

CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
One Frank Ogawa Plaza (City Hall)  
Regular Commission Meeting  
Teleconference  
Wednesday, January 11, 2023  
6:30 p.m.



## **PUBLIC ETHICS COMMISSION (PEC or COMMISSION) MEETING**

**NOTE: Pursuant to California Government Code section 54953(e), Public Ethics Commission members and staff will participate via phone/video conference, and no physical teleconference locations are required. The following options for public viewing and participation are available:**

- **Television:** KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99, locate City of Oakland KTOP – Channel 10
- **Livestream online:** Go to the City of Oakland’s KTOP livestream page here: <https://www.oaklandca.gov/services/ktop-tv10-program-schedule> click on “View”
- **Online video teleconference:** Click on the link below to join the webinar:  
<https://us02web.zoom.us/j/88171471481>
  - To comment by online video conference, click the “Raise Your Hand” button to request to speak when Public Comment is being taken on an eligible agenda item. You will then be unmuted, during your turn, and allowed to participate in public comment. After the allotted time, you will then be re-muted. Instructions on how to “Raise Your Hand” is available at: <https://support.zoom.us/hc/en-us/articles/205566129> - Raise-Hand-In-Webinar.
- **Telephone:** Dial (for higher quality, dial a number based on your current location): US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592

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International numbers available: <https://us02web.zoom.us/j/88171471481>

- To comment by phone, please call on one of the above listed phone numbers. You will be prompted to “Raise Your Hand” by pressing \*9 to request to speak when Public Comment is being taken on an eligible agenda item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted. Instructions of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663> - Joining-a-meeting-by-phone.

Members of the public may submit written comments to [ethicscommission@oaklandca.gov](mailto:ethicscommission@oaklandca.gov). If you have any questions about how to participate in the meeting, please email [ethicscommission@oaklandca.gov](mailto:ethicscommission@oaklandca.gov) before or during the meeting.

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Commissioners: Arvon Perteet (Chair), Ryan Micik (Vice-Chair), Charlotte Hill, Joseph Tuman, and Francis Upton IV.

Commission Staff to attend: Suzanne Doran, Acting Executive Director/Lead Analyst; Ana Lara-Franco, Commission Analyst; Simon Russell, Enforcement Chief.

City Attorney Staff: Trish Shafie, Deputy City Attorney.

### **PUBLIC ETHICS COMMISSION REGULAR MEETING AGENDA**

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

### **PRELIMINARY ACTION ITEMS**

- 4. Virtual meetings by the Public Ethics Commission.** The Commission will review and take possible action to approve Resolution 23-01, establishing certain determinations to justify the ongoing need for virtual meetings following the California State Legislature's adoption and Governor's approval of AB 361 on September 16, 2021 (Chapter 165; Statutes of 2021). ([Resolution 23-01](#))

### **ACTION ITEMS**

- 5. Approval of Commission Meeting Draft Minutes.**
  - December 14, 2022, Regular Meeting Minutes [Meeting Minutes](#)
- 6. Election of Officers (Chair and Vice-Chair) of the Commission.** Commissioners will have an opportunity to nominate any Commissioner to serve as Chair and Vice Chair for 2023. If more than one Commissioner is nominated for an office, each nominee may speak regarding their qualifications and interest in serving and may answer questions of Commissioners or the public (Public Ethics Commission Operations Policies, Article IV). The Commission may discuss the nominations and, when the vote is called, each Commissioner may cast a single vote for each office.) ([PEC Operations Policies](#))
- 7. New Commissioner Selection.** The Commission received eight applications for the PEC-appointed vacancies, conducted interviews, and selected four finalists to appear before the full Commission for a public interview. Three finalists accepted to appear. Each finalist

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will be given four minutes to introduce themselves to the Commission, followed by questions from Commissioners. After all finalists have presented and answered questions, the Commission will vote to select two new members to begin their three-year term on January 22, 2023. Attached are the application materials for each of the finalists:

- a. Alea Gage ([Gage Application](#))
- b. Chris Nardi ([Nardi Application](#))
- c. Vincent Steele ([Steele Application](#))

### **DISCUSSION ITEMS**

- 8. Reports on Subcommittees and Commissioner Assignments.** Commissioners may discuss subcommittee assignments, create a new subcommittee, or report on work done in subcommittees since the Commission's last regular meeting. Commissioners may also discuss assignments, efforts, and initiatives they undertake to support the Commission's work.
  - a. **Outreach Subcommittee** (*ad hoc*, created on June 8, 2022) – Francis Upton IV (Chair), Charlotte Hill.
  - b. **Recruitment Subcommittee** (*ad hoc*, created on October 12, 2022) – Ryan Micik (Chair), Charlotte Hill, Francis Upton IV.
  - c. **Measure W Implementation Subcommittee** (*ad hoc*, created December 14, 2022) – Arvon Perteet (Chair), Charlotte Hill, Francis Upton IV.
- 9. Executive Director Recruitment.** (Update on Executive Director recruitment process.)
- 10. Transparency and Public Records Requests Improving Responsiveness.** (Discussion on how the PEC can gain compliance from City departments and encourage best practices regarding public records requests.)

### **INFORMATION ITEMS**

- 11. Disclosure and Engagement.** Commission Analyst Ana Lara-Franco provides a year-end summary of compliance with disclosure requirements, education and advice, general outreach, and data illumination activities, as well as an update on activities since the last regular Commission meeting. ([Disclosure Report](#))
- 12. Enforcement Program.** Enforcement Chief Simon Russell provides a year-end summary of the Commission's enforcement work, including overall case status and legal actions,

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



as well as an update on enforcement work since the last regular Commission meeting. ([Enforcement Report](#); [Dismissal Letter 20-37](#); [Dismissal Letter 22-24](#))

13. **Executive Director's Report.** Acting Executive Director Suzanne Doran provides a year-end summary of significant PEC activities not covered in other staff reports including budget, staffing, as well as ongoing PEC legislative and policy initiatives. ([Executive Director's Report](#); [PEC Response to Grand Jury Report](#); [City of Oakland Response to Grand Jury Report](#))
14. **Future Meeting Business.** Commissioners and staff may propose topics for action or discussion at future Commission meetings.

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](http://www.oaklandca.gov/pec).



12/23/22

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Approved for Distribution

Date



This meeting location is wheelchair accessible. Do you need an ASL, Cantonese, Mandarin or Spanish interpreter or other assistance to participate? Please email [alarafranco@oaklandca.gov](mailto:alarafranco@oaklandca.gov) or call (510) 238-3593 Or 711 (for Relay Service) five business days in advance.

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**CITY OF OAKLAND**  
**Public Ethics Commission**

**RESOLUTION NO. 23-01**  
**[Proposed renewal 1-11-23]**



**Resolution Summary:**

**ADOPT A RESOLUTION DETERMINING THAT CONDUCTING IN-PERSON MEETINGS OF THE PUBLIC ETHICS COMMISSION AND ITS COMMITTEES WOULD PRESENT IMMINENT RISKS TO ATTENDEES' HEALTH, AND ELECTING TO CONTINUE CONDUCTING MEETINGS USING TELECONFERENCING IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 54953(E), A PROVISION OF AB 361.**

**By action of the Oakland Public Ethics Commission:**

**WHEREAS**, on March 4, 2020, Governor Gavin Newsom declared a state of emergency related to COVID-19, pursuant to Government Code Section 8625, and such declaration has not been lifted or rescinded. See <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.4.20-Coronavirus-SOE-Proclamation.pdf>; and

**WHEREAS**, on March 9, 2020, the City Administrator in their capacity as the Director of the Emergency Operations Center (EOC), issued a proclamation of local emergency due to the spread of COVID-19 in Oakland, and on March 12, 2020, the City Council passed Resolution No. 88075 C.M.S. ratifying the proclamation of local emergency pursuant to Oakland Municipal Code (O.M.C.) section 8.50.050(C); and

**WHEREAS**, on June 17, 2022, Gavin Newsom issued Executive Order N-11-22 reaffirming that a State of Emergency exists in California as a result of COVID-19. (See <https://www.gov.ca.gov/wp-content/uploads/2022/06/6.17.22-COVID-EO-Rollback-signed.pdf> ); and

**WHEREAS**, City Council Resolution No. 88075 remains in full force and effect to date; and

**WHEREAS**, the Centers for Disease Control (CDC) recommends physical distancing of at least six (6) feet whenever possible, avoiding crowds, and avoiding spaces that do not offer fresh air from the outdoors, particularly for people who are not fully vaccinated or who are at higher risk of getting very sick from COVID-19. See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>; and

**WHEREAS**, the CDC recommends that people who live with unvaccinated people avoid activities that make physical distancing hard. See <https://www.cdc.gov/coronavirus/2019-ncov/your-health/about-covid-19/caring-for-children/families.html>; and

**WHEREAS**, the CDC recommends that older adults limit in-person interactions as much as possible, particularly when indoors. See <https://www.cdc.gov/aging/covid19/covid19-older-adults.html>; and

**CITY OF OAKLAND**  
**Public Ethics Commission**



**RESOLUTION NO. 23-01**  
**[Proposed renewal 1-11-23]**

**WHEREAS**, the CDC, the California Department of Public Health, and the Alameda County Public Health Department all recommend that people experiencing COVID-19 symptoms stay home. See <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>; and

**WHEREAS**, persons without symptoms may be able to spread the COVID-19 virus. See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>; and

**WHEREAS**, fully vaccinated persons who become infected with the COVID-19 Delta variant can spread the virus to others. See <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html>; and

**WHEREAS**, the City's public-meeting facilities are indoor facilities that do not ensure circulation of fresh/outdoor air, particularly during periods of cold and/or rainy weather, and were not designed to ensure that attendees can remain six (6) feet apart; and

**WHEREAS**, holding in-person meetings would encourage community members to come to City facilities to participate in local government, and some of them would be at high risk of getting very sick from COVID-19 and/or would live with someone who is at high risk; and

**WHEREAS**, in-person meetings would tempt community members who are experiencing COVID-19 symptoms to leave their homes in order to come to City facilities and participate in local government; and

**WHEREAS**, attendees would use ride-share services and/or public transit to travel to in-person meetings, thereby putting them in close and prolonged contact with additional people outside of their households;

**Now therefore be it:**

**RESOLVED:** that the Public Ethics Commission finds and determines that the foregoing recitals are true and correct and hereby adopts and incorporates them into this Resolution; and

**RESOLVED:** that, based on these determinations and consistent with federal, state and local health guidance, the Public Ethics Commission determines that conducting in-person meetings would pose imminent risks to the health of attendees; and

**RESOLVED:** that the Public Ethics Commission firmly believes that the community's health and safety and the community's right to participate in local government, are both critically important, and is committed to balancing the two by continuing to use teleconferencing to conduct public meetings, in accordance with California Government Code Section 54953(e), a provision of AB-361; and

**CITY OF OAKLAND**  
**Public Ethics Commission**



**RESOLUTION NO. 23-01**  
**[Proposed renewal 1-11-23]**

**RESOLVED:** that the Public Ethics Commission and its committees will meet by teleconference this month and will renew these (or similar) findings at least every thirty (30) days in accordance with California Government Code section 54953(e) until the state of emergency related to COVID-19 has been lifted, or the Public Ethics Commission finds that in-person meetings no longer pose imminent risks to the health of attendees, whichever occurs first.

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**CERTIFICATION RE: APPROVAL OF RESOLUTION**

The foregoing Resolution was presented for renewal at a duly noticed meeting of the City of Oakland Public Ethics Commission held on January 11, 2023, where a quorum of the membership of the Commission was present. The Commission approved the resolution by a vote of \_\_\_\_ to \_\_\_\_.

I hereby certify that the foregoing is true and correct.

\_\_\_\_\_  
Suzanne Doran, Acting Executive Director  
Oakland Public Ethics Commission

\_\_\_\_\_  
Date



# Item 5 - Meeting Minutes

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DRAFT

Commissioners: Arvon Perteet (Chair), Ryan Micik (Vice-Chair), Charlotte Hill, Joseph Tuman, and Francis Upton IV.

Commission Staff to attend: Suzanne Doran, Acting Executive Director/Lead Analyst; Ana Lara-Franco, Commission Analyst; Simon Russell, Enforcement Chief.

City Attorney Staff: Trish Shafie, Deputy City Attorney.

## **PUBLIC ETHICS COMMISSION REGULAR MEETING MINUTES**

### **1. Roll Call and Determination of Quorum.**

The meeting was held via teleconference.

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

Members present: Perteet, Micik, Hill, Tuman and Upton IV. Hill arrived at 6:32 p.m.

Staff present: Suzanne Doran, Ana Lara-Franco, and Simon Russell.

City Attorney Staff: Tricia Shafie

### **2. Staff and Commission Announcements.**

Suzanne Doran, Acting Executive Director, shared that Simon Russell had been promoted as the new Enforcement Chief.

### **3. Open Forum.**

Public comment: There were four speakers. A full recording of public comments is available in the [meeting video](#). Video recordings are posted on the meeting webpage, which may be found at [www.oaklandca.gov/pec](http://www.oaklandca.gov/pec).

## **PRELIMINARY ACTION ITEMS**

### **4. Virtual meetings by the Public Ethics Commission.**

The Commission reviewed and renewed Resolution 22-01, approved at the January 12, 2022, Regular meeting, to justify the ongoing need for virtual meetings following the

CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
One Frank Ogawa Plaza (City Hall)  
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6:30 p.m.



DRAFT

California State Legislature's adoption and Governor's approval of AB 361 on September 16, 2021 (Chapter 165; Statutes of 2021).

Public comment: There were two speakers.

Micik moved, and Hill seconded to approve the renewal of RESOLUTION NO. 22-01.

Ayes: Perteet, Hill, Micik, Tuman, Upton IV.

Noes: None.

Vote: Passed 5-0.

### **ACTION ITEMS**

#### **5. Approval of Commission Meeting Draft Minutes.**

- a. November 9, 2022, Regular Meeting Minutes

Public comment: There was one speaker.

Hill moved, and Micik seconded to approve the November 9, 2022, Regular Meeting Minutes.

Ayes: Perteet, Hill, Micik, Tuman.

Noes: None.

Abstain: Upton IV, was not present at the meeting.

Vote: Passed 4-0.

- 6. In the Matters of Dan Kalb (PEC Case No. 16-08a); Abel Guillen (PEC Case No. 16-08b); Lynette Gibson McElhaney (PEC Case No. 16-08c); Annie Campbell Washington (PEC Case No. 16-08d); Noel Gallo (PEC Case No. 16-08e); Desley Brooks (PEC Case No. 16-08f); Larry Reid (PEC Case No. 16-08g); Rebecca Kaplan (PEC Case No. 16-08h); Libby Schaaf (PEC Case No. 16-08i).**

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



DRAFT

Simon Russell, Enforcement Chief, presented the report and shared that on June 7, 2016, Enforcement staff opened a proactive investigation to determine whether City officials' use and reporting of free tickets received by the City to events at the Oracle Arena and the Oakland Coliseum were in violation of the Oakland Government Ethics Act. Considering substantially improved compliance with the City's ticket distribution policy and changes to the law meant to address prior violations, Enforcement staff recommended that these matters be closed without any further action.

Commissioners asked questions and discussed the recommendation.

Public comment: There were three speakers.

Upton moved, and Micik seconded to accept the staff recommendation.

Ayes: Perteet, Hill, Micik, Tuman and Upton IV.

Noes: None.

Vote: Passed 5-0.

### **7. In the Matter of Rebecca Kaplan (PEC Case No. 20-40).**

Chief Russell shared that on February 22, 2021, Enforcement staff opened an investigation based upon a formal complaint, to determine whether Oakland City Councilmember At-Large Rebecca Kaplan failed to report her partial ownership interest in an Oakland condominium her Form 700 and/or made, participated in making, or attempted to influence a decision of the City concerning the expansion of a park next to her property, in violation of the Oakland Government Ethics Act. He recommended that the Commission approve the stipulation and impose a financial penalty in the amount of \$19,000.

