TOWN OF LOS GATOS
COUNCIL MEETING AGENDA
NOVEMBER 21, 2023
110 EAST MAIN STREET AND TELECONFERENCE
TOWN COUNCIL CHAMBERS
LOS GATOS, CA
7:00 PM

PARTICIPATION IN THE PUBLIC PROCESS

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

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 Tuesdays 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]

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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/85379428243?pwd=b3QzdkIOUXRxaG5XQ2dSN3c0U0NLdz09
  Passcode: 192366. You can also type in 853 7942 8243 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. 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.

MEETING CALL TO ORDER

ROLL CALL

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

PLEDGE OF ALLEGIANCE

PRESENTATIONS

i. SASCC Presentation

CLOSED SESSION REPORT

COUNCIL / MANAGER MATTERS

CONSENT ITEMS *(Items appearing on the Consent Items are considered routine Town business and may be approved by one motion. Any member of the Council may request to have an item removed from the Consent Items for comment and action. Members of the public may provide input on any or multiple Consent Item(s) when the Mayor asks for public comments on the Consent Items. If you wish to comment, please follow the Participation Instructions contained on Page 2 of this agenda. If an item is removed, the Mayor has the sole discretion to determine when the item will be heard.)*

1. Approve the Closed Session Council Meeting Minutes of November 1, 2023.
2. Approve Minutes of the November 7, 2023 Town Council Meeting.
3. Approve the Closed Session Council Meeting Minutes of November 14, 2023.
4. Adopt an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29 'Zoning Regulations,' of the Town Code Regarding Accessory Dwelling Units and Correcting Outdated References in Town Code Sections Pertaining to Termination of Nonconforming Use Status, Requirements for a Two-Unit Development Under Senate Bill 9 (SB 9), and Civil Penalties." The Environmental Impacts of the Proposed Amendments to the Town Code were Analyzed in the Environmental Impact Report for the 2040 General Plan. Additionally, the Proposed Amendments are Exempt Pursuant to CEQA, Section 15061(b)(3). Town Code Amendment Application A-23-002. Project Location: Town Wide. Applicant: Town of Los Gatos.
5. Adopt an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Town Code Section 19.20.010, 'Parks and Recreation – Created' and Section 26.10.070, 'Trees and Shrubs – Appeals' to Update Reference to Parks Commission to Parks and Sustainability Commission."
6. Authorize the Town Manager to Execute an Agreement for Consultant Services with CSG Consultants, Inc. for Building Inspection Services for the North-40 Phase 1 and North-40 Junction Development.
7. Adopt an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, 'Zoning Regulations,' of the Town Code to Replace the Affordable Housing Overlay Zone Division 5 of Article VIII, 'Overlay Zones and Historic Preservation,' With the Housing Element Overlay Zone As Division 5 of Article VIII, 'Overlay Zones and

Historic Preservation.'" An Environmental Impact Report (EIR) was Prepared and Certified for the 2040 General Plan Update on June 30, 2022, which Included the Proposed General Plan and Town Code Amendments. No further Environmental Analysis is Required. Zoning Code Amendment Application Z-23-002. Applicant: Town of Los Gatos. Project Planners: Jocelyn Shoopman and Erin Walters.

8. Adopt an Ordinance Titled "An Ordinance of the Town of Los Gatos Amending the Zoning Code from R-1:8 (Single-Family Residential) to R-M (Multiple-Family Residential) for a Caltrans Right-of-Way Property Located Adjacent to 14685 Oka Road; and Apply the Housing Element Overlay Zone (HEOZ) to Provide for Increases to the Allowable Density, Height, Floor Area Ratio, and Lot Coverage for Residential Development on the Following Sites Included in the Sites Inventory Analysis of the 2023-2031 Housing Element: APN's 424-06-116, 424-07-116, 424-08-029, 424-08-058, 424-08-059, 424-08-060, 424-08-074, and 532-07-085; 620 and 14000 Blossom Hill Road; 16210, 16240, 16245, 16250, 16260, 16270, and 16392 Burton Road; Cal Trans Right-of-Way Adjacent to 14685 Oka Road; 110 and 206 Knowles Drive; 445 Leigh Avenue; 440 Los Gatos Almaden Road; 16603 Lark Avenue; 14823, 14831, 14849, 14859, 14917, 14925, 15795, 16151, 16203, and 16492 Los Gatos Boulevard; 165 Los Gatos Saratoga Road; and 14800 and 14840 Oka Road."
   An Environmental Impact Report (EIR) was Prepared and Certified for the 2040 General Plan Update on June 30, 2022, which Included the Proposed General Plan and Zoning Code Amendments. No further Environmental Analysis is Required. Zoning Code Amendment Application Z-23-003 and General Plan Amendment Application GP-23-003. Applicant: Town of Los Gatos.
9. Adopt an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos to Apply the Housing Element Overlay Zone (HEOZ) to Provide for Increases to the Allowable Density, Height, Floor Area Ratio, and Lot Coverage for Residential Development on the Following Sites Included in the Site Inventory Analysis of the 2023-2031 Housing Element: 401 through 409 Alberto Way, 50 Los Gatos-Saratoga Road, 529-24-001, and 529-24-003." An Environmental Impact Report was Prepared and Certified for the 2040 General Plan Update on June 30, 2022, which Included the Proposed Zoning Code Amendments. No further Environmental Analysis is Required. Zoning Code Amendment Application Z-23-003. Applicant: Town of Los Gatos.
10. Adopt an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos to Apply the Housing Element Overlay Zone (HEOZ) to Provide for Increases to the Allowable Density, Height, Floor Area Ratio, and Lot Coverage for Residential Development on the Following Sites Included in the Sites Inventory Analysis of the 2023-2031 Housing Element: 15300, 15349, 15367, 15405, 15425, 15480, and 15500 Los Gatos Boulevard." An Environmental Impact Report was Prepared and Certified for the 2040 General Plan Update on June 30, 2022, which Included the Proposed Zoning Code Amendments. No further Environmental Analysis is Required. Zoning Code Amendment Application Z-23-003. Applicant: Town of Los Gatos.
11. Approve Modifications as Recommended by the Council Policy Committee to Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum.
12. Approve Modifications to Town Council Policy 2-01: Agenda Format and Rules.
13. Consider the Following Actions for the Procurement and Implementation of the OpenGov Procurement Suite for Contract Management and Maintenance:

a. Authorize an Expenditure Budget Transfer in an Amount of $3,000 from project #411-811-0008 (Shannon Road Repair);
b. Authorize an Expenditure Budget Transfer in an Amount of $1,000 from project #411-813-0218 (Shannon Road Pedestrian and Bike Improvements);
c. Authorize an Expenditure Budget Transfer in an Amount of $5,500 from project #411-813-9921 (Curb, Gutter, and Sidewalk Maintenance);
d. Authorize an Expenditure Budget Transfer in an Amount of $10,700 from project #411-811-9901 (Street Repair and Resurfacing);
e. Authorize an Expenditure Budget Transfer in an Amount of $500 from project #411-821-2309 (Termite Abatement at Water Tower);
f. Authorize an Expenditure Budget Transfer in an Amount of $500 from project #411-831-4605 (Parks Playground Fibar);
g. Authorize an Expenditure Budget Transfer in an Amount of $3,000 from project #411-812-0130 (Annual Roadside Fire Fuel Reduction); and
h. Authorize an Expenditure Budget Transfer in an Amount of $3,000 from project #411-832-4508 (Annual Vegetation Management Town-Wide).

14. Receive the Monthly Financial and Investment Report for September 2023.

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

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

15. Receive an Update on the Interim Community Center and Provide Direction.
16. Complete the Following Actions in Support of the Town's Transportation Impact Fee Program:
    a. Review the Transportation Impact Nexus Study dated November 2023 (including the Town's Transportation Capital Improvement Plan – Appendix 1); and
    b. Set a Public Hearing for January 16, 2024 to Adopt the Nexus Study, Adopt a Resolution to Establish the Updated Transportation Impact Fee, Introduce an Ordinance Amending Article VII of Section 15 of the Town Code, "Traffic Impact Mitigation Fees," and Modify Town Council Policy 1-08, "Transportation Impact Policy."
17. Receive a Report on Traffic Management at the Shannon Road Repair (CIP Project No 811-0008) Location (Between Diduca Way and Santa Rosa Drive) and Provide Feedback.
18. Discuss and Provide Direction to Potentially Modify Town Policies and Procedures, Including Town Council Policy 2-04, "Town Council Code of Conduct," Town Council Policy 2-05, "Planning Commission Policies and Procedures," Town Council Policy 2-11, "Commission Appointments, Residency, and Attendance Requirements, and Establishing a Quorum," and the Commissioner Handbook.

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: In accordance with Code of Civil Procedure §1094.6; litigation challenging a quasi-adjudicatory decision of the Town Council must be brought within 90 days after the decision is final unless a shorter time is required by State or Federal law.

DRAFT
Minutes of the Town Council Special Meeting - Closed Session
November 1, 2023

The Town Council of the Town of Los Gatos conducted a Special Meeting on Wednesday, November 1, 2023, to hold a Closed Session at 5:00 p.m.

MEETING CALLED TO ORDER AT 5:03 P.M.

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

VERBAL COMMUNICATIONS
No one spoke.

THE TOWN MOVED TO CLOSED SESSION ON THE FOLLOWING ITEM:
1. Conference with Labor Negotiators (Government Code §54957.6)
   To meet with Town Negotiators listed below in closed session pursuant to Government Code §54957.6 regarding negotiations with the Employee Organizations listed below:

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

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

The Town Council reconvened in open session. The Town Attorney stated there was no reportable action under the Brown Act.

ADJOURNMENT
Closed Session adjourned at 6:25 p.m.

Attest:

_____
Jenna De Long, Deputy Town Clerk

Submitted by:

_____
Laurel Prevetti, Town Manager

DRAFT
Minutes of the Town Council Meeting
Tuesday, November 7, 2023

The Town Council of the Town of Los Gatos conducted a regular meeting in person and utilizing teleconferencing means on Tuesday, November 7, 2023, at 7:00 p.m.

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

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

PLEDGE OF ALLEGIANCE
Girl Scout Troup 60879 led the Pledge of Allegiance. The audience was invited to participate.

CLOSED SESSION
Gabrielle Whelan, Town Attorney, stated the Town Council met in closed session to discuss the Annual Town Manager and Town Attorney performance evaluations and potential litigation, and stated there was no reportable action taken under the Brown Act.

COUNCIL/TOWN MANAGER REPORTS
Council Matters
- Council Member Rennie stated he attended the Los Gatos-Monte Sereno Police Foundation recognition luncheon, the Silicon Valley Clean Energy Authority (SVCEA) Executive Committee meeting, a SVCEA Risk Oversight Committee meeting, and a Valley Transportation Authority (VTA) Board meeting.
- Council Member Moore acknowledged it was election night for some jurisdictions; stated he attended a Belwood community meeting; participated in a ride along with the Los Gatos-Monte Sereno Police Department; met with Governor Gavin Newsom's senior advisor on homelessness; attended a poetry reading at the Library for Native American Heritage Month by San Francisco's Poet Laureate Kim Shuck and Los Gatos's Poet Laureate Jen Siraganian; shopped at Domus and Butter Paddle and encouraged all to shop local for the holidays; and announced Council Member Community Coffee will be held on Friday.
- Council Member Hudes stated he met with the Director of Live Oak Nutrition and also with the Older Adults Thrive Foundation; attended a Bay Area Housing Corporation fundraising event at Campo Di Bocce; met with residents from the Belgatos neighborhood; and attended a free speech event commemorating and remembering those who have been kidnapped in the conflict between Israel and Hamas.
- Vice Mayor Badame stated she attended the Los Gatos-Monte Sereno Police Foundation recognition luncheon, a Community Health and Senior Services Commission (CHSSC)

meeting, and the Halloween festivities in the Almond Grove neighborhood; met with the Executive Director of the West Valley Solid Waste Management Authority (WVSWMA); and attended a WVSWMA Board meeting and a West Valley Clean Water Authority (WVCWA) Board meeting.

- Mayor Ristow stated she attended many meetings including Los Gatos-Monte Sereno Police Foundation luncheon, a West Valley Mayors and Managers meeting, a ribbon cutting for Parkside restaurant, a Bay Area Housing Corporation fundraising event at Campo Di Bocce, and the Eden Housing 55th Anniversary Celebration; met with Supervisor Simitian and members of the faith-based community; attended the YWCA 33rd Annual Inspire Luncheon, a Santa Clara Valley Cities Mayors meeting in partnership with the US Conference of Mayors, and a tree dedication on the campus of the United Methodist Church; met with residents to discuss a variety of topics; and attended ribbon cuttings including the opening of the second campus for Stratford School.

Manager Matters

- Announced the recruitment period for Boards and Commission closes Friday at 4:00 p.m., and application details can be found on the Town's website.
- Announced the Planning Commission will hold a special meeting on November 15 to discuss the Housing Element.
- Announced the Winter Celebration will be held on Friday, December 1st at Town Plaza Park.

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

1. Approve the Council Study Session Meeting Minutes of October 10, 2023.
2. Approve the Closed Session Council Meeting Minutes of October 17, 2023.
3. Approve the Council Meeting Minutes of October 17, 2023.
4. Approve the Closed Session Town Council Meeting Minutes of October 30, 2023.
5. Authorize Revenue and Expenditure Budget Adjustments in the Total Amount of $19,672 to Recognize Receipt and Expenditure of Grant Funding Received by the Library.
6. Adopt an Ordinance Titled "An Ordinance of the Town of Los Gatos Amending the Zoning Code from R-1:8 Prezone (Single-Family Residential, Minimum Lot Size of 8,000 square feet) to CH (Restricted Commercial Highway) for Property Located at 15810 Los Gatos Boulevard." APN: 523-01-001. An Environmental Impact Report (EIR) was Prepared and Certified for the 2040 General Plan Update on June 30, 2022, Which Included the Proposed General Plan Amendment for the Property Located at 15810 Los Gatos Boulevard. No Further Environmental Analysis is Required. Zone Change Application Z-23-001. PROPERTY OWNER/APPLICANT: Jesus Ching and Kathleen Ban. PROJECT PLANNER: Jocelyn Shoopman. **ORDINANCE 2345**
7. Adopt a Resolution Accepting Funds from the California Supplemental Law Enforcement Service Fund (SLESF). **RESOLUTION 2023-058**
8. Adopt a Resolution Acknowledging the Completion of Public Right-of-Way Improvements by Chang 2003 Family Trust for the Subdivision Located at 16940 Roberts Road and

Authorizing the Town Manager to Execute and Record a Notice of Completion and Certificate of Acceptance. **RESOLUTION 0223-059**

9. Adopt a Resolution Approving Changes to the Town's Comprehensive Fine Schedule Amending the Fines for Violations of the E-Bike Ordinance and Tobacco Retailing Ordinance and Correcting Outdated References to Town Code Sections for Other Violations. **RESOLUTION 2023-060**
10. Adopt a Resolution to Seek Membership in the American Association of Retired People (AARP) Network of Age-Friendly Communities. **RESOLUTION 2023-061**
11. Authorize the Town Manager to Execute an Updated Agreement Between the Town of Los Gatos and the County of Santa Clara for Administration of the Town's Tobacco Retail Permit Program.
12. Approve a Side Letter of Agreement Between the Town of Los Gatos and the Town Employee Association (TEA) to establish a "Retention and Recruitment Bonus" for Dispatch Classifications Beginning July 9, 2023 and Ending June 30, 2024, Authorize the Town Manager to Execute the Side Letter, and Authorize a FY 2023/24 Expenditure Budget Adjustment in the Amount of $103,100 from the Capital/Special Projects Reserve.

Mayor Ristow opened public comment.

No one spoke.

Mayor Ristow closed public comment.

MOTION: **Motion** by **Council Member Rennie** to approve the consent items consisting of item one through twelve and noted that it includes the revised resolution for Item #10 that was distributed with the desk item. **Seconded** by **Council Member Hudes.**

VOTE: **Motion passed unanimously.**

VERBAL COMMUNICATIONS

Joseph Enz

- Commented in support of the Police Department and expressed concerns with a couple of Officers.

Lee Fagot

- Commented on the 100th anniversary of the Christmas Tree in Town Plaza Park.

Aubrie Mastrangelo, Division Director of Mental Health Services, Bill Wilson Center

- Commented on Runaway and Homeless Youth Prevention Month and the services the Center provides.

Lynley
- Commented on concerns with democracy, comments by others about Hamas, and the unhoused.

PUBLIC HEARINGS

13. Adopt an Enabling Resolution to Change the Name of the Parks Commission to the Parks and Sustainability Commission and Add Appropriate Powers and Duties and Rescind Resolution 2016-057; and Introduce an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Town Code Section 19.20.010, 'Parks and Recreation – Created' and Section 26.10.070, 'Trees and Shrubs – Appeals' to Update Reference to Parks Commission to Parks and Sustainability Commission." **RESOLUTION 2023-062**

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

Mayor Ristow opened public comment.

No one spoke.

Mayor Ristow closed public comment.

Council discussed the item.

MOTION: **Motion** by **Council Member Hudes** to approve the resolution and add to the resolution a definition of sustainability as "meets the needs of the present without compromising the ability of future generations to meet their own needs" and introduce the ordinance titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Town Code Section 19.20.010, 'Parks and Recreation – Created' and Section 26.10.070, 'Trees and Shrubs – Appeals' to Update Reference to Parks Commission to Parks and Sustainability Commission." **Seconded** by **Council Member Moore.**

VOTE: Motion passed unanimously.

OTHER BUSINESS

14. Discuss and Provide Any Requested Modifications to the Proposed Joint Powers Agreement (JPA) to Create the Cities Association of Santa Clara County Joint Powers Agency.

Laurel Prevetti, Town Manager, presented the staff report.

Mayor Ristow opened public comment.

Larry Klein, Mayor of Sunnyvale
- Commented on the process of moving to a Joint Powers Authority and discussed the benefits of joining the association.

Mayor Ristow closed public comment.

Council discussed the item.

MOTION: **Motion** by **Council Member Moore** to approve the proposed Joint Powers Association (JPA) agreement to create the Cities Association of Santa Clara County Joint Powers Agency and authorize the Town Manager to execute the agreement. **Seconded** by **Council Member Hudes.**

VOTE: **Motion passed unanimously.**

PUBLIC HEARINGS

15. Hear Protests and Adopt a Resolution Making Determinations and Approving the Reorganization of an Uninhabited Area Designated as Los Gatos Boulevard No. 20, Approximately 0.521 Acres on Property Pre-Zoned R-1:8. APN 523-01-001. Annexation Application AN22-001. Project Location: 15810 Los Gatos Boulevard. Property Owner/Applicant: Jesus Ching and Kathleen Ban. **RESOLUTION 2023-063**

Jocelyn Shoopman, Associate Planner, presented the staff report.

Mayor Ristow opened public comment.

No one spoke.

Mayor Ristow closed public comment.

Council discussed the item.

MOTION: **Motion** by **Vice Mayor Badame** to adopt a resolution (Attachment 1 of the staff report) making determinations and approving the reorganization of an uninhabited area designated as Los Gatos Boulevard No. 20, approximately 0.521 acres, located at 15810 Los Gatos Boulevard (APN 523-01-001). **Seconded** by **Council Member Moore.**

VOTE: **Motion passed unanimously.**

16. Approve a Recommendation of the Planning Commission to Adopt a Resolution to Amend the General Plan to Include a Description of the Housing Element Overlay Zone and Introduce an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, 'Zoning Regulations,' of the Town Code to Replace the Affordable Housing Overlay Zone Division 5 of Article VIII, 'Overlay Zones and Historic Preservation,' With the Housing Element Overlay Zone As Division 5 of Article VIII, 'Overlay Zones and Historic Preservation.'" An Environmental Impact Report (EIR) was Prepared and Certified for the 2040 General Plan Update on June 30, 2022, which Included the Proposed General

Plan and Town Code Amendments. No further Environmental Analysis is Required. Zoning Code Amendment Application Z-23-002 and General Plan Amendment Application GP-23-002. Applicant: Town of Los Gatos. Project Planners: Jocelyn Shoopman and Erin Walters. **RESOLUTION 2023-064** and **ORDINANCE 2347**

Jocelyn Shoopman, Associate Planner, presented the staff report.

Mayor Ristow opened public comment.

Lee Quintana
- Requested clarification on the zoning and development requirements.

Lee Fagot
- Commented that his remarks pertained to multiple items on the agenda, including concerns with the housing sites buffer, overbuilding in the proposed areas, and builder's remedy.

Mayor Ristow closed public comment.

Council discussed the item.

MOTION: **Motion** by **Council Member Hudes** to approve a recommendation of the Planning Commission to adopt a Resolution to amend the General Plan to include a description of the Housing Element Overlay Zone and introduce an Ordinance titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, 'Zoning Regulations,' of the Town Code to replace the Affordable Housing Overlay Zone Division 5 of Article VIII, 'Overlay Zones and Historic Preservation,' with the Housing Element Overlay Zone as Division 5 of Article VIII, 'Overlay Zones and Historic Preservation'" as revised in the desk items. **Seconded** by **Council Member Moore.**

VOTE: **Motion passed 4-0-1. Vice Mayor Badame abstained.**

17. Approve a Recommendation of the Planning Commission to Adopt a Resolution to Amend the General Plan Land Use Designation of 16492 Los Gatos Boulevard and Assessor Parcel Number (APN) 532-07-086 from Low Density Residential to Neighborhood Commercial; Amend the General Plan Land Use Designation of Caltrans Right-of-Way Adjacent to 14685 Oka Road from Low Density Residential to Medium Density Residential; and Introduce an Ordinance Titled "An Ordinance of the Town of Los Gatos Amending the Zoning Code from R-1:8 (Single-Family Residential) to R-M (Multiple-Family Residential) for a Caltrans Right-of-Way Property Located Adjacent to 14685 Oka Road; and Apply the Housing Element Overlay Zone (HEOZ) to Provide for Increases to the Allowable Density, Height, Floor Area Ratio, and Lot Coverage for Residential Development on the Following Sites Included in the Sites Inventory Analysis of the 2023-2031 Housing Element: APN's 424-06-116, 424-07-116,

424-08-029, 424-08-058, 424-08-059, 424-08-060, 424-08-074, and 532-07-085; 620 and 14000 Blossom Hill Road; 16210, 16240, 16245, 16250, 16260, 16270, and 16392 Burton Road; Cal Trans Right-of-Way Adjacent to 14685 Oka Road; 110 and 206 Knowles Drive; 445 Leigh Avenue; 440 Los Gatos Almaden Road; 16603 Lark Avenue; 14823, 14831, 14849, 14859, 14917, 14925, 15795, 16151, 16203, and 16492 Los Gatos Boulevard; 165 Los Gatos Saratoga Road; and 14800 and 14840 Oka Road." An Environmental Impact Report (EIR) was Prepared and Certified for the 2040 General Plan Update on June 30, 2022, which Included the Proposed General Plan and Zoning Code Amendments. No further Environmental Analysis is Required. Zoning Code Amendment Application Z-23-003 and General Plan Amendment Application GP-23-003. Applicant: Town of Los Gatos. **RESOLUTION 2023-065** and **ORDINANCE 2348**

Erin Walters, Associate Planner, presented the staff report.

Mayor Ristow opened public comment.

No one spoke.

Mayor Ristow closed public comment.

Council discussed the item.

MOTION: **Motion** by **Council Member Moore** to adopt the staff recommendation as contained in the Item #17 staff report [approve a recommendation of the Planning Commission to adopt a Resolution to amend the General Plan Land Use Designation of 16492 Los Gatos Boulevard and Assessor Parcel Number (APN) 532-07-086 from Low Density Residential to Neighborhood Commercial; amend the General Plan Land Use Designation of Caltrans Right-of-Way Adjacent to 14685 Oka Road from Low Density Residential to Medium Density Residential; and introduce an Ordinance titled "An Ordinance of the Town of Los Gatos Amending the Zoning Code from R-1:8 (Single-Family Residential) to R-M (Multiple-Family Residential) for a Caltrans Right-of-Way Property Located Adjacent to 14685 Oka Road; and Apply the Housing Element Overlay Zone (HEOZ) to Provide for Increases to the Allowable Density, Height, Floor Area Ratio, and Lot Coverage for Residential Development on the Following Sites Included in the Sites Inventory Analysis of the 2023-2031 Housing Element: APN's 424-06-116, 424-07-116, 424-08-029, 424-08-058, 424-08-059, 424-08-060, 424-08-074, and 532-07-085; 620 and 14000 Blossom Hill Road; 16210, 16240, 16245, 16250, 16260, 16270, and 16392 Burton Road; Cal Trans Right-of-Way Adjacent to 14685 Oka Road; 110 and 206 Knowles Drive; 445 Leigh Avenue; 440 Los Gatos Almaden Road; 16603 Lark Avenue; 14823, 14831, 14849, 14859, 14917, 14925, 15795, 16151, 16203, and 16492 Los Gatos Boulevard; 165 Los Gatos Saratoga Road; and 14800 and 14840 Oka Road"] with the addition of the information in the desk item and the addendum. **Seconded** by **Council Member Rennie.**

VOTE: Motion passed 3-1-1. Council Member Hudes voted no. Vice Mayor Badame abstained.

Vice Mayor Badame announced she will recuse herself from Item #18 due to the location of her residence within 1,000 feet of the proposed sites and left the Council Chambers.

Mayor Ristow called a recess at 9:30 p.m.
The meeting reconvened at 9:43 p.m.

18. Approve a Recommendation of the Planning Commission to Introduce an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos to Apply the Housing Element Overlay Zone (HEOZ) to Provide for Increases to the Allowable Density, Height, Floor Area Ratio, and Lot Coverage for Residential Development on the Following Sites Included in the Site Inventory Analysis of the 2023-2031 Housing Element: 401 through 409 Alberto Way, 50 Los Gatos-Saratoga Road, 529-24-001, and 529-24-003." An Environmental Impact Report was Prepared and Certified for the 2040 General Plan Update on June 30, 2022, which Included the Proposed Zoning Code Amendments. No further Environmental Analysis is Required. Zoning Code Amendment Application Z-23-003. Applicant: Town of Los Gatos. **ORDINANCE 2349**

Erin Walters, Associate Planner, presented the staff report.

Mayor Ristow opened public comment.

No one spoke.

Mayor Ristow closed public comment.

Council discussed the item.

MOTION: Motion by **Council Member Rennie** to accept the rezoning of the two properties by approving the recommendation listed in the Item #18 staff report [approve a recommendation of the Planning Commission to introduce an ordinance titled "An Ordinance of the Town Council of the Town of Los Gatos to Apply the Housing Element Overlay Zone (HEOZ) to Provide for Increases to the Allowable Density, Height, Floor Area Ratio, and Lot Coverage for Residential Development on the Following Sites Included in the Site Inventory Analysis of the 2023-2031 Housing Element: 401 through 409 Alberto Way, 50 Los Gatos-Saratoga Road, 529-24-001, and 529-24-003."] **Seconded** by **Council Member Moore.**

VOTE: Motion passed 3-1-1. Council Member Hudes voted no. Vice Mayor Badame recused.

Vice Mayor Badame returned to the Council Chambers.

Council Member Moore announced he will recuse himself from Item #19 due to the location of his residence to the proposed sites and left the Council Chambers.

19. Approve a Recommendation of the Planning Commission to Introduce an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos to Apply the Housing Element Overlay Zone (HEOZ) to Provide for Increases to the Allowable Density, Height, Floor Area Ratio, and Lot Coverage for Residential Development on the Following Sites Included in the Sites Inventory Analysis of the 2023-2031 Housing Element: 15300, 15349, 15367, 15405, 15425, 15480, and 15500 Los Gatos Boulevard." An Environmental Impact Report was Prepared and Certified for the 2040 General Plan Update on June 30, 2022, which Included the Proposed Zoning Code Amendments. No further Environmental Analysis is Required. Zoning Code Amendment Application Z-23-003. Applicant: Town of Los Gatos. **ORDINANCE 2350**

Erin Walters, Associate Planner, presented the staff report.

Mayor Ristow opened public comment.

Lee Quintana
- Commented on approving all of the HEOZ items.

Mayor Ristow closed public comment.

Council discussed the item.

MOTION: **Motion** by **Council Member Rennie** to approve the staff recommendation listed in the Item 19 staff report [approve a recommendation of the Planning Commission to introduce an ordinance titled "An Ordinance of the Town Council of the Town of Los Gatos to Apply the Housing Element Overlay Zone (HEOZ) to Provide for Increases to the Allowable Density, Height, Floor Area Ratio, and Lot Coverage for Residential Development on the Following Sites Included in the Sites Inventory Analysis of the 2023-2031 Housing Element: 15300, 15349, 15367, 15405, 15425, 15480, and 15500 Los Gatos Boulevard."] **Seconded** by **Mayor Ristow.**

VOTE: **Motion passed 3-0-1-1. Vice Mayor Badame abstained. Council Member Moore recused.**

Council Member Moore returned to the Council Chambers.

Mayor Ristow announced she will recuse herself from Item #20 due to the location of her residence to the proposed sites, handed the gavel over to the Vice Mayor to preside over the meeting in her absence, and left the Council Chambers.

20. Approve a Recommendation of the Planning Commission to Introduce an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos to Apply the Housing Element Overlay Zone (HEOZ) to Provide for Increases to the Allowable Density, Height, Floor Area Ratio, and Lot Coverage for Residential Development on the Following Site Included in the Sites Inventory Analysis of the 2023-2031 Housing Element: 101 South Santa Cruz Avenue." An Environmental Impact Report was Prepared and Certified for the 2040 General Plan Update on June 30, 2022, which Included the Proposed Zoning Code Amendments. No further Environmental Analysis is Required. Zoning Code Amendment Application Z-23-003. Applicant: Town of Los Gatos.

Erin Walters, Associate Planner, presented the staff report.

Vice Mayor Badame opened public comment.

No one spoke.

Vice Mayor Badame closed public comment.

Council discussed the item.

MOTION: **Motion** by **Council Member Rennie** to delay the rezoning of this item to a time in which there is more certainty that it will be needed in order to certify the Housing Element. **Seconded** by **Council Member Hudes.**

VOTE: **Motion passed 3-1-1. Council Member Moore voted no. Mayor Ristow recused.**

Mayor Ristow returned to the Council Chambers.

21. Introduce an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29 'Zoning Regulations,' of the Town Code Regarding Accessory Dwelling Units and Correcting Outdated References in Town Code Sections Pertaining to Termination of Nonconforming Use Status, Requirements for a Two-Unit Development Under Senate Bill 9 (SB 9), and Civil Penalties." The Environmental Impacts of the Proposed Amendments to the Town Code were Analyzed in the Environmental Impact Report for the 2040 General Plan. Additionally, the Proposed Amendments are Exempt Pursuant to CEQA, Section 15061(b)(3). Town Code Amendment Application A-23-002. Project Location: Town Wide. Applicant: Town of Los Gatos. **ORDINANCE 2351**

Sean Mullin, Senior Planner, presented the staff report.

Mayor Ristow opened public comment.

Lee Quintana
- Requested the changes in the Ordinance be summarized and requested a clarification on second story Accessory Dwelling Units (ADUs).

Mayor Ristow closed public comment.

Council discussed the item.

MOTION: **Motion** by **Council Member Rennie** to accept staff's recommendation listed in the Item 21 staff report [to introduce an ordinance titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29 'Zoning Regulations,' of the Town Code Regarding Accessory Dwelling Units and Correcting Outdated References in Town Code Sections Pertaining to Termination of Nonconforming Use Status, Requirements for a Two-Unit Development Under Senate Bill 9 (SB 9), and Civil Penalties" as contained in Attachment 1 of the staff report]. **Seconded** by **Council Member Moore.**

VOTE: **Motion failed 2-3. Council Member Hudes, Vice Mayor Badame, and Mayor Ristow voted no.**

MOTION: **Motion** by **Council Member Ristow** to introduce an ordinance with the Planning Commission's and staff's recommendations, (Attachment 1 to the staff report) with an amendment to the ordinance to replace the language for no parking requirement with the parking requirements language that was proposed to the Planning Commission. [Remove Sec. 29.10.320 (f) "Parking. No parking shall be required for a new accessory dwelling unit and/or junior accessory dwelling unit." Add Sec. 29.10.320 (f) "Parking. One (1) parking space per accessory dwelling unit or per bedroom, whichever is less, shall be provided in addition to the required minimum number of parking spaces for the primary dwelling. These spaces may be provided in a front or side setback abutting a street on a driveway (provided that it is feasible based on specific site or fire and life safety conditions) or through tandem parking. In addition to parking otherwise required for units as set forth in section 29.10.150 of the Town Code, the number of off-street parking spaces required by this Chapter for the primary dwelling shall be provided prior to the issuance of a Building Permit or final inspection, for a new accessory dwelling unit. (1) Exceptions. No parking space shall be required under any of the following conditions: a. No additional parking shall be required for a junior accessory dwelling unit. b. The accessory dwelling unit is located within one-half mile walking distance of public transit. c. The accessory dwelling unit is located within an architecturally and historically significant historic district. d. The accessory dwelling unit is contained within the proposed or

existing space of, or constructed in substantially the same location and manner as, an existing primary dwelling or accessory structure. e. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit. f. When there is a car share vehicle (as defined by the California Vehicle Code) located within one (1) block of the accessory dwelling unit. g. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or multi-family dwelling on the same lot. h. When a garage is demolished in conjunction with the construction of an accessory dwelling unit, or converted to an accessory dwelling unit, any lost off-street parking spaces required for the primary dwelling shall not be required to be replaced. i. When the Director finds that the lot does not have adequate area to provide parking."] **Seconded** by **Council Member Hudes.**

VOTE: Motion 4-1. Council Member Rennie voted no.

ADJOURNMENT
The meeting adjourned at 11:14 p.m.

Respectfully Submitted:

_____
Jenna De Long, Deputy Town Clerk

DRAFT
Minutes of the Town Council Special Meeting – Closed Session
Tuesday, November 14, 2023

The Town Council of the Town of Los Gatos conducted a Special Meeting in person and utilizing teleconferencing means on Tuesday, November 14, 2023, at 5:00 p.m. to hold a Closed Session.

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

ROLL CALL
Present: Mayor Maria Ristow, Vice Mayor Mary Badame, Council Member Matthew Hudes, Council Member Rob Moore, and Council Member Rob Rennie (participating remotely under the Brown Act).
Absent: None

VERBAL COMMUNICATIONS (ONLY ON ITEMS ON THE AGENDA)
None.

THE TOWN MOVED TO CLOSED SESSION ON THE FOLLOWING ITEM:

1. Public Employee Appointment, Employment, Evaluation of Performance, Discipline, and Dismissal
   [Government Code Section 54957(b)(1)]
   Titles: Town Manager and Town Attorney

2. Conference With Legal Counsel – Anticipated Litigation
   Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: 1 case.

The Town Council reconvened in open session. The Town Attorney stated there was no reportable action under the Brown Act.

ADJOURNMENT
The meeting adjourned at 6:56 p.m.

Attest:

_____
Jenna De Long, Deputy Town Clerk

Submitted by:

_____
Laurel Prevetti, Town Manager

DATE: November 16, 2023

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Adopt an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29 'Zoning Regulations,' of the Town Code Regarding Accessory Dwelling Units and Correcting Outdated References in Town Code Sections Pertaining to Termination of Nonconforming Use Status, Requirements for a Two-Unit Development Under Senate Bill 9 (SB 9), and Civil Penalties." The Environmental Impacts of the Proposed Amendments to the Town Code were Analyzed in the Environmental Impact Report for the 2040 General Plan. Additionally, the Proposed Amendments are Exempt Pursuant to CEQA, Section 15061(b)(3). Town Code Amendment Application A-23-002. Project Location: Town Wide. Applicant: Town of Los Gatos.

RECOMMENDATION:

Adopt an Ordinance titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29 'Zoning Regulations,' of the Town Code Regarding Accessory Dwelling Units and Correcting Outdated References in Town Code Sections Pertaining to Termination of Nonconforming Use Status, Requirements for a Two-Unit Development Under Senate Bill 9 (SB 9), and Civil Penalties" (Attachment 1).

DISCUSSION:

On November 7, 2023, the Town Council considered and voted unanimously to introduce an Ordinance amending Chapter 29 (Zoning Regulations) of the Town Code regarding accessory dwelling units with specific modifications. Adoption of the attached Ordinance (Attachment 1) would finalize this decision and includes the modifications requested by the Town Council described below.

PREPARED BY: Sean Mullin, AICP
Senior Planner

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

DISCUSSION (continued):

The Town Council motion included a specific modification to not accept the recommendation of the Planning Commission to eliminate parking requirements for accessory dwelling units altogether and to revise the Ordinance to reinstate the parking regulations to Section 29.10.320 (f) as presented to the Planning Commission on September 13, 2023. The parking regulations have been reinstated in the Draft Ordinance included as Attachment 1 and are provided below. As indicated in the September 13, 2023 Planning Commission staff report, the parking regulations in the Draft Ordinance remain largely unchanged from the current Town Code. Some reorganization has occurred to group all exceptions together.

(f) *Parking.* One (1) parking space per accessory dwelling unit or per bedroom, whichever is less, shall be provided in addition to the required minimum number of parking spaces for the primary dwelling. These spaces may be provided in a front or side setback abutting a street on a driveway (provided that it is feasible based on specific site or fire and life safety conditions) or through tandem parking. In addition to parking otherwise required for units as set forth in section 29.10.150 of the Town Code, the number of off-street parking spaces required by this Chapter for the primary dwelling shall be provided prior to the issuance of a Building Permit or final inspection, for a new accessory dwelling unit.

(1) *Exceptions.* No parking space shall be required under any of the following conditions:

a. No additional parking shall be required for a junior accessory dwelling unit.
b. The accessory dwelling unit is located within one-half mile walking distance of public transit.
c. The accessory dwelling unit is located within an architecturally and historically significant historic district.
d. The accessory dwelling unit is contained within the proposed or existing space of, or constructed in substantially the same location and manner as, an existing primary dwelling or accessory structure.
e. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
f. When there is a car share vehicle (as defined by the California Vehicle Code) located within one (1) block of the accessory dwelling unit.
g. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or multi-family dwelling on the same lot.
h. When a garage is demolished in conjunction with the construction of an accessory dwelling unit, or converted to an accessory dwelling unit, any lost off-street parking spaces required for the primary dwelling shall not be required to be replaced.
i. When the Director finds that the lot does not have adequate area to provide parking.

ENVIRONMENTAL ASSESSMENT:

The environmental impacts of the proposed amendments to the Town Code were analyzed in the Environmental Impact Report for the 2040 General Plan. In addition, the proposed amendments are exempt pursuant to CEQA, Section 15061(b)(3), because it can be seen with certainty that they will not significantly affect the physical environment in that they make minor changes to the regulations applicable to accessory dwelling units and junior accessory dwelling units.

Attachment:
1. Draft Ordinance

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DRAFT ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING CHAPTER 29, "ZONING REGULATIONS," OF THE TOWN CODE REGARDING ACCESSORY DWELLING UNITS AND CORRECTING OUTDATED REFERENCES IN TOWN CODE SECTIONS PERTAINING TO TERMINATION OF NONCONFORMING USE STATUS, REQUIREMENTS FOR A TWO-UNIT DEVELOPMENT UNDER SENATE BILL 9 (SB 9), AND CIVIL PENALTIES

WHEREAS, from 2016 through 2022, the Governor signed a number of bills intended to address the State's housing crisis by creating new housing opportunities through accessory dwelling units and junior accessory dwelling units; and

WHEREAS, in 2017 and 2020, the Town updated the Town Code regarding accessory dwelling units and junior accessory dwelling units to comply with State laws; and

WHEREAS, effective January 1, 2023, Senate Bill 897 and Assembly Bill 2221 amended Government Code Section 65852 to continue to address barriers to the development of accessory dwelling units and junior accessory dwelling units; and

WHEREAS, these bills made substantial changes in the development standards applicable to accessory dwelling units and junior accessory dwelling units, including height, front yard setbacks, owner-occupancy, permit review time limits, and fire sprinklers; and

WHEREAS, the Town Council of the Town of Los Gatos adopted the 2023-2031 Housing Element on January 30, 2023, which includes policies that promote accessory dwelling units as a means to increase access to opportunity for lower-income households by encouraging infill of smaller units in single-family neighborhoods (Policy HE-1.7); ensure that at least 30 percent of the housing stock is rental units and continue to support the development of ADUs as a means of affordable rental housing (Policy HE-2.4); and Encourage homeowners to construct detached rental ADUs in order to increase the housing stock of smaller rental units (Policy HE-2.6); and

WHEREAS, the Town Council wishes to amend the Town Code to comply with State law and to implement Policies HE-1.7, HE-2.4, and HE-2.6 of the Town of Los Gatos 2023-2031 Housing Element; and

WHEREAS, the Town reviewed the changes in State law regarding accessory dwelling units and junior accessory dwelling units that have taken plan since the 2020 update to the Town Code and determined that a complete overhaul of the Town's accessory dwelling units and junior accessory dwelling units regulations was necessary; and

WHEREAS, in drafting the revised accessory dwelling unit and junior accessory dwelling unit regulations, the Town considered changes in State law, feedback and clarification from the California Department of Housing and Community Development, and feedback from Town residents regarding privacy impacts caused by new accessory dwelling units on neighboring properties; and

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Planning Commission for public hearing on September 13, 2023; and

WHEREAS, on September 13, 2023, the Planning Commission reviewed and commented on the proposed amendments regarding accessory dwelling units and forwarded a recommendation to the Town Council for approval of the proposed amendments with the recommendation that parking requirements for all accessory dwelling units be eliminated; and

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Town Council for public hearing on November 7, 2023; and

WHEREAS, on November 7, 2023, the Town Council reviewed and commented on the proposed amendments regarding accessory dwelling units and the Town Council voted to introduce the Ordinance with specific modifications; and

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Town Council for public hearing on November 21, 2023.

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

SECTION I. Division 7, "Accessory Dwelling Units," of Chapter 29, "Zoning Regulations," is replaced with the following:

DIVISION 7. ACCESSORY DWELLING UNITS

Sec. 29.10.305. Intent and authority.

This Division is adopted to comply with amendments to Government Code §§ 65852.2, 65852.22, 65852.23, and 65852.26, which mandate that applications for accessory dwelling units be considered ministerially without a public hearing; and sets Town standards for the development of accessory dwelling units in order to increase the supply of affordable housing in a manner that is compatible with existing neighborhoods.

Sec. 29.10.310. Definitions.

The following words, terms, and phrases, when used in these accessory dwelling unit regulations, shall have the meanings ascribed to them in this section:

Accessory dwelling unit means a detached or attached residential dwelling unit that is located on the same parcel as a proposed or existing primary dwelling. It shall provide complete independent living facilities for one or more persons with permanent provisions for living, sleeping, eating, cooking, and sanitation. An accessory dwelling unit also includes efficiency units and manufactured homes.

(1) A detached accessory dwelling unit is physically separate from a primary dwelling.

(2) An attached accessory dwelling unit is contained within the space of and/or physically attached to a proposed or existing primary dwelling.

Efficiency kitchen means a limited kitchen that includes a cooking facility with appliances, a food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit. Examples of cooking appliances that may be used are: microwave ovens, hot plates, and similar appliances intended for use on top of a countertop. Refrigerator size is not limited.

Efficiency unit has the meaning set forth in Section 17958.1 of the Health and Safety Code.

High-quality transit corridor has the meaning set forth in Section 21155 of the Public Resources Code.

Junior accessory dwelling unit means a dwelling unit that does not exceed a floor area of five hundred (500) square feet and is entirely contained within the space of a proposed or existing single-family residence. For the purposes of this definition, enclosed spaces within the single-family residence, such as attached garages, are considered a part of the proposed or existing single-family residence.

Kitchen means a cooking facility that includes a permanently installed cooking appliance, sink, refrigerator, food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the dwelling unit.

Legal nonconforming zoning condition means a physical improvement on a property that was lawful when it was constructed but does not conform with current zoning standards.

Living area means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

Major transit stop has the meaning set forth in Section 21155 of the Public Resources Code.

Manufactured home has the meaning set forth in Section 18007 of the Health and Safety Code.

Nonconforming accessory dwelling unit means a unit that exists under the following circumstances:

(1) A unit which was created or converted lawfully but, due to a zone change or an amendment to the zoning ordinance, became nonconforming; or

(2) A unit which was created lawfully while within the County but, upon annexation to the Town, became nonconforming.

Objective design standards means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform

benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.

Passageway means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit and/or junior accessory dwelling unit.

Proposed dwelling means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

Public transit means a location, such as a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

Tandem parking means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

Unpermitted accessory dwelling unit means a dwelling unit that was created through the construction of a new structure or expansion of an existing structure without the benefit of a Building Permit (at a time when a Building Permit was required) and that cannot be otherwise legalized because it does not comply with development standards provided in this Chapter.

Sec. 29.10.315. Review process.

(a) Development of an accessory dwelling unit and/or junior accessory dwelling unit consistent with this Division shall be reviewed ministerially as a Building Permit and the Town shall take final action within sixty (60) days of submittal of a complete application.

  (1) When an accessory dwelling unit and/or junior accessory dwelling unit is proposed in conjunction with a permit application to create a new single-family or multi-family dwelling, the Town shall not take final action on the accessory dwelling unit and/or junior accessory dwelling unit until the application for the new single-family or multi-family dwelling is approved.

  (2) The Town shall not issue a Certificate of Occupancy for an accessory dwelling and/or junior accessory dwelling unit before the Town issues a Certificate of Occupancy for the primary dwelling.

(b) *Notification.* The Town shall not require, and the applicant shall not be otherwise required to provide written notice or post a placard for construction of an accessory dwelling unit and/or junior accessory dwelling unit. No noticing shall be required for the demolition of a detached garage that is to be replaced with an accessory dwelling unit, unless the property is located within an architecturally and historically significant historic district.

(c) *Denial*. An application may be denied if it does not meet the design and development standards. An application may also be denied if the following findings are made:

  (1) Adverse impacts on health, safety, and/or welfare of the public.

(d) *Appeals*. Accessory dwelling units and junior accessory dwelling units that are consistent with this Division are ministerial and are not subject to an appeal.

Sec. 29.10.320. General requirements and restrictions.

(a) *Incentive program.* Any accessory dwelling unit or junior accessory dwelling unit developed under an Incentive Program which may be established by Resolution of the Town Council shall be made affordable to eligible applicants pursuant to the requirements of the Incentive Program. A Deed Restriction shall be recorded specifying that the accessory dwelling unit or junior accessory dwelling unit shall be offered at a reduced rent that is affordable to a lower income renter (less than eighty (80) percent AMI) provided that the unit is occupied by someone other than a member of the household occupying the primary dwelling.

(b) *Parcel requirements.* An accessory dwelling unit and/or junior accessory dwelling unit may only be created on parcels satisfying all the following general requirements:

(1) *Permitted zones.* A parcel zoned to allow single-family or multi-family residential use.

(2) *Dwelling unit.* A parcel that includes a proposed or existing primary dwelling.

(c) *Number.* Accessory dwelling units and/or a junior accessory dwelling unit may be permitted on a residential parcel as follows:

(1) *Single-family development.* Not more than one (1) junior accessory dwelling unit contained within the space of a proposed or existing single-family dwelling, and one (1) accessory dwelling unit, may be permitted on a lot with a proposed or existing primary dwelling.

(2) *Multi-family development.* Not more than a number equal to twenty-five (25) percent of the existing multi-family dwelling units rounded-up to the next whole number, within the portions of an existing multi-family dwelling not used as livable space (such as storage rooms, boiler rooms, passageways, attics, basements, or garages), and two (2) detached accessory dwelling units, may be permitted on a lot with a proposed or existing multi-family dwelling.

(d) *Floor area ratio (FAR) standards.*

(1) *Accessory dwelling units.* Accessory dwelling units (attached or detached) are allowed a ten (10) percent increase in the floor area ratio standards for all structures, excluding garages. Exception: Up to eight hundred (800) square feet of gross floor area of an accessory dwelling unit shall be exempt from the applicable FAR standards. This subsection does not apply to junior accessory dwelling units.

(2) *Junior accessory dwelling units.* Junior accessory dwelling units are subject to the floor area ratio standards for all structures, excluding garages.

(e) *Lot coverage.* Accessory dwelling units and junior accessory dwelling units are exempt from the lot coverage standards applicable to the zone and the accessory structure lot coverage limitations included in Section 29.40.015 (A)(5).

(f) *Parking*. One (1) parking space per accessory dwelling unit or per bedroom, whichever is less, shall be provided in addition to the required minimum number of parking spaces for the primary dwelling. These spaces may be provided in a front or side setback abutting a street on a driveway (provided that it is feasible based on specific site or fire and life safety

conditions) or through tandem parking. In addition to parking otherwise required for units as set forth in section 29.10.150 of the Town Code, the number of off-street parking spaces required by this Chapter for the primary dwelling shall be provided prior to the issuance of a Building Permit or final inspection, for a new accessory dwelling unit.

(1) *Exceptions*. No parking space shall be required under any of the following conditions:

a. No additional parking shall be required for a junior accessory dwelling unit.
b. The accessory dwelling unit is located within one-half mile walking distance of public transit.
c. The accessory dwelling unit is located within an architecturally and historically significant historic district.
d. The accessory dwelling unit is contained within the proposed or existing space of, or constructed in substantially the same location and manner as, an existing primary dwelling or accessory structure.
e. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
f. When there is a car share vehicle (as defined by the California Vehicle Code) located within one (1) block of the accessory dwelling unit.
g. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or multi-family dwelling on the same lot.
h. When a garage is demolished in conjunction with the construction of an accessory dwelling unit, or converted to an accessory dwelling unit, any lost off-street parking spaces required for the primary dwelling shall not be required to be replaced.
i. When the Director finds that the lot does not have adequate area to provide parking.

(g) *Design standards.* The purpose of these objective design standards is to ensure that the residential appearance of a property is maintained and that an accessory dwelling unit and/or junior accessory dwelling unit are compatible with the primary dwelling and the neighborhood. The following objective design standards apply to the construction of an accessory dwelling unit and/or junior accessory dwelling unit:

(1) *Front entryway.* A front entryway framing a front door shall have a roof eave that matches or connects at the level of the adjacent eave line.

(2) *Front porch.* If proposed, front porches shall have a minimum depth of six (6) feet and a minimum width equal to twenty-five (25) percent of the linear width of the front elevation.

(3) *Windows.* All second-story windows less than ten (10) feet from rear and/or side property lines shall be clerestory with the bottom of the glass at least six (6) feet above the finished floor, except as necessary for egress purposes as required by the Building Code.

(4) *Balconies and Decks.* Balconies, rooftop terraces, and second-story decks are prohibited for all accessory dwelling units and junior accessory dwelling units.

(5) *Outside stairways.* Outside stairways serving a second-story accessory dwelling unit and/or junior accessory dwelling unit shall not be constructed on any building elevation facing a street. This standard shall not preclude construction of an 800 square-foot accessory dwelling unit.

(6) *Detached and/or attached accessory dwelling units.* A detached and/or attached accessory dwelling unit shall match the existing architectural style of the primary dwelling by using the same exterior wall material, wainscot, trim material, roofing material, and window frames/trim as the primary dwelling. An exception to this requirement may be granted pursuant to the requirements of the California Code of Regulations, Title 24.

(7) *Attached garage conversion.* An existing attached garage that is converted to an accessory dwelling unit and/or junior accessory dwelling unit shall include removal of the vehicle garage door(s), which shall be replaced with architectural features to match those of the primary dwelling by using the same exterior wall material, wainscot, trim material, roofing material, and window frames/trim as the primary dwelling to remove any appearance that the structure was originally a garage.

(8) *Detached garage conversion.* An existing detached garage that is converted to an accessory dwelling unit shall include removal of the vehicle garage door(s), which shall be replaced with architectural features to match the remaining portions of the detached structure by using the same exterior wall material, wainscot, trim material, roofing material, and window frames/trim that remove any appearance that the structure was originally a garage.

(h) *Grading*.

(1) To the extent required by Chapter 12, Article II and Section 29.10.09045 (b) of the Town Code, the grading activities set forth in subsection (2) below may require a Grading Permit, but will not require discretionary review of an Architecture and Site Application.

(2) Grading activities associated with the construction of an accessory dwelling unit and/or junior accessory dwelling unit shall not exceed fifty (50) cubic yards, cut plus fill, except:

a. Light wells that do not exceed the minimum required by the Building Code shall not count as grading activity for the purpose of this section.

b. Excavation within the footprint of a proposed accessory dwelling unit shall not count as grading activity for the purpose of this section.

(i) *Cut and fill*. Construction of an accessory dwelling unit and/or a junior accessory dwelling unit shall be subject to the cut and fill requirements specified by Table 1-1 (Cut and Fill Requirements for Accessory Dwelling Units and Junior Accessory Dwelling Units) below:

Table 1-1 – Cut and Fill Requirements for Accessory Dwelling Units and Junior Accessory Dwelling Units

Site Element	**Cut***	**Fill***
Accessory dwelling unit/junior accessory dwelling unit	4 feet	3 feet

Driveways**	4 feet	3 feet
Other (decks, yards)*	4 feet	3 feet
* Combined depths of cut plus fill for an accessory dwelling unit or junior accessory dwelling unit shall be limited to six (6) feet.		
** Excludes cut and fill for the minimum driveway and fire access standards as required by the Santa Clara County Fire Department.		

(j) *Retaining walls*. Retaining walls shall not exceed five (5) feet in height and shall not run in a continuous direction for more than fifty (50) feet without a break, offset, or planting pocket. Retaining walls shall have a five (5) foot landscape buffer adjacent to the street.

(k) *Light reflectivity value.* Exterior materials for accessory dwelling units and/or junior accessory dwelling units in the Hillside Overlay shall comply with requirements in Chapter V, Section I, of the Town's Hillside Development Standards and Guidelines.

(l) *Landscaping.* All landscaping shall comply with the California Model Water Efficient Landscape Ordinance (MWELO).

(m) *Lighting.* New exterior lighting fixtures shall be downward directed and utilize shields so that no bulb is visible to ensure that the light is directed to the ground surface and does not spill onto neighboring parcels consistent with Section 29.10.09015 of the Town Code.

(n) *Trees.* Any proposed work shall comply with the protection, removal, and replacement requirements for protected trees in Chapter 29, Article I, Division 2, "Tree Protection," of the Town Code.

(o) *Stormwater management.* The development shall comply with the requirements of the Town's National Pollution Discharge Elimination System Permit as implemented by Chapter 22 of the Town Code, and as demonstrated by a grading and drainage plan prepared by a registered civil engineer.

(p) *Conveyance*. Except as provided in CA Government Code Section 65852.26, an accessory dwelling unit may be rented separate from the primary dwelling but may not be sold or otherwise conveyed separate from the primary dwelling.

(q) *Town codes and ordinances.* All accessory dwelling units and junior accessory dwelling units shall comply with all the provisions of this Chapter and other applicable Town Codes.

(r) *Building codes.* All accessory dwelling units and junior accessory dwelling units shall comply with applicable building, health, and fire codes, except that the construction of an accessory dwelling unit shall not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the Building Official or enforcement agency of the local agency makes a written finding based on substantial evidence in the record that the construction of the accessory dwelling unit could have a specific, adverse impact on public health and safety.

(s) *Rentals longer than 30 days*. Rentals for durations of less than thirty (30) days, including short-term rentals (as defined by the California Government Code), are prohibited.

(t) *Maximum number of dogs, cats, or litters*. All accessory dwelling units shall comply with Section 4.40.010 of the Town Code.

Sec. 29.10.325. Accessory dwelling unit development standards.

An accessory dwelling unit must comply with the following objective development standards:

(a) *Location.*

(1) No detached accessory dwelling unit may be constructed in front of the primary dwelling except in the HR zones.

(2) No accessory dwelling unit may be constructed in front of a primary dwelling or added to an existing second story of a primary dwelling that is any of the following:

a. A Historic Structure, as defined in Section 29.10.020 of the Zoning Code;

b. Listed in the Town of Los Gatos Historic Resource Inventory, as defined by Town Code Chapter 29, Article VII, Division 3, "Historic Preservation and LHP or Landmark and Historic Preservation Overlay Zone;" or

c. Listed in the California Register of Historical Resources.

(b) *Setbacks.* Accessory dwelling units shall be subject to the setback requirements specified in Table 1-2 (Accessory Dwelling Unit Setback Requirements) below:

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Table 1-2. Accessory Dwelling Unit Setback Requirements[1]						
	Single-Family			Multi-Family		
	New construction detached ADU	New attached ADU within the existing space of the primary dwelling[2] or accessory structure	New attached ADU within the proposed space of the primary dwelling	New construction detached ADU	Conversion of portions existing multi-family dwelling not used as livable space[3]	Conversion of existing accessory structure(s)
Front	Per the applicable zoning district[4]	N/A	Per the applicable zoning district[4]	Per the applicable zoning district[4]	N/A	N/A
Rear	4 feet minimum	Sufficient for fire and safety	4 feet minimum	4 feet minimum		
Side (including street-side)	4 feet minimum		4 feet minimum	4 feet minimum		
From any other structure located on the same lot[5]	5 feet minimum	N/A	5 feet minimum	5 feet minimum	N/A	N/A

(1) Cornices, eaves, belt courses, sills, canopies, bay windows, chimneys, or other similar architectural features may extend into required setbacks as specified in Section 29.40.070 (b) of the Zoning Code.

(2) Includes attached garages.

(3) Such as storage rooms, boiler rooms, passageways, attics, basements, or garages.

(4) Front setback requirements shall not preclude construction of an 800 square-foot accessory dwelling unit.

(5) Measured from the exterior wall surface and/or supporting posts.

(c) *Maximum unit size.*

(1) The maximum floor area of an accessory dwelling unit is one thousand two hundred (1,200) square feet.

