



City of Santa Clara

Meeting Agenda

Governance and Ethics Committee

Monday, March 4, 2024

1:00 PM

City Hall – Council Chambers /
Hybrid
1500 Warburton Avenue
Santa Clara, CA 95050

CALL TO ORDER AND ROLL CALL

The City of Santa Clara is conducting Governance and Ethics Committee meetings in-person and continues to have methods for the public to participate remotely or in-person.

- Via Zoom: <https://santaclaraca.zoom.us/j/98559951444>
- Webinar ID: 985 5995 1444
- By phone: +1 669-444-9171

To submit written public comment before meeting:

Send email to mayorandcouncil@santaclaraca.gov by 10 a.m. the day of the meeting. Emails received will be forwarded to Committee members and will be uploaded as supplemental meeting material.

Note: Emails received as public comment will not be read aloud during the meeting.

CONSENT CALENDAR

1. 24-240 [Approval of the December 4, 2023 Governance and Ethics Committee Meeting Minutes](#)

Recommendation: Approve the minutes of the December 4, 2023 Governance and Ethics Committee meeting

PUBLIC PRESENTATIONS

[This item is reserved for persons to address the body on any matter not on the agenda that is within the subject matter jurisdiction of the body. The law does not permit action on, or extended discussion of, any item not on the agenda except under special circumstances. The governing body, or staff, may briefly respond to statements made or questions posed, and appropriate body may request staff to report back at a subsequent meeting.]

GENERAL BUSINESS

2. **24-988** [Review and Discussion on Email Retention Policy](#)
Recommendation: Consider and Direct Staff to Develop Possible Modifications to the City’s Email Retention Policy for City Council and Potentially other forms of City Council communications, for ultimate Consideration for Approval by the City Council

3. **24-1267** [Report and Request for Direction on Proposed Amendments to SCSC Chapter 2.155 \(“Regulation of Lobbying Activities”\) and SCSC Chapter 2.160 \(“Calendars of Certain City Officials”\) to Better Align the Requirements](#)
Recommendation: Provide direction on the proposed amendments to SCSC Chapter 2.155 (“Regulation of Lobbying Activities”) and SCSC Chapter 2.160 (“Calendars of Certain City Officials”).

4. **24-24** [Review and Discussion on Council Policy 020 \(“Proclamations, Commendations and Certificates of Recognition”\) and Council Policy 009 \(“City Representation at Meetings, Ceremonies and Special Events”\)](#)
Recommendation: Approve Recommendations, if any, to amend Council Policy 020 (“Proclamations, Commendations and Certificates of Recognition”) and amend Council Policy 009 (“City Representation at Meetings, Ceremonies and Special Events”), and bring forth to full City Council for Consideration and Approval.

5. **24-233** [Action on the 2024 Governance and Ethics Committee Workplan](#)
Recommendation: Approve the 2024 Governance and Ethics Committee Workplan with any additional amendments.

6. **24-258** [Discussion Regarding the Start Time of City Council/Stadium Authority, Special and Closed Session Meetings](#)
Recommendation: Discuss current practices for scheduling closed sessions or special meetings, and provide feedback on potential changes, if any, to the process for consideration by the City Council.

STAFF REPORT

COMMITTEE MEMBER REPORTS / FUTURE REFERRALS FOR CONSIDERATION

ADJOURNMENT**MEETING DISCLOSURES**

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. If a person wishes to challenge the nature of the above section in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Santa Clara, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

If a member of the public submits a speaker card for any agenda items, their name will appear in the Minutes. If no speaker card is submitted, the Minutes will reflect "Public Speaker."

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Santa Clara will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities, and will ensure that all existing facilities will be made accessible to the maximum extent feasible. The City of Santa Clara will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities including those with speech, hearing, or vision impairments so they can participate equally in the City's programs, services, and activities. The City of Santa Clara will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

Agendas and other written materials distributed during a public meeting that are public record will be made available by the City in an appropriate alternative format. Contact the City Clerk's Office at 1 408-615-2220 with your request for an alternative format copy of the agenda or other written materials.

Individuals who require an auxiliary aid or service for effective communication, or any other disability-related modification of policies or procedures, or other accommodation, in order to participate in a program, service, or activity of the City of Santa Clara, should contact the City's ADA Coordinator at 408-615-3000 as soon as possible but no later than 48 hours before the scheduled event.



Agenda Report

24-240

Agenda Date: 3/4/2024

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Approval of the December 4, 2023 Governance and Ethics Committee Meeting Minutes

ENVIRONMENTAL REVIEW

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT

There is no fiscal impact to the City other than administrative staff time.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City’s official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City’s website and in the City Clerk’s Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk’s Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Approve the minutes of the December 4, 2023 Governance and Ethics Committee meeting

Reviewed by: Maria Le, Assistant to the City Manager, City Manager’s Office

Approved by: Jōvan Grogan, City Manager

ATTACHMENTS

1. December 4, 2023 Governance and Ethics Committee Meeting Minutes



City of Santa Clara

Meeting Minutes

Governance and Ethics Committee

12/04/2023

3:00 PM

City Hall Council Chambers / Hybrid Meeting
1500 Warburton Avenue
Santa Clara, CA 95050

CALL TO ORDER AND ROLL CALL

Chair Jain called the meeting to order at 3:05 p.m.

Present 3 - Member Lisa Gillmor, Member Raj Chahal, and Chair Suds Jain

CONSENT CALENDAR

Approved the Consent Calendar

1. [23-1441](#) Approval of the September 11, 2023 Governance and Ethics Committee Meeting Minutes

Recommendation: Approve the minutes of the September 11, 2023 Governance and Ethics Committee Meeting.

Committee Member Chahal motioned and Committee Member Gillmor seconded to approve the minutes.

Aye: 3 - Member Gillmor, Member Chahal, and Chair Jain

PUBLIC PRESENTATIONS

None.

GENERAL BUSINESS

2. [23-1290](#) Action on the Santa Clara Police Department's Recommendation to Name the Police Building's Motorcycle Garage the "Pete Malae Traffic Unit Motorcycle Garage"

Recommendation: Recommend to the City Council that it Approve the naming of the Police Building's Motorcycle Garage the "Pete Malae Traffic Unit Motorcycle Garage."

Santa Clara Police Chief Pat Nikolai presented to the Committee the background and recommendation to name the Santa Clara Police Department Police building's Motorcycle garage to the "Pete Malae Traffic Unit Motorcycle Garage".

Committee Member Gillmor motioned to approve the recommendation. The motion was seconded by **Committee Member Chahal**.

Aye: 3 - Member Gillmor, Member Chahal, and Chair Jain

3. [23-1263](#) Review Council Policy and Procedure 007 ("Citizen Complaints Addressed to the City Council") and Approve Amended Policy ("Constituent Complaints Addressed to the City Council")

Recommendation: Approve amendments to Policy and Procedure 007 ("Citizen Complaints Addressed to the City Council") and bring forth to City Council for Consideration and Adoption as Council Policy 007 ("Constituent Complaints Addressed to the City Council")

City Manager Jovan Grogan presented on Council Policy 007 ("Citizen Complaints addressed to the City Council") and provided recommendations to update the policy to addressing requests, issues or concerns from constituents received by the members of the City Council. Additionally, the City Manager referenced a copy of a memorandum from the City Manager on *City Council Inquiries and Requests to Staff* offering guidance on the process to submit requests and constituent inquiries to City staff. Committee members provided feedback which included requesting outcome summaries on inquiries.

Committee Member Gillmor motioned to approve the recommendations, **Committee Member Chahal** seconded the motion.

Aye: 3 - Member Gillmor, Member Chahal, and Chair Jain

4. [23-1265](#) Review Council Policy and Procedure 041 (“Public Submittal of Written and Audiovisual Materials for Council Meetings”)

Recommendation: Approve amendments to Policy and Procedure 041 (“Public Submittal of Written and Audiovisual Materials for Council Meetings”) and bring forth to City Council for Consideration and Adoption as Council Policy 041 (“Public Submittal of Written and Audiovisual Materials for Council Meetings”)

Assistant City Clerk Nora Pimentel and Assistant to the City

Manager Maria Le presented on Council Policy 041 (“Public Submittal of Written and Audiovisual Materials for Council meetings”). Staff presented proposed changes to the policy which included revised deadlines for submission of materials and updated procedures with updates in technology and applications. Committee members discussed the proposed amendments.

Committee Member Gillmor motioned to approve staff recommendation, Committee Member Chahal seconded the motion.

Aye: 3 - Member Gillmor, Member Chahal, and Chair Jain

5. [23-1264](#) Review Meeting Management Procedures

Recommendation: Review Meeting Management Procedures and Information Provided in Report and Provide Feedback for any further Amendments

City Manager Grogan presented on the current meeting management procedures in place. The Committee members discussed potential options to consider such as time limits and additional round of questions for the City Council to address agenda items. **City Attorney Glen Googins** added if the Committee was interested in hearing more about Rosenberg's Rules of Order for meeting management, staff would return to a future meeting to present additional information.

The Committee noted and filed the staff report.

STAFF REPORTS

Adding Standing Item on Consent Calendar for Excusal Memos (City Attorney Glen Googins)

City Attorney Glen Googins updated the Committee on adding a standing item on the consent calendar for excusal memos to formalize the process. This allows the City Council to take action on the item.

Council Policy 020 Proclamations, Commendations, Certificates of Recognition - Item to be part of discussion on Written Petition submission from Councilmember Becker at Dec. 12, 2023 meeting

City Manager Jovan Grogan reported to the Committee the item for Council Policy 020 ("Proclamations, Commendations, Certificates of Recognition") will be part of the agenda for the Dec. 12, 2023 City Council meeting based on written petition 030 from Councilmember Anthony Becker. If the majority of the Council would like amendments to the policy, staff will recommend it be referred to the Governance and Ethics Committee for a detailed policy discussion.

2024 Items: Email Retention Policy & Review of SCSC Chapter 2.155 ("Regulation of Lobbying Activities") and SCSC Chapter 2.160 ("Calendars of Certain City Officials")

City Attorney Glen Googins reported to the Committee the Email Retention Policy and the Lobbying Ordinance items will return to this Committee in March 2024 at the next meeting.

COMMITTEE MEMBER REPORTS / FUTURE REFERRALS FOR CONSIDERATION

None.

ADJOURNMENT

Chair Jain adjourned the meeting at 4:37 p.m.



Agenda Report

24-988

Agenda Date: 3/4/2024

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Review and Discussion on Email Retention Policy

BACKGROUND

At the December 5, 2022 Governance and Ethics Committee, the Committee discussed bringing forth an item to review options to consider changing the email retention policy for City Councilmembers. The item was approved as part of the 2023 Governance and Ethics Committee workplan. At the September 11, 2023 Governance and Ethics Committee meeting, staff provided a verbal update on the status of the review of the Email Retention Policy and deferred the item to early 2024.

