

**2022 Local Agency Biennial Notice**

SEP 20 2022

Name of Agency: Ventura Port District

Clerk of the Board

Mailing Address: 1603 Anchors Way Drive, Ventura, CA 93001Contact Person: Jessica Rauch Phone No. (805) 864-2741Email: jrauch@venturaharbor.com

Alternate Email: \_\_\_\_\_

**Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.**

This agency has reviewed its conflict of interest code and has determined that (*check one BOX*):

**An amendment is required. The following amendments are necessary:**

(*Check all that apply.*)

- Include new positions
- Revise disclosure categories
- Revise the titles of existing positions
- Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- Other (*describe*) \_\_\_\_\_

**The code is currently under review by the code reviewing body.**

**No amendment is required.** (If your code is over five years old, amendments may be necessary.)

**Verification (to be completed if no amendment is required)**

*This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.*

\_\_\_\_\_  
Signature of Chief Executive Officer

9/7/22  
\_\_\_\_\_  
/Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 3, 2022**, or by the date specified by your agency, if earlier, to: **E-Mail to: [form700clerk@ventura.org](mailto:form700clerk@ventura.org)**

or  
**Mail to: Clerk of the Board of Supervisors**  
800 S. Victoria Avenue, L# 1920  
Ventura, CA 93009-1920

**PLEASE DO NOT RETURN THIS FORM TO THE FPPC.**



**RESOLUTION NO. 3457**

**RESOLUTION OF THE BOARD OF PORT COMMISSIONERS  
OF THE VENTURA PORT DISTRICT  
APPROVING ITS CONFLICT OF INTEREST CODE**

WHEREAS, the Political Reform Act, Government Code section 81000 et seq., requires local government agencies to adopt and promulgate Conflict of Interest Codes; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation (2 Cal. Code Regs., § 18730) which contains the terms of a standard Conflict of Interest Code, which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings; and

WHEREAS, the terms of California Code of Regulations, Title 2, Section 18730, and any amendment to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference as the Conflict of Interest Code for the Ventura Port District, and along with the attached Exhibit A, which designates positions requiring disclosure and Exhibit B, which set forth disclosure categories for each designated position, constitute the Conflict of Interest Code of the Ventura Port District; and

WHEREAS, persons holding positions designated in Exhibit A shall file Form 700 Statements of Economic Interests with the Filing Officer specified for that position in Exhibit A; and

WHEREAS, in preparing the form 700, designated filers need only disclose those financial interests falling within the disclosure categories designated for that filer's position as stated in Exhibits A and B; and

WHEREAS, pursuant to said Act, the Ventura Port District ("District") adopted its initial conflict of interest code ("Code") which has since been updated and amended several times, with the latest action being the adoption of Board Resolution No. 3424 on September 1, 2021; and

WHEREAS, the Board has determined that it is in the best interest of the District to amend the Code in certain particulars outlining new and existing positions in the District; and

WHEREAS, as a result of such amendment, the Board finds it is desirable and in the best interests of the District to rescind the existing Code and adopt the new Code in the manner set forth herein as Exhibit A; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Port Commissioners of the Ventura Port District hereby rescinds Resolution No. 3424, and adopts in its place Exhibit A, Exhibit B and Exhibit C of its Conflict of Interest and Disclosure Code of the Ventura Port District, to include additional positions within the District, which are shown on Exhibit A attached hereto.

BE IT FURTHER RESOLVED that those individuals holding newly designated positions, as set forth in Exhibit A, shall file Statements of Economic Interests with the Clerk of the District within 30 days of the adoption of this Resolution.

BE IT FURTHER RESOLVED that a secretarily certified copy of this Resolution, including the attached Exhibit A, B, and C, shall be forwarded to the Ventura Board of Supervisors as an amendment to the Conflict of Interest and Disclosure Code of the Ventura Port District.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Board of Port Commissioners of Ventura Port District held on the 7th day of September 2022 by the following vote:

AYES: Commissioners Stephens, Blumenberg, Brennan, Gardina, Rainey

NOES:

ABSTAINED:

ABSENT:

  
\_\_\_\_\_  
Chris Stephens, Chair

ATTEST:

  
\_\_\_\_\_  
Brian Brennan, Secretary

STATE OF CALIFORNIA            )  
COUNTY OF VENTURA        (ss.  
CITY OF SAN BUENAVENTURA    )

I, Brian Brennan, Secretary of the Ventura Port District, a public corporation, do hereby certify that the above and foregoing Resolution was duly passed and adopted by the Board of Port Commissioners of said District at a regular meeting thereof held on the 7th day of September 2022 by the following vote:

AYES: Commissioners Stephens, Blumenberg, Brennan, Gardina, Rainey

NOES:

ABSTAIN:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said District this 7th day of September 2022.



