



**TOWN OF LOS GATOS
COUNCIL MEETING AGENDA
SEPTEMBER 21, 2021
110 EAST MAIN STREET
LOS GATOS, CA**

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

PARTICIPATION IN THE PUBLIC PROCESS

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

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

Deadlines for Public Comment and Presentations are as follows:

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

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

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

**TOWN OF LOS GATOS
COUNCIL MEETING AGENDA
SEPTEMBER 21, 2021
7:00 PM**

IMPORTANT NOTICE REGARDING THE SEPTEMBER 21, 2021 MEETING

This meeting is being conducted in-person and utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29- 20 dated March 17, 2020, regarding the COVID- 19 pandemic. Members of the public can participate in the meeting by attending in person in the Council Chamber at 110 E. Main Street or by joining the Zoom webinar (log in information provided below). Due to the provisions of the Santa Clara County Health Officer to take action to minimize the spread of COVID-19 **social distancing and mask requirements will be observed** for all attending in person.

PARTICIPATION

Public comments can be made live during the Town Council meeting via Zoom or in person from the Council Chamber. If you are not interested in providing oral comments in real-time during the meeting, you can view the live stream of the meeting on television (Comcast Channel 15) and/or online at www.LosGatosCA.gov/TownYouTube.

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

- **In person:** Provide your name and the item number you would like to speak on with the Town Clerk or Deputy Clerk.
- **Zoom webinar:** Join from a PC, Mac, iPad, iPhone or Android device: click this link <https://us02web.zoom.us/j/89212630438?pwd=dzBjd1RveXVaZ2NWT01FWTFWZjJlUQT09> Password: 895140. You can also type in 892 1263 0438 in the “Join a Meeting” page on the Zoom website at <https://zoom.us/join>.
 - 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.
- **Join by telephone:** Dial: 877-336-1839. Conference code: 969184

When called to speak, please limit your comments to three (3) minutes, or such other time as the Mayor may decide, consistent with the time limit for speakers at a Council meeting. If you wish to speak to an item or items on the Consent Calendar, please state which item number(s) you are commenting on at the beginning of your time.

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

**TOWN OF LOS GATOS
COUNCIL MEETING AGENDA
SEPTEMBER 21, 2021**

7:00 PM

MEETING CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPOINTMENTS

CLOSED SESSION REPORT

COUNCIL / MANAGER MATTERS

CONSENT ITEMS *(Items appearing on the Consent Items are considered routine and may be approved by one motion. Any member of the Council or public may request to have an item removed from the Consent Items for comment and action. A member of the public may request to pull an item from Consent by following the Participation Instructions contained on Page 2 of this agenda. If an item is pulled, the Mayor has the sole discretion to determine when the item will be heard. Unless there are separate discussions and/or actions requested by Council, staff, or a member of the public, it is requested that items under the Consent Items be acted on simultaneously.)*

1. Approve Draft Minutes of the September 7, 2021 Town Council Meeting.
2. Adopt a Resolution Approving the Parcel Map for 30 Roberts Road and Accepting Dedications.
3. Authorize the Town Manager to Execute a First Amendment to the Purchase and Service Agreement with Air Systems Incorporated for HVAC Preventative Maintenance and Repair Services in an Amount of \$2,753.52 for a Total Agreement Not to Exceed \$382,048.52.
4. Authorize the Town Manager to Execute an Agreement for Services with Harry L. Murphy Incorporated for Flooring Replacement at the Adult Recreation Center in an Amount Not to Exceed \$135,905 Including a Ten Percent Contingency.
5. Approve Revisions to the Town's Operating Portfolio Investment Policy as Recommended by the Finance Commission.
6. Approve Revisions to the Town's General Fund Reserve Policy to Document the Market Fluctuation Reserve as Recommended by the Finance Commission.
7. Authorize the Town Manager to Execute a One-Year Agreement with Los Gatos-Saratoga Union High School District and Los Gatos Union Elementary School District for School Resource Officer Services for the Period Starting July 1, 2021 through June 30, 2022 to Include:
 - a. Application of existing Fiscal Service Credits to Los Gatos-Saratoga High School District and Los Gatos Union School District, and

- b. Implementation of a Revised Monthly Payments and Scope of Services within this Agreement Beginning in December 2021 for Los Gatos-Saratoga High School District and March 2022 for Los Gatos Union School District, and
- c. Authorize a Revenue Budget Decrease in the Amount of \$25,911.12 to Match the Proposed Agreement Amount.

VERBAL COMMUNICATIONS *(Members of the public are welcome to address the Town Council on any matter that is not listed on the agenda consistent with the Participation Instructions contained on Page 2 of this 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 consistent with the Participation Instructions contained on Page 2 of this agenda.)*

8. Approve the Modifications to the Board, Commission, and Committee Enabling Documents and Applications as Recommended by the Commissions, Council Policy Committee, and Liaisons.
9. Consider a Flag Policy Update during the Next Strategic Priorities Discussion.

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

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

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



**DRAFT
Minutes of the Town Council Meeting
September 7, 2021**

The Town Council of the Town of Los Gatos conducted a regular meeting in person and via Teleconference via COVID-19 Guidelines on Tuesday, September 7, 2021, at 7:00 p.m.

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

ROLL CALL

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

Absent: None

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Council Member Badame stated she met with Don Capobres regarding the North 40 (N40) Development Phase II; attended the West Valley Clean Water Authority (WVCWA) and the West Valley Solid Waste Management Authority (WVSWMA) Board meetings; and participated in the Chamber of Commerce End of Summer event.
- Council Member Ristow stated she attended a Democracy Tent meeting; the Council Policy Committee meeting; Safe Routes to School (SR2S) Board meeting; and the Chamber of Commerce End of Summer event.
- Council Member Hudes stated he attended the Santa Clara County Let's Talk Housing community meeting; the NUMU Sawyer Rose and Los Gatos History Project exhibits; and met with residents regarding the housing proposed in the Draft 2040 General Plan.
- Vice Mayor Rennie stated he attended a communications drill at the Town's Emergency Operation Center (EOC); Santa Clara County Emergency Operating Council meeting; NUMU Sawyer Rose exhibit; a webinar for Women's Equity Day event hosted by the Santa Clara County Commission on the Status of Women; Community Health and Senior Services Commission (CHSSC) meeting; Bay Area Air Quality Management District (BAAQMD) Clean Air Foundation and Board meetings; Valley Transportation Authority (VTA) Board meeting as an alternate observer; and the Chamber of Commerce End of Summer event.
- Mayor Sayoc stated in addition to the items mentioned, she attended the Santa Clara County Cities Association Executive Board and City Selection Committee meetings.

Manager Matters

- Acknowledged the support for the Los Gatos-Monte Sereno Police Department and stated anyone who needs assistance should contact 911 or contact dispatch for non-emergency assistance; and stated the Town is in the process to recruit a Police Chief.
- Announced the Housing Element Advisory Board (HEAB) recruitment is underway and applications are due by September 10 at 4:00 p.m.
- Announced a Joint Study Session Meeting of the Town Council and Planning Commission will be held on September 20 to discuss the 2040 General Plan and the Housing Element of the General Plan.

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

1. Approve Minutes of the August 17, 2021 Regular Town Council Meeting.
2. Annexation Application AN21-001. Project Location: 16030 Winterbrook Road. Property Owner/Applicant: Alireza Zarrabi. Adopt a resolution making determinations and approving the reorganization of an uninhabited area designated as Winterbrook No. 6, approximately 0.319 Acres on property pre-zoned R-1:8. APN 523-26-013. **RESOLUTION 2021-038**
3. Authorize the Town Manager to Execute an Agreement with ARC Document Solutions, LLC. for the Installation and Reproduction of Painted Panels for the Forbes Mill Mural Project with an Expenditure Budget Adjustment in the Amount of \$30,000 from the available General Fund Appropriated Reserve Fund.
4. Authorize an Expenditure Budget Adjustment in the Amount of \$46,000 from the Available Information Technology Fund to Cover the Cost in the Statement of Work from Accela, Inc. for SaaS Migration Services.
5. Adoption of an Ordinance of the Town of Los Gatos Amending the Los Gatos Town Code to Include Gender-Neutral Pronouns by Eliminating any Gender Preference Language Within the Los Gatos Town Code and Amending Sections Regarding Grammatical Interpretation to Indicate that Whenever a Gender-Neutral Personal Pronoun is Used, it Shall be Deemed to Include the Feminine and Masculine Also. **ORDINANCE 2320**
6. Approve an Amendment to the Temporary Classification Plan to Align the Temporary Communication Dispatcher Classification Salary Steps with the TEA Communication Dispatcher Classification Salary Steps.

Opened public comment.

No one spoke.

Closed public comment.

MOTION: Motion by Council Member Badame to approve Consent Items 1-6. Seconded by Council Member Ristow.

VOTE: Motion passed unanimously.

VERBAL COMMUNICATIONS

Bryan Paul, President of Los Gatos Police Officers Association (POA)

- Commented on the lack of dispatchers employed by the Los Gatos-Monte Sereno Police Department due to recruitment difficulty and urged action.

Council recessed at 7:25 p.m. due to disruptive conduct in the audience.

The meeting reconvened at 8:30 p.m.

Verbal Communication was continued to after the business items.

OTHER BUSINESS

7. Consider Recommendations from the Community Health and Senior Service Commission for the Allocation of \$500,000 of American Recovery Plan Act (ARPA) Funding to Restore and Enhance Senior Service Provision Due to the Disproportionate Impacts on the Older Adult Community from COVID-19 and Provide any Additional Direction to Staff and Authorize an Expenditure Budget Adjustment in the Amount of \$500,000 from Available ARPA Proceeds to Cover those Services.

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

Opened public comment.

Donna Novi – did not speak.

Tylor Taylor, Saratoga Area Senior Coordinating Council (SASCC)

- Commented on the SASCC proposal and answered Council's questions.

Hannah Pham – did not speak.

Melissa Toren, KCAT

- Commented on the KCAT proposal and answered Council's questions.

Nancy Rollett, Los Gatos-Saratoga Recreation (LGS Rec)

- Commented on the Los Gatos-Saratoga Recreation proposal and answered Council's questions.

Closed public comment.

Council discussed the matter.

Other Business Item #7 - continued

MOTION: Motion by Council Member Hudes to allocate \$100,000 to the KCAT “The Producers” 55+ Volunteer Program and evaluate the program as a pilot; \$5,000 to the SASCC Senior Resource Drive Through Events and rename the program to encourage pedestrians and cyclists; \$15,000 to the SASCC Age Friendly Health Fair; not to fund the SASCC Senior Services Coordination or the LGS Rec Service Expansion; \$30,000 to the SASCC Outlook Community Newspaper; \$328,500 to the LGS Rec Pre-pandemic Service Restoration that does not include funds for print or community outreach, and suggest reducing the staffing cost by \$20,000 by utilizing volunteers in place of staff where appropriate; and \$21,500 to the SASCC Community Assessment Survey. **Seconded by Council Member Badame.**

VOTE: Motion passed unanimously.

8. Creekside Sports Park – Approve Ongoing Seasonal Field Lighting and Provide Feedback on Capital Maintenance Funding Needs.

Matt Morley, Parks and Public Works Director, presented the staff report.

Opened public comment.

Giulianna Pendleton

- Commented on the environmental impacts of the proposed lighting.

Andrew Ferguson

- Commented in support of the item.

Shawn Blakeman

- Commented in support of the item.

Shaun Dobrindt

- Commented in support of the item.

Tara George

- Commented in support of the item.

Rob Bohn, West Valley Red Hawks President and Chauncey Boys Club Lacrosse

- Commented in support of the item.

Closed public comment.

Other Business Item #8 - continued

Council discussed the matter.

MOTION: Motion by Council Member Ristow to approve ongoing temporary seasonal field lighting and to direct staff to review the original Environmental Impact Report (EIR) for any necessary mitigations to reduce the impact of the lighting for the upcoming season. **Seconded by Vice Mayor Rennie.**

VOTE: Motion passed unanimously.

MOTION: Motion by Vice Mayor Rennie to approve rehabilitation of the field, direct staff to seek partnerships with the league stakeholders, and continue pickup games. **Seconded by Council Member Ristow.**

VOTE: Motion passed unanimously.

Council directed staff to provide an update on any EIR impacts by the end of 2021.

9. Create a New Project in the Fiscal Year (FY) 2021/22 Capital Improvement Program Budget for Civic Center Security Improvements and Authorize an Expenditure Budget Adjustment in the Amount of \$110,000 from Available General Fund Appropriated Reserve (GFAR) and Authorize the Town Manager to Enter into an Agreement not to Exceed the Budgeted Amount.

Matt Morley, Parks and Public Works Director, presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the matter.

Other Business Item #9 - continued

MOTION: Motion by Council Member Badame to approve create a new project in the Fiscal Year (FY) 2021/22 Capital Improvement Program Budget for Civic Center security improvements and authorize an expenditure budget adjustment in the amount of \$110,000 from available General Fund Appropriated Reserve (GFAR) and authorize the Town Manager to enter into an agreement not to exceed the budgeted amount. **Seconded by Council Member Ristow.**

VOTE: Motion passed unanimously.

PUBLIC HEARINGS

10. Consideration and Adoption of an Interim Urgency Ordinance of the Town Council of the Town of Los Gatos Extending the Water Conservation Urgency Ordinance for Ten Months and Fifteen Days. **ORDINANCE 2321**

Matt Morley, Parks and Public Works Director, presented the item.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the matter.

MOTION: Motion by Council Member Badame to adopt an Interim Urgency Ordinance of the Town Council of the Town of Los Gatos Extending the Water Conservation Urgency Ordinance for Ten Months and Fifteen Days. **Seconded by Council Member Ristow.**

VOTE: Motion passed unanimously.

The Town Clerk read the title of the ordinance.

11. Provide Direction to Town Staff Regarding Establishing Contribution Limits for Candidates for Town Council.

Robert Schultz, Town Attorney, presented the staff report.

Opened public comment.

No one spoke.

Public Hearing Item #11 - continued

Closed public comment.

Council discussed the matter.

MOTION: Motion by Council Member Ristow to default to the contribution limits for candidates for Town office established by State law and direct staff to take no further action at this time. **Seconded by Vice Mayor Rennie.**

VOTE: Motion passed unanimously.

Council directed staff to return to Council in two years with an update on what limits other jurisdictions State-wide are using.

VERBAL COMMUNICATIONS (continued)

Karen Rubio, Plant Based Advocates

- Commented in support of education and advocacy of plant-based diets and requested plant-based diet information be incorporated in the General Plan.

Mark Robson

- Commented in support of the Police Department.

Ali Miano

- Commented in support of the Police Department and stated defunding the police means to allocate funds appropriately after analysis and consideration.

Amy Nishide

- Thanked the Council Members for their service.

ADJOURNMENT

The meeting adjourned at 10:25 p.m.

Submitted by:

Jenna De Long, Deputy Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 09/21/2021

ITEM NO: 2

DATE: September 14, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution Approving the Parcel Map for 30 Roberts Road and Accepting Dedications

RECOMMENDATION:

Adopt a resolution (Attachment 1) approving the Parcel Map for 30 Roberts Road and accepting dedications.

BACKGROUND:

On June 14, 2017, the Planning Commission approved the Architecture and Site Application S-16-070 for a new four-unit condominium development at 30 Roberts Road and the Subdivision Application M-16-009 for the corresponding tentative map with conditions.

On March 13, 2018, the Development Review Committee considered a subsequent lot line adjustment for the project site, received public comment, and approved Subdivision Application M-18-001 with conditions. The developer subsequently recorded the lot line adjustment with the Santa Clara County Office of the Clerk Recorder on February 4, 2019.

The developer, Woo Equity LLC, A California Limited Liability Company, has filed the Parcel Map (Attachment 2) to formalize the existing parcel, and dedicated street right-of-way to the Town and a public service easement.

DISCUSSION:

The parcel map formalizes the existing parcel for the construction of four new residential condominium units. The developer has provided all necessary maps and drawings. The

PREPARED BY: Mike Weisz
Senior Civil Engineer

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

PAGE 2 OF 2

SUBJECT: Adopt a Resolution Approving the Parcel Map for 30 Roberts Road and Accepting Dedications

DATE: September 14, 2021

DISCUSSION (continued):

developer has paid the appropriate fees to fully comply with the previously imposed development conditions and Town ordinances.

The developer is dedicating a portion of the property as a street dedication (in-fee) and a 10-foot-wide public service easement along the Roberts Road frontage of the parcel. The easement dedications are all identified on the Parcel Map (Attachment 2).

CONCLUSION:

Staff recommends that Council adopt a resolution approving the Parcel Map and accepting dedications for the development of 30 Roberts Road.

COORDINATION:

This project has been coordinated with the Town Attorney and the Community Development Department.

FISCAL IMPACT:

The Town will incur undetermined ongoing maintenance costs for the public right-of-way improvements following acceptance of the project.

ENVIRONMENTAL ASSESSMENT:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act - Section 15315: Minor Land Divisions and Section 15303: New Construction or Conversion of Small Structures.

Attachments:

1. Resolution Approving the Parcel Map for 30 Roberts Road and Accepting Dedications.
2. Parcel Map for 30 Roberts Road.

RESOLUTION 2021-

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
APPROVING THE PARCEL MAP FOR 30 ROBERTS ROAD
AND ACCEPTING DEDICATIONS**

WHEREAS, on June 14, 2017, the Planning Commission of the Town of Los Gatos approved the Architecture and Site Application S-16-070 for a new four-unit condominium development at 30 Roberts Road and the Subdivision Application M-16-009 for the corresponding tentative map with conditions; and

WHEREAS, on March 13, 2018, the Development Review Committee considered a subsequent lot line adjustment for the project site, received public comment, and approved Subdivision Application M-18-001 with conditions; and

WHEREAS, the lot line adjustment was recorded with the Santa Clara County Office of the Clerk Recorder on February 4, 2019; and

WHEREAS, the developer, Hill Lane Estates, L.P., is required to dedicate portions of the land for street right-of-way in-fee and public service easements within the property as indicated on the Parcel Map prepared; and

WHEREAS, the developer has complied with the conditions of Architecture and Site Application S-16-070 and Subdivision Application M-16-009; and

WHEREAS, the Parcel Map has been reviewed by staff and found to be in compliance with the Subdivision Map Act and Chapter 24 of the Town of Los Gatos Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Los Gatos that the certain Parcel Map of 30 Roberts Road, dated July 2021 and prepared by Westfall Engineers, Inc., is hereby approved; and

ATTACHMENT 1

BE IT FURTHER RESOLVED that all dedications of land for public use identified on the Parcel Map are hereby accepted, in substantial conformance to the Conditions of Approval as set forth above and subject to the final approval by the Town Attorney.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 21st day of September 2021, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CA

ATTEST:

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

PARCEL MAP

A PARCEL OF LAND DESCRIBED AS ADJUSTED PARCEL 1 IN THAT CERTAIN CERTIFICATE OF LOT LINE ADJUSTMENT RECORDED FEBRUARY 4, 2019, AS DOCUMENT NUMBER 24109913, OFFICIAL RECORDS OF SANTA CLARA COUNTY, SITUATED IN THE RANCHO RINCONADA DE LOS GATOS

TOWN OF LOS GATOS
SANTA CLARA COUNTY, CALIFORNIA
JULY, 2021

WESTFALL ENGINEERS, INC.

14583 BIG BASIN WAY, SARATOGA, CA 95070

TOWN SURVEYOR'S STATEMENT

I hereby state that I have examined this map, and I am satisfied that said map is technically correct in accordance with Section 66442 of the Government Code (Subdivision Map Act).

Dean A. Jurado, Acting Town Surveyor Date
L.S. No.: 9032
Registration Expires: 9/30/2021

STATEMENT OF THE COUNCIL OF THE TOWN OF LOS GATOS

It is ordered that the Parcel Map is hereby approved, that all streets, road, easement and other parcels of land shown upon said map and thereon offered for dedication are hereby accepted for the purposes for which they are offered.

I hereby state that the foregoing order was adopted by the Town Council of the Town of Los Gatos, California, at a meeting held on the _____ day of _____, 2021 by Resolution No. _____.

Town Clerk DATE
Town of Los Gatos

COUNTY RECORDER'S STATEMENT

Filed this _____ day of _____, 20____, at _____ A.M./P.M., in Book _____ of Maps, at Pages _____ and _____ Santa Clara County Records, at the request of Chicago Title Company.

File No. _____ Regina Alcomendras, County Clerk-Recorder
Santa Clara County, California

Fee: \$ _____ By: _____ Deputy

NOTE:
THIS MAP IS FOR CONDOMINIUM PURPOSES.

the parties having any record title shown within the distinctive borderline to the preparation and recordation of this dedication therein.

previously existing designated as "Area of Dedication" and also dedicate to public use easements for and over said streets and said portion thereof.

