



**TOWN OF LOS GATOS
COUNCIL MEETING AGENDA
APRIL 06, 2021
110 EAST MAIN STREET
LOS GATOS, CA**

Marico Sayoc, Mayor

Rob Rennie, Vice Mayor

Mary Badame, Council Member

Matthew Hudes, Council Member

Maria 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
APRIL 06, 2021
7:00 PM**

IMPORTANT NOTICE REGARDING THE APRIL 6, 2021 MEETING

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29- 20 dated March 17, 2020, regarding the COVID-19 pandemic. The live stream of the meeting may be viewed on television and/or online at www.losgatosca.gov/AgendasAndVideos. **In accordance with Executive Order N-29- 20, the public may only view the meeting on television and/or online and not in the Council Chamber.**

PARTICIPATION

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.

If you are interested in providing oral comments real-time during the meeting, you must join the Zoom webinar:

- Join from a PC, Mac, iPad, iPhone or Android device: click this link <https://us02web.zoom.us/j/85488467634?pwd=NGxnQzhwWnZkMzRHUHYyTk1FRUE3QT09>. Password: 267177. You can also type in 85488467634 in the “Join a Meeting” page on the Zoom website at <https://zoom.us/join>.
- Join by telephone: Dial: 877 336 1839. Conference code: 969184

During the meeting:

- When the Chair announces the item for which you wish to speak, click the “raise hand” feature in Zoom. If you are participating by phone on the Zoom app, press *9 on your telephone keypad to raise your hand. If you are participating by calling in, press #2 on your telephone keypad to raise your hand.
- When called to speak, please limit your comments to three (3) minutes, or such other time as the Chair may decide, consistent with the time limit for speakers at a Council meeting.

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
APRIL 06, 2021
7:00 PM**

REMOTE LOCATION PARTICIPANTS

The following Council Members are listed to permit them to appear electronically or telephonically at the Town Council meeting: MAYOR MARICO SAYOC, VICE MAYOR ROB RENNIE, COUNCIL MEMBER MARY BADAME, COUNCIL MEMBER MATTHEW HUDES, and COUNCIL MEMBER MARIA RISTOW. All votes during the teleconferencing session will be conducted by roll call vote.

MEETING CALL TO ORDER

ROLL CALL

PRESENTATIONS

- i. Los Gatos Poetry Month Proclamation and Poetry Reading by new Poet Laureate

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 March 16, 2021 Joint Town Council and the Complete Streets and Transportation Commission Meeting.
2. Approve Draft Minutes of the March 16, 2021 Town Council Meeting.
3. Adopt the Proposed Town Council Policy: Travel and Expense Policy for Elected Town Officials as Recommended by the Council Policy Committee.
4. Appoint Jen Siraganian to the Honorary Position of Town Poet Laureate for a Term Beginning April 2021 and Concluding December 2023.
5. Consider a Request for Approval for a Zone Change from R-1D:LHP (Single-Family Residential Downtown with a Landmark and Historic Preservation Overlay) to C-2:LHP (Central Business District with a Landmark and Historic Preservation Overlay) and a General Plan Amendment to Change the Land Use Designation from Medium Density Residential to Central Business District, for Property Located at 4 Tait Avenue. APN: 510-44-054. Zone Change Application Z-20-002 and General Plan Amendment Application GP-20-001. Property Owner: Town of Los Gatos. Applicant: Jim Foley.

6. Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the Public Right-of-Way Improvements Completed by Davidon Homes for the Highlands of Los Gatos on 15700 Shady Lane, and Authorize the Town Clerk to Submit for Recordation.
7. Approve an Amendment to the Classification Plan to Create a Flexibly Staffed Parking Control Officer Job Series.
8. Adopt a Resolution Approving the Parcel Map for 20 Dittos Lane and Accepting Easement Dedications.
9. Adopt the Proposed Council Policy Committee Enabling Resolution as Recommended by the Council Policy Committee.
10. Authorize the Town Manager to Issue a Request for Proposals to Hire a Consultant to Assist with the Town's Justice, Equity, Diversity, and Inclusion Work Plan.
11. Adopt a Resolution Denouncing Hatred and Violence Toward Diverse Los Gatos Communities.

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 by following the Participation Instructions on page 2 of this agenda.)*

12. Discussion with District Attorney Jeff Rosen and Community Leaders to Encourage Reporting of Hate Incidents and Crimes and Standing in Solidarity with Others.
13. Provide Direction for the Potential Uses of the American Rescue Plan Act Funds Earmarked for Los Gatos.

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 review on the official Town of Los Gatos website.

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



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/06/2021

ITEM NO: 1

**DRAFT
Minutes of the Joint Town Council and Complete Streets and Transportation
Commission Special Meeting – Study Session
March 16, 2021**

The Town Council of the Town of Los Gatos conducted a special meeting via Teleconference via COVID-19 Shelter in Place Guidelines on Tuesday, March 16, 2021, to hold a Study Session at 5:45 p.m.

STUDY SESSION CALLED TO ORDER AT 5:50 P.M. due to technical difficulties.

ROLL CALL

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

Absent: None

Commission Members Present: Chair Jeff Thompson, Vice Chair Gillian Verga, Commissioner Robert Buxton, Commissioner Bill Elhers, Commissioner Peter Hertan (joined the meeting at 6:00 p.m.), Commissioner Rob Moore, and Youth Commissioner Adam Moore (All participating remotely).

Absent: None

STUDY SESSION

1. Review and discuss the Complete Streets and Transportation Commission accomplishments and priorities.

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

Chair Thompson presented the Commission's goals, and the Commissioners presented their thoughts.

Opened public comment.

No one spoke.

Closed Public Comment.

Council discussed the item.

PAGE 2 OF 2

SUBJECT: Draft Minutes of the Joint Town Council and Complete Streets and
Transportation Commission Study Session of March 16, 2021

DATE: March 16, 2021

STUDY SESSION ADJOURNED

Study Session adjourned at 6:49 p.m.

Respectfully submitted:

Jenna De Long, Deputy Town Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/06/2021

ITEM NO: 2

**DRAFT
Minutes of the Town Council Meeting
March 16, 2021**

The Town Council of the Town of Los Gatos conducted a regular meeting via Teleconference via COVID-19 Shelter in Place Guidelines on Tuesday, March 16, 2021, at 7:00 p.m.

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

ROLL CALL

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

Absent: None

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Council Member Badame stated she attended the Conceptual Development Advisory Committee (CDAC) with Council Member Hudes, the General Plan Advisory Committee (GPAC) meeting with Council Member Ristow and announced the next GPAC meeting on Thursday March 18.
- Council Member Hudes stated he met with members of the Los Gatos Anti-Racism Coalition, participated in the Town Finance Commission and CDAC meetings, and observed the Santa Clara County Cities Association Board meeting as an attendee.
- Council Member Ristow stated she met with the Chair of Community Health and Senior Services Commission (CHSSC), the Vice Chair of the Complete Streets and Transportation Commission (CSTC), staff of the Chamber of Commerce with Mayor Sayoc, and a representative from the International Dark Skies Association; observed the Finance Commission; and attended the GPAC, West Valley Sanitation District (WVSD) Board of Directors, and Valley Transportation Authority (VTA) Policy Advisory Committee meetings.
- Vice Mayor Rennie stated he attended the Bay Area Air Quality Management District (BAAQMD) Board and VTA Board meetings, and the Silicon Valley Clean Energy Authority (SVCEA) Risk Oversight Committee, Board and New Member Orientation meetings.
- Mayor Sayoc stated she attended the Cities Association meeting and a rally in San Jose for racial justice.

Manager Matters

- Encouraged the community to report any and all hate crimes and incidents to the Los Gatos-Monte Sereno Police Department and to call 911 if anyone feels unsafe.

Manager Matters – continued

- Announced the Library is open seven days a week from 10:00 a.m. to 6:00 p.m.; and that live chat will continue to be offered.
- Announced Youth Commission recruitment is open with applications due by 4:00 p.m. on April 30, 2021.

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

1. Approve Draft Minutes of the March 2, 2021 Town Council Meeting.
2. Accept the Annual Progress Report for General Plan and Housing Element Implementation.
3. Authorize the Town Manager to Execute an Agreement with M-Group for Consultant Services as Provided in the Los Gatos SB 2 Planning Grant Program Application and Authorize Revenue and Expenditure Budget Adjustments in the Amount of \$88,185 to Recognize Receipt and Expenditure of SB 2 Planning Grant Funds.
4. Adopt a Resolution Approving the Final Map for Tract No. 10537 at 16100 Greenridge Terrace and Accepting Dedications. **RESOLUTION 2021-004**
5. Americans with Disabilities Act Transition Plan (Project 812-0129):
 - a. Authorize Revenue and Expenditure Budget Adjustments in the Americans with Disabilities Act Transition Plan (CIP No. 812-0129) to recognize a Joint Powers Authority Liability Assurance Network (PLAN) Grant in the amount of \$35,000, and
 - b. Authorize the Town Manager to Negotiate and Execute a Consultant Services Agreement with Disability Access Consultants, LLC in an Amount Not to Exceed \$130,000.
6. Increase Project Contingency to 30 Percent of the Contract Award Amounts and Authorize Staff to Execute Future Change Orders for the FY2020/21 Street Repair and Resurfacing (CIP No. 811-9901), FY2020/21 Curb, Gutter, and Sidewalk Maintenance (CIP No. 813-9921), and 24 Percent for the Smart Signals Field Improvements (CIP No. 813-0227, Traffic Signal Modernization).
7. Stormwater Master Plan Project (CIP No. 816-0413):
 - a. Approve a Budget Transfer from Stormwater System – Pollution Prevention Compliance (CIP No. 816-0414) in the Amount of \$12,000
 - b. Authorize a Change Order to NCE Consultants in the Amount of \$12,000 for Additional Stormwater Master Plan Engineering.

MOTION: Motion by Council Member Ristow to approve Consent Items 1-7. Seconded by Vice Mayor Rennie.

VOTE: Motion passed unanimously.

VERBAL COMMUNICATIONS

Ali Miano

- Expressed concerns regarding recent hate crimes and hate incidents and commented on developing the Town-owned property at 4 Tait Avenue as affordable housing.

Amy Nishide

- Expressed concerns regarding recent hate crimes and hate incidents and commented on developing the Town-owned property at 4 Tait Avenue as affordable housing.

Kareem Syed

- Commented on lack of reporting of hate crimes and hate incidents and stated the Town as a community needs to step up and say something when hate is witnessed.

Alicia Cinema Stereo (Spargo)

- Commented on lack of reporting of hate crimes and hate incidents and encouraged the community to remain vigilant against hate crimes and hate incidents.

Jeffrey Suzuki

- Commented on lack of reporting of hate crimes and hate incidents; encouraged the community to remain vigilant against hate crimes and hate incidents; and inquired about the process and procedures for Police follow up of hate crimes/incidents.

Mayor Sayoc asked the Town Manager to comment. Town Manager Prevetti explained that the Police Department is following up on recent events, encouraging the public to report issues of concern, and working with the District Attorney. The Town is committed to ensuring a safe community for all.

OTHER BUSINESS

8. Accept the Quarterly Police Reforms Update.

Laurel Prevetti, Town Manager, presented the staff report.

Shawn Ahearn, Law Enforcement Liaison, and Mikelle Le, Santa Clara County Behavioral Health Services Department, presented an overview of the Mobile Crisis Response Team services and the collaboration with local law enforcement.

Opened Public Comment.

No one spoke.

Closed Public Comment.

Council discussed the matter.

Other Business Item #8 – continued

Council accepted the quarterly police reforms update.

Mayor Sayoc directed staff to continue to bring forth metrics with explanations of the “why” behind the numbers, continue the Town’s partnership with Santa Clara County Behavioral Health, and to work with the community to make the Town safe and inclusive for all.

9. Direct the Continued Advancement of the 2016 Measure B Highway 17 Congestion Relief Project.

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

Opened Public Comment.

Lee Fagot

- Expressed concerns regarding safety issues of pedestrian, cyclists, and transient populations during the improvement; and requested staff consider ways to alleviate the traffic congestion during the improvement.

Closed Public Comment.

Council discussed the matter.

MOTION: Motion by Council Member Rennie to continue the advancement of the 2016 Measure B Highway 17 congestion relief project as stated in the staff report.
Seconded by Council Member Ristow.

VOTE: Motion passed unanimously.

ADJOURNMENT

The meeting adjourned at 9:11 p.m.

Respectfully submitted:

Jenna De Long, Deputy Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 4/6/2021

ITEM NO: 3

DATE: March 26, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt the Proposed Town Council Policy: Travel and Expense Policy for Elected Town Officials as Recommended by the Council Policy Committee

RECOMMENDATION:

Adopt the proposed Town Council Policy: Travel and Expense Policy for Elected Town Officials as recommended by the Council Policy Committee.

BACKGROUND:

In early 2020, Town staff revised the Employee Travel and Expense Administrative Procedure in order to clarify and simplify travel and reimbursement guidelines for Town employees. The revised Employee Procedure can be viewed as Attachment 1 to this report.

Following work on the employee guidelines, staff reviewed the Travel and Expense Policy for Town Council members. The current Policy was approved in 2011 and can be found as Attachment 2 to this report.

Similar clarifications to the revised employee procedures may be applicable to the proposed update to the Council Policy. Staff drafted a potential revised Elected Official Travel and Expense Policy which may be found as Attachment 3 to this report. Elected officials are legally considered employees of the Town, so efforts were made to align the guidelines for the two.

On March 23, 2021, the Council Policy Committee reviewed the proposed Policy and unanimously agreed to forward a recommendation to the Town Council to approve the proposed Travel and Expense Policy for Elected Officials.

PREPARED BY: Holly Zappala
Management Analyst

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

DISCUSSION:

The proposed update to the draft Elected Official Travel and Expense Policy is aimed at clarifying and streamlining travel and expense guidelines for the Town Mayor, Vice Mayor, and Council Members. Highlights of the proposed changes are as follows:

1. Removed the application to Town Board, Commission, and Committee members from the Policy and incorporated them into the Employee Travel and Expense Procedure instead. The revised draft Policy applies to elected officials only.
2. Simplified food and beverage reimbursements for overnight travel to be paid via a per diem allowance at the amount specified by the US General Services Administration as opposed to reimbursement for actual food and beverage expenses. This change saves staff time and streamlines the process.
3. Added instructions for mileage reimbursements. Prior to 2019, the Town Council received a monthly auto allowance which generally covered local mileage costs. Prior to 2019, Council Members were eligible to receive reimbursement for authorized travel in a personal vehicle in excess of a one-way 50-mile radius of Los Gatos. Effective January 1, 2019, Council Members received a salary increase that absorbed the monthly auto allowance. Currently, Council Members are eligible for mileage reimbursements for all business-related travel using a personal vehicle, the same as any Town employee.
4. Added further clarification to transportation options, including rental vehicles, consistent with employee travel procedures.
5. Added examples of miscellaneous expenses that are eligible for reimbursement.
6. Specified who should review and approve mileage reimbursements or claims for reimbursement. Those submitted by Council Members must be signed by the Mayor and the Town Manager. Reimbursements for the Mayor must be signed by the Town Manager and Finance Director.

At times, Council Members may want to attend conferences or other events associated with the other agencies for which they serve as a Board member as appointed by the Town Council (e.g., Silicon Valley Clean Energy Authority). For those activities, the non-Town agency would be responsible for paying those expenses as they are related to its function. The Town will not cover such expenses for other agencies.

CONCLUSION:

Staff recommends the Council approve the recommendation of the Council Policy Committee to approve the proposed Travel and Expense Policy for Elected Town Officials.

COORDINATION:

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

FISCAL IMPACT:

The proposed changes to the policy should not generate a significant fiscal impact, but should make the guidelines clearer and more streamlined.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Travel and Expense Procedure for Town Employees
2. 2011 Town Council and Board Member Expense Reimbursement Policy
3. Draft Elected Official Travel and Expense Policy



TOWN OF
LOS GATOS
CALIFORNIA

ADMINISTRATIVE PROCEDURE MANUAL

Small Town Service

Community Stewardship

Future Focus

TITLE: Travel and Expense Procedure

PROCEDURE NUMBER: B-04

EFFECTIVE DATE: April 19, 2012

PAGES: 1 of 12

REVISED DATES: March 2, 2020

APPROVED:

Laurel Prevett

PURPOSE

The purpose of this Travel Procedure is to provide guidelines for the authorization and administration of use of public funds for travel expenses for employees of the Town of Los Gatos.

In addition to the distinct elements of this procedure it is understood that all Town policies and procedures are subject to Sub-section 12.5 of Section 12 of the Town's Personnel Rules.

GUIDING PRINCIPLES

Employee travel must only be used for authorized Town business. Travel will be authorized only when the cost and purpose result in a benefit to the Town. Employees travelling on Town business should ensure that all expenses incurred are reasonable and are a prudent use of public funds. Department Directors should authorize travel for the minimum number of employees necessary to represent the Town. Travel may be authorized for those employees whose job tasks are directly related to the purpose of travel or to forward an employee's future career growth. Only the employee or authorized person attending the training on the Town's behalf (e.g., a Planning Commissioner) is eligible for reimbursement (spouses or friends are not eligible for reimbursement). The Town Manager and Department Directors are required to consider the total costs of approved travel including registration, travel expenses, accommodation, meals, and required overtime and/or staffing.

SCOPE

This procedure applies to Town of Los Gatos employees when traveling on Town business. Travel categories include:

1. Day Trip – travel in California with no overnight stay.
2. In-State – travel in California with overnight stay.

TITLE: Travel and Expense Procedure	PAGE: 2 of 12	PROCEDURE NUMBER: B-04
--	-------------------------	----------------------------------

3. Out-of-State – travel outside California.
4. International – travel to destinations outside of the United States.
5. Emergency – travel for law enforcement purposes, investigative travel, and for protecting Town assets where time is of the essence.

PROCEDURES

1. Authorized Travel

Authorized travel means travel by Town employees or any person traveling at the Town's expense for the purposes of attending conferences, seminars, educational classes, training, and other business activities related to the administration of municipal government.

As a general procedure, employees should attempt to attend meetings and/or trainings within reasonable proximity to Los Gatos. If a particular training session/conference is offered throughout the year at various locations, the venue closest to Los Gatos or to the employee's home must be selected and scheduled accordingly. Annual conferences or training seminars sponsored by well-known governmental and/or professional associations (such as the League of California Cities and the Government Finance Officers Associations) are encouraged as a priority.

2. Travel and Approvals

Town employees authorized to attend conferences, seminars, technical or professional governmental meetings, luncheons, banquets and other functions concerning the business of the Town of Los Gatos will be reimbursed for necessary and reasonable expenses incurred. Expenses will not be reimbursed unless a source of funds has been identified and approved.

Employees must provide advance notice of all travel, including overnight and out-of-state travel to their supervisor and such travel must be approved by the Department Director. All out-of-state travel must be approved by the Town Manager or their designee. Approvals must be obtained before any purchases are made for the trip.

All employees traveling who use a Town credit card issued to them for expenditures shall follow the guidelines as set forth in the Town Procurement Card Procedure.

The Chief of Police or their designated representative may authorize emergency in-state or out-of-state travel by Police Department personnel without prior approval from the Town Manager in the following cases:

1. For lawful extradition of wanted felons.
2. For investigative travel, where such travel requires immediate departure by authorized Police Department personnel.

It is the responsibility of the employee to complete and submit an Authorization to Travel Form. This form is required for all overnight travel, out-of-state travel, and travel requiring an airline flight. For employees requesting in-state day trips, it is an optional form that can be completed and turned in to the employee's supervisor in order to request travel opportunities. Departments may have their own methods for employees to request in-state, day-trip training/travel opportunities (i.e. a written memo or email), which are also acceptable.

Within 30 days of returning from the trip, a copy of the signed Authorization to Travel Form (including the completed "actual expenses" portion), Claim for Reimbursement Form, Mileage Reimbursement Form, and all supporting documentation, if applicable, must be completed and returned to the employee's supervisor. After review and approval by the Department Director, the forms are to be submitted to the Finance Department. See Section 5, "Mileage Reimbursement and Claims for Reimbursement" for more information.

3. Travel Allowance and Reimbursements

A. Registration/Tuition Fees

Registration/tuition fees may be paid with a Town credit card or a Town-issued check. When a credit card fee is charged, a Town-issued check is the preferred method of payment. To request a check, a Request for Payment/Check/Per Diem Allowance with all required details must be submitted to the Finance Department with the payment deadline clearly marked on the face of the form to assure timely payment.

Any discounts offered for early registration or attendance by additional persons should be obtained whenever possible.

B. Lodging

A hotel stay should be booked when the commute time to/from the conference, seminar or training would be unreasonable. The discretion of the Department Director should be used when booking hotel accommodations. For a hotel stay at a destination less than 75 miles away from the employee's home or work location (whichever is closer to the travel destination), the Department

TITLE: Travel and Expense Procedure	PAGE: 4 of 12	PROCEDURE NUMBER: B-04
--	-------------------------	----------------------------------

Director's approval is required.

Whenever possible, standard non-deluxe rooms at conference rates should be reserved. If the employee wishes to reserve other accommodations, only the standard non-deluxe conference room rate is to be charged to the Town. When choosing lodging, employees should consider the convenience of the location, along with other best rates available. Any hotel upgrades will be at the employee's expense.

C. Food and Beverage

Food and Beverage for One-Day Trips

Meal expenses for trips that are a single day will not be reimbursed unless the employee is assigned to conduct work during the meal (Per Diem Allowance is not applicable).

Food and Beverage for Overnight Trips

Per Diem Allowances can be located per the table below.

For Travel to:	Lodging and Meal Rates Established by:	Rate Tables Can be Found:
The continental US	US General Services Administration (GSA)	http://www.gsa.gov/ <ul style="list-style-type: none"> Includes 48 Continental States and District of Columbia high cost locations To look up per diem rates, go to https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-lookup, search for the location of travel, and check the numbers in the "M&IE Total" and "First & Last Day of Travel" columns. If neither the city nor county is listed, use standard CONUS rates.
The non-contiguous US or US territories	US Department of Defense (DOD)	http://www.defensetravel.dod.mil/site/perdiemCalc.cfm <ul style="list-style-type: none"> Includes Alaska, Hawaii and other US territories Meal breakdown is 25% for breakfast, 30% for lunch and 45% for dinner of total daily meal amount. Town will only pay actual incidental expenses to the GSA limit
Foreign destinations	US Department of State	http://aoprals.state.gov/ <ul style="list-style-type: none"> Listed in US Dollars Meal breakdown is 25% for breakfast, 30% for lunch and 45% for dinner of total daily meal rate Town will only pay actual incidental expenses up to GSA limit

TITLE: Travel and Expense Procedure	PAGE: 5 of 12	PROCEDURE NUMBER: B-04
--	-------------------------	----------------------------------

1. Food and beverages for overnight trips will be paid to the employee via a Per Diem Allowance based on the amounts obtained using the websites found in the table above. The Meals and Incidentals (M&IE) breakdown is the full amount received for a single calendar day of travel when that day is neither the first nor last day of travel. The amount received on the first and last day of travel equals 75% of the total M&IE.
2. Employees must obtain a Per Diem Allowance from the Finance Department either within 30 days before the trip using a Payment/Check/Per Diem Allowance Request Form or within 30 days after the trip using a Claim for Reimbursement Form. Per Diem Allowance requests must include the employee's travel dates, a training/event flyer, and an approved Authorization to Travel Form, if applicable.
3. Food and beverage purchases made while on an overnight trip may not be made with a Town credit card. A Per Diem Allowance for meals must be obtained for food and beverage purchases either before or after the trip.
4. If a meal is provided as part of the business event, the Per Diem Allowance will be reduced accordingly, using the numbers obtained from the websites in the table above. For example, if breakfast or lunch is included in the registration fee for a conference, the Per Diem Allowance for that day will not include the allowance for that meal or meals. Continental breakfasts provided as part of lodging will not be counted as a pre-paid meal and employees may be reimbursed for regular breakfasts. If the employee has special dietary needs, efforts should be made to see if the event provider can accommodate them. If the conference is unable to accommodate the employee's dietary needs, the Department Director may approve in advance an additional purchase for a meal to replace the one provided by the conference.
5. Dining tips are included in the Per Diem Allowance.
6. The Per Diem Allowance includes "incidental" purchases, described by the GSA as fees and tips given to porters, baggage carriers, hotel staff, and staff on ships.

D. Personal Charges

Personal charges (i.e. movie charges, spousal/guest expenses, etc.) are the responsibility of the traveling employee.

E. Use of Personal Vehicle – Mileage Reimbursement

All mileage reimbursements shall be based on the current IRS applicable rate (see www.irs.gov). When using a personal vehicle for a trip which originates from the employee's home, the mileage reported for reimbursement should be from their home or from the place of work, whichever is less.

Mileage Reimbursements should be submitted within 30 days of return from the trip. A training/event flyer or schedule should be attached as well as driving directions from Google Maps, MapQuest, or other website showing the distance travelled.

F. Transportation

The most economical method and type of transportation reasonably consistent with the scheduling need must be used, using a direct and time-efficient route. The cost of a rental vehicle, parking and fuel shall be compared to the combined cost and time of other such forms of transportation and the most cost-efficient method shall be used. Only the amount for the most cost-efficient, reasonable method of transportation is reimbursable, even if that method is not used (i.e., employee will pay the difference if they choose to take a more expensive method of travel).

In the event of an automobile accident while traveling on Town business, a Vehicle Accident Reporting Form must be filled out and submitted to the employee's supervisor within 24 hours of the vehicle accident, if possible.

Airfare

1. Airline transportation costs to and from the authorized destination will not exceed advance-purchase economy-class airfare unless such fare is not available.
2. Transportation to and from airports will be reimbursed for either actual mileage if personal vehicle is used, or for reasonable taxi fare, ride share, airport van or other public transportation. Reimbursable mileage includes travel to the airport from the workplace or home, whichever is closer.
3. The charge for the first piece of personal baggage for the employee may be reimbursed.
4. If a personal vehicle is parked at the airport for more than one day, the cost of parking will be reimbursed at the long-term parking rate. Parking will not be reimbursed for more than one day at the short-term rate.
5. Any additional airline fees will not be reimbursed (i.e. for early check-in or seating upgrades).

Vehicle Rentals

1. Rental vehicles are only allowed for business purposes and with prior approval of the Department Director. When renting a vehicle, employees should use standard or economy models. Larger vehicles are allowed if there is no additional cost to the Town, or if special circumstances exist such as medical needs, disabilities, weather conditions, multiple employees who will occupy the vehicle, etc.
2. When a rental vehicle is approved for travel, it can either be booked using the employee's personal credit card and later submitted for reimbursement with itemized receipts, or it can be booked using the "Rental Car Purchasing Card" from the Finance Department. Individual Town-issued Purchasing Cards should not be used to book rental vehicles. If using the Rental Car Purchasing Card, the vehicle shall be rented from one of the companies the Town has a business rewards account with: Budget or Avis. The most cost-efficient option for the trip should be selected. The discount number and billing PIN number to be used for the appropriate rental car company can be obtained from the Finance Department.
3. It is the rental vehicle driver's responsibility to ensure that vehicle rental costs are kept to a minimum. This includes returning the vehicle to the same location, retuning the vehicle with a full tank of gas, declining GPS and pre-paid gas options, etc.
4. For rental vehicles booked using an employee's personal credit card, employees should purchase the Collision/Loss Damage Waiver insurance when traveling domestically. Employees shall waive any other additional vehicle insurance options provided that the employee has their own vehicle insurance coverage. Employees should contact their auto insurance company beforehand to confirm coverage. Any questions about coverages should be addressed ahead of time with the employee's Department Director and the Finance Department. When traveling internationally, additional insurance should be accepted if the employee lacks other similar coverage.
5. For rental vehicles booked using the "Rental Car Purchasing Card," employees should decline the rental company's Collision/Loss Damage Waiver insurance, as they are covered by the Auto Rental Collision Damage Waiver Program through the Purchasing Card.
6. Rental vehicles should not be taken across the US Border unless prior approval is received from the Department Director. The Town is not responsible for any border fees if no prior approval was given and the employee must reimburse the Town for these fees if applicable.
7. The Town is not responsible for the fees associated with paid "express" lanes, where drivers must pay a toll in order to use a separate, less congested lane. The employee must reimburse the Town for this expense if applicable.

TITLE: Travel and Expense Procedure	PAGE: 8 of 12	PROCEDURE NUMBER: B-04
--	-------------------------	----------------------------------

8. The Town will reimburse all bridge and road tolls, except for redundant toll roads that parallel state or federal highways (e.g., Highway 73 in Orange County, California).
9. The employee is liable for any “damages” to the rental car during the course of rental. The Town Rental Car Purchasing Card on file will only be used for the cost of the rental vehicle booked up front. If the employee damages the vehicle, upon return of the vehicle, they will need to provide an alternate form of payment for any of these “incidental” expenses.
10. In case of any event, incident or accident related to the rental vehicle, the employee must notify the Finance Department and the Department Director as soon as possible. A Vehicle Accident Reporting Form must be filled out and submitted to the employee’s supervisor within 24 hours of a vehicle accident, if possible.
11. Employees may only use the Town’s business rewards program discount number for authorized Town travel. The Town’s business rewards program discount number may not be used for leisure travel.

Ground Transportation

1. Ground transportation (i.e., taxis, rideshares, buses, and/or shuttles) will be reimbursed when incurred in overnight or away from home travel.
2. Taxi or rideshare (i.e., Uber/Lyft) costs may be reimbursed for one-day or multiple-day travel, keeping in mind that the most cost-effective mode of transportation should be taken.

Use of Town Vehicles/Carpooling

1. Town vehicles should be used whenever possible. The preferred method of transportation for traveling to locations within driving distance is to take a Town vehicle.
2. When two or more employees are travelling by personal/Town vehicle, every effort should be made to ride together.
3. Use of Town vehicles is subject to the rules and regulations set forth in the Town Vehicle Use and Operation Procedure.
4. When operating a Town vehicle, employees must have a valid driver’s license with them and confirm that current proof of Town insurance is in the vehicle prior to use.

Public Transportation

Bus, train or other methods of public travel are authorized when such modes are more appropriate and economical.

G. Miscellaneous Expenses

TITLE: Travel and Expense Procedure	PAGE: 9 of 12	PROCEDURE NUMBER: B-04
--	-------------------------	----------------------------------

Examples of miscellaneous expenses include, but are not limited to: taxi, rideshare, shuttle fares, tips, internet charges, and parking.

1. Taxi, bridge tolls, and ferry fares associated with official business will be reimbursed when supported by itemized receipts.
2. Actual cost for parking will be reimbursed when supported by itemized receipts. In a situation where no receipt is given (i.e., parking meters), a Missing Receipt Form must be submitted.
3. Hotel internet or Wi-Fi charges for work purposes will be reimbursed when supported by itemized receipts.
4. Town business meal purchases, where Town business is discussed and a mealtime meeting is unavoidable due to scheduling restrictions, are reimbursable expenses. The statement reconciliation should list each person in attendance as well as a description of the Town business discussed. If the employee dines with another person and is unable to split the check, the receipt should be clearly marked as to the items purchased for the employee. Business meal purchases do not apply to overnight travel meals where a per diem allowance is applicable.
5. The Per Diem Allowance includes "incidental" purchases, described by the GSA as fees and tips given to porters, baggage carriers, hotel staff, and staff on ships.

H. Town Checks

Town checks for registration will be made payable only to the organization officially conducting the meeting. If the employee is in need of a check for registration, one will be issued upon notification to the Finance Department. The notification must include a Request for Payment/Check/Per Diem Allowance form approved by the Department Director or the Town Manager, accompanied by the training/conference flyer, approved Authorization to Travel Form (if applicable) and any registration deadline.

The Town will issue approved reimbursement checks directly to the employee.

4. Travel Time

For Management/Exempt Employees

Travel time does not affect the pay for FLSA exempt (management and salaried employees), as exempt employees are not subject to overtime.

TITLE: Travel and Expense Procedure	PAGE: 10 of 12	PROCEDURE NUMBER: B-04
--	--------------------------	----------------------------------

For Non-Management/Hourly Employees

- One Day Travel: Travel time is paid and overtime is applicable, less the employee's normal commuting time and meal periods. When possible, the employee's schedule should be adjusted to minimize overtime.
- Overnight Travel: Travel to and from the event is paid and overtime is applicable. Time engaged in work-related activities such as attending the conference, participating in meetings or performing work is paid as long as the work is authorized and pre-approved. Time engaged in personal activities such as meals, resting, sleeping, or leisure is not paid. Time spent at optional business event/conference-sponsored activities (such as dinners or dinner cruises) is not paid. When possible, the employee's schedule should be adjusted to minimize overtime.

Questions regarding specific circumstances for non-management/hourly employee travel should be referred to the Human Resources Department or Payroll prior to travel.

5. Mileage Reimbursement and Claim for Reimbursement

A. Required Documentation

A Mileage Reimbursement Form and Claim for Reimbursement Form must be completed to document travel mileage/activity/purchases or process requests for travel reimbursement. Any Per Diem Allowances for meals during overnight travel requested after the trip has been completed should be submitted using the Claim for Reimbursement Form. The forms must include the following documentation:

1. Signed copy of the Authorization to Travel Form (to include the completed "actual expenses" portion), if applicable. This form is required for all overnight travel, out-of-state travel, and travel requiring an airline flight.
2. Supporting documentation that describes the nature of travel (i.e., copies of the conference/training flyer and schedule).
3. Mileage Reimbursements should include driving directions from Google Maps, Mapquest, or other website showing the distance travelled. When using a personal vehicle for a trip which originates from the employee's home, the mileage reported for reimbursement should be from their home or from the place of work, whichever is less.
4. Copy of receipt(s) that itemize any travel purchases, including date of purchase and location.

5. If the employee does not have an itemized receipt, a Missing Receipt Form must be filled out. Missing Receipt Form purchases will be evaluated on a case-by-case basis and may not be reimbursed. If the employee has a Town credit card and submits more than three Missing Receipt Forms within a twelve-month period, Town credit card privileges may be reviewed and/or revoked.
6. No individual food or beverage purchases will be reimbursed. The employee must request a Per Diem Allowance for the trip.

B. Deadline to Submit Mileage Reimbursement/Claim for Reimbursement Form

The Mileage Reimbursement Form and Claim for Reimbursement Form should be submitted within 30 days of travel or the meeting date. Claims for reimbursements that are not turned in within the requested timeframe may not be honored, resulting in a cost to the employee, unless waived by the Town Manager.

6. Non-Reimbursable Expenses

The following personal expenses are not allowable for reimbursement:

- a. Traffic, toll, and parking violations
- b. Fees to drive in a paid "express" lane or parallel paid freeway (e.g., Highway 73 in Orange County, California)
- c. Mileage for commute to work
- d. Emergency repairs on non-Town vehicles
- e. Alcohol/tobacco
- f. Individual food and beverage purchases while on overnight travel (Per Diem Allowance must be requested)
- g. Medicinal remedies, health supplies, cosmetics, toiletries
- h. Personal entertainment such as in-room movies, fees for exercise room, sports events, personal reading materials, personal grooming, optional tours, souvenirs
- i. Childcare fees
- j. Kennel/boarding fees (except for Town-owned animals)
- k. Expenses related to vacation or personal time while on a business trip
- l. Personal travel expenses that cause additional cost to the Town
- m. Personal losses incurred while on Town business
- n. Expenses related to an employee's family member or friend
- o. Political or charitable contributions or events
- p. Short term airport parking exceeding one day
- q. Any additional airline fees

- r. Other incidental expenses that are determined to be of a personal nature, extravagant, or might be considered unreasonable or unnecessary

APPROVED AS TO FORM:



Robert Schultz, Town Attorney

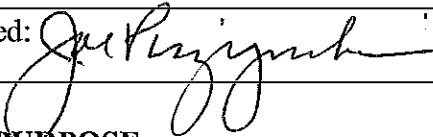
ADMINISTRATIVE MANUAL
TOWN OF LOS GATOS

Subject: Town Council and Board
Member Expense
Reimbursement Policy

Page:

Section Number:

Approved:



Effective Date: 1-6-11

Revised Date:

A. PURPOSE

1. Los Gatos takes its stewardship over the use of its limited public resources seriously and is committed to the ethic that public resources should only be used when there is an identifiable benefit to the Town and the community.
2. This policy documents the parameters pursuant to which the Town will reimburse specified Town officials for actual and necessary expenses incurred in the performance of official Town duties.
3. This policy recognizes that legislative and other regional, state, and federal agency business is frequently conducted over meals and that sharing a meal with regional, state and federal officials is frequently the best opportunity for a more extensive, focused, and uninterrupted communication about the community's policy concerns.
4. This policy satisfies the requirements of Government Code sections 53232.2 and 53233.3 and supplements the definition of actual and necessary expenses for purposes of state laws relating to permissible uses of public resources.
5. This policy also applies to any charges made to a Town credit card, cash advances or other line of credit and supplements the definition of necessary and reasonable expenses for purposes of federal and state income tax laws.

B. SCOPE

This policy applies to the Mayor and members of the Town Council and members of the Town's boards and commissions. It covers the expenditure of Town funds and reimbursement of expenses for authorized Town business. Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this policy are met:

1. Communicating with representatives of regional, state and national government on Town adopted policy positions;
2. Attending educational seminars designed to improve officials' skill and information levels;

3. Participating in special events held by local, regional, state and national organizations whose activities affect the Town's interests. These organizations include, but are not limited to, professional organizations for government (e.g., League of California Cities; National League of Cities; U.S. Conference of Mayors); service clubs/non-profits (e.g., Kiwanis, Rotary, Friends of the Library, Los Gatos Community Foundation); Business-related (e.g., Los Gatos Chamber of Commerce; Joint Venture Silicon Valley); and other events of other organizations which provide service to Town residents, the region or otherwise further the stated goals of the Town Council;
4. Attending Town, county, regional and interagency events;
5. Implementing a Town-approved strategy for attracting or retaining businesses to the Town through activities that will typically involve at least one staff member.

C. APPLICATION

This policy applies to the members of the Town Council and members of all the Town's boards and commissions.

D. AUTHORIZED EXPENSES

1. Transportation

The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route. Government and group rates must be used when available.

(a) Airfare. Airfares that are equal or less than those available through the Enhanced Local Government Airfare Program offered through the League of California Cities, the California State Association of Counties and the State of California are presumed to be the most economical and reasonable for purposes of reimbursement under this policy. The charge for the first piece of personal baggage may be reimbursed under this policy.

(b) Automobile. Town Council receives a nominal auto allowance of \$50 per month, which generally covers local mileage costs. Council members may receive reimbursement for authorized travel in a personal vehicle beyond a one-way fifty (50) mile radius of Los Gatos, or beginning destination, whichever is closer to the ending destination. Reimbursement is for miles in excess of the fifty-mile radius, and therefore does not include the first fifty miles each way. Automobile mileage is reimbursed at Internal Revenue Service rates presently in effect (*see* www.irs.gov). For 2010, the rate is 49.5 cents per mile. These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are also reimbursable. Reimbursement for mileage will be limited to the lesser of the value of mileage costs or the least expensive cost of air transportation available at least 30 days prior to travel.

(c) Car Rental. Rental rates that are equal or less than those available through the

State of California's website (<http://www.catravelsmart.com/default.htm>) shall be considered the most economical and reasonable for purposes of reimbursement under this policy.

(d) Taxis/Shuttles. Taxis or shuttles fares may be reimbursed, including a 15 percent gratuity per fare, when the cost of such fares is equal or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time efficiency. Receipts are required.

2. Lodging

Lodging expenses will be reimbursed or paid for when travel on official Town business reasonably requires an overnight stay.

(a) Conferences/Meetings. If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. If the group rate is not available, see (b) Other Lodging.

(b) Other Lodging. Travelers must request government rates, when available. A listing of hotels offering government rates in different areas is available at <http://www.catravelsmart.com/lodguideframes.htm>. Lodging rates that are equal or less to government rates are presumed to be reasonable and hence reimbursable for purposes of this policy.

3. Meals

The Town will pay the actual amount of meals and tips or per diem allowance according to IRS Publication 1542 per meal for out of town meetings, workshops, and conferences. Food/beverage purchases that are not part of a breakfast, lunch, or dinner meal (i.e. snacks, coffee) are not authorized for reimbursement and will be at the cost of the official.

Travelers are expected to consume any meals provided at the conference or meetings. The per diem allowance will typically be reduced accordingly for any meals provided and included in the registration fees.

The Town will not pay for alcohol/personal bar expenses. For group meal events organized by others such as conferences and other types of activities that fall within the list of "authorized expenditures" above, the Town recognizes that the per-person cost may exceed these maximums. In this event, these costs would be reimbursed.

4. Airport Parking

If the official takes a personal car to the airport, long-term parking must be used for travel exceeding 24 hours.

5. Other

- Baggage handling fees of up to \$1 per bag and gratuities of up to 15 percent will be reimbursed.
- The expense of daily Internet access will be reimbursed.
- Any questions regarding the propriety of a particular expense should be resolved by the approving authority before the expense is incurred.

