

Ventura County Grand Jury 2015 - 2016



Final Report

Public Access to Conflict of Interest Codes

May 26, 2016

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Public Access to Conflict of Interest Codes

Summary

The California Political Reform Act is an initiative statute passed by the voters in 1974 which requires that all local government agencies adopt a Conflict of Interest Code with standards which meet or exceed the requirements of the State law.

The 2015-2016 Ventura County Grand Jury (Grand Jury) investigated two key questions regarding conflict of interest standards: First, have Ventura County (County), and the 10 cities within the County, each established a Conflict of Interest Code with standards consistent with the California Political Reform Act? Second, have the County and the 10 cities provided transparency by establishing user-friendly access to their respective Conflict of Interest Codes?

The Grand Jury reviewed the California statutes and regulations governing conflict of interest and examined the official websites of the County and the 10 cities. In addition, the Grand Jury communicated with government officials.

The Grand Jury found that the elected officials in Ventura County and its 10 cities have all adopted Conflict of Interest Codes which meet or exceed State standards. The Grand Jury found that there was a wide variation in the ease of access to the Conflict of Interest Codes.

The Grand Jury recommends that the Ventura County Board of Supervisors and city councils of the 10 cities within the County establish a direct online method for public access to their Conflict of Interest Codes.

Background

The Grand Jury received a public complaint alleging a conflict of interest within a particular government entity. This raised the question of whether each local governing body within Ventura County had established a Conflict of Interest Code as required by law. Additionally, the Grand Jury made the decision to address whether these Conflict of Interest Codes are readily accessible to the public, thereby making government more transparent.

Methodology

The Grand Jury reviewed applicable California State statutes and regulations governing conflict of interest, communicated with various government officials, and reviewed the websites of the County of Ventura and the 10 incorporated cities within the County.

Facts

FA-01. The California Political Reform Act of 1974 as amended (the Act), requires all local agencies, including elected city councils and county boards of supervisors, to establish a Conflict of Interest Code with standards that meet or exceed State standards. (Ref-01)

FA-02. The Act establishes the California Fair Political Practices Commission (FPPC) to regulate standards for a Conflict of Interest Code for public officials in State and local governments. The FPPC has posted online the following:

“Under the Political Reform Act (‘the Act’), all public agencies are required to adopt a conflict-of-interest code (code). A code designates positions required to file Statements of Economic Interests (Form 700), and assigns disclosure categories specifying the types of interests to be reported. The Form 700 is a public document intended to alert public officials and members of the public to the types of financial interests that may create conflicts of interests.”

(Ref-01, Ref-02)

FA-03. The FPPC website states that each “Conflict of Interest Code” must contain the following:

- How to report financial interests
- The disqualification procedures
- The governmental positions subject to Conflict of Interest Code requirements
- Disclosure categories

FPPC Regulation 18730 contains all of the provisions that must be included in a Conflict of Interest Code. The FPPC recommends that agencies incorporate Regulation 18730, by reference, because the type of information required to be in the main body of the code is complex. (Ref-02)

FA-04. As stated in the FPPC website: “A primary purpose of the code is to require disclosure of those types of investments, interests in real property, sources of income and business positions that designated positions may affect in their decision-making.” (Ref-02)

FA-05. The Ventura County Board of Supervisors (BOS) has established a Conflict of Interest Code with standards and requirements for all County agencies and departments. (Ref-03)

FA-06. The County website includes information on the standards for conflict of interest for the Board of Supervisors. (Ref-03)

FA-07. Each of the 10 cities in Ventura County has established a Conflict of Interest Code. These Codes may be accessed by official websites, Google search, or request to the city.

FA-08. California Government Code § 6250, also known as the California Public Records Act (CPRA), states: "...access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this State." (Ref-04)

FA-09. California Government Code § 6253(e) states that a local agency may adopt requirements for itself that allow for faster, more efficient, or greater access to records than the minimum standards prescribed by State law. (Ref-04)

FA-10. The Grand Jury searched online for the Conflict of Interest Codes for the County Board of Supervisors and each of the 10 cities within the County. The following summarizes the results of online searches for Conflict of Interest Codes conducted on May 13, 2016:

