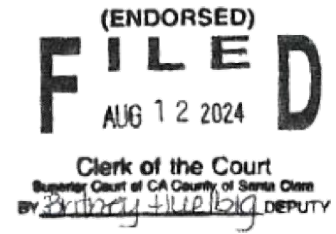


Honorable Beth McGowen,
Presiding Judge Superior Court of California, Santa Clara County
191 North First Street, San Jose CA 95113



Dear Judge McGowen & Civil Grand Jury,

Please see the following in response to the Civil Grand Jury report, *Irreconcilable Differences: Santa Clara City Council*.

Grand Jury Report Irreconcilable Differences Response

1. Summary & Methodology

The Civil Grand Jury states in their methodology that they watched 400 hours of meetings and had 40 interviews. Therefore, I find it surprising that they focus on a subgroup of the City Council as these hours of meetings and interviews demonstrate all Councilmembers engaging in the types of behaviors the Report calls out, for example, please review the following links [<https://www.youtube.com/live/Bmg02OR8qAo?si=dTKm6bIk8NgdpxZL> Timestamp: 9 hours 6 minutes—9 hours 8 minutes] and [<https://www.youtube.com/watch?v=LTg5mqxbP7A>].

Because of this, I implore the Civil Grand Jury to address these types of issues to the whole council. I agree there is dysfunction on the city council however the breadth of information reviewed clearly must demonstrate that the Report only focuses on a select five members of the City Council. Again, I implore the Civil Grand Jury to demonstrate independence from Mayor Gillmor's version of events, and recognize that no one on the City Council is blameless. Because of the lack of completeness in the Report based on the amount of evidence reviewed, it appears the Report is improperly biased against a subset of the council.

2. Investigation

The Civil Grand Jury report begins their investigation discussing the City Survey Results about the direction the City is headed in preparation for a potential bond measure in the November 2024 election. The numbers of voter morale were not impressive for Santa Clara, however Corey O'Neil of Tulchin Research stated the results could be explained by the general national mood. Santa Clara is not the only community experiencing the same voter sentiment decline the City Survey Results highlight.

During a presentation by Tulchin Research on April 23rd, 2024, [<https://www.youtube.com/live/mcfSUjf4a7I?si=UR2epkX1mTFAE3nr> Timestamp 2 hours 48mins—2 hours 50 minutes] Corey O'Neil explained the results of the City Survey, explaining

that the voter sentiment decline was largely coming from a “national narrative” and a general sense of “pessimism” which is consistent with communities across the United States. In the same presentation, Mr. O’Neil also noted that Santa Clara’s numbers were “pretty fairly statistically mixed” and “relatively more positive” than other similar communities in California.

So on the whole, while Santa Clara is experiencing voter sentiment decline, this decline is consistent with national sentiments and, in fact, Santa Clarans feel slightly more positive than other municipalities in other parts of the state, some of the more urban and rural parts of the state. [<https://www.youtube.com/live/mcfSUjf4a7I?si=KPW-LAxdy9losIKQ> Timestamp: 2 hours 49 minutes]

While it was appropriate that the Civil Grand Jury look into the current mood of Santa Clarans to address areas of improvement, it was not appropriate for the Civil Grand Jury to conclude, without evidence, that the reason for this decline in voter sentiment was caused by the tension amongst the Santa Clara City Councilmember, and more specifically, the small group the Report focuses entirely on.

I agree with the Civil Grand Jury’s conclusion that, above all the broken relationships and dysfunction on the city council, the Council needs to work collaboratively to pass a bond measure to address the \$600 Million in unfunded infrastructure needs. I find it troubling that the Report leaves out the steps that I took to achieve exactly that, and instead blames failures on me and some of my colleagues.

Specifically, on July 9th, 2024 the city council held a meeting to discuss a possible \$598 million dollar bond to put on the ballot; this proposal was recommended by City staff. After the City Council deliberated and could not get a consensus on how much the bond measure should be, Mayor Gillmor and Council Member Watanabe proposed a lower \$400 million bond. [<https://www.youtube.com/watch?v=vPYsJmsE6H4> 7 hours 11 minutes—8 hours 25 minutes] I disagreed with this amount, considering a lot of the needs of the city, I favored the \$598 million amount. However, I understood the value of compromise and, after important discussion with the council, I agreed on the motion.

