



Fair Campaign Practices Commission
Open Government Commission

MINUTES

January 21, 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, Mark McLean

Also Present: Samuel Harvey, Staff Secretary / Deputy City Attorney
Sarah Bunting, Assistant City Clerk
April Richardson, Assistant City Clerk

1. **Call to Order**

Chair called the meeting to order at 7:03 p.m.

2. **Roll Call**

Roll call taken.

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

No speakers.

4. **Approval of minutes for the November 19, 2020 concurrent regular meeting**

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

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

Fair Campaign Practices Commission (FCPC) Agenda

5. **FCPC Reports**

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

6. **Complaint alleging violation of BERA Rent Stabilization Board candidates Bahman Ahmadi, Dan McDunn, Soulmaz Panahi, Wendy Saenz Hood Neufeld and Pawel Moldenhawer**

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

Motion to direct staff to continue negotiating a stipulated settlement in the amount of \$10 per committee (M/S/C: Ching/O'Donnell; Ayes: Metzger, O'Donnell, Ching; Noes: Sheahan, McLean, Tsang, Smith; Abstain: none; Absent: Blome.)

Motion to uphold finding of probable cause of violation of BERA and dismiss enforcement matter (M/S/C: Sheahan/Tsang; Ayes: Metzger, O'Donnell, Ching, Sheahan, McLean, Tsang, Smith; Noes: none; Abstain: none; Absent: Blome.)

7. **Complaint alleging violations of BERA by Wayne Hsiung for Mayor 2020 and Compassionate Bay**

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

Motion to dismiss matter with regards to Wayne Hsiung for Mayor 2020 (M/S/C: O'Donnell/Tsang; Ayes: Metzger, O'Donnell, Ching, Sheahan, McLean, Tsang, Smith; Noes: none; Abstain: none; Absent: Blome.)

8. **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)

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

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

Motion to dismiss matter regarding Maria Poblet for Rent Board 2022 and keep matter open with regards to Berkeley Community for Police Oversight Committee Supporting

Police Commission Oversight Charter Amendment (M/S/C: Sheahan/McLean; Ayes: Metzger, O'Donnell, Ching, Sheahan, McLean, Tsang, Smith; Noes: none; Abstain: none; Absent: Blome.)

9. **Referrals from the City Clerk re Public Finance Program campaigns; discussion and possible action:**

a. **Andrew for Berkeley Council 2020**

b. **Wayne Hsiung for Mayor 2020**

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

Motion to dismiss action for Andrew for Berkeley Council 2020 and Wayne Hsiung for Mayor 2020 (M/S/C: Metzger/Sheahan; Ayes: Metzger, O'Donnell, Ching, Sheahan, McLean, Tsang, Smith; Noes: none; Abstain: none; Absent: Blome.)

Motion to direct staff to review BERA treatment of public matching funds for returned contributions and return with recommendation (M/S/C: Metzger/Ching; Ayes: Metzger, O'Donnell, Ching, Sheahan, McLean, Tsang, Smith; Noes: none; Abstain: none; Absent: Blome.)

Open Government Commission (OGC) Agenda

10. **OGC Reports**

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

11. **Referral from the Office of the City Clerk re failure by multiple City lobbyists to file quarterly reports; possible creation of rules, procedures and regulations to guide the Lobbyist Registration Act enforcement process**

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

Motion to have staff review Lobbying Ordinance enforcement sections and bring back analysis/recommendation regarding creation of enforcement procedures (M/S/C: Metzger/Ching; Ayes: Metzger, O'Donnell, Ching, Sheahan, McLean, Tsang, Smith; Noes: none; Abstain: none; Absent: Blome.)

12. **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 and action.

Motion to direct staff to confer with ZAB secretary about potential changes to public communication posting policies and return with recommendation (M/S/C: Metzger/Ching; Ayes: Metzger, O'Donnell, Ching, Sheahan, McLean, Tsang, Smith; Noes: none; Abstain: none; Absent: Blome.)

13. **Adopting 2021 FCPC-OGC regular meeting schedule**

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

Motion to adopt 2021 FCPC-OGC regular meeting schedule (M/S/C: O'Donnell/Smith; Ayes: Metzger, O'Donnell, Ching, Sheahan, Tsang, Smith; Noes: none; Abstain: McLean; Absent: Blome.)

13. **Adjournment**

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

The meeting adjourned at 10:05 p.m.