

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Regular Commission Meeting
Monday, December 3, 2018
Hearing Room 1
6:30 p.m.



Commissioners: Jonathan Stein (Chair), Jodie Smith (Vice-Chair), Jill Butler, Lisa Crowfoot, James E.T. Jackson, Gail Kong, and Krisida Nishioka

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

City Attorney Staff: Trish Hynes, Deputy City Attorney

REGULAR MEETING AGENDA

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

CONSENT ITEMS

- 4. Approval of Commission Meeting Draft Minutes.**
 - a. November 5, 2018, Regular Meeting Minutes ([Attachment 1 – Minutes](#))

ACTION ITEMS

- 5. Campaign Finance Compliance for the November 2018 Election – Follow-Up Report.** Commission staff presented a report to the Commission on November 5, 2018, with recommended actions following its proactive review of contributions reported by candidates for the November 2018 election. The Commission approved the recommended actions in that report. Commission staff presents an additional follow-up item for Commission review that includes approval of a warning letter to another contributor consistent with the Commission’s resolution of the earlier contribution limit matters. ([Attachment 2 – Staff Memorandum and Campaign Finance Compliance Report](#))

DISCUSSION ITEMS

- 6. Limited Public Financing Program Implementation 2018.** Commission staff provides an overview of the Limited Public Financing Program utilization for the November 2018 Election. ([Attachment 3 – Staff Memorandum; Attachment 4 – Limited Public Financing Act](#))
- 7. Subcommittee Reports.** Commissioners may discuss subcommittee assignments, create a new subcommittee, or report on work done in subcommittees since the Commission’s last regular meeting. Current or recent subcommittees include the following:

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- a. **Campaign Finance Subcommittee** – Jonathan Stein (Chair), Lisa Crowfoot, and James Jackson
- b. **Education and Outreach Subcommittee** – Krisida Nishioka (Chair), James Jackson, and Gail Kong
- c. **Complaint Procedures Subcommittee** (*ad hoc*, created 3/26/18) – Krisida Nishioka and Jodie Smith
- d. **Penalty Guidelines Subcommittee** (*ad hoc*, created 3/26/18) – Lisa Crowfoot and Gail Kong
- e. **Ticket Policy Guidance Subcommittee** (*ad hoc*, created 9/11/18) – James Jackson and Gail Kong
- f. **Commissioner Recruitment Subcommittee** (*ad hoc*, created 11/5/18) – Jonathan Stein, Lisa Crowfoot, and Krisida Nishioka

INFORMATION ITEMS

8. **Disclosure Program.** Lead Analyst Suzanne Doran provides a report of recent disclosure and data illumination activities. ([Attachment 5 – Disclosure Report](#))
9. **Education and Engagement Program.** Commissioners will review Ethics Analyst Jelani Killings' report on the Commission's education and outreach activities. ([Attachment 6 – Education Report](#))
10. **Enforcement Program.** Commissioners will review a report on the Commission's enforcement work since the last regular Commission meeting. ([Attachment 7 – Enforcement Report](#))
11. **Executive Director's Report.** Executive Director Whitney Barazoto reports on overall projects, priorities, and significant activities since the Commission's last meeting. ([Attachment 8 – Executive Director's Report](#))

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

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

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

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11/21/18

Approved for Distribution

Date



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CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
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6:30 p.m.

DRAFT



Commissioners: Jonathan Stein (Chair), Jodie Smith (Vice-Chair), Lisa Crowfoot, James E.T. Jackson, Gail Kong, and Krisida Nishioka

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

City Attorney Staff: Trish Hynes, Deputy City Attorney

REGULAR MEETING MINUTES

1. Roll Call and Determination of Quorum.

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

Members present: Commissioners Stein, Smith, Crowfoot, Kong, Jackson, Nishioka.

Staff present: Whitney Barazoto, Milad Dalju, Suzanne Doran, and Simon Russell

City Attorney Staff: Trish Hynes, Deputy City Attorney.

2. Staff and Commission Announcements.

Whitney Barazoto, Executive Director, announced that thirteen applications were received for the January 2019 vacancy and that the City Attorney has appointed a new Commissioner to begin serving on the Commission at the December meeting.

3. Open Forum.

There were four public speakers.

CONSENT ITEMS

4. Approval of Commission Meeting Draft Minutes.

- a. October 1, 2018, Regular Meeting Minutes

Commissioner Crowfoot moved and Commissioner Nishioka seconded to approve the minutes for October 1, 2018.

The motion passed 6-0.



ACTION ITEMS

5. Campaign Finance Compliance for the November 2018 Election.

Whitney Barazoto, Executive Director, presented findings and recommendations following staff's proactive review of contributions reported by candidates for the November 2018 election and assessment of related formal complaints recently submitted to the Commission.

Commissioner Kong moved and Commissioner Nishioka seconded to approve all of the staff recommendations in the report.

Motion passed 6-0.

There were five public speakers.

6. In the Matter of Rich Fielding (Case No. 16-11).

Milad Dalju, Deputy Director, presented the matter and recommended that it be closed without further action.

Commissioner Stein moved and Commissioner Crowfoot seconded to return the case to staff for further investigation.

Motion passed 5-1.

There were ten public speakers.

7. In the Matter of Thomas Espinosa (Case No. 16-14).

Commission staff recommended the Commission set this matter for an administrative hearing.

Commissioner Nishioka moved Commissioner Stein seconded to refer the matter for an administrative hearing with the Office of Administrative Hearings and to allow new evidence to be included, if necessary.

The motion passed 6-0.

There were seven public speakers.

8. In the Matter of the Oakland Planning and Building Department (Case No. 16-22M).

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Kyle McLean, law clerk, presented the matter and recommended that the Commission close it without further action.

Commissioner Smith moved and Commissioner Stein seconded to approve the recommendation.

The motion passed 6-0.

There were no public speakers.

9. In the Matter of the City of Oakland (Case No. 17-14M).

Commission staff has completed mediation and recommends that the Commission close this matter without further action.

Commissioner Stein moved and Commissioner Nishioka seconded to approve the recommendation.

The motion passed 6-0.

There were no public speakers.

10. Penalty Guidelines.

The Commission's Penalty Guidelines Subcommittee presented a draft revision of the Penalty Guidelines to Commissioners and staff for discussion and possible adoption.

Commissioner Crowfoot moved and Commissioner Stein seconded to approve the revised Penalty Guidelines.

The motion passed 6-0.

There was one public speaker.

DISCUSSION ITEMS

11. Subcommittee Reports.

- a. **Campaign Finance Subcommittee** – Jonathan Stein (Chair), Lisa Crowfoot, and James Jackson

There were no updates.



- b. **Education and Outreach Subcommittee** – Krisida Nishioka (Chair), James Jackson, and Gail Kong

There were no updates.

- c. **Complaint Procedures Subcommittee** (*ad hoc*, created 3/26/18) – Krisida Nishioka and Jodie Smith

There were no updates.

- d. **Penalty Guidelines Subcommittee** (*ad hoc*, created 3/26/18) – Lisa Crowfoot and Gail Kong

There were no updates.

- e. **Ticket Policy Guidance Subcommittee** (*ad hoc*, created 9/11/18) – James Jackson and Gail Kong

There were no updates.

Chair Stein created a new *ad hoc* recruitment subcommittee: Members are: Lisa Crowfoot, Krisida Nishioka, and Jonathan Stein.

There were no public speakers.

INFORMATION ITEMS

12. Public Ethics Commission Regular Meeting Schedule 2019.

The Commission reviewed a revised proposed schedule of regular Commission meetings planned for 2019. The Commission accepted the schedule.

There were no public speakers.

13. Disclosure Program.

Suzanne Doran, Lead Analyst, provided a report of recent disclosure and data illumination activities. Ms. Doran shared that the election brought a lot more traffic in assisting candidates file their disclosure statements.

There were no public speakers.

14. Education and Engagement Program.

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Ms. Barazoto presented the report on the Commission’s education and outreach activities.

There were no public speakers.

15. Enforcement Program.

The Commission received the enforcement report on Commission staff’s work since the last regular Commission meeting.

There were no public speakers.

16. Executive Director’s Report.

The Commission received Ms. Barazoto’s report on overall projects, priorities, and significant activities since the Commission’s last meeting.

There were no public speakers.

The meeting adjourned at 9:50 p.m.

CITY OF OAKLAND

Public Ethics Commission

Jonathan Stein, Chair
Jodie Smith, Vice-Chair
Lisa Crowfoot
James E. T. Jackson
Gail Kong
Krisida Nishioka



TO: Public Ethics Commission
FROM: Campaign Finance Compliance Team (Investigator Simon Russell, Lead Analyst Suzanne Doran, and Executive Director Whitney Barazoto)
DATE: November 20, 2018
RE: Campaign Finance Compliance for the 2018 Election – Follow-Up to October 26 Report

Last month, the Commission reviewed and approved Commission staff’s recommended actions resulting from staff’s proactive review of campaign contributions received by candidates in excess of the contribution limit (\$800 for individuals, \$1,600 for broad-based political committees).

Attached is the staff memorandum that was reviewed and approved by the Commission at its November 5, 2018, meeting. At that meeting, staff verbally noted that there was one additional contributor that was inadvertently omitted from the report. This memorandum provides the additional information about that contributor and recommends a warning letter be sent to the contributor consistent with the approach taken with the other contributors named in the October report to the Commission.

Multi-Year Contributions Resulting in Forfeiture

The October report discussed the issue of certain candidates receiving duplicate contributions across multiple years and not catching the mistake. This problem occurred with candidates who began their campaigns in 2017 and have occasionally missed detecting overages where a donor contributed once in 2017 and again in 2018. Making or accepting a contribution to a candidate committee of more than \$800 per person, or more than \$1,600 per broad-based political committee, for each election is a violation of the Oakland Campaign Reform Act.¹ These amounts apply for each election cycle and include contributions made over the span of multiple years.