(2) An attached accessory dwelling unit that is not created though conversion of existing space shall not exceed fifty (50) percent of the size of the existing primary dwelling. Exception: Up to eight hundred (800) square feet of gross floor area of an attached accessory dwelling unit shall be exempt from this subsection.

(3) Detached accessory dwelling units exceeding a combined square footage of four hundred fifty (450) square feet in the R-1, R-D, R-M, RMH, and R-1D zones shall not be subject to the Administrative Procedure for Minor Residential Projects. Detached accessory dwelling units exceeding a combined square footage of six hundred (600) or one thousand (1,000) square feet in the HR and RC zones shall not be subject to Development Review Committee or Planning Commission approval.

(d) *Maximum number of bedrooms.* There is no limit on the number of bedrooms in an accessory dwelling unit.

(e) *Stories.* Accessory dwelling units shall be contained within one (1) story.

(f) *Height.* Accessory dwelling units shall be subject to the height requirements below:

(1) A height of sixteen (16) feet for a detached accessory dwelling unit on a lot with a proposed or existing single-family or multi-family dwelling.

(2) A height of eighteen (18) feet for a detached accessory dwelling unit on a lot with a proposed or existing single-family or multi-family dwelling that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor. An additional two feet in height shall be provided to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.

(3) A height of eighteen (18) feet for a detached accessory dwelling unit on a lot with a proposed or existing multi-family, multi-story dwelling.

(4) A height of twenty-five (25) feet or the height limitation of the applicable zoning district that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a proposed or existing two-story primary dwelling.

(5) Accessory dwelling units may be added directly above an existing one-story accessory structure on a property with a proposed or existing two-story primary dwelling in the R-1, R-D, R-M, RMH, and R-1D zones. These second-story accessory dwelling units may not be internally connected to the accessory structure below by an interior staircase.

(g) *Entrances.* Attached accessory dwelling units shall include a separate entrance from the main entrance to the proposed or existing primary dwelling. An accessory dwelling unit contained on a second story shall be served by a separate, dedicated interior or exterior stairway. A passageway from the accessory dwelling unit to a public street may be created but shall not be required by the Town.

(h) *Interior connection.* An attached accessory dwelling unit may, but shall not be required to, contain an interior doorway connection between the primary dwelling and the accessory dwelling unit.

(i) *Conversion of existing floor area.* An accessory dwelling unit shall be permitted if the accessory dwelling unit is contained within the existing space of, or constructed in the same location and manner as, an existing primary dwelling or accessory structure. The following provisions shall apply:

(1) The accessory dwelling unit shall be located on a lot zoned to allow single-family, two-family, or multi-family residential use.

(2) The accessory dwelling unit shall have a separate entrance from the primary dwelling.

(3) The accessory dwelling unit shall have existing side and rear setbacks sufficient for fire safety.

(4) An expansion of one hundred fifty (150) square feet beyond the physical dimensions of an existing structure, limited to accommodating ingress and egress, shall be permitted.

(5) When an existing structure is nonconforming as to setback standards and converted to an accessory dwelling unit, any expansion of that structure may not be nearer to a property line than the existing building in accordance with Section 29.10.245.

(j) *Density. Accessory* dwelling units that conform to California Government Code Section 65852.2 shall be deemed an accessory use and shall not be considered to exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing General Plan and zoning designation for the lot.

(k) *Fire sprinklers.* Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

Sec. 29.10.330. Junior dwelling unit development standards.

(a) *Location*. A junior accessory dwelling unit shall be constructed entirely within the walls of the proposed or existing single-family residence. For the purposes of this paragraph, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence. Junior accessory dwelling units may not be located within the space of, or attached to, a detached accessory structure of any type.

(b) *Setbacks.* A junior accessory dwelling unit shall be subject to the setback requirements of the applicable zoning district for a single-family residence, or the setbacks established by the existing single-family residence within which the junior accessory dwelling unit is located, whichever is less and sufficient for fire safety.

(c) *Maximum unit size*. The maximum floor area of a junior accessory dwelling unit is five hundred (500) square feet, measured from the outer face of exterior walls and the centerline of shared interior walls.

(d) *Entrances*. A junior accessory dwelling unit shall include a separate entrance from the main entrance to the proposed or existing single-family residence. When separate sanitation facilities are not included within the space of the junior accessory dwelling unit, an interior entry into the main living area of the primary dwelling shall be provided in addition to the separate entrance from the main entrance to the proposed or existing single-family residence. A junior accessory dwelling unit contained on a second story shall be served by a separate, dedicated interior or exterior stairway. A passageway from the accessory dwelling unit to a public street may be created but shall not be required by the Town.

(e) *Kitchen*. A junior accessory dwelling unit shall contain a kitchen or an efficiency kitchen.

(f) *Sanitation facilities*. A junior accessory dwelling unit may include separate sanitation facilities, or it may share sanitation facilities with the single-family residence. If sanitation facilities are not provided within the space of the junior accessory dwelling unit, an interior doorway shall be provided between the junior accessory dwelling unit and the living area of the single-family dwelling.

(g) *Owner-occupancy.* The property owner shall reside in the single-family residence in which the junior accessory dwelling unit will be located. The property owner may reside in either the remaining portion of the single-family residence or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

(h) *Deed Restriction.* Prior to Building Permit issuance, the applicant shall record a Deed Restriction in the form prescribed by the Town, which shall run with the land and provide for all the following:

(1) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(2) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(3) Owner-occupancy consistent with this section.

(i) *Fire or life protection*. For purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

Sec. 29.10.335. Unpermitted units.

This section provides a mechanism to legalize unpermitted accessory dwelling in compliance with Government Code Section 65852.23.

(a) *Applicability*. This section applies to accessory dwelling units that were unlawfully constructed prior to January 1, 2018, and that have not been deemed substandard pursuant to Section 17920.3 of the Health and Safety Code by the building official. The Community Development Director may determine construction date by any credible means warranted, including use of aerial photography, county records, photographs, and signed affidavits.

(b) *Relief*. The Town shall not deny a permit to legalize an unpermitted accessory dwelling solely due to either of the following:

(1) The accessory dwelling unit is in violation of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code; or

(2) The accessory dwelling unit does not comply with Government Code Section 65852.2; or

(3) The accessory dwelling unit does not comply with this Chapter.

(c) *Approval*. An unpermitted accessory dwelling unit may be legalized in compliance with Section 29.10.315 (Review Process).

(d) *Enforcement*. A property owner who makes known to the Town the existence of an unpermitted accessory dwelling unit but who fails to obtain and finalize a Building Permit, shall be subject to enforcement and penalties as specified by Division 9 of this Chapter.

(e) *Exception*. The Town may deny a permit to legalize an unpermitted accessory dwelling unit and instead require correction of the violation(s) if the Building Official makes a finding that correcting the violation(s) is necessary to protect the health and safety of the public or occupants of the structure.

Sec. 29.10.340. Nonconforming accessory dwelling units and junior accessory dwelling units.

(a) *Permits*. The owner of a nonconforming accessory dwelling unit and/or junior accessory dwelling unit, as defined in Section 29.10.310, must obtain a permit in compliance with Section 29.10.315 (Review Process).

Where an application has been submitted for a nonconforming accessory dwelling unit and/or junior accessory dwelling unit and Town records do not establish its nonconforming status, the property owner will have sixty (60) days from the date the Town provides notice of its findings to submit any facts and evidence to support a claim that the unit is nonconforming as defined in this Article. If at the end of sixty (60) days evidence has not been submitted by the property owner to establish the accessory dwelling unit and/or junior accessory dwelling unit is nonconforming to the satisfaction of the Community Development Director, the unit shall be determined to be an unpermitted accessory dwelling unit pursuant to section 29.10.335 and subject to its regulations.

(b) *Units existing at time of annexation*. Upon annexation a lawful accessory dwelling unit and/or junior accessory dwelling unit shall become nonconforming and the owner must either apply for a permit pursuant to Section 29.10.315 (Review Process) within one (1) year of the date of annexation. A property owner who makes known to the Town the existence of a nonconforming accessory dwelling unit and/or junior accessory dwelling unit but who fails to obtain and finalize a Building Permit, shall be subject to enforcement and penalties as specified by Division 9 of this chapter.

Sec. 29.10.350. Elimination and/or demolition of existing accessory dwelling units and/or junior accessory dwelling units.

In order to eliminate and/or demolish, without replacement, an approved accessory dwelling unit and/or junior accessory dwelling unit, the Development Review Committee shall make the finding that the proposed elimination and/or demolition, (without replacement), is consistent with the Town's Housing Element of the General Plan. In order to eliminate and/or demolish an existing accessory dwelling unit, the Development Review Committee must make the demolition findings pursuant to Section 29.10.09030.

Sec. 29.10.355. Nonconforming zoning conditions.

The Town shall not deny an application for a permit to create an accessory dwelling unit and/or junior accessory dwelling unit based on a need for the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and that are not affected by the construction of the accessory dwelling unit and/or junior accessory dwelling unit.

Sec. 29.10.360. Utilities.

(a) An accessory dwelling unit may be required to have a new or separate unity connection, including a separate sewer lateral, between the accessory dwelling unit and the utility. A connection fee or capacity charge may be charged that is proportionate to the size in square feet of the accessory dwelling unit or its drainage fixture unit (DFU) values.

(1) Exceptions: Junior accessory dwelling units, accessory dwelling units within the proposed space of a single-family dwelling, or accessory dwelling units within the existing space of a single-family dwelling or accessory structure are exempt from any requirement to install a new or separate utility connection and to pay any associated connection or capacity fees or charges, unless the accessory dwelling unit was constructed with a new single-family dwelling.

Sec. 29.10.365. Fees.

(a) *Connection fees and capacity charges.* An accessory dwelling unit shall not be considered by the Town, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(b) *Impact fees.* An accessory dwelling unit less than seven hundred fifty (750) square feet or a junior accessory dwelling unit is exempt from impact fees imposed by the Town, special district, or water corporation. An accessory dwelling seven hundred fifty (750) square feet or greater is subject to the Traffic Impact Fee requirements of the Town's Traffic Impact Policy (Policy 1-08), as may be amended from time to time. Any impact fees charged for an accessory dwelling unit of seven hundred fifty (750) square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit. For purposes of this subparagraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of CA Government Code Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

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SECTION II. Section 29.10.195, "Termination of nonconforming use status," of Chapter 29, "Zoning Regulations," is amended to read as follows:

Sec. 29.10.195. - Termination of legal nonconforming use status.

(a) Unless this Division is amended to provide otherwise, the following legal nonconforming uses may continue interminably so long as they conform to the other requirements of this Division:

(1) Legal nonconforming residential uses.

(2) Schools.

(3) Church uses.

(4) Nonresidential uses in the downtown which would otherwise be nonconforming due to zone changes and ordinance amendments which occurred after July 1, 1982.

(5) Residential care facilities for the elderly that existed as of January 1, 1988 and are nonconforming only as to parking.

(6) Hotels/motels located in residential zones which were converted to multiple-family dwelling units prior to March 22, 1986, if a conditional use permit is obtained.

(7) Commercial uses that are nonconforming as to parking if parking has been provided on-site by July 1, 1992, or twenty (20) years from the date the use became legal nonconforming, whichever is later.

(b) The following legal nonconforming uses shall cease at the end of the following time periods:

(1) A junkyard shall cease ninety (90) days from the date it becomes nonconforming.

(2) Where there are improvements on land, but of a type for which no Building Permit would currently be required, the legal nonconforming use shall cease three (3) years from the date the use becomes legal nonconforming.

(3) Where the land is improved with one (1) or more structures of a type for which a Building Permit would currently be required and the structure(s) are utilized in connection with the legal nonconforming use, the legal nonconforming use shall cease twenty (20) years from March 23, 1966, or twenty (20) years from the date the use became legal nonconforming, whichever is later.

(4) When a zoning amendment is adopted after 1981 that causes a use to be legal nonconforming solely by subjecting it to the requirement of obtaining a conditional use permit, all uses affected by the amendment shall apply for a use permit within sixty (60) days after the amendment becomes effective. Failure to make such application within that time shall make the subject use immediately unlawful.

(5) A business engaged in the retail sales [of] firearms and/or destructive devices shall cease four (4) years from the date it becomes legal nonconforming.

(c) If any period of authorized duration is held by a court to be too short and therefore unconstitutional or unlawful on its face or as applied, the period of duration shall be extended to such time as the court determines is lawful.

SECTION III. Subsection (e) of Section 29.10.630, "Requirements," of Chapter 29, "Zoning Regulations," is amended to read as follows:

(e) Floor Area Ratio and Lot Coverage.

(1) The maximum floor area ratio and lot coverage shall be as specified by the applicable zoning regulations.

(2) For flag/corridor lots, the gross lot size includes the access corridor for the purposes of determining maximum floor area ratio and lot coverage as follows:

i. When an easement is used to provide access, the access corridor is included in the gross lot size for the lot granting the easement; and

ii. When the access corridor is owned in-fee and is part of the rear lot, the access corridor is included in the gross lot size for the rear lot.

(3) The maximum size of the first new residential unit shall not exceed one thousand two hundred (1,200) square feet.

(4) When a two-unit housing development is proposed, a 10 percent increase in the floor area ratio standards for residential structures is allowed, excluding garages, and this increase in floor area cannot be combined with a separate increase for an Accessory Dwelling Unit allowed by Town Code Section 29.10.320. The additional floor area allowed by this subsection shall not exceed one thousand two hundred (1,200) square feet.

(5) Notwithstanding the floor area ratio standards in this subsection, a new two-unit housing development with unit sizes of eight hundred (800) square feet or less shall be permitted.

SECTION IV. Section 29.20.960, "Civil penalties," of Chapter 29, "Zoning Regulations," is amended to read as follows:

Notwithstanding section 29.20.950 relating to criminal penalty, any person found to have violated section 29.10.0965 shall be liable to pay the Town a civil penalty as prescribed in subsections (1) through (3). Any person found to have violated section 29.10.340(a) shall be liable to pay the Town a civil penalty as prescribed in subsection (4):

(1) Replacing the unlawfully removed tree with a new tree as similar thereto as reasonably feasible, or if such replacement is not feasible because of size or age of tree, with such number of similar trees as will provide reasonably equivalent aesthetic quality based on the determination of the Director of Parks, Forestry and Maintenance Services. Where similar replacement trees will not provide reasonably equivalent aesthetic quality, the Director of Parks, Forestry and Maintenance Services shall calculate the value of the removed tree in accordance with The Guide for Establishing Values of Trees and Other Plants by the International Society of Arboriculture and

such value will be the civil penalty for violation of section 29.10.0965 in addition to subsection (2). Where replanting cannot be accomplished to the satisfaction of the Director of Parks, Forestry and Maintenance Services, the amount of the value of the removed tree shall be deposited into the street tree deposit account.

(2) The cost of enforcing this Chapter, which shall include all costs, staff time, and attorneys' fees.

(3) All replacement trees planted as required by subsection (1) shall be maintained by the property owner under a two-year written maintenance agreement with the Town.

(4) A five thousand dollar ($5,000.00) civil penalty shall be imposed against any property owner found in violation of section 29.10.340(a) in addition to any application fees required and the cost of bringing the property into compliance with the California Building Code Standards (CA Code of Regulations, Title 24).

SECTION V. Severability.

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

SECTION VI. CEQA.

The Environmental Impacts of this Ordinance were Analyzed in the Environmental Impact Report for the 2040 General Plan. Additionally, the Proposed Amendments are Exempt Pursuant to CEQA, Section 15061(b)(3).

SECTION VII. GENERAL PLAN.

The amendments to Chapter 29 of the Town Code regarding accessory dwelling units are consistent with the General Plan.

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SECTION VIII. Publication.

In accordance with Section 63937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. The Town Council hereby directs the Town Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 pf the Government Code of the State of California.

SECTION IX. Effective Date.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 7th day of November 2023, and adopted by the Town Council of the Town of Los Gatos at its regular meeting on the 21st day of November 2023, 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: _____

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DATE: November 10, 2023

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Adopt an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Town Code Section 19.20.010, 'Parks and Recreation – Created' and Section 26.10.070, 'Trees and Shrubs – Appeals' to Update Reference to Parks Commission to Parks and Sustainability Commission"

RECOMMENDATION:

Adopt an ordinance titled "Ordinance of the Town Council of the Town of Los Gatos Amending Town Code Section 19.20.010, 'Parks and Recreation – Created' and Section 26.10.070, 'Trees and Shrubs – Appeals' to Update Reference to Parks Commission to Parks and Sustainability Commission" (Attachment 1).

REMARKS:

On November 7, 2023, the Town Council considered and voted to introduce an ordinance to effect certain changes of the Parks Commission. The ordinance reflects the change of the Commission's name and proposes changes to the Commission's mission to reflect taking on those aspects of the General Plan that relate to open space and natural resource-based goals.

Attachment:
1. Draft Ordinance

PREPARED BY: Nicolle Burnham
Parks and Public Works Director

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

DRAFT ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING TOWN CODE SECTION 19.20.010, "PARKS AND RECREATION - CREATED" AND SECTION 26.10.070, "TREES AND SHRUBS – APPEALS" TO UPDATE REFERENCE TO PARKS COMMISSION TO PARKS AND SUSTAINABILTY COMMISSION"

WHEREAS, Section 19.20.010, "Parks and Recreation – Created" and Section 26.10.070, "Trees and Shrubs – Appeals" reference a "Parks Commisssion;" and

WHEREAS, the Town Council has voted to add Sustainability issues to the duties of the "Parks Commission" and to rename it the "Parks and Sustainability Commission:" and

WHEREAS, the Town Council deems it necessary to amend Section 19.20.010, "Parks and Recreation – Created" and Section 26.10.070, "Trees and Shrubs – Appeals" reference Parks Commisssion, to update references to "Parks Commission" to "Parks and Sustainability Commission" in the Town Code;

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ORDAINS as follows:

SECTION I. Section 19.20.010, "Parks and Recreation – Created," of the Town Code is hereby amended to read as follows:

Sec. 19.20.010. Created.

The Town Council shall establish a Parks and Sustainability Commission for the Town by resolution.

(Ord. No. 2212, § I, 2-4-13)

SECTION II. Section 26.10.070, "Trees and Shrubs – Appeals" reference of the Town Code is hereby amended to read as follows:

Sec. 26.10.070. Appeals.

(a) Decisions of the Director under the provisions of sections 26.10.055, 26.20.010, 26.20.015, and 26.10.060(a) and (c) (in instances involving trees located on private property only), and 26.10.060(e), and 26.30.010 concerning notices to cut down, trim or remove a tree, only, are appealable to the Parks and Sustainability Commission. Appeals shall be commenced by filing a written notice of appeal with the Secretary of the Parks and Sustainability Commission within ten (10) days after the property owner or possessor of land is notified of the decision. The notice of appeal shall state the name and address of the appellant, the location of the tree, including the street address of the property most likely to assist in locating the tree if there is such address, a description sufficient to

identify the tree, describe the specific action of the Director which is the subject of the appeal, and state the grounds for the appeal.

(b) Determinations of the Parks and Sustainability Commission under the provisions of this chapter, including determinations on appeal from decisions of the Director, are appealable to the Town Council. Appeals shall be commenced by filing a written notice of appeal with the Town Clerk within ten (10) days after the property owner or possessor of land is notified of the decision. The notice of appeal shall state the name and address of the appellant, shall describe the determination or decision appealed from, and shall state the grounds for appeal.

(c) Any interested person may appeal.

(d) All appeals under the provisions of this chapter shall be determined after hearing by the appellate body of all of the evidence concerning the determination from which the appeal is taken.

(Ord. No. 2240, § I(Exh. A), 6-2-15)

SECTION III. SEVERABILITY CLAUSE. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person or circumstance is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons and circumstances. The Town Council of the Town of Los Gatos declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

SECTION IV. CEQA FINDINGS. This Ordinance is not a project within the meaning of Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it has no potential to result in physical change in the environment, directly or indirectly. This Ordinance is also exempt under CEQA Guideline 15061{b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

SECTION V. PUBLICATION. The Town Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the Town of Los Gatos and shall cause this ordinance or a summary thereof to be published in accordance with Section 36933 of the California Government Code.

SECTION 5. EFFECTIVE DATE. This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the ___ day of _____ 20 , and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on the ____ day of _____ 20 . This ordinance takes effect 30 days after it is adopted.

COUNCIL MEMBERS:

DRAFT

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: _____

DRAFT

DATE: November 16, 2023

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Authorize the Town Manager to Execute an Agreement for Consultant Services with CSG Consultants, Inc. for Building Inspection Services for the North-40 Phase 1 and North-40 Junction Development.

RECOMMENDATION:

Authorize the Town Manager to execute an Agreement for Consultant Services with CSG Consultants, Inc. for building inspection services for the North-40 Phase 1 and North-40 Junction development.

BACKGROUND:

The Town has been under contract with CSG Consultants, Inc. for building inspection services for the North-40 Phase 1 development since April 17, 2018.

DISCUSSION:

CSG Consultants, Inc., provides building inspection services to the Town. Building inspection services are paid through Building Permit fees from applicants and vary per project. A Single Source memorandum has been prepared for CSG Consultants, Inc. as the vendor of choice due to previous work completed on the North-40 Phase 1 development.

CONCLUSION:

Staff recommends that the Town Council authorize the Town Manager to enter into an agreement (Attachment 1) with CSG Consultants, Inc., for the reasons stated in this report.

PREPARED BY: Tania Maheu
Administrative Analyst

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

COORDINATION:

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

FISCAL IMPACT:

All costs for building inspection services are borne by applicants and no costs to the Town are incurred.

ENVIRONMENTAL ASSESSMENT:

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

ATTACHMENT:
1. AGR 23.231 CSG Consultants, Inc. Agreement for Consultant Services

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AGREEMENT FOR CONSULTANT SERVICES

THIS AGREEMENT is made and entered into 14th day of September 2023 by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and CSG Consultants, Inc., ("Consultant"), identified as a C corporation and whose address is 550 Pilgrim Drive, Foster City, CA 94404. This Agreement is made with reference to the following facts.

I. RECITALS

1.1 The Town desire to engage Consultant to provide Building Inspection Services for the North-40 Phase I and North-40 Junction project.

1.2 The Consultant represents and affirms that it is willing to perform the desired work pursuant to this Agreement.

1.3 Consultant warrants it possesses the distinct professional skills, qualifications, experience, and resources necessary to timely perform the services described in this Agreement. Consultant acknowledges Town has relied upon these warranties to retain Consultant.

II. AGREEMENTS

2.1 Scope of Services. Consultant shall provide services as described in that certain proposal sent to the Town on July 18, 2023, which is hereby incorporated by reference and attached as Exhibit A.

2.2 Term and Time of Performance. This contract will remain in effect upon execution to June 30, 2025. Consultant shall perform the services described in "Inspection Services" in this agreement as described in Exhibit A.

2.3 Compliance with Laws. The Consultant shall comply with all applicable laws, codes, ordinances, and regulations. Consultant represents and warrants to Town that it has all licenses, permits, qualifications and approvals of whatsoever nature which are legally required for Consultant to practice its profession. Consultant shall maintain a Town of Los Gatos business license pursuant to Chapter 14 of the Code of the Town of Los Gatos.

2.4 Sole Responsibility. Consultant shall be responsible for employing or engaging all persons necessary to perform the services under this Agreement.

2.5 Information/Report Handling. All documents furnished to Consultant by the Town and all reports and supportive data prepared by the Consultant under this Agreement are the Town's property and shall be delivered to the Town upon the completion of Consultant's services or at the Town's written request. All reports, information, data, and exhibits prepared or assembled by Consultant in connection with the performance of its services pursuant to this Agreement are confidential until released by the Town to the public, and

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

2.6 Compensation. Compensation for Consultant's professional services shall be paid by applicant, inclusive of all costs. Payment shall be based upon Town approval of each task.

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

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

Invoices:
Town of Los Gatos
Attn: Accounts Payable
P.O. Box 655
Los Gatos, CA 95031-0655

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

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

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

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

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

2.12 Equal Employment Opportunity. Consultant warrants that it is an equal opportunity employer and shall comply with applicable regulations governing equal employment opportunity. Neither Consultant nor its subcontractors do and neither shall discriminate against persons employed or seeking employment with them on the basis of age, sex, color, race, marital status, sexual orientation, ancestry, physical or mental disability, national origin, religion, or medical condition, unless based upon a bona fide occupational qualification pursuant to the California Fair Employment & Housing Act.

III. INSURANCE AND INDEMNIFICATION

3.1 Minimum Scope of Insurance:

i. Consultant agrees to have and maintain, for the duration of the contract, General Liability insurance policies insuring him/her and his/her firm to an amount not less than: two million dollars ($2,000,000) combined single limit per occurrence for bodily injury, personal injury and property damage.

ii. Consultant agrees to have and maintain for the duration of the contract, an Automobile Liability insurance policy ensuring him/her and his/her staff to an amount not less than one million dollars ($1,000,000) combined single limit per accident for bodily injury and property damage.

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

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

General Liability:

i. The Town, its officers, officials, employees and volunteers are to be covered as insured as respects: liability arising out of activities performed by or on behalf of the Consultant; products and completed operations of Consultant, premises owned or used by the Consultant. This requirement does not apply to the professional liability insurance required for professional errors and omissions.

ii. The Consultant's insurance coverage shall be primary insurance as respects the Town, its officers, officials, employees and volunteers. Any insurance or self-insurances maintained by the Town, its officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

iii. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Town, its officers, officials, employees or volunteers.

iv. The Consultant's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.

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

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

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

IV. GENERAL TERMS

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

4.2 Governing Law. This Agreement, regardless of where executed, shall be governed by and construed to the laws of the State of California. Venue for any action regarding this Agreement shall be in the Superior Court of the County of Santa Clara.

4.3 Termination of Agreement. The Town and the Consultant shall have the right to terminate this agreement with or without cause by giving not less than fifteen days (15) written notice of termination. In the event of termination, the Consultant shall deliver to the Town all plans, files, documents, reports, performed to date by the Consultant. In the event of such termination, Town shall pay Consultant an amount that bears the same ratio to the maximum contract price as the work delivered to the Town bears to completed services contemplated under this Agreement, unless such termination is made for cause, in which event, compensation, if any, shall be adjusted in light of the particular facts and circumstances involved in such termination.

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

4.5 Disputes. In any dispute over any aspect of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, including costs of appeal.

4.6 Notices. Any notice required to be given shall be deemed to be duly and properly given if mailed postage prepaid, and addressed to:

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

CSG Consultants Inc.
550 Pilgrim Drive
Foster City, CA 94404

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

4.7 Order of Precedence. In the event of any conflict, contradiction, or ambiguity between the terms and conditions of this Agreement in respect of the Products or Services and any attachments to this Agreement, then the terms and conditions of this Agreement shall prevail over attachments or other writings.

4.8 Entire Agreement. This Agreement, including all Exhibits, constitutes the complete and exclusive statement of the Agreement between the Town and Consultant. No terms, conditions, understandings or agreements purporting to modify or vary this Agreement, unless hereafter made in writing and signed by the party to be bound, shall be binding on either party.

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

Town of Los Gatos by:

DocuSigned by:
Laurel Prevetti
853FEEA2EB39470...

Laurel Prevetti, Town Manager

Consultant, by:

DocuSigned by:
Nourdin Kyayata
5EB310BAB2EC416...

Nourdin Kyayata, PE
Vice President

Recommended by:

DocuSigned by:
Joel Paulson
5035A0632FE1477...

Joel Paulson
Community Development Director

Approved as to Form:

DocuSigned by:
Gabrielle Whelan
EFD6738A5534428...

Gabrielle Whelan, Town Attorney

Attest:

DocuSigned by:
Wendy Wood
BF6EBCBE2C214F8...

Wendy Wood, CMC, Town Clerk

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CSG CONSULTANTS
Employee-Owned

3150 Almaden Expressway, #255
San Jose, CA 95118
Phone: 408.618.8300
Fax: 408.618.8310

www.csgengr.com

September 8, 2023

Tania Maheu, Administrative Analyst
Town of Los Gatos, Community Development Department
110 E. Main Street, Los Gatos CA 95030

Re: Building Inspection Services for Los Gatos North 40 Project

Dear Ms. Maheu,

Thank you for contacting **CSG Consultants, Inc.** (CSG) for information to provide Building Inspection services to the Town of Los Gatos for the North 40 Project. For over 30 years, CSG has been providing municipal services to municipalities throughout the state. In addition to providing engineering and CBO services to municipalities, we also currently furnish building and safety, fire prevention, public works, planning, code enforcement and a host of additional services to over 250 public agency clients. To this contract, CSG will bring specialized building inspection expertise, and a commitment to thorough, accurate and timely service.

Scope of Work

We understand the Town of Los Gatos is requesting information on Building Inspection services for the North 40 Project. To this work, CSG staff will provide complete and accurate building inspections, ensuring compliance with applicable codes.

Proposed Personnel

CSG proposes Jose Martinez and Jerry Schnell, CBO to provide these services to the Town. Mr. Schnell has more than 30 years of inspection experience, having performed inspections for similar projects throughout the Bay Area. Mr. Martinez brings over 20 years of municipal experience and is well versed in building division and code enforcement activities. Mr. Martinez and Mr. Schnell's resumes have been provided on the following pages for the Town's review.

Cost

CSG cost for providing the additional services requested is detailed in the table below.

Service/Roles	Hourly Rate/Percentage Fee
CASp Inspection	$160
Building Inspector	$115
Combination Building Inspector	$125
Overtime (Outside Normal Business Hours)	1.5 x Hourly Rate
Weekends and Holidays	2 x Hourly Rate

Project Contact

Mr. John LaTorra, Regional Building & Life Safety Manager, will be the primary point of contact. His contact information is provided below.

> **John LaTorra** | Regional Building & Life Safety Manager
> (650) 208-4264 ***office*** | johnl@csgengr.com ***email***

We look forward to providing these additional services to the Town of Los Gatos and furthering our successful relationship. Should you have any questions regarding our proposal, please contact Mr. LaTorra.

Sincerely,

Cyrus Kianpour, PE, PLS
President

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Jerry Schnell CBO

Senior Building Inspector

LICENSES & CERTIFICATES

Certified Building Official

Certified Building Inspector

Certified Plumbing Inspector | ICC 0991488

Licensed General Building Contractor, Class B | 420743

EDUCATION

Bachelor of Science, Business Administration
St. Mary's College | Moraga, CA

Mr. Schnell brings over 30 years of experience in the building industry, serving in both the public and the private sector. His experience is wide ranging from Journeyman to General Contractor, Senior Building Inspector, and Certified Building Official. Mr. Schnell is cross-trained in the provision of multiple service levels, enabling him to provide CSG's clients with increased efficiency, saving them valuable time and expense. In addition to serving as a Building Official, Mr. Schnell performs over-the-counter plan reviews, assists as customer service back-up at the front counter, and performs regular inspection duties. He easily integrates into client organizations, providing a seamless transition in terms of implementing policies and procedures and working with staff, applicants and customers.

RELEVANT CSG EXPERIENCE

CSG Building Inspector

Mr. Schnell has performed residential and commercial inspections for the following agencies CSG serves:

- City of Brisbane
- City of Hillsborough
- City of Millbrae
- City of Los Gatos
- County of San Mateo
- County of Marin
- Town of Portola Valley
- Town of Woodside

CSG Building Official | City of Pacifica, CA

Mr. Schnell served as the Building Official for the City of Pacifica. In addition to managing the building department, his services included performing over the counter plan review and residential and commercial inspections.

CSG Building Official | City of Half Moon Bay, CA

Mr. Schnell served as the Building Official for the City of Half Moon Bay. In addition to managing the department, his services included performing over the counter plan review and residential and commercial inspections. Notable projects during his time with the City include:

- Library, new construction
- Pacific Ridge, new construction of 63 homes
- Half Moon Village, multi-structure senior housing development
- Carnoustie, single-family dwelling development
- Ritz-Carlton Hotel, additions and remodels

PRIOR EXPERIENCE

Senior Building Inspector | City of Redwood City, CA

Prior to joining CSG, Mr. Schnell served as the Senior Building Inspector for the City of Redwood City. In this capacity, he performed all duties related to residential and commercial inspections on behalf of the City.

Permit Counter Manager | City of Redwood City, CA

Mr. Schnell served as a Permit Counter Manager providing coordination of permit issuance, customer service, and management of staff.

Code Enforcement and Inspection Manager | City of Redwood City, CA

Mr. Schnell served as Code Enforcement and Inspection Manager for the City. His duties included the implementation and management of the City's Code Enforcement Program. He was also charged with managing all code enforcement personnel, in conjunction with managing building inspection staff.

Licensed Contractor

As a licensed contractor, Mr. Schnell worked for construction firms in both Santa Rosa and San Francisco. He was responsible for all matters relating to commercial and residential contractor projects.

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Jose **Martinez**

Senior Building Inspector

LICENSES & CERTIFICATIONS

Certified Building Official
Building Plans Examiner
California Green Building Inspector
California Green Building Plans Examiner
Building Inspector
Certified Accessibility Inspector
Certified Accessibility Plans Examiner
Residential Electrical Inspector
Building Code Official
Housing Code Official
Property Maintenance and Housing Inspector

IAPMO Certified Plumbing Inspector

IAPMO Certified Mechanical Inspector

Journeyman's Certificate

PC832 Laws of Arrest

Certified ATC-20, SAP

EDUCATION

PC 832 Laws of Arrest
San Jose City College | San Jose, CA

General Studies,
Hartnell College | King City, CA

PROFESSIONAL AFFILIATIONS

International Code Council (ICC)

California Building Officials (CBO)

Mr. Martinez serves as a Senior Building Inspector for CSG and brings over 20 years of municipal experience. Mr. Martinez is well versed and highly knowledgeable in building division and code enforcement activities and has managed building departments in both the public and private sector. His extensive experience enables him to provide effective and efficient solutions to CSG customers and community stakeholders.

CSG EXPERIENCE

Building Official | City of Gonzales/City of Greenfield, CA

Since joining CSG, Mr. Martinez has served as the Building Official for the City of Gonzales and the City of Greenfield. He has also performed Senior Building Inspector duties for highly sensitive projects.

PRIOR EXPERIENCE

Consultant Building Official/Senior Building Inspector/Plans Examiner | City of San Luis Obispo, CA

Mr. Martinez served as a consultant building official, senior building inspector, and plans examiner for the City of San Luis Obispo. He assisted with special assignments including a permit software upgrade, subdevelopment project management, and plan review for Central Coast cities and counties.

Chief Building Official | City of East Palo Alto, CA

Mr. Martinez served as the Building Official where he directed and coordinated the activities of the Building Division including the Permit Center, Plan Check, Building Inspecting, and Code Enforcement services, and ADA Coordination. He participated in predevelopment coordination and economic development, assisted with the implementation of the City's agency and citizen permit portal, implemented a digital submittal and review process, and assisted with implantation of the ADU and JADU process. He also conducted employee performance reviews and performance improvement plans and managed a $1 million dollar contract for building services.

Consultant Building Official/Plans Examiner/Combination Building Inspector | Various California Agencies

Mr. Martinez provided consultant services for multiple California agencies. He served the City of Cupertino as a Senior Project Inspector for the $6 billion dollar Apple Campus II Project. He also served as the Interim Chief Building Official for the County of Mendocino where he managed building inspections, plan review and code enforcement functions, assisted with the County's online permit portal and implemented a plan review project prioritization system to streamline plan submittals. Mr. Martinez also served as the Interim Chief Building Official where he participated in the implementation of Accela Land Management System and managed the Building Inspection, Permit Center, and Code Enforcement teams. Additionally, he served as the City of Salinas Permit City Manager where he assisted with over the counter plan reviews and staff training.

Chief Building Official | City of King, CA

As Chief Building Official, Mr. Martinez managed building inspections, plan checks, permit issuance, and code enforcement services. He participated in pre-development coordination and economic development activities, and coordinated projects with external agencies.

Building Inspector/Code Enforcement Officer/Plans Examiner | County of Monterey, CA

Mr. Martinez served as the liaison between the Code Enforcement staff and Building Inspectors. He conducted inspections and investigated complaints related to housing issues and unpermitted construction. He was later promoted to Building Plans Examiner and conducted plan reviews of residential and commercial projects.

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AGREEMENT FOR CONSULTANT SERVICES

THIS AGREEMENT is dated for identification on this 15th day of August 2023 by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and CSG Consultants, Inc. ("Consultant"), identified as a C Corporation and whose address is 550 Pilgrim Drive, Foster City, CA 94404. This Agreement is made with reference to the following facts.

I. RECITALS

1.1 The Town desires to engage Consultant to provide services to support the Frontier Communications Fiber Optic Home Project.

1.2 The Consultant represents and affirms that it is willing to perform the desired work pursuant to this Agreement.

1.3 Consultant warrants it possesses the distinct professional skills, qualifications, experience, and resources necessary to timely perform the services described in this Agreement. Consultant acknowledges Town has relied upon these warranties to retain Consultant.

II. AGREEMENTS

2.1 Scope of Services. Consultant shall provide services as described in that certain proposal sent to the Town on July 18, 2023 which is hereby incorporated by reference and attached as Exhibit A.

2.2 Term and Time of Performance. This contract will remain in effect upon execution to June 30, 2025. Consultant shall perform the services described in this agreement as described in Exhibit A.

2.3 Compliance with Laws. The Consultant shall comply with all applicable laws, codes, ordinances, and regulations of governing federal, state and local laws. Consultant represents and warrants to Town that it has all licenses, permits, qualifications and approvals of whatsoever nature which are legally required for Consultant to practice its profession. Consultant shall maintain a Town of Los Gatos business license pursuant to Chapter 14 of the Code of the Town of Los Gatos.

2.4 Sole Responsibility. Consultant shall be responsible for employing or engaging all persons necessary to perform the services under this Agreement.

2.5 Information/Report Handling. All documents furnished to Consultant by the Town and all reports and supportive data prepared by the Consultant under this Agreement are the Town's property and shall be delivered to the Town upon the completion of Consultant's services or at the Town's written request. All reports, information, data, and exhibits prepared or assembled by Consultant in connection with the performance of its services pursuant to this Agreement are confidential until released by the Town to the public, and the Consultant shall not make any of the these documents or information available to any

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

2.6 Compensation. Compensation for the Consultant's professional services shall be paid at the established hourly rates, as set forth in the Fee Schedule (Exhibit B), which is attached hereto. Payment shall be based upon Town approval of the Scope and Fee for each task.

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

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

Invoices:
Town of Los Gatos
Attn: Accounts Payable
P.O. Box 655
Los Gatos, CA 95031-0655

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

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

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

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

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

2.12 Equal Employment Opportunity. Consultant warrants that it is an equal opportunity employer and shall comply with applicable regulations governing equal employment opportunity. Neither Consultant nor its subcontractors do and neither shall discriminate against persons employed or seeking employment with them on the basis of age, sex, color, race, marital status, sexual orientation, ancestry, physical or mental disability, national origin, religion, or medical condition, unless based upon a bona fide occupational qualification pursuant to the California Fair Employment & Housing Act.

III. INSURANCE AND INDEMNIFICATION

3.1 Minimum Scope of Insurance:

i. Consultant agrees to have and maintain, for the duration of the contract, General Liability insurance policies insuring him/her and his/her firm to an amount not less than: two million dollars ($2,000,000) combined single limit per occurrence for bodily injury, personal injury and property damage.

ii. Consultant agrees to have and maintain for the duration of the contract, an Automobile Liability insurance policy ensuring him/her and his/her staff to an amount not less than one million dollars ($1,000,000) combined single limit per accident for bodily injury and property damage.

iii. Consultant shall provide to the Town all certificates of insurance, with original endorsements effecting coverage. Consultant agrees that all

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

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

General Liability:

i. The Town, its elected and appointed officials, employees, and, agents are to be covered as insured as respects: liability arising out of activities performed by or on behalf of the Consultant; products and completed operations of Consultant, premises owned or used by the Consultant. This requirement does not apply to the professional liability insurance required for professional errors and omissions.

ii. The Consultant's insurance coverage shall be primary insurance as respects the Town, its elected and appointed officials, employees, and agents. Any insurance or self-insurances maintained by the Town, its officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

iii. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Town, its officers, officials, employees or volunteers.

iv. The Consultant's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.

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

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

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

IV. GENERAL TERMS

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

4.2 Governing Law. This Agreement, regardless of where executed, shall be governed by and construed to the laws of the State of California. Venue for any action regarding this Agreement shall be in the Superior Court of the County of Santa Clara.

4.3 Termination of Agreement. The Town and the Consultant shall have the right to terminate this agreement with or without cause by giving not less than fifteen days (15) written notice of termination. In the event of termination, the Consultant shall deliver to the Town all plans, files, documents, reports, performed to date by the Consultant. In the event of such termination, Town shall pay Consultant an amount that bears the same ratio to the maximum contract price as the work delivered to the Town bears to completed services contemplated under this Agreement, unless such termination is made for cause, in which event, compensation, if any, shall be adjusted in light of the particular facts and circumstances involved in such termination.

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

4.5 Disputes. In any dispute over any aspect of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, including costs of appeal.

4.6 Notices. Any notice required to be given shall be deemed to be duly and properly given if mailed postage prepaid, and addressed to:

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

CSG Consultants, Inc.
550 Pilgrim Drive
Foster City, CA 94404

DocuSign Envelope ID: 1359AF62-66A3-42EA-B2D8-57EA13EB2BE2

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

4.7 Order of Precedence. In the event of any conflict, contradiction, or ambiguity between the terms and conditions of this Agreement in respect of the Products or Services and any attachments to this Agreement, then the terms and conditions of this Agreement shall prevail over attachments or other writings.

4.8 Entire Agreement. This Agreement, including all Exhibits, constitutes the complete and exclusive statement of the Agreement between the Town and Consultant. No terms, conditions, understandings or agreements purporting to modify or vary this Agreement, unless hereafter made in writing and signed by the party to be bound, shall be binding on either party.

DocuSign Envelope ID: 1359AF62-66A3-42EA-B2D8-57EA13EB2BE2

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

Town of Los Gatos by:

DocuSigned by:
Laurel Prevetti
053FECA2ED3947...
Laurel Prevetti, Town Manager

Consultant, by:

DocuSigned by:
Cyrus Kianpour
7AC12FF2224A4G2...
Cyrus Kianpour, President

Recommended by:

DocuSigned by:
Nicolle Burnham
0E97831349644C3...
Nicolle Burnham
Director of Parks and Public Works

Approved as to Form:

DocuSigned by:
Gabrielle Whelan
EFD8738A5534428...
Gabrielle Whelan, Town Attorney

Attest:

DocuSigned by:
Wendy Wood
BF0EBCBE2C214F8...
Wendy Wood, CMC, Town Clerk

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DATE: November 16, 2023

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Adopt an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, 'Zoning Regulations,' of the Town Code to Replace the Affordable Housing Overlay Zone Division 5 of Article VIII, 'Overlay Zones and Historic Preservation,' With the Housing Element Overlay Zone As Division 5 of Article VIII, 'Overlay Zones and Historic Preservation.'" An Environmental Impact Report (EIR) was Prepared and Certified for the 2040 General Plan Update on June 30, 2022, which Included the Proposed General Plan and Town Code Amendments. No further Environmental Analysis is Required. Zoning Code Amendment Application Z-23-002. Applicant: Town of Los Gatos. Project Planners: Jocelyn Shoopman and Erin Walters.

RECOMMENDATION:

Adopt an Ordinance titled "An Ordinance of the Town Council of the Town of Los Gatos amending Chapter 29, 'Zoning Regulations,' of the Town Code to replace the Affordable Housing Overlay Zone Division 5 of Article VIII, 'Overlay Zones and Historic Preservation,' with the Housing Element Overlay Zone as Division 5 of Article VIII, 'Overlay Zones and Historic Preservation.'"

REMARKS:

On November 7, 2023, the Council considered and voted to introduce an Ordinance to effect an amendment to Chapter 29 of the Town Code to replace the Affordable Housing Overlay Zone of Division 5, Article VIII, "Overlay Zones and Historic Preservation," with the Housing Element Overlay Zone. Adoption of the attached Ordinance (Attachment 1) would finalize that decision.

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

Reviewed by: Town Manager, Community Development Director, Planning Manager, and Town Attorney

ATTACHMENT:
1. Draft Ordinance with Exhibit A

Draft Ordinance: subject to modification by Town Council based on deliberations and direction.

DRAFT ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING CHAPTER 29, "ZONING REGULATIONS," OF THE TOWN CODE TO REPLACE THE AFFORDABLE HOUSING OVERLAY ZONE DIVISION 5 OF ARTICLE VIII, "OVERLAY ZONES AND HISTORIC PRESERVATION," WITH THE HOUSING ELEMENT OVERLAY ZONE AS DIVISION 5 OF ARTICLE VIII, "OVERLAY ZONES AND HISTORIC PRESERVATION"

ZONING CODE AMENDMENT APPLICATION Z-23-002

PROPERTY LOCATION: TOWN WIDE
APPLICANT: TOWN OF LOS GATOS

WHEREAS, the Town of Los Gatos 2023-2031 Housing Element identifies amending the Town Code to create the Housing Element Overlay Zone as a strategy to accommodate the Town's Regional Housing Needs Allocation (RHNA); and

WHEREAS, the Planning Commission at its meeting on August 23, 2023, reviewed the proposed Town Code amendments , held a public hearing, and forwarded a recommendation of approval to the Town Council; and

WHEREAS, the Town Council at its meeting on October 3, 2023, reviewed the proposed Town Code amendment, held a public hearing, and adopted the ordinance to amend the Town Code to modify the Affordable Housing Overlay Zone to be the Housing Element Overlay Zone; and

WHEREAS, because the project description in the public hearing notice did not include the Planning Commission's recommendation, the item was re-noticed for the Town Council's consideration; and

WHEREAS, November 7, 2023, the Town Council accepted the report of the Planning Commission's recommendation of approval for the proposed Town Code amendment and held a public hearing; and

WHEREAS, the Town Council considered all facts and information related to a request to amend the Town Code as shown in Exhibit A and voted to introduce the Ordinance; and

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Town Council for public hearing on November 21, 2023.

ATTACHMENT 1

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

SECTION I. CEQA.

The Town Council finds as follows:

A. No further Environmental Analysis is required as an Environmental Impact Report (EIR) was prepared and certified for the 2040 General Plan Update on June 30, 2022, which included the proposed Zoning Code amendments; and

B. The Town Code Amendments are consistent with the General Plan and its elements in that the proposed zonings are consistent with the proposed General Plan land use designations; and

C. That all proceedings have been conducted in compliance with the provisions of Government Code Section 65850 et seq.; and

SECTION II. Chapter 29, Article VIII., Division 5 of the Town Code is hereby amended to read as follows:

ARTICLE VIII. OVERLAY ZONES AND HISTORIC PRESERVATION

…

DIVISION 5. HOUSING ELEMENT OVERLAY ZONE

Sec. 29.80.505. Intent.

The Housing Element Overlay Zone (HEOZ) ordinance in this division is intended to increase the supply and the mix of housing types, tenure, and affordability within the Town of Los Gatos. Through appropriate densities, concessions, and fee deferrals or waivers, the HEOZ encourages the development of housing affordable to all income levels on sites within the Town that are deemed to be most appropriate for such uses. The Housing Element lists sites within the Town of Los Gatos as key housing opportunities. The designation of these sites will assist the Town in meeting its Regional Housing Needs Allocation (RHNA), as required by the State.

Sec. 29.80.510. HEOZ and underlying zoning.

A property that has the HEOZ designation may be developed with a residential or mixed-use project with a residential use occupying more than 50 percent of the total floor area based on the standards provided in this division or, where standards are not specified, then based on

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the standards provided in the underlying zone. The underlying zoning development standards will remain in effect for all other development without a residential component.

Pursuant to Government Code Section 65583.2(i), by right development will be allowed when 20 percent or more of the units are affordable to lower income households.

Sec. 29.80.515. HEOZ general development standards.

A proposed residential project, including a mixed-use project with a residential use occupying more than 50 percent of the total floor area within the HEOZ shall be designed and constructed in conformity with the development standards for the corresponding zoning and General Plan Land Use designation in Table 1A (Overlay Zones Development Standards). Regardless of the underlying zoning designation, no residential project or mixed-use project with a residential use occupying more than 50 percent of the total floor area may be developed that does not meet the applicable HEOZ development standards.

Table 1A (HEOZ Development Standards)

General Plan Land Use Designation	Zoning	Minimum Yards	Maximum Lot Coverage	Maximum Floor Area Ratio (FAR)	Maximum Height Limit (ft)	Density Units Per Acre
Low Density Residential	R-1	As authorized by Section 29.40.405	50%	N/A	30 feet	0-5
Medium Density Residential	R-1D, R-D, and R-M	As authorized by Section 29.40.405, 29.40.530, and 29.40.645	75%	N/A	35 feet	14-22 or 5-12 in Very High Fire Hazard Severity Zones
High Density Residential	R-M	As authorized by Section 29.40.645	75%	N/A	45 feet	30-40
Mixed-Use	CH	As authorized by Section 29.60.435	N/A	3.0	45 feet	30-40
Neighborhood Commercial	C-1	As authorized by Section 29.60.225	N/A	1.0	35 feet	10-20
Central Business District	C-2	As authorized by Section 29.60.335	N/A	2.0	45 feet	20-30
North Forty Specific Plan	NF-SP	As defined in Specific Plan	As defined in Specific Plan	As defined in Specific Plan	As defined in Specific Plan	30-40
Office Professional	O	As authorized by Section 29.60.100	N/A	1.0	35 feet	10-20
Service Commercial	LM	As authorized by Section 29.70.125	N/A	1.0	35 feet	none
Light Industrial	CM	As authorized by Section 29.70.235	N/A	1.0	35 feet	none

SECTION III. Effective Date.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 7th day of November 2023, and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on the ____ day of _____, 2023. This ordinance shall take effect 30 days after the date it is adopted. The Town Clerk shall cause this ordinance or a summary thereof to be published in accordance with Section 36933 of the California Government Code.

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: _____

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DIVISION 5. HOUSING ELEMENT OVERLAY ZONE

Sec. 29.80.505. Intent.

The Housing Element Overlay Zone (HEOZ) ordinance in this division is intended to increase the supply and the mix of housing types, tenure, and affordability within the Town of Los Gatos. Through appropriate densities, concessions, and fee deferrals or waivers, the HEOZ encourages the development of housing affordable to all income levels on sites within the Town that are deemed to be most appropriate for such uses. The Housing Element lists sites within the Town of Los Gatos as key housing opportunities. The designation of these sites will assist the Town in meeting its Regional Housing Needs Allocation (RHNA), as required by the State.

Sec. 29.80.510. HEOZ and underlying zoning.

A property that has the HEOZ designation may be developed with a residential or mixed-use project with a residential use occupying more than 50 percent of the total floor area based on the standards provided in this division or, where standards are not specified, then based on the standards provided in the underlying zone. The underlying zoning development standards will remain in effect for all other development without a residential component.

Pursuant to Government Code Section 65583.2(i), by right development will be allowed when 20 percent or more of the units are affordable to lower income households.

Sec. 29.80.515. HEOZ general development standards.

A proposed residential project, including a mixed-use project with a residential use occupying more than 50 percent of the total floor area within the HEOZ shall be designed and constructed in conformity with the development standards for the corresponding zoning and General Plan Land Use designation in Table 1A (Overlay Zones Development Standards). Regardless of the underlying zoning designation, no residential project or mixed-use project with a residential use occupying more than 50 percent of the total floor area may be developed that does not meet the applicable HEOZ development standards.

Table 1A (HEOZ Development Standards)

General Plan Land Use Designation	Zoning	Minimum Yards	Maximum Lot Coverage	Maximum Floor Area Ratio (FAR)	Maximum Height Limit (ft)	Density Units Per Acre
Low Density Residential	R-1	As authorized by Section 29.40.405	50%	N/A	30 feet	0-5
Medium Density Residential	R-1D, R-D, and R-M	As authorized by Section 29.40.405, 29.40.530, and 29.40.645	75%	N/A	35 feet	14-22 or 5-12 in Very High Fire Hazard Severity Zones
High Density Residential	R-M	As authorized by Section 29.40.645	75%	N/A	45 feet	30-40
Mixed-Use	CH	As authorized by Section 29.60.435	N/A	3.0	45 feet	30-40
Neighborhood Commercial	C-1	As authorized by Section 29.60.225	N/A	1.0	35 feet	10-20

EXHIBIT A

Central Business District	C-2	As authorized by Section 29.60.335	N/A	2.0	45 feet	20-30
North Forty Specific Plan	NF-SP	As defined in Specific Plan	As defined in Specific Plan	As defined in Specific Plan	As defined in Specific Plan	30-40
Office Professional	O	As authorized by Section 29.60.100	N/A	1.0	35 feet	10-20
Service Commercial	LM	As authorized by Section 29.70.125	N/A	1.0	35 feet	none
Light Industrial	CM	As authorized by Section 29.70.235	N/A	1.0	35 feet	none

DATE: November 16, 2023

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Adopt an Ordinance Titled "An Ordinance of the Town of Los Gatos Amending the Zoning Code from R-1:8 (Single-Family Residential) to R-M (Multiple-Family Residential) for a Caltrans Right-of-Way Property Located Adjacent to 14685 Oka Road; and Apply the Housing Element Overlay Zone (HEOZ) to Provide for Increases to the Allowable Density, Height, Floor Area Ratio, and Lot Coverage for Residential Development on the Following Sites Included in the Sites Inventory Analysis of the 2023-2031 Housing Element: APN's 424-06-116, 424-07-116, 424-08-029, 424-08-058, 424-08-059, 424-08-060, 424-08-074, and 532-07-085; 620 and 14000 Blossom Hill Road; 16210, 16240, 16245, 16250, 16260, 16270, and 16392 Burton Road; Cal Trans Right-of-Way Adjacent to 14685 Oka Road; 110 and 206 Knowles Drive; 445 Leigh Avenue; 440 Los Gatos Almaden Road; 16603 Lark Avenue; 14823, 14831, 14849, 14859, 14917, 14925, 15795, 16151, 16203, and 16492 Los Gatos Boulevard; 165 Los Gatos Saratoga Road; and 14800 and 14840 Oka Road."

An Environmental Impact Report (EIR) was Prepared and Certified for the 2040 General Plan Update on June 30, 2022, which Included the Proposed General Plan and Zoning Code Amendments. No further Environmental Analysis is Required. Zoning Code Amendment Application Z-23-003 and General Plan Amendment Application GP-23-003. Applicant: Town of Los Gatos.

RECOMMENDATION:

Adopt an ordinance titled "An Ordinance of the Town Council of the Town of Los Gatos Amending the Zoning Code from R-1:8 (Single-Family Residential) to R-M (Multiple-Family Residential) for a Caltrans Right-of-Way Property Located Adjacent to 14685 Oka Road; and apply the Housing Element Overlay Zone (HEOZ) to provide for increases to the allowable

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

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Community Development Department Director, and Economic Vitality Manager

RECOMMENDATION:

density, height, floor area ratio, and lot coverage for residential development on the sites included in the Sites Inventory Analysis of the 2023-2031 Housing Element" as listed in the subject line above.

REMARKS:

On November 7, 2023, the Council considered and voted to introduce an Ordinance to effect a zoning change from R-1:8 (Single-Family Residential) to R-M (Multiple-Family Residential) for a Caltrans Right-of-Way Property Located Adjacent to 14685 Oka Road; and apply the Housing Element Overlay Zone (HEOZ) to the following sites included in the Sites Inventory Analysis of the 2023-2031 Housing Element: APN's 424-06-116, 424-07-116, 424-08-029, 424-08-058, 424-08-059, 424-08-060, 424-08-074, and 532-07-085; 620 and 14000 Blossom Hill Road; 16210, 16240, 16245, 16250, 16260, 16270, and 16392 Burton Road; Cal Trans Right-of-Way Adjacent to 14685 Oka Road; 110 and 206 Knowles Drive; 445 Leigh Avenue; 440 Los Gatos Almaden Road; 16603 Lark Avenue; 14823, 14831, 14849, 14859, 14917, 14925, 15795, 16151, 16203, and 16492 Los Gatos Boulevard; 165 Los Gatos Saratoga Road; and 14800 and 14840 Oka Road. Adoption of the attached Ordinance (Attachment 1) would finalize that decision. Once adopted, the Ordinance will take effect in 30 days.

ATTACHMENT:
1. Draft Ordinance with Exhibit A – Location Maps

Draft Ordinance: subject to modification by Town Council based on deliberations and direction.

DRAFT ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING THE ZONING CODE FROM R-1:8 (SINGLE-FAMILY RESIDENTIAL) TO R-M (MULTIPLE-FAMILY RESIDENTIAL) FOR A CALTRANS RIGHT-OF-WAY PROPERTY LOCATED ADJACENT TO 14685 OKA ROAD; AND APPLY THE HOUSING ELEMENT OVERLAY ZONE (HEOZ) TO PROVIDE FOR INCREASES TO THE ALLOWABLE DENSITY, HEIGHT, FLOOR AREA RATIO, AND LOT COVERAGE FOR RESIDENTIAL DEVELOPMENT ON THE FOLLOWING SITES INCLUDED IN THE SITES INVENTORY ANALYSIS OF THE 2023-2031 HOUSING ELEMENT: APN'S 424-06-116, 424-07-116, 424-08-029, 424-08-058, 424-08-059, 424-08-060, 424-08-074, AND 532-07-085; 620 AND 14000 BLOSSOM HILL ROAD; 16210, 16240, 16245, 16250, 16260, 16270, AND 16392 BURTON ROAD; CAL TRANS RIGHT-OF-WAY ADJACENT TO 14685 OKA ROAD; 110 AND 206 KNOWLES DRIVE; 445 LEIGH AVENUE; 440 LOS GATOS ALMADEN ROAD; 16603 LARK AVENUE; 14823, 14831, 14849, 14859, 14917, 14925, 15795, 16151, 16203, AND 16492 LOS GATOS BOULEVARD; 165 LOS GATOS SARATOGA ROAD; AND 14800 AND 14840 OKA ROAD

WHEREAS, the sites located at 16151 Los Gatos Boulevard and 620 Blossom Hill Road were added to the Town of Los Gatos' Draft Revised Housing Element based on the receipt of a property owner interest form; and

WHEREAS, all other sites included in the Town of Los Gatos' adopted Housing Element were identified as sites with the potential for redevelopment with housing; and

WHEREAS, the Town wishes to apply a Housing Element Overlay Zone to the sites identified in the sites inventory in order to encourage redevelopment with housing; and

WHEREAS, the Planning Commission met on August 23, 2023, to hold a public hearing and receive public comments and continued the item to September 13, 2023; and

WHEREAS, the Planning Commission received further public comments and recommended approval of the Zoning Code amendments at its regular meeting of September 13, 2023; and

WHEREAS, the Town Council met on October 3, 2023, to hold a public hearing and continued the item to November 7, 2023; and

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Town Council for public hearing on November 7, 2023; and

WHEREAS, November 7, 2023, the Town Council reviewed and commented on the proposed amendments and the Town Council voted to introduce the Ordinance; and

ATTACHMENT 1

WHEREAS, the Town Council considered all facts and information related to a request to change the Zoning for the above mentioned properties as shown in Exhibit A; and

WHEREAS, this matter was regularly noticed in for conformance with State and Town law and came before the Town Council for public hearing on November 21, 2023.