Commissioners asked questions and discussed the recommendation.

Matthew Alvarez, counsel for Rebecca Kaplan, spoke on behalf of Rebecca Kaplan and was available for questions.

Public comment: There were four speakers.

Hill moved, and Upton seconded to accept the staff recommendation.

CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
One Frank Ogawa Plaza (City Hall)  
Regular Commission Meeting  
Teleconference  
Wednesday, December 14, 2022  
6:30 p.m.



DRAFT

Ayes: Perteet, Hill, Micik, Tuman and Upton IV.

Noes: None.

Vote: Passed 5-0.

## **DISCUSSION ITEMS**

### **8. Reports on Subcommittees and Commissioner Assignments.**

- a. **Outreach Subcommittee** (*ad hoc*, created on June 8, 2022) – Francis Upton IV (Chair), and Charlotte Hill.

There were no updates. Hill shared that the subcommittee would look into providing information on the recruitment for the Executive Director position.

Public comment: There were two speakers.

- b. **Recruitment Subcommittee** (*ad hoc*, created on October 12, 2022) – Ryan Micik (Chair), Charlotte Hill, Francis Upton IV.

Micik shared that the subcommittee interviewed seven candidates and invited four to interview in front of the full commission.

Public comment: There was one speaker.

Perteet created the Measure W *ad hoc* Subcommittee to discuss the implementation of the measure. Members are Perteet (Chair), Hill, and Upton IV.

CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
One Frank Ogawa Plaza (City Hall)  
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6:30 p.m.



DRAFT

## 9. Limited Public Financing Program Summary 2022.

Commission staff summarized candidate participation and the distribution of funds by the City's last public financing program during the 2022 general election.

Public comment: There was one speaker.

## 10. Implementation of Measure W - Oakland Fair Elections Act and Public Ethics Commission Amendment to the City Charter.

Ms. Doran provided a broad overview of the operational changes required by the new law and associated amendments, which passed the ballot on November 8, 2022, along with a tentative timeline for implementation tasks.

Commissioners reviewed and discussed the activities necessary to implement Measure W.

Public comment: There were two speakers.

## 11. Transparency and Public Records Requests Improving Responsiveness.

Commissioners discussed best practices regarding public records requests.

Public comment: There were two speakers.

## INFORMATION ITEMS

### 12. Disclosure and Engagement.

Ana Lara-Franco, Commission Analyst, provided an overview of education, outreach, disclosure, and data illumination activities for this past month.

Public comment: None.

### 13. Enforcement Program.

Chief Russell provided a monthly update on the Commission's enforcement work since

CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
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Wednesday, December 14, 2022  
6:30 p.m.



DRAFT

the last regular Commission meeting.

Public comment: There was one speaker.

#### **14. Executive Director's Report.**

Ms. Doran reported on overall projects, priorities, and significant activities since the Commission's last meeting.

The recruitment for Executive Director has started with a deadline of 1/2/2023. Staff requested approval to hire a part-time investigator while the investigator position is vacant. Candidates are being referred for the Administrative Assistant II vacancy.

Commissioners discussed recruitment for the Executive Director, application deadline, and options should the Commission desire more applicants.

Public comment: There was one speaker.

#### **15. Future Meeting Business.**

Perteet noted the following topics would be on the agenda for the next meeting: Executive Director search, selection of a new Chair and Vice-Chair, and selection of commissioners to fill two vacancies.

Micik requested a discussion be scheduled for a future meeting to review policies for communicating and responding to media requests about investigations involving candidates.

Perteet asked staff to provide an update on action related to the Grand Jury report regarding the Form 700 filing officer duties.

Public comment: There was one speaker.

The meeting adjourned at 9:18 p.m.



**CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION**

**OPERATIONS POLICIES**  
*Effective January 1, 2016*

Table of Contents

Section 1: Commission ..... 4

Section 2: Executive Director ..... 4

Section 3: Commission Staff ..... 4

Section 4: Legal Advisor ..... 4

Section 5: Commission Spokesperson ..... 4

Section 1: Election of Officers ..... 5

Section 2: Chair ..... 5

Section 3: Vice Chair ..... 5

Section 1: Standing and Ad Hoc Committees ..... 5

Section 2: Committee Meetings ..... 5

Section 3: Committee Quorum ..... 6

Section 1: Meetings: Time, Public Location, Notice ..... 6

Section 2: Quorum ..... 6

Section 3: Public Engagement ..... 6

Section 4: Public Participation at Meetings ..... 7

Section 5: Chair ..... 7

Section 6: Meeting Minutes ..... 8

Section 7: Closed Sessions ..... 8

Section 8: Recess ..... 8

Section 1: Agenda Preparation ..... 8

Section 2: Consent Calendar ..... 9

Section 1: Voting, Abstention, and Recusal ..... 9

Section 2: Voting by Proxy ..... 9

Section 1: Confidential Information ..... 9

Section 2: Prohibitions on Disclosure or Misuse of Confidential Information ..... 10

Section 3: Affirmative Duty to Safeguard Confidential Information ..... 10

Section 4: Term of Obligation ..... 11

Section 1: Robert’s Rules of Order (Newly Revised) for Small Boards ..... 11

## Item 6 - PEC Operations Policies

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### ARTICLE I - MISSION STATEMENT

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

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

### ARTICLE II - JURISDICTION, APPLICABLE LAW

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

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

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

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

## ARTICLE III - COMMISSION STRUCTURE AND SUPPORT

### **Section 1: Commission**

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

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

### **Section 2: Executive Director**

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

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

### **Section 3: Commission Staff**

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

### **Section 4: Legal Advisor**

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

### **Section 5: Commission Spokesperson**

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

# Item 6 - PEC Operations Policies

## ARTICLE IV – OFFICERS

### **Section 1: Election of Officers**

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

### **Section 2: Chair**

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

### **Section 3: Vice Chair**

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

## ARTICLE V - COMMITTEES

### **Section 1: Standing and Ad Hoc Committees**

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

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

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

### **Section 2: Committee Meetings**

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

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

### **Section 3: Committee Quorum**

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

## **ARTICLE VI - COMMISSION MEETINGS**

### **Section 1: Meetings: Time, Public Location, Notice**

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

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

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

### **Section 2: Quorum**

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

### **Section 3: Public Engagement**

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

## Item 6 - PEC Operations Policies

All interested persons are encouraged to provide input or request information regarding Commission business by contacting Commission staff at (510) 238-3593 or [ethicscommission@oaklandca.gov](mailto:ethicscommission@oaklandca.gov), or view information online at [www.oaklandca.gov/pec](http://www.oaklandca.gov/pec).

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

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

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

### **Section 4: Public Participation at Meetings**

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

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

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

### **Section 5: Chair**

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

## Item 6 - PEC Operations Policies

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

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

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

### **Section 6: Meeting Minutes**

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

### **Section 7: Closed Sessions**

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

### **Section 8: Recess**

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

## **ARTICLE VII - AGENDA REQUIREMENTS**

### **Section 1: Agenda Preparation**

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

### **Section 2: Consent Calendar**

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

## **ARTICLE VIII - VOTING**

### **Section 1: Voting, Abstention, and Recusal**

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

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

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

### **Section 2: Voting by Proxy**

Voting by proxy is prohibited.

## **ARTICLE IX - TREATMENT OF CONFIDENTIAL INFORMATION**

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

### **Section 1: Confidential Information**

Generally, "Confidential Information," includes the following:

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

## Item 6 - PEC Operations Policies

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

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

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

### **Section 2: Prohibitions on Disclosure or Misuse of Confidential Information**

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

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

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

### **Section 3: Affirmative Duty to Safeguard Confidential Information**

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

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



### **Section 4: Term of Obligation**

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

## **ARTICLE X - PARLIAMENTARY PROCEDURE**

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

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

## **ARTICLE XI - STANDARDS OF CONDUCT**

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

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

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

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

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

## **Item 6 - PEC Operations Policies**

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

### **ARTICLE XII - OPERATIONS POLICIES AMENDMENTS**

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

Form Name: PEC Commissioner Application  
Submission Time: October 11, 2022 4:31 pm  
Browser: [Redacted]  
IP Address: [Redacted]  
Unique ID: [Redacted]  
Location: [Redacted]

Public Ethics Commission Application

Contact Information

Name	Alea Gage
Address	[Redacted] OAKLAND, CA 94602-1749
Phone	[Redacted]
Evening Phone	[Redacted]
Email	[Redacted]

Please answer the following questions

Are you an Oakland resident?	Yes
Years of residency in Oakland	13
Your City Council District	District 4
Do you attest that you already have or will attend a PEC meeting before your final interview with the Commission?	Yes
If you said yes to the previous question, please let us know what date you attended or will attend.	
Are you currently employed by the City of Oakland or do you have any direct and substantial financial interest in any work, business, or official action by the City?	No
Are you currently or are you planning to run for elective office in Oakland?	No
Are you currently or are you planning to endorse, support or oppose an Oakland candidate or ballot measure?	No

## Item 7a - Gage Application

Are you currently or are you planning to work on behalf of an Oakland candidate or ballot measure? No

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Are you a registered Oakland lobbyist? No

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Are you required to register as a lobbyist? No

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Do you receive compensation from an Oakland lobbyist? No

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Do you receive gifts from an Oakland lobbyist? No

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How did you hear about this vacancy? From a friend

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### Supplemental Questions

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**1. Why do you want to serve on the Public Ethics Commission?**

As a mom to young kids and a full-time professional, I have been itching for a way to serve my city. As a city planner and public sector worker, I prize transparency, openness and integrity in keeping an abiding faith in government and the positive impact it can have. I have always been called to work at the local level, the scale of government closest to people's lives. I have tremendous pride in Oakland and know our city's strength depends on the strength of the government institution itself.

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## Item 7a - Gage Application

**2. What skills and experience will you bring to the Commission? (Include any governmental experience, activities with civic and business organizations, neighborhood groups, or any other experience that would contribute to your effectiveness as a Commissioner.)**

I have 15 years of experience working in the public sector (local, county and regional government) or provide consulting services and technical assistance to local governments. I have a master's in City Planning from the University of California, Berkeley, and am also an alumnus of the Coro Fellowship in Public Affairs, yearlong intensive training program providing cross-sector experiences and leadership development.

While at the City of Vallejo, I lead a community development program in 2013-4 known as participatory budgeting. I focused in restoring trust between residents and government. In that role, I oversaw the disbursement of over \$3 million in public funds across twelve projects, coordinated a steering committee of 25 residents of all backgrounds, liaised with department heads to help residents develop project proposals and engaged over 5,000 residents to select which projects to fund.

At present, I work for the San Francisco Mayor's Office of Housing & Community Development helping design and secure the affordable housing commitments of market rate developers. I enjoy working on a diverse and talented team, using negotiation and analytical skills and developing and applying the city codes and state and local legislation to center racial equity and inclusive neighborhoods and city services.

Throughout my career, I've staffed three boards and commissions subject to the Brown Act.

In the past, I've also done local organizing work in Oakland on issues related to criminal justice reform, climate action, allocation of CDBG funds through participatory budgeting, to name a few.

## Item 7a - Gage Application

### 3. What issues, projects, or goals would you like to pursue while serving on the Commission?

A note that these ideas may not reflect a perfect or even remedial understanding of the Commission's purview. Ultimately, I am excited to hear more about the Commission's current work and what roles there may be for me to contribute.

The perception is that Oakland operates with a constant sense of scarcity, whether that be staff capacity, funds for capital projects or time and resources to respond to the needs and concerns of Oakland residents to the fullest extent. I think it would be beneficial to develop a transparent, objective framework for evaluating competing demands within the City, aligned with the annual budget process.

I would also encourage greater transparency from neighboring cities, especially Emeryville, who receive tremendous sales tax revenue from the expenditures of Oakland residents. While attempts of regional tax-sharing haven't been widespread, perhaps there is the ability to initiate the conversation and identify issues of shared concern. Likewise, in the arena of education transparency, there are large disparities in the fundraising of the City's public elementary schools, influencing the provision of all kinds of enrichment and literacy offerings. It could be useful to document the landscape and make recommendations that would support a more equitable distribution of resources.

I'm interested in projects that would advance access and participation in Oakland's government affairs. I also appreciated the thoughtful and righteous analysis in "Race for Power," and would be interested in assisting with Commission efforts to implement the report's findings, including possible engagement of Oakland-based philanthropies to pilot the voucher-based model in the 2024 or 2026 elections.

Finally, it's been nearly ten years since the release of the Commission's report "Towards Collaborative Transparency." It could be useful to assess progress made since that time. This could also be a useful primer for me as I gain greater knowledge of the present state of city's ethics initiatives and technologies.

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## Item 7a - Gage Application

**4. What do you think are the City's most pressing ethics, campaign finance, or transparency challenges?**

One challenge is that Oakland's neighborhoods have been in significant demographic change over the past few decades with the real consequences of displacement on families, businesses and neighborhoods. This challenge is exacerbated by the spending disparities highlighted in "Race for Power." Census data tends to lag behind actual trends, which can better direct resources to and target disenfranchised community in campaign outreach.

With regard to trust and transparency:

-The recent report about the lack of oversight and transparency about \$70 million in homeless expenditures is also quite concerning, handicapping the City's efforts to evaluate where spending and which vendors have been most effective.

-The recent episodes with miscommunications about the requirements for qualifying for public office has been quite concerning. Residents interested in pursuing elected office deserve the benefit of clear goalposts.

These last two items also produce an impression of the functioning of the City and a sense of fairness and trust in City procedures and protocols, but also provide opportunities for improvement and repair.

I would be excited to learn more about campaign finance and ethics issues, if given the opportunity to serve on the Commission.

**5. What else would you like the subcommittee to know as your application is considered?**

I appreciate the opportunity to apply to serve in this capacity. My oldest child just turned 5, representing just over five years since my last significant volunteer commitment as a board president for a nonprofit organization. It would be an honor to serve on the Ethics Commission to ensure fair elections and transparent political process for the City I love and believe in.

**Please provide two references**

### Reference 1

Name	Ginny Browne
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]

### Reference 2

## Item 7a - Gage Application

Name Jackie Tsou

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Address

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Phone

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Email

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**Submit your resume**

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Upload your resume

<https://www.formstack.com/admin/download/file/13520092997>

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**Sign and submit application**

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Signature



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Date/Time

Oct 11, 2022

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[Redacted] Oakland, California 94602

## WORK EXPERIENCE

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- **Inclusionary Housing Policy Manager, SF Mayor's Office of Housing & Community Development** 7/2019-Present  
Provide key terms to City departments negotiating inclusionary housing in private developments and large-scale publicly-sponsored developments. Manage the implementation of inclusionary housing requirements across a 30 year old portfolio, including former Redevelopment Agency assets. Partner with the Planning Department to ensure inclusionary housing units are deed restricted and monitored in a manner responsive to new and existing local and state legislation. Coordinate the update and adoption of the Inclusionary Housing Procedures Manual as well as policy and legislation under development for consideration by Planning Commission & Board of Supervisors, including leading engagement with community advocates and developers. Issue pricing determinations for all new inclusionary projects. Contribute to compliance and enforcement efforts.
- **Manager of Economic Development Strategy & Project Manager, City of Vallejo** 12/2014-6/2019  
Led negotiations on City-owned and private development sites, including Disposition & Development Agreements, Public Improvement (Tax Sharing) Agreements and Purchase & Sale Agreement. Served as project manager for 52-acre mixed use, transit-oriented development at Vallejo's Waterfront as well as for a 50-acre mixed use development with extraordinary physical constraints and infrastructure needs. Coordinated the effort to secure six federal Opportunity Zone designations. Led the City's efforts to identify and promote key development opportunity sites, including coordination of with property owners, developers and regulatory agencies. Provided key contributions to the City's long-range planning efforts, including the General Plan Update, specific plans, grant applications and Capital Improvement Program. Served as ombudsman to the City's permitting process and led a cross-developmental evaluation to identify and address problems to garner development and investment.
- **Community Development Coordinator, City of Vallejo** 12/2013-11/2014  
Coordinated the first citywide Participatory Budgeting (PB) process in the U.S., engaging over 5,000 residents in allocating public funds. Oversaw the implementation of twelve community designed and selected projects, totaling \$3.2m. Liaised to the 21 member Steering Committee of residents and community organizations. Conducted training and provided ongoing structured support to residents serving in facilitators. Prepared and delivered staff reports and public presentations to City Commissions and the City Council. Led evaluation efforts, including survey design and data collection.
- **Research Assistant, PolicyLink** 6/2012-11/2013  
Provided technical assistance on behalf of HUD to recipients of the federal Sustainable Communities Initiative to align long-range planning with public and private investments. Developed toolkits, issue briefs and webinars on best practices for identifying community needs, fair housing, community engagement, neighborhood demographic shifts and equitable infrastructure financing.
- **Consultant, Seifel Consulting Inc.** 1/2009-1/2011  
As part of my consulting practice: Provided project management on redevelopment plan adoptions and amendments throughout the state, principally for the San Francisco Redevelopment Agency at Bayview Hunters Point and Hunters Point Shipyard. Prepared implementation plans, impact fee nexus studies, and economic and real estate market analyses. Advised public sector clients on affordable housing, infrastructure and project financing and public-private partnerships.

