



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Edward K. Shikada

SUBJECT: City Gift Policies and
Acceptance of Tickets

DATE: November 13, 2014

The City of San José and the San José Police Department are committed to earning and maintaining the trust and confidence of the people of our community. Among the tools we use to achieve this goal are the City's policies related to gifts that ensure that our employees and management staff avoid both actual conflicts of interest and the potential appearances of conflicts.

Earlier this year members of the SJPD command staff reported that they had received tickets to attend games from the San Francisco 49ers. They reported these gifts officially and publicly to the City and the California Fair Political Practices Commission. Although the nature and amount of these gifts are allowable under state law, they do not comply with the City's Gift Policy nor with the SJPD Duty Manual which are both more restrictive than state law.

As City Manager, I reviewed the facts when this matter came to my attention this fall. I have determined that members of staff erred in accepting the tickets to the 49ers Public Safety Appreciation event, even though they had publicly reported them. These employees have since personally reimbursed the 49ers for the cost of the tickets, and I have discussed this issue with them regarding the purpose and importance of our City's gift policies.

Going forward, we will continue to inform, train, and remind City employees about these and related policies, as we regularly do. This includes new employee orientation, Intranet website postings, email, and instructional sessions where appropriate or necessary to ensure that we can continue to earn and keep the trust of our community. In addition, I will ask all our City departments to ensure they have appropriate administrative mechanisms in place to achieve compliance with our gift and related policies.

In concert with the City Attorney's Office, we also will review and bring forward changes to the City's gift ordinance and related policies to ensure that they are clear, unambiguous, and practical, and to confirm and clarify the prohibition of acceptance of tickets to professional sporting events. In this context, we recognize and appreciate the expressions

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of support and gratitude from our community, businesses, and partners for the good work done by City employees and members of our police department. To this end, our review of these policies will consider how public appreciation can be expressed appropriately and transparently, without causing concerns about the potential appearance of conflicts of interest.



Edward K. Shikada
City Manager

cc: Larry Esquivel, Chief of Police
Judge LaDoris Cordell, Independent Police Auditor
Rick Doyle, City Attorney