



City of Santa Clara

Meeting Agenda

Governance and Ethics Committee

Monday, February 10, 2020

3:00 PM

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

CALL TO ORDER AND ROLL CALL

CONSENT CALENDAR

- 20-167 [Governance and Ethics Committee Minutes of November 21, 2019](#)

Recommendation: Approve the Governance and Ethics Committee minutes of November 21, 2019.

PUBLIC PRESENTATIONS

GENERAL BUSINESS

1. 20-158 [Approval of the 2020 Governance and Ethics Committee Workplan](#)

Recommendation: Approve the 2020 Governance and Ethics Committee Workplan.

2. 20-1409 [Action on the Police Department's Recommendation to Name the Police Building's Temporary Holding Facility](#)

Recommendation: Approve that the naming of the Police Building's Temporary Holding Facility as the "Carla Munoz Temporary Holding Facility" be recommended for consideration by the full City Council.

3. 20-159 [Discussion and Consideration of Approving a New Board, Commission, and Committee Policy](#)

Recommendation: Review and provide input on the Draft Board, Commission, and Committee Policy.

4. 20-160 [Update on Dark Money Ordinance and Discussion of Election Topics](#)

COMMITTEE MEMBERS REPORT

ADJOURNMENT

The Governance and Ethics Committee is adjourned to June 8, 2020.



City of Santa Clara

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

Agenda Report

20-167

Agenda Date: 2/10/2020

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Governance and Ethics Committee Minutes of November 21, 2019

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 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 the Governance and Ethics Committee minutes of November 21, 2019.

Reviewed by: Genevieve Yip, Staff Analyst I

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Governance and Ethics Committee Minutes of November 21, 2019



City of Santa Clara

Meeting Minutes

Governance and Ethics Committee

11/21/2019

3:00 PM

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

CALL TO ORDER AND ROLL CALL

Present 3 - Chair Teresa O'Neill, Member Kathy Watanabe, and Member Lisa M. Gillmor

Absent 1 - Member Debi Davis

CONTINUANCES/EXCEPTIONS

[19-1224](#) Defer the Boards, Commission and Committees Policy Report to the First 2020 Quarterly Governance and Ethics Committee Meeting

Recommendation: Defer the Boards, Commissions and Committees Policy Report to the First 2020 Quarterly Governance and Ethics Committee Meeting

It was moved by Member Gillmor, seconded by Member Watanabe, and unanimously carried that, the Committee defer the Boards, Commissions, and Committees policy report to the first 2020 quarterly Governance and Ethics Committee meeting.

Aye: 3 - Chair O'Neill, Member Watanabe, and Member Gillmor

Absent: 1 - Member Davis

CONSENT CALENDAR

[19-1323](#) Governance and Ethics Committee Minutes of October 24, 2019

Recommendation: Approve the Governance and Ethics Committee minutes of October 24, 2019.

It was moved by Member Gillmor, seconded by Member Watanabe, and unanimously carried that, the Committee approve the Governance and Ethics Committee minutes of October 24, 2019.

Aye: 3 - Chair O'Neill, Member Watanabe, and Member Gillmor

Absent: 1 - Member Davis

PUBLIC PRESENTATIONS

Catalyze SV Executive Director Alex Shoor spoke on Catalyze SV's Cultivating Community initiative.

GENERAL BUSINESS

1. [19-1324](#) Discussion and Action on Proposed Framework for the January 30-31, 2020 Council Priority Setting Session

Recommendation: That the Governance and Ethics Committee review the proposed framework for the January 2020 Priority Setting Session and provide feedback.

Shawn Spano presented on the updated proposed framework for the 2020 Council Priority Setting Session. The Committee provided feedback during the discussion, as well as inquired if the afternoon of Day 2 of the 2020 Council Priority Setting Session can be reserved for spillovers from Day 1.

2. [19-1321](#) Report from City Attorney on Taking Action by Council Consensus

It was moved by Member Gillmor, seconded by Member Watanabe, and unanimously carried that, the Committee move this item the December 3, 2019 City Council meeting.

