



**TOWN OF LOS GATOS
COUNCIL MEETING AGENDA* **AMENDED****

DECEMBER 20, 2022

110 EAST MAIN STREET AND TELECONFERENCE

TOWN COUNCIL CHAMBERS

LOS GATOS, CA

7:00 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. 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 Tuesday 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]

**TOWN OF LOS GATOS
COUNCIL MEETING AGENDA
DECEMBER 20, 2022
110 EAST MAIN STREET AND TELECONFERENCE
TOWN COUNCIL CHAMBERS
LOS GATOS, CA
7:00 PM**

IMPORTANT NOTICE

This is a hybrid meeting and will be held in-person at the Town Council Chambers at 110 E. Main Street and virtually through the Zoom webinar application (log-in information provided below). Members of the public may provide public comments for agenda items in-person or virtually through the Zoom webinar by following the instructions listed below. The live stream of the meeting may be viewed on television and/or online at www.LosGatosCA.gov/TownYouTube.

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/85823222034?pwd=dHFYcnI3c3ZpaWJRWVo3NytGbWNLUT09>
Passcode: 666638. You can also type in 858 2322 2034 in the “Join a Meeting” page on the Zoom website at <https://zoom.us/join>.
 - 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.
- **Join by telephone:** Join by Telephone: Dial: USA 877 336 1839 US Toll-free or 636 651 0008 US Toll. Conference code: 686100
 - If you are participating by calling in, press #2 on your telephone keypad to raise your hand.
- **In-Person:** If you wish to speak during the meeting, please complete a “speaker’s card” located on the back of the chamber benches and return it to the Town Clerk. If you wish to speak to an item on the agenda, please list the item number. If you wish to speak on an item NOT on the agenda, please list the subject and you may speak 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 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 Clerk@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.

RULES OF DECORUM AND CIVILITY

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

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

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

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

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

MEETING CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

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 Minutes of the December 6, 2022 Town Council Meeting.
2. Approve Minutes of the December 13, 2022 Town Council Special Meeting.
3. Approve Minutes of the December 13, 2022 Town Council Special Meeting Regarding Commission Interviews.
4. Adopt a Resolution Reaffirming Resolution 2021-044 and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, and, Due to Health and Safety Concerns for the Public, Authorizing the Use of Hybrid Meetings for the Town Council and the Continued Use of Virtual Meetings for Boards and Commissions While Town Staff Makes the Necessary Arrangements to Transition to Hybrid Meetings for All Town Boards, Commissions, and Committees.
5. Reaffirm the Town Council Code of Conduct Policy.

6. Adopt 2023 Council Committee Appointments.
7. Annual Comprehensive Financial Report (ACFR):
 - a. Receive the Annual Comprehensive Financial Report (ACFR) for the Fiscal Year Ended June 30, 2022, and
 - b. Adopt a Resolution Confirming June 30, 2022 Fund Balances in Accordance Fiscal Year 2021/22 Final Audit and Town Council General Fund Reserve Policy.
8. Approve a First Amendment to the Agreement with Turbo Data Systems, Inc. in the Amount of \$110,774 for a Total Amended Agreement Amount Not to Exceed \$206,041.54 for a Three-Year Extension of Parking Citation and Permit Parking Processing Services.
9. Authorize the Continuation of the Business License Late Fee Penalty Suspension into the 2023 Calendar Year.
10. Authorize the Town Manager to Execute an Assignment of Agreement with Bartel Associates, LLC to Assign the Agreement to Foster and Foster Consulting Actuaries, Inc.

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

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

- 11.* Consider a Request for a Continuance for an Appeal of a Planning Commission Decision to Deny a Fence Height Exception Request for Construction of a Six-Foot Fence Located Within the Required Front Yard Setback and a Vehicular Gate Set Back Less than 18 Feet from the Edge of the Adjacent Street on Property Zoned R-1:10. APN 523-04-043. PROPERTY OWNER/APPELLANT: David and Ilana Kohanchi. APPLICANT: Nina Guralnic.

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

12. Review and Approve the Town's Response to the 2022 Civil Grand Jury of Santa Clara County Report Entitled, "If You Only Read the Ballot, You're Being Duped."
13. Discuss the Housing Element Update and Provide Direction on Next Steps.

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: 12/20/2022

ITEM NO: 1

**DRAFT
Minutes of the Town Council
December 6, 2022**

The Town Council of the Town of Los Gatos conducted a regular meeting in-person and utilizing teleconferencing means on Tuesday, December 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 (participated remotely), Council Member Marico Sayoc.

Absent: None

PLEDGE OF ALLEGIANCE

Advika Anand led the Pledge of Allegiance. The audience was invited to participate.

COUNCIL / MANAGER MATTERS

Council Matters

- Council Member Hudes stated he attended two Senior Service Committee Governance subcommittee meetings, the Finance Commission meeting, the Senior Service Committee Road Mapping subcommittee, and the Senior Service Committee meeting.
- Council Member Sayoc stated she attended the Holiday Tree Lighting, the Holiday Parade, and the Housing Element Advisory Board meeting.
- Council Member Badame stated she met with Lee Fagot the moderator of Democracy Tent; and attended the West Valley Solid Waste Management District Authority Board meeting, the Holiday Tree Lighting, and the Holiday Parade.
- Vice Mayor Ristow stated she attended the Holiday Tree Lighting, the Holiday Parade, Chamber of Commerce Open House, West Valley Mayors and Managers meeting as an alternate, several meetings of the Senior Service Commission subcommittees, Housing Element Advisory Board (HEAB) meeting, and meetings with Vice Mayors of other jurisdictions.
- Mayor Rennie stated he attended the Holiday Parade, Holiday Tree Lighting, Chamber of Commerce Open House, Silicon Valley Clean Energy Authority Regulatory and Legislative Affairs Committee meeting, Bay Area Air Quality Management District (BAAQMD) Stationary Source Committee meeting, and the Valley Transportation Authority (VTA) Board meetings; and gave a talk at the Club of Los Gatos regarding developments in the Town.

Manager Matters

- Announced free valet parking service is available in the parking lot between Elm and Greys Lane and University and N. Santa Cruz.
- Coffee with a Cop will take place on December 14 at Starbucks on N. Santa Cruz Ave from 7:30 a.m. to 9:30 a.m.

CONSENT ITEMS

1. Approve Draft Minutes of November 15, 2022 Town Council Meeting.
2. Adopt a Resolution Reaffirming Resolution 2021-044 and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, and, Due to Health and Safety Concerns for the Public, Authorizing the Use of Hybrid Meetings for the Town Council and the Continued Use of Virtual Meetings for Boards and Commissions While Town Staff Makes the Necessary Arrangements to Transition to Hybrid Meetings for All Town Boards, Commissions, and Committees. **RESOLUTION 2022-073**
3. Receive Fiscal Year (FY) 2021/22 Status Report on Receipt and Use of Development Impact Fees.
4. Fiscal Year 2022/23 Street Repair and Resurfacing Project (CIP Number 811-9901):
 - a. Approve the Preliminary Street List; and
 - b. Authorize the Town Manager to Execute a Cost Sharing Agreement with the City of San José in an Amount Not to Exceed \$1 Million to Microsurface Los Gatos Almaden Road between Taft Drive and Leigh Avenue, Resurface Blossom Hill Road between Francis Oak Way and Union Avenue, and Resurface Union Avenue between Los Gatos Almaden Road and Blossom Hill Road.
5. Adopt a Resolution Declaring Certain Hazardous Vegetation Growing in the Town of Los Gatos to be a Public Nuisance, Describing Properties Where Such Nuisance Exists, and Setting a Public Hearing Date of January 17, 2023 to Consider Objections to the Proposed Abatement of Hazardous Vegetation for Properties Listed on the 2023 Weed Abatement Program Commencement Report and Order the Abatement. **RESOLUTION 2022-074**
6. Authorize the Following Actions Related to the Tyler Technologies Contract:
 - a. Authorize the Town Manager to Execute a Second Amendment to the Agreement with Tyler Technologies to Increase Compensation by \$33,000 for a Total Contract Amount Not to Exceed \$1,295,061; and
 - b. Authorize an Expenditure Budget Adjustment in the Amount of \$33,000 from Available Information Technology Fund.
7. Authorize the Town Manager to Execute a First Amendment to an Agreement for Services with LWP Claims Solutions to Provide Workers' Compensation Third-Party Administration (TPA) Services Effective January 1, 2023, through December 31, 2027, for an Amount of \$350,000, and for a Total Amount Not to Exceed \$521,357.
8. Authorize the Town Manager to Execute a First Amendment to Consultant Services Agreement with KPA Group for Design of Americans with Disabilities Act (ADA) Compliant Restrooms and Human Resources Offices (CIP 821-2117) and ADA Upgrades to Public Restrooms at the Adult Recreation Center (CIP 821-2601) in an Amount of \$40,365 for a Total Agreement Amount Not-to-Exceed \$140,365.

Consent Items – continued

Opened public comment.

No one spoke.

Closed public comment.

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

VOTE: Motion passes unanimously.

VERBAL COMMUNICATIONS

Ami Davis, NUMU Executive Director

- Commented on the Muwekma Tribe and requested the Town Council consider a formal recognition of Native American Heritage Month.

Kareem Syed

- Requested the Town Council consider a formal recognition of Native American Heritage Month.

Alicia Spargo

- Commented on diversity, equity, and inclusion, and requested the Town Council consider a formal recognition of Native American Heritage Month and Indigenous People's Day.

Mary Beth Bykowsky, California Department of Insurance (CDI)

- Commented on wildfire safety regulations to help reduce insurance costs.

Anusha Mannava, West Valley Community Services

- Announced a community meeting on Zoom on December 12 from 6:30 p.m. to 8:15 p.m. to discuss Accessory Dwelling Units.

OTHER BUSINESS

9. Approve an Amendment to the Employment Agreement Between the Town of Los Gatos and the Town Manager Effective on the Anniversary Date and Authorize Salary and Benefits Budget Adjustments in the Amount of \$11,626 from Available General Fund Capital/Special Projects Reserve.

Salina Flores, Human Resources Director, provided the staff report for items 9 and 10 together.

Opened public comment.

Other Business Item #9 – continued

No one spoke.

Closed public comment.

Council discussed the item.

MOTION: Motion by **Council Member Badame** approve an amendment to the employment agreement between the Town of Los Gatos and the Town Manager effective on the anniversary date and authorize salary and benefits budget adjustments in the amount of \$11,626 from available General Fund Capital/Special Projects Reserve. **Seconded** by **Council Member Sayoc**.

VOTE: Motion passed unanimously.

10. Approve an Amendment to the Employment Agreement Between the Town of Los Gatos and the Town Attorney, and Authorize Salary and Benefits Budget Adjustments in the Amount of \$3,872 from Available General Fund Capital/Special Projects Reserve.

Salina Flores, Human Resources Director, provided the staff report for items 9 and 10 together.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item.

MOTION: Motion by **Council Member Badame** to approve an amendment to the employment agreement between the Town of Los Gatos and the Town Attorney, and authorize salary and benefits budget adjustments in the amount of \$3,872 from available General Fund Capital/Special Projects Reserve. **Seconded** by **Council Member Sayoc**.

VOTE: Motion passed unanimously.

11. Adopt a Resolution Amending the Comprehensive Fee Schedule for Fiscal Year (FY) 2022/23 Amending Certain Fees, Rates, and Charges for FY 2022/23. **RESOLUTION 2022-075**

Gitta Ungvari, Finance Director, provided the staff report.

Other Business Item #11 – continued

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Sayoc to adopt a resolution amending the Comprehensive Fee Schedule for Fiscal Year (FY) 2022/23 amending certain fees, rates, and charges for FY 2022/23 as contained in Exhibit A. **Seconded by Council Member Badame.**

VOTE: Motion passed unanimously.

12. Receive an Update on the Downtown Parking Program and Provide Feedback.

Jim Renelle, Parking Program Manager, provided the staff report.

Opened public comment.

Randi Chen, Los Gatos Chamber of Commerce

- Commented on the success of the Employee Parking Program; pay-to-stay parking; signage; and requested Council address inequity for employees in the Olive Zone.

Closed public comment.

Council discussed the item and received the update.

13. Receive a Project Update and Approve the Phase 1 Concept Plan for the Blossom Hill Road Traffic Safety Project (CIP No. 813-0239) for Final Design.

Nicolle Burnham, Parks and Public Works Director, provided the staff report.

Opened public comment.

Ben Carter

- Commented in support of the Phase 1 Concept Plan.

Other Business Item #13 – continued

Mehrdad Alipour

- Commented on safety issues, and is concerned with the budget because the Phase 1 Concept Plan will not address all the issues.

Rise Schwartz

- Inquired how the plan will affect the traffic on Cherrystone Drive and commented on concerns with the Phase 1 Concept Plan.

Doctor Joanne Justis

- Commented on safety issues, supports the Phase 1 Concept Plan as a first step, but is concerned with the budget because the plan will not address all of the concerns.

Doris Davis

- Commented on concerns with the Phase 1 Concept Plan and requested Council consider the safety of Shannon Road for pedestrians.

Angela Pappanastos

- Commented on concerns with the Phase 1 Concept Plan and inquired about the proposed reduction of automobile lanes.

Closed public comment.

Council discussed the item.

MOTION: Motion by Vice Mayor Ristow to approve the Phase 1 Concept Plan for the Blossom Hill Road Traffic Safety Project (CIP No. 813-0239) for final design, directed staff to look at Cherrystone Drive to see what can be done evaluating along the way to make sure they can mitigate other unintended consequences there might be on the neighboring streets, and consider a stop sign at the free right turn to southbound Cherry Blossom Lane from Blossom Hill Road. **Seconded by Council Member Badame.**

VOTE: Motion passed unanimously.

ADJOURNMENT

The meeting adjourned at 9:22 p.m.

Respectfully submitted:

Jenna De Long, Deputy Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/20/2022

ITEM NO: 2

**DRAFT
Minutes of the Town Council Special Meeting
Tuesday, December 13, 2022**

The Town Council of the Town of Los Gatos conducted a special meeting in-person and utilizing teleconferencing means on Tuesday, December 13, 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 (participated remotely), Council Member Marico Sayoc.

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Rennie led the Pledge of Allegiance. The audience was invited to participate.

OTHER BUSINESS

1. Adopt a Resolution Certifying the November 8, 2022, Los Gatos General Municipal Election and Declaring the Election Results for Measure J, an ordinance to modify the Business License Tax, and Three Full Term Council Member Seats.

Council discussed the item.

MOTION: Motion by **Council Member Sayoc** to adopt a resolution certifying the November 8, 2022, Los Gatos General Municipal Election and Declaring the election results for Measure J, an ordinance to modify the Business License Tax, and Three full term Council Member seats. **Seconded by Vice Mayor Ristow.**

VOTE: Motion passed unanimously.

2. Consider the Reorganization of the Town Council and Appointment of the Mayor and Vice Mayor:
 - a. Appreciation of Departing Council Member Sayoc
 - b. Appreciation of Mayor Rennie
 - c. Swearing In of Newly Elected Council Member Moore
 - d. Appointment of Mayor and Vice Mayor.

Other Business Item # 2 – continued

Opened Public Comment.

Kelsey Komblivc, staff for Supervisor Joe Simitian

- Presented a commendation to Council Member Sayoc, thanking her for her service.

Patrick Ahrens, staff for Assembly Member Low

- Presented a commendation to Council Member Sayoc, thanking her for her service and congratulated Council Member Elect Rob Moore.

Rhiannon Mulligan, staff for Assembly Member Gail Pellerin

- Thanked Council Member Sayoc for her service.

Elenore, League of Women Voters

- Thanked Council Member Sayoc for her service.

Sarah Chaffin

- Thanked Council Member Sayoc for supporting the Dittos Lane Teacher Housing Project and congratulated Council Member Elect Rob Moore.

Catherine Somers, Executive Director Chamber of Commerce

- Thanked Council Member Sayoc for her service.

John Lockner, Former Mayor

- Thanked the Council for their service.

Marcia Jensen

- Thanked Mayor Rennie and Council Member Sayoc, future Council Member Moore, Vice Mayor Ristow, and Council Member Badame.

Closed Public Comment.

a. Appreciation of Departing Council Member Sayoc

Mayor Rennie thanked Council Member Sayoc.

Council Member Badame, Council Member Hudes, Vice Mayor Ristow, and Mayor Rennie thanked Council Member Sayoc.

Council Member Sayoc reflected on her time on Council and thanked staff and colleagues.

Other Business Item # 2 – continued

Town Manager Prevetti presented outgoing Council Member Sayoc a commemorative plaque.

b. Appreciation of Mayor Rennie

A video was played commemorating Mayor Rennie.

Town Manager Prevetti presented Mayor Rennie a commemorative plaque.

Mayor Rennie reflected on his year as Mayor.

Council Member Sayoc, Council Member Hudes, and Council Member Badame, thanked Mayor Rennie for his service.

c. Swearing In of Newly Elected Council Member Moore

Council Member Sayoc swore in Council Member Moore.

Council Member Moore thanked his supporters and took his seat on the dais.

Council Member Badame and Vice Mayor Ristow welcomed Council Member Moore.

d. Appointment of Mayor and Vice Mayor.

Mayor Rennie, Council Member Hudes, and Council Member Badame commended Vice Mayor Ristow on her service.

MOTION: Motion by Mayor Rennie to appoint Vice Mayor Ristow as Mayor. Seconded by Council Member Badame.

VOTE: Motion passed unanimously.

Mayor Ristow thanked her family for their support and stated she looks forward to her year as Mayor.

Mayor Ristow, Council Member Rennie, and Council Member Hudes commended Council Member Badame service on her service.

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SUBJECT: Draft Minutes of the Town Council Special Meeting of December 13, 2022

DATE: December 13, 2022

Other Business Item # 2 – continued

**MOTION: Motion by Mayor Ristow to appoint Council Member Badame as Vice Mayor.
Seconded by Council Member Rennie.**

VOTE: Motion passed unanimously.

Vice Mayor Badame stated she looks forward to the upcoming year and thanked her supporters.

Julia Ristow swore in Mayor Ristow and Vice Mayor Badame.

ADJOURNMENT

The meeting adjourned at 8:14 p.m.

Respectfully Submitted:

Jenna De Long, Deputy Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/20/2022

ITEM NO: 3

**DRAFT
Minutes of the Special Town Council Meeting – Commission Interviews
December 13, 2022**

The Town Council of the Town of Los Gatos conducted a special meeting in-person and utilizing teleconferencing means on Tuesday, December 13, 2022 at 8:29 p.m. to conduct Board, Commission, and Committee interviews.

MEETING CALLED TO ORDER AT 8:29 P.M.

ROLL CALL

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

Absent: None

VERBAL COMMUNICATIONS

No one spoke.

BOARD/COMMISSION/COMMITTEE INTERVIEWS

Council interviewed applicants for the vacant positions on Town Boards, Commissions, and Committees.

- **Arts and Culture Commission**
 - Maureen Cappon-Javey
 - Bent Jensen
 - Anne Lamborn
 - Chirag Mapara
- **Building Board of Appeals**
 - Shailesh Deshmukh
- **Community Health and Senior Services Commission**
 - Jeffrey Blum
 - Lydia Norcia
 - George Rossman
- **Complete Streets and Transportation Committee**
 - Cindy Walker

Board/Commission/Committee Interviews – continued

- **General Plan Committee**
 - Adam Mayer
 - Ryan Rosenberg
- **Historic Preservation Committee**
 - Martha Queiroz
- **Library Board**
 - Abby Horowitz
 - Bernadette White
- **Parks Commission**
 - Chirag Mapara
 - Rob Stephenson
- **Personnel Board**
 - Jennifer Lewis
- **Planning Commission**
 - Susan Burnett
 - Megan Crummett – Withdrew application
 - Melanie Hanssen
 - Lynley Kerr Hogan
 - Bent Jensen

Recess 9:55 p.m.

Reconvene 10:04 p.m.

Town Clerk Wood read the appointments.

- **Arts and Culture Commission**
 - Maureen Cappon-Javey was appointed unanimously.
 - Bent Jensen was appointed unanimously.
 - Anne Lamborn was appointed unanimously.
 - Chirag Mapara was not appointed.
- **Building Board of Appeals**
 - Shailesh Deshmukh was appointed unanimously.

Board/Commission/Committee Appointments – continued

- **Community Health and Senior Services Commission**
 - Jeffrey Blum was appointed unanimously.
 - Lydia Norcia was appointed unanimously.
 - George Rossman was appointed unanimously.
- **Complete Streets and Transportation Committee**
 - Cindy Walker was appointed unanimously.
- **General Plan Committee**
 - Adam Mayer was appointed unanimously.
 - Ryan Rosenberg was appointed unanimously.
- **Historic Preservation Committee**
 - Martha Queiroz was appointed unanimously.
- **Library Board**
 - Abby Horowitz was appointed unanimously.
 - Bernadette White was appointed unanimously.
- **Parks Commission**
 - Chirag Mapara was appointed unanimously.
 - Rob Stephenson was appointed unanimously.
- **Personnel Board**
 - Jennifer Lewis was appointed unanimously.
- **Planning Commission**
 - Susan Burnett was appointed with 3 votes (Badame, Hudes, and Rennie).
 - Megan Crummett – withdrew application
 - Melanie Hanssen was appointed with 4 votes (Badame, Moore, Rennie, Ristow).
 - Lynley Kerr Hogan was not appointed.
 - Bent Jensen was not appointed.

Mayor Ristow stated she appointed Andrew Howard to the Finance Commission for a 4-year term.

Vice Mayor Badame stated she appointed Phil Koen to the Finance Commission for a 4-year term.

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SUBJECT: Minutes of the Special Town Council Meeting – Commission Interviews of
December 13, 2022

DATE: December 13, 2022

SPECIAL MEETING ADJOURNED

Meeting adjourned at 10:06 p.m.

Respectfully submitted:

Jenna De Long, Deputy Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/20/2022

ITEM NO: 4

DATE: December 14, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution Reaffirming Resolution 2021-044 and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, and, Due to Health and Safety Concerns for the Public, Authorizing the Use of Hybrid Meetings for the Town Council and the Continued Use of Virtual Meetings for Boards and Commissions While Town Staff Makes the Necessary Arrangements to Transition to Hybrid Meetings for All Town Boards, Commissions, and Committees

RECOMMENDATION:

Adopt a Resolution reaffirming Resolution 2021-044 and making findings pursuant to Government Code Section 54953, as amended by Assembly Bill 361, and, due to health and safety concerns for the public, authorizing the use of hybrid meetings for the Town Council and the continued use of virtual meetings for Boards and Commissions while Town staff makes the necessary arrangements to transition to hybrid meetings for all Town Boards, Commissions, and Committees.

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.

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

PREPARED BY: Wendy Wood
Town Clerk

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

BACKGROUND (continued):

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.

DISCUSSION:

The County Public Health Officer continues to recommend that public meetings be conducted remotely. The Town Council will continue to provide a remote participation option in addition to in-person meetings. Staff will gradually transition all Town Board, Commission, and Committee meetings to a similar hybrid format.

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 Resolution 2022-056

DISCUSSION (continued):

- September 20, 2022 adopted Resolution 2022-059
- October 4, 2022 adopted Resolution 2022-060
- October 18, 2022 adopted Resolution 2022-065
- November 1, 2022 adopted Resolution 2022-068
- November 15, 2022 adopted Resolution 2022-070
- December 6, 2022 adopted Resolution 2022-073

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. The Town Council will conduct hybrid meetings and staff will work to prepare for a transition to hybrid meetings for all Town Boards, Commissions, and Committees.

COORDINATION:

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

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

DRAFT 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

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, 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 wishes to conduct hybrid meetings, at which members of the public have the option to participate remotely, and to transition to hybrid meetings for the Town's Boards, Commissions, and Committees; and

WHEREAS, the Town Council wishes 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 inperson may present 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, attendees may wish to participate in Town meetings remotely.

4. As authorized by Assembly Bill 361, the Town Council wishes to conduct hybrid meetings and to transition to hybrid meetings for the Town's Boards, Commissions, and Committees.

5. Staff are directed to take all actions necessary to implement this Resolution for all Town Council meetings and Town Board, Commission, and Committee meetings on a rolling basis, 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 December 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: 12/20/2022

ITEM NO: 5

DATE: December 7, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Reaffirm the Town Council Code of Conduct Policy

RECOMMENDATION:

Reaffirm the Town Council Code of Conduct Policy.

REMARKS:

The Council Code of Conduct Policy (Attachment 1) provides guidelines and procedures related to the Town Council's relations and communications with each other, Boards and Commissions, the public, the media, and Town staff. In addition, the Policy describes appropriate Council roles and behaviors before, during, and outside of Council meetings, including the specific duties of the Mayor and Vice Mayor. The Policy was last updated October 4, 2022.

Every year, the Council considers and reaffirms the Town Council Code of Conduct Policy. This action provides important visibility to this Policy and reinforces the Town's commitment to conduct its business with civility and respect of all participants.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

ENVIRONMENTAL ASSESSMENT:

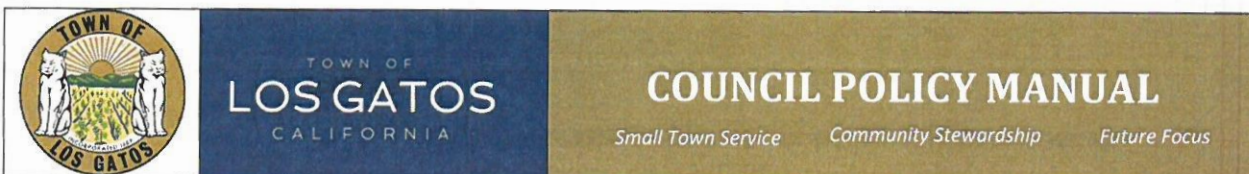
This action is not a project defined under CEQA, and no further action is required.

Attachment:

1. Town Council Code of Conduct Policy

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

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



TITLE: Town Council Code of Conduct		POLICY NUMBER: 2-04
EFFECTIVE DATE: 5/3/2004		PAGES: 8
ENABLING ACTIONS: 2004-059; 2006-111; 2021-047		REVISED DATES: 12/17/2012; 3/3/2015; 12/17/2019; 11/2/2021; 10/4/2022
APPROVED: 		

I. Preamble

The legal responsibilities of the Los Gatos Town Council are set forth by applicable state and federal laws. In addition, the Town Council has adopted regulations, including this Code of Conduct Policy, that hold Council Members to standards of conduct above and beyond what is required by law. This Policy is written with the assumption that Council Members, through training, are aware of their legal and ethical responsibilities as elected officials. These expectations of conduct also apply to all members of the Town's Boards, Committees, and Commissions.

II. Form of Government

The Town of Los Gatos operates under a Council-Manager form of government as prescribed by Town Code, Section 2.30.305. Accordingly, members of the Council are elected at-large, provide legislative direction, set Town policy, and ultimately answer to the public. The Town Manager serves as the Town's chief administrative officer and is responsible for directing the day-to-day operations of the Town and implementing policy direction.

III. Town Council Roles and Responsibilities

The role of the Town Council is to act as a legislative and quasi-judicial body. Through its legislative and policy authority, the Council is responsible for assessing and achieving the community's desire for its present and future and for establishing policy direction to achieve its desired outcomes. All members of the Town Council, including those who serve as Mayor and Vice Mayor, have equal votes.

Members of the Town Council fulfill their role and responsibilities through the relationships they have with each other and the public. Town Council Members should approach their work, each other, and the public in a manner that reflects ethical behavior, honesty and integrity. The commitment of Town Council Members to their work is characterized by open constructive communication, innovation, and creative problem solving.

TITLE: Town Council Code of Conduct	PAGE: 2 of 9	POLICY NUMBER: 2-04
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IV. Mayoral and Vice Mayoral Selection Process

Per Town Municipal Code, Section 2.20.035, the selection of the Mayor and Vice Mayor occurs annually at a special meeting in December by majority vote of the Town Council. The Mayor and Vice Mayor serve at the pleasure of the Town Council and may be replaced by a majority vote of the Council.

V. Mayoral and Vice Mayoral Roles, Responsibilities, Relationships

The following outlines some of the key roles, responsibilities, and relationships as they relate to the positions of Mayor and Vice Mayor:

Mayor

- A. The Mayor is the presiding officer of the Town Council. In this capacity, the Mayor is responsible for developing Council agendas in cooperation with the Town Manager and leading Council meetings.
- B. The Mayor recommends various standing committee appointments to the Council for approval.¹ This will be done at a Council meeting in December of each year. When making committee recommendations, the Mayor should attempt to balance shared responsibilities and opportunities among Council Members. The Mayor may also appoint citizens to committees not established by Town ordinance or resolution as s/he deems appropriate.
- C. The title of Mayor carries with it the responsibility of communicating with the Town Council, Town Manager, members of the public, and the media regarding decisions made by a majority of the Town Council. The Mayor also represents the Council at official and ceremonial occasions.
- D. The Mayor performs special duties consistent with the Mayoral office, including, but not limited to: signing of documents on behalf of the Town, issuing proclamations, serving as the official voting delegate for various municipal advocacy groups, and delivering the State of the Town Address at his or her discretion.² The Town Council will determine any additional authority or duties that the Mayor shall perform.
- E. Special duties consistent with the Mayoral office may be delegated to the Vice Mayor or any other member of the Town Council.
- F. In the event that one or more members of a Town Board, Commission, or Committee acts in a manner contrary to approved Board/Commission policies and procedures, the Mayor may counsel those members about the rules set forth in the Town Commissioner Handbook.³

¹ Council Agenda Format and Rules Policy

² Council Commendation and Proclamation Policy

³ Resolution 1999-167

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Vice Mayor

- A. In the Mayor's absence, the Vice Mayor shall perform the formal duties of the Mayor.⁴
- B. When the Vice Mayor performs the duties of the Mayor in his/her absence, the Vice Mayor also carries the responsibility of communicating with the Town Manager, Town Council, and members of the public.

VI. Council Conduct in Public Meetings

To ensure the highest standards of respect and integrity during public meetings, Council Members should:

- A. *Use formal titles.* The Council should refer to one another formally during Council meetings such as Mayor, Vice Mayor or Council Member or Mr., Mrs., or Ms., followed by the individual's last name.
- B. *Practice civility and decorum in discussions and debate.* Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of free democracy in action. During public discussions, Council Members should be respectful of others and diverse opinions and allow for the debate of issues.
- C. *Honor the role of the presiding officer in maintaining order and equity.* Respect the Mayor/Chair's efforts to focus discussion on current agenda items.
- D. *Council decisions should be reserved until all applicable information has been presented.*
- E. *Conduct during public hearings.* During public testimony, Council Members should refrain from engaging the speaker in dialogue. 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. For purposes of clarification, Council Members may ask the speaker questions. Council comment and discussion should commence upon the conclusion of all public testimony

VII. Maintaining Civility at Council Meetings

The public is welcome to participate at Town Council meetings and the Mayor should remind the public of the Town's expectations for civility in order for the business of the Town to be completed efficiently and effectively. These expectations include and are not limited to:

- A. 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.
- B. The Town embraces diversity and strongly condemns hate speech and offensive, hateful language or racial intolerance of any kind at Council Meetings.

⁴ Council Agenda Format and Rules Policy

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- C. 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.
- D. 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.
- E. The Town will go through the following steps if a disturbance results from a member of the public not following these rules:
 - 1. If participating remotely, Town staff may mute the individual with an explanation for the record of why muting occurred consistent with this Policy.
 - 2. 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.
 - 3. Persons disrupting a Council meeting may be cited for violation of the California Penal Code Section 403.

VIII. Legal Requirements

The Town Council operates under a series of laws that regulate its operations as well as the conduct of its members. The Town Attorney serves as the Town's legal officer and is available to advise the Council on these matters.

A. Training

Biannual training in the following areas shall be provided by staff to Council Members:

- 1. The Ralph M. Brown Act
- 2. Town / CA State Law on Conflict of Interest (AB 1234)
- 3. Government Section 1090
- 4. Incompatible Offices
- 5. The Fair Political Practices Commission Forms
- 6. Bias
- 7. Town / CA State Law on Harassment (SB 1343)

B. Procurement

Unless authorized by the Town Council, Council Members shall not become involved in administrative processes for acquiring goods and services.

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C. Land Use Applications

The merits of an application shall only be evaluated on information included in the public record. Council Members shall disclose ex parte communication and any information obtained outside of the public record that may influence his/her decision on a matter pending before the Town Council. Council disclosure shall occur after the Public Hearing section of the agenda, and before Council deliberations.

D. Code of Conduct Policy

Newly elected Council Members are strongly encouraged to sign a statement affirming they have read and understand the Town of Los Gatos Council Code of Conduct Policy.

E. Non-Profit Organizations

Council Members may not sit on boards of directors of non-profit organizations which receive funding or in-kind contributions from the Town, unless the role serves a legitimate Town purpose, such as the League of California Cities, and the participation is approved by the full Council.

IX. Council Participation in Boards, Commissions and Committees, and Reporting Requirements

There are several committees that Town Council Members have been appointed to or have an interest in, including but not limited to: Town Council standing and ad hoc committees, Town boards and commissions, regional boards and commissions, and community-generated committees.

Primary Council representatives should update the Council about board, commission, and committee activities. When serving as the primary Council representative on any board, commission, or committee, Council Members should periodically provide updated reports to the Council during the "Council Matters" opportunity on the Council meeting agenda.

Recommended actions by Council Committees should be reported to the Council. When serving on a Council Committee, whether standing or ad hoc, all work undertaken by the Committee must be directed by the Council, and all recommended actions of a Council Committee shall be reported to the Council.

X. Council Relationship with Town Staff

The Town Council has adopted a Council-Manager form of government. The Town Manager's powers and duties are outlined in the Town Code, Section 2.30.295.

Council Conduct and Communication with Town Staff

To enhance its working relationship with staff, Council should be mindful of the support and resources needed to accomplish Council goals. When communicating and working with staff, Council should follow these guidelines:

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- A. *Council Members should treat staff as professionals.* Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. As with Council colleagues, practice civility and decorum in all interactions with Town staff.
- B. *Council Members should direct questions about policy, budget, or professional opinion to the Town Manager, Town Attorney or Department Directors.* Council Members can direct questions and inquiries to any staff for information that is readily available to the general public or easily retrievable by staff.
- C. *The Town Manager and staff are responsible for implementing Town policy and/or Council action.* The processing of Council policy and decisions takes place with the Town Manager and staff. Council should not direct policy/program administrative functions and implementation; rather it should provide policy guidance to the Town Manager.
- D. *Council Members should attempt to communicate questions, corrections, and/or clarifications about reports requiring official action to staff prior to Council meetings.* Early feedback will enable staff to address Council questions and incorporate minor corrections or changes to a Council report, resulting in a more efficient Council meeting discussion; however, this does not preclude Council Members from asking questions at Council Meetings.
- E. *Council Members should not direct the Town Manager to initiate any action, change a course of action, or prepare any report without the approval of Council.* The Town Manager's responsibility is to advise on resources available and required for a particular course of action as it relates to the direction of the majority of the Council.
- F. *Council Members should not attend department staff meetings unless requested by the Town Manager.*
- G. *All Council Members should have the same information with which to make decisions.* Information requested by one Council Member will be shared with all members of the Council.
- H. *Concerns related to the behavior or work of a Town employee should be directed to the Town Manager.* Council Members should not reprimand employees.
- I. *Per California Government Code, Sections 3201-3209, Council Members should not solicit financial contributions from Town staff or use promises or threats regarding future employment.* Although Town staff may, as private citizens with constitutional rights, support political candidates, such activities cannot take place during work hours, at the workplace, or in uniform.

XI. Council Communication with the Public and other Council Members

The Public has a reasonable expectation that it may engage its Council Members on matters of community concern. In response, Council Members may express a preliminary opinion on general issues or policies that are in the development phase. Any such preliminary statement shall not indicate that a decision has been reached before the public hearing or create a presumption of bias on any quasi-adjudicatory decision such as a land use approval. In addition, Council Members may from time to time express opinions regarding broad policy matters which may be in conflict with currently adopted Council policies or explain an individual vote. Such

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statements are permissible if clearly characterized as personal opinion or policy change objectives rather than the opinion of the full Town Council.

XII. Enforcement

A. Purpose

The Council Code of Conduct Policy establishes guiding principles for appropriate conduct and behavior and sets forth the expectations of Council Members. The purpose of the policy language is to establish a process and procedure that:

1. Allows the public, Town Council, and Town employees to report Code of Conduct policy violations or other misconduct.
2. Provides guidelines to evaluate Code of Conduct policy violations or other misconduct and implement appropriate disciplinary action when necessary.

B. Procedures

1. Reporting of Complaints

The following section outlines the process for reporting Council Member Code of Conduct Policy violations or other misconduct:

- a. Complaints made by members of the public, the Town Manager, and Town Attorney should be reported to the Mayor. If a complaint involves the Mayor, it should be reported to the Vice Mayor.
- b. Complaints made by Council Members should be reported to the Town Manager or Town Attorney to adhere to Brown Act requirements.
- c. Complaints made by Town employees should be reported to the Town Manager, who will direct them to the Mayor or Vice Mayor.

2. Evaluation of Complaints Alleging Violations

Upon report of a written complaint, the Town Manager and Town Attorney will join the Mayor or Vice Mayor as an evaluation committee to determine the validity of the complaint and, if appropriate, an initial course of action as discussed below. If the Town Manager or Town Attorney is the complainant, the longest serving uninvolved Council Member will replace the Town Manager or Town Attorney on the evaluation committee.

Within seventy-two (72) hours of receipt of the complaint by the Mayor or Vice Mayor, the Council Member in question shall be notified of the reported complaint by the Mayor or his/her designee. The notification shall include a copy of the written complaint and supporting documentation, if any, the identity of the complainant and nature of the complaint.

3. Unsubstantiated or Minor Violations

If the majority of the Committee agrees that the reported violation is without substance, no further action will be taken. If the reported violation is deemed valid but minor in nature, the Mayor or Vice Mayor shall counsel and, if appropriate, admonish the Council Member privately to resolve the matter. Admonishment is considered to be a reproof or warning directed to a Council Member about a particular type of behavior that violates Town policy.

4. Allegations of Major Violations

If the reported violation is considered to be serious in nature, the matter shall be referred to outside legal counsel selected by the Committee for the purpose of conducting an initial interview with the subject Council Member. The outside counsel shall report his/her initial findings back to the Committee.

If the Committee then determines that an investigation is warranted, the Committee shall direct the outside legal counsel to conduct an investigation. The investigation process would include, but is not limited to, the ascertainment of facts relevant to the complaint through interviews and the examination of any documented materials.

5. Report of Findings

At the conclusion of the investigation, outside legal counsel shall report back to the Committee in writing. The report shall either (1) recommend that the Council Member be exonerated based on a finding that the investigation did not reveal evidence of a serious violation of the Code of Conduct, or (2) recommend disciplinary proceedings based on findings that one or more provisions of the Code of Conduct or other Town policies have been violated. In the latter event, the report shall specify the provisions violated along with the facts and evidence supporting each finding.

The Committee shall review the report and its recommendations. If the consensus of the Committee is to accept the report and recommendations, the Committee shall implement the recommendations. Where the recommendation is exoneration, no further action shall be taken. Where the recommendation is to initiate disciplinary proceedings, the matter shall be referred to the Council. Where there is no consensus of the Committee regarding the recommendations, the matter shall be referred to the Council.

The subject Council Member shall be notified in writing of the Committee's decision within 72 hours. Where the decision is to refer the matter to the Council, a copy of the full report, including documents relied on by the investigator shall be provided with the notification, and a copy of both shall be provided to the whole Council.

6. Proceedings

Investigative findings and recommended proceedings and disciplinary action that are brought forward to Council as a result of a significant policy violation shall be considered at a public hearing. The public hearing should be set far enough in advance to allow the Council Member in question reasonably sufficient time to prepare a response.

Investigative findings shall be presented to the Town Council at a public hearing. The rules of evidence do not apply to the public hearing. It shall not be conducted as an adversarial proceeding.

C. Disciplinary Action

1. Considerations in Determining Disciplinary Action

Disciplinary action may be imposed by Council upon Council Members who have violated the Council Code of Conduct Policy. Disciplinary action or sanctions are considered when a serious violation of Town policy has occurred by a Council Member. In determining the type of sanction imposed, the following factors may be considered:

- a. Nature of the violation
- b. Prior violations by the same individual
- c. Other factors which bear upon the seriousness of the violation

2. Types of Sanctions

At the discretion of the Council, sanctions may be imposed for violating the Code of Conduct or engaging in other misconduct. These actions may be applied individually or in combination. They include, but are not limited to:

- a. *Public Admonishment* – A reproof or warning directed to a Council Member about a particular type of behavior that violates Town policy.
- b. *Revocation of Special Privileges* – A revocation of a Council Member's Council Committee assignments, including standing and ad hoc committees, regional boards and commissions, and community-generated board/committee appointments. Other revocations may include temporary suspension of official travel, conference participation, and ceremonial titles.
- c. *Censure* – A formal statement or resolution by the Council officially reprimanding a Council Member.

APPROVED AS TO FORM:



Gabrielle Whelan, Town Attorney



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/20/2022

ITEM NO: 6

DATE: December 15, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt Council Committee Appointments Effective January 1, 2023

RECOMMENDATION:

Adopt Council Committee Appointments effective January 1, 2023.

REMARKS:

Recommended Appointments:

The Mayor is recommending Council Members to Town Boards and Committees, and various regional Commissions, Boards and Committees as shown on the attached 2023 Council Committee Appointment Roster (Attachment 1). While the Mayor makes the recommendations, the Council needs to consider and vote on them.

Role of Members and Alternates:

The appointed Member is the primary attendee and voting participant for the Committee(s) to which they are appointed. If a Member cannot attend, the Alternate should attend on the Member's behalf as the Los Gatos representative and voting participant.

Alternates may attend a meeting as a member of the public in the audience when the Member is in attendance. In these circumstances, the Alternate may not vote or take other action that may affect the primary's effectiveness on the Committee.

Attachment:

1. 2023 Council Committee Appointment Roster

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

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

2023 COUNCIL COMMITTEE APPOINTMENTS						Rev.Dec2022
Council Adoption December 20, 2022 - - Effective January 1, 2023						
<u>Name of Committee</u>	<u>Purpose</u>	<u>2023 Appointee</u>	<u>2023 Alternate</u>	<u>2023 Meeting Schedule</u> <i><u>*Draft Schedule as of Dec.2022*</u></i>	<u>Location</u>	<u>Contact Person(s)</u>
Conceptual Development Advisory Committee	<i>The Conceptual Development Advisory Committee advises prospective applicants about their proposed projects' compliance with Town regulations prior to initiating the development review process. The Committee also identifies potential issues with proposals that should be addressed in the review process.</i>	Two Appointees: Mary Badame and Maria Ristow	N.A.	Monthly 2nd Wed 4:30 p.m.	Town of Los Gatos Council Chambers, 110 East Main St., Los Gatos, CA 95030	Joel Paulson, Director of Community Development (408) 354-6879

<u>Name of Committee</u>	<u>Purpose</u>	<u>2023 Appointee</u>	<u>2023 Alternate</u>	<u>2023 Meeting Schedule</u> <i>*Draft Schedule as of Dec.2022*</i>	<u>Location</u>	<u>Contact Person(s)</u>
Council Policy Committee	<i>The Town Council Policy Committee reviews and recommends changes to Town Council Policies, ordinances, and other documents.</i>	Two Appointees: Matthew Hudes and Rob Moore	N.A.	(2020 to 2022 schedule: Monthly 4th Tuesday, 5:00 p.m.) 2023 Meeting Schedule TBD	Town of Los Gatos Council Chambers, 110 East Main St., Los Gatos, CA 95030	Laurel Prevetti, Town Manager (408) 354-6832
Finance Commission	<i>Established December 2020, the Finance Commission advises the Town Council on budgetary and fiscal matters.</i> <i>Resident appointments scheduled for January 19, 2021.</i>	Two Appointees (one of whom needs to be Mayor or Vice Mayor) Maria Ristow and Rob Rennie	N.A.	(2021 and 2022 schedule: Monthly 2nd Monday, 5:00 p.m.) 2023 Schedule TBD	Town of Los Gatos Council Chambers, 110 East Main St., Los Gatos, CA 95030	Arn Andrews, Assistant Town Manager (408) 354-6832

<u>Name of Committee</u>	<u>Purpose</u>	<u>2023 Appointee</u>	<u>2023 Alternate</u>	<u>2023 Meeting Schedule</u> <i><u>*Draft Schedule as of Dec. 2022*</u></i>	<u>Location</u>	<u>Contact Person(s)</u>
General Plan Committee	<i>The Town General Plan Committee is responsible for developing land use policy for the General Plan or any specific plan.</i>	Two Appointees: Matthew Hudes and Rob Moore	N.A.	(Held/Cancelled as needed*) *Monthly, 2nd & 4th Wednesdays, 5:30 p.m.	Town of Los Gatos Council Chambers, 110 East Main St., Los Gatos, CA 95030	Joel Paulson, Director of Community Development (408) 354-6879
Housing Element Advisory Board	<i>Established 2021 to guide the preparation of the 2040 General Plan / Housing Element.</i>	(Same Appointees as GPC) Matthew Hudes and Rob Moore	N.A.	Monthly, 1st and 3rd Thursdays, 7:00 p.m.	Town of Los Gatos Council Chambers, 110 East Main St., Los Gatos, CA 95030	Joel Paulson, Director of Community Development (408) 354-6879

<u>Name of Committee</u>	<u>Purpose</u>	<u>2023 Appointee</u>	<u>2023 Alternate</u>	<u>2023 Meeting Schedule</u> <i><u>*Draft Schedule as of Dec. 2022*</u></i>	<u>Location</u>	<u>Contact Person(s)</u>
Senior Service Committee* <i>*Committee could potentially be sunset in 2023</i>	<i>Established 2021</i>	Two Appointees: Maria Ristow and Matthew Hudes	N.A.	2022 Schedule was bi-weekly 2023 Schedule TBD	Town of Los Gatos Council Chambers, 110 East Main St., Los Gatos, CA 95030	Arn Andrews, Assistant Town Manager (408) 354-6832

<u>Name of Committee</u>	<u>Purpose</u>	<u>2023 Appointee</u>	<u>2023 Alternate</u>	<u>2023 Meeting Schedule</u> <i>*Draft Schedule as of Dec. 2022*</i>	<u>Location</u>	<u>Contact Person(s)</u>
<u>OUTSIDE AGENCIES' COMMITTEES</u>						
Association of Bay Area Governments (ABAG) General Assembly	<i>The Association of Bay Area Governments (ABAG) General Assembly is a regional agency that represents 9 Bay Area Counties and all cities within those Counties. Membership is voluntary and the Town is a member. The ABAG General Assembly determines the fair share housing allocations to each city and county as required by the State and other matters.</i>	Matthew Hudes	Mary Badame	Generally meets twice annually (Spring TBD Fall TBD) Special Meetings as needed.	Spring and Fall Locations TBD	Fred Castro fcastro@bayareametro.gov (415) 820-7913 Town Staff Contact: Laurel Prevetti, Town Manager (408) 354-6832

<u>Name of Committee</u>	<u>Purpose</u>	<u>2023 Appointee</u>	<u>2023 Alternate</u>	<u>2023 Meeting Schedule</u> <i>*Draft Schedule as of Dec.2022*</i>	<u>Location</u>	<u>Contact Person(s)</u>
League of California Cities (Peninsula Division)	<i>The League of California Cities is a State-wide organization that represents the member cities, holds conferences, provides training sessions, and lobbies the legislature. The League Peninsula Division is the regional division of the League of California Cities which discusses and addresses legislative issues from a regional perspective.</i>	Maria Ristow	Rob Moore	Quarterly Meeting: January March May September <i>Other:</i> April (Legislative Action Day & Reception) June TBD Mayors and Council Members Executive Forum Location: TBD October TBD Annual Conference Location: TBD	TBD (Varies)	Seth Miller smiller@cacities.org (415) 595-8629 Town Staff Contact: Laurel Prevetti, Town Manager (408) 354-6832

<u>Name of Committee</u>	<u>Purpose</u>	<u>2023 Appointee</u>	<u>2023 Alternate</u>	<u>2023 Meeting Schedule</u> <i><u>*Draft Schedule as of Dec.2022*</u></i>	<u>Location</u>	<u>Contact Person(s)</u>
Santa Clara County Housing and Community Development Advisory Committee	<i>The Committee is composed of City Council members of the eight participating non-entitlement cities and one member of the Board of Supervisors who is the chairperson. The Committee makes policy recommendations to the Board of Supervisors on the planning, monitoring, and evaluation of the HCD Program and the development of a comprehensive, coordinated housing and community development plan.</i>	Matthew Hudes	Rob Moore	Scheduled as needed. <i>Typically:</i> February March October	2310 N. 1st Street (at Charcot) Charcot Training Center, Suite 100 San Jose	Housing and Community Development Offices of Santa Clara County – Office of Affordable Housing 70 West Hedding Street, 7th Floor San Jose, CA 95110 Town Staff Contact: Laurel Prevetti, Town Manager (408) 354-6832

<u>Name of Committee</u>	<u>Purpose</u>	<u>2023 Appointee</u>	<u>2023 Alternate</u>	<u>2023 Meeting Schedule</u> <i>*Draft Schedule as of Dec.2022*</i>	<u>Location</u>	<u>Contact Person(s)</u>
Santa Clara County Cities Association - Board of Directors <i>(For scheduling purposes, the SCCCA Board member has typically also been the SCCCA Selection Committee (and) Legislative Action Committee appointee (see next two pages))</i>	<i>The Santa Clara County Cities Association Board of Directors provides a unified voice for all member cities with respect to regional, state, and federal agency activities that impact local government. The Board advocates for member cities by monitoring and engaging in the regional, state, and federal legislation processes.</i>	Rob Rennie	Matthew Hudes	Monthly - 2nd Thursday 7:00-9:00 p.m. Note: April TBD <i>(General Membership Meeting with City Managers)</i> December TBD <i>(General Membership – Holiday Party)</i>	Sunnyvale City Hall - 456 Olive Avenue, Sunnyvale, CA	Shali Sirkay (Acting) Executive Director Audin Leung, Office Assistant/Board Clerk Santa Clara County Cities Association 505 W. Olive Avenue, Suite 749 Sunnyvale, CA 94086 Executive_Director@citiesassociation.org (408) 730-7770 Town Staff Contact: Laurel Prevetti, Town Manager (408) 354-6832

<u>Name of Committee</u>	<u>Purpose</u>	<u>2023 Appointee</u>	<u>2023 Alternate</u>	<u>2023 Meeting Schedule</u> <i><u>*Draft Schedule as of Dec. 2022*</u></i>	<u>Location</u>	<u>Contact Person(s)</u>
Santa Clara County Cities Association - Legislative Action Committee	<i>The Santa Clara County Cities Association Legislative Action Committee reviews the legislative priorities that the Board of Directors sets for the year. The Committee tracks State/Federal legislation related to those priorities and makes recommendations to the Board.</i> <i>Historically, the same appointee serves on the Cities Assoc. Board, as the meetings occur back-to-back.</i>	Matthew Hudes	Rob Rennie	<i>Meets as needed (2nd Thursday of each month <u>prior to SCCCA Board Meeting</u> (See SCCCA Board of Directors meeting dates on page 6)</i>	Sunnyvale City Hall - West Conference Room 456 Olive Avenue - Sunnyvale, CA	Shali Sirkay (Acting) Executive Director Audin Leung, Office Assistant/Board Clerk Santa Clara County Cities Association 505 W. Olive Avenue, Suite 749 Sunnyvale, CA 94086 Executive_Director@citiesassociation.org (408) 730-7770 Town Staff Contact: Laurel Prevetti, Town Manager (408) 354-6832

<u>Name of Committee</u>	<u>Purpose</u>	<u>2023 Appointee</u>	<u>2023 Alternate</u>	<u>2023 Meeting Schedule</u> <i><u>*Draft Schedule as of Dec.2022*</u></i>	<u>Location</u>	<u>Contact Person(s)</u>
Santa Clara County Cities Association - City Selection Committee	<i>The City Selection Committee makes appointments to LAFCO, MTC, and the Recycling and Waste Reduction Commission, and recommendations to the County Board of Supervisors for appointment to the Bay Area Quality Management District Board.</i> <i>Historically, the same appointee serves on the Cities Assoc. Board, as the meetings occur back-to-back.</i>	Rob Rennie	Matthew Hudes	<i>Meets as needed (2nd Thursday of each month <u>prior to</u> SCCCA Board Meeting – 6:00 or 6:15 p.m.)</i> <i>(See SCCCA Board of Directors meeting dates on page 6)</i>	Sunnyvale City Hall - West Conference Room 456 Olive Avenue - Sunnyvale, CA	Shali Sirkay (Acting) Executive Director Audin Leung, Office Assistant/Board Clerk Santa Clara County Cities Association 505 W. Olive Avenue, Suite 749 Sunnyvale, CA 94086 Executive_Director@citiesassociation.org (408) 730-7770 Town Staff Contact: Laurel Prevetti, Town Manager (408) 354-6832

<u>Name of Committee</u>	<u>Purpose</u>	<u>2023 Appointee</u>	<u>2023 Alternate</u>	<u>2023 Meeting Schedule</u> <i><u>*Draft Schedule as of Dec.2022*</u></i>	<u>Location</u>	<u>Contact Person(s)</u>
Santa Clara Valley Water District (Valley Water) Commission	<i>The Commission serves in an advisory capacity to the Valley Water Board regarding water-related matters. The Valley Water is responsible for flood control, water supply, and other water-related infrastructure for the County of Santa Clara.</i>	Maria Ristow	Matthew Hudes	Quarterly 4th Wednesday 12:00 p.m. to 2:00 p.m. <i>Typically:</i> January April July October	Virtual meetings until further notice	Glenna Branbill Valley Water 5750 Almaden Expressway San Jose, CA 95118 GBrambill@valleywater.org (408) 630-2408 Town Staff Contact: Nicolle Burnham, Director of Parks & Public Works (408) 399-5770

<u>Name of Committee</u>	<u>Purpose</u>	<u>2023 Appointee</u>	<u>2023 Alternate</u>	<u>2023 Meeting Schedule</u> <i><u>*Draft Schedule as of Dec.2022*</u></i>	<u>Location</u>	<u>Contact Person(s)</u>
Santa Clara Valley Transportation Authority (VTA) Policy Advisory Committee (PAC)	<i>The VTA Policy Advisory Committee provides policy advice to the VTA Board. The VTA Board is comprised of elected officials from cities and the County.</i>	Rob Rennie	Maria Ristow	Monthly 2nd Thursday 4:00 p.m.	Santa Clara Valley Transportation Authority 3331 N. First, Building B - Room B-104 San Jose, CA 95134-1906	Michelle Garza Board Assistant Santa Clara Valley Transportation Authority (CMP) 3331 N. First Street San Jose, CA 95134 michelle.garza@vta.org (408) 546-7977 Town Staff Contact: Nicolle Burnham, Director of Parks & Public Works (408) 399-5770

<u>Name of Committee</u>	<u>Purpose</u>	<u>2023 Appointee</u>	<u>2023 Alternate</u>	<u>2023 Meeting Schedule</u> <i>*Draft Schedule as of Dec.2022*</i>	<u>Location</u>	<u>Contact Person(s)</u>
Santa Clara Valley Transportation Authority (VTA) State Route 85 Corridor Policy Advisory Board (SR85 PAB)	<i>Formed in 2015, the VTA State Route 85 Corridor Policy Advisory Board (SR85 PAB) studies the long-term transit and transportation plans to serve the SR 85 Corridor and advises the VTA Board of Directors on the scope, funding and construction of both near- and long-term transit and transportation improvement projects for this corridor.</i>	Maria Ristow	Rob Rennie	Quarterly, Mondays, 10:00 a.m. to 12:00 p.m. <i>Typically:</i> April May September December	TBD	Michelle Garza Board Assistant Santa Clara Valley Transportation Authority (CMP) 3331 N. First Street San Jose, CA 95134 michelle.garza@vta.org (408) 546-7977 Town Staff Contact: Nicolle Burnham, Director of Parks & Public Works (408) 399-5770

<u>Name of Committee</u>	<u>Purpose</u>	<u>2023 Appointee</u>	<u>2023 Alternate</u>	<u>2023 Meeting Schedule</u> <i><u>*Draft Schedule as of Dec.2022*</u></i>	<u>Location</u>	<u>Contact Person(s)</u>
Silicon Valley Clean Energy (SVCE)	<i>Formed March 2016, the Silicon Valley Clean Energy is a local, public non-profit that will purchase cleaner energy on the open market for residents and businesses in participating communities. Decisions are made through the Board of Directors, which is composed of a representative from each member community. Participating jurisdictions include Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, Morgan Hill, Mountain View, Saratoga, Sunnyvale and the unincorporated parts of Santa Clara County.</i>	Rob Rennie	Rob Moore	Monthly 2nd Wednesday 7:00 p.m. (or as needed)	Cupertino Community Hall 10350 Torre Avenue, Cupertino, CA 95014	Andrea Pizano, Board Clerk/Executive Assistant 333 W. El Camino Real, Ste. 290 Sunnyvale, CA 94087 Andrea.Pizano@svcleanenergy.org (408) 721-5301x1005 or (844) 474-7823 Town Staff Contact: Laurel Prevetti, Town Manager (408) 354-6832 and Nicolle Burnham, Director of Parks & Public Works (408) 399-5770

<u>Name of Committee</u>	<u>Purpose</u>	<u>2023 Appointee</u>	<u>2023 Alternate</u>	<u>2023 Meeting Schedule</u> <i><u>*Draft Schedule as of Dec.2022*</u></i>	<u>Location</u>	<u>Contact Person(s)</u>
Solid Waste Management Joint Powers Agency (JPA) Board of Directors	<i>The Solid Waste Management Joint Powers Agency (JPA) Board of Directors reviews issues related to the solid waste management franchise, disposal, recycling, and yard waste agreement.</i>	Mary Badame	Maria Ristow	Quarterly 1st Thursday of the month 5:00 p.m. February May September November	Monte Sereno City Hall 18041 Saratoga-Los Gatos Road Monte Sereno	Marva M. Sheehan, CPA Vice President Hilton, Farnkopf & Hobson (HF&H) Consultants, LLC 201 North Civic Drive, Suite 230 Walnut Creek, CA 94596 Phone (925) 977-6961 Fax (925) 977-6955 Email: msheehan@hfh-consultants.com Town Staff Contact: Nicolle Burnham, Director of Parks & Public Works (408) 399-5770

<u>Name of Committee</u>	<u>Purpose</u>	<u>2023 Appointee</u>	<u>2023 Alternate</u>	<u>2023 Meeting Schedule</u> <i><u>*Draft Schedule as of Dec.2022*</u></i>	<u>Location</u>	<u>Contact Person(s)</u>
West Valley Clean Water Program Authority (WVCWPA)	<i>The West Valley Clean Water Program Authority was formed in early 2018 to coordinate stormwater pollution abatement, control and management efforts to assist public and private entities in complying with stormwater National Pollutant Discharge Elimination System ("NPDES") permits and improving surface water quality and enhancing water supplies in California.</i> <i>Member Agencies: City of Campbell, Town of Los Gatos, City of Monte Sereno, City of Saratoga</i>	Mary Badame	Maria Ristow	Quarterly meetings immediately preceding (4:00 p.m.) the Solid Waste Management JPA Board of Directors. <i>2023 Meeting Schedule to be determined</i>	Monte Sereno City Hall 18041 Saratoga-Los Gatos Road Monte Sereno	Scott Holt, Senior Associate, Hilton, Farnkopf & Hobson (HF&H) Consultants, LLC 201 North Civic Drive, Suite 230 Walnut Creek, CA 94596 Phone (925) 977-6967 Fax (925) 977-6955 Email: sholt@hfh-consultants.com Town Staff Contact: Nicolle Burnham, Director of Parks & Public Works (408) 399-5770

<u>Name of Committee</u>	<u>Purpose</u>	<u>2023 Appointee</u>	<u>2023 Alternate</u>	<u>2023 Meeting Schedule</u> <i><u>*Draft Schedule as of Dec.2022*</u></i>	<u>Location</u>	<u>Contact Person(s)</u>
West Valley Sanitation District Board of Directors	<i>The West Valley Sanitation District Board of Directors oversees the treatment of sewage for the cities of Campbell, Cupertino, Los Gatos, Monte Sereno, and Saratoga.</i> <i>Board of Directors receive \$210 stipend per meeting.</i>	Rob Moore	Rob Rennie	Monthly 2nd Wednesday (or 4th Wednesday if needed) 5:00 p.m.	West Valley Sanitation District 100 E. Sunnyoaks Avenue Campbell, CA 95008	Lesha Luu West Valley Sanitation District 100 E. Sunnyoaks Avenue Campbell, CA 95008 lluu@westvalleysan.org (408) 378-2407 Town Staff Contact: Nicolle Burnham, Director of Parks & Public Works (408) 399-5770



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/20/2022

ITEM NO: 7

DATE: December 13, 2022

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Annual Comprehensive Financial Report (ACFR):

- a. Receive the Annual Comprehensive Financial Report (ACFR) for the Fiscal Year Ended June 30, 2022, and
- b. Adopt a Resolution Confirming June 30, 2022 Fund Balances in Accordance Fiscal Year 2021/22 Final Audit and Town Council General Fund Reserve Policy

RECOMMENDATION:

Annual Comprehensive Financial Report (ACFR):

- a. Receive the Annual Comprehensive Financial Report (ACFR) for the Fiscal Year Ended June 30, 2022 (Attachment 1) as recommended by the Finance Commission, and
- b. Adopt a Resolution Confirming June 30, 2022 Fund Balances in Accordance with Fiscal Year 2021/22 Final Audit and Town Council General Fund Reserve Policy.(Attachment 2)

BACKGROUND:

The Town contracts with an independent certified public accountant to examine the books, records, inventories, and reports of all officers and employees who receive, handle, or disburse public funds each fiscal year (FY). The FY 2021/22 audit was performed by Chavan and Associates, LLP an experienced firm specializing in audit services for California public agencies. The firm also compiled the Draft ACFR for the Town of Los Gatos.

