

**Minutes of ExCom Meeting**  
**Saturday, March 20, 1999**  
As approved

**Location:**

Date: Saturday, March 20, 1999  
Time: 10:00 a.m- 5:00 p.m.  
Place: Sonoma 1 Room  
Doubletree Hotel  
7450 Hazard Center Dr., San Diego  
Phone: 619-297-5466

**In attendance:**

Officers:	Mark Hinkle Rodney Austin Ted Brown Eric Lund Sandi Webb	Chair Northern Vice Chair Southern Vice Chair Treasurer Secretary
At-Large Reps:	Elizabeth Brierly José Castañeda Perry Martin John Scott Ballard Steve Marsland	Immediate Past Secretary Vice Chair, Region 65, LA - Southeast Editor, <i>LPC Monthly</i> Chair, Region 36, San Bernardino Chair, Region 41, San Mateo
Alternate At-Large Reps:	Jonathan Richter	
Regional Reps:	Philip Zoebisch Tom Spielbauer Terry Floyd David Larkin Paul Marsden	Region 37, San Diego Region 43, Santa Clara Region 1, East Bay LA/San Fernando Valley Region 61 Orange County Region 30
Alternate Regional Reps:	Joe Dehn	Region 43, Santa Clara
“Employees”:	Juan Ros	Executive Director, LPC
Others:	Jack Dean Dan Wiener Dan Litwin Brian Lee Cross Don Goldberg Aaron Starr Kate O’Brien Richard Rider	Region 30, Orange County  Orange County, Region 30 San Diego, Region 37 Ventura County

**Absent:** Although a few people on the ExCom were late because of flight connections, no one was absent.

**1. Call meeting to order.** The meeting was called to order at 10:10 P.M.

**2. Approval of Agenda**

Agenda changes: reduced time allotted for agenda item 5a Reality Growth Plan Committee report from 30 minutes to 15 minutes. Add report on the repeal of Prop 10 standing committees, becomes item 5f. Move agenda item 7c to Old Business renewal of Executive Director’s contract item 6a.(1) Move Blue Ribbon Committee Report 7b in front of Richard Riders report 7a.

**Agenda approved as modified.**

### 3. Approval of Minutes

Postponed until arrival of previous LPC Secretary with the previous minutes.

Elizabeth Brierly made amendments to the minutes of the previous meeting. Corrections were suggested as to whether certain members were at-large or alternates. Philip Zoebisch moved that the minutes be accepted as modified. This motion was seconded. There was further discussion that was added to the minutes.

**Vote:** Passed voice vote.

### 4. Officers Reports

**Chair:** Mark Hinkle stated he had had no time to prepare a report.

**Northern Vice Chair:** Rodney Austin gave his report. *11:30*

Rodney reported that we have two new regional parties, Monterey and Butte and that they have adopted bylaws and elected executive members. He reported that it is expected that there will be meetings and elections in El Dorado, Lake, Nevada and Solano. Rodney further reported that an activist in Solano County had actually had some press coverage regarding setting up a libertarian region. He reported that this activist already has a Web site setup and was preparing literature. Rodney said that he had been alerted to this person by the National LP. Rodney further reported that he had contacts in Tulare and Merced County's as well. He wished to thank John Pedersen and Mark (not Mark Hinkle) and others for their work prior to Rodney being there, particularly for Butte and Monterey.

Rodney reported on a meeting of the northern regional chairs. He stated that a lot of issues came up. Their major concern was the relationships between the ExCom and the northern regions. Rodney believes that he can do a lot to help breach that void. He reported that there were 12 people from about 9 counties. Rodney feels that this event is growing.

Rodney mentioned a plan to have an online regional manual. He mentioned getting an email from Joe Dehn on campaign related information on the national LP Web page. He mentioned some articles from old copies of The Libertarian Volunteer relating to good suggestion for regional projects. He feels that an online activist's manual would be a good way to consolidate all of the information that is out there. He feels that this could become a good "fishing pole" to allow the regions to be able to do their own "fishing."

**Southern Vice Chair:** Ted Brown gave his report. *10:15*

Ted reported further that he was starting to call the Regional Chairs in Southern California to find out what they needed. Ted was especially impressed with Santa Barbara County. They have achieved a great deal even though they are not officially organized as a region.

Ted reported that, as he also does candidate recruitment, some of his Southern Vice Chair duties will have to be suspended. He stated that he works on Southern vice chair duties through June, then he works on candidate recruitment from July through December then back to Southern Vice Chair duties. A question was asked whether there was any hope that LA regions would unify. Ted stated that this would be very difficult to accomplish given the different outlook in the different parts of the county but that LPLAC does some coordinating. Discussion followed about how ineffectual LA regions are compared to San Diego. There have been several attempts to open an office in the LA area but that they always failed. Santa Clara region has been able to keep an office open since 1980. Ted stated that there has not been an office open in the LA region since 1992. Ted stated that a majority of the regions now have new chairs and perhaps now is the time to discuss it. He will put it on his to do list. David Larkin, chair of region 61 stated that he was active with LPLAC. He stated that one of the problems with the LA area is that none of it is rural. That it is populated all the way through. The other large regions have one population center to work out of, and LA area is all over the place. It is difficult to get them to communicate but otherwise they work well together. The major problem is getting reports from region chairs. The potential is great, there are around 1400 Libertarians. He stated that there has been a lot of progress. In the past there were people who got elected as chair and were never seen again.

