

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Regular Commission Meeting
Monday, November 4, 2019
Hearing Room 1
6:30 p.m.



Commissioners: Jodie Smith (Chair), James E.T. Jackson (Vice-Chair), Jill M. Butler, Gail Kong, Joseph Tuman, Nayeli Maxson Velázquez, 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 6:32 p.m.

Members present: Commissioners Smith, Jackson, Kong, Maxson Velázquez, and Yan.
Commissioner Tuman arrived at 7:30 p.m.

Staff present: Whitney Barazoto and Kellie Johnson.

City Attorney Staff: Trish Hynes, Deputy City Attorney

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. October 1, 2019 Regular Meeting Minutes

There were no public speakers.

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Commissioner Jackson moved, and Commissioner Kong seconded to approve the minutes.

The motion passed 5-0.

Commissioner Butler abstained since she was not present at the last meeting.

5. *In the Matter of Dana King for City Council 2014; Case No. 15-03(b).*

Kellie Johnson, Enforcement Chief, presented the recommendation that the Commission close this matter with an advisory letter to memorialize the violation and educate the candidate who has since closed the campaign committee.

There were no public speakers.

Commissioner Maxson Velázquez moved and Commissioner Jackson seconded to approve the recommendation.

The motion passed 6-0.

6. *In the Matter of Friends of Desley Brooks for City Council 2014; Case No. 15-04.*

Ms. Johnson recommended that the Commission close this matter with an advisory letter to memorialize the violation and educate the candidate who has since closed the campaign committee.

There were no public speakers.

Commissioner moved Jackson, and Commissioner Yan seconded to approve the recommendation.

The motion passed 6-0.

7. *In the Matter of the City of Oakland Finance Department; Case No. 18-37M.*

Ms. Johnson recommended that the Commission close the mediation without further action.

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

The motion passed 6-0.

There were no public speakers.

8. *In the Matter of the Oakland Police Department; Case No. M2019-13.*

Ms. Johnson recommended that the Commission close the mediation without further action.

Commissioners discussed the matter.

Commissioner Jackson moved, and Commissioner Kong seconded to approve the recommendation along with sending an advisory letter to the department.

The motion passed 7-0.

There were two public speakers.

9. Commission Complaint Procedures.

Chair Smith and Executive Director Whitney Barazoto summarized changes made to the draft amendments to the Commission's Complaint Procedures.

There were no public speakers.

Commissioner Maxson Velázquez moved and Commissioner Jackson seconded to approve the revised Complaint Procedures, which will be forwarded to City Council and, if no objection by 2/3 of Council, will become effective on January 3, 2020.

The motion passed 7-0.

DISCUSSION ITEMS

10. City Attorney Presentation: Rules Regarding Commissioner and Staff Work on Ballot Measure Activities.

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Deputy City Attorney Trish Hynes provided an overview of the legal restrictions regarding Commissioner and Staff involvement in ballot measure research, drafting, communications, and advocacy. These include City Charter section 603(e) (Commissioner Qualifications and Restrictions), as well as Government Ethics Act section 2.25.060 (Misuse of City Resources or Position).

There was one public speaker.

11. Reports on Subcommittees and Commissioner Assignments.

- a. **Limited Public Finance Policy Development Subcommittee** (ad hoc) – Nayeli Maxson Velázquez (Chair), Jill M. Butler and James Jackson

Commissioner Maxson Velázquez gave a brief update. Two workshops will be provided in partnership with the ACLU and PEC staff and Commissioner Maxson Velázquez.

- b. **Subcommittee on Partnerships** (ad hoc) – Gail Kong (Chair) and Jodie Smith

There were no updates.

- c. **Commissioner Recruitment Subcommittee** (ad hoc) – James Jackson, Gail Kong, and Jodie Smith

Commissioner Smith shared there are 15 applicants and recruitment has closed. The recruitment subcommittee will review applications and will invite candidates to interview.

There was one public speaker.

INFORMATION ITEMS

12. Public Ethics Commission Regular Meeting Schedule 2020.

The Commission reviewed and accepted a proposed schedule of regular Commission meetings planned for 2020.

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There were no public speakers.

13. Disclosure and Engagement.

Commissioners reviewed a report of recent education, outreach, disclosure and data illumination activities.

Ms. Barazoto shared that PEC Commissioners Smith, Jackson, and Maxson Velázquez, and PEC staff Jelani Killings, were part of the first episode in *Inside City Hall*, City of Oakland's new program highlighting the City's boards and commissions, which will show on KTOP Channel 10 and on KTOP's online livestream.

There were no public speakers.

14. Enforcement Program.

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

Commissioners asked questions.

There were no public speakers.

15. Executive Director's Report.

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

There were no public speakers.

The meeting adjourned 8:40 p.m.