\_\_\_\_\_  
Brian Brennan, Secretary

**CERTIFICATION OF THE SECRETARY OF  
VENTURA PORT DISTRICT**

I, the undersigned, do hereby certify:

1. I am the duly elected and acting Secretary of the Ventura Port District.
2. The foregoing Resolution approving the new Conflict of Interest and Disclosure Code of the Ventura Port District was adopted at a regular meeting of the Board of Port Commissioners held on September 7, 2022.

IN WITNESS WHEREOF, I have executed this Certificate of Secretary of the District this 7th day of September 2022.



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Brian Brennan, Secretary  
Ventura Port District  
Board of Port Commissioners

**EXHIBIT A – DESIGNATED POSITIONS AND FILING OFFICERS**

<b># OF POSITIONS</b>	<b>POSITION TITLE</b>	<b>DISCLOSURE CATEGORIES (From Exhibit B)</b>	<b>FILING OFFICER (Designate County Clerk of Board [COB] or Local Agency's Clerk [AC])</b>
5	<b>Members of the Board of Port Commissioners</b>	1,2	COB
1	<b>General Manager</b>	1,2	COB
1	<b>Deputy General Manager</b>	1,2	COB
1	<b>Harbormaster</b>	2	AC
1	<b>Senior Harbor Patrol Officer</b>	2	AC
1	<b>Business Operations Manager</b>	2	AC
1	<b>Senior Business Operations Manager</b>	2	AC
1	<b>Accounting Manager</b>	2	AC
1	<b>Marketing Manager</b>	2	AC
1	<b>Marina Manager</b>	2	AC
1	<b>Facilities Manager</b>	2	AC
1	<b>Maintenance Supervisor</b>	2	AC
1	<b>Capital Projects Manager</b>	2	AC
1	<b>Executive Assistant/Clerk of the Board</b>	2	AC
1	<b>Marketing &amp; Events Coordinator II</b>	2	AC
Consultants <sup>1</sup>			

Notes:

- 1) The Filing Official for the Members of the Board and the General Manager is the Clerk of the Ventura County Board of Supervisors.
- 2) The Filing Official for all other positions is the Clerk of the Ventura Port District.

<sup>1</sup> The disclosure, if any, required of a consultant will be determined on a case-by-case basis by the head of the agency or designee. The determination of whether a consultant has disclosure requirements should be made in writing on a Fair Political Practices Commission Form 805. The determination should include a description of the consultant's duties and based upon that description, a statement of the extent, if any, of the disclosure requirements. Each Form 805 is a public record and should be retained for public inspection either in the same manner and location as the Conflict of Interest Code, or with appropriate documentation at the location where the Conflict of Interest Code is maintained, cross-referencing to the Form 805.

## **EXHIBIT B – DISCLOSURE CATEGORIES**

The terms *italicized* below have specific meaning under the Political Reform Act. In addition, the financial interests of a spouse, domestic partner and dependent children of the public official holding the designated position may require reporting. Consult the instructions and reference pamphlet of the Form 700 for explanation.

### **Category 1 – BROADEST DISCLOSURE**

[SEE FORM 700 SCHEDULES A-1, A-2, B, C, D and E]

- (1) All sources of *income, gifts, loans and travel payments*;
- (2) All *interests in real property*, and
- (3) All *investments and business positions in business entities*.

### **Category 2 – REAL PROPERTY**

[SEE FORM 700 SCHEDULE B]

All interests in real property, including interests in real property held by business entities and trusts in which the public official holds a business position or has an investment or other financial interest.