## + Alea L. Gage

- **Assistant Planner, Marin County Community Development Agency** 10/2008-10/2010  
As part of my consulting practice: Managed the Marin County Housing Workbook, a collaborative process across the County's twelve jurisdictions to assess land use policies. Authored the County's Housing Element Update, including data analysis and policy development. Authored the policies and procedures for the County's Housing Trust Fund. Coordinated public outreach and liaised to housing advocates.
- **Special Projects Planner, Metropolitan Transportation Commission** 9/2008-3/2009  
As part of my consulting practice: Authored a white paper exploring a means-based transit discount for low-income households in the Bay Area region as part of the agency's long-range regional transportation plan. Led consultation efforts with stakeholders, including community-based advocacy organizations and the MTC's Minority Citizens Advisory Council.
- **Executive Assistant, HomeBase/The Center for Common Concerns** 7/2006-6/2007  
Coordinated technical assistance on behalf of HUD for community leaders and government staff. Assisted in the preparation of county and state 10-Year Plans to End Homelessness and HUD McKinney-Vento Reauthorization Grants as well as program evaluation reports for the SF Human Services Agency.

### EDUCATION & TRAINING

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- **Urban Land Institute Development 360 & Young Leaders Programs**, San Francisco, 2015-2017
- **Master of City Planning (MCP), University of California, Berkeley, 2013**  
Concentration in Housing, Community and Economic Development
- **Coro Fellow in Public Affairs, Coro Center for Civic Leadership, 2007-2008**  
Completed full-time postgraduate leadership and management training program comprised of project-based work in business, government, labor union, electoral campaign, and nonprofit sectors.
- **Bachelor of Arts (BA), University of California, Los Angeles, 2006**  
Major in American Literature & Culture; Minor in Public Affairs

### SELECTED PUBLICATIONS, AWARDS & SPEAKING ENGAGEMENTS

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- Speaker, "Finding Common Purpose: Confronting Regional Resegregation in the Bay Area," Federal Reserve Bank of San Francisco, January 2019.
- Principal author & modeler for *Propel Vallejo General Plan 2040*, which won 2018 Comprehensive Planning Award: Large Jurisdiction, California APA, Northern Section; 2018 Planning and Health Award of Merit, California APA, Northern Section.
- Panelist, "Building in the Bay Area: Public/Private Partnerships (P3), Opportunity Zones, and Getting Projects Delivered in Today's Tight Regulatory Environment," Bay Area Construction and Development Update Event, Bisnow, August 2018.
- Co-author, "Vallejo's Participatory Budgeting Builds Public Involvement, Generates Results," Western City, the Monthly Magazine of the League of California Cities, November 2014.
- Author, "Real Estate Development in a Post-Redevelopment World" Policy Brief for the Institute of Urban and Regional Development, UC Berkeley, May 2012.
- Co-author, "Sustainable Economic Strategies in Lean Fiscal Times" Policy Brief for the Institute of Urban and Regional Development, UC Berkeley, February 2012.

Form Name: PEC Commissioner Application  
Submission Time: October 21, 2022 6:51 pm  
Browser: [Redacted]  
IP Address: [Redacted]  
Unique ID: [Redacted]  
Location: [Redacted]

Public Ethics Commission Application

Contact Information

Name	Chris Nardi
Address	[Redacted] Oakland, CA 94612
Phone	[Redacted]
Evening Phone	[Redacted]
Email	[Redacted]

Please answer the following questions

Are you an Oakland resident?	Yes
Years of residency in Oakland	1
Your City Council District	District 3
List any City of Oakland Boards or Commissions (including this Commission) on which you currently or have previously served:	None
Do you attest that you already have or will attend a PEC meeting before your final interview with the Commission?	Yes
If you said yes to the previous question, please let us know what date you attended or will attend.	October 12, September 14
Are you currently employed by the City of Oakland or do you have any direct and substantial financial interest in any work, business, or official action by the City?	No
Are you currently or are you planning to run for elective office in Oakland?	No

**Item 7b - Nardi Application**

Are you currently or are you planning to endorse, support or oppose an Oakland candidate or ballot measure? No

Are you currently or are you planning to work on behalf of an Oakland candidate or ballot measure? No

Are you a registered Oakland lobbyist? No

Are you required to register as a lobbyist? No

Do you receive compensation from an Oakland lobbyist? No

Do you receive gifts from an Oakland lobbyist? No

How did you hear about this vacancy? Oakland website

**Supplemental Questions**

**1. Why do you want to serve on the Public Ethics Commission?**

As a new and hopefully long-term resident of Oakland, I would like to give back to my community. Under the city charter, the Public Ethics Commission is tasked with enforcement, administration, and education of laws and programs relating to "campaign finance, lobbying, transparency, and governmental ethics." These topics are of paramount importance and interest to me. Though I recognize that good government and transparency does not necessarily create effective governance, I do believe that government is improved when it operates openly and ethically. As a law student, I also have a hope that law can be used to create a better society for us all. I would be thrilled to help carry out the Commission's important work for the people of Oakland as a commissioner.

## Item 7b - Nardi Application

**2. What skills and experience will you bring to the Commission? (Include any governmental experience, activities with civic and business organizations, neighborhood groups, or any other experience that would contribute to your effectiveness as a Commissioner.)**

I have worked as an intern for various agencies in the federal government. Though I never worked in administration of ethics or transparency laws, I saw how these laws were implemented in trainings and requirements for employees. I have also frequently been on the other side, as an individual requesting public records. I have filed public records requests with jurisdictions across the country, including with several cities and agencies in California. In my birth state of Indiana, I submitted several complaints alleging violation of their Public Records Act to the state's Public Access Counselor, in addition to filing a lawsuit seeking disclosure of certain public records.

I additionally served as an Associate Chair of my undergraduate institution's Judicial Council. While the role of this body was much different than the Commission's, my role involved many similar responsibilities. I met with college administrators to discuss conduct problems, served as a rotating chair of hearing panels, developed educational outreach programs, and considered revisions to the college's policies and Council's procedures.

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**3. What issues, projects, or goals would you like to pursue while serving on the Commission?**

I would like to pursue projects that preserve institutional memory for the Commission. Commissioner turnover has been a topic of conversation at recent Commission meetings. Though staff play an important role in reminding commissioners about previous Commission actions, I believe the Commission could be more deliberate in compiling information for the benefit of future commissioners. In addition to improving the quality of the Commission's decision-making, such an effort would also enhance public understanding of the Commission and its recent efforts.

I would also like to continue the Commission's efforts to ensure compliance with public record and open meeting laws. I think the proposal to create a subcommittee tasked with identifying barriers that departments face in complying with public records requests is an excellent idea. Though it is unclear the extent to which staff would be needed to complete such a project, I think this is exactly the role of an independent body like the Commission. Any systemic problems identified by the Commission can be reported to the City Council and City Administrator for potential legislative or administrative action. Additionally, I have noticed that Business Improvement Districts approved by the city are sometimes out of compliance with public record and open meeting laws. It doesn't appear that the Commission currently includes BIDs in its outreach programs; targeted programs for BIDs would likely improve their compliance.

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**Item 7b - Nardi Application**

**4. What do you think are the City’s most pressing ethics, campaign finance, or transparency challenges?**

I think one pressing problem is the Commission’s backlog of unresolved complaints. As of the last staff report, there were 49 open cases before the Commission, 9 of which were opened in 2016 or 2017. For the Commission to be effective at deterrence and education, it needs to be able to resolve complaints in a faster timeframe. Training of commissioners as hearing officers will hopefully speed up the hearing process, but the Commission should additionally consider whether procedural changes or increased resources are needed to have timely resolution of complaints.

Additionally, as previously discussed, the backlog of public records requests for some departments means that compliance with the text (or at least the spirit) of transparency laws is broken. This is a universal problem across every jurisdiction I have requested records from. But this is an opportunity for the Commission to be a leader and find solutions so that the public receives responsive records to their requests more quickly.

**5. What else would you like the subcommittee to know as your application is considered?**

I believe the Commission would benefit from my youth. While youth political participation has increased in recent years, it has been coupled by feelings of apathy and inability to change entrenched structures. I firmly believe that participation in local government is one of the easiest ways to have a direct impact on one’s community. Considering public transparency and good government issues in the context of youth participation would be beneficial to the Commission’s mission.

**Please provide two references**

**Reference 1**

<b>Name</b>	Ashley Mihalik
<b>Address</b>	[Redacted]
<b>Phone</b>	[Redacted]
<b>Email</b>	[Redacted]

**Reference 2**

<b>Name</b>	Manisha Goel
<b>Address</b>	[Redacted]
<b>Phone</b>	[Redacted]

Email



n 7b - Nardi Application

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**Submit your resume**

Upload your resume

<https://www.formstack.com/admin/download/file/13577177490>

---

**Sign and submit application**

Signature



Date/Time

Oct 20, 2022

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**CHRIS NARDI**

Oakland, CA [REDACTED]

**EDUCATION**

<p><b>University of California, Berkeley, School of Law, Berkeley, CA</b>                  J.D. Candidate                  Activities: <i>Berkeley Journal of Criminal Law</i>                  Political and Election Empowerment Project</p>	<p>Expected May 2025</p>
<p><b>Pomona College, Claremont, CA</b>                  B.A., <i>cum laude</i>, in Politics with a specialization in American Politics, Minor in Economics                  Honors: Edward M. Sait Prize in American Politics                  Pomona College Scholar (Fall 2018, Fall 2019)                  Activities: <i>The Student Life</i>, Staff Photographer</p>	<p>May 2022</p>

**EXPERIENCE**

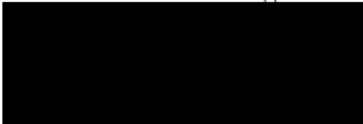
<p><b>Judicial Council, Pomona College, Claremont, CA</b>  <i>Associate Chair</i>                  Recruited, selected, and trained 44 student panelists for a student-led judicial body. Rotated presiding as chair of disciplinary hearing panels that determine responsibility and appropriate sanctions for violations of the student code. Suggested student code revisions to make its rules more restorative and educational.</p>	<p>May 2021 – May 2022</p>
<p><b>Consumer Product Safety Commission, Washington, D.C.</b>  <i>Student Trainee (General Administration)</i>                  Improved natural language processing models for automated classification of intake text to product codes. Redacted investigative documents for distribution to product manufacturers.</p>	<p>June 2021 – Aug 2021</p>
<p><b>Federal Deposit Insurance Corporation, Washington, D.C.</b>  <i>Student Trainee (Economist)</i>                  Summarized statutory and regulatory rules for deposit insurance assessments. Earned STAR (Special Thanks and Recognition) award for analysis of textual and financial data submitted to financial regulators to inform ongoing rulemakings. Trained dozens of employees in other sections on the role of the Deposit Insurance Fund and factors that affect deposit insurance premiums paid by individual banks.</p>	<p>July 2020 – May 2021</p>
<p><b>Pomona College, Claremont, CA</b>  <i>Research Assistant</i>  <i>High Performance Computing Support</i>                  Supported economics research of job listings as lead student developer using topic modeling algorithms (LDA) in Python/Spark and statistical analysis in R. Evaluated state-of-the-art methodologies to improve research using large datasets.</p>	<p>Aug 2020 – May 2022                  Aug 2018 – May 2018</p>

**VOLUNTEER ACTIVITIES**

<p><b>Indiana Vote By Mail, Carmel, IN</b>  <i>Organizer</i></p>	<p>Sept 2020 – Nov 2020</p>
<p><b>Resistbot / Open States, Remote</b>  <i>Developer</i></p>	<p>June 2018 – June 2022</p>



Form Name: PEC Commissioner Application  
Submission Time:  
Browser:  
IP Address:  
Unique ID:  
Location:



Public Ethics Commission Application

Contact Information

Name	Vincent Steele
Address	[Redacted]
Phone	[Redacted]
Evening Phone	[Redacted]
Email	[Redacted]

Please answer the following questions

Are you an Oakland resident?	Yes
Years of residency in Oakland	6
Your City Council District	District 2

Do you attest that you already have or will attend a PEC meeting before your final interview with the Commission? Yes

If you said yes to the previous question, ~~2/26/23~~ 10/12/22 please let us know what date you attended or will attend.

*Vincent Steele*  
Vincent Steele (Dec 13, 2022 9:42 PST)

Are you currently employed by the City of Oakland or do you have any direct and substantial financial interest in any work, business, or official action by the City? No

Are you currently or are you planning to run for elective office in Oakland? No

Are you currently or are you planning to endorse, support or oppose an Oakland candidate or ballot measure? No

## Item 7c - Steele Application

Are you currently or are you planning to work on behalf of an Oakland candidate or ballot measure?

No

Are you a registered Oakland lobbyist?

No

Are you required to register as a lobbyist?

No

Do you receive compensation from an Oakland lobbyist?

No

Do you receive gifts from an Oakland lobbyist?

No

How did you hear about this vacancy?

City of Oakland website

### Supplemental Questions

**1. Why do you want to serve on the Public Ethics Commission?**

While in graduate school i focused a large part of my final thesis on building trust in government. I concluded that our entire democracy rests on our ability to build meaningful relationships with the communities we serve. We must find a way to move past transactional relationships if we're going to strengthen our city and engage our residents. This begins with trust. The public ethics committee is charged with ensuring fairness, honesty and integrity. As someone who believes deeply in our democracy, I want to ensure nothing jeopardizes the rights generations before us fought for. Oakland is a thriving city, we must keep it that way with fair and just government.

**2. What skills and experience will you bring to the Commission? (Include any governmental experience, activities with civic and business organizations, neighborhood groups, or any other experience that would contribute to your effectiveness as a Commissioner.)**

Currently i work as a policy analyst for Alameda County, Board of Supervisors . My primary policy focus is housing and social services. I have a deep understanding of public policy and government systems. I recently graduated from the Goldman School of Public Policy - UC Berkeley, with a M.P.A. I engage often with community based organizations regarding elections, housing rights and public safety.

**3. What issues, projects, or goals would you like to pursue while serving on the Commission?**

Many voters don't have an understanding of campaign finance law. One project I'd like to take on is making campaign finance more accessible to the average voter. The public ethics committee could sponsor informational town-halls designed to assist voters with questions about campaign finance, reading financial statements, transparency and ethical leadership in government.

## Item 7c - Steele Application

4. What do you think are the City's most pressing ethics, campaign finance, or transparency challenges?

I think the city's most pressing issue is its inability to engage community around these topics. There needs to be more public meetings (virtual or in-person) that simply explain what transparency in government means, what's considered an ethics violation? If we're going to build with our community, we must start with the basics. This means ensuring that our community has a solid understanding of the importance of these challenges.

