

ELECTIONS COMMISSION
Meeting Minutes
September 8, 2010

ROLL CALL

PRESENT: Chair de Funiak, Vice Chair Smith, Commission Members Louie and Shepard

ABSENT: Commission Member Cosgrove

STAFF: Senior Deputy City Attorney Lisa Herrick, Assistant City Clerk Dennis Hawkins,
and Deputy City Clerk Nora Pimentel

ORDER OF BUSINESS

I. Call-to-Order

The members of the San Jose Elections Commission convened at 5:33 p.m. in Room W-262 of City Hall, 200 E. Santa Clara Street, CA 95113.

II. Closed Session

None

III Approval of Minutes

Action: Upon motion by Commissioner Shepard, seconded by Commissioner Louie, and unanimously passed, the revised Special Meeting Minutes of July 14, 2010. Vote: 5-0

Action: Upon motion by Commissioner Cosgrove, seconded by Commissioner Smith, and unanimously passed, the Regular Meeting Revised Minutes of August 11 2010. Vote: 5-0

IV. Report of the Chair

None.

V. Reports of the Clerk/Attorney

There were none.

VI. Discussion Items

- A. Review and Approve Request for Qualifications (RFQ) for the Independent Evaluator and Independent Investigator.

Document Filed: (1) City of San Jose RFQ Evaluator (Attorney)–San Jose Elections Commission. (2) City of San Jose RFQ Investigator–San Jose Elections Commission. (3) City of San Jose RFQ Evaluator (Attorney) and Investigator–San Jose Elections Commission.

Senior Deputy City Attorney Lisa Herrick summarized the information contained in each RFQ and reviewed the feedback received from the Commission which was incorporated into the RFQ's. Discussion ensued.

Upon motion by Commissioner Smith, seconded by Commissioner Cosgrove, and unanimously passed, the approval of the three RFQ's contingent upon information to be sent to the City Attorney's office and the Office of the City Clerk within the next two days with the proviso that they have the authority to make them consistent with City policy.

- B. Discuss potential provisions to the Elections Commission Regulations (Resolution 75260) as it relates to the hiring of the Evaluator and the timing of the submittal of the Evaluator Reports and Recommendations.

Document Filed: City of San Jose Resolution No. 75260 "A Resolution of the Council of the City of San Jose amending regulations and procedures for the San Jose Elections Commission investigations and hearings, and superseding resolution No. 75173.

Senior Deputy City Attorney Lisa Herrick reported on proposed recommended revisions to Section #6 under Anonymous Complaints. Chair deFuniak summarized his meeting with Ms. Herrick and City Clerk Lee Price regarding the timing of submittal of the Evaluator reports and recommendations to eliminate receiving reports late for review prior to a hearing. Discussion ensued.

Upon motion by Commissioner Smith, seconded by Commissioner Cosgrove, and unanimously passed, approved the recommended revisions of Resolution No. 75260 to change requirement for submittal of the evaluators report and (1) recommend from 72 hrs before the hearing to being a flat 3 working days before the hearing, (2) to amend the section on hiring of the evaluator to permit the extension of a 2 year contract with the evaluator with a possibility of a 2 year extension at the sole discretion of the City, and recommend verbiage be added to the section on scheduling to address actions to be taken in the event a report has not been completed.

VII. Meeting Schedule and Agenda Items

The next Regular Meeting is scheduled for Wednesday, October 13, 2010. Agenda items to include discussions regarding (1) Report on responses to RFQs for Evaluator, Investigator and Evaluator/Investigator and discussion on how to evaluate responses, including the possibility of establishing a subcommittee, (2) Review and approve proposed revisions to the Regulations and Procedures for the Elections Commission Investigations and Hearings (Resolution 75260) and, (3) Discussion on potential guidelines for setting a fine if the Commission decides a violation has occurred.

VIII. Public Comment

There was none.

IX. Adjournment

The meeting adjourned at approximately 6:39 p.m.



FRED DE FUNIAK, CHAIR

ATTEST:


LEE PRICE, MMC
CITY CLERK and SECRETARY TO THE COMMISSION