At this March 4, 2024 Governance and Ethics Committee meeting, staff will provide an update on the current policies pertaining to public records and email retention for the Committee to discuss and provide any recommendations.

DISCUSSION

As background, there are two policies that provide background on public records and email retention which include Council Policy 046 ("Mayor and Council Public Record Policy") (Attachment 1) and City Manager Directive (CMD) 42 Email Retention Policy (Attachment 2),

Council Policy 046 policy was established to make clear what records created, received, or retained by the Mayor and the Councilmembers are considered public records available for disclosure and the policy outlines the following:

1. Any communications, including emails, texts, messages or comments on social media, to or from the Mayor or City Councilmember that pertain to the conduct of public business, regardless of whether or not they were created or sent to a private or public account, are public records that may be disclosed unless otherwise exempt from disclosure.
2. The Mayor and the Councilmembers shall only use official City email and text accounts to conduct City business.
3. The City shall provide the Mayor and the Councilmembers with separate publicly owned devices such as cell phones and tablets for the conduct of City business.
4. The Mayor and the Councilmembers shall endeavor to keep communications regarding City business out of their personal accounts and shall forward any communications regarding City business that they receive in their personal accounts to their official City accounts.
5. Any communications, including emails and texts that relate to an Agenda item received before or during a Council meeting by a majority of the Council must be disclosed in accordance with Government Code Section 54957.5.

6. No campaign activity may be conducted on City accounts or City devices.
7. If a request for records is received, a search that is reasonably calculated to locate responsive records will be conducted. Privacy concerns can and should be addressed on a case-by-case basis. Communications that are primarily personal, containing no more than incidental mentions of City business are generally not considered public records.

Per City Manager Directive (CMD) 42 Email Retention Policy, the City follows a 90-day email retention policy that documents and treats emails as “transitory communications.” There is no statutory definition for “transitory communications.” However, CMD 42 provides that City email is a business tool that should be used to provide communications on City business and is subject to the same laws, policies, and practices that apply to other means of communication, including the California Public Records Act, CA Gov. Code § 7920.000 *et. seq.* (CPRA).

In general, “transitory communications” include transmittal letters, confirmations of receipt, scheduling, instant messaging, voicemails, and other types of communications that don’t have a material impact on the conduct of City business.

The CPRA defines a public record as, “any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.” The California Supreme Court relied on this definition to state that a public record has 4 aspects, “it is (1) a writing, (2) with content related to the conduct of the people’s business, which is (3) prepared by, or (4) owned, used, or retained by any state or local agency.” *City of San Jose v. Superior Court (Smith)* 2017 2 Cal 5th 608, 617. The CPRA applies to email messages on both city and personal accounts/devices and requires that proper identification and care of email be performed by the City Officials and staff.

City Officials and staff are required to actively monitor and evaluate email messages for the information they contain, the purpose they serve, and the relevant retention topic to which they belong in order to determine whether they should be retained or disposed of. Given the frequent use of email, it should be evaluated on a regular basis with transitory emails being deleted when no longer needed, and a record that is required to be retained be moved into the appropriate file folders. CMD 42 states employees must determine when these communications constitute records which should be retained and how to retain them.

The following is outlined in the CMD 42 Email Retention Policy:

- 1) City email systems are utilized for communication and not for the permanent storage of records.
- 2) While the majority of City emails are preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the City in its ordinary course of business and are therefore not public records, those email communications that are a public record should be retained and accessible for the appropriate time period before destruction.
- 3) Email which is public record is open to inspection by the public upon request, unless exempt from disclosure.

Government Code Section 34090 sets forth the minimum requirements for record retention for City records. Unless otherwise required by law, Section 34090 requires that emails related to City

business be retained for a minimum of two years. The City's current 90-day email deletion policy complies with the Government Code Section 34090 by envisioning that Councilmembers and staff will actively preserve emails that qualify as City records by either archiving or printing such emails in retaining the records in accordance with the City's Retention Policy.

The Mayor and City Council Records Retention Schedule identifies the records required to be retained and the retention period (Attachment 3). Under this schedule, the retention period for email records that fall within the Correspondence Record Description is two years. In order to retain these records for the requisite period, Councilmembers must actively move these records into folders outside of the inbox and sent folders.

Understanding the 90-day email deletion policy and record-keeping requirements may create an undue burden on our part-time Councilmembers, the Committee could consider the following potential changes to the existing email retention policy:

1. Revise the 90-day email deletion policy to 2 years for Councilmembers to minimize the risk of records being inadvertently deleted and maximize compliance with the requirements under the retention schedule.
2. Require Councilmembers to forward City records located on their personal accounts and devices to their City accounts or a cloud-based drive so that there is a repository in one location for all their public records.

The Governance and Ethics Committee shall discuss and provide recommendations to bring forth to the full City Council for review and consideration CMD Email Retention Policy as it applies to elected officials.

ENVIRONMENTAL REVIEW

This is an information report only and no action is being taken by the City Council and no environmental review under the California Environmental Quality Act ("CEQA") is required.

FISCAL IMPACT

The Information Technology anticipated costs would be associated with increased administrative staff time to prepare and review higher volume of records if is extended beyond the 90-day period

COORDINATION

This report was coordinated by the City Manager's Office, Information Technology Department and City Attorney's Office.

PUBLIC CONTACT

Public contact was made by posting the Governance and Ethics Committee agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov or at the public information desk at any City of Santa Clara public

library.

RECOMMENDATION

Consider and Direct Staff to Develop Possible Modifications to the City's Email Retention Policy for City Council and Potentially other forms of City Council communications, for ultimate Consideration for Approval by the City Council

Reviewed by: Maria Le, Assistant to City Manager and Elizabeth Klotz, Assistant City Attorney

Approved by: Jōvan D. Grogan, City Manager and Glen Googins, City Attorney

ATTACHMENTS

1. Council Policy 046 ("Mayor and Council Public Record Policy")
2. City Manager Directive (CMD) 42 Email Retention Policy
3. Mayor and Council Retention Schedule



MAYOR AND COUNCIL PUBLIC RECORDS POLICY

POLICY

As technology has evolved, the creation and retention of public records has changed. In order to make clear what records created, received or retained by the Mayor and the Council Members are considered public records available for disclosure, the City Council hereby establishes the following policy.

Any communications, including emails, texts, messages or comments on social media, to or from the Mayor or City Council Member that pertain to the conduct of public business, regardless of whether or not they were created or sent to a private or public account, are public records that may be disclosed unless otherwise exempt from disclosure.

PROCEDURE

1. The Mayor and the Council Members shall only use official City email and text accounts to conduct City business.
2. The City shall provide the Mayor and the Council Members with separate publicly owned devices such as cell phones and tablets for the conduct of City business.
3. The Mayor and the Council Members shall endeavor to keep communications regarding City business out of their personal accounts and shall forward any communications regarding City business that they receive in their personal accounts to their official City accounts.
4. Any communications, including emails and texts that relate to an Agenda item received before or during a Council meeting by a majority of the Council must be disclosed in accordance with Government Code Section 54957.5.
5. No campaign activity may be conducted on City accounts or City devices.
6. If a request for records is received, a search that is reasonably calculated to locate responsive records will be conducted. Privacy concerns can and should be addressed on a case-by-case basis. Communications that are primarily personal, containing no more than incidental mentions of City business are generally not considered public records.

Reference:

City Council-approved policy

RESOLUTION NO. 17-8433

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA ADOPTING A MAYOR AND CITY COUNCIL
PUBLIC RECORDS POLICY**

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, a recent California Supreme Court decision has clarified the nature of communications that may constitute a public record subject to disclosure;

WHEREAS, the City Council referred this matter to its Governance Committee; and,

WHEREAS, the Governance Committee has recommended that the attached Mayor and City Council Public Records Policy be approved and adopted by the City Council.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. Adoption of Policy. The attached Mayor and City Council Public Records Policy is hereby approved and adopted.
2. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 16th DAY OF MAY 2017, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Davis, Kolstad , Mahan, O'Neill and Watanabe and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	Caserta
ABSTAINED:	COUNCILORS:	None

AT TEST : 
ROB DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Mayor and City Council Public Records Policy
I:\RESOLUTIONS\Mayor and City Council Public Records Policy 05-16-17.docx



ADMINISTRATIVE CODE

CMD NUMBER 42

CITY MANAGER'S DIRECTIVE-PROCEDURE

DATE: March 2, 2009

CANCELS: None

SUBJECT : EMAIL RETENTION POLICY

POLICY : Electronic telecommunications systems (email, voice mail, fax systems, PDA's, the Internet, etc.) are tools to send or receive communications. City email is a business tool that should only be used to provide an efficient and effective means of intra-agency and inter-agency communications on City business.

Email is subject to the same laws, policies and practices that apply to other means of communication, including the California Public Records Act and discovery statutes. Therefore, employees must determine when these communications constitute records which should be retained and how to retain them.

City email and City email systems are for communication and not for the permanent storage of records. As such, City emails are generally deemed to be preliminary drafts, notes or interagency or intra-agency memoranda that are not retained by the City in its ordinary course of business and are therefore not public records. However, email that is a public record should be retained and accessible for the appropriate time period before destruction. Email which is public record is open to inspection by the public upon request, unless exempt from disclosure. See the list of Definitions at the end of this CMD for additional clarification.

RESPONSIBILITY : ACTION

Human Resources Department,
IT Department, and Supervisors
in all Departments

1. When an employee separates from City service (through retirement, resignation or termination), the HR Department will notify IT, and the email account for the departing employee will be set up as a "proxy" account to the separating employee's direct Supervisor. The Supervisor is responsible for ensuring all public records are properly managed, including, but not limited to, migrating appropriate records to a successor employee.

All personnel

2. All Email Users must manage their own email boxes following the below policies and procedures. The User's Supervisor, Division Manager and Department Head are responsible for ensuring that their employees are in compliance with this policy.

CMD NUMBER 42

3. Email Inboxes and Sent Items folders (including their subfolders) shall be emptied on a regular basis, after records have been appropriately saved, as outlined below.
4. Email messages which contain any information relating to the conduct of the public's business that are prepared, owned, used or retained by the City may be deemed to be public records under the California Public Records Act. The email system is not to be used for long term storage.
5. Emails contained within a User's Inbox and Sent Items folders (including their subfolders) that are more than ninety (90) days old are considered duplicate copies or preliminary drafts and will be automatically deleted.
6. Users may place emails into User-created folders to organize email. Items in these folders may be public record and are discoverable through legal means.
7. Emails that are retained shall be maintained in accordance with the City's document retention manual and the User's Department Records Retention Schedule.
8. Unless set by the User to empty the Deleted Items (trash) folder upon exiting, the system will permanently delete email seven (7) days after items are placed within the Deleted Items (trash) folder.
9. Users' email mailbox storage capacity and the size of an outbound email in the email system (including file/document attachments) will be capped at a size/rate set by the IT Department.
10. All City policies (e.g. Use of City Resources, anti-harassment policies, etc.) apply to electronic media including email. Users must ensure that all communications are appropriate and comport with City policies.
11. Email from the City Attorney's Office or outside counsel should not be filed with public records. These emails may be subject to Attorney-Client and/or the Attorney Work Product privileges, and the contents should not be disclosed without first checking with the City Attorney's Office. Other exemptions may also apply.
12. If the City Attorney's Office informs departments and/or users that litigation, administrative or other proceedings exist, all emails, including duplicate copies, must be retained from the time of notice as they may be

subject to disclosure in the course of the proceeding.

