

**RESOLUTION 2020-**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS  
AMENDING THE APPENDICES OF THE TOWN'S CONFLICT OF INTEREST CODE  
PURSUANT TO DIVISION 4 OF ARTICLE III OF CHAPTER 2 OF THE LOS GATOS TOWN CODE**

**WHEREAS**, the Political Reform Act, Government Code section 81000, *et seq.*, requires State and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, California Code of Regulations Section 18730, which contains the terms of a standard conflict of interest code, which can be incorporated by reference and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. The terms of California Code of Regulations Section 18730 have been adopted by reference by the Town Council in Division 4 of Article III of Chapter 2 of the Los Gatos Town Code.

**WHEREAS**, the Town Council adopted Ordinance 2139 intended to better facilitate the process of updating the Town's Conflict of Interest Code by authorizing the adoption and periodic updates of the detailed appendices required by California Code of Regulations Section 18730 containing the designation of positions and disclosure categories.

**WHEREAS**, this resolution is intended to update the Town of Los Gatos Conflict of Interest Code by amending the detailed appendices containing the designation of positions and disclosure categories.

**NOW THEREFORE, BE IT RESOLVED:** The following shall constitute the Appendix "A" to the Town of Los Gatos Conflict of Interest Code, by listing of those positions that are required to submit Statements of Economic Interests pursuant to the Political Reform Act of 1974, as amended. The Town Council hereby finds that the officers and employees holding the following designated positions make, or participate in the making of decisions which may reasonably have a material effect on financial interests, and are, therefore, designated employees of the Town of Los Gatos solely for purposes of the Fair Political Practices Act and required to make financial disclosures as specified:

ATTACHMENT 1

**DESIGNATED POSITIONS****DISCLOSURE CATEGORY**

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**ADMINISTRATION**

Town Council	1 through 13
Town Manager	1 through 13
Assistant Town Manager	1 through 13
Administrative Analyst	1 through 13
<del>Town Clerk Administrator</del>	<del>1 through 13</del>
Deputy Clerk	1 through 13
Finance Director	1 through 13
Finance and Budget Manager	1 through 13
Human Resources Director	1 through 13
Information Technology Manager	1 through 13
Economic Vitality Manager	1 through 13
Events and Marketing Specialist	1 through 13

**COMMUNITY DEVELOPMENT**

Community Development Director	1 through 13
Planning Manager	1 through 13
Administrative Analyst	1 through 13
<del>Administrative Technician</del>	<del>1 through 13</del>
Senior Planner	1 through 13
Assistant Planner	1 through 13
Associate Planner	1 through 13
Planning Technician	1 through 13
Permit Technician	1 through 13
Code Compliance Officer	1 through 13
Building Official	1 through 13
Senior Building Inspector	1 through 13
Building Inspector	1 through 13

**LIBRARY**

Library Director	1 through 13
Library Manager	1 through 13

**PARKS AND PUBLIC WORKS**

Director of Parks and Public Works	1 through 13
Assistant Director/Town Engineer	1 through 13
Superintendent	1 through 13
Senior Administrative Analyst	1 through 13
Arborist	1 through 13
Assistant Engineer	1 through 13
Associate Engineer	1 through 13

Traffic Engineer	1 through 13
Public Works Inspector	1 through 13
Engineering Technician	1 through 13
Environmental Programs Specialist	1 through 13
Project Manager/Construction Project Manager	1 through 13
Transportation and Mobility Manager	1 through 13
Operations Manager	1 through 13

**POLICE DEPARTMENT**

Police Chief	1 through 13
Police Captain	1 through 13
Records and <del>Communications Evidence</del> Manager	1 through 13
Senior Administrative Analyst	1 through 13
Community Outreach Coordinator	1 through 13

