

SC Campaign Finance Board Meeting Minutes
December 17, 2020 - 10:30 AM
Via Zoom

Participants: Lisa Scott-Chair, Honorable John Toomey (Jack), Adrian Fassett, Eva Greguski, Dan Dubois, Steve Randazzo, Gina Popovich

- 1. Call to Order: 10:37AM**
- 2. Public Comments: None**
- 3. Review/approve December 10, 2020 meeting minutes:**
Motion by **Honorable John Toomey**; seconded by **Adrian Fassett**.
- 4. Discussion:**

Lisa Scott – So everyone is on, and Eva Greguski you are here to represent Rob Calarco and to be the communicator?

Eva Greguski - Yes, well he brings news. (laughter)

Lisa Scott - Ok so let us go through the agenda. So, in terms of public comments, Dan you clarified this and I checked it out. Because of open meetings, obviously when the notice is posted, we are not putting the zoom on it because we need to have control over who is getting on, we need to know so they need to pre-register as either a participant, which is less likely, unless we've asked somebody to come in, or if they want to speak, the word observer wasn't used Dan.

Dan Dubois – I guess that would be a participant, I mean, if anyone wants to join in and not necessarily comment, they can still sign up and listen.

Lisa Scott – Yes, just like any other meeting, Adrian and Jack, I actually will also put that on every agenda under the “Public Comment” section as a link, it will then direct the person directly to where they can sign up, but it does say that comments are limited to three minutes, it doesn't give us an option to change that. I may test it just because...

Dan Dubois – if someone signs up, it should be set up so that both you and me as well get it, so we can just make sure we send them the zoom info

Lisa Scott - Ok, so what I will do is for us, when we send the agenda to the regulars for the meeting, we are putting the zoom in the text of that email, but not in the actual attachment of the agenda because that is what is posted.

Adrian Fassett – okay

Lisa Scott – so for Honorable John Toomey and Adrian Fassett the zoom will come to as it had been, which is in the email, confirming the meeting with the agenda,

Adrian Fassett – Okay

Lisa Scott – So, Gina sent the minutes yesterday, did either of you have any comments or questions, or do you want to move to accept?

Honorable John Toomey - I will move to accept.

Adrian Fassett – I will second the motion.

Lisa Scott – Ok, thanks guys. So, we are now up to #5, CFB financial and budget update regarding access to funds for hiring so, Eva ...

Eva Greguski – Yes, so as far as access for funds, I don't know how much I can speak about that, but Rob Calarco did have a conversation with County Executive Bellone and explained how you would like to move ahead with the hiring because there is a lot of work to do, to set up policies, etc., even though technically candidates won't have access to the funds for 2 years. So, County Executive Bellone has agreed to let that go forward.

Lisa Scott – Ok, so he will instruct the budget director to actually put the funds in there?

Eva Greguski – Yes, I'm trying to clarify whether we have to wait until January 1st or if you can do it now? Do you have someone in mind already? You have conducted your interviews already?

Lisa Scott – Yes and we have re-contacted in terms of interest. So, we have someone we were hoping to speak to in early January rather than right now.

Eva Greguski – Ok, so assuming someone would give 2 weeks' notice to a job, well it's Christmas, so I'm trying to get the clarification on the exact date, but Rob Calarco did push for earlier in the year.

Lisa Scott – Can you also confirm on how does that happen, because on our last meeting call, Adrian pointed out, of course, that it was not in the operating budget, so I just have visions of Lee Lutz again and the disaster of 20 years ago.

Eva Greguski – Budget amendments can come from the County Executive at any time and the Legislature can do them 4 times a year. But if something comes from the County Executive, its something that could be laid on the table and be done right away

Lisa Scott – Ok, so that would have to wait for the next general session or...

Eva Greguski - I believe so, Dan we don't have a date for that yet? It's usually like the first week in February.

Dan Dubois – Actually, I'm not sure about this, but we could lay something on the table at the organizational meeting. So, Eva I don't know who the person to talk to would be if we wanted that to happen...

Eva Greguski – I probably would have to talk to about 2 or 3 people so, what I could do is to go back to Rob Calarco and I will email you, or Dan will email you the step by step of what the hiring process should be.

Lisa Scott – If you could do that, that would be terrific.