6. Credit Card Use Policy

Town does not issue credit cards to individual office holders but does have an agency credit card for selected Town expenses. Town office holders may use the Town's credit card for such purposes as airline tickets and hotel reservations. Receipts documenting expenses incurred on the Town credit card and compliance with this policy must be submitted within five business days of use, unless otherwise included in the expense report discussed below. Town credit cards may not be used for personal expenses, even if the official subsequently reimburses the Town.

7. Expense Report Content and Submission Deadline

All cash advance expenditures, credit card expenses and expense reimbursement requests must be submitted on an expense report form provided by the Town. This form shall include the following advisory:

All expenses reported on this form must comply with the Town's policies relating to expenses and use of public resources. The information submitted on this form is a public record. Penalties for misusing public resources and violating the Town's policies include loss of reimbursement privileges, restitution, civil and criminal penalties as well as additional income tax liability.

Expense reports must document that the expense in question met the requirements of this policy. Officials must submit their expense reports within thirty (30) days of an expense being incurred, accompanied by receipts documenting each expense. Restaurant receipts, in addition to any credit card receipts, are also part of the necessary documentation. Inability to provide such documentation in a timely fashion may result in the expense being borne by the official.

E. LIMITATIONS ON REIMBURSEMENTS

1. All other expenditures not expressly authorized by this policy require prior approval by the Town Council. All reimbursements shall be consistent with those allowed under state and federal law which shall prevail over interpretation of this policy, express or implied.
2. The following expenses also require prior governing body approval:
 - (i) International travel;

- (ii) Expenses which exceed the annual limits which may be established from time to time for individual categories of reimbursement through the Town's annual budget process.
- 3. Reimbursement is expressly conditioned upon sufficient funds being budgeted as part of the annual Town budget.
- 4. Excluded from Reimbursement. Examples of personal expenses that the Town will not reimburse include, but are not limited to:
 - (i) The personal portion of any trip;
 - (ii) The charitable contribution portion of the price of admission to an event;
 - (iii) Political events and/or fundraisers;
 - (iv) Events benefitting religious organizations;
 - (v) Family expenses, including partner's expenses when accompanying official on agency-related business, as well as children or pet-related expenses;
 - (vi) Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events;
 - (vii) Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
 - (viii) Personal losses incurred while on Town business.
 - (ix) Monthly service club luncheons or meetings.
 - (x) Expenses for which Town officials receive reimbursement from another agency are not reimbursable.
- 5. The Town may promulgate administrative directives providing further interpretations or guidelines consistent with this policy.

F. AUDITS OF EXPENSE REPORTS

All expenses are subject to verification that they comply with this policy.

G. REPORTS TO GOVERNING BOARDS

At the next public governing body meeting following the travel and/or expenditure, each official shall briefly report on meetings, conferences or seminars, attended at Town expense. If multiple officials attended, a joint report may be made. The report may be made orally or in writing.

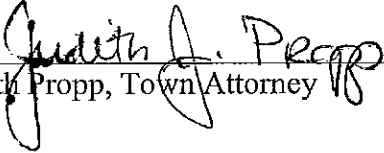
H. COMPLIANCE WITH LAWS

Town officials should keep in mind that some expenditure may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act and other laws.

I. VIOLATIONS OF THIS POLICY

Under state law, use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following: 1) loss of reimbursement privileges, 2) a demand for restitution to the Town, 3) the agency's reporting the expenses as income to the elected official to state and federal tax authorities, 4) civil penalties of up to \$1,000 per day and three times the value of the resources used, and 5) prosecution for misuse of public resources.

APPROVED AS TO FORM:


Judith Propp, Town Attorney

TITLE: Elected Official Travel and Expense Policy		POLICY NUMBER:
EFFECTIVE DATE:		PAGES: 1 of 12
ENABLING ACTIONS:		REVISED DATES:
APPROVED:		

PURPOSE

The purpose of this Policy is to provide guidelines for the authorization and administration of use of public funds for travel expenses and reimbursements for official Town business as they apply to elected Town officials, including the Mayor, Vice Mayor, and Council Members.

This Policy satisfies the requirements of Government Code Sections 53232.2 and 53232.3 and supplements the definition of actual and necessary expenses for purposes of state laws relating to permissible uses of public resources.

In addition to the distinct elements of this Policy, it is understood that all purchases made with a Town procurement card are subject to the Town Procurement Card Procedure.

GUIDING PRINCIPLES

Travel by elected officials must only be used for authorized Town business. Travel will be authorized only when the cost and purpose result in a benefit to the Town. Elected officials should ensure that all expenses incurred are reasonable and are a prudent use of public funds. Only the authorized elected Town official is eligible for reimbursement (spouses or friends are not eligible for reimbursement).

SCOPE

This policy applies to Town of Los Gatos elected officials when travelling on Town business. Travel categories include:

- Day Trip – travel in California with no overnight stay
- In-State – travel in California with overnight stay
- Out-of-State – travel outside California
- International – travel to destinations outside of the United States

TITLE: Elected Official Travel and Expense Policy	PAGE: 2 of 12	POLICY NUMBER:
--	-------------------------	-----------------------

Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this policy are met:

- a. Communicating with representatives of regional, state and national governments on Town adopted policy positions;
- b. Attending educational seminars designed to improve officials' skill and information levels;
- c. Participating in special events held by local, regional, state and national organizations whose activities affect the Town's interests. These organizations include, but are not limited to, professional organizations for government (i.e., League of California Cities; National League of Cities, US Conference of Mayors), service clubs/non-profits (i.e., Kiwanis, Rotary, Friends of the Library, Los Gatos Community Foundation), business-related organizations (i.e., Los Gatos Chamber of Commerce, Joint Venture Silicon Valley), and other events or organizations which provide services to Town residents, the region or otherwise further the stated goals of the Town Council;
- d. Attending Town, county, regional and interagency events; and/or
- e. Implementing a Town-approved strategy for attracting or retaining businesses to the Town through activities that will typically involve at least one staff member.

PROCEDURES

A. Authorized Travel

Authorized travel means travel by elected Town officials, including the Mayor, Vice Mayor, and Council Members, traveling at the Town's expense for the purposes of attending conferences, seminars, educational classes, training and other business activities related to the administration of municipal government.

As a general procedure, elected officials should attempt to attend conferences or meetings within a reasonable proximity to Los Gatos. If a particular session or conference is offered throughout the year at various locations, the venue closest to Los Gatos should be selected and scheduled accordingly.

At times, elected officials may want to attend conferences or other events associated with the other agencies for which they serve as a Board member as appointed by the Town Council (e.g., Silicon Valley Clean Energy Authority). For those activities, the non-Town agency would be responsible for paying those expenses as they are related to its function. The Town will not cover such expenses for other agencies.

TITLE: Elected Official Travel and Expense Policy	PAGE: 3 of 12	POLICY NUMBER:
--	-------------------------	-----------------------

B. Approvals

All travel by elected Town officials in compliance with this Policy may be approved by the Mayor and Town Manager as long as funds are available in the Town Council's program budget.

Any expenditures not expressly authorized by this Policy require prior approval by Town Council. Any expenses which exceed the annual limits which may be established from time to time for individual categories of travel or reimbursement through the Town's annual budget process require prior approval by Town Council.

Proposals requiring Town Council approval will include anticipated costs and a funding source. The following guidelines should be used by the Council when reviewing travel requests:

1. Travel is consistent with current adopted budget and/or legislative priorities, or
2. Clear monetary benefit is evident, or
3. Revenue enhancement opportunity is clearly attainable, or
4. Travel is related to the elected official's roles or duties (i.e., standing committee assignment, liaison assignment, task force assignment, economic development, etc.).

For overnight and out-of-state travel, the fewest number of elected officials as necessary to represent the Town should be selected to attend conferences or events as is reasonable and cost effective. The representative(s) shall report back to the rest of the Council after the trip.

Travel by Town Board, Commission, and Committee members and temporary, probationary, part-time and full-time Town employees shall be governed by the Town Travel and Expense Procedure.

C. Procurement Card Use Policy

The Town does not issue procurement cards to individual elected officials but does have an agency procurement card for selected Town expenses. The elected official may contact the Town Manager's Office staff for access to the procurement card. Town elected officials may use the Town's procurement card for such purposes as airline tickets and hotel reservations. Itemized receipts (not credit card receipts) documenting expenses incurred on the Town procurement card and in compliance with this Policy must be submitted within five days of use to the Town Manager's Office staff member who provided access to the procurement card. The staff member will include the itemized receipts with their monthly Expense Report. Town procurement cards may not be used for elected officials' personal expenses, even if the elected official plans to reimburse the Town. All rules and

regulations put forth in the Town Procurement Card Procedure apply to procurement card purchases.

D. Registration/Tuition Fees

Registration/tuition fees may be paid with a Town procurement card or a Town-issued check. When a credit card fee is charged, a Town-issued check is the preferred method of payment. Elected officials should work with the Town Manager's Office staff for payment of registration/tuition fees. To request a check, a Request for Payment/Check/Per Diem Allowance Form with all required details must be submitted to the Finance Department with the payment deadline clearly marked on the face of the form to assure timely payment.

Any discounts offered for early registration or attendance by additional persons should be obtained whenever possible.

E. Lodging

A hotel stay should be booked when the commute time to/from the conference, seminar, or training would be unreasonable. For a hotel stay at a destination less than 75 miles away from the elected official's home or work location (whichever is closer to the travel destination), the approval of the Mayor and Town Manager is required. Hotel stays over 75 miles from the elected official's home or work location (whichever is closer to the travel destination) do not require separate approval as long as funds are available in the Town Council's budget.

Whenever possible, standard non-deluxe rooms at conference rates should be reserved. If the elected official wishes to reserve other accommodations, only the standard non-deluxe conference room rate is to be charged to the Town. When choosing lodging, Town elected officials should consider the convenience of the location, along with other best rates available. Any hotel upgrades will be at the elected official's expense.

If applicable, lodging costs should not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the elected official at the time of booking. If the group rate is not available, the elected official shall use comparable lodging.

F. Food and BeverageFood and Beverage for One-Day Trips

Meal expenses for trips that are a single day will not be reimbursed unless the elected official is assigned to conduct work during the meal (Per Diem Allowance is not applicable).

Food and Beverage for Overnight Trips

Per Diem Allowance can be located per the table below:

For Travel to:	Lodging and Meal Rates Established by:	Rate Tables Can be Found:
The continental US	US General Services Administration (GSA)	http://www.gsa.gov/ <ul style="list-style-type: none"> Includes 48 Continental States and District of Columbia high cost locations To look up per diem rates, go to https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-lookup, search for the location of travel, and check the numbers in the "M&IE Total" and "First and Last Day of Travel" columns. If neither the city nor county is listed, use standard CONUS rates.
The non-contiguous US or US territories	US Department of Defense (DOD)	http://www.defensetravel.dod.mil/site/perdiemCalc.cfm <ul style="list-style-type: none"> Includes Alaska, Hawaii and other US territories Meal breakdown is 25% for breakfast, 30% for lunch and 45% for dinner of total daily meal amount. Town will only pay actual incidental expenses to the GSA limit
Foreign destinations	US Department of State	http://aoprals.state.gov/ <ul style="list-style-type: none"> Listed in US Dollars Meal breakdown is 25% for breakfast, 30% for lunch and 45% for dinner of total daily meal rate Town will only pay actual incidental expenses up to GSA limit

- Food and beverages for overnight trips will be paid to the elected official via a Per Diem Allowance based on the amounts obtained using the websites found in the table above. The Meals and incidentals (M&IE) breakdown is the full amount received for a single calendar day of travel when that day is neither the first nor last day of travel. The amount received on the first and last day of travel equals 75% of the total M&IE.

TITLE: Elected Official Travel and Expense Policy	PAGE: 6 of 12	POLICY NUMBER:
--	-------------------------	-----------------------

2. Elected officials should work with the Town Manager's Office staff to obtain a Per Diem Allowance from the Finance Department. The Per Diem Allowance must be obtained either within 30 days before the trip using a Payment/Check/Per Diem Allowance Request Form or within 30 days after the trip using a Claim for Reimbursement Form. Per Diem Allowance requests must include the travel dates, a training/event flyer, and Council approval to travel, if applicable.
3. Food and beverage purchases while on an overnight trip may not be made with a Town procurement card and are not reimbursable. A Per Diem Allowance for meals must be obtained for food and beverage purchases within either 30 days before or after the trip.
4. If a meal is provided as part of the business event, the Per Diem Allowance will be reduced accordingly, using the numbers obtained from the websites in the table above. For example, if breakfast or lunch is included in the registration fee for a conference, the Per Diem Allowance for that day will not include the allowance for that meal or meals. Continental breakfasts provided as part of lodging will not be counted as a pre-paid meal and elected officials may be reimbursed for regular breakfasts. If the elected official has special dietary needs, efforts should be made to see if the event provider can accommodate them. If the conference is unable to accommodate the elected official's dietary needs, an additional meal purchase for a meal to replace the one provided by the conference may be provided if there are sufficient budgetary funds available.
5. Dining tips are included in the Per Diem Allowance.
6. The Per Diem Allowance includes "incidental" purchase, described by the GSA as fees and tips given to porters, baggage carriers, hotel staff, and staff on ships.

G. Personal Charges

Personal charges (i.e., movie charges, spousal/guest expenses, golf or fitness charges etc.) are the responsibility of the traveling elected official.

H. Use of Personal Vehicle – Mileage Reimbursement

All mileage reimbursements shall be based on the current IRS applicable rate (see www.irs.gov). When using a personal vehicle for a trip which originates from the elected official's home, the mileage reported for the reimbursement should be from the home or the Town Civic Center (110 E. Main Street, Los Gatos CA 95030), whichever is less. Elected officials should work with the Town Manager's Office staff to submit a Mileage Reimbursement Form to the Finance Department.

TITLE: Elected Official Travel and Expense Policy	PAGE: 7 of 12	POLICY NUMBER:
--	-------------------------	-----------------------

Mileage reimbursements should be submitted within 30 days of return from the trip. A training/event flyer and schedule should be attached as well as driving directions from Google Maps, Mapquest or other website showing the distance travelled.

I. Transportation

The most economical method and type of transportation reasonably consistent with the scheduling need must be used, using a direct and time-efficient route. The cost of a rental vehicle, parking and fuel shall be compared to the combined cost and time of other such forms of transportation and the most cost-efficient method shall be used. Only the amount for the most cost-efficient, reasonable method of transportation is reimbursable, even if that method is not used (i.e., elected official will pay the difference if they choose to take a more expensive method of travel).

In the event of an automobile accident while traveling on Town business, a Vehicle Accident Reporting Form must be filled out and submitted to the Town Manager within 24 hours of the vehicle accident, if possible.

Airfare

1. Airline transportation costs to and from the authorized destination will not exceed advance-purchase economy-class airfare unless such fare is not available.
2. Transportation to and from airports will be reimbursed for either actual mileage if personal vehicle is used, or for reasonable taxi fare, rideshare, airport van, or other public transportation. Reimbursable mileage includes travel to the airport from the home or Town Civic Center, whichever is closer.
3. The charge for the first piece of personal baggage for the elected official may be reimbursed.
4. If a personal vehicle is parked at the airport for more than one day, the cost of parking will be reimbursed at the long-term parking rate. Parking will not be reimbursed for more than one day at the short-term rate.
5. Any additional airline fees will not be reimbursed (i.e. for early check-in or seating upgrades).

Vehicle Rentals

1. Rental vehicles are only allowed when needed for business purposes and when there are budget funds available. When renting a vehicle, elected officials should use standard or economy models. Larger vehicles are allowed if there is no additional cost to the Town, or if special circumstances exist such as medical needs, disabilities, weather conditions, multiple elected officials who will occupy the vehicle, etc.

TITLE: Elected Official Travel and Expense Policy	PAGE: 8 of 12	POLICY NUMBER:
--	-------------------------	-----------------------

2. When a rental vehicle is needed for travel, it can either be booked using the elected official's personal credit card and later submitted for reimbursement with itemized receipts, or it can be booked using the "Rental Car Purchasing Card" from the Finance Department. The elected official should work with the Town Manager's Office staff for this process. If using the Rental Car Purchasing Card, the vehicle shall be rented from one of the companies the Town has a business rewards account with: Budget or Avis. The most cost-efficient option for the trip should be selected. The discount number and billing PIN to be used for the appropriate rental company can be obtained from the Finance Department and the Town Manager's Office staff can assist the elected official with this information.
3. It is the rental vehicle driver's responsibility to ensure that vehicle rental costs are kept to a minimum. This includes returning the vehicle to the same location, retuning the vehicle with a full tank of gas, declining GPS and pre-paid gas options, etc.
4. For rental vehicles booked using an elected official's personal credit card, elected officials should purchase the Collision/Loss Damage Waiver insurance when travelling domestically. Elected officials shall waive any other additional vehicle insurance options provided that the elected official has their own vehicle insurance coverage. Elected officials should contact their auto insurance company beforehand to confirm coverage. Any questions about coverages should be addressed ahead of time with Town staff. When travelling internationally, additional insurance should be accepted if the elected official lacks other similar coverage.
5. For rental vehicles booked using the Rental Car Purchasing Card, elected officials should decline the rental company's Collision/Loss Damage Waiver insurance as they are covered by the Auto Rental Collision Damage Waiver Program through the Purchasing Card.
6. Rental vehicles should not be taken across the US Border unless prior approval is received from the Town Council. The Town is not responsible for any border fees if no prior approval was given and the elected official must reimburse the Town for these fees if applicable.
7. The Town is not responsible for the fees associated with paid "express" lanes, where drivers must pay a toll in order to use a separate, less congested lane. The elected official must reimburse the Town for this expense if applicable.
8. The Town will reimburse all bridge and road tolls, except for redundant toll roads that parallel state or federal highways (e.g. Highway 73 in Orange County, California).
9. The elected official is liable for any "damages" to the rental car during the course of rental. The Town Rental Car Purchasing Card on file will only be used for the cost of the rental vehicle booked up front. If the elected official damages the vehicle, upon return of the vehicle, they will need to provide an alternate form of payment for any of these "incidental" expenses.

10. In case of any event, incident or accident related to the rental vehicle, the elected official must notify the Town Manager as soon as possible. A Vehicle Accident Reporting Form must be filled out and submitted within 24 hours of a vehicle accident, if possible.
11. Elected officials may only use the Town's business rewards program discount number for authorized Town travel. The Town's business rewards program discount number may not be used for leisure travel.

Ground Transportation

1. Ground transportation (i.e., taxis, rideshares, bikeshares, scootershares, buses, and/or shuttles) will be reimbursed when incurred in overnight or away from home travel.
2. Taxi or rideshare (i.e., Uber/Lyft) or bikeshare/scootershare costs may be reimbursed for one-day or multiple-day travel, keeping in mind that the most cost-effective mode of transportation should be taken.

Public Transportation

1. Bus, train or other methods of public travel are authorized when such modes are more appropriate and economical.

J. Miscellaneous Expenses

Examples of miscellaneous expenses include, but are not limited to: taxi, rideshare, shuttle fares, tips, internet charges, and parking.

1. Taxi/rideshare/bikeshare/scootershare, bridge tolls, and ferry fares associated with official business will be reimbursed when supported by itemized receipts.
2. Actual costs for parking will be reimbursed when supported by itemized receipts. In a situation where no receipt is given (i.e., parking meters), a Missing Receipt Form must be submitted.
3. Hotel internet or Wi-Fi charges for work purposes will be reimbursed when supported by itemized receipts.
4. Town business meal purchases, where Town business is discussed and a mealtime meeting is unavoidable due to scheduling restrictions, are reimbursable expenses. The statement reconciliation should list each person in attendance as well as a description of the Town business discussed. If the elected official dines with another person and is unable to split the check, the receipt should be clearly marked as to the items purchased for the elected official. Alcohol is not reimbursable. Business meal purchases do not apply to overnight travel meals where a Per Diem Allowance is applicable.
5. A Per Diem Allowance includes "incidental" purchases, described by the GSA as fees and tips given to porters, baggage carriers, hotel staff, and staff on ships.

K. Town Checks

Town checks for registration will be made payable only to the organization officially conducting the meeting. If the elected official is in need of a check for registration, one will be issued upon notification to the Finance Department. The Town Manager's Office staff can assist the elected official with this process. The notification to the Finance Department should include a Request for Payment/Check/Per Diem Allowance Form, the training/conference flyer, registration deadline, and Council approval if applicable.

The Town will issue approved reimbursement checks directly to the elected official.

L. Mileage Reimbursement and Claim for Reimbursement**1. Required Documentation**

A Mileage Reimbursement Form and Claim for Reimbursement Form must be completed to document travel/mileage/activity/purchases or process requests for travel reimbursement. These forms must include the following documentation:

- a. Documentation that describes the nature of travel (i.e., a copy of the conference flyer and schedule).
- b. Copies of receipt(s) that itemize purchases, including date of purchase and location.
- c. Authorization to travel, if applicable.
- d. Mileage Reimbursements should include driving directions from Google Maps, Mapquest or other website showing the distance travelled.
- e. If the elected official does not have an itemized receipt, a Missing Receipt Form must be filled out. Missing Receipt Form Purchases will be evaluated on a case-by-case basis and may not be reimbursed. If more than three Missing Receipt Forms are submitted for purchases made with a Town procurement card within a twelve-month period, the elected official's privilege to use the Town procurement card may be reviewed and/or revoked.
- f. No individual food or beverage purchases will be reimbursed for an overnight trip. The elected official must request a Per Diem Allowance for the trip.

2. Deadline to Submit Mileage Reimbursement/Claim for Reimbursement Form

The Mileage Reimbursement Form and Claim for Reimbursement Form should be submitted within 30 days of travel meeting/date. Claims for reimbursements

TITLE: Elected Official Travel and Expense Policy	PAGE: 11 of 12	POLICY NUMBER:
--	--------------------------	-----------------------

that are not turned in within the requested timeframe may not be honored, resulting in a cost to the elected official.

3. Signatures on Reimbursements

Travel expenses such as Mileage Reimbursements and Claims for Reimbursements submitted by Council Members must be signed by the Mayor and the Town Manager. Reimbursements for the Mayor must be signed by the Town Manager and Finance Director.

M. Limitations on Reimbursements

All reimbursements shall be consistent with those allowed under state and federal law which shall prevail over interpretation of this Policy, express or implied.

Any questions regarding the propriety of a particular expense should be resolved before the expense is incurred.

Reimbursement is expressly conditioned upon sufficient funds being budgeted as part of the annual Town budget.

N. Non-Reimbursable Expense

The following personal expenses are not allowable for reimbursement:

- a. Traffic, toll, and parking violations
- b. Fees to drive in a paid "express" lane or parallel paid freeway (e.g., Highway 73 in Orange County, California)
- c. Mileage for regular commute (such as to the Town Civic Center for Town Council meetings)
- d. Emergency repairs on personal vehicles
- e. Alcohol/tobacco
- f. Individual food and beverage purchases while on overnight travel (Per Diem Allowance must be requested)
- g. Medicinal remedies, health supplies, cosmetics, toiletries
- h. Personal entertainment such as in-room movies, fees for exercise room, sports event, personal reading materials, personal grooming, optional tours, souvenirs
- i. Childcare fees
- j. Kennel/boarding fees (except for Town-owned animals)
- k. Expenses related to an elected official's family member or friend
- l. Political or charitable contributions or events

TITLE: Elected Official Travel and Expense Policy	PAGE: 12 of 12	POLICY NUMBER:
--	--------------------------	-----------------------

- m. Short term airport parking exceeding one day
- n. Any additional airline fees (i.e., for early check-in or seating upgrades)
- o. Other incidental expenses that are determined to be of a personal nature, extravagant, or might be considered unreasonable or unnecessary

O. Audits of Expense Reports

All expenses are subject to verification that they comply with this policy.

P. Reports to Governing Boards

At the next public governing body meeting following the travel and/or expenditure, each elected official shall briefly report on meetings, conferences, or seminars attended at the Town's expense. If multiple elected officials attended, a joint report may be made. The report may be made orally or in writing.

Q. Compliance with Laws

Elected Town officials should keep in mind that some expenditure may be subject to reporting under the Political Reform Act and other laws. All Town expenditures are public records subject to disclosure under the Public Records Act and other laws.

R. Violations of this Policy

Under state law, misuse of public resources or falsifying documents in violation of this Policy may result in any or all of the following: (1) loss of reimbursement privileges, (2) a demand for restitution to the Town, (3) the Town reporting the expenses as income to the elected official to state and federal tax authorities, (4) civil penalties of up to \$1,000 per day and three times the value of the resources used, and (5) prosecution for misuse of public resources.

APPROVED AS TO FORM:

Robert Schultz, Town Attorney



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/06/2021

ITEM NO: 4

DATE: April 6, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Appoint Jen Siraganian to the Honorary Position of Town Poet Laureate for a Term Beginning April 2021 and Concluding December 2023

RECOMMENDATION:

Appoint Jen Siraganian to the honorary position of Town Poet Laureate for a term beginning April 2021 and concluding December 2023

BACKGROUND:

The Town Poet Laureate is an honorary position established in 2010 to further the appreciation and advancement of poetry and literary arts in Los Gatos. Since the establishment of this position, Council has appointed four individuals to serve: Parthenia Hicks served from 2010 through 2012, Erica Goss served from 2013 through 2015, Stan Garber served from 2016 through 2018, and Michael Haley McCullough served from 2019 through 2020.

To determine the next Town Poet Laureate, a selection committee was formed consistent with Town Council Policy 2-06: Town Poet Laureate Selection. The committee was composed of Mayor Sayoc, Arts and Culture Commissioner Amy Fasnacht, and Library Board Commissioner Lyn Dougherty. Poet Laureate applications were announced and released on December 9, 2020 via Town and Library social media channels, websites, and press release.

By the deadline of January 22, 2021, three qualified applications were received. The committee interviewed all candidates on March 10, 2021. After discussion, the committee unanimously decided to recommend Jen Siraganian for the position of Town Poet Laureate.

PREPARED BY: Ryan Baker
Library Director

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

PAGE 2 OF 2

SUBJECT: Poet Laureate

DATE: April 6, 2021

DISCUSSION:

Jen Siraganian is a writer, educator, and literary organizer. She has served as Managing Director for Litquake: San Francisco's Literary Festival, been nominated for a Ruth Lilly Fellowship and a Pushcart Prize, earned scholarships from Community of Writers at Squaw Valley and Napa Valley Writers' Conference, and authored a poetry chapbook titled "Fractured." Her writing has appeared in Best New Poets 2016, Cream City Review, Mid-American Review, Smartish Pace, Barrow Street, Southwest Review, Not Somewhere Else But Here: A Contemporary Anthology of Women and Place, and other literary journals and anthologies.

If the Town Council appoints Jen Siraganian as the Town Poet Laureate, her term of appointment will begin on April 6, 2021 and end on December 31, 2023. Town staff will work with her as needed to facilitate programs and collaborate on projects to ensure a successful term.

FISCAL IMPACT:

There is no anticipated fiscal impact associated with the appointment of the Town Poet Laureate and its programs or projects.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Sample of Jen Siraganian's poems

The House

Wrapped in dampness, we are soil alive
with slugs and foxglove. Everything moves.

The previous tenants evicted, only
earthworms elongate across the screen.

We see life in moisture. We speak of a house
for chickens and horses for the stable,

but first we haul. Heavy with wet,
we sort hairless dolls, clothes sodden

with rot, a mattress burned to the coils.
Scrap metal in one pile, wood slats

in another, yogurt tubs and a rusted bike
in a third. Who knew that Lego spacemen

don't decompose? These piles are not
our own, but our work gloves dampen

through. All is wet, wet, wet. Snails
weave through ribbons of trash bags.

Three trips to Lowes for PVC piping
and copper caps, a doe sleeps behind

a blueberry bush. Peeling shelf mushrooms
from bark, I ask, *can we eat this kind?*

It's too tough, you say, *but it won't hurt you.*
You pluck crooked nails. We clear sadness

from the house, find florescent orthodontic bands
in the living room. That night, we curl into sleep.

Tomorrow, you whisper, *we'll fix the well*,
and I see our shower fill with steam.

Jen Siraganian

ATTACHMENT 1

My Uncle Offers Me a Cow

It's Christmas Eve in New Jersey,
and my uncle pulls me close to the grand piano.
He doesn't ask about San Francisco
or why I left my job, but *when*
are you going to be a bride?
I pick off the fuzz from my sweater,
wish my glass held whiskey.

He looks at me, grips my elbow, and says,
If you were in Armenia, they would take you
and all the other single men and women...
I think he will say, *shoot us*, because
the Genocide stories start the same way:
they gathered all the men, lined them up,
and...or they took the children,
brought them into the woods, and so on.
But no, I will not be shot.

And you would stand in a circle,
alternating men and women. Then you take
the hand of the man next to you and he
is your husband. Then each couple is given
a cow. I snicker. You need a cow to start
a family. You have until August.
Why August? Why not?

How can I argue with a man riddled
with tumors, a man who has eight months
to live? I mention that sharing
a studio apartment with a cow
might be difficult, but he shakes
his head, *you're missing the point.*

Jen Siraganian

8 pm, Los Gatos, California

It starts with an echo seeping through redwoods,
a glimmer of noise emerging across 17, then
a high-pitched yell from a teenager, maybe
wine-dripped laughter, until it's a howl
responding to another, again and again.

The three-year-old, half-clad in a diaper
and Snoopy pajama top, bangs on the glass door
until he escapes onto the deck. His brother stumbles
behind, nearly asleep. Bed-time routine on hold.
We clench fists, stretch mouths into Os.

A dog joins in, sometimes a turkey or two
mistaking the sounds for mating calls.
We merge, a patchwork of fog and loneliness.
In San Francisco, they yell for the nurses, but
the mountains howl for no virtuous reason.

No, we howl each night because we've been
inside for 22, 45, 67 days. We howl so we
can forget for thirty seconds, maybe
until 8:01, that we are caged and waiting
to be released upon the world.

Jen Siraganian



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/06/2021

ITEM NO: 5

DATE: March 29, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Consider a Request for Approval for a Zone Change from R-1D:LHP (Single-Family Residential Downtown with a Landmark and Historic Preservation Overlay) to C-2:LHP (Central Business District with a Landmark and Historic Preservation Overlay) and a General Plan Amendment to Change the Land Use Designation from Medium Density Residential to Central Business District, for Property Located at **4 Tait Avenue**. APN: 510-44-054. Zone Change Application Z-20-002 and General Plan Amendment Application GP-20-001. Property Owner: Town of Los Gatos. Applicant: Jim Foley.

REMARKS:

Due to a noticing error, this item will be continued to the April 20, 2021 Town Council Meeting.

PREPARED BY: Jennifer Armer, AICP
Senior Planner

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



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/06/2021

ITEM NO: 6

DATE: March 30, 2021

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the Public Right-of-Way Improvements Completed by Davidon Homes for the Highlands of Los Gatos on 15700 Shady Lane, and Authorize the Town Clerk to Submit for Recordation

RECOMMENDATION:

Staff recommends that the Town Council authorize the Town Manager to execute a Certificate of Acceptance and Notice of Completion (Attachment 1) for the public right-of-way (ROW) improvements completed by Davidon Homes for the Highlands of Los Gatos on 15700 Shady Lane, and authorize the Town Clerk to submit for recordation.

BACKGROUND:

On December 19, 2005, the Town Council approved a request for a zoning change for the 66.2 acres of land at the terminus of Shady Lane from HR-2½ to HR-2½:PD to allow for its subdivision into 19 single-family residential lots. Subsequently, on January 17, 2006, Council adopted Ordinance 2147, thereby approving Planned Development application PD-04-3. The adopted ordinance also allowed for the construction of improvements as outlined in the Planned Development application.

On June 2, 2008, the Town Council approved the final map for Tract 9969 – Highlands of Los Gatos, accepting the dedications of easements and public ROW.

DISCUSSION:

The public ROW improvements included pavement, curb, gutter, and utilities. On January 1, 2019, Davidon Homes and the Town entered into a Public Improvement Acceptance Agreement for the remediation, construction, and completion of the off-site public improvements. Faithful

PREPARED BY: Mike Weisz
Senior Civil Engineer

Reviewed by: Town Manager, Parks and Public Works Director, Town Engineer

PAGE 2 OF 2

SUBJECT: Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the Public Right-of-Way Improvements Completed by Davidon Homes for the Highlands of Los Gatos on 15700 Shady Lane, and Authorize the Town Clerk to Submit for Recordation

DATE: March 30, 2021

DISCUSSION (continued):

performance and labor and materials bonds were collected from Davidon Homes to ensure completion of the improvements.

Davidon Homes has now completed the work for the public improvements per the conditions of the agreement, and staff is recommending project acceptance. Ten percent of the faithful performance bond shall be retained for a period of one-year as a guaranty from any defective materials and workmanship. The execution and recordation of the Certificate of Acceptance and Notice of Completion is required to finalize the Town's acceptance of the public ROW improvements.

CONCLUSION:

Authorize the Town Manager to execute a Certificate of Acceptance and Notice of Completion for the Public ROW improvements completed by Davidon Homes for the Highlands of Los Gatos on 15700 Shady Lane, and authorize the Town Clerk to submit the documents to the County for recordation.

FISCAL IMPACT:

The improvements are within the public ROW dedicated to and accepted by the Town through the subdivision process and the approval of the final map. These improvements become part of the Town's infrastructure to be maintained after the expiration of the one-year warranty period.

ENVIRONMENTAL ASSESSMENT:

An Environmental Impact Report (EIR) for the project was certified by Town Council on December 19, 2005.

Attachment:

1. Certificate of Acceptance and Notice of Completion

Recording Requested by:

TOWN OF LOS GATOS

WHEN RECORDED MAIL TO:

TOWN CLERK
TOWN OF LOS GATOS
110 E MAIN ST
LOS GATOS, CA 95030

(SPACE ABOVE BAR FOR RECORDER'S USE)

(RECORD WITHOUT FEE UNDER GOVERNMENT CODE SECTIONS 27383 AND 6103)

TYPE OF RECORDING

CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION

HIGHLANDS OF LOS GATOS

15700 SHADY LANE, LOS GATOS, CA

TO WHOM IT MAY CONCERN:

I do hereby certify that **Davidon Homes** completed the work called for in the Public Improvement Acceptance Agreement located in the TOWN OF LOS GATOS, County of Santa Clara, State of California dated January 16, 2019, and the public improvement requirements identified in Ordinance 2147, dated January 17, 2006. The work was completed in June 2020, and approved and accepted on **April 6, 2021**.

Bond No.: 070207356

Date: December 20, 2018

LIBERTY MUTUAL INSURANCE COMPANY

175 Berkeley Street, Boston, Massachusetts, 02116

TOWN OF LOS GATOS

By: _____
Laurel Prevetti, Town Manager

Acknowledgement Required

ATTACHMENT 1

AFFIDAVIT
To Accompany Certificate of Acceptance and Notice of Completion
Highlands of Los Gatos
15700 Shady Lane, Los Gatos, CA

I, **LAUREL PREVETTI**, the Town Manager of the Town of Los Gatos, have read the foregoing CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION and know the contents thereof. The same is true of my own knowledge, except as to the matters which are therein alleged on information or belief, and as to those matters I believe it to be true.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on _____, 2021 at Los Gatos, California.

LAUREL PREVETTI, TOWN MANAGER
Town of Los Gatos

RECOMMENDED BY:

Matt Morley
Director of Parks and Public Works

Date: _____

APPROVED AS TO FORM:

Robert Schultz, Town Attorney

Date: _____

Notary Jurat Required



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/06/2021

ITEM NO: 7

DATE: March 30, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Approve an Amendment to the Classification Plan to Create a Flexibly Staffed Parking Control Officer Job Series

RECOMMENDATION:

Approve an amendment to the classification plan to create a flexibly staffed Parking Control Officer job series.

BACKGROUND:

The Town of Los Gatos Personnel Rules and Regulations (Section 4.4) and the Municipal Code (Section 2.30.925) require that amendments and revisions to the classification plan are effective upon approval by Town Council. Typically, these changes are presented to Council for approval as part of the formal budget adoption, through the labor negotiations process or as needed.

DISCUSSION:

The Town has an existing Parking Control Officer classification that was created in November 2000. In the process of reviewing the classification in conjunction with a reclassification study, it was determined that a flexibly staffed classification series would better meet the needs of the Police Department to provide for succession planning and a career ladder for existing and future employees.

In accordance with the Town's Flexibly Staffed Classes procedure, flexible staffing is the alternate use of two or more classes in a designated series. Flexibly staffed classes allow Departments to hire at the entry-level and provide a career incentive as employees become proficient and gain more experience which ultimately benefits the Town through retention and reduced training time. Alternatively, departments may hire new employees at the more

PREPARED BY: Lisa Velasco
Human Resources Director

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

DISCUSSION (continued):

advanced levels within the series depending on the complexity of assignments and experience needed when vacancies exist.

The revised Parking Control Officer series would contain the following classifications: Senior Parking Control Officer and Parking Control Officer. If approved, the Senior Parking Control Officer will be added to the Salary Schedule for TEA Classification (Attachment 1) with an appropriate advanced salary range that ensures compensation equity.

Since this is a Town Employees' Association (TEA) represented classification, staff has met its obligation to meet and confer regarding the proposed classification and salary range.

CONCLUSION:

Staff is requesting the approval of an amendment to the classification plan to create a flexibly staffed series for the Parking Control Officer classification that would result in the addition of a Senior Parking Control Officer to the plan. The Town's Personnel Rules and Municipal Code require Council approval of classification plan amendments. The California Public Employees' Retirement System (CalPERS), that provides the Town's employee pension benefits, requires that any changes proposed to Town salary schedules are formally approved by a municipal agency Governing Body (i.e., Town Council).

FISCAL IMPACT:

Staff is not requesting funding of a full-time equivalent position. In anticipation of the growth of the Parking Control Officer series and a request for a reclassification study, the adopted Fiscal Year 2020/21 Operating Budget for the Police Department includes an existing Parking Control Officer at a higher salary range. If a vacancy occurs or a need is identified to promote an existing approved full-time equivalent into the higher-level class within the series during the 2020/21 budget year, there will not be a fiscal impact.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Salary Schedule for TEA Classifications

Town of Los Gatos TEA Classifications
Salary Schedule for Fiscal Year 2020/21
Effective July 1, 2020
Adopted by Town Council April 6, 2021

Class Code	Classification Title	Rate Type	Range TE1	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
4310	Account Technician	Hourly	08	\$33.48	\$35.16	\$36.92	\$38.77	\$40.71	\$43.33
3580	Administrative Assistant	Hourly	04	\$28.02	\$29.42	\$30.90	\$32.45	\$34.07	\$36.35
4620	Assistant Engineer	Hourly	25	\$44.59	\$46.82	\$49.17	\$51.63	\$54.21	\$57.50
4420	Assistant Planner	Hourly	12	\$38.77	\$40.71	\$42.75	\$44.89	\$47.14	\$50.08
4600	Associate Civil Engineer	Hourly	27	\$50.73	\$53.27	\$55.93	\$58.73	\$61.67	\$65.33
4661	Associate Engineering Technician	Hourly	14	\$39.05	\$41.00	\$43.05	\$45.20	\$47.46	\$50.41
4400	Associate Planner	Hourly	20	\$45.12	\$47.38	\$49.75	\$52.24	\$54.85	\$58.17
4410	Building Inspector	Hourly	24	\$43.41	\$45.58	\$47.86	\$50.26	\$52.77	\$55.99
4430	Code Compliance Officer	Hourly	10	\$38.81	\$40.75	\$42.79	\$44.93	\$47.18	\$50.12
4530	Communication Dispatcher	Hourly	14	\$39.05	\$41.00	\$43.05	\$45.20	\$47.46	\$50.41
4535	Communication Dispatcher Lead	Hourly	19	\$46.42	\$48.74	\$51.18	\$53.74	\$56.43	\$59.83
4540	Community Services Officer	Hourly	11	\$33.01	\$34.66	\$36.39	\$38.21	\$40.12	\$42.71
4615	Construction Project Manager	Hourly	26	\$48.67	\$51.11	\$53.67	\$56.35	\$59.17	\$62.71
4660	Engineering Technician	Hourly	13	\$35.45	\$37.23	\$39.09	\$41.05	\$43.10	\$45.84
4705	Environmental Programs Specialist	Hourly	08	\$33.48	\$35.16	\$36.92	\$38.77	\$40.71	\$43.33
4200	Events and Marketing Specialist	Hourly	06	\$29.53	\$31.01	\$32.56	\$34.19	\$35.90	\$38.28
3501	Executive Assistant	Hourly	08	\$33.48	\$35.16	\$36.92	\$38.77	\$40.71	\$43.33
4900	IT Systems Administrator	Hourly	23	\$48.33	\$50.75	\$53.29	\$55.95	\$58.75	\$62.27
4915	IT Technician	Hourly	07	\$36.23	\$38.04	\$39.94	\$41.94	\$44.04	\$46.82
4810	Librarian	Hourly	16	\$37.05	\$38.90	\$40.85	\$42.89	\$45.03	\$47.86
4830	Library Assistant	Hourly	03	\$27.35	\$28.72	\$30.16	\$31.67	\$33.25	\$35.49
4807	Library Customer Service Specialist	Hourly	01	\$25.63	\$26.92	\$28.27	\$29.68	\$31.16	\$33.30
4805	Library Customer Service Supervisor	Hourly	08	\$33.48	\$35.16	\$36.92	\$38.77	\$40.71	\$43.33
4825	Library Specialist	Hourly	06	\$29.53	\$31.01	\$32.56	\$34.19	\$35.90	\$38.28
4819	Library Tech Specialist	Hourly	15	\$35.90	\$37.70	\$39.59	\$41.57	\$43.65	\$46.41
3181	Office Assistant	Hourly	01	\$25.63	\$26.92	\$28.27	\$29.68	\$31.16	\$33.30
4640	Park Services Officer	Hourly	11	\$33.01	\$34.66	\$36.39	\$38.21	\$40.12	\$42.71
4560	Parking Control Officer	Hourly	01	\$25.63	\$26.92	\$28.27	\$29.68	\$31.16	\$33.30
4440	Permit Technician	Hourly	09	\$32.25	\$33.87	\$35.56	\$37.34	\$39.21	\$41.75

**Town of Los Gatos TEA Classifications
Salary Schedule for Fiscal Year 2020/21
Effective July 1, 2020
Adopted by Town Council April 6, 2021**

Class Code	Classification Title	Rate Type	Range TE1	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
4425	Planning Technician	Hourly	11	\$33.01	\$34.66	\$36.39	\$38.21	\$40.12	\$42.71
4550	Police Records Specialist	Hourly	05	\$28.69	\$30.13	\$31.64	\$33.22	\$34.88	\$37.20
4630	Public Works Inspector	Hourly	18	\$40.37	\$42.39	\$44.51	\$46.74	\$49.08	\$52.11
4450	Senior Building Inspector	Hourly	27	\$50.73	\$53.27	\$55.93	\$58.73	\$61.67	\$65.33
4831	Senior Library Page	Hourly	02	\$18.02	\$18.92	\$19.87	\$20.86	\$21.90	\$23.58
4565	Senior Parking Control Officer*	Hourly	11	\$33.01	\$34.66	\$36.39	\$38.21	\$40.12	\$42.71
4405	Senior Planner	Hourly	28	\$51.96	\$54.56	\$57.29	\$60.16	\$63.17	\$66.91
4610	Senior Public Works Inspector	Hourly	26	\$48.67	\$51.11	\$53.67	\$56.35	\$59.17	\$62.71
4662	Sr. Engineering Technician	Hourly	24	\$43.41	\$45.58	\$47.86	\$50.26	\$52.77	\$55.99

Reflects General Increase of 1%

**Approval of new classification 4/6/21*

ATTACHMENT 1



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/06/2021

ITEM NO: 8

DATE: March 31, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution Approving the Parcel Map for 20 Dittos Lane and
Accepting Easement Dedications

RECOMMENDATION:

Adopt a resolution (Attachment 1) approving the Parcel Map for 20 Dittos Lane and accepting easement dedications.

