



STATE OF CALIFORNIA  
FAIR POLITICAL PRACTICES COMMISSION

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**To:** Chair Miadich, Commissioners Cardenas, Hatch, Hayward, and Wilson

**From:** Dave Bainbridge, General Counsel, Legal Division  
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**Subject:** Language for Commissioner Code of Conduct

**Date:** February 10, 2020

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At the December 2019 Commission meeting, staff was asked to draft language that would establish certain restrictions on Commissioners' conduct. In response to those requests, staff proposes the following language be adopted as part of a Commissioner Code of Conduct:

- (1) The Commission directed staff to produce language requiring Commissioners to disclose, prior to voting on an agenda item, the name of persons with who the Commissioner had an ex parte communication with regarding an agenda item. Staff proposes the following language:

*A Commissioner who receives a communication regarding an item on a Commission meeting agenda from a source outside the FPPC must disclose, on the record and prior to discussing or voting on the item, the name of the source of the communication. Commissioners are not required to disclose any details regarding the substance of those communications. If a Commissioner receives any such outside communication but will be absent from the meeting or recused from voting on the relevant agenda item, the Commissioner must still disclose the communication to the Chair and Executive Director prior to the meeting. This provision does not apply to ex parte communications concerning pending Enforcement cases subject to Government Code section 11430.10 et. seq.*

- (2) The Commission directed staff to produce language prohibiting cell phone use while on the dais. Staff proposes the following language:

*During a Commission meeting, Commissioners may not use, or otherwise display, a cell phone or similar electronic device. Proper decorum at a Commission meeting requires full attention to, and respect for, the proceedings, the agency and the general public.*

- (3) The Commission directed staff to produce language requiring Commissioners to conduct all FPPC related business via FPPC-issued laptops and email addresses, and not use personal laptops or email addresses to conduct FPPC related business. Staff proposes the following language:

*When conducting official business, Commissioners are prohibited from using any computer or email address other than those issued by the FPPC. While Commissioners are not prohibited from using personal cell phones to text or make phone calls relating to FPPC business, Commissioners should be aware that text and phone records may be subject to California Public Records Act requests.*

(4) Adopt language impose a rule of internal conduct, such that Commissioners must submit time sheets for reimbursement no later than 30 days after the last day of the month that the claim is for. Staff proposes the following language:

***Commissioners must submit time sheets for reimbursement no later than thirty (30) days after the end of the month for which they are seeking compensation or reimbursement.***