IT Department

13. To instruct recipients of email sent from the City of Santa Clara about the City's policies, an email disclaimer will automatically be attached to every email leaving the City's system.
14. Frequently Asked Questions and Training Tips about the City's Email Retention Policy are available on the City's Intranet Site.

Cross-Reference:

CMD 13 – Public Record Requests

CMD 116 – Use of City Resources & Non-Confidential Nature of Information

CMD 131 – Equal Employment Opportunity Policy & Discrimination Complaint Procedure

Definitions:

- A. "Emails" are messages sent and received electronically through an email system and also known as electronic mail. Messages include the text of the email, along with any metadata or attachments affixed thereto.
- B. "Duplicate copy" is an email on which the recipient is listed as a "cc:" (copied recipient), or which another department or employee is responsible for the record's retention.
- C. "Public records" are "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics."
- D. "User" is any City employee, advisory body member, Council Member, contractor, intern, or volunteer who uses City-owned or City-provided electronic technology.
- E. "Writing" includes electronic mail.
- F. "Preliminary Drafts" are preliminary versions of a written document, such as a staff report or draft agreement that is ready for revision or correction and not a final document of record. It also includes email that does not contain substantive information concerning City policies, decision-making, proceedings, projects, contractors, or practices; and does not relate to threatened or active litigation.

**RECORDS RETENTION SCHEDULE: MAYOR & CITY COUNCIL
SANTA CLARA, CA.**

MCC-No.	Office of Record	Record Type	Records Description	Retention / Disposition			Comments / Reference
				Active (in office)	Inactive (Records Center)	Total Retention	
	(OFR)						
<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>							
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>							
<i>Litigation, complaints, claims, public records act requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>							
MCC-001	Mayor & City Council	Awards & Mementos	AWARDS & MEMENTOS: Received by the City (Physical Item)	P		p	Department preference; GC §34090
MCC-002	Mayor & City Council	Reference	REFERENCE: Significant Historical Value Awards/Mementos List (received by the City), Proclamations List (given by the City) etc	current + 4 years	P	P	Department preference; GC §34090
MCC-003	Mayor & City Council	Routine	ROUTINE: Copies of originals created in the Mayor and Council offices Recognition Items given by the City: Proclamations, Certificates, Letters of Recognition, Appreciation Plaques Listing: timekeeping entries	4 years		4 years	Department preference; GC §34090
MCC-004	Mayor & City Council	Correspondence	CORRESPONDENCE: Incoming/outgoing, general information (copies) Mayor and Council Chron, Complaints/Concerns, Calendars, Condolences, Adjournments, Schedule of Events, Council Reading, City Depts & Agencies, 49ers, etc	current + 2 years		2 years	Department preference; GC §34090
MCC-005	Mayor & City Council	Non-Record	NON-RECORD: Organizations, Commissions, Committees, Districts, Social Organizations Council Committees (internal and external), City Commissions, League of California Cities, State, Federal and County, Miss Santa Clara Pageant, Sister Cities, Awards/Mementos (received by individuals), Copies of Newspaper Clippings, DVD's of City Council Meetings (copies), etc	None		None	Department preference; GC §34090



Agenda Report

24-1267

Agenda Date: 3/4/2024

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Report and Request for Direction on Proposed Amendments to SCSC Chapter 2.155 (“Regulation of Lobbying Activities”) and SCSC Chapter 2.160 (“Calendars of Certain City Officials”) to Better Align the Requirements

BACKGROUND

At the March 29, 2021 Governance and Ethics Committee (Committee) meeting, the Committee voted to review the Santa Clara City Code Chapter 2.155 enacted by Ordinance No. 1949 entitled “Regulation of Lobbying Activities” (Lobbyist Ordinance) (Attachment 1) and Chapter 2.160 enacted by Ordinance No. 1950 entitled “Calendars of Certain City Officials” (Calendaring Ordinance) (Attachment 2), to the June 7, 2021 meeting.

At the June 7, 2021 Governance and Ethics Committee meeting, the former City Attorney presented on the Lobbyist Ordinance and Calendaring Ordinance with a verbal report from City Clerk Hosam Haggag. The Committee approved recommendations, included in the next section, to bring forth to the full City Council for consideration.

Due to staff transitions, this item was postponed for further action and discussion. The item was referred to return to the Governance and Ethics Committee Workplan for 2023. The item was deferred to return to Governance and Ethics Committee in early 2024.

DISCUSSION

In December 2015, the City adopted the following:

- Chapter 2.155, entitled “Regulations of Lobbyist Activities”, to ensure that there are adequate and effective disclosure of information about efforts to lobby City Government. Lobbyists are required to register with the City and provide semi-annual reports on the lobbying activities that take place. These semi-annual reports require general description of the legislative or administrative action(s) that the lobbyist was retained to influence, and the outcome sought.
- Chapter 2.160, entitled “Calendars of Certain City Officials”, to make the calendars of certain City officials open to the public to provide greater transparency for meetings conducted by elected officials and executive management of the City. Each month these public officials are required to publish their calendars to the City’s website. The calendars require certain general information to be disclosed for all non-internal City related appointments.

At the June 7, 2021 Committee Meeting, the Governance and Ethics Committee approved a recommendation to be forwarded to the City Council for its consideration which included the following

actions:

1. Amend the Public Calendar Ordinance to create different reporting standards for meetings with Lobbyists and Non-Lobbyists,
2. Amend the Public Calendar Ordinance that requires Councilmembers and staff who are required to comply with the Ordinance to report on the topics discussed and what was being requested,
3. Amend the Lobbyist Ordinance to require each lobbyist to report on the topics discussed and what was being requested,
4. Change the frequency of the Lobbyist Ordinance reporting requirements to align with the Public Calendar Ordinance to require reporting to be on a monthly cadence, and
5. City Clerk (elected) to return with a standard reporting template and
6. City Manager to return on staffing resources

The Committee motioned to bring forth the above amendments to the full Council for consideration as included in the June 7, 2021 minutes (Attachment 3). As stated above, due to the transition of staff, this item was never placed on an agenda for a City Council meeting.

Based on the Committee action from the June 7, 2021, the amendments for the regulations of Lobbyist Activities and the Public Calendar Ordinance are included in this report (Attachment 4) and the City Clerk would create a standard reporting template that may be utilized if the ordinance is adopted.

Staff recognizes that a significant amount of time has passed, and the membership of the Committee has changed since June 2021. As such, staff is seeking confirmation or alternative direction regarding the proposed amendments to SCSC Chapter 2.155 ("Regulation of Lobbying Activities") and SCSC Chapter 2.160 ("Calendars of Certain City Officials").

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

COORDINATION

This report was coordinated between the City Manager's Office and the City Attorney's Office.

FISCAL IMPACT

There is no fiscal impact to the City other than administrative staff time for basic processing and archiving of submitted lobbyist reports.

PUBLIC CONTACT

Public contact was made by posting the Governance and Ethics Committee agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be

requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Provide direction on the proposed amendments to SCSC Chapter 2.155 ("Regulation of Lobbying Activities") and SCSC Chapter 2.160 ("Calendars of Certain City Officials").

Reviewed by: Elizabeth Klotz, Assistant City Attorney

Approved by: Jōvan D. Grogan, City Manager and Glen Googins, City Attorney

ATTACHMENTS

1. Ordinance No. 1949
2. Ordinance No. 1950
3. Minutes - Governance and Ethics Committee June 7, 2021
4. Proposed Ordinance Amendments

ORDINANCE NO. 1949

**AN ORDINANCE OF THE CITY OF SANTA CLARA,
CALIFORNIA, ADDING CHAPTER 2.155 (“REGULATION
OF LOBBYING ACTIVITIES”) TO TITLE 2
 (“ADMINISTRATION AND PERSONNEL”) OF “THE CODE
OF THE CITY OF SANTA CLARA, CALIFORNIA”**

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, the citizens of Santa Clara have a right to know the identity of interests which attempt to influence decisions of City government, as well as the means employed by those interests;

WHEREAS, complete public disclosure of the full range of activities by and financing of lobbyists and those who employ their services is essential to the maintenance of citizen confidence in the integrity of City government;

WHEREAS, it is in the public interest to ensure that lobbyists do not misrepresent facts, their positions or attempt to deceive a City official through false communications; do not place a City official under personal obligation to themselves or their clients; and do not represent that they can control the actions of any City official; and,

WHEREAS, it is in the public interest to adopt this chapter to ensure adequate and effective disclosure of information about efforts to lobby City government.

NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

SECTION 1: That Chapter 2.155 (“Regulation of Lobbying Activities”) of Title 2 (“Administration and Personnel”) of “The Code of the City of Santa Clara, California” (“SCCC”) is added to read as follows:

“CHAPTER 2.155

REGULATION OF LOBBYING ACTIVITIES

Sections:

- 2.155.010 Interpretation.
- 2.155.020 Definitions.
- 2.155.030 Registration.
- 2.155.040 Annual registration renewal.
- 2.155.050 Termination of lobbyist status.
- 2.155.060 Active status.
- 2.155.070 Registration fees.
- 2.155.080 Required registration information.
- 2.155.090 Semi-annual reports.
- 2.155.100 Records retention.
- 2.155.110 Lobbyist identification.
- 2.155.120 Prohibitions.
- 2.155.130 Gifts.
- 2.155.140 Enforcement.
- 2.155.150 Injunction.
- 2.155.160 Practice restrictions.
- 2.155.170 Exemptions.

2.155.010 Interpretation.

Unless the term is specifically defined in this chapter or the contrary is stated or clearly appears from the context, the definitions set forth in Government Code Sections 81000 et seq., shall govern the interpretation of this Chapter.

2.155.020 Definitions.

For the purposes of this Chapter, the following definitions shall be applicable:

- (a) “Activity expense” means any payment made by a lobbyist to or directly benefiting any City official, City official-elect or member of his or her immediate family. Activity expenses include gifts, honoraria, consulting fees, salaries and any other form of compensation, but do not include campaign contributions.

