

City of San José Board of Fair Campaign and Political Practices

Chair—Adrian Gonzales
Vice Chair – Isabella Nyakundi
Member—Joe Lopez
Member—Louis Silver
Member – Daniel Damma

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

DRAFT MEETING MINUTES

September 8, 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, Vice Chair Isabella Nyakundi, Board Members Louis Silver and Joe Lopez

ABSENT: Board Member Daniel Damma

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

OTHER: Members of the Public Emily Soberano, Paul Soto, and Blair Beekman

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 Louis Silver, and carried unanimously, the Board approved the adoption of the September 8, 2021 agenda. (4-0-1.Absent: Damma).

II. Closed Session – None

III. Hearings - None

IV. Public Record – None

V. Consent Calendar

Action: Upon motion by Board Member Louis Silver, seconded by Vice Chair Isabella Nyakundi, and carried unanimously, the Board approved the Minutes of the August 11, 2021 Regular Meeting. (4-0-1.Absent: Damma).

VI. Reports

- A. Chair - None
- B. City Attorney – Sr. Deputy City Attorney Mark Vanni mentioned that he received a question about fundraisers with invited city officials and if solicitation of funds is allowed; it is not allowed as the fundraising window has not started yet.
- C. City Clerk - None
- 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: Sr. Deputy City Attorney Mark Vanni did not have any update. Board Member Louis Silver asked how frequently the Board asks the Mayor's Office for an update, Sr. Deputy City Attorney Mark Vanni stated that the Mayor's Office has recently been informed the need to do a biennial review.

- 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 that he recommends establishing policies and procedures for managing complaints for appeals to records that were denied.

- 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: Chair Adrian Gonzales stated that Hanson Bridgett sent a spreadsheet of the City's roster of registered lobbyists and he would analyze and present the results in the next meeting. Sr. Deputy City Attorney Mark Vanni opined that it looks thorough and complete, he also stated that the budget for this project has exceeded by \$10,000.00. Board Member Joe Lopez asked if this excess is on top of the contractual obligation; Sr. Deputy City Attorney Mark Vanni stated that these are for staff hours worked and entitled to be compensated.

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

Discussion: Sr. Deputy City Attorney stated that the goal is to present to City Council sometime in the end of October or early November but prior to that is to present to

the Board on the next meeting regarding campaign disclaimers. Research is still ongoing for public financing, foreign influence corporations.

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

Discussion: Sr. Deputy City Attorney stated that the Charter Review Commission voted to advance the recommendation to have the Mayoral election changed to the Presidential cycle. Other items such as Rank Choice Voting, elevating the Board to a Charter Commission, and increasing council districts would be discussed at a later meeting.

- F. Status update on collaboration with [Code for San José: Open Disclosure](#).

Discussion: Chair Adrian Gonzales had a check-in with Ryan; he stated that the group's priorities are to have a portal for the independent expenditure committees and prepare for the 2022 elections.

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

No discussion.

VIII. New Business

- A. [Annual Report](#)
- B. [Annual Work Plan](#)

Discussion: Chair Adrian Gonzales presented the FY 2020-2021 Annual Report and FY 2021-2022 Annual Work Plan that were screen-shared by Assistant City Clerk Joy Rodriguez.

Public Comment: Paul Soto asked how to start an investigation with regard to the Board's oversight of the Charter Commission.

Action: Upon motion by Board Member Louis Silver, seconded by Board Member Joe Lopez, and carried unanimously, the Annual Report and Annual Work Plan were adopted. (4-0-1. Absent: Damma).

IX. Public Comment

Paul Soto stated his concerns with the Charter Review Meeting.

Blair Beekman thanked the Board for the meeting and offered open accountability ideas and data collection.

X. Meeting Schedule and Agenda Items

The next regular meeting is scheduled for October 13, 2021 at 5:30 p.m.

XI. Adjournment

Action: Upon motion by Board Member Louis Silver, seconded by Board Member Joe Lopez and carried unanimously, the Board approved to adjourn at 6:05 p.m. (4-0-1.
Absent: Damma).

ADRIAN GONZALES, CHAIR

ATTEST:
BOARD OF FAIR CAMPAIGN AND POLITICAL PRACTICES SECRETARY