



Fair Campaign Practices Commission
Open Government Commission

MINUTES

May 20, 2021

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), Janis Ching, Dean Metzger, Patrick O'Donnell, Patrick Sheahan, Jessica Blome, James Hynes, Mark Humbert

Also Present: Samuel Harvey, Staff Secretary

1. **Call to Order**

Chair called the meeting to order at 7:02 p.m.

2. **Roll Call**

Roll call taken.

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

One speaker.

4. **Approval of minutes for April 15, 2021 FCPC-OGC Concurrent Regular Meeting**

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

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

Fair Campaign Practices Commission (FCPC) Agenda

5. **FCPC Reports**

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

6. **Mandated Cost of Living Adjustments for Public Financing Program**

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

7. **City Clerk Department enforcement referrals to the California Fair Political Practices Commission (FPPC):**

a. **Carole Marosovic for Berkeley Rent Board 2020**

b. **Stephen Murphy for Berkeley City Council 2020**

- a. Public comment: Two speakers.
- b. Commission discussion and action.

Motion to direct staff to investigate and monitor status of California Fair Political Practices Commission (FPPC) enforcement matters, cooperating with FPPC as needed, and report back on the status of FPPC matters (M/S/C: O'Donnell/Hynes; Ayes: Metzger, O'Donnell, Ching, Sheahan, Blome, Hynes, Humbert, Tsang, Smith; Noes: none; Abstain: none; Absent: none.)

Open Government Commission (OGC) Agenda

8. **OGC Reports**

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

9. **Recommendation to City Council re public participation in meetings held via videoconference**

10. **Limitation of Speaker Time at City meetings**

11. **Substantive changes or additions to an item on the agenda at the meeting it is scheduled to be heard**

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

Items 9, 10 and 11 considered simultaneously

Motion to table speaking time portion of recommendations (M/S/C: Ching/Tsang; Ayes: O'Donnell, Ching, Sheahan, Blome, Hynes, Humbert, Tsang, Smith; Noes: Metzger; Abstain: none; Absent: none.)

Motion to create an ad hoc subcommittee to design recommendations to City Council for conducting virtual meetings to make clear how public comment can best be handled and how meeting materials can be presented to the public (M/S/C: Ching/Humbert; Ayes: Metzger, O'Donnell, Ching, Sheahan, Blome, Hynes, Humbert, Tsang, Smith; Noes: none Abstain: none; Absent: none.)

12. **Letter of Support for SB-459 Political Reform Act of 1974: lobbying**

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

Motion to submit recommendation to City Council (M/S/C: Smith/O'Donnell; Ayes: Metzger, O'Donnell, Ching, Sheahan, Blome, Hynes, Humbert, Tsang, Smith; Noes: none Abstain: none; Absent: none.)

Joint FCPC-OGC Agenda

13. **Appointment of Vice-Chair**

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

Motion to elect Jedidiah Tsang as Vice-Chair (M/S/C: Ching/Hynes; Ayes: Metzger, O'Donnell, Ching, Sheahan, Blome, Hynes, Humbert, Tsang, Smith; Noes: none Abstain: none; Absent: none.)

14. **Report and discussion re Council Agenda & Rules Committee action on officeholder accounts and councilmember budget grants**

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

Motion to delay further discussion regarding officeholder accounts until after action by City Council (M/S/C: Blome/Hynes; Ayes: Metzger, O'Donnell, Ching, Sheahan, Blome, Hynes, Humbert, Tsang, Smith; Noes: none Abstain: none; Absent: none.)

15. **Adjournment**

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

The meeting adjourned at 8:34 p.m.