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

SECTION I. Findings.

The Town Council finds as follows:

A. No further Environmental Analysis is required as an Environmental Impact Report (EIR) was prepared and certified for the 2040 General Plan Update on June 30, 2022, which included the proposed Zoning Code amendments; and
B. The zone changes are consistent with the General Plan and its elements in that the proposed zonings are consistent with the proposed General Plan land use designations; and
C. That all proceedings have been conducted in compliance with the provisions of Government Code Section 65850 et seq.; and
D. The Town Council considered all facts and information related to the proposal to apply the Housing Element Overlay Zone to the sites shown in Exhibit A.

SECTION II. Zoning Map of the Town of Los Gatos is hereby amended to the following:

The zoning map of the Town of Los Gatos is hereby amended to change the zoning of the Caltrans right-of-way property adjacent to 14685 Oka Road from R-1:8 (Single-Family Residential) to R-M (Multiple-Family Residential); and the properties at APN'S 424-06-116, 424-07-116, 424-08-029, 424-08-058, 424-08-059, 424-08-060, 424-08-074, and 532-07-085; 620 and 14000 Blossom Hill Road; 16210, 16240, 16245, 16250, 16260, 16270, and 16392 Burton Road; Cal Trans Right-of-Way Adjacent to 14685 Oka Road; 110 and 206 Knowles Drive; 445 Leigh Avenue; 440 Los Gatos Almaden Road; 16603 Lark Avenue; 14823, 14831, 14849, 14859, 14917, 14925, 15795, 16151, 16203, and 16492 Los Gatos Boulevard; 165 Los Gatos Saratoga Road; and 14800 and 14840 Oka Road to apply the Housing Element Overlay Zone (HEOZ) to each parcel as shown in Exhibit A.

SECTION III. Effective Date.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 7th day of November 2023, and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on the ____ day of _____, 2023. This ordinance shall take effect 30 days after the date it is adopted. The Town Clerk shall cause this ordinance or a summary thereof to be published in accordance with Section 36933 of the California Government Code.

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

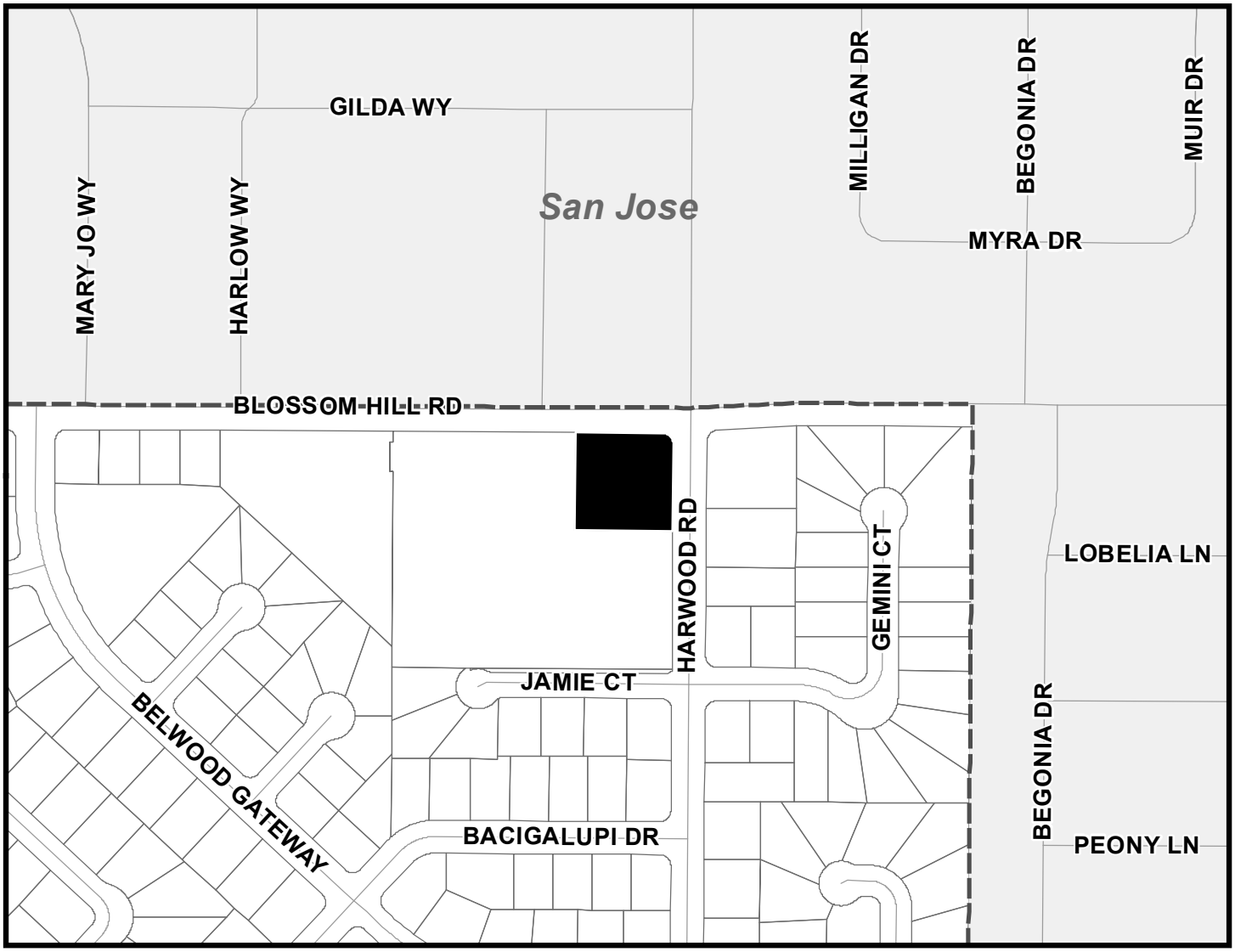
TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

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Address: 14000 Blossom Hill Road

A.P.N. # 527-32-028

TOWN OF LOS GATOS

Application No. Z-23-003

Change of zoning map amending the Town Zoning Ordinance.

☒ **Zone Change** **From: C-1**

☐ **Prezoning** **To: C-1:HEOZ**

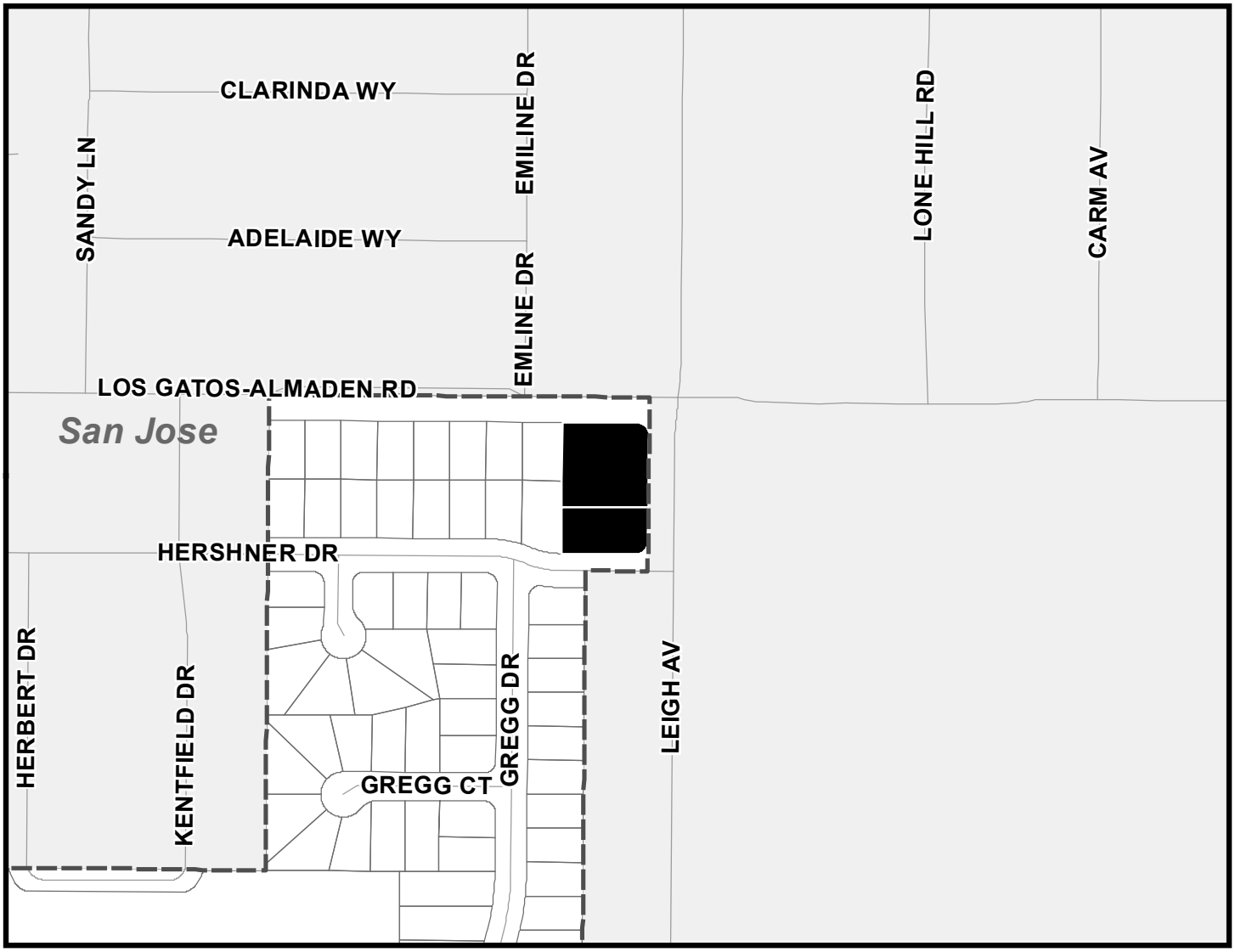
N

Forwarded by Planning Commission **Date:**

Approved by Town Council **Date:** **Ord:**

Clerk Administrator **Mayor**

EXHIBIT A



Address: 440 Los Gatos-Almaden Road and 445 Leigh Avenue

A.P.N. # 527-49-048 and 527-49-049

TOWN OF LOS GATOS

Application No. Z-23-003

Change of zoning map amending the Town Zoning Ordinance.

☒ **Zone Change** **From: C-1**

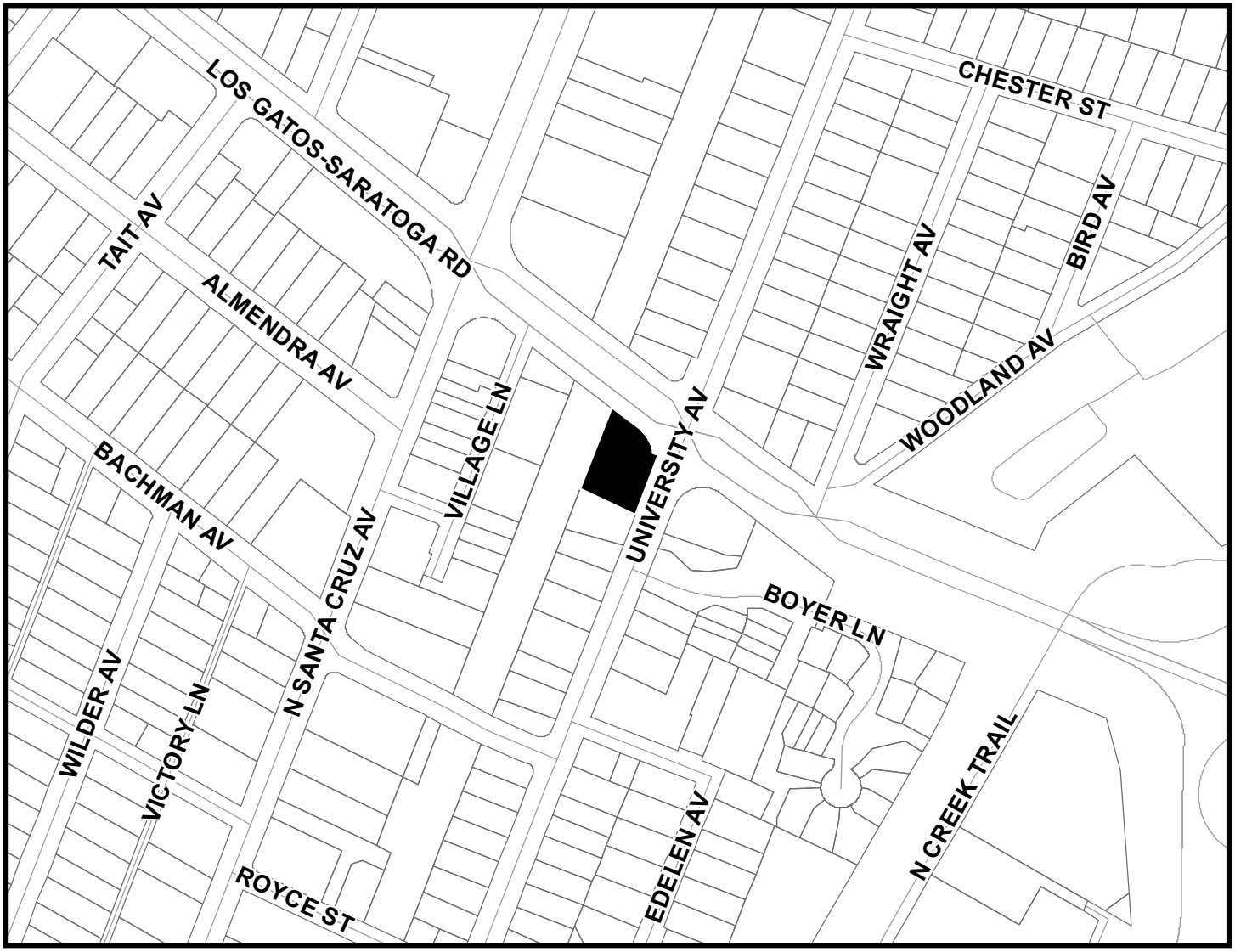
☐ **Prezoning** **To: C-1:HEOZ**

N

Forwarded by Planning Commission **Date:**

Approved by Town Council **Date:** **Ord:**

Clerk Administrator **Mayor**



Address: 165 Los Gatos-Saratoga Road

A.P.N. # 529-04-083

TOWN OF LOS GATOS

Application No. **Z-23-003**

Change of zoning map amending the Town Zoning Ordinance.

☒ **Zone Change** **From: C-2**

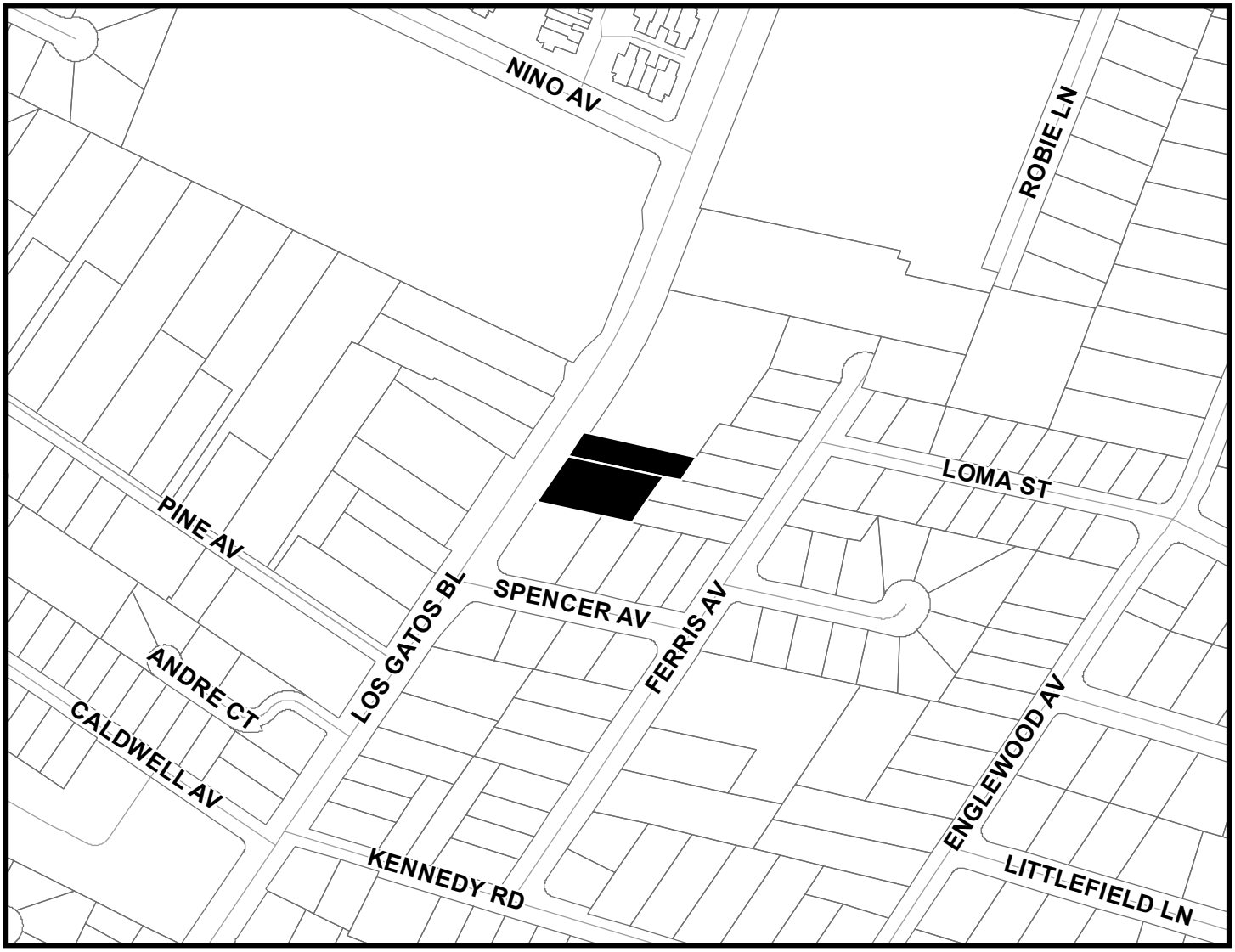
☐ **Prezoning** **To: C-2:HEOZ**

N

Forwarded by Planning Commission **Date:**

Approved by Town Council **Date:** **Ord:**

Clerk Administrator **Mayor**



Address: 16492 Los Gatos Boulevard and APN 53207085

A.P.N. # 532-07-086 and 532-07-085

TOWN OF LOS GATOS

Application No. **Z-23-003**

Change of zoning map amending the Town Zoning Ordinance.

☒ **Zone Change** **From: C-1**

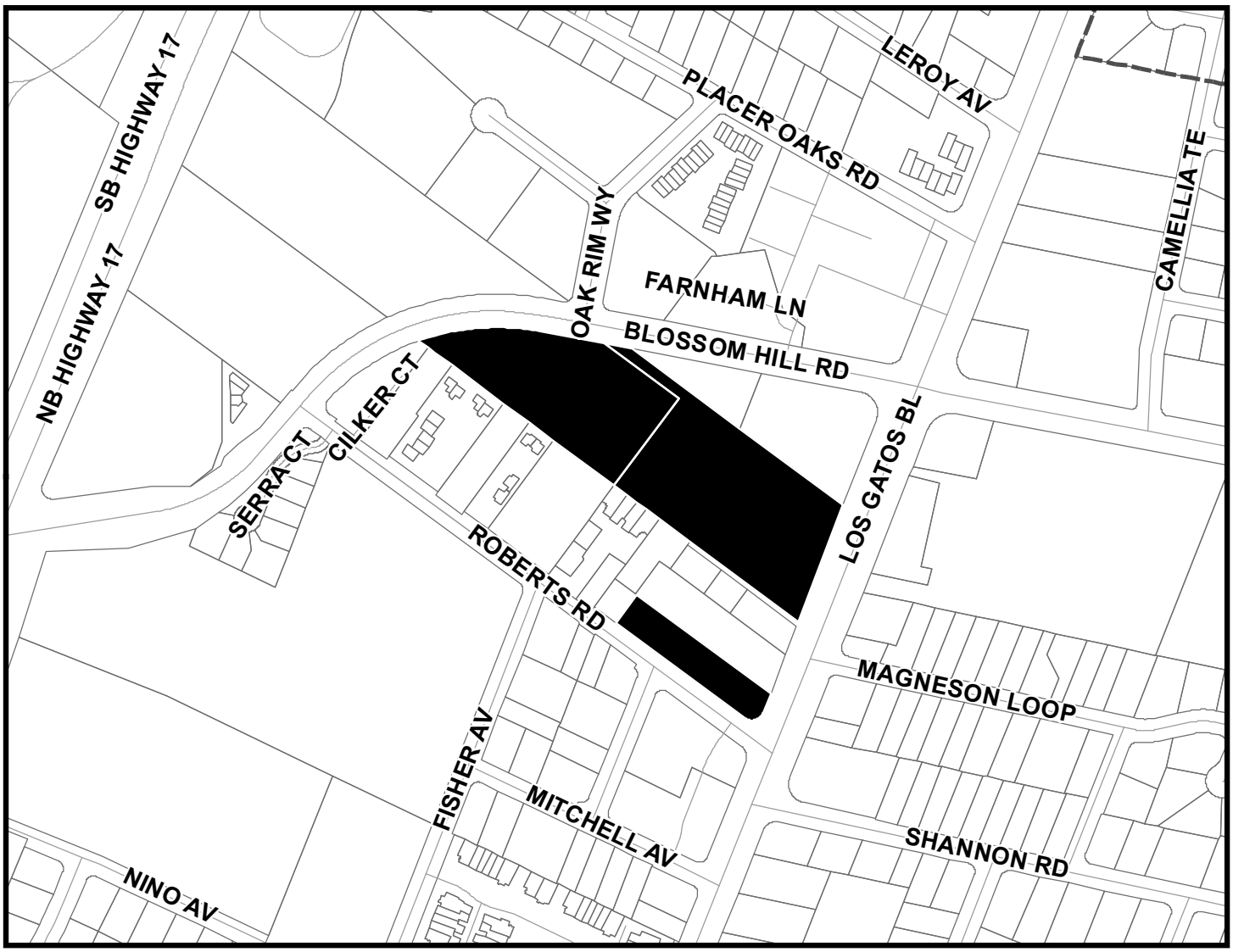
☐ **Prezoning** **To: C-1:HEOZ**

N

Forwarded by Planning Commission **Date:**

Approved by Town Council **Date:** **Ord:**

Clerk Administrator **Mayor**



Address: 16151 and 16203 Los Gatos Boulevard; and 620 Blossom Hill Road

A.P.N. # 529-16-040, 529-16-069, and 529-16-041

TOWN OF LOS GATOS

Application No. **Z-23-003**

Change of zoning map amending the Town Zoning Ordinance.

☒ **Zone Change** **From: CH**

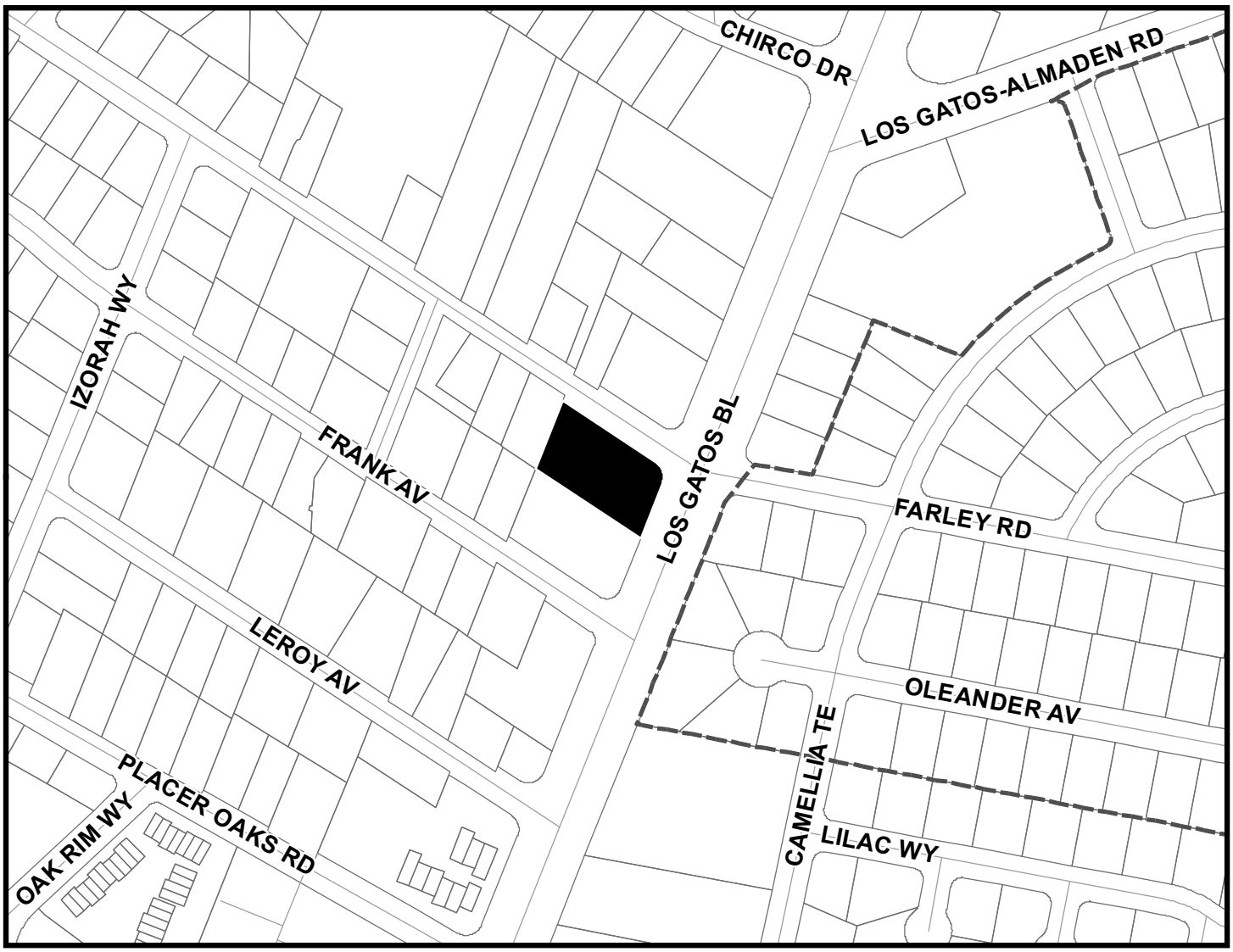
☐ **Prezoning** **To: CH-HEOZ**

N

Forwarded by Planning Commission **Date:**

Approved by Town Council **Date:** **Ord:**

Clerk Administrator **Mayor**



Address: 15795 Los Gatos Boulevard

A.P.N. # 529-15-059

TOWN OF LOS GATOS

Application No. **Z-23-003**

Change of zoning map amending the Town Zoning Ordinance.

☒ **Zone Change** **From: CH**

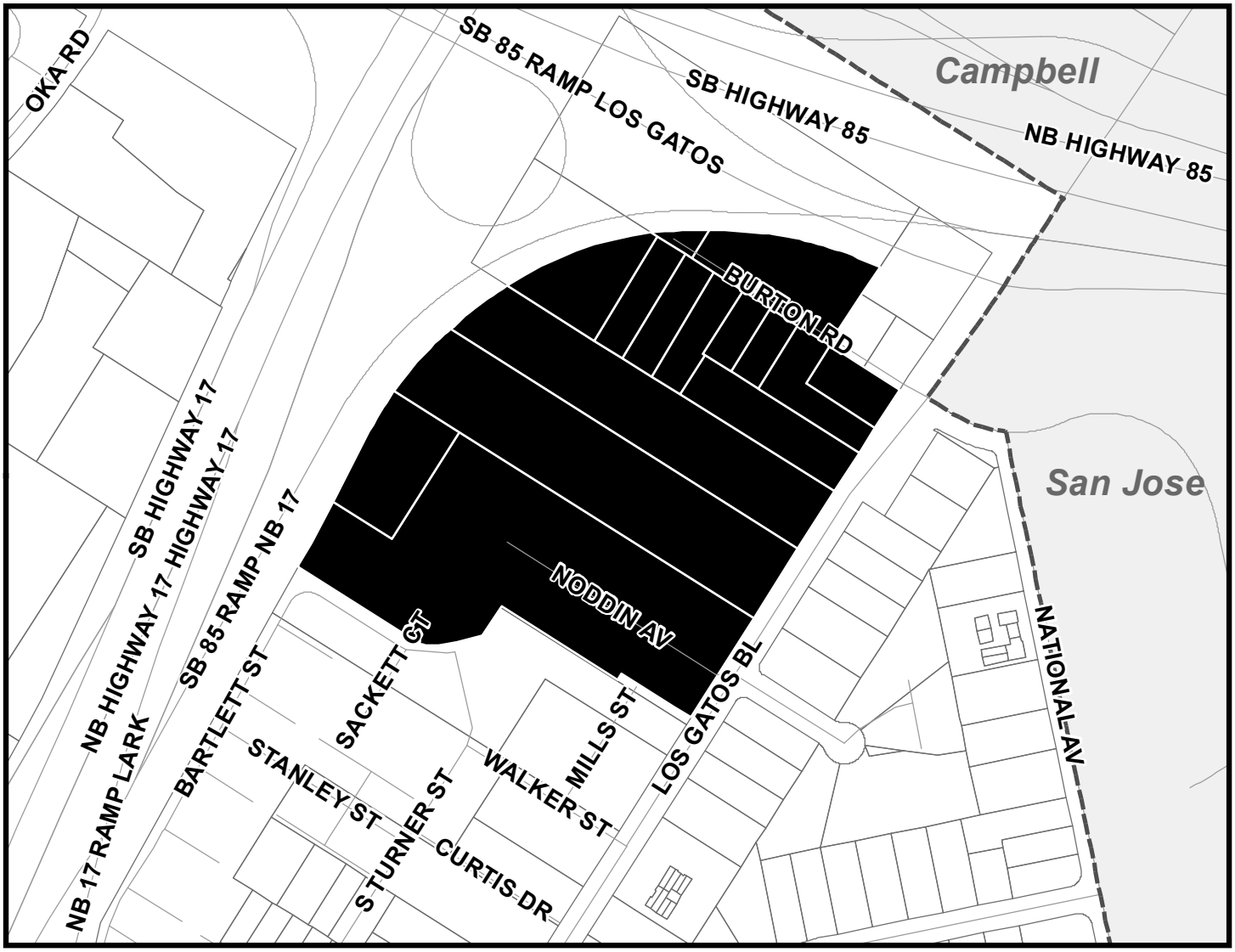
☐ **Prezoning** **To: CH-HEOZ**

N

Forwarded by Planning Commission **Date:**

Approved by Town Council **Date:** **Ord:**

Clerk Administrator **Mayor**



Address: 16245, 16210, 16240, 16250, 16260, 16270, and 16392 Burton Road; 14823, 14831, 14849, 14859, 14917, 14925 Los Gatos Boulevard; and APNs 42406116, 42407115, and 42407116

A.P.N. # 424-06-115, 424-07-054, 424-07-010, 424-07-009, 424-07-053, 424-07-052, 424-07-095, 424-07-065, 424-07-063, 424-07-064, 424-07-094, 424-07-081, 424-07-115, 424-06-116, 424-07-115, and 424-07-116

TOWN OF LOS GATOS

Application No. Z-23-003

Change of zoning map amending the Town Zoning Ordinance.

☒ **Zone Change** **From: North Forty Specific Plan**

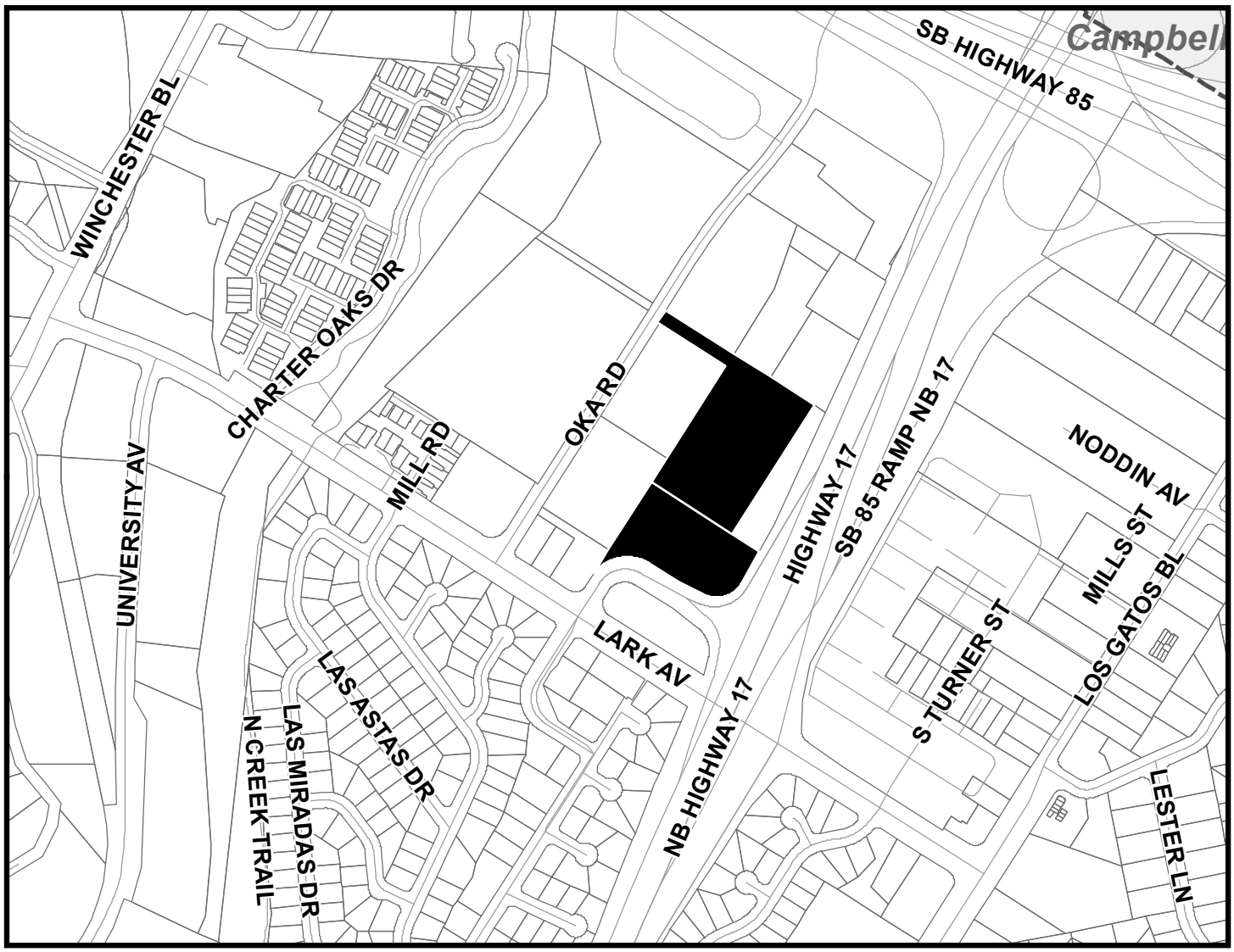
☐ **Prezoning** **To: North Forty Specific Plan:HEOZ**

N

Forwarded by Planning Commission **Date:**

Approved by Town Council **Date:** **Ord:**

Clerk Administrator **Mayor**



Address: 16603 Lark Avenue and 14840 Oka Road

A.P.N. # 424-08-017 and 424-08-021

TOWN OF LOS GATOS

Application No. Z-23-003

Change of zoning map amending the Town Zoning Ordinance.

☒ **Zone Change** **From: R-M:5-12**

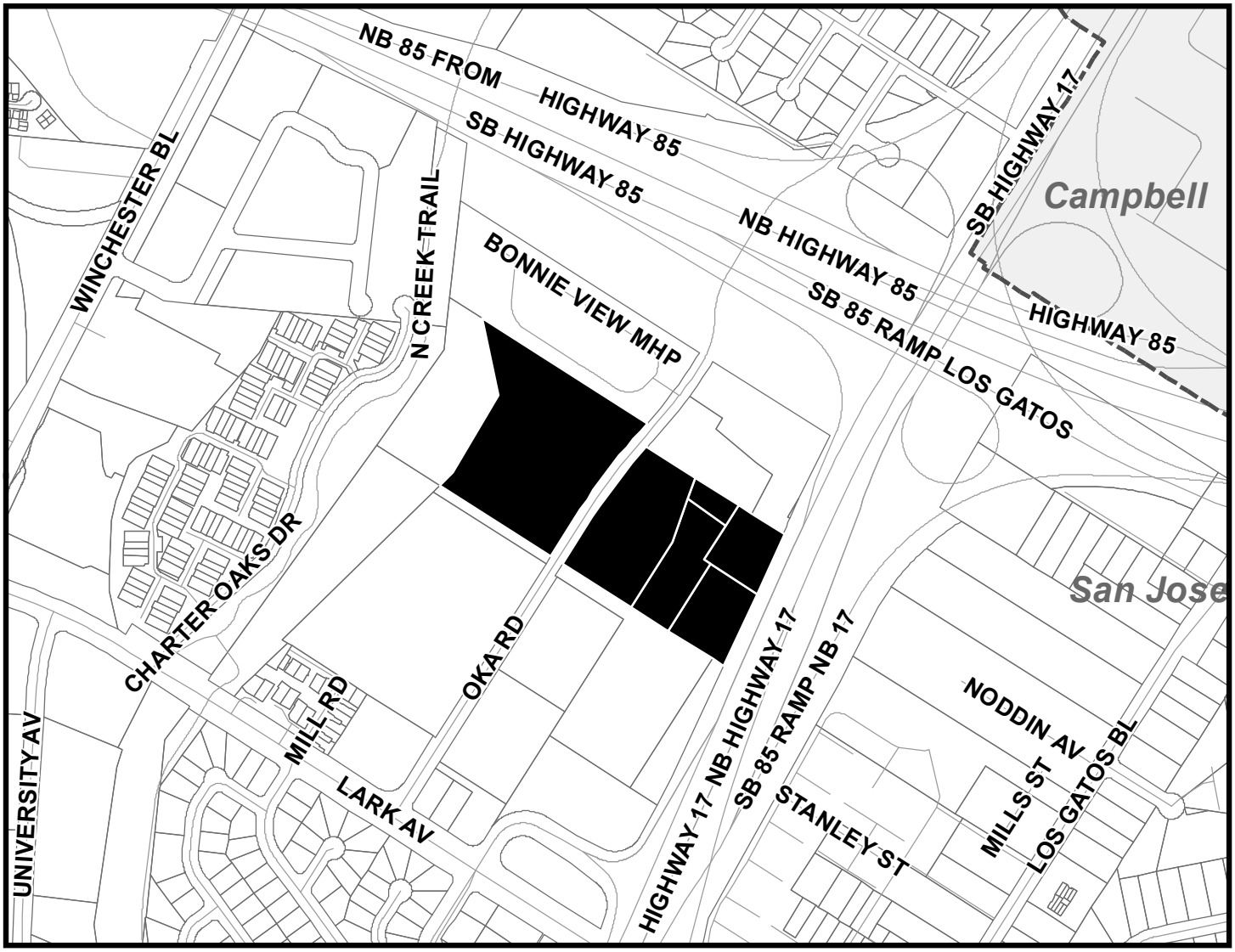
☐ **Prezoning** **To: R-M:5-12:HEOZ**

N

Forwarded by Planning Commission **Date:**

Approved by Town Council **Date:** **Ord:**

Clerk Administrator **Mayor**



Address: 14800 Oka Lane and APNs 42408029, 42408058, 42408059, 42408060, 42408074

A.P.N. # 424-08-057, 424-08-029, 424-08-058, 424-08-059, 424-08-060, and 424-08-074

TOWN OF LOS GATOS

Application No. Z-23-003

Change of zoning map amending the Town Zoning Ordinance.

☒ **Zone Change** **From: R-1:8**

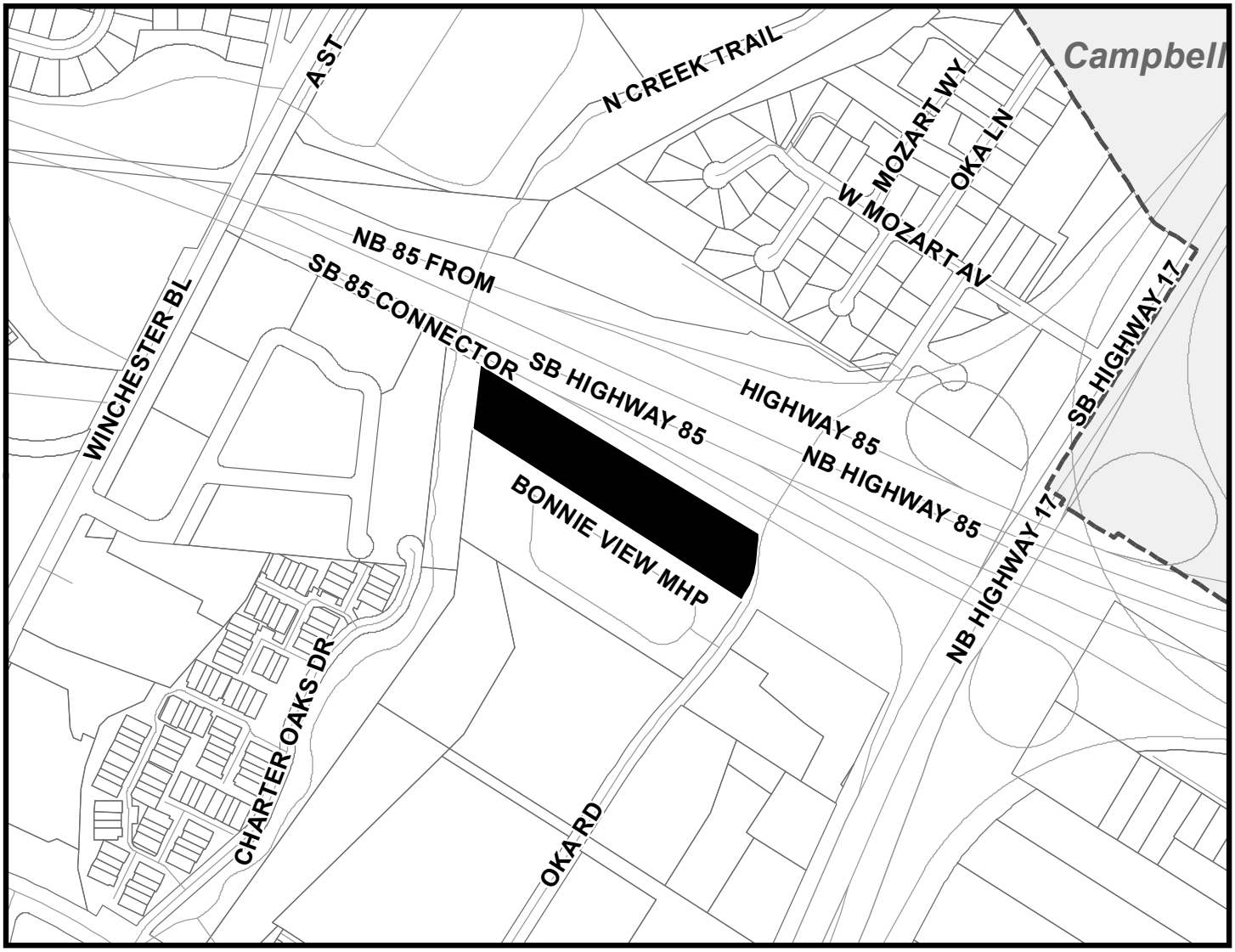
☐ **Prezoning** **To: R-1:8:HEOZ**

N

Forwarded by Planning Commission **Date:**

Approved by Town Council **Date:** **Ord:**

Clerk Administrator **Mayor**



Address: Caltrans Right-of-Way Adjacent to 14685 Oka Road

A.P.N. # No APN

TOWN OF LOS GATOS

Application No. Z-23-003

Change of zoning map amending the Town Zoning Ordinance.

☒ **Zone Change** **From: Not Zoned**

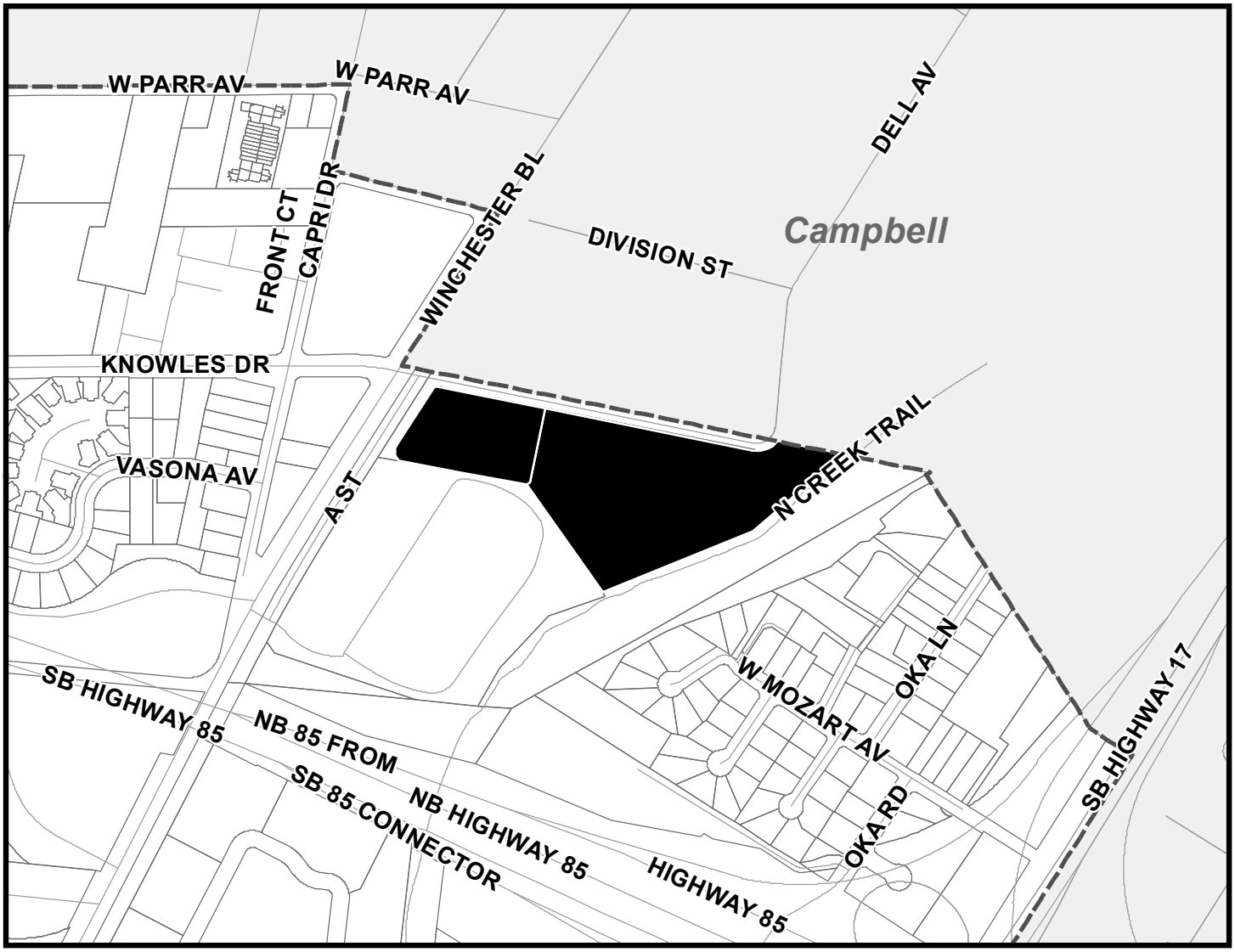
☐ **Prezoning** **To: R-M:HEOZ**

N

Forwarded by Planning Commission **Date:**

Approved by Town Council **Date:** **Ord:**

Clerk Administrator **Mayor**



Address: 110 and 206 Knowles Drive

A.P.N. # 424-32-077 and 424-32-076

TOWN OF LOS GATOS

Application No. Z-23-003

Change of zoning map amending the Town Zoning Ordinance.

☒ **Zone Change** **From: CM and CM:AHOZ**

☐ **Prezoning** **To: CM:HEOZ**

N

Forwarded by Planning Commission **Date:**

Approved by Town Council **Date:** **Ord:**

Clerk Administrator **Mayor**

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DATE: November 16, 2023

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Adopt an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos to Apply the Housing Element Overlay Zone (HEOZ) to Provide for Increases to the Allowable Density, Height, Floor Area Ratio, and Lot Coverage for Residential Development on the Following Sites Included in the Site Inventory Analysis of the 2023-2031 Housing Element: 401 through 409 Alberto Way, 50 Los Gatos-Saratoga Road, 529-24-001, and 529-24-003." An Environmental Impact Report was Prepared and Certified for the 2040 General Plan Update on June 30, 2022, which Included the Proposed Zoning Code Amendments. No further Environmental Analysis is Required. Zoning Code Amendment Application Z-23-003. Applicant: Town of Los Gatos.

RECOMMENDATION:

Adopt an ordinance titled "An Ordinance of the Town Council of the Town of Los Gatos to apply the Housing Element Overlay Zone (HEOZ) to provide for increases to the allowable density, height, floor area ratio, and lot coverage for residential development on the following sites included in the Site Inventory Analysis of the 2023-2031 Housing Element: 401 through 409 Alberto Way, 50 Los Gatos-Saratoga Road, 529-24-001, and 529-24-003."

REMARKS:

On November 7, 2023, the Council considered and voted to introduce an Ordinance to effect a zoning change to apply the Housing Element Overlay Zone (HEOZ) on the following sites included in the Site Inventory Analysis of the 2023-2031 Housing Element: 401 through 409 Alberto Way, 50 Los Gatos-Saratoga Road, 529-24-001, and 529-24-003. Adoption of the Ordinance (Attachment 1) would finalize the decision. Once adopted, the Ordinance will take effect in 30 days.

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

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Community Development Department Director, and Economic Vitality Manager

ATTACHMENT:

1. Draft Ordinance with Exhibit A – Location Map

Draft Ordinance: subject to modification by Town Council based on deliberations and direction

DRAFT ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS TO APPLY THE HOUSING ELEMENT OVERLAY ZONE (HEOZ) TO PROVIDE FOR INCREASES TO THE ALLOWABLE DENSITY, HEIGHT, FLOOR AREA RATIO, AND LOT COVERAGE FOR RESIDENTIAL DEVELOPMENT ON THE FOLLOWING SITES INCLUDED IN THE SITES INVENTORY ANALYSIS OF THE 2023-2031 HOUSING ELEMENT: 401 THROUGH 409 ALBERTO WAY, 50 LOS GATOS-SARATOGA ROAD, 529-24-001, AND 529-24-003.

WHEREAS, the Town of Los Gatos' Housing Element contains a sites inventory that identifies sites with the potential for redevelopment with housing; and

WHEREAS, the Town wishes to apply a Housing Element Overlay Zone to the sites identified in the sites inventory in order to encourage redevelopment with housing; and

WHEREAS, the Planning Commission met on August 23, 2023, to receive public comments; and

WHEREAS, the Planning Commission received further public comments and recommended approval of the application of the Housing Element Overlay Zone to the sites identified in sites inventory of the Housing Element adopted on January 30th and the Revised Draft Housing Element at its regular meeting of September 13, 2023; and

WHEREAS, the Town Council met on October 3, 2023, to hold a public hearing and continued the item to November 7, 2023; and

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Town Council for public hearing on November 7, 2023; and

WHEREAS, November 7, 2023, the Town Council reviewed and commented on the proposed amendments and the Town Council voted to introduce the Ordinance; and

WHEREAS, the Town Council considered all facts and information related to a request to change the Zoning for the above mentioned properties as shown in Exhibit A; and

WHEREAS, this matter was regularly noticed in for conformance with State an law and came before the Town Council for public hearing on November 21, 2023.

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

ATTACHMENT 1

SECTION I. Findings.

The Town Council finds as follows:

A. No further Environmental Analysis is required as an Environmental Impact Report (EIR) was prepared and certified for the 2040 General Plan Update on June 30, 2022, which included the proposed Zoning Code amendments; and

B. The zone changes are consistent with the General Plan and its elements in that the proposed zonings are consistent with the proposed General Plan land use designations; and

C. That all proceedings have been conducted in compliance with the provisions of Government Code Section 65850 et seq.; and

D. The Town Council considered all facts and information related to the proposal to apply the Housing Element Overlay Zone to the sites shown in Exhibit A.

SECTION II. Zoning Map of the Town of Los Gatos is hereby amended to the following:

The Housing Element Overlay Zone is hereby applied to the properties at 401 through 409 Alberto Way, 50 Los Gatos-Saratoga Road, APN Nos. 529-24-001, and 529-24-003 as shown in Exhibit A to this Ordinance.

SECTION III. Effective Date.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 7th day of November 2023, and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on the _____ day of _____, 2023. This ordinance shall take effect 30 days after the date it is adopted. The Town Clerk shall cause this ordinance or a summary thereof to be published in accordance with Section 36933 of the California Government Code.

DRAFT

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

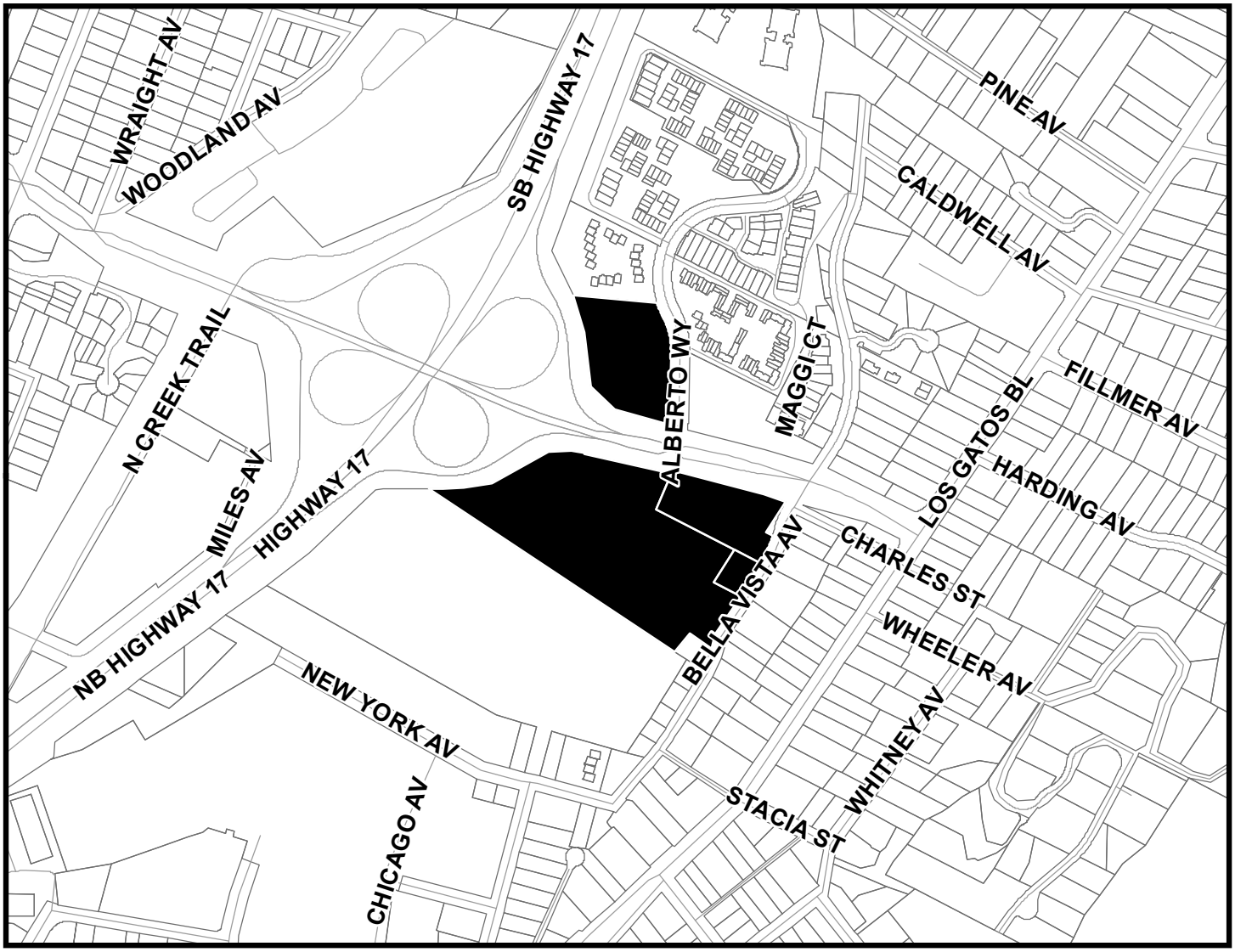
ATTEST:

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

DATE: _____

DRAFT

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Address: 401 through 409 Alberto Way; 50 Los Gatos-Saratoga Road; and APNs 52924001 and 52924003

A.P.N. # 529-23-018, 529-24-032, 529-24-001, and 529-24-003

TOWN OF LOS GATOS

Application No. **Z-23-003**

Change of zoning map amending the Town Zoning Ordinance.

