

**ETHICS COMMISSION**

Meeting Minutes

July 10, 2013

**ROLL CALL**

**PRESENT:** Chair Michael Smith, Vice Chair Rolanda Pierre Dixon, Commission Members Leon Louie and Chris Peacock (arrived at 5:40 p.m.)

**ABSENT:** Commission Member Linda Edgeworth

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

**ORDER OF BUSINESS**

**I. CALL TO ORDER**

The members of the San José Ethics Commission convened at 5:35 p.m. in Room W-262 of City Hall, 200 E. Santa Clara Street, CA 95113.

**II. ADOPTION OF THE AGENDA**

Action: Upon a motion by Vice Chair Rolanda Pierre Dixon, and seconded by Commissioner Leon Louie, the Commission approved the adoption of the July 10, 2013 agenda. Vote (3-0-2; Commissioners Chris Peacock and Linda Edgeworth absent)

**III. PUBLIC COMMENT – None**

**IV. CLOSED SESSION – None**

**V. APPROVAL OF MINUTES**

- A. April 10, 2013 – Regular Meeting
- B. May 8, 2013 – Regular Meeting
- C. June 12, 2013 – Regular Meeting

Documents Filed: Draft Elections Commission minutes for April 10, 2013, May 8, 2013 and June 12, 2013.

Action: Upon a motion by Vice Chair Rolanda Pierre Dixon and seconded by Commissioner Leon Louie, the Commission approved the meeting minutes from April 10, 2013, May 8, 2013 and June 12, 2013. Vote (3-1-1; Commissioner Chris Peacock abstained and Commissioner Linda Edgeworth absent)

## **VI. REPORTS**

- A. Chair – None
- B. City Attorney – None
- C. City Clerk – None
- D. Investigator/Evaluator – None

## **VII. ITEMS SCHEDULED FOR ACTION**

- A. Review and action on memo to Rules on suggested San José Municipal Code Title 12 amendments.
- B. Review and action on memo to Rules on suggested Gift Ordinance amendments.
- C. Review and action on memo to Rules on suggested policy changes for the Ethics Commission.

Documents Filed: 1) Memo to the Ethics Commission from Acting City Clerk Toni Taber regarding suggested Title 12 amendments dated July 3, 2013; and 2) Memo to the Ethics Commission from Acting City Clerk Toni Taber regarding Ethics Commission Administrative Recommendations dated July 3, 2013.

Discussion: Items VII.A through VII.C were heard concurrently. Deputy City Attorney Arlene Silva informed the Commission she is working on changes to the Gift Ordinance pursuant to Mayor Reed's comment that the Gift Ordinance needed to be more user friendly. It is proposed that the Gift Ordinance be condensed to state that the City of San Jose adopts the Fair Political Practices Commission's gift regulations with stated exceptions for those situations where the City's current rules are more stringent. Deputy City Attorney Arlene Silva also plans to draft a Frequently Asked Questions page to accompany the new Gift Ordinance for additional clarity. The City Attorney's Office will draft a memo to Rules and Open Government Committee informing them of these proposed changes.

The Commission reviewed and discussed the policy options regarding the confidentiality of Ethics Commission investigations drafted by Chair Michael Smith. The Commission made revisions to the chart which will be included in a memo to the Rules and Open Government Committee meeting on August 7, 2013. Acting City Clerk Toni Taber will tighten up the language and include the statements as discussed by the Commission regarding the possibility of penalties and fees. The Commission would like a statement added to the Complaint Form which indicates that complaints are confidential and that it is a violation to disclose information regarding complaints to the public, while making sure the language does not discourage the filing of complaints.

The Commission reviewed and discussed the Suggested Title 12 Amendments Chart and revised the language to recommendation no. 8 to reflect the changes being made by the City Attorney's Office.

The Commission then reviewed and discussed the chart showing the proposed administrative/resolution changes for the Ethics Commission. The Commission

suggested some changes to the language. Acting City Clerk Toni Taber also informed the Commission that she has sent proposed sign ordinance language to the Department of Transportation for review and approval.

Action: Upon a motion by Vice Chair Rolanda Pierre Dixon and seconded by Commissioner Leon Louie, the Commission approved: 1) the Suggested Title 12 Amendments Chart as amended; 2) the policy options with regard to confidentiality of complaints as amended; and 3) the administrative/resolution changes for the Ethics Commission as amended. The Commission requested that all three charts be forwarded to the Rules and Open Government Committee on August 7, 2013 for review and approval. Vote (4-0-1; Commissioner Linda Edgeworth absent)

D. Discussion and action on Ethics Commission FY 2013-2014 Workplan.

Documents Filed: 1) Draft FY 2013-14 Ethics Commission Workplan; and 2) Memo to the San Jose Ethics Commission from Chair Michael Smith regarding the revised Workplan dated July 1, 2013.

Discussion: The Commission reviewed and discussed the Workplan.

Action: Upon a motion by Commissioner Leon Louie and seconded by Vice Chair Rolanda Pierre Dixon, the Commission approved the FY 2013-2014 Ethics Commission Workplan. Vote (4-0-1; Commissioner Linda Edgeworth absent)

E. Discussion and action on scheduling a Special Elections Commission meeting.

Discussion: The Commission determined that no special Elections Commission meeting needed to be scheduled.

Action: No action taken.

## VIII. ITEMS SCHEDULED FOR INFORMATION OR DISCUSSION

A. Report from Ethics Commission Title 12 Amendment sub-committee. (Chair)

Discussion: Nothing to report. The sub-committee requested that all memos to the Rules and Open Government Committee and to the City Council be sent to them for review.

B. Report on current status of compliance monitoring activities in the Clerk's Office.

Discussion: Nothing to report.

C. Report on Rules Committee questions regarding designation of voluntary expenditure agreement status on ballots.

Discussion: Deputy City Attorney Arlene Silva researched the issue and reported that the Courts have found that it is not unconstitutional to designate a candidate's

voluntary expenditure agreement status on ballots. Deputy City Attorney Arlene Silva will respond to the Councilmember's inquiry with a report of her findings.

- D. Report on lobbyist disclosure review with regard to non-profits.

Discussion: Nothing to report.

- E. Status of compliance with Commission resolutions.  
a. Latest campaign filings from Jimmy Nguyen

Discussion: Acting City Clerk Toni Taber reported on the compliance of Commission resolutions and would have further updates at the next meeting.

- F. Legislative update.

Discussion: Deputy City Clerk Arlene Silva gave a briefing on the Fair Political Practices Commission meeting she attended on June 20, 2013 in San Jose.

#### IX. MEETING SCHEDULE AND AGENDA ITEMS

- A. The next Regular Meeting is Wednesday, August 14, 2013 at 5:30 p.m. in City Hall, Wing Room 262.

**The following agenda items will be discussed at the August 14, 2013 Elections Commission meeting:**

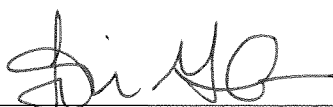
- Report from August 7, 2013 Rules Meeting
- Discuss how to assess effectiveness and efficiency of compliance monitoring process
- Status of lobbyist designation for non-profits

#### X. ADJOURNMENT

The meeting was adjourned at approximately 6:45 p.m.

  
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MICHAEL SMITH, CHAIR

ATTEST:  
ELECTIONS COMMISSION SECRETARY

  
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TONI J. TABER, CMC  
ACTING CITY CLERK