COUNCIL AGENDA: 4/17/2018
ITEM: 3.12

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: THE HONORABLE MAYOR & CITY COUNCIL

FROM: Councilmember Lan Diep

SUBJECT: SISTER CITIES TRAVEL BAN

DATE: 4/13/2018

STN

Approved Lan Diep Date 4/13/18

RECOMMENDATION

1. Reaffirm the City's commitment to our Sister Cities program; and **either**

2a. Make no amendments to the Council Travel Policy (9-5); **or alternatively**

2b. Accept the Mayor's recommendations but further amend Council Travel Policy (9-5) to stipulate that when a councilmember travels as an official City representative by nomination of the Mayor, the costs of travel shall be paid for from the Mayor's office budget, and not the Council office budget.

BACKGROUND

Council Policy 9-5 provides that:

> Travel by City officers and employees is an appropriate activity and expense when performed for a public purpose. Requests for travel shall be limited to events from which the City derives specific benefits through attendance of a City representative(s), and shall be supported, if needed, by travel brochures, official notifications or other documentation to help Council in considering the travel request.

Five councilmembers were approved through this process to join the San José delegation to Okayama, Japan to celebrate the 60th anniversary of our Sister City relationship. Counting the five councilmembers, the San José delegation consisted of 34 individuals, paling in comparison to the 100 or so people who came from Okayama to visit San José in 2017.

The national Sister City program was established during President Eisenhower's administration, in the aftermath of World War II. The intent to promote citizen diplomacy, premised on the belief that person-to-person relationships fostered through sister city cultural exchanges would promote a lasting peace. San José was the third city in the United States to establish a sister city affiliation on May 26, 1957, when we became sister cities with Okayama, Japan.

The absence of five councilmembers who joined the Sister City delegation left a quorum of remaining councilmembers to conduct city business, which is enough to make a Council decision

legally valid, but the Rules Committee decided to not agendize substantive subjects at the April 10th Council meeting. However, the absence of a majority of members of the Neighborhood Services Committee did force a one committee meeting to be canceled. A study session was rescheduled, but study sessions do not require quorum, and it is unclear that the study session was rescheduled due to any reason related to the Sister Cities trip. Mayor Liccardo has proposed changing Council policy as it relates to international travel to 1) make the Mayor's approval a prerequisite to Council approval, and 2) limit each council office's discretion as to how council office budgets are spent.

Past delegations to other cities have brought tangible benefits to San José, such as flights from our airport to Tokyo and Beijing, the inspiration for our Japanese Friendship Garden in Kelley Park (and money from Okayama to help restore it after the flood); inspiration for Viva Calle, and our pending electronic billboard and downtown signage policy. During the Smart Cities meeting in April, the Mayor suggested strengthening ties with cities such as Barcelona may help San José better formulate a plan for our Internet of Things policy.

ARGUMENT

The notion of Sister Cities is premised on the belief that citizen diplomacy and cultural exchanges will in- aggregate have impact on the politics of nations, and preserve a lasting peace. The circumstances under which this particular item comes before Council underscores just how valuable diplomacy is, as the proposed desired outcome could have been achieved without undermining the San José delegation to Japan while they were there, without offending the Okayama host delegation, and – most importantly – without devaluing the hard work done by City staff and City partners in the Japantown Business Association, San José Okayama Sister Cities, Sister Cities International, San Jose State International, and others to maintain the ties between San José and Okayama in between official visits.

Whatever the Council decides today, it is important that we clarify our city's commitment to our Sister Cities program so that our partner cities and City staff who manage these relationships do not feel belittled or dismissed. Any changes to policy, if made, should not be interpreted as a devaluing of our good relationships cultivated abroad for the past 60 years.

Current policy vests the power to approve out-of-state travel by a member of this body, international or otherwise, with the full Council. That is where the power should remain. Travel should not be pre-qualified by the Mayor prior to being brought to Council for consideration. Per Council Policy, each councilmember who went to Japan wrote a memo seeking Council approval and was granted such approval in transparent fashion. Any concerns about the number of councilmembers joining the delegation could have been discussed but was not. To the extent that there are concerns about the size of the delegation, the process in place did not fail us – it was not used to avert the undesired outcome. Those who agree with the Mayor's position should scrutinize future travel requests and grant or withhold their approval of such travel accordingly. No changes to the current policy are needed.

To be sure, the Mayor raises good points. Maintaining public trust should be at the forefront of our minds – not just elected officials, but of every public employee. However, cultivating public trust requires engagement and education; not validating false premises. Through our budget process, dollars are marked for specific purposes, and used accordingly to the discretion allowed. Money for parks cannot be spent to build affordable housing. Money for public art cannot be used to pay down pension obligations. And money allotted to Council budgets cannot be used to

pave roads, without a councilmember who volunteers his or her budget for that purpose. It is misleading to suggest that those who joined the San José delegation to Okayama using their office budgets somehow took money away from pavement maintenance.

Travel funded by non-city sources such as non-profit organizations, international non-governmental agencies, and personal pocketbooks of course preserve public funds. But funding travel this way is not always preferable or feasible. Non-profits and foundations only fund trips aligned with their desired outcomes. Organizations that have business before this Council are reluctant to fund Council-travel as recipients of such gifts must recuse themselves from any matters before Council that impact the sponsoring-entity for a year. And not all councilmembers can conduct City business at personal expense. To maintain the independence of councilmembers from special interests and to prevent a dependency on outside organizations to fund City business, councilmembers should retain the discretion to spend their office budgets per Council approval and be accountable to their constituents as to how those dollars are spent. Requests put before Council to approve certain expenses should be scrutinized prior to granting approval. The Council should never make policy to simply avoid an awkward conversation.

The proposal to change Council Policy 9-5 seems premised on the belief that travel as part of a Sister City delegation has little strategic value, or that whatever value there is can be harvested by a single City representative. This view, however valid, should not be formalized into policy, and imposed on those who do not share it. It is equally valid that travel with a Sister City delegation – or any opportunity to travel with a colleague – presents immense value. Previous trips abroad have yielded tangible benefits to San José, and there are intangible benefits to affording policymakers and their aides upon who they rely the opportunity to learn about alternative ways to look at the world.

To the extent that the Council is swayed by the Mayor's call for changes to our travel policy, the Council should also stipulate that the Mayor's budget shall pay for all costs of travel related to City business. Under the status quo, councilmembers have full discretion to travel pending Council approval of the request. It makes sense for individual office budgets to cover the costs of approved travel. However, under the Mayor's proposal, a member of the Council may join an international delegation only if "the Mayor is unavailable to join". In effect, the designated councilmember would be performing the duties of the Mayor, who is the City's "political leader" and de facto "head of state". Under such a policy, the designated councilmember should not have to use the district office budget to pay to perform duties that otherwise belong to the Mayor.

CONCLUSION

The Council should reaffirm our commitment to our Sister Cities program and preserve the current Council Policy on travel, scrutinizing travel requests as necessary. But should the Council delegate the sole responsibility of representing San José overseas to the Mayor, the new policy should accordingly stipulate that any travel on behalf of the Mayor shall be paid for by the Mayor's office.

COUNCILMEMBER
LAN DIEP
SAN JOSÉ DISTRICT 4