




**Council Meeting**

**Item #4: Discussion, Consideration, and Direction to Staff Regarding Actions to be Taken in Response to the Santa Clara County Civil Grand Jury Report Entitled “Irreconcilable Differences: Santa Clara City Council”**

**July 9, 2024**

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**Civil Grand Jury Report**

- On June 12, 2024, the Santa Clara County Civil Grand Jury published a report entitled “Irreconcilable Differences: Santa Clara City Council” which includes various findings and recommendations.
- Penal Code Section 933(c) requires that a governing body of the particular public agency or department that has been the subject of a Civil Grand Jury final report to respond within 90 days on the specified findings and recommendations pertaining to matters under the control of the governing body.
- The City’s responses on the Civil Grand Jury report findings and recommendations are due by September 10, 2024.
- Individual Councilmembers were also requested to provide their response to certain findings and recommendations by August 12, 2024.

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**POST MEETING MATERIAL**




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## Council Written Petition

- On June 18, 2024, the City Clerk's Office received a Council Written Petition from Mayor Gillmor and Councilmember Watanabe requesting an item be placed on a future Council agenda for a public discussion on the Civil Grand Jury report, the findings, and possible Council actions.
- The item was heard at the June 25, 2024 meeting.
- Council unanimously approved the matter to be agendized for the July 9, 2024 meeting.

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## City Response Required

- The Civil Grand Jury report included a total of 9 findings and 22 recommendations.
- The City, as an agency, has been directed to respond to 8 of the findings and 9 of the recommendations.

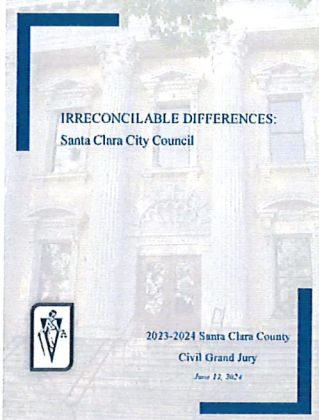
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# Findings Requiring City Response



- **Finding 1a:** The working relationships among Councilmembers and the Mayor are broken.

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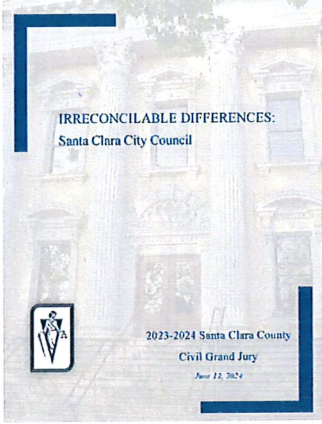



- **Finding 1b:** Some Councilmembers do not adhere to the City's adopted ethical and behavioral standards while conducting City business on the dais.

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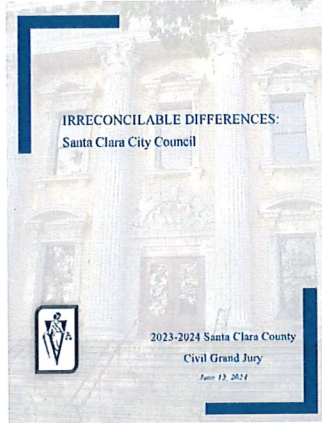


- **Finding 1c:** Councilmembers Becker and Park air petty grievances and engage in squabbles with other elected officials and constituents from the dais.

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- **Finding 2:** Councilmembers Becker, Park, and Chahal do not understand and/or do not follow established parliamentary and meeting procedures.

