

**SAN BERNARDINO COUNTY
CAMPAIGN ACCOUNTABILITY COMMISSION**

AGENDA

Tuesday, June 17, 2025 at 3:30 PM

**Registrar of Voters Training Room
777 E. Rialto Ave.
San Bernardino, CA 92415**

**If you require ADA accommodations (ASL Interpreter, other communication devices, or other interpreter services), please contact the Registrar of Voters at (909) 387-8300 at least three (3) business days prior to the meeting.*

CALL TO ORDER

Roll Call

Mark A. Creffield
Jennifer Karpinski
Mark D. Stanson
Kevin G. Cisneroz
Paul M. Rasso
Jeff Patterson
Jake Scruggs
Michelle Hardesty
Armando Valles

PUBLIC COMMENT – *Members of the public may address the Commission on any matter not on the agenda, but within the jurisdiction of the Commission. Comments will be limited to 3 minutes.*

BUSINESS ITEMS

- 1) Review and Approve Minutes from May 20, 2025
- 2) Receive counsel's framework of the Commission's Mission Statement and Bylaws

STAFF REPORTS OR PRESENTATIONS

CHAIR AND BOARD MEMBERS' ITEMS

ADJOURNMENT

AGENDA AND SUPPORTING DOCUMENTATION IS AVAILABLE ON THE INTERNET:
<https://elections.sbcounty.gov/cac/>

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**SAN BERNARDINO COUNTY
CAMPAIGN ACCOUNTABILITY COMMISSION**

Tuesday, May 20, 2025 at 3:00 PM

**Registrar of Voters CSG Conference Room
777 E. Rialto Ave.
San Bernardino, CA 92415**

Meeting Minutes - Draft

CALL TO ORDER

Chair Cisneroz called the meeting to order at 3:00 P.M.

Roll Call

Commission Members Present:

Mark A. Creffield
Jennifer Karpinski
Mark D. Stanson
Kevin G. Cisneroz
Paul M. Rasso
Jeff Patterson
Michelle Hardesty
Armando Valles

Staff:

Joani Finwall, Registrar of Voters
Yvonne Flores, Chief Deputy Registrar of Voters – Administration
Stephen Kaufman, Counsel
Gary Winuk, Counsel
Arely Gutierrez, Elections Analyst
Melissa Eickman, Communications Officer
Ivy Zhang, Staff Aide
Lily Gutierrez, Elections Technician
Paula James, Elections Supervisor

Commission Members Absent:

Jake Scruggs

INFORMAL ITEMS

- 1) Introduction by Kaufman Legal Group
Stephen Kaufman and Gary Winuk of Kaufman Legal Group introduced themselves. Mr. Winuk provided an overview of trainings he would be able to provide the Commission.
- 2) Explanation of Parliamentary Procedures for Meetings by Kaufman Legal Group
Gary Winuk provided a review of parliamentary procedures, the Brown Act, and common violations of the Brown Act to avoid.

BUSINESS ITEMS

- 3) Review and Approve Minutes from April 15, 2025
MOTION: Approve the Minutes from the April 15, 2025 meeting.

- 4) Reconsider the date, time, and location for meetings of the Campaign Accountability Commission
MOTION: New meeting time at the same location, on the Third Tuesday of every month at 3:30 P.M. instead of 3 P.M.

- 5) Discuss the steps for creating Commission Bylaws and Mission Statement
MOTION #1: Put together an Ad Hoc Bylaws Committee to work with the attorneys and staff members to develop the bylaws and bring it back to present to the Commission to review and vote.
MOTION #2: Have the Commission's attorneys start the framework of the Commission's Mission Statement and Bylaws

PUBLIC COMMENT - None

CHAIR AND BOARD MEMBERS' ITEMS

Commissioner Creffield, Commissioner Karpinski, Commissioner Rasso, Vice Chair Stanson, Commissioner Patterson, Commissioner Hardesty, Commissioner Valles, and Chair Cisneroz made comments.

Chair Cisneroz requested the framework to be brought to the next meeting. Rather than waiting four weeks to get the framework process started, he would like a Zoom training every two weeks and then a different portion of the training at the next scheduled meeting. The next scheduled meeting will be on June 17, 2025. He would like to aim for around June 3 to have the Zoom training if possible.

