

1 Amend 2 Cal. Code Regs. Section 18438.1 as follows:

2 **§ 18438.1. Officers and Agencies Under ~~Government Code~~ Section 84308.**

3 For purposes of Section 84308,

4 (a) The officers of an agency exempted by ~~Government Code~~ Section 84308(a)(3) are
5 exempted only when:

6 (1) They are acting as members of the governing body of the agency, and the body is
7 acting in its entirety as itself or as the ex officio governing body of any other agency. ~~This~~
8 ~~applies to a city council or board of supervisors which designates itself as the redevelopment~~
9 ~~agency for the city or county; or~~

10 (2) They are acting as members of any committee or subgroup of the governing body of
11 the agency which is composed solely of members of the governing body of the agency.

12 ~~(b) The exemption for the officers of local governmental agencies who are directly~~
13 ~~elected by the voters applies only to agencies whose entire membership consists of officers~~
14 ~~directly elected by the voters to serve on that agency.~~

15 ~~(c)~~ (b) “Alternate” as used in Section 84308(a)(4) means any person designated to serve
16 as an officer of an agency who has served at least once in the preceding three months, or who
17 knows or has reason to know will
18 serve as an officer of the agency in the next three months.

19 ~~(d)~~ (c) An officer of an agency includes only those persons who:

20 (1) Serve in an elected position, including any official appointed to an elected position
21 due to an interim vacancy or an election otherwise canceled because the official was the sole
22 candidate for the position.

23 (2) Serve as a member ~~members~~ of a governmental board or commission; ~~boards and~~
24 ~~commissions; or~~

1 ~~(2) (3)~~ Serve as the head of an agency. ~~A member of the Governor's Cabinet is not an~~
2 ~~officer under Government Code Section 84308 when the member is acting in the capacity of~~
3 ~~agency secretary; however, the person is an officer when the person acts as a department director~~
4 ~~or as a member of any board or commission.; or~~

5 (4) Have decisionmaking authority with respect to the proceeding involving a license,
6 permit, or other entitlement for use and is also a candidate for elected office.

7 (d) "Constitutional officer" means the Governor, Lieutenant Governor, Attorney General,
8 Controller, Insurance Commissioner, Secretary of State, and State Treasurer.

9 Note: Authority cited: Section 83112, Government Code. Reference: Section 84308,
10 Government Code.