



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** RICHARD DOYLE  
City Attorney

LEE PRICE  
City Clerk

**SUBJECT:** Agreement for Elections  
Commission Evaluator and  
Investigator Services

**DATE:** December 3, 2010

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## **RECOMMENDATION**

Approve an agreement with Hanson Bridgett to provide legal and investigative services as the Evaluator and Investigator to the San Jose Elections Commission for a four-year term beginning on January 1, 2011 and extending through January 1, 2015, in an amount not to exceed \$250,000, subject to appropriation of funds.

## **OUTCOME**

Execution of the agreement with Hanson Bridgett will allow the firm to perform legal and investigative services for the Elections Commission.

## **BACKGROUND**

The San José Municipal Code and the Elections Commission Regulations and Procedures provide that the City Council shall retain an independent and neutral Evaluator, selected by the Commission, to review and investigate complaints that are filed with the Commission alleging violations of the Ethics Ordinances in Title 12 of the Municipal Code. The Commission's Regulations and Procedures provide that the Evaluator may serve for up to a four-year term; Section 12.04.080 of the Municipal Code provides that the City Council shall appropriate the funds necessary for the Evaluator.

In addition, the Elections Commission's Regulations and Procedures give the Commission authorization to hire an independent investigator to assist in the investigation of complaints filed with the Commission and to monitor compliance with the requirements of the Ethics Ordinances in Title 12 of the Municipal Code, including review of issues related to the Campaign Contributions Ordinance and Lobbying Ordinance.

## **ANALYSIS**

The Elections Commission recently issued three (3) Requests for Qualifications (RFQ) for (1) an Evaluator (Attorney); (2) Investigator; and (3) combined Evaluator/Investigator. The Commission received seven proposals:

Gautam Dutta, Attorney at Law	Fremont, CA	Evaluator/Investigator
Hanson Bridgett, LLP	San Francisco, CA	Evaluator/Investigator
Renne Sloan Holtzman Sakai LLP	San Francisco, CA	Evaluator/Investigator
VanDermyden Allison Law Corporation	Sacramento, CA	Evaluator/Investigator
Rank Investigation & Protection, Inc.	Modesto, CA	Investigator
Thomas Consulting	Ojai, CA	Investigator
Fu-Gen, Inc.	Beverly Hills, CA	Investigator

On November 10, 2010, the Elections Commission interviewed all of the proposers except for Fu-Gen, Inc. (shortly before the meeting, the Commission was notified that neither owner was able to attend for personal reasons). After the interviews, the Commission discussed and agreed that hiring one firm to function as both the Evaluator and Investigator would be more efficient and economical and recommended unanimously that a new four-year agreement be awarded to the law firm of Hanson Bridgett, LLP to serve as the Commission's Evaluator (Attorney)/Investigator. The agreement posted with this memo gives Hanson Bridgett the authority to contract with investigative staff as necessary, subject to the City's approval.

## **PUBLIC OUTREACH**

This memorandum is posted on the City's website for the December 14, 2010 Council Agenda.

## **COORDINATION**

This memorandum was coordinated with the City Manager's Budget Office.

## **FISCAL/POLICY ALIGNMENT**

Approval of this item is consistent with prior Council direction.

## **COST SUMMARY/IMPLICATIONS**

Contracts for an Evaluator and Investigator were anticipated as part of the annual budget process and funding was appropriated in the General Fund City-Wide Strategic Support to the Elections Commission.

December 3, 2010

**Subject: Elections Commission Evaluator/Investigator Agreement**

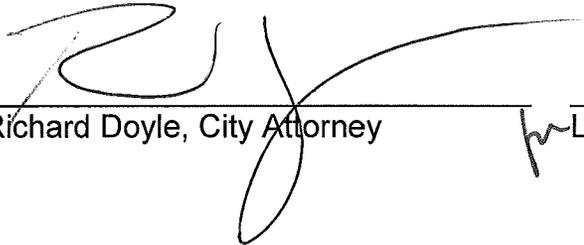
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**BUDGET REFERENCE**

Fund	Appn #	Name	RC#	Total Appn	Contract Amounts	Adopted Budget	Last Budget Action
001	3383	Elections Commission	008868	\$90,000	\$70,000 (this FY)	Page IX -32	28765 6/29/10

**CEQA**

Not a Project, File No. PP10-066, services that involve no physical changes to the environment.

  
Richard Doyle, City Attorney

  
Lee Price, City Clerk

cc: Debra Figone