



Fair Campaign Practices Commission
Open Government Commission

MINUTES

November 17, 2022

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

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting was conducted exclusively through teleconference and Zoom videoconference.

Secretary: Samuel Harvey

Members Present: Jessica Blome, Janis Ching, Pedro Hernandez, Patrick O'Donnell, Jedidiah Tsang, James, Hynes

Also Present: Samuel Harvey, Staff Secretary

1. **Call to Order**

Chair called the meeting to order at 6:05 p.m.

2. **Roll Call**

Roll call taken.

3. **Public Comment**

One speaker.

4. **Approval of Minutes:**

a. October 20, 2022 FCPC-OGC Concurrent Regular Meeting

a. Public comment: none.

b. Commission discussion and action.

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

FCPC Agenda

5. **Reports**
 - a. Report from Chair
 - b. Report from Staff

6. **Complaint alleging violation of BERA by Elgstrand for Rent Board 2022**
 - a. Public comment: One speaker.
 - b. Commission discussion and action.

Motion to accept staff's recommendation to Commission direct the Secretary to investigate the complaint further regarding the alleged failure to provide the proper disclaimer on one or more campaign communications and return at a future meeting with a subsequent report (M/S/C: Blome/Tsang; Ayes: Blome, Ching, Hernandez, O'Donnell, Tsang, Hynes; Noes: none; Abstain: none; Absent: Bernstein.)

7. **Complaint alleging violation of BERA by the Committee for an Affordable and Resilient Berkeley – Yes on Measure L**
 - a. Public comment: One speaker.
 - b. Commission discussion and action.

Motion to dismiss complaint (M/S/C: Tsang/Blome; Ayes: Blome, Ching, Tsang, Hynes; Noes: none; Abstain: O'Donnell; Absent: Bernstein; Recusal: Hernandez out of abundance of caution due to work with nonprofits.)

8. **Staff referral regarding failure to file copy of mass mailings by Berkeleyans for Better Planning No on Measure L**
 - a. Public comment: One speaker.
 - b. Commission discussion and action.

Motion to direct the Secretary to investigate this matter and return at a future meeting with a subsequent report (M/S/C: Blome/Tsang; Ayes: Blome, O'Donnell, Tsang, Hynes; Noes: none; Abstain: none; Absent: Bernstein; Recusal: Hernandez out of abundance of caution due to work with nonprofits and based on recusal from Item 7; Ching out of abundance of caution based on work with persons involved in respondent committee.)

9. **Report from contribution limits subcommittee**
 - a. Public comment: none.
 - b. Commission discussion

OGC Agenda

10. **Reports**
 - a. Report from Chair.
 - b. Report from Staff.

11. **Complaint and request for action regarding posting of minutes by City commissions and use of Live Transcription for public meetings**

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

Motion to direct Commissioners Tsang and Hernandez to draft a letter to City Council and work with staff to investigate rules and procedures for timely posting of commission minutes (M/S/C: Hernandez/Tsang; Ayes: Blome, Ching, Hernandez, O'Donnell, Tsang, Hynes; Noes: none; Abstain: none; Absent: Bernstein.)

Motion to direct staff to research use of Live Transcription, including what policies currently exist, and provide information on its use, and for OGC to enable Live Transcription at its meetings. (M/S/C: Ching/Blome; Ayes: Blome, Ching, Hernandez, O'Donnell, Tsang, Hynes; Noes: none; Abstain: none; Absent: Bernstein.)

12. **Adjournment**

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

The meeting adjourned at 8:51 p.m.