

(Regulations of the Fair Political Practice Commission, Title 2, Division 6, California Code of Regulations.)

§ 18308.3. Authority of the Executive Director.

The Commission delegates to the Executive Director responsibility for the operations and management of the Agency in conformance with Commission established policy. The Executive Director is responsible for ensuring that the Commission is fully informed regarding the operations and management of the Agency.

(a) The Executive Director acts as the CEO of the Agency.

(1) The Executive Director, in consultation with the Budget & Personnel Committee, recommends the selection, submits annual evaluations and, when necessary, recommends the discipline or dismissal of the Division Chiefs, Legislative Director, and Communications Director for review and approval by the Commission.

(2) Except as otherwise required by applicable statute, the Executive Director, in consultation with the Budget & Personnel Committee and Division Chiefs, hires, promotes and, when necessary, disciplines or dismisses other staff pursuant to Commission policies and procedures.

(3) The Executive Director, in consultation with the Budget & Personnel Committee, prepares and submits to the Commission all office policies and procedures not in conflict with any statute, regulation, or applicable state employee collective bargaining contract.

(4) In consultation with the Law & Policy Committee, the Executive Director proposes the short term and long-term goals and priorities of the Agency for approval by the Commission.

(5) The Executive Director receives and coordinates requests from commissioners regarding staff work and, in consultation with the Division Chiefs, prioritizes such requests, in accordance with Commission policy recommended by the Budget & Personnel Committee.

(6) Subject to the limitations of Commission established policy, the Executive Director acts on behalf of and in the name of the Commission between meetings of the Commission, including certifying actions taken by the Commission. The Executive Director may not establish or revise policies, promulgate or amend rules or regulations, issue or revise Commission opinions, or approve or revise positions on legislation pursuant to this subdivision.

(7) The Executive Director reports in writing each month to the Commission on actions taken on behalf of the Commission for its review and approval.

(8) Pursuant to Commission established policy, the Executive Director ensures that the information provided to the Commission is comprehensive, timely, impartial and not unduly burdensome.

(9) The Executive Director oversees the implementation of the short-term and long-term goals and priorities of the Commission and reports to the Commission in writing on achievement of its goals and priorities.

(10) Pursuant to Commission established policy, the Executive Director exercises oversight over Commission staff with respect to their official duties to communicate with the public, the press, and government institutions to ensure that those communications are forthright, accurate, and do not disparage any Commissioner or staff member.

(b) The Executive Director acts as the chief budgetary and administrative officer of the Agency.

(1) In consultation with the Budget & Personnel Committee and Division Chiefs, the Executive Director prepares and submits an initial budget proposal, and any budget change proposals, to the Commission, subject to the criteria adopted pursuant to Regulation 18308.1(a)(8).

(2) Subject to the criteria adopted pursuant to Regulation 18308.1(a)(8), the Executive Director submits recommendations to the Budget & Personnel Committee at each stage of the budgetary process, including prior to the Agency's proposal to the Department of Finance (DOF), the DOF proposal to the Governor, and the Governor's proposed annual budget to the Legislature.

(3) The Executive Director, in consultation with the Budget & Personnel Committee, reports monthly in writing to the Commission on the status of Commission finances.

(4) The Executive Director, in consultation with the Budget & Personnel Committee, prepares, and submits budget change proposals, requests for deficit funding and other budgetary documents to the Department of Finance.

(5) The Executive Director, in consultation with the Budget & Personnel Committee, approves all fiscal analyses prepared at the request of the Legislature, Legislative Analyst or Department of Finance.

(6) The Executive Director retains final approval for all budgeted expenditures.

(7) In accordance with Commission approved guidelines, the Executive Director authorizes unbudgeted expenditures, when deemed appropriate, up to \$25,000.

(8) Reviews and approves Commissioner compensation and reimbursement requests in accordance with the policy on compensation and reimbursement of Commissioners.

(c) The Executive Director acts in the name of the Commission with respect to the following statutory duties:

(1) Reviews and approves conflict of interest codes other than the code of the Commission;

(2) Reviews, approves, and signs subpoenas;

(3) Executes oaths and affirmations.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 83108, 83111 and 83117, Government Code.

HISTORY

1. New section filed 7-3-2018; operative 8-2-2018 pursuant to former Government Code section 11422(b) (repealed by Stats. 1979, ch. 567, § 2). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2018, No. 27).

2. Amendment of subsections (b)(1)-(2) filed 7-22-2019; operative 8-21-2019 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2019, No. 30).