

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 or Agency) is clearly stated, the Commission has set
5 forth regulations to specify the roles of the Commission, and its delegation of powers and duties
6 to the 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 recommended by the Law
6 & Policy Committee and evaluating efforts made to meet those goals and objectives.

7 (2) Approving or revising the annual FPPC budget recommended by the Budget &
8 Personnel Committee.

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

11 (4) Enforcing the Act, by initiating or hearing administrative actions, authorizing civil
12 actions, approving stipulations and such other means as the Commission deems appropriate and
13 lawful.

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

16 (6) Upon recommendation of the Law & Policy Committee, taking positions on efforts to
17 amend the Political Reform Act.

18 (7) Upon the recommendation of the Budget & Personnel Committee, adopt criteria to be
19 followed by the Law & Policy Committee for taking positions on legislation fiscally impacting
20 the operations of the FPPC.

21 (8) Upon the recommendation of the Budget & Personnel Committee, adopt criteria to be
22 followed by the Executive Director and the Budget & Personnel Committee, on the methods to
23 be employed to keep confidential, the content of any draft budget or budget change proposal,

1 whenever the Committee conducts a review of a draft budget or budget change proposal, which
2 has been proposed by the Executive Director, or when reporting the Budget & Personnel
3 Committee draft budget or budget change proposal recommendations to the Commission.

4 (9) Upon recommendation of the Law & Policy Committee, adopting or revising a policy
5 governing the procedures to be followed by a Standing Committee, in order that it might allow
6 the Chair or any other Commissioner who is not a member, to appear at a Standing Committee
7 meeting, subject to any applicable statutory restrictions.

8 (10) Upon recommendation of the Law & Policy Committee, adopting or revising a
9 schema for the codification of the various rules, policies and resolutions of the Commission.

10 (11) Upon recommendation of the Law & Policy Committee, adopting or revising a
11 policy and procedures manual.

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

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

15 (1) Upon recommendation of the Budget & Personnel Committee, selecting, evaluating,
16 and, if necessary, disciplining or dismissing the Executive Director.

17 (2) Upon recommendation of the Budget & Personnel Committee, having considered any
18 employee input received, adopting or revising personnel or office policies proposed to the
19 Committee by the Executive Director.

20 (3) Upon recommendation of the Law & Policy Committee, adopting or revising a policy
21 or regulation governing the review process to be followed by the FPPC General Counsel, in
22 determining whether advice requests are either overly broad or not factually specific enough to

1 warrant advice rendered pursuant to section 83114 (b) but rather should be answered with a
2 Commission opinion, pursuant to section 83114 (a).

3 (4) Upon recommendation of the Law & Policy Committee, adopting or revising a policy
4 or regulation governing the:

5 (A) Proposing and prioritizing the use of the various penalty options to be employed by
6 the Chief of the Enforcement Division.

7 (B) Categorizing of and weighting the seriousness of the various types of violations of the
8 Act to be enforced.

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

11 (5) Delegating execution of established Commission policy and strategic objectives to the
12 Executive Director and, upon written request of the Executive Director, may by resolution,
13 authorize the re-delegation of specific duties to specified employees of the Fair Political
14 Practices Commission, notwithstanding any provision of regulation 18361 to the contrary.

15 (6) Ensuring the integrity of the financial control and reporting system by acting on
16 recommendations of the Budget & Personnel Committee, and the Commission's compliance
17 with all laws governing the Agency by acting on the recommendations of the Law & Policy
18 Committee.

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

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

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

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

7 (4) Between meetings, communicate with staff through the Executive Director or any
8 member of the executive staff, who shall report the information or advice given, that is not
9 subject to attorney-client privilege, to the Executive Director, who shall ensure that all
10 Commissioners receive the benefit of information and advice provided to any individual
11 Commissioner.

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

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

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

20 (d) The Commission ensures enhanced oversight of Agency administration. In order to
21 provide thorough oversight of its delegated duties and responsibilities, the Commission creates a
22 system of Standing Committees, as follows:

23 (1) The Commission establishes the following two-member standing committees:

1 (A) The Budget & Personnel Committee; and

2 (B) The Law & Policy Committee.