### **Category 3 – LAND DEVELOPMENT, CONSTRUCTION AND TRANSACTION**

[SEE FORM 700 SCHEDULES A-1, A-2, C, D and E]

All investments, business positions and sources of income, gifts, loans and travel payments, from sources which engage in land development, construction, or real property acquisition or sale.

### **Category 4 – PROCUREMENT**

[SEE FORM 700 SCHEDULES A-1, A-2, C, D and E]

All investments, business positions and sources of income, gifts, loans and travel payments, from sources which provide services, supplies, materials, machinery or equipment which the designated position procures or assists in procuring on behalf of their agency or department.

### **Category 5 – REGULATION AND PERMITTING**

[SEE FORM 700 SCHEDULES A-1, A-2, C, D and E]

All investments, business positions and sources of income, gifts, loans and travel payments, from sources which are subject to the regulatory, permitting or licensing authority of, or have an application or license pending before, the designated position's agency or department.

### **Category 6 – FUNDING**

[SEE FORM 700 SCHEDULES A-1, A-2, C, D and E]

All investments, business positions and sources of income, gifts, loans and travel payments, from sources which receive grants or other funding from or through the designated position's agency or department.

**APPENDIX - DESIGNATING OFFICIALS WHO  
MANAGE PUBLIC INVESTMENTS**

Pursuant to Government Code section 87200 et seq., certain city and county officials, as well as all "other officials who manage public investments," are required to disclose their economic interests in accordance with the Political Reform Act. This Appendix provides the relevant definitions for determining which public officials qualify as "other officials who manage public investments," designates the agency's positions which qualify as such, and states the Filing Officer for each designated position.

**APPLICABLE DEFINITIONS**

As set forth in 2 California Code of Regulations section 18701, the following definitions apply for the purposes of Government Code section 87200:

(1) "Other public officials who manage public investments" means:

(A) Members of boards and commissions, including pension and retirement boards or commissions, or of committees thereof, who exercise responsibility for the management of public investments;

(B) High-level officers and employees of public agencies who exercise primary responsibility for the management of public investments, such as chief or principal investment officers or chief financial managers. This category shall not include officers and employees who work under the supervision of the chief or principal investment officers or the chief financial managers; and

(C) Individuals who, pursuant to a contract with a state or local government agency, perform the same or substantially all the same functions that would otherwise be performed by the public officials described in subdivision (1)(B) above.

(2) "Public investments" means the investment of public moneys in real estate, securities, or other economic interests for the production of revenue or other financial return.

(3) "Public moneys" means all moneys belonging to, received by, or held by, the state, or any city, county, town, district, or public agency therein, or by an officer thereof acting in his or her official capacity, and includes the proceeds of all bonds and other evidences of indebtedness, trust funds held by public pension and retirement systems, deferred compensation funds held for investment by public agencies, and public moneys held by a financial institution under a trust indenture to which a public agency is a party.

(4) "Management of public investments" means the following non-ministerial functions: directing the investment of public moneys; formulating or approving investment policies; approving or establishing guidelines for asset allocations; or approving investment transactions.



## DESIGNATED POSITIONS AND FILING OFFICERS

Based on the foregoing, the following agency positions and/or consultants qualify as "other officials who manage public investments" and shall file Statements of Economic Interests (Form 700) pursuant to Government Code section 87200 et seq. with the below-designated Filing Officers:

# OF POSITIONS	POSITION TITLE	DISCLOSURE CATEGORIES (From Exhibit B)	FILING OFFICER (Designate County Clerk of Board [COB] or Local Agency's Clerk [AC])
5	Members of the Board of Port Commissioners	1,2	COB
1	General Manager	1,2	COB
1	Deputy General Manager	1,2	COB
1	Harbormaster	2	AC
1	Senior Harbor Patrol Officer	2	AC
1	Business Operations Manager	2	AC
1	Senior Business Operations Manager	2	AC
1	Accounting Manager	2	AC
1	Marketing Manager	2	AC
1	Marina Manager	2	AC
1	Facilities Manager	2	AC
1	Maintenance Supervisor	2	AC
1	Capital Projects Manager	2	AC
1	Executive Assistant/Clerk of the Board	2	AC
1	Marketing & Events Coordinator II	2	AC
Consultants <sup>2</sup>			

<sup>2</sup> The disclosure, if any, required of a consultant will be determined on a case-by-case basis by the head of the agency or designee. The determination of whether a consultant has disclosure requirements should be made in writing on a Fair Political Practices Commission Form 805. The determination should include a description of the consultant's duties and based upon that description, a statement of the extent, if any, of the disclosure requirements. Each Form 805 is a public record and should be retained for public inspection either in the same manner and location as the Conflict of Interest Code, or with appropriate documentation at the location where the Conflict of Interest Code is maintained, cross-referencing to the Form 805.