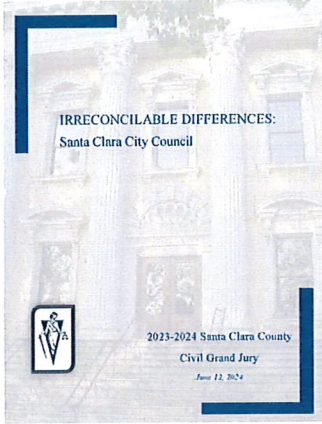
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IRRECONCILABLE DIFFERENCES:  
Santa Clara City Council

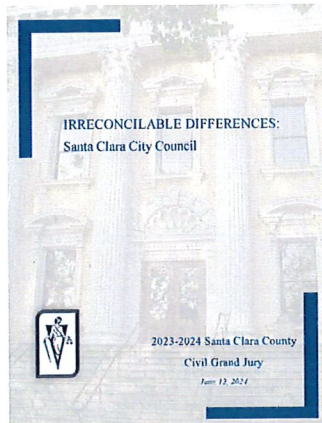
2023-2024 Santa Clara County  
Civil Grand Jury  
June 12, 2024

- **Finding 3:** Some Councilmembers do not uphold their responsibility to conduct the City's business professionally and efficiently.

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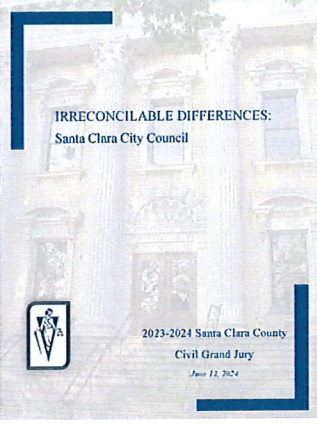
IRRECONCILABLE DIFFERENCES:  
Santa Clara City Council

2023-2024 Santa Clara County  
Civil Grand Jury  
June 12, 2024

- **Finding 4:** Some Councilmembers have become preoccupied by personal and political vendettas resulting in verbal attacks, mocking, and disparaging members of the public and community volunteers from the dais without consequence. Councilmembers have ignored the public's request to address their behaviors.

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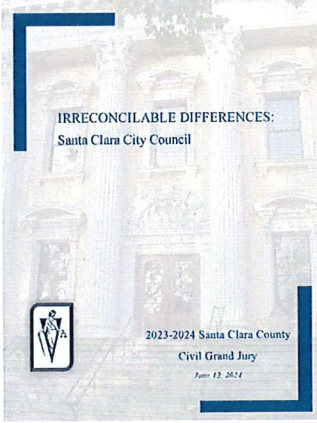


- **Finding 6:** There has not been an employee satisfaction survey since 2019.

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- **Finding 7:** City staff is exceptionally professional, well prepared, and consistently maintains their composure regardless of behaviors exhibited by the Council. Staff's behavior is a model for the Council.

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#	Additional Findings Requiring Individual Councilmembers' Response
1a*	The working relationships among Councilmembers and the Mayor are broken.
1b*	Some Councilmembers do not adhere to the City's adopted ethical and behavioral standards while conducting City business on the dais.
1c*	Councilmembers Becker and Park air petty grievances and engage in squabbles with other elected officials and constituents from the dais.
2*	Councilmembers Becker, Park, and Chahal do not understand and/or do not follow established parliamentary and meeting procedures.
5	Councilmembers Becker and Park have engaged in unethical behavior on the dais by insulting, humiliating, and intimidating constituents and volunteers. Councilmembers Becker and Hardy explicitly encourage this behavior by laughing, snickering, or eye-rolling. Councilmembers Becker, Park, Hardy, Jain, and Chahal implicitly encourage these behaviors by failing to call out inappropriate conduct.

*\*The City, as an agency, has also been directed to respond to Findings 1a, 1b, 1c, and 2.*


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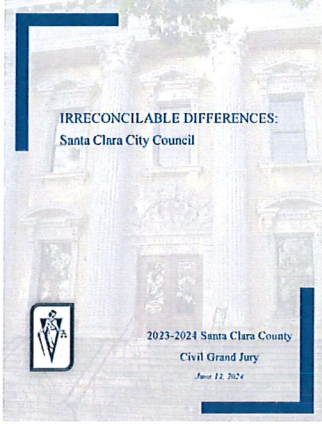
## Legally Required Responses for Findings

- Penal Code Section 933.05(a) requires the responding entity to indicate one of the following for each Civil Grand Jury finding:
  1. The respondent agrees with the finding.
  2. The respondent disagrees wholly or partially with the finding, in which case the response will specify the portion of the finding that is disputed and will include an explanation of the reasons therefor.

