

04:13:04:07 - 04:13:17:11

Mayor Gillmor

And that passes unanimously. Thank you. All right. Next we have another governance and ethics committee recommendation. Discuss and consider the creation of an independent ethics commission city manager.

04:13:18:09 - 04:13:43:26

City Manager

Thank you, Mayor Gillmor, members of the city council, and the public. I will present on this item and this is, again, as the mayor mentioned, an item that went to the Governance and Ethics Committee at the request of Mayor Gillmor. And so I will do a brief presentation, really just two slides, and then turn the presentation or the item over to back to Mayor Gillmor.

04:13:43:28 - 04:14:27:29

City Manager

Next slide. So by way of background, one of the conversation or topics of conversations at governance and ethics was a little background. And so we have some member some information on the screen and I will supplement that. It's important to note that the city of Santa Clara have a ethics code that dated back to the 1960s. However, that went through a wholesale revision that ended in 2000 with the adoption of a updated Code of Ethics and Values, which was later modified slightly by by the Council in August 2001.

04:14:28:01 - 04:15:01:16

City Manager

It's also important to note that that code that was adopted in 2000 was actually developed by a committee that was comprised of three elected officials, nine city commissioners, two members of the community, the city manager at the time, as well as the city attorney. And that code of ethics and values was designed to increase public trust and confidence in governance in government by promoting and maintaining the highest standards of personal and professional conduct among the people who work in and represent the city.

04:15:02:21 - 04:15:35:18

City Manager

In the past, the city did work very closely with the Markkula Center for Applied Ethics at Santa Clara University, and the city also hired a ethics consultant that provided on call ethics guidance, coaching, research and conflict resolution services as needed. You may recall the name of the individual. His name is Tom Shanks. He provided those services for the city from for 14 years through from 2000 through 2014.

04:15:36:15 - 04:16:11:20

City Manager

It's important to also note that in 2005, the city established an ethics committee and the goal of that committee was to further implement the city's Ethics and Values program and guide the ethics program to the next level. Also, not on the screen, but important to note that there was a major change to the city's Ethics Committee in 2019, and so staff was able to do a little research and find that the City Council created the current Governance and Ethics Committee and two.

04:16:12:01 - 04:16:43:02

City Manager

On February 5th of 2019, that was actually a consolidation of the governance committee, the Ethics Committee and the name and the facilities naming and honorary recognition ad hoc committee. The new committee called Governance and Ethics Committee, focused on refinement and the establishment of policies and procedures regarding city council operations and good governance practices, as well as the further implementation of the city's Code of Ethics and Values program.

04:16:43:10 - 04:17:17:10

City Manager

And the Committee took over all responsibilities related to reviewing and naming of city facilities. On January 4th of

this year, Council was very aware that the City Council authorized a response to a grand jury report that called for an independent ethics commission. The majority decision on the city Council determined that creation of that independent ethics Commission would overlap with the purpose of the city's existing Governance and Ethics Committee and therefore stated that it was not warranted.

04:17:18:19 - 04:17:29:16

City Manager

On June 5th of this current year, as I mentioned, the Governance and Ethics Commission referred this item to the full City Council at the request of Mayor Gilmore. Next slide.

04:17:32:08 - 04:17:57:20

City Manager

So as is outlined in the staff report, there are a number of items to consider should the City Council decide desire to establish a independent ethics commission. These items are as follows I will not go through them in detail. But should the City Council decide to embark on this process to establishing an independent ethics commission, you would need to decide the role of the Commission.

04:17:58:15 - 04:18:31:17

City Manager

Will the Commission enforce rules? Will they simply review and opine and provide recommendations to the governing body yourself on what those rules will be? Or will they conduct education and training of those rules on for various entities in the city? It will also be important to decide jurisdiction of the of the body. For example, will they address financial conflict of interest lobbying, revolving door mass mailing gift in honoraria and honoraria?

04:18:31:17 - 04:18:58:10

City Manager

Issues or campaign finance? It's also important to note that the Council will need to discuss and decide on what authority the Commission will have. Will they have the authority to initiate investigations, for example? I'll refer a matter to another governing agency such as the SPC, the DEA, or the Attorney General. Will they have the ability to impose fines or penalties?

04:18:58:29 - 04:19:35:12

City Manager

And should their decisions be appealable, for example, if they make a determination? Would that determination be appealable to the full city council? Next, the City Council would need to discuss and establish a selection process how members of this body would be appointed and what the criteria would be next. It is always important to consider resources, both staffing. If you have a independent commission, does that independent commission have independent legal counsel outside of the city attorney's office?

04:19:35:28 - 04:19:39:01

City Manager

How is that funded? How will that occur?

04:19:41:07 - 04:20:15:08

City Manager

In addition, additionally, will there be outside expertise similar to Tom Shanks that the city employed before from 2000 to 2014 as a consultant to support the process, as well as various alternatives such as continuing with the existing models as the majority of the City Council decided and your grand jury response to continue with the Governance and Ethics Committee, or is there some other alternative that you would like to consider?

04:20:15:19 - 04:20:40:01

City Manager

Again, no decision, no staff recommendations are being made for this item. We are simply bringing the matter to the full council as directed by the Governance and Ethics Committee. And even though we have put the item that would need to

be discussed and decided should you decide to embark on this path, staff is not saying that those decisions have to be made tonight.

04:20:40:17 - 04:20:43:13

City Manager

With that, I'll turn the item to over to Mayor Gilmore.

04:20:45:02 - 04:21:12:07

Mayor Gillmor

Thank you, City Manager. So I brought this item forward to the Governance and Ethics Committee since I'm a member of the committee. They had two meetings of which I was not able to attend and neither meeting did any of the members put this item on the agenda. The item regarding an independent ethics committee was brought up in the grand jury report unsportsmanlike behavior.

04:21:13:06 - 04:22:05:10

Mayor Gillmor

The grand jury strongly recommended that this council get some ethical guidance going forward because of all the issues that we have involving everything that was reported in that grand jury report. So I put it on the agenda because the council said that the Governance and Ethics Committee was the place for this discussion to take place. And because none of the members of the Governance and Ethics Committee did put it on the agenda, I put it on the agenda because I strongly believe that we cannot police ourselves and that there is so much going on in the city of Santa Clara, especially things that involve millions of dollars with special interests and council members involvement and

04:22:05:10 - 04:22:39:21

Mayor Gillmor

all kinds of things that we needed an independent ethics adviser to to help us move forward and show our public that we are accountable to the public for everything and transparent for everything that we do. And I feel like we have veered off that that course of our that was laid out by our award winning ethics program. I think a lot of the questions that the city manager has posed are very legitimate questions.

04:22:39:21 - 04:23:23:21

Mayor Gillmor

I don't think we can answer those ourselves. And therefore, I really think that we need to start with getting expert help, have the experts take a look at us. And we are very fortunate that we have the Markkula Center for Applied Ethics right here at Santa Clara University who has worked with us in the past and I'm sure would be interested in working with us now to consult with us to to advise us, to talk with each of us collectively and individually about how we can build that independent body that helps us now and in the future for making the right decisions on behalf of the public.

04:23:23:29 - 04:23:44:25

Mayor Gillmor

So I don't think any of those questions can be answered until we're assessed by a professional. And and I'd like to start with the experts at Santa Clara University and the Margulis Center for Applied Ethics. We had a former mayor, Judy Nadler, who was very active in the Margulis Center for Applied Ethics after she was mayor of Santa Clara.

04:23:44:25 - 04:24:22:01

Mayor Gillmor

I know she's retired now, but they have always been available to help the city when we needed help in many, many regards. So I think that as a start, I'd like to authorize staff to engage with the Markkula Center to get some options for us to bring back for forming this this independent Ethics Commission committee or give us alternatives and start with an evaluation of our council and where we are with our past ethics program.

04:24:22:01 - 04:24:46:20

Mayor Gillmor

And if that's still applicable, what we need to to add on to it to modernize it more with today's issues. I think at the time

when we did it, I was just off the council in 2000. We didn't have a stadium, we didn't have millions of dollars in campaign donations. We didn't have all the the things, special interests that we have now we didn't have back then.

04:24:46:20 - 04:25:08:29

Mayor Gillmor

And I think that things have changed for us. We're a medium sized city, but we have big city issues now that we have to deal with and when you look at all our surrounding large cities, they all have some form of an ethics commission that that they they they work with. And I think we're at the point where we need to have that now.

