

MEETING MINUTES

June 8, 2016

I. Call to Order & Orders of the Day

Roll Call

PRESENT: Chair Michael Smith, and Commission Members Adrian Gonzales and Madhavee Vemulapalli

ABSENT: Vice Chair Rolanda Pierre Dixon and Commission Member Chris Peacock

STAFF: Deputy City Attorney Arlene Silva, City Clerk Toni Taber, Sr. Deputy City Clerk Cecilia McDaniel

OTHER: None

Call to Order

The members of the San José Ethics Commission convened at 5:31 p.m. in Room W-120 of City Hall, 200 E. Santa Clara Street, CA 95113.

Orders of the Day

Action: Upon motion by Commissioner Adrian Gonzales, seconded by Commissioner Madhavee Vemulapalli and carried, the Commission approved the adoption of the June 8, 2016 agenda. (3-0-2. Absent: Pierre Dixon and Peacock.)

II. Closed Session – None.

III. Hearings – None.

IV. Public Record – None.

V. Consent Calendar

A. Approve the Minutes of May 11, 2016 – Regular Meeting

Documents Filed: Draft Minutes for the May 11, 2016 Regular Meeting.

Action: Upon motion by Commissioner Adrian Gonzales, seconded by Commissioner Madhavee Vemulapalli and carried, the Commission approved the Minutes of May 11, 2016. (3-0-2. Absent: Pierre Dixon and Peacock.)

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 is working with staff on the backlog.

Action: No action was taken by the Commission.

3. Election update

Discussion: Deputy City Attorney Arlene Silva discussed the City Attorney's Campaign Guidelines webpage and indicated that many of the recent questions have been requested and responded to by telephone due to the urgency to respond before the election. Any frequently asked questions are posted to the webpage. Deputy City Attorney Arlene Silva provided examples.

Action: No action was taken by the Commission.

C. City Clerk

1. Legislative update

Discussion: City Clerk Toni Taber informed the Commission that changes to Council Policy 0-4 and San José Municipal Code Chapter 2.08 are going before the City Council on June 21, 2016. There is a proposal to change the name of the Ethics Commission to the Title 12 Commission. City Clerk Toni Taber requested alternative names for the Commission be submitted directly to her.

Action: No action taken.

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

Documents Filed: 1) Campaign finance statement filing log for the May 26, 2016 deadline; and 2) Updated campaign finance statement filing log for the May 26, 2016 and June 6, 2016 deadlines.

Discussion: City Clerk Toni Taber reported 100% compliance of campaign finance statements by candidates.

Action: No action was taken by the Commission.

3. Elections update

Documents Filed: 1) Election Results from June 7, 2016 as of 3:10 p.m. on June 8, 2016; 2) Corrected New Release; and 3) FAQs for the November Election.

Discussion: City Clerk Toni Taber reviewed the election results, news release and FAQs with the Commission. Letters will be sent to the candidates by the end of the week with post election instructions.

Action: No action was taken by the Commission.

4. Update on FPPC Forum – None.

5. Update on Commission Budget

Document Filed: 1) Ethics Commission Expenses FY 15-16 Spreadsheet from the City Clerk's Office; and 2) Updated Ethics Commission Expenses.

Discussion: City Clerk Toni Taber reviewed the expenses with the Commission. Chair Michael Smith directed staff to add a column to the spreadsheet to show the remaining balance of the Hanson Bridgett contract.

Action: No action was taken by the Commission.

D. Investigator/Evaluator – None.

VII. Old Business

A. Discussion and possible action on Ethics Commission's FY 2016-17 Work Plan and FY 2015-16 Annual Report. (Chair)

Documents Filed: 1) Draft Transmittal Letter to the Rules and Open Government Committee; 2) Draft FY 2015-16 Annual Report; and 3) Draft FY 2016-17 Work Plan.

Discussion: The Commission reviewed the documents and provided feedback to Chair Michael Smith. The Commission would like to consider possible Title 12 changes during the next review as recommended from Councilmember Jones' referral.

Action: Upon motion by Chair Michael Smith, seconded by Commissioner Adrian Gonzales and carried, the Commission approved the transmittal letter, FY 2016-17 Work Plan, and FY 2015-16 Annual Report as amended. The Commission approved Chair Michael Smith to (1) add a reference to the development of a statewide "knowledge network" of local ethics commissions; and (2) make a few minor editorial corrections/adjustments before submitting to the Rules and Open Government Committee for approval. (3-0-2. Absent: Pierre Dixon and Peacock.)

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

Document Filed: 1) Memorandum from Deputy City Attorney Arlene Silva to the Ethics Commission with draft changes to Council Resolution 76954; 2) Additional changes to Council Resolution 76954 submitted by Deputy City Attorney Arlene Silva.

Discussion: Deputy City Attorney Arlene Silva reviewed the draft changes to Council Resolution 76954 with the Commission and received feedback. The resolution is scheduled to go before Council on June 21, 2016 as Item 2.9 for approval.

Action: No action taken.

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

Document Filed: Draft informational packet for community outreach.

Action: No action was taken by the Commission. Item deferred to next meeting.

- 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)

Document Filed: Draft Introductory Letter to California Municipal Ethics and Election Commissions.

Discussion: Commissioner Adrian Gonzales reviewed the introductory letter with the Commission and discussed options for outreach.

Action: City Clerk Toni Taber will contact the Clerk's LISTSERV to see if there is an Ethics Commission LISTSERV available. Commissioner Gonzales to work with staff on possible outreach to other Ethics Commissions.

- 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 Gift Ordinance relating to Mayor's Biennial Review. (City Attorney)

Documents Filed: 1) Memo from Deputy City Attorney Arlene Silva to the San Jose Ethics Commission re Gift Ordinance Revisions Update dated June 1, 2016; 2) Current Gift Ordinance – San José Municipal Code Chapter 12.08; and

3) Supplemental Memo from Sr. Deputy City Clerk Cecilia McDaniel to the Ethics Commission dated June 7, 2016 with background information on Gift Ordinance.

Discussion: Deputy City Attorney Arlene Silva indicated that the new direction of the Council is to keep the Gift Ordinance in line with the Fair Political Practices Commission. Since there will be new Councilmembers starting in January 2017, it would be better to defer the item until after the new year.

Action: No action taken.

- B. Discussion and possible action on draft ordinance revising the definition of "committee" in San José Municipal Code Section 12.06.040. (City Attorney)

Document Filed: Memo from Deputy City Attorney Arlene Silva to the San Jose Ethics Commission re the Amendment to the San Jose Municipal Code section 12.06.040 defining "Committee" dated June 1, 2016.

Discussion: Deputy City Attorney Arlene Silva discussed her memo with the Commission. The draft ordinance is scheduled to go before the City Council in June.

Action: No action taken.

- C. Discussion and possible action on potential changes to the lobbying ordinance in San José Municipal Code Chapter 12.12. (City Attorney)

Document Filed: Memo from Deputy City Attorney Neelam Naidu to the San Jose Ethics Commission re the San Jose Municipal Lobbying Ordinance dated June 1, 2016.

Discussion: Deputy City Attorney Arlene Silva discussed the memo with the Commission. City Clerk Toni Taber is working with staff to see what filing system the City of San Jose will use for electronic submittals of required forms. The Office is trying to coordinate with other agencies to reduce the cost to the City.

Action: No action taken.

- D. Discussion and possible action on City Clerk's Office policy regarding the use of court reporters to prepare transcripts for Commission hearings. (City Clerk)

Document Filed: City Clerk Policy on Use of Court Reporters at Commission meetings.

Discussion: City Clerk Toni Taber reviewed the draft policy for the use of court reporters with the Commission and received feedback. A court reporter will not be hired for hearings unless it is requested by both the Chair and Vice Chair or the City has received notification of impending litigation related to the hearing.

Action: No action taken. Staff will amend the policy per Commission feedback.

IX. Public Comment – None.

X. Future Agenda Items

- Open Government Training
- Gift Ordinance

XI. Adjournment


The next regular meeting is July 13, 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 8:08 p.m.



MICHAEL SMITH, CHAIR

ATTEST:
ETHICS COMMISSION SECRETARY



TONI J. TABER, CMC
CITY CLERK