EASEMENT:

ce and access to any and all public conduits, storm sewers, sanitary sewers public utilities and services and all certain strips of land designated as t said easements shall be kept open and ny kind except public service structures, hereto, lawful fences and all lawful

IA LIMITED LIABILITY COMPANY,

Signatures Omitted:

In accordance with Section 66436(a)(3)(A)(i-viii) of the Subdivision Map Act, signatures of parties owning the following interest, which cannot ripen into a Fee, have been omitted.

- 1) Water Rights per Document recorded June 7, 1876, in Book 41, Page 313 of Deeds, Official Records of Santa Clara County Records.
- 2) Sewerage pipe per Document recorded September 06, 1949, in Book 1842, Page 104, Official Records of Santa Clara County Records.

SURVEYOR'S STATEMENT

This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision map Act and local ordinance at the request of Cornerstone Title Company on March 2020. I hereby state that all the monuments are of the character and occupy the positions indicated or that they will be set in those positions before May 31, 2021, and that the monuments are, or will be sufficient to enable the survey to be retraced, and that this parcel map substantially conforms to the approved or conditionally approved tentative map.

Harry Babicka, LS 4953 DATE
Registration Expires: 12-31-2021



TOWN ENGINEER'S STATEMENT

I hereby state that I have examined this map, the subdivision as shown is substantially the same as it appeared on the tentative map and any approved alterations thereof, that all provisions of the Subdivision Map Act and local ordinances applicable at the time of approval of the tentative map have been complied with. Pursuant to Section 66441.1 of the Government Code, certain off-site and on-site improvements are required to be installed as a Condition of Approval of preceding applications S-16-070 and M-16-009, approved by the Planning Commission of the Town of Los Gatos on June 14, 2017.

WoodJae Kim DATE
R.C.E. No. 59532
Registration Expires 12-31-2021

SOILS AND GEOLOGICAL REPORT

A soils and/or geotechnical report on this property has been prepared by Redwood Geotechnical Engineering, Inc., dated July 2017, a copy of which has been filed with the Town of Los Gatos.

ating this certificate verifies only the e document to which this certificate is uracy, or validity of that document.

_ before me, _____, a Notary Public,

_____ who ory evidence to be the person(s) whose instrument and acknowledged to me his/her/their authorized capacity(ies), on the instrument the person(s), or the (s) acted, executed the instrument.

der the laws of the State of California d correct.

PARCEL MAP

A PARCEL OF LAND DESCRIBED AS ADJUSTED PARCEL 1 IN THAT CERTAIN CERTIFICATE OF LOT LINE ADJUSTMENT RECORDED FEBRUARY 4, 2019, AS DOCUMENT NUMBER 24109913, OFFICIAL RECORDS OF SANTA CLARA COUNTY, SITUATED IN THE RANCHO RINCONADA DE LOS GATOS

TOWN OF LOS GATOS
SANTA CLARA COUNTY, CALIFORNIA

SCALE: 1"=40' JULY, 2021

WESTFALL ENGINEERS, INC.

14583 BIG BASIN WAY, SARATOGA, CA 95070

NOTES:

1. THE NET AREA WITHIN DISTINCTIVE BORDER IS 15343 SQUARE FEET.
2. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
3. DATE OF SURVEY: JANUARY 2020
4. SEWERAGE PIPE EASEMENT 1842 OR 104 IS BEING ELIMINATED
5. SAN JOSE WATER COMPANY EASEMENT BOOK 41 OF DEEDS PAGE 104 RECORDED JUNE 7, 1876 CANNOT BE PLOTTED, LOCATION NOT DISCLOSED

LEGEND:

PROPERTY LINE-DISTINCTIVE BORDER	---
DEDICATED PER THIS MAP EASEMENT LINE	---
SANITARY SEWER EASEMENT	---
EXISTING RIGHT-OF-WAY	---
CENTERLINE	---
PUBLIC SERVICE EASEMENT	P.S.E.
FOUND MONUMENT AS NOTED	●
SET 3/4" I.P. L.S. 4953, UNLESS OTHERWISE NOTED	○
EXISTING FACE OF CURB	---
RECORD DATA, REFERENCE	() (1)
MEASURED AND RECORD	M&(R)
CERTIFICATE OF LOT LINE ADJUSTMENT	C.L.L.A.
DOCUMENT NUMBER	DN
TOTAL	(T)

REFERENCES:

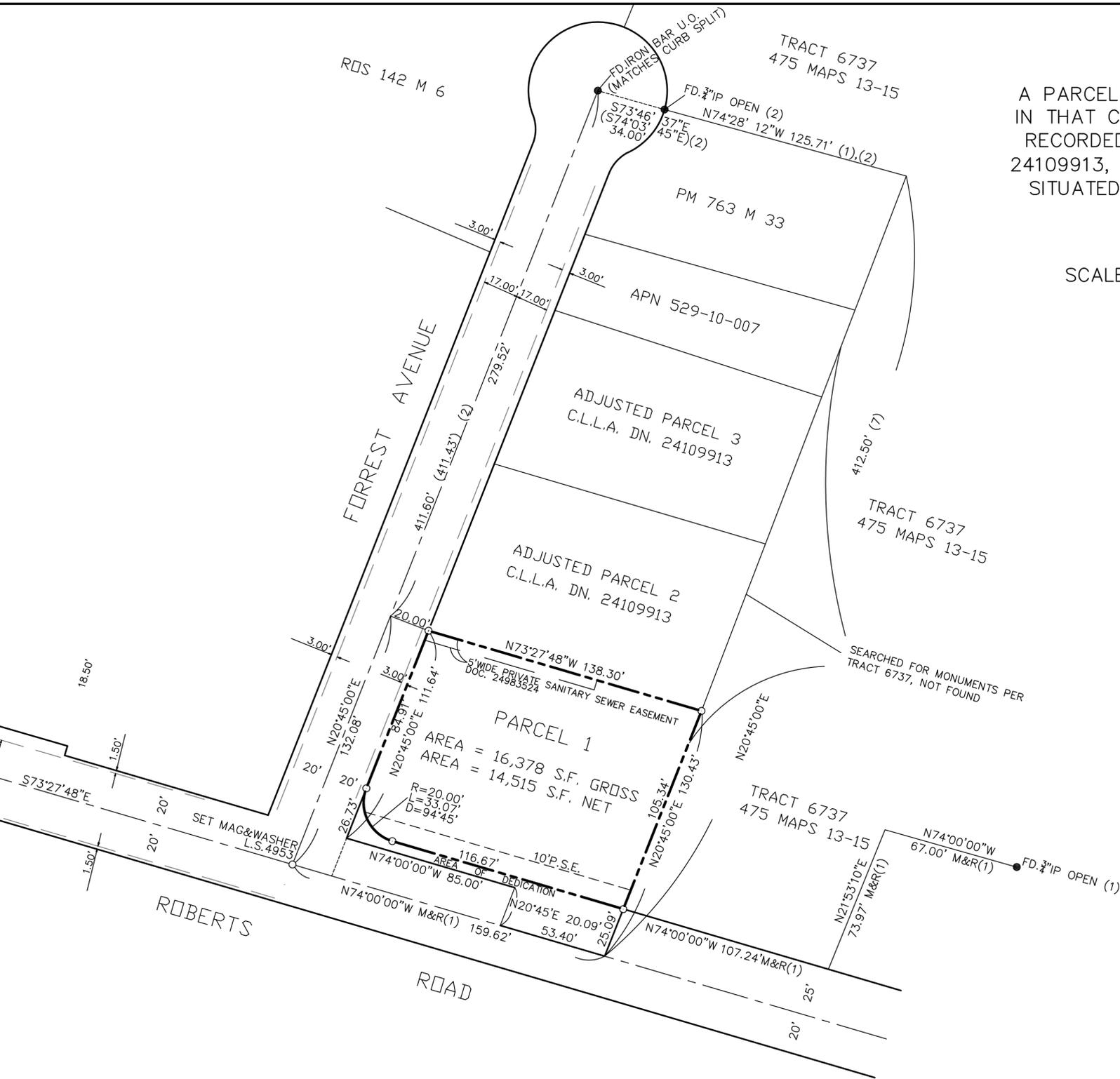
- (1) TRACT NO. 6737, BOOK 475, MAPS, PAGE 13-15
- (2) PARCEL MAP, BOOK 763, MAPS, PAGE 33
- (3) ROS 142 MAPS 6
- (4) DEED DOCUMENT NO.23953734
- (5) C.L.L.A. DOCUMENT NO.24109913

BASIS OF BEARINGS

BASIS OF BEARINGS FOR THIS MAP IS THE CENTER LINE OF FORREST AVENUE AS BASED UPON A CURB SPLIT WHICH BEARS NORTH 20 DEGREES 45 MINUTES EAST AS SHOWN UPON THAT CERTAIN PARCEL MAP RECORDED IN BOOK 763 OF MAPS AT PAGE 32, SANTA CLARA COUNTY RECORDS.

BOUNDARY NOTES

FOLLOWING THE CURB SPLIT ON FORREST AVENUE AND ALSO FOLLOWING THE RECORD BEARINGS AND DISTANCES AS SHOWN ON TRACT 6737, STARTING AT FOUND 3/4" IP OPEN (1), AS SHOWN, RESULTS IN DIMENSION 411.60' BETWEEN THE POINT OF INTERSECTION OF ROBERTS AVENUE THUS ESTABLISHED AND THE FOUND IRON BAR ON FORREST AVENUE.





**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 09/21/2021

ITEM NO: 3

DATE: September 9, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Execute a First Amendment to the Purchase and Service Agreement with Air Systems Incorporated for HVAC Preventative Maintenance and Repair Services in an Amount of \$2,753.52 for a Total Agreement Not to Exceed \$382,048.52

RECOMMENDATION:

Authorize the Town Manager to execute a first amendment to the Purchase and Service Agreement with Air Systems Incorporated for HVAC Preventative Maintenance and Repair Services in an amount of \$2,753.52 for a total agreement not to exceed \$382,048.52.

BACKGROUND:

On November 25, 2019, the Town Council authorized an execution of a five-year agreement with Air Systems Incorporated for HVAC Preventative Maintenance and Repair Services for Town facilities in an amount not to exceed \$379,295.

DISCUSSION:

The vendor performed services in the month of June, which included additional unforeseen expenses which exceeded the contract amount for Fiscal Year (FY) 2020/21. In July, the vendor emailed the invoices for this work to an incorrect Town email, which resulted in Town staff being unaware of the pending invoices. Subsequently, discussions took place with the vendor identifying the unpaid invoices. To allow payment to be made appropriately, additional funding of \$2,753.52 is being requested in this amendment.

PREPARED BY: Dan Keller
Facilities & Environmental Services Manager

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

PAGE 2 OF 2

SUBJECT: Authorize the Town Manager to Execute a First Amendment to the Purchase and Service Agreement with Air Systems Incorporated for HVAC Preventative Maintenance and Repair Services in an Amount of \$2,753.52 for a Total Agreement Not to Exceed \$382,048.52

DATE: September 9, 2021

FISCAL IMPACT:

There are sufficient funds available in the FY 2020/21 Facilities Operating Budget.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. First Amendment to the Original Agreement.

FIRST AMENDMENT TO PURCHASE AND SERVICE AGREEMENT

This First Amendment to the Purchase and Service Agreement is dated for identification this 7th day of September 2021 and amends that certain Purchase and Service Agreement dated November 25, 2019, made by and between the Town of Los Gatos, ("Town,") and Air Systems Inc. ("Supplier").

RECITALS

- A. Town and Supplier entered into a Purchase and Service Agreement on November 25, 2019, ("Agreement"), a copy of which is attached hereto and incorporated by reference as Attachment 1 to this Amendment.
- B. Town desires to increase the annual compensation in Year 2 in the amount of \$2,573.52 for missed invoicing for both Preventative Maintenance and Unforeseen Repairs during Fiscal Year 2020/21.

AMENDMENT

1. Section 2.6 Compensation is amended to read:

Compensation for the supplies and materials delivered and for Service Provider's professional services is as follows:

Routine heating, ventilation, and air conditioning (HVAC) services

Year 1 = \$29,183

Year 2 = \$50,731.62

Year 3 = \$50,028

Year 4 = shall not exceed \$50,028 annually. Payment shall be based upon Town approval prior to each task being completed.

Year 5 = shall not exceed \$50,028 annually. Payment shall be based upon Town approval prior to each task being completed.

(Total = \$229,998.62)

Unanticipated maintenance and repairs

Year 1 = \$30,000

Year 2 = \$32,049.90

Year 3 = \$30,000

Year 4 = shall not exceed \$30,000 annually. Payment shall be based upon Town approval prior to each task being completed.

Year 5 = shall not exceed \$30,000 annually. Payment shall be based upon Town approval prior to each task being completed.

(Total = \$152,049.90)

For a total agreement amount not to exceed \$382,048.52.

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

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

Town of Los Gatos

Air Systems Inc.

By: _____
Laurel Prevetti, Town Manager

Name

Title

Department Approval:

Matt Morley
Director of Parks and Public Works

Approved as to Form:

Attest:

Robert Schultz, Town Attorney

Shelley Neis, MMC, CPMC, Town Clerk

AGREEMENT FOR SERVICES

THIS AGREEMENT is dated for identification this 25th day of November 2019 and is made by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") AIR SYSTEMS, INC. ("Service Provider"), whose address is 940 Remillard Court, San Jose, CA 95122. This Agreement is made with reference to the following facts. This contract will remain in effect from December 1, 2019 to June 30, 2024.

I. RECITALS

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

II. AGREEMENTS

- 2.1 Scope of Services. Service Provider shall provide services as described in that certain Proposal sent to the Town on May 22, 2019, 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 on December 1, 2019 and will continue through June 30, 2024, subject to appropriation of funds, notwithstanding any other provision in this agreement.
- 2.3 Compliance with Laws. The Service Provider shall comply with all applicable laws, codes, ordinances, and regulations of governing federal, state and local laws. Service Provider represents and warrants to Town that it has all licenses, permits, qualifications and approvals of whatsoever nature which are legally required for Service Provider to practice its profession. Service Provider shall maintain a Town of Los Gatos business license pursuant to Chapter 14 of the Code of the Town of Los Gatos.

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

2.6 Compensation. Compensation for the supplies and materials delivered and for Service Provider's professional services is as follows:

- Routine heating, ventilation, and air conditioning (HVAC) services
 - Year 1 (December 2019 through June 30, 2020) **shall not exceed \$29,183**, inclusive of all costs.
 - Years 2-5 **shall not exceed \$50,028 annually**, inclusive of all costs.

(Total = \$229,295)

- Unanticipated maintenance and repairs
 - **shall not exceed \$30,000 annually.** Payment shall be based upon Town approval prior to each task being completed.

(Total = \$150,000)

For a total contract amount **not to exceed \$379,295.**

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

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

Invoices:

Town of Los Gatos

Attn: Accounts Payable

P.O. Box 655

Los Gatos, CA 95031-0655

- 2.8 Availability of Records. Service Provider shall maintain the records supporting this billing for not less than three years following completion of the work under this Agreement. Service Provider shall make these records available to authorized personnel of the Town at the Service Provider's offices during business hours upon written request of the Town.
- 2.9 Failure to Perform. It is mutually agreed by SERVICE PROVIDER and TOWN that in the event that performance of the work by SERVICE PROVIDER under this Agreement is not completed as scheduled, TOWN will suffer damages and will incur other costs and expenses of a nature and amount which is difficult or impractical to determine. The Parties agree that by way of ascertaining and fixing the amount of damages, costs and expenses, and not by way of penalty, SERVICE PROVIDER shall pay to TOWN the sum of one hundred dollars (\$100.00) per location per scheduled service in liquidated damages for every missed service in addition to reducing the monthly payment by the cost of that service. In the event that the liquidated damages are not paid, SERVICE PROVIDER agrees that TOWN may deduct the amount of unpaid damages from any money due or that may become due to SERVICE PROVIDER under this Agreement.
- 2.10 Assignability and Subcontracting. The services to be performed under this Agreement are unique and personal to the Service Provider. No portion of these services shall be assigned or subcontracted without the written consent of the Town.
- 2.11 Independent Contractor. It is understood that the Service Provider, in the performance of the work and services agreed to be performed, shall act as and be an independent contractor and not an agent or employee of the Town. As an independent contractor he/she shall not obtain any rights to retirement benefits or other benefits which accrue to Town employee(s). With prior written consent, the Service Provider may perform some obligations under this Agreement by subcontracting but may not delegate ultimate responsibility for performance or assign or transfer interests under this Agreement. Service Provider agrees to testify in any litigation brought regarding the subject of the work to be performed under this Agreement. Service Provider shall be compensated for

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

- 2.12 Conflict of Interest. Service Provider understands that its professional responsibilities are solely to the Town. The Service Provider has and shall not obtain any holding or interest within the Town of Los Gatos. Service Provider has no business holdings or agreements with any individual member of the Staff or management of the Town or its representatives nor shall it enter into any such holdings or agreements. In addition, Service Provider warrants that it does not presently and shall not acquire any direct or indirect interest adverse to those of the Town in the subject of this Agreement, and it shall immediately disassociate itself from such an interest, should it discover it has done so and shall, at the Town's sole discretion, divest itself of such interest. Service Provider shall not knowingly and shall take reasonable steps to ensure that it does not employ a person having such an interest in this performance of this Agreement. If after employment of a person, Service Provider discovers it has employed a person with a direct or indirect interest that would conflict with its performance of this Agreement, Service Provider shall promptly notify Town of this employment relationship, and shall, at the Town's sole discretion, sever any such employment relationship.
- 2.13 Equal Employment Opportunity. Service Provider warrants that it is an equal opportunity employer and shall comply with applicable regulations governing equal employment opportunity. Neither Service Provider nor its subcontractors do and neither shall discriminate against persons employed or seeking employment with them on the basis of age, sex, color, race, marital status, sexual orientation, ancestry, physical or mental disability, national origin, religion, or medical condition, unless based upon a bona fide occupational qualification pursuant to the California Fair Employment & Housing Act.

III. INSURANCE AND INDEMNIFICATION

3.1 Minimum Scope of Insurance:

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

his/her staff to an amount not less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.

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

General Liability:

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

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

- 3.3 Workers' Compensation. In addition to these policies, Service Provider shall have and maintain Workers' Compensation insurance as required by California law and shall provide evidence of such policy to the Town before beginning services under this Agreement. Further, Service Provider shall ensure that all subcontractors employed by Service Provider provide the required Workers' Compensation insurance for their respective employees.
- 3.4 Indemnification. The Service Provider shall save, keep, hold harmless and indemnify and defend the Town its officers, agent, employees and volunteers from all damages, liabilities, penalties, costs, or expenses in law or equity that may at any time arise or be set up because of damages to property or personal injury received by reason of, or in the course of performing work which may be occasioned by a willful or negligent act or omissions of the Service Provider, or any of the Service Provider's officers, employees, or agents or any sub-contractor.

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 Severability. If any term of this Agreement is held invalid by a court of competent jurisdiction, the remainder of this Agreement shall remain in effect.
- 4.3 Warranty. Service Provider shall remedy any defects due to faulty materials and/or workmanship and pay for any damages to other work and/or existing facilities resulting therefrom which shall appear within a period of one year from the date of recording of final acceptance.
- 4.4 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.
- 4.5 Termination of Agreement. The Town and the Service Provider shall have the right to terminate this agreement with or without cause by giving not less than fifteen days (15) written notice of termination. In the event of termination, the Service Provider shall deliver to the Town all plans, files, documents, reports, performed to date by the Service Provider. In the event of such termination, Town shall pay Service Provider an amount that bears the same ratio to the maximum contract price as the work delivered to the Town bears to completed services contemplated under this Agreement, unless such

termination is made for cause, in which event, compensation, if any, shall be adjusted in light of the particular facts and circumstances involved in such termination.

- 4.6 Prevailing Wages. This project is subject to the requirements of Section 1720 et seq. of the California Labor Code requiring the payment of prevailing wages, the training of apprentices and compliance with other applicable requirements. Contractors and all subcontractors who perform work on the project are required to comply with these requirements. Prevailing wages apply to all projects over \$1,000 which are defined as a “public work” by the State of California. This includes: construction, demolition, repair, alteration, maintenance and the installation of photovoltaic systems under a Power Purchase Agreement when certain conditions are met under Labor Code Section 1720.6. This include service and warranty work on public buildings and structures.
- 4.6.1 The applicable California prevailing wage rate can be found at: www.dir.ca.gov and are on file with the Town of Los Gatos Parks and Public Works Department, which shall be available to any interested party upon request. The contractor is also required to have a copy of the applicable wage determination posted and/or available at each jobsite.
- 4.6.2 Specifically, contractors are reminded of the need for compliance with Labor Code Section 1774-1775 (the payment of prevailing wages and documentation of such), Section 1776 (the keeping and submission of accurate certified payrolls) and 1777.5 in the employment of apprentices on public works projects. Further, overtime must be paid for work in excess of 8 hours per day or 40 hours per week pursuant to Labor Code Section 1811-1813.
- 4.6.3 Special prevailing wage rates generally apply to work performed on weekends, holidays and for certain shift work. Depending on the location of the project and the amount of travel incurred by workers on the project, certain travel and subsistence payments may also be required. Contractors and subcontractors are on notice that information about such special rates, holidays, premium pay, shift work and travel and subsistence requirements can be found at www.dir.ca.gov.
- 4.6.4 Only bona fide apprentices actively enrolled in a California Division of Apprenticeship Standards approved program may be employed on the project as an apprentice and receive the applicable apprenticeship prevailing wage rates. Apprentices who are not properly supervised and employed in the appropriate ratio shall be paid the full journeyman wages for the classification of work performed.
- 4.6.5 The public entity for which work is being performed or the California Department of Industrial Relations may impose penalties upon contractors and subcontractors

for failure to comply with prevailing wage requirements. These penalties are up to \$200 per day per worker for each wage violations identified; \$100 per day per worker for failure to provide the required paperwork and documentation requested within a 10-day window; and \$25 per day per worker for any overtime violation.

