

RESOLUTION OF THE BOARD OF SUPERVISORS OF
ORANGE COUNTY, CALIFORNIA
June 28, 2016

WHEREAS, on October 5, 1993, the Board adopted a Code of Ethics and Commitment to Public Service (“Code of Ethics”); and

WHEREAS, on June 7, 2016 the voters of Orange County approved Measure A (“County Campaign Finance and Ethics Commission Ordinance”) establishing a Campaign Finance and Ethics Commission (“Commission”), and

WHEREAS, the County Campaign Finance and Ethics Commission Ordinance provides that certain violations of sections 6 and 9 of the Code of Ethics shall be administratively enforced by the Commission.

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby amend the County Code of Ethics to read as follows:

Section 1 – Purpose.

This code establishes the standards of conduct required of County officials and employees for the proper operation of County government. These standards are intended to strengthen County public service and to maintain and promote faith and confidence of the people in their government.

Section 2 – Responsibilities of Public Office.

County officials and employees are agents of the public and serve for the benefit of the public. They shall uphold the Constitution of the United States, the Constitution of the State of California, rules, regulations and the policies of the County, and shall carry out impartially the laws of the Nation, State, and County. In their official acts, they shall discharge faithfully their duties, recognizing that the public interest is paramount. County public officials and employees must demonstrate the highest standards of morality and ethics consistent with the requirements of their position and consistent with law.

Section 3 – Dedicated Service.

In the performance of their duties, all County officials and employees shall support governmental objectives expressed by the electorate and interpreted by the Board of Supervisors and the County programs developed to attain these objectives. County officials and employees shall adhere to work rules and performance standards established for their positions by the appointing authority. The County requires all County officials

Resolution No. 16-055, Item No. 96
Campaign Finance and Ethics Commission Enforcement of
County Code of Ethics

and employees to use good manners, to be considerate, to be accurate in statement and to exercise sound judgment in the performance of their work. County officials and employees shall neither exceed their authority nor breach the law nor ask others to do so. They shall work in full cooperation with other public officials, employees and the public.

Section 4 – Nondiscrimination.

No County official or employee shall grant any special consideration, treatment, or advantage to any person beyond that which is available to every other person in similar circumstance. No person shall be favored or discriminated against with respect to any appointment in the County service because of family or social relationships, race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, military and veteran status, political opinion or political affiliation.

Section 5 – Oath of Allegiance.

All County officials and employees must execute an Oath of Allegiance as follows:

“I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.”

Section 6 – Use of Public Property.

County officials and employees are prohibited from using County-owned equipment, materials, or property for personal benefit or profit unless specifically authorized by the Board of Supervisors as an element of compensation.

Section 7 – Conflict of Interest.

No County official or employee shall engage in any business, transaction or activity, or have a financial interest, which is in conflict with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties. County officials and employees are also subject to the provisions of the California Government Code Sections 1090, 1126, 87100, and any other applicable provisions of State law as well as County conflict of interest codes and policies applicable to County employment.

Section 8 – Political Activity.

It is the intent of the Board of Supervisors that County officials and employees participate in the political process to the extent that such participation does not interfere with the proper performance of County duties and functions. The provisions of California Government Code Sections 3201-3209 and 3302 and any future amendments thereto are hereby incorporated as part of this rule.

Section 9 – Revolving door.

A County official or employee shall not meet or confer with a former County official or employee who is acting as a lobbyist within one year following termination of the former official or employee from County employment.

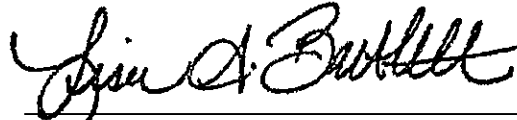
“Acting as a lobbyist” shall mean “acting as ‘County lobbyist’” as defined in section 1-1-80 (b) of the County Lobbyist Registration and Reporting Ordinance as may be amended from time to time.

Section 10 – Enforcement.

Violations of sections 6 and 9 of this Code of Ethics by an Elective County Officer as defined in section 1-6-4 (b) of the Orange County Campaign Reform Ordinance, by a County officer as defined in section 1-3-22 (b) of the County Gift Ban Ordinance, and by a member of a board, commission or committee under the jurisdiction of the Board of Supervisors shall be investigated and administratively enforced pursuant to section 1-2-112 of the County Campaign Finance and Ethics Commission Ordinance.

