

**From:** Ragan Henninger [<mailto:raganchenninger@yahoo.com>]

**Sent:** Friday, October 31, 2014 3:26 PM

**To:** Dahmen, Carol

**Subject:** Cease and Desist - and supporting documents

TO: Carol Dahmen

Political Marketing Manager – West Division

Comcast Spotlight

Via Email: [Carol\\_dahmen@cable.comcast.com](mailto:Carol_dahmen@cable.comcast.com)

Re: Cease and Desist Letter Regarding the Silicon Valley Public Health and Safety Coalition

October 31, 2014

Dear Ms. Dahmen,

This letter is prompted by a television ad now being run on your stations that supports Dave Cortese for Mayor of San Jose and opposes Sam Liccardo for Mayor of San Jose. This ad contains false and misleading statements that willfully attempt to misinform residents of San Jose. Specifically, the ad falsely claims:

- Sam Liccardo “voted against restoring the burglary investigation unit”

First, it is patently false that the city council can dictate the how police resources are deployed. The San Jose City Charter explicitly states:

*“Neither the Council nor any of its members nor the Mayor shall interfere with the execution by the City Manager of his or her powers and duties, nor in any manner dictate the appointment or removal of any City officers or employees whom the City Manager is empowered to appoint except as expressly provided in Section 411.1. However, the Council may express its views and fully and freely discuss with the City Manager anything pertaining to the appointment and removal of such officers and employees.*

*“Except for the purpose of inquiries and investigations under Section 416, the Council, its members and the Mayor shall deal with City officers and employees who are subject to the direction and supervision of the City Manager, City Attorney, City Auditor, Independent Police Auditor or City Clerk, solely through the City Manager, City Attorney, City Auditor, Independent Police Auditor or City Clerk, respectively, and neither the **Council nor its members nor the Mayor shall give orders to any subordinate officer or employee, either publicly or privately.**”* [[San Jose City Charter, Section 411](#)]

The council is permitted to express its views and indeed City Councilmember Sam Liccardo voted earlier this year in support of restoration of the burglary investigation unit as part of a vote on the FY2014-2015 Mayor’s Budget Message (3/18/14, [Minutes of Council meeting](#)). The [Mayor’s budget](#) contains this explicit passage on restoration of the unit:

*“As part of the Police Staffing Restoration Strategy discussed above, the City Manager is directed to prioritize the re-establishment of a Burglary Unit within the Police Department, drawing staff from positions that could be done by civilians, retiree rehires, and Community Service Officers.”*

As noted in the minutes of the 3/18/14 council meeting, the motion to approve the budget statement passed 10-1 (the single dissenting vote came from Councilmember Kalra).

- Sam Liccardo “in charge when emergency responses soared to 20 minutes”

This is false. For priority one calls, the average response time is under 7 minutes for priority one call – calls where someone is in peril. [[Service Efforts and Accomplishments, 2012-13](#)]. Priority 1 calls are [defined by the SJPD](#) as indicating “an event of immediate potential for imminent danger to life or property.” The types of crimes described in the ad “gang assaults, attempted rapes and attempted child abductions” would very likely fall into this category.

This malicious, inflammatory and demonstrably false claims are part of a pattern of misleading and unsubstantiated statements that continue in the ad:

- Sam Liccardo “was in charge as San Jose lost 400 police officers

This is highly misleading. The decline in San Jose police officers stems largely from decisions made in the early and mid-2000s – prior to Liccardo’s tenure on the Council – to increase pension and retirement benefits for city employees. These increases in costs led to shortfalls in other areas of the budget forcing hiring freezes and layoffs. As reported in 2013 by the New York Times:

“San Jose now spends one-fifth of its \$1.1 billion general fund on pensions and retiree health care, and the amount keeps rising. To free up the money, services have been cut, libraries and community centers closed, the number of city workers trimmed, salaries reduced, and new facilities left unused for lack of staff. From potholes to home burglaries, the city’s problems are growing.” [[New York Times, 9/23/13](#)]

Dave Cortese – not Sam Liccardo – voted for those increases in pensions and retirement costs.

This ad includes no sourcing for it’s malicious, misleading and outright false claims. We are asking that you Cease and Desist from continuing to air this ad. I can be reached at [ragan@liccardoformayor.com](mailto:ragan@liccardoformayor.com) or (408)627-7343.

Sincerely,  
Ragan Henninger  
Campaign Manager, Liccardo for Mayor