**TOWN ATTORNEY**

Town Attorney	1 through 13
Deputy Town Attorney	1 through 13

**BOARD, COMMISSION, AND COMMITTEE MEMBERS**

Arts and Culture Commission	1 through 13
<del>Bicycle and Pedestrian Advisory Commission</del>	<del>1 through 13</del>
Building Board of Appeals	1 through 13
Community <b>Health</b> and Senior Services Commission	1 through 13
<b>Complete Streets and Transportation Commission</b>	<b>1 through 13</b>
Conceptual Development Advisory Commission	1 through 13
<b>Council Finance Committee</b>	<b>1 through 13</b>
Development Review Committee	1 through 13
General Plan Committee	1 through 13
General Plan Advisory Committee	1 through 13
Historic Preservation Committee	1 through 13
Library Board	1 through 13
Parks Commission	1 through 13
Personnel Board	1 through 13
Planning Commission	1 through 13
<del>Transportation and Parking Commission</del>	<del>1 through 13</del>

## **SPECIFIED CONSULTANTS**

Those consultants defined as a “consultant” by the Fair Political Practice Commission and as determined by the Town Attorney in writing.

1 through 13

A Consultant is defined as an individual who contracts with or whose employer contracts with state or local government agencies and who makes, participates in making, or acts in a staff capacity for making governmental decisions.

FPPC Regulation 18700.3 defines “consultants” as including the following individuals who make a governmental decision whether to:

- Approve a rate, rule, or regulation
- Adopt or enforce a law
- Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement
- Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract that requires agency approval
- Grant agency approval to a contract that requires agency approval and to which the agency is a party, or to the specifications for such a contract
- Grant agency approval to a plan, design, report, study, or similar item
- Adopt, or grant agency approval of, policies, standards, or guidelines for the agency or for any of its subdivisions

A consultant also is an individual who serves in a staff capacity with the agency and:

- Participates in making a governmental decision; or
- Performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency’s conflict-of-interest code.

In addition, the Town Attorney may determine in writing that a particular consultant is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with these disclosure requirements. Such written determination shall include a description of the consultant's duties and based upon that description, a statement of the extent of disclosure requirements. The Attorney’s determination is a public record and shall be available for inspection.

**BE IT FURTHER RESOLVED:** The following list shall constitute Appendix "B" to the Town of Los Gatos Conflict of Interest Code, as amended, by listing of the disclosure categories that are required pursuant to the Political Reform Act of 1974. When a designated employee is required to disclose investments and sources of income, he or she need only disclose investments in business entities and sources of income with those who do business in the Town of Los Gatos, plan to do business in the Town of Los Gatos, or have done business in the Town of Los Gatos within the past two (2) years. In addition to other activities, a business entity is doing business within the Town of Los Gatos if it owns real property within the Town of Los Gatos. When a designated employee is required to disclose interests in real property, he or she need only disclose real property which is located in whole or in part within the Town or not more than two (2) miles outside of Town Boundaries or not more than two (2) miles of any land owned or used by the Town of Los Gatos.

#### ***General Provisions***

Designated employees shall disclose their financial interest pursuant to the appropriate disclosure category as indicated in section 2.30.610.

- Category 1: Investments (which are not held through a business entity or trust)
- Category 2: Interests in Real Property (which are not held through a business entity or trust)
- Category 3: Interests in Real Property Held by a Business Entity or Trust
- Category 4: Investments held by a Business Entity or Trust
- Category 5: Income (other than loans, gifts and honoraria)
- Category 6: Income (travel payments, advances, reimbursements)
- Category 7: Income -- Loans (received or outstanding during the reporting period)
- Category 8: Income -- Gifts
- Category 9: Income -- Honoraria
- Category 10: Commission Income Received by Brokers, Agents and Salespersons
- Category 11: Income and Loans to Business Entities or Trusts
- Category 12: Income from Rental Property
- Category 13: Business Positions

**BE IT FURTHER RESOLVED:** Any change provided in the appendices of the Town of Los Gatos Conflict of Interest Code shall not affect or excuse any offense or act committed or done or omission or any penalty or forfeiture incurred or accruing under any other Conflict of Interest Code, nor shall it affect any prosecution, suit, or proceeding pending or any judgment rendered in connection with any other conflict of interest code.

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 15<sup>th</sup> day of September 2020, 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: \_\_\_\_\_