STAFF REPORTS - None

ADJOURNMENT

Chair Cisneroz adjourned the meeting at 4:10 P.M.

AGENDA AND SUPPORTING DOCUMENTATION IS AVAILABLE ON THE INTERNET: <https://elections.sbcounty.gov/cac/>

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MEMORANDUM

to: San Bernardino County Campaign Finance Reform Commission
from: Stephen J. Kaufman
Gary S. Winuk
re: San Bernardino County Campaign Accountability Commission Issue Framework
file no.: SBC3510.001
date: June 11, 2025

1. Potential Functions of Commission:

Key Background Points:

The Commission was formed to implement the County Campaign Finance Reform Ordinance. The Ordinance did not provide very specific details of how the Commission should operate, but instead left it to the Commission to develop its own bylaws. Therefore, the Commission must determine the functions it wishes to perform, limited by the jurisdiction and authority granted in the Campaign Finance Reform Ordinance.

The Commission is given jurisdiction over the following issues by the Campaign Finance Reform Ordinance as they relate to candidates for County office and elected County Officeholders:

Campaign Contribution Limits

Accurate Disclosure of Aggregated Contributions and Contributions Through Intermediaries

Intra-Candidate Transfers of Campaign Funds

Timely Filing of Campaign Statements

Maintenance of Campaign Records

Disclosure of Campaign Records Upon Request to Registrar or Commission-designated Enforcement Entity or Person

Creation and Use of Officeholder Accounts

Potential functions of the Commission, which are articulated more specifically in this framework, include the following:

Develop Policies and Bylaws

Audits/Pro-Active Review of Campaign Statements

Enforcement of Campaign Finance Reform Ordinance

Advice on Interpretation of Campaign Finance Reform Ordinance

Training on Compliance with the Campaign Reform Ordinance

Decision Points:

- a. What functions does the Commission wish to perform?
- b. Does the Commission wish to delegate any of these functions?

2. Staffing of Commission Functions:

Key Background Points:

All State and local ethics commissions have staff of varying size and structure to perform desired functions. Most ethics commissions have an Executive Director who guides Commission functions on a day-to-day basis and provides expert advice on Commission operations. Most ethics commissions also have either dedicated staff or outside counsel to provide an enforcement function, and separate staff to provide advice to the regulated community and, less frequently, conduct formal audits.

Generally, local ethics commissions have staff separate from the county registrar, who already has significant responsibility for administering elections and operating the system for receiving campaign disclosure statements. There is some overlap in function when it comes to communicating with the public regarding the proper filing of campaign statements. However, Registrar's generally do not provide advice on how to comply with local campaign finance ordinances or State law.

The following resources may be available to staff the Commission, depending on which functions the Commission chooses to undertake:

Dedicated Staff from County

Executive Director Function

Audits, Commission Agendas and Logistics, Facilitate Advice and Training to Public, Facilitate Enforcement Process, Advise on Policies and Bylaws, Liaison to Registrar and Other County Offices

Audits

Outside Counsel to:

Draft Bylaws and advise Commission on Policy issues, as directed
Provide advice upon request from public
Provide advice to Commission at Commission meetings
Provide guidance to Commission as to its functions and structure

Enforcement

Can be performed by County Counsel or Outside Counsel

Decision Points:

- a. Once the Commission determines the functions it wishes to perform, what staffing options are available and on what timeline to support the Commission's work?
- b. How can staff best be utilized to maximize the Commission's efforts?

3. Enforcement Processes

Key Background Points:

The Commission must decide the validity of enforcement actions and the penalty amount for violations. Therefore, Commissioners must not also serve as investigators of enforcement cases and must avoid "ex parte" communications with either Enforcement Staff or Respondents (those accused of violating the Campaign Finance Reform Ordinance) that could influence their decision-making.

The bylaws can address how complaints will be received and by whom. They should consider whether to accept anonymous complaints and determine if timelines for the processing of complaints should be proscribed.

