



# City of Santa Clara

## Meeting Agenda

### Governance and Ethics Committee

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Thursday, April 25, 2019

3:00 PM

City Hall - Council Chambers  
1500 Warburton Avenue  
Santa Clara, CA 95050

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#### CALL TO ORDER AND ROLL CALL

#### CONSENT CALENDAR

1. 19-198 [Governance Committee Minutes of April 23, 2018](#)

***Recommendation:*** Approve the Governance Committee minutes of April 23, 2018

#### PUBLIC PRESENTATIONS

#### GENERAL BUSINESS

2. 19-199 [Overview of Mission, Goals, and Discussion of Workplan Items](#)
3. 19-190 [Action on How to Present the City Council \(e.g., sequence of listing Councilmembers and by Council District\) in City Facilities and on Documents](#)

***Recommendation:*** Staff makes no recommendation on the presentation of the City Council in City Facilities and on Documents.
4. 19-510 [Review Status of Council Policy Manual Policies](#)
5. 19-511 [Discussion of Dark Money Ordinance](#)

#### STAFF REPORT

#### COMMITTEE MEMBERS REPORT

#### GOOD OF THE ORDER

#### ADJOURNMENT

The Governance and Ethics Committee meeting is adjourned to May 16, 2019, at 3:00 p.m.



# City of Santa Clara

1500 Warburton Avenue  
Santa Clara, CA 95050  
santaclaraca.gov  
@SantaClaraCity

## Agenda Report

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**19-198**

**Agenda Date: 4/25/2019**

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**SUBJECT**

Governance Committee Minutes of April 23, 2018

**RECOMMENDATION**

Approve the Governance Committee minutes of April 23, 2018



# City of Santa Clara

## Meeting Minutes

### Governance Committee

Monday, April 23, 2018

4:00 PM

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

#### CALL TO ORDER AND ROLL CALL

Chair O'Neill called the meeting to order at 4:05 PM.

Present 3 - Member Teresa O'Neill, Member Debi Davis, and Member Kathy Watanabe

#### CONSENT CALENDAR

1.A 18-506 Governance Committee Minutes of February 12, 2018

**Recommendation:**

Approve the Governance Committee minutes of February 12, 2018.

**A motion was made by Member Davis, seconded by Member Watanabe, to approve the staff recommendation.**

**Aye:** 3 - Member O'Neill, Member Davis, and Member Watanabe

#### PUBLIC PRESENTATIONS

None.

#### GENERAL BUSINESS

2. 18-443 2018 Governance Committee Work Plan and Establishment of a Council Policy Manual

**Recommendation:**

1. Adopt the 2018 Governance Committee Work Plan
2. Recommend to the City Council to adopt a resolution repealing Section C of Resolution 6603 to amend the title of "City of Santa Clara Policy and Procedure Manual" to "City of Santa Clara Council Policy Manual" and approving the Council Policy Manual policy

**A motion was made by Member O'Neill, seconded by Member Watanabe, to approve the staff recommendations.**

**Aye:** 3 - Member O'Neill, Member Davis, and Member Watanabe

3. 18-442 Discussion and Potential Action on Rescission of Various Council Policies

**Recommendation:** Recommend to the City Council to adopt a resolution to rescind P&P 010 City Council Meetings Video Tapes, P&P 012 Electronic Organizers, P&P 013 Fireworks Display Permit, P&P 021 Public Requests for Photocopies of Agenda Items, P&P 023 Recreational Bonfires, and P&P 026 Sale of Used Fire Helmets or Police Equipment as Mementos.

**A motion was made by Member Davis, seconded by Member Watanabe, to approve the staff recommendation.**

**Aye:** 3 - Member O'Neill, Member Davis, and Member Watanabe

4. 18-400 Action on Restructuring of Council Committees

**Recommendation:** Provide direction to staff on the proposed restructuring of Council Committees and, upon input and direction, advance the proposal to the full City Council for consideration.

**By Committee consensus, this item was referred back to staff.**

**COMMITTEE MEMBERS REPORT**

None.

**ADJOURNMENT**

The meeting was adjourned at 5:35 PM.