5. What else would you like the subcommittee to know as your application is considered?

n/a

Please provide two references

### Reference 1

Name Yoana Tchoukleva

Address

Phone

Email

### Reference 2

Name Tunisia Owens

Address

Phone

Email

Submit your resume

Upload your resume

<https://www.formstack.com/admin/download/file/13558097888>

Sign and submit application

Signature





# Vincent Steele

Phone number [REDACTED] Email address [REDACTED]

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## Profile

Leader with over a decade of experience in public-sector management, community organizing, public policy, campaign management and stakeholder engagement. Driven to promote social change through mobilization and community engagement. Ability to manage large teams and work collaboratively across multiple departments. Skilled at engaging with a variety of grass tops and grassroots audiences.

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## Work experience

07/2022 – present  
Oakland, CA

### **Policy Analyst Alameda County - Board of Supervisors**

- Analyze and prepare data reports to support Agency policy agenda, program improvement, and decision-making.
- Analyze public policy, prepare reports and documentation.
- Contribute to design and public presentation of data and policy products, including maps and data visualization, and synthesize data to inform strategic planning and accountability reporting
- Support the alignment of data reporting across the Agency
- Generate and provide data to appropriate stakeholders and community-based agencies
- Participate in team meetings, and support continuous quality improvement activities

01/2022 – 07/2022  
Washington, D.C.

### **Consultant Peter Colavito Consulting**

Short term contract conducting policy analysis of federal legislation and regulations. Role responsibilities include qualitative research with various nonprofit and grassroots organizations. Project requires analysis of the American Rescue Plan Act (ARPA) and Infrastructure Investment and Jobs Act. Project scope requires findings and recommendations for policy feedback loops, base-building/leadership development and strategies for receiving and distributing federal dollars.

10/2019 – 07/2022  
Oakland, CA

### **Political Director GO Public Schools**

- Create and execute campaign strategy aimed at electing community endorsed candidates and ballot measures.
- Recruit candidates seeking public office, providing political training to candidates as needed.
- Maintain and grow relationships with local grassroots and grass tops leaders.
- Prepare staff, network and broader coalition to organize for policies that serve marginalized communities.
- Lead coalition support to raise needed revenue for endorsed candidates and Oakland Public Schools via bond (Measure Y)

12/2017 – 10/2019  
Oakland, CA

### **Director of Organizing Ella Baker Center for Human Rights**

- Manage and supervise organizing department while leading the expansion and development of membership.
- Develop and execute organizing strategies that support policy initiatives for city of Oakland and Alameda county campaigns.

**Work experience**

- Support organizing work at the state level to ensure the movement of legislative agendas in Sacramento.
- Lead national campaign work around divestment and reinvestment strategies.
- Develop strategic relationships with political allies and community partners to advance the organization’s mission.

02/2016 – 12/2017  
Los Angeles, CA

**Labor Relations Representative  
California School Employees Association (CSEA)**

- Negotiate collective bargaining agreements.
- Provide leadership to employee rank and file negotiators and committees in collective bargaining.
- Represent membership in hearings and proceedings.
- Identify and develop member leaders, chapter officers and stewards.
- Advise and influence members and staff.
- Recruit and develop activists for union activities and political campaigns.

08/2008 – 02/2016  
Los Angeles, CA

**Bargaining and Representative Manager  
Service Employees International Union (SEIU/Local 99)**

- Manage the daily operations of the Member Resource Center, which includes disciplinary representation for all members and collective bargaining with the Los Angeles Unified School District
- Directly supervise a team of four employees responsible for representation, and call center assistance.
- Provide representation to members involved in informal, grievance and disciplinary meetings.
- Develop, analyze and maintain weekly call volume forecasting reports for upper management.

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**Education**

05/2021 – present  
Berkeley, CA

**Public Policy | Master of Public Affairs - MPA  
University of California, Berkeley**

08/2012 – 05/2015  
Carson, CA

**Organizational Management | Bachelor of Science  
California State University, Dominguez Hills**

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**Skills**

Community Organizing



Non-Profit Management



Coalition Building



Policy Analysis



Campaign Management



Issue Advocacy





## Item 11 - Disclosure Report

Arvon Perteet, Chair  
Ryan Micik, Vice Chair  
Charlotte Hill  
Joe Tuman  
Francis Upton IV

Suzanne Doran, Acting Executive Director

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TO: Public Ethics Commission  
FROM: Suzanne Doran, Acting Executive Director  
Jelani Killings, Ethics Analyst  
Ana Lara-Franco, Commission Analyst  
DATE: December 22, 2022  
RE: Disclosure and Engagement Monthly and 2022 Year-End Report for the  
January 11, 2023, PEC Meeting

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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 2022

#### Compliance with Disclosure Requirements

Commission staff conducts filing officer duties as required by state and local law and aims to help candidates, lobbyists and City officials submit required disclosure reports and ensure residents can easily access campaign finance, lobbyist, and ethics-related data and information.

**Campaign finance disclosure** – As of December 2022, the City of Oakland had 103 active political committees required to file periodic campaign disclosure statements: 52 candidate and officeholder committees, 36 general purpose committees, 6 ballot measure committees, 3 independent expenditure committees, and 3 primarily-formed candidate committees.

Two Oakland elections were conducted in 2022, a special election on June 7 and the general election on November 8, 2022. As a result, there were six scheduled campaign statement deadlines this year. During facial review staff detected 20 statements with issues requiring amendments and worked with filers to voluntarily come into compliance. In all, staff processed and reviewed close to 1,000 campaign-related filings during 2022. During the pre-election period, staff collaborated with the Fair Political Practices Commission (FPPC) to reach out to non-filers and ended the year with all 2022 committees having submitted the required disclosure statements. Staff assessed \$910 in late fees against 11 filers.

Commission staff also conducted proactive compliance reviews of over 6,500 contributions to candidates and audited campaign websites for required disclaimers. Campaign statements were screened for untimely and un-reported late contributions, over-the-limit contributions, and contributions from prohibited sources. Staff made requests to candidates for follow-up so they could review and forfeit any questionable contributions to the City expeditiously prior to the election. PEC

staff also contacted contractors to alert them of the law and potential violations. Campaign statements are available to view and download at the PEC's [Public Portal for Campaign Finance Disclosure](#).

**Contribution and Voluntary Spending Limit Adjustments** – As the campaign filing officer, the Commission is responsible for adjusting the contribution and voluntary spending limits (i.e., expenditure ceilings) annually to adjust for increases in the Consumer Price Index (CPI). In January, staff adjusted the contribution and expenditure limits for 2022 and published by the February 1<sup>st</sup> deadline. The annual calculation resulted in increases in spending limits for Oakland offices, but the contribution limits for individuals and broad-based committees remained the same.

**Lobbyist disclosure** – The Oakland Lobbyist Registration Act (LRA) requires any person that qualifies as a lobbyist to register annually with the Public Ethics Commission before conducting any lobbying activity. It also requires lobbyists to submit quarterly reports disclosing their lobbying activities to ensure that the public knows who is trying to influence City decisions.

As of December 2022, 65 lobbyists were registered with the City of Oakland. Staff processed and reviewed 283 quarterly lobbyist activity reports this year. An up-to-date list of registered lobbyists and lobbyist activity reports with links to view and download individual reports is available at the PEC's [Lobbyist Dashboard and Data](#) webpage.

**Statements of Economic Interests** – April 1 marks the annual 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). Throughout 2022, Commission staff worked with the Department of Human Resources to develop Citywide processes to ensure that departments are communicating ethics training and Form 700 information to every employee and consultant hired by their department. Staff collaborated with HR to add new features into the NeoGov platform to ensure all employees are properly notified and department SPOC's (single point of contact) can monitor employee compliance. Each department was directed to review staff members' status under the Conflict of Interest Code to ensure all staff are designated correctly in the City's personnel database. The database designation enables more effective noticing and tracking of Form 700 and ethics training compliance going forward. PEC ethics training assets are now integrated with the City's NeoGov Learn platform so staff can utilize features to assign training, notice employees, and track compliance ahead of future Form 700 filing deadlines.

Commission staff also developed a training for department SPOCs on their role in ensuring that employees are properly identified as Form 700 filers, monitoring compliance, assigning, and tracking compliance with mandatory Government Ethics Training, and providing information regarding revolving-door restrictions during the exit process. Department directors and SPOCs received a PEC notice directing them to remind their Form 700 filers of the mandatory ethics training requirement and 2022 Form 700 annual deadline.

Staff also conducted an initial compliance check of elected officials to confirm that their Form 700's were filed. In 2022, all 11 officials filed their annual statements.

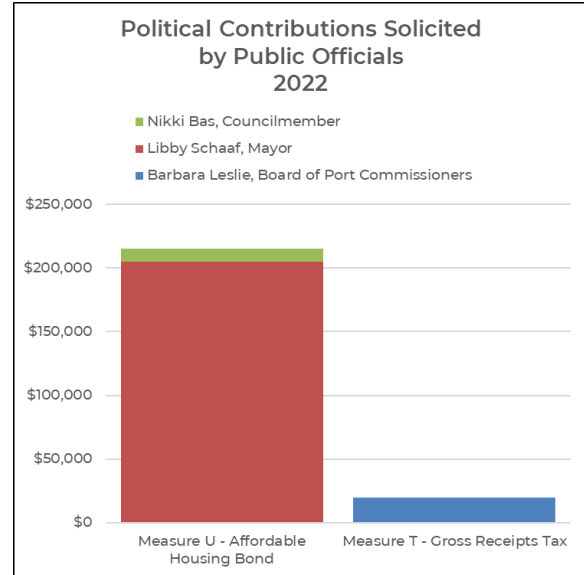
**Behested Payments (FPPC Form 803)** – California law requires Oakland elected officials to file an FPPC Form 803 report any time they fundraise or otherwise solicit payments for a legislative, governmental, or charitable purpose that total \$5,000 or more in a calendar year from a single source (one individual or organization) to be given to another individual or organization. In 2022, elected officials reported 15 behested payments totaling \$ \$1,935,000 benefiting the Lovelife Foundation, Oakland Parks and



Recreation Foundation, and Oakland Public Education Fund. To learn more about behested payment rules and view an interactive chart of payments visit, the PEC's [behested payments webpage](#). To access data from Oakland behested payment reports, visit Oakland's [open data portal](#).

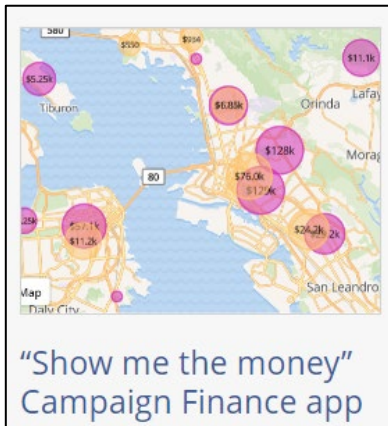
### Political Contributions Solicited by City Officials

– Any Oakland public servant required to file a Statement of Economic Interests (Form 700) who successfully solicits a political contribution of \$5,000 or more from any person or entity that contracts or proposes to contract with the official's department must disclose the solicitation to the Public Ethics Commission within 30 days. Three solicited contributions totaling \$235,000 were disclosed in support of ballot measures on the November 2022 ballot.



### Illuminating Disclosure Data

The Commission collects, reviews, and provides public access to ethics-related data. As part of this responsibility, Commission staff works to put the information into formats that can be searched and displayed in easy-to-use data visualizations made available for public viewing. This program utilizes a collaborative transparency approach, which reaches beyond the traditional minimum of providing copies of filings to proactively sharing data in user-centered formats to invite participation and feedback.



**Election Disclosure Tools** – Commission staff and Open Oakland volunteers partnered again to launch an updated 2022 [Open Disclosure](#) campaign finance website showing the flow of money in Oakland's June and November elections in an easy to understand, interactive format. OpenDisclosure, a nonpartisan tool developed by volunteers from civic tech group OpenOakland with advice and oversight from Commission staff, includes a notification system that sends subscribers alerts about new campaign reports, summaries of how much money candidates raise locally and from out of state donors, as well as top spenders on local ballot issues. Commission staff also maintains [Show Me the Money](#), an app hosted on Oakland's open data platform, that builds maps showing the geographic source of campaign contributions to candidates, top contributors, and fund raising and spending patterns over time. Both apps were updated daily with data exported directly from the [city's campaign finance database](#) and were featured prominently on the Public Ethics Commission website. Outreach to raise awareness of election-related data and disclosure tools included announcements on the Commission and City of Oakland websites, email distribution lists, social media posts (Facebook, Twitter, LinkedIn, and Nextdoor), and local newsletters, as well as digital and print ads in local press targeting election coverage pages. Staff coordinated with community partners the League of Women Voters

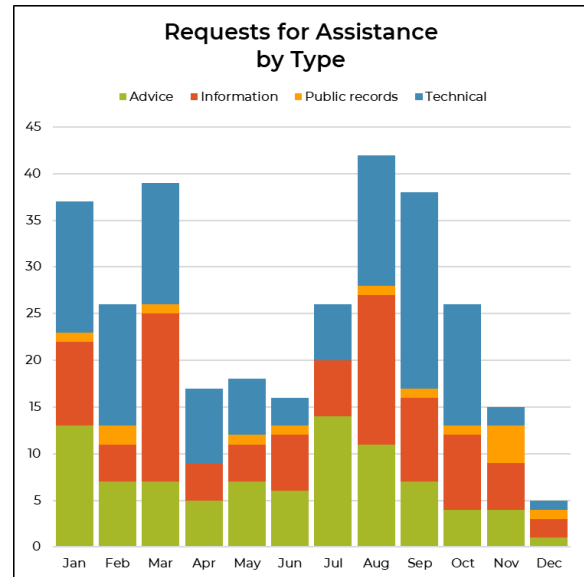
Oakland and Voter’s Edge to link to the campaign finance apps and share the resources with their members.

OpenDisclosure gained nearly 6,500 new users and generated over 21,000 pageviews in 2022. Since launching Open Disclosure in 2014, the site has reached 39,535 users with 163,293 views of Open Disclosure content.

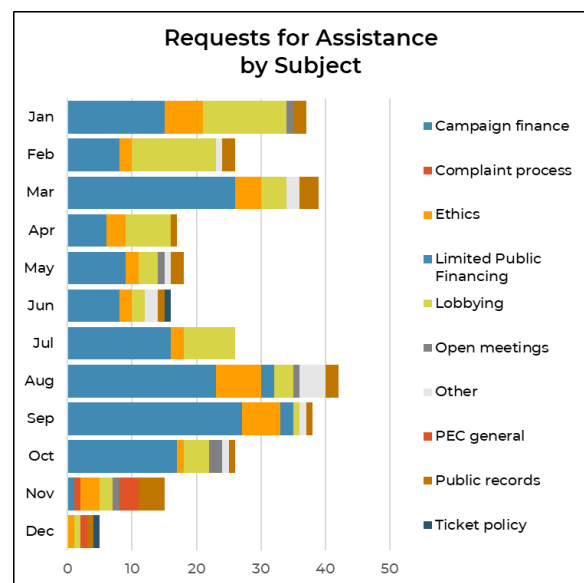
**Advice and Engagement**

The Commission’s Engagement program seeks to ensure Oakland public servants, candidates for office, lobbyists, and City contractors understand and comply with City campaign finance, ethics, and transparency laws.

**Advice and Technical Assistance** – In 2022, Commission staff responded to 305 requests for information, advice or assistance regarding campaign finance, ethics, Sunshine law, or lobbyist issues, fielding an average 25 requests per month. Campaign filers (51 percent) and Lobbyists (20 percent) made up over 70 percent of requests for advice and assistance.



**Elected Officials** – Commission staff continued to provide communications with elected officials and extend support with state and local ethics laws. In 2022, staff met with the office of District 7 Councilmember Treva Reid providing 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. Staff also met with the Mayor’s Office to provide an ethics refresher on campaign activity rules and post-employment restrictions. Outreach and informal meetings allow PEC staff to better understand the support needs of elected officials and their staff in complying with local ethics laws.



