

DRAFT MEETING MINUTES

January 10, 2018

I. Call to Order & Orders of the Day

Roll Call

PRESENT: Chair Adrian Gonzales, Vice Chair Chris Peacock (arrived at 5:40 p.m.) and Board Members Madhavee Vemulapalli, Thomas Goodwin, and Amarpal Randhawa (arrived at 6:15 p.m.)

ABSENT: None

STAFF: Sr. Deputy City Attorney Neelam Naidu, City Clerk Toni Taber, and Sr. Deputy City Clerk Cecilia McDaniel

OTHER: None

Call to Order

The members of the San José Board of Fair Campaign and Political Practices convened at 5:38 p.m. in Room W-120 of City Hall, 200 E. Santa Clara Street, CA 95113.

Orders of the Day

Action: Upon motion by Board Member Thomas Goodwin, seconded by Board Member Madhavee Vemulapalli and carried, the Board approved the adoption of the January 10, 2018 agenda. (3-0-2. Absent: Peacock and Randhawa.)

II. Closed Session – None.

III. Hearings – None.

IV. Public Record – None.

V. Consent Calendar

A. Approve the Minutes of November 8, 2017 – Regular Meeting

Documents Filed: Draft Minutes for the November 8, 2017 regular Board meeting.

Action: Upon a motion by Board Member Thomas Goodwin, seconded by Board Member Madhavee Vemulapalli and carried, the Board approved the Minutes of the November 8, 2017 Board meeting. (3-0-2. Absent: Peacock and Randhawa.)

VI. Reports

A. Chair – None.

- B. City Attorney –
 - 1. Legislative update – None
 - 2. Election update – None
 - 3. Gift Ordinance update – None

Vice Chair Chris Peacock arrived at 5:40 p.m.

- C. City Clerk
 - 1. Legislative update – None.
 - 2. Status report on filings (Form 700, Campaign Statements, Lobbyist) – Lobbyist annual registration renewals are due on January 16, 2018 and the Semi-Annual Campaign Disclosure Statement are due on January 31, 2018.
 - a) Status of E-Filing Contract/Bid - The Clerk's Office has picked SouthTech Systems has their new e-filing software.
 - b) Demonstration of Public Portal – City Clerk Toni Taber reviewed the newCampaignDocs eRetrieval portal with the Board Members.
 - 3. Elections update – City Clerk Toni Taber reported that the Evergreen petition has qualified and will go on the June 5, 2018 ballot. The initiative can be found on the City Clerk's Election website.
 - 4. Update on Board Expenditures

Document Filed: Hanson Bridgett Contract Expenses FY 17-18 Spreadsheet from City Attorney's Office.

Discussion: City Clerk Toni Taber reported no additional expenditures have been made since the last meeting.

- D. Investigator/Evaluator – None.

VII. Old Business

- A. Discussion and possible action on report from ad hoc committee on community outreach. (Vice Chair Chris Peacock and Board Member Amarpal Randhawa)

Action: No updates. Chair Adrian Gonzales dissolved the ad hoc committee on community outreach.

Boardmember Amarpal Randhawa arrived at 6:15 p.m.

- B. Consider a change to the Revolving Door Ordinance that mitigates potential conflicts of interest and simplifies the rules surrounding former designated employees who work for non-profit organizations as lobbyists or on legislative or administrative matters which they worked on as part of their City employment. Potential policy directions include:
 - a) Narrowing the non-profit exemption to 501(c)(3) organizations, regardless of whether the organization had received support from the City; or

- b) Striking the non-profit exemption, such that the same rules apply whether former designated employees go to work for non-profit or for-profit organizations.

(City Attorney)

[Referral from City Council on September 12, 2017 - Item 3.6]

Documents Filed: 1) Memorandum to the Honorable Mayor and City Council from Toni J. Taber dated August 31, 2017 with the Audit Report of the City's Open Government (CC 9/12/17, Item 3.6); 2) City Council Synopsis for September 12, 2017, Item 3.6 (page 11); 3) San José Municipal Code section 12.10.010 (Revolving Door Ordinance); and 4) Revolving Door Ordinance Comparison Chart.

Discussion: Sr. Deputy City Attorney Neelam Naidu summarized the referral from the City Council requesting the Board evaluate the non-profit exemption in the City's Revolving Door Ordinance and answered Board questions. Sr. Deputy City Attorney Neelam Naidu notified the Board of AB 551, effective January 1, 2018, deals with postemployment restrictions and could affect the City of San Jose's Revolving Door Ordinance. The Board discussed.

Action: Upon a motion by Board Member Thomas Goodwin, seconded by Board Member Madhavee Vemulapalli and carried, the Board approved the recommendation to strike the non-profit-profit exemption, such that the same rules apply whether former designated employees go to work for non-profit or for-profit organizations. (4-1. Noes: Peacock.) Staff to draft memo for Chair Adrian Gonzales' review and signature.

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

Action: No action taken.

VIII. New Business

- A. Discussion and possible action to create Ad Hoc Committees for Public Education Campaign and Complaint Intake Process (Chair Adrian Gonzales)

Discussion: Chair Adrian Gonzales discussed the need of additional Ad Hoc Committees with the Board.

Action: Chair Adrian Gonzales created an Ad Hoc Committee for Public Education Campaign comprising of the Chair and Vice Chair Chris Peacock, and an Ad Hoc Committee for the Complaint Intake Process comprising of the Chair and Board Member Thomas Goodwin.

IX. Public Comment – None.

X. Future Agenda Items

- AB 551 – Independent Contractor Rule and affect on Revolving Door Ordinance

XI. Adjournment

The next regular meeting schedule for February 14, 2018 will likely be canceled due to the availability of Board Members.

Action: Chair Adrian Gonzales adjourned the meeting at 6:40 p.m.

ADRIAN GONZALES, CHAIR

ATTEST:
BOARD OF FAIR CAMPAIGN AND POLITICAL PRACTICES SECRETARY

TONI J. TABER, CMC
CITY CLERK