3 (2) The Chair nominates the committee members from among the other Commissioners,
4 who in turn, modify or approve the makeup of each committee, provided however, that each
5 committee makeup is in partisan balance.

6 (A) Each committee selects its own Chair.

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

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

11 (D) In the event that a vacancy occurs on either standing committee, the remaining
12 member shall be considered as meeting the quorum requirements to meet and vote on issues
13 before the committee.

14

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) The Chair provides policy guidance to the Executive Director regarding all aspects of
6 Commission established policy.

7 (b) Subject to the limitations of Commission established policy, the Chair acts on behalf
8 of and in the name of the Commission between meetings of the Commission, including
9 certifying actions taken by the Commission. The Chair may not establish or revise policies,
10 promulgate or amend rules or regulations, issue or revise Commission opinions, approve or
11 revise positions on legislation, take any personnel action, or approve any personnel action
12 recommended by the Executive Director.

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

17 (d) The Chair provides oversight of the actions of the Executive Director to manage the
18 Agency and reports any adverse findings to the Commission.

19 (e) The Chair reports in writing each month to the Commission on actions taken on
20 behalf of the Commission for its review and approval.

21 (f) After seeking input from Commissioners and staff, the Chair submits a tentative
22 Commission agenda to the other Commissioners for their review and approval as to an item
23 description or placement, but not as to the merits of any item, prioritizing and scheduling agenda

1 items in conformance with Commission established policy, however any item proposed for a
2 Commission agenda by two or more Commissioners shall be placed on that agenda in the form
3 requested.

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

7 (h) Pursuant to Commission established policy, the Chair ensures that the information
8 provided to the Commission is comprehensive, timely, impartial and not unduly burdensome.

9 (i) The Chair oversees the implementation of the short term and long-term goals and
10 priorities of the Commission by the Executive Director.

11 (j) The Chair reports to the Commission in writing on achievement of its goals and
12 priorities.

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 recommends the selection, submits annual evaluations and,
9 when necessary, recommends the discipline or dismissal of the Division Chiefs, Legislative
10 Director, and Communications Director to the Budget & Personnel Committee for review and
11 recommendation to the Commission.

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

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

19 (4) After consulting with the Chair, the Executive Director proposes to the Law & Policy
20 Committee, for recommendation to the Commission for approval, the short term and long-term
21 goals and priorities of the Commission.

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

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

6 (1) In consultation with the executive staff, the Executive Director prepares and submits
7 an initial budget proposal, and any budget change proposals, to the Budget & Personnel
8 Committee for recommendation to the Commission, subject to the criteria adopted pursuant to
9 section 18308.1 (a)(8).

10 (2) Subject to the criteria adopted pursuant to section 18308.1 (a)(8), the Executive
11 Director submits recommendations to the Budget & Personnel Committee at each stage of the
12 budgetary process, including prior to the Agency's proposal to the Department of Finance
13 (DOF), the DOF proposal to the Governor, and the Governor's proposed annual budget to the
14 Legislature.

15 (3) The Executive Director regularly reports in writing to the Budget & Personnel
16 Committee and Commission on the status of Commission finances.

17 (4) The Executive Director prepares, and after review by the Budget & Personnel
18 Committee, submits budget change proposals, requests for deficit funding and other budgetary
19 documents to the Department of Finance.

20 (5) Prior to giving final approval, the Executive Director submits to the Budget &
21 Personnel Committee for review, all fiscal analyses prepared at the request of the Legislature,
22 Legislative Analyst or Department of Finance.

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

1 (7) In accordance with Commission approved guidelines recommended by the Budget
2 Committee, the Executive Director authorizes unbudgeted expenditures, when deemed
3 appropriate up to \$25,000.

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

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

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

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

11 (3) Executes oaths and affirmations.

12 Note: Authority Cited: Section 83112, Government Code. Reference: Sections 83108,
13 83111, and 83117, Government Code.