

**DRAFT**  
July 15, 2015

**ARTICLE XXX – COUNTY ETHICS COMMISSION**

**Sec. 100. ETHICS COMMISSION.**

**(a) Purpose and Establishment.**

The purpose of the Ethics Commission is to provide independent oversight of the County’s Campaign Reform Ordinance, the Gift Ban Ordinance and the Lobbyist Registration Ordinance and to act as a safe haven for County employees to report alleged violations of the County’s Code of Ethics and Commitment to Public Service. Ancillary to these purposes, the Ethics Commission will also provide training to candidates for County office and to newly elected and appointed County officials in those areas for which the Ethics Commission has responsibility.

There shall be established in the County of Orange an Ethics Commission (the “Commission”) that shall have the powers, duties and responsibilities set forth in this Ordinance. The Commission shall have five members.

**(b) Jurisdiction.**

The Commission’s jurisdiction covers County Elected Officials and County Candidates as defined in the County Campaign Reform Ordinance No. 3862, appointed members to County Commissions, and County employees.

**(c) Appointment.**

1. The appointments to the Commission shall be made by the Board of Supervisors as follows:

a. For the initial five (5) appointments to the Commission, each member of the Board of Supervisors shall select a name blind drawn out of a container which contains the names of the three (3) applicants from his or her Supervisorial District recommended by the Grand Jurors Association of Orange County through the process outlined in Section 100(c)(2) below.

b. For vacancies due to retirement, resignation or removal, the Supervisor who appointed the Commission seat being vacated shall make the replacement appointment by selecting a name blind drawn out of a container which contains the names of no more than three applicants recommended by the Grand Jurors Association of Orange County through the process outlined in Section 100(c)(2) below.

2. A Selection Panel made up of five members of the Grand Jurors Association of Orange County shall publicize, solicit applications for, and interview and screen applicants applying for a seat on the Commission. The Selection Panel shall be chosen by vote of the members of the Grand Jurors Association of Orange County and shall serve at the pleasure of the Grand Jurors Association of Orange County. A total of 15 applicants, with not less than three (3) of such applicants residing in each Supervisorial District, shall be recommended to the Board of Supervisors for initial appointment in the manner set forth in Section 100(c)(1)(a). After the initial appointments are made, a maximum of 3 applicants per open seat shall be forwarded to the Board of Supervisors which shall appoint the applicant to the open seat in the manner set forth in Section 100(c)(1)(b). The Selection Panel shall screen all applicants to ensure they comply with the Qualifications listed in subsection (e) below. No applicant may be appointed by the Board of Supervisors who does not meet the Qualifications set forth in subsection (e) below. The list of nominees submitted for appointment shall be a matter of public record.

**(d) Terms of Office.**

1. The members of the Commission shall serve staggered five-year terms beginning on January 1 and ending on December 31. Notwithstanding this provision, three of the initial Commissioners selected by random lot shall initially serve a three-year term; all members may be reappointed for no more than one further five (5) year term. No member who has served two terms of any length shall be eligible for reappointment.

2. A Chairperson and Vice-Chairperson of the Commission shall be selected by majority vote of the members of the Commission. The Chairperson and Vice-Chairperson shall each be elected for a one-year term and may be re-elected for not more than a second one-year term.

**(e) Qualifications.**

1. Each member of the Commission shall be a registered voter of the County.

2. During his or her tenure, neither a member of the Commission nor its Executive Director whose duties are defined in Section 101 herein, shall hold any other elected or appointed public office, including, without limitation, any elective office in any jurisdiction, any employee of any holder of any elective office, any member of any body any of whose members are appointed by any elected official, and any employee of any such body.

3. If a member of the Commission, during their term of office, desires to participate in the campaign of, or publicly support or oppose, a candidate for local County office or an incumbent local County Elected Official, such member shall first

resign from the Commission. Failure to resign before such participation or support shall be grounds for removal from the Commission.