04:25:09:12 - 04:25:41:06

Mayor Gillmor

So I'd like to see this council move this forward and and look at engaging with Markkula Center for Applied Ethics and and and move this discussion forward about ethical responsibilities of the city Council and how we best can serve our community when when I have to say at this point and it passed unanimously by the Ethics and Governance and Ethics Commission to move this forward.

04:25:42:13 - 04:25:43:14

Mayor Gillmor

Councilmember Becker.

04:25:45:09 - 04:26:12:04

CM Becker

Thank you, Mayor. So, you know, we've gotten a little bit of history and a little bit of background on this. And, you know, I'm going to say, let's go in a little time machine here and let's go back to the year 2000. Very, very, very ugly elections in the 2000s. Let's just say that very ugly elections. And where was the ethics commission and the ethics advice in that era?

04:26:12:19 - 04:26:42:05

CM Becker

Nowhere, Nothing. It was useless. Where was the ethics commission or ethics adviser in the 2016 elections, 2018, 2022, and 2022 elections? There was none. Where was the Ethics Commission? Commission when there was abuse allegations that were not found? Where was that Ethics commission? So a lot of questions are out there of what is this ethics commission do? What will it do?

04:26:42:17 - 04:26:57:14

CM Becker

Why should we even have it? I mean, I just heard that many cities in the Bay Area have them. I don't think I can name one. I can name the city of L.A. having an ethics commission. I think maybe city of San Francisco. I mean, those might be the two big cities, but we're not a big city like that.

04:26:58:25 - 04:27:26:25

CM Becker

So my question comes down to is what power do they have? It's basically only recommendations. It feels like no power, no teeth to it. So in reality, if they say let's censure or let's admonish a council member and they send that recommendation back to the council, well guess what? The council is again policing itself. It's basically a repeating cycle and you're just using the name of an ethics commission to carry some weight to that.

04:27:28:01 - 04:27:52:06

CM Becker

So like the Diversity Equity Task force, it begins to ask the question, what do they do? What power do they have? And really, is it just a political tool? The D.A., the NPC, the attorney general, all have power that council does not have. And council, again, is not going to police itself yet. However, we do have the Governance and Ethics Commission that already makes recommendations.

04:27:52:26 - 04:28:13:25

CM Becker

We literally just voted on one a moment ago, seven to nothing. If this commission is created, I feel it's going to become a mini grand jury. If a mini grand, if a grand jury itself can be manipulated, this one could be considered very easily to manipulate. So, again, where were the ethics in the last ten years?

04:28:14:13 - 04:28:36:10

CM Becker

Where was Tom Shanks in the last ten years? I remember 2016 election. I brought up a lot of ethics complaints. Guess what? I got silence, continued silence for 20 years. So now all of a sudden, now we get we have an epiphany that we have ethics because some grand jury report reported it. So, again, there's a movie out there called The Watchmen.

04:28:36:27 - 04:29:04:18

CM Becker

Watchmen is from 2009. It's comic, you know, a long time ago. The question is, who watches the watchmen? Who monitors all the ethics and not the selective ethics? To me, again, this seems like a political process deemed to only go after specific individuals. Again, it is a useless process. Where was the ethics again when the POA was campaigning?

04:29:05:04 - 04:29:31:19

CM Becker

When Measure J was out there, there was no ethics. Nothing. Silence. Many members of the majority of City Council complained. I remember members of the City Council that were candidates in prior elections, and they would make complaints. Silence. So now why all of a sudden are we treating this as a light switch of, oh, suddenly, as I said a moment ago, we have an epiphany.

04:29:31:19 - 04:29:57:25

CM Becker

Let's turn the light switch on because we want to have an ethics commission. It just doesn't make sense to me. And just because a report decides to make a recommendation, which simultaneously that recommendation had a idea by the mayor of let's make ethics commission, where has this gotten us? It's got us nowhere. If we make an ethics commission, I'm going to see the same thing over and over again.

04:29:57:28 - 04:30:26:05

CM Becker

It's going to be used as a body for political deeds. And I've seen that when the Diversity Equity Task Force you ask any other city in this area about policing and other things and when they I tell them that our diversity equity task force decided to jump in on the police chief issue. Many were surprised. So, again, who polices this, this commission?

04:30:27:13 - 04:30:50:22

CM Becker

Nobody. And to me, it just seems like it's a more political vendetta when we have many other forms of I think the city manager had mentioned it moments ago. You can refer things to the district attorney. You can refer things to the attorney general. You can refer things to the FPPC. So why are we going to sit here and police ourselves when people continue to say that we're policing ourselves?

04:30:51:27 - 04:31:15:28

CM Becker

So seeing that this is just another way of creating, as I said, a mini grand jury. Where does it stop? I mean, we have many other things I think, that are more essential for commissions than this is right now, because, again, you have the FPPC you have all these other entities that could take these controls. And I don't feel it's appropriate for us to have that.

04:31:15:28 - 04:31:18:17

CM Becker

So I make a motion to deny this.

04:31:23:17 - 04:31:24:25

Mayor Gillmor
Councilmember Watanabe.

04:31:27:19 - 04:32:12:10

CM Watanabe

Thank you, Mayor. Yes, I'm glad that the Ethics Governance Committee brought this issue forward. I know it was a important topic of discussion after the grand jury report was delivered to us and there was recommendations made by the grand jury and actually an independent ethics commission was a suggestion of the grand jury as a result of all of the allegations that were in that report.

04:32:13:09 - 04:32:53:11

CM Watanabe

And again, when we reviewed the report, is as a council to address and respond to, the majority of this council denied everything that was in the report and basically just just just considered it. Well, let's just say they just didn't take it very seriously. And and as a result, the mayor and I disagreed with all of the responses that the majority of this council submitted, and we submitted our own response to that grand jury report.

04:32:53:11 - 04:33:40:13

CM Watanabe

As a result. The mayor then brought before this council the an opportunity, again, for this independent ethics commission to focus on how we can make ourselves better. And and bring back the trust, bring back the accountability that people expect of their council members. I have to add, I've heard several times from Councilmember Becker stating that about the Ethics Commissions over the last ten in the 2020s.

04:33:41:08 - 04:34:14:11

CM Watanabe

In 2016, Fred Keely was hired as the ethics representative. And I have to laugh because I remember being called on the carpet in a kangaroo court, falsely charged with just just false accusations, but that I addressed and and Mr. Keely, who is now the mayor of Santa Cruz, I might add, did a fine job overseeing that election cycle.

04:34:14:25 - 04:34:47:29

CM Watanabe

And even when I was attacked during candidate debates, he was very responsive and allowed me the opportunity to defend myself. So I thought he did he did a fine job. I don't know what happened in 2020. The last time I ran was during the pandemic. I don't know that there was money in the budget for an ethics representative at that time, but having an ethics representative has definitely made a a difference in the city.

04:34:48:11 - 04:35:30:28

CM Watanabe

Having, as the mayor talked about, the Markkula Center, you know, has worked with the council in the past in developing a program, an award winning program, I might add, that really brought put the city on the map. And I mean, I think we we have it here in the chamber somewhere, that acknowledgment. So I would say just listening to Councilmember Becker's comments stating that the Ethics Commission is has gone nowhere, it's because, again, the majority of this council refuses to place police themselves.

04:35:30:28 - 04:36:06:02

CM Watanabe

And any time there is a complaint or a petition brought forward by members of the public calling again for that policing of this council to see change, it's swept under the carpet, ignored. It didn't happen. And like I have said previously, when you keep crying wolf after a while, it gets old. And I think there is a lot of good, valid reasons for this independent ethics commission.

04:36:06:14 - 04:36:44:18

CM Watanabe

And so I, I don't believe there was a second to that motion by Councilmember Becker. So I'm going to go ahead and make a motion to go forward. We ask staff to go forward and explore an independent ethics commission and provide and for and as well, I guess, work with the council to provide direction on this and other foundation issues.

04:36:44:18 - 04:36:52:06

CM Watanabe

And based on the questions that were proposed in the slide by the city manager. So that is my motion.

04:36:52:14 - 04:36:54:28

CM Park

And I will second Councilmember Becker's motion.