Aye: 3 - Chair O'Neill, Member Watanabe, and Member Gillmor

Absent: 1 - Member Davis

3. [19-1322](#) Council Policy Manual 2019 Update

Staff provided a summary of the 2019 work effort around the Council Policy Manual and reported that they plan to continue Council Policy Manual updates as part of the 2020 workplan. Member Gillmor suggested that a policy on Council absences be added to the 2020 workplan. Chair O'Neill commented that the Ethics Committee historically reviewed the Campaign Ordinance or if any changes were needed for the upcoming election. With the consolidation the Governance Committee and Ethics Committee, Chair O'Neill inquired if there was any action needed from the Committee before the next election cycle. Member Gillmor requested that the City Clerk attend the first quarter meeting to discuss the Dark Money Ordinance and any issues related to the 2020 Election.

COMMITTEE MEMBERS REPORT

None.

ADJOURNMENT

The meeting was adjourned at 3:57 p.m.



Agenda Report

20-158

Agenda Date: 2/10/2020

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Approval of the 2020 Governance and Ethics Committee Workplan

BACKGROUND

The Governance and Ethics Committee (Committee) was established by Council action on February 5, 2019, to consolidate the Governance Committee, Ethics Committee, and the Facilities Naming and Honorary Recognition Ad Hoc Committee. The Committee 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

To better pace and establish the expected workload for 2020, City staff has worked with the Committee Chair to develop a proposed workplan (Attachment 1) for the Committee's quarterly meetings. Proposed workplan items include review of naming recommendations for various City buildings and facilities; work effort around the 2020 elections/ethics, Dark Money Ordinance; and continued Council Policy Manual review and revisions.

Staff has identified several Council policies for review in 2020 including:

- Council Policy 006 - Guidelines for Commissioners for Attendance at Conferences and Training Events
- Council Policy 007 - Citizen Complaints Addressed to the City Council
- Council Policy 020 - Proclamations
- Council Policy regarding Council Attendance
 - This policy is being added after being identified as a policy of interest by the Committee at the November 21, 2019 meeting.

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 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 the 2020 Governance and Ethics Committee Workplan.

Reviewed by: Genevieve Yip, Staff Analyst I

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Proposed 2020 Governance and Ethics Committee Workplan



City of Santa Clara

The Center of What's Possible

Governance and Ethics Committee 2020 Quarterly Workplan (DRAFT)

1st Quarter Meeting February 10, 2020	2nd Quarter Meeting June 8, 2020	3rd Quarter Meeting September 14, 2020	4th Quarter Meeting December 7, 2020
<ul style="list-style-type: none"> Review 2020 Governance and Ethics Committee Workplan Review City Boards and Commissions policy Review naming recommendation for Police Building's Temporary Holding Facility Update on Dark Money Ordinance 	<ul style="list-style-type: none"> Continue Council Policy Manual review and revisions Review naming recommendations for City buildings/facilities Review Council Policy 020 – Proclamations (Tentative) 	<ul style="list-style-type: none"> Continue Council Policy Manual review and revisions Review naming recommendations for City buildings/facilities Review Council Attendance policy (Tentative) 	<ul style="list-style-type: none"> Continue Council Policy Manual review and revisions Review naming recommendations for City buildings/facilities Review Council Policy 007 - Citizen Complaints Addressed to the City Council (Tentative)

Tentative Items for 2020 Workplan

- Capacity Study



Agenda Report

20-1409

Agenda Date: 2/10/2020

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Action on the Police Department's Recommendation to Name the Police Building's Temporary Holding Facility

BACKGROUND

On September 4, 2019, the City Council adopted Council Policy Manual 035 entitled "Naming of Facilities" to establish criteria and procedures for the naming of City of Santa Clara (City) buildings and facilities. Council Policy 035 is included with this report as Attachment 1.

For the purpose of this report, the term "facility" shall mean property, other than streets, owned by the City, portions thereof and amenities or appurtenances thereto.

The City Council shall name facilities in recognition of the following:

- Individuals, living or deceased, who have made outstanding contributions to the City of Santa Clara or Santa Clara community
- Individuals, living or deceased, who have made contributions of local, state, national, or worldwide significance
- Geographic location, prominent environmental feature(s), or historical significance, of the area that the building/facility is located

The Governance and Ethics Committee shall review all naming recommendations at a publicly noticed meeting. In turn, the Governance and Ethics Committee will make a recommendation to City Council to accept or deny the proposal.

