



City of San José Board of Fair Campaign and Political Practices

Chair – Louis Silver
Vice Chair – Tom Pavel
Member – Baltazar Lopez
Member – Gregory Ebert
Member – Vasundhara Tadimeti

Matthew Tolany, Deputy City Attorney—Staff
Toni Taber, City Clerk—Staff
Joy Rodriguez, Assistant City Clerk—Staff
Megan Roche, Deputy City Clerk—Staff

DRAFT MEETING Minutes
October 12, 2023
5:30 p.m.

I. Call to Order & Orders of the Day

Roll Call

PRESENT: Chair Louis Silver, Vice Chair Tom Pavel, Board Members Baltazar Lopez, Gregory Ebert, and Vasundhara Tadimeti

ABSENT: None

STAFF: Deputy City Attorney Matthew Tolnay, Assistant City Clerk Joy Rodriguez, Deputy City Clerk Megan Roche

The members of the San José Board of Fair Campaign and Political Practices convened in person and virtually via remote teleconferencing at 5:38 p.m.

Action: Upon motion by Vice Chair Tom Pavel, seconded by Board Member Gregory Ebert, and carried unanimously, the Board approved the Orders of the Day. (5-0-0)

II. Closed Session – None

III. Hearings – None

IV. Public Record – None

V. Consent Calendar

Action: Upon motion by Board Member Gregory Ebert, seconded by Vice Chair Tom Pavel, and carried unanimously, the Board approved the Minutes of the August 10, 2023 Regular Meeting. (5-0-0)

VI. Reports

A. Chair – No report.

- B. City Attorney – Deputy City Attorney Matthew Tolnay reported that the ordinance with recommended changes to Title 12 (Ordinance No. 30926) and an update to Resolution 79187 were heard and approved by the City Council in August 2023. Deputy City Attorney Tolnay noted that he anticipates presenting a proposed ordinance to the City Council regarding foreign influence corporation contributions/expenditures. Deputy City Attorney Tolnay also discussed the campaign guidance inquiries to which he responded. He noted that he will likely report on the Board’s research request on reporting requirements for independent expenditures during the next BFCPP meeting. Discussion with the Board ensued.
- C. City Clerk – Assistant City Clerk Joy Rodriguez noted that the nomination period for the March primary election will start on November 13, 2023 and end at 12:00 p.m. on December 8, 2023. Chair Silver inquired about Form 700 status and Assistant City Clerk Rodriguez responded. There were new Hanson Bridget LLP expenditures to report.
- D. Investigator/Evaluator – No report.

VII. Old Business

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

Discussion: Assistant City Clerk Joy Rodriguez confirmed that no scheduling of a special meeting is necessary.

VIII. New Business

- A. Discussion and Possible Action on Open Issues Regarding San Jose Municipal Code Title 12, City Council Resolution 79187 and Other Administrative Policies, Including the Complaint Intake Process. (Board)

Discussion: Vice Chair Tom Pavel discussed his memo which outlined four open issues for Board discussion and possible action. Discussion amongst commissioners and Deputy City Attorney Matthew Tolnay ensued regarding each of the memo’s four topics: “Additional Disclosure for Independent Committees,” “Concerns about Candidate-Controlled Ballot Measure Committees,” “Disclosure Requirements for Op-Eds,” and “Disclosures for Telephone Solicitations.” The Board directed the City Attorney’s office to investigate if text message restrictions are covered within the Municipal Code. The Board also directed that each heading contained within Vice Chair Pavel’s memorandum be listed on the next BFCPP agenda.

IX. Public Comment

Vice Mayor Rosemary Kamei thanked the Board for their work.

X. Meeting Schedule and Agenda Items

The next regular meeting is scheduled for November 9, 2023 at 5:30 p.m., to be held in City Hall 14th floor conference room T-1446. *Vice Chair Tom Pavel noted that he cannot attend the meeting scheduled for November 9, 2023.*

XI. Adjournment

Chair Louis Silver adjourned the meeting at 6:15 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,

Megan Roche

Megan Roche
Deputy City Clerk, City of San José