

Minutes
Indiana Lobby Registration Commission
Public Meeting
May 26, 2017 2:00 p.m.
Market Tower Conference Room
10 W. Market Street
Indianapolis, Indiana 46204

Members Present: Sue Scholer, Beverly Gard, Joe Micon, and Terry White.

Member Unable to Participate: None

Staff Present: Charles Harris, Executive Director & General Counsel, Amy Nicholson, Assistant Director, and Kaytie Barrett, Office Manager.

Signed-In Attendees: Ed Ferguson, Jason Klein, Jennifer Knox, Matthew Lawson, and Becca Polcz.

Call to Order

On May 26, 2017 the public meeting of the Indiana Lobby Registration Commission was called to order at approximately 2:00 p.m. by the Chairperson of the Commission, Sue Scholer. Before proceeding to the first item on the agenda, Chairperson Scholer made the following statement:

“The Indiana Lobby Registration Commission met in executive session on April 13, 2017 to receive information about and interview prospective employees as permitted under IC 5-14-1.5-6.1 (b) (5). The Commission also met in executive session immediately before this public meeting to discuss job performance evaluations of employees as permitted under IC 5-14-1.5-6.1 (b) (9). No other subject matter was discussed during the executive sessions, and the Commission took no action during the executive sessions.”

Approval of Minutes

Commissioner Gard moved for approval of the minutes of the Commission’s executive session held on February 1, 2017. Her motion was seconded by Commissioner Micon and unanimously approved by a voice vote of the Commissioners. . Commissioner Gard moved for approval of the minutes of the Commission’s public meeting also held on February 1, 2017. Her motion was seconded by Commissioner White and unanimously approved by a voice vote of the Commissioners. Commissioner Gard then moved for approval of the minutes of the Commission’s executive session held on April 13, 2017. Her motion was seconded by Commissioner White and unanimously approved by a voice vote of the Commissioners

Late Fee Appeals

Mr. Harris said that between January 25, 2017 and May 25, 2017 the Commission received 37 late fee appeals. He indicated that staff had been able to administratively resolve 36 of those appeals and had collected \$13,200 in late fees from the lobbyists who filed the 36 settled appeals. With respect to the

one remaining appeal, Mr. Harris noted that the deadline for the lobbyist to accept the Commission's settlement offer is June 6, 2017 and that the basis of the appeal is a flaw in the lobbyist's compliance procedure. He emphasized that the one pending appeal does not involve an extraordinary event, such as a death or serious illness. Mr. Harris then stated that it is staff's recommendation that the Commission approve a late fee for the only pending appeal equal to the amount set forth in the Commission's settlement offer, which is \$300. Commissioner White moved for approval of staff's recommendation to approve a late fee of \$300 for one pending appeal. His motion was seconded by Commissioner Gard and unanimously approved by a voice vote of the Commissioners.

Fiscal Year 2016-2017 Budget Report

Mr. Harris reported on the status of the Commission's budget for fiscal year 2016-2017. Mr. Harris said that as of May 4, 2017 the Commission had expended \$242,768 of its \$332,811 appropriation for fiscal year 2016-2017, which leaves a balance of \$90,043 for the remainder of the fiscal year. Mr. Harris said that the remaining balance should be sufficient to cover the Commission's projected expense through June 30, 2017, but he recommended the transfer of \$21,000 from the internal reserve line item of the budget to the personal services line item. Mr. Harris explained that the transfer would cover payment for 30 days of his accumulated vacation leave and associated fringe benefits costs. Commissioner Micon moved for approval of the recommend transfer. His motion was seconded by Commissioner White and unanimously approved by a voice vote of the Commissioners.

Staff Salary Increases

Mr. Harris had previously distributed a memorandum to the Commissioners that included his recommendations for changes in position titles, position reclassifications, revised position descriptions and salary increases for both Amy Nicholson and Kaytie Barrett. Commissioner Micon moved for approval of the recommended changes in titles, classifications, and salaries. His motion was seconded by Commissioner Gard. During a discussion of the motion, it was noted that the proposed motion needed to be revised to be consistent with the memorandum from Mr. Harris. Commissioner Micon then moved to amend his motion, and his motion to amend was seconded by Commissioner White. The following motion as amended was then unanimously approved by a voice vote of the Commissioners:

"I move that Amy Nicholson's job title be changed to Director of Operations, that her position classification be changed to SAM-PAT 2, and that her annual salary be increased to \$70,700. I further move that Kaytie Barrett's job title be changed to Senior Customer Service Representative, that her position classification be changed to PAT 3, and that her annual salary be increased to \$34,600. I also move that these salary increases take effect for the pay period that ends July 1, 2017 and for which the pay date is July 12, 2017. In addition, I move that the Commission's Executive Director and General Counsel be authorized to update the Commission's position descriptions to reflect the changes set forth in this motion as well as changes in the list of duties included in the descriptions."