04:36:55:22 - 04:37:07:28

Mayor Gillmor

I'll second the motion on the floor. So how does that work now? Can I assumption or of motion failed for lack of this?

04:37:07:28 - 04:37:23:22

City Attorney

Yeah, I would have to suggest, Madam Mayor, that I think Member Becker's motion died for lack at lack of a second. I would think Member Wastanabe's motion would take precedent and have an opportunity to be seconded at that time. If I were to manage the sequence of it.

04:37:24:14 - 04:37:37:18

CM Hardy

Thank you, Councilmember Hardy.

I was trying to be respectful and I had turned on my lights so I could second the motion, but I was not called on. So there it is.

04:37:37:19 - 04:37:38:08

CM Park

That said, I.

04:37:42:08 - 04:38:03:16

Mayor Gillmor:

That all you had to say? Okay, Do you have any comment?

CM Hardy

I will say that I was a commissioner for many, many years, for 13 years for the city. And I was here when we worked with Dr. Shanks. It became very frustrating. It became....basically it was Dr. Shanks telling us to do our very best and be on our very best behavior. And he passed out little hearts.

And I was appalled. I do not like when I hear just one or two people call on city council for something and try to try people in the court of public opinion. To try them, convict them and want them to be hung. We have the FPPC. We have a DA. We have a recall effort. There's many different things you can do. And we have our list of ethics. If someone is going to be ethical, it's because they choose to be. And I think no amount of browbeating or calling names or any of that is useful or helpful.

I think it comes from within. And if someone chooses to be ethical, someone saying they aren't doesn't make it true. And this is why I'm. I like what we have set up with our governance. And as Councilmember Becker pointed out, we would just be once again policing ourselves, which people are saying we cannot. Well, there is a ultimate court of public opinion, which is the ballot box.

Mayor Gillmor: CM Jain.

04:39:48:14 - 04:40:11:13

CM Jain

Yes, I think I have a lot of faith in what Councilmember Hardy said because she was the one who served on that ethics commission. And my understanding is that Judy Nadler had initiated this commission with Dr. Tom Shanks, and I actually had the opportunity to speak with Dr. Shanks this weekend. And I got a lot of history on this.

And he actually indicated to me that he didn't like the idea of calling it an ethics commission. He prefers to call it a public trust commission and to focus on how will the council earn the the public's trust. There were surveys that were done in 2006, 2007, 2008 to take a pulse of how public trust was changing. And again, as Councilmember Becker said, this was after some very, very vicious council elections.

And so that's why a lot of this started, as the city manager had said, there was a code of ethics. This started in the sixties and then was updated in 2000. But the council used to actually review that every six or seven years, and somehow that process practice has fallen by the wayside. I know our new city attorney had recommended that we have a public review of AB1234 and I don't know if the public is aware of AB1234, but it's a state law whereby council members and commissioners have to take an online ethics training class.

It's 2 hours long. We have to do that every two years. And so but a city attorney had indicated that that's probably not sufficient and that we scheduled a special council meeting to review that. I would also like to add to that there is this document, it's called, and this was approved in 2008. It's called the Behavioral Standards for City Council Members.

And it has a lot of values here: that council members will be ethical, professional, service oriented, fiscally responsible, organized, communicative and collaborative and progressive. So I suggest that if we were going to do something that we incorporate a review of these behavioral standards into an AB1234. And that Dr. Shanks also indicated that pretty much only large cities like L.A., San Francisco and Oakland have ethics commissions with broad authority, and some of them only focus on elections.

They don't focus on council behavior because those are covered by the FPPC and the DA's office. In fact, I've had a number of FPPC complaints filed against me, most of which, actually all of which went nowhere. So. So I, I think that we should work hard to earn the public's trust, as Dr. Shanks has mentioned. And I think that would go through some of these public training sessions that the city attorney has recommended and that we do review that code of ethics.

CM Jain

04:43:13:20 - 04:43:35:04

CM Jain

And he also suggests that Dr. Shanks suggested that we if we were to do some sort of ethics commission, because of the cost and the that the expense of that, we should partner with some of our neighboring cities. So that's the recommendations that I have from an extensive discussion with Dr. Shanks. Thank you.

04:43:35:25 - 04:43:36:27

Mayor Gillmor

Councilmember Chahal

04:43:39:05 - 04:44:11:01

CM Chahal

Thank you, Mayor. So I did devote some time to look at what other cities are doing with the data on something like this and the domain basically available. There's a very good article from Institute of Local Government, which was tried to on topic understanding role of Ethics Commission. Basically it was an article that they published, I think in 2007 December 2007 and it's not that we can jump into it.

04:44:11:01 - 04:44:46:21

CM Chahal

Okay, Tomorrow we'll have something and ethics can be fixed or that can be checked or everything will be smooth from all of us. Certainly if we have an ethics commission or if we have something to. It's not a magic wand. Ethics are something like public residents are constantly checking you and they see what's happening. So some of the very pertinent questions on that particular article were what is your overall goal?

04:44:47:09 - 04:45:23:01

CM Chahal

What do you want ethics Commission to do? How would commission members be selected? What power should the commission have? What resources are available to the sport? The Commission, what decision making process should you use determining whether the Commission is right for the community? And it does submit lot of data. All of the data is a little bit older, but as mentioned by my colleagues, I think commission is only available in major cities like San Francisco, has one with the city as well as the county level.

04:45:23:14 - 04:45:56:04

CM Chahal

Los Angeles has one. San Diego has one and send you. San Jose has only Election Commission, which is part of the same work Berkley has. Again, campaign finance. Campaign related only Oakland has ethics commission and I look at the budget so like San Francisco in 2007. I don't know what the current budget is. Was more than \$1.3 million and late in 2006 was \$2.6 billion.

04:45:57:01 - 04:46:31:16

CM Chahal

San Diego, more than \$1,000,000, Oakland around 300 K. And the inflation and everything right now and if you look at the studies, you need a lot of staff support. And I know Councilmember Jain mentioned about our city attorney providing 1234 or one, two, three, four ethics training for that matter. And this are this article also mentioned that some of the important message we can send to the council or to the resident is a constant training of it.

04:46:32:00 - 04:47:06:09

CM Chahal

Confidence, constant reinforce ment of which something's lacking in a particular process. Like we just improved the process of special meeting and there may be nothing is perfect, no system is perfect. But we need to drive towards improving the processes and how we can improve those. To discuss some of the issues which were brought by my colleagues about these on these issues, I don't know why we discontinued these things in 2014, 2016.

04:47:06:19 - 04:47:33:05

CM Chahal

Like after that, we never had it. Why was the program, which we had earlier, were discontinued in 2014? I did read about the center as major city manager. We had some details of that on our website. Also in 2019, they had a review of that and they updated the code of Ethics and Values in collaboration with Markkula Center at Santa Clara University.

04:47:33:26 - 04:48:05:04

CM Chahal

So one other issue which I have the point of bringing the grand jury report over here. I have time and again mentioned the grand jury report was very political and was not based on facts. If I have personally responded to that with the factual position and if I you all want, I can discuss again what issues I discussed and why the grand jury report was not factual.

04:48:05:16 - 04:48:36:10

CM Chahal

I was not even called for it. And I was included in the indictment for that. I have done something wrong that the grand jury mentioned me and Councilmember Hardy. But are day before the council meeting. That was not true since May 2019, when we met on Wednesday's, which was the day after the council meeting, and then all these they just clumped, they made some assumptions and I don't know how they made to the exemptions, but those were the options.

04:48:36:20 - 04:49:02:03

CM Chahal

If the role of this council is exclusively based on the grand jury report that we come up with a new commission or need come up with that, I would I would not go that they like it. Yes. If we are trying to make an ethics improvement in our process of ethics, I will be there. But if the base of this whole discussion is the grand jury report, I will not support it because I do not agree with that grand jury report.

04:49:02:03 - 04:49:42:21

CM Chahal

And I stand on record responding to that grand jury report. But the issues would with that were coming back to my colleagues, brought forward that all the campaign finances have been increased. And now that, you know, when was the first time Maxim campaign financing was done brought forward in this city? That was a major change. And some of my colleagues sitting over here were supporting that measure and how much money was spent, \$35 million, \$5 million at that time, which was much higher than if you include the inflation.

