County of Ventura

2018 Local Agency Biennial Notice

OCT 01 2018

Clerk of the Board

Name of Agency: Oxnard Harbor District

Mailing Address: 333 Ponoma Street, Port Hueneme, CA 93041

Contact Person: Michelle Kinnun Phone No. 805-488-3677

Email: mkinnun@portofh.org Alternate Email: kdecas@portofh.org

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that *(check one BOX):*

☑ **An amendment is required. The following amendments are necessary:**

(Check all that apply.)

- ● Include new positions
- ○ Revise disclosure categories
- ● Revise the titles of existing positions
- ● Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- ● Other *(describe)* title change and addition to filing officers

☐ **The code is currently under review by the code reviewing body.**

☐ **No amendment is required.** (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer September 29, 2018 *Date*

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 1, 2018**, or by the date specified by your agency, if earlier, to:

Board of Supervisors
800 S. Victoria Avenue
Ventura, CA 93009-1920

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

County of Ventura

OCT 01 2018

Clerk of the Board

RESOLUTION NO. 1193

A RESOLUTION OF THE BOARD OF HARBOR COMMISSIONERS OF THE OXNARD HARBOR DISTRICT AMENDING ITS EXISTING CONFLICT OF INTEREST CODE

WHEREAS, The Political Reform Act, Government Code section 81000 et seq., requires local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code Regs., § 18730) which contains the terms of a standard Conflict of Interest Code, which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings.

WHEREAS, The terms of California Code of Regulations, Title 2, Section 18730, and any amendment to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference as the Conflict of Interest Code for the Oxnard Harbor District, and along with the attached Exhibit A, which designates positions requiring disclosure and Exhibit B, which sets forth disclosure categories for each designated position, constitute the Conflict of Interest Code of the Oxnard Harbor District. Persons holding positions designated in Exhibit A shall file Form 700 Statements of Economic Interests with the Filing Officer specified for that position in Exhibit A.

WHEREAS, in preparing the form 700, designated filers need only disclose those financial interests falling within the disclosure categories designated for that filer's position as stated in Exhibits A and B.

NOW, THEREFOR BE IT RESOLVED by the Board of Harbor Commissioners of the Oxnard Harbor District that this Resolution and its attachments is and shall serve as the local Conflicts of Interest Code for the Oxnard Harbor District, including the following provisions:

Section 1 GENERAL REQUIREMENTS

The Political Reform Act, Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Section 18730) which contains the terms of a standard Conflict of Interest Code, which may be incorporated by reference in an agency's code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference.

Section 2 OXNARD HARBOR DISTRICT CONFLICT OF INTEREST CODE

The Oxnard Harbor District has adopted the Fair Political Practices Commission Model Code (2 Cal. Code of Regs., Section 18730) as its Conflict of Interest Code (Code) and has promulgated a list of Designated Positions and Disclosure Categories as required therein. This Code incorporates, by reference, the definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission and any amendments to the Act or

regulations. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the Conflict of Interest Code of the Oxnard Harbor District.

In accordance with Government Code 82011(b), the Board of Supervisors for the County of Ventura (Board of Supervisors) has been designated as the Code Reviewing Body for the District. Amendments to the District's Conflict of Interest Code, including Appendix "A", will be submitted to the Board of Supervisors for approval within 90 days after the circumstances necessitating the amendments have become apparent. (Government Code Section 87306(a).)

Section 3 FILING OFFICER/OFFICIAL

The District Secretary is designated as the filing official responsible for receiving and forwarding original statements of economic interest (statements) for Harbor Commissioners to the Clerk of the Board of Supervisors. The District Secretary shall retain one copy of each such statement for District records. The District Secretary is designated as filing officer for all other designated filers of the Oxnard Harbor District and as such shall be responsible for receiving and retaining the original statements of such filers in the official records of the District. The District Secretary shall follow the duties of filing officer denoted in Title 2, Section 18115(a) and of filing official denoted in Title 2, Section 18115(b).

Section 4 FILING OF STATEMENTS OF ECONOMIC INTERESTS

Persons in designated positions are required to file statements with the District Secretary as follows:

1) Initial Statements - Within 30 days after adoption of the Code or amendments to the Code. Includes all reportable interests during 12 months prior to the effective date of the Code or amendments thereto.

