

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Regular Commission Meeting
Monday, May 6, 2019
Hearing Room 1
6:30 p.m.



Commissioners: Jodie Smith (Chair), James E.T. Jackson (Vice-Chair), Jill Butler, Lisa Crowfoot, Gail Kong, Nayeli Maxson, and Jerett Yan

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 Hynes, Deputy City Attorney

REGULAR MEETING MINUTES

1. Roll Call and Determination of Quorum.

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

Members present: Commissioners Smith, Butler, Crowfoot, Kong, Maxson, and Yan. Commissioner Jackson was absent.

Staff present: Whitney Barazoto, Suzanne Doran, Kellie Johnson, and Kyle McLean.

City Attorney Staff: Trish Hynes, Deputy City Attorney

2. Staff and Commission Announcements.

Chair Smith welcomed the new commissioner, Jerett Yan, appointed by the City Auditor.

Commissioner Crowfoot announced this was her last meeting and has submitted her resignation.

3. Open Forum.

There were no public speakers.

ACTION ITEMS

4. Approval of Commission Meeting Draft Minutes.

- a. March 4, 2019 Regular Meeting Minutes

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b. April 4, 2019 Retreat Meeting Minutes

Commissioner Crowfoot moved, and Commissioner Kong seconded to approve the March 4, 2019 Regular Meeting Minutes.

The motion passed 5-0. Commissioner Yan abstained since he was not present at that meeting.

Commissioner Kong moved to approve the April 4, 2019 Retreat Meeting Minutes with an amendment to Item 4, page 2. Commissioner Maxson seconded the motion.

There were no public speakers.

Chair Smith noticed that she had not taken public comment for the March 4, 2019 minutes and asked if there was any public comment.

There were no public speakers.

Chair Smith returned to the motion on the April 4, 2019 Minutes.

The motion passed 5-0. Commissioner Yan abstained since he was not a commissioner at that meeting.

Chair Smith recalled Item 4, the March 4, 2019 minutes for public comment.

There were no public speakers.

Commissioner Crowfoot moved and Commissioner Maxson seconded to approve the March 4, 2019 minutes.

There were no public speakers.

The motion passed 5-0. Commissioner Yan abstained since he was not present at that meeting.

5. Council President Kaplan's Proposed Amendments to the Oakland Campaign Reform Act.

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Bobbi Lopez, Policy Director for Council President Rebecca Kaplan, presented Council President Kaplan's proposed amendments to the Oakland Campaign Reform Act.

Commissioners discussed the proposal.

Commissioner Crowfoot moved, and Commissioner Kong seconded to express support for the amendments as described, contingent upon future edits between the PEC staff and Council staff.

There were no public speakers.

The motion passed 6-0.

6. PEC Core Values for Inclusive Engagement.

Commission staff provided a document with a list of proposed core values for Commissioners to adopt to create a framework for engaging with each other and with the public throughout the course of the Commission's work. The proposed values were suggested at the Commission's April 4 retreat during a discussion about inclusive leadership.

Commissioners and staff discussed the proposed core values. Commissioner Maxson moved and Commissioner Crowfoot asked for staff to bring it back after incorporating ideas and changes offered by Commissioners.

There was one public speaker.

The motion passed 6-0.

7. In the Matter of 11 West Partners, LLC; Case No. 18-19.

Kellie Johnson, Enforcement Chief, presented a recommendation that the Commission adopt the proposed stipulation, which has been signed by the respondent, for a total fine of \$5,600.

Commissioner Butler moved and Commissioner Maxson seconded to accept the recommendation by staff.

There were no public speakers.

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The motion passed 6-0.

8. In the Matter of Amber Todd; Case No. 18-25M.

The Commission received a request for mediation alleging that Amber Todd, Assistant to the Director of Finance Department, failed to respond to a public records request made by the Requester on July 22, 2018. On September 14, 2018, Staff initiated its mediation program pursuant to the Oakland Sunshine Ordinance. In response, the Department provided additional records responsive to the Requester's public records request, including a spreadsheet with 25,395 entries. The Requester was satisfied with the records produced during the mediation.

Staff recommended that the Commission close this mediation without further action.

Commissioner Kong moved and Commissioner Butler seconded to approve the recommendation.

There were no public speakers.

The motion passed 6-0.

9. In the Matter of Oakland Police Department; Case No. 18-26M.

The Commission received a request for mediation alleging that the Oakland Police Department (OPD) failed to respond to a public records request made by the Requester on July 21, 2017. On September 19, 2018, Staff initiated its mediation program pursuant to the Oakland Sunshine Ordinance. Although delayed, the OPD Records Division eventually provided documents responsive to Requester's request.

Staff recommended that the Commission close this mediation without further action.

Commissioner Maxson moved, and Commissioner Crowfoot seconded to approve the recommendation.

There were no public speakers.

The motion passed 6-0.

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10. In the Matter of Amber Todd; Case No. 18-30M.

The Commission received a request for mediation alleging that Amber Todd, Assistant to the Director of the Finance Department, failed to respond to a public records request made by the Requester on September 11, 2018. On October 19, 2018, Staff initiated its mediation program pursuant to the Oakland Sunshine Ordinance. In response, the Department provided additional records responsive to the Requester's public records request. Because the Requester was satisfied with the records produced during the mediation, Staff recommended that the Commission close this mediation without further action.

Commissioner Maxson moved, and Commissioner Crowfoot seconded to approve the recommendation.

There were no public speakers.

The motion passed 6-0.

DISCUSSION ITEMS

11. Reports on Subcommittees and Commissioner Assignments.

- a. **Campaign Finance Subcommittee** – Nayeli Maxson (Chair), Lisa Crowfoot, and James Jackson

Commissioner Maxson shared that Commissioner Smith will present on campaign financing at the League of Women Voters event on May 22, 2019 and Commissioner Maxson on May 15, 2019.

Commissioners discussed options for how to move forward on the work of reforming campaign finance and public financing laws.

There was one public speaker.

Commissioner Crowfoot gave an update on the *ad hoc* Partnerships subcommittee.

There were no public speakers.

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INFORMATION ITEMS

12. Education and Engagement Program.

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

Ms. Doran also shared that Open Oakland will be sponsoring a day of service on May 11, 2019 at City Hall.

There were no public speakers.

13. Enforcement Program.

Kellie Johnson, Enforcement Chief, reported on the Commission's enforcement work since the last regular Commission meeting.

There were no public speakers.

14. Executive Director's Report.

Whitney Barazoto, Executive Director, provided an update on the Commission's proposed budget released by the Mayor. While the Public Ethics Commission did not receive any of the requested additional staff positions, the proposal did include a one-time allocation of \$100,000 for the 2020-21 fiscal year for election related expenses.

There were no public speakers.

The meeting adjourned at 9:11 p.m.