

To: Roger Chapin
CRC Sub-Committee Members

From: Kevin Shaughnessy

Re: Summary of Proposals on Ethics and campaign Finance

Date: April 8, 2008

Introduction

This memorandum summarizes the key elements of a proposed Charter Amendment or Revision seeking to guarantee that the work of the Ethics and Campaign Finance Reform Task Force (“the Task Force”) is preserved in Orange County’s Charter (“the Charter”), and not merely in an ordinance that can be modified frequently (or in fact abolished) by the Board of County Commissioners, without approval by or input from Orange County citizens. The proposal also includes a proposed Bill of Rights ensuring better protection for homeowners, property owners, and neighborhoods impacted by development approvals, re-zonings, or other governmental land use action.

Summary

The Task Force developed a series of ethics and campaign finance proposals, some of which reflected compromises based on public input and legal advice, that must be preserved in the Charter. The Charter is Orange County’s Constitution, and much like Florida’s Constitution, should have an ethics provision to ensure good government and the avoidance of conflicts. Article II, Section 8 of the Florida Constitution reminds the citizens that a “public office is an office of public trust.” The Constitution also requires a code of ethics prohibiting conflicts of interest. To this end, the Florida Legislature has adopted a Code of Ethics for public officials, and the code specifically allows local governments, including Charter Counties, to set higher standards of ethical conduct. Based on the evidence submitted to the Task Force and the Charter Review Commission (“CRC”), there is a need in Orange County for higher ethical standards. The current state laws do not protect the citizens adequately and allow for abuses of power. Even the appearance of conflicts detracts significantly from the voters’ trust in government, and all reasonable steps should be taken to create and preserve the public trust.

Similarly, in furthering the benefits inherent in open government and transparency, certain limitations and disclosure requirements should be placed on candidates running for elected Charter and Constitutional Offices in Orange County. The Task Force’s campaign finance reforms address these issues and are in the best interests of the citizens of Orange County.

Proposals

The following merely summarizes my proposals. Formal Charter amendment language will follow as we gain consensus on these issues. The three proposals are:

1. Establish a higher ethical standard, greater disclosure of potential conflicts of interest, and greater disclosure of lobbying efforts. The burden for public disclosure should be placed on both the public officials and the lobbyists; and
2. Limit the ability of individuals to exceed the legal campaign contribution limit of \$500 through the use of trusts, clubs, partnerships, LLCs, or closely-held companies, and require greater disclosure of the ownership interest behind such contributing entities; and
3. Create a citizen's participation bill of rights to ensure that affected citizens and property owners receive accurate and timely notice of pending decisions of the Orange County Board of County Commissioners, advisory boards, and other entities regulating or controlling land use and development issues, including allowing an opportunity for citizens to give input during the decisionmaking process.

I would suggest adopting most of the proposed language of the Task Force, supplementing and formatting it as necessary to constitute appropriate Charter language.