BACKGROUND:

On October 16, 2018, the Town Council approved an exclusive negotiating agreement with Sarah Chaffin for the siting and development of the affordable teacher housing at 20 Dittos Lane. Ms. Chaffin created a nonprofit development entity entitled SupportTeacherHousing.org LLC (the developer) for this project.

On February 11, 2020, the Development Review Committee approved the Architectural and Site Application S-19-029 and Subdivision Application M-19-010 for a lot line adjustment and subdivision of the parcel at 20 Dittos Lane into three lots to construct two single-family residences zoned R1-D. In addition, the developer has submitted the required grading permit application and associated plans and materials to the Town for review.

On June 2, 2020, the Town Council adopted a resolution approving the land purchase agreement and first amendment to the agreement for the sale of 20 Dittos Lane to SupportTeacherHousing.org LLC for the development of affordable housing on the property. The property is currently in escrow.

PREPARED BY: WooJae Kim
Town Engineer

Reviewed by: Town Manager, Senior Civil Engineer

PAGE 2 OF 2

SUBJECT: Adopt a Resolution Approving the Parcel Map for 20 Dittos Lane and Accepting Easement Dedications

DATE: March 31, 2021

DISCUSSION:

SupportTeacherHousing.org LLC has filed the Parcel Map for the subdivision of the parcel at 20 Dittos Lane on behalf of the Town. The application includes all necessary maps and drawings.

As the current owner, the Town is dedicating easements for public and private utilities, emergency vehicle access, and ingress and egress. All easements shall be maintained and preserved by the developer and future owners. The "Access Easement for Maintenance" for the hillside would be reserved and maintained by the Town. The easement dedications are all shown on the attached Final Map (Attachment 2). Acceptance of dedications are required to allow for the subdivision.

The developer would need to secure easements from adjoining private properties for access to the properties from Dittos Lane prior to the Town issuing building permits.

CONCLUSION:

Staff recommends that Council adopt a resolution approving the Parcel Map for 20 Dittos Lane and accepting easement dedications.

COORDINATION:

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

FISCAL IMPACT:

There is no fiscal impact for the Town, as the Access Easement for Maintenance is the only easement reservation that would become the responsibility of the Town.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Resolution
2. Parcel Map for 20 Dittos Lane

RESOLUTION 2021-

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
APPROVING THE PARCEL MAP FOR 20 DITTOS LANE
AND ACCEPTING EASEMENT DEDICATIONS**

WHEREAS, on February 11, 2020, the Development Review Committee of the Town of Los Gatos approved the Architecture and Site Application S-19-029 and Subdivision Application M-19-010 to subdivide the property at 20 Ditto Lane into three lots for two single-family housing; and

WHEREAS, the nonprofit organization, SupportTeacherHousing.org LLC, filed a Parcel Map for the subdivision of 20 Ditto Lane as the developer for the Town; and

WHEREAS, the Town is required to dedicate portions of the land for public and private easements within the properties as indicated on the Parcel Map prepared; and

WHEREAS, the developer has complied with the conditions of Architecture and Site Application S-19-029 and Subdivision Application M-19-010; 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 20 Dittos Lane, dated April 2021 and prepared by Alpha Land Surveys, Inc., is hereby approved; and

BE IT FURTHER RESOLVED that all dedications of land for public and private 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 6th day of April 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



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/06/2021

ITEM NO: 8

ADDENDUM

DATE: April 5, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution Approving the Parcel Map for 20 Dittos Lane and
Accepting Easement Dedications

REMARKS:

Attachment 2 contains the final parcel map for 20 Dittos Lane.

Attachment received with the Staff Report:

1. Resolution

Attachment received with this Addendum:

2. Parcel Map for 20 Dittos Lane

PREPARED BY: Arn Andrews
Assistant Town Manager

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

OWNER’S STATEMENT

I HEREBY STATE THAT I AM ALL OF THE PARTIES HAVING ANY RECORD TITLE INTEREST IN THE SUBDIVIDED REAL PROPERTY SHOWN WITHIN THE DISTINCTIVE BORDERLINE ON THIS MAP, AND WE HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP AND ALL DEDICATIONS AND OFFERS OF DEDICATION THEREIN.

PUBLIC EASEMENT FOR CONSTRUCTION, MAINTENANCE AND ACCESS TO ANY AND ALL PUBLIC SERVICE FACILITIES INCLUDING POLES, WIRES, CONDUITS, STORM SEWERS, SANITARY SEWERS AND GAS, WATER AND HEAT MAINS AND ALL PUBLIC UTILITIES AND SERVICESCAND ALL APPURTENANCES UNDER, ON, OR OVER THOSE CERTAIN STRIPS OF LAND DESIGNATED AS "P.S.E." (PUBLIC SERVICE EASEMENT). SAID EASEMENT SHALL BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT PUBLIC SERVICE STRUCTURES, IRRIGATION SYSTEMS AND APPURTENANCES THERETO, LAWFUL FENCES AND ALL ROOF OVERHANGS.

PUBLIC EASEMENT FOR WIRE CLEARANCE PURPOSES OVER THAT CERTAIN STRIP OF LAND DESIGNATED AND DELINEATED AS "W.C.E." (WIRE CLEARANCE EASEMENT) TO BE MAINTAINED BY THE OWNER. WIRE CLEARANCE EASEMENT IS TO BE LIMITED TO BUILDINGS, STRUCTURES OR APPURTENANCES WHICH HAVE A MAXIMUM HEIGHT OF FIFTEEN FEET (15) FEET ABOVE THE GRADE AT THE LINE OF POLES.

THE TOWN OF LOS GATOS DOES HEREBY RESERVE UNTO ITSELF AN EASEMENT FOR MAINTENANCE PURPOSES DESIGNATED OR DELINEATED AS "ACCESS EASEMENT FOR MAINTENANCE ROAD" INCLUDING THE CONSTRUCTION AND MAINTENANCE OF AN ACCESS ROAD AND ASSOCIATED RETAINING WALL(S). THIS EASEMENT IS TO BE KEPT OPEN AND FREE FROM ALL BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT WATER AND IRRIGATION SYSTEMS AND APPURTENANCES THERETO, AND LAWFUL FENCES. THE MAINTENANCE, REPAIR AND/OR REPLACEMENT OF THE ACCESS ROAD SHALL BE THE RESPONSIBILITY OF THE TOWN OF LOS GATOS.

THERE IS ALSO SHOWN ON THE MAP AN EASEMENT FOR WATER PURPOSES DESIGNATED OR DELINEATED AS "P.W.L.E." (PRIVATE WATER LINE EASEMENT) TO BE MAINTAINED BY THE OWNER INCLUDING THE INSTALLATION AND MAINTENANCE OF PRIVATE WATER FACILITIES. THIS EASEMENT IS TO BE KEPT OPEN AND FREE FROM ALL BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT WATER AND IRRIGATION SYSTEMS AND APPURTENANCES THERETO LAWFUL FENCES AND ALL LAWFUL ROOF OVERHANGS. THE MAINTENANCE, REPAIR AND/OR REPLACEMENT OF PRIVATE WATER FACILITIES SHALL BE THE SOLE RESPONSIBILITY OF THE LOT OWNERS BENEFITED. SAID EASEMENT IS NOT OFFERED, NOR IS IT ACCEPTED FOR DEDICATION BY THE TOWN OF LOS GATOS.

PUBLIC EASEMENTS FOR EMERGENCY ACCESS PURPOSES ON OR OVER THOSE CERTAIN STRIPS OF LAND DESIGNATED AS ("E.V.A.E.") EMERGENCY VEHICLE ACCESS EASEMENT.

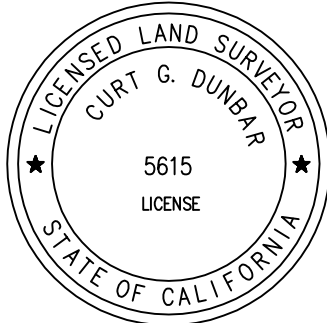
EASEMENTS FOR INGRESS AND EGRESS PURPOSES ON OR OVER THOSE CERTAIN STRIPS OF LAND DESIGNATED AS ("I.E.E.").

LAUREL PREVETTI
TOWN MANAGER FOR THE TOWN OF LOS GATOS

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 THE TOWN OF LOS GATOS ON JUNE 1, 2020, AND THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN. 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 JUNE 1, 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, IF ANY.

CURT G. DUNBAR
P.L.S. 5615



PARCEL MAP

BEING A SUBDIVISION OF THAT CERTAIN PARCEL OF LAND CONVEYED TO THE TOWN OF LOS GATOS BY DEED RECORDED JANUARY 23, 2009 AS DOCUMENT NO. 20554060 SITUATE IN THE TOWN OF LOS GATOS SANTA CLARA COUNTY, CALIFORNIA

ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

ON _____, 2021, BEFORE ME, A NOTARY PUBLIC,

_____, PERSONALLY APPEARED WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND (NOTARY SEAL NOT REQUIRED)

SIGNATURE: _____

PRINT: _____

NOTARY’S PRINCIPAL PLACE OF BUSINES: _____

NOTARY’S COMMISSION NUMBER: _____

EXPIRATION OF NOTARY’S COMMISSION: _____

TOWN ENGINEER’S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP. THAT THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE PRELIMINARY PARCEL MAP AND ANY APPROVED ALTERATIONS THEREOF, AND THAT ALL THE PROVISIONS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE MAP HAVE BEEN COMPLIED WITH. PURSUANT TO SECTION 66411.1 OF THE GOVERNMENT CODE, CERTAIN ONSITE IMPROVEMENTS ARE REQUIRED TO BE INSTALLED AS A CONDITION OF APPROVAL OF PRECEDING APPLICATIONS NO. S-19-029 AND M-19-010, APPROVED BY THE DEVELOPMENT REVIEW COMMITTEE OF THE TOWN OF LOS GATOS ON FEBRUARY 11, 2021.

WOOJAE KIM, TOWN ENGINEER
R.C.E. NO. 59532
EXPIRES 12/31/2021

DATE

TOWN SURVEYOR’S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP PURSUANT TO THE SUBDIVISION MAP ACT, SECTION 66450(b) AND (c) AND PURSUANT TO SUBDIVISION MAP ACT SECTION 66450(a)(4) I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

DEAN ANDREW JURADO, ACTING TOWN SURVEYOR
P.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 THE EASEMENTS SHOWN UPON THIS MAP AND HEREBY OFFERED FOR DEDICATION ARE HEREBY ACCEPTED FOR THE PURPOSES FOR WHICH THEY ARE OFFERED.

HEREBY STATE THAT THE FOREGOING ORDER WAS ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOS GATOS, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA AT A MEETING OF SAID

HELD ON THE _____ DAY OF APRIL, 2021;

BY RESOLUTION NO. _____

TOWN CLERK
TOWN OF LOS GATOS

DATE

COUNTY RECORDER’S STATEMENT

FILE NO.: _____ FEE: _____ PAID: _____

FILED BY THIS _____ DAY OF _____, 2021, AT _____ A.M./P.M. IN

BOOK _____ OF MAPS, AT PAGE(S) _____ THRU _____, SANTA CLARA COUNTY

RECORDS, AT THE REQUEST OF THE TOWN OF LOS GATOS

REGINA ALCOMENDRAS, COUNTY RECORDER
SANTA CLARA COUNTY, CALIFORNIA

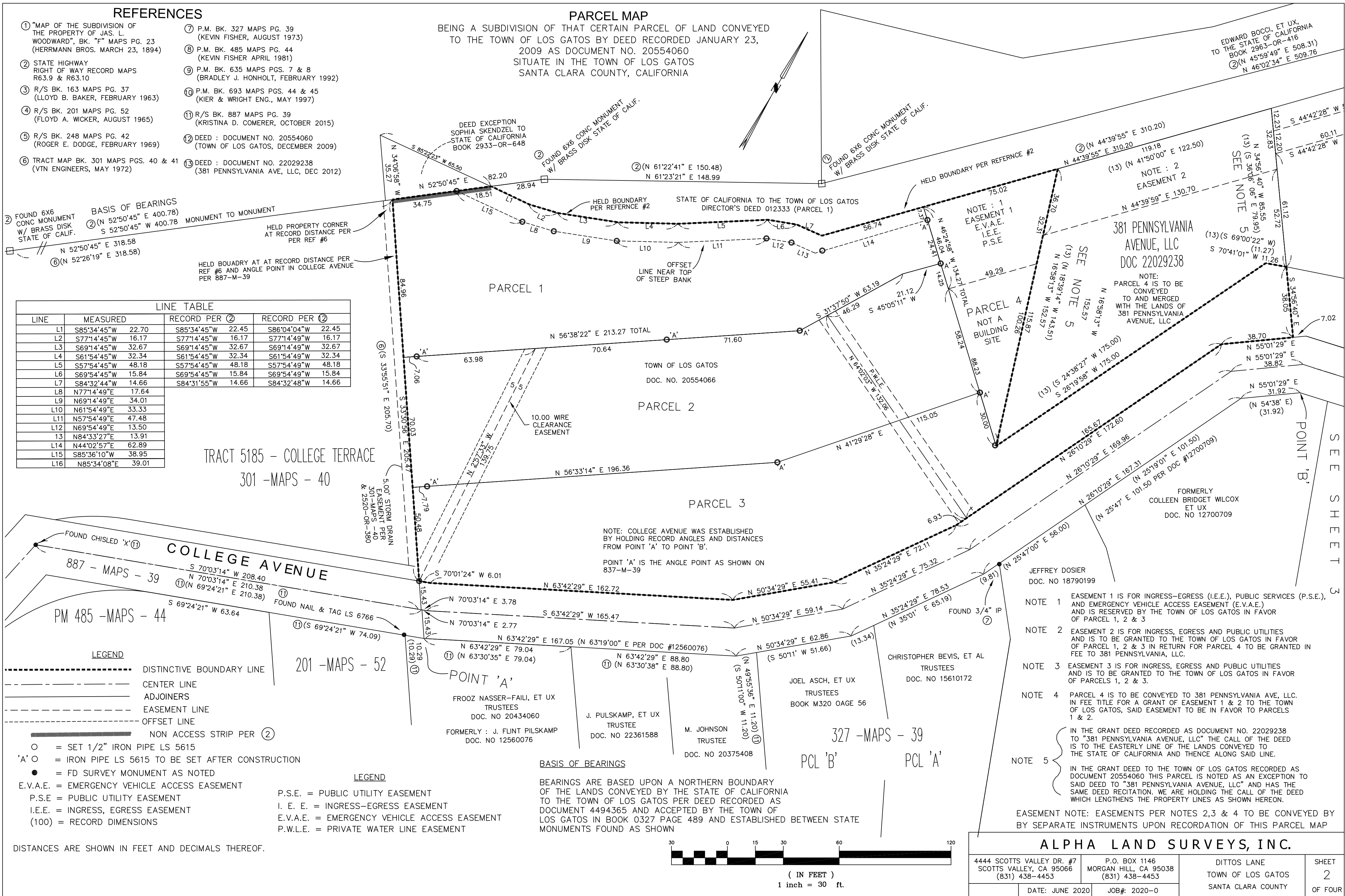
BY: _____
DEPUTY

SOILS AND GEOLOGIC REPORT

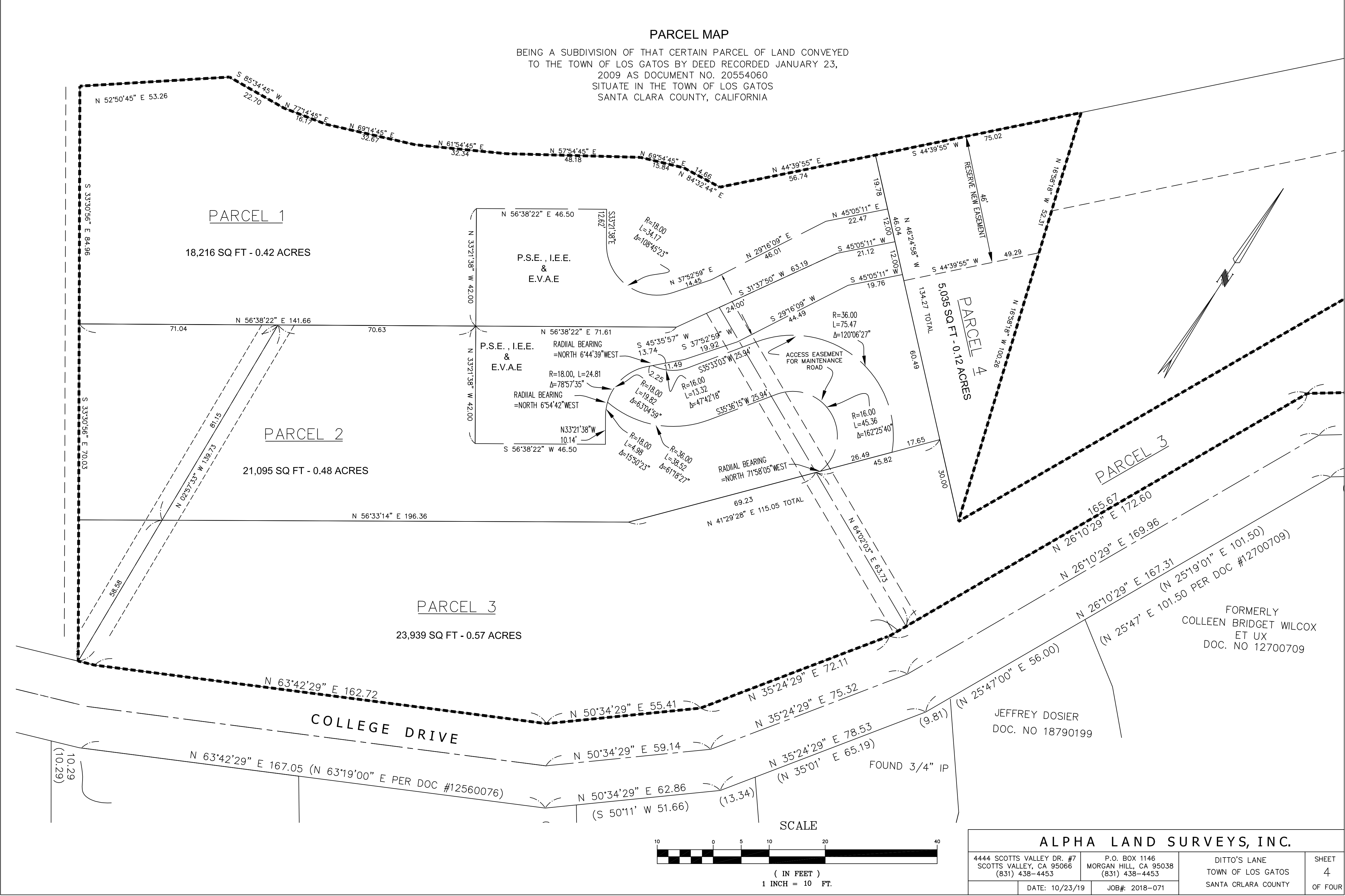
A SOIL REPORT AND/OR GEOLOGICAL REPORT ON THIS PROPERTY HAS BEEN PREPARED BY EARTH SYSTEMS DATED MAY 24, 2019 AS FILE NO. 303158-001. A COPY OF WHICH HAS BEEN FILED WITH THE TOWN OF LOS GATOS.

APN: 529-29-034

ALPHA LAND SURVEYS, INC.			
4444 SCOTT'S VALLEY DR. #7 SCOTT'S VALLEY, CA 95066 (831) 438-4453	P.O. BOX 1146 MORGAN HILL, CA 95038 (831) 438-4453	DITTO'S LANE TOWN OF LOS GATOS SANTA CLARA COUNTY	SHEET 1 OF FOUR
DATE: DEC 2020		JOB#: 2020-100	









**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/06/2021

ITEM NO: 9

DATE: March 30, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt the Proposed Council Policy Committee Enabling Resolution as Recommended by the Council Policy Committee

RECOMMENDATION:

Adopt the proposed Town Council Policy Committee Enabling Resolution as recommended by the Council Policy Committee.

BACKGROUND:

As part of the Council Policy Committee's work plan for 2021, the Committee requested to review the enabling resolution for all Boards, Commissions, and Committees, including the Council Policy Committee enabling resolution.

Staff researched the history of the Committee and was unable to locate an enabling resolution but was able to locate agendas beginning in April 2003 at which time the Committee discussed the purpose, focus, and process considerations of the Council Policy Committee. Staff was unable to locate meeting minutes for any of the 2003/2004 meetings.

The Policy Committee discussed a work plan for a comprehensive review of the Town Council Policies on December 9, 2014 (Attachment 1) and an updated work plan on January 8, 2016 (Attachment 2). These actions demonstrate the historic, broad scope of policies under review, including land use policies and memoranda from prior Community Development Directors. All work of the Council Policy Committee advanced to the entire Town Council for action, including referral to the Planning Commission as appropriate.

PREPARED BY: Shelley Neis
Town Clerk

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

BACKGROUND (continued):

Specifically, the Committee has reviewed and provided recommendations to the full Council on a wide breadth of topics. In 2014 the Committee began a comprehensive review of all Council policies. Below is a list of some of the policies the Committee has reviewed since 2003:

- Guidelines for participation of community organizations in Town sponsored events
- Renaming/Naming of streets
- Solicitation and donations
- Political signs
- Town facilities use
- Code of Conduct
- Death penalty
- Leaf blowers
- Sustainable initiatives
- Town Attorney authority limit for general liability claims and litigation
- Reimbursement
- Style of minutes
- Use of Town equipment and signs at public meetings
- Digital agenda packets
- Use of tablets for digital agenda packets
- Planning Commission policies and procedures
- Legislative policy
- Commission appointments
- Records management
- Social media
- Boards, Commissions, and Committees purpose, role, and scope
- Process to provide feedback to Boards, Commissions, and Committees
- Land use policies
- Requests for memorials
- Timelines for submissions to Council and Planning Commission
- Agenda Format and Rules
- Traffic impact fees
- Review of Planning Commission Policy on Communication with interested parties on projects coming before the Commission

DISCUSSION:

At its February 23, 2021 meeting, the Policy Committee discussed the history of the Policy Committee and directed staff to bring back a draft enabling resolution for review that acknowledges the Committee's existence and keeps the Committee's objectives flexible, depending on the Town Council's priorities and the Committee's annual work plan.

At the March 23, 2021, the Policy Committee reviewed the draft Enabling Resolution and after public testimony and Committee discussion, the Committee unanimously agreed to forward a recommendation to the Town Council to approve the draft enabling resolution with minor modifications.

CONCLUSION:

Staff recommends the Council approve the recommendation of the Council Policy Committee to approve the proposed Council Policy Committee enabling resolution.

COORDINATION:

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

FISCAL IMPACT:

There is no fiscal impact.

ENVIRONMENTAL ASSESSMENT:

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


Attachments:

1. December 4, 2014 Policy Committee Staff Report
2. January 8, 2016 Policy Committee Staff Report
3. February 23, 2021 Policy Committee Staff Report
4. March 23, 2021 Policy Committee Staff Report
5. Draft Enabling Resolution Establishing the Town Council Policy Committee



MEETING DATE: 12/4/14
ITEM NO: 4

POLICY COMMITTEE REPORT

DATE: DECEMBER 2, 2014
TO: COUNCIL POLICY COMMITTEE
FROM: GREG LARSON, TOWN MANAGER 
SUBJECT: WORKPLAN FOR A COMPREHENSIVE REVIEW OF THE TOWN COUNCIL POLICIES

RECOMMENDATIONS:

1. Approve the proposed workplan to review and update the Town Council policies.
2. Approve the new Council Policy Template

BACKGROUND:

The Town Council is responsible for establishing municipal policies that provide clear direction for process and procedures by which the Council and staff shall conduct business and activities. Examples of these policies include Town Council Policies, Town Code, General Plan, Design Guidelines, and Area Plans. In addition, the Town also has resolutions, some of which contain embedded processes and procedures. The Town Manager is responsible for ensuring that the Town organization adheres to all these Council adopted policies.

One of the many benefits of having established policies and procedures is greater consistency as well as more government transparency and accessibility by staff and the public. The Town Council policies are posted online, and hard copies are also available at Town Hall. Other policy documents such as the Code, General Plan, Design Guidelines, and Area Plans are also available online, in the Library, and at Town Hall.

Based on discussions during the Town Manager's annual performance evaluation, staff will be proposing a new Strategic Goal for 2015-16 directing a comprehensive review of Town Policies and Procedures. This initial workplan first focuses on Council-adopted policies.

PREPARED BY: VILCIA RODRIGUEZ 
Special Project Coordinator

Reviewed by: ULF Assistant Town Manager _____ Town Attorney _____ Finance

Staff's initial search for and review of Town policies, procedures and guidelines have provided a better understanding of the magnitude of this project, the complexity of some of the policies, and the time and staff resources needed to complete this project. For example some policies will need community and stakeholder participation. Others will need multi-department participation and coordination.

Given this information, the Town's limited staff resources, and other projects/Council priorities, the Town Manager's Office is recommending a phased approach for completing this project.

Significant work has already started for updating the Town Council Policies for consideration by the Policy Committee and ultimately the Town Council. Town staff has also given thought to a Town Council Policy Manual to organize and maintain the Policies in a single location as well as online. The Town Manager's Office is recommending that this work continue.

This Committee report details the preliminary work conducted by staff, and the proposed workplan for the first phase of this project, review of the Town Council Policies. Staff review of other policies, guidelines, procedures, ordinances and resolutions will be addressed separately at future Policy Committee meetings. It is anticipated that work associated with Town Resolutions will require more staff time to carefully evaluate the policies and procedures embedded within some resolutions, and the creation of new Council policies may be identified through this process.

DISCUSSION:

Staff has begun compiled existing Town Council Policies which consist of policy actions established by Town Council resolution or action pertaining to finance, council operations, planning, etc. To date, staff has found 25 Policies, all of which are available online at <http://www.town.los-gatos.ca.us/2201/Council-Policy-Manual>

Methodology

In an effort to manage staff workload and expectations while keeping this project moving forward, the Town Manager's Office has developed a proposed framework and schedule for this project.

Staff has reviewed the 24 Policies, and has developed three categories to help organize the Policies and the work recommended for each one. The categories are as follows: Category 1: Revise, Category 2: Validate, and Category 3: Rescind. These categories and the recommended action for each individual policy were based on the initial review work conducted by staff and on the following approach:

- Research of current/revised laws governing practices or Town Policies in conjunction with the Town Attorney's Office
- Review of superseding Council Policies
- Identification of any policy redundancy

Below is a description of the categories:

Category 1: Revise – This category includes policies that need moderate to significant revisions and may require multiple department participation, coordination of changes with other policies, possible stakeholder outreach, and/or creation of a new policy.

Category 2: Validate – This category includes policies that have recently been updated, newly developed, or do not require any changes. These policies can be quickly scheduled for Council review and validation as policies to maintain.

Category 3: Rescind – This category includes a set of policies that staff has identified as being outdated, obsolete, redundant, or superseded by other Council action or policy. These policies can be quickly scheduled for Council approval to rescind and delete.

Attachment 1 provides an inventory of the current Town Council Policies, including policy purpose, effective date, and revised date. It also outlines staff's recommended action for each Policy and estimated completion date. Staff is recommending that the Policy Committee consider 10 policies for validation; six (6) for rescission; six (6) for revision, and three (3) under Policy Committee/Council review. Copies of each individual Policy are included in Attachment 2.

Staff has done its due diligence in locating all Town Council Policies. However, in the case that a new Policy is uncovered in the course of this project, staff will notify the Policy Committee of this immediately.

Council Policy Template and Numbering

Staff has developed a template for Town Council Policies for compilation in a single Council Policy Manual (see Attachment 3). The template would help distinguish these Policies from other Town policies. The new template standardizes the look and the required information that must be included in each Policy (e.g. purpose, scope, etc.).

Staff is also recommending that these policies be divided into categories according to their purpose to help organize them in manner that makes it easier for the Council, staff, and the public to track and locate them. For example, Policies that relate to Council functions and responsibilities would fall under Council Operations. Policies that relate to purchasing, expenditures, reimbursements, and budget would fall under Finance and Accounting. This would allow for easier and quicker access to policies by staff and the public, and would also enhance government transparency.

Staff further recommends that a numbering system also be implemented to catalogue each Policy. Currently there is no numbering system, and the Town Council Policies are tracked by their title only. Adding a numbering system will facilitate Policy tracking, and help identify any missing Policies in the future.

Online Posting

Council Policies are currently posted online on the Town's website under *Government Documents*. They will stay posted online until Council takes action. When a Policy is scheduled for revision, staff will notice it so that the public is made aware of the Town's intention to revise the Policy.

CONCLUSION:

At the conclusion of this project, it is the goal of the Town Manager's Office to have an updated Council Policy Manual that is easily accessible by staff, Council and the public.

ENVIRONMENTAL ASSESSMENT:

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

FISCAL IMPACT:

No financial impact associated with this recommendation.

Attachments:

- 1: Inventory of Town Council Policies
- 2: Individual Town Council Policies
- 3: Town Council Policy Template

POLICY #	POLICY TITLE	BRIEF DESCRIPTION	EFFECTIVE	MOST RECENT REVISION	ENABLING ACTIONS	STAFF RECOMMENDATION			JUSTIFICATION
						Recind	Validate	Revise	
COUNCIL OPERATION									
1	Town Council Agenda Format and Rules	To establish procedures which standardize the Town Council agenda and insure an orderly meeting.	12/15/1986	12/6/2010	1986-183; 1987-124; 1993-181; 1994-57; 1996-108; 2001-77; 2004-33; 2009-002				This Policy is currently under review by the Policy Committee.
2	Standard Town Council Report Format	To facilitate Town Council decision making.	2/10/1992	12/14/2000					This Policy is currently under review by the Policy Committee.
3	Public Access to Council Decision Making	To establish procedures which insure that the public has access to Council decision making.	5/18/1992			X			Rescind and combine this Policy with the Town Council Agenda Format and Rules Policy.
4	Appointments and Memberships	To set out the process for: (1) Appointing citizens to boards, commissions and committees; (2) Appointing Council members to various boards, commission and committees; (3) Council membership on non-profit boards of directors.	6/15/1992			X			Rescind and combine this Policy with the Commission Appointment Policy, which includes detailed process and guidelines for recruitment and appointment of citizens to Boards, Commissions and Committees.
5	Commission Appointments	To establish policy to encourage participation by Town residents on Town Boards, Commissions and Committees.	2/28/1990	6/13/1994				X	Revise and combine this Policy with Appointments and Memberships to establish a detailed process and guidelines for recruitment and appointment of citizens to Boards, Commissions and Committees.
6	Policy Statement Concerning Commendations and Proclamations	To clarify the process for issuing proclamations and commendations.	1/19/1993					X	Staff recommends revisions to this Policy.
7	Americans with Disabilities Notice on Town Agendas	To provide access to public meetings of the Town.	8/2/1994			X			Rescind this Policy and incorporate it as part of the Town Council Agenda Format and Rules Policy,which establishes a standard template for Council meetings.
8	Naming Town-Owned Facilities	To establish a policy for naming Town-owned facilities.	10/21/1996		Resolution 1996-133		X		This Council Policy reflects current practice and Council direction.
9	Access and Retention to Video Recorded Media of Council Meetings	To establish the process by which the public and staff may obtain video recorded media and maintain copies of Council, Board, Commission and/or	4/7/2003			X			Rescind and combine with the Records Retention Policy as a Town Administrative Policy, and update the Policy to align with Town's use of new technology and current process.
10	Town Council Code of Conduct Policy	To establish guiding principles for appropriate conduct and behavior and sets forth the expectations of Council members.	5/3/2004	12/17/2012	Resolution 2004-59; Resolution 2006-111		X		This Council Policy was revised on December 17, 2012 and is current with Council direction.
11	Solicitation and Donation Policy	To effect Town donations and solicitations in a manner that complies with both the letter and spirit of CA ethics laws and , within that framework, to expand the potential for community donations by establishing a mechanism by which individuals and organizations may be more readily advised of donation opportunities.	4/21/2008				X		This Council Policy was adopted on April 21, 2008 and is current with Council direction.
12	Public Use of Town Equipment and Signs at Town Council and Planning Commission Meetings	To establish requirements for audio/visual presentations and the display of signs and other symbolic material by the public at Town Council and Planning Commission meetings.	4/21/2014				X		This Council Policy was newly adopted on April 21, 2014 and is current with Council direction.
13	Town Council, Planning Commission and Employee Use of Tablets for Digital Agenda Packets	To provide guidelines for Town Council, Planning Commission members and employees on the use of electronic tablets during meetings subject to the Brown Act and at such	4/21/2014				X		This Council Policy was newly adopted on April 21, 2014 and is current with Council direction.
ENGINEERING, CONTRACTING & CONSTRUCTION									
14	Neighborhood Traffic Calming Policy	To establish guidelines for the neighborhoods and Town staff to work together in addressing various types of traffic conditions, such as speeding, cut-through traffic, truck intrusion and commercial parking spill-over, which would improve the quality of life for the neighborhoods.	3/18/2002				X		This Council Policy reflects current practice and Council direction.

FINANCE & ACCOUNTING									
15	Town Purchasing Policy and Procedure Manual	To guide purchasing practices and provide an overview of purchasing objectives, policies and functions.	8/4/2008					X	Staff is currently working on revising this policy and estimates to have a revised policy for Council review and approval within a year.
16	Identity Theft Prevention	To establish an identify theft prevention program to protect the personal and financial information of residents and businesses which have new or existing accounts with the Town as required by the Federal Fair and Accurate Credit Transations (FACT) Act	2/21/2009				X		This Council Policy reflects current practice and Council direction.
17	Town Council and Board Member Expense Reimbursement Policy	This policy applies to the Mayor and members of the Town Council, boards and commissions. It covers the expenditure of Town funds and reimbursement of expenses for authorized Town business.	1/6/2011					X	Staff recommends that this Policy be revised and combined with the Travel and Expense Policy in the Administrative Manual Policy.
18	General Fund Reserve Policy	To establish a target minimum level of designated reserves in the General Fund to: (1) Reduce the financial impacts associated with a disaster or catastrophic event; (2) Respond to the challenges of a changing economic environment, including prolonged downturns in the local, state, or national economy; (3) Demonstrate continued prudent fiscal management and creditworthiness.	5/16/2011				X		This Council Policy reflects current practice and Council direction.
19	GASB 54 Fund Balance Policy	To outline the policies and procedures adopted by the Town Council regarding provisions for identifying and classifying fund balance in accordance with Governmental Accounting Standards Board (GASB) Statement No. 54.	6/4/2012				X		At least every two years, the Town Council must affirm or revise this Policy, usually during the budget process. This Council Policy reflects current practice and Council direction.
LAND USE									
20	Attics	Policy shall be used when reviewing development plans that include attic space. The intent of this policy is to reduce the visible bulk and mass of structures.	10/21/2002		2002-167	X			Rescind. The definition for "attic" is included in the Municipal Code. This Policy is redundant.
21	Cellars	To be used by staff when reviewing plans that include a cellar.	10/21/2002		2002-167			X	Revise to meet new Building Code changes.
22	Minor Alterations to Commercial Buildings	To define "minor" exterior alterations" to commercial buildings that may be approved by the DRC as set forth in Section 29.20.745(8) of the Zoning Ordinance.	4/18/2005		2005-038			X	Revise to clarify and correct Municipal Code inconsistencies.
23	Community Benefit Policy	To provide the Town a means to support projects that are beneficial and desirable to the community but may have certain negative impacts.	11/4/2002		2002-175				This Policy is currently under Council review. Council has had discusssions about rescinding this Policy. On October 21, 2013, the Town Council discussed this Policy and directed staff to conduct further work.
24	Landscaping Policies	To provide Town staff, Town Council, Planning Commission and applicants for Town permits with a clear and concise statement of the Town of Los Gatos policies regarding landscaping.	8/5/2013		2013-032	X			Rescind. This Policy is outdated and no longer needed. Landscaping guidelines are captured in other documents, including Town applications.
25	Height Pole and Netting Policy	To provide Town residents, staff, advisory and decision-making bodies with a visual tool to evaluate proposed construction.	11/4/2002		2002-175		X		This Council Policy reflects current practice and Council direction.

DRAFT

TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE
December 15, 2014, 3:00 p.m.

110 E. Main Street
Town Council Chambers
Los Gatos, California

MINUTES

Call to Order

Council Policy Committee meeting was called to order at 3:00 p.m.

Members and Staff present:

Mayor Marcia Jensen
Vice Mayor Barbara Spector
Greg Larson, Town Manager
Robert Schultz, Town Attorney
Laurel Prevetti, Assistant Town Manager/CDD Director
Christina Gilmore, Assistant to the Town Manager
Vilcia Rodriguez, Special Project Coordinator

Verbal Communications

None.

Agenda Items

**1. Approval of December 9, 2014 Council Policy Committee Meeting Minutes
Committee Action:**

The Committee unanimously approved the draft minutes, but noted inconsistencies between the minutes and one of the draft Council policies. The minutes have been corrected.

2. Review of the Council Code of Conduct Policy

The Committee requested that staff use capital letters instead of bullets.

Section I. Preamble

Action Item: The Committee directed staff to revise this section.

Section II. Form of Government

There were no changes from the Committee. The Committee approved the revised section.

Section III: Town Council Roles, Responsibilities, and Relationships

The Committee approved the revised section with the deletion of the section sub-headings.

Section IV. Mayoral and Vice Mayoral Selection Process

There were no changes from the Committee. The Committee approved the revised section

Section V. Mayoral and Vice Mayoral Roles, Responsibilities, and Relationships

The Committee directed staff to use capital letters instead of bullets. The Committee approved the revised section.

Section VI: Legal and Ethical Standards

Council Conduct in Public Meetings

The Committee directed the following changes:

Bullet A: Keep as is.

Bullet B:

Delete "practice objectivity"

Delete the last sentence starting with: "This does not allow..."

Bullet C: Delete the last sentence starting with: "Objections to the Mayor/Chair..."

Bullet D: Delete all.

Bullet E: Delete all and only keep the last sentence starting with: "Judgment of decisions..."

Bullet F: Delete all.

Bullet G:

Delete the first sentence and rename this bullet *Public Hearing*.

Delete "However"

Add: "Members" after "...Council [Members] may ask the speaker questions."

Bullet H: Delete all.

Implementation of Legal and Ethical Standards

There were no changes from the Committee. The Committee approved the revised section

Section VII. Legal Requirements

There were no changes from the Committee. The Committee approved the revised section

Section VIII. Council Conduct and Communication with and participation in all boards, Commissions, and Committees

The Committee approved this section with the following corrections:

Delete “all” from the section title.

