

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Special Commission Meeting
Thursday, April 4, 2019
Hearing Room 4
3:00 p.m.



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

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

City Attorney Staff: Trish Hynes, Deputy City Attorney

SPECIAL MEETING AGENDA

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

ACTION ITEMS

4. **Public Ethics Commission Annual Report for 2018.** The Commission will review and consider approval of the annual report of the Commission’s activities in 2018. ([Attachment 1 – PEC Annual Report](#))

DISCUSSION ITEMS

5. **Public Ethics Commission Retreat.** The Commission will convene for its annual retreat to conduct team development, strategic planning, performance review, and priority-setting for 2019-20. Retreat items will include the following:
 - a. **Inclusive Leadership Workshop.** Guest facilitator Maria G. Hernandez, President of Impact4Health, will lead a discussion with the Commission about inclusive leadership and how to cultivate an inclusive process and environment for Commissioners, staff, and individuals who interact with the Commission. ([Attachment 2 – Inclusive Leadership Workshop Outline](#); [Attachment 3 – PEC Operations Policies](#))

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- b. **Strategic Planning: Review Program Area Work and Identify Key Projects for 2019.** The Commission will review and discuss the Commission’s 2017-2020 Strategic Plan, with an emphasis on what projects have been completed and what items remain for completion by 2020 as envisioned by the plan. For each program area, Commission staff will share details of program goals and accomplishments, identify remaining challenges to completing Commission goals, and will open the discussion to Commissioners to assist with challenges and next steps. The Commission may discuss priorities for 2019-2020 and brainstorm potential opportunities to use or expand resources to achieve the Commission’s goals. ([Attachment 4 – PEC Strategic Plan 2017-2020](#))

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.

4/1/2019

Approved for Distribution

Date



Do you need an ASL, Cantonese, Mandarin or Spanish interpreter or other assistance to participate? Please email ethicscommision@oaklandca.gov or call (510) 238-3593 or (510) 238-2007 for TDD/TTY five days in advance.

¿Necesita un intérprete en español, cantonés o mandarín, u otra ayuda para participar? Por favor envíe un correo electrónico a ethicscommision@oaklandca.gov o llame al (510) 238-3593 o al (510) 238-2007 para TDD/TTY por lo menos cinco días antes de la reunión. Gracias.

你需要手語, 西班牙語, 粵語或國語翻譯服務嗎? 請在會議前五個工作天電郵 ethicscommision@oaklandca.gov 或 致電 (510) 238-3593 或 (510) 238-2007 TDD/TTY。

City of Oakland Public Ethics Commission



ANNUAL REPORT 2018

Public Ethics Commission
1 Frank Ogawa Plaza (City Hall), Room 104
Oakland, CA 94612
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(510) 238-3593

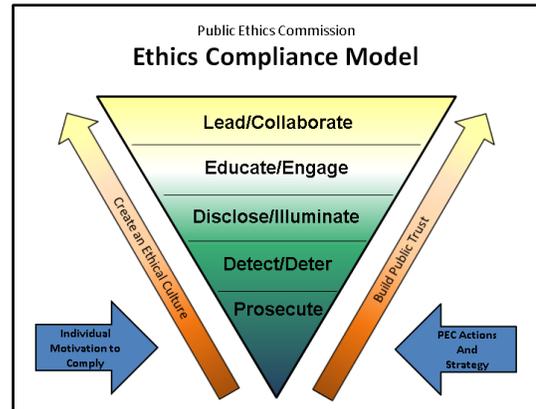


ATTACHMENT 1

ALIGNING SYSTEMS TO ENSURE COMPLIANCE

The Public Ethics Commission (PEC or Commission) uses a comprehensive approach, shown to the right, that aligns education, engagement, disclosure, and enforcement activities to ensure compliance with the City of Oakland's government ethics, campaign finance, transparency, and lobbyist registration laws that aim to promote fairness, openness, honesty, and integrity in City government.

In 2018, this aligned model was exemplified in the PEC's campaign finance work. During the Commission's first full election cycle as the City of Oakland's official filing officer for campaign statements in 2018, the PEC educated and supported candidates and committees in filing required data, made that data easily accessible to Oakland voters, and used that data to proactively identify, investigate and resolve most campaign finance cases before the election. This seamless process that focused on support first, then timely enforcement at the level of penalty commensurate to the violation, resulted in better, faster, and more accurate compliance as well as quicker enforcement of 2018 election-related violations.



2018 Highlights

- **Candidate/committee treasurer training** – Commission staff partnered with the California Fair Political Practices Commission to provide a comprehensive training on state and local campaign laws for candidates and committees participating in the 2018 election.
- **Campaign data illuminated** – in partnership with OpenOakland, the City's local Code for America civic hacker brigade, the Commission launched its 2018 edition of www.OpenDisclosure.io, an online application that consolidates campaign data in a user-friendly, understandable format for Oakland voters.
- **Advice and technical assistance calls rise again** – Commission staff responded to over 400 requests for advice or assistance with campaign finance, ethics, and transparency compliance.
- **Expanded enforcement** – the enforcement team continued to expand its breadth and depth by utilizing a range of enforcement options, including auditing and seeking immediate compliance and resolution of 22 campaign-related matters, and completing and publicizing almost all election-related cases before the election.
- **Campaign process redesign** – the Commission partnered with Maplight, UC Berkeley, and the Bay Area Political Equality Collaborative to explore barriers to engagement by low-income communities and communities of color, and conducted research and outreach to learn about options for policy and operational changes to broaden engagement in the political process.

As evidenced by the above highlights and the content within this report, the Commission is in an entirely different place heading into 2019 and toward the five-year anniversary of the Commission's augmented authority and staffing approved by Oakland voters in November 2014. Meanwhile, this report summarizes the Commission's work in 2018, an election year in which the Commission established its role as educator, compliance officer, data illuminator, investigator, enforcer, and overall leader in shaping compliance with campaign finance laws and initiating a conversation about how to expand and diversify civic engagement in the campaign process.

PEC MISSION AND ACTIVITIES

The Public Ethics Commission was created in 1996 to ensure fairness, openness, honesty and integrity in City government. The PEC's work is governed by local ordinances in three main areas: campaign finance, transparency, and ethics. The Commission's authority and ability to do its work is guided by the provisions outlined in the City Charter, as amended in 2014, as well as in each relevant ordinance, listed as follows:

- Oakland Campaign Reform Act
- Sunshine Ordinance
- Limited Public Financing Act
- Lobbyist Registration Act
- False Endorsement in Campaign Literature Act
- Government Ethics Act
- Conflict of Interest Code



TRANSFORMATION IN 2014

The legislative changes made in 2014 were designed to equip the Commission with more authority, independence, and resources to ensure compliance with ethics, transparency, and campaign finance laws.

Oakland City Charter:

Measure CC was adopted by Oakland voters on November 4, 2014, to amend the Oakland City Charter to augment the authority, independence, and staffing of the Public Ethics Commission. The new provisions became effective on January 1, 2015, and the new staff positions were budgeted in July 2015.

Government Ethics Act:

In December 2014, City Council approved the PEC's proposed Oakland Government Ethics Act, to consolidate government ethics rules into one local ordinance and to enhance education and enforcement of those rules in and around City Hall.

The Commission's activities, and the six-person staffing structure provided by the 2014 City Charter changes, are organized per the following ethics compliance framework to ensure a strong, effective, and fair ethics commission:

Lead/Collaborate – Lead by example and facilitate City policy, management, and technological changes to further the Commission's mission.

Educate/Engage – Provide education, advice, technical assistance, and formal legal opinions to promote awareness and understanding of the City's campaign finance, ethics, and transparency laws.

Disclose/Illuminate – Facilitate accurate, effective, and accessible disclosure of government integrity data, such as campaign finance reporting, conflicts of interest/gifts reports, and lobbyist activities, all of which help the public and PEC staff monitor filings, view information, and detect inconsistencies or noncompliance.

Detect/Deter – Conduct investigations and audits to monitor compliance with the laws within the Commission's jurisdiction.

Prosecute – Enforce violations of the laws within the Commission's jurisdiction through administrative or civil remedies.

LEAD AND COLLABORATE

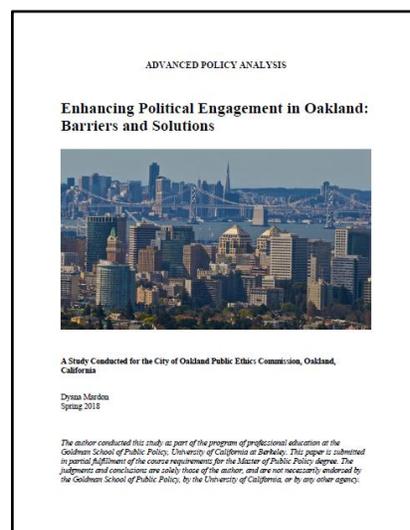
The Commission leads by example and employs collaborative approaches to facilitate changes in City laws, policies, systems, and technology to ensure fairness, openness, integrity, and innovation. A collaborative approach aims to leverage the efforts of City and community partners to enhance government integrity. Such an approach also recognizes that lasting results in transparency and accountability are achieved not through enforcement alone, but through a comprehensive strategy that aligns all points in the administration of City government – including clear laws, policies and process, effective management and use of staff resources, technology that facilitates desired outcomes, and an understanding of staff culture and citizen expectations.

CAMPAIGN PROCESS REDESIGN – COMMUNITY ENGAGEMENT

The Commission’s Campaign Finance subcommittee’s ongoing work in 2018 included research and outreach to **solicit input regarding the City’s existing campaign finance process and civic participation in the candidate campaign system.** The goal of the Campaign Finance subcommittee is to create meaningful reforms to local campaign finance and public financing laws, for City Council consideration, that will give all communities an equal opportunity to participate in and influence our local democracy.

Campaign finance data shows clear disparities among racial, socio-economic, and geographic populations participating in the campaign process in recent years (for which data has been collected electronically). In 2018, the Campaign Finance subcommittee began to **explore barriers to participating in the political process as experienced by community members, especially those from low-income communities and communities of color.**

As part of this work, Commission staff partnered with UC Berkeley Goldman School of Public Policy graduate student Dyana Mardon to **conduct research regarding how to enhance political engagement in Oakland candidate campaigns.** Ms. Mardon’s report provided background information and recommendations based on interviews with candidates and organizations in Oakland, and her work included creation of a survey tool to solicit input from Oaklanders city-wide. Commissioners and staff implemented the survey tool online and at events around town, receiving roughly 500 initial responses. This outreach work continues into 2019.



ENABLING LOBBYIST REGISTRATION FILING COMPLIANCE AND ACCESS

Per recent changes to the Lobbyist Registration Act, the Commission became the filing officer for lobbyist registration forms in January 2018, facilitating the Commission’s ability to **ensure compliance with filing requirements, support filers in their duty to file reports, and enforce deadlines** and requirements. It also allowed Commission staff to **make changes to enhance public access to lobbyist registration reports** by creating a portal for users to view reports online.

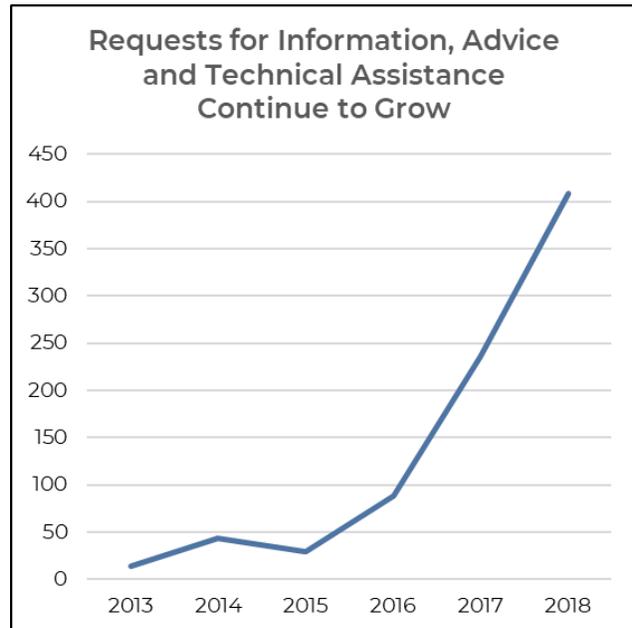
EDUCATE AND ENGAGE

Prevention activities consist of education, outreach, and online information to facilitate compliance with government integrity laws. The Commission educates and advises candidates for local elective office, elected officials, appointed officials, City staff, lobbyists, people doing business with Oakland, City residents, businesses, and organizations.