4. No member of the Commission shall employ or be employed by or as a person who is acting as a Lobbyist, as that term is defined in Title 1, Division 1, Article 5 of the Orange County Municipal Code. No member of the Commission shall employ or be employed by or as a person who is registered as a State Lobbyist.

5. No member of the Commission shall have been a former County Elected Official during the previous five (5) years, a current Agency/Department Head employed by the County of Orange, or a current Executive Manager employed by the County of Orange.

6. No member of the Commission shall have been a former or a current elected or appointed official of a national, state or local partisan political committee.

7. No person who has been convicted of a felony, or a misdemeanor involving dishonesty or untruthfulness, or any crime involving election law violations, shall be a member of the Commission.

8. The Selection Panel shall screen out and not forward to the Board of Supervisors applicants whose profession, primary occupation, or employment consist of i) providing services to candidates for public office or to elected officials within the County of Orange; ii) engaging in public affairs or legislative liaison services for an employer doing business with the County of Orange, or with any Joint Powers Authority or with any Special District operating within the County of Orange; iii) employment with the County of Orange, any Joint Powers Authority or Special District operating within Orange County or any bargaining unit whose members are employees of the County of Orange.

**(f) Removal.**

Members of the Commission may be removed by a majority of the Board of Supervisors for substantial neglect of duty, gross misconduct in office, inability to discharge the powers and duties of the office or violation of this Ordinance, and conflicts of interest, after written notice of the grounds on which the removal is sought and an opportunity for a written reply and oral presentation to the Board of Supervisors, and a finding by the Board of Supervisors made in and as a result of a public hearing of substantial neglect of duty, gross misconduct in office, inability to discharge the powers and duties of the office or violation of this Ordinance, or a conflict of interest.

**(g) Vacancies.**

Appointments to fill vacancies on the Commission resulting from term limits set forth herein or from resignations or removal of a member shall be made within 60 calendar days in the manner described in Sec. 100(c)(1)(b). Appointments to fill vacancies of those members who resign or who are removed prior to the end of their term shall be for the unexpired term of the member whom the appointee succeeds. A vacancy or vacancies shall not impair the right of the remaining members to exercise the powers of the Commission.

**(h) Quorum.**

Three members shall constitute a quorum, and the affirmative vote of not less than three members shall be required to take any action.

**(i) Compensation; Expenses.**

The members of the Commission shall serve without compensation and shall be reimbursed for travel and other expenses incurred in the performance of their official duties in accordance with Government Code section 53232.2, as amended from time to time.

**Sec. 101. EXECUTIVE DIRECTOR, COMMISSION STAFF AND DELEGATION OF AUTHORITY.**

(a) The Commission shall appoint and has the authority to discharge an Executive Director, who shall act in accordance with Commission policies and regulations and with applicable law. The Executive Director shall not be subject to civil service provisions, and shall have no property interest in his or her employment. The salary of the Executive Director shall be set by the Board of Supervisors and shall be based on a recommendation submitted by the County Executive Officer after a review and analysis of the responsibilities and authority vested in his or her employment.

(b) The Executive Director shall hire and has the authority to discharge, Commission staff members and prescribe their duties. Non-clerical personnel of the Commission shall serve at the will of the Executive Director, shall not be subject to civil service provisions, and shall have no property interest in their employment.

(c) The Commission may delegate authority to the Executive Director to act on behalf of the Commission between meetings of the Commission to effectuate decisions, directives or policies except that rules, regulations and adjudicatory decisions can only be acted upon by the Commission.

