



City of San José Board of Fair Campaign and Political Practices

Chair—Adrian Gonzales
Vice Chair— Louis Silver
Member— Tom Pavel
Member— Baltazar Lopez
Member— Vacant

Mark Vanni, Senior Deputy City Attorney—Staff
Toni Taber, City Clerk—Staff
Joy Rodriguez, Assistant City Clerk—Staff
Megan Roche, Deputy City Clerk—Staff

DRAFT MEETING Minutes
November 10, 2022
5:30 p.m.

I. Call to Order & Orders of the Day

Roll Call

PRESENT: Chair Adrian Gonzales, Vice Chair Louis Silver, Board Members Tom Pavel, Baltazar Lopez

ABSENT: None

STAFF: Senior Deputy City Attorney Mark Vanni, City Clerk Toni Taber, Assistant City Clerk Joy Rodriguez, Deputy City Clerk Megan Roche

The members of the San José Board of Fair Campaign and Political Practices convened virtually via remote teleconferencing at 5:31 p.m.

Action: Upon motion by Vice Chair Louis Silver, seconded by Board Member Tom Pavel, and carried unanimously, the Board approved the Orders of the Day. (4-0.)

II. Closed Session – None

III. Hearings – None

IV. Public Record – None

V. Consent Calendar

Action: Upon motion by Board Member Baltazar Lopez and seconded by Vice Chair Louis Silver, the Board approved the Minutes of the October 13, 2022 Regular Meeting. (4-0.)

VI. Reports

A. Chair – None provided.

B. City Attorney – Senior Deputy City Attorney Mark Vanni noted four emails received in October and November 2022 regarding campaign guidance. Senior Deputy City Attorney Vanni also noted that an election occurred on Tuesday November 8, 2022.

- C. City Clerk – City Clerk Toni Taber noted that an election occurred on Tuesday November 8, 2022 and that certification of the election will be on the City Council agenda for the meeting on December 13, 2022. City Clerk Taber also noted that daily election results can be accessed on the Registrar of Voters website.

Discussion: Board Member Tom Pavel asked the City Clerk when the finance reports from the end of the election campaign season are due. City Clerk Taber advised that the next filing deadline is January 31, 2022.

- D. Investigator/Evaluator – No report.

VII. Old Business

- A. Discussion and possible action on biennial review of [San Jose Municipal Code Title 12](#), City Council [Resolution 79187](#) and other administrative policies, including Complaint Intake Process. Suggested Revisions to the SJMC Title 12 and Resolution 79187 (Chair Adrian Gonzales/City Attorney)

Discussion: City Clerk Toni Taber noted that the Biennial Review Matrix was updated based on the direction given at the previous Board meeting, and that the target completion date for the Biennial Review Matrix is February 2023.

- B. Status update on collaboration with Charter Review Commission. (Chair Adrian Gonzales)

Discussion: Chair Adrian Gonzales reminded the Board that the Charter Review Commission proposed to codify the BFCPP in the City Charter. That recommendation was a part of Measure I which was voted upon during the November 8, 2022 election.

- C. Status update on collaboration with [Code for San José: Open Disclosure](#).

Discussion: Chair Adrian Gonzales provided an update on collaboration with Ryan Walek regarding the Code for San José: Open Disclosure website. Chair Gonzales stated that Ryan will connect him with Code for San José project managers to identify a replacement lead contact.

- D. Scheduling of Special Board meeting if needed.

Discussion: City Clerk Toni Taber stated that there is no need for a special meeting.

VIII. New Business

- A. Discussion and possible action on report from Ad Hoc Subcommittee for Officeholder Accounts and Officeholder-Controlled Committees. (Board Member Tom Pavel and Board Member Baltazar Lopez)

Discussion: Board Members Tom Pavel and Baltazar Lopez provided an update on their subcommittee work. Three main ideas were identified by Board Member Pavel:

to explicitly state what fundraising and spending is allowed or unrestricted in the Municipal Code, to define a category of “officeholder” in the Municipal Code so that it better aligns with the State Code, and discussion on the structure of PACs that are sponsored by a 501(c)(4). Discussion amongst the Board ensued.

Action: Upon motion by Board Member Tom Pavel and seconded by Board Member Baltazar Lopez, the Board directed the City Attorney’s office to draft changes to the Municipal Code to implement proposed changes 1-5 within the subcommittee’s report and to add those Municipal Code changes to the Biennial Review Matrix. (4-0.)

Action: Upon motion by Board Member Tom Pavel and seconded by Board Member Baltazar Lopez, the Board directed the City Attorney’s office to research what range of options are available for additional disclosure of dark money style independent expenditure committee structures. (4-0.)

IX. Public Comment – None

X. Meeting Schedule and Agenda Items

The next regular meeting is scheduled for December 8, 2022 at 5:30 p.m. via remote teleconferencing.

XI. Adjournment

Upon motion by Board Member Baltazar Lopez, seconded by Board Member Tom Pavel, and carried unanimously, the Board approved to adjourn at 6:20 p.m. (4-0.)

ADRIAN GONZALES, CHAIR

ATTEST:
BOARD OF FAIR CAMPAIGN POLITICAL PRACTICES SECRETARY

TONI J. TABER, CMC
CITY CLERK