Eva Greguski – I know how it normally happens, but we are in a little bit of a weird situation here, so I don't want to give you actual real dates until I double check.

Lisa Scott – So, if we would like to contact our prime candidate and make the offer, and if it's ok and accepted, could there be a start date later in the month of January?

Dan Dubois – The first meeting when that budget amendment would take place would be the first week in February, Eva would you know if someone can start before?

Eva Greguski - Without the title in the operating budget I'm not sure, we have done acting positions but this probably requires a budget amendment so, I am not sure. Let me find that out.

Dan Dubois – I would guess probably not until that first meeting takes place, so first week in February.

Lisa Scott – Ok, so Adrian and Jack, what it means is when we speak to the person, if we are making the offer, the start date would probably be more like February 8th, 10th, whatever that Monday is, right?

Eva Greguski – That would be your safest to go by. The first Tuesday in February would be the 2nd, I think that is likely our first general meeting

Lisa Scott – Adrian and Jack, structurally does that make sense?

Adrian Fassett - Sure

Honorable John Toomey – We’ll see what happens, but at this point we’re not going to do anything in January, so in February if we have the money we can make the offer.

Lisa Scott – Ok, so Eva if you can help us with the step by step of what we have to do because we have been depending on Steve Randazzo for that.

Eva Greguski – Yes

Lisa Scott – Because he was the one that pointed out to us that because the money wasn’t in the budget and at that point the County Executive had not wanted it in there, so we were dancing around with potential hiring dates and never really understood who else needs to be talked to, are there forms? I have no idea.

***Eva Greguski** – I’ll find all that out, technically all of that stuff should be coming from the County Executive because they are the ones that handle that stuff. I will get that information for you. In all likelihood, that should come from Dan. This is just a process, I’ll send the process to you.

Lisa Scott – Yes, you are just enlightening us as to the procedures. Jack and Adrian, was there anything else that you wanted to talk about in terms of the financial and budget update or should I go onto the next item on the agenda?

Adrian Fassett – I’m good.

Honorable John Toomey – Yes, you can move on. I mean we are kind of in the same place that we were before, well just have to take it into the beginning of the year and revisit it.

Lisa Scott – Which makes sense, because we wouldn’t rush it in December.

Lisa Scott – So next on the agenda is “How to modify the start dates for the matching fund races”? My impression is that it’s not the Legislature that has to change the Legislation start dates, but that the CFB has the ability to modify the start dates based on circumstances, but I’m not really clear on that. And I think Rob Calarco said he was going to check with Counsel to be sure.

Eva Greguski - Dan, do you remember what Steve Flotteron’s resolution said?

Dan Dubois – Let me look it up right now.

Lisa Scott – Ok, so can I put that in the lap of you two? Because the point that Steve Randazzo made was that what if you get a last-minute candidate for a seat that no one expected to open up, like if one of the legislators decided to resign, could that person say “hey the legislation says 2021, I want to do it”.

Eva Greguski - Like a special election or if somebody unfortunately dies in office.

Lisa Scott – Yes, it could be that or a race that nobody thought too much of, then all of a sudden at the last minute, by petition filing date, somebody really steps up and is brand new to this and says I want to do this.

Eva Greguski - Ok, depending on what Legislator Flotteron’s resolution said, is the boards desire to start the campaign finance fund for the November 2023 election?

Lisa Scott – Yes, for the legislature election in 2023, they have to declare after the election of 2021.

Eva Greguski – I guess my question is, if there is a special election in 2022, your desire is to not participate in that?

Lisa Scott – I have no idea.

Honorable John Toomey - I think we wouldn't, but you would have to look at the legislation by Flotteron because we may not have the money allocated for that.

Eva Greguski- Yea, you might not be able to.

Honorable John Toomey - I don't think we would be able to, but again, we have to check Flotteron's bill, and I don't think we can do anything until 2023.

Dan Dubois – So legislator Flotteron's bill only pertains to the distribution of funds. It doesn't say that the Fair Election matching funds couldn't happen on schedule, but I think considering the lack of funds, you guys could pass a rule saying that we are not going to start until 2023. I think in light of the circumstances and what the original resolution says, you guys could pass a rule saying, "this is when we are going to start it".

Eva Greguski – Out of curiosity, how much money is in the fund right now?

Lisa Scott – Just under a million.

