



Phone Calls, Financial Support Preceded Council's Dec. 5 Vote

By Barry Holtzclaw



Councilmembers Peralez, Esparza, Cohen, Arenas and Jimenez (photo illustration)

Conversations prior to [Monday's San Jose City Council meeting](#)—rather than the five hours of public comments – appear to have swung the outcome of an historic decision to fill two vacant council seats by appointment, rather than by a popular vote.

Despite passionate pleas from a City Hall audience, [the Dec. 5 council action](#) wasn't about taxpayers' money or voters' rights. Contributions, political alliances and private conversations not streamed on Zoom won the night.

The council majority was likely secured before the opening gavel. Vote counters on both sides called the 7-4 outcome throughout the day, and a betting person could have placed odds on the vote and walked away with a pocketful of cash. Most of the council members who voted to appoint watched the proceedings unseen and from afar rather than face constituents who argued for a ballot.

Money from organized labor

The pro-appointment council members—with the exception of unsuccessful 2022 mayoral candidate Dev Davis—have benefited from the financial support or endorsements from organized labor over their political careers.

In 2022, the South Bay Labor Council PAC, another labor-union funded PAC and individual unions spent nearly \$370,000 on three council candidates, and another nearly \$146,000 for a council member running for county supervisor. This was preceded by a similar pattern in 2020,

when organized labor spent nearly \$250,000 on four council races, including nearly \$145,000 on three current council members, according to campaign spending reports filed with the City Clerk.

Then there was the ask: phone calls last Wednesday to three council members from **Jean Cohen**, executive director of the South Bay AFL-CIO Labor Council. The council had joined other pro-labor groups and the county Democratic Party in calling for appointments to the council vacancies, rather than having a special election.

Labor lobbyist calls

The stated topic (on the city's Lobbyist Contact report) of the calls? "Council vacancies." Jean Cohen's calls were to:

- **David Cohen**, recipient of \$93,242 in spending by the labor council's Committee on Public Education (COPE) PAC in his 2020 council race, plus \$20,250 in direct contributions from three dozen unions
- Maya Esparza, who lost her 2022 re-election bid despite \$113,980 in spending by the COPE PAC, (preceded by \$101,304 in COPE aid in her 2018 win)
- **Sergio Jimenez**, whose campaign in 2020 benefited from \$2,563 in COPE PAC spending

Five days later, these three joined four other council members in voting for the appointment of two new council members to fill the remaining two years of the terms for District 8 and District 10. The vacancies were created by **the election of District 10 Councilmember Matt Mahan** as mayor, and **the election of District 8 Councilmember Sylvia Arenas** as Santa Clara County supervisor.

The six previous council vacancies for unexpired terms in the past 20 years all were filled by special elections, according to the City Clerk's office.

Jean Cohen (no relation to the council member) said she is glad the council followed her advice on the phone call, and didn't hesitate to stake out a political stance against Mahan in the process. She called her private lobbying effort against a special election "transparent."

Selection instead of election

"In what I anticipate being the norm moving forward, incoming Mayor Mahan was unable to convince a majority of his council colleagues to support his fiscally irresponsible idea to waste \$11 million dollars trying to elect a corporate centric ally onto the city council," she wrote in an email response to questions from San Jose Inside. "The process leading up to the council decision was open and transparent, as evidenced by the disclosed conversations where I advocated for the responsible course of action instead of wasting taxpayer dollars—and the council vote confirms that my advocacy for sensible solutions prevailed."

Jimenez said that in his conversation, the labor leader "shared her opinion just like other organizations do about important topics impacting our city."

"In fact, the same day I talked with Jean I had a meeting with the Santa Clara County Association of Realtors where they, like Jean, expressed their opinion about the topic of vacancies."

Arenas, who joined Councilmembers Raul Peralez, Dev Davis and Magdalena Carrasco in the majority that approved the plan to appoint the new council members, also benefited from COPE PAC spending this year. The Working Families for Responsible Leadership in Santa Clara County Supporting Sylvia Arenas for Supervisor 2022, a PAC for labor union donations, spent \$145,581 on her supervisor campaign, and individual unions also contributed \$47,500 directly. In her 2020 council campaign, Arenas was the beneficiary of \$28,487 in COPE PAC spending.

A spokesperson for the supervisor-elect defended her vote against a special election. “Councilmember Arenas has consistently been concerned about ensuring continuity of representation in District 8 without any gaps,” said Patrick McGarrity. “She has had many conversations with a wide variety of constituents and advocates about the best way to move forward with filling this vacancy, as she came to her own independent position.”

Cohen said that conversations with his financial benefactors didn’t prevent him from acting independently. In response to questions from San Jose Inside, he said, “In the weeks leading up to the City Council meeting on vacancies, I spoke with various leaders from neighborhoods and community organizations.”

“For example, the day after the call you referenced,” said Cohen, “I spent an equal amount of time speaking with a representative of the Realtors Association. These calls were important to me as I considered the process moving forward. I think it’s important to listen to folks with varying opinions in order to make my own decisions in a thoughtful way.”

Cohen will lose a few pro-labor allies this month, but he will be joined by some new council members next month, just in time to fill the vacancies. Two of the newly elected council members who will be voting on the actual council appointments next month — Omar Torres and Peter Ortiz — benefited from labor PACS in their successful elections last month: \$114,368 for Torres, and \$140,921 for Ortiz.

The Chavez factor

The presence of Santa Clara County Supervisor Cindy Chavez looms large as well. Mahan’s colleagues on the council endorsed the mayoral candidacy of Chavez, herself a former executive director of the South Bay Labor Council.

The council's COPE PAC spent \$1,232,768 on the county supervisor’s unsuccessful mayoral campaign.

"It’s hard to ignore the irony,” said Liccardo in an email response to questions from San Jose Inside. “This council majority—the same council members that uniformly endorsed the mayoral candidate rejected by a majority of the electorate four weeks ago—believes itself qualified to select the council representative for 200,000 residents they don't know and have never represented.”

“That's more than hubris; it's delusional.”