



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 09/03/2024

ITEM NO: 6

DATE: August 26, 2024
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution Rescinding Resolution 2022-057 and Amending the Appendices to the Town Conflict of Interest Code Section 2.30.610

RECOMMENDATION:

Adopt a resolution rescinding Resolution 2022-057 and amending the appendices to the Town Conflict of Interest Code, Section 2.30.610.

BACKGROUND:

The Political Reform Act requires local agencies to adopt and maintain a Conflict of Interest Code. The Town of Los Gatos adopted the Conflict of Interest Code as part of the Town Code in Chapter 2, Article III, Division 4. Revisions to the Conflict of Interest Code may be made by resolution, pursuant to Ordinance 2139, adopted by the Town Council on February 8, 2005. On December 19, 2017, the Council amended the Conflict of Interest Code with the adoption of Ordinance 2267, which mandates all Conflict of Interest filers must file the Form 700 electronically via NetFile, the Town's e-filing system, beginning February 1, 2019.

The Political Reform Act further requires that in even-numbered years, before October 1, local agencies must conduct a biennial review and update of their Conflict of Interest Code to determine if it is still accurate and address any new positions that must be listed in the local code.

The Town last updated its Conflict of Interest Code on September 6, 2022 to add new positions and change the name of the Finance Commission from the Council Finance Committee to the Finance Commission. At that time, the General Plan Advisory Committee was also removed, as the Committee had completed its work.

PREPARED BY: Wendy Wood
Town Clerk

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

BACKGROUND (continued):

Additionally, the disclosure categories (Attachment 1, Exhibit B) were consolidated into three categories. Category one (1) requires reporting of 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 two (2) requires reporting of 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 three (3) requires reporting of 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.

DISCUSSION:

After reviewing the current code and designated positions, the Town Attorney and Town Clerk determined that the roles of the Administrative Analyst and Permit Technician do not involve responsibilities that necessitate filing under the code. As a result, the two positions are proposed to be removed from the list of required filers. In addition, it has been determined that certain positions require amendments to their disclosure categories to accurately align with their roles and responsibilities. Staff has identified the following positions for a change to the respective disclosure category: Events and Marketing Specialist, Senior Building Inspector, Building Inspector, Urban Forest Manager, Conceptual Development Advisory Commission, Development and Review Committee, General Plan Committee, and Historic Preservation Committee.

On February 20, 2024 the Town Council disbanded the Building Board of Appeals, which requires them to be removed from the list. Additionally, it has been determined that the Personnel Board does not involve responsibilities that necessitate filing under the code, and they are also being recommended for removal. Staff reviewed the duties of the recently added Diversity, Equity, and Inclusion Commission and determined the Commission needs to be added to the list of filers.

Those on the designated positions list are required to file the Fair Political Practices Commission (FPPC) Form 700 Statement of Economic Interests annually by April 1 with the Town Clerk. Attachment 1 is a comprehensive overview of all the changes for this reporting period consistent with the Political Reform Act reporting requirements.

COORDINATION:

The preparation of this report was done in coordination with the Town Attorney's Office.

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SUBJECT: Amending the Conflict of Interest Appendices

DATE: August 26, 2024

FISCAL IMPACT:

There is no fiscal impact associated with this agenda item.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Redline Designated Positions
2. Draft Resolution with Exhibits A and B