

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Regular Commission Meeting
Monday, August 5, 2019
Hearing Room 1
6:30 p.m.



Commissioners: Jodie Smith (Chair), James E.T. Jackson (Vice-Chair), Jill Butler, Gail Kong, Nayeli Maxson, and Jerett Yan

Commission Staff to attend: Whitney Barazoto, Executive Director; Suzanne Doran, Lead Analyst – Civic Technology and Engagement; Kellie Johnson, Enforcement Chief; Simon Russell, Investigator

City Attorney Staff: Trish Hynes, Deputy City Attorney

REGULAR MEETING AGENDA

- 1. Roll Call and Determination of Quorum.**
- 2. Staff and Commission Announcements.**
- 3. Open Forum.**

GUEST PRESENTATION

- 4. Survey of Lobbyist Disclosure Requirements and Accessibility.** Commission Intern Casey Petersen will provide an overview of her research regarding Lobbyist disclosure requirements and public access to Lobbyist data in Oakland and other California cities as part of her summer project as a volunteer with the Commission.

ACTION ITEMS

- 5. Approval of Commission Meeting Draft Minutes.**
 - a. June 3, 2019 Regular Meeting Minutes ([Attachment 1 – Minutes](#))
- 6. In the Matter of Libby Schaaf For Mayor 2018; Case No. 18-19.1.** The Commission received a complaint in 2018 alleging that 11 West Partners, LLC, (11 West Partners) and its affiliated entities made campaign contributions to the Libby Schaaf for Mayor 2018 campaign committee in violation of the Oakland Campaign Reform Act (OCRA) by making aggregate contributions that were over the legal campaign contribution limits for a single person at a time when 11 West Partners was a City contractor and therefore was barred from making campaign contributions. Staff completed its investigation and found that the Libby Schaaf For Mayor 2018 campaign committee received contributions over the legal contribution limit from 11 West Partners, a City contractor,



in the amount of \$3,200 in violation of the OCRA. (Note: 11 West Partners paid a fine of \$5,600 for this violation; see the Commission’s May meeting agenda). Staff recommends that the Commission adopt the proposed stipulation, recommending a penalty of \$3,000 that includes a \$600 fine for Count 1 and a forfeiture of the \$2,400 in unlawful contributions received. ([Attachment 2 – Stipulation and Analysis](#))

7. **In the Matter of the Office of Mayor Libby Schaaf; Case No. M2019-01.** The Commission received both a formal complaint and a request for mediation alleging that the Mayor’s office failed to respond to a public records request made by the Requester on January 6, 2019. On April 8, 2019, Staff initiated its mediation program pursuant to the Oakland Sunshine Ordinance. In response, the Department provided 1500 additional records responsive to the Requester’s public records request. Although several records were released to the Requester, the Requester was not satisfied with the records produced during the mediation because the Requester asserts the Mayor’s office withheld records related to both the consultant(s) that were hired by the City to perform services related to Measure AA and failed to release records from a poll that was conducted on Measure AA. Staff has made multiple efforts, including obtaining a copy of the poll from the pollster company, to determine if the Mayor’s office has/had responsive documents to no avail; thus, Staff recommends that the Commission close this mediation without further action. Staff will refer the remaining GEA formal complaint to Enforcement for preliminary review. ([Attachment 3 – Memorandum](#))

DISCUSSION ITEMS

8. **Reports on Subcommittees and Commissioner Assignments.** Commissioners may discuss subcommittee assignments, create a new subcommittee, or report on work done in subcommittees since the Commission’s last regular meeting. Commissioners may also discuss assignments, efforts, and initiatives they undertake to support the Commission’s work. Current or recent subcommittees include the following:
 - a. **Limited Public Finance Policy Development Subcommittee** (ad hoc) – Nayeli Maxson (Chair), Jill Butler and James Jackson
 - b. **Subcommittee on Partnerships** (ad hoc) – Gail Kong and Jodie Smith

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INFORMATION ITEMS

9. **Education and Engagement Program.** Lead Analyst Suzanne Doran provides a report of recent education, outreach, disclosure and data illumination activities. ([Attachment 4 – Disclosure Report](#))
10. **Enforcement Program.** Enforcement Chief Kellie Johnson reports on the Commission’s enforcement work since the last regular Commission meeting. ([Attachment 5 – Enforcement Report](#))
11. **Executive Director’s Report.** Executive Director Whitney Barazoto reports on overall projects, priorities, and significant activities since the Commission’s last meeting. ([Attachment 6 – Executive Director’s Report](#))

The meeting will adjourn upon the completion of the Commission’s business.

A member of the public may speak on any item appearing on the agenda. All speakers will be allotted a maximum of three minutes unless the Chairperson allocates additional time.

Should you have questions or concerns regarding this agenda, or wish to review any agenda-related materials, please contact the Public Ethics Commission at (510) 238-3593 or visit our webpage at www.oaklandca.gov/pec.



7/26/2019

Approved for Distribution

Date



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ATTACHMENT 1

CITY OF OAKLAND
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DRAFT



Commissioners: Jodie Smith (Chair), James E.T. Jackson (Vice-Chair), Jill Butler, Gail Kong, Nayeli Maxson, and Jerett Yan

Commission Staff to attend: Whitney Barazoto, Executive Director; Suzanne Doran, Lead Analyst – Civic Technology and Engagement; Kellie Johnson, Enforcement Chief; Simon Russell, Investigator

City Attorney Staff: Trish Hynes, Deputy City Attorney

REGULAR MEETING MINUTES

1. Roll Call and Determination of Quorum.

The meeting was called to order at 6:30 p.m.

Members present: Commissioners Smith, Jackson, Butler, Kong, Maxson, and Yan.

Staff present: Whitney Barazoto, Suzanne Doran, and Kellie Johnson. Ethics Intern Casey Petersen was also present.

City Attorney Staff: Trish Hynes, Deputy City Attorney

2. Staff and Commission Announcements.

Chair Smith announced that a seat is open on the Commission. The current vacancy will be filled by a mayoral appointee.

Members of the public who might be interested in applying are encouraged to contact the Mayor's Office for more information.

3. Open Forum.

There were no speakers.

ACTION ITEMS

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DRAFT

4. Approval of Commission Meeting Draft Minutes.

- a. May 6, 2019 Regular Meeting Minutes

There were no speakers.

Commissioner Kong moved and Commissioner Maxson seconded to approve the minutes.

The motion passed 5-0. Commissioner Jackson abstained since he was not present at the May meeting.

5. Limited Public Financing Program Audit for the 2018 Election.

The City Auditor's office conducted an audit of the Public Ethics Commission's administration of the Limited Public Financing Act Program for the November 2018 election. Staff from the City Auditor's office presented the audit findings and answered questions from the Commissioners.

Commissioner Jackson moved and Commissioner Kong seconded to accept the report.

There were no public speakers.

The motion passed 6-0.

6. Mediation Case No. 18-02M.

Staff recommended that the Commission close this mediation without further action.

There were no public speakers.

Commissioner Jackson moved and Commissioner Butler seconded to adopt the recommendation.

The motion passed 6-0.

7. Mediation Case No. 18-06M.

ATTACHMENT 1

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
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Regular Commission Meeting
Monday, June 3, 2019
Hearing Room 1
6:30 p.m.



DRAFT

Staff recommended that the Commission close this mediation without further action.

There was one public speaker.

Commissioner Maxson moved and Commissioner Yan seconded to adopt the recommendation.

The motion passed 6-0.

8. Mediation Case No. 18-24M.

Staff recommended that the Commission close the mediation without further action.

There were no public speakers.

Commissioner Kong moved and Commissioner Jackson seconded to adopt the recommendation.

The motion passed 6-0.

9. Mediation Case No. 18-39M.

Staff recommended that the Commission close the mediation without further action.

Commissioners discussed the matter and asked questions.

There were no public speakers.

Commissioner Maxson moved and Commissioner Kong seconded to send the report back for staff to verify IT search and complete set of responsive records.

The motion failed 2-4.

Commissioner Butler moved and Commissioner Jackson seconded to approve the staff recommendation.

The motion passed 5-0. Commissioner Maxson abstained.

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DRAFT



10. Mediation Case No. M2019-03.

Staff recommended that the Commission close the mediation without further action.

There were no public speakers.

Commissioner Maxson moved and Commissioner Jackson seconded to adopt the recommendation.

The motion passed 6-0.

11. Mediation Case No. M2019-10.

Staff recommended that the Commission close the mediation without further action.

There were no public speakers.

Commissioner Maxson Kong and Commissioner Butler seconded to adopt the recommendation.

The motion passed 6-0.

12. PEC Core Values for Inclusive Engagement.

Executive Director Whitney Barazoto explained that, at the Commission's May 6 meeting, Commissioners discussed creation of a set of values for inclusive engagement following an earlier discussion at its April 4 retreat about inclusive leadership and how to incorporate more inclusive practices into its processes. Commissioners provided input on the draft at the May meeting, and staff presented a revised set of values for Commission consideration and potential approval.

There were no public speakers.

Commissioner Kong moved and Commissioner Maxson seconded to approve the revised set of PEC Core Values for Public Communication.

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Monday, June 3, 2019
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DRAFT



The motion passed 6-0.

DISCUSSION ITEMS

13. Reports on Subcommittees and Commissioner Assignments.

a. Campaign Finance Subcommittee – Nayeli Maxson (Chair) and James Jackson

Commissioner Maxson shared that Commissioner Maxson, Butler and Kong attended the BAYPEC meeting along with PEC staff.

b. Subcommittee on Partnerships (ad hoc) – Gail Kong and Nayeli Maxson

Commissioner Kong shared that they are working on connecting with foundations.

Chair Smith dissolved the standing Campaign Finance Subcommittee and created an *ad hoc* Limited Public Finance Policy Development subcommittee. Commissioner Maxson will serve as Chair and Commissioner Butler and Commissioner Jackson will serve as members.

Commissioner Maxson will no longer serve on the Subcommittee on Partnerships.

Commissioner Kong will serve as Chair and Commissioner Smith will serve as a member.

There were no public speakers.

INFORMATION ITEMS

14. Education and Engagement Program.

Suzanne Doran, Lead Analyst, provided a report of recent education, outreach, disclosure and data illumination activities.

There were no public speakers.

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15. Enforcement Program.

Ms. Johnson reported on the Commission's enforcement work since the last regular Commission meeting. She shared that Kyle McLean, Ethics Mediator, is no longer with the Public Ethics Commission.

