



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 11/07/2023

ITEM NO: 11

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DATE: October 27, 2023  
TO: Mayor and Town Council  
FROM: Gabrielle Whelan, Town Attorney  
SUBJECT: Authorize the Town Manager to Execute an Updated Agreement Between the Town of Los Gatos and the County of Santa Clara for Administration of the Town's Tobacco Retail Permit Program

**RECOMMENDATION:**

Authorize the Town Manager to execute an updated agreement between the Town of Los Gatos and the County of Santa Clara for Administration of the Town's Tobacco Retail Permit Program.

**BACKGROUND:**

The Town currently contracts with Santa Clara County to administer the Town's Tobacco Retail Permit Program, which includes enforcement of the Town's tobacco retailer ordinance. The County recently updated its ordinance regulating tobacco retailers. There are approximately 25 vendors in the Town who sell tobacco and tobacco products. In order to continue with County-assisted enforcement of the Town's ordinance, the Town was required to amend its ordinance to conform with the updated County ordinance.

At its October 3, 2023 meeting, the Town Council amended its Ordinance regulating tobacco retailers, which is codified at Town Code Section 18.60.020, to conform with the County ordinance.

Per the Town's contract with Santa Clara County, the County administers the Town's tobacco retailer permit program and enforces the Town's ordinance. This includes the following activities: Handling tobacco retailer permit applications, issuing tobacco retailer permits,

**PREPARED BY:** Bridgette Falconio  
Administrative Technician

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

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PAGE 2 OF 2

SUBJECT: Agreement Between the Town of Los Gatos and the County of Santa Clara for Tobacco Retail Permit Program Administration Services

DATE: October 27, 2023

BACKGROUND (continued):

educating tobacco retailers, inspecting tobacco retailers, conducting compliance checks, and documenting violations.

DISCUSSION:

Minor revisions are proposed to the existing contract between the Town and the County. Language has been added to provide that, in the event that the Town opts to designate a different entity than the County to administer the program or a hearing officer other than the County's hearing officer, the Town will provide the County with 90 days' notice.

The Council is asked to authorize the Town Manager to sign the revised agreement with the County.

CONCLUSION:

Authorize the Town Manager to execute the revised agreement between Town of Los Gatos and the County of Santa Clara for Tobacco Retail Permit Program Administration Services.

COORDINATION:

The Town Attorney's Office has coordinated the terms and conditions of the agreement with the Police Department and Santa Clara County representatives.

FISCAL IMPACT:

There would be no fiscal impact as the proposed revisions require the Town to provide 90 days' notice to the County in the event that the Town opts to make a change in administration of the program.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Draft First Amended and Reinstated Agreement