



**City of  
Santa Clara**  
The Center of What's Possible

(ENDORSED)  
**FILED**  
SEP 11 2024  
Clerk of the Court  
Superior Court of CA County of Santa Clara  
BY: Anthony Huebner DEPUTY

**Mayor**  
Lisa M. Gillmor

**Councilmembers**  
Kathy Watanabe, District 1  
Raj Chahal, District 2  
Karen Hardy, District 3  
Kevin Park, District 4  
Suds Jain, District 5  
Anthony J. Becker, District 6

September 10, 2024

**VIA EMAIL; HARDCOPY TO FOLLOW VIA U.S. MAIL**

September 10, 2024

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

**RE: City Response to 2024 Santa Clara Civil Grand Jury Report titled,  
"Irreconcilable Differences: Santa Clara City Council"**

Honorable Judge McGowen:

Please find attached the City of Santa Clara City Council/Authority Board response to the 2024 Santa Clara Civil Grand Jury Report entitled, "Irreconcilable Differences: Santa Clara City Council." As requested by the Grand Jury, in accordance with California Penal Code section 933.05(a) and (b), responses have been provided to Grand Jury Findings 1a, 1b, 1c, 2, 3, 4, 6 and 7, and to Grand Jury Recommendations 1a, 1b, 2a, 2b, 2c, 3, 4a, 4b, 4c, 6 and 7.

The attached response was approved by the City Council/Authority Board at the September 3, 2024 City/Stadium Authority concurrent meeting. For the record, please note that the City/Authority responses to Findings 6 and 7, and to Recommendations 1a, 3, 4a, 4b, 6 and 7 were approved unanimously (7-0); City/Authority responses to Findings 1c, 2, 3, 4 and Recommendations 1b, 2a, 2b, 2c, and 4c were approved by majority vote (5-2, Mayor Gillmor and Councilmember Watanabe opposed).

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Honorable Beth McGowen, Presiding Judge

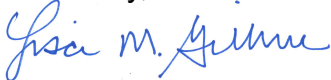
Re: City Response to 2024 Santa Clara Civil Grand Jury Report Entitled "Irreconcilable Differences:  
Santa Clara City Council"

September 10, 2024

Page 2 of 2

Please note that responses required from, or provided independently by, individual Council/Board members have been provided by such members in their individual capacities and are not a part of the City Council/Stadium Authority Board official response.

Sincerely,



Lisa M. Gillmor

Mayor/Chair

City of Santa Clara City Council/Stadium Authority Board

Enclosure

**Santa Clara City Council and Santa Clara Stadium Authority Board  
Official Response to Findings and Recommendations  
Designated for Response in the 2024 Santa Clara Civil Grand Jury Report Entitled  
“Irreconcilable Differences: Santa Clara City Council”**

**FINDINGS**

**Finding 1a:**

The working relationships among Councilmembers and the Mayor are broken.

**Response to Finding 1a:**

The Santa Clara City Council/Authority Board agrees with the finding. However, it is important to note that at every regular meeting of the City Council, most items that come before the body are approved without contentious debate and unanimously. Members of the City Council also routinely attend ceremonial events and community celebrations together and exhibit mutual respect and professionalism.

Nevertheless, we acknowledge that working relationships among the divided Council are not good and that long-standing grievances do impede the Council’s ability to conduct the City’s business professionally, particularly where structure of government, ethics and Stadium issues are involved.

**Finding 1b:**

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

**Response to Finding 1b:**

The Santa Clara City Council/Authority Board agrees with the finding.

The City Council acknowledges that, from time to time, and more frequently than is desirable, the behavior of City Council members (both collectively and individually) does not adhere to the behavioral standards outlined in City policies.

**Finding 1c:**

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

**Response to Finding 1c:**

The Santa Clara City Council/Authority Board partially disagrees with the finding.

The City Council, as a whole, does not think it appropriate to call out specific Councilmembers as several members of the City Council have expressed grievances towards one another and constituents from the dais. Through their individual responses, some Council members have addressed this practice and their beliefs on how

**Santa Clara City Council and Santa Clara Stadium Authority Board  
Official Response to Santa Clara Civil Grand Jury Report Entitled  
“Irreconcilable Differences: Santa Clara City Council”**

widespread it is. However, at this juncture and collectively, the City Council agrees that such behavior is not appropriate.

**Finding 2:**

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

**Response to Finding 2:**

The Santa Clara City Council/Authority Board disagrees with the finding.

