



## Oregon Senate Fact-Finding Mission Application & Approval Form

This application will be used to review and officially approve fact-finding missions allowed under ORS 244.020(6)(b)(H)(i) and required to be reported under ORS 244.060(6) if the expense per member is estimated to exceed \$50. This application must be submitted to the Secretary of the Senate **no later than 14 days** before the start of the fact-finding mission, unless as determined by the Secretary good cause exists for submitting the application after the deadline. **To promote transparency, all approved applications and accompanying materials will be posted on the Secretary of the Senate's website.**

Description of Mission: Learn from CA legislators & Air Resources Board staff

Issues or Legislation Related to Mission: Climate policy

Location of Mission: Sacramento, CA

Date(s) of Mission: January 26, 2017

Person/Entity Paying Expenses: Meridian Institute

Address of Person/Entity Paying Expenses: PO Box 1829 105 Village Place Dillon, CO 80435

Invited Members (select one):

- All Senators     The following Senators: Beyer, Dembrow, Roblan, Taylor
- All Senators on the Committee(s)/Task Force(s) on: \_\_\_\_\_

Staff Invited:  Yes  No      Relatives/Household Members Invited:  Yes  No

Activities will be limited to a factual investigation or other educational purposes:  I agree.

The mission is not being conducted for campaign or partisan political purposes:  I agree.

**Please include the following required attachments with this application:**

1. Written opinion from the Oregon Government Ethics Commission concluding that the event is a permitted fact-finding mission under ORS 244.020(6)(b)(H)(i) and the rules of the commission.
2. Written itinerary or agenda for all scheduled meetings, events, presenters, meals, travel, lodging, or other activities planned during the mission.

**Within thirty (30) days after completion of the mission**, please submit the following required documents to the Secretary of the Senate, which will be posted on the Secretary's website:

1. An attendance sheet listing all Senators, staff, relatives, household members, lobbyists, and all others who participated in the mission.
2. The aggregate value of food, travel, and lodging expenses provided to each Senator, staff member, relative, and household member of the Senator. The aggregate value of expenses for each person shall be determined in the same manner as required by the Oregon Government Ethics Commission for disclosure on a Statement of Economic Interest under ORS 244.060(6).
3. Written confirmation that the mission was conducted substantially according to the itinerary or agenda submitted with the application and, if the mission varied materially from the submitted itinerary or agenda, a written account describing the material variations (i.e., any additional meetings, events, presenters, meals, travel, lodging).

Failure to submit this information within thirty (30) days after completion of the mission will result in an automatic denial of all future applications submitted by the Applicant signing below and the person or entity listed above as paying expenses.

**By signing below, I hereby declare that all information submitted at any time by me, or on my behalf, to the Oregon Senate in connection with this application and fact-finding mission is correct to the best of my knowledge and belief.**

Signature of Applicant: Bradford R. Spangler Date: 12/21/16

Name of Applicant (print): Bradford R Spangler

Address: 7397 Coors St Arvada, CO 80005

Telephone Number: 970.389.2850

E-mail Address: bspangler@merid.org

All information above is required for the application to be considered.

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**For Official Use Only**

Based on the written conclusion of the Oregon Government Ethics Commission and the information submitted by the Applicant, under ORS 244.020(6)(b)(H)(i) this fact-finding mission is hereby:

Officially Sanctioned

Denied

[Signature]  
Secretary of the Senate

12-30-16  
Date



# Oregon

Kate Brown, Governor

## Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: [ogec.mail@oregon.gov](mailto:ogec.mail@oregon.gov)

Web Site: [www.oregon.gov/ogec](http://www.oregon.gov/ogec)

September 27, 2016

Meridian Institute  
Attn: Bradford R. Spangler  
PO BOX 1829  
105 Village Place  
Dillon, CO 80435

Dear Mr. Spangler:

Thank you for contacting the Oregon Government Ethics Commission (OGEC). This letter of advice is provided in response to your original inquiry received on June 14, 2016, and the updated information provided via phone and email on September 21, 2016. You are asking for reaffirmation as to whether invited public officials may accept payment of costs associated with travel to California to learn about climate policies and practices without violating Oregon Government Ethics law. The answer that follows is offered under the authority granted at ORS 244.284 as guidance on how the current provisions of Oregon Government Ethics law may apply to the specific circumstances presented in your inquiry.