As noted in the attached report, in cases where staff found duplicate contributions across multiple years, staff contacted the committees to confirm the violation and request forfeiture of excess contributions to the City’s general fund. Committees were quick to respond and voluntarily forfeit the overages. Some noted that the software the committee uses does not aggregate an individual’s contributions across multiple years even though the campaign form has a category for “per-election to date,” but that they will add additional safeguards to avoid future violations.

Voluntary forfeitures in these cases allowed staff to address minor violations expeditiously and ensure that the overage is eliminated from the committee in advance of the election, and it

¹ O.M.C. 3.12.050 and 3.12.060.

facilitated timely disclosure of the information so that the public is promptly informed and contributor information is accurate and in compliance across campaigns.

Below is information about multi-year contributions made by an additional contributor that was inadvertently omitted from the October staff report.

Candidate Committee	Contributor	First Contribution	Second Contribution	Overage Forfeited to the City
<i>Libby Schaaf for Mayor 2018</i>	Michael Stephens	\$800 11/25/2017	\$800 07/13/2018	\$800

As with the October report, Commission staff notes the following mitigating factors: 1) the committee timely and accurately reported all the relevant contributions, showing no intent to conceal the overage or information about the contributions and indicating that the receipt of duplicate contributions was inadvertent; 2) this type of mistake appears to be common among the campaigns that received contributions across multiple years; 3) the committees each responded immediately to Commission staff's inquiries, request for documentation, and request to forfeit the excess contributions to the City; and 4) the amount of the excess contribution is relatively small when compared to the total amount of funds raised by the committee.

Further, in the above case, the *Libby Schaaf for Mayor 2018* committee self-reported the Michael Stephens overage to Commission staff after staff had contacted the committee regarding the other overages staff had discovered and noted in the October report.

Staff Recommendation: Commission staff recommends closing the above contribution limit violation by Mr. Stephens by sending a warning letter to the reported contributor to alert him of the law. This resolution is consistent with the resolutions recommended and approved by the Commission at its November 5, 2018, meeting.

Attachment: Campaign Finance Compliance – November 2018 Election

CITY OF OAKLAND

Public Ethics Commission

Jonathan Stein, Chair
Jodie Smith, Vice-Chair
Lisa Crowfoot
James E. T. Jackson
Gail Kong
Krisida Nishioka



TO: Public Ethics Commission
FROM: Campaign Finance Compliance Team (Investigator Simon Russell, Lead Analyst Suzanne Doran, Enforcement Chief Milad Dalju, and Executive Director Whitney Barazoto)
DATE: October 26, 2018
RE: Campaign Finance Compliance for the 2018 Election

This year marks the first time the Public Ethics Commission served as filing officer for campaign statements for a full election cycle. In taking on this responsibility, the Commission's goal was to align its education, outreach, disclosure, and compliance work to achieve maximum compliance with campaign finance requirements by Oakland candidates and committees. To that end, Commission staff has significantly enhanced its education and compliance work in 2018 to ensure that candidates and committees understand and adhere to campaign finance requirements, that campaign data is accurate and up-to-date for the public, and that non-compliance is detected and corrected quickly. This includes staff reaching out to candidates and committees to immediately correct any filing deficiencies that were evident from facial campaign statement reviews, among a variety of other activities that will be summarized comprehensively following the election.

In addition to working directly with candidates and committees, Commission staff initiated a proactive review of all candidate committees – once in August and again in October – to check for contributions received by candidates over the contribution limit (\$800 for individuals, \$1,600 for broad-based political committees). This memorandum provides an overview of Commission staff's findings from this contribution limit compliance review and describes staff's actions to achieve full compliance by all committees. In some cases, issues identified by Commission staff's review were also the subject of later complaints submitted by members of the public; those complaints are addressed in this report with the exception of one dismissal letter, which is attached to the Enforcement Report for this agenda.

Again, the goal of this compliance review, and this report, was to review all candidate committees across the board for compliance with local campaign contribution limits and to obtain compliance with these limits by committees in advance of the November election. This aims to serve the public interest in receiving timely and accurate information about contributions in advance of the imminent election, and to ensure that any money received over the limit was not used by the committee for the election and instead forfeited to the City.

Review of Campaign Filings

As of the time of Commission staff's review, a total of 5,406 contributions had been reported by all candidate committees combined for the 2018 election. During its review, Commission staff found roughly 25 instances in which over-the-limit contributions were corrected proactively by candidates through refunds to the contributor. While some of these refunds could be considered legal violations if the original checks had been deposited by the campaign, Commission staff did not pursue any action for these contribution limit violations that were proactively self-corrected by committees.

Overall, candidates have overwhelmingly adhered to contribution limits with minor exceptions:

1. Multi-Year Contributions Resulting in Forfeiture

One issue that became clear from the contribution limit review is that candidates who began their campaigns in 2017 have occasionally missed detecting overages where a donor contributed once in 2017 and again in 2018. Making or accepting a contribution to a candidate committee of more than \$800 per person, or more than \$1,600 per broad-based political committee, for each election is a violation of the Oakland Campaign Reform Act.¹ These amounts apply for each election cycle and include contributions made over the span of multiple years.

In cases where staff found duplicate contributions across multiple years, staff contacted the committees to confirm the violation and request forfeiture of excess contributions. Committees were quick to respond and voluntarily forfeit the overages. Some noted that the software the committee uses does not aggregate an individual's contributions across multiple years even though the campaign form has a category for "per-election to date," but that they will add additional safeguards to avoid future violations.

Voluntary forfeitures in these cases allowed staff to address minor violations expeditiously and ensure that the overage is eliminated from the committee in advance of the election, and it facilitated timely disclosure of the information so that the public is promptly informed and contributor information is accurate and in compliance across campaigns.

Below is a summary of multi-year contribution overages that were reported by the committees and forfeited to the City.

Candidate Committee	Contributor	First Contribution	Second Contribution	Third Contribution	Overage Forfeited to the City
<i>Desley Brooks for City Council 2018</i>	Frank Tucker	\$500 07/04/2017	\$500 04/26/2018		\$200
<i>Desley Brooks for City Council 2018</i>	Lenny Williams	\$300 07/04/2017	\$400 03/12/2018	\$200 07/04/2018	\$100
<i>Desley Brooks for City Council 2018</i>	Mark Tran	\$800 07/18/2017	\$800 07/18/2017		\$800
<i>Abel Guillen for City Council 2018</i>	Oakland Police Officer's Assoc.	\$1,500 11/02/2017	\$1,500 08/31/2018		\$1,400

¹ O.M.C. 3.12.040 and 3.12.050.

<i>Libby Schaaf for Mayor 2018</i> ²	Terrence McGrath	\$800 06/30/2017	\$800 05/31/2018		\$800
<i>Libby Schaaf for Mayor 2018</i>	Tomiquia Moss	\$500 06/30/2017	\$800 06/30/2018		\$500
<i>Libby Schaaf for Mayor 2018</i>	James Vohs	\$800 12/22/2017	\$800 06/30/2018		\$800

Commission staff notes the following mitigating factors: 1) the committees timely and accurately reported all the relevant contributions, showing no intent to conceal the overage or information about the contributions and indicating that the receipt of duplicate contributions was inadvertent; 2) this type of mistake appears to be common among the campaigns that received contributions across multiple years; and 3) the committees each responded immediately to Commission staff's inquiries, request for documentation, and request to forfeit the excess contributions to the City.

Staff Recommendation: Commission staff recommends closing the above contribution limit matters (PEC No. 18-21 *Desley Brooks for City Council 2018*; 18-22 *Libby Schaaf for Mayor 2018*; and 18-36 *Abel Guillen for City Council 2018*) with forfeiture letters to the committees describing the violations and noting each committee's voluntary forfeiture. These letters will also serve as notice to the committees to fix their internal process to avoid future violations. Commission staff also recommends sending warning letters to the reported contributors to alert them of the law. Lastly, Commission staff will include this issue, and suggested approaches to ensure compliance, in its education efforts in future election cycles.

2. Minor Overage Resulting in Forfeiture

Commission staff's contribution limit review also identified a minor overage by the *Sheilagh Polk "Cat Brooks" for Mayor 2018* committee in the amount of \$25. When contacted by Commission staff, the committee confirmed the contributions and agreed to staff's request to voluntarily forfeit the overage to the City. The committee said the contribution was made through an online web portal and that it was an oversight that the committee had intended to refund.

Candidate Committee	Contributor	First Contribution	Second Contribution	Overage Forfeited to the City
<i>Sheilagh Polk "Cat Brooks" for Mayor 2018</i>	Scott Clifford	\$800 08/26/2018	\$25 08/26/2018	\$25

Commission staff notes the following mitigating factors: 1) the committee timely and accurately reported all the relevant contributions, showing no intent to conceal the overage or information about the contributions and indicating that the receipt of excess contributions was inadvertent; 2) the committees each responded immediately to Commission staff's inquiries, request for information, and request to forfeit the excess contributions to the City; and 3) the amount of the overage was relatively minor compared to the total amount of contributions received by the committee.

² When Commission staff contacted the *Libby Schaaf for Mayor 2018* committee about the other listed overages, the committee conducted its own search for repeat contributors and self-reported this additional excess contribution from Terrence McGrath.

Staff Recommendation: Commission staff recommends closing this matter (PEC No. 18-20) with a forfeiture letter describing the violation and the committee’s voluntary forfeiture. This letter will also serve as notice to the committee to fix its internal process to avoid future violations. Commission staff also recommends sending a warning letter to the reported contributor to alert them of the law.

3. Contribution Limit Errors or Overages Corrected

The following errors were minor and technical, and were corrected immediately by the committees:

- A. *Sheilagh Polk “Cat Brooks” for Mayor 2018* committee received a \$1,000 contribution from a business (Adnan Market) that she said she thought was a broad-based political committee. Accepting a contribution of more than \$800 per person (including a business) is a violation of the Oakland Campaign Reform Act.³ When contacted by Commission staff, the committee responded immediately and corrected the error. In addition, the committee asserted that the check was not deposited into the committee’s bank account until after the committee issued the refund. A contribution is not “received” if not deposited or used and if returned to the donor within 5 days of the campaign statement filing deadline.⁴

On October 8, 2018, the Commission received a formal complaint (PEC No. 18-34) regarding four other contributions received over the limit and corrected by the committee. The complaint alleged that the *Sheilagh Polk “Cat Brooks” for Mayor 2018* committee accepted excess contributions on four occasions, which the committee then refunded instead of returning.