☒ **Zone Change** **From: CH**

☐ **Prezoning** **To: CH-HEOZ**

N

Forwarded by Planning Commission **Date:** 09/13/2023

Approved by Town Council **Date:** **Ord:**

Clerk Administrator **Mayor**

EXHIBIT A

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DATE: November 16, 2023

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Adopt an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos to Apply the Housing Element Overlay Zone (HEOZ) to Provide for Increases to the Allowable Density, Height, Floor Area Ratio, and Lot Coverage for Residential Development on the Following Sites Included in the Sites Inventory Analysis of the 2023-2031 Housing Element: 15300, 15349, 15367, 15405, 15425, 15480, and 15500 Los Gatos Boulevard." An Environmental Impact Report was Prepared and Certified for the 2040 General Plan Update on June 30, 2022, which Included the Proposed Zoning Code Amendments. No further Environmental Analysis is Required. Zoning Code Amendment Application Z-23-003. Applicant: Town of Los Gatos.

RECOMMENDATION:

Adopt an ordinance titled "An Ordinance of the Town Council of the Town of Los Gatos to Apply the Housing Element Overlay Zone (HEOZ) to Provide for Increases to the Allowable Density, Height, Floor Area Ratio, and Lot Coverage for Residential Development on the Following Sites Included in the Sites Inventory Analysis of the 2023-2031 Housing Element: 15300, 15349, 15367, 15405, 15425, 15480, and 15500 Los Gatos Boulevard."

REMARKS:

On November 7, 2023, the Council considered and voted to introduce an Ordinance to effect a zoning change to apply the Housing Element Overlay Zone (HEOZ) on the following sites included in the Site Inventory Analysis of the 2023-2031 Housing Element 15300, 15349, 15367, 15405, 15425, 15480, and 15500 Los Gatos Boulevard. Adoption of the Ordinance (Attachment 1) would finalize the decision. Once adopted, the Ordinance will take effect in 30 days.

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

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Community Development Department Director, and Economic Vitality Manager

ATTACHMENT:

1. Draft Ordinance with Exhibit A – Location Maps

Draft Ordinance: subject to modification by Town Council based on deliberations and direction

DRAFT ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS TO APPLY THE HOUSING ELEMENT OVERLAY ZONE (HEOZ) TO PROVIDE FOR INCREASES TO THE ALLOWABLE DENSITY, HEIGHT, FLOOR AREA RATIO, AND LOT COVERAGE FOR RESIDENTIAL DEVELOPMENT ON THE FOLLOWING SITES INCLUDED IN THE SITES INVENTORY ANALYSIS OF THE 2023-2031 HOUSING ELEMENT: 15300, 15349, 15367, 15405, 15425, 15480, AND 15500 LOS GATOS BOULEVARD

WHEREAS, the site located at 15480 and 15500 Los Gatos Boulevard was added to the Town of Los Gatos' Draft Revised Housing Element based on the receipt of a property owner interest form; and

WHEREAS, all other sites included in the Town of Los Gatos' adopted Housing Element were identified as sites with the potential for redevelopment with housing; and

WHEREAS, the Town wishes to apply a Housing Element Overlay Zone to the sites identified in the sites inventory in order to encourage redevelopment with housing; and

WHEREAS, the Planning Commission met on August 23, 2023, to receive public comments and continued the item to September 13, 2023; and

WHEREAS, the Planning Commission received further public comments and recommended approval of application of the Housing Element Overlay Zone to the sites identified in the Housing Element sites inventory at its regular meeting of September 13, 2023; and

WHEREAS, the Town Council met on October 3, 2023, to hold a public hearing and continued the item to November 7, 2023; and

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Town Council for public hearing on November 7, 2023; and

WHEREAS, November 7, 2023, the Town Council reviewed and commented on the proposed amendments and the Town Council voted to introduce the Ordinance; and

WHEREAS, the Town Council considered all facts and information related to a request to change the Zoning for the above mentioned properties as shown in Exhibit A; and

WHEREAS, this matter was regularly noticed in for conformance with State an law and came before the Town Council for public hearing on November 21, 2023.

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

SECTION I. Findings.

The Town Council finds as follows:

A. No further Environmental Analysis is required as an Environmental Impact Report (EIR) was prepared and certified for the 2040 General Plan Update on June 30, 2022, which included the proposed Zoning Code amendments; and

B. The Housing Element Overlay Zone is consistent with the General Plan and its elements in that the proposed zonings are consistent with the proposed General Plan land use designations and the sites inventory contained in the Housing Element; and

C. That all proceedings have been conducted in compliance with the provisions of Government Code Section 65850 et seq.; and

D. The Town Council considered all facts and information related to the proposal to apply the Housing Element Overlay Zone to the sites shown in Exhibit A.

SECTION II. Zoning Map of the Town of Los Gatos is hereby amended to the following:

The Housing Element Overlay Zone is hereby applied to the properties at 15300, 15349, 15367, 15405, 15425, 15480, and 15500 Los Gatos Boulevard as shown in Exhibit A to this Ordinance.

SECTION III. Effective Date.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 7th day of November 2023, and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on the _____ day of _____, 2023. This ordinance shall take effect 30 days after the date it is adopted. The Town Clerk shall cause this ordinance or a summary thereof to be published in accordance with Section 36933 of the California Government Code.

DRAFT

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

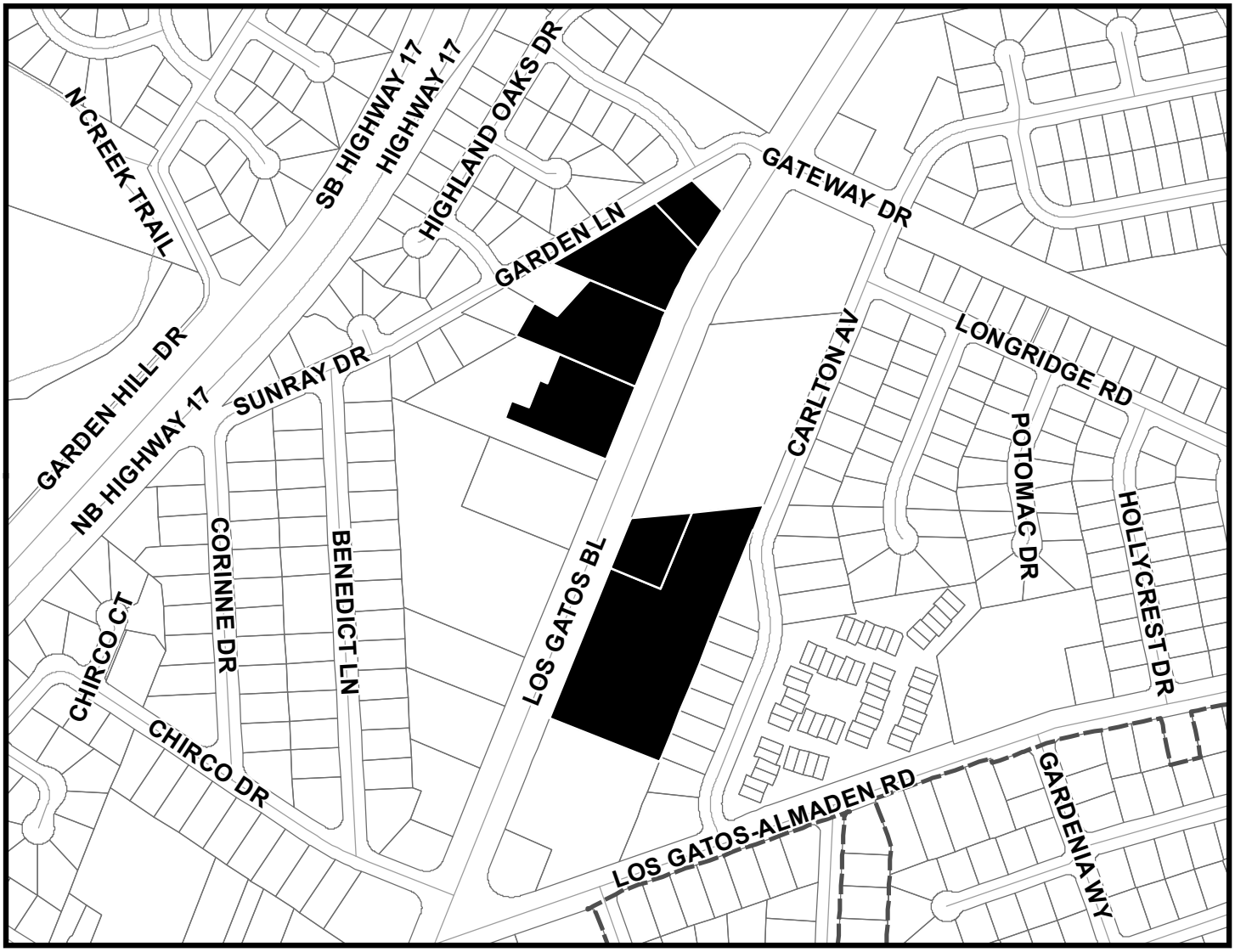
ATTEST:

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

DATE: _____

DRAFT

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Address: 15349, 15367, 15405, 15425, 15480, and 15500 Los Gatos Boulevard

A.P.N. # 424-19-049, 424-19-048, 424-19-069, 424-19-067, 424-14-034, and 424-14-035

TOWN OF LOS GATOS

Application No. **Z-23-003**

Change of zoning map amending the Town Zoning Ordinance.

☒ **Zone Change** **From: CH**

☐ **Prezoning** **To: CH-HEOZ**

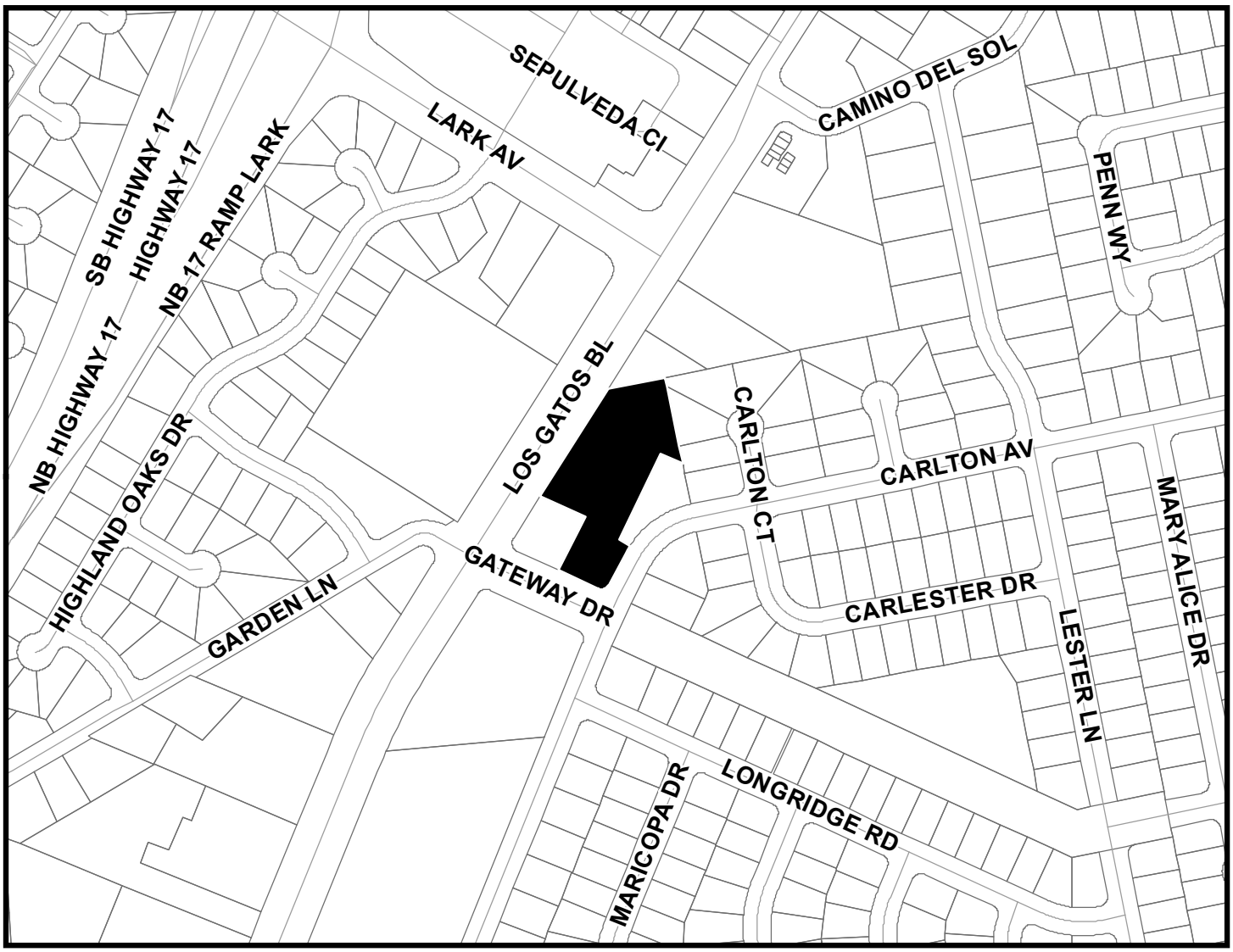
N

Forwarded by Planning Commission **Date:** 09/13/2023

Approved by Town Council **Date:** **Ord:**

Clerk Administrator **Mayor**

EXHIBIT A



Address: 15300 Los Gatos Boulevard

A.P.N. # 424-17-036

TOWN OF LOS GATOS

Application No. **Z-23-003**

Change of zoning map amending the Town Zoning Ordinance.

☒ **Zone Change** **From: C-1**

☐ **Prezoning** **To: C-1:HEOZ**

N

Forwarded by Planning Commission **Date:** 09/13/2023

Approved by Town Council **Date:** **Ord:**

Clerk Administrator **Mayor**

DATE: November 7, 2023

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Approve Modifications as Recommended by the Council Policy Committee to Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum

RECOMMENDATION:

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

BACKGROUND:

Among other items, Town Council Policy 2-11 sets forth the interview process for candidates to Town Board, Committees, and Commissions (see Attachment 1, pages four and five). The Policy states:

> To ensure the interview process is consistent, fair, and equitable, each applicant shall be asked the same standard questions, as provided below. Notwithstanding, no Council Member shall be prevented from asking appropriate questions of applicants.
>
> 1. If appointed, what ideas would you like to see the Commission explore?
> 2. Please expand beyond the written response on your application: your experience, interest, and/or expertise that you feel would be most useful to the Commission.
> 3. Please elaborate on any written response provided in the application to assist the Council learn more about you.
> 4. If you did not answer any of the questions on the application, please explain why.
>
> The standard questions are limited in number to allow an applicant sufficient time to respond. While the intent is for each Council Member to be able to ask one question of each applicant, the Council may decide not to ask all of the provided questions, change the order of the questions, or rotate which Council member asks a specific question. Interview

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

BACKGROUND (continued):

questions will be reviewed annually by the Town Council in advance of the interview process for any potential modifications.

DISCUSSION:

At its October 24, 2023 meeting, the Policy Committee heard public testimony and discussed if it remains useful for the Town Council to review the interview questions annually. Staff posed this question given the broad discretion afforded to the Town Council in its use of the standard questions and the discretion of the Council to ask other appropriate questions of applicants.

Public testimony by one member of the public focused on the utility of the General Plan Committee.

One Committee member explained his concern for the language preceding the standard interview questions, stating that he thought it was misleading to the applicants. He also objected to the notion of standard questions, especially for incumbents, because there are more pertinent lines of inquiry for specific candidates. He offered that the standard questions might be better suited for the application itself. The Committee member did not want to ask the Council to make such changes at this time.

The other Committee member acknowledged the mixed usefulness of the standard questions.

After deliberation, the Committee voted unanimously to recommend to the Town Council the deletion of the last sentence of the section that calls for an annual review of the interview questions (see Attachment 1).

COORDINATION:

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

FISCAL IMPACT:

The potential modification of Town Council Policy 2-11 regarding Commission Appointments has no fiscal impact.

ENVIRONMENTAL ASSESSMENT:

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

ATTACHMENT:

1. Draft Redline Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum

TITLE: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum	**POLICY NUMBER**: 2-11
EFFECTIVE DATE: 2/28/1990	**PAGES:** 7
ENABLING ACTIONS:	**REVISED DATES:** 6/13/1994; 6/16/2014; 4/7/2015; 10/18/2016; 2/21/2017; 2/6/2018; 3/19/19; 9/3/2019; 6/1/2021; 12/7/21, 3/15/22, 8/2/22; 9/20/22; 10/03/23; 11/21/23
APPROVED:	

PURPOSE

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

SCOPE

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

POLICY

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

ATTACHMENT 1

To ensure the greatest possible participation by the public, it is the Town's policy that no person shall be appointed to more than one Commission except in those cases where they are ex-officio members of other Boards, Commissions and Committees. This Policy does not apply to Commission members serving as representatives of their Commission who have been appointed by the Town Council.

RESIDENCY REQUIREMENTS

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

Youth Commission:
The members shall be students who are entering grades 8 through 12 in the fall. Membership for the students requires either residency in the incorporated limits of the Town of Los Gatos or residency in the unincorporated areas of the County of Santa Clara, which have a Los Gatos mailing address.

Diversity, Equity, and Inclusion Commission:
Membership composition shall be as outlined in the Commission's enabling resolution and includes a Los Gatos business owner/employee, faith leader who leads a congregation in Los Gatos, and Los Gatos non-profit employee who may or may not reside in Los Gatos.

ATTENDANCE REQUIREMENTS

1. All members of all appointive Town Advisory Bodies should attend all regular and special meetings of said Advisory Bodies.
2. Any member not in attendance at a regular meeting of said Advisory Body for at least 70% of the meeting shall be considered absent.
3. Any member of an appointive Town Advisory Body who is absent from the number of regular meetings listed below appropriate to his or her Advisory Body shall, as a result, surrender his or her office on the Advisory Body and the office shall be considered vacant.
    a. For an Advisory Body which holds six (6) or more regular meetings per a consecutive twelve (12) month period: three (3) regular meetings.
    b. For an Advisory Body which holds five (5) or fewer regular meetings per a consecutive twelve (12) month period: two (2) regular meetings.
    c. For an Advisory Body which holds sixteen (16) or more regular meetings per a consecutive twelve (12) month period: eight (8) regular meetings.
4. Consistent with the Family Medical Leave Act and the California Family Rights Act, absences of up to 12 weeks due to parental leave constitute excused absences.
5. The vacant position shall be filled by appointment by a majority vote of the Town Council, for a term equal to the unexpired portion of the office vacated. Any member

removed from office due to non-attendance may re-apply to serve on a Town Advisory Body but will not be treated as an incumbent in any subsequent application to the same Advisory Body.

6. If a Youth Commissioner liaison misses three meetings of a liaison Commission during a consecutive twelve (12) month period*, the Youth Commission shall appoint a different Youth Commissioner as liaison.

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

QUORUM REQUIREMENTS

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

PROCEDURES

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

Responsibility and Actions: Town Clerk

A. Annual Recruitments

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

1. Notify Town Council of vacancies on Commissions by indicating the names of the Commissions, the number of terms expiring or being vacated, names of individual(s) with expiring terms or vacating seats, advertising periods (at least 30 days) and the date of interview.
2. Advertise the vacancies, including the application deadline and the interview date. Interviews and appointments for Adult Commissioners shall occur after annual Mayor and Vice Mayor selection, and in the case of election years, after new Council Members have been seated. Interviews and appointments for Youth Commissioners shall occur by the fourth Wednesday in May, no earlier than 4:00 p.m.
3. Prepare and maintain easily understood applications for appointment to Commissions. Applications shall include the following policy information:
    a. Prior to initial appointment to any Commission, non-incumbent applicants must be interviewed by the Town Council. The applications of those not appearing will be held for the next recruitment.

   b. If an incumbent Commissioner is requesting reappointment to the same Commission, the incumbent may submit a request to be interviewed by telephone, with their application, instead of attending the interview or must submit a letter prior to the interviews, describing the reason why the applicant cannot be present telephonically or in person for the interview, and why the applicant should be reappointed to the Commission.
   c. Submissions deadlines are mandatory; no exceptions are permitted.
4. Applications:
   a. *For adult applicants* — Accept applications, verify eligibility, and distribute copies of the applications of eligible applicants to the Town Council prior to the interviews for appointment.
   b. *For student applicants* — Accept applications, verify eligibility, and distribute copies of the applications of eligible applicants to the Town Council Selection Committee, consisting of the Mayor, Vice Mayor, Police Chief, and Youth Commission Chair (if not reapplying), prior to the interviews for appointment.
5. Notify the applicant by letter or email as to the date and time of the interview and provide the option for an in person or teleconference interview.
6. Facilitate the Council voting process set forth below by informing Council as to how many votes are possible on each Commission, calling out applicants' names, and identifying the applicants receiving sufficient votes for appointment. This process does not apply to student applicants.
7. Applicants:
   a. *For adult applicants* — After the interviews and Council vote are completed, notify all applicants of the Council's action, and explain Town policy of keeping application active for one year with notification of subsequent openings on that Commission to the interested applicants.
   b. *For student applicants* — After the interviews are completed, notify all applicants of the Council Committee's action, and prepare a staff report for the Town Council to ratify the Committee's appointment at the first Town Council meeting in June.

Interview Process

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

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

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

Balloting Process

Unless determined otherwise, the Council shall conduct a ballot vote for the appointment of individuals to fill the vacancies for each Commission. Such ballot vote may be conducted at either a regular, adjourned, or special meeting of the Town Council. The ballot vote process shall be conducted as follows:

1. The Town Clerk shall provide a ballot to each Town Council member listing the names of all applicants and "None of the above" for each respective Commission. Prior to the vote, the Town Clerk shall publicly announce the position vacancy and all applicant names that are listed on the ballot.
2. Each Council member may vote for the same number of applicants as there are current vacancies on the respective Commission. In no case, can a Council Member cast more votes than there are vacancies; or vote for the same candidate more than once on each ballot (i.e. cumulative voting -- e.g. where there are three vacancies, a Council member may not give all three votes to the same candidate). A Council Member is not required to vote for any of the candidates or for the total number of vacancies available.
3. The Town Clerk shall collect all ballots and shall publicly announce the name of each Town Council member and how that Council member cast his or her vote. In the case of a tie vote, the Town Clerk will announce that there is a tie and that a run-off vote shall be conducted but will not announce the names of the applicants in the run-off. Once all voting is concluded and a decision made, the votes will be made public. The run-off ballot will also include a "None of the above" option.
4. Applicants receiving a majority number of votes shall be deemed appointed to the Commission. In the event of a tie, a run-off vote shall be conducted among the applicants receiving the highest number of votes from the previous round. This shall continue until a majority consensus on an applicant(s) is reached for the number of vacancies to be filled. In the event of an unbreakable tie, the Council may determine an alternative method for selecting the appointee(s) or direct the Town Clerk to re-advertise the vacancy.
5. If an applicant(s) is appointed to an Advisory Body which has vacancies for both full and partial, unexpired terms, the length of the appointee's term will be determined by the Mayor.

B. Mid-Term Recruitments

During the year, Commissions may experience vacancies that drop the number of filled seats to a number of members that is not sufficient to conduct Commission business. The

Commission may request the Council to conduct a mid-term recruitment to fill seats. To the extent possible, the Town Clerk will consolidate mid-term recruitments to minimize the number of recruitments occurring throughout the year. In the event of a vacancy on the Planning Commission, the Town will automatically conduct a mid-term recruitment. Mid-term recruitments will not be conducted for Youth Commissioners. The Town Clerk shall advertise mid-term vacancies on Commissions for at least 15 days.

Responsibility and Action: Applicant

1. Read the Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum Policy, complete and submit to the Town Clerk the application for appointment to a Town Commission by the advertised deadline date and time.
2. *For adult applicants:* Attend the Council meeting to be interviewed for Commission appointment. The applicant is required to notify the Town Clerk no later than 4:00 p.m. the Friday before the scheduled interview date whether they will attend in person or via teleconference.
3. *For student applicants:* Attend the Council Selection Committee interview session. The applicant is required to notify the Town Clerk no later than 4:00 p.m. the Friday before the scheduled interview date whether they will attend in person or via teleconference.
4. If an incumbent Commission member is requesting reappointment to the same Commission and is not available on the date of the interview, the incumbent must submit a letter by 4:00 p.m. the Friday prior to the interviews, describing the reason why the applicant cannot be present telephonically or in person for the interview, and why the applicant should be reappointed to the Commission.
5. If appointed, prior to starting the Commission term, appointees are required to attend a Commissioner Orientation and take the "Oath of Office."
6. Attend Advisory Body meetings once term begins.
7. Read the Commissioners' Handbook. Hard copies of the Handbook are to be returned to the Town Clerk when the term is complete.

Responsibility and Action: Town Council

1. Review applications.
2. *For adult applicants* – Interview applicants individually by Commission at a public meeting with all applicants present.
   For student applicants – Town Council Selection Committee interviews applicants.
3. Determine if the incumbents not in attendance and having submitted a letter pursuant to this Policy should be considered for reappointment.
4. If there are limited applications for any vacancy to a Commission, the Mayor, on behalf of the Council, may request that the Town Clerk re-advertise the vacancy, reschedule the interviews, and notify all applicants of the new interview date.

COMPLIANCE - GROUNDS FOR DISMISSAL

A member may be removed from the Advisory Body prior to the end of his or her term by a three-fifths (3/5) vote of the Town Council and may not be reappointed for the following reasons:

1. Failure to attend Advisory Body meetings.
2. Failure to file the following documents required by the Fair Political Practices Commission (Adult Commissioners):
    a. Form 700 – Assuming Office, Annual, and Leaving Office when term is complete.
    b. Planning Commissioners are also required to complete AB 1234 Ethics Training and file the original certificate with the Town Clerk every two years.
3. Failure to comply with all Town Policies, Guidelines, and Handbooks.

CONFLICT OF INTEREST

Under the Fair Political Practice Act, an advisory board member has a disqualifying conflict of interest in a governmental decision if it is foreseeable that the decision will have a financial impact on his or her personal finances or other financial interests. In such cases, there is a risk of biased decision-making that could sacrifice the public's interest in favor of the official's private financial interests. To avoid actual bias or the appearance of possible improprieties, the public official is prohibited from participating in the decision.

The Fair Political Practice Act does not prohibit an advisory board member from participating in a decision simply by virtue of holding a position as a board member, director, officer, or employment with a nonprofit corporation. However, the Town strongly encourages that in the event that a decision concerns a nonprofit corporation for which an advisory board member is a board member, director, officer, or employed with that nonprofit corporation, the person should recuse him or herself and at a minimum shall disclose the potential conflict of interest before any discussion and decision.

APPROVED AS TO FORM:

_____

Gabrielle Whelan, Town Attorney

DATE: November 14, 2023

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Approve Modifications to Town Council Policy 2-01: Agenda Format and Rules

RECOMMENDATION:

Approve modifications to Town Council Policy 2-01: Agenda Format and Rules Policy.

BACKGROUND:

In June 2023, the Town Council held a retreat and identified the following values that should guide the way Council members and staff engage with community members and how the Council would like community members to engage at Council members and other forums:

- Be respectful, welcoming, inclusive, compassionate, and kind to each other,
- Appreciate the diversity of perspectives and views in our community,
- Express your views and share your perspectives in helpful ways,
- Listen to understand and empathize with each other, and
- Collaborate and work together to do what is best for Los Gatos.

On September 5, 2023, the Town Council discussed the use of these community values at Council meetings. Council also discussed playing the civility video at the beginning of the meeting and had consensus that it was no longer necessary. Council provided direction to staff to modify the agenda format by consolidating the preamble language, removing the civility language, adding language regarding the Town values, and updating the Town Council Policy 2-01: Agenda Format and Rules accordingly.

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

DISCUSSION:

Attachment 1 contains a redline of the Agenda Format and Rules Policy to incorporate the direction of the Town Council. Section Q entitled "Behavior Expectations and Consequences at Town Council Meetings" is proposed to be modified to read:

> *At each meeting, the Mayor should welcome the public to participate in the meetings, understanding that the purpose of the meeting is to conduct the important business of the Town in an efficient and effective manner. At each meeting, the Mayor may promote constructive communication by asking Council members, staff, and community members to embrace and adhere to the following values:*
> - *Be respectful, welcoming, inclusive, compassionate, and kind to each other,*
> - *Appreciate the diversity of perspectives and views in our community,*
> - *Express your views and share your perspectives in helpful ways,*
> - *Listen to understand and empathize with each other, and*
> - *Collaborate and work together to do what is best for Los Gatos.*
>
> *As needed, the Mayor may need to remind the public about the Town's civility rules.*

All of the civility rules remain in the Policy except the one pertaining to Penal Code (PC) 403. As mentioned in September, this item is being removed because a disruption of the meeting is a violation of PC Section 403, disrupters may be cited, and there are additional consequences. It is not necessary to call out a single consequence.

The other recommended changes are minor. One change is in Section A "Order of the Agenda" to update the language of the first item to "Call Meeting to Order" instead of "Meeting Call to Order." The second change would update the guidance for assistance under the Americans with Disability Act in Section H. Instead of 48-hours notice before a meeting, staff recommends at least two business days. This avoids the public trying to contact the Clerk's Office during the weekend.

CONCLUSION:

The proposed modifications to the Agenda Format and Rules Policy communicate the Council's values and provide the Mayor flexibility in the use of the values at a Council meeting. The civility rules remain in the Policy in the event the Mayor needs to remind the public more firmly about proper decorum.

COORDINATION:

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

FISCAL IMPACT:

The proposed modification of the Town Council Policy has no fiscal impact.

ENVIRONMENTAL ASSESSMENT:

The proposed modification is not a project defined under the California Environmental Quality Act and no further action is required.

Attachment:
1. Town Council Policy 2-01: Agenda Format and Rules

TOWN OF LOS GATOS CALIFORNIA

COUNCIL POLICY MANUAL

Small Town Service *Community Stewardship* *Future Focus*

TITLE: Town Agenda Format and Rules	**POLICY NUMBER**: 2-01
EFFECTIVE DATE: 12/15/1986	**PAGES:** 7
ENABLING ACTIONS: 1986-183; 1987-024; 1988-124; 1993-181; 1994-057; 1996-108; 2001-077; 2004-033; 2009-002; 2021-047	**REVISED DATES:** 12/15/1986; 3/2/1987; 6/6/1988; 6/15/1992; 12/6/1993; 4/4/1994; 8/5/1996; 7/2/2001; 4/5/2004; 1/20/2009; 3/16/2009; 12/6/2010; 8/5/2013; 3/3/2015; 9/20/2016; 6/20/2017; 8/1/2017; 12/4/18/; 8/20/19; 12/3/19; 6/1/2021; 11/2/2021; 9/20/22; 2/7/2023; 11/21/23
APPROVED:	

PURPOSE

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

POLICY

The following policies have been established:

A. Order of the Agenda

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

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

ATTACHMENT

B. Closed Session Report

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

C. Communications by Members of the Public

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

1. *Verbal Communications.* Comments by members of the public during the initial Verbal Communications portion of the agenda on items not on the Council agenda shall be limited to 30 minutes and no more than three (3) minutes per speaker. As an item not listed on the agenda, no response is required from Town staff or the Council and no action can be taken. However, the Council may instruct the Town Manager to place the item on a future agenda. At the conclusion of the first Verbal Communications, the agenda will proceed onto the Public Hearings and Other Business sections of the agenda. In the event additional speakers were not able to be heard during the initial Verbal Communications portion of the agenda, an additional Verbal Communications section can be opened prior to Adjournment.

2. *Public Hearings.* Presentations during the Public Hearings portion of the agenda by appellants and applicants, including any expert or consultant assisting with the presentation, shall be limited to a total of no more than five (5) minutes for all speakers. Appellants and applicants shall be provided no more than three (3) minutes to rebut at the end of the public hearing. Other members of the public testifying at public hearings shall be limited to no more than three (3) minutes.

3. *Submittal of written materials by Applicant and Appellant*. To allow Town Council, Boards, Commissions, Committees, Town Staff, and the public the opportunity to review material in advance of a hearing, all materials submitted by the Applicant or Appellant must be received by the Town Clerk fourteen (14) days prior to the scheduled public hearing. Documents and materials received from the Applicant or Appellant after the deadline will be accepted; however, the Town Staff may not have the time to analyze the documents and material, and Town Council may not have the time to consider materials submitted after the deadline. The submittal of any additional material by the Applicant or Appellant shall not be considered prima facie evidence (sufficient to establish a fact or raise a presumption) under Town Code Section 29.20.300.

4. *Other Agenda Items.* Comments by members of the public concerning any other item on an agenda shall be limited to no more than three (3) minutes per item.

5. *Mayor's Discretion.* All time limits noted above shall be subject to change at the Mayor's discretion. If a member of the public speaks on the wrong item, the time used would be deducted from the speaker's overall public comment time allowance on the correct item.

D. Consent Calendar

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

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

E. Presentations

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

F. Council Matters

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

G. Adjournment

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

H. Americans with Disabilities Notice on Town Agendas

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

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk's Office ~~Administrator~~ at (408) 354-6834. Notification ~~48 hours~~ at least two (2) business days ~~before~~ prior to the meeting date ~~will~~ to enable the Town to make reasonable arrangements to ensure accessibility to this meeting [28 CFR §35.102-35.104]

I. Preparation of the Agenda

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

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

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

J. Agenda Schedule and Preparation

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

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

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

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

K. Agenda Posting

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

L. Conduct of Town Council Meetings

The Council shall adopt:

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

M. Attendance at Meetings

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

N. Remote Attendance

In addition to the requirements of the Brown Act, the following guidelines apply to Town meetings:

1. Town Council Meetings: Requests by Council Members to attend a regular Council meeting via remote appearance (either Zoom or telephone) are allowed on a limited basis and with no more than two remote participations in a row. Remote attendance shall be permitted for a medical, family or work event requiring a Council Member's absence or in the event the Council Member is out of the area on official Town business. In addition, at least a quorum of the Council must participate from a location within the Town and comply with other requirements of the Brown Act. When a Council Member is participating remotely, they shall have their camera on and be visible for the duration of the meeting.

2. Town Board, Committee, and Commission Meetings: Board, Committee, and Commission members may participate remotely by telephone only, with the exception of the Finance and Planning Commissioners who have the choice of either Zoom or telephone. Requests by Commissioners to attend a Commission meeting via remote appearance should be allowed on a limited basis to mirror the existing attendance requirements, with no more than four remote participations annually, no more than two remote participations in a row, and in compliance with the Brown Act.

3. Remote Participation by the Public: The public may participate in Town Council, Finance Commission, and Planning Commission meetings remotely by following the remote participation instructions that are provided on the agenda. The remote participation instructions shall be provided on all Town Council, Finance Commission, and Planning Commission agendas. There is not a remote public participation option for other Town Boards, Committees, or Commissions.

O. Proposed Reconsideration of Prior Council Actions

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

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

a) The motion must be made by a Council Member who previously voted on the prevailing side of the prior action;

b) The maker of the motion shall specifically articulate the new information, analysis and/or circumstances that warrant(s) reconsideration of the prior action;

c) The motion must be adopted by a majority of the full Council; and

d) The motion may only be made and considered at the next regularly scheduled meeting of the Council after the item was originally acted upon.

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

a) The full reconsideration of the prior action will be placed on the next available Council agenda following the agenda-setting and required public notification process.

b) The agenda, public notification and staff report for the full reconsideration of the prior action shall clearly state that the item has been previously acted upon by the Council and is being reconsidered by the Council.

c) Action on the reconsideration of the prior action shall adhere to regular Council policies and practices as if the item was being heard for the first time.

d) The full reconsideration of the prior action (whether sustained, reversed or otherwise modified) will be the final action on that item, and no further reconsiderations will be considered.

P. Motions by the Chairperson

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

Q. Behavior Expectations and Consequences at Town Council Meetings

At each meeting, the Mayor should welcome t~~T~~he public ~~is welcome~~ to participate in the meetings, understanding that the purpose of the meeting is to conduct the important business of the Town in an efficient and effective manner. ~~At each meeting, t~~The Mayor may promote constructive communication by asking Council members, staff, and community members to embrace and adhere to the following values:

- Be respectful, welcoming, inclusive, compassionate, and kind to each other,
- Appreciate the diversity of perspectives and views in our community,
- Express your views and share your perspectives in helpful ways,
- Listen to understand and empathize with each other, and
- Collaborate and work together to do what is best for Los Gatos.

As needed, the Mayor may need to remind the public about the Town's civility rules ~~should state~~:

1. For the benefit of the entire community, the Town of Los Gatos asks that all speakers follow the Town's meeting guidelines by treating everyone with respect and dignity. This is done by following meeting guidelines set forth in State law, in the Town Code, and on the cover sheet of the Council agenda.

2. The Town embraces diversity and strongly condemns hate speech and offensive, hateful language or racial intolerance of any kind at Council meetings.

3. Town Council and staff are well aware of the public's right to disagree with their professional opinion on various Town issues. However, anti-social behavior, slander, hatred, and bigotry statements are completely unacceptable and will not be tolerated in any way, shape, or form at Town Council meetings.

4. All public comments at the Town Council meeting must pertain to items within the subject matter jurisdiction of the Town and shall not contain slanderous statements, hatred, and bigotry against non-public officials.

5. The Town will go through the following steps if a disturbance results from a member of the public not following these rules:
    a. If participating remotely, Town staff may mute the individual with an explanation for the record of why muting occurred consistent with this Policy.
    b. If participating in-person, the Mayor may call a recess for violation of this Policy, resulting in the immediate cessation of the audio and video recording and the Council exiting the Chamber. Staff will determine if the individual should be removed or if all members of the public should leave depending on the extent of the disturbance. In the event that all public members exit, only the press would be allowed back in the meeting. Once the individual(s) leave, the Council would return to the Chamber and the Mayor would resume the meeting.
    ~~c. Persons disrupting a Council meeting may be cited for violation of the California Penal Code Section 403.~~

APPROVED AS TO FORM:

_____

Gabrielle Whelan, Town Attorney

DATE: November 6, 2023

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Consider the Following Actions for the Procurement and Implementation of the OpenGov Procurement Suite for Contract Management and Maintenance:

a. Authorize an Expenditure Budget Transfer in an Amount of $3,000 from project #411-811-0008 (Shannon Road Repair);
b. Authorize an Expenditure Budget Transfer in an Amount of $1,000 from project #411-813-0218 (Shannon Road Pedestrian and Bike Improvements);
c. Authorize an Expenditure Budget Transfer in an Amount of $5,500 from project #411-813-9921 (Curb, Gutter, and Sidewalk Maintenance);
d. Authorize an Expenditure Budget Transfer in an Amount of $10,700 from project #411-811-9901 (Street Repair and Resurfacing);
e. Authorize an Expenditure Budget Transfer in an Amount of $500 from project #411-821-2309 (Termite Abatement at Water Tower);
f. Authorize an Expenditure Budget Transfer in an Amount of $500 from project #411-831-4605 (Parks Playground Fibar);
g. Authorize an Expenditure Budget Transfer in an Amount of $3,000 from project #411-812-0130 (Annual Roadside Fire Fuel Reduction); and
h. Authorize an Expenditure Budget Transfer in an Amount of $3,000 from project #411-832-4508 (Annual Vegetation Management Town-Wide).

RECOMMENDATION:

Consider the following actions for the procurement and implementation of the OpenGov Procurement suite for contract management and maintenance:

PREPARED BY: Kinjal Buch
Senior Engineering Technician

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

RECOMMENDATION (continued):

a. Authorize an expenditure budget transfer in an amount of $3,000 from project #411-811-0008 (Shannon Road Repair);
b. Authorize an expenditure budget transfer in an amount of $1,000 from project #411-813-0218 (Shannon Road Pedestrian and Bike Improvements);
c. Authorize an expenditure budget transfer in an amount of $5,500 from project #411-813-9921 (Curb, Gutter, and Sidewalk Maintenance);
d. Authorize an expenditure budget transfer in an amount of $10,700 from project #411-811-9901 (Street Repair and Resurfacing);
e. Authorize an expenditure budget transfer in an amount of $500 from project #411-821-2309 (Termite Abatement at Water Tower);
f. Authorize an expenditure budget transfer in an amount of $500 from project #411-831-4605 (Parks Playground Fibar);
g. Authorize an expenditure budget transfer in an amount of $3,000 from project #411-812-0130 (Annual Roadside Fire Fuel Reduction); and
h. Authorize an expenditure budget transfer in an amount of $3,000 from project #411-832-4508 (Annual Vegetation Management Town-Wide).

BACKGROUND:

The Town has a decentralized purchasing and contracting system, in which purchases are made and managed by individual Departments after following the appropriate approval and execution protocols. This allows each Department to handle purchase requests specific to its needs and to apply their expertise to the purchasing process. Each agreement requires staff to prepare various documents and to collect multiple pieces of supporting information such as insurance certificates. The Town also follows the California Uniform Public Construction Cost Accounting Act with procedures that provide uniformity of cost accounting standards for construction work performed or contracted by public entities in the State and a method for the bidding of public works projects.

The Department of Parks and Public Works (PPW) processes more than 100 agreements annually for items such as construction; on-call consulting; maintenance services for landscaping, lighting, and streetlights; and building maintenance. A significant amount of staff time is spent managing the contract preparation process utilizing Microsoft Word and Excel templates, along with multiple emails back and forth with vendors to obtain all of the required materials. Staff began researching available contract management options, including an evaluation of the new Enterprise Resource Planning (ERP) system currently being implemented for Finance and Human Resources purposes. The Town's ERP software does not have a contract module that meets the Town's needs. After additional analysis, staff found that the OpenGov Procurement suite was the most seamless and cost-effective solution.

BACKGROUND (continued):

The OpenGov Procurement suite would deliver a cloud-based procurement and contracting solution by managing and automating the purchasing and contracting process. This includes Requests for Proposals (RFP), Requests for Bids (RFB), Requests for Qualifications (RFQ), contract awards, contract creation using templates, and contract management.

DISCUSSION:

OpenGov Procurement and Contract Management suite would help PPW achieve significant efficiencies and time savings with more collaboration, automation, and streamlined solicitation development using boilerplate templates and an extensive scope of work library, centralized contract management with automatic reminders, and the ability to track spending, insurance, and change requests.

PPW has been using the Asset Management program offered by Cartegraph for its work orders since 2004. In 2022, Cartegraph was acquired by OpenGov. Since PPW is familiar with Cartegraph/OpenGov, the Department is proposing to add the Procurement and Contract Management suite using the single source clause of the Town Purchasing Policy. A single source is defined as the selection of a good or service that may be available from two or more vendors, but there is a compelling reason to select one particular vendor.

The fees for the software and professional services for a one-year period beginning December 30, 2023, are in the amount of $31,644. The agreement is for one year and at the end of the agreement, the Procurement and Contract Management suite and Cartegraph (Asset Management) would be merged into one agreement and brought forward to Council for authorization for the Town Manager to execute an agreement.

CONCLUSION:

Approval of the recommendations allows Parks and Public Works to move forward with the implementation of this software, improving the efficiency of operations.

FISCAL IMPACT:

This agreement would utilize a combination of the transfer of funds from the FY 2023/24 – 2027/28 CIP projects considered with this staff report equaling $27,200, along with Adopted Operating Budget funds in the amount of $4,500, for a total amount of $31,700.

FISCAL IMPACT (continued):

Staff reviewed both the Operating Budget accounts and Capital Improvement Program (CIP) project budgets and identified funds available after existing commitments and determined that the transfer of funds will not impact the completion of the work and/or purchases intended for the projects. The purchase of the new software will be beneficial to all CIP projects.

The table below shows the available funding from the Operating and the recommended transfers from CIP projects.

OpenGov Procurement Suite			
	FY23/24 Budget	**Available GFAR Budget for Transfer**	**Costs**
SOURCE OF FUNDS			
Operating Budget:			
Operational Savings will be Absorbed in the Budget		$ 4,500	
Total Operating Budget		**$ 4,500**	
CIP Budget:			
411-811-0008 (Shannon Road Repair)*	$ 3,884,504	$ 3,000	
411-813-0218 (Shannon Road Pedestrian and Bike Improvements)*	$ 2,054,662	$ 1,000	
411-813-9921 (Curb, Gutter, and Sidewalk Maintenance)*	$ 300,000	$ 5,500	
411-811-9901 (Street Repair and Resurfacing)*	$ 872,945	$ 10,700	
411-821-2309 (Termite Abatement at Water Tower)	$ 25,000	$ 500	
411-831-4605 (Parks Playground Fibar)	$ 57,469	$ 500	
411-812-0130 (Annual Roadside Fire Fuel Reduction)	$ 825,191	$ 3,000	
411-832-4508 (Annual Vegetation Management Town-Wide)	$ 105,880	$ 3,000	
Total CIP Budget		**$ 27,200**	
Total Source of Funds		**$ 31,700**	
USE OF FUNDS			
OpenGov Procurement Suite for Contract Management and Maintenance			$ 31,700
Total Project Expenditures			**$ 31,700**
Remaining Budget			**$0**
*CIP Budget is approximate and may not include FY 22/23 carryforwards			

ENVIRONMENTAL ASSESSMENT:

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

ATTACHMENT:
1. Agreement for Services with Exhibit A

AGREEMENT FOR SERVICES

THIS AGREEMENT is dated for identification this 1st day of November 2023 and is made by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and OpenGov, Inc. ("Service Provider"), identified as a C Corporation and whose address is PO Box 41340 San Jose, CA 95160. This Agreement is made with reference to the following facts.

I. RECITALS

1.1 Town desires to engage Service Provider as the sole provider for the services described in this Agreement and the Service Provider was found to be a responsible supplier for these services.

1.2 Service Provider represents and affirms that it is willing to perform the desired work pursuant to this Agreement.

1.3 Town desires to engage Service Provider to provide additional service for E-Procurement and Contract Management.

1.4 Service Provider warrants it possesses the distinct professional skills, qualifications, experience, and resources necessary to timely perform the services described in this Agreement. Service Provider acknowledges Town has relied upon these warranties to retain Service Provider.

II. AGREEMENT

2.1 Scope of Services. Service Provider shall provide services as described in that certain Proposal sent to the Town on November 2, 2023, which is hereby incorporated by reference and attached as Exhibit A.

2.2 Term and Time of Performance. The effective date of this Agreement shall begin December 30, 2023, until December 29, 2024.

2.3 Sole Responsibility. Service Provider shall be responsible for employing or engaging all persons necessary to perform the services under this Agreement.

2.4 Intentionally omitted.

2.5 Compensation: Compensation for services in the amount **not to exceed $31,644**, inclusive of all costs. Payment shall be based upon Town approval of each task.

2.6 Billing. Billing shall be annually by invoice within thirty (30) days of the execution of this Agreement.

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

Invoices:
Town of Los Gatos
Attn: Accounts Payable
P.O. Box 655
Los Gatos, CA 95031-0655
kbuch@losgatosca.gov

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

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

2.9 Independent Contractor. It is understood that the Service Provider, in the performance of the work and services agreed to be performed, shall act as and be an independent contractor and not an agent or employee of the Town. As an independent contractor he/she shall not obtain any rights to retirement benefits or other benefits which accrue to Town employee(s). With prior written consent, the Service Provider may perform some obligations under this Agreement by subcontracting, but may not delegate ultimate responsibility for performance under this Agreement. Service Provider agrees to testify in any litigation brought regarding the subject of the work to be performed under this Agreement. Service Provider shall be compensated for its costs and expenses in preparing for, traveling to, and testifying in such matters at its then current hourly rates of compensation, unless such litigation is brought by Service Provider or is based on allegations of Service Provider's negligent performance or wrongdoing.

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

employment relationship, and shall, at the Town's sole discretion, sever any such employment relationship.

2.11 Equal Employment Opportunity. Service Provider warrants that it is an equal opportunity employer and shall comply with applicable regulations governing equal employment opportunity. Neither Service Provider nor its subcontractors do and neither shall discriminate against persons employed or seeking employment with them on the basis of age, sex, color, race, marital status, sexual orientation, ancestry, physical or mental disability, national origin, religion, or medical condition, unless based upon a bona fide occupational qualification pursuant to the California Fair Employment & Housing Act.

III. INSURANCE AND INDEMNIFICATION

3.1 Minimum Scope of Insurance:

i. Service Provider agrees to have and maintain, for the duration of the contract, General Liability insurance policies insuring him/her and his/her firm to an amount not less than: two million dollars ($2,000,000) aggregate for bodily injury, personal injury and property damage.

ii. Service Provider agrees to have and maintain for the duration of the contract, an Automobile Liability insurance policy ensuring him/her and his/her staff to an amount not less than one million dollars ($1,000,000) combined single limit per accident for bodily injury and property damage.

iii. Service Provider shall provide to the Town all certificates of insurance, with endorsements effecting coverage. Service Provider agrees that all certificates and endorsements are to be received by the Town before work commences.

General Liability:

i. The Town, its elected and appointed officials, employees, and agents are added as additional insured for commercial general liability coverage for activities performed by the Service Provider.

ii. The Service Provider's insurance coverage shall be primary insurance as respects the Town, its elected and appointed officials, employees and agents for services supplied by Service Provider. Any insurance or self-insurances maintained by the Town, its officers, officials, or employees shall be excess of the Service Provider's insurance and shall not contribute with it.

iii. Intentionally omitted.

iv. The Service Provider's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.

3.2 All Coverages. Each insurance policy required in this item shall be endorsed to state that coverage shall not be suspended, voided, cancelled, reduced in coverage or in limits except after thirty (30) days' prior written notice has been given to the Town. Current certification of such insurance shall be kept on file at all times during the term of this agreement with the Town Clerk.

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

3.4 Indemnification. The Service Provider shall save, keep, hold harmless and indemnify and defend the Town its elected and appointed officials, agents, and employees from all damages, liabilities, penalties, costs, or expenses in law or equity that may at any time arise or be set up because of damages to property or personal injury received by reason of an uncured material breach of the Agreement due to the grossly negligent act or omissions of the Service Provider, or any of the Service Provider's officers, employees, or agents or any subcontractor.

IV. GENERAL TERMS

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

4.2 Governing Law. This Agreement, regardless of where executed, shall be governed by and construed to the laws of the State of California. Venue for any action regarding this Agreement shall be in the Superior Court of the County of Santa Clara.

4.3 Termination of Agreement. If either party materially breaches any term of this Agreement and fails to cure such breach within 30 days after receiving written notice by the non-breaching party (10 days in the case of non-payment), the non-breaching party may terminate this Agreement.

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

4.5 Disputes. In any dispute over any aspect of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, including costs of appeal.

4.6 Notices. Any notice required to be given shall be deemed to be duly and properly given if mailed postage prepaid, and addressed to:

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

OpenGov, Inc
PO Box 41340
San Jose, CA 95160

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

4.7 Order of Precedence. In the event of any conflict, contradiction, or ambiguity between the terms and conditions of this Agreement in respect of the Products or Services and any attachments to this Agreement, then the terms and conditions of this Agreement shall prevail over attachments or other writings.

4.8 Entire Agreement. This Agreement, including all Exhibits, constitutes the complete and exclusive statement of the Agreement between the Town and Service Provider. No terms, conditions, understandings or agreements purporting to modify or vary this Agreement, unless hereafter made in writing and signed by the party to be bound, shall be binding on either party.

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

Town of Los Gatos by:

Laurel Prevetti, Town Manager

OpenGov, Inc by:

Sam Kramer, VP Finance

Recommended by:

Nicolle Burnham
Director of Parks and Public Works

Approved as to Form:

Gabrielle Whelan, Town Attorney

Attest:

Wendy Wood, CMC, Town Clerk

OpenGov Inc.
6525 Crown Blvd #41340
San Jose, CA 95160
United States

Order Form Number:	Q012493	**Prepared By:**	Nick Jin
Created On:	November 2, 2023	**Email:**	njin@opengov.com
Quote Expiration Date:	November 30, 2023	**Contract Term:**	12 Months
Subscription Start Date:	December 30, 2023		
Subscription End Date:	December 29, 2024		

Customer Information

Customer:	Town of Los Gatos, CA	**Contact Name:**	Kinjal Buch
Bill To/Ship To:	110 E. Main St Los Gatos, CA US	**Email:** **Phone:**	kbuch@losgatosca.gov 408-399-5756

Order Details

Billing Frequency: Annual **Payment Terms:** Net 30

SOFTWARE SERVICES:

Product / Service	Interval Start Date	Interval End Date	Interval Fee
OpenGov Procurement	December 30, 2023	December 29, 2024	$16,594.00
		Total Amount	**$16,594.00**

PROFESSIONAL SERVICES:

Product / Service	Start Date	Total Amount
Professional Services Deployment - Fixed Fee	December 30, 2023	$15,050.00
	Services Total Amount	**$15,050.00**

Order Form Legal Terms

This Order Form is entered into between OpenGov, Inc. (“OpenGov”), and you, the entity identified above (“Customer”), as of the date of the last signature below ("Effective Date"). This Order Form includes and incorporates the OpenGov Software Services Agreement, signed between the parties on July 27, 2023 (“SSA”), the attached Agreement for Services, and the attached Statement of Work (“SOW”), combined, the documents are the "Agreement".

Compensation for services in this Order Form in the amount not to exceed $31,644, inclusive of all costs.

Unless otherwise specified above, fees for the Software Services and Professional Services shall be due and payable, in advance, on the Effective Date. By signing this Agreement, Customer acknowledges and agrees to be legal bound by this Order Form and all documents incorporated into this Order Form.

Town of Los Gatos, CA Signature:	OpenGov, Inc. Signature:
Name: Title: Date:	Name: Title: Date:

Statement of Work

Town of Los Gatos, CA

Creation Date: 10/20/2023
Document Number: PS-03827
Version Number: 2
Created by: Jennifer Nordin

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1. Overview and Approach

1.1. Agreement

This Statement of Work ("SOW") identifies services that OpenGov, Inc. ("OpenGov" or "we") will perform for Town of Los Gatos, CA ("Customer" or "you") pursuant to that order for Professional Services entered into between OpenGov and the Customer ("Order Form") which references the Master Services Agreement or other applicable agreement entered into by the parties (the "Agreement").

- Customer acknowledges and agrees that this Statement of Work is subject to the confidentiality obligations set forth in the Agreement between OpenGov and Customer.
- The Deliverables listed in Appendix B are the single source of the truth of the deliverables to be provided.
- Customer's use of the Professional Services is governed by the Agreement and not this SOW.
- Upon execution of the Order Form or other documentation referencing the SOW, this SOW shall be incorporated by reference into the Agreement.
- In the event of any inconsistency or conflict between the terms and conditions of this SOW and the Agreement, the terms and conditions of this SOW shall govern with respect to the subject matter of this SOW only. Unless otherwise defined herein, capitalized terms used in this SOW shall have the meaning defined in the Agreement.
- This SOW may not be modified or amended except in a written agreement signed by a duly authorized representative of each party.
- OpenGov will be deployed as is, Customer has access to all functionality available in the current release.

2. Statement of Work

This SOW is limited to the Implementation of the OpenGov Procurement suite as defined in the OpenGov Responsibilities section of this document (Section 2.5). Any additional services or support will be considered out of scope.

2.1. Project Scope

Under this project, OpenGov will deliver cloud based Procurement solutions to help the Customer power a more effective and accountable government. OpenGov's estimated charges and schedule are based on performance of the activities listed in the "OpenGov Responsibilities" section below. Deviations that arise during the project will be managed through the procedure described in Appendix A-2: Project Change Control Procedure, and may result in adjustments to the Project Scope, Estimated Schedule, Charges and other terms. These adjustments may include charges on a time-and-materials or fixed-fee basis using OpenGov's standard rates in effect from time to time for any resulting additional work or waiting time.

2.2. Facilities and Hours of Coverage

OpenGov will:

A. Perform the work under this SOW remotely, except for any project-related activity which OpenGov determines would be best performed at your facility in order to complete its responsibilities under this SOW.
B. Provide the Services under this SOW during normal business hours, 8:30am to 6:00pm local time, Monday through Friday, except holidays.
C. Use personnel and resources located across the United States, and may also include OpenGov-trained staffing contractors to support the delivery of services.

2.3. Key Assumptions

The SOW and OpenGov estimates are based on the following key assumptions. Deviations that arise during the proposed project will be managed through the Project Change Control Procedure (see Appendix A-2) , and may result in adjustments to the Project Scope, Estimated Schedule, Charges, and other terms.

Per

A. The OpenGov Suites are not customized beyond current capacities based on the latest release of the software.
B. Individual software modules are configured based on discussions between OpenGov and Customer.
C. Procurement Suite
    i. Customer will provide complete and correct boilerplate language for solicitation and contract templates within two (2) weeks immediately following the kick-off meeting.
    ii. OpenGov template configuration will include up to one (1) solicitation templates and up to one (1) contract templates (See Appendix B for list).
    iii. Customer will provide a complete and accurate contracts log and vendor list for import to OpenGov.

