24-1267 **Agenda Date: 3/4/2024**

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Report and Request for Direction on Proposed Amendments to SCSC Chapter 2.155 (“Regulation of Lobbying Activities”) and SCSC Chapter 2.160 (“Calendars of Certain City Officials”) to Better Align the Requirements

BACKGROUND

At the March 29, 2021 Governance and Ethics Committee (Committee) meeting, the Committee voted to review the Santa Clara City Code Chapter 2.155 enacted by Ordinance No. 1949 entitled “Regulation of Lobbying Activities” (Lobbyist Ordinance) (Attachment 1) and Chapter 2.160 enacted by Ordinance No. 1950 entitled “Calendars of Certain City Officials” (Calendaring Ordinance) (Attachment 2), to the June 7, 2021 meeting.

At the June 7, 2021 Governance and Ethics Committee meeting, the former City Attorney presented on the Lobbyist Ordinance and Calendaring Ordinance with a verbal report from City Clerk Hosam Haggag. The Committee approved recommendations, included in the next section, to bring forth to the full City Council for consideration.

Due to staff transitions, this item was postponed for further action and discussion. The item was referred to return to the Governance and Ethics Committee Workplan for 2023. The item was deferred to return to Governance and Ethics Committee in early 2024.

DISCUSSION

In December 2015, the City adopted the following:

- Chapter 2.155, entitled “Regulations of Lobbyist Activities”, to ensure that there are adequate and effective disclosure of information about efforts to lobby City Government. Lobbyists are required to register with the City and provide semi-annual reports on the lobbying activities that take place. These semi-annual reports require general description of the legislative or administrative action(s) that the lobbyist was retained to influence, and the outcome sought.
- Chapter 2.160, entitled “Calendars of Certain City Officials”, to make the calendars of certain City officials open to the public to provide greater transparency for meetings conducted by elected officials and executive management of the City. Each month these public officials are required to publish their calendars to the City’s website. The calendars require certain general information to be disclosed for all non-internal City related appointments.

At the June 7, 2021 Committee Meeting, the Governance and Ethics Committee approved a recommendation to be forwarded to the City Council for its consideration which included the following

actions:

1. Amend the Public Calendar Ordinance to create different reporting standards for meetings with Lobbyists and Non-Lobbyists,
2. Amend the Public Calendar Ordinance that requires Councilmembers and staff who are required to comply with the Ordinance to report on the topics discussed and what was being requested,
3. Amend the Lobbyist Ordinance to require each lobbyist to report on the topics discussed and what was being requested,
4. Change the frequency of the Lobbyist Ordinance reporting requirements to align with the Public Calendar Ordinance to require reporting to be on a monthly cadence, and
5. City Clerk (elected) to return with a standard reporting template and
6. City Manager to return on staffing resources

The Committee motioned to bring forth the above amendments to the full Council for consideration as included in the June 7, 2021 minutes (Attachment 3). As stated above, due to the transition of staff, this item was never placed on an agenda for a City Council meeting.

Based on the Committee action from the June 7, 2021, the amendments for the regulations of Lobbyist Activities and the Public Calendar Ordinance are included in this report (Attachment 4) and the City Clerk would create a standard reporting template that may be utilized if the ordinance is adopted.

Staff recognizes that a significant amount of time has passed, and the membership of the Committee has changed since June 2021. As such, staff is seeking confirmation or alternative direction regarding the proposed amendments to SCSC Chapter 2.155 (“Regulation of Lobbying Activities”) and SCSC Chapter 2.160 (“Calendars of Certain City Officials”).

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 between the City Manager’s Office and the City Attorney’s Office.

FISCAL IMPACT

There is no fiscal impact to the City other than administrative staff time for basic processing and archiving of submitted lobbyist reports.

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

Provide direction on the proposed amendments to SCSC Chapter 2.155 ("Regulation of Lobbying Activities") and SCSC Chapter 2.160 ("Calendars of Certain City Officials").