Correct the December 9, 2014 Draft Minutes to keep the word “ad hoc” in paragraph #1.

Section IX: Council Relationship with Town Staff

The Committee directed staff to use capital letters instead of bullets. The Committee approved the revised section with the following change:

Bullet H: Delete “directly nor should they communicate their concerns publicly.”

Section X: Council Conduct and Communication with the General Public

ACTION ITEM: The Committee directed the Town Attorney to revise this section to clarify what it is meant by “create bias” (last sentence of the last paragraph). The Committee will review the new language at the January 8, 2015 meeting, and decide whether to keep this section or delete it since the topic of “bias” is already covered in a previous section.

Land Use Application

The Committee approved this section with the following correction: Replace “they with “his/her”

Section XI: Representing an Official Town Position.

The Committee approved deleting this section and combining it with the section on Council Conduct and Communication with the General Public, Boards, Commissions and Committees, the Media and at Public Meetings.

XII: Council Conduct with the Media

The Committee approved deleting this section and combining it with the section on Council Conduct and Communication with the General Public, Boards, Commissions and Committees, the Media and at Public Meetings.

XIII: Enforcement

The Committee approved the revised section with language that reflects the following:

If the Town Manager or Town Attorney is the complainant, the longest serving uninvolved Council Member will replace the Town Manager or Town Attorney on the Evaluation Committee.

The Committee requested to review the final draft of this Policy at the next Policy Committee Meeting.

3. Review of the Council Agenda and Rules Policy

The draft Policy was approved by the Committee with the following changes:

Section D: Consent Calendar

The Committee directed staff to state the reason for the Consent Calendar and revise this section to read:

Consent Calendar items shall be approved by a single Council motion, unless a member from the Council or the public requests that an item be removed for Council action. At the Mayor's discretion, items removed from the Consent Calendar may be considered either before or after the Public Hearing portion of the agenda.

The Committee requested to review the final draft of this Policy at the next Policy Committee Meeting.

4. Workplan for a Comprehensive Review of the Town Council Policies

Staff will make recommendations for each individual Council policy. The Committee will make the final determination.

The Committee decided on the following:

- a. Create a 4th Category that states that any policy not identified is deemed rescinded.
- b. Continue evaluation and discussion of policy codification. One member expressed a general preference for internal, operational or Council directed policies to remain as Council policies, and for the codification of Land Use policies.
- c. To the extent that state or federal legal mandates already exist, for example for ADA and Gifts/Donations, a policy is not needed. Staff will review the Policy Inventory matrix and identify these policies for the Committee.

The Committee approved the new template, categories and numbering system. The next Policy Committee meeting is scheduled for January 8, 2015 at 2:30 p.m.

5. Future Agenda Items

- Review and Approval of the Final Drafts for the Code of Conduct and Council Agenda and Rules Policies
- Review and Discuss the Revised Draft Policy Inventory Matrix and any new uncovered policies
- Discuss and Propose New Policies

Meeting adjourned at 4:05 p.m.



MEETING DATE: 1/8/15
ITEM NO: 3

POLICY COMMITTEE REPORT

DATE: JANUARY 8, 2015
TO: COUNCIL POLICY COMMITTEE
FROM: GREG LARSON, TOWN MANAGER 
SUBJECT: REVISED DRAFT POLICY INVENTORY MATRIX, POTENTIAL ACTION ON SOME POLICIES, AND PROJECT STATUS UPDATE

RECOMMENDATIONS:



1. Approve validation of the Council Policies listed in Attachment 1 in Category 2: Validate and forward to Council for final action.
2. Approve rescission of the Council Policies listed in Attachment 1 in Category 3: Rescind and begin the work needed to combine with other existing policies as noted in Attachment 1.
3. Discuss priorities associated with the Council Policies listed in Attachment 1 in Category 1: Revise.

BACKGROUND:

Based on discussions during the Town Manager's annual performance evaluation, a new Strategic Goal was proposed for 2015-16 directing staff to conduct a comprehensive review of Town policies, procedures, and resolutions. Staff began work in November 2014 and presented initial findings and recommendations to the Policy Committee in December 2014. This work included a preliminary inventory of all Council Policies, a recommended work plan to complete this project, and background and legal research.

To date, the Policy Committee has held three meetings to discuss revisions to the Council Code of Conduct and Council Agenda Format and Rules Policies. At the December 15, 2014 Policy Committee meeting, the Committee approved staff's proposed work plan, as detailed in the staff report to the Policy Committee dated December 2, 2014.

PREPARED BY: VILCIA RODRIGUEZ 
Special Project Coordinator

Reviewed by:  Assistant Town Manager  Town Attorney _____ Finance

DISCUSSION:

In November 2014, staff began to identify and compile existing Town Council Policies established by Town Council resolution or action pertaining to finance, Council operations, land use planning, and other Town matters. Using the categories below, staff classified each policy and made recommendations to the Policy Committee. At the December 15, 2014 Policy Committee meeting, the Committee offered a fourth category that automatically rescinds policies not identified or uncovered during the course of this project. Rather than creating another category, staff recommends revising Category 3 as noted below.

Category 1: Revise – This category includes policies that need moderate to significant revisions and may require multiple department participation, coordination of changes with other policies, possible stakeholder outreach and/or creation of a new policy.

Category 2: Validate – This category includes policies that have recently been updated, newly developed, or do not require any changes. These policies can be quickly scheduled for Council review and validation as policies to maintain.

Category 3: Rescind – This category includes a set of policies that staff has identified as being outdated, obsolete, redundant, or superseded by other Council action or policy. *This category also includes any Council Policy uncovered after the completion of the Comprehensive Council Policy Review Project.* These policies can be quickly scheduled for Council approval to rescind and delete.

Project Status Update

Council Policies

In December 2014, staff provided the Policy Committee with a preliminary list of all Town Council policies. Since then, on-going staff research has uncovered additional policies. Attachment 1 is a revised list of the Council policies identified to date. This list should not be considered the final list of Council policies, but a work-in-progress. Copies of uncovered individual policies are included in Attachment 2.

The Council policies have been placed in one of five different categories according to their purpose: Council Operation; Engineering, Contracting, and Construction; Finance and Accounting; Land Use; and General. Within each category, staff has subdivided the policies according to staff recommendations (Revise, Validate, or Rescind). Staff submits these recommendations to the Policy Committee for its consideration and approval. Some Council policies do not have recommendations at this time as they are under staff review. Staff recommendations for these policies will be provided to the Policy Committee as soon as they are available.

Council policies approved by the Policy Committee for validation will be forwarded to the full Town Council for its final approval. Upon Council approval, staff will transfer the validated policies unto the

new Council Policy template and repost them on the Town's website. These actions would establish a Council Policy Manual. Staff is also seeking the Committee's direction on priorities for revising and rescinding/combining other policies as noted in Attachment 1. With the Committee's guidance, these policy revisions and combinations would return to the Committee for its approval.

Council Resolutions

The second phase of this project involves staff review of Council-adopted resolutions for the purpose of identifying resolutions with embedded policies, guidelines, and procedures; as well as review of Land Use policies, procedures, and guidelines.

One of the challenges with this phase of the project is the lack of a central location for all of the Town resolutions. Historically, resolutions were kept in hard copies. Just recently, the Town purchased software licensing from Laserfiche, an online document storage and management company, to help store and manage Town documents, including resolutions, ordinances and other documents. Great time and effort has been dedicated to scanning and uploading over 2,000 resolutions, but more work is still needed to scan and upload all of the Town resolutions. Currently, all resolutions for the following years are available on Laserfiche: 1999, 2002, 2005, and 2007 through 2014. Some resolutions are also available for 1973, 1975, 1977, 1978, 1979, 1982, 1985, 1987 through 1996, 2000, 2001, 2003, 2004, and 2006.

In preparation for this report and the January 15, 2015 Policy Committee meeting, staff spent over 60 hours reviewing Land Use documents and almost 2,000 Council resolutions. Staff primarily focused on reviewing the complete sets of resolutions for 1999, 2002, 2005, and 2007 through 2014, and the incomplete sets for 2000, 2001, 2003, 2004, and 2006 to identify any additional policies, guidelines and procedures beyond what staff has already submitted to the Policy Committee. Attachment 1 provides an updated list of uncovered policies.

More time will be needed to complete review of the remaining resolutions, however, given the extensive work already done and the limited staff resources, staff recommends that an employee survey be conducted asking staff to provide copies of resolutions, guidelines, and procedures so far not uncovered or that date before 1999 and are currently in effect. Through this targeted approach, staff will be able to uncover any missing documents that are current and applicable to Town operations without having to invest time and resources reviewing obsolete documents. Staff is comfortable assuming that the review of almost 2,000 resolutions has yielded the majority of the current policies. Staff is also comfortable assuming that with the review of 15 years' worth of resolutions, anything before 1999 most likely has been superseded or rescinded by Council action. As a precaution, the employee survey will confirm these assumptions.

Other Land Use Policies, Guidelines, and Procedures

Staff is also preparing an inventory of other policies, guidelines, plans, and procedures that are used in the review of land use and development applications. This inventory is expected to be provided to the Policy Committee at its next meeting. The Committee may wish to consider a similar process of revision, validation, and rescission for these items.

Laserfiche

The Town Manager’s Office understands the value of having Town documents accessible in a centralized location, and acknowledges that work to finish populating Laserfiche with the remaining resolutions needs to resume. However, given staff resources and competing priorities, the Town Manager’s Office needs to evaluate best approach for completing this project as well as all associated costs.

The Town Manager’s Office will be also be researching the feasibility and cost for making resolutions available to the public in a web-based format. This is a tangible first step that could be expanded to other Town documents, pending available financial resources. A status update and staff recommendations will be provided to the Policy Committee.

CONCLUSION:

Staff will continue to provide the Policy Committee with status updates as they become available.

ENVIRONMENTAL ASSESSMENT:

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

FISCAL IMPACT:

No financial impact associated with this recommendation.

Attachments:

- 1: Revised Inventory of Town Council Policies
- 2: Uncovered Individual Council Policies

Inventory of Town Council Policies

Work in Progress as of 1/8/2015

POLICY TITLE		BRIEF DESCRIPTION	EFFECTIVE	MOST RECENT REVISION	ENABLING ACTIONS	STAFF RECOMMENDATION			
1. COUNCIL OPERATION									
						Rescind	Validate	Revise	
1-1	Town Council Agenda Format and Rules	To establish procedures which standardize the Town Council agenda and insure an orderly meeting.	12/15/1986	8/5/2013	1986-183; 1987-124; 1993-181; 1994-57; 1996-108; 2001-77; 2004-33; 2009-002			X	This Council Policy has been revised by the Policy Committee, and will be presented to Council for approval in early 2015.
1-2	Standard Town Council Report Format	To facilitate Town Council decision making.	2/10/1992	12/14/2000				X	Revise to align with current Town practices and procedures.
1-3	Policy Statement Concerning Commendations and Proclamations	To clarify the process for issuing proclamations and commendations.	1/19/1993					X	Staff recommends revisions to this Policy.
1-4	Town Council Code of Conduct Policy	To establish guiding principles for appropriate conduct and behavior and sets forth the expectations of Council members.	5/3/2004	12/17/2012	2004-59; 2006-111			X	This Council Policy has been revised by the Policy Committee, and will be presented to Council for approval in early 2015.
1-5	Council Policy about Planning Commission Policies and Procedures	This Policy sets forth the Planning Commission policies and procedures.	6/29/1983	12/6/2010	2001-042; 2010-106			X	This Council Policy was revised in December 2014 and it is scheduled to go to the Planning Commission for review and Town Council for final approval.
1-6	Public Access to Council Decision Making	To establish procedures which insure that the public has access to Council decision making.	5/18/1992			X			Rescind and combine with the Town Council Agenda Format and Rules Policy.
1-7	Appointments and Memberships	To set out the process for: (1) Appointing citizens to boards, commissions and committees; (2) Appointing Council members to various boards, commission and committees; (3) Council membership on non-profit boards of directors.	6/15/1992			X			Rescind and combine with the Commission Appointment Policy, which includes detailed process and guidelines for the recruitment and appointment of citizens to Boards, Commissions and Committees.
1-8	Americans with Disabilities Notice on Town Agendas	To provide access to public meetings of the Town.	8/2/1994			X			At the December 15, 2014 Policy Committee meeting, the Committee recommended to rescind policies that are already covered under state and/or federal laws.
1-9	Access and Retention to Video Recorded Media of Council Meetings	To establish the process by which the public and staff may obtain video recorded media and maintain copies of Council, Board, Commission and/or	4/7/2003			X			Rescind and combine with the Records Retention Policy as a Town Administrative Policy, and update the Policy to align with the Town's use of new technology and current process.
1-10	Solicitation and Donation Policy	To effect Town donations and solicitations in a manner that complies with both the letter and spirit of CA ethics laws and , within that framework, to expand the potential for community donations by establishing a mechanism by which individuals and organizations may be more readily advised of donation opportunities.	4/21/2008			X			At the December 15, 2014 Policy Committee meeting, the Committee recommended to rescind policies that are already covered under state and/or federal laws.
1-11	Commission Appointments	To establish policy to encourage participation by Town residents on Town Boards, Commissions and Committees.	2/28/1990	6/16/2014			X		This Council Policy was recently revised and reflects current practice and Council direction.
1-12	Naming Town-Owned Facilities	To establish a policy for naming Town-owned facilities.	10/21/1996		1996-133		X		This Council Policy reflects current practice and Council direction.
1-13	Public Use of Town Equipment and Signs at Town Council and Planning Commission Meetings	To establish requirements for audio/visual presentations and the display of signs and other symbolic material by the public at Town Council and Planning Commission meetings.	4/21/2014				X		This Council Policy was newly adopted on April 21, 2014.
1-14	Town Council, Planning Commission and Employee Use of Tablets for Digital Agenda Packets	To provide guidelines for Town Council, Planning Commission members and employees on the use of electronic tablets during meetings subject to the Brown Act and at such	4/21/2014				X		This Council Policy was newly adopted on April 21, 2014.
1-15	Code of Conduct for the Collection Franchise Procurement Process	This Policy sets forth the Code of Conduct for the Collection Franchise Procurement process, and member responsibilities.	10/3/2005		2005-104				

Inventory of Town Council Policies

Work in Progress as of 1/8/2015

2. ENGINEERING, CONTRACTING & CONSTRUCTION		BRIEF DESCRIPTION	EFFECTIVE	MOST RECENT REVISION	ENABLING ACTIONS	Rescind	Validate	Revise	STAFF RECOMMENDATION
2-1	Neighborhood Traffic Calming Policy	To establish guidelines for the neighborhoods and Town staff to work together in addressing various types of traffic conditions, such as speeding, cut-through traffic, truck intrusion and commercial parking spill-over, which would improve the quality of life for the neighborhoods.	3/18/2002				X		This Council Policy reflects current practice and Council direction.
2-2	Traffic Impact Policy	This Policy helps identify when to levy traffic impact fees.		8/19/2014	1991-174; 2014-59		X		This Council Policy was recently revised and reflects current practice and Council direction.
3. FINANCE & ACCOUNTING									
3-1	Town Purchasing Policy and Procedure Manual	To guide purchasing practices and provide an overview of purchasing objectives, policies and functions.	8/4/2008					X	Staff is currently working on revising this Policy and estimates to have a revised policy for Council review and approval within a year.
3-2	Town Council and Board Member Expense Reimbursement Policy	This policy applies to the Mayor and members of the Town Council, boards and commissions. It covers the expenditure of Town funds and reimbursement of expenses for authorized Town business.	1/6/2011					X	Staff recommends that this Policy be revised and combined with the Travel and Expense Policy in the Administrative Manual Policy.
3-3	Identity Theft Prevention	To establish an identify theft prevention program to protect the personal and financial information of residents and businesses which have new or existing accounts with the Town as required by the Federal Fair and Accurate Credit Transactions (FACT) Act	12/21/2009				X		This Council Policy reflects current practice and Council direction.
3-4	General Fund Reserve Policy	To establish a target minimum level of designated reserves in the General Fund to: (1) Reduce the financial impacts associated with a disaster or catastrophic event; (2) Respond to the challenges of a changing economic environment, including prolonged downturns in the local, state, or national economy; (3) Demonstrate continued prudent fiscal management and creditworthiness.	5/16/2011				X		This Council Policy reflects current practice and Council direction.
3-5	GASB 54 Fund Balance Policy	To outline the policies and procedures adopted by the Town Council regarding provisions for identifying and classifying fund balance in accordance with Governmental Accounting Standards Board (GASB) Statement No. 54.	6/4/2012				X		This Council Policy reflects current practice and Council direction.
4. LAND USE									
4-1	Cellars	To be used by staff when reviewing plans that include a cellar.	10/21/2002		2002-167			X	Revise to meet new Building Code changes.
4-2	Minor Alterations to Commercial Buildings	To define "minor" exterior alterations" to commercial buildings that may be approved by the DRC as set forth in Section 29.20.745(8) of the Zoning Ordinance.	4/18/2005		2005-038			X	Revise to clarify and correct Municipal Code inconsistencies.
4-3	Community Benefit Policy	To provide the Town a means to support projects that are beneficial and desirable to the community but may have certain negative impacts.	11/4/2002		2002-175				This Policy is currently under Council review. Council has had discussions about rescinding this Policy. On October 21, 2013, the Town Council discussed this Policy and directed staff to conduct further work.
4-4	Attics	Policy shall be used when reviewing development plans that include attic space. The intent of this policy is to reduce the visible bulk and mass of structures.	10/21/2002		2002-167	X			The definition for "attic" is included in the Municipal Code. This Policy is redundant.
4-5	Landscaping Policies	To provide Town staff, Town Council, Planning Commission and applicants for Town permits with a clear and concise statement of the Town of Los Gatos policies regarding landscaping.	12/21/1987		1987-20	X			This Policy is outdated and no longer needed. Landscaping guidelines are captured in other Town documents.
4-6	Height Pole and Netting Policy	To provide Town residents, staff, advisory and decision-making bodies with a visual tool to evaluate proposed construction.	8/5/2013		2013-32		X		This Council Policy reflects current practice and Council direction.
4-7	Policy regulating the consumption and service of alcoholic beverages	This provisions in this Policy are intended to balance the protection of residential neighborhoods in close proximity to commercial districts and still maintain the viability of the Towns' commercial centers in which restaurants have an essential role.	2/22/1994	9/17/2001	1994-29; 2001-106			X	This Council Policy is currently under revision.

Inventory of Town Council Policies
Work in Progress as of 1/8/2015

4-8	Subordination Policy for the Below Market Price Housing Program BMP	In order to facilitate the on -going purchase of Below Market Price (BMP) for -sale units by eligible Lower and Moderate Income households and to allow for the preservation of the BMP units in Town's affordable housing stock for the longest feasible time, the Town Council of the Town of Los Gatos establishes this Subordination Policy for the BMP Housing Program		1/22/2013	2013-001		X		This Council Policy was recently revised and reflects current practice and Council direction.
4-9	Guidelines for Modification Use	This Policy establishes the criteria that will be used to evaluate a modification of use pursuant to Zoning Ordinance Section 29.20.200.		4/18/2005	2005-037				
4-10	Policy on Minor Alterations to Commercial Buildings	The purpose of this Council Policy is to define "minor exterior alterations" to commercial buildings that may be approved by the DRC as set forth in Section 29.20.745(8) of the Zoning Ordinance.		4/18/2005	2005-38				
4-11	In-Fill Development Policy	This Council Policy sets forth guidelines to ensure that in-fill parcels are development compatible with surrounding neighborhoods (e.g., improve circulation, contribute to or provide neighborhood unity, eliminate a blighted area, not detract from the existing quality of life).		5/3/1993	1993-62				
4-12	Environmental Review Procedures	This Policy adopts the provisions of the State EIR Guidelines at the Town of Los Gatos procedures for the evaluation of projects and the preparation of environmental impact reports.		10/24/1983	1973-38; 1973-70; 1973-164; 1975-90; 1976-161; 1983-218				
5. GENERAL									
5-1	Public Art Selection Policy and Procedure	The purpose of this Policy is to provide a process through which the Town of Los Gatos can accept art work on loan or as a gift as part of a Public Art Program. The policy also provides guidance to the Town and the Town of Los Gatos Arts and Culture Commission for purchasing existing art work and for commissioning artists to create new art work for the Town.		9/21/2009	1992-78; 2009-103				

RESOLUTION 2010-106

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
AMENDING PLANNING COMMISSION
POLICIES AND PROCEDURES AND RESCINDING
RESOLUTION 2001-42**

WHEREAS:

A. The Town Council has determined that it is in the best interest of the Town to change the month of appointing a Chair and Vice Chair of the Commission from the second regular meeting in February to any meeting in January. The appointment schedule is noted in Section 9.7 of the Town of Los Gatos Planning Commission Policies and Procedures.

B. The Town Council has determined that the Committees represented by the Planning Commission shall be updated to reflect the current status of these Committees. The Planning Commission committees are noted in Sections 14.1 and 14.2 of the Town of Los Gatos Planning Commission Policies and Procedures.

C. The Town of Los Gatos Planning Commission Policies and Procedures were last amended on April 16, 2001, by Resolution No. 2001-42.

RESOLVED:

1. That Resolution No 2001-42 is hereby rescinded.

2. That Section 9.7 of the Town of Los Gatos Planning Commission Policies and Procedures is hereby amended to read as follows:

9.7 The Commission elects its Chair and Vice-Chair annually at a meeting in January. The Planning Director is the permanent secretary of the Commission as specified in the Town Code.

3. That Sections 14.1 and 14.2 of the Town of Los Gatos Planning Commission Policies and Procedures is hereby amended to read as follows:

14.1 Commission Committees:
Architectural Standards/Hillsides Committee - Inactive
Noise Committee - Inactive
Policies and Procedures Committee - Inactive

14.2 Council created Committees:
General Plan Committee - 3 members
Historic Preservation Committee - 2 members
Conceptual Development Advisory Committee - 3 members

Committee members are appointed by the Chair at the next Commission meeting following the election. Committee terms are for one year.

4. All other sections remain unchanged.

5. The revised Town of Los Gatos Planning Commission Policies and Procedures are attached hereto and by this reference incorporated herein as Exhibit "A."

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California held on the 6th day of December, 2010, by the following vote:

COUNCIL MEMBERS:

AYES: Steven Leonardis, Diane McNutt, Steve Rice, Barbara Spector, Mayor Joe Pirzysnki

NAYS:

ABSENT:

ABSTAIN

SIGNED:


MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:


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

TOWN OF LOS GATOS
PLANNING COMMISSION POLICIES AND PROCEDURES
Adopted June 29, 1983
Revised 5/8/85; 11/18/87; 9/22/93, 11/16/98; 4/16/01; 12/6/10

1.0 Planning Commission Meeting:

1.1 Planning Commission meetings start promptly at 7:00 p.m. with a ten (10) minute break at approximately 9:00 p.m., and adjourn at 11:00 p.m., unless there is a motion to continue past 11:00 p.m. The agenda is frequently heavy and not all items can be heard within this time frame.

1.2 Agenda Format:

- a. Roll Call
- b. Approval of Minutes
- c. Written Communications
- d. Verbal Communications (Audience)
- e. Requested Continuances
- f. Report from Planning Director
- g. Consent Calendar
- h. Continued Public Hearings
- i. New Public Hearings
- j. Continued Other Business
- k. New Other Business

1.3 The format for each agenda item is:

- a. Staff report
- b. Presentation by the applicant
- c. Testimony by the public, including Commissioners
- d. Closing remarks by the applicant responding to any new information presented by staff or the public or to Commission comments
- e. Commission motion, discussion and decision

1.4 The Chair and the Planning Director will estimate the amount of time for each item and the times will appear only on the Commissioners' copies of the agenda. Each Commissioner is responsible for helping the Chair hold to the times listed on the agenda.

1.5 Applicants are asked to keep their presentations brief, preferably no more than five minutes. Questions by the members of the Commission do not count against the time.

1.6 Members of the public addressing the Planning Commission should be instructed to give their name and full address and to please speak into the microphone as all meetings are recorded.

- 1.7 Members of the public who wish to speak on any items are asked to be brief and to limit their comments to three minutes. If any Commissioner cannot hear the name of the speaker, that person should be asked to spell the name. This request should go through the Chair.
- 1.8 At the discretion of the Chair, in order to speed the transcribing of the Minutes and ensure correct spelling of names and addresses, after speaking, the members of the public are encouraged to sign on the forms next to the recording secretary. Each speaker should write name and full address and list the agenda item of concern.
- 1.9 Speakers should address all comments and questions through the Chair.
- 1.10 Speakers shall not address the Commission from their seat.
- 1.11 The public should be encouraged to refrain from applause or other signs of approval or disapproval as this consumes time and doesn't contribute anything to the Commission's knowledge of the facts needed for decision-making.
- 1.12 Speakers should not speak more than once so that others may have a turn. If time permits, the Chair may allow a speaker to make additional comments after everyone has had a turn.
- 1.13 Staff reports with plans are posted in the lobby of the Council Chambers.
- 1.14 Plans are only posted in the Council Chambers for non-consent items.
- 2.0 Commissioner's Conduct at Meeting:
- 2.1 Consensus motions are used to indicate the sense of the Commission and are non-action motions. Commissioners are encouraged to offer consensus motions in order to focus on specific issues within a larger item or to indicate the sense of the Commission.
- 2.2 Motions should be very crisp. If findings are required, not only must findings be stated, but also the reasons behind the findings.
- 2.3 Motions shall begin with the words "I move . . ."
- 2.4 Commissioners should not debate or offer opinions on the merits of the project when:
 - a. asking questions of staff;
 - b. asking questions of applicant(s);
 - c. asking questions of the audience.

The sequence of asking questions should normally be:

1. questions of staff;
2. questions of the applicant(s) or audience;
3. questions of the applicant(s) responding to the audience.

Then, and only then, Commission debates.

- 2.5 Commissioners should be considerate of people's feelings and should not place pressure upon the speakers in an attempt to elicit or clarify a response.
- 2.6 Procedural questions should be asked of staff or asked of an experienced Planning Commissioner well ahead of the meeting rather than voicing them during the meeting.
- 2.7 Commissioners should avoid extended discussion of relatively minor points or items.
- 2.8 Each speaker should talk into the microphone loudly so that the audience can hear. Commissioners who cannot hear a speaker should so indicate to the Chair.
- 2.9 Comments or questions pertaining to items not on the agenda should be addressed to staff before or after the meeting, or at the break.
- 2.10 It is not necessary for each Commissioner to repeat his/her argument just because another Commissioner spoke against it.
- 2.11 Other than appeals, staff reports outlining recommendations for approval or denial are recommendations only and should be referred to only in this manner.
- 2.12 Commissioners should not talk before being recognized by the Chair and should not talk at the same time as another Commissioner who has been recognized.
- 2.13 Commissioners should avoid asking to speak at the last minute, when the Commission is preparing to vote.
- 2.14 A Commissioner should prepare a motion so that it is complete, clear, and concise. It is advisable to write down a motion during the meeting, prior to stating it.
- 2.15 Commissioners should not make a motion until after the Chair has terminated public discussion. Once the Chair has closed the public hearing, it shall not be reopened absent compelling circumstances.
- 2.16 When asking questions of staff or the applicant, Commissioners should ask single, simple questions, one at a time, rather than a multi-barrel barrage. This will allow staff or the applicant to give concise answers.
- 2.17 Commissioners should not make editorial comments unrelated to the issue being heard.

- 2.18 Commissioners should not discuss pending hearing items during the break, nor give the appearance of using the break in order to discuss a pending item.
- 3.0 Absences:
- 3.1 A Commissioner who expects to be absent should notify the Chair and/or the Planning Department prior to the meeting.
- 3.2 Town Policy provides that a Commissioner with three consecutive unexcused absences is subject to removal from the Commission.
- 3.3 If a Commissioner expects to be absent at two or more consecutive regular meetings, he/she should write a note to the Chair, stating the reasons for the absences and request that they be shown as excused absences.
- 3.4 If a Commissioner expects to be absent for three or more consecutive regular meetings, he/she should also address a letter to the Mayor and Town Council stating the reasons for the absence. A Commissioner should notify the Council if he or she expects to be out of the country.
- 3.5 Whenever a Commissioner is absent for any part of a public hearing that is subsequently continued to another date, that Commissioner is ineligible to vote on that matter at the continued hearing unless he/she has listened to the tapes of the proceedings. Staff will keep track of absences and will notify Commissioners when they need to listen to tapes. The individual Commissioner will then be responsible for making arrangements with the Planning Department secretary to listen to the appropriate tape(s) and for stating for the record at the continued hearing that he or she has (or has not) listened to the tapes and is (or is not) eligible to participate and vote.
- 4.0 Field Trips and Evidence Outside Formal Hearings:
- 4.1 Applications before the Planning Commission involve quasi-judicial matters, legislative matters and matters that have attributes of each. On quasi-judicial matters California law requires decisions to be based on findings, and findings to be based on evidence presented at the hearing. Accordingly, the actual decision of the Commission on a quasi-judicial matter must be supported by evidence presented at the hearing, i.e. the staff report, testimony given during the hearing and comments from other Commissioners. A Commissioner may not state or predetermine his or her decisions on an application prior to the hearing.
- 4.2 In order to avoid the appearance of bias or impropriety, individual Commissioners are prohibited from discussing, outside of the public hearing process, the substance of any project with project proponents, opponents and other interested parties. This prohibition shall apply to all projects, whether conceptual or proposed, that can be considered by the Commission in reviewing an application, on appeal or on remand. Study sessions may be used as a means of facilitating informal communication. Ad hoc meetings of less than a

quorum of the Commission are prohibited, unless specifically authorized by the Town Council. Individual Commissioners who have engaged in prohibited discussions shall recuse themselves from consideration of the project.

Incidental contacts that do not address the substance of any project are not prohibited. Incidental contacts are those that are not reasonably understood to influence a Commissioner's decision, and include speaking with an interested party to obtain approval to enter a property and to obtain information intended to orient the Commissioner about the physical aspects of the property or a project. Participation in or attendance at meetings of the Town Council or any subordinate bodies are not prohibited.

- 4.3 Property visits by individual Commissioners are encouraged before the Commission meeting. If it is important to the decision, Commissioners should introduce at the public hearing any evidence observed at the property. Commissioners shall also disclose any incidental contacts with interested parties, and the nature of the contact. Upon opening the public hearing and prior to receiving any public testimony, the Chair shall ask each Commissioner to introduce any relevant evidence obtained outside the public hearing, including that observed at the property.
- 4.4 The Brown Act clearly applies to any field trip where a quorum of the Commission is present. It would also apply if separate trips were pre-arranged for groups of Commissioners representing less than a quorum. Accordingly, the best way to conduct a field trip is for the Commission to formally adjourn one of its meetings to a specific time and place for that purpose, thereby dispensing with the requirements for special notice to the media or neighbors.
- 4.5 If a Commissioner misses a regular meeting, the rule is that he/she may still vote on matters discussed at the meeting, provided the tapes are listened to. If the Commissioner misses the official field trip, he/she may not vote. Attendance at a field trip is mandatory to be eligible to vote.
- 5.0 Consent Items:
- 5.1 The Planning Commission acts on all items on the consent calendar in one motion.
- 5.2 Requests for discussion made after action has been taken on the consent calendar will not be considered.
- 5.3 If at all possible, each Commissioner should discuss concerns on consent Items with staff before the Commission meeting.
- 5.4 Before the Commission acts on the consent calendar, any person wishing to have a consent item discussed may request Commission to remove it from the consent calendar and hear it in normal agenda order.
- 5.5 It is not necessary to remove an item from the consent calendar under the following circumstances:

- a. Clarification regarding the recommended action, proposed conditions, or suggested findings is requested, and the Chair determines that the discussion will be non-controversial or minor.
 - b. A Commissioner proposes a change because of deficient or missing conditions or findings, and the change is explicitly accepted by the Commission and the applicant.
- 5.6 If discussion beyond that described in sections 5.4 and 5.5 above is sought, then the item will be removed from the consent calendar.
- 5.7 A Commissioner must state the specific reason for removing an item from the consent calendar.
- 6.0 Continuances:
- 6.1 Planning Commission Resolution No. 78-4, adopted May 10, 1978, states that the Planning Commission "... will not accept requests for continuances from applicants on planning applications after 12:00 noon of the Friday preceding any Commission meeting, provided, however, that the Commission retains the right to make exceptions to this policy when it finds that a genuine emergency exists which was not known to the applicant prior to 12:00 noon of the Friday prior to such Commission meeting."
- 6.2 It is the responsibility of each Commissioner to keep staff reports and other materials necessary for the continued hearing. The only exception is for items continued for an excessively long interval (9 months or a year). Staff will resubmit old reports only if the Commissioner requests a copy of an earlier report, if he/she can make the necessary arrangements in a timely manner.
- 7.0 Findings:
- 7.1 Most matters that come before the Commission require findings. It is the practice of the Commission (with the exception of consent items) that all findings are formulated by the Commission. The types of matters requiring findings and the location of the findings to be made are summarized below:

Zoning Approvals

Citation

- | | |
|--|-----------------------------|
| a. Zone changes and Planned Developments | Statute |
| b. Conditional Use Permit | |
| 1. Findings for CUPS: | Town Code Section 29.20.190 |
| 2. Alternating Uses: | Town Code Section 29.10.150 |
| 3. Density - Multiple Family Dwelling: | Town Code Section 29.40.635 |
| c. Variances | Town Code Section 29.20.170 |
| d. Architecture and Site Application
(Considerations) | Town Code Section 29.20.150 |
| 1. Access to Remote Areas: | Town Code Section 29.40.180 |

- | | |
|--|--|
| 2. Demolition permits: | Town Code Section 29.10.09030 |
| e. Historic applications | |
| 1. Construction | Town Code Section 29.80.290 |
| 2. Use | Town Code Section 29.80.230 |
| f. Tree permits | Town Code Section 29.10.0990 |
| g. Nonconforming lots | Town Code Section 29.10.265(3) |
| h. Use of nonconforming buildings | Town Code Sections 29.10.235 & 29.10.240 |
| i. Changing nonconforming uses | Town Code Section 29.10.210 |
| j. Expansion of nonconforming buildings | Town Code Section 29.10.225 |
| k. Determine nonconforming use is no longer lawful | Town Code Section 29.10.225 |
| l. Exceed Floor Area Ratio | Town Code Section 29.40.075(c) |
| m. Conversion of Mobile Home Parks | Town Code Section 29.20.820 |
| n. Setbacks in C-2 zone | Town Code Section 29.60.335 |
| o. Reciprocal parking | Town Code Section 29.10.150(e) |
| p. Parking for major additions to Single Family Dwellings (findings required for two spaces) | Town Code Section 29.10.150(h) |
| q. Waiver of underground utilities | Town Code Section 27.50.025 |
| r. Revocation or Modification of Zoning Approval | Town Code Section 29.20.315 |
| s. Roof Signs | Town Code Section 29.10.125 |
| t. Time Extensions | Town Code Section 29.20.325 |

Subdivision Approvals

- | | |
|-------------------------|------------------------------|
| a. Tentative Maps | Map Act Section 66473 et seq |
| b. Final Maps | Map Act Section 66473 et seq |
| c. Double Frontage Lots | Town Code Section 24.50.130 |

General Plan Approvals

- | | |
|--|---------|
| a. General Plan amendments | Statute |
| b. Specific Plan adoption and amendments | Statute |

Other

- | | |
|---|-----------------------------|
| a. Substantive Zoning Ordinance Amendments | Statute |
| b. Capital Projects | Statute |
| c. Acquisition or disposition of interests in land | Statute |
| d. Street Vacations | Statute |
| e. Negative Declaration and Environmental Impact Report | CEQA Guidelines |
| f. Community Benefit for projects with traffic impact | Council resolution 1991-174 |

7.2 Findings cannot simply be a repeat of the ordinance sections, findings must be "sufficient to bridge the analytical gap between the raw evidence and the decision."*

*Topanga Association for a Scenic Community vs. County of Los Angeles (1974) 11 Cal.3d 506, 515.

8.0 Environmental Impact Reports and Negative Declarations:

Environmental Impact Reports provide the Commission with very useful information for the decision making process; however, they are not needed for most applications. In the few instances where an EIR would be helpful, the Commission must make a decision on the issue of a Negative Declaration or an EIR before discussion of an application.

In effect, the Commission will take a vote on whether or not the EIR issue should be determined first. If the Commission votes to consider the EIR issue first, then testimony on issues concerning the environmental impact will be heard. After hearing the applicant and public on the EIR issue, the Commission will make its decision. If an EIR is required, further discussion of the application will be continued until the EIR is presented to the Commission.

9.0 Voting:

9.1 A quorum of the Planning Commission for the conduct of business is four members.

9.2 A simple majority of a quorum is sufficient for action on any item coming before the Commission, except that a majority of the full Commission is necessary for the following:

- a) General Plan Amendments
- b) Adoption of or amendment to a Specific Plan
- c) Substantive amendment to the Zoning Ordinance including zone changes.

9.3 An abstention does not diminish the quorum in order for the Commission to conduct business.

9.4 An abstention is counted on the prevailing side of any vote. For example, if four Commissioners are present and one abstains and the vote is 2 to 1 (in favor), the motion passes. If the vote is 1 to 2 (against), the motion fails.

9.5 Tie votes mean that the motion fails.

9.6 Since most Commission decisions are either wholly or in part quasi-judicial, in those cases where a motion to approve an item fails, it is necessary to make a new motion to deny, since the findings for denial need to be stated and cannot be assumed that they are simply the reverse of the findings stated for approval.

9.7 The Commission elects its Chair and Vice-Chair annually at a meeting in January. The Planning Director is the permanent secretary of the Commission as specified in the Town Code.

10.0 Abstentions:

10.1 The reason for an abstention should be given by the Commissioner at the time of the abstention; i.e. absence during part of the hearing, conflict of interest (actual interest need

not be disclosed) or appearance of conflict of interest. There is seldom any other reason for abstaining.

- 10.2 A Commissioner may vote on the Minutes of a meeting at which he or she was absent.
- 11.0 Minutes:
- 11.1 The Minutes are not verbatim, but are action Minutes.
- 11.2 The Minutes are presented to the Planning Commission as "Draft Minutes" and any corrections are incorporated into the final Minutes rather than appearing in the subsequent set of Minutes as "corrections to . . ."
- 11.2.1 Only substantive corrections should be made during meetings.
- 11.2.2 Corrections to mechanics (spelling, punctuation, typos, etc.) shall be transmitted to the Planning Director or the Administrative Secretary in writing, by phone, or at a convenient time outside public session.
- 11.3 General Rules:
- 11.3.1 Staff and Commissioners should be identified by title and name.
- 11.3.2 The vote on each item will list the vote of Commissioners present and will also list those Commissioners absent. This is done because the Minutes are filed by Item and when a matter goes to the Town Council they only receive the Minutes pertaining to the Item in question.
- 11.3.3 Consent Items appear in the Minutes in the same order as they appear on the agenda and the vote on the Consent Item motion is repeated on each Item. If a Commissioner wishes to dissent on one or more Consent Items it must be announced at the time of voting.
- 11.4 Content of Minutes:
- 11.4.1 The Minutes will include a brief description of the item being considered (usually a restatement of the Item as it appears on the agenda).
- 11.4.2 The Minutes will include a listing of who speaks on the item by name and address, generally categorized as pro and con with a synopsis of the points raised. Specific comments may not be attributed to each speaker.
- 11.4.3 The Minutes will include the motion on the item with the maker and seconder identified and the vote.
- 11.4.4 The motion is shown in its entirety as restated by the Chair prior to the vote. All conditions and findings made by the maker of the motion are also shown.

11.4.5 Motions to amend and subsequent motions are also shown.

11.4.6 All motions shall be listed in the Minutes. Motions not receiving a second will be shown to die for lack of a second.

11.4.7 Comments and discussion made by a Commissioner or staff before a motion is made and seconded are not included in the Minutes.

11.4.8 Comments made by a Commissioner when speaking to a motion are included, but in summary form only.

11.4.9 Minority Reports. Comments made by a Commissioner against a motion will be included as stated above and automatically becomes a minority report. If a Commissioner wants a specific statement included as a minority report, it can be done in one of two ways:

- a. By stating immediately prior to or after a specific comment made during the meeting that it should be included in the Minutes.
- b. By announcing at the end of the item before the next item is commenced that the Commissioner desires to have a minority report included in the Minutes and that a written report will be submitted to the full Commission for information and inclusion with the draft Minutes.

11.4.10 If a Commissioner has an additional reason for wanting an item included in the Minutes, the Commissioner should state that "for the record" the comments should be included. This procedure should be used sparingly.

12.0 Recycling Program:

The Town is actively participating in recycling of paper. Commissioners are encouraged to:

- a. Return the brown envelopes (in which the packet is delivered) to the secretary.
- b. All Planning Commission reports dealing with issues that will go to Council should also be given to the secretary.
- c. All white paper that is no longer needed should be left in a neat pile on the floor or in the recycling bin provided.

