

MEETING MINUTES

February 10, 2016

I. Call to Order & Orders of the Day

Roll Call

PRESENT: Chair Michael Smith, Vice Chair Rolanda Pierre Dixon and Commission Members Chris Peacock, Madhavee Vemulapalli and Adrian Gonzales

ABSENT: All Present

STAFF: Deputy City Attorney Arlene Silva, City Clerk Toni Taber, Deputy City Clerk Cecilia McDaniel, and Deputy City Clerk Anh Tran

OTHER: None

Call to Order

The members of the San José Ethics Commission convened at 5:37 p.m. in Room T-1446 of City Hall, 200 E. Santa Clara Street, CA 95113.

Orders of the Day

Action: Upon motion by Vice Chair Rolanda Pierre Dixon, seconded by Commissioner Madhavee Vemulapalli and carried unanimously, the Commission approved the adoption of the February 10, 2016 agenda. (4-0-1. Absent: Gonzales.)

II. Closed Session – None.

III. Hearings – None.

IV. Public Record – None.

Commissioner Adrian Gonzales entered the meeting at 5:40 p.m.

V. Consent Calendar

- A. Approve the Minutes of November 19, 2015 – Regular Meeting
- B. Approve the Minutes of December 9, 2015 – Regular Meeting
- C. Approve the Minutes of January 13, 2016 – Regular Meeting

Document Filed: Draft Minutes for the November 19, 2015 Regular Meeting.

Action: Minutes of December 9, 2015 and January 13, 2016 were not drafted in time for the meeting. Approval deferred to the next meeting. Upon motion by Chair Michael Smith, seconded by Vice Chair Rolanda Pierre Dixon and carried unanimously, the

Commission approved the Minutes of November 19, 2015 with amendments to the November 19, 2015 transcript as requested by Commissioner Chris Peacock. (5-0.)

VI. Reports

A. Chair – None.

B. City Attorney

1. Legislative update – None.
2. Status of outstanding Ethics Commission Resolutions

Discussion: Deputy City Attorney Arlene Silva provided an update regarding the Commission's resolutions. Commission discussion ensued related to staff support, City Clerk's Office audit, and backlog of work.

Action: No action was taken by the Commission.

3. Status of Gift Ordinance relating to Mayor's Biennial Review

Discussion: Deputy City Attorney Arlene Silva reported that there will be an update at the March Commission meeting.

Action: No action was taken by the Commission.

C. City Clerk

1. Legislative update

Documents Filed: Memorandum from Mayor Sam Liccardo to the City Council, dated February 9, 2016, regarding, "2015-2016 Mid-Year Budget Review."

Discussion: City Clerk Toni Taber reported that the office anticipates exceeding allocations due to the election year.

Action: No action was taken by the Commission.

2. Status report on filings (Form 700, Campaign Statements, Lobbyist)

Documents Filed: City Clerk's Office Form 460 and 470 Filing Log.

Discussion: City Clerk Toni Taber reported that reviews of campaign forms are being made and campaign notices have been sent to all candidates. The Form 700 and Family Gift Report are due on April 1, 2016. The City Clerk's Office is currently sending out notices to registered lobbyists.

Action: No action was taken by the Commission.

3. Elections update

Documents Filed: June 7, 2016 Election Press Packet.

Discussion: City Clerk Toni Taber reviewed the June 7, 2016 Press Packet with the Commission. Vice Chair Rolanda Pierre Dixon noted the County of Los Angeles as an example of a model agency and would like to see an educational pamphlet for the future.

Action: No action was taken by the Commission.

4. Update on FPPC Forum

Documents Filed: Email from Director, Legislative and External Affairs, of the Fair Political Practices Commission Phillip Ung, dated February 10, 2016, regarding, "CA Fair Political Practices Commission chair calls for top-to-bottom rewrite of Political Reform Act."

Discussion: Deputy City Clerk Cecilia McDaniel reported that the Fair Political Practices Commission is continuously expanding their outreach efforts to the public.

Action: No action was taken by the Commission.

