



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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To: Chair Remke, Commissioners Audero, Cardenas, Hatch, and Hayward

From: Jack C. Woodside, General Counsel
Matthew F. Christy, Commission Counsel

Subject: Proposed Amendment of Regulation 18746.3 – Revolving Door; Local Officials

Date: February 5, 2018

Requested Action

Staff respectfully requests that the Commission adopt proposed amendments of Regulation 18746.3, relating to the local one-year ban, to bring that regulation into conformity with Government Code section 87406.3¹ as amended by the chaptering of AB 551.

Background

The Act restricts the post-governmental activity of officials who leave local governmental service. Specifically, Section 87406.3 imposes a “local one-year ban” on specified high-level local officials who leave local governmental service. The local one-year ban prohibits such an official, for one year after leaving local government office or employment, from representing any other person, for compensation, by appearing before or communicating with the official’s former agency in an attempt to influence the agency’s decisions regarding an administrative or legislative action, or any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, contract, or the sale or purchase of goods or property. (*Ibid.*)

Section 87406.3(b) contains an exception to the local one-year ban for a covered individual who is, at the time of the appearance or communication at issue, a board member, officer, or employee of another local government agency, or an employee or representative of a public agency, appearing or communicating on behalf of that agency.

AB 551 (Stats. 2017, ch. 196) amended Section 87406.3(b) to specify that the local one-year ban applies to an individual who is, at the time of the appearance or communication at issue, an independent contractor of a local government agency or public agency, appearing or communicating on behalf of that agency.

¹ The regulations of the FPPC are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to this source. The Political Reform Act (Act) is contained in Government Code sections 81000 through 91014. All statutory references are to this source.

Discussion and Summary of Proposed Action

The proposed amendment of Regulation 18746.3 would update that regulation and incorporate the changes to Section 87406.3 made by AB 551, thereby bringing the regulation back into conformity with Section 87406.3 as amended by that bill. The proposed amendment of Regulation 18746.3 would also make non-substantive changes updating the regulation.

Attachment:

1- Proposed Amendment of Regulation 18746.3