**Sec. 102. DUTIES AND RESPONSIBILITIES OF THE ETHICS COMMISSION.**

The Commission shall have responsibility for the impartial and effective administration and implementation of the provisions of the Charter, statutes and ordinances of the County of Orange concerning campaign financing, lobbyists, gifts, governmental ethics, and conflicts of interest. Specifically, such provisions shall include: County Campaign Reform Ordinance No. 3862; the Gift Ban Ordinance No. 3892; the Lobbyist Registration Ordinance 11-014; and the County Code of Ethics and Commitment to Public Service adopted 10/5/93, each as amended from time to time. Whenever reference is made herein to any or all of the above ordinances and codes, such reference shall include such

ordinances and codes as each is amended from time to time. Specifically, the Commission shall have the following duties, powers, and responsibilities:

- (a) To receive copies of campaign statements and any other reports required by the Political Reform Act and the County's campaign ordinance pertaining to County Candidates and County Elected Officials and to persons making independent expenditures supporting or opposing County Candidates and County Elected Officials;
- (b) To maintain an independent tracking system of each contributor's total cumulative and aggregated contributions in an Election Cycle (as that term is defined in County Campaign Reform Ordinance No. 3862) to County Candidates and County Elected Officials (as those terms are defined in County Campaign Reform Ordinance No. 3862);
- (c) To receive documents required to be filed pursuant to, and to otherwise administer, the provisions of the Lobbyist Registration Ordinance 11-014;
- (d) To review all reports pursuant to County Campaign Reform Ordinance No. 3862 and the Lobbyist Registration Ordinance 11-014, and reports from persons making independent expenditures supporting or opposing County Candidates and County Elected Officials for completeness, accuracy, and any potential violations of the County Campaign Reform Ordinance No. 3862, the Lobbyist Registration Ordinance 11-014, or any other applicable law.
- (e) To enforce provisions of County laws pertaining to campaign finance, lobbyists, gift ban, and ethics. Specifically, the Commission shall investigate, as more fully set forth herein below, alleged violations of County Campaign Reform Ordinance No. 3862; the Gift Ban Ordinance No. 3892; the Lobbyist Registration Ordinance 11-014; and the County Code of Ethics and Commitment to Public Service adopted 10/5/93;
- (f) To initiate complaints and to receive written complaints alleging possible violations of County Campaign Reform Ordinance No. 3862; the Gift Ban Ordinance

No. 3892; the Lobbyist Registration Ordinance 11-014; and the County Code of Ethics and Commitment to Public Service adopted 10/5/93;

(g) To receive, investigate, and act upon recommendations of the Orange County Grand Jury with respect to alleged violations of those provisions of County laws pertaining to campaign finance, lobbyists, gift ban, the Code of Ethics and conflicts of interest including, without limitation, County Campaign Reform Ordinance No. 382; the Gift Ban Ordinance No. 3892; the Lobbyist Registration Ordinance 11-014; and the County Code of Ethics and Commitment to Public service adopted 10/5/93;

(h) To subpoena witnesses and the production of records, including campaign committee bank records, pertinent to its investigations, and to administer oaths;

(i) To maintain an independent whistle-blower hot line;

(j) To have full charge and control of its office, to be responsible for its proper administration, to submit annually a proposed budget to the Board of Supervisors and to expend the funds of the office; and

(k) To apply for and receive grants and appropriations in support of the responsibilities of the Commission and its staff.

**Sec. 103. REGULATIONS.**

The Commission may adopt, amend and rescind regulations to carry out the purposes and provisions of the County Campaign Reform Ordinance No. 3862; the Gift Ban Ordinance No. 3892; the Lobbyist Registration Ordinance 11-014; and the County Code of Ethics and Commitment to Public Service adopted 10/5/93. In the event of any conflict between the regulations and any of the ordinances and Codes referred to herein, the ordinance or Code shall prevail. Violation of any regulation shall be subject to those penalties and remedies as may be provided.

