



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

Matthew Tolany, Deputy City Attorney—Staff
Toni Taber, City Clerk—Staff
Joy Rodriguez, Assistant City Clerk—Staff
Megan Roche, Deputy City Clerk—Staff

DRAFT SPECIAL MEETING Minutes

**February 22, 2023
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: Deputy City Attorney Matthew Tolnay, 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 5:30 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. (4-0-0)

II. Special Meeting Item

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: Deputy City Attorney Matthew Tolnay reviewed proposed revisions to Resolution 79187 and the draft ordinance revising Title 12.

Action 1: Upon motion by Chair Adrian Gonzales, seconded by Board Member Tom Pavel, and carried unanimously, the Board approved adding an additional topic to the Biennial Review Matrix (topic 14) to update the Municipal Code language regarding personal loans to campaigns, and accepted the City Attorney's recommendation to strike section 12.06.295.D in updating the ordinance which revises Title 12. (4-0-0)

Action 2: Upon motion by Board Member Tom Pavel, seconded by Vice Chair Louis Silver, and carried unanimously, the Board approved the following board recommendation for topic 2 on the Biennial Review Matrix: direct the City Attorney to draft language to revise the requirement for the City Clerk to assess late filing fees, and instead allow the City Clerk discretion. (4-0-0)

Action 3: Upon motion by Vice Chair Louis Silver, seconded by Board Member Tom Pavel, and carried unanimously, the Board approved the following board recommendation for topic 3 on the Biennial Review Matrix: approve City Attorney's draft language for the SJMC 12.04.080 revision and accept listed potential solution, in consultation with the City Clerk's office. (4-0-0)

Action 4: Upon motion by Chair Adrian Gonzales, seconded by Vice Chair Louis Silver, and carried unanimously, the Board approved the following board recommendation for topic 4 on the Biennial Review Matrix: approve City Attorney's draft language to clarify the lack of the Board's jurisdiction regarding nepotism complaints. (4-0-0)

Action 5: Upon motion by Chair Adrian Gonzales, seconded by Board Member Tom Pavel, and carried unanimously, the Board approved the following board recommendation for topic 5 on the Biennial Review Matrix: defer to the City Attorney's Office to address as an ad hoc item outside of the Biennial Review. (4-0-0)

Action 6 (rescinded): Chair Adrian Gonzales moved to defer the board recommendation for topic 6 on the Biennial Review Matrix to the City Attorney's Office to address as an ad hoc item outside of the Biennial Review. This motion was seconded by Board Member Tom Pavel. Chair Gonzales rescinded this motion after discussion.

Final Action 6: Upon motion by Vice Chair Louis Silver, seconded by Board Member Baltazar Lopez, and carried unanimously, the Board approved the following board recommendation for topic 6 on the Biennial Review Matrix: request that the City Council remove sections 12.21.430.C and 12.21.430.D from the Municipal Code. (3-1-0; Noes: Gonzales) *The initial recommendation was to remove section 12.21.430 from the Municipal Code; it was further clarified by the Board that the recommendation is removal of only sections 12.21.430.C and 12.21.430.D from the Municipal Code.*

Action 7: Upon motion by Chair Adrian Gonzales, seconded by Board Member Tom Pavel, and carried unanimously, the Board approved the following board recommendation for topics 7-11 on the Biennial Review Matrix: direct the City Attorney to analyze items 7-11 and consolidate them with Councilmember Esparza's memorandum, dated November 30, 2022. (4-0-0)

Action 8: Upon motion by Vice Chair Louis Silver, seconded by Board Member Baltazar Lopez, and carried unanimously, the Board approved the following board recommendation for topic 12 on the Biennial Review Matrix: direct the City Attorney to draft language addressing disclosure of unpaid campaign publications. (4-0-0)

Action 9: Upon motion by Vice Chair Louis Silver, seconded by Board Member Baltazar Lopez, and carried unanimously, the Board approved the following board recommendation for topic 13 on the Biennial Review Matrix: direct the City Attorney to draft language to permit a complainant to revoke their complaint. (4-0-0)

Action 10 (rescinded): Chair Adrian Gonzales moved that the Board approve the Biennial Review Matrix and direct the City Attorney's office submit it, with all related attachments, in a supplemental memo to the City Council. Chair Gonzales rescinded this motion.

Final Action 10: Upon motion by Chair Adrian Gonzales, seconded by Board Member Tom Pavel, and carried unanimously, the Board approved the Biennial Review Matrix and directed the City Clerk's office to prepare a summary memorandum and submit the Biennial Review Matrix and all related supporting materials to the City Council for review. (4-0-0)

III. Adjournment

Upon motion by Chair Adrian Gonzales, seconded by Vice Chair Louis Silver, and carried unanimously, the Board approved to adjourn at 6:42 p.m. (4-0-0)

The next regular meeting is scheduled for March 9, 2023 at 5:30 p.m., to be held in City Hall 14th floor conference room T-1446.

Minutes Recorded, Prepared, and Respectfully Submitted by,

Megan Roche
Deputy City Clerk, City of San José