

ELECTIONS COMMISSION

Meeting Minutes
September 14, 2011

ROLL CALL

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

ABSENT: Commissioner Dixon excused herself at 6:15 p.m.

STAFF: Senior Deputy City Attorney Lisa Herrick and City Clerk Dennis Hawkins

ORDER OF BUSINESS

I. Call to Order

- A. Administration of Oath of Office to newly appointed Commissioner Rolanda Pierre Dixon

City Clerk Dennis Hawkins reported that he had administered the Oath of Office to newly appointed Commissioner Rolanda Pierre Dixon before the Commission meeting began.

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 6:30 p.m. and reconvened in Open Session at 6:45 p.m.

III. Approval of Minutes

Meeting Minutes of June 8 and August 11, 2011 were deferred to October 12, 2011.

IV. Report of the Chair

Commissioners Smith, Edgeworth, Louie, and Cosgrove, City Clerk Dennis Hawkins, provided a brief introduction of themselves to Commissioner Dixon. Commissioner Dixon gave a brief introduction regarding her personal and professional background.

By consensus, the Commission expressed its preference to keep the original meeting time to begin at 5:30 p.m.

Public Comment

Antonio Guerra from the Mayor's Office welcomed the new Commissioner.

Commissioner Dixon excused herself to attend a previously scheduled commitment.

V. Reports of the Clerk/Attorney

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

City Clerk Dennis Hawkins reported that Senior City Attorney Lisa Herrick presented on the Voluntary Expenditure Limits (VEL) to the Rules and Open Government today, the Committee directed staff to bring back an ordinance to the full Council within 30 days which would change the VEL limits. The thought was to increase VEL for Council candidates from \$1 per resident to \$1.25 or \$1.50. The Committee directed staff to submit a recommendation to the Council. For Mayoral candidates, the Rules Committee felt it appropriate to leave the limit at \$.75 (seventy-five cents) per resident. The Committee agreed that adding an inflation factor is appropriate, as the Council did for contribution limits. Ms. Herrick referenced the City of Santa Clara model which includes factors for candidate ballot statement and bulk mail costs in the VEL calculation, which will be used in the recommendation for the Council's consideration.

Commission discussion on the methodology for calculating the new VEL using these factors ensued, concluding that the details are to be determined by staff.

VI. Report of the Evaluator

There was no report.

VII. Discussion Items

- A. Continue discussion and adoption of recommendations regarding potential revisions to Gift Ordinance (SJMC 12.08)
Item deferred to October 12, 2011.

Chair Smith asked staff about the Gift Ordinance in the context of the recent Council ordinance prioritization. Staff addressed his question. The item was continued to October.

- B. Discussion regarding Absentee Voting-Vote By Mail

Motion: Commissioner Cosgrove moved to close this issue and take no action as a Commission on Absentee Voting-Vote by Mail extending a blackout period. Commissioner Louie seconded the motion.

Action: Motion carried. (4-0) (Absent: Dixon)

VIII. Meeting Schedule and Agenda Items

The next regular meeting is Wednesday October 12, 2011. Agenda items to include: (1) Continue discussion and adoption of recommendations regarding potential revisions to Gift Ordinance (SJMC 12.08); (2) FPPC Campaign Finance Disclosure forms review and draft of compliance monitoring schedule; (3) Status update on Campaign Finance Ordinance; (4) Update on New Commission name; (5) Discussion and possible action on next steps to stakeholder outreach which relates to identifying Title 12 sections in need of clarification.

IX. Public Comment

Terry Reilly welcomed the new commissioner. He commented that in terms of the expenditure limits he was on the Board 12 years ago when they came up with a dollar limit and agreed that the limit should be increased.

X. Adjournment

The meeting was adjourned at 7:20 p.m.

MICHAEL SMITH, CHAIR

ATTEST:
ELECTIONS COMMISSION
DENNIS HAWKINS, CMC, SECRETARY

Nora Pimentel, CMC

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