DISCUSSION

The Police Department would like to name the Police Building's Temporary Holding Facility in honor of Carla Munoz as she was an individual who made outstanding contributions to the Santa Clara community.

Carla Munoz began her career with the City of Santa Clara in 1975 volunteering as a Police Cadet. From February 1998 - November 1999, she worked as-needed as a Law Clerk I. In November 1999, she was hired full-time as a Community Service Officer. In March 2000, she promoted to the Police Department's first ever Jail Service Officer (JSO).

JSOs manage the Temporary Holding Facility, fingerprint and photograph arrestees in the booking process, conduct searches and inventory of property, maintain all detention records, monitor building security, participate in facility inspections and audits, release prisoners, lead tours and support the customer services needs at the front desk. JSOs are certified to utilize specialized equipment, and Carla served as a trainer for many of the devices used in the Temporary Holding Facility.

During her career, she was instrumental in developing internal policies guided by State and Federal mandates. In addition, she served on the advisory committee for the design, planning and operation of the Temporary Holding Facility in Levi's Stadium which opened in 2014.

Outside of work, Carla was very generous with her time. She was a fixture at Special Olympics and Police Activities League (PAL) events and was instrumental in establishing the PAL Golf Tournament.

Carla wore JSO Badge 1 until her retirement on November 3, 2019. She passed away two weeks later on November 17, 2019. The City Council adjourned their November 19, 2019, meeting in Carla's honor.

Police Department employees would like to name the Police Building's Temporary Holding Facility in Carla's honor. The Department would hang a sign and photo at each of its two entrances in remembrance of their colleague and friend.

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 minimal fiscal impact as a result of this action. The Police Department would utilize Asset Forfeiture Funds to purchase two signs, one at each entrance to the Temporary Holding Facility, to name the space in Carla's honor.

COORDINATION

This report was coordinated with the City Manager's Office and the Mayor and Council Offices.

PUBLIC CONTACT

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RECOMMENDATION

Approve that the naming of the Police Building's Temporary Holding Facility as the "Carla Munoz Temporary Holding Facility" be recommended for consideration by the full City Council.

Reviewed by: Daniel Winter, Assistant Chief of Police

Approved by: Deanna J. Santana, City Manager

ATTACHMENT

1. Council Policy 035



NAMING OF FACILITIES

PURPOSE

To establish the criteria and procedures for the naming of City of Santa Clara buildings and facilities.

POLICY

The City Council shall name municipal buildings/facilities in recognition of the following:

- Individuals, living or deceased, who have made outstanding contributions to the City of Santa Clara or Santa Clara community
- Individuals, living or deceased, who have made contributions of local, state, national, or worldwide significance
- Geographic location, prominent environmental feature(s), or historical significance, of the area that the building/facility is located

For the purpose of this Policy, the term “facility” shall mean property, other than streets, owned by the City of Santa Clara, portions thereof, and amenities or appurtenances thereto. Examples of a “facility” include: a City park, a meeting room within a City building, a trail, or a park bench.

The renaming of existing municipal buildings/facilities shall be discouraged and shall occur only under extraordinary circumstances, after thorough study. A proposal for the renaming of an existing building or facility shall be subject to the same procedure as set forth below for the original naming of the building or facility.

PROCEDURE

1. Proposals for naming of municipal buildings or facilities shall be referred to the responsible Department Head for the facility, detailing consistency with the policy criteria for naming of facilities.
2. Upon receipt of a naming or renaming proposal of a City building or facility, the Department Head will review if the proposed name is in accordance with at least one of the criteria as outlined in this policy:
 - a. An individual, living or deceased, who has made outstanding contributions to the City of Santa Clara or Santa Clara community
 - b. An individual, living or deceased, who has made contributions of local, state, national, or worldwide significance
 - c. Geographic location, prominent environmental feature(s), or historical significance, of the area that the building/facility is located



NAMING OF FACILITIES

If the naming or renaming proposal is reflective of at least one of the criteria, the Department Head will refer the proposal to the City Board, Commission, or Committee responsible for acting in an advisory capacity to the City Council for the building or facility at issue (e.g., a naming proposal for a park facility shall be referred by the Director of Parks and Recreation to the Parks and Recreation Commission).