ADVICE AND ASSISTANCE

In 2018, Commission staff **responded to a record 408 requests for information, advice or assistance** regarding campaign finance, ethics, or lobbyist registration issues. That’s a 73 percent increase over requests in 2017 (251) and a thirty-fold increase over 2013 (14).

2018 was the Commission’s first election cycle as filing officer, allowing our team to **provide direct assistance to candidates and committees**. As a result, Commission staff responded to four times the number of campaign-related requests in 2018 than in the last two election years combined. Of the 408 requests received in 2018, nearly two-thirds (261) were campaign-related questions, mostly from treasurers, candidates, and law firms seeking to comply with campaign finance laws. Other questions were from City staff and officials, lobbyists, members of the public, and others regarding about misuse of public resources, gift restrictions, conflicts of interests, and lobbying rules, to name a few.

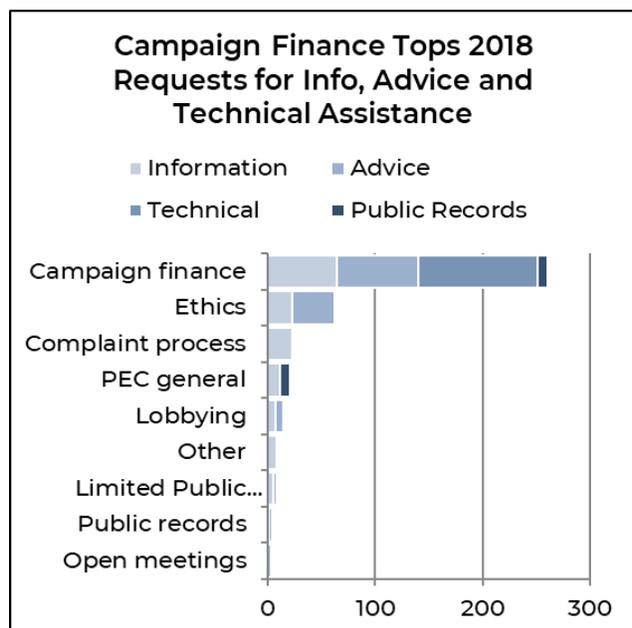


CAMPAIGN FINANCE TRAINING

Commission staff **proactively connected with candidates and committees early, often, and ongoing throughout the election season**, including a one-on-one orientation for all candidates as they initiated their campaign filings, as well as monthly reminders and comprehensive trainings.

PEC staff **partnered with the Fair Political Practices Commission in April 2018 to provide a joint, comprehensive candidate and treasurer training** on on both state and local campaign rules, reaching 25 local candidates/committees.

Commission staff also **provided public financing training to candidates and their campaign staff** in August to promote participation in the 2018



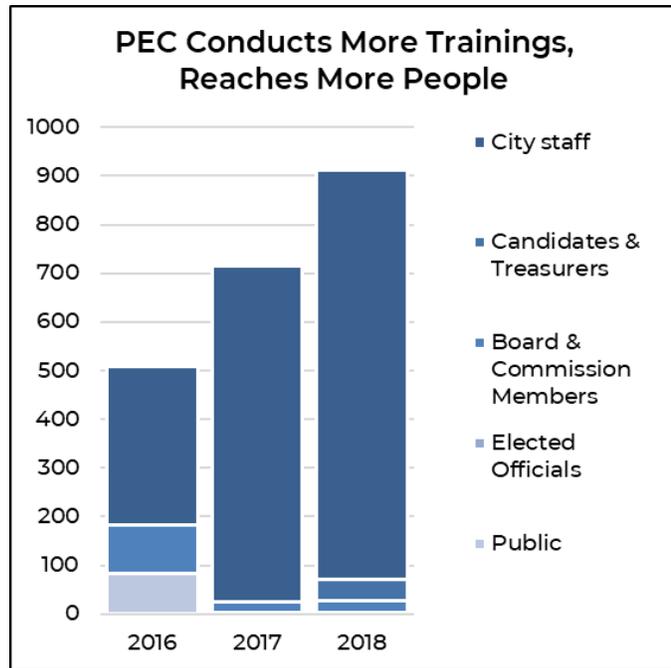
Limited Public Financing (LPF) program for District City Council candidates. A total of 21 candidates and/or campaign representatives attended the training, representing 14 of the 15 City Council candidates certified to appear on the 2018 ballot.

ETHICS TRAINING

Commission staff continued offering regular ethics trainings upon request, with an increase in the number of training attendees by 28 percent over last year.

New Employee Orientation – Commission staff presented an overview of the City’s Government Ethics Act and Commission services at every New Employee Orientation provided by the City. A total of 12 presentations in 2018 reached roughly 333 new employees.

In-Person Trainings – PEC staff trained 160 new employees of the Oakland Parks, Recreation, and Youth Development Department during their summer staff orientation and conducted ethics training specific to ballot measure activities and misuse of City resources for 115 library staff and 15 members of the library commission in relation to the June ballot measure for the Oakland library.



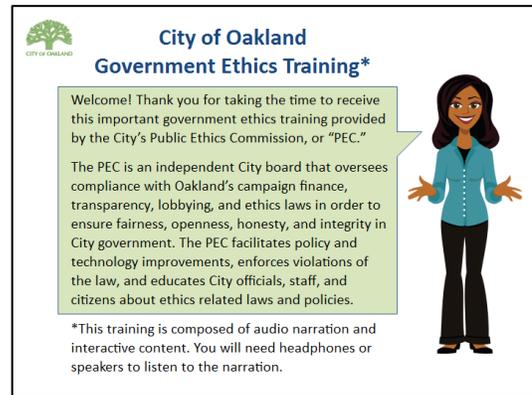
Supervisor Academy – Commission staff partnered with the the City’s Department of Human Resources Management (DHRM) to include ethics training at the Supervisor Academies, which provide training to supervisors on City policies and procedures, internal systems, and leadership skills relating to day-to day-supervision. This forum allowed PEC staff to dive into discussions of ethical issues, scenarios and skills-based training to deal with ethical dilemmas with over 40 supervisor-level City employees in 2018.

Board and Commission Support – Commission staff provided introductory ethics trainings to City board and commission members as part of a program that began in 2016. This past year, staff presented the Government Ethics Act and overview of PEC services to members of the newly created Affordable Housing and Infrastructure Public Oversight Committee and the Oakland Fund for Children and Youth Oversight Committee.

Commission staff further joined with the Mayor’s office, City Clerk, and City Attorney to conduct a comprehensive training for City Boards and Commissions staff liaisons who provide administrative support to City boards. The training covered all relevant laws and responsibilities, including Sunshine and GEA requirements, pertaining to boards and commissions to ensure understanding and compliance, and attendees received copies of the PEC’s Boards and Commission Members Handbook to share with their members.

ONLINE ETHICS TRAINING

The PEC's **newly created one-hour online ethics training for the City's Form 700 filers launched in early 2018**. The comprehensive training includes interactive training modules that provide case studies, hypothetical scenarios, and short quizzes to increase Oakland public servants' comprehension of local and state ethics laws. In collaboration with the City's Department of Human Resources Management (DHRM) the training was integrated with the City's learning management system, Target Solutions, so that employees could access the training online.



A total of 190 employees completed the online training through Target Solutions in 2018, far short of the Commission's goal to ensure the training was delivered to all staff, officials, and board and commission members, as well as consultants contracting with the City. While the exact number of City employees required to file Form 700 is unknown, Commission staff estimates that between 500-750 employees should be filing the Form, leaving a gap of 300 to 500 not completing the training.¹

While the creation, launch, and City Administrator support of the Commission's online ethics training for Form 700 filers was an accomplishment, ensuring actual delivery of ethics training to all Form 700 filers remains a priority into 2019.

OUTREACH AND PUBLICATIONS

Commissioners and staff **presented at three public events reaching over 200 Oaklanders** including community events such as the Art and Soul Festival and OpenOakland's Annual CityCamp. Commissioners, staff and volunteers also **conducted nearly 70 in-person surveys with Oakland residents** as part of the project to explore how campaign finance policy could improve public engagement.

The Commission **made substantial revisions to two comprehensive guides** that are intended to assist the regulated community in complying with local laws: the Lobbyist Registration Act Guide and the Limited Public Financing Program Guide.

PEC staff also **published the sixth edition of its *Public Trust* newsletter** highlighting the Commission's activities to keep the Commission's regulated community and the general public informed about the Commission's work. The PEC newsletter was distributed to 1,428 email subscribers, and shared widely via social media and the Commission's website, with hard-copies in the PEC office and circulated during community outreach.

¹ This estimate is a result of two lists available: one from the City Clerk which includes 1,025 names of individuals who filed Form 700's with the Clerk's Office in 2017 (270 of which appear to be no longer employed with the City based on email error messages), and one from the Department of Human Resources Management that reflects employees who were entered into the City payroll system as being required to file a Form 700 (triggered by a check-off box on the New Employee Entry Record). The latter list indicates 499 employees whose forms noted they were Form 700 filers, 1,642 that were marked as not a filer, and 3,007 that were left blank with neither "yes" nor "no" checked on the form, out of a total of 5,148 City employees.

DISCLOSE AND ILLUMINATE

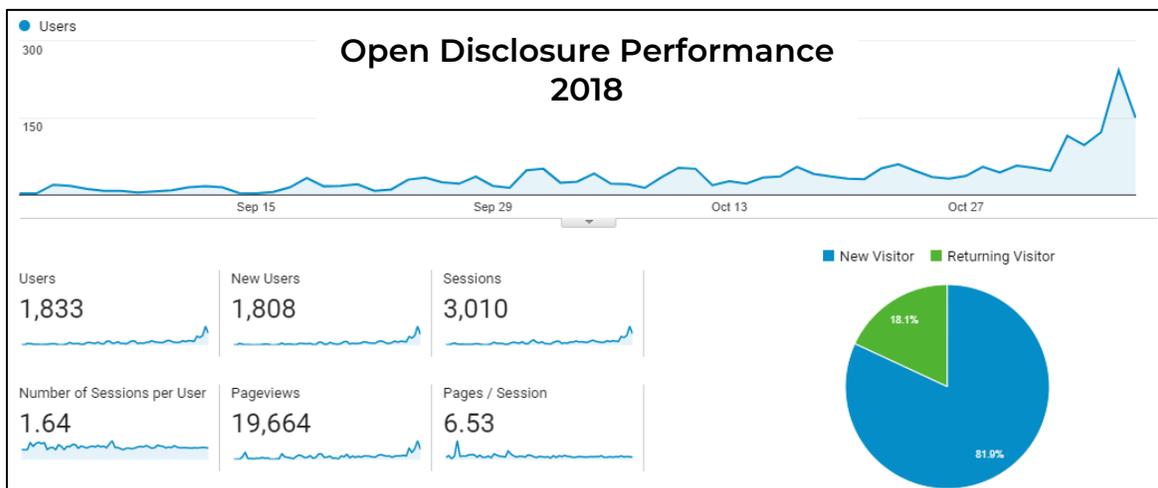
The Commission’s Disclosure Program aims to help candidates submit required data and ensure Oaklanders can easily access campaign finance and ethics-related data and information that is accurate, user-friendly, and understandable so that the public and the PEC may monitor filings, view information, and detect inconsistencies or noncompliance. This program utilizes a collaborative transparency approach, which reaches beyond the traditional minimum of providing copies of filings. The Commission proactively shares data in user-centered formats, invites participation and feedback, and facilitates shared discussion around community needs.

ENSURING ACCURATE REPORTING AND EFFECTIVE DISCLOSURE

With 2018 being the Commission’s first election year as campaign filing officer, PEC staff **implemented a comprehensive compliance program** that includes direct support for candidates and committees as well as continued oversight and review of filings to ensure strict compliance. In all, Commission staff **processed and reviewed nearly 1,000 campaign-related filings** during 2018 and **assessed \$2,330 in late fees against ten filers**. In addition to facial review, Commission staff **utilized campaign finance data** for the first time to screen for potential contribution violations during the pre-election period enabling resolution of enforcement referrals prior to the election.

As of December 2018, the City of Oakland had 91 active committees required to file periodic campaign disclosure statements, 54 candidate and officeholder committees, 21 general purpose committees, 10 primarily-formed ballot measure committees, 4 independent expenditure committees, and 2 primarily-formed candidate committees.

The Commission again **partnered with Open Oakland volunteers and launched the updated www.OpenDisclosure.io campaign finance app** in September showing the flow of money in Oakland’s 2018 elections in an easy to understand, interactive format. New features provided a more comprehensive picture of campaign spending by highlighting independent expenditures to support and oppose candidates and providing links to view contributors to those committees in addition to those of candidates. 1,808 new users visited and actively engaged with the site generating 3,010 sessions and 19,664 pageviews between September 1 and November 6.



