

The Orange County Ethics Commission Ballot Measure for June 2016

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What a trip this has been! December 2014 and 8 months more.

We felt the League needed to make a study on Ethics Commissions and be ready for Pros and Cons on the June ballot. I have attended the Orange County Board of Supervisors (BOS) meetings and ad hoc committees for over 4 years and have enjoyed watching this event transpire, especially with the changing of the guards. . . .

Supervisors Nguyen, Bates and Moorlach are now all up in Sacramento and we have three new supervisors, three of whom are Asian American and three of whom are lawyers. Fun!!!

Back in 2000s, then-Supervisor John Moorlach and Shirley Grindle suggested a committee to look at TINCUP and update it. The committee was composed of each Supervisor's Chief of Staff and Shirley. Mary Fuhrman and I attended every meeting and saw what a fiasco it was.

There was little meeting of the minds and much lack of diplomacy. In 2013, initially the BOS, which had been offended by two critical Grand Jury reports on County ethics issues, learned through Supervisor Nelson that San Bernardino County had just received legislative permission to ask the state Fair Political Practices Commission (FPPC) to assume their campaign finance regulations. This was a change in state law.

Their situation had been messy, the FPPC fixed it up, advised and fined people, and the San Bernardino County contract with the FPPC is up for renewal. So, in 2014, at the request of the Board, Senator Lou Correa wrote a bill offering the same kind of FPPC involvement for OC. It was effectively gutted and amended in the legislature. In 2015, newly elected Assemblyman Matt Harper offered a similar bill, AB910, and it has been chaptered, so the FPPC still does not have status to contract with Orange County.

Anticipating State legislative approval (which never came), the Board

put Measure E on the 2014 County ballot, favoring having the FPPC oversee campaign finance issues in Orange County – which passed, with over 57% of voter approval. Of course, it turns out that it cannot happen, since no Sacramento legislative action has been taken.

In April, 2015, Board of Supervisors Chair Todd Spitzer held a Roundtable Discussion on the Future of Ethics in Orange County. Supervisor Nelson started working with Shirley Grindle and her colleagues, Lawyer Bill Mitchell, formerly with Common Cause, and Professor Mario Manero, former Chief of Staff for John Moorlach.

In July, 2015, The Orange County Ethics Committee was formed, again composed of BOS aides, with Chair Spitzer's aide as chair of the committee and Supervisor Do's aide as vice-chair. All of the meetings again were public and I attended all of the meetings except one.

The committee did quite a good job, interviewing a variety of experts and studying commissions, such as our ILO has done. They submitted a 250 page report in September, grumbling that they could have done an even better job if they'd been given more time. (There was a deadline from the BOS, however! If they didn't come up with a plan by October, Ms. Grindle had stated she and her committee were ready to get a petition for an Ethics Commission started and would have no problem getting signatures for the ballot!) See the BOS scramble!

August and September offered version after version, with give and take on both sides. Even though I was in attendance for all of this, I would not have made a bet on how it would turn out!

Then, at the September 22 BOS meeting, (a looong meeting) they had a closed session, met again at 3pm. and **all five** of the Supervisors spoke at length on how grateful they were for Shirley Grindle's community participation, how dedicated she was, how they admired her long, long years of effort to make sure that Orange County was being properly watched. (It sounded like Shirley was going to get an Ethics Commission!)

Then, a day before the agendaed meeting, Supervisor Do distributes to the press and his email constituents, his suggested amendments to what

the BOS is ready to present. Spitzer is quoted by the press – and I won't quote him, but it shows his great angst, et cetera.

At the October 6 BOS meeting, Spitzer stated, "I regret saying things publicly. If I misspoke I apologize . . . I was very upset."

We're now at October 6, (the Supervisors had met the October deadline Shirley gave them!) The Chair suggests the BOS look at both the Spitzer/Nelson/Grindle document and also Do's new document and see if agreements couldn't be reached. (I'm sitting directly behind Shirley at this meeting!) Supervisor Michelle Steel stated she did not approve of either; it was a "waste of hard-earned tax payer dollars. Both proposals offered are what the County is already doing." Throughout the rest of the discussion she did not speak or vote.

After much give and take, the BOS found agreement on about 10 items. Do suggested, and the other three Supervisors agreed, that an ad hoc committee meet with County Counsel Leon Page to put this agreement into ordinance form.

The meeting ended with Chair Spitzer thanking all for being collaborative. Thanked Shirley Grindle, calling her the "Godmother". There will be five signatures (all that's allowed) supporting this measure on the June ballot . . . with Shirley Grindle's name first followed **the four Supervisors**, minus Steel.

Supervisor Nelson was also profusely thanked.

It should be noted that at this meeting, a 2013-2014 Grand Juror spoke during Public Address. He was very upset and stated he was not in favor of either of the proposals! And the Grand Jury Foreman also felt that way. His complaint was that now the proposed Ethics Commission was no longer an independent entity (because the Supervisors would appoint the members). Shirley Grindle also spoke: "My goal was to create an ordinance that we could all live with and we have done that."

This was the most recent Board of Supervisors (BOS) meeting, so we are now up to date as far as today (October 10, 2015). The next BOS meeting will be Tuesday, October 20, 9:30, [Hall of Administration](#).

When the final Version comes out, please check our [ILO Website](#) to see it in full. (Click on [ACTION AND STUDY 2015-2016](#) and then, under Money in Politics, on [County Study](#).)

If you come to our last (yay, our LAST) session, on Saturday, November 7, at 10 a.m. – here again – League members will be asked to come to concurrence on what we feel needs to be in an Ethics Commission in order to be meaningful and successful. When we reach concurrence, we will be able to support or oppose this June ballot measure.