**Sec. 104. ADDITIONAL DUTIES.**

The Commission shall have the following additional duties, which may be exercised by motion or order:

(a) Prescribe forms for reports, statements, notices and other documents required by ordinances or other laws relating to County Campaign Reform Ordinance No. 3862; the Gift Ban Ordinance No. 3892; and the Lobbyist Registration Ordinance 11-014;

(b) Develop an educational program which shall consist of the following components:

1. Seminars to familiarize newly elected and appointed County Elected Officials and County Candidates, and their treasurers, with County campaign laws, including, without limitation, County Campaign Reform Ordinance No. 3862, and the Gift Ban Ordinance No. 3892; and

2. A manual that summarizes, in simple, non-technical language, reporting requirements applicable to County Elected Officials and County Candidates, instructions for completing required forms, questions and answers regarding common problems and situations, and information regarding sources of assistance in resolving questions. The manual shall be updated when necessary to reflect changes in applicable County laws governing campaign financing, including, without limitation, County Campaign Reform Ordinance No. 3862, and the Gift Ban Ordinance No. 3892.

(c) The Executive Director shall prepare an annual report summarizing Ethics Commission activities. This report shall be approved by a majority vote of the Commission and forwarded to the Board of Supervisors for placement on an agenda as a public hearing item.

**Sec. 105. REQUESTS FOR WRITTEN ADVICE.**

Any person may request the Executive Director of the Commission to provide written advice with respect to the person's duties under provisions of the Charter or any Ordinance relating to County Campaign Reform Ordinance No. 3862; the Gift Ban Ordinance No. 3892; and the Lobbyist Registration Ordinance 11-014. Such advice shall be provided within 21 working days of the actual receipt of the request, except that the time may be extended for no more than 15 working days by the Executive Director for good cause. Reliance on the advice, or the failure of the Executive Director to provide the advice within 21 working days of its receipt of the request, or within the extended time for response, shall be a complete defense in any enforcement proceeding conducted by the Commission, and evidence of good faith conduct in any other civil or criminal proceeding if the requester, at least 21 working days prior to the alleged violation, requested written advice from the Executive Director in good faith, disclosed truthfully all the material facts, and committed the acts complained of either in reliance on the advice or because of the failure of the Executive Director to provide advice within 21 working days of the request or such later extended time. The Executive Director's written advice shall be a public record.

**Sec. 106. INVESTIGATIONS AND ENFORCEMENT PROCEEDINGS.**

The Commission shall conduct investigations of alleged violations of the County Campaign Reform Ordinance No. 3862; the Gift Ban Ordinance No. 3892; the Lobbyist Registration Ordinance 11-014; and the County Code of Ethics and Commitment to Public Service adopted 10/5/93. Any person who violates any provision of the

aforementioned, or who causes any other person to violate any provision, or who aids and abets any other person in a violation, shall be liable under the provisions of this Ordinance.

The possible proceedings involving alleged violations shall be as follows: (a) Investigations on Cause; (b) Provision of Remedial Measures; (c) Probable Cause Determinations; (d) Administrative Hearings; and (e) Orders or Reference to the District Attorney, Attorney General, or other appropriate enforcement agencies.

**(a) Investigations.**

If the Executive Director, upon the sworn complaint of any person, or on his or her own initiative, or on the Commission's initiative, first determines that there is cause to conduct an investigation, the Executive Director shall investigate alleged violations of County Campaign Reform Ordinance No. 3862; the Gift Ban Ordinance No. 3892; the Lobbyist Registration Ordinance 11-014; and the County Code of Ethics and Commitment to Public Service adopted 10/5/93. The Executive Director shall not be required to investigate a complaint filed with it unless the complaint is in writing, identifies the specific alleged violation which forms the basis for the complaint and, upon the determination of the Executive Director, contains sufficient facts to warrant an investigation. The investigation shall be conducted in a confidential manner. To the extent permitted by applicable law, including the California Public Records Act, Government Code section 6250, et seq, records of any investigation shall be considered confidential information. The unauthorized release of confidential information shall be sufficient grounds for the termination of the employee or the removal of the Commissioner responsible for the release.

In the conduct of any proceedings set forth herein, the Commission may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by administrative subpoena the production of any books, papers, records or other items material to the performance of the Commission's duties or exercise of its powers.

