



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
November 9, 2023
5:30 p.m.

I. Call to Order & Orders of the Day

Roll Call

PRESENT: Chair Louis Silver, Board Members Baltazar Lopez, Gregory Ebert, and Vasundhara Tadimeti (5:43 p.m.)

ABSENT: Vice Chair Tom Pavel

STAFF: Deputy City Attorney Matthew Tolnay, City Clerk Toni Taber, 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 5:35 p.m.

Action: Upon motion by Board Member Baltazar Lopez, seconded by Board Member Gregory Ebert, and carried unanimously, the Board approved the Orders of the Day. (3-0-2; Absent: Tadimeti, Pavel)

II. Closed Session – None

III. Hearings – None

IV. Public Record – None

V. Consent Calendar

Action: Upon motion by Board Member Baltazar Lopez, seconded by Board Member Gregory Ebert, and carried unanimously, the Board approved the Minutes of the October 12, 2023 Regular Meeting. (3-0-2; Absent: Tadimeti, Pavel)

VI. Reports

A. Chair – No report.

- B. City Attorney – Deputy City Attorney Matthew Tolnay reported that he anticipates presenting a proposed ordinance to the City Council regarding foreign influence in December. Deputy City Attorney Tolnay also discussed a campaign guidance inquiry to which he responded. In response to a previous research request from the Board, he reported that text messages are excluded from the Municipal Code’s definition of advertisements, but the Political Reform Act has disclosure requirements that apply to text messages. He noted that he hopes to report on the Board’s research request on Op-Eds and independent committees during the next BFCPP meeting. Discussion with the Board ensued.
- C. City Clerk –City Clerk Toni Taber noted that the nomination period for the March primary election will start on Monday November 13, 2023 and end at 12:00 p.m. on December 8, 2023. Meetings with candidates are underway. City Clerk Taber also noted that this is the first time the Mayor will be elected during a presidential year election cycle, the eligible seats for the March election are Mayor and Councilmembers for Districts 2, 4, 6, 8, and 10, and Districts 4, 8, and 10 have incumbents. There were no new Hanson Bridget LLP expenditures to report. Discussion with the Board ensued.

**Board Member Tadimeti arrived at 5:43 p.m.; Deputy City Attorney Matthew Tolnay provided an overview of his report after the City Clerk’s report. Additional discussion with the Board ensued.*

- D. Investigator/Evaluator – No report.

VII. Old Business

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

Discussion: It was 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)
- (1) Additional Disclosure for Independent Committees
 - (2) Concerns about Candidate-Controlled Ballot Measure Committees
 - (3) Disclosure Requirements for Op-Eds
 - (4) Disclosures for Telephone Solicitations)

Discussion: The Board discussed topics with Deputy City Attorney Matthew Tolnay and directed that the item be placed on the next BFCPP agenda.

Public Comment: Tom Pavel expressed that discussion of New Business during the next BFCPP meeting is agreeable.

IX. Public Comment

X. Meeting Schedule and Agenda Items

Action: Upon motion by Board Member Baltazar Lopez, seconded by Board Member Gregory Ebert, and carried unanimously, the Board cancelled the December 14, 2023 BFCPP meeting and postponed the next meeting of the Board of Fair Campaign and Political Practices to January 11, 2024. (4-0-1; Absent: Pavel)

The next regular meeting is scheduled for January 11, 2024 at 5:30 p.m., to be held in City Hall 14th floor conference room T-1446.

XI. Adjournment

Chair Louis Silver adjourned the meeting at 6:00 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,

Megan Roche

Megan Roche
Deputy City Clerk, City of San José