



Fair Campaign Practices Commission
Open Government Commission

DRAFT MINUTES

October 19, 2023

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

North Berkeley Senior Center
1901 Hearst Ave.
Aspen Room

Secretary: Samuel Harvey

Members Present: Patrick O'Donnell, Janis Ching, Kitt Saginor, Henry Isselbacher,
Pedro Hernandez, James Hynes

Also Present: Samuel Harvey, Staff Secretary
Mark Numainville, City Clerk

1. **Call to Order**

Chair called the meeting to order at 6:30 p.m.

2. **Roll Call**

Roll call taken

3. **Public Comment**

One speaker.

4. **Approval of Minutes:**

a. September 21, 2023 FCPC-OGC Concurrent Regular Meeting

a. Public comment: No speakers

b. Commission discussion and action

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

FCPC Agenda

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

6. **City Clerk Department enforcement referral regarding Mike Chang for Berkeley School Board 2022**
 - a. Public comment: No speakers
 - b. Commission discussion

Motion to make a finding of probable cause for 1) failure to timely file campaign statement covering October 23, 2022 to November 31, 2022; 2) failure to timely file campaign statement covering January 1, 2023 to June 30, 2023; 3) failure to timely file campaign statement covering September 25, 2022 to October 22, 2022; and 4) failure to accurately report contributions or expenditures; and create a negotiating committee (M/S/C: Saginor / O'Donnell; Ayes: O'Donnell, Ching, Saginor, Isselbacher, Hernandez, Hynes; Noes: none; Abstain: none; Absent: Blome.)

Pursuant to Commission Procedure VI.C.2.d, Chair appointed the following members to the negotiating committee: O'Donnell, Isselbacher, Ching.

7. **Berkeley Election Reform Act (BERA) clean-up amendments to ensure consistency with contribution limit cost of living adjustments**
 - a. Public comment: No speakers
 - b. Commission discussion.

Motion to adopt amendments for submission to City Council (M/S/C: Isselbacher / Saginor; Ayes: O'Donnell, Ching, Saginor, Isselbacher, Hernandez, Hynes; Noes: none; Abstain: none; Absent: Blome.)

8. **Report from staff on public financing matching funds disbursements to Mark Humbert for Council 2022**
 - a. Public comment: No speakers
 - b. Commission discussion

Motion to direct staff to review further and report back with additional information, and request the candidate provide a response to the Commission (M/S/C: O'Donnell / Isselbacher; Ayes: O'Donnell, Ching, Saginor, Isselbacher, Hernandez, Hynes; Noes: none; Abstain: none; Absent: Blome.)

9. **Report from subcommittee on contribution limits under Berkeley Municipal Code § 2.12.415**

- a. Public comment: No speakers
- b. No commission discussion or action taken

OGC Agenda

10. **Reports**

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

11. **Adjournment**

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

The meeting adjourned at 8:31 p.m.