- 4.6.6 As a condition to receiving progress payments, final payment and payment of retention on any and all projects on which the payment of prevailing wages is required, the contractor agrees to present to the TOWN, along with its request for payment, all applicable and necessary certified payrolls (for itself and all applicable subcontractors) for the time period covering such payment request. The term “certified payroll” shall include all required documentation to comply with the mandates set forth in Labor Code Section 1720 et seq, as well as any additional documentation requested by the Agency or its designee including, but not limited to: certified payroll, fringe benefit statements and backup documentation such as monthly benefit statements, employee timecards, copies of wage statements and cancelled checks, proof of training contributions (CAC2 if applicable), and apprenticeship forms such as DAS-140 and DAS-142.
 - 4.6.7 In addition to submitting the certified payrolls and related documentation to the TOWN, the contractor and all subcontractors shall be required to submit certified payroll and related documents electronically to the California Department of Industrial Relations. Failure to submit payrolls to the DIR when mandated by the project parameters shall also result in the withholding of progress, retention and final payment.
 - 4.6.8 No contractor or subcontractor may be listed on a bid proposal for a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)].
 - 4.6.9 No contractor or subcontractor may be awarded a contract for public work on a public works project, unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5. Contractors MUST be a registered “public works contractor” with the DIR AT THE TIME OF BID. Where the prime contract is less than \$15,000 for maintenance work or less than \$25,000 for construction alternation, demolition or repair work, registration is not required.
- 4.7 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.

- 4.8 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.
- 4.9 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 | Air Systems, Inc.
940 Remillard Court
San Jose, CA 95122 |
|--|--|
- OR personally delivered to Service Provider to such address or such other address as Service Provider designates in writing to Town.
- 4.10 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.
- 4.11 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:

Service Provider by:

 Laurel Prevetti, Town Manager

 Title

Recommended by:

Matt Morley
Director of Parks and Public Works

Approved as to Form:

Attest:

Robert Schultz, Town Attorney

Shelley Neis, CMC, Town Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 09/21/2021

ITEM NO: 4

DATE: September 21, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Execute an Agreement for Services with Harry L. Murphy Incorporated for Flooring Replacement at the Adult Recreation Center in an Amount Not to Exceed \$135,905 Including a Ten Percent Contingency

RECOMMENDATION:

Authorize the Town Manager to execute an Agreement for Services with Harry L. Murphy Incorporated for flooring replacement at the Adult Recreation Center in an amount not to exceed \$135,905 including a ten percent contingency.

BACKGROUND:

This project will replace the flooring in the Adult Recreation Center to better provide comfortable, attractive, and easier to maintain floor coverings throughout the facility. The new flooring products include vinyl plank for community rooms, lobby, and hallway, and non-slip material for the stairs. Commercial grade carpet squares will be installed in the offices. The existing floor coverings throughout the facility have exceeded their serviceable life.

DISCUSSION:

The quote was received from Harry L. Murphy, Inc., a flooring contractor that is a member of Sourcewell, an organization that establishes competitive labor and materials costs. Sourcewell contractors are held to these competitive industry labor and material costs. Only one quote was obtained based on this information as the Town's Purchasing Policy allows for the use of cooperative purchasing agreements.

PREPARED BY: Dan Keller
Facilities and Environmental Services Manager

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

SUBJECT: Authorize the Town Manager to Execute an Agreement for Services with Harry L. Murphy Incorporated for Flooring Replacement at the Adult Recreation Center in an Amount Not to Exceed \$135,905 Including a Ten Percent Contingency

DATE: September 21, 2021

DISCUSSION (continued):

Sourcwell awards contracts through Cooperative purchasing which is a procurement conducted by one or more "Public Procurement Units" as defined by the American Bar Association Model Procurement Code for State and Local Governments.

Sourcwell holds hundreds of competitively solicited cooperative contracts ready for use by government, education, and nonprofit organizations. Harry L. Murphy Flooring Inc. has one of these contracts and a membership with Sourcwell.

This allows members or awarded contractors within Sourcwell to provide established competitive industry standard pricing for materials and labor, ensuring that the customer using a Sourcwell contractor will get the best price available for the purchase and service.

Harry L. Murphy Inc. has provided excellent service for the Town for a similar project at the Library.

CONCLUSION:

Authorize the Town Manager to Execute an Agreement for Services with Harry L. Murphy Incorporated for flooring replacement at the Adult Recreation Center in an amount not to exceed \$135,905 including a 10 percent contingency. Approval of the recommended action will allow this project to progress.

FISCAL IMPACT:

The Adopted FY 2021/22-2024/25 Capital Improvement Program has sufficient funding for the Adult Recreation Center – Floor Repair project.

Adult Recreation Center - Floor Repair Project 821-2206		
	Budget	Costs
GFAR	\$200,000	
Total Budget	\$200,000	
Harry L. Murphy Incorporated		\$135,905
Total Expenditures		\$135,905
Remaining Balance		\$64,095

PAGE 3 OF 3

SUBJECT: Authorize the Town Manager to Execute an Agreement for Services with Harry L. Murphy Incorporated for Flooring Replacement at the Adult Recreation Center in an Amount Not to Exceed \$135,905 Including a Ten Percent Contingency

DATE: September 21, 2021

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Agreement for Services Including Exhibit A

AGREEMENT FOR SERVICES

THIS AGREEMENT is dated for identification this 21st of September 2021, and is made by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and Harry L. Murphy Inc. ("Service Provider"), whose address is 42 Bonaventura Dr. San Jose, CA 95134. This Agreement is made with reference to the following facts.

I. RECITALS

- 1.1 Town sought quotations for the services described in this Agreement, and Service Provider was found to be the lowest responsible supplier for this purchase.
- 1.2 Service Provider represents and affirms that it is willing to perform the desired work pursuant to this Agreement.
- 1.3 Town desires to engage Service Provider to provide flooring installation services at the Adult Recreation Center building.
- 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 September 8, 2021, which is hereby incorporated by reference and attached as Exhibit A.
- 2.2 Term and Time of Performance. This contract will remain in effect from execution through June 30, 2023, subject to appropriation of funds, notwithstanding any other provision in this agreement.
- 2.3 Compliance with Laws. The Service Provider shall comply with all applicable laws, codes, ordinances, and regulations of governing federal, state and local laws. Service Provider represents and warrants to Town that it has all licenses, permits, qualifications and approvals of whatsoever nature which are legally required for Service Provider to practice its profession. Service Provider shall maintain a Town of Los Gatos business license pursuant to Chapter 14 of the Code of the Town of Los Gatos.
- 2.4 Sole Responsibility. Service Provider shall be responsible for employing or engaging all persons necessary to perform the services under this Agreement.

- 2.5 Information/Report Handling. All documents furnished to Service Provider by the Town and all reports and supportive data prepared by the Service Provider under this Agreement are the Town's property and shall be delivered to the Town upon the completion of services or at the Town's written request. All reports, information, data, and exhibits prepared or assembled by Service Provider in connection with the performance of its services pursuant to this Agreement are confidential until released by the Town to the public, and the Service Provider shall not make any of these documents or information available to any individual or organization not employed by the Service Provider or the Town without the written consent of the Town before such release. The Town acknowledges that the reports to be prepared by the Service Provider pursuant to this Agreement are for the purpose of evaluating a defined project, and Town's use of the information contained in the reports prepared by the Service Provider in connection with other projects shall be solely at Town's risk, unless Service Provider expressly consents to such use in writing. Town further agrees that it will not appropriate any methodology or technique of Service Provider which is and has been confirmed in writing by Service Provider to be a trade secret of Service Provider.
- 2.6 Compensation. Compensation for services shall be in an amount of \$123,549.96 plus \$12,355.14 for unforeseen expenses, for a total agreement not to exceed \$135,905, 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. Service Provider shall maintain the records supporting this billing for not less than three years following completion of the work under this Agreement. Service Provider shall make these records available to authorized personnel of the Town at the Service Provider offices during business hours upon written request of the Town.
- 2.9 Assignability and Subcontracting. The services to be performed under this Agreement are unique and personal to the Service Provider. No portion of these services shall be assigned or subcontracted without the written consent of the Town.

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

III. INSURANCE AND INDEMNIFICATION

3.1 Minimum Scope of Insurance:

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

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

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

General Liability:

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

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

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

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

IV. GENERAL TERMS

- 4.1 Waiver. No failure on the part of either party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder, nor does waiver of a breach or default under this Agreement constitute a continuing waiver of a subsequent breach of the same or any other provision of this Agreement.
- 4.2 Governing Law. This Agreement, regardless of where executed, shall be governed by and construed to the laws of the State of California. Venue for any action regarding this Agreement shall be in the Superior Court of the County of Santa Clara.
- 4.3 Termination of Agreement. The Town and the Service Provider shall have the right to terminate this agreement with or without cause by giving not less than fifteen days (15) written notice of termination. In the event of termination, the Service Provider shall deliver to the Town all plans, files, documents, reports, performed to date by the Service Provider. In the event of such termination, Town shall pay Service Provider an amount that bears the same ratio to the maximum contract price as the work delivered to the Town bears to completed services contemplated under this Agreement, unless such termination is made for cause, in which event, compensation, if any, shall be adjusted in light of the particular facts and circumstances involved in such termination.
- 4.4 Prevailing Wages. This project is subject to the requirements of Section 1720 et seq. of the California Labor Code requiring the payment of prevailing wages, the training of apprentices and compliance with other applicable requirements. Contractors and all subcontractors who perform work on the project are required to comply with these requirements. Prevailing wages apply to all projects over \$1,000 which are defined as a "public work" by the State of California. This includes: construction, demolition, repair, alteration, maintenance and the installation of photovoltaic systems under a Power Purchase Agreement when certain conditions are met under Labor Code Section 1720.6. This include service and warranty work on public buildings and structures.
- 4.4.1 The applicable California prevailing wage rate can be found at www.dir.ca.gov and are on file with the Town of Los Gatos Parks and Public Works Department, which shall be available to any interested party upon request. The contractor

is also required to have a copy of the applicable wage determination posted and/or available at each jobsite.

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

- 4.4.8 Should any contractor or subcontractors not be a registered public works contractor and perform work on the project, Contractor agrees to fully indemnify the TOWN for any fines assessed by the California Department of Industrial Relations against the TOWN for such violation, including all staff costs and attorney's fee relating to such fine.
- 4.4.9 The TOWN shall withhold any portion of a payment; including the entire payment amount, until certified payroll forms and related documentation are properly submitted, reviewed and found to be in full compliance. In the event that certified payroll forms do not comply with the requirements of Labor Code Section 1720 et seq., the TOWN may continue to hold sufficient funds to cover estimated wages and penalties under the contract.
- 4.5 Amendment. No modification, waiver, mutual termination, or amendment of this Agreement is effective unless made in writing and signed by the Town and the Service Provider.
- 4.6 Disputes. In any dispute over any aspect of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, including costs of appeal.
- 4.7 Notices. Any notice required to be given shall be deemed to be duly and properly given if mailed postage prepaid, and addressed to:
- | | |
|---------------------|----------------------|
| Town of Los Gatos | Harry L. Murphy Inc. |
| Attn: Town Clerk | 42 Bonaventura Dr. |
| 110 E. Main Street | San Jose, CA 95134 |
| Los Gatos, CA 95030 | |
- or personally delivered to Service Provider to such address or such other address as Service Provider designates in writing to Town.
- 4.8 Order of Precedence. In the event of any conflict, contradiction, or ambiguity between the terms and conditions of this Agreement in respect of the Products or Services and any attachments to this Agreement, then the terms and conditions of this Agreement shall prevail over attachments or other writings.
- 4.9 Entire Agreement. This Agreement, including all Exhibits, constitutes the complete and exclusive statement of the Agreement between the Town and Service Provider. No terms, conditions, understandings or agreements purporting to modify or vary this Agreement, unless hereafter made in writing and signed by the party to be bound, shall be binding on either party.

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

Town of Los Gatos by:

Service Provider, by:

Laurel Prevetti, Town Manager

Recommended by:

Matt Morley, Director of Parks and Public Works

Title

Approved as to Form:

Robert Schultz, Town Attorney

Attest:

Shelley Neis, MMC, CPMC, Town Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 9/21/2021

ITEM NO: 5

DATE: September 15, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Approve Revisions to the Town's Operating Portfolio Investment Policy as Recommended by the Finance Commission.

RECOMMENDATION:

Approve revisions to the Town's Operating Portfolio Investment Policy as recommended by the Finance Commission.

DISCUSSION:

The Investment Policy establishes the investment scope, objectives, delegation of authority, standards of prudence, reporting requirements, internal controls, State mandated eligible investments, transactions, diversification requirements, risk tolerance, and safekeeping and custodial procedures for the investment of the operating funds of the Town. All Town funds are invested and/or will be invested in accordance with the Investment Policy and with applicable sections of the California Government Code.

The Finance Commission is tasked with the annual review of the Town Investment Policy.

On September 13, 2021, the Finance Commission reviewed the Investment Policy and recommended a single change deleting the term "Council Finance Committee" and adding "Finance Commission" to correctly reflect the name of the current Commission as redlined in Attachment 1.

FISCAL IMPACT:

This action has no fiscal impact.

PREPARED BY: Stephen Conway
Finance Director

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

PAGE 2 OF 2

SUBJECT: Annual Review of the Town's Portfolio Investment Policy

DATE: September 15, 2021

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Town of Los Gatos Investment Policy (redlined)



COUNCIL POLICY MANUAL
Small Town Service Community Stewardship Future Focus

TITLE: Investment Policy		POLICY NUMBER: 4-02
EFFECTIVE DATE: 11/1/16		PAGES: 8
ENABLING ACTIONS: 2016-063	REVISED DATES: 5/16/17;5/15/2018; 9/3/2019; 11/03/2020, 09/21/2021	
APPROVED:		

PURPOSE

The Town of Los Gatos (the “Town”), incorporated in 1887, is located approximately 60 miles south of San Francisco, in the southwestern portion of Santa Clara County. The Town operates under the Council/Manager form of government. The Town Council is the legislative body for the Town. It has five members elected to serve staggered four year terms. The Town Manager is appointed by the Town Council.

The Town Council has adopted this Investment Policy in order to establish the investment scope, objectives, delegation of authority, standards of prudence, reporting requirements, internal controls, eligible investments and transactions, diversification requirements, risk tolerance, and safekeeping and custodial procedures for the investment of the funds of the Town. All Town funds will be invested in accordance with this Investment Policy and with applicable sections of the California Government Code.

This Investment Policy was originally adopted by the Town Council of the Town of Los Gatos November 1, 2016. Town Council adopted revisions replace any previous investment policy or investment procedures of the Town.

SCOPE

This Investment Policy applies to all of the Town's short-term operating funds. These funds are described in the Town's annual financial report and include, but are not limited to:

General Fund

Special Revenue Funds

- Capital Project Funds
- Debt Service Funds
- Enterprise Fund
- Internal Service Funds
- Fiduciary Funds

ATTACHMENT 1

TITLE: Investment Policy	PAGE: 2 of 10	POLICY NUMBER: 4-02
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Specifically excluded from this Investment Policy are amounts which are held by a trustee or fiscal agent and pledged as payment or security for bonds or other indebtedness, obligations under a lease, or obligations under certificates of participation. Such funds are invested in accordance with statutory provisions, ordinance, resolution, or indenture governing the issuance of the obligations. In addition, this Investment Policy is not applicable to the Town's Deferred Compensation Plan. These investments are directed by each employee participant in accordance with the rules of the Deferred Compensation Plan.

POLICY

OBJECTIVES

The Town’s funds shall be invested in accordance with all applicable Town policies and codes, State statutes, and Federal regulations, and in a manner designed to accomplish the following objectives, which are listed in priority order:

1. Preservation of capital and protection of investment principal.
2. Maintenance of sufficient liquidity to meet anticipated cash flows.
3. Attainment of a market value rate of return.
4. Diversification to avoid incurring unreasonable market risks.

DELEGATION OF AUTHORITY

Management responsibility for the Town’s investment program is delegated annually by the Town Manager to the Town Treasurer/Finance Director (the “Treasurer”) pursuant to California Government Code Section 36510. The Treasurer may delegate the authority to conduct investment transactions and to manage the operation of the investment portfolio to other specifically authorized staff members. The Treasurer shall maintain a list of persons authorized to transact securities business for the Town. No person may engage in an investment transaction except as expressly provided under the terms of this Investment Policy.

The Treasurer shall develop written administrative procedures and internal controls, consistent with this Investment Policy, for the operation of the Town's investment program. Such procedures shall be designed to prevent losses arising from fraud, employee error, misrepresentation by third parties, or imprudent actions by employees.

The Town may engage the support services of outside investment advisors in regard to its investment program, so long as it can be demonstrated that these services produce a net financial advantage or necessary financial protection of the Town's financial resources.

PRUDENCE

The standard of prudence to be used for managing the Town's investments shall be California Government Code Section 53600.3, the prudent investor standard which states, “When

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investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency.”

The Town's overall investment program shall be designed and managed with a degree of professionalism that is worthy of the public trust. The Town recognizes that no investment is totally without risk and that the investment activities of the Town are a matter of public record. Accordingly, the Town recognizes that occasional measured losses may occur in a diversified portfolio and shall be considered within the context of the overall portfolio's return, provided that adequate diversification has been implemented and that the sale of a security is in the best long-term interest of the Town.

The Treasurer and authorized investment personnel acting in accordance with written procedures and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided that the deviations from expectations are reported in a timely fashion to the Town Council and appropriate action is taken to control adverse developments.

ETHICS AND CONFLICTS OF INTEREST

Elected officials and Town employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or could impair or create the appearance of an impairment of their ability to make impartial investment decisions. Elected officials and Town employees shall disclose to the Town Council any business interests they have in financial institutions that conduct business with the Town and they shall subordinate their personal investment transactions to those of the Town. In addition, the Town Manager and the Treasurer shall file a Statement of Economic Interests each year pursuant to California Government Code Section 87203 and regulations of the Fair Political Practices Commission.

SOCIALLY RESPONSIBLE INVESTING

In addition to and subordinate to the objectives set forth above, investment of funds should be guided by the following socially responsible investment goals when investing in corporate securities and depository institutions. Investments shall be made in compliance with the responsible investment goals to the extent that such investments achieve substantially equivalent safety, liquidity and yield compared to other investments permitted by state law.

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(1) Environmental, Social Responsibility and Governance Concerns

Investments are encouraged in entities that support community well-being through safe and environmentally sound practices and fair labor practices. Investments are encouraged in entities that support equality of rights regardless of sex, race, age, disability or sexual orientation. All corporate securities within the portfolio will be monitored by an independent third-party who will provide the Town with an ESG (Environmental, Social Responsibility, and Governance) rating. The Town will prefer companies when appropriate that maintain a higher ESG rating as opposed to those companies that have a lower ESG Rating.

(2) Community Investments

Investments are encouraged in entities that promote community economic development, and investments are discouraged in entities that finance high-cost check-cashing and deferred deposit (payday-lending) businesses. Investments are encouraged in entities that have a demonstrated involvement in the development or rehabilitation of low-income affordable housing and have a demonstrated commitment to reducing predatory mortgage lending and increasing the responsible servicing of mortgage loans. Securities investments are encouraged in financial institutions that have a Community Reinvestment Act (CRA) rating of either Satisfactory or Outstanding, as well as financial institutions that are designated as a Community Development Financial Institution (CDFI) by the United States Treasury Department, or otherwise demonstrate commitment to community economic development.

