

Item 10 - ED Report



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Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Whitney Barazoto, Executive Director
DATE: November 25, 2020
RE: Executive Director's Report for the December 7, 2020, PEC Meeting

This memorandum provides an overview of the Public Ethics Commission's (PEC or Commission) significant activities completed or in progress since the Commission's last regular meeting that are not otherwise covered by other program reports. The attached overview of Commission Programs and Priorities includes the ongoing goals and activities for 2019-20 for each program area.

PEC Commissioner Onboarding

New Commissioner Avi Klein was appointed by the Commission at its November 2, 2020, regular meeting for a term that begins immediately and expires on January 21, 2022. Commissioner Klein was sworn in on Thursday, November 19, 2020, by the City Clerk. Commission staff will be conducting an orientation to staff programs and legal responsibilities in mid-December for both Commissioner Klein and Arvon Perteet, who was appointed by the Commission to begin his term in January, 2020.

Part-Time Investigator

The Commission welcomes part-time investigator Vickie Ma, whose first day with the Commission is November 30, 2020. Vickie brings a wealth of experience in both criminal and ethics investigations, serving as an assistant district attorney in Brooklyn, New York, and as a staff attorney for the New York State Commission on Judicial Conduct. She received a J.D. from Albany Law School of Union University and a B.A. from the University of Wisconsin, Madison. She will be assisting with investigations in the Commission's Enforcement unit.

PEC Legislation

Commission staff presented the Commission's proposed amendments to the PEC's enabling ordinance at City Council Rules Committee on November 12, 2020. The Committee approved a motion to send the amendments to City Council for first review at its December 1, 2020, Council meeting. The amendments update the ordinance to conform with City Charter section 603, delete duplicative language that now appears in the City Charter, and codify the Commission's administrative hearing and fine collection process.

Attachments:
Commission Programs and Priorities

PUBLIC ETHICS COMMISSION
Programs and Priorities 2019-20

| Program | Goal | Desired Outcome | Key Projects for 2019-20 |
|---|---|---|---|
| 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. Adoption of PEC-drafted City Ticket Distribution policy and process changes 2. Campaign Finance/Public Financing Act Project to expand participation in the campaign process ✓ |
| 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. Online ethics training for Form 700 filers – ensure training delivered to a) elected officials, b) City employees (1000), b) board/commission members, and c) consultants 2. Board/Commission member/liason support/guidance; Sunshine/Meeting agenda posting Compliance Review ✓ 3. Ongoing: advice calls, in-person trainings, ethics orientation for new employees (12), supervisor academy (3-4), and PEC newsletter (2) 4. Sunshine and Lobbyist education materials |
| 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. Outreach to client groups: -City staff/officials ✓ -Candidates ✓ -people doing business with the City 2. Sustain/enhance general PEC social media outreach 3. PEC Roadshow – focus on CF project outreach (Commissioners) 4. Engage Boards/Commissions regarding Sunshine requirements ✓ (ensure/review agenda postings online) |
| 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. Lobbyist Registration – pilot new e-filing system, create online open data format for public accessibility ✓ 2. Form 803 Behested Payments – implement e-filing process, create online open data format for public accessibility ✓ 3. Initiate/develop project plan to establish contractor database 4. Open Disclosure 2020 – campaign data visualization project ✓ 5. Government Integrity Data Project planning 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. Focus on ethics violations, proactive investigations ✓ 2. Conduct complaint intakes within 2 weeks 3. 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. | 4. Conduct audits to identify common, across-the-board compliance issues |
| 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 hearings as needed 2. Complete City ticket cases 3. Expedite Sunshine Mediations ✓ 4. Amend Complaint Procedures ✓ 5. Resolve all 2014 and 2015 cases ✓ 6. Streamline and expand enforcement systems to incorporate broader tools |
| 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. Revise PEC Enabling Ordinance 2. Publish performance goals and data on PEC website – dashboards 3. Review data to adjust activities throughout the year 4. Ongoing: professional development and staff reviews |