Through their individual responses, some Council members have addressed this finding. The City Council, as a whole, declines to comment on the extent to what individual Councilmembers may or may not “understand” parliamentary procedures. However, at this juncture and collectively, the City Council desires to state that compliance with parliamentary procedures is an important part of their collective and individual responsibilities.

The City Council acknowledges and agrees that the Mayor is the presiding officer at Council meetings, and deserves deference; but also notes that, under existing meeting rules, the Mayor’s determinations on points of order can be appealed and overturned by majority vote (See Robert’s Rules of Order Sections 23 and 24).

**Finding 3:**

Some Councilmembers do not uphold their responsibility to conduct the City’s business professionally and efficiently.

**Response to Finding 3:**

The Santa Clara City Council/Authority Board partially agrees with the finding and believes that the issue is not limited to only “some Councilmembers.”

Specifically, the City Council acknowledges that, from time to time, and more frequently than is desirable, the behavior of City Council members (both collectively and individually) does not adhere to best practices for conducting City business in a professional and efficient manner.

**Finding 4:**

Some Councilmembers have become preoccupied by personal and political vendettas resulting in verbal attacks, mocking, and disparaging members of the public and community volunteers from the dais without consequence. Councilmembers have ignored the public’s request to address their behaviors.

**Response to Finding 4:**

The Santa Clara City Council/Authority Board partially disagrees with the finding.

The City Council, as a body, does not believe that it is appropriate to provide an opinion on the motivations for individual Council members' actions or non-actions. We do agree,

**Santa Clara City Council and Santa Clara Stadium Authority Board  
Official Response to Santa Clara Civil Grand Jury Report Entitled  
“Irreconcilable Differences: Santa Clara City Council”**

however, that any verbal attacks, mocking, or disparaging remarks are not appropriate behavior.

**Finding 6:**

There has not been an employee satisfaction survey since 2019.

**Response to Finding 6:**

The City Council/Authority Board agrees with the finding.

**Finding 7:**

City staff is exceptionally professional, well prepared, and consistently maintains their composure regardless of behaviors exhibited by the Council. Staff’s behavior is a model for the Council.

**Response to Finding 7:**

The City Council/Authority Board agrees with the finding.

**RECOMMENDATIONS**

**Recommendation 1a:**

The City should hire a conflict resolution professional and adopt robust conflict resolution training strategies. This recommendation should be implemented by October 1, 2024.

**Response to Recommendation 1a:**

The Santa Clara City Council/Authority Board agrees with the recommendation, and it will be implemented.

The City is working to identify an appropriate conflict resolution professional or firm that has experience with elected bodies. The City intends to structure the training in two parts: First, a one-on-one session that will be offered to each Council member, followed by a group session with the entire City Council.

Implementation of this resolution may not be feasible by October 1, given the City’s procurement and contracting timelines. Further, with the impending City Council election that will occur on November 5, 2024, it would be more appropriate and cost-efficient for this training to occur in early 2025.

**Recommendation 1b:**

Councilmember Park should attend one-on-one conflict resolution training so he can learn to behave in a manner reflective of an elected official. This recommendation should be implemented by October 1, 2024.

**Response to Recommendation 1b:**

**Santa Clara City Council and Santa Clara Stadium Authority Board  
Official Response to Santa Clara Civil Grand Jury Report Entitled  
“Irreconcilable Differences: Santa Clara City Council”**

The Santa Clara City Council/Authority Board partially disagrees with the recommendation in that we believe all members of the City Council can benefit from conflict resolution training.

As noted in the response to Recommendation 1a, the City is working to identify an appropriate conflict resolution professional or firm that has experience with elected bodies. The City intends to structure the training in two parts: First, a one-on-one session that will be offered to each Council member, followed by a group session with the entire City Council.

Implementation of this resolution may not be feasible by October 1, given the City’s procurement and contracting timelines. Further, with the impending City Council election that will occur on November 5, 2024, it would be more appropriate and cost-efficient for this training to occur in early 2025.

**Recommendation 2a:**

Councilmember Becker should pledge to attend trainings in parliamentary procedures so that his behavior is more reflective of an elected who is dedicated to the electorate. These recommendations should be implemented by October 1, 2024.

**Response to Recommendation 2a:**

The Santa Clara City Council/Authority Board partially disagrees with the recommendation in that we believe all members of the City Council should attend training in parliamentary procedures. This is especially true given that the Governance and Ethics Committee is recommending that the Council amend its Meeting Management Protocols and transition from a system based on Robert’s Rules of Order to a system based on Rosenberg’s Rules of Order, with modifications tailored to confirm with other City Council adopted and desired policies (see response to Recommendation 3, below).