04:49:42:21 - 04:50:04:29

CM Chahal

And the current value of that 5 million is much higher. It was okay for at that time to use that type of \$5 million. There is no question of ethics. There was no question of any other issues that was okay to use that money. Why? Why? At that time it was not pointed out purely dual purpose. They have been giving money to council elections.

04:50:05:16 - 04:50:41:05

CM Chahal

I for my own. I did not take even a single dime from any special interest in my three elections are in 2016, 2018, 2020. I rather returned special interest money which were donated to my campaign. I returned to checks. So bringing this forward that okay these and clubbing five council members in a way which is not desirable even that is not ethical like your clubbing five of your colleagues in a way which is not true is not ethical directly is not ethical.

04:50:41:23 - 04:51:19:07

CM Chahal

So these false accusations and this premise of this grand jury to bring forward this commission is not true. That's my first thing. Now, are we there to improve the system and what we need to do? Yes, we are. And I would suggest I would suggest we have a new city attorney. New new city manager do and city attorney has already volunteered and proactively told that he will be bringing some new training into one, two, three, four.

04:51:20:02 - 04:52:04:23

CM Chahal

I would suggest that give them some time. And with all the issues that I've have raised, like financing, what's the role and and who will be the punishing authority on these on this council? I think different articles have very well placed that APC is the right authority to do that. They have authority to listen to any complaint, they have the authority and to issue citations and issue even financial fines to audit the act, regulate campaign financing, conflict of interest, lobbying and government ethics.

04:52:05:07 - 04:52:46:28

CM Chahal

And there has been multiple complaints about members of this council with APC, and I think that's working out fine. Like if they have find some of the colleagues sitting over here, I think that's working out fine, like if we are trying to do that. So APC is the authority and I looked at the different states. Other states also has similar authorities which are at the state level and it's difficult for cities, every city, to have the authority to take care of transparency and government and foster public trust.

04:52:47:17 - 04:53:13:23

CM Chahal

It comes with the individuals, it does come with the individual. We all need to work to get it. And I also want to point out one more thing to councilmember sitting over here who won the election after this grand jury report was highly politicized in the election cycle. So it means myself and Councilmember Hardy have earned the trust of the people.

04:53:13:23 - 04:53:40:18

CM Chahal

After that report was brought into the public domain, the people, the residents knew about that thing. They knew about what is going on, what is wrong or what is right. And to just to accuse the so-called five that they are not ethical or they are in a like as per the grand jury, they are doing something wrong. That is completely wrong.

04:53:40:25 - 04:54:12:19

CM Chahal

The residents have spoken. Residents have given us the mandate to complete our second term. And so I have serious reservations about it going with a particular fan. But am I ready to have staff look into it? Even dwelled more idea into it. Like Sunnyvale has their own ethics brochure, like pretty long 1819 pages. Mountain View has its own brochures, basically.

04:54:12:28 - 04:54:41:22

CM Chahal

So I think we need to have put some time into this thing and come up with a solutions which are acceptable and practical to work what we are doing. Am I opposed to get taking consultancy for Markkula? No, I'm not. But are we trying to take a step which are based on some strong grand jury report? And that's the crux I'm trying to be.

04:54:42:01 - 04:55:06:23

CM Chahal

That grand jury report is the problem. It calls for bringing this thing over here. And I for sure have not done anything wrong as depicted by grand jury. But so I would suggest that we should have staff do some more study and find out a way around where we can have some improvement in our ethics program. What we had earlier.

04:55:06:23 - 04:55:30:26

CM Chahal

Like we had ethics outside consultant and find out what we can do, but that cannot be done right away. So staff will need to have do some homework. Why did we stop the previous one? What were the reasons we stopped those ones and why? What were the reasons we can improve that program? So I think we need to spend some more time and work on it.

04:55:30:29 - 04:56:07:24

CM Chahal

And there's another case basically, and studio, Long Beach, they basically formed a task force. And that task force, which we are trying to work out that task force came up with some recommendations to the city council, and I'm open to that. Like, yes, look at the study session, look at what is going on. So that as an independent task force or something that we looked at and those recommendations can be submitted to the council, as are my committees.

04:56:07:29 - 04:56:14:03

Mayor Gillmor

Thank you. That's exactly what the motion is, to look at alternatives to bring it back. So it sounds like you're going to support it.

04:56:15:13 - 04:56:16:28

CM Chahal

But the premise of this.

04:56:18:00 - 04:56:19:17

Mayor Gillmor

We please don't repeat, okay.

04:56:19:19 - 04:56:20:29

CM Chahal

Not even you started.

04:56:21:21 - 04:56:23:26

Mayor Gillmor

I'm just saying that's what the motion is.

04:56:23:26 - 04:56:29:22

CM Chahal

I'm saying that the premise of all that motion is the grand jury report and which I don't don't agree with that.

04:56:30:01 - 04:56:34:25

Mayor Gillmor

I don't think the grand jury was. Yes. In the in the in the motion.

04:56:34:29 - 04:56:38:08

CM Chahal

That is the premise that the premise that this grand jury says.

04:56:39:00 - 04:56:42:04

Mayor Gillmor

I get it, I get it. Thank you, Vice Mayor Park.

04:56:44:19 - 04:57:10:25

CM Park

Yeah. So I do believe that the request from Governance and Ethics Committee was more than just this request. I think it was look into what others do and come back to alternatives, even to the Markkula Center. I believe that was a request. I also talked to a number of people about ethics in the last couple of weeks. In fact, I had a conversation earlier this morning with somebody from Los Angeles, and they have a they've had if anyone's been following the news, they've had a lot of really big issues in Los Angeles.

04:57:11:11 - 04:57:54:14

CM Park

And but they've got an ethics commission. But to be honest, it sounds like they need two or three. I think that Councilmember Watanabe's idiom of calling off of crying wolf in reference to calls for counsel to police itself is appropriate. I've always been told that there's only seven people in the audience that watch city Council meetings and they all show up to complain and ask for resignations and things like that because they're not really successful at following the process that's already in place, which is getting the thousands of people that elected the people on council to unelect them.

04:57:57:22 - 04:58:29:03

CM Park

But to be honest, calls for policing has worked. I mean, Councilmember Watanabe was censured and Mayor Gilmore was admonished for what they did. And that was something that the audience that the residents came up, they asked for. And we considered it, and the majority said, yes, we think that's true. And I can fill in a few gaps in Councilmember Becker's campaign ethics history, and I can answer some of the questions as to what happened in 2014.

04:58:29:17 - 04:58:51:25

CM Park

But I do want to state to the city manager that I looked at the ethics website in our city city website, there are a lot of missing pages. I go to a lot of links. I see the history of the ethics program. I see, you know, the Sunnyvale is not the only one that has an ethics cheat sheet.

04:58:51:25 - 04:59:22:05

CM Park

We've got one, two, but there's a lot of links that just aren't there anymore. And in fact, 2014, it's funny, but those are the only first word and final word forums that are linked on our website. And they go nowhere. But they used to go someplace because in 2014 that was when Tom Shank's tenure with the city ended because he wouldn't address ethics complaints in the final word forum

04:59:22:18 - 04:59:49:19

CM Park

In fact, he wanted to turn the final word forum, you know, from a discussion of the ethics complaints of the ethics issues throughout the campaign into a tell us give us 90 seconds of why we should vote for you because there were no ethics complaints. He they weren't just ignored, but he actually obstructed discussion of the complaints, which included police reports which he was given.

04:59:49:19 - 05:00:08:22

CM Park

And I know that he was given he had those police reports because I gave them to him. And when pressed about campaign ethics, Mr. Shanks basically said that if you don't think someone's being ethical, don't vote for them. And my complaint about that is why are we paying \$20,000 a year to someone to tell us that?

05:00:11:08 - 05:00:34:17

CM Park

So I mean, and we used to have that on video. It used to be on video on the website. But now if you go to the website and you take a look at 2014 final word forum, the links go nowhere. And I would really like to see if you can find those links because I think it would tell a better picture that show a better story of what actually happened in 2014 and why we changed to Fred Kelly in 2016.

05:00:35:03 - 05:00:55:17

CM Park

And then what happened after that? I don't know. I got married, had a child and lived in place for a couple of years. But John C Stone had a great quote, and I've shared this with a number of people. And the quote is: "one reason people insist that you use proper channels to change things is because they have control of the proper channels and they're confident it won't work"

05:00:55:19 - 05:01:19:20

CM Park

And I think that, you know, as Councilmember Becker suggested, it sounds like the mayor just wants a commission to give weight to her accusations, you know, like what the vocal seven in the audience often do at council meetings, ignoring the thousands of people silent on the matter or matters because they have better things to do than to get involved in political attacks.