On July 16th, 2024 Council meeting after long deliberations, the \$400 million dollar bond proposal was unanimously placed on the November 2024 ballot. It was in the best interest of Santa Clarans to begin to address unfunded infrastructure needs, even if it was less than I thought required. Ultimately, compromise was key in getting the bond measure on the ballot. [<https://www.youtube.com/watch?v=4vWwWteR028> Timestamp: 24 minutes— 1 hour 42 minutes]

3. Behavior of the Dais

As stated in the beginning of the Report, the focus on behavior is only on select councilmembers when there is evidence of misbehavior across the board. Here are two examples among the many. [<https://www.youtube.com/watch?v=ZiKprZr0HRk> 4 hours 34 minutes—4 hours 36 minutes; <https://www.youtube.com/watch?v=REJdTufnwYI> 5 hours 27 minutes—5 hours 43 minutes]

All Councilmembers generally could do better to be more professional and set aside interpersonal issues.

4. Personal Attacks

The Civil Grand Jury's topic on personal attacks makes very general statements about my alleged "Unprofessional" behavior. I strongly disagree with the interpretations that the Civil Grand Jury made as it relates to those general statements and examples provided, but I have no issues participating in the remedial action the Grand Jury suggests because I believe we all will benefit from doing better and striving to be better.

I agree that there is a lot of pettiness and muckraking across the board. I, too, have been subjected to attacks by other Councilmembers [https://www.youtube.com/watch?v=7JGTedMmh1o&list=PL0HQlxNISD_duvFdhVHxxPZFBfmM8yvdr&index=20 7 hours 2 minutes—7 hours 30 minutes] and would welcome an opportunity for us all to work together better. In reality, we all need to rise above this. I hope that the City Council sees this as an opportunity to do better.

5. Lack of preparedness

I want to assure the civil grand jury that the footage they viewed and the conclusion they reached was an inaccurate account of what happened. The Report describes two examples of lack of preparedness: (1) Neighborhood Wall Replacement with a Fence and (2) the height of a development the community strongly opposed.

These two examples in fact demonstrate appropriate preparedness and the process by which all elected officials, hopefully, make thoughtful and informed decisions. No one comes to a meeting knowing everything and open discussion helps with the exchange of ideas and information so that we can all make decisions with as much information as practical. During this meeting, we listened to residents; we heard their thoughts and got input from the community. This isn't an illustration of lack of preparedness- it's what elected officials are supposed to do before making big decisions. And by listening to the community it helped us make a decision about replacing a sound wall with a sturdy new fence and lowering the height of a development to satisfy the community.

That being said, I feel we can always do better as a city council when it comes to preparedness. No one knows everything and it's almost impossible to fully research every single matter that comes to the Council beforehand. Sometimes there are negotiations from the dais, that's the purpose of community meetings.

While we continue to use these open forums to gain more knowledge, Councilmembers should always try to be more prepared by educating themselves and taking advantage of any educational resources that may be available to them ahead of such meetings.

6. Staff Morale

It is appropriate for the Civil Grand Jury to identify this issue. Low staff morale has been a problem since before I was elected to City Council. Past management had been named as an issue among city employees pre -pandemic and post-pandemic. The toxic environment of the city council has made retaining employees or attracting talent very difficult. That being said, Santa Clara is not the only municipality experiencing staff morale issues. While it is possible the interpersonal issues between Santa Clara City Councilmembers contributes to this low morale, there are a number of other facts that the Grand Jury did not address (and possibly even consider) that should have been included in the Report if the goal of the Report truly is to make things better at City Hall. These include cost of living issues like the cost of housing, understaffing departments by not filling vacancies efficiently due to long recruiting, interview and onboarding processes.

In the end, we need to attract the best talent and to do so the city council needs to put aside their differences and have healthier working relationships. When the city is able to attract the best candidates to work here, it benefits the entire community.

7. March 2024 Primary

The Report claims that the March 2024 primary was a waste of taxpayer dollars and time. I respectfully disagree with the Civil Grand Jury's findings in Measure's A and B. I believe it was beneficial for Santa Clara and the community. The Measures were about better efficiency, saving money in the long run, hiring experienced professionals and promoting better public safety. Some of the benefits of Measures A and B are:

- Historically there has been a limited pool of candidates that run for either City Clerk or Chief of Police.