(b) “Administrative action” means the proposal, drafting, development, consideration, advocacy or recommendation of any rule, regulation, agreement or contract, permit, license or hiring action.

(c) “City official” means any public official, legislative staff member or City employee who participates in the consideration of any legislative or administrative action other than in a purely clerical, secretarial or ministerial capacity. It shall also include any City board or commission member, or City representative to any joint powers authority to which the City is a party, and any consultant to the City.

(d) “Client” means a person who is represented by a lobbyist.

(e) “Compensation” includes, but is not limited to, money of any denomination or origin; goods or services or anything of value, delivered or rendered; or promises to perform or provide services or contractual arrangements or awards.

(f) “Gift” means gift as defined in the California Political Reform Act, Government Code Section 81000 et seq., as amended from time to time.

(g) “Influencing” means the purposeful communication, either directly or through agents, promoting, supporting, modifying, opposing, causing the delay or abandonment of conduct, or otherwise intentionally affecting the behavior of a City official or official-elect, by any means, including, but not limited to, providing or using persuasion, information, incentives, statistics, studies or analyses; excepted from this definition is communication made as a part of a noticed governmental public meeting.

(h) “Legislative action” means the drafting, introduction, consideration, modification, enactment or defeat of any resolution, ordinance, amendment thereto, report, nomination or other action of the Mayor, City Council, Santa Clara Stadium Authority, City of Santa Clara Housing

Authority, any other joint powers authority of which the City is a party, or City board or commission, acting in its official capacity.

(i) “Lobbying” is the influencing or attempting to influence a legislative or administrative action of the City.

(j) “Lobbyist,” unless exempt under Subsection 4 hereunder, means:

(1) Contract lobbyist. A person who engages in lobbying on behalf of one (1) or more clients (acting individually or through agents, associates, employees or contractors) and who has received or has entered into an agreement for compensation of one thousand dollars (\$1,000.00) or more, or equivalent non-monetary compensation (“threshold compensation”) for engaging in lobbying during any consecutive three (3) month period;

(2) Business or organization lobbyist. Any business or organization, whose owner(s), officer(s) or employee(s) carry out lobbying on its behalf, in an aggregate amount of ten (10) hours or more within any consecutive twelve (12) month period, whether or not such officers or employees are specifically compensated to engage in lobbying; provided that the activities of officers shall be considered lobbying only if those officers receive compensation by the business or organization beyond reimbursement for their reasonable travel, meals or incidental expenses; or,

(3) Expenditure lobbyist. A person who makes payments or incurs expenditures of five thousand dollars (\$5,000.00) or more during any calendar year in connection with carrying out public relations, advertising or similar activities with the intent of soliciting or urging, directly or indirectly, other persons to communicate directly with any City official in order to attempt to influence legislative or administrative action. The five thousand dollars (\$5,000.00) threshold shall not include: (A) Compensation paid to contract lobbyists or employees for lobbying; or (B) Dues

payments, donations, or other economic consideration paid to an organization, regardless of whether the dues payments, donations or other economic consideration are used in whole or in part to lobby.

(k) Exemptions to “lobbyist” include:

(1) Any public official acting in his or her official capacity or acting within the scope of his or her employment or appointment;

(2) The media, when limiting its action to the ordinary course of news gathering or editorial activity, as carried out by members of the press. “Media” shall mean newspapers or any other regularly published periodical, radio or television station or network or information published on the internet;

(3) Persons reimbursed for only their reasonable travel, meals or incidental expenses, including but not limited to, uncompensated members or directors of nonprofit organizations, such as chambers of commerce;

(4) Persons whose communications regarding any legislative or administrative action are limited to appearing or submitting testimony at any public meeting held by the City or any of its agencies, offices, or departments, as long as the communications thereto are public records available for public review. Notwithstanding the foregoing, persons who otherwise qualify as lobbyists must register and disclose their lobbying activities directed toward City officials, in the same manner and to the same extent such registration and disclosure is required of all other lobbyists;

(5) Persons submitting bids or responding to requests for proposals, provided the provision of such information is limited to direct conversation or correspondence with the official or department specifically designated to receive such information;

(6) Persons providing oral or written information pursuant to a subpoena or otherwise compelled by law or regulation, or in response to an official request provided that the request and response thereto are public records available for public review;

(7) Designated representatives of a recognized employee organization whose activities are limited to communicating with city officials or their representatives regarding (i) wages, hours and other terms or conditions of employment, or (ii) the administration, implementation or interpretation of an existing employment agreement;

(8) Persons who are professionally licensed by a state licensing organization pursuant to the California Business & Professions Code, including, but not limited to, attorneys, architects and engineers; provided however, the exemption for attorneys shall only be applicable if the attorney is engaged in the practice of law with respect to the subject of the employment;

(9) Board members or employees of nonprofit 501(c)(3) corporations, unless the non-profit organization is lobbying for a specific project, issue or person for which the organization has received compensation or a contribution to lobby for or against a specific project, issue or person; or,

(10) Members of neighborhood associations.

(l) "Organization" means any person that is not an individual.

(m) "Person" means any individual, domestic or foreign corporation, for-profit or nonprofit entity, firm, association, syndicate, union, chamber of commerce, joint-stock company, partnership of any kind, limited liability company, common-law trust, society, or any other group of persons acting in concert.

2.155.030 Registration.

Lobbyists shall register with the City Clerk within fifteen (15) days after qualifying as a lobbyist under Section 2.155.020. Should a lobbyist have a change to its registration information, including, but not limited to, the legislative or administrative action for the City as to which the lobbyist has been engaged, after the annual registration period, such lobbyist shall file an amended registration with the City Clerk within fifteen (15) days of such change with the changed information.

2.155.040 Annual registration renewal.

A lobbyist shall renew his or her registration by January 15 of each year unless he or she has terminated their status as a lobbyist pursuant to Section 2.155.050, by such date.

2.155.050 Termination of lobbyist status.

After initial registration, annual registration renewal will not be required if a declaration attesting to the termination of lobbying services within the City has been filed with the City Clerk no later than January 15.

2.155.060 Active status.

All registrations, renewals and terminations will be deemed filed on the date received by the City Clerk. A lobbyist shall be deemed active for the duration of the year of registration ending December 31, unless a declaration attesting to termination of lobbying services within the City is filed.

2.155.070 Registration fees.

Persons subject to the registration requirements of this ordinance shall pay an annual fee set by resolution of the City Council. Persons registering for the first time after June 30 of a given year shall pay a reduced registration fee set by resolution of the City Council.

(a) The applicable registration fee is due at the time of registration or registration renewal. Payment will be deemed delinquent thereafter. Delinquency fees may be assessed as specified in subsection (c) below, if payment occurs after the due date.

(b) In addition to the annual fee, each registrant shall pay a fee set by resolution of the City Council per client for whom lobbying is undertaken for compensation in excess of five hundred dollars (\$500.00). The fees for clients as of the date of initial registration shall be submitted with the registration. The fees for subsequent clients shall be due and submitted within fifteen (15) days of such change with the changed information pursuant to Section 2.155.030.

(c) A fine of twenty-five dollars (\$25.00) per day for delinquent fees, up to a maximum of five hundred dollars (\$500.00), will be assessed until in compliance with the registration provisions herein.

2.155.080 Required registration information.

The initial registration shall contain the name, business address, telephone, email addresses and, if applicable, business license of all persons required to register pursuant to this Chapter, including the names of all owners of sole proprietorships and partnerships of fewer than ten (10) persons. If the registrant is a corporation, it shall also include the names of the president, secretary, chief financial officer, and agent for service of process, if any. Any business or organization registering under this act shall also briefly describe the nature of its business or organization and contact individual. In addition to this information, the report shall contain the following:

(a) Contract lobbyists. The name, business address, telephone number of each client, the nature of each client's business and the item(s) of legislative or administrative action the lobbyist is seeking to influence on behalf of the client; and the name of each person employed or retained by the lobbyist to lobby on behalf of each client.

(b) Business or organization lobbyists. The names of owners, officers or employees conducting lobbying activities and the item(s) of legislative or administrative action the lobbyist is seeking to influence.

(c) Expenditure lobbyists. The item(s) of municipal legislative or administrative action the lobbyist is seeking to influence.

(d) Payment received by the reporting lobbyist for services as a consultant or in any other capacity for services rendered to a City agency, any City official or any City official-elect or their controlled committees, any officeholder committee, or ballot measure committee. The dates of payment and name of each payer shall be included.

(e) The name, address, title and telephone number of the person responsible for preparing the report, together with that individual's signature attesting to the authority of the signatory and the accuracy and truthfulness of the information submitted.

2.155.090 Semi-annual reports.

Semi-annual reports for the prior six (6) month period are to be filed with the City Clerk on or before July 15 and January 15 of each year, whether or not any lobbying activities have occurred during such period. Electronic reporting may also be permitted by the City Clerk. Each semi-annual report shall contain the same information as required to be disclosed in the initial registration, for those activities occurring in that period. If a lobbyist has terminated all lobbying activities during such period, the lobbyist may file a declaration of termination with the semi-annual report. The final semi-annual report shall include disclosure of any lobbying activities during the period of termination.

2.155.100 Records retention.

All information, reports and statements required to be filed under the provisions of this chapter shall be compiled and preserved by the City pursuant to the City's records retention schedule and shall be open to public inspection. Copies of the records pertaining to the above-required reports shall be preserved by the lobbyist for inspection and audit for a period of four (4) years from date of production.

2.155.110 Lobbyist identification.

When appearing in a lobbying capacity at any meeting with a city official or at a public meeting of the City Council or any other city board, commission or hearing, a contract lobbyist shall identify himself/herself and the client(s) on whose behalf he/she is appearing, and a business or organization lobbyist shall identify himself/herself and the business or organization he/she represents.

2.155.120 Prohibitions.

It shall be unlawful for any lobbyist to commit any of the following acts:

(a) Unregistered Lobbying. Acting as a lobbyist in the City without having registered in compliance with this chapter, or knowingly to employ a person or entity to serve as a lobbyist when such person is not registered pursuant to this chapter.

(b) Unauthorized Communications. Sending or causing any communication to be sent to any City official in the name of any nonexistent person or in the name of an existing person without the express or implied consent of such person.

(c) Indirect Violations. Attempting to evade the requirements of this chapter through indirect efforts or through the use of agents, associates, intermediaries or employees.

(d) Creation of Obligations. Performing or sponsoring any act with the purpose and intent of placing any City official under personal obligation to the lobbyist.

(e) Contingent Compensation. Compensation for lobbying activity when the compensation is directly dependent on the result of legislative or administrative action(s) that are the subject of the lobbying activity.

2.155.130 Gifts.

It shall be unlawful for any lobbyist to deliver or cause to be delivered any gift to any City official, and for any City official to accept any gift from a lobbyist.