At the time of your original (June) inquiry, Meridian Institute provided copies of the following documents to OGEC staff: Meridian Institute's 501(c)(3) IRS determination letter; the trip invitation provided to legislators; a memorandum summarizing the purpose, invited attendees, and agenda for the trip; and a spreadsheet accounting of anticipated budgetary expenses. In response to this inquiry, OGEC staff issued a letter of advice to you on June 17, 2016, stating in short that legislative officials' acceptance of this offer would not appear to violate Oregon Government Ethics laws per ORS 244.020(7)(b)(F) and (H).

I understand, however, that the trip, as originally planned to take place on July 5 – 6, 2016, was cancelled. As a result, you now request that OGEC reaffirm the answer we provided in your June 17<sup>th</sup> letter of advice in consideration of a few additional details: the trip is now scheduled to take place in January 2017, and Meridian Institute's payment of costs for invited legislators is made possible by grant funding from the David and Lucile Packard Foundation. There is no material difference in other trip details.



According to the documentation provided in June, Meridian Institute, a 501(c)(3) non-profit organization, is leading a two-day trip to Los Angeles, California, for certain members of the Oregon Legislative Assembly to meet with California legislators, agency members, business leaders, and other advocates. The purpose of the trip is to develop relationships and to share best practices for developing and implementing climate policy. Attendees will receive educational briefings on a number of different climate policies California is implementing. Discussions will cover key issues that Oregon should evaluate while considering climate policy, how California's programs are working so far, how the politics worked, and how Oregon could integrate into their programs. Included as part of the trip, the cost of all airfare, travel to and from the airport, transit to and from all meetings, a one-night hotel stay, and meals will be covered for attending members of the Oregon Legislative Assembly.

Regarding the application of Oregon Government Ethics law, public officials (defined at ORS 244.020(15)) are generally prohibited from accepting, within a single calendar year, any gift(s) (defined at ORS 244.020(7)(a)) worth over \$50 from any source that might reasonably have an economic interest in the public official's official decision-making (ORS 244.025; see ORS 244.020(10)). However, notwithstanding this requirement, the legislature has added several exceptions to the definition of gift (ORS 244.020(7)(b)), which, if applicable, permit a public official to accept a gift without regard to the \$50 limit.

Based on the information provided, the most relevant of these exceptions appear to be ORS 244.020(7)(b)(F) and ORS 244.040(7)(b)(H), *either one of which will allow the invited Oregon legislative officials to accept payment of the above-mentioned expenses.*

The (F) and (H) exceptions are similar in that both permit public officials to accept payment for "reasonable" food, lodging, and travel while "representing state government" on a "fact-finding mission or trip." "Representing government" is specified as referring to when a "public official attends an event on behalf of" his/her government entity (OAR 199-005-0001(7)). Also, "fact-finding mission or trip" is specified to include "any activity related to a[n]... educational purpose, or aimed at providing intergovernmental assistance, such as for the purpose of... sharing best practices..." (OAR 199-005-0001(2)). Additionally, the (F) exception requires that expenses be paid by certain types of entities, one of which can be a "not-for-profit corporation that is tax exempt under section 501(c)(3) of the Internal Revenue Code." While application on the (H) exception is not contingent on who pays, it has its own additional requirement: the activity must be "officially sanctioned," meaning that a receiving public official needs prior written approval by his/her public body (or someone authorized to provide such approval on the public body's behalf) (OAR 199-005-0020(3)(b)). Where members of the Legislative Assembly are concerned, written authorization by the "President of the

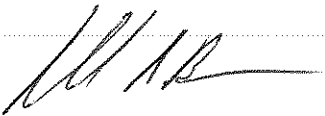
Senate, Speaker of the House, the designated majority or minority leaders of either chamber or appointed committees” is sufficient to constitute an “officially sanctioned” activity (OAR 199-005-0020(3)(b)(C)).

As reflected above, the purpose of this trip is to educate Oregon Legislators on key issues and considerations in developing and implementing state climate policies as a function of their official positions. This includes the sharing of both challenges and best practices through intergovernmental assistance between participating Oregon officials and those representing the State of California. Thus, the two common elements of both the (F) and (H) exceptions (“representing government” and “fact-finding mission”) appear to be met. The (F) exception’s final requirement—specifying what type of entity must pay—is also met: according to Guidestar and the IRS website, Meridian Institute and the David and Lucile Packard Foundation are both tax-exempt 501(c)(3) non-profit organizations. Furthermore, although it is already clear that the (F) exception applies here, it is worth emphasizing that regardless of these organizations’ 501(c)(3) status, *if* prior written authorization for participation is provided by the legislative assembly (*i.e.*, officially sanctioned), the (H) exception will also apply as well.

