



COMPLIANCE COMMITTEE MINUTES
May 10, 2022

Table with 4 columns: Status (PRESENT, EXCUSED, STAFF), Name, Title, and Role (Chair, Ex-officio). Lists attendees like Steven Bullard, Daron Korte, and staff member Lindsey Dablow.

ITEM 1 – CALL TO ORDER

- 1. The meeting was called to order at 2:01 PM ET by Compliance Chair Steven Bullard (KY).

ITEM 2 – ROLL CALL

- 2. MIC3 Training & Operations Associate Lindsey Dablow called roll and a quorum was established.

ITEM 3 – APPROVAL OF THE AGENDA

- 3. Commissioner John "Don" Kaminar (AR) motioned to approve the agenda as presented. The motion was seconded by Commissioner Shelley Joan Weiss (WI). Motion carried.

ITEM 4 – APPROVAL OF THE MINUTES

- 4. Commissioner Weiss motioned to approve the minutes as presented. The motion was seconded by Commissioner Kaminar. Motion carried.

ITEM 5 – REPORTS

- 5. Executive Committee (EXCOM) - Chair Bullard reported the EXCOM held their annual Spring Retreat on April 19-21, 2022, in Lexington, KY. Consultant Brian Riggs, Riggs Enterprises, was on hand to assist with developing the Commission's third Strategic Plan.

6. The Chair provided an update on the other Standing Committees of the Commission. He noted the Commission's social media presence has increased thanks to Communications Associate Stephanie Ramsey, and recommended Members follow MIC3 on Facebook, Twitter, Instagram, and Tik Tok. Chair Bullard also acknowledged MIC3 training continues to take place, both virtually and in person. He informed the Members that the Rules Committee is developing an *Open Records Request* policy to address appeals for information from outside entities and individuals.

7. Finally, each member should have received an email and calendar invite from the National Office asking them to participate in their designated Tier Group meeting. Chair Bullard told Members to contact the National Office if they had not received the email.

ITEM 6 – OLD BUSINESS

8. **State Council Meetings** – Chair Bullard reminded Members that during the January 11, 2022, meeting the Committee voted to elevate member states Vermont and Maine to a Level 1 under the *1-2019 Resolving Compliance Issues* policy and directed Executive Director (ED) Cherise Imai to contact those state's Commissioners and inform them of the Committee's action and request they hold a state council meeting.

9. Since the Committee's meeting ED Imai has informed Vermont and Maine of the deadline to hold their state council meeting. Vermont Commissioner David Young responded to the email and noted Vermont held a state council meeting on March 9, 2022. Updates will be provided at each committee meeting leading up to the June 2022 deadline.

10. Chair Bullard informed the Committee that North Carolina Commissioner Nickolas Sojka, upon review of the State Council meeting document, emailed the National Office to update the document to reflect North Carolina's State Council meeting on March 22, 2022. The Chair promoted this as a best practice. **[OPEN ITEM]**

11. **End-of-Year (EOY) Reporting** – Chair Bullard reminded the Members of the Committee's past actions related to this agenda item. He stated that during the Committee's January meeting it was determined Chair Bullard would email those states that have not submitted their EOY Reports: Illinois, Texas, New Jersey, and Vermont. The Chair sent a reminder email on January 27, 2022, and Texas responded by submitting its EOY Report.

12. Chair Bullard sent an additional reminder to Illinois, New Jersey, and Vermont on February 25, 2022. Illinois responded and submitted its EOY Report. He noted at that time only New Jersey and Vermont had not submitted an EOY Report.

13. The Chair noted the members voted to elevate those states still outstanding at the March meeting, New Jersey, and Vermont, to a Level 1 and asked ED Imai to contact them. ED Imai contacted both Vermont and New Jersey in March, and Vermont submitted their EOY Report.

14. Commissioner Weiss made a motion to elevate New Jersey to a Level 3 and have Chair Bullard contact the Commissioner directly requesting he submit the state's EOY report and informing him that failure to submit an EOY report will elevate this issue to a Level 4 and be reported to the EXCOM for further action. Commissioner Weiss noted she was making the motion so the item could be discussed. The motion was seconded by Commissioner Sojka and the floor was open for discussion.