**Treasurer:** Eric Lund gave his report. *10:30*

Eric stated that he now had all of the records from the previous treasurer. He wanted to know if he was supposed to be in charge of the Bank of America checkbook. Mark stated that he had physical possession of that checkbook. He further stated that Thea McLean did all reporting of this checkbook. Mark stated that that account only had \$150 in it. Eric Lund questioned whether he should have that checkbook, Mark stated that Eric Fine hadn't wanted it but that the new treasurer could if he wanted. It was decided to leave it with the Chair. It was suggested that Eric Lund be the Treasurer of Record and that he sign off the reports which are only due twice a year to the Secretary of State. This was acceptable.

Eric stated that he had received all of the files for the last four years, and that they were rather mixed together. He further stated that the electronic files he received in Quick Book format was damaged. The second copy he received through Mark Hinkle was blank. Eric Fine then tried to email Eric Lund the file but that Eric Lund's Quick Book version is too old to read the file. Eric stated that he will purchase the latest update of Quick Books. Eric then stated that he had to do the report for January, February and a portion of March by hand. He stated that in looking at the net income there must be more expenses that he was not able to find. There are other expenses that he just had to guess at. Eric stated that he had not received any bank statements for February and that there are checks still out there. Steve Alexander had requested information as to whether speakers at the convention had been paid, but Eric could find no record that they had even been recorded in the accounts payable. He further stated that one of the three checks that had been written for the San Diego convention had been returned because of improper signature, but that he was issuing them a new check and straightening out that problem.

Eric mentioned that the audit committee will have a tremendous job on their hands with the records in such disarray.

There was some discussion on the split of dues to the counties. It was discussed that some regions do not get their split because they are not organized as a region and have no bank account. It was stated that anyone wanting to see how the split was done between state, national, and the regions should look at a report done by Joe Dehn. Thomas Spielbauer requested a breakdown for office expense. The breakdown should include office rent, the Executive Directors salary, and the office expenses.

Aaron Starr requested information on the telemarketing program. Eric stated that the previous reports were not clear on this subject and suggested how he would keep track in the future.

Thomas Spielbauer mentioned that the LPC was not making any financial filings with the State, and he did not know if it was required and at what point we might want to start doing so. Mark Hinkle stated that this has come up in the past and that it has been the consensus not to get into it unless we are forced, the National Party has been fined thousands of dollars by the FPPC. Ted asked whether contributions received by the party over \$100 was a problem, Mark said that that money goes into a PAC which has its own reporting requirements.

**Motion:** Thomas Spielbauer moved that Eric Lund be empowered to investigate state law on reporting requirements for income of the LPC and to have power to secure expert advice on this issue and brief us at the next ExCom. Seconded by Steve Marsland. Amendment to have Juan Ros assist.

**Discussion:** It was stated that there are two issues, one is state and federal taxes, and the second is political contributions. Especially when dealing with contributions over \$5000, the concern is for the donor. It was questioned whether this should be dumped in Eric's lap, that Juan Ros is the more appropriate person to handle this. It was stated that since Eric is our money man he should be in charge, not that he necessarily has to do the work. Sandi suggested that we set a dollar amount. Mark agreed that this would be a good idea and asked Eric what he thought an appropriate dollar amount might be. Eric stated he had no idea, as it was still not clear to him the extent of investigation that the ExCom envisioned. Mark suggested that the OpCom has a discretionary amount in its budget. Eric should get some quotes and comeback to the OpCom. That committee can vote by email. It was suggested that someone do a minimal investigation and report back to the next ExCom, that this has not been a problem for years and should be able to wait. Eric wanted to know who was going to do some of the research. There was one volunteer to help.

**Vote:** Passed by voice vote.

**Executive Director:** Juan Ros gave his report 11:00 Juan gave highlights. He reported that the media coverage of the Steve Kubby situation continues at a static rate, it has been pretty good. He reported that he had added up all of the news clippings, letters to the editor and editorials on the Kubby's and the circulation of all those clippings and that it had totaled 8.2 million readers.

He issued six press releases since his last report, a total of 12 for the year and collected 230 press clippings for the year mostly from Kubby situation. He stated that he was interviewed by several radio and TV stations.

Juan reported that he sat in on the Attorney General's medical marijuana task force. He reported that there was a majority of law enforcement officers and a very small minority of medical marijuana activists. After three hours of reports from different committees the chairman of the task force asked that those committees do so more research and report back at the next meeting which is in April. Juan reported that he didn't think the task force would amount too much and that the recommendations that were being made at the meeting may hurt our cause. One of those recommendations seems to be for a state registry and have patients carry some sort of ID card. Juan stated that he met with Sen. Vasconcellos' Chief of Staff, and suggested to him that we have a vested interest in anything they decide being retroactive to the passage of Prop 215. Juan said that he would write a letter to the chair of the Legal subcommittee reaffirming our position.

Juan mentioned that Scott Himler, Jeff Jones, a woman who runs a form of co-op in Northern California, Robert Raines (an attorney from Oakland), Bill Zimmerman (who launched initiatives in other states) are on the task

force. The majority of the task force is made up of District Attorneys from different counties and other law-enforcement people. He stated that there are 25 people on the committee. He stated that the task force does allow some comments and questions from the audience.

