



**County of Ventura  
COUNTY CLERK AND RECORDER**

RECEIVED

JUN 10 2014

VENTURA COUNTY Clerk and Recorder  
GRAND JURY

**MARK A. LUNN**

**JAMES B. BECKER**  
Assistant County Clerk and Recorder

**DAVID G. VALENZUELA**  
Clerk and Recorder Division Manager

Clerk and Recorder Division  
800 S. Victoria Avenue  
Ventura, CA 93009-1260  
Phone: (805) 654-2297  
Fax: (805) 654-2392  
[www.VenturaClerkRecorder.org](http://www.VenturaClerkRecorder.org)

**Response to Grand Jury Report Form**

**Report Title:** Ventura County Campaign Finance Ordinance

**Report Date:** April 8, 2014

**Response by:** Mark A. Lunn, CERA     **Title:** Clerk Recorder/Registrar of Voters

**FINDINGS:**

I agree with the findings numbered F-01 through F-04.

Regarding F-01, I agree that the requirement that the Initial Reviewer and Investigating Attorney must confer with the complainant as part of their investigation interferes with the fair and objective performance of their duties. The County Clerk's fundamental duties include conducting fair and impartial elections in accordance with applicable law. I am opposed to any requirement in the Ventura County Campaign Finance Reform Ordinance No. 4453 (Ordinance) or its successor ordinances that would unduly give the County Clerk's Office increased influence (inadvertent or otherwise) in the complaint process, and that would compromise the neutrality of the investigation and review process for these complaints.

**RECOMMENDATIONS:**

Recommendations numbered R-01 through R-03 have not been implemented. As a major stakeholder, I support these recommendations and look forward to participating in a thorough review of the Ordinance and the implementation of these recommendations in the future.

Regarding R-01, as part of the thorough stakeholder review of the Ordinance, I would also recommend that the Ordinance be modified to require the three Commissioners, who comprise the Ventura County Campaign Finance Ethics Commission (Commission), to disclose, prior to hearing any complaint or notice of apparent violation, any monetary contributions, campaign or political endorsements, business interests, or prior employment associations related to any of the parties (complainants or defendants) to the complaint.

The purpose of this requirement would be in keeping with the spirit of the Ordinance to promote the public's trust in the integrity of Ventura County government and to assure the public's confidence in governing institutions as described in the Ventura County Campaign Finance Ethics Commission Operating Policies (Operating Policies). Given the unique composition of the Commission (three former County Counsels) and the fact that some of the parties to these complaints may be long-term County of Ventura elected officials who may have past working associations with the Commissioners, this disclosure requirement would help deflect any criticism that may be levied as to the campaign finance complaint review process results being ultimately determined by former County of Ventura "insiders."

The purpose of the Ordinance is described in Section 1262:

"Section 1262 Purpose of the Ordinance: The purpose of this ordinance is to promote public trust in governmental institutions and the electoral process, reduce the appearance of corruption, and to prevent individuals and organizations from using their financial strength to corrupt Ventura County government by creating political debts through contributions or coordinated expenditures that allow them to control or unduly influence elected officials. The purpose of this ordinance is also 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 conduct of the three Commissioners who comprise the Commission is governed by Article IX-Standards of Conduct of the Operating Policies, amended December 20, 2013:

"Section 9.01 Standards: A Commissioner shall perform his or her duties without bias or prejudice. A Commissioner shall not, in the performance of his or her duties as a Commissioner, by words or conduct, manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation, socioeconomic status or political belief or affiliation. Commissioners shall support the mission, goals, and objectives of the Ventura County Campaign Finance Ethics Commission; instill in the public a sense of confidence about the Commissioners' conduct and intentions; uphold all laws and regulations; and refrain from using their official positions to secure special advantage or benefit for themselves or others. In order to set the highest standards of conduct, including the appearance of propriety in the operation of government, and in order to assure public confidence in governing institutions, the Commission commits itself to:

- (a) Encouraging and promoting integrity in government by education and example;
- (b) Fairly and objectively enforcing the County's campaign finance reform laws and regulations;
- (c) Being accountable for its rules of procedure and decisions, and stimulating accountability of all elected officials;
- (d) Treating all staff, members of the public, and colleagues with courtesy, respect, objectivity, and fairness;

- (e) Assuring honesty in all matters that come before the Commission, both individually and collectively; and
- (f) Conducting all business in a timely manner and in public meetings, with full disclosure of policies, procedures, and decision-making processes, except in those matters as specified by the Brown Act that may be dealt with in closed session."

The Operating Policies already include provisions for a Commissioner to be disqualified or to voluntarily disqualify himself/herself based on any potential conflict:

"Section 14.01 Reasons for Disqualification: Any member of the Commission is subject to disqualification for bias, prejudice, interest, or for any other reason for which a judge may be disqualified for cause in a court of law."

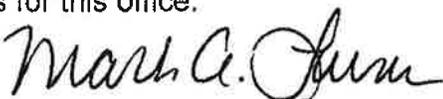
"Section 14.02 Voluntary Disqualification; Non-Participation: A member of the Commission may voluntarily disqualify himself or herself for any of the reasons identified in section 14.01. Once disqualified, that individual shall not participate in any discussion, deliberation, or voting pertaining to any matter that is the subject of the Evidentiary Hearing."

Although Sections 14.01 and 14.02 pertain specifically to evidentiary hearings, this language could serve as a precedent and be expanded to achieve an even greater level of disclosure for the public in these campaign finance matters. Moreover, in keeping with the purpose of the Ordinance, this additional requirement would promote the timely and accurate release of appropriate campaign finance information before a complaint is heard so that the parties and other Commissioners have knowledge of the information before a vote is taken.

Regarding R-02, I support the "help resource" being under the umbrella of the Commission who already possess technical expertise and experience with the Ordinance. The Clerk's Office acts as the filing officer for complaints under the Ordinance and as complainant with regard to some of these complaints or notices of apparent violation. Requiring the Clerk's Office to also act as an information source for advice and how to legally comply with the Ordinance would result in a confusing conflict of interest and not allow for a clear and necessary separation of duties for this office.

**Date:** June 6, 2014

**Signed:**



**Number of pages attached:** 0