

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, for any 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, the provisions of Section 12.10.030 shall apply as follows-is permitted to:

1. Section 12.10.030(A) shall not apply. 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. Section 12.10.030(B) shall still apply insofar as it prohibits representation of anyone on any matter before the City Council, Redevelopment Agency Board, or any individual member of the City Council or Redevelopment Agency Board, but shall not apply insofar as it prohibits representation of anyone on any matter ~~Represent,~~ before any City or Agency commission, any individual of a City or Agency commission,s or City or Agency staff, provided that the any business or person being represented that within the last twelve (12) months of the employee's employment (a) did not receive any subsidy from the City or Agency within the last twelve (12) months of the employee's employment; or (2b) was not involved in any project on which the employee worked within the last twelve (12) months of the employee's employment.

- B. Except as permitted by Subsection A.1, Section 12.10.030(C) shall still apply 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.

RD:LH
11/7/11

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

DENNIS D. HAWKINS, CMC
City Clerk