AUTHORIZED SECURITIES AND TRANSACTIONS

All investments and deposits of the Town shall be made in accordance with California Government Code Sections 16429.1, 53600-53609 and 53630-53686, except that pursuant to California Government Code Section 5903(e), proceeds of bonds and any moneys set aside or pledged to secure payment of the bonds may be invested in securities or obligations described in the ordinance, resolution, indenture, agreement, or other instrument providing for the issuance of the bonds. Any revisions or extensions of these code sections will be assumed to be part of this Investment Policy immediately upon being enacted. However, in the event that amendments to these sections conflict with this Investment Policy and past Town investment practices, the Town may delay adherence to the new requirements when it is deemed in the best interest of the Town to do so. In such instances, after consultation with the Town’s attorney, the Treasurer will present a recommended course of action to the Town Council for approval. All investment limits specified in the Policy are calculated at the time of investment.

The Town has further restricted the eligible types of securities and transactions as follows:

1. United States Treasury bills, notes, bonds, or certificates with a final maturity not exceeding five years from the date of trade settlement.
2. Federal Agency Obligations for which the faith and credit of the United States are pledged for the payment of principal and interest and which have a final maturity not exceeding five years from the date of trade settlement. There is no limit on the percentage of the

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portfolio that can be invested in this category, however, no more than 20% of the town's total portfolio shall be invested in the combination of Government National Mortgage Association (GNMA), Federal National Mortgage Association (FNMA) and Federal Home Loan Mortgage Corporation (FHLMC) mortgage-backed securities.

3. Federal Instrumentality (government sponsored enterprise) debentures, discount notes, callable securities, step-up securities, and mortgage-backed securities (including FNMA and FHLMC) with a final maturity not exceeding five years from the date of trade settlement. There is no limit on the percentage of the portfolio that can be invested in this category, however, no more than 20% of the town's total portfolio shall be invested in the combination of GNMA, FNMA, and FHLMC mortgage-backed securities.
4. Prime Commercial Paper with a maturity not exceeding 270 days from the date of trade settlement with the highest ranking or of the highest letter and number rating as provided for by a nationally recognized statistical-rating organization (NRSRO). The entity that issues the commercial paper shall meet all of the following conditions in either sub-paragraph A. or sub-paragraph B. below:

A. The entity shall (1) be organized and operating in the United States as a general corporation, (2) have total assets in excess of five hundred million dollars (\$500,000,000) and (3) Have debt other than commercial paper, if any, that is rated "A" or higher by a NRSRO.

B. The entity shall (1) be organized within the United States as a special purpose corporation, trust, or limited liability company, (2) have program wide credit enhancements, including, but not limited to, over collateralization, letters of credit or surety bond and (3) have commercial paper that is rated "A-1" or higher, or the equivalent, by a NRSRO.

Purchases of eligible commercial paper shall not exceed:

- 10% of the outstanding commercial paper of any single corporate issuer,
- 5% of the Town's total portfolio in the commercial paper of any one issuer, and
- 25% of the Town's total portfolio.

5. Eligible Bankers Acceptances with a maturity not exceeding 180 days from the date of trade settlement, issued by a state or national bank with combined capital and surplus of at least \$250 million, whose deposits are insured by the FDIC, and whose senior long-term debt is rated at least A or the equivalent by a NRSRO at the time of purchase. No more than 5% of the Town's total portfolio shall be invested in banker's acceptances of any one issuer, and the aggregate investment in banker's acceptances shall not exceed 30% of the Town's total portfolio.

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6. Medium Term Notes (Corporate Notes) issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States, with a final maturity not exceeding five years from the date of trade settlement and rated at least “A” or the equivalent by a NRSRO. No more than 5% of the Town’s total portfolio shall be invested in the medium-term notes of any one issuer and the aggregate investment in medium term notes shall not exceed 30% of the Town’s total portfolio.

7. Municipal & State Obligations:

- A. Municipal bonds including registered notes or bonds of any of the 50 states, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by a state or by a department, board, agency, or authority of any of the 50 states.
- B. In addition, bonds, notes, warrants, or other evidences of indebtedness of any local agency in California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, operated by the local agency, or by a department, board, agency, or authority of the local agency.

Municipal bonds must be rated at least “A” or the equivalent by a NRSRO with maturities not exceeding five years from the date of the trade settlement. No more than 5% of the Town’s total portfolio shall be invested in “A” rated bonds or in the bonds of any one municipality. In addition, the aggregate investment in municipal bonds may not exceed 30% of the total portfolio.

8. Certificates of Deposit with a final maturity not exceeding five years from the date of trade settlement. The aggregate investment in certificates of deposit shall not exceed 30% of the Town’s portfolio, and no more than 5% of the portfolio shall be held in any one deposit or allocated to any one issuer. Certificates of Deposit shall be issued by a nationally or state-chartered bank or a state or federal savings and loan association or by a state-licensed branch of a foreign bank or by a federally licensed branch of a foreign bank provided that the senior debt obligations of the issuing institution are rated at least “A” or the equivalent by a NRSRO.

Negotiable certificates of deposit issued by a nationally or state-chartered bank, or by a federally licensed or state-licensed branch of a foreign bank. Purchases of negotiable certificates of deposits are subject to the limitations of Section 53601(i), shall be fully insured by the FDIC with a corresponding FDIC certification number, and shall be delivered through the Depository Trust Company.

Non-Negotiable certificates of deposit issued by a nationally or state-chartered bank, or by a federally licensed or state-licensed branch of a foreign bank. Purchases of non-negotiable certificates of deposit are subject to the limitations of Sections 53601(n) and 53638 and shall be fully insured by the FDIC with a corresponding FDIC certification number.

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Private sector entities may be used to place certificates of deposit subject to the limitations of Section 53601.8.

9. State of California’s Local Agency Investment Fund (LAIF), pursuant to California Government Code Section 16429.1. The aggregate amount invested in LAIF shall not exceed the maximum allowed by the fund.
10. Money Market Funds registered under the Investment Company Act of 1940 that (1) are “no-load” (meaning no commission or fee shall be charged on purchases or sales of shares); (2) have a constant net asset value per share of \$1.00; (3) invest only in government securities, and (4) have a rating of at least AAA or the equivalent by at least two NRSROs. No more than 10% of the Town’s total portfolio shall be invested in money market funds of any one issuer, and the aggregate investment in money market funds shall not exceed 20% of the Town’s total portfolio.

Securities that have been downgraded to a level that is below the minimum ratings described herein may be sold or held at the Town’s discretion. The portfolio will be brought back into compliance with Investment Policy guidelines as soon as is practical.

The foregoing list of authorized securities and transactions shall be strictly interpreted. Any deviation from it must be preapproved by resolution of the Town Council.

PORTFOLIO MATURITIES AND LIQUIDITY

To the extent possible, investments shall be matched with anticipated cash flow requirements and known future liabilities. The Town will not invest in securities maturing more than five years from the date of trade settlement, unless the Town Council has by resolution granted authority to make such an investment at least three months prior to the date of investment.

SELECTION OF BROKER/DEALERS

The Treasurer shall maintain a list of broker/dealers approved for investment purposes, and it shall be the policy of the Town to purchase securities only from those authorized firms. To be eligible, a firm must meet at least one of the following criteria:

- Be recognized as a Primary Dealer by the Federal Reserve Bank of New York or have a primary dealer within their holding company structure; or
- Report voluntarily to the Federal Reserve Bank of New York; or
- Qualify under Securities and Exchange Commission (SEC) Rule 15c3-1 (Uniform Net Capital Rule).

In addition, authorized broker/dealers must be licensed by the State of California as a broker/dealer as defined in Section 25004 of the California Corporations Code.

The Town may engage the services of investment advisory firms to assist in the management of the portfolio and investment advisors may utilize their own list of approved broker/dealers.

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Such broker/dealers will comply with the selection criteria above and the list of approved firms shall be provided to the Town on an annual basis or upon request.

In the event that an external investment advisor is not used in the process of recommending a particular transaction in the Town's portfolio, authorized broker/dealers shall attest in writing that they have received and reviewed a copy of the this Investment Policy and shall be required to submit and annually update a Town approved Broker/Dealer Information request form, which includes the firm's most recent financial statements.

The Town may purchase commercial paper from direct issuers even though they are not on the approved broker/dealer list as long as they meet the criteria outlined in Item 4 of the Authorized Securities and Transactions section of this Investment Policy.

COMPETITIVE TRANSACTIONS

Each investment transaction shall be competitively transacted with authorized broker/dealers. At least three broker/dealers shall be contacted for each transaction and their bid and offering prices shall be recorded.

If the Town is offered a security for which there is no other readily available competitive offering, the Treasurer will document quotations for comparable or alternative securities.

SELECTION OF BANKS

The Treasurer shall maintain a list of banks and savings banks approved to provide banking services for the Town. To be eligible, a bank must be a member of the Federal Deposit Insurance Corporation, must qualify as a depository of public funds in the State of California as defined in California Government Code Section 53630.5 and shall secure deposits in excess of FDIC coverage in accordance with California Government Code Section 53652.

Authorized banks that accept deposits from the Town shall meet high standards with regard to liquidity, asset quality, profitability and capital adequacy. The Treasurer shall utilize a commercial bank rating service to perform credit analysis on banks seeking authorization. Banks that in the judgment of the Treasurer no longer offer adequate safety to the Town shall be removed from the Town's list of authorized banks.

SAFEKEEPING AND CUSTODY

The Treasurer shall select one or more financial institutions to provide safekeeping and custodial services for the Town. A Safekeeping Agreement shall be executed with each custodian bank prior to utilizing that bank's safekeeping services.

Custodian banks will be selected on the basis of their ability to provide services for the Town's account and the competitive pricing of their safekeeping related services.

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The purchase and sale of securities and repurchase agreement transactions shall be settled on a delivery versus payment basis. All securities shall be perfected in the name of the Town. Sufficient evidence to title shall be consistent with modern investment, banking and commercial practices.

All investment securities, purchased by the Town, will be delivered by book entry and will be held in third-party safekeeping by a Town approved custodian bank or its Depository Trust Company (DTC) participant account.

All Fed wireable book entry securities owned by the Town shall be held in the Federal Reserve System in a customer account for the custodian bank which will name the Town as "customer."

All DTC eligible securities shall be held in the custodian bank's DTC participant account and the custodian bank shall provide evidence that the securities are held for the Town as "customer."

PORTFOLIO PERFORMANCE

The investment portfolio shall be designed to attain a market rate of return throughout budgetary and economic cycles, taking into account prevailing market conditions, risk constraints for eligible securities, and cash flow requirements. The performance of the Town's investments shall be compared to the average yield on the U.S. Treasury security that most closely corresponds to the portfolio's weighted average effective maturity. When comparing the performance of the Town's portfolio, its rate of return will be computed net of all fees and expenses.

REPORTING

No less than quarterly, the Treasurer shall prepare a report of the investment earnings and performance results of the Town's investment portfolio. The report shall be submitted to the Town Clerk within 45 days after the end of each quarter for inclusion as an agenda item at the next scheduled Town Council meeting. The report shall include the following information:

1. Investment type, issuer, date of maturity, par value and dollar amount invested in all securities, and investments and monies held by the Town;
2. A market value as of the date of the report (or the most recent valuation as to assets not valued monthly) and the source of the valuation;
3. Realized and unrealized gains or losses calculated by amortized cost and by fair value;
4. The weighted average maturity of the portfolio and a percentage breakdown of the total portfolio by maturity;
5. A description of the funds, investments and programs that are under the management of contracted parties;
6. The Town of Los Gatos Environmental, Social and Governance (ESG) scores;
7. A statement of compliance with this Investment Policy or an explanation for non-compliance; and

TITLE: Investment Policy	PAGE: 10 of 10	POLICY NUMBER: 4-02
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8. A statement of the ability to meet expenditure requirements for the next six months, and an explanation of why money will not be available if that is the case.

PROCEDURES

This Investment Policy shall be adopted by resolution of the Town Council. Annually the Town Manger shall present this Investment Policy to the Town Council and the ~~Council~~ Finance ~~Committee~~ Commission for review to ensure its consistency with the Town’s investment objectives, current law and economic trends. Any amendments to this Investment Policy shall be approved by the Town Council.

APPROVED AS TO FORM:

Robert Schultz, Town Attorney



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 9/21/2021

ITEM NO: 6

DATE: September 15, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Approve Revisions to the Town's General Fund Reserve Policy to Document the Market Fluctuation Reserve as Recommended by the Finance Commission.

RECOMMENDATION:

Approve Revisions to the Town's General Fund Reserve Policy to document the Market Fluctuation Reserve as Recommended by the Finance Commission.

DISCUSSION:

The Governmental Accounting Standards Board (GASB) 31 requires that at year end the Town must compare or "mark" its historical cost of investments against the market value of those investments as determined at its fiscal year end date. If the market value is below cost, a negative interest earned adjustment is made to the Town's interest earned for the fiscal year. Conversely, if the market valuations exceed historical cost, a positive increase is added to the calculation of interest earned for the fiscal year.

Staff has utilized a Reserve for Market Fluctuations to assign or reserve Town General Fund balance when substantial unrealized gains (market value of investment above its historical cost to the Town) on its operating portfolio are determined upon the last day of the fiscal year.

At its August 9th meeting, the Finance Commission requested that staff develop a threshold for unrealized gains so reserve balances resulting from market fluctuation gains are consistently applied from year to year.

On September 13, 2021, the Finance Commission reviewed and recommended for Council approval the staff recommendation reserving the market fluctuation gains that are equal or higher than \$10,000. The recommended changes have been incorporated into existing GASB 31 language and can be seen in the redlined General Fund Reserve Policy in Attachment 1.

PREPARED BY: Stephen Conway
Finance Director

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

PAGE 2 OF 2

SUBJECT: Recommended Changes to General Fund Reserve Policy

DATE: September 15, 2021

FISCAL IMPACT:

This action has no fiscal impact.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Town General Fund Reserve Policy (redlined)



TITLE: General Fund Reserve Policy		POLICY NUMBER: 4-03
EFFECTIVE DATE: 05/16/2011		PAGES: 6
ENABLING ACTIONS:	REVISED DATES: 02/21/2017; 05/15/2018; 06/04/2019, 09/21/2021	
APPROVED:		

PURPOSE

The purpose of this Policy is to establish a target minimum level of designated reserves in the General Fund to:

- Reduce the financial impacts associated with a disaster or catastrophic event;
- Respond to the challenges of a changing economic environment, including prolonged downturns in the local, state, or national economy; and
- Demonstrate continued prudent fiscal management and creditworthiness.

BACKGROUND

The Town of Los Gatos has always maintained a high level of General Fund reserves, which has contributed to superior ratings by credit rating agencies; provided financial flexibility in economic downturns; contributed a source of investment income for General Fund operations; and assured financial coverage in the event of future emergencies.

GUIDING PRINCIPLES

Following sound financial practices and adhering to the Government Finance Officers of America (GFOA) recommendations, the Town’s designated reserves include reserves for known and unknown contingencies, which take into consideration the:

- Diversity of revenue base
- Volatility of revenue structure
- Changes in political environment
- Frequency of operating surpluses/deficits
- Cash flow management practices

TITLE: General Fund Reserve Policy	PAGE: 2 of 6	POLICY NUMBER: 4-03
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The General Fund Reserve Policy is to be reviewed by the Town Council as part of the annual operating budget review and adoption process.

POLICY

The fund balance is the difference between the assets and liabilities reported in a governmental fund. Under current accounting standards, there are five separate components of fund balance, each of which identifies the extent to which the Town is bound to honor constraints on the specific purposes for which amounts can be spent.

The following components are defined by Governmental Accounting Standards Board (GASB) Statement No. 54 and shall constitute the Town’s Fund Balance:

- *Nonspendable Fund Balance* (inherently nonspendable)
- *Restricted Fund Balance* (externally enforceable limitations on use)
- *Committed Fund Balance* (self-imposed limitations on use)
- *Assigned Fund Balance* (limitation resulting from intended use)
- *Unassigned Fund Balance* (residual net resources)

The first two components listed above are not specifically addressed in this Policy due to the nature of their restrictions. The example of nonspendable fund balance is inventory. Restricted fund balance is either imposed by law or constrained by grantors, contributors, or laws or regulations of other governments. This Policy is focused on financial reporting of unrestricted fund balance, or the last three components listed above. These three components are further defined below.

The accounting policies of the Town consider restricted fund balance spent first when expenditure is incurred for purposes for which both restricted and unrestricted fund balance is available. Similarly, when an expenditure is incurred for purposes for which amounts of the unrestricted classifications of fund balance could be used, the Town considers committed amounts to be reduced first, followed by assigned amounts and then unassigned amounts.

Committed Fund Balance

The Town Council, as the Town’s highest level of decision-making authority, may commit fund balance for specific purposes pursuant to constraints imposed by formal action taken, such as an ordinance or resolution. These committed amounts cannot be used for any other purpose, unless the Town Council removes or changes the specific use through the same type of formal action taken to establish the commitment. The Town Council action to commit fund balance needs to occur within the fiscal reporting period; however, the amount can be determined subsequently at the final close of the fiscal year.

TITLE: General Fund Reserve Policy	PAGE: 3 of 6	POLICY NUMBER: 4-03
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The Town currently sets aside funds into four committed reserves to address unforeseen emergencies or disasters, significant changes in the economic environment, unfunded pension and Other Post-Employment Benefits (OPEB) obligations, and key infrastructure and capital projects. These include the Catastrophic Reserve, Budget Stabilization Reserve, Pension (OPEB) Reserve and Almond Grove Street Projects Reserve.

Catastrophic Reserve

Funds reserved under this category shall be used to mitigate costs associated with unforeseen emergencies, such as a disaster or catastrophic event. Should unforeseen and unavoidable events occur that require the expenditure of Town resources beyond those provided for in the annual budget, the Town Manager or designee shall have authority to approve Catastrophic Reserve appropriations. The Town Manager or designee shall then present to the Town Council a budget amendment confirming the nature of the emergency and authorizing the appropriation of reserve funds.

The Town currently commits to maintaining this reserve at a minimum of 12.5% of General Fund ongoing operating expenditures (minus one-time expenditures).

Should a catastrophic disaster occur, the required reserve level should be adequate to meet the Town’s immediate financial needs. For example, in the event of natural disaster, the Catastrophic Reserve would provide necessary coverage for basic operating expenses, including salary and benefits for safety and non-safety Town employees, while still meeting debt service obligations for approximately 60 days. This time frame would enable the Town to explore other available cash alternatives, including the use of internal service funds.

Budget Stabilization Reserve

Funds reserved under this category shall be used to mitigate annual revenue shortfalls (actual revenues less than projected revenues) due to changes in the economic environment and/or one-time uses that will result in future efficiencies and/or budgetary savings. Examples of “economic triggers” and one-time uses include, but are not limited to:

- An unplanned, major event such as a catastrophic disaster requiring expenditures which exceed the General Fund Catastrophic Reserve;
- Drop in projected/actual revenue of more than five percent in property or sales tax, or other economically sensitive revenues;
- Budgeted revenue taken over by another entity exceeding \$100,000;
- Loss of businesses considered to be significant sales tax generators;
- Reductions in projected/actual revenue of more than five percent due to actions by the state/federal government;
- Workflow/technical system improvements to reduce ongoing, personnel costs and enhance customer service;
- One-time maintenance of service levels due to significant economic/budget constraints; and

TITLE: General Fund Reserve Policy	PAGE: 4 of 6	POLICY NUMBER: 4-03
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- One-time transitional costs associated with organizational restructuring to secure long-term personnel cost savings.

The Town currently commits to maintaining this reserve at a minimum of 12.5% of General Fund ongoing operating expenditures (minus one-time expenditures).

Should a loss of the Town’s single highest source of sales tax revenue occur, the required reserve level should be adequate to meet the Town’s immediate financial needs. For example, the reserve level in the Budget Stabilization Fund would provide for an approximate 3-year transition period, giving the Town adequate time to realign its operating costs with available resources, while minimizing service impacts.

Pension/OPEB Reserve

Funds reserved under this category shall be used to further mitigate costs associated with pension and OPEB unfunded obligations. These funds will be used as a funding source for potential additional discretionary payments to pay down unfunded pension and other post-employment obligations, or held in the reserve account to be used as a supplemental funding source for unanticipated increases to the annual pension and other post-employment costs resulting from future actuarial assumptions and investment market volatility.

This Policy requires the Town to set aside additional annual discretionary payments (ADPs) to reduce the effective amortization period of the Town’s pension unfunded actuarial liabilities from approximately 30 years to 20 years. To facilitate the implementation of this Policy, staff shall update the estimated unfunded amortization schedules in conjunction with the Town’s and CalPERS actuaries. This process will coincide with the annual proposed budget process to determine the additional annual discretionary payment levels required to maintain the goal of lowering the amortization period from a 30-year to a 20-year amortization period for all prior year actuarial bases through FY 18/19. The ADP is currently projected at \$390,000 for FY 2018/19 (subject to annual updates provided by CalPERS actuaries). Per Council direction ADPs will either be allocated directly to CalPERS, the Town’s Pension IRS 115 Trust Fund, or the OPEB IRS 115 Trust Fund.

As part of the proposed budget for each forthcoming fiscal year, staff shall annually appropriate, to the extent possible, the amount of annual discretionary payments necessary to maintain the unfunded pension liability amortization shortening from 30 to 20 years.