Reviewed by: Elizabeth Klotz, Assistant City Attorney
Approved by: Jōvan D. Grogan, City Manager and Glen Googins, City Attorney

ATTACHMENTS

1. Ordinance No. 1949
2. Ordinance No. 1950
3. Minutes - Governance and Ethics Committee June 7, 2021
4. Proposed Ordinance Amendments

ORDINANCE NO. 1949

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, ADDING CHAPTER 2.155 ("REGULATION OF LOBBYING ACTIVITIES") TO TITLE 2 ("ADMINISTRATION AND PERSONNEL") OF "THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA"

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

WHEREAS, the citizens of Santa Clara have a right to know the identity of interests which attempt to influence decisions of City government, as well as the means employed by those interests;

WHEREAS, complete public disclosure of the full range of activities by and financing of lobbyists and those who employ their services is essential to the maintenance of citizen confidence in the integrity of City government;

WHEREAS, it is in the public interest to ensure that lobbyists do not misrepresent facts, their positions or attempt to deceive a City official through false communications; do not place a City official under personal obligation to themselves or their clients; and do not represent that they can control the actions of any City official; and,

WHEREAS, it is in the public interest to adopt this chapter to ensure adequate and effective disclosure of information about efforts to lobby City government.

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

SECTION 1: That Chapter 2.155("Regulation of Lobbying Activities") of Title 2 ("Administration and Personnel") of "The Code of the City of Santa Clara, California" ("SCCC") is added to read as follows:

"CHAPTER 2.155

REGULATION OF LOBBYING ACTIVITIES

Sections:

2.155.010 Interpretation.
2.155.020 Definitions.
2.155.030 Registration.
2.155.040 Annual registration renewal.
2.155.050 Termination of lobbyist status.
2.155.060 Active status.
2.155.070 Registration fees.
2.155.080 Required registration information.
2.155.090 Semi-annual reports.
2.155.100 Records retention.
2.155.110 Lobbyist identification.
2.155.120 Prohibitions.
2.155.130 Gifts.
2.155.140 Enforcement.
2.155.150 Injunction.
2.155.160 Practice restrictions.
2.155.170 Exemptions.

2.155.010 Interpretation.

Unless the term is specifically defined in this chapter or the contrary is stated or clearly appears from the context, the definitions set forth in Government Code Sections 81000 et seq., shall govern the interpretation of this Chapter.

2.155.020 Definitions.

For the purposes of this Chapter, the following definitions shall be applicable:

(a) "Activity expense" means any payment made by a lobbyist to or directly benefiting any City official, City official-elect or member of his or her immediate family. Activity expenses include gifts, honoraria, consulting fees, salaries and any other form of compensation, but do not include campaign contributions.

(b) "Administrative action" means the proposal, drafting, development, consideration, advocacy or recommendation of any rule, regulation, agreement or contract, permit, license or hiring action.

(c) "City official" means any public official, legislative staff member or City employee who participates in the consideration of any legislative or administrative action other than in a purely clerical, secretarial or ministerial capacity. It shall also include any City board or commission member, or City representative to any joint powers authority to which the City is a party, and any consultant to the City.

(d) "Client" means a person who is represented by a lobbyist.

(e) "Compensation" includes, but is not limited to, money of any denomination or origin; goods or services or anything of value, delivered or rendered; or promises to perform or provide services or contractual arrangements or awards.

(f) "Gift" means gift as defined in the California Political Reform Act, Government Code Section 81000 et seq., as amended from time to time.

(g) "Influencing" means the purposeful communication, either directly or through agents, promoting, supporting, modifying, opposing, causing the delay or abandonment of conduct, or otherwise intentionally affecting the behavior of a City official or official-elect, by any means, including, but not limited to, providing or using persuasion, information, incentives, statistics, studies or analyses; excepted from this definition is communication made as a part of a noticed governmental public meeting.

(h) "Legislative action" means the drafting, introduction, consideration, modification, enactment or defeat of any resolution, ordinance, amendment thereto, report, nomination or other action of the Mayor, City Council, Santa Clara Stadium Authority, City of Santa Clara Housing

Authority, any other joint powers authority of which the City is a party, or City board or commission, acting in its official capacity.

