

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Regular Commission Meeting
Monday, January 7, 2019
Hearing Room 1
6:30 p.m.



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

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

City Attorney Staff: Trish Hynes, Deputy City Attorney

REGULAR MEETING AGENDA

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

CONSENT ITEMS

- 4. Approval of Commission Meeting Draft Minutes.**
 - a. December 3, 2018, Regular Meeting Minutes ([Attachment 1 – Minutes](#))

ACTION ITEMS

- 5. 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 2019. 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. ([Attachment 2 – PEC Operations Policies](#))
- 6. New Commissioner Selection.** The Commission's *ad-hoc* recruitment subcommittee met in November to interview Commissioner applicants for one PEC-appointed vacancy. The subcommittee received 20 applications interviewed 19, and selected six finalists to appear before the full Commission for a public interview. Each candidate will be given four minutes to introduce themselves to the Commission, followed by questions from Commissioners. After all candidates have presented and answered questions, the Commission will vote to select the new member, whose term begins on January 22, 2019. Attached are the application materials for each of the following finalists:
 - a. Mark P. Cohen ([Attachment 3 – Cohen Application](#))
 - b. Daniel Ettlinger ([Attachment 4 – Ettlinger Application](#))
 - c. Kimball Lane ([Attachment 5 – Lane Application](#))
 - d. Nayeli Maxson ([Attachment 6 – Maxson Application](#))
 - e. Michelle McGill ([Attachment 7 – McGill Application](#))
 - f. David Roe ([Attachment 8 – Roe Application](#))

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- 7. Campaign Finance Compliance for the November 2018 Election – Reconsideration of Warning Letters Issued to Certain Contributors.** Commission staff presented a report to the Commission on November 5, 2018, with recommended actions following its proactive review of contributions reported by candidates for the November 2018 election. The Commission approved the recommended actions in the report that included sending warning letters to each of the contributors. After receiving the letters, some contributors provided further information to staff that led staff to now recommend that the Commission rescind four warning letters and instead close each matter without action. The Commission will consider the new information and recommended actions listed in the attached memorandum. ([Attachment 9 – Staff Memorandum and Campaign Finance Compliance Report](#))

DISCUSSION ITEMS

- 8. Subcommittee Reports.** Commissioners may discuss subcommittee assignments, create a new subcommittee, or report on work done in subcommittees since the Commission's last regular meeting. Current or recent subcommittees include the following:
- a. **Campaign Finance Subcommittee** – Jonathan Stein (Chair), Lisa Crowfoot, and James Jackson
 - b. **Education and Outreach Subcommittee** – Krisida Nishioka (Chair), James Jackson, and Gail Kong
 - c. **Complaint Procedures Subcommittee** (*ad hoc*, created 3/26/18) – Krisida Nishioka and Jodie Smith
 - d. **Ticket Policy Guidance Subcommittee** (*ad hoc*, created 9/11/18) – James Jackson and Gail Kong
 - e. **Commissioner Recruitment Subcommittee** (*ad hoc*, created 11/5/18) – Jonathan Stein, Lisa Crowfoot, and Krisida Nishioka

INFORMATION ITEMS

- 9. Disclosure Program.** Lead Analyst Suzanne Doran provides a report of recent disclosure and data illumination activities. ([Attachment 10 – Disclosure Report](#))
- 10. Education and Engagement Program.** Commissioners will review Ethics Analyst Jelani Killings' report on the Commission's education and outreach activities. ([Attachment 11 – Education Report](#))
- 11. Enforcement Program.** Commissioners will review a report on the Commission's enforcement work since the last regular Commission meeting. ([Attachment 12 – Enforcement Report](#))
- 12. Executive Director's Report.** Executive Director Whitney Barazoto reports on overall projects, priorities, and significant activities since the Commission's last meeting. ([Attachment 13 – Executive Director's Report](#))
- 13. Commissioner Farewell.** January 21, 2019, marks the end of each term for Commissioners Krisida Nishioka (PEC appointee) and Chair Jonathan Stein (City Auditor appointee). The Commission will celebrate the service of each outgoing Commissioner at the close of this meeting.

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.

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12/28/2018

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Date



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

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

City Attorney Staff: Trish Hynes, Deputy City Attorney

REGULAR MEETING MINUTES

1. Roll Call and Determination of Quorum.

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

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

Staff present: Suzanne Doran and Simon Russell.

City Attorney Staff: Trish Hynes, Deputy City Attorney

2. Staff and Commission Announcements.

Chair Stein welcomed the new commissioner, Jill Butler.