These contributions include the following:

Candidate Committee	Contributor	First Contribution	Second Contribution	Third Contribution	Fourth Contribution	Refund Issued
<i>Sheilagh Polk “Cat Brooks” for Mayor 2018</i>	Rachel Gelman	\$1,000 05/01/2018				\$200 05/11/2018
<i>Sheilagh Polk “Cat Brooks” for Mayor 2018</i>	Monica Anderson	\$100 05/03/2018	\$100 05/09/2018	\$1,000 05/17/2018		\$400 05/23/2018
<i>Sheilagh Polk “Cat Brooks” for Mayor 2018</i>	Katrin Wehrheim	\$54.06 05/09/2018	\$800 05/17/2018			\$54.06 06/08/2018
<i>Sheilagh Polk “Cat Brooks” for Mayor 2018</i>	Cassia Stepak	\$54.06 05/15/2018	\$500 05/17/2018	\$31 05/31/2018	\$250 06/30/2018	\$35.06 06/30/2018

The committee noted that two of the above contributions (Gelman and Stepak) were not deposited into the committee’s bank account before the overage was refunded, and therefore were not technically “received” under the Oakland Campaign Reform Act. For

³ O.M.C. 3.12.040 and 3.12.050.

⁴ O.M.C. 3.12.070.

the remaining two contributions, one was an online contribution that was automatically deposited into the bank account before being refunded within 6 days (Anderson), and the other was the online purchase of tickets to a fundraiser done separately from an \$800 contribution from the same donor (Wehrheim), refunded within 22 days and before the filing deadline.

Staff Recommendation: Because the committee responded immediately to correct the Adnan Market contribution error noted by Commission staff, and because the committee self-corrected the overages listed in the formal complaint on its own within days of each contribution, Commission staff recommends closing this matter (PEC No. 18-34) with an advisory letter to the committee to note the very slight technical violations and subsequent correction by the committee. Commission staff also recommends sending warning letters to the reported contributors to alert them of the law.

- B. *Desley Brooks for City Council 2018* committee received a \$1,600 contribution from LT Liquors, a business, on April 7, 2018. Accepting a contribution of more than \$800 per person (including a business) is a violation of the Oakland Campaign Reform Act.⁵ Commission staff had identified the overage as part of its broad compliance review in August and had contacted the committee regarding the overage. Ms. Brooks explained that the contribution was intended to come from two individuals who co-own the business, and this was corroborated by the two co-owners.

Ms. Brooks responded immediately to Commission staff's inquiries and agreed to correct the overage by properly documenting and reporting the contributions from each contributor.

On September 18, 2018, the Commission received a formal complaint (PEC No. 18-27) regarding the LT Liquors contribution.

Staff Recommendation: Because Ms. Brooks responded immediately to Commission staff's inquiries and corrected the overage, Commission staff recommends closing this matter (PEC No. 18-27) with an advisory letter to the committee to note the technical violation and subsequent correction by the committee. Commission staff also recommends sending warning letters to the contributors to alert them of the law.

4. Self-Loan – No Violation

Commission staff identified a loan reported by *Pamela Price for Mayor 2018* committee for \$2,500 from Ida B. Wells, LLC, on August 17, 2018. Making or accepting a contribution to a candidate committee of more than \$800 per person for each election is a violation of the Oakland Campaign Reform Act.⁶ Loans are considered a contribution from the maker and subject to the contribution limits of the Oakland Campaign Reform Act.⁷

⁵ O.M.C. 3.12.040 and 3.12.050.

⁶ O.M.C. 3.12.040 and 3.12.050.

⁷ O.M.C. 3.12.090.

Commission staff reviewed the loan information and found that, according to state business filings, Pamela Price is the sole manager/member of Ida B. Wells, LLC; therefore, contributions or loans from that entity should be considered contributions from Ms. Price. There is no limit on contributions that a candidate may make to their own campaign. Since there was no violation, staff took no further action on this matter.

Because Commission later received a formal complaint (PEC No. 18-33) regarding this loan, staff includes a dismissal letter in the Enforcement Report on the November meeting agenda as is customary for allegations received for which no violation was found.

Conclusion and Summary of Recommendations

In summary, staff recommends the Commission take the following actions:

1. PEC Case No. 18-20; *Sheilagh Polk “Cat Brooks” for Mayor 2018* – Close with forfeiture letter to the committee and warning letter to the reported contributor
2. PEC Case No. 18-21; *Desley Brooks for City Council 2018* – Close with forfeiture letter to the committee and a warning letter to the reported contributor
3. PEC Case No. 18-22 *Libby Schaaf for Mayor 2018* – Close with forfeiture letter to the committee and a warning letter to the reported contributors
4. PEC Case No. 18-27; *Desley Brooks for City Council 2018* – Close with advisory letter to the committee and warning letters to the contributors
5. PEC Case No. 18-33; *Pamela Price for Mayor 2018* – No action needed, dismissal letter attached to Enforcement Report
6. PEC Case No.18-34; *Sheilagh Polk “Cat Brooks” for Mayor 2018* – Close with advisory letter to the committee and warning letter to the reported contributor
7. PEC Case No. 18-36; *Abel Guillen for City Council 2018* – Close with forfeiture letter to the committee and a warning letter to the reported contributor

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Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Jelani Killings, Ethics Analyst
Whitney Barazoto, Executive Director
DATE: November 21, 2018
RE: 2018 LPF Program Summary

This memorandum provides the Commission with an overview of the disbursement of public financing through the administration of the LPF program during the November 2018 election.

Background of the Limited Public Finance Act

The Limited Public Financing Act (LPFA or Act), enacted in 1999 and last amended in 2010, provides District City Council candidates with some public funds by way of reimbursements for certain qualified expenditures, to be used for campaign expenses with the goal of helping ensure that all individuals have a fair and equal opportunity to participate in the elective and governmental process.

The stated purposes of the Act are as follows:

- To ensure that all individuals and interest groups in our city have a fair and equal opportunity to participate in elective and governmental processes.
- To reduce the influence of large contributors with a specific financial stake in matters under consideration by the city, and to counter the perception that decisions are influenced more by the size of contributions than by the best interests of the people of Oakland.
- To reduce the pressure on candidates to raise large campaign war chests for defensive purposes, beyond the amount necessary to communicate reasonably with voters.
- To encourage competition for elective office.
- To allow candidates and office holders to spend a smaller proportion of their time on fundraising and a greater proportion of their time dealing with issues of importance to their constituents and the community.
- To ensure that serious candidates are able to raise enough money to communicate their views and positions adequately to the public, thereby promoting public discussion of important issues involved in political campaigns.
- To help preserve public trust in governmental and electoral institutions.

2018 Implementation

The process for applying for LPF funds began in late August after the City Clerk certified the names of all the November 2018 candidates running for City Council District offices, a total of 15. The combined total amount in the Election Campaign (LPF) Fund for fiscal years 2017-18 and 2018-19 was \$183,459 available for the November 2018 election.

Initially, all 15 certified candidates were invited to the LPF training and given the opportunity to participate in the LPF program. 14 candidates and/or their representatives attended the mandatory LPF training conducted by Commission staff as required for program eligibility. Of the 14 candidates that attended the training, 12 opted in to receive public financing. One candidate never responded to staff's direct outreach and did not submit LPF Form 1 to opt-in to the program; the other candidate was ineligible after making a personal loan to their campaign that exceeded the 10% personal contribution/loan threshold. Consequently, there were 12 participating candidates that opted in to the program and were permitted to apply for an initial total of \$15,288, which is the amount of the election fund balance divided among the 12 candidates.

Staff continued the two-phased process of reimbursement allocations first implemented in the 2014 election cycle to maximize the use of LPF funds by candidates. Under the two-phased approach, candidates were required to file their first reimbursement claim by September 19 to reserve their first allotment and to remain eligible for a second redistribution of the remaining funds.

After the Phase-1 deadline, two of the 12 candidates were ineligible to receive funds. One candidate had not met the required 5% contribution threshold necessary to qualify for the program and the second candidate made a personal loan to their campaign that exceeded the 10% personal contribution/loan threshold.

Therefore, the initial disbursement of \$15,288 previously allocated to each of the two now-ineligible candidates could be redistributed to the other participating candidates. This redistribution resulted in a new maximum amount of \$18,345 for each eligible candidate, an increase of \$3,057 each.