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## Agenda Report

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19-199

Agenda Date: 4/25/2019

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### REPORT TO GOVERNANCE AND ETHICS COMMITTEE

#### SUBJECT

Overview of Mission, Goals, and Discussion of Workplan Items



## Agenda Report

19-190

Agenda Date: 4/25/2019

### REPORT TO GOVERNANCE AND ETHICS COMMITTEE

#### SUBJECT

Action on How to Present the City Council (e.g., sequence of listing Councilmembers and by Council District) in City Facilities and on Documents

#### BACKGROUND

On December 13, 2018, the City Council held a Session on Governance to discuss the necessary components of a high performance governing body, assess the impacts of the new district election system, and enhance and strengthen the teamwork between the Council and staff. During the session, the City Council also discussed current protocols and procedures, as well as how the City Council's names are to be presented on City facilities and documents.

#### DISCUSSION

During the Council's discussion on current protocols and procedures, the City Council considered how Councilmembers' names would be listed on printed materials and on the City's website. They considered whether the listing should be prioritized by seniority, district, alphabetically, or by seat and if the Councilmembers' districts should be listed as well.

At the end of the discussion, the City Council unanimously agreed that Council districts should be reflected in a visible way and that the listing will be determined by the City Manager. Given the absence of clear Council direction and the multiple options to select from, the City Manager would like the Governance and Ethics Committee to provide a recommendation to the City Council regarding the presentation of the City Council in City facilities and on documents.

Below are possible options for consideration with the Mayor being listed first in each option:

#### **Letterhead**

- 1. Alphabetical Order** - Mayor, by alphabetical order of Councilmembers' last names (Current)
- 2. Vice Mayor/Alpha Order** - Mayor, Vice Mayor, then by alphabetical order of Councilmembers' last names
- 3. Council District Order** - Mayor, by district order and with the Councilmembers' districts listed next to their name
- 4. Councilmember Seniority Order** - Mayor, by seniority on the City Council and with the Councilmembers' districts listed next to their name
- 5. Vice Mayor/Seniority Order** - Mayor, Vice Mayor, then by seniority on the City Council and with the Councilmembers' districts listed next to their name

#### **Signature Block for Official Documents**

1. Mayor, Vice Mayor, then by alphabetical order of Councilmembers' last names (Current)
2. Mayor, Vice Mayor, then by district order
3. Mayor, Vice Mayor, then by seniority on the City Council

### **Display of Council Portraits**

(Currently, there's no consistent display across various City locations.)

1. **Alphabetical Order** - Mayor, by alphabetical order of Councilmembers' last names and with the Councilmembers' districts listed under their name
2. **Vice Mayor/Alpha Order** - Mayor, Vice Mayor, then by alphabetical order of Councilmembers' last names and with the Councilmembers' districts listed under their name
3. **Council District Order** - Mayor, by district order and with the Councilmembers' districts listed under their name
4. **Councilmember Seniority Order** - Mayor, by seniority on the City Council and with the Councilmembers' districts listed under their name
5. **Vice Mayor/Seniority Order** - Mayor, Vice Mayor, then by seniority on the City Council and with the Councilmembers' districts listed under their name

### **City's Website**

1. **Alphabetical Order** - Mayor, by alphabetical order of Councilmembers' last names and with the Councilmembers' districts listed under their name and title
2. **Vice Mayor/Alpha Order** - Mayor, Vice Mayor, then by alphabetical order of Councilmembers' last names and with the Councilmembers' districts listed under their name and title
3. **Council District Order** - Mayor, by district order and with the Councilmembers' districts listed under their name and title (Current)
4. **Councilmember Seniority Order** - Mayor, by seniority on the City Council and with the Councilmembers' districts listed under their name and title
5. **Vice Mayor/Seniority Order** - Mayor, Vice Mayor, then by seniority on the City Council and with the Councilmembers' districts listed under their name and title

After deliberation by the Governance and Ethics Committee, staff will bring the Governance and Ethics Committee recommendation to the full 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(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 other than 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) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

**RECOMMENDATION**

Staff makes no recommendation on the presentation of the City Council in City Facilities and on Documents.

