

**Notice**  
**Fair Political Practices Commission**  
**Interested Persons Meeting**  
**March 21, 2016 at 10 a.m.**  
**428 J Street, 8th Floor Hearing Room**  
**Sacramento, CA 95814**

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Staff of the Fair Political Practices Commission will be holding an Interested Persons meeting on March 21, at 10 a.m. to solicit public input regarding the regulatory proposal listed below. This proposal is scheduled to be considered for adoption at the April 21, 2016, meeting of the Commission.

**Adopt Proposed Regulation 18750 and Repeal Existing Regulations 18750, 18750.1, 18750.2, and 18752.**

Section 87300 requires every agency to “adopt and promulgate a Conflict of Interest Code” (1) designating all “positions within the agency, other than those specified in Section 87200, which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest,” and (2) identifying those interests of the designated employees that are reportable. A newly created agency is required to submit a code to its code reviewing body for approval, “not later than six months after it comes into existence.” (Section 87303.) An agency must submit a code amendment to its code reviewing body for approval, “within 90 days after the changed circumstances necessitating the amendments have become apparent.” (Section 87306.) Agencies must also review their existing codes biennially. (Sections 87306 and 87306.5.)

The Commission is the code reviewing body for all state agencies, other than agencies in the judicial branch of government, and all local government agencies with jurisdiction in more than one county (multi-county agencies). (Section 82011.) The Commission may not approve a Conflict of Interest Code or code amendment if it fails to (1) “provide reasonable assurance that all foreseeable potential conflict of interest situations will be disclosed or prevented,” (2) “provide to each affected person a clear and specific statement of his duties under the Code,” or (3) “adequately differentiate between designated employees with different powers and responsibilities.” (Section 87309.) Additionally, the review of codes by the Commission and the preparation of codes by state agencies are subject to the Administrative Procedures Act and local agencies must prepare codes “under procedures which guarantee to officers, employees, members, and consultants of the agency and to residents of the jurisdiction adequate notice and a fair opportunity to present their views.” (Section 87311.)

Current Regulations 18750 through 18750.2 and 18752, detail the procedures for the adoption and amendment of conflict of interest code for state agencies and multi-county agencies subject to the Commission’s review and approval. Under current provisions, separate detailed procedures are provided for state agencies (Regulation 18750), multi-county agencies (Regulation 18750.1), state agencies exempt from the Administrative

procedures Act (Regulation 18750.2), and non-substantive amendments (Regulation 18752).

Proposed Regulation 18750 harmonizes and streamlines existing procedural requirements for all code adoptions and amendments subject to the Commission's review and approval. More specifically, proposed Regulation 18750 adds language regarding the standard code format, encourages a preliminary review, deletes unnecessary language regarding the Commission's procedure for review, and incorporates existing Regulations 18750, 18750.1, 18750.2, and 18752 into a single regulations. The overarching goal is to increase efficiencies in the code approval process for both the agencies and the Commission.

In considering this proposal, the Commission may consider and revise all existing requirements for code adoptions and amendments subject to the Commission's review and approval and may impose any additional requirements consistent with the Commission's regulatory authority.

#### **ADDITIONAL INFORMATION.**

- Proposed language for Regulation 18750 and drafts of the proposed repeal of existing Regulations 18750, 18750.1, 18750.2, and 18752 are attached for review, and can also be found at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notices/ip-meetings-resource-page.html>.
- You may participate in this interested persons meeting in person (at the Commission's offices).
- You may also listen to and participate in this interested persons meeting by teleconference by calling (877) 411-9748; access code 723284.
- Finally, the Commission also invites written comments addressing these topics. Address Comments regarding proposed language to Senior Commission Counsel Brian Lau at (916) 322-5660 or [blau@fppc.ca.gov](mailto:blau@fppc.ca.gov).

For questions about this meeting, you may contact Cesar Cuevas at (916) 322-5660.