



AGENDA REPORT

TO: City Councilmembers,
City Administrator

FROM: Whitney Barazoto, Director
Public Ethics Commission

SUBJECT: Public Ethics Commission Enabling Ordinance

DATE: October 26, 2020

RECOMMENDATION

The Public Ethics Commission recommends that the City Council adopt an ordinance amending the “Public Ethics Commission” enabling ordinance to conform with City Charter Section 603, delete duplicative language that now appears in the City Charter, and codify the Commission’s administrative hearing and fine collection process.

EXECUTIVE SUMMARY

The Oakland Public Ethics Commission (PEC) proposes amendments to the Public Ethics Commission Enabling Ordinance (O.M.C. Chapter 2.24) in order to update and align the ordinance with the Oakland City Charter provisions establishing the PEC’s structure and responsibilities. City Charter section 603 was amended in 2014 to strengthen the Commission’s authority, independence, and staffing. The amendments delete sections that are now found in the City Charter and codify the PEC’s current administrative hearing and fine collection process. The amendments are intended to become effective immediately upon adoption by the City Council.

The amendments were drafted by the PEC, incorporating input from PEC commissioners, PEC staff, the Oakland City Attorney, and members of the public through the PEC’s public meeting process.

BACKGROUND AND ANALYSIS

The Commission’s structure and responsibilities are set out in the City’s governing laws, including the Oakland City Charter, Public Ethics Commission (PEC) Ordinance (O.M.C. Chapter 2.24), and Commission Operations Policies (previously By-Laws). Until November 2014, the City Charter included a brief description of the Commission and its purpose, the ordinance laid out specific duties and responsibilities in greater detail, and the By-Laws reiterated both the Charter language and the text of the ordinance (as well as language from the Oakland Sunshine Ordinance).

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City Council Rules Committee
November 12, 2020

With the passage of Measure CC in November 2014, the City Charter was amended to incorporate many PEC Ordinance provisions, as well as additional provisions to strengthen the Commission's authority, independence, and staffing. As a result of the new and augmented City Charter language, portions of the PEC Ordinance are duplicative of language that is in the City Charter.

Specifically, City Charter section 603(b) now includes the Commission's specific functions and duties that were previously outlined in O.M.C. section 2.24.020. The attached amendments delete the substance of this section and replace it with the prior language in section 2.24.070 (Rules, regulations, and procedures), with minor amendments.

City Charter sections 603(d) and (e) now include language regarding Commissioner appointments, qualifications, and restrictions, which were previously included in O.M.C. sections 2.24.040 and 2.24.050. And City Charter section 603(f) now provides details about the Commission's enforcement authority above and beyond the provisions of O.M.C. section 2.24.030, rendering the latter obsolete. Therefore, these O.M.C. sections also are deleted in the attached amendments.

In addition, two sections have been added to the ordinance. First, language was inserted as the new section 2.24.030 to specify the Commission's role as a City entity and its relation to Commission staff. It also articulates the role and authority of the Executive Director in relation to both the Commission and the staff. These provisions now align neatly with the City Charter language and the Commission's Operations Policies.

Lastly, the new language includes details regarding the Commission's administrative hearing and collections procedures in order to codify existing practices, many of which are outlined in the PEC's Complaint Procedures, and to ensure clarity and consistency over time.

COST SUMMARY/IMPLICATIONS

There are no cost impacts on the City or Commission; the additions to the ordinance merely align the ordinance with City Charter provisions and clarify and codify current Commission practices.

SUSTAINABLE OPPORTUNITIES

Economic: These amendments aim to ensure clarity of the Commission's process so that the PEC and City will maintain consistency in implementing administrative process requirements, and so that that the regulated community can be fully informed of the process. Clear language promotes compliance and consistency, which in turn helps enhance public trust in the City's process.

Environmental: There are no environmental opportunities.

Social Equity: Social equity depends on a political and governmental system that ensures a fair and equal opportunity for all individuals and interest groups to participate meaningfully in the governmental process. Clear and enforceable operations and policies help to ensure that all participants – PEC staff and commissioners, the public, City officials and employee, candidates and committees, lobbyists, and other regulated parties – understand the PEC’s operational framework and administrative process.

ACTION REQUESTED OF THE CITY COUNCIL

The PEC requests City Council adopt the attached proposed amendments to the PEC’s enabling ordinance, to become effective upon adoption.

For questions regarding this report, please contact Whitney Barazoto, Executive Director of the PEC, at (510) 238-6620.

Respectfully submitted,



WHITNEY BARAZOTO
Executive Director, Public Ethics Commission

Attachment:

- A. Proposed Amendments to Public Ethics Commission Enabling Ordinance (O.M.C. Chapter 2.24)