



**TOWN OF LOS GATOS
COUNCIL MEETING AGENDA
SEPTEMBER 20, 2022
TELECONFERENCE
LOS GATOS, CA**

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
SEPTEMBER 20, 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/83278033589?pwd=OXJhZElhPcXo1clp3T2RUUVVUvTzkrZz09>
Passcode: 071561. You can also type in 814 8718 7330 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: 686100

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, Councilmembers, 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 Section 403.

MEETING CALLED TO ORDER

ROLL CALL

CLOSED SESSION REPORT

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 September 6, 2022 Closed Session Town Council Meeting
2. Approve Draft Minutes of the September 6, 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
4. Authorize the Town Manager to Execute a First Amendment to the EMC Planning Group Inc. Agreement for Completion of the Housing Element Update as Proposed by the Firm for a Not to Exceed Total of \$455,329 and authorize Revenue and Expenditure Budget Adjustments up to the Amount of \$172,894 (\$131,500 Plus 10 Percent Contingency) from the Available General Plan Update Deposit Account

5. Consider the following in support of repair of a storm drainage system at 62 Ellenwood Avenue:
 - a. Approve the Plans and Specifications;
 - b. Authorize Advertising the Project for Bid;
 - c. Authorize the Town Manager to Award and Execute a Construction Agreement in an Amount Not to Exceed \$300,000, Including Contingencies;
 - d. Authorize Staff to Execute Future Change Orders in an Amount Not to Exceed Ten Percent of the Contract Award Amount, If Needed; and
 - e. Authorize Expenditure Budget Adjustment in an Amount of \$113,400 From Available Funds in Fund 46
6. Authorize the Town Manager to Execute a Second Amendment to a Special Services Agreement with Liebert Cassidy Whitmore (LCW) to Increase Compensation in the Amount of \$50,000 for a Total Contract Amount Not to Exceed \$230,000
7. Authorize Payment of Up to An Additional \$25,000 to Colantuono, Highsmith & Whatley, PC for a Total Payment Not to Exceed \$115,000 for Fiscal Year 2021-22
8. Authorize Revenue and Expenditure Budget Adjustments in the Amount of \$5,000 to Recognize Receipt and Expenditure of California State Library Grant Funds

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.)*

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

9. Discuss Roles and Responsibilities of the Community Health and Senior Service Commission and the Senior Service Committee and Provide Direction to Staff
10. Remote Participation
 - a. Discuss Remote Participation Expectations for Town Council Members and Commissioners,
 - b. Approve a Modification as Recommended by the Council Policy Committee to Town Council Policy 2-01: Town Agenda Format and Rules, and
 - c. Modify Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum for Consistent Language Regarding Excused Absences
11. Receive an Update on a Roadside Fuel Reduction Federal Grant of \$750,000 and Recognize a Future Match Commitment of \$750,000

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. Copies of desk items distributed to members of the Council at the meeting are available for review in the Town Council Chambers.

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: 09/20/2022

ITEM NO: 1

**DRAFT
Minutes of the Town Council Special Meeting – Closed Session
September 6, 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, September 6, 2022 to hold a Closed Session at 5:30 p.m.

MEETING CALLED TO ORDER AT 5:33 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. Public Employee Appointment, Employment, Evaluation of Performance, Discipline, and Dismissal
[Government Code Section 54957(b)(1)]
Titles: Town Manager and Town Attorney

Conference with Labor Negotiator

(Government Code Section 54957.6)

Town Negotiator: Salina Flores, Human Resources Director

Unrepresented Employees: Town Manager and Town Attorney

ADJOURNMENT

Closed Session adjourned at 6:35 p.m.

Attest:

Submitted by:

Jenna De Long, Deputy Town Clerk

Laurel Prevetti, Town Manager



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 09/20/2022

ITEM NO: 2

**DRAFT
Minutes of the Town Council
September 6, 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, September 6, 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 (participating remotely).

Absent: None

CLOSED SESSION REPORT

Gabrielle Whelan, Town Attorney, stated Council met as duly noted on the September 6, 2022 Closed Session agenda and stated there is no reportable action.

COUNCIL / MANAGER MATTERS

Council Matters

- Vice Mayor Ristow stated she attended the Housing Element Advisory Board meeting with Council Member Sayoc, a talk with Oakland Mayor Libby Shaft regarding ranked choice voting, the Ribbon Cuttings for Footwear Etc. and BevMo, the Santa Clara Valley Water Summit, the Senior Services Committee and Senior Engagement Ad Hoc meetings, the "Thank You" gathering for outgoing Transportation and Mobility Manager Ying Smith, and an event at NUMU for Content Magazine's Pick Up Party; and met with businesses on University Avenue with the Town Manager and Director of Community Development.
- Council Member Badame stated she attended the Council Policy Committee meeting; met with a Community Health and Senior Services Commissioner; and attended the West Valley Solid Waste Management Authority and the West Valley Clean Water Authority Board meeting.
- Council Member Sayoc stated she participated in planning meetings for the League of California Cities Peninsula Division as it prepares for the upcoming conference and an event that will be held at Filoli later in the month.
- Council Member Hudes stated he participated in the Santa Clara County Emergency Operations Area Council meeting; met with residents regarding the community garden; and met with a member of the business community on University Avenue.

Council Matters – continued

- Mayor Rennie stated he attended a Valley Transportation Authority (VTA) Board meeting and fielded concerns from residents.

Manager Matters

- Announced a Health Fair will be held on Saturday, September 10 at Los Gatos High School.
- Announced the Jewish Community Center will host a disaster service training on Saturday, September 10; participants will receive a certificate as a disaster service worker in the shelter area.
- Announced the Draft Housing Element is available for review for thirty (30) days and public comments are encouraged.
- Announced the Draft Objective Standards will be presented to the Planning Commission on Wednesday, September 14.
- Announced a community meeting will be held in late September regarding consideration of a permanent ordinance for Senate Bill 9 (SB 9) and asked all those who are interested to watch for meeting details in the coming weeks.
- Announced a survey regarding the Oak Meadow Bandstand and encouraged all to participate.
- Announced Screen on the Green will take place at Oak Meadow Park on Friday, September 23.

CONSENT ITEMS

1. Approve Draft Minutes of the August 11, 2022 Special Town Council Meeting.
2. Approve Draft Minutes of the August 16, 2022 Closed Session Town Council Meeting.
3. Approve Draft Minutes of the August 16, 2022 Town Council Meeting.
4. 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 2022-056**
5. Authorize an Expenditure Budget Adjustment from available Vehicle Replacement Fund in the Amount of \$8,027 for a Total Vehicle Purchase Amount not to Exceed \$137,685.
6. Adopt a Resolution Rescinding Resolution 2020-038 and Amending the Appendices to the Town Conflict of Interest Code Section 2.30.610. **RESOLUTION 2022-057**
7. Adopt a Resolution for the California Public Employees' Retirement System Retirement Plan to Waive the 180-Day Retiree Rehire Wait Period and to Appoint Cherie Avery Strand as an Interim Permit Technician. **RESOLUTION 2022-058**
8. Approve the Side Letter of Agreement Between the Town of Los Gatos and the Town Employees' Association to Modify the Vacation Accrual Cap Through the End of the Last Full Pay Period in March 2023 and Authorize the Town Manager to Execute the Side Letter.

Opened public comment

No one spoke.

Consent Items – continued

Closed public comment.

MOTION: Motion by Council Member Badame to approve items 1-8. Seconded by Vice Mayor Ristow.

VOTE: Motion passes unanimously.

VERBAL COMMUNICATIONS

Gillian Verga, Complete Streets and Transportation Committee Chair

- Commented in support of bicycle and pedestrian investments, and commented on the costs of projects discussed at the August 16, 2022 Town Council meeting.

OTHER BUSINESS

9. Approve the Recommendation of the Policy Committee to Update the Town Core Goals and Guiding Principles to Align with the 2040 General Plan.

Holly Young, Administrative Analyst, presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Sayoc to approve the recommendation of the Policy Committee to update the Town Core Goals and Guiding Principles to align with the 2040 General Plan. Seconded by Vice Mayor Ristow.

VOTE: Motion passed unanimously.

10. Receive the Requested Community Survey Follow Up Information.

Laurel Prevetti, Town Manager, presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

Other Business Item #10 – continued

Council discussed the item.

11. Receive the American Leadership Forum Insights (ALFI) Discovery Report Regarding Justice, Equity, Diversity, and Inclusion (JEDI) and Direct the Town Manager to Work with ALFI in the Development of a JEDI Plan.

Laurel Prevetti, Town Manager, presented the staff report.

Opened public comment.

Kylie Clark, Los Gatos Anti-Racism Coalition

- Commented in support of the item.

Closed public comment.

Council discussed the item and received the report.

MOTION: Motion by Vice Mayor Ristow to direct the Town Manager to work with American Leadership Forum Insights (ALFI) in the development of a JEDI plan with short and long-term goals and allocate an additional \$12,000 from the Non-Departmental account. **Seconded by Council Mayor Sayoc.**

VOTE: Motion passed unanimously.

ADJOURNMENT

The meeting adjourned at 8:20 p.m.

Respectfully submitted:

Jenna De Long, Deputy Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 09/20/2022

ITEM NO: 3

DATE: September 9, 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
- August 2, 2022 adopted Resolution 2022-050
- August 16, 2022 adopted Resolution 2022-055
- September 6, 2022 adopted Resoluiton 2022-056

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: September 9, 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 20th day of September 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: 09/20/2022

ITEM NO: 4

DATE: September 15, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Execute a First Amendment to the EMC Planning Group Inc. Agreement for Completion of the Housing Element Update as Proposed by the Firm for a Not to Exceed Total of \$455,329 and authorize Revenue and Expenditure Budget Adjustments up to the Amount of \$172,894 (\$131,500 Plus 10 Percent Contingency) from the Available General Plan Update Deposit Account.

