



CITY OF SAN JOSE, CALIFORNIA

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SAN JOSE ELECTIONS COMMISSION

Fred de Funiak, Chair
Jang Badhesha
Michael Smith
Leon Louie
Robert Shepard

SAN JOSE ELECTIONS COMMISSION MEETING MINUTES August 13, 2008

I CALL TO ORDER

The Members of the San José Elections Commission convened at 5:30 p.m. in Room W-242 of City Hall, 200 E. Santa Clara Street, San José, CA 95113.

PRESENT: COMMISSIONERS Louie, Shepard, Smith and de Funiak

ABSENT: COMMISSIONER Badesha

STAFF PRESENT: Senior Deputy City Attorney Lisa Herrick
City Clerk Lee Price
Assistant City Clerk Dennis Hawkins
Deputy City Clerk Nora Pimentel

II APPROVAL OF MINUTES

- A. Minutes of July 2, 2008 were approved.
- B. Minutes of July 9, 2008 were approved.

III REPORT OF THE CHAIR

Chair de Funiak reported the resignation of Commissioner Badesha as of August 13, 2008. City Clerk Lee Price reported that Deputy City Clerk Michelle Radcliffe would be leaving on maternity leave and that Deputy City Clerk Nora Pimentel would be covering in her absence.

IV DISCUSSION ITEMS

A. Review of final Elections Audit report from MGT America, Inc.

Documents Filed: Analysis of 2006 Election Cycle Activity Final Report from MGT of America, Inc. dated August 8, 2008

The Commission conducted a telephone conference call with Celina Knippling and Linus Li from MGT of America, Inc. MGT presented the final report, summarized changes made and outlined the findings and conclusions. Questions by the Commission followed. Upon motion by Commissioner Smith, seconded by Commissioner Shepard, and unanimously passed, the Commission accepted the MGT report.

The Commission requested that the City Clerk distribute the report as follows: Publish/post on website; Mayor and City Council via the Rules and Open Government Committee Public Record process; Academia (including San Jose State and Santa Clara Universities; the City Attorney's Office and Netfile principals.

Additionally, the Commission requested periodic updates from the City Clerk on implementation strategies.

B Discuss recommendations for implementation of a two-business day notice requirement for lobbyists' campaign contributions and fundraising activities.

City Clerk Lee Price gave a brief history behind the fundraising activities report and the referral made to the Elections Commission by Council in September 2006. Questions by the Commission followed. Discussion ensued.

Public Comment: Antonio Guerra, Mayor's Office, noted that there is an interest in more real time disclosure of fundraising activities by registered lobbyists on the behalf of a candidate/officeholder before a Council action is taken.

City Clerk Lee Price agreed to return at the next meeting with information regarding how much fundraising activity from lobbyists actually takes place.

C. Review of Lobbyist Provisions in the Context of Ballot Measure Elections.

Senior Deputy City Attorney Lisa Herrick reviewed lobbyist provisions regarding fundraising at the behest of a candidate and clarified that the City's ordinance does not regulate donations for ballot measure committees. The Commission agreed that a loophole may exist and requested more analysis, including a review of other state and local regulations on this matter.

- D. Subcommittee update on the review of the Elections Commission Regulations (Resolution No. 72547) and make recommendations for revisions, if appropriate.

Documents Filed: San Jose Elections Commission Subcommittee Report on Update of Resolution No. 72547 dated August 13, 2008.

Commissioner Michael Smith reviewed a draft revision to Resolution 72547. Discussion followed. The Commission agreed to contact the Evaluator to receive input on the draft.

- E. Discussion and input to Staff on a draft recommendation to expand the scope of the Elections Commission to consider issues and complaints relating to the future adoption of an Open Government ("Sunshine") Ordinance.

Senior Deputy City Attorney Lisa Herrick summarized Sunshine Reform Task Force Phase II Recommendations relating to administration and accountability, and Staff's response to those recommendations. She invited members of the Commission to attend the special Rules and Open Government Committee meeting on August 29, 2008 from 9:00 a.m. to 12:00 p.m.

- F. Subcommittee update on considering a recommendation to change the name of the Commission.

The Commission agreed to defer this item to a future meeting.

III MEETING SCHEDULE AND AGENDA ITEMS

The Commission agreed to cancel the next regular scheduled meeting of September 10, 2008 with a caveat that if an urgent item came up they would meet.

The next Regular Meeting is scheduled for Wednesday, October 8, 2008 at 5:30 p.m.

IV PUBLIC COMMENT

There were none.

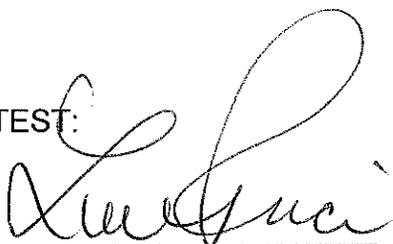
V ADJOURNMENT

The meeting adjourned at 8:00 p.m.



FRED DE FUNIAK, CHAIR

ATTEST:



LEE PRICE, MMC

CITY CLERK and SECRETARY TO THE COMMISSION