

**ELECTIONS COMMISSION**

Meeting Minutes

June 12, 2013

**ROLL CALL**

**PRESENT:** Chair Michael Smith, Vice Chair Rolanda Pierre Dixon, Commission Members Linda Edgeworth and Chris Peacock

**ABSENT:** Commission Member Leon Louie

**STAFF:** Acting City Clerk Toni Taber, Deputy City Attorney Arlene Silva and Deputy City Clerk Cecilia McDaniel

**ORDER OF BUSINESS**

**I. CALL TO ORDER**

The members of the San José Elections Commission convened at 5:29 p.m. in Room W-262 of City Hall, 200 E. Santa Clara Street, CA 95113.

**II. ADOPTION OF THE AGENDA**

Action: Upon a motion by Vice Chair Rolanda Pierre Dixon, and seconded by Commissioner Linda Edgeworth, the Commission approved the adoption of the June 12, 2013 agenda. Vote (4-0-1; Commissioner Leon Louie absent)

**III. PUBLIC COMMENT – None**

**IV. CLOSED SESSION – None**

**V. APPROVAL OF MINUTES**

A. March 28, 2013 – Special Meeting

Documents Filed: Draft Elections Commission minutes for March 28, 2013.

Action: Upon a motion by Commissioner Linda Edgeworth and seconded by Vice Chair Rolanda Pierre Dixon, the Commission approved the meeting minutes from March 28, 2013 as amended. Vote (4-0-1; Commissioner Leon Louie absent)

B. April 10, 2013 – Regular Meeting

Discussion: Minutes of April 10, 2013 meeting was not drafted in time for

meeting. Approval deferred to next meeting.

C. May 8, 2013 – Regular Meeting

Discussion: Minutes of May 8, 2013 meeting was not drafted in time for meeting. Approval deferred to next meeting.

**VI. REPORTS**

- A. Chair – Chair Michael Smith reported that he attended the last two Rules and Open Government Committee meetings to hear the discussion on Commission's recommendations on the proposed San José Municipal Code Title 12 amendments and Council referrals.
- B. City Attorney – None.
- C. City Clerk – Acting City Clerk Toni Taber announced that Deputy City Clerk Cecilia McDaniel has been promoted to Analyst so assignments will be shifting. Mrs. McDaniel will continue to support the Elections Commission. Acting City Clerk Toni Taber also reported that the office will be making further changes to Title 2 of the San José Municipal Code and to Council Policy 0-4.
- D. Investigator/Evaluator – None.

**VII. ITEMS SCHEDULED FOR ACTION**

- A. Discussion and action on recommendations from the Rules and Open Government Committee on suggested San José Municipal Code Title 12 amendments.

Documents Filed: 1) Memo to the Rules and Open Government Committee from Acting City Clerk Toni Taber regarding suggested Title 12 amendments dated May 28, 2013; and 2) Memo to the Rules and Open Government Committee from Acting City Clerk Toni Taber regarding Council Referrals dated May 31, 2013.

Discussion: Acting City Clerk Toni Taber reported that she went before the Rules and Open Government Committee earlier in the day to present the Commission's recommendations on the suggested Title 12 amendments and received very few changes from the Committee. The Committee would like the Elections Commission to come back in August with suggested policy alternatives on the issue of confidentiality of Elections Commission complaints.

Acting City Clerk Toni Taber indicated that the Mayor would like the Gift Ordinance to be more "user-friendly." The Mayor believes that the Gift Ordinance refers back to the Fair Political Practices Commission (FPPC) rules too much and therefore makes the ordinance unclear. Deputy City Attorney Arlene Silva informed the Commission that the FPPC rules are looser than City regulations. The ordinance refers to the FPPC website frequently to avoid a multitude of amendments to the City's ordinance when the FPPC amends their rules. The Commission discussed the issue and thought that a Frequently Asked Questions "cheat sheet" may be the answer to avoid a rework of the ordinance.

Acting City Clerk Toni Taber also reported that Councilmember Pete Constant

raised an issue regarding the designation of voluntary expenditure agreement status on ballots. Deputy City Clerk Arlene Silva indicated that she would research the issue and respond to the Councilmember and give status to the Commission at the next meeting.

The Commissioners informed staff that they would like notification sent when items they prepare are going before the City Council or the Rules and Open Government Committee.

Action: No action taken. The Commission requested that this item be added to the next meeting agenda for discussion and action.

