

MEETING MINUTES

December 9, 2015

I. Call to Order & Orders of the Day

Roll Call

PRESENT: Chair Michael Smith, Vice Chair Rolanda Pierre Dixon and Commissioners Chris Peacock, and Madhavee Vemulapalli

ABSENT: Commissioner Adrian Gonzales

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

OTHER: None.

Call to Order

The members of the San José Ethics Commission convened at 5:34 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, the Commission approved the adoption of the December 9, 2015 agenda. (4-0-1. Absent: Gonzales.)

II. Closed Session – None.

III. Hearings – None.

IV. Public Record – None.

V. Consent Calendar – None.

VI. Reports

A. Chair – None.

B. City Attorney – None.

1. Legislative update

C. City Clerk

1. Legislative update

Documents Filed: 2015 City Clerk New Law Presentation by Orange County Registrar of Voters.

Discussion: City Clerk Toni Taber announced that Deputy City Clerk Cecilia McDaniel attended the City Clerk's New Law Seminar in La Jolla, CA. A copy of the presentation was given to the Commissioners for review.

Action: No action was taken by the Commission.

2. Status of compliance with Commission resolutions – None.
3. Status report on filings (Form 700, Campaign Statements, Lobbyist)

Documents Filed: Memorandum from City Clerk Toni Taber dated December 3, 2015 to the Honorable Mayor and City Council re Mayor's 2015 Biennial Ethics Review and Recommendations (Council Agenda 12-15-15, Item 3.9) and List of Lobbyists.

Discussion: City Clerk Toni Taber reviewed the Mayor's Biennial Ethics Review Memo with the Commissioners.

City Clerk Toni Taber is still working on the lobbyist audit. San Jose Municipal Code Title 12 requires the City Clerk to fine late reporters. The City Clerk is working with the City Attorney's Office regarding fines to be assessed. The lobbyist list has been updated and posted to the City Clerk's website.

Action: No was taken by the Commission. The Biennial Ethics Review will be added to the next meeting agenda for discussion.

4. Elections update

Documents Filed: Printout of City Clerk's Office 2016 Elections webpage and List of individuals who filed a Candidate Intention Statement (Form 501).

Discussion: City Clerk Toni Taber reviewed the Elections website with the Commission. Candidate Intention Statements, election notices and other relevant information are being posted to the website. The campaign contribution period starts on December 10, 2015.

Action: No action was taken by the Commission.

5. Update on FPPC Forum – None.

D. Investigator/Evaluator – None.

VII. Old Business

- A. Discussion and possible action regarding revisions to Council Resolution 76954. (City Attorney)

Discussion: Deputy City Attorney Arlene Silva informed the Commission that approval of changes to Council Resolution 76954 is being postponed because there are more changes that are needed.

Action: No action was taken by the Commission. Item will be agendaized for next meeting. Commissioners would like to review new draft when complete.

- B. Discussion and possible action regarding the ad hoc committee on community outreach. (Vice Chair Pierre Dixon)

Action: No action was taken by the Commission.

- C. Discussion and possible action regarding 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.

Action: No action was taken by the Commission.

- D. Nomination and election of Ethics Commission Chair and Vice Chair. (City Clerk)

Action: Deferred to February 2016 meeting.

- E. Discussion and possible action to change the regular meeting date, time and/or location of the Ethics Commission meetings. (City Clerk)

Document Filed: Schedule of Commission meeting dates, times and locations.

Action: Commission discussed but ultimately decided against changes to meeting location and time. No action taken.

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

Action: No action was taken by the Commission.

VIII. New Business – None.

IX. Public Comment – None.

X. Future Agenda Items

- Continuation of Hearing for Complaint filed by William Bohrer on July 23, 2015.
- Continuation of Hearing for Amended Bohrer Complaint filed on October 9, 2015.
- Discussion and possible action/hearing 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.
- 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.
- Discussion and possible action regarding revisions to Resolution 76954.

XI. Adjournment

The next regular meeting is January 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 6:17 p.m.


MICHAEL SMITH, CHAIR

ATTEST:
ETHICS COMMISSION SECRETARY



TONI J. TABER, CMC
CITY CLERK