

MEETING MINUTES

October 14, 2015

I. Call to Order & Orders of the Day

Roll Call

PRESENT: Chair Michael Smith, Vice Chair Rolanda Pierre Dixon, and Commission Members Adrian Gonzales and Chris Peacock

ABSENT: Commission Member Madhavee Vemulapalli

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

Call to Order

The members of the San José Ethics Commission convened at 5:35 p.m. in Room T-1446 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 Adrian Gonzales and carried, the Commission approved the adoption of the October 14, 2015 agenda. (4-0-1; Absent: Vemulapalli)

II. Closed Session – None

III. Hearings – None

IV. Public Record

- A. Letter from Randi Kinman dated October 6, 2015 to Attorney Rick Doyle re District 6 Campaign Elections (City Attorney)

Documents Filed: 1. Letter from Randi Kinman dated October 6, 2015 to Attorney Rick Doyle re District 6 Campaign Elections; and 2) Response by City Attorney Rick Dolye to Randi Kinman dated October 13, 2015.

Action: Upon a motion by Chair Michael Smith, and seconded by Commissioner Adrian Gonzales and carried, the Commission received and filed the public record. (4-0-1; Absent: Vemulapalli)

V. Consent Calendar

- A. Approve the Minutes of June 10, 2015 – Regular Meeting

Document Filed: Draft meeting minutes of June 10, 2015.

Action: Upon a motion by Chair Michael Smith, and seconded by Commissioner Adrian Gonzales and carried, the Commission approved the meeting minutes of June 10, 2015. (4-0-1; Absent: Vemulapalli)

- B. Approve the Minutes of July 8, 2015 – Regular Meeting
C. Approve the Minutes of August 12, 2015 – Regular Meeting

Action: Approval of the meeting minutes for July 8, 2015 and August 12, 2015 were deferred to the next scheduled meeting of the Ethics Commission.

Reports

- A. Chair – None
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)
Discussion: The next deadline for lobbyist quarterly report is on October 15, 2015. All forms on the Clerk's website are being reviewed and will be revised if necessary.
4. Elections update
Discussion: The list of individuals who have turned in their Candidate Intention Statement (Form 501) for the June 7, 2016 Primary Election can be found online through the City Clerk's website. The Fair Political Practices Commission (FPPC) is sending letters to candidates with old committees that have not filed their terminating Form 410 so the Clerk's Office is busy responding to inquiries.
D. Investigator/Evaluator – None

II. Old Business

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

Documents Filed: 1) Memorandum from City Attorney Richard Doyle to the Honorable Mayor and City Council dated September 25, 2015 re Proposed Revisions to Title 12 of the San Jose Municipal Code Relating to Municipal Elections and Campaign and Offholder Contributions (Item 3.4 on the 10/6/15 Council Agenda); 2) Supplemental Memorandum from City Attorney Richard Doyle to the Honorable Mayor and City Council date October 2, 2015 re Title 12 Revisions (Item 3.4 on the 10/6/15 Council Agenda); 3) Memorandum from Councilmember Chappie Jones to the Mayor and City Council dated October 5, 2015 re Proposed Revisions to Title 12

of the San Jose Municipal Code Relating to Municipal Elections and Campaign and Officerholder Contributions (Item 3.4 on the 10/6/15 Council Agenda); 4) Memorandum from Mayor Sam Liccardo to the City Council dated October 2, 2015 re Proposed Revisions to Title 12 of the San Jose Municipal Code Relating to Municipal Elections and Campaign and Officerholder Contributions (Item 3.4 on the 10/6/15 Council Agenda); and 5) Synopsis for the October 6, 2015 City Council Agenda.

Discussion: Deputy City Attorney Arlene Silva provided the timeline for the SJMC Title 12 and Resolution 76954 changes and City Clerk Toni Taber reviewed the changes made by the City Council on October 6, 2015.

Action: Chair Michael Smith directed the Commissioners to send any proposed changes of Resolution 76954 to the Clerk's Office.

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

Action: No action taken.

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

Action: No action taken.

- D. Discussion and possible creation of ad hoc subcommittee re FPPC forum. (City Clerk)

Action: City Clerk Toni Taber updated the Commission on the FPPC forum. Upon a motion by Commissioner Adrian Gonzales, and seconded by Vice Chair Rolanda Pierre Dixon and carried, the Commission approved the creation of an ad hoc subcommittee consisting of Commission Members Adrian Gonzales and Chris Peacock to check the potential for organizing a statewide forum of Ethics Commissions to share information on campaign finance laws. (4-0-1; Absent: Vemulapalli)

III. New Business

- A. Status, report, and possible discussion on expanded scope of the complaint originally filed by William Bohrer on July 23, 2015. (Chair/Evaluator)

Document Filed: Memorandum by Steven D. Miller with Hanson Bridgett to the San Jose Ethics Commission dated October 8, 2015 re Investigation into Late Contribution Reporting.

Action: Chair Smith discussed the memo with the Commission. No action taken.

- B. Re-scheduling of November 11, 2015 Ethics Commission meeting due to Veteran's Day holiday. (Chair)

Action: The Commission discussed possible dates. Chair Michael Smith directed the Clerk's Office to cancel the November 11, 2015 meeting and schedule a special meeting after receiving Commissioner availability.

IV. Public Comment - None

V. Future Agenda Items and Adjournment

The next regular meeting will be TBD at 5:30 p.m. in City Hall, pending coordination of a Special Meeting if needed.

The following agenda items will be discussed at the next Ethics Commission meeting:

- Councilmember Jones Referral
- Draft Resolution 76954
- Report on expanded scope of Bohrer complaint
- Possible Action to amend/rescind Manh Nguyen penalty
- Ad Hoc Subcommittee Reports
- Gift Ordinance and FAQ
- Open Government Training
- Nomination and election of new Ethics Commission Chair and Vice Chair
- Discussion and possible action to change the regular meeting date, time and/or location of the Ethics Commission meetings

The meeting was adjourned at approximately 6:12 p.m.



MICHAEL SMITH, CHAIR

ATTEST:
ETHICS COMMISSION SECRETARY



TONI J. TABER, CMC
CITY CLERK