

City of San José
Board of Fair Campaign and Political Practices

Chair—Adrian Gonzales
Vice Chair—Chris Peacock
Member—Madhavee Vemulapalli
Member—Amarpal Randhawa
Member—Vacant

Mark Vanni, Deputy City Attorney—Staff
Toni Taber, City Clerk—Staff
Ruth Krantz, Deputy City Clerk—Staff

MEETING AGENDA
December 12, 2018

5:30 p.m.

San José City Hall
Tower Room T-1446

I. Call to Order & Orders of the Day

II. Closed Session – None

III. Hearings –

- A. Continued hearing on Complaint filed by Mimi Dang on May 14, 2018 against Le Pham and CM California Magazine, et al. alleging violations of San José Municipal Code section 12.06.910 (Reporting Requirements for Independent Committees) (Independent Investigator/Evaluator)

[Report from Hanson Bridgett LLP dated July 3, 2018](#)

[Supplemental Report from Hanson Bridgett LLP dated November 21, 2018](#)

[Additional Exhibits to Supplement Report Presented at 11/28/18 Hearing](#)

[Second Supplemental Report from Hanson Bridgett LLP dated December 4, 2018](#)

[Response by Respondent CM Magazine to Second Supplement Report dated 12/11/18](#)

IV. Public Record – None

V. Consent Calendar

- A. Approve the Minutes of October 10, 2018 – Regular Meeting
B. Approve the Minutes of November 28, 2018 – Special Meeting

VI. Reports

A. Chair

B. City Attorney

1. Legislative update
2. Elections update
3. [Campaign Guidance update](#)

C. City Clerk

1. Legislative update
2. Status report on filings
 - a) [Form 700s](#)
 - b) [Lobbyists Forms](#)
 - c) [Campaign Statements](#)
 - d) [Income & Time Disclosure Statement and Disclosure of Fundraising Report Forms](#)

3. [Elections update](#)
[Final Election Results](#)
4. Update on Board Expenditures
 - a) [Hanson Bridgett Contract Expenditures](#)
5. Update on the status of the recruitment for open positions on the Board of Fair Campaign and Political Practices

D. Investigator/Evaluator

VII. Old Business

- A. Discussion and possible action on recommendation to the City Council of the benefits or implications for holding Mayoral Elections concurrent with Presidential Elections. (City Clerk)
[Referral from City Council on October 16, 2018 – Item 3.9]
[Memorandum from 10/16/18 Council Meeting – Item 3.9](#)
[Letters from the Public from 10/16/18 Council Meeting – Item 3.9](#)
[Letters from the Public from 11/28/18 Special Board Meeting – Item VIII.A](#)
[Voter Turnout from 1980 to Present](#)
- B. Discussion and possible action on biennial review of San Jose Municipal Code Title 12, City Council Resolution 78390 and other administrative policies. (City Clerk)
[City Council Resolution 78390](#)
[San Jose Municipal Code Title 12](#)
[Biennial Review Matrix](#)
[Proposed City Council Resolution Changes Regulating BFCPP Procedures SB 568 – Primary Elections: Election Date](#)
- C. Discussion and possible action on report from Ad Hoc Committee for Public Education Campaign. (Chair Adrian Gonzales and Vice Chair Chris Peacock)
- D. Discussion and possible action on report from Ad Hoc Committee for Complaint Intake Process. (Chair Adrian Gonzales)
- E. Scheduling of Special Board meeting if needed. (City Clerk)

VIII. New Business

- A. Discussion and possible action for Request for Qualifications (RFQ) for the Board's Independent Evaluator contract commencing July 1, 2019. (City Clerk)
[Draft RFQ for Independent Evaluator](#)

IX. Public Comment *(Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Commission. Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Committee, Board or Commission.)*

X. Meeting Schedule and Agenda Items

The next regular meeting is scheduled for January 9, 2019 at 5:30 p.m. in City Hall Wing Room W-120, pending coordination of a Special Meeting and/or hearing if needed.

XI. Adjournment

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

You may speak to the Board about any discussion item that is on the agenda, and you may also speak during Public Comment on items that are not on the agenda and are within the subject matter jurisdiction of the Board. Please be advised that, by law, the Board is unable to discuss or take action on issues presented during Public Comment. Pursuant to Government Code Section 54954.2, no matter shall be acted upon by the Board unless listed on the agenda, which has been posted not less than 72 hours prior to meeting.

Agendas, Staff Reports and some associated documents for the Board items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?nid=452>.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the Board will be available for public inspection at the City Clerk's Office located at 200 E. Santa Clara St., Tower, 14th Floor, San Jose, CA 95113 at the same time that the public records are distributed or made available to the Board. Any draft resolutions or other items posted on the Internet site or distributed in advance of the Commission meeting may not be the final documents approved by the Board. Contact the Cecilia McDaniel, Sr. Deputy City Clerk, by e-mail at city.clerk@sanjoseca.gov or by telephone at (408) 535-1260 for the final document.

On occasion the Board may consider agenda items out of order.

The Board of Fair Campaign and Political Practices meets the 2nd Wednesday of the month at 5:30 p.m., unless otherwise noted. If you have any questions, please direct them to the Board staff. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

Please direct correspondence and questions to:

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