



City of San José Board of Fair Campaign and Political Practices

Chair—Adrian Gonzales
Vice Chair— Vacant
Member— Louis Silver
Member—Tom Pavel
Member— Baltazar Lopez

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

DRAFT MEETING Minutes **September 8, 2022** **5:30 p.m.**

I. Call to Order & Orders of the Day

Roll Call

PRESENT: Chair Adrian Gonzales, Board Members Louis Silver, Tom Pavel, Baltazar Lopez

ABSENT: None

STAFF: Senior Deputy City Attorney Mark Vanni, City Clerk Toni Taber, Deputy City Clerk Megan Roche

EVALUATOR: Independent Investigator/Evaluator Steven D. Miller, Hanson Bridgett LLP; Jessilyn Ho, Hanson Bridgett LLP

OTHER: Respondent Matthew Alvarez

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 Louis Silver, seconded by Board Member Baltazar Lopez, and carried unanimously, the Board approved the Orders of the Day. (4-0.)

II. Closed Session – None

III. Hearings

- A. Hearing on Complaint filed by Judy Pipkin on May 26, 2022 against Mayor Sam Liccardo, Common Good Silicon Valley, Solutions San José, James Sutton, Jonathan P. Fisher, Scott Knies, and Matthew Alvarez, alleging violations of San José Municipal Code Section 12.06 - Municipal Campaign & Officeholder Contributions, Sections 12.06.810, 12.06.209 and 12.06.210; and San José Municipal Code Section 12.16 - Disclosure of Fund-raising Solicitations, Section 12.16.030.

Chair Adrian Gonzales opened the hearing and introduced the complaint. The City Clerk confirmed that no responses to the written recommendations were submitted on behalf of the respondents nor complainant. The Independent Investigator/Evaluator

Steven D. Miller explained the process of investigating the complaint and summarized the reasoning for the recommendation provided by Hanson Bridgett LLP. Steven D. Miller and Senior Deputy City Attorney Mark Vanni answered questions from Board Members. Matthew Alvarez provided a response on behalf of the Respondents and answered questions. The Board's deliberation followed.

Action: Upon motion by Board Member Baltazar Lopez, seconded by Board Member Louis Silver, and carried unanimously, the Board accepted the recommendation by the Independent Investigator/Evaluator, finding that the Board has sufficient evidence to establish that no violation occurred. Each Board Member certified the decision and the hearing was closed at 6:37 p.m. (4-0.)

IV. Public Record – None

V. Consent Calendar

Action: Upon motion by Board Member Louis Silver and seconded by Chair Adrian Gonzales, the Board approved the Minutes of the February 9, 2022 Regular Meeting (3-0-1. Abstention: Pavel).

VI. Reports

- A. Chair – Chair Adrian Gonzales welcomed new Board Members Tom Pavel and Baltazar Lopez to the Board of Fair Campaign and Political Practices. Chair Gonzales also stated that there is currently one vacancy on the Board.
- B. City Attorney – Senior Deputy City Attorney Mark Vanni thanked the new members for joining the Board, noted that Measure I, which proposes elevating the Board of Fair Campaign and Political Practices to become a Charter commission, is on the November 2022 ballot, and also noted emails received from February to August 2022 regarding campaign guidance.
- C. City Clerk –City Clerk Toni Taber shared that for the current year, there is a 96.2% filed-on-time rate for Form 700s. City Clerk Taber also noted that a link to access campaign filings is posted on the agenda, and that lobbyist, DFR1, and Income/Time Disclosure form processing will soon be done online electronically.
- D. Investigator/Evaluator – No report.

VII. Old Business

- A. Discussion and possible action on biennial review of [San Jose Municipal Code Title 12](#), City Council [Resolution 79187](#) and other administrative policies, including Complaint Intake Process. Suggested Revisions to the SJMC Title 12 and Resolution 78390 (Chair Adrian Gonzales/City Attorney)

Discussion: Chair Adrian Gonzales provided an overview of the Biennial Review matrix. City Clerk Toni Taber noted that the biennial review is typically completed on the odd-numbered year after an election, and that the Board's role is to advise the City Council on rule modifications. Senior Deputy City Attorney Mark Vanni

noted that the biennial review is done during odd-numbered years so that rules are not changed while an election is in progress.

Action: Upon motion by Board Member Louis Silver, seconded by Board Member Baltazar Lopez, and carried unanimously, the Board created an Ad Hoc subcommittee for Officeholder Accounts and Officeholder-Controlled Committees, consisting of Board Members Tom Pavel and Baltazar Lopez. (4-0.)

- B. 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: Senior Deputy City Attorney described that the City Council did not move forward on the City Council referral item from July 28, 2020 and also noted potential changes to the City's procurement and public works process if Senate Bill 1439 were to be signed into law. Chair Adrian Gonzales directed staff to omit item VII.B from future agendas.

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

Discussion: Senior Deputy City Attorney Mark Vanni stated that recommendation from the Charter Review Commission to elevate the Board of Fair Campaign and Political Practices to a Charter commission is on the November 2022 ballot as Measure I.

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

Discussion: Chair Adrian Gonzales provided an update on collaboration with Ryan Walek regarding the Code for San José: Open Disclosure website. Board Member Pavel expressed interest in joining the next check-in meeting with Chair Gonzales and Ryan Walek.

- E. Scheduling of Special Board meeting if needed.

Discussion: City Clerk Toni Taber stated that there is no need for a special meeting.

VIII. New Business

- A. Approve the regular meeting schedule of the Board of Fair Campaign and Political Practices to meet on the second Thursday of every month.

Action: Upon motion by Board Member Baltazar Lopez, seconded by Board Member Tom Pavel, and carried unanimously, the Board approved the regular meeting schedule of the Board of Fair Campaign and Political Practices to meet on the second Thursday of every month. (4-0.)

IX. Public Comment – None

X. Meeting Schedule and Agenda Items

The next regular meeting is scheduled for October 13, 2022 at 5:30 p.m. via remote teleconferencing.

XI. Adjournment

Upon motion by Board Member Baltazar Lopez, seconded by Board Member Louis Silver and carried unanimously, the Board approved to adjourn at 7:18 p.m. (4-0.)

ADRIAN GONZALES, CHAIR

ATTEST:
BOARD OF FAIR CAMPAIGN POLITICAL PRACTICES SECRETARY

TONI J. TABER, CMC
CITY CLERK