

Item 10 - Executive Director's Report



James E.T. Jackson, Chair
Jill M. Butler, Vice-Chair
Avi Klein
Michael B. MacDonald
Janani Ramachandran
Joe Tuman
Jerett Yan

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Whitney Barazoto, Executive Director
DATE: December 17, 2020
RE: Executive Director's Report for the January 4, 2021, PEC Meeting

This memorandum provides an overview of the Public Ethics Commission's (PEC or Commission) significant activities completed in 2020 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.

Alameda County Grand Jury Association

On January 31, 2020, Commission staff provided a keynote presentation to the Alameda County Grand Jury Association on the PEC's 5-year progress since the new City Charter amendment was adopted by Oakland voters in 2014. The Alameda County Grand Jury Association was formed in 2016 as a nonprofit chapter of the California Grand Jurors Association and consists of former grand jurors from throughout the county. The Association's goals are to support the grand jury system in Alameda County and promote local government accountability.

Expanding Equity and Participation in the Campaign Process

In August 2020, the Commission released a report on Oakland's system of campaign finance and public financing laws and outcomes, with an emphasis on who participates in Oakland City elections. The report, [Race for Power: How Money in Oakland Politics Creates and Perpetuates Disparities Across Income and Race](#), analyzes campaign finance data from the 2014, 2016, and 2018 elections to assess current participation in campaign contributions by factors such as race, income, and inside-versus-outside of Oakland. The report describes the weight of independent expenditures, how campaign donors may influence policy outcomes, and how the system perpetuates distrust in government. It offers a new paradigm for financing campaigns, such as a restructuring of the system, with Oaklander input, in a manner that promotes greater equity and broader participation across racial and socio-economic lines.

Limited Public Financing Program Implementation

The Limited Public Financing (LPF) program provides District City Council candidates with some public funds by way of reimbursements for certain qualified expenditures to be used for campaign expenses. The goal of the program is to help ensure that all individuals have a fair and equal opportunity to participate in the elective and governmental process. The 2020 program began with a training in August and ongoing direct interaction with candidates in facilitating program requirements and

distributing public funds. Seven candidates participated and received some or all of the \$21,857 that was available to them, for a total disbursement of \$137,485 for the 2020 election.

Police Commission Ballot Measure

City Council approved a measure for the ballot on July 23, 2020, to amend the City Charter provisions related to the Police Commission. The amendments aim to strengthen the Commission's independence and structure, and they include a provision that provides the PEC with the authority to investigate allegations of misconduct by Police Commissioners. The language in the measure does not require any action by the PEC; rather, it allows the PEC the authority to investigate complaints against commissioners at the PEC's discretion. The measure passed by 81% support of Oakland voters on the November 3, 2020, ballot.

PEC Legislation

On December 15, 2020, City Council adopted the Commission's proposed amendments to the PEC's enabling ordinance with a vote of 7-0, making the new amendments effective immediately. 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.

Budget and Staffing

The COVID pandemic brought significant changes to the way staff and Commissioners interacted and conducted Commission business, including adjusting to working from home and providing services without in-person contact, as discussed in staff program reports. In addition, the City Administrator recently announced a \$62 million shortfall for the current fiscal year as well as hiring freezes on vacant positions, furloughs and deferrals of salary increases for department heads, and a moratorium on temporary employees, among other reductions. As a result, the PEC will not be able to hire the temporary Ethics Analyst II as planned. In addition, Commission staff is being asked to make reductions of 10-20% and will be engaging in a process of assessing current operations and considering changes to enhance efficiency and potential revenue opportunities in the coming months as part of a broader Citywide effort to engage its entire workforce in budget-saving solutions.

Attachments:
Commission Programs and Priorities

Item 10 - Executive Director's Report

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

Item 10 - Executive Director's Report

	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