Given the City Council election occurring on November 5, 2024, the training will be timed to coincide with the new Council member onboarding process in early 2025. At that time, it will be offered to all Council members.

**Recommendation 2b:**

Councilmember Park should pledge to attend trainings in parliamentary procedures so that his behavior is more reflective of an elected who is dedicated to the electorate. These recommendations should be implemented by October 1, 2024.

**Response to Recommendation 2b:**

The Santa Clara City Council/Authority Board partially disagrees with the recommendation in that we believe all members of the City Council should attend training in parliamentary procedures. This is especially true given that the Governance and Ethics Committee is recommending that the Council amend its Meeting Management Protocols and transition from a system based on Robert’s Rules of Order to a system based on Rosenberg’s Rules of Order, with modifications tailored to confirm

**Santa Clara City Council and Santa Clara Stadium Authority Board  
Official Response to Santa Clara Civil Grand Jury Report Entitled  
“Irreconcilable Differences: Santa Clara City Council”**

with other City Council adopted and desired policies (see response to Recommendation 3, below).

The City Council does agree to implement this recommendation as follows: Given the City Council election occurring on November 5, 2024, the training will be timed to coincide with the new Council member onboarding process in early 2025. At that time, it will be offered to all Council members.

**Recommendation 2c:**

Councilmember Chahal should pledge to attend trainings in parliamentary procedures, so he can demonstrate a better working knowledge of the parliamentary process. This recommendation should be implemented by October 1, 2024.

**Response to Recommendation 2c:**

The Santa Clara City Council/Authority Board partially disagrees with the recommendation in that we believe all members of the City Council should attend training in parliamentary procedures. This is especially true given that the Governance and Ethics Committee is recommending that the Council amend its Meeting Management Protocols and transition from a system based on Robert’s Rules of Order to a system based on Rosenberg’s Rules of Order, with modifications tailored to confirm with other City Council adopted and desired policies (see response to Recommendation 3, below).

The City Council does agree to implement this recommendation as follows: Given the City Council election occurring on November 5, 2024, the training will be timed to coincide with the new Council member onboarding process in early 2025. At that time, it will be offered to all Council members.

**Recommendation 3:**

The City should adopt the formal resolution for Meeting Management Procedures developed and presented by staff to the Governance and Ethics Committee meeting on December 4, 2023. This resolution would tie meeting procedures to the City Code of Ethics and Values, and Behavioral Standards for Public Meetings, codify rules regarding respectful and professional language on the dais, and initiate more productive meetings to keep the Council and public focused on City business. This recommendation should be implemented by October 1, 2024.

**Response to Recommendation 3:**

The Santa Clara City Council/Authority Board agrees with the recommendation, and it will be implemented.

At their July 2, 2024 Governance and Ethics Committee, the Committee heard an item entitled “Review Meeting Management Protocol Options and Rosenberg’s Rules of Order and Provide Direction to Staff”. At the meeting, direction was provided to return to the committee with a Meeting Management Protocol based on Rosenberg’s Rules of Order.

**Santa Clara City Council and Santa Clara Stadium Authority Board  
Official Response to Santa Clara Civil Grand Jury Report Entitled  
“Irreconcilable Differences: Santa Clara City Council”**

The item is currently scheduled to go before the Governance and Ethics Committee for discussion and recommendation at their next meeting, expected to take place in early October. Once considered by the Governance and Ethics Committee, the revised policy will be presented to the full City Council for its consideration and approval. Any such proposal is subject to City Council approval in its sole discretion.

**Recommendation 4a:**

The City should establish an Independent Ethics Commission to oversee the behavior of Councilmembers and to ensure they model positive engagement with the public and reclaim the public’s trust. This recommendation should be implemented by October 1, 2024, and should be ongoing.

**Response to Recommendation 4a:**

The Santa Clara City Council/Authority Board agrees with the recommendation, and it will be implemented.

However, as noted in the Civil Grand Jury’s report, there are several models for how to structure and appoint members to an Independent Ethics Commission. The City will release an RFP by October 1, 2024, to solicit assistance from a qualified consultant to identify options and best practices for the structure, powers and duties for such commissions, with a goal of establishing this body in 2025.

**Recommendation 4b:** The City should hire an Independent Ethics professional and adopt robust ethics training strategies supported by policy. This recommendation should be implemented by October 1, 2024.

**Response to Recommendation 4b:**

The Santa Clara City Council/Authority Board agrees with the recommendation, and it will be implemented.

