



CITY OF SAN JOSE, CALIFORNIA

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SAN JOSE ELECTIONS COMMISSION

Fred de Funiak, Chair
Michael Smith
Leon Louie
Robert Shepard
Erica Cosgrove

SAN JOSE ELECTIONS COMMISSION MEETING MINUTES February 11, 2009

I CALL TO ORDER

The members of the San José Elections Commission convened at 5:33 p.m. in Room W-242 of City Hall, 200 E. Santa Clara Street, San José, CA 95113.

PRESENT: COMMISSIONERS: Cosgrove, Louie, Shepard, Smith, and de Funiak

ABSENT: COMMISSIONER: None

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

II OATH OF OFFICE

City Clerk Lee Price administered the Oath of Office to newly appointed Commissioner Cosgrove and re-appointed Commissioner Smith.

III 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 Commission convened into Closed Session at 5:34 p.m. and reconvened in Open Session at 5:43 p.m.

IV APPROVAL OF MINUTES

Upon motion by Commissioner Smith, seconded by Commissioner Shepard, and unanimously passed, the minutes of January 14, 2009 were approved as amended (correction to name of motion second).

V REPORT OF THE CHAIR

City Clerk Lee Price invited two Commissioners to attend one of three Boards/Commission Focus Group Meetings. Chair de Funiak and Commissioner Shepard indicated they would try to attend the focus group meeting on February 19, 2009.

City Clerk Price also stated that correspondence was received from Craig Dunkerley with the California Clean Money Campaign regarding the results of the analysis of the 2006/07 election cycle prepared by MGT America, Inc. (on file in the Office of the City Clerk).

VI DISCUSSION ITEMS

- A. Determine next steps in the Commission Decision on the Pending Complaint filed against the San José Silicon Valley Chamber of Commerce Political Action Committee

Documents Filed: 1) Correspondence from James R. Sutton dated February 10, 2009 requesting the Commission to close the pending complaint filed against the San José Silicon Valley Chamber of Commerce Political Action Committee; and 2) Correspondence from James R. Sutton dated February 11, 2009 requesting that the Commission not defer this item.

Jay Ross, COMPAC, urged the Commission to discuss next steps tonight and set a date certain to decide the matter.

Action: Upon motion by Commissioner Shepard, seconded by Commissioner Smith, and unanimously passed, the Commission deferred this item to March 11, 2009.

- B. Receive status report from the subcommittee on Council Referral #2 regarding limits on contributions to independent expenditures and Council Referral #4b regarding re-initiating contribution limits on independent expenditures

Commissioner Smith stated that the subcommittee has met once to gather information and will have more to report at next month's meeting. No action was taken.

- C. Establish a subcommittee to review the RFP for a Legal Elections Consultant to analyze results of the Audit of 2006/07 election cycle

Document: Draft Request for Qualifications for Legal Consultant

A subcommittee was formed (Smith/Shepard) and will report back to the Commission at next month's meeting.

- D. 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 (Continued from 1-14-09)

Document Filed: Draft Ordinance amending Section 2.08.1620 of the SJMC as it relates to a quorum of the Elections Commission

Action: Upon motion by Commissioner Smith, seconded by Commissioner Cosgrove, and unanimously passed, the Commission approved the revised draft ordinance as amended.

- E. Recommendation to add a section to the Elections Commission agenda entitled "Report of the Clerk/Attorney"

The Commission approved the addition to the agenda.

VII MEETING SCHEDULE AND AGENDA ITEMS

The next meeting is scheduled for March 11, 2009 at 5:30 p.m. The following items were asked to be placed on the next agenda: 1) Continue discussion to determine next steps in the Commission Decision on the Pending Complaint filed against the San José Silicon Valley Chamber of Commerce Political Action Committee; 2) Receive status report from the subcommittee on Council Referral #2 regarding limits on contributions to independent expenditures and Council Referral #4b regarding re-initiating contribution limits on independent expenditures; 3) Receive status report from subcommittee to review the RFP for a Legal Elections Consultant to analyze

results for the Audit of 2006/07 election cycle; and 4) Discussion regarding amending Resolution No. 72547.

VIII PUBLIC COMMENTS

Antonio Guerra from the Mayor's Office sought feedback from the Elections Commission regarding professional staff support.

IX ADJOURNMENT

The meeting adjourned at 6:48 p.m.

FRED DE FUNIAK, CHAIR

ATTEST:

LEE PRICE, MMC
CITY CLERK and SECRETARY TO THE COMMISSION