



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** RICHARD DOYLE  
City Attorney

TONI TABER  
City Clerk

**SUBJECT:** Actions Related to the  
Agreement for Evaluator and  
Investigative Services for the  
Board of Fair Campaign and  
Political Practices and the  
Board of Fair Campaign and  
Political Practices Regulations  
and Procedures

**DATE:** June 13, 2019

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## **RECOMMENDATION**

(a) Approve an agreement with Hanson Bridgett LLP to provide legal and investigative services as the Evaluator and Investigator to the San José Board of Fair Campaign and Political Practices for four-year term beginning July 1, 2019 through June 30, 2023 in the amount not to exceed \$250,000, subject to appropriation of funds.

(b) Adopt a resolution amending the regulation and procedures of the San José Board of Fair Campaign and Political Practices, to correct a clerical error and make a technical change to the protocol for procuring the Evaluator for the San José Board of Fair Campaign and Political Practices.

## **OUTCOME**

Execution of the agreement with Hanson Bridgett will allow the firm to perform legal and investigative services for the Board of Fair Campaign and Political Practices ("Board").

In addition, adoption of a resolution amending the regulations and procedures of the Board will correct an error in the resolution related to when the contract with the Evaluator should end and to make a technical change to the protocol for procuring the Evaluator.

## **BACKGROUND**

The San José Municipal Code and the Board Regulations and Procedures provide that the City Council shall retain an independent and neutral Evaluator, selected by the

Board, to review and investigate complaints filed with the Board that allege certain violations of the City's Ethics Ordinances under Title 12 of the Municipal Code. The Board's Regulations and Procedures provide that the Evaluator may serve for up to a four-year term and Section 12.04.080 of the Municipal Code provides that the City Council shall appropriate the funds necessary for the Evaluator. The Board's current resolution, No. 77830, requires the Board to select the Evaluator and present the agreement with the selected candidate to the Council for approval of the agreement on a public agenda.

In addition, the Board's Regulation and Procedures gives the Board authorization to hire an independent investigator to assist in the investigation of complaints filed with the Commission and to monitor compliance with the requirements of the Ethics Ordinances in Title 12 of the Municipal Code.

### **ANALYSIS**

The Board issued a Request for Proposal (RFP) for an Evaluator (Attorney) and Investigator on February 15, 2019. Due to issues using the BidSync system, the RFP was issued again on May 3, 2019. The Board received one proposal in response to the May 3, 2019 RFP, as follows:

Hanson Bridgett LLP

San Francisco, CA

On June 5, 2019, the Board interviewed the proposer. After the interview, the Board discussed and recommended that a new four-year agreement be awarded to the law firm of Hanson Bridgett, LLP to serve as the Commission's Evaluator (Attorney)/Investigator. The agreement posted with this memo gives Hanson Bridgett the authority to contract with investigative staff as necessary, subject to the City's approval.

The Board also recommended a revision to its procedures currently set forth in Resolution No. 78390 to correct a clerical error regarding the end date of the contract with the Evaluator. Section C.5 of the Resolution states: "The contract may have up to a four (4) year term and may not end in an odd-numbered year." The Board's procedures, however, should state: "The contract may have up to a four (4) year term and should not end in an even numbered year," which ensures the Board is not procuring the services of an Evaluator during a regularly-scheduled election cycle. Finally, the protocol for procuring the services of the Evaluator(Attorney)/Investigator is being updated to a "Request for Proposal" instead of "Request for Qualifications/Quotes". The proposed resolution incorporates these revisions and repeals Resolution No. 78390.

**COMMISSION RECOMMENDATION AND INPUT**

The Board of Fair Campaign and Political Practices recommended proceeding with recommended actions at its Special Meeting on June 5, 2019.

**PUBLIC OUTREACH**

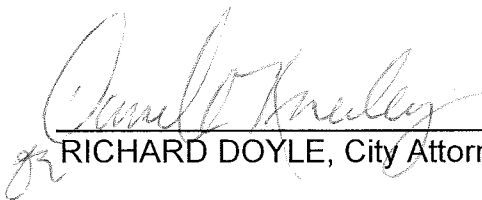
This memorandum is posted on the City's website for the June 25, 2019 Council Agenda.

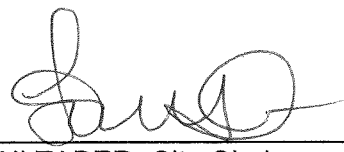
**BUDGET REFERENCE**

Fund #	Appn #	Appn. Name	Total Appn	Amt. for Contract	Proposed Budget Page	Proposed Budget Action (Date)
001	3383	Ethics Commission	\$40,000 (FY 19-20)	\$40,000 (FY 19-20)	Page IX-23	6/18/2019

**CEQA**

Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

  
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RICHARD DOYLE, City Attorney

  
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TONI TABER, City Clerk

For questions, please contact Mark Vanni, Deputy City Attorney, at 408-535-1900.

cc: David Sykes