

DATE ~~3/15/~~  
3/17/05



## TOWN OF LOS GATOS

OFFICE OF THE TOWN CLERK

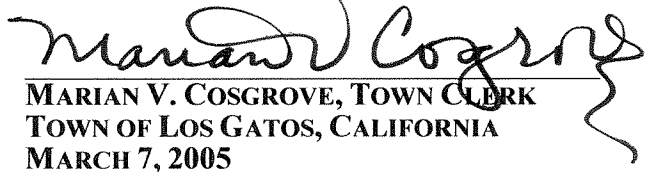
CIVIC CENTER  
110 E. MAIN STREET  
P.O. Box 2  
LOS GATOS, CA 95031

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### AFFIDAVIT OF CERTIFICATION

STATE OF CALIFORNIA     )  
COUNTY OF SANTA CLARA ) SS  
TOWN OF LOS GATOS     )

MARIAN V. COSGROVE, BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT SHE IS THE DULY ELECTED AND QUALIFIED TOWN CLERK OF THE TOWN OF LOS GATOS; AND THAT SHE HAS HELD THE PRESENT OFFICE OF TOWN CLERK SINCE DECEMBER 6<sup>TH</sup>, 2004 AND HAS RECEIVED INSUFFICIENT INFORMATION TO CERTIFY ANYTHING BUT THE NOVEMBER ELECTION OF 2004.

  
MARIAN V. COSGROVE, TOWN CLERK  
TOWN OF LOS GATOS, CALIFORNIA  
MARCH 7, 2005

### BACKGROUND

The Office of Town Clerk has received a request to certify five ordinances. The Office is unable to do so for lack of information and documentation. After being duly sworn to this Office the Town Clerk requested certain documents from the Manager so as to keep abreast of all legislative action so as to be able to certify the records that the Office of Town Clerk has custody of according to the California State Code. The Clerk only received a request to give a ceremonial signature to all paper work presented by the manager's clerks. The Office of Town Clerk can not give a ceremonial affirmation to anything that has not received the Clerk's overview. The following are documents that were requested twelve weeks ago and without which I am unable to place my signature on anything:

The working agenda which is needed so that I have an idea as to where the information for the ordinance is coming from. I need to know which department has generated it and what documentation will be following and what will be included in the final packet of legislative action.

The final agenda and amended agenda if there is one so that I know what is supposed to have transpired in the legislative meeting.

The full legislative packet and any desk items and amendments.

## **BACKGROUND CONTINUED**

The desk items for the packets and any other submittals from the audience, which is all part of the legislative record and which is mandated by the California State Code to be in the custody of the Elected Town Clerk.

Proof that the California Code was followed concerning the placement of notification of hearings, appeals and ordinances in an adjudicated local newspaper circulated in the Town of Los Gatos. This information coming forward before any request for certification is requested. (I have not given my permission to use my name on these legal notifications and I am told they have been placed in the papers with my name fraudulently attached to the notices.)

Notices should come to me for certification and use of my signature before I am asked to certify any completed Ordinance for filing in the permanent record.

Proof of mailing the legislative action for all ordinances. I will see that the ordinances and resolutions that go forward after Council Meetings are duly mailed to the parties that are legally to receive them according to state law before I certify the completion of any ordinances.

A copy of the approved minutes and a copy of the recordings of every Council Meeting. I have not been given access to the FTR and therefore would like copies of the tapes sent to me with all other packeted items.

I suggest I be sent a copy of the requested information for review. Council receives the proposed legislative agenda and corresponding documentation at their doorsteps and one could be delivered to me. Once I review all the above I will arrange a time to come in to see that all of the copy I have has been appropriately filed and that it is retrievable on the Clerk's Index. I can give that an hour of my time on Thursdays from 2:30 to 3:30, but I want to see that all original documents are accounted for and nothing is missing. That can either be done by laying it all out in the cubicle before I arrive or giving me access to the files.

At this time I'm only referring to the last five ordinances. I don't know how you assume I am to review the legislative record from December 6<sup>th</sup> to now in one hour a week and be able to keep up with all future records. This is a full time job. It is the business of the people. It is still an elected office. I am still the mandated clerk according to state code.

I am still awaiting answers to my questions regarding the Fair Political Practices Commission forms that are due April 1<sup>st</sup>. I will need to review those records to ensure that everyone has been given this year's form, that they have filled out the correct papers and that they received the Town's Conflict of Interest Code that explains why they have this requirement. I would like to also be assured that the Redevelopment Agency and its officers have filed.

The Fair Political Practices Commission was established by initiative of the people of California. The California Constitution was established under the Federal Constitution for the people of our nation. The people's rights are generated through election of a government to be run by representatives elected by those same people. The rights of the people to expect an honest government are assumed under this process. All of our elected representatives and all of the employees of our government offices take an Oath of Office, established by law, that they will uphold the government they are working for and not attempt to undermine it. They are not to circumvent the purpose of this government so as to strengthen their own self interests for position, monetary gain, personal benefits or political influence.

## **BACKGROUND CONTINUED**

As others are struggling to establish governments that will represent their people with the use of open and straight forward elections, our own Town government has pulled its people down a slippery slope of trying to remove an elected position through an ordinance of smoke and mirrors instead of upholding the California State Code that offers the people the right to choose and elect or appoint a Town Clerk.

Town's action is not representative of professional handling of a government office in the hands of the electorate. The Government of Los Gatos is not a private business of people hired by management to do management's bidding but a Government Office doing business for the people, established 117 years ago by the vote of the people. The Legislative body is the voice of those people and the other two elective offices are the oversight of the daily business of the people. The treasurer's and the clerk's positions have the authority, by state law, to maintain custody of the legislative record and the resources of our Town.