

Item 13 - Executive Director's Report



Ryan Micik, Chair
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Alea Gage
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Vincent Steele
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Suzanne Doran, Acting Executive Director

TO: Public Ethics Commission
FROM: Suzanne Doran, Acting Executive Director
DATE: March 30, 2023
RE: Executive Director's Monthly Report for the April 12, 2023, PEC Meeting

This memorandum provides an overview of the Public Ethics Commission's (PEC or Commission) significant activities not included in other program reports since the last regular meeting. The attached overview of Commission Programs and Priorities includes the ongoing goals and key projects for 2023 for each program area.

Budget

Due to the expiration of federal COVID relief aid, high interest rates affecting real estate related revenues, and high inflation, the City of Oakland is anticipating a severe budget shortfall for the coming biennial cycle and is estimated to run a \$120 million operating deficit in the General Purpose Fund (GPF). All departments have been asked to reduce expenses by up to 20 percent.

On March 9, Commission Staff, accompanied by the Commission Chair, met with the Mayor and City administration to present the Commission's budget proposal. Staff shared the Commission's mission, work, and priorities, and answered questions from the Mayor and staff. The Mayor's budget proposal is published in late-April and goes to City Council in May.

Staffing

With the \$120 million predicted shortfall in the GPF, in March the City Administrator imposed hiring freezes on vacant positions and a moratorium on temporary employees, among other immediate reductions. Over the past ten months, the PEC staffing levels have dipped far below the minimum staffing required by City Charter with the current vacancy rate for full-time positions at 43 percent. The average time to fill our vacant positions over the past ten months has been over five months. The long-term staffing shortage impacts staff capacity to meet increasing demands for service in our current programs and implement new programs and duties created by recent ballot measures. Commission staff is submitting a request for a hardship exception to the City Administrator to allow the PEC to maintain minimum staffing levels with temporary hires until all permanent positions are filled.

New Hires – Staff is very pleased to announce the addition of new two new staff members hired before the freeze took effect. Chris Nardi joined the PEC team in March as our part-time law clerk. Chris will be assisting with legal and policy research, and the PEC's public records mediation program. Chris is a student at UC Berkeley's School of Law, with B.A. in Politics with a minor in Economics from Pomona College.

The PEC also welcomes our new Commission Assistant Chris Gonzales, who joins the PEC team on April 1. Chris joins the PEC with over seventeen years of experience in accounting, administrative and office management support in both government and private law offices and a B.A. in Business Administration from San Francisco State University.

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Performance Appraisals – Staff annual performance reviews are set to be conducted in late-March through May and will incorporate a review of individual performance objectives for the past year as well as any new individual objectives stemming from overall PEC goals. In March supervisors draft employee performance appraisals and performance plans for the upcoming year. In addition, Oakland's new Race and Equity standards are being incorporated into employee Performance Plans this year.

Commission Meetings

As previously reported, since the emergency order was lifted by the State of California on February 28, 2023, all public meetings including Board and Commission meetings are required to be held in-person again per State law. The City continues to move forward with plans to allow members of the public to participate in meetings through Zoom, however, remote participation such as providing public comment is not supported at this time. Zoom links and access numbers provided with Commission agendas are to view or listen to the meetings only, not for participation. Remote participation for in-person meetings, or "hybrid" meetings, will commence once the commissions have established meeting procedures and have the staff and technical resources in place to provide equitable access to meeting participation. The City administration expects to have resources for remote participation available by late 2023.

Mediation Program

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 27 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. Ongoing staff vacancies are impacting timely resolution of mediations requests, and in March staff met to assess the status of the program and make plans to address the backlog. In addition to hiring a part-time law clerk to assist the program, staff is also assessing process improvements to make the program more effective to discuss with the recently formed ad hoc subcommittee for Transparency and Public Records Requests.

Attachments: Commission Programs and Priorities.

PUBLIC ETHICS COMMISSION
Programs and Priorities 2023

| Program | Goal | Desired Outcome | Program Activities | 2023 Major Projects |
|---|---|---|--|--|
| 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 | <ul style="list-style-type: none"> ○ Lead Measure W implementation | <ul style="list-style-type: none"> ○ Public Records Performance Tool ○ GSPP project re contractor pay-to-play restrictions and improving disclosure |
| 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. | <ul style="list-style-type: none"> ● Regular ethics training ● Information, advice, and technical assistance ● Targeted communications to regulated communities ● New trainings as needed for diversion | <ul style="list-style-type: none"> ○ Develop Democracy Dollars training resources for candidates ○ Collaboration with Clerk and HR on process improvements for ethics onboarding/exit and Form 700 compliance ○ Public Records training |
| 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. | <ul style="list-style-type: none"> ● Public Records mediations ● Commissioner-led public outreach ● Outreach to client groups – targeted training and compliance ● PEC social media outreach | <ul style="list-style-type: none"> ○ Develop content to reflect Measure W changes and Democracy Dollar Program ○ Develop Democracy Dollars Community Engagement plan |
| 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> | <ul style="list-style-type: none"> ● Monitor compliance (campaign finance/lobbyist/ticket use) ● Proactive engagement with filers ● Technical assistance ● Assess late fees/refer non-filers for enforcement ● Maintain data assets | <ul style="list-style-type: none"> ○ Democracy Dollars admin system development ○ Democracy Dollars performance tracking and public data development ○ Updates to Ticket Distribution (Form 802) database |

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|---|--|---|---|---|
| <p align="center">Detect/ Deter</p> | <p>PEC staff proactively detects potential violations and efficiently investigates complaints of non-compliance with laws within the PEC's jurisdiction.</p> | <p>Public servants, candidates, lobbyists, and City contractors are motivated to comply with the laws within the PEC's jurisdiction.</p> | <ul style="list-style-type: none"> • Process and investigate complaints • Initiate proactive cases • Collaborate/coordinate with other government law enforcement agencies | <ul style="list-style-type: none"> ○ Digital complaint form/mediation request ○ Improve Enforcement database |
| <p align="center">Prosecute</p> | <p>Enforcement is swift, fair, consistent, and effective.</p> | <p>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.</p> | <ul style="list-style-type: none"> • Prioritize cases • Conduct legal analyses, assess penalty options • Negotiate settlements • Make recommendations to PEC | <ul style="list-style-type: none"> ○ Resolve 2016 and 2017 case backlog ○ Review/revise policies for release of public information and election-related complaints ○ Develop internal Enforcement staff manual |
| <p align="center">Administration/ Management</p> | <p>PEC staff collects and uses performance data to guide improvements to program activities, motivate staff, and share progress toward PEC goals.</p> | <p>PEC staff model a culture of accountability, transparency, innovation, and performance management.</p> | <ul style="list-style-type: none"> • Annual Report • Budget proposal • Ongoing professional development and staff reviews • Fill staff vacancies • Commissioner onboarding | <ul style="list-style-type: none"> ○ 2023 – 2025 strategic plan preparation/retreat ✓ Develop process for City Attorney and City Auditor Salary Adjustment |