13.0 Guidelines for Applicants:

13.1 All drawings must be clear and legible and must include the following, if applicable:

13.1.1 Project location relative to nearest arterial and collector street intersection.

13.1.2 Direction Arrow (north) on all relevant drawings, i.e.: site, topography.

- 13.1.3 To avoid confusion and increase legibility, site plan, grading plans, and landscape plans should be on separate drawings. Applicants should consult the Planning Department if they feel plans can be combined. A Commissioner may move to continue an item based on illegible plans, provided that such continuance will not result in automatic approval.
- 13.1.4 All building elevations should indicate whether they are N, S, E, or W.
- 13.1.5 All notations, including, dimensions, shall be readable without magnification whether reduced drawings or not. (Scale of buildings, etc., and contours to be determined by staff to assist the Commission for reviewing significant details.)
- 13.1.6 Any development which might have an impact on the solar accessibility of adjoining properties, all PDs and multiple family projects shall provide building and tree shadow plans based on shadows cast from 9 a.m. to 3 p.m. on December 21st to allow for evaluation of solar access protection of south roofs and walls.
- 13.1.7 All plant designations shall have common names as well as botanical names shown on Landscape Plans.
- 13.2 After the first DRC meeting, and if the staff determines it is necessary (for instance, in the case of applications for PD, multiple-residential, major commercial, industrial adjacent to a residential, or any application requiring an EIR, or likely to engender neighborhood controversy), staff shall advise the applicant to arrange to hold neighborhood meetings with both property owners and residents who will be affected by the applicant's proposed project (within 300 feet). This shall be accomplished prior to scheduling for a Planning Commission meeting and shall be for the purpose of averting conflicts at the Planning Commission level, i.e.: achieving satisfactory compromises. A summary of the neighborhood meeting should be included in the staff report.
- 13.3 Timing of Submissions:
- Once an application is scheduled for the Planning Commission, all submittals (drawings, reports, etc.) shall be provided to the Planning Department sufficiently in advance that they can be evaluated by Staff for completeness and be in the Commissioner's packets the Friday before the Commission's Wednesday meeting. Staff shall advise applicants that failure to provide materials on time will mean a continuance by the Planning Commission or possible denial if applicant refuses a continuance.
- 13.4 Town Policy for Handling Abandoned Applications:
- 13.4.1 Where there has been no activity for at least three (3) months, the applicants shall be notified in writing that the matter is being set for public hearing before the Planning Commission with a recommendation for denial.

13.4.2 If no additional response is received within 15 days of the date the letter is sent, or if the applicant advises staff that he decides not to pursue it, the application will be set for public hearing for denial/withdrawal as appropriate. No mailed notice will be made unless required by State law. The legal advertisement and the agenda shall note the recommended action and reason for such action.

13.4.4 A request to extend the processing time can be granted by the Planning Director at any time before the matter is set for public hearing. If after such an extension is granted, and there is still no satisfactory action to complete the application, the matter will automatically be set for public hearing as described under 2.0 above.

13.4.5 There shall be no fee refunds or off-sets on future applications.

13.5 Applications for Demolition of Housing:

Such applications shall be accompanied by a staff report prepared by Town Building Official which assesses the condition of the housing units in terms of compliance with the Health and Safety Codes (UBC, NEC, UPC, etc.) and what measures might be necessary to rehabilitate such housing.

13.6 Applications to cut down trees:

Such applications shall be accompanied by a report by the Superintendent of Parks and Forestry on the health and viability of the trees and a recommendation on the action the Commission should take.

13.7 Revocation and Modification Proceedings:

In Code Enforcement proceedings, the Planning Director is authorized to set public hearings for revocation and/or modification of zoning approvals.

14.0 Planning Commission Committees:

The Commission has several standing committees, and individual Commissioners also represent the Commission on a number of Council appointed committees as follows:

14.1 Commission Committees:

Architectural Standards/Hillsides Committee - Inactive
Noise Committee - Inactive
Policies and Procedures Committee - Inactive

14.2 Council created Committees:

General Plan Committee - 3 members
Historic Preservation Committee - 2 members
Conceptual Development Advisory Committee - 3 members

Committee members are appointed by the Chair at the next Commission meeting following the election. Committee terms are for one year.

RESOLUTION 2005 - 104

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
ADOPTING A CODE OF CONDUCT
FOR THE COLLECTION FRANCHISE PROCUREMENT PROCESS**

WHEREAS, the Town is a member of the West Valley Solid Waste Management Authority ("Authority"), a joint powers authority between the Town of Los Gatos and the Cities of Campbell, Monte Sereno, and Saratoga ("Member Agencies"); and

WHEREAS, the members of the Town Council are obligated to comply with the Political Reform Act of 1974 ("PRA") to control conflicts of interests through, among other things, disclosure of financial interests; and

WHEREAS, the Authority is in the process of requesting and receiving proposals for the collection and disposal of solid waste within the jurisdiction of the Authority ("Procurement Process"); and

WHEREAS, the Board of Directors of the Authority desires to maintain a professional process free from any undue influence and the appearance of impropriety by complying with the PRA and adopting additional regulations regarding the Procurement Process.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES HEREBY RESOLVE that the following Code of Conduct for the Collection Franchise Procurement Process is adopted:

Code of Conduct for the Collection Franchise Procurement Process

- A. **POTENTIAL CONFLICT OF INTEREST.** Each Board Member shall inform the Executive Director of the Authority and each elected official of the Member Agencies ("Elected Official") shall inform the staff of his or her Member Agency of any potential conflicts of interest regarding potential proposers for solid waste services for the Authority ("Potential Proposers"). Information regarding potential conflicts existing between January 1, 2005, and October 1, 2005, shall be disclosed no later than October 15, 2005. Information regarding potential conflicts arising after October 1, 2005 shall be provided within 10 days of the Board Member or Elected Official learning of the potential conflict.
- B. **CONTRIBUTIONS.** No Board Member or Elected Official shall accept any contributions by Potential Proposers from October 1, 2005, until January 1, 2007. Any contributions received between September 1 and October 1, 2005 shall be returned. Each Board Member and Elected Official shall disclose all past contributions from Potential Proposers to the Executive Director of the Authority.
- C. **PROHIBITED CONTACTS.** No Board Member or Elected Official shall have non-public meetings or conversations with Potential Proposers from October 1, 2005, until January 1, 2007, regarding the Procurement Process or any matters involving the Potential Proposers. However, this section shall not prohibit Board Members and Elected Officials from meeting with Potential Proposers for purely social reasons. All Board Members and Elected Officials shall refer any questions regarding the Procurement Process to the Executive Director of the Authority. Board Members and Elected Officials shall disclose to the Executive Director of the Authority any non-public meetings or conversations with Potential Proposers regarding the Procurement Process which occurred from January 1, 2005, until August 31, 2005. A "non-public" meeting is any meeting that has not been called and held in accordance with the Brown Act.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 3rd day of October, 2005 by the following vote:

COUNCIL MEMBERS:

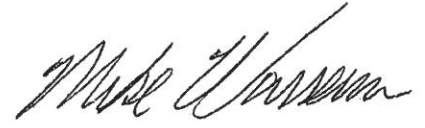
AYES: Steve Glickman, Diane McNutt, Joe Pirzynski, Barbara Spector, Mayor Mike Wasserman.

NAYS: None


ABSENT: None

ABSTAIN: None

SIGNED:


MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:


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

RESOLUTION 2014-059

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
AMENDING THE TRAFFIC IMPACT POLICY
AND RESCINDING RESOLUTION 1991-174**

WHEREAS, on August 5, 1991, the Town of Los Gatos adopted Resolution 1991-174 adopting a Traffic Impact Policy; and

WHEREAS, Chapter 15, Article VII of the Town of Los Gatos Town Code provides for the establishment of Traffic Impact Mitigation Fees; and

WHEREAS, on March 24, 2014, the Town Council at a duly noticed Public Hearing considered and took action on the specific amount to be charged for traffic mitigation fees; and

WHEREAS, on May 19, 2014, the Town Council adopted Resolution 2014-017 confirming actions taken by the Council on March 24, 2014 amending the Town's Traffic Impact Mitigation Fees; and

WHEREAS, on May 19, 2014, the Town Council, in conjunction with amending the Town's Traffic Impact Mitigation Fees also adopted a number of additional provisions related to the assessment of Traffic Impact Mitigation Fees, including provisions related to specialty retail uses, traffic credit for existing or former uses, secondary dwelling units, low income housing, and credit for payment and construction of Traffic Mitigation Improvement Projects; and

WHEREAS, a revision of the 1991 Traffic Impact Policy is needed to conform the Town's Traffic Impact Policy with the recent changes to the Town's Traffic Impact Mitigation Fees enacted with the adoption of Resolution 2014-017.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Los Gatos, County of Santa Clara, State of California that the attached Traffic Impact Policy (Exhibit A), dated August 19, 2014 is hereby adopted.

FURTHER RESOLVED, this resolution rescinds provisions of Resolution No. 2002-175 related to Community Benefit offerings for projects generating more than five new peak hour trips.

FURTHER RESOLVED, the elimination of Community Benefit shall only apply to traffic impacts and not to Community Benefit requirements for projects set forth elsewhere in Council Policy or Town Code.

FURTHER RESOLVED, this resolution rescinds Resolution No. 1991-174.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos held on the 19th day of August, 2014 by the following vote:

COUNCIL MEMBERS:

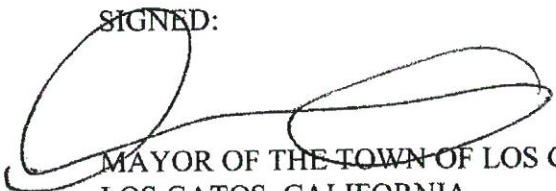
AYES: Marcia Jensen, Diane McNutt, Joe Pirzynski, Barbara Spector, Mayor Steven Leonardis

NAYS:

ABSENT:


ABSTAIN:

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:



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

Exhibit A

TOWN OF LOS GATOS
TRAFFIC IMPACT POLICY
Approved August 19, 2014

I. DEFINITIONS

Average Daily Trips. Average Daily Trips (ADT) are the total number of trips, both in-bound and out-bound, within a 24 hour weekday period, generated by a particular use or development.

Pass-By Trip. Trips generated by the proposed Project that would be attracted from traffic passing the proposed project site on an adjacent street that contains direct access to the Project.

Peak Hour Trip. Peak Hour Trips are vehicle trips, both in-bound and out-bound, occurring during a one hour period either during the A.M. Peak (7 A.M. to 9 A.M.) or the P.M. Peak (4 P.M. to 6 P.M.), generated by a particular use or Project.

Project. A Project subject to this policy encompasses all land use development projects affecting the built environment, including changes in occupancy or intensification of existing uses, over which the Town has administrative or legislative authority, that require review and approval and issuance of a building permit, certificate of use or occupancy, or other land use approval by Town staff, Commissions, or Council.

Specialty Retail. Specialty Retail uses are defined as walk-in and impulse businesses such as juice bars, yogurt shops, coffee shops, donut shops, and similar uses which do not generally serve meals and have limited or no seating. Specialty Retail uses are defined under this policy for purposes of establishing trip generation data and this definition does not provide any land use or zoning guidance.

II. GENERAL CONDITIONS AND APPLICABILITY

1. This policy is intended to provide guidance to Town staff and the development community in implementing the provisions of the Town Municipal Code, Chapter 15, Article VII, Traffic Impact Mitigation Fees.
2. Projects that are determined by the Town to generate one or more new net Average Daily Trips are subject to this policy.
3. Projects that will generate 20 or more new Peak Hour Trips shall be required to complete a comprehensive traffic impact analysis report as described in more detail in Section VI, TRAFFIC IMPACT MITIGATION REPORT.
4. Consistent with Transportation Impact Analysis (TIA) Guidelines adopted by the Santa Clara County Transportation Authority (VTA) Congestion Management Program, Pass-by Trips shall not be considered in calculating the 20 new Peak Hour Trip threshold that triggers the requirement for conducting a comprehensive traffic impact analysis report.
5. In order to determine how much new traffic a Project will generate, the Town will use applicable trip generation rates and pass-by trip data from the most recent edition of the Institute of Traffic

Engineers (ITE) *Trip Generation Manual*. Alternatively, trip generation rates from the following resources may be used if determined by the Town to be more appropriate than the available ITE rates: San Diego Association of Governments (SanDAG); California Department of Transportation (Caltrans); or the City of San Jose. A Town-sponsored or peer-reviewed traffic study may also be used to determine trip generation rates.

6. Nothing in this Policy shall prohibit or restrict a Project applicant from completing a traffic study for a Project anticipated to generate less than 20 new Peak Hour trips.

III. TRAFFIC IMPACT MITIGATION FEES

1. All Projects that generate one or more new Average Daily Trips are required to pay Traffic Impact Mitigation Fees.
2. All required Traffic Impact Mitigation Fees shall be paid in full to the Town in association with and prior to issuance of a building permit. If no building permit is required, the fee shall be paid in full prior to issuance of a certificate of use and occupancy, or similar entitlement. The amount due shall be calculated based on the fee in place as approved by the Town Council by resolution at the time the fee is paid.
3. The per trip amount of the fee shall be as set forth by the Town Council by resolution, pursuant to Town Municipal Code, Chapter 15, Article VII, Traffic Impact Mitigation Fees.
4. Fees shall be calculated by multiplying net new ADT by the per trip amount in place at the time the fees are paid.
5. ADT shall be determined by using the applicable trip generation rate and pass-by trip data from the most recent edition of the Institute of Traffic Engineers (ITE) *Trip Generation Manual*. When a use is not listed in the ITE *Trip Generation Manual*, or where ADT data is not available, the Town Traffic Engineer shall use available Peak Hour Trip data or select the most appropriate trip generation rate and pass-by trip classification for use in calculating ADT. Trip generation rates from alternate sources may be used if determined by the Town Traffic Engineer to be more appropriate than the available ITE rates. Examples of alternate sources of data include: San Diego Association of Governments (SanDAG); California Department of Transportation (Caltrans); City of San Jose; comparable store/business traffic studies.

IV. CREDIT FOR EXISTING TRIPS

1. In calculating new Peak Hour Trips for purposes of determining whether or not a traffic impact analysis report is required pursuant to this Policy, trip credit shall be granted for an existing use or the most recent former use within the past five years prior to submittal of a Project application.
2. In calculating new Average Daily Trips for purposes of determining the amount of the Traffic Impact Mitigation Fee due, trip credit shall be granted for an existing use or the most recent former use within the past five years prior to submission of a Project application.

3. Where the property is vacant, the most recent former use within the past five years prior to submission of a Project application shall be used. If the property has been vacant for more than five years, no credit shall be given. Vacancy for purposes of Fee Credit shall include any vacant or unoccupied property, structure or building where no active, approved use is currently present.
4. Where a portion of the space is changing use, credit will apply to the proportionate square footage of the space under review.
5. Where the change in use results in fewer trips than the existing or former use, no credit or refund will be due the applicant.

V. CREDIT FOR TRAFFIC MITIGATION IMPROVEMENTS

1. Credit against Traffic Impact Mitigation Fees due shall be granted up to the amount of the Estimated Project Cost shown on Attachment 1, Town of Los Gatos Traffic Mitigation Improvements Project List, for any listed projects for which the developer, as a condition of approval, is required to either construct at the developer's sole cost, or contribute a fixed or percentage amount of funding toward future construction of the listed improvement. Where construction is fully funded and completed by the developer, said credit shall be equal to the Project Cost as shown in Attachment 1. Where payment is a fixed amount or a percentage of Project Cost, credit shall be equal to the actual amount due, whether the project is constructed by the developer or others.
2. No credit shall be given for any public right-of-way dedication required for completion of projects listed on Attachment 1.
3. Credit will be given on a case-by-case basis and shall not exceed the impact fee payable. Any request for credit shall be made prior to the payment of the Traffic Impact Mitigation Fees. No credit shall be given for installation of Town-standard frontage improvements, Project access improvements, or internal circulation improvements.
4. Credit shall only be granted for payment of costs or construction of projects listed in Attachment 1, unless otherwise approved by the Town Council.

VI. TRAFFIC IMPACT ANALYSIS REPORT

1. Traffic impact analysis reports required pursuant to this policy shall be prepared consistent with the Transportation Impact Analysis (TIA) Guidelines adopted by the Santa Clara County Transportation Authority (VTA) Congestion Management Program (August 2009), or as such Guidelines may be amended or updated from time to time, except that the threshold for preparation of a traffic report under this policy is 20 new Peak Hour trips, whereas the VTA TIA threshold is 100 new Peak Hour Trips.
2. Traffic impact analysis reports shall be funded in full by the project applicant. Project applicants shall deposit funds with the Town in an amount deemed necessary to cover the cost of an independent consultant report, plus staff administrative and review costs. Following deposit of funds, the Town will hire a professional transportation consultant to complete the required study.

Alternatively, the project applicant may hire their own professional engineering or transportation consultant to complete a traffic study, in which case they must deposit with the Town funds sufficient for the Town to hire a professional firm to conduct a peer review of the applicant-prepared traffic report, plus staff administrative and review costs.

3. The Town shall conduct an open, competitive process to establish a list of firms which are qualified to prepare traffic reports and/or conduct peer review of traffic studies under contract to the Town. The list of firms shall be selected in accordance with the Town Purchasing Policy. A new list shall be created at a minimum of once every five years.

VII. OTHER PROVISIONS

1. The Institute of Traffic Engineers (ITE) *Trip Generation Manual* trip generation rates for Specialty Retail Center shall apply to all Specialty Retail uses as defined in this policy.
2. A secondary dwelling unit with a floor area of six hundred square feet or less shall be exempt from this policy.
3. The Town Council may exempt housing developments for very low, low and moderate income residents (as defined by Town Ordinance, General Plan, or statute) from all or a portion of the traffic impact mitigation fee upon making a finding that the development provides a significant community benefit by meeting current needs for affordable housing.

Attachment 1

Town of Los Gatos Traffic Mitigation Improvements Project List

Source	Description	Estimated Project Cost (2014 \$)	Growth Related Project Cost	Mitigation Impact Fee Eligible Cost
GP/VTP 2035	Blossom Hill Rd and Union Ave Intersection Improvements	\$ 1,200,000	90.00%	\$ 1,080,000
GP/VTP 2035	Los Gatos - Almaden Rd Improvements	\$ 3,000,000	50.00%	\$ 1,500,000
GP/VTP 2035	Los Gatos Blvd Widening - Samaritan Dr to Camino Del Sol - Road widening, new sidewalks and bike lanes	\$ 4,000,000	50.00%	\$ 2,000,000
GP/VTP 2035	Union Ave Widening and Sidewalks - complete ped and bike routes	\$ 3,000,000	50.00%	\$ 1,500,000
GP/VTP 2035	Wood Rd Gateway on Santa Cruz Ave - roundabout	\$ 1,200,000	50.00%	\$ 600,000
GP/VTP 2035	Central Traffic Signal Control System	\$ 750,000	9.68%	\$ 72,600
GP/VTP 2035	Hwy 9 Los Gatos Creek Trail connector - new path and bridge for	\$ 1,000,000	50.00%	\$ 500,000
GP/VTP 2035	Hwy 9/N Santa Cruz Ave Intersection Improvements	\$ 1,400,000	90.00%	\$ 1,260,000
CIP	Roberts Road Improvements from bridge to University	\$ 600,000	50.00%	\$ 300,000
CIP	Pollard Road Widening from Knowles to York Avenue	\$ 2,500,000	50.00%	\$ 1,250,000
CIP	Sidewalks infill - Van Meter, Fischer and Blossom Hill Schools	\$ 1,000,000	50.00%	\$ 500,000
CIP	Winchester Blvd/Lark Avenue Intersection Improvements	\$ 850,000	90.00%	\$ 765,000
CIP	Westbound Lark to Hwy 17 northbound ramps - add two right-turn	\$ 3,750,000	90.00%	\$ 3,375,000
CIP	Unfunded Deferred Street Maintenance (Annual PMS Survey)	\$ 10,500,000	9.68%	\$ 1,016,400
GP	Lark/Los Gatos Intersection Improvements - Add Third Left Turn Lanes for Eastbound and Northbound Approaches	\$ 1,200,000	90.00%	\$ 1,080,000
GP	Complete Street Improvements - Lark from Garden Hill to Los Gatos	\$ 2,100,000	50.00%	\$ 1,050,000
GP	Complete Street Improvements - SR 9 from University to Los Gatos	\$ 650,000	50.00%	\$ 325,000
GP	Complete Street Improvements - Blossom Hill Road from Old Blossom Hill Road to Regent Drive	\$ 3,000,000	50.00%	\$ 1,500,000
GP	Complete Street Improvements - Knowles from Pollard to Winchester	\$ 2,000,000	50.00%	\$ 1,000,000
GP	Complete Street Improvements - Winchester from Blossom Hill to Lark	\$ 1,500,000	50.00%	\$ 750,000
GP	Blossom Hill Road widening over Highway 17	\$ 2,000,000	50.00%	\$ 1,000,000
GP	Local Bikeway Improvements	\$ 750,000	50.00%	\$ 375,000
Total		\$ 47,950,000		\$ 22,799,000

Notes:
VTP = Valley Transportation Plan, 2035 by Santa Clara Valley Transportation Authority.
Town CIP = Town of Los Gatos, Capital Improvement Program and pending construction project list.
Source: Town of Los Gatos.

RESOLUTION 2001 - 106

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
AMENDING THE TOWN'S ALCOHOLIC BEVERAGE POLICY**

WHEREAS, the sale of alcoholic beverages, if not regulated, can jeopardize public safety, result in an increase of calls for police services and compromise the quality of life for Town residents; and

WHEREAS, The Town Council wants to balance the regulation of alcoholic beverage service and protection of residential neighborhoods with the goal of maintaining a vibrant and successful Downtown and commercial areas throughout Los Gatos; and

WHEREAS, the Town Council held a study session on July 2, 2001 to discuss issues relating to service of alcoholic beverages; and

WHEREAS, the Town Council has indicated a desire to review all applications for new alcohol service or change in existing service, and a need to amend the existing Alcohol Policy,

THEREFORE BE IT RESOLVED: the Town Council of the TOWN OF LOS GATOS does hereby adopt the amended Alcoholic Beverage Policy attached hereto as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 17th day
of September, 2001, by the following vote:

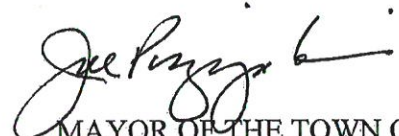
COUNCIL MEMBERS:

AYES: Randy Attaway, Steven Blanton, Sandy Decker, Steve Glickman,
Mayor Joe Pirzynski.

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
LOS GATOS, CALIFORNIA

**POLICY REGULATING THE CONSUMPTION AND
SERVICE OF ALCOHOLIC BEVERAGES**

I. Purpose

The consumption or service of alcoholic beverages, if not regulated, can jeopardize public safety, result in an increase of calls for police services and compromise the quality of life for Town residents. This policy provides parameters for alcoholic beverage service, particularly addressing late night service when alcohol related incidents are most likely to occur and when the disturbances to Town residents is least tolerable.

The service of alcoholic beverages, with or without meals, past 10 PM is a discretionary privilege to be determined on a case by case basis. The following provisions are intended to balance the protection of residential neighborhoods in close proximity to commercial districts and still maintain the viability of our commercial centers in which restaurants have an essential role. Hours of operation may be regulated based on an establishment's proximity to residential neighborhoods or schools, the concentration of establishments in an area serving alcoholic beverages or for other reasons that may arise at the public hearing.

The deciding body may approve a conditional use permit to serve alcoholic beverages based on the merits of the application and subject to the following requirements:

II. General policy

1. The Town shall continue to strongly discourage new applications for stand alone bars or restaurants with separate bars.
2. The Town shall continue to discourage applications for entertainment establishments serving alcoholic beverages.
3. Entertainment in association with an eating or drinking establishment may be allowed if standards and a permit process are adopted.
4. Alcoholic beverage service for new conditional use permit applications or applications for modification of a conditional use permit shall not be allowed:
 - A. After 11 PM Sunday through Thursday, except for holidays and evenings before holidays.
 - B. After 1 AM Friday, Saturday, holidays or evenings before holidays.

An existing establishment with a conditional use permit in good standing allowed to serve alcoholic beverages past the hours stated above may continue to operate under their existing hours of operation.

5. Any establishment serving alcoholic beverages shall be subject to the following:
 - A. Uniformed privately provided security guards may be required in or around the premises by the Chief of Police if alcohol related problems recur that are not resolved by the licensed owner.
 - B. At the discretion of the Chief of Police, periodic meetings will be conducted with representatives from the Police Department for on-going employee training on alcoholic beverage service to the general public.
 - C. All establishments shall use an employee training manual that addresses alcoholic beverage service consistent with the standards of the Californian restaurant Association.
 - D. All licensed operators shall have and shall actively promote a designated driver program such as complimentary non-alcoholic beverages for designated drivers.
 - E. Taxicab telephone numbers shall be posted in a visible location.
6. The deciding body shall make the following findings prior to approving an application for conditional use permit to serve alcoholic beverages past 10PM:
 - A. Late night service will not adversely impact adjacent residential neighborhoods.
 - B. The applicant does not have a history of complaints and non-compliance with local ordinances or the Alcoholic Beverage Policy.
 - C. The applicant has demonstrated a clear benefit to the community.
7. A meal is defined as a combination of food items selected from a menu (breakfast, lunch or dinner). Appetizers such as popcorn, nachos, pretzels, potato skins, relish trays, etc. (hot or cold) are not meals.
8. Alcoholic beverage service in approved outdoor seating areas may be permitted if adequate separation from public areas is provided as determined by the Town Manager. The separation shall clearly suggest that alcohol is not allowed outside the restaurant seating area.

III. Specific Policy

1. Restaurants:

Alcoholic beverages may only be served with meals.

2. Restaurants With Separate Bars:

Alcoholic beverage service is permitted in the dining area only in conjunction with meal service. Meal service shall be available until closing or 11 PM Sunday through Thursday and until 12 midnight Friday, Saturday, holidays and evenings before holidays, whichever is earlier, if late night bar service is available. Specific hours of operation for each establishment are determined upon issuance of a conditional use permit.

IV. Review Process

1. Proposals for new bars or restaurants with bars and all requests for new alcohol service or a change to existing service shall be reviewed by the Planning Commission. The Commission will make a recommendation to the Town Council and the Council shall have final review authority.
2. Changes in ownership for businesses involving service of alcoholic beverages shall be reviewed by the Community Development Department. The following process will be followed:
 - a. The Director of Community Development shall contact the new business owner to make them aware of the conditions of approval attached to the Use Permit for the location.
 - b. One year following issuance of a business license, surrounding/impacted property owners shall be notified and any comments regarding the operation of the business shall be solicited.
 - c. If the Director of Community Development becomes aware of any alcohol related impacts on the surrounding neighborhood, the Director shall review the operation of the business to determine whether there is a violation of the use permit.

- d. If there are violations of the use permit that have not been voluntarily corrected by the business owner the matter will be forwarded to the Planning Commission for public hearing pursuant to Section 29.20.310 of the Zoning Ordinance.
- e. Pursuant to Section 29.20.315 of the Zoning Ordinance the Planning Commission may revoke or modify the conditional use permit if it finds that sufficient grounds exist.

IV. Enforcement

All conditional use permits issued to establishments for alcoholic beverage service on-site shall be subject to Section 29.30.310(b) of the Town Code authorizing the Town Manager to take enforcement action if it is determined that the sale of alcohol has become a nuisance to the Town's public health, safety or welfare. Enforcement of section 29.20.310(b) of the Town Code will be based on, but not limited to, the following factors:

- I. The number and types of calls for service at or near the establishment ~~which that~~ are a direct result of patrons actions;
- II. The number of complaints received from residents ad other citizens concerning the operation of an establishment;
- III. The number of arrests for alcohol, drug, disturbing the peace, fighting and public nuisance violations associated with an establishment;
- IV. The number and kinds of complaints received from the State Alcoholic Beverage Control office and the County Health Department;
- V. Violation of conditions of approval related to alcoholic beverage service.

The Alcoholic Beverage Policy is not to be construed to be a right of development. The Town retains the right of review and approval (or denial) of each project based on its merits.

NADEV\SUZANNE\Council\Alcohol Policy\2001alcohol policy.wpd

RESOLUTION 2013-001

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
ESTABLISHING A SUBORDINATION POLICY FOR
THE BELOW MARKET PRICE HOUSING PROGRAM**

WHEREAS, the Town of Los Gatos Zoning Ordinance Sections 29.10.3000 through 29.10.2040 establishes a Below Market Price (BMP) Housing Program to assist low and moderate income Los Gatos citizens to purchase homes at prices below market value; and

WHEREAS, the program requires construction of dwellings that persons and families of low and moderate income can afford to rent or buy, and assures to the extent possible that the resale prices of those dwelling units and rents, if they are rented, will be within the means of persons and families of low and moderate income; and

WHEREAS, the Program helps the Town meet State mandated housing goals; and

WHEREAS, systemic changes in the broader housing and finance markets due to the “Great Recession” have caused lenders to tighten their loan underwriting requirements and require higher recorded lien positions for their loans in the event of foreclosures; and

WHEREAS, the Town has identified the need to establish a Subordination Policy for the BMP Housing Program to reflect the changes that have occurred in the housing and finance markets; and

WHEREAS, this resolution establishes a Subordination Policy for the Town of Los Gatos BMP Housing Program in order to ensure that BMP buyers are able to obtain necessary lender financing to purchase available units and maintain the Town’s ability to retain units for the longest feasible time possible.

NOW, THEREFORE, BE IT RESOLVED, AND IT IS HEREBY RESOLVED, that
Town Council of the Town of Los Gatos adopts the Town of Los Gatos Below Market Price
Housing Program Subordination Policy attached as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los
Gatos, California, held on the 22nd day of January 2013, by the following vote:

COUNCIL MEMBERS:

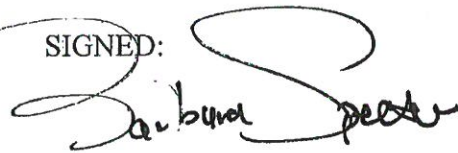
AYES: Marcia Jensen, Steven Leonardis, Diane McNutt, Joe Pirzynski, and Mayor Barbara Spector

NAYS:

ABSENT:

ABSTAIN:

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:



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

**TOWN OF LOS GATOS
BELOW MARKET PRICE HOUSING PROGRAM
SUBORDINATION POLICY**

In order to facilitate the on-going purchase of Below Market Price (BMP) for-sale units by eligible Lower and Moderate Income households and to allow for the preservation of the BMP units in Town's affordable housing stock for the longest feasible time, the Town Council of the Town of Los Gatos establishes this Subordination Policy for the BMP Housing Program.

1. The Town Manager or designee is authorized by the Town Council to execute a Subordination Agreement with a lender providing financing for a BMP for-sale property subject to the following requirements:
 - A. The Town's Deed Restriction shall be recorded immediately after the Grant Deed transferring ownership to the BMP buyer.
 - B. The lender must be a bona fide financial institution subject to the banking laws and regulations of the United States government.
 - C. The lenders loan shall be for a fixed term and fixed rate with no balloon payments.
 - D. The amount of the lender's purchase loan cannot exceed the designated BMP sales price.
 - E. The Subordination Agreement shall require the lender to promptly notify the Town upon the occurrence of a default event for the lender's loan.
 - F. The Subordination Agreement shall require the lender to timely provide the Town copies of all delinquency notices, late payment, and courtesy correspondences that are sent to the homeowner/borrower.
 - G. The Subordination Agreement shall provide the Town a minimum 180-day period to be able to cure a default of the lender's loan, and if necessary pay off the lender's loan and purchase the property from the buyer prior to foreclosure.
 - H. The Subordination Agreement shall note that the 180-day cure period shall commence upon receipt of the Town's receipt of a Notice of Default on the lenders loan.
 - I. The Borrower shall pay any applicable application or processing charges established by the Town to offset its costs related to the provision of the requested Subordination Agreement (e.g. staff time, materials, etc.)
 - J. The Subordination Agreement shall be for the specific purchase loan being provided by the lender and only for the loan documents recorded at the time of initial purchase.
2. The Town Council may consider approval of a Subordination Agreement for a lender refinance loan for an existing BMP unit provided that all the following requirements are satisfied:

- A. The proposed refinance loan is consistent with the BMP Housing Program Guidelines.
- B. The proposed refinance loan is only for a lower rate or term and will result in lower monthly payments to benefit the homeowner.
- C. The proposed refinance loan amount is equal to or less than the amount of the outstanding loan balance of the existing loan (i.e. no cash out to homeowner).
- D. The homeowner has attempted to obtain a refinance loan from other lenders and has provided the Town documented evidence that a refinance loan cannot be obtained from any lender without the Town's approval of a Subordination Agreement.
- E. Satisfaction of Policy Items Section 1A through 1I.

RESOLUTION 2005 - 037

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
ADOPTING GUIDELINES FOR MODIFICATION OF USE**

This resolution establishes the criteria that will be used to evaluate a modification of use pursuant to Zoning Ordinance Section 29.20.200.

RESOLVED:

A conditional use permit (CUP) is intended to allow the establishment of those uses that have unique characteristics or special form such that their effect on the surrounding environment must be evaluated for a particular location. The CUP process allows for review of the location, design, configuration of improvements and potential impact on the surrounding area. Once a CUP has been granted it runs with the land. Modifications to a property with a valid CUP may be considered when an application has been filed for Architecture & Site approval or a building permit has been requested, providing there is no material adverse impact or substantial departure from the plans that were the basis for the CUP.

1. The following are examples of changes that would be considered a material adverse impact on the surrounding area:
 - a. Requirement for environmental review under the California Environmental Quality Act (CEQA)
 - b. Conflicts with General Plan goals and/or policies
 - c. An increase in outdoor noise levels that would exceed the limits set by the Town's Noise Ordinance
 - d. Non-compliance with the Commercial Design Guidelines
 - e. Changes to the operational aspects of the business that conflict with Planning Commission or Council conditions of approval (example, increasing hours of operation)
 - f. Inconsistency with all applicable provisions of the Zoning Ordinance and the spirit and intent of the original approval
2. Examples of changes that are a substantial departure from plans that were the basis of the conditional use permit approval are those that result in any of the following:
 - a. Conflicts with operational conditions of approval
 - b. Adds land area to the property for which the use permit was granted
 - c. Results in a parking or traffic impact to other properties in the area
 - d. Conflicts with applicable provisions of the Town Code
 - e. Conflicts with General Plan Goals and/or Policies
 - f. Results in a change relative to service of alcoholic beverages

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 18th day of April, 2005, by the following vote:

COUNCIL MEMBERS:

AYES: Steve Glickman, Diane McNutt, Joe Pirzynski, Barbara Spector
Mayor Mike Wasserman

NAYS: None

ABSENT: None

ABSTAIN: None

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:



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

RESOLUTION 2005 - 038

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
ADOPTING A POLICY ON
MINOR ALTERATIONS TO COMMERCIAL BUILDINGS**

WHEREAS, the Town of Los Gatos is updating its commercial development standards and guidelines, and

WHEREAS, the Zoning Ordinance allows approval of minor projects by the Development Review Committee (DRC); and

WHEREAS, there is no definition of a minor project; and

WHEREAS, adoption of a policy defining minor projects will help provide clear direction to developers and business owners processing development applications (General Plan Goal L.G.7.2 and Implementing Strategy L.I.7.4) and will assist staff; and

WHEREAS, the General Plan Committee recommends that the policy on Minor Alterations to Commercial Buildings be adopted; and

WHEREAS, the Planning Commission has held a public hearing and forwarded a recommendation for adoption of the same document;

THEREFORE BE IT RESOLVED: the Town Council of the TOWN OF LOS GATOS does hereby adopt the policy on Minor Alterations to Commercial Buildings (attached as Exhibit A).

FURTHER RESOLVED, the policy shall apply to all development applications that have not been approved prior to adoption of the document.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 18th day of April, 2005, by the following vote:

COUNCIL MEMBERS:

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

NAYS: Barbara Spector

ABSENT:

ABSTAIN:

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:



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

**TOWN COUNCIL POLICY
TOWN OF LOS GATOS**

Subject: Minor Alterations to Commercial Buildings

Enabling Action:
2005-

Page 1 of 2

Approved:

Effective
Date:

Mike Wasserman, Mayor

PURPOSE:

Section 29.20.745(8) of the Zoning Ordinance states that the Development Review Committee (DRC) shall “determine and issue zoning approval for minor exterior alterations to commercial buildings”. The purpose of this policy is to define “minor exterior alterations” to commercial buildings that may be approved by the DRC as set forth in Section 29.20.745(8) of the Zoning Ordinance. To assist in the redevelopment of commercial buildings, the Town has created a streamlined review process for minor commercial improvement projects that comply with the Commercial Design Guidelines.

The following shall be used by staff when reviewing plans for minor exterior alterations to commercial buildings to determine if proposed projects can take advantage of the streamlined review process.

EXAMPLES OF MINOR ARCHITECTURAL IMPROVEMENTS:

The following are examples of minor architectural improvements that may be decided by the Development Review Committee (DRC) after considering public input at a duly noticed public hearing:

1. Replacing or changing out windows
2. Replacing or adding awnings
3. Changes to or addition of arcades
4. Replacement of or changes to exterior materials
5. Small scale additions (may not result in an increase of more than four peak hour trips)

DEFINITION:

For projects that include small scale additions, a minor commercial project is one which is in full compliance with the Town's Commercial Design Guidelines and Town Code and does not result in an intensification of use as described in Section 29.30.200 of the Zoning Ordinance or more than a minor increase in traffic as described in the Town's Traffic Impact Policy.

The Director of Community Development or the Development Review Committee may refer any minor commercial project to the Planning Commission if it is not in compliance with the Commercial Design Guidelines, there are impacts to surrounding properties that cannot be resolved by the DRC, or as otherwise deemed appropriate.

RESOLUTION 1993-62

RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
ADOPTING A DEVELOPMENT POLICY FOR IN-FILL PROJECTS

WHEREAS, the Town is primarily built out and the balance of undeveloped land consists predominantly of in-fill parcels; and

WHEREAS, it is important that these in-fill parcels are development compatible with surrounding neighborhoods.

RESOLVED: the Town Council hereby adopts a development policy for in-fill projects attached to this resolution as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 3rd day of May, 1993, by the following vote:

COUNCIL MEMBERS:

AYES: Randy Attaway, Steven Blanton, Linda Lubeck, Patrick O'Laughlin,
Mayor Joanne Benjamin

NAYS: None

ABSENT: None

ABSTAIN: None

SIGNED: /s/ Joanne Benjamin
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

/s/ Marian V. Cosgrove
CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DEVELOPMENT POLICY FOR IN-FILL PROJECTS

1. In-fill projects should contribute to the further development of the surrounding neighborhood (i.e. improve circulation, contribute to or provide neighborhood unity, eliminate a blighted area, not detract from the existing quality of life).
2. An in-fill project should be designed in context with the neighborhood and surrounding zoning with respect to the existing scale and character of surrounding structures, provide comparable lot sizes and open space, consider garage placement, setbacks, density, provide adequate circulation and on-street parking. In-fill development should blend rather than compete with the established character of the area.
3. Corridor lots may be considered if it decreases the amount of public street and is consistent with objects #1 and #2. It must be demonstrated that a benefit to surrounding properties is being provided.
4. The Planned Development process should only be used to accomplish objects #1 and #2. The applicant shall demonstrate the benefit of a Planned Development through excellence in design.
5. Approval of an in-fill project shall demonstrate a strong community benefit and findings of benefit shall be part of the record.
6. Recommend that any new development proposal be reviewed by the Conceptual Development Advisory Committee.

C32\MISC\IN-FILL

EXHIBIT A

RESOLUTION NO. 1983-218

RESOLUTION ADOPTING ENVIRONMENTAL REVIEW PROCEDURES

RESOLVED, under the provisions of Public Resources Code Sections 21000 et seq (California Environmental Quality Act of 1970) that the provisions of the State EIR Guidelines (as amended) are hereby incorporated by reference and adopted as the Town of Los Gatos procedures for the evaluation of projects and the preparation of environmental impact reports.

FURTHER RESOLVED, that the procedures shown on the attached chart entitled "Town's CEQA Process" are established as the procedures for the Town of Los Gatos under the provisions of the California Environmental Quality Act.

FURTHER RESOLVED, this resolution is effective December 1, 1983.

FURTHER RESOLVED, this resolution repeals the procedures established by the previous resolutions 1973-38, 1973-70, 1973-164, 1975-90, 1976-161.

