sidewalk street, or alley within the Town of Los Gatos are a public nuisance and should be abated.

BE IT FURTHER RESOLVED that unless such nuisance be abated by the destruction or removal of such hazardous vegetation (weeds) within thirty (30) days after the adoption of this resolution, or within the time specified in a written agreement with the Town of Los Gatos Director of Parks and Public Works, or his representative, whichever time shall be later, as provided in Chapter 11, Article II, of the Los Gatos Town Code, the Town of Los Gatos shall cause such nuisance to be abated, and the expense thereof assessed upon the lots and lands from which, or in the front and rear of which, such hazardous vegetation (weeds) shall have been destroyed or removed, such expense constituting a lien upon such lots or lands until paid, and to be collected upon the next tax roll upon which general municipal taxes are collected.

BE IT FURTHER RESOLVED that the Director shall execute a "Notice to Destroy Hazardous Vegetation (Weeds)" in the form set forth in Section 11.20.020(b) and shall cause same to be published and posted in the manner prescribed by Section 11.20.020(c).

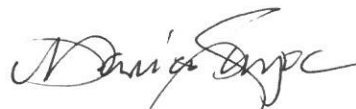
BE IT FURTHER RESOLVED that on the 18th day of January 2022 at a meeting of the Town Council beginning at 7:00 p.m. via Teleconference, a public hearing will be held during which all property owners in the Town of Los Gatos having any objections to the proposed destruction or removal of such hazardous vegetation (weeds) will be heard and given due consideration.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 7th day of December 2021 by the following vote:

COUNCIL MEMBERS:

AYES: Mary Badame, Matthew Hudes, Rob Rennie, Maria Ristow, Mayor Marico Sayoc
NAYS: None
ABSENT: None
ABSTAIN: None

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 12/14/2021

ATTEST:



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

DATE: 12/20/2021

County of Santa Clara

Consumer and Environmental Protection Agency
Weed Abatement Division

1553 Berger Drive
Building 1
San Jose, CA 95112
(408) 282-3145
Fax (408) 286-2460



AFFIDAVIT OF MAILING

Notice of Public Hearing for the Jurisdictions of: Los Gatos

Milton Kumre, declares as follows: That he is a citizen of the United States, over the age of 18 years, that at all times herein mentioned was an employee/agent of the County of Santa Clara.

Milton Kumre, deposited in the United States Post Office, California, a Notice of Hearing, a copy of which is attached hereto. That said mailing list has been provided by the applicant and lists the owners of property who are entitled to Notice of Hearing. That on said day, there was a regular communication by United States mail between San Jose, California and the addresses shown on the attached mailing list.

I declare under penalty of perjury that
the foregoing is true and correct.

Date: December 15 2021

By: 

1553 Berger Drive
Building 1
San Jose, CA 95112
(408) 282-3123

County of Santa Clara

Consumer and Environmental Protection Agency
Weed Abatement Division

1553 Berger Drive
Building 1
San Jose, CA 95112
(408) 282-3145
Fax (408) 286-2460



November 24, 2021

IMPORTANT NOTICE TO ABATE WEEDS

Dear Property Owner:

To protect your property and the surrounding area from possible fire, your jurisdiction (city or County if in unincorporated areas) contracts with the County of Santa Clara to operate a Weed Abatement Program. You are receiving this notice and information because our staff has determined that your parcel is part of this Program. Please read the information carefully and contact us for clarification or additional information.

Your jurisdiction has or will adopt a resolution declaring your property as one that may contain fire hazards from weeds or other debris. Following this action, your jurisdiction will conduct a public hearing to consider an abatement order which would require you to remove any hazardous vegetation or combustible debris prior to the deadline in the attached abatement schedule. The public hearing will be held on the date and at the place stated in the attached notice and provides an opportunity for you to raise any objections or concerns with this requirement.

If you believe your parcel includes an environmentally sensitive habitat, please check the box and provide additional information on the reply form to assist us in determining the best approach to abating your property.

If, after the public hearing, the Weed Abatement Program is approved for your property, the County is authorized by your city and the California Health and Safety Code sections 14875-14922 to inspect your property to confirm that the property has been cleared of hazards according to Minimum Fire Safety Standards (see enclosed brochure). Inspections will begin after the abatement deadline for your jurisdiction. This notice does not relieve you of your responsibility to complete the necessary work prior to the deadline for your jurisdiction. You will be responsible for an annual fee of \$91 to cover the cost of this compliance inspection.

If you fail to complete the abatement work prior to our inspection of your property, you will be responsible for an inspection fee of \$505 per parcel, and your property will be scheduled for abatement by the County contractor. You will be assessed a County administrative fee of \$858 per parcel plus the County's cost of abatement if the County completes this work. If you complete the abatement work before the County contractor, you will not incur further charges.

The County will use the least costly method of abatement considering the physical characteristics of your property and any other environmental or related concerns. Fees are detailed in the attached price list. The total amount will be included as a special assessment on your property tax bill following confirmation of the charges by your city or the County if parcel is not in a city at a public hearing?. This hearing would be scheduled in late spring/summer 2021 with the exact date determined by your jurisdiction. Jurisdictions

Board of Supervisors: Mike Wasserman, Cindy Chavez, Otto Lee, Susan Ellenberg, S. Joseph Simitian
County Executive: Jeffrey V. Smith

post hearing information at a physical location (typically at a city hall building or other government center and most jurisdictions also publish this information on their websites) at least three days prior to the meeting.

You can avoid all costs, other than the annual compliance fee, by completing the abatement work yourself according to Minimum Fire Safety Standards (see enclosed brochure) prior to the abatement deadline for your jurisdiction and maintaining the Minimum Fire Safety Standards for the duration of fire season, which typically runs March Through October. Parcels will be removed from the program after three consecutive years of voluntary compliance (work completed by property owner prior to the deadline and confirmed by our inspection).

In preparation for this program, please complete and return the enclosed Reply Form by January 15, 2021 so we are notified of your plans for abating your property.

If you designate in your reply that you intend to abate the weeds yourself, you need to complete the abatement before the deadline listed on the attached abatement schedule and maintain fire safe conditions for the duration of the fire season. Responding that you intend to provide maintenance yourself does not release you from this responsibility to have the maintenance *completed* before your deadline and *repeated* as necessary to maintain Minimum Fire Safe Standards. The County will abate hazardous vegetation as required after the deadline for your jurisdiction at your cost.

Enclosed you will find the following information:

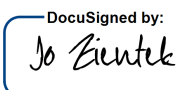
- ✓ **Reply Form specific to your property. Please complete and return by January 15, 2021.**
- ✓ **Notice to Destroy Weeds informing you of an upcoming public meeting (that you must attend if you have any objections to the proposed removal of hazardous vegetation or debris from your property. Your Jurisdiction may offer the ability for you to participate in this meeting virtually; please confirm directly with your jurisdiction.**
- ✓ **Weed Abatement Program Schedule for your city with current County abatement fees.**
- ✓ **County of Santa Clara Weed Abatement Brochure.**

Please be aware that any abatement performed by the County must comply with all applicable regulations. If your property falls within an area designated as possible habitat for burrowing owls or any other protected species of bird or animal, the methods used to remove vegetation may be regulated by specific laws or local ordinances.

If you are no longer the owner of the property identified by this mailing, please notify us immediately at (408) 282-3145. If you sell your property after the date of this letter, it is your responsibility to notify the new owner and to include the obligation to pay any abatement costs in your agreement of sale. Without taking this action, you will be responsible for all hazard abatement charges assessed to the property.

Our goals are voluntary compliance with the Minimum Fire Safety Standards and all properties remain safe from fire. If you have any questions or need on-site advice to help you achieve compliance with the Minimum Fire Standards, please call us at (408) 282-3145.

Sincerely,

DocuSigned by:

 23BC95461D52437...
 Jo Zientek, Director
 Consumer and Environmental Protection Agency

Notice to Destroy Weeds

NOTICE IS HEREBY GIVEN that on December 7, 2021, pursuant to the provisions of Section 11.20.020 of the Town Code of the Town of Los Gatos, the Town Council of said Town adopted a Resolution declaring that all weeds growing upon any private property or in any street, sidewalk or alley, as defined in Section 11.20.020 of such code, constitute a public nuisance, which nuisance must be abated by the destruction or removal thereof.

NOTICE IS FURTHER GIVEN that property owners shall within thirty days after the adoption of such resolution, or within the time specified in a written agreement with the Director of Parks and Public Works of the Town of Los Gatos, or the Director of Parks and Public Works' representative, whichever time shall be later, remove all such weeds from their property, the abutting sidewalks, and the abutting half of the street in front, and alleys, if any, behind such property, and between the lot lines thereof as extended, or such weeds will be destroyed or removed and such nuisance abated by the Town of Los Gatos, in which case the cost of such destruction or removal will be assessed upon the lots and lands from which, or from the front or rear of which, such weeds shall have been destroyed or removed; and such cost will constitute a lien upon such lots or lands until paid, and will be collected upon the next tax roll upon which general municipal taxes are collected. All property owners having any objections to the proposed destruction or removal of such weeds are hereby notified to attend a meeting of the Town Council of such Town to be held in the Council Chambers of said Town at 110 East Main Street, Los Gatos, California, on **Tuesday, January 18, 2022 at 7:00 p.m.**, or as soon thereafter as the matter can be heard, when their objections will be heard and given due consideration. *The language and format for this notice is required by California Health and Safety Code Sections 14891 Et. Seq.*

LOS GATOS WEED ABATEMENT PROGRAM SCHEDULE

January 18, 2022	Public hearing to consider objections to Abatement List.
April 15, 2022	<u>PARCEL ABATEMENT DEADLINE</u> Parcel must be free from hazardous vegetation by this date or Inspector will order abatement.
July-August, 2022	Assessment Hearing to protest abatement charges (Date subject to change, please confirm with City Clerk)

2022 COUNTY WEED ABATEMENT FEES

Properties in the Weed Abatement Program, you will be responsible for an annual inspection fee of \$91.00 per parcel.

Please be advised that the property owner of any parcel found to be non-compliant on or after the April 15th deadline will be charged a processing fee of \$505.00 and the property will be scheduled for abatement by the County contractor. If you complete the abatement work before the County contractor performs the abatement, you will not incur further charges. Should the abatement work be performed by a County contractor, you will be assessed the contractor's charges plus a County administrative fee of \$858.00 per parcel.

2022 COUNTY CONTRACTOR'S WEED ABATEMENT PRICE LIST

A) Disc Work**

PARCEL SIZE:	1 st Disc	+	2 nd Disc	= Total Discs
0-12,500 sq.ft.	<u>\$412.39</u>		<u>\$165.79</u>	<u>\$578.18</u>
12,501sq.ft.- 43,560sq.ft.	<u>\$412.39</u>		<u>\$165.79</u>	<u>\$578.18</u>
Larger than 1 Acre	<u>\$299.56</u>		<u>\$146.30</u>	<u>\$445.86</u> (PER ACRE)

** It is required that parcels be disced twice a year. The cost for the first discing is higher due to additional work normally required during the first discing.

B) HANDWORK	<u>\$5.57 PER 100 Square Feet (SF)</u>
C) FLAIL	<u>6 Foot Mower \$7.11 PER 1,000 SF</u>
MOWING	<u>12 Foot Mower \$7.11 PER 1,000 SF</u>
D) LOADER WORK	<u>\$170.40 PER HOUR</u>
E) DUMP TRUCK	<u>\$157.29 PER HOUR</u>
F) BRUSH WORK	<u>\$5.32 PER 100 SF</u>
G) DEBRIS REMOVAL	<u>\$58.52 PER HOUR</u>
H) DUMP FEE	<u>100%</u>

Added to orders with debris removal at 100% of the dump site charge.

***Please note this program does not offer herbicide application as a method of abatement.**

2022 Return Reply Form

KAISER FOUNDATION HOSPITALS

IMPORTANT: Please complete this form and mail back to the Weed Abatement Program **within 15 days of receipt of this notice.** Thank you.

TRA:

7-014



316-09-045

KAISER FOUNDATION HOSPITALS
1 KAISER PLAZA 15TH FL
OAKLAND CA 94612

Please check the box that
applies for each parcel
(see explanations below):

Parcel Number	Site Address	A	B	C
316-09-045	3800 HOMESTEAD SANTA LARA	☐	☐	☐

- A** I am no longer the owner of this property, and the new owner information is listed below. Please return Reply Form immediately.
- B** I intend to maintain this parcel in a manner consistent with the minimum Fire Safety Standards from **March 01, 2022 through the end of the fire season (typically runs through October)**. All parcels on the abatement list remain subject to inspection to ascertain compliance. Non-compliance by the deadline will result in an inspection fee or the abatement of weeds by the County contractor and the resulting charges added to the property tax.
- C** I request that the County contractor perform weed abatement work on this parcel. Charges for this work will be added to my property tax bill. **(All County fees apply)**

Please provide any additional information such as new owners, presence of piping, irrigation, crops or other improvement. If your property is fenced/locked, please provide instructions on how to enter the property. If you are no longer the owner of the property identified by this mailing, please notify the County immediately. If you sell your property after December 1st, 2021, it is your responsibility to notify the new owner and to include the obligation to pay any abatement costs in your agreement of sale. Without taking this action, you will be liable for all hazard abatement charges assessed to the property. Thank you.

☐ Please check if you feel this parcel is environmentally sensitive.

Signature

Name (please print)

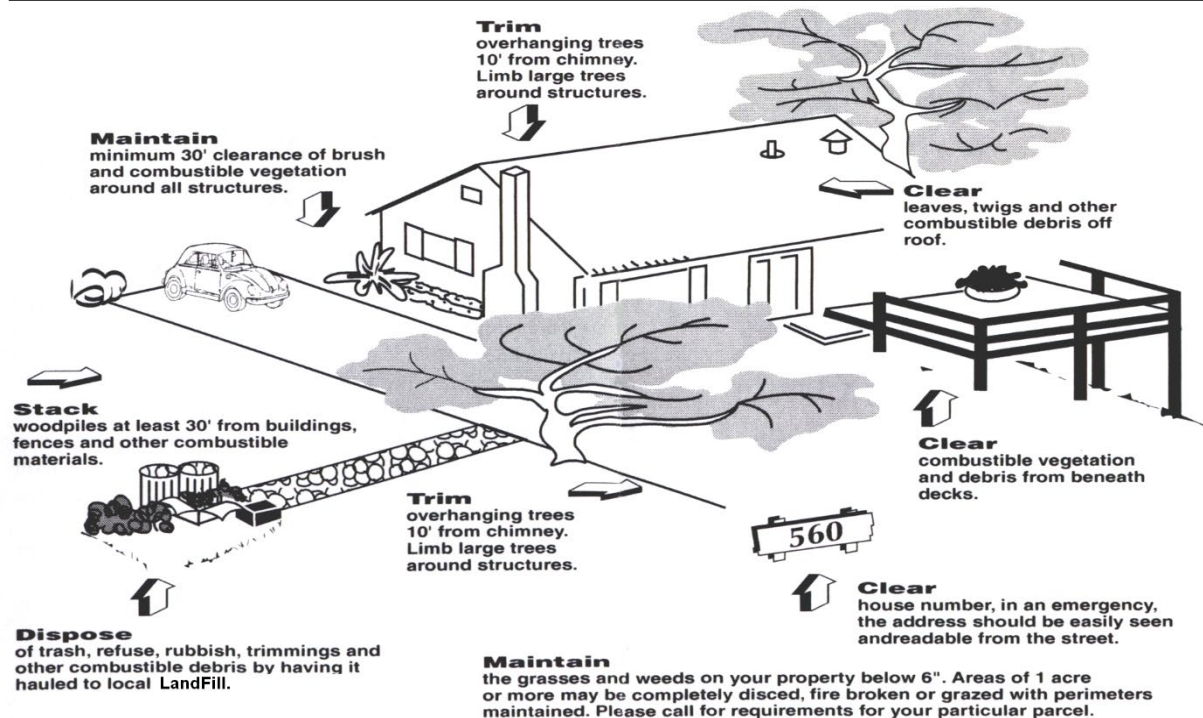
Date

()

Day time phone

MINIMUM FIRE SAFETY STANDARDS (MFSS)

1. **Vegetation must not exceed 6 inches in height any time after the compliance deadline.**
2. Maintain grasses and weeds below 6 inches for 10 feet horizontally on both sides of all roadways, including driveways and access routes. Roads and driveways must maintain a clearance of 10' W by 13'6" H for all vegetation.
3. Clear flammable vegetation a minimum of 30 feet around any structure, occupied or not. Ornamental vegetation should be kept clear of dead material. Some conditions, such as slopes, may require up to a 100 foot clearance.
4. Parcels one acre or less shall be completely abated. Parcels over one acre up to five acres require 30 foot clearance around structures and perimeter property lines. Additional 30 foot cross fuel breaks may also be required.
5. Parcels larger than five acres require 30 foot clearance around structures and perimeter property lines in addition to 30-foot cross fuel breaks as needed to separate the remaining vegetation into sections no larger than five acres.
6. Keep property clear of accumulation of combustible debris, such as trash, wood, and dead vegetation. Stacked firewood and neatly piled yard waste is not considered to be combustible debris.
7. Keep vegetation cleared from under the eaves of houses.
8. Trim tree branches to at least 10 feet away from chimneys. Trim tree branches up from the ground to provide at least 6 feet of vertical clearance.
9. Clear leaves, pine needles and debris from roof and gutters.



Fire Resistant Landscaping

The following is a partial list of fire resistant plants that you may choose to use around your home to reduce the risk of fire. Contact your local nursery for selections appropriate to your area. All grasses, including those purportedly fire resistant, must be maintained below 6" in height.

Trees:

African Sumac
Lemonade Berry

Shrubs:

Bearberry
Carmel Creeper
Carolina Cherry
Catalina Cherry

Escallonia

Hopseed Bush
Lemonade Berry

Groundcover:

Aaron's Beard
Australian Daisy
Candytuft
Sterile Capeweed

Freeway Daisy

Rock Rose (except Gum
Variety)

Fire Safety Through Vegetation Management

Santa Clara County

Consumer and Environmental
Protection Agency

Weed Abatement Program



1553 Berger Drive #1

San Jose, Ca 95112

Phone (408) 282-3145

Fax: (408) 286-2460

SCC.WeedAbatement@cep.sccgov.org

The Santa Clara County Weed Abatement Program

The Santa Clara County Consumer and Environmental Protection Agency and your city are working together to protect your community from fire. We need your help. Please read and follow the directions provided in this brochure regarding fire prevention on your property. The purpose of the Weed Abatement Program is to prevent fire hazards posed by vegetative growth and the accumulation of combustible materials.

The Weed Abatement program is entirely funded from fees charged to residents. Fees will be assessed for any property in the program. This is to cover the cost of the compliance inspection for the property. Properties that fail the compliance inspection will be charged a failed inspection fee, even if the resident completes the weed abatement. If the property requires abatement by the County contractor, the property owner will be responsible for the actual cost of abatement plus an administrative fee. Properties that meet and maintain the minimum fire safety standards will not be charged other than the annual fee.

Program staff annually inspect parcels at the beginning of the fire season, which is typically in March or April depending on your jurisdiction. If the parcel is not in compliance at the time of inspection, the property owner will be charged a failed inspection fee, and the owner will be sent a courtesy notice as a reminder to abate the weeds. If the weeds are not abated by the property owner, the work will be completed by the County contractor. The property owner will pay the contractor's fees plus a County administrative fee. All fees will be included in your property tax bill.

Our Goal Is Voluntary Compliance

Property Owner's Responsibilities

- Do not allow a fire hazard to exist on your property. The Minimum Fire Safety Standards (MFSS) in this brochure give you guidelines to follow in order to maintain your property and protect against a fire hazard. **Please contact our office if you need guidance or have any questions regarding the requirements!**
- Make arrangements to have your property maintained throughout the year. Contractors can be found in the yellow pages. You may choose to have the County contractor maintain your property. A current price list is included in your packet.
- Please complete and return the Reply Form provided in your mailing packet by the date on the form. Indicate your preference regarding performance of weed abatement services.

Program Staff Responsibilities

- Weed Abatement Inspectors will perform periodic inspections on all parcels included in the Santa Clara County Weed Abatement Program. Properties that fail the compliance inspection will be charged a failed inspection fee, even if the resident completes the weed abatement.

- Inspectors will order the County contractor to perform all necessary abatement work on any parcel where the MFSS are not met. An attempt will be made to give the owner a courtesy notice prior to releasing the work order.
- The County contractor uses several methods of abatement including discing and handwork. The property owner is free to select whatever method they choose, provided the MFSS of all federal, state and local laws are met.
- The Weed Abatement Program will place inspection costs and the charges for County contractor services plus a County administrative fee on the property owner's tax bill during the next fiscal year.

Burrowing Owls

These small owls nest in abandoned ground squirrel burrows. Discing collapses the burrows and kills the young. These owls are listed as a state Species of Special Concern and are protected by the federal Migratory Bird Treaty Act. If you suspect burrowing owls on your property you **must** use another form of weed abatement such as mowing or weed-eating. If you request the County perform abatement services, please notify program staff or your City if burrowing owls are known to exist on your property.

Frequently Asked Questions

Q. Why have I received an Abatement Notice?

A. Typically, a property is placed on the program if a Weed Abatement Inspector identified a potential fire hazard on the property. Fire Departments and other agencies also submit complaints to the Weed Abatement Program.

Q. What is required of me now that I am in the Program?

A. All property owners are required to maintain their property free of fire hazards throughout the year.

Q. The grasses planted on my property are fire resistant. Are they exempt from the Weed Abatement program?

A. No. Even grasses that possess some fire resistant qualities are not fire proof, and they can add fuel to any site that is subject to a fire. Additionally, fire resistant grasses are rarely found in a pure, homogenous stand but rather are usually found to occur mixed with other common introduced annual grasses that are highly flammable and hazardous in a fire event. Finally, many grasses occur in Santa Clara County and species identification is difficult in the field, especially after the spring when the reproductive portions required for identification have dried and dispersed. Weed Abatement Inspectors can only focus on the presence of grasses and weeds on your property and the Minimum Fire Safety Standards, and not on grass species identification. Therefore, all grasses are required to be below 6 inches in height.

Q. What is the SC County Weed Abatement Program?

A. This is a monitoring program and our primary objective is voluntary compliance. See the first two paragraphs of this brochure for further specifics.

More FAQ:

Q. How long will I be on the Program?

A. Your property will remain on the Program for three years. If no hazards are found during that time, your property may be removed from the program.

Q. How much will this cost me?

A. There will be an annual fee to cover the cost of the compliance inspection. If the parcel does not meet the MFSS when it is first inspected in the spring, or if work is required by the County contractor, you will be charged additional fees. Our goal is to ensure that the MFSS are met at the lowest possible cost to the property owner.

Q. How will I be billed?

A. Any charges for the inspection and any abatement work performed will appear as a special assessment on your next property tax bill.

Q. Why have you performed work on my property while the vegetation is still green?

A. Grass, weeds or piles of combustible debris have been declared a public nuisance by your jurisdiction. Abating fire hazards in the spring minimizes the volume of combustible material before the hazards increase and dries out completely during the peak fire season.

Q. Will you notify me prior to beginning abatement work?

A. Property owners are responsible for preventing fire hazards on their property. If the MFSS have been met, but further work is necessary, you will receive notice prior to the County contractor performing the work. If the MFSS have **not** been met, an attempt will be made to give the owner a courtesy notice prior to initial abatement.

Q. Where can I find someone to provide abatement services?

A. Weed Abatement contractors can be found in the Yellow Pages under "Weed Control Services" or "Discing Services". You may have the County contractor perform the necessary work; see your mailing packet for a current price list as administrative costs are charged.

Q. How can I get additional information or assistance regarding the specific requirements for my property?

A. Weed Abatement Inspectors are available to assist you and answer your questions. Please call our Customer Service line at (408) 282-3145 to schedule a consultation with program staff or to obtain additional information.

Q. I have Grazing Animals do I need to perform abatement?

A. Grazing animals do not absolve you of your responsibilities to provide a fire safe condition on your property. You will need to check with our office to determine if grazing is adequate or if additional work is required.



TOWN OF LOS GATOS
PARKS AND PUBLIC WORKS DEPARTMENT
PHONE (408) 399-5770

SERVICE CENTER
41 MILES AVENUE
LOS GATOS, CA 95030

July 12, 2022

RE: NOTICE OF PUBLIC HEARING ON AUGUST 2, 2022, AT 7:00 P.M. TO CONSIDER THE 2022 WEED ABATEMENT PROGRAM ASSESSMENT REPORT AND ADOPT A RESOLUTION CONFIRMING THE REPORT AND AUTHORIZING COLLECTION OF THE ASSESSMENT CHARGES

You are receiving this letter because you own a parcel that is included in the 2022 Weed Abatement program. On December 7, 2021, the Town Council authorized the initiation of the annual Weed Abatement program.

The Town Council of the Town of Los Gatos has scheduled a public hearing on August 2, 2022 to consider the 2022 Weed Abatement Assessment Report and Adopt a Resolution Confirming the Report and Authorizing the Collection of the Assessment Charges.

The attached Assessment Report reflects the charges that will be assessed on your tax roll. A copy of the letter you received in December 2021 describing the charges is attached for your reference.

If you have questions about the program or proposed charges, we encourage you to contact the Santa Clara County Weed Abatement Department **PRIOR** to the public hearing at 408-282-3145. By contacting the County (who manages the program for the Town), you will be able to discuss any concerns you may have, with the intent of achieving resolution prior to the public hearing procedure.

IMPORTANT NOTICE: This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic; and in accordance with Executive Order N-29-20, the public may only participate in the meeting on television and/or online and not in the Council Chambers.

When the meeting agenda is posted, it will include instructions for the participation in the public process. The live stream of the meeting may be viewed on television and/or online at www.LosGatosCA.gov/TownYouTube

Town Council reports related to the Weed Abatement program may be viewed on the Town's website at www.LosgatosCA.gov – under the Agenda & Minutes page. The Council dates that contain these reports are December 7, 2021, January 18, 2022, and August 2, 2022 (8/2 will be available for public review three days prior to the meeting).

Persons wishing to protest the proposed assessment report and/or collection of assessment charges may do so by mailing the protest to the Town Clerk 110 E. Main Street, Los Gatos, CA 95030; emailing to the Town Clerk - Clerk@LosGatosCA.gov, or attending the public hearing by teleconference and speaking. Any written protest must be received by the Town Clerk no later than 11:00 a.m. on August 2, 2022, as described above. Protests must identify the grounds for the protest, the person filing the protest, and the property owned by the person filing the protest.

All INTERESTED PERSONS are encouraged to appear at the Public Hearing and be heard. If anyone wishes to challenge the action on the above application in court, they may be limited to raising only those issues they or anyone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Town Council at, or prior to, the Public Hearing. **Deadline for all written correspondence is 11:00 a.m. the day of the meeting.**

Sincerely,

A handwritten signature in cursive script that reads "Meredith Johnston".

Meredith Johnston

Administrative Technician, Parks and Public Works

2022 WEED ABATEMENT PROGRAM
ASSESSMENT REPORT
CITY OF LOS GATOS

	SITUS	APN	OWNERS ADDRESS	TAXROLL AMT
831	POLLARD	406-26-011	LAM MITCHELL	\$596.00
	CALLE MARGUERITA	409-04-049	GUPTA MOHIT AND APAN PARUL	\$91.00
		409-08-001	UNION PACIFIC RAILROAD	\$10,092.00
17291	WEDGEWOOD	409-14-013	KIM YOUNG CHANG AND TAI HYUN TRUSTEE	\$91.00
14330	LA RINCONADA	409-14-020	GERA NICHOLAS TRUSTEE & ET AL	\$91.00
14341	BROWNS	409-14-035	KOWITZ MICHAEL D TRUSTEE	\$596.00
14316	MULBERRY	409-15-005	SAWHNEY CHANDANDEEP AND BHATIA MONTY	\$91.00
17631	WEDGEWOOD	409-17-010	BELCHER PHYLLIS TRUSTEE	\$596.00
14821	GOLF LINKS	409-27-005	NEAL WALTER E JR TRUSTEE	\$596.00
16245	BURTON	424-06-115	SWENSON C B TRUSTEE	\$91.00
	BURTON	424-06-116	SWENSON C B TRUSTEE	\$91.00
14823	LOS GATOS	424-07-065	14823 LGB LLC	\$596.00
14926	LOS GATOS	424-10-009	TSAI DAVID Y AND UNDINE Y TRUSTEE	\$596.00
15545	BENEDICT	424-20-008	NELSON VICTORIA A	\$91.00
15710	WINCHESTER	424-27-013	DONNELLY TESSA I ET AL	\$596.00
	LAUREL	510-41-068	GERTRIDGE JOHN H ET AL	\$91.00
72	FAIRVIEW PLAZA	510-43-010	MURPHY ROBERT J	\$91.00
110	WOOD	510-47-038	COVIA COMMUNITIES	\$596.00
138	WOOD	510-47-044	FRENKEL LILY M AND DRAA JUSTIN S	\$91.00
779	BLOSSOM HILL	523-04-037	BLANTON LOUISE C TRUSTEE	\$91.00
15931	BLOSSOM HILL	523-25-028	TERRY NAKA K	\$91.00
263	PINEHURST	523-43-019	GORMAN ROBERT L AND THERESA A	\$91.00
15941	QUAIL HILL	527-02-006	KHOSRAVI ARVIN AND MOZAFAR FIROUZEH J TRUST	\$91.00
72	DRYSDALE	527-02-007	DIEP JOHN AND ALLISON	\$91.00
15790	BLOSSOM HILL	527-07-006	TAI CHAIN CHANG AND HOH BAO LIAN	\$91.00
16084	GREENRIDGE	527-15-002	LUU RICHARD T	\$91.00
	LARGA VISTA	527-16-013	GUEVARA MARIA E TRUSTEE & ET AL	\$1,645.00
14960	LARGA VISTA	527-16-016	PROUTY PAUL ROBERT AND KYMBERLY KAY TRUSTEE	\$91.00
14850	BLOSSOM HILL	527-18-014	O'DEEGAN STEVE	\$91.00

401	SURMONT	527-20-002	BATE ROSEMARY S	\$7,538.81
175	BELWOOD GATEWAY	527-30-032	HOUGH JUSTIN TRUSTEE	\$596.00
	ALTA TIERRA	527-55-042	OHM VICTOR J AND VANNA J	\$91.00
118	HARWOOD	527-56-020	SIU MARIAN Y TRUSTEE	\$91.00
112	HARWOOD	527-57-008	CHANG WEICHAU AND YISHAN Y	\$91.00
615	BLOSSOM HILL	529-16-026	DUNN PROPERTIES LP ETAL	\$596.00
	BELLA VISTA	529-21-010	MASTERSON ANTHONY D ET AL	\$91.00
	BELLA VISTA	529-23-015	PETERS JAKE C AND KATHERINE H TRUSTEE	\$1,697.80
	BELLA VISTA	529-23-016	ROSS DANIEL LEE TRUSTEE	\$1,697.80
401	ALBERTO	529-23-018	LP ACQUISITIONS LLC	\$596.00
	BELLA VISTA	529-23-019	HARLAN MARILYN S TRUSTEE	\$91.00
	BELLA VISTA	529-23-020	SHANKER BENJAMIN J AND SHARI ET AL	\$91.00
		529-29-065	DOUGLAS-KIDDER VASILIKI TRUSTEE	\$91.00
	RESERVOIR	529-29-066	DOUGLAS-KIDDER VASILIKI TRUSTEE	\$557.00
140	FOSTER	529-37-015	MULLANEY, STEVE & LIZ	\$91.00
	(VACANT)	529-39-047	ST WARD PROPS LP	\$2,269.00
16461	KENNEDY	532-17-027	WALL RYAN COMFORT TRUSTEE & ET AL	\$857.00
15876	SHANNON	537-26-009	LIVE WELL HOMES INC	\$944.00
15760	SHANNON	537-26-018	KELLERMANN MARC ET AL	\$1,270.70

County of Santa Clara

Consumer and Environmental Protection Agency
Weed Abatement Division

1553 Berger Drive
Building 1
San Jose, CA 95112
(408) 282-3145
Fax (408) 286-2460



AFFIDAVIT OF MAILING

Notice of Public Hearing for the Jurisdictions of: Los Gatos

Milton Kumre, declares as follows: That he is a citizen of the United States, over the age of 18 years, that at all times herein mentioned was an employee/agent of the County of Santa Clara.

