

1 Repeal 2 Cal Code Regs., Section 18308.1 to read:

2 ~~§ 18308.1. Authority of the Commission.~~

3 ~~(a) The Commission proposes, adopts, codifies, and monitors policies for the FPPC. This~~  
4 ~~includes, but is not limited to:~~

5 ~~(1) Approving or revising annual policy goals and objectives and evaluating efforts made~~  
6 ~~to meet those goals and objectives.~~

7 ~~(2) Approving or revising the annual FPPC budget.~~

8 ~~(3) Interpreting the Act, through regulations, opinions and such other means as the~~  
9 ~~Commission deems appropriate and lawful.~~

10 ~~(4) Enforcing the Act, by initiating or hearing administrative actions, authorizing civil~~  
11 ~~actions, approving stipulations and such other means as the Commission deems appropriate and~~  
12 ~~lawful.~~

13 ~~(5) Authorizing or initiating actions taken to defend the Commission's interpretations of~~  
14 ~~the Act in the courts.~~

15 ~~(6) Crafting and sponsoring legislation and adopting FPPC positions on efforts to amend~~  
16 ~~the Political Reform Act.~~

17 ~~(7) Adopting criteria to be followed by the Law & Policy Committee for recommending~~  
18 ~~positions to the Commission on legislation fiscally impacting the operations of the FPPC.~~

19 ~~(8) Adopting criteria to be followed by the Executive Director and the Budget &~~  
20 ~~Personnel Committee, on the methods to be employed to keep the content of any draft budget or~~  
21 ~~budget change proposal confidential:~~

22 ~~(A) whenever the Committee conducts a review of a draft budget or budget change~~  
23 ~~proposal that has been proposed by the Executive Director; or~~

1           ~~(B) when reporting the Budget & Personnel Committee draft budget or budget change~~  
2 ~~proposal recommendations to the Commission.~~

3           ~~(9) Require a standing committee to give notice pursuant to the Bagley-Keene Act to hold~~  
4 ~~a public hearing on any subject within the jurisdiction of the committee, where the Commission~~  
5 ~~finds that it is in the public interest to do so.~~

6           ~~(10) Adopting or revising a schema for the codification of the various rules, policies and~~  
7 ~~resolutions of the Commission.~~

8           ~~(11) Adopting or revising a policy and procedures manual.~~

9           ~~(12) Authorizing issuance of forms and manuals used to comply with the Act.~~

10           ~~(b) The Commission ensures the proper management of the FPPC. This includes, but is~~  
11 ~~not limited to:~~

12           ~~(1) Providing oversight of the actions of the Executive Director to manage the Agency.~~

13           ~~(2) Selecting, evaluating, and, if necessary, disciplining or dismissing the Executive~~  
14 ~~Director.~~

15           ~~(3) Adopting or revising personnel or office policies.~~

16           ~~(4) Adopting or revising a policy or regulation governing the review process for advice~~  
17 ~~requests to be followed by the FPPC General Counsel, including criteria for determining when~~  
18 ~~an advice request presents issues requiring a policy interpretation best made through a~~  
19 ~~Commission Opinion or Regulation, or is too broad or not factually specific enough to render~~  
20 ~~formal assistance.~~

21           ~~(5) Adopting or revising a policy or regulation governing the:~~

22           ~~(A) Proposing and prioritizing the various penalty options to be employed by the Chief of~~  
23 ~~the Enforcement Division.~~

1           ~~(B) Categorizing of and weighting the seriousness of the various types of violations of the~~  
2 ~~Act.~~

3           ~~(C) Setting enforcement priorities and procedures for the effective operation of the~~  
4 ~~Enforcement Division.~~

5           ~~(6) Delegating execution of established Commission policy and strategic objectives to the~~  
6 ~~Executive Director, who is authorized to re-delegate specific duties to specified employees of the~~  
7 ~~Agency upon written notice to the Commission.~~

8           ~~(7) Ensuring the integrity of the financial control and reporting system, and the~~  
9 ~~Commission's compliance with all laws governing the Agency.~~

10           ~~(e) The Commission ensures the proper conduct and governance of the Agency. The~~  
11 ~~Commission strives to achieve a governing style that encourages effective operations, frank and~~  
12 ~~collegial discussions among members of the Commission, the staff and the public, and fairness to~~  
13 ~~persons whose compliance with the Act is called into question. To this end, each commissioner~~  
14 ~~shall:~~

15           ~~(1) Comply with the statutory qualification requirements and the Statement of~~  
16 ~~Incompatible Activities adopted by the Commission.~~

17           ~~(2) When communicating by email, use only his or her official Commission email~~  
18 ~~account for official business.~~