In March 2024, the City conducted a solicitation for a consultant to perform a review of the City’s ethics documents per Council direction. The law firm of Liebert Cassidy Whitmore (LCW) was selected, and their work is ongoing. The scope of work was based on the City Council direction to hire consultant for the review of existing City Ethics documents (e.g., Behavioral Standards of City Councilmembers and Code of Ethics and Values). In addition, the scope includes developing recommendations for improvements based on review and benchmarking; a presentation and engagement with Governance and Ethics Committee on recommended changes; and a presentation to City Council based on Governance and Ethics Committee review. If needed, to align with the Grand Jury recommendation for “robust ethics training strategies,” the scope of work with LCW will be modified, or an alternative consultant will be engaged.

The City anticipates LCW will present its work/findings to the Governance Committee in October 2024. Any policy amendments will require City Council approval. Training on



**Santa Clara City Council and Santa Clara Stadium Authority Board  
Official Response to Santa Clara Civil Grand Jury Report Entitled  
“Irreconcilable Differences: Santa Clara City Council”**

new/amended ethics policies will occur following their implementation, which is anticipated to occur in Spring 2025.

**Recommendation 4c:**

All Councilmembers should participate in regular training and counseling with an established outside entity that specializes in government ethics to implement training seminars and workshops for Councilmembers to learn how to maintain collegiality on the dais by using proven techniques and best practices to avoid tense exchanges, bad behavior, misconduct, and incivility, and how the rest of the Council can positively influence the behaviors effectively. This recommendation should be implemented by October 1, 2024, and should be ongoing.

**Response to Recommendation 4c:**

The Santa Clara City Council/Authority Board agrees with the recommendation and it will be implemented.

Implementation of this recommendation may not be feasible by October 1, given the City’s procurement and contracting timelines. Further, with the impending City Council election that will occur on November 5, 2024, it would be more appropriate and cost-efficient for this training to occur in early 2025.

Historically, the City has covered the cost for a few members of the City Council to attend the Cal Cities “Mayors and Council Members Academy.” The academy is held annually, but the City has not allocated sufficient funds for all Councilmembers to attend if they desire to do so. Going forward, the staff will include sufficient funds in the proposed budget for all Council members to attend the annual academy. The next sessions are scheduled for January 22-24, 2025, and January 29-31, 2025.

According to Cal Cities, “Whether you’re a new mayor or city council member, or you’ve been serving your community for years, this academy is for you. The academy covers the legal, financial, and practical fundamentals to your job as an elected city official. Just as vital, you’ll have opportunities to foster relationships with your peers.” Specific to this recommendation, prior Cal Cities Mayors and Council Members Academies have included sessions on:

- Understanding Public Service Ethics Laws and Principles: AB 1234 Training
- Harassment Prevention Training for Supervisors and Officials (AB 1661)
- Developing an Effective City Council and Manager Team - Key to Good Governance and City Success
- Your Legal Powers and Obligations
- Open Government and Conflicts of Interest

**Note:** In the fall of 2023, the City Attorney’s office conducted a 3-hour, in person AB 1234 training with the City Council. In addition to a majority of Councilmembers, more

**Santa Clara City Council and Santa Clara Stadium Authority Board  
Official Response to Santa Clara Civil Grand Jury Report Entitled  
“Irreconcilable Differences: Santa Clara City Council”**

than 80 City staff members and members of the public attended. Topics included: ethics generally, local City ethics policies, conflicts of interest, gift limitations, disclosure requirements, Open Meeting laws (Brown Act) and Public Records Act laws. An updated version of this training will again be provided by the City Attorney’s office sometime in the fall of 2024.

**Recommendation 6:**

The City should conduct an annual employee satisfaction survey, administered by a third party, which can be answered anonymously. This recommendation should be implemented by October 1, 2024, and should occur annually.

**Response to Recommendation 6:**

The Santa Clara City Council/Authority Board agrees with this recommendation. The City conducted a procurement process and hired a third party to do an Employee Survey in 2018/2019 and agrees another Employee Survey is warranted. Staff will conduct a procurement process with the goal of having an employee survey completed within the next 6 months.

**Recommendation 7:**

The City should commend City staff for their exemplary work ethic and professionalism. This recommendation should be implemented by August 1, 2024.

**Response to Recommendation 7:**

The Santa Clara City Council/Authority Board agrees with the recommendation; it will be implemented by way of a formal City Council resolution to be presented and adopted at a Council meeting by no later than October 22, 2024. The adopted Resolution will then be distributed to all City staff.