

# Item 11 - Executive Director's Report



Michael B. MacDonald, Chair  
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Whitney Barazoto, Executive Director

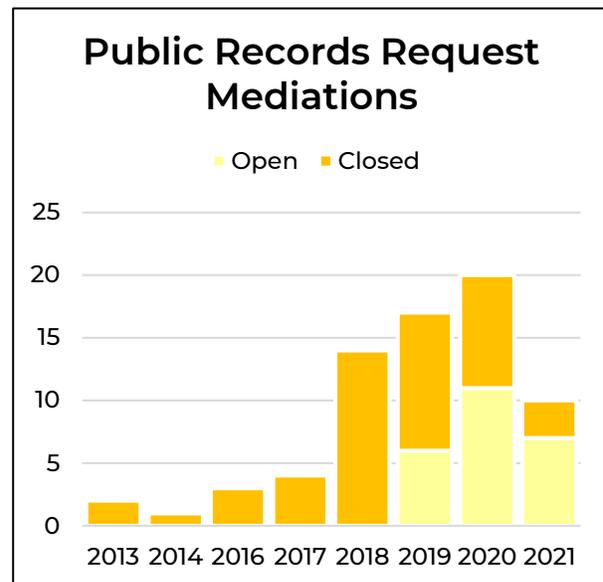
TO: Public Ethics Commission  
FROM: Whitney Barazoto, Executive Director  
DATE: May 26, 2021  
RE: Executive Director's Report for the June 7, 2021, PEC Meeting

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. M2020-01; M2020-08); (Mediation Summary attached)
2. In the Matter of the Planning and Building Department (Case No. M2020-13; M2021-08); (Mediation Summary attached)
3. In the Matter of the Planning and Building Department (Case No. M2021-07); (Mediation Summary attached)



## Limited Public Financing Program

On May 25, Staff met with the City Auditor's Office for an entrance conference to officially begin 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 received an overview of the audit scope and process from the City Auditor's Office and will be working with the auditors over the next couple of months to provide access to LPF files and assist in completion of the required audit. When the audit is complete, the full results will be presented to the Commission.

### **Budget and Staffing**

On May 7, 2021, the Mayor released her budget proposal with no new positions for the PEC. During the budget development process, the City Administrator's team had proposed including one new FTE (full-time equivalent) position for the Commission up until a few days before the release of the Mayor's proposal. The Commission has been requesting new positions for the last several years to no avail. There has been no increase in PEC staffing since 2014, when the PEC received 5 positions to address the then-existing caseload and other Commission activities. The budget discussion now moves to City Council, which will be holding meetings and forums on this issue through June, with a budget approval deadline of June 30, 2021. Chair MacDonald drafted a letter to City Council to express concern for the Commission's lack of staffing and is engaging in meetings with Councilmembers to request positions for the PEC for the 2021-23 Fiscal Year.

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## PUBLIC ETHICS COMMISSION Programs and Priorities 2021

Program	Goal	Desired Outcome	Key Projects for 2021
<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. Oakland Sunshine Report Card, ongoing compliance</li> <li>2. Campaign Finance Redesign</li> <li>3. Form 700 Filing Officer Duty Transition</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. Ethics training and advice: a) elected officials, b) City employees (1000), b) board/commission members, and c) consultants</li> <li>2. Sunshine training</li> <li>3. New trainings as needed for diversion</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. Sunshine mediations</li> <li>2. Communications/outreach to client groups</li> <li>3. PEC social media outreach</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. Filing Officer/Compliance – assess, follow-up, and refer</li> <li>2. Government Integrity E-Data Project – Lobbyist Registration, Form 700, Form 803, Show Me the Money App</li> <li>3. Open Disclosure – continue coordination 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. Investigations</li> <li>2. Add part-time investigator to assist</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.	
<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 legal analyses, assess penalty options, negotiate settlements, make recommendations to PEC</li> <li>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.</li> <li>3. Resolve all 2016 cases</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. Annual Report</li> <li>2. Budget – new positions</li> <li>3. Enforcement database upgrade</li> <li>4. Review data to adjust activities throughout the year</li> <li>5. Ongoing: professional development and staff reviews</li> </ol>