

Item #12 - Executive Director's Report



Michael B. MacDonald, Chair
Jerett Yan, Vice-Chair
Avi Klein
Jessica Leavitt
Ryan Micik
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Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Whitney Barazoto, Executive Director
DATE: October 22, 2021
RE: Executive Director's Report for the November 1, 2021, PEC Meeting

This memorandum provides an overview of the Public Ethics Commission's (PEC or Commission) significant activities this past month that are not otherwise covered by other program reports. The attached overview of Commission Programs and Priorities includes the ongoing goals and key projects for 2020-21 for each program area. (Commission Programs and Priorities attached)

PEC Staffing

Suzanne Doran (Ethics Analyst II) has been promoted to the position of Ethics Analyst III (Supervisor), effective October 16, 2021. The Analyst III position was created last year in order to better reflect the duties of the lead analyst position as part of the front-office team that have become necessary as a result of the PEC taking on campaign and lobbyist filing officer duties from the City Clerk's office and the concurrent push for more complicated technology projects to collect and illuminate ethics-related data. Congratulations to Ms. Doran for this well-deserved promotion as a leader of the education, outreach, and disclosure team!

Commissioner Recruitment

The Commission is currently recruiting for a new commissioner to fill the seat currently held by Commissioner Avi Klein who will be termed out on January 21, 2022. The new, 3-year term begins January 22, 2022 and ends January 21, 2025. PEC staff has been spreading the word via social media (Twitter, Facebook, and Nextdoor), email distribution to our network of followers and community group contacts, and has more recently purchased ads on Oaklandside to generate interest.

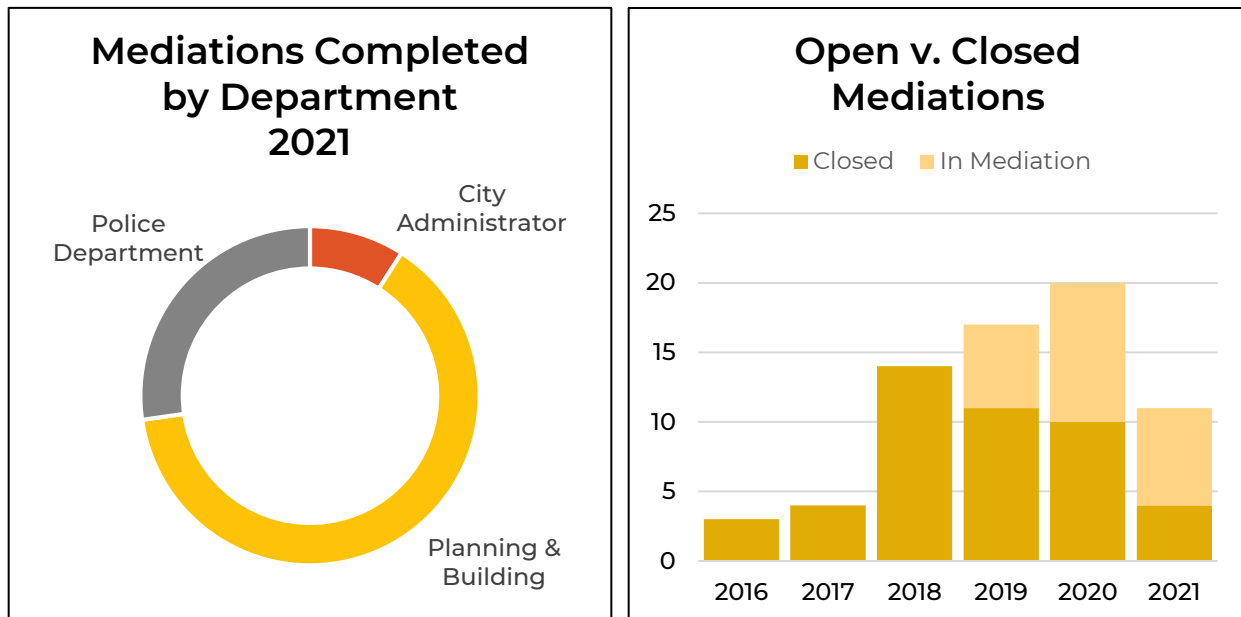
Public Meetings

On September 16, 2021, the Governor signed AB 361 which amended provisions of the Brown Act to allow local legislative bodies to continue to meet by teleconference so long as the body adopts certain findings in compliance with the new law. The Commission's resolution, to be approved at a special meeting on November 1, will allow the PEC to continue to meet via teleconference at least until City Hall reopens to the public, potentially on January 3, 2022. In addition, our City KTOP video-recording team also is working to test a hybrid model of hosting meetings in City hearing rooms combined with Zoom capability for remote-access to those meetings. PEC staff will continue to keep Commissioners updated as to any changes being made to our meeting format and location.