If the naming or renaming proposal is not reflective of at least one of the criteria, after conferring with the City Manager's Office, the Department Head will express appreciation regarding the naming proposal to the proposer and explain the City's policy and the City's decision to decline the proposal.

3. After the Department Head forwards the proposal, the City Board, Commission, or Committee, shall review all naming proposals at a publicly noticed meeting and make a recommendation to the Governance and Ethics Committee.
4. The Governance and Ethics Committee shall review all naming recommendations at a publicly noticed meeting and deny the recommendation or make a recommendation to the City Council for final approval.
5. The City Council shall consider the naming recommendation at a publicly noticed meeting and will have final approval of all naming recommendations.

In the event the City Council denies a naming proposal, the City Manager's Office will express appreciation regarding the naming proposal to the proposer and explain the City's policy, and the City's decision to decline the proposal.

6. The City Council shall have the sole discretion to decide the naming of a facility.



Agenda Report

20-159

Agenda Date: 2/10/2020

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Discussion and Consideration of Approving a New Board, Commission, and Committee Policy

BACKGROUND

At the first quarterly Governance and Ethics Committee meeting held on April 25, 2019, the Committee adopted its 2019 quarterly workplan, which included the review of the Boards, Commissions, and Committees Policy regarding how business activities are conducted and meeting attendance. At the November 21, 2019 Governance and Ethics Committee meeting, the Committee deferred the Boards, Commissions, and Committees Policy report to the first 2020 quarterly Governance and Ethics Committee meeting.

DISCUSSION

The current Boards and Commission policy was approved by Council on July 21, 1998 (Attachment 1). Staff is recommending it be repealed and replaced with the new version which is more in line with best practices and addresses the committee's concerns related to absences, code of ethics and conduct, trainings and much more. The new policy is attached for the Governance and Ethics Committee's consideration as Attachment 2.

The new policy is comprised of four sections:

- **Section I:** Recruitment, Selection, Appointment and Resignations
- **Section II:** Requirements for Board, Commission and Committee members upon appointment
- **Section III:** Code of Ethics
- **Section IV:** Implementation

All sections will be individually presented in its entirety. Although most of the policy is new, there are a few noteworthy highlights:

Applications:

For those members who are eligible and interested in reappointment, an updated application is required to be submitted.

Eligibility List:

An eligibility list will be established at the discretion of the Council during an interview process and will be maintained on file in the City Clerk's office for a period of one year. During that year, an applicant may be appointed to an unanticipated vacancy to the Board, Commission or Committee to which they applied.

Terms of Office:

Currently all Boards and Commission terms end on June 30. An option to better streamline the recruitment and appointment process is to stagger the terms so that the interview and appointment process is manageable and done in a timely manner. Staff would recommend that Council consider the Charter Boards and Commission (Planning Commission, Parks and Recreation, Civil Service and Board of Library Trustees) continue with terms ending June 30, and for the non-charter Commissions and Committee (Cultural and Arts Commission, Historic Landmarks Commission and Housing Rehabilitation Committee) terms would end December 30.

City Residency Requirement:

All Charter Boards and Commissions (Planning Commission, Parks and Recreation, Civil Service, and Board of Library Trustees) and non-Charter Commissions and Committee (Cultural Commission, Historic and Landmarks, Housing Rehabilitation Loan Committee and Senior Advisory Commission) must be 18 years of age or older, a registered voter and resident of the City of Santa Clara. If a Commissioner moves out of the City of Santa Clara with six or more months left on their term, the Commissioner shall be removed

Review of Applications for Conflict of Interest:

Applications for Civil Service, Planning and Parks and Recreation Commission will be reviewed by the Office of the City Attorney for potential conflict of interest and the Department of Community Development for any pending code violations.

Interviews:

For Charter Boards and Commission terms ending in June, interviews would be set on the first Monday in May to allow enough time to onboard new members and administer oath of office and be ready to begin new term by July 1.

For non-Charter Commissions and Committee terms ending in December, interviews would be set on the first Monday in November.

