



TOWN OF LOS GATOS
SPECIAL MEETING OF THE TOWN COUNCIL: CLOSED SESSION AGENDA
NOVEMBER 01, 2023
110 EAST MAIN STREET AND TELECONFERENCE
TOWN MANAGER'S OFFICE
5:00 PM

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

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]

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IMPORTANT NOTICE

This is a hybrid meeting and will be held in-person in the Town Manager's Office at 110 E. Main Street and virtually through the Zoom webinar application (log-in information provided below). Members of the public may provide comments during the Verbal Communications portion of the agenda in-person or virtually through the Zoom webinar, by following the instructions listed below.

PARTICIPATION

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

- Zoom: Join from a PC, Mac, iPad, iPhone or Android device: Please click this URL to join: <https://losgatosca.gov.zoom.us/j/87256370470?pwd=evP0g9UR1OEObD8bcA4iBXdiixd8g.DQX2Jd0le20em1Nl> Passcode: 657013. You can also type in 872 5637 0470 in the "Join a Meeting" page on the Zoom website at <https://zoom.us/join>.
- Via Telephone: Dial: 636 651 0008 or 877 336 1839 (US Toll Free) Conference code: 686100
 - o If you are participating by calling in, press #2 on your telephone keypad to raise your hand.
- In-Person: If you wish to speak to an item on the agenda, you may do so during the "Verbal Communications" period. The time allocated to speakers may change to better facilitate the Town Council meeting.

When called to speak, you may 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 are unable to participate in real-time, you may email to Clerk@losgatosca.gov the subject line "Public Comment Item #__" (insert the item number relevant to your comment). 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.

MEETING CALL TO ORDER

ROLL CALL

APPROVE REMOTE PARTICIPATION *(This item is listed on the agenda in the event there is an emergency circumstance requiring a Council member to participate remotely under AB 2449 (Government Code 54953)).*

VERBAL COMMUNICATIONS *(Members of the public may address the Town Council on the Closed Session items. Unless additional time is authorized by the Mayor, remarks shall be limited to three minutes.)*

THE TOWN WILL MOVE TO CLOSED SESSION ON THE FOLLOWING ITEMS:

1. Conference with Labor Negotiators (Government Code §54957.6)
To meet with Town Negotiators listed below in closed session pursuant to Government Code §54957.6 regarding negotiations with the Employee Organizations listed below:

Town Negotiators:

Lisa Charbonneau, Liebert Cassidy Whitmore
Katy Nomura, Assistant Town Manager

Employee Organizations:

American Federation of State, County and Municipal Employees (AFSCME)
Town Employees Association (TEA)
Police Officers' Association (POA)

ADJOURNMENT

Writings related to an item on the Town Council meeting agenda distributed to members of the Council within 24 hours of the meeting are available for public inspection at the front desk of the Los Gatos Town Library, located at 100 Villa Avenue, and are also available for review on the official Town of Los Gatos website.

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



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 11/1/2023

ITEM NO: 1

ADDENDUM

DATE: October 31, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Conference with Labor Negotiators to Meet with Town Negotiators in Closed Session Pursuant to Government Code §54957.6 Regarding Negotiations with Employee Organizations

REMARKS:

Attachment 1 contains public comment received after 11:00 a.m. Friday, October 27, 2023, and before 11:01 a.m. on Tuesday, October 31, 2023.

Attachments received with this Addendum:

1. Public comment received after 11:00 a.m. Friday, October 27, 2023, and before 11:01 a.m. on Tuesday, October 31, 2023

PREPARED BY: Katy Nomura
Assistant Town Manager

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

Subject: FW: Nov 1, 2023 SPECIAL MEETING OF THE TOWN COUNCIL: CLOSED SESSION

From: Rick Tinsley [REDACTED]
Sent: Monday, October 30, 2023 5:27 PM
To: Council <Council@osgatosca.gov>
Cc: Katy Nomura <KNomura@osgatosca.gov>; Laurel Prevetti <LPrevetti@osgatosca.gov>; Gitta Ungvari <GUngvari@osgatosca.gov>
Subject: Nov 1, 2023 SPECIAL MEETING OF THE TOWN COUNCIL: CLOSED SESSION

[EXTERNAL SENDER]

Council Members,

Regarding the meeting "with Town Negotiators listed below in closed session pursuant to Government Code §54957.6 regarding negotiations with the Employee Organizations," I would like to remind the Town Council of two important recommendations that were unanimously approved by the Finance Commission in November of 2022:

1. Finance Commission Recommendation to Create a Public Input and Outreach in Labor Negotiations Policy Modeled after Menlo Park.
2. Finance Commission Recommendation for Council Not to Engage in Confidential Agreements with Bargaining Units that Would Prevent Disclosure that Would Otherwise be Properly Disclosed under the Brown Act.

I understand the Council pushed these recommendations to the Council Policy Committee which moved them near the bottom of their work list and, as far as I know, has not yet discussed them. Since labor and personnel constitute a substantial majority of the Town's total spending these issues are highly material to the Town's overall financial well being.

As this meeting is being held pursuant to Government Code §54957.6, I would like to remind the Council that nothing in that code (or any other part of Government Code) conflicts with the above recommendations. Nothing in the Code prevents, for example, the publication of compensation surveys, proposals, or other work products after such closed meetings. The Town historical practice of keeping everything secret and the public in the dark with respect to labor negotiations is purely of its own choosing and the Council can and should change such practices whenever it sees fit. Again I refer you to the far greater levels of disclosure and transparency that Menlo Park citizens enjoy.

I would also point out another section of our Government Code: Subsection (c) of Gov. Code Section 19826 which states:

(c) At least six months before the end of the term of an existing memorandum of understanding or immediately upon the reopening of negotiations under an existing memorandum of understanding, the department shall submit to the parties meeting and conferring pursuant to [Section 3517](#) and to the Legislature, a report containing the department's findings relating to the salaries of employees in comparable occupations in private industry and other governmental agencies.

It is obviously a common-sense best practice to do an honest and objective evaluation of compensation. I have asked many people at many times whether the Town has done such compensation surveys but have never gotten a straight answer - most people seem afraid to even talk about it. It appears that we may have paid consultants to do such surveys at times although they have been kept secret and never published as far as I can tell. If we have done compensation surveys in the past why have they not been published since their contents are, by definition, publicly available data, and the reports are paid for with taxpayer dollars?

If we have not ever done such surveys, it seems like it is high time we started as suggested by the California Gov Code and common sense best practices.

Thank you for your attention to these important matters.

Rick Tinsley