Mediations

Pursuant to the Oakland Sunshine Ordinance, the Commission conducts mediation of public records requests made by members of the public to City departments for records within the department's control. The PEC has 23 open mediations. Following a mediation, Commission staff provides a written summary of the mediation to the Commission and can also make recommendations for further Commission action. The following mediation was conducted by staff and subsequently closed this past month (reports attached):

1. In the Matter of the Oakland Police Department (Case No. M2019-07); (Mediation Summary attached)



Limited Public Financing Program

The City Auditor's Office is in the process of completing the audit of the 2020 Limiting Public Financing (LPF) Program. The LPF program provides District-City Council candidates with public funds via reimbursements for campaign-related expenses. PEC staff received a preliminary copy of the final audit report, showing positive audit results, and provided a response that will be included in the published report, to be issued by the City Auditor very soon.

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PUBLIC ETHICS COMMISSION Programs and Priorities 2021

Program	Goal	Desired Outcome	Key Projects for 2021
Lead/ Collaborate (Policy, Systems, Culture)	PEC facilitates changes in City policies, laws, systems, and technology and leads by example to ensure fairness, openness, honesty, integrity and innovation.	Effective campaign finance, ethics, and transparency policies, procedures, and systems are in place across City agencies	<ol style="list-style-type: none"> 1. Oakland Sunshine Report Card, ongoing compliance 2. Campaign Public Finance Redesign 3. City Ticket Policy Resolution
Educate/ Advise	Oakland public servants, candidates for office, lobbyists, and City contractors understand and comply with City campaign finance, ethics, and transparency laws.	The PEC is a trusted and frequent source for information and assistance on government ethics, campaign finance, and transparency issues; the PEC fosters and sustains ethical culture throughout City government.	<ol style="list-style-type: none"> 1. Ethics training and advice: a) elected officials, b) City employees (1000), b) board/commission members, and c) consultants 2. Sunshine training – Open meetings; public records 3. New trainings as needed for diversion
Outreach/ Engage	Citizens and regulated community know about the PEC and know that the PEC is responsive to their complaints/questions about government ethics, campaign finance, or transparency concerns.	The PEC actively engages with clients and citizens demonstrating a collaborative transparency approach that fosters two-way interaction between citizens and government to enhance mutual knowledge, understanding, and trust.	<ol style="list-style-type: none"> 1. Sunshine mediations 2. Communications/outreach to client groups 3. PEC social media outreach 4. Website – PEC dashboards for enforcement cases and mediations
Disclose/ Illuminate	<p>PEC website and disclosure tools are user-friendly, accurate, up-to-date, and commonly used to view government integrity data.</p> <p>Filing tools collect and transmit data in an effective and user-friendly manner.</p>	<p>Citizens can easily access accurate, complete campaign finance and ethics-related data in a user-friendly, understandable format.</p> <p>Filers can easily submit campaign finance, lobbyist, and ethics-related disclosure information.</p>	<ol style="list-style-type: none"> 1. Filing Officer/Compliance – assess, follow-up, and refer 2. Government Integrity E-Data Project – Lobbyist Registration, Form 700, Form 803, Show Me the Money App 3. Open Disclosure – continue coordination and development
Detect/ Deter	PEC staff proactively detects potential violations and efficiently investigates complaints of non-	Public servants, candidates, lobbyists, and City contractors are motivated to comply with	<ol style="list-style-type: none"> 1. Investigations 2. Collaborate with other government law enforcement agencies

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	compliance with laws within the PEC's jurisdiction.	the laws within the PEC's jurisdiction.	
Prosecute	Enforcement is swift, fair, consistent, and effective.	Obtain compliance with campaign finance, ethics, and transparency laws, and provide timely, fair, and consistent enforcement that is proportional to the seriousness of the violation.	<ol style="list-style-type: none"> 1. Conduct legal analyses, assess penalty options, negotiate settlements, make recommendations to PEC 2. Case priority: 1) the extent of Commission authority to issue penalties, 2) the impact of a Commission decision, 3) public interest, timing, and relevancy, and 4) Commission resources. 3. Resolve all 2016 cases
Administration/ Management	PEC staff collects and uses performance data to guide improvements to program activities, motivate staff, and share progress toward PEC goals.	PEC staff model a culture of accountability, transparency, innovation, and performance management.	<ol style="list-style-type: none"> 1. Annual Report 2. Budget – new positions 3. Enforcement database upgrade 4. Review data to adjust activities throughout the year 5. Ongoing: professional development and staff reviews