

ELECTIONS COMMISSION
Meeting Minutes
October 13, 2010

ROLL CALL

PRESENT: Chair de Funiak, Vice Chair Smith, Commission Members Louie, Cosgrove and Shepard (Via telephone Conference)

ABSENT:

STAFF: City Clerk Lee Price, 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 5:37 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 Smith, seconded by Commissioner Louie, the Commission unanimously approved the Meeting Minutes of September 8, 2010.

IV. Report of the Chair

Chair de Funiak congratulated City Clerk Lee Price on her upcoming retirement and asked her about the process to hire her replacement. City Clerk Lee Price reported that the City Council has not yet determined how to proceed.

V. Reports of the Clerk/Attorney

There was nothing to report.

VI. Discussion Items

- A. Report on Responses received to a Request for Qualifications (RFQ) for Evaluator, Investigator and Evaluator/Investigator and discussion on how to evaluate responses, including the possibility of establishing a subcommittee.

City Clerk Lee Price provided a status update on the RFQ process and requested an extension of the deadline by one or two weeks to ensure adequate time for all responses.

Action: Upon motion by Commissioner Louie seconded by Commissioner Cosgrove, the Commission unanimously authorized the City Clerk to extend the deadline at her discretion.

The Commission agreed to individually evaluate and rank the responses and forward the scores to the City Clerk for tabulation prior to the December meeting.

- B. Review and approve proposed revisions to the Regulations and Procedures for the Elections Commission Investigations and Hearings (Resolution 75260).

Document Filed: Draft Resolution Amending Regulations and Procedures for the San Jose Elections Commission Investigations and Hearings

City Attorney Lisa Herrick reviewed the proposed revisions to Election Commission Regulations (Resolution 75260). She clarified that changes proposed by the Commission regarding criteria for evaluating good cause for anonymity in consideration of anonymous complaints (Section E.6) are currently on hold, pending an outstanding referral by the City Council from December 2009 as it relates to the Mayor's Biennial Review of the City's Ethics Ordinances. She mentioned that she and City Clerk Lee Price are hosting a stakeholder outreach meeting with the nonprofit community on October 27, 2010 regarding potential changes to the lobbyist ordinance.

Action: Upon motion by Commissioner Smith, seconded by Commissioner Cosgrove, the Commission unanimously approved the proposed revisions to the Elections Commission Regulations (Resolution 75260), authorized the City Attorney to make any necessary technical or other changes, as necessary, and directed Staff to forward the Regulations on to the full City Council for action in November.

- C. Discussion on potential guidelines for setting a fine if the Commission decides a violation has occurred.

Chair de Funiak expressed concern about the process by which the Commission arrives at a consensus on the amount of a fine imposed for a violation. He suggested that the Commission may want to consider some guidelines. Discussion followed. The Commission agreed that the Municipal Code and Regulations provide for considerable discretion. City Clerk Lee Price noted that each complaint is different and the Commission agreed that each situation merits discussion before reaching a conclusion on the amount of a fine. City Clerk Lee Price recommended that the Commission consider, in addition to a fine, a demand for corrective action, when appropriate.

Action: The Commission, by mutual agreement, directed the City Attorney to add a provision in Section K of the Election Commission Regulations that provides for a requirement for corrective action, when appropriate.

VII. Meeting Schedule and Agenda Items

The next Regular Meeting is scheduled for Wednesday, November 10, 2010. Agenda items shall be limited to the review of the RFQs for Investigator, Evaluator and/or Evaluator/Investigator, interviews of those providing responses, and selection/s.

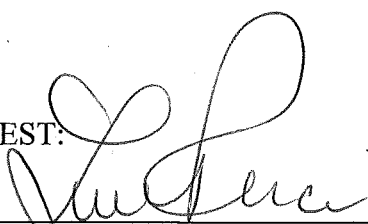
VIII. Public Comment

There was none.

IX. Adjournment

The meeting adjourned at approximately 6:43 p.m.

ATTEST:



LEE PRICE, MMC
CITY CLERK and SECRETARY TO THE COMMISSION


FRED DE FUNIAK, CHAIR