



BOARD OF SUPERVISORS COUNTY OF VENTURA

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JUN 04 2014

VENTURA COUNTY
GRAND JURY

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May 30, 2014

Ventura County Grand Jury
646 County Square Drive
Ventura, California 93009

Response to "Final Report – Ventura County Campaign Finance Ordinance of April 8, 2014"

Honorable Members of the Grand Jury,

Please find below my required responses to the Final Report on the Ventura County Campaign Finance Ordinance:

FI-01. *The Process used to revise the ordinance failed to proactively include stakeholders. In fact, the process ignored, with any comment, issues and concerns when available from stakeholders. As a result, Ordinance 4453 address "questions and concerns that arose in the last campaign" cycle from a narrow, if not singular view. It also fails to meet the goals to "increase the clarity and consistency of the Ordinance"; adds confusion to an ordinance already criticized being complex; and increases the uncertainty and potential cost of enforcing the ordinance.*

Supervisor Foy response: I agree with this finding and noted as such at the May, 2013 Board of Supervisors meeting that the public did not have a chance to review or respond to these changes and there were no public hearings before the item appeared on the Board agenda. The letters and comments that were received were not incorporated into our actions or deliberations.

FI-02. *The expressed pressing need to proposed 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 office 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 with month delay to align the Commission's procedures with Ordinance 4453.*



Supervisor Foy response: I agree with this finding. I unsuccessfully requested a continuance of this item for the County Executive Office to more fully review the long and short term costs and to more fully explore who would be “policing” this Ordinance.

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.

Supervisor Foy response: I agree with this finding.

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.

Supervisor Foy response: I agree with this finding. This ordinance goes above and beyond what is required by the FPPC and is too complex to understand and implement. The number of “inadvertent violations” proves that there is not a clear understanding of the finance rules.

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 the 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 issues are not problematic should be made available to the public.

Supervisor Foy response: I agree with this recommendation. At the time of the Board meeting, I had requested that the CEO do further analysis. I would concur with the public comments of the Assessor and Sheriff who both recommended a Blue Ribbon Panel, such as the one we had for Board member salaries, to review this ordinance more fully. Public hearings, countywide, should be a part of the process as well.

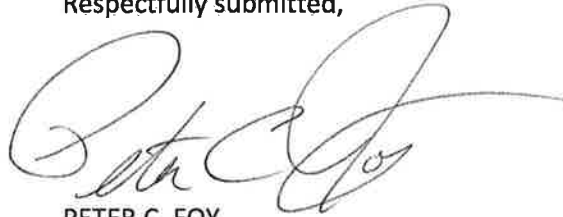
R-02. The Grand Jury recommends that the Board of Supervisors provide a “help resource” for those seeking information on the details of the ordinances and how to comply. This resource should represent the official and legal interpretation of the ordinances upon which the complaint proceeding will be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

Supervisor Foy response: I agree with this recommendation and think outside legal counsel would be the most appropriate and impartial body to accomplish this.

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 ordinance should include the aspects below...*

Supervisor Foy response: I agree with this recommendation and think that an independent body would be the most appropriate method for a full review.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter C. Foy", with a long horizontal flourish extending to the right.

PETER C. FOY
Supervisor, Fourth District