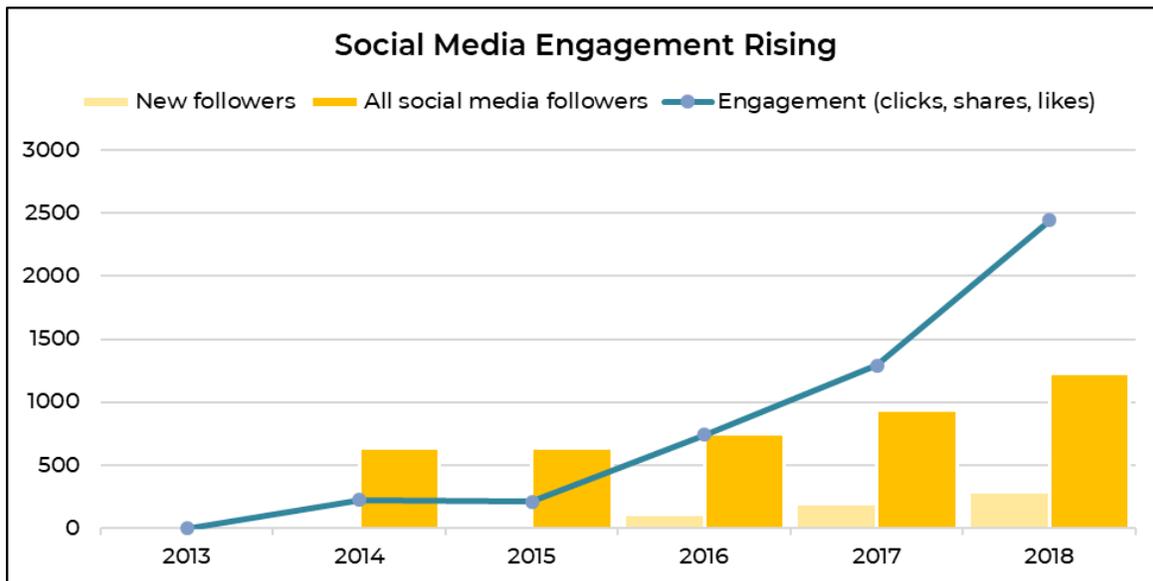
ILLUMINATING LOBBYIST DISCLOSURE REPORTS

In 2018, City Council adopted the PEC’s proposed amendments to the Oakland Lobbyist Registration Act (LRA) to change the location for filing lobbyist forms from the City Clerk’s Office to the Public Ethics Commission. As of January 2018, all Oakland lobbyist forms and reports must be filed with the Public Ethics Commission. In 2018, **45 lobbyists submitted 186 lobbyist reports to the PEC disclosing over \$1,815,978** in compensation received by lobbyists to influence City officials; 27 contributions to Oakland officials solicited by registered lobbyists were reported.

The PEC team **worked to solidify filing officer processes** such as noticing deadlines, tracking non-filers, enforcement referrals, and records management. PEC staff **utilized Netfile to provide searchable online public access to filings for the first time**, with staff **uploading prior years’ filings** to the public access system. Staff improved the content on Commission webpages for lobbyist rules, registration and disclosure and sent targeted communications to lobbyist filers to raise awareness of the change in filing officer and highlight online resources for lobbyists, such as fillable report forms. As with behested payment data collection and disclosure, staff continues to explore options for improving e-filing and disclosure of lobbyist information.

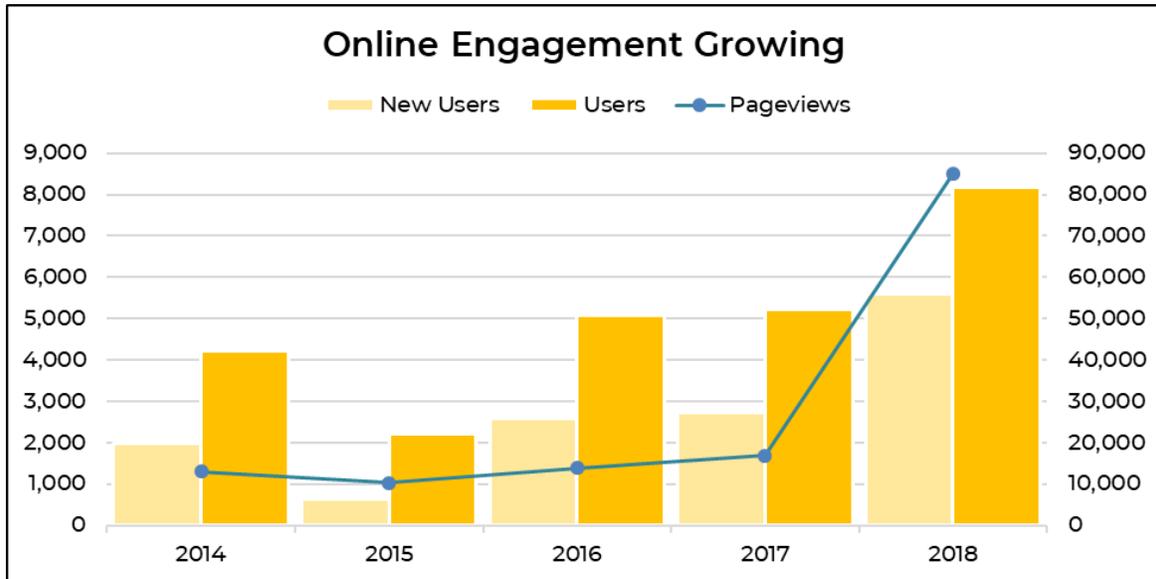
ONLINE ENGAGEMENT AND OUTREACH

In 2018, Commission staff continued highlighting specific PEC policy areas, activities or client-groups via social media and saw a positive increase in followers and engagement with PEC-content. Social media posts generated over 200,000 impressions (views of PEC content) and almost 2,500 user engagements (likes, shares or retweets, clicks on links, and new followers). PEC social media followers continued to grow, with nearly 300 new followers joining in 2018.



After a multi-year process, the City of Oakland launched a new website content management system (CMS) in early 2018 aimed at improving accessibility of website content and maximizing the success of user searches. Staff worked diligently to **complete the transition by the launch date** and the new website, www.OaklandCA.gov/pec, went live on April 23rd as the first City department to complete the migration process and sunset its legacy site. Staff **restructured and enhanced learning elements**

on the PEC website to expand education resources to PEC clients and help users quickly find information about laws under the PEC’s jurisdiction. New users and views of PEC content on the new site showed a strong increase over prior years.²



PAYMENTS MADE AT THE BEHEST OF CANDIDATES

California law requires Oakland elected officials to file an FPPC Form 803 report with the PEC any time they fundraise or otherwise solicit payments of \$5,000 or more for a legislative, governmental or charitable purpose, usually from a person to a nonprofit organization. Since assuming filing officer duties in 2017, the PEC **received approximately 80 filings that disclose over \$25 million in payments** at the behest of elected Oakland officials. Commission staff **worked with the City’s IT Department (ITD) to develop and test a prototype** for an online filing system in 2018, and staff **expanded the NetFile campaign filing system** to allow users to search for and view Behested Payment filings online. Staff continues to explore options to create a more effective e-filing and disclosure process for this data.

² 2018 website analytics include users and views of both the legacy and new website and the structure of the www.oaklandca.gov website multiplied the number of PEC webpages and therefore the number of pageviews. 2019 results will provide a more accurate baseline for future online engagement.

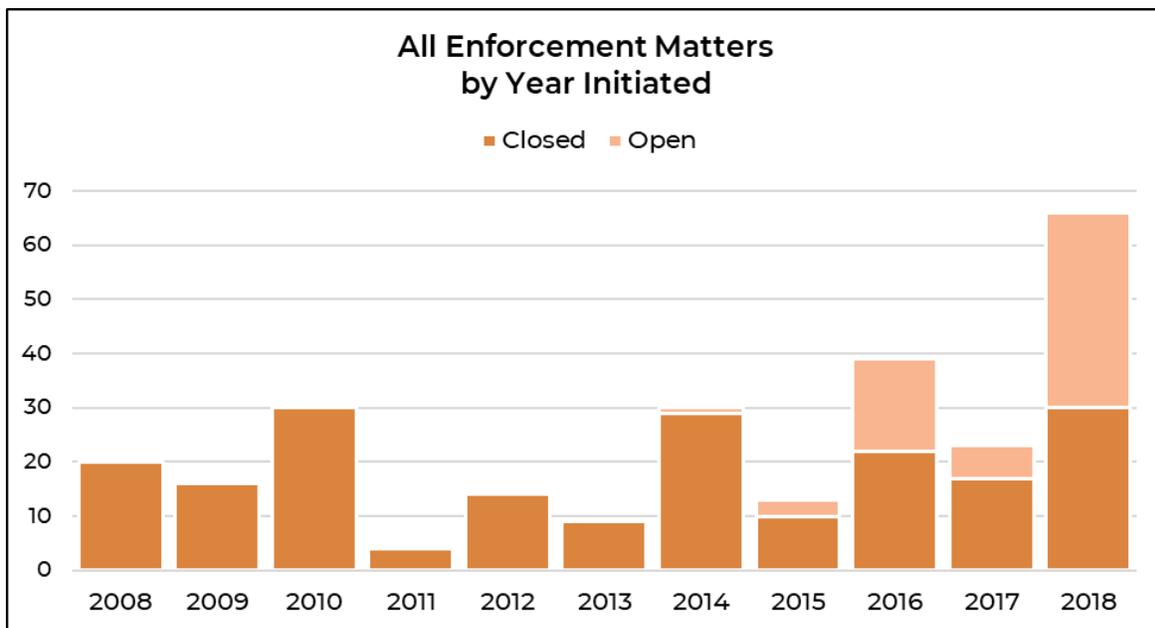
ENFORCEMENT

The Commission conducts investigations, holds public hearings, issues subpoenas, and imposes fines and penalties as provided for by ordinance. City ordinances give the Commission the authority to impose penalties for violations of ethics laws, campaign finance laws, and lobbyist registration requirements. The Commission also can mediate or recommend “cure and correction” for violations of public records and open meetings laws, respectively.

HIGH VOLUME OF ENFORCEMENT

The Commission’s enforcement caseload more than doubled between 2017 and 2018, with Commission staff **reviewing or initiating a total of 66 allegations** of potential violations in 2018. This compares to 23 in 2017, 39 in 2016, 13 in 2015, 30 in 2014, nine in 2013, 14 in 2012, and four in 2011.

The total number of allegations reviewed or initiated in 2018 breaks down as follows: Commission staff **received a record 46 formal complaints submitted by members of the public** alleging violations of campaign finance, conflicts of interest, open meetings, public records, and other ethics-related laws.



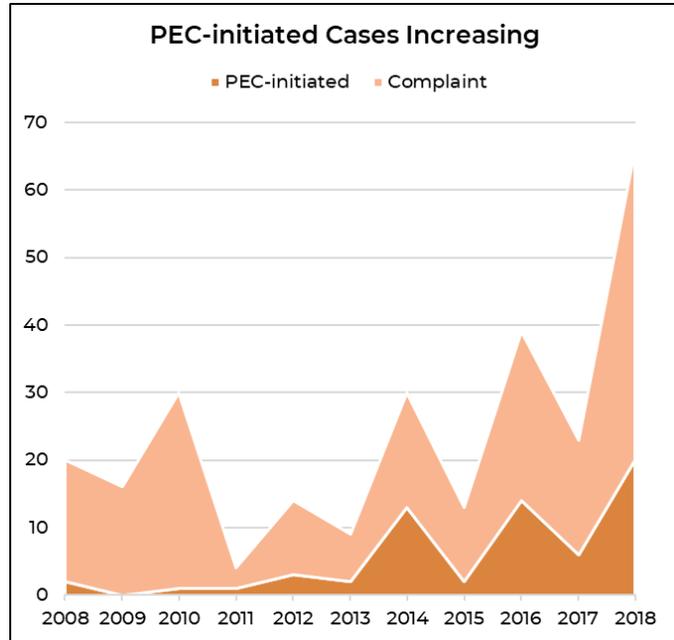
Every formal complaint received in 2018 was **acknowledged in writing by enforcement staff**, and analyzed and investigated to varying degrees depending on the nature of the allegations and the extent to which additional documentation was deemed necessary. This includes obtaining additional information from the complainant, respondent, and other sources to determine whether to dismiss or recommend further action to the PEC.

ENFORCEMENT PRIORITIES

The Commission continued to prioritize enforcement activities based on the following considerations to determine priority level: 1) the extent of Commission authority to issue penalties; 2) the impact of a Commission decision; 3) public interest, timing, and relevancy; and 4) Commission resources.