(i) "Lobbying" is the influencing or attempting to influence a legislative or administrative action of the City.

(j) "Lobbyist," unless exempt under Subsection 4 hereunder, means:

(1) Contract lobbyist. A person who engages in lobbying on behalf of one (1) or more clients (acting individually or through agents, associates, employees or contractors) and who has received or has entered into an agreement for compensation of one thousand dollars ($1,000.00) or more, or equivalent non-monetary compensation ("threshold compensation") for engaging in lobbying during any consecutive three (3) month period;

(2) Business or organization lobbyist. Any business or organization, whose owner(s), officer(s) or employee(s) carry out lobbying on its behalf, in an aggregate amount of ten (10) hours or more within any consecutive twelve (12) month period , whether or not such officers or employees are specifically compensated to engage in lobbying; provided that the activities of officers shall be considered lobbying only if those officers receive compensation by the business or organization beyond reimbursement for their reasonable travel, meals or incidental expenses; or,

(3) Expenditure lobbyist. A person who makes payments or incurs expenditures of five thousand dollars ($5,000.00) or more during any calendar year in connection with carrying out public relations, advertising or similar activities with the intent of soliciting or urging, directly or indirectly, other persons to communicate directly with any City official in order to attempt to influence legislative or administrative action. The five thousand dollars ($5,000.00) threshold shall not include: (A) Compensation paid to contract lobbyists or employees for lobbying; or (B) Dues

payments, donations, or other economic consideration paid to an organization, regardless of whether the dues payments, donations or other economic consideration are used in whole or in part to lobby.

(k) Exemptions to "lobbyist" include:

(1) Any public official acting in his or her official capacity or acting within the scope of his or her employment or appointment;

(2) The media, when limiting its action to the ordinary course of news gathering or editorial activity, as carried out by members of the press. "Media" shall mean newspapers or any other regularly published periodical, radio or television station or network or information published on the internet;

(3) Persons reimbursed for only their reasonable travel, meals or incidental expenses, including but not limited to, uncompensated members or directors of nonprofit organizations, such as chambers of commerce;

(4) Persons whose communications regarding any legislative or administrative action are limited to appearing or submitting testimony at any public meeting held by the City or any of its agencies, offices, or departments, as long as the communications thereto are public records available for public review. Notwithstanding the foregoing, persons who otherwise qualify as lobbyists must register and disclose their lobbying activities directed toward City officials, in the same manner and to the same extent such registration and disclosure is required of all other lobbyists;

(5) Persons submitting bids or responding to requests for proposals, provided the provision of such information is limited to direct conversation or correspondence with the official or department specifically designated to receive such information;

(6) Persons providing oral or written information pursuant to a subpoena or otherwise compelled by law or regulation, or in response to an official request provided that the request and response thereto are public records available for public review;

(7) Designated representatives of a recognized employee organization whose activities are limited to communicating with city officials or their representatives regarding (i) wages, hours and other terms or conditions of employment, or (ii) the administration, implementation or interpretation of an existing employment agreement;

(8) Persons who are professionally licensed by a state licensing organization pursuant to the California Business & Professions Code, including, but not limited to, attorneys, architects and engineers; provided however, the exemption for attorneys shall only be applicable if the attorney is engaged in the practice of law with respect to the subject of the employment;

(9) Board members or employees of nonprofit 501(c)(3) corporations, unless the non-profit organization is lobbying for a specific project, issue or person for which the organization has received compensation or a contribution to lobby for or against a specific project, issue or person; or,

(10) Members of neighborhood associations.

(l) "Organization" means any person that is not an individual.

(m) "Person" means any individual, domestic or foreign corporation, for-profit or nonprofit entity, firm, association, syndicate, union, chamber of commerce, joint-stock company, partnership of any kind, limited liability company, common-law trust, society, or any other group of persons acting in concert.