2.155.140 Enforcement.

Persons or entities that knowingly violate this chapter may be subject to penalties as set forth in SCCC 1.05.070.

2.155.150 Injunction.

The City Attorney may seek injunctive relief in the courts to enjoin violations of or to compel compliance with the provisions of this chapter.

2.155.160 Practice restrictions.

No person convicted of a violation of this chapter may act as a lobbyist or otherwise attempt to influence municipal legislation for compensation for one (1) year after such conviction.

2.155.170 Exemptions.

Any person who in good faith and on reasonable grounds believes that he or she is not required to comply with the provisions of SCCC 2.155.030 by reason of his or her being exempt under SCCC 2.155.020(k) shall not be deemed to have violated the provisions of SCCC 2.155.030 if, within fifteen (15) days after notice from the City, he or she either complies or furnishes satisfactory evidence to the City that he or she is exempt from registration.”

SECTION 2: Savings clause. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 3: Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

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SECTION 4: Effective date. This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of “The Charter of the City of Santa Clara, California.”

PASSED FOR THE PURPOSE OF PUBLICATION this 15th day of December 2015, by the following vote:


AYES:	COUNCILORS:	Caserta, Davis, Gillmor, Kolstad, Marsalli and O’Neill and Mayor Matthews
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST: 

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

FINALLY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA this 12th day of January 2016, by the following vote:

AYES:	COUNCILORS:	Caserta, Davis, Gillmor, Kolstad, Marsalli and O’Neill and Mayor Matthews
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST: 

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None

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ORDINANCE NO. 1950

**AN ORDINANCE OF THE CITY OF SANTA CLARA,
CALIFORNIA, ADDING CHAPTER 2.160 (“CALENDARS OF
CERTAIN CITY OFFICIALS”) TO TITLE 2
 (“ADMINISTRATION AND PERSONNEL”) OF “THE CODE
 OF THE CITY OF SANTA CLARA, CALIFORNIA”**

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, Government’s duty is to serve the public, reaching its decisions in full view of the public;

WHEREAS, the public benefits from being informed about meetings conducted by elected officials and executive management of the City; and,

WHEREAS, making the calendars of those City officials open to the public fosters greater transparency.

NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

SECTION 1: That Chapter 2.160 (“Calendars of Certain City Officials”) of Title 2 (“Administration and Personnel”) of “The Code of the City of Santa Clara, California” (“SCCC”) is added to read as follows:

“Chapter 2.160

CALENDARS OF CERTAIN CITY OFFICIALS

(a) The Mayor, Members of the City Council, Chief of Police, City Clerk, City Manager, City Attorney, Assistant City Manager(s), Deputy City Manager(s), City Department Heads and any additional persons in management positions that are considered part of the city’s executive management team shall maintain a monthly city calendar.

(b) The calendar shall include all scheduled non-internal city-related appointments, meetings, including regular and special City Council meetings, public events or speaking arrangements, meetings with citizens, developers, union representatives, consultants, lobbyists, regional meetings and meetings of subcommittees or task forces (collectively, “constituents”). The Mayor and Members of the City Council shall also include all non-scheduled city-related meetings or discussions with constituents.

(c) Each non-internal city-related appointment must include the following information: name(s), title(s), and affiliated organization(s) and a general statement of the issues discussed. The following information shall be exempted:

- (1) Personal appointments, including personal business appointments;
- (2) Information protected by the attorney-client privilege;
- (3) Information about attorney work product;
- (4) Information about city staff recruitment;
- (5) Information about a personnel issue;
- (6) Site specific information regarding corporate recruiting and retention;
- (7) Information about criminal investigations and security;
- (8) Information about whistle blowers;
- (9) Information about those who may fear retaliation;
- (10) Information about those seeking guidance regarding the City’s campaign and election processes; and,
- (11) Information that is otherwise prohibited from disclosure.

(d) The calendars of the officials in subsection (a) shall be a public record subject to inspection during normal business hours. The Mayor, City Council Members, City Manager, City

Clerk, Chief of Police and City Attorney shall publish their calendars to the City's website on the tenth business day of each month and shall reflect the schedules of the previous month.

(e) A record of compliance with this Chapter by the City officials included in Section 2.160(a) shall be maintained, provided that violations of this Chapter shall not be a basis for any criminal prosecution or disciplinary action.”

SECTION 2: Savings clause. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.


SECTION 3: Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

SECTION 4: Effective date. This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of “The Charter of the City of Santa Clara, California.”

PASSED FOR THE PURPOSE OF PUBLICATION this 15th day of December 2015, by the following vote:

AYES: COUNCILORS: Caserta, Davis, Gillmor, Kolstad, Marsalli and O’Neill and Mayor Matthews
NOES: COUNCILORS: None
ABSENT: COUNCILORS: None
ABSTAINED: COUNCILORS: None

ATTEST:




ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

FINALLY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA this 12th day of January 2016, by the following vote:

AYES: COUNCILORS: Caserta, Davis, Gillmor, Kolstad, Marsalli and O’Neill and Mayor Matthews
NOES: COUNCILORS: None
ABSENT: COUNCILORS: None
ABSTAINED: COUNCILORS: None

ATTEST:



ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None
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City of Santa Clara

Meeting Minutes

Governance and Ethics Committee

06/07/2021

3:00 PM

Virtual Meeting

CALL TO ORDER AND ROLL CALL

Chair Gillmor called the meeting to order at 3:02 PM.

Present 3 - Lisa M. Gillmor, Raj Chahal, and Sudhanshu Jain

CONSENT CALENDAR

1. [21-470](#) Approval of the March 29, 2021 Governance and Ethics Committee Special Meeting Minutes

Recommendation: Approve the minutes of the March 29, 2021 Governance and Ethics Committee Special Meeting.

A motion was made by Member Jain, seconded by Member Chahal, to approve the March 29, 2021 special meeting minutes.

Aye: 3 - Gillmor, Chahal, and Jain

PUBLIC PRESENTATIONS

Councilmember Park requested to address the Committee under Public Presentations.

City Attorney Doyle recommended deferring discussion to Council and Authorities Concurrent Meeting to avoid potential violation of the Brown Act.

GENERAL BUSINESS

2. [21-468](#) Discussion on Formalization of Citizen's Advisory Committee

Recommendation: Defer discussion on formalization of Citizen's Advisory Committee to the 3rd quarter Governance and Ethics Committee meeting on September 20, 2021, due to lack of staff capacity to address this referral during budget development and COVID-19 reopening efforts.

City Manager Santana requested deferring this item September 20, 2021.

Public Speaker(s): Rob Jerdonek

A motion was made by Member Jain, seconded by Member Chahal, to defer this item to the September 20, 2021 Governance and Ethics Committee meeting.

Aye: 3 - Gillmor, Chahal, and Jain

3. [21-469](#) Review of SCSC Chapter 2.155 ("Regulation of Lobbying Activities") and SCSC Chapter 2.160 ("Calendars of Certain City Officials")

Recommendation: Provide direction on possible amendments to SCSC Chapter 2.155 ("Regulation of Lobbying Activities") and SCSC Chapter 2.160 ("Calendars of Certain City Officials").

City Attorney Doyle provided a Powerpoint presentation on the Lobbyist Ordinance and Calendaring Ordinance.

City Clerk Haggag provided a verbal report.

Member questions and comments followed.

City Attorney Doyle, City Clerk Haggag and City Manager Santana addressed **Member** questions.

A motion was made by Member Jain, seconded by Member Chahal, to recommend to Council to (1) amend the Public Calendar Ordinance to create different reporting standards between meetings with Lobbyists and Non-Lobbyists, (2) requiring Councilmembers and staff who required to comply with the Public Calendar Ordinance and registered Lobbyists to report on the topics discussed and what they were seeking, (3) City Manager to return on staffing resources, (4) change the frequency of the Lobbyist Ordinance reporting requirements to align with the Public Calendar Ordinance to require reporting to be on a monthly cadence, and (5) City Clerk to return with a standard reporting template.

Aye: 3 - Gillmor, Chahal, and Jain

4. [21-487](#) Review, and Provide Direction to Staff, Regarding Proposed Purchasing Code Reforms For Possible Recommendation to City Council

Recommendation: Accept the Code reforms summarized in this document and provide direction to staff to move forward with a revised Purchasing Code for consideration and approval by the City Council and Stadium Authority by the fourth quarter of calendar year 2021.

Director of Finance Lee, Purchasing Manager Giovannetti, City Attorney Doyle, and City Manager Santana gave a Powerpoint presentation.

Member questions and comments.

City Manager Santana addressed **Member** questions.

A motion was made by Member Jain, seconded by Member Chahal, to bring this item to August 17, 2021 Council Priority Setting Session.

Aye: 3 - Gillmor, Chahal, and Jain

5. [21-455](#) Discussion and Direction Regarding Adjusting the Start Time for Council, Stadium Authority and Closed Session Meetings

Recommendation: Staff recommends:

- (1) Beginning Public City Council meetings at 6:00 p.m.
- (2) Setting a stop time of Public City Council meetings at 11:00 p.m.
- (3) Working on City Council meeting protocols for improved management and protocols to ensure that the City's business is prioritized and addressed in a timely manner
- (4) Presenting streamlining opportunities to reduce cost of routine City business and ensure a higher level of efficiency with how routine or ministerial items are handled
- (5) Holding Closed Session meetings on off Council meeting days, when needed

City Manager Santana gave a Powerpoint presentation.

Member questions and comments followed.

City Manager Santana, Assistant City Clerk Pimentel, and City Attorney Doyle addressed **Member** questions.

This item was referred to Council Priority Setting Session August 17, 2021.

6. [21-622](#) Review the Task Force on Diversity, Equity, and Inclusion's Recommended Amendments to Council Policy 035 - Naming of Facilities

Recommendation: Provide input on the Task Force on Diversity, Equity, and Inclusion's recommended amendments to Council Policy 035.

Chair Gillmor requested to defer this item to the next Governance and Ethics Committee meeting.

A motion was made by Member Chahal, seconded by Member Jain, to continue this item to the next Governance and Ethics Committee Meeting.

Aye: 3 - Gillmor, Chahal, and Jain

STAFF REPORT

None.

COMMITTEE MEMBERS REPORT

Member Jain inquired regarding adding the following items to the Governance and Ethics Committee Meeting:

- Email Retention Times
- Eligibility List for Board/Commissions appointments
- Charter Review to consider changing from an elected to appointed Chief of Police and City Clerk

Member comments followed.

City Manager Santana and **City Attorney Doyle** addressed **Member** questions.

ADJOURNMENT

The meeting was adjourned at 6:16 PM.

A motion was made by Member Chahal, seconded by Member Jain, to adjourn the meeting.