Reviewed by: Walter Rossmann, Chief Operating Officer

Approved by: Deanna J. Santana, City Manager





# City of Santa Clara

1500 Warburton Avenue  
Santa Clara, CA 95050  
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@SantaClaraCity

## Agenda Report

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19-510

Agenda Date: 4/25/2019

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### REPORT TO GOVERNANCE AND ETHICS COMMITTEE

#### SUBJECT

Review Status of Council Policy Manual Policies

Reviewed by: Genevieve Yip, Staff Analyst I

Approved by: Walter C. Rossmann, Chief Operating Officer

#### ATTACHMENTS

1. Council Policy Manual Matrix



Number	Subject	Last Revision					
			Maintain Status Quo	Further Review	Legal Review	Administrative in Nature	Rescission
CP 000	Council Policy Manual	Jun-18					
CP 001	<i>Amplified Sound Permit</i>	Oct-12			X		
CP 002	Routine Documents, Approval of	Jul-99		X			
CP 003	Recognition of Volunteers, Community Leaders, Outstanding Citizens, Guidelines for	Sep-03	X				
CP 004	Banners on Public Property	Jan-11	X				
CP 005	<i>Block Parties</i>	Jan-95			X		
CP 006	Commissioners for Attendance at Conferences and Training Events, Guidelines for	Dec-12		X			
CP 007	Citizen Complaints Addressed to City Council	Apr-92		X			
CP 008	City Building Rental	Jun-03			X		
CP 009	City Representation at Meetings, Ceremonies, and Special Events	Nov-95	X				
CP 010	Video Tapes, City Council Meetings	Aug-05					X
CP 011	<i>Dance Permit</i>	Nov-95			X		
CP 012	Electronic Organizers	Nov-99					X
CP 013	Fireworks Display Permit	Dec-97					X
CP 014	Championship Teams/Individuals, Funding Requests	May-05	X				
CP 015	Gifts for City Visitors and Special Events	Sep-03		X			
CP 016	Gifts to the City	Jun-11		X			
CP 017	Investment Policy: Annual Statement	Jan-05		X			
CP 018	Non-City-Related Issues, Position on	Nov-00		X			
CP 019	<i>Parades/Processions</i>	Nov-09			X		
CP 020	Proclamations	Sep-12	X				
CP 021	Photocopies of Agenda Items, Public Requests for	Feb-91					X
CP 022	<i>Races/"Fun Runs"/Walks</i>	Nov-95			X		
CP 023	Bonfires, Recreational	Dec-10					X
CP 024	Free Speech Groups at City-Sponsored Events, Regulation of	Jul-96		X			
CP 025	<i>City of Santa Clara Flags, Sale of</i>	Jul-93			X		
CP 026	Used Fire Helmets or Police Equipment as Mementos, Sale of	Sep-99					X
CP 027	<i>Special Outdoor Events on City Property</i>	Oct-97			X		
CP 028	Candidates Forum, Televised	Sep-96		X			
CP 029	Time Limits for Speakers at Council Meetings	May-17		X			
CP 030	Adding an Item on the Agenda	Sep-16		X			
CP 031	Weed Abatement Procedures for Property within Habitat Range of the Burrowing Owl	May-99		X			
CP 032	Concerns/Complaints Regarding City Board/Commissions, Review of	Jul-02	X				
CP 033	Tree Removal on City Property	Dec-02	X				
CP 034	City Emblems, Use of: City Seal, All-America City Logo and HT <sup>2</sup> Logo	Jan-02			X		
CP 035	Naming of Facilities	Jan-10		X			
CP 036	Selection of Recipient of Neil Henry Volunteer Award, Guidelines for	Oct-03		X			
CP 037	Business Recognition Program	May-07	X				
CP 038	Honorary Titles	Dec-04		X			
CP 039	Sister-City Relationships	Jan-94	X				
CP 040	Those Who Inspire Recognition Award, Guidelines for	Dec-05		X			
CP 041	Public Submittal of Written and Audiovisual Materials for Council Meetings	Jan-06		X			
CP 042	Reconsideration of Council Action	Mar-07	X				
CP 043	Official Travel by Mayor and City Council Members	May-17	X				
CP 044	<i>Feeding Animals in City Parks</i>	Feb-06			X		
CP 045	Political Activities of Public Employees	Aug-92			X		
CP 046	Mayor and Council Public Records Policy	May-17	X				
CP 047	Admonition and Censure Policy	May-18					
CP 048	Display of Flags Policy	Aug-18					
CP 049	Community Grant Policy	Sep-18					
CP 050	Gifts to Elected and Appointed Officials	Oct-18					
CP 051	Donations to the City	May-18					
CP 052	Legislative Advocacy Policy	Oct-18					

