

# City of San José

## Board of Fair Campaign and Political Practices

Chair—Michael Smith  
Vice Chair—Rolanda Pierre Dixon, Esq.  
Member—Chris Peacock  
Member—Madhavee Vemulapalli  
Member—Adrian Gonzales

Arlene Silva, Deputy City Attorney—Staff  
Toni Taber, City Clerk—Staff  
Cecilia McDaniel, Sr. Deputy City Clerk—Staff

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### MEETING AGENDA October 12, 2016

5:30 p.m.

San José City Hall  
**Room W-120**

- I. Call to Order & Orders of the Day**
- II. Closed Session – None**
- III. Hearings – None**
- IV. Public Record – None**
- V. Consent Calendar**
  - A. [Approve the Minutes of July 13, 2016 – Regular Meeting](#)
- VI. Reports**
  - A. Chair
  - B. City Attorney
    - 1. Legislative update
    - 2. Status of outstanding Ethics Commission/BFCPP Resolutions
    - 3. Elections update
    - 4. Gift Ordinance update
  - C. City Clerk
    - 1. Legislative update
    - 2. Status report on filings (Form 700, Lobbyists Campaign, Statements)
      - a) Form 700 – Conflict of Interest Code adopted 9/27/16  
[Memorandum from Toni Taber \(CC 9/27/16, Item 2.7\)](#)  
[Resolution 77935](#) – City COI Code  
[Resolution 77936](#) – SARA COI Code
      - b) [Replacement Lobbyist Filings \(10/12/16\)](#) – 7/15/16 Filing Deadline
      - c) [Candidate Filings](#) – 8/1/16 & 9/29/16 Filing Deadlines
    - 3. Elections update
    - 4. Update on FPPC Forum
    - 5. [Update on Board Expenditures](#)
      - a) [Hanson Bridgett Contract Expenditures](#)
    - 6. Board Member Recruitment
  - D. Investigator/Evaluator
- VII. Old Business**
  - A. Discussion and possible action on report from ad hoc committee on community outreach. (Vice Chair Pierre Dixon)

- B. Discussion and possible action on report from ad hoc committee on potential for organizing statewide forum of Ethics Commissions regarding campaign finance laws. (Commissioner Gonzales)
- C. Scheduling of Special Board meeting if needed. (City Clerk)

### VIII. New Business

- A. [Discussion and possible action regarding Lobbyist Ordinance.](#) (City Attorney)  
[Memorandum from City Clerk Toni Taber \(CC 12/15/15, Item 3.9\)](#)  
[Memorandum from City Attorney Richard Doyle \(CC 12/15/15, Item 3.9\)](#)  
[Memorandum from Councilmember Johnny Khamis \(CC 12/15/15, Item 3.9\)](#)  
[Letters from the Public \(CC 12/15/15, Item 3.9\)](#)  
[Letter from Somos Mayfair](#)  
[Letter from Health Trust](#)  
[Email from Breathe California of the Bay Area](#)  
[Letter from Silicon Valley Council of Nonprofits](#)  
[Letter from Housing Trust Silicon Valley](#)  
[Letter from United Way Bay Area](#)  
[Letter from Destination: Home](#)  
[Letter from Catholic Charities of Santa Clara County](#)

#### **TO BE HEARD FIRST**

- B. Discussion and possible action regarding City of San Jose Resolutions and Ordinances affecting the BFCPP. (City Attorney)
  - 1. [Resolution 77879](#) (effective 8/2/16) – Amending Regulations and Procedures for the BFCPP.
    - a) Discussion and possible action to amend Resolution 77879 to update with new Board name effective 9/23/16.
  - 2. [Resolution 77891](#) (effective 8/9/16) – Approving revisions to Council Policy 0-4 relating to policies governing boards and commissions.
  - 3. [Ordinance 29765](#) (effective 9/2/16) – Amending SJMC Section 12.06.040 to align the definition of “Committee” with the FPPC.
  - 4. [Ordinance 29772](#) (effective 9/23/16) – Amending SJMC Titles 2 and 12 amending the name of the Ethics Commission to Board of Fair Campaign and Political Practices among other changes.
- C. 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)  
[Memorandum from City Attorney Richard Doyle \(CC 9/27/16, Item 3.5\)](#)  
[Memorandum from Councilmember Manh Nguyen \(CC 9/27/16, Item 3.5\(a\)\)](#)  
[Memorandum from City Attorney Richard Doyle \(CC 9/20/16, Item 3.6\)](#)  
[Memorandum from Mayor Sam Liccardo \(CC 9/20/16, Item 3.6\)](#)  
[Letters from the Public \(CC 9/27/16, Item 3.5\)](#)
  - 1. [Ordinance 29792](#) – An ordinance of the City of San José amending Chapter 12.06 of Title 12 of the San José 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 José amending Chapter 12.06 of Title 12 of the San José 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.

**IX. Public Comment** (*Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Board of Fair Campaign and Political Practices*).

**X. Future Agenda Items**

- Open Government Training

**XI. Adjournment**

The next regular meeting is scheduled for November 8, 2016 at 5:30 p.m. in City Hall Room W-120, pending coordination of a Special Meeting and/or hearing if needed.

***The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.***

You may speak to the Board about any discussion item that is on the agenda, and you may also speak during Public Comment on items that are not on the agenda and are within the subject matter jurisdiction of the Board. Please be advised that, by law, the Board is unable to discuss or take action on issues presented during Public Comment. Pursuant to Government Code Section 54954.2, no matter shall be acted upon by the Board unless listed on the agenda, which has been posted not less than 72 hours prior to meeting.

Agendas, Staff Reports and some associated documents for the Board items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?nid=452>.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the Board will be available for public inspection at the City Clerk's Office located at 200 E. Santa Clara St., Tower, 14<sup>th</sup> Floor, San Jose, CA 95113 at the same time that the public records are distributed or made available to the Board. Any draft resolutions or other items posted on the Internet site or distributed in advance of the Commission meeting may not be the final documents approved by the Board. Contact the Cecilia McDaniel, Sr. Deputy City Clerk, by e-mail at [city.clerk@sanjoseca.gov](mailto:city.clerk@sanjoseca.gov) or by telephone at (408) 535-1260 for the final document.

On occasion the Board may consider agenda items out of order.

The Board of Fair Campaign and Political Practices meets the 2nd Wednesday of the month at 5:30 p.m., unless otherwise noted. If you have any questions, please direct them to the Board staff. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

**To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.**

**Please direct correspondence and questions to:**

Board of Fair Campaign and Political Practices (BFCPP )

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City of San José

City Clerk's Office

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