

Submitted 6/6/05  
mjr.



## 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  
JUNE 6, 2005

### BACKGROUND

As the holder of the elected Office of the Town Clerk for Los Gatos California, I request the annual evaluation and the setting of compensation for this office that is required of all General Law Cities under our California State Codes.

By those codes, Council is to make provision for this office to carry out its duties requiring authenticating and certifying the Town's legislative record which is mandated by State Code to be the duty of the elected Town Clerk. It would also provide for the certification of all records requiring the acknowledgement of the elected Town Clerk or deputy assigned by that office.

These duties have been denied the Elected Town Clerk of Los Gatos since December 6, 2004, by Council action which is not in keeping with California State Law, the law which Council swore to uphold in taking its Oath of Office.

The Office of Town Clerk has been denied all access to records mandated by the State to be in the custody of that office. All access has been denied by not supplying keys, free access and appropriate compensation so that the elected officer could afford to perform these duties. This sensitive position which this Office has been entrusted with by the Laws of the State and those of the people who established this position, has been usurped by servants of the people who have no respect for the government of the people, and for the elected officials who serve them.

Believing that Los Gatos is run by a Manager Form of Government leads Los Gatos into a bureaucratic maze, a government run by every new management theory which leads to less government of the people and more managerial practices.

Just what is left of the elective form of government? As other countries fight for their rights to choose their representatives, our country is slowly letting it slip away, moving toward more and more regulations imposed by bureaucracies. Contemplate the many functions of Town Government in the past and consider what duties cities now perform. Agencies, Joint Powers, Special Services, Registrar of Voters, County Assessor, Sanitation Districts, Fire Districts, Animal Control Districts, Solid Waste Management all lead to area wide government agencies and the erosion of local control. The original style of a simple government by and for the people is being slowly eradicated.

Our schools in California have seen what has happened, and parents are working to get powers reinstated to the local school boards so that the people can have a say in what their local schools teach. Our cities too have stood up this year and worked on an initiative, just like the people, to try to bring back local voice into government.

And then there is our Council giving away a portion of our local government because the manager says it's the sign of the times. The sign of the times is getting back the local control, putting it back into the hands of the people, listening to what the constituents want, and following the laws set down by the people to order and govern us.

California Law established Charter Cities and General Law Cities. Charter Cities organize under their very own laws from the very beginning following a very strenuous representative series of meetings and events which establish that city's codes and laws and also the duties of Treasurer and Clerk. These cities can change their own charters and can determine under their laws how these two elected offices shall be handled within the people's authority.

Los Gatos is a General Law City and under its incorporation agrees to follow those State Codes. Those codes allow the people to determine whether to have elected or appointed clerks and treasurers. These questions can appear on the ballot during the formation of a General Law city or at a later time when the people feel the need to make those changes, but certainly never by the subterfuge of the Council elected by the people to manage the business of the people, or by a management team that determines that they know better than the people the form of government they should have.

There is a balance of powers with the form of government we now have in Los Gatos. A Council that sets the policies that the people communicate to the members. A Treasurer who holds the finances of the Town under a strict fiscal policy set by law, and an elected Town Clerk, mandated by the State to be the custodian of the Legislative Record which is the business of the people who elected Council. The Town Manager is appointed by Council to carry out its policies, and all have a symbiotic relationship to one another.

This submittal is a formal request for the annual evaluation and setting of compensation established in California State Law for the acknowledgment of the Los Gatos Office of Town Clerk and the duties mandated by the state and expected by the people.