2) Assuming Office Statements - Within 30 days after assuming the designated position. Includes all reportable interests during the 12 months prior to the date of assuming office or date of appointment or nomination

3) Annual Statements - No later than April 1 each year. Includes all reportable interests during the previous calendar year.

4) Leaving Office Statements - Within 30 days after leaving office. Includes all reportable interests during period between the closing of the last statement filed and the date of leaving office.

Section 5 OPINIONS OF LEGAL COUNSEL

A. Opinion Requests - Any designated employee who is unsure of any right or obligation arising under this Code may request an opinion from the District's Legal Counsel or the Fair Political Practices Commission.

B. Evidence of Good Faith - If an opinion is rendered by the Fair Political Practices Commission, stating in full the facts and the law upon which the opinion is based, compliance by a designated employee with such opinion may be evidence of good faith in any civil or criminal proceeding brought pursuant to the Political Reform Act of 1974 or this Code. The designated employee's good faith compliance with the opinion of the Fair Political Practices Commission

shall also act as a complete defense to any disciplinary action that the District may bring under Section 91003.5 of said Act or this Code (Government Code Section 83114).

Section 6 DESIGNATED POSITIONS AND CATEGORIES

Designated employees shall file statements of economic interests with the Oxnard Harbor District's Political Reform Act Filing Officer, District Secretary, who will make the statements available for public inspection and reproduction (Government Code Section 82008). This Conflict of Interest Code does not require the reporting of gifts from outside the District's jurisdiction if the source does not have some connection with or bearing upon the functions or duties of the position for which reporting is required. (2 Cal. Code of Regs., Section 18730.1)

Upon receipt of the statements of the Members of the Board of Harbor Commissioners and the CEO & Port Director, the Filing Officer shall make and retain a copy and forward the original of these statements to the Clerk of the Ventura County Board of Supervisors, who is the Filing Officer for these positions

APPROVED, ADOPTED AND SIGNED this 29th day of September,2018:

Mary Anne Rooney, President
Board of Harbor Commissioners
President

ATTEST:

Jess Ramirez, Secretary
Board of Harbor Commissioners
Oxnard Harbor District

EXHIBIT A – 2018 DESIGNATED POSITIONS AND FILING OFFICERS

OXNARD HARBOR DISTRICT

# of POSITIONS	POSITION TITLE	DISCLOSURE CATEGORIES (From Exhibit B)	FILING OFFICER (Designate County Clerk of Board [COB] or Local Agency's Clerk [AC])
5	Harbor Commissioners	1	COB
1	CEO & Port Director	1	COB
1	Deputy Executive Director, CFO/CAO	1	AC
1	Chief Operations Officer	1	AC
1	Chief Commercial & Public Affairs Officer	1	AC
1	Legal Counsel	1	AC
1	Director of Finance & Accounting	1	AC
1	Facilities Supervisor	4	AC
1	Harbormaster Supervisor	4	AC
1	Public & Govt Relations Manager	4	AC
1	Executive Assistant	4	AC
1	Clerk of the Board / Office Administrator	4	AC
1	Engineering Manager	4	AC
1	Environmental Manager	4	AC
1	Operations Project Specialist	4	AC
1	Marketing & Communications Specialist	4	AC
1	HR Management Specialist	4	AC
Unknown	New Position*	TBD	TBD**

**** Individuals serving in a new position created since this Code was last approved that make or participate in making decisions must file under the broadest disclosure set forth in this Code subject to the following limitation:***

***** The CEO and Port Director may determine that, due to the range of duties, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code Sec. 82019; FPPC Regulations 18219 and 18734.). The CEO and Port Director's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code Sec. 81008.).***

EXHIBIT B – DISCLOSURE CATEGORIES

The terms *italicized* below have specific meaning under the Political Reform Act. In addition, the financial interests of a spouse, domestic partner and dependent children of the public official holding the designated position may require reporting. Consult the instructions and reference pamphlet of the Form 700 for explanation.

Category 1 – BROADEST DISCLOSURE

[SEE FORM 700 SCHEDULES A-1, A-2, B, C, D and E]

(1) All sources of *income*, *gifts*, *loans* and *travel payments*;
(2) All *interests in real property*; and
(3) All *investments* and *business positions* in *business entities*.

Category 2 – REAL PROPERTY

[SEE FORM 700 SCHEDULE B]

All interests in real property, including interests in real property held by business entities and trusts in which the public official holds a business position or has an investment or other financial interest.