2.4. OpenGov Responsibilities

2.4.1. Activity 1 – Project Management

OpenGov will provide project management for the OpenGov responsibilities in this SOW. The purpose of this activity is to provide direction to the OpenGov project personnel and to provide a framework for project planning, communications, reporting, procedural and contractual activity. This activity is composed of the following tasks:

Planning

OpenGov will:

A. review the SOW, contract and project plan with Customer's Project Manager and key stakeholders to ensure alignment and agreed upon timelines;
B. maintain project communications through your Project Manager;
C. establish documentation and procedural standards for deliverable Materials; and

D. assist your Project Manager to prepare and maintain the project plan for the performance of this SOW which will include the activities, tasks, assignments, and project milestones.

Project Tracking and Reporting

OpenGov will:

A. review project tasks, schedules, and resources and make changes or additions, as appropriate. Measure and evaluate progress against the project plan with your Project Manager;
B. work with your Project Manager to address and resolve deviations from the project plan;
C. conduct regularly scheduled project status meetings; and
D. administer the Project Change Control Procedure with your Project Manager.

Completion Criteria:
This is an on-going activity which will be considered complete at the end of the Services

Deliverable Materials:

- Weekly status reports
- Project plan
- Project Charter
- Risk, Action, Issues and Decisions Register (RAID)

2.4.2. Activity 2 – Initialization

OpenGov will provide the following:

A. Customer Entity configuration
B. System Administrators creation
C. Solution Blueprint creation
D. Data Validation strategy confirmation

Completion Criteria:
This activity will be considered complete when:

- Customer Entity is created
- System Administrators have access to Customer Entity
- Solution Blueprint is presented to Customer

Deliverable Materials:

- Solution Blueprint
- Sign-off of Initial Draft Solution Blueprint

2.4.3. Activity 3 – OpenGov Use Cases

OpenGov will provide the following:

Procurement Use Cases

A. Automate Solicitation Development
B. Enhance Supplier Engagement and Collaboratively Evaluate + Award
C. Make Contract Management Centralized and Proactive

Completion Criteria:
This activity will be considered complete when:

Procurement Use Cases

- Vendor Portal is configured
- Vendor List is imported
- Solicitation Templates are configured
- Intake Request Template and Workflow are configured
- Contracts Log is imported
- Contract Templates are configured

Deliverable Materials:

- Formal sign off document

2.4.4. Activity 4 – Training

Training will be provided in instructor-led virtual sessions unless otherwise specified in Appendix B. For any instructor-led virtual sessions, the class size is recommended to be 10, for class sizes larger than 10 it may be necessary to have more than one instructor.

Completion Criteria:

- Administrator training is provided
- Agency-wide intake training is provided

Deliverable Materials:

- Formal sign off document

2.5. Your Responsibilities

The completion of the proposed scope of work depends on the full commitment and participation of your management and personnel. The responsibilities listed in this section are in addition to those responsibilities specified in the Agreement and are to be provided at no charge to OpenGov. OpenGov's performance is predicated upon the following responsibilities being managed and fulfilled by you. Delays in performance of these responsibilities may result in delay of the completion of the project and will be handled in accordance with Appendix A-1: Project Change Control Procedure.

2.5.1. Your Project Manager

Prior to the start of this project, you will designate a person called your Project Manager who will be the focal point for OpenGov communications relative to this project and will have the authority to act on behalf of you in all matters regarding this project.

Your Project Manager's responsibilities include the following:

A. manage your personnel and responsibilities for this project (for example: ensure personnel complete any self-paced training sessions, configuration, validation or user acceptance testing);
B. serve as the interface between OpenGov and all your departments participating in the project;
C. administer the Project Change Control Procedure with the Project Manager;
D. participate in project status meetings;
E. obtain and provide information, data, and decisions within five (5) business days of OpenGov's request unless you and OpenGov agree in writing to a different response time;
F. resolve deviations from the estimated schedule, which may be caused by you;
G. help resolve project issues and escalate issues within your organization, as necessary; and
H. create, with OpenGov's assistance, the project plan for the performance of this SOW which will include the activities, tasks, assignments, milestones and estimates.

2.6. Completion Criteria

OpenGov will have fulfilled its obligations under this SOW when any of the following first occurs:

A. OpenGov accomplishes the activities set forth in "OpenGov responsibilities" section and delivers the Materials listed, if any; or
B. The End date is reached

2.7. Estimated Schedule

OpenGov will schedule resources for this project upon signature of the order form. Unless specifically noted, the OpenGov assigned project manager will work with Customer Project Manager to develop the project schedule for all requested deliverables under this SOW. OpenGov reserves the right to adjust the schedule based on the availability of OpenGov resources and/or Customer resources, and the timeliness of deliverables provided by the Customer.

The Services are currently estimated to start within two (2) weeks but no later than four (4) weeks from signatures and have an estimated end date of four months after project kick off ("End Date") or on other dates mutually agreed to between you and OpenGov.

2.8. Illustrative Project Timelines

The typical project timelines are for illustrative purposes only and may not reflect your use cases.

Procurement Suite Illustrative Timeline		Month 1	Month 2	Month 3	Month 4
Procurement Suite	Supplier Engagement, Evaluation, & Award Solution				
	Solicitation Development Solution				
	Contract Management Solution				
	Intake End User Training				
Reporting & Transparency					
GoLive Support	Hypercare				
Customer is responsible for attending the kick off of each phase, providing any necessary data for each phase, participating in working sessions during active phases, and signing off on deliverables at the end of each phase.					

2.9. Charges

The Services will be conducted on a Fixed Price basis.This fixed price is exclusive of any travel and living expenses and other reasonable expenses incurred in connection with the Services. All charges are exclusive of any applicable taxes.

2.10. Offer Expiration Date

This offer will expire on November 30, 2023 unless extended by OpenGov in writing.

Appendix A: Engagement Charter

A-1: Communication and Escalation Procedure

Active engagement throughout the implementation process is the foundation of a successful deployment. To help assess progress, address questions, and minimize risk during the course of deployment both parties agree to the following:

- **Regular communication** aligned to the agreed upon project plan and timing.
    - OpenGov expects our customers to raise questions or concerns as soon as they arise. OpenGov will do the same, in order to be able to address items when known.
- **Executive involvement**
    - Executives may be called upon to clarify expectations and/or resolve confusion.
    - Executives may be needed to steer strategic items to maximize the value through the deployment.
- **Escalation Process**:
    - OpenGov and Customer agree to raise concerns and follow the escalation process, resource responsibility, and documentation in the event an escalation is needed to support issues raised
        - Identification of an issue impeding deployment progress, outcome or capturing the value proposition, that is not acceptable.
        - Customer or OpenGov Project Manager summarizes the problem statement and impasse.
        - Customer and OpenGov Project Managers jointly will outline solution, acceptance or schedule Executive review.
        - Resolution will be documented and signed off following Executive review.
- **Phase Sign-Off**
    - OpenGov requests sign-offs at various stages during the implementation of the project. Once the Customer has signed-off, any additional changes requested by Customer on that stage will require a paid change order for additional hours for OpenGov to complete the requested changes.

A-2: Change Order Process

This SOW and related efforts are based on the information provided and gathered by OpenGov. Customers acknowledge that changes to the scope may require additional effort or time, resulting in additional cost. Any change to scope must be agreed to in writing or email, by both Customer and OpenGov, and documented as such via a:

- *Change Order* - Work that is added to or deleted from the original scope of this SOW. Depending on the magnitude of the change, it may or may not alter the original contract amount or completion date and be paid for by Customer. Changes might include:
    - Timeline for completion
    - Sign off process
    - Cost of change and Invoice timing
    - Amending the SOW to correct an error.

- Extension of work as the complexity identified exceeds what was expected by Customer or OpenGov.
- Change in type of OpenGov resources to support the SOW.

A-3: Deliverable Materials Acceptance Procedure

Deliverable Materials as defined herein will be reviewed and accepted in accordance with the following procedure:

- The deliverable Material will be submitted to your Project Manager.
- Your Project Manager will have decision authority to approve/reject all project Criteria, Phase Acceptance and Engagement Acceptance.
- Within five (5) business days of receipt, your Project Manager will either accept the deliverable Material or provide OpenGov's Project Manager a written list of requested revisions. If OpenGov receives no response from your Project Manager within five (5) business days, then the deliverable Material will be deemed accepted. The process will repeat for the requested revisions until acceptance.
- All acceptance milestones and associated review periods will be tracked on the project plan.
- Both OpenGov and Customer recognize that failure to complete tasks and respond to open issues may have a negative impact on the project.
- For any tasks not yet complete, OpenGov and/or Customer will provide sufficient resources to expedite completion of tasks to prevent negatively impacting the project.
- Any conflict arising from the deliverable Materials Acceptance Procedure will be addressed as specified in the Escalation Procedure set forth in Appendix A-1. As set forth in the "Customer Delays" provision of the Agreement, if there are extended delays (greater than 10 business days) in Customer's response for requested information or deliverable; OpenGov may opt to put the project on an "On Hold" status. After the Customer has fulfilled its obligations, Professional Services can be resumed and the project will be taken off the "On-Hold" status.
- Putting a project "on Hold" may have several ramifications including, but not restricted, to the following:
    - Professional Services to the customer could be stopped;
    - Delay to any agreed timelines; or
    - Not having the same Professional Services team assigned.

Appendix B: Implementation Activities

B-1: OpenGov Procurement Suite

Instance Creation

Procurement Suite		
Description	OpenGov Responsibilities	Customer Responsibilities
Website Instance Creation	OpenGov will: ● Build customer portal and upload Customer's logo.	Customer will: ● Provide logo. ● Confirm access to the Portal.

Technical Project Review

Description	OpenGov Responsibilities	Customer Responsibilities
Technical Project Review	OpenGov will: ● Provide up to one (1) two-hour working session at the beginning of the project to: o Finalize list of templates o Review technical requirements o Provide documentation on requirements and processes OpenGov Assumptions: ● Boilerplate language will be provided within two (2) weeks immediately following the kick-off meeting.	Customer will: ● Identify relevant participants for attendance. ● Confirm deliverables. ● Gather and provide relevant data for the project.

Supplier Engagement, Evaluation and Award Configuration

Description	OpenGov Responsibilities	Customer Responsibilities
Vendor Portal	OpenGov will:	Customer will: ● Allocate resources to create the Vendor Portal.

	• Provide the Customer with iframe code and documentation to create the Vendor Portal. • Import the list of vendors provided by Customer. OpenGov Assumptions: • Customer will provide a complete and accurate vendor list for import to OpenGov. OpenGov clean up/correction of imported files are not included in the scope of this project.	• Provide vendor email list and send vendor email/letter. • Ensure that Vendor Portal will be active before OpenGov begins configuration of templates or the Solicitation Development phase.
Generic Template	OpenGov will: • Deploy generic templates • Provide OpenGov's "Paper to Paperless Language Transition Guide" to assist transition from paper to electronic.	Customer will: • Provide a copy of the next solicitation document. • Provide information to complete the generic solicitation upload template including forms and an example recent solicitation. • Provide the category code set used by the agency (NIGP, NAICS, or UNSPSC).

Solicitation Development Configuration

Description	OpenGov Responsibilities	Customer Responsibilities
Solicitation Development Solution	OpenGov will: • Review and confirm the Solicitation Templates and forms provided by Customer. • Work with Customer to design and get sign off on the first template. • Following the sign off of the first template, configure the remaining templates in the system. OpenGov Assumptions:	Customer will: • Provide templates with standard boilerplate language. • Provide forms associated with solicitation templates. • Provide admin documents. • Select the first solicitation type (usually ITB or RFP), to work with OpenGov for the design • Sign off on the first template before beginning the subsequent templates.

	• OpenGov will configure up to One (1) Solicitation Template(s) with standard boilerplate language: ○ Request for Proposal for Services	• Validate and provide signoff on Solicitation Templates.

Intake Configuration

Description	OpenGov Responsibilities	Customer Responsibilities
Intake Process	OpenGov will: • Review current intake Process. • Perform basic intake Training. • Perform a gap analysis • Configure "Review/ Approval" workflow defaults for each department. • Build the Intake/Project Request Template.	Customer will: • Provide OpenGov with any Intake/Project RequestForms (templates) in current use. • Validate and provide signoff on Intake/ Project Request template.

Contract Management Configuration

Description	OpenGov Responsibilities	Customer Responsibilities
Create and Manage Contracts	OpenGov will: • Provide one (1) - one hour Overview of the Contract Management Solution to Customer's System Administrator(s). • Provide guidance and instruction to System Administrator on creating and managing contracts.	Customer will: • Attend scheduled System Overview • Create and manage contract records in the system with guidance from OpenGov.
Historical and/or Active Contracts	OpenGov will: • Provide a mapping document for the metadata of contracts to be uploaded into the system.	Customer will • Provide contract log per the mapping document.

	• Import the contract records listed in the contract log. OpenGov Assumptions: • Customer will provide a complete and accurate contracts log for import to OpenGov. OpenGov clean up/correction of imported logs are not included in the scope of this project.	
Contract Template Deployment	OpenGov will: • Review & configure agreed upon contract templates. OpenGov Assumptions: • OpenGov will configure up to One (1) Contract Template(s) with standard boilerplate language: ○ Services Agreement	Customer will: • Provide templates with standard boilerplate language. • Validate and provide signoff on Contract templates.

Working Sessions and Trainings

Description	OpenGov Responsibilities	Customer Responsibilities
Procurement Working Sessions	OpenGov will: • Assign practice exercises to Customer to gain familiarization. • Assist Customer during first real-life solicitation posting, and opening (if during deployment). • Respond to questions regarding configured system functionality.	Customer will: • Complete practice exercises to gain familiarization. • Identify internal Admin Users & security permissions for all other users.
Procurement Training	OpenGov will: • Provide training on system functionality. Topics include:	Customer will: • Attend training sessions as scheduled by the Project Manager and agreed to in the Project Plan.

	○ Creating Bids with Generic Templates ○ Live Bid Management & Vendor Experience ○ Evaluation and Awarding ○ Writing Solicitations using templates ○ Contract Document Developer Tools ○ Intake Training and Workflow	

Appendix C: Technical Requirements

C-1: OpenGov Procurement Suite

Procurement Suite	
Description	Technical Requirements
Logo	● .png or .jpg file ● At least 300KB but not larger than 500KB
Vendor List	● Single Flat file ● .csv or .xlsx format
Historical/Active Contracts	● Single Flat file ● .csv or .xlsx format
Templates with boilerplate language	● PDF or Word format
Intake/Project Request Templates	● PDF or Word format
Admin Documents	● PDF or Word format

DATE: November 14, 2023

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Receive the Monthly Financial and Investment Report for September 2023

RECOMMENDATION:

Receive the Monthly Financial and Investment Report for September 2023.

BACKGROUND:

California Government Code Section 41004 requires that the Town Treasurer submit to the Town Clerk and the legislative body a written report and accounting of all receipts, disbursement, and fund balances. The Finance Director assumes the Town Treasurer role. Attachment 1 contains the September 2023 Monthly Financial and Investment Report which fulfills this requirement. This report will be presented to the Finance Commission at its December 11, 2023 regular meeting.

DISCUSSION:

September 2023 Monthly Financial and Investment Report includes a Fund Balance Schedule, representing estimated funding available for all funds at the end of the September 2023. The fund balances are estimated at a point in time and will be finalized at the final close of the fiscal year.

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

As illustrated in the summary below, Total Cash is adjusted by the addition of Total Assets less the amount of Total Liabilities to arrive at the Ending Fund Balance – which represents the actual amount of funds available.

PREPARED BY: Gitta Ungvari
Finance Director

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

DISCUSSION (continued):

Reconciling Cash to Fund Balance - September 30, 2023		
Total Cash	$	66,196,260
Plus: Assets	$	15,479,675
Less: Liabilities	$	(29,335,967)
Estimated Fund Balance	**$**	**52,339,969**

As of September 30, 2023, the Town's financial position (Assets $81.67M, Liabilities $29.34M, and Fund Equity $52.34M) remains strong and there are no issues meeting financial obligations in the near future.

As of September 30, 2023, the Town's weighted portfolio yield for investments under management was 3.77% which was 18 basis points above the Local Agency Investment Fund (LAIF) yield of 3.53% for the same reporting period. Currently, the LAIF portfolio's weighted average maturity (WAM) is 256 days versus the Town's longer WAM of 495 days. The longer maturity (WAM) for Town assets under management reflects the Town's strategy to take advantage of higher yields associated with longer maturities balanced with shorter term yields available on investments held with the State's LAIF. The Town's weighted average rate of return on investments under management of 3.77% at the close of August was 6 basis points higher when compared to the prior month's return of 3.71 % reported as of August 31, 2023.

Since December 31, 2022, LAIF yields had climbed from 217 basis points (2.17%) to 353 basis points (3.53%) through the end of September 2023.

Staff, in coordination with the Town's investment advisor, continued primarily replacing maturing investments with shorter to medium term maturities in the two- to three-year maturity range. These investments capture current yields that exceed the rates expected to be earned in the LAIF pool during that same time period. The State LAIF pool typically lags the market when current market yields are either increasing or decreasing.

On March 22, 2023, the Federal Reserve voted to approve a ¼ percentage basis point increase from 4.75% to 5.00%. This action was followed with additional hikes in May 2023 from 5.00% to 5.25% and July from 5.25 % to 5.5 %. Through these actions over time, the Federal Open Market Committee's (FOMC) goal is to bring year to year inflation to its targeted level of 2%. Labor market conditions remained tight overall. The unemployment rate unexpectedly increased from 3.5% to 3.8%, which was partly driven by the participation rate increasing from 62.6% to 62.8%.

The Town's investments are in compliance with the Town's Investment Policy dated February 21, 2023, and also in compliance with the requirements of Section 53600 at seq. of the

DISCUSSION (continued):

California State Code. Based on the information available, the Town has sufficient funds to meet the cash demands for the next six months.

CONCLUSION:

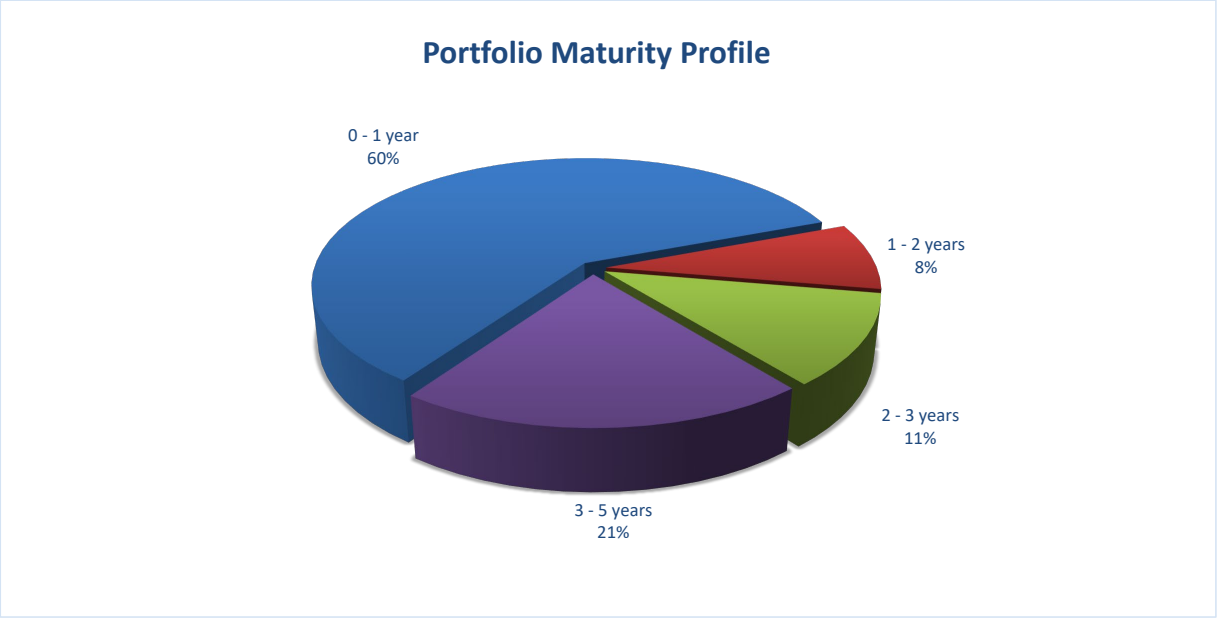
Receive the Monthly Financial and Investment Report for September 2023.

ATTACHMENT:
1. Financial and Investment Report (September 2023)

Town of Los Gatos
Summary Investment Information
September 30, 2023

Weighted Average YTM Portfolio Yield on Investments under Management	**3.77%**
Weighted Average Maturity (days)	**495**

	This Month	Last Month	One year ago
Portfolio Allocation & Treasurer's Cash Balances	$66,196,260	$69,093,001	$62,736,952
Cert. of Participation 2002 Lease Payment Fund			
Managed Investments	$49,276,078		
Local Agency Investment Fund	$11,138,242		
Reconciled Demand Deposit Balances	$5,781,940		
Portfolio Allocation & Treasurer's Cash Balances	$66,196,260		
Benchmarks/ References:			
Town's Average Yield	3.77%	3.71%	1.80%
LAIF Yield for month	3.53%	3.43%	1.51%
3 mo. Treasury	5.46%	5.47%	3.29%
6 mo. Treasury	5.55%	5.51%	3.97%
2 yr. Treasury	5.05%	4.87%	4.28%
5 yr. Treasury (most recent)	4.61%	4.26%	4.09%
10 Yr. Treasury	4.57%	4.11%	3.84%

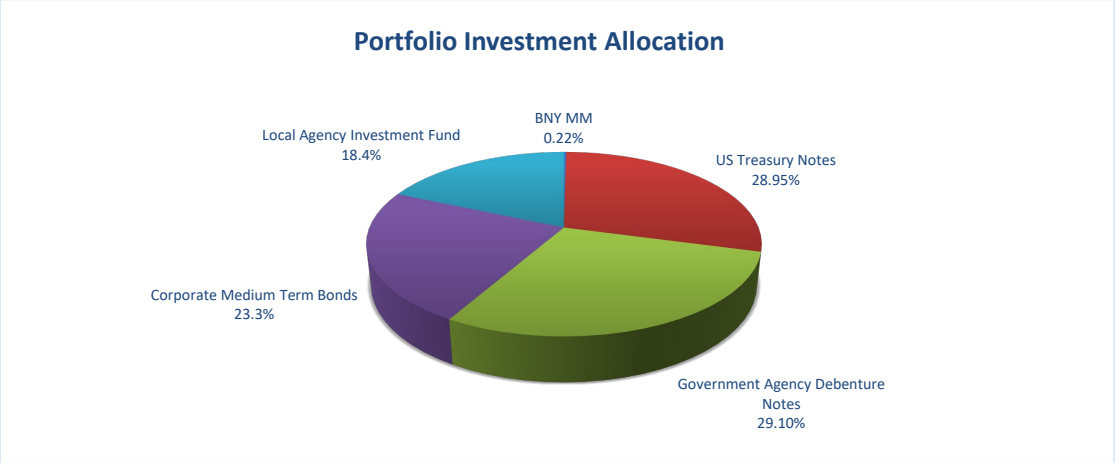


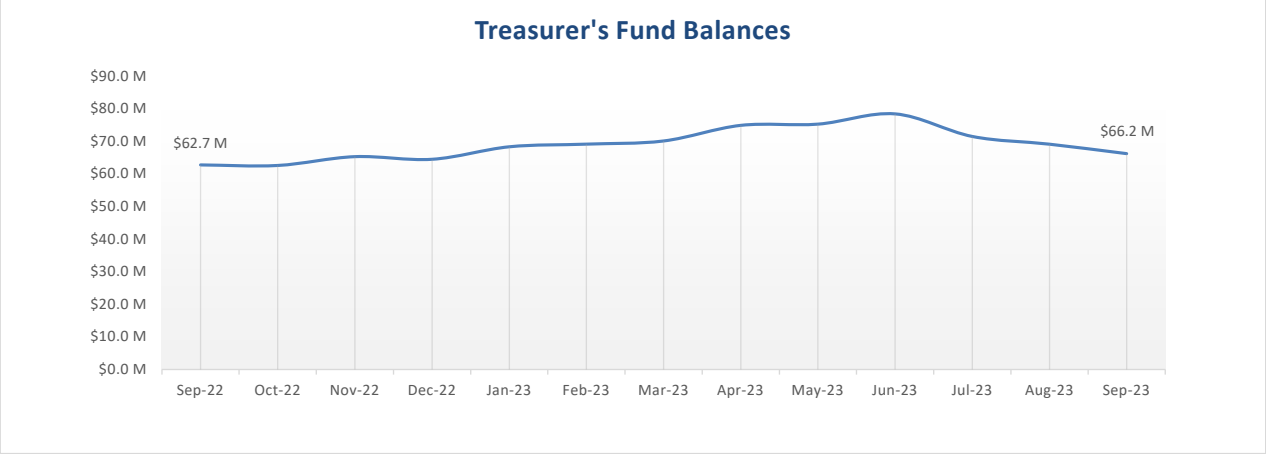
Compliance: The Town's investments are in compliance with the Town's investment policy dated February 21, 2023 and also in compliance with the requirements of Section 53600 at seq. of the California State Code. Based on the information available, the Town has sufficient funds to meet the cash demands for the next six months.

Town of Los Gatos
Portfolio Allocation & Treasurer's Cash Balances
September 30, 2023

	Month	YTD
Cash & Investment Balances - Beginning of Month/Period	$ 69,093,000.93	$ 78,384,947.79
Receipts	6,049,493.39	17,050,953.33
Disbursements	(8,946,234.68)	(29,239,641.48)
Cash & Investment Balances - End of Month/Period	$66,196,259.64	$66,196,259.64

Portfolio Allocation	Amount	% of Portfolio	Max. % or $ Allowed per State Law or Policy
BNY MM	$134,420.97	0.22%	20% of Town Portfolio
US Treasury Notes	$17,490,610.47	28.95%	No Max. on US Treasuries
Government Agency Debenture Notes	$17,580,861.65	29.10%	No Max. on Non-Mortgage Backed
Corporate Medium Term Bonds	$14,070,185.01	23.29%	30% of Town Portfolio
Local Agency Investment Fund	$11,138,241.57	18.44%	$75 M per State Law
Subtotal - Investments	60,414,319.67	100.00%	
Reconciled Demand Deposit Balances	5,781,939.97		
Total Portfolio Allocation & Treasurer's Cash Balances	$66,196,259.64		





Town of Los Gatos
Non-Treasury Restricted Fund Balances
September 30, 2023

	Beginning Balance	August 2023 Deposits Realized Gain/Adj.	August 2023 Interest/ Earnings	August 2023 Withdrawals	Ending Balance	
Non-Treasury Funds:						
Cert. of Participation 2002 Series A Reserve Fund	$ 701,134.51		$ 2,871.01		$ 704,005.52	**Note 1**
Cert. Of Participation 2010 Ser A Lease Pymt Fund	780.70		3.19		783.89	**Note 1**
Cert. of Participation 2002 Lease Payment Fund	431.44		1.74		433.18	**Note 1**
Cert. of Participation 2010 Series Reserve Fund	1,329,825.63		5,860.55		1,335,686.18	**Note 2**
Total Restricted Funds:	$ 2,032,172.28	$ -	$ 8,736.49	$ -	$ 2,040,908.77	
CEPPT IRS Section 115 Trust	1,396,058.25		(44,155.59)		$ 1,351,902.66	
Grand Total COP's and CEPPT Trust	$ 3,428,230.53	$ -	$ (35,419.10)	$ -	$ 3,392,811.43	

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

Note 1: The three original funds for the Certificates of Participation 2002 Series A consist of construction funds which will be expended over the next few years, reserve funds which will guarantee the payment of lease payments, and a third fund for the disbursement of lease payments and initial delivery costs.

Note 2: The 2010 COP Funds are all for the Library construction, reserves to guarantee lease payments, and a lease payment fund for the life of the COP issue. The COI fund was closed in September 2010.

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

Town of Los Gatos
Statement of Interest Earned
September 30, 2023

Interest by Month		
July 2023	$	133,845.42
August 2023		129,679.93
September 2023		158,361.71
October 2023		-
November 2023		-
December 2023		-
January 2024		-
February 2024		-
March 2024		-
April 2024		-
May 2024		-
June 2024		-
	$	421,887.06

Town of Los Gatos Investment Schedule
September 30, 2023

Institution	CUSIP #	Security	Coupon	Deposit Date	Par Value	Original Cost	Market Value	Market Value Above (Under) Cost	Purchased Interest	Maturity Date or Call Date	Yield to Maturity or Call	Interest Received to Date	Interest Earned Prior Yrs.	Interest Earned Current FY	Days to Maturity
US Treasury	91282CAP6	US Treasury Note	0.13%	6/30/2021	1,000,000.00	995,390.63	998,130.00	2,739.37		10/15/2023	0.33%	$ 2,240.44	$ 6,520.12	$ 821.71	15
US Treasury	91282CDD0	US Treasury Note	0.38%	1/13/2022	1,100,000.00	1,090,675.78	1,095,688.00	5,012.22		10/31/2023	0.85%	$ 5,344.27	$ 13,599.56	$ 2,347.39	31
FFCB	3133EKMX1	Gov. Agency Debenture	2.23%	8/2/2019	1,000,000.00	1,014,400.00	986,790.00	(27,610.00)		2/23/2024	1.90%	$ 96,075.83	$ 74,902.07	$ 4,825.62	146
FFCB	3133EMBE1	Gov. Agency Debenture	0.30%	10/8/2020	1,600,000.00	1,598,000.00	1,559,744.00	(38,256.00)		3/28/2024	0.34%	$ 14,253.34	$ 14,655.57	$ 1,355.09	180
FFCB	3133EMCQ3	Gov. Agency Debenture	0.28%	10/16/2020	2,000,000.00	1,998,000.00	1,995,880.00	(2,120.00)		10/13/2024	0.31%	$ 13,953.33	$ 16,496.92	$ 1,537.71	379
Apple	037833DB3	Corporate Bond	2.90%	12/20/2022	1,300,000.00	1,228,591.00	1,200,576.00	(28,015.00)		6/21/2027	4.19%	$ 27,437.22	$ 28,170.97	$ 13,498.59	1360
Cert. of Participation 2002 Le	437076BM3	Corporate Bond	3.00%	8/4/2022	1,000,000.00	991,960.00	948,250.00	(43,710.00)		1/1/2026	3.04%	$ 19,750.00	$ 29,252.66	$ 8,155.29	824
US Treasury	912828ZW3	US Treasury Note	0.25%	8/9/2022	350,000.00	322,096.88	321,671.00	(425.88)		6/30/2025	3.16%	$ 779.89	$ 9,366.72	$ 2,651.50	639
IBM	459200JY8	Corporate Bond	3.00%	3/25/2021	1,000,000.00	1,071,040.00	983,010.00	(88,030.00)		5/15/2024	0.71%	$ 64,166.67	$ 16,751.96	$ 1,863.58	228
FFCB	3133EN5V8	Gov. Agency Debenture	4.13%	1/17/2023	236,000.00	239,174.20	230,697.08	(8,477.12)		1/11/2027	3.76%	$ 4,705.25	$ 4,016.30	$ 2,253.05	1199
US Treasury	91282CBT7	US Treasury Note	0.75%	9/30/2022	800,000.00	712,565.18	723,440.00	10,874.82		3/31/2026	4.14%	$ 6,000.00	$ 23,165.06	$ 7,806.54	913
FFCB	3133ENP95	Gov. Agency Debenture	4.25%	9/30/2022	900,000.00	900,939.60	884,862.00	(16,077.60)		9/30/2025	4.14%	$ 38,250.00	$ 28,374.86	$ 9,562.22	731
US Treasury	91282CDA6	US Treasury Note	0.25%	1/31/2022	1,100,000.00	1,085,222.44	1,100,000.00	14,777.56		9/30/2023	1.07%	$ 4,570.74	$ 16,417.94	$ 2,932.91	0
US Treasury	91282CAW1	US Treasury Note	0.25%	7/15/2021	1,200,000.00	1,199,437.50	1,192,572.00	(6,865.50)		11/15/2023	0.27%	$ 5,502.72	$ 6,348.21	$ 816.83	46
American Honda	02665WCZ2	Corporate Bond	2.40%	11/27/2019	1,000,000.00	1,012,410.01	975,410.00	(37,000.01)		6/27/2024	2.12%	$ 96,733.34	$ 76,483.79	$ 5,367.28	271
JP Morgan Chase	46625HRS1	Corporate Bond	3.20%	9/23/2022	500,000.00	474,660.00	470,195.00	(4,465.00)		3/15/2026	4.70%	$ 11,644.44	$ 17,865.15	$ 5,869.98	897
Honeywell Int'l.	438516BW5	Corporate Bond	2.30%	11/20/2019	1,000,000.00	1,014,660.00	972,140.00	(42,520.00)		7/15/2024	1.64%	$ 85,483.33	$ 71,679.55	$ 5,003.43	289
Caterpillar Financial Serv	14913Q2V0	Corporate Bond	2.85%	2/23/2021	1,000,000.00	1,077,370.00	982,340.00	(95,030.00)		5/17/2024	0.44%	$ 63,650.00	$ 10,677.18	$ 1,146.21	230
FNMA	3135G0V75	Gov. Agency Debenture	1.75%	10/17/2019	1,100,000.00	1,105,833.30	1,069,640.00	(36,193.30)		7/2/2024	1.63%	$ 71,706.25	$ 66,718.86	$ 4,540.04	276
US Bancorp	91159HHV5	Corporate Bond	3.38%	12/24/2019	1,000,000.00	1,049,040.00	990,450.00	(58,590.00)		1/5/2024	2.12%	$ 121,968.75	$ 75,978.33	$ 5,443.93	97
FFCB	3133EKQA7	Gov. Agency Debenture	2.08%	10/21/2019	1,000,000.00	1,019,780.00	966,710.00	(53,070.00)		9/10/2024	1.66%	$ 80,831.11	$ 61,888.40	$ 4,223.84	346
FHLB	3135G05X7	Gov. Agency Debenture	0.38%	6/10/2022	1,200,000.00	1,102,952.40	1,097,712.00	(5,240.40)		8/25/2025	3.04%	$ 5,437.50	$ 36,626.55	$ 8,752.32	695
US Treasury	912828ZL7	US Treasury Note	0.38%	4/12/2022	1,700,000.00	1,583,927.57	1,576,019.00	(7,908.57)		4/30/2025	2.72%	$ 6,691.99	$ 54,017.06	$ 11,192.72	578
JP Morgan Chase	46625HJT8	Corporate Bond	3.88%	9/23/2019	1,400,000.00	1,485,414.00	1,390,060.00	(95,354.00)		2/1/2024	2.39%	$ 209,163.89	$ 130,689.90	$ 8,737.99	124
US Treasury	912828V23	US Treasury Note	2.25%	11/29/2021	1,000,000.00	1,032,933.04	992,030.00	(40,903.04)		12/31/2023	0.66%	$ 35,706.52	$ 10,649.43	$ 1,695.07	92
US Treasury	91282CBE0_2	US Treasury Note	0.13%	10/7/2021	1,000,000.00	994,768.98	985,000.00	(9,768.98)		1/15/2024	0.36%	$ 2,214.67	$ 6,137.79	$ 894.89	107
FHLB	3130ALH98	Gov. Agency Debenture	0.25%	2/26/2021	1,000,000.00	997,610.00	978,880.00	(18,730.00)		2/26/2024	0.33%	$ 6,250.00	$ 7,713.30	$ 830.94	149
FHLB	3130AQF65	Gov. Agency Debenture	1.25%	11/30/2022	1,300,000.00	1,160,559.40	1,161,030.00	470.60		12/21/2026	4.15%	$ 9,072.92	$ 29,385.32	$ 12,752.12	1178
US Treasury	912828U57	US Treasury Note	2.13%	7/31/2019	1,000,000.00	1,011,875.00	994,550.00	(17,325.00)		11/30/2023	1.84%	$ 81,458.33	$ 72,526.17	$ 4,666.02	61
US Treasury	912828X70	US Treasury Note	2.20%	12/30/2019	1,000,000.00	1,010,589.29	980,390.00	(30,199.29)		4/30/2024	1.75%	$ 73,703.30	$ 68,481.11	$ 4,929.78	213
US Treasury	912828XT2	US Treasury Note	2.00%	10/31/2019	1,000,000.00	1,015,667.41	977,230.00	(38,437.41)		5/31/2024	1.64%	$ 71,639.34	$ 60,792.37	$ 4,180.04	244
American Honda	02665WCQ2	Corporate Bond	3.63%	9/14/2021	950,000.00	1,012,871.00	949,601.00	(63,270.00)		10/10/2023	0.41%	$ 54,143.40	$ 7,316.05	$ 1,029.17	10
FFCB	3133EJ3Q0	Gov. Agency Debenture	2.88%	8/28/2019	1,500,000.00	1,587,503.75	1,491,465.00	(96,038.75)		12/21/2023	2.12%	$ 164,473.96	$ 87,804.46	$ 5,761.78	82
US Treasury	91282CBE0	US Treasury Note	0.13%	9/15/2021	650,000.00	647,615.46	640,250.00	(7,365.46)		1/15/2024	0.28%	$ 1,488.12	$ 3,281.18	$ 462.28	107
FHLB	3130APJH9	Gov. Agency Debenture	0.75%	1/17/2023	1,000,000.00	907,010.00	901,670.00	(5,340.00)		10/28/2026	4.17%	$ 2,104.17	$ 14,420.85	$ 8,089.74	1124
FFCB	3133EN5N6	Gov. Agency Debenture	4.00%	2/8/2023	1,700,000.00	1,706,732.00	1,648,677.00	(58,055.00)		1/6/2028	3.91%	$ 27,955.56	$ 25,921.64	$ 16,794.30	1559
Freddie Mac	3137EAEX3	Gov. Agency Debenture	0.04%	5/1/2023	750,000.00	689,032.50	683,850.00	(5,182.50)	156.26	9/23/2025	3.97%	$ (156.26)	$ 4,222.09	$ 6,473.87	724
American Honda	02665WED9	Corporate Bond	4.70%	5/11/2023	600,000.00	608,856.00	583,122.00	(25,734.00)		1/12/2028	4.34%	$ 4,778.33	$ 3,603.61	$ 6,630.64	1565
US Treasury	91282CEF4	US Treasury Note	2.50%	6/9/2023	1,500,000.00	1,416,626.12	1,393,470.00	(23,156.12)		3/31/2027	4.09%	$ 11,577.87	$ 3,416.23	$ 14,966.36	1278
US Treasury	91282CGA3	US Treasury Note	4.00%	6/20/2023	2,100,000.00	2,080,558.59	2,056,530.00	(24,028.59)	1,147.54	12/15/2025	4.40%	$ (1,147.54)	$ 2,515.25	$ 23,140.27	807
Colgate-Palmolive	194162AR4	Corporate Bond	4.60%	7/14/2023	500,000.00	504,655.00	494,610.00	(10,045.00)		2/1/2028	4.37%	$ 3,002.79	$ -	$ 4,696.73	1585
FannieMae	3135G06G3	Gov. Agency Debenture	0.50%	7/14/2023	500,000.00	455,157.00	454,730.00	(427.00)	465.28	11/7/2025	4.63%	$ (465.28)	$ -	$ 4,663.83	769
FFCB	3133EPQC2	Gov. Agency Debenture	4.63%	7/17/2023	500,000.00	501,957.50	495,405.00	(6,552.50)		7/17/2026	4.48%	$ -	$ -	$ 4,617.76	1021
FFCB	3133EPBM6	Gov. Agency Debenture	4.13%	7/14/2023	600,000.00	596,220.00	585,246.00	(10,974.00)		8/23/2027	4.29%	$ 2,681.25	$ -	$ 5,485.47	1423
PNC Bank	69353RFJ2	Corporate Bond	3.25%	7/25/2023	1,000,000.00	921,490.00	905,030.00	(16,460.00)	270.83	12/23/2027	5.23%	$ (270.83)	$ -	$ 9,228.89	1545
US Treasury	91282CFU0	US Treasury Note	4.13%	7/31/2023	1,300,000.00	1,290,660.60	1,272,271.00	(18,389.60)	13,406.25	10/31/2027	4.31%	$ (13,406.25)	$ -	$ 9,328.83	1492
Toyota Motor Credit	89236TKL8	Corporate Bond	5.45%	8/25/2023	1,600,000.00	1,617,168.00	1,605,728.00	(11,440.00)	25,433.33	11/10/2027	5.16%	$ (25,433.33)	$ -	$ 8,198.70	1502
Subtotal					$ 49,536,000.00	$ 49,141,657.13	$ 47,942,751.08	$ (1,198,906.05)	$ 40,879.49			$ 1,567,711.35	$ 1,298,850.54	$ 280,223.25	
BNY MM		Money Market				134,420.97	134,420.97	0.00			0.00%				1
LAIF		State Investment Pool				11,138,241.57	10,985,733.86	(152,507.71)			3.53%			139,864.59	1
						$60,414,319.67	**$59,062,905.91**	**($1,351,413.76)**	**$40,879.49**			$ 1,567,711.35	$ 1,298,850.54	$ 420,087.84	
Matured Assets															
PNC Financial	69349LAM0	Corporate Bond	3.80%	2/7/2022	1,000,000.00	1,033,470.00				7/25/2023	1.49%	$ 55,733.33	$ 20,987.56	$ 1,032.85	
US Treasury	91282CCN9	US Treasury Note	0.13%	1/13/2022	1,200,000.00	1,188,375.00				7/31/2023	0.75%	$ 2,323.37	$ 13,176.45	$ 766.36	
Toyota Motor Credit	89236THA6_1	Corporate Bond	1.35%	4/12/2021	500,000.00	510,580.00				8/25/2023	0.45%	$ 15,993.75	$ 5,065.91	$ 350.67	
Toyota Motor Credit	89236THA6	Corporate Bond	1.35%	1/11/2022	1,100,000.00	1,107,315.00				8/25/2023	0.94%	$ 24,090.00	$ 15,144.57	$ 1,585.23	
Total Investments "Matured"														$ 1,799.21	
Total Interest FY 23_24 Matured and Current														$ 421,887.06	

Maturity Profile

	Amount	Percent
0-1 year	$ 35,317,547.69	60%
1-2 years	$5,006,976.85	8%
2-3 years	$6,806,830.37	11%
3-5 years	$ 12,197,742.32	21%
	$59,329,097.23	

Town of Los Gatos

Insight ESG Ratings as of September 30, 2023

Security Description	Maturity Date	Par/Shares	Moody Rating	S&P Rating	Insight ESG Rating	Environment	Social	Governance	
AMERICAN HONDA FINANCE 3.625% 10OCT2023	10/10/2023	$ 950,000	A3	A-	2	1	3	3	X
JPMORGAN CHASE & CO 3.875% 01FEB2024	2/1/2024	$ 1,400,000	A1	A-	3	1	3	4	x
US BANCORP 3.375% 05FEB2024 (CALLABLE 05JAN24)	2/5/2024	$ 1,000,000	A3	A	3	3	4	4	x
IBM CORP 3.0% 15MAY2024	5/15/2024	$ 1,000,000	A3	A-	2	1	2	3	x
CATERPILLAR FIN SERVICES 2.85% 17MAY24	5/17/2024	$ 1,000,000	A2	A	4	4	3	4	x
AMERICAN HONDA FINANCE 2.4% 27JUN2024	6/27/2024	$ 1,000,000	A3	A-	2	1	3	3	x
HONEYWELL INTERNATIONAL 2.3% 15AUG2024 (CALLABLE 15JUL24)	8/15/2024	$ 1,000,000	A2	A	4	3	4	3	x
HOME DEPOT INC. 3% 01APR2026 (CALLABLE 01JAN2026)	4/1/2026	$ 1,000,000	A2	A	2	2	2	3	x
JPMORGAN CHASE & CO 3.2 15JUN2026 (CALLABLE 15MAR2026)	6/15/2026	$ 500,000	A1	A-	3	1	3	4	x
APPLE INC. 2.9% 12SEP2027 (CALLABLE 12JUN2027)	9/12/2027	$ 1,300,000	Aaa	AA+	4	1	4	5	x
TOYOTA MOTOR CREDIT CORP 5.45% 10NOV2027	11/10/2027	$ 1,600,000	A1	A+	3	2	3	4	x
AMERICAN HONDA FINANCE 4.7% 12JAN2028	1/12/2028	$ 600,000	A3	A-	2	1	3	3	x
PNC BANK NA 3.25% 22JAN2028 (CALLABLE 01 FEB28)	1/22/2028	$ 1,000,000	A2	A	3	2	3	3	x
COLGATE-PALMOLIVE CO 4.6% 01MAR2028 (CALLABLE 01FEB28)	3/1/2028	$ 500,000	Aa3	AA-	3	3	3	3	x
Total/Average		**$ 13,850,000**			**2.9**	**1.9**	**3.1**	**3.5**	

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

Fund Schedule

Fund Number	Fund Description	Prior Year Carryforward 7/1/2023*	Increase/ (Decrease) July - August	Sep 2023				Estimated Fund Balance 9/30/2023**
				Current Revenue	Current Expenditure	Transfer In	Transfer Out	
	GENERAL FUND							
	Non-Spendable:							
	Loans Receivable	159,000	-	-	-	-	-	159,000
	Restricted Fund Balances:							
	Pension	1,400,163	-	-	-	-	-	1,400,163
	Land Held for Resale	44,338	-	-	-	-	-	44,338
	Committed Fund Balances:							
	Budget Stabilization	6,129,774	-	-	-	-	-	6,129,774
	Catastrophic	6,129,775	-	-	-	-	-	6,129,775
	Pension/OPEB	300,000	-	-	-	-	-	300,000
	Measure G District Sales Tax	590,581	-	-	-	-	-	590,581
	Assigned Fund Balances:							
	Open Space	410,000	-	-	-	-	-	410,000
	Sustainability	140,553	-	-	-	-	-	140,553
	Capital/Special Projects	10,359,577	-	-	-	-	-	10,359,577
	Carryover Encumbrances	37,698	-	-	-	-	-	37,698
	Compensated Absences	1,580,623	-	-	-	-	-	1,580,623
	ERAF Risk Reserve	689,608	-	-	-	-	-	689,608
	Council Priorities - Economic Recovery	1,556,614	-	-	-	-	-	1,556,614
	Unassigned Fund Balances:							
111	Other Unassigned Fund Balance Reserve (Pre YE distribution)	-	(2,199,604)	1,017,592	(2,911,590)	-	-	(4,093,602)
	General Fund Total	29,528,304	(2,199,604)	1,017,592	(2,911,590)	-	-	25,434,702

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

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

Fund Schedule

Fund Number	Fund Description	Prior Year Carryforward 7/1/2023*	Increase/ (Decrease) July - August	Sep 2023				Estimated Fund Balance 9/30/2023**
				Current Revenue	Current Expenditure	Transfer In	Transfer Out	
	SPECIAL REVENUE							
211/212	CDBG	166,653	-	-	-	-	-	166,653
222	Urban Runoff (NPDES)	629,843	1,845	-	(15,367)	-	-	616,322
231-236	Landscape & Lighting Districts	176,964	(2,520)	-	(3,558)	-	-	170,886
241	ARPA	-	-	-	-	-	-	-
251	Los Gatos Theatre	74,991	10,842	5,514	(15,259)	-	-	76,088
711-716	Library Trusts	530,173	(12,355)	87,300	(1,543)	-	-	603,575
	Special Revenue Total	1,578,624	(2,188)	92,814	(35,727)	-	-	1,633,524
	CAPITAL PROJECTS							
411	GFAR - General Fund Appropriated Reserve	21,725,837	(163)	8,000	(1,714,695)	-	-	20,018,979
421	Grant Funded Projects	(406,890)	471,046	-	(167,604)	-	-	(103,448)
461-463	Storm Basin Projects	3,218,331	10,631	31,615	-	-	-	3,260,577
471	Traffic Mitigation Projects	431,079	-	4,175	(4,175)	-	-	431,079
472	Utility Undergrounding Projects	3,438,996		-	-	-	-	3,438,996
481	Gas Tax Projects	1,671,245	168,134	-	(367,232)	-	-	1,472,147
	Capital Projects Total	30,078,598	649,648	43,790	(2,253,706)	-	-	28,518,330
	INTERNAL SERVICE FUNDS							
611	Town General Liability	212,022	(992,484)	-	(16,541)	-	-	(797,003)
612	Workers Compensation	514,813	(319,546)	-	(4,599)	-	-	190,668
621	Information Technology	2,474,618	(387,365)	10,079	(19,866)	-	-	2,077,466
631	Vehicle & Equipment Replacement	2,413,719	1,460	-	(26,035)	-	-	2,389,144
633	Facility Maintenance	927,699	(61,081)	5,933	(119,621)	-	-	752,930
	Internal Service Funds Total	6,542,871	(1,759,016)	16,012	(186,662)	-	-	4,613,205
	Trust/Agency							
942	RDA Successor Agency	(6,187,789)	(1,671,877)	-	(127)	-	-	(7,859,793)
	Trust/Agency Fund Total	(6,187,789)	(1,671,877)	-	(127)	-	-	(7,859,793)
	Total Town	**61,540,608**		**1,170,208**	**(5,387,812)**	**-**	**-**	**52,339,968**

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

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

Deposit Accounts of Interest:

111-23541 General Plan Update deposit account balance $950,229.66

111-23521 BMP Housing deposit account balance $4,021,280.60

DATE: November 9, 2023

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Receive an Update on the Interim Community Center and Provide Direction

RECOMMENDATION:

Receive an update on the Interim Community Center and provide direction.

BACKGROUND:

On August 15, 2023, the Town Council allocated $866,281 to a Community Center Development Fund to design and construct near-term improvements to the Adult Recreation Center to achieve two major purposes. One purpose is to facilitate the use of space for a variety of non-profit agencies to provide services to the community. The second purpose is to reconfigure the existing space to provide better services to adults by making it more open and inviting to the community.

The near-term improvements would be informed by convening a group of interested residents and community partners focused on older adult services and general community services. This group would be engaged in making recommendations about improvements to the existing facility. The group would include representatives of the Community Health and Senior Services Commission (CHSSC), Los Gatos Friends of Older Adults that Thrive, Los Gatos-Saratoga (LGS) Recreation, Successful Aging Solutions & Community Consulting (SASSC), non-profits who provide services, faith leaders, potentially representation from Supervisor Joe Simitian's Office, and others. The Town Council motion requested that the recommendation(s) from staff and this group would be considered by the Town Council during the development of the 2024 Capital Budget.

PREPARED BY: Katy Nomura
Assistant Town Manager

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

BACKGROUND (continued):

Over the years, the Town has completed several improvements at the Adult Recreation Center. The following table includes a list of completed projects since 2020 as well as projects in the pipeline and anticipated needs.

Adult Recreation Center- Improvements and Repairs Since 2020				
	Project	**Contractor**	**Cost**	**Completed**
1	Boiler replacement	Air Systems Inc.	$17,000	2020
2	Chiller replacement	Foothill Heat and AC	$55,600	2020
3	Water heater replacement	OC McDonald	$4,934	2021
4	ADA restroom architect plans & specifications	The KPA Group	$35,000	2021
5	Move out/in for flooring	Ind Facility Resource	$11,600	2022
6	Flooring - entire building	Shaw Flooring Inc.	$140 ,000	2022
7	Door trimming for flooring (12)	PPW-Facilities	$1,570.90	2022
8	HVAC units (18) /interior paint	Foothill Heat and AC	$195,000	2023
9	ADA parking lot & entrance – plans & specifications and survey	The KPA Group	$30,000	2023
10	ADA restroom	Tucker Const. Inc.	$276,000	Est. 6/30/24
11	FY 23-24 Community Grant: new kitchen appliances	N/A	$12,000	2024
		TOTAL	**$766,705**	
	Anticipated and Unfunded Needs	**Contractor**	**Estimated Cost**	**Recommended**
12	ADA compliant parking lot & entrance		$400,000	ASAP
13	Window replacements - wall patch/paint		$150,000	2024/25
14	Roof tune-up (adds 5 years of life to roof)	Facilities/Cal Roofing	$5,000	2025
15	Exterior paint		$40,000	2027
16	Roof replacement		$100,000	2030
		TOTAL	**$707,000**	

DISCUSSION:

A full remodel of the Adult Recreation Center to transform it into a Community Center would be a multi-million-dollar project that would need to be considered as part of the longer-term Capital Improvement Program. Any large investments to remodel the facility should be reserved for the full remodel to ensure that the transformation of the facility is planned holistically and that financial resources are used in the most efficient manner possible.

With that in mind, this discussion focuses on near-term improvements that can be implemented in the interim without substantial remodeling. It is staff's understanding that the intention of these near-term improvements is to reposition the Adult Recreation Center as a Community Center and to provide space for community partners to engage the public.

The following sections outline opportunities and considerations to achieve this goal. The Town is still in the very early stages of this process and will continue to seek input from the Town Council, the CHSSC, residents, and community partners. As directed by the Town Council in August, staff is planning to host a convening in the form of a CHSSC meeting dedicated to an interim Community Center discussion in which residents, community partners, faith leaders, non-profits, and the public will all be invited to participate. Council's direction on the items in this report is useful to preparing for the convening.

Physical Space and Improvements

Since the Adult Recreation Center is leased to LGS Recreation, staff discussed with LGS Recreation what physical space might be available for community partners to use. While much of the facility is fully programmed, LGS Recreation saw the value in bringing in community partners and was able to offer two desk spaces near the front entrance (roughly 45 square feet) as well as a small meeting room (roughly 130 square feet) without impacting existing services. The total size of this available space is approximately 175 square feet. Depending on the uses, other spaces could be considered based on availability; however, there are operational considerations as discussed later in this report.

Staff recognizes that there may be a desire to rename the facility to reposition the Adult Recreation Center as the Los Gatos Community Center. If a renaming is pursued in the interim, a new sign for the building would need to be made and installed with an estimated cost of $5,000 to $10,000 for metal cut out letters or $20,000 to $30,000 for an electrical illuminated sign.

While improvements have been made to the lobby over the years, including new lighting and paint, the addition of wayfinding signage and modifications to prevent unauthorized access upstairs could be beneficial in the near-term. These improvements are estimated to cost $30,000 to $40,000.

DISCUSSION (continued):

Other minor near-term improvements may surface as input is received and as community partners are identified.

Staff will return to the Town Council with recommended near-term improvements. The Council motion directed staff to bring the recommendations for consideration during the Capital Budget process. While the Proposed FY 2024/25 Capital Improvement Budget would include the Interim Community Center project and its funding, there are additional steps that would need to be taken prior to construction.

For this reason, after the convening, staff would prepare the community and staff's recommended near-term improvements for Council consideration in late winter/early spring 2024. Town Council would be asked to prioritize the recommended near-term improvements as it is likely that there will be more ideas than the funding would support. Then, staff would hire an architect to cost the items. This expenditure would be deducted from the allotted funding for the project. With cost estimates, Council would then be asked to select the preferred near-term improvements for design and bidding.

Operational Considerations

Cost of the Space and Associated Services

Due to the existing lease with LGS Recreation, the costs of the space used by the community partners would need to be borne by either the Town or the community partners. For example, the Town could enter into a potential lease amendment to reduce LGS Recreation's rent for the Adult Recreation Center as they will be leasing less space for their services. The Town could then subsidize the square footage used by the community partners by not charging rent or charging a reduced rent.

Alternatively, the Town could maintain the existing lease with LGS Recreation and enter into a separate service agreement where the Town would pay LGS Recreation for providing coordination and hosting of community partners, including room scheduling, client coordination, office support, janitorial services, etc.

A third approach could be a hybrid of the two in which the lease with LGS Recreation remains unchanged and LGS Recreation enters into agreements with the community partners who would pay a fee to use the space as well as their fair share of the costs for use of LGS Recreation equipment (e.g., copiers), security, storage, internet, janitorial services, and other administrative support.

DISCUSSION (continued):

It would be beneficial for the Town Council to provide direction as to whether it is expected that community partners should contribute to these costs or if space and other services should be provided to them for free.

Selection of Community Partners

The selection of community partners needs to be part of a competitive Request for Proposals (RFP) process. The RFP would include selection criteria to evaluate community partner proposals. Any suggestions the Town Council has for selection criteria are welcome at this time. Input will also be solicited from the community attendees at the forthcoming CHSSC convening regarding the Community Center near-term improvements. The Council will review the draft RFP and selection criteria prior to it being issued. The final selection of community partners will also be brought to the Town Council for consideration.

After community partners are selected, an agreement with the Town and/or LGS Recreation would likely be needed to address the cost, service, and operational considerations mentioned earlier in the previous section.

CONCLUSION:

Any interim improvements to transition the Adult Recreation Center to a community center should be relatively minor without substantial remodeling. A competitive RFP process will be conducted to select community partners for the community center. Physical improvements and community partner selection will be informed by a CHSSC meeting dedicated to an interim Community Center discussion in which residents, community partners, faith leaders, non-profits, and the public will all be invited to participate. Recommendations on physical improvements as well as community partner selection will be brought to the Town Council for future consideration.

The Town Council is welcome to provide additional direction on the interim use of the Adult Recreation Center/Community Center based on the information contained in this report.

COORDINATION:

The preparation of this report was coordinated with the Town Attorney, the Parks and Public Works Department, and LGS Recreation.

FISCAL IMPACT:

The $866,281 allocated to the Community Center Development Fund can be used for near-term improvements to the Adult Recreation Center/Community Center. Additional funding may be required to support the operational and administrative needs of coordinating the community partners and providing the additional services.

PUBLIC COMMENT:

Attachment 1 contains public comment received on this topic.

ENVIRONMENTAL ASSESSMENT:

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

ATTACHMENT:
1. Public Comment

Katy Nomura

From: Daniel B Snyder [redacted]
Sent: Wednesday, October 4, 2023 11:51 AM
To: Mary Badame; Rob Moore; Rob Rennie; Maria Ristow; Matthew Hudes
Cc: Laurel Prevetti
Subject: Town Priorities for a "Town" Center

Dear Town Council Members-

I have read many articles and columns in local papers about the need for a new Senior Center, and how the town approved a grant to remodel the current adult center. Granted, given local construction costs, $1m will more likely fund a “tweak” than a remodel, but that is a separate discussion about rational perceptions. I could also tell you the story of signing up for a program there, and being dropped because I was apparently too young for the group.