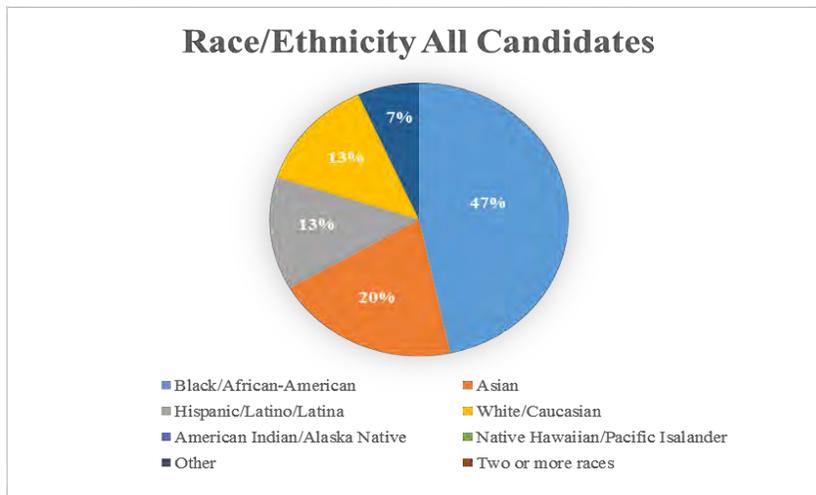
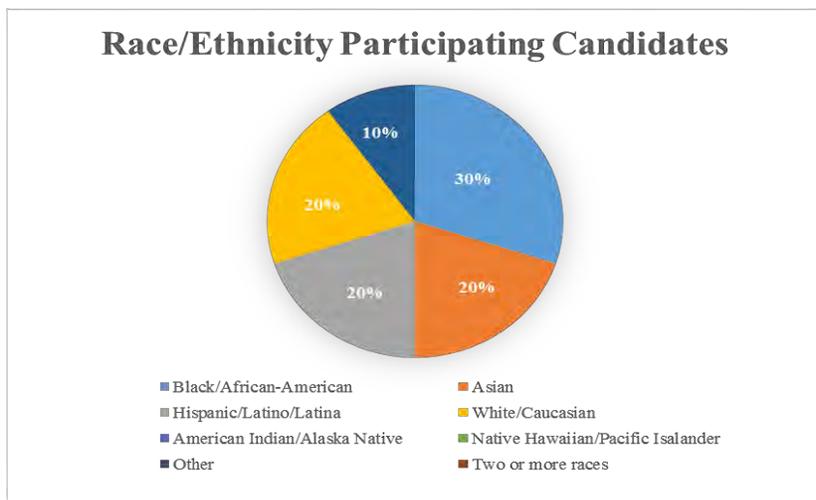
Below is a list of the participating candidates and the total amount received by each through the LPF program.

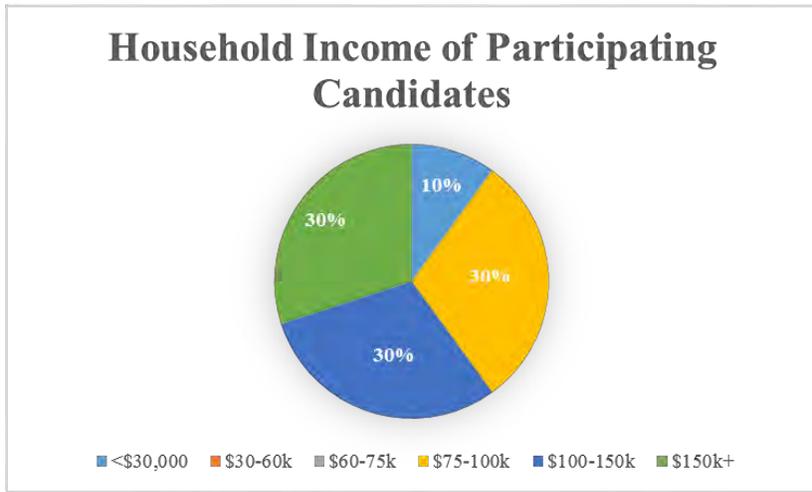
Candidate	District	Total Public Funds Received	Percent of Max Funds Available to the Candidate
Nikki Fortunato Bas	2	\$18,345	100%
Abel Guillen (Incumbent)	2	\$18,345	100%
Pamela Harris	4	\$18,345	100%
Francis Matt Hummel	4	\$18,345	100%
Nayeli Maxson	4	\$18,345	100%
Charlie Michelson	4	\$15,288	83%
Joseph Tanios	4	\$14,441	79%

Sheng Thao	4	\$18,345	100%
Natasha Middleton	6	\$18,345	100%
Loren Taylor	6	\$18,345	100%

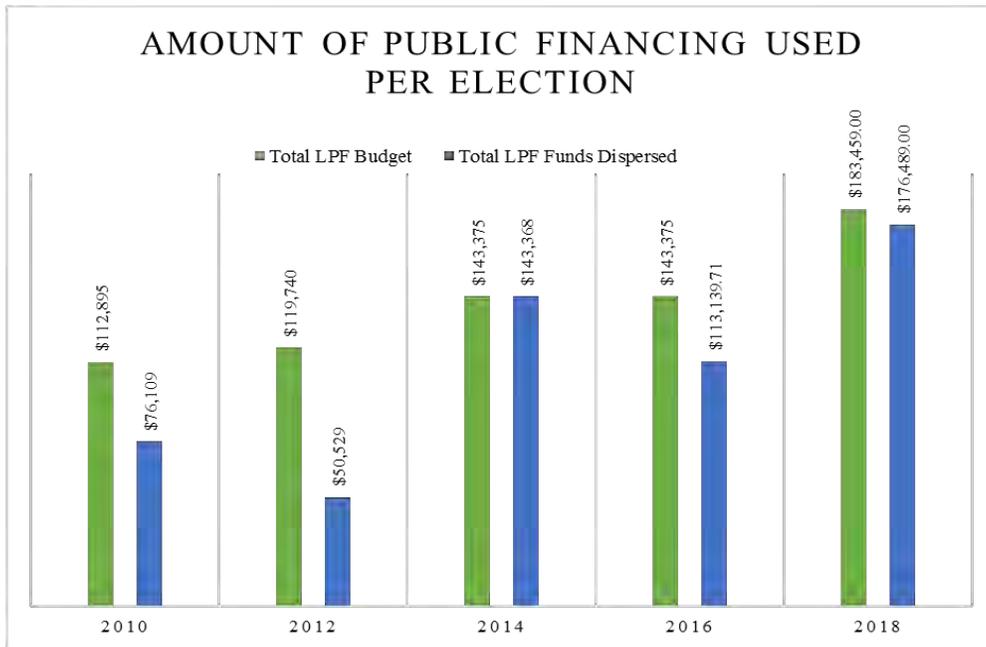
The total amount of reimbursement funds distributed to candidates during the November 2018 election was \$176,489 or 96% of the total funds available.

In response to the City Auditor’s findings of the 2016 LPF program, Staff collected demographic data of participating candidates including gender, ethnicity, and income to better understand candidate utilization of the program. Of those receiving public financing, there were 5 males and 5 females. The graphs below illustrate the breakdown for ethnicity and household income among participating candidates:





In the past three elections, the percentage of total funds used and overall participation percentages have increased over previous years, which in part is attributable to the implementation of the two-phased approach in addition to more direct and earlier Commission Staff outreach to candidates. Below is a summary of the total funds available and disbursed out of the program for the last five elections.



The table below illustrates the number of certified candidates per election and the percentage that participated in the LPF program over the same period.

Year	Total Ballot Certified Candidates	Candidates Opted-In to LPF	LPF Opt-In Rate	Total Candidates Receiving Reimbursements	LPF Participation Percentage ¹
2010	12	N/A	N/A	5	42%
2012	20	15	75%	6	30%
2014	12	11	92%	8	67%

¹ LPF participation percentage reflects candidates that met all program eligibility requirements and received public financing.

2016	9	7	78%	4	44%
2018	15	12	80%	10	67%

Conclusion

The continued participation and use of public funds by candidates during election cycles suggests that candidates find the Limited Public Financing program helpful. 80% of participants that received public financing indicated that it was their first time running for office and expressed appreciation for the availability of public funds.

In implementing the Limited Public Financing Program as currently designed, staff recommends continuing the two-phased distribution process and requesting the City fund the program at \$200,000 or more per election cycle.

1. **Two-Phased Distribution Process** – With two candidates initially opting-in but failing to meet Phase II deadline, the two-phase approach proved effective in that it allowed unused money to be re-distributed to candidates, resulting in an increase to each participating candidate’s maximum allotment and ensuring that monies in the election fund were maximized. It also prevents candidates from opting in merely to earmark funds for themselves, not their opponents, with no intent to use funds.

Additionally, the deadline of September 19 helps get candidates to file their first claim early, which results in better understanding of the required paperwork and the items qualifying for reimbursement earlier in the process while allowing them more time before the election to submit additional claims.

2. **Maintain \$200,000 in Election Fund** – By maintaining at least \$200,000 in the election fund, it ensures that LPF participants will be funded closer to the 30% maximum allowed by law. Although the LPF maximum is only 30% of the expenditure limit, it represents nearly 50% of the average campaign expenditures of victorious candidates in prior elections.

While this memorandum focuses on reviewing the administration of the existing public financing program, the Commission continues its project to evaluate campaign finance and public financing laws more broadly in order to consider how best to redesign these laws to enhance civic engagement and voter equity in the campaign process.

Attachment: Oakland Limited Public Financing Act

Chapter 3.13 - LIMITED PUBLIC FINANCING ACT**Sections:**

FOOTNOTE(S):

--- (1) ---

Editor's note— Ord. No. 13031, adopted July 27, 2010, amended Chapter 3.13 in its entirety to read as herein set out. Formerly, Chapter 3.13, §§ 3.13.010—3.13.290, pertained to similar subject matter and derived from Ord. No. 12308, adopted 2001; Ord. No. 12375, adopted 2001; Ord. No. 12519, § 1, adopted 2003; Ord. No. 12648, § 3, adopted 2005; Ord. No. 12669, §§ 3—10, adopted 2005; Ord. No. 12905, § 2, adopted November 18, 2009, and Ord. No. 13012, § 2, adopted May 4, 2010.

Article I. - Findings and Purpose**3.13.010 - Title.**

This chapter shall be known as the "Limited Public Financing Act of the City of Oakland."

(Ord. No. 13031, 7-27-2010)

3.13.020 - Findings and declarations.

The findings of this Act are as follows:

- A. The financial strength of certain individuals or organizations should not enable them to exercise a disproportionate or controlling influence on the election of candidates.
- B. The rapidly increasing costs of political campaigns have forced many candidates to raise larger and larger percentages of money from interest groups with a specific financial stake in matters under consideration by city government. This has caused the public perception that votes are being improperly influenced by monetary contributions.
- C. High campaign costs are forcing officeholders to spend more time on fundraising and less time on the public's business. The constant pressure to raise contributions is distracting officeholders from urgent governmental matters.

(Ord. No. 13031, 7-27-2010)

3.13.030 - Purpose of this Act.