The Campaign Finance Reform Ordinance provides that campaigns must provide campaign records to the Registrar or the designated enforcement person or entity upon request. The records must be maintained by the campaign for a period of four years (consistent with State law). Some ethics commissions use subpoena power to compel the production of records from parties in addition to requesting the voluntary production of documents.

These powers are generally specified in the statutes or ordinances that articulate the ethics commission's authority. The San Bernardino Campaign Finance Reform Ordinance does not contain a provision to subpoena records. However, local governments have the inherent authority to issue subpoenas for records and compel witnesses where there is a "proceeding" before the legislative body. San

Bernardino County Counsel could be consulted on these issues if the Commission is interested in pursuing subpoena authority.

Persons accused of violating the Campaign Finance Reform Ordinance have administrative due process rights, including the ability to have a hearing before an unbiased hearing officer or officers. Most local ethics commissions in California (and the FPPC) have the option to either hear the case themselves (take evidence, hear witnesses and decide questions of fact and law) or allow an outside hearing officer to conduct the hearing and make recommendations to the commissioners. The State Office of Administrative Hearings is used for this purpose. Other options include having a hearing officer sit with the Commission during a hearing and decide evidentiary and other legal and logistical issues. Almost all State and local ethics commissions have a Probable Cause hearing process to make a preliminary determination as to whether sufficient evidence exists to proceed to an administrative hearing. Most ethics commissions consider the start of the Probable Cause process to be the commencement of the administrative action.

The Commission can consider in its bylaws the appropriate penalties for certain violations and circumstances. The Campaign Finance Reform Ordinance provides the Commission with the authority to impose a maximum fine of \$1,000, along the ability to require missing reports to be filed, incomplete reports to be corrected, and ongoing violations to cease. Other enforcement options used by State and local ethics commissions include warning letters, streamlined penalties, and diversion/education programs in lieu of fines.

Decision Points:

- a. Who will be responsible for prosecuting enforcement cases?
Possible Options: County Counsel, Outside Counsel, Commission Staff.
- b. Will third-party complaints be permitted? Must third-party complaints be filed under penalty of perjury? Will anonymous complaints be allowed?
What are the timelines for processing of complaints and conducting investigations?
- c. What does the term “commencement of the investigation” in the Campaign Finance Reform Ordinance mean?
- d. What administrative due process will be provided?
Bylaw provisions can include: Probable Cause Process, Identification of who will conduct administrative hearings.

- e. What powers will enforcement staff have? Who can request records and from whom? Can records be requested from just candidates or also from outside parties/vendors?
- f. What types of penalties can be imposed and by whom?
Can staff handle lower-level enforcement such as warning letters or diversion programs?
- g. Will there be limitations on enforcement actions close to an election?
- h. How will complaints be filed and received?
- i. Should the Commission seek to develop a process for the issuance of subpoenas with the County Counsel's office?
- j. Should enforcement decisions by the Commission be made in closed session and then reported out to the public or made in open session?
- k. Should enforcement actions by the Commission be published on the Commission's webpage?

4. Advice and Training

Key Background Points

Most State and local ethics commission have a process for providing advice to the regulated community on compliance with their rules. The FPPC provides advice to candidates, which has some crossover with the Campaign Finance Reform Ordinance. For terms specific to the Campaign Finance Reform Ordinance, someone should be responsible for providing guidance, either written or oral, or both, to the regulated community.

Most ethics commissions have staff devoted to responding to questions from the public. Many also publish guides summarizing their rules. Some also provide "advice letters" that give written opinions and are published on their websites so everyone can have access to the information.

Many ethics commissions provide trainings on their rules (and also on state rules) for the regulated community.

Decision Points:

- a. Does the Commission wish to develop a process to allow the public to request advice and clarification on the terms of the Campaign Finance Reform Ordinance?
- b. Does the Commission wish to develop a process to provide training to the regulated community on compliance with the Campaign Finance Reform Ordinance?
- c. If training and/or advice is to be provided, who will staff these efforts and how will they be published?

