

# Item #11 - Executive Director's Report



Michael B. MacDonald, Chair  
Jerett Yan, Vice-Chair  
Avi Klein  
Arvon Perteet  
Joe Tuman

Whitney Barazoto, Executive Director

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TO: Public Ethics Commission  
FROM: Whitney Barazoto, Executive Director  
DATE: February 19, 2021  
RE: Executive Director's Report for the March 1, 2021, PEC Meeting

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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.

## Commissioner Recruitment

Following Commissioner Ramachandran's resignation in February, Commission staff opened recruitment to fill the vacancy. The application deadline is March 5, 2021, for the PEC-appointed seat, for potential review of candidates and selection of a new member at the April PEC meeting. One additional seat remains open, to be filled by the City Attorney.

## Collections

Commission staff received partial payment of the \$10,000 penalty imposed in the matter of Michael Colbruno, who had refused to make payment on his fine since it was imposed in early 2020. The respondent submitted a \$5,000 payment on February 15 and is scheduled to pay the remaining \$5,000 on March 15.

## Budget and Staffing

Commission staff submitted its budget proposal to the City administration with some minor reductions in its already lean general administration budget, but made requests for increases in funds to cover administrative hearings and information technology needs, as well as for three additional positions to address expanding enforcement caseload and to implement campaign finance equity programs. Staff will be meeting with City administration in the coming weeks regarding these requests as part of the Mayor's budget development and proposal process that will head to City Council in May.

As part of the PEC's internal review of operations, mediations will no longer be part of the Enforcement program. Instead, this program will shift to the PEC's engagement team and will be reported up to the PEC in this Executive Director's report going forward.

Attachments:  
Commission Programs and Priorities

# Item #11 - Executive Director's Report

## PUBLIC ETHICS COMMISSION Programs and Priorities 2021

| Program   | Goal  | Desired Outcome   | Key Projects for 2021  |
|---|---|---|--|
| <b>Lead/<br/>Collaborate<br/>(Policy,<br/>Systems,<br/>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> </ol>  |
| <b>Educate/<br/>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/<br/>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/<br/>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/<br/>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>  |

## Item #11 - Executive Director's Report

|                                       | 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/<br/>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. Enforcement database upgrade</li> <li>3. Review data to adjust activities throughout the year</li> <li>4. Ongoing: professional development and staff reviews</li> </ol>  |