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## Recommendations Requiring City Response

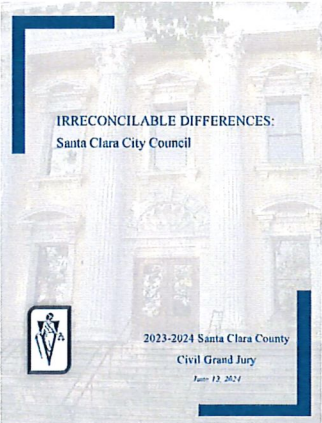


- **Recommendation 1a:** The City should hire a conflict resolution professional and adopt robust conflict resolution training strategies. This recommendation should be implemented by October 1, 2024.

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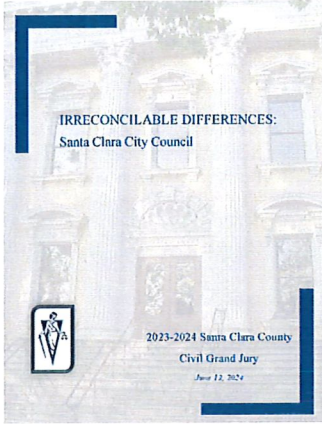


- **Recommendation 1b:** Councilmember Park should attend one-on-one conflict resolution training so he can learn to behave in a manner reflective of an elected official. This recommendation should be implemented by October 1, 2024.

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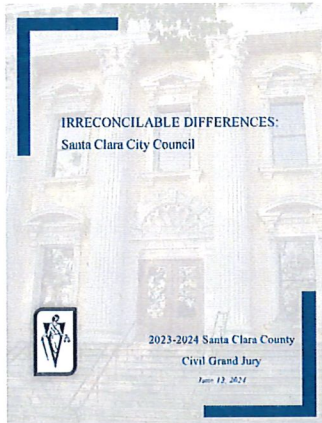


- Recommendation 2a:** Councilmember Becker should pledge to attend trainings in parliamentary procedures so that his behavior is more reflective of an elected who is dedicated to the electorate. These recommendations should be implemented by October 1, 2024.

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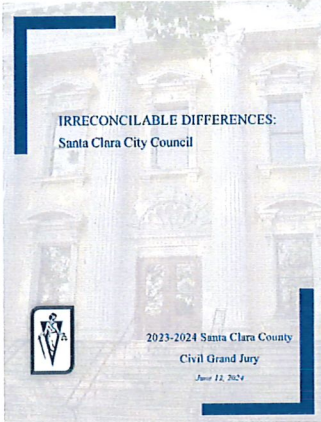
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- Recommendation 2b:** Councilmember Park should pledge to attend trainings in parliamentary procedures so that his behavior is more reflective of an elected who is dedicated to the electorate. These recommendations should be implemented by October 1, 2024.


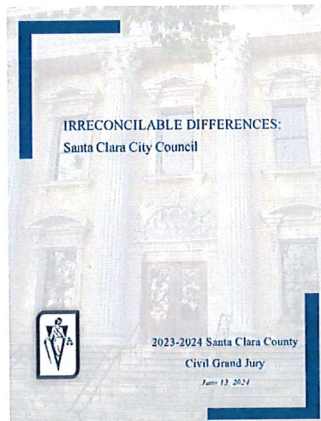
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- Recommendation 2c:** Councilmember Chahal should pledge to attend trainings in parliamentary procedures, so he can demonstrate a better working knowledge of the parliamentary process. This recommendation should be implemented by October 1, 2024.