Whitney Barazoto, Executive Director, was absent.

3. Open Forum.

There was one speaker.

CONSENT ITEMS

4. Approval of Commission Meeting Draft Minutes.

- a. November 5, 2018, Regular Meeting Minutes

Chair Stein mentioned that, while the minutes reflected the Executive Director announcing that the Commission received 13 applications for the Commissioner vacancy, the Commission later received an additional seven applications from the Mayor's Office via the City's online application system following that announcement on November 5. No change to the minutes was needed since they are an accurate reflection of what was known and said at that meeting, but he wanted to clarify the final number of applications received.

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Commissioner Jackson moved and Commissioner Nishioka seconded to approve the minutes.

Later in the evening, the minutes were recalled for public comment. After a few instances in which the Chair cured and corrected prior votes on this item, the motion passed 6-0, with Commissioner Butler abstaining.

Commissioner Crowfoot moved and Commissioner Nishioka seconded to approve the minutes following public comment.

The motion passed 6-0, with Commissioner Butler abstaining since she was not a commissioner at the last meeting.

There were no public speakers.

ACTION ITEMS

5. Campaign Finance Compliance for the November 2018 Election – Follow-Up Report.

Commissioner Smith moved and Commissioner Jackson seconded to approve the staff recommendations in the follow up report.

The motion passed 6-0

There was one public speaker.

DISCUSSION ITEMS

6. Limited Public Financing Program Implementation 2018.

Commission staff provided an overview of the Limited Public Financing Program utilization for the November 2018 Election.

There were two public speakers.

7. Subcommittee Reports.

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

Commissioner Stein shared that he is working with Ms. Barazoto on a report that will analyze the effectiveness of Oakland's campaign laws.

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There were no public speakers.

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

Commissioner Nishioka commented on staff efforts during the campaign cycle.

There were no public speakers.

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

Commissioner Smith shared that they are working a draft revision.

There was one public speaker.

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

Commissioner Crowfoot moved to disband the committee. Commissioner Stein disbanded the subcommittee.

There were no public speakers.

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

There were no updates. Commissioner Stein will get clarification from Ms. Barazoto regarding the referral to the Complaint Procedures *ad hoc* subcommittee.

There were no public speakers.

- f. **Commissioner Recruitment Subcommittee** (*ad hoc*, created 11/5/18) – Jonathan Stein, Lisa Crowfoot, and Krisida Nishioka

Commissioner Crowfoot shared they interviewed twenty applicants. Seven applicants were referred from the Mayor's Office Board and Commissions application process.

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The subcommittee will refer candidates to be interviewed at the January meeting by the full commission.

There were no public speakers.

INFORMATION ITEMS

8. Disclosure Program.

Suzanne Doran, Lead analyst, provided a report of recent disclosure and data illumination activities.

Commissioners discussed the possibility of having the data from the lobbyists reports to be published in a similar matter as the campaign data in Open Oakland.

There were two public speakers.

9. Education and Engagement Program.

Commissioners reviewed the report on the Commission's education and outreach activities.

Commissioner Kong asked about the increase in information and advice requests and the impact on staffing.

There were no public speakers.

10. Enforcement Program.

Commissioners reviewed a report on the Commission's enforcement work since the last regular Commission meeting.

Commissioner Stein shared that Case No. 17-17 has been re-opened.

Commissioner Crowfoot reiterated request for bar charts with enforcement updates.

There were no public speakers.

11. Executive Director's Report.

The Commission accepted the report. Commissioner Stein thanked Milad Dalju for his work for the City and shared that the recruitment for Deputy Director Enforcement Chief is open, with a deadline of December 21, 2018.

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There were no public speakers.

The meeting adjourned at 7:33 p.m.



**CITY OF OAKLAND
PUBLIC ETHICS COMMISSION**

OPERATIONS POLICIES

Effective January 1, 2016

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ARTICLE I - MISSION STATEMENT

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

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

ARTICLE II - JURISDICTION, APPLICABLE LAW

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

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

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

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

ARTICLE III - COMMISSION STRUCTURE AND SUPPORT

Section 1: Commission

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

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

Section 2: Executive Director

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

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

Section 3: Commission Staff

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

Section 4: Legal Advisor

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

Section 5: Commission Spokesperson

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

ARTICLE IV – OFFICERS

Section 1: Election of Officers

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

Section 2: Chair

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

Section 3: Vice Chair

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

ARTICLE V - COMMITTEES

Section 1: Standing and Ad Hoc Committees

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

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

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

Section 2: Committee Meetings

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

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

Section 3: Committee Quorum

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

ARTICLE VI - COMMISSION MEETINGS

Section 1: Meetings: Time, Public Location, Notice

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

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

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

Section 2: Quorum

At all meetings of the full Commission, the presence of four (4) commissioners constitutes a quorum. (Charter section 603(d)(4).) No action can be taken on an agendaized matter 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.