There were no public speakers.

16. Executive Director's Report.

Ms. Barazoto introduced Casey Petersen, Summer Ethics Intern and shared that Meredith Wang will also join as a summer intern.

Ms. Barazoto acknowledged and expressed appreciation for Kyle McLean's work on mediation cases.

There were no public speakers.

The meeting adjourned at 8:44 p.m.

ATTACHMENT 2

1 expense, to confront all witnesses testifying at the hearing, to subpoena witnesses to
2 testify at the hearing, and to have the matter judicially reviewed;

3 4. This Stipulation is not binding on any other law enforcement agency, and does not
4 preclude the Commission or its staff from referring the matter to, cooperating with, or
5 assisting any other government agency with regard to this matter, or any other matter
6 related to it;

7 5. Respondents violated the Oakland Campaign Reform Act by receiving \$2,400 more
8 than the contribution limit of \$800 from 11 West Partners, LLC, in violation of the
9 Oakland Municipal Code section 3.12.050. (Count 1.)

10 6. The attached exhibit (Exhibit) is a true and accurate summary of the facts in this matter
11 and is incorporated by reference into this Stipulation;

12 7. Respondents will forfeit \$2,400 to the City of Oakland's general fund, which represents
13 the total amount of the excess contribution they received;

14 8. The Commission will impose upon Respondents an additional administrative penalty in
15 the amount of \$600;

16 9. A cashier's check from Respondents, in the amount of \$3,000, made payable to the
17 "City of Oakland," is submitted with this Stipulation as full payment of the forfeiture
18 and administrative penalty, to be held by the Commission until the Commission issues
19 its decision and order regarding this matter;

20 10. In the event the Commission refuses to accept this Stipulation, it shall become null and
21 void, and within fifteen business days after the Commission meeting at which the
22 Stipulation is rejected, all payments tendered by Respondents in connection with this
23 Stipulation will be reimbursed to them; and

24 11. In the event the Commission rejects the Stipulation and a full evidentiary hearing before
25 the Commission becomes necessary, neither any member of the Commission, nor the
26 Executive Director, shall be disqualified because of prior consideration of this
27 Stipulation.

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ATTACHMENT 2

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Dated: _____

Kellie F. Johnson, Enforcement Chief of the City of
Oakland Public Ethics Commission, Petitioner

Dated: _____

Treasurer, on behalf of
Libby Schaaf For Mayor 2018

Print Name: _____

DECISION AND ORDER

The foregoing Stipulation of the parties to “In the Matter of *Libby Schaaf for Mayor 2018*, et al.,” PEC Case No. 18-19.1, including all attached exhibits, is hereby accepted as the final Decision and Order of the City of Oakland Public Ethics Commission, effective upon execution below by the Chair.

Dated: _____

Jodie Smith, Chair
City of Oakland Public Ethics Commission

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ATTACHMENT 2

INTRODUCTION

In 2018, the City of Oakland Public Ethics Commission (“Commission”) opened an investigation into allegations that *Libby Schaaf For Mayor 2018* (“the Schaaf campaign”) may have violated the provisions of the Oakland Campaign Reform Act (OCRA) concerning the contribution limit when it accepted campaign contributions from 11 West Partners, LLC, and its affiliated business entities.

The Commission’s investigation found that 11 West Partners directed and controlled the contributions of its affiliated entities, meaning that those contributions should have been considered as coming from a single source and, when added together, exceeded the contribution limit. The investigation also found that the Schaaf campaign did not intend to violate the contribution limit, and accepted those contributions without knowing that they needed to be aggregated.

SUMMARY OF THE FACTS

Background

At all relevant times during this matter, Libby Schaaf was the Mayor of Oakland and a candidate for mayor in the 2018 election. Her candidate-controlled committee was *Libby Schaaf For Mayor 2018*. Its treasurer was Amanda Monchamp. Schaaf accepted the voluntary expenditure ceiling on April 18, 2017, meaning that a single person or entity was prohibited from contributing more than a cumulative total of \$800 to her campaign after that date.

11 West Partners is an asset management firm and consultancy. It is owned by Adam Goldenberg, along with other partners not closely involved in this matter.

Three other entities are also involved in this matter: 11 WGM Property, LP, owns the American Steel complex on Mandela Parkway in West Oakland; 1699 West Grand Property Owner, LP, owns the Gary Steel complex in West Oakland and uses Cushman & Wakefield as a property manager there; and 11 West Ninth Street Property Owner, LP, which uses CBRE as a property manager at that site.

On June 20, 2017, Goldenberg and a fundraiser for the Schaaf campaign had the following e-mail conversation under the subject line “6/30 Invitation to Libby Schaaf fundraising event”:

Fundraiser: Hi Adam, I hope all is well with you. Please see attached the attached invitation. I hope you can join us.

Goldenberg: Thanks. We'll be out of town... but very happy to support. Can I buy two host tickets, and send two of my partners...

Fundraiser: Of course Adam. This is very kind of you and we will look forward to seeing [your partners].

ATTACHMENT 2

Attached to the fundraiser's initial e-mail was an invitation to a fundraiser for Libby Schaaf's mayoral campaign, to be held on June 30, 2018.

On June 28, 2017, Monica Ng of 11 West Partners sent three e-mails to outside entities, concerning contributions to the Schaaf campaign.

The first e-mail was sent to a property manager at Cushman & Wakefield, with Goldenberg cc'd. In it, Ng stated, "Can you please issue a check to Libby Schaaf for Mayor 2018 in the amount of \$800. The attachment contains the relevant details for where to mail the check. Adam will reply to this email with his approval."

The second e-mail was sent to "American Steel Invoices". In it, Ng stated, "Please prepare a check for \$800 to Libby Schaaf for Mayor 2018. The attachment has the details for mailing the check."

The third e-mail was sent to CBRE, with Goldenberg cc'd. In it, Ng Stated, "Can you please issue a check for \$800 to Libby Schaaf for Mayor. The address and information is attached. Adam will reply to this email with his approval."

The Schaaf campaign subsequently reported receiving the following contributions:

Date Rec'd	Contributor	Address (partial) ¹	Code	Amount
06/30/2017	11 West Partners, LLC	Oakland, CA 94607	OTH	\$800
07/28/2017	11 WGM Property Owner, LP	San Francisco, CA 94115	OTH	\$800
07/28/2017	1699 West Grand Property Owner	San Francisco, CA 94105 ²	OTH	\$800
08/7/2017	11 West Ninth Street Property Owner	Minneapolis, MN 55435 ³	OTH	\$800

In an interview with the PEC, Goldenberg was asked to describe in more detail the process by which these contributions were made. Goldenberg said that, after confirming with the organizers of the Schaaf fundraiser that he could send other people in his place, he forwarded the invitation to Ng, who he described as his chief of staff who performs administrative work for 11 West Partners. He said that when he forwarded the invitation to Ng, she must have thought that he was asking her to obtain contributions to the fundraiser. He explained that "we" have four large

¹ A full street address was provided for each of these contributors on the campaign's unredacted campaign reports. However, we have only reproduced partial addresses here, for purposes of showing that the Schaaf campaign reported different street addresses provided by the donor for each contributor.

² The full address belongs to Cushman & Wakefield.

³ The full address belongs to CBRE.

ATTACHMENT 2

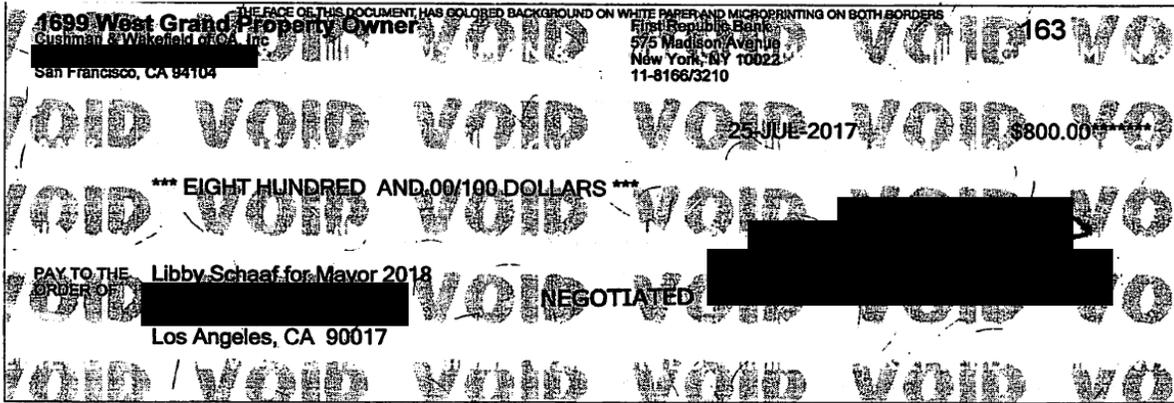
developments in Oakland, and that “we” divide things like charitable donations between those four companies.

When asked who has the authority to tell the other three companies to make a campaign contribution, Goldenberg stated that there is no formal process in place between the companies for making campaign contributions. However, regarding the e-mails from Ng to the other three companies where she asks them to write a check to the Schaaf campaign, Goldenberg said “I would perceive it to be more of an instruction” rather than a discretionary request. He said that for expenditures around \$10,000 or above, there might be more back-and-forth between the companies, but smaller expenses are routinely shared between the four companies.

The contribution checks given by these entities to the Schaaf campaign looked as follows:



ATTACHMENT 2



11 West Partners also filled out the following contributor card:

ATTACHMENT 2

Libby Schaaf for Mayor 2018

Thank you for supporting Mayor Libby Schaaf's Reelection Campaign!

State and City laws require us to collect the following information (*) from contributors:

11 West Partners LLC
Contributor Name
[REDACTED]
Street Address (no PO boxes)*
[REDACTED]
Phone [REDACTED] Email Address [REDACTED]
Chief of Staff 11 West Partners LLC
Occupation (if contributor is an individual)* Employer (if contributor is an individual)*
If self-employed please list name of business

Please make checks payable to: **Libby Schaaf for Mayor 2018**

Contributions to the Libby Schaaf for Mayor 2018 committee are not tax-deductible. Contributions to Libby Schaaf for Mayor 2018 are not deductible for federal income tax purposes. The Committee may accept up to \$800 per individual, business, organization or PAC, and up to \$1,500 from a broad-based political committee. Contributions must be made from the donors' own funds and may not be reimbursed by any other person. Contributions from foreign nationals who lack permanent residence in the United States are prohibited.

