

MAYOR'S BIENNIAL ETHICS REVIEW PANEL DISCUSSION

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Note: There may be a majority of Councilmembers (or their representatives) and/or members of the San José Elections Commission present, but no action will be taken by either legislative body.

AMENDED AGENDA

6:30 P.M.

October 13, 2009

Room W120

1. Welcome and Introductions
2. Discussion of ethics-related provisions of the City of San José Municipal Code

Please See Attachment for Potential Discussion Topics

3. Public Comments

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MAYOR'S BIENNIAL ETHICS REVIEW – PANEL DISCUSSION

POTENTIAL TOPICS

- Should public officials be able to participate in a proceeding, or use their position to influence, a decision involving a member of their immediate family?
- Should the City criminally prosecute violations of the lobbyist ordinance?
- Should violations of the lobbyist ordinance result in a two-year lobbying ban?
- Should Council Committees, City boards and City commissions consider, or take action on, memos released less than 72 hours before the meeting?
- Should the Elections Commission accept anonymous complaints?
- Is the definition of a lobbyist too narrow and are there too many exceptions, such as the exemption for the non-profit sector?
- Should the prohibition banning political activities of Elections Commissioners be expanded to any other commissions?
- What is the appropriate cure for violations of the Brown Act?
- What type of penalty should there be for failure to maintain calendars?
- What level of interaction with City/Agency staff should trigger lobbyist reporting requirements?
- Should lobbyists be required to report contributions and fundraising activity within 2 business days of the time that, in the aggregate, the contributions exceed a specified amount?
- At what amount should the City set contribution limits to candidate controlled committees and independent expenditure committees?
- Should the lobbyist ordinance definition of a business owner be amended to capture owners who control less than 50% of the company?
- How should communications about city business made with personal email, text messages, cell phones, social networking websites and other new technologies be dealt with as public records?
- Should the 2-year “revolving door” prohibitions be amended to allow for laid-off employees to work in new jobs that are within the former employee’s general “area of job responsibility”, so long as they are not involved in the specific projects they worked on while at the City/Agency?
- Should contributions by lobbyists to candidates for elected office be prohibited?
- Can the City of San José ban the “bundling” of candidate contributions by lobbyists?