2.155.030 Registration.

Lobbyists shall register with the City Clerk within fifteen (15) days after qualifying as a lobbyist under Section 2.155.020. Should a lobbyist have a change to its registration information, including, but not limited to, the legislative or administrative action for the City as to which the lobbyist has been engaged, after the annual registration period, such lobbyist shall file an amended registration with the City Clerk within fifteen (15) days of such change with the changed information.

2.155.040 Annual registration renewal.

A lobbyist shall renew his or her registration by January 15 of each year unless he or she has terminated their status as a lobbyist pursuant to Section 2.155.050, by such date.

2.155.050 Termination of lobbyist status.

After initial registration, annual registration renewal will not be required if a declaration attesting to the termination of lobbying services within the City has been filed with the City Clerk no later than January 15.

2.155.060 Active status.

All registrations, renewals and terminations will be deemed filed on the date received by the City Clerk. A lobbyist shall be deemed active for the duration of the year of registration ending December 31, unless a declaration attesting to termination of lobbying services within the City is filed.

2.155.070 Registration fees.

Persons subject to the registration requirements of this ordinance shall pay an annual fee set by resolution of the City Council. Persons registering for the first time after June 30 of a given year shall pay a reduced registration fee set by resolution of the City Council.

(a) The applicable registration fee is due at the time of registration or registration renewal. Payment will be deemed delinquent thereafter. Delinquency fees may be assessed as specified in subsection (c) below, if payment occurs after the due date.

(b) In addition to the annual fee, each registrant shall pay a fee set by resolution of the City Council per client for whom lobbying is undertaken for compensation in excess of five hundred dollars ($500.00). The fees for clients as of the date of initial registration shall be submitted with the registration. The fees for subsequent clients shall be due and submitted within fifteen (15) days of such change with the changed information pursuant to Section 2.155.030.

(c) A fine of twenty-five dollars ($25.00) per day for delinquent fees, up to a maximum of five hundred dollars ($500.00), will be assessed until in compliance with the registration provisions herein.

2.155.080 Required registration information.

The initial registration shall contain the name, business address, telephone, email addresses and, if applicable, business license of all persons required to register pursuant to this Chapter, including the names of all owners of sole proprietorships and partnerships of fewer than ten (10) persons. If the registrant is a corporation, it shall also include the names of the president, secretary, chief financial officer, and agent for service of process, if any. Any business or organization registering under this act shall also briefly describe the nature of its business or organization and contact individual. In addition to this information, the report shall contain the following:

(a) Contract lobbyists. The name, business address, telephone number of each client, the nature of each client's business and the item(s) of legislative or administrative action the lobbyist is seeking to influence on behalf of the client; and the name of each person employed or retained by the lobbyist to lobby on behalf of each client.

(b) Business or organization lobbyists. The names of owners, officers or employees conducting lobbying activities and the item(s) of legislative or administrative action the lobbyist is seeking to influence.

(c) Expenditure lobbyists. The item(s) of municipal legislative or administrative action the lobbyist is seeking to influence.

(d) Payment received by the reporting lobbyist for services as a consultant or in any other capacity for services rendered to a City agency, any City official or any City official-elect or their controlled committees, any officeholder committee, or ballot measure committee. The dates of payment and name of each payer shall be included.

(e) The name, address, title and telephone number of the person responsible for preparing the report, together with that individual's signature attesting to the authority of the signatory and the accuracy and truthfulness of the information submitted.

2.155.090 Semi-annual reports.

Semi-annual reports for the prior six (6) month period are to be filed with the City Clerk on or before July 15 and January 15 of each year, whether or not any lobbying activities have occurred during such period. Electronic reporting may also be permitted by the City Clerk. Each semi-annual report shall contain the same information as required to be disclosed in the initial registration, for those activities occurring in that period. If a lobbyist has terminated all lobbying activities during such period, the lobbyist may file a declaration of termination with the semi-annual report. The final semi-annual report shall include disclosure of any lobbying activities during the period of termination.