**New Employee Orientation** – Commission staff continued to collaborate with the Department of Human Resources Management (DHRM) to ensure that every new City employee received introductory Government Ethics training. This year, Commission staff made 11 live presentations and one video presentation reaching over 450 new employees. In addition, staff presented a live ethics training at the Oakland Parks, Recreation, and Youth Development Department’s Summer Orientation reaching nearly 100 new employees.

**Ethics Training for Form 700 Filers** – In 2022, 89 employees completed the PEC’s online Government Ethics Training for Form 700 Filers via NeoGov LEARN, the City’s new online learning management system. To provide an additional option for City employees to complete the ethics training

requirement, PEC staff, in collaboration with DHRM, held two live Zoom trainings that covered all the content in the PEC's online ethics training for Form 700 filers. Approximately 60 employees attended the live Zoom trainings.

**Supervisor Academy** – The City's Supervisor Academy provides training for supervisors and management level employees on City policies and procedures, internal systems, and leadership skills relating to day-to-day supervision. In 2022, Commission staff provided ethics presentations at three Supervisor Academies, reaching nearly 85 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 live introductory ethics trainings to two City boards and Commissions: The Youth Advisory Commission and the Children's Initiative Oversight Commission. 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 Government Ethics Act 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.

**Ticket Distribution Policy** – In June, Staff developed a new training to educate City officials on the changes to rules and processes in the City's new ticket distribution policy. In subsequent months, Commission staff sent follow-up advisories to all elected officials and their staff informing them of the new policy and training and notice that Commission staff would review ticket distribution reports for compliance in the upcoming months. Staff also met with the Council President's office for a check-in on the ticket administration process and internal controls to ensure compliance. In addition to providing the new training live to four officeholders and their staff, a recorded version of the training has been added for on-demand viewing to the City's online training platform.

**Candidates and Campaigns** – As part of campaign education efforts, staff issued monthly advisories to ensure that candidates and committees were aware of local rules during the election season. Advisories covered topics including 24-hour contribution and independent expenditure reporting, restrictions on campaign activities by City officials and employees, contribution rules, common filing errors, the contractor contribution ban, and post-election obligations.

Staff conducted a joint candidate and treasurer training with representatives from the California Fair Political Practices Commission (FPPC). The 11 attendees received a two-hour training on the CA Political Reform Act and the Oakland Campaign Reform Act. Topics covered included campaign forms, committee IDs, campaign bank accounts, recordkeeping, contribution rules, and advertising disclosures. The training was recorded and added to the PEC's website as a resource available for new candidates and committees. A post-training quiz was developed to assess learning outcomes.

**Publications** – Commission staff updated three comprehensive guides intended to assist the regulated community in complying with local laws:

- **Oakland Campaign Reform Act Guide** – Commission staff revised the Oakland Campaign Reform Act guide to include updated contribution and expenditure limits, minor clarifying changes throughout, and answers to common questions received in recent years.

- **Limited Public Financing (LPF) Guide** – Staff updated the guide for the 2022 election, updated LPF program forms along with additional edits to ensure that language is consistent with the revised Oakland Campaign Reform Act (OCRA) Guide.
- **Guide to the Lobbyist Registration Act** – Staff updated the guide to provide an overview of the PEC’s electronic filing system for lobbyists as well as minor changes throughout to add clarity and answer common questions received in recent years.

### Online Engagement

**Social Media** – In 2022, Commission staff continued producing monthly social media content highlighting PEC policy areas, activities, and topics of interest to specific client-groups.

**Website** – In preparation for the 2022 election season, Commission staff reviewed and updated over 15 pages of online content including educational resources for campaign finance, disclosure, and candidates and treasurers. In addition, service pages were updated using new features to make multi-step processes, such as filing campaign forms or submitting a complaint, easier for website users to navigate.

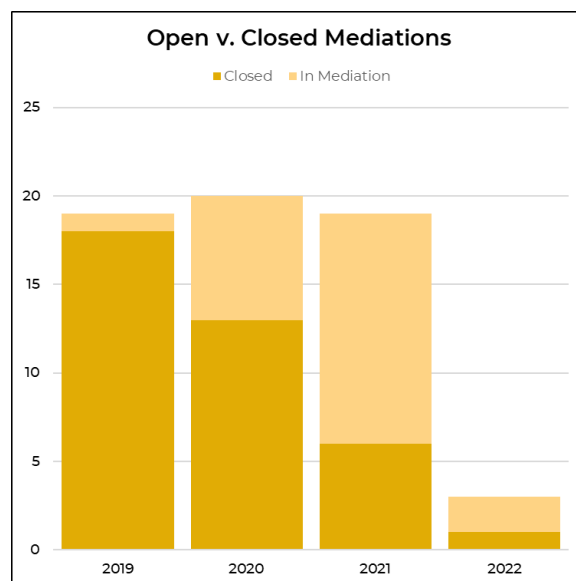
### General Outreach

The Commission conducts outreach activities to ensure Oakland residents and the regulated community know about the Commission and that the Commission is responsive to their complaints and questions about government ethics, campaign finance, or transparency concerns.

**Community Outreach/PEC Roadshow** – In the months of October and November, Staff coordinated with the Neighborhood Services Department to facilitate community presentations. Commissioners and Staff presented at five Neighborhood Council meetings to share the Commission’s work and opportunities to apply for Commissioner vacancies. Staff also updated the PEC’s outreach materials, including Commissioner talking points.

### Mediation Program

Pursuant to the Oakland Sunshine Ordinance, the Commission conducts mediation of public records requests made by members of the public to City departments for records within the department’s control. In 2021, the Mediation Program was moved from the Enforcement team to the Education and Engagement team to address the increase in workload from both mediations and enforcement cases, facilitate staff ability to enhance education and engagement through the mediation process itself, and integrate this work with the PEC’s broader project to improve department performance Citywide. The Commission received five new requests for mediation in 2022. Ten mediations were completed in 2022.





Arvon Perteet, Chair  
Ryan Micik, Vice Chair  
Charlotte Hill  
Joseph Tuman  
Francis Upton IV

Suzanne Doran, Acting Executive Director

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TO: Public Ethics Commission  
FROM: Simon Russell, Enforcement Chief  
DATE: December 21, 2022  
RE: Enforcement Program Monthly and Year-End Report for the January 11, 2023, PEC Meeting

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## **End of the Year Summary for Enforcement Matters**

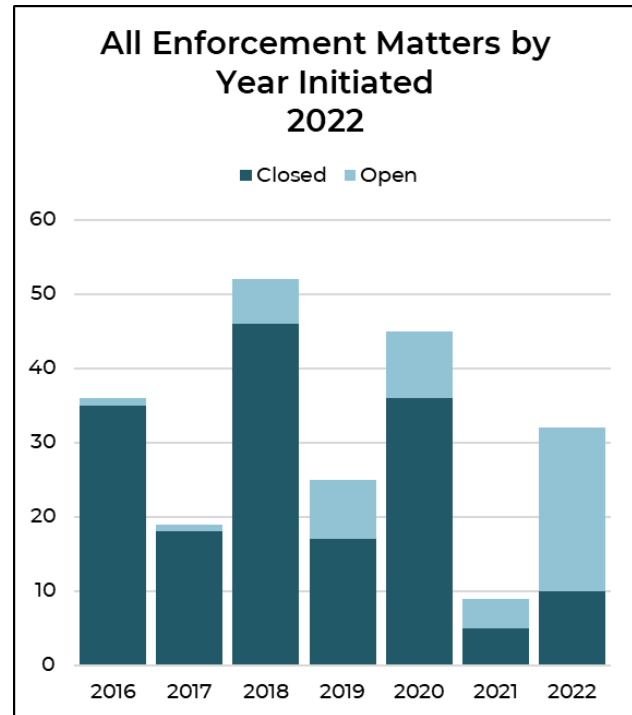
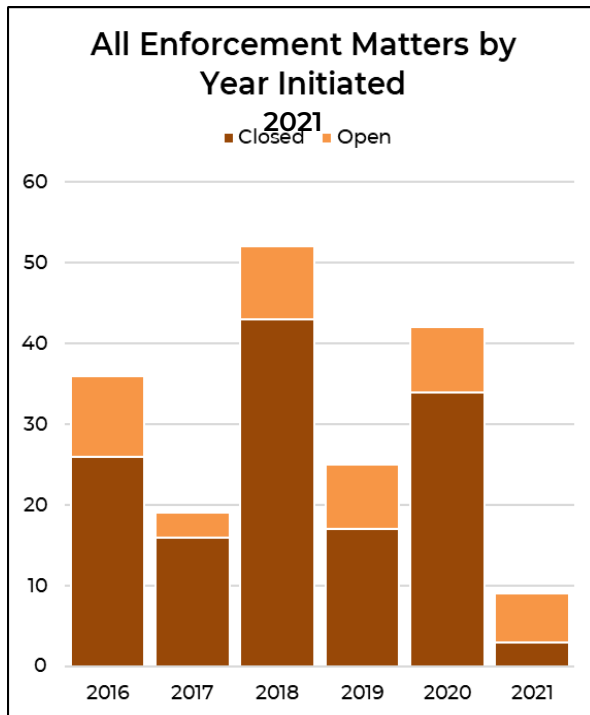
The Enforcement Unit ensures compliance with the laws under the PEC's jurisdiction by investigating alleged wrongdoing and, where appropriate, recommending penalties. The full Commission may take a public vote on whether to accept any such recommendation and impose penalties. This end-of-year report presents a summary of the Enforcement Unit's work in 2022.

### *Training Hearing Officers*

One of the Enforcement Unit's goals in 2022 was to train more people to be available as hearing officers in cases that Enforcement staff has been unable to settle. PEC staff put together a Hearing Officer training in the fall of 2022 that will continue to be available to all former and current Commissioners interested in serving as hearing officers. This enables the Enforcement Unit to move forward with bringing cases to a hearing that may have been delayed. Enforcement also anticipates an increased need for hearing officers in the short- and medium-term as it completes current investigations and legal analyses; the new training program will ensure that hearings on those matters will not be delayed due to a lack of available hearing officers.

### *Caseload Trends in 2022*

In 2022, a priority for the Enforcement Unit was to resolve outstanding cases or complaints from 2016-2017. As shown in the charts below, significant progress was made towards this goal. Enforcement also resolved a number of cases from 2018-2021, while maintaining a steady resolution rate on new cases in 2022:



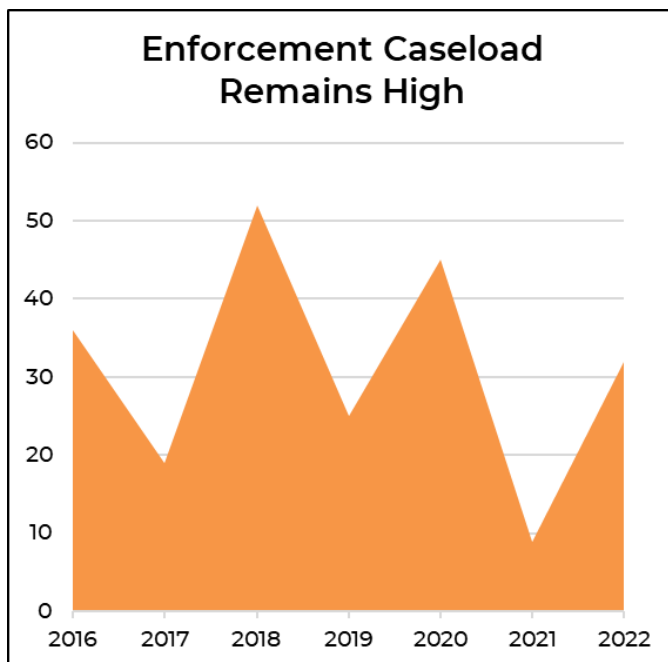
The Enforcement Unit receives complaints from the public, or referrals from other enforcement agencies. It also has the authority to initiate its own pro-active investigations without a public complaint or referral.

Complaints from the public come in two forms, “formal” and “informal.” Formal complaints are submitted on the PEC’s official complaint form under penalty of perjury. Informal complaints are submitted in any other manner (e.g., on an unsigned complaint form, by telephone, email message, or in-person) and are generally not made under penalty of perjury. Enforcement staff is required under our Complaint Procedures to review formal complaints and decide whether to open an investigation or dismiss the complaint. There is no such obligation for informal complaints, though Enforcement staff endeavors to review them with the same care as formal complaints.

All formal complaints undergo “preliminary review,” in which Enforcement staff determines (1) whether the allegations, if assumed to be true, would fall within the PEC’s jurisdiction; and (2) whether to open a full investigation or dismiss the complaint. Before making the latter determination, Enforcement staff usually does some preliminary fact-finding. This may be done because the complaint, while providing some evidence to support its allegations, did not provide sufficient evidence for Enforcement staff to make a fully-informed decision as to whether to open a case or dismiss the complaint. It may also be necessary to independently verify some of the evidence provided in the complaint.

So far in 2022, Enforcement staff has received eighteen (18) formal complaints. Of these, nine (9) have been reviewed and dismissed without requiring a full investigation, while nine (9) are still in the preliminary review stage. Enforcement staff has not yet opened an investigation based on a formal complaint in 2022.

Enforcement staff also received a number of informal complaints in 2022 and initiated a number of its own complaints (referred to as “pro-active” complaints). Enforcement staff opened four (4) investigations in 2022 based upon informal complaints, and eight (8) investigations based upon pro-active complaints. Note that pro-active complaints are often generated from information gathered during other investigations, and do not always concern completely new matters.



Enforcement currently has twenty-four (24) matters classified as being in the “Investigation” stage. Of these, nine (9) were initiated this year. Note that some of these new investigations were generated out of information gathered during other investigations. This is usually done when Enforcement has determined that it has enough evidence to begin charging or closing part of a case against one respondent, while continuing to investigate another part of the case concerning some other respondent(s). For administrative purposes, investigations that are bifurcated in this way are usually assigned new case numbers.

Over the course of 2022, Enforcement staff determined that it had gathered enough evidence in seven (7) cases to re-classify them from “Investigation” to “Legal Analysis,” which is a preliminary step towards formally charging or closing a case. Enforcement may continue to gather evidence at this stage, but the primary focus is now on preparing these cases for the full Commission’s consideration in the near future (either as settlement agreements, probable cause reports and hearing requests, or as recommended closures).

Over the course of 2022, the full Commission voted to resolve the following cases with a monetary penalty upon recommendation of the Enforcement staff:

- **In the Matter of Jason Overman, Case no. 18-14.** The Commission found that Respondent, Jason Overman, a private lobbyist, violated the Oakland Campaign Reform Act's contractor contribution ban by making campaign contributions to City of Oakland elected officials, candidates, or their controlled committees. The Commission approved a financial penalty in the amount of \$2,600.
- **In the Matter of Justin Berton (Case No. 18-45).** The Commission found that the Respondent, Justin Berton, the Director of Communications for Oakland Mayor Libby Schaaf, violated the Government Ethics Act's misuse of city resources provision by posting four links to newspaper editorials that endorsed the Mayor re-election in 2018 to the mayor's official Nextdoor public agencies/elected officials' account. The Commission approved a financial penalty in the amount of \$1,000.
- **In the Matter of Rebecca Kaplan, Case no. 20-40.** The Commission found that the Respondent, Rebecca Kaplan, the City Council At-Large member, violated the Government Ethics Act section Form 700 reporting and conflict of interest provisions by failing to disclose her ownership interest in an Oakland condo and voting on matters affecting a park development project next door to her property. The Commission approved a financial penalty in the amount of \$19,000.

Over the course of 2022, Enforcement presented one (1) matter to the full Commission for a finding of probable cause and a recommendation to schedule an administrative hearing. This is done when the Enforcement staff and the respondent(s) have been unable to reach a settlement agreement, though it does not preclude the possibility of reaching a settlement before the hearing.