RECOMMENDATION:

Authorize the Town Manager execute a first amendment to the EMC Planning Group Inc. agreement for completion of the Housing Element update as proposed by the Firm for a not to exceed total of \$455,329 and authorize revenue and expenditure budget adjustments up to the amount of \$172,894 (\$131,500 plus 10 percent contingency) from the available General Plan Update Deposit Account (Attachment 1).

BACKGROUND:

On June 15, 2021, the Town Council authorized the Town Manager to enter into an Agreement with EMC Planning Group Inc. for the preparation of the 2023-2031 Housing Element and associated environmental review documents.

DISCUSSION:

Staff is requesting a budget adjustment in the amount of \$131,500 to cover the cost for additional work by EMC Planning Group Inc. This budget adjustment reflects the greater level.

PREPARED BY: Jocelyn Shoopman and Erin Walters
Associate Planner and Associate Planner

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

DISCUSSION (continued):

of detail that is being required by the California Department of Housing and Community Development (HCD) in its review of other local governments' Housing Elements.

Specifically, HCD is requiring more analysis of Affirmatively Furthering Fair Housing (AFFH) as part of the Housing Element. In addition, Assembly Bill 215 (AB 215) was signed by the Governor on September 28, 2021, after the agreement with EMC Planning Group Inc. was authorized. AB 215 requires that a local government make the first draft revision of the Housing Element available for public comment for at least 30 days and, if any comments are received, take at least 10 additional business days to consider and incorporate public comments into the draft Housing Element before submitting it to HCD. These two considerations require additional time and work than originally anticipated in the original agreement.

CONCLUSION:

Staff recommends that the Town Council authorize the Town Manager to execute a first amendment to the EMC agreement and a budget adjustment in the amount of \$131,500 plus a 10 percent contingency of \$41,394. The base amount, plus adjustment and contingency totals \$455,329. The inclusion of a contingency is proposed for consistency with previous consultant agreements. The contingency will only be utilized if necessary, and it has been included to allow the Town Manager or their designee to authorize limited additional costs without impacting the project schedule.

COORDINATION:

This report was coordinated with the Town Manager's Office, Town Attorney's Office, and Finance Department.

FISCAL IMPACT:

Funding for the Housing Element update, including this budget amendment, come from the General Plan Update Deposit Account. Sufficient funds are available in this account.

ENVIRONMENTAL ASSESSMENT:

Environmental review is not required for this budget adjustment as it is not a project defined by the California Environmental Quality Act (CEQA).

Attachment:

1. Draft EMC Planning Group, Inc. First Amendment to an Agreement with Exhibit A

FIRST AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES

THIS FIRST AMENDMENT TO AGREEMENT is dated for identification this 20th day of September 2022 and is made by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and EMC Planning Group Inc., ("Consultant"), whose address is 601 Abrego Street, Monterey, CA 93940. This Agreement is made with reference to the following facts.

RECITALS

- A. The Town and Consultant entered into an Agreement dated July 1, 2021, to provide Consultant Services for preparation of the 2023-2031 Housing Element.

AMENDMENT

- 1. 2.1 Scope of Services shall be revised to add the services as described in Exhibit A.
- 2. 2.6 Compensation shall be increased by \$131,500 as described in Exhibit A plus a 10 percent contingency of \$41,394 for a total not to exceed amount of \$455,329.
- 3. All other terms and conditions of the Agreement dated July 1, 2021, remain in full force and effect.

IN WITNESS WHEREOF, the Town and Consultant have executed this First Amendment Agreement as of the date indicated above.

Town of Los Gatos:

Consultant:

By: _____
Laurel Prevetti
Town Manager

By: _____
Teri Wissler Adam, Senior Principal
EMC Planning Group, Inc.

Department Approval:

Joel Paulson
Director of Community Development

Approved as to Form:

Gabrielle Whelan
Town Attorney

Attest:

Wendy Wood
Town Clerk



Planning for Success.

September 7, 2022

Town of Los Gatos
Community Development Department
110 E. Main Street
Los Gatos, California 95030

Re: Los Gatos Housing Element Update (2023-2031) - Contract Amendment #1

Dear Planning Staff:

This is a request for a contract amendment to add budget to the Housing Element Update project to reflect costs incurred to meet State requirements and State guidance that emerged following execution of the original contract.

Progress Report

The following components of the original scope of work have been achieved as indicated with the following list of tasks. The following tasks from the original contract have been addressed with the Initial Public Draft Housing Element. The California Environmental Quality Act (CEQA) analysis will follow the California Department of Housing and Community Development's (HCD) review to efficiently tie this project with the 2040 General Plan's Environmental Impact Report (EIR).

Task 1 - Project Schedule and Management
Task 2 - Review of Existing Housing Element
Task 3 - Public Outreach
Task 4 - Regional Housing Needs Assessment
Task 5 - Assessment of Housing Needs
Task 6 - Site Inventory
Task 7 - Prepare Draft Housing Element

Additional HCD Requirements

The original scope of work assumed a straightforward path towards certification. In the Fall of 2021, HCD introduced a new requirement for a 30-day public review period prior to HCD submittal of the preliminary draft. This, combined with a growing awareness of

EXHIBIT A

EMC PLANNING GROUP INC.
A LAND USE PLANNING & DESIGN FIRM

HCD's focus on AFFH (Affirmatively Furthering Fair Housing) has shifted the strategy for drafting the Housing Element Update.

Additional Cost

EMC Planning Group, Inc. continues to work diligently and effectively towards the goal of HCD certification. A sub-consultant with AFFH expertise (Root Policy Research) was enlisted to provide technical leadership to advance the outreach through the Housing Element Update website and the Balancing Act mapping program (granted to the Town) through the initial no-cost contract amendment. By incorporating additional sub-consultants, we have worked closely with staff to provide a full preliminary draft that anticipates the AFFH focus that HCD expects with the 6th cycle Housing Element Update process.

There is a \$37,378 remaining budget with sub-consultants who will continue to support the work of completing the Housing Element Update through certification. Support includes expert AFFH consultation after receipt of the HCD initial comment letter and outreach experts to continue community outreach efforts.

EMC Housing Element update	\$172,593
EMC CEQA Analysis	\$35,190
Travel/production costs (printing, mileage)	\$551
Sub-Consultants (branding, website development, AFFH research, outreach, diversity training, technical support)	\$36,723
Remaining Sub-Consultant	\$37,378
Original Budget	\$282,435

A total of \$209,867 has since been spent with a remaining budget of \$72,568, including sub-consultant allocations and CEQA analysis, which has not yet been initiated. See the table below.

Original Budget total	\$282,435
Amount spent to date	\$209,867
Remaining EMC CEQA Analysis	\$35,190
Remaining Sub-Consultant	\$37,378
Remaining Budget	\$72,568

Housing Element Iterative Drafts

In continuing to partner with Town staff and the Housing Element Advisory Board (HEAB), an updated draft will be brought forward that will reflect HCD's requests with their comment letter. The final deliverable, Housing Element Update, and meetings leading to Council review of such were part of the original scope and budget. The scope broadened in response to emerging knowledge of what HCD evaluations have included with Southern California reviews. Therefore, the scope for this contract is inclusive of materials, deliverables, and meetings anticipated through the final stages of the project.

The following table summarizes the number and type of anticipated meetings through completion of a certified Housing Element Update.

Project Schedule & Management	20	\$10,000
Community Meeting	1	\$3,000
HEAB Meetings	6	\$12,000
Planning Commission Meetings	2	\$6,000
Council Meetings	2	\$8,000
Total Number of Meetings and Cost	31	\$39,000

Total Budget Request

The total budget request includes responsiveness to HCD recommendations and preparation for HCD submittal, which requires multiple iterations of publication and integration of public comments and response to such comments as stand-alone documentation to HCD. This budget anticipates a certain level of changes to the draft Housing Element Update. If future work includes multiple foundational changes, then it will likely require Sub-Consultant review, which has been included with this proposed budget amendment.

Review of the HCD letter and subsequent proposed changes to the document will be reviewed by the HEAB. Interaction with HCD will inform the process to initiate public meetings with the Planning Commission and Town Council to consider adoption of a final document. Production costs for formatting and InDesign incorporation of the draft document into the same style as the 2040 General Plan and costs to provide 30 final certified paper copies were included with the original scope of work and are also reflected in this budget amendment request.

Optional Task

An optional task is included in the total budget to provide an assessment of the critical portions of the Land Use and Community Design Elements of the 2040 General Plan, should that be necessary for certification. The budget table below includes the original budget, anticipated additional meetings, costs for additional draft preparation, and production costs.

<u>Fee Schedule</u>	
Original Budget	\$282,435
Additional Meetings	\$39,000
Integration of Public Comments for HCD (Up to two iterations)	\$30,000
Additional Drafts (post HCD-initial review) (Up to two iterations)	\$40,000
Production Support	\$20,000
Optional Task: General Plan Amendments	\$2,500
Sub-total Contract Amendment Request	\$131,500
Budget After this Amendment	\$413,935

It continues a pleasure and honor to work with Town staff, decision-makers, and community members towards Housing Element certification.

Sincerely,



Ande Flower, AICP, Principal Planner



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 09/20/2022

ITEM NO: 5

DATE: September 12, 2022

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Consider the following in support of repair of a storm drainage system at 62 Ellenwood Avenue:

- a. Approve the Plans and Specifications;
- b. Authorize Advertising the Project for Bid;
- c. Authorize the Town Manager to Award and Execute a Construction Agreement in an Amount Not to Exceed \$300,000, Including Contingencies;
- d. Authorize Staff to Execute Future Change Orders in an Amount Not to Exceed Ten Percent of the Contract Award Amount, If Needed; and
- e. Authorize Expenditure Budget Adjustment in an Amount of \$113,400 From Available Funds in Fund 462.

RECOMMENDATION:

Consider the following in support of repair of a storm drainage system at 62 Ellenwood Avenue:

- a. Approve the plans and specifications;
- b. Authorize advertising the project for bid;
- c. Authorize the Town Manager to award and execute a construction agreement in an amount not to exceed \$300,000, including contingencies;
- d. Authorize staff to execute future change orders in an amount not to exceed ten percent of the contract award amount, if needed; and
- e. Authorize expenditure budget adjustment in an amount of \$113,400 from available funds in Fund 462.

