

ATTACHMENT 4

TO: Public Ethics Commission
FROM: Whitney Barazoto, Executive Director
DATE: December 18, 2019
RE: Proposed Amendments to PEC Ordinance (O.M.C. Chapter 2.24)

Overview

This memorandum provides background information regarding the attached proposed draft amendments to the Public Ethics Commission's Ordinance (O.M.C. Chapter 2.24), which outline the Commission's administrative and operational structure and authority beyond the general framework provided by City Charter. If approved by the Commission, staff will pursue legislative approval through City Council. The revisions are intended to align the ordinance with the Oakland City Charter, as amended in 2014, including deleting duplicative sections that now appear in City Charter, and codify the Commission's administrative enforcement and collections process.

Attached are draft proposed amendments to the PEC Ordinance, and below is a narrative summary of the substantive changes.

Background

The Commission's structure and responsibilities are set out in the City's governing laws, including the Oakland City Charter, Public Ethics Commission (PEC) Ordinance (O.M.C. Chapter 2.24), and Commission Operations Policies (previously By-Laws). Until November 2014, the City Charter included a brief description of the Commission and its purpose, the ordinance laid out specific duties and responsibilities in greater detail, and the By-Laws reiterated both the Charter language and the text of the ordinance (as well as language from the Oakland Sunshine Ordinance).

With the passage of Measure CC in November 2014, the City Charter was amended to incorporate many PEC Ordinance provisions, as well as additional provisions to strengthen the Commission's authority, independence, and staffing. As a result of the new and augmented Charter language, portions of the PEC Ordinance are now redundant of some of the language that is in the Charter.

Redundant Language Deleted

Specifically, City Charter section 603(b) now includes the Commission's specific functions and duties that were previously outlined in O.M.C. section 2.24.020. The attached amendments delete the substance of this section and replace it with the prior language in section 2.24.070 (Rules, regulations, and procedures), with minor amendments.

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City Charter sections 603(d) and (e) now include language regarding Commissioner appointments, qualifications, and restrictions, which were previously included in O.M.C. sections 2.24.040 and 2.24.050. And City Charter section 603(f) now provides details about the Commission's enforcement authority above and beyond the provisions of O.M.C. section 2.24.030, rendering the latter obsolete. Therefore, these O.M.C. sections also are deleted in the attached amendments.

Additional Language Added

In addition, two sections have been added to the ordinance. First, language was inserted as the new section 2.24.030 to specify the Commission's role as a City entity and in relation to Commission staff. It also articulates the role and authority of the Executive Director in relation to both the Commission and the staff. These provisions now align neatly with the City Charter language and the Commission's Operations Policies.

Lastly, the new language includes details regarding the Commission's administrative hearing and collections procedures in order to codify existing practices and ensure consistency over time.

Recommendation

Commission staff recommends the PEC review and approve the proposed amendments to the PEC Ordinance (O.M.C. Chapter 2.24) so that staff can submit them to City Council for consideration.

Attachments

- A. Draft Proposed Amendments to the PEC Ordinance
- B. City Charter Section 603