The information contained in the ACFR provides detailed financial information which the Los Gatos community and others can use to better understand the fiscal standing of the Town. In addition, the financial information contained in the document is one element that the credit rating agencies review annually to affix a credit rating for the Town's outstanding debt obligations.

PREPARED BY: Gitta Ungvari
Finance Director

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

BACKGROUND (continued):

With the passage of Measure A, the Finance Commission has been tasked with several mandated duties as described in the provisions of the adopted Ordinance. Section 2.50.225. – Duties states that:

(a) The Finance Commission shall:

(3) Review the Town Manager's draft Annual Comprehensive Financial Report (ACFR) for the preceding fiscal year and provide written comments and recommendations to the Town Manager.

(A) The Town Manager shall respond in writing to the Finance Commission providing his or her rationale for accepting or rejecting each of the Finance Commission's comments and recommendations prior to presenting the ACFR to the Town Council for formal consideration.

(B) The Town Manager may not present the ACFR to the Town Council for formal consideration unless or until he or she considers and responds in writing to all of the Finance Commission's comments and recommendations.

DISCUSSION:

On December 12, 2022, the Commission received the Fiscal Year 2021/22 Draft Annual Comprehensive Financial Report (ACFR) for the Commission's consideration per Measure A including a presentation from the Town's auditor Chavan and Associates, LLP (Attachment 3). During the meeting, the Commission provided feedback on the Fiscal Year 2021/22 Draft Annual Comprehensive Financial Report (Attachment 1). Of note the Commission requested that given recent inflationary trends, staff should provide language that illustrates the effect long-term inflation could have on the Town's pension liabilities (pg. 4). In addition, the Commission requested that staff expand Note 15 to include the FY 2020/21 ARPA expenditures of \$200,000 (pg. 97). Commissioners also requested that Note 16 make it clear that the potential waste hauler revenue loss is an annual number (pg. 98).

On December 15, 2022, the Finance Commission will conclude its review of the Fiscal Year 2021/22 Draft Annual Comprehensive Financial Report (ACFR). Any additional recommendations received from the Commission at the December 15th meeting will be communicated to the Town Council through the addendum process.

In addition to the review and input provided by the Finance Commission, staff also provided continuous review and updates to the Fiscal Year 2021/22 Draft Annual Comprehensive Financial Report (ACFR) accordingly (pages 4, 19, 31, 83, and 85).

DISCUSSION (continued):

The redline version of the attached ACFR represents the culmination of recommended enhancements and changes based on Finance Commission comments, continued staff analysis, and continued auditor review while maintaining appropriate ACFR presentation based on governmental accounting and municipal standards.

Highlights of the draft audited financial results include:

Independent Auditor's Report

The auditor has given the Town's financial statements a "clean" audit opinion for the year ended June 30, 2022 giving reasonable assurance that the financial statements are "free of material misstatement." (Attachment 3)

Management's Discussion and Analysis (MD&A)

The MD&A section of the report summarizes for the Town on an entity-wide basis and fund type basis. Information is provided in this section with a year-to-year view, explaining how fund balances have changed between fiscal years ending June 30, 2020, June 30, 2021, and June 30, 2022. Information is also presented on the adopted General Fund budget to actuals and any significant budget adjustments made during FY 2021/22.

Statement of Net Position

The Statement of Net Position serves as a useful indicator of a government's financial position. The Town had net assets of \$138.4 million at fiscal year-end as compared to \$113.5 million the prior year, an overall increase of \$24.9 million over the prior fiscal year. The increase was largely attributed to the combined net result of an approximate \$37 million decrease in total long-term liabilities outstanding, a \$16 million dollar increase in capitalized assets including a \$12.2 million historic Los Gatos Theatre contribution and a \$3.7 million addition to non-capitalized capital outlay expenses from the prior year.

The largest portion of the net assets, \$127.8 million, represents the Town's investment in its capital assets and infrastructure. Restricted assets of \$10.2 million are resources that are subject to external restrictions on how they may be used. As of June 30, 2022, unrestricted net position is \$1.8 million compared to a negative (\$4.7 million) the prior year.

Basic Financial Statements

This section contains basic financial statements, including the "entity-wide" Statement of Net Position and Statement of Activities, financial statements for the fund types including Governmental Funds (such as the General Fund), Proprietary Funds, and the Private Purpose Trust Funds (Redevelopment Successor Agency). The footnotes section provides details on significant items such as the Town's cash and investments (Note 2), Note 4 which illustrates the new implementation of GASB 87 for leases, its long term obligations (Certificates of Participation) related to bonded debt (Note 7), the net pension liability for both the Town's

DISCUSSION (continued):

miscellaneous and safety pension plans (Note 10), and a discussion of the Town's other post-employment benefit plan (Note 11).

Required Supplementary Information

The Schedules of Pension Plan Contributions are provided in this section.

Supplementary Information

This section provides budget to actual information for "non-major" funds which represent less than 10% of the Town's total assets/liabilities/revenues or expenditures.

Statistical Section

This section presents demographic statistics and ten-year historical financial data for the Town, including information on assessed valuations, fund balances, debt, property tax rates, personnel (full-time equivalent) history, principle employers, and other financial and demographic disclosures.

CONCLUSION:

As noted in the auditor's opinion, the ACFR fairly presents the fiscal year ending June 30, 2022 financial activity for the Town of Los Gatos.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

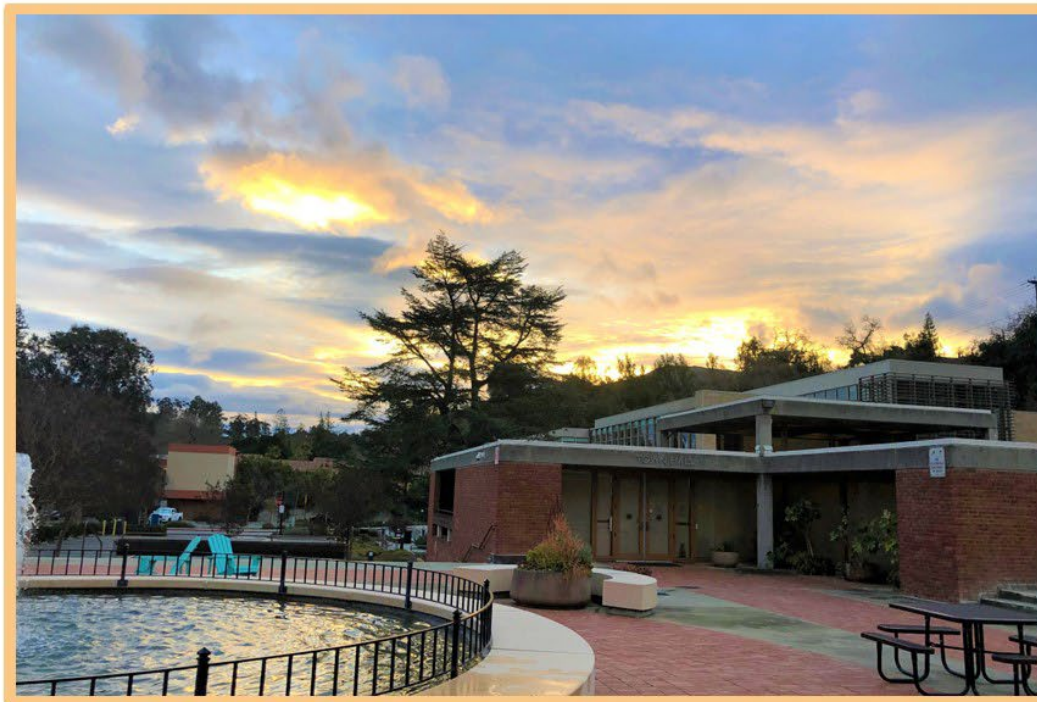
Attachments:

1. Draft Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2022.
2. Fund Balance Resolution Establishing June 30, 2022 Fund Balances
3. Independent Auditor Presentation to the Council Finance Commission



TOWN OF LOS GATOS

CALIFORNIA



Annual Comprehensive Financial Report

For the Fiscal Year ended June 30, 2022

**Cover Photo: Ricky Pan (Old Town Los Gatos)
Ken Benjamin (Yellow House)**

**TOWN OF LOS GATOS
CALIFORNIA**

**ANNUAL COMPREHENSIVE
FINANCIAL REPORT**

**FOR THE FISCAL YEAR ENDED
JUNE 30, 2022**

**PREPARED BY THE
OFFICE OF THE TOWN MANAGER**

TOWN HISTORY

The name Los Gatos comes from “El Rancho de Los Gatos.” A ranch established in 1839 by a Mexican land grant and so named because of the large number of mountain lions in the area. In 1854, James Alexander Forbes purchased some of this land and built a flour mill. In 1860, the first hotel was opened to provide a stage stop on the toll road which had been built between San Jose and Santa Cruz.

Wheat production gave way to orchards, and rapid growth ensued when the railroad reached Los Gatos in 1878. The residential subdivisions of Broadway, Bayview, Fairview, and Almond Grove were built in the 1880’s. By 1887, the population had grown to 1,500 and Los Gatans voted to incorporate.

Fruit industries faded slowly during the Depression and World War II, but the postwar period brought an influx of people and associated residential and commercial development. Highway 17 was constructed through the center of Town. Growth levelled off in the early 1970’s, leaving Los Gatos with its small-town atmosphere and pedestrian-oriented downtown.

Because of its distance from other centers of population, Los Gatos developed as a complete community including residential, business and industrial elements. Preserving Los Gatos as a complete and well balanced community has been and remains a prominent goal of the community. From the first 100-acre Town site in 1890 with a population of 1,652, Los Gatos grew slowly so that by 1963 the area was 6.3 square miles, with a population of 11,750. Today Los Gatos covers between 14 and 15 square miles and has a population of 30,836. This growth over the last 80 years resulted in a community with vibrant business districts, well maintained neighborhoods, and lovely parks and open spaces.

As it exists now, the Town’s boundaries encompass a wide variety of terrain, ranging from level land to steep and densely wooded hillsides. The sharp visual contrasts among these features and charming architecture create a picturesque setting of the Town. In the midst of the growth of Silicon Valley, Los Gatos attracts people with a preference for the Town’s distinctive, high quality natural and urban environment.

TOWN OF LOS GATOS MISSION STATEMENT



THE MISSION OF THE TOWN OF LOS GATOS IS TO ENHANCE THE QUALITY OF LIFE IN LOS GATOS BY PROVIDING THE HIGHEST QUALITY LEADERSHIP AND MOST EFFICIENT SERVICES AND FACILITIES.

THE TOWN STRIVES TO PROVIDE A WORKING ENVIRONMENT WHICH PROMOTES EXCELLENCE; FOSTERS COOPERATION; VALUES VOLUNTEERISM; AND SEEKS TO MEET THE NEEDS OF THE COMMUNITY AND THE TOWN COUNCIL, EMPLOYEES, COMMISSIONS, COMMITTEES AND BOARDS.

Small Town Service, Community Stewardship, and Future Focus

TOWN OF LOS GATOS, CALIFORNIA

ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2022

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TOWN OF LOS GATOS, CALIFORNIA
ANNUAL COMPREHENSIVE FINANCIAL REPORT
FOR THE FISCAL YEAR ENDED JUNE 30, 2022

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INTRODUCTORY SECTION

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TOWN OF LOS GATOS

OFFICE OF THE TOWN MANAGER

Phone: (408) 354-6832

FAX: (408) 399-5786

December 6, 2022

Honorable Mayor and Town Council,

I am pleased to submit the Town's Annual Comprehensive Financial Report (ACFR) for the fiscal year ending June 30, 2022. In coordination with the Town Manager's Office, this report was prepared by the Finance Department, which assumes responsibility for the accuracy of the data, the completeness and fairness of the presentation, and all disclosures. The information in this report presents the reader with a comprehensive view of the Town's financial position and the results of its operations for the fiscal year ending June 30, 2022, along with additional disclosures and financial information designed to enable the reader to gain an understanding of the Town's financial activities.

This report was prepared as prescribed in Governmental Accounting Standards Board (GASB) Statement No. 34, *Basic Financial Statements and Management's Discussion and Analysis for State and Local Governments* (GASB 34). This GASB Statement requires management to provide a narrative introduction, overview, and analysis to accompany the basic financial statements in the form of a Management's Discussion and Analysis (MD&A). This letter of transmittal is designed to complement the MD&A and should be read in conjunction with it. The MD&A can be found immediately following the Independent Auditor's Report.

This Annual Comprehensive Financial Report is organized into three sections:

- I. The Introductory Section includes the table of contents, letter of transmittal, listing of elected officials, Town administrative personnel, and an organization chart delineating organizational structure.
- II. The Financial Section includes the Independent Auditor's opinion, the MD&A, the basic financial statements, notes to the financial statements, combining statements of non-major funds, and required supplemental information.
- III. The Statistical Section includes both financial and non-financial data about the Town.

The Annual Comprehensive Financial Report is prepared in accordance with Generally Accepted Accounting Principles (GAAP) promulgated by the Governmental Accounting

Standards Board (GASB) and includes the audit report of Chavan & Associates, the Town's independent certified public accountants.

This Annual Comprehensive Financial Report will be submitted to the Government Finance Officers Association for consideration of its Achievement of Excellence Award in financial reporting certification. This award is granted only to entities whose reports meet the highest standards of municipal financial reporting.

THE REPORTING ENTITY AND ITS SERVICES

Los Gatos is a general law Town, incorporated under the legal framework of California in 1887. The Town is located in the foothills and level terrain of southwestern Santa Clara Valley, referred to internationally as "Silicon Valley." From the first 100-acre Town site and an 1890 population of 1,652, Los Gatos grew slowly so that by 1963 the area was 6.3 square miles with a population of 11,750. Today Los Gatos covers approximately 15 square miles with a population of 33,062 (California Department of Finance, January 2022). The growth over the last 80 years resulted in a community with vibrant business districts, well-maintained neighborhoods, and lovely parks and open spaces. Preserving the unique charm of Los Gatos as a complete and well-balanced community while meeting its economic and housing needs, has been, and remains a key goal for the Town.

The Town maintains a Council-Manager form of government which combines the strong political leadership of elected officials with the strong managerial experience of an appointed Town Manager. Five Council members are elected at large for staggered four- year terms to govern the Town. The Mayor and Vice-Mayor are appointed by the Council from its own ranks and serve one-year terms. The Town Manager and Town Attorney are appointed and supervised directly by the Council. The Town Manager oversees all municipal services such as Public Safety, Parks and Public Works, Community Development, Library, and Town Administration including Human Resources, Information Technology, and Finance.

ECONOMIC CONDITIONS AND OUTLOOK

This past year the Town continued to see a modest return to economic normalcy after the initial economic impacts associated with the pandemic. However, the Town's economically sensitive Transient Occupancy Tax (TOT) remains near historic lows and Sales Tax receipts are still below FY 2018/19 levels. Property Tax revenues remained steady as suburban communities continued to benefit from urban flight and remote work remained viable for certain occupations.

General Fund revenues (not including transfers in) increased 8.8% from the prior year. Property tax revenues remain the largest and most consistent source of support for General Fund operations, comprising approximately 45.3% of General Fund revenues in FY 2021/22. For FY 2021/22 property tax receipts of \$21.1 million were \$1.2 million higher than the prior year's collection, reflecting the continued desirability of the Town, its environment, culture, and educational opportunities.

The Town also relies heavily on sales tax revenues to support General Fund operations, comprising approximately 18.2% of General Fund revenues in FY 2021/22. For FY 2021/22 sales tax receipts of \$8.5 million were \$0.6 million higher than the prior year's collection. Sales tax revenues were supported by significant increases in gas prices, strong auto sales, and the continued resurgence of the restaurant sector. The Town's 1/8 cent District Sales Tax continued to perform well as the District Tax captures a larger share of the increase in online sales versus the County pool collections.

In addition to the Town's revenue sources the Town continues to benefit from the federal American Rescue Plan Act (ARPA). The Act will allocate \$7,229,744 to the Town over a two-year period with the first nonrecurring payment of \$3,614,872 received on July 13, 2021. The funding provided critical support for budget stabilization, economic vitality, and social welfare initiatives. For more information regarding the two federal programs please refer to Note 15. –

As with most municipalities, services are provided directly by employees to the Town's residents, businesses, and visitors. As a service delivery enterprise, the cost of salaries and benefits are a significant portion of the Town's expenditures. Salaries are largely dictated by regional market forces as evidenced by fierce competition for talent in the San Francisco Bay Area, and inflationary pressures nationwide. During FY 2021/22, the Town successfully completed negotiations with all bargaining units. While important for the consistent delivery of high-quality services for the Town, these actions exacerbated an already existing imbalance between revenues and expenditures.

The Town also continues to adjust and prepare for pension employer costs to continue to be a primary expense in conjunction with salaries. The Town's pension plans over the past several decades, like all other CalPERS participants, have experienced changes in actuarial assumptions, demographic changes, and volatile investment returns which have outweighed any positive plan experiences. The outcome of these unfavorable economic and demographic conditions is the creation of unfunded pension and Other Postemployment Benefits (OPEB) obligations for the Town. According to the 2021 CalPERS actuarial valuations, the unfunded actuarial liability for pensions was \$36.8 million and \$5.5 million for OPEB as of June 30, 2021.

To address the escalation in pension costs, current and previous Councils have allocated additional discretionary pension funding totaling \$10.4 million. These additional discretionary payments will ultimately yield an approximate \$12.7 million in pension contribution savings. In addition to the management of the Town's pension obligations, prior Councils have worked to curb cost escalation in Other Postemployment Benefits (OPEB). In 2009, the Town initiated prefunding of the retiree healthcare benefit and has since established approximately \$23.2 million in OPEB assets from zero in 2009.

In addition, it should be noted that the net pension obligation varies annually depending upon the plan's actual investment earnings compared to the assumed rate of return during the plan's measurement periods. The Net Pension Obligation (NPO) reported in the Town's ACFRs has experienced a high degree of variability in recent years, with Net Pension Obligation reported in the June 30, 2017 ACFR in the amount of \$33.4 million rising to \$58.02 million in fiscal year 2020/21. The NPO reported in this year's financial statements (ACFR 2021/22) has decreased 52.6% to the

current NPO of \$27.48 million. Due to CalPERS preliminary negative returns of 7.4%, staff expects the NPO to rise significantly in the next fiscal year reporting period. **It should be noted that CalPERS has recently cautioned in their annual review of funding and risks that recent and current increases in the Consumer Price Index (CPI) are expected to have a material impact on the pension liabilities in future actuarial valuation reports for both retirees (due to cost of living increases) and the active members (due to future salary increases).**

Readers are cautioned that in considering the amount of the pension and OPEB liabilities and other actuarial data as reported by CalPERS and the Town's actuary, this is "forward looking" information. Such "forward looking" information reflects the judgment of the Board of Administration of CalPERS, its actuaries, and the Town's actuary as to the amount of assets which the pension and OPEB plans will be required to accumulate to fund future benefits. These judgments are based upon a variety of assumptions, one or more of which may prove to be inaccurate or that may change with the future experience of the pension and OPEB plans. The actuarial methods and assumptions could be changed by CalPERS and the Town's actuary at any time based on their professional judgement. Such changes could cause the Town's obligations to the pension and OPEB plans to be higher or lower in any particular year. This sensitivity to changes in actuarial assumptions is especially evident in changes to the Discount Rate as illustrated in Note 10 and changes to Healthcare Trend and Discount rates as illustrated in Note 11

For detailed information about the Town employees' retirement plan please refer to Note 10 of the Notes to Basic Financial Statements Section. For detailed information about the Town OPEB obligations please refer to Note 11 of the Notes to Basic Financial Statements Section. In addition, the Town provides extensive information on pension and OPEB information on the Town's website.

Despite revenue constraints and increasing costs associated with unfunded federal and state mandates, the Town has managed to maintain high service levels through increased efficiencies in Town operations and prudent fiscal management. The Town continues its outreach to the community, the League of California Cities, and local legislators to prevent and limit any future revenue losses and mandated cost increases. For example, the Town is currently evaluating a recent California Supreme Court case that could negatively impact the collection of waste hauler franchise fees. For more information see Note 16.

MAJOR CAPITAL PROJECT INITIATIVES

Major capital asset and infrastructure initiatives were once again the priority for the fiscal year. Approximately \$21.4 million in Town infrastructure and other capital asset improvements and contributions were invested in FY 2021/22, including a \$12.2 million Los Gatos Theater contribution, a \$1.5 million parking lot acquisition, and \$3.9 million in Town-wide street projects to improve the pavement condition. In addition, \$3.7 million was invested in construction in progress including, roads, bridges, storm drains, park, pathways, building improvements, and downtown revitalization efforts.

Additional infrastructure improvements are scheduled in accordance with the Town's approved Capital Improvement Plan, and will continue into future years. All of these improvements are funded either through grants, or via revenues accumulated from prior year budget savings and/or excess revenues per Town Council Policy.

ACCOUNTING SYSTEM AND BUDGETARY CONTROL

The effectiveness of internal controls is a primary consideration in the development and evaluation of the Town's accounting system. Internal accounting controls are designed to provide reasonable but not absolute assurance regarding:

- 1) safeguarding of assets against loss from unauthorized loss or disposition,
- 2) accuracy and reliability of accounting data, and
- 3) adherence to managerial policy.

The concept of reasonable assurance recognizes that the cost of internal controls should not outweigh the benefits, and that management must make estimates and judgments in evaluating these costs and benefits.

All governmental fund types use the modified accrual basis of accounting. This means that revenues are recorded when measurable and available rather than when received. Measurable means the amount can be determined and available means the cash is received within sixty days after the end of the fiscal year. Expenditures are recorded when the liability is incurred, rather than when paid. An exception to this rule is principal and interest on general long-term debt, which is not recognized by debt service funds until it is due.

Proprietary (internal service) funds are accounted for using the accrual basis of accounting, similar to that used by corporations. Proprietary fund revenues are recognized when they are earned rather than when the cash is received, even if the cash is not available and proprietary fund expenses are recognized when they are incurred. With the implementation of GASB 34, the Town prepares its Basic Financial Statements on the accrual basis. Internal accounting procedures have been developed to provide reasonable assurance regarding the safeguarding of assets and the reliability of financial records for preparing financial statements and maintaining asset accountability.

An annual operating budget, five-year budget forecast, and five-year capital improvement plan is adopted by the Town Council consistent with generally accepted accounting principles. All budget adjustments and transfers between funds must be approved by the Town Council during the fiscal year. The Town Manager is authorized to transfer unencumbered appropriations within a budget category, within a fund. Appropriations are valid for each fiscal year and lapse at year-end.

AWARDS

The Town's Annual Comprehensive Financial Report for the fiscal year ended June 30, 2021 was awarded a Certificate of Achievement for Excellence in Financial Reporting by the national Government Finance Officers Association. This is the 27th consecutive year that the Town has received the award. This prestigious award recognizes the report's conformance with strict accounting and reporting standards established by the Government Accounting Standards Board

and government finance organizations. This award is annual in nature and valid for one year only. This year's report will be submitted for award consideration by this organization, as we believe it continues to meet these standards.

INDEPENDENT AUDIT

State law requires an annual audit of the Town's accounts by independent certified public accountants. The accounting firm of Chavan & Associates LLP performs this function for the Town of Los Gatos, and their report is included in the financial section of the ACFR.

ACKNOWLEDGEMENTS

The preparation of this Annual Comprehensive Financial Report, as presented herein, is the result of the combined efforts and dedicated services of the excellent staff of the Department of Finance. Special thanks to Mark Gaeta, Accountant; Melissa Ynegas, Finance Analyst; Diane Howard, Finance Analyst; and Maurice De Castro, Accountant; Wayne Chen, Administrative Technician; Steve Conway, Former Finance Director; and Arn Andrews Assistant Town Manager for their efforts in preparing this report. The Town's Finance Commission is also recognized for its contributions to strengthening the ACFR through its review, discussion, and comments.

Respectfully submitted,



Laurel Prevetti
Town Manager

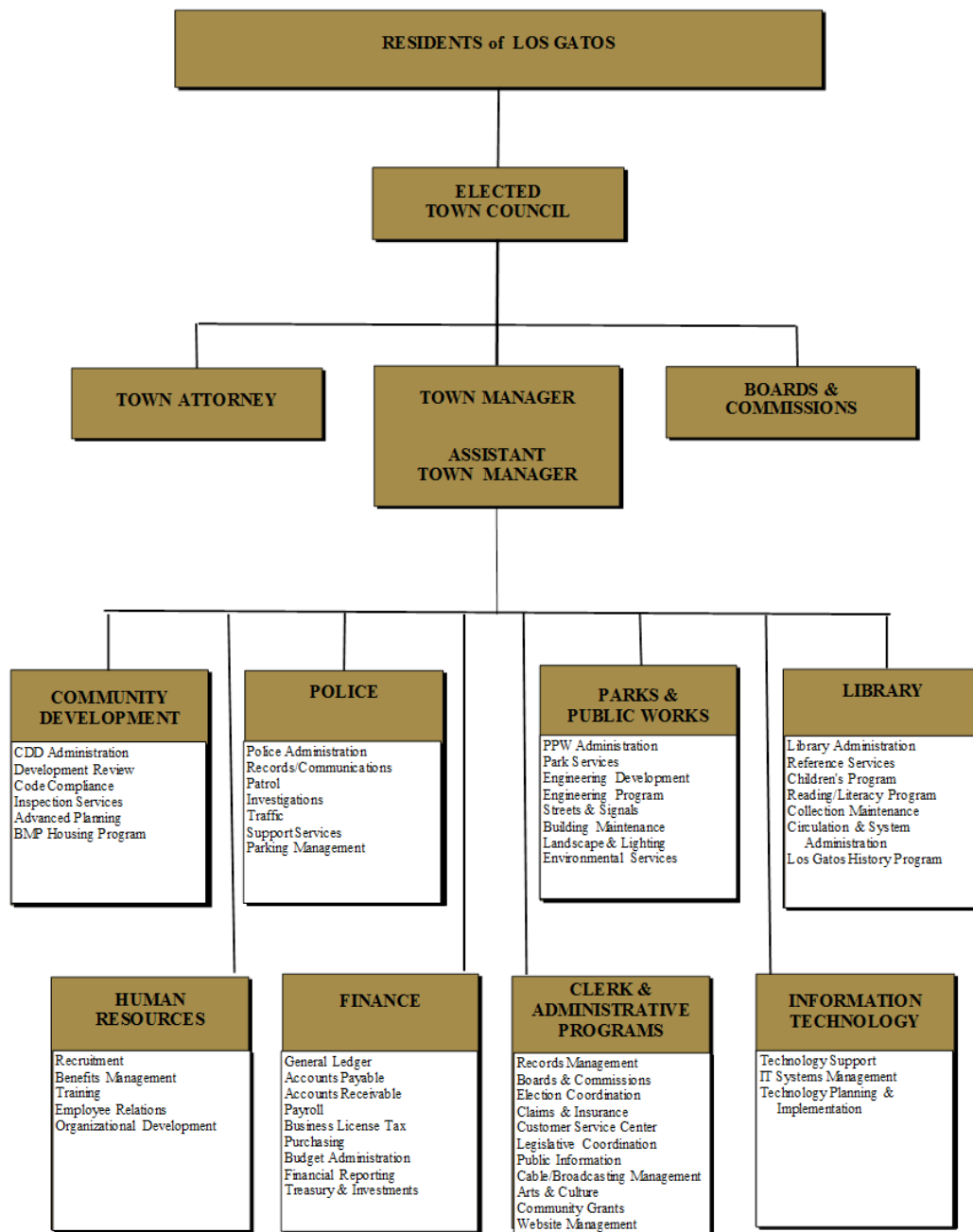


Gitta Ungvari
Director of Finance



Town of Los Gatos

Organizational Structure



**TOWN OF LOS GATOS
PRINCIPAL OFFICERS
JUNE 30, 2022**

TOWN COUNCIL

Mayor

Vice Mayor

Council Member

Council Member

Council Member

Rob Rennie

Maria Ristow

Mary Badame

Matthew Hudes

Marico Sayoc

COUNCIL APPOINTEES

Town Manager

Town Attorney

Laurel Prevetti

Gabrielle Whelan

APPOINTED OFFICIALS

Assistant Town Manager

Chief of Police

Community Development Director

Interim Parks and Public Works Director

Library Director

Interim Finance Director

Human Resources Director

Arn Andrews

Jamie Field

Joel Paulson

Tim Borden

Ryan Baker

Stephen Conway

Salina Flores



Government Finance Officers Association

Certificate of
Achievement
for Excellence
in Financial
Reporting

Presented to

**Town of Los Gatos
California**

For its Annual Comprehensive
Financial Report
For the Fiscal Year Ended

June 30, 2021

Christopher P. Morill

Executive Director/CEO

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FINANCIAL SECTION

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INDEPENDENT AUDITOR'S REPORT

To the Honorable Mayor and Members of the
Town Council of the Town of Los Gatos
Los Gatos, California

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, each major fund, General Fund budgetary statement, and the aggregate remaining fund information of the Town of Los Gatos (the "Town"), as of and for the year ended June 30, 2022, and the related notes to the financial statements, which collectively comprise Town's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, General Fund budgetary statement, and the aggregate remaining fund information of the Town of Los Gatos, as of June 30, 2022, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Town and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Emphasis of a Matter

During the year, the Town implemented GASB Statement No. 87, *Leases*. As a result, the Town recorded lease receivables of \$1,826,417 and net deferred inflows of resources of \$1,156,412, increasing beginning fund balance and net position by \$687,399. See note 4 for additional information. Our opinion was not modified for this matter.

Responsibilities of Management for the Financial Statements

Town management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Town's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.



Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS and GAGAS, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Town's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Town's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and required supplementary information, as listed in the table of contents, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.



Supplementary Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Town's financial statements as a whole. The introductory section, supplementary budgetary comparison schedules, combining individual non-major fund schedules, combining internal service fund schedules, and statistical data, are presented for purposes of additional analysis and are not a required part of the financial statements.

The combining and individual nonmajor fund financial statements and combining internal service fund schedules are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining and individual nonmajor fund financial statements and combining internal service fund schedules are fairly stated in all material respects in relation to the basic financial statements as a whole.

The introductory, supplemental budgetary and statistical sections have not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on them.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated December 6, 2022 on our consideration of the Town's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Town's internal control over financial reporting and compliance.

C & A LLP

Chavan & Associates, LLP
Certified Public Accountants
December 6, 2022
Morgan Hill, California

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Management's Discussion and Analysis

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MANAGEMENT'S DISCUSSION AND ANALYSIS

This section of the Town of Los Gatos's Annual Comprehensive Financial Report (ACFR) presents Management's Discussion and Analysis (MD&A) of the Town's financial performance during the fiscal year that ended on June 30, 2022. This analysis should be read in conjunction with the Transmittal Letter at the front of this report and the accompanying Basic Financial Statements.

FINANCIAL HIGHLIGHTS

- Town assets and deferred outflows of resources exceeded its liabilities and deferred inflows of resources at the close of Fiscal Year (FY) 2021/22 by \$138,406,981 (total net position).
- The Town's total net position increased by \$24,888,881 during the fiscal year largely as a combined net result of an approximate \$37 million decrease in total long-term liabilities outstanding, a \$16 million dollar increase in capitalized assets including a \$12.2 million historic Los Gatos Theatre contribution and a \$3.7 million addition to non-capitalized capital outlay expenses from the prior year. Non-capitalized project expenditures reduce net position as they are not added back to total assets as new infrastructure or capital investments. Major non-capitalized expense projects included approximately \$849K in bicycle lane safety improvements, \$58K for parking program implementation, and \$77K for traffic safety. Depreciation expenses allocated to all Town Departments increased by approximately \$439K from the prior year reflecting the significant additional investments and contributions made in the Town's infrastructure through FY 2021/22.
- The decrease in long-term liabilities was mostly attributed to the decline in net pension liabilities of \$30.5 million. The decline was due to each plan's actual investment earnings having far exceeded the actuarial return assumptions during the plan's measurement periods (July 1, 2020 through June 30, 2021). Also contributing to the decrease in the net pension liabilities were the Town's additional discretionary payments (ADPs) in excess of the contractually required contributions in prior fiscal years that are now recognized in the FY 2021/22 financial statements.
- Total pension expense calculated for the Town's miscellaneous and safety plans is **\$3,389,540 after** a credit of \$3,168,358 **as a result of GASB 68 adjustment**. This credit led to reduced pension expense in both the miscellaneous and safety plans as a result of better than projected investment earnings versus the projected assumed investment returns on pension plan investments as of the June 30, 2021 measurement date. A more detailed discussion of the Town's unfunded pension liabilities can be found in Note 10.
- Reported unrestricted net position is \$1,785,294 compared to negative (\$4,735,103) the prior year. Unrestricted net position represents all resources not included as net investment in capital or restricted assets.
- During FY 2021/22, the Town implemented GASB Statement No. 87 Leases. As a result, the Town recorded long-term lease receivables of \$1,826,417 and net deferred inflows of leases

of \$1,156,412, increasing beginning fund balance and net position by \$0.7 million. See Note 4 for additional information.

- The Town received the first tranche payment of \$3,614,872 from the American Rescue Plan Act (ARPA) grant on July 13, 2021. For FY 2020/21, \$200K of ARPA proceeds was recognized as revenue to reimburse the Town for qualifying expenditures under the provisions of the Act including boosting economic recovery and providing rent forgiveness and direct grants to non-profit and social welfare organizations. For FY 2021/22, the Town recognized \$3.4 million in ARPA revenues related to recovery of revenue loss.
- Despite the ongoing economic impacts resulting from the nationwide pandemic, the Town's economically sensitive major revenues of property tax, sales tax, and business license tax were able to record gains from amounts reported the prior fiscal year. Property taxes collected increased \$1.3 million, sales taxes increased \$0.6 million, while business license tax increased by a modest \$94K from amounts collected the prior year.
- The economic impacts related to the pandemic and initial travel restrictions continued into FY 2021/22. FY 2021/22 Transient Occupancy Tax (TOT) revenue collection increased by \$840K compared to the level collected in FY 2020/21. However, the current year proceeds of \$1.9 million is still \$0.8 million lower than FY 2019/20 level of TOT collection.
- Total expenses as reported in the Statement of Activities increased \$2.2 million from the prior year. The increase primarily was driven by a one-time \$6.9 million State pass-through grant payment in General Government for wildfire protection. Excluding the one-time payment, total expenses actually decreased from the prior year by \$4.7 million primarily due to the \$3.1 million calculated pension expense credit, salary and benefit savings, and other miscellaneous operational savings. As previously noted, the pension expense credit was mostly from actual investment earnings in excess of estimated assumed investment earnings and additional discretionary payments in excess of contractually required contributions.
- The cost of all governmental activities as presented in the Statement of Activities this year was \$52.7 million. The Town's governmental program revenues were \$41.2 million including charges for services of \$12.8 million, operating grants and contributions of \$6.2 million, and capital grants and contributions of \$22.2 million. After taking governmental program revenues into consideration, the net amount of taxpayer supported governmental activities was \$11.5 million. The Town paid for the remaining "public benefit" portion of governmental activities from total taxes and general revenues of \$35.7 million. This \$11.5 million in net cost of governmental activities is net of the \$12.2 million Los Gatos Theatre contribution that occurred during FY 2021/22. Excluding the theatre contribution, the net cost of governmental activities would be \$23.7 million which represents an approximate 32% decrease from the prior fiscal year (\$35.1 million). The decrease reflects reduced costs related to the pension credit and increased governmental grant revenues from the prior year.
- At the end of FY 2021/22, the General Fund balance was \$26,896,789 compared to \$23,914,618 in the prior year. The ending fund balance of \$26,896,789 represents approximately 62% of General Fund expenditures for the current fiscal year excluding

transfers-out to the Town's capital projects funds and internal service funds. The \$3.6 million increase in General Fund ending fund balances was primarily due to the combined effect of favorable year end increases in economically sensitive revenues coupled with operational savings, and approximately \$3.5 million transfer (including \$2.9 million General Fund Reserves and 50% of the FY 2021/22 Measure G proceeds in the amount of \$0.6 million) to the Town's capital projects fund to provide resources for Town infrastructure improvements.

- Fund balances for all governmental funds at year end were \$50,862,138, an increase of approximately \$3.0 million or (6.3%) from the prior year. Governmental fund balances increased primarily due to approximately \$3.3 million of excess operating revenues above operating expenditures offset for capital use. Much of the surplus was due to an increase in property taxes, sales taxes, other taxes, licenses and permits, charges for services and franchise fees of \$4.7 million over the prior year. These increased revenues were partially offset by mark-to-market declines which are recognized as negative interest income in FY 2021/22 of \$1.2 million versus positive interest income of \$300K the prior year.
- At fiscal year end, the Town's General Fund restricted cash assets reported a \$690K balance in the Town's IRS Section 115 Pension Trust.
- As of June 30, 2022, the Town's investment in capital assets for its governmental activity is recorded at \$127,770,566 (\$101,704,464 net of accumulated depreciation and \$26,066,102 nondepreciable). During FY 2021/22, the Town's investment and contribution in capitalized assets were \$21.4 million with depreciation totaling \$5.0 million. The Capital asset increased by \$16.4 million for the current year.

OVERVIEW OF THE FINANCIAL STATEMENTS

The financial section of the ACFR contains the following information: Independent Auditor's Report, Management's Discussion and Analysis (this section), the Basic Financial Statements, and the Required Supplementary Information. The ACFR also includes a Supplementary Information section, which presents combining and budgetary schedules for individual non-major funds. The Basic Financial Statements are comprised of three components: 1) Government-Wide Financial Statements, 2) Fund Financial Statements, and 3) Notes to the Financial Statements. The Management's Discussion and Analysis is intended to be an introduction to the Basic Financial Statements.

Government-Wide Financial Statements

The Government-Wide Financial Statements present the financial picture of the Town from an economic resources measurement focus using the accrual basis of accounting. An economic resources measurement focus is when a body of financial statements report all inflows, outflows, and balances affecting or reflecting an entity's net position.

The Statement of Net Position presents information on all of the Town's assets and liabilities, with the difference between the two reported as net position. Over time, increases or decreases

in net position may serve as a useful indicator of whether the financial position of the Town is improving or deteriorating.

The Statement of Activities presents information showing how the Town's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this Statement for some items that will only result in cash flows in future fiscal periods (e.g., uncollected taxes and earned but unused vacation leave).

Both of the Government-Wide Financial Statements distinguish functions of the Town that are principally supported by taxes and intergovernmental revenues (*governmental activities*) from other functions that are intended to recover all or a significant portion of their costs through user fees and charges (*business-type activity*). The governmental activities of the Town include public safety, parks and public works, community development, library, community services, debt service, and general government. Governmental activities typically include financial data for all governmental funds. Internal service funds are typically incorporated into governmental activities as well. Business-type activities typically include financial data for all enterprise funds. The Town has no enterprise funds and therefore reports no business-type activities.

Fund Financial Statements

A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The Town, like other local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. The funds of the Town are segregated into three categories: governmental funds, proprietary funds, and fiduciary funds.

Governmental funds – The Town's basic services are reported in governmental funds, which focus on how money flows into and out of those funds and the balances left at year-end that are available for spending. These funds are reported using the modified accrual basis of accounting, which measures cash and other financial assets that can readily be converted to cash. The Governmental Fund Statements provide a detailed short-term view of the Town's general government operations and the basic services it provides. Governmental fund information helps determine whether there are more or fewer financial resources that can be spent in the near future to finance the Town's operations. Both the governmental fund balance sheet and the governmental fund statement of revenues, expenditures, and changes in fund balances provide a reconciliation to facilitate this comparison between *governmental funds* and *governmental activities*.

Proprietary funds – The Town maintains one type of proprietary fund: Internal Service Funds. Proprietary funds are reported using the accrual basis of accounting. Internal Service Funds are an accounting tool used to accumulate and allocate costs internally among the Town's various functions. The Town uses Internal Service Funds to account for its fleet of vehicles, computer equipment, risk management activities, and other items. Internal Service Funds help smooth the

variability of certain expenses and insulate the Town from large unanticipated costs. The Internal Service Funds are included within governmental activities in the Government-Wide Financial Statements.

Fiduciary funds – Fiduciary funds are used to account for resources held for the benefit of parties outside the Town. Fiduciary funds are not reflected in the Government-Wide Financial Statements because the resources of those funds are not available to support the Town’s own programs.

Included in fiduciary funds is the Redevelopment Successor Agency private-purpose Trust Fund created upon the dissolution of the former Redevelopment Agency (RDA) in 2012. The Trust Fund was created to hold the assets of the former Redevelopment Agency until they are transferred for governmental purposes to other entities or distributed to the underlying taxing jurisdictions in Santa Clara County after the payment of enforceable obligations. Additional information on the dissolution of the RDA and this fiduciary fund can be found in Note 12 in the notes to basic financial statements.

Notes to Basic Financial Statements

The notes provide additional information to facilitate a full understanding of the data provided in the Government-Wide and Fund Financial Statements.

ANALYSIS OF GOVERNMENT-WIDE FINANCIAL STATEMENTS

The Government-Wide Financial Statements provide long-term and short-term information about the Town’s overall financial condition. This analysis addresses the financial statements of the Town as a whole, utilizing data from throughout the ACFR to describe the changes between 2021 and 2022. Given the unique nature of the economic impacts of the COVID-19 pandemic during the reporting period, 2020 data have also been provided to provide additional context.

Net Position Discussion

As shown below, the Town’s combined net position for the year ended June 30, 2022 was \$138.4 million, reflecting an increase of approximately \$24.8 million to the prior year’s net position of \$113.5 million. In general, net position can serve as an important indicator of whether the Town’s overall financial condition is improving or deteriorating over time.

Town of Los Gatos
Net Position
Governmental Activities
For the Year Ended June 30, 2022

	2022	2021	2020
Current and other Assets	\$ 78,302,210	\$ 72,065,091	\$ 75,995,161
Capital Assets	127,770,566	111,416,264	111,700,225
Total Assets	<u>\$ 206,072,776</u>	<u>\$ 183,481,355</u>	<u>\$ 187,695,386</u>
Deferred Outflows - Pension/OPEB	13,232,279	19,746,595	17,441,310
Current Liabilities	17,537,678	16,334,887	18,093,199
Long-Term Liabilities Outstanding	34,368,351	71,339,626	69,465,025
Total Liabilities	<u>\$ 51,906,029</u>	<u>\$ 87,674,513</u>	<u>\$ 87,558,224</u>
Deferred Inflows - Pension/OPEB	28,992,045	2,335,387	2,727,441
Net Position			
Net Investment in Capital Assets	126,418,275	109,894,936	111,700,225
Restricted	10,203,412	8,269,330	7,117,984
Unrestricted	1,785,294	(4,646,166)	(3,967,178)
Total Net Position	<u>\$ 138,406,981</u>	<u>\$ 113,518,100</u>	<u>\$ 114,851,031</u>

Current and other assets increased \$6.2 million from the prior year, primarily due to an \$2.9 million increase in cash/restricted cash and investments, \$1.8 million increase in Long Term Lease Receivable, and \$1.2 million increases in Long Term Note Receivable.

Capital assets increased \$16.4 million to \$127.8 million for the year reflecting current year's capital asset additions less the annual depreciation expense. Capital infrastructure activity includes the following:

- \$12.2 million added including \$4.3 million to land , building and improvements (\$7.7 million) and equipment (\$205K) related to the donation of the historic Los Gatos Theatre to the Town;
- \$1.5 million 224 West Main parking lot acquisition added to the to the Town assets. The parking lot was previously purchased by the Los Gatos Redevelopment Agency to develop below market housing. The Town reimbursed the Redevelopment financing to acquire the land and placed the funds into the Below Market Housing Program deposit account for future below market housing projects;
- \$3.9 million in street repair and resurfacing and curb and gutter work Town-wide; and
- \$3.7 million construction in progress.

Deferred Outflows for Pension and Other Post-Employment Benefits (OPEB) decreased \$6.5 million primarily due to the difference between projected assumed investment returns and actual investment earnings on pension and OPEB investments, the change in the Town's proportionate share for the pooled safety pension plan, and the fact that the Town did not contribute additional discretionary payments during FY 2021/22.

Long-term liabilities decreased by \$37 million. The decrease is primarily due to a pension liability decrease of \$30.5 million and a decrease of OPEB liabilities of \$6.0 million. See Note 10 and Note 11 of Notes to the Financial Statements for more information on Town's pension and OPEB plans. Deferred Inflows increased by \$26.7 resulting primarily from the difference between projected assumed investment returns and actual investment earnings on pension and OPEB investments. The pension inflows increased \$20.7 million and the OPEB plan increased \$4.9 million. In addition, the implementation of GASB 87 Leases added \$1.2 million of deferred inflows of resources.

The largest segment of the Town's net position, representing \$126.4 million of net position, reflects the net investment in capital assets (e.g., land, buildings, infrastructure, and equipment) less accumulated depreciation and related outstanding debt used to acquire those assets. The Town uses these capital assets to provide infrastructure and services to the residents. Therefore, they do not represent a liquid financial resource to the Town and consequently are not readily available for funding current obligations.

Restricted net position totaled approximately \$10.2 million representing approximately \$8.8 million for capital projects and maintenance, \$0.7 million for restricted pension trust, \$0.6 million placed in a special revenue trust accounts for Library services, and \$0.1 million for workers' compensation.

As of June 30, 2022, unrestricted net position reports an approximate \$6.5 million increase from a deficit of approximately (\$4.74 million) the prior year to an ending balance of approximately \$1.78 million.

Governmental Activities

Governmental activities are generally financed through taxes, intergovernmental revenues, and other non-exchange revenues. The Statement of Activities is intended to illustrate how the cost of governmental activities is financed and determine the annual change in net position.

Town of Los Gatos
Statement of Activities
For the Year Ended June 30, 2022

	2022	2021	2020
Revenues:			
Program revenues:			
Charges for Services	\$ 12,773,746	\$ 11,353,932	\$ 10,288,351
Operating Grants and Contribution:	6,179,842	3,287,564	3,854,188
Capital Grants and Contributions	22,226,206	846,345	850,113
General Revenues:			
Property Taxes	21,132,098	19,878,835	18,330,426
Sales Taxes	8,483,673	7,933,604	7,531,425
Franchise Taxes	2,822,515	2,499,463	2,495,792
Other Taxes	2,042,580	1,126,887	1,911,774
Motor Vehicle in Lieu	35,624	23,058	24,526
Developer Fee	1,735,571		
Investment Earnings	(1,278,978)	227,136	2,428,470
Miscellaneous	755,400	1,528,039	323,940
Total Revenues	76,908,277	48,704,863	48,039,005
Expenses:			
Police Department	15,093,308	19,808,230	20,446,188
Parks and Public Works	12,969,615	13,141,034	11,803,005
General Government	15,681,345	7,452,136	7,405,368
Community Development	5,827,001	6,481,075	5,001,958
Library Services	2,969,954	3,496,153	3,347,523
Sanitation	178,575	185,981	3,041
Total Expenses	52,719,798	50,564,609	48,007,083
Change in Net Position	24,188,479	(1,859,746)	31,922
Net Position - Beginning	113,518,100	115,377,846	114,819,109
Prior Period Adjustment - Principal Payments	13,003		
Prior Period Adjustment - GASB 87 Leases	687,399		
Net Position - Beginning, Adjusted	114,218,502		
Net Position, Ending	\$ 138,406,981	\$ 113,518,100	\$ 114,851,031

Governmental Activities Revenue Discussion

The Statement of Activities shown above details how the \$76.9 million in Governmental Activities revenues and contributions were derived. As categorized in the Statement of Activities as program revenues, approximately \$12.8 million or 16.6% of the revenues were recorded from fees paid by residents/businesses who directly benefited from the program or service. Another \$28.4 million or 36.9% of the revenues were sourced from operating/capital grants and

contributions. Significant grants and contributions include the donated \$12.2 million historic Los Gatos Theatre, one-time \$6.9 million State pass-through wildfire grant contribution, and \$3.4 million in recognized ARPA proceeds. The remaining \$35.7 million or 46.5% represents general revenues of the Town, including taxes, intergovernmental revenues, and other miscellaneous revenues.

Program revenues increased by approximately \$25.7 million from the prior year. This is largely due to a \$21.4 million increase in capital grants and contributions, \$2.8 million increase in operating grants and contributions, and \$1.4 million revenue increases from charges for services.

The Town's General Revenues related to Governmental Activities increased by approximately \$2.5 million from the prior year. The increase is attributable to a combination of approximately \$1.25 million increase in property taxes, a \$550K increase in sales tax, \$824K increases in Transient Occupancy Tax (TOT), \$323K increase in franchise fees, and \$86K increase in business license tax collections. The increases were offset by \$700K decrease in miscellaneous revenues and nearly \$1.5 million reduction in investment earnings from the prior year as result of lower mark-to-market values on the Town's investment portfolio.

Property tax is the largest individual revenue source for the Town and collections finished the year \$1.25 million higher than the previous year. This increase was mostly due to an increase of \$596K in general property tax collection, \$329K in secured taxes received as a rebate of excess property taxes collected and available from the State of California's Educational Revenue Augmentation Fund (ERAF), \$176K increase in VLF Property Tax In-Lieu fee, and \$148K increase in property transfer tax as strong demand for residential Town property continued. In addition, new development helped to drive property values higher. It is important to note that assessed valuations for FY 2021/22 were established on the tax roll in January 2021 and collected in FY 2021/22.

At \$8.5 million, sales taxes represent the second largest individual revenue source for the Town. Sales taxes increased \$550K from the previous year largely due to significant increases in gas prices, strong auto sales, and the continued resurgence of the restaurant sector. The increase was aided by the Town's 1/8 cent District Tax which captures a larger share of the increase in online sales versus those receipts provided by the County pool collections.

Franchise taxes, the Town's third largest revenue source, finished the year at \$2.8 million, reflecting only an increase of \$332K from the previous fiscal year. As discussed in more detail in Note 15, a recent California case indicates that jurisdictions may not be able to collect waste franchise fees in the future.

Investment earnings decreased \$1.5 million from the prior year. The primary factor responsible for this decline was the lower total mark-to-market value above historical investment cost than the prior year for the Town's investment portfolio. These non-cash or paper gains/losses are recognized as investment income/loss as a result of the "mark to market value" procedure required by GASB 31.

Governmental Activities Expenses Discussion

The Town provides residents, businesses, and visitors with an array of high quality municipal services. General government strategic support is comprised of six departments (Town Council, Town Clerk, Town Manager, Town Attorney, Human Resources, Information Technology, and Finance) which provide in information technology, executive management, economic vitality, legal, records management, risk management, human resources, finance, and accounting services. The Town's Police Department (public safety) provides general law enforcement, crime prevention, dispatch, and responses to emergency and non-emergency calls for service. Parks and Public Works provides engineering, construction, and maintenance of public streets, street lighting, Town-owned buildings, parks, and related infrastructure; as well as traffic engineering and engineering evaluation of private development proposals. Community Development provides planning and zoning services; and building plan check and inspection; and code compliance services. The Library Department provides library, local history, and cultural services to the community.

Total expenses of \$52.7 million as reported in the Statement of Activities increased \$2.2 million from \$50.5 million the prior year. The increase was primarily driven by the following:

- The increase of \$6.9 million one-time State pass-through grant payment for wildfire protection.
- Pension and OPEB expense credit of \$4.4 million calculated under accounting standards and allocated for the current fiscal year compared to a \$2.6 million credit for the last fiscal year. The calculated pension and OPEB expense credit of \$4.4 million was applied across all operating Departments as follows:
 - Public Safety - \$1.7 million
 - General Government - \$1.3 million
 - Parks and Public Works - \$0.7 million
 - Community Development - \$0.5 million
 - Library - \$0.2 million
 - Sanitation - \$16K

FINANCIAL ANALYSIS OF THE TOWN'S FUNDS

Governmental Funds

Recognizing the financial resources measurement focus, the Town's Governmental Funds provide information on near-term inflows and outflows, and balances of spendable resources. This information is useful in assessing the Town's financing requirements and may serve as a useful measure of a government's net resources available for spending at the end of the fiscal year. Unlike the Statement of Activities which does not include transfers, the Governmental Funds Balance Sheet does include transfers in and out.

Fund Balance – As discussed below, the Town's Governmental Funds Balance Sheet reports the following fund balances.

Restricted Fund Balance – The Town has \$10.1 million in fund balance classified as restricted to indicate that it has an externally imposed restriction on how the money may be spent. Of the \$10.1 million restricted fund balance, \$8.7 million is restricted for capital projects, \$0.7 million for pension, \$0.6 million for Library special revenue trust accounts, and \$0.2 million for maintenance and repairs.

Committed Fund Balance – The Town has \$12.9 million in fund balance classified as committed to indicate that the Town Council previously committed how the money will be spent. Of the \$12.9 million, \$12.0 million is for budget stabilization (\$6.0 million) and catastrophe response (\$6.0 million).

Assigned Fund Balance – The Town has \$27.7 million in fund balance which is not restricted or committed and is classified as assigned to indicate the Town Council’s intent to be used for specific purposes. The largest assignments of fund balance are the Reserve for Capital/Special Projects with a balance of approximately \$11.1 million and the Capital Projects Reserve of \$13.6 million which are the primary funding sources for the Town’s five-year capital improvement plan and special projects as budgeted by the Town.

Additional information on the Town’s Fund Balance can be found in Note (9) of the Notes to the Financial Statements.

Major Governmental Funds results for the year included the following:

TOWN OF LOS GATOS
TOTAL GOVERNMENTAL FUNDS REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES
FOR THE YEAR ENDED JUNE 30, 2022

REVENUES	2022	2021	2020
Property Taxes	\$ 21,167,722	\$ 19,917,428	\$ 18,368,466
Sales Taxes	8,483,673	7,933,604	7,531,425
Other Taxes	1,976,198	1,126,887	1,911,774
Licenses & Permits	6,055,040	5,212,831	4,818,671
Intergovernmental	15,492,982	3,746,587	4,292,453
Charges for Services	6,925,359	6,035,659	5,309,470
Fines and Forfeitures	319,170	103,468	271,117
Franchise Fees	2,822,515	2,499,463	2,495,792
Developer Fees	1,735,571		
Interest	(1,278,983)	227,940	2,428,453
Use of Property	144,901	40,372	31,039
Other	349,145	423,115	376,922
Total Revenues	\$ 64,193,293	\$ 47,267,354	\$ 47,835,582
EXPENDITURES			
Current:			
Public Safety	\$ 16,451,190	\$ 16,570,836	\$ 15,793,815
General Government	15,953,968	14,040,134	13,024,146
Parks and Public Works	8,639,128	8,229,944	8,168,599
Community Development	6,313,511	5,195,302	4,473,790
Library Services	2,827,210	2,847,988	2,700,802
Sanitation and Other	194,969	166,173	162,837
Capital Outlay	10,478,670	5,746,447	7,861,972
Debt Service			
Principal	156,034		
Total Expenditures	\$ 61,014,680	\$ 52,796,824	\$ 52,185,961
Excess Revenues over Expenditures	\$ 3,178,613	\$ (5,529,470)	\$ (4,350,379)
Proceeds from sales of assets	2,151	1,201,369	1,566
Proceeds from issuance of debt	-	1,560,336	
Transfers in	8,154,307	4,053,535	8,935,260
Transfers out	(8,310,685)	(3,940,015)	(8,628,719)
Total Other Financing Sources (Uses)	\$ (154,227)	\$ 2,875,225	\$ 308,107
Net Changes in Fund Balances	3,024,386	(2,654,245)	(4,042,272)
Beginning/Ending Fund Balances As Restated	\$ 47,837,752	50491997	54,007,454
Ending Fund Balances	\$ 50,862,138	\$ 47,837,752	\$ 49,965,182

Overall, Total Governmental Funds revenues finished \$16.9 million or 35.8% higher than the prior year, while total expenditures finished \$8.2 million or 15.6% higher than the prior year. One of the major driving forces in increased revenues and expenditures is the one-time State pass-through wildfire grant in the amount of \$6.9 million. The approximate \$3.0 million increase in total governmental fund balance is the net result. The majority of excess revenues over

expenditures was due to an increase in property taxes, sales taxes, other taxes, licenses and permits, charges for services and franchise fees of \$4.7 million over the prior year. This was offset by lower mark-to-market values which are recognized as decreases to interest income in FY 2021/22.

General Fund revenues totaled \$46.6 million or nearly 72.6% of the total \$64.2 million in Total Governmental Fund revenues.

Total Governmental funds revenues increased by \$16.9 million, resulting from the net effect of:

- \$11.7 million increase in intergovernmental revenue including the \$6.8 million pass-through grant, \$3.4 million ARPA proceeds;
- \$1.8 million increase in development fees recognized for affordable housing loan and developer fee contributions include the appropriated reserves fund for capital projects;
- \$1.3 million increase in property tax collections;
- \$0.9 million increase in charge of services reflecting current development activities;
- \$0.8 million increase in licenses and permits;
- \$0.8 million increase in TOT collection;
- \$0.6 million increase in sales tax collection;
- \$0.3 million increase in franchise fees;
- \$0.2 million increase in fines and forfeitures;
- \$0.1 million increase in use of property and other receipts; and
- \$1.5 million decrease in investment income.

Governmental Funds expenditures increased by \$8.2 million. General Fund expenditures represent approximately \$43.3 million of the Total Governmental Fund expenditures of \$61.0 million compared to \$46.2 million of General Fund expenditures and total Governmental Funds expenditures of \$52.8 million in the prior year.

Decreases in public safety expenditures from the prior year of approximately \$0.1 million were due primarily to vacancy savings experienced during the fiscal year.

The \$1.9 million increase in general governmental expenditures was attributable to the combined effect of the one-time \$6.9 million State pass-through wildfire safety grant, coupled with salary and benefit cost increases resulting from labor negotiations and mandated increases in employer pension contribution rates. Another factor was that the Town only contributed nonrecurring additional \$0.1 million toward the OPEB 115 Trust compared to approximately \$5.6 million toward a pension Additional Discretionary Payment and additional OPEB Trust contributions paid in the prior fiscal year.

Increases in Parks and Public Works were primarily due to salary and benefit cost increases resulting from labor negotiations and mandated increases in employer pension contribution rates.

Decreases in Library services expenditures from the prior year of approximately \$28K were due primarily to vacancy savings during the fiscal year.

Increases in Community Development were primarily due to expensing the \$1.2 million affordable housing loan through the Below Market Housing program. In addition, plan check and building inspection expenses increased moderately from the prior year.

Appropriated Reserves Fund capital projects fund balances decreased \$0.9 million from the prior year reflecting increased capital activity during the fiscal year. The \$4.5 million of general government and capital outlay expenditures above operating revenues was offset by \$3.6 million net transfers. The one-time \$6.9 million pass through grant payment for wildfire protection was reported as an intergovernmental revenue with an offsetting general government expenditure. Transfers in included \$0.6 million in ARPA revenue replacement funds.

Proprietary Funds

The Town's Proprietary Funds (Internal Service Funds) presented in the Fund Financial Statements section basically provide the same type of information in the Government-Wide Financial Statements and include individual segment information.

Total net position in the Internal Service Funds increased by \$629K a combined effect of GASB 87 increase adjustment of \$687K and a \$57K decrease in the current year due primarily to excess expenses over revenues for workers' compensation and general liability costs including administration, insurance premiums, and claims expense.

GENERAL FUND BUDGETARY HIGHLIGHTS

Changes to the Original Budget

Comparing the FY 2021/22 original budget (i.e., the Adopted Budget) General Fund expenditures of \$43,641,983 (excluding budgeted transfers-out and debt payments that are reimbursed) to the final adjusted budget of \$45,416,443 indicates a net increase of approximately \$1.8 million. Additions to the original expenditure budget included adjustments approved by Town Council throughout the fiscal year.

Original Budget GF Expenditures	+ Misc. Adjustments & Mid-Year Adjustments	= Final Budget
\$43,641,983	\$1,774,460	\$45,416,443

The increase in General Fund appropriations occurred primarily from the following selected budget adjustments made during the fiscal year.

- \$550K expenditure budget increase for Community Grants to recognize Council authorized spending of ARPA in the FY 2021/22.
- \$240K expenditure budget increase to cover the cost for special studies related to Justice, Equity, Diversity, and Inclusion (JEDI) services; the Business Tax Ordinance Review; Council Retreat; and NUMU Antique Map, and compensation study.