PREPARED BY: Nicolle Burnham
Director, Parks and Public Works

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

SUBJECT: Consider Drainage Improvements at 62 Ellenwood Avenue; Authorize Bidding and Award and Budget Actions to Fund the Required Work

DATE: September 12, 2022

BACKGROUND:

The Town owns a storm drainage system in Ellenwood Avenue. The system discharges from a drainage structure in the road through private residential property at 62 Ellenwood Avenue to a swale.

During reconstruction of the residence at 62 Ellenwood Avenue, the drainage pipe was discovered to encroach further into the private property than previously believed, and the corrugated metal pipe was found to have rusted fully through. The property owner notified staff and has provided a temporary repair, but complete replacement of the pipe is needed.

DISCUSSION:

Staff coordinated with the residential property owner to develop design plans for replacement of the drainage pipe. The new pipe will be installed along the western property line and an easement will be secured to facilitate future Town access. This work is being proposed on an accelerated schedule to allow the property owner to continue with their construction activities and stabilize the site before winter.

The engineer's estimate for this work is pending, but staff believe the cost will be on the order of the \$300,000 requested, inclusive of contingencies. The project will include the installation of approximately 300 feet of 18-inch high density polyethylene (HDPE) storm drainage pipe. The plans and specifications for the project are available for review on the Department of Parks and Public Works capital improvement webpage at: www.losgatosca.gov/108/Capital-Improvement-Program

Once authorized by the Town Council to advertise for bid, the following is the anticipated schedule for the project:

<u>Milestones</u>	<u>Anticipated Timeline</u>
Advertise the Project for Bid	September 26, 2022
Bids Due	October 10, 2022
Award and Execute Agreement	October 24, 2022
Start Construction	November 14, 2022
Anticipated Completion	December 31, 2022

CONCLUSION:

This Council action will allow staff to repair a storm drainage line that is in disrepair and support the ability of the property owner to complete construction of their home.

PAGE 3 OF 3

SUBJECT: Consider Drainage Improvements at 62 Ellenwood Avenue; Authorize Bidding and Award and Budget Actions to Fund the Required Work

DATE: September 12, 2022

COORDINATION:

This memorandum has been coordinated with the Town Attorney, Community Development Department and Finance Department.

FISCAL IMPACT:

Annual Storm Drain Improvement Project CIP No. 816-0420 - Storm Basin #2 (Fund 462)		
	Budget	Costs
Storm Basin #2	\$ 186,600	
Transfer from Fund 462 - Storm Basin #2	\$ 113,400	
Total Budget	\$ 300,000	
		Costs
Construction Agreement (Approved with this Staff Report)		\$ 300,000
Total Costs		\$ 300,000
Available Balance		\$ -

ENVIRONMENTAL ASSESSMENT:

This is a project as defined under CEQA but is categorically exempt under Section 15301 (Existing Facilities), Section 15302 (Replacement or Reconstruction), and Section 15304 (Minor Alterations to Land.) A Notice of Exemption will be filed.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 09/20/2022

ITEM NO: 6

DATE: September 12, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Execute a Second Amendment to a Special Services Agreement with Liebert Cassidy Whitmore (LCW) to Increase Compensation in the Amount of \$50,000 for a Total Contract Amount Not to Exceed \$230,000

RECOMMENDATION:

Authorize the Town Manager to execute a second amendment (Attachment 1) to a special services agreement with Liebert Cassidy Whitmore (LCW) to increase compensation in the amount of \$50,000 for a total contract amount not to exceed \$230,000.

BACKGROUND:

Liebert Cassidy Whitmore was selected as a sole source provider for labor and employment relations services as the result of a competitive interview process. LCW provides valuable negotiations and employee relations legal guidance and has established a good rapport with the Town's bargaining units during recent labor negotiations.

On May 17, 2022, Council authorized the Town Manager to execute a First Amendment (Attachment 2) to a Special Services Agreement with Liebert Cassidy Whitmore to extend the term through June 30, 2024, to perform labor and employment relations assistance in an amount not to exceed \$180,000.

PREPARED BY: Salina Flores
Human Resources Director

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

PAGE 2 OF 2

SUBJECT: Authorize the Town Manager to Execute a Second Amendment to a Special Services Agreement with Liebert Cassidy Whitmore (LCW) to Increase Compensation in the Amount of \$50,000 for a Total Contract Amount Not to Exceed \$230,000

DATE: September 12, 2022

DISCUSSION:

With the need to prepare for labor negotiations in 2024, and address employment relations matters, the Town will continue to require outside legal support. The negotiations process begins in early 2024 with the Town's three bargaining units: the Town Employees' Association (TEA), the American Federation of State, County and Municipal Employees (AFSCME), and the Police Officers' Association (POA). It is critical to have continuity of labor representation during negotiations.

This amendment increases the Liebert Cassidy Whitmore contract by \$50,000 to provide these critical services.

CONCLUSION:

Liebert Cassidy Whitmore has been highly effective in assisting the Town with labor negotiations and employment relations support.

Staff recommends that that Council authorize the Town Manager to execute a second amendment to a special services agreement with Liebert Cassidy Whitmore in the increased amount of \$50,000 for a total contract amount not to exceed \$230,000 to continue providing employment relations support through June 30, 2024 (Attachment 1).

FISCAL IMPACT:

The previous contract was for \$180,000. With this agenda item, there would be a total net increase of \$50,000 which can be absorbed in the HR budget based on the adopted FY 2022/23 Budget and the anticipated resources needed for labor and employee relations services. The total contract is not to exceed \$230,000.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Attachment 1 - Second Amendment with Exhibit A fee schedule
2. Attachment 2 - First Amendment with original agreement attached

SECOND AMENDMENT TO AGREEMENT FOR SPECIAL SERVICES

THIS SECOND AMENDMENT TO AGREEMENT is entered into this 12th day of September, 2022, by and between the Town of Los Gatos, State of California, herein called the "Town," and Liebert Cassidy Whitmore, a Professional Corporation ("Attorney"), herein called the "Attorney."

RECITALS

- A. Town and Attorney entered into a Special Services Agreement from February 1, 2020, through February 1, 2022 ("Agreement").
- B. Town and Attorney entered into a First Amendment to Agreement on May 17, 2022.

AMENDMENT

- 1. Total compensation by the Town for the Attorney's services shall increase by an additional \$50,000, not to exceed \$230,000 over the course of the agreement.
- 2. All other terms and conditions of the Agreement dated February 1, 2020, remain in full force and effect.

IN WITNESS WHEREOF, the Town and Consultant have executed the Second Amendment to Agreement as of the date indicated above.

Town of Los Gatos:

Attorney:

By: _____
Laurel Prevetti
Town Manager

By: _____
J. Scott Tiedemann, Managing Partner
Liebert Cassidy Whitmore

Department Approval:

Salina Flores
Human Resources Director

Approved as to Form:

Gabrielle Whelan
Town Attorney

Attest:

Wendy Wood
Town Clerk

LIEBERT CASSIDY WHITMORE

FEE SCHEDULE

Partners	\$415.00
Senior Counsel	\$345.00
Associates	\$230.00 - \$325.00
Labor Relations/Human Resources Consultant	\$260.00
Paralegals	\$145.00
E-Discovery Specialists	\$145.00
Law Clerks	\$145.00 - \$185.00

FIRST AMENDMENT TO AGREEMENT FOR SPECIAL SERVICES

THIS FIRST AMENDMENT TO AGREEMENT is entered into this 17th day of May, 2022, by and between the Town of Los Gatos, State of California, herein called the "Town," and Liebert Cassidy Whitmore, a Professional Corporation ("Attorney"), herein called the "Attorney."

RECITALS

- A. Town and Attorney entered into a Special Services Agreement from February 1, 2020, through February 1, 2022 ("Agreement") (see Attachment 2).

AMENDMENT

1. The Town desires to extend the Agreement from February 2, 2022, through June 30, 2024.
2. Total compensation by the Town for the Attorney's services shall increase by an additional \$15,000, not to exceed \$180,000.
3. Compensation is based on an updated rate schedule (see Attachment 1).
4. All other terms and conditions of the Agreement dated February 1, 2020, remain in full force and effect.

IN WITNESS WHEREOF, the Town and Consultant have executed the First Amendment to Agreement as of the date indicated above.

Town of Los Gatos:

DocuSigned by:
By: Laurel Prevetti 7/11/2022
BS3FEEA2EB39470...
Laurel Prevetti
Town Manager

Attorney:

DocuSigned by:
By: J. Scott Tiedemann
37600E2D33DE44B...
J. Scott Tiedemann, Managing Partner
Liebert Cassidy Whitmore

Department Approval:

DocuSigned by:
Salina Flores
9B1F84D5FCCA4DC...
Salina Flores
Human Resources Director

Approved as to Form:

DocuSigned by:
Gabrielle Whelan
EFD6738A5534428...
Gabrielle Whelan
Town Attorney

Attest:

DocuSigned by:
Shelley Neis 7/11/2022
B9668F85B1F34F6...
Shelley Neis, MMC, CPMC
Town Clerk

AGREEMENT FOR SPECIAL SERVICES

This Agreement is entered into between the law firm of LIEBERT CASSIDY WHITMORE, A Professional Corporation ("Attorney"), and the TOWN OF LOS GATOS, A Municipal Corporation ("Town").

1. Conditions

This Agreement will not take effect, and Attorney will have no obligation to provide services, until Town returns a properly signed and executed copy of this Agreement.

2. Attorney's Services

Attorney agrees to provide Town with consulting, representational and legal services pertaining to employment relations matters, including representation in negotiations and in administrative and court proceedings, as requested by Town or otherwise required by law.

3. Fees, Costs, Expenses

Town agrees to pay Attorney the sums billed monthly for time spent by Attorney in providing the services, including reasonable travel time.

