

Response to 2013-2014 Grand Jury Report Form

Report Title: Ventura County Campaign Finance Ordinance

Report Date: April 8, 2014

Responding Agency/Dept. County Executive Office

Response Drafted By: Michelle Yamaguchi Title: CEO Management Analyst

FINDINGS

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

RECOMMENDATIONS

Note: See response. Ordinance changes are beyond authority of the CEO to commit to and implement.

- 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.)
- Recommendations numbered n/a require 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 n/a will not be implemented because they are not warranted or are not reasonable.
(Attach an explanation.)

Date: 6/17/14

Signed: Michelle Yamaguchi

Michelle Yamaguchi, CEO Management Analyst

Number of pages attached: 3

Response to Ventura County Grand Jury Report
Ventura County Campaign Finance Ordinance
From the County Executive Office

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.)*

The update to the County's Campaign Finance Ordinance was done in accordance with the Government Code. Two public hearings were conducted at which time public testimony and comments were considered. Once Ordinance 4533 was adopted, the County Executive Office carried out its duties and responsibilities in our capacity as staff to the Campaign Finance Ethics Commission. The operating policies of the commission were duly revised to reflect the changes to the ordinance

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).

As stated in response the previous finding, the update to the County's Campaign Finance Ordinance was done in accordance with the Government Code. Two public hearings were conducted at which time public testimony and comments were considered. Once Ordinance 4533 was adopted, the County Executive Office carried out its duties and responsibilities in our capacity as staff to the Campaign Finance Ethics Commission. The operating policies of the commission were duly revised to reflect the changes to the ordinance.

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).

The responsibilities of the County Executive Officer (CEO) and County Executive Office, as stipulated in the County Administrative Manual and consistent with the authority granted to the CEO by ordinance, are to supervise and direct the enforcement and execution of orders and directives of the Board. It is beyond the authority of the CEO to stipulate whether the recommendations contained within the Grand Jury's report will be implemented or not.

In the case of Ordinance 4533 and the proposed revision to the County's Campaign Finance Ordinance, as previously noted the item was placed on the Board of Supervisors agenda in keeping with the Government Code. Two public hearings were conducted at which time public testimony and comments were considered. Once Ordinance 4533 was adopted, the County Executive Office carried out its duties and responsibilities in our capacity as staff to the Campaign Finance Ethics Commission. The operating policies of the commission were duly revised to reflect the changes to the ordinance. The County Executive Office is prepared to implement any further changes to the ordinance should the Board of Supervisors direct such changes be made.

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).

As noted in response to the previous recommendation, it is beyond the authority of the CEO to stipulate whether the recommendations contained within the Grand Jury's report will be implemented or not. The County Executive Office is prepared to implement any further changes to the ordinance should the Board of Supervisors direct such changes be made.

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**

As noted in response to the previous recommendation, it is beyond the authority of the CEO to stipulate whether the recommendations contained within the Grand

Jury's report will be implemented or not. The County Executive Office is prepared to implement any further changes to the ordinance should the Board of Supervisors direct such changes be made.