**(b) Remedial Measures**

(1) It is the intent of this Ordinance that the Executive Director shall resolve as many Complaints as possible using the remedial measures as herein described. If the Executive Director determines or believes that any person (the "target party") has violated any provision of the County Campaign Reform Ordinance No. 3862; the Gift Ban Ordinance No. 3892; or the Lobbyist Registration Ordinance 11-014; the Executive Director may, at his or her sole discretion, advise the target party of remedial measures (the "Remedial Measures") which may be taken by the target party to avoid further action by the Commission. Nothing contained herein shall be deemed to require the Executive

Director to offer Remedial Measures to any target party.

(2) In the event the target party is offered and, within 15 calendar days, timely performs such Remedial Measures to the satisfaction of the Executive Director, the Executive Director shall issue a “Letter of Resolution” which shall advise the target party (and any person who, in writing informed or complained to the Commission concerning any such violation), that the alleged violation has been resolved and the manner in which it was resolved.

(3) Excess contributions which the Executive Director determines have been inadvertently accepted shall be refunded to the contributor in accordance with Sec. 1-6-30 of County Campaign Ordinance No. 3862. The number of returned contributions throughout the year shall be included in the annual report referenced in Sec. 104(c) of this Ordinance. In the case of such returned contributions, the Executive Director shall not be required to issue a Letter of Resolution, so long as such return is included in the annual report referenced in Sec. 104(c) of this Ordinance.

(4) In the event a Letter of Resolution is issued, no further proceedings, civil action, or reference shall thereafter be filed or maintained relating to such alleged violation, and no further action by the Commission is required. The Executive Director shall provide a copy of each Letter of Resolution to each member of the Commission, but the Letter of Resolution shall remain confidential, and no member of the Commission is authorized to publicly release the Letter of Resolution.

**(c) Findings of Cause; Administrative Enforcement.**

In the event that no Letter of Resolution is issued pursuant to Section 106(b), the next step is a Probable Cause hearing by the Executive Director and Staff.

If, based upon the investigation referenced in Section 106(a), the Executive Director determines that there is cause to believe that the County Campaign Reform Ordinance No. 3862; the Gift Ban Ordinance No. 3892; the Lobbyist Registration Ordinance 11-014; or the County Code of Ethics and Commitment to Public Service adopted 10/5/93; may have been violated, and such possible violation cannot or will not be remedied in

accordance with Section 106(b) above, the Executive Director shall hold a Probable Cause hearing.

Such Probable Cause hearing shall not occur, and no finding of Probable Cause shall be made by the Executive Director unless, at least 21 calendar days prior to the Executive Director’s consideration of the alleged violation in the Probable Cause hearing, the person alleged to have committed the violation is: (1) given written notice of the alleged violation and the date, time and location of the Probable Cause hearing by service of

process or registered mail with return receipt requested; (2) is provided with a written summary of the facts supporting the violation; and (3) is informed of his or her right to be present in person and represented by counsel at such Probable Cause hearing conducted by the Executive Director and the Staff for the purpose of considering: (1) whether probable cause exists for believing the person committed the violation; and (2) such person has failed to adopt the Remedial Measures referenced in Section 106(b) above.

Notice to the alleged violator shall be deemed made on the date of service, the date the registered mail receipt is signed, or, if the registered mail receipt is not signed, the date returned by the post office. The Probable Cause hearing shall be private unless the alleged violator files with the Executive Director a written request, not less than 15 calendar days prior to the Probable Cause hearing, that the proceeding be public.

If the Executive Director determines there is no probable cause, the complainant and the alleged violator(s) shall be notified in writing of the finding, which writing shall set forth the reasons for said finding, and, in such event, no further proceedings, civil action or reference shall thereafter be filed or maintained relating to such alleged violation, and no further action by the Commission is required.

**(d) Administrative Hearings.**

1. In the event that the Executive Director, after the Probable Cause hearing described in Section 106(c) above, determines that probable cause of a violation of the County's Campaign Reform Ordinance No. 3862; the Gift Ban Ordinance No. 3892; or the Lobbyist Registration Ordinance 11-014 has occurred, the Executive Director shall cause an administrative enforcement accusation to be issued and served, triggering the Administrative Hearing set forth herein.