Aye: 3 - Gillmor, Chahal, and Jain

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, AMENDING SECTION 2.155.090 (SEMI-ANNUAL REPORTS) AND CHAPTER 2.160 (“CALENDARS OF CERTAIN CITY OFFICIALS”) TO TITLE 2 (“ADMINISTRATION AND PERSONNEL”) OF “THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA”

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, the citizens of Santa Clara have a right to know the identity of interests which attempt to influence decisions of City government, as well as the means employed by those interests;

WHEREAS, complete public disclosure of the full range of activities by and financing of lobbyists and those who employ their services is essential to the maintenance of citizen confidence in the integrity of City government;

WHEREAS, it is in the public interest to ensure that lobbyists do not misrepresent facts, their positions or attempt to deceive a City official through false communications; do not place a City official under personal obligation to themselves or their clients; and do not represent that they can control the actions of any City official; and,

WHEREAS, it is in the public interest to adopt these amendments to ensure adequate and effective disclosure of information about efforts to lobby City government.

NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

SECTION 1: That Section 2.155.090 (“Semi-annual Reports”) of Chapter 2.155 (“Regulation of Lobbyist Activities”) of Title 2 (“Administration and Personnel”) of “The Code of the City of Santa Clara, California” (“SCCC”) is amended to read as follows:

2.155.090 Monthly reports.

Monthly reports for the preceding month are to be filed with the City Clerk on or before 15th of each month, whether or not any lobbying activities have occurred during such period. Electronic reporting may also be permitted by the City Clerk. Each monthly report shall contain the same information as required to be disclosed in the initial registration, and specify the topics discussed and the requests made by the lobbyist, for those activities occurring in that period. If a lobbyist has terminated all lobbying activities during such period, the lobbyist may file a declaration of termination with the monthly report. The final monthly report shall include disclosure of any lobbying activities during the period of termination.

SECTION 2: That Chapter 2.160 (“Calendars of Certain City Officials”) of Title 2 (“Administration and Personnel”) of “The Code of the City of Santa Clara, California” (“SCCC”) is amended to read as follows:

“Chapter 2.160

CALENDARS OF CERTAIN CITY OFFICIALS

(a) The Mayor, Members of the City Council, Chief of Police, City Clerk, City Manager, City Attorney, Assistant City Manager(s), Deputy City Manager(s), City Department Heads and any additional persons in management positions that are considered part of the city’s executive management team shall maintain a monthly city calendar.

(b) The calendar shall include all scheduled non-internal city-related appointments, meetings, including regular and special City Council meetings, public events or speaking arrangements, meetings with citizens, developers, union representatives, consultants, lobbyists, regional meetings and meetings of subcommittees or task forces (collectively, “constituents”). The Mayor and Members of the City Council shall also include all non-scheduled city-related meetings or discussions with constituents.

(c) Each non-internal city-related appointment must include the following information: name(s), title(s), and affiliated organization(s) and a general statement of the issues discussed. For each non-internal city-related appointment that includes a lobbyist, as defined in Chapter 2.155, the calendar must specify the topics discussed and the requests made by the lobbyist. The following information shall be exempted:

- (1) Personal appointments, including personal business appointments;
- (2) Information protected by the attorney-client privilege;
- (3) Information about attorney work product;
- (4) Information about city staff recruitment;
- (5) Information about a personnel issue;
- (6) Site specific information regarding corporate recruiting and retention;
- (7) Information about criminal investigations and security;
- (8) Information about whistle blowers;
- (9) Information about those who may fear retaliation;
- (10) Information about those seeking guidance regarding the City's campaign and election processes; and,
- (11) Information that is otherwise prohibited from disclosure.

(d) The calendars of the officials in subsection (a) shall be a public record subject to inspection during normal business hours. The Mayor, City Council Members, City Manager, City Clerk, Chief of Police and City Attorney shall publish their calendars to the City's website on the tenth business day of each month and shall reflect the schedules of the previous month.

(e) A record of compliance with this Chapter by the City officials included in Section 2.160(a) shall be maintained, provided that violations of this Chapter shall not be a basis for any criminal prosecution or disciplinary action.”

SECTION 3: Savings clause. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 4: Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

SECTION 5: Effective date. This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of “The Charter of the City of Santa Clara, California.”

PASSED FOR THE PURPOSE OF PUBLICATION this ____ day of _____, 2024, by the following vote:

AYES:	COUNCILORS:
NOES:	COUNCILORS:
ABSENT:	COUNCILORS:
ABSTAINED:	COUNCILORS:

Attachments incorporated by reference: None
I:\ORDINANCES\Lobbying Ordinance 12-21-15.doc



Agenda Report

24-24

Agenda Date: 3/4/2024

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Review and Discussion on Council Policy 020 (“Proclamations, Commendations and Certificates of Recognition”) and Council Policy 009 (“City Representation at Meetings, Ceremonies and Special Events”)

BACKGROUND

As part of the 2023 Governance and Ethics Committee (Committee) workplan, Council Policy 020 was scheduled to return to the December 4, 2023 Committee meeting for review. On September 5, 2023, Vice Mayor Anthony Becker brought forth the following written petition request:

“Consideration to normalize and make consistent speaking at public events and in addition, for a policy to include powers for Councilmembers to declare proclamations in their respective districts. While this is not prevented, a narrow interpretation of supported policies often leaves Councilmembers without a channel to address their constituents, even within their own districts. An inclusive policy would allow Councilmembers to address the public regardless of jurisdiction, especially within their representative districts. These interactions would be scheduled or agendize for each event and opportunity and coordinated with event planners, just like multi-jurisdictional events outside of the city. In addition, I would like this policy to also include powers for Councilmembers to declare proclamations in their respective districts.”

The written petition was placed on the September 12, 2023 City Council meeting agenda. The City Council voted to bring the written petition to a future City Council meeting agenda for discussion. The item was placed on the agenda for the December 12, 2023 City Council meeting and the City Council voted to refer this item back to the Governance and Ethics Committee. At this March 4, 2024 Governance and Ethics Committee meeting, staff will bring forward the current policies and background information for Committee review and discussion.

DISCUSSION

Ceremonial Recognition:

Proclamations were originally included in the policy and procedure manual established by City Council direction in 1989. On January 26, 2021, Council Policy 020 (“Proclamations, Commendations and Certificates of Recognition”) (Attachment 1) was revised to include the addition of commendations and certificates of recognition. In accordance with the policy, a copy of the proclamations and commendations distributed in 2023 is recorded in an annual list (Attachment 2).

Council Policy 020 provides guidelines to identify the authority, criteria, and procedure for the recognition of individuals, groups, organizations, businesses, special periods of observance, or special occasions through the issuance of proclamations, commendations, or certificates of

recognition.

Council Policy 020 outlines the current procedure:

- (1) All proclamations, commendations, and certificates of recognition are ceremonial documents and shall be made at the sole discretion of the Mayor.
 - a. Proclamations are issued to give special recognition to issues, actions, and/or programs of significance and to honor special periods of observance (e.g., days, weeks, or months), civic celebrations, or community, regional, state, or national occasions.
 - b. Commendations are issued to individuals, groups, organizations, or businesses with a connection to the City for milestones or major achievements that have community-wide significance.
 - c. Certificates of Recognition are issued to individuals, groups, organizations, or businesses with a connection to the City for individual or group achievement, exceptional contributions to the Santa Clara community, or commemorative events or occasions.

The current policy states Proclamations, Commendations and Certificates of Recognition are issued at the discretion of the Mayor. City Councilmembers may request the Mayor to issue them on behalf of the City.

As a benchmark, staff reviewed policies and procedures in place for neighboring cities. The following list includes current practices of other cities:

Jurisdiction	Approval Process	Document Bears Signature	Council Districts
City of Campbell	The Mayor is designated to authorize proclamations. City Councilmembers make their requests to the Mayor.	Mayor	5
City of Cupertino	The Mayor is designated to authorize proclamations and certificates of appreciation. City Councilmembers make their requests to the Mayor.	Mayor	None
City of Fremont	The Mayor is designated to authorize ceremonial resolutions, proclamations, certificates of recognition or appreciation. City Councilmembers make their requests to the Mayor.	Mayor	6
City of Milpitas	The Mayor is designated to authorize Proclamations and Commendations. City Councilmembers make their requests to the Mayor.	Mayor	None
City of Palo Alto	The Mayor is designated to authorize Proclamations, Commendations and Certificates of Recognition. City Councilmembers make their requests to the Mayor.	Mayor	None

City of San Jose	Proclamations and Commendations requests are made through the agenda services manager and approved by the Mayor.	Mayor, City Councilmembers, and City Clerk	10
City of Sunnyvale	The Mayor is designated to authorize Proclamations, Commendations and Certificates of Recognition. City Councilmembers make their requests to the Mayor.	The Mayor shall determine whether a proclamation is signed by only the Mayor, or by the entire City Council.	6

Speaking at Events:

As background, Council Policy 009 (“City Representation at Meetings, Ceremonies & Special Events”) (Attachment 3) was established on November 7, 1995. Policy 009 addresses how invitations and requests for Mayor and/or Council representation at meetings, ceremonies, or special events are processed.

Council Policy 009 outlines the current procedure:

- 1) The City shall be officially represented at meetings, ceremonies, and special events by the Mayor and/or City Council.
- 2) If staff receives a request for representation of the City at an event or as a speaker, the following protocol is observed:
 - a. The invitation shall be referred to the Mayor.
 - b. If the Mayor is unable to attend, the invitation shall be referred to the Vice Mayor.
 - c. If the Vice Mayor is unable to attend, the invitation shall be referred to Councilmembers in order of seniority.
 - d. The City Manager (or a designee) shall be requested to represent if the Mayor and Council are not available.
- 3) The City Council may officially request a City Board or Commission member to represent the City on certain occasions.

As a benchmark, staff reviewed policies and procedures in place for neighboring cities with Council districts. The following list includes current practices:

Jurisdiction	Policy	Council Districts
City of Campbell	The Mayor is the ceremonial head of the City and the designated speaker. District representatives are always recognized.	5
City of Fremont	The Mayor is the ceremonial head of the City and the designated speaker. The Vice Mayor serves if the Mayor is not present. On occasion, City Councilmembers are invited to speak as typically determined by the City Manager.	6
City of San Jose	The Mayor is the ceremonial head of the City and the designated speaker. The City Councilmember who represents the district of the event locations is also invited to speak.	10

City of Sunnyvale	The Mayor is the ceremonial head of the City and the designated speaker. Vice Mayor serves if the Mayor is not present. City Councilmembers may represent the City at ceremonial functions at the request of the Mayor.	6
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The Governance and Ethics Committee shall discuss and bring forth any recommendations or proposed amendments to the existing Council policies, as they pertain to the written petition request for speaking at events and recognition items.

ENVIRONMENTAL REVIEW

This is an information report only and no action is being taken by the City Council and no environmental review under the California Environmental Quality Act ("CEQA") is required.