Removal from Office:

Pursuant to the provision of the City Charter Section 1004 "If a member of a board or commission absents himself/herself from three regular meetings of such board or commission, consecutively, unless with permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his/her office shall be vacant and shall be declared by the City Council."

The process to remove a member is as follows:

- Three unexcused consecutive absences would trigger the Boards, Commission, or Committee secretary to notify the City Clerk's Office;
- Upon receiving notification from the Boards, Commission or Committee secretary, the Assistant City Clerk will notify the Council and place an item on an agenda to declare the vacancy;
- The Assistant City Clerk will prepare a letter to inform the Board, Commission or Committee member of removal of office due to excessive unexcused absences.

Requirements Upon Appointment:

Filing Form 700/Statement of Economic Interest

AB 1234 Ethic Training every two years

AB 1661 Sexual Harassment Prevention Training every two years

Absence from meetings:

Pursuant to section 1004 of the City Charter it states that if a Board or Commission member absents himself/herself from three regular meetings consecutively, unless with permission of such board or commission vacates their position. The Charter does not define what is permissible for an absence. For better accountability and transparency, it is a best practice to define what constitutes an excused absence. If the Council chooses, they may consider the following:

Excused absences shall be limited to those which meet both of the following requirements:

- (A) The Absent member must have informed the chair or the City staff liaison to the board or commission, of their intended absence prior to the scheduled meeting (Failure to inform the chair or the staff liaison prior to the meeting; shall result in an unexcused absence, unless extenuating circumstance prevent advance notice), and
- (B) The absence is due to one of the following:
 - i. A death in the family,
 - ii. Personal illness,
 - iii. Board or Commission related-business,
 - iv. Personal leave (limited to one per fiscal year for those boards/commissions meeting monthly or less frequently,
 - v. Emergency, or
 - vi. Decision by member's supervisor in employment or required military service
 - vii. Maternity leave

Code of Ethics and Values:

The City Council adopted a Code of Ethics and Values in March 2000 to promote and maintain the highest standards of personal and professional conduct. All elected and appointed officials, City employees, volunteers, and others who participate in the city's government are required to subscribe to this code, understand how it applies to their specific responsibilities, and practice its eight core values in their work (Code is found in the Board, Commissions and Committees Handbook).

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 with 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

Review and provide input on the Draft Board, Commission, and Committee Policy.

Reviewed by: Nora Pimentel, Assistant City Clerk

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Recruitment and Interview Policy
2. New Policy

BOARD AND COMMISSION
RECRUITMENT AND INTERVIEW POLICY

Policy:

When a vacancy on a board or commission occurs, the City Clerk prepares an agenda report for the City Council so that the City Council can declare the vacancy, a deadline for applications may be established, and an interview date set. The Deputy City Manager prepares a press release which is distributed to all local media, including the Santa Clara Weekly, and it is placed on the City's website. The vacancy is announced on the Municipal Cable Television Channel 15. Copies of the announcement are sent to those individuals on the list of prior applicants and other interested parties.

After the vacancy announcement, at the application deadline, the completed applications are forwarded to the City Council in the regular agenda packet for public review. The City Council interviews all applicants (except the Youth Commission). Civil Service Commission and Planning Commission selection interviews are held during regular City Council meetings. All commission interviews (except Youth, Civil Service and Planning Commissions) are held in the reception area of the East Wing of City Hall prior to a Council meeting and are open to the public. The official appointment of commission members is made at the City Council meeting that evening.

Procedure:

1. If only one candidate has applied for a board or commission opening by the application deadline (or two candidates for two openings) the City Clerk will:
 - Reopen the application time for an additional three weeks.
 - Notify the candidate(s) of the change.
 - Contact the Deputy City Manager to readvertise the opening through distribution of a news release, use of Cable Channel 15, etc.
 - Place an agenda report on the next Council agenda informing the Council that the opening is being readvertised with the new proposed date for the deadline to apply and interview time

Reference: Approved by Council July 21, 1998



BOARD, COMMISSION, AND COMMITTEE

- I. Recruitment, Selection, Appointment and Resignation**
- II. Requirements for Boards, Commissioners and Committees upon appointment**
- III. Code of Ethics**
- IV. Implementation**

Section I: Recruitment, Selection, Appointment, and Resignation

PURPOSE

This policy establishes a systematic procedure for accepting and reviewing applications from persons interested in serving on Boards, Commissions, and Committees and provides a streamlined process for the City Council to interview and appoint to the various Boards, Commissions, and Committees.

