

Chair—Michael Smith
Vice Chair—Rolanda Pierre Dixon, Esq.
Member—Chris Peacock
Member—Madhavee Vemulapalli
Member—Adrian Gonzales

Arlene Silva, Deputy City Attorney—Staff
Toni Taber, City Clerk—Staff
Cecilia McDaniel, Deputy City Clerk—Staff

MEETING AGENDA
January 13, 2016

5:30 p.m.

San José City Hall
Room W-120

I. Call to Order & Orders of the Day

II. Closed Session – None

III. Hearings

- A. Continuation of hearing on Amended Bohrer Complaint filed by Hanson Bridgett on October 9, 2015 against multiple respondents alleging violations of the San Jose Municipal Code (Independent Investigator/Evaluator)
[Original Report dated November 12, 2015](#)
[Original Response by Respondent Van Le dated November 17, 2015](#)
[Original Responses by Respondent Donald P. Gagliardi dated November 18-19, 2015](#)
[Original Response by Respondent Dave Cortese received November 19, 2015](#)
[Original Response by Respondent Donald Rocha dated November 19, 2015](#)
[Supplemental Report dated January 5, 2016 from Evaluator Hanson Bridgett](#)
[Response by Respondent Lan Diep dated January 6, 2016](#)
[Response by Respondent Lois Wilco-Owens dated January 6, 2016](#)
[Response by Respondent Donald P. Gagliardi received January 7, 2016](#)
[2nd Response by Respondent Donald P. Gagliardi dated January 7, 2016](#)
[Response by Respondent Bob Levy received January 10, 2016](#)
[Response by Respondent Magdalena Carrasco received January 11, 2016](#)
[Response by Respondent Kathy Sutherland received January 11, 2016](#)
[Supplemental Memorandum from City Attorney](#)
[Response by Respondent Donald P. Gagliardi to City Attorney Memo](#)
[Response by Respondent Donald P. Gagliardi re Ethics Commission Minutes](#)
- B. Continuation of hearing on Complaint filed by William Bohrer on July 23, 2015 against Tim Orozco and Neighbors for Tim Orozco for San Jose City Council District 4 2015 Committee alleging violations of the San Jose Municipal Code (Independent Investigator/Evaluator)
[Original Report dated August 24, 2015](#)
[Original Response by Respondent Tim Orozco dated September 8, 2015](#)
- C. See Item VII.A.2

IV. Public Record – None

V. Consent Calendar

- A. Approve the Minutes of November 19, 2015 – Special Meeting
 - B. Approve the Minutes of December 9, 2015 – Regular Meeting
- *Deferral to 2/10/16

VI. Reports

- A. Chair
- B. City Attorney
 - 1. Legislative update
- C. City Clerk
 - 1. Legislative update
 - 2. Status of compliance with Commission resolutions
 - 3. Status report on filings (Form 700, Campaign Statements, Lobbyists)
 - 4. Elections update
 - 5. Update on FPPC Forum
 - 6. Status of referral of Ethics Commission Complaint filed by Maribel Ayala regarding vendor with no sales permit
- D. Investigator/Evaluator

VII. Old Business

- A. 1. [Discussion and possible action to rescind or amend the penalty imposed on July 8, 2015 in the complaint filed on June 5, 2015 by Tom Cochran against Manh Nguyen and Manh Nguyen for San Jose Council D4 2015.](#) (Chair)
[Ethics Commission Resolution 2015-13 Imposing Fine](#)
[Letter from City Attorney Richard Doyle to Manh Nguyen dated November 4, 2015](#)
[FPPC Warning Letter dated September 1, 2015](#)
[Response by Respondent Manh Nguyen dated January 12, 2016](#)
- 2. Depending on the outcome of item VII.A.1., Hearing to rescind or amend the penalty imposed on July 8, 2016 in the complaint filed on June 5, 2015 by Tom Cochran against Manh Nguyen and Manh Nguyen for San Jose Council D4 2015. (Chair)
- B. Discussion and possible action regarding revisions to [Council Resolution 76954](#), Regulations and Procedures for the San Jose Ethics Commission. (City Attorney)
[Memo from City Attorney Rick Doyle](#)
- C. Discussion and possible action on report from ad hoc subcommittee on community outreach. (Vice Chair Pierre Dixon)
- D. Discussion and possible action on report from ad hoc subcommittee on potential for organizing statewide forum of Ethics Commissions campaign finance laws. (Commissioner Gonzales)
 - 1. Discussion and possible action on 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.

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

VIII. New Business

A. [Discussion and possible action regarding the Mayor's Biennial Ethics Review.](#) (City Attorney)

IX. Public Comment (*Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Ethics Commission*).

X. Future Agenda Items

- Open Government Training
- Nomination and election of new Ethics Commission Chair and Vice Chair

XI. Adjournment

The next regular meeting is February 10, 2016 at 5:30 p.m. in City Hall Room T-1446, pending coordination of a Special Meeting and/or hearing if needed.

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

You may speak to the Commission about any discussion item that is on the agenda, and you may also speak during Public Comment on items that are not on the agenda and are within the subject matter jurisdiction of the Commission. Please be advised that, by law, the Commission is unable to discuss or take action on issues presented during Public Comment. Pursuant to Government Code Section 54954.2, no matter shall be acted upon by the Commission unless listed on the agenda, which has been posted not less than 72 hours prior to meeting.

Agendas, Staff Reports and some associated documents for the Commission items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?nid=452>.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the Commission will be available for public inspection at the City Clerk's Office located at 200 E. Santa Clara St., Tower, 14th Floor, San Jose, CA 95113 at the same time that the public records are distributed or made available to the Commission. Any draft resolutions or other items posted on the Internet site or distributed in advance of the Commission meeting may not be the final documents approved by the Commission. Contact the Cecilia McDaniel, Deputy City Clerk, by e-mail at city.clerk@sanjoseca.gov or by telephone at (408) 535-1260 for the final document.

On occasion the Commission may consider agenda items out of order.

The Ethics Commission meets the 2nd Wednesday of the month at 5:30 p.m., unless otherwise noted. If you have any questions, please direct them to the Commission staff. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

Please direct correspondence and questions to:

City of San José
City Clerk's Office
Attn: Cecilia McDaniel
200 E. Santa Clara St., Tower 14th Floor
San José, California 95113
Tel: (408) 535-1260 / Fax: (408) 292-6207
Email: city.clerk@sanjoseca.gov