PASSED AND ADOPTED at a continued regular meeting of the Town Council of the Town of Los Gatos held on the 24th day of October, 1983, by the following vote:

AYES: COUNCIL MEMBERS Joanne Benjamin, Eric D. Carlson, Terrence J. Daily and Thomas J. Ferrito

NOES: COUNCIL MEMBERS None

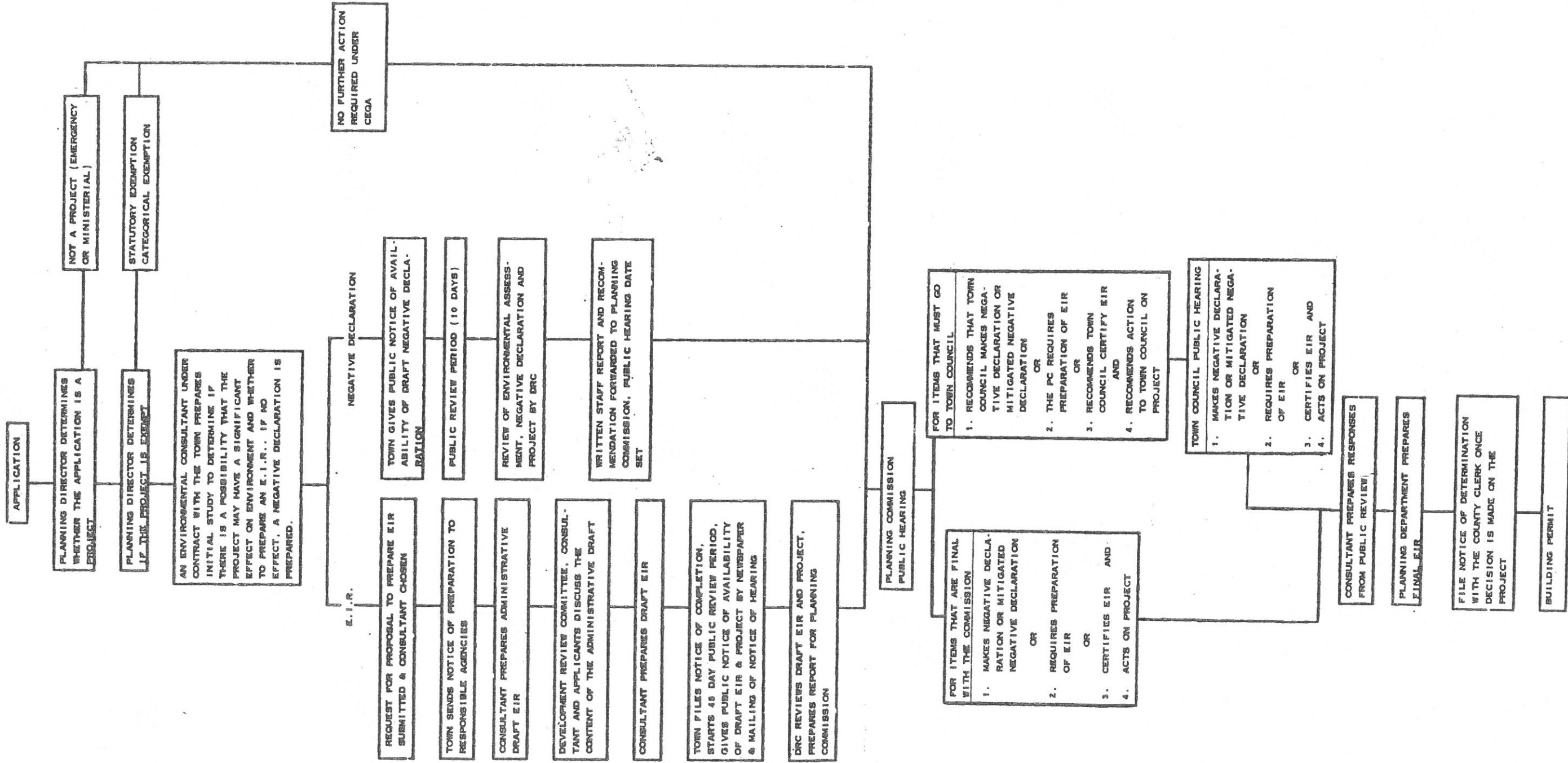
ABSTAIN: COUNCIL MEMBERS None

ABSENT: COUNCIL MEMBERS Mayor Brent N. Ventura

SIGNED: /s/ Thomas J. Ferrito
VICE-MAYOR OF THE TOWN OF LOS GATOS

ATTEST:

/s/ Rose E. Aldag (seal)
CLERK OF THE TOWN OF LOS GATOS



NOTE . 1. AT ANY POINT IN THE PROCESS THE DECIDING BODY MAY DETERMINE THAT THE NEGATIVE DECLARATION IS NOT APPROPRIATE AND REQUIRE AN ENVIRONMENTAL IMPACT REPORT

2. CATEGORICAL EXEMPTION SECTION NOTED ON STAFF REPORT

RESOLUTION 2009-103

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
AMENDING PUBLIC ART SELECTION POLICIES AND PROCEDURES
AND RESCINDING RESOLUTION 1992-78**

WHEREAS, the Town of Los Gatos has a Public Art Selection Program allowing it to commission art work and to accept art work on loan and as gifts; and

WHEREAS, the Town Council of the Town of Los Gatos wishes to revise its policies and procedures which govern the Public Art Selection Program.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Town of Los Gatos Public Art Selection Policy and Procedure (Exhibit A) is hereby adopted; and
2. Resolution 1992-78 is hereby rescinded.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 21st day of September, 2009, by the following vote:

COUNCIL MEMBERS:

AYES: Diane McNutt, Joe Pirzynski, Steve Rice, Barbara Spector, Mayor Mike Wasserman

NAYS:

ABSENT:

ABSTAIN:

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:



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

**TOWN OF LOS GATOS
PUBLIC ART SELECTION POLICY AND PROCEDURE**

I. PURPOSE

The purpose of this policy is to provide a process through which the Town of Los Gatos (hereinafter Town) can accept art work on loan or as a gift as part of a Public Art Program. The policy also provides guidance to the Town and the Town of Los Gatos Arts and Culture Commission (hereinafter Commission) for purchasing existing art work and for commissioning artists to create new art work for the Town.

II. SCOPE

This policy applies to the installation of all art work loaned, gifted, purchased, or commissioned by the Town for public display. A separate process may be implemented for the installation of art work in a new Town facility or related to any Town construction project.

The Town Manager is hereby authorized to accept loans and/or gifts to the Town of art work that is valued at or below five thousand dollars (\$5,000), and that, if a loan, will be loaned to the Town for a period of five (5) years or less.

- A. All purchases and commissions by the Town of art work must be considered through the procedures outlined below in Section IV, Procedure.
- B. All loans and/or gifts to the Town of art work that is valued at more than five thousand dollars (\$5,000) and/or that, if a loan, will be loaned to the Town for a period of more than five (5) years, must be considered through the procedures outlined below in Section IV, Procedure.

III. Policy

The Town plans for public installation of art work. It is the objective of the Public Art Program to provide the community with the opportunity to enjoy access to a variety of art work and to work with a variety of artists over time. Local Los Gatos artists shall receive preferred consideration under the Public Art Program. Artists and art work from other geographic regions shall also be considered for inclusion.

IV. Procedure

- A. Art work which is to be considered for public installation shall be first reviewed by the Public Art Subcommittee (hereinafter Subcommittee), a subcommittee of the Commission. The Subcommittee shall meet only on an as-needed basis in order to consider art work under the scope of this Public Art Policy. The Subcommittee shall develop a written recommendation to the Commission. The recommendation shall include one or more proposed locations for placement of the proposed art work.
 - 1. Should the Subcommittee find that the proposed installation might have an impact on a Town park, the Subcommittee shall solicit a written recommendation from the Town of Los Gatos Parks Commission, which shall be included in the Subcommittee's recommendation to the Commission.

- B. The Commission shall consider the written recommendation of the Subcommittee at a public meeting. If the Commission finds that the proposed installation would have an impact on an identifiable section of the Los Gatos community, the Commission may also hold a community meeting. The Commission shall develop a written recommendation to the Town Council.
- C. The Town Council shall consider the written recommendation of the Commission at a public meeting. The Town Council shall make the final decision regarding a proposed public installation of art work, including its location.
- D. This procedure shall also be followed for consideration of renewal or non-renewal of loaned art work, and of the proposed deaccession of art work.

V. **Criteria and Conditions for Selection**

- A. The Town shall make no promises to exhibit art work permanently or to maintain art work as the property of the Town in perpetuity.
- B. The Town shall maintain a responsible collection, maintenance, and deaccession policy and procedure for art works which are accepted as part of the Town's Public Art Program.
- C. No acquisition shall be accepted without written permission and approval from the Town Council.
- D. Acceptance shall result in a contract between the donor or artist and the Town. (A contract for art work which is loaned will include a clearly defined period of time, with the lender retaining title to the art work.)
- E. The following shall be criteria for determining whether an art work is acceptable:
 - 1. **Aesthetics:** It shall be deemed to be an art work of lasting aesthetic value.
 - 2. **Quality:** There is inherent quality in the art work itself (i.e. art work shall not necessarily be accepted based on the artist's overall reputation).
 - 3. **Style:** An art work shall be compatible in scale, materials, form, and content with its surroundings.
 - 4. **Permanence:** Due consideration shall be given to structural/surface soundness, resistance to theft, vandalism, weathering, and excessive maintenance repair costs.
 - 5. **Public Liability:** Each art work shall be examined and approved for safety conditions and factors which may bear upon public liability.
 - 6. **Diversity:** The overall Public Art Program shall consider diversity in style, scale, and media.
 - 7. **Technical Feasibility:** (For purchases or commissions) Each art work shall be examined for convincing evidence of the artist's ability to successfully complete the art work as proposed.
 - 8. **Duplication:** To assure that the art work will not be duplicated, the artist shall be asked to warrant that the art work is unique and an edition of one, unless stated to the contrary in the contract. (Multiples shall be considered for selection at the discretion of the Commission.) **Public Comment:** The input of the community shall be solicited by the Subcommittee, Commission, and Town Council.

VI. CRITERIA FOR CONSIDERATION FOR ART WORK PLACEMENT

Prior to placement of an art work, the following factors shall be considered:

- A. Visibility
- B. Lighting
- C. Public Safety
- D. Traffic Patterns: interior, exterior, foot, and auto
- E. Location: relationship to existing art work, architecture, and natural features in the proposed vicinity
- F. Future development plans for the area
- G. Impact on the community or neighborhood in the proposed vicinity



TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE REPORT

MEETING DATE: 02/23/2021

ITEM NO: 3

DATE: February 16, 2021
TO: Council Policy Committee
FROM: Laurel Prevetti, Town Manager
SUBJECT: Review the Purpose, Focus, and Process Considerations of the Council Policy Committee and Make Recommendations for an Enabling Resolution for the Policy Committee

RECOMMENDATION:

Review the purpose, focus, and process considerations of the Council Policy Committee and make recommendations for an enabling resolution for the Policy Committee.

BACKGROUND:

At the January 26, 2021 Council Policy Committee meeting, the Committee members requested staff return with the enabling resolution of the Policy Committee.

Staff researched the history of the Policy Committee and was not able to locate an enabling resolution. From what staff has been able to locate in historical files, it appears the Policy Committee held its first meeting April 15, 2003. The first agenda indicates that they discussed the purpose, focus and process considerations for the Committee and expected outcomes (Attachment 1). The subsequent agendas for several months are identical with the same item. Staff was unable to locate the minutes for any of the 2003/2004 meetings.

CONCLUSION:

If the Committee would like to formalize the purpose, focus, and process considerations of the Committee staff would bring back a draft enabling resolution at the next meeting for the Committee's review.

PREPARED BY: Shelley Neis
Town Clerk

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

PAGE 2 OF 2

SUBJECT: Review the Purpose, Focus, and Process Considerations of the Council Policy Committee

DATE: February 16, 2021

COORDINATION:

This report has been prepared with coordination between the Town Manager's and Town Attorney's Offices.

FISCAL IMPACT:

There is no fiscal impact to establish an enabling resolution for the Committee.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. First Council Policy Committee Meeting Agenda

Town Council Policy Committee Pre-Meeting
Tuesday, April 15, 2003

DRAFT

Purpose: To discuss and identify the purpose and role of the Council Policy Committee and key policy focus areas.

Outcomes:

- Identify Council Policy Committee Statement of Purpose
- Develop Workplan that Prioritizes Key Policy Focus Areas
- Schedule Council Policy Committee meeting

Agenda

1. Council Policy Committee Meeting
 - Statement of Purpose
2. Policy Focus Areas
 - Workplan development
 - Prioritization of policy focus areas
3. Next Steps
 - Council Policy Committee Meeting - Date
 - Statement of Purpose and Workplan to Council
4. Adjournment

ATTACHMENT 1

This Page Intentionally Left Blank



TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE REPORT

MEETING DATE: 03/23/2021

ITEM NO: 2

DATE: March 11, 2021
TO: Council Policy Committee
FROM: Laurel Prevetti, Town Manager
SUBJECT: After Review and Comment, Recommend that the Town Council Approve the Draft Enabling Resolution for the Council Policy Committee

RECOMMENDATION:

After its review and comments, staff recommends that the Council Policy Committee recommend that the Town Council approve the draft enabling resolution for the Council Policy Committee.

BACKGROUND:

At the February 23, 2021 Council Policy Committee meeting, the Committee members requested staff return with a draft enabling resolution acknowledging the Committee's existence and keeping the Committee's objectives flexible, depending on the Town Council's priorities and the Committee's annual work plan.

Staff further researched the history of the Policy Committee and was able to locate the following references to the Policy Committee in Town Council meeting minutes from 2003 under Council Matters. There are no staff reports associated with the items and staff was not able to locate the work plan that is referenced.

June 2, 2003 Minutes

Mrs. Decker reported on the Council Policy Committee. She noted that a reference library has been compiled from a large range of municipalities and spoke of initiating a process to access our current policies, explore options for the future, and develop a work plan to return to Council on June 16th. Mr. Pirzynski spoke of solidifying the verbal history of town policy and making it clearer for all to follow and feel comfortable with. Council as a whole will have the opportunity to discuss these individual policies at future Council meetings.

PREPARED BY: Shelley Neis
Town Clerk

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

SUBJECT: After Review and Comment, Recommend that the Town Council Approve the Draft
Enabling Resolution for the Council Policy Committee

DATE: March 11, 2021

BACKGROUND (continued):

June 16, 2003 Minutes

Mayor Decker spoke of the meetings of the Council Policy Committee which has met twice. She spoke of the Statement of Purpose which has been developed to offer a sense of direction, and of the Work Plan to develop a framework for policy development. She noted that the ideas from the January Council retreat were used as a foundation for the current work plan.

Council agreed that the Statement of Purpose met with their consensus.

Council wished to take a general overview of the work plan to see what things they could easily agree upon and then have staff work on those items while they took some additional time and effort on the items that would require extra consideration and discussion.

The second whereas clause in the draft enabling resolution incorporates the purpose of the Committee that staff was able to locate from Council Policy Committee Draft Notes from 2003 (Attachment 2).

CONCLUSION:

The Committee should listen to public input, review, and discuss the proposed resolution. Based on the discussion, the Committee should identify modifications, if any, to the draft resolution and forward the resolution to the Town Council for its review and consideration.

COORDINATION:

This report has been prepared with coordination between the Town Manager's and Town Attorney's Offices.

FISCAL IMPACT:

There is no fiscal impact to establish an enabling resolution for the Committee.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Draft Resolution
2. First Council Policy Committee Meeting Agenda

RESOLUTION 2021-

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ESTABLISHING THE TOWN COUNCIL POLICY COMMITTEE

WHEREAS, the Town Council of the Town of Los Gatos, does hereby formally establish the Town Council Policy Committee.

WHEREAS, the purpose of the Council Policy Committee shall be to identify areas, issues, concerns where Council policy needs to be communicated/documented, clarified, or developed to enhance the effectiveness of the Council and/or the Town administration in conducting Town business in their own respective roles. The Committee's objectives shall be flexible, depending on the Town Council's priorities and the Committee's annual work plan.

WHEREAS, the duties of the Committee shall be to report to, consult with, and provide recommendations to the Town Council on all matters relating to Council Policies, Town Code, and other policy documents of the Town. The Committee shall forward recommendations to the full Council for discussion and final action, and as appropriate refer items to the appropriate Town Board, Committee, or Commission.

WHEREAS, the Committee shall be advisory to the Town Council and shall operate in the manner hereinafter prescribed.

- A. The Town Council Policy Committee shall consist of two (2) Town Council Members appointed annually by the Mayor.
- B. The Committee shall appoint a Chair and Vice Chair.
- C. The Committee shall establish a regular time and location for its meetings and shall conduct its meetings in compliance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950).
- D. Minutes of the actions taken during the Committee's meetings shall be kept and shall be a public record.

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Council Policy Committee is hereby established as an advisory committee to the Los Gatos Town Council.

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

COUNCIL MEMBERS:

AYES:

NAYS:

ATTACHMENT 1

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____

COUNCIL POLICY COMMITTEE THOUGHTS

DRAFT

Purpose

To identify areas, issues, concerns where Council policy needs to be communicated/documentated, clarified, or developed to enhance the effectiveness of the Council and/or administration in conducting Town business in our own respective roles

Process

1. Pre-meeting with Council Policy Committee
2. Committee meets on Purpose Statement and sets initial workplan (priority areas, priorities within priority areas, living document, time)
3. Bring Statement of Purpose and workplan to Town Council (June)

Priority Focus Areas

1. Council Practices
 - Participate on Boards or Committees that seek Town funding (current policy)
 - Interactions with the press (public statements, Letters to the Editor)
 - Presence at Community meetings
 - Protocol issues
 - Representation of Town - direct or indirect
 - Serving on assigned regional boards and committees or Town boards & committees
 - Whose interest are represented?
 - Should Council Members serve on standing cross rep committees where issues will be before them for approval? (e.g., General Plan, Community Development Advisory Committee)
 - Commendations, resolutions - review and decision process
 - Protocol/ procedures of all town meetings (Council & Commissions)
 - Response to constituent issues (responsibility to forward information to the administration for evaluation and response)
 - Method for performance evaluation for Council Appointees
 - Calling for meetings that involve other Council members or staff
- 1.A. Role of Mayor
 - Setting Agenda - is more clarification needed?
 - Relationship to other Council Members
 - Commendations and Resolutions (relates to Council practices)
 - Appointing Council liaisons to special issues (Council policy guidance role)
 - Calling “ad hoc” informal meetings on Town issues

ATTACHMENT 2

1 of 3

1.A. Role of Mayor (continued)

- Meeting with constituents - taking lead on hot issues (complaints)
- Appointing Council Members to regional & Town standing committees
- Calling for Commission sub-committees on key issues
- Articulating Council emphasis/priorities/State of the Town Address
- Representing Town Council - ceremonial & substantive presentations - service clubs
- Political leader for year - constituent issues, administrative check in

DRAFT

2. Council/Staff Relations

- Council/Manager Boundaries
- No directing
- Meetings
 - Participation in meetings
 - Requesting to be part of meetings
 - Requesting staff to be at meetings
- Liaison roles - Why? When? Role
- Seeking guidance from Mayor & Council
 - Formal
 - Informal

3. Council Boards & Commissions Relations

- Appointment process (subcommittee)

4. Administrative/Council Agenda Streamlining Opportunities

(Opportunity to review some of the long-standing reports and question their value or if there is a better approach.)

- Bi-Monthly Calendar
- Public Hearing List
- Planning Department Report
- Code Compliance Report
- Accounts Payable
- Payroll Report
- County referrals (needed? delegate to Planning Commission?)

5. Legislative Policies

- Amicus Participation
- Resolutions

6. Ethics

7. Campaigns
8. Other Areas We Have Said We Would Look At?
(Look at performance review notes)
9. Budget/Fiscal Policies (research existing)
10. Community Issues
 - Flag/Banner Protocol

DRAFT

RESOLUTION 2021-

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ESTABLISHING THE TOWN COUNCIL POLICY COMMITTEE

WHEREAS, the Town Council of the Town of Los Gatos, does hereby formally establish the Town Council Policy Committee.

WHEREAS, the purpose of the Council Policy Committee shall be to identify areas, issues, concerns where Council and Town policy needs to be communicated/documented, clarified, or developed to enhance the effectiveness of the Council and/or the Town administration in conducting Town business in their own respective roles; and to continually review policies, amending them when necessary, and rescinding them when appropriate. The Committee's objectives shall be flexible, depending on the Town's priorities and the Committee's annual work plan.

WHEREAS, the duties of the Committee shall be to report to, consult with, and provide recommendations to the Town Council on all matters relating to Council Policies, Town Code, and other policy documents of the Town. The Committee shall forward recommendations to the full Council for discussion and final action, and as appropriate refer items to the appropriate Town Board, Committee, or Commission.

WHEREAS, the Committee shall be advisory to the Town Council and shall operate in the manner hereinafter prescribed.

- A. The Town Council Policy Committee shall consist of two (2) Town Council Members appointed annually by the Mayor.
- B. The Committee shall appoint a Chair and Vice Chair.
- C. The Committee shall establish a regular time and location for its meetings and shall conduct its meetings in compliance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950).
- D. Minutes of the actions taken during the Committee's meetings shall be kept and shall be a public record.

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Council Policy Committee is hereby established as an advisory committee to the Los Gatos Town Council.

ATTACHMENT 5

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

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/06/2021

ITEM NO: 10

DATE: March 31, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Issue a Request for Proposals to Hire a Consultant to Assist with the Town's Justice, Equity, Diversity, and Inclusion Work Plan

RECOMMENDATION:

Authorize the Town Manager to issue a Request for Proposals to hire a consultant to assist with the Town's justice, equity, diversity, and inclusion work plan.

BACKGROUND:

At its March 23rd meeting, the Council Policy Committee heard public testimony and discussed an initial justice, equity, diversity, and inclusion (JEDI) work plan (see Attachment 1 for report and its attachments). The work plan contains specific items, many of which are in the process of being implemented, in the categories of Town operations, community engagement, Boards and Commissions, government transparency, Police reforms, personnel, land use, and communications.

Based on community input at the March meeting, the Council Policy Committee talked about the Town hiring an independent consultant with expertise in justice, equity, diversity, and inclusion efforts to help with external and internal engagement processes to more fully define goals, objectives, specific actions, and metrics. This agenda item brings to the full Council a draft Request for Proposals (RFP) to hire such a consultant (see Attachment 2).

DISCUSSION:

Through a competitive RFP process, the Town intends to select a consultant to help expand and implement the 2021 work plan to inform how the Town can best approach JEDI goals both internally for the organization and also externally with the broader community and through Town partnerships with local organizations. The consultant work may include an overlap/gap

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

DISCUSSION (continued):

analysis to determine ways the Town can have the most meaningful impact in collaboration with its partners (see Scope of Services in Attachment 2 for more details).

It is intended for the awarded consultant to enter into an initial contract term through the end of 2021 with any subsequent amendments or modifications not exceeding five (5) years (i.e., four potential one-year renewals). The Town Manager's Office would oversee the consultant's work and bring updates and work products to the full Town Council for consideration.

CONCLUSION:

Issuing the RFP is an important step towards finding additional expertise to assist the Town with its JEDI efforts within the Town organization and the broader Los Gatos community.

FISCAL IMPACT:

The contract award is expected to be within the Town Manager's authority of \$50,000. Funds for this work would come from the adopted Operating Budget for Fiscal Year 2020/21.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. March 23, 2021 Council Policy Committee Report and its Attachments
2. Draft RFP for JEDI Consultant Services



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

MEETING DATE: 3/23/2021

ITEM NO: 3

DATE: March 16, 2021
TO: Council Policy Committee
FROM: Laurel Prevetti, Town Manager
SUBJECT: Review Town of Los Gatos Justice, Equity, Diversity, and Inclusion Efforts and Future Work Plan Items

RECOMMENDATION:

Review Town of Los Gatos justice, equity, diversity and inclusion efforts and future work plan items.

BACKGROUND:

The Town of Los Gatos values justice, equity, diversity, and inclusion (JEDI). The Town works proactively to ensure the rights and opportunities of everyone in Los Gatos and opposes any attempts to undermine the safety, security, and rights of any members of our community. The Town promotes equal treatment, equitable distribution of and access to resources, and engagement in issues affecting the lives of residents, workers, and visitors. The Town does not tolerate discrimination, racial injustice, or police brutality. The Town works toward realizing the values of diversity, equity, and inclusion by taking specific actions to become a more inclusive community.

In May of 2017, the Town Council affirmed a commitment to Los Gatos being a diverse, supportive, equitable, and inclusive community. The Resolution can be viewed as Attachment 1 to this report.

In the first half of 2020, the senseless killings of George Floyd, Breonna Taylor, Ahmaud Arbery, and many others as a result of discrimination and inequity shone a spotlight on racial justice issues at national and local levels. Since late May of 2020, the Town has received considerable input from the public regarding Police reform and other issues surrounding equity and inclusion in Los Gatos. Input has been provided via email and public comment at Town meetings.

PREPARED BY: Holly Zappala
Management Analyst

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

BACKGROUND (continued):

On June 5, 2020, the Town affirmed its commitment to stand in solidarity with the black community with a Proclamation from the Mayor. The Proclamation can be viewed as Attachment 2 to this report.

On June 17, 2020, the Mayor of Los Gatos signed the Obama Foundation's Mayor's Pledge, committing to review Police Department standards, report back to the community, and work on reforms.

On June 19, 2020, the Town launched a new webpage "Becoming an Inclusive Community," dedicated to outlining the shared values of justice, diversity, equity, and inclusion. In naming the new webpage "Becoming an Inclusive Community," the Town acknowledged that there is work to do and by clearly stating the commitment to inclusivity and diversity, the Town strives to take the steps needed to reach that goal. The dedicated webpage can be viewed at www.LosGatosCA.gov/Inclusivity and is kept updated on a regular basis with Town efforts and current information.

The Inclusivity webpage is designed as a single point of access for all of the Town's efforts around justice, equity, diversity, and inclusion. Highlights include:

- Community Conversations: In 2020, the Town hosted three community workshops via teleconference to foster dialogue on racial and social justice and how Los Gatos can be more welcoming for all. The three conversations covered Police Reform, Housing, and the Inclusivity webpage contains the full video recordings, presentations, and other information associated with these conversations.
- Council DEI Actions: Summaries of all DEI Council actions are included on the Inclusivity webpage with links to pertinent Council agendas, reports, and recordings. This includes the recent addition to the Council's Strategic Priorities to focus on diversity, equity and inclusion throughout the Town's work.
- Police Reform: While a prominent part of the Council's work on DEI, this effort is called out separately. Work is underway to create an Independent Police Auditor function, take a deeper dive into traffic stop data, work collaboratively with the County on mental health calls, and consider options for responses to non-emergency calls. Quarterly reports are scheduled with the Council to review progress and determine next steps.
- Inclusivity and the Police Department: To improve transparency and learn about the Department's commitment to compassionate community policing, this portion of the website defines the Department's vision and mission; explains its current best practices regarding body worn cameras, training, and other community policing practices;

BACKGROUND (continued):

identifies new programs to help Officers understand unique needs of residents through the Special Needs Awareness Program; and includes links to the Department's Use of Force Policy and the entire Policy Manual.

- **Current JEDI Efforts in the Town's Work:** The Town's efforts to become more inclusive include adding a Racial, Social, and Environmental Justice Element to the General Plan Update; creating gender neutral language in the Town Code; expanding the "Outside the Box" utility box art program to integrate diversity, equity and inclusion together with themes of a sense of community, sustainability, and creativity; and recording oral histories of Black, Indigenous, and People of Color (BIPOC) and promoting the stories through Library offerings.

In addition to the webpage, in June 2020 the Town also launched a dedicated email address of Community@LosGatosCA.gov, through which diversity, equity, and inclusion information, requests, reports, complaints, and comments may be shared with the Town.

DISCUSSION:

Justice, Equity, Diversity, and Inclusion in the Town's Work

In January 2021, the Town Council added 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. All proposed policies and ordinances will be reviewed in this context.

The Mayor requested study sessions in 2021 with each of the Town's Board, 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. For example, the Parks and Public Works Director and members of the Complete Streets and Transportation Commission recently attended a UCLA lecture series on "Race in Transportation" to learn and explore ideas for making Town transportation more equitable. These study sessions are scheduled to continue through June 2021.

Proposed Work Plan

Moving forward, as the Town continues to work toward justice, diversity, equity, and inclusion, staff drafted a Town-wide work plan which can be found as Attachment 3 to this report. The work plan contains specific action items and is broken down into the categories of Town

DISCUSSION (continued):

operations, community engagement, Boards and Commissions, government transparency, Police reforms, personnel, land use, and communications. This is intended to be a one-year work plan, recognizing that once the new General Plan is adopted, additional work items will be added from the Racial, Social, and Environmental Justice Element. The work plan is also expected to be a living document for the Policy Committee to review and modify during the year.

As progress is made on the items, status updates will be brought to the Policy Committee and posted to the Town's Inclusivity webpage. The Committee would be the central place for community engagement on these items, hold the Town Manager accountable for the work plan, and determine which topics need full Council discussion.

CONCLUSION:

Staff looks forward to public feedback, and discussion and direction from the Committee regarding Town justice, diversity, equity, and inclusion efforts and the future work plan.

FISCAL IMPACT:

Discussion of this item does not have a fiscal impact. There may be various fiscal impacts associated with some of the work plan items, most of which can be absorbed in the existing Budget.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Council Resolution 2017-024
2. June 5, 2020 Proclamation of the Town of Los Gatos
3. Draft Justice, Diversity, Equity, and Inclusion Work Plan

RESOLUTION 2017-024

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS REAFFIRMING THE TOWN'S COMMITMENT TO A DIVERSE, SUPPORTIVE, INCLUSIVE COMMUNITY AND TO PROTECTING THE CONSTITUTIONAL AND HUMAN RIGHTS OF ITS RESIDENTS, WORKERS, AND VISITORS

WHEREAS, the Town of Los Gatos values a community characterized by diversity, multiculturalism, and unity and acknowledges that the dignity, health, rights and privacy of all our residents, workers, and visitors must be respected; and

WHEREAS, the Town is committed to protecting the constitutional and human rights of all of our residents, workers, and visitors; and

WHEREAS, each person is naturally and legally entitled to live a life without harassment, discrimination, persecution or assault, whether perpetrated by individuals, groups, businesses or governments; and

WHEREAS, there exists concern among our residents, workers, and visitors based upon recent national and regional incidents of hate crimes, intolerance of religious beliefs, discrimination, sexual harassment and assault, and the fear of a trend-toward more of these crimes in the future; and

WHEREAS, there also exists concern in our Town about the potential risks for discrimination, harassment, persecution, assault, and deportation; and

WHEREAS, the Town and its residents, workers, and visitors continually reject bigotry and affirm their commitment to a diverse, supportive, inclusive community; and

WHEREAS, all members of the Town are valued regardless of religion, immigration status, ethnicity, disability, gender, sexual orientation, or gender identity.

NOW THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Los Gatos hereby reaffirms its commitment to a diverse, supportive, equitable, and inclusive community and resolves as follows:

- The Town of Los Gatos will promote safety, a sense of security, and equal protection of constitutional and human rights, leading by example through equitable treatment of all by Town Officials and Departments.
- The Town of Los Gatos rejects bigotry in all its forms, including, but not limited to, Islamophobia, anti-Semitism, racism, nativism, misogyny and homophobia; and

Attachment 1

1 of 2

Resolution 2017-024

May 2, 2017

- The Town of Los Gatos does not tolerate discrimination based on race, national origin, ethnicity, religion, age, gender, sexual orientation, color or disability; and
- The Town of Los Gatos does not tolerate hate crimes, harassment, or assault; and
- The Town of Los Gatos will oppose any attempts to undermine the safety, security, and rights of members of our community and will work proactively to ensure the rights and privileges of everyone in the Town, regardless of religion, country of birth, immigration status, disability, gender, sexual orientation, or gender identity; and

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 2nd day of May 2017 by the following vote:

COUNCIL MEMBERS:

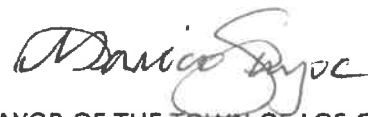
AYES: Marcia Jensen, Rob Rennie, Barbara Spector, Mayor Marico Sayoc

NAYS: None.

ABSENT: Steve Leonardis

ABSTAIN: None.

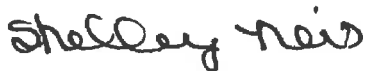
SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 5.3.17

ATTEST:



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

DATE: 5-3-17

**A PROCLAMATION OF THE TOWN OF LOS GATOS AFFIRMING THE TOWN'S
COMMITMENT TO STAND IN SOLIDARITY WITH THE BLACK COMMUNITY**

WHEREAS, our country is mourning the senseless killing of George Floyd that occurred in Minneapolis on May 25, 2020. The actions and inactions of the police officers involved were deplorable; and

WHEREAS, the most basic form of injustice and inequity occurs when a group of people feels their safety is placed into jeopardy by the very people entrusted with ensuring their safety; and

WHEREAS, police brutality and racism against the black community has been persistent in both our past and our present. Systemic injustices, racism, and dehumanization are deeply rooted in our society; and

WHEREAS, it was unquestionably unfair and unacceptable when the lives of George Floyd, Ahmaud Arbery, Breonna Taylor, Freddie Gray, Walter Scott, Tamir Rice, Michael Brown, Oscar Grant, and many others were taken as a result of discrimination and inequity. These lives mattered and black lives matter; and

WHEREAS, the unrest regarding racial injustice, particularly towards the black community, has been building for decades. Thoughtless violence by our own government only serves to incite more violence; and

WHEREAS, Los Gatos is blessed to be a multiracial community, and we decided long ago that mutual understanding and respect develops a much healthier, safer, and caring community; and

WHEREAS, it is important for the community as a whole to stand in solidarity with black communities across the country; and

WHEREAS, in 2017 the Town Council reaffirmed their commitment to a diverse, supportive, equitable, and inclusive community

NOW, THEREFORE, BE IT RESOLVED that the Town Council does hereby affirm its commitment to stand in solidarity with the black community and resolves as follows:

The Town of Los Gatos condemns racial inequity in general and violence against the black community by law enforcement in particular; and

The Town of Los Gatos does not tolerate discrimination, racial injustice, or police brutality; and

The Town of Los Gatos demands that black lives matter; and

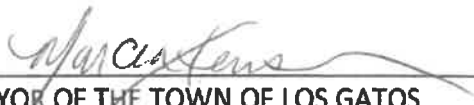
The Town of Los Gatos will oppose any attempts to undermine the safety, security, and rights of members of our community and will work proactively to ensure the rights and privileges of everyone in the Town—regardless of race; and

The Town of Los Gatos will promote safety, a sense of security, and equal protection of constitutional and human rights, leading by example through equitable treatment of all by Town officials and departments; and

The Town of Los Gatos encourages the community to stand together through peaceful exchange and discourse to enact change and move forward towards a future with more equity and inclusion in Los Gatos, California, and our country.

NOW, THEREFORE, BE IT RESOLVED, I, Marcia Jensen, by the virtue of the authority vested in me as Mayor of the Town of Los Gatos, do deem it appropriate and do hereby proclaim that the Town of Los Gatos condemns racial inequity

Proclaimed this 5th day of June in
the Town of Los Gatos, County of Santa Clara, State
of California



MAYOR OF THE TOWN OF LOS GATOS

Justice, Equity, Diversity, and Inclusion 2021 Work Plan

Town Operations

1. Require all Town Departments to use a lens of justice, equity, diversity, and inclusion in the:
 - a. Development of the Town budget, Capital Improvement Program, General Plan (see more information below), and other guiding documents;
 - b. Delivery of Town services; and
 - c. Creation of all new programs, projects, and policies.
2. Examine all proposed policies and ordinances in the context of promoting, facilitating, and improving justice, equity, diversity, and inclusion in Los Gatos. This work will be done by the Council Policy Committee, appropriate Town Boards, Committees, and Commissions, and the Town Council.
3. Complete gender neutralization of the Town Code to eliminate older language that contains increasingly obsolete gender-specific terms such as “she,” “he,” “chairman,” “policeman,” and other gender-specific terminology that is not inclusive.

Community Engagement

4. Expand the Town’s community engagement to include more black, indigenous, and people of color.
5. Continue its community conversations in 2021, including a review and discussion of the Police Department’s Use of Force Policy and other topics.

Town Boards, Committees, and Commissions

6. Recruit Town Board, Committee, and Commission members to reflect diverse communities of color, identity, and backgrounds.
7. Incorporate diversity, equity, and inclusion into the work of all Town Boards, Committees and Commissions and to discuss these efforts with the Town Council and the public.

Transparency in Government

8. Expand access to Town records and information to further demonstrate the Town’s commitment to transparency in governmental operations.

Police Reforms

9. Review at a Town Council meeting, the quarterly progress made on Police Reforms, including independent investigations, mental health/homeless support, traffic stop data, and options for non-emergency calls.
10. Establish the Independent Police Auditor function and promote it to the community in hopes that people will feel comfortable coming forward with concerns and complaints.
11. Continue to strengthen the Police Department relationship with the County Behavioral Health services staff and Mobile Crisis Response Team.
12. Finalize collateral duties for the Police Department Vulnerable Population Coordinator.
13. Analyze and present more detailed traffic stop data to understand trends and determine appropriate actions.
14. Work toward the Police Chief’s goal for all Department personnel to exceed the minimum number of hours of training in de-escalation and crisis intervention.
15. Continuously review and update Department policies and procedures to ensure that it is employing the best practices for hiring, training, eliminating bias, and ensuring the public’s safety.

Town Personnel

16. Foster a more diverse workforce by updating job descriptions and minimum qualifications to encourage a broader set of candidates, promoting job opportunities using conventional and unconventional techniques to reach deeper into the talent pool, and encouraging professional development to expand skills and abilities.
17. Strengthen procedures to protect employees from bullying, racism, and other uncivil behavior.
18. Encourage justice, diversity, equity, and inclusion training for Town staff members and Departments.

Land Use

19. Complete the General Plan update, including a new Racial, Social, and Environmental Justice Element with its associated goals, policies, and implementation actions.
20. Prepare the Housing Element to plan for the housing needs of all segments of the population.

Communications

21. Communicate actively on social media and in other forums to reinforce messages of inclusion, belonging, and welcoming.



Town of Los Gatos

REQUEST FOR PROPOSALS

**JUSTICE, EQUITY, DIVERSITY, AND INCLUSION
CONSULTANT SERVICES**

Date Issued: April 7, 2021

**Proposal Submittal Deadline:
Wednesday, April 28, 2021 by 5:00 p.m.**

Issued By: Town of Los Gatos
Town Manager's Office
110 E Main Street
Los Gatos, CA 95030
www.losgatosca.gov

[THIS PAGE INTENTIONALLY LEFT BLANK]

TABLE OF CONTENTS

JUSTICE, EQUITY, DIVERSITY, AND INCLUSION CONSULTANT SERVICES

A. PURPOSE	3
B. OVERVIEW	3
C. MINIMUM QUALIFICATIONS	6
D. General Provisions and Requirements	7
E. Scope of Services	7
F. Proposal Format and Submittal Requirements	10
Submitting the Proposal:	10
Addenda	13
G. Evaluation Process	14
Proposal Evaluation Criteria	14
Oral Interview (if necessary)	15
H. Additional Information	16
I. Attachments	19

ATTACHMENTS ARE AS FOLLOWS:

- ATTACHMENT 1 - CONFLICT OF INTEREST STATEMENT (FOR SUBMITTAL)
- ATTACHMENT 2 - NON-COLLUSION DECLARATION (FOR SUBMITTAL)
- ATTACHMENT 3 - REFERENCES (FOR SUBMITTAL)
- ATTACHMENT 4 - STATEMENT REGARDING INSURANCE COVERAGE AND WORKER'S
COMPENSATION INSURANCE ACKNOWLEDGMENT CERTIFICATE
(FOR SUBMITTAL)
- ATTACHMENT 5 - SAMPLE CONSULTANT SERVICES AGREEMENT (INFORMATION)

Schedule of Activities: The Town reserves the right to amend the schedule below as necessary.

<u>Activity</u>	<u>Anticipated Dates</u>
RFP release	April 7, 2021
Pre-Proposal Meeting	None.
Deadline for Questions Submitted By	April 19, 2021
Proposal Submission Deadline (5:00 p.m.)	April 28, 2021
Proposal Evaluation	May 2021
Consultant Interviews/Presentations (if necessary)	May 2021
Contract Negotiations and Execution	May 2021

Request for Proposals
Justice, Equity, Diversity, and Inclusion Consultant Services

Town's Contact: For all questions related to the RFP, email the Town's Contact listed below:

Laurel Prevetti
Town Manager
Town of Los Gatos
Town Manager's Office
110 E. Main Street
Los Gatos, CA 95030
408/354-6832
Manager@losgatosca.gov

JUSTICE, EQUITY, DIVERSITY, AND INCLUSION CONSULTANT SERVICES

Proposals Due: Wednesday, April 28, 2021, by 5:00 p.m.

Pre-Proposal Meeting: None.

Proposers may view and download this RFP electronically from the Town's website at www.losgatosca.gov/2433/RFPREQ. The Proposers are responsible for checking the Town's website for any updates and addenda related to this RFP. For any questions or assistance, please reach out to the Town's contact: manager@losgatosca.gov or 408/354-6832.

A. PURPOSE

The Town of Los Gatos (Town) is seeking proposals from qualified professional consultants (Proposers) to provide justice, equity, diversity, and inclusion (JEDI) consultant services. Proposers may either be individuals or firms.

B. OVERVIEW

The Town of Los Gatos is nestled at the base of the Sierra Azules, and is located approximately 60 miles south of San Francisco, in the southwestern portion of Santa Clara County where the Santa Clara Valley meets the lower slopes of the Santa Cruz Mountains. This beautiful setting is home to approximately 30,000 people, a diverse economy, and excellent schools.