POLICY

Process and Procedure

1. Roster: A current roster of Boards, Commission, and Committee members will be maintained by the City Clerk's Office. The roster shall show the first appointment date of each commissioners, the current term, expiration dates, and whether the member is eligible for reappointment.
2. Applications: The City Clerk's Office will provide an application form to all persons wishing to serve on a Board, Commission, or Committee during a recruitment and may continue to accept applications outside of a recruitment period which may be maintained on file for a period of up to one year from the filing date. Prior to interviewing with the City Council, the applicant must attend at minimum one meeting of the Commission for which they are applying. The City Clerk's Office notifies all members when they are approaching the end of their term. For those members who are eligible and interested in reappointment, an updated application is required to be submitted. If only one candidate applies for a Board, Commission, or Committee opening by the application deadline (or two candidates for two openings) the Assistant City Clerk will: Reopen the application time for an additional three weeks.
3. Eligibility List: An eligibility list will be established at the discretion of the Council during an interview process and will be maintained on file in the City Clerk's Office for a period of one year. During that year, an applicant may be appointed to an unanticipated vacancy for the



BOARD, COMMISSION, AND COMMITTEE

Board, Commission, or Committee which they applied.

4. City Residency Requirement: All Charter Boards, Commissions (Planning Commission, Parks and Recreation, Civil Service, and Board of Library Trustees) and non-Charter Boards/Commissions (Cultural Commission, Historic and Landmarks, Housing Rehabilitation Loan Committee and Senior Advisory Commission) must be 18 years of age or older, a registered voter, and resident of the City of Santa Clara. If a Commissioner moves out of the City of Santa Clara with six or more months left on their term, the Commissioner shall be removed.
5. Youth Commission Requirements: Youth Commission members are to be a resident of the City of Santa Clara, must be between the ages of 12-19 years of age, and as a minimum the membership, should consist of at least one representative from each middle and high school in Santa Clara (e.g., Buchser Middle School, Cabrillo Middle School, Santa Clara High School, and Wilcox High School).
6. Vacancies: The Assistant City Clerk shall notify the City Council via email of upcoming vacancies 60 days prior to terms ending and unanticipated vacancies within 5 days of receiving notice of resignation. When a vacancy occurs or terms are to expire, the Assistant City Clerk shall place a notice on the City Calendar and Website and post in the Weekly and distribute to other social media outlets.
7. Terms of Office: Charter Boards and Commissions (Civil Service, Planning Commission, Parks and Recreation Commission, and Board of Library Trustees) terms end on June 30. Non-Charter Boards, Commissions and Committee (Cultural Commission, Historic and Landmarks Commission, Housing Rehabilitation Loan Committee, and Senior Advisory Commission terms end on December 30.

All Charter and non-Charter Boards, Commission and Committee members may serve two full terms consisting of four years each. If a member serves an unexpired term, they may serve an additional two full terms. If a Commissioner is appointed to fill an unexpired term with less than six months remaining, the City Council may choose to additionally appoint him/her to the following four-year term.
8. Youth Commission Terms: The Youth Commission members may serve four one-year terms.
9. Limited to Single Legislative Body: No member shall serve on more



BOARD, COMMISSION, AND COMMITTEE

than one commission at a time. Should a member seek appointment to another Board, Commission, or Committee, upon his/her new appointment, the member shall be automatically vacating his or her original seat.