***Paid for by Libby Schaaf for Mayor 2018, FPPC # 1395968
6447 Regent St., Oakland, CA 94618***

The Oakland Campaign Reform Act limits campaign contributions by all persons (OMC §§ 3.12.050 and 3.12.060) and prohibits contributions during specified time periods from contractors doing business with the City of Oakland, the Oakland Redevelopment Agency or the Oakland Unified School District (OMC § 3.12.140, paragraphs A., B., and C.).

Libby Schaaf For Mayor 2018 has told the PEC that it does not have contributor cards for the other three contributors.

SUMMARY OF THE LAW

Campaign Contribution Limit & Aggregation Rule

For the November 2018 election, the maximum amount that a candidate-controlled campaign committee that adopted OCRA's expenditure ceiling could receive from a single person was \$800 per election.⁴ A "person" is defined under OCRA as any individual, business entity, or other organization or group of persons acting in concert.⁵ For purposes of determining whether the contribution limit has been reached, the contributions of an entity whose contributions are directed

⁴ OMC § 3.12.050(B), (F).

⁵ OMC § 3.12.040.

ATTACHMENT 2

and controlled by any person shall be aggregated with contributions made by any other entity whose contributions are directed and controlled by that same person.⁶

VIOLATIONS

Count 1: Receiving a Campaign Contribution Over the Legal Limit

11 West Partners, 11 WGM Property, LP, 1699 West Grand Property Owner, LP, and 11 West Ninth Street Property Owner, LP, made contributions totaling \$3,200 to *Libby Schaaf For Mayor 2018*, a committee controlled by a candidate for city office who had accepted the voluntary expenditure ceiling for the November 6, 2018, election. Because 11 West Partners, via Adam Goldenberg, controlled and directed the contributions for all four entities, all four contributions made by those entities are aggregated for the purposes of the contribution limit. As such, by receiving contributions totaling \$3,200 from 11 West Partners and its affiliated entities, *Libby Schaaf For Mayor 2018* received \$2,400 in excess of the \$800 contribution limit.

CONCLUSION

According to the Enforcement Division's penalty guidelines, the baseline penalty for a violation of the contribution limit is \$1,000 plus the amount unlawfully given. The maximum penalty is \$5,000 or three times the amount of the unlawful contribution, whichever is greater. Here, the amount of the unlawful contribution is \$2,400, which brings the baseline penalty to \$3,400. The Commission may also seek forfeiture of the unlawful contribution amount.⁷

In determining an appropriate final penalty amount, the PEC may consider the following aggravating and mitigating factors:

1. The seriousness of the violation, including, but not limited to, the extent of the public impact or harm;
2. The presence or absence of any intention to conceal, deceive, or mislead;
3. Whether the violation was deliberate, negligent, or inadvertent;
4. Whether the violation was isolated or part of a pattern;
5. Whether the respondent has a prior record of violations and/or demonstrated knowledge of the rule or requirement at issue;
6. The extent to which the respondent voluntarily and quickly took the steps necessary to cure the violation (either independently or after contact from the PEC);
7. The degree to which the respondent cooperated with the PEC's enforcement activity in a timely manner;
8. The relative experience of the respondent.

Here, the seriousness of the harm caused by this violation was minimal. The amount unlawfully contributed by 11 West Partners and the other three entities represented less than 1% of the total contributions (\$262,193.66) that *Libby Schaaf for Mayor 2018* had raised by the end of 2017.

⁶ OMC § 3.12.080(C).

⁷ OMC § 3.12.290.

ATTACHMENT 2

Furthermore, there is substantial evidence that the Schaaf campaign was unaware that the contributions from the entities in this matter should have been aggregated. All of the four contribution checks were signed by different people, were not of the same color scheme/style, had different addresses printed on them, had different bank account numbers, and most were received on separate dates. Goldenberg stated to the Commission that he never had any contact with anyone on the Schaaf campaign, other than the fundraiser who sent him the invitation.

Commission staff was initially alerted to the possibility of an aggregation violation in this matter based on the Schaaf campaign's finance report (Form 460), which timely disclosed the contributions with the street addresses provided by the donors. Nonetheless, preliminary online research of public records showed that all four entities listed on the Form 460 shared a common address on their California business filings.

The Schaaf campaign cooperated fully with this investigation. Upon being contacted by the Commission about this matter in August 2019, the campaign also expressed its willingness to address the issue and disgorge the contributions before the November 2018 election.

It should also be noted that another one of Schaaf's campaign committees was subject to a PEC enforcement action for receiving over-the-limit aggregated contributions in 2014 (PEC case #14-25), *In re Libby Schaaf For Mayor 2014*. In that case, four different entities owned by the same person made contributions totaling \$2,800 to the 2014 Libby Schaaf mayoral campaign, for an overage of \$2,100.⁸ The PEC sought only a disgorgement of the overage amount, based on the Schaaf campaign's cooperation with the investigation and the absence of any evidence that the violation was intentional. Note that this case was decided before the PEC had adopted Penalty Guidelines stating that a \$1,000 penalty shall be added to the improper contribution amount when calculating a baseline fine.

PROPOSED PENALTY

In light of the mitigating factors described above, as well as the fact that this is Schaaf's second aggregation violation, staff is recommending that the Commission seek a forfeiture of \$2,400 and a reduced fine of \$600 for Count 1.

⁸ The contribution limit at the time was \$700 to candidates who had accepted the expenditure ceiling.



Jodie Smith, Chair
James E.T. Jackson, Vice-Chair
Jill Butler
Lisa Crowfoot
Gail Kong
Nayeli Maxson
Jerett Yan

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Kellie Johnson, Enforcement Chief
Kyle McClean, Mediation Coordinator

DATE: July 8, 2019
RE: *In the Matter of the Mayor's Office (Case No. M2019-01); Mediation Summary*

I. INTRODUCTION

Between January 8 and April 1, 2019, the Commission received both a formal complaint alleging violations to the Government Ethics Act (GEA) and a request for mediation alleging that the Mayor's Office failed to disclose records in response to a public records request made by the Requester on January 6, 2019 (Request No. 19-96). On April 8, 2019, Staff initiated its mediation program pursuant to the Oakland Sunshine Ordinance. In response, Alex Katz, Oakland City Attorney's Chief of Staff released one record; Mark Forte, the Open Government and Legal Services Coordinator for the Oakland City Attorney released three records on behalf of the Mayor's Office; Mayra Chavez, with Councilmen Gallo's Office released three records; Sun Kwong-Sze released one record on behalf of the Mayor's Office; Patricia Mossburg, Special Assistant and Scheduler for Councilmember Reid's Office released three records, and Joanne Karchmer, Deputy Chief of Staff with the Mayor's office confirmed releasing about 1500 pages in response to the Requester's public records request.

Although several records were released to the Requester, the Requester asserts the Mayor's office withheld records related to both the consultant(s) that were hired by the City to perform services related to Measure AA and failed to release records from a poll that was conducted on Measure AA. The Requester believes the City, in fact, has polling information because an email that the City released in response to the public records request, refers to a poll that was conducted on Measure AA. Joanne Karchmer with the Mayor's office represented that there were no responsive documents related to polling and that all records of the Mayor's correspondence in her official capacity regarding Measure AA has been released. Staff has made multiple efforts, including obtaining a copy of the poll from the pollster company, to determine if the Mayor's office has/had responsive documents to no avail.

Staff recommends that the Commission close the mediation per the Requester's request without further action. The Requester's remaining GEA complaint will be forwarded to enforcement for preliminary review.

II. SUMMARY OF LAW

ATTACHMENT 3

One of the primary purposes of the Oakland Sunshine Ordinance is to clarify and supplement the California Public Records Act (CPRA), which requires that all government records be open to inspection by the public unless there is a specific reason not to allow inspection.¹ The CPRA requires each agency to make public records promptly available to any person upon request.²

Any person whose request to inspect or copy public records has been denied by any City of Oakland body, agency, or department, may demand mediation of his or her request by Commission Staff.³ A person may not file a complaint with the Commission alleging the failure to permit the timely inspection or copying of a public record unless they have requested and participated in the Commission's mediation program.⁴

Once the Commission's mediation program has been concluded, Commission Staff is required to report the matter to the Commission by submitting a written summary of the issues presented, what efforts were made towards resolution, and how the dispute was resolved or what further efforts Commission Staff would recommend to resolve the dispute.⁵

III. SUMMARY OF FACTS

On January 6, 2019, the City received, via NextRequest, the following public records request (No. 19-590):

Pursuant to the California Public Records Act, I am requesting the following categories of documents:

1. All drafts/versions of the ballot initiative known as the "Children's Initiative" and/or "Measure AA," including all correspondence/emails indicating to whom drafts were sent from and to, edits to drafts of the initiative, who made the edits, and responses to suggested edits.
2. All documents referring, relating to or comprising contracts/agreements with consultants who performed work related to the "Children's Initiative"/Measure AA, including how much these consultants were paid, and whether the consultant fees were paid from City funds.
3. All correspondence to/from consultants who conducted polling related to the Children's Initiative, including proposed polling questions, and results of polls, as well as the costs of administering polls and who paid for the polls.
4. All documentation related to instructions or directions given to City staff, particularly City staff in the Mayor's office, about when to use non-City email addresses, particularly as related to City staff's work on non-City business, such as campaigning for the Children's Initiative, fundraising for the Children's Initiative, etc.
5. All documentation related to the amount of time spent by city staff, particularly city staff in the Mayor's Office, working on tasks related to the Children's Initiative, including, but not limited to: (1) the identity of all City staff working on the Children's Initiative; (2) the hourly pay of staff working on the Children's Initiative; (3) whether or how hours spent by City staff on the Children's Initiative were tracked in any way, in

¹ Oakland Municipal Code § 2.20.010(C); California Government Code § 6250 et seq.

² Government Code § 6253(b).

³ O.M.C. § 2.20.270(C)(1).

⁴ O.M.C. § 2.20.270(F).

⁵ Complaint Procedures § IV (C)(5).