Overall, the Enforcement Unit has a total of 51 open Enforcement complaints or cases, at all stages. This does not include informal and pro-active complaints that are still under preliminary review, meaning that Enforcement's actual caseload is in excess of 51 matters.

Enforcement's processing rate for incoming, formal complaints in 2022 (meaning that preliminary review was completed, resulting either in a dismissal or the opening of an investigation) stands at 50%. Some special circumstances account for this. First, most of the formal complaints received in 2022 that are still under "preliminary review" were received close in time to one another around the November election. This sudden influx of complaints made it difficult to resolve all of them in a timely manner.

It should also be borne in mind that the length of a preliminary review does not depend solely upon Enforcement staff; delays in obtaining documents or interviews from third parties are a common reason for preliminary reviews to take an extended amount of time. Generally, we



do not issue subpoenas before opening an investigation, therefore we are largely reliant on third parties' cooperation to complete a preliminary review in a timely manner. Although Enforcement is reluctant to open an investigation before obtaining all of the evidence we have requested during a preliminary review, our recent practice has been to open an investigation and issue subpoenas if a third party has not produced necessary documents or interviews after several requests.

In sum, the numbers above provide a mixed picture. Enforcement staff has steadily worked to meet its goal of clearing its backlog of older cases, while continuing to respond to new complaints as they come in. At the same time, the stark reality is that the Enforcement Unit has insufficient staffing to address all of the matters on its caseload in a timely manner. When fully staffed, the Enforcement Unit consists of only two people: the Enforcement Chief, who typically handles preliminary review, legal analysis, settlement negotiations, and hearings; and an Investigator, who typically handles investigations while providing as-needed support on preliminary reviews. Experience has shown that two full-time staffers is insufficient to handle Enforcement's caseload as it has grown over the years. However, since August this year the Enforcement staff has been reduced to one individual, an Enforcement Chief, handling the entire Enforcement caseload at all stages, from preliminary review of complaints to investigations, legal analyses, settlement talks and public hearings.

Enforcement anticipates hiring a limited-term, part-time investigator early in 2023, and a permanent, full-time investigator around midyear 2023, bringing the total Enforcement staffing to two individuals (the level it has been at, with limited variations, since 2016 until August of this year). These new staffers will assist with preliminary review of incoming complaints, as well as with open investigations. While this should help to reduce the short-term backlog of preliminary reviews and investigations, an expanded Enforcement staff is essential to addressing the Enforcement caseload as it has developed over the years. This is particularly urgent in the very likely event that Enforcement's caseload will only continue to grow as the public becomes more aware of our work and sends in more complaints, and as the PEC's overall mission expands with the inclusion of the Democracy Dollars program and possible filing officer duty for Form 700s. At minimum, the Enforcement Unit should have two full-time investigators and one full-time attorney, in addition to the Enforcement Chief. Any staffing below that level may result in long processing times for cases.

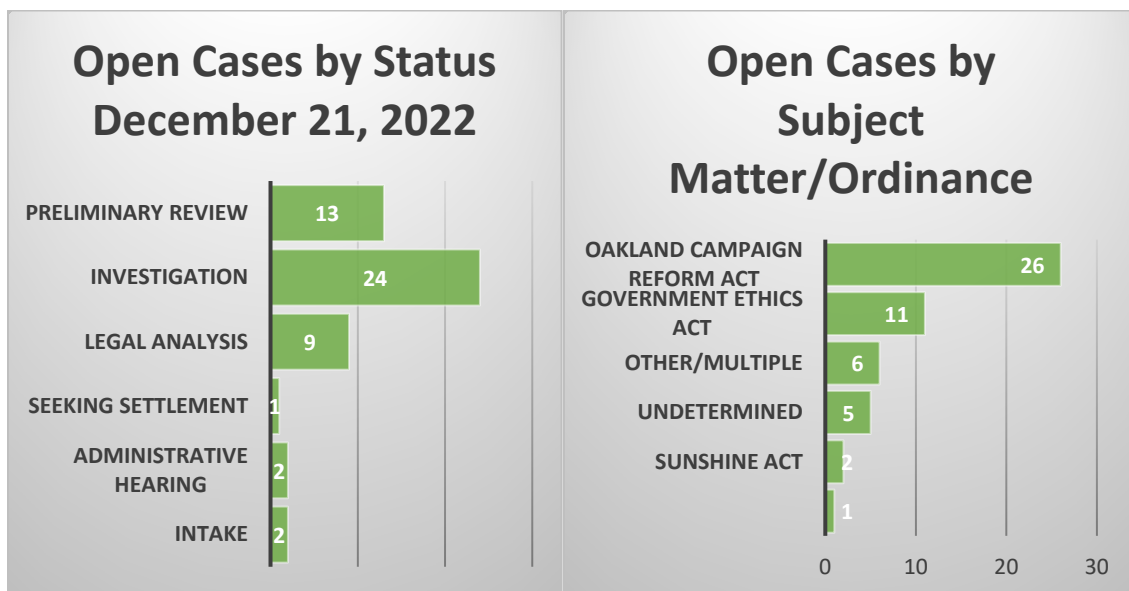
In light of its staffing problem, Enforcement has been prioritizing among its entire caseload (not just incoming complaints) to determine where best to use its limited resources. We continued to prioritize enforcement activities based on the following considerations to determine priority level: 1) the extent of Commission authority to issue penalties; 2) the impact

of a Commission decision; 3) public interest, timing, and relevancy, and 4) Commission resources.

**Current Enforcement Activities**

As the chart below illustrates, most of the open Enforcement matters involved alleged violations of the Oakland Campaign Reform Act (OCRA), e.g., allegations of exceeding the campaign contribution limit, receiving contributions from City contractors, failing to report campaign contributions or expenditures, etc. The second-largest type of complaint or case involves alleged violations of the Government Ethics Act (GEA), e.g., allegations of a conflict of interest, misuse of City resources, bribery, etc. Sunshine Act cases involve alleged violations of the City’s public records or open meetings laws, only the latter of which are handled by Enforcement (public records disputes are currently handled by the PEC’s education unit as mediations).

Since the last Enforcement Unit Program Update submitted to the Commission on November 30, 2022, Commission staff received two (2) formal complaints, dismissed two (2) formal complaints, opened one (1) new investigation, closed nine (9) cases with no further action upon the full Commission’s public vote, and closed one (1) case with a \$19,000 penalty upon the full Commission’s public vote. This brings the total Enforcement caseload to fifty-one (51) open complaints or cases: 15 matters in the intake or preliminary review stage, 24 matters under active investigation, 9 matters under post-investigation legal analysis, 1 matter in settlement negotiations, and 2 matters awaiting an administrative hearing.



### Case Resolutions or Submissions

Since the last Enforcement Unit Program report on November 30, 2022, the following cases have been resolved or submitted to the Commission:

1. **In the Matters of Dan Kalb (PEC Case No. 16-08a); Abel Guillen (PEC Case No. 16-08b); Lynette Gibson McElhaney (PEC Case No. 16-08c); Annie Campbell Washington (PEC Case No. 16-08d); Noel Gallo (PEC Case No. 16-08e); Desley Brooks (PEC Case No. 16-08f); Larry Reid (PEC Case No. 16-08g); Rebecca Kaplan (PEC Case No. 16-08h); Libby Schaaf (PEC Case No. 16-08i).** On December 14, 2022, the Public Ethics Commission voted to close these cases with no further action. Their current status is now “Closed.”
2. **In the Matter of Rebecca Kaplan (PEC Case No. 20-37).** On September 24, 2020, the PEC received a formal complaint alleging that incumbent City Council candidate Rebecca Kaplan had sent campaign emails without the required “paid for by” disclosure. The state FPPC also investigated substantially similar allegations and issued a warning letter to Kaplan. In light of the FPPC resolution of the matter, the PEC decided to dismiss its complaint rather than pursue its own investigation. This decision was taken by the Enforcement Chief in February 2021, but due to a clerical error the complaint was never formally dismissed. Enforcement staff is dismissing the complaint now (see Attachments).
3. **In the Matter of Rebecca Kaplan (PEC Case No. 20-40).** On December 14, 2022, the Public Ethics Commission voted to approve a settlement agreement in this matter, finding the Respondent liable for violating the Government Ethics Act section 2.25.040(B) (Failure To Timely Disclose A Property Interest On A Statement Of Economic Interest Form; three separate counts) and Government Ethics Act section 2.25.040(A) (Conflict of Interest; two separate counts), and imposing a total penalty of \$19,000. The current status of this case is now “Closed.”
4. **In the Matter of John Doe(s) and Sheng Thao For Oakland Mayor 2022 (Complaint No. 22-24).** On November 22, 2022, the PEC received a formal complaint alleging that unnamed persons were campaigning on behalf of the Sheng Thao mayoral campaign in close proximity to a polling station located in a City park. After conducting a preliminary review, Enforcement staff determined that the PEC lacks jurisdiction over allegations that someone campaigned too close to a polling station (complainant has been referred to other authorities with appropriate jurisdiction), and that there was no misuse of City resources given the lack of any monetary loss to the City and the incidental and minimal nature of the alleged activity. No connection between the

Thao campaign and the unnamed respondent(s) was investigated or determined, due to the mootness of the issue. The status of this case is now “Closed.” (See Attachments)

### **Legal Actions/Litigation**

Since the last Enforcement Unit Program report on November 30, 2022, the following public court actions have been submitted or scheduled by or on behalf of the Enforcement Unit:

1. **In the Matter of Mike Hutchinson for School Board 2016, Mike Hutchinson, Harriet Hutchinson (Case No. 17-09).** A hearing on a Petition To Enforce Investigative Subpoena in Alameda County Superior Court case no. 22CV019951, *City of Oakland Public Ethics Commission v. Harriet Hutchinson*, is scheduled for February 7, 2023, at 10:00 AM in Department 14.
2. **In the Matter of Andy Duong (Case No. 19-14).** A hearing in the related matter of Alameda County Superior Court case no. RG20070117, *City of Oakland Public Ethics Commission v. Charlie Ngo*, is scheduled for January 25, 2023, at 1:30 PM in Department 511.

Except where otherwise noted, no allegations have yet been proved or admitted in any of the above matters, and the existence of these cases and associated litigation should not be taken as an indication that the potential respondent(s) necessarily violated any laws. This information is being provided for the PEC’s informational purposes only.



CITY OF OAKLAND

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

Public Ethics Commission  
Enforcement Unit

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

December 19, 2022

Rebecca Kaplan

[REDACTED]  
[REDACTED]  
[REDACTED]

Via email: [REDACTED]

**Re: PEC Complaint No. 20-37; Notice of Dismissal**

To Rebecca Kaplan:

The City of Oakland Public Ethics Commission (PEC) is notifying you that it has dismissed a complaint against you (#20-37) for alleged violations of the Oakland Campaign Reform Act. The dismissal is in response to a state Fair Political Practices Commission (FPPC) investigation into substantially similar allegations, which resulted in the FPPC finding that you had violated a similar state law. The FPPC issued a warning letter to you at the end of its investigation. In light of the FPPC's resolution of the matter, the PEC does not believe any additional expenditure of PEC staff resources on the matter would be fruitful at this time.

We are required to inform the Public Ethics Commission of the resolution of this matter at an upcoming public meeting, as part of our regular monthly update on Enforcement actions. That meeting and update will take place on January 11, 2023, at 6:30 p.m. by teleconference and will be posted on the Commission's website in advance of the meeting. The report will be purely informational, and no action will be taken by the Commission regarding this matter, which is now closed. However, you are welcome to call-in to that meeting to listen and/or give public comment if you wish. You may also submit written comments to us before that meeting, and we will add them to the meeting materials.

This letter is to memorialize the dismissal for your records. I have attached a copy of a similar letter that we sent to the complainant in this matter. Please let me know if you have any questions.

Sincerely,

*Simon Russell*

Simon Russell, Enforcement Chief  
City of Oakland, Public Ethics Commission  
(510) 424-3200  
[srussell@oaklandca.gov](mailto:srussell@oaklandca.gov)



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Public Ethics Commission  
Enforcement Unit

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

December 19, 2022

Todd David

[REDACTED]  
[REDACTED]

Via e-mail: [REDACTED]

**Re: PEC Complaint No. 20-37; Notice of Dismissal**

To Todd David:

The City of Oakland Public Ethics Commission (PEC) is notifying you that it has dismissed your complaint (#20-37) for alleged violations of the Oakland Campaign Reform Act on the part of City Councilmember Rebecca Kaplan. This is in response to a state Fair Political Practices Commission (FPPC) investigation into substantially similar allegations, which resulted in the FPPC finding that Councilmember Kaplan had violated a similar state law. The FPPC issued a warning letter to Councilmember Kaplan at the end of its investigation. In light of the FPPC's resolution of the matter, the PEC does not believe any additional expenditure of PEC staff resources on the matter would be fruitful at this time.

We are required to inform the Public Ethics Commission of the resolution of this matter at an upcoming public meeting, as part of our regular monthly update on Enforcement actions. That meeting and update will take place on January 11, 2023, at 6:30 p.m. by teleconference and will be posted on the Commission's website in advance of the meeting. The report will be purely informational, and no action will be taken by the Commission regarding this matter, which is now closed. However, you are welcome to call-in to that meeting to listen and/or give public comment if you wish. You may also submit written comments to us before that meeting, and we will add them to the meeting materials.

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

Sincerely,

*Simon Russell*

Simon Russell, Enforcement Chief  
City of Oakland, Public Ethics Commission  
(510) 424-3200  
[srussell@oaklandca.gov](mailto:srussell@oaklandca.gov)





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Public Ethics Commission  
Enforcement Unit

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

December 16, 2022

Sheng Thao, Controlling Candidate  
Julie Caskey, Treasurer



Via email:



Re: City of Oakland Public Ethics Commission Complaint 22-24; Notice of Dismissal

To *Sheng Thao for Oakland Mayor 2022*:

On November 22, 2022, the City of Oakland Public Ethics Commission (PEC) received a complaint (#22-24) alleging that unnamed “workers” on your campaign had campaigned too closely to a polling station on Election Day. We previously sent you a notification letter about this complaint, as well as a copy of the complaint itself, on December 7, 2022.

I am writing to inform you that the PEC has completed its preliminary review of the complaint and has dismissed it with no further action. We did this because the allegations in the complaint, even if assumed to be true, would not have violated any of the laws under the jurisdiction of the PEC. For more detail, you can consult the dismissal letter that we sent to the complainant, a copy of which is attached here.

No action is necessary on your part; this letter is just a courtesy notice.

We are required to inform the Public Ethics Commission of the resolution of this matter at an upcoming public meeting, as part of our regular monthly update on Enforcement actions. That meeting and update will take place on January 11, 2023, at 6:30 p.m. by teleconference and will be posted on the Commission’s website in advance of the meeting. The report will be purely informational, and no action will be taken by the Commission regarding this matter, which is now closed. However, you are welcome to call-in to that meeting to listen and/or give

## Item 12c - Dismissal Letter 22-24

PEC Complaint No. 22-24; Notice of Dismissal

Page 2

public comment if you wish. You may also submit written comments to us before that meeting, and we will add them to the meeting materials.

If you have any questions regarding this matter, please feel free to contact me at (510) 424-3200 or [srussell@oaklandca.gov](mailto:srussell@oaklandca.gov).

Sincerely,

*Simon Russell*

Simon Russell  
Chief of Enforcement  
City of Oakland Public Ethics Commission

Enclosure



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Public Ethics Commission  
Enforcement Unit

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

December 16, 2022

Lilah M. Lackney



Via email: [Redacted]

**Re: Public Ethics Commission Complaint No. 22-24; Notice of Dismissal and Suggested Referral**

To Lilah Lackney:

On November 22, 2022, the City of Oakland Public Ethics Commission (PEC) received your complaint (#22-24) alleging that unnamed agents of the Sheng Thao mayoral campaign campaigned within close proximity of a polling station on Election Day.

