Public Comment - City Council 3/12 - Item 3.4. "Amendment to Title 12 (City Gift Ordinance) of the San José Municipal Code"

Jordan Moldow <[redacted]
Tue 3/12/2024 10:14 AM

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Public Comments from Jordan Moldow (speaking on behalf of himself) for Item 3.4. "Amendment to Title 12 (City Gift Ordinance) of the San José Municipal Code" - City Council 3/12

Why does the annual gift limit need to be increased? The memorandum provides a very weak justification for this. What made this an issue worth addressing?

Under what circumstances would an elected official and/or city staff need to accept gifts in excess of $50 in order to perform their duties to the city?

The state annual limit of $590, inflation-adjusted, seems excessive. If "one Restricted Source" were to give $590 gifts to everyone in a city council office, or to everyone in a city department, that seems like it would be a pretty effective bribe. Do other provisions in the Municipal Code prevent this kind of abuse?

I don't understand the argument that this change somehow "simplifies compliance". The Ordinance change clearly shows [1] that the only thing changing is the limit itself. No other potential discrepancies between state and local law are being changed, only the dollar amount. Under current law, the $50 limit is always going to be lower than the state limit, so that should be the only number that City staff and officials need to remember when accepting gifts. If the City really wanted to simplify compliance, then it would just get rid of its gift ordinance, and rely entirely on state law (Note: I am not suggesting that you do this. I'm just offering a hypothetical.)

P.S. It should also be noted that San Francisco voters just overwhelmingly approved a ballot measure [2], which was put on the ballot by the San Francisco Ethics Commission, which adds more city restrictions on receiving gifts, further beyond the restrictions set by state law.

Thanks,
Jordan Moldow (speaking on behalf of himself)
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[1] https://sanjoseca.primegov.com/api/compilemeetingattachmenthistory/historyattachment/?historyId=4951a261-2eed-46ca-8ced-323785119fa4

[2] https://ballotpedia.org/San_Francisco,_California,_Proposition_D,_Amend_City_Ethics_Laws_and_Expand_Restrictions_on_Gifts_to_City_Officers_and_Employees_Initiative_(March_2024)