Anyway, I’d like to remind the council that while ~50% of local active voters are senior citizens (65+), they are just 20% of Los Gatos residents. Children 18 and under are actually 23% (US Census). So, where is the discussion or evaluation of our youth's needs? To be fair to seniors, arguably, the Senior Center should be pushed out into a separate JPA, like the LG Rec department was, back in the 70s. There, it could struggle to find funding (and retain staff), sourced from fees charged for services to seniors (or their caregivers).

Ok, I am being a bit over the top. But as a parent of two older teenagers, and a trustee for LGUSD, I have seen first-hand how under served our youth (and middle aged adults) are compared to similar local communities. Many have numerous town athletic fields that are not just a park. They have community gyms and pools, so residents don’t have to pay $300-600 per month to a company for stay fit.

What I would really like to see is that some funding be directed to truly evaluate all of the facilities needs of the Los Gatos community, not just for the 20% of residents who have a loud voice at Council meetings. I firmly believe that if Los Gatos had a clear Strategic/Facilities Master Plan (beyond roads), it could be a rallying point for our community, uniting us around our common needs and benefits.

Then, we could unite for a bond measure to actually fund those priorities, rather than always slashing the options because there isn’t any money in the General Fund (which there isn’t). And, if the community clearly wanted more annual services as part of that plan, it is the perfect basis for a parcel tax to fund them.

This is what local school districts have done, and time and again, Los Gatos has risen to fund the priorities that we all share.

But, baring that, please don’t limit the current adult center to only senior citizens. Make sure the town serves all our residents.

Thanks,

Daniel Snyder

DATE: November 21, 2023

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Receive an Update on the Interim Community Center and Provide Direction

REMARKS:

This addendum is to provide additional information that may be helpful to the Town Council's discussion on this item.

An updated table outlining improvements and repairs to the Adult Recreation Center (ARC) since 2020 is included as Attachment 2, with changes in red.

To provide additional clarity, these are the next steps that staff anticipates taking prior to returning to the Town Council with a recommended list of physical near-term improvements to the ARC/Community Center:

1. Host a convening, as outlined in the staff report, to receive community input on:
    a. Preferred types of community partners/services,
    b. Community partner selection criteria, and
    c. Ideas for near-term improvements to the ARC/Community Center.
2. Receive the Community Health and Senior Services Commission's (CHSSC) recommendation on items relevant to the Request for Proposals (RFP) for community partners, such as the types of community partners and community partner selection criteria.
3. Return to Council with CHSSC's recommendation for Council input and approval on items relevant to the Request for Proposals (RFP) for community partners, such as the types of community partners and community partner selection criteria.
4. Issue the RFP.
5. Return to Council with the final selection of community partners.
6. Discuss any potential physical near-term improvements and operational support needed by selected community partners with Los Gatos Saratoga Recreation (LGS Recreation).

PREPARED BY: Katy Nomura
Assistant Town Manager

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

7. Receive CHSSC's recommendation on near-term improvements and operational support for Council's consideration, taking into account ideas shared at the community convening and budget constraints.
8. Return to Council with CHSSC's recommendation on near-term improvements and operational support for consideration. If physical near-term improvements are expected to exceed the funding available, Council would be asked to prioritize the items. While timing may vary, staff aims to return to Council in spring 2024 with this item.
9. Hire an architect to provide cost estimates for the prioritized items.
10. Return to Council with cost estimates for selection of which prioritized items to move forward for design and bidding.

Attachment Previously Received with the Staff Report:

1. Public Comment

Attachments Received with this Desk Item:

2. Updates to Adult Recreation Center Improvements and Repairs Since 2020 Table

Adult Recreation Center- Improvements and Repairs Since 2020				
	Project	**Contractor**	**Cost**	**Completed**
1	Boiler replacement	Air Systems Inc.	$17,000	2020
2	Chiller replacement	Foothill Heat and AC	$55,600	2020
3	Water heater replacement	OC McDonald	$4,934	2021
4	ADA restroom architect plans & specifications	The KPA Group	$35,000	2021
5	Move out/in for flooring	Ind Facility Resource	$11,600	2022
6	Flooring - entire building (Replaced subfloor and window trim as needed)	Shaw Flooring Inc.	$140 ,000	2022
7	Door trimming for flooring (12)	PPW-Facilities	$1,570.90	2022
8	HVAC units (18) /interior paint (Cleaned/replaced drywall behind units)	Foothill Heat and AC	$195,000	2023
9	ADA parking lot and building entrance – plans, specifications, and survey	The KPA Group	$30,000	2023
10	ADA restroom	Tucker Const. Inc.	$276,000	Est. 6/30/24
11	FY 23-24 Community Grant: new kitchen appliances	N/A	$12,000	2024
		TOTAL	**$778,705**	
	Anticipated and Unfunded Needs	**Contractor**	**Estimated Cost**	**Recommended**
12	ADA compliant parking lot and building entrance		$400,000	ASAP
13	Window replacements - Water intrusion repair, wall patch, and paint.		$200,000	2024/25
14	Roof tune-up (adds 5 years of life to roof)	Facilities/Cal Roofing	$5,000	2024
15	Exterior paint		$40,000	2027
16	Roof replacement		$100,000	2027
17	Deck seal, drain replacement, water intrusion repair		$100,000	2024
		TOTAL	**$845,000**	

DATE: November 10, 2023

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Complete the Following Actions in Support of the Town's Transportation Impact Fee Program:

a. Review the Transportation Impact Nexus Study dated November 2023 (including the Town's Transportation Capital Improvement Plan – Appendix 1); and
b. Set a Public Hearing for January 16, 2024 to Adopt the Nexus Study, Adopt a Resolution to Establish the Updated Transportation Impact Fee, Introduce an Ordinance Amending Article VII of Section 15 of the Town Code, "Traffic Impact Mitigation Fees," and Modify Town Council Policy 1-08, "Transportation Impact Policy."

RECOMMENDATION:

Complete the following actions in support of the Town's Transportation Impact Fee Program:

a. Review the Transportation Impact Nexus Study dated November 2023 (including the Town's transportation capital improvement plan – Appendix 1) (Attachment 1); and
b. Set a public hearing for January 16, 2024 to adopt the Nexus Study, adopt a resolution to establish the updated Transportation Impact Fee, introduce an ordinance amending Article VII of Section 15 of the Town Code, "Traffic Impact Mitigation Fees," and modify Town Council Policy 1-08, "Transportation Impact Policy."

PREPARED BY: Nicolle Burnham
Parks and Public Works Director

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

BACKGROUND:

Since early 2022, staff has been working with DKS Associates to complete a Transportation Nexus Study, update the current Traffic Impact Fee amount and consider a Vehicle Miles Traveled Impact Fee. One aspect of the work would rename the current Traffic Impact Fee to Transportation Impact Fee. As the Town completes the work associated with modifying an impact fee, the Town must comply with Assembly Bill 602 (passed in 2021) affecting California Government Code Sections 65940.1 and 66019. Specifically, AB 602 requires that jurisdictions charging impact fees must: 1) complete an impact fee nexus study; 2) calculate the fees for residential developments based on square footage of the proposed units (or justify why square footage cannot be used); and 3) update the nexus study every eight years. The current Traffic Impact Fee was established in 2014.

On May 2, 2023, the Town Council received a report on the technical work to calculate a recommended fee for each land use type. On October 10, 2023, a study session was held to respond to questions that Town Council had posed at the May 2, 2023 meeting. At that October meeting, Council took a series of actions that provided the direction and feedback needed for staff to propose a Transportation Impact Fee for adoption.

DISCUSSION:

This discussion begins with responding to certain questions and outstanding issues that arose from the study session on October 10, 2023. Following that discussion, the two requested actions are presented for consideration.

Outstanding Questions from October 10, 2023

Accessory Dwelling Units: Staff recommended that Transportation Impact Fees be levied against Accessory Dwelling Units (ADUs) 750 square feet or larger. Council supported this recommendation and directed staff to count these as multi-family units for the purpose of calculating the fee and asked staff how other jurisdictions charge for ADUs. Staff identified the following jurisdictions that charge impact fees for ADUs: San Carlos, Los Altos, Redwood City, Gilroy, Sunnyvale, Cupertino, and Morgan Hill. The fees for ADUs in all jurisdictions identified are charged in proportion to the fees for single-family residences to meet the requirements of State law. In other words, the Town must consider ADUs as single-family residences for purposes of the calculation.

DISCUSSION (continued):

Methods for projecting future development as basis for the fees: Staff was asked why the General Plan 2040 was used as the basis for calculating the new impact fee as opposed to the Housing Element, the Regional Housing Needs Allocation, or General Plan 2020. The General Plan 2020 Land Use Element addresses land use designations but does not include development projections. As such, the Plan does not provide the information necessary to develop the Transportation Impact Fee.

The Regional Housing Needs Allocation (RHNA) calls for Los Gatos to build 1,993 housing units over an eight-year planning horizon. General Plan 2040 calculated that 2,685 units may be constructed in Los Gatos over the 20-year planning horizon, and this is reflected in the proposed fee calculation.

Staff recommends using the General Plan 2040 housing projection for the impact fee calculation. The larger number of housing units serves to lower the fee.

What is the fiscal impact of a 100% credit for extremely low- and very low-income developments? The RHNA calls for a total of 537 units in the low- and very low-income categories. Assuming these are all multi-family units, the revenue impact for a 100% credit (i.e., not charging any fees at all) would be $6,249,187. This is approximately 15% of the total project cost of $42,106,083. The proposed modifications to the Town Code and policies (described below) include credit for low- and very-low-income categories.

Should the units currently in the entitlement process be removed from the new fee calculation? The best practice is to deduct housing units that are fully entitled with all Planning approvals from the fee calculation, and to assume projects that are in the process of securing Planning approvals are not built. If the units in the Planning approval were excluded from the fee calculation the proposed impact fee would increase.

This question arose because of the number of units without Planning approvals that have "locked in" the current impact fee. With those units paying the existing (lower) fee, the project list will be underfunded. Regardless, staff still does not recommend that these units be removed from the calculations as it is not uncommon for developments to get entitled but not move to construction. As such, assuming these projects are built and excluding them from the fee introduces a complexity that cannot be easily mitigated.

DISCUSSION (continued):

Draft Transportation Impact Fee Nexus Study

Attachment 1 presents the draft Nexus Study dated November 2023 prepared by DKS Associates. As required by Government Code Section 66016.5, the Nexus Study includes a Transportation Capital Improvement Plan as Appendix 1. This report documents the underlying assumptions and calculations that were used to develop the project list, the development scenarios, and the resulting impact fee. Since the Nexus Study documents how the updated fee calculations were developed and is required by the State Mitigation Fee Act, staff recommends that Council review the Nexus Study and schedule a public hearing for its adoption at least 30 days from the date of this meeting as required by Government Code Section 66016.5.

Establishment of Updated Impact Fees

Throughout the process of developing the Nexus Study, two fee calculations were considered: a Transportation Improvement Fee and a Vehicle Miles Traveled ("VMT") Fee. The Transportation Improvement Fee addresses additional demand that would result from the expected growth, providing funds to expand or enhance functionality of the Town's circulation network. The VMT fee was considered to address mitigation of VMT impacts as outlined in Town Council Policy 1-08, "Transportation Impact Policy." For simplicity of administration, staff is proposing that the Transportation Improvement fee and the VMT fee be combined into one Transportation Impact Fee.

Table 1 presents the proposed Transportation Impact Fee documented in the Nexus Study.

Table 1. Proposed Transportation Impact Fee 2023

Land Use Classification	Fee Presented May 2023	Proposed Fee Presented November 2023[1]
Single Family Residential (per dwelling unit)	$20,078	$16,282
Multi-Family Residential (per dwelling unit)	$14,365	$11,637
Retail (per 1,000 square feet)	$28,037	$22,713
Office (per 1,000 square feet)	$24,705	$20,015
Industrial (per 1,000 square feet)	$11,588	$9,388

Notes: Taken from Nexus Study Table 8 by DKS Associates.
The per dwelling unit fee would be converted to square footage per State law.

DISCUSSION (continued):

The final proposed fees are lower than fees that were considered in earlier Council discussions. This is due to the addition of ADUs of 750 square feet or larger in the fee calculation. This increased the number of housing units, which changed the calculation for Dwelling Unit Equivalents (DUEs) and carried through the calculations to lower the overall fees in all land use categories.

The proposed fees (November 2023) for the residential land uses will be converted to a per square foot basis in accordance with current California Government Code requirements prior to final adoption. The average square footage of a single-family unit in Los Gatos was calculated to be 2,632. This is lower than the 3,660 square feet that was presented in the October 2023 report to Town Council. The smaller square footage used in the final calculation is attributed to the inclusion of accessory dwelling units of 750 square feet or larger in the final calculation. The average square footage of multi-family units remains 1,649 square feet as was presented in October 2023.

Adopting the resolution to update the fees requires that Town Council conduct a public hearing. Given the 30-day noticing requirements for the public hearing, staff is recommending that hearing be held on January 16, 2024. If the resolution is adopted to update the fees, the proposed fees would become effective 60 days after adoption.

Proposed Modifications to Town Code Section 15, Article VII

In updating the Nexus Study and new fees, certain changes will be recommended to the Town Code Section 15, Article VII, Traffic Impact Mitigation Fees. These changes include renaming this section to 'Transportation Impact Fees' to reflect the fact that traffic mitigation may include modes of transportation other than cars, such as bicycle infrastructure.

Other changes will include adding definitions of Vehicle Miles Traveled to reflect the current analytical requirements for traffic impacts, clarifying the methodology used to calculate the mitigation fees, and adding a section on credits to be applied against the fee.

Modifications to Town Council Policy 1-08 Transportation Impact Policy

Changes will also be proposed to the Transportation Impact Policy to support the adopted fee program and credits. The most substantive changes will be the inclusion of fees being charged to ADUs of 750 square feet or larger, and 100% credit for Transportation Impact Fees for deed restricted low- and very-low income residential units.

CONCLUSION:

The actions in this report are the review of the Nexus Study, and scheduling a January 16, 2024 public hearing on the (a) adoption of the Nexus Study, (b) adoption of a Resolution updating the Transportation Impact Fee, (c) introduction of an Ordinance to modify Town Code Section 15, Article VII "Traffic Impact Mitigation Fees," and (d) an update to Town Council Policy 1-08 "Transportation Impact Fees."

COORDINATION:

This agenda item was coordinated with the Town Manager, Town Attorney, and the Finance Directors.

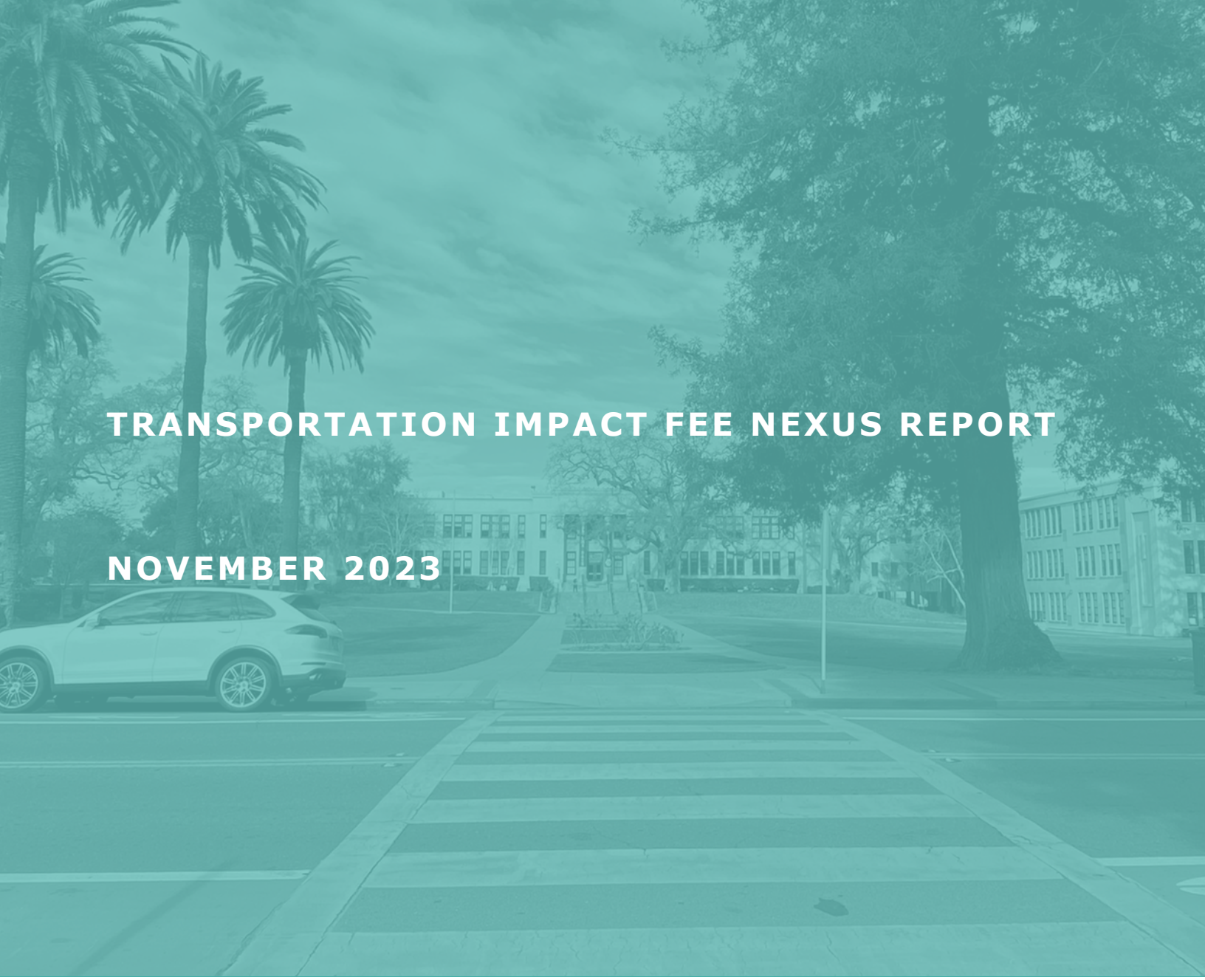
FISCAL IMPACT:

There is no fiscal impact associated with Town Council accepting the nexus study and setting the public hearing.

ENVIRONMENTAL ASSESSMENT:

In accordance with CEQA Guidelines Section 15378(b)(4), these actions are fiscal activities and are not projects as defined in CEQA, and no further action is required.

Attachment:
1. Transportation Impact Fee Nexus Study – DRAFT, prepared by DKS Associates, dated November 2023



TRANSPORTATION IMPACT FEE NEXUS REPORT

NOVEMBER 2023

PREPARED FOR:

TOWN OF LOS GATOS

DKS

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IN COORDINATION WITH URBAN ECONOMICS AND RINCON

Rincon Consultants, Inc.
Environmental Scientists Planners Engineers

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INTRODUCTION AND BACKGROUND

This report documents the update of the Transportation Impact Fee (TIF) for the Town of Los Gatos. The updated fee program will fund all eligible transportation improvements based on a reasonable relationship to transportation demand impacts from new development. The TIF will fund expansion of the Town-wide multimodal transportation infrastructure. This report presents the results of the fee calculations along with supporting documentation for the nexus study prepared by DKS Associates with the assistance of Urban Economics and Rincon Associates.

SUMMARY OF FINDINGS

California local agencies may adopt impact fees under authority granted by the Mitigation Fee Act (the Act), contained in Sections 66000 to 66025 of the California Government Code. This report presents the key findings required by the act for adopting or increasing a development fee with respect to the following reasonable relationships[1]:

Project effects– There must be a reasonable relationship established between new development and the need for public facilities.

- This finding is based on the need to supply adequate transportation network improvements to offset transportation demand associated with new development.

Benefit – There must be a reasonable relationship between new development and the use of fee revenue for public facilities to accommodate that development.

- This finding is based on the use of fee revenue for expansions to the Town-wide multimodal transportation network.

Proportionality – There must be a reasonable relationship between the amount of the fee and the portion of public facilities cost associated with new development.

- This finding is based on the cost of planned improvements to Town-wide multimodal transportation infrastructure per unit of new development and ensuring that this cost per unit is not greater than the level of investment in existing infrastructure for existing development.

In addition to the above findings, the Act also requires findings regarding the purpose of the fee and a description of the public facilities to be funded by the fee:

- The purpose of the fee is to expand the Town-wide multimodal transportation network to accommodate increased demand from new development. The multimodal improvements to be funded by the fee are described under "Transportation Improvements".

[1] California Government Code, section 66001(a)(3), 66001(a)(4), and 66001(b)

The proposed TIF also meets newer statutory requirements brought about by Assembly Bill 602, including preparation of a nexus study and calculation of fees for residential developments proportionate to square footage. The following additional findings are made:

a) The existing level of service is the historical level of investment made per unit of development to fund the Town's multimodal transportation network. This level of investment will not be exceeded by the proposed fee.

b) The purpose of the fee to expand the Town-wide multimodal transportation network to accommodate increased demand from new development.

c) The funds collected by the proposed fee will be used to deliver the projects described under "Transportation Improvements".

d) The reasonable relationship between the fee's use and the type of development project is derived from the relative levels of transportation demand associated with each land use category.

e) The need for public facilities to be funded by the proposed fee has been documented by the adopted planning documents that serve as the source for the transportation improvements list.

EXISTING AND FORECASTED LAND USE

The proposed fee program is based on the demand for transportation infrastructure associated with new development. This section documents the additional transportation demand from new development in terms of "dwelling unit equivalents" (DUEs), a measure of transportation demand across both residential and nonresidential land use categories that is based on key travel characteristics.

Table 1 summarizes the existing and forecasted growth by type of land use. The forecasted growth is consistent with that assumed for the Town's most recent General Plan and Housing Element.

TRANSPORTATION DEMAND FACTORS

Scaling factors based on relative levels of transportation demand are applied to the different types of land use to create a common land use unit. These common units or Dwelling Unit Equivalents (DUEs) are equivalent to the transportation demand generated by one single family residential unit. Once basic fee levels are calculated, the DUE rates are used to appropriately scale the fee across different land use categories.

TABLE 1: EXISTING AND FORECASTED DEVELOPMENT

LAND USE	EXISTING (2021) [a]	GROWTH (2022-2040) [b]	TOTAL 2040
RESIDENTIAL (DWELLING UNITS)			
SINGLE FAMILY [c]	10,100	113	10,213
MULTI-FAMILY [d]	3,792	2,072	5,864
TOTAL	13,892	2,185	16,077
ADD ESTIMATED ACCESSORY DWELLING UNITS (ADUs) 750 SF OR LARGER			
SINGLE-FAMILY UNITS		113	
NON-EXEMPT ADUs [e]		220	
SINGLE-FAMILY FEE-PAYING UNITS		333	
NONRESIDENTIAL (BUILDING SQUARE FEET)			
RETAIL/COMMERCIAL	2,633,475	367,860	3,001,335
OFFICE	3,987,091	146,548	4,133,639
INDUSTRIAL	1,061,766	157,440	1,219,206
TOTAL	7,682,332	671,848	8,354,180

[a] Residential based on CA Dept. of Finance. Nonresidential based on job estimate in General Plan Background Report multiplied by employment density factors derived from trip generation data published by the Institute for Transportation Engineers (471, 307, and 637 sq. ft. per job for retail/commercial, office, and industrial, respectively). Office land use includes institutional uses.

[b] Nonresidential includes intensification of development on existing developed parcels and deducts loss of 19,860 square feet of existing nonresidential development (assumed to be retail/commercial) due to redevelopment.

[c] Existing (2021) based on detached and attached single family. Growth (2022-2040) based on low and medium density residential land use categories.

[d] Existing (2021) includes all multi-family dwellings plus mobile homes. Growth (2022-2040) includes high density residential land use and units in mixed use and nonresidential land uses.

[e] Accessory Dwelling Units (ADUs) of less than 750 square feet are exempt from impact fees. The number of ADUs that would be subject to the fee is estimated based on 500 ADUs, per the Housing Element, and analysis of permit data from the last 5 years showing that about 44% of ADUs have been 750 square feet or larger.

Sources: State of California, Department of Finance, E-5 Population and Housing Estimates for Cities, Counties, and the State — January 1, 2021-2022. Sacramento, California, May 2022; Institute for Transportation Engineers (ITE), Trip Generation Handbook, 11th Edition, Sept. 2021; Town of Los Gatos 2040 General Plan Background Report, March 2019, Table 2.3-14, p. 2-34; Town of Los Gatos 2040 General Plan, June 2022, Table 3-1, p. 3-4; Town of Los Gatos, Resi and ADU SF Final.xlsx (September 2023).

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TABLE 2: DWELLING UNIT EQUIVALENT (DUE) RATES

LAND USE	ITE LAND USE (CODE)	AVG. WEEKDAY TRIP RATE	PERCENT NEW TRIPS A	TRIP LENGTH FACTOR B	DEMAND FACTOR B	DWELLING UNIT EQUIVALENT
SINGLE-FAMILY (PER DWELLING UNIT)	Single Family Homes (210)	9.43	100	7.9	74.50	1.00
MULTI-FAMILY (PER DWELLING UNIT)	Multifamily Mid-rise (221)	6.74	100	7.9	53.25	0.71
RETAIL (PER 1,000 SQUARE FEET)	Shopping Center (820)	37.01	78	3.6	103.92	1.40
OFFICE (PER 1,000 SQUARE FEET)	General Office (710)	10.84	96	8.8	91.58	1.23
INDUSTRIAL (PER 1,000 SQUARE FEET)	General Light Industrial (110)	4.87	98	9.0	42.95	0.58

[a] Includes diverted trips.

[b] Trip length and VMT factors provide a relative measure of transportation demand among land uses, and a reasonable method for allocating improvement costs across land use categories to calculate the impact fee. Based on factors commonly used in planning studies. Absolute values for Los Gatos may differ.

Sources: Institute for Transportation Engineers (ITE), Trip Generation, 11th Edition; San Diego Association of Governments (SANDAG), Brief Guide of Vehicular Trip Generation Rates, April 2002.

The DUE rates and travel demand factors are calculated using the daily trip rates from the 11th Edition of the *Trip Generation Manual,* published by the Institute of Transportation Engineers (ITE). The details of this calculation are shown in Table 2. The DUE rates are applied to the quantities of land use growth shown in Table 1 to arrive at growth in DUEs as shown in Table 3.

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TABLE 3: TRANSPORTATION DEMAND BY DWELLING UNIT EQUIVALENTS (DUEs)

LAND USE	EXISTING DUEs (2021)	GROWTH DUEs (2023-2040)	TOTAL DUEs (2040)
RESIDENTIAL			
SINGLE FAMILY	10,100	333	10,433
MULTI-FAMILY	2,710	1,481	4,191
SUBTOTAL	12,810	1,814	14,624
NONRESIDENTIAL			
RETAIL/COMMERCIAL	3,674	513	4,187
OFFICE	4,901	180	5,081
INDUSTRIAL	612	91	703
SUBTOTAL	9,187	784	9,971
TOTAL	**21,997**	**2,598**	**24,595**
SHARE	90%	10%	100%

Sources: Table 1 and Table 2.

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TRANSPORTATION IMPROVEMENTS

This section summarizes the projects needed to expand the transportation network to accommodate growth. A detailed list of projects may be found in the Appendix, Section 1.

Table 4 summarizes the improvements identified to expand the Town-wide circulation network to maintain the Town's historical level of investment. Note that project cost estimates have been escalated where appropriate and historical levels of supplemental funding have been assumed to derive the costs allocated to the fee calculations. There are seven categories of projects in this list:

1. Bicycle and Pedestrian Plan Priority Projects: These projects are selected from the Bicycle and Pedestrian Master Plan of the Town of Los Gatos (Connect Los Gatos, 2020).

2. Complete Streets projects carried over from the existing traffic impact fee project list. The funding of these projects continues to be a high priority for the Town and including these projects ensures that the impact fees previously collected will be used to deliver projects from the previously planned list.

3. Lighting and Signage projects will be drawn from needs identified in the Town's Downtown Parking Roadmap. The costs are based on delivery of about $50,000 per year in improvements.

4. Bicyclist and Pedestrian Safety Projects identified in Connect Los Gatos.

5. New bicycle and pedestrian facilities identified in Connect Los Gatos.

6. Safety and Capacity Improvements are largely associated with the Town's estimated local match contribution to the State Route 17 (SR-17) Corridor Congestion Relief Project – Among other objectives, this project will reduce cut-through traffic through the Town of Los Gatos and features improvements to the ramp intersections as well as the freeway mainline. While funding for final design and construction has not been finalized, it is expected to include a combination of Measure B, local funds, and other funds. Also included in this category is the Shannon Road widening and safety improvements project.

7. Upgrades to the Town's traffic signal system – This category of projects includes signal upgrades including but not limited to; signal synchronization; signal interconnects; signal head replacements and fiber optic lines. In the past, the Town has sought and received state and federal funding for this type of project and an assumption of continued grant funding has been made for calculating costs allocated to the TIF program.

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TABLE 4: TRANSPORTATION IMPROVEMENT PROJECTS

CATEGORY	UNFUNDED CAPITAL COSTS ($2022)
BPMP PRIORITY PROJECTS	$13,201,857
COMPLETE STREETS (CARRYOVER)	$3,522,227
LIGHTING AND SIGNAGE	$400,000
OTHER BPMP PROJECTS - BICYCLIST AND PEDESTRIAN SAFETY	$1,000,000
OTHER BPMP PROJECTS - NEW FACILITIES	$2,600,000
SAFETY AND CAPACITY IMPROVEMENTS	$13,382,000
TRAFFIC SIGNAL IMPROVEMENTS	$8,000,000
SUBTOTAL	$42,106,083
CURRENT TIF FUND BALANCE [a]	$405,570
ALLOCATED COST FOR FEE CALCULATION	$41,700,514

[a] Fund balance as of November 1, 2023.

Source: Connect Los Gatos, Town of Los Gatos

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TOWN-WIDE MULTIMODAL TRANSPORTATION INFRASTRUCTURE

This section presents the Town's standard for multimodal transportation infrastructure based on the existing level of investment in that infrastructure. This standard is used to calculate the Transportation Impact Fee (TIF).

INVENTORY OF TOWN WIDE TRANSPORTATION INFRASTRUCTURE

The investment that the Town has made to date in its transportation network depends upon the multimodal transportation network that connects residential neighborhoods, retail and employment centers, and other destinations across and outside the Town. Streets and other transportation infrastructure that only provide access to individual residential properties and do not provide connectivity between neighborhoods are excluded from this inventory.

The Town-wide multimodal transportation infrastructure was quantified using street centerline Geographic Information System (GIS) data, the map of streets by classification published in the Town's General Plan 2040, and online aerial photographs. The transportation network is defined as arterials and collectors that provide connectivity among different neighborhoods in Los Gatos and to regional destinations. This network includes the entire roadway curb-to-curb (vehicle travel lanes, bicycle lanes, and on street parking), as well as adjacent sidewalks, medians, traffic signals, and off-street paths. As mentioned above, the network excludes local streets used primarily for access to individual properties within specific neighborhoods.

Figure 1 shows a map of the Town's existing citywide transportation network that is eligible for improvement or expansion projects funded by the proposed Transportation Impact Fee. Note that in addition to the collector streets shown in the map, there are some additional facilities that provide access to school sites[2]. These facilities function as collectors, although not formally classified as such, and would be eligible for TIF funded improvements.

EXISTING LEVEL OF INVESTMENT AND MAXIMUM JUSTIFIABLE FEE FOR THE TRANSPORTATION IMPACT FEE

Total unit costs for transportation infrastructure are provided in Table 5. Additional details on the unit costs may be found in the Appendix, Section 2. Quantities for each component of the inventory and estimated historical level of investment per DUE are summarized in Table 6.

[2] These facilities include Fischer Avenue and Roberts Road.

TABLE 5: TRANSPORTATION INFRASTRUCTURE UNIT COSTS (2022 $)

INFRASTRUCTURE TYPE	UNIT	CONSTRUCTION COST [a]	DESIGN & MANAGEMENT COST [b]	CONTINGENCY	TOTAL UNIT COST [c]
ROADWAY	Square Foot	$56	40%	20%	$94
SIDEWALK	Square Foot	$38	40%	20%	$64
CURB & GUTTER	Linear Foot	$127	40%	20%	$214
MEDIAN	Square Foot	$50	40%	20%	$85
BICYCLE PATH	Square Foot	$38	40%	20%	$65
BICYCLE LANE	Linear Foot	$8	40%	20%	$14
TRAFFIC SIGNAL	Intersection	$654,000	40%	20%	$1,098,720

a) Construction costs include temporary traffic control where applicable.

b) Percent of total before contingency. Includes 20% for project design, 15% for construction engineering, and 5% for project management.

c) Construction Cost*(1+Design Management%) * (1+ Contingency%).

d) Cost of street lighting, water pollution prevention, street furniture and drainage not included in unit cost

Source: DKS Associates

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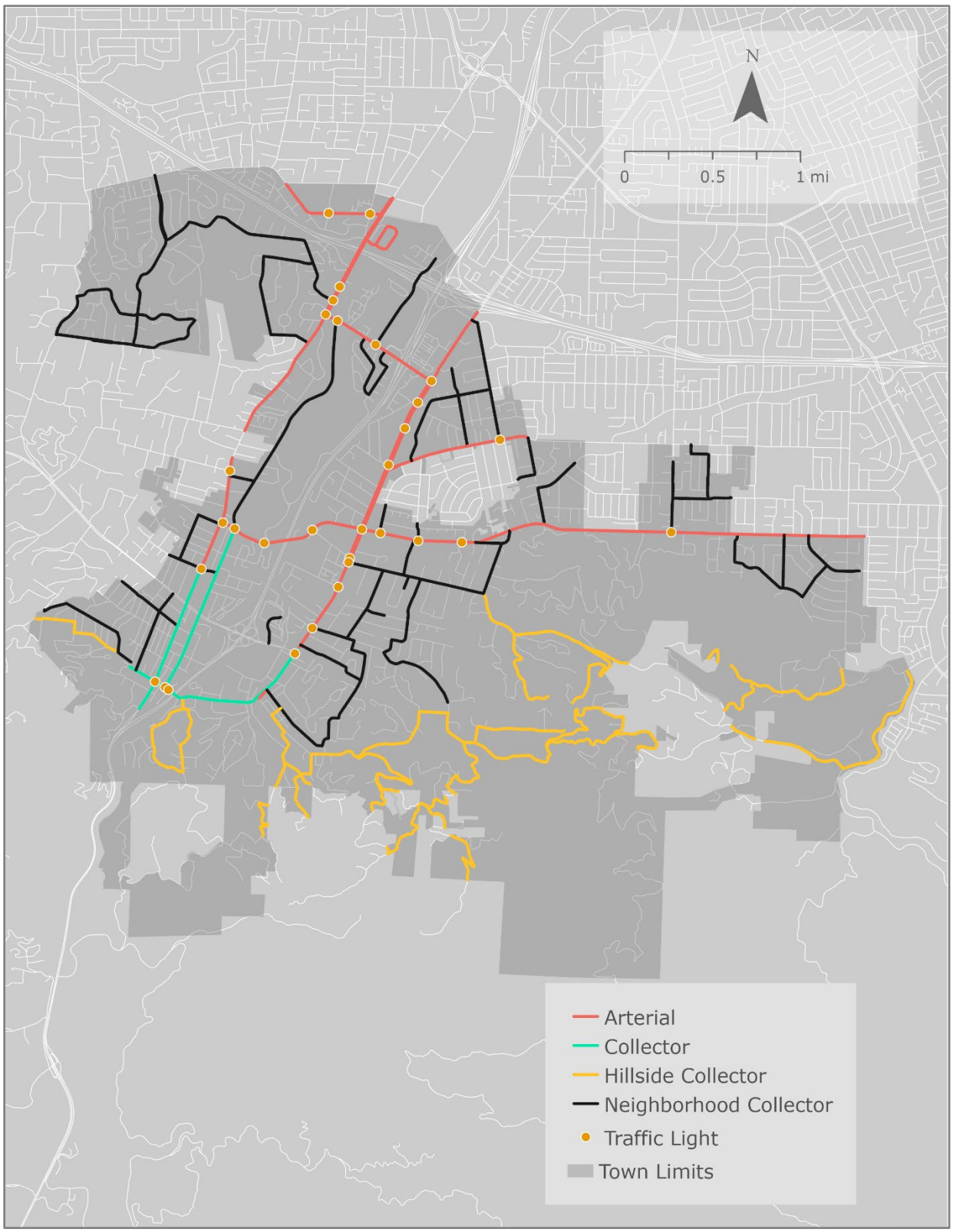


FIGURE 1: MAP OF TOWN-WIDE INFRASTRUCTURE

TABLE 6: EXISTING FACILITY STANDARD & LEVEL OF INVESTMENT

INFRA-STRUCTURE TYPE	INVENTORY		EXISTING DWELLING UNITS EQUIVALENTS DUE	EXISTING FACILITIES STANDARD UNITS PER DUE	REPLACE-MENT COSTS PER UNIT	EXISTING LEVEL OF INVESTMENT ($ PER DUE)
ROADWAY	11,208,202	square feet	21,997	509.5	$94	$47,936
SIDEWALK	1,481,236	square feet	21,997	67.3	$64	$4,299
CURB & GUTTER	311,245	linear feet	21,997	14.1	$214	$3,024
MEDIAN	88,386	square feet	21,997	4.0	$85	$340
BICYCLE PATH	244,859	square feet	21,997	11.1	$65	$718
BICYCLE LANE	65,719	linear feet	21,997	3.0	$14	$42
TRAFFIC SIGNAL	31	intersections	21,997	0.001	$1,098,720	$1,548
					Total	**$57,907**

Note: All dollars in 2022 $.

Source: Table 10.

TRANSPORTATION IMPROVEMENTS AND COST PER DUE

The required projects identified to maintain the existing level of investment to accommodate future growth are summarized in Table 4. A detailed listing of transportation improvements or projects is provided in the Appendix, Section 1. Dividing the cost of the transportation improvements by the expected growth in DUEs results in the cost per DUE or recommended fee level as shown in Table 7.

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TABLE 7: TRANSPORTATION IMPROVEMENT COST PER DWELLING UNIT EQUIVALENT

ALLOCATED TRANSPORTATION IMPROVEMENT COSTS	$41,700,514
GROWTH (2022-2040) IN DWELLING UNIT EQUIVALENTS (DUES)	2,598
COST PER DUE (TRANSPORTATION IMPROVEMENT FEE PER DUE)	$16,051

Sources: Table 5 and Table 3.

FEE SCHEDULE

This section summarizes the Town's planned transportation improvements along with associated costs to demonstrate a reasonable relationship between new development and the use of fee revenues to accommodate that development.

The Town may adopt any fee level below the maximum justified fees, taking into account economic development policy, other policy considerations, and fee levels charged by comparable jurisdictions (see Table 11). The Town may also adopt fees with varying levels of discount by land use category based on reasonable policy considerations, such as more deeply discounting industrial fees to encourage industrial development as part of an economic development policy.

The allocated cost of the transportation capital improvements list totals $41,700,514. The full list of projects and estimated costs is provided in the Appendix, Section 1.

The estimated cost to build out the capital improvement program is summarized in Table 4**.** Only capital projects eligible for funding through the TIF program are listed. The estimated costs account for known funding from other sources, such as the countywide Measure B program. The included projects would improve, enhance, and/or expand the Town's existing transportation system.

The basic fees per DUE described in the preceding sections are scaled according to relative transportation demand rates to arrive at fee schedules by type of land use. The factors scaling the fee by transportation demand (DUE rates) have been calculated using daily trip generation rates, as explained under the section titled, "Transportation Demand Factors".

RECOMMENDED FEE SCHEDULE

The recommended fee schedule shown in Table 8 is the cost per DUE to deliver the planned Transportation Improvement projects and is below the maximum justifiable fee (historical level of investment).

TABLE 8: RECOMMENDED FEE SCHEDULE

LAND USE	IMPROVEMENT COST PER DWELLING UNIT EQUIVALENT	DWELLING UNIT EQUIVALENT PER UNIT	FEE	UNIT
SINGLE-FAMILY RESIDENTIAL	$16,051	1.00	$16,051	per dwelling unit
MULTI-FAMILY RESIDENTIAL	$16,051	0.71	$11,472	per dwelling unit
RETAIL	$16,051	1.40	$22,391	per 1,000 square feet
OFFICE	$16,051	1.23	$19,731	per 1,000 square feet
INDUSTRIAL	$16,051	0.58	$9,255	per 1,000 square feet

Sources: Table 3 and Table 7

RESIDENTIAL FEES PER SQUARE FOOT

Per AB 602, residential fees adopted after July 1, 2022, must be charged proportionally to the size of the dwelling unit. Fees per DUE are divided by the average size of single family and multifamily units to arrive at a fee per residential square foot. The average size of single family and multi family dwelling units is derived from the five years of building permit data in Los Gatos. Note that the square footage is based on the physical coverage of the living quarters of the residential unit (i.e., does not reflect yard, garage, or other areas of the property). The resulting residential fees per square foot are summarized in Table 9.

TABLE 9: CALCULATION OF RESIDENTIAL FEES PER SQUARE FOOT

	TOTAL TIF PROGRAM FEES	AVERAGE SIZE (SQUARE FEET)	TIF PROGRAM FEES PER SQUARE FOOT
SINGLE FAMILY DWELLING UNITS [a]	$16,051	2,632	$6.10
MULTI FAMILY DWELLING UNITS	$11,472	1,649	$6.96

[a] *Includes ADUs of 750 or more square feet.*

Source: Town of Los Gatos.

FEES FOR SPECIALIZED LAND USES

Fees for development projects that do not correspond to one of the given generic land use categories may be determined by multiplying the fee per single family dwelling unit by the appropriate DUE rate and the quantity of specialized land use. The DUE rate is calculated with the applicable average weekday trip generation rate using the following formula:

> DUE Rate = Average weekday trips per unit of specialized land use/ Average weekday trips per single family dwelling unit /

The transportation impact fees are given by:

> Fee per single family dwelling unit * DUE rate * specialized land use quantity

Example: Fees for self-storage project

> Average daily trip generation rates:
>
> Single family dwelling unit = 9.43 trips per dwelling unit (DUE)
>
> Mini warehouse or self-storage = 1.45 trips per thousand square feet (KSF)
>
> DUE Rate = 1.45/9.43 = 0.15 DUE/KSF
>
> Fee per KSF of mini warehouse = 0.15 DUE/KSF*$16,282/DUE = $2,407 per KSF

COMPARABLE FEE RATES

When adopting a fee level, one consideration is the level of fees charged by nearby jurisdictions as well as the current transportation impact fees being collected in Los Gatos. Table 10 shows the fees charged by several South Bay jurisdictions as well as the current fee level for Los Gatos.

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TABLE 10: TRANSPORTATION IMPACT FEES IN COMPARABLE JURISDICTIONS

JURISDICTION (UPDATE YEAR)	SINGLE FAMILY RESIDENTIAL PER DU	MULTIFAMILY RESIDENTIAL PER DU	OFFICE (PER KSF)	RETAIL (PER KSF)	HOTEL (PER ROOM)
MENLO PARK	$18,845	$6,352	$21,880	$12,760	$11,422
SAN MATEO	$6,868	$3,468	$8,367	$27,735	$4,368
SAN CARLOS	$7,243	$4,097	$8,413	$27,874	$4,390
LOS ALTOS	$6,774	$4,159	$9,994	$12,409	
REDWOOD CITY	$1,617	$992	$2,380	$940	$945
PALO ALTO	Citywide: $9,266 per net new PM peak hour trip Charleston/Arastradero district: $460/KSF commercial or $1,599 per DUE				
EAST PALO ALTO	$2,870	$2,025	$8,360	8,360	
MOUNTAIN VIEW	$5,364	$3,004	$5,720	5,720	$3,317
CUPERTINO	$6,797	$4,215	$19,150	10,940	$3,278
GILROY	"Low-Density" $13,012	"High-Density" $10,548	Low Traffic Commercial: 14,397 High Traffic Commercial: $29,082		
MORGAN HILL	$3,585	>1,200SF: $2222 <1,200: $1399	All remaining uses charged using $3,585/peak hour trip		
CITY OF SANTA CLARA	$1,391	$618	$1,610	Retail elements >50KSF: $5,350	$843
CURRENT LOS GATOS FEES [a]	$9,571	$6,841	$1,015 per daily trip		
PROPOSED LOS GATOS FEES	$16,051	$11,472	$19,731	$22,391	

[a] Based on $1,015 per daily trip.

Sources:
*Menlo Park: Development guidelines City of Menlo Park, rates updated June 2022. San Mateo: San Mateo 2022-2023 Fee Schedule. San Carlos: City of San Carlos Development Impact Fees 2022-2023 rates (cost is assessed as $7.316*PM peak hour trips). Los Altos: City of Los Altos Proposed 2022-2023 Fees. Redwood City: Redwood City Development Fee Schedule (downtown area discounted fees not shown). Palo Alto: FY22 Impact Fee Information Sheet, $8,572.00 per net new PM peak hour trip, Charleston/Arastradero special zone discounted fees not shown. East Palo Alto: East Palo Alto Master Fee Schedule 2022, pm peak hour vehicle trip rate of $7,868.71 per trip, with internal trips percentage considered. Mountain View: Mountain View Development Fee Schedule 2022-2023, other low-trip-generating uses are charged at $3,100.00/am and pm peak-hour trip. Cupertino: City of Cupertino Engineering Fee Schedule 2022. Gilroy: City of Gilroy 2022 Impact Fees. Morgan Hill: City of Morgan Hill Fee Schedule, 2021. Santa Clara: Santa Clara Master Fee Schedule (rates shown apply for projects entitled after Oct 22, 2018). Implementation Policy and Revenue Projections*

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PROJECTS SUBJECT TO THE FEE PROGRAM

The Town's Transportation Impact Policy provides for the following:

1. Projects that are determined by the Town to generate one or more new net Average Daily Trips (ADT) are subject to the Policy (and would presumably pay into the TIF program).
2. Accessory Dwelling Units (ADUs) smaller than 750 square feet shall be exempted from the requirements of Transportation Analysis and the TIF program[3].
3. The Town Council may exempt housing developments for extremely low, very-low, low-, and moderate-income residents (as defined by Town Ordinance, General Plan, or statute) from all or a portion of the traffic impact mitigation fee upon making a finding that the development provides a significant community benefit by meeting current needs for affordable housing. Any such exemptions will reduce the amount of revenue expected to be collected and require additional supplemental funding sources to fully deliver the project list.

In addition, the Town's TIF program will be subject to the requirements of California Government Code Section 66005.1, which requires a discounted fee rate reflecting lower automobile trip generation rates for qualifying housing developments. To qualify a development must be located within a half mile of a transit station (as defined in California Government Code Section 65460.1), include convenience retail uses a half mile of the housing, and limit parking spaces. Although the Town does not currently have a transit station meeting the statutory requirement, this statute may become applicable at some point in the future.

REVENUE PROJECTIONS AND USE

The amount of revenue that can be collected under the new TIF program will depend on the fee levels adopted by the Town as well as the expected growth over the planning horizon. Table 11 shows the estimated revenue to be collected by the updated TIF program assuming adoption of the recommended Transportation Improvement Fee.

[3] Proposed change to current policy which exempts all ADUs.

TABLE 11: MAXIMUM REVENUE PROJECTION

LAND USE	TIF FEES PER UNIT		EXPECTED GROWTH	REVENUE ESTIMATE
SINGLE FAMILY RESIDENTIAL	$16,051	per dwelling unit	333	$5,344,918
MULTI-FAMILY RESIDENTIAL	$11,472	per dwelling unit	2,072	$23,770,305
RETAIL	$22,391	per 1,000 square feet	368	$8,236,767
OFFICE	$19,731	per 1,000 square feet	147	$2,891,486
INDUSTRIAL	$9,255	per 1,000 square feet	157	$1,457,037
			Total	$41,700,514

Sources: Table 1 and Table 8.

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APPENDIX

CONTENTS

SECTION 1. PROJECT LIST

SECTION 2. UNIT COST DETAIL

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SECTION 1. PROJECT LIST

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Town of Los Gatos TIF Project List

ID	Project Name	Category	Source	Description	Fee Program Component	Cost Estimate ($2022)	Estimated Funding from Other Sources	Unfunded Cost Allocated to TIF Calculation
1	State Route 17 Corridor Congestion Relief Project [1]	Safety and Capacity Improvements	Santa Clara VTA Measure B Projects	Modify the SR 17/SR 9 interchange's on- and off-ramps Implement advance transportation technology Install traffic signals control system, traveler information system, and ramp meters	TI	$ 110,820,000	$ 99,738,000	$ 10,482,000
2	Shannon Rd Widening and Safety Improvements	Safety and Capacity Improvements	Town of Los Gatos Capital Improvement Program	Add shoulders and retaining wall between Santa Rosa Drive and Diduca Way.	TI	$ 4,371,513	$ 1,471,513	$ 2,900,000
3	Union Avenue Widening and Sidewalks	Complete Streets (Carryover)	Carryover from previous TIF project list	Add sidewalks and bike lanes between Blossom Valley Dr to Lynne Ave	TI	$ 4,226,672	$ 3,170,004	$ 1,056,668
4	Traffic Signal Modernization Program	Traffic Signal	Town of Los Gatos Capital Improvement Program	Smart Signals Project will modernize and upgrade the Town's traffic signals/communications equipment to provide real-time data for the advanced traffic management and adaptive traffic control systems	TI	$ 20,452,114	$ 12,452,114	$ 8,000,000
5	Highway 17 Bicycle & Pedestrian Overcrossing	BPMP Priority Projects	Bicycle and Pedestrian Master Plan	Overcrossing of SR-17 south of Blossom Hill Road	VMT	$ 25,288,625	$ 18,966,469	$ 6,322,156
6	Kennedy Sidewalk & Bike Lanes	BPMP Priority Projects	Kennedy Road	Add sidewalks and Class II bicycle lanes from Los Gatos Bld to Englewood Ave	VMT	$ 1,402,065	$ 138,740	$1,263,325
7	Sidewalk Gap Filling Projects	Other BPMP Projects - New Facilities	Bicycle and Pedestrian Master Plan	Fill gaps in sidewalks, multiple locations on Town-wide circulation network	VMT	$ 600,000		$ 600,000
8	New and Expanded Bicycle and Pedestrian Facilities (Non Priority Projects)	Other BPMP Projects - New Facilities	Bicycle and Pedestrian Master Plan	Construct new bicycle lanes, cycle tracks and multiuse paths	VMT	$ 2,000,000		$ 2,000,000
9	Los Gatos Almaden Road Complete Streets Improvements	Complete Streets (Carryover)	Carryover from previous TIF project list	Fill gaps in sidewalks between Peach Blossom Lane and Camino del Cerro	TI	$ 4,226,672	$ 3,170,004	$ 1,056,668
10	Los Gatos Boulevard Multimodal Widening	Complete Streets (Carryover)	Carryover from previous TIF project list	Add sidewalks and bicycle lanes between Samaritan Drive and Camino Del Sol	TI	$ 5,635,562	$ 4,226,672	$ 1,408,891
11	Parking Program Implementation	Lighting and Signage	Downtown Parking Roadmap	Add lighting, signage, and other project elements	TI	$ 400,000		$ 400,000
12	Bicyle and Pedestrian Improvements Program - Safety Improvements	Other BPMP Projects - Bicyclist and Pedestrian Safety	Bicycle and Pedestrian Master Plan; Local Road Safety Plan	High visibility crosswalks, midblock crossings, pedestrian beacons, and other project elements on Town-wide circulation network	TI	$ 1,000,000		$ 1,000,000
13	Priority Projects from Bicycle and Pedestrian Master Plan	BPMP Priority Projects	Bicycle and Pedestrian Master Plan	Work towards implement priority projects from BPMP as feasible	VMT	$ 11,232,751	$ 5,616,375	$ 5,616,375
Notes:							Total:	$ 42,106,083
1) Unfunded cost for this project reduced by 2023 transfer of traffic impact fee funding to project account.								

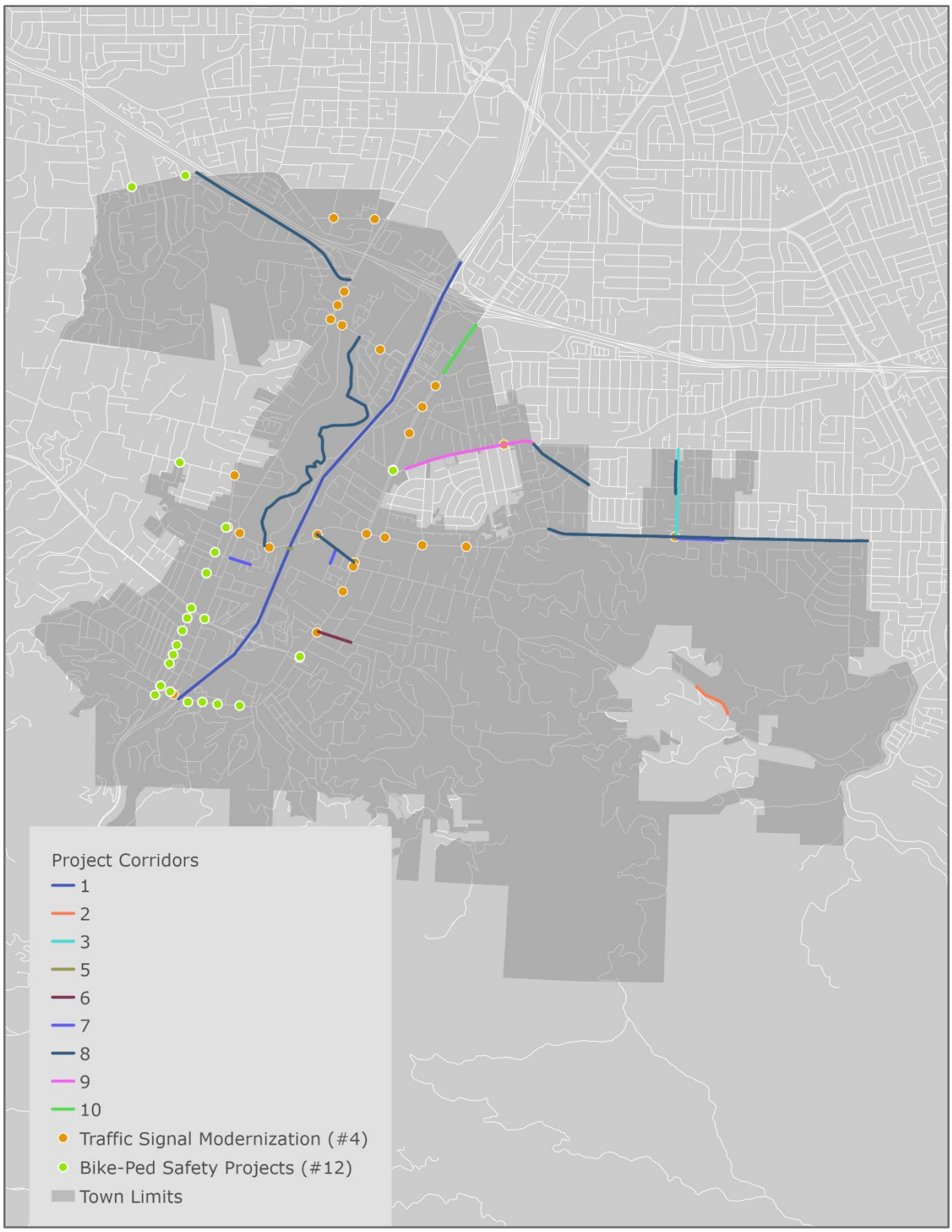


FIGURE 2: TIF PROJECTS

SECTION 2. UNIT COST DETAIL

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Transportation Infrastructure Costs (2022)					
Town of Los Gatos Impact Fee					
#	Infrastructure Type	Unit	Total Unit Cost[1]	Total Quantity	Total Cost
1	Roadway	Square Foot	$ 94	11,208,202	$ 1,054,467,624
2	Sidewalk	Square Foot	$ 64	1,481,236	$ 94,562,121
3	Curb & Gutter	Linear Foot	$ 214	311,245	$ 66,511,907
4	Median	Square Foot	$ 85	88,386	$ 7,483,786
5	Bicycle Path	Square Foot	$ 65	244,859	$ 15,796,361
6	Bicycle Lane*	Linear Foot	$ 14	65,719	$ 927,422
7	Traffic Signal**	Intersection	$ 1,098,720	31	$ 34,060,320
Sum					**$ 1,273,809,540**

[1] See Unit Cost Table for detailed information

Transportation Infrastructure Unit Costs (2022) Town of Los Gatos Impact Fee						
#	Infrastructure Type	Unit	Construction Cost ($)	Design & Management Cost[1]	Contingency	Total Unit Cost[2]
1	Roadway[3]	Square Foot	$ 56	40%	20%	$ 94
2	Sidewalk	Square Foot	$ 38	40%	20%	$ 64
3	Curb & Gutter	Linear Foot	$ 127	40%	20%	$ 214
4	Median	Square Foot	$ 50	40%	20%	$ 85
5	Bicycle Path	Square Foot	$ 38	40%	20%	$ 65
6	Bicycle Lane	Linear Foot	$ 8	40%	20%	$ 14
7	Traffic Signal	Intersection	$ 654,000	40%	20%	$ 1,098,720

[1] Percent of total before contingency. Includes 20% for project design, 15% for construction engineering, and 5% for project management

[2] Construction Cost*(1+Design Management%)*(1+ Contingency%)

[3] Cost of street lighting, water pollution prevention, street furniture and drainage not included in unit cost

DKS Associates

Planning Cost Estimate

1970 Broadway Ste 740, Oakland CA 94612

Project Number

☑ Click here if the project schedule for this project is to be 50 days or more; also click here if this is a bridge

☐ Click here if this project is a surface treatment or overlay project.