FISCAL IMPACT

There is no fiscal impact to the City other than staff time.

COORDINATION

This report was coordinated with the City Manager's Office and the City Attorney's Office.

PUBLIC CONTACT

Public contact was made by posting the Governance and Ethics Committee agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Approve Recommendations, if any, to amend Council Policy 020 ("Proclamations, Commendations and Certificates of Recognition") and amend Council Policy 009 ("City Representation at Meetings, Ceremonies and Special Events"), and bring forth to full City Council for Consideration and Approval.

Reviewed by: Maria Le, Assistant to the City Manager

Approved by: Jōvan D. Grogan, City Manager

ATTACHMENTS

1. Council Policy 020 Proclamations, Commendations and Certificates of Recognition
2. Annual List of 2023 Awarded Proclamations and Commendations
3. Council Policy 009 City Representation at Meetings, Ceremonies & Special Events



PROCLAMATIONS, COMMENDATIONS, AND CERTIFICATES OF RECOGNITION

PURPOSE

The purpose of this policy is to identify the authority, criteria, and procedure for the recognition of individuals, groups, organizations, businesses, special periods of observance, or special occasions through the issuance of proclamations, commendations, or certificates of recognition. All proclamations, commendations, and certificates of recognition are ceremonial documents.

POLICY

It is the policy of the City of Santa Clara (City) that requests for proclamations, commendations, or certificates of recognition shall be prepared in accordance with the adopted guidelines of this policy. In accordance with the City Charter, the Mayor shall be the official head of the City for all ceremonial purposes.

PROCLAMATIONS

It is the policy of the City that proclamations may be issued to honor or highlight a special period of observance (e.g., days, weeks, months), civic celebration, or recognition of a community, regional, state, or national occasion, and shall be made at the sole discretion of the Mayor in accordance with the criteria specified below:

1. The primary purpose of a proclamation is to give special recognition to issues, actions, and/or programs of significance to the citizens of Santa Clara.
2. Proclamations are issued to honor of special periods of observance (e.g., days, weeks, or months), civic celebrations, or community, regional, state, or national occasions to cover issues that have widespread community interest with a primary emphasis on requests in support of City Council's goals and objectives. Citizens may call or petition to have a proclamation prepared, or the City Council may request one.
3. Only proclamations dealing with local, county, or state issues that have a connection to the City will be processed. Proclamations must be consistent with the United States Constitution, the California State Constitution, the Santa Clara Municipal Code, and the various laws passed pursuant to those instruments.



PROCLAMATIONS, COMMENDATIONS, AND CERTIFICATES OF RECOGNITION

COMMENDATIONS

It is the policy of the City that commendations may be issued to individuals, groups, organizations, or businesses with a connection to the City for milestones or major achievements that have community-wide significance, and shall be issued at the sole discretion of the Mayor in accordance with the criteria specified below:

1. Commendations are issued to honor individuals, groups, organizations, or businesses with a connection to the City for milestones or major achievements that have significant importance to the Santa Clara community, such as:
 - a. Local sports teams or individual athletes for winning regional, state, and/or national titles;
 - b. Local schools or students for winning competitions, exhibitions, or championships at the state, national, and/or international level, or educators for receiving recognition at the regional, state, national, and/or international levels.
 - c. Santa Clara businesses or organizations upon the commemoration of a milestone anniversary;
 - d. Community groups or organizations, upon the commemoration of a milestone anniversary, whose work has benefited the City and/or Santa Clara residents; or
 - e. Recognition of Santa Clara residents on the occasion of their 100th birthday.
2. Upon request, commendations shall be issued to retiring City or Santa Clara Unified School District employees who have served for twenty years or more.

CERTIFICATES OF RECOGNITION

It is the policy of the City that certificates of recognition may be issued to individuals, groups, organizations, or businesses with a connection to the City for individual or group achievement, exceptional contributions to the Santa Clara community, or commemorative events or occasions, and shall be issued at the sole discretion of the Mayor in accordance



PROCLAMATIONS, COMMENDATIONS, AND CERTIFICATES OF RECOGNITION

with the criteria specified below:

1. Certificates of recognition are used to acknowledge individual or group achievement, contributions to the community, or to recognize a commemorative event or occasion, such as:
 - a. Individuals, community groups, or organizations whose volunteer efforts and/or philanthropic works have benefitted the Santa Clara community and/or Santa Clara residents;
 - b. Santa Clara students for academic achievement at the local or regional level (e.g., school valedictorian, placement at regional competitions or exhibitions);
 - c. Individuals, community groups, or organizations for winning City competitions (e.g., Halloween Holiday Decorating Contest, Home Decorating Contest, etc.); or
 - d. Local organizations or businesses for commemorative events or occasions in Santa Clara (e.g., ribbon cutting ceremonies, grand opening ceremonies, etc.).

PROCEDURE

PROCLAMATIONS

1. Proclamation requests should be addressed to the Office of Mayor and City Council and submitted at least fifteen (15) business days prior to the beginning of the proclaimed time period of observance for which the requester seeks such recognition, and may be faxed, mailed, emailed, or hand-delivered. Proclamation requests should include either a sample proclamation that can be used as a guide or provide sufficient information to assist the Executive Assistant to the Mayor and City Council in preparing the proclamation.
2. Proclamation requests should include:
 - a. Information and/or example(s) of how the request meets the proclamation criteria outlined in this policy;
 - b. Any background or historical information that will assist the Mayor in arriving at a decision;
 - c. An estimate of the number of residents of Santa Clara that belong to the group(s) which would be honored by such a proclamation;



PROCLAMATIONS, COMMENDATIONS, AND CERTIFICATES OF RECOGNITION

- d. Notable qualities or characteristics of the group(s) which would be honored by such a proclamation; and
 - e. Other information pertinent to the proclamation request.
 3. All proclamations require approval of the Mayor; however, if the proclamation has been previously approved, it is likely considered as routine and will be prepared for the Mayor's signature. All first-time proclamation requests require the Mayor's approval before processing.
 4. If the request meets the above-mentioned criteria and is approved by the Mayor, the Executive Assistant to the Mayor and City Council will prepare the proclamation for the Mayor's signature. If the proclamation is not being presented at a Council meeting or at an event by the Mayor or a Councilmember, the requester will be able to pick up the completed proclamation at Santa Clara City Hall or may request that the proclamation be mailed.
 5. A report to Council (RTC) will be prepared annually by the Executive Assistant to the Mayor and City Council, listing all proclamations prepared during the calendar year. A copy of the RTC and proclamation attachments will be forwarded to the Local History Librarian.

COMMENDATIONS

1. Commendation requests should be addressed to the Office of Mayor and City Council and submitted at least fifteen (15) business days in advance of the date the commendation is requested for, and may be faxed, mailed, emailed, or hand-delivered.
2. Commendation requests should include:
 - a. Information and/or example(s) of how the request meets the commendation criteria outlined in this policy;
 - b. Any background or historical information that will assist the Mayor in arriving at a decision; and
 - c. Other information pertinent to the commendation request.
3. If the request meets the above-mentioned criteria and is approved by the Mayor, the Executive Assistant to the Mayor and City Council will prepare the commendation for the Mayor's signature.



PROCLAMATIONS, COMMENDATIONS, AND CERTIFICATES OF RECOGNITION

4. If the commendation is not being presented at a Council meeting or at an event by the Mayor or a Councilmember, the requester will be able to pick up the completed commendation at Santa Clara City Hall or may request that the commendation be mailed.
5. A RTC will be prepared annually by the Executive Assistant to the Mayor and City Council, listing all retirement commendations issued to 20+ year City and/or Santa Clara Unified School District retirees during the calendar year and with copies of the retirement commendations attached. A copy of the RTC and commendation attachments will be forwarded to the Local History Librarian.

CERTIFICATES OF RECOGNITION

1. Certificate of recognition requests should be addressed to the Office of the Mayor and City Council and submitted at least fifteen (15) business days in advance of the date the certificate is requested for, and may be faxed, mailed, emailed, or hand-delivered.
2. Certificate of recognition requests should include:
 - a. Information and/or example(s) of how the request meets the certificates of recognition criteria outlined in this policy;
 - b. Any background or historical information that will assist the Mayor in arriving at a decision; and
 - c. Other information pertinent to the certificate of recognition request.
3. If the request meets the above-mentioned criteria and is approved by the Mayor, the Executive Assistant to the Mayor and City Council will prepare the certificate of recognition for the Mayor's signature.
4. If the certificate or recognition is not being presented at a Council meeting or at an event by the Mayor or a Councilmember, the requester will be able to pick up the completed certificate of recognition at Santa Clara City Hall or may request that the certificate of recognition be mailed.



Date: March 4, 2024
To: Governance and Ethics Committee
From: Mayor and City Council Office Staff
Subject: Annual List of Proclamations and Commendations, January to December 2023

PROCLAMATIONS - JANUARY TO DECEMBER 2023

DATE OBSERVED	IN RECOGNITION OF
February 2023	Black History Month
February 4, 2023	Saka Nakodar Day
February 28, 2023	Rare Disease Day
March 2023	Women's History Month
March 2023	Red Cross Month
March 5-11, 2023	Women in Construction Week
April 2023	Fair Housing Month
April 2023	National Autism Acceptance Month
April 23-29, 2023	National Library Week
April 27, 2023	Earth Day/Arbor Day
April 30-May 6, 2023	Municipal Clerks Week
May 2023	Asian American and Pacific Islander Heritage Month
May 1-7, 2023	Youth Week
May 10, 2023	Asian American, Native Hawaiian, and Pacific Islander Mental Health Day
May 7-13, 2023	Drinking Water Week
May 13, 2023	Taiwanese American Cultural Festival
May 15, 2023	Palestinian Cultural Day
May 25, 2023	School Safety Patrol Day
May 28, 2023	Telugu Heritage Day
May 21-27, 2023	National Public Works Week
June 2023	LGBTQIA+ Pride Month
June 2023	Portuguese National Heritage Month
June 19, 2023	Juneteenth
July 2023	Parks & Recreation Month
July 28-29, 2023	Proclaim Taylor Swift as Honorary Mayor and Name the City of Santa Clara to "Swiftie Clara" for Ceremonial Purposes Only