As a preliminary matter, I would note that the PEC does not have direct jurisdiction over allegations of campaigning too close to a polling station. Complaints of that sort should be made to the Alameda County District Attorney or the California Secretary of State (SOS). The SOS complaint form can be found at <https://www.sos.ca.gov/elections/publications-and-resources/voter-complaint>.

I did take the time to examine your complaint under the only provision of Oakland’s local law that might be applicable to your allegation, namely the misuse of City resources (specifically, an Oakland park) for campaign purposes.<sup>1</sup> But I do not find that the allegations in your complaint, even if assumed to be true, would violate that law. My reasoning is explained below.

Under Oakland’s Government Ethics Act section 2.25.060(A)(1), a public servant may not use or permit others to use public resources for a campaign activity not authorized by law. Your complaint alleges that unnamed campaign workers were campaigning on a sidewalk

<sup>1</sup> Oakland Municipal Code (OMC) section 2.25.060(A)(1). Your polling place, Lakeside Park Garden Center and the adjoining sidewalk, is a public park.

adjoining the Lakeside Park Garden Center, which is a City park (including the sidewalk referenced in your complaint).

Under the facts alleged in your complaint, it is unclear if the unnamed campaign workers were campaigning in the park under the direction of Councilmember/candidate Sheng Thao (for example, they could also have been working for an independent group supporting Thao, or even on their own personal initiative). But even assuming that they were working directly for Thao's campaign, their actions would not have been a violation of the law just cited unless it can be proved that they were "using" public resources as defined under that law. That law defines "use" to mean "any use of public resources which is substantial enough to result in a gain or advantage to the user, or a loss to the City, for which a monetary value may be estimated."<sup>2</sup>

Here, the alleged use of City resources is the temporary occupation of part of a sidewalk in a public park. The public may freely occupy space at a public park, including the sidewalk. There is no measurable gain or loss to the City if one set of people (e.g. campaign workers) use space at a park, as opposed to another (e.g. non-campaign workers).

Even if it were argued that the occupation of a sidewalk constituted a "use" of City property that could be measured in monetary terms, there is an exception under the law for "incidental and minimal" use of City resources for campaign purposes.<sup>3</sup> In a phone conversation with me, you stated that the unnamed campaign workers were not occupying the entire sidewalk and that you were still able to use the sidewalk despite their presence. It appears that their use of the sidewalk could reasonably be considered incidental and/or minimal under these circumstances.

There is thus no measurable monetary value to the alleged use of City resources in the complaint, at least beyond the "incidental and minimal" use permitted by law. As such, a violation of this law could never be proved even if all of the facts alleged in your complaint are assumed to be true. Regarding the allegation that the campaign workers were too close to the polling station, I suggest sending your complaint to the Secretary of State using the link provided earlier in this letter.

We are required to inform the Public Ethics Commission of the resolution of this matter at an upcoming public meeting, as part of our regular monthly update on Enforcement actions. That meeting and update will take place on January 11, 2023, at 6:30 p.m. by teleconference and will be posted on the Commission's website in advance of the meeting. The report will be purely informational, and no action will be taken by the Commission regarding this matter, which is now closed. However, you are welcome to call-in to that meeting to listen and/or give

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<sup>2</sup> OMC section 2.25.060(A)(1)(a)(iv).

<sup>3</sup> OMC section 2.25.060(A)(1)(a)(ii).

## Item 12c - Dismissal Letter 22-24

PEC Dismissal and Suggested Referral Letter, Complaint # 22-24

Page 3 of 3

public comment if you wish. You may also submit written comments to us before that meeting, and we will add them to the meeting materials.

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

Sincerely,

*Simon Russell*

Simon Russell, Enforcement Chief  
City of Oakland, Public Ethics Commission  
(510) 424-3200  
[srussell@oaklandca.gov](mailto:srussell@oaklandca.gov)



# Item 13a - Executive Director's Report

Arvon Perteet, Chair  
Ryan Micik, Vice Chair  
Charlotte Hill  
Joe Tuman  
Francis Upton IV

Suzanne Doran, Acting Executive Director

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TO: Public Ethics Commission  
FROM: Suzanne Doran, Acting Executive Director  
DATE: December 22, 2022  
RE: Executive Director's Monthly and Year-End Report for 2022 for the January 11, 2023, PEC Meeting

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This memorandum provides an overview of the Public Ethics Commission's (PEC or Commission) significant activities not included in other program reports for this past month and in 2022 overall. The attached overview of Commission Programs and Priorities includes the ongoing goals and key projects for 2022 for each program area.

## Commissioner Transitions and Activities

In 2022, the Commission welcomed two new Commissioners. Charlotte Hill was selected by the PEC through its annual public recruitment process at the end of 2021. Ms. Hill's term began January 22, 2022 and runs through January 21, 2025. In April, the City Auditor appointed Francis Upton IV to fill outgoing Commissioner Jerett Yan's seat. Mr. Upton's term runs through January 21, 2025. Lastly, the City Attorney appointed sitting-Commissioner Ryan Micik to complete the vacant term created by Commissioner Jessica Leavitt's early departure. Commissioner Micik's term was effective July 1 and runs through January 21, 2024.

Special appreciation to Commissioner Joe Tuman whose term as mayoral-appointee to the PEC concludes January 21, 2023. Thank you, Joe, for your commitment and service to the PEC and the City of Oakland since 2020.

**PEC Retreat** – In April 2022, the Commission held a two-day strategic planning retreat. The retreat, which was open to the public, provided Commissioners and staff an opportunity to review program objectives and identify projects for PEC work in the years ahead. Following the retreat, Commissioners reviewed an updated performance plan that included program objectives and goals, performance indicators and results by year, and projects for PEC focus going forward. The five main priorities identified for 2022 were:

1. Executive Director recruitment;
2. Commissioner-led community outreach;
3. Democracy Dollars policy and potential implementation;
4. Proactive prevention activities, including Ticket Policy ordinance education, ethics onboarding, and candidate education and committee compliance for the 2022 Election; and
5. Prioritization of enforcement cases and bringing certain cases to hearings before the full Commission.

**Administrative Hearings Training** – In October 2022, Commission staff released a recorded training on conducting Administrative Hearings for Commissioners. The training provides an overview of hearing procedures, due process for quasi-judicial boards, scheduling procedures, preliminary hearing

requirements, credibility determinations, and an overview of findings of facts, penalties, and final orders. The Commission held a follow-up question and answer session during the November regular meeting. The Administrative Hearings training is available to the public and may be accessed [online](#) from the Commission's [Enforcement Program](#) webpage and the Commission's [YouTube Channel](#).

### PEC Legislation

**Ticket Distribution Policy Ordinance** – In early 2022, Commission staff submitted the PEC's proposed Ticket Distribution Policy Ordinance to the City Council Rules Committee, which has policy jurisdiction for PEC-related legislation. Ultimately, City Council adopted the PEC's proposed Ticket Distribution Policy Ordinance on May 3. The new policy covering distribution of free event tickets provided to the City of Oakland became effective June 1, 2022.

**Measure W - Oakland Fair Elections Act (Democracy Dollars)** - Following the PEC's review and formal support of the proposed Oakland Fair Elections Act in April 2022, Commission staff worked with the assigned PEC subcommittee, Councilmember offices, and members of the Bay Area Political Equality Collaborative coalition to clarify language, funding, and other implementation details as written in the proposal. In July, City Council voted to place the Fair Elections Act on the Oakland ballot, and on November 8, Oakland voters approved Measure W, the Oakland Fair Elections Act (OFEA), by 73.9 percent, replacing the Limited Public Financing Act with the Oakland Fair Elections Act and a newly designed public financing program to be administered by the Public Ethics Commission. While the new OFEA takes effect January 1, 2023, the additions to staff and program funds are not effective until July 1, 2023.

In November and December, staff activities focused initiating internal City processes to ensure timely allocation of new program funds, staffing, and technology necessary to administer the new Democracy Dollars Program. The Commission established an ad hoc subcommittee to assist with Measure W implementation at its December meeting.

**Measure X - "Good Governance"** – Oakland voters also approved Measure X, Good Governance Charter Reform, by 80.2 percent in November 2022, which added setting the salaries of the City Auditor and City Attorney to the Commission's duties and adjusted the formula for the Commission to set councilmember salaries.

### PEC Staff Transitions

Whitney Barazoto resigned as Executive Director in June 2022, starting recruitment for a new ED, which concluded in August with the promotion of PEC Enforcement Chief Kellie Johnson to the Executive Director position. However, since Ms. Johnson's resignation a new recruitment for the ED vacancy is underway.

Other 2022 staff changes included the promotion of Ethics Investigator Simon Russell to the Enforcement Chief position and the promotion of Administrative Assistant Ana Lara-Franco to the newly-budgeted Administrative Analyst position in November 2022. The promotions created vacancies for Ethics Investigator and Administrative Assistant II to be filled in 2023.

### Alameda County Grand Jury Report

In June, the Alameda County Civil Grand Jury released its 2021-2022 report investigating the operations of various officers, departments, and agencies in Alameda County including an evaluation the City of

Oakland's Form 700 process. The Grand Jury report recommended that the City of Oakland transfer the Form 700 Filing Officer responsibility from the City Clerk to the Public Ethics Commission, and asked that the Commission, in addition to other City agencies and officials, respond to their findings and recommendations. After meetings with the City Clerk and City Administrator staff and a presentation by the City Clerk at the Commission's November meeting, the Commission submitted an independent response that agreed with the Grand Jury findings and recommendation that Form 700 Filing Officer duties be transferred to the Public Ethics Commission with necessary resources (attached). At its December 6, 2022, meeting Council approved the City of Oakland's Grand Jury response, which disagreed with the Grand Jury recommendation to transfer Filing Officer duties from the City Clerk's office to the PEC (attached). Improving awareness of Form 700 requirements and upgrading compliance systems continues to be of high interest to the PEC regardless of which department is assigned Filing Officer responsibility. As noted in the Disclosure and Engagement report, throughout 2022 Commission staff successfully engaged in a cross-departmental effort to develop new Citywide processes to ensure that departments are uniformly communicating ethics training and Form 700 information to employees and consultants hired by their departments. Staff will monitor and assess compliance outcomes using the new tools implemented in 2022 in the coming year.

### **PEC Partners with UCB Goldman School Students for Review of New "Pay to Play" Restrictions**

On January 1, 2023, a new state law takes effect that is designed to extend California "pay-to-play" restrictions to local elected officials who make licensing, permitting, and other use entitlement decisions as members of a local elected body. SB 1439 will bar local elected officials from accepting or soliciting contributions of over \$250 from anyone affiliated with a group that has a pending license, permit, or use entitlement until 12 months after the final decision is made. In addition to the restriction on contributions, both the elected officials who received contributions as well as contractors going before a local agency will have to disclose contributions over \$250 they made or received within the past 12 months during a proceeding.

The Oakland Campaign Reform Act (OCRA) contains an extensive prohibition on contributions by individuals negotiating contracts with the City of Oakland or Oakland Unified School District. The OCRA contractor ban applies to any contract that requires City Council or School Board approval. It prohibits contractors from contributing to candidates for local office during contract negotiations, as well as for 180 days after the completion or termination of negotiations. However, current processes do not provide the transparency necessary to proactively identify all the individuals affected by the ban and to ensure compliance. It also means that elected officials and candidates cannot easily identify prohibited contributors, increasing the chance that they violate the law by inadvertently accepting their contributions.

Commission Staff will need to develop materials to inform and support compliance by those subject to the new requirements in the coming year. To gain resources to conduct a robust review, staff submitted a proposal to the UCB Goldman School of Public Policy to sponsor a student-led project examining issues such as how SB 1439 enhances and/or conflicts with local law; ways to raise awareness of contractor restrictions and disclosure requirements; as well as any recommended changes to local contracting and/or campaign finance disclosure rules and processes to support compliance. The proposal was accepted for the Spring 2023 semester and a team of graduate students will begin work on the project in late January 2023.

Attachments: Commission Programs and Priorities; PEC Response to Grand Jury Report; City of Oakland Response to Grand Jury Report.



## Item 13a - Executive Director's Report

### PUBLIC ETHICS COMMISSION

#### Programs and Priorities 2022

Program	Goal	Desired Outcome	Program Activities	2022 Major Projects
<b>Lead/ Collaborate (Policy, Systems, Culture)</b>	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		<ul style="list-style-type: none"> <li>✓ Public Finance Redesign//Ballot measure</li> <li>✓ Ticket administration policy &amp; process improvements adopted</li> <li>○ Public Records Performance Tool</li> </ul>
<b>Educate/ Advise</b>	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.	<ul style="list-style-type: none"> <li>• Regular ethics training</li> <li>• Information, advice, and technical assistance</li> <li>• Targeted communications to regulated communities</li> <li>• Campaign Finance Training</li> <li>• New trainings as needed for diversion</li> </ul>	<ul style="list-style-type: none"> <li>✓ Sunshine training – Open meetings</li> <li>✓ Ethics onboarding process improvement/SPOC training</li> <li>✓ New ticket policy training</li> <li>○ Sunshine training – Public records</li> </ul>
<b>Outreach/ Engage</b>	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.	<ul style="list-style-type: none"> <li>• Public Records mediations</li> <li>• Outreach to client groups – targeted training</li> <li>• PEC social media outreach</li> <li>• Improvements and updates to website content</li> </ul>	<ul style="list-style-type: none"> <li>✓ PEC performance dashboards and data story for enforcement program and mediations</li> <li>✓ Commissioner-led public outreach/PEC roadshow reboot</li> </ul>
<b>Disclose/ Illuminate</b>	<p>PEC website and disclosure tools are user-friendly, accurate, up-to-date, and commonly used to view government integrity data.</p> <p>Filing tools collect and transmit data in an effective and user-friendly manner.</p>	<p>Residents can easily access accurate, complete campaign finance and ethics-related data in a user-friendly, understandable format.</p> <p>Filers can easily submit campaign finance, lobbyist, and ethics-related disclosure information.</p>	<ul style="list-style-type: none"> <li>• Technical support for filers</li> <li>• Facial review of disclosure filings, amendments, impose late fees</li> <li>• Monitor compliance, engage with filers, refer for enforcement as needed</li> <li>• Maintain data assets</li> </ul>	<ul style="list-style-type: none"> <li>✓ Open Disclosure updated and launched in time for 2022 election</li> <li>✓ Show Me the Money campaign finance app with expanded features launched in time for 2022 election</li> <li>✓ Public Records Request data published</li> <li>○ Updates to Ticket Distribution (Form 802) database</li> </ul>

**Item 13a - Executive Director's Report**

				<ul style="list-style-type: none"> <li>○ Government Integrity Data Project – data portal integrating all ethics data</li> </ul>
<b>Detect/ Deter</b>	PEC staff proactively detects potential violations and efficiently investigates complaints of non-compliance with laws within the PEC’s jurisdiction.	Public servants, candidates, lobbyists, and City contractors are motivated to comply with the laws within the PEC’s jurisdiction.	<ul style="list-style-type: none"> <li>● Process and investigate complaints</li> <li>● Initiate proactive cases</li> <li>● Collaborate/coordinate with other government law enforcement agencies</li> </ul>	<ul style="list-style-type: none"> <li>✓ Collaborated with front office staff to streamline monitoring of campaign forms during election</li> </ul>
<b>Prosecute</b>	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.	<ul style="list-style-type: none"> <li>● Prioritize cases</li> <li>● Conduct legal analyses, assess penalty options</li> <li>● Negotiate settlements</li> <li>● Make recommendations to PEC</li> </ul>	<ul style="list-style-type: none"> <li>✓ Conducted administrative hearing officer training</li> <li>✓ Enforcement subcommittee researched best practices across state</li> <li>○ Resolve 2016 and 2017 case backlog</li> </ul>
<b>Administration/ Management</b>	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.	<ul style="list-style-type: none"> <li>● Limited Public Financing program implementation</li> <li>● Annual Report</li> <li>● Review data to inform activities</li> <li>● Ongoing professional development and staff reviews</li> </ul>	<ul style="list-style-type: none"> <li>✓ PEC Retreat</li> <li>✓ Budget – new Administrative Analyst position</li> <li>✓ Administrative Analyst position filled</li> <li>✓ Enforcement Chief position filled</li> <li>○ ED recruitment/hiring</li> <li>○ Commissioner recruitment</li> <li>○ Enforcement database upgrade</li> </ul>

## Item 13b - PEC Response to Grand Jury Report



Arvon Perteet, Chair  
Ryan Micik, Vice Chair  
Charlotte Hill  
Joe Tuman  
Francis Upton IV

Suzanne Doran, Acting Executive Director

November 28, 2022

The Honorable Charles A. Smiley, Presiding Judge  
Alameda County Superior Court  
1225 Fallon Street, Department One  
Oakland, CA 94612

Dear Judge Smiley,

Thank you for the opportunity to respond to the 2021-2022 Alameda County Grand Jury Final Report, released on June 28, 2022, which includes a review regarding Oakland's use of Form 700. We appreciate the Grand Jury's review and request that the Public Ethics Commission (PEC or Commission) respond to Finding 10 and Recommendation 15. The Commission's responses are as follows:

*Finding 10: A transfer of the Form 700 filing duties from the Oakland City Clerk's office to the Public Ethics Commission would require hiring an additional employee; an amendment of the City Ethics Act to identify the Public Ethics Commission as the Filing Officer for Form 700s; and the transfer of the function and payment of the City's contract with the online filing provider, NetFile, from the City Clerk's office to the Public Ethics Commission.*

Response: The Public Ethics Commission agrees with the finding.