Juan also mentioned that while he was in Sacramento he visited the offices of several other Legislators and made some good contacts.

SB 365 introduced by Sen. John Lewis of Orange County would require our candidates, filing their in-lieu petitions, collect nominating signatures on a separate document. This is being pushed by the County Clerks. Apparently there has been some confusion in the past. This could mean that a candidate would have to go out twice to collect signatures. We are fighting this. Juan has prepared a bill analysis that he will send to the Senate committee on elections and reapportionment. The compromise may be to carry two petitions. Note that in the '80s it was the County Clerks who wanted the two petitions joined. Apparently there has been confusion, Juan noted that it really is the candidates job to pay attention and know the requirements. Ted Brown said that in LA County the petitions said In Lieu or Nomination. That the petition was used for both or either but that in at least two counties San Bernardino and Sacramento, they were handing out two separate petitions and giving out the wrong ones at the wrong times and canceled out some of the petitions themselves. They very often are creating their own confusion.

Turning to elections, Romero Moseley, is a libertarian running for LA City council.

It was **moved and seconded** to extend discussion for 5 min. Passed with no objection.

Juan reported that he had included an election calendar from the Secretary of State in his report. He reported that he had included a spreadsheet on the number of registered Libertarians in the state by county. He noted that only the Libertarians and "decline to state" had increased, all other parties saw a decline in numbers during the few months the report covered.

Juan reported that he had figures for the telemarketing fund-raising. He reported that fulfillment of mail pledges is surprisingly low. The previous telemarketing fund-raising experienced the same thing, but he had attributed this to the lateness of the letter. He stated that he worked hard with Thea MacLean to get letters out within 24 hours. Fulfillment of pledges was still only at 39%. A second notice will be sent out this week. The telemarketing project is still in the black by about \$100.

Juan mentioned that he had attended a few other meetings. He reported that the California Supreme Court had dismissed the Prop 10 lawsuit and it is being decided whether to appeal that to the U.S. Supreme Court.

Juan pointed out that the very last page in his report included a job description for the Executive Director.

Steve Marsland suggested that No. 3 Fund-raising be changed to read "Cultivate, develop and assist state chair and fund-raising chair." That rather than being just an assistant, that there is a primary responsibility for the Executive Director. He further suggested that the reference to major donors be removed, that there needs to be flexibility to pursue what would appear to be the most desirous approach. This way if Juan decides that major donors are to be the focus, he has that flexibility. Steve also suggested that in this second bullet point under fund-raising, would re-word it to say "Initiate, conduct and coordinate fund-raising projects." Here again, rather than just being the person who coordinates things, the Executive Director should be the one primarily responsible. Further he did not want to limit the Executive Director to telemarketing, direct mail, and special events.

Juan explained that the reason he wrote the description this way is that anything he initiates has to be approved by either the Chair or the ExCom. He stated that he couldn't unilaterally initiate things.

Mark Hinkle gave some historical background. He stated that in the past we have had an executive director who spent 60 to 70 percent of his time raising funds for his salary, and that we did not want them to do that. Mark stated that his vision of what the Executive Director would be that fund-raising would not be the majority of his time. He further stated that part of making that happen would be to have him focus fund-raising on major donors. Mark said that Juan will be doing the direct-mail letter writing but that we did not want him doing fund-raising full-time. He questions whether this would just be Juan's raising funds solely for his own salary. That we need some tangible benefit other than keeping someone off the unemployment roles.

**Motion:** Steve Marsland moved to adopt Executive Director's job description as amended. Cultivate, develop and assist state chair and fund-raising chair. Initiate, conduct and coordinate fund-raising projects.

**Discussion:** Rodney Austin stated that since this was not a standing resolution or bylaw, that it would be amendable at any time that the ExCom decides to do so. This was confirmed by Mark Hinkle. Mark Hinkle questioned Steve if he intended this to be a standing resolution. Steve stated that all he intended was that we adopt it now. It was discussed about drafting an LPC policy manual and this would be something that would go into that manual. That it is not a bylaw, merely policy that could be changed by the executive committee at any time. Rodney suggested that we could have a standing resolution that did not necessarily detail the job description only how the job description could be changed. And that there should be a job description. Mark suggested that we can always change a standing resolution and that this job description was more like a standing resolution than not, being that, that is what

it probably ought to be considered. Mark suggested that we look at adopting the policy manual from the National party. This would of course be something that the ExCom would have to approve.

Mark wanted to reiterate that priorities and individual jobs that Juan would work on, would have to be approved by the chair. Mark further stated that he could see someone telling Juan to work on something, and there be confusion because it's not in the job description.

It was pointed out that Juan serves at the pleasure of the ExCom and that the ExCom basically determines the job description. It was suggested that instead of Juan writing his own job description, that the job description as amended should be adopted.

**Move to amend:** 6. Other/Miscellaneous, "Other projects as requested by LPC Chair." be changed to "Other projects as requested by LPC Chair or the Executive Committee." No second.

**Further discussion:** The committee was reminded that it was decided at the previous meeting that Juan would not take direction from 15 different people. It was further discussed that the majority of the committee could give direction to Juan even if the chair disagreed, but that the job description, as presented, did not say that. The job description as written leaves no room for any duties imposed by the LPC Executive Committee by a majority vote. It was suggested that the ExCom could pass a resolution directing Juan to do whatever it wants at any time. It was further suggested that the ExCom give the direction to Juan through the chair. It was pointed out that that is not specifically spelled out in the job description. That it does not incorporate actions by executive committee by a majority vote.