- Ventura County Board of Supervisors requires four steps and a search.
- City of Camarillo website requires five steps.
- City of Fillmore website does not provide access. A Google search yielded no results.
- City of Moorpark website does not provide access. A Google search yielded no results.
- City of Ojai website does not provide access. A Google search yielded no results.
- City of Oxnard website was offline. However, a Google search yielded a document stating that the Code is available by request from the City Clerk.
- City of Port Hueneme website requires three steps to direct the user to a list of "Statutory References for California Cities" which then requires a search of the statutory references.
- City of Santa Paula website does not provide access. A Google search yielded no results.
- City of Simi Valley website requires five steps to direct the user to a list of "Statutory References for California Cities" which then requires a search of the statutory references.
- City of Thousand Oaks website requires six steps and a search.
- City of Ventura website requires six steps and a search.

(Ref-03) (Att-01)

Findings

FI-01. The Grand Jury found that Conflict of Interest Codes for Ventura County and its 10 cities are not easily accessible to the public. (FA-07, FA-10) (Att-01)

Recommendations

- R-01.** The Grand Jury recommends that the Ventura County Board of Supervisors establish a direct link on the County homepage for public online access to its Conflict of Interest Code. (FI-01)
- R-02.** The Grand Jury recommends that each city council of the 10 cities within Ventura County establish a direct link on its city homepage for public online access to its Conflict of Interest Code. (FI-01)

Responses

Responses Required From:

- Ventura County Board of Supervisors (FI-01) (R-01)
- City Council of Camarillo (FI-01) (R-02)
- City Council of Fillmore (FI-01) (R-02)
- City Council of Moorpark (FI-01) (R-02)
- City Council of Ojai (FI-01) (R-02)
- City Council of Oxnard (FI-01) (R-02)
- City Council of Port Hueneme (FI-01) (R-02)
- City Council of Santa Paula (FI-01) (R-02)
- City Council of Simi Valley (FI-01) (R-02)
- City Council of Thousand Oaks (FI-01) (R-02)
- City Council of Ventura (FI-01) (R-02)

References

- Ref-01.** California Government Code section 87100-87105, <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=87001-88000&file=87100-87105> (accessed May 13, 2016).
- Ref-02.** California Fair Political Practices Commission website: <http://www.fppc.ca.gov/learn/conflicts-of-interest-rules.html> (accessed May 13, 2016).
- Ref-03.** Ventura County Board of Supervisors website: <http://apps.countyofventura.org/COBPublic/docs/Ordinance/County%20of%20Ventura/2869.pdf> (accessed May 13, 2016).
- Ref-04.** California Government Code website: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=06001-07000&file=6250-6270.5> (accessed May 13, 2016).

Attachments

Att-01 Navigation Directions to Conflict of Interest Codes for the 10 Cities within Ventura County

Glossary

TERM

DEFINITION

BOS	Ventura County Board of Supervisors
California Political Reform Act or the Act	An initiative statute passed by the voters of California in 1974 establishing the Fair Political Practices Commission to create and enforce conflict of interest regulations
Conflict of Interest Code or Code	A code or ordinance adopted by counties, cities, and other public entities in California to establish standards for conflict of interest
County	County of Ventura
CPRA	California Public Records Act
Designated positions	Governmental officers required to submit statements of economic interests
Direct link	A connection from a homepage to the Conflict of Interest Code involving no more than one step
FPPC	California Fair Political Practices Commission
Grand Jury	2015-2016 Ventura County Grand Jury
State	State of California

Attachment 01

**Navigation Directions to Conflict of Interest Codes for the 10 Cities
within Ventura County**

Attachment 01

Navigation Directions to Conflict of Interest Codes for the 10 Cities within Ventura County

This attachment is a description of the steps needed to find Conflict of Interest Statements/Codes/Policy for each of the cities in Ventura County. In some cases, these efforts met with no success. While the cities do, in fact, have a written record describing their Conflict of Interest Statements/Codes/Policy, a reasonable effort to find them online failed.