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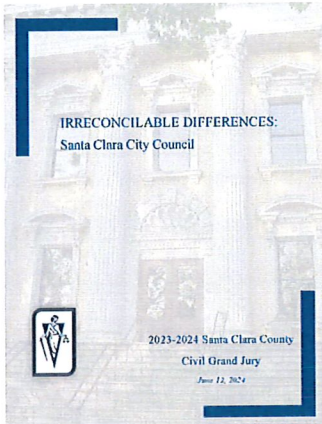



- Recommendation 3:** The City should adopt the formal resolution for Meeting Management Procedures developed and presented by staff to the Governance and Ethics Committee meeting on December 4, 2023. This resolution would tie meeting procedures to the City Code of Ethics and Values, and Behavioral Standards for Public Meetings, codify rules regarding respectful and professional language on the dais, and initiate more productive meetings to keep the Council and public focused on City business. This recommendation should be implemented by October 1, 2024.

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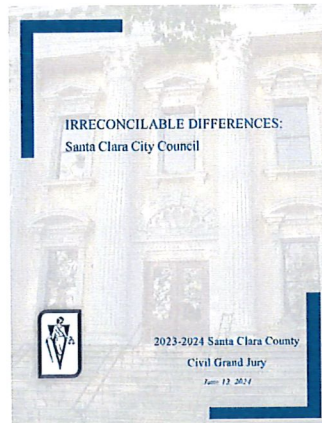


- **Recommendation 4a:** The City should establish an Independent Ethics Commission to oversee the behavior of Councilmembers and to ensure they model positive engagement with the public and reclaim the public's trust. This recommendation should be implemented by October 1, 2024, and should be ongoing.

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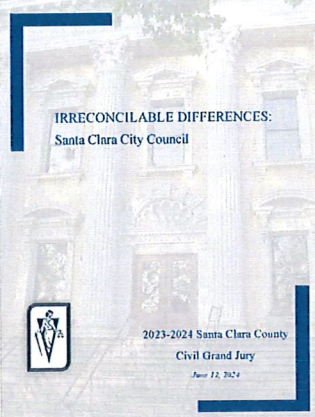


- **Recommendation 4b:** The City should hire an Independent Ethics professional and adopt robust ethics training strategies supported by policy. This recommendation should be implemented by October 1, 2024.

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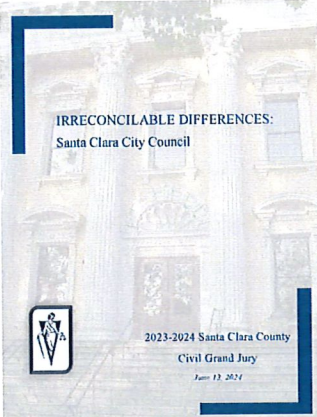


- **Recommendation 4c:** All Councilmembers should participate in regular training and counseling with an established outside entity that specializes in government ethics to implement training seminars and workshops for Councilmembers to learn how to maintain collegiality on the dais by using proven techniques and best practices to avoid tense exchanges, bad behavior, misconduct, and incivility, and how the rest of the Council can positively influence the behaviors effectively. This recommendation should be implemented by October 1, 2024, and should be ongoing.

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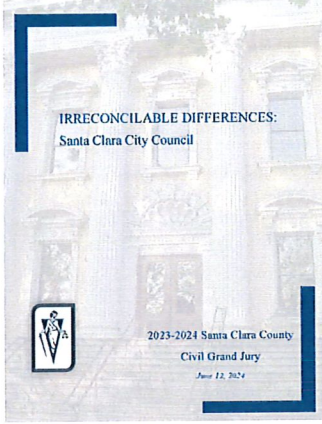


- **Recommendation 6:** The City should conduct an annual employee satisfaction survey, administered by a third party, which can be answered anonymously. This recommendation should be implemented by October 1, 2024, and should occur annually.

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- **Recommendation 7:** The City should commend City staff for their exemplary work ethic and professionalism. This recommendation should be implemented by August 1, 2024.

