

ATTACHMENT 1

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Regular Commission Meeting
Monday, January 6, 2020
Hearing Room 1
6:30 p.m.

DRAFT



Commissioners: Jodie Smith (Chair), James E.T. Jackson (Vice-Chair), Jill M. Butler, Gail Kong, Joseph Tuman, Nayeli Maxson Velázquez, and Jerett Yan

Commission Staff to attend: Whitney Barazoto, Executive Director; Suzanne Doran, Lead Analyst – Civic Technology and Engagement; Kellie Johnson, Enforcement Chief; Simon Russell, Investigator

City Attorney Staff: Trish Hynes, Deputy City Attorney

PUBLIC ETHICS COMMISSION (PEC or COMMISSION) **REGULAR MEETING MINUTES**

1. Roll Call and Determination of Quorum.

The meeting was called to order at 6:30 p.m.

Members present: Commissioners Smith, Jackson, Kong, Butler, and Yan. Commissioner Maxson Velázquez arrived at 6:40 p.m. Commissioner Tuman was absent.

Staff present: Whitney Barazoto, Suzanne Doran, and Kellie Johnson.

City Attorney Staff: Trish Hynes

2. Staff and Commission Announcements.

There were no announcements.

3. Open Forum.

There was one public speaker.

ACTION ITEMS

4. Approval of Commission Meeting Draft Minutes.

- a. December 2, 2019 Regular Meeting Minutes

There were no public speakers.

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Commissioner Jackson moved, and Commissioner Kong seconded to approve the minutes. The motion passed 5-0. Commissioner Yan abstained since he was not present at the December meeting.

5. Election of Officers (Chair and Vice-Chair) of the Commission.

Chair Smith nominated Commissioner Jackson to serve as Chair. Commissioner Jackson accepted.

There was one public speaker.

Chair Smith moved, and Commissioner Kong seconded to approve Commissioner Jackson as Chair. The motion passed 4-0. Commissioner Jackson abstained.

Chair Smith nominated Commissioner Maxson Velázquez to serve as Vice-Chair. Commissioner Maxson Velázquez accepted.

There was one public speaker.

Chair Smith moved, and Commissioner Jackson seconded to approve Commissioner Maxson Velázquez as Vice-Chair. The motion passed 4-0. Commissioner Maxson Velázquez abstained.

6. New Commissioner Selection.

The Commission's ad-hoc recruitment subcommittee met in November to interview Commissioner applicants for one PEC-appointed vacancy. Candidates were invited to share their experience and interest with the Commission at this meeting.

Sam Ferguson, Rimi Koka, Michael MacDonald, Arvon Perteet, Janani Ramachandran, Steven Selna were each given four minutes to introduce themselves to the Commission, followed by questions from Commissioners.

Commissioners voted by ballot and selected applicants Michael MacDonald and Janani Ramachandran.

There was one public speaker.

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Commissioner Maxson Velázquez moved and Commissioner Jackson seconded to appoint Michael MacDonald and Janani Ramachandran to the Commission. The motion passed 6-0.

7. In the Matter of Michael Colbruno; Case No. 16-01.

City Attorney Trish Hynes stepped away from the dais as she was involved in the hearing process. Christie Crowl, attorney from Jarvis, Fay, and Gibson, was the attorney present to answer administrative process questions from the Commission.

Kellie Johnson, Enforcement Chief, presented a recommended penalty of \$12,000

Clinton Killian and Michael Colbruno, the Respondents, spoke in front of the Commission.

The complainant, Ralph Kanz, spoke on the matter.

Commissioners asked questions and discussed the matter.

There were no other public speakers.

Commissioner Maxson Velázquez moved, and Commissioner Kong seconded to propose a fine of \$750 per violation for a total of \$9,000. There were 3 ayes, and 3 nays. The motion failed.

Commissioners further discussed the matter and the fine.

Commissioner Butler moved, and Commissioner Yan seconded to accept the hearing officer's findings of facts and impose a fine of \$10,000. The motion passed 5-1. Commissioner Jackson voted against the motion.

8. Proposed Amendments to the PEC Ordinance (OMC Chapter 2.25).

Executive Director Whitney Barazoto presented draft amendments to the Commission's enabling ordinance (Chapter 2.25) to update the ordinance in alignment with the City Charter changes of 2014 and to add details regarding the collections process for administrative enforcement of the laws within the Commission's jurisdiction. Ms. Barazoto answered questions and also asked that the draft ordinance

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be made available for consideration again on the next regular meeting agenda given the length of the January meeting and agenda materials.

There were no public speakers.

Commissioner Butler moved, and Commissioner Jackson seconded to reconsider this item at the February meeting. The motion passed 6-0.

DISCUSSION ITEMS

9. OCRA Limits adjustment Oakland Campaign Reform Act Contribution Limit and Expenditure Ceiling Annual Adjustment for 2020.

Ms. Barazoto presented an informational report regarding the annual adjustment to Oakland's campaign contribution limits and expenditure ceiling amounts according to the increase in the Consumer Price Index as required by the Oakland Campaign Reform Act. Staff provides information regarding the method of calculating the adjustment to the Commission, and, once the CPI increase is published by the Bureau of Labor Statistics, staff will subsequently make the adjustment and publish the 2020 limits for the public.

There was one public speaker.

10. Reports on Subcommittees and Commissioner Assignments. Commissioners may discuss subcommittee assignments, create a new subcommittee, or report on work done in subcommittees since the Commission's last regular meeting. Commissioners may also discuss assignments, efforts, and initiatives they undertake to support the Commission's work. Current or recent subcommittees include the following:

- a. **Limited Public Finance Policy Development Subcommittee** (ad hoc) – Nayeli Maxson Velázquez (Chair), Jill M. Butler and James Jackson

Commissioner Velázquez shared a brief update that she communicated with the coalition that is doing the work on a potential ballot measure on public financing.

- b. **Subcommittee on Partnerships** (ad hoc) – Gail Kong and Jodie Smith

There were no updates

Chair Smith dissolved the subcommittee.

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Commissioner Recruitment Subcommittee (ad hoc) – James Jackson, Gail Kong, and Jodie Smith

Chair Smith dissolved the subcommittee.

There were no public speakers.

INFORMATION ITEMS

11. Disclosure and Engagement.

Lead Analyst Suzanne Doran provided a report of recent education, outreach, disclosure and data illumination activities.

There were no public speakers.

12. Enforcement Program.

Ms. Johnson reported on the Commission's enforcement work since the last regular Commission meeting. She shared that all of 2014 and 2015 complaints have been completed.

There was one public speaker. Gene Hazard, one of the complainants, spoke to the Commission.

Chair Smith called a break.

Commissioner Maxson Velázquez requested that staff bring the dismissal of case #19-19 back at the following regular meeting.

Commissioner Jackson moved, and Commissioner Kong seconded to adjourn the meeting and move the remaining items to the next meeting.

The motion passed 6-0.

13. Executive Director's Report.

This item was moved to the next meeting.

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14. Commissioner Farewell.

This item was moved to the next meeting.

The meeting adjourned at 10:52 p.m.