

Item #10 - Executive Director's Report



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Jerett Yan, Vice-Chair
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Whitney Barazoto, Executive Director

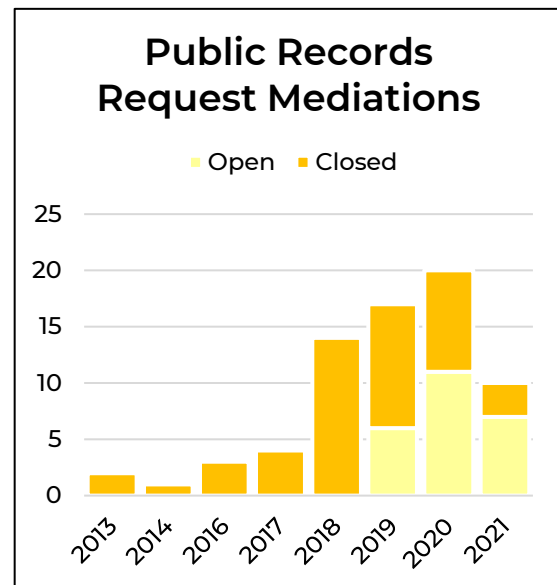
TO: Public Ethics Commission
FROM: Whitney Barazoto, Executive Director
DATE: August 20, 2021
RE: Executive Director's Report for the September 2, 2021, PEC Meeting

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 for 2020-21 for each program area. (Commission Programs and Priorities attached)

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. Following the mediation, Commission staff provides a written summary of the mediation to the Commission and can also make recommendations for further Commission action. The following mediations were conducted by staff and subsequently closed this past month (reports attached):

1. In the Matter of the Planning and Building Department (Case No. M2020-12); (Mediation Summary attached)
2. In the Matter of the Oakland Police Department (Case No. M2021-14); (Mediation Summary attached)



Budget and Staffing

In June 2021, the City Council approved a budget that includes the addition of one new position for the PEC, to begin in July 2022. The new position will provide administrative support to the Enforcement Team, which will take enforcement-related administrative tasks off of our Commission Assistant as well as our Investigator and our Enforcement Chief. These duties include complaint intake, communications, complaint database management, case tracking, agenda and hearing preparation for enforcement cases, and other related tasks. Special thanks to PEC Chair Michael MacDonald for his advocacy at Council on behalf of the PEC.

In the Matter of Anthony Harbaugh Collections

Commission staff is working with City Collections and outside counsel to obtain payment of the \$55,000 fine imposed by the PEC on Anthony Harbaugh earlier this year. Harbaugh originally reached out to PEC staff to arrange a payment plan in coordination with our City Collections division, and, after agreeing to a payment plan, he never made his first payment. Instead, PEC staff received a copy of bankruptcy notice in Harbaugh's name. Staff is coordinating with outside counsel to protect the Commission's ability to collect payment.

Limited Public Financing Program

The City Auditor's Office staff is in the process of completing the audit of the 2020 Limiting Public Financing (LPF) Program. The LPF program provides District-City Council candidates with public funds via reimbursements for campaign-related expenses. Staff have been working to provide full access to the Auditor's Office to review PEC files of LPF distributions for the 2020 Election. We anticipate receiving the final audit report in the next month.

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PUBLIC ETHICS COMMISSION Programs and Priorities 2021

Program	Goal	Desired Outcome	Key Projects for 2021
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. Oakland Sunshine Report Card, ongoing compliance 2. Campaign Public Finance Redesign 3. Form 700 Filing Officer Duty Transition
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 training and advice: a) elected officials, b) City employees (1000), b) board/commission members, and c) consultants 2. Sunshine training 3. 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. Sunshine mediations 2. Communications/outreach to client groups 3. PEC social media outreach
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 3. Open Disclosure – continue coordination and development
Detect/ Deter	PEC staff proactively detects potential violations and efficiently investigates complaints of non-	Public servants, candidates, lobbyists, and City contractors are motivated to comply with	<ol style="list-style-type: none"> 1. Investigations 2. Add part-time investigator to assist 3. Collaborate with other government law enforcement agencies

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	compliance with laws within the PEC's jurisdiction.	the laws within the PEC's jurisdiction.	
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 cases
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. Budget – new positions 3. Enforcement database upgrade 4. Review data to adjust activities throughout the year 5. Ongoing: professional development and staff reviews