January 25, 2024



**PROCLAMATIONS - JANUARY TO DECEMBER 2023
(continued)**

DATE OBSERVED	IN RECOGNITION OF
August 2023	Muslim Appreciation and Awareness Month
August 30, 2023	Proclaim Beyoncé Knowles-Carter as Honorary Mayor for Ceremonial Purposes Only
August 24, 2023	Ukrainian Independence Day
September 2023	Community Preparedness Month
September 2023	World Alzheimer's Month
September 16, 2023	Mahsa Amini Day
September 15-October 15, 2023	Hispanic Heritage Month
September 24, 2023	Confucius Memorial Ceremony
October 2023	Hindu American Awareness and Appreciation Month
October 2023	Domestic Violence Awareness Month
October 2023	Filipino American History Month
October 2023	National Community Planning Month
October 2023	Cybersecurity Awareness Month
October 2023	Breast Cancer Awareness Month
October 9, 2023	Hangul Day
October 2-6, 2023	Public Power Week
November 2023	Sikh American Awareness and Appreciation Month
November 2023	Native American Heritage Month
November 8, 2023	Recognition of Patricia "Patty" Mahan
November 12, 2023	Celebration of Diwali
November 12-18, 2023	National Nurse Practitioner's Week
December 1, 2023	Annual Holiday Tree Lighting Tree Lighter



COMMENDATIONS

DATE OBSERVED

January 10, 2023

January 13, 2023

January 26, 2023

January 31, 2023

January 31, 2023

January 31, 2023

February 21, 2023

March 4, 2023

March 7, 2023

April 4, 2023

April 23, 2023

April 23, 2023

April 23, 2023

April 23, 2023

April 24, 2023

April 27, 2023

April 29, 2023

May 9, 2023

May 31, 2023

June 6, 2023

June 14, 2023

July 12, 2023

July 15, 2023

July 18, 2023

July 24, 2023

July 24, 2023

September 19, 2023

November 8, 2023

December 7, 2023

December 12, 2023

IN RECOGNITION OF

Santa Clara Lions Football Program

Esperanza Castellanos 109th Birthday

Lisa Faria, Outgoing President, SCC Association of REALTORS®

Sparky Harlan Retirement

Lisa Schoenthal Retirement

Bill Wilson Center 50th Anniversary

Wilcox High School Robotics Team

Westside Little League 70th Anniversary

Kent Clerk Retirement

Philip Orr Retirement

Eagle Scout Justin Lim

Eagle Scout Mark Silkebakken

Eagle Scout Nicholas Escalada

Eagle Scout Nathaniel Escalada

Eagle Scout Omar Fadhil

San Jose Pioneer Lions Club's 21st Annual
Community Safety Award Ceremony

Santa Clara Relay for Life

Donna West, Reclaiming Out Downtown

Maria Hayes Retirement

Kairan Quazi Graduation

Joyce Hsu Retirement

Cheri Fulk Retirement

Rose Kwalick's 100th Birthday

Kimberly Vernon, Miss Santa Clara

Dr. T.V. Nagendra Prasad Consul General India

Sung-Hwan (Sam) Hwang Recognition

Jim Teixeira Retirement

Sourcewise 50th Anniversary

Aristide Polini's 100th Birthday

70th Anniversary for Nossa Senhora De Fatima
from S.E.S Portuguese Hall of Santa Clara



CITY REPRESENTATION AT MEETINGS, CEREMONIES & SPECIAL EVENTS

POLICY

The City shall be officially represented at meetings, ceremonies, and special events by the Mayor and/or City Council. If the Mayor and/or Council Members are unavailable, then the City Manager (or a City employee assigned by the City Manager in certain situations) will be requested to represent the City. City Board and Commission members may represent the City on certain occasions, provided they have obtained the prior authorization of the City Council.

If an invitation to an event includes a guest, a Council Member may bring along an individual who is not an elected or appointed official or City staff member.

This policy does not apply to informal events where attendance is not related to official City representation.

PROCEDURE

1. Requests for Mayor and/or Council representation at meetings, ceremonies, or special events shall be referred to the Executive Assistant to the Mayor and City Council.
2. Invitations or requests for speakers designated for the Mayor or a particular Council member or members are referred directly to them by the Executive Assistant. If the Executive Assistant receives a request for someone to represent the City at an event or as a speaker, the following protocol shall be observed:
 - ◆ The invitation shall be referred to the Mayor.
 - ◆ If the Mayor is unable to attend, the invitation shall be referred to the Vice Mayor.
 - ◆ If the Vice Mayor is also unable to attend, the invitation shall be referred to Council members in order of their seniority on the Council.
 - ◆ The City Manager shall be asked to represent the City at the meeting or event if the Mayor and Council Members are unable to attend. For certain meetings or events, the City Manager, at his/her discretion, may assign a staff member to attend.
3. Council may officially request a City Board or Commission member to represent the City on certain occasions.

Reference:

City Council-approved policy 11/7/95



Agenda Report

24-233

Agenda Date: 3/4/2024

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Action on the 2024 Governance and Ethics Committee Workplan

BACKGROUND

The Governance and Ethics Committee (Committee) was established by City Council action on February 5, 2019 and focuses on the refinement or establishment of policies and procedures regarding City Council operations, general good government practices, and implementation of the City’s Code of Ethics & Values program. The Committee is also responsible for reviewing requests for City facility naming and honorary recognitions.

DISCUSSION

On an annual basis, the Committee establishes a workplan for the Committee to prioritize for the calendar year. To prepare and plan for the Committee workload, staff has developed a proposed Governance and Ethics Committee workplan (Attachment 1) for the 2024 calendar year. At the March 4, 2024 Committee meeting, the Committee shall discuss the workplan and bring forth any additional amendments or recommendations for the annual workplan.

Additional items may be brought forward as needed by the Committee. This Committee also reviews naming recommendations for City facilities/buildings. In addition, the Committee reviews and updates the City Council Policies, for routine updates as needed, which staff will bring forward as appropriate.

The following schedule includes proposed items for the 2024 Governance and Ethics Committee workplan:

Committee Meeting Date	Agenda Items
March 4, 2024	1. Review of SCSC Chapter 2.155 (“Regulation of Lobbying Activities”) and SCSC Chapter 2.160 (“Calendars of Certain City Officials”) (<i>Referred from June 7, 2021 meeting</i>) 2. Review Email Retention Policy 3. Review Council Policy 020 (“Proclamations, Commendations and Certificates of Recognition”) (<i>Deferred from June 5, 2023</i>) and Council Policy 009 (“City Representation at Meetings, Ceremonies, and Special Events”) (<i>Referred from 030 from December 12, 2023 Council meeting</i>) 4. Discuss and approve 2024 Governance and Ethics Work Plan 5. Discussion regarding Start Times of City Council/Stadium Authority, Special and Closed Session Meetings

June 3, 2024	1. Review Council Policy 049 (“Community Grant Policy”) 2. Review Meeting Management Protocols and Rosenberg Rules of Order (Continued item from December 4, 2023) 3. Review and consider moving public presentations to be heard at the end of the City Council meeting agenda (Referred from February 6, 2024 City Council meeting)
September 16, 2024	1. To Be Determined
December 2, 2024	1. Review Council Policy 043 “Official Travel by Elected Officials”

ENVIRONMENTAL REVIEW

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment

FISCAL IMPACT

There is no fiscal impact to the City other than staff time.

COORDINATION

This report was coordinated by the City Manager’s Office.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City’s official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City’s website and in the City Clerk’s Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk’s Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Approve the 2024 Governance and Ethics Committee Workplan with any additional amendments.

Reviewed by: Maria Le, Assistant to the City Manager, City Manager’s Office

Approved by: Jōvan D. Grogan, City Manager

ATTACHMENTS

1. 2024 Governance and Ethics Committee Workplan Draft



1 st Quarter Meeting March 4, 2024	2 nd Quarter Meeting June 3, 2024	3 rd Quarter Meeting September 16, 2024	4 th Quarter Meeting December 2, 2024
<ul style="list-style-type: none"> • Review of SCSC Chapter 2.155 (“Regulation of Lobbying Activities”) and SCSC Chapter 2.160 (“Calendars of Certain City Officials”) (<i>Referred from June 7, 2021 meeting</i>) • Review and Discussion on Email Retention Policy (<i>Carryover from 2023 Workplan</i>) • Review Council Policy 020 (“Proclamations, Commendations and Certificates of Recognition”) and Council Policy 009 (“City Representation at Meetings, Ceremonies, and Special Events”) (<i>Referred from 030 from December 12, 2023 Council meeting</i>) • Discuss and approve 2024 Governance and Ethics Work Plan • Discussion Regarding the Start Time of City Council/Stadium Authority, Special and Closed Session Meetings 	<ul style="list-style-type: none"> • Review Council Policy 049 (“Community Grant Policy”) • Review Meeting Management Protocols and Rosenberg Rules of Order (Continued item from December 4, 2023) • Review and consider moving public presentations to be heard at the end of the City Council meeting agenda (Referred from February 6, 2024 City Council meeting) 	<ul style="list-style-type: none"> • To be determined 	<ul style="list-style-type: none"> • Review Council Policy 043 “Official Travel by Elected Officials”

NOTE: Items may be brought forward as needed by the Committee. This Committee also reviews naming recommendations for City facilities/buildings and City Council Policies for routine updates which staff will bring these forward as appropriate.



Agenda Report

24-258

Agenda Date: 3/4/2024

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Discussion Regarding the Start Time of City Council/Stadium Authority, Special and Closed Session Meetings

BACKGROUND

The purpose of this item is for the Governance and Ethics Committee to discuss what time legislative meetings should begin.

DISCUSSION

Section 707 of the Charter requires two regular Council meetings a month but does not specify the date or times for such meetings. Instead, it provides that the times for such meetings be set by Council ordinance or resolution. Currently, the dates for regular Council meetings are set by Council resolution adopted prior to the start of each calendar year. Regular meeting start times have traditionally been set at 7:00 p.m. and the City strives to have closed sessions and study sessions occur on the same day as regular meetings between the hours of 5:00 p.m. and 7:00 p.m. Occasionally, it is necessary to schedule a closed session and/or study session on a date that does not coincide with a regular meeting and, in such cases, a date and time are set by staff after reviewing electronic calendars and polling of Councilmembers individually.

Staff in the City Clerk's Office or the Mayor & Council unit poll Councilmembers availability by contacting each member via phone, email or text. Staff seeks information on the Councilmembers' availability and desired adjustment to the proposed days and time for special meetings, closed sessions, and other non-regular City Council or Stadium Authority meetings.

Occasionally, it is not possible to find a time when all members of the City Council are available for a closed session or special meeting. In such cases, albeit rare, it can be necessary for staff to schedule a meeting at a time when one or more Councilmembers have stated that they cannot attend, but a quorum of the members can attend.

At the March 4, 2024 Committee meeting, staff requests that the Committee discuss current practices for scheduling closed sessions or special meetings, and provide feedback on potential changes, if any, to the process for consideration by the City Council.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT

There is no fiscal impact other than City administrative staff time.

COORDINATION

This report has been coordinated with the City Attorney's Office, City Clerk's Office, and City Manager's Office.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Discuss current practices for scheduling closed sessions or special meetings, and provide feedback on potential changes, if any, to the process for consideration by the City Council.

Approved by: Jōvan Grogan, City Manager