



COUNCIL AGENDA: 3/4/2025
FILE: 25-178
ITEM: 3.3

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Toni J. Taber, MMC
City Clerk

SUBJECT: BOARD OF FAIR CAMPAIGN AND
POLITICAL PRACTICES
INTERVIEW

DATE: February 20, 2025

RECOMMENDATION

1. Interview applicants for appointments to the Board of Fair Campaign and Political Practices.
2. Appoint up to two (2) applicants to a term ending March 1, 2029.
3. If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration.

Please note: Approval of this item requires 8 or more affirmative votes (2/3).

OUTCOME

Appointments will allow the Board of Fair Campaign and Political Practices to continue with board business. In addition, it will also fulfill requirements of a quorum at the next board meeting scheduled for March 13, 2025.

BACKGROUND

San Jose Municipal Code (SJMC) Section 2.08.1630 establishes the requirements for services on the five-member Board of Fair Campaign and Political Practices (Board) as follows:

- (a) Each member of the commission must be a qualified elector of the city and have some demonstrated familiarity and experience with campaign laws. The commission's membership should be representative of the community.
- (b) No members will be employed by the city or have any direct and substantial financial interest in any business, work or official action taken by the city.
- (c) While serving on the commission, no member will hold any elected public office.
- (d) No member will participate as a candidate in any election to public office for a period of one (1) year both before and after tenure on the commission.

- (e) While serving on the commission, no member will publicly endorse any candidate for city office nor engage in any political or campaign activity on behalf of any candidate for city office.
- (f) While serving on the commission, no member will be employed by or have any contractual relationship with any candidate for city office.

There are four (4) vacancies on the Board. The Office of the City Clerk conducted an open recruitment. Per Council Policy 0-4, Consolidated Policy Governing Boards and Commissions, applicants who were not appointed to a Board or Commission will have their applications maintained on file in the City Clerk's Office for a period of one year from the date of application. Six applications were received and one of the six applications was withdrawn. Three applicants met the requirements to serve on the Board of Fair Campaign and Political Practices: Tom Pavel, Manu Sharma, and Hai Bui. In the Conflicts of Interest Memorandum authored by the Office of the City Attorney, it was determined that it is unclear if applicant Keith Joho meets the requirements to serve on the Board because the application Keith submitted was incomplete. Therefore, Keith was advised that upon submitting a complete application, he would be eligible to be interviewed the next time that the City Council conducts interviews for the Board of Fair Campaign and Political Practices. Two applicants did not meet the requirement of being a registered elector of the City, as is required by San Jose Municipal Code Section 2.08.1630(A). Hai Bui was appointed to the Salary Setting Commission on February 6, 2025 and subsequently withdrew his application to the BFCPP.

Due to the number of vacancies, all current and eligible applicants were invited to the March 4, 2025 interview.

ANALYSIS

Two applicants have been invited to be interviewed by the City Council on March 4, 2025. A successful applicant must receive a two-thirds vote of the City Council (eight (8) or more votes) to be appointed to the Board. (SJMC § 2.08.1610.). After the interviews, the Council may make up to two (2) appointments to the Board to fill two (2) vacancies for terms ending March 1, 2029. Those to be interviewed are:

- Tom Pavel (incumbent)
- Manu Sharma

The applications of the two (2) applicants invited to be interviewed and memorandum from the Office of the City Attorney regarding their conflicts of interest reviews are also included.

PUBLIC OUTREACH

The Office of the City Clerk conducted an open recruitment for the vacancies ending January 24, 2025.

HONORABLE MAYOR AND CITY COUNCIL

March 4, 2025

Subject: Board of Fair Campaign and Political Practices Interview

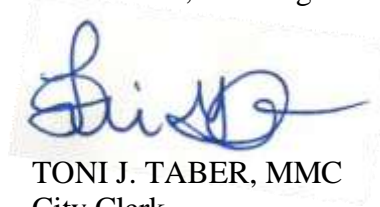
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COORDINATION

This memorandum has been coordinated with the Office of the City Attorney.

CEQA

Not a Project, File No. PP17-010, City Administrative Activities, resulting in no changes to the physical environment.

A handwritten signature in blue ink, appearing to read "Toni J. Taber", is written over a faint, rectangular, textured background.

TONI J. TABER, MMC
City Clerk

For questions, please contact Toni Taber, City Clerk, at (408) 535-1260.