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Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Suzanne Doran, Lead Analyst
Jelani Killings, Ethics Analyst
Whitney Barazoto, Executive Director
DATE: December 27, 2019
RE: Disclosure and Engagement Report

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

Program Milestones in 2019

Compliance

Campaign finance disclosure – As of December 2019, the City of Oakland has 73 active political committees required to file periodic campaign disclosure statements, 41 candidate and officeholder committees, 19 general purpose committees, 8 primarily-formed ballot measure committees, 4 independent expenditure committees, and 1 primarily-formed candidate committee. There were only two semi-annual campaign statement deadlines in 2019, a non-election year. In all, staff processed and reviewed close to 200 campaign-related filings during 2019.

During facial review staff detected five statements with issues requiring amendments and worked with filers to voluntarily come into compliance. Staff assessed \$380 in late fees against two filers and referred three committees for enforcement for failure to file campaign statements after repeated notices and contacts with staff.

Contribution and Expenditure Ceiling Limit Adjustments – As the campaign filing officer, the Commission is responsible for adjusting the contribution and expenditure ceiling limits annually to adjust for increases in the Consumer Price Index (CPI). In January, staff adjusted the contribution and expenditure limits for 2019 and published by the February 1st deadline.

City Auditor Limited Public Financing (LPF) Program Audit – From January thru May, Commission staff participated in the City Auditor's audit of the 2018 LPF program. Staff provided LPF records and assisted in completion of the required audit. The audit found that the PEC's overall systems and

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internal controls are adequate to ensure proper administration of the LPF program. All candidates were properly deemed eligible for the program, and all expenditure reimbursements were appropriate.

Lobbyist disclosure – The PEC received 72 lobbyist registrations and 11 terminations this year, ending the year with 61 registered lobbyists. All lobbyist forms and reports required by the Lobbyist Registration Act are filed with the Public Ethics Commission, and as a result, staff processed 200 quarterly lobbyist activity reports this year.

Statements of Economic Interests – April 2, 2019, marked the deadline for City officials and designated employees within the City’s Conflict of Interest Code to file their annual statement of economic interests (Form 700). Staff conducted an initial compliance check of elected officials to confirm that their Form 700’s were filed. All 11 officials filed their statements on time. Staff continues to work with the Department of Human Resources Management (DHRM) to make available an accurate list of all designated employees required to file Form 700 and is developing a compliance practice for these forms modeled on the process developed for campaign finance compliance.

Other proactive staff activity focused on Form 700 compliance included ongoing work with board and commission support staff to ensure all City board and commission members understand their responsibilities and requirements under local ethics and transparency laws. As PEC staff conducts these discussions, a primary focus is ensuring board and commission members are complying with Form 700 filing and online training requirements.

Board and Commission Compliance Review – In 2019, staff initiated a proactive review to assess whether all City boards and commission websites comply with Sunshine and Brown Act requirements. Initially, Commission staff found that only 19 of the City’s 31 active boards and commissions were conforming with online agenda posting requirements. The focus of the review then shifted to ensuring all board liaisons know and abide by the legal requirements. Over the course of the review, staff held meetings and coordinated with 16 board liaisons to discuss Sunshine and Brown Act requirements and to obtain compliance.

Following Commission staff’s review and direct assistance with boards, all 31 of the City’s boards and commissions subject to the Sunshine Ordinance fulfilled the online agenda posting requirements. Staff also provided recommendations to the Mayor’s Office and City Administrator’s Office on the support board liaisons need to fulfill their duties.

Illuminating Disclosure Data

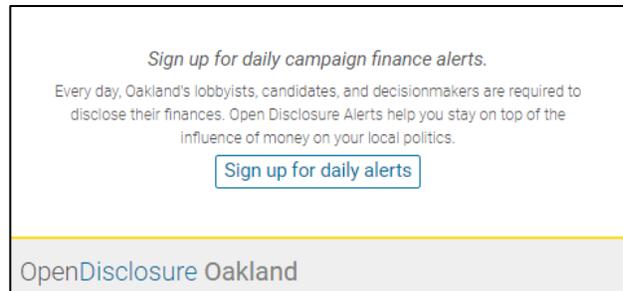
Lobbyist e-filing – During 2019, Commission staff successfully submitted a proposal to the City of Oakland’s Information Technology Department (ITD) to build an online lobbyist e-filing system and public portal to increase efficiency in processing lobbyist registration and disclosure reports and to improve internal and public access to the data contained within the reports. Commission staff worked with IT staff during the last five months of the year to build the filing system utilizing the [OakApps](#) portal, completing the database and making significant progress on the user interface where lobbyists will enter their registration and report data. The pilot system will launch in early 2020.

