

## **DRAFT RESOLUTION**

### **RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS RESCINDING RESOLUTION 2022-057 AND AMENDING THE APPENDIX OF THE TOWN'S CONFLICT OF INTEREST CODE PURSUANT TO LOS GATOS TOWN CODE SECTION 2.30.610**

**WHEREAS**, the Political Reform Act, codified at Government Code section 81000, *et seq.*, requires State and local government agencies to adopt and promulgate conflict of interest codes;

**WHEREAS**, 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 hearing;

**WHEREAS**, the terms of California Code of Regulations Section 18730 have been adopted by reference by the Town Council in Los Gatos Town Code Section 2.30.610;

**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; and

**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:**

1. Appendix A (Statement of Economic Interest for Designated Employee) to this Resolution shall constitute an Appendix 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 in Exhibit A.
2. Appendix B (Disclosure Categories) to this Resolution shall constitute an Appendix to the Town of Los Gatos Conflict of Interest Code, as amended, listing the

ATTACHMENT 2
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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, including receipt of gifts, loans, and travel payments, from sources located in or doing 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 miles outside of Town boundaries or not more than two miles from any land owned or used by the Town of Los Gatos.

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the \_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

\_\_\_\_\_  
MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

ATTEST:

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

## Appendix A

### DESIGNATED POSITIONS

### DISCLOSURE CATEGORY

#### ADMINISTRATION

Town Council	1
Town Manager	1
Assistant Town Manager	1
Town Clerk	2
Deputy Clerk	2
Finance Director	1
Finance and Budget Manager	2
Human Resources Director	2
Information Technology Manager	2
Economic Vitality Manager	1
Events and Marketing Specialist	2
IT System Administrator	2

#### COMMUNITY DEVELOPMENT

Community Development Director	1
Planning Manager	1
Senior Planner	1
Assistant Planner	1
Associate Planner	1
Planning Technician	1
Code Compliance Officer	1
Building Official	1
Senior Building Inspector	3
Building Inspector	3

#### LIBRARY

Library Director	2
Library Manager	2

#### PARKS AND PUBLIC WORKS

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

EXHIBIT A

Associate Engineer Technician	1
Engineering Technician	1
Senior Engineering Technician	1
Environmental Programs Specialist	2
Urban Forest Manager	1
Project Manager/Construction Project Manager	1
Transportation and Mobility Manager	1
Operations Manager	1
Supervising Equipment Mechanic	2

#### **POLICE DEPARTMENT**

Police Chief	1
Police Captain	1
Records and Communications Manager	2
Senior Administrative Analyst	2
Community Outreach Coordinator	2

#### **TOWN ATTORNEY**

Town Attorney	1
Deputy Town Attorney	1

#### **BOARD, COMMISSION, AND COMMITTEE MEMBERS**

Arts and Culture Commission	1
Community Health and Senior Services Commission	2
Complete Streets and Transportation Commission	1
Conceptual Development Advisory Commission	3
Diversity, Equity, and Inclusion Commission	2
Finance Commission	2
Development Review Committee	3
General Plan Committee	3
Historic Preservation Committee	3
Library Board	2
Parks Commission	1
Planning Commission	1

## **SPECIFIED CONSULTANTS**

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

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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.

## **Appendix B**

### **General Provisions**

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

Category 1: All investment and business positions in business entities, sources of income (including receipt of gifts, loans, and travel payments) from sources located in or doing business in the Town of Los Gatos and interests in real property located in the Town of Los Gatos or within two miles of the Town of Los Gatos or property owned by the Town of Los Gatos.

Category 2: Investments and positions in business entities and all sources of income (including receipt of gifts, loans, and travel payments) from sources located in or doing business in the Town of Los Gatos.

Category 3: Interests in real property located in the Town of Los Gatos or within two miles of the Town of Los Gatos or property owned by the Town of Los Gatos.

**EXHIBIT B**