Category 3 – LAND DEVELOPMENT, CONSTRUCTION AND TRANSACTION

[SEE FORM 700 SCHEDULES A-1, A-2, C, D and E]

All investments, business positions and sources of income, gifts, loans and travel payments, from sources which engage in land development, construction, or real property acquisition or sale.

Category 4 – PROCUREMENT

[SEE FORM 700 SCHEDULES A-1, A-2, C, D and E]

All investments, business positions and sources of income, gifts, loans and travel payments, from sources which provide services, supplies, materials, machinery or equipment which the designated position procures or assists in procuring on behalf of their agency or department.

Category 5 – REGULATION AND PERMITTING

[SEE FORM 700 SCHEDULES A-1, A-2, C, D and E]

All investments, business positions and sources of income, gifts, loans and travel payments, from sources which are subject to the regulatory, permitting or licensing authority of, or have an application or license pending before, the designated position's agency or department.

Category 6 – FUNDING

[SEE FORM 700 SCHEDULES A-1, A-2, C, D and E]

All investments, business positions and sources of income, gifts, loans and travel payments, from sources which receive grants or other funding from or through the designated position's agency or department.

APPENDIX - DESIGNATING OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

Pursuant to Government Code section 87200 et seq., certain city and county officials, as well as all "other officials who manage public investments," are required to disclose their economic interests in accordance with the Political Reform Act. This Appendix provides the relevant definitions for determining which public officials qualify as "other officials who manage public investments," designates the agency's positions which qualify as such, and states the Filing Officer for each designated position.

APPLICABLE DEFINITIONS

As set forth in 2 California Code of Regulations section 18701, the following definitions apply for the purposes of Government Code section 87200:

(1) "Other public officials who manage public investments" means:

(A) Members of boards and commissions, including pension and retirement boards or commissions, or of committees thereof, who exercise responsibility for the management of public investments;

(B) High-level officers and employees of public agencies who exercise primary responsibility for the management of public investments, such as chief or principal investment officers or chief financial managers. This category shall not include officers and employees who work under the supervision of the chief or principal investment officers or the chief financial managers; and

(C) Individuals who, pursuant to a contract with a state or local government agency, perform the same or substantially all the same functions that would otherwise be performed by the public officials described in subdivision (1)(B) above.

(2) "Public investments" means the investment of public moneys in real estate, securities, or other economic interests for the production of revenue or other financial return.

(3) "Public moneys" means all moneys belonging to, received by, or held by, the state, or any city, county, town, district, or public agency therein, or by an officer thereof acting in his or her official capacity, and includes the proceeds of all bonds and other evidences of indebtedness, trust funds held by public pension and retirement systems, deferred compensation funds held for investment by public agencies, and public moneys held by a financial institution under a trust indenture to which a public agency is a party.

(4) "Management of public investments" means the following non-ministerial functions: directing the investment of public moneys; formulating or approving investment policies; approving or establishing guidelines for asset allocations; or approving investment transactions.

DESIGNATED POSITIONS AND FILING OFFICERS

Based on the foregoing, the following agency positions and/or consultants qualify as "other officials who manage public investments" and shall file Statements of Economic Interests (Form 700) pursuant to Government Code section 87200 et seq. with the below-designated Filing Officers:

# of POSITIONS	POSITION TITLE/CONSULTANT	FILING OFFICER (Designate County Clerk of Board [COB] or Local Agency's Clerk [AC])
5	**Commissioners**	**COB**
1	**Deputy Executive Director CFO/CAO, Treasurer**	**AC**
1	**Director of Finance & Accounting, Deputy Treasurer**	**AC**

BOARD MINUTES
BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

SUPERVISORS STEVE BENNETT, LINDA PARKS,
KELLY LONG, PETER C. FOY AND JOHN C. ZARAGOZA
December 4, 2018 at 8:30 a.m.

CONSENT – COUNTY EXECUTIVE OFFICE – Adoption of Conflict of Interest Codes for 118 Local Agencies; and Receive and File 2018 Biennial Notices.

(X) All Board members are present.

(X) Upon motion of Supervisor Long, seconded by Supervisor Zaragoza, and duly carried, the Board hereby approves the recommendations as stated in the respective Board letters for Consent Items 12 - 33.

By: Lori Gaines
Lori Gaines
Deputy Clerk of the Board

Item #13
12/4/18