

1 Adopt 2 Cal. Code Regs., Section 18308 to read:

2 **§ 18308. Commission Governance**

3 To ensure that the accountability and authority for governance and management of the
4 Fair Political Practices Commission (FPPC) is clearly stated, the Commission has set forth
5 regulations to specify the roles of the Commission, and its delegation of powers and duties to the
6 Chair or the Executive Director.

7 All authority granted by statute to the Commission is retained, except as specifically
8 delegated herein or by other regulation. The Commission’s statutory duty is to ensure that the
9 Political Reform Act is impartially and effectively administered and implemented.

10

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

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

15 (6) Crafting and sponsoring legislation and adopting FPPC positions on efforts to amend
16 the Political Reform Act.

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

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

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

1 (B) when reporting the Budget & Personnel Committee draft budget or budget change
2 proposal recommendations to the Commission.

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

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

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

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

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

12 (1) Providing oversight of the actions of the Executive Director to manage the Agency.

13 (2) Selecting, evaluating, and, if necessary, disciplining or dismissing the Executive
14 Director.

15 (3) Adopting or revising personnel or office policies.

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

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

22 (A) Proposing and prioritizing the various penalty options to be employed by the Chief of
23 the Enforcement Division.

1 (B) Categorizing of and weighting the seriousness of the various types of violations of the
2 Act.

3 (C) Setting enforcement priorities and procedures for the effective operation of the
4 Enforcement Division.

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

8 (7) Ensuring the integrity of the financial control and reporting system, and the
9 Commission’s compliance with all laws governing the Agency.

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

15 (1) Comply with the statutory qualification requirements and the Statement of
16 Incompatible Activities adopted by the Commission.

17 (2) When communicating by email, use only his or her official Commission email
18 account for official business.

19 (3) Thoroughly prepare for and attend Commission meetings and committee meetings of
20 which a Commissioner is a member.

21 (4) Between meetings, communicate with staff through the Executive Director or a
22 Division Chief. Any Division Chief contacted by a Commissioner shall report to the Executive
23 Director information or advice given that is not subject to attorney-client privilege. The

1 Executive Director shall ensure that all Commissioners receive the benefit of information and
2 advice provided to any individual Commissioner.

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

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

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

11 (d) The Commission ensures enhanced oversight of Agency administration. In order to
12 provide thorough oversight of its delegated duties and responsibilities, the Commission
13 establishes the following two-member advisory standing committees; the Budget & Personnel
14 Committee, and the Law & Policy Committee.

15 (1) The Chair nominates the committee members from among the other Commissioners,
16 who in turn, modify or approve the makeup of each committee, provided however, that each
17 committee makeup is in partisan balance and each Commissioner serves on only one committee.
18 If the Chair declines or otherwise fails to nominate the committee members, the Commission
19 may nominate the committee members.

20 (A) Each committee selects its own Chair.

21 (B) Each committee meets at the call of its Chair.

1 (C) Committee actions are by consensus recommendation to the Commission. If a
2 consensus is not reached on an issue, each committee member may present an alternative
3 recommendation to the Commission.

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

6 (2) Each committee will be responsible for:

7 (A) Reviewing and recommending to the full Commission those policies, goals,
8 regulations and other action items that are pertinent to its subject matter jurisdiction. Any
9 recommendation to adopt, amend or rescind policies, rules or regulations that govern procedures
10 of the Commission must be accomplished in accordance with the Administrative Procedures Act.

11 (B) Annually reviewing matters that were recommended and adopted by the Commission
12 during the prior year to evaluate whether these matters represented an effective and efficient
13 method of achieving the Commission’s goals.

14 (C) Reporting regularly on its discussions and deliberations of significant issues and
15 present its recommendations with any supporting documentation to the full Commission to
16 promote transparency and ensure that all Commission members and the public are adequately
17 informed.

18 (D) Excluding the Chair and other Commissioners from appearing at a committee
19 meeting, or communicating with any member of a committee about a subject matter within the
20 jurisdiction of the committee. However, a committee chair may, in consultation with General
21 Counsel, allow the Chair and other Commissioners to appear at a committee meeting, whenever
22 the committee deems it appropriate to do so, provided that the meeting is open to the public and
23 conducted in accordance with the Bagley Keene Act.

