

(ENDORSED)
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Clerk of the Court
Superior Court of CA County of Santa Clara
BY Antoney Huelbig DEPUTY

Sudhanshu "Suds" Jain
Santa Clara City Councilmember , District 5
1500 Warburton Ave.
Santa Clara, CA 95050

August 7, 2024

Presiding Judge Beth McGowen, c/o Dept. 17
Superior Court of California, County of Santa Clara
191 North First Street
San José, CA 95113

RE: Councilmember Suds Jain's Individual Response to Grand Jury Report entitled,
"Irreconcilable Differences: Santa Clara City Council."

Dear Honorable McGowen,

As directed by the Grand Jury Report titled "***Irreconcilable Differences: Santa Clara City Council.***", I am responding individually for the findings and recommendations directed towards me.

I currently serve as a Santa Clara City Councilmember representing District 5 and was first elected in November, 2020 and am running for re-election November, 2024.

The Grand Jury seems to have determined that dealing with the \$600 million in unfunded needs is hampered by lack of collaboration. They state in their summary:

With \$600 million in unfunded infrastructure needs and fiscal year 2024-2025 projected deficits ranging from \$6 million to \$19.3 million annually, it is imperative that the Council collaborate to solve the City's problems (City of Santa Clara, April 29, 2024).

I find it odd that close supporters of Lisa Gillmor posted and emailed publicly about opposing the infrastructure bond until Gillmor and Watanabe decided that they know better than the City Manager and the consultants and proposed a \$400 million dollar bond that cut every category except public safety; they even added \$10 million more than the City Manager asked to that category, clearly rewarding the POA who regularly spend heavily to support Gillmor candidates. It was clear to me that Gillmor and Watanabe were willing to kill the infrastructure bond if they didn't get their way. Given that we hadn't passed an infrastructure bond since 1959, the rest of the council ("the 49er Five") acted as team players and got behind the Gillmor/Watanabe proposal which passed unanimously.

Sincerely,



Sudhanshu "Suds" Jain
Councilmember

INDIVIDUAL RESPONSES FROM SUDS JAIN TO CIVIL GRAND JURY REPORT

Finding 1a

The working relationships among Councilmembers and the Mayor are broken.

DISAGREE IN PART : What the Grand Jury report misses is that it takes two to have a relationship. If one side refuses to participate, there is no relationship. I have asked for meetings with the Mayor and she has refused all of them, meaning I have never had a one-on-one meeting with Lisa Gillmor. Just like Gillmor has not had a single meeting with any representative of the 49ers since April 2018 which begs the question: How is she working to resolve the conflicts aside from using expensive lawyers to attack the 49ers? I calculate that the City of Santa Clara has spent at least \$700,000 on legal assistance since August 2022.

Five of the Councilmembers work very well together. This supermajority allows for proper functioning of the City and has allowed the City to get out of long term deficits by passing revenue generating measures like Business License Taxes that should generate \$6 million per year and allowed us to restore library and senior center hours. The vote on a ballot measure for the Business License Tax (Measure H) on July 12, 2022 was 5:2 with Gillmor and Watanabe, opposed. Gillmor and Watanabe often vote against motions made by one of the majority members simply because the motions were made by a member of the majority. A case in point is the vote to appropriate money for the LawnBowl Clubhouse on June 25th, 2024. During the Council goal setting session on April 3rd, 2024, I didn't place a single red veto sticker on any idea but rather watched Lisa Gillmor place red stickers on every one of my ideas. Staff is burdened by having to schedule briefings with councilmembers to avoid Brown act issues. This could be accomplished by 2:2:3 or 3:3:1 meetings but I have never had one of these briefings that included Gillmor or Watanabe. This means that staff has to work extra hard to find meeting times for 5 councilmembers rather than add a councilmember to the briefing given to two people: Gillmor and Watanabe.

Finding 1b

Some Councilmembers do not adhere to the City's adopted ethical and behavioral standards while conducting City business on the dais.

DISAGREE IN PART:

Reasons: Two of the 8 pillars of the Code of Ethics are Collaborative and Communicative. I find that Gillmor and Watanabe are extremely uncommunicative. After the Asian Hate incident when Watanabe refused to let Kevin Park speak at an event she organized, the Council was looked to censure Watanabe and Gillmor. Watanabe asked to meet with me and I agreed. That was the only

one-on-one conversation I have had with her since she got elected. During that meeting, I indicated that I though Kathy disliked me for some reason. She said I never should have run against her in 2016 – an election in which she beat me. She held a grudge against me for 4 years while I was not even on the Council. The GJ report seems to have singled out certain people, while almost intentionally missing others. The GJ report is extremely biased and one sided. Lisa texts constantly while on the dais. She receives private communications and takes notes. Kathy votes not on the merits of the motion but based on who made the motion. Gillmor gives extra speaking time to her supporters. There was a time when Watanabe wouldn't stand in photos with the rest of the Councilmembers.

