

City of San José Board of Fair Campaign and Political Practices

Chair—Adrian Gonzales
Vice Chair - Vacant
Member—Joe Lopez
Member—Louis Silver
Member—Isabella Nyakundi

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

DRAFT MEETING MINUTES

April 14, 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 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, Louis Silver, and Isabella Nyakundi

VACANT: One seat vacant on the 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 5:33 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 April 14, 2021 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 December 9, 2020 and February 10, 2021 Regular Meeting.

VI. Reports

- A. Chair – No report. Chair Adrian Gonzales congratulated Board Member Louis Silver for his reappointment and Board Member Isabella Nyakundi for her appointment.
- B. City Attorney – Deputy City Attorney Mark Vanni mentioned that he received some campaign guidance questions, particularly about the upcoming Mayoral elections and he included his answers to those questions in the agenda packet.
- C. City Clerk – City Clerk Toni Taber noted that out of 2,000 Form 700 filers, only 45 were not able to file as of April 1, 2021. She noted that Campaign Statements are also wrapping up, with questions received about entering information in the system. She also stated that Income & Time Disclosure statements were due April 15, 2021. The City Clerk stated that she is now receiving inquiries about Election Dates of Interest.
- 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/City Attorney)

Discussion: Chair Adrian Gonzales and Deputy City Attorney stated there were no updates.

- 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 and City Staff if there are any items to be added to the matrix. City Clerk Toni Taber stated no item to add at this time since revisions come out of the complaints received and no complaints have been received. She also noted that even with questions received with regard to wrapping up Campaign Statements, there's no need for revisions as most of the questions are about entering the information in the system.

- 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. (Ad Hoc Status Update Report)

Discussion: Chair Adrian Gonzales stated no update to Ad Hoc Status Report. He apprised new Board Member Nyakundi of what the referral is about and the methodology involved in obtaining information.

- D. Discussion of Rules and Open Government Committee Referral from [November 18, 2020 Campaign Finance Regulations](#). Campaign Finance Study Session on April 20, 2021, last item to be heard at the City Council meeting. (City Clerk/City Attorney)

Discussion: Chair Adrian Gonzales inquired if City Staff has compiled any research in preparation for the April 20, 2021 meeting. City Clerk Toni Taber stated she looked at the Municipal Codes of the city of Mountain View and city of Cotati as well as the website for the Ethics Commission's staffing levels of San Francisco and Oakland. Chair Adrian Gonzales added that he also looked at Sacramento's Office of Compliance.

Chair Adrian Gonzales presented his memo of the review of Councilmember Jimenez's Campaign Finance Regulation Proposals summarized as follows: Disclosure of Top Donors for Independent Expenditures; Enhancing Enforcement of Electioneering Communications; Council Study Session; Charter Amendments. Board Member Louis Silver posited the idea of having a subcommittee in the settlement process or early type of review. Deputy City Attorney Mark Vanni pointed out potential bias issues with committee members voting on issues they had a hand in crafting. The Board supports further research on all areas.

Action: Upon motion of Board Member Joe Lopez, seconded by Board Member Isabella Nyakundi, the memo would be finalized and would be presented to City Council. (4-0)

VIII. New Business

- A. Potential collaboration with Charter Review Commission to address campaign finance and ethics reforms.

Discussion: Chair Adrian Gonzales stated that any collaborative efforts would be done after the April 20, 2021 Study Session.

- B. Discussion and possible action to direct [Hanson Bridgett](#) to perform research services.

Discussion: Chair Adrian Gonzales gave a general overview of the contract, specifically on listed Scope of Work: Conduct investigations, reviews or evaluation of documents including reports, statements or forms filed with the City Clerk or a public agency; and Evaluator/Investigator will monitor compliance with the requirements of Title 12 of the San José Municipal Code and conduct audits.

Action: Upon motion of Board Member Louis Silver, seconded by Board Member Joe Lopez, Chair Adrian Gonzales together with Deputy City Attorney Mark Vanni, would work on the details to direct Hanson Bridgett to conduct services in accordance to the Scope of Services, Item Nos. 3 and 4 of the contract. (3-0) Board Member Isabella Nyakundi had to leave the meeting.

IX. Public Comment – None.

X. Meeting Schedule and Agenda Items

The next regular meeting is scheduled for May 12, 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 6:41 p.m. (3-0).