Milton Kumre, deposited in the United States Post Office, California, a Notice of Hearing, a copy of which is attached hereto. That said mailing list has been provided by the applicant and lists the owners of property who are entitled to Notice of Hearing. That on said day, there was a regular communication by United States mail between San Jose, California and the addresses shown on the attached mailing list.

I declare under penalty of perjury that
the foregoing is true and correct.

Date: December 15 2021

By: 

1553 Berger Drive
Building 1
San Jose, CA 95112
(408) 282-3123

County of Santa Clara

Consumer and Environmental Protection Agency
Weed Abatement Division

1553 Berger Drive
Building 1
San Jose, CA 95112
(408) 282-3145
Fax (408) 286-2460



November 24, 2021

IMPORTANT NOTICE TO ABATE WEEDS

Dear Property Owner:

To protect your property and the surrounding area from possible fire, your jurisdiction (city or County if in unincorporated areas) contracts with the County of Santa Clara to operate a Weed Abatement Program. You are receiving this notice and information because our staff has determined that your parcel is part of this Program. Please read the information carefully and contact us for clarification or additional information.

Your jurisdiction has or will adopt a resolution declaring your property as one that may contain fire hazards from weeds or other debris. Following this action, your jurisdiction will conduct a public hearing to consider an abatement order which would require you to remove any hazardous vegetation or combustible debris prior to the deadline in the attached abatement schedule. The public hearing will be held on the date and at the place stated in the attached notice and provides an opportunity for you to raise any objections or concerns with this requirement.

If you believe your parcel includes an environmentally sensitive habitat, please check the box and provide additional information on the reply form to assist us in determining the best approach to abating your property.

If, after the public hearing, the Weed Abatement Program is approved for your property, the County is authorized by your city and the California Health and Safety Code sections 14875-14922 to inspect your property to confirm that the property has been cleared of hazards according to Minimum Fire Safety Standards (see enclosed brochure). Inspections will begin after the abatement deadline for your jurisdiction. This notice does not relieve you of your responsibility to complete the necessary work prior to the deadline for your jurisdiction. You will be responsible for an annual fee of \$91 to cover the cost of this compliance inspection.

If you fail to complete the abatement work prior to our inspection of your property, you will be responsible for an inspection fee of \$505 per parcel, and your property will be scheduled for abatement by the County contractor. You will be assessed a County administrative fee of \$858 per parcel plus the County's cost of abatement if the County completes this work. If you complete the abatement work before the County contractor, you will not incur further charges.

The County will use the least costly method of abatement considering the physical characteristics of your property and any other environmental or related concerns. Fees are detailed in the attached price list. The total amount will be included as a special assessment on your property tax bill following confirmation of the charges by your city or the County if parcel is not in a city at a public hearing?. This hearing would be scheduled in late spring/summer 2021 with the exact date determined by your jurisdiction. Jurisdictions

Board of Supervisors: Mike Wasserman, Cindy Chavez, Otto Lee, Susan Ellenberg, S. Joseph Simitian
County Executive: Jeffrey V. Smith

post hearing information at a physical location (typically at a city hall building or other government center and most jurisdictions also publish this information on their websites) at least three days prior to the meeting.

You can avoid all costs, other than the annual compliance fee, by completing the abatement work yourself according to Minimum Fire Safety Standards (see enclosed brochure) prior to the abatement deadline for your jurisdiction and maintaining the Minimum Fire Safety Standards for the duration of fire season, which typically runs March Through October. Parcels will be removed from the program after three consecutive years of voluntary compliance (work completed by property owner prior to the deadline and confirmed by our inspection).

In preparation for this program, please complete and return the enclosed Reply Form by January 15, 2021 so we are notified of your plans for abating your property.

If you designate in your reply that you intend to abate the weeds yourself, you need to complete the abatement before the deadline listed on the attached abatement schedule and maintain fire safe conditions for the duration of the fire season. Responding that you intend to provide maintenance yourself does not release you from this responsibility to have the maintenance *completed* before your deadline and *repeated* as necessary to maintain Minimum Fire Safe Standards. The County will abate hazardous vegetation as required after the deadline for your jurisdiction at your cost.

Enclosed you will find the following information:

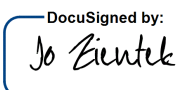
- ✓ **Reply Form specific to your property. Please complete and return by January 15, 2021.**
- ✓ **Notice to Destroy Weeds informing you of an upcoming public meeting (that you must attend if you have any objections to the proposed removal of hazardous vegetation or debris from your property. Your Jurisdiction may offer the ability for you to participate in this meeting virtually; please confirm directly with your jurisdiction.**
- ✓ **Weed Abatement Program Schedule for your city with current County abatement fees.**
- ✓ **County of Santa Clara Weed Abatement Brochure.**

Please be aware that any abatement performed by the County must comply with all applicable regulations. If your property falls within an area designated as possible habitat for burrowing owls or any other protected species of bird or animal, the methods used to remove vegetation may be regulated by specific laws or local ordinances.

If you are no longer the owner of the property identified by this mailing, please notify us immediately at (408) 282-3145. If you sell your property after the date of this letter, it is your responsibility to notify the new owner and to include the obligation to pay any abatement costs in your agreement of sale. Without taking this action, you will be responsible for all hazard abatement charges assessed to the property.

Our goals are voluntary compliance with the Minimum Fire Safety Standards and all properties remain safe from fire. If you have any questions or need on-site advice to help you achieve compliance with the Minimum Fire Standards, please call us at (408) 282-3145.

Sincerely,

DocuSigned by:

 23BC95461D52437...
 Jo Zientek, Director
 Consumer and Environmental Protection Agency

Notice to Destroy Weeds

NOTICE IS HEREBY GIVEN that on December 7, 2021, pursuant to the provisions of Section 11.20.020 of the Town Code of the Town of Los Gatos, the Town Council of said Town adopted a Resolution declaring that all weeds growing upon any private property or in any street, sidewalk or alley, as defined in Section 11.20.020 of such code, constitute a public nuisance, which nuisance must be abated by the destruction or removal thereof.

NOTICE IS FURTHER GIVEN that property owners shall within thirty days after the adoption of such resolution, or within the time specified in a written agreement with the Director of Parks and Public Works of the Town of Los Gatos, or the Director of Parks and Public Works' representative, whichever time shall be later, remove all such weeds from their property, the abutting sidewalks, and the abutting half of the street in front, and alleys, if any, behind such property, and between the lot lines thereof as extended, or such weeds will be destroyed or removed and such nuisance abated by the Town of Los Gatos, in which case the cost of such destruction or removal will be assessed upon the lots and lands from which, or from the front or rear of which, such weeds shall have been destroyed or removed; and such cost will constitute a lien upon such lots or lands until paid, and will be collected upon the next tax roll upon which general municipal taxes are collected. All property owners having any objections to the proposed destruction or removal of such weeds are hereby notified to attend a meeting of the Town Council of such Town to be held in the Council Chambers of said Town at 110 East Main Street, Los Gatos, California, on **Tuesday, January 18, 2022 at 7:00 p.m.**, or as soon thereafter as the matter can be heard, when their objections will be heard and given due consideration. *The language and format for this notice is required by California Health and Safety Code Sections 14891 Et. Seq.*

LOS GATOS WEED ABATEMENT PROGRAM SCHEDULE

January 18, 2022	Public hearing to consider objections to Abatement List.
April 15, 2022	<u>PARCEL ABATEMENT DEADLINE</u> Parcel must be free from hazardous vegetation by this date or Inspector will order abatement.
July-August, 2022	Assessment Hearing to protest abatement charges (Date subject to change, please confirm with City Clerk)

2022 COUNTY WEED ABATEMENT FEES

Properties in the Weed Abatement Program, you will be responsible for an annual inspection fee of \$91.00 per parcel.

Please be advised that the property owner of any parcel found to be non-compliant on or after the April 15th deadline will be charged a processing fee of \$505.00 and the property will be scheduled for abatement by the County contractor. If you complete the abatement work before the County contractor performs the abatement, you will not incur further charges. Should the abatement work be performed by a County contractor, you will be assessed the contractor's charges plus a County administrative fee of \$858.00 per parcel.

2022 COUNTY CONTRACTOR'S WEED ABATEMENT PRICE LIST

A) Disc Work**

PARCEL SIZE:	1 st Disc	+	2 nd Disc	= Total Discs
0-12,500 sq.ft.	<u>\$412.39</u>		<u>\$165.79</u>	<u>\$578.18</u>
12,501sq.ft.- 43,560sq.ft.	<u>\$412.39</u>		<u>\$165.79</u>	<u>\$578.18</u>
Larger than 1 Acre	<u>\$299.56</u>		<u>\$146.30</u>	<u>\$445.86</u> (PER ACRE)

** It is required that parcels be disced twice a year. The cost for the first discing is higher due to additional work normally required during the first discing.

B) HANDWORK	<u>\$5.57 PER 100 Square Feet (SF)</u>
C) FLAIL	<u>6 Foot Mower \$7.11 PER 1,000 SF</u>
MOWING	<u>12 Foot Mower \$7.11 PER 1,000 SF</u>
D) LOADER WORK	<u>\$170.40 PER HOUR</u>
E) DUMP TRUCK	<u>\$157.29 PER HOUR</u>
F) BRUSH WORK	<u>\$5.32 PER 100 SF</u>
G) DEBRIS REMOVAL	<u>\$58.52 PER HOUR</u>
H) DUMP FEE	<u>100%</u>

Added to orders with debris removal at 100% of the dump site charge.

***Please note this program does not offer herbicide application as a method of abatement.**

2022 Return Reply Form

KAISER FOUNDATION HOSPITALS

IMPORTANT: Please complete this form and mail back to the Weed Abatement Program **within 15 days of receipt of this notice.** Thank you.

TRA:

7-014



316-09-045

KAISER FOUNDATION HOSPITALS
1 KAISER PLAZA 15TH FL
OAKLAND CA 94612

Please check the box that
applies for each parcel
(see explanations below):

Parcel Number	Site Address	A	B	C
316-09-045	3800 HOMESTEAD SAN ANTONIO LARA	☐	☐	☐

- A** I am no longer the owner of this property, and the new owner information is listed below. Please return Reply Form immediately.
- B** I intend to maintain this parcel in a manner consistent with the minimum Fire Safety Standards from **March 01, 2022 through the end of the fire season (typically runs through October)**. All parcels on the abatement list remain subject to inspection to ascertain compliance. Non-compliance by the deadline will result in an inspection fee or the abatement of weeds by the County contractor and the resulting charges added to the property tax.
- C** I request that the County contractor perform weed abatement work on this parcel. Charges for this work will be added to my property tax bill. **(All County fees apply)**

Please provide any additional information such as new owners, presence of piping, irrigation, crops or other improvement. If your property is fenced/locked, please provide instructions on how to enter the property. If you are no longer the owner of the property identified by this mailing, please notify the County immediately. If you sell your property after December 1st, 2021, it is your responsibility to notify the new owner and to include the obligation to pay any abatement costs in your agreement of sale. Without taking this action, you will be liable for all hazard abatement charges assessed to the property. Thank you.

☐ Please check if you feel this parcel is environmentally sensitive.

Signature

Name (please print)

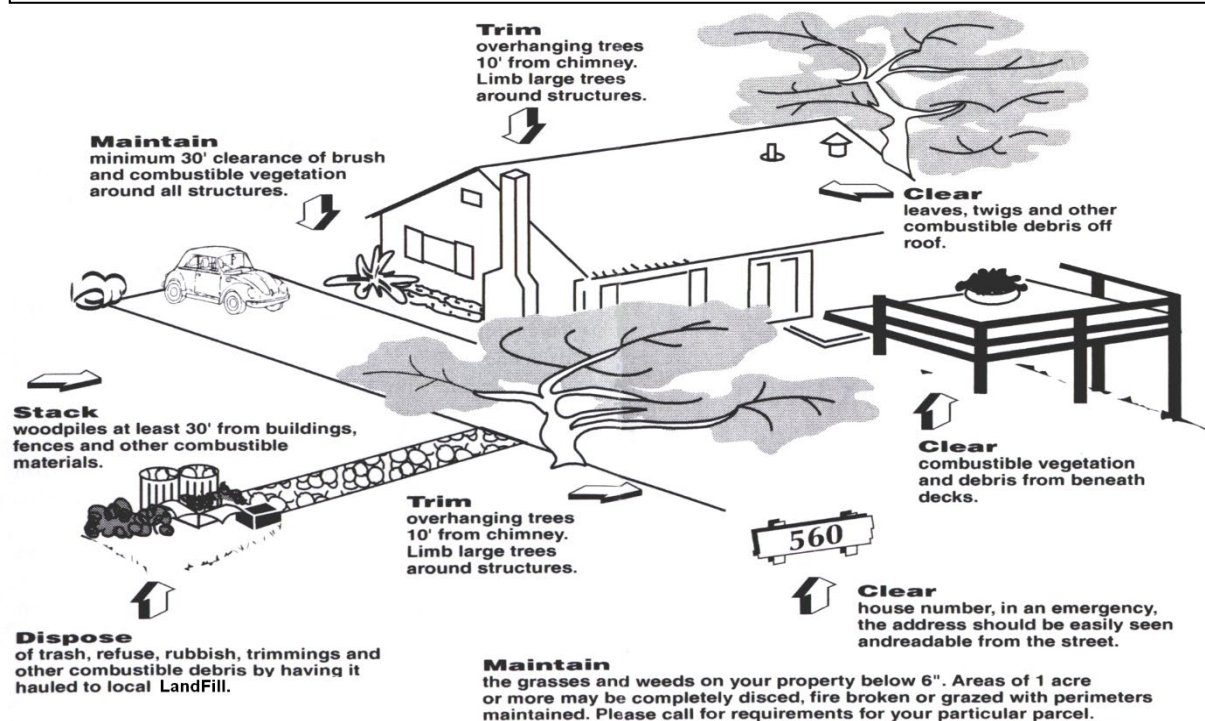
Date

()

Day time phone

MINIMUM FIRE SAFETY STANDARDS (MFSS)

1. **Vegetation must not exceed 6 inches in height any time after the compliance deadline.**
2. Maintain grasses and weeds below 6 inches for 10 feet horizontally on both sides of all roadways, including driveways and access routes. Roads and driveways must maintain a clearance of 10' W by 13'6" H for all vegetation.
3. Clear flammable vegetation a minimum of 30 feet around any structure, occupied or not. Ornamental vegetation should be kept clear of dead material. Some conditions, such as slopes, may require up to a 100 foot clearance.
4. Parcels one acre or less shall be completely abated. Parcels over one acre up to five acres require 30 foot clearance around structures and perimeter property lines. Additional 30 foot cross fuel breaks may also be required.
5. Parcels larger than five acres require 30 foot clearance around structures and perimeter property lines in addition to 30-foot cross fuel breaks as needed to separate the remaining vegetation into sections no larger than five acres.
6. Keep property clear of accumulation of combustible debris, such as trash, wood, and dead vegetation. Stacked firewood and neatly piled yard waste is not considered to be combustible debris.
7. Keep vegetation cleared from under the eaves of houses.
8. Trim tree branches to at least 10 feet away from chimneys. Trim tree branches up from the ground to provide at least 6 feet of vertical clearance.
9. Clear leaves, pine needles and debris from roof and gutters.



Fire Resistant Landscaping

The following is a partial list of fire resistant plants that you may choose to use around your home to reduce the risk of fire. Contact your local nursery for selections appropriate to your area. All grasses, including those purportedly fire resistant, must be maintained below 6" in height.

Trees:

African Sumac
Lemonade Berry

Shrubs:

Bearberry
Carmel Creeper
Carolina Cherry
Catalina Cherry

Escallonia

Hopseed Bush
Lemonade Berry

Groundcover:

Aaron's Beard
Australian Daisy
Candytuft
Sterile Capeweed

Freeway Daisy

Rock Rose (except Gum
Variety)

Fire Safety Through Vegetation Management

Santa Clara County

Consumer and Environmental
Protection Agency

Weed Abatement Program



1553 Berger Drive #1

San Jose, Ca 95112

Phone (408) 282-3145

Fax: (408) 286-2460

SCC.WeedAbatement@cep.sccgov.org

The Santa Clara County Weed Abatement Program

The Santa Clara County Consumer and Environmental Protection Agency and your city are working together to protect your community from fire. We need your help. Please read and follow the directions provided in this brochure regarding fire prevention on your property. The purpose of the Weed Abatement Program is to prevent fire hazards posed by vegetative growth and the accumulation of combustible materials.

The Weed Abatement program is entirely funded from fees charged to residents. Fees will be assessed for any property in the program. This is to cover the cost of the compliance inspection for the property. Properties that fail the compliance inspection will be charged a failed inspection fee, even if the resident completes the weed abatement. If the property requires abatement by the County contractor, the property owner will be responsible for the actual cost of abatement plus an administrative fee. Properties that meet and maintain the minimum fire safety standards will not be charged other than the annual fee.

Program staff annually inspect parcels at the beginning of the fire season, which is typically in March or April depending on your jurisdiction. If the parcel is not in compliance at the time of inspection, the property owner will be charged a failed inspection fee, and the owner will be sent a courtesy notice as a reminder to abate the weeds. If the weeds are not abated by the property owner, the work will be completed by the County contractor. The property owner will pay the contractor's fees plus a County administrative fee. All fees will be included in your property tax bill.

Our Goal Is Voluntary Compliance

Property Owner's Responsibilities

- Do not allow a fire hazard to exist on your property. The Minimum Fire Safety Standards (MFSS) in this brochure give you guidelines to follow in order to maintain your property and protect against a fire hazard. **Please contact our office if you need guidance or have any questions regarding the requirements!**
- Make arrangements to have your property maintained throughout the year. Contractors can be found in the yellow pages. You may choose to have the County contractor maintain your property. A current price list is included in your packet.
- Please complete and return the Reply Form provided in your mailing packet by the date on the form. Indicate your preference regarding performance of weed abatement services.

Program Staff Responsibilities

- Weed Abatement Inspectors will perform periodic inspections on all parcels included in the Santa Clara County Weed Abatement Program. Properties that fail the compliance inspection will be charged a failed inspection fee, even if the resident completes the weed abatement.

- Inspectors will order the County contractor to perform all necessary abatement work on any parcel where the MFSS are not met. An attempt will be made to give the owner a courtesy notice prior to releasing the work order.
- The County contractor uses several methods of abatement including discing and handwork. The property owner is free to select whatever method they choose, provided the MFSS of all federal, state and local laws are met.
- The Weed Abatement Program will place inspection costs and the charges for County contractor services plus a County administrative fee on the property owner's tax bill during the next fiscal year.

Burrowing Owls

These small owls nest in abandoned ground squirrel burrows. Discing collapses the burrows and kills the young. These owls are listed as a state Species of Special Concern and are protected by the federal Migratory Bird Treaty Act. If you suspect burrowing owls on your property you **must** use another form of weed abatement such as mowing or weed-eating. If you request the County perform abatement services, please notify program staff or your City if burrowing owls are known to exist on your property.

Frequently Asked Questions

Q. Why have I received an Abatement Notice?

A. Typically, a property is placed on the program if a Weed Abatement Inspector identified a potential fire hazard on the property. Fire Departments and other agencies also submit complaints to the Weed Abatement Program.

Q. What is required of me now that I am in the Program?

A. All property owners are required to maintain their property free of fire hazards throughout the year.

Q. The grasses planted on my property are fire resistant. Are they exempt from the Weed Abatement program?

A. No. Even grasses that possess some fire resistant qualities are not fire proof, and they can add fuel to any site that is subject to a fire. Additionally, fire resistant grasses are rarely found in a pure, homogenous stand but rather are usually found to occur mixed with other common introduced annual grasses that are highly flammable and hazardous in a fire event. Finally, many grasses occur in Santa Clara County and species identification is difficult in the field, especially after the spring when the reproductive portions required for identification have dried and dispersed. Weed Abatement Inspectors can only focus on the presence of grasses and weeds on your property and the Minimum Fire Safety Standards, and not on grass species identification. Therefore, all grasses are required to be below 6 inches in height.

Q. What is the SC County Weed Abatement Program?

A. This is a monitoring program and our primary objective is voluntary compliance. See the first two paragraphs of this brochure for further specifics.

More FAQ:

Q. How long will I be on the Program?

A. Your property will remain on the Program for three years. If no hazards are found during that time, your property may be removed from the program.

Q. How much will this cost me?

A. There will be an annual fee to cover the cost of the compliance inspection. If the parcel does not meet the MFSS when it is first inspected in the spring, or if work is required by the County contractor, you will be charged additional fees. Our goal is to ensure that the MFSS are met at the lowest possible cost to the property owner.

Q. How will I be billed?

A. Any charges for the inspection and any abatement work performed will appear as a special assessment on your next property tax bill.

Q. Why have you performed work on my property while the vegetation is still green?

A. Grass, weeds or piles of combustible debris have been declared a public nuisance by your jurisdiction. Abating fire hazards in the spring minimizes the volume of combustible material before the hazards increase and dries out completely during the peak fire season.

Q. Will you notify me prior to beginning abatement work?

A. Property owners are responsible for preventing fire hazards on their property. If the MFSS have been met, but further work is necessary, you will receive notice prior to the County contractor performing the work. If the MFSS have **not** been met, an attempt will be made to give the owner a courtesy notice prior to initial abatement.

Q. Where can I find someone to provide abatement services?

A. Weed Abatement contractors can be found in the Yellow Pages under "Weed Control Services" or "Discing Services". You may have the County contractor perform the necessary work; see your mailing packet for a current price list as administrative costs are charged.

Q. How can I get additional information or assistance regarding the specific requirements for my property?

A. Weed Abatement Inspectors are available to assist you and answer your questions. Please call our Customer Service line at (408) 282-3145 to schedule a consultation with program staff or to obtain additional information.

Q. I have Grazing Animals do I need to perform abatement?

A. Grazing animals do not absolve you of your responsibilities to provide a fire safe condition on your property. You will need to check with our office to determine if grazing is adequate or if additional work is required.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/02/2022

ITEM NO: 17

DATE: June 29, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Approve Revisions as Recommended by the Policy Committee to Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum

RECOMMENDATION:

Approve revisions as recommended by the Policy Committee to Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum.

BACKGROUND:

On June 7, 2022, the Town Council conducted interviews for several Commission vacancies and at its regular session that same day, Council appointed new Commissioners. From this experience, the Chair of the Policy Committee suggested that the Commission Appointment Policy return to the Policy Committee for discussion and consideration of potential recommendations to the Town Council for revisions.

Specifically, Chair Badame requested that the Commission Appointment Policy be modified to ensure each Council member can ask a question of each applicant (see Attachment 1). In this way, each Council Member has an opportunity to engage with each applicant. It is likely that the length of each interview will be longer, requiring more of the Council's time to complete all interviews.

DISCUSSION:

At its June 28, 2022 meeting, the Policy Committee considered the proposed revision. There was no public testimony.

Reviewed by: Town Manager, Assistant Town Manager, Town Clerk, and Town Attorney

DISCUSSION (continued):

After discussion, the Committee voted to forward a recommendation to allow enough time for each Council Member to ask at least one question of each applicant (Attachment 1, original redline). The intent of this change was important to the Committee.

Recognizing that “enough time” might vary by Mayor, the Committee requested that the following potential options be forwarded for Council consideration:

- Specify in the Policy that each interview will be approximately five minutes (Attachment 2, Option 2 redline);
- Remain silent on the length of each interview (Attachment 3, Option 3 redline);
- Specify a set time of 4 p.m. for the start of interviews (Attachment 4, Option 4 redline);
- Specify that each interview will be a minimum of five minutes and ask the Council if it would like to specify a maximum in the Policy (Attachment 5, Option 5 redline).

In its discussion, the Policy Committee acknowledged that some Council Members may be conscientious of time and choose to pass on their opportunity to ask a question; therefore, there may not be a need to include time limits. The discussion also recognized that general guidance could be provided by the Clerk to Council Members and applicants to be succinct in their questions and responses respectively, due to overall time constraints for the interviews.

CONCLUSION:

Given staff’s experience with scheduling and managing the interviews, upon further reflection, staff prefers Option 4 contained in Attachment 4 that specifies a set time of 4 p.m. for the start of interviews. If this Option is selected for the Policy revision, staff would work with applicants on scheduling their interviews to accommodate those who may not be able to attend during business hours, and if the Council completes the interviews early, then it would have a longer break prior to its regular session.

COORDINATION:

The preparation of this report was coordinated with the Town Clerk and Town Attorney.

FISCAL IMPACT:

The agenda item has no fiscal impact.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum (original redline)
2. Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum (Option 2 redline)
3. Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum (Option 3 redline)
4. Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum (Option 4 redline)
5. Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum (Option 5 redline)

TITLE: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum		POLICY NUMBER: 2-11
EFFECTIVE DATE: 2/28/1990		PAGES: 7
ENABLING ACTIONS:		REVISED DATES: 6/13/1994; 6/16/2014; 4/7/2015; 10/18/2016; 2/21/2017; 2/6/2018; 3/19/19; 9/3/2019; 6/1/2021; 12/7/21, 3/15/22
APPROVED:		

PURPOSE

To establish a policy to encourage participation by the Town's residents on Town Boards, Commissions and Committees (hereinafter referred to as "Commissions"). The Town of Los Gatos is committed to inclusivity. We value all our community members, regardless of religion, immigration status, ethnicity, race, disability, gender, sexual orientation, or gender identity. The Town will encourage residents to participate on Commissions by advertising vacancies on Commissions for at least 30 days, preparing easily understood applications, maintaining clear descriptions of the role of each Board, Commission, and Committee and its respective members, providing current meeting schedules, and conducting public interviews of all Commission applicants, except as provided by this Policy.

SCOPE

This Policy applies to all applicants to Town Boards, Commissions and Committees.

POLICY

The Town Council encourages public participation in all decision-making and to be successful residents must be assured both that the participation is meaningful and that their input will be valued. The widest representation from the community can only be achieved if vacancies are well advertised so that anyone interested will have the opportunity to apply. Interviews of the applicants conducted in public by the Town Council demonstrates that it values these appointments and that all have an equal opportunity to be appointed. Applicants may apply to more than one Commission, and shall rank their choices in their preferred order, during each recruitment cycle.

ATTACHMENT 1

TITLE: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum	PAGE: 2 of 7	POLICY NUMBER: 2-11
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To ensure the greatest possible participation by the public, it is the Town's policy that no person shall be appointed to more than one Commission except in those cases where they are ex-officio members of other Boards, Commissions and Committees. This Policy does not apply to Commission members serving as representatives of their Commission who have been appointed by the Town Council.

RESIDENCY REQUIREMENTS

Residency within the incorporated municipal limits of the Town of Los Gatos, California is required for appointment and continued membership on all Town of Los Gatos Boards, Commissions, and Committees, with the exception of the Youth Commission.

Youth Commission:

The members shall be students who are entering grades 8 through 12 in the fall.

Membership for the students requires either residency in the incorporated limits of the Town of Los Gatos or residency in the unincorporated areas of the County of Santa Clara, which have a Los Gatos mailing address.