In the event the annual amount required for additional discretionary payments is not available from operating revenues, the ADP shall be funded by a first lien on any one-time excess revenues above expenditures once other General Fund required reserve levels have been established at the appropriate levels as per the Town’s General Fund Reserve Policy. If in any given year neither budgetary appropriations or a first lien on one-time excess revenues are

TITLE: General Fund Reserve Policy	PAGE: 5 of 6	POLICY NUMBER: 4-03
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sufficient to fund the annual ADP, that years ADP will be accrued to the following year until paid.

Additionally, effective upon the close of fiscal year 2015/16 and thereafter, if sufficient General Fund year-end savings are available and targeted reserve levels of 25% (12.5% for Catastrophic Reserve and 12.5% for Budget Stabilization Reserve) of the next fiscal year’s operating budget and the funding the following year’s proposed budget ADP have been met, upon final close of the fiscal year, a minimum of \$300,000 annually shall be deposited into the Pension/OPEB Reserve fund. In addition, Council can assign additional amount deposited to the Pension/OPEB Reserve with a formal Council action from available year end savings.

Almond Grove Street Project Reserve

Funds reserved under this category shall be used to reconstruct the 10 streets identified in the Almond Grove Street Rehabilitation Project specification.

The Council awarded the bid in April 2017 allowing for \$2.9 million savings within the project. The Council reappropriated the use of the savings through the FY 2017/18 budget process. The Almond Grove Reserve should be reduced by the identified \$2.9 million savings. The Almond Grove Street Reserve balance will be reduced at each fiscal year end by the funds expended on the Almond Grove Street Rehabilitation Project during the fiscal year.

Assigned Fund Balance

Amounts that are constrained by the Town’s intent to be used for specific purposes, but are neither restricted nor committed, should be reported as assigned fund balance. This Policy hereby delegates the authority to assign amounts to be used for specific purposes to the Town Manager for the purpose of reporting to assign amounts in the annual financial statements. A few examples of assigned fund balance follow.

- Encumbrances – material s and services on purchase order and contracts which are unperformed.
- Reappropriations – appropriated by the Council for specific projects or programs that were not completed and not encumbered by year end.
- GASB 31 Adjustments – **\$10,000 or higher** unrealized investment gains that have been recorded in the financial statements in accordance with GASB 31.

Capital and Special Projects Reserve

Funds reserved under this category are designated for key infrastructure and capital/special projects as identified in the Town 5-year Capital Improvement Plan, as there is no ongoing funding source to support the Town’s capital needs.

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Unassigned Fund Balance

At the end of each fiscal year, the Finance Department reports on the audited year-end budgetary fiscal results. Should actual General Fund revenues exceed expenditures and encumbrances, a year-end operating surplus shall be reported. Any year-end surplus which results in the General Fund balance exceeding the level required by this Reserve Policy shall be available for allocation for the following, subject to Council approval:

- Offset projected future deficits
- Anticipated intergovernmental fiscal impacts
- One-time funding, non-recurring needs

Upon funding any of the above reserve levels pursuant to this General Fund Reserve Policy, any remaining surplus of fiscal year revenues above expenditures shall be placed in the Capital and Special Projects Reserve for appropriation within the Capital Improvement Program budget.

Replenishment of Unreserved Fund Balance

In keeping with the principles discussed in this Policy, when either fund is used, Town Council will develop a 1 to 5 year reserve replenishment plan to meet the minimum threshold of 25% of General Fund ongoing, operating expenditures, excluding one-time expenditures.

APPROVED AS TO FORM:

Robert Schultz, Town Attorney



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 09/21/2021

ITEM NO: 7

DATE: September 15, 2021

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Authorize the Town Manager to Execute a One-Year Agreement with Los Gatos-Saratoga Union High School District and Los Gatos Union Elementary School District for School Resource Officer Services for the Period Starting July 1, 2021 through June 30, 2022 to Include:

- a. Application of existing Fiscal Service Credits to Los Gatos-Saratoga High School District and Los Gatos Union School District, and
- b. Implementation of a Revised Monthly Payments and Scope of Services within this Agreement Beginning in December 2021 for Los Gatos-Saratoga High School District and March 2022 for Los Gatos Union School District, and
- c. Authorize a Revenue Budget Decrease in the Amount of \$25,911.12 to Match the Proposed Agreement Amount.

RECOMMENDATION:

Authorize the Town Manager to execute a one-year agreement with Los Gatos-Saratoga Union High School District and Los Gatos Union Elementary School District for School Resource Officer Services for the period starting July 1, 2021 through June 30, 2022 to include:

- a. Application of existing fiscal service credits to Los Gatos-Saratoga High School District and Los Gatos Union School District, and
- b. Implementation of the revised monthly payments and scope of services within this agreement beginning in December 2021 for Los Gatos-Saratoga High School District and March 2022 for Los Gatos Union School District, and
- c. Authorize a revenue budget decrease in the amount of \$25,911.12 to match the proposed agreement amount.

BACKGROUND:

Since 2008 the Town of Los Gatos, Los Gatos-Saratoga Union High School District, and Los Gatos Union Elementary School District have participated in a cost sharing agreement for the services of one full-time School Resource Officer (SRO) shared amongst all parties.

PREPARED BY: Clinton Tada
Interim Police Chief

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

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SUBJECT: Authorize the Town Manager to execute a one-year agreement with Los Gatos-Saratoga Union High School District and Los Gatos Union Elementary School District for School Resource Officer Services for the period starting July 1, 2021 through June 30, 2022

DATE: September 15, 2021

BACKGROUND (continued):

Previous cost sharing agreements for one full-time SRO was 50% Town of Los Gatos, 36% Los Gatos-Saratoga Union High School District, and 14% Los Gatos Union Elementary School District.

On July 1, 2019, the Los Gatos -Saratoga Union High School District, Los Gatos Union Elementary School District, and Town of Los Gatos entered into a two-year SRO services agreement. In March 2020, the County of Santa Clara Public Health Department declared a "Shelter in Place Order," which temporarily shut down California public schools due to the COVID-19 pandemic. The order remained in effect for on campus learning through April 2021 and negated the need and use of services for the SRO during that time period.

In November 2020, the Town initiated a fiscal service credit to Los Gatos-Saratoga Union High School District and Los Gatos Union Elementary School District for monthly payments received during the school closure. Los Gatos-Saratoga Union High School District received a fiscal credit in the amount of \$37,052.31 for payments made between March 2020 and July 2020. Los Gatos Union Elementary School District received a fiscal credit in the amount of \$24,315.45 for payments made between March 2020 and October 2020. These credits were intended to be applied when SRO services resumed under the existing agreement (in FY 20/21) or when a revised agreement could be established. Due to limited return of in-person learning in FY 20/21, SRO services were significantly reduced for the remainder of the SRO agreement through June 30, 2021. The application of fiscal monthly credits to both Los Gatos-Saratoga Union High School District and Los Gatos Union Elementary School District began on July 1, 2021 with full SRO services under the previous expired agreement.

In June 2021, Los Gatos-Saratoga Union High School District and Town Staff collaborated in a work session of future SRO services with the consideration of incorporating a refined scope of work and a new service agreement at a reduction in cost sharing to both Los Gatos-Saratoga Union High School District and Los Gatos Union Elementary School District. The proposed cost sharing for this one-year agreement with reduced SRO services is 75% Town of Los Gatos, 18% Los Gatos-Saratoga Union High School District, and 7% Los Gatos Union Elementary School District. The revised monthly payment schedule and SRO scope of services ("Exhibit A" of this agreement) will be incorporated when all remaining credits have been exhausted.

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SUBJECT: Authorize the Town Manager to execute a one-year agreement with Los Gatos-Saratoga Union High School District and Los Gatos Union Elementary School District for School Resource Officer Services for the period starting July 1, 2021 through June 30, 2022

DATE: September 15, 2021

DISCUSSION:

The Los Gatos-Monte Sereno Police Department and school districts have maintained a strong community partnership through open communication with students, staff, and school administration. The Department continues to foster the tradition of the SRO program while being adaptable to change to ensure campus and student safety within the schools. The goals for the SRO program continue to promote and focus on campus and student safety while building community relationships and maintaining a healthy learning environment.

This one-year SRO agreement provides the ability for the Town to apply fiscal credits beginning in July 2021 for payments received under the previous agreement and incorporate the revised service agreement for remaining months (upon exhaustion of all credits). In addition, this one-year agreement allows staff and all involved parties an opportunity to evaluate the revised scope of work, cost sharing adjustments, and SRO service level under this proposed agreement through June 30, 2022.

On September 14, 2021, Los Gatos-Saratoga Union High School District Board of Trustees unanimously approved this one-year pilot SRO agreement with the revised scope of services.

CONCLUSION:

Staff recommends Town Council authorize the Town Manager to execute an agreement with Los Gatos-Saratoga Union High School District and Los Gatos Union Elementary School District for School Resource Officer Services for the period starting July 1, 2021 through June 30, 2022 to include:

- a. Application of FY 20/21 fiscal service credits to Los Gatos-Saratoga High School District and Los Gatos Union School District and
- b. Implementation of the revised monthly payments and scope of services within this agreement beginning in December 2021 for Los Gatos-Saratoga High School District and March 2022 for Los Gatos Union School District.

A budget adjustment is also needed as discussed in more detail below.

FISCAL IMPACT:

During the County of Santa Clara Public Health order "Shelter in Place Order" the Town received revenue for SRO services in the amount of \$37,052.51 from Los Gatos-Saratoga Union High School District, and \$24,315.45 from Los Gatos Union Elementary School District, for a total of \$61,367.96. These funds will be applied as a credit toward SRO services beginning July

SUBJECT: Authorize the Town Manager to execute a one-year agreement with Los Gatos-Saratoga Union High School District and Los Gatos Union Elementary School District for School Resource Officer Services for the period starting July 1, 2021 through June 30, 2022

DATE: September 15, 2021

FISCAL IMPACT (continued):

1, 2021 until all credits expire. A revised cost-sharing service agreement for SRO services for Council consideration is proposed in the draft agreement.

Based on the SRO service credits and the restructured fiscal cost sharing agreement a budget adjustment of \$25,911.12 in decreased revenue is also requested.

FY 21/22 SRO COST SHARING BREAKDOWN:

FY 21/22 COST SHARING		
School Year	21/22	Anticipated revenue after credit
High School 18%	\$ 52,535.52	\$ 30,645.72
Los Gatos Union 7%	\$ 20,430.48	\$ 6,810.16
Town 75%	\$ 218,898.00	\$ -
Total	\$ 291,864.00	\$ 37,455.88
	21/22 Budget	\$ 63,367.00
	Revenue adjustment	\$ (25,911.12)

FY 21/22 SRO MONTHLY PAYMENTS (Proposed under this agreement)

FY 21/22 MONTHLY INSTALLMENTS (After Credit Adjustments)	HIGH SCHOOL DISTRICT (18%)	LOS GATOS UNION (7%)
December 2021	\$4,377.96	CREDIT APPLIED
January 2022	\$4,377.96	CREDIT APPLIED
February 2022	\$4,377.96	CREDIT APPLIED
March 2022	\$4,377.96	\$1,702.54
April 2022	\$4,377.96	\$1,702.54
May 2022	\$4,377.96	\$1,702.54
June 2022	\$4,377.96	\$1,702.54
FY 21/22 TOTAL REVENUES	\$30,645.72	\$6,810.16

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SUBJECT: Authorize the Town Manager to execute a one-year agreement with Los Gatos-Saratoga Union High School District and Los Gatos Union Elementary School District for School Resource Officer Services for the period starting July 1, 2021 through June 30, 2022

DATE: September 15, 2021

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. SRO Services Agreement for July 1, 2021 Through June 30, 2022
2. SRO Scope of Work – “Exhibit A” to SRO Services Agreement

**AGREEMENT BETWEEN THE LOS GATOS-SARATOGA UNION HIGH SCHOOL DISTRICT, LOS GATOS
UNION ELEMENTARY SCHOOL DISTRICT, AND
THE TOWN OF LOS GATOS FOR SCHOOL RESOURCE OFFICER SERVICES**

This contract is dated for identification this ____ day of September 2021 and is made by and between the LOS GATOS-SARATOGA UNION HIGH SCHOOL DISTRICT, (hereinafter "HIGH SCHOOL DISTRICT"), the LOS GATOS UNION SCHOOL DISTRICT (hereinafter "LOS GATOS UNION") and the TOWN OF LOS GATOS (hereinafter "TOWN"), a California General Law City. HIGH SCHOOL DISTRICT, LOS GATOS UNION, and TOWN may be referred to as "Party" or "Parties" in this Agreement. This agreement shall take effect on October ____, 2021 and remain in effect until June 30, 2022.

I. RECITALS

- 1.1 HIGH SCHOOL DISTRICT, LOS GATOS UNION, and TOWN desire to continue the formalized relationship and joint cooperative effort for a shared funding strategy between the participating entities for school resource officer services. The School Resource Officer Program (SRO) aims to foster an efficient and cohesive program building positive relationships between law enforcement and the youth of our community.
- 1.2 HIGH SCHOOL DISTRICT, LOS GATOS UNION and TOWN, NOW, THEREFORE in consideration of the recitals and mutual promises contained herein it is agreed as follows:

II. AGREEMENTS

- 2.1 The Los Gatos-Monte Sereno Police Department shall assign one (1) sworn law enforcement officer to serve as SRO based on the "SRO Scope of Work" (contained in "Exhibit A") and specified hours of service agreed upon within this agreement. The Los Gatos-Monte Sereno Police Department shall retain the exclusive right to exercise the customary functions of management. The Los Gatos-Monte Sereno Police Department reserves the right to remove the SRO at any time if Police Department staffing levels fall below acceptable norms.
- 2.2 The day-to-day operation and administrative control of the SRO Program will be the responsibility of the Police Department. Responsibility for the conduct of the SRO, both personally, and professionally, shall remain solely with the Los Gatos-Monte Sereno Police Department. The SRO is employed and retained by the Los Gatos-Monte Sereno Police Department, and in no event will be considered an employee of the respective entities.
- 2.3 The Police Department and the School District shall each name a contact person who will monitor the program. Each principal will designate a contact person for the school to facilitate communication.
- 2.4 Under this framework, the SRO is first and foremost a law enforcement officer for the providing law enforcement agency. The SRO shall be responsible for carrying out all duties and responsibilities of a law enforcement officer and shall always remain under the control, through the chain of command, of the law enforcement agency. All acts of commission or omission shall conform to the guidelines of the providing law enforcement agency directives.

School officials should ensure that non-criminal student disciplinary matters remain the responsibility of school staff and not the SRO. Enforcement of the code of student conduct is the responsibility of teachers and administrators. The SRO shall refrain from being involved in the enforcement of disciplinary rules that do not constitute violations of law, except to support staff in maintaining a safe school environment.

2.5 The “SRO Scope of Work” is attached in “Exhibit A” of this agreement which covers specified SRO services provided, SRO hours of service, and SRO other duties and responsibilities while not serving under this agreement.

2.6 Due to the 2019/20 and 2020/21 COVID-19 pandemic which resulted in the temporary closure of the HIGH SCHOOL DISTRICT and LOS GATOS UNION, the TOWN and said parties of this agreement agreed upon a credited amount for non-services during the pandemic. This credit was carried over by TOWN past June 30, 2021 (at the termination of the previous agreement) and were applied for SRO services beginning in July 2021(FY 21/22). Monthly credited amounts will be applied to this revised agreement for SRO services.

Effective July 1, 2021, monthly credits (in the table below) for HIGH SCHOOL DISTRICT and LOS GATOS UNION will be applied as monthly payments until all credits are exhausted. During this time, TOWN agrees to provide full-time SRO services for credited months, consistent with the previous SRO agreement.

HIGH SCHOOL DISTRICT MONTHLY CREDIT PAYMENTS FOR FY 21/22

DATE	INV#	BILLED	PAID	CUSTOMER	FY 20/21 CREDIT AMOUNT	FY 21/22 CREDITED MONTHLY PAYMENTS
Jul-20	5900000395	\$8,426.69	\$(8,233.89)	LGSUHSD	\$8,233.89	Jul-21
Jun-20	5900000391	\$8,233.89	\$(8,233.89)	LGSUHSD	\$8,233.89	Aug-21
May-20	5900000388	\$8,233.89	\$(8,233.89)	LGSUHSD	\$8,233.89	Sep-21
Apr-20	5900000385	\$8,233.89	\$(8,233.89)	LGSUHSD	\$8,233.89	Oct-21
Mar-20	5900000382	\$8,233.89	\$(8,233.89)	LGSUHSD	\$4,116.95	Nov-21
TOTAL CREDITED AMOUNT					\$37,052.51	

LOS GATOS UNION MONTHLY CREDIT PAYMENTS FOR FY 21/22

DATE	INV#	BILLED	PAID	CUSTOMER	FY 20/21 CREDIT AMOUNT	FY 21/22 CREDITED MONTHLY PAYMENTS
Oct-20	5900000404	\$3,277.05	\$(3,277.05)	LGUSD	\$3,277.05	Jul-21
Sep-20	5900000402	\$3,277.05	\$(3,277.05)	LGUSD	\$3,277.05	Aug-21
Aug-20	5900000399	\$3,277.05	\$(3,277.05)	LGUSD	\$3,277.05	Sep-21
Jul-20	5900000396	\$3,277.05	\$(3,277.05)	LGUSD	\$3,277.05	Oct-21

Jun-20	5900000392	\$3,202.07	\$(3,202.07)	LGUSD	\$3,202.07	Nov-21
May-20	5900000389	\$3,202.07	\$(3,202.07)	LGUSD	\$3,202.07	Dec-21
Apr-20	5900000386	\$3,202.07	\$(3,202.07)	LGUSD	\$3,202.07	Jan-22
Mar-20	5900000383	\$3,202.07	\$(3,202.07)	LGUSD	\$1,601.04	Feb-22
TOTAL CREDITED AMOUNT					\$24,315.45	

2.7 All Parties agree to provide funding for the school resource officer on an annual basis, to cover expenses including salary and benefits. All Parties shall contribute toward the total overall cost of the School Resource Officer as follows:

FY 21/22 COST SHARING (TOTAL COMPENSATION OF SRO)	
SCHOOL YEAR	FY 21/22
HIGH SCHOOL DISTRICT 18%	\$52,535.52
LOS GATOS UNION 7%	\$20,430.48
TOWN 75%	\$218,898.00
Total	\$291,864.00

2.8 Beginning the first calendar day of the month following the last monthly credit applied for HIGH SCHOOL DISTRICT and LOS GATOS UNION, all Parties agree that the revised cost sharing agreement and scope of services will be implemented, based on the FY 21/22 total compensation of the SRO. HIGH SCHOOL DISTRICT and LOS GATOS UNION agree to pay the revised following monthly installments upon exhaustion of all monthly credits in FY 21/22.

Below is a breakdown of the revised cost sharing monthly payment installments for the remainder of FY 21/22 based on the FY 21/22 Cost Sharing (Total Compensation of SRO) above.

FY 21/22 MONTHLY INSTALLMENTS (After Credit Adjustments)	HIGH SCHOOL DISTRICT (18%)	LOS GATOS UNION (7%)
December 2021	\$4,377.96	CREDIT APPLIED
January 2022	\$4,377.96	CREDIT APPLIED
February 2022	\$4,377.96	CREDIT APPLIED
March 2022	\$4,377.96	\$1,702.54
April 2022	\$4,377.96	\$1,702.54
May 2022	\$4,377.96	\$1,702.54
June 2022	\$4,377.96	\$1,702.54

2.9 The TOWN will present an annual report to the Boards of Trustees of LOS GATOS UNION and the HIGH SCHOOL DISTRICT by the end of the school year, or as soon as possible following the school year. This report will inform the Boards about services provided to the LOS GATOS UNION and HIGH SCHOOL DISTRICT throughout the year, both on site at the elementary, middle school, High School and in the neighboring community. This report will be presented by the Chief of Police or Designee and the School Resource Officer.

III. INSURANCE AND INDEMNIFICATION

- 3.1 None of the respective Parties, their respective Boards, board members, Town Councils, council members, employees, officers, agents and assigns shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by other parties arising from this Agreement.
- 3.2 Each party to the agreement will hold all other parties harmless.

