



## Item 15a - Executive Director's Report

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

Suzanne Doran, Acting Executive Director

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TO: Public Ethics Commission  
FROM: Suzanne Doran, Acting Executive Director  
DATE: July 29, 2022  
RE: Executive Director's Report for the August 10, 2022, PEC Meeting

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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.

### **Executive Director Hiring**

Interviews of applicants for Executive Director were completed in June and the Commission's recommendation forwarded to the City Administrator. An offer has been made to a candidate, and the hiring is still in progress.

### **Commissioner Recruitment and Onboarding**

The City Attorney appointed Commissioner Ryan Micik to complete the vacant term created by Commissioner Leavitt's early departure. Commissioner Micik's term is effective July 1, 2022, through January 21, 2024.

### **Oakland Fair Elections Act (Democracy Dollars)**

On July 11, Council voted to place the Fair Elections Act on the Oakland ballot. The final legislation was amended to increase contribution limits to \$600 from individuals and \$1,200 from broad-based committees. A new disclosure requirement to provide a copy of independent expenditure content along with the expenditure report (FPPC Form 496) was maintained. The measure will go before the voters on the November 8, 2022, ballot.

### **"Good Governance" Ballot Measure**

On July 11, City Council also approved a "Good Governance Charter Reform" measure for the November ballot. In addition to setting a three-term limit for councilmembers, the measure includes provisions that change the formula for the Public Ethics Commission to set councilmember salaries and adds setting the salaries of the City Auditor and City Attorney to the Commission's duties. The measure will go before the voters on the November 8, 2022, ballot.

### **Alameda County Grand Jury Report**

On June 28, the Alameda County Civil Grand Jury released its 2021-2022 report investigating the operations of various officers, departments, and agencies in Alameda County (attached). One of the investigations evaluated the City of Oakland's Form 700 process (page 33). Improving Form 700 compliance has been an issue of interest to the Commission for some time, and staff advocated moving filing officer duties to the PEC during the last budget process.

The Grand Jury report recommends that the City of Oakland transfer the Form 700 Filing Officer responsibility to the Public Ethics Commission, and has asked that the Commission, in addition to other City agencies and officials, respond to their findings and recommendations. Staff agrees with the findings and recommendation specific to the PEC. Staff is drafting a response, potentially in coordination with the other City agencies involved. The deadline for the response is September 26, 2022.

Attachment: Commission Programs and Priorities, Grand Jury Report.

**PUBLIC ETHICS COMMISSION**  
**Programs and Priorities 2022**

Program	Goal	Desired Outcome	Key Projects for 2022
<b>Lead/ Collaborate (Policy, Systems, 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/ 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/ 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/ 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>

## Item 15a - Executive Director's Report

<b>Detect/ Deter</b>	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"> <li>1. Investigations</li> <li>2. Collaborate with other government law enforcement agencies</li> </ol>
<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/ 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>