

**MEETING MINUTES**

October 11, 2017

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

**Roll Call**

**PRESENT:** Chair Adrian Gonzales, Vice Chair Chris Peacock (arrived at 5:50 p.m.), and Board Members Madhavee Vemulapalli and Thomas Goodwin

**ABSENT:** Board Member Amarpal Randhawa

**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 5:34 p.m. in Room W-120 of City Hall, 200 E. Santa Clara Street, CA 95113.

**Orders of the Day**

Action: Upon motion by Board Member Thomas Goodwin, seconded by Board Member Madhavee Vemulapalli and carried, the Board approved the adoption of the October 11, 2017 agenda. (3-0-2. Absent: Peacock and Randhawa.)

**II. Closed Session** – None.

**III. Hearings** – None.

**IV. Public Record** – None.

**V. Consent Calendar**

A. Approve the Minutes of September 13, 2017 – Regular Meeting

Action: Minutes not drafted, item deferred to next meeting.

**VI. Reports**

A. Chair – None.

B. City Attorney –

- a) Legislative update – Deputy City Attorney Mark Vanni reported that the Governor of California has signed a bill moving the 2020 Primary Election to March (from June). This will require changes to the San José Municipal Code during the next biennial ethics review by the Board.

- b) Election update – The dates of interest for the June and November elections are posted to the City Attorney’s website. The City Attorney’s Office campaign guidance hotline and email have been busy. Responses will be posted to the City Attorney’s website.
- c) Gift Ordinance update – The Gift Ordinance is returning to the City Council on October 24, 2017 for review.

Sr. Deputy City Attorney Neelam Naidu will be covering the Board meetings while Deputy City Attorney Mark Vanni is out on paternity leave.

C. City Clerk

- a) Legislative update – None.
- b) Status report on filings (Form 700, Campaign Statements, Lobbyist) – City Clerk Toni Taber reported that the lobbyists are filing weekly reports through SeamlessGov, however, the Clerk’s Office is looking into other efilings solutions.
  - a) Status of Netfile Contract - The Clerk’s Office is still in the bid process.
- c) Elections update – The June and November dates of interest are on the Clerk’s Election website. Working with the City Attorney’s Office to review the draft Candidate Campaign Guidance.
- d) Update on Board Expenditures

Document Filed: Hanson Bridgett Contract Expenses FY 16-17 Spreadsheet from City Attorney’s Office.

Discussion: City Clerk Toni Taber reported there were no additional funds expended since last meeting and that no budget spreadsheet was provided for Board expenditures since there are none for FY 17-18.

- D. Investigator/Evaluator – None.

**VII. Old Business**

- A. Discussion and possible action on report from ad hoc committee on community outreach. (Vice Chair Chris Peacock and Board Member Amarpal Randhawa)

Action: No updates.

- B. Discussion and possible action on biennial review of the San Jose Municipal Code Title 12, City Council Resolution 77879 and other administrative policies. (City Clerk)

Document Filed: 1) Memo to the Rules and Open Government Committee from City Clerk Toni Taber dated October 11, 2017 regarding Board of Fair Campaign and Political Practices SJMC Title 12 and San José City Council Resolution 77879 Recommended Revisions; and 2) Summary of Rules and Open Government

Committee Recommendations.

Discussion: City Clerk Toni Taber reviewed the summary of recommendations made by the Rules and Open Government Committee (ROGC) with the Board. The ROGC recommended that the requirement of publishing the campaign statement information (SJMC § 12.06.920) be removed from the code. City Clerk Toni Taber explained that the public portal now shows this information on the Clerk's website so there is no longer a need. The ROGC also did not approve the Board's recommendation for items 9 through 12. The Board asked about how to make a charter change through the ballot process. City Clerk Toni Taber responded that charter changes can be made through the initiative process and that 8% of registered voters are needed to qualify.

Vice Chair Chris Peacock arrived at 5:50 p.m.

Action: The Board directed staff to provide a demonstration of the public portal for campaign statements at the next meeting.

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

Action: No action taken. Chair Adrian Gonzales informed the Board that he would be on vacation for the next two weeks.

**VIII. New Business**

- A. Consider a change to the Revolving Door Ordinance that mitigates potential conflicts of interest and simplifies the rules surrounding former designated employees who work for non-profit organizations as lobbyists or on legislative or administrative or administrative matters which they worked on as part of their City employment.

Potential policy directions include:

- a) Narrowing the non-profit exemption to 501(c)(3) organizations, regardless of whether the organization had received support from the City; or
- b) Striking the non-profit exemption, such that the same rules apply whether former designated employees go to work for non-profit or for-profit organizations.

(City Clerk)

[Referral from City Council on September 12, 2017 – Item 3.6]

Documents Filed: 1) Memorandum from City Clerk Toni Taber to the Honorable Mayor and City Council dated August 31, 2017 regarding Open Government audit (9/12/17 City Council Meeting - Item 3.6); 2) Page 11 of City Council Synopsis of September 12, 2017; and 3) San José Municipal Code Chapter 12.10 – Revolving Door Restrictions.

Discussion: Deputy City Attorney Mark Vanni reviewed the Revolving Door Ordinance with the Board.

Action: Upon motion by Chair Adrian Gonzales, seconded by Board Member Madhavee Vemulapalli and carried, the Board approved the creation of an ad hoc

committee for the Revolving Door Ordinance Review consisting of Chair Adrian Gonzales and Vice Chair Chris Peacock. (4-0-1. Absent: Randhawa.)

**B. Discussion and possible action on amendments to Board of Fair Campaign and Political Practices Complaint Form. (City Clerk)**

Documents Filed: 1) Current Board Complaint Form; and 2) Draft revisions to Board Complaint Form.

Discussion: City Clerk Toni Taber and Deputy City Attorney Mark Vanni reviewed the differences between the Complaint forms with the Board and explained that revisions were needed to clarify the form and request the specific municipal code being violated.

Action: The Board directed staff to use the revised form for Board complaints.

**IX. Public Comment** – Danny Garza appreciates the Board recognizing him as a member of the public and indicated that he may have an issue to present to the Board at a future meeting.

**X. Future Agenda Items**

- Discussion and review of community outreach materials
- Referral from Council re Revolving Door Ordinance
- Demonstration of Public Portal


**XI. Adjournment**

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

Action: Upon motion by Vice Chair Chris Peacock, seconded by Board Member Thomas Goodwin and carried, the Board approved to adjourn the meeting at 6:06 p.m. (4-0-1. Absent: Randhawa.)

  
ADRIAN GONZALES, CHAIR

ATTEST:  
BOARD OF FAIR CAMPAIGN AND POLITICAL PRACTICES SECRETARY

  
TONI J. TABER, CMC  
CITY CLERK