15. Commissioner Weiss asked for background information and historical context regarding New Jersey's past practices relating to Commission deadlines. The Chair yielded the floor to Ms. Dablow for

comment. Ms. Dablow reminded the Committee that *1-2017 State Coordination Policy* was passed in 2017. At the time of passage, member states were provided two years to comply and establish a routine for submitting End-of-Year Reports. Ms. Dablow noted that the Compliance Committee began tracking compliance of states to policy *1-2017* in 2019 and 2020. In 2021, the Committee developed the online digital EOY form making it easy for states to submit their report. She noted the National Office has been in contact with New Jersey's Commissioner who has indicated he intends to submit a report but has not done it yet.

16. Chair Bullard noted the previous emails sent to those states that were outstanding have not been adversarial because that is not the intention. However, there is a desire to close out this item for Fiscal Year 2021. Commissioner Weiss recommended moving forward with the motion before the Committee. Motion carried. **[OPEN ITEM]**

17. Chair Bullard informed the Committee that the National Office was considering publishing an annual booklet with each state's EOY Report and asked if the Members had thoughts or feedback on headquarters doing such. Commissioner Weiss asked what the purpose was behind the project and if there would be a cost associated with the project. The Chair yielded the floor to Ms. Dablow.

18. Ms. Dablow stated the current practice is to post each state's EOY Report on the state's page on mic3.net. She noted that anyone wanting to view those reports had to go to each individual state's page this would place the reports in one place. The purpose was to make access easier so Commissioners could review and glean best practices from the other member state's reports. Ms. Dablow informed the Committee that there would be no fiscal impact for this project since it would be a digital booklet uploaded to mic3.net.

19. Chair Bullard noted that the EOY Reports are public record and asked if the booklet would allow ease of access to the information. Ms. Dablow confirmed that it would. Commissioner Weiss asked if the information could be sorted not only by alpha order but also by Tier Group. Ms. Dablow noted that request and would investigate sorting the report both ways.

ITEM 7 – NEW BUSINESS

20. **Review of Solving Compliance Issues Policy** – Chair Bullard stated the current policy addresses Compact implementation topics such as holding state council meetings and dues payment, but other organizations have had to address other types of compliance issues related to the behavior of Members or failure of the Member to perform their job duties. The Chair explained that Legal Counsel asked the Executive Committee what policy is currently in place to address a situation where the Commissioner is out of compliance?

21. Chair Bullard noted that more than 30% of the Commission has been appointed in the past two years, and this should be seen as an opportunity for the Commission to be proactive instead of reactionary and set expectations for Commissioners. He stated amending the current policy would set those expectations and clearly outline what the process is if a commissioner is unable to fulfill their duties. Chair Bullard asked the Members if the Committee wanted to ask Legal Counsel for language that they could consider for amending the current policy?

22. The Chair informed the Committee that there have been situations where it appears that a commissioner has a conflict of interest that has hindered them from assisting with a case(s). He reiterated the request was for language from Legal Counsel to consider not a request to amend the policy. Commissioner Kaminar motioned to request language from Legal Counsel for consideration regarding Commissioner behavior and fulfilling their duties. Commissioner Sarah Forster (ME)

seconded the motion. Chair Bullard opened the floor for discussion and asked Ms. Dablow to provide additional information to the Members.

23. Ms. Dablow stated the question was also raised through the Council of State Governments (CSG) and within other affiliate organizations because of Member behavior at meetings and/or when representing the organization. She provided several examples of areas the current policy does not address such as what would happen should a commissioner behave in an inappropriate manner towards a staff person. Ms. Dablow stated waiting to develop the language until something happens would be shortsighted.

24. Chair Bullard reiterated the motion was to request language for consideration from Legal Counsel but that it does not obligate the Committee to accept the language or amend the current policy. Commissioner Forster requested staff obtain a copy of CSG's policy and Ms. Dablow noted she would provide that to the Committee. There being no further discussion the Chair called for a vote on the motion. Motion carried. **[OPEN ITEM]**

ITEM 8 – OTHER BUSINESS AND ANNOUNCEMENTS

25. **Items for the Executive Committee (EXCOM)** – Ms. Dablow reminded Members FY22 EOY Reports are due by June 30, 2022. She noted Wisconsin had already submitted their report. She also stated the Annual Business Meeting (ABM) would be held on October 19-20, 2022, in Baton Rouge, LA. Additional information will be provided to the Commission as it becomes available.

26. Commissioner Weiss asked if there had been discussion of how to support individuals who could not or preferred not to travel to ABM due to a rise in COVID-19 cases. Chair Bullard replied the EXCOM had discussed various options and was reviewing what other organizations are doing to address the everchanging status of the pandemic.

ITEM 9 – ADJOURNMENT

27. Hearing no further comments, Chair Bullard adjourned the meeting at 2:31 PM ET.