2.155.100 Records retention.

All information, reports and statements required to be filed under the provisions of this chapter shall be compiled and preserved by the City pursuant to the City's records retention schedule and shall be open to public inspection. Copies of the records pertaining to the above-required reports shall be preserved by the lobbyist for inspection and audit for a period of four (4) years from date of production.

2.155.110 Lobbyist identification.

When appearing in a lobbying capacity at any meeting with a city official or at a public meeting of the City Council or any other city board, commission or hearing, a contract lobbyist shall identify himself/herself and the client(s) on whose behalf he/she is appearing, and a business or organization lobbyist shall identify himself/herself and the business or organization he/she represents.

2.155.120 Prohibitions.

It shall be unlawful for any lobbyist to commit any of the following acts:

(a) Unregistered Lobbying. Acting as a lobbyist in the City without having registered in compliance with this chapter, or knowingly to employ a person or entity to serve as a lobbyist when such person is not registered pursuant to this chapter.

(b) Unauthorized Communications. Sending or causing any communication to be sent to any City official in the name of any nonexistent person or in the name of an existing person without the express or implied consent of such person.

(c) Indirect Violations. Attempting to evade the requirements of this chapter through indirect efforts or through the use of agents, associates, intermediaries or employees.

(d) Creation of Obligations. Performing or sponsoring any act with the purpose and intent of placing any City official under personal obligation to the lobbyist.

(e) Contingent Compensation. Compensation for lobbying activity when the compensation is directly dependent on the result of legislative or administrative action(s) that are the subject of the lobbying activity.

2.155.130 Gifts.

It shall be unlawful for any lobbyist to deliver or cause to be delivered any gift to any City official, and for any City official to accept any gift from a lobbyist.

2.155.140 Enforcement.

Persons or entities that knowingly violate this chapter may be subject to penalties as set forth in SCCC 1.05.070.

2.155.150 Injunction.

The City Attorney may seek injunctive relief in the courts to enjoin violations of or to compel compliance with the provisions of this chapter.

2.155.160 Practice restrictions.

No person convicted of a violation of this chapter may act as a lobbyist or otherwise attempt to influence municipal legislation for compensation for one (1) year after such conviction.

2.155.170 Exemptions.

Any person who in good faith and on reasonable grounds believes that he or she is not required to comply with the provisions of SCCC 2.155.030 by reason of his or her being exempt under SCCC 2.155.020(k) shall not be deemed to have violated the provisions of SCCC 2.155.030 if, within fifteen (15) days after notice from the City, he or she either complies or furnishes satisfactory evidence to the City that he or she is exempt from registration."

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: Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

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SECTION 4: 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 15th day of December 2015, by the following vote:

AYES:	COUNCILORS:	Caserta, Davis, Gillmor, Kolstad, Marsalli and O'Neill and Mayor Matthews
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST: _____

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

FINALLY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA this 12th day of January 2016, by the following vote:

AYES:	COUNCILORS:	Caserta, Davis, Gillmor, Kolstad, Marsalli and O'Neill and Mayor Matthews
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST: _____

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None

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ORDINANCE NO. 1950

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, ADDING CHAPTER 2.160 ("CALENDARS OF CERTAIN CITY OFFICIALS") TO TITLE 2 ("ADMINISTRATION AND PERSONNEL") OF "THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA"

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

WHEREAS, Government's duty is to serve the public, reaching its decisions in full view of the public;

WHEREAS, the public benefits from being informed about meetings conducted by elected officials and executive management of the City; and,

WHEREAS, making the calendars of those City officials open to the public fosters greater transparency.

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

SECTION 1: That Chapter 2.160 ("Calendars of Certain City Officials") of Title 2 ("Administration and Personnel") of "The Code of the City of Santa Clara, California" ("SCCC") is added to read as follows:

"Chapter 2.160

CALENDARS OF CERTAIN CITY OFFICIALS

(a) The Mayor, Members of the City Council, Chief of Police, City Clerk, City Manager, City Attorney, Assistant City Manager(s), Deputy City Manager(s), City Department Heads and any additional persons in management positions that are considered part of the city's executive management team shall maintain a monthly city calendar.