- \$220K expenditure budget increase to recognize increased cost related the retiree medical services due to additional recent retirements.
- \$129K temporary salary reimbursement from capital projects.
- \$105K expenditure budget increase for the Urban Forrest Manager position.
- \$100K expenditure budget increase for tree maintenance services.
- \$86K expenditure budget increase for dispatch salary increase based on compensation survey.
- \$80K expenditure budget increase for Chamber Thursday Promenade special event series.
- \$68K expenditure budget increase for executive recruitment services.
- \$55K expenditure budget increase for the Los Gatos Chamber destination marketing.
- \$49K for traffic signalization.
- \$33K expenditure budget increase to recognize the increased construction activities related to underground utility services.
- \$26K for miscellaneous and safety repairs.
- \$14K expenditure budget increase for crossing guard services.
- \$10K expenditure budget adjustments for park benches.
- \$9K to recognize and spend the Public Library Grant proceeds for Library Youth collections.

Variance with the Final General Fund Budget

The General Fund Statement of Revenues, Expenditures, and Changes in Fund Balance-Budget and Actual (GAAP) for Fiscal Year Ended June 30, 2022 reports an approximate overall favorable variance with the final budget of approximately \$4.9 million. This favorable variance was created largely by the net effect of the following factors:

- Actual revenues ended the fiscal year at \$2.8 million above final budgeted revenues. The \$2.8 million total variance represents a combined effect of \$4.6 million favorable variances of the economic sensitive revenues from budget, \$1.2 million development revenue used for affordable housing loan, and an unfavorable variance of \$1.9 million in investment earnings for year, and an unfavorable \$0.2 million variance in sales tax collected.

Significant factors affecting actual expenditures include:

- Public safety expenditures had a favorable variance of approximately \$0.9 million. \$0.8 million in savings is reflective of limited term vacancies in Police Chief, Police Captain, Police Officer, Dispatcher, Police Record Specialist, and Police Records and Communication Manager positions, savings of \$62K in miscellaneous operating saving, and \$47K salary related internal service charges savings.
- Community Development expenditures reflected a \$0.9 million negative variance. The main reason of the negative variance is that the \$1.2 million loan provided to the Dittos Lane Below Market Housing Developer was expensed through the Below Market Housing

Program. The expenditure was fully funded from available developer contributions. Not counting the \$1.2 million loan expenditures, Community Development operating expenditures include \$349K combined savings on vacancies and miscellaneous operating expenditures. Planning Manager, Assistant Planner, Senior Planner, and Permit Counter Technician positions were partially unfilled during the fiscal year. The Department utilized temporary staffing agency contract to provide Building Counter services.

- Administrative Services reflected a favorable balance of approximately \$524K due to savings in salary and benefits (\$184K) due to partial year vacancies in the Emergency Manager, Special Event Coordinator, Administrative Technician, and Finance Director positions, \$235K saving on community grant due to timing of the grant distribution, savings in special events cost due to cancellation of events, and decreased travel activity, and other miscellaneous operational savings (\$105K).
- Parks and Public Works reflects a favorable variance of approximately \$475K largely due to vacancies savings due to partial year vacancies in the Parks and Public Works Director, Urban Forest Manager, Streets Maintenance Worker, and Administrative Assistant positions and other miscellaneous operational savings.
- Library services reflected a favorable variance of \$310K due mainly to salary and benefit savings from partial staff vacancies in the Librarian, Library Specialist, and Senior Library Page positions and other temporary vacancies.
- Town Attorney reflected a favorable balance of approximately \$40K in large measure due to savings in salary and benefits due to partial year vacancies of the Legal Administrative and Town Attorney positions.
- Town Council reflected a favorable balance of approximately \$13K due to benefit savings, and decreased travel and training activity, and other miscellaneous operational savings.

CAPITAL ASSETS

As of June 30, 2022, the Town's investment in capital assets for its governmental activity is recorded at \$127,770,566 (net of accumulated depreciation). The investment in capital assets includes land, buildings and improvements, infrastructure, construction in progress, machinery and equipment. Capital assets increased \$16.4 million net of depreciation expense, totaling approximately \$5.0 million for the year.

- \$12.2 million added including \$4.3 million to land, building and improvements (\$7.7 million), and equipment (\$205K) related to the contribution of the historic Los Gatos Theatre to the Town;
- \$1.5 million 224 West Main parking lot acquisition added to the to the Town assets. The parking lot was previously purchased by redevelopment financing to develop below market housing. The Town reimbursed the redevelopment financing to acquire the land and placed the funds into the Below Market Housing Program deposit account for future below market housing projects;

- \$3.9 million in street repair and resurfacing and curb and gutter work Town-wide;
- \$3.7 million of construction in progress including:
 - \$835K in street repair in resurfacing;
 - \$813K for Town-wide traffic signal improvements;
 - \$555K million for downtown revitalization;
 - \$450K for bridges;
 - \$263K for Town’s corporation yard building replacement;
 - \$210K in building improvements Town-wide;
 - \$196K in parking lots improvements;
 - \$157K pathways improvements;
 - \$118K for curb and gutter work Town-wide;
 - \$84 K equipment for fire suppression and IT disaster recovery;
 - \$40K for park improvements; and
 - \$26K in storm drain improvements.

Capital Assets
Town of Los Gatos
For the Year Ended June 30, 2022

	Governmental Activities
Infrastructure	\$ 61,933,593
Buildings	29,481,922
Land	26,066,103
Equipment	2,510,873
Construction in Progress	7,778,075
	<u>\$ 127,770,566</u>

Additional information on the Town’s capital assets is found in Note 6 of this financial report.

LONG-TERM DEBT

The Town generally incurs long-term debt to finance projects or purchase assets, which will have useful lives equal to or greater than the related debt. The Town long-term debt is related to the PG&E on-bill financing loan used for facility efficiency project updates totaling \$1.2 million at 6/30/2022. The long-term debt in the Successor Agency Trust Fund is related to the 2002 COP and 2010 COP totaling \$11.7 million. Additional information on the Town’s Long-Term Debt is found in Note 7 of this financial report.

ECONOMIC FACTORS AND NEXT YEAR’S BUDGETS AND RATES

A product of an ongoing examination of how the Town provides cost-effective services, the Town’s budget emphasizes outcomes or results for the community and allows for longer-term financial planning decisions.

During the development and adoption of the Town's FY 2022/23 budget, the Town Council and management considered the following factors:

- The FY 2022/23 Budget reflects maintaining high service levels with little to no increases in the employee headcount. However during FY 2021/22, the Town successfully completed negotiations with all bargaining units. While important for the consistent delivery of high quality services for the Town, these actions exacerbated an already existing imbalance between revenues and expenditures. The Town is carefully monitoring its revenue and expenditures and will identify any required modifications at the mid-year budget discussion.
- Several Strategic Priorities are not one-time projects, but rather are ongoing commitments due to their critical significance to ensure the Town's fiscal and infrastructure stability and the safety and quality of life for Los Gatos residents, businesses, and visitors. These commitments include continuing to address the Town's unfunded pension and OPEB obligations; transportation demand management initiatives; exploration of new revenue opportunities, efforts to support community and economic vitality and the enhancement of emergency preparedness and community wildfire resilience.
- In terms of capital projects, the Town Council affirmed its interest in investing in bicycle and pedestrian improvements and implementing elements of the Comprehensive Parking Study. In addition to capital projects, the Council identified new policy priorities which include community policing and implementing diversity, equity, and inclusion efforts.
- Other Strategic Priorities should position the Town well for its future. The Council completed the General Plan update in FY 2021/22 and is preparing the Housing Element update. These efforts engage the community in land use planning and policies to guide development for the next couple of decades and address environmental sustainability and climate resiliency. Other Priorities included parking study implementation and completing the parklet program.
- Specific trends affecting the fund balance forecast include:
 - General property tax collections represent approximately 34.2% (not including the State's property tax "backfill" shifts) of the Town's General Fund revenues. Property tax collections are expected to increase 5.5% in FY 2022/23 from the prior year's tax collections. This increase reflects the continued strong property assessment values through the Town. This forecast is based on data from the Santa Clara County Tax Assessor's Office. The Town closely monitors its actual collection and other legislative changes regarding property tax.
 - The Town anticipates an increase in sales tax for FY 2022/23. General sales tax estimates of \$7.9 million and \$1.3 million in dedicated district sales tax revenue for FY 2022/23 were budgeted reflecting a 5.8% combined increase from the prior year's adjusted sales tax budget.

- The Town's investment portfolio yield was 1.37% as of June 30, 2022 which trended the same as the average yield of June 30, 2021. Prevailing interest rates are rising based on Federal Reserve actions.
- Transient Occupancy Tax (TOT) is expected to increase by 17.3% from FY 2021/22 adjusted budget. During the pandemic, TOT experienced the most significant percentage decline relative to historical adopted budgets. Due to a significant rebound in leisure "staycation" travel and modest improvements in business travel, current TOT collections are trending higher than anticipated and average occupancy rates are rebounding as well. Given the uncertainty around physical business travel resuming at prior levels, as opposed to a continuation of remote work and online meeting forums, staff believes TOT revenues will continue to remain below FY 2018/19 levels.
- The Town's pension plans over the past several decades, like all other CalPERS participants, have experienced volatile investment returns, changes in actuarial assumptions, and demographic shifts which have outweighed any positive plan experiences. To address this unfunded status, the Town took proactive steps including initiating the prefunding of OPEB obligations, budgeting and programming additional discretionary pension payments to accelerate reduction of unfunded liabilities, and recently partnering with the Town's employee groups to eliminate the existing retiree healthcare benefit for new employees. Even with these proactive steps, the Town continues to be impacted by the continuing rising cost of pension related benefits. Over the next five fiscal years, the Town's five-year forecast includes increasing pension costs due to further changes in actuarial assumptions or lowering the discount rate. The Town's net pension liability is \$16.7 million for the safety cost sharing plan and \$10.7 million for the miscellaneous plan based upon data from CalPERS as of 6/30/2021.
- To illustrate the sensitivity of the net pension liability to changes in the discount rate, CalPERS estimates that a 1 % reduction in the discount rate from 7.15% to 6.15% would increase the total net pension liability for both Miscellaneous and Safety by \$28.5 million. Conversely, an increase in the discount rate from 7.15% to 6.15% would decrease the total net pension liability for both Miscellaneous and Safety by \$23.6 million.
- In addition, CalPERS provides a hypothetical termination liability estimate of the plans should the contract with CalPERS be terminated. The plan liability on a termination basis is calculated differently from the plans' ongoing funding liability. Since no future employer contributions would be made in the hypothetical termination, benefit payments are secured by risk-free assets. For the Miscellaneous plan, a 2.25% termination return rate results in a \$117.7 million termination liability. For the Safety Classic and PEPR plans, a 2.25% termination return rate results in a \$124.1 million termination liability.
- For detailed information about the Town employees' retirement plan please refer to Note 11 of the Notes to Basic Financial Statements Section.

Requests for Information

This financial report is designed to provide residents, taxpayers, customers, investors, and creditors with a general overview of the Town's finances and to demonstrate the Town's accountability for the money it receives. Questions about this report or requests for any additional information, should be directed to Gitta Ungvari, Finance Director, at 110 East Main Street, Los Gatos, California, 95030; email at gungvari@losgatosca.gov; or phone at (408) 354-6805.

Basic Financial Statements

TOWN OF LOS GATOS, CALIFORNIA

**ANNUAL COMPREHENSIVE FINANCIAL REPORT
FOR THE FISCAL YEAR ENDED JUNE 30, 2022**

**GOVERNMENT-WIDE FINANCIAL STATEMENTS
STATEMENT OF NET POSITION AND STATEMENT OF ACTIVITIES**

The Statement of Net Position, Statement of Activities, fund financial statements and the notes to financial statements comprise the Basic Financial Statements of the Town.

The purpose of the Statement of Net Position and the Statement of Activities is to summarize the entire financial activities and financial position of the Town. They are prepared on the same basis of accounting (accrual) used by most businesses, which means they include all the Town's assets and liabilities, as well as its revenues and expenses. The effect of the entire Town's transactions is accounted for, regardless of when cash changes hands, and all material internal transactions between funds have been eliminated.

The Statement of Net Position report the Town's total assets, deferred outflows of resources, liabilities, and deferred inflows of resources, including capital assets and long-term debt, and presents similar information to the old balance sheet format while focusing the reader on the composition of the Town's net position (assets minus liabilities). The Statement of Net Position summarizes the financial position of the Town's governmental activities in a single column.

The Town's governmental activities include the activities of the General Fund, Special Revenue Funds, Capital Projects Funds and Debt Service Funds. These funds are serviced by the Town's Internal Service Funds; therefore internal service activities are consolidated with governmental activities after eliminating inter-fund transactions and balances.

The Statement of Activities reports increases and decreases in the Town's net position and is prepared on the full accrual basis of accounting, which means it includes all the Town's revenues and expenses regardless of when cash changed hands. This differs from the "modified accrual" basis of accounting used in the fund financial statements, which reflect only current assets, current liabilities, available revenues and measurable expenditures.

The format of the Statement of Activities presents the Town's expenses before revenues and by program. Program revenues (revenues generated directly by specific programs) are deducted from program expenses to arrive at the net expense of each governmental program, which is offset by general revenues as listed before the change in net position. From these components, the change in net position is computed and reconciled to the Statement of Net Position.

Both of these statements include the financial activities of the Town.

TOWN OF LOS GATOS, CALIFORNIA
STATEMENT OF NET POSITION
JUNE 30, 2022

	Governmental Activities
ASSETS	
Cash and investments	\$ 69,392,044
Restricted cash and investments	819,929
Receivables:	
Accounts	2,319,026
Interest	193,357
Intergovernmental	2,176,777
Other assets	136,908
Long-term leases receivable	1,826,417
Long-term notes receivables	1,437,752
Capital Assets:	
Nondepreciable	26,066,102
Depreciable, net of accumulated depreciation	101,704,464
Total Assets	<u>\$ 206,072,776</u>
DEFERRED OUTFLOWS OF RESOURCES	
Pension adjustments	\$ 10,598,492
OPEB adjustments	2,633,787
Total Deferred Outflows of Resources	<u>\$ 13,232,279</u>
LIABILITIES	
Accounts payable	\$ 2,670,371
Accrued payroll and benefits	1,114,106
Due to other governments	162,804
Unearned Revenue	5,312,407
Deposits	6,893,875
Claims payable	1,384,115
Long-term liabilities:	
Due within one year	
Compensated absences	220,293
Loans payable	156,034
Due in more than one year	
Net OPEB liability	2,491,580
Net pension liabilities	27,486,187
Compensated absences	2,818,000
Loans payable	1,196,257
Total Liabilities	<u>\$ 51,906,029</u>
DEFERRED INFLOWS OF RESOURCES	
Leases	1,156,412
Pension adjustments	22,132,955
OPEB adjustments	5,702,678
Total Deferred Inflows of Resources	<u>\$ 28,992,045</u>
NET POSITION	
Net investment in capital assets	\$ 126,418,275
Restricted for:	
Library	555,253
Capital projects	8,357,393
Lighting and landscape repairs and maintenance	174,239
Pensions	690,000
VTA	296,598
Worker's compensation claims	129,929
Total Restricted Net Position	10,203,412
Unrestricted	1,785,294
Total Net Position	<u>\$ 138,406,981</u>

The notes to the financial statements are an integral part of this statement.

TOWN OF LOS GATOS, CALIFORNIA
STATEMENT OF ACTIVITIES
FOR THE FISCAL YEAR ENDED JUNE 30, 2022

Functions/Programs	Expenses	Program Revenues			Net (Expense) Revenues and Changes in Net Position
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	
Governmental Activities:					
General government	\$ 15,681,345	\$ 1,725,857	\$ 2,766,833	\$ 12,205,050	\$ 1,016,395
Public safety	15,093,308	1,596,313	1,144,226	-	(12,352,769)
Parks and public works	12,969,615	5,090,014	1,482,896	10,021,156	3,624,451
Community development	5,827,001	4,129,718	670,929	-	(1,026,354)
Library services	2,969,954	521	114,958	-	(2,854,475)
Sanitation	178,575	231,323	-	-	52,748
Total Governmental Activities	<u>\$ 52,719,798</u>	<u>\$ 12,773,746</u>	<u>\$ 6,179,842</u>	<u>\$ 22,226,206</u>	<u>(11,540,004)</u>
General revenues:					
Taxes:					
Property taxes					21,132,098
Sales taxes					8,483,673
Franchise taxes					2,822,515
Other taxes					2,042,580
Motor vehicle in lieu					35,624
Developer fees					1,735,571
Investment earnings					(1,278,978)
Miscellaneous					<u>755,400</u>
Total general revenues					<u>35,728,483</u>
Change in Net Position					<u>24,188,479</u>
Net Position - Beginning					113,518,100
Prior Period Adjustment, Principal Payments					13,003
Prior Period Adjustment, GASB 87 - Leases					<u>687,399</u>
Net Position - Beginning, Adjusted					<u>114,218,502</u>
Net Position - Ending					<u>\$ 138,406,981</u>

TOWN OF LOS GATOS, CALIFORNIA
ANNUAL COMPREHENSIVE FINANCIAL REPORT
FOR THE FISCAL YEAR ENDED JUNE 30, 2022

**FUND FINANCIAL STATEMENTS &
MAJOR GOVERNMENTAL FUNDS**

Fund Financial Statements:

The Fund Financial Statements only present major funds individually while nonmajor funds are combined in a single column. Major funds are generally defined as having significant activities or balances in the current year.

Major Governmental Funds:

The Town determined that the following funds were major funds for the year ended June 30, 2022. Individual non-major funds can be found in the supplemental section.

General Fund is the general operating fund of the Town and is used to account for all financial resources except those required to be accounted for in another fund.

Appropriated Reserves Fund is used to account for resources provided for capital projects not fully funded from other sources.

TOWN OF LOS GATOS, CALIFORNIA
GOVERNMENTAL FUNDS
BALANCE SHEET
JUNE 30, 2022

	General	Appropriated Reserves	Other Nonmajor Governmental Funds	Total Governmental Funds
ASSETS				
Cash & investments	\$ 33,524,572	\$ 17,435,006	\$ 9,419,042	\$ 60,378,620
Restricted cash & investments	690,000	-	-	690,000
Receivables:				
Accounts	1,813,336	396,644	63,244	2,273,224
Interest	193,357	-	-	193,357
Intergovernmental	1,938,789	47	237,941	2,176,777
Other assets	136,908	-	-	136,908
Lease receivable	-	331,696	-	331,696
Long term note receivable	1,359,000	-	78,752	1,437,752
Total Assets	\$ 39,655,962	\$ 18,163,393	\$ 9,798,979	\$ 67,618,334
LIABILITIES				
Accounts payable	\$ 1,453,060	\$ 982,744	\$ 4,450	\$ 2,440,254
Accrued payroll and benefits	1,109,010	-	5,096	1,114,106
Due to other governments	62,712	100,000	42	162,754
Unearned revenue	3,240,516	2,007,096	64,795	5,312,407
Deposits	6,893,875	-	-	6,893,875
Total Liabilities	12,759,173	3,089,840	74,383	15,923,396
DEFERRED INFLOWS OF RESOURCES				
Leases	-	327,100	-	327,100
Unavailable revenue	-	505,700	-	505,700
Total Deferred Inflows of Resources	-	832,800	-	832,800
FUND BALANCE				
Nonspendable:				
Loans receivable	159,000	-	-	159,000
Restricted for:				
Library	-	-	555,253	555,253
Capital projects	-	-	8,357,393	8,357,393
Repairs and maintenance	-	-	174,239	174,239
Pensions	690,000	-	-	690,000
VTA	-	296,598	-	296,598
Committed to:				
Budget stabilization	5,991,566	-	-	5,991,566
Catastrophic	5,991,566	-	-	5,991,566
Pensions/OPEB	300,000	-	-	300,000
Special revenue funds	-	-	637,711	637,711
Assigned to:				
Open Space	410,000	152,000	-	562,000
Parking	-	100,000	-	100,000
Sustainability	140,553	-	-	140,553
Capital/Special projects	11,071,231	13,642,155	-	24,713,386
Carryover encumbrances	33,145	-	-	33,145
Comcast PEG	-	50,000	-	50,000
Compensated Absences	1,519,147	-	-	1,519,147
Measure G 2018 district sales tax	590,581	-	-	590,581
Total Fund Balances	26,896,789	14,240,753	9,724,596	50,862,138
Total Liabilities, Deferred Inflows of Resources and Fund Balances	\$ 39,655,962	\$ 18,163,393	\$ 9,798,979	\$ 67,618,334

The notes to the financial statements are an integral part of this statement.

TOWN OF LOS GATOS, CALIFORNIA
RECONCILIATION OF THE GOVERNMENTAL FUNDS BALANCE SHEET
TO THE GOVERNMENT-WIDE STATEMENT OF NET
POSITION – GOVERNMENTAL ACTIVITIES
JUNE 30, 2022

Fund Balance - Total Governmental Funds \$ 50,862,138

Amounts reported for Governmental Activities in the Statement of Net Position are different from those reported in the Governmental Funds because of the following:

CAPITAL ASSETS

Capital assets used in the Governmental Activities are not financial resources and, therefore, are not reported in the Governmental Funds. 127,770,566

ALLOCATION OF INTERNAL SERVICE FUND NET POSITION

Internal service funds are used by management to charge the cost of management of certain activities such as insurance, central services and maintenance to individual governmental funds. The net current assets of the internal service funds are therefore included as Governmental Activities in the Statement of Net Position. 8,240,282

DEFERRED OUTFLOWS AND INFLOWS OF RESOURCES

The differences from benefit plan assumptions and estimates versus actuals are not included in the plan's actuarial study until the next fiscal year and are reported as deferred inflows or deferred outflows of resources in the statement of net position.

Deferred outflows of resources:

PERS Miscellaneous Plan adjustments	\$ 3,663,900	
PERS Safety Plan adjustments	6,934,592	
OPEB plan adjustments	2,633,787	13,232,279

Deferred Inflows of resources:

PERS Miscellaneous Plan adjustments	\$ (10,235,294)	
PERS Safety Plan adjustments	(11,897,661)	
OPEB plan adjustments	(5,702,678)	(27,835,633)

DEFERRED INFLOWS OF RESOURCES

Revenues from grants that are funded in this fiscal year that will not be collected for several months after the Town's fiscal year end are not considered available and are classified as deferred inflows of resources in the governmental funds. 505,700

LONG-TERM LIABILITIES

Long-term liabilities are not due and payable in the current period and, therefore, are not reported in the Governmental Funds.

Loans payable	\$ (1,352,291)	
Net Pension Liabilities	(27,486,187)	
Net OPEB Liability	(2,491,580)	
Compensated absences	(3,038,293)	(34,368,351)

Net Position - Governmental Activities \$ 138,406,981

The notes to the financial statements are an integral part of this statement.

TOWN OF LOS GATOS, CALIFORNIA
GOVERNMENTAL FUNDS
STATEMENT OF REVENUES, EXPENDITURES, AND
CHANGES IN FUND BALANCES
FOR THE FISCAL YEAR ENDED JUNE 30, 2022

	General	Appropriated Reserves	Other Nonmajor Governmental Funds	Total Governmental Funds
REVENUES				
Property Taxes	\$ 21,129,082	\$ -	\$ 38,640	\$ 21,167,722
Sales Taxes	8,483,673	-	-	8,483,673
Other Taxes	1,909,816	-	66,382	1,976,198
Licenses & Permits	5,096,318	420,055	538,667	6,055,040
Intergovernmental	1,263,352	9,400,918	4,828,712	15,492,982
Charges for Services	5,460,613	1,464,746	-	6,925,359
Fines and Forfeitures	319,170	-	-	319,170
Franchise Fees	2,822,515	-	-	2,822,515
Developer Fees	1,200,000	535,571	-	1,735,571
Interest	(1,404,527)	34,805	90,739	(1,278,983)
Use of Property	32,400	93,001	19,500	144,901
Other	311,040	-	38,105	349,145
Total Revenues	46,623,452	11,949,096	5,620,745	64,193,293
EXPENDITURES				
Current:				
General Government	9,053,968	6,900,000	-	15,953,968
Public Safety	16,451,190	-	-	16,451,190
Parks and Public Works	8,605,457	-	33,671	8,639,128
Community Development	6,313,511	-	-	6,313,511
Library Services	2,752,397	-	74,813	2,827,210
Sanitation and Other	-	-	194,969	194,969
Capital Outlay	-	9,570,780	907,890	10,478,670
Debt service:				
Principal	156,034	-	-	156,034
Total Expenditures	43,332,557	16,470,780	1,211,343	61,014,680
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	3,290,895	(4,521,684)	4,409,402	3,178,613
OTHER FINANCING SOURCES (USES)				
Gain from sale of assets	2,151	-	-	2,151
Transfers in	4,047,313	4,074,141	32,853	8,154,307
Transfers (out)	(4,358,188)	(427,616)	(3,524,881)	(8,310,685)
Total Other Financing Sources (Uses)	(308,724)	3,646,525	(3,492,028)	(154,227)
NET CHANGES IN FUND BALANCES	2,982,171	(875,159)	917,374	3,024,386
BEGINNING FUND BALANCES	23,914,618	15,115,912	8,807,222	47,837,752
ENDING FUND BALANCES	\$ 26,896,789	\$ 14,240,753	\$ 9,724,596	\$ 50,862,138

The notes to the financial statements are an integral part of this statement.

**TOWN OF LOS GATOS, CALIFORNIA
RECONCILIATION OF THE GOVERNMENTAL FUNDS
STATEMENT OF REVENUES, EXPENDITURES, AND
CHANGES IN FUND BALANCES TO THE GOVERNMENT-WIDE
STATEMENT OF ACTIVITIES – GOVERNMENTAL ACTIVITIES
FOR THE FISCAL YEAR ENDED JUNE 30, 2022**

NET CHANGE IN FUND BALANCES - TOTAL GOVERNMENTAL FUNDS **\$ 3,024,386**

Amounts reported for Governmental Activities in the Statement of Activities are different because of the following:

CAPITAL ASSET TRANSACTIONS

Governmental funds report capital outlays as expenditures. However, in the Statement of Activities the cost of those assets is capitalized and allocated over their estimated useful lives and reported as depreciation expense.

Expenditures for capital assets (additions)	\$ 9,180,716	
Current year depreciation	(5,030,087)	
Donated capital assets	12,205,050	16,355,679

Gains and losses from the disposal of capital assets are not considered current financial resources and are not recorded in the governmental fund statement of revenues and expenditures but are recorded in the government-wide statement of activities because they are economic resources.	(1,375)
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LONG-TERM DEBT PROCEEDS AND PAYMENTS

Repayment of debt principal is an expenditure in the governmental funds, but the repayment reduces long-term liabilities in the Statement of Net Position.

Certificates of participation	156,034
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UNAVAILABLE REVENUE

Revenues from grants that are funded in this fiscal year that will not be collected for several months after the Town's fiscal year end are not considered available and are classified as deferred inflows of resources in the governmental funds.	23,997
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COMPENSATED ABSENCES

In governmental funds, compensated absences such as vacations and sick leave are expenditures when taken. However, in the Government Wide Statement of Activities, the current year change in the compensated absences liability is reported.	261,542
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OPEB PLAN CONTRIBUTIONS AND EXPENSE

In governmental funds, actual contributions to OPEB plans are reported as expenditures in the year incurred. However, in the Government-Wide Statement of Activities, only the current year OPEB expense as noted in the plans' valuation reports is reported as an expense, as adjusted for deferred inflows and outflows of resources.	1,257,776
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PENSION PLAN CONTRIBUTIONS AND EXPENSE

In governmental funds, actual contributions to pension plans are reported as expenditures in the year incurred. However, in the Government-Wide Statement of Activities, only the current year pension expense as noted in the plans' valuation reports is reported as an expense, as adjusted for deferred inflows and outflows of resources.	3,168,358
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ALLOCATION ON INTERNAL SERVICE FUND ACTIVITY

Internal service funds are used by management to charge the costs of certain activities to individual funds. The net revenue of the internal service fund is reported with governmental activities.	(57,918)
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CHANGE IN NET POSITION - GOVERNMENTAL ACTIVITIES	<u>\$ 24,188,479</u>
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The notes to the financial statements are an integral part of this statement.

TOWN OF LOS GATOS, CALIFORNIA
GENERAL FUND
STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES
BUDGET AND ACTUAL (GAAP)
FOR THE FISCAL YEAR ENDED JUNE 30, 2022

	Original Budget	Final Budget	Actual	Variance With Final Budget Positive (Negative)
REVENUES				
Property Taxes	\$ 20,036,156	\$ 20,138,320	\$ 21,129,082	\$ 990,762
Sales Taxes	8,177,859	8,671,606	8,483,673	(187,933)
Other Taxes	927,040	1,482,000	1,909,816	427,816
Licenses & Permits	3,869,779	4,477,907	5,096,318	618,411
Intergovernmental	3,881,836	1,148,993	1,263,352	114,359
Charges for Services	3,882,490	4,385,547	5,460,613	1,075,066
Fines and Forfeitures	203,450	213,450	319,170	105,720
Franchise Fees	2,597,630	2,514,020	2,822,515	308,495
Developer Fees	-	-	1,200,000	1,200,000
Interest	440,833	440,833	(1,404,527)	(1,845,360)
Use of Property	32,400	32,400	32,400	-
Other	290,898	290,898	311,040	20,142
Total Revenues	44,340,371	43,795,974	46,623,452	2,827,478
EXPENDITURES				
Current:				
General Government:				
Town Council	201,499	202,890	189,569	13,321
Town Attorney	660,229	669,733	629,936	39,797
Administrative Services	5,087,207	5,965,803	5,441,604	524,199
Non-Departmental	3,546,680	3,581,965	2,792,859	789,106
Total General Government	9,495,615	10,420,391	9,053,968	1,366,423
Public Safety	17,239,480	17,390,966	16,451,190	939,776
Parks & Public Works	8,494,629	9,080,666	8,605,457	475,209
Community Development	5,395,864	5,461,713	6,313,511	(851,798)
Library Services	3,016,395	3,062,707	2,752,397	310,310
Debt Service:				
Principal	-	-	156,034	(156,034)
Total Expenditures	43,641,983	45,416,443	43,332,557	2,083,886
EXCESS (DEFICIT) OF REVENUES OVER EXPENDITURES	698,388	(1,620,469)	3,290,895	4,911,364
OTHER FINANCING SOURCES (USES)				
Gain from sale of assets	600	600	2,151	1,551
Transfers In	633,352	4,047,313	4,047,313	-
Transfers Out	(2,801,047)	(3,833,094)	(4,358,188)	(525,094)
Total Other Financing Sources (Uses)	(2,167,095)	214,819	(308,724)	(523,543)
NET CHANGES IN FUND BALANCE	<u>\$ (1,468,707)</u>	<u>\$ (1,405,650)</u>	2,982,171	<u>\$ 4,387,821</u>
BEGINNING FUND BALANCE			23,914,618	
ENDING FUND BALANCE			<u>\$ 26,896,789</u>	

The notes to the financial statements are an integral part of this statement.

**TOWN OF LOS GATOS, CALIFORNIA
ANNUAL COMPREHENSIVE FINANCIAL REPORT
FOR THE FISCAL YEAR ENDED JUNE 30, 2022**

**PROPRIETARY FUNDS -
INTERNAL SERVICE FUNDS**

Internal service funds account for Town operations financed and operated in a manner similar to a private business enterprise. The intent of the Town is that the cost of providing goods and services to other Town funds be financed through user charges to those funds.

The concept of major funds does not extend to internal service funds because they are used for internal activities only. In the Government-Wide Statement of Activities, the net revenues and expenses of the internal service funds are allocated to the Town Departments or programs that generated them, thus eliminating internal service funds.

TOWN OF LOS GATOS, CALIFORNIA
PROPRIETARY FUNDS -
STATEMENT OF NET POSITION
JUNE 30, 2022

	Governmental Activities Internal Service Funds
ASSETS	
Current Assets:	
Cash & investments	\$ 9,013,424
Restricted cash & investments	129,929
Accounts Receivable	<u>45,802</u>
Total current assets	9,189,155
Noncurrent Assets:	
Leases receivable	<u>1,494,721</u>
Total Assets	<u><u>\$ 10,683,876</u></u>
LIABILITIES	
Current Liabilities:	
Accounts payable	\$ 230,117
Due to other governments	<u>50</u>
Total current liabilities	230,167
Noncurrent liabilities:	
Claims payable	<u>1,384,115</u>
Total Liabilities	<u><u>\$ 1,614,282</u></u>
DEFERRED INFLOWS OF RESOURCES	
Leases	<u><u>\$ 829,312</u></u>
NET POSITION	
Restricted for workers compensation claims	\$ 129,929
Unrestricted	<u>8,110,353</u>
Total Net Position	<u><u>\$ 8,240,282</u></u>

The notes to the financial statements are an integral part of this statement.

**TOWN OF LOS GATOS, CALIFORNIA
 PROPRIETARY FUNDS -
 STATEMENT OF REVENUES, EXPENSES
 AND CHANGES IN NET POSITION
 FOR THE FISCAL YEAR ENDED JUNE 30, 2022**

	Governmental Activities Internal Service Funds
OPERATING REVENUES	
Charges for services	\$ 3,680,107
Interest	5
Use of money and property	115,091
Other local taxes	66,382
Other revenue and reimbursements	<u>303,683</u>
 Total Operating Revenues	 <u>4,165,268</u>
OPERATING EXPENSES	
Insurance expenses	2,116,969
Services and Supplies	<u>2,262,595</u>
 Total Operating Expenses	 <u>4,379,564</u>
 Operating Income (Loss)	 <u>(214,296)</u>
 Transfers in	 251,194
Transfers out	<u>(94,816)</u>
 Net transfers	 <u>156,378</u>
 Change in Net Position	 <u>(57,918)</u>
 BEGINNING NET POSITION	 7,610,801
PRIOR PERIOD ADJUSTMENT GASB 87	<u>687,399</u>
BEGINNING NET POSITION, ADJUSTED	<u>8,298,200</u>
 ENDING NET POSITION	 <u><u>\$ 8,240,282</u></u>

The notes to the financial statements are an integral part of this statement.

**TOWN OF LOS GATOS, CALIFORNIA
PROPRIETARY FUNDS -
STATEMENT OF CASH FLOWS
FOR THE FISCAL YEAR ENDED JUNE 30, 2022**

	Governmental Activities Internal Service Funds
CASH FLOWS FROM OPERATING ACTIVITIES	
Receipts from customers	\$ 3,227,027
Payments to suppliers	(4,441,834)
Insurance reimbursements	258,472
Claims paid	(192,074)
Net cash provided (used) by operating activities	<u>(1,148,409)</u>
CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES	
Transfers In	251,194
Transfers Out	(94,816)
Net cash provided (used) by noncapital financing activities	<u>156,378</u>
Net Increase(Decrease) in Cash and Investments	(992,031)
Cash and investments - beginning of year	<u>9,447,985</u>
Cash and investments - end of year	<u>\$ 8,455,954</u>
Reconciliation of Operating Income to Cash Flows from Operating Activities:	
Operating Income	\$ (214,296)
Change in assets and liabilities:	
Accounts receivables	(14,838)
Leases receivable	(1,494,721)
Due from other funds	478
Deferred inflows of resources	829,312
Accounts payable	57,646
Due to other governments	(33)
Claims payable	<u>(311,957)</u>
Cash Flows From Operating Activities	<u>\$ (1,148,409)</u>

The notes to the financial statements are an integral part of this statement.

TOWN OF LOS GATOS, CALIFORNIA
ANNUAL COMPREHENSIVE FINANCIAL REPORT
FOR THE FISCAL YEAR ENDED JUNE 30, 2022

FIDUCIARY FUNDS

Trust funds are used to account for assets held by the Town as a trustee agent for individuals, private organizations and other governments. The financial activities of these funds are excluded from the government-wide financial statements, but are presented in separate Fiduciary Fund financial statements.

RDA Successor Agency Private Purpose Trust Fund was established to account for the assets and liabilities transferred from the dissolution of the Town's former Redevelopment Agency and the continuing operations related to existing Redevelopment Agency obligations.

TOWN OF LOS GATOS
FIDUCIARY FUNDS
STATEMENT OF FIDUCIARY NET POSITION
JUNE 30, 2022

	RDA Successor Agency
ASSETS	
Cash and investments	\$ 1,920,130
Restricted cash and investments	1,964,434
Loans receivable	610,418
Capital assets:	
Depreciable, net of accumulated depreciation	1,220,316
	<u>1,220,316</u>
Total Assets	<u>\$ 5,715,298</u>
LIABILITIES	
Accounts payable	\$ 68
Interest payable	236,521
Long-term debt:	
Due within one year	1,355,000
Due in more than one year	11,731,235
	<u>11,731,235</u>
Total Liabilities	<u>\$ 13,322,824</u>
NET POSITION	
Restricted for RDA	<u>\$ (7,607,526)</u>
Total Net Position	<u>\$ (7,607,526)</u>

The notes to the financial statements are an integral part of this statement.

**TOWN OF LOS GATOS
PRIVATE PURPOSE TRUST FUNDS
STATEMENT OF CHANGES IN FIDUCIARY NET POSITION
FOR THE FISCAL YEAR ENDED JUNE 30, 2022**

	RDA Successor Agency
ADDITIONS	
Property taxes	\$ 1,937,791
Investment earnings	<u>15,562</u>
Total Additions	<u>1,953,353</u>
DEDUCTIONS	
Program expenses of former RDA	5,200
Interest and fiscal agency expenses of RDA	535,361
Depreciation expense	<u>101,693</u>
Total Deductions	<u>642,254</u>
Gain (loss) on sale of property	<u>(5,257,421)</u>
CHANGE IN NET POSITION	(3,946,322)
NET POSITION - BEGINNING OF YEAR	<u>(3,661,204)</u>
NET POSITION - END OF YEAR	<u>\$ (7,607,526)</u>

The notes to the financial statements are an integral part of this statement.

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Notes to Basic Financial Statements

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TOWN OF LOS GATOS, CALIFORNIA
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2022

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Description of the Financial Reporting Entity

The Town of Los Gatos (the “Town”) operates under a Council-Manager form of government and provides the following services; public safety (including police and emergency management), parks and public works, community development, library, public improvements, planning and zoning, and general administration services. Redevelopment services were provided primary through the Redevelopment Agency of the Town which was dissolved on February 1, 2012.

The Town is largely a residential community located in the foothills of the Santa Cruz Mountains and was incorporated as a municipal corporation in 1887. The Town’s population as of January 1, 2022 was 33,062 (California Department of Finance).

As required by generally accepted accounting principles, these financial statements present the Town as the Primary Government and any component units for which the Town is considered financially accountable.

B. Description of Blended Component Units

The Town did not report any component units as a part of the primary government because the Town Council was not the governing body of any entities and no separate entity provided services entirely to the Town.

C. Description of Joint Ventures and Public Entity Risk Pool

As described in Note 11, the Town participates in two joint ventures and public entity risk pool activities through formally organized separate legal entities. The financial activities of the Pooled Liability Assurance Network Joint Powers Authority (PLAN JPA) and the Local Agency Workers’ Compensation Excess Joint Powers Authority (“LAWCX”) are not included in the accompanying basic financial statements as boards separate from and independent of the Town administer them.

D. Basis of Presentation

The Town’s Basic Financial Statements are prepared in conformity with accounting principles generally accepted in the United States of America. The Government Accounting Standards Board (“GASB”) is the acknowledged standard setting body for establishing accounting and financial reporting standards followed by governmental entities in the U.S.A.

The accompanying financial statements are presented on the basis set forth in Government Accounting Standards Board Statements No. 34, *Basic Financial Statements—and Management’s Discussion and Analysis—for State and Local Governments*, No. 36, *Recipient Reporting for Certain Non-exchange Revenues, an Amendment of GASB Statement No. 33*, No. 37, *Basic Financial Statements—and Management’s Discussion and Analysis—for State and Local Governments; Omnibus*, and No. 38, *Certain Financial Statement Note Disclosures*.

TOWN OF LOS GATOS, CALIFORNIA
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2022

These Statements require that the financial statements described below be presented.

Government-wide Statements: The Statement of Net Position and the Statement of Activities display information about the primary government (the Town). These statements include the financial activities of the overall Town government, except for fiduciary activities. Eliminations have been made to minimize the double counting of internal activities. These statements present *governmental activities* of the Town. Governmental activities generally are financed through taxes, intergovernmental revenues, and other nonexchange transactions.

The Statement of Activities presents a comparison between direct expenses and program revenues for each function of the Town's governmental activities. Direct expenses are those that are specifically associated with a program or function and, therefore, are clearly identifiable to a particular function. Program revenues include (a) charges paid by the recipients of goods or services offered by the programs, (b) grants and contributions that are restricted to meet the operational needs of a particular program and (c) fees, grants and contributions that are restricted to financing the acquisition or construction of capital assets. Revenues that are not classified as program revenues, including all taxes, are presented as general revenues.

Fund Financial Statements: The fund financial statements provide information about the Town's funds, including fiduciary funds and blended component units. Separate statements for each fund category—*governmental*, *proprietary* and *fiduciary*—are presented. The emphasis of fund financial statements is on major individual governmental funds, each of which is displayed in a separate column. All remaining governmental are aggregated and reported as nonmajor funds.

Internal service funds of the Town (which provide services primarily to other funds of the Town) are presented, in summary form, as part of the proprietary fund financial statements. Since the principal users of the internal services are the Town's governmental activities, financial activities of the internal service funds are presented in the governmental activities column when presented at the government-wide level. The costs of these services are allocated to the appropriate function/program in the Statement of Activities.

Proprietary fund operating revenues, such as charges for services, result from exchange transactions associated with the principal activity of the fund. Exchange transactions are those in which each party receives and gives up essentially equal values. Non-operating revenues, such as subsidies and investment earnings, result from non-exchange transactions or ancillary activities.

E. Major Funds

GASB defines major funds and requires that the Town's major governmental funds be identified and presented separately in the fund financial statements. All other funds, called nonmajor funds, are combined and reported in a single column, regardless of their fund-type.

Major funds are defined as funds that have assets, deferred outflows of resources, liabilities, deferred outflows of resources, revenues, or expenditures/expenses equal to ten percent of their fund-type total and five percent of the grand total. The General Fund is always a major fund. The Town may also select other funds it believes should be presented as major funds.

TOWN OF LOS GATOS, CALIFORNIA
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2022

The Town reported the following major governmental funds in the accompanying financial statements:

General Fund is the general operating fund of the Town and is used to account for all financial resources except those required to be accounted for in another fund.

Appropriated Reserves Fund is used to account for resources provided for capital projects not fully funded from other sources.

The Town also reports the following fund types:

Internal Service Funds are used to account for services that are provided to other departments on a cost-reimbursement basis. Those services include workers compensation, self-insurance, facilities maintenance, information technology, and equipment fund.

Fiduciary Funds include Private-Purpose Trust Funds and agency funds used to account for assets held by the Town as an agent for individuals, private organizations, and other governments. The financial activities of this fund are excluded from the government-wide financial statement but are presented in a separate Fiduciary Fund financial statement.

The Town reported the following Fiduciary Funds in the accompanying financial statements:

RDA Successor Agency Private Purpose Trust Fund accounts for the assets, liabilities and operations transferred from the dissolution of the Town's Redevelopment Agency, which includes the following:

- Certificates of Participation issued to finance several capital improvement projects throughout the Town.
- Redevelopment projects and related property tax revenue.
- Affordable Housing Set-Aside Program obligations.
- Repayment of obligations incurred by the Town's Redevelopment Agency prior to its dissolution.

F. Basis of Accounting

The government-wide and fiduciary fund (except for agency funds) financial statements are reported using the *economic resources measurement focus* and the full *accrual basis* of accounting. Revenues are recorded when *earned* and expenses are recorded at the time liabilities are *incurred*, regardless of when the related cash flows take place.

Governmental funds are reported using the *current financial resources* measurement focus and the *modified accrual* basis of accounting. Under this method, revenues are recognized when *measurable* and *available*. The Town considers property tax revenues reported in the governmental funds to be available if the revenues are collected or are reasonably expected to be collected within sixty days after year-end. For revenues other than property taxes, the Town generally applies the

TOWN OF LOS GATOS, CALIFORNIA
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2022

sixty-day period rule but would make exceptions considering the *measurable* and *available* criteria. Expenditures are recorded when the related fund liability is incurred, except for principal and interest on general long-term debt, which is recognized upon becoming due and payable; and except for claims, judgments and compensated absences, which are recognized when estimable and probable. Governmental capital asset acquisitions are reported as *expenditures* in governmental funds. Proceeds of governmental long-term debt and acquisitions under capital leases are reported as *other financing sources*.

Those revenues susceptible to accrual are property and sales taxes, certain intergovernmental revenues, and interest revenue. Fines, forfeitures, licenses and permits, and charges for services are not susceptible to accrual because they are not measurable until received in cash.

Non-exchange transactions, in which the Town gives or receives value without directly, receiving or giving equal value in exchange, include taxes, grants, entitlements, and donations. On the accrual basis, revenue from taxes is recognized in the fiscal year for which the taxes are levied or assessed. Revenue from grants, entitlements, and donations is recognized in the fiscal year in which all eligibility requirements have been satisfied.

The Town may fund programs with a combination of cost-reimbursement grants, categorical block grants and/or general revenues. Thus, both restricted and unrestricted net position may be available to finance program expenditures. The Town's policy is to first apply restricted grant resources to such programs followed by general revenues as necessary.

Certain indirect costs are included in program expenses reported for individual functions and activities.

The Town applies all applicable GASB pronouncements for certain accounting and financial reporting guidance including those applicable to accounting and reporting for proprietary operations. In December of 2010, GASB issued *GASB No. 62, Codification of Accounting and Financial Reporting Guidance Contained in Pre-November 30, 1989 FASB and AICPA Pronouncements*. This statement incorporates pronouncements issued on or before November 30, 1989 into GASB authoritative literature. This includes pronouncements by the Financial Accounting Standards Board (FASB), Accounting Principles Board Opinions (APB), and the Accounting Research Bulletins of the American Institute of Certified Public Accountants' (AICPA) Committee on Accounting Procedure, unless those pronouncements conflict with or contradict with GASB pronouncements.

Pensions - For purposes of measuring the net pension liability and deferred outflows/inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the City's California Public Employees' Retirement System (CalPERS) plans (the Plans) and additions to/deductions from the Plans' fiduciary net position have been determined on the same basis as they are reported by CalPERS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

TOWN OF LOS GATOS, CALIFORNIA
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2022

Generally accepted accounting principles require that the reported results must pertain to liability and asset information within certain defined timeframes. For this report, the following timeframes are used:

Valuation Date	June 30, 2020
Measurement Date	June 30, 2021
Measurement Period	July 1, 2020 to June 30, 2021

Other Post -Employment Benefit (OPEB) Expense -

For purposes of measuring the net OPEB liability, deferred outflows of resources and deferred inflows of resources related to OPEB, and OPEB expense information about the fiduciary net position of the Town's Retiree Benefits Plan (the OPEB Plan) and additions to/deductions from the OPEB Plan's fiduciary net position have been determined on the same basis as they are reported by the OPEB Plan. For this purpose, the OPEB Plan recognizes benefit payments when due and payable in accordance with the benefit terms. Investments are reported at fair value. Generally accepted accounting principles require that the reported results must pertain to liability and asset information within certain defined timeframes. For this report, the following timeframes are used:

Valuation Date	June 30, 2021
Measurement Date	June 30, 2021
Measurement Period	July 1, 2020 to June 30, 2021

Cash and Cash Equivalents - The Town's cash and cash equivalents are considered to be cash on hand, demand deposits, and short-term investments with original maturities of three months or less from the date of acquisition.

State of California statutes and the Town's investment policy authorize the Town to invest in obligations of the U.S. Treasury, its agencies and instrumentalities, collateralized, non-negotiable certificates of deposits, commercial paper rated A-1/P-1, medium-term corporate notes rated A or its equivalent or better by Moody's or Standard & Poor's, asset backed corporate notes, bankers' acceptances, mutual funds, and the State Treasurer's investment pool (Local Agency Investment Fund).

The Town does not enter into repurchase or reverse repurchase agreements.

Restricted Cash and Investments - Certain restricted cash and investments are held by fiscal agents for pension stabilization, worker's compensation insurance and Successor Agency debt service obligations.

Investments - Investments are recorded at fair value in accordance with GASB Statement No. 72, *Fair Value Measurement and Application*. Accordingly, the change in fair value of investments is recognized as an increase or decrease to investment assets and investment income.

TOWN OF LOS GATOS, CALIFORNIA
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2022

Fair value is defined as the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction. In determining this amount, three valuation techniques are available:

- Market approach - This approach uses prices generated for identical or similar assets or liabilities. The most common example is an investment in a public security traded in an active exchange such as the NYSE.
- Cost approach - This technique determines the amount required to replace the current asset. This approach may be ideal for valuing donations of capital assets or historical treasures.
- Income approach - This approach converts future amounts (such as cash flows) into a current discounted amount.

Each of these valuation techniques requires inputs to calculate a fair value. Observable inputs have been maximized in fair value measures, and unobservable inputs have been minimized.

Materials, Supplies and Deposits (Other Assets) - These assets are held for consumption and are stated at cost using the first-in, first-out method. The costs are recorded as expenditures at the time the item is consumed.

Interfund Receivables and Payables - Transactions between funds that are representative of lending/borrowing arrangements outstanding at the end of the fiscal year are referred to as "advances to/advances from other funds". All other outstanding balances between funds are reported as "due to/from other funds."

Advances - Advances between funds and due from/to other funds are offset by a nonspendable fund balance in applicable Town funds to indicate the extent to which they are not available for appropriation and are not expendable available financial resources.

Capital Assets - Capital assets are valued at historical cost or estimated historical cost if actual historical cost is not available. Contributed capital assets are valued at their estimated fair value on the date contributed. Capital assets, including infrastructure, are recorded if acquisition or construction costs exceeds \$10,000.

As required by GASB, the Town depreciates capital assets with limited useful lives over their estimated useful lives. The purpose of depreciation is to spread the cost of capital assets equitably among all users over the life of these assets. The amount charged to depreciation expense each year represents that year's pro rata share of the cost of capital assets. The Town depreciates using the straight-line method which means the cost of the asset is divided by its expected useful life in years and the result is charged to expense each year until the asset is fully depreciated. The Town has assigned the useful lives listed below to capital assets:

Buildings	25-40 years
Improvements	25-40 years
Machinery and equipment	2-20 years
Furniture and fixtures	5-12 years
Software	5-7 years
Infrastructure	20-40 years

TOWN OF LOS GATOS, CALIFORNIA
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2022

Major capital outlay for capital assets and improvements are capitalized as projects are constructed.

Capital assets may be acquired using federal and state grants, contributions from developers, and contributions or grants from other governments. GASB 34 requires that these contributed assets be accounted for as revenue at the time they are contributed.

Leases Receivable - In accordance with Government Accounting Standard Board 87, *Leases*, the Town's leases receivable are measured at the present value of lease payments expected to be received during the lease terms. The present value, net of accumulated amortization, is reported as deferred inflows of resources is recorded for leases. Deferred inflows of resources are recorded at the initiation of the leases in an amount equal to the initial recording of the leases receivable, plus incentive payments received. Amounts recorded as deferred inflows of resources from the leases are amortized on a straight-line basis over the term of the lease.

Deferred Compensation Plan - The Town established a deferred compensation plan created in accordance with California Government Code Section 53212 and Internal Revenue Code Section 457. The plan, available to all Town employees, permits them to defer a portion of their salary until future years. The deferred compensation is not available to employees until termination, retirement, death, or unforeseeable emergency. Deferred compensation plans are not reported as part of the Town's assets or liabilities, as the deferred compensation plan trustees hold those funds in trust on behalf of employees until the employees are eligible to receive the benefits.

Compensated Absences - Accumulated Vacation, Sick Pay and Other Employee Benefits are accrued as earned. Upon termination, employees are paid for all unused vacation at their current hourly rates. Sick leave earned is cashed out based on the following schedule for employees with at least 150 hours accrued and up to a maximum amount as specified under labor contract provisions:

For employees under contract 1-59 months	25.0%
For employees under contract 60-119 months	37.5%
For employees under contract 120 months or more	50.0%

The Town's liability for compensated absences is determined annually. For all governmental funds, amounts expected to be paid out of current financial resources are recorded as liabilities of each fund; the long-term portion is recorded in the Statement of Net Position. The changes of the compensated absences were as follows:

Beginning Balance	\$ 3,299,835
Additions	1,487,446
Payments	(1,748,988)
Ending Balance	<u>\$ 3,038,293</u>
Compensated Absences Current Portion	<u>\$ 220,293</u>

Compensated absences are liquidated by the fund that has recorded the liability. The long-term portion of governmental activities compensated absences is liquidated primarily by the General

TOWN OF LOS GATOS, CALIFORNIA
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2022

fund. Only compensated absences related to terminated employees are reported in the fund financial statements.

Unearned Revenue - Unearned revenue arises when assets are received before revenue recognition criteria have been satisfied. Grants and entitlements received before eligibility requirements are met are recorded as deferred inflows from unearned revenue. In the governmental fund financial statements, receivables associated with non-exchange transactions that will not be collected within the availability period have been recorded as deferred inflows from unavailable revenue.

Long-Term Liabilities - In the government-wide financial statements and private-purpose trust funds long-term debt and other long-term obligations are reported as liabilities in the applicable statement of net position. Bond premiums and discounts, as well as issuance costs, are deferred and amortized over the life of the bonds using the effective interest method. Bonds payable are reported net of the applicable bond premium or discount.

In the fund financial statements, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

Deferred Outflows/Deferred Inflows of Resources - Deferred outflows of resources is a consumption of net position by the Town that is applicable to a future reporting period, for example, contributions to pension and OPEB plans that are after the actuarial measurement date.

Deferred inflows of resources is an acquisition of net position by the Town that is applicable to a future reporting period, for example, unavailable revenue.

Net Position - In the government-wide financial statements, net position is classified in the following categories:

Net Investment in Capital Assets - This amount consists of capital assets net of accumulated depreciation and reduced by outstanding debt that attributed to the acquisition, construction, or improvement of the assets. In addition, deferred outflows of resources and deferred inflows of resources that are attributable to the acquisition, construction, or improvement of those assets or related debt also are included in the net investment in capital assets component of net position.

Restricted Net Position - This amount is restricted by external creditors, grantors, contributors, or laws or regulations of other governments.

Unrestricted Net Position - This amount is all net position that does not meet the definition of "net investment in capital assets" or "restricted net position."

TOWN OF LOS GATOS, CALIFORNIA
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2022

Fund Balances - The Town does not have a policy identifying a minimum unassigned fund balance. Because amounts in the nonspendable, restricted, committed, and assigned categories are subject to varying constraints on their use, the remaining fund balances are otherwise unassigned. In accordance with Government Accounting Standards Board 54, *Fund Balance Reporting and Governmental Fund Type Definitions*, the Town classifies governmental fund balances as follows:

Non-spendable includes fund balance amounts that cannot be spent either because it is not in spendable form or because of legal or contractual constraints.

Restricted includes fund balance amounts that are constrained for specific purposes which are externally imposed by providers, such as creditors or amounts constrained due to constitutional provisions or enabling legislation.

Committed includes fund balance amounts that are constrained for specific purposes that are internally imposed by the government through formal action of the highest level of decision making authority and does not lapse at year-end. Committed fund balances are imposed by the Town Council.

Assigned includes fund balance amounts that are intended to be used for specific purposes that are neither considered restricted or committed. Fund balance may be assigned by the Town Manager or the Finance Director.

Unassigned includes fund balances within the funds which have not been classified within the above-mentioned categories. The general fund is the only fund that reports a positive unassigned fund balance amount. In other governmental funds it is not appropriate to report a positive unassigned fund balance amount. However, in governmental funds other than the general fund, if expenditures incurred for specific purposes exceed the amounts that are restricted, committed, or assigned to those purposes, it may be necessary to report a negative unassigned fund balance in that fund.

The Town uses restricted/committed amounts to be spent first when both restricted and unrestricted fund balance is available unless there are legal documents/contracts that prohibit doing this, such as a grant agreement requiring dollar for dollar spending. Additionally, the Town would first use committed, then assigned, and lastly unassigned amounts of unrestricted fund balance when expenditures are made.

Use of Estimates - The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent asset and liabilities at the dates of the financial statements and the reported amounts of revenues and expenditures/expenses during the reporting periods. Actual results could differ from those estimates.

Subsequent Events - Management has considered subsequent events through November 23, 2022, the date which the financial statements were available to be issued. The financial statements include all events or transactions, including estimates, required to be recognized in accordance with

TOWN OF LOS GATOS, CALIFORNIA
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2022

generally accepted accounting principles. Management has determined that there are no non-recognized subsequent events that require disclosure other than as summarized in Note 16.

Property Tax Levy, Collection and Maximum Rates - State of California Constitution Article XIII A provides that the combined maximum property tax rate on any given property may not exceed 1% of its assessed value unless an additional amount for general obligation debt has been approved by voters. Assessed value is calculated at 100% of market value as defined by Article XIII A and may be adjusted by no more than 2% per year unless the property is sold, transferred, or substantially improved. The State Legislature has determined the method of distribution of receipts from a 1% tax levy among the counties, cities, school districts and other districts.

The County of Santa Clara assesses properties, bills, and collects property taxes on the following schedule:

	<u>Secured</u>	<u>Unsecured</u>
Valuation/lien dates	January 1	January 1
Levy dates	January 1	January 1
Due dates (delinquent as of)	50% on November 1 (December 10) 50% on February 1 (April 10)	March 1 (August 31)

The term "unsecured" refers to taxes on personal property other than land and buildings. These taxes are secured by liens on the property being taxed. Property taxes levied are recorded as revenue and receivables when they are collected during the fiscal year of levy or within 60 days of year-end.

Budgets and Budgetary Accounting - The Town follows the procedures below when establishing the budgetary data reflected in the financial statements:

1. The Town Manager must provide budget to the Finance Commission at least twenty (20) business days before the first meeting at which the proposed budget is considered by the Town Council.
2. The Town Manager submits to the Town Council a proposed operating and capital improvement budget for the fiscal year commencing the following July 1. The budgets include the proposed expenditures and the means of financing them.
3. Public hearings are conducted to obtain taxpayer comments.
4. The budget is legally enacted through adoption of Town resolution by Council.
5. The Town Manager is authorized to implement the programs as approved in the adopted budget. Within a specific fund, the Town Manager may transfer appropriations between categories, departments, projects and programs as needed to implement the adopted budget, whereas the Town Council must authorize budget increases and decreases, and transfers between funds.
6. Budgets are adopted on a basis consistent with generally accepted accounting principles except for proprietary funds which budget for capital outlays but not depreciation. Budgets were adopted for the General Fund, Special Revenue Funds, Internal Service Funds and Capital Projects Funds.
7. Budgeted amounts are as originally adopted or as amended by Town Council. Individual amendments were not material in relation to original appropriations.

TOWN OF LOS GATOS, CALIFORNIA
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2022

Excess of Expenditures over Appropriations - There were no significant expenditures in excess of budget during for the year ended June 30, 2022.

Encumbrances - Under encumbrance accounting, purchase orders, contract and other commitments for expenditures are recorded in order to reserve that portion of the applicable appropriation. Encumbrance accounting is employed as an extension of formal budgetary integration in all funds. Encumbrances outstanding at year-end are reported as commitments or assignments of fund balances since they do not constitute expenditures or liabilities; unexpended and unencumbered appropriations lapse at year end in all funds. Encumbered appropriations are carried forward to the following year.

Reclassifications - Certain accounts in the prior-year financial statements have been reclassified for the presentation in the current-year financial statements.

G. Accounting and Reporting Changes

GASB Statement No. 87, Leases

The objective of this statement is to better meet the information needs of financial statement users by improving accounting and financial reporting for leases by governments. This statement increases the usefulness of governments' financial statements by requiring recognition of certain lease assets and liabilities for leases that previously were classified as operating leases and recognized as inflows of resources or outflows of resources based on the payment provisions of the contract. It establishes a single model for lease accounting based on the foundational principle that leases are financings of the right to use an underlying asset. Under this statement, a lessee is required to recognize a lease liability and an intangible right-to-use lease asset, and a lessor is required to recognize a lease receivable and a deferred inflow of resources, thereby enhancing the relevance and consistency of information about governments' leasing activities. As of June 30, 2022, the Town recognized three contracts as a lease and implemented the applicable accounting and reporting requirements of a lessor under GASB 87. The following schedule summarizes the lease balances and the impact on beginning net position and fund balance:

Description	Lease Receivable	Deferred Inflows of Resources	Prior Period Adjustment
Initial Net Present Value	\$ 2,692,765	\$ 2,692,765	\$ -
Accumulated Amortization	-	(1,333,252)	1,333,252
Other adjustments	-	1,717	(1,717)
Principal Payments	(644,136)	-	(644,136)
Beginning Balances 7/1/2021	2,048,629	1,361,230	687,399
Current Amortization	-	(204,818)	-
Valuation Expense	(133,807)	-	-
Current Principal Payments	(88,405)	-	-
Ending Balances 6/30/2022	\$ 1,826,417	\$ 1,156,412	\$ 687,399
Governmental Funds	\$ 331,696	\$ 327,100	\$ -
Internal Service Funds	1,494,721	829,312	687,399
Total	\$ 1,826,417	\$ 1,156,412	\$ 687,399

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GASB Statement No. 97, Certain Component Unit Criteria, and Accounting and Financial Reporting for Internal Revenue Code Section 457 Deferred Compensation Plans

The statement (1) requires that a Section 457 plan be classified as either a pension plan or another employee benefit plan depending on whether the plan meets the definition of a pension plan and (2) clarifies that Statement 84, as amended, should be applied to all arrangements organized under IRC Section 457 to determine whether those arrangements should be reported as fiduciary activities.

