

City of San José
Board of Fair Campaign and Political Practices

Chair—Adrian Gonzales
Vice Chair - Vacant
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

DRAFT MEETING MINUTES

October 14, 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 will be teleconferencing from remote locations.

I. Call to Order & Orders of the Day

Roll Call

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

ABSENT: None

VACANT: Two vacant seats 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 5:32 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 October 14, 2020 agenda. (3-0).

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 September 9, 2020 – Regular Meeting

VI. Reports

A. Chair - None

B. City Attorney – Deputy City Attorney Mark Vanni gave a reminder that the Primary Election has been moved from March 2022 to June 2022 to accommodate potential delays in 2020 Census. He noted questions received about Independent Expenditures and what needs to be reported.

C. City Clerk

1. Legislative update – None.

2. Status report on filings

a) [Form 700s](#) - None

b) [Lobbyists Forms](#) - None

c) [Campaign Statements](#) – City Clerk Toni J. Taber shared that campaign statements are continuously turned in.

d) Income & Time Disclosure Statement and Disclosure of Fundraising Report Forms – City Clerk Toni J. Taber noted that Statements are due October 15, 2020.

3. Elections update - None

4. Update on Board Expenditures

a) Hanson Bridgett Contract Expenditures - None

D. Investigator/Evaluator - None

VII. Old Business

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

Discussion: City Clerk Toni J. Taber noted delays due to COVID-19.

Action: Chair Adrian Gonzales asked to work together and finalize before next month's meeting.

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 approved recommendations to the proposed resolution, adding additional parameters have been brought to the Rules and Government Committee and Mayor's Office; he also followed up with the Mayor's Office, with no further updates provided.

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: Chair Adrian Gonzales stated that the goal is to have this done by September/October 2021. Deputy City Attorney Mark Vanni asked Board to consider disclaimer language on campaign mailings, incorporating state law and city law. He outlined the differences between the two and noted the need to have statements on the mailer as they are required under the law.

Action: Chair Adrian Gonzales noted that this would be updated in the matrix for the next meeting. Deputy City Attorney offered to share the FPPC matrix to use as background information as the Board proceeds with this review.

D. Scheduling of Special Board meeting if needed.

Discussion: City Clerk Toni J. Taber confirmed no issues.

E. 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.

Discussion: Deputy City Attorney Mark Vanni gave a presentation on Campaign Finance Measures modeled after Government Code Section 84308 and Other Ethics Reforms as it applies to lobbyists and City contractors. He covered Campaign Contribution Limits, Conflict of Interest, and Enforcement. He also noted the Proposed Resolution and Proposed Ordinance presented to Council on July 28, 2020 and answered questions from the Board.

Action: Deputy City Attorney asked input from the Board that may be presented to City Council regarding the various reforms. Chair Adrian Gonzales will work with the City Attorney's Office and City Clerk's Office, as an ad hoc committee of two or more members cannot be created at this time; there are currently three Board Members, which would constitute a violation of the Brown Act. Chair Adrian Gonzales will compile an available inventory of datasets such as campaign filings, registered lobbyists database and the Clerk's Legislative History (GILES) and work on an analysis to determine to what extent these individuals or entities may be involved in the threshold.

VIII. New Business

- A. Annual Report
- B. Annual Workplan

Discussion: Chair Adrian Gonzales presented the FY 2019-2020 Annual Report and FY 2020-2021 Annual Workplan that were screen-shared by City Clerk Toni J. Taber.

Action: Upon motion by Board Member Louis Silver, seconded by Board Member Joe Lopez, and carried unanimously, the Annual Report and Annual Workplan were adopted to be presented to City Council. (3-0).

IX. Public Comment – None.

X. Meeting Schedule and Agenda Items

The next regular meeting is scheduled for November 11, 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 7:06 p.m. (3-0).

ADRIAN GONZALES, CHAIR

ATTEST:

BOARD OF FAIR CAMPAIGN AND POLITICAL PRACTICES SECRETARY

TONI J. TABER, CMC
CITY CLERK