The foregoing was passed and adopted by the following vote of the Orange County Board of Supervisors, on June 28, 2016, to wit:

AYES: Supervisors: LISA A. BARTLETT, TODD SPITZER, ANDREW DO
MICHELLE STEEL, SHAWN NELSON
NOES: Supervisor(s):
EXCUSED: Supervisor(s):
ABSTAINED: Supervisor(s):



CHAIRWOMAN

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

I, ROBIN STIELER, Clerk of the Board of Orange County, California, hereby certify that a copy of this document has been delivered to the Chairman of the Board and that the above and foregoing Resolution was duly and regularly adopted by the Orange County Board of Supervisors

IN WITNESS WHEREOF, I have hereto set my hand and seal.



ROBIN STIELER
Clerk of the Board
County of Orange, State of California

Resolution No: 16-055
Agenda Date: 06/28/2016
Item No: 96



I certify that the foregoing is a true and correct copy of the Resolution adopted by the Board of Supervisors, Orange County, State of California

Robin Stiel, Clerk of the Board of Supervisors

By. _____
Deputy

for adoption.

5. At the next regularly scheduled meeting, consider the matter and adopt the Ordinances.
6. Adopt Resolution amending the County Code of Ethics and Commitment to Public Service (“Code of Ethics”) to provide that the County Campaign Finance and Ethics Commission shall administratively enforce the Code of Ethics.
7. Board discussion and direction to staff regarding:
 - (a) Establishment of a new Campaign Finance and Ethics Commission ("Ethics Commission") department, or, alternatively, placement of the Ethics Commission within an existing County department;
 - (b) Recruitment of the Executive Director;
 - (c) Supervision and administrative oversight of the Executive Director;
 - (d) Staffing for the Ethics Commission (adding positions or, in the alternative, hiring contract staff);
 - (e) Physical location of staff; and
 - (f) Clerk of the Board involvement in filling the initial appointments to the Ethics Commission (posting notice of initial appointments and collecting applications/resumes).

SUMMARY:

With voter approval of the campaign finance and ethics commission measure on the June 7, 2016 Presidential Primary Election ballot, County Counsel is recommending adoption of certain conforming amendments to the Lobbyist Registration and Reporting Ordinance, the County Gift Ban Ordinance, the County Code of Ethics and the Campaign Finance, and Ethics Commission Ordinance.

BACKGROUND INFORMATION:

On October 20, 2015, the Board directed the Registrar of Voters to place "An Ordinance of the County of Orange, California, Establishing A Campaign Finance and Ethics Commission and Adding Article VI, Section 601 to the Charter of Orange County; Adding Article 26 to Division 2, Title 1 of the Codified Ordinances of the County of Orange; Amending Sections 1-6-1 Through 1-6-12, 1-6-14, 1-6-15.2 and 1-6-19 Through 1-6-33 of Division 6 of Title 1 of the Codified Ordinances of the County of Orange; Deleting Sections 1-6-15.1 and 1-6-16 Through 1-6-18 of Division 6 of Title 1 of the Codified Ordinances of the County of Orange; and Adding Section 1-6-11.1 to Division 6 of Title 1 of the Codified Ordinances of the County of Orange" on the ballot for the Presidential Primary Election on the June 7, 2016. Among other provisions, the measure provides for the establishment of an ethics commission.

County Counsel is recommending the adoption of certain conforming amendments to the Lobbyist Registration and Reporting Ordinance, the County Gift Ban Ordinance, the County Code of Ethics, and

the Campaign Finance and Ethics Commission Ordinance. The proposed changes to the Lobbyist Registration and Reporting Ordinance provide that (1) County lobbyists must register and file their registration forms (and any amendments to this form) with the Ethics Commission as opposed to the Clerk of the Board and (2) violations of the Lobbyist Registration and Reporting Ordinance shall be investigated and administratively enforced by the Ethics Commission as opposed to the Clerk of the Board.

The proposed changes to the County Gift Ban Ordinance include (1) typographical edits, (2) updating the reference from “Director of the Public Facilities and Resource Department” to “OC Public Works,” (3) broadening the type of communication a lobbyist can have with a County officer or employee that results in coverage under the Gift Ban Ordinance (“telephone conversation” to “oral or written communication”), and (4) providing that violations of the Gift Ban Ordinance shall be investigated and administratively enforced by the Ethics Commission.

The proposed changes to the County Code of Ethics include (1) incorporating the definition of “County lobbyist” as provided for in the Lobbyist Registration and Reporting Ordinance and (2) providing that certain violations of the County Code of Ethics shall be investigated and administratively enforced by the Ethics Commission.