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#	Additional Recommendations Requiring Individual Councilmembers' Response
1b*	Councilmember Park should attend one-on-one conflict resolution training so he can learn to behave in a manner reflective of an elected official. This recommendation should be implemented by October 1, 2024.
1c	Councilmember Becker should attend one-on-one conflict resolution training so he can learn to behave in a manner reflective of an elected official. This recommendation should be implemented by October 1, 2024.
1d	Councilmember Jain should attend one-on-one conflict resolution training to learn to work more effectively for the good of the City. This recommendation should be implemented by October 1, 2024.
1e	Councilmember Hardy should attend one-on-one conflict resolution training to learn to work more effectively for the good of the City. This recommendation should be implemented by October 1, 2024.
1f	Councilmember Chahal should attend one-on-one conflict resolution training to learn to work more effectively for the good of the City. This recommendation should be implemented by October 1, 2024.
1g	Even though Councilmember Watanabe has shown appropriate meeting decorum, the Councilmember should attend one-on-one conflict resolution training to learn how to work effectively in the current challenging Council meeting environment. This recommendation should be implemented by October 1, 2024.

\*The City, as an agency, has also been directed to respond to Recommendation 1b.

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#	Additional Recommendations Requiring Individual Councilmembers' Response
1h	Even though Mayor Gillmor has shown appropriate meeting decorum, the Mayor should attend one-on-one conflict resolution training to learn how to work effectively in the current challenging Council meeting environment. Additionally, as the meeting chair, the Mayor should receive training to facilitate effective meeting flow. This recommendation should be implemented by October 1, 2024.
2a*	Councilmember Becker should pledge to attend trainings in parliamentary procedures so that his behavior is more reflective of an elected who is dedicated to the electorate. This recommendation should be implemented by October 1, 2024.
2b*	Councilmember Park should pledge to attend trainings in parliamentary procedures so that his behavior is more reflective of an elected who is dedicated to the electorate. This recommendation should be implemented by October 1, 2024.
2c*	Councilmember Chahal should pledge to attend trainings in parliamentary procedures, so he can demonstrate a better working knowledge of the parliamentary process. This recommendation should be implemented by October 1, 2024.

*\*The City, as an agency, has also been directed to respond to Recommendation 2.*

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#	Additional Recommendations Requiring Individual Councilmembers' Response
5a	Councilmember Park should pledge to train with an ethics expert from an established outside entity that specializes in government ethics. This recommendation should be implemented by October 1, 2024, and should occur annually.
5b	Councilmember Becker should pledge to train with an ethics expert from an established outside entity that specializes in government ethics. This recommendation should be implemented by October 1, 2024, and should occur annually.
5c	Councilmember Hardy should pledge to train with an ethics expert from an established outside entity that specializes in government ethics. This recommendation should be implemented by October 1, 2024, and should occur annually.
5d	Councilmember Chahal should pledge to train with an ethics expert from an established outside entity that specializes in government ethics. This recommendation should be implemented by October 1, 2024, and should occur annually.
5e	Councilmember Jain should pledge to train with an ethics expert from an established outside entity that specializes in government ethics. This recommendation should be implemented by October 1, 2024, and should occur annually.

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## Legally Required Responses for Recommendations

- Penal Code Section 933.05(b) requires the responding entity to report one of the following actions for each Civil Grand Jury recommendation:
  1. The recommendation has been implemented, with a summary regarding the implemented action.
  2. The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
  3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe cannot exceed six months from the date of publication of the grand jury report.
  4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

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## Next Steps

- Staff is requesting that the Council provide direction on the process it would like to follow to develop the City's required responses by September 10, 2024.
- Consistent with past practices, once staff receives Council input, staff is prepared to draft initial responses to the Civil Grand Jury report for each finding and recommendation requiring City response.
- Council input could be received tonight, or given tonight's heavy agenda, a special meeting could be scheduled for that purpose.
- Staff could then bring draft responses back to the Council for review and possible approval at the August 20, 2024 Council Meeting, or at a special meeting (or meetings) to be determined

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