

1 Amend 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)~~ (1) Interpreting the Act, through regulations, opinions and such other means as the
9 Commission deems appropriate and lawful.

10 ~~(4)~~ (2) 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)~~ (3) Authorizing or initiating actions taken to defend the Commission's interpretations
14 of the Act in the courts.

15 (4) Reviewing, approving, and revising annual policy goals and objectives and evaluating
16 efforts made to meet those goals and objectives.

17 (5) Approving or revising the annual FPPC budget pursuant to the budget process set
18 forth in these regulations.

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

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

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

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

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

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

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

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

14 ~~(12) (7) Authorizing issuance of forms and manuals used to comply with the Act.~~

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

17 ~~(1) Providing oversight of the actions of the Executive Director to manage the Agency~~
18 Delegating execution of Commission policies and strategic objectives to the Chair and Executive
19 Director and, through the Executive Director, re-delegation to the employees of the FPPC.

20 ~~(2) Providing oversight of delegated responsibilities.~~

21 ~~(3) Selecting, evaluating, and, if necessary, disciplining or dismissing the Executive~~
22 ~~Director.~~

23 ~~(3) (4) Reviewing, approving, and Adopting or revising personnel or office policies~~

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

6 (5) Appointing a Vice Chair to preside over Commission meetings in the Chair’s absence.

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

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

10 ~~(B) Categorizing of and weighting the seriousness of the various types of violations of the~~
11 ~~Act.~~

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

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

17 (6) Ensuring the FPPC’s compliance with all applicable laws governing the operations of
18 the agency, and its employees/Commissioners, including but not limited to the Bagley-Keene
19 Open Meeting Act, the Public Records Act, the Administrative Procedure Act, and State laws
20 protecting employees from unlawful workplace practices, discrimination, etc.

21 ~~(7) Ensuring the integrity of the~~ To assist the Commission in its oversight responsibilities,
22 receive periodic reports from the Executive Director concerning the status of the FPPC’s budget,

1 financial control and reporting system, and the Commission's compliance with all laws
2 governing the Agency.

3 (c) The Commission ensures the proper conduct and governance of the Agency. The
4 Commission strives to achieve a governing style that encourages effective operations, frank and
5 collegial discussions among members of the Commission, the staff and the public, and fairness to
6 persons whose compliance with the Act is called into question. To this end, each commissioner,
7 including the Chair, shall:

8 (1) Comply with the statutory qualification requirements and all regulations and rules of
9 internal governance adopted by the Commission for the purpose of governing Commissioner
10 conduct, including but not limited to the Statement of Incompatible Activities ~~adopted by the~~
11 ~~Commission.~~

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

14 ~~(3) Thoroughly prepare~~ (2) Prepare for and attend Commission meetings and committee
15 meetings of which a Commissioner is a member.

16 ~~(4) (3) Between meetings, make requests for information from staff~~ communicate with
17 staff through the Executive Director, the Chair, or a Division Chief. ~~Any Division Chief~~
18 ~~contacted by a Commissioner shall report to the Executive Director information or advice given~~
19 ~~that is not subject to attorney-client privilege. The Executive Director who~~ shall ensure that all
20 Commissioners receive the benefit of information and non-confidential advice provided to any
21 individual Commissioner; provided, however, that between meetings, Commissioners who serve
22 as advisory committee chairs may make requests for information and provide direction to
23 Division Chiefs concerning matters under consideration by the Commissioner's committee.

1 ~~(5)~~ (4) Maintain the confidentiality of all confidential information acquired during the
2 Commission's work.

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

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

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

10 (5) Disclose to the General Counsel any relationship or interest that the Commissioner
11 believes is likely to create an appearance of bias or impropriety in connection with the
12 Commission's work. A Commissioner may consult with and receive confidential advice from
13 the General Counsel regarding the same. Confidential advice from the General Counsel to a
14 Commissioner concerning potential conflicts of interest is not subject to third-party disclosure
15 absent prior consent of the Commissioner who received the advice. To the extent a
16 Commissioner determines that an interest creates an appearance of bias or impropriety requiring
17 public disclosure and/or recusal, the Commissioner shall disclose the same to the Chair and
18 Executive Director prior to making the public disclosure and/or recusal.

19 (6) Apprise the Chair and Executive Director of all significant activities pertinent to the
20 work of the Commission.

21 ~~(d)~~ The Commission ensures enhanced oversight of Agency administration. In order to
22 provide thorough oversight of its delegated duties and responsibilities, the Commission
23 establishes the following two member advisory standing committees; the Budget & Personnel

1 ~~Committee, and the Law & Policy Committee.~~ The Commission may create 2-person advisory
2 committees to assist in the performance of the Commission’s functions. Advisory committees
3 shall consist of the Chair and one other Commissioner. No Commissioner, other than the Chair,
4 may serve on more than one committee at a time. Committees shall be created and terminated
5 through formal action of the Commission. Committee meetings shall be publicly noticed at least
6 five business days before the meeting and shall be open to the public in the same manner as
7 regular Commission meetings.

