



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Toni J. Taber, CMC  
City Clerk

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

**DATE:** April 13, 2021

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## RECOMMENDATION

1. Interview applicants for appointment to the Board of Fair Campaign and Political Practices;
2. Appoint two (2) member to the Board of Fair Campaign and Political Practices to an unexpired term ending March 1, 2025;
3. Appoint one(1) 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 14, 2021.

## 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 three (3) vacancies on the Board. The Office of the City Clerk conducted an open recruitment ending January 31, 2021. 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 April 13, 2021 interview.

### **ANALYSIS**

Four applicants have been invited to be interviewed by the City Council on April 13, 2021. 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 three (3) appointments to the Board to fill one (1) vacancy for an unexpired term ending March 1, 2023 and two (2) vacancies for terms ending March 1, 2025. The applicant interview order was determined using the California Secretary of State's Randomized Alphabet Drawing for the November 3, 2020 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:

- Grace Pang
- Louis Silver (incumbent)
- Isabella Nyakundi
- Daniel Damma

The applications of the four (4) applicants invited to be interviewed are attached. Memoranda from the Office of the City Attorney regarding their conflicts of interest reviews are also included.

Louis Silver is the incumbent of the Board of Fair Campaign and Political Practices. He is applying for his second term. Mr. Silver has attended all meetings of the Board during his term. He is in compliance with our commission training requirement, and state ethics requirements.

**PUBLIC OUTREACH**

The Office of the City Clerk conducted an open recruitment for the vacancies ending January 31, 2021. 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

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