The current range of hourly rates for Attorney time is from Two Hundred Ten to Three Hundred Eighty Dollars (\$210.00 - \$380.00). See Schedule I for a full Fee Schedule. Attorney reviews its hourly rates on an annual basis and, if appropriate, adjusts them effective July 1. Attorney will provide the Town with written notification of any adjustment in the range of rates. Attorney bills its time in minimum units of one-tenth of an hour.

Total compensation for the duration of this agreement is not to exceed \$165,000. LRF

For Litigation Matters

See Schedule II attached for a description of Attorney's Litigation and E-Discovery Management.

Other Expenses

Town agrees to reimburse Attorney for necessary costs and expenses incurred by Attorney on behalf of Town. Attorney bills photocopying charges at Fifteen Cents (\$0.15) per page. See Schedule I attached.

Payment by Town against monthly billings is due upon receipt of statements, and is considered delinquent if payment is not received within thirty (30) days of the date of the invoice.

4. Professional Liability Insurance

The California Business & Professions Code requires us to inform you whether we maintain errors and omissions insurance coverage applicable to the services to be rendered to you. We hereby confirm that the firm does maintain such insurance coverage.

5. Arbitration of Professional Liability or Other Claims

Disputes. If a dispute between Town and Attorney arises over fees charged for services, the controversy will be submitted to binding arbitration in accordance with the rules of the California State Bar Fee Arbitration Program, set forth in California Business and Professions Code, sections 6200 through 6206. The arbitrator or arbitration panel shall have the authority to award to the prevailing party attorneys' fees, costs and interest incurred. Any arbitration award may be served by mail upon either side and personal service shall not be required.

If a dispute arises between Town and Attorney over any other aspect of the attorney-client relationship, including, without limitation, a claim for breach of professional duty, that dispute will also be resolved by arbitration. It is understood that any dispute as to any alleged breach of professional duty (that is, as to whether any legal services rendered under this agreement were allegedly unnecessary, unauthorized, omitted entirely, or were improperly, negligently or incompetently rendered) will be determined by submission to arbitration as provided by California law, and not by a lawsuit or resort to court process except as California law provides for judicial review of arbitration proceedings. **Both parties to this agreement, by entering into it, are giving up their constitutional right to have any such dispute decided in a court of law before a jury, and instead are accepting the use of arbitration.** Each party is to bear its own attorney's fees and costs.

6. **File Retention**

After our services conclude, Attorney will, upon Town's request, deliver the file for the matter to Town, along with any funds or property of Town's in our possession. If Town requests the file for the matter, Attorney will retain a copy of the file at the Town's expense. If Town does not request the file for this matter, we will retain it for a period of seven (7) years after this matter is closed. If Town does not request delivery of the file for this matter before the end of the seven (7) year period, we will have no further obligation to retain the file and may, at our discretion, destroy it without further notice to Town. At any point during the seven (7) year period, Town may request delivery of the file.

7. Assignment

This Agreement is not assignable without the written consent of Town.

8. Independent Contractor

It is understood and agreed that Attorney, while engaged in performing the terms of this Agreement, is an independent contractor and not an employee of Town.

9. Authority

The signators to this Agreement represent that they hold the positions set forth below their signatures, and that they are authorized to execute this Agreement on behalf of their respective parties and to bind their respective parties hereto.

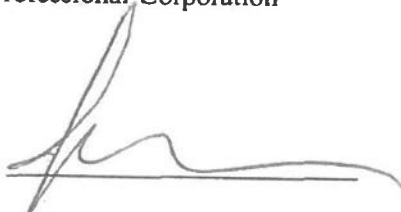
10. Term

This Agreement is effective February 1, 2020, ongoing and may be modified by mutual agreement of the parties. This agreement shall be terminable by either party upon thirty (30) days written notice.

through February 1, 2022
LCP

LIEBERT CASSIDY WHITMORE,
A Professional Corporation

TOWN OF LOS GATOS,
A Municipal Corporation

By: 

By: 

Name: J. Scott Tiedemann

Name: Laurel Prevetti

Title: Managing Partner

Title: Town Manager

Date: 2/16/2020

Date: 2-20-2020

SCHEDULE I – FEES & COSTS

1. Hourly Rates (As of Agreement Effective Date)

Partners	\$380.00
Senior Counsel	\$325.00
Associates	\$210.00 - \$305.00
Labor Relations/HR Consultant	\$240.00
Paralegals	\$135.00
E- Discovery Specialists	\$135.00
Law Clerks	\$135.00 - \$175.00

2. COSTS

1. Photocopies	\$0.15 per copy
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SCHEDULE II

LCW LITIGATION and E-DISCOVERY MANAGEMENT

LCW is committed to using state-of-the-art technology to efficiently manage and harness electronically-stored information ("ESI") in compliance with Federal and State law requirements. LCW partners with an outside managed services provider to provide Relativity, the industry leading e-discovery software, for this purpose. The cost for each matter will depend on the volume and format of the data. For non-complex data up to 50 gigabytes, LCW charges a monthly fee of \$375 on all active litigation matters for data management, including data validation and security, ingestion, de-duplication, culling and streamlining, and creation of Relativity fields for expedited review. For data of 50 gigabytes and over and for complex data requiring specialized services (e.g., payroll data, spreadsheets with underlying formulas, video, advanced searches, etc.), additional charges are incurred and are passed through to the client. For such charges, we will provide an itemized bill from our managed services provider and obtain client approval prior to incurring the charges.

Litigation Case Staffing

LCW has organized its litigation practice to meet the challenges of today's complex litigation cases. We employ a dedicated Litigation Manager – a non-billing attorney litigator – whose responsibility is to monitor all litigation cases to ensure quality, efficiency, and adherence to client and firm litigation guidelines. Each litigation case is staffed with a Partner, an Associate (or Associates, as required and as approved by the Client), a Paralegal and an E-Discovery Specialist. Our E-Discovery Specialists have extensive experience in the efficient management of electronic data through every stage of the e-discovery life cycle, and they strategize with attorneys and clients on effective ESI protocols. This makes the document review process more efficient and enables our attorneys to target the most relevant data to meet litigation objectives. Working with our e-discovery managed services provider, we are able to provide state-of-the-art data processing and hosting services at below-market rates.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 09/20/2022

ITEM NO: 7

DATE: September 14, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize Payment of Up to An Additional \$25,000 to Colantuono, Highsmith & Whatley, PC for a Total Payment Not to Exceed \$115,000 for Fiscal Year 2021-22.

RECOMMENDATION:

Authorize payment of up to an additional \$25,000 to Colantuono, Highsmith & Whatley, PC for a total payment not to exceed \$115,000 for fiscal year 2021-22.

BACKGROUND:

On March 12, 2021, the Town Attorney retained the law firm of Colantuono, Highsmith & Whatley, PC, to represent the Town of Los Gatos in litigation against Santa Clara County regarding needed repairs to Shannon Road. Because staff anticipated that the litigation would cost under \$100,000, the agreement did not go to the Town Council for approval. Based on additional information discovered pursuant to a Public Records Act request, the Town wishes to amend its complaint against the County. Amending the complaint will require payments exceeding \$100,000 to the Colantuono law firm.

DISCUSSION:

Staff anticipates that amending the complaint will cost up to an additional \$25,000 and is requesting Town Council authorization to make additional payments to the Colantuono law firm of up to that amount.

PREPARED BY: Bridgette Falconio
Administrative Technician

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

PAGE 2 OF 2

SUBJECT: Payment for Shannon Road Litigation

DATE: August 25, 2022

RECOMMENDATION:

Authorize the Town to pay up to an additional \$25,000 to Colantuono, Highsmith & Whatley, PC, to file an amended complaint against the Santa Clara County regarding need repairs to Shannon Road for a total payment not to exceed \$115,000 for fiscal year 2021-22.

COORDINATION:

The Finance Department, Town Attorney's Office and Town Manager's Office coordinated this report.

FISCAL IMPACT:

The litigation is being funded from the Attorney Legal Services Account. There are sufficient funds available in the Attorney budget to authorize this additional payment to Colantuono, Highsmith & Whatley, PC.

ENVIRONMENTAL ASSESSMENT:

This payment for litigation expenses is not a project defined under CEQA, and no further action is required.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 09/20/2022

ITEM NO: 8

DATE: September 20, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize Revenue and Expenditure Budget Adjustments in the Amount of \$5,000 to Recognize Receipt and Expenditure of California State Library Grant Funds

RECOMMENDATION:

Authorize revenue and expenditure budget adjustments in the amount of \$5,000 to recognize receipt and expenditure of California State Library grant funds.

BACKGROUND:

The Library has been successful in obtaining a \$5,000 grant from the California State Library for improvements to the Library Children's Garden. The grant funds will be used to update landscaping and provide activities in the Children's Garden.

FISCAL IMPACT:

Expenditures will equal revenues received. Grant revenues will be recorded to account 7801-42242 and be expended from account 7801-61172.

ENVIRONMENTAL ASSESSMENT:

In accordance with CEQA Guidelines Section 15301, this project to update the Children's Garden is categorically exempt from CEQA because it is a minor alteration to an existing facility.

PREPARED BY: Ryan Baker
Library Director

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



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 09/20/2022

ITEM NO: 9

DATE: September 7, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Discuss Roles and Responsibilities of the Community Health and Senior Service Commission and the Senior Service Committee and Provide Direction to Staff

RECOMMENDATION:

Discuss roles and responsibilities of the Community Health and Senior Service Commission (CHSSC) and the Senior Service Committee and provide direction to staff.

BACKGROUND:

On March 2, 2021, the Town Council held a joint session with the Community Health and Senior Service Commission (CHSSC) to hear the Commission's goals for the coming year. The Council indicated its strong interest in the work of the Commission in light of the inclusion of senior services as a new Council Strategic Priority for FY 2021-2023.

Councilmembers requested that the Commission review the current senior service provision in Town and help identify any gaps that exist in senior services. On June 15, 2021, the Town Council received the Community Health and Senior Service Commission's (CHSSC) assessment report on senior service provision in Los Gatos. At the conclusion of the discussion, Council provided direction to staff to return to Council with recommendations for establishing a Senior Service Committee.

