

REINSTATING VENTURA COUNTY'S ETHICS COMMISSION

by Supervisor Linda Parks, April 2017

We need to bring sunshine and openness where we can. Sunshine laws created in the 1970's increased transparency by opening government deliberations and decisions to public view. When three members of the Board of Supervisors made the decision last year to do away with the Ethics Commission and replace it with a Hearing Officer, we lost some of that transparency as well as a piece of our Democratic process. Reinstating the Ethics Commission this year restored it. Democracy isn't the most efficient of governments but it is an open government that requires transparency and the deliberative process. The State's Fair Political Practices Commission (FPPC), which our County's campaign ordinance strives to emulate, is made up of a five member commission that decides campaign violations. To establish a more fair and transparent process, I brought forward a request to reinstate the County's Ethics Commission. The request included selecting Ethics Commissioners in the same manner that our County's Planning Commissioners are selected, with each of the five Supervisors nominating one Commissioner.

It is now up to the Board of Supervisors to appoint the best people we can, based on qualifications that include education, objectivity, legal knowledge, and demonstrated community service. The importance of the Board selecting well qualified people was emphasized by the Star newspaper in its editorial this spring in support of my proposal to replace the Hearing Officer with the Ethics Commission.

To further understand the transparency and fairness issue, one need only put oneself in the shoes of a candidate who is not an incumbent or connected with County government. In such a case, candidates would feel they had a better chance appearing before an Ethics Commission comprised of five members selected by five Supervisors, than one Hearing Officer who was nominated by one Supervisor. As a candidate you would also have less concern about whether the Hearing Officer is a Democrat or a Republican because the five Commissioners are selected by a Board whose members represent different political parties. Additionally, my proposal to reinstate the Ethics Commission included strict conflict of interest rules requiring recusal. For example Commissioners could not rule on an ethics complaint if they or their spouses had contributed to one of the candidates in the race. Another advantage to having five Commissioners is that if one recuses him or herself, there are still four members of the Commission to deliberate and decide a case.

The purpose given for removing the Ethics Commission when it was disbanded was to expedite cases and make the process less costly. However, reviewing the costs of operating the Commission show that the operating costs were directly related to the number of cases heard --the more cases the Commission heard,

the higher the costs-- and that stands to reason. We've since limited what qualifies as a violation and instituted a fee to file a complaint, actions which reduced the incentive to file frivolous complaints.

As a result of my proposal to replace the Hearing Officer with an Ethics Commission (which passed on a 3-2 motion at the Board of Supervisors), reduces bias, removes conflict of interest, provides transparency and creates an open, deliberative process that is integral to our Democracy.