The requirements of this Statement are effective as follows:

- The requirements in (1) paragraph 4 of this Statement as it applies to defined contribution pension plans, defined contribution OPEB plans and other employee benefit plans and (2) paragraph 5 of this Statement are effective immediately
- The requirements in paragraphs 6–9 of this Statement are effective for fiscal years beginning after June 15, 2021
- All other requirements of this Statement are effective for reporting periods beginning after June 15, 2021

The Town did not report any significant accounting changes from the implementation of this Statement during the year ended June 30, 2022.

H. Upcoming Accounting and Reporting Changes

The Town is currently analyzing its accounting practices to determine the potential impact on the financial statements of the following recent GASB Statements:

GASB Statement No. 91, Conduit Debt Obligations

The objectives of this Statement are to provide a single method of reporting conduit debt obligations by issuers and eliminate diversity in practice associated with (1) commitments extended by issuers, (2) arrangements associated with conduit debt obligations, and (3) related note disclosures. This Statement also clarifies the existing definition of a conduit debt obligation; establishing that a conduit debt obligation is not a liability of the issuer; establishing standards for accounting and financial reporting of additional commitment and voluntary commitments extended by issuers and arrangements associated with the debt obligations; and improving required note disclosures. The requirements of this Statement were initially to be effective for financial statements for periods beginning after December 15, 2020 but have been delayed to periods beginning after December 15, 2021, pursuant to GASB Statement No. 95. Earlier application is encouraged.

GASB Statement No. 94, Public-Private Partnerships and Public-Public Partnerships and Availability Payment Arrangements

The primary objective of this Statement is to improve financial reporting by addressing issues related to public-private and public-public partnership arrangements (PPPs). As used in this

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Statement, a PPP is an arrangement in which a government (the transferor) contracts with an operator (a governmental or nongovernmental entity) to provide public services by conveying control of the right to operate or use a nonfinancial asset, such as infrastructure or other capital asset (the underlying PPP asset), for a period of time in an exchange or exchange-like transaction. Some PPPs meet the definition of a service concession arrangement (SCA), which the Board defines in this Statement as a PPP in which (1) the operator collects and is compensated by fees from third parties; (2) the transferor determines or has the ability to modify or approve which services the operator is required to provide, to whom the operator is required to provide the services, and the prices or rates that can be charged for the services; and (3) the transferor is entitled to significant residual interest in the service utility of the underlying PPP asset at the end of the arrangement. This Statement also provides guidance for accounting and financial reporting for availability payment arrangements (APAs). As defined in this Statement, an APA is an arrangement in which a government compensates an operator for services that may include designing, constructing, financing, maintaining, or operating an underlying nonfinancial asset for a period of time in an exchange or exchange-like transaction. The requirements of this Statement are to be effective for financial statements for periods beginning after June 15, 2022. Earlier application is encouraged.

GASB Statement No. 96, *Subscription-Based Information Technology Arrangements*

GASB 96 provides guidance on accounting for Subscription-Based Information Technology Arrangements (SBITA) where the government contracts for the right to use another party's software. The standards for SBITAs are based on the standards established in GASB Statement No. 87, *Leases*. GASB 96 is effective for fiscal years beginning after June 15, 2022.

GASB Statement No. 99, *Omnibus 2022*

Omnibus statements are issued by GASB to address practice issues identified after other standards have been approved for implementation. Omnibus statements "clear up the loose ends" for recent prior statements GASB has issued. This Omnibus addresses recent pronouncements, including GASB 87 – *Leases*, GASB 94 – *Public-Private and Public-Public Partnerships and Availability Payment Arrangements*, and GASB 96 – *Subscription-Based Information Technology Arrangements*.

Effective Date: The requirements of this Statement are effective as follows:

- The requirements related to extension of the use of LIBOR, accounting for SNAP distributions, disclosures of nonmonetary transactions, pledges of future revenues by pledging governments, clarification of certain provisions in Statement 34, as amended, and terminology updates related to Statement 53 and Statement 63 are effective upon issuance
- The requirements related to leases, PPPs, and SBITAs are effective for fiscal years beginning after June 15, 2022, and all reporting periods thereafter.
- The requirements related to financial guarantees and the classification and reporting of derivative instruments within the scope of Statement 53 are effective for fiscal years beginning after June 15, 2023, and all reporting periods thereafter.

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Earlier application is encouraged and is permitted by topic.

GASB Statement No. 100, *Accounting Changes and Error Corrections*—an amendment of GASB Statement No. 62

This Statement defines *accounting changes* as changes in accounting principles, changes in accounting estimates, and changes to or within the financial reporting entity and describes the transactions or other events that constitute those changes. This Statement also prescribes the accounting and financial reporting for (1) each type of accounting change and (2) error corrections in previously issued financial statements. The requirements of this Statement are effective for accounting changes and error corrections made in fiscal years beginning after June 15, 2023, and all reporting periods thereafter. Earlier application is encouraged.

GASB Statement No. 101, *Compensated Absences*

This Statement requires that liabilities for compensated absences be recognized for (1) leave that has not been used and (2) leave that has been used but not yet paid in cash or settled through noncash means. A liability should be recognized for leave that has not been used if (a) the leave is attributable to services already rendered, (b) the leave accumulates, and (c) the leave is more likely than not to be used for time off or otherwise paid in cash or settled through noncash means. Leave is attributable to services already rendered when an employee has performed the services required to earn the leave. Leave that accumulates is carried forward from the reporting period in which it is earned to a future reporting period during which it may be used for time off or otherwise paid or settled. In estimating the leave that is more likely than not to be used or otherwise paid or settled, a government should consider relevant factors such as employment policies related to compensated absences and historical information about the use or payment of compensated absences. However, leave that is more likely than not to be settled through conversion to defined benefit postemployment benefits should not be included in a liability for compensated absences.

This Statement requires that a liability for certain types of compensated absences—including parental leave, military leave, and jury duty leave—not be recognized until the leave commences. This Statement also requires that a liability for specific types of compensated absences not be recognized until the leave is used.

This Statement also establishes guidance for measuring a liability for leave that has not been used, generally using an employee's pay rate as of the date of the financial statements. A liability for leave that has been used but not yet paid or settled should be measured at the amount of the cash payment or noncash settlement to be made. Certain salary-related payments that are directly and incrementally associated with payments for leave also should be included in the measurement of the liabilities.

With respect to financial statements prepared using the current financial resources measurement focus, this Statement requires that expenditures be recognized for the amount that normally would be liquidated with expendable available financial resources. The requirements of this Statement are effective for fiscal years beginning after December 15, 2023, and all reporting periods thereafter.

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NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2022

NOTE 2 - CASH AND INVESTMENTS

The Town pools cash from all sources and all funds except Restricted Cash and Investments so that it can be invested at the maximum yield, consistent with safety and liquidity, while existing funds have cash available for expenditures.

Cash and Investments Defined

The Town includes only cash deposits in banks as cash. Investments in LAIF and government securities mutual funds are net in the order of liquidity, since they may be withdrawn without penalty. U.S. Treasuries, U.S. Agencies and Certificates of Deposit are the Town's least liquid investments since they must be held to maturity.

Cash Deposits with Banks and Custodial Credit Risk

California Law requires banks and savings and loan institutions to pledge government securities with a fair value of 110% of the Town's cash on deposit, first trust deed mortgage notes with a value of 150% of the deposit, or letters of credit issued by the Federal Home Loan Bank of San Francisco with a value of 100% of the deposit as collateral. Under California Law this collateral is held in the Town's name and places the Town ahead of general creditors of the institution. The Town's cash deposits are collateralized under this law.

The bank balance of the Town's cash deposits was \$18,986,118 and the carrying amount was \$19,366,398 as of June 30, 2022. The bank balance and the carrying amount differed due to deposits in transit and outstanding checks.

Investments

The Town and its fiscal agent invest in individual investments and in investment pools. Individual investments are evidenced by specific identifiable pieces of paper called "securities instruments," or by an electronic entry registering the owner in the records of the institution issuing the security, called the book entry system. In order to maximize security, the Town employs the Trust department of a bank as the custodian of all its investments, regardless of their form.

Fair Value Measurements

GASB 72 established a hierarchy of inputs to the valuation techniques above. This hierarchy has three levels:

- Level 1 inputs are quoted prices in active markets for identical assets or liabilities.
- Level 2 inputs are quoted market prices for similar assets or liabilities, quoted prices for identical or similar assets or liabilities in markets that are not active, or other than quoted prices that are not observable
- Level 3 inputs are unobservable inputs, such as a property valuation or an appraisal.

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Local Agency Investment Fund (LAIF)

The Town invests in the California State Treasurer's Local Agency Investment Fund. LAIF, established in 1977, is regulated by California Government Code Section 16429 and under the day-to-day administration of the State Treasurer. As of June 30, 2022, LAIF had approximately \$232 billion in investments. Of that amount, 99.96% was invested in non-derivative financial products and 0.04% in structured notes and asset-backed securities. These investments are described as follows:

1. Structured Notes are debt securities (other than asset-backed securities) whose cash flow characteristics (coupon rate, redemption amount, or stated maturity) depend upon one or more indices and / or that have embedded forwards or options.
2. Asset-Backed Securities, the bulk of which are mortgage-backed securities, entitle their purchasers to receive a share of the cash flows from a pool of assets such as principal and interest repayments from a pool of mortgages (such as Collateralized Mortgage Obligations) or credit card receivables.

Risk Disclosures

Interest Rate Risk is the risk that changes in market interest rates will adversely affect the fair value of an investment. Generally, the longer the maturity of an investment, the greater the sensitivity of its fair value to the changes in market interest rates. One of the ways that the Town manages its exposure to interest rate risk is by purchasing a combination of shorter term and longer term investments and by timing cash flows from maturities so that a portion of the portfolio is maturing or coming close to maturity evenly over time as necessary to provide the cash flow and liquidity needed for operations. Information about the sensitivity of the fair values of the Town's investments to market interest rate fluctuations is provided in the summary of cash and investments table on the following page that shows the distribution of the Town's investments by maturity.

Credit Risk is the risk of loss due to the failure of the security issuer. This is measured by the assignment of a rating by a nationally recognized statistical rating organization. The summary of cash and investments table on the following page shows the minimum rating under the actual rating of the Town's investments at year end.

Custodial Credit Risk is the risk that in the event of the failure of the counterparty (e.g., broker-dealer) to a transaction, a government will not be able to recover the value of its investment or collateral securities that are in the possession of another party. The Town's investment in money market fund and LAIF is not categorized as to custodial credit risk. Its U.S. Government Agency Securities investment is held by a third party financial institution under the third party's trust department's name and thus not exposed to custodial credit risk.

Concentration of Credit Risk is the risk that the Town's investments are exposed because the types of investments have been too limited. The Town's Policy states that, with the exception of US Treasury securities and LAIF, no more than 50% of the Town's total investment portfolio will be invested in one single security type or with a single financial institution. The Town was in compliance with this policy as of June 30, 2022.

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The following table summarizes the Town's policy related to maturities and concentration of investments:

Investment Type	Maximum Maturity	Maximum Portfolio Percentage
US Treasury Obligations	5 years	None
US Agency Obligations	5 years	None
Bankers Acceptances	180 days	30%
Commercial Paper	270 days	25%
Medium Term Notes	5 years	30%
Collateralized CD's	5 years	30%
CA LAIF	NA	\$65 million
Money Market Funds	NA	20%

The following is a summary of the Town's Cash and Investments (stated at fair value) as of June 30, 2022:

Description	Available for Operations	Restricted	Total	Concentration of Credit Risk	Rating	Input Level	Time to Mature (Years)	Weighted Average Maturity
US Treasury Securities	\$ 15,212,639	\$ -	\$ 15,212,639	29.29%	n/a	2	0-3	1.35
Government Agencies	15,995,919	-	15,995,919	30.79%	n/a	2	0-4	1.52
Corporate Bonds	13,664,652	-	13,664,652	26.31%	A3	2	0-3	1.33
Market Mutual Funds	253,599	-	253,599	0.49%	Not Rated	2	n/a	n/a
LAIF	6,816,565	-	6,816,565	13.12%	Not Rated	n/a	n/a	n/a
Total Investments	51,943,374	-	51,943,374	100.00%				
Cash Deposits with Banks	19,349,009	2,094,363	21,443,372					
Money Market Accounts	17,391	-	17,391					
Pension Trust	-	690,000	690,000					
Cash on Hand at Town	2,400	-	2,400					
Total Cash and Investments	\$ 71,312,174	\$ 2,784,363	\$ 74,096,537					

Cash and investments are classified in the financial statements as shown below, based on whether or not their use is restricted by Town debt or Agency agreements.

Description	Total Town	Fiduciary Funds	Totals
Cash and Investments Available for Operations	\$ 69,392,044	\$ 1,920,130	\$ 71,312,174
Restricted Cash and Investments	819,929	1,964,434	2,784,363
Total Cash and Investments	\$ 70,211,973	\$ 3,884,564	\$ 74,096,537

TOWN OF LOS GATOS, CALIFORNIA
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2022

NOTE 3 - LONG-TERM NOTES RECEIVABLE

The Town had the following long-term notes receivable as of June 30, 2022:

Description	Interest Rate	Maturity	Balance
General Fund:			
Rehab Loan to Charities	Various	Various	\$ 159,000
BMP Loans	Various	Various	1,200,000
Total General Fund			<u>1,359,000</u>
Community Development Block Grant Fund (CDBG):			
Housing Conservation	0-5%	Various	78,752
Total CDBG			<u>78,752</u>
Total Long-Term Notes Receivable - Government-Wide Statement of Net Position			<u>1,437,752</u>
Successor Agency Affordable Housing:			
Project Match	Various	Various	610,418
Total Long-Term Notes Receivable			<u>\$ 2,048,170</u>

BMP Loans - The purpose of the Below Market Price (BMP) Housing Program is to provide adequate housing for Los Gatos residents, regardless of age, income, race, or ethnic background. As required by the State, the Town plans and facilitates the construction of housing adequate for future populations consistent with environmental limitations and in a proper relationship to community facilities, open space, transportation, and small-town character.

Active Home Loans and Housing Conservation Loans - The Town used Community Development Block Grant Funds (a federal grant) to assist low and moderate income homeowners to improve their homes and to fund low income housing rental properties acquisition and rehabilitation. These loans are secured by deeds of trust.

Project Match - The Successor Agency has a loan agreement with Project Match, a nonprofit benefit corporation, to acquire and rehabilitate four or five bedroom single-family homes. The property is to provide affordable housing rental to very low-income senior households. The loan receivable is evidenced by a promissory note and secured by a deed of trust. From inception of the loan through June 30, 2022, no interest or principal payments have been made.

TOWN OF LOS GATOS, CALIFORNIA
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2022

NOTE 4 - LEASES RECEIVABLE

In January of 2010, the Town entered into a twenty-year lease with the Los Gatos Saratoga Recreation (LGS) allowing LGS to use the property at 123 East Main Street. Under the lease, LGS paid the Town \$19,950 per year at the beginning of the lease. After cumulative CPI adjustments, the payment in the final year of the lease will be \$30,216. The lease receivable is measured as the present value of the future minimum rent payments expected to be received during the lease term at a discount rate of 6.6%. The outstanding balance on the lease at year end was \$165,056.

In January of 2010, the Town entered into a twenty-year lease with the Los Gatos Saratoga Recreation (LGS) allowing LGS to use the property at 208 East Main Street. Under the lease, LGS paid the Town \$90,000 per year at the beginning of the lease. After cumulative CPI adjustments, the payment in the final year of the lease will be \$243,435. The lease receivable is measured as the present value of the future minimum rent payments expected to be received during the lease term at a discount rate of 6.6%. The outstanding balance on the lease at year end was \$1,329,665.

In March of 2021, the Town entered into a five-year lease with Tesla Motor Cars (Tesla) allowing Tesla to use the property at 10065 Donner Pass Road. Under the lease, Tesla pays the Town \$96,000 per year during the term of the lease. The lease receivable is measured as the present value of the future minimum rent payments expected to be received during the lease term at a discount rate of 2%. The outstanding balance on the lease at year end was \$331,696.

The following summarizes the leases as of June 30, 2022:

Description	Tesla		LGS 123 E. Main St	
	Lease Receivable	Deferred Inflows of Resources	Lease Receivable	Deferred Inflows of Resources
Beginning Balance	420,101	418,384	179,329	109,393
Current Amortization	-	(91,284)	-	(12,997)
Valuation Expense	-	-	-	-
Current Principal Payments	(88,405)	-	(14,273)	-
Ending Balance	<u>\$ 331,696</u>	<u>\$ 327,100</u>	<u>\$ 165,056</u>	<u>\$ 96,396</u>

Description	LGS 208 E. Main St		Totals	
	Lease Receivable	Deferred Inflows of Resources	Lease Receivable	Deferred Inflows of Resources
Beginning Balance	1,449,199	831,736	2,048,629	1,359,513
Current Amortization	-	(98,820)	-	(203,101)
Valuation Expense	-	-	-	-
Current Principal Payments	(119,534)	-	(222,212)	-
Ending Balance	<u>\$ 1,329,665</u>	<u>\$ 732,916</u>	<u>\$ 1,826,417</u>	<u>\$ 1,156,412</u>

TOWN OF LOS GATOS, CALIFORNIA
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2022

NOTE 5 - INTERFUND TRANSACTIONS

Inter-fund Receivables and Payables - Amounts due to or due from other funds reflect inter-fund balances for services rendered or short-term loans expected to be repaid in the next fiscal year. Advances to or from other funds are long-term loans between funds that are to be repaid in their entirety over several years. As of June 30, 2022, there were no interfund receivables or payables.

Transfers - With Council approval resources may be transferred from one fund to another. Transfers routinely reimburse funds that have made an expenditure on behalf of another fund. Transfers may also be made to pay for capital projects or capital outlays, lease or debt service payments, operating expenses and low and moderate-income housing projects. Transfers between funds during the fiscal year ended June 30, 2022 were as follows:

	Transfers In	Transfers Out
General Fund	\$ 4,047,313	\$ 4,358,188
Appropriated Reserves Fund	4,074,141	427,616
Nonmajor Gov't Funds	32,853	3,524,881
Internal Service Funds	251,194	94,816
Total Transfers	<u>\$ 8,405,501</u>	<u>\$ 8,405,501</u>

NOTE 6 - CAPITAL ASSETS

Changes in the Town's capital assets during the fiscal year are shown as follows:

	Balance at June 30, 2021	Adjustments and Additions	Transfers and Retirements	Balance at June 30, 2022
Capital Assets not Being Depreciated:				
Land	\$ 20,254,950	\$ 5,811,153	\$ -	\$ 26,066,103
Construction in Progress	5,452,048	3,747,677	(1,421,650)	7,778,075
Total Capital assets not Being Depreciated	25,706,998	9,558,830	(1,421,650)	33,844,178
Capital Assets Being Depreciated:				
Buildings and Improvements	31,741,121	7,697,000	175,502	39,613,623
Equipment & Vehicle	12,394,588	345,811	(184,782)	12,555,617
Infrastructure - All Other	26,362,567	710,706	461,227	27,534,500
Infrastructure - Streets	77,988,356	3,073,418	130,578	81,192,352
Total capital Assets Being Depreciated	148,486,632	11,826,935	582,525	160,896,092
Less Accumulated Depreciation for:				
Buildings and Improvements	9,312,289	819,412	-	10,131,701
Equipment & Vehicle	9,619,882	612,396	(187,534)	10,044,744
Infrastructure - All Other	8,013,205	811,283	-	8,824,488
Infrastructure - Streets	35,831,991	2,786,996	(650,216)	37,968,771
Total Accumulated Depreciation	62,777,367	5,030,087	(837,750)	66,969,704
Net Capital Assets Being Depreciated	85,709,265	6,796,848	1,420,275	93,926,388
Governmental Activity Capital Assets, Net	<u>\$ 111,416,263</u>	<u>\$ 16,355,678</u>	<u>\$ (1,375)</u>	<u>\$ 127,770,566</u>

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Depreciation expense is charged to functions and programs based on their usage of the related assets. The amount allocated to each function or program is as follows:

Governmental Activities	Depreciation Expense
General Government	\$ 355,685
Public Safety	432,622
Parks & Public Works	3,804,766
Community Development	52,600
Library	384,159
Sanitation	255
Total Governmental Activities	<u>\$ 5,030,087</u>

Changes in the RDA Successor Agency trust fund capital assets during the fiscal year are shown as follows:

	Balance at June 30, 2021	Adjustments and Additions	Retirements	Balance at June 30, 2022
Capital Assets not Being Depreciated:				
Land	\$ 5,257,422	\$ -	\$ (5,257,422)	\$ -
Capital Assets Being Depreciated:				
Buildings and Improvements	4,067,708	-	-	4,067,708
Less Accumulated Depreciation for:				
Buildings and Improvements	2,745,700	101,692	-	2,847,392
Net Capital Assets Being Depreciated	1,322,008	(101,692)	-	1,220,316
Successor Agency Capital Assets, Net	<u>\$ 6,579,430</u>	<u>\$ (101,692)</u>	<u>\$ (5,257,422)</u>	<u>\$ 1,220,316</u>

NOTE 7 - LONG-TERM OBLIGATIONS

The Town generally incurs long-term debt to finance projects or purchase assets, which will have useful lives equal to or greater than the related debt.

The following summarizes the changes in long-term debt in the Town during the fiscal year ended June 30, 2022:

Long-Term Debt	Interest Rate	Maturity Date	Original Issue	Beginning Balance	Additions/ Adjustments	Deletions	Ending Balance
Direct Borrowings:							
PG& Loan	0%	2031	<u>\$ 1,560,336</u>	<u>\$ 1,521,328</u>	<u>\$ (13,003)</u>	<u>\$ 156,034</u>	<u>\$ 1,352,291</u>
Due Within One Year							<u>156,034</u>
Due in More Than One Year							<u>\$ 1,196,257</u>

TOWN OF LOS GATOS, CALIFORNIA
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JUNE 30, 2022

Future debt service requirements of the PG&E loan were as follows:

For the Year Ending June 30,	Principal	Interest	Total
2023	\$ 156,034	\$ -	\$ 156,034
2024	156,034	-	156,034
2025	156,034	-	156,034
2026	156,034	-	156,034
2027	156,034	-	156,034
2028-2032	572,121	-	572,121
Total Debt Service	\$ 1,352,291	\$ -	\$ 1,352,291

The following summarizes the changes in long-term debt in the Successor Agency trust fund during the fiscal year ended June 30, 2022:

Long-Term Debt	Interest Rate	Maturity Date	Original Issue	Beginning Balance	Deletions	Ending Balance
2002 COP	2.5-5%	2031	\$ 10,725,000	\$ 5,680,000	\$ 400,000	\$ 5,280,000
2010 COP	2.5-4.25%	2028	15,675,000	8,405,000	900,000	7,505,000
Subtotal COP's			26,400,000	14,085,000	1,300,000	12,785,000
Premiums			753,095	338,892	37,657	301,235
Total Long-Term Debt			\$ 27,153,095	\$ 14,423,892	\$ 1,337,657	\$ 13,086,235
Due Within One Year						1,355,000
Due in More Than One Year						\$ 11,731,235

2002 Certificates of Participation (2002 COPs) - On July 18, 2002, the Town and the Los Gatos Redevelopment Agency issued \$10,725,000 in 2002 COPs, Series A, to finance the acquisition, construction, rehabilitation, equipping and improvement of several capital improvement projects. The Town had pledged lease payments of real property and facilities comprised of the Parks and Public Works Service Center and Baseball Field, as well as Parking Lot No. 1, 2, and 3, as collateral for the repayment of the Certificates. Principal payments are due annually on August 1st, with interest payments due semi-annually on February 1st and August 1st.

2010 Certificates of Participation (2010 COPs) - On June 1, 2010, \$15,675,000 of 2010 COPs were issued to finance the acquisition, construction, and improvement of a library on the Town's Civic Center campus, to be owned and operated by the Town. Principal payments are due annually on August 1, with interest payments due semi-annually on February 1 and August 1.

To assist the Town in paying the cost of acquisition and construction of various projects, the Town and its Redevelopment Agency entered into lease and reimbursement agreements in 2002 and 2010. Under the agreements, the Agency will use available net tax increment revenues resulting from the projects' effect on land values to repay the Town for all lease payments made by the Town to the Agency under the lease agreements for the projects. Net tax increment revenues are all taxes allocated to and paid into the Successor Agency private-purpose trust fund.

TOWN OF LOS GATOS, CALIFORNIA
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2022

Future debt service requirements of the Certificates of Participation were as follows:

For the Year Ending June 30,	Principal	Interest	Total
2023	\$ 1,355,000	\$ 538,713	\$ 1,893,713
2024	1,415,000	479,550	1,894,550
2025	1,485,000	417,300	1,902,300
2026	1,550,000	351,850	1,901,850
2027	1,625,000	283,375	1,908,375
2028-2032	5,355,000	486,475	5,841,475
Total Debt Service	\$ 12,785,000	\$ 2,557,263	\$ 15,342,263

The Successor Agency must maintain a required amount of cash and investments with the trustee under the terms of the COPs issues. These funds are pledged as reserves to be used if the Successor Agency fails to meet its obligations under the COPs issue and totaled 1,964,434 as of June 30, 2022. The California Government Code requires these funds to be invested in accordance with Town ordinance, bond indentures or State statutes. All these funds have been invested as permitted under the Code.

NOTE 8 - SPECIAL ASSESSMENT DISTRICT DEBT WITHOUT COMMITMENT

Special assessment districts are established in various parts of the Town to provide improvements to properties located in those districts. Properties are assessed for the cost of the improvements. These assessments are payable over the term of the debt issued to finance the improvements and are used to pay debt service on debt issued to fund the improvements.

The Town is acting only as an agent and has no legal liability with respect to the payment of any indebtedness of the Downtown Parking Assessment District. There was no non-obligated debt outstanding as of June 30, 2022.

NOTE 9 - FUND BALANCES

Fund balance for governmental funds is reported in classifications (nonspendable, restricted, committed, assigned, and unassigned) that comprise a hierarchy based primarily on the extent to which the government is bound to honor constraints on the specific purposes for which amounts in those funds can be spent.

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As of June 30, 2022, fund balances were classified as follows:

	Beginning Balance	Additions	Deletions	Ending Balance
Nonspendable				
Loans Receivable	\$ 159,000	\$ -	\$ -	\$ 159,000
Restricted:				
Library	552,877	77,189	(74,813)	555,253
Capital projects	7,544,097	1,827,186	(1,013,890)	8,357,393
Repairs and maintenance	172,356	40,476	(38,593)	174,239
Pensions	-	690,000	-	690,000
VTA	293,323	3,275	-	296,598
Total Restricted	8,562,653	2,638,126	(1,127,296)	10,073,483
Committed:				
Budget stabilization and catastrophes	5,460,485	531,081	-	5,991,566
Catastrophic	5,460,485	531,081	-	5,991,566
Pension/OPEB Reserve	300,000	300,000	(300,000)	300,000
Special revenue funds	537,892	294,788	(194,969)	637,711
Total Committed	11,758,862	1,656,950	(494,969)	12,920,843
Assigned:				
Open Space	562,000	-	-	562,000
Parking	1,460,210	100,000	(1,460,210)	100,000
Sustainability	140,553	-	-	140,553
Capital/Special projects	20,125,734	6,347,187	(1,759,535)	24,713,386
Carryover encumbrances	-	33,145	-	33,145
Comcast PEG	50,000	-	-	50,000
Sale of property	1,200,000	-	(1,200,000)	-
Market Fluctuations	438,333	-	(438,333)	-
Compensated Absences	1,649,917	-	(130,770)	1,519,147
Measure G 2018 District Sales Tax - Residual	590,581	-	-	590,581
Measure G 2018 District Sales Tax - Capital	1,139,909	1,306,076	(2,445,985)	-
Total Assigned	27,357,237	7,786,408	(7,434,833)	27,708,812
Total Fund Balance - Gov't Funds	\$ 47,837,752	\$ 12,081,484	\$ (9,057,098)	\$ 50,862,138

Restricted

Library reflects fund balance from donations and bequests held in trust for the benefit of the Town's library.

Capital Outlay funded from storm drain fees, construction taxes and debt proceeds are legally restricted for major capital projects.

Repairs and Maintenance reflects legally restricted balances for repairs and maintenance of lighting and landscape property and open space property that are financed with special tax assessments on the benefiting property.

VTA are funds provided by the Valley Transportation Authority's Measure B restricted for the pavement/crack seal rehabilitation project.

Pension restricted are amounts paid into a separate legal trust for the Town's Miscellaneous and Safety pension plans administered by CALPERS.

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Committed

Budget Stabilization and Catastrophic fund balance has been committed per Town Council resolution. The Town Council has established by resolution the budget stabilization arrangement and the catastrophe arrangement. The total balances in these arrangements are to be maintained at 25% of annual General Fund ongoing, operating expenditures, excluding one-time expenditures, divided equally between both arrangements. When either arrangement is used, Town Council will develop a 1 to 5-year reserve replenishment plan to meet the minimum threshold of 25% of General Fund ongoing, operating expenditures, excluding onetime expenditures.

The arrangements can be used when:

- Unforeseen emergencies, such as a disaster or catastrophic event occur.
- Significant decrease in property or sales tax, or other economically sensitive revenues.
- Loss of businesses considered to be significant sales tax generators.
- Reductions in revenue due to actions by the state /federal government.
- Workflow/technical system improvements to reduce ongoing personnel costs and enhance customer service.
- One-time maintenance of service levels due to significant economic budget constraints
- One-time transitional costs associated with organizational restructuring to secure long-term personnel cost savings.

Should any of the events listed above occur that require the expenditure of Town resources beyond those provided for in the annual budget, the Town Manager or designee shall have authority to approve catastrophic or budget stabilization arrangement appropriations. The Town Manager or designee shall then present to the Town Council a budget amendment confirming the nature of the event and authorizing the appropriation of reserve funds.

Pension/OPEB Reserve committed fund balance will be used to fund net pension liabilities for the Town's Miscellaneous and Safety pension plans administered by CALPERS. Town policy provides, to the extent possible, that additional annual deposits be calculated committed with the goal of moving the payment of the unfunded pension liability from a 29-year to a 20-year amortization period.

Special Revenue Fund committed fund balance will be used for the activities of the respective special revenue funds.

Assigned

Open Space assigned fund balance will be used to make selective open space acquisitions.

Parking assigned fund balance will be used to mitigate parking issues within the Town.

Sustainability assigned fund balance will be used to fund ongoing sustainability initiatives and programs.

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Capital/Special Projects assigned fund balance will be used for the acquisition and construction of capital facilities as well as special projects or activities as directed by the Town Council.

Comcast PEG assigned fund balance will be used to fund capital improvements linked to the televising of council and planning commission meetings.

Sale of Property is intended to be spent on capital projects.

Market Fluctuations assigned fund balance is used to represent fund balance amounts for unrealized investment gains that have been recorded as investment income in the financial statements in accordance with the requirements of GASB 31.

Compensated Absences assigned fund balance will be used for vacation and sick-pay benefits owed to employees as of June 30, 2022 that were not an obligation of the General Fund because of their long-term nature.

Measure G 2018 District Sales Tax assigned fund balances for operational and capital will be used to track receipt and use of the 1/8 cents District tax funds collected by the Town for operational and capital expenditures.

NOTE 10 - EMPLOYEES' RETIREMENT PLAN

The following summarizes the pension balances as of year-end:

	Defined Benefit Plans		Total
	Misc	Safety	
Deferred outflows of resources	\$ 3,663,900	\$ 6,934,592	\$ 10,598,492
Deferred inflows of resources	\$ 10,235,294	\$ 11,897,661	\$ 22,132,955
Net pension liabilities	\$ 10,723,589	\$ 16,762,598	\$ 27,486,187
Pension expense (credit)	\$ 703,247	\$ 2,686,293	\$ 3,389,540

Plan Descriptions

All qualified employees are eligible to participate in the Town's pooled Safety Plan, a cost-sharing multiple-employer defined benefit pension plan and the Town's Miscellaneous (all other) Plan, an agent Multiple-employer defined benefit pension plan administered by the California Public Employees' Retirement System (CalPERS), which acts as a common investment and administrative agent for its participating member employers. Benefit provisions under the Plans are established by State statute and Town resolution. CalPERS issues publicly available reports that include a full description of the pension plans regarding benefit provisions, assumptions and membership information that can be found on the CalPERS website. Audited financial statements of CalPERS can be obtained from its website <https://www.calpers.ca.gov/page/formspublications>. The Town relies upon actuarial and investment data provided by CalPERS for inclusion and analysis in this report.

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Benefits Provided

CalPERS provides service retirement and disability benefits, annual cost of living adjustments and death benefits to plan members, who must be public employees and beneficiaries. Benefits are based on years of credited service, equal to one year of full-time employment. Members with five years of total service are eligible to retire at age 50 with statutorily reduced benefits. All members are eligible for nonduty disability benefits after 10 years of service. The death benefit is one of the following: the Basic Death Benefit, Lump Sum, or the 1959 Survivor Benefit. The cost-of-living adjustments for each plan are applied as specified by the Public Employees' Retirement Law.

The Plans' provisions and benefits in effect on June 30, 2022, are summarized as follows:

	Miscellaneous			Safety (Police)	
	Tier 1	Tier 2	PEPRA	Tier 1	PEPRA
Benefit formula	2.5% @ 55	2% @ 60	2% @ 62	3.0% @ 50	2.7% @ 57
Benefit vesting schedule	5 Years	5 Years	5 Years	5 Years	5 Years
Benefit payments	Monthly for Life	Monthly for Life	Monthly for Life	Monthly for Life	Monthly for Life
Retirement age	55	55	62	50	57
Monthly benefits as a					
% of eligible compensation	2.0% to 2.5%	1% to 2.5%	1.5% to 2.5%	3.00%	2-2.70%
Required employee contribution rates	8.00%	7% to 8%	7.25%	9.000%	13.75%
Required employer contribution rates	10.37%	10.37%	14.43%	25.59%	13.98%
Required payment of unfunded liability	\$2,515,583	\$2,515,583	\$2,515,583	\$2,317,133	\$19,258

Employees Covered

At June 30, 2022, the following employees were covered by the benefit terms for the Plans:

	Miscellaneous	Safety
Active	120	35
Transferred	101	13
Separated	88	2
Retired	247	84
Total	556	134

Contributions

Section 20814(c) of the California Public Employees' Retirement Law requires that the employer contribution rates for all public employers be determined on an annual basis by the actuary and shall be effective on the July 1 following notice of a change in the rate. Funding contributions for the Plans are determined annually on an actuarial basis as of June 30 by CalPERS. The actuarially determined rates are the estimated amount necessary to finance the costs of benefits earned by employees during the year. The Town is required to contribute the difference between the actuarially determined rate and the contribution rate of employees. In addition, the Town is solely responsible for any annual costs associated with payments toward any unfunded accrued liability.

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For the year ended June 30, 2022, the contributions recognized as part of pension expense for the Plans were as follows:

	<u>Miscellaneous</u>	<u>Safety</u>
Contributions - employer	\$ 3,472,727	\$ 3,072,032

Pension Liabilities, Pension Expenses and Deferred Outflows/Inflows of Resources Related to Pensions Pension Liability

As of June 30, 2022, the Town reported net pension liabilities for each plan as follows:

	<u>Net Pension Liability/(Asset)</u>
Miscellaneous	\$ 10,723,589
Safety	16,762,598
Total	<u>\$ 27,486,187</u>

The Town's net pension liability for the Safety Plan is measured as the proportionate share of the net pension liability while the Miscellaneous plan's net pension liability is a direct calculation based on its actuarial study and is not proportionate. The net pension liability of all the Plans are measured as of June 30, 2021, and the total pension liability for the Plans used to calculate the net pension liability was determined by an actuarial valuation as of June 30, 2020. The Town's proportion of the net pension liability for the Safety Plan was based on a projection of the Town's long-term share of contributions to the pension plans relative to the projected contributions of all participating employers, actuarially determined. The Town's proportionate share of the net pension liability for the Safety Plan as of June 30, 2021 and 2022 was as follows:

	<u>Safety</u>
Proportion - June 30, 2021	0.40751%
Proportion - June 30, 2022	0.47764%
Change - Increase/(Decrease)	<u>0.07012%</u>

For the year ended June 30, 2022, the Town recognized a pension **expense** of \$3,389,540. It should be noted that the net pension obligation varies annually depending upon the plan's actual investment earnings compared to the assumed rate of return during the plan's measurement periods. The Net Pension Obligation (NPO) reported in the Town's ACFRs has experienced a high degree of variability in recent years.

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The following is a summary of the changes in the total pension liability, fiduciary net position and net pension liability of the Town's Miscellaneous Plan as of June 30, 2022:

	Total Pension Liability	Fiduciary Net Position	Net Pension Liability
Beginning Balance	\$ 113,816,919	\$ 82,943,586	\$ 30,873,333
Service Costs	2,062,486	-	2,062,486
Interest on Total Pension Liability	7,943,404	-	7,943,404
Difference Between Actual and Expected Experience	(581,801)	-	(581,801)
Employer Contributions	-	9,160,680	(9,160,680)
Employee Contributions	-	889,649	(889,649)
Net Investment Income	-	19,606,360	(19,606,360)
Employee Contribution Refunds and Benefit Payments	(6,339,615)	(6,339,615)	-
Administrative Expenses	-	(82,856)	82,856
Net Changes	3,084,474	23,234,218	(20,149,744)
Ending Balance	\$ 116,901,393	\$ 106,177,804	\$ 10,723,589

At June 30, 2022, the Town reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Miscellaneous		Safety	
	Deferred Outflows of Resources	Deferred Inflows of Resources	Deferred Outflows of Resources	Deferred Inflows of Resources
Changes of Assumptions	\$ -	\$ -	\$ -	\$ -
Differences between Expected and Actual Experience	191,173	339,384	2,863,875	-
Differences between Projected and Actual Investment Earnings	-	9,895,910	-	9,976,968
Differences between Employer's Contributions and Proportionate Share of Contributions	-	-	-	1,920,693
Change in Employer's Proportion	-	-	998,684	-
Pension Contributions Made Subsequent to Measurement Date	3,472,727	-	3,072,032	-
Total	\$ 3,663,900	\$ 10,235,294	\$ 6,934,592	\$ 11,897,661

The Town reported \$6,544,759 as deferred outflows of resources related to contributions subsequent to the measurement date that will be recognized as a reduction of the net pension liability in the year ended June 30, 2023.

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Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized as pension expense as follows:

Fiscal Year Ending June 30:	Deferred Outflows/(Inflows) of Resources		Total
	Miscellaneous	Safety	
2023	\$ (2,551,456)	\$ (1,423,116)	\$ (1,423,116)
2024	(2,399,281)	(1,701,049)	(1,701,049)
2025	(2,383,639)	(2,165,414)	(2,165,414)
2026	(2,709,745)	(2,745,523)	(2,745,522)
2027	-	-	-
Thereafter	-	-	-
Total	<u>\$ (10,044,121)</u>	<u>\$ (8,035,102)</u>	<u>\$ (8,035,101)</u>

Actuarial Assumptions

The total pension liabilities in the June 30, 2020 actuarial valuations were determined using the following actuarial assumptions:

	Safety	Miscellaneous
Valuation Date	June 30, 2020	June 30, 2020
Measurement Date	June 30, 2021	June 30, 2021
Actuarial Cost Method	Entry-Age Normal Cost Method	Entry-Age Normal Cost Method
Actuarial Assumptions:		
Discount Rate	7.15%	7.15%
Inflation	2.50%	2.50%
Payroll Growth	2.75%	2.75%
Projected Salary Increase	(1)	(1)
Investment Rate of Return	7.00% (2)	7.00% (2)
Mortality	(3)	(3)

- (1) Varies by entry age and service
- (2) Net of pension plan investment expenses, including inflation
- (3) Derived using CalPERS' membership data for all funds

The underlying mortality assumptions and all other actuarial assumptions used in the June 30, 2020 valuation were based on the results of a December 2017 actuarial experience study for the period 1997 to 2016. Further details of the Experience Study can found on the CalPERS website.

Discount Rate

The discount rate used to measure the total pension liability was 7.15 percent for the Plans. To determine whether the municipal bond rate should be used in the calculation of a discount rate for the Plans, CalPERS stress tested plans that would most likely result in a discount rate that would be

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different from the actuarially assumed discount rate. Based on the testing, none of the tested plans run out of assets. Therefore, the current 7.15 percent discount rate is adequate and the use of the municipal bond rate calculation is not necessary. The long-term expected discount rate of 7.15 percent will be applied to all plans in the Public Employees Retirement Fund (PERF). The stress test results are presented in a detailed report that can be obtained from the CalPERS website.

Long-term Expected Rate of Return

The long-term expected rate of return on pension plan investments was determined using a building block method in which best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class.

In determining the long-term expected rate of return, CalPERS took into account both short-term and long-term market return expectations as well as the expected pension fund cash flows. Using historical returns of all the funds' asset classes, expected compound returns were calculated over the short-term (first 10 years) and the long-term (11-60 years) using a building-block approach. Using the expected nominal returns for both short-term and long-term, the present value of benefits was calculated for each fund. The expected rate of return was set by calculating the single equivalent expected return that arrived at the same present value of benefits for cash flows as the one calculated using both short-term and long-term returns. The expected rate of return was then set equivalent to the single equivalent rate calculated above and rounded down to the nearest one quarter of one percent. The table below reflects the long-term expected real rate of return by asset class. The rate of return was calculated using the capital market assumptions applied to determine the discount rate and asset allocation. These rates of return are net of administrative expenses.

Asset Class (a)	Assumed Asset Allocation	Real Return Years 1 - 10 (b)	Real Return Years 11+ (c)
Global Equity	50.00%	4.80%	5.98%
Fixed Income	28.00%	1.00%	2.62%
Inflation Sensitive	0.00%	0.77%	1.81%
Private Equity	8.00%	6.30%	7.23%
Real Estate	13.00%	3.75%	4.93%
Liquidity	1.00%	0.00%	-0.92%
Total	100.00%		

- (a) In the System's ACFR, Fixed Income is included in Global Debt Securities; Liquidity Liquidity is included in Short-term Investments; Inflation Assets are included in both Global Equity Securities and Global Debt Securities.
- (b) An expected inflation of 2.0% used for this period.
- (c) An expected inflation of 2.92% used for this period.

In addition to the expected returns by asset class, the table below reflects the short-term, Long-term, and blended expected rate of return for the total PERF asset allocation as of the 2017 ALM.

Expected Compound Return (1 to 10 years)	6.1%
Long Term Expected Return (11 to 60 years)	8.3%
Blended Return (1 to 60 years)	7.0%

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Sensitivity of the Net Pension Liability to Changes in the Discount Rate

The following presents the Town's net pension liability for the Plans, calculated using the discount rate for the Plans, as well as what the Town's net pension liability would be if it were calculated using a discount rate that is 1-percentage point lower or 1-percentage point higher than the current rate:

	Miscellaneous	Safety
1% Decrease	6.15%	6.15%
Net Pension Liability	\$ 25,600,877	30,483,178
Current	7.15%	7.15%
Net Pension Liability	\$ 10,723,589	16,762,598
1% Increase	8.15%	8.15%
Net Pension Liability	\$ (1,563,756)	5,492,836

Pension Plan Fiduciary Net Position

Detailed information about each pension plan's fiduciary net position is available in the separately issued CalPERS financial reports.

Payable to the Pension Plans

As of June 30, 2022, the Town reported a payable of \$14,548 and \$14,796 for the outstanding amount of contributions to the Miscellaneous Agent Multiple Employer Plan and the Safety Cost Sharing Plan.

IRS Section 115 Trust

During the fiscal year ending June 30, 2020, the Town established an IRS Section 115 Trust with the CalPERS California Employers' Pension Prefunding Trust (CEPPT) program. In fiscal year 2022, the Town transferred \$690,000 which is reported as restricted cash with fiscal agent within the General Fund. Per GASB, amounts placed in trusts for CalPERS plans are treated as side trusts that do not directly reduce the net pension liability.

NOTE 11 - OTHER POST-EMPLOYMENT BENEFITS

Plan Description

The Town makes contributions to California Employers' Retiree Benefit Trust (CERBT), an agent multiple-employer defined benefit healthcare plan administered by CalPERS. The purpose of the CERBT Fund is to provide California government employers with a trust through which they may prefund retiree medical costs and Other Post-Employment Benefits (OPEB). The Town uses CERBT 1 as its investment vehicle and requests disbursements on an as needed basis to reimburse the Town for the cost of retiree health insurance benefits. Benefit provisions and all other requirements are established by state statute and Town ordinance. Copies of CalPERS' annual financial report may be obtained from their Executive Office, 400 P Street, Sacramento, CA 95814.

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In accordance with the Public Employees' Medical and Hospital Care Act (PEMHCA), employees qualify for retiree health benefits upon five (5) years of service if they meet the vesting requirements as set forth by CalPERS and take a service or disability retirement from Town employment. Additionally, the employee must actually draw a CalPERS pension within ninety (90) days of separation from the Town, provided the employee remains with the Town's health plan through COBRA. For employees who retire on or after February 1, 2016, at Medicare eligibility, the Town will align contributions to the full cost of the employee's enrollment, including enrollment of family members, in a health benefits plan or plans up to a maximum of 100% Single Party and 90% Dependents for Kaiser Bay Area Basic/Medicare/Combo per month. During negotiations in fiscal year 2018/19, the Town's discretionary retiree medical benefit contribution was eliminated for all future hires.

Upon retirement, employees have the option to roll over their sick leave accrual into a Town managed fund. Employees can request reimbursement of medical expenses from the fund up to the value of their sick leave at retirement.

Employees Covered by Benefit Terms

At June 30, 2022 (the measurement date), the benefit terms covered the following employees:

Active employees	150
Inactive employees - receiving benefits	142
Inactive employees - not receiving benefits	42
Total employees	<u>334</u>

Contributions

The contribution requirements of Plan members and the Town are established and may be amended by the Town. The required contribution is based on projected pay-as-you-go financing requirements, with additional amounts to prefund benefits as determined annually by the Town Council. For the fiscal year ended June 30, 2022, the Town contributed \$1,754,922 from the General Fund. During the measurement period ended June 30, 2021, the Town contributed \$2,096,847 to the Plan and benefit payments were \$1,494,906. Plan members receiving benefits contributed did not make any contributions.

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Actuarial Assumptions

The following summarized the actuarial assumptions for the OPEB plan included in this fiscal year:

Valuation Date:	June 30, 2021
Measurement Date:	June 30, 2021
Actuarial Cost Method:	Entry-Age Normal
Amortization Period:	20 years
Asset Valuation Method:	Level percentage of payroll, closed
Actuarial Assumptions:	
Discount Rate	6.25%
Inflation	2.50%
Salary Increases	3.00%
Investment Rate of Return	6.75%
Healthcare Trend Rate	Non-Medicare - 7.25% for 2021, decreasing to an ultimate rate of 4% in 2076 Medicare - 6.3% for 2021, decreasing to an ultimate rate of 4% in 2076
Mortality	CalPERS 2000-2019 Experience Study Mortality projected fully generational with Scale MP-2021
Retirement	CalPERS 2000-2019 Experience Study Tier 1 Actives in insurance program: 100% Tier 1 Actives in cash allocation program: 80% Tier 2 Actives in insurance program: 60% Tier 2 Actives in cash allocation program: Agency service < 3 months: 60% Agency service ≥ 3 months: 40% Waived retirees aged <65: 20% Waived retirees aged ≥65: 0%

Assumption Changes:

Discount rate was updated based on newer capital market assumptions
Decreased medical trend rate for Kaiser Senior Advantage
Demographic assumptions updated to CalPERS 2000-2019 Experience Study
Inflation rate decreased 25 basis points, decreasing discount rate, medical trend, and salary increases
Retiree and family participation rates at retirement updated
Implicit subsidy added for Tier 1 Medicare eligible
Mortality improvement scale was updated to Scale MP-2021

Discount Rate

The discount rate used to measure the total OPEB liability was 6.25 percent. The projection of cash flows used to determine the discount rate assumed that Town contributions will be made at rates equal to the actuarially determined contribution rates. Based on those assumptions, the OPEB plan's fiduciary net position was projected to be available to make all projected OPEB payments for current active and inactive employees and beneficiaries. Therefore, the long-term expected rate of return on OPEB plan investments was applied to all periods of projected benefit payments to determine the total OPEB liability.

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Net OPEB Liability

The Town's net OPEB liability was measured as of June 30, 2021 (measurement date) and was determined by an actuarial valuation as of June 30, 2021 (valuation date) for the fiscal year ended June 30, 2022 (reporting date).

Changes in the Net OPEB Liability

The following summarizes the changes in the net OPEB liability during the year ended June 30, 2022:

Fiscal Year Ended June 30, 2022 (Measurement Date June 30, 2021)	Total OPEB Liability	Plan Fiduciary Net Position	Net OPEB Liability (Asset)
Balance at June 30, 2021	\$ 28,610,428	\$ 20,115,214	\$ 8,495,214
Service cost	1,115,309	-	1,115,309
Interest in Total OPEB Liability	1,956,034	-	1,956,034
Employer contributions	-	2,096,847	(2,096,847)
Balance of diff between actual and exp experience	(2,521,500)	-	(2,521,500)
Balance of diff between actual and exp earnings	-	-	-
Balance of changes in assumptions	1,054,638	-	1,054,638
Net investment income	-	5,529,824	(5,529,824)
Administrative expenses	-	(18,556)	18,556
Benefit payments	(1,494,906)	(1,494,906)	-
Net changes	109,575	6,113,209	(6,003,634)
Balance at June 30, 2022	\$ 28,720,003	\$ 26,228,423	\$ 2,491,580
Covered Employee Payroll	\$ 17,982,237		
Total OPEB Liability as a % of Covered Employee Payroll	159.71%		
Plan Fid. Net Position as a % of Total OPEB Liability	91.32%		
Service Cost as a % of Covered Employee Payroll	6.20%		
Net OPEB Liability as a % of Covered Employee Payroll	13.86%		
Contributions as a % of Cov. Emp. Payroll	11.66%		

Deferred Inflows and Outflows of Resources

At June 30, 2022, the Town reported deferred outflows of resources and deferred inflows of resources related to OPEB from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Difference between actual and expected experience	\$ -	\$ 2,174,632
Difference between actual and expected earnings	-	2,982,166
Change in assumptions	878,865	545,880
OPEB contribution subsequent to measurement date	1,754,922	-
Totals	\$ 2,633,787	\$ 5,702,678

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Of the total amount reported as deferred outflows of resources related to OPEB, \$1,754,922 were the result of Town contributions subsequent to the measurement date and before the end of the fiscal year. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to OPEB will be recognized in OPEB expense as follows:

Year Ended June 30,	
2023	\$ (1,158,834)
2024	(1,125,775)
2025	(1,134,439)
2026	(1,160,288)
2027	(244,477)
Thereafter	-
Total	\$ (4,823,813)

Rate of Return

The long-term expected rate of return on OPEB plan investments was determined using a building-block method in which expected future real rates of return (expected returns, net of OPEB plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. The target allocation and best estimates of arithmetic real rates of return for each major asset class are summarized in the table below.

Asset Class	Percentage of Portfolio	Long-Term Expected Rate of Return
Global Equity	59.00%	4.560%
Fixed Income	25.00%	78.000%
TIPS	5.00%	-8.0%
Commodities	3.00%	1.220%
REITs	8.00%	4.060%
Total	100.00%	

OPEB Expense

The following summarizes the OPEB expense by source during the year ended June 30, 2022:

Service cost	\$ 1,115,309
Interest in TOL	1,956,034
Expected investment income	(1,357,919)
Difference between actual and expected experience	(445,555)
Difference between actual and expected earnings	(808,017)
Change in assumptions	18,738
Administrative expenses	18,556
OPEB Expense	\$ 497,146

TOWN OF LOS GATOS, CALIFORNIA
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2022

The following summarizes changes in the net OPEB liability as reconciled to OPEB expense during the year ended June 30, 2022:

Net OPEB liability ending	\$ 2,491,580
Net OPEB liability beginning	<u>(8,495,214)</u>
Change in net OPEB liability	(6,003,634)
Changes in deferred outflows	(497,143)
Changes in deferred inflows	4,901,076
Employer contributions and implicit subsidy	<u>2,096,847</u>
OPEB Expense	<u>\$ 497,146</u>

Sensitivity to Changes in the Discount Rate

The net OPEB liability of the Town, as well as what the Town's net OPEB liability would be if it were calculated using a discount rate that is one percentage point lower or one percentage point higher, is as follows:

		Discount Rate		
		(1% Decrease)	6.25%	(1% Increase)
Net OPEB Liability (Asset)	\$	5,965,597	\$ 2,491,580	\$ (406,616)

Sensitivity to Changes in the Healthcare Cost Trend Rates

The net OPEB liability of the Town, as well as what the Town's net OPEB liability would be if it were calculated using healthcare cost trend rates that are one percentage point lower or one percentage point higher than current healthcare cost trend rates, is as follows:

		Trend Rate		
		(1% Decrease)	Current	(1% Increase)
Net OPEB Liability (Asset)	\$	170,134	\$ 2,491,580	\$ 5,107,398

NOTE 12 - RISK MANAGEMENT

The Town participates in the following public entity risk pools through formally organized and separate legal entities. The Town does not have an equity interest in the joint ventures. These entities exercise full powers and authority within the scope of the related agreements including the preparation of annual budgets, accountability for all funds, the power to make and execute contracts and the right to sue and be sued. Obligations and liabilities of the separate entities are not those of the Town, although the Town retains an ongoing financial interest or an ongoing financial responsibility.

Pooled Liability Assurance Network Joint Powers Authority (PLAN JPA)

The Town participates in PLAN, which covers general liability claims in the amount up to \$5,000,000 plus \$25,000,000 in excess liability for total coverage of \$30,000,000 per occurrence. The Town has a deductible or uninsured liability of up to \$50,000 per claim. PLAN also provides all risk property coverage of \$1,000,000,000, excluding flood and earthquake coverage. The Town has a \$5,000 deductible for property and vehicle damage. Once the Town's deductible is met, PLAN becomes

TOWN OF LOS GATOS, CALIFORNIA
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2022

responsible for payment of all claims up to the limit. Financial statements may be obtained from PLAN at 1750 Creekside Drive, Suite 200, Sacramento, CA, 95833.

Local Agency Workers' Compensation Joint Powers Authority (LAWCX)

The Town is a member of LAWCX for workers compensation claims coverage. The Town has a \$250,000 self-insured retention level or uninsured liability for all employees. Once the Town's deductible is met, LAWCX becomes responsible for claims up to \$5,000,000. For claims greater than \$5,000,000, LAWCX has a commercial policy providing coverage. Financial statements may be obtained from LAWCX at 1750 Creekside Oaks Dr., Suite 200, Sacramento, California, 95833. The Town has not significantly reduced its insurance coverage from the prior year and settlements have not exceeded insurance coverage for the past three years.

Liability for Uninsured Claims

The Town is required to record its liability for uninsured claims and to reflect the current portion of this liability as an expenditure in its financial statements. As discussed above, the Town has coverage for such claims, but it has retained the risk for the deductibles, or uninsured portion of these claims.

The change in Workers' Compensation and Self-Insurance Service Funds' claims liabilities, is based on historical trend information provided by its third party administrator and was computed as follows as of June 30, 2022:

	Workers' Compensation Internal Service Fund	Self- Insurance Internal Service Fund	Total
Claims payable balance - June 30, 2020	\$ 1,191,386	\$ 57,025	\$ 1,248,411
Claims incurred	511,800	143,565	655,365
Claims paid	(207,704)	-	(207,704)
Claims payable balance - June 30, 2021	1,495,482	200,590	1,696,072
Claims incurred/adjustments	-	(119,883)	(119,883)
Claims paid	(130,924)	(61,150)	(192,074)
Claims payable balance - June 30, 2022	\$ 1,364,558	\$ 19,557	\$ 1,384,115

NOTE 13 - COMMITMENTS AND CONTINGENCIES

Federal and State Grants - The Town participates in several federal and state grant programs. These are subject to examination by grantors and the amount, if any, of disallowed expenditures cannot be determined at this time. The Town expects such amounts, if any, to be immaterial.

Litigation - The Town is subject to litigation arising from the normal course of business. The Town Attorney believes there is no pending litigation which is likely to have a material adverse effect on the financial position of the Town.

Successor Agency - As of June 30, 2022, the Successor Agency trust fund reported a net deficit of \$7,607,526.

TOWN OF LOS GATOS, CALIFORNIA
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2022

Encumbrances - As of June 30, 2022, the town had the following encumbered balances that were carried into the next fiscal year:

General Fund	\$ 996,124
Appropriated Reserves Fund	6,604,021
Nonmajor Governmental Funds	1,676,361
Internal Service Funds	559,151
Total Encumbrances	<u>\$ 9,835,657</u>

NOTE 14 - TOWN/SUCCESSOR AGENCY GRANTS, COOPERATIVE AGREEMENTS

Public Improvement Grants and Cooperative Agreements

In January of 2011, the Redevelopment Agency entered into a public improvement grant and cooperative agreement with the Town for the purpose of funding the acquisition of public land and designing and constructing various public improvements to be owned by the Town provided that the projects were in accordance with the Redevelopment Agency's five year implementation plan and redevelopment plan.

The improvement plan, as identified in the agreement, called for approximately \$24 million to be granted to the Town for the following projects:

- a. Expansion and improvement of current and new downtown parking
- b. Highway 9 improvements from Highway 17 to Monte Sereno
- c. Almond Grove Area street, sidewalk and other improvements
- d. Downtown Los Gatos gateways, signage, banners and art
- e. Storm drain, retaining wall, street and other improvements
- f. New Los Gatos library building

During the fiscal year ended June 30, 2012, the rights and obligations resulting from this cooperative agreement were transferred to the Successor Agency Trust Fund as a part of the Town's dissolution of its Redevelopment Agency.

Affordable Housing Cooperative Agreement

In March of 2011, the Redevelopment Agency entered into an affordable housing cooperative agreement with the Town for the purpose of funding affordable housing projects and programs to be developed and/or administered by the Town in accordance with the Redevelopment Agency's five-year implementation plan and redevelopment plan. The improvement plan, as identified in the agreement, called for approximately \$16 million to be granted to the Town for the following projects:

- a. Development of affordable housing at 224 Main St.
- b. Development of affordable housing at Dittos Lane
- c. Partnership with Senior Housing Solutions for the creation of senior housing in Los Gatos

TOWN OF LOS GATOS, CALIFORNIA
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2022

- d. Partnerships for the conversion of existing residential developments dedicated to affordable housing
- e. Grants to the Santa Clara County Housing Trust for the development of affordable housing.

During the fiscal year ended June 30, 2012, the rights and obligations resulting from this cooperative agreement were transferred to the Successor Agency Trust Fund as a part of the Town's dissolution of its Redevelopment Agency.

NOTE 15 - COVID-19 PANDEMIC PROGRAMS

On March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law by President Biden. The \$1.9 trillion package (the Act) provided financial aid to families, governments, businesses, schools, nonprofits and others impacted by the COVID19 public health crisis. Of the \$1.9 trillion, \$350 billion is being directed toward state and local governments. All 19,000 municipal governments are entitled to a direct, noncompetitive federal formula grant from the U.S. Treasury Department. The portion allocated to cities, towns, and villages totals \$65.1 billion of which \$19.5 billion is obligated toward cities with less than 50,000 residents. The Act will allocate \$7,229,744 to the Town over a two-year period. The first tranche payment of \$3,614,862 was received on July 13, 2021, and the second payment no earlier than 12 months after the first payment.

Section 603. CORONAVIRUS LOCAL FISCAL RECOVERY FUND of the Act identified four eligible uses for funding, as follows:

- A. Respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
- B. Respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the metropolitan city, nonentitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;
- C. Provide government services to the extent of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency;
or
- D. Make necessary investments in water, sewer, or broadband infrastructure.

During the fiscal year ended June 30, 2022 , the Town recognized \$3,413,961 as operating grant revenue in the ARPA special revenue fund and transferred \$3,413,961 to other funds, reimbursing the Town for qualifying expenditures under the provisions of the Act. **For FY 2020/21, the Town recognized the initial \$200K of ARPA proceeds as revenue to reimburse the Town for qualifying expenses.**

TOWN OF LOS GATOS, CALIFORNIA
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2022

NOTE 16 - FRANCHISE FEES

The California Supreme Court recently issued an opinion in a case challenging the franchise fees that the city of Oakland charges to certain waste hauling companies. In *Zolly v. City of Oakland*, the court concluded that it did not have enough evidence to rule as a matter of law that the fees are exempt from the voter approval requirements that apply to taxes under Proposition 26, Article XIII C of the California Constitution.