On August 3, 2021, the Town Council adopted a Resolution 2021-035 (Attachment 1) establishing a Senior Service Committee. The Resolution included the following:

PREPARED BY: Arn Andrews
Assistant Town Manager

Reviewed by: Town Manager and Town Attorney

BACKGROUND (continued):

“**WHEREAS**, The Committee should develop a long-term vision and strategic plan through extensive community outreach, including workshops, that would culminate in a comprehensive report of how best to serve the needs of the Town’s older adult community...”

On June 21, 2022, the Town Council unanimously approved the Senior Services Roadmap Goals as recommended by the Senior Service Committee (Attachment 2).

DISCUSSION:

At the August 23rd CHSSC meeting, Commissioners inquired about the future role of the Senior Service Committee given that it appears it has almost completed the mandate per their enabling Resolution. Several Commissioners observed that the Senior Committee appears to be transitioning to implementation in several areas which is not envisioned within that Committee’s Resolution. And lastly, Commissioners opined that if the Senior Committee is to proceed with implementation in certain areas, then the Council should clarify its vision for the role of the CHSSC. Attachment 3 contains the enabling Resolution for CHSSC.

Staff believes Council could consider at least three options to alleviate any confusion regarding roles and responsibilities between the two advisory bodies.

Option 1

Once the Senior Service Committee completes its final Comprehensive Report, the Town Council could establish an implementation committee called the Senior Services Roadmap Implementation Committee that would maintain all the existing members of the current Senior Service Committee and be under the purview of the CHSSC. Since the charter and intent of the Senior Services Committee would have been met, the Council could sunset the existing committee and direct it to move under the oversight of the CHSSC.

Option 2

When initially establishing the configuration of the newly formed Senior Service Committee, it was originally envisioned to include all members of the CHSSC. At the time, staff was concerned about the size of the newly constituted Committee and recommended that only two CHSSC Commissioners be on the Committee who would then report back to the full Commission. Having facilitated the Senior Committee for the past year, staff no longer has concerns about expanding the size of the Committee to include the full membership of the CHSSC.

DISCUSSION (continued):

Option 3

Council could maintain the existing Committee and Commission structures and provide specific direction on roles and responsibilities through amendments to both of the enabling resolutions.

CONCLUSION:

Council should review the three options and provide direction as to how it wishes to proceed. There may be other alternatives that the Council may wish to explore.

COORDINATION:

This staff report was coordinated with the Town Manager and Town Attorney.

FISCAL IMPACT:

There is no fiscal impact associated with this report.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Senior Service Committee Enabling Resolution
2. Senior Service Committee Roadmap Goals
3. CHSSC Enabling Resolution

RESOLUTION 2021-

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ESTABLISHING THE SENIOR SERVICE COMMITTEE

WHEREAS, On January 26, 2021, the Town Council of Los Gatos established “Engaging Seniors” as a Strategic Priority of FY 2021-2023; and

WHEREAS, On March 2, 2021, the Town Council held a joint session with the Community Health and Senior Service Commission (CHSSC) to hear the Commission’s goals for the coming year. In light of the inclusion of senior services as a new Council Strategic Priority for FY 2021-2023 Councilmembers requested that the Commission review the current senior service provision in Town and help identify any gaps that exist in senior services; and

WHEREAS, On June 15, 2021, the Town Council received the Community Health and Senior Service Commission’s (CHSSC) assessment report on senior service provision in Los Gatos; and

WHEREAS, Upon receiving the report the Town Council directed staff to establish a standing committee that would examine in depth the longer-term issues presented by the CHSSC; and

WHEREAS, The Committee should develop a long-term vision and strategic plan through extensive community outreach, including workshops, that would culminate in a comprehensive report of how best to serve the needs of the Town’s older adult community. The Committee should leverage the breadth of Committee membership and existing coalitions in the identification and prioritization of needs and develop recommended solutions. The Committee should take into consideration the value proposition of recommendations, estimated level of effort, potential providers and service provision models, availability and timing of service delivery, and future funding requirements; and

WHEREAS, The following individuals and organizations have committed to joining the Committee and establishing a long-term vision and strategic plan for senior service provision in Los Gatos:

- Community Health and Senior Service Commission – Two (2) members Chair/Youth Commissioner
- Councilmembers – Two (2) Councilmembers Hudes and Rennie
- Service Club Representation – One (1) member Diane Goldberg (primary)/Nancy Pearson (alternate) Kiwanis Club
- Chamber Representation – One (1) member Catherine Somers
- Service Provider Representation – Two (2) members Kathy Milinarich (Live Oak Nutrition) /Lisa Lenoci (Live Oak Daycare)
- Senior Community Leaders – Two (2) members Tom Picraux and Maureen Heath

- County Department of Aging Representation – One (1) member Diana Miller
- Healthcare Provider Representation – One (1) member Grace Benlice (Director of Care Coordination) El Camino Hospital

THEREFORE, BE IT RESOLVED:

1. There is hereby a Senior Service Committee for the Town
 - a. The Committee shall be advisory to the Town Council and shall operate in a manner hereinafter described.
2. Membership/Organization
 - a. The Commission shall consist of twelve (12) members. Membership composition shall be two (2) CHSSC Commissioners, two (2) Councilmembers, one (1) service club representative, one (one) Chamber representative, two (2) service provider representatives, two (2) senior community leaders, one (1) County representative, and one (1) healthcare provider representative.
 - b. Committee members shall serve without compensation.
 - c. The Committee shall hold monthly regular meetings.
 - d. The Committee shall establish a regular time and location for its meetings and shall otherwise call and conduct its meetings in compliance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 and following).
 - e. Staff services as required shall be provided to the Committee by the Town Managers Office, or designee, who shall also serve as Secretary of the Committee without vote.
 - f. Meeting attendance requirements will conform with all current Town Resolutions and Policies.
 - g. A record of all minutes and resolutions of the Committee shall be kept and shall be a public record.
3. Powers and Duties.

The duties of the Senior Service Committee shall be to:

 - a. Act in an advisory capacity to the Town Council in the development of a long-term vision and strategic plan for senior service provision; and related topics as directed by the Town Council or requested by Town staff.
4. Not to affect powers of the Town Council. Nothing in this resolution shall be construed as restricting or curtailing any of the powers of the Town Council, or as a delegation to the Senior Service Committee of any of the authority or discretionary powers vested and imposed by law in such Council.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 3rd day of August 2021 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: _____

Date: June 15, 2022
To: Los Gatos Town Council
From: Los Gatos Senior Services Committee

Subject: Council Approval of Senior Services Roadmap Goals

Roadmap Goals

1. Communications & Information Access

Older adults and caregivers need ways to learn information about available services, resources and events in multiple formats. Our survey and workshops point to this area as a critical need to solve problems, participate in community activities and enhance one's quality of life. Our benchmark results for other cities indicated that we can do a much better job. This goal helps residents age in place. Areas addressed would include:

- Availability of resources, activities, programs (clubs, local centers and government -supported services, etc.)
- Presented in the form of an Information Hub (trusted, well-curated content on services availability, activities pointer, events calendar, etc.) - short term. Includes web, mobile, and social network capabilities. Phone feature with live senior services and volunteer coordinator - longer term
- Navigation to services tools (medical, maintain physical health)
- Promote county mental/behavioral health offerings and services
- Promote food security and options
- Information included from our other goals on transportation, volunteering and housing (stay in home support options, wellness calls, assistive devices)

2. Appealing and Inviting Facility (Renovate or Build)

Renovate or build a community facility including older adult space/services. Age-friendly communities have spaces that are welcoming where residents can come together to engage in social, educational, and enriching activities. Community centers which either include or are dedicated to the needs of older adults provide an important focal point for residents and are found in all our benchmarked cities. Approaches to building or refurbishing facilities are many, but in every case have required a concerted, long-term effort with deliberate planning. This area would address:

- More welcoming building with adequate multipurpose space than currently exists. A portion of the facility dedicated to meet the needs of older adults
- A funding strategy, fund-raising mechanisms and a 501(c)(3) Friends of Seniors to provide long-term support

- Coordinated community strategy and support for development of senior facilities
- Intergenerational space for meetings, clubs, community events, recreational, cultural, educational, learning, health education and information services
- Deliberate evaluation of effectiveness and value of investment in existing facilities
- Evaluate multiple use options and how Town assets might be utilized in the creation of a community facility

3. Increase Engagement in Social, Educational and Healthy Living Activities

Productive activities outside of work promote quality of life and contribute to active aging. Finding and engaging in social activity and volunteering in activities of interest becomes increasingly challenging as people age. Opportunities to participate and socialize with others, volunteer in meaningful and productive activities and engage in the community in which one lives contribute to a feeling of belonging and personal satisfaction. Efforts to increase engagement and participation would consider:

- Consistent availability, coordination, engagement, and age-friendly accessibility of weekly activities and monthly social events
- Promotion ranging from print to in-person engagement by going to where older adults live (ambassadors, volunteers, etc.)
- Finding ways to subsidize existing programs to expand reach to seniors - medium to short term
- Enlisting local organizations and expertise to help enhance programming
- No or minimal fees except for specific services
- Highlight special events and make them age-friendly
- Funding and expanding essential services for all stages of aging including adult day care and nutrition programs
- Training and classes to enhance marketable and/or new skills
- Personal safety, scam avoidance, legal assistance awareness, etc.

