




MEETING DATE: 10/3/05  
ITEM NO. 5

## COUNCIL AGENDA REPORT

DATE: September 20, 2005  
TO: MAYOR AND TOWN COUNCIL  
FROM: DEBRA J. FIGONE, TOWN MANAGER   
SUBJECT: ADOPT A RESOLUTION ADOPTING A CODE OF CONDUCT FOR THE  
COLLECTION FRANCHISE PROCUREMENT PROCESS

### RECOMMENDATION:

Adopt a Resolution (Attachment 1) adopting a Code of Conduct for the Collection Franchise Procurement Process.

### BACKGROUND:

The Town contracts for solid waste collection and disposal services through the West Valley Solid Waste Management Authority (Authority), a joint powers agency consisting of the four West Valley cities: Town of Los Gatos, City of Campbell, City of Monte Sereno, and City of Saratoga. As Council last discussed at its August 15 meeting, the Authority is in the process of soliciting proposals for solid waste, recycling, and green waste collection services to begin March 1, 2007. The Authority issued a Request for Proposals on September 1; proposals are due October 31.

### DISCUSSION:

At its August 31 meeting, the Authority Board adopted Resolution 2005-06 adopting a Code of Conduct for the collection franchise procurement process. This resolution, prepared by the Authority Attorney, provides specific language on the "dos and don'ts" of the process, provides timeframes for when the rules apply, and clarifies whether "social conduct" is permissible.

The Authority recommends that each of its member agency Councils adopt the same resolution, in order to maintain a professional process free from any appearance of impropriety.

PREPARED BY: Regina A. Falkner  
Community Services Director

  
Orry P. Korb,  
Town Attorney

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Reviewed by: RS Assistant Town Manager ✓ Town Attorney        Clerk Administrator  
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MAYOR AND TOWN COUNCIL

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*September 20, 2005*

CONCLUSION:

Staff recommends that the Town Council adopt a resolution adopting a Code of Conduct for the Collection Franchise Procurement Process. A draft resolution is Attachment 1.

ENVIRONMENTAL ASSESSMENT:

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

FISCAL IMPACT:

No fiscal impact will result from the recommended action.

Attachments:

1. Draft Resolution of the Town Council of the Town of Los Gatos Adopting a Code of Conduct for the Collection Franchise Procurement Process

Distribution:

Scott Hobson, Executive Director, West Valley Solid Waste Management Authority

RESOLUTION NO. 2005-\_\_\_\_

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS  
ADOPTING A CODE OF CONDUCT  
FOR THE COLLECTION FRANCHISE PROCUREMENT PROCESS

**WHEREAS**, the Town is a member of the West Valley Solid Waste Management Authority ("Authority"), a joint powers authority between the Town of Los Gatos and the Cities of Campbell, Monte Sereno, and Saratoga ("Member Agencies"); and

**WHEREAS**, the members of the Town Council are obligated to comply with the Political Reform Act of 1974 ("PRA") to control conflicts of interests through, among other things, disclosure of financial interests; and

**WHEREAS**, the Authority is in the process of requesting and receiving proposals for the collection and disposal of solid waste within the jurisdiction of the Authority ("Procurement Process"); and

**WHEREAS**, the Board of Directors of the Authority desires to maintain a professional process free from any undue influence and the appearance of impropriety by complying with the PRA and adopting additional regulations regarding the Procurement Process.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES HEREBY RESOLVE** that the following Code of Conduct for the Collection Franchise Procurement Process is adopted:

## **Code of Conduct for the Collection Franchise Procurement Process**

A.        **POTENTIAL CONFLICT OF INTEREST.** Each Board Member shall inform the Executive Director of the Authority and each elected official of the Member Agencies ("Elected Official") shall inform the staff of his or her Member Agency of any potential conflicts of interest regarding potential proposers for solid waste services for the Authority ("Potential Proposers"). Information regarding potential conflicts existing between January 1, 2005, and October 1, 2005, shall be disclosed no later than October 15, 2005. Information regarding potential conflicts arising after October 1, 2005 shall be provided within 10 days of the Board Member or Elected Official learning of the potential conflict.

B.        **CONTRIBUTIONS.** No Board Member or Elected Official shall accept any contributions by Potential Proposers from October 1, 2005, until January 1, 2007. Any contributions received between September 1 and October 1, 2005 shall be returned. Each Board Member and Elected Official shall disclose all past contributions from Potential Proposers to the Executive Director of the Authority.

C.        **PROHIBITED CONTACTS.** No Board Member or Elected Official shall have non-public meetings or conversations with Potential Proposers from October 1, 2005, until January 1, 2007, regarding the Procurement Process or any matters involving the Potential Proposers. However, this section shall not prohibit Board Members and Elected Officials from meeting with Potential Proposers for purely social reasons. All Board Members and Elected Officials shall refer any questions regarding the Procurement Process to the Executive Director of the Authority. Board Members and Elected Officials shall disclose to the Executive Director of the Authority any non-public meetings or conversations with Potential Proposers regarding the Procurement Process which occurred from January 1, 2005, until August 31, 2005. A "non-public" meeting is any meeting that has not been called and held in accordance with the Brown Act.

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the \_\_\_\_ day of October, 2005 by the following vote:

**COUNCIL MEMBERS:**

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAIN:**

**SIGNED:**

**MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA**

**ATTEST:**

**CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA**