

MEETING MINUTES

May 11, 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 and Madhavee Vemulapalli

ABSENT: Commission Member Adrian Gonzales

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 5:42 p.m. in Room W-120 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, the Commission approved the adoption of the May 11, 2016 agenda. (4-0-1. Absent: Gonzales.)

II. Closed Session – None.

III. Hearings – None.

IV. Public Record – None.

V. Consent Calendar

A. Approve the Minutes of January 13, 2016 – Regular Meeting

B. Approve the Minutes of March 9, 2016 – Regular Meeting

Documents Filed: 1) Draft Minutes for the January 13, 2016 Regular Meeting; and 2) Draft Minutes for the March 9, 2016 Regular Meeting.

Action: Upon motion by Vice Chair Rolanda Pierre Dixon, seconded by Chair Michael Smith and carried, the Commission approved the Minutes of January 13, 2016 and March 9, 2016. (4-0-1. Absent: Gonzales.)

VI. Reports

A. Chair

Discussion: Chair Michael Smith thanked Vice Chair Rolanda Pierre Dixon for chairing the last meeting, which he was unable to attend due to illness, and noted that Commissioner Adrian Gonzales was unable to attend tonight's meeting due to an out-of-town business meeting.

Action: No action taken.

B. City Attorney

1. Legislative update

Discussion: Deputy City Attorney Arlene Silva informed the Commission that the California Government Code changed the threshold at which a person is considered to be a committee from \$1,000 to \$2,000 in total contributions or expenditures. She is preparing an ordinance to revise the definition of "committee" in San Jose Municipal Code Title 12 to coincide with the California Government Code's revised definition, and plans to take the final draft to the City Council for review and approval on June 21, 2016 after reviewing it with the Commission at the June 8, 2016 meeting.

Action: No action was taken by the Commission.

2. Status of outstanding Ethics Commission Resolutions

Discussion: Deputy City Attorney Arlene Silva is working on four resolutions currently and is working with staff on the backlog.

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 June Commission meeting.

Action: No action was taken by the Commission.

4. Election update

Discussion: Deputy City Attorney Arlene Silva discussed the City Attorney's Campaign Guidelines webpage and indicated that the majority of requests for guidance are questions about the campaign contribution limits and electioneering communications. There have been no new entries made since early April.

Action: No action was taken by the Commission.

C. City Clerk

1. Legislative update – None.
2. Status report on filings (Form 700, Campaign Statements, Lobbyist)

Documents Filed: Campaign finance statement filing log for the April 28, 2016 deadline.

Discussion: City Clerk Toni Taber reported that all candidates filed their campaign finance statements timely for the April 28, 2016 deadline. There are 245 non-filers for the Form 700 and Family Gift Reports that were due on April 1, 2016; however, the majority are contractors that may no longer have valid contracts with the City. Potential changes to the lobbying ordinance are being reviewed with the City Attorney's Office.

Action: No action was taken by the Commission.

3. Elections update

Documents Filed: Informational memo from City Clerk Toni J. Taber to the Honorable Mayor and City Council re Initiative dated April 26, 2016.

Discussion: City Clerk Toni Taber informed the Commission that the Clerk's Office completed a petition signature review on April 26, 2016, and the Opportunity to Work Petition qualified with 34,768 signatures. The Santa Clara County Registrar of Voters is completing a 3% random sample verification which is due by June 8, 2016.

Action: No action was taken by the Commission.

4. Update on FPPC Forum – None.
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 add the remaining balance of the Hanson Bridgett contract in future expense reports for Commission review. Also, in response to a question from Chair Michael Smith, she indicated that the City Clerk's Office will develop a policy regarding use of court reporters to prepare transcripts of Commission hearings and will provide a status report at the June meeting.

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 received additional revisions to Council Resolution 76954 from Chair Michael Smith and will take the final draft to Council for review and approval at the June 21, 2016 City Council meeting after reviewing it with the Commission at the June 8, 2016 meeting.

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 and Commissioner Chris Peacock are working on a draft informational packet to be used as community outreach to individuals wanting to get involved in the election process as candidates, contributors and voters in the City of San Jose. A draft will be provided to staff for feedback before bringing to the Commission for review.

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: Commissioner Chris Peacock and Sr. Deputy City Clerk Cecilia McDaniel informed the Commission that a draft report will be available for review by the Commission at the June 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)

Document Filed: Letter from the San Jose Ethics Commission to the Mayor and City Council, dated March 14, 2016, regarding a referral from Councilmember Charles “Chappie” Jones submitted as part of the public record for the March 23, 2016 Rules and Open Government Committee meeting.

Discussion: City Clerk Toni Taber explained that letters from Commissions are submitted to the Council through the public record with the Rules and Open Government Committee. Councilmember Charles Jones was in attendance and provided no feedback on the letter.

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.

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

Document Filed: Memorandum from City Clerk Toni J. Taber to the Ethics Commission re Public Statement dated May 4, 2016.

Discussion: Chair Michael Smith provided suggested changes to the Public Statement.

Action: Upon motion by Vice Chair Rolanda Pierre Dixon, seconded by Commissioner Madhavee Vemulapalli and carried, the Commission approved the public statement as amended to be included with the FY 15-16 Annual Report for the Ethics Commission. (4-0-1. Absent: Gonzales.)

VIII. New 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) Ethics Commission FY 2015-16 Work Plan; and 2) Ethics Commission FY 2014-15 Annual Report.

Discussion: Chair Michael Smith will submit a draft FY 2016-17 Work Plan and FY 2015-16 Annual Report to the June Ethics Commission meeting for review and approval by the Commission.

Action: No action was taken by the Commission.

IX. Public Comment – None.

X. Future Agenda Items

- Open Government Training
- Gift Ordinance


XI. Adjournment

The next regular meeting is June 8, 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 6:42 p.m.


MICHAEL SMITH, CHAIR

ATTEST:
ETHICS COMMISSION SECRETARY


TONI J. TABER, CMC
CITY CLERK