

**Statement of Robert M. Stern**  
**President, Center for Governmental Studies**  
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I have observed state and local governments since December, 1970, when I first became a staff member of the California State Legislature. Following my stint as a legislative staff person, I served as Elections Counsel to the California Secretary of State's office and General Counsel to the California Fair Political Practices Commission.

In 1983, I left state service to join the Center for Governmental Studies, a nonpartisan research organization, located in Los Angeles. At the Center, we have studied a variety of state and local processes and have drafted model legislation and recommendations in the areas of campaign financing, the initiative process, the budget process, a CSPAN for California (the California Channel), judicial elections, electronic filing of campaign statements, and campaign disclosure laws.

I have drafted two laws that resulted in the establishment of commissions: the Political Reform Act of 1974, known as Proposition 9 was passed by 70% of California voters and created the California Fair Political Practices Commission; and the Los Angeles Ethics Act of 1990, passed by 58% of Los Angeles' voters, set up the Los Angeles City Ethics Commission.

Almost all states with campaign finance or ethics laws have set up boards and commissions. The reasoning behind creating commissions is that the drafters of such legislation hope to bolster citizen confidence in the decisions made by such boards. They believe that the public will more likely accept decisions made by a variety of appointed officials representing more than one political party. No state or local jurisdiction that has established such a commission has repealed it.

Other than the Federal Election Commission, no agency regulating campaign financing, lobbying, or ethics has a full-time, highly paid commission. In most cases, commissioners are paid nothing or very little. The commissioners on the California Fair Political Practices Commission, for example, other than the Chair, are paid \$100 a day, plus travel expenses. The full-time Chair, however, is paid a substantial salary of over \$117,000.

#### **Advantages to Having Commissioners**

1. Makes public more confident of decisions
2. Gives public the opportunity for input
3. Requires staff to justify decisions to a group of appointees
4. Requires a meeting and a regular agenda.

#### **Disadvantages to Having Commissioners**

1. Slows process down
2. Lack of consistency in decisions
3. Increases costs to agency
4. Vacancies may create problem.

#### **Full-time v. Part-Time Commissioners**

Full-time commissioners create different dynamics than part-time commissioners. If the commissioners' offices are located in the agency's office building, then the staff constantly interacts with them and they with each other. Brown Act problems could occur. Staff could feel an "over the shoulder" presence at all times. Staff innovation may be diminished.

If full-time commissioners do not work out of the agency's building, then there is a concern about their productivity and whether they are working full-time for the agency. Are they earning their salaries? Are they working for other employers? And most importantly, regardless of where they work, questions surrounding their appointment may occur. Were they appointed to the commission for their expertise or because of their political connections?

Part-time commissioners are usually paid a per diem, are more likely to have other employment, and typically meet once or twice a month. In this situation, no one questions whether the commissioners are "earning their salaries" or having too much contact with the staff. Sometimes, however, concerns may be raised about conflicts of interest or lack of knowledge about what is happening at the commission.

### **Recommendations**

1. All commissioners should be part-time, earning no more than \$500 a day for their official duties. This would change the entire dynamic of appointed commissioners. No longer would some commissions be half-way houses for retiring legislators or retiring administration officials. Commissioners would be appointed because they have an interest in the commission, not an interest in earning a huge salary.
2. All commissioners should be term limited, serving no more than one term. In a state of 36 million people, it should be possible to have a variety of people serving on these commissions. With term limits, commissioners would not be seeking reappointment to their boards.

3. Commissions that consist primarily of industry representatives should be examined to see if they are responding to the public generally, as opposed to the industry specifically.