Additionally, please note that each member of Oregon’s Legislative Assembly is required to file an Annual Verified Statement of Economic Interest (SEI) with the Oregon Government Ethics Commission each year (ORS 244.050). With regard to participation in events permitted by ORS 244.020(7)(b)(F) or ORS 244.020(7)(b)(H), the SEI requires officials to identify the name and address of the payor, the nature of the event, the date of the event, and the cost of the expenses paid (ORS 244.060(5)-(6)). Pursuant to this reporting requirement, Meridian Institute shall provide written notification of such information to attending Oregon legislative officials within 10 days after the expenses are incurred (ORS 244.100).

If you have any additional question regarding the application of Oregon Government Ethics law in this matter, please feel free to contact me directly.

Sincerely,



Ronald A. Bersin  
Executive Director

RAB/hw

\*\*\*\*\*DISCLAIMER\*\*\*\*\*

This advice is provided under the authority of ORS 244.284(1) and offers guidance on how Oregon Government Ethics law may apply to the specific facts described in this request. This advice is based on my understanding and analysis of the specific circumstances as described and should not be applied to circumstances differing from those discussed herein.



# Oregon Legislators Climate Policy Fact-Finding Mission to California

January 26, 2017

State Capitol Building and California Environmental Protection Agency Office  
Sacramento, CA

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## Meeting Objectives

The objectives for the Oregon Legislators Climate Policy Fact-Finding Mission to California are to:

- Receive educational briefings on a number of different climate policies California (CA) is implementing;
  - Learn about and share best practices for developing and implementing climate policy; and
  - Develop relationships with California state legislators and agency members that can serve as information resources going forward.
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## Agenda

**9:00 am**

State Capitol,  
Speaker's Office,  
Room 219

### **Welcome and Meet with California State Assembly Leadership**

*Brad Spangler, Senior Mediator and Program Manager, Meridian Institute*

*Hon. Anthony Rendon, Speaker of the Assembly, District 63*

*Hon. Eduardo Garcia, Assemblymember, District 56*

*Hon. Mark Stone, Assemblymember, District 29*

Update on recent climate bills passed and discussion of CA's commitment to carbon pricing.

**9:30 am**

State Capitol,  
Assembly Chamber

### **Introduction of Oregon Delegation to the California State Assembly**

Speaker Anthony Rendon will introduce the Oregon delegation on the Assembly floor.

- 10:00 am** **Discussion with California Climate Policy Legislative Leaders**  
State Capitol, Room 317 *Hon. Bob Wieckowski, Senator, District 10*  
*Hon. Eduardo Garcia, Assemblymember, District 56*  
*Marie Liu, Policy Consultant, Environmental Safety/Natural Resources*  
Overview of California climate legislation followed by discussion on the following topics:
- Tips for passing multiple climate bills each session;
  - Lessons learned working with stakeholders, especially social equity partners;
  - Lessons learned from implementation, especially projects funded; and
  - Opportunities to work together.
- 11:30 am** **Oregon Delegation Walk to Lunch Location**
- 11:45 am** **Oregon Delegation Lunch**  
Grange, The Citizen Hotel, 926 J Street *Ken Alex, Director, Governor's Office of Planning and Research*  
*Hon. Glen Murray, Minister of the Environment and Climate Change, Government of Ontario*  
The Oregon delegation will have a group lunch and informal discussion before going to meetings at CalEPA.
- 1:00 pm** **Discussion with California Air Resources Board (CARB) and California Environmental Protection Agency (CalEPA) Staff: Cap and Trade Policy**  
CalEPA Office, 1001 I Street, Room 620 *Brad Spangler, Senior Mediator and Program Manager, Meridian Institute*  
*Mary Nichols, Chair, CARB*  
*Richard Corey, Executive Officer, CARB*  
*Steve Cliff, Senior Advisor to the Chair, CARB*  
*Jason Gray, Chief, Program Evaluation Branch, CARB*  
*Phillip Dube, Executive Fellow, CARB*  
Overview and discussion of CA the cap and trade program and implementation mechanisms. Specific topics include the role, impact, and pros and cons of:
- Auctions
  - Trading
  - Equity measures
  - Offsets
  - Proceeds and projects
  - Monitoring, reporting and verification

- Fees/funding for program

Discussion will also cover how the North American Linkage (Quebec and Ontario) works and what technical assistance is provided, as well as the future outlook for the CA cap and trade program.