(b) The calendar shall include all scheduled non-internal city-related appointments, meetings, including regular and special City Council meetings, public events or speaking arrangements, meetings with citizens, developers, union representatives, consultants, lobbyists, regional meetings and meetings of subcommittees or task forces (collectively, "constituents"). The Mayor and Members of the City Council shall also include all non-scheduled city-related meetings or discussions with constituents.

(c) Each non-internal city-related appointment must include the following information: name(s), title(s), and affiliated organization(s) and a general statement of the issues discussed. The following information shall be exempted:

(1) Personal appointments, including personal business appointments;

(2) Information protected by the attorney-client privilege;

(3) Information about attorney work product;

(4) Information about city staff recruitment;

(5) Information about a personnel issue;

(6) Site specific information regarding corporate recruiting and retention;

(7) Information about criminal investigations and security;

(8) Information about whistle blowers;

(9) Information about those who may fear retaliation;

(10) Information about those seeking guidance regarding the City's campaign and election processes; and,

(11) Information that is otherwise prohibited from disclosure.

(d) The calendars of the officials in subsection (a) shall be a public record subject to inspection during normal business hours. The Mayor, City Council Members, City Manager, City

Clerk, Chief of Police and City Attorney shall publish their calendars to the City's website on the tenth business day of each month and shall reflect the schedules of the previous month.

(e) A record of compliance with this Chapter by the City officials included in Section 2.160(a) shall be maintained, provided that violations of this Chapter shall not be a basis for any criminal prosecution or disciplinary action."

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: Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

SECTION 4: 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 15th day of December 2015, by the following vote:

AYES:	COUNCILORS:	Caserta, Davis, Gillmor, Kolstad, Marsalli and O'Neill and Mayor Matthews
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST: _____

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

FINALLY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA this 12th day of January 2016, by the following vote:

AYES:	COUNCILORS:	Caserta, Davis, Gillmor, Kolstad, Marsalli and O'Neill and Mayor Matthews
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST: _____

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None
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City of Santa Clara

Meeting Minutes

Governance and Ethics Committee

06/07/2021	3:00 PM	Virtual Meeting

CALL TO ORDER AND ROLL CALL

Chair Gillmor called the meeting to order at 3:02 PM.

Present 3 - Lisa M. Gillmor, Raj Chahal, and Sudhanshu Jain

CONSENT CALENDAR

1. 21-470 Approval of the March 29, 2021 Governance and Ethics Committee Special Meeting Minutes

Recommendation: Approve the minutes of the March 29, 2021 Governance and Ethics Committee Special Meeting.

A motion was made by Member Jain, seconded by Member Chahal, to approve the March 29, 2021 special meeting minutes.

Aye: 3 - Gillmor, Chahal, and Jain

PUBLIC PRESENTATIONS

Councilmember Park requested to address the Committee under Public Presentations.

City Attorney Doyle recommended deferring discussion to Council and Authorities Concurrent Meeting to avoid potential violation of the Brown Act.

GENERAL BUSINESS

2. 21-468 Discussion on Formalization of Citizen's Advisory Committee

Recommendation: Defer discussion on formalization of Citizen's Advisory Committee to the 3rd quarter Governance and Ethics Committee meeting on September 20, 2021, due to lack of staff capacity to address this referral during budget development and COVID-19 reopening efforts.

City Manager Santana requested deferring this item September 20, 2021.

Public Speaker(s): Rob Jerdonek

A motion was made by Member Jain, seconded by Member Chahal, to defer this item to the September 20, 2021 Governance and Ethics Committee meeting.

Aye: 3 - Gillmor, Chahal, and Jain

3. 21-469 Review of SCSC Chapter 2.155 ("Regulation of Lobbying Activities") and SCSC Chapter 2.160 ("Calendars of Certain City Officials")

Recommendation: Provide direction on possible amendments to SCSC Chapter 2.155 ("Regulation of Lobbying Activities") and SCSC Chapter 2.160 ("Calendars of Certain City Officials").