05:01:19:23 - 05:01:41:07

CM Park

And I can't help but feel that the people involved with the grand jury report understand this because they know that it's the accusations and the repetitions of the accusations that stick more than the findings. And I'm really disappointed. I mean, they say things such as, well, the majority of council disagree with the grand jury report, and we disagreed with it because it was wrong.

05:01:41:07 - 05:02:05:22

CM Park

It was provably false. I think that if something is provably false, you have to say it's wrong, even if it's something you want. But it turns out that requires ethics. So my questions would be, what would an ethics committee have over elected officials? And the answer that I often receive is, is nothing like we have internally char an internal char.

05:02:05:22 - 05:02:25:19

CM Park

They can do investigations, but i think they're powerless to do anything. City council members as well. I mean, i'll tell you a tactic that used quite often, which is I'm just going to accuse people of doing something bad. I can accuse, you know, anyone here of doing something bad. And it turns out that, you know, H.R. can investigate it.

05:02:25:22 - 05:02:58:18

CM Park

They can even report. Yes. In fact, there were complaints about this council member, but we can't tell you what the results were because that's internal investigation. And it turns out that the accusations are the thing that they care about. They don't care about the findings because nobody ever says, oh, but this person was found innocent. It's BrandaLee's law , which is it's a lot easier to lie about accusations than it is to fight, to uncover the lie like it takes so much more work to clean up the mess that's caused by lies.

05:02:59:22 - 05:03:29:13

CM Park

Right. But what powers And that's the question for the city attorney would an ethics committee have over elected officials? I think a better thing to do would be to have discussions in public, let the public know what the the different avenues they're currently are to hold elected officials responsible. I mean, I would love to have more members of the public come to the Governance and Ethics Committee so that it's not just a conversation amongst ourselves as people people complain about.

05:03:29:13 - 05:03:54:15

CM Park

But it turns out I don't think people outside the vocal seven showed up to the Governance and Ethics Committee because they're the only ones that actually care. I think that the minute the minute that anyone, including the district attorney, suggests that we should consider somebody guilty before there's a trial date, that very minute, that very second, we need a new district attorney.

05:03:58:00 - 05:04:20:23

CM Park

I see laughter because I think that people here don't don't want to get rid of this district attorney, because this district attorney is very friendly to some of them. It's just a thought. But the end of the day, like I don't see a reason to have another commission, ethics commission, especially by the Markkula Center. I mean, the Markkula Center.

05:04:21:01 - 05:04:40:15

CM Park

I'll say this. I'll repeat the quote. One reason people insist that use proper channels change things is because they have control of the proper channels and they're confident it won't work. And I think that once people understand this, we will look for better ways to do things than just, well, let's go with this because it's easy and it seems like it's the right thing to do.

05:04:42:28 - 05:05:12:11

CM Park

So I will not be supporting the motion to create a commission. I understand why some people will vote for that, but, you know, I really hope people understand. But the issue is the issue is not just should we be ethical, that's we're required to do that. That's already requirement. When you start looking at people, when you when you have people stating that we should put into law things that are already required, it makes me think, what are they?

05:05:12:11 - 05:05:16:09

CM Park

What are they not doing? Why don't they know this? Thank you.

05:05:18:23 - 05:05:24:26

Mayor Gillmor

I want to go to the public, but I see two councilmembers that have there. To Anthony Becker.

05:05:25:24 - 05:05:52:01

CM Becker

Thank you, Mayor. So, you know, it seems like this ethics commission idea is just set up to investigate council members, and that's not its intended purpose. In fact, it just seems, again, political purpose. It's funny, you know, there's a quote out there and I'm going to repeat that quote, the one who protests that too much is usually the one that's committing the crime is usually the one that's actually doing it.

05:05:52:16 - 05:06:26:13

CM Becker

So seeing that we're getting people up here constantly saying ethics and ethics and ethics, usually they're ones breaking the rules. So here's my idea in my idea is I'm going to make a substitute motion. And my substitute motion is not to

move forward with a ethics commission. But here's the thought. When we were on planning commission and Councilmember Jane remembers this every year we would have Zander, the attorney for our planning commission, sit there and go over the Brown Act with us every year, and we would usually get a second refresher course.

05:06:26:13 - 05:06:59:00

CM Becker

Sometimes I think one time was twice in a year because we had two new commissioners start. So seeing that we do that and that, I think someone I think it was Council Member or Councilmember Jain, I can't remember who said it, but a review, a review of this practice. So my idea is, as I said, my motion is to not move forward with an ethics commission, but to move forward with a review night, an annual review of ethics for the City Council and maybe other committees that may want to show up to listen to it.

05:06:59:29 - 05:07:07:10

CM Becker

And the annual review will take place, as I said, basically based on Assembly Bill 1234.

05:07:07:12 - 05:07:09:10

CM Hardy

Would that be led by the city attorney?

05:07:10:21 - 05:07:11:06

CM Becker

Absolutely.

05:07:11:26 - 05:07:13:07

CM Hardy

I will second that motion.

05:07:16:12 - 05:07:39:13

Mayor Gillmor

Substitute motion. All right. We're going to move on to I know you had your hand up tonight. Let me finish my sentence. We're going to move on and then I'll come back to the motions after because I haven't even gone to the public yet. Councilmember Jain.

05:07:39:15 - 05:08:08:16

CM Jain

Yeah. I was actually unclear on what Councilmember Watanabe's actual motion was. I am at this point unwilling to commit to establishing that commission. I think there's a lot of things that we can do in advance of that. We can have that session the AB1234, and review our Behavioral Standards DOC and our code of Ethics documents that should have been reviewed every six years.

05:08:09:23 - 05:08:44:25

CM Jain

And then Dr. Tom Shanks suggested that possibly getting someone like Joanne Spears, who was used to be the head of the ILG (Institute for Local Government), to moderate that session so that we could have someone independent do that, but we could find somebody else. But that was something he suggested and really to discuss whether the commission or if we do establish one, should be restricted to monitoring election activities, because it does seem like there's a lot of crazy stuff that happens during elections.

05:08:45:03 - 05:09:13:25

CM Jain

Signs put in an inappropriate places, the signs being stolen, false accusations, those kinds of things. I actually was in favor of the Last Word forum, but so I think that's what Councilmember Becker's substitute motion now is to do those trainings in public. And then possibly if something comes out of that to establish a commission, we could move

forward.

05:09:13:25 - 05:09:22:12

CM Jain

At that point. But at this point, I am certainly not going to support establishing off the bat at a commission.

05:09:23:17 - 05:09:45:23

Mayor Gillmor

That motion was not to establish a commission. So I don't know where that came from. The motion was to look at having the staff come back with options such as looking at the Markkula Center for Applied Ethics to consult and do an assessment of us. It wasn't to establish a commission all right. I'm going to go to the public now.

05:09:45:24 - 05:09:48:03

Mayor Gillmor

We have Brian. Go ahead, Brian, please.

05:09:51:00 - 05:09:52:02

Brian (Public Comment)

Can you hear me, Madam Chair?

05:09:52:02 - 05:09:53:04

Mayor Gillmor

Yes, we can. Go ahead.

05:09:53:15 - 05:10:01:10

Brian (Public Comment)

Thank you. This ethics, first of all, I think people are innocent until proven guilty.

05:10:01:25 - 05:10:03:27

Brian (Public Comment)

And I think that's sacrosanct. That's a.

05:10:03:28 - 05:10:05:11

Brian (Public Comment)

Fact. That should be a sacrament.

05:10:06:11 - 05:10:10:08

Brian (Public Comment)

So I believe that all of you are trying to do the very best you can.

05:10:12:05 - 05:10:32:15

Brian (Public Comment)

But ethics, there's like there I mean, you look at what's happening in the Supreme Court, it's like, you know, I'm going to get \$1,000,000 trip and I'm not and I'm going to hear, you know, cases that you have something to do with. And it's like, well, that's okay. No big deal. And these are the most powerful jurists really, honestly in the world.

