



CITY OF SAN JOSÉ, CALIFORNIA

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SAN JOSE ELECTIONS COMMISSION

Thomas Mertens, Chair
Fred deFuniak, Vice Chair
Steven C. Chell
Jang Badhesha

SAN JOSE ELECTIONS COMMISSION MEETING MINUTES

MAY 15, 2006

I CALL TO ORDER

The Members of the San José Elections Commission convened at 5:08 p.m. in Room W-262 of City Hall, 200 E. Santa Clara Street, San José, CA 95113.

PRESENT: COMMISSIONERS Badhesha, Chell, deFuniak, and Chair Mertens

ABSENT: COMMISSIONERS One seat vacant

STAFF PRESENT: Alex Stuart, Consultant
Senior Deputy City Attorney Norm Sato
Assistant City Clerk Nancy Alford
Clerk Staff Member Ann Stults
Mayor Staff Member Sheryl Lane

II APPROVAL OF MINUTES

A. Minutes of May 1, 2006 – Deferred to next meeting.

III REPORT OF THE CHAIR

There was no report.

IV PUBLIC HEARINGS

There were none.

V DISCUSSION ITEMS

Documents filed: 1) Public Finance of Campaigns Summary, Voter approval vs Ordinance Adoption as presented by Vice Mayor Cindy Chavez's office; 2) Compilation of information regarding public financing of local election Campaigns as prepared by Councilmember Nora Campos' office; and 3) Alex Stuart's memorandum dated May 15, 2006 with suggested survey questions for jurisdictions with publicly financed campaigns.

Chair Mertens thanked Alex Stuart for donating his time this evening and in preparatory meetings with Norm Sato and himself to prepare for this presentation to the Commission.

A. Review of legal and procedural issues regarding proposal for public financing of city council and mayoral campaigns in San José (Consultant Alex Stuart)

Alex Stuart highlighted the history of public financing for elections and cited several court cases involving campaign finance issues; provided a list of questions he recommends using for surveying other jurisdictions that have publicly financed campaigns; and reviewed the individual questions with the Commissioners. Chair Mertens noted that by August 30 the Commission should have a plan in place including the logistics of public outreach and funds needed and he further noted that referral of this proposal by the City Council included direction to have an ordinance in effect for the June 2008 primary election. Meeting that target date requires a final recommendation to Council prior to November 30, 2006.

Jurisdictions for the survey were assigned as follows: Commissioner Chell: Portland, Tucson; Commissioner deFuniak: Los Angeles, Oakland, Long Beach; and Commissioner Jang: Albuquerque, San Francisco, Austin. Chair Mertens will contact San José State University, Santa Clara University and the City of Berkeley.

The next meeting was set for 5 p.m. on June 21, 2006. Chair Mertens directed that completed written reports on survey results should be forwarded to the City Clerk by June 15, 2006 to be included with the June 21st agenda packet.

B. Report, Recommendations and Further Discussion about the Commission Subcommittee (Commissioners Chell and deFuniak) review of the City's current Lobbyist Ordinance – Ordinance No. 27667

Commissioner deFuniak reported that the subcommittee (deFuniak/Chell) met with Senior Deputy City Attorney Sato regarding the lobbyist ordinance to develop clarifying language addressing reporting time of large campaign donations and addressing the ability under the current ordinance for an organization to avoid reaching the 20 hour per employee threshold which triggers lobbyist registration by using multiple individuals to lobby the City. Discussion was held as to the use of the term "intermediary" as applies to campaign contribution solicitation/facilitation. The Commission requested Senior Deputy Attorney Sato to provide an analysis of the term intermediary as defined by State law. Commission discussion followed regarding the purpose of developing more

stringent reporting of “bundled” campaign donations as well as the threshold amounts to trigger such reporting.

Action: Upon motion by Commissioner deFuniak, seconded by Commissioner Chell, the Commission unanimously recommended that lobbyists be required to report within two business days any fundraising activities in the threshold amounts of \$2500 per City Council candidate and \$5000 per Mayoral candidate.

Action: Upon motion by Commissioner Chell, seconded by Commissioner deFuniak, the Commission unanimously directed that the City Attorney’s Office move forward in preparing a report to the Rules Committee recommending amendment of the Lobbyist Ordinance to address 48 hour reporting of contributions and to amend the definition of “in-house” lobbyist to include all “individuals” employed by an organization or association in a lobbying capacity, with the hours that all individuals spend on lobbying City officials be totaled for purposes of meeting the 20 hour threshold.

Action: Upon motion by Commissioner Badhesha, seconded by Commissioner deFuniak, the Commission unanimously authorized the subcommittee to approve the report as prepared by the City Attorney’s Office for the Rules Committee.

VI MEETING SCHEDULE

A contingency meeting was set for Wednesday, May 31st at 5:30 p.m. If issues arise due to the June 6th election or because of the addition of a new Commission Member, the Clerk’s Office was directed to make the necessary arrangements.

VII PUBLIC COMMENTS

None.

VIII ADJOURNMENT

The meeting was adjourned at 8:19 p.m.

THOMAS M. (TOM) MERTENS, CHAIR

ATTEST:

LEE PRICE, MMC
CITY CLERK and SECRETARY TO THE COMMISSION