



Fair Campaign Practices Commission

## MINUTES

Civic Center  
2180 Milvia Street  
Cypress Room (1<sup>st</sup> Floor)

Regular Meeting  
**March 21, 2019**

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

Members Absent: None

Also Present: Emmanuelle Soichet, Staff Secretary/Deputy City Attorney  
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)**

No public comment on matters not on agenda. One member of the public in attendance.

– *Commissioner Saver arrived at 7:03 p.m.* –

### 4. **Reports**

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

Staff discussed cancelations of prior meetings, staffing transition in City Attorney's Office, and status of ongoing matters before commission. Staff also noted the presence of outside counsel from the law firm Renne Public Law Group.

### 5. **Approval of Minutes for the November 28, 2018 Special Meeting**

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

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

– *Commissioner McLean arrived at 7:07 p.m.* –

6. **Complaint of alleged violation of the Berkeley Election Reform Act by Droste for City Council 2018 submitted by H. Steel; discussion and possible action**

- a. Public comment: None.
- b. Commission discussion and action.

*Motion to request staff to engage in settlement negotiations with respondents for a stipulation that admits a violation and assesses a monetary penalty in the amount of the market rate value of the rental space used (M/S/C: Saver/McLean; Ayes: Blome, Harper, Napoli, McLean, Metzger, O'Donnell, Saver, Tsui; Noes: Smith; Abstain: None; Abstain: None).*

7. **Report from the Ad Hoc Subcommittee on Independent Expenditures; discussion and possible action**

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

*Motion to request staff to provide recommended implementation of proposals one and two, and develop staff report with recommendation for guidance to post to website regarding implementing the spirit of proposal three by Commission's May 2019 meeting (M/S/C: Blome/Tsui; Ayes: Blome, Harper, Napoli, McLean, Metzger, O'Donnell, Saver, Smith, Tsui; Noes: None; Abstain: None; Absent: None).*

————— Meeting temporarily adjourned at 7:59 p.m., reconvened at 9:17 p.m. —————

8. **Annual election of Chair and Vice Chair; discussion and possible action**

- a. Public comment: None.
- b. Commission discussion and action.

*Motion to adopt slate elected (to Open Government Commission) (M/S/C: Harper/McLean; Ayes: Blome, Harper, Napoli, McLean, Metzger, O'Donnell, Saver, Smith, Tsui; Noes: None; Abstain: None; Absent: None).*

9. **Commission 2019 regular meeting schedule; discussion and possible action**

- c. Public comment: five speakers.
- d. Commission discussion and action.

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

10. **Information report regarding new abridged Commissioners' Manual**

- e. Public comment: No speakers.
- f. Commission discussion and action.

*No action taken.*

11. **Adjournment**

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

The meeting adjourned at 9:31 p.m.