



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION

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

From: Dave Bainbridge, General Counsel, Legal Division
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Subject: Adoption of Regulation 18310.1 – “Public Participation at Meetings”

Date: April 6, 2020

As part of an ongoing effort to implement rules relating to public participation at Commission meetings, staff proposes the adoption of Regulation 18310.1, “Public Participation at Meetings.” At its July 2019 meeting, the Commission asked staff to propose rules for public participation at Commission meetings. At that point, the Commission had not adopted any formal rules regarding public participation. In September, staff proposed rules for regulating public comments at Commission meetings, which the Commission adopted. In October, the Commission adopted a supplemental rule regarding public speakers’ requests to use audio/visual aids.

At the February 2020 Commission meeting, staff presented Regulation 18310.1 for pre-notice discussion. As discussed at that meeting, the regulation is largely based on the public participation rules adopted by the Commission in September and October of last year, with minor revisions generally made for the sake of organization, clarity, and efficiency. During the pre-notice discussion, the Commission instructed staff to include additional provisions to the effect that lawyers must disclose if they are giving public comment on behalf of any client and lobbyists must disclose if they are being paid to give public comment and the identity of who is paying them. Accordingly, staff has included the following two provisions:

- “An attorney appearing on behalf of one or more clients, rather than as an individual member of the public, shall disclose that fact at the beginning of the speaker’s public comment.” (Regulation 18310.1(b)(7).)
- “A lobbyist appearing on behalf of one or more clients, rather than as an individual member of the public, shall identify himself/herself and any client who is paying the lobbyist to appear on behalf of the client, at the beginning of the speaker’s public comment.” (Regulation 18310.1(b)(8).)

Staff recommends the adoption of Regulation 18310.1 as drafted, though the Commission may choose to adjust the regulation’s language prior to adoption. The regulation will generally codify the rules previously adopted by the Commission. The proposed regulation would also improve the organization, clarity, and efficiency of the rules pertaining to public participation at Commission meetings, as discussed in February.