**2:30 pm**

### **Break**

**2:45 pm**

### **Discussion with CARB and CalEPA Staff: Equity Issues in California's Climate Programs**

*Arsenio Mataka, Assistant Secretary for Environmental Justice and Tribal Affairs, CalEPA*

*John Faust, Air, Community & Environmental Research Branch Chief, Office of Environmental Health Hazard Assessment, CalEPA*

*Randall Winston, Executive Director, California Strategic Growth Council*

The first two speakers will review the creation and use of CalEnviroScreen to allocate proceeds from cap and trade auctions. The third speaker will discuss how funding for disadvantaged communities is being used to implement affordable housing and other community development projects. Key topics include:

- Drivers for addressing equity issues in CA's climate programs.
- Impact to date of equity measures, overall and on rural communities in particular.
- Examples of proceeds and projects relevant to Oregon.
- Lessons learned regarding how to address equity issues in climate programs.

**3:45 pm**

### **Discussion with CARB and CalEPA Staff: Complementary Climate Policies**

*Edie Chang, Deputy Executive Officer, CARB*

Discussion of how CA's different climate policies complement or reinforce one another; how they were developed over time; and the envisioned future of the state's climate policy agenda. Discussion will also cover the role of climate adaptation and the impact of clean fuels policy on fuel prices and other factors.

**4:45 pm**

### **Wrap Up and Next Steps**

Concluding discussion about how CARB and CalEPA can provide support to Oregon policymakers going forward, and who the best contacts are for future inquiries.



- 5:00 pm**                      **Adjourn**
- 5:15 pm**                      **Oregon Delegation Walk to Dinner Location**
- 5:30 pm**                      **Oregon Delegation Dinner**  
Frank Fat's                      *Steve Frisch, President, Sierra Business Council*  
Restaurant, 806 L. St        The Oregon delegation will have an informal group dinner and hear about the effects of climate policy on rural communities and share perspectives.
- 6:45 pm**                      **Oregon Delegation Transportation to Airport**  
Group transportation for Oregon delegation to Sacramento International Airport.



Meridian Institute

Connecting People to Solve Problems

# Oregon Legislators Climate Policy Fact-Finding Mission to California

January 26, 2017

Sacramento, CA

## Participant List

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### Oregon State Legislators

**Rep. Phil Barnhart**

House District 11

rep.philbarnhart@state.or.us

**Sen. Michael Dembrow**

Senate District 32

sen.michaeldembrow@state.or.us

**Rep. Ken Helm**

House District 32

rep.kenhelm@state.or.us

**Rep. Paul Holvey**

House District 8

Rep.PaulHolvey@state.or.us

**Rep. Pam Marsh**

House District 5

Rep.PamMarsh@oregonlegislature.gov

**Rep. Karin Power**

House District 41

Rep.KarinPower@oregonlegislature.gov

**Sen. Arnie Roblan**

Senate District 5

sen.arnieroblan@state.or.us

**Sen. Kathleen Taylor**

Senate District 21

sen.kathleentaylor@oregonlegislature.gov

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### Oregon Governor & Agency Representatives

**Leah Feldon**

Deputy Director

Oregon Department of Environmental Quality

feldon.leah@deq.state.or.us

**Michael Kaplan**

Director

Oregon Department of Energy  
mike.kaplan@Oregon.gov

**Ruchi Sadhir**

Governor's Energy Policy Advisor

Ruchi.SADHIR@oregon.gov

www.merid.org

Colorado Office PO Box 1829 • 105 Village Place • Dillon, CO 80435 USA • Main Number: +1.970.513.8340 • Fax: +1.970.513.8348

Washington, DC Office 1800 M Street NW • Suite 400N • Washington, DC 20036 USA • Main Number: +1.202.354.6440 • Fax: +1.202.354.6441

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## California State Legislators & Staff

**Assm. Richard Bloom**

Assembly District 50

**Assm. David Chiu**

Assembly District 17

**Assm. Eduardo Garcia**

Assembly District 56

**Sen. Robert Hertzberg**

Senate District 18

**Sen. Hannah Beth Jackson**

Senate District 19

**Marie Liu**Policy Consultant, Environmental  
Safety/Natural Resources

marie.liu@sen.ca.gov

**Assm. Kevin McCarty**

Assembly District 7

**Assm. Adrin Nazarian**

Assembly District 46

**Assm. Anthony Rendon**Speaker of the Assembly  
Assembly District 63**Assm. Eloise Reyes**

Assembly District 47

**Assm. Mark Stone**

Assembly District 29

**Rep. Tony Thurmond**

Assembly District 15

**Sen. Bob Wieckowski**

Senate District 10

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## California Governor & Agency Representatives

