

Item 5 - Meeting Minutes

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



DRAFT

Commissioners: Michael MacDonald (Chair), Jerett Yan (Vice-Chair), Avi Klein, Jessica Leavitt, Ryan Micik, 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; Ana Lara-Franco, Commission Assistant; Simon Russell, Investigator

City Attorney Staff: Trish Shafie, Deputy City Attorney

PUBLIC ETHICS COMMISSION MEETING AGENDA

1. Roll Call and Determination of Quorum.

The meeting was held via teleconference.

The meeting was called to order at 6:31 p.m.

Members present: MacDonald, Yan, Klein, Leavitt, Micik, 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 was one public speaker.

PRELIMINARY ACTION ITEMS

4. Virtual meetings by the Public Ethics Commission.

The Commission reviewed and took action to renew Resolution 20-21, approved at the November 1, 2021, Special Meeting, establishing certain determinations to justify the ongoing need for virtual meetings following the California State Legislature's adoption

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and Governor's approval of AB 361 on September 16, 2021 (Chapter 165; Statutes of 2021).

MacDonald moved, and Tuman seconded to renew RESOLUTION NO. 21-01.

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

Noes: None

Vote: Passed 7-0

GUEST PRESENTATION

5. Audit of the Limited Public Financing Act Program – November 2020 Election.

City Auditor Courtney Ruby presented her findings from the City Auditor's Office audit of the Public Ethics Commission's implementation of the Limited Public Financing Act Program (LPF). Their recommendation is to update the LPF ordinance to no longer require the City Auditor to conduct a mandatory audit of the program.

There were no public speakers.

ACTION ITEMS

6. Approval of Commission Meeting Draft Minutes.

- a. November 1, 2021 Special Meeting Minutes
- b. November 1, 2021 Regular Meeting Minutes

There were no public speakers.

Tuman moved, and Micik seconded to adopt the November 1, 2021 Special Meeting Minutes

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

Noes: None

Vote: Passed 7-0

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Tuman moved, and Micik seconded to adopt the November 1, 2021 Regular Meeting Minutes

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

Noes: None

Vote: Passed 7-0

7. New Commissioner Selection.

The Commission received 4 applications for the PEC- appointed vacancy. Its Recruitment subcommittee had conducted interviews and selected three finalists to appear before the full Commission for a public interview. Each finalist was given four minutes to introduce themselves to the Commission, followed by questions from Commissioners.

After all finalists presented and answered questions, the Commission voted to select one new member to begin their three-year term on January 22, 2022.

There were no public speakers

Commissioners voted and selected Charlotte Hill to fill the vacancy.

MacDonald moved, and Yan seconded to accept Charlotte Hill as the new commissioner.

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

Noes: None

Vote: Passed 7-0

8. Public Ethics Commission Regular Meeting Schedule 2022.

The Commission reviewed and approved the schedule of regular Commission meetings in 2022.

There were no public speakers

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MacDonald moved, and Micik seconded to accept the meeting schedule for 2022.

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

Noes: None

Vote: Passed 7-0

9. *In the Matter of Annie Campbell Washington for Oakland City Council 2018 (PEC Case No. 19-06).*

Leavitt recused herself from this matter, stating that she had previously worked on this campaign, and turned off her video camera.

On May 9, 2019, the Commission's filing officer for campaign statements referred former City Council Member Annie Campbell Washington and her Annie Campbell Washington for Oakland City Council 2018 committee to the PEC Enforcement Unit for failing to file a semi-annual campaign statement for the period of July 1, 2018 through December 31, 2018.

Kellie Johnson, Enforcement Chief, recommended the Commission approve a stipulation imposing a penalty of \$1,000 on Count 1, and \$1,171 in late fees assessed by the filing officer, for a total of \$2,171.

There were no public speakers

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

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

Noes: None

Vote: Passed 6-0

DISCUSSION ITEMS

10. Reports on Subcommittees and Commissioner Assignments.

a. **Enforcement Subcommittee** (*ad hoc*, created on November 1, 2021) – Arvon

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Perteet (Chair), Ryan Micik, Jerett Yan

Perteet shared that the first meeting will be held December 8, 2021.

- b. **Commissioner Recruitment Subcommittee** (*ad hoc*, created on November 1, 2021) – Michael MacDonald (Chair), Avi Klein, Jessica Leavitt

MacDonald dissolved the committee.

There were no public speakers.

INFORMATION ITEMS

11. Disclosure and Engagement.

Suzanne Doran, Lead Analyst, provided a report of recent education, outreach, disclosure and data illumination activities.

There were no public speakers.

12. Enforcement Program.

Ms. Johnson reported on the Commission's enforcement work since the last regular Commission meeting.

There were no public speakers.

13. Executive Director's Report.

Whitney Barazoto, Executive Director, reported on overall projects, priorities, and significant activities since the Commission's last meeting.

There were no public speakers.

14. Future Meeting Business.

Chair MacDonald noted that this is a new item added to the agenda to allow for potential discussion of future agenda items.

There were no public speakers.

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The meeting adjourned at 8:23 p.m.