



COUNCIL AGENDA: 2/27/2024

ITEM: 3.5

FILE NO: 24-73499

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: SEE BELOW

DATE: February 27, 2024

SUBJECT: Request for Revolving Door Waiver

Recommendation

As recommended by the Rules and Open Government Committee on February 21, 2024, consider the request by Magdalena Carrasco, former Council Chief of Staff for District 3 Councilmember Omar Torres, for a Waiver of the Revolving Door Restrictions based on Ms. Carrasco's February 8, 2024 Waiver Request Letter:

- (a) Grant the request for a waiver upon making findings that such waiver is in the best interest of the City and consistent with the purpose of San José Municipal Code Chapter 12.10; or
 - (b) Deny the request for a waiver if unable to make findings that such waiver is in the best interest of the City and consistent with the purpose of San José Municipal Code Chapter 12.10.
- CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment, Title 12 (Ethics Provisions) (City Clerk)
[Rules Committee referral 2/21/2024 - Item C.1]



Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: TONI TABER
City Clerk

SUBJECT: Request for Revolving Door
Waiver

DATE: February 15, 2024

RECOMMENDATION

1. Consider the request by Magdalena Carrasco, former Council Chief of Staff for District 3 Councilmember Omar Torres, for a Waiver of the Revolving Door Restrictions based on Ms. Carrasco's February 8, 2024 Waiver Request Letter; and
 - a. Grant the request for a waiver upon making findings that such waiver is in the best interest of the City and consistent with the purpose of San José Municipal Code Chapter 12.10; or
 - b. Deny the request for a waiver if unable to make findings that such waiver is in the best interest of the City and consistent with the purpose of San José Municipal Code Chapter 12.10; and
2. Forward the request and recommendation to the City Council for their consideration on the February 27, 2024 City Council agenda.

OUTCOME

The City Council may grant or deny the waiver. If the City Council approves the waiver, then Magdalena Carrasco, former Council Chief of Staff for Councilmember Torres, may work as a consultant in the role of Policy Director to represent the Latino Education Advancement Foundation in coordination with the East Side Education Initiative (LEAF/EEI) before the Administration and Council on issues such as funding inequalities in education, lack of resources and support for vulnerable students, and addressing the alarming completion rate experienced by Black and Latino/x students.

BACKGROUND

The City adopted the Revolving Door Restrictions under Chapter 12.10 of the San José Municipal Code in 2007. The purposes of the revolving door restrictions are:

- A. To assure the independence, impartiality and integrity of City officials and designated employees in making governmental decisions and taking governmental actions;
- B. To prevent such former officials and designated employees from using their positions with the City for personal gain; and
- C. To prevent private for-profit business entities from obtaining a real or perceived unfair advantage in dealing with the City by hiring former officials and designated employees.

In August 2023, the City Council exempted from the Revolving Door Ordinance employees and volunteers of all 501(c)(3) nonprofits, and reduced the prohibition from two years to one year.¹

Under [Municipal Code Section 12.10.030](#), former officials and designated employees are prohibited for one year after terminating City employment from pursuing:

- A. Work on any legislative or administrative matter on which the official or employee worked on behalf of the City during the twelve months prior to termination of service, or which was within the former City official's or 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 legislative or administrative matter such as a project involving land use, development, or public works. Legislative matters include City Council, Successor Agency board and City board or commission actions related to ordinances, resolutions, agreements, permits or licenses.
- B. Represent anyone else on any matter, whether or not for compensation, before the City Council, Successor Agency board, any commission thereof, any individual member of the City Council, Successor Agency board, or commission, or any staff of the City or Successor Agency.
- C. Receive 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 months prior to the termination of service.

¹ <https://sanjose.legistar.com/LegislationDetail.aspx?ID=6318087&GUID=6EAB9203-8CAE-4E7F-B7B6-1DAC811F9C9A&Options=ID|Text|&Search=revolving+door>.

The following persons are not subject to the prohibition: (a) employees or volunteers of 501(c)(3) nonprofit organizations; (b) an employee or official of a government entity; or (c) an independent contractor who provides transitional services to the City. If none of the exceptions apply, the City Council may waive the prohibition of [Section 12.10.030](#) if the Council finds that such waiver is in the best interests of the City and that such waiver is consistent with the purpose of [Section 12.10.010](#). These requests for waivers from former employees or officials are placed on the City Council Agenda through the Rules and Open Government Committee.

ANALYSIS

Magdalena Carrasco was employed with District 3 Councilmember Torres' office as Council Chief of Staff for approximately three months from January 1, 2023 to April 1, 2023.

According to the Waiver Request Letter, on May 1, 2023, Ms. Carrasco started work as a consultant in the role of Policy Director for the Latino Education Advancement Foundation in coordination with the East Side Education Initiative (LEAF/EEI) where her duties include embarking on an educational campaign and identifying key stakeholders with common goals and vision for students. In her request, she indicated that she plans to work with City departments and City elected officials to help advance the welfare of young adults on issues such as funding inequalities in education, lack of resources and support for vulnerable students, and addressing the alarming completion rate experienced by Black and Latino/x students.

According to the Waiver Request Letter, Ms. Carrasco asserts a waiver would be in the interest of the City because collaborating with City officials on a collective vision and common goal will offer greater opportunities to the young people in the City of San José and in alignment with the City's Youth Master Plan and the Children's Bill of Rights.

In order to grant a waiver, the City Council must make findings as to why such waiver is in the best interest of the City and consistent with the purpose of San José Municipal Code Chapter 12.10. Alternatively, the City Council may deny the request.

CEQA

Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment, Title 12 (Ethics Provisions).