**Ken Allen**

Director

Governor's Office of Planning and Research

Ken.Alex@gov.ca.gov

**Steve Cliff**

Senior Advisor to the Chair

California Air Resources Board

scliff@arb.ca.gov

**Eddie Chang**

Deputy Executive Officer

California Air Resources Board

echang@arb.ca.gov

**Ashley Conrad-Saydah**

Deputy Secretary for Climate Policy

California Air Resources Board

Ashley.Conrad-Saydah@calepa.ca.gov

**Richard Corey**  
Executive Officer  
California Air Resources Board  
rcorey@arb.ca.gov

**Phillip Dube**  
Executive Fellow  
California Air Resources Board  
pdube@arb.ca.gov

**John Faust**  
Air, Community & Environmental Research  
Branch Chief, Office of Environmental  
Health Hazard Assessment  
CalEPA  
john.faust@oehha.ca.gov

**Jason Gray**  
Chief, Program Evaluation Branch  
California Air Resources Board  
jagray@arb.ca.gov

**Arsenio Mataka**  
Assistant Secretary for Environmental  
Justice and Tribal Affairs  
CalEPA  
Arsenio.Mataka@calepa.ca.gov

**Mary Nichols**  
Chair  
California Air Resources Board  
mnichols@arb.ca.gov

**Randall Winston**  
Executive Director  
California Strategic Growth Council  
Randall.Winston@SGC.CA.GOV

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## Other Invited Guests

**Steve Frisch**  
President  
Sierra Business Council  
sfrisch@sierrabusiness.org

**Glen Murray**  
Minister of the Environment and Climate  
Change  
Government of Ontario  
gmurray.mpp@liberal.ola.org

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## Support Staff

**Angela Crowley-Koch**  
Legislative Director  
Oregon Environmental Council  
angelac@oeconline.org

**Andrea Durbin**  
Executive Director  
Oregon Environmental Council  
andread@oeconline.org

**Tera Hurst**  
Executive Director  
Renew Oregon  
tera@reneworegon.org

**Wendy James**  
CEO  
Better World Group  
wendy@betterworldgroup.com

**Brad Spangler**

Senior Mediator and Program Manager

Meridian Institute

[bspangler@merid.org](mailto:bspangler@merid.org)

Dear Secretary Brocker,

I am writing to report on the Oregon Legislators Climate Policy Fact-Finding Mission to California for which I submitted notification and materials to you on December 21, 2016. The agenda, attendee list and Ethic Commission approval letter (submitted previously) are attached for your reference. The mission agenda was executed as planned. Below are the expenses covered by Meridian Institute for the participating Oregon Senators.

<b><u>Name</u></b>	<b><u>Airfare (PDX - SMF)</u></b>	<b><u>Round Trip Ground Transport from/to SMF</u></b>	<b><u>Break Food</u></b>	<b><u>Lunch</u></b>	<b><u>Dinner</u></b>	<b><u>Total</u></b>
Sen. Michael Dembrow	\$236.88	\$27.60	\$39.17	\$51.43	\$60.51	<b>\$415.59</b>
Sen. Arnie Roblan	\$256.88	\$27.60	\$39.17	\$51.43	\$60.51	<b>\$435.59</b>
Sen. Kathleen Taylor	\$256.88	\$27.60	\$39.17	\$51.43	\$60.51	<b>\$435.59</b>

Please let me know if you require any additional information about this fact-finding mission.

Best Regards,  
Brad



# Oregon Legislators Climate Policy Fact-Finding Mission to California

January 26, 2017

State Capitol Building and California Air Resource Board Office (1001 I Street)

Sacramento, CA

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## Objectives

The objectives for the Oregon Legislators Climate Policy Fact-Finding Mission to California are to:

- Receive educational briefings on a number of different climate policies California is implementing;
  - Learn about and share best practices for developing and implementing climate policy; and
  - Develop relationships with California legislators and agency members that can serve as information resources going forward.
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## Agenda (Tentative)

7:00 am	Arrival at SMF and Transportation to State Capitol
9:00 am	Meet with Speaker Anthony Rendon
9:30 am	Introduction of Oregon Delegation on CA Assembly Floor
10:00 am	Meet with CA House Climate Policy Leaders
11:30 am	Break – Transition to Lunch Location
11:45 am	Lunch with CA Senate Climate Policy Leaders
1:00 pm	Meet with CA Air Resources Board Staff: Cap and Trade Policy
2:30 pm	Break
2:45 pm	Meet with CA Air Resources Board Staff: Equity Issues in California's Climate Programs
3:45 pm	Meet with CA Air Resources Board Staff: Complementary Climate Policies
4:45 pm	Wrap Up and Next Steps
5:15 pm	Adjourn
5:30 pm	Transportation to Airport for Return Flight