



City of San José Board of Fair Campaign and Political Practices

Chair—Adrian Gonzales
Vice Chair— Louis Silver
Member— Tom Pavel
Member— Baltazar Lopez
Member— Vacant

Mark Vanni, Senior Deputy City Attorney—Staff
Toni Taber, City Clerk—Staff
Joy Rodriguez, Assistant City Clerk—Staff
Megan Roche, Deputy City Clerk—Staff

DRAFT MEETING Minutes
October 13, 2022
5:30 p.m.

I. Call to Order & Orders of the Day

Roll Call

PRESENT: Chair Adrian Gonzales, Board Members Louis Silver, Tom Pavel, Baltazar Lopez

ABSENT: None

STAFF: Senior Deputy City Attorney Mark Vanni, 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 virtually via remote teleconferencing at 5:33 p.m.

Action: Upon motion by Board Member Louis Silver, seconded by Board Member Tom Pavel, and carried unanimously, the Board approved the Orders of the Day. (4-0.)

II. Closed Session – None

III. Hearings – None

IV. Public Record – None

V. Consent Calendar

Action: Upon motion by Board Member Louis Silver and seconded by Board Member Baltazar Lopez, the Board approved the Minutes of the September 8, 2022 Regular Meeting. (4-0.)

VI. Reports

A. Chair – None provided.

B. City Attorney – Senior Deputy City Attorney Mark Vanni noted emails received in September 2022 regarding campaign guidance and stated that Senate Bill 1439 will go into effect on January 1, 2023, which will create conflicts of interest in certain decisions involving campaign contributors.

Board Member Louis Silver requested a link to information on SB 1439, which was subsequently provided to all Board Members. Board Member Tom Pavel asked a question regarding a campaign guidance email, and Senior Deputy City Attorney Mark Vanni provided clarification on the process.

- C. City Clerk – City Clerk Toni Taber noted that the portals for Form 700s and lobbyist forms are available to be viewed from the link posted to the agenda, and that Disclosure of Fundraising Report forms and Income & Time Disclosure statements are due on October 15, 2022. City Clerk Taber also reported that the current expenditures for the Board total \$32,400.
- D. Investigator/Evaluator – No report.

VII. Old Business

- A. Discussion and possible action on biennial review of [San Jose Municipal Code Title 12](#), City Council [Resolution 79187](#) and other administrative policies, including Complaint Intake Process. Suggested Revisions to the SJMC Title 12 and Resolution 79187 (Chair Adrian Gonzales/City Attorney)

Discussion: City Clerk Toni Taber highlighted the addition of item 8 the Biennial Review matrix, regarding election sign theft. City Clerk Toni Taber also suggested discussion on amending the procedures of the BFCPP to allow for a jurisdictional review of incoming complaints. After discussion amongst the Board, City Clerk, and Senior Deputy City Attorney, items 2, 6, and 8 were directed to be removed from the Biennial Review Matrix, the solution for item 4 was directed to be revised, and an item was directed to be added to clarify the Board's process for reviewing Public Records Act appeals.

- B. Status update on collaboration with Charter Review Commission. (Chair Adrian Gonzales)

Discussion: Chair Adrian Gonzales reminded the Board that the Charter Review Commission proposed to codify the BFCPP in the City Charter. That recommendation is a part of Measure I which is being voted upon in the November election.

- C. Status update on collaboration with [Code for San José: Open Disclosure](#).

Discussion: Chair Adrian Gonzales provided an update on collaboration with Ryan Walek regarding the Code for San José: Open Disclosure website. Chair Gonzales stated that it was Ryan's final update and that he will work with Ryan to identify a replacement contact to continue the Board's collaboration with Code for San José.

- D. Scheduling of Special Board meeting if needed.

Discussion: City Clerk Toni Taber stated that there is no need for a special meeting.

VIII. New Business

- A. Discussion and possible action on appointment of a Vice Chair for the Board of Fair Campaign and Political Practices.

Discussion: Board Member Baltazar Lopez nominated Board Member Louis Silver for Vice Chair of the Board of Fair Campaign and Political Practices, and Board member Louis Silver accepted the nomination.

Action: By a unanimous vote, the Board elected Board Member Louis Silver as Vice Chair of the Board of Fair Campaign and Political Practices. (4-0.)

- B. Approve the Decision of Findings of the San José Board of Fair Campaign and Political Practices regarding the complaint filed by Judy Pipkin on May 26, 2022.

Action: Upon motion by Board Member Louis Silver, seconded by Board Member Baltazar Lopez, and carried unanimously, the Board approved the Decision of Findings of the San José Board of Fair Campaign and Political Practices regarding the complaint filed by Judy Pipkin on May 26, 2022, with agreement that an error on page 2 will be corrected before final signature. (4-0.)

- C. Discussion and possible action on report from Ad Hoc Subcommittee for Officeholder Accounts and Officeholder-Controlled Committees. (Board Member Tom Pavel and Board Member Baltazar Lopez)

Discussion: Board Members Tom Pavel and Baltazar Lopez provided an update on their subcommittee work. Two main ideas were identified: to explicitly state what fundraising and spending is allowed or unrestricted, and to define a category of “officeholder” in the Municipal Codes so that it better aligns with the Political Reform Act. The subcommittee expects to share a document with the Board at the next meeting, after meeting with City staff.

IX. Public Comment – None

X. Meeting Schedule and Agenda Items

The next regular meeting is scheduled for November 10, 2022 at 5:30 p.m. via remote teleconferencing.

XI. Adjournment

Upon motion by Board Member Baltazar Lopez, seconded by Board Member Tom Pavel, and carried unanimously, the Board approved to adjourn at 6:47 p.m. (4-0.)

ADRIAN GONZALES, CHAIR

ATTEST:
BOARD OF FAIR CAMPAIGN POLITICAL PRACTICES SECRETARY

TONI J. TABER, CMC
CITY CLERK