



Fair Campaign Practices Commission
Open Government Commission

DRAFT MINUTES

February 18, 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

Also Present: Samuel Harvey, Staff Secretary

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)**

One speaker.

4. **Approval of minutes:**

a. January 21, 2021 FCPC Special Meeting

- i. Public comment: No speakers.
- ii. Commission discussion and action.

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

b. January 21, 2021 FCPC-OGC Concurrent Regular Meeting

- i. Public comment: No speakers.
- ii. Commission discussion and action.

Motion to approve (M/S/C: Ching/O'Donnell; Ayes: Metzger, O'Donnell, Ching, Sheahan, Blome, 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. **Complaint alleging violations of the Berkeley Election Reform Act by Re-Elect Mayor Jesse Arreguin 2020**

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

Motion to dismiss (M/S/C: Sheahan/Metzger) Substitute motion to find probable cause of a violation of the Berkeley Election Reform Act and dismiss (M/S/C: O'Donnell/Ching; Ayes: O'Donnell, Ching, Tsang, Smith; Noes: Metzger, Sheahan, Blome; Abstain: none; Absent: none.)

7. **Enforcement referral from the City Clerk Department 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 Commission Secretary to return with analysis of how Commission could prohibit officers of non-responsive committees from further involvement in City committees (M/S/C: Metzger/Ching; Ayes: Metzger, O'Donnell, Ching, Sheahan, Blome, Tsang, Smith; Noes: none; Abstain: none; Absent: none.)

8. **Complaint alleging violation of BERA by Compassionate Bay**

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

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

9. **Remitting public financing funds in the event of returned contributions**

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

Motion to adopt regulatory language recommended by City Clerk Department (M/S/C: Blome/Sheahan; Ayes: Metzger, O'Donnell, Ching, Sheahan, Blome, Tsang, Smith; Noes: none; Abstain: none; Absent: none.)

Open Government Commission (OGC) Agenda

10. **OGC Reports**

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

11. **Lobbying enforcement referrals and procedures**

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

Joint FCPC-OGC Agenda

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

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

13. **Election of 2021 Chair and Vice-Chair**

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

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

13. **Adjournment**

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

The meeting adjourned at 9:12 p.m.