



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

Fred de Funiak, Chair
Michael Smith
Leon Louie
Robert Shepard

SAN JOSE ELECTIONS COMMISSION MEETING MINUTES January 14, 2009

I CALL TO ORDER

The Members of the San José Elections Commission convened at 5:35 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 None

STAFF PRESENT: Senior Deputy City Attorney Lisa Herrick
City Clerk Lee Price
Assistant City Clerk Dennis Hawkins
Deputy City Clerk Michelle Radcliffe

II CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
PURSUANT TO GOVERNMENT CODE SECTION 54956.9 subsection (a):

Name of Case:

1. San José Silicon Valley Chamber of Commerce Political Action Committee, et al. v. City of San José and San José Elections Commission

The Committee convened into Closed Session at 5:37 p.m. and reconvened in Open Session at 5:52 p.m.

III APPROVAL OF MINUTES

- A. Minutes of December 10, 2008 were approved.

IV REPORT OF THE CHAIR

City Clerk Lee Price let the Commission know that the Council interviews on January 20, 2009 will commence after the Presidential inauguration.

V DISCUSSION ITEMS

- A. Discussion regarding authorizing Chair to submit a letter to Council recommending reappointment of Commissioner Smith to serve one (1) four-year term expiring March 1, 2003.

Action: Upon motion by Commissioner Smith, seconded by Commissioner Louie, and unanimously passed, the Commission authorized the Chair to submit a letter to Council recommending reappointment of Commissioner Smith to serve one four-year term expiring March 1, 2003 and authorized the City Clerk to sign the letter on behalf of the Chair.

- B. Continued discussion regarding consideration of an ordinance amending Section 2.08.1630 of the Municipal Code as it relates to special eligibility requirements for members of the Elections Commission

Document Filed: Draft Ordinance amending Section 2.08.1630 of the Municipal Code (Special Eligibility Requirements).

Action: Upon motion by Commissioner Smith, seconded by Commissioner Shepard, and unanimously passed, the Commission authorized the City Attorney's Office to forward Section 1 of the draft ordinance to the City Council for approval.

- C. Subcommittee report on amending the Elections Commission regulations and procedures for Elections Commission investigations and hearings

Documents Filed: 1) Draft of Resolution No. 72547 with recommended changes submitted by the subcommittee; and 2) Draft Ordinance amending Section 12.04.060 of the Municipal Code (Quorum)

Action: Upon motion by Commissioner Louie, seconded by Commissioner Smith, and unanimously passed, the Commission approved changes and authorized the City Attorney to make minor edits, as to reflect the discussions.

- D. Update on City Council Referrals to the Elections Commission

Document Filed: Draft Memorandum to the Mayor and City Council from the San Jose Elections Commission providing a status of City Council Referrals to the Elections Commission

City Clerk Price provided an overview of the status of the City Council Referrals. A subcommittee was formed (de Funiak/Smith) to continue work on Referral #2 regarding limits on contributions to independent expenditure committees and Referral #4b regarding re-initiating the contribution limits on independent expenditures. A subcommittee was also formed (de Funiak/Smith) to continue work on Referral #5a regarding analyzing the results of the election audit of the 2006/07 election cycle. Discussion ensued. Chair de Funiak requested that the Clerk update the report to reflect completed referrals and to revisit the referrals at the April 2009 meeting.

Action: Upon motion by Commissioner Smith, seconded by Commissioner Smith, and unanimously passed, the Commission authorized the City Attorney and City Clerk to make minor edits as appropriate to the memo and forward it to the City Council via the Public Record.

VI MEETING SCHEDULE AND AGENDA ITEMS

The next meeting is scheduled for Wednesday, February 11, 2009, at 5:30 p.m. The following items were asked to be placed on the agenda: 1) Outline of the next steps in the Commission decision on the pending complaint filed against San José Silicon Valley Chamber of Commerce Political Action Committee; 2) Subcommittee report on Council Referral #2 (limits on contributions to independent committees) and Council Referral #4b (re-initiating contribution limits on independent committees); 3) Review of the RFP for a Legal Elections Consultant to analyze results of the audit of 2006/07 election cycle; 4) Continued discussion regarding consideration of an ordinance amending

Section 2.08.1630 of the Municipal Code as it relates to a quorum of the Elections Commission and expanding SJMC 2.08.1620 as it relates to terms of members on the Elections Commission; and 5) Discussion regarding adding a section to the Elections Commission agenda entitled "Report of the Clerk/Attorney".

VII PUBLIC COMMENT

Elections Commission applicant Erica Cosgrove introduced herself to the Commission.

VIII ADJOURNMENT

The meeting adjourned at 7:03 p.m.

FRED DE FUNIAK, CHAIR

ATTEST:

LEE PRICE, MMC
CITY CLERK and SECRETARY TO THE COMMISSION