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

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

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

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

Section 4: Public Participation at Meetings

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

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

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

Section 5: Chair

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

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

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

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

Section 6: Meeting Minutes

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

Section 7: Closed Sessions

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

Section 8: Recess

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

ARTICLE VII - AGENDA REQUIREMENTS

Section 1: Agenda Preparation

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

Section 2: Consent Calendar

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

ARTICLE VIII - VOTING

Section 1: Voting, Abstention, and Recusal

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

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

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

Section 2: Voting by Proxy

Voting by proxy is prohibited.

ARTICLE IX - TREATMENT OF CONFIDENTIAL INFORMATION

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

Section 1: Confidential Information

Generally, “Confidential Information,” includes the following:

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

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

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

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

Section 2: Prohibitions on Disclosure or Misuse of Confidential Information

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

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

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

Section 3: Affirmative Duty to Safeguard Confidential Information

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

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

Section 4: Term of Obligation

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

ARTICLE X - PARLIAMENTARY PROCEDURE

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

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

ARTICLE XI - STANDARDS OF CONDUCT

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

- A. Actively and diligently support the mission, goals and objectives of the Commission**, for example, by thoroughly preparing for and attending Commission meetings; serving on committees; working cooperatively with Commission staff on officially-sanctioned projects; and attending civic events relevant to the Commission's purpose and jurisdiction.
- B. Preserve public confidence in commissioners' conduct, intentions, and impartiality**, for example, by fairly and objectively enforcing laws and regulations within the Commission's jurisdiction; refraining from conduct or statements that suggest personal bias; avoiding personal involvement in the investigation and prosecution of complaints (absent a recusal); and avoiding inappropriate political activity (endorsing, supporting, opposing, or working on behalf of a candidate or measure in an Oakland election).
- C. Protect the independence and integrity of the Commission**, for example, by working for the public good and not private interest in all matters related to city government; refraining from using their official positions to secure special advantages or benefits for self or others; declining to accept benefits or to participate in activities that might influence or undermine their ability to fairly and objectively discharge their Commission duties; and, if speaking to the press or public about a Commission matter, clearly explaining that the commissioner's statements reflect the personal view of the commissioner and not the view of the Commission.
- D. Set the highest example civil and efficient conduct of city government**, for example, by recommending and adopting rules and procedures that promote transparency and fair process in city government; treating the public, Commission staff, Commission legal advisors, and fellow

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

ARTICLE XII - OPERATIONS POLICIES AMENDMENTS

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

City of Oakland
PUBLIC ETHICS COMMISSION
Commissioner Application



Name: Mark P. Cohen

Mailing Address: [REDACTED]

Daytime Phone: [REDACTED] Evening Phone: [REDACTED]

Email: [REDACTED] City Council District: 5

Are you an Oakland resident? Yes No Years of Residency in Oakland: 14

List any City of Oakland Boards or Commissions (including this Commission) on which you currently or have previously served:

none

Please answer yes or no to *all* the following questions:

1. Are you currently employed by the City or have any direct and substantial financial interest in any work, business, or official action by the City? Yes No
2. Are you currently or planning to seek election to any other public office, participate in, or contribute to an Oakland municipal campaign? Yes No
3. Are you currently or planning to endorse, support, oppose, or work on behalf of any candidate or measure in an Oakland election? Yes No
4. Are you an Oakland lobbyist or required to register as a lobbyist, or do you receive gifts or compensation from an Oakland lobbyist? Yes No
5. Have you attended a Public Ethics Commission meeting? Yes No If yes, when? Planning on Attending Nov. 5th
6. How did you hear about this vacancy? A friend informed me of the opening.

