

**MEETING MINUTES**  
**May 8, 2019**

**I. Call to Order & Orders of the Day**

**Roll Call**

**PRESENT:** Chair Adrian Gonzales and Board Members Kerstyn Olsen, Joe Lopez and Louis Silver.

**ABSENT:** Vice Chair Peacock.

**STAFF:** City Clerk Toni J. Taber, CMC and Deputy City Clerk Ruth Krantz.

**Call to Order**

The members of the San José Board of Fair Campaign and Political Practices convened at 5:30 p.m. in Room T-1446 of City Hall, 200 E. Santa Clara Street, CA 95113.

**Orders of the Day**

Action: Upon motion by Board Member Joe Lopez, seconded by Board Member Louis Silver and carried unanimously, the Commission approved the adoption of the May 8, 2019 agenda. (4-0-1. Absent: Peacock.)

**II. Closed Session - None**

**III. Hearings –**

None provided.

**IV. Consent Calendar**

- A. Approve the Minutes of December 12, 2018 – Regular Meeting
- B. Approve the Minutes of February 13, 2018 – Regular Meeting

Action: Upon motion by Board Member Joe Lopez, seconded by Board Member Kerstyn Olsen and carried unanimously the minutes of December 12, 2018 and February 13, 2018 were approved by the Board.

**V. Reports**

- A. Chair –None..
- B. City Attorney – Deputy City Attorney Mark Vanni could not be present due to a scheduling conflict.
- C. City Clerk

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1. Status report on filings (Form 700, Campaign Statements, Lobbyists)
2. Elections update

Discussion: City Clerk Toni Taber indicated Form 700 compliance as of April 17 as 96 percent compliance with employees, 83 percent with boards and commissions, and approximately 80 percent with consultants. A new City Clerk staff person has been assigned to updates and with possible referral to the FPPC and revamping for compliance with state law.

She noted that the “Lobbyists Forms” section may be removed from future BFCPP Commission agendas.

City Clerk Toni Taber noted Campaign statements are now live on the City Clerk’s website, and the first March 2020 election filings (Forms 501 or 410) may be viewed.

D. Investigator/Evaluator - none provided.

**VI. Old Business**

A. Status on Independent Evaluator/Investigator RFQ

Discussion: City Clerk Toni J. Taber noted there was only one response received by the March 15 2019 due date. It has been re-posted on BidSync and has gone out to over 500 candidates.

B. Discussion and possible action on biennial review of San Jose Municipal Code Title 12, City Council Resolution 78390 and other administrative policies. (City Clerk)

Discussion: The matrix, “Suggested Revisions to the San José Municipal Code Title 12 and Resolution 78390” was reviewed. Chair Gonzales explained that this matrix is a cumulative process, with the final matrix to be provided to the City Council for approval. The Chair additionally provided information to new Board Members on campaign-related ordinances.

Each item in the Matrix was reviewed as follows:

#1: March 2020 Election. This Ordinance has been adopted and can be removed from the Matrix.

#2: Remove lobbyist exemption for non-profits: Board has taken action, but this has yet to be implemented; to be implemented with the next biennial review in the Fall.

#3: Lobbyist weekly reporting deadline: Language need to be clarified in the ordinance code. Deputy City Attorney Mark Vanni is to return with draft language. City Clerk Toni Taber noted that we are already doing this in practice, but is not yet clearly spelled out.

#4: Late Fines for weekly Lobbyist reporting: Possible Solution should read: *Revise* the requirement of the late fine in SJMC 12.12.440, and delete the word *remove*.

#5: Rejecting complaints outside of Board jurisdiction. Need to clarify language in the resolution, but not expand the City Clerk's authority in rejecting complaints. Remove any indication of "expanding" only *further clarify* the Clerk's authority. This would be a resolution, not an ordinance. Deputy City Attorney Mark Vanni to return with revisions for the Board's review.

#6: Nepotism Rules & Campaign Mailers: Regarding Nepotism Rules, all should be referred to the City Attorney's Office following resolution procedures. Regarding campaign mailers: Caution must be exercised in breeching any free speech issues, and a clarification indicating whether civil or criminal law. To be continued with future ad hoc committee discussion and returned to the Board.

#7: Deposit of personal funds into campaign bank accounts. Reviewed with Deputy City Attorney Mark Vanni to clean up the loophole in Section 12.06.070. Wording needs to be changed to indicate any point during the campaign cycle, not just pre-elections. Deputy City Attorney Mark Vanni will return with draft language.

#8: Special Municipal Election Dates: There have been recent amendments in the state elections code, and the City will need to be proactive with Municipal Code specifying that the council still has ability/discretion to align forced initiatives to go with the next election cycle if it's close by. To return to the Board for future discussion.

Deputy City Attorney Mark Vanni addressed surplus campaign funds, noting we should deliberate on this, and it should be added as an item on the Matrix once discussed.

C. Discussion and possible action on report from Ad Hoc Committee for Public Education Campaign. (Chair Adrian Gonzales and Board Member Olsen)

Discussion: Chair Gonzales reviewed the public information pamphlet with the Board. City Clerk Toni Taber and board members provided some corrections and additions, with the indication that more modifications are needed.

Action: Toni indicated that she will review and offer changes for future dissemination, both electronically and with hard copy brochures provided to public.

- D. Discussion and possible action on report from Ad Hoc Committee for Complaint Intake Process. (Chair Adrian Gonzales/Board Member Lopez)

Chair Gonzales noted that San José offers a very public process. He will pull out sections from the 66-page report provided by the intern for relevancy. Further clarification to the City's resolution needs to be reviewed.

Action: Chair Gonzalez will provide a summarization of the Complaint Intake Process report/matrix provided and present for a future meeting of the Board.

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

None needed.

**VI. New Business**

None provided.

**VII. Public Comment – None**

**VIII. Future Agenda Items and Adjournment**

Upon motion by Board Member Lopez, seconded by Board Member Silver, and carried unanimously, the meeting of the Board of Fair Campaign and Political Practices was adjourned at 6:33 p.m.

  
ADRIAN GONZALES, CHAIR

ATTEST:  
ELECTIONS COMMISSION SECRETARY

  
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TONI J. TABER, CMC  
CITY CLERK