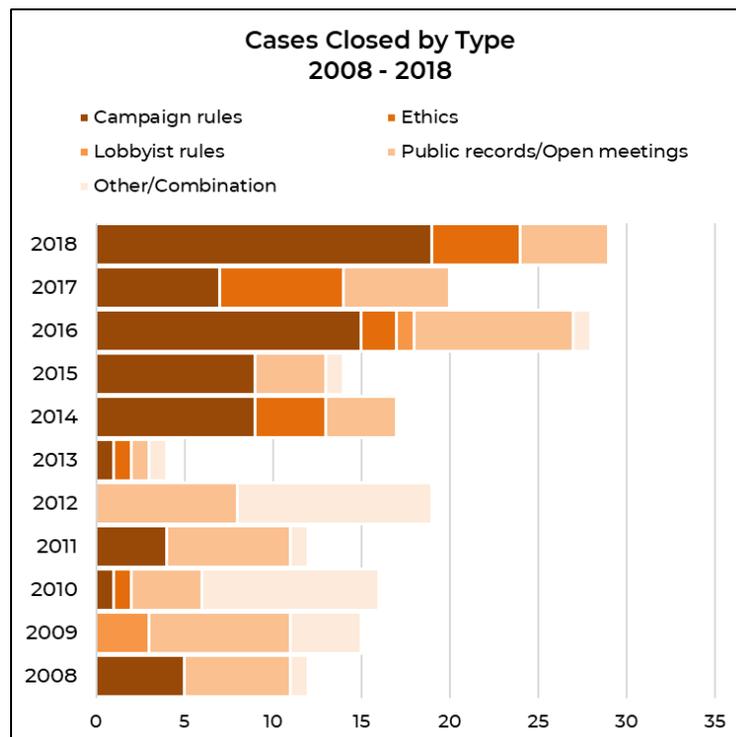
PROACTIVE ENFORCEMENT

Commission staff **opened 20 cases proactively** based on hearing or reading of suspicious activities, receiving anonymous tips, or obtaining information from third parties. Proactive cases show that the Commission is aggressively investigating possible violations without waiting for a complaint to be submitted. In some cases this year, Commission staff proactively **opened a case before a complaint was submitted**, resulting in more timely enforcement during an election season. Recent trends show that proactive cases have constituted 30 percent of all cases opened in the past 5 years, compared with .04 percent over the 1997-2013 timeframe.



CASE COMPLETIONS SHOW ELECTION SEASON, ETHICS FOCUS

During the last few months before the November 2018 election, Enforcement staff **coordinated with the Commission's filing officer to review and seek compliance with contribution limits** across all campaigns. The Enforcement team **found 25 contribution limit violations** and worked expeditiously to resolve and bring 22 of these cases to the Commission and the public in advance of the election.



Commission staff also **continued to bring important ethics matters to resolution** or on to the next step in the process, including final completion of a conflict of interest administrative prosecution against a City Councilmember and a 47-count investigation and finding of probable cause against a City employee for self-dealing, bribery, and conflicts of interest allegations.

Following adoption of the Government Ethics Act in 2014, which codified and strengthened ethics laws locally while equipping the PEC with authority to enforce ethics laws, ethics-related cases have been prioritized first alongside election-related campaign finance cases. This is due to the importance of the subject matter as well as the lack of PEC authority, and

therefore lack of attention, to ethics violations historically. These kinds of cases continue to be a priority for the PEC, as ethics cases such as bribery, misuse of public resources, conflicts of interest, unlawful gifts, and failure to report gifts, tickets, or outside income typically are more serious, more complex, and more impactful than cases in other issue areas.

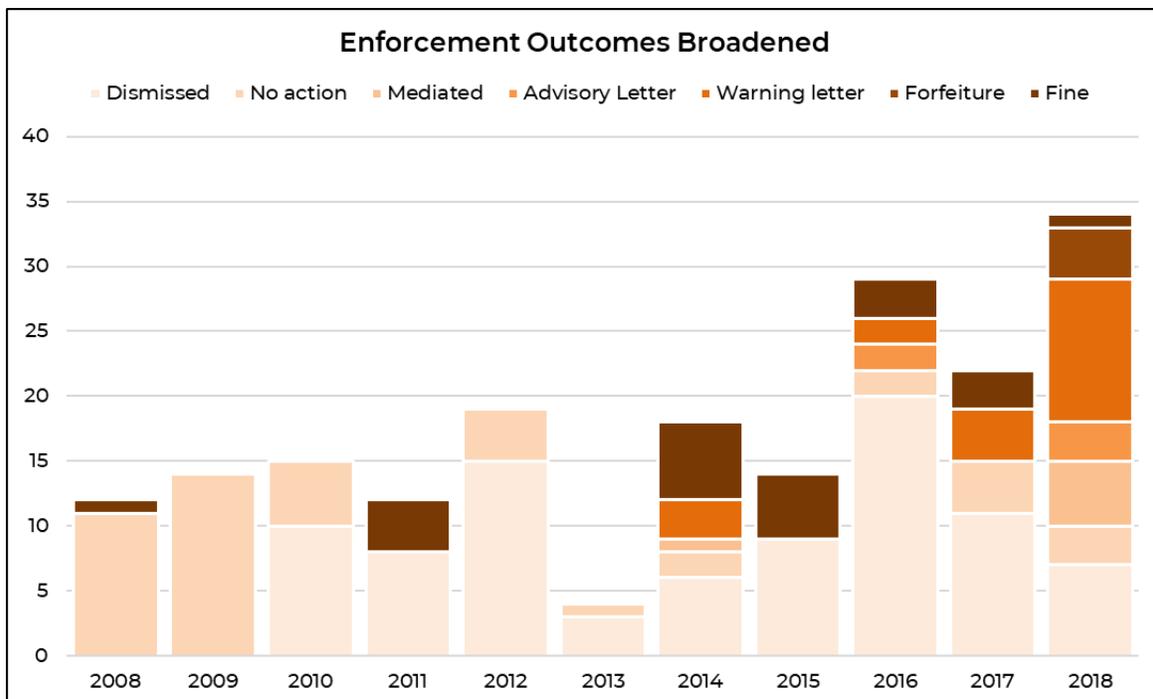
In addition, the Commission hired a law clerk to assist with mediation requests, **completing five successful mediations in 2018** in which the requestors were satisfied with the records they received.

ENFORCEMENT ACTIONS SHOW BREADTH AND DEPTH

By the end of 2018, the Commission **resolved 34 cases and imposed a \$2,550 fine and \$5,425 in forfeitures**. The 34 cases the Commission closed in 2018 were resolved as follows:

- One fine
- Four forfeitures of contributions received over the contribution limit
- 11 warning letters
- Three advisory letters
- Five mediations completed (Public Records Requests)
- Three cases closed after an investigation and legal review found no violation
- Seven complaints dismissed following a preliminary review, with Commission staff finding no cause of action within the Commission’s jurisdiction

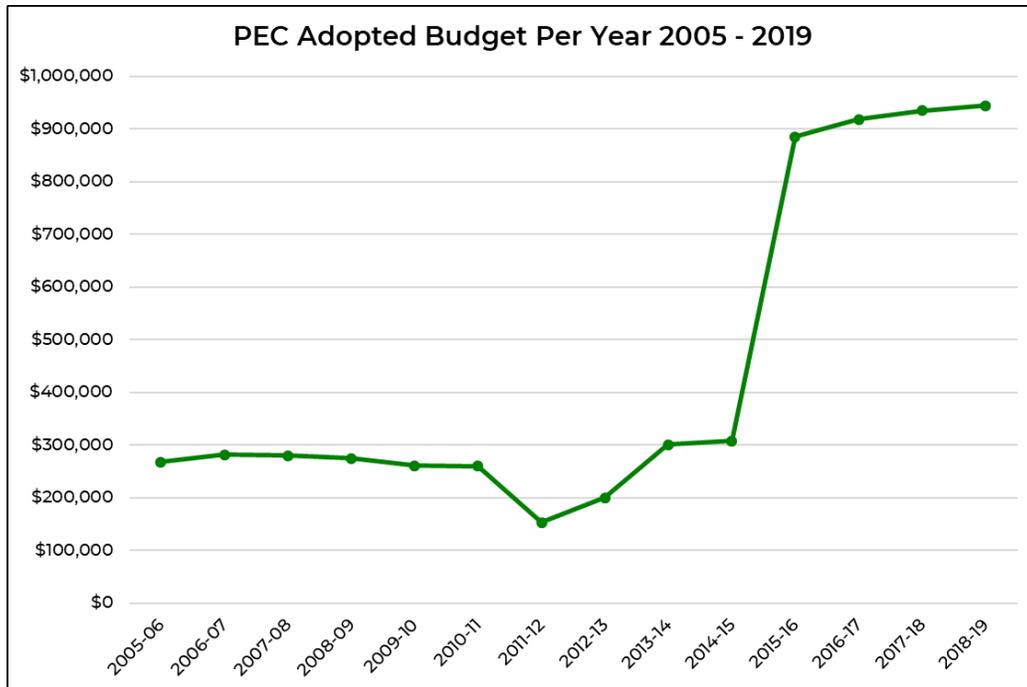
The enforcement team’s work this year continues to grow in depth and breadth compared with past years, showing a broader spread of enforcement tools utilized including forfeiture of contributions received inadvertently over the limit as well as completion of an administrative hearing, proving the Commission ready and able to proceed through the full enforcement process where necessary. This array of enforcement actions, combined with expanded ethics enforcement authority, again demonstrates a stronger, more diverse, and more agile enforcement program than in prior years.



ADMINISTRATION

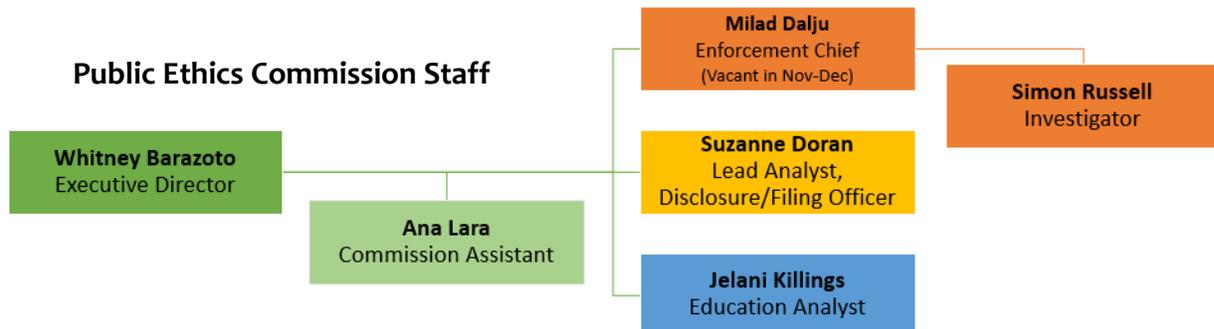
BUDGET

The adopted budget for the Commission was \$934,746 for Fiscal Year 2017-18 and \$966,466 for Fiscal Year 2018-19. The Commission’s budget had tripled in 2015 because of the voter-approved City Charter amendment in 2014 that strengthened the Commission’s authority, independence, and staffing, with funding effective July 2015 for six full-time positions.