ATTACHMENT 3

order to prevent taxpayer funds from being used to support, create or endorse a ballot measure; (4) all hiring and salary documentation related to a public policy fellow recruited and/or hired by the Mayor's Office specifically for the purpose of working on the Children's Initiative;

6. All documentation referring or relating to how the City justified the use of City staff/Mayor's Office staff in working on the Children's Initiative, including, but not limited to, (1) complaints about City staff working on this matter; (2) responses to complaints about City staff working on this matter; and (3) guidelines for City staff working on this matter (e.g. directives not to use City time/resources/email server)

On January 7, 2019, Alex Katz (Oakland City Attorney's Chief of Staff) changed the due date of the request from January 16, 2019 to January 30, 2019 and stated the following via NextRequest: "Request extended: Additional time is required to answer your public records request. We need to search for, collect, or examine a large number of records (Government Code Section 6253(c)(2))."

Also on January 7, 2019, Alex Katz released one record and stated the following via NextRequest: "City Attorney FAQ: Campaign-related activities by elected officials, employees, etc. Not specific to Measure AA. These guidelines are posted on the City Attorney website."

On January 9, 2019, Alex Katz stated the following via NextRequest: "Some responsive records (communications related to the initiative) are posted under request # RT-25502."

On January 29, 2019, John Knight (Legislative Aide to Rebecca Kaplan, Councilmember at Large) released one record and stated the following via NextRequest: "The City is withholding documents covered by the attorney-client privilege pursuant to Section 6254(k) of the Public Records Act which states that 'Records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.' Additionally, Councilmember Kaplan's office has redacted some personal phone numbers & addresses from the responsive records pursuant to the constitutional rights of privacy and to protect against identity theft per Government Code Section 6254(c)."

On January 30, 2019, Mayra Chavez (public record request liaison for Councilmember Gallo's office) stated the following via NextRequest: "Request extended: Additional time is required to answer your public records request. We need to search for, collect, or examine a large number of records (Government Code Section 6253(c)(2))."

Also on January 30, 2019, Oliver Luby (public record request liaison for Councilmember Kalb's office) stated the following via NextRequest: "Dear Requester, Due to some glitch, the Office of Councilmember Dan Kalb did not become aware of Request 19-96 until yesterday. We will post responsive records as soon as possible."

On February 5, 2019, Mark Forte (Open Government and Legal Services Coordinator for the Oakland City Attorney) released three records on behalf of the Mayor's Office.

On February 20, 2019, Louansee Moua (Chief of Staff for Councilmember Thao's Office) stated the following via NextRequest: "Councilmember Sheng Thao has no responsive records for this request."

ATTACHMENT 3

On February 22, 2019, Oliver Luby released one record and stated the following via NextRequest: “Dear Requester, The Office of CM Dan Kalb is posting AA records responsive to requests 18-4386, 18-4442, 18-4446, and 19-96. In the posted responsive records from the Office of CM Dan Kalb, some personal contact information has been redacted pursuant to the individual's right of privacy, per California Government Code Section 6254(c). In addition, some records have been withheld due to attorney-client privilege, per Gov. Code Sect. 6254(k), or because the public interest served by not disclosing the info clearly outweighs the public interest served by its disclosure, per Gov. Code Sect. 6255.”

On February 26, 2019, Sun Kwong Sze (Special Projects Coordinator to the Mayor) stated the following via NextRequest: “Dear Requester, Additional responsive records from the Mayor's Office to Measure AA requests have posted today to Request #18-4523. Please refer to Request #18-4523 to review those records that also answer your request. Thank you”

On March 14, 2019, Mayra Chavez released three records and stated the following via NextRequest: “Dear Requester, The Office of CM Gallo is posting AA records responsive to requests 18-4386, 18-4442, 18-4523, and 19-96. In the posted responsive records from the Office of CM Noel Gallo, some personal contact information has been redacted pursuant to the individual's right of privacy, per California Government Code Section 6254(c).”

On March 15, 2019, Sun Kwong Sze stated the following via NextRequest: “Dear Requester, Additional responsive records from the Mayor's Office to Measure AA requests have posted today to Request #18-4523. Please refer to Request #18-4523 to review those records that also answer your request. Thank you”

On March 19, 2019, Sun Kwong Sze released one record and stated the following via NextRequest: “Dear Requester, Additional responsive records from the Mayor's Office to Measure AA requests have posted today to Request #18-4523. Please refer to Request #18-4523 to review those records that also answer your request. Thank you”

Also on March 19, 2019, the Requester emailed Joanne Karchmer (Deputy Chief of Staff for the Mayor's Office) a copy of request No. 19-96 alleging that the Mayor's Office had failed to provide responsive records to the request, including records related to consultants hired by the City to perform services related to Measure AA, correspondence and documentation related to polling for Measure AA, and any correspondence from Mayor Schaaf related to Measure AA.

On March 20, 2019, the Requester emailed Joanne Karchmer seeking a response to the March 19, 2019 email and stating that the records produced the day before by the Mayor's Office were unresponsive because they were copies of records that had already been produced.

On March 29, 2019, Sun Kwong Sze stated the following via NextRequest: “Dear Requester, Additional responsive records from the Mayor's Office to Measure AA requests have posted today to Request #18-4523. Please refer to Request #18-4523 to review those records that also answer your request. Thank you”

Also on March 29, 2019, Joanne Karchmer emailed the Requester. Karchmer stated that the City had released 1500 pages of records in response to request No. 19-96. Karchmer additionally stated that

ATTACHMENT 3

the Mayor's Office had provided records for the request referencing "Measure AA," which Karchmer stated was a voter initiative submitted by outside proponents and placed on the ballot by the City Council on July 24, 2018. Karchmer distinguished Measure AA from the "Children's Initiative," a City proposed ballot measure discussed in the Finance and Life Enrichment Committees on April 10, 2018, but never forwarded to the full council to be considered for placement on the ballot. Karchmer further stated that the Mayor's Office had no responsive records related to the hiring of consultants because the City did not hire any consultants to work on the Measure AA ballot initiative. Karchmer pointed to records that had been provided by the City (although Karchmer stated that these records were unresponsive because they did not involve the City) where the Oakland Public Education Fund (OPEF) contracted work to develop the Children's Initiative.⁶ Karchmer stated the Mayor's Office had no responsive records related to polling, including correspondence, because the City did not conduct polling. Karchmer finally stated that all records of the Mayor's correspondence in her official capacity regarding Measure AA had been released.

Also on March 29, 2019, the Requester emailed Joanne Karchmer and stated that emails provided by the City in response to the record request indicated that the City commissioned a poll, and that Karchmer's statement that David Silver had signed the contracts in his personal capacity was not credible. The Requester also stated that Kyra Mungia (a policy fellow who worked on drafting Measure AA) was a City employee based on Mungia's City email address and LinkedIn profile, which stated that Mungia was an employee of the Mayor's Office.

On April 1, 2019, Commission Staff received a request for mediation from the requester via email alleging improper response to records request No. 19-96. Chief of Enforcement Kellie Johnson assigned the mediation to Mediation Coordinator Kyle McLean and reached out to Commissioner James E.T. Jackson to seek his assistance in the matter. Commissioner Jackson had volunteered to assist in mediations at an earlier public meeting of the PEC.

On April 10, 2019, Patricia Mossburg (Special Assistant and Scheduler for Councilmember Reid's office) released three records and stated the following via NextRequest: "CM Reid's responsive requests"

On April 16, 2019, Commissioner Jackson and Commission Staff teleconferenced to determine the next appropriate steps for the mediation. In response, Staff contacted Joanne Karchmer on April 18, 2019, to determine whether there had been further correspondence between the Mayor's Office and the requester, whether any records from the Mayor's personal devices had been provided, and whether Karchmer would participate in a face to face mediation.

On May 6, 2019, Staff followed up with Joanne Karchmer via phone and left a voicemail. Staff additionally contacted the Requester seeking evidence that additional responsive records existed. On May 8, 2019, the Requester provided emails produced by the City with an attachment where the "Children's Initiative" stated in a newsletter that it had conducted polling related to Measure AA. Staff forwarded this evidence to the Mayor's Office and asked whether the Mayor's Office still maintained the position that there were no additional responsive records.

⁶ The Oakland Public Education Fund (OPEF) is a nonprofit that received approximately \$200,000 in City funding between 2017 and 2018. Karchmer also referenced a contract between GO Public Schools and the OPEF, both of which had been signed by David Silver (Director of Education for the Mayor's Office). Karchmer stated in her March 29, 2019 email that Silver signed both contracts in his private capacity.

ATTACHMENT 3

On May 14, 2019, Joanne Karchmer responded to Staff and stated that the record had been produced in response to request No. 18-4523, which sought records related to Measure AA and the Children's Initiative. Karchmer stated the emails were sent by Kyra Mungia and David Silver, but did not address whether additional responsive records existed. Staff contacted the entity that conducted the poll and asked whether the client who commissioned the poll was private or public, and whether a copy of the poll results was publicly available. The polling company responded that the client was private and provided a copy of the poll, but stated that the client desired to remain anonymous. Staff forwarded the poll results to the Requester.

On May 21, 2019, Staff contacted the Human Resources Department to determine whether Kyra Mungia had ever been a City employee. Human Resources Staff stated that Mungia had never been employed by the City. Staff located a report submitted to the Finance Committee by the Mayor's Office, Vice Mayor's Office, and Councilmember Gallo's office; the report cited the privately conducted poll. Mayra Chavez stated that Councilmember Gallo's office did not possess records containing correspondence from the polling data. Staff forwarded a copy of the poll and the report of the Finance Committee to Joanne Karchmer and asked how the Mayor's Office obtained the poll results without any related correspondence. Staff has not received a response from the Mayor's office.

IV. RECOMMENDATION

Although the Requester received most of the requested records, the Requester made a formal request to close/terminate the mediation due to the Mayor's seemingly deliberate failure to timely respond and or produce complete responsive documents to the records request. Staff recommends that the Commission close the mediation without further action. Staff will refer the remaining GEA complaint to Enforcement for preliminary review.