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

5 (3) Each committee operates to assist the Commission in adopting key policies, goals,
6 regulations and other action items, and is not intended to direct the daily operations of
7 management of the Commission

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

10 (5) The Budget & Personnel Committee’s responsibilities include but are not limited to:

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

12 (B) Recommending criteria for adoption by the Commission pursuant to section 18308.1

13 (a)(8) governing the preparation and submittal by the Executive Director, of an initial budget
14 proposal, and any budget change proposals, to the Commission.

15 (C) Recommending criteria for adoption by the Commission pursuant to section 18308.1

16 (a)(8) governing the preparation and submittal by the Executive Director of recommendations to
17 the Commission at each stage of the budgetary process, including prior to the Agency’s proposal
18 to the Department of Finance (DOF), the DOF proposal to the Governor, and the Governor’s
19 proposed annual budget to the Legislature.

20 (D) Recommending guidelines to the Commission, governing the authorizing of
21 unbudgeted expenditures by the Executive Director.

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

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

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

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

9 (ii) when reporting the Budget & Personnel Committee draft budget or budget change
10 proposal recommendations to the Commission.

11 (H) Recommending to the Commission the selection, evaluation, and, if necessary,
12 discipline or dismissal of the Executive Director.

13 (I) Having considered any employee input received, recommending to the Commission
14 the adoption or revision of personnel or office policies proposed by the Executive Director.

15 (J) Recommending to the Commission policies and procedures for the Executive Director
16 to recommend the selection, submit annual evaluations and, when necessary, recommend the
17 discipline or dismissal of the Division Chiefs, Legislative Director, and Communications
18 Director.

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

21 (L) The Executive Director, in consultation with the Budget & Personnel Committee,
22 prepares and submits to the Commission, all office policies and procedures, not in conflict with
23 any statute, regulation, or applicable state employee collective bargaining contract.

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

2 (A) Recommending annual policy goals and reporting on efforts made to meet those
3 goals and objectives to the Commission.

4 (B) Reviewing the recommendations of the Legislative Director and making its
5 recommendation to the Commission, for positions on any effort to amend the Political Reform
6 Act.

7 (C) Recommending to the Commission policies and procedures that will assure
8 compliance with all laws governing the Agency.

9 (D) Recommending to the Commission the adoption or revision of a schema for the
10 codification of the various rules, policies and resolutions of the Commission.

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

12 (F) In consultation with the General Counsel, recommending to the Commission the
13 adoption or revision of a policy or regulation governing the review process for advice requests to
14 be followed by the Legal Division, including criteria for determining when an advice request
15 presents issues requiring a policy interpretation best made through a Commission Opinion or
16 Regulation, or is too broad or not factually specific enough to render formal assistance.

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

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

21 (ii) Categorization of and weighting the seriousness of the various types of violations of
22 the Act.

- 1 (iii) Recommendations to the Commission the enforcement priorities and procedures for
- 2 the effective operation of the Enforcement Division.

1 Adopt 2 Cal. Code Regs., Section 18308.2 to read:

2 **§ 18308.2 Authority of the Chair.**

3 The Chair, appointed by the Governor, is a voting member of, and the presiding officer of
4 the Commission.

5 (a) After seeking input from Commissioners and staff, the Chair submits a tentative
6 Commission agenda to the other Commissioners for their review and approval as to an item
7 description or placement, but not as to the merits of any item, prioritizing and scheduling agenda
8 items in conformance with Commission established policy, however any item proposed for a
9 Commission agenda by two or more Commissioners shall be placed on that agenda in the form
10 requested.

11 (b) The Chair includes a final agenda item each month for commissioner comments, in
12 order to provide an opportunity for commissioners to publicly raise concerns among themselves
13 in a public meeting.

14 (c) Except as otherwise required by any provision of Article 9 of Chapter 1 of Part 1 of
15 Division 3 of Title 2 of the Government Code to the contrary, the Chair conducts Commission
16 meetings with reference to Robert's Rules of Order and other rules adopted by the Commission.

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1 Adopt 2 Cal. Code Regs., Section 18308.3 to read:

2 **§ 18308.3 Authority of the Executive Director**

3 The Commission delegates to the Executive Director responsibility for the operations and
4 management of the Agency in conformance with Commission established policy. The Executive
5 Director is responsible for ensuring that the Commission is fully informed regarding the
6 operations and management of the Agency.

