

ELECTIONS COMMISSION

Meeting Minutes

May 8, 2013

ROLL CALL

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

ABSENT: None.

STAFF: Acting City Clerk Toni Taber, Chief Deputy City Attorney Patricia Deignan, Deputy City Attorney Arlene Silva, and Deputy City Clerk Cecilia McDaniel

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. ADOPTION OF THE AGENDA

Action: Upon a motion by Commissioner Leon Louie, and seconded by Commissioner Chris Peacock, the Commission approved the adoption of the May 8, 2013 agenda. Vote (4-0-1; Vice Chair Pierre Dixon tardy).

III. PUBLIC COMMENT – None

IV. CLOSED SESSION – None

V. APPROVAL OF MINUTES

A. March 13, 2013 – Regular Meeting

Documents Filed: Draft Elections Commission minutes for March 13, 2013.

Discussion: Commissioners reviewed draft.

Action: Upon a motion by Commissioner Chris Peacock, and seconded by Commissioner Linda Edgeworth, the Commission approved the meeting minutes from March 13, 2013. Vote (4-0-1; Vice Chair Pierre Dixon tardy).

B. March 28, 2013 – Special Meeting

Discussion: Minutes of March 28, 2013 special meeting was not drafted in time for meeting. Approval deferred to next meeting.

VI. REPORTS

A. Chair – None

B. City Attorney – Chief Deputy City Attorney Patricia Deignan introduced Deputy City Attorney Arlene Silva to the Commission as their new attorney. Deputy City Attorney Arlene Silva introduced herself and gave a brief background.

C. City Clerk – None

D. Investigator/Evaluator – None

VII. ITEMS SCHEDULED FOR ACTION

A. Discussion and action on suggested San Jose Municipal Code Title 12 amendments.

Documents Filed: 1) Suggested Title 12 Amendments and Draft Recommendations Chart; and 2) Draft Gift Ordinance.

Discussion: Chair Michael Smith gave the Commission a brief history of the evolution of the City of San Jose's Gift Ordinance. Chief Deputy City Attorney Patricia Deignan reported that the ordinance was revised to reflect changes in the California Fair Political Practices Commission rules. Attorney Deignan summarized the changes to the draft Gift Ordinance and answered Commission questions.

Acting City Clerk Toni Taber reviewed the Suggested Title 12 Amendments and Draft Recommendations Chart with the Commission. The Commission made suggested revisions to the chart.

Action: Upon a motion by Vice Chair Rolanda Pierre Dixon and seconded by Commissioner Linda Edgeworth, the Commission approved the City Clerk's Office to work with the subcommittee to: 1) Draft a memo to the Rules and Open Government Committee to respond to the Mayor and Councilmember referrals; 2) Revise the chart as requested (change language and sort to identify priorities) to send to the Rules and Open Government Committee for review and approval. Vote (5-0-0)

B. Discussion and action on scheduling a Special Elections Commission meeting. (City Clerk)

Discussion: The Commission discussed timeline and 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: Nothing to report.

- B. Status of compliance with Commission resolutions. (City Clerk)

Documents Filed: 1) Letter to Jimmy Nguyen dated March 25, 2013 from Acting City Clerk Toni Taber; and 2) E-mail and webpage snapshot from Jan Soule with Silicon Valley Association of Republican Women showing compliance with Elections Commission resolution.

Discussion: Acting City Clerk Toni Taber informed the Commission that Jimmy Nguyen has reimbursed his debts and filed amended campaign statements in compliance with the Elections Commission resolution. Acting City Clerk Toni Taber indicated that there were some errors made on the statements so she is working with Mr. Nguyen to correct these mistakes.

Deputy Clerk Cecilia McDaniel informed the Commission that the Silicon Valley Association of Republican Women have also complied with the Elections Commission resolution and has posted the Elections Commission public statement on their website and have published it in their newsletter. They will keep the statement on their website for 30 calendar days.

Acting City Clerk Toni Taber informed the Commission that it has come to the attention of the City Clerk's Office that Mr. Minh Duong has not complied with a prior Elections Commission resolution. Further investigation and follow-up action will be required.

IX. MEETING SCHEDULE AND AGENDA ITEMS

- A. The next Regular Meeting is Wednesday, June 12, 2013 at 5:30 p.m. in City Hall, Wing Room 262.

The following agenda items will be discussed at the June 12, 2013 Elections Commission meeting:

- Proposed Title 12 Amendments
- Draft Memos to Rules
- Draft Annual Report for FY 2012-2013
- Draft Workplan for FY 2013-2014
- Compliance monitoring
- Report on Campaign forms
- Status of Commission resolutions
- Status of proposed changes to the Gift Ordinance


X. ADJOURNMENT

The meeting was adjourned at approximately 7:35 p.m.



MICHAEL SMITH, CHAIR

ATTEST:
ELECTIONS COMMISSION SECRETARY



TONI J. TABER, CMC
ACTING CITY CLERK