List the names, addresses and telephone numbers of two references:

Rabbi Gershon Albert

1. Name: Rabbi Gershon Albert
 Address: [REDACTED] Oakland, CA 94602

Phone: [REDACTED] Email: [REDACTED] @ [REDACTED] nd.ORG

2. Name: Harvey Levine, City Atty for city of Fremont (and Oakland resident)
 Address: [REDACTED] Fremont, CA 94538

Phone: [REDACTED] Email: [REDACTED]

By signing below, I certify to the best of my knowledge that the information contained in this application and supporting materials is true and accurate. I understand that this packet is a public record, subject to public inspection, and that if I am selected for appointment, the packet will be distributed publicly as part of the selection process.

this application and supporting materials is true and accurate. I understand that this packet is a public record, subject to public inspection, and that if I am selected for appointment, the packet will be distributed publicly as part of the selection process.

Signature: [REDACTED]

Date: 10/17/18
See Supplemental Questions on next page →

Supplemental Questions

On a separate page, please answer the following four questions:

- 1. Why do you want to serve on the Public Ethics Commission?**
- 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.)**
- 3. What issues, projects, or goals would you like to pursue while serving on the Commission?**
- 4. What do you think are the City's most pressing ethics, campaign finance, or transparency challenges?**
- 5. What else would you like the subcommittee to know as your application is considered?**

Applications are due by 5:00 p.m. on **Friday, October 19, 2018**, and must include the following materials:

1. Signed Application
2. Answers to the Supplemental Questions
3. Your resume

Applications may be submitted by mail, email or fax to PEC staff:

Public Ethics Commission
Attn: Whitney Barazoto
1 Frank Ogawa Plaza, Room 104
Oakland, CA 94612
ethicscommission@oaklandca.gov
Fax: (510) 238-3315

For questions, please call (510) 238-3593.

Web: www.oaklandnet.com/pec

SUPPLEMENTAL QUESTIONS AND ANSWERS

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

I moved from the city of Fremont to Oakland in 2004 because I wanted to raise my young family in a major city that promised to offer a diversity of experiences. Since then I witnessed firsthand, our city's progress as it became one of the more exciting cities in our country to live and work in. I rapidly developed a sense of pride as an Oakland resident. At the same time, I recognized there is much more work to be done. To solidify Oakland as a great American city we must inspire greater trust and confidence in our governing institutions. A position on the Public Ethics Commission would provide me with a direct way to contribute to our city on the issue of integrity and trust that I view as vital to Oakland's future.

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.)

Certainly, as a lawyer with 34 years of experience in private practice, I bring with me the analytical skills necessary to understand and apply the law. But it is through the areas of law I have practiced in that equip me with a skill set particularly relevant to sitting on the Public Ethics Commission.

As a land use and zoning lawyer I have represented community groups, individuals, and businesses before numerous planning commissions and city councils throughout Alameda County, as well as the Alameda County Board of Supervisors. This area of practice has thrust me into the heart of local government, placing me at the intersection of citizen-government interaction.

I also have extensive experience in the area of administrative law. The rules of law in administrative proceedings are quite different than civil court proceedings and require familiarity with the unique constitutional and legal principles that apply. As part of the Public Ethics Commission's charge involves administrative proceedings, my experience in administrative law affords me with the skill set necessary to navigate this aspect of the Commission's responsibility.

Finally, my experience serving on the city of Fremont Planning Commission for eight years (two years of which I served as chair) afforded me with the practical insight necessary to understand the interplay between a local government commission, local government, and its citizenry.

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

Ethical requirements should not be rules that are begrudgingly followed by government officials. Rather, rules of ethics should be a part and parcel to the culture of government. I have a particular interest in exploring ways in which ethical standards can become woven into the fabric of governance.

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

There is a lack of trust and confidence in local government. By operating in an impartial but consistent manner, the Public Ethics Commission is uniquely positioned to set an ethical tone for our city and government. The challenge is to instill an ethical conscience in Oakland's governing bodies as well as its citizenry.

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

As I have already indicated, my experience as a lawyer has brought me to many planning commissions and city councils throughout Alameda County. Yet, I have not appeared before any Oakland governing bodies. I also have not been a part of any groups involved in Oakland politics. In fact, I would go so far to say, that aside from attending a few candidate presentations and voting, I have not been involved in Oakland politics at all. It is this very lack of political involvement that would afford me as a Public Ethics commissioner with a rather unencumbered perspective. That is, I don't come to the Commission out of political involvement. Instead, I come as a 14-year Oakland resident who has raised his family here.

