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Whitney Barazoto, Executive Director

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TO: Public Ethics Commission  
FROM: Whitney Barazoto, Executive Director  
DATE: October 23, 2020  
RE: Executive Director's Report for the November 2, 2020, PEC Meeting

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This memorandum provides an overview of the Public Ethics Commission's (PEC or Commission) significant activities completed or in progress since the Commission's last regular meeting that are not otherwise covered by other program reports. The attached overview of Commission Programs and Priorities includes the ongoing goals and activities for 2019-20 for each program area.

### **Part-Time Positions**

Commission staff have conducted interviews for the part-time investigator position and is finalizing Budget and HR approvals before preparing an offer. In addition, Commission staff are creating a second part-time, temporary position, Ethics Analyst, to assist with public engagement, disclosure, and data management projects. Both positions are made possible with the \$100,000 one-time allocation provided in the adopted budget for Fiscal Year 2020-21, and both positions will expire on June 30, 2021.

### **PEC Legislation**

Commission staff has submitted a request to schedule consideration of its proposed amendments to the PEC's enabling ordinance at City Council Rules Committee on November 12. The amendments will update the ordinance to conform with City Charter section 603, delete duplicative language that now appears in the City Charter, and codify the Commission's administrative hearing and fine collection process. Following Rules Committee review, the amendments would go on to City Council for consideration, likely on December 1, 2020.

### **PEC Commissioner Recruitment**

The Commission received 11 applications to fill the current and upcoming vacant positions on the Commission and invited 7 candidates for an interview with the Commission's Recruitment subcommittee. The subcommittee conducted interviews of candidates via Zoom on October 1 and selected four finalists to invite to appear before the full Commission for final selection (see agenda summary for more on the final selection process). The first vacancy will begin immediately for a term that ends January 21, 2022, and the second vacancy will begin January 22, 2021, for a term that ends January 21, 2024.

Attachments:  
Commission Programs and Priorities

**PUBLIC ETHICS COMMISSION**  
**Programs and Priorities 2019-20**

Program	Goal	Desired Outcome	Key Projects for 2019-20
<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. Adoption of PEC-drafted City Ticket Distribution policy and process changes</li> <li>2. Campaign Finance/Public Financing Act Project to expand participation in the campaign process ✓</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. Online ethics training for Form 700 filers – ensure training delivered to a) elected officials, b) City employees (1000), b) board/commission members, and c) consultants</li> <li>2. Board/Commission member/liaison support/guidance; Sunshine/Meeting agenda posting Compliance Review ✓</li> <li>3. Ongoing: advice calls, in-person trainings, ethics orientation for new employees (12), supervisor academy (3-4), and PEC newsletter (2)</li> <li>4. Sunshine and Lobbyist education materials</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. Outreach to client groups: -City staff/officials ✓ -Candidates ✓ -people doing business with the City</li> <li>2. Sustain/enhance general PEC social media outreach</li> <li>3. PEC Roadshow – focus on CF project outreach (Commissioners)</li> <li>4. Engage Boards/Commissions regarding Sunshine requirements ✓ (ensure/review agenda postings online)</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. Lobbyist Registration – pilot new e-filing system, create online open data format for public accessibility ✓</li> <li>2. Form 803 Behested Payments – implement e-filing process, create online open data format for public accessibility ✓</li> <li>3. Initiate/develop project plan to establish contractor database</li> <li>4. Open Disclosure 2020 – campaign data visualization project ✓</li> <li>5. Government Integrity Data Project planning and development</li> </ol>
<b>Detect/ Deter</b>	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"> <li>1. Focus on ethics violations, proactive investigations ✓</li> <li>2. Conduct complaint intakes within 2 weeks</li> <li>3. Collaborate with other government law enforcement agencies</li> </ol>

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	compliance with laws within the PEC's jurisdiction.	the laws within the PEC's jurisdiction.	4. Conduct audits to identify common, across-the-board compliance issues
<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 hearings as needed</li> <li>2. Complete City ticket cases</li> <li>3. Expedite Sunshine Mediations ✓</li> <li>4. Amend Complaint Procedures ✓</li> <li>5. Resolve all 2014 and 2015 cases ✓</li> <li>6. Streamline and expand enforcement systems to incorporate broader tools</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. Revise PEC Enabling Ordinance</li> <li>2. Publish performance goals and data on PEC website – dashboards</li> <li>3. Review data to adjust activities throughout the year</li> <li>4. Ongoing: professional development and staff reviews</li> </ol>