



Fair Campaign Practices Commission  
Open Government Commission

## MINUTES

October 15, 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, Dean Metzger, Patrick O'Donnell, Patrick Sheahan

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

1. **Call to Order**

Chair Called the meeting to order at 7:01 p.m.

2. **Roll Call**

Roll call taken.

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

No speakers.

4. **Approval of minutes for the September 17, 2020 concurrent regular meeting**

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

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

**Fair Campaign Practices Commission (FCPC) Agenda**

5. **FCPC Reports**

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

6. **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: three speakers.
- b. Commission discussion and action.

*Motion to make a finding of probable cause of violation of BMC § 2.12.335 by Bahman Ahmadi, Soulmaz Panahi, Dan McDunn, Wendy Saenz Hood Neufeld and Pawel Moldenhawer for failure to provide adequate disclosures on joint campaign website (M/S/C: Blome/Ching; Ayes: Metzger, O'Donnell, Ching, Sheahan, Blome, Tsang, Smith; Noes: none; Abstain: none; Absent: McLean.)*

*Motion to direct staff to negotiate a stipulated agreement with respondents for a penalty of \$50 per campaign committee (M/S/C: Blome/Sheahan; Ayes: Metzger, O'Donnell, Ching, Sheahan, Blome, Tsang, Smith; Noes: none; Abstain: none; Absent: McLean.)*

7. **Enforcement referrals from the office of the City Clerk:**

**a. Re Berkeley Community for Police Oversight Committee Supporting Police Commission Oversight Charter Amendment (ID # 1403502)**

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

*Motion to direct staff to investigate and return at a future meeting with a report (M/S/C: Sheahan/O'Donnell; Ayes: Metzger, O'Donnell, Ching, Sheahan, Blome, Tsang, Smith; Noes: none; Abstain: none; Absent: McLean.)*

**b. Re Maria Poblet for Rent Board 2022 (ID # 1407904)**

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

*Motion to direct staff to investigate and return at a future meeting with a report (M/S/C: Blome/Ching; Ayes: Metzger, O'Donnell, Ching, Sheahan, Blome, Tsang, Smith; Noes: none; Abstain: none; Absent: McLean.)*

### Open Government Commission (OGC) Agenda

8. **OGC Reports**

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

9. **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

*Commissioner Sheahan recused due to conflict as member of Zoning Adjustments Board.*

10. **Brown Act presentation for City officials and employees**

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

11. **Conflict of Interest presentation for City officials and employees**

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

### Joint FCPC-OGC Agenda

12. **Amendments to the Berkeley Election Reform Act (BERA) to Regulate Officeholder Accounts and Proposed Changes to City Council Office Budget Expenditure and Reimbursement Policies (Resolution 67,992-N.S.)**

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

*Motion to amend report to City Council by removing phrase "prohibit or" from phrase ". . .prepare an ordinance amending [BERA] to prohibit or regulate officeholder accounts . . ." in Recommendation section of report. (M/S/C: Metzger/Sheahan; Ayes: Metzger, Sheahan; Noes: O'Donnell, Ching, Blome, Tsang, Smith; Abstain: none; Absent: McLean.)*

*Motion to submit report to City Council recommending creation of a subcommittee of members of the Council, FCPC and OGC to (1) prepare an ordinance prohibiting or regulating officeholder accounts and (2) prepare a change in City Council Expenditure and Reimbursement policies. (M/S/C: Blome/Metzger; Ayes: O'Donnell, Ching, Blome, Tsang, Smith; Noes: Metzger, Sheahan; Abstain: none; Absent: McLean.)*

13. **Adjournment**

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

The meeting adjourned at 9:34 p.m.