



CITY OF SAN JOSE, CALIFORNIA

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SAN JOSE ELECTIONS COMMISSION

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

SAN JOSE ELECTIONS COMMISSION MEETING MINUTES January 9, 2008

I CALL TO ORDER

The Members of the San José Elections Commission convened at 5:46 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 Nora Pimentel

II APPROVAL OF MINUTES

A. Minutes of December 12, 2007, were approved.

III REPORT OF THE CHAIR

Chair Mertens announced that he will serve until the end of his term (March 1, 2008). He reported that he met with Councilmember Constant about the work of the Elections Commissions, stated that the councilmember is supportive. Chair Mertens also stated that he would be meeting soon with Mayor Reed.

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IV DISCUSSION ITEMS

A. Discussion regarding options on obtaining an Elections Audit Consultant

Document Filed: Request for Qualifications Campaign Financing Study dated January 2, 2008 from Macias Consulting Group

Commissioners Smith and Badhesha (Audit Subcommittee) provided individual observations about the Macias proposal. There was mutual agreement that the cost was prohibitive.

City Clerk Lee Price summarized various options for obtaining an Elections Audit Consultant. Discussion about the scope of the audit followed. The City Clerk agreed to continue to pursue more information on viable options and return with an update at the next meeting.

B. Review of Draft Ordinance regarding time spent by an employee on a campaign at the direction of an employer

Document Filed: Draft Ordinance amending Section 12.060.050 of Chapter 12.06 of Title 12 of the San Jose Municipal Code

Chief Deputy City Attorney Norm Sato provided an overview of the draft ordinance that was prepared with the input of Commissioner Ventura.

Action: Upon motion by Commissioner de Funiak, seconded by Commissioner Badhesha, and unanimously passed, the Commission accepted the draft ordinance and authorized the City Attorney to make minor clarifying edits as needed, and to forward the draft ordinance to the City Council. The Commission also referred back to the subcommittee (City Attorney and Commissioner Ventura) issues relating to independent contractors and in-kind contributions of office space. Vote: 5-0-0.

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

Documents Filed: 1) 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; 2) Memorandum from Mayor Chuck Reed dated September 29, 2006 recommending an amendment to the Municipal Code on an urgency basis on independent expenditure committees; and 3) Spreadsheet submitted Commissioner Smith regarding referrals to the Elections Commission

City Clerk Lee Price and Senior Deputy City Attorney Lisa Herrick provided an in-depth status update on the Council Referrals to the Elections Commission. Chair Mertens voiced concerns about potential "social media" (i.e. blogs) and stated that this type of medium is most influential. Senior Deputy City Attorney Norm Sato advised that there are constitutional issues with monitoring social media and suggested that the Commission study any proposed regulations further.

D. Update on Sunshine Reform Task Force Phase I Recommendations

Senior Deputy City Attorney Lisa Herrick provided an update of Phase I recommendations regarding meeting requirements and stated that she submit the Commission's concerns to the Rules and Open Government Committee meeting. No action was taken.

E. Subcommittee update regarding "Early Voting"

Commissioner Smith reported on the number of voters County-wide registered as "early voters" (for absentee voters) and stated that the Registrar of Voters does not collect information specific to the City of San José. No action taken.

V MEETING SCHEDULE

The next Regular Meeting is scheduled for Wednesday, February 13, 2008 at 5:45 p.m.

VI PUBLIC COMMENT

There were none.

VII ADJOURNMENT

The meeting adjourned at 7:15 p.m.

THOMAS M. (TOM) MERTENS, CHAIR

ATTEST:

LEE PRICE, MMC
CITY CLERK and SECRETARY TO THE COMMISSION