

MEETING MINUTES

November 9, 2016

I. Call to Order & Orders of the Day

Roll Call

PRESENT: Chair Michael Smith, Board Members Adrian Gonzales and Chris Peacock

ABSENT: Board Member Madhavee Vemulapalli

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

OTHER: Steven Miller, Investigator/Evaluator

Call to Order

The members of the San José Board of Fair Campaign and Political Practices convened at 5:33 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 Adrian Gonzales, seconded by Board Member Madhavee Vemulapalli and carried, the Board approved the adoption of the November 9, 2016 agenda. (3-0-1. Absent: Peacock.)

II. Closed Session – None.

III. Hearings – None.

IV. Public Record – None.

Board Member Chris Peacock arrived at 5:37 p.m.

V. Consent Calendar

A. Approve the Minutes of July 13, 2016 – Regular Meeting

Documents Filed: Draft Minutes for the July 13, 2016 Regular Meeting.

Action: Upon motion by Chair Michael Smith, seconded by Board Member Adrian Gonzales and carried, the Board approved the meeting minutes of July 13, 2016. (3-0-1. Abstain: Vemulapalli.)

B. Approve the Minutes of October 12, 2016 – Regular Meeting

Documents Filed: Draft Minutes for the October 12, 2016 Regular Meeting.

Action: Upon motion by Chair Michael Smith, seconded by Board Member Chris Peacock and carried unanimously, the Board approved the meeting minutes of October 12, 2016. (4-0)

VI. Reports

- A. Chair – Chair Michael Smith reported that Vice Chair Rolanda Pierre Dixon has resigned from the Board. Elections for Vice Chair will be added to the December agenda.
- B. City Attorney – Deputy City Attorney Arlene Silva announced that Deputy City Attorney Mark Vanni will take over as Attorney Liaison to the Board effective immediately.
1. Legislative update – None.
 2. Status of outstanding Ethics Commission/BFCPP Resolutions – Working with staff on the backlog. Have two more resolutions to draft and finalizing the rest for signature by the Chair.
 3. Election update – None.
 4. Gift Ordinance update – Deputy City Attorney Arlene Silva will work with Deputy City Attorney Mark Vanni to bring either a draft gift ordinance or informational memorandum back to the Board in January or February 2017.
- C. City Clerk
1. Legislative update – None.
 2. Status report on filings (Form 700, Campaign Statements, Lobbyist)

Documents Filed: 1) Chart showing lobbyists compliance with 10/17/16 filing deadline; and 2) Chart showing candidate filings for 10/27/16 and 11/7/16 filing deadlines.

Discussion: City Clerk Toni Taber reviewed the charts with the Board and noted that only three lobbyists filed their forms late and one has yet to file.

Action: No action taken.

3. Elections update

Documents Filed: Printout of election results form the Santa Clara County Registrar of Voters website (current as of 11/9/16 at 3:41 p.m.).

Discussion: City Clerk Toni Taber reported that Measures E, F and G passed.

Sergio Jimenez received the majority vote for the Council District 2 seat and Dev Davis received the majority vote for the Council District 6 seat. The Council District 8 seat is still too close to call so it is anticipated that an automatic recount will be conducted by the Registrar of Voters. There are still 40% of the ballots outstanding.

Action: No action taken.

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 there were no additional expenditures since the last meeting.

Action: No action taken.

5. Board Recruitment

Document Filed: Recruitment flyer for the Board vacancies.

Discussion: Sr. Deputy City Clerk Cecilia McDaniel shared the flyer with the Board and encouraged the Board Members to share with prospective applicants. There are three open vacancies (one with a term ending 3/1/19 and two for terms ending 3/1/21). The recruitment closes on January 9, 2017.

Action: Board Member Madhavee Vemulapalli informed staff of an error on the recruitment flyer (term end date of the two vacancies incorrectly showed a term end date of 3/1/23 instead of 3/1/21) and requested the flyer be corrected and reposted.