- For example: In 6 of 9 elections for Police Chief there was one candidate unopposed with no option of choice for voters.
- If someone were to resign as Chief of Police or City Clerk, it triggers a charter crisis. There would have to be an appointment process or a special election which is costly. Measures A and B would have saved Santa Clara money in the long run without calling elections for these two roles every four year cycle or for a special election.
- Public safety consumes half of the city's general fund budget, \$149M/\$290M. That is 51.4% for public safety, much higher than neighboring cities. Needs leadership that can balance a budget compared with the deficits and city's financial forecasts. Believed the City needs leadership that can execute better stadium budget plans to address excessive public safety costs. This was one of the top reasons I supported Measure B.

The report accuses the council of promoting Measures A and B and then doing nothing to make sure they got passed once they were on the ballot. This just isn't true. Councilmember Suds Jain ran the campaign for Measures A and B as best as he could with a shoestring budget and all grassroots efforts. He put \$4,300 of his own money in Measure B. He had flyers made, a website made, and walkers and volunteers. The Yes campaign was outspent by the Santa Clara POA who had ads and lots of money driving it.

8. Public Records Requests

I agree that the Public Records Requests have been weaponized to target political adversaries. However, The California Public Records Act is meant to hold Councilmembers or any California elected official accountable, which is very important. I agree the records requests must be used properly to achieve this goal and not to attack political adversaries.

In addition, while it is true that Santa Clara receives a lot of public records requests, one factor that the Civil Grand Jury did not address, and a significant reason for this high volume, is often the confusion of the City of Santa Clara for the County of Santa Clara. As a result, the City gets a lot of requests not meant for it, like requests for death certificates, birth certificates or Santa Clara Police records and Planning department records that should be addressed to the county.

9. Findings & Recommendations

I take issue with the Civil Grand Jury's conclusions and have concerns revolving around the methodology. However, I will agree there is City Council dysfunction. I will agree to take the

training recommended and feel all 7 councilmembers should take all the training. We can all do better for our community.

Finding 1A

I agree that there is a broken relationship among Councilmembers and the Mayor.

Finding 1B

Disagree in part- The general statement is not a statement for the *whole* city council including the Mayor. I will agree however that the City's adopted ethical and behavioral standards are violated on the dais.

Finding 1C

Disagree in part. I fully believe that Mayor and Councilmembers, including myself, engage in very robust discussions. I will agree that there have been petty grievances and squabbles from all members of the City Council. However, we can all do better to avoid any of these types of behaviors.

Finding 2

Disagree wholly. Councilmembers Park, Chahal and myself understand parliamentary procedures, in fact Councilmember Park is by far the most educated on parliamentary procedures often citing it during council meetings. I have had extensive experience in parliamentary procedures from my time on the Santa Clara Planning Commission (2018-2020), Santa Clara Architectural Review (2019) and the Santa Clara City Council (2020-present).

Finding 5

Disagree in part, as it is a selectively applied finding. As stated previously, I find it surprising how much the Civil Grand Jury missed viewing all the hours of footage.

Recommendation 1C

I disagree with the Civil Grand Jury's characterization of my behavior. I will agree to take the training as it is recommended because further education and training is positive for everyone.

The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe before October 1st, 2024.

Recommendation 2a

While I disagree with the finding of the Civil Grand Jury and their belief that I need training in parliamentary procedures, I will agree to take the recommended training because I can always

learn more and better educate myself further in parliamentary procedures. Extra education is always a good thing, which all members of the City Council should take advantage of.

The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe before October 1st, 2024.

Recommendation 5b

While I strongly disagree with the Civil Grand Jury's assertion of a lack of ethics, I will strongly agree that *all* Councilmembers should take regular ethics training on top of their required Brown Act and Sexual Harassment trainings. I will agree to take the training as recommended because additional ethics training does no harm. In fact it is good governance to have refreshers on ethics and the Brown Act.

I thank the Civil Grand Jury for their service and for their work in identifying areas that the City Council as a whole can improve which in return benefits our community. While I may not agree with all their findings, I believe the Civil Grand Jury was appropriate in identifying the needs to the Santa Clara City Council to work together and put aside any differences to assure that there is unanimous support behind the 2024 \$400 Million bond measure that our city desperately needs for planning the future.

Anthony Becker
Santa Clara Councilmember District 6