Legend	
CP	- Council Policy
Grey	- Rescinded Policy
Orange	- In Queue for Rescission
Green	- Newly Adopted Policy



# City of Santa Clara

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## Agenda Report

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19-511

Agenda Date: 4/25/2019

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### REPORT TO GOVERNANCE AND ETHICS COMMITTEE

#### SUBJECT

Discussion of Dark Money Ordinance

Reviewed by: Genevieve Yip, Staff Analyst I

Approved by: Walter C. Rossmann, Chief Operating Officer

#### ATTACHMENTS

1. Ordinance No. 1979
2. Santa Clara Campaign Disclosure Form

**ORDINANCE NO. 1979**

**AN ORDINANCE OF THE CITY OF SANTA CLARA,  
CALIFORNIA, AMENDING CHAPTER 2.130 OF “THE CODE OF  
THE CITY OF SANTA CLARA, CALIFORNIA” TO ENACT  
REGULATIONS REGARDING CONTRIBUTIONS INFLUENCING  
LOCAL CITY ELECTIONS (DARK MONEY)**

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

**WHEREAS**, the Ethics Committee of the City Council of the City of Santa Clara has considered the effects of financial contributions that have not been disclosed with respect to campaign activities;

**WHEREAS**, the Ethics Committee has determined that existing state and local regulations regarding campaign contribution disclosures can be enhanced by additional local regulations; and,

**WHEREAS**, the City Council desires to enact an ordinance to provide maximum transparency to the voters of the City regarding the origin of financial support for and against local election campaigns.

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

**SECTION 1:** That a new Article is added to Chapter 2.130 (entitled “Political Campaign Finance Reform Act”) of Title 2 (entitled “Administration & Personnel”) of “The Code of the City of Santa Clara, California,” (“SCCC”) to read as follows:

**“Article X. Dark Money**

**2.130.320 Purpose.**

The purpose of this Article is to provide the maximum transparency to the voters of the City of Santa Clara about who is spending money on local campaigns and to create specific disclosure requirements for contributions to organizations that have historically refused to disclose contributions (“Dark Money”).

**2.130.330 Interpretation and Regulation.**

(a) This Article is intended to be interpreted consistently and as an enhancement to the provisions of the California Government Code and the regulations of the California Fair Political Practices Act.

(b) The City Manager, or designee, is hereby authorized to adopt such regulations and forms as to facilitate the interpretation of this Article and to provide such forms necessary for the filing of the required disclosures.

**2.130.340 Mandatory Disclosure.**

All contributions of One Hundred Dollars (\$100) or more to any organization, including but not limited to Multipurpose Organizations as such organizations are defined in Government Code Section 84222, that makes expenditures that affect or are intended to affect a local Santa Clara election to City office or for or against a local Santa Clara ballot measure shall be reported in the same manner as campaign contributions are required to be reported under section 2.130.280 of this Chapter.

**2.130.350 Presumptions.**

It shall be presumed that if any Multipurpose Organization makes a contribution of One Hundred Dollars (\$100) or more to an entity that qualifies as a recipient committee under Government Code Section 84211, the source of the contributions to the Multipurpose Organization shall be subject to the mandatory disclosure requirements of this Article.

**2.130.360 Enforcement.**

(a) The provisions of this Article X shall be enforceable as set forth in Article VI of this Chapter.

(b) The provisions of this Article X are hereby incorporated into all contracts of the City, the Santa Clara Stadium Authority, the Santa Clara Housing Authority, and the Sports and Open Space Authority as provisions of law to which all parties to such contract are subject. The

violation of this Article shall be considered a material breach of the contract by a contracting party and grounds for termination of the contract. A contracting party shall be considered in violation of this section if the contracting party fails to disclose contributions made by the contracting party or by an intermediary of the contracting party or by contribution of earmarked funds as defined and regulated by section 18432 of the Government Code.”