Moving the Form 700 filing officer duty from the City Clerk's office to the Public Ethics Commission would require an amendment to City ordinance (City Council adoption) or an amendment to the City Charter (ballot measure passed by Oakland voters). Transfer of filing officer duties for campaign finance and lobbyist registration forms from the City Clerk's office to the Commission included amending the municipal code.

Transfer of the Form 700 duties from the City Clerk's office to the Commission would require staff to assume responsibility for administering and maintaining the Form 700 electronic filing system; adding new filers to the system and uploading paper filings; providing technical assistance to filers; reviewing forms as they are submitted; requiring amendments as necessary; monitoring compliance following each filing deadline; reaching out proactively to filers who fail to submit their forms by the deadline; issuing and tracking the state-required late-fee when forms are not timely filed; and, for anyone who is required to file but fails to submit their form, preparing non-filer referrals for Commission and/or FPPC enforcement. An additional Commission staff member would be sufficient to perform these added duties.

## Item 13b - PEC Response to Grand Jury Report

Response to Alameda County Grand Jury Report  
November 28, 2022

Page 2

The transfer of filing officer duties should necessarily include transfer of the City's contract with the online filing system provider, NetFile, along with the allotted funds from the City Clerk's office to the Public Ethics Commission to provide Commission staff full authority to effectively manage both the Form 700 and campaign filing systems.

*Recommendation 15: The city of Oakland should transfer the Form 700 Filing Officer responsibility to the Public Ethics Commission.*

Response: The recommendation has not yet been implemented. While the Public Ethics Commission has requested transfer of this duty in recent years, as stated in our response to Finding 10, the Commission cannot implement this recommendation on its own because moving the Form 700 filing officer duty from the City Clerk's office to the Commission will require an amendment to City ordinance (City Council adoption) or an amendment to the City Charter (ballot measure passed by Oakland voters).

The Commission strongly agrees with Recommendation 15, that the Public Ethics Commission be the filing officer for Form 700's, so that the Commission can fully implement its mission to ensure compliance with Form 700 filing requirements of the CA Political Reform Act and Oakland Government Ethics Act. Both campaign finance and lobbyist registration forms have been transferred from the City Clerk's Office to the Commission; Form 700's are the last remaining forms to be transferred following the Commission's strengthening by City Charter amendment in 2014. The Commission is committed to serving in this role not only to meet state requirements of serving as filing officer but to proactively work with the City and its departments to ensure filers are aware of and fulfilling Form 700 requirements. As filing officer, the Commission wants to use the system as a basis for being able to better reach all Form 700 filers, ensure delivery of Form 700 training, and improve compliance.

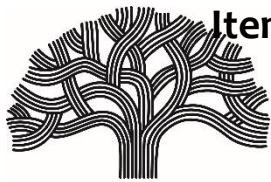
Again, we thank the Alameda County Grand Jury for its review and recommendations for the Public Ethics Commission and the City of Oakland. We appreciate the work of the Grand Jury and its staff, as well as its continued support of the Commission's efforts to expand its capacity, enforcement, and education on government ethics in the City of Oakland.

Sincerely,

  
Arvon J. Perteet (Nov 28, 2022 13:30 EST)

Arvon J. Perteet, Chair  
Public Ethics Commission  
On behalf of the Commission

cc: Cassie Barner  
c/o Alameda County Grand Jury  
1401 Lakeside Drive, Suite 1104  
Oakland, CA 94612



## *INTER OFFICE MEMORANDUM*

CITY OF OAKLAND

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** Asha Reed, City Clerk  
Office of the City Clerk

**SUBJECT:** City's Response to the 2021-22  
Alameda County Grand Jury Report  
on Fair Political Practices  
Commission (FPPC), Form 700 Filing  
Procedures

**DATE:** November 15, 2022

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### **EXECUTIVE SUMMARY**

Below, please find the response to the 2021-2022 Alameda County Civil Grand Jury Report ("Report") regarding the collection and filing of Fair Political Practices Commission (FPPC), Form 700 documents from the City of Oakland ("City"). The City welcomes the constructive feedback on its Form 700 procedures, and for the opportunity to respond.

### **RESPONSE TO FINDINGS**

**Grand Jury Finding 22-9:** *The Oakland City Clerk's Office is not meeting the minimum requirements of the Filing Officer under the Political Reform Act. The issues of non-compliance with the rules regarding Form 700s are long standing and structural, resulting from inadequate funding. An inefficient system of communication of critical information to the filing Officer and limited staffing.*

City Response: The City agrees with this finding.

City Explanation: The Office of the City Clerk (Sometimes referred to as the "Office") agrees that the issues of noncompliance with respect to Form 700 responsibilities are due to inadequate funding and staffing. Throughout the entire pandemic up to April 2022, the Office of the City Clerk has been severely understaffed resulting in the suboptimal oversight of form 700 filings and the Office struggling to complete other mandated duties. The record reflects that the Office of the City Clerk has endured more than 15 years of budget and staffing reductions, as well as consistent delays (exceeding 12 months) in the recruitment and filling of vacant positions. These reductions and delays have had and continue to significantly impact the department. Since 2020, up until February 2022, the office has operated with 47% of its administrative staff vacant. In addition to their own roles and responsibilities, staff within the Clerk's Office have performed the work of numerous vacant positions.

In the 2021-2023 budget cycle, due to mandated reductions, this Office was required to cut the positions of Receptionist and Records Manager and add those duties to the already full-time workloads of the remaining funded positions.

The Office of the City Clerk has established a plan to begin addressing the issue of non-compliance with Form 700 filings. In February 2022, the City authorized the Office of the Clerk to fill 3 of 4 vacant positions enabling the office to strengthen its organizational capacity to perform mandated duties. Prior to the Grand Jury's request, the Office of the City clerk had established a corrective action plan. Before the Grand Jury had concluded its inquiry the Office had: 1) Identified all non-filers that were not referred to the FPPC; 2) Initiated the process of

## Item 13c - City of Oakland Response to Grand Jury Report

To: Edward D. Reiskin, City Administrator

Subject: City's Response to Alameda County Grand Jury Report on Fair Political Practices Commission (FPPC), Form 700 Filing Procedures

November 15, 2022

Page 2

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transferring all non-filers to the FPPC; and 3) Began clearing the backlog to re-establish the first and most critical tiers of compliance and are well into this work as well as other recommendations provided to the Grand Jury that are highlighted in this report.

**Grand Jury Finding 22-10:** *A transfer of the Form 700 filing duties from the Oakland City Clerk's office to the Public Ethics Commission would require hiring an additional employee; an amendment of the City Ethics Act to identify the Public Ethics Commission as the Filing Officer for Form 700s; and the transfer of function and payment of the City's contract with the online filing provider, NetFile, from the City Clerk's office to the Public Ethic Commission.*

### **Mayor & City Council**

City Response: The City disagrees with the finding.

City Explanation: The Office of the City Clerk remains committed, as exemplified by the tremendous amount of work our office has done to address the errors and strategically strengthen support for this work. Form 700 filing coordination should be maintained by the Office of the City Clerk with adequate staffing to ensure continuous support. Consistent with the finding of the Grand Jury and the budget reductions to this office, the recommendation should not be to fund additional staffing in a different, undesignated department, but to fund additional staffing in the City Clerk's Office which has requested it for over 15 years. The Office of the City Clerk only requires the support of two (2) analysts at a cost of \$164,122 to the Elections and Compliance Unit to ensure the office's ability to perform this work efficiently and timely. The City Clerk requests the opportunity to finally receive adequate funding and staffing to become and remain compliant with Form 700 responsibilities. It's also important to note that Kellie Johnson, the previous Executive Director to the Public Ethics Commission did not want to take on the duty as filing officer.

[Section 3.16.020 of the Oakland Municipal Code](#) designates the Office of the City Clerk as the official filing officer for employees, members and consultants. The designation of filers by department directors are management decisions subject to the administrative authority of the City Administration, and this responsibility includes more than just designating the PEC as the filing officer. The failure to comply with filing requirements and violations of Form 700 reporting requirements constitutes discipline to city employees, which may only be performed by city employees pursuant to the charter.

The City agrees with the Grand Jury report, that sufficient staffing is critical and essential to establishing and maintaining compliance with Form 700 filings. Furthermore, the City recognizes that a number of structural changes are necessary across the City to create an infrastructure that sustains compliance work. Furthermore, the City agrees that there is a need for full organizational cooperation which will require alignment and collaboration from all. In addition, the City notes that the pressing immediate needs are: to stabilize filing oversight of filing activities to immediately increase compliance for the forthcoming filing season; and for the Office of the City Clerk and the Public Ethics Commission to collaborate to ensure comprehensive training, coordination, and ongoing support to staff and boards filers is immediately provided. The City Clerk and Public Ethics Commission will collaborate on

## Item 13c - City of Oakland Response to Grand Jury Report

To: Edward D. Reiskin, City Administrator

Subject: City's Response to Alameda County Grand Jury Report on Fair Political Practices Commission (FPPC), Form 700 Filing Procedures

November 15, 2022

Page 3

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processes and resources necessary to achieve full compliance with FPPC, Form 700 filing requirements.

**Grand Jury Finding 22-11:** *Grant funding has been used to fund staffing to support critical services in the City of Oakland.*

### **Mayor**

City Response: The City agrees with the finding.

City Explanation: The City has applied for and received funding for City services. Funds received are allocated and appropriate via Council Resolution.

**Grand Jury Finding 22-12:** *The City of Oakland's shared electronic Human Resources platform is not used in the Form 700 process but could be customized to assist in the sharing of information between departments.*

### **Mayor**

City Response: The City agrees with the finding.

City Explanation: The City Clerk proposed this idea to the Grand Jury after discussions with Human Resources. Neo-Gov ("Human Resources platform") can match new hires to the Conflict-of-Interest Code to provide early identification of new employees and employee promotions to ensure filing timely filing within the 30 day start period as well as provide notification of employee separation for leaving office filings. Making Form 700 a mandatory part of the employee onboarding and separation checklist ensures timeliness and puts the city ahead of the current manual processes. The Office of the City Clerk had proactively initiated this collaborative process with Human Resources, prior to the Grand Jury Report.

**Grand Jury Finding 22-13:** *The city of Oakland's new employee checklist does not include Form 700 filing requirements to the employee.*

### **Mayor**

City Response: The City agrees with the finding.

City Explanation: Currently there is no universal onboarding standard. Instead, each department determines its own onboarding process. This issue could be solved once Neo-Gov is used as the onboarding and separation standard for all staff within the organization.

**Grand Jury Finding 22-14:** *The Grand Jury commends the hard work of those individuals within the Oakland City Clerk's office who are responsible for the Form 700 process. The problems with the Form 700 process are the result of structural limitations, limited staffing, and inadequate interdepartmental communication.*

### **Mayor**

## Item 13c - City of Oakland Response to Grand Jury Report

To: Edward D. Reiskin, City Administrator

Subject: City's Response to Alameda County Grand Jury Report on Fair Political Practices Commission (FPPC), Form 700 Filing Procedures

November 15, 2022

Page 4

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City Response: The City agrees with this finding.

City Explanation: Despite the many challenges, including structural limitations, being significant understaffing, and lack of consistent, interdepartmental partnership over the years, the City Clerk's office remains committed to being transparent and compliant with Form 700 filing procedures, as well as all other mandated duties within.

### **RESPONSE TO RECOMMENDATIONS**

**Recommendation 22-15:** *The City of Oakland should transfer the Form 700 Filing Officer responsibility to the Public Ethics Commission.*

#### **Mayor & City Council**

City Response: The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

City Explanation: Form 700 should be maintained by the Office of the City Clerk with adequate and continuous support. The Cost and resources required to transfer the Form 700 to the Public Ethics Commission is greater than the cost of hiring one (1) additional staff member to the PEC. In order to ensure a smooth transition, it would be necessary that staff in the Office of the City Clerk train staff in the PEC. This would put an additional strain on an already understaffed department, taking key staff away from important work. As mentioned, previously, the Office of the City Clerk is asking for two (2) Administrative Analyst, at a cost of Additionally, Section 3.16.020 of the Oakland Municipal code designates the Office of the City Clerk as the official filing officer for designated employees, members and consultants. The Office of the City Clerk as always is committed to working collaboratively with the Public Ethics Commission.

**Recommendation 22-16:** *The city of Oakland should hire an experienced grant writer with knowledge of state and local funding streams to secure funding for Form 700 services.*

#### **Mayor**

City Response: The recommendation requires further analysis.

City Explanation: The City will see what funding opportunities exist for these services, and if opportunities exist the City will pursue funding.

**Recommendation 22-17:** *On its shared electronic Human Resources platform, the city of Oakland should add a field to the employee information section that indicates whether the employee is a required Form 700 filer and require that the field be updated upon hiring, promotion, demotion, or separation.*

#### **Mayor**



## Item 13c - City of Oakland Response to Grand Jury Report

To: Edward D. Reiskin, City Administrator

Subject: City's Response to Alameda County Grand Jury Report on Fair Political Practices Commission (FPPC), Form 700 Filing Procedures

November 15, 2022

Page 5

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City Response: The recommendation has not yet been implemented but will be implemented in the future.

City Explanation: It will take time and training for Human Resources to format Neo-Gov to the Conflict-of-Interest Code. The Office of the City Clerk's goal is for this change to be implemented within the next six (6) months, and requests that Human Resources actively and collaboratively work towards achieving this goal within the allotted timeframe.

**Recommendation 22-18:** *The City of Oakland should ensure that the Filing Officer is able to access a current list of Form 700 designated employees through the shared electronic Human Resources platform.*

**Mayor**

City Response: The recommendation has not yet been implemented but will be implemented in the future.

City Explanation: The Office of the City Clerk's goal is for this change to be implemented within the next six (6) months, and requests that Human Resources to actively and collaboratively work towards achieving this goal within the allotted timeframe.

**Recommendation 22-19:** *The City of Oakland should add the notification of Form 700 status on the new employee checklist.*

**Mayor**

City Response: The recommendation has not yet been implemented but will be implemented in the future.

City Explanation: The City of Oakland needs to implement a city-wide standard for onboarding and separations to ensure all mandated requirements are fulfilled.

For questions, please contact Sophia Uwadiale, Executive Assistant, at (510) 238-3122 and suwadiale@oaklandca.gov.

Respectfully submitted,

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Asha Reed, City Clerk  
City Clerk's Office