City Attorney Doyle provided a Powerpoint presentation on the Lobbyist Ordinance and Calendering Ordinance.

City Clerk Haggag provided a verbal report.

Member questions and comments followed.

City Attorney Doyle, **City Clerk Haggag** and **City Manager Santana** addressed **Member** questions.

A motion was made by Member Jain, seconded by Member Chahal, to recommend to Council to (1) amend the Public Calender Ordinance to create different reporting standards between meetings with Lobbyists and Non-Lobbyists, (2) requiring Councilmembers and staff who required to comply with the Public Calendar Ordinance and registered Lobbyists to report on the topics discussed and what they were seeking, (3) City Manager to return on staffing resources, (4) change the frequency of the Lobbyist Ordinance reporting requirements to align with the Public Calendar Ordinance to require reporting to be on a monthly cadence, and (5) City Clerk to return with a standard reporting template.

Aye: 3 - Gillmor, Chahal, and Jain

4. 21-487 Review, and Provide Direction to Staff, Regarding Proposed Purchasing Code Reforms For Possible Recommendation to City Council

Recommendation: Accept the Code reforms summarized in this document and provide direction to staff to move forward with a revised Purchasing Code for consideration and approval by the City Council and Stadium Authority by the fourth quarter of calendar year 2021.

Director of Finance Lee, **Purchasing Manager Giovannetti**, **City Attorney Doyle**, and **City Manager Santana** gave a Powerpoint presentation.

Member questions and comments.

City Manager Santana addressed **Member** questions.

A motion was made by Member Jain, seconded by Member Chahal, to bring this item to August 17, 2021 Council Priority Setting Session.

Aye: 3 - Gillmor, Chahal, and Jain

5. 21-455 Discussion and Direction Regarding Adjusting the Start Time for Council, Stadium Authority and Closed Session Meetings

Recommendation: Staff recommends:

(1) Beginning Public City Council meetings at 6:00 p.m.
(2) Setting a stop time of Public City Council meetings at 11:00 p.m.
(3) Working on City Council meeting protocols for improved management and protocols to ensure that the City's business is prioritized and addressed in a timely manner
(4) Presenting streamlining opportunities to reduce cost of routine City business and ensure a higher level of efficiency with how routine or ministerial items are handled
(5) Holding Closed Session meetings on off Council meeting days, when needed

City Manager Santana gave a Powerpoint presentation.

Member questions and comments followed.

City Manager Santana, **Assistant City Clerk Pimentel**, and **City Attorney Doyle** addressed **Member** questions.

This item was referred to Council Priority Setting Session August 17, 2021.

6. 21-622 Review the Task Force on Diversity, Equity, and Inclusion's Recommended Amendments to Council Policy 035 - Naming of Facilities

Recommendation: Provide input on the Task Force on Diversity, Equity, and Inclusion's recommended amendments to Council Policy 035.

Chair Gillmor requested to defer this item to the next Governance and Ethics Committee meeting.

A motion was made by Member Chahal, seconded by Member Jain, to continue this item to the next Governance and Ethics Committee Meeting.

Aye: 3 - Gillmor, Chahal, and Jain

STAFF REPORT

None.

COMMITTEE MEMBERS REPORT

Member Jain inquired regarding adding the following items to the Governance and Ethics Committee Meeting:
- Email Retention Times
- Eligibility List for Board/Commissions appointments
- Charter Review to consider changing from an elected to appointed Chief of Police and City Clerk

Member comments followed.

City Manager Santana and **City Attorney Doyle** addressed **Member** questions.

ADJOURNMENT

The meeting was adjourned at 6:16 PM.

A motion was made by Member Chahal, seconded by Member Jain, to adjourn the meeting.