MARK P. COHEN

Phone: [REDACTED]
[REDACTED]

Residence: [REDACTED]
Oakland, CA 94602

EDUCATION

- JD** Golden Gate University School of Law May 1981
536 Mission Street, San Francisco, CA
Area of specialized research: zoning and land use law
- BA** Brooklyn College of the City University of New York January 1978
Bedford Avenue, Brooklyn, New York
Major: Sociology; Minor: Philosophy
Honors: Cum Laude, Honors in Sociology
Area of specialized research: the philosophy of punishment

LEGAL PRACTICE EXPERIENCE

- Law Office of Mark Cohen, P.C.** December 1987 to present
39510 Paseo Padre Parkway, Suite 190
Fremont, CA 94538
Areas of practice: Land use and zoning;
Criminal defense;
Non-profit and religious corporate formation and litigation;
Administrative law: represented nurses, doctors, insurance brokers, real
estate brokers, contractors, certified public
accountants and other licensed professionals before
state licensing boards;
Plaintiff's Personal injury law;
Litigation: Over 100 jury and court trials;
Criminal and civil appellate experience;
Civil writ experience;
Constitutional issues litigated include right to privacy;
1st Amendment establishment and free exercise of
religion;
4th Amendment search and seizure;

- Bonjour and Thorman** May 1987 - November 1987
6601 Owens Drive, Suite 238
Pleasanton, CA 94588
Areas of practice: criminal defense; plaintiff's personal injury

Law Offices of J Thomas Sherrod
39199 Paseo Padre Parkway
Fremont, CA 94538
Areas of practice: criminal defense; plaintiff's personal injury

June 1983 - April 1987

LOCAL GOVERNMENT SERVICE EXPERIENCE

City of Fremont Planning Commission; 1996 to 2003
Served as Chair for two of the eight years on Planning Commission

TEACHING EXPERIENCE

Guest lecturer, privacy law; Golden Gate School of Law: 2014 and 2015
Lectured on state and federal constitutional privacy law

PUBLICATIONS

Revival of the Fittest; San Francisco's Neighborhood Commercial Special Use District Ordinance, Golden Gate University School of Law, April 1981

San Francisco's Neighborhood Commercial Special Use District Ordinance: An Innovative Approach to Commercial Gentrification, 13 Golden Gate University Law Review, Spring, 1983

OTHER WRITING

Recently completed a novel that is awaiting representation

City of Oakland
PUBLIC ETHICS COMMISSION
Commissioner Application



Name: Daniel Ettlinger

Mailing Address: [REDACTED]

Daytime Phone: [REDACTED] Evening Phone: [REDACTED]

Email: [REDACTED] City Council District: 5

Are you an Oakland resident? Yes No Years of Residency in Oakland: 33

List any City of Oakland Boards or Commissions (including this Commission) on which you currently or have previously served:

N/A

Please answer yes or no to *all* the following questions:

1. Are you currently employed by the City or have any direct and substantial financial interest in any work, business, or official action by the City? Yes No
2. Are you currently or planning to seek election to any other public office, participate in, or contribute to an Oakland municipal campaign? Yes No
3. Are you currently or planning to endorse, support, oppose, or work on behalf of any candidate or measure in an Oakland election? Yes No
4. Are you an Oakland lobbyist or required to register as a lobbyist, or do you receive gifts or compensation from an Oakland lobbyist? Yes No
5. Have you attended a Public Ethics Commission meeting? Yes No If yes, when? _____
6. How did you hear about this vacancy? Family & Friends

List the names, addresses and telephone numbers of two references:

1. Name: Jue Sun

Address: [REDACTED]

Phone: [REDACTED] Email: [REDACTED]

2. Name: Amanda Janish

Address: [REDACTED]

Phone: [REDACTED] Email: [REDACTED]

By signing below, I certify that all of the information included in this application and supporting materials is true to the best of my knowledge. I also understand that this application packet is a public record, subject to public inspection, and that if I proceed to the final interview with the Commission, the packet will be distributed publicly as part of the selection process.

Signature: [REDACTED] Date: 10/15/16
See Supplemental Questions on next page →

CLEAR FORM

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

Having been a lifelong resident of Oakland I feel a responsibility to participate in my local government. As a college student my major was Political Science and I had aspirations of working in politics. However, life happened I found a good job at UC Berkeley as a Research Administrator (10 years) and have two elementary age children attending Oakland Public schools.

As a citizen of your community it is important to be involved in local government and to help improve processes when needed. Transparency is a very important part of governing and I can be a key asset on the commission. Having dealt with Oakland's bureaucracy on several occasions having easy accessible information for citizens is important.