Infrastructure Type: Roadway

Date of Estimate: Jul. 9, 2022

Prepared by: Tommy Cho

Revision No.
Revision Date
Revised by

No.	Description	Quantity	Units	Unit Cost	Total
1	Clearing and Grubbing	1.00	SF	$3.48	$ 3.48
2	Remove Existing Pavement (Obliteration)	1.00	SF	$6.50	$ 6.50
3	Roadway Excavation (2' depth)	0.07	CY	$190.00	$ 14.07
4	Finish Grading within Right of Way	1.00	SF	$0.38	$ 0.38
5	Class 2 Aggregate Base (18")	0.06	CY	$196.00	$ 11.76
6	Asphalt Concrete (6")(Type A, assume 150 lbs/CF)	0.04	Ton	$280.00	$ 10.50
7	Temporary Traffic Control	1.00	LS	$4.70	$ 4.70
8	Mobilization	1	LS	$ 4.70	$ 4.70

CONTRACT ITEMS LESS MOBILIZATION AND TEMP TRAFFIC CONTROL (TO NEAREST 1,000) $ 47.00

Total Contract Items $ 56.00

DKS Associates

Planning Cost Estimate

1970 Broadway Ste 740, Oakland CA 94612

Project Number

☑ Click here if the project schedule for this project is to be 50 days or more; also click here if this is a bridge

☐ Click here if this project is a surface treatment or overlay project.

Infrastructure Type: Sidewalk

Date of Estimate: Jul. 9, 2022

Prepared by: Tommy Cho

Revision No.
Revision Date
Revised by

No.	Description	Quantity	Units	Unit Cost	Total
1	Clearing and Grubbing	1.00	SF	$0.63	$ 0.63
2	Finish Grading within Right of Way	1.00	SF	$0.38	$ 0.38
3	Concrete Sidewalk	1.00	SF	$28.63	$ 28.63
5	Curb Ramp	0.0002	EA	$5,000.00	$ 1.00
6	Temporary Traffic Control	1	LS	$ 3.10	$ 3.10
7	Mobilization	1	LS	$ 3.10	$ 3.10

CONTRACT ITEMS LESS MOBILIZATION AND TEMP TRAFFIC CONTROL (TO NEAREST 1,000) 31

Total Contract Items $ 38

DKS Associates

Planning Cost Estimate

1970 Broadway Ste 740, Oakland CA 94612

Project Number

☑ Click here if the project schedule for this project is to be 50 days or more; also click here if this is a bridge

☐ Click here if this project is a surface treatment or overlay project.

Infrastructure Type: Curb and Gutter

Date of Estimate: Jul. 9, 2022

Prepared by: Tommy Cho

Revision No.
Revision Date
Revised by

No.	Description	Quantity	Units	Unit Cost	Total
1	Curb and Gutter	1	LF	$106.40	$ 106
2	Sawcut Gutter	1	LF		$ -
3	Temporary Traffic Control	1	LS	$10.60	$ 11
4	Mobilization	1	LS	$10.60	$ 11

CONTRACT ITEMS LESS MOBILIZATION AND TEMP TRAFFIC CONTROL (TO NEAREST 1,000) $ 106

Total Contract Items $ 127

DKS Associates

Planning Cost Estimate

1970 Broadway Ste 740, Oakland CA 94612

Project Number

☑ Click here if the project schedule for this project is to be 50 days or more; also click here if this is a bridge

☐ Click here if this project is a surface treatment or overlay project.

Infrastructure Type: Median

Date of Estimate: Jul. 9, 2022

Prepared by: Tommy Cho

Revision No.
Revision Date
Revised by

No.	Description	Quantity	Units	Unit Cost	Total
1	Median (Island) Paving	1.00	SF	$17.00	$ 17
2	Class 2 Aggregate Base (6")	1.00	SF	$4.00	$ 4
3	Curb	0.20	LF	$106.40	$ 21
4	Temporary Traffic Control	1	LS	$4.20	$ 4
5	Mobilization	1	LS	$ 4.20	$ 4

CONTRACT ITEMS LESS MOBILIZATION AND TEMP TRAFFIC CONTROL (TO NEAREST 1,000) $ 42

Total Contract Items $ 50

DKS Associates

Planning Cost Estimate

1970 Broadway Ste 740, Oakland CA 94612

Project Number

☑ Click here if the project schedule for this project is to be 50 days or more; also click here if this is a bridge

☐ Click here if this project is a surface treatment or overlay project.

Infrastructure Type: Bicycle Path (Shared Use Path)

Date of Estimate: Jul. 9, 2022

Prepared by: Tommy Cho

Revision No.
Revision Date
Revised by

No.	Description	Quantity	Units	Unit Cost	Total
1	Clearing and Grubbing	1.00	SF	$3.48	$ 3.48
2	Remove Existing Pavement (Obliteration)	1.00	SF	$6.50	$ 6.50
3	Roadway Excavation (1.5')	0.06	CY	$190.00	$ 11.40
3	Finish Grading within Right of Way	1.00	SF	$0.38	$ 0.38
4	Class 2 Aggregate Base (4")	0.02	CY	$196.00	$ 2.94
5	Hot Mix Asphalt (Type A) (4")(assume 150 lbs./CF)	0.03	Ton	$280.00	$ 7.00
6	Temporary Traffic Control	1	LS	$3.20	$ 3.20
7	Mobilization	1	LS	$ 3.20	$ 3.20

CONTRACT ITEMS LESS MOBILIZATION AND TEMP TRAFFIC CONTROL (TO NEAREST 1,000) $ 32

Total Contract Items $ 38

DKS Associates

Planning Cost Estimate

1970 Broadway Ste 740, Oakland CA 94612

Project Number

☑ Click here if the project schedule for this project is to be 50 days or more; also click here if this is a bridge

☐ Click here if this project is a surface treatment or overlay project.

Infrastructure Type: Bicycle Lane (Class II)

Date of Estimate: Jul. 9, 2022

Prepared by: Tommy Cho

Revision No.
Revision Date
Revised by

No.	Description	Quantity	Units	Unit Cost	Total
1	Remove existing striping	1.00	LF	$2.30	$ 2.30
2	Striping	1.00	LF	$4.51	$ 4.51
3	Signage	0.0008	EA	$500.00	$ 0.38
4	Temporary Traffic Control	1	LS	$0.70	$ 0.70
5	Mobilization	1	LS	$ 0.70	$ 0.70

CONTRACT ITEMS LESS MOBILIZATION AND TEMP TRAFFIC CONTROL (TO NEAREST 1,000) $ 7

Contotal Contract Items $ 8

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1970 Broadway Ste 740, Oakland CA 94612 **Project Number**

☑ Click here if the project schedule for this project is to be 50 days or more; also click here if this is

☐ Click here if this project is a surface treatment or overlay project.

Infrast Traffic Signal for One Intersection

Date o Jul. 9, 2022

Revision No.
Revision Date
Revised by

Prepa Tommy Cho

No.	Description	Quantity	Units	Unit Cost*	Total
1	Furnish & Install Cabinet and Controller on New Foundation	1	EA	$45,000.00	$ 45,000
2	Furnish and Install Fiber Switch In Controller Cabinet.	1	EA	$2,500.00	$ 2,500
3	Terminate fiber optic cable in cabinet	1	EA	$2,500.00	$ 2,500
4	Splice 12 Strand SMFO Cable to trunk cable in vault	1	EA	$1,000.00	$ 1,000
5	Furnish & Install Opticom EVP system in signal cabinet	1	EA	$7,500.00	$ 7,500
6	Furnish & Install Opticom Card Rack	1	EA	$1,000.00	$ 1,000
7	Furnish & Install Opticom Detector	4	EA	$1,200.00	$ 4,800
8	Furnish & Install VIVDS System, incl. cameras, comms manager, and SDLC hub (per intersection)	1	EA	$25,000.00	$ 25,000
9	Furnish & Install CCTV Camera	1	EA	$5,000.00	$ 5,000
10	Furnish & Install Detector Handhole	4	EA	$500.00	$ 2,000
11	Furnish & Install Detector Loops (6'x6')	8	EA	$2,000.00	$ 16,000
12	Furnish & Install LED Countdown Pedestrian Signal Head	8	EA	$800.00	$ 6,400
13	Furnish & Install Polara Navigator Pedestrian Pushbutton	8	EA	$1,200.00	$ 9,600
14	Furnish & Install Polara CCU in Cabinet	1	EA	$4,500.00	$ 4,500
15	Furnish & Install SNS on Mast Arm	4	EA	$2,000.00	$ 8,000
16	Furnish & Install LED Luminaire	4	EA	$1,500.00	$ 6,000
17	Furnish & Install Photoelectric Control Unit (PEU)	1	EA	$500.00	$ 500
18	Furnish & Install Pull Box #5	4	EA	$900.00	$ 3,600
19	Furnish & Install Pull Box #6	2	EA	$1,000.00	$ 2,000
20	Furnish & Install Fiber Optic Splice Vault	1	EA	$1,250.00	$ 1,250
21	Furnish and install 2" conduit with backfill and trenching	100	LF	$120.00	$ 12,000
22	Furnish and install 3" conduit with backfill and trenching	1000	LF	$125.00	$ 125,000
23	Furnish and install 4" conduit with backfill and trenching	100	LF	$130.00	$ 13,000
24	Furnish & Install Type 1-B 4' Pole and Foundation	4	EA	$3,500.00	$ 14,000
25	Furnish & Install Type 1-B 10' Pole and Foundation	4	EA	$6,500.00	$ 26,000
26	Furnish & Install Type 28-5-100 Pole and Foundation	4	EA	$26,000.00	$ 104,000
27	Furnish & Install Signal Head Mount Type SV-1-T	4	EA	$700.00	$ 2,800
28	Furnish & Install Pedestrian Signal Head Mount SP-2-T	4	EA	$1,000.00	$ 4,000
29	Furnish & Install #14 Conductors	7000	LF	$1.50	$ 10,500
30	Furnish & Install #10 Conductors	1500	LF	$2.00	$ 3,000
31	Furnish & Install #8 Conductors	600	LF	$2.50	$ 1,500
32	Furnish & Install #6 Conductors	50	LF	$3.00	$ 150
33	Furnish & Install #2 Conductors	1000	LF	$4.00	$ 4,000
34	Furnish & Install Detector Lead-in Cables	250	LF	$3.00	$ 750
35	Furnish & Install EVP Cable (Opticom Model 138)	500	LF	$3.00	$ 1,500
36	Furnish & Install CCTV Cable (CAT6)	100	LF	$3.00	$ 300
37	Furnish & Install VIVDS Cable (3-wire)	500	LF	$3.00	$ 1,500
38	Furnish & Install 12-strand Fiber Optic Cable	300	LF	$5.00	$ 1,500
39	Furnish & Install Trace Cable (#10)	300	LF	$2.00	$ 600
40	Temporary Traffic Control	1	LS	$54,500.00	$ 54,500
41	Mobilization	1	LS	$ 54,500.00	$ 54,500

*2020 unit costs

CONTRACT ITEMS LESS MOBILIZATION AND TEMP TRAFFIC CONTROL, ESC TO 2022 AT 3% (TO NEAREST 1,000) $ 545,000

Total Contract Items $ 654,000

DATE: November 16, 2023

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Receive a Report on Traffic Management at the Shannon Road Repair (CIP Project No 811-0008) Location (Between Diduca Way and Santa Rosa Drive) and Provide Feedback

RECOMMENDATION:

Receive a report on traffic management at the Shannon Road repair (CIP Project No 811-0008) location (between Diduca Way and Santa Rosa Drive) and provide feedback.

BACKGROUND:

The northerly travel lane of Shannon Road between Diduca Way and Santa Rosa Drive was in disrepair before the Town annexed the area from the County of Santa Clara. The County completed some repairs prior to the Town's acceptance of the road, but additional repairs are needed.

Staff has been working with a consultant team to develop plans to repair this section of the roadway. The repair will include removal of the failing road base, construction of a retaining wall on the north side of the road, and reconstruction of the pavement, including the installation of guiderails and other necessary safety measures. The design work is complete, but property owner coordination is pending completion.

In July, the Town identified marked deterioration of the travel lane. Options to address this were considered and a one-way alternating traffic pattern with temporary traffic signals was selected as the preferred temporary measure due to the fact that project bidding was planned for the late fall 2023. The temporary measures allow the road to remain open for public use while preventing use of the travel lane, which is considered a hazard due to uneven pavement and at risk of failure.

PREPARED BY: Nicolle Burnham
Parks and Public Works Director

Reviewed by: Town Manager and Town Attorney

DISCUSSION:

The alternating traffic signal pattern has achieved the goal of preventing use of the deteriorated travel lane. Unfortunately, during the time it has been in place, staff has received numerous reports of drivers not obeying the signal, proceeding through the closure on the red light, and meeting on-coming traffic that progressed on the green light. Staff understands that drivers are impatient due to the length of time it takes for the one-way traffic to travel the distance of the impacted segment; however, drivers should be following basic traffic rules of stopping at a red signal.

Staff is considering three potential mitigation strategies as outlined below. Depending on the length of time required to secure the required approvals for construction, more than one of these may be required.

Strategy 1: Retain the existing traffic control and enhance signage and outreach to drivers and residents about how the lights function (including the fact that wait times could be three to four minutes) and observe if behavior improves.

Strategy 2: Re-evaluate implementing temporary improvements to the travel lane in question. Staff had considered temporary repairs before implementing the alternating traffic pattern. At that time, it appeared that construction would begin in late winter of early spring of 2024 and it was not prudent to spend capital funds for a temporary repair. Depending on how long it takes to secure the approvals, this alternative may be reconsidered.

Strategy 3: Explore a full closure of Shannon Road. This approach would prevent drivers from ignoring the traffic control that is in place; however, staff is keenly aware that this strategy would create significant hardship for the community. If this is Council's preferred option, staff would undertake legal research regarding the Town's authority to close the road. If authorized, the Town would develop a work plan that includes communications to residents and the necessary infrastructure to support the closure.

CONCLUSION:

Staff will discuss the three strategies in more detail at the meeting and receive feedback from Town Council.

COORDINATION:

This memorandum has been coordinated with the Town Manager, Town Attorney and Finance Director.

FISCAL IMPACT:

Each strategy will require expenditure of capital funds. Staff will provide estimates of these prior to the Council Meeting in an Addendum or Desk Item. The current balance in the CIP project budget is $3,748,617.

ENVIRONMENTAL ASSESSMENT:

The Shannon Road Repair project is a project as defined under CEQA but is Categorically Exempt (Sections 15301, 15302, 15303 and 15304). A Notice of Exemption has not been filed.

DATE: November 21, 2023

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Receive a Report on Traffic Management at the Shannon Road Repair (CIP Project No 811-0008) Location (Between Diduca Way and Santa Rosa Drive) and Provide Feedback

REMARKS

This Desk Item provides preliminary estimates of cost associated with the three strategies outlined in the staff report. It also provides the current engineer's estimate for implementation of completed design for the full repair.

Strategy 1 – Maintain Existing One-Way Traffic Control

This option would retain the existing one-way traffic control, provide additional enhanced signage, and provide outreach to drivers and residents about how the lights function. The associated costs are as follows:

Fixed Costs		
Initial implementation of one-way road closure:	$33,800	(Prior Spending)
Additional safety signage:	$1,000	(New Spending)
Additional outreach:	$250	(New Spending)
Total Fixed Cost:	**$35,300**	
Monthly Costs for the Duration of the Closure		
Monthly signal rental:	$7,300	
Monthly fuel cost for generators:	$1,400	
Total Monthly Cost (per Month):	**$8,700**	

PREPARED BY: Nicolle Burnham
Director of Parks and Public Works

REMARKS (continued):

Strategy 2 – Temporary Road Repairs

This option would construct temporary pavement repairs in the northern lane of Shannon Road, which is the area that generated the need for the one-way closure. This would allow Shannon Road to be reopened to two-way traffic until construction of the Shannon Road Repair Project. The temporary road repair would not provide any benefit towards the ultimate road repair project improvements and it would require the full closure of Shannon Road during the period of construction.

Estimated Cost to Repair Shannon Road Pavement:	$150,000 - $200,000
Outreach:	$250
Implementation of Traffic Control Plan:	$12,500
Total Cost:	**$162,750 – $212,750**

Strategy 3 – Full Closure of Shannon Road

This option would close Shannon Road between Santa Rosa Drive and Diduca Way from December 2023 through construction of the repair.

Outreach:	$750
Implementation of Traffic Control Plan:	$40,000
Total Cost:	**$40,270**

FISCAL IMPACT:

Each strategy will require expenditure of capital funds. The staff report reported an incorrect current balance in the project budget as $3,748,617. The current budget balance is $4,184,770 as demonstrated in the fiscal table below. The $224,270 balance would be available to implement the traffic control strategies outlined above. If construction bids exceed the engineer's estimate then additional funding may be needed for the permanent repair and this would be addressed at award of the construction bid.

FISCAL IMPACT (continued):

CIP No. 811-0008		
	Budget	**Costs**
GFAR	$ 4,879,064	
Total Budget	**$ 4,879,064**	
		Costs
Consultant Agreement & Construction Services (Includes Expenses and Encumbrance)		$ 694,294
Total Costs		**$ 694,294**
Current Available Balance		**$ 4,184,770**
Additional Expenditures:		
Expenditure Budget Transfer (Requested in 11/21/23 Staff Report)		$ 3,000
Engineer's Construction Estimate		$ 3,597,700
10% Contingency		$ 359,800
Subtotal		**$ 3,960,500**
Total Costs		**$ 4,654,794**
Available Balance		**$ 224,270**

DATE: November 12, 2023

TO: Mayor and Town Councilmembers

FROM: Gabrielle Whelan, Town Attorney

SUBJECT: Discuss and Provide Direction to Potentially Modify Town Policies and Procedures, Including Town Council Policy 2-04, "Town Council Code of Conduct," Town Council Policy 2-05, "Planning Commission Policies and Procedures," Town Council Policy 2-11, "Commission Appointments, Residency, and Attendance Requirements, and Establishing a Quorum," and the Commissioner Handbook

RECOMMENDATION:

Discuss and provide direction to potentially modify Town Policies and Procedures, including Town Council Policy 2-04, "Town Council Code of Conduct," Town Council Policy 2-05, "Planning Commission Policies and Procedures," Town Council Policy 2-11, "Commission Appointments, Residency, and Attendance Requirements, and Establishing a Quorum," and the Commissioner Handbook.

BACKGROUND:

The purpose of this agenda item is for the Town Council to discuss potential updates to the various Town documents that address Councilmember and Board and Commission member conduct. Currently the Town has a number of Town Council Policies relating to this topic:

- Town Council Policy 2-04: Town Council Code of Conduct includes a disciplinary process and states its "expectations of conduct" apply to Board and Commission members as well (Attachment 1).

- Town Council Policy 2-05: Planning Commission Policies and Procedures addresses legal and ethical standards, but not discipline (Attachment 2).

- The Commissioner Handbook provides:

Reviewed by: Town Manager

BACKGROUND (continued):

> "If a member of a Town Board, Commission, or Committee does not follow the Commissioners Handbook, the Mayor or his/her designee will counsel that member regarding the rules and their importance to the Council and the Town (see Resolution 1999-167 and the Town Council Code of Conduct Policy)."

- In addition, Town Council Policy 2-11: Commission Appointments, Residency, and Attendance Requirements, and Establishing a Quorum provides that a Commissioner may be removed by a 3/5 vote of the Town Council for, among other things, failure to comply with all Town Policies, Guidelines, and Handbooks (Attachment 3, page 7).[1]

At its February 17th meeting, the Policy Committee discussed potential modifications to the documents referenced above. A copy of the staff report with its attachments is included as Attachment 4. The Policy Committee recommended:

1) Clarifying that the Code of Conduct applies to members of Town Boards, Commissions, and Committees in addition to Town Councilmembers.
2) Providing specific examples of what constitutes a major as opposed to a minor violation of the Code of Conduct.
3) Setting forth a process for subject of a complaint to present facts to the Town Council.
4) In the event that a public hearing is held regarding recommended discipline, providing the subject of the complaint with ten minutes to make an introductory statement and five minutes at the end of the public hearing to make an additional statement.
5) Providing that censure be done by adoption of a written statement.
6) Providing clarification regarding the rules that apply when one is speaking on behalf of a Board or Commission versus providing one's individual opinion.

The Policy Committee considered this topic again on March 28, 2023. Attachment 5 contains a copy of the staff report and its attachments. At the March 28th meeting, the Policy Committee recommended that this topic come to the full Town Council for discussion.

In October, staff brought to the Policy Committee's attention that the Commission Appointment Policy contains language pertaining to conflict of interest which is better suited for the Town Council Code of Conduct Policy. The Committee agreed that when the Council discusses the Code of Code Policy, staff should suggest this modification and the removal of the conflict language from the Commission Appointment Policy.

[1] In addition, Town Code Section 2.40.030 provides that the Town Council may remove any member of a Town board or commission from office prior to the expiration of the member's term by the affirmative vote of not less than 3/5 of all the members of the Town Council.

DISCUSSION:

The Town Clerk requested Codes of Conduct from all Santa Clara County jurisdictions.[2] Staff has noted the following general themes:

- The Code of Conduct can encompass both the Council and the Boards and Commissions or there can be separate Codes of Conduct for Councilmembers as opposed to Board and Commission members.
- Some Codes of Conduct do not provide for Commissioner discipline. Instead, the Codes of Conduct provide that Commissioners can be removed by a 4/5 vote of the Council.
- Many Codes of Conduct do not establish a formal process for reviewing complaints.

Staff seeks direction from the Town Council on the following general questions:

1) Does the Town Council prefer that the Code of Conduct address only conduct? Or that the "Code of Conduct" be one chapter in a broader policy addressing Councilmember roles and responsibilities?
2) Should the complaint intake and processing procedure in the "Code of Conduct" apply to Board/Commission members as well as Town Councilmembers? If yes:
    a. Should there continue to be a pre-determined evaluation committee or should complaints be handled on a case by case basis?
    b. If there is a pre-determined evaluation committee, should the evaluation committee be the same for both Councilmember complaints and Board/Commission member complaints?
3) Should there be an option to discipline Board/ Commission members or should the option be removal only?[3]
    a. If the option is removal only, should it be by a 3/5 or a 4/5 Town Council vote?
4) If there is an option for Board/Commission member discipline, should the options be the same as those for Councilmember discipline?
5) The Code of Conduct Policy currently provides that investigations will be conducted by contract attorneys. Does the Town Council prefer to use contract attorneys, non-lawyer investigators, or either?

[2] A summary of local codes of conduct is contained in Attachment 6.

[3] Town Council Policy 2-11: Commission Appointments, Residency, and Attendance Requirements and Establishing a Quorum currently provides that Commissioners may be removed by a majority vote of the Town Council for violations of the Code of Conduct. Other jurisdictions have policies providing that Commissioners may be removed by a majority vote (or in some instances, a 4/5 vote) of the Town Council.

CONCLUSION:

Based on the Town Council's feedback, staff will make proposed edits to the Code of Conduct Policy and conforming edits to any other affected Policies and the Commissioner Handbook and return to the Town Council for its consideration of the proposed revisions.

COORDINATION:

The preparation of this report was coordinated with the Town Manager's Office.

FISCAL IMPACT:

Potential modifications to Council Policies and the Commissioner Handbook have no fiscal impact.

ENVIRONMENTAL ASSESSMENT:

This is not a project as defined in the California Environmental Quality Act, and no further action is required.

Attachments:
1. Town Council Policy 2-04: Town Council Code of Conduct
2. Town Council Policy 2-05: Planning Commission Policies and Procedures
3. Town Council Policy 2-11: Commission Appointments, Residency, and Attendance Requirements, and Establishing a Quorum
4. Staff report for February 28, 2023, Policy Committee meeting
5. Staff report for March 28, 2023, Policy Committee meeting
6. Summary of Code of Conduct Provisions from Other County Jurisdictions

TOWN OF LOS GATOS CALIFORNIA

COUNCIL POLICY MANUAL

Small Town Service *Community Stewardship* *Future Focus*

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.

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

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

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.

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.

<u>Council Conduct and Communication with Town Staff</u>
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:

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

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

Title: Planning Commission Policies and Procedures	**Policy Number**: 2-05
Effective Date: 1983	**Pages:** 11
Enabling Actions:	**Revised Date:** 5/8/1985; 11/18/1987; 9/22/93; 11/16/1998; 4/16/2001; 12/6/2010; 4/21/2015; 9/20/2016; 8/20/2019
Approved:	

PURPOSE

This Policy is to inform Planning Commission Members of their roles, responsibilities, and functions, as well as operating procedures for meetings.

SCOPE

Since 1983, the Town Council has adopted Planning Commission Policies and Procedures. The Procedures address topics including the agenda format, Commissioner conduct at Planning Commission meetings, absences, evidence outside of formal hearings, findings, voting, and other issues. Periodically, the Town Council adopts revisions to the Procedures.

POLICY AND PROCEDURES

1. ORGANIZATION, OFFICERS, DUTIES

1.1 Organization.

The Planning Commission consists of seven voting members and shall be organized as prescribed by Town Code Section 29.20.750 and the Town Council. All Planning Commissioners shall be appointed by the Town Council. Commissioners serve at the pleasure of the Town Council and may be removed prior to the end of his or her term by a four-fifths vote of the Town Council.

1.2 Officers.

A Chairperson (hereinafter Chair) and Vice-Chairperson (hereinafter Vice Chair) shall be elected annually from among the Commission's membership at the first meeting in January, to serve at the pleasure of the Commission for a term of office of one year.

The Chair shall:

a) Preside at all meetings of the Commission.
b) Sign documents of the Commission.
c) Determine meeting schedule and agenda items consistence with state law noticing requirements.

During the absence, disability or disqualification of the Chair, the Vice-Chair shall perform all the duties and be subject to all the responsibilities of the Chair.

The Vice-Chair shall succeed the Chair if he or she vacates the office before his or her term is completed and shall serve the unexpired term of the vacated office. (A new Vice-Chair shall be elected at the next regular meeting.)

In the absence of the Chair and Vice-Chair, any other Commissioner shall call the Commission to order whereupon a Chair pro tem shall be elected from the Commissioners present to preside.

1.3 Duties.

The functions, powers and duties of the Planning Commission shall consist of all those functions, powers and duties of a Planning Commission as provided in Chapters 3 and 4 of Title 7, commencing with Section 65100 of the California Government Code (Planning and Zoning Law) and as the same may be hereafter amended. The Planning Commission shall perform such other duties and functions as may be designated in Town Code and by the Town Council.

1.4 Support.

The Secretary of the Planning Commission is the Community Development Director or designee. The Chair shall set the Agenda in consultation with the Secretary.

2. LEGAL AND ETHICAL STANDARDS

Planning Commissioners must serve as a model of leadership and civility to the community and treat all members of the public, each other, and the issues before them with respect to ensure open and effective government.

To ensure the highest standards of respect and integrity during public meetings, Planning Commissioners shall:

1. Use formal titles. The Commissioners shall refer to one another formally during Commission meetings such as Chair, Vice Chair, Commissioner, or Mr., Mrs., or Ms., followed by the individual's last name.
2. 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. This does not allow, however, Commissioners to make abusive, slanderous, and personal comments, and/or physical actions that could be construed as threatening. During public discussions, Commissioners shall be respectful of others and diverse opinions, practice objectivity, and allow for the debate of issues.
3. Honor the role of the Chair in maintaining order and equity, and respect the Chair's efforts to focus discussion on current agenda items. Objections to the Chair's actions should be voiced politely and with reason.
4. Demonstrate effective problem-solving approaches. Commissioners are role models for residents, business people, and other stakeholders involved in public debate.
5. Base decisions on the -.written evidence, arguments or testimony and decisions should be made objectively and based upon the merits and substance of the matter at hand, not through established coalitions or well-defined voting blocks. Judgment of decisions should be reserved until all applicable information has been presented.
6. Be prepared and knowledgeable. To effectively lead and inform the public, Commissioners shall be prepared and informed about issues on the agenda.
7. Be respectful of other people's time. Commissioners should stay focused, listen attentively, and act efficiently during public meetings. During public testimony, Commissioners should refrain from engaging the speaker in dialogue; however, for purposes of clarification, Commissioners may ask the speaker questions. Commission comment and discussion should commence upon the conclusion of all public testimony.

3. MEETINGS, STUDY SESSIONS, AGENDAS, AND STAFF REPORTS

3.1 Quorum and Attendance at Meetings.

A quorum to conduct business shall consist of a majority of the total number of filled seats consistent with Town Council Resolution 2014-041. For example, if all seven Commissioners are seated, then a quorum consists of a minimum total of four members of the Commission. A quorum is not required for workshops.

Requests by Commissioners to attend a Commission meeting via telephonic appearance are actively discouraged. Telephonic attendance shall only be permitted in the event of extraordinary events such as a medical, family, or similar emergency requiring a Commissioner's absence or in the event the Commissioner is out of the area on official Town business. In addition, at least a quorum of the Commission must participate from a location within the Town.

3.2 Public Meetings.

All meetings shall be held in full compliance with the provisions of state law, ordinances of the Town, and these Policies and Procedures.

3.3 Regular Meetings.

Regular meetings of the Commission shall be held on the second and fourth Wednesdays of each month in Town Council Chambers at 110 E. Main Street, Los Gatos, unless otherwise determined by the Commission. All regular meetings of the Commission will be called to order at 7:00 p.m., unless advertised otherwise, canceled, or rescheduled.

The Commission with the consent of the majority of the Commission, adjourn its meetings on or before 11:30 p.m. with any unfinished business being continued to the next regular, adjourned, or special meeting, unless the Commission votes to extend the meeting. At approximately 11:15 p.m., the Chairperson will call for review of any remaining agenda items to consider whether they will likely be completed by 11:30 p.m., or whether continuances should be considered. The Secretary of the Planning Commission, or designee, will post notice of any continued hearing or other unfinished business, as required by law.

3.4 Special Meetings.

A special meeting may be called at any time by the Chairperson of the Commission, or by a majority of its membership on its own motion, or at the direction of the Town Council. Notice shall be sent in compliance with the Ralph M. Brown Act, Government Code section 54950, *et seq.* ("Brown Act") and the Los Gatos Town Code.

3.5 Adjourned Meetings.

The Commission may adjourn any regular or special meeting to a time and place specified pursuant to the procedures set forth in the Brown Act.

3.6 Workshops/Study Sessions.

The Commission may hold a workshop as part of a regular or special meeting. When a matter is set for a workshop, public testimony on each item will generally be limited to three (3) minutes per person, at the discretion of the Chair. A workshop shall be for discussion only and the Commission will take no action on the workshop item.

3.7 Agendas.

At least seventy-two (72) hours before a regular meeting, copies of the Commission's agenda shall be posted in a location that is available for viewing by the public and made available on the Town website and at the Community Development Department. In accordance with the Brown Act, the Commission may not take action on any item that did not appear on the posted agenda, unless an exception is made as permitted under Government Code section 54954.2. The Chair may rearrange the order of presentation of items appearing on the agenda as he or she may deem necessary or desirable for the conduct of the meeting. No person shall be entitled to rely upon the order in which public hearing items appear on the posted agenda, and any public hearing on any agenda may commence immediately upon the time the meeting is called to order.

3.8 Staff Reports.

Staff Reports shall be made public whenever they are distributed to the Commission, except in the case of attorney/client privilege memoranda. Staff reports will usually be prepared with recommendations and shall include the basis for these recommendations and included in the hearing record on any application.

If, in reviewing a staff report, a Commissioner sees omissions, has questions, or is looking for specific information, it is advisable that the Commissioner contact the Community Development Director or designee prior to the hearing.

3.9 Order of Meetings.

The Order of Business shall be as follows subject to the Chairperson's final approval:

1. Roll Call
2. Pledge of Allegiance
3. Written Communications
4. Requested Continuances
5. Sub-Committee Reports
6. Verbal Communications
7. Consent Calendar
8. Continued Public Hearings
9. New Public Hearings
10. Continued Other Business
11. New Other Business
12. Adjournment

3.10 Chair's Rules of Order.

After issuing a warning, the Chair may order from the meeting location any person(s) who commit the following acts with respect to a regular or special meeting of the Commission:

1. Disorderly, contemptuous or insolent behavior toward the Commission, or any member thereof, which interrupts the due and orderly course of said meeting.
2. A breach of the peace, boisterous conduct or violent disturbance which interrupts the due and orderly course of said meeting.

After a warning by the Chair, if more than one individual at a given meeting continues to engage in disruptive or unruly behavior to the extent that it is preventing Commissioners from adequately participating in the meeting, the Chair may order that the meeting location be cleared of all members of the public (with the exception of members of the press who are not participating in the disruption), and/or (c) adjournment of the meeting to another time or place so that the meeting may continue uninterrupted.

Any Commissioner may move to require the Chair at the meeting to enforce the rules, and the affirmative vote of a majority of the Commissioners present shall require him or her to so act.

4. PRESENTATION OF AGENDA ITEMS

4.1 Minutes and Recording.

Commission meetings are recorded and the recording is permanently preserved by the Town. The recording of the meeting is used by the Secretary of the Commission to prepare minutes of the hearing which must be approved by the Commission. The minutes of the Commission's proceedings shall show the vote of each Commissioner, including if they were absent or failed to vote on a matter considered.

4.2 Order of Presentation.

The order of the presentation shall be as follows:

1. The Chair shall announce the subject of the agenda item.
2. Presentation of staff report, including any environmental analysis or recommendation.
3. Questions of staff by Commissioners.
4. Public hearing opened.
5. Presentation of the applicant(s) or appellant(s).
6. Public comment.
7. Rebuttal comments by the applicant(s) or appellant(s).
8. Public hearing closed.
9. Commission discussion and action.

4.3 Public Participation.

The Commission welcomes participation and comment on any matter within its subject matter jurisdiction. It is the Commission's intent to create and maintain an environment where people feel comfortable participating in the public process and an atmosphere of respect for all who participate in the Town's public meetings. To maintain civility and respect and to allow the Commission to complete its work in a timely manner, the Commission requests that all attendees and participants show respect for every speaker regardless of his or her viewpoint, and to refrain from conduct that may inhibit others from addressing the Commission. Disrespectful conduct, such as hissing, booing, whistling, cheering, chanting, and judgmental hand gestures, are all inappropriate. The Commission also discourages profane remarks or personal attacks or insults to any member of the Commission, staff, other attendees or speakers, or the general public. Accordingly, the Commission requests the cooperation of all in maintaining a meeting

environment where persons can feel comfortable participating in the public process and expressing their views and opinions, and an atmosphere of respect for all.

4.4 Rules of Evidence.

Hearings and meetings before the Commission need not be conducted according to formal rules of evidence. Any relevant evidence may be considered if it is the sort of evidence upon which reasonable persons are accustomed to rely on in the conduct of serious affairs.

4.5 Written Evidence.

Written evidence that members of the public wish to submit to the Commission in advance of a Commission agenda item should be submitted by 11:00 a.m. on the Wednesday one week prior to the Commission meeting in order for such evidence to be provided to the Commission with its agenda packet in advance of the meeting. Any written evidence submitted after this day and time but prior to 11:00 a.m. on the day of the hearing will be distributed to the Commission in an Addendum or Desk Item.

Written or pictorial evidence distributed to the Commission at the meeting may not be effective, as the Commission may not have enough time to absorb its content. Although late correspondence is highly discouraged for this reason, any participant may submit written and pictorial evidence to the Commission during the public hearing on an item.

4.6 Oral Evidence, Time Limits, and Number of Speakers.

A speaker's card to speak on an item should be submitted to the Secretary of the Commission or designee.

The Chair's instructions to the audience will generally follow these guidelines:

1. Any person desiring to speak must first be recognized by the Chair.
2. All participants must speak from the podium.
3. All speakers are requested to first state their full name and full address, and to speak into the microphone as all meetings are recorded. To ensure correct spelling of names and addresses, all speakers are encouraged to submit a speaker's card to the Secretary of the Commission or designee.

4. All comments shall be directed to the Commission as a body, and not to any particular Commissioner, staff person or audience. No person, other than Commissioners, staff, and the person having the floor shall be permitted to enter into the discussion. Commissioners shall only ask questions of the speakers through the Chair. Each applicant and appellant shall be limited to a five (5) minute presentation at the start of the public hearing and a three (3) minute rebuttal after all other speakers have been heard. All members of the applicant's or appellant's team shall be heard as a group within these time limits. Questions by the members of the Commission do not count against the time. Members of the public who wish to speak on any items will be limited to up to 3 minutes each. No person shall be allowed to speak a second time per item. In order to assure the opportunity for all those desiring to speak before the Commission, there is no yielding of time to another speaker. The Chair, at his or her discretion, may allocate more or less time for speakers due to the complexity of the issues and/or due to a large number of speakers on a particular item. Except for the applicant or appellant, all speakers shall be limited to the same amount of time to speak.

4.7 Evidence Received Outside a Hearing.

Applications before the Planning Commission involve quasi- judicial matters, legislative matters and matters that have attributes of each. On quasi-judicial matters California law requires decisions to be based on findings, and findings to be based on evidence presented at the hearing. Accordingly, the actual decision of the Commission on a quasi-judicial matter must be supported by evidence presented at the hearing, i.e. the staff report, testimony given during the hearing and comments from other Commissioners. A Commissioner may not state or predetermine his or her decisions on an application prior to the hearing.

In order to avoid the appearance of bias or impropriety, individual Commissioners are prohibited from discussing, outside of the public hearing process, the substance of any project with project proponents, opponents and member of the public. This prohibition shall apply to all projects, whether conceptual or proposed, that can be considered by the Commission in reviewing an application, on appeal or on remand. Study sessions may be used as a means of facilitating informal communication. Individual Commissioners who have engaged in prohibited discussions shall recuse themselves from consideration of the project.

Incidental contacts that do not address the substance of any project are not prohibited. Incidental contacts are those that are not reasonably understood to influence a Commissioner's decision and include speaking with an interested party to obtain approval to enter a property and to

obtain information intended to orient the Commissioner about the physical aspects of the property or a project.

5. MOTIONS

Action upon an order, resolution, ordinance, or any other action of the Commission may be proposed by any Commissioner by a motion. Before a motion can be considered or debated it must be seconded, at which time it shall be on the floor and must be considered. If not seconded, the motion dies for lack of a second and shall be so declared by the Chair. Substitute motions and other parliamentary procedures shall follow Robert's Rules of Order.

Pursuant to Planning Commission Resolution No. 78-4, adopted May 10, 1978, the Planning Commission will not accept requests for continuances from applicants after 12:00 noon of the Friday preceding any Commission meeting, provided, however, that the Commission retains the right to make exceptions when it finds that a genuine emergency exists which was not known to the applicant.

A motion to adopt or approve staff recommendations or simply to approve the action under consideration shall, unless otherwise particularly specified be deemed to include adoption of all proposed findings and execution of all actions recommended in both the written staff report on file on the matter, any verbal staff report, and other evidence presented during the hearing.

6. VOTING AND ABSENTEES

Voting of not less than three (3) votes shall be required to carry a motion, unless a larger number of votes is required by applicable ordinance or other law.

If a Commissioner is not eligible to participate in the consideration of an item due to a conflict of interest, the Commissioner shall be disqualified and shall recuse him or herself from the voting, in which case the Commissioner cannot be included in the quorum. Prior to consideration of the matter, the conflicted Commissioner shall recuse on the record, stating the basis for the recusal, and shall then leave the room, unless legally entitled to remain under applicable law.

If a majority of the Commission shall be disqualified to vote on a matter by reason of actual or apparent conflict of interest, the Commission shall select by lot, or other means of random

selection, that number of disqualified Commissioners which, when added to the Commissioners eligible to vote, shall constitute a quorum.

A Commissioner who expects to be absent should notify the Chair and the Community Development Department prior to the meeting.

Pursuant to Resolution 2011-012, any Commissioner who is absent from eight (8) regular meetings held in a twelve (12) consecutive month period, shall, as a result, surrender his or her office on the Planning Commission and the office shall be considered vacant.

A Commissioner who is absent from any portion of a hearing conducted by the Commission may vote on the matter at the time it is acted upon, provided that he or she viewed the video recording of the entire portion of the hearing from which he or she was absent, and he or she has examined all of the staff reports and minutes presented during the portion of the hearing from which he or she was absent; and he or she states for the record before voting that the Commissioner deems himself or herself to be as familiar with the record and with the evidence presented at the hearing as he or she would have been had he or she personally attended the entire hearing.

7. LEGAL REQUIREMENTS

The Planning Commission 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 Commission on these matters.

The Ralph M. Brown Act requires that meetings of the Planning Commission be open and public. "Meetings" occur whenever four (4) or more members of the Commission hear, discuss, or deliberate on any matter that is relevant to the Town. This includes discussions that occur face to face, serially, through third parties, or through written, telephonic, or e-mail communications.

The Political Reform Act controls conflicts of interests through disclosure of financial interests and prohibition in participating in decision making. Commissioners are prohibited from making, participating in or in any way attempting to use their official position to influence a governmental decision in which they know or have reason to know they have a financial interest. Financial interests can arise out of property ownership, business investment, leadership in a business entity, and receipt of money or gifts.

8. CONSTRUCTION AND EFFECT

These Policies and Procedures shall be construed and applied so as to ensure a full and fair hearing of relevant evidence which is offered on a land use matter and to facilitate an orderly analysis of evidence and issues by the Commission. Failure to comply with the strict provisions of these Policies and Procedures shall not necessarily invalidate any action taken by the Commission.

9. RULES OF ORDER.

Except as otherwise provided in these Policies and Procedures, Roberts Rules of Order shall be used as a guide for the conduct of the meetings of the Planning Commission. No omission to conform to said rules of order shall in any instance be deemed to invalidate any action taken by the Commission.

10. AMENDMENT.

These Policies and Procedures may only be amended by the Town Council.

APPROVED AS TO FORM:

Robert Schultz, Town Attorney

TOWN OF LOS GATOS CALIFORNIA

COUNCIL POLICY MANUAL

Small Town Service *Community Stewardship* *Future Focus*

TITLE: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum	**POLICY NUMBER:** 2-11
EFFECTIVE DATE: 2/28/1990	**PAGES:** 7
ENABLING ACTIONS:	**REVISED DATES:** 6/13/1994; 6/16/2014; 4/7/2015; 10/18/2016; 2/21/2017; 2/6/2018; 3/19/19; 9/3/2019; 6/1/2021; 12/7/21, 3/15/22, 8/2/22; 09/20/22
APPROVED:	

PURPOSE

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

SCOPE

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

POLICY

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

To ensure the greatest possible participation by the public, it is the Town's policy that no person shall be appointed to more than one Commission except in those cases where they are ex-officio members of other Boards, Commissions and Committees. This Policy does not apply to Commission members serving as representatives of their Commission who have been appointed by the Town Council.

RESIDENCY REQUIREMENTS

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

Youth Commission:
The members shall be students who are entering grades 8 through 12 in the fall. Membership for the students requires either residency in the incorporated limits of the Town of Los Gatos or residency in the unincorporated areas of the County of Santa Clara, which have a Los Gatos mailing address.

ATTENDANCE REQUIREMENTS

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

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

QUORUM REQUIREMENTS

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

PROCEDURES

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

Responsibility and Actions: Town Clerk

A. Annual Recruitments

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

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

   c. Submissions deadlines are mandatory; no exceptions are permitted.
4. Applications:
   a. *For adult applicants* — Accept applications, verify eligibility, and distribute copies of the applications of eligible applicants to the Town Council prior to the interviews for appointment.
   b. *For student applicants* — Accept applications, verify eligibility, and distribute copies of the applications of eligible applicants to the Town Council Selection Committee, consisting of the Mayor, Vice Mayor, Police Chief, and Youth Commission Chair (if not reapplying), prior to the interviews for appointment.
5. Notify the applicant by letter or email as to the date and time of the interview and provide the option for an in person or teleconference interview.
6. Facilitate the Council voting process set forth below by informing Council as to how many votes are possible on each Commission, calling out applicants' names, and identifying the applicants receiving sufficient votes for appointment. This process does not apply to student applicants.
7. Applicants:
   a. *For adult applicants* — After the interviews and Council vote are completed, notify all applicants of the Council's action, and explain Town policy of keeping application active for one year with notification of subsequent openings on that Commission to the interested applicants.
   b. *For student applicants* — After the interviews are completed, notify all applicants of the Council Committee's action, and prepare a staff report for the Town Council to ratify the Committee's appointment at the first Town Council meeting in June.

Interview Process

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

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

The standard questions are limited in number to allow an applicant sufficient time to respond. While the intent is for each Council Member to be able to ask one question of each applicant, the Council may decide not to ask all of the provided questions, change the order of the questions, or rotate which Council member asks a specific question. Interview questions will be reviewed annually by the Town Council in advance of the interview process for any potential modifications.

Balloting Process

Unless determined otherwise, the Council shall conduct a ballot vote for the appointment of individuals to fill the vacancies for each Commission. Such ballot vote may be conducted at either a regular, adjourned, or special meeting of the Town Council. The ballot vote process shall be conducted as follows:

1. The Town Clerk shall provide a ballot to each Town Council member listing the names of all applicants and "None of the above" for each respective Commission. Prior to the vote, the Town Clerk shall publicly announce the position vacancy and all applicant names that are listed on the ballot.
2. Each Council member may vote for the same number of applicants as there are current vacancies on the respective Commission. In no case, can a Council Member cast more votes than there are vacancies; or vote for the same candidate more than once on each ballot (i.e. cumulative voting -- e.g. where there are three vacancies, a Council member may not give all three votes to the same candidate). A Council Member is not required to vote for any of the candidates or for the total number of vacancies available.
3. The Town Clerk shall collect all ballots and shall publicly announce the name of each Town Council member and how that Council member cast his or her vote. In the case of a tie vote, the Town Clerk will announce that there is a tie and that a run-off vote shall be conducted but will not announce the names of the applicants in the run-off. Once all voting is concluded and a decision made, the votes will be made public. The run-off ballot will also include a "None of the above" option.
4. Applicants receiving a majority number of votes shall be deemed appointed to the Commission. In the event of a tie, a run-off vote shall be conducted among the applicants receiving the highest number of votes from the previous round. This shall continue until a majority consensus on an applicant(s) is reached for the number of vacancies to be filled. In the event of an unbreakable tie, the Council may determine an alternative method for selecting the appointee(s) or direct the Town Clerk to re-advertise the vacancy.
5. If an applicant(s) is appointed to an Advisory Body which has vacancies for both full and partial, unexpired terms, the length of the appointee's term will be determined by the Mayor.

B. Mid-Term Recruitments

During the year, Commissions may experience vacancies that drop the number of filled seats to a number of members that is not sufficient to conduct Commission business. The Commission may request the Council to conduct a mid-term recruitment to fill seats. To the extent possible, the Town Clerk will consolidate mid-term recruitments to minimize the number of recruitments occurring throughout the year. In the event of a vacancy on the Planning Commission, the Town will automatically conduct a mid-term recruitment. Mid-term recruitments will not be conducted for Youth Commissioners. The Town Clerk shall advertise mid-term vacancies on Commissions for at least 15 days.

Responsibility and Action: Applicant

1. Read the Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum Policy, complete and submit to the Town Clerk the application for appointment to a Town Commission by the advertised deadline date and time.
2. *For adult applicants:* Attend the Council meeting to be interviewed for Commission appointment. The applicant is required to notify the Town Clerk no later than 4:00 p.m. the Friday before the scheduled interview date whether they will attend in person or via teleconference.
3. *For student applicants:* Attend the Council Selection Committee interview session. The applicant is required to notify the Town Clerk no later than 4:00 p.m. the Friday before the scheduled interview date whether they will attend in person or via teleconference.
4. If an incumbent Commission member is requesting reappointment to the same Commission and is not available on the date of the interview, the incumbent must submit a letter by 4:00 p.m. the Friday prior to the interviews, describing the reason why the applicant cannot be present telephonically or in person for the interview, and why the applicant should be reappointed to the Commission.
5. If appointed, prior to starting the Commission term, appointees are required to attend a Commissioner Orientation and take the "Oath of Office."
6. Attend Advisory Body meetings once term begins.
7. Read the Commissioners' Handbook. Hard copies of the Handbook are to be returned to the Town Clerk when the term is complete.

Responsibility and Action: Town Council

1. Review applications.
2. *For adult applicants* – Interview applicants individually by Commission at a public meeting with all applicants present.
   For student applicants – Town Council Selection Committee interviews applicants.
3. Determine if the incumbents not in attendance and having submitted a letter pursuant to this Policy should be considered for reappointment.
4. If there are limited applications for any vacancy to a Commission, the Mayor, on behalf of the Council, may request that the Town Clerk re-advertise the vacancy, reschedule the interviews, and notify all applicants of the new interview date.

COMPLIANCE - GROUNDS FOR DISMISSAL

A member may be removed from the Advisory Body prior to the end of his or her term by a three-fifths (3/5) vote of the Town Council and may not be reappointed for the following reasons:

1. Failure to attend Advisory Body meetings.
2. Failure to file the following documents required by the Fair Political Practices Commission (Adult Commissioners):
    a. Form 700 – Assuming Office, Annual, and Leaving Office when term is complete.
    b. Planning Commissioners are also required to complete AB 1234 Ethics Training and file the original certificate with the Town Clerk every two years.
3. Failure to comply with all Town Policies, Guidelines, and Handbooks.

CONFLICT OF INTEREST

Under the Fair Political Practice Act, an advisory board member has a disqualifying conflict of interest in a governmental decision if it is foreseeable that the decision will have a financial impact on his or her personal finances or other financial interests. In such cases, there is a risk of biased decision-making that could sacrifice the public's interest in favor of the official's private financial interests. To avoid actual bias or the appearance of possible improprieties, the public official is prohibited from participating in the decision.

The Fair Political Practice Act does not prohibit an advisory board member from participating in a decision simply by virtue of holding a position as a board member, director, officer, or employment with a nonprofit corporation. However, the Town strongly encourages that in the event that a decision concerns a nonprofit corporation for which an advisory board member is a board member, director, officer, or employed with that nonprofit corporation, the person should recuse him or herself and at a minimum shall disclose the potential conflict of interest before any discussion and decision.

APPROVED AS TO FORM:

Gabrielle Whelan, Town Attorney

TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE AGENDA
FEBRUARY 28, 2023
TELECONFERENCE
5:00 PM

Rob Moore, Chair
Mathew Hudes, Vice Chair

IMPORTANT NOTICE

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

PARTICIPATION

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

- **Zoom webinar.** Join from a PC, Mac, iPad, iPhone or Android device: Please click this URL to join: https://losgatosca-gov.zoom.us/j/83046365193?pwd=ckFQUVBDWEVNZTBQZXhFbjhDL3B1QT09 Passcode: 812858. You can also type in 830 463 65193 in the "Join a Meeting" page on the Zoom website at https://zoom.us/join.
- **Join by telephone.** Dial: USA 877 336 1839 US Toll-free or 636 651 0008 US Toll. Conference code: 686100

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

When called to speak, you will be asked to provide your full name and your town/city of residence. This identifying information is optional and not a requirement for participation. Please limit your comments to three (3) minutes, or such other time as the Chair may decide, consistent with the time limit for speakers at a Council Policy Committee meeting. If you wish to speak to an item or items on the Consent Calendar, please state which item number(s) you are commenting on at the beginning of your time.

If you are unable to participate in real-time, you may email to PublicComment@losgatosca.gov the subject line "Public Comment Item #__ " (insert the item number relevant to your comment). 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 Committee without first being recognized;
- Interrupting speakers, Committee Members, or Town staff;
- Continuing to speak after the allotted time has expired;
- Failing to relinquish the microphone when directed to do so;
- Repetitiously addressing the same subject.

Town Policy does not allow speakers to cede their commenting time to another speaker. Disruption of the meeting may result in a violation of Penal Code Section 403.

MEETING CALL TO ORDER

ROLL CALL

CONSENT ITEMS *(Items appearing on the Consent Items are considered routine Town business and may be approved by one motion. Any member of the Committee 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 Chair 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 Chair has the sole discretion to determine when the item will be heard.)*

1. Approve Draft Minutes of the January 23, 2023 Council Policy Committee Meeting.

VERBAL COMMUNICATIONS *(Members of the public are welcome to address the Policy Committee 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 Chair, this portion of the agenda is limited to 30 minutes and no more than three (3) minutes per speaker. In the event additional speakers were not able to be heard during the initial Verbal Communications portion of the agenda, an additional Verbal Communications will be opened prior to adjournment.)*

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

2. Confirm 2023 Work Plan Items for the Council Policy Committee.
3. Discuss and Provide Direction to Potentially Modify Town Council Policy 2-04: Town Council Code of Conduct, Town Council Policy 2-05: Planning Commission Policies and Procedures, Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum, and the Commissioner Handbook.

ADJOURNMENT

DRAFT
Minutes of the Town Council Policy Committee Meeting
January 23, 2023

The Town Council Policy Committee of the Town of Los Gatos conducted a special meeting utilizing teleconference and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.) and Town of Los Gatos Resolution 2021-044 on Monday, January 23, 2023, at 5:00 p.m.

MEETING CALLED TO ORDER AT 5:02 P.M.

ROLL CALL

Members Present: Rob Moore, Matthew Hudes

Staff Present: Laurel Prevetti, Town Manager; Gabrielle Whelan, Town Attorney; Wendy Wood, Town Clerk; Joel Paulson, Community Development Department Director; Jennifer Armer, Planning Manager.

APPOINT CHAIR AND VICE CHAIR

Rob Moore was appointed Chair and Matthew Hudes was appointed Vice Chair by unanimous vote of the Committee.

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

1. Approve Draft Minutes of the September 17, 2022 Council Policy Committee.
2. Approve the Town Council Policy Committee Meeting Schedule for 2023.

Approved.

VERBAL COMMUNICATIONS

None.

OTHER BUSINESS

3. Recommend to the Town Council Modifications to Town Council Policy 2-01: Agenda Format and Rules Regarding Town Remote Attendance for Town Boards, Commissions, and Committees.

Laurel Prevetti, Town Manager, presented the staff report.

Opened public comment.

Cindy Walker from the Complete Streets and Transportation Committee commented in favor of hybrid meetings for all Boards, Commissions, and Committees due to concerns regarding Committee members being unable to attend in person and to increase the opportunity for public participation.

Susan Burnett from the Planning Commission asked for clarification regarding the discussion and commented in favor of in-person and video meetings, and not in support of audio only meetings.

Closed Public Comment.

After discussion, the Committee was split with Vice Chair Hudes recommending the Council approve the proposed changes with the exception of conducting hybrid meetings for the Planning Commission and Finance Commission. Chair Moore requested that Council consider the staff recommendation as well as additional information regarding the feasibility and cost of options for audio only and audio with video hybrid meetings for all Board, Commission, and Committee meetings.

4. Identify Future Work Plan Items for the Council Policy Committee.

Laurel Prevetti, Town Manager, presented the staff report.

Opened public comment.

None.

Closed Public Comment.

After discussion, the Committee approved the proposed 2023 Work Plan with the following additions:

- Review of Ethics and Conflict of Interest Policies.

- Review Policies for Commission, Board, Committee, and Council Recusal.
- Review the Brown Act and Council Communications with Regards to Forums such as Democracy Tent.
- Review Conflicts of Interest for Political Endorsements from Organizations Funded by the Town.
- Reexamine the Policy Committee's Enabling Resolution.
- Consider a Capital Improvement Equity Policy.
- Consider a Commercial Rent Control Policy.

And the following deletions, recognizing that the other Commissions should be the recommending body to Town Council:

- Consider the Creation of a Reorganization Policy.
- Potential Amendments to the Story Pole and Netting Policy.
- Consider a Los Gatos Election Policy.
- Consider Home Occupancy Permit Criteria and Limitations.
- Discuss Guidelines for Tree Planting In-Lieu Fees When Additional Trees Would Conflict with Maintaining Defensible Space.
- Discuss Transportation Impact Mitigation Policy and Fees.
- Consider the Definition of "Specialty Retail."
- Review Zoning Requirements for Banks in the Downtown District.
- Continue to Consider Land Use Streamlining Modifications and Review of Items in the Land Use Policies Binder.

The Committee asked staff to return with a revised Work Plan for review based on their input.

ADJOURNMENT
The meeting adjourned at 6:25 p.m.

This is to certify that the foregoing is a true
and correct copy of the minutes of the
January 23, 2023 meeting as approved by the
Town Council Policy Committee.

_____
Holly Young, Senior Management Analyst

DATE: February 28, 2023

TO: Council Policy Committee

FROM: Laurel Prevetti, Town Manager

SUBJECT: Confirm 2023 Work Plan Items for the Council Policy Committee

RECOMMENDATION:

Confirm 2023 work plan items for the Council Policy Committee.

REMARKS:

On January 23, 2023, the Council Policy Committee discussed a proposed 2023 Work Plan. The Committee provided input on the proposed Plan including requesting various items be added and deleted. The Committee asked staff to return with a revised Work Plan for review based on the discussion (see Attachment 1).

The revised Work Plan is arranged loosely in priority order. The Work Plan also includes two items directed by the Town Council:

- An evaluation of remote participation for Boards, Committees, and Commissions later in 2023; and
- Modifications to Town Policies to address Commissioner discipline.

COORDINATION:

The preparation of this report was coordinated with the Town Manager's Office (including Economic Vitality and the Clerk Department), Community Development Department, Parks and Public Works Department, and the Town Attorney's Office.

PREPARED BY: Holly Young
Senior Management Analyst

Reviewed by: Town Manager and Town Attorney

FISCAL IMPACT:

There is no associated fiscal impact.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under the California Environmental Quality Act, and no further action is required.