**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: 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 24<sup>th</sup> day of APRIL, 2018, by the following vote:

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

ATTEST:

  
JENNIFER YAMAGUMA  
ACTING CITY CLERK  
CITY OF SANTA CLARA

**FINALLY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA this 15<sup>th</sup> day of MAY, 2018, by the following vote:**

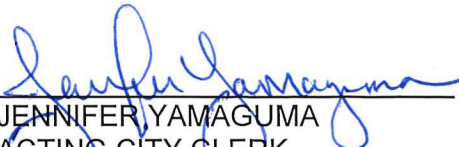
AYES: COUNCILORS: Davis, Kolstad, Mahan, O'Neill, and Watanabe and Mayor Gillmor

NOES: COUNCILORS: None

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: None

ATTEST:

  
\_\_\_\_\_  
JENNIFER YAMAGUMA  
ACTING CITY CLERK  
CITY OF SANTA CLARA



For Official Use Only

Page \_\_\_\_ of \_\_\_\_

**CAMPAIGN CONTRIBUTIONS DISCLOSURE REPORT**

Multipurpose Organizations and/or City Contractors that make expenditures that are intended to influence the outcome of a Santa Clara local election for City offices and/or ballot measures, must report the source(s) of any contribution of One Hundred Dollars (\$100) or more made to the organization for such expenditures. (§2.130.340, Code of the City of Santa Clara).

Type of Report (check all that apply):

Initial Report       Amendment to \_\_\_\_\_ filed on: \_\_\_\_\_

**Organization/Committee/City Contractor**

Organization/Contractor Name:	Committee ID #:
Name of Individual Filing Report:	Position Title:
Address: (Number and Street) (City) (State) (Zip Code)	Phone Number: ( )
Mailing Address: (If different than above)	E-mail:

**Contributor Information**

Contributor's Full Name:	Date Contribution Received:
Contributor's Address: (Number and Street) (City) (State) (Zip Code)	Amount Received:
Contributor's Employer/Occupation:	Purpose of Expenditure: Support <input type="checkbox"/> Opposition <input type="checkbox"/>
Type of Expenditure:	
Candidate/Committee Name:	
Ballot Measure:	



**Contributor Information**

Contributor's Full Name:				Date Contribution Received:	
Contributor's Address: (Number and Street)		(City)	(State)	(Zip Code)	Amount Received:
Contributor's Employer/Occupation:				Purpose of Expenditure:	
				Support	Opposition
				<input type="checkbox"/>	<input type="checkbox"/>
Type of Expenditure:					
Candidate/Committee Name:					
Ballot Measure:					

**Contributor Information**

Contributor's Full Name:				Date Contribution Received:	
Contributor's Address: (Number and Street)		(City)	(State)	(Zip Code)	Amount Received:
Contributor's Employer/Occupation:				Purpose of Expenditure:	
				Support	Opposition
				<input type="checkbox"/>	<input type="checkbox"/>
Type of Expenditure:					
Candidate/Committee Name:					
Ballot Measure:					

**Contributor Information**

Contributor's Full Name:				Date Contribution Received:	
Contributor's Address: (Number and Street)		(City)	(State)	(Zip Code)	Amount Received:
Contributor's Employer/Occupation:				Purpose of Expenditure:	
				Support	Opposition
				<input type="checkbox"/>	<input type="checkbox"/>
Type of Expenditure:					
Candidate/Committee Name:					
Ballot Measure:					

**Contributor Information**

Contributor's Full Name:				Date Contribution Received:	
Contributor's Address: (Number and Street)		(City)	(State)	(Zip Code)	Amount Received:
Contributor's Employer/Occupation:				Purpose of Expenditure:	
				Support	Opposition
				<input type="checkbox"/>	<input type="checkbox"/>
Type of Expenditure:					
Candidate/Committee Name:					
Ballot Measure:					

**VERIFICATION**

I have reviewed the requirements of the provisions of the Santa Clara Municipal Code (Chapter 2.130.040). I certify under penalty of perjury under the laws of the State of California that I have reviewed this Campaign Contributions Disclosure Report and to the best of my knowledge the information contained herein is true and complete.

Print Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Executed on: \_\_\_\_\_

(original signature) (month, day, year)