The electronic filing system is designed to make compliance with the disclosure requirements of the Oakland Lobbyist Registration Act simpler and more convenient for the regulated community. Added features to simplify reporting and provide meaningful and timely reports to the public include the ability to create and edit draft reports, tools to upload client data to lobbyist accounts, as well as drop

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down categories and look-up tables to speed data entry and provide information in more standardized formats. Work has also begun on the design for a new ethics data portal, where members of the public will be able to view key metrics, view the latest filings, and search and download the data.

Open Disclosure – Although 2019 was not an election year, our volunteer partners at Open Oakland added a new [Open Disclosure](#) feature for users interested in staying on top of the latest campaign finance, lobbyist and ethics-related disclosure filings. Users can now subscribe to receive email alerts listing new disclosure filings with highlights from the reports and a link to the filing. The alert includes all campaign finance, lobbyist registrations and reports, statements of economic interest (Form 700), and behested payment reports (Form 803) uploaded to the Oakland NetFile system.

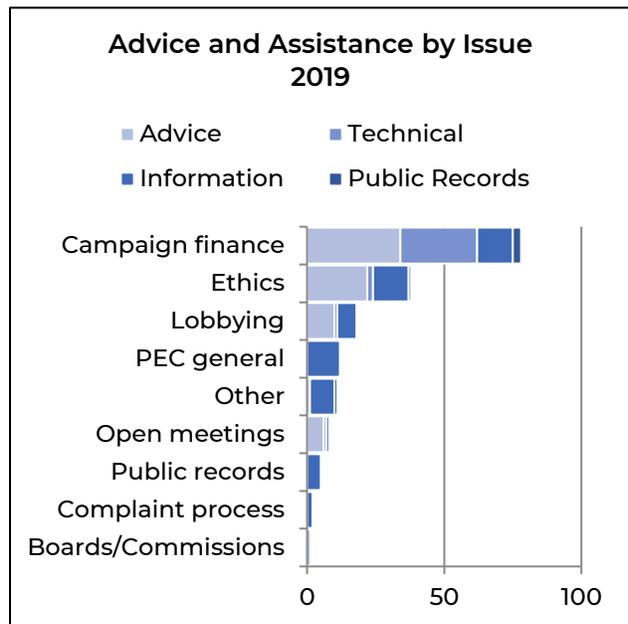


Advice and Engagement

Advice and Technical Assistance – In 2019, Commission staff responded to 173 requests for information, advice or assistance regarding campaign finance, ethics, or lobbyist registration issues.

Elected Officials – At the beginning of the year, Commission staff initiated increased communications with elected officials, providing them with an ethics training checklist and extending an offer of support with state and local ethics laws including an in-person ethics check-in meeting for officials and their staff members.

As a result, staff met with three council offices providing each with an ethics resource binder that included guides and fact sheets relating to the Government Ethics Act, conflicts of interests, gift restrictions, non-interference provision, and the City's ticket distribution policy. The increased outreach and informal meetings allowed PEC staff to better understand the support needs of councilmembers and their staff in complying with local ethics laws and at year-end all 11 elected officeholders are in compliance with both Form 700 filing requirements and the state-required AB 1234 ethics training. Ten out of 11 elected officials completed the PEC's comprehensive online training for Form 700 filers.



New Employee Orientation – In 2016, Commission staff began collaborating with the Department of Human Resources (DHRM) to ensure that every new City employee receives introductory Government Ethics training. Commission staff presents an overview of both the Government Ethics Act and the Commission's services at every New Employee Orientation provided by the City. This year, Commission staff made ten in-person presentations and two video presentations reaching approximately 320 new employees. In addition to regular new employee onboarding, staff also conducted ethics training for

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50 new employees of the Oakland Parks, Recreation, and Youth Development Department for their summer staff orientation.

Supervisor Academy – Supervisor Academy is a relatively new service of DHRM to provide training for supervisors on City policies and procedures, internal systems, and leadership skills relating to day-to-day supervision. Commission staff provided ethics presentations at three Supervisor Academies, reaching over 80 supervisor-level City employees with an overview of the Government Ethics Act and PEC services, as well as the opportunity to dive into discussions of ethical issues and scenarios and skills-based training to deal with ethical dilemmas such as gift restrictions, lobbying activity, misuse of City resources, and public records requests.

Boards and Commissions – This past year, staff provided in-person introductory ethics trainings to four City boards and Commissions: The Cannabis Regulatory Commission, Oakland Fund for Children and Youth Oversight Committee, Bicyclist and Pedestrian Advisory Board, and the Police and Fire Retirement Board. In addition, PEC staff participated in a joint effort with the Mayor’s office, City Clerk, and City Attorney to provide a comprehensive training for City Board and Commission staff liaisons. The training covered all relevant laws and responsibilities, including Sunshine and GEA requirements, pertaining to boards and commissions to ensure understanding and compliance. Staff provided attendees with copies of the PEC’s Boards and Commission Members Handbook and shared practices used by our own Commission for onboarding new members.

