



COUNCIL AGENDA: 9-27-11
ITEM: 2.14

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Dennis Hawkins, CMC
City Clerk

SUBJECT: SEE BELOW

DATE: SEPTEMBER 23, 2011

SUBJECT: WAIVER OF REVOLVING DOOR RESTRICTION

RECOMMENDATION

As recommended by the Rules and Open Government Committee on August 31, 2011 and September 21, 2011,

1. Approve a request for a Waiver of the Revolving Door Restriction under San José Municipal Code Section 12.10.030 (A) for Edith Ramirez, former Redevelopment Agency employee, to allow her to work on legislative or administrative matters which she worked on during the twelve months prior to her termination of service, or which was within her area of job responsibility as defined in Section 12.10.030 A. The Committee recommends a finding that a Waiver of the Revolving Door Restriction under San José Municipal Code Section 12.10.070 for Ms. Ramirez, is in the best interest of the City,
2. Approve a request for a Waiver of the Revolving Door Restriction under San José Municipal Code Section 12.10.030 (B) for Ms. Ramirez only for the purpose of representing before City commissions or City staff, businesses or persons that, within the last 12 months of Ms. Ramirez's employment with the Agency (1) did not receive any subsidy from the Agency or (2) were not involved with any project Ms. Ramirez worked on. The Committee recommends a finding that a Waiver of the Revolving Door Restriction under San José Municipal Code Section 12.10.070 for Ms. Ramirez, is in the best interest of the City.
3. A waiver of Municipal Code Sections 12.10.030 (C) is not granted. Ms. Ramirez remains subject to the Revolving Door Restrictions under that section and may not receive any gift or payment as defined in 12.10.030 (C).

Please see the attached memoranda previously submitted to the Rules and Open Government Committee and City Council for further information.



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Richard Doyle,
City Attorney

SUBJECT: Referral from City Council to the
Rules and Open Government
Committee about Waiver of
Revolving Door Restriction

DATE: September 16, 2011

BACKGROUND

In response to Councilmember Sam Liccardo's memo dated September 12, 2011, for Council Agenda Item 2.18 on September 13, 2011 (a copy of which is attached), the City Council referred the waiver of the Revolving Door ordinance for Edith Ramirez back to the Rules and Open Government Committee.

ANALYSIS

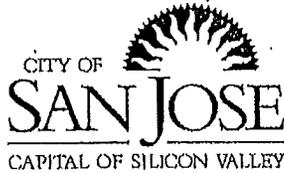
We have reviewed Councilmember Liccardo's memo and suggest that the following waiver (in addition to the waiver already recommended by the Rules Committee) would be consistent with his intent:

Waive Section 12.10.030(B) only for the purpose of representing, before City commissions or City staff, businesses or persons that, within the last 12 months of Ms. Ramirez's employment with the Agency (1) did not receive any subsidy from the Agency or (2) were not involved with any project Ms. Ramirez worked on.

RICHARD DOYLE
City Attorney

By: *Lisa Herrick*
LISA HERRICK
Sr. Deputy City Attorney

Please contact Lisa Herrick at 408-535-1900 with any questions.



Memorandum

TO: HONORABLE MAYOR &
CITY COUNCIL

FROM: Councilmember Sam Liccardo

SUBJECT: WAIVER OF REVOLVING DOOR
RESTRICTION

DATE: September 12, 2011

Approved

Date

9-12-11

RECOMMENDATION

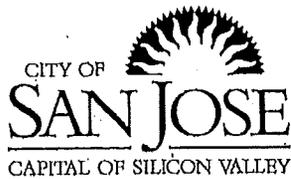
Return to the Rules Committee to consider the following recommendation:

Waiver of Section 12.10.030(B) the 2-year "revolving door" restriction as to Ms. Ramirez as to:

1. Matters that might have laid within her area of job responsibility, but not as to:
 - a. matters on which she actually worked, in the twelve months prior to the elimination of her position;
 - b. matters involving those corporations that benefitted directly from Redevelopment Agency funding;
2. Represent anyone else on any matter before any City commission or staff, but not before any colleagues at the Redevelopment Agency, or City Council members.

BACKGROUND

The recommendation will allow Ms. Ramirez to pursue a consulting business while staying within the spirit of the ordinance. The waiver will allow Ms. Ramirez to represent businesses or persons who, within the last 12 months of her employment with the agency, 1) did not receive Agency funds or 2) were not involved with any project she worked on.



COUNCIL AGENDA: 09-13-11
ITEM: 2.18

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Dennis Hawkins, CMC
City Clerk

SUBJECT: SEE BELOW

DATE: 08-31-11

SUBJECT: WAIVER OF REVOLVING DOOR RESTRICTION

RECOMMENDATION

As recommended by the Rules and Open Government Committee on August 31, 2011,

1. Approve a request for a Waiver of the Revolving Door Restriction under San José Municipal Code Section 12.10.030 A. for Edith Ramirez, former Redevelopment Agency employee, to allow her to work on legislative or administrative matters which she worked on during the twelve months prior to her termination of service, or which was within her area of job responsibility as defined in Section 12.10.030 A. The Committee recommends a finding that a Waiver of the Revolving Door Restriction under San José Municipal Code Section 12.10.070 for Ms. Ramirez, is in the best interest of the City, under the above defined terms and limitations.
2. A waiver of Municipal Code Sections 12.10.030 B. and C is not granted and Ms. Ramirez is still subject to the Revolving Door Restrictions under those sections.

