

## City of San José Board of Fair Campaign and Political Practices

Chair—Adrian Gonzales  
Vice Chair—Chris Peacock  
Member—Joe Lopez  
Member—Louis Silver  
Member—Vacant

Mark Vanni, Deputy City Attorney—Staff  
Toni Taber, City Clerk—Staff  
Joy Rodriguez, Assistant City Clerk—Staff

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### **DRAFT MEETING MINUTES** **September 9, 2020 5:30 p.m.**

#### **\* COVID-19 NOTICE \***

*Consistent with the California Governor's Executive Order No. N-29-20, City of San Jose's Resolution No. 79485, and the Santa Clara County Health Officer's March 16, 2020 Shelter in Place Order, the Civil Service Commission meeting will not be physically open to the public and the Commissioners teleconferenced from remote locations.*

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

##### **Roll Call**

PRESENT: Chair Adrian Gonzales, Vice Chair Chris Peacock, Board Members Joe Lopez and Louis Silver

ABSENT: none

VACANT: One vacant seat on Board

STAFF: Deputy City Attorney Mark Vanni, Deputy City Clerk Ruth Krantz, Assistant City Clerk Joy Rodriguez, City Clerk Toni Taber

OTHER: none

The members of the San José Board of Fair Campaign and Political Practices convened virtually via remote teleconferencing at 5:31 p.m.

Action: Upon motion by Board Member Joe Lopez, seconded by Board Member Louis Silver, and carried unanimously, the Board approved the adoption of the September 9, 2020 agenda. (4-0).

#### **II. Closed Session – None**

#### **III. Hearings – None**

#### **IV. Public Record – None**

#### **V. Consent Calendar**

Action: Upon motion by Board Member Louis Silver, seconded by Board Member Joe Lopez, and carried unanimously, the Board approved the Minutes of the November 12, 2019 – Regular Meeting.

## **VI. Reports**

A. Chair - None

B. City Attorney – Deputy City Attorney Mark Vanni gave an update on SB 970 and provided the Elections Update of the what the City Council put forward in the November ballot, Measures G and H, as well as elections for Districts 4 and 6. He noted that the Board’s Title 12 recommendations were provided to the Rules and Open Government Committee in February, and provided an explanation on the San Jose Notice to Voters as campaign guidance update.

Discussion: Board Member Joe Lopez asked a question where the Disclosure Act falls under, Deputy City Attorney Mark Vanni answered it was under the Elections Code. Board Member Louis Silver asked if there were significant opposition to the two ballot measures, Deputy City Attorney Mark Vanni answered ballot arguments in support were submitted by the City Council while no arguments were submitted against.

C. City Clerk

1. Legislative update – None.

2. Status report on filings

- a) [Form 700s](#) – City Clerk Toni J. Taber shared a dashboard of the eDisclosure filing status, indicating all filers must now file electronically.
- b) [Lobbyists Forms](#) – City Clerk Toni J. Taber explained these are now filed weekly, with no reports generated.
- c) [Campaign Statements](#) – City Clerk Toni J. Taber shared that current candidates’s campaign statements can now be accessed on the website and are up to date.
- d) Income & Time Disclosure Statement and Disclosure of Fundraising Report Forms – City Clerk Toni J. Taber shared that forms have been received but would still have to be uploaded.

3. Elections update – City Clerk Toni J. Taber provided an updated of the March 2020 elections and mentioned that there would still be elections for Districts 4 and 6.

4. Update on Board Expenditures

- a) Hanson Bridgett Contract Expenditures—None

D. Investigator/Evaluator – None

Discussion: Board Member Joe Lopez asked if Form 700s are reviewed, and City Clerk Toni J. Taber explained that the State asks for a random sample only; the

review is surface level. Board Member Joe Lopez requested City Clerk Toni J. Taber to review his submitted form. Introduction of Assistant City Clerk Joy Rodriguez was made to the group.

## **VII. Old Business**

- A. Discussion and possible action on report from Ad Hoc Committee for Public Education Campaign. (Chair Adrian Gonzales and Vice Chair Chris Peacock)

Discussion: City Clerk Toni J. Taber noted that the Public Education pamphlet has not been reviewed, as the Office of the City Clerk has been busy since the pandemic.

Action: Deferred to the next meeting of the Board.

- B. Discussion and possible action on report from Ad Hoc Committee for Complaint Intake Process. (Chair Adrian Gonzales/Vanni)

Discussion: Deputy City Attorney Mark Vanni stated that the Board's recommendations were brought to the Rules and Government Committee in February 2020, with no further updates given.

- C. Discussion and possible action on biennial review of San Jose Municipal Code Title 12, City Council Resolution 78390 and other administrative policies. (City Clerk)  
Suggested Revisions to the SJMC Title 12 and Resolution 78390

Discussion: City Clerk Toni J. Taber indicated there are no updates, and Deputy City Attorney Mark Vanni stated that this was part of the item presented to the Rules and Open Government Committee in February 2020 and is on hold for now.

- D. Scheduling of Special Board meeting if needed. (City Clerk)  
[Suggested Revisions to the SJMC Title 12 and Resolution 78390](#)

Action: No action needed.

## **VIII. New Business**

- A. [Annual Report](#)  
B. [Annual Workplan](#)

Action: Chair Adrian Gonzales offered to ~~would~~ update the Annual Report and Workplan for next meeting.

- C. Discussion of City Council Referral from July 28, 2020: proposed campaign finance and conflict of interest reforms, board and commission reforms, and lobbyist and contractor restrictions.  
[Memo from Rick Doyle 11/17/20 Consideration of a Ballot Measure to Amend the City Charter and Amend Ordinance](#)  
[Esparza, Carrasco Memo 7/24/20](#)

[Khamis Memo 7/24/20](#)  
[Mayor Memo 7/27/20](#)  
[Jones Memo 7/27/20](#)  
[Arenas Memo 7/27/20](#)

Discussion: Deputy City Attorney Mark Vanni gave a introduction and brief explanation of what transpired over the summer regarding the **proposed ballot measure to amend the City Charter and implementing ordinance** and offered to give a presentation for the next meeting. He indicated his interest in receiving the Board's feedback and recommendations before proceeding with the draft ordinance.

Vice Chair Chris Peacock stated he took issue with the op ed piece written by Chair Gonzales and published on San Jose Spotlight on July 24. Mr. Peacock indicated his belief that the letter was not in keeping with the Board as a model of fair and ethical conduct and consequently tendered his resignation effective at the end of the meeting. Board Members Joe Lopez and Louis Silver expressed their opinions about the opinion piece. Chair Adrian Gonzales cited his reasoning for submitting the opinion piece, indicating his desire to align with a number of community members and some council members.

Action: Upon motion by Board Member Louis Silver, seconded by Board Member Joe Lopez and carried unanimously, it was agreed that Deputy City Attorney Mark Vanni would give a presentation regarding the proposed ballot measure at the next meeting.

**IX. Public Comment – None.**

**X. Meeting Schedule and Agenda Items**

The next regular meeting is scheduled for October 14, 2020 at 5:30 p.m. via remote teleconferencing.

**XI. Adjournment**

Action: Upon motion by Board Member Joe Lopez, seconded by Louis Silver and carried unanimously, the Board approved to adjourn the meeting at 6:16 p.m. (4-0).

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ADRIAN GONZALES, CHAIR

ATTEST:  
BOARD OF FAIR CAMPAIGN AND POLITICAL PRACTICES SECRETARY

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TONI J. TABER, CMC  
CITY CLERK