

MEETING MINUTES

January 14, 2015

I. Call to Order & Orders of the Day

Roll Call

PRESENT: Chair Michael Smith, Vice Chair Rolanda Pierre Dixon and Commissioner Chris Peacock

ABSENT: All Present.

STAFF: Deputy City Attorney Arlene Silva, City Clerk Toni Taber, and Deputy City Clerk Ruth Krantz.

OTHER: None.

Call to Order

The members of the San José Ethics Commission convened at 5:50 p.m. in Room W-262 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 Chris Peacock and carried unanimously, the Commission approved the adoption of the January 14, 2015 agenda. (3-0.)

II. Closed Session - None

III. Hearings – None.

IV. Consent Calendar

A. Approve the Minutes of September 10, 2014 – Regular Meeting

Action: Minutes of September 10, 2014 were not drafted in time for meeting.
Approval deferred to next meeting.

B. Approve the Minutes of November 12, 2014 – Regular Meeting

Action: Minutes of November 12, 2014 were not drafted in time for meeting.
Approval deferred to the next meeting.

V. Reports

A. Chair –None..

- B. City Attorney – Deputy City Attorney Arlene Silva reported that with the new year, there are some new laws in effect, and she will be reporting on these at a future meeting. She indicated that Ethics and Brown Act training was provided to the five incoming new Councilmembers and their staff.
- C. City Clerk
 - 1. Legislative update – None
 - 2. Status of compliance with Commission resolutions – None
 - 3. Status report on filings (Form 700, Campaign Statements, Lobbyists) - City Clerk Toni Taber indicated she will have a verbal report at the next meeting.
 - 4. Elections update – City Clerk Toni Taber commented that the Clerk’s Office has been busy with the transition of exiting/incoming employees in the Councilmembers' and Mayor's offices. District 4 nomination period closed on January 9, 2015 with ten candidates on the ballot.
 - 5. Update on status of recruitment for open positions on the Ethics Commission – City Clerk Toni Taber indicated that recruitment for the Ethics Commission has been extended two weeks, and has been receiving ‘re-Tweets’ and good coverage.
- D. Investigator/Evaluator – None.

VI. Old Business

- A. Status, review and possible action on Gift Ordinance and Frequently Asked Questions Sheet (City Attorney) – None.
- B. Discussion, review and possible action on Open Government Legislation and the effects it will have on the Ethics Commission (City Attorney)
 - 1. Ordinance 29460
 - 2. Ordinance 29461
 - 3. Status on Independent Evaluator/Investigator RFQ (Attorney/City Clerk)

Discussion: Deputy City Attorney Arlene Silva advised removing Items VI.B(1), VI.B(2) and VI.C from future agendas, instead tying these items to the elements of the Work Plan addressing recommendations for revisions to Title 12 and associated documents. Chair Michael Smith noted that, beginning at the April 2015 meeting, the Commission will take a look at issues that have presented themselves through the past year for discussion and prioritization.

Regarding the Status on Independent Evaluator/Investigator RFQ, City Clerk Toni Taber advised that the RFQ has been forwarded to Purchasing for processing and that she will ask that it be expedited. The interviews should be held no later than the June meeting, after which the Commission's recommendation for a contract award must be approved by the City Council, most likely on the Consent Calendar.

Action: The Commissioners agreed by consensus to remove Items VI.B(1) and VI.B(2) and VI.C from future agendas, instead adding these issues to the existing list of items for further discussion at the Ethics Commission meeting in April.

- C. Discussion, review and possible action on Form 500 language to ensure timely submittal

Documents Filed: Blank Form 500 and San José Municipal Code (SJMC) section 12.06.500 *et seq.*

Action: Dropped from future agendas as noted under item VI.B.

- D. Discussion and possible action on establishing an Ethics Commission ad hoc Subcommittee to explore opportunities for outreach to ethnic and specialized media regarding campaign and ethics regulations and policies per the Commission's FY2015 Work Plan. (Chair)

Discussion: Deputy City Attorney Arlene Silva advised that following the recent Dinh v. Cortese hearing, outreach misinformation was provided within the Vietnamese community. Strategies were discussed for educating the community in preventing future campaign violations. Pamphlets on 'how to participate in local elections', in other languages and without editorializing, were suggested. Creation of a draft to be reviewed by an Ethics Commission ad hoc subcommittee was recommended. City Clerk Toni Taber agreed to check with Orange County, San Diego and San Francisco to determine their education process and review their literature.

Action: Upon motion by Chair Mike Smith, seconded by Vice Chair Rolanda Pierre Dixon and carried unanimously, Vice Chair Rolanda Pierre Dixon and Commissioner Chris Peacock were appointed to serve on an ad hoc subcommittee to explore opportunities for outreach to ethnic communities to educate them regarding campaign and ethics regulations and policies. (3-0.)

- E. Schedule Update on Continuing Investigation of Complaint filed by Bui Dinh on October 14, 2014 alleging violations of San José Municipal Code by Dave Cortese and Dave Cortese for Mayor 2014. (Chair)

Chair Mike Smith indicated receipt of a letter from Investigator/Evaluator Steve Miller of Hanson Bridgett outlining progress made on the investigation in the complaint of Bui Dinh v. Dave Cortese filed on October 14, 2014 and indicating his intent to submit a report in time for the Commission's February, 2015 meeting.

VII. Public Comment – None.

VIII. Future Agenda Items and Adjournment

The next regular meeting is Monday, February 9, 2015 at 5:30 p.m. in City Hall, Wing Room 262.

The following agenda items will be discussed at the February 9, 2015 Ethics Commission meeting:


- Continuation of discussion regarding Bui Dinh complaint against Dave Cortese filed on October 14, 2014.
- Ethics Commission ad hoc Subcommittee update
- Gift Ordinance and FAQs
- Approval of Meeting Minutes
- Status on RFQ for Evaluator/Investigator

The meeting was adjourned at 6:25 p.m.



MICHAEL SMITH, CHAIR

ATTEST:
ELECTIONS COMMISSION SECRETARY



TONI J. TABER, CMC
CITY CLERK