

Item #4 - Meeting Minutes

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Regular Commission Meeting
Teleconference
Monday, April 5, 2021
6:30 p.m.



DRAFT

Commissioners: Michael MacDonald (Chair), Jerett Yan (Vice-Chair), Avi Klein, Arvon Perteet, and Joseph Tuman

Commission Staff to attend: Whitney Barazoto, Executive Director; Suzanne Doran, Lead Analyst – Civic Technology and Engagement; Kellie Johnson, Enforcement Chief; Simon Russell, Investigator

City Attorney Staff: Trish Shafie, Deputy City Attorney

PEC MEETING MINUTES

1. Roll Call and Determination of Quorum.

The meeting was held via teleconference.

The meeting was called to order at 6:30 p.m.

Members present: MacDonald, Yan, Klein, Perteet, and Tuman.

Staff present: Whitney Barazoto, Suzanne Doran, Kellie Johnson, Ana Lara-Franco and Simon Russell.

City Attorney Staff: Trish Shafie

2. Staff and Commission Announcements.

There were no announcements.

3. Open Forum.

There were no public speakers.

ACTION ITEMS

4. Approval of Commission Meeting Draft Minutes.

- a. March 1, 2021 Regular Meeting Minutes

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Tuman moved, and MacDonald seconded to adopt the March 1, 2021 Regular Meeting Minutes.

There were no public speakers.

Ayes: MacDonald, Yan, Klein, Perteet, and Tuman.

Noes: None

Vote: Passed 5-0

5. New Commissioner Selection.

Whitney Barazoto, Executive Director, shared the Commission received 5 timely applications for the PEC-appointed vacancy. Applicants were invited to appear before the full Commission for a public interview.

Each applicant was given four minutes to introduce themselves to the Commission, followed by questions from Commissioners. Commissioners asked questions of the candidates and discussed both the application process and candidate applications.

There were no public speakers.

Perteet moved, and Tuman seconded with a friendly amendment by Tuman to extend the recruitment period for 30 days in order to expand the pool of applicants for the position and allow time for all applicants to satisfy the requirement to attend a Commission meeting prior to their final interview.

Ayes: MacDonald, Yan, Perteet, and Tuman.

Noes: None

Absent: Klein (Klein stepped away from the meeting at 8 p.m.)

Vote: Passed 4-0

6. In the Matter of Everett Cleveland Jr. (Case No. 20-03 (a)).

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Kellie Johnson, Enforcement Chief, shared with the Commission the background on the matter. On January 7, 2020, PEC staff received information alleging that Everett Cleveland Jr. may have violated the Government Ethics Act when he decided or participated in deciding the award of funds by HCD to a nonprofit housing developer under the 2019 “Notice of Funding Availability” (NOFA) program. Cleveland had taken part in the decision-making process.

Staff recommended that the Commission approve the staff offer of a Diversion Agreement to resolve the violation.

Commissioners discussed and asked questions.

There were two public speakers.

Perteet moved, and Tuman seconded to accept the staff recommendation.

Ayes: MacDonald, Yan, Perteet, and Tuman.

Noes: None

Absent: Klein

Vote: Passed 4-0

7. *In the Matter of Norma Thompson (Case No. 20-03(b)).*

Ms. Johnson shared with the Commission information alleging that Norma Thompson, a City of Oakland Housing Community Development staff member, violated conflicts of interest rules when she decided or participated in deciding the award of funds by HCD to a nonprofit housing developer under the 2019 “Notice of Funding Availability” (NOFA) program. The allegation was that Thompson was working as a paid consultant for the Community Housing Development Corporation at the time that she took part in the decision-making process regarding CHDC’s 2019 NOFA applications.

Staff investigation found that Thompson failed to file a Form 700 when she rejoined the City in 2019, that she failed to file a Form 700 upon leaving office, and that she violated the City of Oakland revolving-door provisions of the Government Ethics Act through her consulting work with CHDC.

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Staff recommended that the Commission approve the staff offer of a Diversion Agreement to resolve the violation.

Commissioners discussed and asked questions.
There were no speakers.

Perteet moved, and Tuman seconded to accept the staff recommendation with an edit from “he” to “she” in the draft document.

Ayes: Perteet, Tuman

Noes: MacDonald, Yan

Absent: Klein

Vote: Failed 2-2

Ms. Johnson indicated that she will take the Commission’s feedback into consideration as she moves forward with the case resolution.

8. *In the Matter of Manuel Altamirano Sr. (Case No. 20-04(a)).*

Ms. Johnson shared information about an allegation that a City Parking Control Technician was approached by a co-worker, Manuel Altamirano Sr., to retract/void two tickets that the technician issued for Use of a Counterfeit/Altered Disabled Placard and Use of Disabled Parking Space on Manuel Altamirano’s wife’s car in exchange for money.

Commission staff completed its review and investigation of the matter and found sufficient evidence that Manuel Altamirano Sr. violated the Government Ethics Act. Staff recommended that the Commission find probable cause that Manuel Altamirano Sr. Violated the Government Ethics Act and schedule this matter for a hearing.

Commissioners discussed and asked questions.

There were no public speakers.

Tuman moved, and MacDonald seconded to accept the staff recommendation to schedule the matter for a hearing.

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Ayes: MacDonald, Yan, Perteet, and Tuman.

Noes: None

Absent: Klein

Vote: Passed 4-0

DISCUSSION ITEMS

9. Reports on Subcommittees and Commissioner Assignments.

- a. Sunshine Review Subcommittee** (*ad hoc*/temporary, created on May 8, 2020)
– Michael MacDonald (Chair), Avi Klein, and Joe Tuman

MacDonald created an *ad hoc* Recruitment Subcommittee. Members are MacDonald, Yan, and Perteet.

MacDonald shared that the *ad hoc* Sunshine subcommittee will share an update after their next meeting.

There were no public speakers.

INFORMATION ITEMS

10. Disclosure and Engagement.

There were no additions or questions from Commissioners.

There were no public speakers.

11. Enforcement Program.

There were no additions or questions from Commissioners.

There were no public speakers.

12. Executive Director's Report.

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There were no additions. Ms. Barazoto noted that there were two mediations included in the report.

There were no public speakers.

The meeting adjourned at 11:32 p.m.