The purpose of this Act is to accomplish the objectives stated in Oakland's Campaign Reform Act as follows:

- A. To ensure that all individuals and interest groups in our city have a fair and equal opportunity to participate in elective and governmental processes.
- B. To reduce the influence of large contributors with a specific financial stake in matters under consideration by the city, and to counter the perception that decisions are influenced more by the size of contributions than by the best interests of the people of Oakland.
- C. To reduce the pressure on candidates to raise large campaign war chests for defensive

- purposes, beyond the amount necessary to communicate reasonably with voters.
- D. To encourage competition for elective office.
 - E. To allow candidates and office holders to spend a smaller proportion of their time on fundraising and a greater proportion of their time dealing with issues of importance to their constituents and the community.
 - F. To ensure that serious candidates are able to raise enough money to communicate their views and positions adequately to the public, thereby promoting public discussion of important issues involved in political campaigns.
 - G. To help preserve public trust in governmental and electoral institutions.

(Ord. No. 13031, 7-27-2010)

Article II. - Definitions

3.13.040 - Interpretation of this Act.

Unless the term is specifically defined in this Act or the contrary is stated or clearly appears from the text, the definitions set forth in Chapter 3.12 of this Code and in Government Code Sections 81000 et seq. as amended govern the interpretation of this Act.

For purposes of this Act, "principal residence" shall mean the place in which a person's habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning.

For purposes of this Act, "primary place of doing business" shall mean the street address of a corporation's or association's principal executive office as filed with the California Secretary of State or the street address of an unincorporated association's principal office as filed with the California Secretary of State.

(Ord. No. 13031, 7-27-2010)

Article III. - Election Campaign Fund

3.13.050 - Election campaign fund.

There is hereby established an account within a special revenue fund of the city to be known as the "Election Campaign Fund."

(Ord. No. 13031, 7-27-2010)

3.13.060 - Appropriation of funds.

- A. The city council shall appropriate to the election campaign fund, under the city's current two-year budget cycle, an amount sufficient to fund all candidates eligible to receive public financing for the office of district city councilmember.
- B. The city public ethics commission shall provide in the form and at the time directed by the mayor and city administrator a written estimate of the amount necessary to be appropriated for any two-year budget cycle according to the provisions of this Act for all eligible candidates. The amount of funds to be allocated to the election campaign fund shall be based on a consideration of anticipated campaign activity, anticipated administrative costs, and existing unspent funds within the account. The amount of funds to be allocated to the election campaign fund shall not exceed \$500,000.00 for any two-year budget cycle.

- C. The election campaign fund shall be established as an interest bearing account. Unspent funds in the election campaign fund at the end of a two-year budget cycle shall remain in the fund and accrue for disbursement to candidates eligible for public financing in future elections and for administrative costs.
- D. Up to seven and one-half percent of the amount allocated to the election campaign fund pursuant to Subsections 3.13.060(a) and (b) may be utilized by the public ethics commission to cover the anticipated cost of administering the provisions of this Act.

(Ord. No. 13031, 7-27-2010)

3.13.065 - Allocation of election campaign fund.

No later than seven days after the city clerk has certified the names of all candidates to appear on the ballot, the public ethics commission shall determine at a publicly noticed meeting whether, based on the number of potentially eligible candidates, the amount of money in the election campaign fund is adequate to provide the maximum amount to potentially eligible candidates. If the commission determines that the election campaign fund will not be adequate to provide the maximum amount of funds to potentially eligible candidates, the commission shall order the disbursement of available funds on a pro rata or other equitable basis. The commission may at any time revise the disbursement plan consistent with these rules and prevailing law.

(Ord. No. 13031, 7-27-2010)

Article IV. - Eligibility for Public Financing

3.13.070 - Application and withdrawal procedures.

- A. Each candidate for district city council shall file a statement with the city clerk on a form approved for such purpose indicating acceptance or rejection of the voluntary spending ceilings pursuant to Section 3.12.190
- B. Each candidate for district city council shall file with the public ethics commission a statement of acceptance or rejection of public financing on a form approved by the public ethics commission no later than 14 calendar days after the date the city clerk has certified the names of candidates to appear on the ballot for the election in which public financing will be sought. The statement of acceptance or rejection of public financing shall advise and require that the candidate's decision to reject public financing is irrevocable for the election in which his or her name appears on the ballot. The failure to timely file a statement of acceptance or rejection of public financing shall constitute a rejection of public financing.
- C. If a candidate declines to accept the voluntary expenditure ceilings prescribed in Section 3.12.200, the candidate shall be subject to the contribution limits of Subsections 3.12.050(a) and 3.12.060(a) and shall not be eligible for public financing.
- D. If a candidate agrees to accept the voluntary expenditure ceilings prescribed in Section 3.12.200, the candidate shall be subject to the contribution limits of Subsections 3.12.050(b) and 3.12.060(b) as adjusted pursuant to Subsections 3.12.050(g) and 3.12.060(g), and shall be eligible for public financing upon meeting the qualification requirements as provided in this Act.
- E. In the event expenditure ceilings are lifted pursuant to Section 3.12.200, a candidate who accepted expenditure ceilings shall be permitted to receive public financing but shall no longer be subject to expenditure ceilings.

(Ord. No. 13031, 7-27-2010)

3.13.080 - Qualification procedures.

A candidate shall be approved to receive public financing if the candidate meets all of the following requirements:

- A. The candidate has filed a timely statement of acceptance of the voluntary spending ceilings and acceptance of public financing.
- B. The candidate is certified to appear on the ballot for the election for which public financing is sought.
- C. The candidate has (1) received contributions in an aggregate amount of at least five percent of the expenditure ceiling for the office being sought from contributors whose principal residence or whose primary place of doing business is located within the city and which residence or business address appears on the written instrument used to make the contribution, and (2) made qualified campaign expenditures in an aggregate amount of at least five percent of the expenditure ceiling for the office being sought. Contributions from the candidate's own funds shall not be counted towards meeting this five percent requirement. The candidate shall provide copies of the contribution checks received and records of payments made to meet the five percent eligibility requirements.
- D. The candidate is opposed by another candidate for the same office.
- E. The candidate agrees to all conditions and requirements of this Act and to submit to any reasonable audit deemed appropriate by the public ethics commission or other civil authorities.
- F. The candidate or his or her campaign treasurer or designee attends a training program conducted or sponsored by the public ethics commission.
- G. The candidate has filed, and completely and accurately executed, all pre-election campaign statements that are due at the time public financing is payable. All candidates receiving public financing shall timely file, and completely and accurately execute, all post-election campaign statements for each election in which they received public financing.

(Ord. No. 13031, 7-27-2010)

3.13.090 - Use of personal funds.

A candidate who accepts public financing shall not receive contributions or loans from the candidate's own funds which aggregate total exceeds ten percent of the voluntary expenditure ceiling for the office being sought. If the voluntary expenditure ceilings for the office being sought are lifted, this provision shall not apply.

(Ord. No. 13031, 7-27-2010)

Article V. - Disbursement of Public Financing**3.13.100 - Duties of the public ethics commission and office of the city auditor.**

- A. The public ethics commission shall develop any and all forms necessary to carry out the provisions of the Act. The public ethics commission may, in its discretion, require any document or form to be filed in an electronic format that is provided by the public ethics commission to the candidates free of charge.
- B.

The public ethics commission shall review records submitted to determine a candidate's eligibility to receive public financing and requests for reimbursement promptly. For any candidate determined not to be eligible for public financing, the commission or its designee shall inform the candidate of the reasons why the candidate is not eligible and what actions, if any, the candidate may take to correct any insufficiencies.

- C. The city auditor shall conduct mandatory post-election audits of all candidates accepting public financing. The city auditor may choose to limit the scope of any audit to the items submitted for reimbursement. The audit report shall be a public record and provided to the public ethics commission. The city auditor shall conduct all audits in accordance with generally accepted government auditing standards.

(Ord. No. 13031, 7-27-2010)

3.13.110 - Requests for public financing.

- A. Public financing pursuant to this Act shall be provided solely by reimbursing eligible candidates for certain qualified campaign expenditures lawfully made by the candidate and his or her campaign committee.
- B. The qualified campaign expenditures eligible for reimbursement are:
1. Candidate filing and ballot fees;
 2. Printed campaign literature and production costs;
 3. Postage;
 4. Print advertisements;
 5. Radio airtime and production costs;
 6. Television or cable airtime and production costs; and
 7. Website design and maintenance costs.
- C. The following conditions and restrictions shall apply to any request for reimbursement:
1. All requests for reimbursement shall be made on a form authorized by the public ethics commission and shall include: (a) a copy of the billing invoice for which reimbursement is sought; (b) a copy of the check(s) by which the candidate's campaign committee made payment on the billing invoice; and (c) a copy, when applicable, of the campaign literature, advertisement, radio or television script, or website configuration.
 2. All requests for reimbursement shall include a sworn declaration by the candidate and his or her campaign treasurer that (a) the check(s) used to make payment on the billing invoice represents payment in full of the billing invoice submitted for reimbursement and that sufficient funds exist in the campaign account to provide payment, and (b) any money received from the election campaign fund has not been previously earmarked or specifically encumbered to pay or to secure payment of any loan, return of contribution or of any expenditure other than the one for which reimbursement was sought.
- D. Any decision made by the executive director to deny a request for reimbursement may be appealed to the commission whose decision shall be final. A request to agendize an appeal of the executive director's decision shall be made in writing and delivered to the office of the public ethics commission no more than ten calendar days after receiving written notice of the executive director's decision.
- E. The total amount of public financing allocated to each candidate shall not exceed 30 percent of the voluntary expenditure ceiling per election for the office being sought.

(Ord. No. 13031, 7-27-2010)

3.13.120 - Disbursement and deposit of public financing.