4. Enhance Transportation Options for Older Adults

Livable communities facilitate transportation options for older adults, including auto, bicycling, walking and public transportation. Older adults consider the need for flexible transportation options to be especially important as they age, including:

- Better information distribution on mobility options (e.g., VTA Senior Mobility Guide)
- RYDE awareness and enhancement
- VTA and VTA Access awareness

- Lyft/Uber supplemented programs
- In-Town shuttle provided by Town
- Last minute rides through volunteer network
- Options for mobility-challenged older adults

5. Volunteer Support and Engagement

Vibrant communities provide opportunities for older members to become volunteers and/or to find needed assistance from volunteers. Promoting and supporting volunteerism allows the community to marshal the expertise of seniors and to increase engagement of older adults for the benefit of the entire community. This effort would include:

- Develop and coordinate volunteer opportunity exchange (aggregated Town page of opportunities)
- Support connections between service providers, clubs and those interested in volunteering (consider holding volunteer fair)
- Support equitable and inclusive processes to engage senior volunteers
- Consider a 'Community Unity' bulletin board approach for two-way volunteering as promoted in the past by former Mayor Wasserman

6. Develop integrated governance, funding, and accountability for senior services

Currently our Town has a distributed model of senior services with minimal central planning, measurement, coordination or accountability for maintaining and advancing services. Benchmarking results show that most cities have a more integrated governance model which can result in greater support, more successful funding initiatives and greater transparency of senior services operations. This area is challenging but could result in increased efficiencies, enhanced senior services and long-term stability of programs. Successful governance models by other cities will be examined to determine the best model for Los Gatos:

- Different models (role of nonprofits, city administration, etc.)
- Coordinated management model (accountability, metrics, oversight, etc.) versus distributed model
- Funding mechanisms to help support older adult programs and services
- Sustainable financial plan, including pro forma budgets for consideration by deciding bodies
- Methods for measurement, accountability and maintaining transparency
- Approaches to maintain Town oversight

7. Senior Housing - Information on Approaches and Options

Many older residents expressed a desire to continue to live in Los Gatos after retirement and to enjoy their community and friends as they age. Needs change as people age, requiring a knowledge of and advice on a wide range of senior living options. Mixed-use neighborhoods with nearby opportunities to eat, shop, work/volunteer and receive services can enhance the quality of life for seniors. The Town can support senior living by encouraging such developments and providing education, information and opportunities for mutual learning on housing including:

- Types of housing, facilities and options for senior living
- Personal safety devices, scam avoidance, legal assistance awareness, etc.
- Help with transitional housing opportunities (including mental health)
- Promote new urbanism emphasizing walkable spaces where people can live close to places where they can eat, shop, work and receive services

RESOLUTION 2020-012

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING THE COMMUNITY HEALTH AND SENIOR SERVICES COMMISSION ENABLING RESOLUTION AND RESCINDING RESOLUTIONS 2016-054 AND 2011-035

RESOLVED by the Town Council of the Town of Los Gatos, that the Town Council does hereby establish the terms and conditions for appointment to and conduct of the Community Health and Senior Services Commission. The Commission is advisory to the Town Council and operates in the manner hereinafter prescribed.

1. Membership-Organization

- a. The Commission shall consist of seven (7) voting members. Membership composition shall be six (6) adult voting members appointed by Council, whose terms of office are three (3) years and until their successors are appointed by Council, and one (1) Youth Commissioner as a voting member, appointed by the Youth Commission, whose term of office shall be for one (1) year with no limitations on reappointments.
- b. The Commission's membership shall, to the extent possible, reflect the social and economic diversity of the Los Gatos community.
- c. The members' terms of office are staggered and overlapped so that the terms of no more than three (3) of the adult members expire each year.
- d. The Commission shall appoint and prescribe the term of office for its Chair and Vice-Chair.
- e. A majority of voting members of the Commission shall constitute a quorum for the purpose of transacting business. Any member shall have the right to present a minority view to the Town Council in reference to any report or recommendation the Commission makes.
- f. Commission members shall serve without compensation, provided that, with advance budgetary approval of the Town Council, the actual and necessary expenses (if any) incurred by the members in the conduct of Town business shall be reimbursable pursuant to the provisions of the current Administrative Policy.
- g. The Commission shall establish a regular time and location for its meetings and shall otherwise call and conduct its meetings in compliance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 and following).
- h. A record of all minutes and resolutions of the Commission shall be kept and shall be a public record.

1 of 3

Resolution 2020-012

May 5, 2020

- i. Residency and meeting attendance requirements will conform with all current Town Resolutions and Policies.
2. Duties and Functions
- a. The function of the Commission shall be to serve in an advisory capacity to the Town Council regarding Town policies within its scope of expertise; specifically, on the senior services and public health needs of the community. With the prior approval of, and/or at the direction of, the Town Council or its delegate, the Commission shall receive public input, evaluate options, and make recommendations on policy issues including, but not limited to, the following:
 - i. The goals, policies, and actions relating to Senior Services and Public Health contained in the Town's General Plan; and
 - ii. The coordination of community services programs between the Town and other agencies, both public and private; and
 - iii. Emerging community needs, including demographic and economic trends.
 - b. In developing recommendations to the Town Council, the Commission should:
 - i. Elicit the interest and support of various relevant community individuals and groups.
 - ii. Study and examine sources of public and private funding to meet public health and community service needs.
 - iii. Evaluate the effectiveness of existing programs and make constructive suggestions for improvement.
 - iv. Examine ways to minimize and/or eliminate overlapping and duplicative services.
 - c. The Commission may send representatives, when appropriate, to other bodies or Commissions.
 - d. The Commission shall perform other duties as assigned by the Town Council.

BE IT FURTHER RESOLVED that the Commissions name is changed to Community Health and Senior Services Commission and that Resolutions 2016-054 and 2011-035 are hereby rescinded.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 5th day of May 2020, by the following vote:

COUNCIL MEMBERS:

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

NAYS: None

ABSENT: None

ABSTAIN: None

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 5/20/20

ATTEST:



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

DATE: 5/21/2020



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 09/20/2022

ITEM NO: 10

DATE: August 25, 2022

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Remote Participation

- A. Discuss Remote Participation Expectations for Town Council Members and Commissioners,
- B. Approve a Modification as Recommended by the Council Policy Committee to Town Council Policy 2-01: Town Agenda Format and Rules, and
- C. Modify Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum for Consistent Language Regarding Excused Absences

RECOMMENDATION:

Staff recommends that the Town Council:

1. Discuss remote participation expectations for Town Council Members and Commissioners,
2. Approve a modification as recommended by the Council Policy Committee to Town Council Policy 2-01: Town Agenda Format and Rules, and
3. Modify Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum for consistent language regarding excused absences.

BACKGROUND:

In November 2021, the Town Council adopted modifications to Town Council Policy 2-01: Town Agenda Format and Rules to provide clarity for remote participation in light of the pandemic and the more common availability of Zoom and other conferencing software (see Attachment 1). These provisions reinforced the Town's longstanding preference for in-person participation by Council and Commission members while providing the public the option of participating remotely or in-person (see Attachment 1, page 5).

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

SUBJECT: Discuss Remote Participation and Consider Modifications to Town Council Policy 2-01: Town Agenda Format and Rules, and Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum

DATE: August 25, 2022

BACKGROUND (continued):

The existing provisions state that:

1. Requests by Council Members to attend a regular Council meeting via remote appearance are allowed on a limited basis and with no more than two remote participations in a row. Remote attendance shall be permitted for a medical, family or work event requiring a Council Member's absence or in the event the Council Member is out of the area on official Town business. In addition, at least a quorum of the Council must participate from a location within the Town.
2. Requests by Commissioners to attend a Commission meeting via remote appearance should be allowed on a limited basis to mirror the existing attendance requirements and with no more than two remote participations in a row.
3. When a Council Member or Commissioner is participating remotely, they shall have their camera on and be visible for the duration of the meeting.
4. The public may participate in all public meetings remotely by following the remote participation instructions that are provided on the agenda. The remote participation instructions shall be provided on all Town Council and Commission agendas.

DISCUSSION:

Currently, the Santa Clara County Health Officer recommends remote participation for government public meetings. Assembly Bill 361 allows towns/cities to hold remote meetings without posting agendas in physical locations or making remote meeting sites accessible to the public during a declared state of emergency. The Los Gatos Town Council has been adopting the required Resolutions to maintain its remote meetings given the State, County, and Town Emergency Declarations that remain in effect as well as other facts documented in the Resolutions.

AB 1944 (Lee) was introduced to protect the privacy of public officials when participating remotely. This bill is being held for a year by the author and did not move forward this legislative session. It is unsure what its future might be. If this or a similar bill does not move forward, then when the state of emergency is lifted, public officials will be required to share their private addresses when participating remotely and make those locations accessible to the community.

SUBJECT: Discuss Remote Participation and Consider Modifications to Town Council Policy 2-01: Town Agenda Format and Rules, and Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum

DATE: August 25, 2022

DISCUSSION (continued):

It is expected that the Emergency Proclamations for the pandemic will be lifted at some point in the future and the guidance for government public meetings will be updated to facilitate in-person meetings. Council members have asked that the Council Policy Committee and Town Council take a fresh look at the remote participation provisions to prepare for this eventuality.

At its August 23rd meeting, the Council Policy Committee discussed the following questions submitted by a Council Member (the Committee's discussion points are summarized after each question):

- **How do we navigate hybrid meetings in the future?**
The Town has the equipment and technology to conduct hybrid Council and Commission meetings. This technology was used when Council was in-person for a couple of months in 2021.
- **Who must be in person?**
The Committee felt strongly that all Council Members and Commissioners should be required to be in person as part of their commitment to their positions. The Committee stated that this is important for government transparency.
- **If a Council/Commission/Committee member or staff member is ill or even has "just a cold" can they participate remotely, or is it an absence?**
The Policy currently provides for remote participation if a Council Member or Commissioner or their family member is ill (i.e., "medical or family event").

The Committee was concerned that a former Commissioner missed multiple meetings while on maternity leave and forfeited their position. The Committee recommended that the Policy be amended to allow for excused absences for parental leave consistent with the Family Medical Leave Act (see redline in Attachment 1).

Staff is also recommending that the Council amend Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum to include similar language for consistency between the two Policies (see redline in Attachment 2).

PAGE 4 OF 4

SUBJECT: Discuss Remote Participation and Consider Modifications to Town Council Policy 2-01: Town Agenda Format and Rules, and Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum

DATE: August 25, 2022

DISCUSSION (continued):

- **What constitutes a quorum if some members are remote and others in person?**

Based on existing law with a hybrid format, a quorum includes members participating in-person or remotely within Town limits. The Committee discussed that the meeting should be run by a member who is in person. For example, if the Mayor or Commission Chair is participating remotely, then the Vice Mayor or Vice Chair or next senior member on the body who is in person should chair the meeting. The Committee did not recommend that this be memorialized in the Policy.