However, there are several exceptions to the general rule that a tax must be approved by the voters. One exception (Article IIIC, section 1 (e)(1)) is for “a charge imposed for a specific benefit conferred or privileged granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.” In the event the Town is unable to utilize one of the exceptions, the potential impact is a loss of approximately \$2.4 million **annually**.

Required Supplementary Information

TOWN OF LOS GATOS, CALIFORNIA
ANNUAL COMPREHENSIVE FINANCIAL REPORT
FOR THE FISCAL YEAR ENDED JUNE 30, 2022

BENEFIT PLAN SCHEDULES

Schedule of Pension Plan Contributions

Schedule of Proportionate Share of Net Pension Liability – CalPERS Safety Cost Sharing Plan

Schedule of Proportionate Share of Net Pension Liability – CalPERS Misc. Agent-Multiple Employer Plan

Schedule of OPEB Contribution

Schedule of Changes in Net OPEB Liability

TOWN OF LOS GATOS, CALIFORNIA

ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2022

SCHEDULE OF PENSION PLAN CONTRIBUTIONS

Miscellaneous Agent Multiple-Employer Plan

Plan Measurement Date	2014	2015	2016	2017	2018	2019	2020	2021
Fiscal Year Ended	2015	2016	2017	2018	2019	2020	2021	2022
Contractually Required Contributions	\$ 1,941,765	\$ 2,223,782	\$ 2,407,496	\$ 2,669,133	\$ 3,049,748	\$ 3,366,304	\$ 3,529,373	\$ 3,472,727
Contributions in Relation to Contractually Required Contributions	1,941,765	2,223,782	2,407,496	2,669,133	3,049,748	8,146,791	9,160,680	3,472,727
Contribution Deficiency (Excess)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (4,780,487)	\$ (5,631,307)	\$ -
Covered Payroll	\$ 8,487,940	\$ 9,198,318	\$ 9,024,370	\$ 9,576,157	\$ 10,211,967	\$ 11,188,927	\$ 12,082,520	\$ 11,970,102
Contributions as a % of Covered Payroll	22.88%	24.18%	26.68%	27.87%	29.86%	72.81%	75.82%	29.01%

Safety Cost Sharing Plan

Plan Measurement Date	2014	2015	2016	2017	2018	2019	2020	2021
Fiscal Year Ended	2015	2016	2017	2018	2019	2020	2021	2022
Contractually Required Contributions	\$ 1,999,757	\$ 1,586,129	\$ 1,738,150	\$ 1,951,711	\$ 2,325,357	\$ 2,565,205	\$ 2,853,764	\$ 3,072,032
Contributions in Relation to Contractually Required Contributions	1,999,757	1,586,129	1,738,150	1,951,711	2,325,357	2,565,205	2,853,764	3,072,032
Contribution Deficiency (Excess)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Covered Payroll	\$ 4,897,104	\$ 5,022,498	\$ 4,941,138	\$ 5,079,440	\$ 4,445,061	\$ 4,928,821	\$ 5,178,418	\$ 5,831,703
Contributions as a % of Covered Payroll	40.84%	31.58%	35.18%	38.42%	52.31%	52.05%	55.11%	52.68%

Notes to Schedule:

Valuation Date: June 30, 2020

Assumptions Used: Entry Age Method used for Actuarial Cost Method

Level Percentage of Payroll and Direct Rate Smoothing

3.8 Years Remaining Amortization Period

Inflation Assumed at 2.50%

Investment Rate of Returns set at 7.00%

CalPERS mortality table based on CalPERS' experience and include 15 years of projected ongoing mortality improvement using 90 percent of Scale MP 2016 published by the Society of Actuaries.

Fiscal year 2015 was the first year of implementation, therefore only eight years are shown.

The CalPERS discount rate was increased from 7.50% to 7.65% in fiscal year 2016, then to 7.15% in 2018.

The CalPERS mortality assumptions was adjusted in fiscal year 2019.

TOWN OF LOS GATOS, CALIFORNIA

ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2022

SCHEDULE OF PROPORTIONATE SHARE OF NET PENSION LIABILITY CALPERS SAFETY COST SHARING PLAN

Safety Cost Sharing Plan								
Plan Measurement Date	2014	2015	2016	2017	2018	2019	2020	2021
Fiscal Year Ended	2015	2016	2017	2018	2019	2020	2021	2022
Proportion of Net Pension Liability (Safety and Misc)	0.28588%	0.14860%	0.22394%	0.22603%	0.23583%	0.24100%	0.24953%	0.30994%
Proportionate Share of Net Pension Liability	\$ 17,788,690	\$ 10,199,904	\$ 19,377,843	\$ 22,415,954	\$ 22,725,267	\$ 24,695,687	\$ 27,149,916	\$ 16,762,598
Covered Payroll	\$ 4,916,535	\$ 4,897,104	\$ 5,022,498	\$ 4,941,138	\$ 5,079,440	\$ 4,445,061	\$ 4,928,821	\$ 5,178,418
Proportionate Share of NPL as a % of Covered Payroll	361.81%	208.28%	385.82%	453.66%	447.40%	555.58%	550.84%	323.70%
Plan's Fiduciary Net Position as a % of the TPL	75.66%	74.89%	74.89%	73.87%	74.52%	73.61%	72.46%	83.55%

Fiscal year 2015 was the first year of implementation, therefore only eight years are shown.

The CalPERS discount rate was increased from 7.50% to 7.65% in fiscal year 2016, then to 7.15% in 2018.

The CalPERS mortality assumptions was adjusted in fiscal year 2019.

TOWN OF LOS GATOS, CALIFORNIA

ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2022

SCHEDULE OF PROPORTIONATE SHARE OF NET PENSION LIABILITY CALPERS MISCELLANEOUS AGENT-MULTIPLE EMPLOYER PLAN

Measurement Date	2014	2015	2016	2017	2018	2019	2020	2021
Total Pension liability								
Service cost	\$ 1,579,547	\$ 1,491,925	\$ 1,560,679	\$ 1,651,550	\$ 1,700,438	\$ 1,771,368	\$ 1,930,090	\$ 2,062,486
Interest	6,268,015	6,483,032	6,697,247	6,820,536	7,073,843	7,381,846	7,729,269	7,943,404
Diff. between expected and actual exp.	-	(623,495)	(357,870)	(892,479)	994,994	1,082,289	1,465,653	(581,801)
Changes of assumptions	-	(1,513,132)	-	5,481,432	(655,541)	-	-	-
Benefit payments (including refunds)	(4,241,487)	(4,748,786)	(4,953,756)	(5,138,083)	(5,448,374)	(5,720,232)	(5,958,101)	(6,339,615)
Net change in Total Pension Liability	3,606,075	1,089,544	2,946,300	7,922,956	3,665,360	4,515,271	5,166,911	3,084,474
Total Pension Liability - beginning	84,904,502	88,510,577	89,600,121	92,546,421	100,469,377	104,134,737	108,650,008	113,816,919
Total Pension Liability - ending	\$ 88,510,577	\$ 89,600,121	\$ 92,546,421	\$ 100,469,377	\$ 104,134,737	\$ 108,650,008	\$ 113,816,919	\$ 116,901,393
Plan fiduciary net position								
Employer contributions	\$ 1,796,079	\$ 1,941,765	\$ 2,223,782	\$ 2,407,496	\$ 2,669,104	\$ 3,049,748	\$ 8,146,791	\$ 9,160,680
Employee contributions	668,167	679,796	691,770	682,891	761,705	846,125	834,145	889,649
Plan to plan resource movement	-	22,561	(28,866)	-	(170)	-	-	-
Projected investment earnings	4,328,173	-	-	-	-	-	-	-
Diff. between est. and actual earnings	5,831,718	-	-	-	-	-	-	-
Net investment income	-	1,470,873	369,185	7,171,443	5,883,868	4,759,034	3,913,294	19,606,360
Benefit payments (including refunds)	(4,241,487)	(4,748,786)	(4,953,756)	(5,138,083)	(5,448,374)	(5,720,232)	(5,958,101)	(6,339,615)
Administrative expense	-	(74,706)	(40,462)	(95,455)	(108,582)	(52,260)	(107,303)	(82,856)
Adjustments	-	-	-	-	(206,199)	170	-	-
Net change in plan fiduciary net position	8,382,650	(708,497)	(1,738,347)	5,028,292	3,551,352	2,882,585	6,828,826	23,234,218
Plan fiduciary net position - beginning	58,716,725	67,099,375	66,390,878	64,652,531	69,680,823	73,232,175	76,114,760	82,943,586
Plan fiduciary net position - ending	\$ 67,099,375	\$ 66,390,878	\$ 64,652,531	\$ 69,680,823	\$ 73,232,175	\$ 76,114,760	\$ 82,943,586	\$ 106,177,804
Net Pension liability (asset)	\$ 21,411,202	23,209,243	27,893,890	30,788,554	30,902,562	32,535,248	30,873,333	10,723,589
Plan fiduciary net position as a percentage of the total Pension liability	75.81%	74.10%	69.86%	69.36%	70.32%	70.05%	72.87%	90.83%
Covered Payroll	\$ 8,406,315	\$ 8,487,940	\$ 9,198,318	\$ 9,024,370	\$ 9,576,157	\$ 10,211,967	\$ 11,188,927	\$ 12,082,520
Net Pension liability % of covered payroll	254.70%	273.44%	303.25%	341.17%	322.70%	318.60%	275.93%	88.75% ¹

Other Notes

Fiscal year 2015 was the first year of implementation, therefore only eight years are shown.

TOWN OF LOS GATOS, CALIFORNIA

ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2022

SCHEDULE OF OPEB CONTRIBUTIONS

Fiscal Year Ended	2018	2019	2020	2021	2022
Actuarially determined contribution (ADC)	\$ 2,129,000	\$ 2,108,000	\$ 2,172,000	\$ 1,859,000	\$ 1,860,000
Less: actual contribution in relation to ADC	(2,935,000)	(2,406,636)	(2,508,306)	(2,096,847)	(1,754,922)
Contribution deficiency (excess)	\$ (806,000)	\$ (298,636)	\$ (336,306)	\$ (237,847)	\$ 105,078
Covered employee payroll	\$ 16,192,060	\$ 17,338,201	\$ 17,406,541	\$ 17,982,237	\$ 16,987,042
Contrib. as a % of covered employee payroll	18.13%	13.88%	14.41%	11.66%	10.33%

Notes to Schedule:

Assumptions and Methods

Valuation Date:	June 30, 2021
Measurement Date:	June 30, 2021
Actuarial Cost Method:	Entry-Age Normal Cost
Amortization Period:	20 years
Asset Valuation Method:	Level percentage of payroll, closed
Actuarial Assumptions:	
Discount Rate	6.25%
Inflation	2.50%
Salary Increases	3.00%
Investment Rate of Return	6.75%
Healthcare Trend Rate	Non-Medicare - 7.25% for 2021, decreasing to an ultimate rate of 4% in 2076
Mortality	CalPERS 2000-2019 Experience Study
Retirement	CalPERS 2000-2019 Experience Study

Other Notes

GASB 75 requires a schedule of contributions for the last ten fiscal years, or for as many years as are available if less than ten years are available. GASB 75 was adopted as of June 30, 2018.

Discount rate was updated based on newer capital market assumptions

Decreased medical trend rate for Kaiser Senior Advantage

Demographic assumptions updated to CalPERS 2000-2019 Experience Study

Inflation rate decreased 25 basis points, decreasing discount rate, medical trend, and salary increases

Retiree and family participation rates at retirement updated

Implicit subsidy added for Tier 1 Medicare eligible

Mortality improvement scale was updated to Scale MP-2021

TOWN OF LOS GATOS, CALIFORNIA

ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2022

SCHEDULE OF CHANGES IN NET OPEB LIABILITY

Measurement Date	2017	2018	2019	2020	2021
Total OPEB liability					
Service cost	\$ 1,134,000	\$ 1,168,227	\$ 1,203,274	\$ 1,159,152	\$ 1,115,309
Interest	1,607,000	1,706,270	1,814,072	1,887,105	1,956,034
Differences between expected & actual exp.	-	-	(149,297)	-	(2,521,500)
Changes of assumptions	-	-	(392,681)	(533,825)	1,054,638
Benefit payments	(1,269,000)	(1,326,313)	(1,298,623)	(1,399,933)	(1,494,906)
Net change in Total OPEB Liability	1,472,000	1,548,184	1,176,745	1,112,499	109,575
Total OPEB Liability - beginning	23,301,000	24,773,000	26,321,184	27,497,929	28,610,428
Total OPEB Liability - ending	\$ 24,773,000	\$ 26,321,184	\$ 27,497,929	\$ 28,610,428	\$ 28,720,003
Plan fiduciary net position					
Employer contributions	\$ 3,878,000	\$ 2,935,313	\$ 2,406,636	\$ 2,508,306	\$ 2,096,847
Net investment income	1,049,000	1,082,977	1,009,315	652,656	5,529,824
Benefit payments	(1,269,000)	(1,326,313)	(1,298,623)	(1,399,933)	(1,494,906)
Administrative expense	(14,000)	(34,261)	(11,502)	(17,357)	(18,556)
Net change in plan fiduciary net position	3,644,000	2,657,716	2,105,826	1,743,672	6,113,209
Plan fiduciary net position - beginning	9,964,000	13,608,000	16,265,716	18,371,542	20,115,214
Plan fiduciary net position - ending	\$ 13,608,000	\$ 16,265,716	\$ 18,371,542	\$ 20,115,214	\$ 26,228,423
Net OPEB liability (asset)	\$ 11,165,000	10,055,468	9,126,387	8,495,214	2,491,580
Plan fiduciary net position as a percentage of the total OPEB liability	54.93%	61.80%	66.81%	70.31%	91.32%
Covered Employee Payroll	\$ 14,985,716	\$ 16,192,060	\$ 17,338,201	\$ 17,406,541	\$ 17,982,237
NOL as a % of cov. emp. payroll	74.50%	62.10%	52.64%	48.80%	13.86%

Other Notes

GASB 75 requires a schedule of contributions for the last ten fiscal years, or for as many years as are available if less than ten years are available. GASB 75 was adopted as of June 30, 2018.

Supplementary Information

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TOWN OF LOS GATOS, CALIFORNIA
ANNUAL COMPREHENSIVE FINANCIAL REPORT
FOR THE FISCAL YEAR ENDED JUNE 30, 2022
MAJOR GOVERNMENTAL FUND SCHEDULES
(OTHER THAN THE GENERAL FUND) AND
NONMAJOR GOVERNMENTAL FUNDS

Schedule of Revenue, Expenditures and Changes in Fund Balances – Budget and Actual (GAAP):

Appropriated Reserves Fund is used to account for resources provided for capital projects not fully funded from other sources.

Capital Projects Funds:

Storm Drain Basin Funds were established to account for fees paid in conjunction with the development in specified drainage areas.

Construction Tax Funds were established to account for tax levies on building additions or alterations including capital improvements, underground utilities and parks.

Gas Tax Fund was established to account for revenue and expenditures under the State of California Streets and Highways Code Sections 2106, 2107 and 2107.5. The revenues must be used for the maintenance and construction of streets.

Special Revenue Funds:

Community Development Block Grant Fund was established to account for grant funds received and expended under the Community Development Act of 1974.

Non-Point Source Maintenance Fund was established to comply with obligations under the National Pollutant Discharge Elimination system permit issued by the California Regional Water Quality Control Board.

Lighting and Landscape Fund was established to account for maintenance of trees, landscaping, irrigation systems and lighting within the boundaries of Tract No. 8439.

ARPA Fund was established to account for monies received under the American Rescue Plan Act of 2021 to respond to the COVID19 emergency.

LG Theatre Fund was established to account for monies received from rents on donated property and related expenditures.

Library Trust Fund was established to provide for the servicing of donations and bequests to the Town's Library Program.

TOWN OF LOS GATOS
APPROPRIATED RESERVES FUND
COMBINING SCHEDULE OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL (GAAP)
FOR THE FISCAL YEAR ENDED JUNE 30, 2022

	Original Budget	Final Budget	Actual	Variance Positive (Negative)
REVENUES				
Licenses & permits	160,000	160,000	420,055	260,055
Intergovernmental	1,691,069	16,912,649	9,400,918	(7,511,731)
Charges for services	755,676	2,693,556	1,464,746	(1,228,810)
Developer fees	20,000	20,000	535,571	515,571
Interest	-	-	34,805	34,805
Use of Property	-	-	93,001	93,001
Total Revenues	2,626,745	19,786,205	11,949,096	(7,837,109)
EXPENDITURES				
Current:				
General government	-	7,000,000	6,900,000	100,000
Capital outlay	5,414,872	10,894,632	9,570,780	1,323,852
Total Expenditures	5,414,872	17,894,632	16,470,780	1,423,852
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	(2,788,127)	1,891,573	(4,521,684)	(6,413,257)
OTHER FINANCING SOURCES (USES)				
Transfers in	2,841,047	3,584,047	4,074,141	490,094
Transfers (out)	(427,616)	(427,616)	(427,616)	-
Total Other Financing Sources (Uses)	2,413,431	3,156,431	3,646,525	490,094
CHANGE IN FUND BALANCE	<u>\$ (374,696)</u>	<u>\$ 5,048,004</u>	(875,159)	<u>\$ (5,923,163)</u>
BEGINNING FUND BALANCE			<u>15,115,912</u>	
ENDING FUND BALANCE			<u>\$ 14,240,753</u>	

TOWN OF LOS GATOS
NONMAJOR GOVERNMENTAL FUNDS
COMBINING BALANCE SHEETS
JUNE 30, 2022

	CAPITAL PROJECTS FUNDS			
	Storm Drains	Construction Tax	Gas Tax	Total Capital Projects Funds
ASSETS				
Cash & investments	\$ 3,218,811	\$ 3,302,514	\$ 1,656,712	\$ 8,178,037
Receivables:				
Accounts	-	-	-	-
Intergovernmental receivable	-	-	179,356	179,356
Long term notes receivable	-	-	-	-
Total Assets	\$ 3,218,811	\$ 3,302,514	\$ 1,836,068	\$ 8,357,393
LIABILITIES				
Accounts payable	\$ -	\$ -	\$ -	\$ -
Accrued payroll and benefits	-	-	-	-
Due to other governments	-	-	-	-
Unearned revenue	-	-	-	-
Total Liabilities	-	-	-	-
FUND BALANCE				
Restricted for:				
Library	-	-	-	-
Repairs and maintenance	-	-	-	-
Capital projects	3,218,811	3,302,514	1,836,068	8,357,393
Committed to:				
Special revenue funds	-	-	-	-
Total Fund Balances	3,218,811	3,302,514	1,836,068	8,357,393
Total Liabilities and Fund Balances	\$ 3,218,811	\$ 3,302,514	\$ 1,836,068	\$ 8,357,393

(Continued)

TOWN OF LOS GATOS
NONMAJOR GOVERNMENTAL FUNDS
COMBINING BALANCE SHEETS
JUNE 30, 2022

	SPECIAL REVENUE FUNDS			
	Community Development	Non-Point Source Maintenance	Lighting and Landscaping	ARPA
ASSETS				
Cash & investments	\$ 94,412	\$ 394,310	\$ 176,334	\$ -
Receivables:				
Accounts	-	63,244	-	-
Intergovernmental receivable	58,344	-	241	-
Long term notes receivable	78,752	-	-	-
Total Assets	\$ 231,508	\$ 457,554	\$ 176,575	\$ -
LIABILITIES				
Accounts payable	\$ 60	\$ 900	\$ 2,336	\$ -
Accrued payroll and benefits	-	5,096	-	-
Due to other governments	-	-	-	-
Unearned revenue	64,795	-	-	-
Total Liabilities	64,855	5,996	2,336	-
FUND BALANCE				
Restricted for:				
Library	-	-	-	-
Repairs and maintenance	-	-	174,239	-
Capital projects	-	-	-	-
Committed to:				
Special revenue funds	166,653	451,558	-	-
Total Fund Balances	166,653	451,558	174,239	-
Total Liabilities and Fund Balances	\$ 231,508	\$ 457,554	\$ 176,575	\$ -

(Continued)

TOWN OF LOS GATOS
NONMAJOR GOVERNMENTAL FUNDS
COMBINING BALANCE SHEETS
JUNE 30, 2022

	SPECIAL REVENUE FUNDS			
	LG Theatre	Library Trust	Total Special Revenue Funds	Total Nonmajor Governmental Funds
ASSETS				
Cash & investments	\$ 19,500	\$ 556,449	\$ 1,241,005	\$ 9,419,042
Receivables:				
Accounts	-	-	63,244	63,244
Intergovernmental receivable	-	-	58,585	237,941
Long term notes receivable	-	-	78,752	78,752
Total Assets	\$ 19,500	\$ 556,449	\$ 1,441,586	\$ 9,798,979
LIABILITIES				
Accounts payable	\$ -	\$ 1,154	\$ 4,450	\$ 4,450
Accrued payroll and benefits	-	-	5,096	5,096
Due to other governments	-	42	42	42
Unearned revenue	-	-	64,795	64,795
Total Liabilities	-	1,196	74,383	74,383
FUND BALANCE				
Restricted for:				
Library	-	555,253	555,253	555,253
Repairs and maintenance	-	-	174,239	174,239
Capital projects	-	-	-	8,357,393
Committed to:				
Special revenue funds	19,500	-	637,711	637,711
Total Fund Balances	19,500	555,253	1,367,203	9,724,596
Total Liabilities and Fund Balances	\$ 19,500	\$ 556,449	\$ 1,441,586	\$ 9,798,979

(Concluded)

**TOWN OF LOS GATOS
NONMAJOR GOVERNMENTAL FUNDS
COMBINING SCHEDULE OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES
FOR THE FISCAL YEAR ENDED JUNE 30, 2022**

	CAPITAL PROJECTS FUNDS			
	Storm Drain	Construction Tax	Gas Tax	Total Capital Projects Funds
REVENUES				
Property Taxes	\$ -	\$ -	\$ -	\$ -
Other Taxes	-	66,382	-	66,382
License and permits	307,344	-	-	307,344
Intergovernmental	-	-	1,370,786	1,370,786
Interest	33,025	35,248	14,401	82,674
Use of property	-	-	-	-
Other	-	-	-	-
Total Revenues	340,369	101,630	1,385,187	1,827,186
EXPENDITURES				
Current:				
Parks and public works	-	-	-	-
Library services	-	-	-	-
Sanitation and other	-	-	-	-
Capital Outlay	39,248	427	868,215	907,890
Total Expenditures	39,248	427	868,215	907,890
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	301,121	101,203	516,972	919,296
OTHER FINANCING SOURCES (USES)				
Transfers in	-	-	-	-
Transfers (out)	-	-	(106,000)	(106,000)
Total Other Financing Sources (Uses)	-	-	(106,000)	(106,000)
Changes in Fund Balances	301,121	101,203	410,972	813,296
Fund Balances - Beginning of year	2,917,690	3,201,311	1,425,096	7,544,097
Fund Balances - End of year	\$ 3,218,811	\$ 3,302,514	\$ 1,836,068	\$ 8,357,393

(Continued)

**TOWN OF LOS GATOS
NONMAJOR GOVERNMENTAL FUNDS
COMBINING SCHEDULE OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES
FOR THE FISCAL YEAR ENDED JUNE 30, 2022**

	SPECIAL REVENUE FUNDS			
	Community Development	Non-Point Source Maintenance	Lighting and Landscaping	ARPA
REVENUES				
Property Taxes	\$ -	\$ -	\$ 38,640	\$ -
Other Taxes	-	-	-	-
License and permits	-	231,323	-	-
Intergovernmental	-	43,965	-	3,413,961
Interest	-	-	1,834	-
Use of property	-	-	-	-
Other	-	-	-	-
Total Revenues	-	275,288	40,474	3,413,961
EXPENDITURES				
Current:				
Parks and public works	-	-	33,671	-
Library services	-	-	-	-
Sanitation and other	-	194,969	-	-
Capital Outlay	-	-	-	-
Total Expenditures	-	194,969	33,671	-
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	-	80,319	6,803	3,413,961
OTHER FINANCING SOURCES (USES)				
Transfers in	-	-	-	-
Transfers (out)	-	-	(4,920)	(3,413,961)
Total Other Financing Sources (Uses)	-	-	(4,920)	(3,413,961)
Changes in Fund Balances	-	80,319	1,883	-
Fund Balances - Beginning of year	166,653	371,239	172,356	-
Fund Balances - End of year	\$ 166,653	\$ 451,558	\$ 174,239	\$ -

(Continued)

**TOWN OF LOS GATOS
NONMAJOR GOVERNMENTAL FUNDS
COMBINING SCHEDULE OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES
FOR THE FISCAL YEAR ENDED JUNE 30, 2022**

	SPECIAL REVENUE FUNDS			
	LG Theatre	Library Trust	Total Special Revenue Funds	Total
REVENUES				
Property Taxes	\$ -	\$ -	\$ 38,640	\$ 38,640
Other Taxes	-	-	-	66,382
License and permits	-	-	231,323	538,667
Intergovernmental	-	-	3,457,926	4,828,712
Interest	-	6,231	8,065	90,739
Use of property	19,500	-	19,500	19,500
Other	-	38,105	38,105	38,105
Total Revenues	19,500	44,336	3,793,559	5,620,745
EXPENDITURES				
Current:				
Parks and public works	-	-	33,671	33,671
Library services	-	74,813	74,813	74,813
Sanitation and other	-	-	194,969	194,969
Capital Outlay	-	-	-	907,890
Total Expenditures	-	74,813	303,453	1,211,343
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	19,500	(30,477)	3,490,106	4,409,402
OTHER FINANCING SOURCES (USES)				
Transfers in	-	32,853	32,853	32,853
Transfers (out)	-	-	(3,418,881)	(3,524,881)
Total Other Financing Sources (Uses)	-	32,853	(3,386,028)	(3,492,028)
Changes in Fund Balances	19,500	2,376	104,078	917,374
Fund Balances - Beginning of year	-	552,877	1,263,125	8,807,222
Fund Balances - End of year	\$ 19,500	\$ 555,253	\$ 1,367,203	\$ 9,724,596

(Concluded)

TOWN OF LOS GATOS
BUDGETED NONMAJOR FUNDS
COMBINING SCHEDULE OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES
BUDGET AND ACTUAL (GAAP)
FOR THE FISCAL YEAR ENDED JUNE 30, 2022

	STORM DRAIN			CONSTRUCTION TAX		
	Budget	Actual	Variance Positive (Negative)	Budget	Actual	Variance Positive (Negative)
REVENUES						
Property taxes	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other taxes	-	-	-	30,000	66,382	36,382
License and permits	92,500	307,344	214,844	-	-	-
Intergovernmental	-	-	-	-	-	-
Charges for services	-	-	-	-	-	-
Fines and forfeitures	-	-	-	-	-	-
Interest	12,580	33,025	20,445	22,490	35,248	12,758
Use of property	-	-	-	-	-	-
Other	-	-	-	-	-	-
Total Revenues	105,080	340,369	235,289	52,490	101,630	49,140
EXPENDITURES						
Current:						
Parks and public works	-	-	-	-	-	-
Library services	-	-	-	-	-	-
Sanitation and other	-	-	-	-	-	-
Capital outlay	102,547	39,248	63,299	427	427	-
Total Expenditures	102,547	39,248	63,299	427	427	-
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	2,533	301,121	298,588	52,063	101,203	49,140
OTHER FINANCING SOURCES (USES)						
Operating transfers in	-	-	-	-	-	-
Operating transfers (out)	-	-	-	-	-	-
Total Other Financing Sources (Uses)	-	-	-	-	-	-
CHANGE IN FUND BALANCE	\$ 2,533	301,121	\$ 298,588	\$ 52,063	101,203	\$ 49,140
BEGINNING FUND BALANCE		2,917,690			3,201,311	
ENDING FUND BALANCE		\$ 3,218,811			\$ 3,302,514	

(Continued)

TOWN OF LOS GATOS
BUDGETED NONMAJOR FUNDS
COMBINING SCHEDULE OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES
BUDGET AND ACTUAL (GAAP)
FOR THE FISCAL YEAR ENDED JUNE 30, 2022

	GAS TAX			COMMUNITY DEVELOPMENT		
	Budget	Actual	Variance Positive (Negative)	Budget	Actual	Variance Positive (Negative)
REVENUES						
Property taxes	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other taxes	-	-	-	-	-	-
License and permits	-	-	-	-	-	-
Intergovernmental	1,446,438	1,370,786	(75,652)	-	-	-
Charges for services	-	-	-	-	-	-
Fines and forfeitures	-	-	-	-	-	-
Interest	1,271	14,401	13,130	-	-	-
Use of property	-	-	-	-	-	-
Other	-	-	-	-	-	-
Total Revenues	1,447,709	1,385,187	(62,522)	-	-	-
EXPENDITURES						
Current:						
Parks and public works	-	-	-	-	-	-
Library services	-	-	-	-	-	-
Sanitation and other	-	-	-	-	-	-
Capital outlay	868,215	868,215	-	-	-	-
Total Expenditures	868,215	868,215	-	-	-	-
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	579,494	516,972	(62,522)	-	-	-
OTHER FINANCING SOURCES (USES)						
Operating transfers in	-	-	-	-	-	-
Operating transfers (out)	(106,000)	(106,000)	-	-	-	-
Total Other Financing Sources (Uses)	(106,000)	(106,000)	-	-	-	-
CHANGE IN FUND BALANCE	<u>\$ 473,494</u>	<u>410,972</u>	<u>\$ (62,522)</u>	<u>\$ -</u>	<u>-</u>	<u>\$ -</u>
BEGINNING FUND BALANCE		<u>1,425,096</u>			<u>166,653</u>	
ENDING FUND BALANCE		<u>\$ 1,836,068</u>			<u>\$ 166,653</u>	

(Continued)

TOWN OF LOS GATOS
BUDGETED NONMAJOR FUNDS
COMBINING SCHEDULE OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES
BUDGET AND ACTUAL (GAAP)
FOR THE FISCAL YEAR ENDED JUNE 30, 2022

	NON-POINT SOURCE MAINTENANCE			LIGHTING AND LANDSCAPING		
	Budget	Actual	Variance Positive (Negative)	Budget	Actual	Variance Positive (Negative)
REVENUES						
Property taxes	\$ -	\$ -	\$ -	\$ 38,220	\$ 38,640	\$ 420
Other taxes	-	-	-	-	-	-
License and permits	231,323	231,323	-	-	-	-
Intergovernmental	-	43,965	43,965	-	-	-
Charges for services	-	-	-	-	-	-
Fines and forfeitures	-	-	-	-	-	-
Interest	-	-	-	1,460	1,834	374
Use of property	-	-	-	-	-	-
Other	-	-	-	-	-	-
Total Revenues	231,323	275,288	43,965	39,680	40,474	794
EXPENDITURES						
Current:						
Parks and public works	-	-	-	95,279	33,671	61,608
Library services	-	-	-	-	-	-
Sanitation and other	221,044	194,969	26,075	-	-	-
Capital outlay	-	-	-	-	-	-
Total Expenditures	221,044	194,969	26,075	95,279	33,671	61,608
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	10,279	80,319	70,040	(55,599)	6,803	62,402
OTHER FINANCING SOURCES (USES)						
Operating transfers in	-	-	-	-	-	-
Operating transfers (out)	-	-	-	(4,920)	(4,920)	-
Total Other Financing Sources (Uses)	-	-	-	(4,920)	(4,920)	-
CHANGE IN FUND BALANCE	<u>\$ 10,279</u>	<u>80,319</u>	<u>\$ 70,040</u>	<u>\$ (60,519)</u>	<u>1,883</u>	<u>\$ 62,402</u>
BEGINNING FUND BALANCE		<u>371,239</u>			<u>172,356</u>	
ENDING FUND BALANCE		<u>\$ 451,558</u>			<u>\$ 174,239</u>	

(Continued)

TOWN OF LOS GATOS
BUDGETED NONMAJOR FUNDS
COMBINING SCHEDULE OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES
BUDGET AND ACTUAL (GAAP)
FOR THE FISCAL YEAR ENDED JUNE 30, 2022

	ARPA			LG Theatre		
	Budget	Actual	Variance Positive (Negative)	Budget	Actual	Variance Positive (Negative)
REVENUES						
Property taxes	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other taxes	-	-	-	-	-	-
License and permits	-	-	-	-	-	-
Intergovernmental	3,413,961	3,413,961	-	-	-	-
Charges for services	-	-	-	-	-	-
Fines and forfeitures	-	-	-	-	-	-
Interest	-	-	-	-	-	-
Use of property	-	-	-	-	19,500	19,500
Other	-	-	-	-	-	-
Total Revenues	3,413,961	3,413,961	-	-	19,500	19,500
EXPENDITURES						
Current:						
Parks and public works	-	-	-	-	-	-
Library services	-	-	-	-	-	-
Sanitation and other	-	-	-	-	-	-
Capital outlay	-	-	-	-	-	-
Total Expenditures	-	-	-	-	-	-
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	3,413,961	3,413,961	-	-	19,500	19,500
OTHER FINANCING SOURCES (USES)						
Operating transfers in	-	-	-	-	-	-
Operating transfers (out)	(3,413,961)	(3,413,961)	-	-	-	-
Total Other Financing Sources (Uses)	(3,413,961)	(3,413,961)	-	-	-	-
CHANGE IN FUND BALANCE	<u>\$ -</u>	<u>-</u>	<u>\$ -</u>	<u>\$ -</u>	<u>19,500</u>	<u>\$ 19,500</u>
BEGINNING FUND BALANCE		<u>-</u>			<u>-</u>	
ENDING FUND BALANCE		<u>\$ -</u>			<u>\$ 19,500</u>	

(Continued)

**TOWN OF LOS GATOS
BUDGETED NONMAJOR FUNDS
COMBINING SCHEDULE OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES
BUDGET AND ACTUAL (GAAP)
FOR THE FISCAL YEAR ENDED JUNE 30, 2022**

	Library Trust			TOTALS		
	Budget	Actual	Variance Positive (Negative)	Budget	Actual	Variance Positive (Negative)
REVENUES						
Property taxes	\$ -	\$ -	\$ -	\$ 38,220	\$ 38,640	\$ 420
Other taxes	-	-	-	30,000	66,382	36,382
License and permits	-	-	-	323,823	538,667	214,844
Intergovernmental	35,000	-	(35,000)	4,895,399	4,828,712	(66,687)
Charges for services	-	-	-	-	-	-
Fines and forfeitures	-	-	-	-	-	-
Interest	4,100	6,231	2,131	41,901	90,739	48,838
Use of property	-	-	-	-	19,500	19,500
Other	35,000	38,105	3,105	35,000	38,105	3,105
Total Revenues	74,100	44,336	(29,764)	5,364,343	5,620,745	256,402
EXPENDITURES						
Current:						
Parks and public works	-	-	-	95,279	33,671	61,608
Library services	93,955	74,813	19,142	-	74,813	-
Sanitation and other	-	-	-	221,044	194,969	26,075
Capital outlay	-	-	-	971,189	907,890	63,299
Total Expenditures	93,955	74,813	19,142	1,287,512	1,211,343	150,982
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	(19,855)	(30,477)	(10,622)	4,076,831	4,409,402	332,571
OTHER FINANCING SOURCES (USES)						
Operating transfers in	32,853	32,853	-	32,853	32,853	-
Operating transfers (out)	-	-	-	(3,524,881)	(3,524,881)	-
Total Other Financing Sources (Uses)	32,853	32,853	-	(3,492,028)	(3,492,028)	-
CHANGE IN FUND BALANCE	<u>\$ 12,998</u>	<u>2,376</u>	<u>\$ (10,622)</u>	<u>\$ 584,803</u>	<u>917,374</u>	<u>\$ 332,571</u>
BEGINNING FUND BALANCE		<u>552,877</u>			<u>8,807,222</u>	
ENDING FUND BALANCE		<u>\$ 555,253</u>			<u>\$ 9,724,596</u>	

(Concluded)

TOWN OF LOS GATOS, CALIFORNIA
ANNUAL COMPREHENSIVE FINANCIAL REPORT
FOR THE FISCAL YEAR ENDED JUNE 30, 2022

PROPRIETARY FUNDS
INTERNAL SERVICE FUNDS

Internal service funds are used to finance and account for special activities and service performed by a designed department for other departments in the Town on a cost reimbursement basis.

The concept of major funds does not extend to internal service funds because they are used for internal activities only. In the Government-Wide Statement of Activities, the net revenues and expenses of the internal service funds are allocated to the Town departments or programs that generated them, thus eliminating internal service funds.

However, internal service funds are still presented separately in the fund financial statements and include the following funds:

Equipment Fund was established to account for the replacement of major Town equipment and all vehicle replacement.

Workers' Compensation Fund was established to account for future claims that may occur related to workers compensation injuries.

Self-Insurance Fund was established to account for future general liability claims against the Town.

Information Technology Fund was established to account for the replacement of management information computer systems and components.

Facilities Maintenance Fund was established to account for preventative maintenance and repair for all Town buildings.

TOWN OF LOS GATOS
INTERNAL SERVICE FUNDS
COMBINING STATEMENT OF NET POSITION
JUNE 30, 2022

	Equipment Replacement	Worker's Comp	Self Insurance	Information Technology	Facilities Maintenance	Total
ASSETS						
Cash & Investments	\$ 2,237,647	\$ 2,535,115	\$ 863,995	\$ 3,043,739	\$ 332,928	\$ 9,013,424
Restricted Cash & Investments	-	129,929	-	-	-	129,929
Receivables:						
Accounts	4,553	-	-	16,396	24,853	45,802
Leases receivable	-	-	-	-	1,494,721	1,494,721
Total Assets	<u>\$ 2,242,200</u>	<u>\$ 2,665,044</u>	<u>\$ 863,995</u>	<u>\$ 3,060,135</u>	<u>\$ 1,852,502</u>	<u>\$ 10,683,876</u>
LIABILITIES						
Accounts Payable	\$ 19,805	\$ 5,302	\$ 41,146	\$ 69,204	\$ 94,660	\$ 230,117
Due to Other Governments	-	-	-	-	50	50
Claims Payable	-	1,364,558	19,557	-	-	1,384,115
Total Liabilities	<u>\$ 19,805</u>	<u>\$ 1,369,860</u>	<u>\$ 60,703</u>	<u>\$ 69,204</u>	<u>\$ 94,710</u>	<u>\$ 1,614,282</u>
Deferred Inflows of Resources						
Leases	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 829,312</u>	<u>\$ 829,312</u>
NET POSITION						
Restricted for:						
Workers compensation claims	\$ -	\$ 129,929	\$ -	\$ -	\$ -	\$ 129,929
Unrestricted	<u>2,222,395</u>	<u>1,165,255</u>	<u>803,292</u>	<u>2,990,931</u>	<u>928,480</u>	<u>8,110,353</u>
Total Net Position	<u>\$ 2,222,395</u>	<u>\$ 1,295,184</u>	<u>\$ 803,292</u>	<u>\$ 2,990,931</u>	<u>\$ 928,480</u>	<u>\$ 8,240,282</u>

TOWN OF LOS GATOS
INTERNAL SERVICE FUNDS
COMBINING STATEMENT OF REVENUES, EXPENSES AND CHANGES IN NET POSITION
FOR THE FISCAL YEAR ENDED JUNE 30, 2022

	Equipment Replacement	Worker's Comp	Self Insurance	Information Technology	Facilities Maintenance	Total
OPERATING REVENUES						
Charges for services	\$ 540,957	\$ 896,732	\$ 366,133	\$ 998,158	\$ 878,127	\$ 3,680,107
Interest	-	5	-	-	-	5
Use of money and property	3,274	-	-	-	111,817	115,091
Other local taxes	-	-	-	-	66,382	66,382
Other revenue & reimbursements	45,211	258,472	-	-	-	303,683
Total Operating Revenues	589,442	1,155,209	366,133	998,158	1,056,326	4,165,268
OPERATING EXPENSES						
Insurance expenses	-	1,533,045	583,924	-	-	2,116,969
Services and supplies	161,767	-	-	878,049	1,222,779	2,262,595
Total Operating Expenses	161,767	1,533,045	583,924	878,049	1,222,779	4,379,564
Operating Income (loss)	427,675	(377,836)	(217,791)	120,109	(166,453)	(214,296)
Transfers (in)	-	-	-	-	251,194	251,194
Transfers (out)	(94,816)	-	-	-	-	(94,816)
Net Transfers	(94,816)	-	-	-	251,194	156,378
Change in Net Position	332,859	(377,836)	(217,791)	120,109	84,741	(57,918)
BEGINNING NET POSITION	1,889,536	1,673,020	1,021,083	2,870,822	156,340	7,610,801
PRIOR PERIOD ADJUSTMENT, GASB 87 - LEASES	-	-	-	-	687,399	687,399
BEGINNING NET POSITION, ADJUSTED	1,889,536	1,673,020	1,021,083	2,870,822	843,739	8,298,200
ENDING NET POSITION	\$ 2,222,395	\$ 1,295,184	\$ 803,292	\$ 2,990,931	\$ 928,480	\$ 8,240,282

**TOWN OF LOS GATOS
INTERNAL SERVICE FUNDS
COMBINING STATEMENTS OF CASH FLOWS
FOR THE FISCAL YEAR ENDED JUNE 30, 2022**

	Equipment Replacement	Worker's Comp	Self Insurance	Information Technology	Facilities Maintenance	Total
CASH FLOWS FROM OPERATING ACTIVITIES						
Receipts from customers	\$ 586,745	\$ 896,737	\$ 366,133	\$ 986,495	\$ 390,917	\$ 3,227,027
Payments to suppliers and providers	(141,962)	(1,550,272)	(664,201)	(848,854)	(1,236,545)	(4,441,834)
Insurance reimbursements	-	258,472	-	-	-	258,472
Claims paid	-	(130,924)	(61,150)	-	-	(192,074)
Net Cash Provided (Used) by Operating Activities	444,783	(525,987)	(359,218)	137,641	(845,628)	(1,148,409)
CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES						
Transfers In	-	-	-	-	251,194	251,194
Transfers Out	(94,816)	-	-	-	-	(94,816)
Net Cash Provided (Used) by Noncapital Financing Activities	(94,816)	-	-	-	251,194	156,378
Net Increase(Decrease) in Cash and Investments	349,967	(525,987)	(359,218)	137,641	(594,434)	(992,031)
Cash and investments - beginning of year	1,887,680	3,191,031	1,223,213	2,906,098	239,963	9,447,985
Cash and investments - end of year	<u>\$ 2,237,647</u>	<u>\$ 2,665,044</u>	<u>\$ 863,995</u>	<u>\$ 3,043,739</u>	<u>\$ (354,471)</u>	<u>\$ 8,455,954</u>
Reconciliation of Operating Income to Cash Flows from Operating Activities:						
Operating Income	\$ 427,675	\$ (377,836)	\$ (217,791)	\$ 120,109	\$ (166,453)	\$ (214,296)
Change in assets and liabilities:						
Accounts receivable	(2,697)	-	-	(12,141)	-	(14,838)
Leases receivable	-	-	-	-	(1,494,721)	(1,494,721)
Due from other funds	-	-	-	478	-	478
Deferred inflows of resources	-	-	-	-	829,312	829,312
Accounts payable	19,805	(17,227)	39,606	29,195	(13,733)	57,646
Due to other governments	-	-	-	-	(33)	(33)
Claims payable	-	(130,924)	(181,033)	-	-	(311,957)
Cash Flows From Operating Activities	<u>\$ 444,783</u>	<u>\$ (525,987)</u>	<u>\$ (359,218)</u>	<u>\$ 137,641</u>	<u>\$ (845,628)</u>	<u>\$ (1,148,409)</u>

Statistical Section

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STATISTICAL (UNAUDITED)

This part of the Town of Los Gatos Annual Comprehensive Financial Report (“ACFR”) presents the detailed information as a context for understanding what the information in the financial statements, note disclosures, and required supplementary information says about the Town’s overall financial health.

Financial Trends

These schedules contain trend information to help the reader understand how Town’s financial performance and well-being have changed over time. (Schedule 1, Schedule 2, Schedule 3, and Schedule 4).

Revenue Capacity

These schedules contain information to help the reader assess one of the Town’s most significant local revenue source, the property tax (Schedule 5, Schedule 6, Schedule 7, and Schedule 8).

Debt Capacity

These schedules present information to help the reader assess the affordability of the Town’s current levels of outstanding debt and its ability to issue additional debt in the future (Schedule 9, Schedule 10, and Schedule 11)

Demographic and Economic Information

These schedules offer demographic and economic indicators to help the reader understand the environment within which the Town’s financial activities take place (Schedule 12, Schedule 13, and schedule 14).

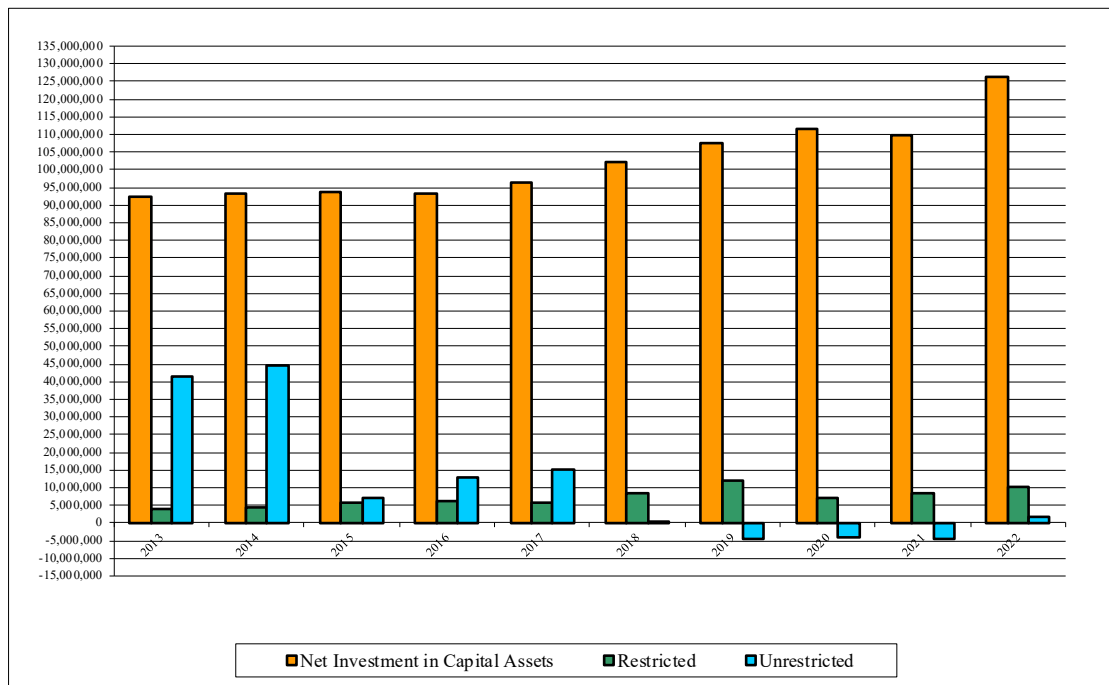
Operating Information

These schedules contain service and infrastructure data to help the reader understand how the information in the Town’s ACFR relates to the services the Town provides and activities it performs (Schedule 15 and Schedule 16).

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Town of Los Gatos
Net Position by Component
Last Ten Fiscal Years
(Accrual Basis of Accounting)

Schedule 1



Fiscal Year	Net Investment in Capital Assets	Restricted	Unrestricted	Total Net Position
2013	92,558,523	3,949,583	41,480,377	137,988,483
2014	93,251,117	4,485,246	44,393,265	142,129,628
2015	93,687,029	5,663,182	7,180,919	106,531,130 (1)
2016	93,383,855	6,386,014	12,744,637	112,514,506
2017	96,265,652	5,627,707	15,134,420	117,027,779
2018	102,098,729	8,199,598	170,590	110,468,917 (2)
2019	107,542,588	11,918,688	-4,642,167	114,819,109 (3)
2020	111,700,225	7,117,984	-3,967,178	114,851,031
2021	109,894,936	8,358,267	-4,735,103	113,518,100
2022	126,418,275	10,203,412	1,785,294	138,406,981

(1) The decrease in Restricted Net Position GASB 68 Implementation of Unfunded Pension Liability of Statement of Net Position.

(2) Net position was restated for FY 2018 for amounts placed into fiduciary funds, reclassified to General Fund Restricted Asset.

(3) The decrease in unrestricted net position resulted largely from the use of approximately \$8.0 million in unrestricted cash balances in the Town's GFAR fund during the year to invest in the Town's infrastructure and

Town of Los Gatos
Changes in Net Position
Last Ten Fiscal Years
(Accrual Basis of Accounting)

Schedule 2

	Fiscal Year				
	2012/13	2013/14	2014/15	2015/16	2016/17
Expenses					
Governmental Activities:					
General Government	\$ 6,564,768	\$ 6,955,804	\$ 6,465,852	\$ 6,993,661	\$ 6,771,628
Public Safety	13,731,754	14,119,786	12,644,221	12,825,688	14,587,597
Parks and Public Works	7,829,315	8,154,616	8,069,352	8,320,623	9,502,707
Community Development	4,094,188	4,424,040	4,047,738	3,227,224	5,093,459
Library Services	2,128,823	2,234,431	2,553,414	2,522,142	2,868,748
Sanitation	393,205	363,180	491,359	528,580	466,762
Redevelopment	1,277,063	21,687	-	-	-
Total Governmental Activities	36,019,116	36,273,544	34,271,936	34,417,918	39,290,901
Program Revenues					
Charges for Services:					
General Government	1,416,593	2,179,077	1,888,213	1,517,012	1,669,020
Public Safety	2,450,630	3,206,579	3,529,166	3,278,585	2,076,688
Parks and Public Works	3,044,401	1,550,867	2,206,765	1,516,108	2,155,841
Community Development	4,649,444	5,156,061	5,027,497	4,359,146	3,803,626
Library Services	50,696	51,775	53,123	46,192	46,746
Sanitation	403,294	328,648	328,868	368,813	410,626
Operating Grants and Contributions:					
General Government	8,406	-	-	15,291	-
Public Safety	91,360	42,661	24,838	98,138	837,329
Parks and Public Works	835,724	994,096	907,745	749,300	665,779
Community Development	-	-	-	-	-
Library Services	40	14,662	4,062	12,228	-
Capital Grants and Contributions:					
General Government	169,270	-	176,705	-	-
Public Safety	-	-	-	-	-
Parks and Public Works	2,757,660	2,274,879	2,338,154	1,610,657	770,600
Community Development	-	19,360	-	-	9,280
Total Program Revenues	15,877,518	15,818,665	16,485,136	13,571,470	12,445,535
General Revenues					
Property Taxes	11,968,377	11,712,312	12,931,603	13,763,458	14,756,214
Sales Taxes	8,757,428	8,029,571	8,202,678	7,501,175	8,925,276
Franchise Taxes	-	-	2,215,430	2,258,892	2,366,908
Other Taxes	3,324,791	3,718,405	2,062,893	1,997,497	2,351,223
Motor Vehicle in Lieu	15,790	13,068	-	12,308	14,056
Developer Fees	-	-	-	-	-
Investment Earnings	(133,375)	772,200	428,772	698,324	192,260
Sale of Property	54,425	-	-	-	-
Miscellaneous	1,154,647	350,468	813,324	598,170	528,946
Extraordinary Gain (Loss) Dissolution of RDA	295,101	-	-	-	-
Total General Revenues	25,437,184	24,596,024	26,654,700	26,829,824	29,134,883
Change in Net Position	\$ 5,295,586	\$ 4,141,145	\$ 8,867,900	\$ 5,983,376	\$ 2,289,517

Continued

Town of Los Gatos
Changes in Net Position
Last Ten Fiscal Years
(Accrual Basis of Accounting)

Schedule 2

	Fiscal Year				
	2017/18	2018/19	2019/20	2020/21	2021/22
Expenses					
Governmental Activities:					
General Government	\$ 7,948,918	\$ 8,163,991	\$ 7,405,368	\$ 7,086,377	\$ 15,681,345
Public Safety	15,545,521	16,635,726	20,446,188	19,808,230	15,093,308
Parks and Public Works	10,047,003	10,627,716	11,803,005	13,141,034	12,969,615
Community Development	4,667,609	5,064,637	5,001,958	6,846,834	5,827,001
Library Services	3,087,684	3,059,294	3,347,523	3,496,153	2,969,954
Sanitation	536,296	684,673	3,041	185,981	178,575
Redevelopment	-	-	-	-	-
Total Governmental Activities	41,833,031	44,236,037	48,007,083	50,564,609	52,719,798
Program Revenues					
Charges for Services:					
General Government	1,701,146	1,562,683	1,470,324	1,894,080	1,725,857
Public Safety	1,888,359	1,745,889	1,549,207	1,288,358	1,596,313
Parks and Public Works	4,150,068	2,910,936	3,674,222	4,209,048	5,090,014
Community Development	3,456,390	4,155,231	3,351,753	4,063,776	4,129,718
Library Services	14,702	9,476	11,522	-	521
Sanitation	771,442	966,130	231,323	299,478	231,323
Operating Grants and Contributions:					
General Government	-	-	12,290	-	2,766,833
Public Safety	895,730	826,643	952,045	1,061,344	1,144,226
Parks and Public Works	953,294	1,301,152	2,824,638	1,547,102	1,482,896
Community Development	-	-	15,864	223,129	670,929
Library Services	57,200	47,482	49,351	55,181	114,958
Capital Grants and Contributions:					
General Government	-	-	8,258	2,365	12,205,050
Public Safety	-	-	9,100	-	-
Parks and Public Works	348,437	146,792	832,755	843,980	10,021,156
Community Development	-	-	-	-	-
Total Program Revenues	14,236,768	13,672,414	14,992,652	15,487,841	41,179,794
General Revenues					
Property Taxes	15,958,406	17,321,347	18,330,426	19,878,835	21,132,098
Sales Taxes	7,466,253	8,158,152	7,531,425	7,933,604	8,483,673
Franchise Taxes	2,474,814	2,475,916	2,495,792	2,499,463	2,822,515
Other Taxes	2,667,840	2,726,743	1,911,774	1,126,887	2,042,580
Motor Vehicle in Lieu	16,483	14,689	24,526	23,058	35,624
Developer Fees	-	-	-	-	1,735,571
Investment Earnings	333,120	1,809,128	2,428,470	227,136	(1,278,978)
Sale of Property	-	-	-	-	-
Miscellaneous	622,105	2,407,840	323,940	1,528,039	755,400
Extraordinary Gain (Loss) Dissolution of RDA	-	-	-	-	-
Total General Revenues	29,539,021	34,913,815	33,046,353	33,217,022	35,728,483
Change in Net Position	\$ 1,942,758	\$ 4,350,192	\$ 31,922	\$ (1,859,746)	\$ 24,188,479

Concluded

Town of Los Gatos
Fund Balance, Governmental Funds
Last Ten Fiscal Years
(Modified Accrual Basis of Accounting)

Schedule 3

	Fiscal Year				
	2012/13	2013/14	2014/15	2015/16	2016/17
General Fund					
Nonspendable	\$ -	\$ -	\$ -	\$ -	\$ -
Restricted	-	-	-	-	-
Committed				20,019,187	15,129,925
Assigned	20,758,156	23,791,749	24,121,256	9,555,085	14,050,699
Unassigned	7,502,446	1,363,376	-	-	-
Total General Fund	<u>\$ 28,260,602</u>	<u>\$ 25,155,125</u>	<u>\$ 24,121,256</u>	<u>\$ 29,574,272</u>	<u>\$ 29,180,624</u>
All Other Governmental Funds					
Nonspendable	\$ -	\$ -	\$ -	\$ -	\$ -
Restricted	3,949,583	4,485,246	5,663,182	6,386,014	5,627,707
Committed	-	-	-	3,696,000	10,354,584
Assigned	6,097,182	8,191,823	15,346,558	11,099,076	7,928,994
Unassigned	157,208	183,045	206,875	-	-
Total All Other Governmental Funds	<u>\$ 10,203,973</u>	<u>\$ 12,860,114</u>	<u>\$ 21,216,615</u>	<u>\$ 21,181,090</u>	<u>\$ 23,911,285</u>
Total Fund Balances	<u>\$ 38,464,575</u>	<u>\$ 38,015,239</u>	<u>\$ 45,337,871</u>	<u>\$ 50,755,362</u>	<u>\$ 53,091,909</u>

Continued

Town of Los Gatos
Fund Balance, Governmental Funds
Last Ten Fiscal Years
(Modified Accrual Basis of Accounting)

Schedule 3

	Fiscal Year				
	2017/18	2018/19	2019/20	2020/21	2021/22
General Fund					
Nonspendable	\$ -	\$ -	\$ -	\$ 159,000	\$ 159,000
Restricted	1,206,851	5,015,316	669,978	-	690,000
Committed	12,953,399	15,070,944	15,387,706	11,220,970	12,283,132
Assigned	17,475,285	18,256,895	13,277,813	12,534,648	13,764,657
Unassigned	-	-	-	-	-
Total General Fund	<u>\$ 31,635,535</u>	<u>\$ 38,343,155</u>	<u>\$ 29,335,497</u>	<u>\$ 23,914,618</u>	<u>\$ 26,896,789</u>
All Other Governmental Funds					
Nonspendable	\$ -	\$ -	\$ -	\$ -	\$ -
Restricted	6,992,747	6,903,372	6,448,006	8,562,653	9,383,483
Committed	5,571,087	2,579,997	-	-	637,711
Assigned	6,361,403	6,180,930	14,181,679	15,360,481	13,944,155
Unassigned	-	-	-	-	-
Total All Other Governmental Funds	<u>\$ 18,925,237</u>	<u>\$ 15,664,299</u>	<u>\$ 20,629,685</u>	<u>\$ 23,923,134</u>	<u>\$ 23,965,349</u>
Total Fund Balances	<u>\$ 50,560,772</u>	<u>\$ 54,007,454</u>	<u>\$ 49,965,182</u>	<u>\$ 47,837,752</u>	<u>\$ 50,862,138</u>

Concluded

Town of Los Gatos
Changes in Fund Balances, Governmental Funds
Last Ten Fiscal Years
(Modified Accrual Basis of Accounting)

Schedule 4

	Fiscal Year				
	2012/13	2013/14	2014/15	2015/16	2016/17
Revenues:					
Taxes	\$ 24,596,799	\$ 23,475,393	\$ 23,208,820	\$ 23,269,892	\$ 25,945,129
Licenses & Permits	4,015,871	5,343,265	6,467,771	5,442,133	5,075,503
Intergovernmental	2,615,191	2,440,127	2,921,002	2,573,475	1,715,580
Charges for Services	6,529,234	5,837,581	5,794,386	4,773,001	4,210,174
Fines and Forfeitures	688,125	795,720	868,564	879,277	917,105
Franchise Fees	-	-	2,215,430	2,258,892	2,366,908
Developer Fees	-	-	-	-	-
Investment Income	(133,380)	772,164	428,735	698,308	192,978
Use of Property	38,910	37,741	32,209	31,723	32,096
Other	4,577,584	3,648,277	3,130,975	2,396,992	1,011,939
Total Revenues	42,928,334	42,350,268	45,067,892	42,323,693	41,467,412
Expenditures:					
Current					
General Government	8,331,444	8,499,854	8,647,451	9,144,797	8,390,959
Public Safety	13,370,032	13,742,189	13,747,198	13,763,316	13,251,288
Parks and Public Works	5,616,197	5,611,283	5,840,097	6,307,266	6,633,748
Community Development	4,235,832	4,335,599	4,218,500	3,695,504	3,793,930
Library Services	2,055,069	2,131,438	2,268,844	2,332,268	2,508,677
Sanitation & Other	359,725	322,817	411,863	452,726	466,762
Capital Outlay	6,568,653	4,097,662	3,800,478	3,241,657	6,867,034
Debt Service					
Principal Repayment	-	-	-	-	-
Total Expenditures	40,536,952	38,740,842	38,934,431	38,937,534	41,912,398
Excess (Deficiency) of Revenues Over (Under) Expenditures	2,391,382	3,609,426	6,133,461	3,386,159	(444,986)
Other Financing Sources(Uses):					
Transfers In	2,841,881	3,418,872	8,977,220	3,315,846	7,907,692
Transfers Out	(2,463,850)	(2,921,409)	(7,788,049)	(1,284,514)	(7,612,012)
Gain from Sale of Property	-	-	-	-	-
Issuance of Debt	-	-	-	-	4,435
Total Other Financing Sources(Uses)	378,031	497,463	1,189,171	2,031,332	300,115
Special Item:					
Extraordinary Gain (Loss) RDA Dissolution	295,913	-	-	-	-
Prepayment of Pension Obligations	-	(4,534,538)	-	-	-
Net Change in Fund Balances	\$ 2,769,413	\$ 4,106,889	\$ 7,322,632	\$ 5,417,491	\$ (144,871)
Debt Service as a Percentage of Non Capital Expenditures	0.00%	0.00%	0.00%	0.00%	0.00%

