



Item 9 - Executive Director's Report

Arvon Perteet, Chair
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Kellie Johnson, Executive Director

TO: Public Ethics Commission
FROM: Kellie Johnson, Executive Director
DATE: September 28, 2022
RE: Executive Director's Report for the October 12, 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

Administrative Analyst I

The Commission received one new position in the 2022-23 FY budget for Administrative Analyst I. This new position will primarily support the Enforcement program. Recruiting for the Administrative Analyst position began on July 1, 2022. Staff has initiated the interview process.

Enforcement Chief

The PEC Enforcement Investigator, Simon Russell was appointed to serve as the Acting Enforcement Chief effective September 6, 2022. On September 15, 2022, the Enforcement Chief job posting was opened, and the current closing date is September 30, 2022.

Temporary Enforcement Investigator

In consultation with the City Budget/Finance, Staff has paused efforts to open recruitment for a temporary/part-time investigator to assist with ethics investigations, because the salary savings gained with the selection of a new Executive Director did not yield enough funding to finance the position. Staff will continue to explore funding options to support a temporary/part-time investigator.

Commissioner Trainings: "Formal Hearings"

The Commission has requested that the Staff prepare a recorded training on conducting "Formal Hearings." The recording will contain 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 will release the completed recording to the Commission on October 14, 2022, and schedule a follow-up question and answer session for the November 9, 2022, Public Ethics Commission Meeting.

Commissioner Recruitment

The Commission is currently recruiting for new commissioners. PEC staff has been spreading the word via social media (Twitter, Facebook, and Nextdoor), email distribution to our network of followers and community group contacts, and has more recently purchased ads on Oaklandside to generate interest.

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.

In March 2021, the Mediation Program was moved from the Enforcement team to the Education and Engagement team to address the increase in workload from both mediations and enforcement cases, facilitate staff ability to enhance education and engagement through the mediation process itself, and integrate this work with the PEC's broader Sunshine Review project to assess department performance Citywide as discussed above. PEC staff will review and revise the current mediation program. Staff will provide information regarding mediations and its program revisions at a future 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