

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Special Commission Meeting
Teleconference
Thursday, September 2, 2021
6:30 p.m.



DRAFT

Commissioners: Michael MacDonald (Chair), Jerett Yan (Vice-Chair), Avi Klein, 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 SPECIAL MEETING MINUTES

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, Micik and Perteet, Tuman was absent

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. June 7, 2021 Regular Meeting Minutes
- b. June 30, 2021 Special Meeting Minutes

There were no public speakers.

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Micik moved, and Klein seconded to adopt both the June 7, 2021 Regular Meeting and June 30, 2021 Special Meeting Minutes.

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

Noes: None

Tuman was absent

Vote: Passed 5-0

5. *In the Matter of The City of Oakland Planning and Building Department (Case No. 18-48 and 16-22M).*

Kellie Johnson, Enforcement Chief, provided an informational report to the Commission regarding the findings of the investigation, the additional documents that were provided to the Complainant, and the scope of the Commission's authority under the Sunshine Ordinance.

Ralph Kanz, the complainant, spoke on the matter.

Commissioners asked questions and discussed the matter.

There were two public speakers.

Perteet moved, and Yan seconded to adopt staff recommendation to close the matter.

Ayes: Perteet and Yan.

Noes: MacDonald, Klein, and Micik.

Tuman was absent

Vote: Failed 2-3

Commissioners continued discussing the matter and asked additional questions.

MacDonald moved to adopt staff recommendation to close the matter and refer to the City Auditor's Office.

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Klein made a substitution motion to direct staff to find out if PEC staff can conduct electronic files search. Micik made a friendly amendment to continue matter and refer to City Auditor and determine whether PEC Staff to conduct electronic search.

Klein moved and Micik seconded to continue matter and refer to City Auditor and determine whether PEC Staff to conduct electronic search.

Ayes: Klein and Micik.

Noes: MacDonald, Perteet, and Yan.

Tuman was absent

Vote: Failed 2-3

MacDonald moved and Perteet seconded to close enforcement case and send a referral letter to City Auditor and request a response.

Ayes: Klein and Micik.

Noes: MacDonald, Perteet, and Yan.

Tuman was absent

Vote: Failed 2-3

Commissioners continued to discuss and ask questions.

MacDonald moved, and Klein seconded to close enforcement case and send a referral letter to City Auditor and to request department director to appear in front of the Commission at the October meeting.

Ayes: MacDonald, Yan, Klein, and Micik.

Noes: Perteet.

Tuman was absent

Vote: Passed 4-1.

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6. Non-Filer Cases Referred by PEC Filing Officer for the 2018 Election.

Ms. Johnson provided a report for each committee showing probable cause that one or more violations exist in the following cases and requested approval from the Commission to schedule the cases for an administrative hearing in each case.

There were no public speakers.

a. PEC Case No. 17-18 and 18-17; *In the Matter of Darrel Carey and the East Bay Small Business Council*

Yan moved and Perteet seconded to schedule the case for an administrative hearing.

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

Noes: None

Tuman was absent

Vote: Passed 5-0.

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

MacDonald moved, and Yan seconded to schedule the case for an administrative hearing.

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

Noes: None

Tuman was absent

Vote: Passed 5-0

c. PEC Case No. 19-13; *In the Matter of Matt Hummel for Oakland City Council*

Perteet moved and Micik seconded to schedule the case for an administrative hearing.

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

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Noes: None

Tuman was absent

Vote: Passed 5-0.

DISCUSSION ITEMS

7. Reports on Subcommittees and Commissioner Assignments.

MacDonald shared there were no updates as there are currently no subcommittees. He reported that he will create an *ad-hoc* Enforcement Subcommittee and an *ad-hoc* Recruitment Subcommittee.

There were no public speakers.

INFORMATION ITEMS

8. Disclosure and Engagement.

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

There were no public speakers.

9. Enforcement Program.

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

There were no public speakers.

10. 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.

The meeting adjourned at 9:05 p.m.