



## City of San José Board of Fair Campaign and Political Practices

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

Matthew Tolnay, 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 10, 2024**  
**5:30 p.m.**

**I. Call to Order & Orders of the Day**

Roll Call

PRESENT: Chair Louis Silver, Vice Chair Tom Pavel, Board Member Vasundhara Tadimeti

ABSENT: Board Member Baltazar Lopez

STAFF: Deputy City Attorney Matthew Tolnay, City Clerk Toni Taber, 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 5:31 p.m.

Action: Upon motion by Vice Chair Tom Pavel, seconded by Board Member Vasundhara Tadimeti, and carried unanimously, the Board approved the Orders of the Day. (3-0-1; Absent: Lopez)

**II. Closed Session – None**

**III. Hearings – None**

**IV. Public Record – None**

**V. Consent Calendar**

Action: Upon motion by Vice Chair Tom Pavel, seconded by Board Member Vasundhara Tadimeti, and carried unanimously, the Board approved the Minutes of the September 12, 2024 Regular Meeting. (3-0-1; Absent: Lopez)

**VI. Reports**

A. Chair – No report.

- B. City Attorney – Deputy City Attorney Matthew Tolnay noted that multiple campaign guidance inquiries were received and will be included on the next agenda.
- C. City Clerk – No report.
- D. Investigator/Evaluator – No report.

## **VII. Old Business**

- A. Report back from October 2, 2024 Rules and Open Government Committee Meeting. (City Clerk)

Discussion: City Clerk Toni Taber relayed that the Rules and Open Government Committee directed the BFCPP item regarding independent committee disclosures back to the Board for the Board to conduct public outreach. City Clerk Taber provided an example of how outreach could be conducted. Discussion amongst the Board, City Clerk Toni Taber, and Deputy City Attorney Matthew Tolnay ensued. The topic will appear on the next agenda as Old Business item VII.A.3. The Board requested that Deputy City Attorney Matthew Tolnay propose amendment language in order to inform the discussion at the November BFCPP meeting.

## **VIII. New Business**

- A. Discussion and Possible Action on Open Issues Regarding San Jose Municipal Code Title 12, City Council Resolution RES2023-312 and Other Administrative Policies, Including the Complaint Intake Process. (Board)
  - (1) Concerns about Candidate-Controlled Ballot Measure Committees
  - (2) Biennial Review Matrix

Discussion: Vice Chair Tom Pavel discussed candidate-controlled ballot measure committee concerns as outlined in his memorandum, dated October 10, 2024. The Board discussed this topic with City Clerk Toni Taber and Deputy City Attorney Matthew Tolnay.

- B. Discussion on Report from City Attorney’s Office Regarding Implications of Candidates Undergoing Criminal Investigation. (City Attorney)

Discussion: Deputy City Attorney Matthew Tolnay reported to the Board that there are three sources of authority related to this issue: State law, the City Charter, and the San José Municipal Code. The City’s two authority areas that could potentially apply would be (1) a provision in the City Charter which discusses the judging of qualifications for the Mayor and Councilmembers and the potential for those offices to be deemed vacant upon certain occurrences and (2) a section of the San José Municipal Code which outlines the process for removal of the Mayor or a Councilmember due to willful official misconduct. There is no specific provision which states that being under investigation for a criminal charge alone would be cause for removal.

**IX. Public Comment**

Public Comment: None

**X. Meeting Schedule and Agenda Items**

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

It was identified that there is no need to schedule a special meeting. The next regular meeting is scheduled for November 14, 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 6:11 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,

*Megan Roche*

---

Megan Roche  
Deputy City Clerk, City of San José