Please see the attached memo previously submitted to the Rules and Open Government Committee for further information.



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: DENNIS HAWKINS, CMC

SUBJECT: WAIVER OF REVOLVING DOOR
RESTRICTIONS

DATE: August 19, 2011

RECOMMENDATION:

The Rules Committee consider a request for a Waiver of the Revolving Door Restriction under Municipal Code Section 12.10.070 for:

- a. Edith Ramirez, former Redevelopment Agency employee, finding that such a waiver is in the best interest of the City.
- b. Make a recommendation to the City Council as appropriate and forward the item to the full Council for action on August 30, 2011

BACKGROUND:

The City Council adopted Ordinance 28074 on June 26, 2007 which revised San Jose Municipal Code Chapter 12.10 – Revolving Door Restrictions. As defined in SJMC 12.10.010, the purpose of the revolving door restrictions is to:

- A. To assure the independence, impartiality and integrity of city and agency officials and designated employees in making governmental decisions and taking governmental actions.
- B. To prevent such former officials and designated employees from using their positions with the city or agency for personal gain.
- C. To prevent private for-profit business entities from obtaining a real or perceived unfair advantage in dealing with the city or agency by hiring former officials and designated employees.

Under Municipal Code Section 12.10.030, former officials and designated employees are prohibited for two years after terminating City or Redevelopment Agency employment from pursuing:

- A. Work on any legislative or administrative matter on which the official or employee worked on behalf of the city or agency during the twelve months prior to termination of service, or which was within the former city or agency official's or designated employee's area of job responsibility. "Work on any legislative or

administrative matter" includes, but is not limited to, providing advice or recommending any action with regard to a city or agency legislative or administrative matter such as a project involving land use, development, or public works. Legislative matters include city council, agency board and city board or commission actions related to ordinances, resolutions, agreements, permits or licenses.

B. Represent anyone else on any matter, whether or not for compensation, before the city council, redevelopment agency board, any commission thereof, any individual member of the city council, redevelopment agency board, or commission, or any staff of the city or agency.

The ordinance has exceptions to the prohibitions for (a) employees or volunteers of specified nonprofit organizations; (b) an employee or official of a government entity; or (c) an independent contractor who provides transitional services where it has been determined to be in the best interest of the City or Agency.

The most recent Council action regarding the City's revolving door restrictions took place on December 15, 2009. While considering the Mayor's Biennial Ethics Review, the Council approved a streamlined approach to respond to requests for waivers from former employees. The new process contemplates a review of the request by and a recommendation from the Rules and Open Government Committee to the full Council.

ANALYSIS:

Edith Ramirez, a former employee of the Redevelopment Agency who was separated from the Agency due to staffing reductions, has requested approval of a waiver of the revolving door requirements by the Council. Under the expedited process, the Rules Committee is responsible to consider the facts or merits in Ms. Ramirez's situation and make a recommendation to the Council.

In Ms. Ramirez's case, she has requested a blanket waiver of the revolving door restrictions so that she may start a consulting business to provide a variety of services to public agencies, non-profit organizations, and private businesses. Her letter is attached.

At this time, it is not clear who Ms. Ramirez's clients will be, what specific services she will provide to them, and whether such work is in the City's interests. In reviewing other similar waiver requests, the former employee has been performing work that meets an interest of the City, involves services the City has contracted for through an independent third party following competitive processes and/or the services provided do fulfill a governmental purpose and need. The City Council may waive the Revolving Door Ordinance prohibitions if the Council finds that such a waiver is in the best interest of the City and is consistent with the purposes of the ordinance.

HONORABLE MAYOR AND CITY COUNCIL
August 19, 2011
RE: Waiver of Revolving Door Restrictions
Page 3

PUBLIC OUTREACH

This item does not meet any of the criteria outlined below. However, the memo has been posted on the City Clerk's website as a part of the August 24, 2011 Rules Committee Meeting Agenda and a subsequent Council Agenda.

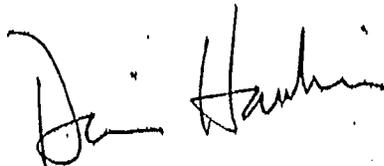
- Criterion 1: Requires Council action on the use of public funds equal to \$1 million or greater. (Required: Website Posting)
- Criterion 2: Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. (Required: E-mail and Website Posting)
- Criterion 3: Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, or a Community group that requires special outreach. (Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)

COORDINATION

This memorandum has been coordinated with the Office of the City Attorney.

CEQA

Not a project



DENNIS D. HAWKINS, CMC
City Clerk

For questions, please contact Dennis Hawkins, City Clerk, at 408-535-1275.



Edith Ramirez



Web: www.ramirezadth.com

August 18, 2011

Mayor and City Council
City of San Jose
200 E. Santa Clara St.
San Jose, CA 95118

Dear Honorable Mayor and City Council:

Due to staff reductions at the Redevelopment Agency, my position, along with many others, was eliminated. Although I was laid off, I am still subject to the Revolving Door Policy. Therefore, I respectfully request a waiver of the Revolving Door Prohibition policy as provided under Chapter 12.10.070

It is my intention to begin my own consulting business and provide project management, government relations, community outreach, policy analysis, and contract management services to public agencies, non-profit organization and private companies.

I thank you for your consideration and I look forward to the opportunity to serve the City of San Jose once again.

Respectfully yours,

Edith Ramirez