Proposed Budget for Fiscal Year 2017-2018

Mr. Harris stated that the Commission's appropriation for fiscal year 2017-2018 is \$337,153. He then reviewed the Commission's proposed budget for the fiscal year. Mr. Harris emphasized that the proposed budget includes funds for staff salaries, including the salary of the new Executive Director and General Counsel, and the office rent provided for under the Commission's current lease. In addition, he noted that adjustments were being made to the other line items of the budget to reflect recent expenditures data. Mr. Harris also pointed out that the proposed budget includes funds to retain his services as a consultant for legal matters for a period of one year as well as an internal reserve of \$12,453, which equates to 3.69% of the Commission's appropriation for fiscal year 2017-2018. Commissioner White moved for approval of the Commission's proposed budget for fiscal year 2017-2018. His motion was seconded by Commissioner Gard and unanimously approved by a voice vote of the Commissioners. A copy of the approved budget is attached to these minutes as Exhibit A.

Selection of Commission's New Executive Director and General Counsel

Commissioner Scholer commented on the process that the Commission followed to select its new Executive Director and General Counsel. In particular, she emphasized the quality of the four candidates that the Commission interviewed for the position. Commissioner Gard then moved for the approval of Edward E. Ferguson for the position. Her motion was seconded by Commissioner Micon. During the discussion of the motion, Commissioner Micon noted that during the interviews Mr. Ferguson displayed a significant understanding of what his role will be as Executive Director and General Counsel. The following motion was then unanimously approved by a voice vote of the Commissioners:

"I move that the Commission approve the employment of Edward E. Ferguson as the Commission's next Executive Director and General Counsel at an annual salary of \$72,800 and subject to the terms and conditions of employment set forth in the Commission's letter to Mr. Ferguson dated April 21, 2017."

A copy of Mr. Ferguson's employment letter is attached to these minutes as Exhibit B.

Contract for Legal Services

Commissioner Scholer said that the Commissioners had expressed an interest in retaining Mr. Harris under a contract for legal services for a period of one year. She noted that the primary purpose of the contract is to have Mr. Harris available on an as needed basis to assist the Commission's new Executive Director and General Counsel during his first year on the job. The following motion was made by Commissioner White, seconded by Commissioner Micon, and unanimously approved by a voice vote of the Commissioners:

"I move that the Commission enter into a contract with Charles W. Harris to provide legal services to the Commission, that the contract have an initial term of one year, that the contract have an effective date of June 5, 2017, and that the maximum amount payable to Mr. Harris during the initial one year term of the contract be capped at \$12,000. I further move that the Chairperson of the Commission be authorized to sign such a contract for services for the Commission."

A copy of the contract with Mr. Harris is attached to these minutes as Exhibit C.

Staff Reports

Ms. Nicholson reported on the significant increase in the number of registered lobbyists for the November 1, 2016 through October 31, 2017 registration year. She indicated that the number had increased from 1,250 for the November 1, 2015 through October 31, 2016 registration year to 1,994 for the current registration year.

Ms. Nicholson also discussed enhancements to the annual reporting process for the seven state colleges and universities. She said that the Commission would make an interactive pdf file available for their annual reports. During a discussion of whether it would be acceptable to have the state colleges and universities fax or email the completed reports, it was generally agreed that email is more consistent with the way that technology is developing.

Comments

Chairperson Scholer called for comments from Commissioners or others in attendance. Commissioner Scholer then read from House Concurrent Resolution 58 that was approved by the Indiana General Assembly during the 2017 session recognizing Mr. Harris' service to the citizens of Indiana. Commissioner Scholer also read from a proclamation from Governor Eric Holcomb appointing Mr. Harris as a Sagamore of the Wabash. Speaker of the House Brian Bosma, who had joined the meeting, made some kind remarks about Mr. Harris' service to the General Assembly. Mr. Harris thanked those who had come to attend the reception in recognition of his retirement that was to follow the meeting. He commented on the positive experience that he had over the years in working with the members of the General Assembly, including the Speaker and his father, former State Senator Charlie Bosma. Mr. Harris also thanked the Commissioners for their support over the years, and he thanked the former President of Ivy Tech Community College, Jerry Lamkin, who had joined the gathering, for the relationship they had when Mr. Harris served as a member of President Lamkin's leadership team.

Adjournment

There being no further business to come before the Commission, Commissioner Gard moved to adjourn the meeting. Her motion was seconded by Commissioner Micon and unanimously approved by a voice vote of the Commissioners. The time of adjournment was approximately 3:20 p.m.