



Fair Campaign Practices Commission

MINUTES

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

Regular Meeting
July 21, 2016

Members Present: Brad Smith (Chair), Dean Metzger (Vice Chair), Mark McLean, Patrick O'Donnell, Dave Ritchie, Sherry Smith

Members Absent: Alex Mabanta (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.
- c. Report from loan subcommittee.

5. Approval of minutes for the May 19, 2016 meeting

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

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

6. Discussion and action regarding election of Vice Chair

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

Motion to elect Dean Metzger as Vice Chair (M/S/C: Metzger/McLean; Ayes: B. Smith, Metzger, McLean, O'Donnell, Ritchie, S. Smith; Noes: None; Abstain: None; Absent: Mabanta (excused), Soichet).

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

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

Motion to adopt Regulation No. R2.12.325 as amended as follows:

- (1) *Adding, in its own paragraph after the words “in the mail” and before “Mass mailings may be filed,” the following 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 after the date the mass mailing was first placed in the U.S. mail.

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

- (2) *Adding to the certification language, after the words “under penalty of perjury” and before the words “that 200 or more copies,” the phrase “under the laws of the State of California”* (M/S/C: O’Donnell/Ritchie; Ayes: B. Smith, Metzger, McLean, O’Donnell, Ritchie, S. Smith; Noes: None; Abstain: None; Absent: Mabanta (excused), Soichet).

Motion to defer consideration of penalties language for late filing and clarification of 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, until the next election cycle (M/S/C: O’Donnell/McLean; Ayes: B. Smith, Metzger, McLean, O’Donnell, Ritchie, S. Smith; Noes: None; Abstain: None; Absent: Mabanta (excused), Soichet).

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

The meeting adjourned at 7:44 p.m.