- **If a Council or Commission member is participating remotely while meeting is in-person, will remote participant have to allow the public access to the remote location?**

Currently, State law dictates the noticing and access requirements under the Brown Act and related legislation. This may be subject to change as discussed earlier in this report.

COORDINATION:

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

FISCAL IMPACT:

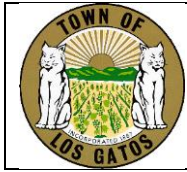
Modifications to the Town Council Policy regarding Town Agenda Format and Rules will not have a fiscal impact to the Town.

ENVIRONMENTAL ASSESSMENT:

The proposed modification to the Policy is not a project defined under CEQA, and no further action is required.

Attachments:

1. Town Council Policy 2-01: Town Agenda Format and Rules (redline)
2. Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum (redline)



TITLE: Town Agenda Format and Rules

POLICY NUMBER: 2-01

EFFECTIVE DATE: 12/15/1986

PAGES: 7

ENABLING ACTIONS: 1986-183; 1987-024; 1988-124; 1993-181; 1994-057; 1996-108; 2001-077; 2004-033; 2009-002; 2021-047

REVISED DATES: 12/15/1986; 3/2/1987; 6/6/1988; 6/15/1992; 12/6/1993; 4/4/1994; 8/5/1996; 7/2/2001; 4/5/2004; 1/20/2009; 3/16/2009; 12/6/2010; 8/5/2013; 3/3/2015; 9/20/2016; 6/20/2017; 8/1/2017; 12/4/18; 8/20/19; 12/3/19; 6/1/2021; 11/2/2021

APPROVED:

PURPOSE

To establish procedures which standardize Town agendas and insure an orderly meeting. This Policy applies to Town Council and all Town Boards, Commissions, and Committees.

POLICY

The following policies have been established:

A. Order of the Agenda

Subject to the Mayor's, or Chair's, discretion to change the order of consideration of any agenda item during any individual meeting:

- Meeting Call to Order
- Roll Call
- Pledge of Allegiance
- Appointments
- Presentations
- Closed Session Report
- Council Matters
- Manager Matters
- Consent Calendar
- Verbal Communications
- Public Hearings
- Other Business
- Adjournment (No later than midnight without vote)

TITLE: Town Agenda Format and Rules	PAGE: 2 of 8	POLICY NUMBER: 2-01
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B. Closed Session Report

At the first Council meeting following any Closed Session, the Town Attorney will report on the Closed Session describing what occurred, but without reporting any information which could damage the Town's position on a) potential or existing litigation, b) the acquisition or disposition of property, or c) any employee's privacy interests. In addition, the Closed Session agenda shall clearly identify the subject of each agenda item consistent with the requirements of the *Brown Act*.

C. Communications by Members of the Public

Speakers at public meetings will be asked to provide their full name and to state whether they are a resident of the Town of Los Gatos. This information is optional but not required.

1. *Verbal Communications.* Comments by members of the public during the initial Verbal Communications portion of the agenda on items not on the Council agenda shall be limited to 30 minutes and no more than three (3) minutes per speaker. As an item not listed on the agenda, no response is required from Town staff or the Council and no action can be taken. However, the Council may instruct the Town Manager to place the item on a future agenda. At the conclusion of the first Verbal Communications, the agenda will proceed onto the Public Hearings and Other Business sections of the agenda. In the event additional speakers were not able to be heard during the initial Verbal Communications portion of the agenda, an additional Verbal Communications section can be opened prior to Adjournment.
2. *Public Hearings.* Presentations during the Public Hearings portion of the agenda by appellants and applicants, including any expert or consultant assisting with the presentation, shall be limited to a total of no more than five (5) minutes for all speakers. Appellants and applicants shall be provided no more than three (3) minutes to rebut at the end of the public hearing. Other members of the public testifying at public hearings shall be limited to no more than three (3) minutes.
3. *Submittal of written materials by Applicant and Appellant.* To allow Town Council, Boards, Commissions, Committees, Town Staff, and the public the opportunity to review material in advance of a hearing, all materials submitted by the Applicant or Appellant must be received by the Town Clerk fourteen (14) days prior to the scheduled public hearing. Documents and materials received from the Applicant or Appellant after the deadline will be accepted; however, the Town Staff may not have the time to analyze the documents and material, and Town Council may not have the time to consider materials submitted after the deadline. The submittal of any additional material by the Applicant or Appellant shall not be considered prima facie evidence (sufficient to establish a fact or raise a presumption) under Town Code Section 29.20.300.
4. *Other Agenda Items.* Comments by members of the public concerning any other item on an agenda shall be limited to no more than three (3) minutes per item.

TITLE: Town Agenda Format and Rules	PAGE: 3 of 8	POLICY NUMBER: 2-01
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5. *Mayor's Discretion.* All time limits noted above shall be subject to change at the Mayor's discretion. If a member of the public speaks on the wrong item, the time used would be deducted from the speaker's overall public comment time allowance on the correct item.

D. Consent Calendar

Items on the Council agenda that are considered to be of a routine and non-controversial nature are placed on the Consent Calendar. Typical items include meeting minutes, final reading and adoption of ordinances, resolutions approving agreements, awards of contracts, status staff reports, etc.

Consent items shall be approved by a single Council motion unless a member of the Council requests that an item be removed for separate Council action. Members of the public may speak on an item on the Consent Calendar during the public comment portion before the Council votes on the Consent Calendar. Items removed from the Consent Calendar may be considered at that meeting at the Mayor's discretion. If an item is removed for discussion, members of the public may speak to that item even if they previously spoke on the item during public comment.

E. Presentations

The Presentations portion of the agenda is intended to allow organized groups to make formal presentations to the Council and to recognize and honor deserving individuals and organizations. All matters included on the Presentations portion of the agenda require the prior approval of the Mayor and shall be limited to no more than ten (10) minutes, unless the Mayor grants additional time.

F. Council Matters

Members of Council may report on the activities of the committees to which they belong or the meetings they attend, question staff briefly on matters upon which the Council has taken action or given direction, make brief announcements, or discuss whether to place particular items on future agendas for action by the Council. Future agenda items to be briefly discussed here shall be identified consistent with Section G of this policy, or may be raised for the first time under this item.

G. Adjournment

Council meetings will be adjourned at midnight unless a majority of the Council Members present vote to extend the adjournment time.

H. Americans with Disabilities Notice on Town Agendas

As part of the requirements under the Americans with Disabilities Act, the Town is required to provide notice of whom to contact in advance of a public meeting for assistance to disabled individuals who might wish to participate. The following notice shall be provided in at least one location on each Town agenda for Council, Boards, Commissions, or Committees.

TITLE: Town Agenda Format and Rules	PAGE: 4 of 8	POLICY NUMBER: 2-01
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In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk Administrator 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]

I. Preparation of the Agenda

The agenda is prepared by staff in consultation with the Mayor for the Mayor's final approval. If there is a disagreement between the Mayor and staff, the Mayor makes the ultimate call on the Agenda and its items. Any member of the Council may submit a request through the Town Manager or directly to the Mayor to make a change or addition to the agenda. In no event may the subject of whether to amend the agenda be discussed outside of a public meeting by more than two (2) members of the Council.

Items thus proposed to be added to the agenda require the Mayor's agreement to be added for action. If the Mayor does not agree, the item shall be listed on the agenda for discussion purposes only under the Council Matters section of the agenda. Council may then discuss whether to place the item on a future agenda for action. Two (2) or more members of the Council must vote in favor of placing an item on a future agenda for action. The Mayor in good faith will make every effort to place the item on the first available Council agenda in consultation with the Town Manager.

If the wish of the Council is to add an item on the agenda of the current meeting, then the *Brown Act* generally requires a two-thirds (2/3) vote or a unanimous vote of those present if less than five (5) Council Members are present, with a finding that there is a need to take immediate action and the need for action came to the attention of the Town after the agenda was posted.

J. Agenda Schedule and Preparation

In general, questions or inquiries from Council Members to the Town Manager and/or Town Attorney regarding agenda items should be responded to within 24 hours, and then placed into Addenda and/or Desk Items, as appropriate.

Thursday, prior to the meeting	Written agenda is finalized and printed. Agenda packets distributed to Town Council Members. Public comments on agenda items received by 11:00 a.m. will be included in the agenda packet.
Friday, prior to the meeting	Additional information from staff available after the Thursday distribution of the agenda packet, and public comments received prior to 11:00 a.m. on Friday will be distributed to Town Council members as an Addendum to a staff report.

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Monday, prior to the meeting Additional information from staff available after the Friday Addendum and public comment received prior to 11:00 a.m. on Monday will be distributed to Town Council members as an Addendum to a staff report.

Day of Council Meeting Council comments and questions received by 7:00 a.m. and public comments received by 11:00 a.m. on the morning of a Council meeting will be included in a Desk Item for distribution to Town Council members by 3:00 p.m. on the afternoon of a Council meeting. Council comments and questions received after 7:00 a.m. may be addressed during the Council meeting. Public comment received after 11:00 a.m. will not be distributed to the Council in the Desk Item; however, public comment may be submitted by individuals during the Council meeting.

In general, questions or inquiries from Council Members to the Town Manager and/or Town Attorney regarding agenda items should be responded to within 24 hours, and then placed into Addenda and/or Desk Items, as appropriate.

K. Agenda Posting

Council Agendas shall be posted at least 72 hours prior to a regular meeting, and at least 24 hours prior to a special meeting. Notice of any meeting of a formally appointed Committee where two Council Members could be present shall be posted at least 24 hours in advance of any such meeting with a note as to the time and location, and an invitation to the public to attend.

L. Conduct of Town Council Meetings

The Council shall adopt:

1. Robert's *Rules of Order* or
2. Some other rules of order, or
3. Allow the Mayor to conduct the meeting as deemed appropriate so long as all members of the Town Council concur.