ATTACHMENT 4



Jodie Smith, Chair
James E.T. Jackson, Vice-Chair
Jill Butler
Gail Kong
Nayeli Maxson
Jerett Yan

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Suzanne Doran, Lead Analyst
Jelani Killings, Ethics Analyst
Whitney Barazoto, Executive Director
DATE: July 26, 2019
RE: Disclosure and Engagement Report

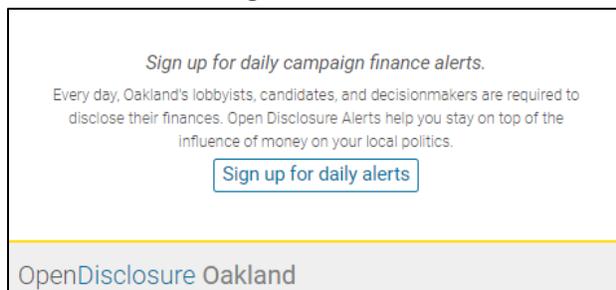
This memorandum provides an update of the Public Ethics Commission's (PEC or Commission) Disclosure and Engagement program activities. Commission staff disclosure activities focus on improving online tools for public access to local campaign finance and other disclosure data, enhancing compliance with disclosure rules, and conducting data analysis for PEC projects and programs as required. Engagement activities include training and resources provided to the regulated community, as well as general outreach to Oakland residents to raise awareness of the Commission's role and services and to provide opportunities for dialogue between the Commission and community members.

Filing Officer

Campaign and lobbyist disclosure – July 31 marks the first semi-annual deadline in 2019 for all registered committees and the second quarter lobbyist activity report deadline is on July 30. The PEC noticed all Oakland campaign filers of the deadlines and a summary of recent campaign and lobbying activity will be included in the next Disclosure report when the data is available.

Improving Filing Tools and Access to Disclosure Data

Open Disclosure – Our volunteer partners at Open Oakland added a new [Open Disclosure](#) feature for users interested in staying on top of the latest campaign finance, lobbyist and ethics-related disclosure filings. Users can now subscribe to receive an email alert listing new filings received the prior day with a link to each filing. The alert includes all campaign finance, lobbyist registrations and reports, statements of economic interest (Form 700), and behested payment reports (Form 803) uploaded to the Oakland NetFile system. To subscribe visit www.opendisclosure.io. Open Disclosure volunteers and Commission staff would appreciate hearing from users how they are using our online tools and what additional features they'd like to see. Users can email



feedback and suggestions to ethicscommission@oaklandca.gov with “Disclosure Program” in the subject heading.

Lobbyist e-filing – Over the last two months, Commission staff has been gathering information and exploring the options for transition to digital lobbyist filing and online access for Oakland residents. Commission staff submitted a proposal to the City of Oakland’s Information Technology Department (ITD) to build an online lobbyist e-filing system and public portal to increase efficiency in processing lobbyist registration and disclosure reports and to improve internal and public access to the data contained within the reports. The online filing system will also make compliance with the Oakland Lobbyist Registration Act simpler and more convenient for the regulated community. In addition to lobbyist e-filing, the proposal included building a PEC database capable of bringing together all our local government integrity data so that the PEC can add our other disclosure filings, such as Behested Payment reports (Form 803), and build future functionality on the data. ITD approved the proposal, and a team of PEC and ITD staff has been assembled and begun work on the project with plans to launch a pilot e-filing system in early 2019.

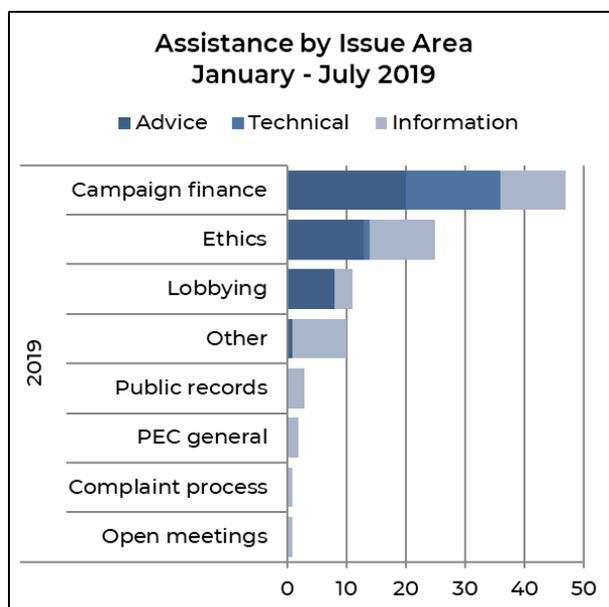
Engagement and Outreach

Advice and Technical Assistance – To date, Commission staff has fielded 100 requests for information, informal legal advice, or technical assistance this year.

Education and Training – May 29, Staff sent an email to elected officials and their staff that had not completed the online Government Ethics Training for Form 700 Filers. Elected officials and their staff were informed to complete the training by July 1, and that the Commission would be posting a list of officials that had completed the training on our website. After learning that some officials were experiencing difficulties with logging into their Target Solutions account to access the training, Staff extended the deadline to July 31 to allow time for accounts to be reset by the Department of Human Resources Management. As of the date of this report, 6 out of 11 elected officials have completed the training. Staff will follow-up with officials that have not taken the training and continue to set expectations and extend support to gain compliance with state and local ethics laws.

On May 31, staff conducted an ethics presentation at the Oakland Parks, Recreation, and Youth Development Department’s annual staff training. Approximately 50 employees were in attendance ranging from new part-time recreation leaders to tenured full-time supervisors. The presentation provided an overview of the Government Ethics Act as well as general guidance around ethical decision-making and public service. Staff also continues to make presentations at the City’s monthly New Employee Orientations (NEO) providing new employees with an introduction to the PEC and overview of the Government Ethics Act. Staff trained 103 new employees on GEA provisions in June and July.

Ethics Advisory – In response to questions that arose from Council staff at a recent NextDoor training regarding social media communications, PEC staff has drafted an advisory for elected and appointed



officials using social media. The advisory provides guidelines to ensure that officials comply with both state and local transparency and ethics laws when utilizing social media platforms to communicate with the public. Topics covered include understanding when social media posts are public records, avoiding serial meetings, misuse of City resources for campaign activity, and rules against deleting comments and blocking users.

Board and Commission Support – Staff conducted follow-up interviews with support staff for City boards and commissions after the online agenda posting advisory was sent out in March and will continue working closely with support staff of boards and commissions to ensure that all City boards and commissions follow online agenda posting requirements and that board members are well-informed of their responsibilities in complying with local ethics and transparency laws.

PEC staff continues to facilitate discussions with staff liaisons with a primary focus to ensure that board and commission members are in compliance with Form 700 filing and online training requirements. To date, Staff has met with 10 board liaisons and will continue through the month of August.

General outreach – On July 17, Staff along with Commissioners Smith, Maxson, and Jackson met with the City’s Public Information Officer, Autumn King, to plan PEC participation in a new television show that will air on KTOP TV entitled “Eyes on Oakland.” The show takes an in-depth look at the City’s boards and commissions and highlights the work they do through talk show style interviews with commission representatives. The program seeks to provide a platform for sitting commissioners to speak on topics and issues related to the areas they represent, increase community engagement with calls to action, addressing specific needs, and deepen the community’s understanding of the role that boards and commissions play in creating policies, regulations, and laws in local government.

Staff and participating Commissioners are working together to develop an outline for the show’s interview questions to ensure that the mission, strategies, and key activities of the Commission are covered. Recording for the new show will take place on August 2, and feature Commissioners Smith, Maxson, and Jackson.

Art and Soul -- Oakland’s annual [Art & Soul](#) festival is the weekend of July 27 and 28, and Commissioners and staff will be on hand to share the Commission’s work with Oakland residents at the event. The PEC table will be located on Clay Street between 12th and 14th Streets. Please drop by to learn about the Commission’s work, share your concerns and vision for ethical City government, and get involved.

Social media – Each month, Commission staff selects focus areas to promote in posts to the Commission’s social media accounts. June and July focused on raising awareness of the filing deadlines, training resources and outreach activities.

ATTACHMENT 5



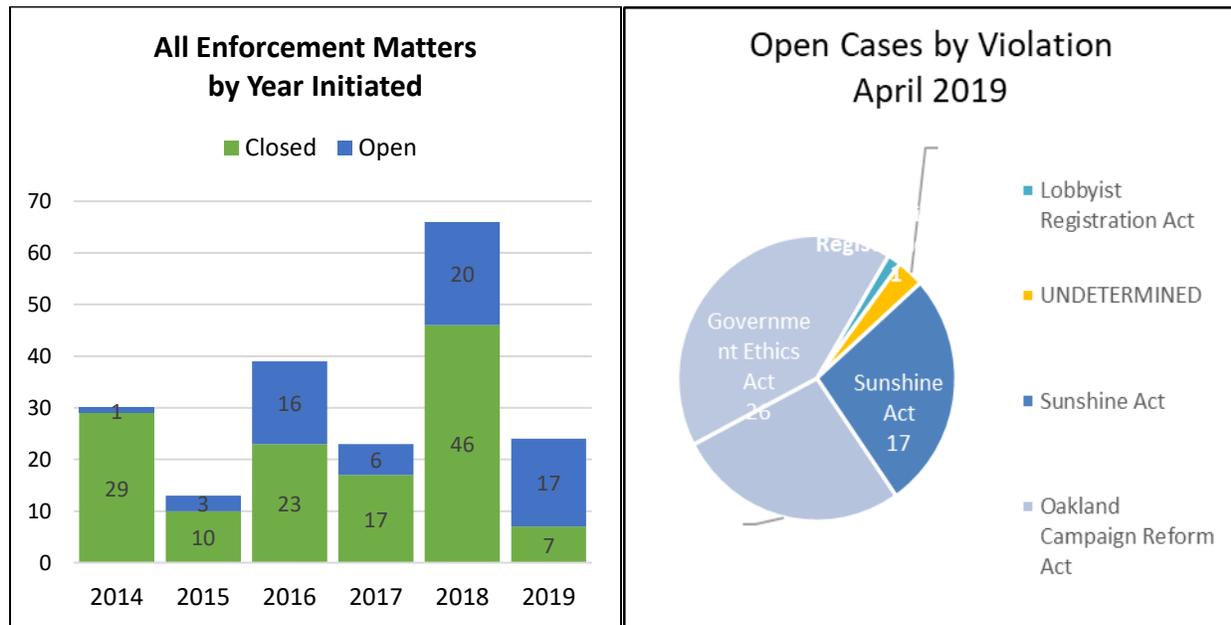
Jodie Smith, Chair
James E.T. Jackson, Vice-Chair
Jill Butler
Lisa Crowfoot
Gail Kong
Nayeli Maxson
Jerett Yan

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Kellie Johnson, Enforcement Chief
DATE: July 23, 2019
RE: Enforcement Program Update

Current Enforcement Activities:

Since the last Enforcement Program Update on June 3, 2019, Commission staff received one formal complaint and three requests for mediation. This brings the total Enforcement caseload to 18 matters in the intake or preliminary review stage, 8 matters under active investigation, 18 matters under post-investigation analysis, and 6 matters in settlement negotiations or awaiting an administrative hearing. Enforcement's caseload also includes 9 ongoing records requests for mediation.



