

## 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  
Member – Daniel Damma

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

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### **DRAFT MEETING MINUTES**

**June 9, 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 Board of Fair Campaign and Political Practices 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 Louis Silver and Isabella Nyakundi

ABSENT: Board Member Joe Lopez and Daniel Damma

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

OTHER: Member of the Public: Jeffery Buchanan from Working Partnerships USA

The members of the San José Board of Fair Campaign and Political Practices convened virtually via remote teleconferencing at 5:40 p.m.

Action: Upon motion by Board Member Louis Silver, seconded by Chair Adrian Gonzales, and carried unanimously, the Board approved the adoption of the June 9, 2021 agenda. (3-0-2. Absent: Lopez and Damma)

#### **II. Officer Elections**

Board Member Louis Silver nominated Chair Adrian Gonzales for President; Chair Gonzales accepted the nomination. The Board voted unanimously to re-elect Adrian Gonzales as Chair. (3-0-2. Absent: Lopez and Damma).

Board member Louis Silver nominated Board Member Isabella Nyakundi for Vice Chair; Board Member Nyakundi accepted the nomination. The Board voted unanimously to elect Board Member Nyakundi as Vice Chair. (3-0-2. Absent: Lopez and Damma).

**III. Closed Session – None**

**IV. Hearings – None**

**V. Public Record – None**

**VI. Consent Calendar**

Action: Upon motion by Board Member Louis Silver, seconded by Chair Adrian Gonzales, and carried unanimously, the Board approved the Minutes of the May 12, 2021 Regular Meeting.

**VII. Reports**

- A. Chair – Chair Adrian Gonzales thanked the Board for its continued support and looked forward to leading for the next fiscal year.
- B. City Attorney – Deputy City Attorney Mark Vanni mentioned that he received a question about campaign contribution period and what individuals can contribute out of their personal funds prior to 180 days campaign contribution window beginning for the next cycle's election.
- C. City Clerk – None
- D. Investigator/Evaluator - None

**VIII. Old Business**

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

Discussion: Deputy City Attorney Mark Vanni stated that it might be worth considering as we move forward with the other items with campaign finance reforms, particularly with regard to resolutions and other structures related to the Board. Chair Adrian Gonzales asked if it would be worth reattaching to some of the ongoing policy studies. Deputy City Attorney Mark Vanni stated that it would be worthwhile to do so as it is still pertinent to some of the policy recommendations. Chair Adrian Gonzales stated that the item will remain in the agenda until the Board hears something new.

- 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 stated no recommendation at this time. Board Member Louis Silver stated that with no new hearings, he has no recommendation at this time as well.

- 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; Status update on the [audit](#) being conducted by [Hanson Bridgett](#)). (Chair Adrian Gonzales/City Attorney)

Discussion: Deputy City Attorney Mark Vanni stated that he followed-up with the Evaluator (Steven Miller) from Hanson Bridgett, explained the work and provided the scope. The Evaluator commenced work; Deputy City Attorney Mark Vanni stated that result may be presented sometime in August.

Public Comment: Public member Jeffrey Buchanan from Working Partnerships USA spoke on research on campaign finance reforms; asked why the other parts from Councilmember Jimenez's memo were not included in the scope; asked what the plan would be going forward for the additional recommendations.

Discussion: Chair Adrian Gonzales clarified that we have two separate agenda items – item VIII.C was from the ballot measure from last summer while item VIII.D was from April 20, 2021 Campaign Finance Study Session.

- D. Status update on ongoing work from the Campaign Finance Study Session from April 20, 2021. (City Clerk/City Attorney)

Discussion: Chair Adrian Gonzales reminded the Board and Members of the Public that the City Council directed to conduct more research with regard to Councilmember Jimenez's referral. Deputy City Attorney Mark Vanni stated that with respect to disclosures, top donors, and campaign contributions, the City Attorney's Office targets coming back to City Council sometime in the fall of 2021 with proposed ordinances and recommendations, including discussion of public finance schemes in different cities. He also stated that he is revising the disclosure section of electioneering communications to better align with State law and create a framework for the Council to discuss and implement what the best policy would be. City Clerk Toni Taber stated Manager's Budget Addendum (MBA #30) – Campaign Finance Regulation Cost Estimate was submitted as requested from the April 2021 Campaign Finance Study Session. She noted that the memo requested for additional staffing. Assistant City Clerk Joy Rodriguez stated that as the Mayor's June Budget Message was published with no mention of the Campaign Finance Regulation memo, it's an indication that the recommendation is not going forward at this time. City Clerk Toni Taber stated that if there's support from the public on Tuesday at the June 15, 2021 Council Meeting, the Council can direct the City Manager – Budget Office to revisit the item.

Public Comment: Jeffrey Buchanan expressed support in having resources as stated in Councilmember Jimenez's memo.

Action: Chair Adrian Gonzales stated continued advocacy for staffing recommendation and would plan to speak during Public Comment on the June 15, 2021 Council Meeting.

- E. Status update on collaboration with Charter Review Commission. (Chair Adrian Gonzales)

Discussion: Chair Adrian Gonzales stated he would tune in on the next Charter Review Commission meeting on June 14, 2021 to check on the ad hoc committee to be created for accountability measures.

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

No discussion.

## **IX. New Business**

- A. Approval of Ad Hoc Committee to work with [Code for San José: Open Disclosure](#).

Action: Chair Adrian Gonzales proposed creating an Ad Hoc Committee with Board Member Joe Lopez to meet periodically with Open Disclosure San José. Upon motion by Chair Adrian Gonzales, seconded by Board Member Louis Silver, and carried unanimously, the Board approved the creation of the Ad Hoc Committee. Board Member Damma joined the meeting at 5:59 p.m. (4-0-1. Absent: Lopez)

- B. San José Campaign Finance Training scheduled for June 23, 2021 at 5:30 p.m. via remote teleconferencing. (City Attorney)

Discussion: Deputy City Attorney stated that he's putting together a presentation covering Title 12 and Campaign Finance Regulation. He asked the Board if there's something particular they would like to discuss, he could incorporate it to the presentation.

## **X. Public Comment – None.**

## **XI. Meeting Schedule and Agenda Items**

A special meeting covering San José Campaign Finance training is scheduled for June 23, 2021 at 5:30 p.m. via remote teleconferencing. The next regular meeting is scheduled for August 11, 2021 at 5:30 p.m. via remote teleconferencing.

## **XII. Adjournment**

Action: Upon motion by Board Member Louis Silver, seconded by Chair Adrian Gonzales and carried unanimously, the Board approved to adjourn at 6:12 p.m. (4-0-1. Absent: Lopez)

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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