



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** MAYOR LICCARDO  
COUNCILMEMBER CARRASCO  
COUNCILMEMBER ARENAS

**SUBJECT: SEE BELOW**

**DATE:** NOVEMBER 18, 2020

Approved

Date 11/12/20

## **ACTIONS RELATED TO CITY EMPLOYEE OVERSIGHT AND MISCONDUCT INVESTIGATION**

### **RECOMMENDATION:**

1. In the wake of the revelation of the sexual assault, extortion, bribery, and other crimes of former Code Enforcement official William Gerry, direct the City Auditor to include on his workplan an evaluation of oversight and management of Code Enforcement officials, and a recommendation about any needed management improvements within the Division and Department.
  - a. The City Auditor shall, during the November 18 Rules Committee meeting, report how other items on its workplan might be re-prioritized to accommodate this audit.
  - b. The City Auditor shall further opine whether it views this issue appropriate for audit, or better suited for Council investigation pursuant to San Jose City Charter Section 416.

### **DISCUSSION:**

The deeply disturbing news about the sexual assault, extortion, and bribery charges against William Gerry, a former Code Enforcement employee, raise serious questions about oversight. We need to better understand how long Gerry's conduct transpired before it was detected, what

management practices might have enabled such criminal activity, and what changes need to be implemented to avoid such horrors in the future.

The Gerry investigation appears to date back to events commencing in August of 2018, yet reporter Robert Salonga's account in the November 6, 2020 San José Mercury News includes reference to more longstanding misconduct:

*"Ironically, long before the criminal investigation against Gerry got underway, he was actually looked at as an extortion victim in a similar context. In October 2018, Gerry reportedly received two letters demanding he shut down two massage businesses or risk being exposed for illicit conduct."*

The implication, of course, is that other crooks knew of Gerry's conduct spanning well before October of 2018. All of that took place while Gerry received a salary paid by San Jose taxpayers, supervised and managed by the City of San Jose.

*The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.*