



CITY OF SAN JOSE, CALIFORNIA

200 East Santa Clara Street
Second Floor, City Hall Wing
San José, California 95113
Telephone (408) 535-1252
FAX (408) 292-6207

SAN JOSE ELECTIONS COMMISSION

Thomas Mertens, Chair
Fred de Funiak
Jang Badhesha
Michael Smith
Tony Ventura

SAN JOSE ELECTIONS COMMISSION MEETING MINUTES December 12, 2007

I CALL TO ORDER

The Members of the San José Elections Commission convened at 5:34 p.m. in Room W-242 of City Hall, 200 E. Santa Clara Street, San José, CA 95113.

PRESENT: COMMISSIONERS de Funiak, Badhesha Smith, Ventura and Mertens

ABSENT: COMMISSIONERS None

STAFF PRESENT: Chief Deputy City Attorney Norm Sato
Senior Deputy City Attorney Lisa Herrick
City Clerk Lee Price
Deputy City Clerk Michelle Radcliffe

II APPROVAL OF MINUTES

- A. Minutes of November 5, 2007, were approved.
- B. Minutes of November 14, 2007, were approved.
- C. Minutes of November 26, 2007, were approved.

III REPORT OF THE CHAIR

Chair Mertens reported that Phil Trounstine from San José State University is retiring and is no longer interested in serving as the Commission's Elections Audit Consultant. This item will be placed on the January agenda for further discussion.

IV DISCUSSION ITEMS

- A. Subcommittee Report dated September 5, 2007 regarding time spent by an employee on a campaign at the direction of an employer.

Documents Filed: 1) Report from Commissioner Ventura dated September 5, 2007 regarding a proposed amendment to the San José Municipal Code Section 12.06.050; and 2) Memorandum from Chief Deputy City Attorney Norm Sato dated December 11, 2007 regarding employee work on Political Campaigns.

Commissioner Ventura provided a brief synopsis of the subcommittee's recommendation that the San José Municipal Code be amended to include any time spent by an employee on a campaign at the direction of an employer be included in the definition of "contribution". Discussion ensued. Commissioner Ventura added that he did not recommend including the use of vacation time in the definition and that he was still working with the City Attorney's Office on how other jurisdictions define "contributions". He suggested that he come back at the next meeting with a draft ordinance and a formal recommendation. No action was taken.

- B. Subcommittee Report dated December 7, 2007 regarding "Early Voting"

Document Filed: Report from Commissioners de Funiak and Smith summarizing their meeting with the Registrar of Voter's Office regarding "Early Voting".

Commissioner de Funiak summarized the subcommittee's meeting with Sue Tefft at the Santa Clara County Registrar of Voters and reported back information on "Early Voting". No action was taken.

- C. Report on Status of City Council Referrals to the Elections Commission

Document Filed: Memorandum from City Clerk Lee Price and Senior Deputy City Attorney Lisa Herrick dated December 7, 2007 updating the City Council on the referrals made to the Elections Commission.

City Clerk Lee Price summarized the memo and stated that the Commission update will go to Council on January 29, 2008. Commissioner Smith asked staff to review a matrix of reforms he previously prepared and bring it back on January 9, 2008 agenda for review.

V MEETING SCHEDULE

The next Regular Meeting is scheduled for Wednesday, January 9, 2008 at 5:45 p.m.

VI PUBLIC COMMENT

There were none.

VII ADJOURNMENT

The meeting adjourned at 6:25 p.m.

THOMAS M. (TOM) MERTENS, CHAIR

ATTEST:

LEE PRICE, MMC
CITY CLERK and SECRETARY TO THE COMMISSION