2. For an alleged violation of the County's Campaign Reform Ordinance No. 3862; the Gift Ban Ordinance No. 3892; or the Lobbyist Registration Ordinance 11-014, after an administrative enforcement accusation is issued and served, the Commission shall cause a public hearing to be held to determine if a violation has occurred. When the Commission determines on the basis of evidence presented at the hearing that a violation of the County Campaign Reform Ordinance No. 3862; or the Gift Ban Ordinance No. 3892; or the Lobbyist Registration Ordinance 11-014 has occurred, it shall issue an order which may require the violator to:

- Cease and desist the violation;
- File any reports, statements or other documents or information required by law;
- Correct the violation and/or
- Pay a monetary penalty to the General Fund of the County of up to

\$5,000 for each violation or three times the amount which the violator failed to report properly or unlawfully contributed, expended, gave or received, whichever is greater.

When the Commission determines that no violation has occurred, it shall publish an order so stating.

3. For an alleged violation of the County Code of Ethics and Commitment to Public Service adopted 10/5/93, which violation constitutes a felony or misdemeanor, after an accusation is issued and served, the Executive Director shall request the Commission to refer the matter to the Orange County District Attorney and to the Attorney General, pursuant to California Government Code Section 12553 if the District Attorney would have any conflict of interest in pursuing the accusation resulting in the disqualification of the District Attorney, or other appropriate enforcement agencies, for purposes of enforcement. No such reference shall be made when it appears from a preliminary investigation that an alleged violation will warrant only an action for administrative penalties.

**(e) Petition for Writ**

When the Commission determines that a violation has occurred, the person who is the subject of such determination may, within 60 calendar days after receiving written notice of such determination, file a Petition in the Superior Court for the County of Orange seeking a Writ of Mandate or Prohibition, as the case may be, ordering the Commission to adopt a finding of no violation. Such Petition may only be granted in the event that the Superior Court finds that no substantial evidence supports the Commission's determination or that the Commission abused its discretion in making such determination.

**(f) Civil Action to Collect Debt and Obtain Other Relief.**

The Commission may file and prosecute a civil action in Superior Court to recover any amount(s) due and owing to the County of Orange by any person pursuant to this section, or to enjoin any violation or otherwise compel compliance with the requirements of this Ordinance. In the event of any civil action within the jurisdictional amount of the Small Claims court, the Commission may designate the person to bring such action on its behalf.

**(g) Cost of Litigation.**

In the event that either the Ethics Commission must bring a civil action against an individual who is the subject of an Ethics Commission determination, or such individual brings a Petition described in Section 106 (e) above, the court may award to the prevailing party in any such action authorized by this Ordinance, the costs of litigation,

which costs shall include reasonable attorney's fees.

**(h) Referrals Between Agencies.**

Regardless of whether the Executive Director or the Commission makes a formal determination concerning probable cause, the Executive Director or the Commission may refer the matter to another appropriate agency for purposes of enforcement.

**(i) Superseding Effect.**

This Section 106 shall supersede any conflicting provisions of codified Section 1-6-15 and 1-6-16 of County Campaign Reform Ordinance No. 3862.

**Sec. 107. LEGAL SERVICES.**

The County Counsel shall provide legal services without charge to the Commission until such time that a full-time or part-time Staff Counsel is warranted and approved by a vote of the Board of Supervisors. In providing such legal services, the County Counsel and the Commission shall be deemed to have entered into an attorney-client relationship.