~~Thomas Spielbauer moved to extend time to debate his motion to make changes under job description number six. Failed.~~

Re-state **Motion:** Steve Marsland moved to adopt Executive Director's job description as amended.

Amendment: Job Description No. 3, Fund-raising:

- Cultivate, develop and assist state chair and fund-raising chair for major donors list.
- Initiate, conduct and coordinate fund-raising projects.

**Vote:** Passed 14-1 as amended.

## 5. Standing Committees

### 5a. Reality Growth Plan report. Steve Marsland gave the report. 11:35

Steve commented that there had been a considerable *constructive*, friendly email discussion and welcome information on the plan. He stated that the goal was to see if there were any elements of a plan that we could all agree would be constructive. Although they may have not finished working through all the elements there are two of the elements that upon canvassing the members of the committee they are ready to bring forward to the Executive Committee for consideration.

1. Email subscriptions to the LPC Newsletter. There is strong support for actively promoting email subscriptions to the newsletter as a way of reducing costs overall. The committee is proposing that each newsletter carry a prominent exclamation of how subscribers can subscribe by email. Email subscribers would have an email message sent to them advising them that the "new newsletter is now published" and have a link to the WebSite. It was commented that many people didn't even realize the newsletter was available on the Web.
2. California State Party publishing the names of people who are willing to be volunteers in the area of their expertise and publishing a contact list routinely in the newsletter so that regions wanting to find out about things such as direct mail, campaign finance have someone to turn to. The recruiting of volunteers would be something that the ExCom would do.

These two ideas had unanimous support from the committee. The committee would like to bring these two forward as motions.

**Motion:** Actively promote email subscriptions to the LPC Newsletter within that newsletter. And to send out to email subscribers a message alerting them to the publication of new issues with a link to the LPC WebSite and delete their snail mail subscription. **Seconded** **Vote:** Passed

**Discussion:** It was stated that although the speaker thought it was a good idea and feasible, the speaker was not sure that the costs (savings) would be that significant. He was not sure how many members, given the option, would prefer to receive their subscriptions electronically as opposed to also getting one in the mail. One of the primary concerns was that if we are going to have an online newsletter, who is going to produce it? Right now we have an online version that Joe Dehn does. Assuming that Joe Dehn wishes to continue doing it or someone else wishes to take it over, that was fine but before we vote to give our members this option, we need to make sure that this is something that is going to be in place. It was discussed that the newsletter that is available online is not in fact the same content as the one currently mailed out. It was noted that for instance there are photographs in the printed copy, that if you copied it out it would only be the text. There was more discussion on the technicalities of accomplishing

an online newsletter. It was further stated that it should be spelled out whose responsibility it should be, that it should not necessarily be the responsibility of the editor. It was mentioned that this is a big job. It was questioned whether when the mock up was sent out for printing whether it was manual or done by computer graphics. The answer was given by Perry Martin that there is a film created and given to the printer who takes it to an outlet house. It is in electronic form but that it would not be necessarily easy to convert it into an online version. It was suggested that we already have an online version, but that it is not always done in a timely manner, as would be implied by the motion. The motion implies that the online version would be out no later than when the newsletter is mailed out, and preferably earlier. It was stated that this is what is always aimed at, but not always been able to do.

It was questioned whether the intent was that a subscriber to the email newsletter would also still get a printed copy? The answer was that the subscription would be electronic only. It was noted that that should be made clearer in the motion. More technical discussion on how to accomplish the email newsletter followed.

Rodney suggested that any ad placed in the newsletter should try to convince people to use the electronic version in lieu of the printed copy so as to eventually save the party money in printing.

A question was asked of Perry Martin whether the cost per piece of printing the newsletter might not actually go up if very many people start using the online version. Perry confirmed that the cost would go up per piece as well as absolutely but that he would have to crunch the numbers. It was further discussed how many members would actually choose to get their newsletter exclusively by email, the speaker did not think that it would be more than around 100.

~~**Motion:** Sandi Webb made a substitute motion, let the newsletter editor look at how he can do an online newsletter and how much it will cost, let him check technical difficulties, and report back to the ExCom. **Seconded.** Failed by voice vote.~~

**Discussion:** Alternative proposal to have newsletter created in exact duplicate and be posted on Web page people be advised by email and see what response there is. More discussion about technical applications for email newsletter. Discussion in favor of original motion.

It was mentioned that there seemed to be two different proposals, one to have an on the line newsletter exactly the same as the printed newsletter. The other proposal would be for a different format for the online newsletter. Joe Dehn stated that he is currently doing the online newsletter but prefers to do it using the more advanced nature of the Internet rather than just reproducing a printed form. He said that as he had heard someone else was willing to do the mail newsletter in the formats of having at exactly as the mailed out format, he did not see why we couldn't have both. He saw no need to do further study. The main question was whether the ExCom wanted to make a policy of requiring someone to do an email newsletter.

More discussion about maintenance of email lists.

**Motion** to extend the date for five minutes to discuss the second part of the Reality Growth Plan proposal, pass by voice vote.

**Motion:** The Executive Director actively recruit informational managers with specialty areas, and that such information be made available to the statewide membership to include posting of this information on the LP Web page and publication in each newsletter.