- A. A candidate or candidate's controlled committee, certified as eligible to receive public financing, shall submit requests for reimbursement to the public ethics commission in minimum increments of \$1,000.00 or more.
- B. A candidate or candidate's controlled committee, certified as eligible to receive public financing, shall submit requests for reimbursement in minimum increments of \$500.00 or more ten calendar days before the election.
- C. The public ethics commission or its designee shall have ten calendar days to cause the review and approval or denial of the request for reimbursement and disburse funds from the election campaign fund to the candidate or candidate's controlled committee.
- D. All funds disbursed from the election campaign fund shall be made payable to the candidate's controlled committee and shall be deposited directly into the candidate's campaign checking account within three business days of receipt.

(Ord. No. 13031, 7-27-2010)

3.13.150 - Return of surplus funds.

- A. Surplus campaign funds remaining at the end of the post-election reporting period following the election for which public financing was received shall be returned to the election campaign fund no later than 31 calendar days from the last day of the semi-annual reporting period following the election in an amount specified by this section. A candidate shall not be required to return any surplus funds in an amount greater than the amount of public financing received. The amount of surplus campaign funds to be returned to the election campaign fund shall be calculated by multiplying the amount of surplus campaign funds by the percentage that total public financing received represents of total monetary contributions received for the election period.
- B. For purposes of this Act, campaign funds shall be considered "surplus" campaign funds to the extent that the total amount of contributions (excluding the receipt of public financing) exceed the total financial obligations of the candidate's campaign committee (excluding unlawful or non-qualified campaign expenditures) as of the last day of the semi-annual reporting period following the election. A financial obligation includes (1) accounts payable billed, or (2) accounts payable for which bills may be expected, for goods or services received during the election.
- C. Public financing shall not be disbursed to the certified candidate from the election campaign fund following the day of the election or the candidate's withdrawal from the election, whichever occurs first, except that public financing may be disbursed to a certified candidate after the date of the election or withdrawal provided that the candidate submitted a properly documented request for reimbursement before the date of the election or the date of withdrawal from the election.

(Ord. No. 13031, 7-27-2010)

3.13.170 - Public debates.

While not a condition for receiving public financing, candidates receiving public financing are strongly encouraged to participate in one or more nonpartisan candidate debates for each election.

(Ord. No. 13031, 7-27-2010)

3.13.180 - Enforcement.

The public ethics commission is the sole body for civil enforcement of this Act. In the event criminal violations of the Act come to the attention of the public ethics commission, the commission shall promptly advise in writing the city attorney and the appropriate prosecuting enforcement agency.

(Ord. No. 13031, 7-27-2010)

3.13.190 - Criminal misdemeanor actions.

Any person who knowingly or willfully (1) misrepresents his or her eligibility for public financing, (2) makes a material misrepresentation in connection with a request for reimbursement, or (3) causes, aids or abets any other person to violate the provisions of this Act, is guilty of a misdemeanor. Prosecution shall be commenced within four years after the date on which the violation occurred.

(Ord. No. 13031, 7-27-2010)

3.13.200 - Enforcement actions.

- A. Any person who intentionally or negligently (1) misrepresents his or her eligibility for public financing, (2) makes a material misrepresentation in connection with a request for reimbursement, or (3) causes, aids or abets any other person to violate the provisions of this Act, is subject to enforcement proceedings before the public ethics commission pursuant to the public ethics commission general rules of procedure.
- B. If two or more persons are responsible for any violation, they shall be jointly and severally liable.
- C. Any person alleging a violation of this Act shall first file with the public ethics commission a written complaint on a form approved for such purpose. The complaint shall contain a statement of the grounds for believing a violation has occurred. The public ethics commission shall review, investigate and make determinations regarding any alleged violation consistent with the public ethics commission's general complaint procedures.
- D. The commission has full authority to settle any action involving public financing in the interest of justice.
- E. If the commission determines a violation has occurred, the commission is hereby authorized to administer appropriate penalties and fines not to exceed \$1,000.00 per violation and to order the repayment of public financing received or expended in violation of law.
- F. The public ethics commission may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this Act.
- G. No complaint alleging a violation of any provision of this Act shall be filed more than four years after the date the violation occurred.

(Ord. No. 13031, 7-27-2010)

3.13.220 - Construction.

The Act shall be liberally construed to accomplish its purposes.

(Ord. No. 13031, 7-27-2010)

3.13.240 - Applicability of other laws.

Nothing in this Act shall exempt any person from applicable provisions of any other laws of the city, state or other appropriate jurisdiction.

(Ord. No. 13031, 7-27-2010)

3.13.260 - Severability.

If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this Act are severable.

(Ord. No. 13031, 7-27-2010)

CITY OF OAKLAND
Public Ethics Commission

Jonathan Stein, Chair
Jodie Smith, Vice-Chair
Lisa Crowfoot
James E.T. Jackson
Gail Kong
Krisida Nishioka



Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Suzanne Doran, Lead Analyst
Whitney Barazoto, Executive Director
DATE: November 21, 2018
RE: Disclosure Program

This memorandum provides an update of the Public Ethics Commission's (PEC or Commission) Disclosure program activities. Commission staff activities focus on improving online tools for public access to local campaign finance and other disclosure data, enhancing compliance with disclosure rules, and conducting other general PEC data and outreach efforts.

Filing Officer

Campaign disclosure – As reported last month, the second pre-election deadline for the November 2018 election was October 25. All candidate-controlled committees with candidates on the November ballot must file pre-election statements for their campaign committees as well as any other committees that they control. Ballot measure committees and other recipient committees with fundraising or spending activity connected with the November ballot must also file by the pre-election deadlines.

All 2018 candidate-controlled, ballot measure committees and general purpose committees have filed their September and October pre-election campaign statements. Commission staff contacted five non-filers the morning after the deadline offering assistance and achieved 100 percent compliance within days of the deadline. No late fees were required.

Commission staff completed surface review of all 56 pre-election campaign statements. Two amendments were required, one for missing information and one for a technical error.

During the 90-day period leading up to the election, late contribution and late independent expenditure reports must be filed within 24-hours whenever a committee makes or receives a contribution of \$1,000 or more or makes an independent expenditure of \$1,000 or more for a candidate or measure on the November ballot. After the second pre-election deadline, no campaign statements are due until after the election, making 24-hour late contribution and late independent expenditure reports the primary source for campaign disclosure in the days leading up to November 6.

Commission staff reviewed 66 late contribution reports and 51 late independent expenditure reports dated between October 23 and November 15. Commission staff assessed \$1,030 in late fees against four filers for late 24-hour reports filed during that period.

The next scheduled campaign statement covers the period from October 23 through December 31 and is due January 31, 2019. A more detailed overview of 2018 campaign activity and compliance will be forthcoming as staff completes a review of the data through year-end.

In addition to fielding requests for advice and technical assistance, Commission staff sent an advisory to all non-candidate controlled committees, i.e. ballot measure, general purpose, and independent expenditure committees, with reminders about requirements for disclosure of principal officers, controlling entities and major donors as well as disclaimers accompanying advertisements and communications.

Lobbyist disclosure – The third quarter lobbyist activity report deadline passed on October 30. To date, 43 reports have been filed, 39 timely. Commission staff is reaching out to two non-filers to gain compliance and clarify filing status.

Lobbyists reported receiving \$392,380 in economic consideration during the third quarter of 2018, for a total of \$1,610,298 for the year. Two lobbyists continue to account for over half the economic consideration received for lobbying Oakland public officials – Jason Overman of Lighthouse Public Affairs and Greg McConnell of The McConnell Group.

Contributions solicited by lobbyists totaled \$2,850 during the third quarter.

The top five clients spending the most on City lobbying thru the third quarter of 2018 are:

Client	Compensation to lobbyist(s)
1.Harborside (cannabis industry)	\$270,000
2.Airbnb (short term rentals)	\$150,000
3.Jobs and Housing Coalition (advocacy group for Oakland employers and housing builders)	\$135,000
4.Veritas Investment (real estate investment management/property owner)	\$120,000
5.Oak Knoll (housing/commercial development)	\$90,000
5.Bay Area Motivate (bike share)	\$90,000

Although lobbyist activity reports include descriptions of activity, greater reporting standardization is required to improve disclosure of the economic interests of clients and easily quantify money spent to lobby specific City policies or money spent by specific interest groups.

Illuminating Disclosure Data

Open Disclosure – The www.OpenDisclosure.io campaign finance app went live in September with new data and improved features for the 2018 election. 1,833 users visited and actively engaged with the site generating 3,010 sessions between September 1 and November 6. Like 2016, the peak day for new users was the day before election day. By comparison, the City’s Campaign Finance and Lobbyist Disclosure Portal, where users can download campaign filings and raw data,

gained 488 new users during the same timeframe. The consistent user base we are developing for Open Disclosure shows the Public Ethics Commission Disclosure Portal and Open Disclosure are both valuable sources illuminating campaign finance activity and likely meet different sets of user needs.

While there was a small decrease in the number of new Open Disclosure users over 2016, all measures of user engagement with Open Disclosure content showed significant improvement over prior elections years. Open Disclosure received 19,664 pageviews between September 1 and November 6, an almost 40 percent increase over 2016 and a 134 percent increase over 2014. Open Disclosure added new features in 2018 to provide a more comprehensive picture of campaign spending, such as displaying committees making independent expenditures to support and oppose candidates and contributors to those committees. Greater user engagement with the content was reflected in increased sessions per user and increased pages visited each session, an average of more than six in 2018 versus two in 2014. Time spent during each session on the site is up nearly 70 percent over 2016 at close to 4 minutes per session. Finally, the number of users showing no interaction with the site (the bounce rate) is down 54 percent. To summarize, when users find Open Disclosure they are increasingly encountering a site with the expected content that is appealing to explore.

Like 2016, online referrals were the top source of users, making up just over half, compared with a user typing in the url, using a search tool, or link via social media. Referrals, however, were down from 2016 overall, and most significantly down from our top source, the Voter's Edge website (762 in 2018 versus 888 in 2016). Outreach efforts such as print ads placed in the election issues of the East Bay Express and digital ads running through election day likely made up for most of the loss, as direct users and users search "Open Disclosure" to the reach the site went up over 41 percent. Leveraging our limited resources to do more effective marketing and outreach to potential users should be a focus early in the next election cycle to broaden use of online disclosure tools.