05:10:32:15 - 05:11:04:16

Brian (Public Comment)

I mean, I don't know. Well, America is the most powerful country in the world, and that's ethics like going on what's in Europe? You know, one group says that it's not really a war and the other one says, well, we're just, you know, people die. That's what happens. My belief is, you know, we as people, as a as a human species trying to make it matter on this pale blue dot.

05:11:05:00 - 05:11:31:02

Brian (Public Comment)

We need to have guidelines, real clear red big markers, you know, like you do when you're trying to say, don't go there because life is pretty messy and you know that. I mean, having to deal with the 49 and stadium, I actually like the stadium. But anyways, the ethics issue, I'm running out of time and I don't like to go over it because that's an ethical issue too.

05:11:31:09 - 05:11:38:06

Brian (Public Comment)

You know, I wish it all the best. I just I wish folks could get along. You know, I know that's it's a lot more complicated than that. Thank you, ma'am.

05:11:39:10 - 05:11:41:19

Mayor Gillmor

Thank you. Wanda. Go ahead, Wanda.

05:11:47:17 - 05:11:56:13

Wanda (Public Comment)

Good evening, mayor and council. I wrote this before I listened to you all, so if I have time, I'll add to it. Can you hear me?

05:11:56:14 - 05:11:57:06

Mayor Gillmor

Yes, we can.

05:11:57:20 - 05:12:22:02

Wanda (Public Comment)

I've been involved in professional standards and ethics in the real estate community for over 40 years, and I'm still an ombudsman for the Santa Clara County Association of Realtors for the purpose of lifting the professional standards and image of realtors. Our city needs this to to improve it from a very negative ethical image. You cannot ignore it. It's there.

05:12:22:10 - 05:12:50:19

Wanda (Public Comment)

And that relates to public trust. And I think I was going to say, none of you responded to my email with five attachments suggesting many of the excuses, if you will, for delaying bringing this issue to the full council. And, Mike, this governance ethics ad infinitum committee that meets so infrequently that doesn't have enough time to cover everything.

05:12:51:08 - 05:13:22:11

Wanda (Public Comment)

Certainly buries ethics and calls for attention. I'm concerned that the council, just as I'm hearing here tonight, will block this again. And it seems intended to protect yourselves in some way rather than do what is best for the city. I really wish that you would please work together. I know that most of you are extremely intelligent and surely you're aware of what's going on in this city as far as citizens.

05:13:22:25 - 05:13:56:13

Wanda (Public Comment)

And to insult me. Councilman Parks, of the seven people that might speak about this because we care. Yes, I've taken the time. I've been on a commission which opened the doors to be more involved with the city, and I'm very disappointed. I hate to even add in how a commissioner was let go, which would certainly discourage commissioners. So I really just recommend this a simple consult, Markkula.

05:13:56:15 - 05:13:57:01

Mayor Gillmor

Thank you.

05:13:57:07 - 05:14:12:20

Mayor Gillmor

Thank you, Wanda. Dr. Shanks. Dr. Shanks, unmute yourself. You to unmute. There you go.

05:14:13:07 - 05:14:43:11

Dr. Tom Shanks (Public Comment)

Okay. Thank you. Since I've been mentioned a few times, I've wanted to call and clarify some things. I left the city in 2015 because the city council was no longer interested in ethics and the city staff was not committed to it either. So I left. What that meant was after 2015, Fred Kelly came in and he was there for a year and that was good.

05:14:43:11 - 05:15:10:07

Dr. Tom Shanks (Public Comment)

He came in just for the the election program. So one point I want to make is so I was not let go. I let the city go. Second thing I want to say is what you're asking about Measure J and 2016, 2018, 2020. As far as I could see, there was no ethics program that existed in those later years.

05:15:10:16 - 05:15:38:20

Dr. Tom Shanks (Public Comment)

And in the early year, the city council, my read was they were so bedazzled by the 40 miners and the city staff was overwhelmed. And I made a proposal to include ethics in everything that was being discussed with the 40 Niners and about 40 miners and the city decided not to do that. I don't know who was involved in that decision, but it was a decision not to have ethics be part of it.

05:15:39:12 - 05:16:05:18

Dr. Tom Shanks (Public Comment)

And that's the reason for an independent ethics commission. And when you talk about an independent ethics commission, it's a place where residents or anyone else can submit complaints. And those complaints in a nonpartizan and fair way get investigated. And most of them wind up being rejected in places where there are these things. But I don't think that this council is ready for an ethics commission.

05:16:05:23 - 05:16:14:14

Dr. Tom Shanks (Public Comment)

I think the proposals you're making are good ones to do training and to show that you are committed to ethics. Every single meeting you have.

05:16:19:02 - 05:16:20:15

Mayor Gillmor

Edward Go ahead. Edward.

05:16:22:23 - 05:16:23:19

Edward (Public Comment)

Yeah? Can you hear me?

05:16:23:21 - 05:16:24:10

Mayor Gillmor

Yes, we can.

05:16:24:24 - 05:16:49:07

Edward (Public Comment)

Oh, okay, great. Yeah, I've been. I was told to start at the local level. If you want change. And we know, you know, I brought it up in the past about how unethical. I mean, the local, state, federal government is right now. The courts won't even look at evidence. Just example, the election fraud evidence. Of course, even the Supreme Court wouldn't look at the evidence.

05:16:49:27 - 05:17:15:19

Edward (Public Comment)

And now I mean, it's just crazy, you know, that the stuff that's going on, like had previously said that Biden had trouble getting 20 people to attend his campaign rallies and Trump had thousands of people not just inside the arenas, but thousands waiting outside the arena. So that right there alone should tell everybody that, hey, there's something funny going on here, but also with the stadium.

05:17:16:09 - 05:17:40:16

Edward (Public Comment)

Yeah, I don't know what happened with security. I mean, when I first started as a season ticket holder there at the beginning of the the opening the stadium after the first season there with the Niners playing there, they had security at it each section entrance to the stadium and they took that away and they would overlook the people sitting in the seats make sure people were, you know, behaving.

05:17:41:04 - 05:18:06:12

Edward (Public Comment)

And now that that's been taken away, I think it would take away a few years back there's been more fights and, you know, incidents that may have been prevented. I don't know how that sharp object, that knife got into the stadium. I thought those metal detectors would catch, but I guess they couldn't even mess up with that. Maybe it's not 100%, I guess, detection.

05:18:07:02 - 05:18:32:28

Edward (Public Comment)

But yeah, I think we do need something because we do need to bring back ethics. I mean, just like I mentioned Levi Stadium where I voted. I was told to vote with a Sharpie and to stick my ballots in into a machine and no photo ID required as it. Well, wait a minute. In the years past, I've always had to show a photo ID and I've always had to use bachelor pad and stick my balls in a box.

05:18:32:28 - 05:18:33:05

City Attorney

Thank.

05:18:33:19 - 05:18:34:01

Mayor Gillmor

Thank you.

05:18:34:01 - 05:18:35:06

Mayor Gillmor

I think we should go.

05:18:36:14 - 05:19:02:21

Mayor Gillmor

Thank you so much. All right. Do we have any other public members that would like to speak on this issue? I don't see any. Do you? I'm a city clerk. Okay. All right. I'm just want to make some comments. And then I promised Kurt Vartan that I would read his email into the record since he wasn't able to attend tonight, because I think a lot of it I agree with.

05:19:04:18 - 05:22:14:26

Mayor Gillmor

(Reading from Kirk Vartan's letter.) So it's Mayor and Council and I'm not going to read all of it. Just the important part. I'm glad to see this item come before the full council for discussion. It should be a no brainer to create this, given it is what the civil grand jury recommended, but it's not surprising that you have not done it since the council majority basically dismissed all findings and recommendations made by the civil grand jury.

Councilmember Park stated there was no need for an independent ethics commission because there were already systems in place to handle discussions like this. He specifically cited the Governance and Ethics Committee as an ideal place to discuss the many issues brought up by the civil grand jury in their report Unsportsmanlike Conduct back in 2022. It met twice with no discussion of ethics or the report.

During the last meeting, however, Mayor Gilmore brought this up and argued with Chair Suds Jain about it. Jain was coming up with all kinds of reasons to delay, discuss and review. Same with Councilmember Chahal. It's likely they wanted to find ways to delay an ethics probe rather than find ways to accelerate the creation of an ethics commission. They were finding ways to delay it or to research it.