Aye: 3 - Gillmor, Chahal, and Jain

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, AMENDING SECTION 2.155.090 (SEMI-ANNUAL REPORTS) AND CHAPTER 2.160 ("CALENDARS OF CERTAIN CITY OFFICIALS") TO TITLE 2 ("ADMINISTRATION AND PERSONNEL") OF "THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA"

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

WHEREAS, the citizens of Santa Clara have a right to know the identity of interests which attempt to influence decisions of City government, as well as the means employed by those interests;

WHEREAS, complete public disclosure of the full range of activities by and financing of lobbyists and those who employ their services is essential to the maintenance of citizen confidence in the integrity of City government;

WHEREAS, it is in the public interest to ensure that lobbyists do not misrepresent facts, their positions or attempt to deceive a City official through false communications; do not place a City official under personal obligation to themselves or their clients; and do not represent that they can control the actions of any City official; and,

WHEREAS, it is in the public interest to adopt these amendments to ensure adequate and effective disclosure of information about efforts to lobby City government.

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

SECTION 1: That Section 2.155.090 ("Semi-annual Reports") of Chapter 2.155 ("Regulation of Lobbyist Activities") of Title 2 ("Administration and Personnel") of "The Code of the City of Santa Clara, California" ("SCCC") is amended to read as follows:

2.155.090 Monthly reports.

Monthly reports for the preceding month are to be filed with the City Clerk on or before 15th of each month, whether or not any lobbying activities have occurred during such period. Electronic reporting may also be permitted by the City Clerk. Each monthly report shall contain the same information as required to be disclosed in the initial registration, and specify the topics discussed and the requests made by the lobbyist, for those activities occurring in that period. If a lobbyist has terminated all lobbying activities during such period, the lobbyist may file a declaration of termination with the monthly report. The final monthly report shall include disclosure of any lobbying activities during the period of termination.

SECTION 2: That Chapter 2.160 ("Calendars of Certain City Officials") of Title 2 ("Administration and Personnel") of "The Code of the City of Santa Clara, California" ("SCCC") is amended to read as follows:

"Chapter 2.160

CALENDARS OF CERTAIN CITY OFFICIALS

(a) The Mayor, Members of the City Council, Chief of Police, City Clerk, City Manager, City Attorney, Assistant City Manager(s), Deputy City Manager(s), City Department Heads and any additional persons in management positions that are considered part of the city's executive management team shall maintain a monthly city calendar.

(b) The calendar shall include all scheduled non-internal city-related appointments, meetings, including regular and special City Council meetings, public events or speaking arrangements, meetings with citizens, developers, union representatives, consultants, lobbyists, regional meetings and meetings of subcommittees or task forces (collectively, "constituents"). The Mayor and Members of the City Council shall also include all non-scheduled city-related meetings or discussions with constituents.

(c) Each non-internal city-related appointment must include the following information: name(s), title(s), and affiliated organization(s) and a general statement of the issues discussed. For each non-internal city-related appointment that includes a lobbyist, as defined in Chapter 2.155, the calendar must specify the topics discussed and the requests made by the lobbyist. The following information shall be exempted:

(1) Personal appointments, including personal business appointments;

(2) Information protected by the attorney-client privilege;

(3) Information about attorney work product;

(4) Information about city staff recruitment;

(5) Information about a personnel issue;

(6) Site specific information regarding corporate recruiting and retention;

(7) Information about criminal investigations and security;

(8) Information about whistle blowers;

(9) Information about those who may fear retaliation;

(10) Information about those seeking guidance regarding the City's campaign and election processes; and,

(11) Information that is otherwise prohibited from disclosure.

(d) The calendars of the officials in subsection (a) shall be a public record subject to inspection during normal business hours. The Mayor, City Council Members, City Manager, City Clerk, Chief of Police and City Attorney shall publish their calendars to the City's website on the tenth business day of each month and shall reflect the schedules of the previous month.

(e) A record of compliance with this Chapter by the City officials included in Section 2.160(a) shall be maintained, provided that violations of this Chapter shall not be a basis for any criminal prosecution or disciplinary action."

SECTION 3: 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 4: Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

SECTION 5: 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 _____ day of _____, 2024, by the following vote:

AYES:	COUNCILORS:
NOES:	COUNCILORS:
ABSENT:	COUNCILORS:
ABSTAINED:	COUNCILORS:

Attachments incorporated by reference: None
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