

MEETING MINUTES

August 12, 2015

I. Call to Order & Orders of the Day

Roll Call

PRESENT: Chair Michael Smith, and Commission Members Madhavee Vemulapalli, Adrian Gonzales and Chris Peacock

ABSENT: Vice Chair Rolanda Pierre Dixon

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

OTHER: Noelia Espinola, Court Reporter with Advantage Reporting Services

Call to Order

The members of the San José Ethics Commission convened at 5:30 p.m. in Room W-120 of City Hall, 200 E. Santa Clara Street, CA 95113.

Orders of the Day

Action: Upon a motion by Chair Michael Smith, and seconded by Commissioner Adrian Gonzales and carried, the Commission approved the adoption of the August 12, 2015 agenda with Item VII (New Business) heard first. (4-0-1; Absent: Pierre Dixon)

II. Closed Session - None

III. Hearings – See item VII.B.2

IV. Consent Calendar

A. Approve the Minutes of May 13, 2015 – Regular Meeting

Document Filed: Draft meeting minutes of May 13, 2015.

Action: Upon a motion by Commissioner Adrian Gonzales, and seconded by Chair Michael Smith and carried, the Commission approved the meeting minutes of May 13, 2015. (4-0-1; Absent: Pierre Dixon)

V. Reports

A. Chair – The workplan and annual report have been approved by the Rules and Open Government Committee and posted to the website.

- B. City Attorney – None
 - 1. Legislative update
- 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) – Creating candidate dates of interest for 2016. Will add campaign statement reporting to calendar.
 - 4. Elections update – Candidate Intention Statements (Form 501s) are being filed and posted to the Clerk’s website.
 - 5. Status of Clerk’s Office move from Wing to Tower – The move is complete.
 - 6. Status of Independent Evaluator contract with Hanson Bridgett – Deputy City Attorney explained that an amendment to the Hanson Bridgett contract was needed to pay outstanding invoices.
- D. Investigator/Evaluator – None

VI. Old Business

- A. Discussion, review and possible action to request for revisions to the San Jose Municipal Code and Resolution 76954. (City Clerk)

Document Filed: Amended matrix of issues and Commission recommendations of the review of San Jose Municipal Code Title 12 and Resolution 76954.

Action: Commission discussed changes to matrix. Upon a motion by Chair Michael Smith, and seconded by Commissioner Adrian Gonzales and carried, the Commission directed staff to work with the Ad Hoc Subcommittee to finalize the Title 12 revisions and draft a memo to accompany the Title 12 revisions for submittal to the Rules and Open Government Committee. (4-0-1; Absent: Pierre Dixon)

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

Action: Deferred to the next Ethics Commission meeting.

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

Action: No action taken.

- D. Discussion and possible action regarding ad hoc Subcommittee on community outreach. (City Clerk)

Action: No action taken.

VII. New Business

- A. Report, discussion, and possible action regarding non-compliance of filing of late contribution reports for the 2014 and 2015 elections pursuant to SJMC 12.06.920. (City Clerk)

Documents Filed: Memorandum from City Clerk Toni Taber to the San Jose Ethics Commission dated August 5, 2015 re Late Contribution Notification Pursuant to SJMC section 12.06.920; and 2) Supplemental memorandum from City Clerk Toni Taber to the Ethics Commission dated August 11, 2015 re Late Contributions.

Action: No action taken. City Clerk Toni Taber explained the memorandums to the Commission and answered Commission questions.

- B. 1. Review, discussion and possible action/reconsideration of 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. (Chair)

Document Filed: Memorandum from City Clerk Toni Taber to the Ethics Commission dated August 5, 2015 re Request to Add Item to Agenda.

Discussion: Chair Michael Smith discussed his reasons for adding this item to the agenda. The Commission discussed. Jonathan Padilla was present on behalf of Councilmember Manh Nguyen. Jonathan Padilla and Bryan Do spoke in support of reconsideration.

Action: Chair Michael Smith moved that the Commission institute a hearing to reconsider 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. Commissioner Madhavee Vemulapalli seconded the motion. On a call for the question, the motion failed. (2-2-1; Opposed: Gonzales and Peacock; Absent: Pierre Dixon)

2. Depending on the outcome of item VII.B.1., Hearing to reconsider the penalty imposed on July 8, 2015 on the complaint filed on June 5, 2015 by Tom Cochran against Manh Nguyen and Manh Nguyen for San Jose Council D4 2015. (Chair)

Action: No action taken since the motion in Item VII.B.1 failed.

Court Reporter Noelia Espinola left at 6:23 p.m.

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

Action: Deferred to the next Ethics Commission meeting.

VIII. Public Comment – None

IX. Future Agenda Items and Adjournment

The next regular meeting is Wednesday, September 9, 2015 at 5:30 p.m. in City Hall, Tower Room 1446, pending coordination of a Special Meeting if needed.

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

- Gift Ordinance and FAQ
- Open Government Training
- Change to regular meeting date/time and location
- Election of Officers
- Title 12 and Resolution revisions
- Ad Hoc Subcommittee re FPPC Forum

The meeting was adjourned at approximately 7:50 p.m.



MICHAEL SMITH, CHAIR

ATTEST:
ETHICS COMMISSION SECRETARY



TONI J. TABER, CMC
CITY CLERK