Current Enforcement Priorities:

The PEC Enforcement Unit has investigated and resolved cases by continuing to prioritize enforcement activities by balancing Commission resources, public interest, Commission's authority to issue penalties and the impact of Commission decisions. Enforcement actions have resulted in positive Ethics culture change within the City that is systemic and that affects all the individuals we serve.

Enforcement staff has successfully enforced Ethics Rules by applying corrective measures in all cases where an investigation indicates noncompliance by a department or individual Public Servant. To date, PEC Enforcement staff has investigated complaints that are complex in both depth and breadth of issues. The majority of our current complaints include:

- Oakland Government Ethics Act Violations (26);
- Oakland Campaign Finance Reform Act violations (17);
- Sunshine Act/ Mediation requests (17).

Summary of Cases:

Since the last Enforcement Program Update in June 2019, the following status changes occurred:

1. *In the Matter of Libby Schaaf for Mayor* (Complaint No. 18-19.1): Staff received this informal complaint on July 13, 2018, conducted a preliminary review, intake, investigation and settlement discussions. Stipulation, Decision and Order was signed by the respondent on June 7, 2019. (See Action Items)
2. *In the Matter of Anne Kirkpatrick* (Complaint No. 19-10): Staff initiated an informal complaint in June 2018, after receiving a self-report from the Respondent. Staff conducted a preliminary review, intake, investigation and issued a warning letter and closed the matter with no further action. (Attachment)
3. *In the Matter of the City of Oakland Council* (Complaint No.18-50): This complaint was dismissed after Staff determined that the complaint did not allege any violation of any laws under the PEC's enforcement jurisdiction. (Attachment)
4. *In the Matter of the City of Oakland Council* (Complaint No. 19-11): This complaint was dismissed after Staff determined that the complaint did not allege any violation of any laws under the PEC's enforcement jurisdiction. (Attachment)
5. *In the Matter of Libby Schaaf* (Complaint No. 19-09): This complaint was dismissed after Staff determined that the complaint did not allege any violation of any laws under the PEC's enforcement jurisdiction. (Attachment)
6. *In the Matter of Larry Reid* (Complaint No. 18-01): This complaint was dismissed after Staff determined that the complaint did not allege any violation of any laws under the PEC's enforcement jurisdiction. (Attachment)
7. *In the Matter of the Office of Mayor Libby Schaaf* (Complaint No. M2019-01): This request or mediation was dismissed after the Requester requested that the mediation be closed for failure to provide responsive documents (Attachment).

**CITY OF OAKLAND**

ONE FRANK H. OGAWA PLAZA • CITY HALL • 1ST FLOOR, #104 • OAKLAND • CA 94612

Public Ethics Commission
Enforcement Unit

(510) 238-3593
FAX (510) 238-3315
TDD (510) 238-3254

June 19, 2019

Anne Kirkpatrick, Oakland Chief of Police
City of Oakland
Police Services Agency
455 7th Street, 8th Floor
Oakland, CA 94607

Re: PEC Case No. 19-10 ; Warning Letter

Dear Chief Kirkpatrick:

Thank you for reaching out to our Public Ethics Commission (PEC) staff to self-report that you received a gift at a conference in Florida and that you failed to report or return, pay down, or donate the gift that exceeded the gift limit applicable to Oakland Public Servants.

As you know, the City of Oakland Public Ethics Commission enforces local laws concerning restrictions on gifts to Public Servants. Oakland Municipal Code section 2.25.060 (C) imposes gift limits on all Public Servants, including a \$250 limit on gifts from a single source in a calendar year for Public Servants who are required to file a Form 700 (Statement of Economic Interests). In addition, any gift of more than \$50 must be reported on the Form 700.

As the Chief of Police for the City of Oakland, you are required to file a Form 700, report all gifts of \$50 or more on your Form 700, and decline to accept gifts of more than \$250 per calendar year from a single source, unless the gift is exempt from reporting or falls within an exception under the California Political Reform Act.

Recently, you self-reported to the PEC that you had received and accepted a gift of a handgun valued at \$480. You received the gift at a conference of the Major Cities Chiefs Association (MCCA) in October 2018. The gun was given from the conference host, the Orlando Police Department; each chief who attended the conference received one. You

failed to timely report the receipt and value of the handgun on the Form 700. In your case, when you accepted the handgun, valued at \$480 retail at the time you received it, and did not report the handgun on your Form 700 in a timely manner, you violated both provisions of the gift restriction ordinance.

The goal of gift restrictions is to ensure that we, as Public Servants, are not improperly influenced by persons or groups. However, even if legal, you may decide not to accept the gift based on how the public may perceive your acceptance of the gift. We encourage you to think about both the law and public perception as you determine how to respond to a gift gesture.

For a violation of the gift restriction, the PEC may impose a fine of up to \$5,000 or three times the amount of the unlawful contribution, whichever is greater. However, because you have no prior history of violating the City of Oakland's gift restriction rule and you fully cooperated with the PEC by self-reporting the oversight, the PEC is choosing to resolve this matter with this warning letter rather than a fine provided you do one of the following with the handgun:

1. Pay the difference between the \$250 restriction amount and the \$480 value of the handgun back to the Major Cities Chiefs Association (MCCA) that provided the gift;
2. Decline to accept the gift/give it back to the MCAA; or
3. Donate the gift to a nonprofit, 501(c)3, organization within the next 30 days (and do not claim a tax exemption for it).

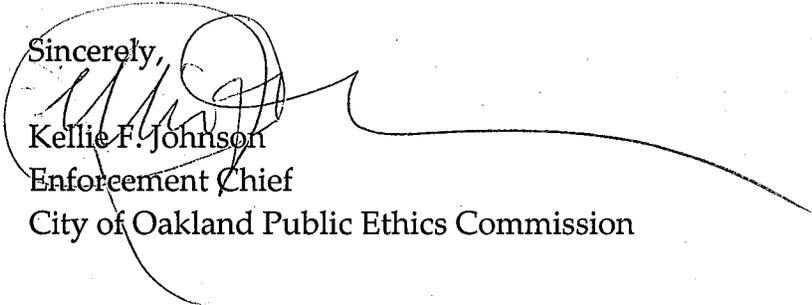
This warning letter is a PEC case resolution that does not provide you with an opportunity for a full hearing before the PEC. If you wish to contest our findings and avail yourself to a full hearing process, please notify me in writing within 10 days from the date of this letter (either via e-mail or regular mail). Doing so will result in the retraction of this warning letter and the scheduling of a future hearing to determine whether you violated the contribution limit. Please be aware that should the hearing result in a finding that you violated the contribution limit, there is a possibility that you could face administrative fines as described above.

If you do not wish to contest our findings or oppose this warning letter, no further action is necessary on your part aside from returning, paying down, or donating the gift and reporting back to me regarding your response. Following your action, this warning letter will remain in effect and the matter will be closed.

The information in this case will be retained and may be used against you should an enforcement action become necessary due to newly discovered information or your failure to comply with the gift restriction. Future violations can result in the imposition of administrative penalties as described above. This warning letter is a public record and will be made available upon request to any member of the public, though your address will be redacted.

If you would like further information or have additional information regarding this matter, you can reach me at (510) 238-2213 or KJohnson3@oaklandca.gov.

Sincerely,



Kellie F. Johnson

Enforcement Chief

City of Oakland Public Ethics Commission

ATTACHMENT 5



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Public Ethics Commission
Enforcement Unit

(510) 238-3593
FAX (510) 238-3315
TDD (510) 238-3254

July 9, 2019

Gene Hazard



Re: PEC Complaint No. 19-11, 19-09, 18-50; Dismissal Letter

Dear Ms. Hazard:

On December 14, 2018 and on July 1, 2019, the City of Oakland Public Ethics Commission (PEC) received your complaints (#(s) 19-09, 19-11 and 18-50) all essentially alleging that Councilmembers of the City of Oakland Council, unlawfully and or improperly took a vote to pass Measure AA when they failed to obtain the requisite approval percentage of Oakland voters to pass the measure. You assert that the City Council vote violated the Election Code and the California Code of Civil Procedure Article 2 section 1245.240.

No laws under the PEC's jurisdiction regulate violations to the Election Code. The City Auditor, pursuant to the City of Oakland Charter section §403(3), is tasked with "ascertaining compliance with Council's resolutions and policies and the Mayor's Administrative Instructions and Directives, as well as applicable State and Federal laws and regulations.

Under the City Charter section §603 (b) (1), the Public Ethics Commission is responsible for fostering and enforcing compliance with: The Oakland Campaign Reform Act, Limited Public Financing Act and False Endorsement in Campaign Literature Act, Oakland's Conflict of Interest Code, code of ethics and governmental ethics ordinance, the Oakland Lobbyist Registration Act, the Oakland Sunshine Ordinance, any ordinance intended to protect City whistleblowers from retaliation, and other Oakland laws regarding campaign finance, lobbying, transparency or governmental ethics, as provide by ordinance or the Charter. Related state laws including but not limited to, the Political Reform Act, Ralph M. Brown Act, and Public Records Act, as they pertain to Oakland.

You might try contacting the City Auditor to see if anyone can be of assistance on compliance with the Election Code.

Regarding, California Code of Civil Procedure Article 2 section 1245.240, you and I spoke on the phone about this provision and whether it is applicable to the Council's actions in this case and

ATTACHMENT 5

PEC Complaint No. 19-11, 19-09, 18-50; Dismissal Letter
Page 2

whether it is a provision that the Public Ethic's Commission can enforce, like the Election Code, the PEC does not have jurisdiction over violations to the California Code of Civil Procedure.

Because the PEC lacks jurisdiction over this matter, we must dismiss your complaints pursuant to our Complaint Procedures. The PEC's Complaint Procedures are available on the PEC's website, and a copy has been included with this letter for your reference.

We are required to inform the Public Ethics Commission of the resolution of this matter at its next public meeting, as part of our regular monthly update on Enforcement actions. That meeting will take place on August 5, 2019, at 6:30PM in Hearing Room 1 of Oakland City Hall (1 Frank Ogawa Plaza). The report will be purely informational, and no action will be taken by the Commission regarding this matter, which is now closed. However, you are welcome to attend that meeting and/or give public comment if you wish. You may also submit written comments to us before that meeting, and we will add them to the meeting materials.