5. Audits

Key Background Points

Most local ethics agencies do not perform formal audits. The FPPC and the Franchise Tax Board are required by statute to perform audits of State and local campaign committees to determine compliance with State law. A group of twenty local jurisdictions, including eight counties, eight cities, two school districts and two special districts, is randomly selected. If the Franchise Tax Board has additional audit hours available after completion of this workload, a second group of twenty jurisdictions is provided. These audits are performed by professional auditors using professional audit standards. Additionally, some local ethics agencies perform their own audits of candidates running in their jurisdictions. These formal audits are not considered part of the enforcement process and are conducted by separate audit staff, although the audit findings are generally sent to enforcement staff for review.

Some State and local ethics agencies have their enforcement staff do proactive reviews for enforcement purposes to determine if there are potential violations.

Decision Points:

- a. Does the Commission wish to have a formal audit process? If so, who will conduct the audits and when will they be conducted?
- b. Does the Commission wish to have staff conduct pro-active reviews of campaign statements? If so, what guidelines should be developed as to when staff can direct corrective action, when referral to enforcement staff is warranted, and when the Commission should be notified?

- c. Should the Commission have the power to review audits or pro-active reviews of campaign statements and decide itself whether to refer to enforcement or direct corrective action?

6. Mission Statement

Key Background Points

Since the Campaign Finance Reform Commission is newly created, it has expressed a desire to adopt a mission statement that reflects the purpose and values of the Commission and its work.

Many other ethics commissions have mission statements. To help inform your decision on adopting a mission statement, here are a few from other commissions:

San Francisco:

“The Mission of the Ethics Commission is to practice and promote the highest standards of ethical behavior in government and to promote a work environment that values health, wellness and diversity. In order to accomplish the Mission of the San Francisco Ethics Commission, the Commission shall: 1) clearly inform candidates for public office, public employees, and other officials and members of the public of existing ethics laws and rules 2) actively enforce all ethics laws and rules, including campaign finance and open government laws 3) recommend new laws, rules, and programs that will lead to ethics compliance 4) serve as a model for other elected and appointed officials and government employees 5) faithfully adhere to its own Code of Ethics.”

City of Los Angeles:

“As an independent voice for more open and responsive City government, the Los Angeles City Ethics Commission acts through its voter-established mandate to preserve the public trust. Through meaningful public disclosure and effective education, the Commission is committed to supporting and equipping an informed citizenry. Dedicated to upholding the public interest, the Commission shapes, administers and enforces City ethics, campaign finance and lobbying laws that ensure Los Angeles elections and government decision making are fair, transparent and accountable.”

City of Oakland:

“MISSION: To Promote the Highest Confidence in the Ethics of the Government of the City of Oakland. In order to fulfill this mission, the Public Ethics Commission shall: 1. Encourage full participation in government by heightening awareness of the rights of the public to information about their city government; 2. Facilitate access to such information and meetings of public bodies in the City of Oakland; 3. Help ensure that city officials, employees, boards and commissions, candidates and other persons understand their obligations with respect to state and local laws that are intended to assure fairness, openness, honesty and integrity in government; exercise independent oversight over compliance with applicable state and local laws; 4. Make recommendations to the City Council to improve the implementation of the applicable laws and promote ethics compliance; 5. Determine bi-annually whether adjustments to compensation for City Councilmembers are appropriate, subject to voter approval of any increases; and 6. By example, set the standard for ethical conduct.”

City of San Diego:

“The purposes of the Commission shall be to monitor, administer, and enforce the City’s governmental ethics laws, propose new governmental ethics law reforms, conduct investigations, refer violations to appropriate enforcement agencies, audit disclosure statements, and advise and educate City officials and the public about governmental ethics laws.”

Decision Point:

If the Commission wishes to adopt a mission statement, the following language can be used as a starting point for discussion:

The mission of the San Bernardino County Campaign Finance Reform Commission is to promote integrity, transparency, and accountability in campaigns for County office. The Commission is committed to ensuring

fair and lawful campaign practices, increasing public confidence in local government, and fostering informed civic participation. Through the further development, implementation, and enforcement of the San Bernardino Campaign Finance Reform Ordinance, the Commission serves as an independent body dedicated to upholding ethical standards, promoting the timely and accurate reporting of campaign information and protecting the public interest in ethical campaigns in San Bernardino County.