

MEETING MINUTES

January 11, 2017

I. Call to Order & Orders of the Day

Roll Call

PRESENT: Chair Michael Smith, Vice Chair Adrian Gonzales and Board Member Madhavee Vemulapalli

ABSENT: Board Member Chris Peacock

STAFF: Deputy City Attorney Mark Vanni, City Clerk Toni Taber, and Sr. Deputy City Clerk Cecilia McDaniel

Call to Order

The members of the San José Board of Fair Campaign and Political Practices convened at 5:35 p.m. in Room W-120 of City Hall, 200 E. Santa Clara Street, CA 95113.

Orders of the Day

Action: Upon motion by Vice Chair Adrian Gonzales, seconded by Chair Michael Smith and carried, the Board approved the adoption of the January 11, 2017 agenda. (3-0-1. Absent: Peacock.)

II. Closed Session – None.

III. Hearings – None.

IV. Public Record – None.

V. Consent Calendar

A. Approve the Minutes of December 14, 2016 – Regular Meeting

Documents Filed: Draft Minutes for the December 14, 2016 Regular Meeting.

Action: Upon motion by Vice Chair Adrian Gonzales, seconded by Chair Michael Smith and carried, the Board approved the meeting minutes of December 14, 2016. (3-0-1. Absent: Peacock)

VI. Reports

A. Chair – None.

B. City Attorney –

1. Legislative update – The Fair Political Practices Commission (FPPC) is undergoing a review of the Political Reform Act. The FPPC is reorganizing and renumbering some sections.
2. Status of outstanding Ethics Commission/BFCPP Resolutions – Deputy City Attorney Arlene Silva is working with staff on the backlog.
3. Election update – None.

C. City Clerk

1. Legislative update – None.
2. Status report on filings (Form 700, Campaign Statements, Lobbyist) – Form 700s are due on April 1, 2017. Reminder notices to efile are being sent weekly to filers. An amendment to the Conflict of Interest Code will be reviewed by Council on January 24, 2017. The lobbyist reports are due on January 17, 2017. A new form has been created and can now be filed electronically. A notice has been sent to the registered lobbyist notifying them of the new form. The Clerk's Office has signed a one-year contract with a vendor to test different options for electronically filing the lobbyist form and review possible reporting options. Campaign statements are due on January 31, 2017. The disclosure of fundraising and time & income disclosure forms are due on January 31, 2017.
3. Elections update – The City Council certified the elections results for November 8, 2016 Presidential General election. Measure F (ballot measure proposal to amend the City of San Jose Charter to modify retirement benefits) was filed with the Secretary of State at the end of December 2016.
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: City Clerk Toni Taber reviewed the expenses with the Board and indicated that Hanson Bridgett billed \$6,857.00 for the Eric Emmanuele v. Josh Barousse complaint.

Action: No action taken.

5. Board Recruitment

Discussion: City Clerk Toni Taber announced that only one application has been received and encouraged the Board Members to recruit individuals.

Action: No action taken. City Clerk Toni Taber will extend the deadline to apply to the Board if more applications are not received by the January 12th deadline.

D. Investigator/Evaluator – None.

VII. Old Business

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

Document Filed: City of San Jose Board of Fair Campaign and Political Practices Analysis of Legal Defense Fund and Officeholder Contribution Ordinances.

Discussion: Vice Chair Adrian Gonzales reviewed his draft analysis with the Board for consideration and input. The following recommendations were made: 1) add additional language to San Jose Municipal Code (SJMC) section 12.06.1140 to allow payment of penalties (minor/technical fines) to align with the Fair Political Practices Commission (FPPC) rules; and 2) remove SJMC section 12.06.050 (E) and revise SJMC section 12.06.050 (D) to clarify that voluntary services are allowed pursuant to state law and the Political Reform Act. Another draft will be brought to the February 8, 2017 meeting for review and approval to Council.

Action: No action taken. Staff directed to setup phone conference with ad hoc committee members to discuss revisions.

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

Action: Deferred to February 8, 2017 meeting.

C. Discussion and status of Lobbyist Ordinance. (City Attorney)

Document Filed: Adopted Ordinance No. 29812 amending the San Jose Municipal Code to revise lobbyist reporting disclosures and to clarify calculation of fines.

Discussion: Deputy City Attorney Mark Vanni reported that the lobbyist ordinance was finalized and adopted on November 15, 2016. The City Clerk's Office is comparing vendors to see cost to allow lobbyist to electronically file forms.

Action: No action taken.

D. Scheduling of Special Ethics Commission meeting if needed. (City Clerk)

Action: No action taken.

VIII. New Business

- A. Discussion and direction on proposed amendments to the City's Gift Ordinance.
(City Attorney)

Documents Filed: 1) Memorandum from Deputy City Attorney Mark Vanni to the San Jose Board of Fair Campaign and Political Practices dated January 4, 2017 regard the City Attorney Report re: Gift Ordinance; 2) Gift Ordinance presentation reviewing Mayor's 2015 Biennial Ethics Review and Recommendations and comparing regulations; and 3) Chart comparing State gift regulations against the City's gift ordinance.

Discussion: Deputy City Attorney Mark Vanni presented his report to the Board. He explained the differences in regulations and answered Board questions.

Action: No action taken. Deputy City Attorney Mark Vanni return in February with draft gift ordinance for Board review.

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

Action: No action taken. Staff to bring list of potential revisions to San Jose Municipal Code Title 12, City Council Resolution 77879, and other administrative policy changes to February meeting for Board review.

IX. Public Comment – None.

X. Future Agenda Items

- Gift Ordinance
- Title 12 Review
- Draft brochure by ad hoc subcommittee re community outreach

XI. Adjournment

The next regular meeting schedule for February 8, 2017 at 5:30 p.m. in Room W-120.

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The meeting was adjourned at 7:40 p.m.


ADRIAN GONZALES, CHAIR

ATTEST:
BOARD OF FAIR CAMPAIGN AND POLITICAL PRACTICES SECRETARY



TONI J. TABER, CMC
CITY CLERK