Thank you for bringing this matter to our attention. If you have any questions regarding this matter, please feel free to contact me.

Sincerely,

Kellie F. Johnson, Enforcement Chief

cc: Courtney Ruby



CITY OF OAKLAND

ONE FRANK H. OGAWA PLAZA • CITY HALL • 1ST FLOOR, #104 • OAKLAND • CA 94612

Public Ethics Commission
Enforcement Unit

(510) 238-5239
FAX (510) 238-3315
TDD (510) 238-3254

July 9, 2019

Libby Schaff, Mayor
Oakland City Hall
1Frank H. Ogawa Plaza, 3rd Floor
Oakland, Ca 94612

Re: PEC Complaint No. 19-09, 19-11, 18-50; Dismissal Letter

Dear Mayor, Schaff:

On July 1, 2019, the City of Oakland Public Ethics Commission (PEC) received a complaint alleging that you unlawfully and or improperly violated the Election Code when you participated in a Council vote to pass Measure AA without the requisite approval percentage to pass the measure. We have reviewed the complaint and are dismissing it because the alleged conduct, even if true, does not constitute a violation of law within the PEC's enforcement jurisdiction.

A copy of the dismissal letter is attached. If you have any questions regarding this matter, please feel free to contact me at (510) 238-4976 or Kjohnson3@oaklandca.gov.

Sincerely,

Kellie F. Johnson
Chief of Enforcement
City of Oakland Public Ethics Commission

Enclosure

**CITY OF OAKLAND**

ONE FRANK H. OGAWA PLAZA • CITY HALL • 1ST FLOOR, #104 • OAKLAND • CA 94612

Public Ethics Commission
Enforcement Unit

(510) 238-5239
FAX (510) 238-3315
TDD (510) 238-3254

July 9, 2019

Councilmember Rebecca Kaplan
1 Frank H. Ogawa Plaza
2nd Floor
Oakland, CA 94612

Re: PEC Complaint No. 19-11, 19-09, 18-50; Dismissal Letter

Dear Councilmember Kaplan:

On July 1, 2019, the City of Oakland Public Ethics Commission (PEC) received a complaint alleging that you unlawfully and or improperly violated the Election Code when you participated in a Council vote to pass Measure AA without the requisite approval percentage to pass the measure. We have reviewed the complaint and are dismissing it because the alleged conduct, even if true, does not constitute a violation of law within the PEC's enforcement jurisdiction.

A copy of the dismissal letter is attached. If you have any questions regarding this matter, please feel free to contact me at (510) 238-4976 or Kjohnson3@oaklandca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kellie F. Johnson". The signature is written in a cursive style with a large loop at the end.

Kellie F. Johnson
Chief of Enforcement
City of Oakland Public Ethics Commission

Enclosure

**CITY OF OAKLAND**

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Public Ethics Commission
Enforcement Unit

(510) 238-5239
FAX (510) 238-3315
TDD (510) 238-3254

July 9, 2019

Councilmember Dan Kalb
1 Frank H. Ogawa Plaza
2nd Floor
Oakland, CA 94612

Re: PEC Complaint No. 19-11, 19-09, 18-50; Dismissal Letter

Dear Councilmember Kalb:

On July 1, 2019, the City of Oakland Public Ethics Commission (PEC) received a complaint alleging that you unlawfully and or improperly violated the Election Code when you participated in a Council vote to pass Measure AA without the requisite approval percentage to pass the measure. We have reviewed the complaint and are dismissing it because the alleged conduct, even if true, does not constitute a violation of law within the PEC's enforcement jurisdiction.

A copy of the dismissal letter is attached. If you have any questions regarding this matter, please feel free to contact me at (510) 238-4976 or Kjohnson3@oaklandca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kellie F. Johnson", written over a circular stamp or seal.

Kellie F. Johnson
Chief of Enforcement
City of Oakland Public Ethics Commission

Enclosure

**CITY OF OAKLAND**

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Public Ethics Commission
Enforcement Unit

(510) 238-5239
FAX (510) 238-3315
TDD (510) 238-3254

July 9, 2019

Councilmember Noel Gallo
1 Frank H. Ogawa Plaza
2nd Floor
Oakland, CA 94612

Re: PEC Complaint No. 19-11, 19-09, 18-50; Dismissal Letter

Dear Councilmember Gallo:

On July 1, 2019, the City of Oakland Public Ethics Commission (PEC) received a complaint alleging that you unlawfully and or improperly violated the Election Code when you participated in a Council vote to pass Measure AA without the requisite approval percentage to pass the measure. We have reviewed the complaint and are dismissing it because the alleged conduct, even if true, does not constitute a violation of law within the PEC's enforcement jurisdiction.

A copy of the dismissal letter is attached. If you have any questions regarding this matter, please feel free to contact me at (510) 238-4976 or Kjohnson3@oaklandca.gov.

Sincerely,

A handwritten signature in black ink, which appears to be "Kellie F. Johnson". The signature is written in a cursive style and is positioned above the printed name and title. A long horizontal line extends from the end of the signature across the page.

Kellie F. Johnson
Chief of Enforcement
City of Oakland Public Ethics Commission

Enclosure

**CITY OF OAKLAND**

ONE FRANK H. OGAWA PLAZA • CITY HALL • 1ST FLOOR, #104 • OAKLAND • CA 94612

Public Ethics Commission
Enforcement Unit

(510) 238-5239
FAX (510) 238-3315
TDD (510) 238-3254

July 9, 2019

Councilmember Lynette Gibson McElhaney
1 Frank H. Ogawa Plaza
2nd Floor
Oakland, CA 94612

Re: PEC Complaint No. 19-11, 19-09, 18-50; Dismissal Letter

Dear Councilmember Gibson McElhaney:

On July 1, 2019, the City of Oakland Public Ethics Commission (PEC) received a complaint alleging that you unlawfully and or improperly violated the Election Code when you participated in a Council vote to pass Measure AA without the requisite approval percentage to pass the measure. We have reviewed the complaint and are dismissing it because the alleged conduct, even if true, does not constitute a violation of law within the PEC's enforcement jurisdiction.

A copy of the dismissal letter is attached. If you have any questions regarding this matter, please feel free to contact me at (510) 238-4976 or Kjohnson3@oaklandca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kellie F. Johnson', written over a horizontal line that extends across the page.

Kellie F. Johnson
Chief of Enforcement
City of Oakland Public Ethics Commission

Enclosure

**CITY OF OAKLAND**

ONE FRANK H. OGAWA PLAZA • CITY HALL • 1ST FLOOR, #104 • OAKLAND • CA 94612

Public Ethics Commission
Enforcement Unit

(510) 238-5239
FAX (510) 238-3315
TDD (510) 238-3254

July 9, 2019

Councilmember Larry Reid
1 Frank H. Ogawa Plaza
2nd Floor
Oakland, CA 94612

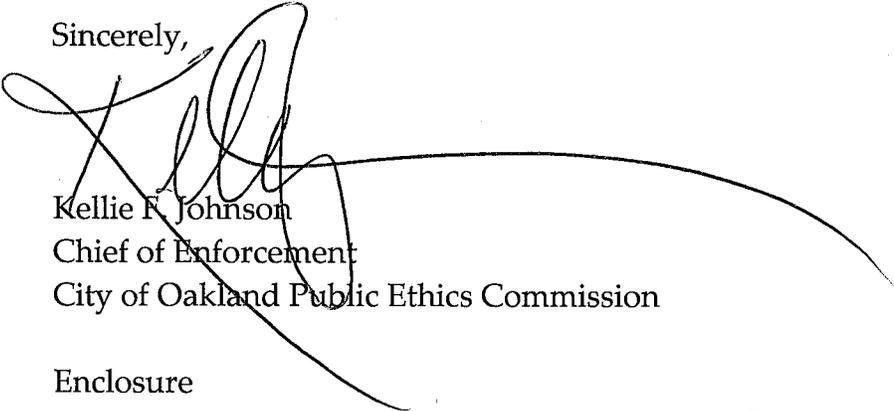
Re: PEC Complaint No. 19-11, 19-09, 18-50; Dismissal Letter

Dear Councilmember Reid:

On July 1, 2019, the City of Oakland Public Ethics Commission (PEC) received a complaint alleging that you unlawfully and or improperly violated the Election Code when you participated in a Council vote to pass Measure AA without the requisite approval percentage to pass the measure. We have reviewed the complaint and are dismissing it because the alleged conduct, even if true, does not constitute a violation of law within the PEC's enforcement jurisdiction.

A copy of the dismissal letter is attached. If you have any questions regarding this matter, please feel free to contact me at (510) 238-4976 or Kjohnson3@oaklandca.gov.

Sincerely,



Kellie F. Johnson
Chief of Enforcement
City of Oakland Public Ethics Commission

Enclosure



CITY OF OAKLAND

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Public Ethics Commission
Enforcement Unit

(510) 238-5239
FAX (510) 238-3315
TDD (510) 238-3254

July 9, 2019

Larry Reid, City Councilmember
One Frank Ogawa Plaza
(One City Hall Plaza), 2nd Floor
Oakland, CA 94612

Re: PEC Complaint No. 18-01; Dismissal Letter

Dear Councilmember Reid:

On January 12, 2018, the City of Oakland Public Ethics Commission (PEC) received a complaint alleging that you violated Ralph M. Brown Act, Public Meeting Laws and the City Charter, when you held a Special Meeting on December 18, 2017 and scheduled thirty-two agenda items. We have reviewed the complaint and are dismissing it because the alleged conduct, even if true, does not constitute a violation of the aforementioned laws.

A copy of the dismissal letter is attached. If you have any questions regarding this matter, please feel free to contact me at (510) 238-4976 or Kjohnson3@oaklandca.gov.