IV. TERM AND TERMINATION OF AGREEMENT

- 4.1 This Agreement shall take effect October 1, 2021 and remain in effect through June 30, 2022, unless terminated as set forth in this Agreement.
- 4.2 All parties have the right to terminate this agreement, with or without cause. The terminating party must give all other parties 60 days prior written notice thereof.
- 4.3 Notice of termination, in writing, may be issued by the Police Chief or Superintendents of the respective entities. If one or more schools terminate, each terminating school shall remain liable for any unpaid monthly obligation incurred prior to or after the termination through the end of that fiscal year for services rendered by the Town, pursuant to this Agreement.
- 4.4 This Agreement represents the entire agreement between High School District, Los Gatos Union, and Town. All prior or contemporaneous oral or written agreements by and between the parties and their agents and representatives with respect to the matters in this Agreement are revoked and extinguished by this Agreement.
- 4.5 No modification, waiver, mutual termination, or amendment of this Agreement is effective unless made in writing and signed by the Town and the Consultant.
- 4.6 In any dispute over any aspect of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, including costs of appeal.
- 4.7 Any notices required pursuant to this Agreement shall be deemed to be properly given and mailed postage prepaid and addressed to:

TOWN OF LOS GATOS
Attn: Town Clerk
110 E. Main Street
Los Gatos, CA 95030

With a copy to:
Clint Tada, Interim Police Chief
110 E. Main Street
Los Gatos, CA 95030

LOS GATOS-SARATOGA UNION SCHOOL DISTRICT
17421 Farley Road West
Los Gatos, CA 95032

LOS GATOS UNION SCHOOL DISTRICT
17010 Roberts Road
Los Gatos, CA 95032

IN WITNESS WHEREOF, this Agreement is executed by LOS GATOS-SARATOGA HIGH SCHOOL DISTRICT, LOS GATOS UNION, and LOS GATOS.

APPROVED AS TO CONTENT:

FOR THE TOWN OF LOS GATOS:

Paul Johnson
Los Gatos Union School District
Superintendent

Laurel Prevetti, Town Manger

Recommended by:

Michael Grove
Los Gatos-Saratoga Union High School District
Superintendent

Clinton Tada, Interim Chief of Police

Approved as to Form:

Robert Schultz, Town Attorney

Attest:

Shelley Neis, CMC, Town Clerk

“EXHIBIT A”
SCOPE OF WORK SCHOOL RESOURCE OFFICER (SRO)

MISSION:

The Los Gatos-Monte Sereno Police Department as part of the Town of Los Gatos (TOWN), HIGH SCHOOL DISTRICT, and LOS GATOS UNION, seeks to ensure an efficient and cohesive SRO program, building positive relationships between law enforcement, students, and school employees. The goal of the program is to create and maintain a safe school environment, while reducing crime and providing a law enforcement resource to school administrators, faculty, and students.

SRO ROLE AND RESPONSIBILITIES:

The SRO acts in accordance with the recommended National Association of School Resource Officers (NASRO) three roles of law enforcement officer, teacher, and informal counselor/mentor; however, they do not enforce academic school rules or policies or become involved with matters that are strictly related to school discipline issues. Los Gatos-Monte Sereno Police Department as part of the TOWN, HIGH SCHOOL DISTRICT, and LOS GATOS UNION have identified specific responsibilities of the SRO while serving at the schools to include:

- Build collaborative working relationships with students, campus administrative staff and school faculty through positive interaction.
- Provide formalized education to students and faculty on approved topics related to campus safety and preventative education related to illegal/criminal activity.
- Assist school administrators with the development and deployment of campus safety and emergency response plans.
- Act as a law enforcement liaison and member of the HIGH SCHOOL DISTRICT Behavioral Intervention Team (BIT) program.
- When requested, attend special activities, assemblies, or programs during school hours.
- Maintain law enforcement safety presence in and around school campuses related to crime deterrence and prevention, Safe Routes to School traffic safety, and promoting positive student, staff, and community interaction.

SERVICE HOURS:

SRO schedule will be defined in accordance with TOWN personnel rules and Police Officer’s Association Memorandum of Understanding.

- SRO will work four days/week, 10 hour/days from 0700-1700 hours.
- SRO work week will be Tuesday to Friday, unless otherwise directed.
- SRO will be assigned to dedicated SRO duties and presence at the schools for a maximum of five hours per workday, morning or afternoon. The remainder of the SRO shift hours will be allocated to the Investigations Division, where the SRO will be assigned to the investigation of Juvenile Crimes or as directed by his/her immediate supervisor.
- SRO duties and on campus time shall not exceed 20 hours per work week. Any additional work outside the allotted 20 hours per week or special event presence needed by the SRO, will require HIGH SCHOOL DISTRICT and LOS GATOS UNION to reimburse TOWN at the special events officer rate per hour.
- Calls for service at the campuses of HIGH SCHOOL DISTRICT or LOS GATOS UNION requiring a police response when the SRO is not on campus or on duty, shall be referred to Police Dispatch for a patrol officer response.

SUPERVISION, EVALUATION, SELECTION:

- The SRO position will be supervised by the Investigations Sergeant and will be assigned to the Investigations Division when not assigned to the schools as the SRO.
- The SRO performance evaluations will be completed by the TOWN, SRO's immediate supervisor, with input and feedback from HIGH SCHOOL DISTRICT and LOS GATOS UNION school representatives/liaisons.
- The SRO position will be filled according to the Police Department selection process. The TOWN will make the final selection of any SRO, in consultation with the HIGH SCHOOL and LOS GATOS UNION.

TRAINING:

- The SRO position is considered a specialized assignment within the Police Department, requiring specialized training.
- The SRO is employed by the TOWN and is entitled to approved leaves of absence, required training, and other time off in accordance with TOWN personnel rules and POA MOU. Should there be an extended break in service by the SRO for any unforeseen circumstance, TOWN will identify a temporary or permanent replacement to fulfill SRO duties.

INFORMATION SHARING:

- It is the understanding of the HIGH SCHOOL DISTRICT, LOS GATOS UNION, and TOWN that confidentiality and a student's right to privacy are of the utmost importance in the

administration of these services. Therefore, student records shall be kept confidential in accordance with all applicable laws and professional standards.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 09/21/2021

ITEM NO: 8

DATE: September 13, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Approve the Modifications to the Board, Commission, and Committee Enabling Documents and Applications as Recommended by the Commissions, Council Policy Committee, and Liaisons

RECOMMENDATION:

Approve the modifications to the Board, Commission, and Committee enabling documents and applications as recommended by the Commissions, Council Policy Committee, and liaisons.

BACKGROUND:

In January 2021, the Town Council added diversity, equity, and inclusion (DEI) to the FY 2021-2023 Strategic priorities. The Town Manager's Office took immediate action and directed all Departments to use a lens of justice, equity, diversity, and inclusion (JEDI) in the development of the Town budget and capital program, delivery of services, preparation of policy documents, and the creation of all new programs, projects, and policies. The Mayor requested study sessions in 2021 with each of the Town's Boards, Commissions, and Committees to thank the members for their service to Los Gatos, review accomplishments, consider future work items, and discuss the incorporation of diversity, equity, and inclusion into their work plans.

DISCUSSION:

With the JEDI focus in mind, the Boards, Commissions, Committees, and their liaisons (collectively "Commissions") reviewed the application and enabling document for their respective Commission. The Arts and Culture Commission, Complete Streets and Transportation Commission, Community Health and Senior Services Commission, Library Board, Parks Commission, and Youth Commission each had separate Study Sessions with the full Town Council and any suggested modifications to the application and/or enabling resolution were

PREPARED BY: Shelley Neis
Town Clerk

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

SUBJECT: Approve the Modifications to the Board, Commission, and Committee Enabling Documents and Applications as Recommended by the Commissions, Council Policy Committee, and Liaisons

DATE: September 13, 2021

DISCUSSION (continued):

included in the staff report, and therefore the Policy Committee did not review them prior to the study sessions. Those suggested modifications are as follows:

Arts and Culture Commission (ACC)

Enabling Resolution

- Noted that section 1a has the stated requirement that “One (1) member of the Commission shall be an arts professional...” The Commission has expressed that this is not well defined and could be a possible barrier to entry to an otherwise qualified candidate. The Commission expressed that the passion and desire to be involved in the arts combined with a wide range of backgrounds and creative ideas among the balance of all Commissioners should be the primary selection consideration of a potential new Commissioner. While professional experience in the arts is helpful, the Commission does not feel it is a requirement to fill the role.

Application

- Noted that many of the questions asked in the application are targeted towards established previous involvement in arts organizations and may be a limiting factor to obtaining a broader number of applicants.

Community Health and Senior Services Commission (CHSSC)

Enabling Resolution

- The enabling resolution was amended in May 2020.

Application

- The Commission did not review the application but the Assistant Town Manager, staff liaison for the CHSSC, reviewed and provided suggested edits (Attachment 1).

Complete Streets and Transportation Commission (CSTC)

- The Commission has no recommended changes to the enabling resolution or application.

Library Board (LIB)

Enabling Resolution

- The Board has no recommended changes to the enabling resolution.

SUBJECT: Approve the Modifications to the Board, Commission, and Committee Enabling Documents and Applications as Recommended by the Commissions, Council Policy Committee, and Liaisons

DATE: September 13, 2021

DISCUSSION (continued):

Application

- It was noted that the leading questions regarding previously held government positions and previous involvement with civic organizations could be perceived as a barrier to entry and/or be discouraging to applicants without background in these areas. The Board instead recommends a more inclusive leading question such as “What are your unique perspectives and experiences that you would bring to this role?”

Parks Commission

- The Commission has no recommended changes to the enabling resolution or application.

General Plan Committee, Historic Preservation Committee, and Planning Commission

The Planning Commission (PC), General Plan Committee (GPC), and Historic Preservation Committee (HPC) did not have separate Study Sessions with the Town Council and their recommendations, as well as recommendations for the Conceptual Development Advisory Committee (CDAC) enabling resolution, were reviewed by the Policy Committee on August 27, 2021 (Attachment 2).

After discussion, the Policy Committee unanimously agreed to forward a recommendation to the Town Council to approve the changes to each of the applications recommended by each Commission with the following modifications: (1) combine the first three questions on all applications as recommended by the GPC and (2) let the applicant choose which Element of the General Plan to comment on for the GPC application. The Committee also unanimously agreed to forward a recommendation to the Town Council to approve the changes to each of the enabling resolutions recommended by each Commission. The Policy Committee discussed and did not take a position on expanding the role of the GPC to consider and make recommendations on policy documents and Town Code amendments.

Building Board of Appeals (BOA)

The Building Board of Appeals meets when necessary and did not have an opportunity to review the application and enabling resolution. The Building Official, staff liaison for the BOA, reviewed the documents and suggested minor edits to the application and enabling resolution (Attachments 3 and 4).

PAGE 4 OF 5

SUBJECT: Approve the Modifications to the Board, Commission, and Committee Enabling Documents and Applications as Recommended by the Commissions, Council Policy Committee, and Liaisons

DATE: September 13, 2021

DISCUSSION (continued):

Personnel Board

The Board expressed a desire for a modified and scaled down application for reapplying to the Board. Staff does not support this request. While it could be easier for incumbents to complete a modified application, to ensure fairness for all incumbents, it would require two separate applications for each Commission. Direction from Council would be needed on which questions to remove from the “incumbent” applications and having two applications could potentially cause confusion for applicants.

Commissioner Interviews and Appointments

Per Policy 2-11, applicants are required to be interviewed to be considered for appointment. Currently the Policy only allows for telephone interviews for incumbents applying to the same Commission.

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.

Now that Town Council meetings are utilizing remote participation (Zoom) to allow the public to participate either in person or remotely, staff is recommending allowing remote participation for the commissioner interviews.

For consistency year to year, staff is requesting that the adult Commissioner annual interviews and appointments be held at the special meeting in December when the Mayor and Vice Mayor are appointed. This would allow for longer interview times for the applicants and reduce the need for a separate special meeting.

If approved, these would require modifications to the Commission Appointments Policy 2-11.

COORDINATION:

The preparation of this report was coordinated with the Town Manager’s Office, the Town Attorney, Community Development, Human Resources, Library, and Parks and Public Works.

PAGE 5 OF 5

SUBJECT: Approve the Modifications to the Board, Commission, and Committee Enabling Documents and Applications as Recommended by the Commissions, Council Policy Committee, and Liaisons

DATE: September 13, 2021

FISCAL IMPACT:

There is no fiscal impact to update the applications and enabling documents.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. CHSSC Application.Redlined
2. Policy Committee Review of Planning Committees Staff Report and Attachments
3. BOA Enabling Resolution.Redlined
4. BOA Application.Redlined

TOWN OF LOS GATOS

BOARD, COMMISSION, COMMITTEE APPLICATION

Contact: Clerk Department
110 East Main Street, Los Gatos, CA 95030
(408) 354-6888 or Clerk@LosGatosCA.gov

General eligibility requirements: A resident of the incorporated limits of the Town of Los Gatos. Other requirements may apply to specific Boards, Commissions, or Committees.

If you would like to apply for more than one Board, Commission, or Committee, place a number next to the Board, Commission, or Committee, in order of your preference, for which you would like to apply. **A separate application is required to be submitted for each Board, Commission, or Committee you are applying for.** Only applications for current openings will be considered at this time. Applications for future openings will be kept on file for one year. Qualified applicants will be notified for an interview with Town Council.

- Arts and Culture Commission
- Building Board of Appeals
- Community Healthy and Senior Services Commission
- Complete Streets and Transportation Commission
- Finance Committee
- General Plan Committee
- Historic Preservation Committee
- Library Board
- Parks Commission
- Personnel Board
- Planning Commission

IMPORTANT NOTICES

Please note that all information provided on the application becomes a public record after it is officially filed. All appointed applicants are required to file the Fair Political Practices Commission (FPPC) Statements of Economic Interest (Form 700) annually, which are also a public record. Applicants appointed to the Planning Commission are also required to complete Ethics Training AB 1234 every two years.

COMMUNITY HEALTH AND SENIOR SERVICES COMMISSION APPLICATION

Contact: Clerk Department
110 East Main Street, Los Gatos, CA 95030
(408) 354-6888 or Clerk@LosGatosCA.gov

**Note: Only the text that shows in the boxes is visible.
Please do not go beyond the borders of the boxes.**

FIRST NAME: _____ LAST NAME: _____

HOME ADDRESS: _____ CITY: _____ ZIP CODE: _____

CELL PHONE: _____ WORK PHONE: _____

EMAIL ADDRESS: _____ HOME PHONE: _____

EMPLOYER: _____ JOB TITLE: _____

HOW LONG HAVE YOU LIVED IN LOS GATOS? _____

*If appointed your name, phone number, and email address will be made available to the public.

Please list all previously held elected or appointed governmental positions. Include the Position/Office held and the associated dates.

(e.g. Parent Teacher Association President, 2019-present)

Please list any civic charitable organizations you have belonged to. Include the Position/Office held and the associated dates.

(e.g. Little League Coach, 2017-2019)

Please list any schools that you have attended or are currently attending. Include your major subject area and/or grade level.

*(e.g. Los Gatos High School;
San Jose State University, BA in History)*

Why are you interested in serving on the Community Health and Senior Services Commission?

A large, empty rectangular box with a black border, intended for the respondent to provide an answer to the question above.

Have you ever attended a Community Health and Senior Services Commission meeting? If yes, please provide a summary of your observation. If no, do you follow any other senior oriented programming in the area (i.e. LGS Rec 55+, Saratoga Area Senior Coordinating Council , Sourcewise etc.) ~~↳~~ why not?

A large, empty rectangular box with a black border, intended for the respondent to provide an answer to the question above.

How do ~~will you balance~~ your personal interests align with the broader role of the Commission?

A large, empty rectangular box with a black border, intended for the respondent to provide an answer to the question above.

What do you see as the role of this Commission?

A large, empty rectangular box with a black border, intended for the respondent to provide an answer to the question above.

What, from your perspective, are emerging needs/trends in our older adult community that you would like the Commission to address?

A large, empty rectangular box with a black border, intended for the respondent to provide their answer to the question above.

What has been your experience or involvement with grant programs?

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The **application deadline is 4:00 p.m. Friday, November 5, 2021.** Applications received after the deadline will be held for the next recruitment.

Interviews will be held Tuesday, November 16, 2021, tentatively scheduled to begin at 5:00 p.m. You will be notified via email the week of November 8th of the interview time and be requested to **RSVP no later than 4:00 p.m. Friday, November 12, 2021.** *All applicants are required to be interviewed to be considered for appointment as a Commissioner.*

I understand the scheduled interview date and time is Tuesday, November 16, 2021, 5:00 p.m.

Signature: _____

Date: _____

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THE INTERVIEW PROCESS, 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 [28 CFR §35.102-35.104]



**TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE REPORT**

MEETING DATE: 08/24/2021

ITEM NO: 2

DATE: August 20, 2021
TO: Policy Committee
FROM: Laurel Prevetti, Town Manager
SUBJECT: Review and Provide Direction on the Recommended Modifications to the Planning Commission, Historic Preservation Committee, Conceptual Development Advisory Committee, and General Plan Committee Enabling Resolutions and Applications.

RECOMMENDATION:

Review and provide direction on the recommended modifications to the Planning Commission, Historic Preservation Committee, Conceptual Development Advisory Committee, and General Plan Committee enabling resolutions and applications.

BACKGROUND:

The Town of Los Gatos currently has 13 Boards, Commissions, and Committees which act in various advisory and regulatory roles to the Town Council. The Planning Commission is one of seven of the Town's Commissions that serve a specific function. The Historic Preservation Committee, Conceptual Development Advisory Committee, and General Plan Committee are three of four of the Town's Committees that serve a specific function.

On February 23, 2021, the Town Council directed staff to work with each of the Town Boards, Commissions, and Committees to review and discuss their applications for new members, keeping in mind that requiring specific professional or degree qualifications could hinder recruitment. The Policy Committee requested that the Commissions and Committees review the applications and enabling resolutions and forward any suggested changes or general input to the Town Council.

PREPARED BY: Joel Paulson
Community Development Director

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

PAGE 2 OF 4

SUBJECT: Planning Commission, Historic Preservation Committee, Conceptual Development Advisory Committee, and General Plan Committee Enabling Resolutions and Applications

DATE: August 20, 2021

DISCUSSION:

Planning Commission

On April 14, 2021, the Planning Commission (PC) discussed and provided input regarding the Planning Commission application. The suggested modifications to the application include modifying the structure and content of the questions, in addition to posing a second, residential case study question for prospective applicants (Attachment 1).

Historic Preservation Committee

On April 28, 2021, the Historic Preservation Committee (HPC) discussed and provided input regarding the enabling resolution and application. The HPC suggested modifications to the resolution to include more detailed language regarding the powers and duties of the Committee and removing the requirement that one member reside in a historic district (Attachment 2). The HPC also suggested modifications to the structure and content of the application questions (Attachment 3).

Conceptual Development Advisory Committee

On June 9, 2021, the Conceptual Development Advisory Committee (CDAC) discussed and provided input regarding the enabling resolution. The CDAC suggested grammatical modifications to the resolution, details of the presentation process for applicants, the role of the CDAC, and the identification of the types of Town documents considered when reviewing a project (Attachment 4).

General Plan Committee

On May 26, 2021, the General Plan Committee (GPC) discussed and provided input regarding the enabling resolution and application. The GPC suggested a clarifying modification to the resolution regarding the appointment of a GPC member (Attachment 5). The GPC also suggested combining questions, providing more detail in questions, and including a link to the Town's website as a reference for applicable questions (Attachment 6). The GPC also considered expanding the role of the GPC to consider and make recommendations on policy documents and Town Code amendments.

CONCLUSION:

Staff looks forward to the Policy Committee's discussion and direction regarding the proposed modifications to the PC, HPC, CDAC, and GPC applications and enabling resolutions.

PAGE 3 OF 4

SUBJECT: Planning Commission, Historic Preservation Committee, Conceptual
Development Advisory Committee, and General Plan Committee Enabling
Resolutions and Applications

DATE: August 20, 2021

COORDINATION:

The preparation of this report was coordinated with the Town Manager's Office and the Town Attorney.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Planning Commission Application
2. Historic Preservation Committee Resolution
3. Historic Preservation Committee Application
4. Conceptual Development Advisory Committee Resolution
5. General Plan Committee Resolution
6. General Plan Committee Application

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TOWN OF LOS GATOS

BOARD, COMMISSION, COMMITTEE APPLICATION

Contact: Clerk Department

110 East Main Street, Los Gatos, CA 95030

(408) 354-6888 or Clerk@LosGatosCA.gov

General eligibility requirements: A resident of the incorporated limits of the Town of Los Gatos. Other requirements may apply to specific Boards, Commissions, or Committees.

If you would like to apply for more than one Board, Commission, or Committee, place a number next to the Board, Commission, or Committee, in order of your preference, for which you would like to apply. **A separate application is required to be submitted for each Board, Commission, or Committee you are applying for.** Only applications for current openings will be considered at this time. Applications for future openings will be kept on file for one year. Qualified applicants will be notified for an interview with Town Council.

- Arts and Culture Commission
- Building Board of Appeals
- Community Health and Senior Services Commission
- Complete Streets and Transportation Commission
- Council Finance Committee – Resident
- General Plan Committee
- Historic Preservation Committee
- Library Board
- Parks Commission
- Personnel Board
- Planning Commission
- Sales Tax Oversight Committee

IMPORTANT NOTICES

Please note that all information provided on the application becomes a public record after it is officially filed. All appointed applicants are required to file the Fair Political Practices Commission (FPPC) Statements of Economic Interest (Form 700), which are also a public record. Applicants appointed to the Planning Commission are also required to complete Ethics Training AB 1234 every two years.

