



Fair Campaign Practices Commission

MINUTES

North Berkeley Senior Center
1901 Hearst Street
Classroom C (Upstairs)

Regular Meeting
May 19, 2016

Members Present: Brad Smith (Chair), Al Murray (Vice Chair), Alex Mabanta, Mark McLean, Patrick O'Donnell, Dave Ritchie, Sherry Smith

Members Absent: Dean Metzger (excused), Emma Soichet (excused)

Also Present: Savith Iyengar, Secretary/Deputy City Attorney

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

4. **Reports**

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

Chair explained that item 8 re-appears on the agenda so the Commission may formally create the subcommittee. Staff provided an update on the Commission's recent actions.

5. **Approval of minutes for the April 21, 2016 meeting**

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

Motion to approve minutes (M/S/C: Murray/O'Donnell; Ayes: B. Smith, Murray, Mabanta, McLean, O'Donnell, S. Smith; Noes: None; Abstain: None; Absent: Metzger (excused), Ritchie, Soichet (excused)).

6. **Review of adopted Commission work-plan for 2016**

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

No action taken.

Commissioner Ritchie arrived at 7:10 p.m.

7. **Staff report regarding changes in mass mailings language**

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

Motion to direct chair to work with staff to bring back an amended draft of FCPC Regulation R2.12.325 that includes the following additional language – “The three copies of the mass mailing and the certification must be hand delivered or sent by guaranteed overnight delivery to comply with the requirement that they be filed with the City Clerk’s Office no later than one day of the date the mass mailing was first placed in the U.S. mail.” – and to consider adding an option to file electronically (M/S/C: McLean/Murray; Ayes: B. Smith, Murray, Mabanta, McLean, O’Donnell, Ritchie, S. Smith; Noes: None; Abstain: None; Absent: Metzger (excused), Soichet (excused)).

Motion to direct chair to work with staff to bring back penalties language for late filing, and consider language to clarify penalties for failure to file, including whether the regulation should reference Berkeley Municipal Code Section 2.12.485 or specify the monetary penalty in Regulation R2.12.325 (M/S/C: O’Donnell/Murray; Ayes: B. Smith, Murray, Mabanta, McLean, O’Donnell, Ritchie, S. Smith; Noes: None; Abstain: None; Absent: Metzger (excused), Soichet (excused)).

8. **Discussion and action regarding loan subcommittee**

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

Motion to create ad hoc single purpose subcommittee consisting of Commissioners Soichet, Murray, Ritchie and Metzger (as interim chair) to examine the use of loan money in campaigns (M/S/C: S. Smith/O’Donnell; Ayes: B. Smith, Murray, Mabanta, McLean, O’Donnell, Ritchie, S. Smith; Noes: None; Abstain: None; Absent: Metzger (excused), Soichet (excused)).

9. **Staff report regarding change in procedure regarding Slate Mailer Organizations**

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

No action taken.

10. **Adjournment**

Motion to adjourn (M/S/C: Ritchie/Mabanta; Ayes: B. Smith, Murray, Mabanta, McLean, O’Donnell, Ritchie, S. Smith; Noes: None; Abstain: None; Absent: Metzger (excused), Soichet (excused)).

The meeting adjourned at 7:55 p.m.