Over 3,000 businesses serve the residents and act as a destination point for visitors who are attracted to its restaurants, hotels and variety of shops within a pedestrian oriented downtown setting. The Town is also an inclusive community with the full mix of ages, family sizes and incomes. Los Gatos has many parks and greenbelt areas, as well as a vibrant downtown area, with Downtown Los Gatos listed on the National Register of Historic Places.

The demographics of Los Gatos as compared to the rest of Santa Clara County as a whole, based on the 2019 US Census estimates, are as follows:

DEMOGRAPHICS US Census Estimates (2019)

	Santa Clara County	Los Gatos
Total Population	1,927,852	30,222
White	30.6%	71.7%
Asian	39.0%	14.4%
Hispanic/Latinx*	25.0%	8.4%
Black	2.8%	1.5%
Native American	1.2%	0.1%
2+ Races	4.2%	4.6%

***Total exceeds 100% because Hispanic/Latinx data appear in other categories**

The Town of Los Gatos government is guided by the principles of Small-Town Service, Community Stewardship, and Future Focus.

The Town has a long-standing commitment to inclusivity and values our community members, regardless of religion, immigration status, ethnicity, race, disability, gender, sexual orientation, and/or gender identity. Most recently, in January 2021, the Town Council unanimously agreed to add Diversity, Equity, and Inclusion to the Town's Strategic Priorities for 2021 – 2023.

The Town strives to ensure all community members feel safe, respected, and comfortable to be themselves and express all aspects of their identities. In providing municipal government services, Town staff works proactively to ensure the rights and opportunities of everyone in Town and opposes any attempts to undermine the safety, security, and rights of any members of our community.

The Town promotes equal treatment, equitable distribution of and access to resources, and engagement in issues affecting the lives of residents, workers, and visitors. The Town does not tolerate discrimination, hate, racial injustice, or police brutality and recognizes the value of

Request for Proposals Justice, Equity, Diversity, and Inclusion Consultant Services

diversity in all its forms. The Town also recognizes the importance of considering JEDI in the context of our work environment and both internal and external policies and practices.

In the summer of 2020, the Town launched a webpage dedicated to its JEDI efforts, which can be viewed at www.LosGatosCA.gov/2604/Becoming-an-Inclusive-Community and is kept updated on a regular basis with current information.

Some highlights of the Town's JEDI work in the past year include:

- a. Community Conversations: In 2020 during the COVID-19 pandemic, the Town hosted three community workshops via teleconference to foster dialogue on racial and social justice and how Los Gatos can be more welcoming for all. The three conversations covered Police Reform, Housing, and Community Culture. The Inclusivity webpage contains the full video recordings, presentations, and other information associated with these conversations.
- b. Council JEDI Actions: Summaries of all Council actions are included on the Inclusivity webpage with links to pertinent Council agendas, reports, and recordings.
- c. Police Reform: While a prominent part of the Council's work on JEDI, this effort is called out separately. Work is underway to create an Independent Police Auditor function, take a deeper dive into traffic stop data, work collaboratively with the County on mental health calls, and consider options for responses to non-emergency calls.
- d. Inclusivity and the Police Department: To improve transparency and learn about the Department's commitment to compassionate community policing, this portion of the website defines the Department's vision and mission; explains its decade long use of body worn and in-car cameras; describes current best practices in de-escalation, inherent bias, critical incident, and other training for sworn and non-sworn staff; explains other community policing practices; identifies new programs to help Officers understand unique needs of residents through the Special Needs Awareness Program; and includes links to the Department's Use of Force Policy and the entire Policy Manual.
- e. Current JEDI Efforts in the Town's Work: The Town's efforts to become more inclusive include adding a Racial, Social, and Environmental Justice Element to the General Plan Update; creating gender neutral language in the Town Code; expanding the "Outside the Box" utility box art program to integrate diversity, equity, and inclusion together with themes of a sense of community, sustainability, and creativity; and recording oral histories of Black, Indigenous, and People of Color (BIPOC) and promoting the stories through Library offerings.

Request for Proposals Justice, Equity, Diversity, and Inclusion Consultant Services

In addition to the Inclusivity webpage, the Town also launched a dedicated email address of Community@LosGatosCA.gov, through which diversity, equity, and inclusion information, requests, reports, complaints, and comments may be shared with the Town.

The Town Council Policy Committee is overseeing the Town's inclusivity efforts with action items being considered by the entire Town Council. In March, the Committee discussed an initial 2021 work plan (see detail under Scope of Services). The work plan contains specific items, many of which are in the process of being implemented, in the categories of Town operations, community engagement, Boards and Commissions, government transparency, Police reforms, personnel, land use, and communications. Based on community input at the March meeting, the Council Policy Committee talked about hiring an independent consultant with expertise in justice, equity, diversity, and inclusion efforts to help with external and internal engagement processes to more fully define goals, objectives, specific actions, and metrics.

Through this RFP process, the Town intends to select a consultant to help expand and implement the 2021 work plan to inform how the Town can best approach JEDI goals both internally for the organization, and also externally with the broader community and through Town partnerships with local organizations. The consultant work may include an overlap/gap analysis to determine ways the Town can have the most meaningful impact in collaboration with its partners (see Scope of Services for more details).

It is intended for the awarded consultant to enter into an initial contract term through the end of 2021 with any subsequent amendments or modifications not exceeding five (5) years (i.e., four potential one-year renewals).

Work of the selected consultant will be overseen by the Town Manager. Consultant will be paid for the work completed to the satisfaction of the Town. Poor performance in terms of timeliness, thoroughness, or other factors may result in termination of the contract.

C. MINIMUM QUALIFICATIONS

The Town is seeking proposals from Proposers with the following minimum qualifications with work experience within the greater San Francisco Bay Area:

1. All persons or firms must demonstrate JEDI-related experience. If a firm applies, all key personnel must be identified and each must meet the qualifications set forth in this RFP.
2. Proposers must demonstrate hands-on experience guiding non-profit and/or government agencies through the assessment, planning, implementation, and

Request for Proposals Justice, Equity, Diversity, and Inclusion Consultant Services

successful completion of community and organization-wide JEDI learning and transformation.

3. Proposers should have strong communication skills and the ability to communicate effectively with diverse populations.
4. Proposers should have either have direct experience delivering JEDI training and/or workshops, or know of credible resources and entities to provide such training.
5. Proposers need to demonstrate that they have no connection to the Town and its staff that may have an impact upon performance of services.
6. Preference may be given to individuals and firms who are based in the Bay Area.
7. Proposers should be available and willing to travel to Los Gatos for services, depending upon Public Health Orders. In the foreseeable future, most work will occur remotely.
8. All proposers need to provide at least three references.

Furthermore, Proposers shall also comply with the following provisions:

1. Each Proposer is responsible for determining and complying with all applicable Town business licensing requirements.
2. Each Proposer is responsible for determining and complying with all applicable professional licensing requirements.

D. General Provisions and Requirements

1. The Consultant must possess proper licenses to perform the services in the State of California.
2. Questions related to the contract administration matters should be directed to the Town's Contact at manager@losgatosca.gov or 408/354-6832.
3. The Consultant shall maintain any key personnel throughout the entire duration of services; and therefore, the Consultant shall conduct their business in a professional manner to schedule and support their personnel to provide the scope of services in a timely and professional manner. The Town must approve of any key personnel changes in advance through personnel qualifications review and oral interviews with Town staff.
4. The Consultant shall verify that all information submitted to the Town is up to the Consultant's professional standards and satisfaction. Note and report any discrepancies observed in the course of professional activities covered by the services.
5. Deliverables will be submitted in electronic format (PDF) and in native document formats such as Word, Excel, etc. unless otherwise specified.

E. Scope of Services

The Town is committed to working towards realizing the values of JEDI by taking specific actions to become a more inclusive Los Gatos. Below is the Town-wide 2021 JEDI work plan with specific action items in the categories of Town operations, community engagement, Boards and Commissions, government transparency, Police reforms, personnel, land use, and communications. Many of these items have already begun implementation; however, the Town recognizes that it could benefit from a third-party consultant to assist in refining the items through community and staff engagement processes.

The Town's 2021 Justice, Equity, Diversity, and Inclusion work plan is as follows:

Town Operations

1. Require all Town Departments to use a lens of justice, equity, diversity, and inclusion in the:
 - a. Development of the Town budget, Capital Improvement Program, General Plan (see more information below), and other guiding documents;
 - b. Delivery of Town services; and
 - c. Creation of all new programs, projects, and policies.
2. Examine all proposed policies and ordinances in the context of promoting, facilitating, and improving justice, equity, diversity, and inclusion in Los Gatos. This work will be done by the Council Policy Committee, appropriate Town Boards, Committees, and Commissions, and the Town Council.
3. Complete gender neutralization of the Town Code to eliminate older language that contains increasingly obsolete gender-specific terms such as "she," "he," "chairman," "policeman," and other gender-specific terminology that is not inclusive.

Community Engagement

4. Expand the Town's community engagement to include more Black, Indigenous, and People of Color.
5. Continue its community conversations in 2021, including a review and discussion of the Police Department's Use of Force Policy and other topics.

Town Boards, Committees, and Commissions

6. Recruit Town Board, Committee, and Commission members to reflect diverse communities of color, identity, and backgrounds.
7. Incorporate diversity, equity, and inclusion into the work of all Town Boards, Committees and Commissions and to discuss these efforts with the Town Council and the public.

Transparency in Government

8. Expand access to Town records and information to further demonstrate the Town's commitment to transparency in governmental operations.

Police Reforms

9. Review at a Town Council meeting, the quarterly progress made on Police Reforms, including independent investigations, mental health/homeless support, traffic stop data, and options for non-emergency calls.
10. Establish the Independent Police Auditor function and promote it to the community in hopes that people will feel comfortable coming forward with concerns and complaints.
11. Continue to strengthen the Police Department relationship with the County Behavioral Health services staff and Mobile Crisis Response Team.
12. Finalize collateral duties for the Police Department Vulnerable Population Coordinator.
13. Analyze and present more detailed traffic stop data to understand trends and determine appropriate actions.
14. Work toward the Police Chief's goal for all Department personnel to exceed the minimum number of hours of training in de-escalation and crisis intervention.
15. Continuously review and update Department policies and procedures to ensure that it is employing the best practices for hiring, training, eliminating bias, and ensuring the public's safety.

Town Personnel

16. Foster a more diverse workforce by updating job descriptions and minimum qualifications to encourage a broader set of candidates, promoting job opportunities using conventional and unconventional techniques to reach deeper into the talent pool, and encouraging professional development to expand skills and abilities.
17. Strengthen procedures to protect employees from bullying, racism, and other uncivil behavior.
18. Encourage justice, diversity, equity, and inclusion training for Town staff members and Departments.

Land Use

19. Complete the General Plan update, including a new Racial, Social, and Environmental Justice Element with its associated goals, policies, and implementation actions.
20. Prepare the Housing Element to plan for the housing needs of all segments of the population.

Communications

21. Communicate actively on social media and in other forums to reinforce messages of inclusion, belonging, and welcoming.

Request for Proposals Justice, Equity, Diversity, and Inclusion Consultant Services

Specifically, the selected Consultant would work with the Town to strengthen the 2021 work plan with goals, objectives, and metrics for efforts internally within the Town organization and externally with the broader community and through Town partnerships with entities such as the schools, Chamber of Commerce, New Museum of Los Gatos (NUMU), Los Gatos Anti-Racism Coalition, and others..

To date, community members have come forward with potential goals as a starting point for larger community conversations. These suggested goals include:

1. Los Gatos is welcoming to all.
2. Town government and its Committees, Boards, and Commissions represent the Town's diversity.
3. All residents, workers, and visitors feel safe and welcome in Los Gatos without fear of being harassed either verbally or physically because of how they look or present themselves, what language they speak, etc.
4. All residents, workers, and visitors trust the Los Gatos-Monte Sereno Police Department.
5. Los Gatos celebrates and honors the diversity of the Town and the larger Santa Clara County region.

The final Scope of Services will be determined by the Town. The work may include, but is not limited to, the following:

- Expand upon the 2021 work plan above by determining relevant goals, objectives, and metrics that align with the Town's JEDI focus through engagement with Town staff, key stakeholders/partners, and the community at large.
- Hold at least one Community Workshop (likely over Zoom given the Public Health Orders).
- Hold at least one Employee Workshop (likely over Zoom given the Public Health Orders).
- Conduct a survey to obtain community and/or staff input into the Town's JEDI goals, objectives, and/or metrics.
- Assess the Town's community partners' JEDI efforts in order to uncover gaps and overlaps. Community partners include the Los Gatos Chamber of Commerce, faith-based organizations, service organizations, Los Gatos Saratoga Recreation, local schools, etc. This assessment may determine steps that the Town and partners could take to address gaps and eliminate overlaps.
- Provide insight and knowledge on JEDI best practices with a particular focus on government agencies.
- Develop a training strategy that aligns with the work plan and support its implementation.
- Develop methods of monitoring and evaluating progress of the JEDI goals, including community partnerships and engagement, staff education, and Town practices. This

Request for Proposals
Justice, Equity, Diversity, and Inclusion Consultant Services

could include the use of community or employee surveys and other measurement techniques.

F. Proposal Format and Submittal Requirements

Submitting the Proposal:

The proposal must be received by the Town no later than Wednesday, April 28, 2021 by 5:00 p.m. PST. The Town requires that all proposals be submitted electronically via email or file sharing sites. The proposal shall be clearly marked for “**Town of Los Gatos – Justice, Equity, Diversity, and Inclusion Consultant Services Proposal**” and emailed to:

Laurel Prevetti
Town Manager
Town of Los Gatos – Town Manager’s Office
Manager@losgatosca.gov

Each Proposer is responsible for confirming the Town’s receipt of the proposal. The Town email system has file size limitations; therefore, receipt confirmation is critical. Receipt of a proposal by any other Town office will not constitute “delivery” as required by this proposal. Each Proposer assumes full responsibility for timely delivery of its proposal. Any proposals received after the time and date specified above will be considered nonresponsive and will be returned to the consultant. No Proposer may submit more than one proposal for this work.

Each proposal must include the following information:

Cover Letter (Maximum 2 pages) – Cover letter giving an overview of the Proposer’s general expertise, experience, and ability to perform the scope of services described in this RFP. Include a statement of your general philosophy to undertaking the work. The cover letter shall be signed by an authorized representative of the firm. **Attachment 5** is the Town’s contract template for the Consultant Services Agreement. In the cover letter, state that the Town’s contract template is acceptable to the Proposer or list any exceptions or change requests to the contract provisions.

Certification Forms – Complete and sign the following certification forms:

Attachment 1 - Conflict of Interest Statement

Attachment 2 - Non-Collusion Declaration

Attachment 4 - Statement regarding Insurance Coverage and Worker’s
Compensation Insurance Acknowledgment Certificate

Request for Proposals Justice, Equity, Diversity, and Inclusion Consultant Services

Review of Scope of Services (Maximum 3 pages) – Proposers must comment on their ability to realistically provide the services listed in the Proposed Scope of Services as outlined. Provide comments and suggest modifications, changes, and/or additions as appropriate. Indicate your approach to the project and what specialized skills, services, or unique insights you or your team would bring to the project. Proposals should include how action items would be identified to accomplish the goals and objectives. Describe how and when data and materials will be delivered to the Town.

Experience and Expertise – Discuss prior related experience satisfying Minimum Qualifications and what would make you or your firm qualified for JEDI consultant services. Emphasize projects of similar scope and magnitude. Any prior expertise in the implementation mechanisms (e.g. staff training) should be explained. Describe experience engaging the public in a JEDI plan. Describe the JEDI assessment tools you use, what they measure, the basis for their selection, and uses for shaping and measuring a JEDI strategy.

Qualifications of Key Personnel – Identify a project manager and key individuals on the consultant team and their resumes highlighting relevant qualifications and experiences. State projects that they were assigned to and their specific roles and responsibilities. Provide a statement regarding the team or firm’s commitment to keep the same personnel throughout this engagement with the Town.

Timeline – Provide a timeline for each element of the proposal that is both rigorous and realistic. Timeline should include how the project will be managed and scheduled and potential ways to phase this work aligned to the approach.

Samples – Provide one to three examples of a JEDI assessment or plan your firm has developed and one to three examples of training/education components your firm has created or provided on JEDI.

Disclosure of Litigation/Discipline – If you or firm has ever been disciplined or censored by any regulatory body, disclose the principle facts. If, within the last five years, you or your firm has ever been involved in litigation or other legal proceedings relating to the provision of services, provide an explanation and indicate the current status or disposition of the proceedings.

References (complete **Attachment 3**) – A minimum of three (3) current references from past projects (of similar scope) should be provided. All references must contain relevant projects completed within the past five (5) years. Provide the following information for each reference:

Request for Proposals
Justice, Equity, Diversity, and Inclusion Consultant Services

Firm, Owner, or Agency Name
Address, Telephone Number
Email Address
Project Description
List of Services Provided

Insurance Coverage – If applicable, identify carriers, types, and limits of insurance carried. If selected by the Town, the Consultant shall maintain minimum coverage requirements for commercial general liability, automobile liability, professional liability, and workers’ compensation as specified in the Consultant Services Agreement unless waived by the Town Attorney. The Consultant may achieve the required limits and coverage through a combination of primary and excess or umbrella liability insurance provided such policies result in the same or greater coverage as the coverages required by Town, and in no event shall any excess or umbrella liability insurance provide narrower coverage than the primary policy. If selected by the Town, the Consultant shall cause the insurance policies required herein to include the Town, and their respective officials, officers, employees, and volunteers as additional insureds for claims caused in whole or in part by the Consultant’s negligent acts or omissions. The Consultant shall provide certificates of insurance to the Town that evidence compliance with the above.

Preliminary Fee Schedule – Submit a Preliminary Fee Schedule for services provided by the Proposer. The Preliminary Fee Schedule shall be inclusive of all potential work and labor including, but not limited to, the Consultant’s costs for site visits and travel expenses. Each element of the proposal should be itemized and include a time frame, specific personnel to complete, and the cost associated with the item. The Town reserves the right to select from the menu of ideas presented in the proposal.

Addenda

If any revisions to this RFP become necessary, the Town shall provide responses and clarifications to questions via addenda. The last day for issuance of an addendum is Wednesday, April 21, 2021. A Proposer shall submit any questions or requests for clarification to the Town’s Contact by Monday, April 19, 2021.

Addenda to this RFP, if issued, will be posted on the Town’s website at www.losgatosca.gov/2433/RFPREQ. All proposers shall verify that the Town has issued any addenda for this Project prior to submitting the proposal and ensure that all requirements of addenda are included.

G. Evaluation Process

The Town Manager will form a committee to the proposals and will rank the Proposers. The evaluation of proposals shall be within the sole judgment and discretion of the Town. All contacts during the evaluation phase shall be through the Town's Contact only. Proposers shall neither contact nor lobby evaluators during the evaluation process. Attempts by the Proposer to contact any reviewers of the proposals with the exception of the Town's Contact may jeopardize the integrity of the evaluation and selection process and risk possible disqualification.

During the proposal evaluation process, written questions or requests for clarification may be submitted by the Town to a Proposer regarding its proposal or related matters. Failure to respond in a timely manner to any such questions or requests may be grounds for elimination of the Proposer from further consideration.

The Town Manager and the committee will evaluate each proposal meeting the qualification requirements set forth in this RFP.

After the review of proposals, the highest-ranked Proposers may be invited for oral interviews as part of the selection process, if necessary. The Proposer will be notified of the time and date of oral interviews (likely over Zoom) and if any additional information may be required to be submitted.

The Town shall be the sole judge of the evaluation of all proposals. The Town's decision shall be final. The Town reserves the right to reject any and all proposals and waive any irregularity or minor defects in any proposal received.

Proposal Evaluation Criteria

The following criteria shall be used to evaluate the proposals:

1. Conflict of Interest Statement and Non-Collusion Declaration (Pass/Fail)

- a. Discloses any financial, business or other relationship with the Town or the Los Gatos that may have an impact upon performance of services.
- b. Lists current clients who may have a financial interest in the outcome of this contract or contracts.

2. Completeness/Organization of the Proposal (15 points)

- a. Proposal that is current, accurate, and complete in accordance with the requirements of this RFP. The proposal format and organization shall follow the requirements herein. Proposals that do not include the content requirements

Request for Proposals
Justice, Equity, Diversity, and Inclusion Consultant Services

identified within this RFP and subsequent addenda and do not address items listed shall be considered incomplete.

3. Organization and Approach (20 points)

- a. Familiarity of the desired services and demonstrates understanding of objectives.
- b. Similar JEDI experience in the public and/or non-profit sectors.
- c. Experience engaging the staff and public in development and implementation of a JEDI work plan.
- d. JEDI assessment tools and uses for shaping and measuring a JEDI strategy.

4. Qualifications & Experiences (20 points)

- a. Meets Minimum Qualifications.
- b. Identifies relevant experience, specific qualifications, and technical expertise.
- c. Demonstrates history of success in implementing organizational change for other clients.

5. Proposer Accessibility (15 points)

- a. A statement addressing ability to fulfill JEDI consultant responsibilities.

6. References (10 points)

- a. Provide references with the names of at least three (3) agencies the Proposer has previously consulted for in the past five (5) years.

Oral Interview (if necessary)

If necessary, the top-ranking Proposer(s) may be invited to participate in Oral Interviews for a consultant presentation and Q&A session. A Proposer will be notified of the time and date for oral interviews (likely over Zoom) and if any additional information may be required to be submitted.

Following the Town's determination of the best qualified Proposer for this work, scope of services and final terms will be negotiated, and the Consultant and the Town will execute the Town's standard Consultant Services Agreement (**Attachment 5**).

The proposed schedule is as follows:

<u>Activity</u>	<u>Anticipated Dates</u>
RFP release	April 7, 2021
Pre-Proposal Meeting	None.
Deadline for Submitting Questions	April 19, 2021
Proposal Submission Deadline (5:00 pm)	April 28, 2021

Request for Proposals
Justice, Equity, Diversity, and Inclusion Consultant Services

Proposal Evaluation	May 2021
Consultant Interviews/Presentations (if necessary)	May 2021
Contract Negotiations and Execution	May 2021

H. Additional Information

1. **Reservation of Rights.** The Town reserves the right to accept or reject any or all proposals, or to alter the selection process if warranted, to postpone the selection process for its own convenience at any time, and to waive any defects in the RFP. The Town also reserves the right to accept or reject any individual subconsultant that a candidate proposes to use. This RFP and the interview process shall in no way be deemed to create a binding contract or agreement of any kind between the Town and the Proposers. The Town's standard form of consultant agreement will form the basis of the contract between the parties.
2. **Proposer's Costs.** Each Proposer responding to this RFP acknowledges and agrees that the preparation of all materials for submittal to the Town and all presentations, related costs, and travel expenses, including but not limited to vehicle miles, vehicle rentals, flights, transit fares, and meals, are at the Proposer's sole expense. The Town shall not, under any circumstances, be responsible for any cost or expense incurred by the Proposer. In addition, each Proposer acknowledges and agrees that all documentation and/or materials submitted with the RFP shall remain the property of the Town.
3. **Communicating with Town.** If you have any questions regarding this RFP, please communicate with the Town's Contact:

Laurel Prevetti
Town Manager's Office
Town of Los Gatos
110 E Main Street, Los Gatos CA 95030
Manager@losgatosca.gov
(408) 354-6832

The Town's sole point of contact for this RFP shall be the Town's Contact who shall administer the RFP process. All communications shall be submitted in writing and shall specifically reference this RFP (identify in the subject line). Only answers issued by Addendum will be binding. Oral and other interpretations or clarifications will be without legal effect. No contact with other Town staff, Town council members, or any other public official concerning the Project during the RFP process is allowed. A violation of this provision may result in the disqualification of the consultant.

4. **Assumptions of Proposers.** The Town is not responsible for the assumptions of Proposers. Neither the participation of the Town in any pre-proposal meeting, nor the

Request for Proposals
Justice, Equity, Diversity, and Inclusion Consultant Services

subsequent award of the contract by the Town shall in any way be interpreted as an agreement or approval by the Town that a Proposer's assumptions are reasonable or correct. The Town specifically disclaims responsibility or liability for any Proposer's assumptions in developing its proposal.

5. **Public Record.** All responses to this RFP become property of the Town and will be kept confidential, subject to the requirements of the California Public Record Act, until a recommendation for award of a contract has been announced. Submittals are subject to public inspection and disclosure under the California Public Records Act. (Cal. Govt. Code sections 6250 *et seq*). Unless the information is exempt from disclosure by law, the content of any proposal, request for explanation, or any other written communication between the Town and any Proposer, and between Town employees or consultants, regarding the procurement, shall be available to the public. In any event, the Town shall have no liability to Proposer for making disclosures required by the California Public Records Act or other law, court order, legal proceeding discovery request, investigative demand, subpoena, or order from a regulatory body having jurisdiction over either of the parties. Nothing contained herein shall be construed as requiring or obligating the Town to withhold information in violation of the California Public Records Act or other laws.
6. **Equal Opportunity.** The Town hereby notifies all Proposers that it will affirmatively insure that in any contract entered into pursuant to this procurement, minority business enterprises will be afforded full opportunity to submit proposals in response to this RFP and will not be discriminated against on the grounds of race, creed, color, national origin, ancestry, sexual orientation, political affiliations or beliefs, sex, age, physical disability, medical condition, marital status, pregnancy, or other protected characteristic as set forth hereunder.
7. **Appeal.** The Town will entertain appeals regarding this RFP process only as set forth herein. The appeal process presented in this RFP will take precedence in the case of any conflict with the appeal processes contained in the Town's Policies and Procedures. The Town will not entertain appeals regarding, or reconsider, substantive scores or determinations made in the evaluation process.

Appeals may be based upon restrictive requirements or alleged improprieties in the RFP that are apparent or reasonably should have been discovered prior to the Town's receipt of proposals. Such appeals shall be written and hand delivered or sent via certified mail to be received by the Town's Contact at least fourteen (14) calendar days prior to the Town's receipt of proposals. The appeal must clearly specify in writing the grounds and evidence on which the appeal is based.

Appeals may also be based upon alleged improprieties that are not apparent in the RFP or that could not reasonably have been discovered prior to the Town's receipt of the proposals. Such appeals are limited to 1) the Town's failure to follow its own appeal

Request for Proposals
Justice, Equity, Diversity, and Inclusion Consultant Services

procedures set forth in this Section; and 2) other procedural errors in the RFP process. The appeal must clearly specify in writing the grounds and evidence on which the appeal is based. Such appeals shall be in writing and hand delivered or sent via certified mail to be received by the Town Contact within five (5) calendar days from receipt of the notice from the Town informing of the Successful Proposer.

The Town's Contact will respond to an appeal in writing within ten (10) business days of receipt and that determination shall be final.

The appeal procedures summarized in this Section are mandatory and comprise the sole and exclusive appeal procedures for this RFP. A Proposer's failure to comply with the procedures set forth herein will result in rejection of the appeal and constitute a waiver of any right to further pursue a protest or appeal (including, but not limited to, filing a Government Code claim or legal proceeding). If the Town determines the appeal to be frivolous, the Respondent originating the appeal may be determined to be irresponsible and may be ineligible for future purchase orders and/or contracts.

In order to prevail on an appeal based on alleged improprieties not apparent in the RFP as described herein, a Proposer must demonstrate that an error was material and prejudicial to the Proposer's effort to become selected for participation in this Project. In other words, in order to prevail, the Proposer must demonstrate that but for the Town's error, the Proposer would have been selected as the Successful Respondent.

If an appeal is received within five (5) business days from receipt of the notice from the Town informing of the Successful Proposer, the Town will proceed with the following process: 1) Town provides a copy of the appeal to the Successful Respondent and, within five (5) business days of receipt, Successful Proposer may provide to the Town a written response to the appeal; 2) within ten (10) business days thereafter, Town prepares a written response to the appeal and to the Successful Proposer's response, if any, and provides the analysis to appellant and Successful Proposer; 3) within five (5) business days, appellant and Successful Proposer may provide written responses; 4) Town sets a hearing date for a Town Council determination on the appeal and prepares a written staff report and recommendation; 5) Town staff notifies Successful Proposer and appellant of the date and time of the hearing and prepares and distributes a written record containing all documents necessary for the Town Council determination and distributes the record to all parties; 6) Town Council hearing in which Successful Proposer and appellant are provided full opportunity to present matter to Town Council; 7) Town Council renders a final determination.

8. **Governing Law.** The laws of the State of California shall govern the interpretation and enforcement of the contract. Legal action may be instituted only in the Superior Court of the County of Santa Clara, State of California, or in the Federal District Court in the Northern District of California.

9. **Adherence to All Local, State, and Federal Laws and Requirements.** The Proposer shall adhere to all applicable federal, state, and local laws, ordinances, statutes, rules and regulations, and rulings or directives of any agencies having jurisdiction relevant in any way to the Proposer's scope of work.

I. Attachments

The following attachments are incorporated into the Request for Qualifications:

- ATTACHMENT 1 – CONFLICT OF INTEREST STATEMENT (FOR SUBMITTAL)
- ATTACHMENT 2 – NON-COLLUSION DECLARATION (FOR SUBMITTAL)
- ATTACHMENT 3 – REFERENCES (FOR SUBMITTAL)
- ATTACHMENT 4 – STATEMENT REGARDING INSURANCE COVERAGE AND WORKER'S
COMPENSATION INSURANCE ACKNOWLEDGMENT CERTIFICATE (FOR
SUBMITTAL)
- ATTACHMENT 5 – SAMPLE CONSULTANT SERVICES AGREEMENT (INFORMATION)

ATTACHMENT 1 - CONFLICT OF INTEREST STATEMENT

THIS FORM MUST BE PRINTED OUT, COMPLETED AND SUBMITTED WITH THE PROPOSAL

JUSTICE, EQUITY, DIVERSITY, AND INCLUSION CONSULTANT SERVICES

The undersigned declares:

I/We _____ (Insert Name) have the following financial, business, or other relationship with Town of Los Gatos that may have an impact upon the outcome of the contract. If none, please specify that no other relationships may have an impact on this contract or Project.

I/We _____ (Insert Name) have the following current clients who may have a financial interest in the outcome of this contract. If none, please specify that no other clients may have a financial interest with an impact on this contract or Project.

Pursuant to Government Code section 1090 and any other laws, rules and regulations that may apply, the Proposer covenants that neither it, its subcontractors nor employees presently have an interest, and shall not acquire any interest, direct or indirect, financial or otherwise that would conflict in any manner or degree with contract awarded from this RFP. Proposer certifies that to the best of its knowledge, no one who has or will have any financial interest in the contract awarded from this RFP is an officer or employee of the Town. Through its submittal of a proposal, Proposer acknowledges that it is familiar with Section 87100 et seq. and Section 1090 et seq. of the Government Code of the State of California and will immediately notify the Town if it becomes aware of any facts concerning the contract to be awarded that constitute a violation of said provisions.

Furthermore, if there is reason to believe that collusion exists among the Proposers, the Town may refuse to consider proposals from participants in such collusion. No person, firm, or corporation under the same or different name, shall make, file, or be interested in more than one proposal for the same

work unless alternate proposals are called for. A person, firm, or corporation who has submitted a sub-proposal to a Proposer, or who has quoted prices on materials to a Proposer, is not thereby disqualified from submitting a sub-proposal or quoting prices to other Proposers. Reasonable ground for believing that any Proposer is interested in more than one proposal for the same work will cause the rejection of all proposals for the work in which a Proposer is interested. If there is reason to believe that collusion exists among the Proposers, the Town may refuse to consider proposals from participants in such collusion. Proposers shall submit as part of their proposals documents the completed Non-Collusion Declaration provided herein.

I, on behalf of the Proposer, declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on _____
[date], at _____[city], _____[state].

Proposer Name (Person, Firm, Corp.) Title of Authorized Representative

Address Name of Authorized Representative

City, State, Zip

(Date) (Signed)

ATTACHMENT 2 – NON-COLLUSION DECLARATION

THIS FORM MUST BE PRINTED OUT, COMPLETED AND SUBMITTED WITH THE PROPOSAL

JUSTICE, EQUITY, DIVERSITY, AND INCLUSION CONSULTANT SERVICES

The undersigned declares:

I am the _____ [Insert Title] of _____, [Insert name of company, corporation, LLC, partnership or joint venture] the party making the foregoing proposal.

The proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The proposal is genuine and not collusive or sham. The Respondent has not directly or indirectly induced or solicited any other respondent to put in a false or sham proposal. The Respondent has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham proposal, or to refrain from responding. All statements contained in the proposal are true.

Any person executing this declaration on behalf of a respondent that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the respondent.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on _____ [date], at _____ [city], _____ [state].

By: _____

Name: _____

Title: _____

ATTACHMENT 3 - REFERENCES

THIS FORM MUST BE PRINTED OUT, COMPLETED AND SUBMITTED WITH THE PROPOSAL

JUSTICE, EQUITY, DIVERSITY, AND INCLUSION CONSULTANT SERVICES

List three (3) references for work of a similar nature to the Services performed within the last five (5) years. Use additional sheets as necessary.

1.

Name of Agency	Agency Address
Contact Name	Contact Title
Contact Telephone	Contact Email Address
Contract Period	Contract Amount

Description of services performed including costs.

2.

Name of Agency	Agency Address
Contact Name	Contact Title
Contact Telephone	Contact Email Address
Contract Period	Contract Amount

Description of services performed including costs.

3.

Name of Agency	Agency Address
Contact Name	Contact Title
Contact Telephone	Contact Email Address
Contract Period	Contract Amount

Description of services performed including costs.

I hereby certify that the Proposer performed the work listed above.

Signature of Proposer

Name

Date

**ATTACHMENT 4 - STATEMENT REGARDING INSURANCE COVERAGE AND WORKER'S COMPENSATION
INSURANCE ACKNOWLEDGMENT CERTIFICATE**

THIS FORM MUST BE PRINTED OUT, COMPLETED AND SUBMITTED WITH THE PROPOSAL

JUSTICE, EQUITY, DIVERSITY, AND INCLUSION CONSULTANT SERVICES

PROPOSER HEREBY CERTIFIES that the Proposer has reviewed and understands the insurance coverage requirements specified in the RFP. Should the Proposer be awarded a contract for Services, Proposer further certifies that the Proposer can meet the specified requirements for insurance, including insurance coverage of any subcontractors, and agrees to name the Town as additional insured for the Services specified.

By certifying this form, the Proposer also understands the Worker's Compensation insurance requirement per the California Labor Code, Sections 1860 and 1861:

I am aware of the provisions of Section 3700 of the Labor Code, which require every employer to be insured against liability for worker's compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

Name of Proposer (Person, Firm, or Corporation)

Signature of Proposer's Authorized Representative

Name & Title of Authorized Representative

Date of Signing

ATTACHMENT 5 – SAMPLE CONSULTANT SERVICES AGREEMENT

[ATTACHED BEHIND THIS PAGE]

AGREEMENT FOR CONSULTANT SERVICES

THIS AGREEMENT is made and entered into on (DATE) by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and Name of Consultant ("Consultant"), whose address is (Address). This Agreement is made with reference to the following facts.

I. RECITALS

- 1.1 The Town desires to engage Consultant to provide **justice, equity, diversity, and inclusion consultant services**.
- 1.2 The Consultant represents and affirms that it is willing to perform the desired work pursuant to this Agreement.
- 1.3 Consultant warrants it possesses the distinct professional skills, qualifications, experience, and resources necessary to timely perform the services described in this Agreement. Consultant acknowledges Town has relied upon these warranties to retain Consultant.

II. AGREEMENTS

- 2.1 Scope of Services. Consultant shall provide services as described in that certain Proposal sent to the Town on (DATE), 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 date of execution to XXX. Consultant shall perform the services described in this agreement as follows: XXXX
- 2.3 Compliance with Laws. The Consultant shall comply with all applicable laws, codes, ordinances, and regulations of governing federal, state and local laws. Consultant represents and warrants to Town that it has all licenses, permits, qualifications and approvals of whatsoever nature which are legally required for Consultant to practice its profession. Consultant shall maintain a Town of Los Gatos business license pursuant to Chapter 14 of the Code of the Town of Los Gatos.
- 2.4 Sole Responsibility. Consultant shall be responsible for employing or engaging all persons necessary to perform the services under this Agreement.
- 2.5 Information/Report Handling. All documents furnished to Consultant by the Town and all reports and supportive data prepared by the Consultant under this Agreement are the Town's property and shall be delivered to the Town upon the completion of Consultant's services or at the Town's written request. All reports, information, data, and exhibits prepared or assembled by Consultant in connection with the performance of its services pursuant to this Agreement are confidential until released by the Town to the public, and

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

2.6 Compensation. Compensation for Consultant's professional services **shall not exceed \$XXX**, inclusive of all costs. Payment shall be based upon Town approval of each task.

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

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

Invoices:

Town of Los Gatos

Attn: Accounts Payable

P.O. Box 655

Los Gatos, CA 95031-0655

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

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

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

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

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

III. INSURANCE AND INDEMNIFICATION

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

- iii. Consultant shall provide to the Town all certificates of insurance, with original endorsements effecting coverage. Consultant agrees that all certificates and endorsements are to be received and approved by the Town before work commences.
- iv. Consultant agrees to have and maintain, for the duration of the contract, professional liability insurance in amounts not less than \$1,000,000 which is sufficient to insure Consultant for professional errors or omissions in the performance of the particular scope of work under this agreement.

General Liability:

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

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

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

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

IV. GENERAL TERMS

- 4.1 Waiver. No failure on the part of either party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder, nor does waiver of a breach or default under this Agreement constitute a continuing waiver of a subsequent breach of the same or any other provision of this Agreement.
- 4.2 Governing Law. This Agreement, regardless of where executed, shall be governed by and construed to the laws of the State of California. Venue for any action regarding this Agreement shall be in the Superior Court of the County of Santa Clara.
- 4.3 Termination of Agreement. The Town and the Consultant shall have the right to terminate this agreement with or without cause by giving not less than fifteen days (15) written notice of termination. In the event of termination, the Consultant shall deliver to the Town all plans, files, documents, reports, performed to date by the Consultant. In the event of such termination, Town shall pay Consultant an amount that bears the same ratio to the maximum contract price as the work delivered to the Town bears to completed services contemplated under this Agreement, unless such termination is made for cause, in which event, compensation, if any, shall be adjusted in light of the particular facts and circumstances involved in such termination.
- 4.4 Amendment. No modification, waiver, mutual termination, or amendment of this Agreement is effective unless made in writing and signed by the Town and the Consultant.
- 4.5 Disputes. In any dispute over any aspect of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, including costs of appeal.
- 4.6 Notices. Any notice required to be given shall be deemed to be duly and properly given if mailed postage prepaid, and addressed to:

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

CONSULTANT
Attn:
ADDRESS

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

- 4.7 Order of Precedence. In the event of any conflict, contradiction, or ambiguity between the terms and conditions of this Agreement in respect of the Products or Services and any attachments to this Agreement, then the terms and conditions of this Agreement shall prevail over attachments or other writings.
- 4.8 Entire Agreement. This Agreement, including all Exhibits, constitutes the complete and exclusive statement of the Agreement between the Town and Consultant. No terms, conditions, understandings or agreements purporting to modify or vary this Agreement, unless hereafter made in writing and signed by the party to be bound, shall be binding on either party.

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

Town of Los Gatos by:

Consultant, by:

Laurel Prevetti, Town Manager

Recommended by:

XXX

Printed Name and 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: 04/06/2021

ITEM NO: 11

DATE: March 31, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution Denouncing Hatred and Violence Toward Diverse Los Gatos Communities

RECOMMENDATION:

Adopt a Resolution (Attachment 1) denouncing hatred and violence toward diverse Los Gatos communities.

REMARKS:

With the recent rise of hate speech, incidents, and crimes in the Bay Area and nationally, the Town has an opportunity to express its values of being a welcoming, safe, and inclusive place for all and denouncing hatred and violence against our diverse communities. Attachment 1 contains a draft resolution affirming the Town's commitment to the well-being and safety of all of its diverse communities, including Black, Indigenous and People of Color (BIPOC); Asian American Pacific Islander (AAPI); Lesbian, Gay, Bisexual, Transgender, Queer or Questioning Plus (LGBTQ+), and all others.