Camarillo – Go to the City of Camarillo official website:

<http://www.ci.camarillo.ca.us/>

Once on the website, do the following to find information regarding the city's conflict of interest code:

1. Click on the "Departments" TAB
2. Click on the "CITY CLERK" TAB
3. Click on the "Municipal Code" TAB
3. Click on the "Camarillo Municipal Code Online" TAB
4. Click on the "STATUTORY REFERENCES FOR CALIFORNIA CITIES" TAB
5. Scroll down to "Conflict of Interest Code", see Government Code §87100

Fillmore – Go to the City of Fillmore official website:

<http://www.ci.fillmore.ca.us/>

Once on the website, do the following to find information regarding the city's conflict of interest code:

1. Click on the "Municipal Code" TAB
2. Click on the "ADMINISTRATION AND PERSONNEL" TAB
3. Click on "Chapter 2.76 – CAMPAIGN CONTRIBUTION LIMITS" TAB
At this point the reader will see information about campaign funds but nothing about conflict of interest codes.

Moorpark – Go to the City of Moorpark official website:

<http://www.moorparkca.gov/>

Once on the website, do the following to find information regarding the city's conflict of interest code:

1. Click on the "I Want To" TAB
2. In the "View" column, click on the "City Municipal Code" TAB
3. In the "Search" field, nothing is returned when entering the "conflict of interest code".

Ojai – Go to the City of Ojai official website: <http://ojaicity.org/>

Once on the website, do the following to find information regarding the city's conflict of interest code:

1. Click on the "Ojai Municipal Code" TAB

2. Click on the "Search" TAB
3. In the "Search" field, nothing is returned when entering "conflict of interest code".

Oxnard – Go to the City of Oxnard official website: <https://www.oxnard.org/>
At the time of searching (May 13, 2016), the city website was largely inoperative while undergoing a major overhaul per the message on the website. Searches of the site using the search term "conflict of interest" showed no results. Google search yielded a reference to a document on the city website, but no connection was possible.

Port Hueneme – Go to the City of Port Hueneme official website:
<http://www.ci.port-hueneme.ca.us>

Once on the website, do the following to find information regarding the city's conflict of interest code:

1. Click on the Departments TAB
2. Click on the "Administration and Community Services" TAB
3. Click on the "City Clerk and Public Information" TAB
4. Click on the "Port Hueneme Municipal code" link
5. In the "Search" field enter "conflict of interest" and narrow the search to "City of Port Hueneme municipal code". The Muni code system returns 21 references, but only to the term "interest", not "conflict of interest" No clear reference to Conflict of Interest Code is found. A Google search yields results that reflect City biennial updates to the Conflict of Interest Code, but not the Code itself.

Santa Paula - Go to the City of Santa Paula official website: <http://www.ci.santa-paula.ca.us>

Once on the website, do the following to find information regarding the city's conflict of interest code:

1. Click on the "City Information" TAB
2. Click on the "Municipal Code" TAB. You are directed to the American Legal Publishing Corp website
3. A search for "Conflict of interest" only yields references to "interest"
4. A Google search for "Santa Paula" + "Conflict of interest codes" yields no references to the City code, but does identify links to the Unified School District code and several other, lower level agencies.

Simi Valley – Go to the City of Simi Valley official website:
<http://www.simivalley.org/index.aspx>

Once on the website, do the following to find information regarding the city's conflict of interest code:

1. Go to the "I want to" TAB
2. Go to the "Get information on" TAB,
3. Go to the "Municipal Code" TAB.
4. Click on the "City municipal code" link. That goes to the Municode website City of Simi Valley municipal code file.
5. Click on the "STATUTORY REFERENCES FOR CALIFORNIA CITIES" TAB

6. Scroll down to "Conflict of Interest Code", see Government Code §87100A

Thousand Oaks – Go to the City of Thousand Oaks official website:

<https://www.toaks.org/>

Once on the website, do the following to find information regarding the city's conflict of interest code:

1. Click on the "government" TAB,
2. Go to the "Departments" TAB
3. Go to the "city clerk" TAB
4. Go to the "municipal code" TAB
5. That takes one to the American Legal Publishing Corporation site for the City of Thousand Oaks. Click on "Municipal Code" link
6. Enter "conflict of interest" in the search box. A number of code sections are found relevant to the topic.

Ventura – Go to the City of Ventura official website:

<http://www.cityofventura.net/>

Once on the website, do the following to find information regarding the city's conflict of interest code:

1. Enter "conflict of interest" in the search box
2. A set of references is generated. One at http://www.cityofventura.net/files/file/meetings/city_council/2012/12-03-12/item%2001.pdf is a conflict of interest code adapted by the City Council on 12-03-2012