



City of San José Board of Fair Campaign and Political Practices

Chair – Louis Silver
Vice Chair – Tom Pavel
Member – Baltazar Lopez
Member – Vasundhara Tadimeti
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
September 12, 2024
5:30 p.m.

I. Call to Order & Orders of the Day

Roll Call

PRESENT: Chair Louis Silver, Vice Chair Tom Pavel, Board Members Baltazar Lopez and Vasundhara Tadimeti

ABSENT: None

STAFF: Deputy City Attorney Matthew Tolnay, 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 Baltazar Lopez, seconded by Vice Chair Tom Pavel, and carried unanimously, the Board approved the Orders of the Day. (4-0-0)

II. Closed Session – None

III. Hearings – None

IV. Public Record – None

V. Consent Calendar

Action: Upon motion by Board Member Baltazar Lopez and seconded by Vice Chair Tom Pavel, the Board approved the Minutes of the August 8, 2024 Regular Meeting. (3-0-1; Abstention: Lopez)

VI. Reports

A. Chair – No report.

- B. City Attorney – Deputy City Attorney Matthew Tolnay noted that multiple campaign guidance inquiries were received on the topic of handling surplus funds. Specifics on time limitations, debt retirement, and the need to close accounts were clarified, as outlined in Title XII. A recent change to the San José Municipal Code was noted regarding the removal of limits on personal loans to accounts. After questions were posed by Board Member Vasundhara Tadimeti and Vice Chair Tom Pavel, Deputy City Attorney Tolnay provided clarification on applicability of Levine Act and voting requirements for the City Council to move ballot measures forward.
- C. City Clerk – Deputy City Clerk Megan Roche noted the need to reset the passwords for City-issued email accounts, in accordance with direction from the IT Department. Board Member Baltazar Lopez requested information on the Board’s current vacancy and Assistant City Clerk Joy Rodriguez described the process for filling the vacant seat after the current Boards and Commissions recruitment cycle closes on September 30, 2024.
- D. Investigator/Evaluator – No report.

VII. Old Business

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

Discussion: No scheduling of a special meeting was necessary.

VIII. New Business

- A. Discussion and Possible Action on Open Issues Regarding San Jose Municipal Code Title 12, City Council Resolution 79187 and Other Administrative Policies, Including the Complaint Intake Process. (Board)
 - (1) Additional Disclosure for Independent Committees
 - (2) Concerns about Candidate-Controlled Ballot Measure Committees
 - (3) Disclosure Requirements for Op-Eds - dropped
 - (4) Disclosures for Telephone Solicitations - dropped
 - (5) Ways to Publicize Existing Rules - dropped

Discussion: Deputy City Matthew Tolnay clarified the procedure to forward Board recommendations to the City Council: recommendations will first be forwarded to the Rules and Open Government Committee and then to City Council, dependent on the decision of the Rules and Open Government Committee. The Board discussed items (1) and (2), as outlined within Vice Chair Pavel’s memorandums (a) and (b), both dated September 12, 2024, with Deputy City Matthew Tolnay. The Board took no action on items (2), (3), (4), and (5). The Board directed that items (1), (3), (4), and (5) be removed from future agendas and for item (2) to remain on future agendas.

Action: Upon motion by Vice Chair Tom Pavel, seconded by Board Member Baltazar Lopez, and carried unanimously, the Board directed that Vice Chair Pavel’s memorandum (a) be transmitted to the Rules and Open Government Committee for further action. (4-0-0)

- B. Discussion and Possible Action on biennial review of San Jose Municipal Code Title 12, City Council Resolution RES2023-312 and other administrative policies, including Complaint Intake Process. (Board)

Discussion: Deputy City Matthew Tolnay described the legislative actions taken to address Board recommendations which appeared on the previous version of the Board's Biennial Review Matrix (dated February 22, 2023). The Board directed that item 1 on the Matrix be deleted. The Board directed that "2-year" be deleted from the Possible Solution category for item 3 within the Biennial Review Matrix; item 3 was renumbered to item 2, after the deletion of item 1.

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

Discussion: Deputy City Attorney Matthew Tolnay described the meeting frequency requirements for the Board. The Board will meet next month on October 10, 2024 and directed that this item be deferred until after the November election.

Action: Upon motion by Board Member Baltazar Lopez, seconded by Vice Chair Tom Pavel, and carried unanimously, the Board directed that an item appear on the next BFCPP agenda for the City Attorney's office to report on what local regulations or state laws would apply if a candidate is convicted of a crime or is undergoing a criminal investigation. (4-0-0)

IX. Public Comment

Public Comment: None

X. Meeting Schedule and Agenda Items

The next regular meeting is scheduled for October 10, 2024 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 6:19 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,

Megan Roche

Megan Roche
Deputy City Clerk, City of San José