19           ~~(3) Thoroughly prepare for and attend Commission meetings and committee meetings of~~  
20 ~~which a Commissioner is a member.~~

21           ~~(4) Between meetings, communicate with staff through the Executive Director or a~~  
22 ~~Division Chief. Any Division Chief contacted by a Commissioner shall report to the Executive~~  
23 ~~Director information or advice given that is not subject to attorney-client privilege. The~~

1 ~~Executive Director shall ensure that all Commissioners receive the benefit of information and~~  
2 ~~advice provided to any individual Commissioner.~~

3 ~~(5) Maintain the confidentiality of all confidential information acquired during the~~  
4 ~~Commission's work.~~

5 ~~(6) Consult with General Counsel about any relationship or interest that the~~  
6 ~~Commissioner may be concerned creates a possible conflict of interest regarding the~~  
7 ~~Commission's work.~~

8 ~~(7) Set exemplary ethical standards that reflect positively on the Commission, while~~  
9 ~~refraining from engaging in biased or partisan activities that may reflect poorly on the~~  
10 ~~Commission.~~

11 ~~(8) Appoint a Vice Chair to preside over Commission meetings in the Chair's absence.~~

12 ~~(d) The Commission ensures enhanced oversight of Agency administration. In order to~~  
13 ~~provide thorough oversight of its delegated duties and responsibilities, the Commission~~  
14 ~~establishes the following two member advisory standing committees; the Budget & Personnel~~  
15 ~~Committee, and the Law & Policy Committee.~~

16 ~~(1) The Chair nominates the committee members from among the other Commissioners,~~  
17 ~~who in turn, modify or approve the makeup of each committee, provided however, that each~~  
18 ~~committee makeup is in partisan balance and each Commissioner serves on only one committee.~~  
19 ~~If the Chair declines or otherwise fails to nominate the committee members, the Commission~~  
20 ~~may nominate the committee members.~~

21 ~~(A) Each committee selects its own Chair.~~

22 ~~(B) Each committee meets at the call of its Chair.~~

1           ~~(C) Committee actions are by consensus recommendation to the Commission. If a~~  
2 ~~consensus is not reached on an issue, each committee member may present an alternative~~  
3 ~~recommendation to the Commission.~~

4           ~~(D) In the event that a vacancy occurs on either advisory standing committee, the~~  
5 ~~remaining member may present his or her recommendation to the Commission.~~

6           ~~(2) Each committee will be responsible for:~~

7           ~~(A) Reviewing and recommending to the full Commission those policies, goals,~~  
8 ~~regulations and other action items that are pertinent to its subject matter jurisdiction. Any~~  
9 ~~recommendation to adopt, amend or rescind policies, rules or regulations that govern procedures~~  
10 ~~of the Commission must be accomplished in accordance with the Administrative Procedure Act.~~

11           ~~(B) Annually reviewing matters that were recommended and adopted by the Commission~~  
12 ~~during the prior year to evaluate whether these matters represented an effective and efficient~~  
13 ~~method of achieving the Commission's goals.~~

14           ~~(C) Reporting regularly on its discussions and deliberations of significant issues and~~  
15 ~~present its recommendations with any supporting documentation to the full Commission to~~  
16 ~~promote transparency and ensure that all Commission members and the public are adequately~~  
17 ~~informed.~~

18           ~~(D) Excluding the Chair and other Commissioners from appearing at a committee~~  
19 ~~meeting, or communicating with any member of a committee about a subject matter within the~~  
20 ~~jurisdiction of the committee. However, a committee chair may, in consultation with General~~  
21 ~~Counsel, allow the Chair and other Commissioners to appear at a committee meeting, whenever~~  
22 ~~the committee deems it appropriate to do so, provided that the meeting is open to the public and~~  
23 ~~conducted in accordance with the Bagley Keene Act.~~

1           ~~(E) Whenever possible, providing the means to allow the public to monitor committee~~  
2 ~~deliberations, unless the subject matter is otherwise required to remain confidential, by~~  
3 ~~publishing a two-day public notice of a call-in telephone number, to allow callers to listen to~~  
4 ~~committee proceedings.~~

5           ~~(3) Each committee operates to assist the Commission in adopting key policies, goals,~~  
6 ~~regulations and other action items, and is not intended to direct the daily operations of~~  
7 ~~management of the Commission~~

8           ~~(4) Unless provided otherwise, a committee does not have delegated authority to act on~~  
9 ~~behalf of the Commission, and may not take any action that requires Commission approval.~~

10          ~~(5) The Budget & Personnel Committee's responsibilities include but are not limited to:~~

