

**ELECTIONS COMMISSION**  
Meeting Minutes  
May 11, 2011

**ROLL CALL**

PRESENT: Chair Smith, Vice Chair Cosgrove, Commissioners Louie and Edgeworth

ABSENT: None

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 Cases:

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

The Committee convened into Closed Session at 5:35 p.m. and reconvened in Open Session at 5:55 p.m.

**III. Approval of Minutes**

The April 13, 2011 minutes were deferred to June 8, 2011.

**IV. Report of the Chair**

There was no report.

**V. Reports of the Clerk/Attorney**

City Clerk Dennis Hawkins reported that the City's proposed budget has been released and mentioned the impacted it will have on the Office of the City Clerk. He also updated the Commission on the current recruitment effort to fill the vacancy on the Elections Commission.

Deputy City Attorney Lisa Herrick also reported the impact the proposed Budget will have on the Office of the City Attorney. Lisa reported that the Instant Runoff Voting issue that the Commission worked on and completed in May 2010 in which the Commission did not make a recommendation was presented to the Rules and Open Government Committee as well as further research and analysis completed by staff. The Committee decided to table the issue and do nothing further. She also reported on the topic of amending the lobbying ordinance to eliminate the exemption for 501(c)3 non profits.

Commission Discussion followed.

Antonio Guerra from the Mayor's office reported that the Mayor has decided to have the Non-Profit Lobbyist reporting policy be an ordinance instead.

**VI. Report of the Evaluator**

There was no report.

**VII. Discussion Items**

- A. Title 12:
1. Discuss how to monitor compliance with Title 12;
  2. Review of forms filed with City Clerk as required by Title 12
  3. Discuss how to conduct outreach to stakeholders on Title 12
  4. Direction to staff regarding Title 12

Documents Filed:

(1) Council Compliance Calendar; (2) Income and Time Disclosure Statement and Disclosure of Fundraising Report Form; (3) CA Form 700 (Statement of Economic Interest) and Family Gift Report Form.

Chair Smith asked City Clerk Dennis Hawkins to speak to item A. 2 first (Review of forms filed with City Clerk as required by Title 12). City Clerk Dennis Hawkins reviewed with the Commission the Council Compliance Calendar and focused his presentation on reports required of the Mayor and City Council. He concentrated his presentation on the City required forms (Income and Time Disclosure Statement Disclosure of Fundraising Report, Family Gift Report Forms) and the CA Form 700. He mentioned campaign finance disclosure Forms 460 and 470 and suggested a review of those forms would be more relevant as we get closer to the election period.

Commission questions and discussion continued.

Dennis continued his presentation on those required disclosures and summarized the process that the Office of the City Clerk follows to monitor compliance.

Commission discussion about compliance monitoring continued.

Vice-Chair Cosgrove proposed that the Office of the City Clerk provide a broad overall oral report on the Income and Time Disclosure Statement and Disclosure of Fundraising Report Form on a quarterly basis.

Chair Smith suggested that the Commission review all the forms presented tonight and return next month and continue discussion about the general activity of compliance and review the section on compliance in Chapter 12 and make suggestions of any changes that might come to mind after all this review is done.

Discussion about Outreach to stakeholders continued by the Commission. They discussed who they would target and what topics would they focus their attention on. Vice-Chair Cosgrove proposed to begin with the Gift Ordinance. The consensus of the Commission was to begin with the Gift Ordinance and to discuss potential revisions of the ordinance at the next meetings.

**B. Discussion and direction regarding possible Commission Name Change**

The Commission tabled this item until August. Sr. Deputy City Attorney Lisa Herrick provided a brief background of the history of how the Commission got their name.

Chair Smith asked to table the topic of the impact of Absentee Voting for a future meeting as it was tabled back in 2008.

**VII. Meeting Schedule and Agenda Items**

The next regular meeting is Wednesday, June 8, 2011. Agenda items to include: (1) Review and discuss Lobbying Forms; (2) Continue discussion on Compliance Monitoring; (3) Discuss potential revisions to Gift Ordinance; (4) Voluntary Expenditure Limits-discussion and set a study session date.

**XI. Public Comment**

There were none.

**X. Adjournment**

The meeting was adjourned at approximately 8:02 p.m.

---

MICHAEL SMITH, CHAIR

ATTEST:  
ELECTIONS COMMISSION  
DENNIS HAWKINS, CMC, SECRETARY

---

Nora Pimentel, CMC