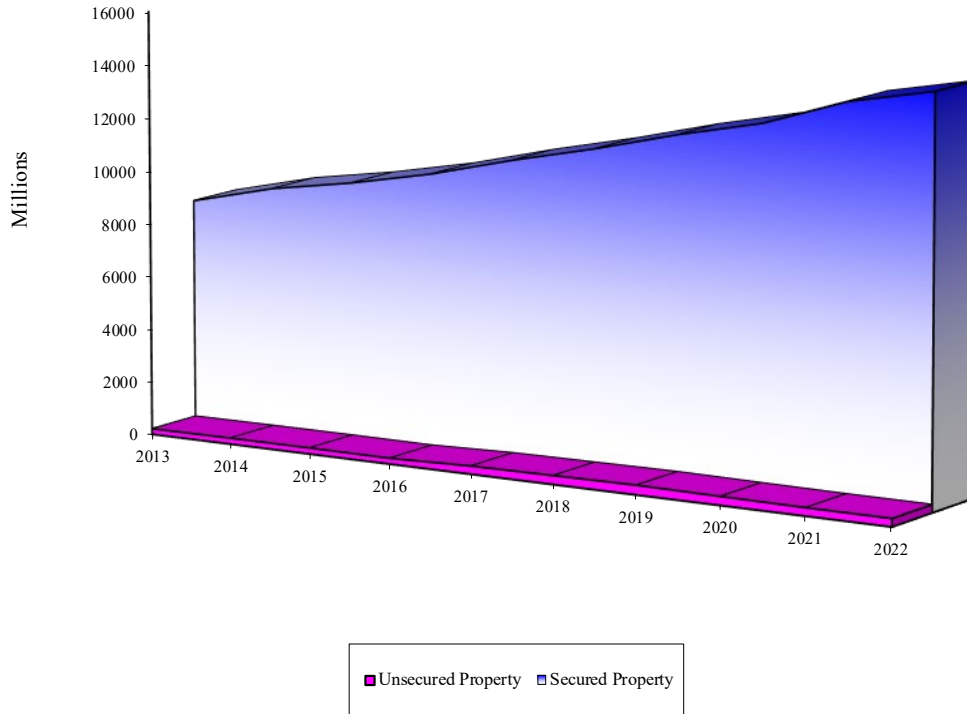
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Town of Los Gatos
Changes in Fund Balances, Governmental Funds
Last Ten Fiscal Years
(Modified Accrual Basis of Accounting)

Schedule 4

	Fiscal Year				
	2017/18	2018/19	2019/20	2020/21	2021/22
Revenues:					
Taxes	\$ 26,253,026	\$ 28,244,329	\$ 27,811,665	\$ 28,977,919	\$ 31,627,593
Licenses & Permits	5,937,044	5,173,876	4,818,671	5,212,831	6,055,040
Intergovernmental	2,124,903	2,310,655	4,498,153	3,746,587	15,492,982
Charges for Services	5,395,057	5,584,504	5,309,470	6,035,659	6,925,359
Fines and Forfeitures	676,212	510,266	271,117	103,468	319,170
Franchise Fees	2,474,814	2,475,916	2,495,792	2,499,463	2,822,515
Developer Fees	-	-	-	-	1,735,571
Investment Income	332,938	1,809,164	2,428,453	227,940	(1,278,983)
Use of Property	32,206	32,960	31,039	40,372	144,901
Other	640,844	579,755	376,922	423,115	349,145
Total Revenues	43,867,044	46,721,425	48,041,282	47,267,354	64,193,293
Expenditures:					
Current					
General Government	8,770,082	8,004,254	13,024,146	14,040,134	15,953,968
Public Safety	14,423,554	14,945,407	15,793,815	16,570,836	16,451,190
Parks and Public Works	7,125,686	7,962,135	8,168,599	8,229,944	8,639,128
Community Development	4,192,165	4,577,495	4,473,790	5,195,302	6,313,511
Library Services	2,529,017	2,493,617	2,700,802	2,847,988	2,827,210
Sanitation & Other	521,147	628,240	162,837	166,173	194,969
Capital Outlay	9,778,058	7,888,914	7,861,972	5,707,439	10,478,670
Debt Service					
Principal Repayment	-	-	-	39,008	156,034
Total Expenditures	47,339,709	46,500,062	52,185,961	52,796,824	61,014,680
Excess (Deficiency) of Revenues Over (Under) Expenditures	(3,472,665)	221,363	(4,144,679)	(5,529,470)	3,178,613
Other Financing Sources(Uses):					
Transfers In	3,176,760	4,264,131	8,935,260	4,053,535	8,154,307
Transfers Out	(3,880,131)	(3,323,756)	(8,628,719)	(3,940,015)	(8,310,685)
Gain from Sale of Property	378,219	1,912,316	1,566	1,201,369	2,151
Issuance of Debt	-	-	-	1,560,336	-
Total Other Financing Sources(Uses)	(325,152)	2,852,691	308,107	2,875,225	(154,227)
Special Item:					
Extraordinary Gain (Loss) RDA Dissolution	-	-	-	-	-
Prepayment of Pension Obligations	-	-	-	-	-
Net Change in Fund Balances	\$ (3,797,817)	\$ 3,074,054	\$ (3,836,572)	\$ (2,654,245)	\$ 3,024,386
Debt Service as a Percentage of Non Capital Expenditures	0.00%	0.00%	0.00%	0.08%	0.31%

Concluded

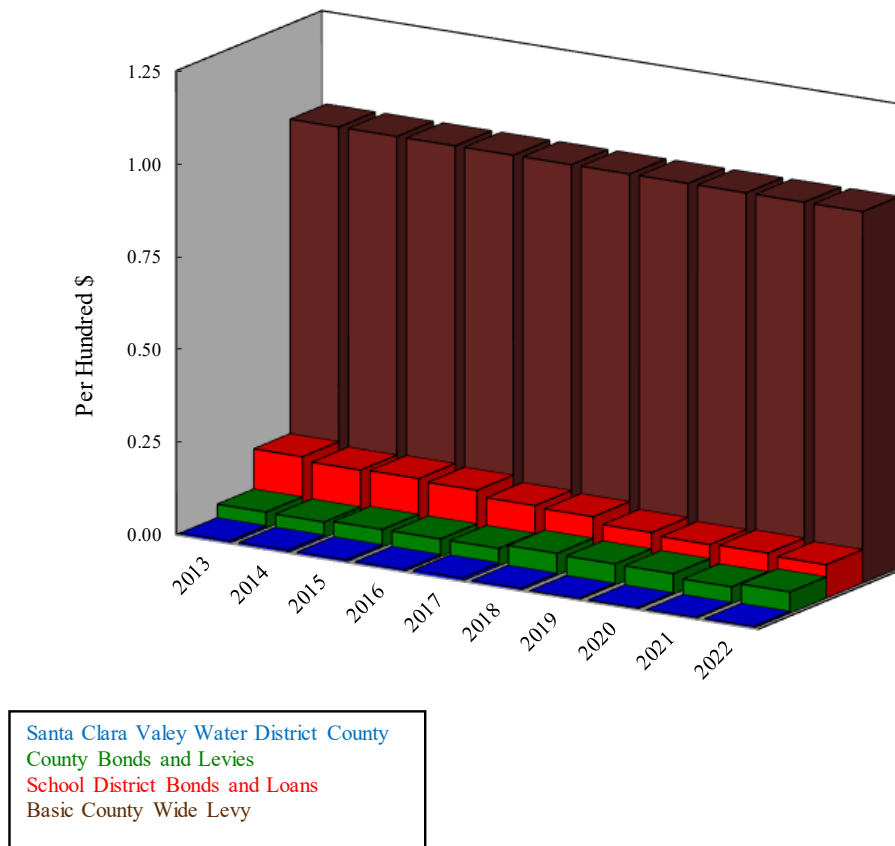


Fiscal Year	Utility and Unsecured Property	Percent Change	Secured Property	Percent Change	Total Assessed	Estimated Full Market	Total Direct Tax Rate
2013	211,268,609	-2.77%	8,465,420,032	3.84%	8,676,688,641	33,861,680,128	1.0508
2014	224,079,502	6.06%	9,238,816,900	9.14%	9,462,896,402	36,955,267,600	1.0493
2015	227,331,042	1.45%	9,767,782,505	5.73%	9,995,113,547	39,071,130,020	1.0544
2016	217,035,545	-4.53%	10,417,804,357	6.65%	10,634,839,902	41,671,217,428	1.0533
2017	304,443,013	40.27%	11,240,554,198	7.90%	11,544,997,211	44,962,216,792	1.0560
2018	330,504,877	8.56%	11,969,049,272	6.48%	12,299,554,149	47,876,197,088	1.0659
2019	359,276,665	8.71%	12,795,393,103	6.90%	13,154,669,768	51,181,572,412	1.0607
2020	331,517,212	-7.73%	13,510,676,336	5.59%	13,842,193,548	54,042,705,344	1.0598
2021	308,749,655	-6.87%	14,599,669,332	8.06%	14,908,418,987	58,398,677,328	1.0494
2022	304,460,199	-1.39%	15,255,884,284	4.49%	15,560,344,483	61,023,537,136	1.0627

Source: Santa Clara County Assessed Value Report

Town of Los Gatos
Direct and Overlapping Property Tax Rates
Last Ten Fiscal Years

Schedule 6



Fiscal Year	Basic County Wide Levy	County Bonds and Levies	Santa Clara Valley Water District	School District Bonds and Loans	Total
2013	1.0000	0.0439	0.0069	0.1523	1.2031
2014	1.0000	0.0423	0.0070	0.1417	1.1910
2015	1.0000	0.0479	0.0065	0.1442	1.1986
2016	1.0000	0.0476	0.0057	0.1381	1.1914
2017	1.0000	0.0474	0.0086	0.1223	1.1783
2018	1.0000	0.0597	0.0062	0.1177	1.1836
2019	1.0000	0.0565	0.0042	0.1006	1.1613
2020	1.0000	0.0557	0.0041	0.0935	1.1533
2021	1.0000	0.0457	0.0037	0.0959	1.1453
2022	1.0000	0.0576	0.0051	0.0902	1.1529

Source: Santa Clara County Book of Tax Rates

ASSEESSEE NAME	2012/13		2013/14		2014/15		2015/16		2016/17	
	Taxable Assessed Value	Percentage of Total City Taxable Assessed Value	Taxable Assessed Value	Percentage of Total City Taxable Assessed Value	Taxable Assessed Value	Percentage of Total City Taxable Assessed Value	Taxable Assessed Value	Percentage of Total City Taxable Assessed Value	Taxable Assessed Value	Percentage of Total City Taxable Assessed Value
750 University LLC	\$ 12,137,999	0.14%	\$ 18,600,000	0.20%	\$ 19,000,000	0.19%	\$ 19,379,620	0.19%	\$ 19,675,159	0.18%
980 JR LLC										
140 Toll House Hotel LLC										
Alberto Way Holdings LLC	23,145,064	0.27%	23,607,964	0.26%	23,715,141	0.24%	24,188,966	0.23%	24,557,845	0.22%
Ann R. Desantis			13,823,779	0.15%						
Boccardo Corporation	37,550,368	0.44%	38,617,912	0.42%	38,772,905	0.40%	21,617,318	0.21%	21,918,921	0.20%
CH Realty IV Downing LP	19,525,927	0.23%	19,916,443	0.22%						
CHL Ventures LP	20,671,962	0.24%	-	0.00%						
D&K Los Gatos LLC	15,590,010	0.18%	15,901,809	0.17%	15,974,003	0.16%	16,293,163	0.16%		
David A. and Shari Flick Trustee	15,018,971	0.18%			15,388,884	0.16%				
Donahue Schriber Realty Group LP										
DS Downing Los Gatos LLC					20,006,861	0.20%	21,980,568	0.21%	22,315,770	0.20%
DS Village Square									22,799,599	0.20%
El Camino Hospital					20,803,609	0.21%	26,477,160	0.25%	26,880,933	0.24%
Equestrian 3 Investments LLC										
Fox Creek Fund LLC										
Good Samaritan Hospital LP	19,530,183	0.23%	19,710,897	0.21%	19,602,594	0.20%	19,880,366	0.19%	22,402,756	0.20%
Grade Way Associations VI	14,798,651	0.17%	15,094,623	0.16%	15,163,152	0.16%				
Green Eyes LLC	12,542,555	0.15%	12,793,404	0.14%						
Grosvenor USA Ltd.	22,437,962	0.27%	22,886,720	0.25%	22,990,624	0.24%	23,449,975	0.23%		
Health Care REIT Inc.	19,223,348	0.23%	20,671,960	0.22%	20,765,810	0.21%	20,089,903	0.19%	20,396,274	0.18%
Hercules Holding II LLC										
International Hotel										
Kay K. & Go Sasaki Sr., Trustee			22,752,809	0.25%			24,744,983	0.24%	25,122,131	0.22%
Knowles Los Gatos LLC	47,045,934	0.56%	47,986,850	0.52%	48,204,708	0.49%	49,167,836	0.47%	49,917,644	0.44%
LSL Capital Partners	42,532,721	0.50%	43,383,370	0.47%	43,580,326	0.45%	30,134,614	0.29%	30,105,945	0.27%
Leland E Lester, Trustee									29,004,169	0.26%
LG Business Park Bldg 3 LLC							61,947,284	0.59%		
LG Business Park Bldg 4 LLC										
LG Business Park LLC			47,276,977	0.51%	39,347,485	0.40%	17,507,261	0.17%	31,070,572	0.28%
LG Hotel LLC					15,448,057	0.16%	15,497,395	0.15%		
Los Gatos Hotel Corp.	15,617,134	0.18%	18,134,182	0.20%	15,573,314	0.16%	15,676,113	0.15%		
Lyon Baytree Apartments LLC	14,430,123	0.17%	14,674,716	0.16%						
Paul H. Roskoph	13,416,452	0.16%								
Preylock Los Gatos LLC										
Safeway Inc.										
San Jose Water Works	30,882,009	0.36%	33,626,381	0.36%	36,693,453	0.38%	37,081,049	0.36%	38,710,728	0.34%
Serramonte Corporate Center LLC										
SI 32 LLC					150,563,119	1.54%	141,348,894	1.36%	143,442,269	1.28%
SI Los Gatos LLC										
Sobrato Interests IV LLC	157,559,245	1.86%	169,809,676	1.84%	20,869,338	0.21%	44,930,482	0.43%	42,240,994	0.38%
SRI Old Town LLC	30,374,286	0.36%	30,981,771	0.34%	31,122,427	0.32%	31,744,252	0.30%	32,228,351	0.29%
Summerhill N40 LLC										
Summerhill Prospect Avenue LLC									18,274,508	0.16%
Wealthcap Los Gatos 121									109,100,000	0.97%
Wealthcap Los Gatos 31									84,000,000	0.75%
Total - Principal taxpayers	\$ 584,030,904	6.90%	\$ 650,252,243	7.68%	\$ 394,337,473	6.49%	\$ 1,296,723,012	6.37%	\$ 814,164,568.00	7.24%
Total - All real properties assessed by the Town (1)	<u>\$8,464,491,112</u>		<u>\$9,237,887,980</u>		<u>\$9,766,765,025</u>		<u>\$10,416,786,877</u>		<u>\$11,239,536,718</u>	

(1) Assessed value includes only net secured real properties.

(2) Excludes the value of tax-exempt properties

Source Data: California Municipal Statistics, Inc.

Continued

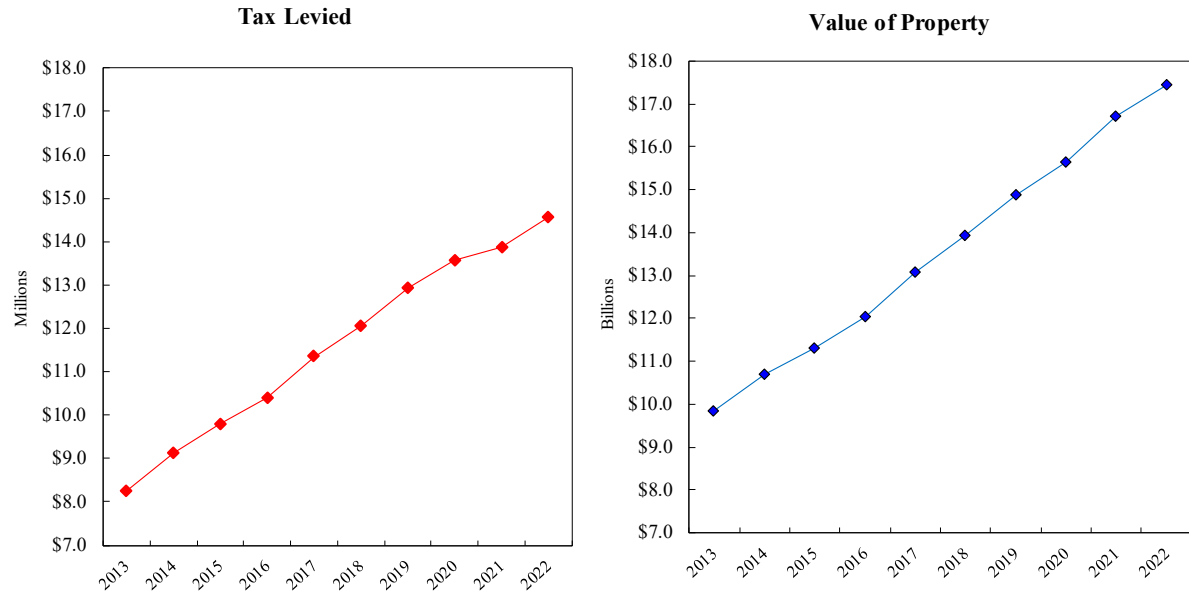
	2017/18		2018/19		2019/20		2020/21		2021/22	
	Taxable Assessed Value	Percentage of Total City Taxable Assessed Value	Taxable Assessed Value	Percentage of Total City Taxable Assessed Value	Taxable Assessed Value	Percentage of Total City Taxable Assessed Value	Taxable Assessed Value	Percentage of Total City Taxable Assessed Value	Taxable Assessed Value	Percentage of Total City Taxable Assessed Value
ASSESSEE NAME										
150 University LLC	\$ 25,241,863	0.21%	\$ 25,746,699	0.20%	\$ 26,261,632	0.19%	\$ 26,786,863	0.18%	\$ 27,064,374	0.19%
180 JR LLC			19,277,879	0.15%						
140 Toll House Hotel LLC							35,043,180	0.24%	35,499,104	0.24%
Alberto Way Holdings LLC	25,048,998	0.21%	25,549,975	0.20%	24,158,350	0.18%	24,641,514	0.17%	24,896,799	0.17%
Ann R. Desantis										
Boccardo Corporation	22,211,650	0.19%	22,651,732	0.18%	23,099,314	0.17%				
CH Realty IV Downing LP										
CHL Ventures LP										
CHK Los Gatos LLC										
David A. and Shari Flick Trustee										
Donahue Schriber Realty Group LP	53,872,083	0.45%	56,370,186	0.44%	57,497,587	0.43%	58,647,535	0.40%	59,255,121	0.41%
DS Downing Los Gatos LLC										
DS Village Square										
El Camino Hospital	23,353,576	0.20%	28,596,104	0.22%	30,789,155	0.23%	42,611,768	0.29%	50,456,560	0.35%
Equestrian 3 Investments LLC	29,584,251	0.25%	28,563,864	0.22%	25,525,880	0.19%	26,036,395	0.18%	26,306,130	0.18%
Fox Creek Fund LLC			21,558,664	0.17%					27,231,335	0.19%
Good Samaritan Hospital LP	22,516,823	0.19%	22,934,274	0.18%	23,391,289	0.17%	23,846,402	0.16%	24,111,608	0.17%
Grade Way Associations VI										
Green Eyes LLC										
Grosvenor USA Ltd.										
Health Care REIT Inc.										
Hercules Holding II LLC										
International Hotel	30,144,617	0.25%	30,747,509	0.24%	31,362,458	0.23%	31,989,706	0.22%		
May K. & Go Sasaki Sr., Trustee	25,624,027	0.21%	26,135,962	0.20%	28,864,942	0.21%	27,190,951	0.19%	27,471,495	0.19%
Nowles Los Gatos LLC	50,915,995	0.43%	51,934,313	0.41%	52,972,998	0.39%	54,032,455	0.37%	54,592,229	0.37%
PSL Capital Partners	25,893,946	0.22%	26,411,820	0.21%	33,069,058	0.24%	33,118,759	0.23%	33,037,818	0.23%
Leland E Lester, Trustee										
LG Business Park Bldg 3 LLC	53,465,724	0.45%								
LG Business Park Bldg 4 LLC	43,937,857	0.37%								
LG Business Park LLC										
LG Hotel LLC										
Los Gatos Hotel Corp.										
Lyon Baytree Apartments LLC										
Paul H. Roskoph										
Preylock Los Gatos LLC					89,141,472	0.66%	95,880,000	0.66%	96,873,316	0.66%
Safeway Inc.	24,394,468	0.20%			25,752,231	0.19%	25,577,034	0.18%		
San Jose Water Works	41,202,805	0.34%	46,150,577	0.36%	47,777,432	0.35%	49,649,154	0.34%	53,320,614	0.37%
Serramonte Corporate Center LLC			200,844,610	1.57%	204,861,501	1.52%	208,958,729	1.43%	211,123,540	1.45%
SI 32 LLC	146,317,944	1.22%	149,208,182	1.17%	152,166,578	1.13%	155,181,793	1.06%	158,132,236	1.08%
SLF Los Gatos LLC									33,214,527	0.23%
Sobrato Interests IV LLC	43,071,837	0.36%	43,919,879	0.34%	44,781,377	0.33%	45,682,006	0.31%	46,155,127	0.32%
SRI Old Town LLC	32,872,917	0.27%	33,530,374	0.26%	34,200,980	0.25%	34,884,999	0.24%	35,246,406	0.24%
Summerhill N40 LLC					56,244,782	0.42%	57,369,661	0.39%	59,462,462	0.41%
Summerhill Prospect Avenue LLC										
Wealthcap Los Gatos 121	111,282,000	0.93%	113,507,640	0.89%	115,777,792	0.86%	118,093,347	0.81%	119,316,793	0.82%
Wealthcap Los Gatos 31	85,680,000	0.72%	87,393,600	0.68%						
Total - Principal taxpayers	\$ 916,633,381	7.66%	\$ 1,061,033,843	8.29%	\$ 1,127,696,808	8.35%	\$ 1,175,222,251	8.05%	\$ 1,202,767,594	8.24%
Total - All real properties assessed by the Town (1)	\$11,968,031,792		\$12,793,751,423		\$13,509,034,656		\$14,598,027,652		\$15,254,242,604	

(1) Assessed value includes only net secured real properties

(2) Excludes the value of tax-exempt properties

Source Data: California Municipal Statistics, Inc.

Concluded



Fiscal Year	Town Property Tax Levied and Collected	Redevelopment Property Tax Levied and Collected	Total Property Tax Levied and Collected	Value of Town Property subject to Local Tax Rate	Value of Redevelopment Agency Property Subject to Local Tax Rate	Value of Property Subject to Local Tax Rate
2013	8,253,442	-	8,253,442	8,676,688,641	1,167,752,021	9,844,440,662
2014	9,120,626	-	9,120,626	9,462,896,402	1,249,873,303	10,712,769,705
2015	9,787,519	-	9,787,519	9,995,113,547	1,318,214,863	11,313,328,410
2016	10,388,424	-	10,388,424	10,634,839,902	1,395,509,489	12,030,349,391
2017	11,345,588	-	11,345,588	11,544,997,211	1,537,577,241	13,082,574,452
2018	12,060,228	-	12,060,228	12,299,554,149	1,650,746,473	13,950,300,622
2019	12,924,592	-	12,924,592	13,154,669,768	1,717,358,555	14,872,028,323
2020	13,559,587	-	13,559,587	13,842,193,548	1,715,982,555	15,651,922,606
2021	13,864,271	-	13,864,271	14,908,418,987	1,809,729,058	16,718,148,045
2022	14,566,808	-	14,566,808	15,560,344,483	1,891,297,788	17,451,642,271

Sources: Santa Clara County Auditor-Controller Office and the Town of Los Gatos

Town of Los Gatos
Ratios of Outstanding Debt by Type
Last Ten Fiscal Years

Schedule 9

Governmental Activities					
Fiscal Year	PG&E Loan	Total Governmental Activities	Total Primary Government	Percentage of Personal Income	Per Capita
2013	-	-	-	0.0%	0.00
2014	-	-	-	0.0%	0.00
2015	-	-	-	0.0%	0.00
2016	-	-	-	0.0%	0.00
2017	-	-	-	0.0%	0.00
2018	-	-	-	0.0%	0.00
2019	-	-	-	0.0%	0.00
2020	-	-	-	0.0%	0.00
2021	\$ 1,508,325	\$ 1,508,325	\$ 1,508,325	56.2%	48.91
2022	\$ 1,352,291	\$ 1,352,291	\$ 1,352,291	44.3%	40.90

Debt was transferred to the Successor Agency Trust Fund as a part of the RDA dissolution in FY 2011

2021/22 Assessed Valuation:	\$15,560,344,483	Estimated Share of Direct and Overlapping Debt at June 30, 2022
DIRECT AND OVERLAPPING BONDED DEBT:	% Applicable ⁽¹⁾	Total Debt at June 30, 2022
Overlapping Tax & Assessment Debt		
Santa Clara County	2.700%	\$ 1,130,850,000
West Valley-Mission Community College District	9.435%	\$ 732,500,000
Campbell Union High School District	7.738%	\$ 371,390,000
Los Gatos-Saratoga Joint Union High School District	36.310%	\$ 84,030,000
Cambrian School District	0.441%	\$ 60,969,944
Campbell Union High School District	7.587%	\$ 223,499,324
Los Gatos Union School District	74.114%	\$ 67,035,000
Saratoga Union School District	0.033%	\$ 17,243,915
Union School District	20.254%	\$ 105,359,439
Midpeninsula Regional Open Space District	4.402%	\$ 84,575,000
Santa Clara Valley Water District Benefit Assessment District	2.700%	\$ 48,150,000
Total Overlapping Tax and Assessment Debt		\$ 252,170,100
Overlapping General Fund Debt		
Santa Clara County General Fund Obligations	2.700%	\$ 1,210,694,365
Santa Clara County Pension Obligations	2.700%	\$ 335,638,470
Santa Clara County Board of Education Certificates of Participation	2.700%	\$ 1,820,000
West Valley-Mission Community College District General Fund Obligations	9.435%	\$ 12,000,000
Campbell Union High School District General Fund Obligations	7.738%	\$ 15,500,000
Los Gatos-Saratoga Joint Union High School District Certificates of Participation	36.310%	\$ 755,000
Campbell Union School District General Fund Obligations	7.587%	\$ 1,890,000
Saratoga Union School District Certificates of Participation	0.033%	\$ 2,335,000
Santa Clara County Vector Control District Certificates of Participation	2.700%	\$ 1,505,000
Midpeninsula Regional Open Space Park District General Fund Obligations	4.402%	\$ 99,705,600
Total Gross Overlapping General Fund Debt		\$ 48,979,699
Less: Santa Clara County Supported Obligations		\$ 488,127
Total Overlapping General Fund Debt		\$ 48,491,572
Overlapping Tax Increment Debt (Successor Agency)		
Town of Los Gatos Certificated of Participations		\$ 12,785,000
Total of Overlapping Tax Increment Debt		\$ 12,785,000
Total Direct Debt		\$0
Total Gross Overlapping Debt		\$ 313,934,799
Total Net Overlapping Debt		\$ 313,446,672
Gross Combined Total Debt		\$ 313,934,799 ⁽²⁾
Net Combined Total Debt		\$ 313,446,672

(1) The percentage of overlapping debt applicable to the city is estimated using taxable assessed property value. Applicable percentages were estimated by determining the portion of the overlapping district's assessed value that is within the boundaries of the city divided by the district's total taxable assessed value.

(2) Excludes tax and revenue anticipation notes, enterprise revenue, mortgage revenue bonds and non-bonded capital lease obligations.

Ratios to 2021/22 Assessed Valuation:

Total Overlapping Tax and Assessment Debt: 1.62%
Total Direct Debt: 0.00%
Gross Combined Total Debt: 2.02%
Net Combined Total Debt: 2.01%

Ratios to Redevelopment Incremental Valuation (\$1,639,262,076):

Total Overlapping Tax Increment Debt: 0.78%

Source Data: California Municipal Statistics, Inc.

Town of Los Gatos
Legal Debt Margin Information,
Last Ten Fiscal Years
(In Thousands of Dollars)

Schedule 11

	Fiscal Year				
	2012/13	2013/14	2014/15	2015/16	2016/17
Debt Limit	\$ 1,216,131	\$ 1,263,138	\$ 1,379,254	\$ 1,444,943	\$ 1,556,252
Debt Applicable to Limit	-	-	-	-	-
Legal Debt Margin	\$ 1,216,131	\$ 1,263,138	\$ 1,379,254	\$ 1,444,943	\$ 1,556,252
Total Net Debt Applicable to the Limit as a Percentage of Debt Limit	0.00%	0.00%	0.00%	0.00%	0.00%

Continued

Notes:

- (1) The Town of Los Gatos is a general law city and has a debt limit of 15%.
(2) Excludes RDA assessed valuation and debt transferred to the Successor Agency trust as a part of the RDA dissolution.

Town of Los Gatos
Legal Debt Margin Information
Last Ten Fiscal Years
(In Thousands of Dollars)

Schedule 11

Legal Debt Margin Calculation
for Fiscal Year 2021/22

Assessed Value	\$	15,560,344,483
Debt Limit		2,334,051,672
Debt Applicable to Limit:		
Legal Debt Margin	\$	<u>2,334,051,672</u>

	Fiscal Year				
	2017/18	2018/19	2019/20	2020/21	2021/22
Debt Limit	\$ 1,679,736	\$ 1,789,097	\$ 2,076,329	\$ 2,236,263	\$ 2,334,052
Debt Applicable to Limit	-	-	-	1,508	1,352
Legal Debt Margin	\$ 1,679,736	\$ 1,789,097	\$ 2,076,329	\$ 2,234,755	\$ 2,332,699
Total Net Debt Applicable to the Limit as a Percentage of Debt Limit	0.00%	0.00%	0.00%	0.07%	0.06%

Concluded

Fiscal Year Ended	Population (1)	Personal Income (thousands of dollars) (2)	Per Capita Personal Income (3)	Median Age (4)	Public School Enrollment (5)	County Unemployment Rate (6)
2012	29,808	\$ 1,854,892	62,228	42.64	6,352	8.7%
2013	30,247	\$ 2,140,641	70,772	45.8	6,420	6.8%
2014	30,443	\$ 2,267,912	74,497	45.80	6,522	5.7%
2015	30,505	\$ 2,197,885	72,050	46.10	6,622	3.8%
2016	31,376	\$ 2,286,087	72,861	46.30	6,646	3.5%
2017	31,314	\$ 2,281,569	72,861	46.50	6,631	3.8%
2018	30,601	\$ 2,290,638	74,855	46.81	6,588	2.6%
2019	30,998	\$ 2,365,178	76,301	46.72	6,544	2.6%
2020	31,439	\$ 2,546,748	81,006	46.83	6,520	10.7%
2021	30,836	\$ 2,686,155	87,111	46.83	6,180	5.2%
2022	33,062	\$ 3,055,987	92,432	46.67	6,000	2.2%

Source:

- (1) California State Dept. of Finance - Population Research Unit (January 2019)
- (2) California State Dept. of Finance - Estimate equals county per capita average times population
- (3) US Census Bureau - QuickFacts
- (4) Claritas demographic snapshot report
- (5) Los Gatos Saratoga Joint Union and Los Gatos Union Elementary School Districts
- (6) State of California, Employment Development Dept., Labor Market Info. Div.

	2012/13		2013/14		2014/15		2015/16		2016/17	
	Emp.	Percentage of Total Town Employment	Emp.	Percentage of Total Town Employment	Emp.	Percentage of Total Town Employment	Emp.	Percentage of Total Town Employment	Emp.	Percentage of Total Town Employment
<u>Principal Employers</u>										
Columbia Health Care Assoc/Mission Oaks Hospital	2,000	13.29%	2,000	13.52%	-	0.00%	-	0.00%	-	0.00%
El Camino Hospital, Los Gatos	700	4.65%	700	4.73%	560	3.73%	560	3.53%	560	3.49%
Los Gatos Union School District	275	1.83%	237	1.60%	273	1.82%	280	1.76%	274	1.71%
Los Gatos-Saratoga High School District	270	1.79%	256	1.73%	157	1.05%	157	0.99%	370	2.30%
Netflix	900	5.98%	825	5.58%	1,530	10.19%	1,976	12.45%	1,864	11.61%
Safeway	250	1.66%	250	1.69%	314	2.09%	314	1.98%	314	1.95%
Alain Pinel Realtors	150	1.00%	156	1.05%	156	1.04%	146	0.92%	148	0.92%
Courtside Tennis Club	200	1.33%	295	1.99%	440	2.93%	440	2.77%	468	2.91%
Town of Los Gatos	138	0.92%	144	0.97%	157	1.05%	158	1.00%	160	1.00%
Whole Foods	-	0.00%	-	0.00%	179	1.19%	179	1.13%	179	1.11%
Vasona Creek Health Care Center	-	0.00%	-	0.00%	233	1.55%	233	1.47%	233	1.45%
Good Samaritan Regional Cancer Center	-	0.00%	-	0.00%	200	1.33%	200	1.26%	200	1.25%
Roku	-	0.00%	-	0.00%	-	0.00%	487	3.07%	554	3.45%
Terraces of Los Gatos	-	0.00%	-	0.00%	-	0.00%	228	1.44%	228	1.42%

Source: Town of Los Gatos, Finance
Department and Muniservices

Continued

	2017/18		2018/19		2019/20		2020/21		2021/22	
	Percentage of Total Town		Percentage of Total Town		Percentage of Total Town		Percentage of Total Town		Percentage of Total Town	
<u>Principal Employers</u>	Emp.	Employment	Emp.	Employment	Emp.	Employment	Emp.	Employment	Emp.	Employment
Columbia Health Care Assoc/Mission Oaks Hospital		0.00%		0.00%		0.00%		0.00%		0.00%
El Camino Hospital, Los Gatos	560	3.43%	560	3.49%	560	3.49%	560	3.35%	517	3.20%
Los Gatos Union School District	267	1.64%	281	1.75%	281	1.75%	281	1.68%	281	1.74%
Los Gatos-Saratoga High School District	367	2.25%	367	2.28%	367	2.28%	320	1.92%	320	1.98%
Netflix	2,117	12.98%	2,314	14.41%	2,314	14.41%	2,524	15.11%	2,278	14.10%
Safeway	314	1.92%	314	1.95%	314	1.95%	314	1.88%	314	1.94%
Alain Pinel Realtors	131	0.80%	131	0.82%	131	0.82%		0.00%		0.00%
Courtside Tennis Club	542	3.32%	542	3.37%	542	3.37%	542	3.24%	542	3.36%
Town of Los Gatos	159	0.97%	160	1.00%	160	1.00%	161	0.96%	165	1.02%
Whole Foods	179	1.10%	125	0.78%	125	0.78%	125	0.75%	180	1.11%
Vasona Creek Health Care Center	233	1.43%	233	1.45%	233	1.45%	250	1.50%	250	1.55%
Good Samaritan Regional Cancer Center	200	1.23%	200	1.25%	200	1.25%	200	1.20%	200	1.24%
Roku	664	4.07%	516	3.21%	516	3.21%		0.00%		0.00%
Terraces of Los Gatos	228	1.40%	228	1.42%	228	1.42%	228	1.36%	200	1.24%

Source: Town of Los Gatos, Finance
Department and Muniservices

Concluded

Town of Los Gatos
Full-time-Equivalent Employees by Function/Program
Last Ten Fiscal Years

Schedule 14

Function/Program	Full-time-Equivalent Employees as of June 30									
	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
General Government	20.40	20.73	20.97	20.97	21.35	21.97	22.16	21.80	21.80	22.06
Police	58.00	57.50	60.00	59.00	59.00	59.00	59.00	60.00	60.00	60.00
Economic Development	-	0.50	0.63	0.63	0.63	0.75	0.75	0.75	0.75	0.75
Library	8.60	10.30	10.80	11.00	12.25	12.25	12.50	12.50	12.50	12.50
Planning	17.50	17.50	19.50	19.00	19.26	19.63	20.08	20.08	20.20	20.20
Public Works	31.00	31.50	32.00	33.50	33.50	34.50	34.50	34.50	34.75	34.75
Total	135.50	138.03	143.90	144.10	145.98	148.10	148.99	149.63	150.00	150.26

Full-time equivalent employment is calculated as one or more employee positions totaling one full year of service or approximately 2,080 hours a year.

Page C-45 of Town Budget FY 2021/22

FUNCTION/PROGRAM

	Fiscal Year				
	2012/13	2013/14	2014/15	2015/16	2016/17
General government					
Building Permits Issued					
Residential Permits Issued	738	813	805	899	744
Residential Permits Value	75,227,889	87,307,822	76,896,111	85,000,754	53,625,891
Commercial Permits Issued	137	139	133	147	135
Commercial Permits Value	46,855,615	138,676,507	178,195,997	20,185,884	50,024,177
Publically Owned Permits Issued	-	-	-	-	-
Publically Owned Permits Value	-	-	-	-	-
Residential Parking Permits					
Number of Special Event Permits Issued	125	133	127	107	118
Number of Annual Permits Issued	1,320	1,376	1,570	1,363	1,251
City Clerk					
Number of Council Resolutions Passed	74	86	72	61	69
Number of Ordinances Passed	20	16	9	11	5
Number of Contracts Passed	220	196	222	283	240
General Services					
Number of Purchase Orders Issued	318	301	277	334	331
Police					
Physical Arrests	648	641	695	987	1,030
Parking Violations	11,991	14,421	13,321	13,975	12,863
Traffic Violations	3,333	4,747	4,633	5,400	4,634
DUI Arrests	86	62	48	58	60
Library					
Number of Library Visits	-	-	-	-	-
Annual Circulation	-	-	-	-	-
Number of Library Card holders	-	-	-	-	-
Circulated e-audiobooks	4,774	2,414	5,867	7,761	10,006
Other Public Works					
Street Resurfacing/Overlay/Reconstruction (miles)	8.0	10.0	1.8	8.0	10.0
ADA Compliance: Curb Ramps	19	19	23	11	30
Traffic Circles	1	-	1	1	1
Street Poles	1,611	1,611	1,609	1,609	1,609
Planning and Development Department					
Building & Safety Inspections Performed	11,902	12,764	11,652	8,655	14,722
Redevelopment: Number of active projects	-	-	-	-	-

Source: Town of Los Gatos, Finance Department

Continued

FUNCTION/PROGRAM

	Fiscal Year				
	2017/18	2018/19	2019/20	2020/21	2021/22
General government					
Building Permits Issued					
Residential Permits Issued	849	814	898	1,128	1,144
Residential Permits Value	63,083,249	80,030,846	47,961,529	111,242,724	132,784,439
Commercial Permits Issued	105	122	92	68	117
Commercial Permits Value	16,626,196	13,295,999	12,389,688	37,285,259	23,442,964
Publically Owned Permits Issued	-	-	-	-	-
Publically Owned Permits Value	-	-	-	-	-
Residential Parking Permits					
Number of Special Event Permits Issued	113	78	-	-	- ⁽²⁾
Number of Annual Permits Issued	1,342	1,395	1,400	1,568	1,958
City Clerk					
Number of Council Resolutions Passed	69	59	57	50	64
Number of Ordinances Passed	17	11	24	9	14
Number of Contracts Passed	262	245	242	205	296
General Services					
Number of Purchase Orders Issued	322	343	359	376	306
Police					
Physical Arrests	1,164	1,138	616	360	504
Parking Violations	11,784	6,817	4,023	1,584	4,678
Traffic Violations	4,757	2,877	1,225	764	1,245
DUI Arrests	51	70	64	23	49
Library					
Number of Library Visits	-	-	-	-	150,198 ⁽⁴⁾
Annual Circulation	-	-	-	-	432,707 ⁽⁴⁾
Number of Library Card holders	-	-	-	-	29,322 ⁽⁴⁾
Circulated e-audiobooks	8,844	12,130	57,839	54,614	- ⁽³⁾
Other Public Works					
Street Resurfacing/Overlay/Reconstruction (miles)	2.6	5.8	16.2	10.0	9.9
ADA Compliance: Curb Ramps	68	49	68	91	59
Traffic Circles	1	1	1	1	1
Street Poles	1,762	1,830	1,830	1,830	1,830
Planning and Development Department					
Building & Safety Inspections Performed	13,918	13,966	13,633	13,806	16,906
Redevelopment: Number of active projects	-	-	-	-	-

(1) July 2013 the Library separated from Northern CA Digital Library, Patrons had no longer access to collections of multiple libraries. By 2014 the Library has expanded its contents giving patrons access to more materials.

(2) The Town streamlined the special event application where multiple events require only one permit.

(3) Changed operating indicators to fully reflect Department's efficiency metrics starting FY 2021/22.

(4) New metrics being presented in FY 2021/22.

Source: Town of Los Gatos, Finance Department

Concluded

Function/Program	Fiscal Year									
	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
Police										
Number of Stations	2	2	2	2	2	2	2	2	2	2
Number of Patrol Units	14	14	14	14	14	14	14	14	14	14
Parking Enforcement Vehicles	2	2	2	2	2	2	2	2	2	2
Other Public Works										
Streets (miles)	132	132	132	132	132	132	132	132	132	132
Streetlights	2,116	2,109	1,609	1,609	1,609	1,762	1,830	1,830	1,830	1,830
Traffic Signals	29	29	29	30	30	30	31	31	31	31
Parks and Recreation										
Number of Parks	12	12	12	12	12	12	N/A	N/A	N/A	N/A
Number of Community Centers	1	1	1	1	1	1	1	1	1	1
Number of Parks & Open Spaces	N/A	N/A	N/A	N/A	N/A	N/A	17	17	17	17
Parking										
Number of Parking Garages	1	1	1	1	1	1	1	1	1	1
Number of Parking Lots	22	22	22	22	22	22	22	22	22	22
Number of Off Street Parking Garage Spaces	1,126	1,126	1,126	1,126	1,126	1,126	N/A	N/A	N/A	N/A
Number of Downtown Off-Street Parking Spaces	N/A	N/A	N/A	N/A	N/A	N/A	1,269	1,269	1,269	1,269

Source: Town of Los Gatos, Finance Department

Other Independent Auditor's Reports



**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER
FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS
BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN
ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS***

To the Honorable Mayor and Members of the
Town Council of the Town of Los Gatos
Los Gatos, California

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the Town of Los Gatos (the "Town") as of and for the year ended June 30, 2022, and the related notes to the financial statements, which collectively comprise the Town's basic financial statements, and have issued our report thereon dated December 6, 2022.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Town's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Town's internal control. Accordingly, we do not express an opinion on the effectiveness of the Town's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Town's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not



express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

C & A UP

Morgan Hill, California
December 6, 2022



DRAFT RESOLUTION 2022-

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS APPROVING COMMITMENTS OF FUND BALANCE UNDER GASB 54**

WHEREAS, the Governmental Accounting Standards Board (GASB) has issued its Statement No. 54, Fund Balance and Governmental Fund Type Definitions with the intent of improving financial reporting by providing fund balance categories that will be more easily understood and to improve the comparability of governmental fund financial statements; and

WHEREAS, GASB 54 provides that the Town Council of the Town of Los Gatos classify governmental fund balances as restricted, assigned, or committed fund balances; and

WHEREAS GASB 54 provides that restricted reserves are funds that are restricted for externally imposed constraints such as legal contracts or state law, assigned amounts are constrained by the Town's intent to use them for specific purposes, and committed amounts are dedicated for specific purposes under constraints and formal action taken by the Town Council and these committed amounts cannot be used for any other purposes unless the Town Council of the Town of Los Gatos removes or changes the specific use through the same formal action to establish the commitment; and

WHEREAS, there exists a Nonspendable Reserve that is not readily available for expenditure as it represents the outstanding balance of long term notes receivable; and

WHEREAS, there exists a balance of \$159,000 as of June 30, 2022 in the Nonspendable Reserve; and

WHEREAS, there exists a balance of \$690,000 as of June 30, 2022 in the Restricted Pension Trust Reserve; and

WHEREAS, the Town Council of the Town of Los Gatos has established a General Fund Reserve Policy providing for minimum fund balance dollar target amounts for Budget Stabilization and Catastrophic fund balances and outlines policies and procedures for use and restoration of these balances; and

WHEREAS, the Budget Stabilization and Catastrophic Reserve should be maintained at the required minimum 12.5% of Fiscal Year (FY) 2022/23 general fund budgeted operating expenditures of \$5,991,566 as specified in the Town Council General Fund Reserve Policy. This

1 of 5

Resolution 2022-x

Council Meeting Date

ATTACHMENT 2

would increase both Budget Stabilization and Catastrophic Reserves from \$5,460,566 by \$531,081 from available Capital/Special Projects Reserve; and

WHEREAS, in June 2016, the Town Council established the committed Pension/ Other Post-Employment Benefits (OPEB) Reserve to provide additional funding toward pension and OPEB unfunded obligations by placing discretionary amounts to the reserve with formal Council action and transferring available year-end surpluses based on the General Fund Reserve Policy; and

WHEREAS, per Town Council General Fund Reserve Policy, \$300,000 will be placed to the CalPERS/OPEB Reserve from available year-end savings; and

WHEREAS, there exists a balance of \$300,000 as of June 30, 2022 in the committed CalPERS/OPEB Reserve; and

WHEREAS, the Town Council established the assigned Open Space reserve in the FY 1998/99 to be used for the preservation of open space, connection of open space trails, the definition of the southern boundary of the Town with passive open space, and protection of unique natural features; and

WHEREAS, there exists an excess balance of \$410,000 as of June 30, 2022 in the assigned Open Space Reserve; and

WHEREAS, the Town Council established the assigned Sustainability Reserve in FY 2008/09 by closing the Solid Waste Management fund and placing the initial residual balance dedicated for conservation, recycling, and sustainability; and

WHEREAS, there exists an excess balance of \$140,553 as of June 30, 2022 in the assigned Sustainability Reserve; and

WHEREAS, there exists an assigned General Fund Compensated Absences Reserve allocated to fund 50% of all vested hours of sick leave, compensation, and vacation time with the actual reserve amount of \$1,519,147; and

WHEREAS, there exists an assigned Market Fluctuation Reserve that represent fund balance amounts for unrealized investment gains that have been recorded as investment income in the financial statements in accordance with the requirements of GASB 31; and

WHEREAS, there is a current balance of \$0 as of June 30, 2022 in the assigned Market Fluctuation Reserve reflecting negative investment earnings as of June 30, 2022; and

WHEREAS, there exists an assigned Measure G 2018 District Sales Tax Reserve to track receipt and use of the 1/8 cent district tax funds collected by the Town; and

WHEREAS, the Town Council has determined the use of Measure G accumulated and future proceeds to be allocated 50% for operating expenditures and 50% for capital purposes; and

WHEREAS, 50% of the current Measure G proceeds dedicated for Capital Purposes was receipted in the General Fund Appropriated Reserve for capital purposes; and

WHEREAS, there is anticipated to be an excess balance of \$590,581 as of June 30, 2022 in the assigned Measure G District Sales Tax Reserve -Operating Reserve that the Council previously dedicated to balance the FY 2022/23 Budget; and

WHEREAS, there exists an assigned Carryover Encumbrances Reserve for material and services on purchase orders and contract which are unperformed in the amount of \$33,145; and

WHEREAS, there exists an assigned Capital/Special Projects Reserve to fund Council priorities, and key infrastructure and capital/special projects as identified in the Town's five-year Capital Improvement Plan; and

WHEREAS, the remainder of the available year-end savings will be placed to the Capital/Special Project Reserve according to the Town Council Reserve Policy; and

WHEREAS, there exists an assigned Capital/Special Project Reserve in the amount of \$11,071,231; and

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES HEREBY RESOLVE that the following fund balances as of June 30, 2022 as restricted, assigned, or formally committed as follows:

	General Fund	Appropriated Reserves	Other Nonmajor Governmental Funds	Total Governmental Funds
Fund Balance				
Nonspendable	\$ 159,000	\$ -	\$ -	\$ 159,000
Restricted for:				
Library	-	-	555,253	555,253
Capital Projects	-	-	8,357,393	8,357,393
Repairs and Maintenance	-	-	174,239	174,239
Pension	690,000			690,000
VTA	-	296,598	-	296,598
Committed to:				
Budget Stabilization	5,991,566	-	-	5,991,566
Catastrophic	5,991,566	-	-	5,991,566
CalPERS/OPEB	300,000	-	-	300,000
Special Revenue Fund			637,711	637,711
Assigned to:				
Open Space	410,000	152,000	-	562,000
Parking	-	100,000	-	100,000
Sustainability	140,553	-	-	140,553
Capital/Special Projects	11,071,231	13,642,155	-	24,713,386
Comcast PEG	-	50,000	-	50,000
Carryover Encumbrances	33,145	-	-	33,145
Compensated Absences	1,519,147	-	-	1,519,147
Measure G 2018 District Sales Tax	590,581	-	-	590,581
Total Fund Balances	<u>\$ 26,896,789</u>	<u>\$ 14,240,753</u>	<u>\$ 9,724,596</u>	<u>\$ 50,862,138</u>

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 20th day of December 2022 by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

DRAFT

Town of Los Gatos

JUNE 30, 2022 AUDIT
RESULTS



Chavan and
Associates, llp
Certified Public Accountants

Audit Process

1

- Audit Planning & Preparation

2

- Audit Execution

3

- Audit Reporting

4

- Follow-up

Standards and Responsibilities

- A. GAAS
- B. GAGAS
- C. Objective
 - a) Express an Opinion on F.S.
- D. Responsibilities
 - a) Reasonable Assurance
 - b) Risk Based
 - c) Materiality
 - d) Internal Controls

Annual Comprehensive Financial Report (ACFR)

Section 1 Introductory

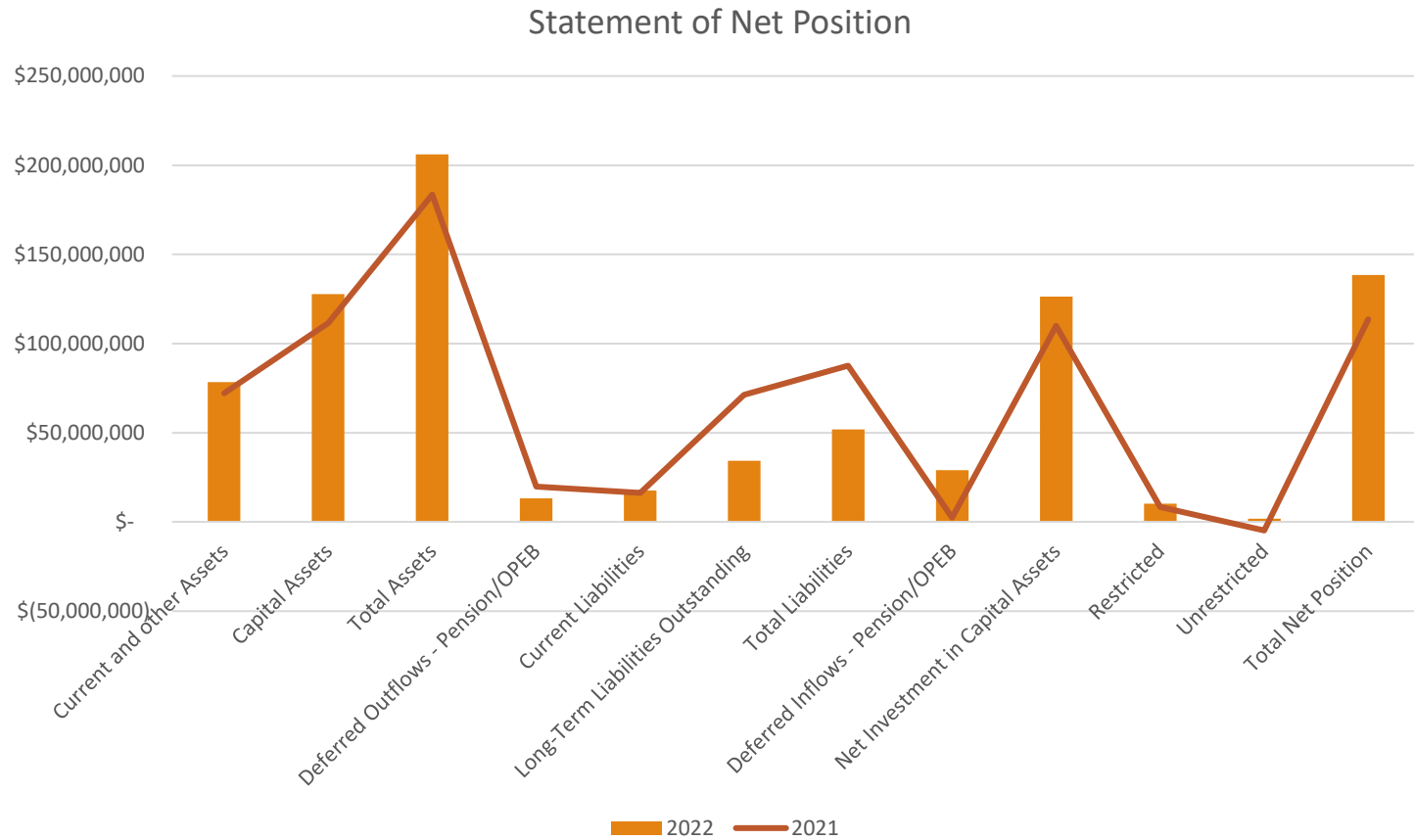
- Letter of Transmittal
- Elected Officials
- Organizational Chart

Section 2 Financial

- Auditor's Opinion
- MD&A
- Financial Statements and Notes
- Required Supplementary Information
- Supplementary Information

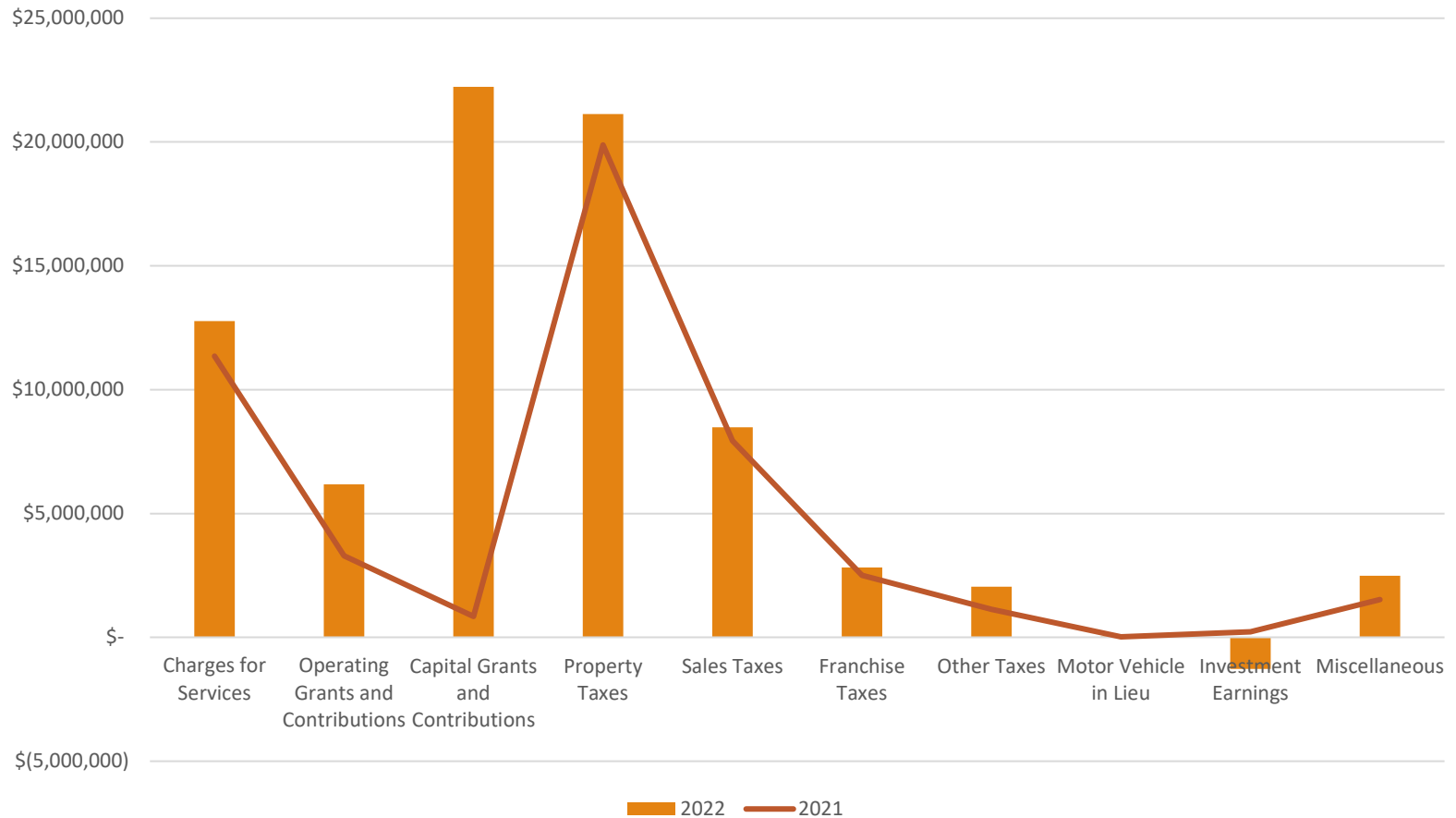
Section 3 Statistical

- Fiscal
- Historical
- Demographic Information



Statement of Net Position

Government Wide Revenue



Government Wide Revenues

	Defined Benefit Plans		
	Misc	Safety	Total
Deferred outflows of resources	\$ 3,663,900	\$ 6,934,592	\$ 10,598,492
Deferred inflows of resources	\$ 10,235,294	\$ 11,897,661	\$ 22,132,955
Net pension liabilities	\$ 10,723,589	\$ 16,762,598	\$ 27,486,187
Pension expense (credit)	\$ (2,782,619)	\$ (385,739)	\$ (3,168,358)

Pensions

Description	Lease Receivable	Deferred Inflows of Resources	Prior Period Adjustment
Initial Net Present Value	\$ 2,692,765	\$ 2,692,765	\$ -
Accumulated Amortization	-	(1,333,252)	1,333,252
Other adjustments	-	1,717	(1,717)
Principal Payments	(644,136)	-	(644,136)
Beginning Balances 7/1/2021	2,048,629	1,361,230	687,399
Current Amortization	-	(204,818)	-
Valuation Expense	(133,807)	-	-
Current Principal Payments	(88,405)	-	-
Ending Balances 6/30/2022	<u>\$ 1,826,417</u>	<u>\$ 1,156,412</u>	<u>\$ 687,399</u>
Governmental Funds	\$ 331,696	\$ 327,100	\$ -
Internal Service Funds	1,494,721	829,312	687,399
Total	<u>\$ 1,826,417</u>	<u>\$ 1,156,412</u>	<u>\$ 687,399</u>

Leases Receivable GASB 87

Audit Results

No Exceptions in Audit Opinions

No Material Weaknesses

No Disagreements with Management

No Significant Passed on Adjustments





**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/20/2022

ITEM NO: 7

ADDENDUM

DATE: December 19, 2022

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Annual Comprehensive Financial Report (ACFR):

- a. Receive the Annual Comprehensive Financial Report (ACFR) for the Fiscal Year Ended June 30, 2022, and
- b. Adopt a Resolution Confirming June 30, 2022 Fund Balances in Accordance Fiscal Year 2021/22 Final Audit and Town Council General Fund Reserve Policy

REMARKS:

Attachment 4 contains public comment received after the staff posted the staff report and before 11:00 a.m. on Monday December 19, 2022.

One of the questions raised by the public and Council regarded the timing and the amount of the second American Rescue Plan Act (ARPA) payment. The second tranche of ARPA funds was received on July 21, 2022 in the amount \$3,614,872.

Attachments previously received with the staff report:

1. Draft Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2022.
2. Fund Balance Resolution Establishing June 30, 2022 Fund Balances
3. Independent Auditor Presentation to the Council Finance Commission

Attachment received with this Addendum:

4. Public Comment

PREPARED BY: Gitta Ungvari
Finance Director

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

Subject: FW: ARPA second tranche

-----Original Message-----

From: Phil Koen [REDACTED]
Sent: Friday, December 16, 2022 5:43 PM
To: Arn Andrews <aandrews@losgatosca.gov>
Cc: Ron Dickel [REDACTED]
Subject: ARPA second tranche

EXTERNAL SENDER

Hi Arn,

When did the Town receive the second \$3.6m ARPA tranche ?

