

1 Amend 2 Cal. Code Regs., Section 18746.3 to read:

2 **§ 18746.3. Revolving Door; Local Officials.**

3 (a) The prohibitions of Section 87406.3 apply to a public official who, ~~on or after July 1,~~
4 ~~2006,~~ holds any of the following positions:

5 (1) Local elected official.

6 (2) Chief administrative officer of a county.

7 (3) City manager, including the chief administrator of a city.

8 (4) General manager or chief administrator of a special district who holds a position with
9 a local government agency as defined by Section 82041, including the general manager or chief
10 administrator of an air pollution control district or air quality management district.

11 (b) A public official covered by subdivision (a) of this regulation is prohibited from
12 making any appearance or communication if all of the following apply:

13 (1) The official has permanently left, as defined in Regulation 18746.4(b), any particular
14 office or employment specified in subdivision (a) of this regulation.

15 (2) The appearance or communication is made within ~~12 months~~ one year after leaving
16 that office or employment.

17 (3) The public official is compensated, or promised compensation, for the appearance or
18 communication. For purposes of Section 87406.3, a payment made for necessary travel, meals,
19 and accommodations received directly in connection with voluntary services is not considered
20 compensation.

21 (4) The appearance or communication is made on behalf of any person as an agent,
22 attorney, or representative of that person. An appearance or communication made by a public

1 official to represent his or her personal interests, as defined in ~~subdivision (b)(1) of Regulation~~
2 18702.4(b)(1), is not prohibited or limited by this ~~section~~ regulation unless the appearance or
3 communication is made in a quasi-judicial proceeding, as defined in subdivision (b)(5)(C) ~~of this~~
4 ~~regulation~~, in which the official participated while serving as a local government employee or
5 officer.

6 (5) The appearance or communication is made for the purpose of influencing, as defined
7 in Regulation 18746.2, any legislative or administrative action, or any discretionary act involving
8 the issuance, amending, awarding, or revocation of a permit, license, grant, or contract, or the
9 sale or purchase of goods or property. Notwithstanding Sections 82002 and 82037, for purposes
10 of Section 87406.3, the following definitions apply:

11 (A) "Administrative action," as that term is defined in Section 87406.3(d)(1), which
12 includes a ratemaking proceeding ~~means the proposal, drafting, development, consideration,~~
13 ~~amendment, enactment, or defeat by any local government agency of any matter, including any~~
14 ~~rule, regulation, or other action in any regulatory proceeding including a ratemaking proceeding,~~
15 ~~whether quasi-legislative or quasi-judicial. "Administrative action" does not include any action~~
16 ~~that is solely ministerial.~~

17 (B) "Quasi-legislative" means any proceeding involving the adoption of rules of general
18 applicability, including but not limited to annexations of territory to a city or district, adoption or
19 amendment of zoning ordinances, adoption of regulations, or granting of franchises.

20 (C) "Quasi-judicial" means any proceeding that determines the rights of specific parties,
21 or applies existing laws to specific situations, including but not limited to any proceedings to
22 issue or revoke licenses, building permits, zoning variances, conditional use permits, parcel and
23 subdivision maps, or coastal development permits.

1 (D) "Legislative action," as that term is defined in Section 87406.3(d)(2), ~~means the~~
2 ~~drafting, introduction, modification, enactment, defeat, approval, or veto of any ordinance,~~
3 ~~amendment, resolution, report, nomination, or other matter by the legislative body of a local~~
4 ~~government agency or by any committee or subcommittee thereof, or by a member or employee~~
5 ~~of the legislative body of the local government agency acting in his or her official capacity.~~

6 (6) The appearance or communication is made before any officer or employee of any of
7 the following:

8 (A) The local government agency, including any officer or employee of any committee,
9 subcommittee, or present member of that local government agency, that the public official
10 worked for or represented as specified in subdivision (a) of this regulation. An employee loaned
11 to a local government agency is deemed to have worked for or represented that agency.

12 (B) Any local government agency whose budget, personnel, and other operations are
13 subject to the direction and control of any agency described in subdivision (b)(6)(A) ~~of this~~
14 ~~regulation.~~

15 (c) Except for an independent contractor as specified in Section 87406.3(b)(2), the ~~The~~
16 prohibitions of Section 87406.3 and this regulation do not apply to any individual who, at the
17 time of the appearance or communication, was a board member, officer, or employee of another
18 local government agency or an employee or representative of a public agency and is appearing or
19 communicating on behalf of that agency.

20 Note: Authority cited: Section 83112, Government Code. Reference: Section 87406.3,
21 Government Code.