

William Eserini
508 Robert Avenue
Santa Clara CA 95050
408-748-1551

TO: Acting City Clerk/Elections Officer Jennifer Yamaguma
City Manager Deanna Santana
City Attorney Brian Doyle
Mayor and Councilmembers

IN RE: Use of city property for political campaign purposes

It has come to my attention that on September 9, 2018, Hosam Haggag, candidate for City Clerk for the City of Santa Clara, held a political campaign rally (a kick-off party) at Fremont Park, which is city property.

During this event, he had posted several political campaign signs on city property at various locations throughout the park.

Also during this event, appointed mayor Lisa Gillmor and councilmember Kathy Watanabe campaigned for Mr. Haggag, giving political speeches in support of his candidacy, all done on city property.

As a long-time resident of Santa Clara, and having taken an active interest in our local campaigns for decades, I have become informed that it is against city policy to allow campaign activities on city property.

The acting city clerk distributed Candidate's Handbooks to all candidates in this year's election. Included in that handbook, at page 6, is that statement:

“The California Government Code imposes restrictions on political activities of City of Santa Clara *officials*, employees and *candidates*. These include prohibition of:

- **Engaging in political activities during work hours or *on City property*.”**
[Emphasis added]

In 2016, as part of the Candidates' Handbook given to all candidates for the 2016 election, a letter from then City Attorney Ren Nosky included this statement:

“The California Government Code imposes restrictions on political activities of City of Santa Clara *officials*, employees and *candidates*. These include prohibition of:

- ***Engaging in political activities during work hours or on City property.*”** [emphasis added]

The statements of both the former city attorney and the acting city clerk serve to instruct candidates and officials alike on the provisions of state law [California Government Code §3207] and the city's own policy as set forth in the City Manager Directives [CMD#82]. Mr. Nosky, in his memo cited both the state law and the CMD in support of the statement above.

In addition, there is a clear prohibition against posting political sign on city property in the City Code, Section 18.80.170. It is against our city code to place any sign, including political signs on city property.

I am making a formal complaint for action against candidate Hosam Haggag for violating our city codes, and state law, for his action in holding a political campaign event on city property.

I am making a formal complaint against Lisa Gillmor and Kathy Watanabe as well for campaigning on city property, as city officials, in support of a candidate.

My complaints are being submitted to the California Fair Political Practice Commission as well.

I ask to have this matter placed on the agenda under public presentations at the next council meeting.

Yours truly,

William Eserini
Eserini Automotive, owner