



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

February 10, 2021

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

VACANT: Two seats vacant on Board

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

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 February 10, 2021 agenda. (3-0).

II. Closed Session – None

III. Hearings – None

IV. Public Record – None

V. Consent Calendar

Action: Chair Adrian Gonzales moved approval of the December 9, 2020 Regular Meeting Minutes to the next meeting as the document would not open.

VI. Reports

A. Chair - None

B. City Attorney – Deputy City Attorney Mark Vanni stated that activities are now winding down after election results were certified at the December 8, 2020 City Council Meeting. For legislative update, he noted that California Assembly Bill 20 was introduced, also known as The Clean Money Act of 2021. He stated that the bill is at its early stages but if it passes, it would prohibit a candidate for elective office from receiving a contribution from business entities. It was also noted that no complaints have been received for recent elections thus far.

C. City Clerk

1. Legislative update – None

2. Status report on filings

a) [Form 700s](#) - City Clerk Toni J. Taber noted that Form 700 filings are due April 1, 2021; weekly reminders are being sent out throughout the filing period.

b) [Lobbyists Forms](#) – City Clerk Toni J. Taber noted that Lobbyist forms were due January 15, 2021 and noticed that there are less lobbyists than usual.

c) [Campaign Statements](#) – City Clerk Toni J. Taber noted a wrap up of activities from the previous election, with people starting to close their accounts and working with the City Clerk for final filings.

d) Income & Time Disclosure Statement and Disclosure of Fundraising Report Forms – None

3. Elections update – None

4. Update on Board Expenditures

a) Hanson Bridgett Contract Expenditures—None

Discussion: Chair Adrian Gonzales requested for a status update on the Board of Fair Campaign and Political Practices recruitment. Assistant City Clerk Joy Rodriguez shared that four applications were received and have been forwarded to City Attorney’s Office for Conflict of Interest Check. City Clerk Toni J. Taber noted that it would be scheduled for Council interviews within two to three weeks after obtaining the Conflict of Interest check from the City Attorney’s Office.

D. Investigator/Evaluator – None

VII. Old Business

A. 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 no updates. Chair Adrian Gonzales noted that since the work is done, it can be resubmitted as part of biennial report in the Fall.

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

Discussion: Chair Adrian Gonzales asked the Board Members if there are other policy topics that should be discussed in the Fall aside from the current referrals. Board Member Louis Silver noted that as Deputy City Attorney Mark Vanni updates the Board on the outcome of California Assembly Bill 20.

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

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

- D. 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. ([Ad Hoc Status Update Report](#))

Discussion: Chair Adrian Gonzales reviewed the document previously presented in the December 9, 2020 meeting by outlining campaign finance and ethics reforms pertaining to Contribution Limits, Conflicts of Interest, Lobbyists and Contractors restrictions and proposed research methodology for each item. He also gave a status update report on the Conflict of Interest research progress by sharing the background of State and Local Gift Rules. Deputy City Attorney Mark Vanni clarified that the \$250 threshold pertains to campaign contributions; lobbyists and those with contracts with the City would not be allowed to give any gifts to elected officials. Chair Adrian Gonzales also outlined a high level Review of Reported Gift of 2019 Form 700s reported by elected officials obtained from the City Clerk's Office DisclosureDocs eRetrieval public access portal.

Action: Chair Adrian Gonzales indicated he would continue to work with City staff to obtain information and will provide a status report to the Board on the next meeting.

- E. Discussion of Rules and Open Government Committee Referral from [November 18, 2020 Campaign Finance Regulations](#).

Discussion: City Clerk Toni J. Taber noted that it has not been determined whether there would still be a joint study session scheduled and there is no action expected from the Board at this time. Board Member Louis Silver asked a question on the frequency of study sessions and City Clerk Toni J. Taber noted there are numerous study sessions for different topics. Chair Adrian Gonzales noted the need for professional attention, Council support, and resources; and ideally, combine items VII-D and VII-E to present a comprehensive report combining the referrals from the November 2, 2020 Ballot Measure G and Councilmember Sergio Jimenez's November 18, 2020 Rules memo.

Action: Chair Adrian noted that since there is no expected action from the Board, the item would be discontinued until the Board gets further direction.

VIII. New Business – None.

IX. Public Comment – None.

X. Meeting Schedule and Agenda Items

The next regular meeting is scheduled for March 10, 2021 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 6:09 p.m. (3-0).

ADRIAN GONZALES, CHAIR

ATTEST:
BOARD OF FAIR CAMPAIGN AND POLITICAL PRACTICES SECRETARY

TONI J. TABER, CMC
CITY CLERK