ATTENDANCE REQUIREMENTS

1. All members of all appointive Town Advisory Bodies should attend all regular and special meetings of said Advisory Bodies.
2. Any member not in attendance at a regular meeting of said Advisory Body for at least 70% of the meeting shall be considered absent.
3. Any member of an appointive Town Advisory Body who is absent from the number of regular meetings listed below appropriate to his or her Advisory Body shall, as a result, surrender his or her office on the Advisory Body and the office shall be considered vacant.
 - a. For an Advisory Body which holds six (6) or more regular meetings per a consecutive twelve (12) month period: three (3) regular meetings.
 - b. For an Advisory Body which holds five (5) or fewer regular meetings per a consecutive twelve (12) month period: two (2) regular meetings.
 - c. For an Advisory Body which holds sixteen (16) or more regular meetings per a consecutive twelve (12) month period: eight (8) regular meetings.
4. The vacant position shall be filled by appointment by a majority vote of the Town Council, for a term equal to the unexpired portion of the office vacated. Any member removed from office due to non-attendance may re-apply to serve on a Town Advisory Body but will not be treated as an incumbent in any subsequent application to the same Advisory Body.
5. If a Youth Commissioner liaison misses three meetings of a liaison Commission during a *consecutive twelve (12) month period, the Youth Commission shall appoint a different Youth Commissioner as liaison.

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*Consecutive twelve (12) month period is defined as any consecutive twelve-month period beginning with the first absence. A regular meeting shall not be cancelled and replaced with a special meeting in order to alleviate an absence by an advisory body member.

QUORUM REQUIREMENTS

The number of members needed to constitute a quorum on any Town Advisory Body shall be a majority of the total number of filled seats.

PROCEDURES

The following procedures will be followed by the applicant, the Town Clerk, and the Town Council for the appointment of applicants to Town Commissions:

Responsibility and Actions: Town Clerk

A. Annual Recruitments

Adult Commission members' terms begin on January 1st and end December 31st, Youth Commissioners' terms follow the academic year and begin on August 1st and end on June 30th. The Town Clerk shall perform the following duties in conducting an annual recruitment for Commission members:

1. Notify Town Council of vacancies on Commissions by indicating the names of the Commissions, the number of terms expiring or being vacated, names of individual(s) with expiring terms or vacating seats, advertising periods (at least 30 days) and the date of interview.
2. Advertise the vacancies, including the application deadline and the interview date. Interviews and appointments for Adult Commissioners shall occur after annual Mayor and Vice Mayor selection, and in the case of election years, after new Council Members have been seated. Interviews and appointments for Youth Commissioners shall occur by the fourth Wednesday in May, no earlier than 4:00 p.m.
3. Prepare and maintain easily understood applications for appointment to Commissions. Applications shall include the following policy information:
 - a. Prior to initial appointment to any Commission, non-incumbent applicants must be interviewed by the Town Council. The applications of those not appearing will be held for the next recruitment.
 - b. If an incumbent Commissioner is requesting reappointment to the same Commission, the incumbent may submit a request to be interviewed by telephone, with their application, instead of attending the interview or must submit a letter prior to the interviews, describing the reason why the applicant cannot be present telephonically or in person for the interview, and why the applicant should be reappointed to the Commission.
 - c. Submissions deadlines are mandatory; no exceptions are permitted.

TITLE: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum	PAGE: 4 of 7	POLICY NUMBER: 2-11
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4. Applications:

- a. *For adult applicants* — Accept applications, verify eligibility, and distribute copies of the applications of eligible applicants to the Town Council prior to the interviews for appointment.
 - b. *For student applicants* — Accept applications, verify eligibility, and distribute copies of the applications of eligible applicants to the Town Council Selection Committee, consisting of the Mayor, Vice Mayor, Police Chief, and Youth Commission Chair (if not reapplying), prior to the interviews for appointment.
5. Notify the applicant by letter or email as to the date and time of the interview and provide the option for an in person or teleconference interview.
6. Facilitate the Council voting process set forth below by informing Council as to how many votes are possible on each Commission, calling out applicants' names, and identifying the applicants receiving sufficient votes for appointment. This process does not apply to student applicants.

7. Applicants:

- a. *For adult applicants* — After the interviews and Council vote are completed, notify all applicants of the Council's action, and explain Town policy of keeping application active for one year with notification of subsequent openings on that Commission to the interested applicants.
- b. *For student applicants* — After the interviews are completed, notify all applicants of the Council Committee's action, and prepare a staff report for the Town Council to ratify the Committee's appointment at the first Town Council meeting in June.

Interview Process

To ensure the interview process is consistent, fair, and equitable, each applicant shall be asked the same standard questions, as provided below. Notwithstanding, no Council Member shall be prevented from asking appropriate questions of applicants.

1. If appointed, what ideas would you like to see the Commission explore?
2. Please expand beyond the written response on your application: your experience, interest, and/or expertise that you feel would be most useful to the Commission.
3. Please elaborate on any written response provided in the application to assist the Council learn more about you.
4. If you did not answer any of the questions on the application, please explain why.

Given that most interviews are only three to five minutes due to the size of the applicant pool, the standard questions are limited in number to allow an applicant sufficient time to respond. While the intent is for each Council Member to be able to ask one question of each applicant, the Council may decide ~~or may not to~~ ask all of the provided questions, ~~change, in the same~~ the order of the questions, or rotate which ~~by the same~~ Council member asks a specific question. Interview questions will be reviewed annually by the Town Council in advance of the interview process for any potential modifications.

TITLE: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum	PAGE: 5 of 7	POLICY NUMBER: 2-11
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Balloting Process

Unless determined otherwise, the Council shall conduct a ballot vote for the appointment of individuals to fill the vacancies for each Commission. Such ballot vote may be conducted at either a regular, adjourned, or special meeting of the Town Council. The ballot vote process shall be conducted as follows:

1. The Town Clerk shall provide a ballot to each Town Council member listing the names of all applicants and “None of the above” for each respective Commission. Prior to the vote, the Town Clerk shall publicly announce the position vacancy and all applicant names that are listed on the ballot.
2. Each Council member may vote for the same number of applicants as there are current vacancies on the respective Commission. In no case, can a Council Member cast more votes than there are vacancies; or vote for the same candidate more than once on each ballot (i.e. cumulative voting -- e.g. where there are three vacancies, a Council member may not give all three votes to the same candidate). A Council Member is not required to vote for any of the candidates or for the total number of vacancies available.
3. The Town Clerk shall collect all ballots and shall publicly announce the name of each Town Council member and how that Council member cast his or her vote. In the case of a tie vote, the Town Clerk will announce that there is a tie and that a run-off vote shall be conducted but will not announce the names of the applicants in the run-off. Once all voting is concluded and a decision made, the votes will be made public. The run-off ballot will also include a “None of the above” option.
4. Applicants receiving a majority number of votes shall be deemed appointed to the Commission. In the event of a tie, a run-off vote shall be conducted among the applicants receiving the highest number of votes from the previous round. This shall continue until a majority consensus on an applicant(s) is reached for the number of vacancies to be filled. In the event of an unbreakable tie, the Council may determine an alternative method for selecting the appointee(s) or direct the Town Clerk to re-advertise the vacancy.
5. If an applicant(s) is appointed to an Advisory Body which has vacancies for both full and partial, unexpired terms, the length of the appointee’s term will be determined by the Mayor.

B. Mid-Term Recruitments

During the year, Commissions may experience vacancies that drop the number of filled seats to a number of members that is not sufficient to conduct Commission business. The Commission may request the Council to conduct a mid-term recruitment to fill seats. To the extent possible, the Town Clerk will consolidate mid-term recruitments to minimize the number of recruitments occurring throughout the year. In the event of a vacancy on the Planning Commission, the Town will automatically conduct a mid-term recruitment. Mid-term recruitments will not be conducted for Youth Commissioners. The Town Clerk shall advertise mid-term vacancies on Commissions for at least 15 days.

TITLE: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum	PAGE: 6 of 7	POLICY NUMBER: 2-11
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Responsibility and Action: Applicant

1. Read the Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum Policy, complete and submit to the Town Clerk the application for appointment to a Town Commission by the advertised deadline date and time.
2. *For adult applicants:* Attend the Council meeting to be interviewed for Commission appointment. The applicant is required to notify the Town Clerk no later than 4:00 p.m. the Friday before the scheduled interview date whether they will attend in person or via teleconference.
3. *For student applicants:* Attend the Council Selection Committee interview session. The applicant is required to notify the Town Clerk no later than 4:00 p.m. the Friday before the scheduled interview date whether they will attend in person or via teleconference.
4. If an incumbent Commission member is requesting reappointment to the same Commission and is not available on the date of the interview, the incumbent must submit a letter by 4:00 p.m. the Friday prior to the interviews, describing the reason why the applicant cannot be present telephonically or in person for the interview, and why the applicant should be reappointed to the Commission.
5. If appointed, prior to starting the Commission term, appointees are required to attend a Commissioner Orientation and take the "Oath of Office."
6. Attend Advisory Body meetings once term begins.
7. Read the Commissioners' Handbook. Hard copies of the Handbook are to be returned to the Town Clerk when the term is complete.

Responsibility and Action: Town Council

1. Review applications.
2. *For adult applicants* – Interview applicants individually by Commission at a public meeting with all applicants present.
For student applicants – Town Council Selection Committee interviews applicants.
3. Determine if the incumbents not in attendance and having submitted a letter pursuant to this Policy should be considered for reappointment.
4. If there are limited applications for any vacancy to a Commission, the Mayor, on behalf of the Council, may request that the Town Clerk re-advertise the vacancy, reschedule the interviews, and notify all applicants of the new interview date.

TITLE: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum	PAGE: 7 of 7	POLICY NUMBER: 2-11
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COMPLIANCE - GROUNDS FOR DISMISSAL

A member may be removed from the Advisory Body prior to the end of his or her term by a three-fifths (3/5) vote of the Town Council and may not be reappointed for the following reasons:

1. Failure to attend Advisory Body meetings.
2. Failure to file the following documents required by the Fair Political Practices Commission (Adult Commissioners):
 - a. Form 700 – Assuming Office, Annual, and Leaving Office when term is complete.
 - b. Planning Commissioners are also required to complete AB 1234 Ethics Training and file the original certificate with the Town Clerk every two years.
3. Failure to comply with all Town Policies, Guidelines, and Handbooks.

CONFLICT OF INTEREST

Under the Fair Political Practice Act, an advisory board member has a disqualifying conflict of interest in a governmental decision if it is foreseeable that the decision will have a financial impact on his or her personal finances or other financial interests. In such cases, there is a risk of biased decision-making that could sacrifice the public's interest in favor of the official's private financial interests. To avoid actual bias or the appearance of possible improprieties, the public official is prohibited from participating in the decision.

The Fair Political Practice Act does not prohibit an advisory board member from participating in a decision simply by virtue of holding a position as a board member, director, officer, or employment with a nonprofit corporation. However, the Town strongly encourages that in the event that a decision concerns a nonprofit corporation for which an advisory board member is a board member, director, officer, or employed with that nonprofit corporation, the person should recuse him or herself and at a minimum shall disclose the potential conflict of interest before any discussion and decision.

APPROVED AS TO FORM:

Gabrielle Whelan, Town Attorney

TITLE: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum		POLICY NUMBER: 2-11
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APPROVED:		

PURPOSE

To establish a policy to encourage participation by the Town's residents on Town Boards, Commissions and Committees (hereinafter referred to as "Commissions"). The Town of Los Gatos is committed to inclusivity. We value all our community members, regardless of religion, immigration status, ethnicity, race, disability, gender, sexual orientation, or gender identity. The Town will encourage residents to participate on Commissions by advertising vacancies on Commissions for at least 30 days, preparing easily understood applications, maintaining clear descriptions of the role of each Board, Commission, and Committee and its respective members, providing current meeting schedules, and conducting public interviews of all Commission applicants, except as provided by this Policy.

SCOPE

This Policy applies to all applicants to Town Boards, Commissions and Committees.

POLICY

The Town Council encourages public participation in all decision-making and to be successful residents must be assured both that the participation is meaningful and that their input will be valued. The widest representation from the community can only be achieved if vacancies are well advertised so that anyone interested will have the opportunity to apply. Interviews of the applicants conducted in public by the Town Council demonstrates that it values these appointments and that all have an equal opportunity to be appointed. Applicants may apply to more than one Commission, and shall rank their choices in their preferred order, during each recruitment cycle.

ATTACHMENT 2

TITLE: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum	PAGE: 2 of 7	POLICY NUMBER: 2-11
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Youth Commission:

The members shall be students who are entering grades 8 through 12 in the fall.

Membership for the students requires either residency in the incorporated limits of the Town of Los Gatos or residency in the unincorporated areas of the County of Santa Clara, which have a Los Gatos mailing address.

ATTENDANCE REQUIREMENTS

1. All members of all appointive Town Advisory Bodies should attend all regular and special meetings of said Advisory Bodies.
2. Any member not in attendance at a regular meeting of said Advisory Body for at least 70% of the meeting shall be considered absent.
3. Any member of an appointive Town Advisory Body who is absent from the number of regular meetings listed below appropriate to his or her Advisory Body shall, as a result, surrender his or her office on the Advisory Body and the office shall be considered vacant.
 - a. For an Advisory Body which holds six (6) or more regular meetings per a consecutive twelve (12) month period: three (3) regular meetings.
 - b. For an Advisory Body which holds five (5) or fewer regular meetings per a consecutive twelve (12) month period: two (2) regular meetings.
 - c. For an Advisory Body which holds sixteen (16) or more regular meetings per a consecutive twelve (12) month period: eight (8) regular meetings.
4. The vacant position shall be filled by appointment by a majority vote of the Town Council, for a term equal to the unexpired portion of the office vacated. Any member removed from office due to non-attendance may re-apply to serve on a Town Advisory Body but will not be treated as an incumbent in any subsequent application to the same Advisory Body.
5. If a Youth Commissioner liaison misses three meetings of a liaison Commission during a *consecutive twelve (12) month period, the Youth Commission shall appoint a different Youth Commissioner as liaison.

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QUORUM REQUIREMENTS

The number of members needed to constitute a quorum on any Town Advisory Body shall be a majority of the total number of filled seats.

PROCEDURES

The following procedures will be followed by the applicant, the Town Clerk, and the Town Council for the appointment of applicants to Town Commissions:

Responsibility and Actions: Town Clerk

A. Annual Recruitments

Adult Commission members' terms begin on January 1st and end December 31st, Youth Commissioners' terms follow the academic year and begin on August 1st and end on June 30th. The Town Clerk shall perform the following duties in conducting an annual recruitment for Commission members:

1. Notify Town Council of vacancies on Commissions by indicating the names of the Commissions, the number of terms expiring or being vacated, names of individual(s) with expiring terms or vacating seats, advertising periods (at least 30 days) and the date of interview.
2. Advertise the vacancies, including the application deadline and the interview date. Interviews and appointments for Adult Commissioners shall occur after annual Mayor and Vice Mayor selection, and in the case of election years, after new Council Members have been seated. Interviews and appointments for Youth Commissioners shall occur by the fourth Wednesday in May, no earlier than 4:00 p.m.
3. Prepare and maintain easily understood applications for appointment to Commissions. Applications shall include the following policy information:
 - a. Prior to initial appointment to any Commission, non-incumbent applicants must be interviewed by the Town Council. The applications of those not appearing will be held for the next recruitment.
 - b. If an incumbent Commissioner is requesting reappointment to the same Commission, the incumbent may submit a request to be interviewed by telephone, with their application, instead of attending the interview or must submit a letter prior to the interviews, describing the reason why the applicant cannot be present telephonically or in person for the interview, and why the applicant should be reappointed to the Commission.
 - c. Submissions deadlines are mandatory; no exceptions are permitted.

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4. Applications:

- a. *For adult applicants* — Accept applications, verify eligibility, and distribute copies of the applications of eligible applicants to the Town Council prior to the interviews for appointment.
 - b. *For student applicants* — Accept applications, verify eligibility, and distribute copies of the applications of eligible applicants to the Town Council Selection Committee, consisting of the Mayor, Vice Mayor, Police Chief, and Youth Commission Chair (if not reapplying), prior to the interviews for appointment.
5. Notify the applicant by letter or email as to the date and time of the interview and provide the option for an in person or teleconference interview.
6. Facilitate the Council voting process set forth below by informing Council as to how many votes are possible on each Commission, calling out applicants' names, and identifying the applicants receiving sufficient votes for appointment. This process does not apply to student applicants.
7. Applicants:
- a. *For adult applicants* — After the interviews and Council vote are completed, notify all applicants of the Council's action, and explain Town policy of keeping application active for one year with notification of subsequent openings on that Commission to the interested applicants.
 - b. *For student applicants* — After the interviews are completed, notify all applicants of the Council Committee's action, and prepare a staff report for the Town Council to ratify the Committee's appointment at the first Town Council meeting in June.

Interview Process

To ensure the interview process is consistent, fair, and equitable, each applicant shall be asked the same standard questions, as provided below. Notwithstanding, no Council Member shall be prevented from asking appropriate questions of applicants.

1. If appointed, what ideas would you like to see the Commission explore?
2. Please expand beyond the written response on your application: your experience, interest, and/or expertise that you feel would be most useful to the Commission.
3. Please elaborate on any written response provided in the application to assist the Council learn more about you.
4. If you did not answer any of the questions on the application, please explain why.

Given that most interviews are ~~only three to~~ approximately five minutes due to the size of the applicant pool, the standard questions are limited in number to allow an applicant sufficient time to respond. ~~While the intent is for each Council Member to be able to ask one question of each applicant, t~~The Council may ~~decide or may not to~~ ask all of the ~~provided~~ questions, ~~change, in the same the order of the questions, or rotate which by the same~~ Council member ~~asks a specific question~~. Interview questions will be reviewed annually by the Town Council in advance of the interview process for any potential modifications.

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Balloting Process

Unless determined otherwise, the Council shall conduct a ballot vote for the appointment of individuals to fill the vacancies for each Commission. Such ballot vote may be conducted at either a regular, adjourned, or special meeting of the Town Council. The ballot vote process shall be conducted as follows:

1. The Town Clerk shall provide a ballot to each Town Council member listing the names of all applicants and "None of the above" for each respective Commission. Prior to the vote, the Town Clerk shall publicly announce the position vacancy and all applicant names that are listed on the ballot.
2. Each Council member may vote for the same number of applicants as there are current vacancies on the respective Commission. In no case, can a Council Member cast more votes than there are vacancies; or vote for the same candidate more than once on each ballot (i.e. cumulative voting -- e.g. where there are three vacancies, a Council member may not give all three votes to the same candidate). A Council Member is not required to vote for any of the candidates or for the total number of vacancies available.
3. The Town Clerk shall collect all ballots and shall publicly announce the name of each Town Council member and how that Council member cast his or her vote. In the case of a tie vote, the Town Clerk will announce that there is a tie and that a run-off vote shall be conducted but will not announce the names of the applicants in the run-off. Once all voting is concluded and a decision made, the votes will be made public. The run-off ballot will also include a "None of the above" option.
4. Applicants receiving a majority number of votes shall be deemed appointed to the Commission. In the event of a tie, a run-off vote shall be conducted among the applicants receiving the highest number of votes from the previous round. This shall continue until a majority consensus on an applicant(s) is reached for the number of vacancies to be filled. In the event of an unbreakable tie, the Council may determine an alternative method for selecting the appointee(s) or direct the Town Clerk to re-advertise the vacancy.
5. If an applicant(s) is appointed to an Advisory Body which has vacancies for both full and partial, unexpired terms, the length of the appointee's term will be determined by the Mayor.

B. Mid-Term Recruitments

During the year, Commissions may experience vacancies that drop the number of filled seats to a number of members that is not sufficient to conduct Commission business. The Commission may request the Council to conduct a mid-term recruitment to fill seats. To the extent possible, the Town Clerk will consolidate mid-term recruitments to minimize the number of recruitments occurring throughout the year. In the event of a vacancy on the Planning Commission, the Town will automatically conduct a mid-term recruitment. Mid-term recruitments will not be conducted for Youth Commissioners. The Town Clerk shall advertise mid-term vacancies on Commissions for at least 15 days.

TITLE: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum	PAGE: 6 of 7	POLICY NUMBER: 2-11
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Responsibility and Action: Applicant

1. Read the Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum Policy, complete and submit to the Town Clerk the application for appointment to a Town Commission by the advertised deadline date and time.
2. *For adult applicants:* Attend the Council meeting to be interviewed for Commission appointment. The applicant is required to notify the Town Clerk no later than 4:00 p.m. the Friday before the scheduled interview date whether they will attend in person or via teleconference.
3. *For student applicants:* Attend the Council Selection Committee interview session. The applicant is required to notify the Town Clerk no later than 4:00 p.m. the Friday before the scheduled interview date whether they will attend in person or via teleconference.
4. If an incumbent Commission member is requesting reappointment to the same Commission and is not available on the date of the interview, the incumbent must submit a letter by 4:00 p.m. the Friday prior to the interviews, describing the reason why the applicant cannot be present telephonically or in person for the interview, and why the applicant should be reappointed to the Commission.
5. If appointed, prior to starting the Commission term, appointees are required to attend a Commissioner Orientation and take the "Oath of Office."
6. Attend Advisory Body meetings once term begins.
7. Read the Commissioners' Handbook. Hard copies of the Handbook are to be returned to the Town Clerk when the term is complete.

Responsibility and Action: Town Council

1. Review applications.
2. *For adult applicants* – Interview applicants individually by Commission at a public meeting with all applicants present.
For student applicants – Town Council Selection Committee interviews applicants.
3. Determine if the incumbents not in attendance and having submitted a letter pursuant to this Policy should be considered for reappointment.
4. If there are limited applications for any vacancy to a Commission, the Mayor, on behalf of the Council, may request that the Town Clerk re-advertise the vacancy, reschedule the interviews, and notify all applicants of the new interview date.

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COMPLIANCE - GROUNDS FOR DISMISSAL

A member may be removed from the Advisory Body prior to the end of his or her term by a three-fifths (3/5) vote of the Town Council and may not be reappointed for the following reasons:

1. Failure to attend Advisory Body meetings.
2. Failure to file the following documents required by the Fair Political Practices Commission (Adult Commissioners):
 - a. Form 700 – Assuming Office, Annual, and Leaving Office when term is complete.
 - b. Planning Commissioners are also required to complete AB 1234 Ethics Training and file the original certificate with the Town Clerk every two years.
3. Failure to comply with all Town Policies, Guidelines, and Handbooks.

CONFLICT OF INTEREST

Under the Fair Political Practice Act, an advisory board member has a disqualifying conflict of interest in a governmental decision if it is foreseeable that the decision will have a financial impact on his or her personal finances or other financial interests. In such cases, there is a risk of biased decision-making that could sacrifice the public's interest in favor of the official's private financial interests. To avoid actual bias or the appearance of possible improprieties, the public official is prohibited from participating in the decision.

The Fair Political Practice Act does not prohibit an advisory board member from participating in a decision simply by virtue of holding a position as a board member, director, officer, or employment with a nonprofit corporation. However, the Town strongly encourages that in the event that a decision concerns a nonprofit corporation for which an advisory board member is a board member, director, officer, or employed with that nonprofit corporation, the person should recuse him or herself and at a minimum shall disclose the potential conflict of interest before any discussion and decision.

APPROVED AS TO FORM:

Gabrielle Whelan, Town Attorney

TITLE: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum		POLICY NUMBER: 2-11
EFFECTIVE DATE: 2/28/1990		PAGES: 7
ENABLING ACTIONS:		REVISED DATES: 6/13/1994; 6/16/2014; 4/7/2015; 10/18/2016; 2/21/2017; 2/6/2018; 3/19/19; 9/3/2019; 6/1/2021; 12/7/21, 3/15/22
APPROVED:		

PURPOSE

To establish a policy to encourage participation by the Town's residents on Town Boards, Commissions and Committees (hereinafter referred to as "Commissions"). The Town of Los Gatos is committed to inclusivity. We value all our community members, regardless of religion, immigration status, ethnicity, race, disability, gender, sexual orientation, or gender identity. The Town will encourage residents to participate on Commissions by advertising vacancies on Commissions for at least 30 days, preparing easily understood applications, maintaining clear descriptions of the role of each Board, Commission, and Committee and its respective members, providing current meeting schedules, and conducting public interviews of all Commission applicants, except as provided by this Policy.

SCOPE

This Policy applies to all applicants to Town Boards, Commissions and Committees.

POLICY

The Town Council encourages public participation in all decision-making and to be successful residents must be assured both that the participation is meaningful and that their input will be valued. The widest representation from the community can only be achieved if vacancies are well advertised so that anyone interested will have the opportunity to apply. Interviews of the applicants conducted in public by the Town Council demonstrates that it values these appointments and that all have an equal opportunity to be appointed. Applicants may apply to more than one Commission, and shall rank their choices in their preferred order, during each recruitment cycle.

ATTACHMENT 3

TITLE: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum	PAGE: 2 of 7	POLICY NUMBER: 2-11
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To ensure the greatest possible participation by the public, it is the Town's policy that no person shall be appointed to more than one Commission except in those cases where they are ex-officio members of other Boards, Commissions and Committees. This Policy does not apply to Commission members serving as representatives of their Commission who have been appointed by the Town Council.

RESIDENCY REQUIREMENTS

Residency within the incorporated municipal limits of the Town of Los Gatos, California is required for appointment and continued membership on all Town of Los Gatos Boards, Commissions, and Committees, with the exception of the Youth Commission.

Youth Commission:

The members shall be students who are entering grades 8 through 12 in the fall.

Membership for the students requires either residency in the incorporated limits of the Town of Los Gatos or residency in the unincorporated areas of the County of Santa Clara, which have a Los Gatos mailing address.

ATTENDANCE REQUIREMENTS

1. All members of all appointive Town Advisory Bodies should attend all regular and special meetings of said Advisory Bodies.
2. Any member not in attendance at a regular meeting of said Advisory Body for at least 70% of the meeting shall be considered absent.
3. Any member of an appointive Town Advisory Body who is absent from the number of regular meetings listed below appropriate to his or her Advisory Body shall, as a result, surrender his or her office on the Advisory Body and the office shall be considered vacant.
 - a. For an Advisory Body which holds six (6) or more regular meetings per a consecutive twelve (12) month period: three (3) regular meetings.
 - b. For an Advisory Body which holds five (5) or fewer regular meetings per a consecutive twelve (12) month period: two (2) regular meetings.
 - c. For an Advisory Body which holds sixteen (16) or more regular meetings per a consecutive twelve (12) month period: eight (8) regular meetings.
4. The vacant position shall be filled by appointment by a majority vote of the Town Council, for a term equal to the unexpired portion of the office vacated. Any member removed from office due to non-attendance may re-apply to serve on a Town Advisory Body but will not be treated as an incumbent in any subsequent application to the same Advisory Body.
5. If a Youth Commissioner liaison misses three meetings of a liaison Commission during a *consecutive twelve (12) month period, the Youth Commission shall appoint a different Youth Commissioner as liaison.

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*Consecutive twelve (12) month period is defined as any consecutive twelve-month period beginning with the first absence. A regular meeting shall not be cancelled and replaced with a special meeting in order to alleviate an absence by an advisory body member.

QUORUM REQUIREMENTS

The number of members needed to constitute a quorum on any Town Advisory Body shall be a majority of the total number of filled seats.

PROCEDURES

The following procedures will be followed by the applicant, the Town Clerk, and the Town Council for the appointment of applicants to Town Commissions:

Responsibility and Actions: Town Clerk

A. Annual Recruitments

Adult Commission members' terms begin on January 1st and end December 31st, Youth Commissioners' terms follow the academic year and begin on August 1st and end on June 30th. The Town Clerk shall perform the following duties in conducting an annual recruitment for Commission members:

1. Notify Town Council of vacancies on Commissions by indicating the names of the Commissions, the number of terms expiring or being vacated, names of individual(s) with expiring terms or vacating seats, advertising periods (at least 30 days) and the date of interview.
2. Advertise the vacancies, including the application deadline and the interview date. Interviews and appointments for Adult Commissioners shall occur after annual Mayor and Vice Mayor selection, and in the case of election years, after new Council Members have been seated. Interviews and appointments for Youth Commissioners shall occur by the fourth Wednesday in May, no earlier than 4:00 p.m.
3. Prepare and maintain easily understood applications for appointment to Commissions. Applications shall include the following policy information:
 - a. Prior to initial appointment to any Commission, non-incumbent applicants must be interviewed by the Town Council. The applications of those not appearing will be held for the next recruitment.
 - b. If an incumbent Commissioner is requesting reappointment to the same Commission, the incumbent may submit a request to be interviewed by telephone, with their application, instead of attending the interview or must submit a letter prior to the interviews, describing the reason why the applicant cannot be present telephonically or in person for the interview, and why the applicant should be reappointed to the Commission.
 - c. Submissions deadlines are mandatory; no exceptions are permitted.

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4. Applications:

- a. *For adult applicants* — Accept applications, verify eligibility, and distribute copies of the applications of eligible applicants to the Town Council prior to the interviews for appointment.
- b. *For student applicants* — Accept applications, verify eligibility, and distribute copies of the applications of eligible applicants to the Town Council Selection Committee, consisting of the Mayor, Vice Mayor, Police Chief, and Youth Commission Chair (if not reapplying), prior to the interviews for appointment.

5. Notify the applicant by letter or email as to the date and time of the interview and provide the option for an in person or teleconference interview.

6. Facilitate the Council voting process set forth below by informing Council as to how many votes are possible on each Commission, calling out applicants' names, and identifying the applicants receiving sufficient votes for appointment. This process does not apply to student applicants.

7. Applicants:

- a. *For adult applicants* — After the interviews and Council vote are completed, notify all applicants of the Council's action, and explain Town policy of keeping application active for one year with notification of subsequent openings on that Commission to the interested applicants.
- b. *For student applicants* — After the interviews are completed, notify all applicants of the Council Committee's action, and prepare a staff report for the Town Council to ratify the Committee's appointment at the first Town Council meeting in June.

Interview Process

To ensure the interview process is consistent, fair, and equitable, each applicant shall be asked the same standard questions, as provided below. Notwithstanding, no Council Member shall be prevented from asking appropriate questions of applicants.

