

**Opening Statement
Independent Investigator's Report and
City Council Censure Hearing**

**Ron Gonzales
December 13, 2005**

Today I express my sincere apology to my City Council colleagues and to the people of San Jose. I'm sorry that I have disappointed you. Although I've always tried to do the right thing for the people of San Jose, it's clear now that on this matter I went about it the wrong way.

From the beginning of this issue, my goal has been to achieve the City Council's objectives. These included getting low rates for garbage services and decent pay for the people who do the hard work of processing garbage for our community.

Although we were successful at achieving these goals – and they remain high priorities for the City Council and our community – I failed to do it the right way. For this I apologize. I take full responsibility for my decisions, the actions of my staff, and my own process for dealing with this issue. I should have handled these matters differently.

As I've previously stated, I should have disclosed more information sooner and more often to the City Council and to the public regarding all the issues related to the Norcal contract, labor costs, and garbage rates. I should have spoken up earlier to ensure that the City Council knew everything I knew, when I knew it, especially when I had the opportunities to do so.

There were two critical moments especially when my staff and I should have provided this information to you. First was in late 2000, before the City Council decided to move forward with the first Norcal contract. I had become aware of the potential for higher labor costs as a result of the dispute between unions about labor jurisdiction and paying prevailing wages. This was before the Council's decision to go ahead with the Norcal contract in December 2000.

I didn't share what I knew at that time – and I should have. I didn't tell the Council what I was aware of about Norcal's labor issues and how paying prevailing wage to garbage sorters would ultimately increase the cost of the contract. Even though these issues took four more years to finally get resolved, I should have brought it to the attention of the City Council then, in the first place.

The second key moment was during our discussions of increased garbage rates in the spring of 2003. Although Norcal's labor issues and costs still were not completely settled at that time, I was aware of their potential impact on rates. Once again, my staff and I also should have shared more with the City Council, even if the information was still preliminary.

I've been asked why I did not share this information – by my colleagues, the public, and the news media. I've also asked myself that question.

I've always carried myself as a "Get it done" mayor, and I clearly fell victim to that part of my personality in this issue. I tried to solve this problem on my own. I tried to show that my leadership and action could bring back a solution to you that would satisfy everyone. It didn't work that way.

Instead, I should have approached the City Council for help and asked for your input. I should have trusted that once you saw all the facts that I saw – even in the early stages – you would have come to the same conclusions that I did. I didn't do that. As a result, the process I used to handle this issue failed. I'm not proud of that result. This is not to excuse my decisions, and I don't want to diminish my apology or the seriousness of the issue. I'm sorry I failed your expectations – and my own.

I must also say this – and I want to be very clear: There have been only two groups of people who benefited from my involvement in the Norcal contract amendment: First, the residents of San Jose. Our residents now pay one of the lowest rates for garbage service in the entire Bay Area, even with rate increases and the amended contract.

And second, the workers themselves, who do the hard work of picking through our community's garbage every day. They are now paid a decent wage – a fair wage – as a result of this City Council's strong insistence on making sure that happened.

I've always prided myself on trying to do the best possible job for our community. I worked hard to resolve the complex and difficult issues involved in this matter, although it didn't turn out the way any of us would have liked it to.

Now I have one year left as your mayor. I intend use this time to continue to work with you and the people of San Jose, day by day, to address the issues that are most important to our community – together: Strengthening our neighborhoods and keeping San Jose safe; helping our children achieve success and helping businesses create jobs for them; improving our airport and bringing BART to Silicon Valley. I know that these are goals shared by the City Council and our community.

I've learned a lot in my years as mayor. I've learned to work more cooperatively with my colleagues. I've learned to turn to you for your help, and for your leadership, to meet our challenges and difficult issues together.

We have achieved much together over the past seven years for our city. There is much more I know we can get done – together – before I leave office. It should be our goal – together, to give the next mayor and City Council a stronger foundation for achieving success in future years.

I pledge to continue to work with you to build on the progress we have already made. I have faith and hope that you, my colleagues, will judge my actions on this issue against the many accomplishments we have achieved together.

I join you, the City Council, to serve what are truly the best interests of our residents by getting back to what San Jose does best: working together to make this city the best it can be for everyone. I ask you to please accept my apology so that we can move forward together.