Finding 1c

Councilmembers Becker and Park air petty grievances and engage in squabbles with other elected officials and constituents from the dais.

DISAGREE IN PART: Gillmor has acolytes who constantly abuse Councilmembers and create videos suggesting they are acting unethically. Gillmor texts constantly from the dais which I consider to be ex-parte communications where it seems she is coordinating these attacks. I don't have proof of her coordinating or directing her followers but I have noticed that she takes notes from messages while on the dais. Furthermore, Gillmor very regularly mentions that some of the councilmembers were supported by the 49ers in independent expenditures but she usually implies that the 49ers donated to those campaigns. I find it odd that the CGJ talks about "engaging in squabbles" when it actually takes two to "engage in a squabble". No mention of Gillmor or Watanabe acting inappropriately.

Finding 2

Councilmembers Becker, Park, and Chahal do not understand and/or do not follow established parliamentary and meeting procedures.

DISAGREE: Reasons: Actually, I feel that Councilmember Park understands Robert's Rules better than anyone on the dais including the Mayor. I've heard him call for "point of order" and has "appealed" the chair which is perfectly allowable when he felt that the chair was cutting off valuable discussions. I have witnessed several occasions where it seemed that Mayor Gillmor was confused about how substitute motions work. I feel that sometimes everyone gets confused where there are multiple amendments to motions. There have been multiple occasions when the Mayor will make disparaging comments about comments made by other councilmembers. A prime example is when Raj Chahal wants to discuss garbage rates. She will actually roll her eyes and say something to the effect that "here we go again".

Finding 5

Councilmembers Becker and Park have engaged in unethical behavior on the dais by insulting, humiliating, and intimidating constituents and volunteers. Councilmembers Becker and Hardy explicitly encourage this behavior by laughing, snickering, or eye-rolling. Councilmembers Becker, Park, Hardy, Jain, and Chahal implicitly encourage these behaviors by failing to call out inappropriate conduct.

DISAGREE IN PART: Reasons: If I am expected to call out inappropriate conduct by Councilmembers Becker and Park, then perhaps I should be calling out every instance of inappropriate conduct by Gillmor and Watanabe, like how they constantly imply that other councilmembers are bought and paid for by the 49ers and refer to other councilmembers as the “49er five” when in fact Gillmor and Watanabe vote more often as a bloc than the other 5 members when the votes are split. Gillmor and Watanabe have several proxies who make extremely inappropriate comments and accusations on their behalf. Gillmor even has a “Special Advisor” who calls in often and makes wild accusations. Calling out every instance of inappropriate behavior would lead to even more dysfunction on the dais. Plus, I have been told that it is always better to call out bad behavior in private and that a manager should not complain about an employee in a public meeting or vice-versa. I have spoken to Becker and Park in private.

Recommendation 1d

Councilmember Jain should attend one-on-one conflict resolution training to learn to work more effectively for the good of the City. This recommendation should be implemented by October 1, 2024.

FURTHER ANALYSIS NEEDED:

The CGJ makes no recommendation on the number of training or therapy sessions will be needed before I am rehabilitated. How long will it take for me to “learn to work more effectively”? Who will determine whether I’m making progress? Perhaps our City staff will answer these questions.

Recommendation 5e

Councilmember Jain should pledge to train with an ethics expert from an established outside entity that specializes in government ethics. This recommendation should be implemented by October 1, 2024, and should occur annually.

FURTHER ANALYSIS NEEDED:

The CGJ makes no recommendation as to how long that training should take. Will the paid expert say when I’ve become an ethical person and my training is complete? I recently attended a 3-day seminar for Transit Board Members put on by the American Public Transportation Association (APTA). One of the sessions was on procurement and the speaker was James Harper Jr., Director in the Office of Acquisition Management for the Federal Transit Administration (FTA). He asked the question “Can you legislate ethics?” His answer was that “we can put all the standards in place but if it’s not in you then it’s not going to happen.” He also said “ We can put in codes of conduct and ethics but getting people to comply is the hard work”.

All councilmembers are required to complete the online AB1234 ethics training but when City Attorney Glen Googins gave an in-person AB1234 training session, all of the “49er five” attended but Watanabe and Gillmor were absent. The training also covered Santa Clara’s adopted Behavioral Standards and Code of Ethics which Watanabe and Gillmor also missed.