M. Attendance at Meetings

The Town Council and Commissioners are expected to attend all meetings as part of their commitment to their positions. Attendance requirements for Commissioners are set forth in Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum. Consistent with the Family Medical Leave Act and the California Family Rights Act, absences of up to 12 weeks due to the birth of a child constitute excused absences.

N. Remote Attendance

The Town Council Rules provisions concerning remote attendance shall apply to all Boards, Commissions, and Committees as well as the Town Council as follows:

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1. Requests by Council Members to attend a regular Council meeting via remote appearance are allowed on a limited basis and with no more than two remote participations in a row. Remote attendance shall be permitted for a medical, family or work event requiring a Council Member's absence or in the event the Council Member is out of the area on official Town business. In addition, at least a quorum of the Council must participate from a location within the Town.
2. Requests by Commissioners to attend a Commission meeting via remote appearance should be allowed on a limited basis to mirror the existing attendance requirements and with no more than two remote participations in a row.
3. When a Council Member or Commissioner is participating remotely, they shall have their camera on and be visible for the duration of the meeting.
4. The public may participate in all public meetings remotely by following the remote participation instructions that are provided on the agenda. The remote participation instructions shall be provided on all Town Council and Commission agendas.

O. Proposed Reconsideration of Prior Council Actions

Reconsideration of prior Council actions is discouraged and may only occur in special circumstances subject to the procedural restrictions outlined herein. Reconsideration does not include, and this Policy does not prohibit, the repeal of a resolution or ordinance in response to a lawsuit or a referendum challenging that adoption.

Step 1 – Motion to Place Reconsideration of a Prior Action on a Future Council Agenda

- a) The motion must be made by a Council Member who previously voted on the prevailing side of the prior action;
- b) The maker of the motion shall specifically articulate the new information, analysis and/or circumstances that warrant(s) reconsideration of the prior action;
- c) The motion must be adopted by a majority of the full Council; and
- d) The motion may only be made and considered at the next regularly scheduled meeting of the Council after the item was originally acted upon.

Step 2 – Full Reconsideration of the Prior Action, if a motion as outlined in Step 1 is approved.

- a) The full reconsideration of the prior action will be placed on the next available Council agenda following the agenda-setting and required public notification process.
- b) The agenda, public notification and staff report for the full reconsideration of the prior action shall clearly state that the item has been previously acted upon by the Council and is being reconsidered by the Council.

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- c) Action on the reconsideration of the prior action shall adhere to regular Council policies and practices as if the item was being heard for the first time.
- d) The full reconsideration of the prior action (whether sustained, reversed or otherwise modified) will be the final action on that item, and no further reconsiderations will be considered.

P. Motions by the Chairperson

The Chairperson of the meeting may make or second motions. The Chairperson may also restate, or ask that the maker restate, all motions immediately prior to any vote.

Q. Behavior Expectations and Consequences at Town Council Meetings

The public is welcome to participate in the meetings, understanding that the purpose of the meeting is to conduct the important business of the Town in an efficient and effective manner. At each meeting, the Mayor should state:

1. For the benefit of the entire community, the Town of Los Gatos asks that all speakers follow the Town's meeting guidelines by treating everyone with respect and dignity. This is done by following meeting guidelines set forth in State law, in the Town Code, and on the cover sheet of the Council agenda.
2. The Town embraces diversity and strongly condemns hate speech and offensive, hateful language or racial intolerance of any kind at Council meetings.
3. Town Council and staff are well aware of the public's right to disagree with their professional opinion on various Town issues. However, anti-social behavior, slander, hatred, and bigotry statements are completely unacceptable and will not be tolerated in any way, shape, or form at Town Council meetings.
4. All public comments at the Town Council meeting must pertain to items within the subject matter jurisdiction of the Town and shall not contain slanderous statements, hatred, and bigotry against non-public officials.
5. The Town will go through the following steps if a disturbance results from a member of the public not following these rules:
 - a. If participating remotely, Town staff may mute the individual with an explanation for the record of why muting occurred consistent with this Policy.
 - b. If participating in-person, the Mayor may call a recess for violation of this Policy, resulting in the immediate cessation of the audio and video recording and the Council exiting the Chamber. Staff will determine if the individual should be removed or if all members of the public should leave depending on the extent of the disturbance. In the event that all public members exit, only the press would be allowed back in the meeting. Once the individual(s) leave, the Council would return to the Chamber and the Mayor would resume the meeting.

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- c. Persons disrupting a Council meeting may be cited for violation of the California Penal Code Section 403.

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, 8/2/22
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.

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. Consistent with the Family Medical Leave Act and the California Family Rights Act, absences of up to 12 weeks due to the birth of a child constitute excused absences.
5. 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.
6. 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.

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- c. Submissions deadlines are mandatory; no exceptions are permitted.
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.

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 not to ask all of the provided questions, change the order of the questions, or rotate which 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



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 09/20/2022

ITEM NO: 11

DATE: September 6, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Receive an Update on a Roadside Fuel Reduction Federal Grant of \$750,000 and Recognize a Future Match Commitment of \$750,000

RECOMMENDATION:

Receive an update on a roadside fuel reduction federal grant of \$750,000 and recognize a future match commitment of \$750,000.

BACKGROUND:

In 2019, the Town commissioned SWCA consultants to develop a roadway vegetation management plan (Plan) for the Wildland Urban Interface (WUI) in Los Gatos. The report examined 31.09 miles of Town-owned WUI roadways that provide critical ingress/egress routes for residents and emergency responders in the event of wildfire.

These Town-owned roadways identified in the Plan include evacuation routes and other collector, neighborhood, and hillside collector roads that currently provide narrow access for emergency response during a wildfire. Of note, the report identified approximately 19 miles of Priority 1 and 2 roadways of very high concern for safe evacuation of the hillsides. The remaining 12 miles of roadways were identified as Priority 3 and prioritized last for clearing roadside vegetation.

Under the Plan, roadside vegetation management seeks to achieve a clearance of 20 feet horizontally and 13 feet, 6 inches vertically above roadways, as well as clearance of non-fire-resistant vegetation within 10 feet of the roads.

PREPARED BY: Arn Andrews
Assistant Town Manager

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

BACKGROUND (continued):

To date, the Town has completed two years of progress on the Plan. In Fiscal Year (FY) 2020/21, the Town Council allocated \$500,000 toward the project which achieved approximately 6.5 miles of fuel mitigation along Priority 1 and 2 roadways. In FY 2021/22, the Town Council allocated an additional \$500,000 toward the project which achieved an additional 4.5 miles of fuel mitigation along Priority 1 and 2 roadways.

Road Name	Priority Level	Mileage	Year Completed
Foster Road	1	1.03	2021
Kennedy Road	1	1.17	2022
Kennedy Road	1	1.00	2021
Shannon Road	1	2.61	2021
Americh Road	1	0.96	2022
Blackberry Hill Road	1	1.19	2021
Cleland Ave	1	0.21	
Fairview Ave	1	0.11	
Francis Oaks Way	1	0.68	
Hicks Road	1	0.97	2022
Kimble Ave	1	0.49	
Larga Vista Drive	1	0.44	
Manzanita Ave	1	0.27	
Oak Hill Way	1	0.49	
Paseo Carmelo	1	0.07	
Ravinia Way	1	0.09	
South Kennedy Road	1	0.50	2022
Santa Rosa Drive	1	0.45	2022
Twelve Oaks Road	1	0.68	
Wood Road	1	0.61	
Suview Drive	2	0.67	
Top of the Hill Court	2	0.49	
Top of the Hill Road	2	0.26	
Aztec Ridge Drive	2	0.15	
College Ave	2	0.42	
Cross Road	2	0.07	
Cypress Way	2	0.54	2021
Eugenia Way	2	0.20	2021
Johnson Ave	2	0.12	
Mireval Road	2	0.15	
Shady Lane	2	0.29	
Sky Lane	2	0.17	
Teresita Way	2	0.19	
Tourney Road	2	0.25	2021
Wooded View Drive	2	0.59	
Dittos Lane	2	0.25	2021
Status	Miles		
Completed 2021	7.07		
Completed 2022	4.05		
Pending Work	7.71		

DISCUSSION:

In March 2021, staff submitted a \$1.0 million Federal Budget Earmark Grant request to implement the Roadside Vegetation Management Plan at the behest of Congresswoman Eshoo. In March 2022, the House passed a bipartisan Omnibus bill which included \$750,000 for the

DISCUSSION (continued):

Town's grant request as one of 10 community projects funded in the Congressional District. Knowing that the grant had been accepted, Town Council did not allocate any Town funding toward the Plan for FY 2022/23. This third phase for FY 2022/23 funded by the federal grant would conclude the remaining 7.71 miles of Priority 1 and Priority 2 roadside vegetation management. Later phases would address the next level of priority.

When staff submitted the grant request, it was understood that the prior years' investments would constitute the required one-to-one match for the grant. Subsequently, staff learned that the match must come from funds allocated during the grant performance period which started March 15, 2022. This means that the Town has two years to provide the match funding toward the federal grant of \$750,000 which could be allocated \$375,000 in FY 2023/24 and \$375,000 in FY 2024/25 to complete Priority 3 roadways.

CONCLUSION AND NEXT STEPS:

Staff is nearing completion of the required federal documentation. When staff receives confirmation that the Town's grant is being released, the Council will be asked to accept the grant to ensure the continuation of the roadside vegetation management plan and reduce the total project cost to the Town by \$750,000.

COORDINATION:

This staff report was coordinated with the Town Manager, Town Attorney, Director of Parks and Public Works, and Interim Finance Director.

FISCAL IMPACT:

Future acceptance of the grant necessitates future budget allocations totaling \$750,000. Staff will bring budget recommendations in the proposed Capital Improvement Program Budgets for FY 2023/24 and FY 2024/25 as part of the balanced budget process.

ENVIRONMENTAL ASSESSMENT:

This roadway vegetation management project is categorically exempt from CEQA Guidelines section 15301, because it involves minor alterations to existing right of way, and section 15304, because it involves minor alterations to land.