7 (a) The Executive Director acts as the CEO of the Agency.

8 (1) The Executive Director, in consultation with the Budget & Personnel Committee,
9 recommends the selection, submits annual evaluations and, when necessary, recommends the
10 discipline or dismissal of the Division Chiefs, Legislative Director, and Communications
11 Director for review and approval by the Commission.

12 (2) Except as otherwise required by applicable statute, the Executive Director, in
13 consultation with the Budget & Personnel Committee and Division Chiefs, hires, promotes and,
14 when necessary, disciplines or dismisses other staff pursuant to Commission policies and
15 procedures.

16 (3) The Executive Director, in consultation with the Budget & Personnel Committee,
17 prepares and submits to the Commission all office policies and procedures not in conflict with
18 any statute, regulation, or applicable state employee collective bargaining contract.

19 (4) In consultation with the Law & Policy Committee, the Executive Director proposes
20 the short term and long-term goals and priorities of the Agency for approval by the Commission.

21 (5) The Executive Director receives and coordinates requests from commissioners
22 regarding staff work and, in consultation with the Division Chiefs, prioritizes such requests, in
23 accordance with Commission policy recommended by the Budget & Personnel Committee.

1 (6) Subject to the limitations of Commission established policy, the Executive Director
2 acts on behalf of and in the name of the Commission between meetings of the Commission,
3 including certifying actions taken by the Commission. The Executive Director may not establish
4 or revise policies, promulgate or amend rules or regulations, issue or revise Commission
5 opinions, or approve or revise positions on legislation pursuant to this subdivision.

6 (7) The Executive Director reports in writing each month to the Commission on actions
7 taken on behalf of the Commission for its review and approval.

8 (8) Pursuant to Commission established policy, the Executive Director ensures that the
9 information provided to the Commission is comprehensive, timely, impartial and not unduly
10 burdensome.

11 (9) The Executive Director oversees the implementation of the short-term and long-term
12 goals and priorities of the Commission and reports to the Commission in writing on achievement
13 of its goals and priorities.

14 (10) Pursuant to Commission established policy, the Executive Director exercises
15 oversight over Commission staff with respect to their official duties to communicate with the
16 public, the press, and government institutions to ensure that those communications are forthright,
17 accurate, and do not disparage any Commissioner or staff member.

18 (b) The Executive Director acts as the chief budgetary and administrative officer of the
19 Agency.

20 (1) In consultation with the Budget & Personnel Committee and Division Chiefs, the
21 Executive Director prepares and submits an initial budget proposal, and any budget change
22 proposals, to the Commission, subject to the criteria adopted pursuant to section 18308.1 (a)(8).

1 (2) Subject to the criteria adopted pursuant to section 18308.1 (a)(8), the Executive
2 Director submits recommendations to the Budget & Personnel Committee at each stage of the
3 budgetary process, including prior to the Agency’s proposal to the Department of Finance
4 (DOF), the DOF proposal to the Governor, and the Governor’s proposed annual budget to the
5 Legislature.

6 (3) The Executive Director, in consultation with the Budget & Personnel Committee,
7 reports monthly in writing to the Commission on the status of Commission finances.

8 (4) The Executive Director, in consultation with the Budget & Personnel Committee,
9 prepares, and submits budget change proposals, requests for deficit funding and other budgetary
10 documents to the Department of Finance.

11 (5) The Executive Director, in consultation with the Budget & Personnel Committee,
12 approves all fiscal analyses prepared at the request of the Legislature, Legislative Analyst or
13 Department of Finance.

14 (6) The Executive Director retains final approval for all budgeted expenditures.

15 (7) In accordance with Commission approved guidelines, the Executive Director
16 authorizes unbudgeted expenditures, when deemed appropriate, up to \$25,000.

17 (8) Reviews and approves Commissioner compensation and reimbursement requests in
18 accordance with the policy on compensation and reimbursement of Commissioners.

19 (c) The Executive Director acts in the name of the Commission with respect to the
20 following statutory duties:

21 (1) Reviews and approves conflict of interest codes other than the code of the
22 Commission;

23 (2) Reviews, approves, and signs subpoenas;

1 (3) Executes oaths and affirmations.

2 Note: Authority Cited: Section 83112, Government Code. Reference: Sections 83108,

3 83111, and 83117, Government Code.