Publications – The Commission made substantial revisions to two comprehensive guides intended to assist the regulated community in complying with local laws:

- **Government Ethics Guide** – The previous Ethics Resource Guide, which hadn’t been updated since the adoption of the Government Ethics Act (GEA), was overhauled to create a guide that summarizes all key GEA provisions and provides an additional GEA educational resource to support PEC trainings, fact sheets, and advisories.
- **Board and Commission Members Handbook** – Staff revised the Commission’s Board and Commission Members Handbook to update information related to City structure and boards.

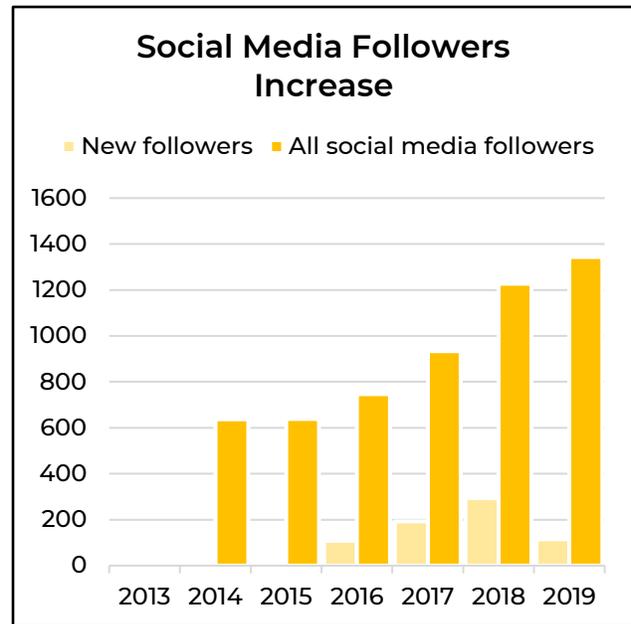
Newsletter – The PEC published and distributed two issues of our semi-annual newsletter **Public Trust** in 2019. The newsletters highlighted the Commission’s ethics education efforts and the expanded breadth and efficacy of the enforcement division along with a range of topics to keep our regulated community and Oakland residents informed about the Commission’s work. The newsletters were distributed electronically to all City staff and Commission followers, shared widely via social media and the Commission’s website, and made available in hard copy in the PEC office and at outreach events. Through the Commission’s email distribution list alone, 1,517 individuals received the PEC newsletter.

Online Engagement

KTOP Video – Staff along with Commissioners Smith, Jackson, and Maxson Velazquez, were the first to participate in KTOP’s new video series **Inside of City Hall**. The show takes an in-depth look at the City’s boards and commissions through talk show style interviews with commission representatives. Staff and Commissioners met with KTOP staff to discuss and develop interview outline and recorded the interview in KTOP studios. The interview covered the Commission’s mission, core activities, and communicated its importance to Oaklanders. The interview officially aired in October and has received 206 views.

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Social Media – In 2019, Commission staff continued producing social media content on a monthly basis to highlight specific PEC policy areas, activities or client-groups. Social media posts generated over 500,000 impressions (views of PEC content) and over 1,000 user engagements (likes, shares or retweets, clicks on links, and new followers). Our social media followers continued to grow with 115 new followers for a total of 5,525 at the end of 2019.



Website – Commission staff continued efforts to improve our online resources by partnering with the City’s Digital Services department to develop service categories to improve the navigability of the City website. PEC staff collaborated with Digital Services to design and conduct user research to test menu labels to make it much easier to find our resources. Test results will be used by Digital Services to provide a Citywide website service menu so PEC client groups such as candidates, lobbyists, and residents can quickly locate PEC-related services.

General Outreach

Commission staff participated in seven community events this year to promote the Commission’s work and provide opportunities for dialogue with Oakland residents:

- **Community Roundtable with City Auditor** – Commissioner Jackson and staff participated in a joint community presentation with the City Auditor’s office at the Dimond Branch Library.
- **Open Data Day** – Commissioner Butler and staff participated in a panel on Public Records as Open Data sponsored by OpenOakland
- **League of Women Voters Speaker Series** – Commissioners Smith, Stein, and Maxson Velázquez and staff presented on the Commission’s campaign finance reform project at two events as part of a League of Women Voters Speaker Series.
- **OpenOakland Day of Service 2019** – The Commission staff designed two projects focused on illuminating lobbyist and behested payment disclosure by digitizing data for local volunteers.
- **Art and Soul** – Commissioners and staff staffed a table to share the Commission’s work with Oakland residents at the annual Art & Soul festival.
- **Public Finance Workshop** – Commissioner Maxson Velázquez along with PEC staff participated in an ACLU-organized workshop to share the outcomes produced by Oakland’s current campaign system and hear from residents regarding their views on local elections and key issues facing Oakland, along with discussing public financing options as a partial solution.