Sincerely,

Kellie F. Johnson
Chief of Enforcement
City of Oakland Public Ethics Commission

Enclosure

ATTACHMENT 5



CITY OF OAKLAND

ONE FRANK H. OGAWA PLAZA • CITY HALL • 1ST FLOOR, #104 • OAKLAND • CA 94612

Public Ethics Commission
Enforcement Unit

(510) 238-3593
FAX (510) 238-3315
TDD (510) 238-3254

July 9, 2019

Gene Hazard



Re: PEC Complaint No. 18-01; Dismissal Letter

Dear Ms. Hazard:

On January 12, 2018, the City of Oakland Public Ethics Commission (PEC) received your complaint (#18-01) alleging that on December 14, 2017 at a “Special Meeting” for the Rules and Legislative Committee, then City Councilmember Chair Larry Reid, violated the Ralph M. Brown Act when he scheduled a special meeting and included thirty-two items on the Special Meeting Agenda. Also, you allege that he violated the Brown Act by holding another special meeting on December 18, 2017 with multiple items on the agenda. You assert that the Brown Act section §54956(a) provides that a “Special Meeting Agenda” is limited to “discrete matters” and that means “generally a single issue.” After reviewing your complaint and the law, we have determined that the allegation you set forth does not constitute a violation of the Brown Act and therefore are dismissing the complaint.

The Oakland City Council prepares and votes for the annual calendar of regular meetings the year before the meeting takes place. The Oakland City Council currently holds regular meetings on the first and third Tuesday of every month and regular Committee meetings are held on the second and fourth Tuesday. If during a calendar year, additional meeting time is needed to conduct City business, the City has authority under both the Brown Act¹ and the Oakland City Charter to call a special meeting to conduct additional business². Generally, a special meeting is any meeting scheduled by the City Council or a Committee that is held outside the regular scheduled meeting time.³ A special meeting can be called at any time by the presiding officer thereof or by a majority of the members thereof.⁴

¹ California Government Code section § 54956 (a). A special meeting may be called at any time by the presiding officer of the legislative body of a local agency, or by a majority of the members of the legislative body...

² Oakland City Ordinance, O.M.C. 2.20.060- Conduct of Business: Time and place for meetings.

³ O.M.C. 2.20.070- Notice and agenda requirements: Special meetings.

⁴ Id.

ATTACHMENT 5

There are two types of “special meetings,” including the general special meeting explained above or a section 208 special meeting. Pursuant to Oakland City Charter section §208, “Special Meetings” called pursuant to section 208 are limited to a single subject. A section 208 special meeting is a meeting called for the sole purpose of discussing or acting upon one subject.

A review of the City Council’s agenda, the 2017 calendar and the records maintained by the City Clerk indicate that the December 14, 2017 Rules and Legislation Committee special meeting in question was held on a Thursday. The December 14, 2017, meeting was not called pursuant to section § 208 but was a general special meeting, a Committee meeting that was held on a different date other than the regularly scheduled second or fourth Tuesday of the month. Likewise, the December 18, 2017 meeting was held on a Monday. That meeting was not a section §208 meeting but was a general special meeting held on a date other than the regular meeting date and was called to conduct City Counsel and Oakland Redevelopment Successor Agency business.

Because your complaint failed to establish a violation to the Brown Act, we must dismiss your complaint pursuant to our Complaint Procedures. The PEC’s Complaint Procedures are available on the PEC’s website, and a copy has been included with this letter for your reference. I am also including a copy of the Oakland City Attorney’s Opinion on Special Meetings, that was issued one month before you filed your complaint. In the Opinion, the City Attorney appears to lay out an exception to the Special Meeting one subject rule.

We are required to inform the Public Ethics Commission of the resolution of this matter at its next public meeting, as part of our regular monthly update on Enforcement actions. That meeting will take place on August 5, 2019, at 6:30PM in Hearing Room 1 of Oakland City Hall (1 Frank Ogawa Plaza). The report will be purely informational, and no action will be taken by the Commission regarding this matter, which is now closed. However, you are welcome to attend that meeting and/or give public comment if you wish. You may also submit written comments to us before that meeting, and we will add them to the meeting materials.

Thank you for bringing this matter to our attention. If you have any questions regarding this matter, please feel free to contact me.

Sincerely,

Kellie F. Johnson, Enforcement Chief

ATTACHMENT 6



Jodie Smith, Chair
James E.T. Jackson, Vice-Chair
Jill Butler
Gail Kong
Nayeli Maxson
Jerett Yan

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Whitney Barazoto, Executive Director
DATE: July 25, 2019
RE: Executive Director's Report

This memorandum provides an overview of the Public Ethics Commission's (PEC or Commission) significant activities since the Commission's last regular meeting that are not otherwise covered by other staff program reports. The attached overview of Commission Programs and Priorities includes the ongoing goals and activities for 2019-20 for each program area.

PEC Budget

On Monday, June 24, City Council adopted a budget for fiscal years 2019-20 and 2020-21. The final adopted budget provides the Commission with \$1.16 million for FY19-20, and \$1.3 million for FY20-21. This continues to fund the Commission's six full-time positions and basic administrative expenses for the Commission. The Mayor included, and the City Council approved, an additional one-time allocation of \$100,000 "to support PEC election related expenses." This augmentation will be available for use beginning July 1, 2020.

Commissioner Appointment

Mayor Libby Schaaf submitted her appointment of Joe Tuman to fill the mayoral appointed Commissioner seat left vacant by Commissioner Lisa Crowfoot's departure. Mr. Tuman is a 35 year resident of Oakland and a former mayoral candidate in 2010 and 2014. He is a constitutional law professor (among other courses), and author of numerous books and articles on that subject, as well as an academic advisor to NATO on issues of terrorism and counter-terrorism. Mr. Tuman has a B.A. in Political Science and a J.D. from the University of California, Berkeley (Boalt Law School). Mr. Tuman's term will begin upon his formal swearing in (date to be determined) and will end January 21, 2020, unless he is reappointed by the Mayor in January for a subsequent term.

IT Information Sharing

Commission staff met with Jana Good, an Oakland resident and FUSE Fellow working for the City's Information Technology Department (ITD) to help develop an IT strategy for the City. Ms. Good is in the process of meeting with each department to better understand key IT initiatives and challenges, and to discuss how technology might help them do their work more effectively. Staff shared experiences and provided an overview of current and future IT projects and goals for the Commission. Ms. Good will be communicating back on insights learned as the one-year project moves forward.

Staff Performance Appraisals

The Executive Director completed performance appraisals for all staff members who have been employed for a full year since the last performance appraisal period. Appraisals were completed and communicated to staff in May and June, and submitted by the deadline of June 21, 2019.

Attachment: Commission Programs and Priorities

ATTACHMENT 6

PUBLIC ETHICS COMMISSION Programs and Priorities 2018-19

Program	Goal	Desired Outcome	Key Projects for 2019-20
Lead/ Collaborate (Policy, Systems, Culture)	PEC facilitates changes in City policies, laws, systems, and technology and leads by example to ensure fairness, openness, honesty, integrity and innovation.	Effective campaign finance, ethics, and transparency policies, procedures, and systems are in place across City agencies	<ol style="list-style-type: none"> 1. Adoption of PEC-drafted City Ticket Distribution policy and process changes 2. Campaign Finance/Public Financing Act Project to expand participation in the campaign process 3. Government Integrity Data partnership
Educate/ Advise	Oakland public servants, candidates for office, lobbyists, and City contractors understand and comply with City campaign finance, ethics, and transparency laws.	The PEC is a trusted and frequent source for information and assistance on government ethics, campaign finance, and transparency issues; the PEC fosters and sustains ethical culture throughout City government.	<ol style="list-style-type: none"> 1. Online ethics training for Form 700 filers – ensure training delivered to a) elected officials, b) City employees (1000), b) board/commission members, and c) consultants 2. Board/Commission member/liaison support/guidance 3. Ongoing: advice calls, in-person trainings, ethics orientation for new employees (12), supervisor academy (3-4), and PEC newsletter (2) 4. Sunshine and Lobbyist education materials
Outreach/ Engage	Citizens and regulated community know about the PEC and know that the PEC is responsive to their complaints/questions about government ethics, campaign finance, or transparency concerns.	The PEC actively engages with clients and citizens demonstrating a collaborative transparency approach that fosters two-way interaction between citizens and government to enhance mutual knowledge, understanding, and trust.	<ol style="list-style-type: none"> 1. Outreach to client groups: -City staff/officials -people doing business with the City 2. Sustain/enhance general PEC social media outreach 3. PEC Roadshow – focus on CF project outreach (Commissioners) 4. Engage Boards/Commissions regarding Sunshine requirements (ensure/review agenda postings online)
Disclose/ Illuminate	<p>PEC website and disclosure tools are user-friendly, accurate, up-to-date, and commonly used to view government integrity data.</p> <p>Filing tools collect and transmit data in an effective and user-friendly manner.</p>	<p>Citizens can easily access accurate, complete campaign finance and ethics-related data in a user-friendly, understandable format.</p> <p>Filers can easily submit campaign finance, lobbyist, and ethics-related disclosure information.</p>	<ol style="list-style-type: none"> 1. Lobbyist Registration – pilot new e-filing system, create online open data format for public accessibility 2. Form 803 Behested Payments – implement e-filing process, create online open data format for public accessibility 3. Initiate/develop project plan to establish contractor database 4. Open Disclosure 2020 – campaign data visualization project 5. Government Integrity Data Project planning and development
Detect/ Deter	PEC staff proactively detects potential violations and efficiently investigates complaints of non-	Public servants, candidates, lobbyists, and City contractors are motivated to comply with	<ol style="list-style-type: none"> 1. Focus on ethics violations, proactive investigations 2. Conduct complaint intakes within 2 weeks 3. Collaborate with other government law enforcement agencies

ATTACHMENT 6

	compliance with laws within the PEC's jurisdiction.	the laws within the PEC's jurisdiction.	4. Conduct audits to identify common, across-the-board compliance issues
Prosecute	Enforcement is swift, fair, consistent, and effective.	Obtain compliance with campaign finance, ethics, and transparency laws, and provide timely, fair, and consistent enforcement that is proportional to the seriousness of the violation.	<ol style="list-style-type: none"> 1. Conduct hearings on two cases 2. Complete City ticket cases 3. Expedite Sunshine Mediations 4. Amend Complaint Procedures 5. Resolve all 2014 and 2015 cases 6. Streamline and expand enforcement systems to incorporate broader tools
Administration/ Management	PEC staff collects and uses performance data to guide improvements to program activities, motivate staff, and share progress toward PEC goals.	PEC staff model a culture of accountability, transparency, innovation, and performance management.	<ol style="list-style-type: none"> 1. Publish performance goals and data on PEC website – dashboards 2. Review data to adjust activities throughout the year 3. Ongoing: professional development and staff reviews