

**MEETING MINUTES**

February 8, 2017

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

**Roll Call**

**PRESENT:** Chair Michael Smith, Vice Chair Adrian Gonzales, and Board Members Chris Peacock and Madhavee Vemulapalli

**ABSENT:** None

**STAFF:** Deputy City Attorney Mark Vanni, Assistant City Clerk Christina Gutierrez, 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 5:34 p.m. in Rooms T-1446 of City Hall, 200 E. Santa Clara Street, CA 95113.

**Orders of the Day**

Action: Upon motion by Chair Michael Smith, seconded by Vice Chair Adrian Gonzales and carried, the Board approved the adoption of the February 8, 2017 agenda. (4-0.)

**II. Closed Session** – None.

**III. Hearings** – None.

**IV. Public Record** – None.

**V. Consent Calendar**

A. Approve the Minutes of January 11, 2017 – Regular Meeting

Action: Minutes not drafted in time for meeting so approval deferred to March 8, 2017 meeting.

**VI. Reports**

A. Chair – Chair Michael Smith bid farewell to the Board since this is his last meeting after 10 years of service.

B. City Attorney –

1. Legislative update – Deputy City Attorney Mark Vanni reported that the Fair Political Practices Commission (FPPC) is holding a hearing on February 16, 2017 in Sacramento to discuss the complaint process and new methods of filing complaints.
2. Status of outstanding Ethics Commission/BFCPP Resolutions – Deputy City Attorneys Mark Vanni and Arlene Silva is working with staff on the backlog.
3. Election update – None.
4. Lobbyist Ordinance update – Deputy City Attorney Mark Vanni had no new information to share. Sr. Deputy City Attorney Neelam Naidu is handling the lobbyist ordinance and will be on maternity leave soon.

C. City Clerk

1. Legislative update – None.
2. Status report on filings (Form 700, Campaign Statements, Lobbyist)

Document Filed: Semi-Annual Campaign Filing Report

Discussion: Assistant City Clerk Christina Gutierrez reported that the Clerk's Office is on track to receive 100% form 700 filing compliance from employees. Campaign filings were due on January 31, 2017. All candidates have filed except for Councilmember Sylvia Arenas. All council compliance forms (income & time disclosure statement and disclosure of fundraising report) have been turned in by Mayor and Council.

Action: No action taken.

3. Elections update – None.
4. Update on Board Expenditures

Document Filed: 1) Board Expenses FY 16-17 Spreadsheet from the City Clerk's Office; and 2) Hanson Bridgett Contract Expenses FY 16-17 Spreadsheet from City Attorney's Office.

Discussion: Assistant City Clerk Christina Gutierrez reviewed the expenses with the Board and indicated that Hanson Bridgett billed an additional \$1,784.50 for the Eric Emmanuele v. Josh Barousse complaint.

Action: No action taken.

5. Board Recruitment – Assistant City Clerk Christina Gutierrez reported that 11 applications have been received and will be reviewed by Council for consideration.

D. Investigator/Evaluator – None.

## VII. Old Business

- A. Discussion, review, and possible action on recommendations to the City Council regarding proposed amendments and revisions to the City's Gift Ordinance (Chapter 12.08 of the San José Municipal Code) as directed by the Rules and Open Government Committee during the Mayor's 2015 Biennial Ethics Review and Recommendations. (City Attorney)

Documents Filed: 1) Draft Gift Ordinance prepared by Deputy City Attorney Mark Vanni; and 2) Gift Ordinance Survey of 20 Largest Cities in California.

Discussion: Deputy City Attorney Mark Vanni reviewed the draft gift ordinance with the Board and explained the shared some differences and similarities the City's gift ordinance has with other large municipalities in California. Deputy City Attorney Mark Vanni answered Board questions.

Action: Upon motion by Chair Michael Smith, seconded by Board Member Chris Peacock, the Board moved to approve the gift ordinance as drafted with the following amendments: 1) change the gift limit to be consistent with the State requirement/threshold; and 2) revise the language in San José Municipal Code section 12.08.110(B) to "commemorative gifts."

Board discussion.

Upon an amended motion by Chair Michael Smith, seconded by Board Member Chris Peacock and carried unanimously, the Board approved the gift ordinance as drafted with the following amendments: 1) change the gift limit to \$250 to be adjusted yearly based on the Consumer Price Index (CPI), rounded to the nearest ten dollars; and 2) revise the language in San José Municipal Code section 12.08.110(B) to "commemorative gifts." (4-0).

- B. Discussion and possible action on report from ad hoc subcommittee on referral from City Council to analyze ordinances 29792 (legal defense fund) and 29793 (officeholder accounts). (Vice Chair Adrian Gonzales and Board Member Chris Peacock).

Documents Filed: 1) Analysis of Legal Defense Fund and Officeholder Contribution Ordinances prepared by Vice Chair Adrian Gonzales; 2) City Council Ordinance No. 29792; and 3) City Council Ordinance No. 29793.

Discussion: Vice Chair Adrian Gonzales reviewed his analysis with the Board and

answered questions.

Action: Upon motion by Vice Chair Adrian Gonzales, seconded by Board Member Chris Peacock and carried unanimously, the Board moved to adopt the report by the ad hoc committee and directed the committee to work with the City Attorney's Office to finalize the language for submission to the Rules and Open Government Committee. (4-0)

- C. Discussion and possible action on report from ad hoc committee on community outreach. (Board Member Chris Peacock)

Action: Deferred to March 8, 2017 meeting for discussion.

- D. Discussion and possible action on evaluating cumulative results of compliance monitoring, investigations and legislative review, and identifying possible areas of concern with regard to campaign and ethics regulations. (City Clerk)

Documents Filed: 1) Memorandum from City Clerk Toni Taber to the Board regarding Review of SJMC TRitle 12 and Council Resolution 77879 dated February 1, 2017; 2) San José Municipal Code Title 12; 3) City Council Resolution 77879; and 3) Memorandum from City Clerk Toni Taber to the Rules and Open Government Committee regarding the Ethics Commission Title 12 and San José City Council Resolution 76954 Recommended Revisions dated August 13, 2015.

Discussion: Sr. Deputy City Clerk Cecilia McDaniel reviewed the Memorandum from City Clerk Toni Taber with the Board.

Action: Board directed staff to bring item back to next meeting with recommended revisions shown in matrix format.

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

Action: No action taken.

**VIII. New Business – None.**

**IX. Public Comment**

Document Filed: Letter from David Brown with Represent.Us dated February 8, 2017.

Discussion: David Brown, Represent.Us San José Chapter Membership Coordinator, spoke to the Board about the American Anti-Corruption Act and provided information for Board review.

**X. Future Agenda Items**

- Preparation of 2016-17 Annual Report and 2017-18 Work Plan

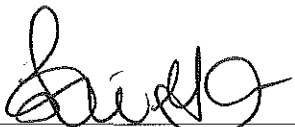
**XI. Adjournment**

The next regular meeting is schedule for March 8, 2017 at 5:30 p.m. in City Hall Room W-120, pending coordination of a Special Meeting and/or hearing if needed.

The meeting was adjourned at 7:27 p.m.

  
\_\_\_\_\_  
ADRIAN GONZALES, VICE CHAIR

ATTEST:  
BOARD OF FAIR CAMPAIGN AND POLITICAL PRACTICES SECRETARY

  
\_\_\_\_\_  
TONI J. TABER, CMC  
CITY CLERK