



City of San José Board of Fair Campaign and Political Practices

Chair – Louis Silver
Vice Chair – Tom Pavel
Member – Vasundhara Tadimeti
Member – Vacant
Member – Vacant

Matthew Tolnay, Deputy City Attorney—Staff
Toni Taber, City Clerk—Staff
Joy Rodriguez, Assistant City Clerk—Staff
Megan Roche, Deputy City Clerk—Staff

DRAFT MEETING Minutes **November 14, 2024** **5:30 p.m.**

I. Call to Order & Orders of the Day

Roll Call

PRESENT: Chair Louis Silver, Vice Chair Tom Pavel, Board Member Vasundhara Tadimeti

ABSENT: None

STAFF: Deputy City Attorney Matthew Tolnay, City Clerk Toni Taber, Assistant City Clerk Joy Rodriguez, Deputy City Clerk Megan Roche

The members of the San José Board of Fair Campaign and Political Practices convened in person and virtually via remote teleconferencing at 5:31 p.m.

Action: Upon motion by Board Member Vasundhara Tadimeti, seconded by Vice Chair Tom Pavel, and carried unanimously, the Board approved the Orders of the Day. (3-0-0)

II. Closed Session – None

III. Hearings – None

IV. Public Record – None

V. Consent Calendar

Action: Upon motion by Vice Chair Tom Pavel, seconded by Board Member Vasundhara Tadimeti, and carried unanimously, the Board approved the Minutes of the October 10, 2024 Regular Meeting. (3-0-0)

VI. Reports

A. Chair – No report.

- B. City Attorney – Deputy City Attorney Matthew Tolnay announced that the November 5, 2024 election concluded and has not yet been certified.
- C. City Clerk – City Clerk Toni Taber noted that the election is expected to be certified by the Santa Clara Registrar of Voters on December 5, 2024 and will be agendized to be certified by the City Council on December 10, 2024.
- D. Investigator/Evaluator – No report.

VII. Old Business

- A. Discussion and Possible Action on Open Issues Regarding San Jose Municipal Code Title 12, City Council Resolution RES2023-312 and Other Administrative Policies, Including the Complaint Intake Process. (Board)
 - (1) Concerns about Candidate-Controlled Ballot Measure Committees
 - (2) Biennial Review Matrix
 - (3) Additional Disclosure for Independent Committees

Discussion: Deputy City Attorney Matthew Tolnay discussed the Additional Disclosure for Independent Committees topic in relation to Supreme Court Case *AFP v. Bonta* and San Francisco's reporting regulations. City Clerk Toni Taber and Deputy City Attorney Matthew Tolnay answered questions posed by the Board Members and discussion ensued. Vice Chair Tom Pavel agreed to revise his memorandum on the Additional Disclosure for Independent Committees topic to focus on the significant influence standard and edit the examples if needed.

Vice Chair Tom Pavel discussed candidate-controlled ballot measure committee concerns as outlined in his memorandum, dated October 10, 2024. The Board discussed this topic and Vice Chair Pavel agreed to revise the memorandum for the next BFCPP meeting.

Action: Upon motion by Vice Chair Tom Pavel, seconded by Board Member Vasundhara Tadimeti, and carried unanimously, the Board approved the addition of a new topic to the Biennial Review Matrix: adding a clarification point to San José Municipal Code Section 12.06.290, which limits timing of fundraising for campaign committees, to specify that it does not apply to ballot measure committees. (3-0-0)

VIII. New Business

- A. Discussion and Possible Action on Modification to the Regular Meeting Schedule. (Board)

Action: Upon motion by Vice Chair Tom Pavel, seconded by Board Member Vasundhara Tadimeti, and carried unanimously, the Board approved the cancellation of the regular BFCPP meeting scheduled for December 12, 2024 and for the agenda item regarding the modification to the regular meeting schedule to return on future BFCPP agendas. (3-0-0)

IX. Public Comment

Public Comment: None

X. Meeting Schedule and Agenda Items

A. Scheduling of Special Board meeting if needed. (City Clerk)

It was identified that there is no need to schedule a special meeting. The next regular meeting is scheduled for January 9, 2025 at 5:30 p.m., to be held in City Hall 14th floor conference room T-1446.

XI. Adjournment

Chair Louis Silver adjourned the meeting at 6:41 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,

Megan Roche

Megan Roche
Deputy City Clerk, City of San José