Attachment:
1. Revised 2023 Draft Work Plan

2023 Town Council Policy Committee Work Plan Items (Revised)

- Determine Modifications to Town Policies to Address Commissioner Discipline.
- Consider an Emergency Procurement Policy.
- Consider Legislative Advocacy Priorities/Principles (Building from Existing Legislative Policy).
- Consider Finance Commission Recommendation to Create a Public Input and Outreach in Labor Negotiations Policy Modeled after Menlo Park.
- Consider Finance Commission Recommendation for Council Not to Engage in Confidential Agreements with Bargaining Units that Would Prevent Disclosure that Would Otherwise be Properly Disclosed under the Brown Act.
- Review of Ethics and Conflict of Interest Policies.
- Review Policies for Commission, Board, Committee, and Council Recusal.
- Review the Brown Act and Council Communications with Regards to Forums, such as Democracy Tent.
- Review Conflicts of Interest for Political Endorsements from Organizations Funded by the Town.
- Consider a Capital Improvement Equity Policy.
- Consider a Commercial Rent Control Policy.
- Reexamine the Policy Committee's Enabling Resolution.
- Evaluate the Remote Participation Provisions for Boards, Committees, and Commissions as Contained in the Agenda Format and Rules Policy.

DATE: February 17, 2023

TO: Council Policy Committee

FROM: Laurel Prevetti, Town Manager

SUBJECT: Discuss and Provide Direction to Potentially Modify Town Council Policy 2-04: Town Council Code of Conduct, Town Council Policy 2-05: Planning Commission Policies and Procedures, Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum, and the Commissioner Handbook

RECOMMENDATION:

Discuss and provide direction to potentially modify Town Council Policy 2-04: Town Council Code of Conduct, Town Council Policy 2-05: Planning Commission Policies and Procedures, Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum, and the Commissioner Handbook.

BACKGROUND:

Currently the Town has a patchwork of Town Council Policies that are used to evaluate a potential disciplinary issue with a Commissioner. The Commissioner Handbook states that for enforcement:

> If a member of a Town Board, Commission, or Committee does not follow the Commissioner's Handbook, the Mayor or his/her designee will counsel that member regarding the rules and their importance to the Council and the Town (see Resolution 1999-167 and Town Council Code of Conduct Policy).

Town Council Policy 2-04: Town Council Code of Conduct has a specific disciplinary process that has been used for Commissioners (see Attachment 1).

In addition, Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum states the grounds for dismissal of a Commissioner (see Attachment 2, page 7). Since this Policy does not provide a process for evaluating a policy violation, the Town's practice has been to follow the procedure in the Code of Conduct.

Reviewed by: Town Manager and Town Attorney

BACKGROUND (continued):

After a recent disciplinary proceeding, the Town Council asked the Council Policy Committee to review the applicable Policies and make recommendations to improve the procedure to discipline Commissioners.

DISCUSSION:

This agenda item provides the Policy Committee an opportunity to provide direction to staff to improve the procedure. The Committee may want to consider the following questions in its deliberations:

- Should the discipline procedure in the Code of Conduct Policy in its entirety apply to Commissioners?
- If not, are there any elements of the discipline procedure from the Code of Conduct that should apply? For example:
    - Should the evaluation committee consist of the same members?
    - Should the same Minor and Major distinction apply?
    - Under what circumstances should a third party conduct an initial interview with the subject Commissioner and report the findings to the evaluation committee?
    - What discipline options should be available for Commissioners?
- What other procedural steps would the Committee recommend?
- What other guidance should be contained in Town Policies regarding this matter?

In addition to the above referenced Policies, the Planning Commission Policy is contained in Attachment 3.

Based on the direction of the Committee, staff will return at a subsequent meeting with draft language for the Committee's review. Once the Committee has completed its work, the matter will go before the entire Council for final consideration and action.

CONCLUSION:

Staff looks forward to the Committee's discussion and direction. Based on the direction, staff will return to subsequent Policy Committee meetings to review draft specific redline modifications.

COORDINATION:

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

FISCAL IMPACT:

Potential modifications to Council Policies and the Commissioner Handbook have no fiscal impact.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under the California Environmental Quality Act, and no further action is required.

Attachments:
1. Town Council Policy 2-04: Town Council Code of Conduct
2. Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum
3. Town Council Policy 2-05: Planning Commission Policies and Procedures

TOWN OF LOS GATOS CALIFORNIA

COUNCIL POLICY MANUAL

Small Town Service *Community Stewardship* *Future Focus*

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.

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

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

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.

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.

<u>Council Conduct and Communication with Town Staff</u>
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:

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

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 CALIFORNIA

COUNCIL POLICY MANUAL

Small Town Service *Community Stewardship* *Future Focus*

TITLE: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum	**POLICY NUMBER:** 2-11
EFFECTIVE DATE: 2/28/1990	**PAGES:** 7
ENABLING ACTIONS:	**REVISED DATES:** 6/13/1994; 6/16/2014; 4/7/2015; 10/18/2016; 2/21/2017; 2/6/2018; 3/19/19; 9/3/2019; 6/1/2021; 12/7/21, 3/15/22, 8/2/22; 09/20/22
APPROVED:	

PURPOSE

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

SCOPE

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

POLICY

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

To ensure the greatest possible participation by the public, it is the Town's policy that no person shall be appointed to more than one Commission except in those cases where they are ex-officio members of other Boards, Commissions and Committees. This Policy does not apply to Commission members serving as representatives of their Commission who have been appointed by the Town Council.

RESIDENCY REQUIREMENTS

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

Youth Commission:
The members shall be students who are entering grades 8 through 12 in the fall. Membership for the students requires either residency in the incorporated limits of the Town of Los Gatos or residency in the unincorporated areas of the County of Santa Clara, which have a Los Gatos mailing address.

ATTENDANCE REQUIREMENTS

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

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

QUORUM REQUIREMENTS

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

PROCEDURES

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

Responsibility and Actions: Town Clerk

A. Annual Recruitments

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

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

   c. Submissions deadlines are mandatory; no exceptions are permitted.
4. Applications:
   a. *For adult applicants* — Accept applications, verify eligibility, and distribute copies of the applications of eligible applicants to the Town Council prior to the interviews for appointment.
   b. *For student applicants* — Accept applications, verify eligibility, and distribute copies of the applications of eligible applicants to the Town Council Selection Committee, consisting of the Mayor, Vice Mayor, Police Chief, and Youth Commission Chair (if not reapplying), prior to the interviews for appointment.
5. Notify the applicant by letter or email as to the date and time of the interview and provide the option for an in person or teleconference interview.
6. Facilitate the Council voting process set forth below by informing Council as to how many votes are possible on each Commission, calling out applicants' names, and identifying the applicants receiving sufficient votes for appointment. This process does not apply to student applicants.
7. Applicants:
   a. *For adult applicants* — After the interviews and Council vote are completed, notify all applicants of the Council's action, and explain Town policy of keeping application active for one year with notification of subsequent openings on that Commission to the interested applicants.
   b. *For student applicants* — After the interviews are completed, notify all applicants of the Council Committee's action, and prepare a staff report for the Town Council to ratify the Committee's appointment at the first Town Council meeting in June.

Interview Process

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

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

The standard questions are limited in number to allow an applicant sufficient time to respond. While the intent is for each Council Member to be able to ask one question of each applicant, the Council may decide not to ask all of the provided questions, change the order of the questions, or rotate which Council member asks a specific question. Interview questions will be reviewed annually by the Town Council in advance of the interview process for any potential modifications.

Balloting Process

Unless determined otherwise, the Council shall conduct a ballot vote for the appointment of individuals to fill the vacancies for each Commission. Such ballot vote may be conducted at either a regular, adjourned, or special meeting of the Town Council. The ballot vote process shall be conducted as follows:

1. The Town Clerk shall provide a ballot to each Town Council member listing the names of all applicants and "None of the above" for each respective Commission. Prior to the vote, the Town Clerk shall publicly announce the position vacancy and all applicant names that are listed on the ballot.
2. Each Council member may vote for the same number of applicants as there are current vacancies on the respective Commission. In no case, can a Council Member cast more votes than there are vacancies; or vote for the same candidate more than once on each ballot (i.e. cumulative voting -- e.g. where there are three vacancies, a Council member may not give all three votes to the same candidate). A Council Member is not required to vote for any of the candidates or for the total number of vacancies available.
3. The Town Clerk shall collect all ballots and shall publicly announce the name of each Town Council member and how that Council member cast his or her vote. In the case of a tie vote, the Town Clerk will announce that there is a tie and that a run-off vote shall be conducted but will not announce the names of the applicants in the run-off. Once all voting is concluded and a decision made, the votes will be made public. The run-off ballot will also include a "None of the above" option.
4. Applicants receiving a majority number of votes shall be deemed appointed to the Commission. In the event of a tie, a run-off vote shall be conducted among the applicants receiving the highest number of votes from the previous round. This shall continue until a majority consensus on an applicant(s) is reached for the number of vacancies to be filled. In the event of an unbreakable tie, the Council may determine an alternative method for selecting the appointee(s) or direct the Town Clerk to re-advertise the vacancy.
5. If an applicant(s) is appointed to an Advisory Body which has vacancies for both full and partial, unexpired terms, the length of the appointee's term will be determined by the Mayor.

B. Mid-Term Recruitments

During the year, Commissions may experience vacancies that drop the number of filled seats to a number of members that is not sufficient to conduct Commission business. The Commission may request the Council to conduct a mid-term recruitment to fill seats. To the extent possible, the Town Clerk will consolidate mid-term recruitments to minimize the number of recruitments occurring throughout the year. In the event of a vacancy on the Planning Commission, the Town will automatically conduct a mid-term recruitment. Mid-term recruitments will not be conducted for Youth Commissioners. The Town Clerk shall advertise mid-term vacancies on Commissions for at least 15 days.

Responsibility and Action: Applicant

1. Read the Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum Policy, complete and submit to the Town Clerk the application for appointment to a Town Commission by the advertised deadline date and time.
2. *For adult applicants:* Attend the Council meeting to be interviewed for Commission appointment. The applicant is required to notify the Town Clerk no later than 4:00 p.m. the Friday before the scheduled interview date whether they will attend in person or via teleconference.
3. *For student applicants:* Attend the Council Selection Committee interview session. The applicant is required to notify the Town Clerk no later than 4:00 p.m. the Friday before the scheduled interview date whether they will attend in person or via teleconference.
4. If an incumbent Commission member is requesting reappointment to the same Commission and is not available on the date of the interview, the incumbent must submit a letter by 4:00 p.m. the Friday prior to the interviews, describing the reason why the applicant cannot be present telephonically or in person for the interview, and why the applicant should be reappointed to the Commission.
5. If appointed, prior to starting the Commission term, appointees are required to attend a Commissioner Orientation and take the "Oath of Office."
6. Attend Advisory Body meetings once term begins.
7. Read the Commissioners' Handbook. Hard copies of the Handbook are to be returned to the Town Clerk when the term is complete.

Responsibility and Action: Town Council

1. Review applications.
2. *For adult applicants* – Interview applicants individually by Commission at a public meeting with all applicants present.
   For student applicants – Town Council Selection Committee interviews applicants.
3. Determine if the incumbents not in attendance and having submitted a letter pursuant to this Policy should be considered for reappointment.
4. If there are limited applications for any vacancy to a Commission, the Mayor, on behalf of the Council, may request that the Town Clerk re-advertise the vacancy, reschedule the interviews, and notify all applicants of the new interview date.

COMPLIANCE - GROUNDS FOR DISMISSAL

A member may be removed from the Advisory Body prior to the end of his or her term by a three-fifths (3/5) vote of the Town Council and may not be reappointed for the following reasons:

1. Failure to attend Advisory Body meetings.
2. Failure to file the following documents required by the Fair Political Practices Commission (Adult Commissioners):
    a. Form 700 – Assuming Office, Annual, and Leaving Office when term is complete.
    b. Planning Commissioners are also required to complete AB 1234 Ethics Training and file the original certificate with the Town Clerk every two years.
3. Failure to comply with all Town Policies, Guidelines, and Handbooks.

CONFLICT OF INTEREST

Under the Fair Political Practice Act, an advisory board member has a disqualifying conflict of interest in a governmental decision if it is foreseeable that the decision will have a financial impact on his or her personal finances or other financial interests. In such cases, there is a risk of biased decision-making that could sacrifice the public's interest in favor of the official's private financial interests. To avoid actual bias or the appearance of possible improprieties, the public official is prohibited from participating in the decision.

The Fair Political Practice Act does not prohibit an advisory board member from participating in a decision simply by virtue of holding a position as a board member, director, officer, or employment with a nonprofit corporation. However, the Town strongly encourages that in the event that a decision concerns a nonprofit corporation for which an advisory board member is a board member, director, officer, or employed with that nonprofit corporation, the person should recuse him or herself and at a minimum shall disclose the potential conflict of interest before any discussion and decision.

APPROVED AS TO FORM:

Gabrielle Whelan, Town Attorney

Title: Planning Commission Policies and Procedures	**Policy Number**: 2-05
Effective Date: 1983	**Pages:** 11
Enabling Actions:	**Revised Date:** 5/8/1985; 11/18/1987; 9/22/93; 11/16/1998; 4/16/2001; 12/6/2010; 4/21/2015; 9/20/2016; 8/20/2019
Approved:	

PURPOSE

This Policy is to inform Planning Commission Members of their roles, responsibilities, and functions, as well as operating procedures for meetings.

SCOPE

Since 1983, the Town Council has adopted Planning Commission Policies and Procedures. The Procedures address topics including the agenda format, Commissioner conduct at Planning Commission meetings, absences, evidence outside of formal hearings, findings, voting, and other issues. Periodically, the Town Council adopts revisions to the Procedures.

POLICY AND PROCEDURES

1. ORGANIZATION, OFFICERS, DUTIES

1.1 Organization.

The Planning Commission consists of seven voting members and shall be organized as prescribed by Town Code Section 29.20.750 and the Town Council. All Planning Commissioners shall be appointed by the Town Council. Commissioners serve at the pleasure of the Town Council and may be removed prior to the end of his or her term by a four-fifths vote of the Town Council.

1.2 Officers.

A Chairperson (hereinafter Chair) and Vice-Chairperson (hereinafter Vice Chair) shall be elected annually from among the Commission's membership at the first meeting in January, to serve at the pleasure of the Commission for a term of office of one year.

The Chair shall:

a) Preside at all meetings of the Commission.
b) Sign documents of the Commission.
c) Determine meeting schedule and agenda items consistence with state law noticing requirements.

During the absence, disability or disqualification of the Chair, the Vice-Chair shall perform all the duties and be subject to all the responsibilities of the Chair.

The Vice-Chair shall succeed the Chair if he or she vacates the office before his or her term is completed and shall serve the unexpired term of the vacated office. (A new Vice-Chair shall be elected at the next regular meeting.)

In the absence of the Chair and Vice-Chair, any other Commissioner shall call the Commission to order whereupon a Chair pro tem shall be elected from the Commissioners present to preside.

1.3 Duties.

The functions, powers and duties of the Planning Commission shall consist of all those functions, powers and duties of a Planning Commission as provided in Chapters 3 and 4 of Title 7, commencing with Section 65100 of the California Government Code (Planning and Zoning Law) and as the same may be hereafter amended. The Planning Commission shall perform such other duties and functions as may be designated in Town Code and by the Town Council.

1.4 Support.

The Secretary of the Planning Commission is the Community Development Director or designee. The Chair shall set the Agenda in consultation with the Secretary.

2. LEGAL AND ETHICAL STANDARDS

Planning Commissioners must serve as a model of leadership and civility to the community and treat all members of the public, each other, and the issues before them with respect to ensure open and effective government.

To ensure the highest standards of respect and integrity during public meetings, Planning Commissioners shall:

1. Use formal titles. The Commissioners shall refer to one another formally during Commission meetings such as Chair, Vice Chair, Commissioner, or Mr., Mrs., or Ms., followed by the individual's last name.
2. 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. This does not allow, however, Commissioners to make abusive, slanderous, and personal comments, and/or physical actions that could be construed as threatening. During public discussions, Commissioners shall be respectful of others and diverse opinions, practice objectivity, and allow for the debate of issues.
3. Honor the role of the Chair in maintaining order and equity, and respect the Chair's efforts to focus discussion on current agenda items. Objections to the Chair's actions should be voiced politely and with reason.
4. Demonstrate effective problem-solving approaches. Commissioners are role models for residents, business people, and other stakeholders involved in public debate.
5. Base decisions on the -.written evidence, arguments or testimony and decisions should be made objectively and based upon the merits and substance of the matter at hand, not through established coalitions or well-defined voting blocks. Judgment of decisions should be reserved until all applicable information has been presented.
6. Be prepared and knowledgeable. To effectively lead and inform the public, Commissioners shall be prepared and informed about issues on the agenda.
7. Be respectful of other people's time. Commissioners should stay focused, listen attentively, and act efficiently during public meetings. During public testimony, Commissioners should refrain from engaging the speaker in dialogue; however, for purposes of clarification, Commissioners may ask the speaker questions. Commission comment and discussion should commence upon the conclusion of all public testimony.

3. MEETINGS, STUDY SESSIONS, AGENDAS, AND STAFF REPORTS

3.1 Quorum and Attendance at Meetings.

A quorum to conduct business shall consist of a majority of the total number of filled seats consistent with Town Council Resolution 2014-041. For example, if all seven Commissioners are seated, then a quorum consists of a minimum total of four members of the Commission. A quorum is not required for workshops.

Requests by Commissioners to attend a Commission meeting via telephonic appearance are actively discouraged. Telephonic attendance shall only be permitted in the event of extraordinary events such as a medical, family, or similar emergency requiring a Commissioner's absence or in the event the Commissioner is out of the area on official Town business. In addition, at least a quorum of the Commission must participate from a location within the Town.

3.2 Public Meetings.

All meetings shall be held in full compliance with the provisions of state law, ordinances of the Town, and these Policies and Procedures.

3.3 Regular Meetings.

Regular meetings of the Commission shall be held on the second and fourth Wednesdays of each month in Town Council Chambers at 110 E. Main Street, Los Gatos, unless otherwise determined by the Commission. All regular meetings of the Commission will be called to order at 7:00 p.m., unless advertised otherwise, canceled, or rescheduled.

The Commission with the consent of the majority of the Commission, adjourn its meetings on or before 11:30 p.m. with any unfinished business being continued to the next regular, adjourned, or special meeting, unless the Commission votes to extend the meeting. At approximately 11:15 p.m., the Chairperson will call for review of any remaining agenda items to consider whether they will likely be completed by 11:30 p.m., or whether continuances should be considered. The Secretary of the Planning Commission, or designee, will post notice of any continued hearing or other unfinished business, as required by law.

3.4 Special Meetings.

A special meeting may be called at any time by the Chairperson of the Commission, or by a majority of its membership on its own motion, or at the direction of the Town Council. Notice shall be sent in compliance with the Ralph M. Brown Act, Government Code section 54950, *et seq.* ("Brown Act") and the Los Gatos Town Code.

3.5 Adjourned Meetings.

The Commission may adjourn any regular or special meeting to a time and place specified pursuant to the procedures set forth in the Brown Act.

3.6 Workshops/Study Sessions.

The Commission may hold a workshop as part of a regular or special meeting. When a matter is set for a workshop, public testimony on each item will generally be limited to three (3) minutes per person, at the discretion of the Chair. A workshop shall be for discussion only and the Commission will take no action on the workshop item.

3.7 Agendas.

At least seventy-two (72) hours before a regular meeting, copies of the Commission's agenda shall be posted in a location that is available for viewing by the public and made available on the Town website and at the Community Development Department. In accordance with the Brown Act, the Commission may not take action on any item that did not appear on the posted agenda, unless an exception is made as permitted under Government Code section 54954.2. The Chair may rearrange the order of presentation of items appearing on the agenda as he or she may deem necessary or desirable for the conduct of the meeting. No person shall be entitled to rely upon the order in which public hearing items appear on the posted agenda, and any public hearing on any agenda may commence immediately upon the time the meeting is called to order.

3.8 Staff Reports.

Staff Reports shall be made public whenever they are distributed to the Commission, except in the case of attorney/client privilege memoranda. Staff reports will usually be prepared with recommendations and shall include the basis for these recommendations and included in the hearing record on any application.

If, in reviewing a staff report, a Commissioner sees omissions, has questions, or is looking for specific information, it is advisable that the Commissioner contact the Community Development Director or designee prior to the hearing.

3.9 Order of Meetings.

The Order of Business shall be as follows subject to the Chairperson's final approval:

1. Roll Call
2. Pledge of Allegiance
3. Written Communications
4. Requested Continuances
5. Sub-Committee Reports
6. Verbal Communications
7. Consent Calendar
8. Continued Public Hearings
9. New Public Hearings
10. Continued Other Business
11. New Other Business
12. Adjournment

3.10 Chair's Rules of Order.

After issuing a warning, the Chair may order from the meeting location any person(s) who commit the following acts with respect to a regular or special meeting of the Commission:

1. Disorderly, contemptuous or insolent behavior toward the Commission, or any member thereof, which interrupts the due and orderly course of said meeting.
2. A breach of the peace, boisterous conduct or violent disturbance which interrupts the due and orderly course of said meeting.

After a warning by the Chair, if more than one individual at a given meeting continues to engage in disruptive or unruly behavior to the extent that it is preventing Commissioners from adequately participating in the meeting, the Chair may order that the meeting location be cleared of all members of the public (with the exception of members of the press who are not participating in the disruption), and/or (c) adjournment of the meeting to another time or place so that the meeting may continue uninterrupted.

Any Commissioner may move to require the Chair at the meeting to enforce the rules, and the affirmative vote of a majority of the Commissioners present shall require him or her to so act.

4. PRESENTATION OF AGENDA ITEMS

4.1 Minutes and Recording.

Commission meetings are recorded and the recording is permanently preserved by the Town. The recording of the meeting is used by the Secretary of the Commission to prepare minutes of the hearing which must be approved by the Commission. The minutes of the Commission's proceedings shall show the vote of each Commissioner, including if they were absent or failed to vote on a matter considered.

4.2 Order of Presentation.

The order of the presentation shall be as follows:

1. The Chair shall announce the subject of the agenda item.
2. Presentation of staff report, including any environmental analysis or recommendation.
3. Questions of staff by Commissioners.
4. Public hearing opened.
5. Presentation of the applicant(s) or appellant(s).
6. Public comment.
7. Rebuttal comments by the applicant(s) or appellant(s).
8. Public hearing closed.
9. Commission discussion and action.

4.3 Public Participation.

The Commission welcomes participation and comment on any matter within its subject matter jurisdiction. It is the Commission's intent to create and maintain an environment where people feel comfortable participating in the public process and an atmosphere of respect for all who participate in the Town's public meetings. To maintain civility and respect and to allow the Commission to complete its work in a timely manner, the Commission requests that all attendees and participants show respect for every speaker regardless of his or her viewpoint, and to refrain from conduct that may inhibit others from addressing the Commission. Disrespectful conduct, such as hissing, booing, whistling, cheering, chanting, and judgmental hand gestures, are all inappropriate. The Commission also discourages profane remarks or personal attacks or insults to any member of the Commission, staff, other attendees or speakers, or the general public. Accordingly, the Commission requests the cooperation of all in maintaining a meeting

environment where persons can feel comfortable participating in the public process and expressing their views and opinions, and an atmosphere of respect for all.

4.4 Rules of Evidence.

Hearings and meetings before the Commission need not be conducted according to formal rules of evidence. Any relevant evidence may be considered if it is the sort of evidence upon which reasonable persons are accustomed to rely on in the conduct of serious affairs.

4.5 Written Evidence.

Written evidence that members of the public wish to submit to the Commission in advance of a Commission agenda item should be submitted by 11:00 a.m. on the Wednesday one week prior to the Commission meeting in order for such evidence to be provided to the Commission with its agenda packet in advance of the meeting. Any written evidence submitted after this day and time but prior to 11:00 a.m. on the day of the hearing will be distributed to the Commission in an Addendum or Desk Item.

Written or pictorial evidence distributed to the Commission at the meeting may not be effective, as the Commission may not have enough time to absorb its content. Although late correspondence is highly discouraged for this reason, any participant may submit written and pictorial evidence to the Commission during the public hearing on an item.

4.6 Oral Evidence, Time Limits, and Number of Speakers.

A speaker's card to speak on an item should be submitted to the Secretary of the Commission or designee.

The Chair's instructions to the audience will generally follow these guidelines:

1. Any person desiring to speak must first be recognized by the Chair.
2. All participants must speak from the podium.
3. All speakers are requested to first state their full name and full address, and to speak into the microphone as all meetings are recorded. To ensure correct spelling of names and addresses, all speakers are encouraged to submit a speaker's card to the Secretary of the Commission or designee.

4. All comments shall be directed to the Commission as a body, and not to any particular Commissioner, staff person or audience. No person, other than Commissioners, staff, and the person having the floor shall be permitted to enter into the discussion. Commissioners shall only ask questions of the speakers through the Chair. Each applicant and appellant shall be limited to a five (5) minute presentation at the start of the public hearing and a three (3) minute rebuttal after all other speakers have been heard. All members of the applicant's or appellant's team shall be heard as a group within these time limits. Questions by the members of the Commission do not count against the time. Members of the public who wish to speak on any items will be limited to up to 3 minutes each. No person shall be allowed to speak a second time per item. In order to assure the opportunity for all those desiring to speak before the Commission, there is no yielding of time to another speaker. The Chair, at his or her discretion, may allocate more or less time for speakers due to the complexity of the issues and/or due to a large number of speakers on a particular item. Except for the applicant or appellant, all speakers shall be limited to the same amount of time to speak.

4.7 Evidence Received Outside a Hearing.

Applications before the Planning Commission involve quasi- judicial matters, legislative matters and matters that have attributes of each. On quasi-judicial matters California law requires decisions to be based on findings, and findings to be based on evidence presented at the hearing. Accordingly, the actual decision of the Commission on a quasi-judicial matter must be supported by evidence presented at the hearing, i.e. the staff report, testimony given during the hearing and comments from other Commissioners. A Commissioner may not state or predetermine his or her decisions on an application prior to the hearing.

In order to avoid the appearance of bias or impropriety, individual Commissioners are prohibited from discussing, outside of the public hearing process, the substance of any project with project proponents, opponents and member of the public. This prohibition shall apply to all projects, whether conceptual or proposed, that can be considered by the Commission in reviewing an application, on appeal or on remand. Study sessions may be used as a means of facilitating informal communication. Individual Commissioners who have engaged in prohibited discussions shall recuse themselves from consideration of the project.

Incidental contacts that do not address the substance of any project are not prohibited. Incidental contacts are those that are not reasonably understood to influence a Commissioner's decision and include speaking with an interested party to obtain approval to enter a property and to

obtain information intended to orient the Commissioner about the physical aspects of the property or a project.

5. MOTIONS

Action upon an order, resolution, ordinance, or any other action of the Commission may be proposed by any Commissioner by a motion. Before a motion can be considered or debated it must be seconded, at which time it shall be on the floor and must be considered. If not seconded, the motion dies for lack of a second and shall be so declared by the Chair. Substitute motions and other parliamentary procedures shall follow Robert's Rules of Order.

Pursuant to Planning Commission Resolution No. 78-4, adopted May 10, 1978, the Planning Commission will not accept requests for continuances from applicants after 12:00 noon of the Friday preceding any Commission meeting, provided, however, that the Commission retains the right to make exceptions when it finds that a genuine emergency exists which was not known to the applicant.

A motion to adopt or approve staff recommendations or simply to approve the action under consideration shall, unless otherwise particularly specified be deemed to include adoption of all proposed findings and execution of all actions recommended in both the written staff report on file on the matter, any verbal staff report, and other evidence presented during the hearing.

6. VOTING AND ABSENTEES

Voting of not less than three (3) votes shall be required to carry a motion, unless a larger number of votes is required by applicable ordinance or other law.

If a Commissioner is not eligible to participate in the consideration of an item due to a conflict of interest, the Commissioner shall be disqualified and shall recuse him or herself from the voting, in which case the Commissioner cannot be included in the quorum. Prior to consideration of the matter, the conflicted Commissioner shall recuse on the record, stating the basis for the recusal, and shall then leave the room, unless legally entitled to remain under applicable law.

If a majority of the Commission shall be disqualified to vote on a matter by reason of actual or apparent conflict of interest, the Commission shall select by lot, or other means of random

selection, that number of disqualified Commissioners which, when added to the Commissioners eligible to vote, shall constitute a quorum.

A Commissioner who expects to be absent should notify the Chair and the Community Development Department prior to the meeting.

Pursuant to Resolution 2011-012, any Commissioner who is absent from eight (8) regular meetings held in a twelve (12) consecutive month period, shall, as a result, surrender his or her office on the Planning Commission and the office shall be considered vacant.

A Commissioner who is absent from any portion of a hearing conducted by the Commission may vote on the matter at the time it is acted upon, provided that he or she viewed the video recording of the entire portion of the hearing from which he or she was absent, and he or she has examined all of the staff reports and minutes presented during the portion of the hearing from which he or she was absent; and he or she states for the record before voting that the Commissioner deems himself or herself to be as familiar with the record and with the evidence presented at the hearing as he or she would have been had he or she personally attended the entire hearing.

7. LEGAL REQUIREMENTS

The Planning Commission 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 Commission on these matters.

The Ralph M. Brown Act requires that meetings of the Planning Commission be open and public. "Meetings" occur whenever four (4) or more members of the Commission hear, discuss, or deliberate on any matter that is relevant to the Town. This includes discussions that occur face to face, serially, through third parties, or through written, telephonic, or e-mail communications.

The Political Reform Act controls conflicts of interests through disclosure of financial interests and prohibition in participating in decision making. Commissioners are prohibited from making, participating in or in any way attempting to use their official position to influence a governmental decision in which they know or have reason to know they have a financial interest. Financial interests can arise out of property ownership, business investment, leadership in a business entity, and receipt of money or gifts.

8. CONSTRUCTION AND EFFECT

These Policies and Procedures shall be construed and applied so as to ensure a full and fair hearing of relevant evidence which is offered on a land use matter and to facilitate an orderly analysis of evidence and issues by the Commission. Failure to comply with the strict provisions of these Policies and Procedures shall not necessarily invalidate any action taken by the Commission.

9. RULES OF ORDER.

Except as otherwise provided in these Policies and Procedures, Roberts Rules of Order shall be used as a guide for the conduct of the meetings of the Planning Commission. No omission to conform to said rules of order shall in any instance be deemed to invalidate any action taken by the Commission.

10. AMENDMENT.

These Policies and Procedures may only be amended by the Town Council.

APPROVED AS TO FORM:

Robert Schultz, Town Attorney

TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE AGENDA
MARCH 28, 2023
110 EAST MAIN STREET
TOWN COUNCIL CHAMBERS
5:00 PM

Rob Moore, Chair
Matthew Hudes, Vice Chair

This meeting will be held in-person at the Town Council Chambers at 110 E. Main Street. Members of the public may only provide public comments for the agenda item in-person.

PARTICIPATION IN THE PUBLIC PROCESS

The Town of Los Gatos strongly encourages your active participation in the public process, which is the cornerstone of democracy. If you are interested in providing oral comments during the meeting, you must attend in-person and complete a "speaker's card" located on the back of the chamber benches and return it to the staff. If you wish to speak to an item on the agenda, please list the item number. The time allocated to speakers may change to better facilitate the Board meeting. You are welcome to submit written comments via email to Clerk@LosGatosCA.Gov.

Public Comment During the Meeting:

- When called to speak, please limit your comments to three (3) minutes, or such other time as the Chair may decide, consistent with the time limit for speakers at a Town meeting.
- 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 and not required.

Deadlines for Public Comment and Presentations are as follows:

- If you are unable to participate in person, you may email Clerk@LosGatosCA.Gov with the subject line "Public Comment Item #_" (insert the item number relevant to your comment). Persons wishing to submit written comments to be included in the materials provided to Board must provide the comments as follows:
  - For inclusion in the regular packet: by 11:00 a.m. the Friday before the Committee meeting
  - For inclusion in an Addendum: by 11:00 a.m. the Monday or Tuesday before the Committee meeting
  - For inclusion in a Desk Item: by 11:00 a.m. on the day of the Committee meeting
- Persons wishing to make an audio/visual presentation on any agenda item must submit the presentation electronically, either in person or via email to Clerk@LosGatosCA.Gov to the by 3:00 p.m. the day of the meeting.

MEETING CALL TO ORDER

ROLL CALL

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 Committee without first being recognized;
- Interrupting speakers, Committee Members, or Town staff;
- Continuing to speak after the allotted time has expired;
- Failing to relinquish the microphone when directed to do so;
- Repetitiously addressing the same subject.

Town Policy does not allow speakers to cede their commenting time to another speaker. Disruption of the meeting may result in a violation of Penal Code Section 403.

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 Chair 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 Chair has the sole discretion to determine when the item will be heard.)*

1. Approve Minutes of the February 28, 2023 Council Policy Committee Meeting.

VERBAL COMMUNICATIONS *(Members of the public are welcome to address the Committee 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 Chair, this portion of the agenda is limited to 30 minutes and no more than three (3) minutes per speaker. In the event additional speakers were not able to be heard during the initial Verbal Communications portion of the agenda, an additional Verbal Communications will be opened prior to adjournment.)*

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

2. Discuss Proposed Changes to Council Code of Conduct Policy, and Commission Appointments, Residency and Attendance Requirements and Establishing a Quorum Policy.
3. Recommend Legislative Priorities to the Town Council.

ADJOURNMENT

DRAFT
Minutes of the Town Council Policy Committee Meeting
February 28, 2023

The Town Council Policy Committee of the Town of Los Gatos conducted a regular meeting utilizing teleconference and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.) and Town of Los Gatos Resolution 2021-044 on Tuesday, February 28, 2023, at 5:00 p.m.

MEETING CALLED TO ORDER AT 5:01 P.M.

ROLL CALL

Members Present: Rob Moore, Matthew Hudes

Staff Present: Laurel Prevetti, Town Manager; Gabrielle Whelan, Town Attorney; Wendy Wood, Town Clerk; Joel Paulson, Community Development Department Director; Holly Young, Senior Management Analyst.

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

1. Approve Draft Minutes of the January 23, 2023 Council Policy Committee.

Approved.

VERBAL COMMUNICATIONS

Abc123 commented that the meeting was not on the calendar system on the Town website.

Lee Quintana commented that the meeting is on the Town's agenda calendar, but not on the monthly calendar.

OTHER BUSINESS

2. Confirm 2023 Work Plan Items for the Council Policy Committee.

Laurel Prevetti, Town Manager, presented the staff report.

Opened public comment.

Lee Quintana commented that the second to last item of reexamining the Policy Committee's enabling resolution should be moved up in importance because it has to do with the role of the Committee itself.

Closed Public Comment.

After discussion, the Committee agreed to adopt the items as listed in loose priority order with staff using discretion to group items together and the following adjustments:

- Move the two items regarding labor negotiations recommended by the Finance Commission (items 4 and 5) down the list to just above the last item;
- Move the item regarding reexamining the Policy Committee's enabling resolution up the list to the #5 position;
- Delete the commercial rent control item; and
- Add a review of Senate Bill 1439 to the review of Ethics and Conflict of Interest Policies item.

3. Discuss and Provide Direction to Potentially Modify Town Council Policy 2-04: Town Council Code of Conduct, Town Council Policy 2-05: Planning Commission Policies and Procedures, Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum, and the Commissioner Handbook.

Laurel Prevetti, Town Manager, and Gabrielle Whelan, Town Attorney, presented the staff report.

Opened public comment.

Karen Delaney commented that in 2018, she asked the Committee to revise the Code of Conduct, requested that a third party be brought in to investigate violations, and said that the policy should meet or exceed best practices.

Lee Quintana commented that the Code of Conduct policy should be clarified with definitions of minor and major infractions, minor infractions should be handled privately, there should be appropriate actions for varying degrees of major infractions, a third party should investigate major infractions, and the subject of a violation should be treated as an appellant.

Susan Burnett commented that errors in judgment should be defined and that many minor errors should be considered a major error. She commented that errors should be documented as to how they should be handled and that censures should be specified as written or verbal.

Closed Public Comment.

After discussion, the Committee asked staff to return to the Committee with a revised Code of Conduct Policy that includes: a fair process for discipline of varying degrees, specific definitions/examples, clear enforcement direction, a process for the subject of a violation to be able to present facts to the Council, clarification regarding speaking on behalf of a Commission versus as an individual, use of a third party to review major violations, and other adjustments. The Committee asked that staff consolidate disciplinary items to the Code of Conduct and remove similar guidance from the other policies.

ADJOURNMENT
The meeting adjourned at 6:32 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the February 28, 2023 meeting as approved by the Town Council Policy Committee.

_____
Holly Young, Senior Management Analyst

DATE: March 22, 2023

TO: Council Policy Committee

FROM: Gabrielle Whelan, Town Attorney

SUBJECT: Discuss Proposed Changes to Council Code of Conduct Policy, and Commission Appointments, Residency and Attendance Requirements and Establishing a Quorum Policy

RECOMMENDATION:

Discuss proposed changes to Town Council Policy 2-04, the "Code of Conduct" as well as potential changes to Town Council Policy 2-11, "Commission Appointments, Residency, and Attendance Requirements and Establishing a Quorum" and provide direction to staff.

BACKGROUND:

At its February meeting, the Policy Committee discussed potential modifications to Town Council Policy 2-04, "Code of Conduct." The Committee preferred that all guidance pertaining to discipline of Commissioners be contained in a single policy.

DISCUSSION:

The Policy Committee's discussion focused on Town Council Policy 2-04, "Code of Conduct." Specifically, the Policy Committee discussed:

1) Clarifying that the Code of Conduct applies to members of Town Boards, Commissions, and Committees in addition to Town Councilmembers;
2) Potentially changing the current composition of the Evaluation Committee to consist primarily of elected officials;
3) Providing examples of what will constitute major and minor violations of the Code of Conduct;
4) In the event that a public hearing is held regarding recommended discipline, providing the subject of the complaint with ten minutes to make an introductory statement and five minutes at the end of the public hearing to make an additional statement.
5) Specifying that censure consists of a written statement.

Reviewed by: Town Manager

DISCUSSION (continued):

Staff has the following additional questions for the Policy Committee's consideration:

1) Several sections of the existing policy are unrelated to "conduct." These are sections pertaining to: the Mayoral and Vice Mayoral Selection Process and Mayoral and Vice Mayoral Roles, Responsibilities, and Relationships. Does the Policy Committee recommend that these topics move to separate policies?
2) The Section titled "Maintaining Civility at Council Meetings" duplicates language in the Council's "Agenda Format and Rules Policy." Does the Policy Committee recommend removing this Section from the "Code of Conduct Policy?"
3) A subsection regarding "Training" lists the type of training that will be provided. Should this section be revised to state that members of legislative bodies are required to attend training that is provided in the listed subject areas?
4) The Code of Conduct Policy currently provides that investigations will be conducted by contract attorneys. Does the Policy Committee recommend using contract attorneys or non-lawyer investigators or either?
5) Town Council Policy 2-11, "Commission Appointments, Residency, and Attendance Requirements and Establishing a Quorum" currently provides that Commissioners may be removed by a majority vote of the Town Council for violations of the Code of Conduct. Other jurisdictions have policies providing that Commissioners may be removed by a majority vote of the Town Council for any or no reason. Does the Policy Committee recommend revising Policy 2-11 to provide that Commissioners may be removed by majority vote of the Town Council for any or no reason? Alternatively, this Policy could be modified to refer matters of discipline and removal to the Code of Conduct Policy.

CONCLUSION:

Based on the Policy Committee's feedback, staff will make additional proposed edits to the Code of Conduct Policy and conforming edits to any other affected Policies and the Commissioner Handbook and either return to the Policy Committee or schedule the revisions for consideration by the Town Council.

COORDINATION:

The preparation of this report was coordinated with the Town Manager's Office.

FISCAL IMPACT:

Potential modifications to Council Policies and the Commissioner Handbook have no fiscal impact.

ENVIRONMENTAL ASSESSMENT:

This is not a project as defined in the California Environmental Quality Act, and no further action is required.

Attachment:
1. Redline of Council Code of Conduct Policy

TOWN OF LOS GATOS CALIFORNIA

COUNCIL POLICY MANUAL

Small Town Service Community Stewardship Future Focus

TITLE: ~~Town Council~~ Code of Conduct for Town Council and Board, Commission, and Committee Members	**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, [2023]
APPROVED:	

I. Preamble

The legal responsibilities of the Los Gatos Town Council, ~~-~~as well as Town Board, Commission, and Committee members, 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 m~~M~~embers and Board, Commission, and Committee members to standards of conduct above and beyond what is required by law. This Policy is written with the assumption that Council m~~M~~embers, through training, are aware of their legal and ethical responsibilities as elected officials. This Code of c~~ese expectations of c~~onduct also applies~~y~~ to all members of the Town's Boards, Commission~~ttee~~s, and Committees~~ssions~~.

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. The Town's Boards, Commissions, and Committees are advisory to the Town Council with additional responsibilities given to the Planning Commission in the Town Code.

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.

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. [FOR CONSIDERATION: Would this section fit better in a separate operational policy?~~;~~]

V. Mayoral and Vice Mayoral Roles, Responsibilities, Relationships [FOR CONSIDERATION: Would this section fit better in a separate operational policy?]~~;~~

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, and members of the public. In this capacity, the Mayor serves as the Town "spokesperson" representing the Council in official and ceremonial occasions.
D. As the official Town spokesperson, 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.

[1] Council Agenda Format and Rules Policy

[2] Council Commendation and Proclamation Policy

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/Committee policies and procedures, the Mayor may counsel those members ~~about the rules set forth in the Town Commissioner Handbook~~.[3]

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, Councilm ~~M~~embers and Board, Commission, and Committee members should:

A. *Use formal titles.* Members~~The Council~~ should refer to one another formally during public ~~Council~~ meetings such as Mayor, Vice Mayor or Council Member, Chairperson, 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, members~~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. *D~~Council d~~ecisions should be reserved until all applicable information has been presented.*
E. *Conduct during public hearings.* During public testimony, m~~Council M~~embers 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, m~~Council M~~embers may ask the speaker questions. Member ~~Council~~ comment and discussion should commence upon the conclusion of all public testimony

VII. Maintaining Civility at Public~~Council~~ Meetings [FOR CONSIDERATION: This language appears in the Council's "Agenda Format and Rules Policy" – should it remain in this Policy?-]

[3] Resolution 1999-167

[4] Council Agenda Format and Rules Policy

The public is welcome to participate at public ~~Town Council~~ meetings and the Mayor/Chairperson 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.
C. Town Council/Commission members 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~~ public meetings.
D. All public comments at the Town Council/Commission 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/Commission 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/Commission 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 and Boards, Commissions, and Committees operate~~s~~ under a series of laws that regulate ~~its~~ their operations as well as the conduct of their~~its~~ members. Councilmembers and Board, Commission, and Committee members shall adhere to these regulations. The Town Attorney serves as the Town's legal officer and is available to advise the Council, Boards, Commissions, and Committees~~l~~ on these matters.

A. Training [this seems like it belongs in a different policy]

Biannual training in the following areas shall be provided ~~by staff~~ to Council and Board, Commission, and Committee 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, Councilm~~M~~embers and Board, Commission, and Committee members shall not become involved in administrative processes for acquiring goods and services.

C. Land Use Applications

The merits of an application shall only be evaluated on information included in the public record. Councilm~~M~~embers and Board, Commission, and Committee members~~B~~ shall disclose ex parte communication and any information obtained outside of the public record that may influence their~~his/her~~ decision on a matter pending before the Town Council or Board, Commission, or Committee. D~~Council d~~isclosure shall occur prior to consideration of the agenda item.~~after the Public Hearing section of the agenda, and before Council deliberations~~.

D. Code of Conduct Policy

Newly elected Councilmembers and Board, Commission, and Committee members shall~~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

Councilm~~M~~embers and Board, Commission, and Committee 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, Councilmembers 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 and Board, Commission, and Committee Relationships 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, Councilmembers and Board, Commission, and Committee members~~!~~ should be mindful of the support and resources needed to accomplish Town ~~Council~~ goals. When communicating and working with staff, members~~Council~~ should follow these guidelines:

A. *T~~Council Members should t~~reat 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. *D~~Council Members should d~~irect 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 m~~Council M~~embers from asking questions at public m~~Council M~~eetings.
E. *Councilm~~M~~embers 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. *Councilm~~M~~embers should not attend department staff meetings unless requested by the Town Manager.*

G. *All Councilm ~~M~~embers should have the same information with which to make decisions.* Information requested by one Councilm ~~M~~ember 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.* Councilm ~~M~~embers should not reprimand employees.

I. *Per California Government Code, Sections 3201-3209, Councilme ~~Me~~mbers 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, Board, Commission, or Committee Members

The p~~P~~ublic has a reasonable expectation that it may engage ~~its~~ Councilm ~~M~~embers and Board, Commission, and Committee members on matters of community concern. In response, m~~Council M~~embers may express a preliminary opinion on issues or projects raised. Any such preliminary statement shall not constitute a prejudgment or create a presumption of bias on any issue or a project. In addition, m~~Council M~~embers may from time to time express opinions regarding broad policy matters which may be in conflict with currently adopted Council policies. Such statements are permissible if clearly characterized as personal opinion or policy change objectives.

XII. Enforcement

A. Purpose

This ~~e Council~~ Code of Conduct Policy establishes ~~guiding principles~~ expectations for appropriate conduct and behavior and sets forth the expectations of Councilmembers and Committee, Commission, and Board members. The purpose of this Section~~e policy language~~ is to establish a process and procedure that:

1. Allows the public, Town Council, Town Committee/Commission/Board members, and Town employees to report Code of Conduct policy violations or other misconduct.
2. Set standards for the evaluation of~~Provides guidelines to evaluate~~ Code of Conduct policy violations or other misconduct and ~~implement~~ appropriate disciplin~~ary action~~ when necessary.

B. Procedures

1. Reporting of Complaints

The following section outlines the process for reporting Councilm~~M~~ember or Committee, Commission and Board 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 Councilm~~M~~embers 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 the Town's receipt ~~report~~ of a written complaint, the Town Manager and Town Attorney will join the Mayor and~~or~~ Vice Mayor as an evaluation committee ~~to~~ ("Committee") [OPTION: The Committee could consist of Mayor, Vice Mayor, and Town Manager with technical support from the Town Attorney – or another variation] 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 Councilm~~M~~ember will replace the Town Manager or Town Attorney on the ~~C~~evaluation ~~c~~ommittee [FOR CONSIDERATION: This would be revised if the recommendation is to change the composition of the Evaluation Committee]. If the Mayor or Vice Mayor is the complainant, the longest serving uninvolved Councilmember will replace the Mayor or Vice Mayor on the Committee.

Within ~~seventy-two (72) hours~~five days of receipt of the complaint by the Mayor or Vice Mayor, the Councilm~~M~~ember or Board, Committee, or Commission member in question shall be notified of the reported complaint by the Mayor or their~~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. Allegations of Major Violations

If the reported violation is major, the matter shall be referred to outside legal counsel [this could also be an investigator] selected by the Committee for the purpose of conducting an initial interview with the subject member. The outside counsel shall report their initial findings back to the Committee. Examples of major violations are:

a. Breach of attorney-client privilege confidentiality;
b. Violation of Council policies, including but not limited to, instances of harassment;
c. Use of Town resources for other than Town business;
d. Violation of local, state, or federal laws, including conflict of interest laws;
e. Abusive conduct, personal charges, or verbal attacks upon the character or motives of other members of the Town Council, Boards, Commissions, Committees, staff, or the public.

f. Repeated minor violations.

If the Committee then determines that an investigation is warranted, the Committee shall direct the outside legal counsel [FOR CONSIDERATION: This could be a non-lawyer investigator] 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.

~~3.~~4. Unsubstantiated or Minor Violations

If the majority of the Committee agrees that the reported violation is without substance, no further action will be taken and the complainant will be informed. If the reported violation is deemed valid but minor ~~in nature~~, the Mayor or Vice Mayor shall counsel and, if appropriate, either verbally admonish the Councilm~~M~~ember or Board, Commission, or Committee member privately or send a written reprimand to resolve the matter. Admonishment is ~~considered to be~~ a reproof or warning directed to a m~~Council M~~ember about a particular type of behavior that violates Town policy. Minor violations are any violations other than major violations as described above.

~~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 Regarding Major Violation

At the conclusion of the investigation, outside legal counsel [FOR CONSIDERATION: This could be an investigator who is not an attorney] shall report back to the Committee in writing. The report shall either (1) recommend that the m~~Council M~~ember be exonerated based on a finding that the investigation did not reveal evidence of a major~~serious~~ violation of the Code of Conduct, or (2) recommend disciplinary proceedings based on findings that there has been a major violation as described above in Section B.3 ~~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 for discipline~~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 major ~~significant~~ policy violation shall be considered at a public hearing either at a regular or special meeting. The public hearing should be set far enough in advance to allow the subject ~~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. However, at the subject's option, the subject can present an introductory statement of up to ten minutes and an additional statement of up to five minutes at the end of the public hearing.

C. Disciplinary Action

1. Considerations in Determining Disciplinary Action

Disciplinary action may be imposed by Council for major violations ~~upon Council Members who have violated the Council Code of Conduct Policy~~ as described in Section B.3. above.

Disciplinary action is ~~or sanctions are~~ considered when a major ~~serious~~ violation of Town policy has occurred ~~by a Council Member~~. In determining the type of discipline to be ~~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 Discipline~~Sanctions~~

At the discretion of the Council, discipline~~sanctions~~ may be imposed for violating the Code of Conduct, other Town policies, or engaging in other misconduct as described in Section B. 3 above. These actions may be applied individually or in combination. They include, but are not limited to:

a. *Public Admonishment* – A verbal reproof or warning directed to a m~~Council M~~ember about a particular violation~~type of behavior that violates Town policy~~.
b. *Revocation of Special Privileges* – A revocation of a member's ~~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 written~~formal~~ statement ~~or~~ in a resolution by the Council ~~officially~~ reprimanding a Council Member.
d. *Removal* – A Commission, Board, or Committee member could be removed by a majority of the Town Council.

APPROVED AS TO FORM:

_____
Gabrielle Whelan, Town Attorney

DATE: March 23, 2023

TO: Council Policy Committee

FROM: Laurel Prevetti, Town Manager

SUBJECT: Recommend Legislative Priorities to the Town Council

RECOMMENDATION:

Recommend legislative priorities to the Town Council.

BACKGROUND:

In 2016, the Town Council adopted Council Policy #2-18: Legislative Policy (Attachment 1). This Policy sets forth the procedures for engagement in the legislative process and the types of issues that are appropriate for the Town to state a position.

Last year, the Policy Committee requested that staff prepare a list of potential legislative priorities for the Committee to discuss and forward to the Town Council. Due to other workload, this item was not completed in 2022 and carried over to the 2023 Policy Committee work plan. These priorities are intended to be helpful to Town Council members as they engage in discussions with State legislators and as the Town considers which bills it chooses to endorse, oppose, or recommend amendments.

DISCUSSION:

Consistent with the Legislative Policy, the following draft legislative priorities align with proposals that clearly impact our Town and funding resources:

- Concealed Weapons: In light of the recent Supreme Court ruling, the Town should advocate for legislation that clarifies the concealed carry weapons process and protects sensitive places from the presence of concealed weapons. Senate Bill (SB) 2 is an example of a such a bill. The Town is currently working to update its concealed carry weapons ordinance and a draft sensitive places ordinance.

Reviewed by: Town Attorney and Finance Director

DISCUSSION (continued):

- Clarifications regarding SB 9: The Town may want to advocate for legislation that clarifies SB lot splits and developments in Very High Fire Hazard Severity Zones, affordability requirements, and the attestation of intent to occupy.

- Reform of Proposition 47 and 57: Several bills are expected to address the unintended consequences of these ballot measures For example, AB 1708 would increase accountability for repeat theft offenders and offer pathways for pre-plea diversion programming.

- Protect Vehicle License Fee (VLF) and Educational Revenue Augmentation Fund (ERAF): As the State considers how it will address expected budget shortfalls, it is critical that the State not take funding from local government. In the past, these two funding sources have been redirected to the State for its own budgeting purposes.

- Internet Sales Tax: With the exception of our Measure G district sales tax, internet sales tax goes into a pool and is distributed based on a jurisdiction's share of the overall sales tax collected in the respective County. In contrast, the Measure G district sales tax is distributed based on the buyer's location, yielding higher revenue for the Town. Changes to the general distribution of sales tax would benefit Los Gatos.

CONCLUSION:

The Committee is encouraged to discuss these and other potential priorities.

COORDINATION:

The preparation of this report was coordinated with all Town Department Directors and the Town Attorney.

FISCAL IMPACT:

There is no fiscal impact associated with recommending legislative priorities to the Town Council.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:
1. Council Policy #2-18: Legislative Policy

Title: Legislative Policy	**Policy Number**: 2-18
Effective Date: 10/5/16	**Pages: 3**
Enabling Actions:	**Revised Date:**
Approved: Barbara Spector	

PURPOSE

The purposes of the Legislative Policy are to: identify opportunities for the Town to participate in state, federal, and regional legislation and other policy matters, and describe a process for Town positions, actions, and related activities.

BACKGROUND

Council Members have the opportunity to learn of legislative issues from their work on the Council, general awareness of current topics, and their service on other Board and Committees as representatives of the Town. The Town Manager encourages all Town Departments to monitor and be knowledgeable of any legislative issues related to their disciplines. The Town Manager and Town Attorney similarly stay engaged with their professions as well as monitor the activities of the League of California Cities and other organizations. The Town benefits from a Legislative Policy to articulate overarching legislative principles to guide the Town's engagement in the legislative process as outlined in this Policy.

LEGISLATIVE PRINCIPLES

The Town should take a position and advocate for the position when proposed federal, state, County, or other agency legislative or measure has a potential direct impact on the Town. Direct impact includes and is not limited to issues of local control, revenue reductions, grant eligibility, unfunded mandates and regulatory burdens.

POLICY GOALS

1. Advocate the Town's legislative interests at the federal, state, regional, and County levels.
2. Inform and provide information to our legislators, Town Council, and staff on the key issues and legislation that could have potential impact on the Town.
3. Serve as an active participant with other local governments, the League of California Cities, local profession organizations, and/or other entities on legislative/regulatory issues that are important to the Town and our region.
4. Seek grant and funding assistance for Town projects, services, and programs to enhance services for our community.

LEGISLATIVE STRATEGIES

1. Communicate legislative positions on proposed federal, state, and County legislation, measures, initiatives, and governmental regulations.
2. Work with Town Departments to develop positions on proposed federal and state legislative measures based on analysis done by the League of California Cities, communication with legislators' offices, and other local government/professional associations in formulating our positions.
3. Take positions only on proposals that clearly impact our Town or are a threat to local control.
4. Actively track key bills through the legislative process, utilizing various legislative websites, government/professional associations, and other means.
5. Communicate the Town's position to our federal, state, regional, and County members, bill author(s), Committees, and/or other governmental bodies through correspondence, testimony, and in-person meetings.
6. Work cooperatively with other cities, associations and the League of California Cities on advocating our legislative positions.
7. As necessary, participate in the drafting and amending of proposed federal, state, regional, and/or County measures that have the potential to significantly impact the Town.
8. Meet with legislators and their representatives, as well as other federal, state, regional, and/or County government officials on a regular basis to discuss local government issues, proposed legislation, requests for funding assistance, and Town programs and services.
9. Seek federal, state, and County funding through earmarks, grants, and other discretionary funding for Town projects, services, and programs.
10. Annually identify Town projects for potential submittal for federal earmark consideration and develop a submittal packet for legislators that provides information and need for the projects.
11. Provide information to Town Departments on potential grant funding opportunities and recognition programs.
12. Advocate and request letters of support for Town projects and grant applications or other resources that are being considered for federal, state, regional, and/or County funding.

LEGISLATIVE POSITION PROCESS

The process for responding to legislative proposals is as follows:

1. Once the Town Manager and/or Town Attorney determines that a legislative proposal may impact the Town, a letter outlining the Town's position (support, neutral or oppose) will be drafted for the Mayor's signature.
2. The Town Manager will circulate the draft position letter to the Town Council for review.
3. If there is Council objection, the position letter will be placed on the next Town Council agenda for consideration.

4. If there is no objection, staff will finalize the position letter for the Mayor's signature and forward the signed letter to the bill's author, the League of California Cities, and other stakeholders as deemed appropriate.
5. A copy of the final letter will be distributed to the Town Council.

APPROVED AS TO FORM:

Robert Schultz, Town Attorney

Summary of Code of Conduct Provisions from Other County of Santa Clara Jurisdictions

City of Campbell

- Code of Conduct focuses on conflicts of interest and requires recusal for perceived conflicts of interest
- Provides that any Board or Commission member may be removed by majority vote of Council

City of Cupertino

- Has adopted an Ethics Policy
    - Provides that Board and Commission members may be removed by a majority vote of the Council

City of Gilroy

- Has adopted City Council Norms – does not contain discipline procedures

City of Los Altos

- Separate policy regarding admonition and censure
- Applies to City Council only
- Requires two violations of law or policy and a warning prior to censure
- Censure adopted by resolution
- Three or more Councilmembers may place discipline or removal of a Board or Commission member on a Town Council agenda

City of Mountain View

- Board and Commission conduct addressed in one chapter of Council Code of Conduct
- Board or Commission member subject to removal by 4/5 vote of Council

City of San Jose

- Joint Council/Commission Code of Conduct – focus on avoiding perceived conflicts of interest
- Council Conduct Policy
    - Council may initiate an investigation of allegations
    - Provides for remedies of admonition, sanction, and censure

City of Saratoga

- Adopted Resolution Establishing a Code of Ethics
    - Aspirational statements
    - No discipline procedures

City of Sunnyvale

- Separate policy for Board and Commission members
- Counseling, verbal reprimands, and written warnings given by Mayor privately
- Censure imposed by a majority of the City Council publicly
- Board or Commission member can be removed by 4/5 vote of Council for enumerated reasons