**Discussion:** Juan Ros commented that actively recruiting informational managers should be a job of regional chairs. The regional chairs should have world smallest quiz and manuals for their volunteers, and the volunteers should know that they can always go to their chairs and that he communicates with the chairs monthly. He stated that he could always include something in that communication to keep the chairs informed. Was further clarified that a chair that was confused about who to contact on the list should contact Juan and that this was in Juan's job description. Someone stated that they disagreed with this, that there needed to be a centralized source that starts pulling this information to gather. He stated that what he thought he had heard Juan say was that it would be up to each of the local Chairs to gather this information and that if they wanted they could pass it on to the executive director. Rodney Austin commented that this was exactly what he was planning to work on, a place online where people can go for all the kinds of information that we are talking about.

It was pointed out that we had just adopted Juan's job description and that it was in under "other." And that it did not need to be a formal motion. There was disagreement as to whether or it was part of Juan's job description. He wanted to make sure that someone had responsibility for it. It was pointed out that we do not have this information now and that Juan knew what his job description was. Juan has now put his job description in writing but did not specifically spelled this out. That passing this motion clarifies that this is specifically Juan's responsibility. That makes it very clear.

Mark Hinkle pointed out that if Juan was receiving calls from activists in 58 counties he will not have time for anything else. Mark suggestion was that the information be funneled through the regional chairs. That those chairs may already have the information and if they don't then call Juan. It was commented that if the information for the contacts were printed in the newsletter, Juan would not be getting a lot of phone calls but if the information isn't

there people would know who to call. The point of the motion is that if it is not covered Juan is the man but that the regional chairs should be contacted first.

**Motion:** Steve Marsland moved that the executive director actively recruit informational managers with specialty areas and that such information be made available to the statewide membership to include posting of this information on the LP web page and publication in each newsletter. **Vote:** Pass 14-1

12:30 5 min break

**5b. Operations Committee Report:** Mark Hinkle gave the report.

The OpCom secured Dave Bergland as legal representative, as recommended by The Blue-ribbon Committee. This means that all communications involving the blue-ribbon committee are attorney/client privilege. All meetings where David Bergland is in attendance are covered. The vote of the OpCom was 4-1 in favor. It was reported that there was a \$100 retainer, and \$240 per hour. The ExCom was told that nothing would be billed by David Bergland without an okay by Mark Hinkle. A question was asked if the billing would occur whenever Dave attended a meeting. The ExCom asked that the agreement be in writing. Mark Hinkle agreed to talk to David Bergland and make sure that everything is clear as to when LPC will be billed. It was pointed out that the billing was for David to prepare briefs and filings.

**5c. Newsletter Editor Selection Committee Report:** Ted Brown gave the report.

Ted reported that there have been four people who have expressed interest. He stated that there are three from San Diego, and one from San Bernardino County. The committee will look over their work and make a recommendation. Perry Martin stated that the next issue was the last one that he is contractually obligated to do. He stated that he is willing to extend that another issue or to. Ted Brown stated that the ExCom might have to have an email ballot to choose the new editor. Perry Martin stated that he would like to stay on in some capacity such as Publisher, and be the ExCom's oversight to make sure that the new editor is up to our standards.

~~**Motion:** Perry Martin moved Rodney seconded Perry to be Publications Oversight Committee Chair upon leaving editor position.~~ Motion withdrawn.

**Discussion:** There was a great deal of discussion about the duties of position. It was pointed out that in the past, totally inappropriate articles have been printed in the newsletter and the newsletter editor at that time was fired. Ted Brown pointed out that only two of the people who have expressed interest in writing the newsletter has actually written a newsletter. It was pointed out that we need to make sure that what is in the newsletter is appropriate *before* it is mailed out.

~~**Motion to table:** Motion to table until a new editor has been selected.~~ Seconded. Motion withdrawn.

**Motion:** Perry to be Publications Oversight Committee Chair upon leaving editor position. (Motion to withdraw, withdrawn)

**Discussion:** Joe Dehn pointed out that he only works as oversight upon request from Perry Martin. He mentioned that he has no authority to make changes. He stated that any editor is free to ask others to look over their work and point out errors.

Joe Dehn suggested that we have three different roles that we are talking about.

- He pointed out that at this time Perry asks him to look over his work but that Joe has no authority to change things.
- He pointed out that an oversight role has authority to make sure that the editor understands policy and telling him when he has done something wrong and communicating with the ExCom.
- Joe pointed out that the third idea, that he did not think anyone wanted, was a Super Editor that had authority for both.

Perry Martin stated that he had no desire to be a Super Editor. It was pointed out that there is a standing resolution spelling out the duties of the Publications Oversight Committee Chair. Ted pointed out that we were not giving Perry absolute power.

**Vote:** Pass 13-2 by voice vote.

**5d. Audit Committee Report:** Jack Dean report that he was resigning as chair of this committee.

He has not had time to do the work. He did not expect the ExCom to meet so soon after the convention. He stated that Mary Gingell could help but not take charge, he stated that the new chair of the committee would have to pursue that. He recommended that the committee be able to meet in the North so as to be able to go to the Lunds house where the records are. No decision was reached.

**5e. Style Committee Report:** Elizabeth Brierly gave a brief report.

She stated that the style work for the bylaws has not been completed yet. She stated that all work would be completed and run past the chairs of the respective committees prior to the next meeting. Once she receives corrections from the chairs she can complete her work.