Eva Greguski – Oh, so you might not even have enough money anyway. If you are paying an Executive Director for like 2 years, I don't remember what the base salary was...

Lisa Scott – We had a range in the first third of the hundreds, and Rob Calarco said that the benefits add on according to the budget office is 50 percent.

Eva Greguski - Yup, that is standard. So, let's say you got 190, so you are going to use 380 to 400 thousand of it on salary and benefits anyway.

Lisa Scott – Yes

Eva Greguski – So your policy question is, I just want to word this properly for Rob Calarco, "If you want to start in November 2023 general election..."

Lisa Scott – Hold that thought, because the legislation relates to primaries and general.

Eva Greguski – Oh, ok, so the November 2023 election and any primaries relevant to that election.

Lisa Scott – That's our understanding, but because again, the actual, not Flotteron's, but the actual CFB legislation, I am still confused because there were so many iterations of it that I don't have the one that I think we should enshrine, I'm not sure which one that is because there were adjusted ones that were passed.

Eva Greguski – Ok, so this is definitely a counsel question. Dan at this point how have they been making policy decisions?

Dan Dubois – Well, I think so far, the only votes that you have taken have been to establish the rules, but it would be like any other board, they write a rule, they vote on it, theoretically when there is an executive Director, they would be consolidating that into some sort of document of rules that you adopted. But as of right now, there hasn't been anything.

Lisa Scott – We haven't voted on any rules, we were just following our orders, which was, have meetings.

Honorable John Toomey – Most of our time has been spent interviewing for the Executive Director, that's what we've been doing. We're not going to solve this this morning, you're going to have to have counsel look at that and get back to us with advisement because that's the only way we can go from here.

Eva Greguski - Ok, so that is another question I will formulate to Rob Calarco as the author of the legislation, plus Sarah Simpson as our counsel. But it sounds like you have an ongoing question of any policy decisions that you decide to make, how do you do that moving forward?

Lisa Scott – Right, so in terms of counsel and the original legislation and how that drives it. Also, pragmatically that idea of a special election I don't think is addressed in the legislation. So, is that something that we would say, "well we are not going to offer Matching funds for a special", that doesn't make sense.

Eva Greguski – Ok, I will double check on that. I thought we had addressed that but maybe we didn't.

Lisa Scott –And again, it would be helpful for all of us.

Honorable John Toomey – The best way to put the question is to just have counsel indicate to us, what changes the Flotteron bill have to do with the initial legislation, then we can take it from there. Ok, because I think it sets us back 2 years, but if there is a way that we could have a special, if it came up in the meantime, they can give us their opinion on that, then we will be guided by that.

Eva Greguski – Ok, that is clear and concise.

Lisa Scott – Ok, but I think the Flotteron bill is only about those 2 years of income into the CFB, everything else is driven by the actual establishment legislation, but yea, it makes sense to talk to counsel.

Honorable John Toomey – That was the question, how did it effect the legislation that was previously approved?

Lisa Scott – Right, but I have questions about that original legislation, and whether or not it includes specials and how it drives our decision making.

Dan Dubois – There is a provision in the original. It's chapter 42, section 4, special elections, to be eligible for public financing under this article, candidates seeking office in a special election must meet the requirements set forth in ... Yes, the original legislation does address special elections and special elections could qualify.

Lisa Scott – but if we make a resolution with the 3 of us that says" we are going to start in the general election of 2023, even if there were to be a special in 2022, it doesn't happen because we have a start date, so that would be the counsel question, just to make sure we are interpreting that correctly?

Eva Greguski – Yea, and I think one of your questions then leads to another one is, the changes in the Flotteron bill, if it does set you back 2 years, for instance, and you have a special in 2022, then *you* have to determine, do you have the funds and do you have your policies and procedures ready, for say if there was a special and if you have money.

One of them is the guiding law, on the bills and subsequent bills and then the other one is your policies. Which will be dictated largely by what your Executive Director is able to do, plus your budget.

Lisa Scott – Yea, and in theory, where, if there were to be a sudden special, first of all, there is a time gap between the need for it and when it actually happens and second of all, hopefully by then we would have some idea of how many candidates or individuals are interested in the 2023 funds because I don't want to spend money in 2022 on a special and then not have money to the extent we need, because we're not getting any new money, we have to work with what we got.