Since launching Open Disclosure in 2014, the site has reached 18,657 users with 84,189 views of Open Disclosure content. Open Disclosure is a project of Open Oakland volunteers in partnership with the Public Ethics Commission.

Online Engagement and General Outreach

Social Media – Communications in November focused on promoting campaign filing disclosure resources.

CITY OF OAKLAND

Public Ethics Commission

Jonathan Stein, Chair
Jodie Smith, Vice-Chair
Lisa Crowfoot
James E.T. Jackson
Gail Kong
Krisida Nishioka



Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Jelani Killings, Ethics Analyst
Whitney Barazoto, Executive Director
DATE: November 21, 2018
RE: Education and Outreach Update

This memorandum provides an update of the Public Ethics Commission's (PEC or Commission) education and outreach efforts in providing education and advice to candidates running for local office (and their campaign treasurers), City staff and officials, lobbyists, and others regulated by PEC laws. This past month, Commission education/outreach program staff has been working on a variety of activities that include the following:

Limited Public Financing Program

Over the past three months, Staff has been administering the Limited Public Financing Program for eligible District City Council candidates. Staff worked closely with campaign committees to educate and assist LPF recipients with submission of required forms and records, review documentation and obtain approvals for the distribution of funds, submit reimbursement requests to the controller's office, and distribute checks to recipient candidates. During the 2018 election cycle, Staff received and processed 23 claims for reimbursement from District City Council candidates totaling \$176,489.

Last Name	First Name	District	Total Amount Reimbursed
Bas	Nikki Fortunato	2	\$18,354.00
Guillen	Abel	2	\$18,345.00
Harris	Pamela	4	\$18,345.00
Hummel	Francis Matt	4	\$18,345.00
Maxson	Nayeli	4	\$18,345.00
Michelson	Charlie	4	\$15,288.00
Tanios	Joseph	4	\$14,441.00
Thao	Sheng	4	\$18,345.00
Middleton	Natasha	6	\$18,345.00
Taylor	Loren	6	\$18,345.00

See the LPF 2018 Program Summary memo on the agenda this month for more details on candidate participation and distribution of public financing compared to past election cycles.

Staff also implemented a post-election survey for participating candidates and is currently following-up with candidates regarding their experience receiving public financing. The primary purpose of the survey is to solicit feedback regarding the effectiveness of the Limited Public Financing Act and identify areas for improvement based on the experiences of those seeking and receiving public funds. Education staff will be working closely with the PEC filing officer to analyze both the campaign financing data as well as qualitative data gathered from working with candidates and committees during the 2018 election cycle to improve administration of the LPF program.

Ethics Education

Staff continues to make presentations at the City's monthly New Employee Orientations (NEO) providing new employees with an introduction to the PEC and overview of the Government Ethics Act. On November 20, staff trained 35 new employees on GEA provisions.

Advice and Assistance

Staff receives, responds to, and tracks various advice requests received by phone and email. As of the date of this memorandum, staff has responded to roughly 388 requests for information and advice in 2018 (compared with 251 total in 2017). Advice requests for the month of November were primarily in regards to provisions of the Oakland Campaign Reform and Government Ethics Acts such as campaign finance disclosure, post-employment restrictions, and general questions about campaign rules and filing campaign forms via NetFile.

CITY OF OAKLAND

Public Ethics Commission

Jonathan Stein, Chair
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Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Whitney Barazoto, Executive Director
DATE: November 16, 2018
RE: Enforcement Program Update

Since the last Enforcement Program Update on October 26, 2018, the following status changes occurred:

1. *In the Matter of Thomas Espinosa (Case No. 16-14)*: The Commission set the matter for an administrative hearing before the California Office of Administrative Hearings.
2. *In the Matter of Oakland Planning and Building Department (Case No. 16-22M)*: Commission closed the matter without further action.
3. *In the Matter of Oakland City Council (Case No. 17-14M)*: The Commission closed the matter without further action.
4. *In the Matter of Sheilagh Polk "Cat Brooks" for Mayor 2018 (Case No. 18-20)*: The Commission closed the matter with a disgorgement letter to Ms. Polk and her campaign and a warning letter to the persons who made contributions over the limit to her campaign.
5. *In the Matter of Desley Brooks for City Council 2018 (Case No. 18-21)*: The Commission closed the matter with a disgorgement letter to Councilmember Brooks and her campaign and a warning letter to the persons who made contributions over the limit to her campaign.
6. *In the Matter of Libby Schaaf for Mayor 2018 (Case No. 18-22)*: The Commission closed the matter with a disgorgement letter to Mayor Shaaf and her campaign and a warning letter to the persons who made contributions over the limit to her campaign.
7. *In the Matter of Desley Brooks for City Council 2018 (Case No. 18-27)*: The Commission closed the matter with a disgorgement letter to Councilmember Brooks and her campaign and a warning letter to the persons who made contributions over the limit to her campaign.

8. Complaint No. 17-17: Commission Staff completed its preliminary review and dismissed the complaint because the allegations do not warrant an investigation. (Attachment 1.)
9. *In the Matter of Sheilagh Polk “Cat Brooks” for Mayor 2018 (Case No. 18-34)*: The Commission closed the matter with a disgorgement letter to Ms. Polk and her campaign and a warning letter to the persons who made contributions over the limit to her campaign.
10. *In the Matter of Abel Guillen for City Council 2018 (Case No. 18-36)*: The Commission closed the matter with a disgorgement letter to Councilmember Guillen and his campaign and a warning letter to the persons who made contributions over the limit to his campaign.
11. Complaint Nos. 18-42, 18-43, 18-44, 18-45, and 18-46: Commission Staff received five formal complaints and is conducting a preliminary review of the allegations.

Current Enforcement Priorities

Commission Staff continues to prioritize cases based on the following priority factors: 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.

CITY OF OAKLAND



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

Public Ethics Commission
Enforcement Unit

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

November 9, 2018

Gene Gorelik



Re: PEC Complaint No. 17-17; Dismissal Letter

Dear Mr. Gorelik:

On August 20, 2017, and July 27, 2018, the City of Oakland Public Ethics Commission (PEC) received your complaint alleging that:

1. City Councilmember Lynette Gibson McElhaney violated unspecified provisions of the Oakland Campaign Reform Act (OCRA), Government Ethics Act (GEA), and other laws under the PEC's jurisdiction by "using her office's resources to conduct a multi-department attack" on your development project, and "has been in contact with... numerous... city departments to push to stall and derail [your] project."
2. City Attorney Barbara Parker violated unspecified provisions of OCRA, GEA, and other laws under the PEC's jurisdiction by pursuing legal action against you in the 369 MacArthur Boulevard landlord-tenant dispute, despite the alleged lack of any "pattern or practice" on your part of violating tenant protection laws (as required for the City Attorney to pursue a case under Section 8.22.670.2 of the City's Tenant Protection Ordinance).
3. That various City departments have taken part in a harassment campaign against you or your project, including the City Attorney's office, the Planning & Building Department (Building Department), the Oakland Police Department (OPD), and the Public Works/Tree Services Department (collectively, the Departments). In particular, you allege that the Departments have been issuing you with numerous code violations, stop-work orders, or landlord/tenant-related complaints. According to your complaint, some or all of these alleged violations are baseless, and the "City is intentionally playing games to stop or delay our project from moving forward." You also state that the Departments have been slow to respond to your own appeals, complaints, or efforts to remedy the alleged violations, and that the City issued statements to the press that painted you in a negative light and may have contained inaccurate information.

4. That the Oakland Unified School District (OUSD) “removed all associations online between the school” and your wife, who works for the district as a teacher. You state that school officials “later admitted it was because of the negative publicity about me.”

After reviewing the allegations in your complaint, further discussing the matter with you, and giving you the opportunity to provide additional information or evidence, we have determined that there is insufficient information to warrant an investigation by the PEC.

Allegations Against Councilmember McElhaney and City Attorney Parker

Regarding the allegation that Councilmember McElhaney used her office to facilitate the City’s legal actions against you, Section 2.25.070(E) of GEA does prohibit City Councilmembers from giving orders to subordinates of elected City officials (such as the deputy city attorneys). Your complaint makes reference to “numerous” City departments with which Councilmember McElhaney has allegedly been in contact. However, your complaint does not provide any evidence to indicate that Councilmember McElhaney or her staff directed any City department to take a particular action. While we do not expect you to provide all of the evidence needed to conclusively prove your allegation, the PEC does not open an investigation based solely upon an allegation with no supporting evidence, or that is not based upon the first-hand knowledge of the person making the allegation.¹

Your complaint also alleges that Councilmember McElhaney and City Attorney Parker are misusing City resources in pursuing or encouraging action against you in connection with the 369 MacArthur Boulevard landlord-tenant matter. Section 2.25.060(A) of GEA prohibits public servants from using or permitting others to use public resources for “personal or non-City purposes not authorized by law.” “Personal purpose” is further defined in the ordinance as “activities for personal enjoyment, private gain or advantage, or an outside endeavor not related to City business.”

Here, no evidence has been presented that Councilmember McElhaney and City Attorney Parker have used City resources for personal purposes. A Councilmember is permitted to provide assistance to constituents, or make inquiries concerning matters in her district. The City Attorney’s office is empowered to bring actions against those who it believes are in violation of the laws under its jurisdiction. There is no indication that either Councilmember McElhaney or City Attorney Parker were acting for personal or non-City purposes in their alleged actions in this matter.

¹ You informed the PEC in a follow-up telephone call that your allegation against Councilmember McElhaney is based in part upon a tip that you received from a third party. However, you declined to name this third party or provide specific details that could be used to verify the tip. The PEC does not consider uncorroborated, anonymous hearsay to be evidence upon which it can open an investigation. Nor does your allegation that Councilmember McElhaney’s staff was in communication with members of the public about this matter constitute evidence that she or her staff gave orders to City officials.

