

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Regular Commission Meeting
Monday, April 6, 2015
Hearing Room 1
6:30 p.m.

DRAFT



Commissioners: Jenna Whitman (Chair), Sonya Smith (Vice-Chair), Dana King, Marc Pilotin, Stephen Shefler, Eddie Tejada, and Carol Wyatt

Commission Staff: Whitney Barazoto, Executive Director
City Attorney Staff: Tricia Hynes, Deputy City Attorney

MEETING MINUTES

1. Roll Call and Determination of Quorum.

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

Members present: Commissioners Whitman, Smith, King, Pilotin, Shefler, and Tejada.
Commissioner Wyatt arrived at 6:47 p.m.

Staff present: Whitney Barazoto and Jelani Killings

City Attorney Staff: Tricia Hynes, Deputy City Attorney

2. Staff and Commission Announcements.

Chairman Whitman announced that agenda item 11, Closed Session to discuss Executive Director's Performance Review, would be tabled until the May 4, 2015 regular meeting.

Executive Director Barazoto added that the City Attorney's office had suggested the item be postponed in order to allow time for Commissioners to receive training on employment laws relevant to conducting a performance review.

Chairman Whitman made a motion to move agenda item 8, Enforcement Program, after Item 5, Letter to City Council regarding DAC Policy. Commissioner Shefler seconded and the motion passed 6-0 (Commissioner Wyatt had not yet arrived).

Executive Director Whitney Barazoto welcomed Commissioner Pilotin to the Commission.

Ms. Barazoto announced the departure of Commission staff, Lauren Angius.

Ms. Barazoto also announced that the Implementation Subcommittee meeting was scheduled for next week. Commissioner Shefler was announced as Chair of subcommittee.

Ms. Barazoto announced that the Commission's retreat was set for April 29th from 3 p.m. to 8 p.m.



Ms. Barazoto recognized that City Auditor Brenda Roberts was in attendance.

3. Open Forum.

There were no public speakers.

CONSENT ITEMS

4. Approval of Commission Draft Minutes.

Chairman Whitman moved and Commissioner Smith seconded to approve the March 2, 2015 Regular meeting minutes. The motion passed with a vote of 5-0 (Commissioner Wyatt had not yet arrived). Commissioner Pilotin abstained.

ACTION ITEMS

5. Letter to City Council regarding the City of Oakland Domain Awareness Center Privacy and Data Retention Policy.

Executive Director Whitney Barazoto informed Commission that letter regarding DAC Policy had been drafted to express the Commission's concerns raised at the last meeting.

Ms. Barazoto informed the Commission that the policy had been revised since last meeting in areas not related to the Commission. Ms. Barazoto also reported that the letter will be provided to the Public Safety subcommittee meeting when it takes up the item, likely on April 29th.

The Commission discussed contents of letter and proposed timeline for implementation of recommendation.

Commissioner Whitman moved and Commissioner Shefler seconded to approve letter as drafted regarding DAC policy. The motion passed 6-0 (Commissioner Wyatt had not yet arrived).

8. Enforcement Program.

Executive Director Whitney Barazoto gave an update of the Commission's enforcement program and staff's capacity to process complaints. Ms. Barazoto announced that she is looking into the possibility of contracting out investigative services to continue the progress staff has been making on enforcement cases. Ms. Barazoto also informed the Commission about the settlement process and shared rationale behind staff's implementation of fines.



Commissioners asked questions and discussed the enforcement program and fines.

6. In the Matter of Cypress Security, LLC (PEC #14-26).

The Commission discussed the case and provisions of the Oakland Campaign Reform Act and asked questions regarding its application to this case and campaign committees in general.

Commissioner Whitman moved and Commissioner Smith seconded to approve proposed settlement as recommended by staff. The motion passed 7-0 (Commissioner Wyatt arrived and was present for vote).

7. In the Matter of PSAI Realty Partners CAC, LLC; PSAI Realty Partners, LLC; PSAI Realty Partners II, LLC; and Peter Sullivan Associates, Inc. (PEC #14-25).

The Commission asked questions and discussed staff's recommendation; the Commission expressed concerns about the amount of the settled fine and indicated that fines should be higher in the future.

Commissioner Whitman moved and Commissioner Wyatt seconded to approve proposed settlement as recommended by staff. The motion passed 6-1. Commissioner Shefler voted no.

INFORMATION ITEMS

9. Executive Director's Report.

Executive Director Whitney Barazoto shared that she has been in conversation with City Attorney Barbara Parker who has requested a full time position devoted to the Public Ethics Commission in their budget request, recognizing that the Commission needs more legal support.

Ms. Barazoto announced that the new staff positions should be included in the Budget proposed by the City Administrator's Office.

Ms. Barazoto informed the Commission that the Implementation Subcommittee will be discussing a complaint confidentiality policy at its next meeting and that more information will be shared at the Commission's retreat.

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Ms. Barazoto reported that staff is still working on ethics training and informed the Commission that the scheduled March 30 training was cancelled due to union negotiations and closed sessions that were scheduled.

Ms. Barazoto announced that the Open Disclosure Code for America Brigade in San Francisco will be hosting a conference on Sunday, April 12th called the California Campaign Finance Summit: Analyzing Money in Politics Using Visual Data.

Commissioner Tejeda announced that the Open Disclosure team from Oakland has been meeting with brigades in other cities to build an Open Disclosure for all of California. He encouraged the Commission and public to vote for the project on the Knight Foundation's website.

10. Commission Annual Review of Executive Director Performance.

Executive Director Whitney Barazoto informed the Commission about the performance review process.

The Commission asked questions and held discussion regarding its role in process and requested prior reviews and protocols that have been conducted for reference purposes.

Ms. Barazoto reiterated that the performance review of the Executive Director will be rescheduled for the May meeting so that Commissioners can receive training in employment law before conducting the performance review.

The meeting adjourned at 7:53 p.m.