

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SAN JOSE  
AMENDING CHAPTER 12.10 OF TITLE 12 OF THE SAN  
JOSE MUNICIPAL CODE BY ADDING A NEW SECTION  
12.10.035 TO PRESCRIBE LIMITED RESTRICTIONS FOR  
DESIGNATED EMPLOYEES TERMINATED DUE TO  
REDUCTIONS IN WORK FORCE**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

Chapter 12.10 of Title 12 of the San José Municipal Code is hereby amended to add a new section, to be numbered, entitled and to read as follows:

**12.10.035 Designated Employees Terminated Due to Reductions in Work Force**

A. Notwithstanding the provisions in this Chapter to the contrary, a designated employee who was terminated or involuntarily separated from City or Agency service due to consolidation or elimination of functions or other reduction in the City or Agency work force which was based solely on economic or budgetary conditions is permitted to:

1. Work on any legislative or administrative matter on which the employee worked on behalf of the City or Agency during the twelve (12) months prior to termination of service, or which was within the former 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 or Agency board or commission actions related to ordinances, resolutions, agreements, permits or licenses.

2. Represent, before City or Agency commissions or City or Agency staff, any business or person that within the last twelve (12) months of the employee's employment (a) did not receive any subsidy from the City or Agency; or (2) was not involved in any project on which the employee worked.

B. Except as permitted by Subsection A.1, for two (2) years after leaving City or Agency employment, no designated employee described under this Section may accept any gift or payment which would be prohibited under Chapter 12.08 from any person who was in any way involved in or affected by the work of the official or employee during the twelve (12) months prior to the termination of service.

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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CHUCK REED  
Mayor

ATTEST:

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DENNIS D. HAWKINS, CMC  
City Clerk