



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Toni J. Taber, CMC
City Clerk

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

DATE: March 11, 2019

RECOMMENDATION

1. Interview applicants for appointment to the Board of Fair Campaign and Political Practices;
2. Appoint one (1) member to the Board of Fair Campaign and Political Practices to an unexpired term ending March 1, 2021;
3. Appoint three (3) members to the Board of Fair Campaign and Political Practices for the term March 10, 2019 to March 2, 2023; and
4. If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration within 90 days.

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

OUTCOME

Appointment of the four vacant seats will create a full membership on 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 April 10, 2019.

BACKGROUND

San José 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.
- (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 from November 9, 2018 through February 3, 2019. 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. All applicants met the eligibility requirements to serve on the Board. Nine applications were received.

Due to the number of vacancies, all applicants were invited to the March 18, 2019 interview.

ANALYSIS

Nine applicants have been invited to be interviewed by the City Council on March 18, 2019, and eight (8) confirmed attendance. 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 interviews, the Council may make up to four (4) appointments to the Board to fill one (1) vacancy for an unexpired term ending March 1, 2021 and three (3) vacancies for terms starting March 19, 2019 to March 2, 2023. The applicant interview order was determined using the California Secretary of State's Randomized Alphabet Drawing for the November 6, 2018 General Election Ballot. Applicants will be sequestered in another location so that they may not view or hear the interviews of other applicants until they are called to appear. The interview order is:

- Joe Lopez
- Kathleen Thomas
- Omar Teutle
- Kerstyn Olsen
- Brandon Eisenberg
- Thomas Skinner (incumbent on Appeals Hearing Board)
- Peter Searles
- Louis Silver
- Adrian Gonzales (incumbent)

The applications of the eight (8) applicants invited to be interviewed are attached. Memoranda from the Office of the City Attorney regarding their conflicts of interest reviews and the

Department of Planning, Building, and Code Enforcement regarding their outstanding code enforcement for each applicant are also included.

Thomas Skinner is an incumbent appointed to his second term on the Appeals Hearing Board on January 29, 2019 by the City Council. If he is selected for the Board of Fair Campaign and Political Practices, per Council Policy 0-4, he will be deemed automatically resigned from his position on the Appeals Hearing Board. In 2017 and 2018 he had only one absence. He is in compliance with the City's commission training requirements and state ethics requirements.

Adrian Gonzales is the incumbent of the Board of Fair Campaign and Political Practices. He is applying for his second term. Mr. Gonzales has had only one absence during his term, and has served as the Chair for the past two years. He is in compliance with the City's commission training requirements and state ethics requirements.

PUBLIC OUTREACH

The Office of the City Clerk conducted an open recruitment for the vacancies from November 9, 2016 through February 3, 2019 with the following recruitment efforts:

- Council Offices and Board and Commission secretary's newsletters and distribution tools
- Posted on City Manager's Weekly Report
- Posted on the City's main website and Clerk Office's webpage
- Posted on Facebook and Twitter
- Posted on City Calendar
- Distributed to all community centers and library branches

This memo has been posted on the City Clerk's website as a part of the March 18, 2019 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

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


TONI J. TABER, CMC
City Clerk

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