

Response to 2013-2014 Grand Jury Report Form

Report Title: Ventura County Campaign Finance Ordinance

Report Date: April 8, 2014

Responding Agency/Dept. Board of Supervisors

Response Drafted By: County Executive Office

FINDINGS

- I (we) agree with the findings numbered: n/a
- I (we) disagree wholly or partially with the findings numbered: FI-01, FI-02, FI-03, and FI-04.
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefore.)

RECOMMENDATIONS

- Recommendations numbered n/a have been implemented.
(Attach a summary describing the implemented actions.)
- Recommendations numbered n/a have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)
- Recommendation numbered R-02 requires further analysis.
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered R-01 and R-03 will not be implemented because they are not warranted or are not reasonable.
(Attach an explanation.)

Date: June 24, 2014

Signed: 

Chair of the Board of Supervisors

Number of pages attached: 4

Response to Ventura County Grand Jury Report
Ventura County Campaign Finance Ordinance
From the County Executive Office on Behalf of the Board of Supervisors

FINDINGS

FI-01 The process used to revise the ordinance failed to proactively include stakeholders. In fact, the process ignored, without any comment, issues and concerns when available from stakeholders. As a result, Ordinance 4453 addresses “questions and concerns that arose in the last campaign cycle” from a narrow, if not singular view. It also fails to meet the goal to “increase the clarity and consistency of the Ordinance”; adds confusion to an ordinance already criticized for being complex; and increases the uncertainty and potential cost of enforcing the ordinance. (Please see the report for additional narrative by the Grand Jury on this finding.)

Response: The Board of Supervisors disagree with this finding.

“The process used to revise the ordinance failed to proactively include stakeholders.”

California Government Code Section 25120 et seq. in combination with the Brown Act specifies the form, content, and adoption process for county ordinances. The revisions to the Campaign Finance Ordinance adopted by the Board in May 2013 and referenced in the Grand Jury report were adopted in keeping with the aforementioned government code section and requirements. Consistent with these code sections, the item was twice placed on the Board of Supervisors public agenda as well as publically noticed in the appropriate periodical. Two public hearings were conducted at which time public and stakeholder testimony and comments were actively considered.

“..fails to meet the goal to ‘increase the clarity and consistency of the Ordinance’; adds confusion to an ordinance already criticized for being complex; and increases the uncertainty and potential cost of enforcing the ordinance.”

The Board of Supervisors disagree with this finding and feel that the Ordinance is not inappropriately complex.

FI-02 The expressed pressing need to propose ordinance changes on May 14, 2013, then vote to enact those changes just a week later to support the upcoming election cycle, was unnecessary. With the important exception of those ordinance changes related to campaign contributions, the bulk of the proposed changes were related to the processing of complaints. The elective offices affected by Ordinance 4453 were a year away. Time was available to solicit and address, in public, stakeholder comments affecting the complaint process given the eight month delay to align the Commission’s procedures with Ordinance 4453. (FA-11, FA-12).

Response: The Board of Supervisors disagree with this finding.

The timing of modifications to the Campaign Finance Ordinance was in keeping with past practice of making changes to the ordinance during years where Board of Supervisor elections do not occur, and followed the requirements set forth by government code and the Brown Act.

FI-03 If the intent of the ordinance is to reduce the influence of money on elections, raising expenditure limits for the general election in Ordinance 4453 from those in Ordinance 4429 by 34.41% and 20.77% for the Supervisor and Countywide offices, respectively, appears to undermine that goal. This is especially true given raises to expenditure limits for the primary election for the Supervisor and Countywide offices of 7.53% and 4.67% respectively. (FA04, FA-13).

Response: The Board of Supervisors disagree with this finding.

Although the ordinance revisions did include raising expenditure limits, other revisions reflected the need for timely disclosure of information. At the May 14, 2013 Board hearing introducing the ordinance it was stated that, "we have to emphasize disclosure as the real key to trying to decrease the influence of money to try and make sure everyone knows where it's coming from." The revisions to the ordinance taken as a whole serve to meet the goal of providing transparency to the public.