5. Update on Commission Budget

Documents Filed: Ethics Commission Expenses FY 15-16 Spreadsheet from the City Clerk's Office.

Discussion: City Clerk Toni Taber reviewed the Ethics Commission Expenses FY 15-16 Spreadsheet and will also track staff time in the future.

Action: No action was taken by the Commission.

D. Investigator/Evaluator – None.

VII. Old Business

A. Discussion and possible action regarding revisions to Council Resolution 76954, Regulations and Procedures for the San Jose Ethics Commission. (City Attorney)

Discussion: Deputy City Attorney Arlene Silva reported that the City Attorney's Office is working on the resolution. City Clerk Toni J. Taber reviewed historic process of the resolution. Commissioner Adrian Gonzales requested consideration of a streamlined process for cost savings.

Action: No action was taken by the Commission.

B. Discussion and possible action on report from ad hoc committee on community outreach. (Vice Chair Pierre Dixon)

Discussion: Vice Chair Rolanda Pierre Dixon provided a progress update on her research.

Action: No action was taken by the Commission.

- C. Discussion and possible action on report from ad hoc subcommittee on potential for organizing statewide forum of Ethics Commissions campaign finance laws. (Commissioner Gonzales)

Discussion: Commissioners Adrian Gonzales and Chris Peacock provided a progress update on their research. Next update will be at the March Ethics Commission meeting.

Action: No action was taken by the Commission.

- D. Status of referral to Ethics Commission by Councilmember Charles "Chappie" Jones to compare rules of other Cities and determine if additional changes are recommended regarding the length of the campaign contribution period. (City Clerk)

Discussion: City Clerk Toni Taber and Deputy City Clerk Cecilia McDaniel will be working on a memorandum to the City Council for this referral.

Action: No action was taken by the Commission.

- E. Scheduling of Special Ethics Commission meeting if needed. (City Clerk)

Action: No action was taken by the Commission.

VIII. New Business

- A. Discussion and possible action on public statement to be issued by Commission regarding the late contribution reporting complaints. (City Clerk)

Discussion: Vice Chair Rolanda Pierre Dixon does not want a statement from the Commission. Commissioner Chris Peacock would like to share the Commission's story to the public. Deputy City Attorney Arlene Silva suggested that a statement could be included with the Commission's Annual Report to the City Council.

Action: Upon motion by Vice Chair Rolanda Pierre Dixon, seconded by Commissioner Chris Peacock and carried unanimously, this item was agendaized for the next meeting. (5-0.)

The Commission took a recess at 6:35 p.m. and reconvened at 6:37 p.m.

- B. Nomination and election of Ethics Commission Chair and Vice Chair. (Chair)

Action: Upon motion by Commissioner Chris Peacock, seconded by Commissioner Adrian Gonzales and carried unanimously, Chair Michael Smith was re-appointed to serve as the Chair of the Ethics Commission. Upon motion by Commissioner Adrian Gonzales, seconded by Commissioner Chris Peacock and carried unanimously, Vice Chair Yolanda Pierre Dixon was re-appointed to serve as the Vice Chair of the Ethics Commission. (5-0.)

IX. Public Comment – None.

X. Future Agenda Items

- Open Government Training
- Mayor's Memorandum from the February 9, 2016 City Council Agenda
- History of public hearing process and opportunity to streamline process for resolutions/cost savings
- Discussion and possible action on public statement to be issued by Commission regarding the late contribution reporting complaints

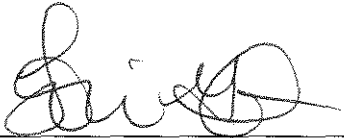
XI. Adjournment

The next regular meeting is March 9, 2016 at 5:30 p.m. in City Hall Room W-120, pending coordination of a Special Meeting and/or hearing if needed.

The meeting was adjourned at 6:41 p.m.


MICHAEL SMITH, CHAIR

ATTEST:
ETHICS COMMISSION SECRETARY



TONI J. TABER, CMC
CITY CLERK