1. If appointed, what ideas would you like to see the Commission explore?
2. Please expand beyond the written response on your application: your experience, interest, and/or expertise that you feel would be most useful to the Commission.
3. Please elaborate on any written response provided in the application to assist the Council learn more about you.
4. If you did not answer any of the questions on the application, please explain why.

~~Given that most interviews are only three to five minutes due to the size of the applicant pool, the standard questions are limited in number to allow an applicant sufficient time to respond. While the intent is for each Council Member to be able to ask one question of each applicant, the Council may decide or may not to ask all of the provided questions, change, in the same the order of the questions, or rotate which by the same Council member asks a specific question.~~ Interview questions will be reviewed annually by the Town Council in advance of the interview process for any potential modifications.

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Balloting Process

Unless determined otherwise, the Council shall conduct a ballot vote for the appointment of individuals to fill the vacancies for each Commission. Such ballot vote may be conducted at either a regular, adjourned, or special meeting of the Town Council. The ballot vote process shall be conducted as follows:

1. The Town Clerk shall provide a ballot to each Town Council member listing the names of all applicants and “None of the above” for each respective Commission. Prior to the vote, the Town Clerk shall publicly announce the position vacancy and all applicant names that are listed on the ballot.
2. Each Council member may vote for the same number of applicants as there are current vacancies on the respective Commission. In no case, can a Council Member cast more votes than there are vacancies; or vote for the same candidate more than once on each ballot (i.e. cumulative voting -- e.g. where there are three vacancies, a Council member may not give all three votes to the same candidate). A Council Member is not required to vote for any of the candidates or for the total number of vacancies available.
3. The Town Clerk shall collect all ballots and shall publicly announce the name of each Town Council member and how that Council member cast his or her vote. In the case of a tie vote, the Town Clerk will announce that there is a tie and that a run-off vote shall be conducted but will not announce the names of the applicants in the run-off. Once all voting is concluded and a decision made, the votes will be made public. The run-off ballot will also include a “None of the above” option.
4. Applicants receiving a majority number of votes shall be deemed appointed to the Commission. In the event of a tie, a run-off vote shall be conducted among the applicants receiving the highest number of votes from the previous round. This shall continue until a majority consensus on an applicant(s) is reached for the number of vacancies to be filled. In the event of an unbreakable tie, the Council may determine an alternative method for selecting the appointee(s) or direct the Town Clerk to re-advertise the vacancy.
5. If an applicant(s) is appointed to an Advisory Body which has vacancies for both full and partial, unexpired terms, the length of the appointee’s term will be determined by the Mayor.

B. Mid-Term Recruitments

During the year, Commissions may experience vacancies that drop the number of filled seats to a number of members that is not sufficient to conduct Commission business. The Commission may request the Council to conduct a mid-term recruitment to fill seats. To the extent possible, the Town Clerk will consolidate mid-term recruitments to minimize the number of recruitments occurring throughout the year. In the event of a vacancy on the Planning Commission, the Town will automatically conduct a mid-term recruitment. Mid-term recruitments will not be conducted for Youth Commissioners. The Town Clerk shall advertise mid-term vacancies on Commissions for at least 15 days.

TITLE: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum	PAGE: 6 of 7	POLICY NUMBER: 2-11
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Responsibility and Action: Applicant

1. Read the Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum Policy, complete and submit to the Town Clerk the application for appointment to a Town Commission by the advertised deadline date and time.
2. *For adult applicants:* Attend the Council meeting to be interviewed for Commission appointment. The applicant is required to notify the Town Clerk no later than 4:00 p.m. the Friday before the scheduled interview date whether they will attend in person or via teleconference.
3. *For student applicants:* Attend the Council Selection Committee interview session. The applicant is required to notify the Town Clerk no later than 4:00 p.m. the Friday before the scheduled interview date whether they will attend in person or via teleconference.
4. If an incumbent Commission member is requesting reappointment to the same Commission and is not available on the date of the interview, the incumbent must submit a letter by 4:00 p.m. the Friday prior to the interviews, describing the reason why the applicant cannot be present telephonically or in person for the interview, and why the applicant should be reappointed to the Commission.
5. If appointed, prior to starting the Commission term, appointees are required to attend a Commissioner Orientation and take the "Oath of Office."
6. Attend Advisory Body meetings once term begins.
7. Read the Commissioners' Handbook. Hard copies of the Handbook are to be returned to the Town Clerk when the term is complete.

Responsibility and Action: Town Council

1. Review applications.
2. *For adult applicants* – Interview applicants individually by Commission at a public meeting with all applicants present.
For student applicants – Town Council Selection Committee interviews applicants.
3. Determine if the incumbents not in attendance and having submitted a letter pursuant to this Policy should be considered for reappointment.
4. If there are limited applications for any vacancy to a Commission, the Mayor, on behalf of the Council, may request that the Town Clerk re-advertise the vacancy, reschedule the interviews, and notify all applicants of the new interview date.

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COMPLIANCE - GROUNDS FOR DISMISSAL

A member may be removed from the Advisory Body prior to the end of his or her term by a three-fifths (3/5) vote of the Town Council and may not be reappointed for the following reasons:

1. Failure to attend Advisory Body meetings.
2. Failure to file the following documents required by the Fair Political Practices Commission (Adult Commissioners):
 - a. Form 700 – Assuming Office, Annual, and Leaving Office when term is complete.
 - b. Planning Commissioners are also required to complete AB 1234 Ethics Training and file the original certificate with the Town Clerk every two years.
3. Failure to comply with all Town Policies, Guidelines, and Handbooks.

CONFLICT OF INTEREST

Under the Fair Political Practice Act, an advisory board member has a disqualifying conflict of interest in a governmental decision if it is foreseeable that the decision will have a financial impact on his or her personal finances or other financial interests. In such cases, there is a risk of biased decision-making that could sacrifice the public's interest in favor of the official's private financial interests. To avoid actual bias or the appearance of possible improprieties, the public official is prohibited from participating in the decision.

The Fair Political Practice Act does not prohibit an advisory board member from participating in a decision simply by virtue of holding a position as a board member, director, officer, or employment with a nonprofit corporation. However, the Town strongly encourages that in the event that a decision concerns a nonprofit corporation for which an advisory board member is a board member, director, officer, or employed with that nonprofit corporation, the person should recuse him or herself and at a minimum shall disclose the potential conflict of interest before any discussion and decision.

APPROVED AS TO FORM:

Gabrielle Whelan, Town Attorney

TITLE: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum		POLICY NUMBER: 2-11
EFFECTIVE DATE: 2/28/1990		PAGES: 7
ENABLING ACTIONS:		REVISED DATES: 6/13/1994; 6/16/2014; 4/7/2015; 10/18/2016; 2/21/2017; 2/6/2018; 3/19/19; 9/3/2019; 6/1/2021; 12/7/21, 3/15/22
APPROVED:		

PURPOSE

To establish a policy to encourage participation by the Town's residents on Town Boards, Commissions and Committees (hereinafter referred to as "Commissions"). The Town of Los Gatos is committed to inclusivity. We value all our community members, regardless of religion, immigration status, ethnicity, race, disability, gender, sexual orientation, or gender identity. The Town will encourage residents to participate on Commissions by advertising vacancies on Commissions for at least 30 days, preparing easily understood applications, maintaining clear descriptions of the role of each Board, Commission, and Committee and its respective members, providing current meeting schedules, and conducting public interviews of all Commission applicants, except as provided by this Policy.

SCOPE

This Policy applies to all applicants to Town Boards, Commissions and Committees.

POLICY

The Town Council encourages public participation in all decision-making and to be successful residents must be assured both that the participation is meaningful and that their input will be valued. The widest representation from the community can only be achieved if vacancies are well advertised so that anyone interested will have the opportunity to apply. Interviews of the applicants conducted in public by the Town Council demonstrates that it values these appointments and that all have an equal opportunity to be appointed. Applicants may apply to more than one Commission, and shall rank their choices in their preferred order, during each recruitment cycle.

ATTACHMENT 4

TITLE: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum	PAGE: 2 of 7	POLICY NUMBER: 2-11
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To ensure the greatest possible participation by the public, it is the Town's policy that no person shall be appointed to more than one Commission except in those cases where they are ex-officio members of other Boards, Commissions and Committees. This Policy does not apply to Commission members serving as representatives of their Commission who have been appointed by the Town Council.

RESIDENCY REQUIREMENTS

Residency within the incorporated municipal limits of the Town of Los Gatos, California is required for appointment and continued membership on all Town of Los Gatos Boards, Commissions, and Committees, with the exception of the Youth Commission.

Youth Commission:

The members shall be students who are entering grades 8 through 12 in the fall.

Membership for the students requires either residency in the incorporated limits of the Town of Los Gatos or residency in the unincorporated areas of the County of Santa Clara, which have a Los Gatos mailing address.

ATTENDANCE REQUIREMENTS

1. All members of all appointive Town Advisory Bodies should attend all regular and special meetings of said Advisory Bodies.
2. Any member not in attendance at a regular meeting of said Advisory Body for at least 70% of the meeting shall be considered absent.
3. Any member of an appointive Town Advisory Body who is absent from the number of regular meetings listed below appropriate to his or her Advisory Body shall, as a result, surrender his or her office on the Advisory Body and the office shall be considered vacant.
 - a. For an Advisory Body which holds six (6) or more regular meetings per a consecutive twelve (12) month period: three (3) regular meetings.
 - b. For an Advisory Body which holds five (5) or fewer regular meetings per a consecutive twelve (12) month period: two (2) regular meetings.
 - c. For an Advisory Body which holds sixteen (16) or more regular meetings per a consecutive twelve (12) month period: eight (8) regular meetings.
4. The vacant position shall be filled by appointment by a majority vote of the Town Council, for a term equal to the unexpired portion of the office vacated. Any member removed from office due to non-attendance may re-apply to serve on a Town Advisory Body but will not be treated as an incumbent in any subsequent application to the same Advisory Body.
5. If a Youth Commissioner liaison misses three meetings of a liaison Commission during a *consecutive twelve (12) month period, the Youth Commission shall appoint a different Youth Commissioner as liaison.

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*Consecutive twelve (12) month period is defined as any consecutive twelve-month period beginning with the first absence. A regular meeting shall not be cancelled and replaced with a special meeting in order to alleviate an absence by an advisory body member.

QUORUM REQUIREMENTS

The number of members needed to constitute a quorum on any Town Advisory Body shall be a majority of the total number of filled seats.

PROCEDURES

The following procedures will be followed by the applicant, the Town Clerk, and the Town Council for the appointment of applicants to Town Commissions:

Responsibility and Actions: Town Clerk

A. Annual Recruitments

Adult Commission members' terms begin on January 1st and end December 31st, Youth Commissioners' terms follow the academic year and begin on August 1st and end on June 30th. The Town Clerk shall perform the following duties in conducting an annual recruitment for Commission members:

1. Notify Town Council of vacancies on Commissions by indicating the names of the Commissions, the number of terms expiring or being vacated, names of individual(s) with expiring terms or vacating seats, advertising periods (at least 30 days) and the date of interview.
2. Advertise the vacancies, including the application deadline and the interview date. Interviews and appointments for Adult Commissioners shall occur after annual Mayor and Vice Mayor selection, and in the case of election years, after new Council Members have been seated. Interviews and appointments for Youth Commissioners shall occur by the fourth Wednesday in May, no earlier than 4:00 p.m.
3. Prepare and maintain easily understood applications for appointment to Commissions. Applications shall include the following policy information:
 - a. Prior to initial appointment to any Commission, non-incumbent applicants must be interviewed by the Town Council. The applications of those not appearing will be held for the next recruitment.
 - b. If an incumbent Commissioner is requesting reappointment to the same Commission, the incumbent may submit a request to be interviewed by telephone, with their application, instead of attending the interview or must submit a letter prior to the interviews, describing the reason why the applicant cannot be present telephonically or in person for the interview, and why the applicant should be reappointed to the Commission.
 - c. Submissions deadlines are mandatory; no exceptions are permitted.

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4. Applications:
 - a. *For adult applicants* — Accept applications, verify eligibility, and distribute copies of the applications of eligible applicants to the Town Council prior to the interviews for appointment.
 - b. *For student applicants* — Accept applications, verify eligibility, and distribute copies of the applications of eligible applicants to the Town Council Selection Committee, consisting of the Mayor, Vice Mayor, Police Chief, and Youth Commission Chair (if not reapplying), prior to the interviews for appointment.
5. Notify the applicant by letter or email as to the date and time of the interview and provide the option for an in person or teleconference interview.
6. Facilitate the Council voting process set forth below by informing Council as to how many votes are possible on each Commission, calling out applicants' names, and identifying the applicants receiving sufficient votes for appointment. This process does not apply to student applicants.
7. Applicants:
 - a. *For adult applicants* — After the interviews and Council vote are completed, notify all applicants of the Council's action, and explain Town policy of keeping application active for one year with notification of subsequent openings on that Commission to the interested applicants.
 - b. *For student applicants* — After the interviews are completed, notify all applicants of the Council Committee's action, and prepare a staff report for the Town Council to ratify the Committee's appointment at the first Town Council meeting in June.

Interview Process

To ensure the interview process is consistent, fair, and equitable, each applicant shall be asked the same standard questions, as provided below. Notwithstanding, no Council Member shall be prevented from asking appropriate questions of applicants.

1. If appointed, what ideas would you like to see the Commission explore?
2. Please expand beyond the written response on your application: your experience, interest, and/or expertise that you feel would be most useful to the Commission.
3. Please elaborate on any written response provided in the application to assist the Council learn more about you.
4. If you did not answer any of the questions on the application, please explain why.

Interviews occur at a consistent time of 4 p.m. ~~Given that most interviews are only three to five minutes due to the size of the applicant pool, the~~ standard questions are limited in number to allow an applicant sufficient time to respond. ~~While the intent is for each Council Member to be able to ask one question of each applicant, the~~ The Council may ~~decide or may not~~ to ask all of the ~~provided~~ questions, ~~change, in the same~~ the order of the questions, or rotate which ~~by the same~~ Council member ~~asks a specific question~~. Interview questions will be reviewed annually by the Town Council in advance of the interview process for any potential modifications.

TITLE: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum	PAGE: 5 of 7	POLICY NUMBER: 2-11
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Balloting Process

Unless determined otherwise, the Council shall conduct a ballot vote for the appointment of individuals to fill the vacancies for each Commission. Such ballot vote may be conducted at either a regular, adjourned, or special meeting of the Town Council. The ballot vote process shall be conducted as follows:

1. The Town Clerk shall provide a ballot to each Town Council member listing the names of all applicants and “None of the above” for each respective Commission. Prior to the vote, the Town Clerk shall publicly announce the position vacancy and all applicant names that are listed on the ballot.
2. Each Council member may vote for the same number of applicants as there are current vacancies on the respective Commission. In no case, can a Council Member cast more votes than there are vacancies; or vote for the same candidate more than once on each ballot (i.e. cumulative voting -- e.g. where there are three vacancies, a Council member may not give all three votes to the same candidate). A Council Member is not required to vote for any of the candidates or for the total number of vacancies available.
3. The Town Clerk shall collect all ballots and shall publicly announce the name of each Town Council member and how that Council member cast his or her vote. In the case of a tie vote, the Town Clerk will announce that there is a tie and that a run-off vote shall be conducted but will not announce the names of the applicants in the run-off. Once all voting is concluded and a decision made, the votes will be made public. The run-off ballot will also include a “None of the above” option.
4. Applicants receiving a majority number of votes shall be deemed appointed to the Commission. In the event of a tie, a run-off vote shall be conducted among the applicants receiving the highest number of votes from the previous round. This shall continue until a majority consensus on an applicant(s) is reached for the number of vacancies to be filled. In the event of an unbreakable tie, the Council may determine an alternative method for selecting the appointee(s) or direct the Town Clerk to re-advertise the vacancy.
5. If an applicant(s) is appointed to an Advisory Body which has vacancies for both full and partial, unexpired terms, the length of the appointee’s term will be determined by the Mayor.

B. Mid-Term Recruitments

During the year, Commissions may experience vacancies that drop the number of filled seats to a number of members that is not sufficient to conduct Commission business. The Commission may request the Council to conduct a mid-term recruitment to fill seats. To the extent possible, the Town Clerk will consolidate mid-term recruitments to minimize the number of recruitments occurring throughout the year. In the event of a vacancy on the Planning Commission, the Town will automatically conduct a mid-term recruitment. Mid-term recruitments will not be conducted for Youth Commissioners. The Town Clerk shall advertise mid-term vacancies on Commissions for at least 15 days.

TITLE: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum	PAGE: 6 of 7	POLICY NUMBER: 2-11
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Responsibility and Action: Applicant

1. Read the Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum Policy, complete and submit to the Town Clerk the application for appointment to a Town Commission by the advertised deadline date and time.
2. *For adult applicants:* Attend the Council meeting to be interviewed for Commission appointment. The applicant is required to notify the Town Clerk no later than 4:00 p.m. the Friday before the scheduled interview date whether they will attend in person or via teleconference.
3. *For student applicants:* Attend the Council Selection Committee interview session. The applicant is required to notify the Town Clerk no later than 4:00 p.m. the Friday before the scheduled interview date whether they will attend in person or via teleconference.
4. If an incumbent Commission member is requesting reappointment to the same Commission and is not available on the date of the interview, the incumbent must submit a letter by 4:00 p.m. the Friday prior to the interviews, describing the reason why the applicant cannot be present telephonically or in person for the interview, and why the applicant should be reappointed to the Commission.
5. If appointed, prior to starting the Commission term, appointees are required to attend a Commissioner Orientation and take the "Oath of Office."
6. Attend Advisory Body meetings once term begins.
7. Read the Commissioners' Handbook. Hard copies of the Handbook are to be returned to the Town Clerk when the term is complete.

Responsibility and Action: Town Council

1. Review applications.
2. *For adult applicants* – Interview applicants individually by Commission at a public meeting with all applicants present.
For student applicants – Town Council Selection Committee interviews applicants.
3. Determine if the incumbents not in attendance and having submitted a letter pursuant to this Policy should be considered for reappointment.
4. If there are limited applications for any vacancy to a Commission, the Mayor, on behalf of the Council, may request that the Town Clerk re-advertise the vacancy, reschedule the interviews, and notify all applicants of the new interview date.

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COMPLIANCE - GROUNDS FOR DISMISSAL

A member may be removed from the Advisory Body prior to the end of his or her term by a three-fifths (3/5) vote of the Town Council and may not be reappointed for the following reasons:

1. Failure to attend Advisory Body meetings.
2. Failure to file the following documents required by the Fair Political Practices Commission (Adult Commissioners):
 - a. Form 700 – Assuming Office, Annual, and Leaving Office when term is complete.
 - b. Planning Commissioners are also required to complete AB 1234 Ethics Training and file the original certificate with the Town Clerk every two years.
3. Failure to comply with all Town Policies, Guidelines, and Handbooks.

CONFLICT OF INTEREST

Under the Fair Political Practice Act, an advisory board member has a disqualifying conflict of interest in a governmental decision if it is foreseeable that the decision will have a financial impact on his or her personal finances or other financial interests. In such cases, there is a risk of biased decision-making that could sacrifice the public's interest in favor of the official's private financial interests. To avoid actual bias or the appearance of possible improprieties, the public official is prohibited from participating in the decision.

The Fair Political Practice Act does not prohibit an advisory board member from participating in a decision simply by virtue of holding a position as a board member, director, officer, or employment with a nonprofit corporation. However, the Town strongly encourages that in the event that a decision concerns a nonprofit corporation for which an advisory board member is a board member, director, officer, or employed with that nonprofit corporation, the person should recuse him or herself and at a minimum shall disclose the potential conflict of interest before any discussion and decision.

APPROVED AS TO FORM:

Gabrielle Whelan, Town Attorney

TITLE: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum		POLICY NUMBER: 2-11
EFFECTIVE DATE: 2/28/1990		PAGES: 7
ENABLING ACTIONS:		REVISED DATES: 6/13/1994; 6/16/2014; 4/7/2015; 10/18/2016; 2/21/2017; 2/6/2018; 3/19/19; 9/3/2019; 6/1/2021; 12/7/21, 3/15/22
APPROVED:		

PURPOSE

To establish a policy to encourage participation by the Town's residents on Town Boards, Commissions and Committees (hereinafter referred to as "Commissions"). The Town of Los Gatos is committed to inclusivity. We value all our community members, regardless of religion, immigration status, ethnicity, race, disability, gender, sexual orientation, or gender identity. The Town will encourage residents to participate on Commissions by advertising vacancies on Commissions for at least 30 days, preparing easily understood applications, maintaining clear descriptions of the role of each Board, Commission, and Committee and its respective members, providing current meeting schedules, and conducting public interviews of all Commission applicants, except as provided by this Policy.

SCOPE

This Policy applies to all applicants to Town Boards, Commissions and Committees.

POLICY

The Town Council encourages public participation in all decision-making and to be successful residents must be assured both that the participation is meaningful and that their input will be valued. The widest representation from the community can only be achieved if vacancies are well advertised so that anyone interested will have the opportunity to apply. Interviews of the applicants conducted in public by the Town Council demonstrates that it values these appointments and that all have an equal opportunity to be appointed. Applicants may apply to more than one Commission, and shall rank their choices in their preferred order, during each recruitment cycle.

ATTACHMENT 5

TITLE: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum	PAGE: 2 of 7	POLICY NUMBER: 2-11
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To ensure the greatest possible participation by the public, it is the Town's policy that no person shall be appointed to more than one Commission except in those cases where they are ex-officio members of other Boards, Commissions and Committees. This Policy does not apply to Commission members serving as representatives of their Commission who have been appointed by the Town Council.

RESIDENCY REQUIREMENTS

Residency within the incorporated municipal limits of the Town of Los Gatos, California is required for appointment and continued membership on all Town of Los Gatos Boards, Commissions, and Committees, with the exception of the Youth Commission.

Youth Commission:

The members shall be students who are entering grades 8 through 12 in the fall.

Membership for the students requires either residency in the incorporated limits of the Town of Los Gatos or residency in the unincorporated areas of the County of Santa Clara, which have a Los Gatos mailing address.

ATTENDANCE REQUIREMENTS

1. All members of all appointive Town Advisory Bodies should attend all regular and special meetings of said Advisory Bodies.
2. Any member not in attendance at a regular meeting of said Advisory Body for at least 70% of the meeting shall be considered absent.
3. Any member of an appointive Town Advisory Body who is absent from the number of regular meetings listed below appropriate to his or her Advisory Body shall, as a result, surrender his or her office on the Advisory Body and the office shall be considered vacant.
 - a. For an Advisory Body which holds six (6) or more regular meetings per a consecutive twelve (12) month period: three (3) regular meetings.
 - b. For an Advisory Body which holds five (5) or fewer regular meetings per a consecutive twelve (12) month period: two (2) regular meetings.
 - c. For an Advisory Body which holds sixteen (16) or more regular meetings per a consecutive twelve (12) month period: eight (8) regular meetings.
4. The vacant position shall be filled by appointment by a majority vote of the Town Council, for a term equal to the unexpired portion of the office vacated. Any member removed from office due to non-attendance may re-apply to serve on a Town Advisory Body but will not be treated as an incumbent in any subsequent application to the same Advisory Body.
5. If a Youth Commissioner liaison misses three meetings of a liaison Commission during a *consecutive twelve (12) month period, the Youth Commission shall appoint a different Youth Commissioner as liaison.

TITLE: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum	PAGE: 3 of 7	POLICY NUMBER: 2-11
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*Consecutive twelve (12) month period is defined as any consecutive twelve-month period beginning with the first absence. A regular meeting shall not be cancelled and replaced with a special meeting in order to alleviate an absence by an advisory body member.

QUORUM REQUIREMENTS

The number of members needed to constitute a quorum on any Town Advisory Body shall be a majority of the total number of filled seats.

PROCEDURES

The following procedures will be followed by the applicant, the Town Clerk, and the Town Council for the appointment of applicants to Town Commissions:

Responsibility and Actions: Town Clerk

A. Annual Recruitments

Adult Commission members' terms begin on January 1st and end December 31st, Youth Commissioners' terms follow the academic year and begin on August 1st and end on June 30th. The Town Clerk shall perform the following duties in conducting an annual recruitment for Commission members:

1. Notify Town Council of vacancies on Commissions by indicating the names of the Commissions, the number of terms expiring or being vacated, names of individual(s) with expiring terms or vacating seats, advertising periods (at least 30 days) and the date of interview.
2. Advertise the vacancies, including the application deadline and the interview date. Interviews and appointments for Adult Commissioners shall occur after annual Mayor and Vice Mayor selection, and in the case of election years, after new Council Members have been seated. Interviews and appointments for Youth Commissioners shall occur by the fourth Wednesday in May, no earlier than 4:00 p.m.
3. Prepare and maintain easily understood applications for appointment to Commissions. Applications shall include the following policy information:
 - a. Prior to initial appointment to any Commission, non-incumbent applicants must be interviewed by the Town Council. The applications of those not appearing will be held for the next recruitment.
 - b. If an incumbent Commissioner is requesting reappointment to the same Commission, the incumbent may submit a request to be interviewed by telephone, with their application, instead of attending the interview or must submit a letter prior to the interviews, describing the reason why the applicant cannot be present telephonically or in person for the interview, and why the applicant should be reappointed to the Commission.
 - c. Submissions deadlines are mandatory; no exceptions are permitted.

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4. Applications:

- a. *For adult applicants* — Accept applications, verify eligibility, and distribute copies of the applications of eligible applicants to the Town Council prior to the interviews for appointment.
 - b. *For student applicants* — Accept applications, verify eligibility, and distribute copies of the applications of eligible applicants to the Town Council Selection Committee, consisting of the Mayor, Vice Mayor, Police Chief, and Youth Commission Chair (if not reapplying), prior to the interviews for appointment.
5. Notify the applicant by letter or email as to the date and time of the interview and provide the option for an in person or teleconference interview.
6. Facilitate the Council voting process set forth below by informing Council as to how many votes are possible on each Commission, calling out applicants' names, and identifying the applicants receiving sufficient votes for appointment. This process does not apply to student applicants.

7. Applicants:

- a. *For adult applicants* — After the interviews and Council vote are completed, notify all applicants of the Council's action, and explain Town policy of keeping application active for one year with notification of subsequent openings on that Commission to the interested applicants.
- b. *For student applicants* — After the interviews are completed, notify all applicants of the Council Committee's action, and prepare a staff report for the Town Council to ratify the Committee's appointment at the first Town Council meeting in June.

Interview Process

To ensure the interview process is consistent, fair, and equitable, each applicant shall be asked the same standard questions, as provided below. Notwithstanding, no Council Member shall be prevented from asking appropriate questions of applicants.

1. If appointed, what ideas would you like to see the Commission explore?
2. Please expand beyond the written response on your application: your experience, interest, and/or expertise that you feel would be most useful to the Commission.
3. Please elaborate on any written response provided in the application to assist the Council learn more about you.
4. If you did not answer any of the questions on the application, please explain why.

~~Given that most interviews are only three to five minutes per applicant. Due to the size of the applicant pool, the standard questions are limited in number to allow an applicant sufficient time to respond. While the intent is for each Council Member to be able to ask one question of each applicant, the Council may decide or may not to ask all of the provided questions, change, in the same the order of the questions, or rotate which by the same Council member asks a specific question.~~ The interviews are scheduled for a minimum of five minutes per applicant. Due to the size of the applicant pool, the standard questions are limited in number to allow an applicant sufficient time to respond. While the intent is for each Council Member to be able to ask one question of each applicant, the Council may decide or may not to ask all of the provided questions, change, in the same the order of the questions, or rotate which by the same Council member asks a specific question. Interview questions will be

TITLE: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum	PAGE: 5 of 7	POLICY NUMBER: 2-11
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reviewed annually by the Town Council in advance of the interview process for any potential modifications.

Balloting Process

Unless determined otherwise, the Council shall conduct a ballot vote for the appointment of individuals to fill the vacancies for each Commission. Such ballot vote may be conducted at either a regular, adjourned, or special meeting of the Town Council. The ballot vote process shall be conducted as follows:

1. The Town Clerk shall provide a ballot to each Town Council member listing the names of all applicants and "None of the above" for each respective Commission. Prior to the vote, the Town Clerk shall publicly announce the position vacancy and all applicant names that are listed on the ballot.
2. Each Council member may vote for the same number of applicants as there are current vacancies on the respective Commission. In no case, can a Council Member cast more votes than there are vacancies; or vote for the same candidate more than once on each ballot (i.e. cumulative voting -- e.g. where there are three vacancies, a Council member may not give all three votes to the same candidate). A Council Member is not required to vote for any of the candidates or for the total number of vacancies available.
3. The Town Clerk shall collect all ballots and shall publicly announce the name of each Town Council member and how that Council member cast his or her vote. In the case of a tie vote, the Town Clerk will announce that there is a tie and that a run-off vote shall be conducted but will not announce the names of the applicants in the run-off. Once all voting is concluded and a decision made, the votes will be made public. The run-off ballot will also include a "None of the above" option.
4. Applicants receiving a majority number of votes shall be deemed appointed to the Commission. In the event of a tie, a run-off vote shall be conducted among the applicants receiving the highest number of votes from the previous round. This shall continue until a majority consensus on an applicant(s) is reached for the number of vacancies to be filled. In the event of an unbreakable tie, the Council may determine an alternative method for selecting the appointee(s) or direct the Town Clerk to re-advertise the vacancy.
5. If an applicant(s) is appointed to an Advisory Body which has vacancies for both full and partial, unexpired terms, the length of the appointee's term will be determined by the Mayor.

