



Item 14 - Executive Director's Report

Arvon Perteet, Chair
Ryan Micik, Vice Chair
Charlotte Hill
Joe Tuman
Francis Upton IV

Kellie Johnson, Executive Director

TO: Public Ethics Commission
FROM: Kellie Johnson, Executive Director
DATE: October 28, 2022
RE: Executive Director's Report for the November 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)

PEC Staffing

Executive Director

Kellie Johnson submitted her resignation as the Public Ethics Commission's Executive Director (ED) on October 14, 2022. Prior to her exit from the City, the ED coordinated with the HR department, the Commission Chair, and the Asst. City Attorney to open a new job posting for the ED vacancy. The ED job announcement is scheduled for posting starting the week of November 1, 2022.

Administrative Analyst I

The Commission received one new position in the 2022-23 FY budget for Administrative Analyst I. Recruiting for the Administrative Analyst position began on July 1, 2022. Staff has conducted several interviews of potential candidates and anticipates concluding interviews within the first two weeks of November.

Enforcement Chief

On September 15, 2022, the Enforcement Chief job posting was opened, and the current closing date is September 30, 2022. Due to the low number of applicants, staff extended the job application closing date to October 26, 2022. The staff has subsequently received a total of fourteen applications from candidates for the position of Enforcement Chief. Interviews of candidates will begin the week of November 1, 2022.

Commissioner Trainings: "Administrative Hearings"

Staff created a recorded training on conducting "Administrative Hearings." The recording provides an overview of hearing procedures, due process for quasi-judicial boards, scheduling procedures, preliminary hearing requirements, credibility determinations, and an overview of findings of facts, penalties, and final orders. Staff provided a link to the Administrative Hearing Training recording to the Commission on October 17, 2022. Staff also uploaded the recording to the Commission webpage,

and a link to the Enforcement Program webpage, the Overview of Governing Laws, and Policies webpage, and on the Commission's, You Tube Channel.

Commissioners were tasked with reviewing the Administrative Hearing Training, and staff would conduct a follow-up question and answer session at the November 9, 2022, Public Ethics Commission Meeting. (See Discussion Item #10 on the November 9, 2022, Commission Agenda)

New Commissioner Selection

On October 12, 2022, Commission Chair Arvon Perteet formed the Commissioner Selection Ad-hoc Recruitment Subcommittee. Commission Co-Chair, Ryan Micik was selected to serve as the subcommittee Chair. The Commission has received 8 candidate applications. On November 3, 2022, staff will transfer the applications to the subcommittee for selection of candidates to interview.

Outreach Program

The Executive Director (ED) presented at two Neighborhood Council Meetings in the month of October.

- On October 5, 2022, the ED gave a 15-minute presentation to the Neighborhood Council 35X. The presentation included an invitation to apply to serve as a PEC commissioner, and detailed the mission, purpose, goals, and duties of the PEC.
- On October 26, 2022, the ED assisted Commission Co-Chair, Ryan Micik in a presentation to the Neighborhood Council 30Y. The presentation included an invitation to apply to serve as a PEC commissioner, and detailed the mission, purpose, goals, and duties of the PEC.

Alameda County Grand Jury Report

In the month of October, the ED has participated in multiple meetings with the City Clerk, Clerk staff, Asst. City Administrator, and Deputy City Administrator to discuss our respective responses and recommendations to the Alameda County Grand Jury on the Form 700 filing duties. The purpose of the meetings was to gauge all stakeholder responses and determine if all the material parties would prepare a joint response to the Grand Jury 2021-2022, report, or whether the PEC would respond separately. The group determined that the original deadline to respond to the Grand Jury, September 29, 2022, did not provide enough time to determine whether to submit a joint response. The group reached out to the City Attorney to request an extension of time to respond. The Grand Jury extended the City's response deadline to December 22, 2022. Between, now and early December, the group will determine if an agreement to a joint response can be reached or will the PEC file its own separate response. The Clerk's Office is scheduled to present its proposal for reconsideration at the November 9, 2022, PEC public meeting.

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PUBLIC ETHICS COMMISSION Programs and Priorities 2022

Program	Goal	Desired Outcome	Key Projects for 2022
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. City Ticket Policy Ordinance 2. Limited Public Financing Act Amendment 3. Campaign Public Finance Redesign 4. Public Records Performance Tool
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 onboarding/exit process improvement 2. Ethics training and advice: a) elected officials, b) City employees (1000), b) board/commission members, and c) consultants 3. Campaign Finance Training 4. Limited Public Financing Act Training and Program Implementation 5. Sunshine training – Open meetings; public records 6. 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. Public Records mediations 2. PEC Outreach – Commissioner-led public outreach 3. Communications/outreach to client groups – targeted and training and compliance 4. PEC social media outreach – focused on sharing ethics-related data and PEC services and outcomes 5. 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, Behested Payments 3. Open Disclosure – continue coordination and development 4. Campaign Finance Data – focus on pushing out data using Socrata, City Open Data Portal, and PEC dashboards where possible for the 2022 Election

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Detect/ Deter	PEC staff proactively detects potential violations and efficiently investigates complaints of non-compliance with laws within the PEC's jurisdiction.	Public servants, candidates, lobbyists, and City contractors are motivated to comply with the laws within the PEC's jurisdiction.	<ol style="list-style-type: none"> 1. Investigations 2. Collaborate with other government law enforcement agencies
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 and 2017 cases 4. Enforcement Subcommittee – discussion of process improvements
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. PEC Retreat 3. Budget – new Administrative Analyst position 4. Enforcement database upgrade 5. Review data to adjust activities throughout the year 6. Ongoing: professional development and staff reviews