



# City of Santa Clara

## Meeting Minutes

### Governance and Ethics Committee

---

09/14/2020

3:00 PM

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

---

#### CALL TO ORDER AND ROLL CALL

Member Gillmor announced that she will run the meeting until Chair O'Neill's arrival and called the meeting to order at 3:02 p.m. Chair O'Neill arrived to the meeting at 4:22 p.m.

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

**Absent** 1 - Member Debi Davis

#### CONSENT CALENDAR

[20-254](#)

Governance and Ethics Committee Minutes of February 10, 2020

It was moved by Member Watanabe, seconded by Member Gillmor, and unanimously carried, that the Committee approve the February 10, 2020 meeting minutes.

**Aye:** 2 - Member Gillmor and Member Watanabe

**Absent:** 1 - Member Davis

**Off Dias:** 1 - Chair O'Neill

#### PUBLIC PRESENTATIONS

None.

#### GENERAL BUSINESS

1. [20-311](#) Discussion and Possible Action on a Joint Meeting with West Valley-Mission Community College District Board of Trustees
- City Manager Deanna J. Santana introduced the item and reported that West Valley-Mission Community College District (WVMCCD) Associate Vice Chancellor of Governmental Relations and Public Communications E. Manny Cappello reached out to propose a joint-meeting between the City Council and the WVMCCD Board of Trustees. Associate Vice Chancellor Cappello commented that the proposed joint-meeting would establish ongoing communication and help build a working relationship between. Member Gillmor and Member Watanabe expressed their support of holding a joint-meeting. Member Gillmor commented that this first joint-meeting could possibly lead to a permanent joint meeting process similar to how the Council meets regularly with the City/Mission College Liaison Committee. The Committee referred this item to the City Manager for inclusion on the September 29, 2020 City Council meeting agenda for Council consideration.**

**Aye:** 2 - Member Gillmor and Member Watanabe

**Absent:** 1 - Member Davis

**Off Dias:** 1 - Chair O'Neill

**2. [20-313](#)**

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

Assistant City Manager Nadine Nader introduced the item, reporting that the latest version of the new Boards, Commission, and Committee policy had been updated to incorporate the Committee's input provided at the September 14, 2020 meeting. Assistant City Clerk Nora Pimentel provided an overview of the revisions to the policy. The Committee provided their input, which included: developing a form inquiring about potential conflicts of interest that would apply to all chartered commissions and including a review of the required form that the Salary Setting Commission fills out through the Civil Service Commission; expanding on Part C of Excused Absences in Section II: Resignation and Removal of Member; and referencing Council Policy 32 ("Review Of Concerns/Complaints Regarding City Board/Commissions"). City Attorney Brian Doyle suggested that the policy could include language that states that issues will be worked through Council Policy 032 first; however, for something egregious, the removal recommendation could go directly to a Council meeting agenda. City Attorney Doyle also suggested including "conviction of a crime of moral turpitude" as a reason for removal (e.g., as an example of a removal recommendation that would go straight to the City Council). It was moved by Member Watanabe, seconded by Member Gillmor, and unanimously carried, that the Committee approve the staff recommendation to forward the revised Boards, Commission, and Committee policy, with the additional input incorporated, to the City Council for adoption.

The Committee discussed the formalization of Bicycle Pedestrian Advisory Committee (BPAC) and the Housing Rehabilitation Loan Committee (HRLC) and possibly recommending that the City Council enact ordinances that clearly set forth the composition of the membership of each commission and the scope of the commission's jurisdiction. It was moved by Member Watanabe, seconded by Member Gillmor, that the Committee approve the staff recommendation, with the following direction: (1) bring back a recommendation on formalizing BPAC that reflects the input of both the Committee and BPAC, to the December 7, 2020 Committee meeting; (2) bring back a recommendation on formalizing the HRLC, which will include the HRLC's input (e.g., possibly expanding scope) and a suggested name change, to the December 7, 2020 Committee meeting; and (3) move ahead with setting up infrastructure to reinstate the International Exchange Commission (IEC) in January 2021 or in early 2021.