B. Mid-Term Recruitments

During the year, Commissions may experience vacancies that drop the number of filled seats to a number of members that is not sufficient to conduct Commission business. The Commission may request the Council to conduct a mid-term recruitment to fill seats. To the extent possible, the Town Clerk will consolidate mid-term recruitments to minimize the number of recruitments occurring throughout the year. In the event of a vacancy on the Planning Commission, the Town will automatically conduct a mid-term recruitment. Mid-

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term recruitments will not be conducted for Youth Commissioners. The Town Clerk shall advertise mid-term vacancies on Commissions for at least 15 days.

Responsibility and Action: Applicant

1. Read the Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum Policy, complete and submit to the Town Clerk the application for appointment to a Town Commission by the advertised deadline date and time.
2. *For adult applicants:* Attend the Council meeting to be interviewed for Commission appointment. The applicant is required to notify the Town Clerk no later than 4:00 p.m. the Friday before the scheduled interview date whether they will attend in person or via teleconference.
3. *For student applicants:* Attend the Council Selection Committee interview session. The applicant is required to notify the Town Clerk no later than 4:00 p.m. the Friday before the scheduled interview date whether they will attend in person or via teleconference.
4. If an incumbent Commission member is requesting reappointment to the same Commission and is not available on the date of the interview, the incumbent must submit a letter by 4:00 p.m. the Friday prior to the interviews, describing the reason why the applicant cannot be present telephonically or in person for the interview, and why the applicant should be reappointed to the Commission.
5. If appointed, prior to starting the Commission term, appointees are required to attend a Commissioner Orientation and take the "Oath of Office."
6. Attend Advisory Body meetings once term begins.
7. Read the Commissioners' Handbook. Hard copies of the Handbook are to be returned to the Town Clerk when the term is complete.

Responsibility and Action: Town Council

1. Review applications.
2. *For adult applicants* – Interview applicants individually by Commission at a public meeting with all applicants present.
For student applicants – Town Council Selection Committee interviews applicants.
3. Determine if the incumbents not in attendance and having submitted a letter pursuant to this Policy should be considered for reappointment.
4. If there are limited applications for any vacancy to a Commission, the Mayor, on behalf of the Council, may request that the Town Clerk re-advertise the vacancy, reschedule the interviews, and notify all applicants of the new interview date.

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COMPLIANCE - GROUNDS FOR DISMISSAL

A member may be removed from the Advisory Body prior to the end of his or her term by a three-fifths (3/5) vote of the Town Council and may not be reappointed for the following reasons:

1. Failure to attend Advisory Body meetings.
2. Failure to file the following documents required by the Fair Political Practices Commission (Adult Commissioners):
 - a. Form 700 – Assuming Office, Annual, and Leaving Office when term is complete.
 - b. Planning Commissioners are also required to complete AB 1234 Ethics Training and file the original certificate with the Town Clerk every two years.
3. Failure to comply with all Town Policies, Guidelines, and Handbooks.

CONFLICT OF INTEREST

Under the Fair Political Practice Act, an advisory board member has a disqualifying conflict of interest in a governmental decision if it is foreseeable that the decision will have a financial impact on his or her personal finances or other financial interests. In such cases, there is a risk of biased decision-making that could sacrifice the public's interest in favor of the official's private financial interests. To avoid actual bias or the appearance of possible improprieties, the public official is prohibited from participating in the decision.

The Fair Political Practice Act does not prohibit an advisory board member from participating in a decision simply by virtue of holding a position as a board member, director, officer, or employment with a nonprofit corporation. However, the Town strongly encourages that in the event that a decision concerns a nonprofit corporation for which an advisory board member is a board member, director, officer, or employed with that nonprofit corporation, the person should recuse him or herself and at a minimum shall disclose the potential conflict of interest before any discussion and decision.

APPROVED AS TO FORM:

Gabrielle Whelan, Town Attorney



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/02/2022

ITEM NO: 18

DATE: July 29, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution of the Council of the Town of Los Gatos for Model 3, Calling a Municipal Election for November 8, 2022, Requesting that the County Consolidate the Municipal Election with the General Election on November 8, 2022, and Submitting to the Qualified Electors of the Town at the November 8, 2022 Consolidated General Election a Measure to Amend Chapter 14 of the Los Gatos Town Code Relating to Business License Taxes

RECOMMENDATION:

Adopt a Resolution of the Council of the Town of Los Gatos for Model 3, calling a municipal election for November 8, 2022, requesting that the County consolidate the municipal election with the general election on November 8, 2022, and submitting to the qualified electors of the Town at the November 8, 2022 consolidated general election a measure to amend Chapter 14 – Licenses and Miscellaneous Business Regulations (Chapter 14) of the Los Gatos Town Code relating to business license taxes.

BACKGROUND:

On September 13, 2021, the Town Finance Commission reviewed the Town's Business License Tax Program and recommended that the Town Council authorize the Town Manager to issue a Request for Proposal (RFP) for consultant services to evaluate and recommend modernization options for the Town's Business License Tax Program. The Business License Tax supports all municipal services that are enjoyed by the businesses, including but not limited to streets, other infrastructure, and public safety.

On October 19, 2021, the Town Council received the Finance Commission recommendation and directed staff to engage a consultant to review the Town's 1991 Business Tax Ordinance and recommend options for modernizing the Ordinance.

PREPARED BY: Arn Andrews Holly Young
Assistant Town Manager Town Manager Administrative Analyst

Reviewed by: Town Manager, Town Attorney, and Interim Finance Director

BACKGROUND (continued):

On December 17, 2021, the Town issued an RFP for Business License Tax consulting services. Hinderliter, deLlamas & Associates (HdL) Companies was selected given their significant experience in business license review and analysis, including having performed dozens of tax study and modernization programs in California.

HdL submitted their Business License Analysis and Ordinance Review (Report) to the Town on June 8, 2022.

On June 13, 2022, the Finance Commission discussed the HdL Report and voted unanimously to move forward to continue research and public outreach on business license tax modernization.

On June 21, 2022, the Town Council unanimously directed staff to continue conducting research and public outreach and prepare options for proposed ballot measure language for Council consideration on August 2, 2022.

DISCUSSION:

Per Council direction, staff has been coordinating extensive business outreach and working with HdL to refine potential business license modernization models. Following are summaries of both efforts:

Business Outreach

The Town set up a dedicated webpage at www.LosGatosCA.gov/BLModernization with information regarding the current business license tax program, background on modernizing the tax, discussions to date, the options being considered, and the timeline for a ballot measure. The Town also set up a unique email address of BLModernization@losgatosca.gov for public comment and received several communications on this topic from a variety of businesses (see Attachment 1).

The Town hosted a community workshop on July 25, 2022 at 7:00 p.m. via teleconference. The Town publicized the potential business license modernization ballot measure and the July 25 informational workshop via the Town website homepage, weekly Newsletter, multiple posts on the Town's official social media accounts (Nextdoor, Facebook, Instagram, Twitter, and LinkedIn), and a postcard mailing. The postcard went out to every business the Town has on file and was mailed to a total of 5,167 valid business addresses with receipt occurring between July 15 and 21.

The community meeting provided an opportunity for Town residents and businesses to learn more about the potential business license modernization, discuss each of the proposed options

DISCUSSION (continued):

under consideration, ask questions, and provide feedback. The materials from the webinar are available at www.LosGatosCA.gov/BLModernization. Though lightly attended, the community answered a series of Zoom poll questions following the initial staff presentation:

- 75% felt the Town should update the business license tax.
- 100% felt the Town business license program should be equitable.
- 100% preferred the proposed Model 3.

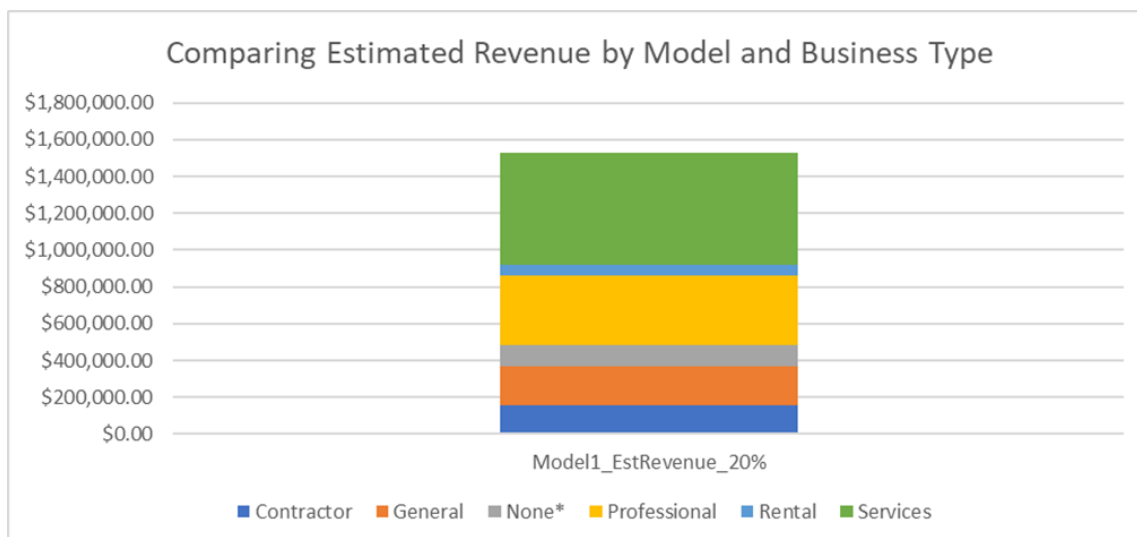
After further discussion and a question and answer session, the poll was launched again with an additional participant and the following results:

- 60% felt the Town should update the business license tax.
- 100% felt the Town business license program should be equitable.
- 20% preferred the proposed Model 1 and 80% preferred the proposed Model 3.

In addition to the community meeting and other outreach efforts, staff sent emails directly to the five largest businesses discussed within Model 3 and also had separate discussions with community stakeholders including the Los Gatos Chamber of Commerce and Netflix.

Analysis of Potential Models

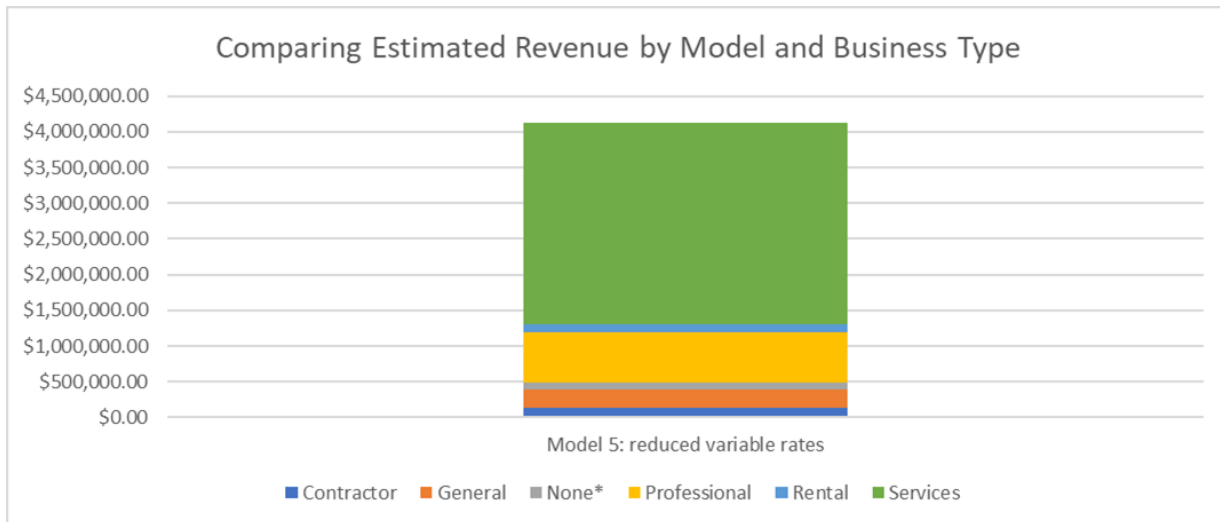
Model 1 – Would retain the existing structure while modifying the tax amounts for each category by 20%. The drawback of Model 1 is that the tax remains regressive. In fact, because it would increase the flat fees, it becomes more regressive. In addition, since 1991, inflation has risen approximately 117% or five times as much as the recommended increase. The advantage of this model is that the increases for each business type are minimal. This Model would increase revenues approximately \$255,000 annually primarily from the Services category (\$101,000).



DISCUSSION (continued):

Model 2 – Introduces the concept of converting the Town tax to a gross-receipts model for all businesses. This means that every business would pay based on their gross receipts, utilizing different single rates for five different business classifications. This Model also lowered the annual base rate to a uniform \$25 flat rate for the first \$25,000 to provide some additional tax relief for smaller businesses. This model affords the most flexibility for increasing revenues while accommodating certain business categories with differing rates. This Model would increase revenues approximately \$2,861,000 annually primarily from the Services category (\$2,321,000).

Categories	Base Rate	Gross Receipts Tax Rate
General Commerce/Retail	\$25 Flat Rate per Business (first \$25,000 in Gross)	0.0005 X Gross
Services		0.001 X Gross
Contractor		0.001 X Gross
Professional		0.002 X Gross
Rental Commercial/Residential		0.002 X Gross

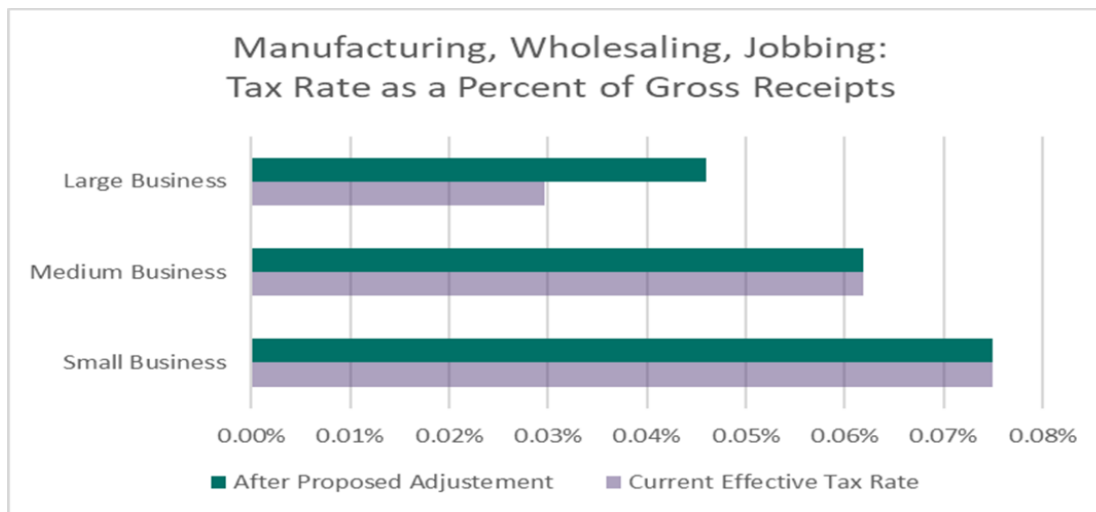


Model 3 - Maintains the existing gross-receipts structure for Manufacturing, Wholesaling, and Jobbing except for updating the rate of \$75.00 for each \$550,000 more than \$12,000,000 to \$300 for each \$550,000 more than \$12,000,000. For purposes of this schedule, Manufacturing refers to any manufacturing or processing of goods, wares, merchandise, articles, or commodities. Wholesaling refers to the sale of goods, wares, or merchandise for the purpose of resale. Jobbing is the business of selling goods, wares, or merchandise to wholesale

DISCUSSION (continued):

merchants for resale at wholesale. This model also includes the E-commerce category which includes commercial transactions conducted electronically on the internet.

This model would have the least change to the existing structure, only impacting businesses with gross receipts above \$12,000,000, while helping to offset some of the inequities associated with the lower effective tax rates of larger businesses presented earlier. This Model would increase revenues approximately \$1,100,000 annually.

*Finance Commission Alternative Model*

On July 28, 2022, the Finance Commission held a Special Meeting to discuss the results of community outreach and business feedback and the three models under consideration. At the conclusion of their discussion, the three resident Commission members present voted to provide the Town Council with an alternative Model. The proposed Model is an enhanced version of Model 1. The Commission Model would increase all flat fees and the gross receipts tax schedules for E-Commerce, Manufacturing, Wholesaling, and Jobbing and Retailing 100% to account for inflation. In addition, the Commission expanded the Retailing gross receipts table to include two additional payment levels above the current \$2,000,000 (and above) threshold. The following table illustrates the additional payment levels.

DISCUSSION (continued):

At Least	But Less Than	Tax
\$1,900,000	\$4,000,000	\$1,950
\$4,000,000	\$8,000,000	\$3,900
\$8,000,000	\$16,000,000 (and above)	\$7,800

Like Model 1, the drawback of this Model is that the tax remains regressive. This model would make up most of the inflation since 1991. This Model would increase revenues approximately \$1,600,000.

Ballot Initiative Process

A ballot measure to modernize the Business License Tax requires a 4/5 vote of the Town Council to place it on the ballot. A General Tax can be expended on any program, service, or capital need at the discretion of the local government's governing body. A simple majority vote (50 percent of voters plus one additional voter) is required for approval of a general tax.

A resolution with corresponding ballot language and its draft ordinance have been prepared for each of the three models. For Model 1, see Attachment 2; for Model 2, see Attachment 3; and for Model 3, see Attachment 4. If the Council decides to move forward with one of the models, then the Council should adopt the resolution it would like, which would submit the Council's ballot measure to voters at the November 8, 2022 regular municipal election. Provided below is the ballot language for the three models.

Model 1

Shall the measure to fund critical Town needs such as public safety by imposing a 20% increase to all flat fees and the gross receipts tax schedules for E-Commerce, Manufacturing, Wholesaling, and Jobbing and Retailing , raising about \$255,000 yearly for general fund purposes until ended by voters, and which have not been increased since 1991, be adopted?	YES
	NO

DISCUSSION (continued):**Model 2**

Shall the measure to fund critical Town needs such as public safety by incorporating gross receipts reporting for all businesses at rates between \$0.50 and \$2.00 per \$1,000 after a \$25.00 flat fee for the first \$25,000 in gross receipts, replacing the existing regressive taxing system of flat fees and gross receipts, raising \$2.3 million yearly for general fund purposes until ended by voters, and increasing equity among small, medium and larger businesses, be adopted?	YES
	NO

Model 3

Shall the measure to fund critical Town needs such as public safety by amending the gross receipts tax schedule for E-Commerce, Manufacturing, Wholesaling, and Jobbing for businesses with gross receipts above \$12,000,000 from \$75 per each \$550,000 in excess of \$12.0 million to \$300 per each \$550,000 in excess of \$12.0 million, raising about \$1.0 million yearly for general fund purposes until ended by voters, and increasing equity , be adopted?	YES
	NO

Should the Town Council choose to pursue a ballot measure, final approval including the ballot measure language will need to be submitted to the Santa Clara County Registrar of Voters by August 12, 2022. Provided below are ballot measure milestone dates:

- August 12, 2022: Last day for Resolutions calling a measure
- August 12, 2022: Deadline for submitting primary arguments in favor of or against a measure
- August 17, 2022: Last day to amend or withdraw a measure
- August 19, 2022: Town Attorney submits impartial analysis to the Town Clerk
- August 19, 2022: Deadline for submitting rebuttal arguments to primary arguments in favor of and against a measure.

The proposed resolutions authorize the Mayor, or his designee(s), to prepare a written argument in favor of the proposed measure on behalf of the Town Council. At the Mayor's discretion, the Argument may also be signed by bona fide associations or by individual voters eligible to vote in Los Gatos.

CONCLUSION:

Based on business and community feedback to date staff recommends that the Town Council adopt the resolution for Model 3 and call a municipal election for November 8, 2022, requesting that the County consolidate the municipal election with the general election on November 8, 2022 and submitting to the qualified electors of the Town at the November 8, 2022 consolidated general election a measure to amend Chapter 14 of the Los Gatos Town Code.

COORDINATION:

This staff report was coordinated with the Town Manager, Town Attorney, and Finance Director.

FISCAL IMPACT:

If approved by voters in November, the estimated additional revenue generated by the three models is between approximately \$255,000 and \$2,800,000 annually. These funds would be locally generated and therefore be safe from seizure by the State. In addition, they would enable the Town to invest in services and infrastructure that the community values. The cost of the ballot measure is approximately \$59,000 and incorporated in the FY 2022/23 adopted budget.

ENVIRONMENTAL ASSESSMENT:

In accordance with CEQA Guidelines Section 15378(b)(4), placement of a ballot measure on the ballot to amend the Town's business license tax is not a project subject to CEQA, because it is a government fiscal activity.

Attachments:

1. Public Comment
2. Model 1 Resolution with corresponding Ordinance as Attachment A
3. Model 2 Resolution with corresponding Ordinance as Attachment A
4. Model 3 Resolution with corresponding Ordinance as Attachment A

Dear Town Council:

I have three comments regarding your proposed Models for the Business License Modernization program.

1) If you charge smaller businesses what they perceive to be too much or considerably more than they have been paying, some may decide not to get a business license. Especially small Mom and Pop and home based businesses. You will chase them undercover and then lose that revenue. New businesses may decide to go elsewhere. You must make Los Gatos business friendly and welcoming.

2) Locate and require at home businesses to have a business license. Many people now work from home, yet have no license.

3) Basing a license fee on gross receipts is unfair because the fee is based on overall sales receipts, not the profit made.

Example: A Ferrari dealer sells expensive cars and a used car dealer sells inexpensive cars. The Ferrari dealer could sell a few cars and have a large gross receipts record. The used car dealer could sell a lot of cars, have a higher overall profit, but a much lower gross receipts total, thus pay less for a business license than the Ferrari dealer. If you base the license fee on gross receipts, you could potentially be penalizing the person that sells more expensive products than someone who sells less expensive products.

Thank you for asking for feedback.

Sincerely,

Dennis Grist

Grist Construction

Hello:

I am a small business owner so the potential changes to fix the regressive tax structure is welcome. My concern as a citizen of Los Gatos is that ramping up the tax on large businesses, like Netflix, should be considered very carefully and not be too aggressive. The whole dollar amount contributed by Netflix and other large organizations, regardless of the tax rate in terms of percentage, I would imagine makes up a material portion of the cash coming into the Town of Los Gatos to support the many programs, services, and infrastructure.

Said more simply, don't scare away or anger the big tax contributors with a material increase in tax rates. As evidenced by many large companies in the Bay Area over the past few years, they will take action and move to TX or FL, or some other tax-friendly jurisdiction.

Kind regards,

Casey Pittock

I am not in favor of raising the business license tax. If you must do this Model 4 would be preferred. I am a small business with fluctuating revenues which make financial planning difficult. Raising the BL tax based on gross receipts would cause me great financial harm as ALL COSTS within the business are closely scrutinized to ensure that we can continue to operate during economic downturns. A large BL tax increase would be difficult for my small business to absorb as we have multiple entities that we must pay fees to in order to operate in California's highly regulatory and competitive environment.

Michael Shields, CCIM

Apartment / Investment Broker / Founder

[Silicon Valley Multifamily Group](#)

To Whom It May Concern,

If there are any tax increases, I would ask you to exclude the medical specialties. Our reimbursements are going down and we can't even recruit new doctors to this area. Most of the primary care doctors in practice in Los Gatos have dropped Medicare or have gone concierge. In 10 years there will be an even worse shortage of specialists in this area. So please consider excluding Medical businesses from this tax hike.

Dr. Manjula Noone

Just received notification of potential increases in our Town's business license fees. If I read this correctly, currently I am paying \$975/year for my license. If my gross receipts are \$25,000,000 annually according to the charts I'm seeing, that results in a license fee of \$37,500...I believe that is outrageous. You know that in the automobile business, we don't have the same margins that another retailer might have. To base the fee solely on gross receipts is highly unfair. There should be some sort of setoff regarding the sales tax that a business generates for the town. I would embrace a slightly higher annual fee, but nothing like what I'm seeing. There should be a cap on the fee, certainly no more than \$2000/year.

John Moore

Moore Buick GMC

How would the modernization in models 2-4 look like in practical terms:

- For example, would the town licensing process get coupled to the CA and/ or federal tax return of the business?
- And of which year? It seems the past year would make sense, then the town license renewal would continue to take place at the end of the year, based on the return of the past year.
- If it is meant for the actual year of the town license, what would happen if the business has filed for an extension?

Overall, as a two-people husband-and-wife consulting business, we understand and support the rationale behind the modernization plans. The details will just have to be worked out.

Thank you for your consideration.

Gabi Neubauer

Dr. Gabi Neubauer

VP Semiconductor Technologies

AFGN LightVantage

Hi Los Gatos, I work from home and have a HR Consulting Business.

Will our fees be based on our gross income? If we earn 60k what will the estimated business license fee be?

If the fees are NOT based on gross income what will the fees be based on in the future?

I don't like the idea of having to pay more money, the pandemic has taken its toll on my business and now we are dealing with inflation.

This is not the time to be raising fees!! I am sure alot of businesses will feel the same.

Let me know. Thanks, Sylvia Carrillo

Sylvia Carrillo, PHR

Human Resources Consultant

Hello-

Thank you for information re business license modernization. A few inputs I have - 1) not raise the business taxes for small business, 2) please have a form to update via website, 3) send out business tax reminders PRIOR to December as it can be a scramble to pay at end of the year (if have website to pay fees would eliminate some of this stress). Thank you!

Warm Regards-

Julie Williams

Resolution No. _____

Resolution of the Council of the Town of Los Gatos
Calling a Municipal Election for November 8, 2022,
Requesting that the County Consolidate the Municipal Election
with the General Election on November 8, 2022 and
Submitting to the Qualified Electors of the Town at the
November 8, 2022 Consolidated General Election a Measure
to Amend Chapter 14 of the Los Gatos Town Code

R E C I T A L S

A. WHEREAS, the Town’s business license tax ordinance was adopted in 1968 and the amount of the tax has not increased since 1991.

B. WHEREAS, the Town Council desires to adjust the business license tax to increase revenue to fund critical Town needs

C. WHEREAS, a proposed ordinance attached hereto and incorporated herein by reference as Attachment “A” (“the Ordinance”) would amend Chapter 14 of the Los Gatos Town Code to revise the license tax on businesses operating in the Town of Los Gatos.

D. WHEREAS, a statewide general election is scheduled for November 8, 2022. The Town Council wishes to call a municipal election for the Town to be held on November 8, 2022 and to request the County of Santa Clara to consolidate the municipal election with the statewide general election.

The Town Council of the Town of Los Gatos now resolves as follows:

Section 1. Findings. The Town Council finds and determines that each of the findings set forth above are true and correct.

Section 2. Calling the Election. The Council calls for a municipal election to be held on November 8, 2022 (“the Election”).

Section 3. Measure. Pursuant to Government Code Section 53724 and Elections Code Section 9222, the Town Council hereby submits the Ordinance attached hereto as Attachment A to the voters at the Election and orders the following question to be submitted to the voters at the Election:

Shall the measure to fund critical Town needs such as public safety by imposing a 20% increase to all flat fees and the gross receipts tax schedules for E-Commerce,	YES	
--	-----	--

Manufacturing, Wholesaling, and Jobbing and Retailing raising about \$255,000 yearly for general fund purposes until ended by voters, and which have not been increased since 1991, be adopted?	NO	
---	----	--

This question requires the approval of a majority of those casting votes.

Section 4. Notice of Election. Notice of the time and place of holding the election is hereby given, and the Town Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form, and manner as required by law.

Section 5. Impartial Analysis. Pursuant to California Elections Code Section 9280, the Town Council hereby directs the Town Clerk to transmit a copy of the measure to the Town Attorney. The Town Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure, and transmit such impartial analysis to the Town Clerk on or before 4:00 p.m. on August 19, 2022.

In the event the entire text of the Measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **“The above statement is an impartial analysis of Ordinance or Measure __. If you desire a copy of the ordinance or measure, please call the Town Clerk at 408-354-6888 and a copy will be emailed at no cost to you.”**

Section 6. Ballot Arguments. Pursuant to Elections Code Section 9286 et. seq., August 12, 2022, at 4:00 p.m. shall be the deadline for submission of arguments in favor of, and arguments against, this measure. Arguments in favor or against the measure shall not exceed 300 words in length. The Mayor, or his designee(s), is hereby authorized to prepare a written argument in favor of the proposed measure on behalf of the Town Council. At the Mayor’s discretion, the Argument may also be signed by bona fide associations or by individual voters who are eligible to vote in the Town of Los Gatos. Each argument shall be signed, filed with the Town Clerk, and include the printed name(s) and signature(s) of the author(s) submitting the argument. If more than one argument for or against is received, the priorities established by Elections Code Section 9287 shall control.

Section 7. Rebuttal Arguments. Subdivision (a) of section 9285 of the Elections Code shall apply to the Election and shall control the submission of any rebuttal arguments for this measure. If an argument in favor and an argument against the measure have been selected to be printed in the voter information guide, the Clerk shall send a copy of the argument in favor of the measure to the authors of the argument against the measure and a copy of an argument against the measure to the authors of the argument in favor of the measure. The rebuttal authors or persons designated by them may prepare and submit rebuttal arguments not to exceed 250 words in length. Rebuttal arguments must be submitted not later than August 19, 2022, by 4:00 p.m.

Section 8. Consolidation Request. The Council of the Town of Los Gatos requests that the Board of Supervisors of Santa Clara County consolidate the municipal election and the election on this measure with the November 8, 2022 statewide general election. The Council further requests that the Board of Supervisors of Santa Clara County include on the ballots and sample ballots, all qualified measures submitted by the Town Council to be submitted to the qualified electors of the Town of Los Gatos. The Council acknowledges that the election will be held and conducted according to procedures in the Elections Code, including Section 10418.