8 (1) ~~The Chair nominates the committee members from among the other Commissioners,~~
9 ~~who in turn, modify or approve the makeup of each committee, provided however, that each~~
10 ~~committee makeup is in partisan balance and each Commissioner serves on only one committee.~~

11 Members of each advisory committee shall be nominated by the Chair and approved by the
12 Commission. If the Chair declines or otherwise fails to nominate the committee members, the
13 Commission may nominate the committee members.

14 (A) Each advisory committee selects its own Chair.

15 (B) Each advisory committee ~~shall meets~~ meet at the call of the Committee ~~its~~ Chair
16 when necessary to transact business within the Committee’s jurisdiction.

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

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

22 (2) Each advisory committee will be responsible for:

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

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

8 ~~(C)~~ (B) Reporting regularly on its activities and anticipated activities ~~discussions and~~
9 ~~deliberations of significant issues and present~~ presenting its recommendations with any
10 supporting documentation to the full Commission to promote transparency and ensure that all
11 Commission members and the public are adequately informed.

12 ~~(D)~~ (C) Excluding ~~the Chair and~~ other Commissioners from appearing at its a ~~committee~~
13 meeting, or communicating with any member of a another advisory committee about a subject
14 matter within the jurisdiction of the committee. However, a committee chair may, in consultation
15 with General Counsel, allow ~~the Chair and~~ other Commissioners to appear at a an advisory
16 committee meeting, whenever the committee deems it appropriate to do so, provided that the
17 meeting is open to the public and conducted in accordance with the Bagley-Keene Act.

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

1 (3) Each committee operates to assist the Commission in evaluating and considering the
2 adoption of adopting key policies, goals, regulations and other action items, and is not intended
3 to direct the daily operations of management of the Commission

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

6 (5) The Budget & ~~Personnel~~ and Staffing Committee's responsibilities include but are not
7 limited to:

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

9 (B) ~~Recommending criteria for adoption by the Commission pursuant to Regulation~~
10 ~~18308.1(a)(8) governing the preparation and submittal by the Executive Director, of an initial~~
11 ~~budget proposal, and any budget change proposals, to the Commission. Ensuring that~~
12 Commissioners have adequate information concerning, and an opportunity to comment on, the
13 proposed FPPC annual budget.

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

19 ~~(D) (C) Reviewing and advising the Commission on requested ~~Recommending guidelines~~~~
20 ~~to the Commission, governing the authorizing of unbudgeted expenditures by the Executive~~
21 ~~Director in excess of \$1,000.~~

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

1 (E) Periodically receiving information about the Commission’s staffing needs and
2 preparing recommendations to the Commission regarding the same.

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

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

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

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

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

15 ~~(I) Having considered any employee input received, recommending~~ (G) Recommending
16 to the Commission the adoption or revision of personnel or office policies, including but not
17 limited to policies concerning the procedures to be followed by the Executive Director in the
18 selection, evaluation, and discipline of dismissal of staff ~~proposed by the Executive Director.~~

19 ~~(J) Recommending to the Commission policies and procedures for the Executive Director~~
20 ~~to recommend the selection, submit annual evaluations and, when necessary, recommend the~~
21 ~~discipline or dismissal of the Division Chiefs, Legislative Director, and Communications~~
22 ~~Director.~~

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

3 (6) The Law & and Policy Committee’s responsibilities include but are not limited to:

4 (A) ~~Recommending annual policy goals and reporting on efforts made to meet those~~
5 ~~goals and objectives to the Commission~~ Reviewing legislation that proposes significant
6 substantive, as opposed to merely technical, changes to the Act and providing information and
7 recommending formal positions to the Commission regarding the same.

8 (B) Reviewing changes to the Act and recommending potential regulatory action by the
9 Commission as necessary to implement such changes ~~the recommendations of the Legislative~~
10 ~~Director and making its recommendation to the Commission, for positions on any effort to~~
11 ~~amend the Political Reform Act.~~

12 (C) Periodically reviewing Commission regulations for potential revisions that would
13 improve transparency, efficiency, compliance with, and enforcement of the Act and recommend
14 such changes when appropriate to the Commission for consideration.

15 ~~(C)~~ (D) Recommending to the Commission internal policies and procedures that, among
16 other things, will assure compliance with all laws governing the Agency.

17 ~~(D)~~ (E) Recommending to the Commission the adoption or revision of ~~a schema for the~~
18 ~~codification of~~ procedures to archive and make publicly available the various rules, policies and
19 resolutions of the Commission.

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

21 (F) ~~In consultation with the General Counsel, recommending to the Commission the~~
22 ~~adoption or revision of a policy or regulation governing the review process for advice requests to~~
23 ~~be followed by the Legal Division, including criteria for determining when an advice request~~

1 presents issues requiring a policy interpretation best made through a Commission Opinion or
2 Regulation, or is too broad or not factually specific enough to render formal assistance.

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

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

7 ~~(ii) Categorization of and weighting the seriousness of the various types of violations of~~
8 ~~the Act.~~

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

11 Note: Authority cited: Section 83112, Government Code. Reference: Sections 83108, 83111 and
12 83117, Government Code.