



Fair Campaign Practices Commission
Open Government Commission

MINUTES

September 17, 2020

CONCURRENT REGULAR MEETING OF THE FAIR CAMPAIGN PRACTICES COMMISSION AND THE OPEN GOVERNMENT COMMISSION

Pursuant to Executive Order N-29-20 issued by the Governor on March 17, 2020, this meeting was held telephonically.

Secretary: Samuel Harvey, Deputy City Attorney

Members Present: Brad Smith (Chair), Jedidiah Tsang (Vice Chair), Jessica Blome, Janis Ching, Mark McLean, Dean Metzger, Patrick O'Donnell, Patrick Sheahan

Also Present: Samuel Harvey, Staff Secretary / Deputy City Attorney

1. **Call to Order**

Chair Called the meeting to order at 7:03 p.m.

2. **Roll Call**

Roll call taken.

3. **Public Comment (items not on agenda)**

No speakers.

4. **Approval of minutes:**

4a. **Approval of minutes for July 16, 2020 concurrent regular meeting**

- a. Public comment: No speakers.
- b. Commission discussion and action.

Motion to approve minutes (M/S/C: O'Donnell/Blome; Ayes: Metzger, O'Donnell, Ching, Tsang, Smith, Blome, McLean; Noes: none; Abstain: none; Absent: Sheahan.)

4b. **Approval of minutes for July 23, 2020 special meeting of the Fair Campaign Practices Commission**

- a. Public comment: No speakers.
- b. Commission discussion and action.

Motion to approve minutes (M/S/C: Ching/O'Donnell; Ayes: Metzger, O'Donnell, Ching, Tsang, Smith, Blome, McLean; Noes: none; Abstain: none; Absent: Sheahan.)

4c. **Approval of minutes for August 13, 2020 special meeting of the Fair Campaign Practices Commission**

- a. Public comment: No speakers.
- b. Commission discussion and action.

Motion to approve minutes (M/S/C: Metzger/Ching; Ayes: Metzger, O'Donnell, Ching, Smith, Blome, McLean; Noes: none; Abstain: Tsang; Absent: Sheahan.)

Fair Campaign Practices Commission (FCPC) Agenda

5. **FCPC Reports**

- a. Report from Chair.
- b. Report from Staff.

6. **Regulations defining a "minor violation" for staff approval of public financing applications; discussion and possible action**

- a. Public comment: No speakers.
- b. Commission discussion and action.

Motion to make subsection numbering edit, add language clarifying factors to be used for determining minor violation, and approve (M/S/C: O'Donnell/Blome; Ayes: Metzger, O'Donnell, Ching, Sheahan, Blome, McLean, Tsang, Smith; Noes: none; Abstain: none; Absent: none.)

7. **Amendments to the Berkeley Election Reform Act to regulate officeholder accounts**

- a. Public comment: No speakers.
- b. Commission discussion and action.

Motion to carry item over to future agenda when it can be agendaized to include OGC discussion of office budgets (D-13 accounts) (M/S/C: Blome/O'Donnell; Ayes: Metzger, O'Donnell, Ching, Sheahan, Blome, McLean, Tsang, Smith; Noes: none; Abstain: none; Absent: none.)

8. **Revisions to Fair Campaign Practices Commission procedures for handling of enforcement matters and other minor changes**

Motion to continue discussion at a future meeting (M/S/C: Sheahan/Blome; Ayes: Metzger, O'Donnell, Ching, Sheahan, Blome, McLean, Tsang, Smith Noes: none; Abstain: none; Absent: none.)

Open Government Commission (OGC) Agenda

9. **OGC Reports**

- a. Report from Chair.
- b. Report from Staff.

10. **Complaint filed by Martin and Olga Schwartz alleging violations of the Open Government Ordinance relating to Zoning Adjustments Board proceedings**

- a. Public comment: No speakers.
- b. Commission discussion and action.

Motion to direct staff to perform factual evaluation of claims and return with report to enable OGC to determine whether a proposal should be submitted to City Council regarding possible changes to board/commission procedures (M/S/C: Metzger/Ching; Ayes: Metzger, O'Donnell, Ching, Blome, McLean, Tsang, Smith Noes: none; Abstain: non; Absent: none; Commissioner Sheahan recused due to conflict as member of Zoning Adjustments Board.)

11. **Amendments to the Berkeley Lobbyist Registration Act (BMC Chapter 2.09)**

- a. Public comment: No speakers
- b. Commission discussion and action.

Motion to approve proposed amendments to Lobbyist Registration Act and send to City Council (M/S/C: Metzger/Sheahan; Ayes: Metzger, O'Donnell, Ching, Sheahan, Blome, McLean, Tsang, Smith Noes: none; Abstain: none; Absent: none.)

FCPC Enforcement Matters

12. **Complaint alleging violation of BERA by Bahman Ahmadi, Soulmaz Panahi, Dan McDunn, Wendy Saenz Hood Neufeld, and Home Owners for Berkeley Rent Board**

- a. Public comment: One speaker.
- b. Commission discussion and action.

Motion to adopt staff's recommendation to investigate complaint (M/S/C: Blome/McLean; Ayes: Metzger, O'Donnell, Ching, Sheahan, Blome, McLean, Tsang, Smith; Noes: none; Abstain: none; Absent: none.)

13. **Complaint alleging violation of BERA by Wayne Hsiung for Mayor 2020**

- a. Public comment: No speakers.
- b. Commission discussion and action.

Motion to adopt staff's recommendation to dismiss complaint (M/S/C: O'Donnell/Blome; Ayes: Metzger, O'Donnell, Ching, Sheahan, Blome, McLean, Tsang, Smith; Noes: none; Abstain: none; Absent: none.)

14. **Adjournment**

Motion to adjourn (M/S/C: McLean/O'Donnell; Ayes: Metzger, O'Donnell, Ching, Sheahan, Blome, McLean, Tsang, Smith; Noes: none; Abstain: none; Absent: none.)

The meeting adjourned at 9:54 p.m.