



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

**From:** Loressa Hon, Acting Executive Director

**Subject:** Delegation to Executive Director

**Date:** February 11, 2019

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**Background**

New law effective January 1, 2019 added Government Code Section 83123.6, Enforcement of Local Government Campaign and Ethics Ordinance, which authorizes the governing body of a local government agency to contract with the Commission for the administration, implementation, and enforcement of a local campaign finance or government ethics law. The authorization is limited to jurisdictions with a population of less than 3,000,000.

Under the Governance Principles, it is unclear if the Executive Director has delegated authority to discuss or negotiate contracting terms with local government agency on behalf of the Commission.

Pursuant to Commission Regulation 18308.1(a)(8) “Authority of the Commission”:

“Adopting criteria to be followed by the Executive Director and the Budget & Personnel Committee, on the methods to be employed to keep the content of any draft budget or budget change proposal confidential.”

Pursuant to Commission Regulation 18308.3(a)(6) “Authority of the Executive Director”:

“Subject to the limitations of Commission established policy, the Executive Director acts on behalf of and in the name of the Commission between meetings of the Commission, including certifying actions taken by the Commission.”

In the last two months, staff have received multiple inquiries and interests from local government agencies on contracting with the Commission for the administration, implementation and enforcement of local campaign finance or government ethics law. In light of cost reimbursement on contracting with local government agency, potential budget change proposals may be required to address staffing needs to execute those contracts. Staff is requesting the Commission’s guidance on how to proceed.