



TOWN OF LOS GATOS

OFFICE OF THE TOWN CLERK

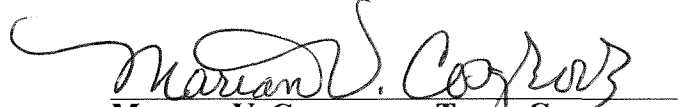
CIVIC CENTER
110 E. MAIN STREET
P.O. BOX 2
LOS GATOS, CA 95031

AFFIDAVIT OF CERTIFICATION

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

TOWN COUNCIL
MEETING
DEPUTY TOWN CLERK
DATE 5/2/05

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 6TH, 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
MAY 2, 2005

BACKGROUND

The Office of Town Clerk reiterates that the first quarterly report from the Manager's administrator, required by Council's resolution, was un-certifiable January 31, 2005 just as the latest request is un-certifiable by the Office of Town Clerk.

The original request from the Office of Town Clerk was for the following information which is imperative to have for certification of the Town's legislative action.

From December 6, 2004 until the present :

- * Working agendas for all Council meetings
Including any information on annexations, publications, conflict of interest, anticipated elections and publishing and receiving of bids
- * Final Council agendas and any amendments
- * Council packets and any amendments or desk items
- * Submittals to the packet from the public

BACKGROUND CONTINUED

- * Submittals under verbal communications
- * The ability to check the copies offered to the Office of Town Clerk against those filed by the Manager's administrator
- * The finalized agreements, contracts, recordings, letters of agreement, and promissory notes of security that are attached to the Legislative action
- * The minutes of all meetings that contain legislative action
- * Recordings of those meetings so that the Office of Town Clerk can certify that all of the people's business was followed through to completion
- * Review of the final attachments to certify that those were the ones that appeared before Council at a public meeting
- * Access to the Office of Town Clerk's Index of Town records which should show the inception and conclusion of the anticipated action in the working agendas to the final conclusion of the legislative action.
- * This index should be up to date and follow the established filing protocols of ARMA International

The Office of Town Clerk requested that this information be made available back in November of 2004. The request was that these records be made available to the Town Clerk as they had been available to that Office during the prior sixteen years. They were not. The Town Clerk waited until January 2005 for some efforts to be made to make these documents accessible in the location in which they were stored. They were not made available, nor were they placed on the Town Clerk's desk. They have still not been mailed, placed on the Clerk's door step, left in the police department or in the library for review. No effort whatsoever has been made to supply the documents needed to certify any legislative action. Five months have passed and the time needed to review any of this paper work will require twice what would have been normally needed.

The Manager's administrator can certainly mail whatever the manager and attorney tells the person in that position to mail, but the Office of Town Clerk cannot certify the records mandated by the State of California to be in the custody of the Office of Town Clerk if these records are not made available to the position responsible for them.

Had there been any cooperation from management, normal business hours could have been negotiated, but by removing all access to the records in the custody of the Town Clerk's Office, and by placing them in the hands of the Town Manager, Council has violated the Constitution of the State of California and the laws under which a General Law City has been mandated to operate. The government of the people of Los Gatos has been tampered with by the very people they trusted to uphold the Oaths of Office they had taken. An elected position, voted for by the people has been taken away inappropriately and placed under the Manager's jurisdiction without the people's approval. The elected Office of Town Clerk cannot even pretend to agree to such a farce without the support of the people.

One other option can be practiced by making all records available to the Office of Town Clerk at the regularly scheduled Council meetings. The packet can be prepared and handed to your elected clerk at that time and the response to those records can be given to the people at the following meeting. In that way the Manager's administrator can give complete quarterly reports with full answers given to the Office of Town Clerk in the report submitted to Council at their legislative meeting covering the certification of the completion of the legislative actions of the people's business.



TOWN OF LOS GATOS

CLERK DEPARTMENT

CIVIC CENTER
110 E. MAIN STREET
P.O. Box 949
LOS GATOS, CA 95031

CERTIFIED MAIL #7004 2510 0005 1533 8293
RETURN RECEIPT REQUESTED

January 24, 2005

Marian V. Cosgrove
Town Clerk
P.O. Box 2
Los Gatos, CA 95031

RE: CLERK ADMINISTRATORS REPORT

Dear Marian:

The first quarterly report from the Clerk Administrator, which is required by Resolution 2004-135, will be ready for your review and certification on January 31, 2005.

Please advise if you would like me to mail it, and the attached exhibits, to the above address or leave it in your in-box for the next time you are in the office.

Looking forward to hearing from you.

Best regards

cc: Debra Figone, Town Manager
Orry Korb, Town Attorney





TOWN OF LOS GATOS

CLERK DEPARTMENT

CIVIC CENTER
110 E. MAIN STREET
P.O. Box 949
LOS GATOS, CA 95031

CERTIFIED MAIL #7004 2510 0005 1533 8408
RETURN RECEIPT REQUESTED

April 5, 2005

Marian V. Cosgrove
Town Clerk
P.O. Box 2
Los Gatos, CA 95031

RE: CLERK ADMINISTRATOR'S REPORT

Dear Marian:

The second quarterly report from the Clerk Administrator, which is required by Resolution 2004-135, is ready for your review and certification.

Please advise if you would like me to mail it, and the attached exhibits, to the above address or leave it in the vault with the first quarterly report which has not yet been signed.

Looking forward to hearing from you to arrange a time, during normal business hours, or if you would like the two reports mailed to you.

Best regards

MarLyn J. Rasmussen
Clerk Administrator

cc: Debra Figone, Town Manager
Orry Korb, Town Attorney