**5f. Prop 10 Repeal:** Terry Floyd gave the report.

Terry stated that he was asked the previous night to put this on the agenda so as to discuss how the LP will help the Roscoes with the Prop 10 repeal effort. He stated that at this time the LP is not getting cooperation from Ned, but that they are interested in allowing the LP counter space at his Cheaper Stores for brochures. He reported that the East Bay Region has voted to buy a case of the matchbooks from Michigan to use as out reach materials. He reported that Wayne mentioned the possibility of cardboard holders for brochures. Terry stated that Wayne implied a budget item for that type of expense. Terry stated that Wayne estimated around \$100. Juan asked if Terry had talked to Ned. Juan stated that he had talked to Ned. Juan stated that he asked Ned what he wanted the LP to do to help. Juan reported that Ned did not want the matchbooks. Juan reported that he was not sure what Ned wanted the LP to do, that Ned was very vague. He stated that it seemed what Ned wanted was for activists to come to the stores and carry petitions and carry registration forms to re-register people Libertarian. It was not clear when the petition would be ready. It was still at the Attorney General's office and would not be ready until the following week. A question was asked how much time there is to gather signatures; it was stated that there are 180 days to pass petition from time it leaves Attorney General's office.

It was discussed that Ned is committed to getting the repeal of Prop 10 on the ballot. It was pointed out that Ned has no incentive to register people Libertarian, that he was mainly hoping to get our help passing the petition.

It was reported that we have made repeated attempts to find out what they wanted us to do to help, and at each suggestion they turned it down. There was further discussion about how the registration of Libertarians was going to be done in the cigarette stores.

~~Move to extend debate for five minutes. Fail~~

## 6. Old Business

### 6a. Renewal of Executive Director's Contract:

Mark Hinkle suggested that the Executive Committee go into a closed executive session for discussion of the contract package for the Executive Director, Juan Ros. This was objected to as being a gag rule, and as inappropriate. The person stated that they could not comply with that, as they would be expected to go back to their region and report on this meeting. There was further objection from those in the audience that these meetings have always been open to members that at least did not involve legal issues. The ExCom was reminded that this is the first time that we have had an employee.

~~**Motion:** Mark Hinkle moved that the meeting go into executive closed session and that only members of the executive committee would be present and be part of the discussion. That salary and benefits package would be discussed and that the amount of salary would not be disclosed outside of this room. **Seconded. Failed 6-8**~~

**Discussion:** It was stated that this was inappropriate and the speaker felt that if the motion passed that he would not, as a representative, honor it. It was stated that the person would discuss the salary with the members in his county. Mark stated that there were two parts to the issue. One was whether we should go into executive session to discuss the salary the second is whether or not the contract is agreed to. Mark stated that he felt that the salary needed to be confidential for the same reason that his salary is confidential, that it breeds very bad morale. He stated that it was no one's business but those who pay his salary and that that is the donors and none of them have asked. He further stated that he felt it was appropriate to have a line item for office expenses but that it was not appropriate for individuals to know what the specific salary was. Mark asked Joe Dehn if this was the policy of National LP. Joe responded that his recollection is that the National Director's salary is public, as well as the compensation of all of the staff.

Sandi Webb asked if Juan was going to stay in the room while we discussed his contract. She further stated that at every discussion of salary she had been in the person under discussion left the room. This was so that people felt freer to discuss it. She further stated that whether or not we disclose the salary was a separate issue. Mark stated that he agreed that Juan should be excluded for certain parts of the discussion, but certainly present if people have questions for him about what he does.

Rodney Austin asked for a point of clarification, he stated that the first question is whether people need to leave the room. Further discussion continued as to what the private sector does. There were several examples given of both organizations who disclose salary and those who don't.

2:00 ~~**Moved** to suspend rules to table item 6 Old Business to have Richard Rider give report. 9-5 failed~~

Mark stated that as Chair of the Libertarian Party of California it is his role to be the representative of the party to Juan Ros and to other employees. He stated that by the same token the reverse is true, that he is Juan's representative to the Executive Committee. He felt that it was his position to come before the ExCom to explain why he feels Juan deserves a raise. Mark further stated that when Juan was hired it was under a gentleman's agreement that his salary would not be disclosed. And that Juan, Mark and the previous ExCom operated under that.

Mark asked Juan to explain why this is specifically in his new contract. Juan explained why this was important to him and asked that his new contract include a clause of confidentiality. Juan was asked if this was left out of the agreement would he choose not to work for us. He stated that he had not considered that, he had not suspected that this would be so controversial. He stated that he would have to think seriously about it.

Further extensive debate about the confidentiality clause.

It was further debated whether the ExCom could go into closed session legally by our bylaws.

Current contract package includes standard medical and dental coverage and vacation time.

- Proposal: Increase salary 5.56%
- Increase home office reimbursement expense from \$125 per month to \$194.84 per month.
- Vacation and sick days: Increase vacation from 0.833 days per month to 1 day per month for a total of 12 days vacation per year accrued, five personal days per year, six sick days (use it or lose it).
- Mileage reimbursement: 31.5 cent.
- Fund-raising: 10 percent of gross of event and direct mail fund-raising and 100 % of first month's pledge of monthly pledges he specifically brings in.
- 401(k) plan: LPC to match 50 percent of employee's contribution up to a maximum of six percent of the employees gross annual salary.
- ~~Confidentiality: salary and contract remain confidential, shall not be a separate line item in the LPC budget and only be released to individuals outside the ExCom with approval of two-thirds of the ExCom.~~
- Reports to LPC chair, no change. Four weeks termination, no change.

