



COUNCIL AGENDA: 12/13/2022
ITEM: 3.7
FILE NO: 22-1944

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: SEE BELOW

DATE: December 13, 2022

SUBJECT: Waiver of Revolving Door Restrictions

Recommendation

As recommended by the Rules and Open Government Committee on December 7, 2022, approve the request by Christina Ramos, the former Chief of Staff for Councilmember Raul Peralez, for a Waiver of the Revolving Door Restrictions for the work described in the attached memo previously submitted to the Rules Committee, and adopt the findings adopted by the Rules Committee as outlined in the memo that such waiver is in the best interest of the City and consistent with the purpose of San José Municipal Code Chapter 12.10.

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

[Rules Committee referral 12/7/2022 - Item C.2]



Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: NORA FRIMANN
City Attorney

SUBJECT: Waiver of Revolving Door
Restrictions

DATE: December 1, 2022

RECOMMENDATION

1. Consider the request by Christina Ramos, former Chief of Staff for Councilmember Raul Peralez, for a Waiver of the Revolving Door Restrictions for the work described in the memorandum and in Ms. Ramos's November 8, 2022 Waiver Request Letter and make findings as to whether 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 findings to the City Council for approval and place the item on the December 13, 2022 Council agenda.

OUTCOME

If the City Council approves the Waiver, then Christina Ramos, former Chief of Staff for Councilmember Peralez, will be able to represent Pacific Gas & Electric, Inc. before City departments and City elected officials to negotiate and discuss involving power, infrastructure and emergency services.

BACKGROUND

The City Council adopted [Ordinance No. 28074](#) on June 26, 2007 which revised San José Municipal Code (SJMC) Chapter 12.10 – Revolving Door Restrictions. As defined in [Municipal Code Section 12.10.010](#), 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.

Under [Municipal Code Section 12.10.030](#), former officials and designated employees are prohibited for two years 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.

The [ordinance has exceptions](#) to the prohibitions for (a) employees or volunteers of specified 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 ordinance provides that 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](#).

The Council has a streamlined approach to respond to requests for waivers from former employees. This process contemplates a review of the request by and a recommendation from the Rules and Open Government Committee to the full Council.

ANALYSIS

Christina Ramos was employed with District 3 Councilmember Peralez's office as Chief of Staff from February 28, 2016 to October 28, 2022. In the District 3 Council Office, she worked on Communications and Media, Boards and Commissions, Budget, Labor Relations and Women's Issues, among others, and acted as liaison to all City departments.¹

On October 31, 2022, Ms. Ramos started her new role as Senior Government Affairs Representative for Pacific Gas and Electric, Inc. (PG&E). As PG&E's Senior Government Affairs Representative, Ms. Ramos' responsibilities would include working with the City of San José on issues regarding power, infrastructure and emergency services affecting the residents of San José and neighboring residents. In her request, she indicated that she plans to work with City departments and City elected officials on issues that play a vital role to City residents, including: Emergency liaison with the City of San José and other Bay Area cities and emergency managers; Support to emergency operations; Public Safety Power Shut Off Responses; Wildfire Response; and Liaison to infrastructure projects and issues.

If the Rules Committee finds that there is basis to grant a waiver, Ms. Ramos' attached letter sets out potential findings the Committee could make in granting a waiver, including:

- As Senior Government Affairs Representative for PG&E, Ms. Ramos will be working on critical issues regarding power, infrastructure and emergency services that could benefit residents of San José, and are consistent with the purpose of the City's Revolving Door restrictions in Municipal Code Chapter 12.10; and
- The waiver allows Ms. Ramos to use her extensive background and experience to work with PG&E on crucial matters including emergency liaison with the City, neighboring cities, Public Safety Power Shut Off Responses, Wildfire Responses, infrastructure projects and issues, and their emergency managers.

CONCLUSION

The Rules Committee may grant a waiver by finding that a waiver is in the City's best interests and consistent with the purposes of San José Municipal Code Chapter 12.10. The Rules Committee's recommendation will be forwarded to the City Council for action.

¹ <https://sjd3.com/meet-the-team/>.

CEQA

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

/s/ Neelam Naidu
NEELAM NAIDU
Senior Deputy City Attorney

For questions, please contact Neelam Naidu, Sr. Deputy City Attorney, at 408-535-1900.

Attachment:

- November 8, 2022 Christina Ramos' Request for Waiver of the Revolving Door Prohibitions