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CITY OF OAKLAND



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Public Ethics Commission

November 6, 2014

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President Kernighan and Council Members
Oakland City Council
1 Frank Ogawa Plaza
Oakland, CA 94612

Dear City Council Members,

On November 3, 2014, the Public Ethics Commission voted unanimously to **SUPPORT** the Government Ethics Act, which was initially drafted by the Public Ethics Commission and subsequently amended by Councilmember Kalb. The Commission reviewed Councilmember Kalb's amendments and enthusiastically supports the ordinance now before you.

Under existing law, there is no ethics-related City ordinance that gives the Public Ethics Commission the authority to enforce government ethics laws. The City Charter and corresponding municipal code (OMC 2.24) charge the Commission with general duties such as conducting trainings, developing educational materials, issuing advice and written opinions, and recommending changes to local laws as it relates to ethics matters. There is no government ethics ordinance that provides City staff and officials with clear ethics rules to follow or that gives the Commission the ability to enforce ethics laws.

Even with the new Charter Amendment approved by voters on November 4, which enhances the Commission's staffing, authority, and independence, the Commission still would not have the authority to enforce violations of what are mostly state ethics laws.

The proposed Government Ethics Act would consolidate and codify myriad state and local ethics laws into one comprehensive local ethics ordinance that clearly outlines ethics-related rules for City staff and officials, empowers the Public Ethics Commission with the authority to enforce against violations, and articulates the Commission's education and training responsibilities.

By way of background, on July 24, 2013, the Public Ethics Commission held a public discussion of its authority, resources, and independence, and the Commission identified the need for an ethics ordinance as one of its top priorities. In September, 2013, the Commission sent a letter to City Council expressing the need for an ethics ordinance, and in December, the Commission created an *ad hoc* Ethics Subcommittee to begin drafting the language of the ordinance. This year, the Commission held two public subcommittee meetings and three full Commission

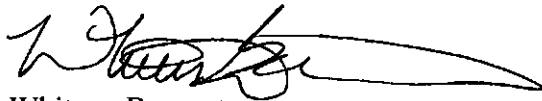
meetings over the course of eight months to review and discuss the language and receive public input. In addition to the collaborative partners mentioned above, Commission staff also consulted with the directors of the Los Angeles, San Diego, and San Francisco ethics commissions, all of which have a local ethics ordinance with local enforcement authority embedded within the ordinance.

The Commission's Ethics Subcommittee drafted the Commission's initial language with the following goals in mind:

1. Provide a clear and comprehensive framework for rules for City staff and officials,
2. Codify and consolidate all existing state and local ethics laws currently applicable to City staff and officials,
3. Include additional requirements to address needs that are unique to Oakland, and
4. Authorize the Commission to fairly and effectively enforce the provisions in the ordinance.

The Public Ethics Commission **urges your support** of the Government Ethics Act, which, combined with the Charter Amendment that was passed unanimously by the City Council and overwhelmingly by Oakland voters, will bring greater awareness and understanding of ethics laws as well as enhanced authority to ensure local compliance with these important provisions. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Whitney Barazoto', with a long horizontal flourish extending to the right.

Whitney Barazoto
Executive Director