Section 9. Request for County Services. Pursuant to Section 10002 of the California Elections Code, the Council of the Town of Los Gatos hereby requests the Board of Supervisors of Santa Clara County to permit the Registrar of Voters to render services to the Town of Los Gatos relating to the conduct of the Town's Municipal and Special Elections which are called to be held on Tuesday, November 8, 2022. The services shall be of the type normally performed by the Registrar of Voters in assisting the clerks of municipalities in the conduct of elections including, but not limited to, checking registrations, mailing ballots, hiring election officers, and arranging for polling places, receiving absentee voter ballot applications, mailing and receiving absent voter ballots, and opening and counting ballots, providing and distributing election supplies, and furnishing voting machines.

Section 10. Transmittal of Resolution. The Town Clerk is hereby directed to submit forthwith an original copy of this resolution including the measure attached hereto as Attachment "A" to the Santa Clara County Board of Supervisors and a certified copy to the Registrar of Voters.

Section 11. Placement on the Ballot. The Town Clerk is hereby authorized and directed to take all steps necessary to place the measure on the ballot and the full text of the Measure shall not be printed in the voter pamphlet. A statement shall be printed in the ballot pursuant to Section 9280 of the Elections Code advising voters that they may obtain a copy of this resolution and the Measure, at no cost, upon request made to the Town Clerk, as well as a link to the ballot measure materials on the Town's website.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSENTIONS:

ATTEST:

Town Clerk

APPROVED:

Mayor

APPROVED AS TO FORM:

Town Attorney

Town Manager

Interim Director of Finance

Ordinance No. _____

Ordinance of the Town of Los Gatos
Amending Chapter 14 of the Town Code

The People of the Town of Los Gatos ordain as follows:

Section 1. Chapter 14 of the Los Gatos Town Code is hereby amended by adding, deleting, and modifying provisions as set forth in this section below. Additions are indicated by underscoring and deletions are indicated by ~~strike-through type~~. Portions of the Chapter not included in this Ordinance or not shown in underscoring or strike-through type are not changed.

Chapter 14
LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE I. IN GENERAL

Sec. 14.10.010. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Business means professions, trades and occupations and every kind of calling carried on for profit or livelihood, including the business of renting or leasing apartments.

E-commerce means commercial transactions conducted electronically on the Internet.

Fixed place of business means the premises occupied for the particular purpose of conducting the business thereat, and regularly kept open for that purpose, with a competent person in attendance for the purpose of attending to such business. Included in such term is the premises rented or leased by persons owning apartments located in the Town.

Gross receipts means the total amount of the sale price of all sales and the total amount charged or received for the performance of any act, service or employment of whatever nature it may be, for which a charge is made or credit allowed, whether or not such service, act or employment is done as a part of or in connection with the sale of materials, goods, wares or merchandise. Included in such term shall be all receipts, cash, credits and property of any kind or nature, and any amount for which credit is allowed by the seller to the purchaser without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor, or service costs, interest paid or payable or losses or other expenses whatsoever.

Excluded from such term shall be cash discounts allowed and taken on sales, any tax required by law to be included in, or added to, the purchase price and collected from the consumer or purchaser, and such part of the sale price of property returned by purchasers upon rescission of the contract of sale as is refunded either in cash or by credit.

Home occupation has the same meanings as it does in the zoning ordinance.

Jobbing business means any business conducted solely for the purpose of selling goods, wares or merchandise in job lots to wholesale merchants for resale at wholesale to the trade by such wholesale merchants.

Quarter means a period of three (3) calendar months. The quarters begin on the first day of January, April, July and October of each year. The quarter shall include fractions thereof.

Real estate broker means the managing broker and/or partner of any real estate office.

Retail business means any business conducted for the purpose of selling, or offering to sell, any goods, wares or merchandise, other than as a part of a wholesale business and jobbing business.

Tax ~~and license~~ collector is the Finance Director or designee.

Vehicle means any device in, upon or by which any person or property is or may be transported or drawn upon a public street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Wholesale business means any business conducted solely for the purpose of selling goods, wares or merchandise in wholesale lots to retail merchants for resale at retail to the trade by such retail merchants.

(Code 1968, § 15-1; Ord. No. 1929, § I, 1-19-93; Ord. No. 2026, §§ V, VI, 2-18-97)

Cross reference(s)—Definitions and rules of construction generally, § 1.10.015; zoning ordinance definitions, § 29.10.020.

Sec. 14.10.040. Statements required—Upon application for original business license.

- (a) Upon a person making application for the first business license under this chapter, or for a newly established business, in all cases where the amount of business license tax to be paid is based upon gross receipts or is graduated according to some other sliding scale, such person shall furnish to the Tax ~~and License~~ Collector, for guidance in ascertaining the amount of business license tax to be paid by the applicant, a written statement upon a form provided by the Tax ~~and License~~ Collector, signed and certified under penalty of perjury to be true and correct.
- (b) If the amount of the business license tax to be paid by the applicant is based upon the amount of gross receipts, the applicant shall estimate the amount of gross receipts for the period to be covered by the business license for the purpose of determining the licensing bracket which will be applicable for the period to be covered by the license to be issued. Such estimate, if accepted by the Tax ~~and License~~ Collector as reasonable, shall be used in determining the amount of business license tax to be paid by the applicant. The tax so determined shall be tentative only and such person shall, by not later than January 31st ~~May fifteenth~~ next following the period for which the license was issued, furnish the Tax ~~and License~~ Collector with a certified or sworn statement upon a form furnished by the Tax Collector, containing the data required to show the licensing bracket properly applicable to such person during the period of such business license, and the business license tax for such period shall be finally ascertained and paid in the manner provided in this chapter, after

deducting from the payment found to be due the amount paid at the time such first business license was issued. The Tax ~~and License~~ Collector shall not issue to any such person another license for the same or any other business until such person shall have furnished the written statement and paid the business license tax as required in this chapter.

- (c) If the amount of the business license tax to be paid by the applicant is graduated according to some sliding scale other than gross receipts, the applicant shall furnish to the Tax ~~and License~~ Collector for guidance in ascertaining the amount of business license tax to be paid, a certified or sworn statement upon a form provided by the Tax ~~and License~~ Collector setting forth such information as may be therein required and as may be necessary properly to determine the amount of business license tax to be paid by the applicant and which statement shall show, among other things, the number of vehicles or tonnage thereof or the number of seats, chairs, rooms, tables or other units used or involved in such person's business as of the time of filing such application. Such person shall thereupon pay the required license tax in advance, computed in accordance with the information contained in such statement.

- (d) Repealed.

(Code 1968, § 15-7; Ord. No. 1929, § IV, 1-19-93; Ord. No. 2026, §§ VIII, IX, 2-18-97)

Sec. 14.10.095. Term.

A business license issued under this chapter shall expire at the end of the term year for which the license or renewal is issued unless the license is renewed for an additional period.

(Code 1968, § 15-18; Ord. No. 2026, § XIII, 2-18-97)

ARTICLE II. LICENSES

DIVISION 2. SCHEDULES

Sec. 14.20.110. Gross receipts tax.

Every person doing business in the Town, except a person whose business is taxed under the terms of section 14.20.115, shall pay an annual business license tax based on the gross receipts of the business. The tax is levied according to one (1) or both of the following schedules. When the business activities of one (1) person, taxable under the provisions of this section, involve both retail and e-commerce, manufacturing, wholesaling or jobbing transactions, the total gross income is apportioned between the two (2) schedules, according to its source.

RETAILING

At Least	But Less Than	Tax
\$ 0	\$ 50,000	\$ 75.00 <u>\$90.00</u>
<u>\$ 50,000</u>	<u>\$ 100,000</u>	112.00 <u>\$135.00</u>

\$ 100,000	\$ 150,000	150.00 <u>\$180.00</u>
\$ 150,000	\$ 200,000	187.50 <u>\$225.00</u>
\$ 200,000	\$ 250,000	225.00 <u>\$270.00</u>
\$ 250,000	\$ 300,000	262.50 <u>\$315.00</u>
\$ 300,000	\$ 350,000	300.00 <u>\$360.00</u>
\$ 350,000	\$ 400,000	337.50 <u>\$405.00</u>
\$ 400,000	\$ 450,000	375.00 <u>\$450.00</u>
\$ 450,000	\$ 500,000	412.50 <u>\$495.00</u>
\$ 500,000	\$ 600,000	450.00 <u>\$540.00</u>
\$ 600,000	\$ 700,000	487.50 <u>\$585.00</u>
\$ 700,000	\$ 800,000	525.00 <u>\$630.00</u>
\$ 800,000	\$ 900,000	562.50 <u>\$675.00</u>
\$ 900,000	\$ 1,000,000	600.00 <u>\$720.00</u>
\$ 1,000,000	\$ 1,100,000	637.50 <u>\$765.00</u>
\$ 1,100,000	\$ 1,200,000	675.00 <u>\$810.00</u>
\$ 1,200,000	\$ 1,300,000	712.50 <u>\$855.00</u>
\$ 1,300,000	\$ 1,400,000	750.00 <u>\$900.00</u>
\$ 1,400,000	\$ 1,500,000	787.50 <u>\$945.00</u>
\$ 1,500,000	\$ 1,600,000	825.00 <u>\$990.00</u>
\$ 1,600,000	\$ 1,700,000	862.50 <u>\$1,035.00</u>
\$ 1,700,000	\$ 1,800,000	900.00 <u>\$1,080.00</u>
\$ 1,800,000	\$ 1,900,000	937.50 <u>\$1,125.00</u>
\$ 1,900,000	\$ 2,000,000 and above	975.00 <u>\$1,170.00</u>

E-COMMERCE, MANUFACTURING, WHOLESALING AND JOBBING

<i>At Least</i>	<i>But Less Than</i>	<i>Tax</i>
\$ 0	\$ 200,000	\$ 150.00 <u>\$180.00</u>

\$ 200,000	\$ 300,000	487.50 <u>\$225.00</u>
\$ 300,000	\$ 400,000	262.50 <u>\$315.00</u>
\$ 400,000	\$ 500,000	337.50 <u>\$405.00</u>
\$ 500,000	\$ 600,000	450.00 <u>\$540.00</u>
\$ 600,000	\$ 800,000	562.50 <u>\$675.00</u>
\$ 800,000	\$ 1,000,000	675.00 <u>\$810.60</u>
\$ 1,000,000	\$ 1,200,000	787.50 <u>\$945.00</u>
\$ 1,200,000	\$ 1,400,000	900.00 <u>\$1,080.00</u>
\$ 1,400,000	\$ 1,600,000	1,012.50 <u>\$1,215.00</u>
\$ 1,600,000	\$ 1,800,000	\$1,125.00 <u>\$1,350.00</u>
\$ 1,800,000	\$ 2,000,000	1,237.50 <u>\$1,485.00</u>
\$ 2,000,000	\$ 2,500,000	1,350.00 <u>\$1,620.00</u>
\$ 2,500,000	\$ 3,000,000	1,462.50 <u>\$1,755.00</u>
\$ 3,000,000	\$ 3,500,000	1,575.00 <u>\$1,890.00</u>
\$ 3,500,000	\$ 4,000,000	1,687.50 <u>\$2,025.00</u>
\$ 4,000,000	\$ 4,500,000	1,800.00 <u>\$2,160.00</u>
\$ 4,500,000	\$ 5,000,000	1,912.50 <u>\$2,295.00</u>
\$ 5,000,000	\$ 5,500,000	2,025.00 <u>\$2,430.00</u>
\$ 5,500,000	\$ 6,000,000	2,137.50 <u>\$2,565.00</u>
\$ 6,000,000	\$ 6,500,000	2,250.00 <u>\$2,700.00</u>
\$ 6,500,000	\$ 7,000,000	2,362.50 <u>\$2,834.40</u>
\$ 7,000,000	\$ 7,500,000	2,175.00 <u>\$2,970.00</u>
\$ 7,500,000	\$ 8,000,000	2,587.50 <u>\$3,105.00</u>
\$ 8,000,000	\$ 8,500,000	2,700.00 <u>\$3,240.00</u>
\$ 8,500,000	\$ 9,000,000	2,812.50 <u>\$3,375.00</u>
\$ 9,000,000	\$ 9,500,000	2,925.00 <u>\$3,510.00</u>
\$ 9,500,000	\$ 10,000,000	3,037.50 <u>\$3,645.00</u>

\$ 10,000,000	\$ 10,500,000	4,500.00 <u>\$5,400.00</u>
\$ 10,500,000	\$ 11,000,000	4,612.50 <u>\$5,535.00</u>
\$ 11,000,000	\$ 11,500,000	4,725.00 <u>\$5,670.00</u>
\$ 11,500,000	\$ 12,000,000	4,837.50 <u>\$5,805.00</u>
\$ 12,000,000		4,837.50 <u>\$5,805.00</u>
		plus \$75.00 <u>\$90.00</u> for each \$550,000 or fraction thereof in excess of \$12,000,000

(Code 1968, § 15-27; Ord. No. 1857, §§ I, II, 6-3-91)

Sec. 14.20.115. License taxes for specified businesses.

Every person doing any of the kinds of business specified in this section shall pay the business license tax specified. The fees are annual unless otherwise specified.

Advertising signs

Signposting and painting~~\$ 420.00~~ \$504.00

Amusements

Shows, concerts, and the like (per day)~~42.00~~ \$50.00

Circuses, menageries and the like:

Less than 2,000 seating capacity

First day~~420.00~~ \$504.00

Each succeeding day~~\$ 52.50~~ \$63.00

More than 2,000 seating capacity

First day~~630.00~~ \$756.00

Each succeeding day~~105.00~~ \$126.00

Sideshows (per day): \$50.00

~~Entrance fee not exceeding \$0.10~~~~21.00~~

~~Entrance fee exceeding \$0.10~~~~42.00~~

Circus procession or parade (each)~~210.00~~ \$252.00

Carnivals (per day)~~42.00~~ \$50.00

Ferris wheels, merry-go-rounds, and the like (per month)~~210.00~~ \$252.00

Public dances (per dance)~~21.00~~ \$25.00

Apartment rental and mobile home parks (per unit)~~7.50~~ \$9.00

The term "apartment" includes all buildings or groups of buildings on the same premises, composed of a total of three (3) or more dwelling units

Auctioneers~~112.50~~ \$135.00

Billiard and pool rooms (per table)~~52.50~~ \$63.00

Boardinghouses

Boardinghouses licensed by the state or county as boardinghouses for pensioners, and who board pensioners exclusively, are exempt from the business license tax.

For first 4 boarders~~21.00~~ \$25.00

For each person over 4~~4.50~~ \$5.30

Cleaning and dyeing laundry delivery

Vehicles (annual, per vehicle)~~168.00~~ \$202.00

The tax applies to those who have no fixed place of business in the town.

Contractors (annual)~~224.00~~ \$269.00

A separate fee for each type of work activity, such as general engineering, building, plumbing, plastering, painting, masonry, termite service, installation or other specialty, in addition to any sales or jobbing license fee. Contractors with businesses not located in Los Gatos but doing a short-term work activity may pay the daily fee when the job including inspection is finished within a day.

A contractor must show proof of a valid California Contractor's License or a signed Declaration of Exemption from California Contractor's License law.

Contractors (daily)~~105.00~~ \$126.00

Day care facilities

Day care facilities provide day care for children under eighteen (18) years of age who are unrelated to the licensee.

Small family day care home (a facility providing day care for six (6) children or less, including resident children)No fee

Large family day care home (a facility providing day care for seven (7) to twelve (12) children, including resident children)No fee

Nursery school (a facility providing day care for thirteen (13) or more children)No fee

Hospitals, rest homes, and the like:

Annual, or~~\$140.00~~ \$168.00

Per bed, if that is larger~~10.00~~ \$12.00

Hotels and motels (annual, per guest room)~~7.50~~ \$9.00

Business activities other than renting rooms, conducted in connection with a hotel, are taxed separately.

House movers

Annual license~~105.00~~ \$126.00

Additional, per structure moved~~84.00~~ \$101.00

Itinerant photographers(annual)~~210.00~~ \$252.00

Itinerant vendors (daily)~~105.00~~ \$126.00

The words "itinerant vendor" mean any person, both principal and agent, who engages in a temporary and transient business in the Town selling goods, wares and merchandise with the intention of continuing such business in the Town for a period of not more than ninety (90) days, and who, for the purpose of carrying on such business, hires, leases or occupies any room, building or structure for the exhibition or sale of such goods, wares, or merchandise, or from which room, building or structure the sales shall be made or business solicited by means of samples or delivery from house to house. The person so engaged is not relieved from the provisions of this section by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting temporary or transient business in connection with, or as a part of, or in the name of any local dealer, trader, merchant or auctioneer. The provisions of this section do not apply to commercial travelers or selling agents selling their goods to dealers, whether selling for present or future deliveries, by sample or otherwise, nor to hawkers on the street, nor peddlers from vehicles, nor to persons selling fruit, vegetables, butter, eggs, or other fruit or ranch products.

Junk collectors (annual, per vehicle)~~\$ 84.00~~ \$101.00

Junk collector means any person who has no fixed place of business in the Town and who engages in or carries on the business of collecting, buying or selling any old rags, sacks, bottles, cans, papers, metals or other articles of junk.

Junk dealers (annual)~~420.00~~ \$504.00

Junk dealer means any person who has a fixed place of business in the Town, and who engages in or carries on the business of buying or selling, either at wholesale or retail, any old rags, sacks, bottles, cans, papers, metals or other articles of junk.

Peddlers

Peddlers of wares other than food, per person, per day~~21.00~~ \$25.00

Peddlers of food, except lunch wagon operators:

Using a vehicle (per vehicle, annual) ~~210.00~~ \$252.00

Not using a vehicle, carrying wares by hand~~42.00~~ \$50.00

Lunch wagon operators (per vehicle, annual)~~210.00~~ \$252.00

Peddlers engaged in the business of selling any personal property at a sale conducted by an organization exempt from the business license tax under the provisions of [section 14.10.030](#) of this chapter shall pay a license tax of ~~\$7.50~~ \$9.00 per day. This rule applies only when all fees, commissions or other remuneration of any kind paid by the peddler to the organization conducting, sponsoring or promoting the sale is devoted exclusively to the business license tax-exempt purposes of the organization and the organization has obtained prior approval from the Town Council to conduct the sale, ~~per day \$7.50.~~

A "peddler" is every person not having a regularly established place of business in the Town who travels from place to place, or has a stand upon any public street, alley or other public place, doorway or any building, unenclosed or vacant lot, or parcel of land, who sells, offers for sale, any goods, wares or merchandise in the peddler's possession.

Professional ~~and semiprofessional~~ occupations

Per professional ~~or semiprofessional~~ person~~200.00~~ \$240.00

Support staff ~~A~~additional per employee~~15.00~~ \$18.00

Professional services are occupations in the service sector requiring special training in the arts or sciences. Some professional services require the practitioner to hold professional degrees or licenses and possess specific skills. Other professional services involve providing specialist business support to businesses of all sizes and in all sectors. Professional Services means the business is offering any professional, scientific, or technical service including, but not limited to legal advice and representation; accounting, bookkeeping, and payroll services; architectural, engineering, and specialized design services; computer services; consulting services; research and development services; advertising services; photographic services; translation and interpretation services; veterinary services; and other professional, scientific, and technical services. Professional ~~or semiprofessional business or service~~ occupations include, but are not limited to, the following:

- Accountant
- Advertising counsel
- Appraiser
- Architect
- Artist
- Assayer
- Attorney-at-law
- Auditor
- Bacteriologist
- Broker; stock or bond
- Chemist

Chiropodist
Chiropractor
Dental hygienist
Dentist
Designer or decorator
Detective or investigative personnel
Draftsperson
Drugless practitioner
Electrologist
~~Engineer: civil, mining, electrical, construction~~
~~Engineer: structural, consulting, mechanical, hydraulic~~
Engraver
Feed, grain and fruit broker
Geologist
Illustrator or showcard writer
Landscape architect
Lapidary
Lithographer
Licensed financial planner
Licensed investment counselor
~~Masseuse or masseur~~
Marriage therapist
Massage therapist
Nurse
Oculist, optician or optometrist
Osteopath
Physical therapist
Physician
Property management
Real estate brokers
Surgeon
Surveyor

Taxidermist

Veterinarian

X-ray, dental or medical laboratory

Support staff include, but are not limited to the following: receptionist, office assistant, real estate agents

Service occupations~~\$100.00~~ \$120.00

Service occupations include, but are not limited to the following: appliance, home furnishing or radio and television installation, janitorial and building maintenance, landscape installation and maintenance, secretarial service, security guards, etc.

Shooting galleries~~105.00~~ \$126.00

Solicitors (per business)~~210.00~~ \$252.00

A solicitor is one who engages in the business of going from house to house, place to place or in or along the streets within the Town selling or taking orders for, or offering to sell or take orders for, goods, wares, merchandise, advertising or other things of value for future delivery, or for services to be performed in the future.

Taxicabs

Per business~~150.00~~ \$180.00

Additional per taxi~~22.50~~ \$27.00

Theaters and concert halls~~105.00~~ \$126.00

Trucking (annual, per vehicle)~~140.00~~ \$168.00

Persons other than peddlers who sell or deliver food or any other goods by means of a vehicle, and who have no fixed place of business in the Town. Persons who make no more than two deliveries or sales per quarter are exempt from the foregoing tax. All other motor vehicle delivery business, whether the business operates on a regular route or between fixed termini or not:

For one vehicle~~45.00~~ \$54.00

For each additional vehicle~~22.00~~ \$26.00

(Ord. No. 1755, §§ 1—3, 7-5-88; Ord. No. 1857, §§ I, II, 6-3-91; Ord. No. 1929, § X, 1-19-93; Ord. No. 2026, § XV, 2-18-97; Ord. No. 2320, § III, 9-7-21)

~~Sec. 14.20.120. Credit for businesses in Parking and Business Improvement Area.~~

~~(a) Any business located and operating within a parking and business improvement area established pursuant to Streets and Highway Code section 36500 and following shall receive a credit on the annual license tax as set forth in this section if:~~

~~(1) An assessment pursuant to the parking and business improvement area district ordinance has been levied on the business by the Town for the license year; and~~

~~(2) The business has paid its parking and business improvement area district assessment for the prior year.~~

~~(b) Each person doing any of the kinds of businesses identified as "Contractor," "Hospitals, rest homes, and the like," "Professional and semiprofessional occupations," "Service occupations," and "Trucking" in section 14.20.115 shall receive a credit equal to fifty (50) percent of the annual business license tax.~~

~~(c) Every person doing any other kind of business shall receive a credit equal to thirty three and a third (33⅓) percent of the annual business license tax.~~

~~(Ord. No. 1857, §§ I, II, 6-3-91; Ord. No. 1970, § I, 2-22-94)~~

~~Sec. 14.20.125. Exemption for contractors to the town.~~

~~Any business whose income from business in the Town is not more than five hundred dollars (\$500.00) during any calendar year and is derived solely from contracts with the Town is exempt from payment of the business license taxes set forth in this article for that calendar year.~~

~~(Ord. No. 1983, § II, 7-5-94)~~

Section 2. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable. It is hereby declared to be the intention of the electorate that they would have adopted this Ordinance had such unconstitutional, illegal, or invalid provision, sentence, clause section, or part thereof not been included herein.

Section 3. California Environmental Quality Act. This Ordinance is exempt from the California Environmental Quality Act, Public Resources Code section 21000 et seq., under, including without limitation, Public Resources Code section 21065, and CEQA Guidelines sections 15378(b)(4) and 15061(b)(3), as it can be seen with certainty that there is no possibility that the activity authorized herein may have a significant effect on the environment.

Section 4. Council Implementation. The Town Council of the Town of Los Gatos shall adopt any and all laws it deems necessary to implement this Ordinance.

Section 5. Council Amendments. The Town Council of the Town of Los Gatos is authorized to amend Chapter 14 of the Los Gatos Town Code in any manner that does not increase the rate of any tax or otherwise constitutes a tax increase for which voter approval is required by Article XIII C of the California Constitution, including adopting exemptions, waivers, or reductions of the tax.

Section 6. Administrative Regulations and Delegation. The Town Manager is authorized to adopt rules and regulations consistent with this measure as needed to implement this measure and Chapter 14 of the Los Gatos Town Code and to develop all related forms and

other materials and to take any other steps as needed to implement this measure and Chapter 14 and to make such interpretations of this measure and Chapter 14 as the Town Manager may consider necessary to achieve the purposes of this measure and Chapter 14. The Town Manager may delegate any authority within their discretion pursuant to this measure as they deem reasonably necessary.

Section 7. Liberal Construction. This Ordinance shall be liberally construed to effectuate its purposes.

Resolution No. _____

Resolution of the Council of the Town of Los Gatos
Calling a Municipal Election for November 8, 2022,
Requesting that the County Consolidate the Municipal Election
with the General Election on November 8, 2022 and
Submitting to the Qualified Electors of the Town at the
November 8, 2022 Consolidated General Election a Measure
to Amend Chapter 14 of the Los Gatos Town Code

R E C I T A L S

A. WHEREAS, the Town’s business license tax ordinance was adopted in 1968 and the amount of the tax has not increased since 1991.

B. WHEREAS, the current business license tax is regressive in that smaller businesses pay a higher effective tax rate than larger businesses.

C. WHEREAS, the Town Council desires to adjust the business license tax to both increase revenue and provide a more equitable tax structure.

D. WHEREAS, a proposed ordinance attached hereto and incorporated herein by reference as Attachment “A” (“the Ordinance”) would amend Chapter 14 of the Los Gatos Town Code to revise the license tax on businesses operating in the Town of Los Gatos.

E. WHEREAS, a statewide general election is scheduled for November 8, 2022. The Town Council wishes to call a municipal election for the Town to be held on November 8, 2022 and to request the County of Santa Clara to consolidate the municipal election with the statewide general election.

The Town Council of the Town of Los Gatos now resolves as follows:

Section 1. Findings. The Town Council finds and determines that each of the findings set forth above are true and correct.

Section 2. Calling the Election. The Council calls for a municipal election to be held on November 8, 2022 (“the Election”).

Section 3. Measure. Pursuant to Government Code Section 53724 and Elections Code Section 9222, the Town Council hereby submits the Ordinance attached hereto as Attachment A to the voters at the Election and orders the following question to be submitted to the voters at the Election:

Shall the measure to fund critical Town needs such as public safety by incorporating gross receipts reporting for all businesses at rates between \$0.50 and \$2.00 per \$1000 after a \$25.00 flat fee for the first \$25,000 in gross receipts, replacing the existing regressive taxing system of flat fees and gross-receipts, raising \$2.3 million yearly for general fund purposes until ended by voters, and increasing equity among small, medium and larger businesses, be adopted?	YES	
	NO	

This question requires the approval of a majority of those casting votes.

Section 4. Notice of Election. Notice of the time and place of holding the election is hereby given, and the Town Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form, and manner as required by law.

Section 5. Impartial Analysis. Pursuant to California Elections Code Section 9280, the Town Council hereby directs the Town Clerk to transmit a copy of the measure to the Town Attorney. The Town Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure, and transmit such impartial analysis to the Town Clerk on or before 4:00 p.m. on August 19, 2022.

In the event the entire text of the Measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **“The above statement is an impartial analysis of Ordinance or Measure __. If you desire a copy of the ordinance or measure, please call the Town Clerk at 408-354-6888 and a copy will be emailed at no cost to you.”**

Section 6. Ballot Arguments. Pursuant to Elections Code Section 9286 et. seq., August 12, 2022, at 4:00 p.m. shall be the deadline for submission of arguments in favor of, and arguments against, this measure. Arguments in favor or against the measure shall not exceed 300 words in length. The Mayor, or his designee(s), is hereby authorized to prepare a written argument in favor of the proposed measure on behalf of the Town Council. At the Mayor’s discretion, the Argument may also be signed by bona fide associations or by individual voters who are eligible to vote in the Town of Los Gatos. Each argument shall be signed, filed with the Town Clerk, and include the printed name(s) and signature(s) of the author(s) submitting the argument. If more than one argument for or against is received, the priorities established by Elections Code Section 9287 shall control.

Section 7. Rebuttal Arguments. Subdivision (a) of section 9285 of the Elections Code shall apply to the Election and shall control the submission of any rebuttal arguments for this measure. If an argument in favor and an argument against the measure have been selected to be printed in the voter information guide, the Clerk shall send a copy of the argument in favor of the measure to the authors of the argument against the measure and a copy of an argument against the measure to the authors of the argument in favor of the measure. The rebuttal authors or

persons designated by them may prepare and submit rebuttal arguments not to exceed 250 words in length. Rebuttal arguments must be submitted not later than August 19, 2022, by 4:00 p.m.

Section 8. Consolidation Request. The Council of the Town of Los Gatos requests that the Board of Supervisors of Santa Clara County consolidate the municipal election and the election on this measure with the November 8, 2022 statewide general election. The Council further requests that the Board of Supervisors of Santa Clara County include on the ballots and sample ballots, all qualified measures submitted by the Town Council to be submitted to the qualified electors of the Town of Los Gatos. The Council acknowledges that the election will be held and conducted according to procedures in the Elections Code, including Section 10418.

Section 9. Request for County Services. Pursuant to Section 10002 of the California Elections Code, the Council of the Town of Los Gatos hereby requests the Board of Supervisors of Santa Clara County to permit the Registrar of Voters to render services to the Town of Los Gatos relating to the conduct of the Town's Municipal and Special Elections which are called to be held on Tuesday, November 8, 2022. The services shall be of the type normally performed by the Registrar of Voters in assisting the clerks of municipalities in the conduct of elections including, but not limited to, checking registrations, mailing ballots, hiring election officers, and arranging for polling places, receiving absentee voter ballot applications, mailing and receiving absent voter ballots, and opening and counting ballots, providing and distributing election supplies, and furnishing voting machines.

Section 10. Transmittal of Resolution. The Town Clerk is hereby directed to submit forthwith an original copy of this resolution including the measure attached hereto as Attachment "A" to the Santa Clara County Board of Supervisors and a certified copy to the Registrar of Voters.