FI-04 The changes made in Ordinance 4453 to provide better disclosure appear to be a solution to a nonexistent problem given the Stipulation results from the past two campaign cycles. Most violations of the campaign finance ordinance appear to stem from not understanding the County's ordinance and its unique requirements. The analysis of the Stipulations indicates the number of complaints in an election cycle was low and disclosure of contributions and expenditures was provided in a timely manner via FPPC forms. Fines were low to the point of being inconsequential because the infractions were inadvertent failures to comply, not intentional violations; and many attributed violations to a lack of understanding of the ordinance with no resource in place to provide advice on it. (FA-05, FA-14).

Response: The Board of Supervisors reject this finding, particularly that the changes made to the ordinance are a solution to a non-existent problem.

The changes made to the ordinance are in keeping with the goal of providing transparency to the public. The intent of the changes were to address campaign finance issues and to provide timely disclosure so that voters can make informed decisions.

RECOMMENDATIONS

R-01 The Grand Jury recommends, in the short term, that the Board of Supervisors review Ordinance 4453, including a thorough stakeholder review. The review should address the issues raised by stakeholders and modify Ordinance 4453 by deleting problematic changes and/or making revisions to clarify the process. The resolution of the issues raised or an explanation of why the issue are not problematic should be made available to the public. (FI-01, FI-02, FI-03).

Response: This recommendation will not be implemented.

The Board of Supervisors does not agree with the findings of this report and as such will not implement this recommendation. The revisions to the ordinance were proposed and adopted in accordance with the requirements of government code and placed on the Board of Supervisor's agenda per the Brown Act. Two public hearings were conducted at which time public testimony and comments were considered. The adopted ordinance reflects the Board's goal of providing transparency to the public and is not inappropriately complex.

R-02 The Grand Jury recommends that the Board of Supervisors provide a "help resource" for those seeking information on the details of the ordinances and how to comply. This help resource should represent the official and legal interpretation of the ordinances upon which the complaint proceeding will be based. It should be under the umbrella of the Commission. (FI-04).

Response: This recommendation needs further analysis.

The proposed recommendation to provide a "help resource" under the umbrella of the Commission would require further analysis. Such analysis of a "help resource" would need to include, among other things, an examination of the scope of responsibility, identification of the proper qualifications for such a role and the preparation of a cost impact analysis for providing such a role. The appropriate time to conduct this analysis and consider this recommendation will be at the time of the next update to the Ordinance.

R-03 The Grand Jury recommends, in the long term, that the Board of Supervisors organize a full review of the ordinance to determine if the current ordinance can be simplified or if an entirely new ordinance needs to be written. The review of the ordinances should include the aspects below. (FI-01 through FI-04)

- **The goals of the ordinance should be clearly stated by the Board of Supervisors.**
- **An independent attorney with expertise in campaign finance laws in the State should generate the draft ordinance.**
- **The focus should be on a simplified ordinance and on minimizing County-unique requirements beyond those required by the FPPC. When possible, the ordinance should make use of information filed using FPPC forms with little or no need for unique County filings.**
- **Measurements derived from the characteristics of complaints and the performance of the complaint process should be defined, collected, analyzed, and used as the basis for future ordinance revisions.**
- **All ordinance drafts should be subject to review by the stakeholders. Any issues should be documented, resolved, and made available to the public**

Response: This recommendation will not be implemented.

The Board of Supervisors does not agree with the findings of this report and as such will not implement this recommendation. The revisions to the Ordinance adopted on May 24, 2013 included the purpose of the ordinance which is, "to promote the timely and accurate release of appropriate campaign finance

information before an election so that the public has knowledge of this information before voting.” The item was placed on the Board of Supervisor’s agenda consistent with the Brown Act and two public hearings were conducted at which time public testimony and stakeholder comments were considered.