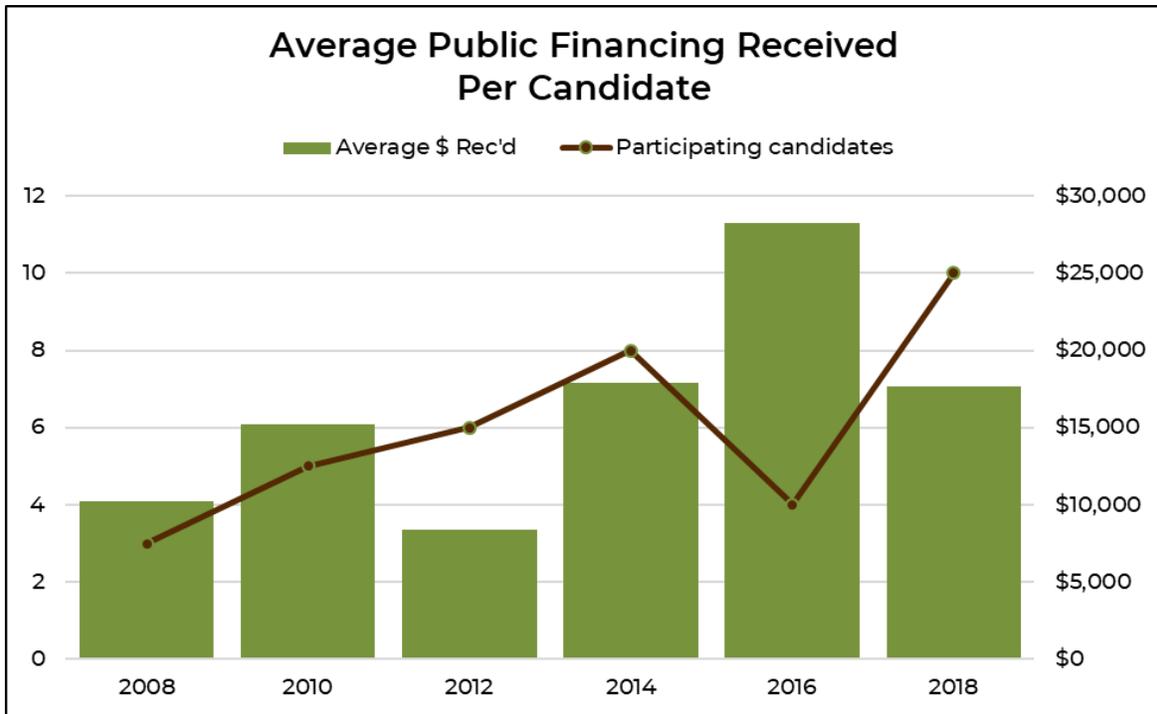
STAFFING

Commission staff are responsible for the Commission’s day-to-day operations, including investigations and enforcement casework, education and advice, data collection and illumination activities, and law and policy projects. Staff continue to **participate in ongoing professional development**, including opportunities through U.C. Berkeley, California State Bar, Alameda County Law Library, International Association for Public Participation, the City of Oakland, and Code for America.



PUBLIC FUNDS FOR CANDIDATES

As part of the Commission’s administrative activities, staff **managed the Oakland Limited Public Financing (LPF) program** for the 2018 election and **distributed \$176,489 (96 percent) of the available funds to ten candidates**. Through the LPF program candidates for City Council district seats may apply to receive public money via reimbursement for eligible campaign expenses. Ten of the 15 City Council candidates certified to appear on the 2018 ballot participated, with each receiving all or most of the \$18,345 that was available per candidate to help fund their respective campaigns.



2018 COMMISSIONERS

Jonathan Stein, Chair

City Auditor Appointee 1/22/2016 - 1/21/2019

Jonathan Stein is head of the voting rights program at Asian Americans Advancing Justice - Asian Law Caucus and was formerly a voting rights attorney at the ACLU of California. His work is focused on increasing access to California's democracy for historically disenfranchised communities, including communities of color, low-income communities, people with disabilities, young people, and the formerly incarcerated. He is the Chair of the Board of Directors of the government reform nonprofit organization California Common Cause.



While studying to receive his master's in public policy and J.D. from UC Berkeley, Mr. Stein served as the Student Regent on the University of California's Board of Regents, advocating for the interests of 230,000 student constituents across the UC system. At Berkeley Law, Mr. Stein was a member of the Men of Color Alliance and the South Asian Law Student Association. Prior to graduate school, Mr. Stein spent four years at Mother Jones magazine as a researcher, assistant editor, blogger, and campaign correspondent during the 2008 presidential elections.

Jodie Smith, Vice-Chair

Commission Appointee 6/22/2017 - 1/21/2020



Jodie Smith is an attorney with Moscone Emblidge & Otis LLP in San Francisco. She specializes in resolving civil disputes, especially public law issues. She was a fellow in the California Attorney General's Civil Law Division, a clerk in the Oakland City Attorney's Office, and an extern for the Honorable Joseph C. Spero, U.S. District Court, Northern District of California. Prior to practicing law, Jodie worked in and around state government as the Public Policy Director for Texans Care for Children, an analyst in the Texas House of Representatives, a public servant in two agencies, and an adjunct instructor in Government at Austin Community College.

Ms. Smith graduated from Texas Christian University in political science and continued on to the Harvard Kennedy School of Government for a Master of Public Policy degree. She later moved to California, where she obtained her law degree from U.C. Hastings College of the Law. Ms. Smith chairs the Civic & Judicial Appointments Committee of the Queen's Bench Bar Association and represents young people in school expulsion matters with Legal Services for Children.

Jill Butler

City Attorney Appointee 11/13/2018 - 1/21/2021

Jill Butler is a Manager of System wide Human Resources at the University of California (UC) Office of the President. In this role, she manages a system-wide compliance policy that ensures Senior Management executives' outside activities do not pose a reputational risk nor Conflict of Interest or Commitment to the University. She is responsible for enforcing the policy and educating Senior Management executives, UC Regents and Human Resources staff at the University's ten campuses and medical centers.



Ms. Butler has over 10 years of public policy and legal experience having held Counsel and Legislative Affairs positions in the United States Congress, Social Security Administration and the American Federation of State, County and Municipal Employees (AFSCME). She graduated from U.C. Berkeley with a B.A. in Political Science, and she earned her J.D. from Seattle University School of Law.

Lisa Crowfoot

Mayoral Appointee 1/22/2017 - 1/21/2020

Lisa Crowfoot is an attorney who has practiced law and been engaged in California for almost two decades. She currently enjoys doing legal work for an international solar and storage company that is a leading innovator in the space. Previously, she was a partner at a national law firm where her litigation practice focused on representing and counseling design professionals, builders and developers. In that practice, Ms. Crowfoot gained experience regarding the various rules, regulations and limits that apply to both public servants and those seeking to do business with public entities. She also gained an appreciation for the importance of transparency and openness in governance. She joined the Public Ethics Committee with the hope of strengthening Oakland by helping to ensure fairness, openness, honesty and integrity in government.



Ms. Crowfoot obtained her B.A. degree in English Literature from the University of Colorado, Boulder and her J.D. degree from Whittier Law School. She is an active volunteer who is dedicated to supporting her community. She and her husband enjoy raising their daughter near beautiful Lake Merritt.

James E.T. Jackson

Commission Appointee 1/22/2018 - 1/21/2021



With more than 25 years in healthcare administration, James Jackson is the Chief Operating Officer of Seton Medical Center & Seton Coastside, part of the Verity Healthcare System. Prior to this role, he served as Chief Administrative Officer of San Leandro & Alameda Hospitals, as well as the Administrator of Fairmont Hospital, both part of the Alameda Health System. Previously, Mr. Jackson was a Support Services Assistant Administrator with Kaiser Foundation Hospitals in the Diablo Service Area and the Chief Operating Officer of Saint Francis Memorial Hospital in San Francisco, California. Prior to joining Saint Francis, he held several positions at Children's Hospital and Research Center in Oakland, California, where he ultimately served as the Vice President of Ancillary and Support Services. His career in healthcare administration began with his service in the United States Navy at the Naval Hospital in Oakland, California.

Mr. Jackson has served his community as a Big Brother, was the Chair of the African American Outreach program for the local American Diabetes Association chapter, and was named Volunteer of the Year. He served as the Chair of the Blind Babies Foundation, is a director with the San Leandro Chamber of Commerce, and serves on the Alameda Chamber of Commerce as well. A Bay Area native, Mr. Jackson holds a Master's Degree in Public Health from the University of California in Berkeley and a Bachelor's Degree in Economics from Morehouse College in Atlanta, Georgia. He lives in Oakland with his wife and two children.

Gail Kong**Commission Appointee 1/22/2017 - 1/21/2020**

Gail Kong is a retired nonprofit and government executive. Most recently she was founding President of the Asian Pacific Fund, a community foundation serving the San Francisco Bay Area dedicated to increasing philanthropy among Asians. As President she was responsible for raising more than \$28 million, primarily from Asian donors and designing and executing grants, education, and cultural programs. Prior to her return to the West Coast in 1990, Ms. Kong was Executive Director of the City Volunteer Corps, a demonstration program that was the precursor to AmeriCorps, and head of the New York City foster care and child protective services agency. She also held executive staff positions in the New York City Human Resources Administration. She has served on several nonprofit boards including Asian Americans Advancing Justice and the Diversity in Health Training Institute.

A graduate of Stanford University with graduate studies at Hunter College School of Social Work and the Harvard Kennedy School of Government, Ms. Kong was born and raised in Gilroy, California and is a third-generation Chinese American. She has lived in Oakland for 21 years.

Krisida Nishioka**Commission Appointee 1/22/2016 - 1/21/2019**

Krisida Nishioka is a retired Mental Health Hearing Officer for Alameda County and Santa Clara County. Prior to that appointment, she worked as an attorney in the Office of the County Counsel for Alameda County and as a Deputy City Attorney for the City of Oakland. Ms. Nishioka was born in Louisiana and moved to California during the migration of African Americans from the segregated South during the 1960's. Ms. Nishioka began her college education while awaiting the birth of her fifth child. She completed her studies in four years and began her law school education at Boalt Hall, University of California School of Law, Berkeley. While in law school, Ms. Nishioka clerked at the Neighborhood Legal Services Office in Berkeley, California.



After graduation, Ms. Nishioka worked for various federal agencies while remaining active in neighborhood organizations near her homes on East 27th Street and later on Hanover Avenue. Ms. Nishioka has been a member of the Committee of Bar Examiners, serving on the Moral Character subcommittee. She served as a member of the State Bar Committees on Professional Responsibility and Conduct, Human Rights and Public Employment. Ms. Nishioka was on the Board of Directors for the California Association of Mental Health Hearing Officers, Oakland Youth Chorus, Family Builders by Adoption, Black Women Lawyers, Law and Government Academy for the Oakland Unified School District, and Sisters 3, a breast cancer advocacy group for African American women, among others.



April 4th 2019 Meeting

Retreat Activity

1. Introduction to Inclusive Leadership

- a. Brief definition of Inclusive Leadership
- b. An overview of key dimensions of Inclusive Leadership—Self Awareness, Responsiveness, Flexible Style, and Market Knowledge

2. Set up for Privilege Walk—An awareness of how managing privilege and power are essential to cultural humility.

3. Privilege Walk video

available publicly here: <https://www.youtube.com/watch?v=hD5f8GuNuGQ>

4. Debrief on the Video

- a. Each person we encounter is born into a set of circumstances that vary widely and those conditions profoundly shape our lives—what stood out for you about the range of experiences people face?
- b. Can you imagine where you might stand in this exercise and relate to the participants who spoke about their own experience at the front or the back of the room?
- c. How can your understanding of any one's privileges or marginalizations—the head winds or tail winds of life—improve existing relationships with yourself and others?
- d. When we think of our past encounters with public officials or any one representing a government entity—police, fire, housing authority—would we step forward that it was positive or step back that it was a negative experience? How does this shape our experiences interacting with City agencies and staff today?
- e. We each have varying degrees of comfort being in public settings or being public figures. Do we step forward feeling confident around the role that requires strong stewardship and highly extroverted skills or do we step back knowing we feel stronger as private members of the community or introverts?

5. Tools We Can Use:

- a. **ACE Our Conversations—Attention, Connection, Empathy** Working effectively with the diversity of life experiences and conditions requires attention to inclusion—inclusive conversation or inclusive workplace practices to demonstrate respect in each person's experiences. Inclusion is a two-way street. To create a more inclusive community, each member of the community has a responsibility to ACE every conversation.
- b. **Values We Aspire to Govern Our Work**—Values statements or list of values may seem like a simple team building exercise, and yet they can truly influence how we work with and through others. What values define the work of the Commission and can those be shared at each meeting as part of a commitment to set the tone for service to the community?



**CITY OF OAKLAND
PUBLIC ETHICS COMMISSION**

OPERATIONS POLICIES
Effective January 1, 2016

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ARTICLE I - MISSION STATEMENT

The Public Ethics Commission (Commission) ensures compliance with the City of Oakland's government ethics, campaign finance, transparency, and lobbyist registration laws that aim to promote fairness, openness, honesty, and integrity in city government. To fulfill its mission, the Commission conducts the following activities:

- A. **Lead/Collaborate** – Lead by example and facilitate city policy, management, and technological changes to further the Commission's mission.
- B. **Educate/Engage** – Provide education, advice, technical assistance, and formal legal opinions to promote awareness and understanding of the city's campaign finance, ethics, and transparency laws.
- C. **Disclose/Illuminate** – Facilitate accurate, effective, and accessible disclosure of government integrity data, such as campaign finance reporting, conflicts of interest/gifts reports, and lobbyist activities, all of which help the public and PEC staff monitor filings, view information, and detect inconsistencies or noncompliance.
- D. **Detect/Deter** – Conduct investigations and audits to monitor compliance with the laws within the Commission's jurisdiction.
- E. **Prosecute** – Enforce violations of the laws within the Commission's jurisdiction through administrative or civil remedies.