Section 11. Placement on the Ballot.
The Town Clerk is hereby authorized and directed to take all steps necessary to place the measure on the ballot and the full text of the Measure shall not be printed in the voter pamphlet. A statement shall be printed in the ballot pursuant to Section 9280 of the Elections Code advising voters that they may obtain a copy of this resolution and the Measure, at no cost, upon request made to the Town Clerk, as well as a link to the ballot measure materials on the Town's website.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSECTIONS:

ATTEST:

Town Clerk

APPROVED:

Mayor

APPROVED AS TO FORM:

Town Attorney

Town Manager

Interim Director of Finance

Ordinance No. _____

Ordinance of the Town of Los Gatos
Amending Chapter 14 of the Town Code

The People of the Town of Los Gatos ordain as follows:

Section 1. Chapter 14 of the Los Gatos Town Code is hereby amended by adding, deleting, and modifying provisions as set forth in this section below. Additions are indicated by underscoring and deletions are indicated by ~~strike-through type~~. Portions of the Chapter not included in this Ordinance or not shown in underscoring or strike-through type are not changed.

Chapter 14
LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE I. IN GENERAL

Sec. 14.10.010. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Business means professions, trades and occupations and every kind of calling carried on for profit or livelihood, including the business of renting or leasing apartments.

Contractor means every person, firm, or corporation conducting, managing, or carrying on the business of contractor, subcontractor, or builder; or engaging in the construction or repair of any structures or infrastructure; or engaged in any engineering.

E-commerce means commercial transaction(s) conducted electronically on the Internet.

Fixed place of business means the premises occupied for the particular purpose of conducting the business thereat, and regularly kept open for that purpose, with a competent person in attendance for the purpose of attending to such business. Included in such term is the premises rented or leased by persons owning apartments located in the Town.

General Commerce/Retail means This category includes ~~retailers, wholesalers, manufacturers, jobbers, hoteliers, and restaurant businesses.~~

Gross receipts means the total amount of the sale price of all sales and the total amount charged or received for the performance of any act, service or employment of whatever nature it may be, for which a charge is made or credit allowed, whether or not such service, act or employment is done as a part of or in connection with the sale of materials, goods, wares or merchandise. Included in such term shall be all receipts, cash, credits and property of any kind or nature, and any amount for which credit is allowed by the seller to the purchaser without any

deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor, or service costs, interest paid or payable or losses or other expenses whatsoever.

Excluded from such term shall be cash discounts allowed and taken on sales, any tax required by law to be included in, or added to, the purchase price and collected from the consumer or purchaser, and such part of the sale price of property returned by purchasers upon rescission of the contract of sale as is refunded either in cash or by credit.

Home occupation has the same meanings as it does in the zoning ordinance.

Manufacturing means manufacturing or processing any goods, wares, merchandise, articles, or commodities.

~~*Jobbing business* means any business conducted solely for the purpose of selling goods, wares or merchandise in job lots to wholesale merchants for resale at wholesale to the trade by such wholesale merchants.~~

Jobber means any business conducted solely for the purpose of selling goods, wares or merchandise in job lots to wholesale merchants for resale at wholesale to the trade by such wholesale merchants.

Professional means any professional services, as that term is ordinarily and commonly used and understood, where individuals are engaged in the business of offering to the public professional or semiprofessional services for compensation, and shall include those professions generally requiring governmental certification or a professional degree, including but not limited to, the services rendered by a person engaged in the practice or profession of law, medicine, surgery, dentistry, ophthalmology, optometry, chiropractic medicine, osteopathy, chiropody, dentistry, laboratory technology, physical therapy, mortician services, psychology, psychotherapy, counseling, speech therapy, veterinary services, financial planning, investment advising, real estate sales, management, or development, engineering, surveying, geology, appraising, architecture, accounting, income tax preparation or consulting, bookkeeping.

Quarter means a period of three (3) calendar months. The quarters begin on the first day of January, April, July and October of each year. The quarter shall include fractions thereof.

Rental Commercial & Residential means any business that leases, rents, or provides use of real property to another individual or entity for compensation.

Restaurant means an establishment where meals, prepared foods, and/or beverages are served to customers.

~~*Real estate broker* means the managing broker and/or partner of any real estate office.~~

~~*Retail business* means any business conducted for the purpose of selling, or offering to sell, any goods, wares or merchandise, other than as a part of a wholesale business and jobbing business.~~

Services means any services in which an individual or individuals are engaged in the business of offering to the public services for compensation, including but not limited to, hair salons, nail salons, gardening services, and any other service not specifically included in another definition including e-commerce.

~~*Tax and license collector*~~ is the Finance Director or designee.

Vehicle means any device in, upon or by which any person or property is or may be transported or drawn upon a public street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Wholesale means the sale of goods, wares, or merchandise for the purpose of resale in the regular course of business.

~~*Wholesale business* means any business conducted solely for the purpose of selling goods, wares or merchandise in wholesale lots to retail merchants for resale at retail to the trade by such retail merchants.~~

(Code 1968, § 15-1; Ord. No. 1929, § I, 1-19-93; Ord. No. 2026, §§ V, VI, 2-18-97)

Cross reference(s)—Definitions and rules of construction generally, § 1.10.015; zoning ordinance definitions, § 29.10.020.

Sec. 14.10.030. Certain businesses exempt from certain requirements of chapter.

- (a) Nothing in this chapter shall be deemed or construed to apply to any of the following:
- (1) Any person transacting and carrying on any business exempt by virtue of the constitution or applicable statutes of the United States or of the State.
 - (2) Any institution or organization which is conducted, managed, or carried on wholly for the benefit of charitable purposes or from which profit is not derived either directly or indirectly by any person.
 - (3) The conducting of any entertainment, concert, exhibition, or lecture on scientific, historical, literary, religious or moral subjects within the Town whenever the receipts of any such entertainment, concert, exhibition, or lecture is to be appropriated to any church or school or veteran association, or to any religious or benevolent purpose.
 - (4) The conducting of any entertainment, dance, concert, exhibition, or lecture by any religious, charitable, fraternal, educational, military, State, county, or municipal organization or association whenever the receipts of any such entertainment, dance, concert, exhibition, or lecture are to be appropriated for the purpose and objects for which such organization or association was formed, and from which profit is not derived either directly or indirectly by any person.
 - (5) Charitable nonprofit corporations recognized by the Franchise Tax Board and granted California tax exemptions as such, attributable to business activities conducted in the course of and in conjunction with community-wide events when the event has specific approval of the Town Council, or is permitted under the special event permit process, and when the proceeds of the business activity are entirely devoted to the purposes of the organization.
- ~~(b) Every person commencing, transacting and carrying on in the Town any business in a home, whose annual gross receipts from such business are two thousand five hundred dollars (\$2,500.00) or less, shall be exempted from the payment of a license tax under this chapter, but shall be required to obtain and display a license and shall pay a license fee of twenty dollars (\$20.00). Where the annual gross receipts from such business exceeds two thousand five hundred dollars (\$2,500.00) the license tax as imposed in this chapter shall apply.~~

- (be) No public utility making franchise payments to the Town shall be subject to the provisions of this chapter.
- (cd) Any person claiming an exemption pursuant to this section shall file a verified statement with the Tax ~~and License~~ Collector stating the facts upon which such exemption is claimed, and shall furnish such other information and documentary evidence as the Tax ~~and License~~ Collector may require in connection with such claim for exemption.
- (de) The Tax ~~and License~~ Collector, upon a proper showing contained in the verified statement, and upon receipt of other information and documentary evidence required in connection with such claim for exemption, shall issue a license to such person claiming exemption under this section without payment to the Town of the license tax required by this chapter.
- (ef) The Town Council may revoke any license granted pursuant to the provisions of this section upon information that the licensee is not entitled to the exemption as provided in this section.
- (fg) Nothing in this section shall be deemed to exempt any organization or association from complying with any other provisions of this Code or any other ordinance of the Town requiring a permit from the Town Council or any Commission or officer of the Town to conduct, manage, or carry on any profession, trade, calling or occupation.

(Code 1968, § 15-5; Ord. No. 1929, § III, 1-19-93; Ord. No. 2026, § VII, 2-18-97)

Sec. 14.10.040. Statements required—Upon application for original business license.

- (a) Upon a person making application for the first business license under this chapter, or for a newly established business, in all cases where the amount of business license tax to be paid is based upon gross receipts or is graduated according to some other sliding scale, such person shall furnish to the Tax ~~and License~~ Collector, for guidance in ascertaining the amount of business license tax to be paid by the applicant, a written statement upon a form provided by the Tax ~~and License~~ Collector, signed and certified under penalty of perjury to be true and correct.
- (b) ~~If the amount of the license tax to be paid by the applicant is based upon the amount of gross receipts, the~~ The applicant shall estimate the amount of gross receipts for the period to be covered by the business license for the purpose of determining the licensing bracket which will be applicable for the period to be covered by the license to be issued. Such estimate, if accepted by the Tax ~~and License~~ Collector as reasonable, shall be used in determining the amount of license tax to be paid by the applicant. The tax so determined shall be tentative only and such person shall, by not later than January 31st ~~May fifteenth~~ next following the period for which the license was issued, furnish the Tax ~~and License~~ Collector with a certified or sworn statement upon a form furnished by the Tax Collector, containing the data required to show the licensing bracket properly applicable to such person during the period of such business license, and the business license tax for such period shall be finally ascertained and paid in the manner provided in this chapter, after deducting from the payment found to be due the amount paid at the time such first business license was issued. The Tax ~~and License~~ Collector shall not issue to any such person another license for the same or any other business until such person shall have furnished the written statement and paid the business license tax as required in this chapter.

~~(c) If the amount of the license tax to be paid by the applicant is graduated according to some sliding scale other than gross receipts, the applicant shall furnish to the Tax and License Collector for guidance in ascertaining the amount of license tax to be paid, a certified or sworn statement upon a form provided by the Tax and License Collector setting forth such information as may be therein required and as may be necessary properly to determine the amount of license tax to be paid by the applicant and which statement shall show, among other things, the number of vehicles or tonnage thereof or the number of seats, chairs, rooms, tables or other units used or involved in such person's business as of the time of filing such application. Such person shall thereupon pay the required license tax in advance, computed in accordance with the information contained in such statement.~~

~~(d) Repealed.~~

(Code 1968, § 15-7; Ord. No. 1929, § IV, 1-19-93; Ord. No. 2026, §§ VIII, IX, 2-18-97)

Sec. 14.10.095. Term.

A business license issued under this chapter shall expire at the end of the term year for which the license or renewal is issued unless the license is renewed for an additional period.

(Code 1968, § 15-18; Ord. No. 2026, § XIII, 2-18-97)

Sec. 14.10.100. Posting and keeping.

All licenses under this chapter shall be kept and posted in the following manner:

- (1) Any licensee transacting and carrying on business at a fixed place of business in the Town shall keep the license posted in a conspicuous place upon the premises where such business is carried on.
- (2) Any licensee transacting and carrying on business, but not operating at a fixed place of business in the Town, shall keep the license in possession at all times while transacting and carrying on such business, or if issued for taxicabs or trucking firms ~~under section 14.20.115~~, then the license shall be displayed prominently in the vehicle.

(Code 1968, § 15-19)

ARTICLE II. LICENSES

DIVISION 2. SCHEDULES

Sec. 14.20.110. Gross receipts tax.

Every person doing business in the Town, ~~except a person whose business is taxed under the terms of section 14.20.115~~, shall pay an annual business license tax based on the gross receipts of the business. The tax is levied based upon gross receipts at the following rates and in the following classifications: according to one (1) or both of the following schedules. ~~When the business activities of one (1) person, taxable under the provisions of this section, involve both retail and manufacturing, wholesaling or jobbing transactions, the total gross income is apportioned between the two (2) schedules, according to its source.~~

A. CLASSIFICATIONS:

1. Category 1 – General Commerce/Retail (\$0.50 per thousand of gross receipts above \$25,000, plus \$25.00 minimum tax rate)

This category includes retail, wholesale, manufacturing, and restaurant businesses.

2. Category 2 – Services (\$1.00 per thousand of gross receipts above \$25,000, plus \$25.00 minimum tax rate)

3. Category 3 – Contractor (\$1.00 per thousand of gross receipts above \$25,000, plus \$25.00 minimum tax rate)

4. Category 4 – Professional (\$2.00 per thousand of gross receipts above \$25,000, plus \$25.00 minimum tax rate)

5. Category 5 – Rental Commercial/Residential (\$2.00 per thousand of gross receipts above \$25,000, plus \$25.00 minimum tax rate):

B. In any case where a licensee or an applicant for a license believes that his or her individual business is not assigned to the proper classification under this section because of circumstances peculiar to it, as distinguished from other businesses of the same kind, he or she may apply to the Tax Collector for reclassification. Such application shall contain such information as the Tax Collector may deem necessary and require in order to determine whether the applicant's individual business is properly classified. The Tax Collector shall then conduct an investigation following which he or she shall assign the applicant's individual business to the classification shown to be proper on the basis of such investigation. The proper classification is that classification which, in the opinion of the Tax Collector, most nearly fits the applicant's individual business. The reclassification shall not be retroactive but shall apply at the time of the next regularly ensuing calculation of the applicant's tax. No business shall be classified more than once in one year.

C. The Tax Collector shall notify the applicant of the action taken on the application for reclassification. Such notice shall be given by serving it personally or by mail to the applicants last known address.

RETAILING

At Least	But Less Than	Tax
\$ ——— 0	\$ — 50,000	\$ — 75.00

—50,000	—100,000	112.00
—100,000	—150,000	150.00
—150,000	—200,000	187.50
—200,000	—250,000	225.00
—250,000	—300,000	262.50
—300,000	—350,000	300.00
—350,000	—400,000	337.50
—400,000	—450,000	375.00
—450,000	—500,000	412.50
—500,000	—600,000	450.00
—600,000	—700,000	487.50
—700,000	—800,000	525.00
—800,000	—900,000	562.50
—900,000	—1,000,000	600.00
—1,000,000	—1,100,000	637.50
—1,100,000	—1,200,000	675.00
—1,200,000	—1,300,000	712.50
—1,300,000	—1,400,000	750.00
—1,400,000	—1,500,000	787.50
—1,500,000	—1,600,000	825.00
—1,600,000	—1,700,000	862.50
—1,700,000	—1,800,000	900.00
—1,800,000	—1,900,000	937.50
—1,900,000	2,000,000 and above	975.00

MANUFACTURING, WHOLESALING AND JOBBING

<i>At Least</i>	<i>But Less Than</i>	<i>Tax</i>
-----------------	----------------------	------------

\$ — 0	\$ — 200,000	\$ — 150.00
— 200,000	300,000	187.50
— 300,000	400,000	262.50
— 400,000	500,000	337.50
— 500,000	600,000	450.00
— 600,000	800,000	562.50
— 800,000	1,000,000	675.00
— 1,000,000	1,200,000	787.50
— 1,200,000	— 1,400,000	900.00
— 1,400,000	— 1,600,000	1,012.50
\$ 1,600,000	— \$ 1,800,000	\$1,125.00
— 1,800,000	— 2,000,000	1,237.50
— 2,000,000	— 2,500,000	1,350.00
— 2,500,000	— 3,000,000	1,462.50
— 3,000,000	— 3,500,000	1,575.00
— 3,500,000	— 4,000,000	1,687.50
— 4,000,000	— 4,500,000	1,800.00
— 4,500,000	— 5,000,000	1,912.50
— 5,000,000	— 5,500,000	2,025.00
— 5,500,000	— 6,000,000	2,137.50
— 6,000,000	— 6,500,000	2,250.00
— 6,500,000	— 7,000,000	2,362.50
— 7,000,000	— 7,500,000	2,175.00
— 7,500,000	— 8,000,000	2,587.50
— 8,000,000	— 8,500,000	2,700.00
— 8,500,000	— 9,000,000	2,812.50
— 9,000,000	— 9,500,000	2,925.00
— 9,500,000	— 10,000,000	3,037.50

—10,000,000	—10,500,000	4,500.00
—10,500,000	—11,000,000	4,612.50
—11,000,000	—11,500,000	4,725.00
—11,500,000	—12,000,000	4,837.50
—12,000,000		4,837.50
		plus \$75.00 for each \$550,000 or fraction thereof in excess of \$12,000,000

(Code 1968, § 15-27; Ord. No. 1857, §§ I, II, 6-3-91)

~~Sec. 14.20.115. License taxes for specified businesses.~~

~~Every person doing any of the kinds of business specified in this section shall pay the business license tax specified. The fees are annual unless otherwise specified.~~

~~Advertising signs~~

~~Signposting and painting\$ 420.00~~

~~Amusements~~

~~Shows, concerts, and the like (per day)42.00~~

~~Circuses, menageries and the like:~~

~~Less than 2,000 seating capacity~~

~~First day420.00~~

~~Each succeeding day\$ 52.50~~

~~More than 2,000 seating capacity~~

~~First day630.00~~

~~Each succeeding day105.00~~

~~Sideshow (per day):~~

~~Entrance fee not exceeding \$0.1021.00~~

~~Entrance fee exceeding \$0.1042.00~~

~~Circus procession or parade (each)210.00~~

~~Carnivals (per day)42.00~~

~~Ferris wheels, merry go rounds, and the like (per month)210.00~~

~~Public dances (per dance)21.00~~

*Apartment rental and mobile home parks (per unit)*7.50

The term "apartment" includes all buildings or groups of buildings on the same premises, composed of a total of three (3) or more dwelling units

*Auctioneers*112.50

*Billiard and pool rooms (per table)*52.50

Boardinghouses

Boardinghouses licensed by the state or county as boardinghouses for pensioners, and who board pensioners exclusively, are exempt from the business license tax.

For first 4 boarders21.00

For each person over 44.50

Cleaning and dyeing laundry delivery

Vehicles (annual, per vehicle)168.00

The tax applies to those who have no fixed place of business in the town.

*Contractors (annual)*224.00

A separate fee for each type of work activity, such as general engineering, building, plumbing, plastering, painting, masonry, termite service, installation or other specialty, in addition to any sales or jobbing license fee. Contractors with businesses not located in Los Gatos but doing a short-term work activity may pay the daily fee.

A contractor must show proof of a valid California Contractor's License or a signed Declaration of Exemption from California Contractor's License law.

*Contractors (daily)*105.00

Day care facilities

Day care facilities provide day care for children under eighteen (18) years of age who are unrelated to the licensee.

Small family day care home (a facility providing day care for six (6) children or less, including resident children)No fee

Large family day care home (a facility providing day care for seven (7) to twelve (12) children, including resident children)No fee

Nursery school (a facility providing day care for thirteen (13) or more children)No fee

Hospitals, rest homes, and the like:

Annual, or\$140.00

Per bed, if that is larger10.00

*Hotels and motels (annual, per guest room)*7.50

Business activities other than renting rooms, conducted in connection with a hotel, are taxed separately.

House movers

~~Annual license~~105.00

~~Additional, per structure moved~~84.00

~~Itinerant photographers(annual)~~210.00

~~Itinerant vendors (daily)~~105.00

~~The words "itinerant vendor" mean any person, both principal and agent, who engages in a temporary and transient business in the Town selling goods, wares and merchandise with the intention of continuing such business in the Town for a period of not more than ninety (90) days, and who, for the purpose of carrying on such business, hires, leases or occupies any room, building or structure for the exhibition or sale of such goods, wares, or merchandise, or from which room, building or structure the sales shall be made or business solicited by means of samples or delivery from house to house. The person so engaged is not relieved from the provisions of this section by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting temporary or transient business in connection with, or as a part of, or in the name of any local dealer, trader, merchant or auctioneer. The provisions of this section do not apply to commercial travelers or selling agents selling their goods to dealers, whether selling for present or future deliveries, by sample or otherwise, nor to hawkers on the street, nor peddlers from vehicles, nor to persons selling fruit, vegetables, butter, eggs, or other fruit or ranch products.~~

~~Junk collectors (annual, per vehicle)~~\$ 84.00

~~Junk collector means any person who has no fixed place of business in the Town and who engages in or carries on the business of collecting, buying or selling any old rags, sacks, bottles, cans, papers, metals or other articles of junk.~~

~~Junk dealers (annual)~~420.00

~~Junk dealer means any person who has a fixed place of business in the Town, and who engages in or carries on the business of buying or selling, either at wholesale or retail, any old rags, sacks, bottles, cans, papers, metals or other articles of junk.~~

~~Peddlers~~

~~Peddlers of wares other than food, per person, per day~~21.00

~~Peddlers of food, except lunch wagon operators:~~

~~Using a vehicle (per vehicle, annual) —~~210.00

~~Not using a vehicle, carrying wares by hand~~42.00

~~Lunch wagon operators (per vehicle, annual)~~210.00

~~Peddlers engaged in the business of selling any personal property at a sale conducted by an organization exempt from the business license tax under the provisions of section 14.10.030 of this chapter shall pay a license tax of \$7.50 per day. This rule applies only when all fees, commissions or other remuneration of any kind paid by the peddler to the organization conducting, sponsoring or promoting the sale is devoted exclusively to the business license tax-exempt purposes of the organization and the organization has obtained prior approval from the Town Council to conduct the sale, per day~~7.50

A "peddler" is every person not having a regularly established place of business in the Town who travels from place to place, or has a stand upon any public street, alley or other public place, doorway or any building, unenclosed or vacant lot, or parcel of land, who sells, offers for sale, any goods, wares or merchandise in the peddler's possession.

Professional and semiprofessional occupations

Per professional or semiprofessional person 200.00

Additional per employee 15.00

Professional or semiprofessional business or service occupations include, but are not limited to, the following:

Accountant

Advertising counsel

Appraiser

Architect

Artist

Assayer

Attorney-at-law

Auditor

Bacteriologist

Broker, stock or bond

Chemist

Chiropodist

Chiropractor

Dental hygienist

Dentist

Designer or decorator

Detective or investigative personnel

Draftsperson

Drugless practitioner

Electrologist

Engineer: civil, mining, electrical, construction

Engineer: structural, consulting, mechanical, hydraulic

Engraver

Feed, grain and fruit broker

Geologist

~~Illustrator or showcard writer~~
~~Landscape architect~~
~~Lapidary~~
~~Lithographer~~
~~Masseuse or masseur~~
~~Nurse~~
~~Oculist, optician or optometrist~~
~~Osteopath~~
~~Physician~~
~~Real estate brokers~~
~~Surgeon~~
~~Surveyor~~
~~Taxidermist~~
~~Veterinarian~~
~~X-ray, dental or medical laboratory~~

Service occupations \$100.00

Service occupations include, but are not limited to the following: appliance, home furnishing or radio and television installation, janitorial and building maintenance, landscape installation and maintenance, secretarial service, security guards, etc.

Shooting galleries 105.00

Solicitors (per business) 210.00

A solicitor is one who engages in the business of going from house to house, place to place or in or along the streets within the Town selling or taking orders for, or offering to sell or take orders for, goods, wares, merchandise, advertising or other things of value for future delivery, or for services to be performed in the future.

Taxicabs

Per business 150.00

Additional per taxi 22.50

Theaters and concert halls 105.00

Trucking (annual, per vehicle) 140.00

Persons other than peddlers who sell or deliver food or any other goods by means of a vehicle, and who have no fixed place of business in the Town. Persons who make no more than two deliveries or sales per quarter are exempt from the foregoing tax. All other motor vehicle delivery business, whether the business operates on a regular route or between fixed termini or not:

For one vehicle 45.00

For each additional vehicle 22.00

(Ord. No. 1755, §§ 1-3, 7-5-88; Ord. No. 1857, §§ I, II, 6-3-91; Ord. No. 1929, § X, 1-19-93; Ord. No. 2026, § XV, 2-18-97; Ord. No. 2320, § III, 9-7-21)

Sec. 14.20.120. Credit for businesses in Parking and Business Improvement Area.

- (a) ~~Any business located and operating within a parking and business improvement area established pursuant to Streets and Highway Code section 36500 and following shall receive a credit on the annual license tax as set forth in this section if:~~
- ~~(1) An assessment pursuant to the parking and business improvement area district ordinance has been levied on the business by the Town for the license year; and~~
 - ~~(2) The business has paid its parking and business improvement area district assessment for the prior year.~~
- (b) ~~Each person doing any of the kinds of businesses identified as "Contractor," "Hospitals, rest homes, and the like," "Professional and semiprofessional occupations," "Service occupations," and "Trucking" in section 14.20.115 shall receive a credit equal to fifty (50) percent of the annual business license tax.~~
- (c) ~~Every person doing any other kind of business shall receive a credit equal to thirty three and a third (33⅓) percent of the annual business license tax.~~

(Ord. No. 1857, §§ I, II, 6-3-91; Ord. No. 1970, § I, 2-22-94)

Sec. 14.20.125. Exemption for contractors to the town.

~~Any business whose income from business in the Town is not more than five hundred dollars (\$500.00) during any calendar year and is derived solely from contracts with the Town is exempt from payment of the business license taxes set forth in this article for that calendar year.~~

(Ord. No. 1983, § II, 7-5-94)

Section 2. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable. It is hereby declared to be the intention of the electorate that they would have adopted this Ordinance had such unconstitutional, illegal, or invalid provision, sentence, clause section, or part thereof not been included herein.

Section 3. California Environmental Quality Act. This Ordinance is exempt from the California Environmental Quality Act, Public Resources Code section 21000 et seq., under, including without limitation, Public Resources Code section 21065, and CEQA Guidelines sections 15378(b)(4) and 15061(b)(3), as it can be seen with certainty that there is no possibility that the activity authorized herein may have a significant effect on the environment.

Section 4. Council Implementation. The Town Council of the Town of Los Gatos shall adopt any and all laws it deems necessary to implement this Ordinance.

Section 5. Council Amendments. The Town Council of the Town of Los Gatos is authorized to amend Chapter 14 of the Los Gatos Town Code in any manner that does not increase the rate of any tax or otherwise constitutes a tax increase for which voter approval is required by Article XIII C of the California Constitution, including adopting exemptions, waivers, or reductions of the tax.

Section 6. Administrative Regulations and Delegation. The Town Manager is authorized to adopt rules and regulations consistent with this measure as needed to implement this measure and Chapter 14 of the Los Gatos Town Code and to develop all related forms and other materials and to take any other steps as needed to implement this measure and Chapter 14 and to make such interpretations of this measure and Chapter 14 as the Town Manager may consider necessary to achieve the purposes of this measure and Chapter 14. The Town Manager may delegate any authority within their discretion pursuant to this measure as they deem reasonably necessary.

Section 7. Liberal Construction. This Ordinance shall be liberally construed to effectuate its purposes.

Resolution No. _____

Resolution of the Council of the Town of Los Gatos
Calling a Municipal Election for November 8, 2022,
Requesting that the County Consolidate the Municipal Election
with the General Election on November 8, 2022 and
Submitting to the Qualified Electors of the Town at the
November 8, 2022 Consolidated General Election a Measure
to Amend Chapter 14 of the Los Gatos Town Code

R E C I T A L S

A. WHEREAS, the Town’s business license tax ordinance was adopted in 1968 and the amount of the tax has not increased since 1991.

B. WHEREAS, the current business license tax is regressive in that smaller businesses pay a higher effective tax rate than larger businesses.

C. WHEREAS, the Town Council desires to adjust the business license tax to both increase revenue to fund critical Town needs.

D. WHEREAS, a proposed ordinance attached hereto and incorporated herein by reference as Attachment “A” (“the Ordinance”) would amend Chapter 14 of the Los Gatos Town Code to revise the license tax on businesses operating in the Town of Los Gatos.

E. WHEREAS, a statewide general election is scheduled for November 8, 2022. The Town Council wishes to call a municipal election for the Town to be held on November 8, 2022 and to request the County of Santa Clara to consolidate the municipal election with the statewide general election.

The Town Council of the Town of Los Gatos now resolves as follows:

Section 1. Findings. The Town Council finds and determines that each of the findings set forth above are true and correct.

Section 2. Calling the Election. The Council calls for a municipal election to be held on November 8, 2022 (“the Election”).

Section 3. Measure. Pursuant to Government Code Section 53724 and Elections Code Section 9222, the Town Council hereby submits the Ordinance attached hereto as Attachment A to the voters at the Election and orders the following question to be submitted to the voters at the Election:

Shall the measure to fund critical Town needs such as public safety by amending the gross receipts tax schedule for E-Commerce, Manufacturing, Wholesaling, and Jobbing for businesses with gross receipts above \$12,000,000 from \$75 per each \$550,000 in excess of \$12.0 million to \$300 per each \$550,000 in excess of \$12.0 million, raising about \$1.0 million yearly for general fund purposes until ended by voters, and increasing equity, be adopted?	YES	
	NO	

This question requires the approval of a majority of those casting votes.

Section 4. Notice of Election. Notice of the time and place of holding the election is hereby given, and the Town Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form, and manner as required by law.

Section 5. Impartial Analysis. Pursuant to California Elections Code Section 9280, the Town Council hereby directs the Town Clerk to transmit a copy of the measure to the Town Attorney. The Town Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure, and transmit such impartial analysis to the Town Clerk on or before 4:00 p.m. on August 19, 2022.

In the event the entire text of the Measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **“The above statement is an impartial analysis of Ordinance or Measure __. If you desire a copy of the ordinance or measure, please call the Town Clerk at 408-354-6888 and a copy will be emailed at no cost to you.”**

Section 6. Ballot Arguments. Pursuant to Elections Code Section 9286 et. seq., August 12, 2022, at 4:00 p.m. shall be the deadline for submission of arguments in favor of, and arguments against, this measure. Arguments in favor or against the measure shall not exceed 300 words in length. The Mayor, or his designee(s), is hereby authorized to prepare a written argument in favor of the proposed measure on behalf of the Town Council. At the Mayor’s discretion, the Argument may also be signed by bona fide associations or by individual voters who are eligible to vote in the Town of Los Gatos. Each argument shall be signed, filed with the Town Clerk, and include the printed name(s) and signature(s) of the author(s) submitting the argument. If more than one argument for or against is received, the priorities established by Elections Code Section 9287 shall control.