**Aye:** 2 - Member Gillmor and Member Watanabe

**Absent:** 1 - Member Davis

**Off Dias:** 1 - Chair O'Neill

3. [20-314](#) General Discussion and Possible Input on Various City Governance Policies

**City Manager Santana introduced the item and provided an overview of Council Policy 030, Council Policy 042, and the City's Early Consideration Policy for General Plan Amendment Applications.**

**3.A. Council Policy 030 Entitled "Adding an Item on the Agenda"**

**Member Gillmor commented that this policy is meant for the Council to govern themselves when adding items on the agenda. City Attorney Doyle commented that staff could update the language to clearly state that, when the Council is considering adding an item to a future agenda, the discussion is limited to whether the item should be added to a future agenda and a meeting date, not the merit of the item. City Manager Santana commented that staff can develop a simple form for the Council's use when requesting to add an item to a future agenda. The Committee directed staff to forward a revised version of Council Policy 030 with the discussed amendments incorporated and the corresponding form to a future City Council meeting for Council consideration.**

**3.B. Council Policy 042 Entitled "Reconsideration of Council Action"**

**The Committee discussed Council Policy 042. City Attorney Doyle commented that an action of the Council requires four votes and clarified that the Council can make its own rules for procedure. City Manager Santana commented that Council Policy 042 could be updated to clearly state that four votes are required for a motion to carry. Member Gillmor and Member Watanabe both commented that they were in support of memorializing the requirement of four votes for a motion to carry. Chair O'Neill also commented in support of clearly stating that a majority-vote of the Council (or four votes) is required a motion to carry. The Committee directed staff to forward a revised version of Council Policy 042, with the Committee's input incorporated, to a future City Council meeting for Council consideration.**

**3.C. City's Early Consideration Policy for General Plan Amendment Applications**

**Member Gillmor commented that the current policy only enables the Council to see a snapshot of a project and that the policy is not beneficial to the applicant, community, or staff as an early approval does not necessarily mean that the Council would later approve the project. The Committee discussed the development of a new policy that could be focused on community outreach and community benefits. It was moved by Member Gillmor, seconded by Member Watanabe, and unanimously carried that the Committee direct the City Manager to eliminate the City's Early Consideration Policy for General Plan Amendments and develop a new policy focused on community outreach and community benefits.**

4. [20-786](#) Review of Newly Added Planning Commission Policies and Procedures, and Direction Regarding Management of Agenda-Related Requests from Boards and Commissions

**City Manager Santana introduced the item. Planning Manager Reena Brilliot gave a presentation on the Planning Commission's newly added policies and reported that, at its July 15, 2020 meeting, the Planning Commission took action to edit its existing Policies and Procedures and add a new Policy and Procedure 2.12, which sets procedures for the Planning Commission to add items to future agendas. City Manager Santana commented that, under Policy and Procedure 2.12, the new policy would potentially allow the Planning Commission to initiate new staff work plan items throughout the year without Council policy direction on these potential topics or the City Manager's input on whether there are appropriate staff resources to expend on these items. City Manager Santana also commented that staff would like to work with the Council and the Planning Commission to ensure that the addition of staff work aligns with Council priorities/directives and is reasonable within staff capacity. City Manager reported on employer considerations in terms of managing of the City's limited resources. The Committee provided their input on the new policy. City Attorney Doyle commented that the Planning Commission is extremely limited in their charter-jurisdiction and is using extra legislative power that they do not have. City Attorney Doyle also clarified that it is entirely within the power of the Council to decide the work of the City's Boards and Commissions. Member Gillmor commented that Boards and Commissions could come up with an annual workplan that could be reviewed by the Council. Sudhanshu Jain made general comments regarding the Planning Commission's new policy and possible study sessions.**

**The Committee approved Option 1 (Annual Review with Priority Setting Session) to have all boards and commissions bring back a workplan or potential work program initiatives so that the Council weigh in and approve during the Priority Setting Session and directed the City Manager to bring back a consent calendar item to the September 29, 2020 City Council meeting to reflect the Committee's direction to the City Manager to work with the City's boards and commissions to solicit priorities for January session.**

5. [20-315](#) Verbal Update on Dark Money Ordinance and Other Election Related Items

**City Clerk Hosam Haggag provided verbal update on the dark money ordinance and recent developments with the Fair Political Practice Commission.**

#### **COMMITTEE MEMBERS REPORT**

**None.**

#### **ADJOURNMENT**

**The meeting was adjourned at 5:46 p.m.**