

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, NOVEMBER 7, 2014

The Council of the City of San José convened in Special Session at 9:18 a.m. in the Council Chambers at City Hall.

Present: Council Members - Campos, Constant, Herrera, Khamis, Liccardo, Nguyen, Oliverio, Rocha; Reed.

Absent: Council Members - Chu, Kalra.

ORDERS OF THE DAY

Upon motion by Vice Mayor Nguyen, seconded by Council Member Herrera, and carried unanimously, the Orders of the Day and the Amended Agenda were approved. (9-0-2. Absent: Chu, Kalra.)

1. Police Recruits: As recommended by the Rules and Open Government Committee on October 29, 2014:

- (a) **Appoint an independent investigator to investigate the recruiting, hiring and training process for the last three police academies to determine if actions have been taken during the process to reduce the number of new officers joining the San José Police Department or to induce new officers to leave the department while in the Academy, Field training program, or probationary period; and**
- (b) **Appoint an Ad Hoc Committee to monitor the investigation until the results are brought back to the City Council for review and action.**

[Rules Committee referral 10/29/14 – Item G(3)] (Mayor)

Documents Filed: (1) Memorandum from Councilmember Liccardo, dated November 7, 2014, providing recommendations regarding post-exit inquiries of recent recruits leaving the SJPD and deferral of Council consideration. (2) Memorandum from City Attorney Richard Doyle, dated November 5, 2014, providing City Council Investigation. (3) Memorandum from City Clerk Toni J. Taber, CMC, dated November 3, 2014, transmitting the recommendations of the Rules and Open Government Committee.

1. Police Recruits (Cont'd.)

Motion: Councilmember Liccardo moved approval of Staff's recommendations, including direction as outlined in his memorandum of November 7, 2014. Councilmember Herrera seconded the motion.

Action: On a call for the question, the motion carried unanimously, and Staff's recommendations were accepted, with direction to Staff as outlined in Councilmember Liccardo's memorandum dated November 7, 2014, as follows: (1) City Manager to conduct a post-exit inquiry of recent recruits who have left the SJPD either prior to, or after, their completion of training at any of the last three Police Academies, to assess their reasons for leaving. Report back to the Council in January with the results of that inquiry. That inquiry should be conducted by any outside firm or staff member designated by the City Manager. (2) Defer Council consideration of a 3rd-party investigation until the conclusion of that inquiry. (9-0-2. Absent: Chu, Kalra.)

RECESS/RECONVENE

The City Council recessed at 9:25 a.m. and reconvened at 10:32 a.m. in Council Chambers

Present: Council Members - Constant, Herrera, Kalra, Khamis, Liccardo, Nguyen, Oliverio (10:42), Rocha; Reed.

Absent: Council Members - Campos, Chu.

3. **Interviews for Public Members on the Boards of Administration for the Federated City Employees' Retirement System and Police and Fire Department Retirement Plan. Interview applicants and consider appointments to fill the following positions:**
- (a) **Two Public Member positions on the Board of Administration for the Federated City Employees' Retirement System; and Conflict of Interest**
 - (b) **Two Public Member positions on the Board of Administration for the Police and Fire Department Retirement Plan. Conflict of Interest**
- (City Clerk)**

Documents Filed: (1) Two memoranda from City Attorney Richard Doyle, both dated October 29, 2014, providing background on review of applicants. (2) Memorandum from Diane Buchanan, Deputy Director, Planning, Building and Code Enforcement, dated October 22, 2014, indicating the Code Enforcement Division's review of the applicants. (3) Memorandum from City Clerk Toni J. Taber, CMC, dated October 27, 2014, transmitting the recommendations of the Rules and Open Government Committee. (4) Supplemental memorandum from City Clerk Toni J. Taber, CMC, dated November 6, 2014, transmitting updated information regarding the interviews. (5) Letter from Elizabeth Rounds, conveying her interest in continuing to serve on the Board of Administration for the Police and Fire Department Retirement Plan although she was unable to attend the interview.

3. (Cont'd.)

Councilmember Constant offered an introduction.

Interviews were conducted for the Board of Administration for the Federated City Employees' Retirement System.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Herrera and carried unanimously, Lara Druyan (FCERS incumbent) and Michael Armstrong (FCERS incumbent) were appointed to additional terms serving on the Board of Administration for the Federated City Employees' Retirement System (FCERS) (8-0-3. Absent: Campos, Chu, Rocha.)

Interviews were conducted for the Board of Administration for the Police and Fire Department Retirement Plan, and electronic voting was utilized for the Council's vote.

Action: With six votes each, Jeremy Joseph Evnine and Ghia Griarte were appointed to serve as the two public members on the Board of Administration for the Police and Fire Department Retirement Plan. (8-0-3. Absent: Campos, Chu, Rocha.)

4. Appeals Hearing Board Interviews: Interview applicants and consider appointments to fill the following positions on the Appeals Hearing Board:

- (a) Two Members-at-Large with terms ending December 31, 2018; and**
- (b) One Attorney-at-Law representative with a term ending December 31, 2018.**
(City Clerk)

Documents Filed: (1) Memorandum from City Attorney Richard Doyle, dated October 27, 2014, regarding review of applications. (2) Memorandum from Diane Buchanan, Deputy Director, Planning, Building and Code Enforcement, dated October 22, 2014, indicating the Code Enforcement Division's review of the applicants. (3) Memorandum from City Clerk Toni J. Taber, CMC, dated October 27, 2014 providing information regarding the Appeals Hearing Board Appointments. (4) Supplemental memorandum from City Clerk Toni J. Taber, CMC, dated November 6, 2014, transmitting updated information regarding the interviews.

Interviews were conducted for the Appeals Hearing Board.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Herrera and carried unanimously, Karen Parsons was appointed to serve as a Board Member-at-Large with a term ending December 31, 2018. Andrew Ditlevsen, was appointed to serve as the Attorney-at-Law representative with a term ending December 31, 2018. (9-0-2. Absent: Campos, Chu.)

5. Civil Service Commission Interviews: Interview applicants and consider appointments to fill the following positions on the Civil Service Commission:

(a) One Attorney-at-Law representative; and

(b) One Member-at-Large.

(City Clerk)

Mayor Reed recommended deferral of the Civil Service Commission interviews.

Councilmember Rocha questioned the necessity for reopening the application process. City Manager, Edward K. Shikada and City Attorney Richard Doyle responded to questions and indicated that more time was needed for Staff to review procedures.

City Clerk Toni J. Taber, CMC, indicated that the application process would be reopened today and will close November 30, 2014.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Khamis and carried unanimously, the Civil Service Commission interviews and selection was deferred pending outcome of a Staff review, with the application process reopened and recruitment efforts to be continued.

OPEN FORUM

The Civil Service Commission incumbent Attorney-at-Law and applicant Margaret Akdeniz and Civil Service Commission Chair Bill Brill addressed comments directed towards the standing Commission and urged the importance of a thorough and transparent review and consideration of the reappointment of those Commissioners currently serving.

ADJOURNMENT

The Council of the City of San José Meeting was adjourned at 12:30 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC
City Clerk

rmk/11/7/14MIN