11           ~~(A) Reviewing and recommending the annual FPPC budget to the Commission.~~

12           ~~(B) Recommending criteria for adoption by the Commission pursuant to Regulation~~  
13 ~~18308.1(a)(8) governing the preparation and submittal by the Executive Director, of an initial~~  
14 ~~budget proposal, and any budget change proposals, to the Commission.~~

15           ~~(C) Recommending criteria for adoption by the Commission pursuant to Regulation~~  
16 ~~18308.1(a)(8) governing the preparation and submittal by the Executive Director of~~  
17 ~~recommendations to the Commission at each stage of the budgetary process, including prior to~~  
18 ~~the Agency's proposal to the Department of Finance (DOF), the DOF proposal to the Governor,~~  
19 ~~and the Governor's proposed annual budget to the Legislature.~~

20           ~~(D) Recommending guidelines to the Commission, governing the authorizing of~~  
21 ~~unbudgeted expenditures by the Executive Director.~~

22           ~~(E) Reviewing and recommending to the Commission, policies and procedures that will~~  
23 ~~ensure the integrity of the financial control and reporting system.~~

1           ~~(F) Recommending criteria to the Commission, to be followed by the Law & Policy~~  
2     ~~Committee, for recommending positions on legislation fiscally impacting the operations of the~~  
3     ~~FPPC.~~

4           ~~(G) Recommending criteria to the Commission, to be followed by the Executive Director~~  
5     ~~and the Budget & Personnel Committee, on the methods to be employed to keep confidential, the~~  
6     ~~content of any draft budget or budget change proposal:~~

7           ~~(i) whenever the Committee conducts a review of a draft budget or budget change~~  
8     ~~proposal, which has been proposed by the Executive Director; or~~

9           ~~(ii) when reporting the Budget & Personnel Committee draft budget or budget change~~  
10    ~~proposal recommendations to the Commission.~~

11          ~~(H) Recommending to the Commission the selection, evaluation, and, if necessary,~~  
12    ~~discipline or dismissal of the Executive Director.~~

13          ~~(I) Having considered any employee input received, recommending to the Commission~~  
14    ~~the adoption or revision of personnel or office policies proposed by the Executive Director.~~

15          ~~(J) Recommending to the Commission policies and procedures for the Executive Director~~  
16    ~~to recommend the selection, submit annual evaluations and, when necessary, recommend the~~  
17    ~~discipline or dismissal of the Division Chiefs, Legislative Director, and Communications~~  
18    ~~Director.~~

19          ~~(K) Recommending to the Commission, policies and procedures for the Executive~~  
20    ~~Director to hire, promote and, when necessary, discipline or dismiss other staff.~~

21          ~~(6) The Law & Policy Committee's responsibilities include but are not limited to:~~

22          ~~(A) Recommending annual policy goals and reporting on efforts made to meet those~~  
23    ~~goals and objectives to the Commission.~~

1           ~~(B) Reviewing the recommendations of the Legislative Director and making its~~  
2 ~~recommendation to the Commission, for positions on any effort to amend the Political Reform~~  
3 ~~Act.~~

4           ~~(C) Recommending to the Commission policies and procedures that will assure~~  
5 ~~compliance with all laws governing the Agency.~~

6           ~~(D) Recommending to the Commission the adoption or revision of a schema for the~~  
7 ~~codification of the various rules, policies and resolutions of the Commission.~~

8           ~~(E) Recommending the adoption or revision of a policy and procedures manual.~~

9           ~~(F) In consultation with the General Counsel, recommending to the Commission the~~  
10 ~~adoption or revision of a policy or regulation governing the review process for advice requests to~~  
11 ~~be followed by the Legal Division, including criteria for determining when an advice request~~  
12 ~~presents issues requiring a policy interpretation best made through a Commission Opinion or~~  
13 ~~Regulation, or is too broad or not factually specific enough to render formal assistance.~~

14           ~~(G) In consultation with the Chief of the Enforcement Division, recommending to~~  
15 ~~the Commission the adoption or revision of a policy or regulation, which governs the:~~

16           ~~(i) Proposal and prioritization of the use of the various penalty options to be employed by~~  
17 ~~the Chief of the Enforcement Division.~~

18           ~~(ii) Categorization of and weighting the seriousness of the various types of violations of~~  
19 ~~the Act.~~

20           ~~(iii) Recommendations to the Commission the enforcement priorities and procedures for~~  
21 ~~the effective operation of the Enforcement Division.~~

22 ~~Note: Authority cited: Section 83112, Government Code. Reference: Sections 83108, 83111 and~~  
23 ~~83117, Government Code.~~