ATTACHMENT 1

PLANNING COMMISSION APPLICATION

Contact: Clerk Department

110 East Main Street, Los Gatos, CA 95030
(408) 354-6888 or Clerk@LosGatosCA.gov

Note: Only the text that shows in the boxes is visible. Please do not go beyond the borders of the boxes.

FIRST NAME:	_____	LAST NAME:	_____
ADDRESS:	_____	CITY:	_____ ZIP CODE: _____
CELL PHONE:	_____	WORKPHONE:	_____
EMAIL ADDRESS:	_____	HOME PHONE:	_____
EMPLOYER:	_____	JOB TITLE:	_____

HOW LONG HAVE YOU LIVED IN LOS GATOS? _____

*If appointed your name, phone number, and email address will be made available to the public.

<p>Please list all previously held elected or appointed governmental positions. Include the Position/Office held and the associated dates. <i>(e.g. Mayor, City of San Jose, 1990-1994)</i></p>	<div style="border: 1px solid black; height: 100px;"></div>
<p>Please list any civic charitable organizations you have belonged to. Include the Position/Office held and the associated dates. <i>(e.g. Coach, Little League, 1982-1989)</i></p>	<div style="border: 1px solid black; height: 100px;"></div>
<p>Please list any schools that you have attended or are currently attending. Include your major subject area and/or grade level. <i>(e.g. San Jose State University, BA in History)</i></p>	<div style="border: 1px solid black; height: 100px;"></div>

Why are you interested in serving on the Planning Commission?



Have you ever attended or viewed a Planning Commission meeting? If yes, please note which meeting you viewed or attended and provide a summary of your observation. If not, why not?

<https://meetings.municode.com/PublishPage/index?cid=LOSGATOS&ppid=ed97530d-9c22-4c95-961a-4d6a2c43b619&p=1>



How do you view define the role of a Planning Commissioner in relation to the Town Council in planning matters?



How will you demonstrate impartiality in your role as a Commissioner with your personal beliefs with regards to land use and planning policies? ~~balance your personal interests with the broader role of the Commission?~~

The Commission is expected to demonstrate knowledge of the Town Code and its land use and planning policies. ~~What design or land use~~ experience do you have that would be useful on the Commission?

How ~~de-would~~ you describe your philosophy approach to of planning and how it would relate to making a land use or policy determination?

The Planning Commission meets at least twice a month and requires a significant amount of homework. Are you prepared to make the commitment to spend the amount of time required to attend regular meetings, committee meetings, do site visits, and study the packet material?

Yes No

CASE STUDY: All Planning Commission applications must include a completed case study (see next page. Please complete the case study before submitting your signed application. Thank you.

PLANNING COMMISSION CASE STUDY #1

PROPERTY LOCATION: 170 Smith Boulevard
PROPERTY OWNER: John Smith
APPLICANT: Superior Commercial Development

OVERVIEW:

	<u>Existing</u>	<u>Proposed</u>
General Plan Designation	Neighborhood Commercial	Neighborhood Commercial
Zoning Designation	C-1	C-1
Existing Use	Vacant	Vacant
Property Size	15,000 Square Feet	

PROJECT DESCRIPTION:

The applicant proposes to construct a 10,000-square foot two-story office building with underground parking that will be 32 feet tall. The maximum height allowed by Town Code is 35 feet and the maximum lot coverage would allow a 15,000-square foot building. The surrounding area on Smith Boulevard is comprised of other commercial buildings and single-family homes are located behind the existing parcel.

NEIGHBORHOOD REACTION:

The surrounding neighborhood is divided on the issue of development. Some of the neighboring property owners are in support of the project and think it will provide needed office space, while others are opposed to the project because they feel it will create a significant traffic impact.

PROCESS:

- The proposed project has been reviewed by staff and complies with all of the Town's technical requirements.
- A Traffic Impact Analysis has been prepared by the Town's Traffic Consultant.
- The Traffic Impact analysis shows that there would not be a significant traffic impact based on the Town's existing traffic policies.
- There are a number of residents at the Planning Commission meeting opposing the proposed project based on potential traffic impacts.

What is your initial reaction to the above referenced project?

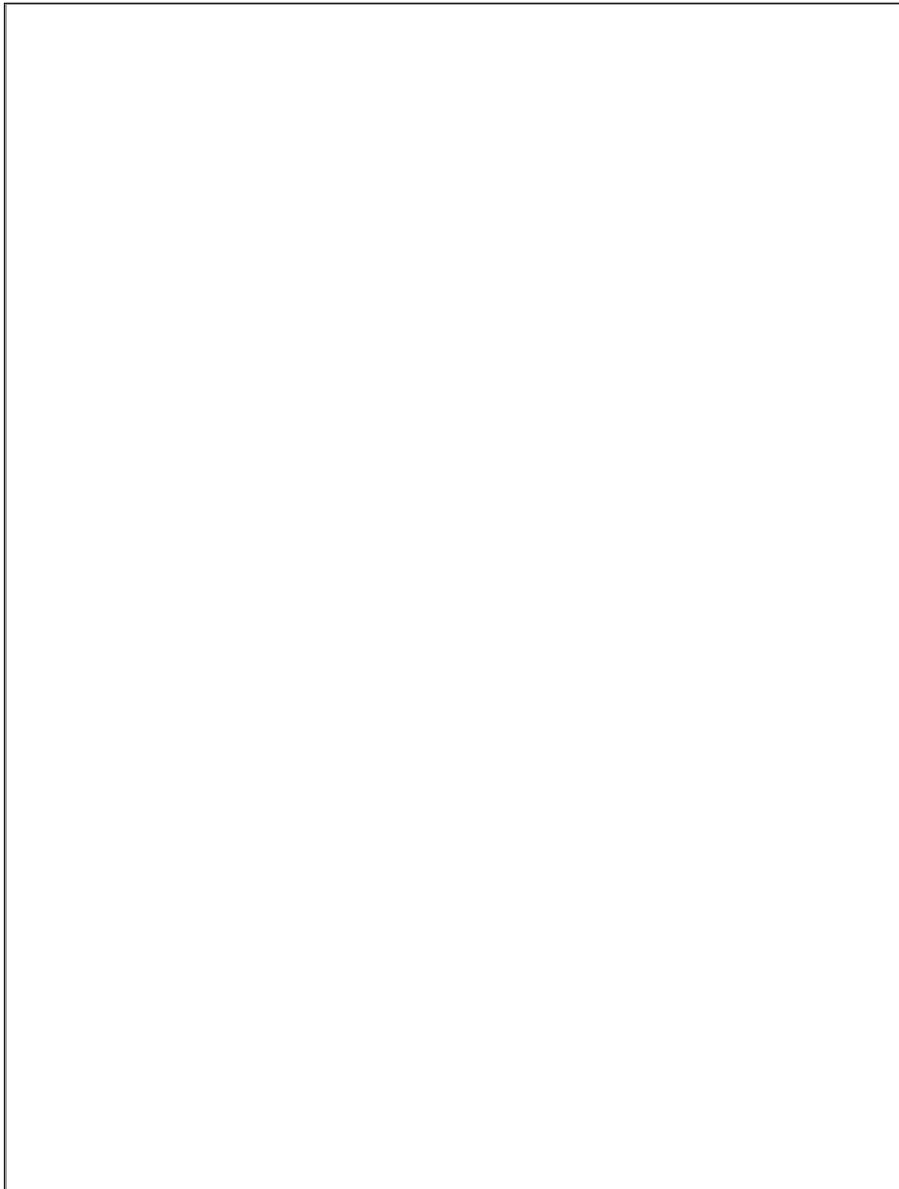
A large, empty rectangular box with a thin black border, intended for the respondent to write their initial reaction to the project mentioned in the question above.

What issues do you feel will need to be investigated further?

A large, empty rectangular box with a thin black border, occupying the right half of the page. It is intended for the respondent to write their answers to the question above.

CONTINUE TO PAGE 9

How would you weigh your personal observations or experience regarding traffic and the professional input and recommendations of Town staff and Town consultants?



CONTINUE TO PAGE 10

PLANNING COMMISSION CASE STUDY #2

All applicants are required to be interviewed to be considered for appointment as a Commissioner.

Applicants will be contacted via email with the interview date and time.

Submit Via Email

Signature: _____

Date: _____

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THE INTERVIEW PROCESS, 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 [28 CFR §35.102

RESOLUTION 2004 - 109

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS TO AMEND THE TERMS OF OFFICE AND DUTIES OF THE HISTORIC PRESERVATION COMMITTEE AND RESCINDING RESOLUTION 1994-16

RESOLVED by the Town Council of the Town of Los Gatos, that the Town Council hereby amend the terms of office and duties of the Historic Preservation Committee. The Committee shall be advisory to the Planning Commission and shall operate in the manner hereinafter prescribed.

1. Appointment and terms of office.

The Historic Preservation Committee shall consist of five (5) members, three (3) public members and two (2) Planning Commissioners. The public members shall be appointed by the Town Council and the Planning Commission members shall be appointed by the Planning Commission Chair and affirmed by the Town Council. The Town Council and the Planning Commission chair shall appoint professional and lay members with demonstrated interest, competence, or knowledge in historic preservation. The Town Council and Planning Commission their shall seek professional committee members from among the disciplines of architecture, history, architectural history, planning, archeology, or other historic preservation related disciplines such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology to the extent that such professionals are available in the community. Except as necessary to appoint qualified historic preservation professionals in the community, the Committee members should be residents of the Town, ~~and at least one member should be a resident of a designated historic district.~~

The terms of office of the three (3) public members of the Committee shall be four (4) years and until their successors are appointed and qualify.

2. Removal of Public members; absence of members.

The removal of public members and the absence of members shall be governed in accordance with the rules established in the latest Town Council resolution concerning duties of members of Boards and Commissions of the Town of Los Gatos. Vacancies shall be filled by appointment by a majority vote of the Town Council, and shall be for the unexpired term of the office vacated.

3. Meetings; quorums; officers.

The Historic Preservation Committee shall hold regular meetings at least once a month, and such other meetings as it deems necessary or expedient. Special meetings shall be held by the Committee to avoid any delay of an application being considered by the Planning Commission. A majority of the Historic Preservation Committee shall constitute a quorum

for the purpose of transacting the business of the Committee. The Committee shall elect a chair and vice-chair, both of whom shall serve at the pleasure of the Committee. Terms of office shall be for one year and shall begin on February 1 and continue through January 31 of the following year.

4. Powers and Duties.

The Historic Preservation Committee oversees all development on properties that the Town considers historic. The Committee is composed of residents with demonstrated interest, competence, or knowledge in historic preservation. The duties of the Historic Preservation Committee shall be to report to, consult with, and provide assistance to the Planning Commission as provided in Chapter 29, Article VIII, Division 3 of the Town Code. The Committee must report to the Planning Commission prior to any Commission meeting scheduled to discuss an application for a historic structure which requires Planning Commission approval, or a proposal to designate a landmark or a historic district.

5. Resolution not to affect powers of Town Council or Planning Commission.

Nothing in this resolution shall be construed as restricting or curtailing any of the powers of the Town Council or Planning Commission, or as a delegation to the Preservation Committee of any of the authority or discretionary powers vested and imposed by law in such bodies.

FURTHER RESOLVED, that this Resolution rescinds Resolution 1994-16.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 16th day of August, 2004, by the following vote:

COUNCIL MEMBERS:

AYES: Sandy Decker, Diane McNutt, Joe Pirzynski, Mike Wasserman,
Mayor Steve Glickman.

NAYS: None

ABSENT: None

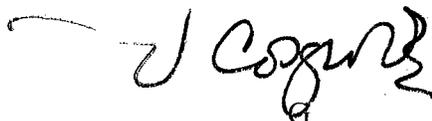
ABSTAIN: None

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:



CLERK OF THE TOWN OF LOS
GATOS, CALIFORNIA

TOWN OF LOS GATOS

BOARD, COMMISSION, COMMITTEE APPLICATION

Contact: Clerk Department

110 East Main Street, Los Gatos, CA 95030
(408) 354-6888 or Clerk@LosGatosCA.gov

General eligibility requirements: A resident of the incorporated limits of the Town of Los Gatos. Other requirements may apply to specific Boards, Commissions, or Committees.

If you would like to apply for more than one Board, Commission, or Committee, place a number next to the Board, Commission, or Committee, in order of your preference, for which you would like to apply. **A separate application is required to be submitted for each Board, Commission, or Committee you are applying for.** Only applications for current openings will be considered at this time. Applications for future openings will be kept on file for one year. Qualified applicants will be notified for an interview with Town Council.

- Arts and Culture Commission
- Building Board of Appeals
- Community Health and Senior Services Commission
- Complete Streets and Transportation Commission
- Council Finance Committee – Resident
- General Plan Committee
- Historic Preservation Committee
- Library Board
- Parks Commission
- Personnel Board
- Planning Commission
- Sales Tax Oversight Committee

IMPORTANT NOTICES

Please note that all information provided on the application becomes a public record after it is officially filed. All appointed applicants are required to file the Fair Political Practices Commission (FPPC) Statements of Economic Interest (Form 700), which are also a public record. Applicants appointed to the Planning Commission are also required to complete Ethics Training AB 1234 every two years.

HISTORIC PRESERVATION COMMITTEE APPLICATION

Contact: Clerk Department

110 East Main Street, Los Gatos, CA 95030
(408) 354-6888 or Clerk@LosGatosCA.gov

**Note: Only the text that shows in the boxes is visible.
Please do not go beyond the borders of the boxes.**

FIRST NAME:	_____	LAST NAME:	_____
ADDRESS:	_____	CITY:	_____ ZIP CODE: _____
CELL PHONE:	_____	WORK PHONE:	_____
EMAIL ADDRESS:	_____	HOME PHONE:	_____
EMPLOYER:	_____	JOB TITLE:	_____

HOW LONG HAVE YOU LIVED IN LOS GATOS? _____

*If appointed your name, phone number, and email address will be made available to the public.

Please list all previously held elected or appointed governmental positions. Include the Position/Office held and the associated dates.
(e.g. Mayor, City of San Jose, 1990-1994)

Please list any civic charitable organizations you have belonged to. Include the Position/Office held and the associated dates.
(e.g. Coach, Little League, 1982-1989)

Please list any schools that you have attended or are currently attending. Include your major subject area and/or grade level.
(e.g. San Jose State University, BA in History)

Why are you interested in serving on the Historic Preservation Committee?



Have you ever attended a Historic Preservation Committee meeting? If yes, please provide a summary of your observation. If not, why not?



How will you balance your personal interests with the broader role of the Committee which requires impartiality in the decision making process?



What do you see as the role of this Committee?

A large, empty rectangular box with a black border, intended for the respondent to write their answer to the question above.

Describe your background in architecture, history, architectural history, city planning, archeology, or other historic preservation related disciplines.

A large, empty rectangular box with a black border, intended for the respondent to describe their background in the specified fields.

Describe your knowledge of the Town's residential and commercial design guidelines, and/or historic preservation, and/or zoning regulations.

A large, empty rectangular box with a black border, intended for the respondent to provide their knowledge of the Town's design guidelines, historic preservation, and zoning regulations.

How would you describe your philosophy on planning?

A large, empty rectangular box with a black border, intended for the respondent to describe their philosophy on planning.

Have you discussed the role of a committee member with any current or former Historic Preservation Committee member or with anyone on the Planning staff?
If yes, who?

Are you able to attend at least one State approved workshop or conference relating to historic preservation each year? Yes No

All applicants are required to be interviewed to be considered for appointment as a Commissioner.

All applicants will be contacted via email with the date and time of the interviews.

Signature: _____

Date: _____

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THE INTERVIEW PROCESS, 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 [28 CFR §35.102-35.104]

Submit Via Email

RESOLUTION 1992-147

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
TO ESTABLISH THE CONCEPTUAL
DEVELOPMENT ADVISORY COMMITTEE
AS AN ADVISORY BODY
TO THE PLANNING COMMISSION**

RESOLVED, by the Town Council of the Town of Los Gatos, that the Town Council hereby formally establishes the Conceptual Development Advisory Committee. The Committee shall be advisory to the Planning Commission and shall operate in the manner hereinafter prescribed.

1. Appointment and terms of office.

The ~~Preservation~~ Committee shall consist of five (5) members. Three (3) members shall be members of the Planning Commission and the two (2) members shall be members of the Town Council.

The terms of office of the Committee shall be at the discretion of the Mayor for Town Council members and the Chair of the Planning Commission for Planning Commission members.

2 Meetings: quorums: officers.

The Conceptual Development Advisors Committee shall hold regular meetings at least once a month if any applications are received. A majority of the Conceptual Development Advisory Committee shall constitute a quorum for the purpose of transacting the business of the Committee. The Committee shall elect a chair and vice-chair, both of whom shall serve at the pleasure of the Committee. Terms of office shall be for one year and shall begin on October 1 and continue through September 30 of the following year.

3. Powers and duties.

The duties of the Conceptual Development Advisory Committee shall be to provide guidance and advise a prospective applicant whether ~~his-the~~ project is consistent with Town policy, including but not limited to the General Plan and Zoning Code, prior to initiating an expensive and time consuming development review process; and to identify and

list problems with the proposal that need to be addressed in the subsequent review process. The Committee shall not review projects for which any permit application has been submitted to the Planning or Building Department.

4. Resolution not to affect powers of Town Council or Planning Commission.

Nothing in this resolution shall be construed as restricting or curtailing any of the powers of the Town Council or Planning Commission, or as a delegation to the Conceptual Development Advisory Committee of any of the authority or discretionary powers vested and imposed by law in such bodies.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 20th day of July 1992, by the following vote:

COUNCIL MEMBERS:

AYES: Randy Attaway, Joanne Benjamin, Steven Blanton, Eric D. Carlson, and Brent N. Ventura

NAYS: None

ABSENT: None

ABSTAIN: None

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:


FL

CLERK OF THE TOWN OF
LOS GATOS, CALIFORNIA

ADMINISTRATIVE POLICY FOR PROCESSING
"REOUESTS FOR REVIEW" BEFORE THE CONCEPTUAL
DEVELOPMENT ADVISORY COMMITTEE

1. The Committee will meet once a month on a regular schedule (time and date to be determined by Committee members) if an application is pending.
2. The Committee shall consist of three Planning Commissioners and two Town Council persons.
3. A prospective developer ~~shall~~ may submit at ~~his/ her~~ their option, a "Request For Review" which shall include:
 - a. A signed application form available from the Planning-Community Development Department.
 - b. A brief, general description of the project and its location (no more than one typed page-double spaced).
 - c. A preliminary site plan. Schematic elevations may be submitted. but are not required. Detailed Plans will not be accepted.
 - d. A ~~\$245~~-review and processing fee pursuant to the adopted fee schedule.
4. The prospective developer will be allotted five minutes to present the request to make a presentation to the Committee. Following the presentation, the Committee may ask questions of the prospective developer or staff. Members of the public will then be allowed up to three minutes to provide public comments. After public comments have concluded, the prospective developer will have an additional three minutes to respond to any comments. The prospective developer has 10 minutes to make a presentation and the Committee has 20 minutes to respond.
5. The Committee may only review a project once unless there are material changes to the plans and recommendedation by the Director of Community Development.
6. The Committee will not review a project for which any permit application has been submitted to the Planning or Building Department.
7. A Committee agenda will be mailed and posted 72 hours before the meeting. ~~No other public notice will occur. #~~ and notice of the hearing will be mailed or delivered at least 10 days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within three hundred feet of the real property that is the subject of the hearing.
8. To make prospective project information accessible to the public, minutes of the meeting shall be kept ~~There will be no minutes or tapes of the Committee meetings.~~
9. There will be an action letter mailed out advising the prospective developer of the Committee's list of concerns and comments. This letter will become part of the Development Review Committee staff report to the Planning Commission at such time as a formal application is filed.

10. The Committee review is based on policy issues only from Town documents including, but not limited to the General Plan and Zoning Code. There is no technical or ordinance compliance review by either the Committee or staff.

10.11. Committee members shall give their individual perspective about the project. The applicant shall not argue about such opinions or try to dissuade the Committee members.

RESOLUTION 2016-055

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING THE COMPOSITION OF THE GENERAL PLAN COMMITTEE AND RESCINDING RESOLUTION 1998-049

RESOLVED, by the Town Council of the Town of Los Gatos, that the Town Council hereby formally establishes the General Plan Committee. The Committee shall be advisory to the Planning Commission and shall operate in the manner hereinafter prescribed.

1. Appointment and term of office.

The Committee shall consist of nine (9) members, Three (3) members shall be members of the Planning Commission, two (2) members shall be members of the Town Council, and four (4) members shall be residents of the Town. ~~The A~~ business property owner or business manager as one of the four (4) members is preferred, and they shall be required to reside within the Town of Los Gatos.