10. Review of Applications: Applications for Civil Service, Planning, and Parks and Recreation Commission will be reviewed by the Office of the City Attorney for potential conflict of interest and the Community Development for any pending code violations.
11. Interviews: The Civil Service Commission and the Planning Commission interviews and appointments are livestreamed in the Council Chambers; all other Board, Commission and Committee interviews are held in the Council Conference Room and are open to the public. The official appointments are livestreamed in the Council Chambers on the same evening as the interviews.
12. Resignations:
 - a. Voluntary Resignation: Voluntary resignations from and Board, Commission, or Committee shall be submitted in writing to the City Clerk's Office and Commission Secretary. Resignations are effective on the date submitted to the City Clerk's Office or Commission Secretary, unless a different date is noted on the resignation. Resignations cannot be rescinded or revoked.
 - b. Removal from Office: Pursuant to the provision of the City Charter Section 1004 "If a member of a board or commission absents himself/herself from three regular meetings of such board or commission, consecutively, unless with permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his/her office shall be vacant and shall be declared by the City Council."

The process to remove a member is as follows:

- Three unexcused consecutive absences would trigger the Boards, Commission, or Committee secretary to notify the City Clerk's Office;
- Upon receiving notification from the Boards, Commission, or Committee secretary, the Assistant City Clerk will notify the Council and place an item on an agenda to declare the vacancy;
- The Assistant City Clerk will prepare a letter to inform the Board, Commission, or Committee member of removal from



BOARD, COMMISSION, AND COMMITTEE

office due to excessive unexcused absences.

Section II: Requirements for Board members and Commissioner upon appointment

PURPOSE

Based upon various local, state and federal laws and requirements, Board, Commission, and Committee members are required to complete and have on file with the City Clerk's Office certain paperwork and complete certain trainings in order to serve. The City Clerk's Office will notify the members who fail to complete any requirements.

POLICY

1. Oath of Office: Upon appointment and reappointment, Board, Commission and Committee members are required to file a current oath of office with the City Clerk's Office (Article 20, section 3 of the California Constitution) **A new oath of office must be administered for each term of office.**
2. Form 700/Statement of Economic Interest: The following Board Members and Commissioners are required to file a Statement of Economic Interest, Form 700.
 - a. Any Commission designated in the City Conflict of Interest Code;
 - b. Pursuant to Government Code 87200, Planning Commission; and
 - c. Any Commission added to Government Code 87200 following approval of this Policy.
3. AB 1234 Ethics Training: Board, Commission, or Committee members who receive compensation, salary, stipend or reimbursement of expenses are required to complete state mandated ethics training. Said training must be for a minimum of two hours, and completion certificates must be filed with the City Clerk's Office within a year of appointment. Such training must be completed every two years. The City Clerk's Office notifies New Commissioners and those who need to renew to ensure compliance.
4. AB 1661 Sexual Harassment Prevention Training: Although it is not required by law for Board, Commission, or Committee members to complete the harassment prevention training, the City will require them to participate in the online training in order to ensure our workplace and public meeting spaces are inclusive and respectful.
5. Absence from Meetings: Pursuant to Section 1004 of the Santa Clara City Charter, if a member of a board or commission absents



BOARD, COMMISSION, AND COMMITTEE

himself/herself from three regular meetings consecutively, unless with permission granted from such Board, Commission, or Committee, vacates their position.

Excused absences shall be limited to those which meet both of the following requirements:

- (A) The Absent member must have informed the chair or secretary to the board, commission or committee of their intended absence prior to the scheduled meeting (Failure to inform the chair or secretary) prior to the meeting; shall result in an unexcused absence, unless extenuating circumstance prevent advance notice), and
- (B) The absence is due to one of the following:
 - i. Death in the family,
 - ii. Personal illness,
 - iii. Board, Commission, or Committee related-business,
 - iv. Personal leave (limited to one per fiscal year for those boards/commissions meeting monthly or less frequently,
 - v. Emergency, or
 - vi. Decision by member's supervisor in employment or required military service
 - vii. Maternity leave
- (C) The Board, Commission and Committee's must take action when a member is absent from a meeting and the secretary must keep an attendance record.

Section III. Code of Ethics

PURPOSE

The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The City of Santa Clara has adopted a Code of Ethics and Values to promote and maintain the highest standards of personal and professional conduct in the City's government (Board, Commissions and Committees Handbook).

POLICY

Expectation

All Elected and appointed officials, City employees, volunteers, and



BOARD, COMMISSION, AND COMMITTEE

others who participate in the City's government are required to subscribe to this code, understand how it applies to their specific responsibilities, and practice its eight core values in their work (found in the Board, Commissions and Committees Handbook).

