



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Toni J. Taber, CMC
City Clerk

**SUBJECT: BOARD OF FAIR CAMPAIGN
AND POLITICAL PRACTICES
APPOINTMENT**

DATE: April 26, 2022

RECOMMENDATION

- (a) Interview applicant for appointment to the Board of Fair Campaign and Political Practices.
- (b) Appoint one (1) applicant to a term ending March 1, 2025.

PLEASE NOTE: APPROVAL OF THIS ITEM REQUIRES AFFIRMATIVE VOTES OF EIGHT MEMBERS (2/3) OF THE CITY COUNCIL. San José Municipal Code Section 2.08.1610.

- (c) If any vacancies remain, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration.

OUTCOME

Appointment to the vacant seats on the Board of Fair Campaign and Political Practices will allow to continue with board business and will also fulfill requirements of a quorum at the next board meeting scheduled for May 12, 2022.

BACKGROUND

San Jose Municipal Code (SJMC) Section 2.08.1630 establishes the requirements for service 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 member 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.
- (d) While serving on the commission, no member will hold any elected public office.

- (e) 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.
- (f) 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.
- (g) While serving on the commission, no member will be employed by or have any contractual relationship with any candidate for city office.

There are three (3) vacancies on the Board. The Office of the City Clerk is still conducting recruitment to fill the rest of Board vacancies. 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. One application was received and the current applicant met eligibility requirements to serve on the Board.

ANALYSIS

The applicant has been invited to be interviewed by the City Council on May 3, 2022. 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.) If any seat remains unfilled, it is recommended that the recruitment be referred back to the City Clerk to secure additional applicants for consideration by the Council in 90 days. After the interview, the Council may make (1) appointment to the Board to fill one (1) vacancy for an unexpired term ending March 1, 2025. The application is attached. Memoranda from the Office of the City Attorney regarding their conflict of interest review is also included.

EVALUATION AND FOLLOW-UP

A duty of the Office of the City Clerk is to minimize vacancies on the Boards and Commissions.

PUBLIC OUTREACH

The Office of the City Clerk conducted an open recruitment commencing February 2022 and is still continuing to do so to fill the rest of the vacancies. This memo has been posted on the City Clerk's website as part of the May 3, 2022 City Council Meeting Agenda.

COORDINATION

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

COMMISSION RECOMMENDATION/INPUT

The recommended actions have no commission input or recommendation.

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 light blue rectangular background.

TONI J. TABER, CMC
City Clerk

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