The terms of office of the Committee shall be at the discretion of the Mayor for Town Council members, and the Chair of the Planning Commission for Planning Commission members. The public members shall be appointed by the Town Council and shall serve a term of four (4) years.

2. Removal of public members: absence of members:

The removal of the public members and the absence of members shall be governed in accordance with all current Town Resolutions and Policies. Vacancies shall be filled by appointment by a majority vote of the Town Council, and shall be for the unexpired term of the office vacated.

3. Meetings: quorums: officers.

The Committee shall hold regular meetings at least once a month as deemed necessary by the Planning Director. A majority of the Committee shall constitute a quorum for the purpose of transacting the business of the Committee. The Committee shall elect a chair and vice-chair, both of whom shall serve at the pleasure of the Committee. Terms of office shall be for one year and shall begin on February 1 and continue through January 31 of the following year.

4. Powers and Duties.

The duties of the Committee shall be to report to, consult with, and provide assistance to the Planning Commission and Town Council on all matters relating to the General Plan or any Specific Plan. The Committee must report to the Planning Commission prior to any Commission meeting scheduled to discuss an application for a General Plan Amendment.

5. Resolution not to affect powers of Town Council or Planning Commission. Nothing in this resolution shall be construed as restricting or curtailing any of the powers of the Town Council or Planning Commission, or as a delegation to the Committee of any of the authority or discretionary powers vested and imposed by law in such bodies.

FURTHER RESOLVED that Resolution 1998-049 is hereby rescinded.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 18th day of October, 2016, by the following vote:

COUNCIL MEMBERS:

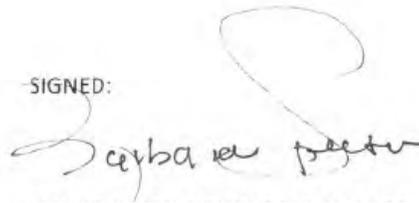
A YES: Marcia Jensen, Steve Leonardis, Marico Sayoc, Mayor Barbara Spector

NAYS: Rob Rennie

ABSENT: None

ABSTAIN: None

SIGNED:



MAYOR OF THE TOWN OF LOS
GATOS LOS GATOS, CALIFORNIA

DATE: 10/20/16

ATTEST:



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

DATE: 10/20/16

TOWN OF LOS GATOS

BOARD, COMMISSION, COMMITTEE APPLICATION

Contact: Clerk Department

110 East Main Street, Los Gatos, CA 95030

(408) 354-6888 or Clerk@LosGatosCA.gov

General eligibility requirements: A resident of the incorporated limits of the Town of Los Gatos. Other requirements may apply to specific Boards, Commissions, or Committees.

If you would like to apply for more than one Board, Commission, or Committee, place a number next to the Board, Commission, or Committee, in order of your preference, for which you would like to apply. **A separate application is required to be submitted for each Board, Commission, or Committee you are applying for.** Only applications for current openings will be considered at this time. Applications for future openings will be kept on file for one year. Qualified applicants will be notified for an interview with Town Council.

- Arts and Culture Commission
- Building Board of Appeals
- Community Health and Senior Services Commission
- Complete Streets and Transportation Commission
- Council Finance Committee – Resident
- General Plan Committee
- Historic Preservation Committee
- Library Board
- Parks Commission
- Personnel Board
- Planning Commission
- Sales Tax Oversight Committee

IMPORTANT NOTICES

Please note that all information provided on the application becomes a public record after it is officially filed. All appointed applicants are required to file the Fair Political Practices Commission (FPPC) Statements of Economic Interest (Form 700), which are also a public record. Applicants appointed to the Planning Commission are also required to complete Ethics Training AB 1234 every two years.

GENERAL PLAN COMMITTEE APPLICATION

Contact: Clerk Department
110 East Main Street, Los Gatos, CA 95030
(408) 354-6888 or Clerk@LosGatosCA.gov

**Note: Only the text that shows in the boxes is visible.
Please do not go beyond the borders of the boxes.**

FIRST NAME:	_____	LAST NAME:	_____
ADDRESS:	_____	CITY:	_____ ZIP CODE: _____
CELL PHONE:	_____	WORKPHONE:	_____
EMAIL ADDRESS:	_____	HOME PHONE:	_____
EMPLOYER:	_____	JOB TITLE:	_____

HOW LONG HAVE YOU LIVED IN LOS GATOS? _____

*If appointed your name, phone number, and email address will be made available to the public.

~~Please list what experience, educational, or volunteer positions that you have held, all previously held elected or appointed governmental positions. Include the Position/Office held and the associated dates. (e.g. Mayor, City of San Jose, 1990-1994)~~

~~Please list any civic charitable organizations you have belonged to. Include the Position/Office held and the associated dates. (e.g. Coach, Little League, 1982-1989)~~

~~Please list any schools that you have attended or are currently attending. Include your major subject area and/or grade level.~~

~~(e.g. Santa Clara State University, BA in History)~~

Why are you interested in serving on the General Plan Committee and how does this shape your vision for Los Gatos?



~~Have you ever attended a General Plan Committee meeting? If yes, please provide a summary of your observation. If not, why not? Review either the Community Design Element or the Safety Element of the General Plan. Provide a response detailing your understanding of the element and your comments on it.~~
<https://www.losgatosca.gov/2138/2020-General-Plan>



How will you balance your personal interests with the broader role of the Committee which requires impartiality with the rules and regulations of the Town?



What do you see as the role of this Committee?

A large, empty rectangular box with a black border, intended for the respondent to write their answer to the question above.

Describe your knowledge of the Town's General Plan.

A large, empty rectangular box with a black border, intended for the respondent to write their answer to the question above.

~~What design or land use experience do you have that would be useful on the Committee?~~ List which General Plan Element you are most interested in and why.

1. Land Use
2. Community Design Element
3. Housing Element
4. Transportation Element
5. Vasona Light Rail Element
6. Open Space, Parks, and Recreation Element
7. Environment and Sustainability Element
8. Noise Element
9. Safety Element
- 1-10. Human Services Element

A large, empty rectangular box with a black border, intended for the respondent to provide their answer to the question above.

How would you describe your philosophy on planning?

A large, empty rectangular box with a black border, intended for the respondent to describe their philosophy on planning.

Have you discussed the role of a committee member with anyone of the Planning staff?

If yes, who?what did you learn? It is encouraged to speak to a member of staff or a committee member. To do so, please contact the Community Development Director.

<https://www.losgatosca.gov/46/Community-Development>

A large, empty rectangular box with a black border, intended for the respondent to provide an answer to the question above.

What else should we know about you and your interest in serving as Committee member?

A large, empty rectangular box with a black border, intended for the respondent to provide an answer to the question above.

What community needs would you like to specifically represent?

- I am applying as a resident of the Town of Los Gatos.
- I am a resident of the Town of Los Gatos, as well as ~~and applying as~~ a business owner or manager in Los Gatos.

All applicants are required to be interviewed to be considered for appointment as a Commissioner.

Applicants will be notified by email of the interview date and time.

Signature: _____

Date: _____

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THE INTERVIEW PROCESS, PLEASE CONTACT THE CLERK DEPARTMENT AT (408) 354-6834.

Submit Via Email

NOTIFICATION 48 HOURS BEFORE THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY [28 CFR §35.102-35.104]

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RESOLUTION 2016-053

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING THE BUILDING BOARD OF APPEALS ENABLING RESOLUTION AND RESCINDING RESOLUTION 2002-104

WHEREAS, the Town Council of the Town of Los Gatos established the terms and conditions for appointment to and conduct of the Board of Appeals to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the technical ~~rules~~codes.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES HEREBY RESOLVE: that the terms and conditions for appointment to and conduct of a Board of Appeals are hereby established as follows:

1. Membership - Organization:

- a. The Board of Appeals shall consist of three (3) members who are qualified by experience and training to pass upon matters pertaining to building construction and building service equipment and who are not employees of the Town of Los Gatos. The Building Official shall be an ex officio member and shall act as secretary to said Board but shall have no vote upon any matter before the Board. The Fire Marshall shall act as an ex officio, non-voting member for issues related to the fire code. The Board of Appeals shall be appointed by the Town Council.
- b. The term of appointment shall be four (4) years and until their successors are qualified and appointed.
- c. The terms of office shall be staggered and overlapped in such a manner that the term of no more than one (1) member expires each year.
- d. Residency requirements shall conform with all current Town Resolutions and Policies.
- e. The Board shall establish rules and procedures relative to the conduct of business before the Board, and the election and term of officers. The Board shall elect a chair and a vice-chair, both of whom shall serve at the pleasure of the Board.
- f. The Board of Appeals shall hold meetings as necessary. The Board shall call and conduct its meetings in compliance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 and following).
- g. A majority of the Board shall constitute a quorum for the purpose of transacting the business of the Board.
- h. Minutes of the actions taken during its meetings shall be kept and filed with the Town Clerk.
- i. Meeting attendance requirements will conform with all current Town Resolutions and Policies.
- j. Board members shall serve without compensation, provided that, with advance budgetary approval of the Town Council, the actual and necessary expenses (if any) incurred by the members in the conduct of Town business shall be reimbursable pursuant to the current Council policy.

1 of 2

2. Powers and Duties:

The duties of the Board of Appeals shall be to hear and decide appeals or orders, decisions or determinations made by the Building Official relative to the application and interpretation of the technical codes. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of the ~~Uniform Building Codes or the technical~~ codes nor shall the Board be empowered to waive code requirements.

BE IT FURTHER RESOLVED that Resolution 2002-104 is hereby rescinded.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 18th day of October, 2016, by the following vote:

COUNCIL MEMBERS:

AYES: Marcia Jensen, Steve Leonardis, Marico Sayoc, Mayor Barbara Spector

NAYS: Rob Rennie

ABSENT: None.

ABSTAIN: None.

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____

TOWN OF LOS GATOS

BOARD, COMMISSION, COMMITTEE APPLICATION

Contact: Clerk Department

110 East Main Street, Los Gatos, CA 95030
(408) 354-6834 or Clerk@LosGatosCA.gov

General eligibility requirements: A resident of the incorporated limits of the Town of Los Gatos. Other requirements may apply to specific Boards, Commissions, or Committees.

If you would like to apply for more than one Board, Commission, or Committee, place a number next to the Board, Commission, or Committee, in order of your preference, for which you would like to apply. **A separate application is required to be submitted for each Board, Commission, or Committee you are applying for.** Only applications for current openings will be considered at this time. Applications for future openings will be kept on file for one year. Qualified applicants will be notified for an interview with Town Council.

- Arts and Culture Commission
- Building Board of Appeals
- Community Health and Senior Services Commission
- Complete Streets and Transportation Commission
- Finance Commission
- General Plan Committee
- Historic Preservation Committee
- Library Board
- Parks Commission
- Personnel Board
- Planning Commission

IMPORTANT NOTICES

Please note that all information provided on the application becomes a public record after it is officially filed. All appointed applicants are required to file the Fair Political Practices Commission (FPPC) Statements of Economic Interest (Form 700) annually, which are also a public record. Applicants appointed to the Planning Commission are also required to complete Ethics Training AB 1234 every two years.

BUILDING BOARD OF APPEALS APPLICATION

Contact: Clerk Department
110 East Main Street, Los Gatos, CA 95030
(408) 354-6888 or Clerk@LosGatosCA.gov

**Note: Only the text that shows in the boxes is visible.
Please do not go beyond the borders of the boxes.**

FIRST NAME: _____ LAST NAME: _____

STREET ADDRESS: _____ ZIP CODE: _____

PHONE: _____ Cell Home Work EMAIL: _____

EMERGENCY CONTACT: _____ PHONE: _____ Cell Home Work

EMPLOYER: _____ JOB TITLE: _____

HOW LONG HAVE YOU LIVED IN LOS GATOS? _____

*If appointed your name, phone number, and email address will be made available to the public.

Please list what experience, education, or volunteer positions that you have held.

Why are you interested in serving on Building Board of Appeals?

Have you ever attended, or listened to audio of a Building Board of Appeals meeting? If yes, please provide a summary of your observation. ~~If not, why not?~~

How would you define the role of a Building Board of Appeals member?

A large, empty rectangular box with a black border, intended for the respondent to provide their answer to the question above.

How will you demonstrate impartiality in your role as a Board Member with your personal beliefs with regards to building policies?

A large, empty rectangular box with a black border, intended for the respondent to provide their answer to the question above.

The Board is expected to demonstrate knowledge of the Town Code and its Building policies. What experience or training do you have that would be useful on the Board?

The Board of Appeals consists of three (3) members who are qualified by experience and training to pass upon matters pertaining to building construction and building service equipment and who are not employees of the Town of Los Gatos.

- Are you able to read and understand architectural drawings? Yes No
- Are you familiar with state and local regulations concerning access for persons with disabilities? Yes No
- Does your work and personal schedule allow you the ability to attend evening and/or Saturday meetings? Yes No

All applicants are required to be interviewed to be considered for appointment as a Board Member.

Applicants will be contacted via email with the interview date and time.

Signature: _____

Date: _____

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THE INTERVIEW PROCESS, 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 [28 CFR §35.102-35.104]

Submit Via Email



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 09/21/2021

ITEM NO: 9

DATE: September 16, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Consider a Flag Policy Update during the Next Strategic Priorities Discussion

RECOMMENDATION:

Consider a Flag Policy update during the next Strategic Priorities discussion.

BACKGROUND:

At its August 24, 2021 meeting, the Policy Committee listened to public testimony and discussed potential modifications to the Flag Policy and/or a new policy for artwork or symbols on Town property, including streets (Attachment 1). This item was motivated by past resident requests to fly flags of the Town's Sister Cities and flags to support interests of the community (e.g., the Rainbow Flag during Pride Month). The public comments received in June for the rainbow crosswalk also raised potential policy questions.

DISCUSSION:

The Committee had a robust discussion and brainstormed different approaches, including the possibility of the Arts and Culture Commission (ACC) to assist in the development of an updated Flag Policy. The ACC might be in a good position to identify the criteria for additional flag displays due to its role in understanding different cultures within Los Gatos.

The Committee unanimously agreed to request staff notify the Arts and Culture Commission of their potential role as it may relate to a modified Flag Policy and forward the potential modifications to the Flag Policy item to the full Town Council for discussion and direction before any further staff work occurs. The Committee had no interest in addressing a new policy for artwork or symbols on Town property, including streets.

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

PAGE 2 OF 2

SUBJECT: Flag Policy

DATE: September 16, 2021

CONCLUSION:

As staff gave this item more thought, staff is recommending that a potential Flag Policy update be considered during the next Strategic Priority discussion. The Liaison to the ACC has been notified of this potential role should the item become a Strategic Priority for next year.

ALTERNATIVES:

The Council could direct the preparation of an update at this time; however, given existing work commitments on existing Strategic Priorities, Council would also need to identify which Strategic Priorities should be placed on hold to create capacity to do this work.

FISCAL IMPACT:

Discussion of this item has no financial impact.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Report to Policy Committee with Existing Town Council Flag Policy



**TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE REPORT**

MEETING DATE: 08/24/2021

ITEM NO: 3

DATE: August 19, 2021
TO: Council Policy Committee
FROM: Laurel Prevetti, Town Manager
SUBJECT: Provide Direction on Potential Modifications to the Flag Policy and/or a New Policy for Artwork or Symbols on Town Property, Including Streets

RECOMMENDATION:

Provide direction on potential modifications to the Flag Policy and/or a new policy for artwork or symbols on town property, including streets.

BACKGROUND:

In 2016, the Town Council adopted a Flag Policy to document the procedures for raising and lowering all flags on Town properties. In 2018, the Policy was amended to address the appearance of the Town flag.

In the past, residents have approached the Town about flying flags that would demonstrate the Town's support of various causes. For example, the Town has been asked to fly the flag of Ireland in recognition of the Town's Sister City relationship with Listowel and in support of the Los Gatos Irish Writers Festival. The Town has also been asked recently to fly the Rainbow Pride flag.

DISCUSSION:

The Town's Flag Policy does not contain criteria to guide the consideration of flying additional flags. The Policy Committee should determine if consideration for additional flags should be addressed in the Flag Policy, and if so, discuss and provide direction on potential amendments to the Policy. Staff would return with a draft updated Flag Policy for the Committee's consideration at a future meeting. The Policy Committee's recommendation(s) would ultimately be forwarded to the Town Council for action.

In addition, the Policy Committee is welcome to discuss parameters for a potential new Council Policy to address artwork or symbols on Town property, including streets. The motivation for

Reviewed by: Assistant Town Manager and Town Attorney

PAGE 2 OF 2

SUBJECT: Flag Policy

DATE: August 19, 2021

DISCUSSION (continued):

this direction is based on the public interest of the rainbow stripes along two Main Street crosswalks. Depending on the Policy Committee's discussion, staff can return at a subsequent meeting with a draft policy for review and comment.

CONCLUSION:

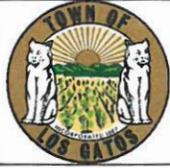
Staff looks forward to the Committee's discussion and direction.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Flag Policy



TITLE: Flag Policy

POLICY NUMBER: 5-02

EFFECTIVE DATE: 10/19/16

PAGES: 3

ENABLING ACTIONS:

REVISED DATES: 9/4/18

APPROVED:

PURPOSE

This Policy provides guidelines for the official appearance and colors of the Town flag and Town seal as well as guidelines for gifting or trading the Town flag. This Policy also provides direction for when to lower flags to half-staff and to raise flags flown on Town properties.

SCOPE

The Policy applies to all Town flags and Town seals as well as Town staff, volunteers, and residents managing flags flown on Town properties.

POLICY

TOWN SEAL

The official Town seal shall be in a circular format with a golden outer ring. At the top of the outer ring, bold-face, upper-case, black letters shall read 'TOWN OF' while similarly written letters at the bottom read 'LOS GATOS'. At the bottom and inside the outer ring, smaller, upper-case, regular-face, black letters read 'INCORPORATED 1887' against a white background. The central image features a golden sun radiating narrow golden rays against a white sky peaking out from behind dark and light green mountains. The foreground displays nine rows of dark and light green grape vines on light brown earth. Flanking each side of the central image are two large white cats outlined in black. The cats are modeled after those which guard the entrance to "The Cats" estate just south of Town, sculpted from cement by Robert Trent Paine in 1922.

There is also a black and white version of the color Town seal, which is acceptable for use.



TOWN FLAG

The official appearance of the Town flag shall feature the color Town seal, centered, on a white background. Directly below the seal shall read, in bold-faced, upper-case, dark green letters 'THE GEM OF THE FOOTHILLS'.

LOWERING AND RAISING THE FLAG

The Town of Los Gatos will adhere to the United States Flag Code, along with the California Governor's and the Town of Los Gatos Mayor's discretion on flag status for all flags on Town property.

For background, Title 4, Section 7 of the United States Code describes the United States Flag Code and the President's authority. This Code specifies that only the President can order federal flags to half-staff. The Code also indicates that state governors have the authority to issue flag status proclamations. The Town will follow this Code and the Mayor's discretion when managing the Town's flag procedures.

PROCEDURES

The Town flag may be gifted or traded upon approval from the Town Manager.

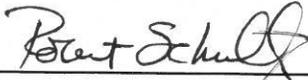
The procedures for lowering and raising flags on Town property are as follows.

1. The Town Council will establish the Flag Policy. The Town Manager and his or her designee will provide direction for flag status, and act as the final authority for the application of the policy according to federal and state declarations.

TITLE: Flag Policy	PAGE: 3 of 3	POLICY NUMBER: 5-02
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2. The Town Manager's Office is responsible for the day-to-day operation of administering direction for flag status.

APPROVED AS TO FORM:



Robert Schultz, Town Attorney



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 09/21/2021

ITEM NO: 9

ADDENDUM

DATE: September 16, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Consider a Flag Policy Update during the Next Strategic Priorities Discussion

REMARKS:

Attachment 2 contains public comments received between 11:01 a.m., Thursday, September 16, 2021, and 11:00 a.m. Monday, September 20, 2021.

Attachments Previously Received with Staff Report:

1. Report to Policy Committee with Existing Town Council Flag Policy

Attachments Received with this Addendum:

2. Public Comment received between 11:01 a.m., Thursday, September 16, 2021, and 11:00 a.m. Monday, September 20, 2021

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

From: Nicholas Wootten

Date: Saturday, September 18, 2021 at 6:49 PM

To: Matthew Hudes

Subject: Re: Shaping the Future of Los Gatos

Hi Matthew

Very interesting stuff and I will hopefully be able to attend virtually. I am was thinking of a minor issue and I was not sure who to contact so maybe I can direct me or maybe you are the man I'm looking for. I feel that our town flag does not truly represent our town and it's spirit. I feel it is too simple and too unclear on what Los Gatos is as a town and as a people. I would like to maybe change it and I'd be willing to throw out some redesign ideas.