



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Lee Price, City Clerk

SUBJECT: Agreement for Elections
Commission Investigator
Services

DATE: December 9, 2005

RECOMMENDATION

Adoption of a resolution authorizing the City Clerk to negotiate and execute an agreement with G. Edward Pitter and Associates to provide investigation services to the San Jose Elections Commission for a term beginning December 1, 2005 and extending through June 30, 2007, in an amount not to exceed \$10,000.

BACKGROUND

As recommended by the Blue Ribbon Task Force, the Elections Commission's Regulations were amended, and adopted by the City Council on March 1, 2005, to give the Commission authority to hire an independent investigator. The amendment further provided that the City Clerk execute and administer the investigator contract. On October 4, 2005, the City Council authorized the City Clerk to execute an agreement with Rivera and Associates to provide investigative services in an amount not to exceed \$10,000. The staff memorandum indicated that the Elections Commission recommended the hiring of two investigator firms and that a Request for Qualifications would be issued for the second firm.

ANALYSIS

The City Council authorized the Commission to issue a Request for Qualifications (RFQ) for an investigator to assist in the investigation of complaints filed with the Commission. The investigator would also monitor compliance with the requirements of the Ethics Ordinances in Title 12 of the Municipal Code, including review of issues related to the Lobbyist Ordinance and the Campaign Ordinance. It is anticipated that use of an investigator to assist the Evaluator (Attorney) with investigations would lower the costs of investigating complaints filed with the Commission.

The Commission recommended that two firms be hired by the City in the event that one firm is unavailable to provide immediate investigative services for complaints which are

filed with the Commission. A Request for Qualifications was issued for the second investigator. At its November 3, 2005 meeting, the Commission recommended that G. Edward Pitter and Associates be hired as the second Elections Commission Investigator.

OUTCOME

Negotiation and execution of the agreement with G. Edward Pitter and Associates will allow the investigator to perform the applicable services for the Elections Commission.

PUBLIC OUTREACH

Not applicable.

COORDINATION

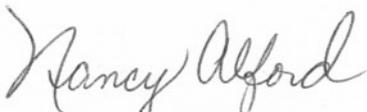
This memorandum was coordinated with the City Attorney's Office.

COST IMPLICATIONS

The cost of this contract is \$10,000. \$40,000 was previously appropriated to the Elections Commission for independent investigator services on October 18, 2005.

CEQA

Not a Project.



for Lee Price, CMC
City Clerk

cc: Richard Doyle