If this council majority wants to show they have nothing to hide and are not part of any 49er influence, they should want to expeditiously install an independent ethics commission. If they don't or cannot explain why they don't want it, that should be a major red flag to the community.

This council has shown it cannot police itself. They allow continued violations of the existing ethics and behavioral standard policies they all supported unanimously. Vice Mayor Park, for example, when the council was asked by multiple members of the public to agendaize the egregious behavior of Vice Mayor Park displayed during a council meeting the council members did a lot of "whatabout-ism" and did not address the conduct.

In fact, no one condemned it, and Vice Mayor Park did not make a single comment during the discussion, but he did feel it was okay to vote on it. And the same with Councilmember Becker. Whether he is attacking a member of the public, lying to the public or committing misdemeanor or felony crimes against grand jury, it is clear this council will not hold their majority accountable.

It's sad and embarrassing. A body that is supposed to be beyond reproach is anything but. Authorize the Independent Ethics Commission. Don't let the Council influence it at all. Use the Santa Clara experts at the Markkula Center for Applied Ethics, to consult for the city and build an independent commission.

You should get moving on this ASAP. It's been too long already.

MAYOR GILLMOR: And so the comments I want to say is that the motion that Councilmember Watanabe made was to start a process to look at what alternatives we had by engaging with the Markkula School of Ethics to come back with some options for us. It wasn't to empanel an independent commission. I know there's a substitute motion on, but I just want to say about some of the comments I've heard only ethics commissions happen in big cities.

05:22:14:26 - 05:24:07:16

Mayor Gillmor

I guess we're not big enough for we to our problems aren't big enough to have an ethics commission. Ethics costs too much money. But yet this council didn't think twice about putting something on the agenda to put 500,000 into an election to get rid of our elected police chief. And it's ironic that the council member who's under criminal indictment by a civil grand jury is the one telling we don't need an ethics commission. I mean, seriously, folks, there were things in that grand jury report, like the council members meeting 60 times in a year and a half, individual council members 60 times with special interests, with the 49ers. And that's not a red flag to us that we have to look at how we operate, how we conduct our business.

The civil grand jury ... the the county grand jury Whether you agree with them or not, whether you were interviewed or not, the facts are there. That state that, this council majority puts the interests of a special interest over the interests of our community. And if you want to fight that and tell the city and the citizens that it's wrong, that you have nothing to hide, why are you fighting this?

I can't imagine any city council in our county or anywhere that would fight having having ethics experts look at us and how we operate, look at them and how we operate. I can't imagine any city council fighting it, but you all seem to figure it out that you are you don't need it, you don't need this. But I'm telling you, we need it here on the city council.

05:24:07:19 - 05:24:33:06

Mayor Gillmor

We need someone to come in and take a look at us independently and make recommendations to us so that we can act in the best and bring the public trust back to the city. Because it's not there right now. It's not there right now. So please stop the excuses and support having the Markkula Center take a look at us.

05:24:34:11 - 05:24:35:22

Mayor Gillmor

All right. Vice Mayor Park.

05:24:36:18 - 05:24:41:10

CM Park

I like to call the question for whether or not the substitute motion should be considered.

05:24:41:25 - 05:24:48:03

Mayor Gillmor

Councilmember Chahal

05:24:48:05 - 05:25:17:04

CM Chahal

I would like to put some straight record in record right now. So as I mentioned, the premise that grand jury said something is the basis of this thing. I that's the reason I'm basically not voting for the first motion, basically because I for sure myself, know I did not do anything wrong. And I always, always put the interest of the resident first.

05:25:17:23 - 05:25:50:11

CM Chahal

And you're seeing somebody that coming together or they took the interest of 49ers. Check my voting record, bring forward the votes I made on this council. What votes you disagree with and I would be ready to discuss each and every vote that why it was important for residents. And what did I do for 49ers which you see I compromise the interest of the residents. Bring forward any of those.

05:25:50:11 - 05:25:56:10

CM Chahal

I'm ready to do that. All my words were in the best interest of the residents of City of Santa Clara.

05:25:58:07 - 05:25:58:18

City Attorney

Spent.

05:25:59:19 - 05:26:24:09

CM Chahal

A mere mention that, oh, they just approved. They're trying to approve 400K or something for that didn't we spent \$5 million, almost \$5 million for fighting unnecessary civil lawsuit. We did. You never complained about that at that time that this is a false premise. We should not be fighting. No city has ever won the lawsuit against CBRE.

05:26:24:11 - 05:26:48:14

CM Chahal

Our neighboring cities, Sunnyvale. Everybody did it with hundreds of dollars instead of spending \$5 million. Why was that? That was a political that. We never wanted the system to change. We never wanted the minorities to be on this council. Basically. We never followed that CVRA in in just cause for that. Why the state of California made the CVRA basically.

05:26:48:17 - 05:27:17:01

CM Chahal

And we fought that. We lost \$5 million. And here we are asking why? Why we are spending this money of that money. So please, let's be rational and not make everything as a political. Everything is being made political. Let's not make that we want ethics. There are ways of doing that, that are ways of training it. And all these document, which I read, some of these think they see enforcement training being back again and again.

05:27:17:05 - 05:27:37:20

CM Chahal

And then you can do that. There is enforcement agency, there is FPPC, which can deal with the enforcement of that. So I will not be supporting the motion, which is based on civil grand jury report, which is completely false, according to me. As far as my particular things to report it. That's completely false. Thank you.

05:27:37:23 - 05:28:01:28

Mayor Gillmor

All right. So we have the first vote is whether to accept a substitute motion. Correct. And the substitute motion is no independent look. But training on annual training for something that we are trained to annually anyway, or every two years. Right. That AB1234 Is that what the motion was?

05:28:02:03 - 05:28:14:16

CM Becker

Yes. That's the motion. But we we get the training personally ourselves to do it ourselves. But I think it would be proper to have a full training with the entire city council in front of the public. So we are doing this transparently.

05:28:14:18 - 05:28:17:06

Mayor Gillmor

Yeah, because we're required to do that anyway.

05:28:17:06 - 05:28:19:15

CM Becker

So no, we've never done that before.

05:28:19:15 - 05:28:25:02

Mayor Gillmor

Whether or not to accept the substitute motion City Clerk roll call vote or not roll call.

05:28:25:06 - 05:28:29:22

Assistant City Clerk

Okay. So I have a motion for the substitute motion, but I need to.

05:28:29:22 - 05:28:38:02

Mayor Gillmor

Accept the substitute motion whether or not we want to accept the substitute motion. Right. So that's the first vote

05:28:38:02 - 05:28:39:08

Assistant City Clerk

By the maker for.

05:28:39:09 - 05:28:42:05

City Attorney

Two step process. Thanks, Mayor.

05:28:42:08 - 05:28:43:21

Assistant City Clerk

I need a first and a second for that.

05:28:43:21 - 05:29:20:03

Mayor Gillmor

That was Becker and Hardy. Please register your vote. It passes 5 to 2 and the next is to accept the the next is the actual motion. That's correct. You have annual training of SB what is it? One, two, three, four. AB One, two, three, four. With the city attorney.

05:29:20:05 - 05:29:21:11

CM Jain

And a mayor had my hand up.

05:29:24:00 - 05:29:24:27

Mayor Gillmor

Councilmember Jane.

05:29:25:18 - 05:29:42:14

CM Jain

Yeah. I had actually added to Councilmember Becker's motion to review the existing Santa Clara Docs documents. That's the behavioral standards for councilmembers and the code of ethics that we've had since 19.

05:29:42:22 - 05:29:45:02

Mayor Gillmor

Ones on the wall right here. Those.

05:29:45:11 - 05:29:47:26

CM Jain

Okay, This document's a lot longer than that.

05:29:48:01 - 05:29:50:14

Mayor Gillmor

Oh, I'm just saying they're right here on the walls.

05:29:50:27 - 05:29:52:06

CM Jain

So we should review that.

05:29:52:10 - 05:29:52:23

Mayor Gillmor

All right.

05:29:53:08 - 05:29:53:28

CM Becker

I'll accept that.

05:29:55:11 - 05:29:56:14

CM Hardy

Second, concurs.

