

October 9, 2019

Dear Fellow CRC Subcommittee members and members of the public,

While I am not able to attend the October 10th subcommittee meeting due to a scheduling conflict (I am out of town), I wanted to share my written remarks.

Particularly, I want to express the following points:

1. While the purview of our subcommittee has been significantly expanded to include considering the establishment of a county ethics commission, we are still responsible for discussing the feasibility of banning lobbyists from serving in local county boards. I strongly believe that this discussion should not be centered around a potential definition of the word “lobbyist,” particularly as we have plenty of workable definitions that have used by different governmental bodies in the enactment of ordinances and ethics codes at the local, state, and national levels. Instead, our discussion should focus on the potential consequences of banning lobbyists from serving in local boards, including both the positive and negative.
2. As I have expressed in the past, at least at the national level, levels of distrust in government have been growing among everyday citizens, leading many to believe that our government isn’t truly democratic as special interest groups have gained too much power. Based on that, I believe we can move the needle at the local level by establishing mechanisms of transparent governance that equalizes the playing field for all county residents. Particularly, I am not only in favor of banning lobbyists from serving in county boards but also with member Stoccardo’s proposed amendment to make local ethics codes applicable to all appointed county board members.
3. As well, I am in favor of establishing an *Independent* Ethics Commission at the county level that ensures transparency in our government. I specifically ask that this subcommittee evaluates different best practices as to how make such an ethics commission work. In other words, if we decide to propose an amendment that fulfills the establishment of a county Ethics Commission, we ought to ensure that such an amendment includes clear language around the issues of membership and funding – two key issues that should not be left up to the Board of County Commissions (BCC) to decide.
 - a. In regards to membership, I suggest we consider banning lobbyists, partisan and county elected officials, and political candidates from serving as members of the Ethics Commission. It is also important that such membership not be appointed by the BCC and that we clear succession parameters (including length of service).
 - b. In regards to funding, I suggest that a potential amendment establishes that the Comptroller’s office defines, on an annual basis, how much funding is needed for the Ethics Commission to run effectively and serve its purpose, and that the BCC complies with the recommendations made by the Comptroller’s office. This proposal seeks to ensure the independence of the ethics commission from the BCC.

- c. The reasoning for this point is more thoroughly explained by the shared CLC document, entitled “Principles for Designing an Independent Ethics Commission.”
4. As the memo from the general counsel evidences, there are several local jurisdictions within the state of Florida that have established Independent Ethics Commissions. We should treat these as case studies that can guide our deliberations, but not as clear examples of whether establishing an ethics commission is good or bad. Our subcommittee has the power to ensure that a potential ethics commission can be implemented in a way that empowers everyday citizens and brings accountability to our local government. We should not let other case studies solely dictate what is and what is not possible.
5. I would like to follow up on my previous request for an archival list that details the number and name of registered lobbyists who are currently serving, or have served, in appointed county boards. I ask that this list be made available to the public as soon as possible. A potential failure to produce such a list would simply be another demonstration that our current ethics code does not go far enough.
6. Finally, I want to thank the general counsel and our CRC staff for their tremendous work in aiding our subcommittee and the rest of the CRC. Thank you!

Looking forward to our next meeting,
Samuel Vilchez Santiago
2020 CRC Member