

# Item 11a - Executive Director's Report



Arvon Perteet, Chair  
Michael B. MacDonald, Vice-Chair  
Charlotte Hill  
Jessica Leavitt  
Ryan Micik  
Joe Tuman

Whitney Barazoto, Executive Director

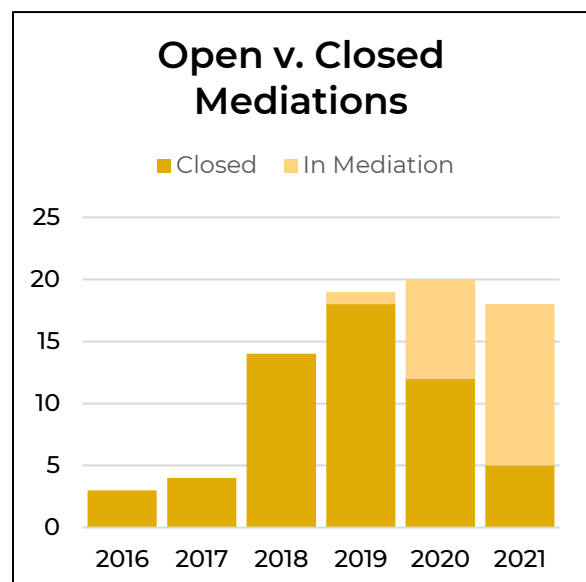
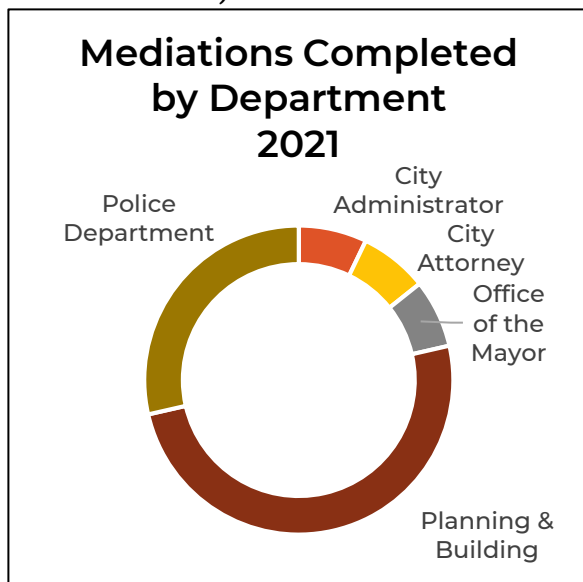
TO: Public Ethics Commission  
FROM: Whitney Barazoto, Executive Director  
DATE: February 24, 2022  
RE: Executive Director's Report for the March 9, 2022, PEC Meeting

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 in 2022 for each program area. (Commission Programs and Priorities attached)

## 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 22 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 Case No. M2021-18; (Mediation Summary attached)
2. In the Matter of the Finance Department (Case No. M2020-18); (Mediation Summary attached)



### **PEC Staffing and Budget**

The Commission received one new position in the 2022-23 FY budget, and staff is in the process of preparing for the new position. Staff created a job duty statement for the Administrative Analyst I position to be added within the PEC's organizational framework, and a new job duty statement for the existing Administrative Assistant position, which will focus on supporting the Enforcement program. Recruiting for the Administrative Analyst position will begin in the new fiscal year starting on July 1.

Meanwhile, staff is preparing to hire two part-time, temporary employees: 1) an analyst to assist with election-related activities as staff gears up for the 2022 election, and 2) an assistant to help with enforcement activities during the same time-period. Both part-time positions will be funded with money that was carried forward from the 2020-21 fiscal year for election-related expenditures.

### **PEC Retreat**

Staff is soliciting proposals for a consultant to conduct strategic visioning at its upcoming retreat set for two evenings in April (April 21 and 22). The retreat, which will be posted publicly and open to the public, will provide an opportunity for Commissioners and staff to work together to discuss a big-picture vision, review program objectives and goals, and identify key projects for PEC work in the years ahead.

### **PEC Legislation**

Commission staff has submitted documents to City Council Rules Committee to schedule the PEC's proposed Ticket Distribution Policy Ordinance and proposed amendments to the Limited Public Financing Program to be considered by the committee, which has policy jurisdiction for PEC-related legislation. The items are slated to be discussed for scheduling at the March 3 Rules Committee meeting and potentially reviewed substantively at its next committee meeting on March 17.

### **Commissioner Recruitment and Onboarding**

The City Auditor is in the process of interviewing for Commissioner candidates and expects to have an appointment soon.

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## PUBLIC ETHICS COMMISSION Programs and Priorities 2022

| Program   | Goal  | Desired Outcome   | Key Projects for 2022   |
|---|---|---|---|
| <b>Lead/<br/>Collaborate<br/>(Policy,<br/>Systems,<br/>Culture)</b> | 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"> <li>1. City Ticket Policy Ordinance</li> <li>2. Limited Public Financing Act Amendment</li> <li>3. Campaign Public Finance Redesign</li> <li>4. Public Records Performance Tool</li> </ol>   |
| <b>Educate/<br/>Advise</b>  | 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"> <li>1. Ethics onboarding/exit process improvement</li> <li>2. Ethics training and advice: a) elected officials, b) City employees (1000), b) board/commission members, and c) consultants</li> <li>3. Campaign Finance Training</li> <li>4. Limited Public Financing Act Training and Program Implementation</li> <li>5. Sunshine training – Open meetings; public records</li> <li>6. New trainings as needed for diversion</li> </ol>          |
| <b>Outreach/<br/>Engage</b>   | 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"> <li>1. Public Records mediations</li> <li>2. PEC Outreach – Commissioner-led public outreach</li> <li>3. Communications/outreach to client groups – targeted and training and compliance</li> <li>4. PEC social media outreach – focused on sharing ethics-related data and PEC services and outcomes</li> <li>5. Website – PEC dashboards for enforcement cases and mediations</li> </ol>   |
| <b>Disclose/<br/>Illuminate</b>                                     | <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"> <li>1. Filing Officer/Compliance – assess, follow-up, and refer</li> <li>2. Government Integrity E-Data Project – Lobbyist Registration, Form 700, Form 803, Show Me the Money App, Behested Payments</li> <li>3. Open Disclosure – continue coordination and development</li> <li>4. Campaign Finance Data – focus on pushing out data using Socrata, City Open Data Portal, and PEC dashboards where possible for the 2022 Election</li> </ol> |
| <b>Detect/<br/>Deter</b>  | 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"> <li>1. Investigations</li> <li>2. Collaborate with other government law enforcement agencies</li> </ol>  |

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|                                       | compliance with laws within the PEC's jurisdiction.  | the laws within the PEC's jurisdiction.  |  |
|---------------------------------------|--|--|--|
| <b>Prosecute</b>                      | 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"> <li>1. Conduct legal analyses, assess penalty options, negotiate settlements, make recommendations to PEC</li> <li>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.</li> <li>3. Resolve all 2016 and 2017 cases</li> <li>4. Enforcement Subcommittee – discussion of process improvements</li> </ol> |
| <b>Administration/<br/>Management</b> | 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"> <li>1. Annual Report</li> <li>2. PEC Retreat</li> <li>3. Budget – new Administrative Analyst position</li> <li>4. Enforcement database upgrade</li> <li>5. Review data to adjust activities throughout the year</li> <li>6. Ongoing: professional development and staff reviews</li> </ol>  |