D. Investigator/Evaluator – None.

VII. Old Business

A. Discussion and action on referral from City Council to analyze the ordinances below and to return to Council in six months with recommendations. (City Attorney)

1. Ordinance 29792 – An ordinance of the City of San Jose amending Chapter 12.06 of Title 12 of the San Jose Municipal Code to amend Section 12.06.810 and to add a new Part 11 to limit contributions by individuals to a candidate legal defense fund.
2. Ordinance 29793 – An ordinance of the City of San Jose amending Chapter 12.06 of Title 12 of the San Jose Municipal Code to add Section 12.06.175 and amend Sections 12.06.050, 12.06.210, 12.06.290, 12.06.610, 12.06.720, and 12.06.910 related to elections and municipal campaign and officeholder contributions.

Documents Filed: 1) Synopsis from September 27, 2016 Council Meeting; 2) Transcript from September 27, 2016 Council Meeting; 3) Video from September 27, 2016 Council Meeting; 4) Memorandum from City Attorney Richard Doyle to Honorable Mayor and City Council dated September 21, 2016 re Amendment to Title 12 of the San Jose Municipal Code related to the Legal Defense Fund and elections and Municipal Campaign and Offholder Contributions (CC 9/27/16 Item 3.5); 5) Memorandum from Councilmember Manh Nguyen to Mayor and City Council dated September 27, 2016 re Amendment to Title 12 of the San Jose Municipal Code related to the Legal Defense Fund (CC 9/27/16 Item 3.5(a)); 6) Memorandum from City Attorney Richard Doyle to Honorable Mayor and City Council dated September 15, 2016 re Amendment to Title 12 of the San Jose Municipal Code Related to the Legal Defense Fund (CC 9/20/16 Item 3.6); 7) Memorandum from Mayor Sam Liccard to City Council dated September 19, 2016 re Title 12 – Legal Defense Fund (CC 9/20/16 Item 3.6); 8) Letters from the Public on the City Council Agenda on 9/27/16 Item 3.5; 9) City Council Ordinance 29792; and 10) City Council Ordinance 29793.

Discussion: Deputy City Attorney Arlene Silva reviewed City Council Ordinances 29792 and 29793 with the Board, answered questions, and addressed concerns.

Action: Upon motion by Chair Michael Smith, seconded by Board Member Adrian Gonzales and carried unanimously, the Board approved the creation of an ad hoc subcommittee to work with staff to develop initial recommendations for Board review. The ad hoc subcommittee will comprise of Board Members Adrian Gonzales and Chris Peacock. (4-0)

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

Discussion: Sr. Deputy City Clerk Cecilia McDaniel discussed the plan to create a brochure as requested by former Vice Chair Rolanda Pierre Dixon. The Board discussed possible ways for diverse community outreach regarding campaign and ethics regulations and procedures.

Action: The Board directed staff to work with Board Member Chris Peacock to develop a draft brochure (i.e., How to participate in local government and make your voice heard) for review by the Board. The brochure should include information about how to properly support and/or oppose candidates.

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

Action: No action taken.

VIII. New Business

- A. Discussion and possible action on draft Bylaws for Board of Fair Campaign and Political Practices. (City Clerk)

Documents Filed: Draft Bylaws for the Board of Fair Campaign and Political Practices.

Discussion: City Clerk Toni Taber reviewed the draft Bylaws with the Board and answered questions.

Action: Upon a motion by Board Member Adrian Gonzales, seconded by Chair Michael Smith and carried unanimously, the Board approved the adoption of the Board Bylaws with a revision to Section 201 to include that the Chair and Vice Chair can be removed with proper notice (language to be finalized by staff). (4-0)

IX. Public Comment – None.

X. Future Agenda Items

- Lobbyist Ordinance
- Nomination and Election of Vice Chair

XI. Adjournment

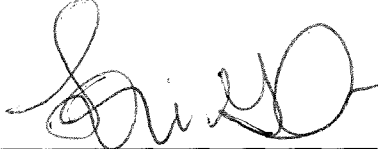
The next regular meeting schedule for December 14, 2016 at 5:30 p.m. in Room W-120.

The meeting was adjourned at 7:21 p.m.



MICHAEL SMITH, CHAIR

ATTEST:
BOARD OF FAIR CAMPAIGN AND POLITICAL PRACTICES SECRETARY



TONI J. TABER, CMC
CITY CLERK