The proposed amendment of section 1-2-101 of the Campaign Finance and Ethics Commission Ordinance makes conforming changes to the Commission’s jurisdiction. These technical changes, which further the purposes of the Campaign Finance and Ethics Commission Ordinance, clarify that the Ethics Commission’s jurisdiction includes Elective County Officers as defined in the Orange County Campaign Reform Ordinance, County officers as defined in the County Gift Ban Ordinance and County lobbyists and County lobbying firms as defined in the Lobbyist Registration and Reporting Ordinance. Section 1-2-116 of the Campaign Finance and Ethics Commission Ordinance authorizes the Board to make technical non-substantive changes to the Ordinance by majority vote and substantive amendments to further the purposes of the Ordinance by a 4/5 vote.

None of the actions recommended herein will adversely impact the wages, hours, or working conditions of represented employees. Since 1993, all County employees, represented or otherwise, have been subject to the County Code of Ethics. Similarly, Government Code section 12940 and the County’s Equal Employment Opportunity and Anti-Harassment Policy and Procedure already prohibit employment discrimination.

FINANCIAL IMPACT:

N/A

STAFFING IMPACT:

N/A

ATTACHMENT(S):

Attachment A – Proposed Amendments to Lobbyist Registration and Reporting Ordinance (Redline)

Attachment B – Proposed Amendments to Lobbyist Registration and Reporting Ordinance (Clean)

Attachment C – Proposed Amendments to County Gift Ban Ordinance (Redline)

Attachment D – Proposed Amendments to County Gift Ban Ordinance (Clean)

Attachment E – Proposed Amendments to County Code of Ethics by Resolution (Redline)

Attachment F – Proposed Amendments to County Code of Ethics by Resolution (Clean)

Attachment G – Proposed Amendments to Campaign Finance and Ethics Commission Ordinance (Redline)

Attachment H – Proposed Amendments to Campaign Finance and Ethics Commission Ordinance (Clean)

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ORANGE COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

June 28, 2016

Submitting Agency/Department: County Counsel

Consider first readings of "An Ordinance of the County of Orange, California, Amending Sections 1-1-81 and 1-1-84 of Division 1, Title 1 of the Codified Ordinances of the County of Orange to Provide for the Campaign Finance and Ethics Commission's Enforcement of the Lobbyist Registration and Reporting Ordinance", "An Ordinance of the County of Orange, California, Amending Section 1-3-22 and 1-3-24 of Division 3, Title 1 of the Codified Ordinances of the County of Orange to Provide for the Campaign Finance and Ethics Commission's Enforcement of the County Gift Ban Ordinance" and "An

Continued on attached page...

The following is action taken by the Board of Supervisors:

APPROVED AS RECOMMENDED OTHER

APPROVED RECOMMENDED ACTIONS #1 - #6 AND 7(B)

Unanimous (1) DO: Y (2) STEEL: Y (3) SPITZER: Y (4) NELSON: Y (5) BARTLETT: Y

Vote Key: Y=Yes; N=No; A=Abstain; X=Excused; B.O.=Board Order

Documents accompanying this matter:

- Resolution(s) 16-055
- Ordinances(s)
- Contract(s)

Item No. 96

Special Notes:

Copies sent to:

CoCo Ann Fletcher

6/30/16



I certify that the foregoing is a true and correct copy of the Minute Order adopted by the Board of Supervisors, Orange County, State of California.
Robin Stieler, Clerk of the Board

By: _____
Deputy

ORANGE COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

June 28, 2016

The following is action taken by the Board of Supervisors:

APPROVED AS RECOMMENDED OTHER

Unanimous (1) DO: Y (2) STEEL: Y (3) SPITZER: Y (4) NELSON: Y (5) BARTLETT: Y

Vote Key: Y=Yes; N=No; A=Abstain; X=Excused; B.O.=Board Order

Ordinance of the County of Orange, California, Amending Section 1-2-101 of Division 2, Title 1 of the Codified Ordinances of the County of Orange to Make Conforming Changes to the Campaign Finance and Ethics Commission Ordinance"; and set second readings and adoption for 7/12/16, 9:30 a.m.; adopt resolution amending County Code of Ethics and Commitment to Public Service to provide County Campaign Finance and Ethics Commission shall administratively enforce Code of Ethics; and discussion and direction to staff regarding establishment of Ethics Commission department or placement within existing County department, recruitment of Executive Director, staffing, physical location and initial appointments - All Districts (4/5 vote of members present and voting)

Item No. 96



I certify that the foregoing is a true and correct copy of the Minute Order adopted by the Board of Supervisors, Orange County, State of California.
Robin Stieler, Clerk of the Board

By: _____
Deputy