Eva Greguski - Exactly

Adrian Fassett – What if we have a special in 2023?

Eva Greguski - Like when Sammy Gonzalez came in and ran for Monica Martinez position because she became State Senator? Right, that's a good question.

Eva Greguski – Counsel can tell you what the law says and you can determine what your policies will be.

Lisa Scott – Right, ok we appreciate that.

Lisa Scott – Okay, so #7 and 8 on the agenda, we kind of talked about already and moving ahead and the hiring process clarification Eva, you’re going to look at that. The other thing that came up was that apparently there is room in the Dennison building and part of the discussion with the candidate. If the candidate accepts, is that they would be housed there, but the board would like a better idea of what we are talking about over there. Is there a particular space, can somebody just do a zoom or just maybe one or some of us go take a look at it, you know, we are just interested in knowing how that works?

Dan Dubois – That would be a Steve Randazzo question.

Eva Greguski – Yea, I honestly don’t know how Dennison is operating right now, and honestly there aren’t a lot of people in that building right now. Unfortunately, a lot of them have been doing COVID Contact tracing.

Lisa Scott – So we could establish that it as work at home until such time.

Eva Greguski – I will make sure that Steve Randazzo is aware and this question.

Lisa Scott – I had asked him also, we talked about this last week, whether there were overheads or assessments that were made when utilizing County space and he said that it would affect only if we used an IT guy or something significant, that we would be charged.

Eva Greguski – Like power and heat and stuff like that, because there is no separate unit or anything like that.

Lisa Scott – My recollection on that was, that when John Kennedy gave up the paid office, wherever that was when he was still a legislator, and took the space in the North campus, where Leslie is now, that they did that in order to save money since they didn’t have to pay rent.

Lisa Scott – Ok, I talked a lot, Adrian or Jack?

Adrian Fassett – I’m good.

Honorable John Toomey- I’m good, were moving along.

Lisa Scott – So Eva, we need to schedule another meeting, but it makes sense to wait until you think you would be able to get back to us on some of this, otherwise well be going around in circles.

Eva Greguski – I’m going to shoot Rob Calarco an email this afternoon. I suspect early next week I’ll probably be able to answer a bunch of these questions

Lisa Scott – So, do we want to schedule a meeting between Christmas and News Year’s just to see what’s going on?

Honorable John Toomey – That’s fine with me.

Adrian Fassett – That’s fine with me too.

Lisa Scott – So tentatively do you want to do it Tuesday or Wednesday?

Eva Greguski – If you need me, I am off on Monday, but I am here the rest of the week.

Lisa Scott – So let’s say Wednesday the 30th, Eva that gives you little more time.

Eva Greguski – Yes that’s fine.

Lisa Scott – So we will do December 30th at 10:30am, is that okay?

Adrian Fassett – That’s fine.

Honorable John Toomey – That’s ok.

Lisa Scott – Any other comments or questions? Wait... Steve is here.

Steve Randazzo – I’m sorry I was only able to join right this second.

Lisa Scott – Ok, thank you. So, Eva was able to get on and is going to do some more homework, but she reported that Rob Calarco had spoken to the County Executive and we are going to have the money in the budget and move ahead.

Steve Randazzo – That is not my understanding.

Eva Greguski – Steve, they had a conversation yesterday, Rob Calarco called me at 4pm yesterday, I don't know if you have spoken to the County Executive since then.

Steve Randazzo – He called the County Executive directly?

Eva Greguski – Yes, he spoke to the County Executive directly.

Steve Randazzo – The decision is to hire the person when?

Eva Greguski – Early in the year.

Lisa Scott – In February probably, I mean start date in February is the target.

Steve Randazzo – So a few things need to happen if that's the case, I'll follow up with County Executive. The line does not exist in the 2021 Operating Budget, so the money "being" there is not sufficient to hire the Executive Director or the Secretary at this point. So, it will take, at the minimum, additional legislative action. I just want to make sure we are all clear on that.

Eva Greguski – Yes, we discussed all this.

Steve Randazzo – Ok great. Let me just confirm with the County Executive, it's not that I don't take your word for it, but I just want to make sure that it was translated in the right way

Lisa Scott – We all want to be on the same page clearly, because it takes a village to get this done.

