



CITY OF SAN JOSÉ, CALIFORNIA

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SAN JOSÉ ELECTIONS COMMISSION

Thomas Mertens, Chair
Fred de Funiak, Vice Chair
Jang Badhessa
Steven C. Chell
April Lin Walsh

SAN JOSÉ ELECTIONS COMMISSION MEETING MINUTES

JUNE 21, 2006

I CALL TO ORDER

The Members of the San José Elections Commission convened at 5:00 p.m. in Room W-242 of City Hall, 200 E. Santa Clara Street, San José, CA 95113.

PRESENT: COMMISSIONERS Badhessa, Chell, deFuniak, Walsh and Chair Mertens

ABSENT: COMMISSIONERS None

STAFF PRESENT: Alex Stuart - Consultant
Senior Deputy City Attorney Norm Sato
City Clerk Lee Price
Clerk Staff Member Michelle Estabillo

II APPROVAL OF MINUTES

- A. Minutes of May 1, 2006 – deferred to next meeting
- B. Minutes of May 31, 2006 – deferred to next meeting

III REPORT OF THE CHAIR

There was no report.

IV PUBLIC HEARINGS

There were none.

V DISCUSSION ITEMS

- A. Commission Subcommittee Presentation and Discussion of a Draft Public Statement of Reprimand relating to the Commission's findings that the San José Chamber of Commerce violated San José Municipal Code ethics regulations. *(Continued from 6/14/06)*

Documents Filed: 1) Draft public statement of reprimand; 2) draft, edited version of public statement of reprimand; and 3) Recommendations on Letter of Reprimand from Commissioner deFuniak.

Discussion was held on the content of the draft public statement of reprimand. City Attorney Norm Sato suggested that the Commission invite Public Comment prior to taking final action.

Steve Preminger, who filed the complaint against the Chamber of Commerce, observed that COMPAC ran a negative phone and mail campaign and broke City campaign regulations. He suggested that the reprimand still appears to be more a statement of facts and urged the Commission to send a stronger statement to the Chamber of Commerce.

Bob Brownstein observed that the scale of the infraction and the potential damage to the integrity of the political process should be reflected in the statement of reprimand.

Chair Mertens acknowledged the public's concerns and stated that the Commission will not know how many violations were made until the receipt of financial records.

Action: On a motion by Commissioner Badhesha, seconded by Commissioner Chell, the Commission unanimously approved the final draft statement of reprimand and authorized the Chair to sign it.

Commissioner DeFuniak submitted a recommendation from the subcommittee (Walsh/DeFuniak) suggesting that the Commission develop specific components for a letter of reprimand and that this item be discussed at the next meeting.

- B. Commissioner reports on research and Commission discussion regarding the proposal for public financing of city council and mayoral campaigns in San José.

Documents Filed: 1) Research on Public Financing in the cities of Long Beach, Los Angeles, and Oakland submitted by Commissioner deFuniak on June 15, 2006; 2) Research on Public Finance in the cities of Portland and Tucson

submitted by Commissioner Chell; and 3) Research on Public Financing in the cities of Austin, Albuquerque, and San Francisco submitted by Commissioner Badhesha.

Consultant Alex Stuart summarized the Commissioners' reports on public financing and commented on what other cities have adopted and put into law. Discussion ensued about independent expenditures, intermediary contributions, contribution limits, alternatives for public financing, accountability and disclosure.

Consultant Alex Stuart suggested scheduling another meeting to give him time to read in more depth the reports submitted by the Commissioners. He added that he will endeavor to prepare a recommendation for next steps.

Chair Mertens asked the members to obtain results of public financing in the communities they studied in order to compile a report for the City Council. Consultant Alex Stuart requested the commissioners also obtain information about the contribution and spending limits in place before public financing was approved in those communities.

VI MEETING SCHEDULE

A next meeting date was not scheduled. City Clerk agreed to coordinate calendars and set the next meeting date, time and location.

VII PUBLIC COMMENTS

There were none.

VIII ADJOURNMENT

The meeting was adjourned at 6:28 p.m.

THOMAS M. (TOM) MERTENS, CHAIR

ATTEST:

LEE PRICE, MMC
CITY CLERK and SECRETARY TO THE COMMISSION