FISCAL IMPACT:

The adoption of the Resolution has no fiscal impact.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Draft Resolution

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

RESOLUTION 2021-

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DENOUNCING HATRED AND VIOLENCE TOWARD DIVERSE LOS GATOS COMMUNITIES

WHEREAS, on May 2, 2017, the Town of Los Gatos adopted a resolution reaffirming the Town's commitment to a diverse, supportive, inclusive community and to protecting the constitutional and human rights of its residents, visitors, and workers; and

WHEREAS, the Town of Los Gatos wishes to affirm its commitment to the well-being and safety of all of its diverse communities, including Black, Indigenous and People of Color (BIPOC); Asian American Pacific Islander (AAPI); Lesbian, Gay, Bisexual, Transgender, Queer or Questioning Plus (LGBTQ+), and all others; and

WHEREAS, the Town of Los Gatos wishes to ensure that its BIPOC, AAPI, LGBTQ+ and other diverse communities are not alone and that they can speak out to help stop the spread of bigotry; and

WHEREAS, there has been a recent rise of hate crimes, some notable for their violence and cruelty, hate incidents, and hate speech throughout the United States and the San Francisco Bay Area; and

WHEREAS, the recent rise of violence is part of a larger history of violence against communities of Color, and we must work together to create community-centered solutions that stop the violence in all communities.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Los Gatos that the Town of Los Gatos stands with the BIPOC, AAPI, LGBTQ+ and other diverse communities and calls on all constituents and leaders to join us in condemning racist, homophobic, and harassing attacks against communities of Color, in all forms, and renewing our commitment to speak out against such attacks, defend and protect those targeted, and seek out and punish those who commit hate crimes against any members of our community.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 6th day of April 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



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/06/2021

ITEM NO: 11

DESK ITEM

DATE: April 6, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution Denouncing Hatred and Violence Toward Diverse Los Gatos Communities

REMARKS:

Attachment 2 contains public comment received between 11:01 a.m. Monday, April 5, and 11:00 a.m. Tuesday, April 6, 2021.

Attachment received with the Staff Report:

1. Resolution Denouncing Hatred and Violence Toward Diverse Los Gatos Communities

Attachment received with this Desk Item:

2. Public Comment received between 11:01 a.m. Monday, April 5, and 11:00 a.m. Tuesday, April 6, 2021.

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

From: Maria Wong

Sent: Monday, April 05, 2021 7:32 PM

To: Clerk <Clerk@losgatosca.gov>; Shelley Neis <sneis@losgatosca.gov>; Jenna De Long <JDeLong@losgatosca.gov>

Subject: Racial harassment in Los Gatos

Dear Ms Neils, Ms. De Long,

I have experienced racial harassment that happened in Los Gatos, not only once but twice that specifically attacked my ethnic heritage (Asian) on two different occasions. The incidents happened separately in late 2020 and early 2021. On both incidents, I did not report nor did I file a grievance to the Town of Los Gatos because I got the impression that Los Gatos is aware such hatred happens, but never really cares to rectify the situation!

Now that the national disgrace of racism is in the rise and is getting worldwide attention, it looks Los Gatos is now participating in anti-racism efforts which I applaud!

I understand this item will be discussed in tomorrow's Town Council Meeting (agenda no. 11)

<file:///Users/mariawong/Downloads/AgendaPacket-Council%20Meeting-April%206,%202021%207.00%20PM-1.pdf>

I would like the opportunity to speak and to be heard of my grievance being racially harassed in Los Gatos, TWICE!!. Please be advised that I will attend the meeting be it via zoom or by dialing in tomorrow evening.

Thank you!

Maria Wong



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/06/2021

ITEM NO: 12

DATE: March 31, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Discussion with District Attorney Jeff Rosen and Community Leaders to Encourage Reporting of Hate Incidents and Crimes and Standing in Solidarity with Others

RECOMMENDATION:

Discussion with District Attorney Jeff Rosen and community leaders to encourage reporting of hate incidents and crimes and standing in solidarity with others.

REMARKS:

Data for Santa Clara County indicate a rise in hate incidents and hate crimes, yet many hateful activities remain unreported. District Attorney Jeff Rosen will be attending the April 6th Council meeting to explain the difference between hate crimes and hate incidents, describe current trends, and emphasize the importance of reporting all hateful activities to the Police Department. The Police Chief will amplify the importance of reporting and explain briefly what the Police Department does with this information.

The Town has also invited three community leaders to talk about the role we all play to create and maintain a safe community culture. Rabbi Melanie Aron, Kareem Syed, and Kristi Grasty are participating and representing themselves as Los Gatos community members. Through conversation moderated by the Mayor, ideas will be shared about specific techniques to address bullying, harassing, or other undesirable behavior before it escalates to a more serious level. The purpose of this agenda item is to give Los Gatans specific tools so together we can begin to re-establish norms of civil discourse, mutual respect, and safe spaces for all.

FISCAL IMPACT:

This item has no fiscal impact.

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

PAGE 2 OF 2

SUBJECT: Discussion with District Attorney Rosen and Community Leaders

DATE: March 31, 2021

ENVIRONMENTAL ASSESSMENT:

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



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/06/2021

ITEM NO: 13

DATE: March 29, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Provide Direction for the Following Potential Uses of the American Rescue Plan Act Funds Earmarked for Los Gatos and that any unprogrammed funds should be allocated to the Economic Recovery Fund account:

1. Utilize approximately \$3.2 million to replace lost revenue sufficient to balance the FY 2020/21 and FY 2021/22 budgets.
2. Utilize \$60,000 to provide additional \$15,000 grants to West Valley Community Services, Counseling and Support Services for Youth (CASSY), Next Door Solutions, and Live Oak Senior Nutrition.
3. Utilize \$250,000 to provide additional support to the Parklet grant program.
4. Utilize \$180,000 to provide a 50% waiver of rent and utilities for the Town of Los Gatos lessees New Museum of Los Gatos (NUMU), Friends of the Library, Billy Jones Railroad, Soccer and Little Leagues, and Los Gatos-Saratoga Community Education and Recreation (LGS Rec) for FY 2021/22.
5. Utilize \$50,000 for continued Conditional Use Permit 50% subsidies.
6. Other Council considerations consistent with eligible uses.

RECOMMENDATION:

Provide direction for the following potential uses of the American Rescue Plan Act (ARPA) funds earmarked for Los Gatos and that any unprogrammed funds should be allocated to the Economic Recovery Fund account:

1. Utilize approximately \$3.2 million to replace lost revenue sufficient to balance the FY 2020/21 and FY 2021/22 budgets.

PREPARED BY: Arn Andrews
Assistant Town Manager

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

RECOMMENDATION (continued):

2. Utilize \$60,000 to provide additional \$15,000 grants to West Valley Community Services, Counseling and Support Services for Youth (CASSY), Next Door Solutions, and Live Oak Senior Nutrition.
3. Utilize \$250,000 to provide additional support to the Parklet grant program.
4. Utilize \$180,000 to provide a 50% waiver of rent and utilities for the Town of Los Gatos lessees New Museum of Los Gatos (NUMU), Friends of the Library, Billy Jones Railroad, Soccer and Little Leagues, and Los Gatos-Saratoga Community Education and Recreation (LGS Rec) for FY 2021/22.
5. Utilize \$50,000 for continued Conditional Use Permit 50% subsidies.
6. Other Council considerations consistent with eligible uses.

BACKGROUND:

On March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law by President Biden. The \$1.9 trillion package (the Act) provides financial aid to families, governments, businesses, schools, non-profits and others impacted by the COVID-19 public health crisis. Of the \$1.9 trillion, \$350 billion is being directed toward state and local governments. All 19,000 municipal governments are entitled to a direct, non-competitive federal formula grant from the U.S. Treasury Department. The portion allocated to cities, towns, and villages totals \$65.1 billion of which \$19.5 billion is obligated toward cities with less than 50,000 residents. On March 10, 2021, the Mayor received notification from Congressional Representative Eshoo's Office that Los Gatos will receive \$5,688,630 based on a modified version of the Community Development Block Grant formula.

Receipt and use of the ARPA funds were established within the Act and potentially subject to future clarification and revision. To date, the Act establishes that the U.S. Treasury is required to pay the first tranche to states, counties, and entitlement communities no later than 60-days after enactment (March 11), and the second payment no earlier than 12 months after the first payment. States will have 30 days to distribute funds to nonentitlement communities (e.g., Los Gatos) based on population, with potential for up to three extension requests by a State. All Fiscal Recovery Funds will remain available until December 31, 2024.

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

(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

BACKGROUND (continued):

(B) to respond to workers performing essential work during the COVID–19 public health emergency by providing premium pay to eligible workers of the metropolitan city, nonentitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

(C) for the provision of government services to the extent of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency; or

(D) to make necessary investments in water, sewer, or broadband infrastructure.

The Act also identified the following two ineligible uses:

(A) No state, metropolitan city, nonentitlement unit of local government, or county may use funds made available under this section for deposit into any pension fund.

(B) Cannot be used to either directly or indirectly offset a reduction in the net tax revenue resulting from a change in law, regulation, or administrative interpretation during the covered period of March 3, 2021 to the end of the fiscal year in which the local government last uses these funds, that reduces any tax (by providing for a reduction in a rate, a rebate, a deduction, a credit, or otherwise) or delays the imposition of any tax or tax increase.

DISCUSSION:

Staff has identified eligible ARPA uses for Council consideration that are consistent with the intent of the Act, in alignment with previous Council guidance, or both. In addition, the staff recommendation considers the multiple needs of the Los Gatos community in terms of equitable continuation of Town services, business support, and assistance to local nonprofits. The Council need not program all of the dollars on April 6th. Staff recommends that any unprogrammed funds should be allocated to the Economic Recovery Fund account.

(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

Following is a listing of previous Council actions which align with this eligibility section. Council could consider expanding on previous monetary relief efforts to businesses and nonprofits.

DISCUSSION (continued):

- On April 7, 2020, the Town Council authorized additional funding to several annual grant recipients to enhance resources devoted to individuals and families that may be experiencing financial hardship, lack of food access, mental health challenges, domestic violence, and/or other effects associated with the COVID-19 pandemic and related Public Health Orders requiring sheltering in place. Specifically, additional \$10,000 grants were provided to West Valley Community Services, Counseling and Support Services for Youth (CASSY), Next Door Solutions, and Live Oak Senior Nutrition for a total of \$40,000.
- On April 21, 2020, the Town Council authorized waiver of rent and utilities for the Town of Los Gatos lessees New Museum of Los Gatos (NUMU), Friends of the Library, Billy Jones Railroad, Soccer and Little Leagues, and Los Gatos-Saratoga Community Education and Recreation (LGS Rec) for the duration of the Santa Clara County shelter-in-place order due to significant business disruption.
- May – November, the Town Manager through her emergency proclamation authorization funded \$6,475 toward deep COVID cleaning for the LG Methodist Church Shower Ministry to maintain weekly showers for the Homeless.
- On May 26, 2020, the Town Council held a special meeting to discuss opportunities that could provide support to the business community through Community Vitality and Economic Recovery initiatives. An Economic Recovery Resolution was drafted and adopted (6/2/2020) to provide the implementation of a pop-up parklet program, land use permit and process streamlining opportunities, and reduced fees including the absorption by the Town of 50% of all Conditional Use Permit fees for the period of one year.
- June 2020, the Town Manager through her emergency proclamation authorization funded \$2,800 toward protein purchases for House of Hope food pantry.
- On June 8, 2020, the Town Council authorized the Town Manager to expend up to \$750,000 for the creation and deployment of temporary parklets for businesses to leverage outdoor space due to public health orders.
- On September 15, 2020, the Town Council authorized the expenditure of approximately \$150,000 for the Los Gatos Chamber of Commerce proposal to install holiday light displays to enhance the desirability of the Town as a shopping destination during COVID-19.
- On October 6, 2020, the Town Council approved the continuation of the Economic Recovery parklet program (temporary with krail) through March of 2021, adopted a

DISCUSSION (continued):

grant match program for businesses who make ADA accommodations to these temporary parklets, extended the duration of the pilot parklet program (adopted in February of 2019) to a semi-permanent timeframe with no set end date, and directed staff to return to Council in January 2021 with a semi-permanent parklet incentive program. For the Council's reference, krail rental remains an ongoing cost at the rate of \$10,000 per month.

- On January 19, 2021, the Town Council approved: continued rent forgiveness for Town owned properties; business license forgiveness for specific commercial sectors during Q1; \$10,000 grants toward construction of semi-permanent parklets built in public right-of-way; the purchase a set of "pre-approved" parklet architecture plans and subsidy of the engineering costs for the parklets; the absorption of Town parklet application fees; the expenditure of \$2,500 for mask signage; an additional \$35,000 to complete the Chamber of Commerce's Holiday Light display; and extended the Economic Recovery Resolution through December 2021 including the absorption of 50% of Conditional Use Permit fees. The 50% of the fees absorbed by the Town are being paid for out of the Economic Recovery Fund.

Staff recommends that the Council increase the semi-permanent parklet subsidy to \$20,000 and clarify that each subsidy is per business. The original calculation by staff was a maximum of 30 businesses building parklets at \$10,000 per business, for a total of \$300,000, allocated from the Economic Recovery Fund on January 19, 2021.

After meeting with the businesses and understanding their intentions a bit more, staff estimates that approximately 15 businesses have serious interest in building approximately 12 parklets at this time. The interest may increase as parklets are built and recovery for the businesses gain momentum; however, staff does not believe the request will go beyond 20 total parklets for all of downtown. As noted above, some of these may be multi-business parklets thus the total business interest and grant allocation may reach 25 businesses.

During meetings with the businesses, it is understood that the parklet cost are about \$20,000 for design and engineering, and \$40,000 for buildout, for a basic two-parking stall parklet. With the Council direction in January, Town staff has secured architecture plans for a basic two stall pre-approved parklet and bought down the engineering fees so that the cost per business for design and engineering is now \$3,900, instead of approximately \$20,000. If the interest in the semi-permanent parklet program extends beyond ten parklets, staff will need additional funds to subsidize the engineering fees for the remaining parklets. Assuming 20 parklets maximum, an additional \$250,000 would be necessary to support a \$20,000 grant for 25 businesses, and the additional consultant costs for the pre-approved plans and reduced engineering fees.

DISCUSSION (continued):

In addition to the aforementioned parklet costs, if Council were to consider providing 50% rent relief for all Town tenants for FY 2021/22, and offer one-time \$15,000 additional grants to the Town's four annual grant recipients these items would total \$180,000 and \$60,000 respectively.

(C) for the provision of government services to the extent of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency; or

The impacts to economically sensitive Town revenues associated with public health measures to mitigate the spread of COVID-19 have been well documented.

On January 21, 2020, the Town Council received the following initial Five-Year Forecast which became the basis of Strategic Priority planning and budgetary considerations. The development of that original forecast did not anticipate the unforeseen economic impacts associated with the local, national, and global effects of COVID-19.

Original 5 Year Forecast "Base Case"	2020/21 Forecast (\$M)	2021/22 Forecast (\$M)	2022/23 Forecast (\$M)	2023/24 Forecast (\$M)	2024/25 Forecast (\$M)
Original Surplus/Deficit	\$0.5	\$1.7	\$1.6	\$2.3	\$3.1

On May 19, 2020, staff presented an updated Five-Year Forecast and the Proposed Operating Budget which included significant revisions to growth projections for the Town's primary revenues of property tax, sales tax, and transient occupancy tax (TOT). The net result of these revenue changes alone accounted for a \$1.8 million swing from the original FY 2020/21 base case revenue projections and an additional \$2.6 million revenue reduction in FY 2021/22 relative to the base case projection.

Net Changes in Revenues to Base Case	2020/21 Forecast (\$M)	2021/22 Forecast (\$M)
Sales Tax	(\$0.98)	(\$1.02)
MuniServices COVID-19 Scenario		
TOT	(\$0.4)	(\$0.1)
Shock Scenario		
Property Tax	(\$0.4)	(\$1.5)
Slow/No Growth Scenario		
Totals	(\$1.78)	(\$2.62)

DISCUSSION (continued):

The combined effects of changing these budget assumptions in conjunction with others is illustrated in the following updated Five-year Forecast.

Updated COVID-19 Effects Scenario	2020/21 Forecast (\$M)	2021/22 Forecast (\$M)	2022/23 Forecast (\$M)	2023/24 Forecast (\$M)	2024/25 Forecast (\$M)
Surplus/Deficit	\$0.0	\$0.0	(\$0.6)	(\$0.1)	(\$0.7)

The total Five-Year Forecast revisions resulted in an initial estimate of \$9.2 million in total surpluses through FY 2024/25 ultimately becoming \$1.4 million in deficits through FY 2024/25, for a total Forecast period reduction of \$10.6 million

On February 16, 2021, staff provided the following Mid-Year Budget and Five-Year Financial Forecast which illustrate the continued degradation in the Town's primary revenue sources due to impacts from COVID-19.

	Revenues	Expenses	Variance FY 2020/21 Budget vs. FY 2020/21 Estimate
Total General Fund	(\$2,603,789)	\$1,565,612	(\$1,232,566)

Scenario Surplus/Deficit	2021/22 Forecast (\$M)	2022/23 Forecast (\$M)	2023/24 Forecast (\$M)	2024/25 Forecast (\$M)	2025/26 Forecast (\$M)
Base Case Modest Growth	(\$2.0)	(\$0.4)	\$0.0	\$0.2	\$0.3

The Mid-Year Budget currently estimates a \$1,232,566 deficit of revenues over expenditures at year end and the current Five-Year Forecast is projecting a \$2.0 million dollar deficit in FY 2021/22.

Staff recommends that \$1.2 million be put toward closing the FY 2020/21 budget gap of \$1.2 million and \$2.0 million towards closing the anticipated FY 2021/22 budget gap, for a total of \$3.2 million. These estimates were based upon mid-year budget projections and as such are highly subject to change based upon final close of FY 20/21 actuals and the final approval of the FY 2021/22 proposed operating and capital budget.

DISCUSSION (continued):

(D) to make necessary investments in water, sewer, or broadband infrastructure.

The Town recently completed an analysis of stormwater system deficiencies which identifies between \$10M and \$18M in specific project needs across multiple projects ranging in individual estimated costs of between \$100,000 and \$5,000,000. Should the Council wish to allocate funds for capital work in this area, staff would include a recommendation for a project sized to the available funds in the annual Capital Improvement Program Budget. Small projects would correct issues of repetitive localized ponding, for example at the corner of Shannon Road and Short Road, by modifying the storm inlet and road contour. Larger projects would address areas where a storm drain is not present or insufficient for the flow, for example along Los Gatos Almaden Road where stormwater releases overland onto adjacent properties.

CONCLUSION:

The American Rescue Plan Act has been established to help local governments sustain during the unprecedented impacts of COVID-19 and continue to provide opportunities to support businesses and nonprofits. Staff recommends that Council provide direction on the following eligible ARPA funding allocations and that any unprogrammed funds should be allocated to the Economic Recovery Fund account:

1. Utilize approximately \$3.2 million to replace lost revenue sufficient to balance the FY 2020/21 and FY 2021/22 budgets.
2. Utilize \$60,000 to provide additional \$15,000 grants to West Valley Community Services, Counseling and Support Services for Youth (CASSY), Next Door Solutions, and Live Oak Senior Nutrition.
3. Utilize \$250,000 to provide additional support to the Parklet grant program.
4. Utilize \$180,000 to provide a 50% waiver of rent and utilities for the Town of Los Gatos lessees New Museum of Los Gatos (NUMU), Friends of the Library, Billy Jones Railroad, Soccer and Little Leagues, and Los Gatos-Saratoga Community Education and Recreation (LGS Rec) for FY 2021/22.
5. Utilize \$50,000 for continued CUP 50% subsidies.
6. Other Council considerations consistent with eligible uses.

COORDINATION:

This report was prepared in coordination with Economic Vitality, Finance, and Parks and Public Works.

PUBLIC COMMENT:

Attachment 1 contains public comments.

PAGE 9 OF 9

SUBJECT: American Rescue Plan Act Funding Direction

DATE: March 29, 2021

FISCAL IMPACT:

None. Funding will be provided through \$5.7 million in onetime ARPA funds.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Public Comments

From: Jim Foley

Sent: Friday, March 19, 2021 2:55 PM

To: Monica Renn

Cc: Sue Farwell; Joe Pirzynski; Andrea Romano; Brian Bernasconi; Kevin Youkilis; Catherine Somers; Randi Chen

Subject: Parklets/Recovery \$

Hi Monica,

I am writing to you in support of the semi-permanent parklet program you are working on related to encouraging vitality in the downtown core, as well as the unintended consequence of it as a recovery tool as a result of the pandemic. I have copied members of the new Legislative & Economic Vitality Subcommittee of the Chamber of Commerce Board of Directors, who share this support. Some of them attended your helpful online meeting discussing the program particulars going forward. We have discussed with the businesses, including restaurants and merchants, and have the feedback outlined below. Please let us know your thoughts, we are planning to appeal directly to senior staff and Town Council to achieve these goals.

- Program grants need to increase significantly, to the tune of \$30k+ per business. The Town has the remaining ~\$1.5MM that was reallocated from the streetscape fund for COVID recovery efforts. The Town also received \$388k in Federal assistance funding. Our understanding is that the Town is about to receive a significant federal stimulus payment, in the several millions of dollars, from the ne \$1.9T federal aid package. Even if 20 parklets were built, which would be the upper limit, this would only be ~\$600,000.00. That is a small fraction of the recovery funds, with not a lot of other opportunities to use those funds for other warranted recovery items. The parklets are a huge priority to stimulate economic recovery.
- Sunset the temporary parklets EOY 2021. Reevaluate that timeline in September.
- Allow for slim profile corrugated metal (or similar) roofs. They do not impact storefront visibility. The merchants have spoken up that more than anything else, the attractiveness and vibrancy of the parklets have bolstered their business more than any other measure, including pre-pandemic.
- \$2500 ADA reimbursements need to be paid out for all temporary parklets that complied. Others that have not need to be re-approached about that and get them up to ADA with the same offer.
- Whatever is extended through this program also needs to be offered to the original 5 parklet sponsors. A tremendous amount of work on this effort was on their backs, and out of fairness they need the same opportunities as the new applicants going forward.
- We agree once the weather improves, maybe May 1, the tents need to come down for many of reasons including but not limited to storefront visibility and blight.
- As a secondary effort, after the revised program is rolled out, we would encourage a loan program of some kind for those that simply can't afford the entire parklet even with the grant.

Additionally, we wanted to check in with you on some other critical recovery efforts and see where they stand:

1. Fees – can you please bring us up to speed on where we stand with Town collected fees? Permits, parking tickets, biz licenses, etc. Our position is the majority of this should be frozen/waived for the foreseeable future.
2. Dixon study – where does this stand? This is a critical part to the future of downtown as we begin to see a resurgence of the economy. It is our position that there should be a report given on this effort at every single council meeting to ensure progress is being made as quickly as humanly possible. If this effort needs funding, there is plenty of that and it should be allocated to it immediately to move it forward quickly. Certainly seems appropriate for use of recovery funds.
3. ABC – do you have any update on the temporary modifications they made and where they stand? On a go forward basis we need to try to make some of them permanent. There hasn't been any increase in crime or anything so seems like if it is simply continued and monitored it could be a real boost to the downtown vibrancy.
4. Events – of course we need to get to a point where we can have meaningful public gatherings, but when we do, we feel an injection of recovery funds into an event calendar could be the “seed” money that really establishes annual events that ultimately could support themselves through their own funding, and we would hope the Town agrees this is a good use of recovery funds when possible.

Looking forward to finalizing all of this and getting Los Gatos positioned to be the leader in the economic tidal wave of 2021! Thanks for all of your help!!!



Los Gatos Town Council

The Honorable Mayor Marico Sayoc, Vice Mayor Rennie, and Council Members Badame, Hudes, and Ristow

110 E. Main St.

Los Gatos, CA 95030

April 6, 2021

Dear Mayor Sayoc, Vice Mayor Rennie, and Council Members Badame, Hudes, and Ristow,

On behalf of New Museum Los Gatos | NUMU board and staff, I want to express our gratitude for forgiving our rent this past year. Rent forgiveness has enabled NUMU to achieve several key mission-aligned goals that directly support the Town's priorities for local history, community vitality, and inclusivity. We have been working tirelessly on critical areas such as the Los Gatos History Project, making our permanent art and history collection accessible through an online database; delivering a successful virtual *ArtNow* high school exhibition and program, featuring teen artists from Los Gatos and across the county; and collaborating with local community partners and beyond, like the Los Gatos Library & LGS Recreation, to implement programs and exhibitions that provide a platform for underrepresented artists and communities. **Once again, the Town's rent forgiveness has been a true lifeline for all of these efforts—thank you.**

I am writing today because as we are all learning, NUMU, like other arts and culture organizations, will not fully recover by July 2021; in fact, full recovery will take years. Museums are under more restrictive opening guidelines than other businesses, and continue to face disproportionate limitations on activities. As we plan for next fiscal year, even our best-case budget scenario projects a drop in earned income by one-third. More realistically, we expect to lose about two thirds of the earned income we would receive in a normal year via classes, workshops, rentals, and other in-person offerings that don't translate to a virtual model. **This shortfall has a direct impact on our ability to pay rent, which could decimate our opportunities to serve Los Gatos with history, culture, and art in 2021-22.**

We need time to recoup losses and work towards fiscal sustainability so we may continue serving the Town of Los Gatos. We have been closed to the public for a full year with almost no earned income. However, NUMU serves a vital role in our community's recovery. As stated by [California Arts Advocates](#), "as the vaccine becomes more available and the spread of COVID 19 weakens, we know the arts and culture industries will play a vital role in seeing all communities across California equitably rebuild and recover and our downtowns come back to life." Continued rent forgiveness from the Town of Los Gatos will make a significant impact in sustaining us. **We are asking for continued rent forgiveness through fiscal year 2022, so we may build a sustainable future for NUMU. Moreover, we humbly request that you consider directing federal stimulus funding from the American Rescue Plan to NUMU so that we can continue offering vital services to our Town.**

NUMU's relationship with the Town of Los Gatos is vital to us and our ongoing ability to serve our community. Thank you from all of us for your continued support.

In partnership,

Amy Davis | Executive Director



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/06/2021

ITEM NO: 13

ADDENDUM

DATE: April 2, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Provide Direction for the Following Potential Uses of the American Rescue Plan Act Funds Earmarked for Los Gatos and that any unprogrammed funds should be allocated to the Economic Recovery Fund account:

1. Utilize approximately \$3.2 million to replace lost revenue sufficient to balance the FY 2020/21 and FY 2021/22 budgets.
2. Utilize \$60,000 to provide additional \$15,000 grants to West Valley Community Services, Counseling and Support Services for Youth (CASSY), Next Door Solutions, and Live Oak Senior Nutrition.
3. Utilize \$250,000 to provide additional support to the Parklet grant program.
4. Utilize \$180,000 to provide a 50% waiver of rent and utilities for the Town of Los Gatos lessees New Museum of Los Gatos (NUMU), Friends of the Library, Billy Jones Railroad, Soccer and Little Leagues, and Los Gatos-Saratoga Community Education and Recreation (LGS Rec) for FY 2021/22.
5. Utilize \$50,000 for continued Conditional Use Permit 50% subsidies.
6. Other Council considerations consistent with eligible uses.

REMARKS:

Attachment 2 contains public comments received before 11:01 a.m. Friday, April 2, 2021.

Attachment received with the Staff Report:

1. Public Comments received before 11:01 a.m. Thursday, April 1, 2021.

Attachment received with this Addendum:

2. Public Comments received before 11:01 a.m. Friday, April 2, 2021.

PREPARED BY: Arn Andrews
Assistant Town Manager

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

From: Jim Foley
To: Council; Clerk
Cc: Catherine Somers; Randi Chen; Monica Renn; Sue Farwell; Joe Pirzynski; Andrea Romano; Brian Bernasconi; Kevin Youkilis
Subject: American Rescue Act Funds - Suggested Uses
Date: Thursday, April 1, 2021 11:27:35 AM

Dear Honorable Mayor and Distinguished Members of Town Council,

The Chamber Board has reviewed possible uses for the American Recovery Plan Act funds that Los Gatos will receive in the next 60 days. While we understand there are many ideas that will be brought forth by the Town staff and other stakeholders and members of the public, we encourage the Council to think seriously about using some of the money for real economic recovery and vitality projects for our downtown, as vetted by the business community represented by our membership.

We propose the following efforts:

1. **Parklets - \$1MM** - complete funding for all costs to construct semi-permanent parklets, including reimbursing the original five previously constructed semi-permanent parklets in full. Also, reimbursing a certain amount for the temporary parklets.
2. **Events - \$250k** – budget to catch up on events the Town has missed. The events would scale up along with the restrictions. Starting with smaller “non gathering” events including Thursday street closure, then move to smaller block parties, then finally to something significant in the Fall. Efforts will be in place to ensure that events are welcoming and inclusive of all.
3. **Parking - TBD** – Funding should be readily available to quickly implement all aspects of the Dixon study. Funds can be used right now for wayfinding signage and apps; even if only temporarily. Funds can also be considered for an Employee Parking Permit program and potentially an employee mini-shuttle (golf cart or small electric vehicle). The mini-shuttle could potentially be expanded to assist visitors as well. This will help unlock the underutilized parking inventory in the outer lying lots as pointed out in the Dixon study. This is critical in conjunction with the reduction of inventory on N Santa Cruz Ave and Main St that will result from the new parklets. Lastly, a Town Trolley pilot program to move people around Town to encourage and connect different dining and shopping districts more easily, in a fun and memorable way!

Thank you so much for your time and consideration of these requests. We look forward to seeing you on Tuesday night. In the meantime if you have any questions, please reach out to any one of us copied.

Jim Foley
Director/Chair
Los Gatos Chamber of Commerce Board/Subcommittee on Legislative Affairs & Economic Vitality



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/06/2021

ITEM NO: 13

ADDENDUM B

DATE: April 5, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Provide Direction for the Following Potential Uses of the American Rescue Plan Act Funds Earmarked for Los Gatos and that any unprogrammed funds should be allocated to the Economic Recovery Fund account:

1. Utilize approximately \$3.2 million to replace lost revenue sufficient to balance the FY 2020/21 and FY 2021/22 budgets.
2. Utilize \$60,000 to provide additional \$15,000 grants to West Valley Community Services, Counseling and Support Services for Youth (CASSY), Next Door Solutions, and Live Oak Senior Nutrition.
3. Utilize \$250,000 to provide additional support to the Parklet grant program.
4. Utilize \$180,000 to provide a 50% waiver of rent and utilities for the Town of Los Gatos lessees New Museum of Los Gatos (NUMU), Friends of the Library, Billy Jones Railroad, Soccer and Little Leagues, and Los Gatos-Saratoga Community Education and Recreation (LGS Rec) for FY 2021/22.
5. Utilize \$50,000 for continued Conditional Use Permit 50% subsidies.
6. Other Council considerations consistent with eligible uses.

REMARKS:

Attachment 3 contains public comments received between 11:01 a.m. Friday, April 2, and 11:01 a.m. Monday, April 5, 2021.

Attachment received with the Staff Report:

1. Public Comments received before 11:01 a.m. Thursday, April 1, 2021.

Attachment received with the previous Addendum:

2. Public Comments received before 11:01 a.m. Friday, April 2, 2021.

PREPARED BY: Arn Andrews
Assistant Town Manager

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

PAGE 2 OF 2

SUBJECT: Provide Direction for the Following Potential Uses of the American Rescue Plan Act Funds

DATE: April 5, 2021

Attachment received with this Addendum:

3. Public Comments received between 11:01 a.m. Friday, April 2, and 11:01 a.m. Monday, April 5, 2021.

March 6, 2021 Council meeting.

Item 13 - Provide Direction for the Potential Uses of the American Rescue Plan Act Funds Earmarked for Los Gatos

Madam Mayor and Council members

The Grant the Town received, \$5.7M, is being reapportioned tonight in the proposal you are considering, Item 13, at a rate that only allocates a bit more than \$3.7 M to various, and I agree, worthy projects, leaving about \$2m surplus. These “surplus” funds can be used for other economic recovery needs now. Lets allocate all the funds for the purposes they were intended – to keep the Town’s commitment to the various organizations that provide critical services to all our citizens, including many non-profits. And, in particular, lets target one of the most vulnerable constituents in our Town - our Senior citizens.

- Some additional data: at least 1/3 of our Town’s population will be 65 or older by early 2023 according to the Housing Element. These are folks who have been a strong part of our community for years, perhaps generations, and importantly, who have helped make our community the enjoyable place we all share.
- A “well-managed” Town should provide recreation and senior services to the full community; And, *NOTABLY* different from Los Gatos, most senior services are actually FUNDED by municipal governments for those citizens, whom they represent and they serve!
- LGS Adult Recreation acts as a gateway to provide valuable resources to these, our more vulnerable senior community members, collaborating with other non-profits to do so.
- It’s impossible now during COVID challenges to provide robust services when LGS Adult Rec cannot afford their current Staff salaries; and Seniors who do participate in many of the social programs make donations to help cover some of the operating costs, but operating costs are beyond the current revenue model.
- Ceasing lease payments to the Town for the E Main St. Adult Recreation Center facility provides much of the cost savings necessary to move forward to reinstall Staff FTEs during this critical time and provide the additional services identified as now necessary for our senior citizens.
- The community deserves an upgraded and more inclusive Senior Community Center and this should be part of the Town’s 20-year General Plan, or sooner! They provide many services that are unduplicated by any other Town partner.
 - Specifically, the facility needs to have its infrastructure updated to meet code and safety requirements. Currently, the facility is run down and in need of maintenance and refurbishment.
 - Many of the rooms can be repurposed so as to engage more adults for more inclusive programs. Paying the rent noted in the past to the Town precludes the LGS Recreation from making such investments in YOUR building. Please provide the ongoing funding to help the Rec make such changes. Invest in YOUR building.
- The Town’s commitment to an age-friendly initiative requires the Town government to be more VESTED in partnerships with those providing the services. This is an excellent opportunity to leverage such resources for best outcomes with these federal funds.

Also, I assume the Mayor is recusing herself from this vote due to the conflict of being the CEO of CASSY, which will receive additional (and needed, I might add), funding, as part of this initiative.

Thank you, and keep up the good work.
Lee Fagot



April 2, 2021

Los Gatos Town Council

Honorable Mayor Sayoc, Vice Mayor Rennie and Council Members Hudes, Badame and Ristow

110 E. Main Street

Los Gatos, CA 95030

Dear Mayor, Vice Mayor and Council Members,

I am writing on behalf of Los Gatos-Saratoga Community Education and Recreation (the Agency) to express our thanks and gratitude for the lease forgiveness extended to the Agency totaling \$240K since April 2020. The impact of COVID19 gathering restrictions has had an enormous impact on our ability to come together for recreation, enrichment and the vital senior services programs tied to our lease agreement for use of the Adult Recreation Center (ARC). In fact, our utilization of both the ARC and the Youth Recreation Center (YRC) facilities currently remains less than 3% of the pre-pandemic levels and we do not foresee a material change to utilization in the near future.

Coupled with the Town's generous lease forgiveness over the last year, the Agency also made sacrifices to conserve cash reserves and extend the amount of time we have to make decisions about the financial viability of the organization. In March 2020 we immediately rolled back Staff to .5 FTE, essentially paying for work 4 hours / day to support programs. The leadership team took a 20% reduction in compensation with an expectation of continued full-time work while we have creatively pivoted our business to conduct programs primarily online and re-imagine those that were held in person. In 2020 our revenue dropped by 58% and we worked to shore up what remained of the business. Nevertheless, these adjustments did not come close to bridging the gap and the Agency lost \$2M by December 2020.

We are now operating with 50% fewer Staff members than last year at this time and are still expected to lose \$1.4M by year-end based on current enrollment and while operating under the County health restrictions for in-person gatherings. Unless enrollment levels substantially increase, we will deplete remaining cash reserves by calendar year-end and be forced to close the recreation department established to serve the community 65 years ago. We remain hopeful this will not be the outcome, but current uncertainties require us to take a conservative approach to financial commitments.

To refresh memories, our programs and services reach all members of the community: youth and adult athletics and enrichment programs, Clubhouse childcare at all four LGUSD campuses, the World of Discovery Preschool, Parent Nurseries, Vasona boating operation, the aquatics program at the high school pool, senior services governed by our lease in addition to many other 55 Plus programs along

with providing all recreation programs for the City of Saratoga and of course, the Children's Holiday parade.

As we look forward to FY21/22, we appreciate the Town Staff report item #13 recommending a 50% waiver of rent for Town Lessees. However, we do not anticipate a Town offset of 50% to be substantial enough to forestall the difficult decisions ahead of us. We are experiencing a very slow business recovery and customer hesitancy to commit to in-person programs and events. **The Agency is respectfully requesting a continued waiver of ALL lease payments through fiscal year 2022 so that cash reserves may be used to continue operations. If approved by Council, this request would provide confidence to appropriately Staff operations and increase classified Recreation Staff to .75 FTE, adding 2 more hours to their day and substantially increasing our reach in the community during the critical months ahead.**

In parallel with this request, we want to express our interest in working even more closely with the Community and Senior Services Commission (CSSC) and Council to enhance and expand adult and senior services and to more fully reach those who have lost their essential connection to one another and the community. The Agency serves as a gateway to connect to valuable resources and is a necessary service in our age-friendly community.

Our business model is unusual among all recreation departments in the state of California in that we receive no Town or City funding and count only on fee-based programming and small grants to support traditionally low-margin operations. In the history of the Agency, we have never asked for a waiver of lease payments from the Town until now. These unprecedented times have called us to respectfully request this to support our ability to serve our community into the future. **Please consider directing federal stimulus funding from the American Rescue Plan to Los Gatos-Saratoga Community Education and Recreation in support of a full waiver of lease obligations in FY21/22 so that we may continue supporting our Town.**

In community spirit,



Nancy Rollett

Executive Director

208 E. Main Street

Los Gatos, CA 95030

(408) 207-4900

Building a Healthy Community Through Enrichment, Innovation and Fun!



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/06/2021

ITEM NO: 13

DESK ITEM

DATE: April 6, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Provide Direction for the Following Potential Uses of the American Rescue Plan Act Funds Earmarked for Los Gatos and that any unprogrammed funds should be allocated to the Economic Recovery Fund account:

1. Utilize approximately \$3.2 million to replace lost revenue sufficient to balance the FY 2020/21 and FY 2021/22 budgets.
2. Utilize \$60,000 to provide additional \$15,000 grants to West Valley Community Services, Counseling and Support Services for Youth (CASSY), Next Door Solutions, and Live Oak Senior Nutrition.
3. Utilize \$250,000 to provide additional support to the Parklet grant program.
4. Utilize \$180,000 to provide a 50% waiver of rent and utilities for the Town of Los Gatos lessees New Museum of Los Gatos (NUMU), Friends of the Library, Billy Jones Railroad, Soccer and Little Leagues, and Los Gatos-Saratoga Community Education and Recreation (LGS Rec) for FY 2021/22.
5. Utilize \$50,000 for continued Conditional Use Permit 50% subsidies.
6. Other Council considerations consistent with eligible uses.

REMARKS:

Attachment 4 contains public comment received between 11:01 a.m. Monday, April 5, and 11:00 a.m. Tuesday, April 6, 2021.

Attachment received with the Staff Report:

1. Public Comments received before 11:01 a.m. Thursday, April 1, 2021.

Attachment received with the Addendum:

2. Public Comments received before 11:01 a.m. Friday, April 2, 2021.

PREPARED BY: Arn Andrews
Assistant Town Manager

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

PAGE 2 OF 2

SUBJECT: Provide Direction for the Following Potential Uses of the American Rescue Plan Act Funds

DATE: April 6, 2021

Attachment received with Addendum B:

3. Public Comments received between 11:01 a.m. Friday, April 2, and 11:01 a.m. Monday, April 5, 2021.

Attachment received with this Desk Item:

4. Public Comment received between 11:01 a.m. Monday, April 5, and 11:00 a.m. Tuesday, April 6, 2021.

Esteemed Council Members,

I am writing to you today to implore you to continue moving forward to help all our Los Gatos businesses survive the drastic closures and limited business openings during the enforced SIP since March 16, 2020. I will address the parklet program and the Grant monies proposed once again, especially in light of the Federal Assistance Funding the Town has already received and the second round of Federal Assistance Funds. We know the parklets directly benefit the restaurants, but at the same time they are increasing business for the retail stores. The Chamber of Commerce has taken a lot of time to talk with both restaurant and retail shops, and there is agreement that the parklets stimulate business for everyone.

I am a big believer and supporter of the parklets; I know more semi-permanent parklets will only enrich our Town's viability, survivability and ambience. The last motion approved by the Town only allows Grant money to those businesses that haven't built semi-permeant parklets and those that haven't provided for the correct ADA access to the temporary parklets. **This is incredibly wrong and unfair to those business that have spent upwards of \$90,000 for semi-permanent parklets, and the businesses that have spent money they really couldn't spare at the time to be sure their temporary parklet complied to ADA access standards.**

The Council should allow all businesses and property owners access the same amount of funds thru the Grant process for the parklets, regardless of their status as semi-permanent or ADA compliant. Those monies for the permanent parklets already completed can be used to insure the construction of a safe canopy for inclement weather that is fire rated to allow for the placement of propane heaters. The money given should be equal for all, those that paved the way for the semi-permanent parklets and those that made sure their temporary parklet was ADA compliant.

In additon the monies for the parklet grants should be increased significantly and retroactively with the federal funds the town has received along with the monies the town has already authorized for recovery. Program grants need to increase to a minimum of \$30k+ per business if not complete funding with no limitation for past and future parklets. The Town has the remaining ~\$1.5MM that was reallocated from the streetscape fund for COVID recovery efforts. The Town also received \$388k in Federal assistance funding. In addition the Town is about to receive a significant federal stimulus payment, in the several millions of dollars, from the new \$1.9T federal aid package.

I appeal to you once again to increase the parklet grant monies for the semi-permanent parklets, the ADA monies for the temporary parklets and make them available to all businesses and property owners.

Thank you,
Sue Farwell

ATTACHMENT 4