ARTICLE II - JURISDICTION, APPLICABLE LAW

The Commission was created by City Charter in 1996 (Section 202), which was amended in November 2014 (Section 202, 603) to strengthen the Commission's authority, independence and staffing. The Commission oversees compliance with the following laws:

- A. The City of Oakland Government Ethics Act (O.M.C. chapter 2.25);
- B. The City of Oakland Campaign Reform Act (O.M.C. chapter 3.12);
- C. Limited Public Financing Act of the City of Oakland (O.M.C. chapter 3.13);
- D. Oakland Sunshine Ordinance (O.M.C. chapter 2.20);
- E. The City of Oakland Lobbyist Registration Act (O.M.C. chapter 3.20); and
- F. Oakland False Endorsement in Campaign Literature act (O.M.C. chapter 3.14).

The Commission must comply with all applicable laws, including but not limited to:

- A. Oakland City Charter, including but not limited to Sections 202 and 603;
- B. Public Ethics Commission Operations Ordinance (O.M.C. chapter 2.24);
- C. Oakland Sunshine Ordinance, the California Ralph M. Brown Act (Gov. Code sections 54950, *et seq.*) and the California Public Records Act (Gov. Code sections 6250, *et seq.*);
- D. The City of Oakland Government Ethics Act (O.M.C. chapter 2.25); and
- E. These Operations Policies and other policies adopted by the Commission.

ARTICLE III - COMMISSION STRUCTURE AND SUPPORT

Section 1: Commission

The Public Ethics Commission is a seven-member board of Oakland residents responsible for establishing Commission policies and priorities, promoting government transparency, and serving as a quasi-judicial body that adjudicates enforcement matters brought to the Commission by staff.

Acceptance of the Oath of Public Office constitutes a commissioner's sworn responsibility to the public trust. Commissioners must collectively and individually respect and honor their appointed role and strive to maintain public confidence in the Commission's role in the government of the city of Oakland.

Section 2: Executive Director

The Executive Director reports to the Chair and to the Commission and is responsible for establishing staff priorities in consultation with the Chair and consistent with policy direction provided by the Commission.

The Chair or designee must prepare a periodic, written performance review of the Executive Director subject to the review and approval by the Commission in closed session. At any time, at the request of one or more commissioners, the Chair may call and notice a closed session of the Commission to discuss the performance of the Executive Director.

Section 3: Commission Staff

The Executive Director leads and supervises Commission staff and has the authority to hire and remove employees within constraints set by the Civil Service Commission, the Personnel Department, and the Commission's budget.

Section 4: Legal Advisor

The City Attorney is the Commission's legal advisor. Any commissioner may consult informally with an attorney assigned to the Commission on any matter related to Commission business. However, a request from a commissioner for assistance requiring significant legal research, a substantial amount of time and attention, or a written response must be authorized by the Executive Director, the Chair, or by a majority vote of the Commission or one of its Committees.

Section 5: Commission Spokesperson

The spokesperson for the Commission is the Executive Director or designee, the Chair, or the Vice Chair if the Chair is unavailable.

ARTICLE IV – OFFICERS

Section 1: Election of Officers

The officers of the Commission are the Chair and Vice Chair. At the first regular meeting of each year, commissioners must elect a Chair and Vice Chair. At the meeting, a commissioner may nominate any commissioner to serve in the office of Chair or Vice Chair. If more than one commissioner is nominated for an office, each nominee may speak regarding their qualifications and willingness to serve and answer questions of commissioners or the public. The Commission may discuss the nominations and, when the vote is called, each commissioner may cast a single vote for each office.

Section 2: Chair

The Chair presides at all meetings of the Commission and is an ex-officio member of all standing committees. The Chair is accountable to the Commission as a whole in setting policy.

Section 3: Vice Chair

The Vice Chair performs the duties and responsibilities that may be delegated by the Chair. In the absence or disability of the Chair, the Vice Chair will perform the duties and responsibilities of the Chair.

ARTICLE V - COMMITTEES

Section 1: Standing and Ad Hoc Committees

It is the policy of the Commission to appoint individual commissioners to perform specific tasks or functions by serving on standing or ad hoc committees. Thus, as necessary, the Chair may create a standing or ad hoc committee, identify its purpose, appoint commissioners as members, and designate a Committee Chair.

Terms of ad hoc committees may not exceed one year. Membership on ad hoc committees may not exceed three commissioners.

Commission staff will post a list of the Commission's current committees and committee membership on the Commission's website.

Section 2: Committee Meetings

Committee meetings may be called by the Chair, the committee's chair, or by majority vote of members of the committee.

Meetings of standing committees follow the same procedures provided under Article VI, sections 3 through 7 of these Operations Policies.

Section 3: Committee Quorum

A majority of the members of a committee constitutes a quorum.

ARTICLE VI - COMMISSION MEETINGS

Section 1: Meetings: Time, Public Location, Notice

The Commission must hold regular meetings at an established time and place suitable for its purposes, and consistent with the requirements of the Brown Act and Sunshine Ordinance. Generally, regular Commission meetings are held on the first Monday of each month at 6:30 p.m., or as otherwise set forth in the published calendar and posted on the Commission's website with the proper notice. Regular meetings are held in Oakland City Hall, One Frank Ogawa Plaza in the city of Oakland, California.

Meetings scheduled for a time or place other than for regular meetings are designated as special meetings.

Written notice of regular meetings and special meetings must be provided at least 10 days or 72 hours in advance, respectively, in the manner required by Charter section 1205, the Oakland Sunshine Ordinance, and the Brown Act.

Section 2: Quorum

At all meetings of the full Commission, the presence of four (4) commissioners constitutes a quorum. (Charter section 603(d)(4).) No action can be taken on an agenda item unless at least four (4) commissioners are present. If ever during a meeting there is less than a quorum present, a motion to adjourn is appropriate; absent objection, debate can be continued, but no vote taken, except to adjourn. When a quorum exists, official action requires a majority vote of those commissioners present when the vote is called, unless otherwise provided by the Charter (e.g., for certain enforcement matters and for removal of the Executive Director).

Section 3: Public Engagement

The Commission values and encourages public input and, regarding public participation in Commission proceedings, will liberally construe the public's rights under the Brown Act and Sunshine Ordinance. The Commission proactively develops and promotes new channels for public participation in local government beyond the minimum legal requirements, for example, by utilizing new technology and social media tools to facilitate greater public access to government information and proceedings; conducting special meetings and hearings on relevant issues; collaborating with civic groups on issues and projects within the Commission's jurisdiction; and engaging in affirmative public outreach through non-traditional means.

ATTACHMENT 3

All interested persons are encouraged to provide input or request information regarding Commission business by contacting Commission staff at (510) 238-3593 or ethicscommission@oaklandnet.com, or view information online at www.oaklandnet.com/pec.

At each regular Commission meeting, all interested persons may express their views regarding a matter within the jurisdiction of the Commission. This opportunity for comment, called “Open Forum,” will appear on each agenda. Ordinarily, each speaker may speak for up to three minutes, but the Chair, in his or her discretion, may limit or extend the time, provided such changes are reasonable in nature and uniformly applied. The Commission may also limit the time for public comment under Open Forum to a total of 15 minutes.

At regular and special Commission or Committee meetings, all interested persons must also be allowed to express their views on any agenda item upon the Commission’s review of the item. Before taking action on any agenda item, the Commission (or Committee) must provide the opportunity for public comment on that item. Each person wishing to speak on an agenda item is permitted to speak once, for a minimum of two minutes; however, the Chair, in his or her discretion, may limit or extend the time, provided such changes are reasonable in nature and uniformly applied.

The Commission urges the public not to make complaints or ask the Commission to investigate alleged legal violations at public meetings since the public disclosure of such complaints or requests may undermine any subsequent investigation undertaken.

Section 4: Public Participation at Meetings

The agenda for each meeting must provide instructions for public participation. To encourage public participation, the Commission will employ the least formal, least restrictive procedures for public comment, so long as order is maintained.

In the event that the complexity of the issues, number of anticipated participants, or other factors suggest that greater formality is required to maintain order or protect the public’s right to participate, the Commission may utilize a more formal process (such as the “speaker card” procedure set forth in City Council Procedures Rule 12). In that case, the agenda will describe the process, including any special requirements, for public participation.

If during the course of a meeting it becomes apparent that the existing procedure for public comment is inadequate or inappropriate, the Chair may exercise his or her discretion to modify the procedure during the meeting. In that case, the Chair must state the reasons justifying the change in procedure, clearly explain how members of the public may provide comment as to each agenda item, and apply the modified process uniformly to all speakers.

Section 5: Chair

The Chair must maintain order in the chamber, has authority to refuse the floor to any person, and may limit or extend the time allocated to any speaker.

The Chair may rule a public speaker out of order if:

- A. the speaker is speaking beyond the allocated time limit;
- B. the speaker's remarks are not relevant to the agenda item or are repetitious; or,
- C. the manner, tone and content of the speaker's remarks are disruptive (disturb the peace and good order of the meeting), attack the character of individuals or are abusive (vulgar or obscene language).

The public has the right to criticize policies, procedures, programs, or services of the city, the Commission or of any other aspect of the city's or Commission's proposals or activities, or the acts or omissions of the Commission or its staff or other public employees. The Commission will not abridge or prohibit public criticism on the basis that the performance of one or more public employees is implicated. Nothing in this section confers any privilege or protection beyond that which is otherwise provided by law.

Section 6: Meeting Minutes

Commission staff will draft minutes after every regular and special Commission meeting, and every standing committee meeting, subject to approval by majority vote of the Commission or respective committee. The minutes must reflect meeting start and end time, commissioner attendance (including the absence of any commissioner for any votes taken), summary of each item, and vote (if applicable) for each item considered.

Section 7: Closed Sessions

Upon the determination by a legal advisor from the City Attorney's Office that a closed session is both authorized and appropriate under the circumstances, the Commission may call for a closed session. Appropriate notice must be given of all closed sessions.

Section 8: Recess

The Commission recesses for a period of one month each year. During this annual recess, the Chair may convene the Commission for special meetings, and the chair of a standing or ad hoc committee may convene a committee meeting.

ARTICLE VII - AGENDA REQUIREMENTS

Section 1: Agenda Preparation

Commission staff will work with the Commission Chair or standing Committee chair(s) to develop the agenda for all meetings. The agenda must be approved by the appropriate Chair and must contain a meaningful description of each item to be transacted or discussed at the Commission or committee meeting so that a person can reasonably determine if the item may affect his or her interests. The agenda also will provide instructions for public participation.

Section 2: Consent Calendar

A consent calendar is the portion of the printed agenda that lists routine matters that are expected to be non-controversial and on which there are no scheduled speakers. There will be no separate discussions on a consent calendar item unless, prior to its adoption, a request is made by a commissioner or the public, and accepted by the Commission, to remove the item from consent and consider it as a separate item.

ARTICLE VIII - VOTING

Section 1: Voting, Abstention, and Recusal

Each commissioner present at a Commission or committee meeting must vote on all matters put to a vote, unless the commissioner abstains or recuses him- or herself from a particular matter.

A commissioner wishing to abstain from a vote must state publicly the reason for abstention and move for Commission approval. If the motion passes, the abstaining commissioner must refrain from further discussion of the item and will not vote on the item.

A commissioner who has been advised by the City Attorney to recuse himself or herself from voting on an item due to a conflict of interest must recuse him or herself and leave the dais during discussion and voting on the item. A commissioner who recuses as to a particular item is not present for purposes of determining the existence of a quorum in Article VI, section 2, above.

Section 2: Voting by Proxy

Voting by proxy is prohibited.

ARTICLE IX - TREATMENT OF CONFIDENTIAL INFORMATION

In the course of their duties, commissioners may be exposed to privileged, confidential, or other information protected by law. While commissioners enjoy the full protection of the First Amendment and the public is entitled full access to public information, misuse of confidential information may have significant adverse consequences to the city, the Commission, city employees, or other individuals.

Section 1: Confidential Information

Generally, "Confidential Information," includes the following:

- A. Any information concerning a complaint that is still under preliminary review;
- B. Any communication or information provided to commissioners in preparation for, or during, a duly authorized closed session;

ATTACHMENT 3

- C. Any communications by or from the City Attorney or any legal advisor to the Commission that reflect the legal advisor's work on behalf of the Commission, including the advisor's mental impressions, legal strategy, analysis, advice or conclusions;
- D. Non-public materials concerning pending or past litigation to which the Commission is/was a party;
- E. Information concerning Commission personnel matters, including but not limited to those concerning the hiring, performance, counseling, discipline or termination of any member or prospective member of Commission staff; or
- F. Other sensitive personal or financial information of third parties (including respondents to complaints) that would otherwise be protected by law.

