



May 15, 2023

Chair Richard C. Miadich
Commissioner Catherine Baker
Commissioner E. Dotson Wilson
Commissioner Abby Wood
Fair Political Practices Commission
1102 Q Street, Suite 3000
Sacramento, CA 95811

Sent Via Email: CommAsst@fppc.ca.gov

RE: Comment letter on May 18, 2023, Agenda Item 4 - Winuk Advice Letter I-23-009

Dear Chair Miadich and Commissioners Baker, Wilson, and Wood:

I write on behalf of the FPPC Committee¹ of the City Attorneys Department of the League of California Cities (Cal Cities).² Cal Cities respectfully requests the FPPC open a rulemaking to amend Regulations 18931.1 and 18932.3 (collectively, the Regulations), which interpret the terms “speech given” and “predominant activity” for purposes of the prohibition on honorarium found in Government Code sections 89501 through 89506.

For many, being a city council member provides very little pay. As such, council members—who are increasingly coming from diverse economic backgrounds—must often continue their professions while serving as elected officials. Since the Regulations were last amended in 1995, the emergence of the internet and social media has given rise to many more people entering professions that include publishing and speaking as a key component. This is distinctly reflected in Advice Letter I-23-009.

¹ The FPPC Committee is comprised of city attorneys who provide Political Reform Act guidance to public officials on a regular basis. Pursuant to the City Attorneys Department [bylaws](#), the Committee is responsible for monitoring FPPC proceedings and advising the FPPC of city concerns and practical implications of proposed policies.

² Cal Cities is an association of 477 California cities dedicated to protecting and restoring local control to provide for the public health, safety, and welfare of their residents, and to enhance the quality of life for all Californians. Cal Cities monitors state and federal legislation of concern to cities and identifies legislation, including proposed rules and regulations, that have statewide significance.



Considering these changed circumstances, Cal Cities believes that a rulemaking process would allow the FPPC to refine the terms “speech given” and “predominant activity” with an eye toward: (1) preserving the purpose of the honorarium ban – avoiding the potential for corruption by prohibiting payments to candidates and public officials by those who have business before their public entities; (2) safeguarding the rights of those who wish to participate in government while earning a living in today’s economic context; and (3) ensuring city councils are reflective of the residents in their communities.

We welcome the opportunity to discuss these issues further. Please do not hesitate to contact me if you have any questions.

Respectfully,

A handwritten signature in blue ink, appearing to read "Rebecca L. Moon", with a long horizontal flourish extending to the right.

Rebecca L. Moon
Chair, FPPC Committee