

CHRIS PEACOCK

September 9, 2020

Ms. Toni Tabor
City Clerk
City of San José
200 East Santa Clara St.
San José, CA 95113

Dear Ms. Tabor:

A few weeks ago, I was surprised to read an opinion piece titled “‘Strong mayor’ strong-arms people into voting on unvetted city constitutional amendments” on a local news website. The author was identified as “the chair of the city’s Board of Fair Campaign and Political Practices.” The op-ed accused the mayor of “rushing a slew of semi-permanent changes to our city constitution without the vetting it deserves.” It also attacked five council members by name.

This wasn’t just surprising. It was disappointing and ironic.

For the seven years I have served on this board, members have upheld a tradition of refraining from city politics. The simple idea is that if we are going to call for ethical conduct, our own activities should be above reproach. We should do our utmost to avoid even gray areas.

Our bylaws state the chair shall “serve as the sole contact with the public and media.” I have hewn to that tradition and policy, deferring to both chairs during my service to speak on behalf of the board. Now the chair, the only member authorized to speak on behalf of the board, was criticizing by name and in very personal terms the mayor and council members, whom we ask to rely upon us as independent arbiters.

In addition to personal charges, the op-ed criticized City Council process. It complained that the mayor and council members had not consulted with this board. Yet, the op-ed itself reflected no consultation with this, the very same board on this subject. In fact, this board has not met since March, even though other city boards and commissions have met virtually because of COVID-19 precautions. Until notice of today’s meeting, the only board communications since March have been notices of cancelled meetings.

Our agenda today calls for discussion of the ballot measure to amend the city charter to transition mayoral elections to presidential election years. That means the panel whose chair has accused the mayor and council members of acting in bad faith will now provide counsel to the mayor and council members — and expect that counsel to be viewed as credible and even-handed.

After reading the op-ed, I asked the City Attorney’s office about the appropriateness of a published opinion piece listing the writer as “the chair of the city’s Board of Fair Campaign and Political Practices.” A day or so later, the tagline was amended. But rather than drop the

reference to an official position, a line was added several days later. It read: "Opinions in this article are those of the author and do not reflect an official opinion of the Board."

Maybe that follows the letter of the law. But it falls far short of the spirit and tradition of a panel whose very name calls on us to be "fair" as we advise City Council and evaluate complaints accusing fellow citizens of violating campaign and ethics rules.

My second and final term on the board ends early next year. I have been honored to serve under its different names: elections, ethics and, now, one that emphasizes fairness.

But given the direction and the tone that is now being set — including personal criticism, lack of consultation and statements that undermine our credibility — I believe now is the appropriate time to end my board service. So I am hereby resigning, effective at the conclusion of today's meeting.

I am grateful to City Council for appointing and reappointing me, including former council member Pete Constant, who first encouraged me to apply; my many board colleagues over the years, especially former Chairman Mike Smith, who epitomizes selfless public citizenship; city staff (including you and the late Rick Doyle) whose administrative support and policy and legal advice help inform our members and keep our meetings running smoothly; and my wife and children, who adjusted schedules, meal times, business trips and homework reviews so that I could attend meetings and participate fully.

In closing, my time on this board has been an honor and I wish my colleagues and the citizens we serve only the best going forward. Now, more than ever, our government and our fellow citizens need this board to stay above the fray and serve as a model for fairness and ethical public conduct.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Peacock". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Chris Peacock
Vice Chair, Board of Fair Campaign and Political Practices