Confidential Information does not include information generally available to the public or previously disclosed to members of the public, including at a Commission meeting. Nor does it include information that is required by law to be reported out of closed session.

The fact that Commission staff shares confidential information with another enforcement agency such as a District Attorney's Office, the California Fair Political Practices Commission, or the Federal Bureau of Investigation, does not render the information non-confidential.

Section 2: Prohibitions on Disclosure or Misuse of Confidential Information

Absent express authorization by the Executive Director, Chair, the Commission's legal advisor, or court order, a commissioner is prohibited from disclosing Confidential Information to any person who is not currently serving as a commissioner.

Commissioners are prohibited from using, directly or indirectly, Confidential Information for purposes other than the official business of the Commission.

If a commissioner has any doubt about a person's authorization to access Commission confidential information or is uncertain whether a particular use could constitute "misuse," the commissioner must, before disclosing or using the information, consult the Executive Director.

Section 3: Affirmative Duty to Safeguard Confidential Information

Commissioners must actively protect and safeguard Confidential Information through the use of physical and technical safeguards (e.g., strong passwords for access to electronically stored information) and secure methods of destruction, once materials are no longer needed.

A commissioner who discovers an unauthorized disclosure or misuse (potential or actual) of Commission confidential information must promptly notify the Executive Director. Similarly, a commissioner who receives a request, subpoena, or court order for disclosure of Commission confidential information must immediately notify the Executive Director.

Section 4: Term of Obligation

A commissioner's obligations pursuant to this Article do not terminate with the end of the commissioner's term of office.

ARTICLE X - PARLIAMENTARY PROCEDURE

Section 1: Robert's Rules of Order (Newly Revised) for Small Boards

The business of the Commission and its standing committees must be conducted, so far as it is practical in accordance with parliamentary rules as contained in Robert's Rules of Order Newly Revised, for Small Boards, except as modified by these rules and in accordance with the Brown Act and the Sunshine Ordinance. The City Attorney, or other person designated by the Chair and approved by the Commission, shall serve as the official parliamentarian for meetings of the Commission.

ARTICLE XI - STANDARDS OF CONDUCT

In addition to complying with the foregoing policies, each commissioner should aspire to:

A. **Actively and diligently support the mission, goals and objectives of the Commission**, for example, by thoroughly preparing for and attending Commission meetings; serving on committees; working cooperatively with Commission staff on officially-sanctioned projects; and attending civic events relevant to the Commission's purpose and jurisdiction.

B. **Preserve public confidence in commissioners' conduct, intentions, and impartiality**, for example, by fairly and objectively enforcing laws and regulations within the Commission's jurisdiction; refraining from conduct or statements that suggest personal bias; avoiding personal involvement in the investigation and prosecution of complaints (absent a recusal); and avoiding inappropriate political activity (endorsing, supporting, opposing, or working on behalf of a candidate or measure in an Oakland election).

C. **Protect the independence and integrity of the Commission**, for example, by working for the public good and not private interest in all matters related to city government; refraining from using their official positions to secure special advantages or benefits for self or others; declining to accept benefits or to participate in activities that might influence or undermine their ability to fairly and objectively discharge their Commission duties; and, if speaking to the press or public about a Commission matter, clearly explaining that the commissioner's statements reflect the personal view of the commissioner and not the view of the Commission.

D. **Set the highest example civil and efficient conduct of city government**, for example, by recommending and adopting rules and procedures that promote transparency and fair process in city government; treating the public, Commission staff, Commission legal advisors, and fellow

commissioners with dignity and fairness; and conducting the Commission's business in an efficient and timely manner.

ARTICLE XII - OPERATIONS POLICIES AMENDMENTS

As necessary, the Commission will review and amend these Operations Policies as provided by the Operations Ordinance. (O.M.C. section 2.24.070.) In so doing, the Commission must provide notice of any amendments to the City Council as required by the Public Ethics Commission Operations Ordinance.

STRATEGIC PLAN AND PERFORMANCE MEASUREMENTS

CITY OF OAKLAND PUBLIC ETHICS COMMISSION

2017-2020

DRAFT

MISSION

The Public Ethics Commission (PEC) ensures compliance with the City of Oakland’s government ethics, campaign finance, transparency, and lobbyist registration laws that aim to promote fairness, openness, honesty, and integrity in city government.

ACTIVITIES

Lead/Collaborate – Lead by example and facilitate City policy, management, and technological changes to further the PEC’s mission.

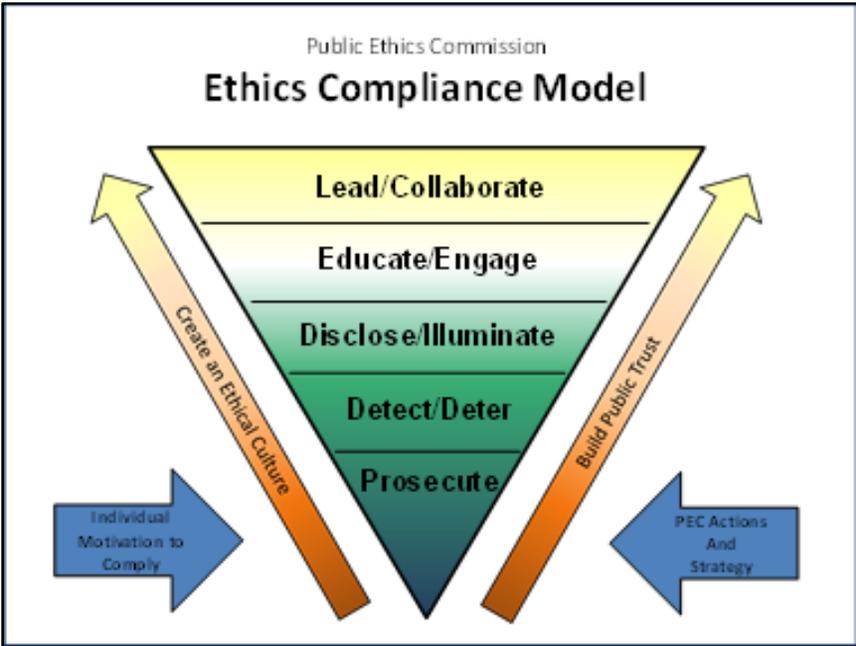
Educate/Advise – Provide education, advice, technical assistance, and formal legal opinions to promote awareness and understanding of the city’s campaign finance, ethics, and transparency laws.

Outreach/Engage – Interact with Oaklanders and PEC clients to spread the word about PEC work, resources and tools, hear input on client and community needs, and identify opportunities to innovate and partner on projects.

Disclose/Illuminate – Facilitate accurate, effective, and accessible disclosure of government integrity data, such as campaign finance reporting, conflicts of interest/gifts reports, and lobbyist activities, all of which help the public and PEC staff monitor filings, view information, and detect inconsistencies or noncompliance.

Detect/Deter – Conduct investigations and audits to monitor compliance with the laws within the PEC’s jurisdiction.

Prosecute – Obtain compliance and impose fines or penalties for violations of the laws within the PEC’s jurisdiction through administrative or civil remedies.



LEAD/COLLABORATE

DESIRED OUTCOME: Effective campaign finance, ethics, and transparency policies, procedures, and systems are in place across City agencies.

PROGRAM GOAL: PEC facilitates changes in City policies, laws, systems, and technology, and leads by example to ensure fairness, openness, honesty, integrity, and innovation.

Lead/Collaborate Program Activities:

- A. Advocate for legislative and policy change to incorporate best practices.
- B. Identify problems or vulnerabilities and take action to improve or solve.
- C. Partner with other agencies or organizations to leverage opportunities to innovate and try new practices or approaches to ethics commission work.

| Indicators of Program Success | Results 2016 | Results 2017 | Results 2018 |
|--|--------------|--|---|
| PEC actions leading to substantive changes in legislation, policy or operations by the PEC or City government. | 2 | 2 + Ticket Policy Report and recommended policy + Lobbyist Registration Act Amendments | 2 + Lobbyist Registration Filing duties (from Clerk to PEC) + Oakland IT Dept joint work to create Form 803 e-filing process |
| Consultations/joint projects with other agencies, jurisdictions, or community partners | 2 | 2 + Hosted Ethics Commissions Summit in Oakland + Public Financing Project – collab with Maplight to present data to CF Subcommittee | 2 + Open Disclosure 2018 – collaboration with Open Oakland + Public Financing Project – survey of public engagement with Open Oakland CUT group |

Timeline of Specific Goals 2017-2022: (v = completed)

| Short Term (2017-18) | Intermediate Term (2018-20) | Long Term (2020+) |
|---|---|---|
| <ul style="list-style-type: none"> ▪ City-wide Ticket Policy Rewrite v ▪ Lobbyist Registration Act – clarifying amends and filing officer shift v ▪ Campaign Finance/Public Financing Acts – Policy Redesign | <ul style="list-style-type: none"> ▪ CF/PF Policy Redesign (cont.) ▪ Ticket Policy adoption ▪ Partner w/OpenOakland on small projects v ▪ Lobbyist Registration Act revise (2019) | <ul style="list-style-type: none"> ▪ Oakland Sunshine Ordinance (policy and PEC enforcement authority) |

EDUCATE/ADVISE

DESIRED OUTCOME: PEC is a trusted and frequent source for information and assistance on government ethics, campaign finance, and transparency issues fostering and sustaining ethical culture throughout City government.

PROGRAM GOAL: Oakland public servants, candidates for office, lobbyists, and City contractors understand and comply with city campaign finance, ethics, and transparency laws.

Educate/Advise program activities:

- A. Conduct outreach to alert public servants to the rules and PEC education and enforcement, including announcements, newsletters, and email notifications.
- B. Provide trainings on campaign finance, public finance, ethics, lobbyist registration, and Sunshine ordinance.
- C. Conduct pre- and post-training learning assessments.
- D. Provide advice, technical assistance, and formal legal opinions.
- E. Offer educational materials online and in hard copy.

| Indicators of Program Success | Results 2016 | Results 2017 | Results 2018 |
|--|---|--|---|
| Targeted outreach actions to regulated community such as announcements, newsletters, and emails. | 20 actions 18 emails 2 newsletters 2 announcements Total distributions: 8,578 | 40 actions 26 emails 2 newsletters 8 announcements 4 other Total distributions: 17,337 Audience: Actions Distribution All subscribers 2 2,459 Agenda subscribers 20 13,278 Candidates/Campaigns 5 1,041 City Staff/Officials 3 19 Youth Commissioners 1 20 Lobbyists 3 150 Press 1 319 Residents (NextDoor) 5 posts 35 Public libraries 1 16 | 67 actions 55 emails 2 newsletters 4 announcements 11 other Total distributions: 28,566 Audience: Actions Distribution All subscribers 6 8,598 Agenda subscribers 14 8,258 Candidates/Campaigns 25 4,887 City Staff/Officials 1 3,950 Community-based Organizations 1 16 orgs. Lobbyists 7 311 Press 2 1,072 Residents 11 Unknown |
| Residents = NextDoor posts, ads in EBX, posting at OPL | | | |
| Training reach – number of participants attending trainings | 1,604 persons | 1,216 persons | 912 persons |

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| Indicators of Program Success | Results 2016 | Results 2017 | Results 2018 |
|-------------------------------|--------------|---|--|
| | | + New Employee Orientation 383 + OPRYD Employee Orient. 300 + Supervisor's Academy 69 + Online GEA training 1 + Boards and Commissions 35 | + New Employee Orientation 333 + Online GEA training 190 + OPRYD Employee Orient. 160 + OPL staff 115 + Supervisor's Academy 16 + Boards and Commissions 52 + Candidates/Treasurers 46 |
| Advice requests fulfilled | 99 requests | 170 requests 71 – info requests 99 – informal advice | 294 requests 161 – info requests 133 – informal advice |

Timeline of Specific Goals 2017-2022: (✓ = completed)

| Short Term (2017-18) | Intermediate Term (2018-19) | Long Term (2020+) |
|---|--|---|
| <ul style="list-style-type: none"> ▪ Create Online Ethics Training for Form 700 filers ✓ ▪ Board/Commission liaison training (revised Handbook) ✓ ▪ Candidate Education – 2018 election ✓ ▪ Ethics education web content ✓ ▪ Public financing – 2018 ✓ | <ul style="list-style-type: none"> ▪ Launch Ethics Course – Staff, Board members, Consultants ▪ Ethics educ materials for lobbyists, persons doing business with City (info card) ▪ Ongoing advice/trainings (in-person, NEO, Sup Acad, Newsletter) ✓ | <ul style="list-style-type: none"> ▪ Online Sunshine Training ▪ Ethics in government marketing campaign |

OUTREACH/ENGAGE

DESIRED OUTCOME: 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.