Section 7. Rebuttal Arguments. Subdivision (a) of section 9285 of the Elections Code shall apply to the Election and shall control the submission of any rebuttal arguments for this measure. If an argument in favor and an argument against the measure have been selected to be printed in the voter information guide, the Clerk shall send a copy of the argument in favor of the measure to the authors of the argument against the measure and a copy of an argument against the measure to the authors of the argument in favor of the measure. The rebuttal authors or

persons designated by them may prepare and submit rebuttal arguments not to exceed 250 words in length. Rebuttal arguments must be submitted not later than August 19, 2022, by 4:00 p.m.

Section 8. Consolidation Request. The Council of the Town of Los Gatos requests that the Board of Supervisors of Santa Clara County consolidate the municipal election and the election on this measure with the November 8, 2022 statewide general election. The Council further requests that the Board of Supervisors of Santa Clara County include on the ballots and sample ballots, all qualified measures submitted by the Town Council to be submitted to the qualified electors of the Town of Los Gatos. The Council acknowledges that the election will be held and conducted according to procedures in the Elections Code, including Section 10418.

Section 9. Request for County Services. Pursuant to Section 10002 of the California Elections Code, the Council of the Town of Los Gatos hereby requests the Board of Supervisors of Santa Clara County to permit the Registrar of Voters to render services to the Town of Los Gatos relating to the conduct of the Town's Municipal and Special Elections which are called to be held on Tuesday, November 8, 2022. The services shall be of the type normally performed by the Registrar of Voters in assisting the clerks of municipalities in the conduct of elections including, but not limited to, checking registrations, mailing ballots, hiring election officers, and arranging for polling places, receiving absentee voter ballot applications, mailing and receiving absent voter ballots, and opening and counting ballots, providing and distributing election supplies, and furnishing voting machines.

Section 10. Transmittal of Resolution. The Town Clerk is hereby directed to submit forthwith an original copy of this resolution including the measure attached hereto as Attachment "A" to the Santa Clara County Board of Supervisors and a certified copy to the Registrar of Voters.

Section 11. Placement on the Ballot.

The Town Clerk is hereby authorized and directed to take all steps necessary to place the measure on the ballot and the full text of the Measure shall not be printed in the voter pamphlet. A statement shall be printed in the ballot pursuant to Section 9280 of the Elections Code advising voters that they may obtain a copy of this resolution and the Measure, at no cost, upon request made to the Town Clerk as well as a link to the materials on the Town's website.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSENTIONS:

ATTEST:

Town Clerk

APPROVED:

Mayor

APPROVED AS TO FORM:

Town Attorney

Town Manager

Interim Director of Finance

Ordinance No. _____

Ordinance of the Town of Los Gatos
Amending Chapter 14 of the Town Code

The People of the Town of Los Gatos ordain as follows:

Section 1. Chapter 14 of the Los Gatos Town Code is hereby amended by adding, deleting, and modifying provisions as set forth in this section below. Additions are indicated by underscoring and deletions are indicated by ~~strike-through type~~. Portions of the Chapter not included in this Ordinance or not shown in underscoring or strike-through type are not changed.

Chapter 14
LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE I. IN GENERAL

Sec. 14.10.010. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Business means professions, trades and occupations and every kind of calling carried on for profit or livelihood, including the business of renting or leasing apartments.

E-commerce means commercial transactions conducted electronically on the internet Internet.

Fixed place of business means the premises occupied for the particular purpose of conducting the business thereat, and regularly kept open for that purpose, with a competent person in attendance for the purpose of attending to such business. Included in such term is the premises rented or leased by persons owning apartments located in the Town.

Gross receipts means the total amount of the sale price of all sales and the total amount charged or received for the performance of any act, service or employment of whatever nature it may be, for which a charge is made or credit allowed, whether or not such service, act or employment is done as a part of or in connection with the sale of materials, goods, wares or merchandise. Included in such term shall be all receipts, cash, credits and property of any kind or nature, and any amount for which credit is allowed by the seller to the purchaser without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor, or service costs, interest paid or payable or losses or other expenses whatsoever.

Excluded from such term shall be cash discounts allowed and taken on sales, any tax required by law to be included in, or added to, the purchase price and collected from the consumer or purchaser, and such part of the sale price of property returned by purchasers upon rescission of the contract of sale as is refunded either in cash or by credit.

Home occupation has the same meanings as it does in the zoning ordinance.

Jobbing business means any business conducted solely for the purpose of selling goods, wares or merchandise in job lots to wholesale merchants for resale at wholesale to the trade by such wholesale merchants.

Quarter means a period of three (3) calendar months. The quarters begin on the first day of January, April, July and October of each year. The quarter shall include fractions thereof.

Real estate broker means the managing broker and/or partner of any real estate office.

Retail business means any business conducted for the purpose of selling, or offering to sell, any goods, wares or merchandise, other than as a part of a wholesale business and jobbing business.

Tax and license collector is the Finance Director.

Vehicle means any device in, upon or by which any person or property is or may be transported or drawn upon a public street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Wholesale business means any business conducted solely for the purpose of selling goods, wares or merchandise in wholesale lots to retail merchants for resale at retail to the trade by such retail merchants.

(Code 1968, § 15-1; Ord. No. 1929, § I, 1-19-93; Ord. No. 2026, §§ V, VI, 2-18-97)

Cross reference(s)—Definitions and rules of construction generally, § 1.10.015; zoning ordinance definitions, § 29.10.020.

Sec. 14.10.040. Statements required—Upon application for original business license.

- (a) Upon a person making application for the first business license under this chapter, or for a newly established business, in all cases where the amount of business license tax to be paid is based upon gross receipts or is graduated according to some other sliding scale, such person shall furnish to the Tax ~~and License~~ Collector, for guidance in ascertaining the amount of business license tax to be paid by the applicant, a written statement upon a form provided by the Tax ~~and License~~ Collector, signed and certified under penalty of perjury to be true and correct.
- (b) If the amount of the business license tax to be paid by the applicant is based upon the amount of gross receipts, the applicant shall estimate the amount of gross receipts for the period to be covered by the business license for the purpose of determining the licensing bracket which will be applicable for the period to be covered by the license to be issued. Such estimate, if accepted by the Tax ~~and License~~ Collector as reasonable, shall be used in determining the amount of business license tax to be paid by the applicant. The tax so determined shall be tentative only and such person shall, by not later than January 31st ~~May fifteenth~~ next following the period for which the license was issued, furnish the Tax ~~and License~~ Collector with a certified or sworn statement upon a form furnished by the Tax Collector, containing the data required to show the licensing bracket properly applicable to such person during the period of such business license, and the business license tax for such period shall be finally ascertained and paid in the manner provided in this chapter, after

deducting from the payment found to be due the amount paid at the time such first business license was issued. The Tax ~~and License~~ Collector shall not issue to any such person another license for the same or any other business until such person shall have furnished the written statement and paid the business license tax as required in this chapter.

- (c) If the amount of the business license tax to be paid by the applicant is graduated according to some sliding scale other than gross receipts, the applicant shall furnish to the Tax ~~and License~~ Collector for guidance in ascertaining the amount of business license tax to be paid, a certified or sworn statement upon a form provided by the Tax ~~and License~~ Collector setting forth such information as may be therein required and as may be necessary properly to determine the amount of business license tax to be paid by the applicant and which statement shall show, among other things, the number of vehicles or tonnage thereof or the number of seats, chairs, rooms, tables or other units used or involved in such person's business as of the time of filing such application. Such person shall thereupon pay the required license tax in advance, computed in accordance with the information contained in such statement.

- (d) Repealed.

(Code 1968, § 15-7; Ord. No. 1929, § IV, 1-19-93; Ord. No. 2026, §§ VIII, IX, 2-18-97)

Sec. 14.10.095. Term.

A business license issued under this chapter shall expire at the end of the term year for which the license or renewal is issued unless the license is renewed for an additional period.

(Code 1968, § 15-18; Ord. No. 2026, § XIII, 2-18-97)

ARTICLE II. LICENSES

DIVISION 2. SCHEDULES

Sec. 14.20.110. Gross receipts tax.

Every person doing business in the Town, except a person whose business is taxed under the terms of section 14.20.115, shall pay an annual business license tax based on the gross receipts of the business. The tax is levied according to one (1) or both of the following schedules. When the business activities of one (1) person, taxable under the provisions of this section, involve both retail and e-commerce, manufacturing, wholesaling or jobbing transactions, the total gross income is apportioned between the two (2) schedules, according to its source.

RETAILING

At Least	But Less Than	Tax
----------	---------------	-----

<u>\$</u> 0	<u>\$</u> 50,000	<u>\$</u> 75.00
<u>\$</u> 50,000	<u>\$</u> 100,000	<u>\$</u> 112.00
<u>\$</u> 100,000	<u>\$</u> 150,000	<u>\$</u> 150.00
<u>\$</u> 150,000	<u>\$</u> 200,000	<u>\$</u> 187.50
<u>\$</u> 200,000	<u>\$</u> 250,000	<u>\$</u> 225.00
<u>\$</u> 250,000	<u>\$</u> 300,000	<u>\$</u> 262.50
<u>\$</u> 300,000	<u>\$</u> 350,000	<u>\$</u> 300.00
<u>\$</u> 350,000	<u>\$</u> 400,000	<u>\$</u> 337.50
<u>\$</u> 400,000	<u>\$</u> 450,000	<u>\$</u> 375.00
<u>\$</u> 450,000	<u>\$</u> 500,000	<u>\$</u> 412.50
<u>\$</u> 500,000	<u>\$</u> 600,000	<u>\$</u> 450.00
<u>\$</u> 600,000	<u>\$</u> 700,000	<u>\$</u> 487.50
<u>\$</u> 700,000	<u>\$</u> 800,000	<u>\$</u> 525.00
<u>\$</u> 800,000	<u>\$</u> 900,000	<u>\$</u> 562.50
<u>\$</u> 900,000	<u>\$</u> 1,000,000	<u>\$</u> 600.00
<u>\$</u> 1,000,000	<u>\$</u> 1,100,000	<u>\$</u> 637.50
<u>\$</u> 1,100,000	<u>\$</u> 1,200,000	<u>\$</u> 675.00
<u>\$</u> 1,200,000	<u>\$</u> 1,300,000	<u>\$</u> 712.50
<u>\$</u> 1,300,000	<u>\$</u> 1,400,000	<u>\$</u> 750.00
<u>\$</u> 1,400,000	<u>\$</u> 1,500,000	<u>\$</u> 787.50
<u>\$</u> 1,500,000	<u>\$</u> 1,600,000	<u>\$</u> 825.00
<u>\$</u> 1,600,000	<u>\$</u> 1,700,000	<u>\$</u> 862.50
<u>\$</u> 1,700,000	<u>\$</u> 1,800,000	<u>\$</u> 900.00
<u>\$</u> 1,800,000	<u>\$</u> 1,900,000	<u>\$</u> 937.50
<u>\$</u> 1,900,000	<u>\$</u> 2,000,000 and above	<u>\$</u> 975.00

E-COMMERCE, MANUFACTURING, WHOLESALING AND JOBBING

<i>At Least</i>	<i>But Less Than</i>	<i>Tax</i>
\$ 0	\$ 200,000	\$ 150.00
\$200,000	\$300,000	\$187.50
\$300,000	\$400,000	\$262.50
\$400,000	\$500,000	\$337.50
\$500,000	\$600,000	\$450.00
\$600,000	\$800,000	\$562.50
\$800,000	\$1,000,000	\$675.00
\$1,000,000	\$1,200,000	\$787.50
\$1,200,000	\$1,400,000	\$900.00
\$1,400,000	\$1,600,000	\$1,012.50
\$1,600,000	\$1,800,000	\$1,125.00
\$1,800,000	\$2,000,000	\$1,237.50
\$2,000,000	\$2,500,000	\$1,350.00
\$2,500,000	\$3,000,000	\$1,462.50
\$3,000,000	\$3,500,000	\$1,575.00
\$3,500,000	\$4,000,000	\$1,687.50
\$4,000,000	\$4,500,000	\$1,800.00
\$4,500,000	\$5,000,000	\$1,912.50
\$5,000,000	\$5,500,000	\$2,025.00
\$5,500,000	\$6,000,000	\$2,137.50
\$6,000,000	\$6,500,000	\$2,250.00
\$6,500,000	\$7,000,000	\$2,362.50
\$7,000,000	\$7,500,000	\$2,475.00
\$7,500,000	\$8,000,000	\$2,587.50
\$8,000,000	\$8,500,000	\$2,700.00
\$8,500,000	\$9,000,000	\$2,812.50
\$9,000,000	\$9,500,000	\$2,925.00

<u>\$9,500,000</u>	<u>\$10,000,000</u>	<u>\$3,037.50</u>
<u>\$10,000,000</u>	<u>\$10,500,000</u>	<u>\$4,500.00</u>
<u>\$10,500,000</u>	<u>\$11,000,000</u>	<u>\$4,612.50</u>
<u>\$11,000,000</u>	<u>\$11,500,000</u>	<u>\$4,725.00</u>
<u>\$11,500,000</u>	<u>\$12,000,000</u>	<u>\$4,837.50</u>
<u>\$12,000,000</u>		<u>\$4,837.50</u>
		plus \$75.00 <u>\$300.00</u> for each \$550,000 or fraction thereof in excess of \$12,000,000

(Code 1968, § 15-27; Ord. No. 1857, §§ I, II, 6-3-91)

Sec. 14.20.115. License taxes for specified businesses.

Every person doing any of the kinds of business specified in this section shall pay the business license tax specified. The fees are annual unless otherwise specified.

Advertising signs

Signposting and painting\$420.00

Amusements

Shows, concerts, and the like (per day)\$42.00

Circuses, menageries and the like:

Less than 2,000 seating capacity

First day\$420.00

Each succeeding day\$ 52.50

More than 2,000 seating capacity

First day\$630.00

Each succeeding day\$105.00

Sideshow (per day):\$42.00

~~Entrance fee not exceeding \$0.1021.00~~

~~Entrance fee exceeding \$0.1042.00~~

Circus procession or parade (each)\$210.00

Carnivals (per day)\$42.00

Ferris wheels, merry-go-rounds, and the like (per month)\$210.00

Public dances (per dance)\$21.00

Apartment rental and mobile home parks (per unit)\$7.50

The term "apartment" includes all buildings or groups of buildings on the same premises, composed of a total of three (3) or more dwelling units

Auctioneers\$112.50

Billiard and pool rooms (per table)\$52.50

Boardinghouses

Boardinghouses licensed by the state or county as boardinghouses for pensioners, and who board pensioners exclusively, are exempt from the business license tax.

For first 4 boarders\$21.00

For each person over 4\$4.50

Cleaning and dyeing laundry delivery

Vehicles (annual, per vehicle)\$168.00

The tax applies to those who have no fixed place of business in the town.

Contractors (annual)\$224.00

A separate fee for each type of work activity, such as general engineering, building, plumbing, plastering, painting, masonry, termite service, installation or other specialty, in addition to any sales or jobbing license fee. Contractors with businesses not located in Los Gatos but doing a short-term work activity may pay the daily fee when the job including inspection is completed within a day.

A contractor must show proof of a valid California Contractor's License or a signed Declaration of Exemption from California Contractor's License law.

Contractors (daily)\$105.00

Day care facilities

Day care facilities provide day care for children under eighteen (18) years of age who are unrelated to the licensee.

Small family day care home (a facility providing day care for six (6) children or less, including resident children)No fee

Large family day care home (a facility providing day care for seven (7) to twelve (12) children, including resident children)No fee

Nursery school (a facility providing day care for thirteen (13) or more children)No fee

Hospitals, rest homes, and the like:

Annual, or\$140.00

Per bed, if that is larger\$10.00

Hotels and motels (annual, per guest room)\$7.50

Business activities other than renting rooms, conducted in connection with a hotel, are taxed separately.

House movers

Annual license\$105.00

Additional, per structure moved\$84.00

Itinerant photographers(annual)\$210.00

Itinerant vendors (daily)\$105.00

The words "itinerant vendor" mean any person, both principal and agent, who engages in a temporary and transient business in the Town selling goods, wares and merchandise with the intention of continuing such business in the Town for a period of not more than ninety (90) days, and who, for the purpose of carrying on such business, hires, leases or occupies any room, building or structure for the exhibition or sale of such goods, wares, or merchandise, or from which room, building or structure the sales shall be made or business solicited by means of samples or delivery from house to house. The person so engaged is not relieved from the provisions of this section by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting temporary or transient business in connection with, or as a part of, or in the name of any local dealer, trader, merchant or auctioneer. The provisions of this section do not apply to commercial travelers or selling agents selling their goods to dealers, whether selling for present or future deliveries, by sample or otherwise, nor to hawkers on the street, nor peddlers from vehicles, nor to persons selling fruit, vegetables, butter, eggs, or other fruit or ranch products.

Junk collectors (annual, per vehicle)\$ 84.00

Junk collector means any person who has no fixed place of business in the Town and who engages in or carries on the business of collecting, buying or selling any old rags, sacks, bottles, cans, papers, metals or other articles of junk.

Junk dealers (annual)\$420.00

Junk dealer means any person who has a fixed place of business in the Town, and who engages in or carries on the business of buying or selling, either at wholesale or retail, any old rags, sacks, bottles, cans, papers, metals or other articles of junk.

Peddlers

Peddlers of wares other than food, per person, per day\$21.00

Peddlers of food, except lunch wagon operators:

Using a vehicle (per vehicle, annual) \$210.00

Not using a vehicle, carrying wares by hand\$42.00

Lunch wagon operators (per vehicle, annual)\$210.00

Peddlers engaged in the business of selling any personal property at a sale conducted by an organization exempt from the business license tax under the provisions

of [section 14.10.030](#) of this chapter shall pay a license tax of ~~\$7.50~~ \$9.00 per day. This rule applies only when all fees, commissions or other remuneration of any kind paid by the peddler to the organization conducting, sponsoring or promoting the sale is devoted exclusively to the business license tax-exempt purposes of the organization and the organization has obtained prior approval from the Town Council to conduct the sale, ~~per day7.50.~~

A "peddler" is every person not having a regularly established place of business in the Town who travels from place to place, or has a stand upon any public street, alley or other public place, doorway or any building, unenclosed or vacant lot, or parcel of land, who sells, offers for sale, any goods, wares or merchandise in the peddler's possession.

Professional ~~and semiprofessional~~ occupations

Per professional ~~or semiprofessional~~ person\$200.00

Support staff ~~A~~additional per employee\$15.00

Professional services are occupations in the service sector requiring special training in the arts or sciences. Some professional services require the practitioner to hold professional degrees or licenses and possess specific skills. Other professional services involve providing specialist business support to businesses of all sizes and in all sectors. Professional Services means the business is offering any professional, scientific, or technical service including, but not limited to legal advice and representation; accounting, bookkeeping, and payroll services; architectural, engineering, and specialized design services; computer services; consulting services; research and development services; advertising services; photographic services; translation and interpretation services; veterinary services; and other professional, scientific, and technical services. Professional ~~or semiprofessional~~ business or service occupations include, but are not limited to, the following:

- Accountant
- Advertising counsel
- Appraiser
- Architect
- Artist
- Assayer
- Attorney-at-law
- Auditor
- Bacteriologist
- Broker; stock or bond
- Chemist
- Chiropodist
- Chiropractor

Dental hygienist
Dentist
Designer or decorator
Detective or investigative personnel
Draftsperson
Drugless practitioner
Electrologist
~~Engineer: civil, mining, electrical, construction~~
~~Engineer: structural, consulting, mechanical, hydraulic~~
Engraver
Feed, grain and fruit broker
Geologist
Illustrator or showcard writer
Landscape architect
Lapidary
Lithographer
Licensed financial planner
Licensed investment counselor
~~Masseuse or masseur~~
Marriage therapist
Massage therapist
Nurse
Oculist, optician or optometrist
Osteopath
Physical therapist
Physician
Property management
Real estate brokers
Surgeon
Surveyor
~~Taxidermist~~
Veterinarian
X-ray, dental or medical laboratory

Support staff include, but are not limited to the following: receptionist, office assistant, real estate agents

Service occupations\$100.00

Service occupations include, but are not limited to the following: appliance, home furnishing or radio and television installation, janitorial and building maintenance, landscape installation and maintenance, secretarial service, security guards, etc.

Shooting galleries\$105.00

Solicitors (per business)\$210.00

A solicitor is one who engages in the business of going from house to house, place to place or in or along the streets within the Town selling or taking orders for, or offering to sell or take orders for, goods, wares, merchandise, advertising or other things of value for future delivery, or for services to be performed in the future.

Taxicabs

Per business\$150.00

Additional per taxi\$22.50

Theaters and concert halls\$105.00

Trucking (annual, per vehicle)\$140.00

Persons other than peddlers who sell or deliver food or any other goods by means of a vehicle, and who have no fixed place of business in the Town. Persons who make no more than two deliveries or sales per quarter are exempt from the foregoing tax. All other motor vehicle delivery business, whether the business operates on a regular route or between fixed termini or not:

For one vehicle\$45.00

For each additional vehicle\$22.00

(Ord. No. 1755, §§ 1—3, 7-5-88; Ord. No. 1857, §§ I, II, 6-3-91; Ord. No. 1929, § X, 1-19-93; Ord. No. 2026, § XV, 2-18-97; Ord. No. 2320, § III, 9-7-21)

~~Sec. 14.20.120. Credit for businesses in Parking and Business Improvement Area.~~

~~(a) Any business located and operating within a parking and business improvement area established pursuant to Streets and Highway Code section 36500 and following shall receive a credit on the annual license tax as set forth in this section if:~~

~~(1) An assessment pursuant to the parking and business improvement area district ordinance has been levied on the business by the Town for the license year; and~~

~~(2) The business has paid its parking and business improvement area district assessment for the prior year.~~

~~(b) Each person doing any of the kinds of businesses identified as "Contractor," "Hospitals, rest homes, and the like," "Professional and semiprofessional occupations," "Service occupations," and "Trucking" in section 14.20.115 shall receive a credit equal to fifty (50) percent of the annual business license tax.~~

~~(c) Every person doing any other kind of business shall receive a credit equal to thirty three and a third (33⅓) percent of the annual business license tax.~~

~~(Ord. No. 1857, §§ I, II, 6-3-91; Ord. No. 1970, § I, 2-22-94)~~

~~Sec. 14.20.125. Exemption for contractors to the town.~~

~~Any business whose income from business in the Town is not more than five hundred dollars (\$500.00) during any calendar year and is derived solely from contracts with the Town is exempt from payment of the business license taxes set forth in this article for that calendar year.~~

~~(Ord. No. 1983, § II, 7-5-94)~~

Section 2. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable. It is hereby declared to be the intention of the electorate that they would have adopted this Ordinance had such unconstitutional, illegal, or invalid provision, sentence, clause section, or part thereof not been included herein.

Section 3. California Environmental Quality Act. This Ordinance is exempt from the California Environmental Quality Act, Public Resources Code section 21000 et seq., under, including without limitation, Public Resources Code section 21065, and CEQA Guidelines sections 15378(b)(4) and 15061(b)(3), as it can be seen with certainty that there is no possibility that the activity authorized herein may have a significant effect on the environment.

Section 4. Council Implementation. The Town Council of the Town of Los Gatos shall adopt any and all laws it deems necessary to implement this Ordinance.

Section 5. Council Amendments. The Town Council of the Town of Los Gatos is authorized to amend Chapter 14 of the Los Gatos Town Code in any manner that does not increase the rate of any tax or otherwise constitutes a tax increase for which voter approval is required by Article XIII C of the California Constitution, including adopting exemptions, waivers, or reductions of the tax.

Section 6. Administrative Regulations and Delegation. The Town Manager is authorized to adopt rules and regulations consistent with this measure as needed to implement this measure and Chapter 14 of the Los Gatos Town Code and to develop all related forms and other materials and to take any other steps as needed to implement this measure and Chapter 14 and to make such interpretations of this measure and Chapter 14 as the Town Manager may consider necessary to achieve the purposes of this measure and Chapter 14. The Town Manager may delegate any authority within their discretion pursuant to this measure as they deem reasonably necessary.

Section 7. Liberal Construction. This Ordinance shall be liberally construed to effectuate its purposes.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/02/2022

ITEM NO: 18

DESK ITEM

DATE: August 2, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution of the Council of the Town of Los Gatos for Model 3, Calling a Municipal Election for November 8, 2022, Requesting that the County Consolidate the Municipal Election with the General Election on November 8, 2022, and Submitting to the Qualified Electors of the Town at the November 8, 2022 Consolidated General Election a Measure to Amend Chapter 14 of the Los Gatos Town Code Relating to Business License Taxes

REMARKS:

The following information is provided in response to questions from Council Members, additional business feedback since the posting of the staff report, and other considerations.

Can the ballot measure acknowledge the inflation of the last 30 years?

Yes, the ballot language can acknowledge the 117% inflation that has occurred in the last 30 years. This could read:

Shall the measure to fund critical Town needs such as public safety by imposing , raising about yearly for general fund purposes until ended by voters, and which have not been increased since 1991 while inflation increased 117%, be adopted?	YES
	NO

Do other municipalities have inflation adjustments built in?

Yes, the cities of Belmont, Union City, and Newport Beach have included inflation adjustments. Details of their approaches are provided on the next page.

PREPARED BY: Arn Andrews Assistant Town Manager Holly Young Town Manager Administrative Analyst

Reviewed by: Town Manager, Town Attorney, and Interim Finance Director

REMARKS (continued):

In addition, in the event Council opts for a Model that captures only a portion of the 117% inflation factor since 1991 (Model 1 20%), or most of the 117% inflation (Model 3 reduced or Finance Commission alternative), staff would recommend an inflation adjustment be included. Staff would recommend using the Bay Area Consumer Price Index. This could be accomplished by adding the following language to any of the proposed ballot statements.

Shall the measure to fund critical Town needs such as public safety by imposing , raising about yearly for general fund purposes until ended by voters, and which have not been increased since 1991, and adjusted annually for inflation, be adopted?	YES
	NO

Belmont

Sec. 12-28. - Annual adjustment.

The above referenced schedule of fees, including but not limited to the per employee fees, minimum tax, and license fees shall be adjusted annually pursuant to the Bay Area Consumer Price Index (BACPI) over the previous calendar year. The first such adjustment shall occur on July 1, 1991, based upon the 1990 calendar year BACPI.

Union City

5.08.100 Annual adjustment.

Annual adjustment shall be based on the Consumer Price Index. The rate of the license payable for the license period beginning January 1, 1984, and each year thereafter, shall be adjusted as follows: The Consumer Price Index published as of June 30, 1967, by the United States Department of Labor, Bureau of Labor Statistics for San Francisco, California area shall be used as the base year. The Consumer Price Index used for the computation for the succeeding year shall be the preceding June to June, all urban index, San Francisco/Oakland Index rounded off to the nearest full percentage point. Increase shall be sixty-five percent of the CPI and the increase shall be no less than three percent, nor more than ten percent of the increase in CPI for all categories not currently taxed at gross receipts or gross payroll.

Newport Beach

5.08.022 Business Tax—Commercially Based Businesses.

Every commercially based business as defined by this chapter shall pay an annual business tax as established by resolution of the City Council. The business license tax shall automatically be adjusted each year in July to reflect the percentage change, rounded to the nearest dollar, in the cost of doing business as measured by the consumer price index. The term “consumer price

REMARKS (continued):

index” shall mean the United States Department of Labor Bureau of Labor Statistics consumer price index, Los Angeles Anaheim-Riverside.

How would the Town’s business license structure and fees compare to other municipalities?

Based on the HdL analysis and report, the Town has the 3rd highest Business License receipts of the comparators used in the report (pg. 8 of the report). The fact that the comparator jurisdictions have different tax structures (flat fee, per employee, gross receipts) is the primary driver of the difference in receipts. Since all the models under consideration raise additional revenues, Los Gatos will continue to be in the top tier of Business License receipts.

Additional Business Feedback

Staff concluded their third conversation with representatives of Netflix on August 1, 2022. During the call with Netflix, representatives shared that they understand the Town’s impetus for initiating a review of the Business License program and expressed their thoughts on the three models under consideration. Netflix is neutral on Model 1, opposed to Model 2, and felt Model 3 is overly punitive as is, and if considered by Council, should be closer in line with the 117% inflation factor referenced in the staff report. Staff greatly appreciated Netflix’s engagement and will be available to respond to questions on the sequence of calls.

Other Considerations

As the Town Council considers the different models, the Council is free to consider options for any of the three models. Staff is prepared to run real-time calculations if Council would like to see the effects of different tax rates for the flat fees, retailing gross receipt rates, and/or e-commerce, manufacturing, wholesaling/jobbing gross receipt rates. Staff is also preparing a resolution and associated ordinance for the Finance Commission recommendation.

If the Council votes on a measure that is a more complex variation of one or more of the models, a special meeting prior to August 12, 2022 would be needed to provide the public and the Council an opportunity to review the associated resolution and ordinance.

Attachments Previously Recieved with the July 29, 2022 Report:

1. Public Comment
2. Model 1 Resolution with corresponding Ordinance as Attachment A
3. Model 2 Resolution with corresponding Ordinance as Attachment A
4. Model 3 Resolution with corresponding Ordinance as Attachment A

PAGE 4 OF 4

SUBJECT: Business License Modernization

DATE: August 2, 2022

Attachment Provided with this Desk Item:

5. Correspondence received after 11:01 a.m. on July 29, 2022 and before 11:00 a.m. on August 2, 2022

Dear Los Gatos Town Council,

It's my opinion that "Model 3" is the best model to implement as regards a BL change that would result in an increase of approximately \$1,100.000 in annual town revenue.

Best,

Doc A

Dr. Thomas Antone, DC, AMD

HYPERBARIC OXYGEN THERAPY, EEG NEUROFEEDBACK, ADVANCED CHIROPRACTIC CARE

"To become fully conscious, in this moment, is the true purpose of life." Eckhart Tolle