

NEWS FROM THE OAKLAND ETHICS COMMISSION

CITY OF OAKLAND Public Ethics Commission

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PEC Needs Greater Authority, Resources

The City of Oakland Public Ethics Commission convened last night to discuss the Commission's authority and how to increase its capacity and effectiveness. After lengthy discussion among Commissioners and the public, the Commission directed staff to draft a letter to City Council requesting resources and expressing the need for an Oakland ethics ordinance that would give the Public Ethics Commission the capacity and authority to enforce ethics violations. The Commission will consider the letter at its next public meeting set for September 3, 2013.

The July 24 meeting followed the Commission's retreat in March that focused on how the PEC can build capacity to accomplish the goals of the City Charter. Since then, the Commission set priorities based on existing staffing and legal authority, while at the same time assessing what the Commission needs in order to be most effective. At the July 24 meeting, Commissioners discussed ways to augment the Commission's resources and legal authority.

"The Public Ethics Commission, unlike other local ethics commissions in California, has no authority to enforce governmental ethics laws," said Lloyd Farnham, Chairman of the Public Ethics Commission. "The Commission can enforce local laws related to campaign finance, lobbying, and public financing of elections as laid out in City ordinances; however, there is no Oakland ethics ordinance that gives the Commission the ability to issue penalties for an ethics law violation."

The current framework for ethics laws in Oakland only allows the Commission to refer matters to the County District Attorney, for example, to enforce the relevant state law. An ethics ordinance would consolidate ethics laws in one local ordinance and grant the Commission the authority to issue penalties for ethics violations by City officials and staff.

The Commission also directed staff to include in the letter a request for resources needed to effectively investigate and enforce existing laws. This is on the heels of the Commission receiving one additional full-time position, bringing the Commission's staffing back to a total of 2 positions, equivalent to the Commission's pre-2011 staffing level. Even with this increase, the Commission cannot accomplish all aspects of its mission.

Additional background: The City Council Code of Conduct, also discussed at the July 24 meeting, is not an ordinance; it is a set of tenets in a City Council resolution that outlines the Council's policies and procedures. It applies only to City Councilmembers and is enforceable by way of a City Council Censure of one of its own members. The Public Ethics Commission has no authority to issue penalties for a violation of the City Council Code of Conduct.

Also outside of the Commission's reach is Oakland City Charter section 218, restricting Councilmember interference in city administrative affairs. The Commission directed staff to research how the Commission could be given the authority to enforce this Charter provision, as well as how the Commission could have greater authority to enforce all of the laws which it oversees.

For more information about the Public Ethics Commission, visit the Commission's website at www.oaklandnet.com/pec.

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