

ELECTIONS COMMISSION

Meeting Minutes

August 10, 2011

ROLL CALL

PRESENT: Chair Smith, Vice-Chair Cosgrove, Commission Members Louie and Edgeworth

ABSENT:

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

ORDER OF BUSINESS

I. Call to Order

II. Closed Session

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

Name of Case:

1. Ted Smith v. City of San Jose and San Jose Elections Commission

The Committee convened into Closed Session at 5:58 p.m. and reconvened in Open Session at 6:16 p.m.

III. Approval of Minutes

Action: Upon motion by Commissioner Cosgrove, seconded by Commissioner Louie, the Commission unanimously approved the Meeting Minutes of May 11, 2011 as amended. Vote 4-0

IV. Report of the Chair

There was no report.

V. Reports of the Clerk/Attorney

- A. Report on outreach regarding potential changes to Voluntary Expenditure Limits and status on staff response to Rules Committee referral (SJMC 12-06)

Senior Deputy City Attorney Lisa Herrick reported that there was limited attendance to the Voluntary Expenditure Limits stakeholder meeting which took place August 5, 2011. City Clerk Dennis Hawkins reported the results of those who responded to the Survey Monkey. Commission discussion ensued.

- B. Update on recruitment to fill Commission vacancy

City Clerk Dennis Hawkins reported that the Office of the City Clerk received 8 applications for the Elections Commission and explained the process and that the possible date to conduct interviews would be September 20, 2011.

- C. Status report on disclosure filings

City Clerk Dennis Hawkins provided a verbal report on disclosure filings of the 460 filing deadline of August 1 and the review of time disclosures filed on July 15. He informed the Commission about a memo going to Council regarding the new Fair Political Practices Commission policy on the filing of Form 803 (Behested Payments) if a Council official solicits a contribution of \$5,000 or more the form must be filed with the Clerk.

- D. Report on the City Council's Adjournment in honor of Fred De Funiak

City Clerk Dennis Hawkins reported that at the August 2, 2011 City Council meeting the Council adjourned in honor of Former Chair and Commission Member Fred De Funiak.

Dennis talked to the Commission about doing away with dinners as the budget has been reduced.

VI. Report of the Evaluator

There was no report.

VII. Discussion Items

- A. Discussion and adoption of recommendations regarding potential revisions to Gift Ordinance (SJMC 12.08)

Document Filed: An Ordinance of the City of San Jose Amending Sections 12.08.020, 12.08.030 and 12.08.040 to conform with the Political Reform Act and making other clerical or technical corrections.

Senior Deputy City Attorney Lisa Herrick provided an overview of the redlined ordinance amending sections 12.08.020 and 12.08.040 of Chapter 12 of the San Jose Municipal Code. Commission discussion ensued. Lisa said she would return to the next meeting with a final redlined version of the ordinance.

B. Discussion and direction regarding possible Commission Name Change

Document Filed: "Ethics Commissions in California Cities prepared by Emily Pears, California Common Cause dated February 12, 2009.

The Commission discussed possible name change from Elections Commission to Ethics Commission. Chair Smith mentioned that he researched other municipalities that have an Ethics Commission and shared his findings. Commissioner Edgeworth argued that the Commission is more geared to the ethics of campaign finance.

Motion: Commissioner Cosgrove moved to adopt the name Ethics Commission and have staff forward the recommendation to the Rules and Open Government for approval. Commissioner Louie seconded the motion.

Action: Motion carried. (3-1) (Opposed: Edgeworth)

Motion was made by Commissioner Edgeworth to include the word "campaign" in the name Ethics Commission.

Action: Motion failed for a lack of a second.

VIII. Meeting Schedule and Agenda Items

The next regular meeting is for Wednesday September 14, 2011. Agenda items to include: (1) Continue discussion and adoption of recommendations regarding potential revisions to Gift Ordinance (SJMC 12.08); (2) Status report on disclosure filings; (3) Status report on Voluntary Expenditure Limits; (4) Status report on efforts to fill Commission Vacancy.

IX. Public Comment

There were none.

X. Adjournment

The meeting was adjourned at approximately 7:43 p.m.



MICHAEL SMITH, CHAIR

ATTEST:
ELECTIONS COMMISSION
DENNIS HAWKINS, CMC, SECRETARY



Nora Pimentel, CMC