Section 2.25.040(A) of GEA also prohibits city officials from influencing any City decisions or actions in which they have a financial conflict of interest. However, your complaint does not allege that Councilmember McElhaney had any type of financial interest in the City's decision to pursue legal action against you. Your complaint does allege that the tenant at issue in the legal action was a "political organizer" for Councilmember McElhaney, and that Councilmember McElhaney and City Attorney Parker are "abusing City of Oakland Resources for the sole purpose and benefit of" Councilmember McElhaney's supporter. However, campaign work or campaign contributions do not qualify as a "financial interest" that would trigger GEA's conflict of interest rules. Nor do any of the laws under the PEC's jurisdiction prohibit elected officials from lawfully using their office in ways that might benefit someone who assisted or contributed to their campaign, in the absence of a specific agreement to exchange official favors for contributions.²

Regarding the more general allegation that Councilmember McElhaney and City Attorney Parker are pursuing what you believe to be unfair legal action against you, Section 2.25.060(A)(2) of GEA does prohibit officials from intentionally using their authority or position to "induce or coerce" someone for private benefit (regardless of whether the matter involves a financial conflict of interest). This provision requires some corrupt action or intent outside the scope of one's official duties. Your complaint does not allege that Councilmember McElhaney or City Attorney Parker acted outside the scope of their ordinary duties in their handling of this matter. The City Attorney is empowered to bring actions against those who she believes are in violation of the laws under her jurisdiction, and the Councilmember is permitted to provide assistance to constituents and make inquiries concerning matters in her district. No evidence is presented in the complaint that Councilmember McElhaney or City Attorney Parker misused their authority in their handling of this matter.³ Therefore, there are insufficient grounds to open an investigation under GEA 2.25.060(A)(2).

Allegations Against the Departments

Regarding the allegations against the Departments, the PEC does not investigate allegations of poor service; such allegations need to be taken up with the Departments themselves. The PEC does investigate allegations that City employees may be using their powers or authority to intentionally "induce or coerce" someone for private benefit, under Section 2.25.060(A)(2) of GEA. This might conceivably include a situation where, as you are alleging, someone within the City is directing departments to file vexatious complaints against you, or directing a City employee to ignore your own requests for assistance from the City. Both of those courses of action would

² See Section 2.25.070(A) of GEA, which prohibits bribery.

³ Your complaint does allege that the City Attorney's office is pursuing a case against you under Section 8.22.670.2 of the City's Tenant Protection Ordinance, despite the absence of a "pattern or practice" of alleged violations on your part (as required by the ordinance). However, the PEC will not second-guess the ordinary use of discretion by a City official (such as the City Attorney's interpretation of a law), in the absence of any other evidence of corrupt action or intent.

seem to be outside the scope of the Department officials' duties, and therefore would implicate a violation of Section 2.25.060(A)(2) of GEA.

However, there is insufficient evidence in the complaint to warrant such a finding here. The Departments are charged with administering the laws under their jurisdiction in the manner they deem fit, and there is insufficient evidence to indicate that the Departments' actions are part of an organized campaign to harass you. To the extent that the Departments may have made some mistakes in their dealings with you, those issues need to be resolved with the Departments themselves. The PEC will not open an investigation into mistakes allegedly made by other Departments, in the absence of any other evidence of corrupt action or intent by those Departments.

As for the allegation that various City officials have issued statements to the press that painted you in a negative light and may have contained inaccurate information, no laws under the PEC's jurisdiction are implicated by this allegation. We suggest you address these concerns directly with the official's Department.

Allegations Against OUSD

Regarding the allegations against OUSD officials, the PEC does not have jurisdiction over OUSD officials, except for certain requirements imposed on candidates running for election to the OUSD Board. None of the GEA provisions applicable to the OUSD are implicated by the facts presented in your complaint, nor are any of the other laws over which the PEC has jurisdiction.

Conclusion

Because there is insufficient information to warrant an investigation by the PEC, we are dismissing your complaint pursuant to the PEC's Complaint Procedures. The PEC's Complaint Procedures is available on the PEC's website.

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

Sincerely,

Milad Dalju
Chief of Enforcement

cc: Lynette Gibson McElhaney, City Councilmember
Barbara Parker, City Attorney

CITY OF OAKLAND

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Jonathan Stein, Chair
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TO: Public Ethics Commission
FROM: Whitney Barazoto, Executive Director
DATE: November 20, 2018
RE: Executive Director's Report

This memorandum provides an overview of the Public Ethics Commission's (PEC or Commission) significant activities since the agenda posting for the Commission's last regular meeting that are not otherwise covered by staff program reports. The attached overview of Commission Programs and Priorities includes the main goals for 2018-19 for each program area.

Deputy Director/Enforcement Chief Milad Dalju resigned his position on November 6, 2018. His last day in the office was on November 16, 2018. Milad provided valuable service to the Commission and the City, bringing his knowledge of campaign finance laws and his experience at the Fair Political Practices Commission to the Commission at a time when we were building our enforcement unit from a half-time position to a two-person team. He was instrumental in dealing with backlogged cases while also addressing more complex matters that have reached their peak this year. He helped produce amendments to the Campaign Reform Act, Lobbyist Registration Act, and Penalty Guidelines that further strengthened our Commission's authority in these areas.

With this new vacancy, Commission staff engaged the Department of Human Resources Management to open recruitment to fill the position expeditiously. Our HR analyst indicated that the job posting will go up very soon so we can begin to accept applications and review potential candidates. At this point, my estimate for making the new appointment is approximately 2 months.

Attachment: Commission Programs and Priorities

PUBLIC ETHICS COMMISSION

Programs and Priorities 2018-19

Program	Goal	Desired Outcome	Key Projects for 2018-19
Lead/ Collaborate (Policy, Systems, Culture)	PEC facilitates changes in City policies, laws, systems, and technology and leads by example to ensure fairness, openness, honesty, integrity and innovation.	Effective campaign finance, ethics, and transparency policies, procedures, and systems are in place across City agencies	<ol style="list-style-type: none"> 1. Adoption of PEC-drafted City Ticket Distribution policy and process changes 2. Campaign Finance/Public Financing Act Project to expand participation in the campaign process 3. Partner with OpenOakland on small projects
Educate/ Advise	Oakland public servants, candidates for office, lobbyists, and City contractors understand and comply with City campaign finance, ethics, and transparency laws.	The PEC is a trusted and frequent source for information and assistance on government ethics, campaign finance, and transparency issues; the PEC fosters and sustains ethical culture throughout City government.	<ol style="list-style-type: none"> 1. Online ethics training for Form 700 filers – ensure training delivered to a) staff/officials (1000), b) board/commission members, and c) consultants 2. Candidate education – 2018 Election (online, binder, in-person orientation, April FPPC training, etc.) ✓ 3. Public Financing for candidates 2018 (outreach, training/assistance, maximize use of funds, etc.) 4. Ongoing: advice calls, in-person trainings, ethics orientation for new employees (12), supervisor academy (3-4), and PEC newsletter (2) 5. Education materials for people doing business with the City 6. Web-based ethics materials, html Ethics Training ✓
Outreach/ Engage	Citizens and regulated community know about the PEC and know that the PEC is responsive to their complaints/questions about government ethics, campaign finance, or transparency concerns.	The PEC actively engages with clients and citizens demonstrating a collaborative transparency approach that fosters two-way interaction between citizens and government to enhance mutual knowledge, understanding, and trust.	<ol style="list-style-type: none"> 1. Outreach to client groups: <ul style="list-style-type: none"> -2018 Candidates ✓ -Public financing program ✓ -people doing business with the City 2. Sustain/enhance general PEC social media outreach 3. PEC Roadshow – focus on CF project outreach (Commissioners) 4. PEC website upgrade ✓ 5. Establish Communications Plan ✓
Disclose/ Illuminate	PEC website and disclosure tools are user-friendly, accurate, up-to-date, and commonly used to view government integrity data. Filing tools collect and transmit data in an effective and user-friendly manner.	Citizens can easily access accurate, complete campaign finance and ethics-related data in a user-friendly, understandable format. Filers can easily submit campaign finance, lobbyist, and ethics-related disclosure information.	<ol style="list-style-type: none"> 1. Ongoing: Campaign Filing Officer, E-filing System Management 2. Campaign Reporting Compliance and Referral program 3. Open Disclosure 2018 – campaign data visualization project ✓ 4. Lobbyist Registration – solidify filing officer process ✓, create e-filing system 5. Form 803 Behested Payments – implement e-filing process, create online open data format for public accessibility 6. Initiate/develop project plan to establish comprehensive contractor database
Detect/ Deter	PEC staff proactively detects potential violations and efficiently investigates	Public servants, candidates, lobbyists, and City contractors	<ol style="list-style-type: none"> 1. Proactive investigations focusing on ethics violations 2. Share prelim review/intake among enforcement team

	complaints of non-compliance with laws within the PEC's jurisdiction.	are motivated to comply with the laws within the PEC's jurisdiction.	<ol style="list-style-type: none"> 3. Collaboration with other government law enforcement agencies 4. Track investigation steps (commencement/completion) 5. Establish process for phone/text subpoenas
Prosecute	Enforcement is swift, fair, consistent, and effective.	Obtain compliance with campaign finance, ethics, and transparency laws, and provide timely, fair, and consistent enforcement that is proportional to the seriousness of the violation.	<ol style="list-style-type: none"> 1. Address complaints against the PEC v 2. Create manual for Sunshine Complaint Mediation, recruit law clerk v 3. Amend Complaint Procedures 4. Update Penalty Guidelines 5. Resolve all 2014 cases 6. Ensure completion of all case data
Administration/ Management	PEC staff collects and uses performance data to guide improvements to program activities, motivate staff, and share progress toward PEC goals.	PEC staff model a culture of accountability, transparency, innovation, and performance management.	<ol style="list-style-type: none"> 1. Publish performance goals and data on PEC website – dashboards 2. Review data to adjust activities throughout the year 3. Ongoing: professional development and staff reviews v 4. Staff to create position manuals to establish long-term continuity