Adrian Fassett – Right and Steve, I had a conversation with the County Executive on Saturday and he was not for us moving on, which I indicated to my fellow board members and that's when Lisa reached out to Rob Calarco and Rob going to speak to the County Executive, so, that's t all I know.

Eva Greguski – They had a lengthy conversation that I don't want to get into a lot of the details on because it's somewhat political. But yes, the information that Rob Calarco relayed to me was to tell you that the County Executive had agreed for the hiring, so Steve Randazzo should go back to the County Executive to confirm that.

Steve Randazzo – Yes, I'll talk to him.

Lisa Scott - And Steve, as part of the discussion this morning, Eva is going to check with Counsel on a number of things in terms of any policies that the Board will make about what races it would start with because of the time lag and just clarifying the original legislation and the Flotteron bill and how all the pieces fit together.

Steve Randazzo – Ok, did the board take any affirmative action on closing the 2021 loophole?

Lisa Scott – No, that is what Counsel is supposed to clarify for us, because I'm still not clear if that takes legislation or we make a resolution. Because we never have voted on any policy element at all about anything, the CFB itself. So, our understanding is that we could do that but we want to make sure before we actually put that in the minutes and vote on that.

Steve Randazzo – Who is doing that, is that Sarah Simpson?

Eva Greguski – Yes, we have to clarify with Sarah about our legislation, because there is not only Rob Calarco's bill establishing everything setting forth all the parameters, but there is Flotteron's bill that changed them. Some of this becomes law and some if it is going to become CFB policy.

Steve Randazzo – Right, understood. I just had brought up to Lisa and others previously, that I think that technically, a legislator or a challenger could attempt to opt into the program for the 2021 cycle because the Flotteron bill did not postpone the program, it only postponed the funding for 2020 and 2021 calendar years, but

you know, there is still a little under a million in the account. Again, there hasn't been an affirmative decision to punt the program to begin until 2023 cycle.

Eva Greguski – Right and to be honest with you, what I am hearing from everyone is that it's not even necessarily, although it will be a money issue, it's just a logistics issue, you don't have a program to run.

Steve Randazzo - I mean this is a very complex set up, I mean there is audit, there needs to be legal mechanisms...

Eva Greguski – I know, I mean, I've been doing this, I'm going into my eight year of doing campaign finance, and there is no program right now, there's just money in a line.

Steve Randazzo – There are a lot of reasons why we weren't able to get it running, our intention was to obviously, get it up and running late last year or middle of last year to be ready for the 2021 cycle, but with the pandemic, obviously changed everything. So, you just don't want there to be some really well-intentioned challenger expecting to challenge an incumbent, I don't think that any of the incumbent legislators would do this, but there is a slight risk that you have a challenger to one of the legislators, that are banking on this public money and you know we really don't have a program to offer them for the 2021 cycle.

Lisa Scott – Yes and Steve, we did represent that possibility in the discussions today too, because very clearly it does have to be considered, also we talked about even if there were a special election mid cycle what happens. And when would people have to commit so that we know weather we can pull it off for 2023 even, you know, if we have a freeze on money. So, all those things will be written by an Executive Director and then if we have to, we have to adjust our own resolution, our own policy, if we are running into a snag financially, we have to prepare for the “what if” scenarios for sure.

Steve Randazzo – Got it, ok, sorry again for popping on late, but I am on the same page as everyone now and let me just have a quick conversation with the County Executive and I can email the group or I could text you Lisa, whatever you prefer.

Lisa Scott – If you don't mind, and if its appropriate in terms of the way the meetings laws works, it's better to email everyone because it's a clarification to questions we are raising on the record.

Steve Randazzo – Sure, no problem.

Lisa Scott – Ok, Steve just so you know, we are roughly planning another meeting between Christmas and New Year's, so we have a report back, tentatively the 30th at 10:30 in the morning, the Wednesday of that week. So, we'll see if we need to adjust that, but we are not hiring anybody between now and then. Any hiring we do, would have to happen in calendar 2021, not now.

Lisa Scott – Ok, motion to adjourn.

Adrian Fassett – Motion.

Honorable John Toomey - I second.

Lisa Scott – Ok, if we don't talk, have a very happy holiday!

*(*The meeting was adjourned at 11:13 am*)*

Next Meeting: Wednesday, December 30th at 10:30am (tentative)