

MEETING MINUTES

November 13, 2013

I. Call to Order & Orders of the Day

Roll Call

PRESENT: Chair Michael Smith, Vice Chair Rolanda Pierre Dixon, Commission Members Linda Edgeworth, Leon Louie and Chris Peacock (arrived at 5:39 p.m.)

ABSENT: Deputy City Attorney Arlene Silva

STAFF: City Clerk Toni Taber and Deputy City Clerk Cecilia McDaniel

Call to Order

The members of the San José Ethics Commission convened at 5:30 p.m. in Room W-262 of City Hall, 200 E. Santa Clara Street, CA 95113.

Orders of the Day

Action: Upon a motion by Vice Chair Rolanda Pierre Dixon, and seconded by Commissioner Linda Edgeworth, the Commission approved the adoption of the November 13, 2013 agenda. Vote (4-0-1; Commissioner Chris Peacock absent)

II. Closed Session - None

III. Consent Calendar

A. Approve the Minutes of October 9, 2013 – Regular Meeting

Documents Filed: Draft minutes for the October 9, 2013 meeting.

Action: Upon a motion by Vice Chair Rolanda Pierre Dixon, and seconded by Commissioner Leon Louie, the Commission approved the meeting minutes of October 9, 2013. Vote (4-0-1; Commissioner Chris Peacock absent)

IV. Reports

A. Chair – None.

B. City Attorney - None

C. City Clerk

1. Legislative update – None

2. Status of compliance with Commission resolutions – There are no outstanding Commission resolutions.

3. Status report on filings (Form 700, Campaign Statements, Lobbyists) – Working on updating the contacts and data contained in NetFile.
 4. Elections update – A ballot initiative as been received trying to repeal the ban on expanded polystyrene food service ware. The California Restaurant Association is backing the petition. City Clerk Toni Taber is working with the Secretary of State regarding a few citizen complaints that have been received regarding the petition circulators and the misrepresentation of the petition. City Clerk Toni Taber answered Commissioners' questions.
- D. Investigator/Evaluator – None.

V. Old Business – None

VI. New Business

- A. Review and action on Ethics Commission's Resolution No. 75640 and San José Municipal Code Chapter 12.04.

Documents Filed: 1) Ethics Commission Resolution No. 75640; 2) San José Municipal Code Chapter 12.04; 3) Administrative/Resolution Revisions Chart; 4) Memo from City Clerk Toni J. Taber to the Ethics Commission dated July 3, 2013 regarding Title 12 Amendments; and 5) Ordinance No. 29310.

Discussion: City Clerk Toni Taber reviewed the documents filed with the Commission and solicited revisions and feedback from the Commissioners. The Commissioners agreed that the name of the Commission needs be changed through the Resolution and Municipal Code and that both should clearly state what is and is not in the purview and jurisdiction of the Commission.

Chair Michael Smith requested that the Commissioners review Resolution No. 75640 and the San José Municipal Code Chapter 12.04 and send revisions and suggestions directly to the City Clerk staff for amendment. City Clerk Toni Taber will bring revised drafts of both documents to the next meeting for review by the Commission.

Commissioner Linda Edgeworth requested that the collection of fines and schedule of fees be added back to the Administrative/Resolution Revisions Chart even if these changes will not be made until a future date.

- B. Review and action on the Ethics Commission Complaint Form.

Document Filed: Draft Ethics Commission Complaint Form

Discussion: City Clerk Toni Taber reviewed the draft Ethics Commission Complaint Form with the Commission. The Commission requested changes to the Complaint Form (i.e. adding City Clerk e-mail to form, changing meeting date, adding notation that Complaints are for the City of San José campaigns only, etc.) City Clerk Toni Taber will revise Complaint Form and will bring back to Commission at the next

meeting for review.

- C. Review and action regarding proposed revisions to Chapter 12.06 of the San José Municipal Code related to the Office/Candidate Legal Defense Fund..

Document Filed: Memo to from City Attorney Richard Doyle to the Rules and Open Government Committee dated October 22, 2013 regarding Proposed Revisions to Chapter 12.06 of the San José Municipal Code Related to the Officeholder/Candidate Legal Defense Fund.

Discussion: City Clerk Toni Taber reviewed the memo from City Attorney Richard Doyle with the Commission and explained that the Mayor's Office would like to approve an ordinance amending Chapter 12.06 of the San José Municipal Code to allow City Council members to establish legal defense funds to defend themselves against administrative or legal proceedings. The Municipal Code currently prohibits officeholder accounts.

The Commission discussed the memo and requested that the City Clerk seek clarification from the City Attorney on the following questions:

- 1) If passed, who would monitor the officeholder accounts;
- 2) What role would the City Clerk's Office and the Ethics Commission play in monitoring or policing the officeholder accounts?; and
- 3) Do the requirements listed in the memo apply to campaign committees?

The Commission would like a status report on this item given at the next Commission meeting.

- VII. Public Comment** (*Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Ethics Commission*). – None.

VIII. Future Agenda Items and Adjournment

The next regular meeting is Wednesday, December 11, 2013 at 5:30 p.m. in City Hall, Wing Room 262.

The following agenda items will be discussed at the December 11, 2013 Ethics Commission meeting:

- Gift Ordinance
- Ethics Commission policy/Resolution 75640 revisions
- Additional San José Municipal Code Title 12 revisions
- Ethics Commission Complaint Form
- Status report on proposed officeholder accounts
- Report on campaign finance filings
- Legislative updates

The meeting was adjourned at approximately 7:02 p.m.



MICHAEL SMITH, CHAIR

ATTEST:
ETHICS COMMISSION SECRETARY



TONI J. TABER, CMC
CITY CLERK