2:25 ~~Moved to extend debate for 10 min. 6-3 Failed~~ **Motion** to extend debate by 5 min. Pass by voice vote.

**Motion:** Divide question of 401(k) plan and confidentiality. There was no objection to a three-way vote.

1. Compensation package. 2. 401(k) plan. 3. Confidentiality.

**Motion:** Amend compensation package to 5.56% and delete matching of 401(k). No second

**Motion:** Rodney moved to raise package to 5.56% Pass

**Motion:** ~~Moved to deal with confidentiality question first. Failed~~

**Motion:** Elizabeth Brierly moved to combine items 1 and 2. Seconded. Pass.

Item 1, as amended and item 2:

<u>ExCom Rep</u>	<u>Vote</u>	<u>ExCom Rep</u>	<u>Vote</u>
Sandi Webb	yes	Elizabeth Brierly	yes
Terry Floyd	abstain	José Castañeda	yes
David Larkin	yes	Philip Zoebisch	yes
Rodney Austin	yes	Eric Lund	yes
Ted Brown	yes	John Ballard	yes
Paul Marsden	yes	Steve Marsland	yes
Perry Martin	yes	Tom Spielbauer	abstain
Mark Hinkle	yes	Pass 13-0-2	

Item 3. **Discussion:** Extensive debate. Confidentiality is unenforceable and would give Juan a false sense of security. It was stated that if one of the members of the ExCom did not honor that agreement, Juan would have cause for breach of contract.

~~**Vote:** Failed by voice vote.~~

**6a.(1) Credit Card Limit:** Current limit is \$1500. Recommend increasing limit to \$2500.

Moved and seconded. Pass 13-2 by voice vote.

**6b. WithEase contract renewal:**

**Discussion:** Mark explained that the contract covers clerical work and database maintenance. Explained that it was basically for renewal of the same contract. **Pass** by voice vote.

**6c. Ratification and Modification of 1999 Budget: 4:25**

Changes to budget expense:

- Salary increase for Executive Director, office expense. \$5000
- Increase campaign/partisan line item to \$500
- Add new line item, Convention 2000. \$4000 (The LP is committed to paying \$500 per month for ten months starting in May to the Balkin Group for Convention 2000 facilitation.)

Changes to budget income:

- Major donor income, \$52,000

**Vote:** Approval of budget as amended. Pass 11-3-0

**6d. LPC Audit:** No audit report submitted. Table to next LPC ExCom meeting.

## 7. New Business

**7a. Blue Ribbon Committee Report:** Jack Dean gave a brief report.

Jack reported that the first thing he wanted to report on was Steve Kubby's situation. He stated that because Dave Bergland was unable to attend the meeting there were a few confidential items that could not be discussed. He stated that there was a meeting with Steve and Michelle at Dave Bergland's house on Monday, March 15. Those in attendance were Juan Ros, Sandi Webb, Jack Dean, Dave Bergland, Steve Kubby and Michelle Kubby. Jack stated that Steve and Michelle now have a date for hearing, in Placer County on April 26. At that time a date for trial will be set. Jack reported that the Kubby's were in Orange County for a fund-raiser that had about 30 people. He reported that they are moving out of their home in Placer County. The Kubby's have still not gotten their possessions back from the police and they are spending full-time on fund-raising for their defense.

Jack reported that the blue-ribbon committee had been set up in January for two reasons.

- Helping Steve and Michelle Kubby. Especially since Steve had been our 1998 Gubernatorial Candidate. Looking out for interests of the Libertarian Party of California. There had been some concern about rumors that Steve had been selling marijuana. He stated that the blue-ribbon committee was comfortable that everything is as Steve and Michelle say it is.
- Looking at the possibility of political persecution. More research is needed in this area. It is difficult to tell. One possibility is that they are looking at libertarians more closely because they know our stand on this issue, the other possibility is that because of our stand on this issue in general, more libertarians are being caught in the system.

Jack reported that the committee had met at the convention as well.

Jack reported that one of the things the blue ribbon committee was trying to do was get more attention for this issue and Prop 215 in particular. He reported that across the state authorities have been pretty much ignoring Prop. 215 and have been picking up people with prescriptions. Jack reported that one idea that was discussed to get publicity was putting up a Web site.

Aaron gave a report on a recall of District Attorney in Placer County. Aaron reported that there are 136,000 registered voters in Placer County, in order to do a recall you need 10% valid or 14,000 signatures; to be safe you need about 50% more with the total of 20,000 signatures. Aaron reported that he had contacted some experts in this field. It was estimated that it would take close to \$30,000 to qualify a recall for the ballot. It was doubted that there were enough volunteers in Placer County. He reported that the \$30,000 estimate was only to qualify for the ballot, that there would still be the campaign. He estimated that the campaign could run another \$140,000 with no guarantee of winning. Aaron stated that if you lose it is indication of support for the District Attorney. He reminded us that Prop 215 lost in that County. Aaron's recommendation was to not attempt a recall of the District Attorney of Placer County.

