



Fair Campaign Practices Commission

MINUTES

Civic Center
2180 Milvia Street
Cypress Room (1st Floor)

Regular Meeting
April 18, 2019

Members Present: Dean Metzger (Chair), Jessica Blome, Greg Harper, Matthew Napoli, Patrick O'Donnell, Daniel Saver, Brad Smith, Brian Tsui

Members Absent: Mark McLean (excused)

Also Present: Emmanuelle Soichet, Staff Secretary/Deputy City Attorney
Mark Numainville, City Clerk
Mariam Morley, Counsel, Renne Public Law Group

1. **Call to Order**

Chair called the meeting to order at 7:00 p.m.

2. **Roll Call**

Roll call taken.

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

Two speakers for public comment on matters not on agenda.

4. **Reports**

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

Staff notified Commissions of number of pending complaints.

– Commissioner Harper arrived at 7:08 p.m. –

5. **Approval of Minutes for the March 21, 2019 Regular Meeting**

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

Motion to approve minutes with correction made by Commissioner Smith (M/S/C: O'Donnell/Blome; Ayes: Blome, Harper, Metzger, Napoli, O'Donnell, Saver, Smith, Tsui; Noes: None; Abstain: None; Absent: McClean (excused)).

6. **Information report from City Clerk – Review of Public Financing Program in the 2018 Election Cycle**

- a. Public comment: 4 speakers.
- b. Commission discussion and action.

No action.

7. **Proposed amendments to the Berkeley Election Reform Act (BERA) and FCPC regulations for the 2020 election cycle; discussion and possible action**

- a. Public comment: 7 speakers.
- b. Commission discussion and action.

Motion to accept and distribute supplemental materials received (M/S/C: Blome/Saver; Ayes: Blome, Harper, Napoli, Metzger, O'Donnell, Saver, Smith, Tsui; Noes: None; Abstain: None; Absent: McLean (excused)).

————— *Meeting temporarily adjourned at 8:02 p.m., reconvened at 8:34 p.m.* —————

Motion to adopt changes to BERA proposed by staff with changes approved by commissioners (M/S/C: Smith/Saver; Ayes: Blome, Harper, Napoli, Metzger, O'Donnell, Saver, Smith, Tsui; Noes: None; Abstain: None; Absent: McLean (excused)).

8. **Request to reconsider June 21, 2018 dismissal of alleged violations of the Berkeley Reform Act by Jesse Arrequin, Arrequin for Mayor 2016, and Berkeley Working Families supporting Arrequin and Worthington for Mayor, Moore and Bartlett for City Council, Tregub, Soto-Vigil, Murphy, and Simon-Weisberg for Rent Board 2016 Submitted by Z. Running Wolf and Request to Reconsider August 16, 2018 Approval of the Stipulation Resolving In the Matter of Arrequin for Mayor 2016; discussion and possible action.**

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

Commissioner Metzger recused himself from discussion and action on this item.

Motion to deny both requests for reconsideration on the grounds identified in the staff report. (M/S/C: O'Donnell/Saver; Ayes: Blome, Napoli, O'Donnell, Saver, Smith, Tsui; Noes: None; Abstain: Harper; Absent: McLean (excused), Metzger (recused)).

9. **Referral from the City Clerk's Office regarding potential violation of the Berkeley Election Reform Act by Lacey for Council 2018; discussion and possible action.**

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

Motion to dismiss the complaint and take no further action (M/S/C: Smith/Tsui; Ayes: Blome, Harper, Napoli, Metzger, O'Donnell, Saver, Smith, Tsui; Noes: None; Abstain: None; Absent: McLean (excused)).

10. **Staff report and draft negotiated stipulation with Droste for City Council 2018; discussion and possible action.**

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

Motion to approve stipulation (M/S/C: O'Donnell/Tsui; Ayes: Blome, Harper, Napoli, Metzger, O'Donnell, Saver, Tsui; Noes: Smith; Abstain: None; Absent: McLean (excused)).

11. **Referral from the City Clerk's Office regarding potential violation of the Berkeley Election Reform Act by Greg Magofna for Berkeley City Council 2018; discussion and possible action.**

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

Motion to continue complaint to next meeting at respondent's request (M/S/C: Blome/Saver; Ayes: Blome, Harper, Napoli, Metzger, O'Donnell, Saver, Smith, Tsui; Noes: None; Abstain: None; Absent: McLean (excused)).

12. **Commission 2019 work plan; discussion and possible action.**

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

Motion to approve proposed work plan with addition of addressing officeholder accounts (M/S/C: Blome/Smith; Ayes: Blome, Harper, Napoli, Metzger, O'Donnell, Saver, Smith, Tsui; Noes: None; Abstain: None; Absent: McLean (excused)).

13. **Adjournment**

(M/S/C: O'Donnell/Saver; Ayes: Blome, Harper, Napoli, Metzger, O'Donnell, Saver, Smith, Tsui; Noes: None; Abstain: None; Absent: McLean (excused)).

The meeting adjourned at 9:29 p.m.