**Sec. 108. APPROPRIATION.**

By not later than May 1 of each year, the Commission shall prepare a budget for the forthcoming fiscal year and present it to the County of Orange CEO and CFO for inclusion in the County budget and budgeting process. Said budget shall be not less than \$300,000 for the first year of the Commission's operation, plus a reasonable estimate of expected cost increases for the forthcoming year. The budget shall include at a minimum, salaries for the Executive Director and one full-time clerical staff member. The Executive Director shall be classified at the same level as the Director of Internal Audit. The County of Orange CEO shall include the budget request as proposed by the Commission without change, and the Board of Supervisors shall appropriate the funds requested by the Commission for the effective operation of the Commission at least one year in advance of each subsequent fiscal year, and shall have no power to reduce the budget request absent a declaration of financial emergency applicable to the County budget as a whole. The Board of Supervisors may, in their discretion, increase the budget request if they find it is warranted by increased enforcement activity or estimated cost increases. The Commission's budget shall be appropriated from County funds to the extent that the funds are not otherwise obtained from any Federal, State, or other grants.

**Sec. 109. STAFF OF THE ORANGE COUNTY ETHICS COMMISSION.**

Within 60 calendar days of adoption of this Ordinance either by the voters or by the Board of Supervisors, the County Executive Officer shall initiate the process for

appointment of Commission members per Sec. 100 of this Ordinance and authorize the hiring of an Executive Director who is to be selected by the Commission, assign associated staff sufficient to perform the duties and responsibilities of the Commission, and submit an operating budget to the Board of Supervisors for authorization.

**Sec. 110. AUTHORITY; CONFLICT WITH OTHER CHARTER PROVISIONS.**

This Ordinance is adopted pursuant to and under the authority of Article III of the Charter of Orange County, and California Government Code Section 81013. In the event any provision of this Ordinance conflicts with other provisions of the Charter, or of the Codified Ordinances, or of any County Code, this Ordinance shall prevail.

**Sec. 111. STATUTE OF LIMITATIONS FOR ADMINISTRATIVE ENFORCEMENT ACTIONS.**

No remedial measures or administrative enforcement action brought by the Ethics Commission shall be commenced more than four (4) years after the date on which the violation occurred. The receipt of a written complaint alleging a violation of the law shall constitute the commencement date. If the person alleged to have violated the law engaged in the concealment of his or her acts, the four-year period shall be tolled for the period of concealment. If upon being ordered by a court to produce any person, witness or document sought by a subpoena, the person alleged to have violated the law fails to appear, or produce any witness or document in response to the order by the date ordered to comply therewith, the four-year period shall be tolled for the period of delay from the date the person or witness was originally scheduled to appear, or the document was to be produced, pursuant to the subpoena until the date the person appears, or the witness or document is produced.

**Sec. 112. AMENDMENTS AND ADDITIONAL REQUIREMENTS.**

- (a) No amendment or repeal of any provision of this Ordinance shall be effective unless the proposition of its amendment or repeal shall first have been submitted to the electors of the County and approved by a majority vote.
  
- (b) Nothing in this Ordinance prevents the Orange County Board of Supervisors from adding additional requirements to this Ordinance so long as they do not eliminate requirements or disqualifying characteristics for membership on the Commission or otherwise reduce the scope of this Ordinance or the authority of the Executive Director or Commission, and so long as they do not prevent any person from complying with this Ordinance.

**Sec. 113. SUPERSEDING EFFECT.**

This Ordinance is intended to terminate any and all agreements made pursuant to Assembly Bill 910 (2015-2016 session), or any similar legislation, authorizing the Fair Political Practices Commission to administer, implement, or enforce Orange County's local campaign finance ordinance or any provision thereof.

**Sec. 114. OPERATIVE DATE.**

The provisions of this Ordinance shall be operative beginning on either July 1 or January 1, whichever comes first, following its adoption by either the voters or by the Orange County Board of Supervisors.

**Sec. 115. DEFINITIONS.**

Unless a term is specifically defined in this Ordinance, or a contrary indication is stated or clearly appears from the context of this Ordinance, words and phrases shall have the same meaning as when they are used in Title 9 of the California Government Code, in which the Political Reform Act of 1974 is codified, as the same may be, from time to time amended.