



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 11/7/05

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
NOVEMBER 7, 2005

BACKGROUND

I received the Council Packet of November 7, 2005 on Friday evening, November 4, 2005 at my door step in the same fashion as Council members receive their meeting packets. I will thank whomever finally caused the Office of Town Clerk to be acknowledged as having the right to receive its own agenda and the reports connected to that agenda in a timely manner. I am now able to address that receipt and my ability to certify the Legislative Record of Council's action this evening.

I will retain the packet I received for the records of the Office of Town Clerk so as to be capable of certifying the original record of this evening's proceedings. The Town Clerk's Office will need several more items to be able to complete that certification. Two weeks from today the original packet should have information appended to it to authenticate its validity, and those agenda items that have that validating information can be certified by this Office.

The original packet should be on the Town Clerk's desk awaiting certification of the reports with the following items and information included:

* The working agendas that show that the items on the final agenda have been anticipated and that there has been sufficient time to notice certain items by publication, posting, pre-bid notification and proper attesting to those notices by the Office of the Town Clerk.

- * A copy of the Notices that were posted in three public locations with the posted dates adhered to them.
- * The Posting Log in binder form which show the posting times of the agendas and the posting times of any amendments to the agendas.
- * The Affidavits of Publication which should have been received from the newspaper of record
- * The Publication Log to review the publication dates that notices were submitted to the newspaper and proof that the billing was received and forwarded to finance for payment.
- * Copy of the Addendums received by Council
- * Copy of Desk Items received by Council
- * Copy of Submittals received by Council during its meeting

This Office will also require the following items for review:

- * A copy of the Weekly for tracking the Town's legal notices regarding the people's business
 - * Current Town Rosters for tracking Town appointees and their terms of office
 - * Proof of the appointees' Residency
 - * Review of the applicants' Applications and resumes and copies for the Town Clerk's records.
- (This Office did not receive any of this information last week)
- * Proof of the appointees' Oath of Office

Also needed for final certification are review of the original and copies of the following:

- * Minutes of each agenda item attached to the subject file for verification of Council action
- * Resolutions numbered signed and sealed
- * Ordinances numbered signed and sealed. (Proof of the first and second readings being performed at the appropriate times)
- * Legal instruments: Letters of Agreement; Agreements; Contracts; Certificates; Bid Awards; Promissory Notes; Grants; Security Bonds; Recordings of Deeds, Easements and Property Liens; Verification of Appropriate Insurance coverage; and any other executed instruments generated by the Legislative Actions of Council at agendaized Regular and Special Meetings.
- * These instruments will be properly numbered and identified and linked to their Legislative Report and their Resolution or Ordinance. This information should be linked within the Clerk's Index and each Town Department should be able to access this information.
- * In two weeks the Office of Town Clerk's cubicle and computer should have these paper documents to review and electronic computer access to easily pull up Clerk's Index and the Time Coded Transcript of the Council Meeting
- * Each and every Council packet for the last two years should also be available on the computer. When I was so rudely locked out, (November of 2004), there was a year's worth of Council packets already scanned, and so at this time there should be another year's worth available for review.
- * In two weeks time I would also like a short training session in what is now available on the Office of Town Clerk's computer and specifics concerning any new processes needed to access and use these files. All of the records noted above should have been coded and cross referenced within Clerk's Index and simplified for the various generating departments to review the status of their records and to easily retrieve the originals if needed.
- * Not only should these records be ready for internal use but they should be ready to be placed on the Town's Web Site. Other cities are well on their way with open and public access to the people's business and there is no reason for our town not to be part of this government of the people. Seventeen years ago when I first became the Town's Elected Town Clerk, there were forward moving cities already scanning and offering public record access to their constituents. I immediately purchased Clerk's Index and began scanning documents and indexing retention but Council never supported records management and my efforts were done on my own time with my own personal limited funds. It is time for a change. It is time to become professional. It is time for the public to take charge and demand fully funded public access to their business, the Legislative History of Los Gatos.