

Date: 1/11/05

To: Public Ethics Commission

From: Ralph Kanz

RE: Examination of PEC Jurisdiction And Administration

Over the past year the question of Public Ethics Commission jurisdiction has been raised a number of times. After reviewing the Charter and the PEC Enabling Ordinance it is clear that there are a number of matters covered by these laws that need revision. I am asking the PEC to undertake a review of the City Charter and the Enabling Ordinance for the purpose of making recommendations to the City Council for needed changes. Proposed Charter amendments could be sent to the City Council for approval so they could appear on the June 2006 ballot.

Issues for review:

- Jurisdiction of the PEC. Does the PEC have the jurisdiction and authority it needs to achieve its stated goals and purpose?
- PEC Relationship with City Staff. Currently OMC Section 2.24.080 provides for the City Manager to supply staff to the Commission. The City Manager position no longer exists. Should Commission staff serve at the direction and pleasure of the PEC or some other person?
- Other ethics commissions have in-house or outside investigators to handle complaints. This eliminates a conflict for the executive director. Should Oakland have a similar system?
- The City Attorney is the Commission's legal advisor. The City Attorney is also staff to the City Council and City staff. Does this create a conflict and if so, how can this conflict be mitigated or eliminated?
- PEC budget. Nowhere in current law is there any mention of a PEC budget. Should the PEC seek dedicated funding for its operations?

Clarification of PEC Jurisdiction

- Should the PEC be the entity to set City Council salaries? If the PEC does set salaries, then should the Commission's authority extend to other issues of compensation (benefits, car allowance, outside employment, etc.).
- What should the term of office be for members of the PEC? The three year term is set out in the ordinance, not in the Charter. The current single three year term might be too short a time for maintaining a knowledgeable Commission.

I do not want this list to limit the discussion, but to be a starting point for a thoughtful review of this Commission's ability to fulfill its responsibilities. I propose that the PEC direct staff to survey the compositions of other Ethics Commission's to see how they are established and what powers they have. The PEC can then identify the specific areas it wishes to study further with the ultimate goal of developing a specific set of proposals for City Council consideration.

ATTACHMENT: City Charter Section 202