



North Dakota Ethics Commission Regular Meeting

Minutes of July 10, 2024

MS Teams

1. **Call to Order:** The meeting was called to order by Chair Paul Richard at 3:05 p.m. The following members of the Ethics Commission were also present: Vice Chair Dave Anderson, Commissioners Ward Koeser, Cynthia Lindquist, and Ron Goodman, Executive Director Rebecca Binstock, General Counsel Logan Carpenter, and Operations Administrator Alisha Maier.
2. **Agenda Additions:** No additions were made. However, Commissioner Goodman briefly discussed recent articles in the newspaper that featured the Ethics Commission and rule limitations. Chair Richard reminded the Commission that staff received approval at the last meeting to look at proposed rules. No further discussion or action was taken.
3. **Legislative Internship:** Executive Director Binstock advised the Commission's application for the legislative intern's salary funding through the OMB's internship program was approved at 75%. The Commission will fund the other 25%. Operations Administrator Maier has adjusted the Commission's budget accordingly.
4. **2025-2027 Biennium Budget:** ED Binstock advised OA Maier has been working to put together a proposed budget for the 2025-2027 biennium. OA Maier has consulted with our OMB Budget Analyst Stephanie Johnson as well as Executive Director Binstock. The proposed budget is driven by the Commission's Strategic Plan as well as information presented to the governor's office during the Commission's Strategy Review in March.

ED Binstock advised the Commission's 2023-2025 legislative appropriation is \$1,138,242. The 2025-2027 base budget removed the one-time appropriations that were allocated by the legislative assembly for the Commission's 2023-2025 budget and added NDIT adjustments and FTE pool funds to calculate the Commission's 2025-2027 base budget. Therefore, the Commission's base budget for the 2025-2027 biennium is calculated at \$1,121,994.00.

ED Binstock advised the proposed budget includes nine decision packages the Commission wishes to present to the Legislative Assembly. These packages are

additional requests beyond the Commission's base budget for 2025-2027 budget. The decision packages consist of:

- (1) Commissioner & Temporary Salaries:** The Commission has identified a total additional requirement of \$35,912 with \$28,484 in salaries and benefits (FICA) for summer and legislative session interns and \$7,428 for commissioner salaries and benefits (FICA) for 12 additional special meetings per biennium.
- (2) Permanent Salaries (Workload Increases):** The Commission has identified an additional \$24,000 in salaries and fringe benefits to cover a potential salary increase for the Operations Administrator as a result of workload increases. The position was recently reclassified from a 104 to a 105. The Commission has also identified a smaller portion to cover a salary increase for the Executive Director as a result of workload increases. The Commission looked at other Executive Directors of like Ethics Commissions to determine the amount.
- (3) IT Software & Subscriptions:** The Commission has identified additional funding requirements for Westlaw, intern IT costs, laptop fees for a new commissioner as our previous commissioner did not use a state laptop, for JotForm as IT will be passing the monthly fee onto agencies. Projected shortage on IT costs totals an ask of \$19,151.
- (4) Rules Implementation:** As discussed at previous meetings, the Commission has no funds set aside to implement ethics rules adopted by the Commission. These funds would be for rules implementation costs and cannot be spent in other areas. \$50,000 is the estimated total until there is more background on the IT solutions available.
- (5) Educational Administrator FTE:** This was asked for last legislative session and the scope of the request has remained the same. Since the Commission is asking for more advanced skill sets, the amount did increase from the last request.
- (6) Case Management System:** \$135,000 in initial startup fees and an additional \$30,000 yearly maintenance fee totaling a \$195,000 request. After review of state procurement contract 38 and discussions with other ethics commissions, this is a worst-case scenario cost to procure and maintain a case management system.
- (7) Professional/Legal Services:** The Commission has spent an average of approximately \$4,500 per month for professional services since May 2023.

Extrapolating those monthly costs over 24 months in the next biennium equates to approximately \$108,000 in professional services fees for the next biennium. The amount included in the base budget is \$70,000, so there is a need for additional funds. Since there is also the possibility the Commission could be involved in litigation, we rounded up to setting aside \$120,000 less the \$70,000 included in the base budget for a total of \$50,000.

- (8) Office Furniture: The Commission has identified a total requirement of \$2,348 including a privacy addition to the reception desk and an additional storage cabinet.
- (9) Increased Travel Costs: The current base budget contains \$22,000 in general funds for travel. The Commission has identified a requirement of closer to \$30,000. This is an increase in base budget of \$7,760.

ED Binstock advised the additional decision packages add an additional \$671,342 to the budget. These numbers may fluctuate as staff finalizes the budget request.

Motion: Commissioner Goodman moved to adopt the proposed budget subject to nominal changes in the final document preparation for submission to the Office of Budget and Management. Motion was seconded by Vice Chair Anderson. Chair Richard called for a roll call vote. The motion was approved by unanimous roll call vote.

- 5. **Executive Session:** The Commission entered executive session during the general meeting at 3:53 p.m. to discuss Complaint Nos. 22-003, 22-004, 22-005, 22-006, 22-007, 22-008, 22-009, 22-010, and 24-013. Information regarding the content and parties to a complaint to the Ethics Commission is confidential. The following participants entered the executive session: Chair Paul Richard, Vice Chair Dave Anderson, Commissioners Ward Koeser, Cynthia Lindquist, and Ron Goodman, Executive Director Rebecca Binstock, General Counsel Logan Carpenter, Operations Administrator Alisha Maier, and Special Assistant Attorney General Patricia Monson.

Special Assistant Attorney General Pat Monson was only in attendance during the discussion of complaint Nos. 22-003 through 22-010.

Executive Session ended at 4:34 p.m. and all participants returned to the regular meeting.

During the Executive Session, the Commission discussed Complaint Nos. 22-003, 22-004, 22-005, 22-006, 22-007, 22-008, 22-009, 22-010, and 24-013.

Motion: Commissioner Goodman moved to direct Chair Richard and staff to proceed as directed in executive session regarding complaint Nos 22-003 through 22-010. Motion was seconded by Commissioner Koeser. Chair Richard called for a roll call vote. The motion was approved by unanimous roll call vote.

6. **Adjourn:** Having no further business, the meeting was adjourned at 4:35 p.m. The next regular meeting is scheduled for August 28, 2024, at 9:00 a.m., livestreamed with MS Teams.

Approved on 8/28/2024 

Rebecca Binstock, Executive Director, North Dakota Ethics Commission