There was some questioned from the committee as to the large number of plants that the Kubby's had. Jack stated that Steve clarified that issue at Monday's meeting. He stated that a number of the plants were seedlings, and that there was a flat of seedlings that contained about 35 plants. Jack asked Steve if he could supply a picture to show people that we were not talking about a warehouse full of plants. Jack mentioned that the plants are in various stages of development, that they cannot be constantly harvested. It was commented that only the female plant is useful and you cannot tell which one a seedling is until it gets larger.

Mark explained the proposal for the WebSite, that it would essentially be the same as was done for the National Libertarian Party for the "defend your privacy" WebSite. He stated that the domain name would be 215Now. Mark stated that Jack was encouraged by the response from the "defend your privacy" WebSite. Mark

reminded us that we are not only on the right side of this issue but on the popular side. Republicans and Democrats are on the wrong side and the unpopular side and that this does not happen very often. Mark stated that he felt we could get some good publicity for this, then show the California voters that they passed Proposition 215, that the Republicans and Democrats were opposed to it and they are dragging their feet in implementing it.

Jack explained a little more of what the site would contain.

Juan stated that he has already secured one major donor who has committed \$1250 for this project plus an unstated monthly pledge. Jack also stated that there is another major donor that he believes he can raise \$10,000 from for the site.

**Suggestion:** Aaron stated that he was very conscious of what our budget needs are, that we shouldn't spend money that the party doesn't have. He suggested that we consider that when we authorize the spending of money for this WebSite that it be based on monies restricted from donors for this specific purpose. That if we go ahead with the project it is with the understanding that the vendors are only going to get paid based on restricted monies raised for this purpose. Jack Dean, representing Web Commanders, was asked if he was comfortable that. He stated that he was.

~~**Motion:** Accept Web Commanders proposal for Prop 215 web page funded with restricted funds raised specifically for this project without other bids. Seconded. Failed~~

**Discussion:** Joe Dehn stated that wanted to make a comment as to what other vendors would agree to. He stated that he was upset about how this process was handled. He stated that he was upset that it was being presented as some type of competitive bid situation because that's not what happened. Joe stated that the project was considered by the BRC, that it had been under consideration for about a month, that was proposed by Jack Dean was a vendor. That during the last four or five weeks no consideration was given to alternative vendors. That there was no communication with anyone outside of the BRC that the project was even under consideration. No one inside the party or outside the party had any chance to make any alternative proposals. Joe stated that he had learned about this earlier this week in a message from Juan, which seemed to Joe to be stating a fait accompli. Joe stated that Juan denies this. Joe explained that as the email was supposed to be confidential he doesn't feel that he could show anyone. Joe stated that the wording of the message conveyed to him that the contract had been signed. Joe stated that he felt that it was no way to do business, to have a member of a committee proposing a business deal with no competition, with no one in the party being able to comment on it. He asked why there were no competitive bids and was told that there was no time. Joe stated that he had replied that that was ridiculous, that the blue-ribbon committee had known about this for a month. Joe commented that other bidders were only asked three days ago because he had screamed and that that was why only one out of three vendors had responded. Joe stated that he is not saying that Jack Dean cannot do a good job, he agreed that Jack may be the right person for this. He stated that his first reaction upon hearing that Jack was going to do it, his reaction was "sure he's the perfect person for it, he did the other one." Joe mostly wanted to make sure that the record showed that there was not competitive bidding when there wasn't. He stated that if we wanted to do it without competitive bidding that was fine but that we should not pretend.

**Motion:** Elizabeth Brierly moved that we defer this decision to the OpCom, and that they have the authority to spend up to \$15,000 of restricted money for the purpose of a Prop 215 WebSite and the money is to be raised from restricted funds. Seconded. Pass

**Discussion:** Juan apologized to Joe if his email implied that there was a contract signed. He apologized to Joe if he has upset him and agreed that Joe could show the message to others. Juan stated that as Joe was going to bring this up anyway, it was better to have another bid to compare it to regardless. Juan reminded us that this was on the agenda for 1:00 p.m. and that we had run out of time.

**Recess to the lobby. 5:00 p.m.**

## 8. Next Meeting

June 19, 1999 in Los Angeles. Location to be determined.

**7d. Team building seminar** – *(Steve Alexander)* Team building retreat was scheduled for May 1 and 2. The location to be determined.

**(No time to get to these items)**

~~7b Richard Rider report *(Richard Rider)*~~

~~7e NOTA: An Initiative. *(Mark Hinkle)*~~

~~7e "Proposal to consider modifying LP bylaws to *(Steve Marsland)*~~

~~achieve the following:~~

~~1) Recognition by the State of California that LP bylaws govern the election of country central committee members (instead of the Peace and Freedom Party);~~

~~2) Provide that such central committee members be selected by party caucus or election rather than by government administered ballot.~~

~~We can save California taxpayers millions of dollars by removing our party officer elections from the ballot. By working with other third parties to modify their bylaws along the same lines, we can save millions more. We can also put pressure on the Democrats and Republicans to do the same and show how, if they refuse to do so, they are just special interests using the government for their own purposes.~~

~~7f—Qualifications of potential presidential candidates as convention speakers. Standards for potential presidential candidates (\$\$ raised = XXX, etc.)—(Mark Hinkle)~~

~~7g—Resolution on Proportional Representation—(Eric Lund)~~