

DRAFT SPECIAL MEETING MINUTES

August 8, 2018

I. Call to Order & Orders of the Day

Roll Call

PRESENT: Chair Adrian Gonzales, Board Members Thomas Goodwin and Madhavee Vemulapalli

ABSENT: Vice Chair Chris Peacock and Board Member Amarpal Randhawa

STAFF: Deputy City Attorney Mark Vanni 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 5:35 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 August 8, 2018 agenda. (3-0-2. Absent: Peacock and Randhawa)

II. Closed Session – None.

III. Hearings

- A. Continued hearing on Complaint filed by Robert Imhoff-Dousharm on May 31, 2018 against Re-Elect Magdalena Carrasco for City Council D5 2018 alleging violations of San José Municipal Code section 12.06.100-1030 (Electioneering Communications – Social Media) (Independent Investigator/Evaluator)

Documents Filed: 1) Report from Hanson Bridgett LLP dated July 3, 2018 regarding Robert Imhoff-Dousharm v. Re-Elect Magdalena Carrasco for City Council D5 2018, Complaint Filed May 31, 2018; 2) Response by Respondent Magdalena Carrasco dated July 11, 2018; and 3) Supplemental Preliminary Report from Hanson Bridgett LLP dated August 1, 2018.

Discussion: Chair Adrian Gonzales opened the public hearing. No representative for Complainant Robert Imhoff-Dousharm nor Respondent Magdalena Carrasco were present so no testimony given.

There was no public comment. Evaluator Steven Miller summarized the Complaint, his report, and his recommendations to the Board. The Board discussed the matter.

Action: Chair Adrian Gonzales moved that the Board dismiss the Complaint for lack of sufficiency, and close the file in this matter without further action. Board Member Thomas Goodwin seconded the motion, which carried. (3-0-2. Absent: Peacock and Randawa.)

Action: Upon a motion by Board Member Madhavee Vemulapalli, and seconded by Chair Adrian Gonzales and carried, the Board moved to direct the City Clerk to refer the complaint to the appropriate agency for review of the Complainant's allegation that Respondent may have used public funds for political purposes in violation of Government Code Section 54964. (3-0-2. Absent: Peacock and Randawa.)

Action: Upon a motion by Chair Adrian Gonzales, and seconded by Board Member Thomas Goodwin and carried, the Board moved to direct the City Attorney to draft a resolution on the Board's findings, and further, that the Board authorize the Chair to approve and sign the resolution. (3-0-2. Absent: Peacock and Randawa.) Chair Adrian Gonzales declared the hearing on this matter closed at 5:58 p.m.

IV. Public Record – None.

V. Consent Calendar

- A. Approve the Minutes of June 13, 2018 – Regular Meeting
- B. Approve the Minutes of July 16, 2018 – Special Meeting

Document Filed: Draft minutes for the June 13, 2018 meeting.

Action: Upon motion by Board Member Thomas Goodwin, seconded by Board Member Madhavee Vemulapalli and carried, the Board approved the meeting minutes of June 13, 2018. (3-0-2. Absent: Peacock and Randhawa.) The meeting minutes for July 16, 2018 were not drafted in time and approval is deferred to the next meeting.

VI. Reports

- A. Chair – None.
- B. City Attorney – Deputy City Attorney Mark Vanni informed the Board that the next Boards and Commission training is occurring in January 2019. All Board Members must take the training within a year of being appointed and should also be current on their AB 1234 Ethics Training.
 - 1. Legislative update – None.
 - 2. Election update – None.
- C. City Clerk
 - 1. Legislative update – None.

2. Status report on filings (Form 700, Campaign Statements, Lobbyist) – Sr. Deputy City Clerk Cecilia McDaniel announced that refunds were given to candidates in the June Primary Election for over payment of their campaign statements. All candidates received a refund.
3. Elections update – Sr. Deputy City Clerk Cecilia McDaniel summarized the measures and candidates that will be listed on the November ballot.
4. Update on Board Expenditures

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

Discussion: Sr. Deputy City Clerk Cecilia McDaniel 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 for Public Education Campaign. (Chair Adrian Gonzales and Vice Chair Chris Peacock)

Discussion: Sr. Deputy City Clerk Cecilia McDaniel reported that a summer intern has started on this project and an updated would be given to the Ad Hoc Committee once done.

- B. Discussion and possible action on report from Ad Hoc Committee for Complaint Intake Process. (Chair Adrian Gonzales and Board Member Thomas Goodwin)

Document Filed: Proposed City Council Resolution Changes Regulating BFCPP Procedures.

Discussion: Chair Adrian Gonzales discussed ways a City Clerk summer intern can assist the Board to research the complaint intake process of other agencies. Sr. Deputy City Clerk Cecilia McDaniel reported that there is a summer intern working on the project. Deputy City Attorney Mark Vanni reviewed the proposed changes to the section outlining the City's complaint intake process in the City Council Resolution regulating the Board's procedures and answered Board questions.

- C. Discussion and possible action on report from Ad Hoc Committee for Campaign Contribution Calculation. (Chair Adrian Gonzales and Board Member Thomas Goodwin)

Document Filed: Proposed Ordinance Changes for SJMC Section 12.06.210.

Discussion: Deputy City Attorney Mark Vanni review the proposed Ordinance changes for San Jose Municipal Code section 12.06.210 with the Board. The Board

and Evaluator Steven Miller provided feedback.

Action: Upon motion by Chair Adrian Gonzales, seconded by Board Member Madhavee Vemulapalli and carried, the Board approved the proposed Ordinance changes for San Jose Municipal Code section 12.06.210 with an amendment to reference post-election definitions. (3-0-2. Absent: Peacock and Randhawa.)

- D. Discussion and possible action on Board's FY 2018-19 Work Plan and FY 2017-18 Annual Report. (Chair Adrian Gonzales)

Documents Filed: 1) Transmittal letter; 2) Draft FY 2018-19 Board Work Plan; and 3) Draft FY 2017-18 Board Annual Report.

Discussion: Chair Adrian Gonzales reviewed the transmittal letter, Draft FY 2018-19 Work Plan, and Draft FY 2017-18 Annual Report with the Board.

Action: Upon motion by Board Member Thomas Goodwin, seconded by Board Member Madhavee Vemulapalli and carried, the Board approved the transmittal letter, FY 2018-19 Work Plan, and FY 2017-18 Annual Report. Chair Adrian Gonzales to work with staff to finalize for submission and approval by the Rules and Open Government Committee. (3-0-2. Absent: Peacock and Randhawa.)

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

Action: No action needed.

VIII. New Business – None.

IX. Public Comment – None.

X. Future Agenda Items

- Continued hearing on Mimi Dang Complaint

XI. Adjournment

The next meeting is scheduled for September 12, 2018 at 5:30 p.m. in Room W-120.

Action: Upon a motion by Board Member Thomas Goodwin, seconded by Board Member Madhavee Vemulapalli and carried, the Board approved to adjourn the meeting at 6:26 p.m.

ADRIAN GONZALES, CHAIR

ATTEST:
BOARD OF FAIR CAMPAIGN AND POLITICAL PRACTICES SECRETARY

TONI J. TABER, CMC
CITY CLERK

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