

California Fair Political Practices Commission

MEMORANDUM

To: Chair Ravel, Commissioners Eskovitz, Garrett, Montgomery and Rotunda

From: John W. Wallace, Acting Executive Director
Zackery P. Morazzini, General Counsel

Re: Consideration of Petition to Amend 18705.5: March 13 revision

Date: March 14, 2012

Staff has reviewed the new revisions. With the same reservations listed in the original Commission memorandum, staff would support the March 13th revision as an acceptable alternative to the current proposal, if the Commission decides that a change is warranted. The change, incorporated from the League of Cities comment letter, would:

- Add to subdivision (c)(1) decisions made by an official to appoint oneself to a different position in the same body, such as mayor or deputy mayor. This decision presents the same policy considerations as the existing language in the earlier proposals and therefore, does not change the staff's analysis.
- The other changes were clarifying changes.

Thus, staff would recommend that if the Commission agrees, after hearing testimony, that the burden of compliance with the existing rule, outweighs the prevention of the potential abuse, then the Commission should accept the narrow revised exception presented by the Petitioners.