

Meeting Minutes
(Unapproved and Subject to Change)
Fair Political Practices Commission
Law and Policy Committee Meetingⁱ
November 13, 2020 10:00 a.m.

The Law and Policy Committee was called to order at 10:01 a.m.

- 1. Public Comment for items not on the agenda.**
- 2. Approval of October 7, 2020 Law and Policy Committee Minutes.**

MOTION: To approve the October 7, 2020 Committee minutes. Moved by Commissioner Cardenas, seconded by Chair Miadich. The motion was approved 2-0.

- 3. Commissioner Compensation Policy.**

Commissioner Cardenas stated that he does not believe it is ethical for anyone to take a vote that has financial implications for the members of the body and that it should not be designed or approved by sitting members of the Commission that will have their income affected by the decision.

Mr. Bainbridge presented the current policy and suggested three options: To rescind the current policy and default to the statute, rescind the policy and adopt a new policy of its own, and rescind the current policy and delegate the authority to adopt a new policy by one or more people that are not current Commissioners.

Commissioner Cardenas stated that there should be an established advisory body to focus on this policy and recommended having former Commissioners, senior staff members, and an expert in state and local ethics laws to make a recommendation for a compensation policy to be presented for approval or rejection to the Chair. Commissioner Cardenas raised concern that changing the policy just as the composition of the Commission would not be the best option. Chair Miadich recommended the Executive Director create the panel so that there was no interference by the Chair of the Commission.

Mr. Bainbridge suggested to leave the policy in place pending for adoption of a new policy and create a motion for the final approval of the new policy, which will rescind the existing policy.

Chair Miadich recommended Mr. Bainbridge and staff create a proposal to authorize and delegate authority to present at the December L&P meeting.

4. Legislative Update.

Lindsey Nakano, Legislative Counsel, presented draft language that reflected legislative changes to behested payment reporting.

Chair Miadich asked if there has been discussion with the Senate and Assembly to determine their thoughts on the proposed statutory changes on electronic filing. Ms. Nakano responded that the Assembly are on board with electronic filing. Mr. Bainbridge also stated that he has had discussions with Senate Ethics and they would be open to this change.

Karen Harrison, Senior Commission Counsel, stated that they have identified four additional areas to consider for legislative proposal: to have a threshold amount of subsequent reporting after the \$5,000 threshold, authorize filers to use the estimated amount when the corrected amount is not readily available, to clarify the record keeping duties for filers, and to require additional disclosure when there is a relationship between the behesting officer and the recipient of the behest.

MOTION: To approve the draft language presented by Ms. Nakano on the change to require at the state level electronic filing of behested payment reports. Moved by Commissioner Cardenas, seconded by Chair Miadich. The motion was approved 2-0.

5. Discussion of items for December 2020 Committee Meeting.

The Committee plans to have the Commission Compensation Policy Options, Legislative Update, and Streamline Regulation Updates at the December 2020 Committee Meeting Agenda.

MOTION: To adjourn the meeting. Moved Commissioner Cardenas, seconded by Chair Miadich. The motion was approved 2-0.

The meeting concluded at 10:40 a.m.

ADDITIONAL INFORMATION.

- You may listen to and participate in this committee meeting by teleconference by calling: (877) 411-9748; access code 723284.
- For questions about this meeting, you may contact the Commission Assistant at (916) 322-5660.