Thanks,

Phil

ATTACHMENT 4



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/20/2022

ITEM NO: 7

DESK ITEM

DATE: December 20, 2022

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Annual Comprehensive Financial Report (ACFR):

- a. Receive the Annual Comprehensive Financial Report (ACFR) for the Fiscal Year Ended June 30, 2022, and
- b. Adopt a Resolution Confirming June 30, 2022 Fund Balances in Accordance Fiscal Year 2021/22 Final Audit and Town Council General Fund Reserve Policy

REMARKS:

Attachment 5 contains public comment received after 11:00 a.m. on Monday December 19, 2022.

In addition, a Councilmember inquired if the Finance Commission meeting held on December 12, 2022 provided Commissioners and the public ample opportunities to discuss the Annual Comprehensive Financial Report (ACFR). Following is the chronology of the Commission meeting:

3 mins 10 secs – Liaison Andrews introduces the item and states “similar to last year what we’ll do is we’ll listen to the proceedings, we’ll listen to the Q&A, and we will then document to the best of our ability the conversation as it transpired. We will then come back to you on Thursday showing kinda the recap of the meeting. And then if there are any additional comments on Thursday, we will capture those and both of these meetings will then be represented in the staff report that goes to Council on the 20th when they see the ACFR for the first time.”

3 mins 47 secs – The Town’s auditor Sheldon Chavan provides a presentation of the audit. The presentation concludes with the following audit results slide:

- No Exceptions in Audit Opinions
- No Material Weaknesses

PREPARED BY: Gitta Ungvari
Finance Director

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

- No Disagreements with Management
- No Significant Passed on Adjustments

14 mins 32 sec to 17 mins 17 secs – The Town’s auditor responds to questions from the Commission. No further questions are directed to the auditor.

17 mins 34 secs to 20 mins 23 secs – Town staff and the auditor respond to Commission questions. No further questions of staff or the auditor.

20 mins 26 secs - Chair Dickel opens public comment. No public comments received.

20 mins 58 secs to 30 mins 21 secs - Staff provides an assessment of important ACFR elements. Additional Q&A between the Commission and staff.

30 mins 27 secs to 43 mins 39 secs – Chair Dickel asks staff to respond to written public comments. Staff provided verbal responses to written public comments and additional Commission questions.

43 mins 56 secs – Liaison Andrews provides a recap of Commission recommendations to ensure all Commission items are addressed.

46 mins 01 secs – Staff confirms they will continue to accept Commissioner questions up until the day of the meeting. (No additional Commissioner questions received to date.)

46 mins 25 secs – Chair Dickel states “I do want to say that it is an impressive document overall, with a tremendous amount of information.” The Chair further states “The form of the document is much improved over the form say five years ago, versus the MD&A, pension disclosures and others.”

47 mins 49 secs – Chair Dickel confirms there are no additional Commissioner questions and closes the item.

1 hour 06 mins 52 secs - At the conclusion of the Commission meeting, Chair Dickel confirms that staff has no disagreements with any of the Commission recommendations.

Attachments previously received with the staff report:

1. Draft Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2022.
2. Fund Balance Resolution Establishing June 30, 2022 Fund Balances
3. Independent Auditor Presentation to the Council Finance Commission
4. Public Comment

PAGE 3 OF 3

SUBJECT: Receive 2022 Annual Comprehensive Financial Report

DATE: December 20, 2022

Attachment received with this Desk Item:

5. Public Comment

From: Rick Van Hoesen

Sent: Monday, December 19, 2022 5:28 PM

To: Gabrielle Whelan <GWhelan@losgatosca.gov>

Cc: Maria Ristow <MRistow@losgatosca.gov>; Rob Moore <RMoore@losgatosca.gov>; Matthew Hudes <MHudes@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>; Mary Badame <MBadame@losgatosca.gov>; James Sutton

Subject: Town Council review of the ACFR must be pulled from the 12/20/2022 TC meeting agenda

EXTERNAL SENDER

Dear Ms. Whelan,

As outlined in the Staff report for the referenced item (attached), the Town Council cannot formally consider the draft Annual Comprehensive Financial Report (ACFR) until the Town Manager has **responded in writing** to the Finance Commission's **written comments**. The Finance Commission has not yet provided the Town Manager written comments, because the Finance Commission has not completed its formal review. This is well known to the Staff since the Finance Commission has scheduled another special meeting to, "review the draft ACFR and provide final comments and recommendations," for the same evening as the Town Council meeting, namely December 20, 2022. Including item #7 on the Town Council agenda is in contravention of Measure A (attached). Any action the Town Council takes on the ACFR at the December 20, 2022 meeting would be inappropriate and in violation of the relevant provisions of Measure A.

The fact that the Finance Commission has not yet submitted written comments to the Town Manager does not mean that such comments will not be submitted to the Town Manager once the Finance Commission completes its review. Subsequent to receiving such written comments, the Town Manager must then respond in writing to the Finance Commission, providing "...her rationale for accepting or rejecting each of the Finance Commission's comments and recommendations prior to presenting the CAFR to the Town Council for formal consideration."

As noted in the Staff report, the information in the ACFR is detailed and is used by the Los Gatos community as well as credit rating agencies and vendors to better understand the fiscal standing of the Town. It is in everyone's best interest to have a complete, accurate and transparent ACFR. The draft ACFR in the Town Council packet has at least one apparent material error. In addition, there are substantive questions regarding the adequacy of the footnote disclosures, and completeness of the Management Discussion and Analysis section. These are all issues the Town Manager likely will have to consider once the Finance Commission completes its review and prepares and delivers its written comments.

Lastly, the current draft has been available to the public for less than one week. This is insufficient time for members of the public to review and comment on such a voluminous and important document. We do not understand the rush to complete such an important document. There are no statutory deadlines for adopting an ACFR. This rush to complete seems totally arbitrary, and creates the appearance of an intent to cut short a thoughtful review process by the Finance Commission and the public.

We respectfully request you to advise the Town Council that Agenda Item #7 must be pulled from the agenda for the December 20, 2022 meeting and reinstated only after all of the conditions outlined in Measure A have been met.

Thank you,

Rick Van Hoesen for the Los Gatos Community Alliance

**TOWN OF LOS GATOS
MEASURE A**

Shall the measure proposing an ordinance replacing the Town's current Finance Committee and Sales Tax Oversight Committee with a Finance Commission that would advise the Town Council on financial, budgetary and investment matters, including but not limited to, the Annual Budget, the Comprehensive Annual Financial Report, capital expenditures, sales tax revenue and expenditures, and other recommendations as the Town Council directs, be adopted?

YES
NO

**TOWN ATTORNEY'S IMPARTIAL ANALYSIS OF
MEASURE A**

Voter approval of Measure "A" would amend the Los Gatos Town Code to disband both the Council Finance Committee and Sales Tax Oversight Committee and establish instead a Finance Commission consisting of seven (7) members—five (5) voting citizen members and two (2) nonvoting Council Members, (one of which would be either the Mayor or Vice Mayor), with each Council Member appointing one Citizen Appointee for a four (4) year term.

The Town of Los Gatos currently has a Council Finance Committee consisting of five (5) members—two (2) Town Council Members as voting members and three (3) citizen members as nonvoting members, appointed by the Town Council. The function of the current Council Finance Committee is to serve as an advisory committee to the Town Council regarding the Town's investment policy, the Comprehensive Annual Financial Report, the unfunded pension employment benefits and new and increased revenue sources. The purpose of the current Council Finance Committee is not to advise on regular or routine financial administration, the Town's budget or spending priorities, nor to become involved in other than the financial impact of the projects/programs they are asked to review.

Voter approval of Measure "A" would create a new Finance Commission that would serve in an advisory capacity to the Town Council and increase their duties and responsibilities in regard to the review of Town finances, including but not limited to: the Annual Budget, the Comprehensive Annual Financial Report, capital expenditures, the revenue and expenditure of Measure G Sales Tax, and making recommendations about the Town's financial budgetary and investment matters and operations related thereto to the Town Council and any other Town department, agency, committee, commission or other body as the Town Council directs.

A "yes" vote on Measure "A" will disband both the Council Finance Committee and Sales Tax Oversight Committee and establish a Finance Commission as set forth above.

A "no" vote on Measure "A" will not disband both the Council Finance Committee and Sales Tax Oversight Committee and will not establish a Finance Commission as set forth above.

Measure "A" will be approved if it receives a simple majority of "Yes" votes.

Robert Schultz
Town Attorney

COMPLETE TEXT OF MEASURE A

LOS GATOS TOWN FINANCE COMMISSION INITIATIVE

BE IT ORDAINED by the People of the Town of Los Gatos as follows:

Section 1. Title.

This measure shall be known and may be referred to as the "Town Finance Commission Initiative."

Section 2. Findings and Declarations.

WHEREAS, the Town's financial well-being is essential to ensuring that the Town can effectively provide services and fund all liabilities; and

WHEREAS, many residents of the Town possess substantial financial management experience and are eager to serve their community; and

WHEREAS, a Finance Commission consisting of qualified Town residents can help ensure the financial well-being of the Town and promote greater public understanding of Town financial matters; and

WHEREAS, a Finance Commission can increase citizen participation in Town governance and encourage greater resident engagement in Town financial decisions; and

WHEREAS, the People of Los Gatos wish to establish a Finance Commission to assist the Town Council in ensuring the financial well-being of the Town; and

WHEREAS, the People of Los Gatos do not wish to interfere with the budgetary authority or processes of the Town Council, but instead believe a Finance Commission can function as an advisory body and provide important guidance to the Town Council in carrying out its budgetary duties and establishing the Town's fiscal policies and priorities.

NOW, THEREFORE, the People of the Town of Los Gatos do hereby amend the Los Gatos Town Code as follows:

Section 3. Amendment to the Los Gatos Town Code.

(New language is indicated by underlining, and
deleted language is indicated by ~~strike through~~.)

1) A new Division is added to Article V of Chapter 2 of the Los Gatos Town Code to read in its entirety as follows:

Division 3.—Finance Commission.

Sec. 2.50.200.—Finance Commission established.

(a) The Finance Commission shall be established to serve in an advisory capacity to the Town Council by reviewing Town finances, including but not limited to the annual budget, Comprehensive Annual Financial Report, and capital expenditures, and making recommendations about the Town's financial, budgetary and investment matters and operations related thereto to the Town Council and any other Town department, agency, committee, commission or other body as the Town Council directs.

COMPLETE TEXT OF MEASURE A-Continued

- (b) The Council Finance Committee is disbanded.
- (c) The Sales Tax Oversight Committee established by section 25.60.140 of the Town Code is disbanded and all powers and duties of that Committee are transferred to the Finance Commission.

Sec. 2.50.205.—Composition, appointment, terms.

- (a) The Finance Commission shall consist of five (5) voting citizen members ("Citizen Appointees") and two (2) non-voting Council Liaisons.
- (b) Council Liaisons.
 - (1) The Town Council shall appoint two Town Council members as non-voting Council Liaisons.
 - (2) The Council Liaisons shall serve on the Finance Commission until replaced by the Town Council but shall not serve beyond their terms on the Town Council.
 - (3) One Council Liaison shall be the Mayor or Vice-Mayor of the Town.
- (c) Citizen Appointees.
 - (1) Except with respect to initial appointments as provided for in section 2.50.205(c)(5), each member of the Town Council shall appoint one Citizen Appointee, upon expiration of terms described in section 2.50.205(c)(4).
 - (2) Citizen Appointees must be residents and registered voters of the Town.
 - (3) No member of the Town Council may serve as a Citizen Appointee.
 - (4) Citizen Appointees shall serve four-year terms, which shall expire on a staggered basis such that every year one term shall expire, except that once every four years, two terms shall expire. The term of each Citizen Appointee shall commence on the first day of January (or as soon as practicable after the effective date of this Division for initial Citizen Appointees), and shall expire on the thirty-first day of the fourth successive December.
 - (5) As soon as practicable after the effective date of this Division, the initial appointment of the first Citizen Appointees shall be carried out as follows: Town Council members shall draw lots to determine the order of expiration for the terms of the first five Citizen Appointees such that one Citizen Appointee's term shall expire each year for four years after the effective date of this Division, and one additional Citizen Appointee's term shall expire in the fourth year after the effective date of this Division. Following the expiration of each of the first five Citizen Appointees' terms, a Citizen Appointee shall be appointed to serve a four-year term.

COMPLETE TEXT OF MEASURE A-Continued

- (6) Citizen Appointees must be certified public accountants, chartered financial analysts, or have a business, finance, economics or accounting degree, and must have at least five years of experience in at least one of the following:
 - (A) Financial experience in a corporate, business, or government setting;
 - (B) Principal or officer at a financial auditing firm;
 - (C) Investment banking; or
 - (D) Finance or budget management.
- (7) Should a Citizen Appointee resign or otherwise leave office prior to the end of his or her term, the appointing Town Council member for that Citizen Appointee shall, as soon as practicable, appoint a new Citizen Appointee to serve the remainder of the term.
- (d) Section 2.40.030 of the Town Code shall not apply to the Finance Commission.
- (e) Administrative support for the Finance Commission shall be provided by the Town Manager, the Director of Finance and by other Town staff as necessary.

Sec. 2.50.210.—Meetings and Records.

- (a) The Finance Commission shall hold at least one meeting per calendar quarter.
- (b) Meetings shall be held as required by the business needs of the Finance Commission in the Town Council chamber in the Town Hall or such other locations as allowed by the Ralph M. Brown Act, at a time that is convenient for the Finance Commission and the public to encourage public participation.
- (c) Meetings shall be subject to the Ralph M. Brown Act.
- (d) Nothing in this Division shall be construed as excluding any documents from the California Public Records Act.

Sec. 2.50.215.—Chair.

- (a) The Finance Commission shall appoint and prescribe the term of office for its Chair.
- (b) The Chair must be a Citizen Appointee.
- (c) All Finance Commission meetings shall be called by the Chair.
- (d) The Chair shall set all Finance Commission meeting agendas.

Sec. 2.50.220.—Quorum.

A majority of the Citizen Appointees of the Finance Commission shall constitute a quorum. Except as otherwise prescribed by ordinance or State law, a vote by a majority of a quorum shall be sufficient to transact business.

Sec. 2.50.225.—Duties.

COMPLETE TEXT OF MEASURE A-Continued

(a) The Finance Commission shall:

- (1) Serve as an on-going, substantive and expert advisory body to the Town and Town Council so that the Town and Town Council can make informed decisions about the Town's financial, budgetary and investment matters and operations related thereto.
- (2) Review the Town Manager's annual proposed budget prepared in accordance with section 2.30.295(6) of the Town Code, and provide written comments and recommendations to the Town Council.
 - (A) The Finance Commission's comments and recommendations shall include a recommendation about whether the Town Council should approve or disapprove the proposed budget. The Finance Commission may make a recommendation of approval of the budget conditional upon the Town Council's acceptance of one or more of the Finance Commission's recommendations.
 - (B) The Town Manager must provide a proposed budget to the Finance Commission at least twenty (20) business days before the first meeting at which the proposed budget is considered by the Town Council.
- (3) Review the Town Manager's draft Comprehensive Annual Financial Report (CAFR) for the preceding fiscal year, and provide written comments and recommendations to the Town Manager.
 - (A) The Town Manager shall respond in writing to the Finance Commission providing his or her rationale for accepting or rejecting each of the Finance Commission's comments and recommendations prior to presenting the CAFR to the Town Council for formal consideration.
 - (B) The Town Manager may not present the CAFR to the Town Council for formal consideration unless or until he or she considers and responds in writing to all of the Finance Commission's comments and recommendations.
- (4) Review the Director of Finance's summary of the Town's financial report required by section 53891 of the California Government Code and prepared in accordance with section 2.50.010(c) of the Town Code, and provide written comments and recommendations to the Director of Finance prior to the publishing of the summary of the report.
- (5) Review the financial policies and procedures manual developed in accordance with section 2.50.010(f) of the Town Code, and provide written comments and recommendations to the Director of Finance.
- (6) Prior to the Town's expenditure of any revenues from the tax authorized by sections 25.60.010 et seq. of the Town Code, review the proposed expenditures and advise the

COMPLETE TEXT OF MEASURE A-Continued

Town Council on whether such expenditures meet the Town Council's objectives for that tax:

- (A) Maintaining and enhancing neighborhood police patrols and local crime prevention programs;
 - (B) Improving traffic flow to reduce congestion;
 - (C) Repairing potholes and maintaining the Town's streets, roads, and sidewalks; and
 - (D) Maintaining the Town's long-term financial stability.
- (7) Issue an annual public report of the expenditures and appropriations of sales tax revenues approved by the Town Council during each fiscal year.
 - (8) Make recommendations to the Town Council about policies and programs:
 - (A) To maximize the Town's revenues consistent with existing taxation structures and inter-governmental funding opportunities;
 - (B) To maximize fee generation consistent with market rate charges for Town-provided services and market rate fees for utilization of Town-owned assets;
 - (C) To minimize the City's cost to provide core services and required activities, consistent with the desired service level for residents and other internal and external customers;
 - (D) To set funding goals for reserves, and review on-going progress related thereto;
 - (E) To assess the risk associated with the structure and documentation of any proposed debt financing;
 - (F) To fund the Town's long-term compensation and benefit program liabilities in the most responsible and cost-effective way; and
 - (G) To monitor investment performance, and make recommendations related to the Town's investment policy and performance.
 - (9) Provide written comments and recommendations regarding the selection of auditors for the CAFR.
 - (10) Participate in pre-audit meetings with auditors, provided that the Finance Commission shall not participate in those portions of any meetings which pertain to confidential employment or attorney-client privileged matters.
 - (11) Review and monitor any events or issues which may affect the financial status of the Town.
- (b) The duties of the Finance Commission shall not be altered, abridged or abrogated in any way by any body except by a vote of the majority of the voters of the Town.

COMPLETE TEXT OF MEASURE A-Continued

- (c) The Town Council shall make changes to the budgetary and all other Town processes and calendars as necessary to allow for consideration of the comments and recommendations of the Finance Commission outlined herein.

Sec. 2.50.230.—Conflicting Provisions.

Should any provision of this Division be found to conflict with the Los Gatos Town Code, this Division shall prevail, consistent with the purposes of the Finance Commission as set forth herein.

2) Section 25.60.140 of the Los Gatos Town Code is hereby amended as follows:

Sec. 25.60.140.—Citizens' oversight and annual audit.

- (a) ~~There shall be a committee appointed by the Town Council to The Finance Commission established by sections 2.50.200 et seq. of the Town Code shall review and report on the receipt of revenue and expenditure of funds from the tax authorized by this chapter ("revenues and expenditures"). The number, qualifications and duties of Committee members shall be established by ordinance or resolution of the Town Council.~~
- (b) Beginning with the fiscal year that ends June 30, 2019, the Town's independent auditors shall, as part of their annual audit of the Town's financial statements, review the collection and expenditure of revenue from the tax authorized by this chapter. The auditors' review shall be a public document. The Finance Commission committee shall annually review the auditors' findings and report in writing to the Town Council regarding the auditors' findings regarding the revenues and expenditures. The Finance Commission's committee's statement shall be transmitted to the Town Council for consideration at a public meeting.
- (c) ~~By January 31, 2019, the Town Council shall adopt a resolution establishing the composition of the committee and further defining its responsibilities consistently with this section. Provisions defining the scope of committee responsibilities and reporting requirements shall address bond oversight, in the event that a decision is made at a later time to sell bonds that are in part backed by the revenues referenced in this section. The Town Council shall appoint the initial members of the committee no later than March 1, 2019.~~

Section 4. Earliest Possible Election.

The People of Los Gatos hereby expressly request that, if not adopted by the Town Council, this measure be submitted to the voters of Los Gatos at a regular or special election at the earliest time allowable by law.

Section 5. Severability.

Should any provision of this measure, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, voidable, or invalid, that determination shall have no effect on any other provision, or the application of this measure to any other person or circumstance and, to that end, the provisions hereof are severable. By approving this measure, the voters express their intent that each section and subsection would

COMPLETE TEXT OF MEASURE A-Continued

have been adopted irrespective of whether any one or more sections or subsections are found to be invalid or unconstitutional, and that each section and subsection is therefore explicitly severable, part-by-part, phrase-by-phrase, and word-by-word, and that if any portion is determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, voidable, or invalid, that the least amount of language be severed from the ordinance. When possible, if any duty granted to the Finance Commission by this measure is found to conflict with powers specifically granted to the Town Council by the Legislature, or found to be otherwise unlawful, the offending section or subsection shall be amended or interpreted to allow the Finance Commission the maximum allowable duties under the law.

Section 6. Competing Initiatives/Measures.

This measure is intended to be comprehensive. It is the intent of the People of Los Gatos that, in the event this measure and one or more measures relating to the same subject shall appear on the same ballot, the provisions of the other measure or measures shall be deemed in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and all provisions of the other measure or measures shall be null and void. If this measure is approved by a majority of the voters but does not receive a greater number of affirmative votes than any other measure or measures appearing on the same ballot regarding the same subject, then this measure shall take effect to the extent not in conflict with said other measure or measures.

Section 7. Effective Date.

This measure shall be considered adopted and become effective upon the date of the election which it was approved by the voters.

Section 8. Liberal Construction.

This measure is an exercise of the initiative power of the People of Los Gatos regarding the establishment of a Finance Commission and shall be liberally construed to effectuate its purposes.

Section 9. Legal Defense.

The People of Los Gatos desire that this measure, if approved by a simple majority of voters and thereafter challenged in court, be defended by the Town of Los Gatos. The People of Los Gatos, by approving this measure by a simple majority of voters, hereby declare that the proponent(s) of this measure have a direct and personal stake in defending this measure from constitutional or statutory challenges to the measure's validity or implementation. In the event the Town fails to defend this measure, or the Town fails to appeal an adverse judgment against the constitutionality, statutory permissibility or implementation of this measure, in whole or in part, in any court of law, the measure's proponent(s) or the voters the Town of Los Gatos shall be entitled to assert his, her or their direct personal stake by defending the measure's validity and implementation in any court of law and shall be empowered by the People through this measure to act as agents of the People of Los Gatos, and the Town of Los Gatos shall indemnify the proponent(s) for reasonable expenses and other losses incurred by the proponent(s), as agent(s), in defending the validity and/or implementation of the challenged measure. The rate of indemnification shall be no more than the amount it would cost the Town to perform the defense itself.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/20/2022

ITEM NO: 7

DATE: December 13, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Annual Comprehensive Financial Report (ACFR):
a. Receive the Annual Comprehensive Financial Report (ACFR) for the Fiscal Year Ended June 30, 2022, and
b. Adopt a Resolution Confirming June 30, 2022 Fund Balances in Accordance Fiscal Year 2021/22 Final Audit and Town Council General Fund Reserve Policy

RECOMMENDATION:

Annual Comprehensive Financial Report (ACFR):

- a. Receive the Annual Comprehensive Financial Report (ACFR) for the Fiscal Year Ended June 30, 2022 (Attachment 1) as recommended by the Finance Commission, and
- b. Adopt a Resolution Confirming June 30, 2022 Fund Balances in Accordance with Fiscal Year 2021/22 Final Audit and Town Council General Fund Reserve Policy.(Attachment 2)

BACKGROUND:

The Town contracts with an independent certified public accountant to examine the books, records, inventories, and reports of all officers and employees who receive, handle, or disburse public funds each fiscal year (FY). The FY 2021/22 audit was performed by Chavan and Associates, LLP an experienced firm specializing in audit services for California public agencies. The firm also compiled the Draft ACFR for the Town of Los Gatos.

The information contained in the ACFR provides detailed financial information which the Los Gatos community and others can use to better understand the fiscal standing of the Town. In addition, the financial information contained in the document is one element that the credit rating agencies review annually to affix a credit rating for the Town's outstanding debt obligations.

PREPARED BY: Gitta Ungvari
Finance Director

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

BACKGROUND (continued):

With the passage of Measure A, the Finance Commission has been tasked with several mandated duties as described in the provisions of the adopted Ordinance. Section 2.50.225. – Duties states that:

(a) The Finance Commission shall:

(3) Review the Town Manager's draft Annual Comprehensive Financial Report (ACFR) for the preceding fiscal year and provide written comments and recommendations to the Town Manager.

(A) The Town Manager shall respond in writing to the Finance Commission providing his or her rationale for accepting or rejecting each of the Finance Commission's comments and recommendations prior to presenting the ACFR to the Town Council for formal consideration.

(B) The Town Manager may not present the ACFR to the Town Council for formal consideration unless or until he or she considers and responds in writing to all of the Finance Commission's comments and recommendations.

DISCUSSION:

On December 12, 2022, the Commission received the Fiscal Year 2021/22 Draft Annual Comprehensive Financial Report (ACFR) for the Commission's consideration per Measure A including a presentation from the Town's auditor Chavan and Associates, LLP (Attachment 3). During the meeting, the Commission provided feedback on the Fiscal Year 2021/22 Draft Annual Comprehensive Financial Report (Attachment 1). Of note the Commission requested that given recent inflationary trends, staff should provide language that illustrates the effect long-term inflation could have on the Town's pension liabilities (pg. 4). In addition, the Commission requested that staff expand Note 15 to include the FY 2020/21 ARPA expenditures of \$200,000 (pg. 97). Commissioners also requested that Note 16 make it clear that the potential waste hauler revenue loss is an annual number (pg. 98).

On December 15, 2022, the Finance Commission will conclude its review of the Fiscal Year 2021/22 Draft Annual Comprehensive Financial Report (ACFR). Any additional recommendations received from the Commission at the December 15th meeting will be communicated to the Town Council through the addendum process.

In addition to the review and input provided by the Finance Commission, staff also provided continuous review and updates to the Fiscal Year 2021/22 Draft Annual Comprehensive Financial Report (ACFR) accordingly (pages 4, 19, 31, 83, and 85).

DISCUSSION (continued):

The redline version of the attached ACFR represents the culmination of recommended enhancements and changes based on Finance Commission comments, continued staff analysis, and continued auditor review while maintaining appropriate ACFR presentation based on governmental accounting and municipal standards.

Highlights of the draft audited financial results include:

Independent Auditor's Report

The auditor has given the Town's financial statements a "clean" audit opinion for the year ended June 30, 2022 giving reasonable assurance that the financial statements are "free of material misstatement." (Attachment 3)

Management's Discussion and Analysis (MD&A)

The MD&A section of the report summarizes for the Town on an entity-wide basis and fund type basis. Information is provided in this section with a year-to-year view, explaining how fund balances have changed between fiscal years ending June 30, 2020, June 30, 2021, and June 30, 2022. Information is also presented on the adopted General Fund budget to actuals and any significant budget adjustments made during FY 2021/22.

Statement of Net Position

The Statement of Net Position serves as a useful indicator of a government's financial position. The Town had net assets of \$138.4 million at fiscal year-end as compared to \$113.5 million the prior year, an overall increase of \$24.9 million over the prior fiscal year. The increase was largely attributed to the combined net result of an approximate \$37 million decrease in total long-term liabilities outstanding, a \$16 million dollar increase in capitalized assets including a \$12.2 million historic Los Gatos Theatre contribution and a \$3.7 million addition to non-capitalized capital outlay expenses from the prior year.

The largest portion of the net assets, \$127.8 million, represents the Town's investment in its capital assets and infrastructure. Restricted assets of \$10.2 million are resources that are subject to external restrictions on how they may be used. As of June 30, 2022, unrestricted net position is \$1.8 million compared to a negative (\$4.7 million) the prior year.

Basic Financial Statements

This section contains basic financial statements, including the "entity-wide" Statement of Net Position and Statement of Activities, financial statements for the fund types including Governmental Funds (such as the General Fund), Proprietary Funds, and the Private Purpose Trust Funds (Redevelopment Successor Agency). The footnotes section provides details on significant items such as the Town's cash and investments (Note 2), Note 4 which illustrates the new implementation of GASB 87 for leases, its long term obligations (Certificates of Participation) related to bonded debt (Note 7), the net pension liability for both the Town's

DISCUSSION (continued):

miscellaneous and safety pension plans (Note 10), and a discussion of the Town's other post-employment benefit plan (Note 11).

Required Supplementary Information

The Schedules of Pension Plan Contributions are provided in this section.

Supplementary Information

This section provides budget to actual information for "non-major" funds which represent less than 10% of the Town's total assets/liabilities/revenues or expenditures.

Statistical Section

This section presents demographic statistics and ten-year historical financial data for the Town, including information on assessed valuations, fund balances, debt, property tax rates, personnel (full-time equivalent) history, principle employers, and other financial and demographic disclosures.

CONCLUSION:

As noted in the auditor's opinion, the ACFR fairly presents the fiscal year ending June 30, 2022 financial activity for the Town of Los Gatos.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

Attachments:

1. Draft Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2022.
2. Fund Balance Resolution Establishing June 30, 2022 Fund Balances
3. Independent Auditor Presentation to the Council Finance Commission



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/20/2022

ITEM NO: 8

DATE: December 13, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Approve a First Amendment to the Agreement with Turbo Data Systems, Inc. in the Amount of \$110,774 for a Total Amended Agreement Amount Not to Exceed \$206,041.54 for a Three-Year Extension of Parking Citation and Permit Parking Processing Services.

RECOMMENDATION:

Approve a First Amendment to the Agreement with Turbo Data Systems, Inc. in the amount of \$110,774 for a total Amended Agreement amount not to exceed \$206,041.54 for a three-year extension of parking citation and permit parking processing services.

BACKGROUND:

On December 1, 2017, the Town entered into an agreement with Turbo Data Systems Inc. for the management of parking citation and parking permit payment and processing services. Turbo Data Systems' annual fees are based on the number of citations and permits issued, the procedures associated to processing citations and permits, and the citation equipment leased monthly. The term of the original agreement was for five years, from December 2017 to December 2022, renewing annually thereafter upon mutual consent. It is anticipated that approximately \$95,267.54 will be expensed during the original agreement term period. Therefore, staff is seeking to extend the agreement of services for an additional three years through December 1, 2025, for an additional \$110,774 expensed over this three-year amended term.

DISCUSSION:

Turbo Data Systems Inc. citation processing program utilizes a cloud-based approach allowing for multiple user accounts, an online web-portal for users to access real-time information (including photographs) related to their citations, online payment processing, an online appeal

PREPARED BY: Heather St. John
Senior Administrative Analyst

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

PAGE 2 OF 2

SUBJECT: Approve a First Amendment to an Agreement for Services with Turbo Data Systems, Inc.

DATE: December 13, 2022

DISCUSSION (continued):

filing process, and enhanced data reporting capabilities. In addition, Turbo Data Systems Inc. provides customizable permit parking management for the Town's Permit Parking Programs to include vehicle license plate recognition, online permit issuance (including residence verification and placard issuance), and applicable permit fee collections for Business Employee Permits, Residential Permits, and Town staff permit tracking. The utilization of Turbo Data Systems has provided a more efficient and effective parking citation and permit issuance system, which is publicly accessible for permit and citation payment processing and has increased staff efficiencies within the parking program.

Staff is requesting a continuance to utilize this vendor to manage the citation and permit issuance and correlated payment processing. In conjunction with elements of the Downtown Parking Plan, this vendor has also proven to be a valuable partner for parking citation and parking permit coordination for implementation of the Downtown Employee Permit Program.

CONCLUSION:

Staff recommends the Town Council authorize the Town Manager to execute a first amendment to the Agreement for Processing of Parking Citations, Permits, and Citation Mobile Devices with Turbo Data Systems in the total increased amount of \$110,774, for a three-year additional term. The total amount of the agreement with this three-year extension is not to exceed \$206,041.54 (from December 2017 to December 2025) with Turbo Data Systems, Inc.

FISCAL IMPACT:

There are sufficient funds available in the Fiscal Year 2022/23 Operating Budget to cover this subscription expense incurred for Turbo Data System for FY 2022/23. Ongoing annual payments will be requested through future fiscal year budget processes, requesting the continuance of these services.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Original Agreement
2. Amendment to Turbo Data Systems Inc. Agreement

**AGREEMENT FOR PROCESSING
OF PARKING CITATIONS, PERMITS AND MOBILE DEVICES**

AGR 17.215
IHH _____

This Agreement is entered into by and between **Turbo Data Systems, Inc. (TDS)**, a California Corporation, and **the Town of Los Gatos**, (hereinafter "Customer").

Whereas, TDS and the Customer desire to enter into an agreement whereby TDS will provide services and equipment related to the processing of parking citations, provide a permit management system, and provide mobile devices for the Customer pursuant to the terms and conditions set forth herein.

In consideration of the mutual covenants, conditions, representations and warranties contained herein the parties hereby agree as follows:

1. **PURPOSE.** The purpose of this Agreement is for TDS to process parking citations, provide permit processing and provide mobile devices and support for the Customer in a timely manner.

2. **SCOPE OF SERVICES.** When and as directed by the Customer, TDS shall perform the following services:

See Attached Scope of Services

3. **TERM.** This agreement shall become effective for a period of five years, renewing annually thereafter upon mutual consent, starting **December 1, 2017**. ✓

4. **CONSIDERATION.** In consideration for services performed by TDS as provided in this agreement, Customer shall pay TDS pursuant to the terms set forth in Exhibit "A" which is attached hereto and incorporated herein by this reference.

5. **PAYMENT OF FEES.** Charges determined on the basis set forth in Exhibit "A" shall be billed on a monthly basis in arrears and payment therefore shall be made within thirty (30) days after submission of each separate invoice.

6. **ACCOUNTING RECORDS.** Records of the citations processed by TDS shall be available for examination by the Customer or its authorized representative(s) at a time agreeable to the Customer and TDS within one week following a request by the Customer to examine such records. Failure by TDS to permit such examination within one (1) week of a request shall permit the Customer to withhold all further payments until such examination is completed unless the Customer in writing authorizes an extension of time for examination.

7. **TIME OF PERFORMANCE.** Time is of the essence, and TDS shall perform the services required by this agreement in an expeditious and timely manner so as not to unreasonably delay the purpose of this agreement as set forth in Sections 1 and 2.

8. **INDEPENDENT CONTRACTOR.** At all times during the term of this agreement, TDS shall be an independent contractor and shall not be an employee of the Customer. The Customer shall have the right to control TDS only insofar as the results of TDS's services rendered pursuant to this agreement; however, Customer shall not have the right to control the means by which TDS accomplishes the services rendered pursuant to this agreement.

9. **FACILITIES AND EQUIPMENT.** TDS shall, at its own cost and expense, provide all facilities and equipment

**AGREEMENT FOR PROCESSING
OF PARKING CITATIONS, PERMITS AND MOBILE DEVICES**

that may be required for performance of the services required by this agreement.

10. TDS agrees to defend, indemnify, hold free and harmless the Customer, its elected officials, officers, agents and employees, at contractor's sole expense, from and against any and all claims, actions, suits or other legal proceedings brought against the Customer, its elected officials, officers, agents and employees arising out of the performance of the contractor, its employees, and/or authorized subcontractors, of the work undertaken pursuant to this Agreement. The defense obligation provided for hereunder shall apply without any advance showing of negligence or wrongdoing by the contractor, its employees, and/or authorized subcontractors, but shall be required whenever any claim, action, complaint, or suit asserts as its basis the negligence, errors, omissions or misconduct of the contractor, its employees, and/or authorized subcontractors, and/or whenever any claim, action, complaint or suit asserts liability against the Customer, its elected officials, officers, agents and employees based upon the work performed by the contractor, its employees, and/or authorized subcontractors under this Agreement, whether or not the contractor, its employees, and/or authorized subcontractors are specifically named or otherwise asserted to be liable. Notwithstanding the foregoing, the contractor shall not be liable for the defense or indemnification of the Customer for claims, actions, complaints or suits arising out of the sole active negligence or willful misconduct of the Customer. This provision shall supersede and replace all other indemnity provisions contained either in the Customer's specifications or contractor's proposal, which shall be of no force and effect.

11. INDEMNIFICATION BY CUSTOMER. TDS shall use due care in processing work of the Customer. Any errors shall be corrected by TDS at no additional charge to the Customer. TDS shall be entitled to reimbursement from the Customer for any expenses incurred by TDS for the correction of any erroneous information provided by the Customer and TDS shall not be responsible for Customers' losses and expenses resulting from erroneous source materials provided by the Customer. Neither party shall be liable to the other for any indirect or consequential losses or damages resulting from any errors within the scope of this Section 11.

12. FAIR EMPLOYMENT PRACTICES/EQUAL OPPORTUNITY ACTS. In the performance of this agreement, TDS shall comply with all applicable provisions of the California Fair Employment Practices Act (California Labor Code Sections (410 et seq.) and the applicable equal employment provisions of the Civil Rights Act of 1964 (42 U.S.C. 200e 217), whichever is more restrictive.

13. AGENCY. Except as Customer may specify in writing TDS shall have no authority, expressed or implied, to act on behalf of the Customer in any capacity whatsoever as an agent. TDS shall have no authority, expressed or implied, pursuant to this agreement to bind Customer to any obligation whatsoever.

14. CHANGES IN LAW. Should there be any changes in the law applicable to the processing of parking citations which would require material changes in the method of the processing as contemplated in this agreement, or materially reduce or eliminate the amount of revenue received by the Customer from parking citations, this agreement shall terminate on the date such law becomes effective, provided either party gives sixty (60) days' notice of termination. Any changes in the processing of parking violations as a result of changes in the law or DMV regulations affecting such violations, which do not materially add to the cost of processing such citations by TDS shall be implemented by TDS at the request of the Customer, provided however, that the cost of such implementation does not exceed the fee paid to TDS for performing such services. If any such change results in the cost of processing citations exceeding the amounts provided for in

**AGREEMENT FOR PROCESSING
OF PARKING CITATIONS, PERMITS AND MOBILE DEVICES**

Section 4 and the Customer declines to amend this agreement to provide for the payment of such increased costs, the agreement shall terminate as of the effective date of the change in the law or regulations.

15. **OWNERSHIP OF SOFTWARE.** Customer acknowledges that the software and software programs used by the Customer or used for the Customer's benefit which were developed by TDS are the sole property of TDS and the Customer obtains no right or interest in the software by virtue of this agreement.

16. **OWNERSHIP OF DOCUMENTS.** All citations and other physical documents pertaining to the Customer (payment documents, appeal documents, etc.), shall be the property of the Customer. Copies of said documents shall not be made available by TDS to any individual or organization without the prior written approval of Customer, except as required by law. TDS agrees to provide Customer, in computer readable form, a copy of all data files to service its citations at the conclusion of this Agreement.

17. **FORCE MAJEURE.** Neither party shall be responsible for delays or failure in performance resulting from acts beyond the control of such parties. Such acts shall include, but are not limited to, Acts of God, strikes, riots, acts of war, epidemics, fire, communication line failure, earthquakes or other disasters.

18. **TERMINATION.** This agreement may be terminated by either party upon ninety (90) days written notice after the original term of the agreement. At such time, TDS agrees to provide Customer, in computer readable form, a copy of all data files to service its citations.

19. **NOTICE.** Whenever it shall be necessary for either party to serve notice on the other respecting this agreement, such notice shall be served by certified mail addressed to:

TDS:	Turbo Data Systems, Inc. 18302 Irvine Blvd, Suite 200 Tustin, CA 92780 Roberta J. Rosen, President
------	---

CUSTOMER:	Town of Los Gatos 110 E. Main Street Los Gatos, CA 95030
-----------	---

unless and until different addresses may be furnished in writing by either party to the other, and such notice shall be deemed to have been served within seventy-two (72) hours after the same has been deposited in the United States Post Office by certified mail. This shall be valid and sufficient service of notice for all purposes.

20. **EXTENT OF AGREEMENT.** This agreement represents the entire and integrated agreement between Customer and TDS and supersedes any and all prior negotiations, representations or agreements, either written or oral. This agreement may be amended only by written instrument signed by both Customer and TDS. This agreement may only be assigned with the express written consent of each of the parties hereto. In the event that any provision hereof is deemed to be illegal or unenforceable, such a determination shall not affect the validity or enforceability of the remaining provisions hereof, all of which remain in full force and effect.

**AGREEMENT FOR PROCESSING
OF PARKING CITATIONS, PERMITS AND MOBILE DEVICES**

21. LITIGATION COSTS. If any legal action or any other proceeding is brought to enforce the terms of this agreement, or because of an alleged dispute, breach, or misrepresentation in the connection with any of the provisions of this agreement, the successful or prevailing party or parties shall be entitled to recover their reasonable attorneys' fees and other costs incurred in that action or proceeding, including the costs of appeal in addition to any other relief to which it or they may be entitled.

22. EFFECTIVE DATE OF THIS AGREEMENT. This agreement, made in duplicate, shall be effective from and after **December 1, 2017**.

Executed on this ____ day of _____, ____.

TOWN OF LOS GATOS

By: See Attached Signature Page

TURBO DATA SYSTEMS, INC.

By: See Attached Signature Page

Roberta J. Rosen
President



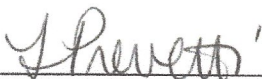
Town of Los Gatos
110 E Main St.
Los Gatos, CA 95030

SIGNATURE PAGE

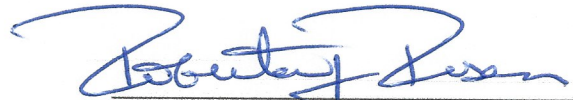
IN WITNESS WHEREOF, the Town and Contractor have executed this Agreement as of the date indicated on page one (1) of the document.

TOWN OF LOS GATOS

VENDOR: Turbo Data Systems, Inc.

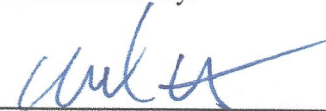


Laurel Prevetti, Town Manager



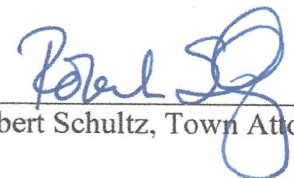
Roberta J. Rosen, President

Recommended by:



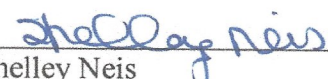
Michael D'Antonio, Interim Chief of Police

Approved as to form:



Robert Schultz, Town Attorney

ATTEST:

 11/16/17

Shelley Neis
Clerk Administrator

**AGREEMENT FOR PROCESSING
OF PARKING CITATIONS, PERMITS AND MOBILE DEVICES**

**EXHIBIT "A"
PARKING CITATION PROCESSING**

Basic Processing Services -	Automated Citations	\$0.40
	Manual Citations	\$0.40
	Monthly Minimum	waived
Notice Processing Services		\$0.80/letter mailed
Notices, initial review letters, other correspondence		
Out of State Processing		25% of amt collected
Administrative Adjudication Processing		\$1.25 per appeal
Paperless Appeals (eAppeals and Scanning)		included with Adjudication
Web Payments - Credit Card Processing		\$3.95 Fee Paid by Violator ✓ No Charge to Agency
ICS Delinquent Collections		25% of amt collected
Franchise Tax Board Offset Program includes postage		\$2.00/letter mailed plus 15% of amount collected
Bank Management		\$75 per month plus bank fees ✓
Process all parking deposits		
Send monthly surcharge check		
Write TDS check for services		
Monthly reconciliation		
Monthly check to Agency for balance of funds		
\$5 fee per NSF and refund check		

Fee Increases:

Postal Rate Increase Offset – Fees will increase immediately to offset the amount of any postal increase.

Annual CPI Increase – For each additional year that this agreement continues per paragraph 3, the cost per item shall be increased according to the CPI for the previous 12 month period.

**AGREEMENT FOR PROCESSING
OF PARKING CITATIONS, PERMITS AND MOBILE DEVICES**

MOBILE DEVICES with ticketPRO software

S7 Active ticketPRO Magic Lease (5 year)

Early Termination Fee: \$55/month/unit for the remainder of the lease term

3 units at \$120/month/unit = \$360/mo. ✓

One Time Setup/Configuration

included

Monthly Communications and Support

included

Parking Citation ticket stock

5,000 citations = \$400

5,000 envelopes = \$400

**AGREEMENT FOR PROCESSING
OF PARKING CITATIONS, PERMITS AND MOBILE DEVICES**

PERMIT PROCESSING

PROCESSING FEES – PERMIT MANAGEMENT	<i>Annual issuance 2,000 – 5,000</i>
ONE TIME STARTUP COST	\$1,000 ✓
Includes: Database Creation, System Setup of Tables, Project Management, Client Approval, Web-Based training, Web Site Customization	
MONTHLY SERVICE/CLOUD-HOSTING FEE	\$250 ✓
This fee will cover the basic maintenance and availability of the system for the public and the City.	
Also Includes:	
✓	Portal Account Registration
✓	Online Permit Applications by Public & Uploading of Documents
✓	Inventory Stock Management
✓	Allows Mailed-in or OTC Permit Applications
✓	Web-Based Payment
✓	PO Box established by TDS for Mailed-in Applications
✓	All other correspondence will be mailed or scanned between TDS and the City
✓	"Self-Service" Internet access 24/7 for the public to view their permit information
✓	Online Support via email 8am-5pm Monday-Friday (excluding Holidays)
Permit Fee	\$1.00 per permit
• Physical Permits; Non-Digital Permits	
Online (Digital) Permit – No Review – No Fulfillment	\$0.75 per Permit
• Virtual or PDF Permits	
Permit Manual Entry/Import by TDS	+\$2.00 per Permit
• Includes document validation	
FULFILLMENT SERVICES	\$1.50 per permit + first class postage
TDS will assign approved permits and deliver via mail with letter.	
Permit Stock/Supplies	Supplied by Agency

**AGREEMENT FOR PROCESSING
OF PARKING CITATIONS, PERMITS AND MOBILE DEVICES**

OTHER LETTER CORRESPONDENCE	\$1 per letter + first class postage
This fee will cover the mailing of a single page of information, such as a simple renewal letter or a rejection letter, etc. Other mailings outside of the fulfillment process can be negotiated.	
Permit Processing Bank Management	\$50 per month Plus bank fees/charges ✓
▪ Process all permit deposits into a separate account setup for Agency ▪ Write a check to TDS for services rendered ▪ Reconcile the account monthly ▪ Provide monthly reconciliation of all activities in the account ▪ Write a check to Agency monthly for the balance of the funds ▪ \$5 fee per NSF and Refund check ▪ Note: Reduced to \$25 per month if TDS Bank Management is already established	
Credit Card Payments (Internet)	No Charge to Agency
A convenience fee of 4% of the amount paid is charged to the customer for this service. This fee covers the cost of ongoing maintenance, support and enhancements of the web payment system, and includes daily and monthly reconciliation of all payments. Optionally, the Agency may choose to pay this fee. (Fee subject to change).	
CUSTOMIZATION CHARGES (OPTIONAL)	\$120 PER HOUR

AMENDMENT TO AGREEMENT

This FIRST AMENDMENT TO AGREEMENT is dated for identification this 17th day of November 2022 and amends that certain agreement for processing of parking citations and parking permit management dated December 1, 2017, made by and between the Town of Los Gatos, ("Town,") and Turbo Data Systems, Inc. ("Consultant.")

RECITALS

- A. Town and Consultant entered into an agreement for processing of parking citations and parking permit management on December 1, 2017, ("Agreement"), a copy of which is attached hereto and incorporated by reference as Attachment 1 to this Amendment.

AMENDMENT

1. Item 3. TERM is now amended by mutual consent to extend the term for an additional three-years until December 1, 2025.
2. All other terms and conditions of the Agreement remain in full force and effect.

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

Town of Los Gatos

Approved as to Consent:

By: _____
Laurel Prevetti, Town Manager

By: _____
Roberta Rosen, President

Department Approval:

Jamie Field
Chief of Police

Approved as to Form:

Attest:

Gabrielle Whelan, Town Attorney

Wendy Wood, CMC
Town Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/20/2022

ITEM NO: 9

DATE: December 13, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Continuation of the Business License Late Fee Penalty
Suspension into the 2023 Calendar Year

RECOMMENDATION:

Authorize the continuation of the Business License Late Fee Penalty Suspension into the 2023 calendar year.

BACKGROUND:

The Town requires all businesses located within Los Gatos and/or those that operate within Los Gatos to obtain a business license. Annual renewal payments are due on January 2 of each year. According to the Town Code a 25% late fee penalty is assessed up to 100% on unpaid balances every 30 days.

Since March 2020, to alleviate the impacts of the pandemic, the Town Council has been working to remain supportive and adaptive to the community's businesses.

One of the steps taken to support businesses included a business license late fee penalty suspension during the emergency proclamation.

DISCUSSION:

The Town is currently partnering with HdL Companies (HdL) to provide dedicated business license support to Los Gatos businesses. Through the partnership, the Town's business license application and renewal process has been streamlined by offering online business license applications and renewals. HdL is assisting with a variety of business license related tasks including new applications, annual renewals, payments, compliance inquiries, and any other general support. In addition, in November, Los Gatos voters approved Measure J, which

PREPARED BY: Gitta Ungvari
Finance Director

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

PAGE 2 OF 2

SUBJECT: Authorize the Continuation of the Business License Late Fee Penalty Suspension
in 2023 Calendar Year

DATE: December 13, 2022

DISCUSSION (continued):

modernizes the Town's business license tax program. This is the first update to the program since 1991 and includes adjustments to flat rate fees, retailing gross receipts, and e-commerce, manufacturing, wholesaling, and jobbing gross receipts.

During this transition period, staff is recommending waiving the business license late fee penalty during the first year (2023) to provide adequate time for businesses to adjust to the new process and fee structure.

FISCAL IMPACT:

Continuing the late fee penalty waiver will reduce the potential collection of late fee penalties; however, providing sufficient time for the transition to the online platform and other HdL efficiencies will enable businesses to pay on-time in the future and have a better user experience.

ENVIRONMENTAL ASSESSMENT:

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



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/20/2022

ITEM NO: 10

DATE: December 9, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Execute an Assignment of Agreement with Bartel Associates, LLC to Assign the Agreement to Foster and Foster Consulting Actuaries, Inc.

RECOMMENDATION:

Authorize the Town Manager to execute an Assignment of Agreement with Bartel Associates, LLC to assign the agreement to Foster and Foster Consulting Actuaries, Inc.

BACKGROUND:

In October 2021, the Town of Los Gatos sent a Request for Proposals (RFP) for actuarial consulting services to sixteen qualified firms known to provide actuarial services. The opportunity was also promoted on the Town's website, What's New, and other social media platforms. Three firms responded with proposals: Actuarial Retirement Consulting, Precision Actuarial Inc., and Bartel Associates, LLC.

A selection panel consisting of the Finance Commission Chair, the Finance Director, Assistant Town Manager, Finance and Budget Manager, and Finance Administrative Analyst reviewed and scored the three proposals. The firms were evaluated based on their technical expertise, qualified personnel, and responsiveness to the RFP. Based upon the firm's technical expertise, proposal, interview, and references, the panel selected Bartel Associates, LLC. This selection was approved by Town Council at its January 18, 2022 meeting.

DISCUSSION:

Staff has been informed that Bartel Associates, LLC has been acquired by Foster and Foster Consulting Actuaries, Inc. Per the Town Attorney, the Town must now assign the agreement to Foster and Foster through the recommended Assignment of Agreement and subsequent Town Council approval.

PREPARED BY: Gitta Ungvari
Finance Director

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

PAGE 2 OF 3

SUBJECT: Authorize a Assignment of Agreement with Bartel Associates, LLC to Assign the Agreement to Foster and Foster Consulting Actuaries, Inc.

DATE: December 9, 2022

CONCLUSION:

Authorize the Town Manager to execute an Assignment of Agreement with Bartel Associates, LLC to assign the agreement to Foster and Foster Consulting Actuaries, Inc.

FISCAL IMPACT:

There is no fiscal impact to the Town.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. First Amendment to Bartel Associates, LLC Agreement

ASSIGNMENT OF AGREEMENT

This ASSIGNMENT OF AGREEMENT is dated for identification this 20th day of December 2022 and assigns that certain agreement for professional actuarial services dated January 31, 2022, made by and between the Town of Los Gatos, ("Town,"), Bartel Associates, LLC. ("Consultant.") to Foster and Foster Consulting Actuaries, Inc. ("Foster").

RECITALS

- A. Town and Consultant entered into an actuarial services Agreement on January 31, 2022, ("Agreement"), a copy of which is attached hereto and incorporated by reference as Exhibit A.
- B. Because Bartel Associates, LLC, was acquired by Foster and Foster Consulting Actuaries, Inc., the parties now wish to assign the Agreement to Foster.

ASSIGNMENT

- 1. The parties agree that the Agreement is assigned to Foster.
- 2. All other terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Assignment Agreement.

Town of Los Gatos:

By: _____
Laurel Prevetti, Town Manager

Foster:

By: _____
CEO or VP

By: _____
One additional corporate officer

Bartel:

By: _____
Member for Manager-Managed LLC

Department Approval:

Gitta Ungvari
Finance Director

Approved as to Form:

Attest:

Gabrielle Whelan, Town Attorney

Wendy Wood, CMC, Town Clerk

1 of



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/20/2022

ITEM NO: 11

DATE: December 16, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Consider a Request for a Continuance for an Appeal of a Planning Commission Decision to Deny a Fence Height Exception Request for Construction of a Six-Foot Fence Located Within the Required Front Yard Setback and a Vehicular Gate Set Back Less than 18 Feet from the Edge of the Adjacent Street on Property Zoned R-1:10. APN 523-04-043. PROPERTY OWNER/APPELLANT: David and Ilana Kohanchi. APPLICANT: Nina Guralnic.

REMARKS:

On November 9, 2022, the Planning Commission considered an appeal of a Community Development Director denial of an exception request for construction of six-foot tall fencing located within the required front yard setback and construction of a vehicular gate with reduced setbacks. The Planning Commission denied the appeal and upheld the Community Development Director denial of the fence height exception request.

On November 14, 2022, the decision of the Planning Commission was appealed to the Town Council by the property owners, David and Ilana Kohanchi. Pursuant to Town Code Section 29.20.280, the appeal must be heard within 56 days of the Planning Commission hearing and in this case by January 4, 2023. The Council must at least open the public hearing for the item, and it may continue the matter to a date certain.

Attachment 1 includes a request for a continuance of the item to a date certain of January 17, 2023. Because this item was publicly noticed and because the Town Code requires that the Town hold a public hearing within 56 days of an appeal, staff recommends that the Town Council open the public hearing to take public comments from any members of the public who will not be able to attend the January 17, 2023, meeting and continue the appeal hearing to January 17, 2023.

PREPARED BY: Savannah Van Akin
Assistant Planner

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

PAGE 2 OF 2

SUBJECT: 755 Blossom Hill Road/FHE-21-003

DATE: December 16, 2022

Attachment:

1. Request for Continuance, dated December 13, 2022

To Whom it May Concern,

We would like for this item at [755 Blossom Hill Road](#) (FHE-21-003) to be continued to the January 17 meeting. We acknowledge that we understand that the January 17 meeting date is after the 56 day window period from the date of the Planning Commission Decision as outlined in Ordinance No 1967.

Sincerely,
David and Ilana Kohanchi

ATTACHMENT 1

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**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/20/2022

ITEM NO: 12

DATE: December 20, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Review and Approve the Town's Response to the 2022 Civil Grand Jury of Santa Clara County Report Entitled, "If You Only Read the Ballot, You're Being Duped."

RECOMMENDATION:

Review and approve the Town's response to the 2022 Civil Grand Jury of Santa Clara County Report entitled, "If You Only Read the Ballot, You're Being Duped."

BACKGROUND:

On October 7, 2022, the 2021-2022 Civil Grand Jury of Santa Clara County released a report on the clarity of ballot measure questions. The Grand Jury Report proposes that an oversight person or body be empowered to review and reject the wording of ballot questions if deemed to be false, misleading, or partial to one side. The Grand Jury's final report is included as Attachment 1.

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requested a response from the Town of Los Gatos and other jurisdictions that may place measures on the ballot. Specifically, the Town of Los Gatos and 22 other governing bodies were asked to respond to Finding #1 of the report and report Recommendations 1b, 1c, and 1e. Penal Code section 933(c) requires the Town Council to provide a response within 90 days, by no later than January 5, 2023. A draft response letter is included as Attachment 2.

PREPARED BY: Bridgette Falconio, Administrative Technician
Gabrielle Whelan, Town Attorney

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

DISCUSSION:

The Grand Jury investigated the clarity of ballot measure questions countywide. The Grand Jury identified two ballot measure questions, prepared by other local agencies in the County, that were potentially misleading. The Grand Jury's final report includes the following finding and six recommendations:

Finding #1:

The Civil Grand Jury finds that in the current environment, which is unregulated at the local level, it is easy for the author of a ballot measure question to write the question in a way that is confusing or misleading to voters.

Recommendation 1a:

The Board of Supervisors should ask the County Counsel to review all ballot questions submitted to it pursuant to Recommendation 1b.

Recommendation 1b:

Governing entities within Santa Clara County should voluntarily submit their ballot questions to the County Counsel for review prior to submission to the Registrar of Voters, unless and until Recommendation 1d is implemented.

Recommendation 1c:

Governing entities within Santa Clara County should, by March 31, 2023, adopt their own resolution or ordinance to require submission of their ballot questions to the County Counsel for review prior to submission to the Registrar of Voters, unless and until Recommendations 1d and 1e are implemented.

Recommendation 1d:

The County should create an independent, citizen-led oversight commission like the recommended Good Governance in Ballots Commission as described in the "Solutions" section of this report. The Commission should be implemented by August 1, 2024.

Recommendation 1e:

Governing entities within Santa Clara County should submit their ballot questions for review by the Good Governance in Ballots Commission pursuant to Recommendation 1d.

Recommendation 1f:

The County should, by March 31, 2023, take appropriate action to request that the state legislature consider amending current law to require the County Counsel to review and approve local ballot measure questions before they are voted on.

DISCUSSION (continued):

The Grand Jury Report requests that the Town of Los Gatos respond to Recommendations 1b, 1c, and 1e only. The proposed response partially agrees with Finding #1. The proposed response disagrees with Recommendations 1b, 1c, and 1e, for the reasons set forth in the letter, which include the following:

- 1) The Elections Code already contains a remedy in the event that an individual considers ballot measures materials to be misleading. If the current Elections Code remedy is not satisfactory, those seeking a change to the process could propose an amendment to the Elections Code.
- 2) Ballot measures, including ballot questions, are reviewed by the Town Council at public meetings, which already provides an opportunity for the public to request clarification.
- 3) There is often a tight timeframe for getting ballot measures on the ballot, which does not afford the Town the time to consult with separate government agencies.

If approved by the Town Council, the response letter will be submitted to the Presiding Judge of the Santa Clara County Superior Court before the response deadline.

CONCLUSION:

Staff recommends approval of the letter with the detailed response as contained in Attachment 2. Once approved by the Town Council, the letter will be transmitted to the Santa Clara County Civil Grand Jury, the Presiding Judge, and the Clerk of the Santa Clara County Superior Court.

COORDINATION:

The Town's proposed response was coordinated with the Town Manager's Office, Clerk's Department, and Town Attorney's Office.

FISCAL IMPACT:

There is no fiscal impact for approving the response to the Civil Grand Jury on this matter.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Santa Clara County Civil Grand Jury Report dated October 7, 2022
2. Proposed response to the Santa Clara County Civil Grand Jury



October 7, 2022

Town of Los Gatos
c/o Ms. Wendy Wood, Town Clerk
110 East Main Street
Los Gatos, CA 95031

Sent via email: wwood@losgatosca.gov

Dear Ms. Wood:

The 2022 Santa Clara County Civil Grand Jury is transmitting to you its Final Report, **If You Only Read the Ballot, You're Being Duped.**

California Penal Code § 933(c) requires that a governing body of the particular public agency or department that has been the subject of a Grand Jury final report shall respond within 90 days to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the governing body. California Penal Code § 933.05 contains guidelines for responses to Grand Jury findings and recommendations and is attached to this transmission.

Please note:

1. As stated in Penal Code § 933.05(a), attached, you are required to "Agree" or "Disagree" with each applicable Finding: 1. If you disagree, in whole or part, you must include an explanation of the reasons you disagree.
2. As stated in Penal Code § 933.05(b), attached, you are required to respond with one of four possible actions to each applicable Recommendation: 1b, 1c, 1e.

Your comments are due to the office of the Honorable Beth McGowen, 2023 Presiding Judge, Superior Court of California, County of Santa Clara, 191 North First Street, San José, CA 95113, no later than **January 5, 2023.**

Copies of all responses shall be placed on file with the Clerk of the Court.

If you have any questions, please contact Britney Huelbig, Deputy Manager for the Civil Grand Jury, at (408) 882-2721 or CGJ@scscourt.org.

Sincerely,

James Renalds
Foreperson, 2022 Civil Grand Jury

Enclosures

ATTACHMENT 1

IF YOU ONLY READ THE BALLOT,
YOU'RE BEING DUPED



2022 Santa Clara County
Civil Grand Jury

October 7, 2022

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GLOSSARY AND ABBREVIATIONS

Attorney General	The chief law officer who represents a state in legal proceedings.
Ballot Card	The printed ballot, usually on high-grade paper, consisting of the ballot questions and names of individuals running for elected office.
Ballot Measure	Ballot measures are proposals, usually at a county or local level, to enact new laws or repeal existing laws, which are placed on the ballot for approval or rejection by the electorate.
Ballot Proposition	Ballot propositions are proposals, usually at the state level, to enact new laws or constitutional amendments or repeal existing laws or constitutional amendments, which are placed on the ballot for approval or rejection by the electorate.
Ballot Question or Ballot Label	For purposes of this report, Ballot Question or Ballot Label means the 75-word or less statement of a measure that precedes “Yes” or “No” on the ballot card.
Boards and Commissions	Boards and Commissions are made up of residents who volunteer their time and expertise to assist and advise governing bodies in the chosen capacity.
Caselaw	Law or legal precedent established by the outcome of court cases.
County Counsel or Office of the County Counsel	The County Counsel is the chief legal advisor and representative for the county, including the county board of supervisors and all county agencies and departments.
Elections Code	A collection of California laws related to public elections.