The actions and words of the members of City Boards, Commissions and Committee represent the ethics and values of the City of Santa Clara.

Therefore, they are expected to:

- a. Act in a professional manner including being prepared and on time for every meeting;
- b. Be courteous to each other, to City staff and to the public at all times;
- c. Give complete and polite attention to others when they are speaking;
- d. Not interrupt others when they are speaking;
- e. Remain calm and unemotional;
- f. Listen to ideas and comments with an open mind;
- g. Respect differing points of views and the rights of other citizens to be heard;
- h. Keep confidential information private; and
- i. Remember that their purpose is to serve the public interest, not their own.

Additional Expectations

- j. When speaking or writing publicly on matters within the purview of a Board, Commission, or Committee, unless a member has been authorized to speak on behalf of that Board, Commission, or Committee, the member should make very clear that he or she is speaking on his or her own behalf and not on behalf of the Board, Commission, or Committee.
- k. No member shall use his or her Board, Commission, or Committee title or speak or write as a member except when speaking on behalf of the Board, Commission, or Committee.
- l. Except when a member is speaking on behalf of a Board, Commission, or Committee no member shall identify him or herself as a member without making clear that he or she is not speaking on behalf of a Board, Commission, or Committee.
- m. City business cards shall be provided as approved for community outreach. Information on the business cards must contain at a minimum: member name, the title of the Board, Commission, or Committee. The Department staff will determine the additional



BOARD, COMMISSION, AND COMMITTEE

information to be pre-printed on the business card. Such cards shall only be used when the member is on official business.

- n. Members are prohibited from using their position as a Board, Commission, or Committee member to promote themselves for personal gain.

Section IV. Implementation

PROCEDURE

Upon approval, the Assistant City Clerk will include this policy in the Boards, Commission and Committee handbook which is provided to the new appointed members. A copy will be provided to all current Boards, Commission and Committee members, all Commission Secretaries, all City Councilmembers and appropriate City employees and will be posted on the City's Boards and Commission web page.



City of Santa Clara

1500 Warburton Avenue
Santa Clara, CA 95050
santaclaraca.gov
[@SantaClaraCity](https://twitter.com/SantaClaraCity)

Agenda Report

20-160

Agenda Date: 2/10/2020

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Update on Dark Money Ordinance and Discussion of Election Topics

DISCUSSION

The City Clerk will provide a verbal update on the Dark Money Ordinance. The Committee will also discuss election topics.

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 administrative staff time.

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.

Reviewed by: Genevieve Yip, Staff Analyst I

Approved by: Deanna J. Santana, City Manager

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 24th day of APRIL, 2018, by the following vote:

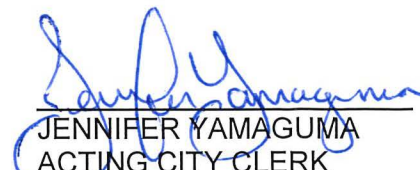
AYES:	COUNCILORS:	Caserta, Davis, Mahan, O'Neill, and Watanabe and Mayor Gillmor
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NOES:	COUNCILORS:	None
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ABSENT:	COUNCILORS:	Kolstad
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ABSTAINED:	COUNCILORS:	None
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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 15th day of MAY, 2018, by the following vote:

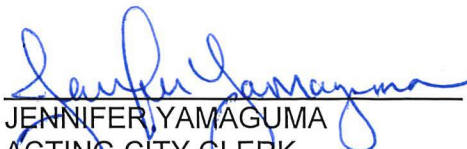
AYES: COUNCILORS: Davis, Kolstad, Mahan, O'Neill, and
Watanabe and Mayor Gillmor

NOES: COUNCILORS: None

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: None

ATTEST:


JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA



City of Santa Clara

The Center of What's Possible

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 <input type="checkbox"/> Opposition <input type="checkbox"/>
Type of Expenditure:	
Candidate/Committee Name:	
Ballot Measure:	

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Contributor's Employer/Occupation:	Purpose of Expenditure: Support <input type="checkbox"/> Opposition <input type="checkbox"/>
Type of Expenditure:	
Candidate/Committee Name:	
Ballot Measure:	

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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:					

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)