## **EXHIBIT C - ADDITIONAL CODE PROVISIONS**

The following additions to the FPPC Standard Code are hereby incorporated into the Conflict of Interest and Disclosure Code of the Ventura Port District:

### **DISQUALIFICATION**

1. An investment, interest in real property, income or source of income of a designated employee shall not be a basis for disqualification under this Conflict of Interest Code where such interest will foreseeably be affected only by the decisions to fix an ad valorem property tax rate or uniform assessments for the District applicable to the public generally. (Cal. Code of Regs., Title 2, Section 18703)
2. After disqualification, a designated employee may make an appearance, submit information, or express views on the same basis as any other citizen on matters related solely to his personal interest, provided that it is done publicly and provided that the person clearly indicates he is acting in a private capacity.
3. Rule of Necessity: Item No. 1 (above) does not prevent a designated employee from making or participating in the making of a governmental decision to the extent that his participation is legally required for an action or decision to be made. The fact that a designated employee's vote is needed to break a tie does not make this participation legally required for the purposes of this section. The attorney for the District is empowered to advise any designated employee whether or not the "Rule of Necessity" is applicable in any particular instance.

### **OPINIONS OF COUNSEL AND OF THE COMMISSION**

1. Opinion Requests. Any designated employee who is unsure of any right or obligation arising under this Code may, with the prior approval of the General Manager, request a formal opinion or letter of advice from the FPPC or a written opinion from the attorney for the District.
2. Evidence of Good Faith. If an opinion is rendered by the attorney for the District stating the facts and the law upon which the opinion is based, compliance by the designated employee with the conclusions of such an opinion is evidence of good faith in any civil or criminal proceeding brought pursuant to the Political Reform Act of 1974 on this Code but may not be conclusive as to whether the designated employee acted in good faith. The designated employee's good faith compliance with the opinion of the District's attorney shall also act as a complete defense to any disciplinary action that the District may bring under Section 91003.5 of said Act of this Code. A designated employee may also seek an opinion or advice letter from the FPPC pursuant to Government Code Section 83114, which shall act as a complete defense in any subsequent enforcement proceeding brought by the FPPC.

### **STATUTE OF LIMITATIONS**

1. No action based on a disqualification provision of this Code shall be brought pursuant to Government Code Section 91003(b) to restrain the execution of or to set aside official action of the District unless the complaint or petition is filed and served upon the District within 90 days following the official action.

### **DEFINITIONS**

1. The definitions contained in the Political Reform Act of 1974 (Government Code Section 81000 et. seq.) and regulations adopted pursuant thereto are incorporated into this Conflict of Interest Code. Conflict of Interest disclosure reports shall be made on Fair Political Practices Commission Form 700, or any successor forms thereto.



**BOARD MINUTES  
BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA**

**SUPERVISORS MATT LAVERE, LINDA PARKS,  
KELLY LONG, ROBERT O. HUBER AND VIANEY LOPEZ  
November 1, 2022 at 8:30 a.m.**

**CONSENT – COUNTY EXECUTIVE OFFICE – Approval of the 2022 Biennial Notices for the Board of Supervisors-District Office Staff and the Ventura County Public Financing Authority; Adoption of Conflict of Interest Codes for 127 Local Agencies; and Receive and File the 2022 Biennial Notices.**

(X) All Board members are present.

(X) Upon motion of Supervisor Parks, seconded by Supervisor Huber, and duly carried, the Board hereby approves the recommendations as stated in the respective Board letters for Consent Items 12 – 44 and 46 – 62, with a revised Exhibit 2 for Item 24 and a revised Board letter and revised Exhibit 1 for Item 37.

By: Lori Key  
Lori Key  
Deputy Clerk of the Board