Governing Entity

A jurisdiction such as a city, county, school district, special district, or political subdivision.

Home Rule

The right of self-government that is granted by state constitution or statute to give autonomy to a local government. Home Rule implies that each level of government has a separate realm of authority.

Public Opinion Pollsters

Opinion polls are designed to represent the opinions of a population by conducting a series of questions and then extrapolating generalities in ratio or within confidence intervals. A person who conducts polls is referred to as a pollster.

Registrar of Voters

The department responsible for the operation, administration, and direction of the elections department, with primary responsibility for the registration of voters, the holding of elections, and all matters pertaining to elections.

Single Subject Rule

Per Article II, Section 8(d) of the California Constitution, "An initiative measure embracing more than one subject may not be submitted to the electors or have any effect." Essentially, the rule stands for the notion that where an initiative embraces more than one subject, it can neither be submitted to, nor enacted by, the voters.

Term Limits

A specified number of terms (in years) that a person in office is allowed to serve.

Writ of Mandate

In California, writs of mandate are used by superior courts, courts of appeal, and the Supreme Court to command lower bodies, including both courts and government agencies, to do or not to do certain things.

SUMMARY

It is not uncommon for the public to be confronted daily with news and information through multiple sources—traditional television programming, 24/7 cable news, satellite radio, social media, and phone alerts. In the context of elections, voters' busy lives can be overwhelmed with many different voices. County and state voter information guides are required by law to be mailed to every registered voter, but voters today do not have a lot of time to read these resources. As a result, the ballot measure question printed on the ballot itself becomes a key factor in the outcome of an election.

There is an expectation in California law that ballot questions be drafted in a manner that is not false, misleading, or partial to one side.¹ But there are ways to work around it. Among the fifty or so jurisdictions in Santa Clara County that are eligible to put forth a ballot measure, the 2022 Santa Clara County Civil Grand Jury (Civil Grand Jury) has seen ballot question language that is confusing, advocacy-oriented, or simply dishonest. Yes, sometimes voters are being deceived. Many voters cannot comprehend the complicated language or the implications of that "yes" or "no" vote. In a perfect world, voters would have the luxury of time to research these issues. In reality, however, voters almost always rely on the language of the ballot measure question itself.

What can be done about this? The Civil Grand Jury proposes an oversight person or body, one who has taken an oath to act with integrity, is well versed in the requirements of the law, and is empowered to review and to reject ballot question wording that is false, misleading, or partial to one side. Santa Clara County should have a climate whereby governing entities in Santa Clara County are discouraged from using dishonest or deceitful wording in a ballot question, especially when they know it will be reviewed and could be rejected. In so doing, due process will be strengthened. With clearer writing, ballot measure questions will be more transparent and straightforward, which will lead to a better perception of government by the voters. It is time to remove impediments to good governance.

¹ California Elections Code section 10403 requires a ballot question to "conform to this code governing the wording of propositions submitted to the voters at a statewide election." The California Elections Code contains Section 9051, which provides that in a statewide election the ballot title and summary of an initiative or referendum must be a "true and impartial statement of the purpose of the measure in such language that the ballot title and summary shall neither be an argument, nor be likely to create prejudice, for or against the proposed measure." (Elec. C. §9051(c); *see also*, *McDonough v. Superior Ct.* (2012) 204 Cal. App. 4th 1169, 1172.)

BACKGROUND

Ballot measures or ballot propositions are proposals to enact new laws or constitutional amendments or to repeal existing laws or constitutional amendments. They are placed on the ballot for approval or rejection by the voting public. The words “ballot *measures*” are often used by county, city, and local governing entities, whereas at the state level, the California State Legislature uses the term “ballot *propositions*” to refer to the same concept. The ballot measure question, which is the subject of this report, refers to the maximum 75-word text that precedes the “Yes” or “No” selection on the ballot card itself. Because most voters never read beyond what is printed on the ballot card, it is of critical importance that ballot measure questions be concise, accurate, and impartial.

Recently, two local newspaper articles highlighted the tactics that governing entities have used to manipulate voters:

- Borenstein, Daniel, *Tricks California Local Officials Use To Trick Voters*, Bay Area News Group, January 21, 2022.
- Mercury News and East Bay Times Editorial Boards, *Stop Deceiving Bay Area Voters on Local Tax Measure Costs*, June 26, 2020, updated September 5, 2020.

As part of its charge, the Civil Grand Jury is responsible for identifying areas within local government that lack good governance or practices. This Civil Grand Jury identified as a problem the choice of wording used in local ballot measure questions. Specifically, the Civil Grand Jury discovered that some local governing entities presenting measures for a public vote create ballot questions that are purposefully misleading so they may obtain their desired result. In particular, it was noted that the wording of a ballot question from the June 2022 election, although representing a relatively simple issue, created confusion among the public. When voters found out what the text of the measure actually meant, they felt deceived by the wording of the ballot question. Deception in ballot questions is worth the attention of the Civil Grand Jury. This problem must be remediated to reinstate good governance in the election process.

METHODOLOGY

The Civil Grand Jury used the following investigative methods:

- Interviews with ten individuals who are well versed in the intricacies of the election process and experts in political science and local governments
- Three published Civil Grand Jury reports: 2021-22 Alameda County, 2021-22 Santa Cruz County, 2021 Santa Clara County
- Editorials from local and regional newspapers: Mercury News, Los Angeles Times, San Francisco Chronicle
- Close reviews of ballot measures, past and upcoming, from the counties of San Mateo, Santa Clara, Santa Cruz, and the City and County of San Francisco
- Legal research of court challenges involving ballot questions

INVESTIGATION

Throughout this report, the Civil Grand Jury was interested only in the process of ballot measure question drafting, not the substance of the underlying ballot measure itself. In its research and analysis, the Civil Grand Jury does not examine the merits of the measure, but rather whether the question as drafted is truthful, impartial, and fair. Ballot questions must conform to statutory requirements and should provide voters with sufficient information and transparency to make informed decisions.

A straightforward ballot question can be summarized this way: A vote for “Yes” means yes and a vote for “No” means no. Unfortunately, it is common for ballot questions to be presented whereby a vote for “Yes” actually means no, and vice versa. This wording is arguably confusing. Inching farther away from confusing questions, the research performed by the Civil Grand Jury found ballot questions that are even worse—they are misleading.

Santa Clara Valley Water District’s Measure A

During the last election in June 2022, the question for Measure A put forth by the Santa Clara Valley Water District (Water District) employed such a tactic:

Shall the measure amending the Santa Clara Valley Water District Ordinance 11-01 to limit Board members to four successive four-year terms be adopted?

The Water District had term limits already in place for board members to serve three four-year terms, or 12 years at most. Measure A sought to increase term limits to four four-year terms, or 16 years at most. However, the ballot question hid the fact that a term limit was already in place; it

asked voters whether a term limit of four terms should be adopted, thereby couching the question as a measure to *adopt* term limits generally, which one political science expert described to the Civil Grand Jury as a concept widely favorable to the voting public. The ballot question did not reflect what the Water District wanted to do. The Water District wanted to extend term limits, but it wrote the ballot question without using the words “extend,” “change,” or “increase.” Instead, the Water District characterized the ballot measure as setting term limits, which is a mischaracterization of what Measure A was actually about.

Further, it is notable that in November 1998, the County of Santa Clara placed a substantially similar measure on the ballot using the same tactic. Measure E asked:

Shall the County of Santa Clara amend section 202 to limit the number of terms a member of the Board of Supervisors may serve to three terms, consisting of four years each?

Again, the ballot question failed to inform the reader that each member of the County of Santa Clara Board of Supervisors was already limited to two terms and that the ballot measure proposed to *extend* years served, not “*limit*” them. By not being transparent, this tactic of ballot question drafting is tantamount to a lie by omission; it borders on deceiving the public. From Measure E in 1998 to Measure A this year, 24 years later, the climate has not changed.

Regulations that Govern Ballot Questions

Sections 9100-9190 of the California Elections Code specifically address county-level elections. Other sections of the Elections Code, while they do not specifically address county-level elections, have import and therefore apply as well. The County of Santa Clara has not enacted local ordinance code provisions regarding ballot question language.

Under the Elections Code, the wording of a ballot measure must state the ballot question, or what the Elections Code calls the “label,” in 75 words or less (Elec. C. §9051(b), §10403, §13247). The ballot question must state “the nature” of the measure (Elec. C. §13120). The official who drafts the ballot question “shall give a true and impartial statement of the purpose of the measure in such language that the ballot title and summary shall neither be an argument, nor be likely to create prejudice, for or against the proposed measure” (Elec. C. §9051(c)). In other words, ballot measure questions shall not be false, misleading, or partial to one side.

Who is Responsible for Writing Ballot Questions?

Today, ballot questions are rarely written “from scratch.” Residing in the public domain are hundreds, if not thousands, of boilerplate questions spanning the universe of issues typically faced by government and public agencies. Putting a measure on the ballot usually starts with selecting

an existing template, preferably one that had been used successfully within a reasonable timeframe and geographic proximity to the one at hand. Tweaks are then made to the chosen template to fit the measure being proposed.

Governing entities are ultimately responsible for approving the final text of the ballot question, but the actual selection of words is often the calculated and carefully calibrated work product of hired election experts, consultants, and attorneys. These outside consultants often rely on public opinion pollsters to determine the type of proposal and wording to put before voters that would achieve the desired outcome. Often, this includes using “feel good” wording that is shown to resonate with voters: “reduce crime;” “funds spent locally;” “all money locally controlled;” and “with citizen oversight.” Results from public opinion polls often dictate the structure and selection of words used within the ballot question, which is then voted on and, if successful, adopted by the governing body such as a city council, a county board of supervisors, the board members of a school district, or any governing body of a government entity operating within the county. During the course of this investigation, the Civil Grand Jury learned that local measures on the ballot that governing entities choose wording likely to be most successful at the ballot box over clarity of language to the voter.

For purposes of this investigation, the Civil Grand Jury focused on ballot questions relating to local ballot measures, not state propositions, because according to the California Elections Code, the state attorney general is responsible for providing ballot questions for state propositions. In contrast, there is no similar requirement that a certain officer provide the ballot question for local elections, so it is instead drafted by the proponent of the measure at the local level.

Advocacy and Tactical Wordplay Result in Poorly Drafted Ballot Questions

It has been widely observed today that the 75-word ballot questions are being used as advocacy pieces, at the expense of fairness and impartiality. In an aptly titled [report](#) published in June of last year, the Alameda County Civil Grand Jury advocated for “*The Need for Accuracy and Impartiality of Ballot Measure Questions*.” The jury explained how and why the desire to achieve a certain outcome has tainted the process to produce ballot measure questions that are not accurate and impartial:

In general, we found ballot questions suffer from a “proponent’s bias” that is a natural outgrowth of the typical process through which questions are selected, drafted, and proposed. ... In general, we found that ballot questions too often fall short of what voters have a right to expect in terms of transparency and impartiality, even when satisfying minimum legal standards.

The jury in Alameda reviewed and provided an in-depth analysis of six ballot questions to reach their conclusion. In so doing, they exposed the “tricks of the trade”—wording chosen for the sole purpose of increasing the odds of success at the polls. Adopting the same methodology as the Alameda report, the Civil Grand Jury reviewed past and upcoming ballot measure questions from local jurisdictions within Santa Clara County. The Santa Clara County Civil Grand Jury observed the same tricks and tactics used by governing bodies to deceive voters:

- (1) Using “feel-good” words to garner voter approval. Measure F, November 2020, said “all funds spent locally,” which is meaningless when one pauses to think about it.
- (2) Adding favorable language even where it plainly does not apply. Measure F, November 2020, said “independent audits, citizens’ oversight” where the underlying ordinance implementing the measure makes no mention whatsoever of audit and oversight requirements.
- (3) Adding misleading words to lead voters astray. Measure S, November 2020, said “until ended by voters,” falsely implying that the measure itself provided for repeal or that voters would have an opportunity to repeal the tax when they did not; Measure L, November 2020, conveyed the same with “can be ended by voters.” Measure A, March 2017, said “[funds] cannot be taken away by the State,” falsely implying that the state may access local funds when it may not.
- (4) Manipulating words to divert voters from what is actually at issue. Upcoming Measure N, November 2022, which seeks authorization of \$572 million in school bonds costing approximately 3 cents per \$100 of assessed valuation, states “no increase in tax rates.”
- (5) Omitting relevant information necessary for voters to make informed decisions. Measure AA, November 2016, and Measure H, November 2014, made no mention of the tax increase that would be required to fund the school bonds that were at issue.
- (6) Putting multiple issues on a single measure, ostensibly violating the single subject rule. Measure H, November 2020, sought to increase card room tax and the number of card tables allowed in gambling facilities.

At the writing of this report, the following measures slated for the upcoming November 2022 election also rely on at least one of the tactics described:

E	“all funds spent locally with no money taken by the State and spent elsewhere” - see (1) and (3) above.
G, H, J, L	“until ended by voters” - see (3) above.
I	“Shall the City Charter be amended to add the City's ethics and elections commission (Board of Fair Campaign and Political Practices) to the Charter; remove requirements that members of the Planning, Civil Service, and Salary Setting Commissions be electors and/or citizens; remove gender-specific language; and require the City Council to adopt equity values, standards, and assessments in making certain decisions?” - see (6) above.
O	“all money staying local” - see (1) above.

Along the same lines, it is worth noting that in June 2022, the Santa Cruz County Civil Grand Jury released its [report](#), “*Words Matter: Did Measure G Deceive Voters?*” The question confronting the jury was whether the County of Santa Cruz was honoring the provisions in the ballot measure following its passage. The jury concluded that the ballot question behind the November 2018 Measure G was misleading after its investigation and research revealed no basis whatsoever for including the words “annual audits and independent citizens oversight” within the ballot question. Arguably, these words were used for no purpose other than to elicit good feelings in the voter.

The Elephant in the Room: Big Money

Elections cost money—lots of money. In an [article](#) published June 30, 2002, updated June 22, 2022, CalMatters put it succinctly: “*Ballot measures are big business.*” The Civil Grand Jury learned that cost is a major factor in the decision to get to the ballot. San Jose’s *Mercury News* reported that the Water District’s Measure A from the June 2022 election cost taxpayers \$3.2 million.

Once the decision is made by the government entity to spend the money to go to ballot, a lot of pressure is put on the entity to do whatever it takes to secure a win. For this reason, proponents of ballot measures stay focused on the result, hiring high-priced election consultants, attorneys, and opinion pollsters to carefully frame the ballot question to achieve the desired outcome. Successful elections will reward those that are behind them. It does not take much imagination to understand how this practice has evolved to become “high stakes.” For example, a school district superintendent who has successfully secured funding through school bond measures may parlay these wins to rally support for a more prestigious role or a position at a larger public institution.

On the other hand, if a measure fails, individuals’ livelihoods are at stake because someone will likely have to take the blame for it—usually either someone on staff or the board proponents of the governing body. This is why proponents advocate so strongly, often—as exemplified above—sacrificing context, clarity, truthfulness, and transparency in ballot question wording in favor of pure advocacy. The Civil Grand Jury learned from those in the ballot question business that it is understood that the drafter will make sure the statement is “lawful,” but it is also understood that it will not necessarily provide full disclosure.

Eroding the Public’s Trust

Many voters in Santa Clara County felt that they were tricked by the Water District based on how Measure A was worded. The Civil Grand Jury compiled the following descriptors of Measure A from local news sources and through its interviews: “deceitful,” “deceptive ballot language,” “designed to confuse voters,” “dishonest,” “false,” “hiding the ball,” “lacks integrity,” “lie by omission,” “misleading,” “not ethical,” “not transparent,” “not clear,” “violates the norm,”

“violates standards of good governance,” “board must be held accountable,” “board should resign,” “board violated its fiduciary duty,” “board violated the trust of the people,” “board wasting money,” “failure of character,” “failure to represent its constituents,” “fraudulent misappropriation of public funds,” “misled the public for political gain,” “self-serving hoodwinking of the electorate,” “self-serving dishonesty,” “unacceptable in a democracy.”

Public opinion made it clear that where a ballot question fails to provide voters with sufficient information to make an informed decision, it does so at the expense of public trust. Forming distrust between government and its citizenry hurts. What the Water District did through Measure A has severe ramifications because it creates distrust between the government agency and the people the agency is supposed to serve and protect. Going forward, Santa Clara County residents will likely question the integrity and ethical behavior of the Water District. Once the bonds of trust have been weakened, citizens are less inclined to trust the actions and decisions of this agency and more inclined to ask, “If the Water District cannot be trusted to be truthful on the ballot, how can we know them to be truthful in other matters?”

With the passage of Measure A, many residents lost confidence in the Water District. It may take a long time to regain trust from the community. While the Civil Grand Jury appreciates the desire of a government entity to advocate for itself when putting ballot measures up for a public vote, ballot questions cannot be false, misleading, or partial to one side. Based on Civil Grand Jury research and reports, too many local measures fail to meet this standard in favor of advocacy and “proponent’s bias.”

Lack of Oversight Results in Poorly Drafted Ballot Questions

Despite the number of hands that touch a proposal from inception to ballot card, the Civil Grand Jury was surprised to discover that there is no filter or oversight by an appropriate official prior to the adoption of ballot question wording. At the state level, the “Attorney General gives a true and impartial statement of the purpose of the measure in such language that the ballot title [e.g., the ballot question] and summary shall neither be an argument, nor likely to create prejudice, for or against the proposed measure” (Elec. C. §9051(c)). But the Attorney General does not have jurisdiction over *local* measures and thus does not provide the ballot question. When it comes to local measures, the Civil Grand Jury learned that there is not a similar role performed by an official, like the Attorney General, that can provide the wording for ballot questions. Rather, when the ballot question is submitted to the Santa Clara County Registrar of Voters, their review is narrowly limited to enforcement of the 75-word limit. Staff at the County Registrar of Voters manually count the number of words to ensure that the word cap has not been stretched. They do not monitor the content of the ballot question.

At the local level, the County of Santa Clara Office of the County Counsel performs legal services that are most analogous to the Attorney General's role at the state level with respect to elections. Further, County Counsel has expertise in election law and advises the County of Santa Clara Registrar of Voters. The County Counsel does not, however, have authority over cities and political subdivisions within the boundaries of the county. Therefore, when a city, school district, or special district places a local measure on the ballot, they are permitted under current law to draft the language themselves. They have every incentive to adopt wording proposed by their polling consultants, who will give weight to "feel good" words over simplicity, transparency, and impartiality. Fundamentally, the government entity's self-interest dictates the ballot question wording.

The Current Sole Remedy—Initiating a Court Challenge—Falls Short

Under current legislation, there is no realistically expedient method to challenge problematic ballot questions. When a measure is to be placed on the ballot for an upcoming election, it is subject to a 10-day public examination period during which any voter in the jurisdiction may file a lawsuit to amend the language of the measure. California Elections Code section 9295 sets forth the procedure:

During the 10-calendar-day public examination period provided by this section, any voter of the jurisdiction in which the election is being held, or the elections official, himself or herself, may seek a writ of mandate or an injunction requiring any or all of the materials to be amended or deleted. The writ of mandate or injunction request shall be filed no later than the end of the 10-calendar-day public examination period.

A peremptory writ of mandate or an injunction shall be issued only upon clear and convincing proof that the material in question is false, misleading, or inconsistent with the requirements of this chapter, and that issuance of the writ or injunction will not substantially interfere with the printing or distribution of official election materials as provided by law.

There are several reasons why the 10-calendar-day public examination period to object in a formal court setting does not work well:

- (1) The public tends not to hear about ballot measures until it is too late. This is due in part to a dearth of media coverage of local news, a result of the consolidation of local news outlets by media conglomerates. It is no secret that in today's news environment, local news coverage has been reduced significantly. Furthermore, ten days is a very short window to react, let alone mount a court challenge to remediate.

- (2) Ten days is much too short a time to locate an attorney well versed in the laws and processes of elections to file a lawsuit in this specialized field.
- (3) Even if an attorney can be available within the 10-day window, it is not within the means of the average person to afford the attorney fees necessary to pursue a remedy.
- (4) Voters challenging the wording in a ballot question face an uphill battle because the courts give deference and considerable latitude to the original author. Further, courts uphold the ballot measure question if it substantially complies with the requirement not to be “false, misleading, or partial to one side.” (See Bibliography, *Amador* and *McDonough* decisions.)
- (5) There is practically no recourse to fix non-conforming ballot questions after the 10-calendar day public examination period has passed. (See Bibliography, *Denny* decision.)
- (6) Even the single subject rule—a state constitutional doctrine—has been watered down by case law; hence it is no longer vigorously enforced. (See Bibliography, *Amador* and *Harbor* decisions.)

When confronted with challenges to ballot measures, the courts have stated:

- Relief under a writ of mandate may be granted "only upon clear and convincing evidence" that the challenged election material is "false or misleading or otherwise inconsistent with the provisions." (See Bibliography, *McDonough* decision.)
- The test is not whether the ballot question could be more complete. (See Bibliography, *Martinez* decision.)
- The ballot title need not be the “most accurate,” “most comprehensive,” or “fairest” that a skilled wordsmith might imagine. (See Bibliography, *Yes on 25, Citizens for an On-Time Budget* decision.)
- The courts are not free to change an accurate statement to reflect their interpretation of the common sense understanding of the language. (See Bibliography, *Yes on 25, Citizens for an On-Time Budget* decision.)
- The courts are not free to wordsmith the ballot question and change it just because they believe it could be better. (See Bibliography, *Martinez* decision.)
- The courts must give deference to the official who drafts the ballot question; “all legitimate presumptions should be indulged in favor of the propriety” of the drafter’s actions. (See Bibliography, *Becerra* decision.)

Solutions

The Civil Grand Jury has learned that the sole legal remedy currently available to right a wrong when it comes to ballot measure questions is insurmountable for the average citizen. Nonetheless, the Civil Grand Jury notes that there could be two potential mechanisms to improve the current process.

1. Task an appropriate official to review ballot measure questions

Current law requires that the individual who drafts the ballot question do so in a way that is not false, misleading, or partial to one side. In order to meet this requirement, an objective, neutral third party is needed to speak on behalf of the voting public, ideally someone who is well versed in the law, has a fiduciary duty to uphold the law, and has taken an oath to act with integrity. The Civil Grand Jury recommends that County Counsel perform this task. Further, the Civil Grand Jury recommends that the County of Santa Clara Board of Supervisors should endorse the County Counsel to act in a role, like that of the Attorney General, to provide for ballot question wording for all local measures.

What this might look like: After the governing entity ratifies the concept behind the proposed measure, as is the practice today, the entity's lawyer, whether a city attorney, school district attorney, or special district attorney, would draft a ballot question that is impartial, unbiased, and non-argumentative. The proposed ballot question would then be submitted to the County Counsel, who would be charged with overseeing the narrow task of ensuring that the wording of the question is not false, misleading, or biased in favor of one view. Most importantly, County Counsel would also be authorized to reject non-conforming or deficient wording and to compel revisions. Only when the ballot question at issue conforms to statutory requirements would County Counsel approve it for use.

2. Create an independent oversight commission to review ballot questions

It is not unusual for jurisdictions to convene independent advisory commissions to assist in county governance. The County of Santa Clara alone boasts over 75 boards and commissions, ranging from an Advisory Commission on Consumer Affairs to a Youth Task Force.

For purposes of overseeing conformity of ballot measure questions, the Civil Grand Jury recommends that the County form a Good Governance in Ballots Commission (Good Governance Commission). This advisory commission should act quickly to review and comment on ballot questions or provide recommendations to remediate questions that are false, misleading, or partial to one side. The composition of the Good Governance Commission should, at a minimum, include an attorney member of the California State Bar, either to participate as a full member or act as an ex officio member without voting privileges. Because County Counsel is the attorney to most Santa Clara County advisory boards and commissions, it could therefore be tasked to help members of this commission navigate the intricacies of California's statutory requirements.

Apart from the obvious benefits—non-partisanship and public representation—another advantage of having a single commission perform the task of reviewing ballot questions would be to maintain consistency across all governing entities. Regardless of whether a city, county, school district, or

other jurisdiction puts forth the measure, the output from a neutral, uninterested third party would probably help eliminate the rhetoric and advocacy inherent in the current practice.

To be successful, the Good Governance Commission should ideally have the ability to review and to reject language that is biased and partial. The power of rejection is crucial because it would also likely have the effect of encouraging the governing entity to self-police. It must not be merely optional for governing entities to submit their ballot questions for review. If the commission were granted mere advisory powers, then it would have very limited impact; it is reasonable to surmise that most, if not all, governing entities would choose to decline to submit their ballot questions for consideration in the interest of the time required to add a layer of review.

Unfortunately, adoption of a Good Governance Commission that has the power to reject language would require passage of a state law that would enable the County of Santa Clara to have an express grant of power to impose a requirement on other entities. This is because “[t]he board of supervisors has no inherent powers; the counties are legal subdivisions of the state, and the county board of supervisors can exercise only those powers expressly granted it by Constitution or statutes and those necessarily implied therefrom” (*Hicks v. Board of Supervisors* (1977) 69 Cal. App. 3d 228, 242). In general, absent other express authorization, one governmental entity cannot regulate another.

Put another way, charter cities operate under home rule, which means that they do not answer to the county the city is located in. For example, the County of Santa Clara Board of Supervisors does not have jurisdiction to compel the City of Gilroy, a charter city, to abide by a county ordinance. Absent some legislative authorization, the County of Santa Clara cannot impose a mandatory review process for ballot questions on other entities. For this reason, the Civil Grand Jury urges the County to pursue legislative solutions to facilitate a process by which the County Counsel would be required to review and approve local measure ballot questions before they are voted on.

Formation of a Good Governance in Ballots Commission

The Civil Grand Jury believes that having an independent oversight commission with advisory powers will improve the local electoral process. It puts pressure on governing bodies, sending the message that their ballot questions are being monitored for clarity, truthfulness, fairness, and impartiality.

The Alameda Civil Grand Jury report provides detailed instructions around the formation, structure, and operation of an oversight committee. This can be found in Appendix B of their June 2021 report. Last, but not least, another possibility is to lean on an existing Santa Clara County advisory body, the [Citizens’ Advisory Commission on Elections](#), to create a subcommittee focused

on ballot question integrity and good governance. Because time is of the essence when it comes to the elections process, the subcommittee must act within the short turnaround timeframe established by state statutes and county ordinances.

There do not appear to be any advocates for transparent and neutral language. Action must be taken. Having the Office of the County Counsel review and approve ballot questions to ensure conformity to statutory requirements would be a good start. Convening a citizen-led, independent oversight Good Governance Commission is another solution.

CONCLUSION

Civil Grand Juries are charged to help government develop practical solutions to improve government operations. Poorly worded ballot questions may not be illegal, but if they withhold information to shield what is really at issue, they are unethical. There are insufficient workable checks and balances to prevent this ongoing issue from being curtailed. Not doing anything about this only adds to the distrust of government. The Civil Grand Jury recommends that elected officials be held accountable—ballot questions must be transparent and clear in order to enable today's voters to make informed decisions. The Civil Grand Jury wants governing entities to know that the public is paying attention and will not tolerate questions that are anything less than truthful, impartial, and fair. Further, ballot measure questions need to be straightforward, understandable, transparent, and honest.

FINDINGS AND RECOMMENDATIONS

Finding 1

The Civil Grand Jury finds that in the current environment, which is unregulated at the local level, it is easy for the author of a ballot measure question to write the question in a way that is confusing or misleading to voters.

Recommendation 1a

The Board of Supervisors should ask the County Counsel to review all ballot questions submitted to it pursuant to Recommendation 1b.

Recommendation 1b

Governing entities² within Santa Clara County should voluntarily submit their ballot questions to the County Counsel for review prior to submission to the Registrar of Voters, unless and until Recommendation 1d is implemented.

Recommendation 1c

Governing entities³ within Santa Clara County should, by March 31, 2023, adopt their own resolution or ordinance to require submission of their ballot questions to the County Counsel for review prior to submission to the Registrar of Voters, unless and until Recommendations 1d and 1e are implemented.

Recommendation 1d

The County should create an independent, citizen-led oversight commission like the recommended Good Governance in Ballots Commission as described in the “Solutions” section of this report. The Commission should be implemented by August 1, 2024.

² There are approximately 50 governing entities within Santa Clara County. The Civil Grand Jury has elected to address these recommendations to the County, cities, and a select number of special districts and school districts that have historically the most measures on the ballot for response. The Civil Grand Jury encourages all governing entities to adopt these recommendations.

³ *Id.*

Recommendation 1e

Governing entities⁴ within Santa Clara County should submit their ballot questions for review by the Good Governance in Ballots Commission pursuant to Recommendation 1d.

Recommendation 1f

The County should, by March 31, 2023, take appropriate action to request that the state legislature consider amending current law to require the County Counsel to review and approve local ballot measure questions before they are voted on.

⁴ *Id.*

REQUIRED RESPONSES

Pursuant to California Penal Code § 933(b) et seq. and California Penal Code § 933.05, the County of Santa Clara 2022 Civil Grand Jury requests responses from the following governing bodies:

Responding Agency	Findings	Recommendations
County of Santa Clara Board of Supervisors	1	1a, 1b, 1d, 1f
City of Campbell	1	1b, 1c, 1e
City of Cupertino	1	1b, 1c, 1e
City of Gilroy	1	1b, 1c, 1e
City of Los Altos	1	1b, 1c, 1e
Town of Los Altos Hills	1	1b, 1c, 1e
Town of Los Gatos	1	1b, 1c, 1e
City of Milpitas	1	1b, 1c, 1e
City of Monte Sereno	1	1b, 1c, 1e
City of Morgan Hill	1	1b, 1c, 1e
City of Mountain View	1	1b, 1c, 1e
City of Palo Alto	1	1b, 1c, 1e

IF YOU ONLY READ THE BALLOT, YOU'RE BEING DUPED

Responding Agency	Findings	Recommendations
City of San Jose	1	1b, 1c, 1e
City of Santa Clara	1	1b, 1c, 1e
City of Saratoga	1	1b, 1c, 1e
City Sunnyvale	1	1b, 1c, 1e
Santa Clara Valley Water District	1	1b, 1c, 1e
Valley Transportation Authority	1	1b, 1c, 1e
El Camino Healthcare	1	1b, 1c, 1e
Foothill-DeAnza Community College District	1	1b, 1c, 1e
San Jose Unified School District	1	1b, 1c, 1e
East Side Union High School District	1	1b, 1c, 1e
Cupertino Union School District	1	1b, 1c, 1e

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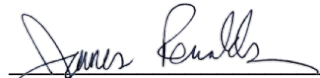
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Interviews:

The Civil Grand Jury conducted interviews with ten individuals between June 28, 2022, and August 22, 2022.

This report was **ADOPTED** by the Santa Clara County 2022 Civil Grand Jury on
this 7th day of October, 2022.



Mr. James Renalds
Foreperson



TOWN OF LOS GATOS
OFFICE OF THE TOWN COUNCIL
(408) 354-6801
Council@LosGatosCA.gov

December 21, 2022

The Honorable Beth McGowen, Presiding Judge
Santa Clara County Civil Grand Jury
Superior Court Building
191 North First Street
San Jose, CA 95113

RE: Response to the Santa Clara Civil Grand Jury Report on “If You Only Read the Ballot, You’re Being Duped” Dated October 7, 2022

Dear Presiding Judge McGowen,

The Town would like to thank the Grand Jury for its work on this important topic. Enclosed please find the Town’s response to the Santa Clara Civil Grand Jury Report on “If You Only Read the Ballot, You’re Being Duped.”

The response was reviewed and approved by the Los Gatos Town Council on December 20, 2022. The Town is required to respond to one Finding and three Recommendations. The attached document contains the Town’s responses to the Finding and Recommendations. In summary, the Town partially agrees with Finding 1 but does not anticipate implementing the Recommendations due to concerns that the Recommendations are not reasonable.

If you have any questions, please contact me at Council@LosGatosCA.gov or (408) 354-6801.

Sincerely,

Rob Rennie
Town of Los Gatos Mayor

Enclosure

cc:
James Renalds, Foreperson, 2022 Civil Grand Jury
Clerk of the Santa Clara County Superior Court

Town of Los Gatos Response to Grand Jury Report on Ballot Questions

Finding 1:

The Civil Grand Jury finds that in the current environment, which is unregulated at the local level, it is easy for the author of a ballot measure question to write the question in a way that is confusing or misleading to voters.

Response: The Town partially agrees with this Finding. The Town agrees with the portion of the Finding stating that ballot measure questions can be confusing or misleading. The Grand Jury Report itself provides two examples of this Finding. However, with regard to local ballot measures, the Town disagrees with the finding that ballot measures are unregulated. The California Elections Code clearly sets the expectation that ballot materials should be true and impartial in a manner that does not create prejudice or serve as an argument for or against the proposed measure. In city government, ballot questions are prepared by the city attorney and the city attorney is responsible for drafting ballot questions that are clear to voters. Ballot measures and ballot questions are reviewed at Town Council meetings before submission to the County Registrar of Voters, which provides the community with a direct opportunity to comment on the proposed wording.

Recommendation 1b:

Governing entities within Santa Clara County should voluntarily submit their ballot questions to the County Counsel for review prior to submission to the Registrar of Voters, unless and until Recommendation 1d is implemented.

Response: As noted in the Grand Jury report, the California Elections Code does provide an option for recourse if a ballot question falls short of the requirements set forth in State law. If the existing recourses in State law are not working, the solution is to propose amendments to State law.

In addition, the Elections Code contains tight timelines and it is not feasible to build in review time by a separate agency. The Town will occasionally need to add measures on the ballot quickly in order to respond to time-sensitive issues. Also, the Town will occasionally receive proposed ballot measures as a result of an initiative or referendum. If sufficient signatures are gathered on an initiative or referendum petition, State law requires the Town to place the measure on the ballot at the next regular municipal election. There may be instances in which the Town does not have time to seek County review of a proposed ballot question.

In addition, the Town believes that local agencies are the most familiar with the content of Town-sponsored ballot measures and therefore the best-equipped to draft those ballot questions.

The recommendation will not be implemented, because it is not warranted or reasonable.

Recommendation 1c:

Governing entities within Santa Clara County should, by March 31, 2023, adopt their own resolution or ordinance to require submission of their ballot questions to the County Counsel for review prior to submission to the Register of Voters, unless and until Recommendations 1d and 1e are implemented.

Response: Please see the Town's response above. The recommendation will not be implemented, because it is not reasonable.

Town of Los Gatos Response to Grand Jury Report on Ballot Questions

Recommendation 1e:

Governing entities within Santa Clara County should submit their ballot questions for review by the Good Governance in Ballots Commission pursuant to Recommendation 1d.

Response: Please see the Town's response above. The recommendation will not be implemented, because it is not reasonable.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/20/2022

ITEM NO: 13

DATE: December 15, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Discuss the Housing Element Update and Provide Direction on Next Steps.

RECOMMENDATION:

Discuss the Housing Element Update and provide direction on next steps.

BACKGROUND:

The Town of Los Gatos is required to adopt an updated Housing Element for the period covering 2023-2031 by January 31, 2023. The Housing Element is one of nine State-mandated elements that must be included in every General Plan. The Housing Element assesses housing needs for all income groups within the community and identifies implementation programs to meet those housing needs. Unlike other General Plan elements, the Housing Element must be updated every eight years, rather than every 10 to 20 years, must address statutory requirements regarding its content, and is subject to mandatory review and certification by the California Housing and Community Development Department (HCD).

Starting in early 2021, the Town has worked diligently through the required steps to comply with State law with the goal of adopting a Housing Element prior to the January 31, 2023, deadline. Attachment 1 presents a timeline outlining the ongoing efforts that have been completed toward achieving this goal. In the event the Town does not have an adopted Housing Element by January 31st, this report discusses the "Builders Remedy" and scheduling options.

The primary purposes of this agenda item are:

- (1) Provide direction on the Town's potential modifications to the Housing Element in response to the preliminary, unofficial comments to the Town from HCD;

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 Finance Director

BACKGROUND (continued):

- (2) Provide direction on the Town's potential modifications to the Housing Element in response to the official HCD comments received by some other cities in the Bay Area; and
- (3) Provide direction on the timing for Housing Element adoption.

DISCUSSION:

Preliminary Comments to the Town from HCD

Staff met with the Town's HCD reviewer on December 13, 2022, to receive preliminary, verbal feedback on the Draft Housing Element. The following topics were identified by the HCD reviewer as requiring additional information and/or analysis. Many of these topics, listed below, were discussed at the December 1, 2022, Housing Element Advisory Board (HEAB) meeting as potential comments that the Town may receive.

1. The referendum status of the Land Use and Community Design Elements of the 2040 General Plan;
2. The housing needs assessment;
3. The site inventory;
4. The governmental and non-governmental constraints;
5. Affirmatively Furthering Fair Housing;
6. The implementation programs;
7. Documented compliance with State law, including, but not limited to transparency laws, Senate Bill 330, and Assembly Bill 139; and
8. Additional information for the Pipeline Projects and the projections used for calculating Accessory Dwelling Unit (ADU) and Senate Bill 9 (SB 9) projects.

Comments to Other Cities from HCD

In anticipation of the Town's first review comment letter from HCD, staff reviewed comment letters received by other jurisdictions, including, the cities of Campbell, Dublin, Menlo Park, Mountain View, Redwood City, Saratoga, and Sunnyvale. Staff identified the following recurring topics in the comment letters from other jurisdictions which the Town may also receive and presented this information to the HEAB at their December 1, 2022, meeting. The HEAB discussed each of the topics described below, agreed with staff's recommended approach to each issue, and provided a general consensus to the Town Council that the Draft Housing Element as submitted to HCD be adopted by the statutory deadline of January 31, 2023.

DISCUSSION (continued):*Implementation Programs*

1. Provide more definitive implementation timelines and objectives, quantified where appropriate, for each Implementation Program.
2. An Implementation Program to modify the Town's Density Bonus Ordinance for compliance with Assembly Bill 1763, which became effective in January 2020. The Town's Density Bonus Ordinance was last modified in June of 2012.
3. An Implementation Program to modify the Town's ADU Ordinance for compliance with State law. For example, the Town's current ADU ordinance requires that a new ADU in the Hillside Residential (HR) zone comply with the primary structure setbacks for the rear and side setbacks; whereas, HCD has previously provided correspondence to staff that the Town may only utilize minimum rear and side setbacks of four feet.

Site Inventory List

1. HCD provided a comment in the City of Menlo Park comment letter that the Housing Element could utilize a minimum density and this methodology may be accepted without further analysis or methodology. The Town's current methodology for calculating the realistic residential capacity for the Site Inventory utilizes the typical density identified in the 2040 General Plan Residential Buildout table. The following table demonstrates the existing 2020 General Plan Land Use designations, the 2040 General Plan minimum density, and the 2040 General Plan typical density. Should the Town choose to utilize a minimum density for calculating the residential capacity of the Site Inventory, additional sites would be required to be selected from either the Tier 2 or Tier 3 Site Inventory list.

2020 General Plan Designation	2040 General Plan Minimum Density (du/ac)	2040 General Plan Typical Density (du/ac)
Low Density Residential	0	4
Medium Density Residential	14	18
High Density Residential	30	36
Neighborhood Commercial	10	18
Central Business District	20	26
Mixed-Use	30	36

2. HCD has deemed sites smaller than a half-acre as inadequate to accommodate housing for lower-income housing unless it is demonstrated that sites of equivalent size and affordability were successfully developed during the prior planning period or unless the Housing Element provides other evidence to HCD that the site is adequate to accommodate lower-income housing. The Town's Site Inventory includes eight sites that are less than half an acre (Site A-1, Site A-7, Site B-1, Site C-6, Site D-3, Site D-4, Site D-7, and Site G-1).

DISCUSSION (continued):

- a. Site A-1 (50 Park Avenue) is identified in the Site Inventory; however, it has not been identified as a site to accommodate lower-income housing.
 - b. Site A-7 (165 Los Gatos-Saratoga Road) is identified in the Site Inventory; however, it has not been identified as a site to accommodate lower-income housing.
 - c. Site B-1 (APN 529-24-003) has been identified as a site to accommodate lower-income housing units as it is consolidated with the Los Gatos Lodge property. The Town has received a Property Owner Interest form for this property. Programs BF and BG of the Draft Housing Element propose to amend the Zoning Code and General Plan to include a Housing Element Overlay Zone to apply to the sites included in the Site Inventory to increase the development standards. For this particular consolidated site, the minimum density would be 30 du/ac. The HCD Housing Element Site Inventory Guidebook allows jurisdictions to use a higher density (default density of 30 du/ac) as a proxy for lower income affordability.
 - d. Site C-6 (16492 Los Gatos Boulevard and APN 532-07-085) is identified in the Site Inventory; however, it has not been identified as a site to accommodate lower-income housing.
 - e. Site D-3 (16240 Burton Road), Site D-4 (16270 Burton Road), and Site D-7 (14823 Los Gatos Boulevard) have been identified as sites to accommodate lower-income housing as they are located within the North Forty Specific Plan Area. Program D of the Draft Housing Element proposes to amend the North Forty Specific Plan to increase the density to more than 30 du/ac and to increase the total number of dwelling units allowed in the Specific Plan. The HCD Housing Element Site Inventory Guidebook allows jurisdictions to use a higher density (default density of 30 du/ac) as a proxy for lower income affordability.
 - f. Site G-1 (445 Leigh Avenue) is identified in the Site Inventory; however, it has not been identified as a site to accommodate lower-income housing.
3. HCD has stated that the Housing Element must demonstrate that existing uses are not an impediment to additional residential development and will likely discontinue in the planning period. The Site Inventory currently relies upon nonvacant sites to accommodate more than 50 percent of the Regional Housing Needs Allocation (RHNA) for lower-income households. Sites that are nonvacant have been included in the Site Inventory due to either a Property Owner Interest Form being submitted to the Town, staff contact regarding potential residential development, or submittal of a Conceptual Development Advisory Committee application.
 4. HCD has stated that in order for SB 9 housing units to be included as a strategy to accommodate the Town's need of above-moderate housing, additional analysis will be required to be provided. The analysis may include, but is not limited to: experience; trends; and market conditions that allow lot splits; and the likelihood of redevelopment, including whether existing uses constitute an impediment for additional residential use to support

DISCUSSION (continued):

the proposed projection within the eight-year planning period. The Town has provided a SB 9 projection of 96 housing units within the eight-year planning period.

5. It is likely that HCD is aware of the 2040 General Plan referendum for the Land Use and Community Design Elements, as demonstrated in their comment letter to the City of Menlo Park regarding a voter initiative for a proposed ballot measure for single-family rezoning. In response to the referendum to repeal the Land Use and Community Design Elements of the 2040 General Plan, the Draft Housing Element included Implementation Programs BF and BG to amend the Zoning Code and General Plan for the sites that are included in the Site Inventory. The amendments would consider modification of the development standards, including, but not limited to the: density; lot coverage; floor area ratio; and height for the parcels in the Site Inventory.

Public Participation

1. HCD has commented that Housing Elements need to describe the efforts made to circulate the document to low-and moderate-income households, and organizations that represent them, and to involve such groups and persons in the update of the Housing Element throughout the process. Staff has also seen feedback requesting information on how the Housing Element has targeted outreach efforts to renters. In response, staff and the Housing Element consultant created an anonymous, online survey that is available on the Town's Housing Element Update website. Hard copies of the survey are available at the Community Development Department counter, and the Town Library. Staff has also reached out to West Valley Community Services and SV@Home regarding other community outreach opportunities.

Direction on Scheduling Options

To provide context to the scheduling options and potential consequences, this section first describes the Builder's Remedy.

Builder's Remedy

Under the Housing Accountability Act, jurisdictions who do not have an adopted Housing Element that is in substantial compliance with State law by the statutory deadline (January 31, 2023, for the Bay Area) could be required to approve a residential development even if it does not meet local General Plan and zoning regulations. The "builder's remedy" has been in the Housing Accountability Act since 1990 and pertains to residential developments that have at least 20 percent low-income units or 100 percent moderate income units. In past Housing Element cycles, HCD has applied a 120-day grace period past the statutory deadline for local agencies to adopt a Housing Element. In early October 2022, HCD confirmed that no such 120-

DISCUSSION (continued):

day grace period will apply this cycle and any jurisdiction that adopts a Housing Element later than January 31, 2023, will be subject to the Builder's Remedy. This provision in the Housing Accountability Act has been available for quite some time and in Los Gatos, no applications have come forward during previous Housing Element cycles when the Town missed the statutory deadlines for adoption of a Housing Element.

The statutory deadline for adoption of a Housing Element for the fourth cycle (2007-2014) was June 30, 2009. The Town Council adopted the fourth cycle Housing Element on November 1, 2010. On April 8, 2011, the Housing Element was certified by HCD pending a resubmittal once the element was adopted by the Town Council. On September 19, 2011, the Town Council considered amendments to the Housing Element and continued the matter to a date uncertain with direction to Town staff. On March 5, 2012, the Town Council adopted Resolution 2012-008 amending the Housing Element based on modifications to meet State Housing Law requirements. On September 20, 2012, the adopted Housing Element was found to be in full compliance with the State Housing Element law by HCD. The statutory deadline for adoption of a Housing Element for the fifth cycle (2015-2023) was January 31, 2015. The Town Council adopted the fifth cycle Housing Element on May 5, 2015. On May 20, 2015, the Housing Element was certified by HCD.

Staff fully recognizes that the current Housing Element cycle is unlike any past cycle. It is possible that a developer could invoke the Builder's Remedy in connection with a planning application submitted in February if the Town Council does not adopt a Housing Element that is in substantial compliance with Housing Element Law by January 31, 2023.

The Council's options in response to the statutory deadline for adoption of a Housing Element by January 31, 2023, are:

A. Adopt a Housing Element Prior to January 31, 2023

Adopt the current version of the Draft Housing Element as submitted to HCD on October 14, 2022, making the findings that the Housing Element is in substantial compliance with State law. The Town expects to receive its comment letter from HCD on the Draft Housing Element by January 12, 2023. Should the HCD comment letter be provided to the Town prior to Council's adoption, a memorandum in response to the HCD comment letter, illustrating how each comment has been responded to and how it is in substantial compliance with State law would be prepared; however, the extent of the work that may be required to address those comments is not yet know. It is highly unlikely that staff and the consultants have the time or resources to produce a redline version incorporating all of the required changes.

DISCUSSION (continued):

If the Council decides to move forward with Option A, the Draft Housing Element would be reviewed by the Planning Commission in early January for a recommendation to the Town Council. Town Council would then consider adoption of the Draft Housing Element prior to or on January 31, 2023.

A revised draft or adopted Housing Element must be submitted to HCD in response to the initial comment letter. Subsequent reviews by HCD will take up to 60 days. Prior to submitting a revised draft or adopted Housing Element to HCD, the Town must post the revision on its website and email a link to all individuals and organizations that have previously requested notices relating to the local government's Housing Element at least seven days before submitting the revised Housing Element to HCD.

Based on HCD's second review, it is possible that additional changes may be needed before HCD would certify the Housing Element. This means that the Planning Commission and Town Council hearings would need to be conducted again, using up two of the four allowed General Plan amendments for this Element.

B. Adopt a Housing Element After January 31, 2023

The Town expects to receive its comment letter from HCD on the Draft Housing Element on January 12, 2023. Modifications to the Draft Housing Element in response to the comment letter would be made and brought forward to the HEAB for consideration and discussion. A revised Draft Housing Element would be submitted to HCD for a subsequent review which will take up to 60 days. Once HCD has notified the Town that the Draft Housing Element is in substantial compliance with State law, the Draft Housing Element would be brought through the formal adoption process with a recommendation from the HEAB and Planning Commission, with the final decision by the Town Council. This option will be required, even if the Town Council decides to provide direction to adopt the current version of the Draft Housing Element prior to January 31, 2023.

PUBLIC COMMENT:

At the time of this report's preparation, the Town has not received any public comment.

CONCLUSION AND NEXT STEPS:

Staff looks forward to the Town Council's discussion and direction.

PAGE 8 OF 8

SUBJECT: Housing Element Update and Next Steps

DATE: December 20, 2022

COORDINATION:

The Community Development Department coordinated with the Offices of the Town Attorney and Town Manager in the preparation of this report.

ENVIRONMENTAL ASSESSMENT:

The Town Council's direction regarding the next steps of the Housing Element Update is not a project subject to the California Environmental Quality Act (CEQA). Environmental analysis for the Housing Element will be completed in accordance with CEQA requirements.

Attachments:

1. Housing Element Update Process Timeline

HOUSING ELEMENT PROCESS TIMELINE

On April 21, 2021, the Town issued a Request for Proposals (RFP) for consultant services for preparation of the 2023-2031 Housing Element. The Town received a proposal from one firm, EMC Planning Group, Inc.

On June 15, 2021, the Town Council authorized the Town Manager to execute an agreement for Consultant Services with EMC Planning Group, Inc. to prepare the 2023-2031 Housing Element and associated public engagement and environmental review documents.

On August 3, 2021, the Town Council adopted Resolution 2021-032 to establish the Housing Element Advisory Board (HEAB) to serve as an advisory board that provides input on specific tasks associated with the Housing Element Update and established the role of the HEAB as follows:

- Provide guidance on the development of the Housing Element Update;
- Provide an additional forum for public involvement;
- Forward milestone products to the Planning Commission and Town Council;
- Review the Draft Housing Element; and
- Make recommendations to the Planning Commission and Town Council.

On August 9, 2021, the Town participated in a Let's Talk Housing Community Meeting for Santa Clara County jurisdictions hosted by the Santa Clara County Planning Collaborative.

On September 21, 2021, the Town Council appointed four at-large members to the HEAB, in addition to the existing nine members of the General Plan Committee (GPC).

On October 15, 2021, the HEAB held their first meeting to elect the Chair and Vice Chair and adopt a meeting schedule.

On December 16, 2021, the HEAB discussed the Housing Element process, milestones, and reviewed the Draft Housing Needs Assessment and Review of Previous Housing Element appendices as contextual background information for future work by the HEAB.

On February 17, 2022, the HEAB reviewed and discussed the Housing Element Site Inventory analysis process.

On March 31, 2022, a Community Meeting was held for the public to review and provide input on potential sites for inclusion in the Site Inventory. At the meeting, the Balancing Act tool and Housing Element Update website site surveys were introduced to the public.

On April 6, 2022, a Joint Study Session of the Town Council, Planning Commission, and HEAB was held to discuss the production of affordable housing.

On April 21, 2022, the HEAB provided feedback on additional sites to include in the Site Inventory, in addition to the sites already identified by staff and the Housing Element Consultant. Results from the Balancing Act tool and Housing Element Update website site surveys were also shared with the HEAB.

On April 21, 2022, Property Owner Interest forms were mailed out to the property owners of the sites selected in the Draft Site Inventory to garner their interest in providing housing on their property. An electronic copy of the Property Owner Interest form was also made available on the Housing Element Update website.

On April 24, 2022, Town staff hosted a booth at the Spring Into Green event at the Town Plaza to provide the public an opportunity to discuss the Housing Element Update.

On May 5, 2022, the HEAB continued the discussion of the Site Inventory and provided feedback on additional sites that should be included.

On May 19, 2022, HEAB recommended the acceptance of the Site Inventory as proposed within Tier 1, with modifications to reduce the number of housing units within the North Forty, to add the site located at 206 Knowles Drive, and to add the site located within the California Department of Transportation right-of-way off of Oka Road. The sites identified by the HEAB at their meetings of April 21, 2022, and May 5, 2022, were divided by staff into three tiers based on the HCD checklist, property size, Zoning, General Plan land use designation, recently developed, environmental constraints, public feedback, and Property Owner Interest forms that were submitted to the Town.

On June 7, 2022, the Town Council considered the Site Inventory as recommended by the HEAB and recommended approval of the Tier 1 sites as presented in the staff report with an amendment to provide a unit projection for Senate Bill 9 projects. Since the recommendation of the HEAB at their May 19, 2022, meeting, an additional Property Owner Interest form was received for 15795 Los Gatos Boulevard and was added to the Tier 1 list. In addition, a letter from the property owner for 15827 Los Gatos Boulevard was received requesting to be removed from the Draft Site Inventory. In response, the Tier 2 site list was modified to remove the site.

On June 16, 2022, the HEAB reviewed and provided initial direction and modifications to the Draft Housing Element Goals, Policies, and Implementation Programs.

On July 7, 2022, the HEAB continued to review and provide additional direction and modifications to the Draft Housing Element Goals, Policies, and Implementation Programs.

On August 4, 2022, the HEAB completed review of the Draft Housing Element Goals, Policies, and Implementation Programs and provided feedback for additional modifications.

On August 16, 2022, signatures were submitted to the Town in support of a referendum on the Land Use and Community Design Elements of the approved 2040 General Plan.

On August 18, 2022, the HEAB reviewed and provided feedback for modifications to the Initial Public Review Draft Housing Element prior to the release of the document for the required 30-day public comment period.

On August 29, 2022, the Town released the Initial Public Review Draft Housing Element for a 30-day public comment period which ran from August 29, 2022, to September 27, 2022.

On September 4, 2022, Town staff hosted a booth at the Los Gatos Farmers' Market to provide the public an opportunity to discuss the Initial Public Review Draft Housing Element during the 30-day public comment period.

On September 15, 2022, the HEAB received public comments on the Initial Public Review Draft Housing Element during the 30-day public review period.

On September 27, 2022, the referendum signatures on the Land Use and Community Design Elements of the approved 2040 General Plan were verified by the Santa Clara County Registrar.

On October 9, 2022, Town staff hosted a booth at the Los Gatos Farmers' Market to provide opportunity for the public to discuss the Draft Housing Element.

On October 14, 2022, the Town submitted the Draft Housing Element and a response to public comments received during the 30-day public comment period to HCD for preliminary review. By law, HCD has up to 90 days to complete its first review. The full document can be viewed at EngageLosGatosHousing.com.

On October 20, 2022, the HEAB reviewed the Draft Housing Element that was submitted to HCD for preliminary review, including a summary of all modifications that were made to the Draft Housing Element. Modifications to the Site Inventory as reviewed by the Town Council on June 7, 2022, include:

- The addition of 401-409 Alberto Way as the property owner submitted a Property Owner Interest form to the Town;
- The removal of 404 North Santa Cruz Avenue, 420 North Santa Cruz Avenue, and 430 North Santa Cruz Avenue (Los Gatos Shopping Center) from the Site Inventory per the property owner's request and therefore deleted the North Santa Cruz Avenue Area;
- The removal of 16535 Camellia Terrace and parcel number 523-02-005 (El Gato Village) as no Property Owner Interest form was submitted;
- Increased the housing density within the North Forty Specific Plan from 20 dwelling units per acre to a minimum of 30 dwelling units per acre to align with Implementation Program D and a public comment received from a member representing the interests of the property owner during the 30-day public comment period;
- Revised the housing density used for the calculation of projected housing units in the Site Inventory from the maximum density to the typical density, to be consistent with the 2040 General Plan Residential Buildout;

- Increased the maximum housing density within the Affordable Housing Overlay Zone (AHOZ) from 20 dwelling units per acre to 40 dwelling units per acre to align with Implementation Program BF;
- Modified the distribution for each income category to be consistent with the HCD Housing Element Site Inventory Guidebook, which allows jurisdictions to use a higher density (default density of 30 dwelling units per acre) as a proxy for lower income affordability;
- Created a Senate Bill 9 (SB 9) unit projection;
- Modified the number of housing units generated in the Pipeline Projects based on the creation of a new SB 9 projection, Planning applications that have been withdrawn, and projects that have received their Certificate of Use and Occupancy;
- Decreased the overall total number of housing units in the Site Inventory from 2,448 units to 2,371 units, as a result of the changes listed above; and
- Created a separate Appendix H, Site Inventory Form per HCD formatting requirements.

On November 9, 2022, Town staff hosted a booth at the Los Gatos Farmers' Market to provide the public an opportunity to discuss the Draft Housing Element that was submitted to HCD for preliminary review.

On November 15, 2022, a Renter's Survey was published on the Housing Element Update website and made available in hard copies at the Community Development Department and Town Library. The survey is available in English, Spanish, and Russian in both the electronic and hard copy versions.

On November 17, 2022, the HEAB meeting was rescheduled by staff to December 1, 2022, due to the meeting being cancelled as a result of the Town's website being down and the agenda being unavailable to members of the public.

On November 18, 2022, Town staff hosted an informational table at the Town Library to provide the public an opportunity to discuss the Draft Housing Element and publicize the availability of the Renter's Survey.

On December 1, 2022, the HEAB discussed anticipated comments on the Draft Housing Element based on comments other jurisdictions have received from HCD on their Draft Housing Element.

On December 11, 2022, Town staff hosted a booth at the Los Gatos Farmers' Market to provide the public an opportunity to discuss the Draft Housing Element.

On December 13, 2022, Town staff met with our HCD reviewer and received verbal, preliminary input on the Draft Housing Element.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/20/2022

ITEM NO: 13

DESK ITEM

DATE: December 20, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Discuss the Housing Element Update and Provide Direction on Next Steps.

REMARKS:

The following questions and responses provide additional information. Responses to each question are provided below in *italics*:

- Bay Area jurisdictions may use a minimum density of 30 units/acre (“default density”) in order to count a site as providing affordable housing units. What happens if a project goes forward at 30 units/acre and it is not 100 percent affordable?

The Town’s Site Inventory does not assume 100 percent affordability for any of the sites. If the Town approves a development of a parcel identified in the sites inventory with fewer units than shown in the Housing Element, it must either make findings that the Housing Element’s remaining sites have sufficient capacity to accommodate the remaining unmet Regional Housing Needs Allocation (RHNA) by each income level, or identify and make available sufficient sites to accommodate the remaining unmet RHNA for each income category. The RHNA buffer has been included to address the potential for No Net Loss. In addition, the Town has an inclusionary zoning ordinance which requires that a portion of the new residential construction in Los Gatos be dedicated to affordable housing.

- Moving forward with Housing Element adoption could potentially use two of our four General Plan amendments for the year for this Element. What other amendments might we anticipate? Can other amendments be bundled if necessary?

State Law limits General Plan amendments to four per year for each of the required General Plan Elements. The Housing Element may be amended up to four times per year without reducing the number of amendments allowed for other General Plan Elements. Currently,

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 Finance Director

REMARKS (continued):

staff does not anticipate additional amendments to the Housing Element with the exception of required amendments addressing HCD's comments for this 6th cycle Housing Element update. If additional amendments to the Housing Element are necessary staff would look to bundle modifications as a single amendment if possible.

- How many Builder's Remedy projects have occurred outside of the City of Santa Monica?

16 new housing projects were submitted in the City of Santa Monica under the Builder's Remedy primarily by a single development firm. According to YIMBY Law, additional applications have been received by Manhattan Beach, Cerritos, Redondo Beach, Del Mar, Pasadena, and Beverly Hills.

- How did the initial conversation with the HCD reviewer go and was the referendum discussed?

The initial conversation with the Town's California Department of Housing and Community Development (HCD) reviewer covered topics staff had anticipated and that are presented in the staff report. The HCD reviewer asked for clarification on the referendum to repeal the Land Use and Community Design Elements of the 2040 General Plan. Staff provided clarification and called attention to the Housing Element's Implementation Programs BF and BG. These Implementation Programs would include amendments of the Zoning Code and General Plan for the sites that are included in the Site Inventory so that the referendum would not be considered a constraint on the housing production described in the Housing Element. Staff provided clarifying information to the HCD reviewer on where information is already provided in the Draft Housing Element which will assist at reducing the number of comments from HCD.

- How will the process work for adjusting the Housing Element regarding issues called out in the staff report, like HCD preference for minimum density instead of typical density?

If the Council provides direction to staff to utilize the minimum density for the site inventory housing calculations, then a few additional sites would be required to be added to the site inventory in order to comply with the Town's RHNA and 15 percent buffer.

- If the Town Council adopts the Housing Element by January 31, 2023, and the Town continues an iterative process of revising the Housing Element in response to subsequent HCD comments, will the Town Council need to readopt the Housing Element with all of the changes once HCD determines that it is ready to be certified?

REMARKS (continued):

Yes, the Town Council will need to adopt the Housing Element with any additional changes once HCD determines that the revised Housing Element meets the requirements to be certified.

- What is the real risk of Builder's Remedy in Los Gatos based on preliminary discussions with developers, anticipated CDAC applications, and other conversations?

Staff has not heard of any intent from developers or property owners planning to utilize the Builder's Remedy at this time. As mentioned in the staff report, no Builder's Remedy applications came forward during previous Housing Element cycles when the Town missed the statutory deadlines for adoption of a Housing Element.

ATTACHMENT:

Previously received with December 20, 2022 Staff Report:

1. Housing Element Update Process Timeline