PROGRAM GOAL: 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.

Engage program activities:

- A. Interact with PEC clients and citizens to listen, share PEC mission and activities, and seek opportunities for collaboration.
- B. Ensure PEC policies and prior case information are clear and accessible to the public.
- C. Publicize and conduct outreach regarding PEC resources and tools disclosing government ethics, campaign finance, or transparency data.
- D. Conduct user testing, surveys and other methods to assess satisfaction and make improvements.

| Indicators of Program Success | Results 2016 | Results 2017 | Results 2018 |
|---|--------------------------------------|--|---|
| Participation in outreach and speaking events with Commissioners or staff | 338 residents 11 Roadshow events | 153 residents 7 Roadshow events | 301 residents 5 Tables at community events 66 In-person surveys 2 Public events (Open Disclosure launch & City Camp panel) |
| Online engagement with PEC content | 5,069 users 13,827 page views | 5,232 users 16,858 page views | 8,159 users ⁱ 85,003 page views |
| Social media engagement | 740 engagements 108 new followers | 1,293 engagements 193 new followers | 2,441 engagements 293 new followers |

Timeline of Specific Goals 2017-2022: (√ = completed)

| Short Term (2017-18) | Intermediate Term (2018-19) | Long Term (2020+) |
|--|--|---|
| <ul style="list-style-type: none"> ▪ Raise social media outreach √ ▪ Enhance enforcement case info available online √ ▪ Expand use of Govdelivery for agenda, news distribution √ ▪ PEC website redesign | <ul style="list-style-type: none"> ▪ Client-specific outreach -2018 Candidate support √ -Public financing admin √ -Lobbyists, people doing bus with the City ▪ PEC Communications Plan √ ▪ Roadshow – CF focus | <ul style="list-style-type: none"> ▪ Sunshine education ▪ Outreach to high schools – ethics in government |

DISCLOSE/ILLUMINATE

DESIRED OUTCOME: Government ethics, campaign finance, and transparency data is easily submitted and accessed in an accurate, complete, user-friendly, and understandable format.

PROGRAM GOAL: PEC website, filing and disclosure tools are user-friendly, accurate, up-to-date, and commonly used to submit and view government integrity data.

Disclose/Illuminate Program Activities:

- A. Collect, maintain and prepare data for Open Data portal and public dissemination.
- B. Facilitate development of web applications, digital tools and resources to enhance disclosure and use of government ethics, campaign finance, and transparency data.
- C. Illuminate government ethics, campaign finance, and transparency data by sharing analysis and data visualizations to enhance public discourse.
- D. Disclosure e-filing systems are instituted and maintained.
- E. Technical assistance is provided to filers and users of disclosure data.

| Indicators of Program Success | Results 2016 | Results 2017 | Results 2018 |
|--|--------------|--|---|
| Disclosure data collected, updated and published online (PEC website/Open Data portal) in machine-readable, downloadable formats | 20 datasets | 20 datasets | 20 datasets |
| Data or disclosure tools utilized by media, users, and ethics community. | | + 1 organization (Maplight) used CF data for analysis, published summary online + 5 inquiries by press doing research for articles (CF and Lobbyist data) | + 2 news articles published re: Open Disclosure + 5 inquiries by press doing research for articles (CF and Lobbyist data) + 1 organization (EveryVoice) used CF data for analysis + 2 websites (Ballotpedia and Voter’s Edge) linked to Open Disclosure + 3,192 users OpenDisclosure + 1,803 users of NetFile portal |
| Complaints or public inquiries initiated based on published data or disclosure tools. ii | | 9 inquiries | 32 inquiries |

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| Indicators of Program Success | Results 2016 | Results 2017 | Results 2018 |
|--|--------------|---|--|
| Filing/disclosure tools created or improved. | 2 | 2 + Lobbyist filings added to searchable online database via NetFile + Form 803 e-filing in development | 2 + Open Disclosure updated for 2018 election with expanded features + Form 803 e-filing prototype tested by staff |

Timeline of Specific Goals 2017-2022: (✓ = completed)

| Short Term (2017-18) | Intermediate Term (2018-19) | Long Term (2020+) |
|---|---|---|
| <ul style="list-style-type: none"> ▪ Campaign Statement Filing Officer duties/e-filing system management/facial review ✓ ▪ Data inventory, open data assessment ✓ ▪ Open Disclosure expansion ✓ ▪ Filer Advisories ✓ ▪ Lobbyist Registration Filing officer ✓ ▪ Track PEC data for SP ✓ | <ul style="list-style-type: none"> ▪ Campaign Finance – filing officer, compliance program, Open Disclosure 2018 ✓ ▪ Lobbyist Registration – filing officer, create e-filing system ▪ Behested payments (Form 803) – establish e-filing and public access system ▪ Initiate contractor database project | <ul style="list-style-type: none"> ▪ Advice database for internal and external use ▪ Lobbyist data illumination ▪ Serve as filing officer for Form 700’s |

DETECT/DETER

DESIRED OUTCOME: Public servants, candidates, lobbyists, and city contractors are motivated to comply with the laws within the PEC jurisdiction.

PROGRAM GOAL: PEC staff proactively detects potential violations and efficiently investigates complaints of non-compliance with laws within the PEC jurisdiction.

Detect/Deter Program Activities:

- A. Conduct complaint and PEC-initiated investigations. Gather information, conduct interviews, and prepare investigative reports.
- B. Consult/collaborate with other government and law enforcement agencies.
- C. Review reports and articles, observe meetings and activities to assess compliance and initiate cases.
- D. Proactive, routine review of government ethics, campaign finance, and transparency activities including audits/screening.

| Indicators of Program Success | Results 2016 | Results 2017 | Results 2018 |
|---|-------------------|--------------|--------------|
| Investigations initiated proactively by PEC | 16 ⁱⁱⁱ | 6 | 20 |
| Investigations completed ^{iv} | 9 | 11 | 9 |
| Complexity of investigations completed ^v | | | |

Timeline of Specific Goals 2017-2022: (✓ = completed)

| Short Term (2017-18) | Intermediate Term (2018-19) | Long Term (2020+) |
|--|---|--|
| <ul style="list-style-type: none"> ▪ Initiate proactive cases of substantial violations with an emphasis on ethics ✓ ▪ Streamline case processing – move low-level cases quicker, focus more time on high-level cases ✓ ▪ Collaborate with other government law enforcement agencies ✓ ▪ Establish investigative systems, templates (IT searches, bank subpoena process, etc.) ✓ | <ul style="list-style-type: none"> ▪ Proactive investigations (ethics focus) ✓ ▪ Establish process for phone/text subpoenas ▪ Share prelim review/intake process among enforcement team ✓ ▪ Track investigative process, timing of case status changes ▪ Collaborate with other agencies (law enforcement, ethics commissions) ✓ | <ul style="list-style-type: none"> ▪ Institutionalize investigative process, manuals, and templates ▪ Utilize databases to conduct comparative analysis to detect violations |

PROSECUTE

DESIRED OUTCOME: Obtain compliance with government ethics, campaign finance and transparency laws, and provide timely, fair and consistent enforcement that is proportional to the seriousness of the violation.

PROGRAM GOAL: Enforcement is swift, fair, consistent, and effective.

Prosecute Program Activities:

- A. Review facts, conduct legal analysis, prepare and develop recommendations.
- B. Contact respondents, obtain compliance and negotiate case settlements.
- C. Present case resolution recommendations, including settlement agreements, and obtain Commission approval.

| Indicators of Program Success | Results 2016 | Results 2017 | Results 2018 |
|--|---|---|--|
| Cases closed categorized by final outcome: | 29 cases resolved Dismissed 20 No action 2 Advisory letter 2 Warning letter 2 Fine 3 | 22 cases resolved Dismissed 11 No action 4 Warning letter 4 Streamline fine 2 Set hearing/fine 1 | 34 cases resolved Withdrawn 1 Dismissed 6 No action 3 Mediated 6 Advisory letter 3 Warning letter 11 Forfeiture 4 Fine 1 |
| Compliance obtained before/without referral to enforcement (PEC staff notifies filer of error, provides technical assistance to correct) | 3 | 13 10 non-filers brought into compliance 2 amendments required 1 major donor required to e-file | 22 2 non-filers → to compliance 1 contacted officeholder and assisted to avoid comingling of officeholder/camp 19 amendments required |
| Late fees assessed for failing to timely file campaign statements | N/A (PEC not yet filing officer) | 10 late filers \$4,465 late fees assessed | 10 late filers \$2,330 late fees assessed |

Timeline of Specific Goals 2017-2022:

(√ = completed)

| Short Term (2017-18) | Intermediate Term (2018-19) | Long Term (2020+) |
|--|---|--|
| <ul style="list-style-type: none"> ▪ Focus on resolving high-impact GEA cases √ | <ul style="list-style-type: none"> ▪ Amend Complaint Procedures ▪ Update Penalty Guidelines √ | <ul style="list-style-type: none"> ▪ Create enforcement position manual |

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|---|---|--|
| <ul style="list-style-type: none">▪ Conduct administrative hearing preparation process, develop templates ✓▪ Develop Sunshine complaint mediation process ✓▪ Create compliance and late fee process for CF filings ✓▪ Resolve all backlogged cases from 2013 ✓ | <ul style="list-style-type: none">▪ Create guide for Sunshine mediation process, law clerk ✓▪ Create mediation form ✓▪ Resolve all 2014 cases▪ Ensure completion of all case data ✓▪ Address complaints against the PEC ✓ | |
|---|---|--|

PERFORMANCE MANAGEMENT

DESIRED OUTCOME: PEC ensures stakeholders see value of program activity and progress towards outcomes.

PROGRAM GOAL: PEC staff collects and uses performance data to guide improvements to program activities, motivate staff, and share progress toward PEC goals.

Performance Management Activities:

- A. Identify performance goals and utilize performance management system to track activities and outputs
- B. Share performance results with stakeholders and public via website, publications, community engagement, etc.
- C. Identify performance goals for each employee to align with organizational goals
- D. Develop staff, create new systems and procedures, and incorporate new practices to enhance performance

| Indicators of Program Success | Results 2016 | Results 2017 | Results 2018 |
|--|------------------------------|--|---|
| Performance data shared with target audiences | N/A (Not yet created) | 5 + Published select indicators on PEC webpage + Published in newsletter article + Posted select indicators via social media + Published in annual report + Used for City Council presentation | + Posted select indicators via social media + Published in annual report |
| Performance information utilized during decision making and planning processes | N/A (Not yet created) | 6 + Annual retreat, Staff retreat + Used to inform website redesign process, updates to website content, guide revisions (advice questions) + Ongoing staff discussions about project activities and completion | + Annual retreat + Used to inform website content + Used to inform revisions to published guides, advisories to regulated community, and training content |
| Staff development completed | | 28 ^{vi} | |
| Performance feedback from stakeholders | | 1 ^{vii} | |

Timeline of Specific Goals 2017-2022:

(V = completed)

| Short Term (2017-18) | Intermediate Term (2018-19) | Long Term (2020+) |
|----------------------|-----------------------------|-------------------|
|----------------------|-----------------------------|-------------------|

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|---|--|--|
| <ul style="list-style-type: none"> ▪ Refine program area goals and indicators v ▪ Solidify tracking of data for each measurement v ▪ Publish performance goals and data on PEC website | <ul style="list-style-type: none"> ▪ Create website dashboards ▪ Review data to adjust activities ▪ Ongoing professional development v ▪ Create staff position manuals to establish continuity | <ul style="list-style-type: none"> ▪ Review performance measures to determine whether changes to the process or criteria are needed ▪ Institute surveys to better measure outcomes/ethical climate changes |
|---|--|--|

ⁱ Figures are for legacy site www.oaklandnet.com and www.oaklandca.gov. Note new site generate many more pageviews because number of PEC pages are greatly increased under the format of the new site.

ⁱⁱ Members of the public or press calling to ask about data or note discrepancies.

ⁱⁱⁱ 8 of the 16 cases in 2016 arose out of the City ticket issue.

^{iv} Need to track dates investigations completed in complaint database for tally.

^v Need to implement complexity rating system (1-3).

^{vi} 2017 trainings include: Courses provided by the City (Civic Design, Oracle, Hyperion), Granicus, League of CA Cities, FollowtheMoney.org, Arbinger Institute, Articulate, UC Berkeley Data Science certificate program, Code for America conference, MCLE courses, and CA Ethics Commissions Summit

^{vii} Positive tweet from candidate about our education process and candidate resource binder