

City Of Milpitas
APPROVED MINUTES
Campaign Finance Reform Task Force
Barbara Lee Senior Center, Rooms 140/141
Monday, January 9, 2012, 5:00 p.m.

1. Call to Order/Roll Call

Councilmember Polanski called the meeting to order at 5:00 p.m.

Present: Councilmember/Chair Althea Polanski
Councilmember Armando Gomez

City Staff: City Attorney Michael J. Ogaz
Assistant City Attorney Bryan Otake
City Manager Tom Williams
City Clerk Mary Lavelle
Recording Secretary Susan Barrett

2. Approval of Agenda

Motion: to approve the agenda, as submitted

Motion/Second: Councilmember Gomez/Councilmember/Chair Polanski

Motion carried by a vote of: Ayes: 2, Noes: 0

3. Closed Session

The Task Force convened Closed Session to confer with legal counsel regarding anticipated litigation with City of Milpitas as defendant. The Task Force then convened Open Session with no announcement from Closed Session.

4. Public Forum

Rob Means, Milpitas resident, spoke about the effect of corporate interests on government action against global warming. He encouraged the Task Force to keep this in mind during tonight's meeting.

Donald Irving, Milpitas resident, spoke on the subject of global warming affects to the community and the local natural environment.

5. Report to Task Force:

A. City Council's ability to bring voter initiative on ordinance similar to Ordinance No. 243.4:

City Attorney Mike Ogaz explained that the City Council has asked whether the City may take an ordinance the same or similar to Ordinance 243.4 to the voters if Council were to first repeal Ordinance No. 243.4. Mr. Ogaz reported that State law provides that an ordinance that has been repealed in its entirety cannot be brought back for introduction/adoption by the Council within a year. This does not apply to an initiative measure and therefore the Council could repeal an ordinance and then put the same ordinance before the electorate for passage, which would not violate the one-year requirement as that only applies to actions of the City Council.

B. Discussion of ordinances which are essentially the same or different for purposes of considering drafting revised version of Ordinance No. 243.4: City Attorney Ogaz reported that staff has found a myriad of cases, are continuing to research this more and will be providing a full report to City Council on January 12, 2012.

Councilmember Polanski invited public comment on this item from the audience for a maximum of three minutes each.

Bill Ferguson, Milpitas resident, suggested three things that could be done to make the ordinance stronger: (1) limit the length of fundraising for campaigns to six months as does City of Santa Clara; (2) lower the contribution limit to \$250 per person/company; (3) establish penalty of candidate losing their seat if they violate the contribution limit as does the City of Santa Clara.

Councilmember Gomez asked if Santa Clara is a charter city or general law city and whether that makes a difference regarding the last suggestion. City Attorney Ogaz responded that as Santa Clara is a charter city, it may make a significant difference as charter cities have a much broader ability to regulate these matters.

Rob Means, Milpitas resident, spoke on the subject of corporate personhood. He suggested the following three actions be taken: (1) support AJR22, a resolution asking Congress to amend the Constitution reversing the Supreme Court's Citizens United decision; (2) City Council adopt its own resolution calling for the same constitutional amendment; (3) enact a law like Montana's which prohibits corporations from making contributions to or influencing campaigns or elections.

Ed Riffle, Milpitas resident, suggested that if the Council wishes to come up with a new ordinance to put on the ballot he encourages them to seek legal counsel on the constitutionality of the same to avoid unnecessary expense by the City.

Donald Irving, Milpitas resident, encouraged support for AB1148, which requires those who fund election ads to state who they are and who they represent.

Ajay Tallam, Milpitas resident, suggested the City continue to look at any strong campaign finance reforms that are State laws which do not apply to cities and consider lowering the spending limits for campaigns.

6. Task Force Recommendation on action on referendum petition re: Ordinance No. 243.4

Councilmember Polanski stated the City Council has 10 days, or until January 13th, to repeal or submit the ordinance to the voters, noting that a Special City Council meeting has been called for January 12th at 6:00 p.m.

Councilmember Polanski made a motion to recommend to City Council to appeal Ordinance No. 243.4, and present a substantially different new ordinance which lowers the limit for campaign contributions from any person or business to \$250 for City Council and Mayoral elections, and which follows State law on aggregation.

Councilmember Gomez seconded the motion. Motion carried by a vote of: Ayes: 2, Noes: 0

7. Next Meeting Date

No further meetings are presently anticipated.

8. Adjournment

Councilmember Polanski adjourned the meeting at 6:00 p.m.

Minutes prepared by Susan Barrett, Recording Secretary