05:29:56:20 - 05:30:14:06

Assistant City Clerk

Thank you. If I may just read this back motion is not to move forward with an ethics commission, but to move forward with the public annual AB1234 ethics review led by the City attorney and review the current behavioral standards

05:30:14:08 - 05:30:25:25

City Attorney

Yeah, we're looking for a better understanding of what that additional suggestion is. What kind of review? Who does that review?

05:30:26:27 - 05:30:27:28

Mayor Gillmor

Apparently you do.

05:30:28:04 - 05:30:40:22

CM Jain

I had I had actually suggested, according to what Dr. Shanks had suggested, this we hire possibly an independent consultant for that could be....What did I say? within a mark.

05:30:40:22 - 05:30:43:08

Mayor Gillmor

The Markkula Center?

05:30:43:08 - 05:30:50:00

CM Jain

Joanne Spears of the ILG to moderate someone like that. Not necessarily that. (Note: ILG is the Institute for Local Government, located in Sacramento. It is the research wing of the League of California Cities, the professional association to which all California cities belong.)

05:30:50:00 - 05:31:06:00

Mayor Gillmor

Well. Okay. Well, that brings it back to what the original motion was, was to hire someone to look at independent, an independent person to look at us. But you're saying it the same way, but you're using different words, but it's the same review.

05:31:06:00 - 05:31:08:01

CM Jain

Our current documents. Yeah.

05:31:08:04 - 05:31:09:14

CM Becker

It's a review. In a current document.

05:31:10:06 - 05:31:12:12

Mayor Gillmor

I don't know who that person is you're talking about.

05:31:12:12 - 05:31:16:27

CM Becker

And I prefer not to go through the Markkula. I prefer to have someone independent.

05:31:16:29 - 05:31:19:02

Mayor Gillmor

You say the Markkula Center is not independent.

05:31:19:19 - 05:31:21:02

CM Becker

Not compared on the history we've had.

05:31:21:22 - 05:31:23:12

In what history have you had?

05:31:24:15 - 05:31:29:08

CM Becker

I haven't had any personal history, but based on the history I've seen for the last 20 years, I don't trust it.

05:31:29:22 - 05:31:33:24

Mayor Gillmor

Because why? I want to know. Because they're a very renowned.

05:31:34:04 - 05:31:34:28

CM Becker

I don't think I have an.

05:31:34:28 - 05:31:42:09

Mayor Gillmor

Organization. And you are saying you don't trust the Markkula Center. So I think you owe the public an explanation why you don't trust the Markkula Center.

05:31:42:12 - 05:32:00:08

CM Becker

I don't trust the Markkula Center because it seems like someone on this, the city council over here wants to go in that direction to the Markkula Center. So, again, I think I'm going to go back to Kevin Park's comment. Councilmember Parks comment is people that know how the system works try to make it effective in the way they want it to

05:32:00:10 - 05:32:06:18

CM Becker

I'm just saying that we need an independent person to do this, these kind of things. That's just my opinion.

05:32:07:12 - 05:32:40:22

City Manager

The manager Thank you Mayor Council. I think there's two points that I want to clarify. One, when the review occurs, where you want that venue to occur, do you want that to come back to the Governance and Ethics Committee or would you like it to come back to the full city council? The the other question is, or the other comment that I would make is I've heard a number of individuals or the Markkula Center mentioned as the party that we should contract with.

05:32:41:22 - 05:33:11:19

City Manager

Totally understand that council members often may say, you know, take a look at this entity, but I would advise you against adopting a motion directing staff to contract with a certain vendor. We need to make sure that we comply with all of our purchasing processes and go this RFP or or get the appropriate bids. But I totally understand that there may be an entity that the city has used before that council members may want us to certainly look at.

05:33:11:22 - 05:33:14:11

City Manager

But I just don't think that that should be included in the motion.

05:33:14:20 - 05:33:18:23

CM Becker

Thank you, City Manager for fine tuning. I didn't know how to say that, but thank you.

05:33:23:15 - 05:33:30:24

Mayor Gillmor

You have that, City Clerk?

05:33:30:27 - 05:33:32:24

Assistant City Clerk

Okay, so I'll just read what I think I.

05:33:33:12 - 05:33:41:14

CM Jain

Can I clarify, I would prefer it to come to the full city council, not governance and ethics as a study session.

05:33:45:29 - 05:33:59:19

Assistant City Clerk

Okay, So look, not to move forward with the ethics commission, but to move forward with the public annual AB1234 ethics review led by the City attorney and review the current behavioral standards at a council.

05:33:59:20 - 05:34:00:13

CM Jain

As a council.

05:34:00:15 - 05:34:01:08

Assistant City Clerk

The study session.

05:34:03:08 - 05:34:35:22

CM Park

Yeah. So? So I want to say that somebody independent would be somebody that Tom Shanks doesn't know. I think it would be somebody that none of us knows but perhaps could interview. I am. That probably includes the Markkula Center, that probably includes Joanne Spears. And I think that we really need to think about what independent means. Like, I think we've we've forgotten or we've been misled into the definition what independent is.

05:34:35:22 - 05:34:57:14

CM Park

And I think that we need to stop listening to what people tell us and go back to the definition of what independent is. I hear a lot of things. The facts are there most of the accusations, the grand jury report provably wrong and somebody including, you know, accuse me of including them in a group. And I stated a number that was stated to me.

05:34:57:20 - 05:35:21:13

CM Park

I did not include any people in any group. If anything, it seems that people included themselves. But what I've heard is a lot more accusations without findings. And I want to make very clear to this council that independent means independent. I really think we need to look at, you know, first principles and what that means that that's all.

05:35:22:06 - 05:35:24:01

Mayor Gillmor

So independent means independent.

05:35:24:03 - 05:35:24:24

CM Park

That's correct.

05:35:24:27 - 05:35:28:01

Mayor Gillmor

Okay. Very good. All right. Can we vote on this now, please?

05:35:28:26 - 05:35:52:05

Assistant City Clerk

I want to make sure I have this accurate still not to move forward with an ethics commission and have an annual review of ethics by 81 to 3 for ethics with city attorney Derek Staff to hire an independent consultant based on city RFP process to review the current behavioral standards and return to council with his findings. Is that correct?

05:35:54:10 - 05:36:12:03

Assistant City Clerk

We thank my deputy for that

05:36:12:05 - 05:36:28:19

Mayor Gillmor

Please register your vote and that passes 5 to 2. All right. Thank you. We're moving on to. Members and special committees. Anybody have a report, a short report?

05:36:34:02 - 05:36:39:27

Mayor Gillmor

Councilman Park? No, that's old.. You do.

05:36:39:29 - 05:36:40:26

CM Park

No

05:36:40:28 - 05:36:44:08

Mayor Gillmor

All right. Councilmember Becker.

05:36:45:00 - 05:37:08:12

CM Becker

Thank you, Mayor. This is more of an announcement in the last in the public comments that we had earlier this evening and probably in the last few meetings we've had. There's been numerous comments of demanding my resignation from the city. The one thing I'm going to say, and I must say it very clearly is in America, there's a thing called due process, and I have no plans of stepping down.

05:37:08:23 - 05:37:09:05

CM Becker

Thank you.

05:37:11:18 - 05:37:14:13

Mayor Gillmor

Thank you for that. Councilmember Watanabe.

05:37:14:15 - 05:37:42:20

CM Watanabe

Thank you, Mayor. I just quickly, I just want to again, I want to thank the city manager for jumping on the issue that occurred on July 2nd at the soccer match and and just just responding and the meetings, because it means a lot to me, obviously, because it was my district that's impacted and also just the time that the mayor and I spent in of, you know, putting something together to be able to relay back to the city.

05:37:42:20 - 05:37:47:04

CM Watanabe

So thank you very much for taking all of that into consideration and acting on it. Thank you.

05:37:47:29 - 05:38:00:26

Mayor Gillmor

I echo those comments as well. Thank you very much. All right. Do I have a city manager comment? None. All right. May I have a motion to adjourn?

05:38:01:00 - 05:38:04:03

CM Becker

Motion. (Hardy seconds)/

05:38:04:06 - 05:38:15:11

Mayor Gillmor

Motion and a second to adjourn. Please register.

05:38:15:11 - 05:38:15:26

City Attorney

Your vote.

05:38:17:11 - 05:38:27:19

Mayor Gillmor

I And that passes unanimously. This meeting is adjourned. Thank you, everyone. Have a good evening.