

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 10:00 a.m.

- 1. Public Comment for items not on the agenda.**
- 2. Approval of November 13, 2020 minutes.**

MOTION: To approve the November 13, 2020 Committee minutes. Moved by Commissioner Cardenas, seconded by Chair Miadich. The motion was approved 2-0.

- 3. Commissioner Compensation Policy.**

Dave Bainbridge, General Counsel presented two options to move forward with the compensation policy.

The first option, first introduced by Commissioner Cardenas, would include the Chair, Executive Director, ethics expert, and former commissioner to come up with a new policy or adopt the current policy. This option would involve Bagley-Keene considerations if a subcommittee needed to be created.

The second option would be a simple delegation of authority to one party who would include the parties listed in option one and any member of the public would be allowed to provide comment.

Commissioner Cardenas stated that either option is preferable. Chair Miadich asked if this approach would allow an option to change the policy in the future. Mr. Bainbridge stated that future Commissioners would have to have a majority vote to change the policy.

The Committee proposed that the delegation of authority would be to the Chair to set the compensation policy for the other Commissioners in consultation with the articulated set of experts including public comment and then it will be reported back to the full Commission. Mr. Bainbridge added that he will draft the proposal and send to Commissioner Cardenas.

4. Interested Person Feedback on Pre-Noticed Amendments to Regulations Governing the Enforcement Division's Streamline and Warning Letter Programs and New Tier Two Streamline Program.

Galena West, Executive Director, highlighted the changes since the last Law and Policy Committee meeting. The first change strengthened the discretion language to ensure that the goal of the Commission is met. The second change added diversion program language in 18360.1. The third change put changes to address and clarify about top contributors regarding comments from Californian Clean Money Campaign. The final change about behested payment reports specified that excluding from tier one and tier 2 is the perceived actual personal benefit, defined personal benefit, and added more specification in the maker of the payment.

MOTION: To recommend the Streamline Regulations for adoption. Moved by Chair Miadich, seconded by Commissioner Cardenas. The motion was approved 2-0.

5. Legislative Update.

Lindsey Nakano, Legislative Counsel, mentioned that the Senate and Assembly set their calendar for the 2021 year and it's available on their website. Staff has continued to investigate research and development ideas that were approved by the Commission and have reached out to interested parties and potential authors.

6. Discussion of items for January 2021 Committee meeting.

Chair Miadich stated that the next Law and Policy will include a legislative update from Ms. Nakano.

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

The meeting concluded at 10:39 a.m.