B. Discussion and action on Elections Commission FY 2012-2013 Annual Report.

Documents Filed: Draft Elections Commission FY 2012-2013 Annual Report.

Discussion: The Commission reviewed and discussed the line items on the Annual Report.

Action: Upon a motion by Commissioner Linda Edgeworth and seconded by Vice Chair Rolanda Pierre Dixon, the Commission approved the FY 2012-2013 Annual Report. Vote (4-0-1; Commissioner Leon Louie absent)

C. Discussion and action on Elections Commission FY 2013-2014 Workplan.

Documents Filed: Elections Commission FY 2013-2014 Workplan drafted by Chair Michael Smith.

Discussion: The Commission reviewed and discussed the FY 2013-2014 Workplan. Commissioners would like the title to reflect the new Commission name effective July 1<sup>st</sup> (the Ethics Commission) and would like a new objective and/or action to be included in the Workplan to show the work being done to track issues and legislation that tie into San José Municipal Code Title 12.

Action: The Commission requested that the requested changes be made and that action on this item be deferred to the next meeting on July 10, 2013.

D. Adoption of FY 2013-2014 meeting schedule.

Documents Filed: Memo to the Elections Commission from Acting City Clerk Toni Taber with the proposed meeting schedule for FY 2013-14 dated June 5, 2013.

Action: Upon a motion by Vice Chair Rolanda Pierre Dixon and seconded by Commissioner Linda Edgeworth, the Commission approved the Commission FY 2013-2014 meeting schedule. Vote (4-0-1; Commissioner Leon Louie absent)

- E. Discussion and action on scheduling a Special Elections Commission meeting.

Discussion: The Commission determined that no special Elections Commission meeting needed to be scheduled.

Action: No action taken.

### VIII. ITEMS SCHEDULED FOR INFORMATION OR DISCUSSION

- A. Report from Elections Commission Title 12 Amendment sub-committee. (Chair)

Discussion: Chair Michael Smith informed the Commission that the sub-committee reviewed the memos from Acting City Clerk Toni Taber before submission to the Rules and Open Government Committee listed under Item VII.A above.

- B. Report on current status of compliance monitoring activities in the Clerk's Office.

Discussion: Acting City Clerk Toni Taber reported to the Commission that the City Clerk's Office almost has a 100% compliance rate with Form 700 and Family Gift Reporting Form filers. The office is currently working with the City Auditor's Office to try and obtain better compliance with contractors and consultants required to file Form 700s.

- C. Report on summary of results from campaign and lobbyist disclosure review.

Discussion: Acting City Clerk Toni Taber informed the Commission that we have not had campaign or lobbyist statements due in a while. The next deadline is in mid-July. Ms. Taber indicated the majority of the open campaign committees are in good standing. The only recent issues are that the City Clerk's Office recently needed to refund the lobbyist filing fee to a non-profit agency and they are working with a past candidate who has campaign committees open from 1990. Acting City Clerk Toni Taber reported that she is working with the past candidate to close the outdated accounts.

- D. Status of compliance with Commission resolutions.

Discussion: Acting City Clerk Toni Taber reported that a complaint may need to be filed in order to gain compliance for previously issued Elections Commission resolutions. The City Clerk's Office will report back at the next meeting regarding this issue.

Acting City Clerk Toni Taber informed the Commission that Mr. Jimmy Nguyen has rectified the issues in his previous campaign filings and has complied with the requirements of the Elections Commission resolution; however, he still needs to file an amended statement to reflect those changes. The City Clerk's Office will provide an update at the next meeting. The Commission requested that copies of his last campaign statement be brought for the Commissioners review at the next meeting.

**IX. MEETING SCHEDULE AND AGENDA ITEMS**

- A. The next Regular Meeting is Wednesday, July 10, 2013 at 5:30 p.m. in City Hall, Wing Room 262.

**The following agenda items will be discussed at the July 10, 2013 Elections Commission meeting:**

- Review and Approve Commission Workplan
- Policy Alternatives for Ethics Commission
- Review Memos for Suggested Title 12 Amendments
- Status of Commission Resolutions
  - Review Jimmy Nguyen latest Campaign Filings
- Status of Proposed Changes to the Gift Ordinance
- Create a Standing Item entitled "Legislative Update"

**X. ADJOURNMENT**

The meeting was adjourned at approximately 6:54 p.m.

  
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MICHAEL SMITH, CHAIR

ATTEST:  
ELECTIONS COMMISSION SECRETARY

  
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TONI J. TABER, CMC  
ACTING CITY CLERK