2. What skills and experience will you bring to the Commission?

My biggest experience is the 10 years that I have worked at UC Berkeley as a Research Administrator. I currently have a large and diverse portfolio consisting of 24 sponsored awards (grants), and over \$10,500,000 in active funding that I managed for approximately 11 professors. A portion of these awards also includes subawards to both foreign and domestic institutions. Being responsible for managing these grants I make sure that professors are spending the money according to the University, federal, and sponsor guidelines. I have participated indirectly with audits where federal agencies request documentation for certain activities.

I am also involved at my kids school I participate on the School Site Committee as the Vice Chair and the Chair of the Site ELL (English Language Learner) Committee. Both of these committees are responsible for allocating the federal funds and how they are used.

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

One thing that particularly interests me is working in collaboration with the surrounding tech companies and creating an easy hand on APP for the city of Oakland. Putting important information into the hands of ordinary citizens' hands is a powerful tool. Moving towards a paperless world where accessing information at the click of a button is necessary when we discuss transparency in government.

Another important project/goal is making sure that we are not leaving behind the English Language Learners when we are discussing ways to become more transparent. Too many times are fellow Oaklanders left behind and not able to access government information in a language that they are comfortable in.

A couple of other areas that I am interested in is digging into the housing crisis and making sure that the City of Oakland is providing reliable accurate data on state of play. Another area of interest is the Oakland Public School District. It is incumbent upon us to make sure we are giving our children world-class education in the public school system. Making sure that OUSD is transparent on how they operate and where funding is going, is a key to the world-class education.

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

For me the most pressing issue will be holding our elected officials accountable. This has to do with making campaign finance information transparent and easy to read. For the average person politics is not a passion and to have a document that is cumbersome does not qualify as transparency.

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

As I mentioned in the beginning I am a lifelong resident of Oakland California. I having made the decision to raise a family here I have a vested interest in the success of our city. I have always been passionate about politics and feel it is my civic duty to be an active participant.

Daniel M. Ettlinger

Oakland Ca 94602

Objective

Seeking a position of increasing responsibility and leadership that will allow me to build on the experience and skills I have gained while working as a Research Administrator. I am hard-working, professional, and self-motivated

Education

California State University, Hayward
Bachelor of Science in Political Science
Graduated June, 2008

Computer Skills

Proficient in Microsoft Office, BFS, Hyperion, Filemaker, and Adobe

Trainings

Completion of: *UC People Management Certificate*

Work Experience

April 2009-Present Research Enterprise Services Berkeley, CA

Research Administrator 4

- Independent management of professor portfolios
 - Assist professors in successful submissions of grants to federal and non-federal sponsors (budgets, sponsor guidelines, deadlines)
 - Post award grant management (projections, spending plans, closeouts)
 - Coordination of information and communication between a wide range of departments, professors, and sponsors.
 - Assisting in the training of current and new employees

Nov 2006- Dec 2007 Truitt & White Lumber Berkeley, CA

Assistant to Marketing Director

- Daily tasks included setting up work meetings, updating literature, and various projects including planning the annual tool sale, customer appreciation dinner, and customer seminars.
 - Researching and gathering information from different sources to plan and organize projects successfully.

Oct 2004- June 2005 Moc Products Oakland, CA

Data Entry/ Receptionist

- General office work included copying, filing, and answering phones.
 - Responsible for entering data in a timely manner
 - Experience with ten key typing.

June-August 2002 San Francisco Foundation San Francisco, CA

Intern - Mayor Summer Job Programs

- Conducted workshops on how to find jobs for youth in the community
 - Assisted candidates with finding job opportunities that fit their skill set.
 - Learned how a non-profit organization is efficiently executed

Extracurricular

Activities

2007-2008 Political Campaign National

- Volunteered for a presidential campaign
 - Gained experience in canvassing and phone banking

City of Oakland
PUBLIC ETHICS COMMISSION
Commissioner Application



Name: Kimball Lane

Mailing Address: [REDACTED]

Daytime Phone: [REDACTED] Evening Phone: [REDACTED]

Email: [REDACTED] City Council District: 1

Are you an Oakland resident? Yes No Years of Residency in Oakland: 22

List any City of Oakland Boards or Commissions (including this Commission) on which you currently or have previously served:

[REDACTED]

Please answer yes or no to all the following questions:

1. Are you currently employed by the City or have any direct and substantial financial interest in any work, business, or official action by the City? Yes No
2. Are you currently or planning to seek election to any other public office, participate in, or contribute to an Oakland municipal campaign? Yes No
3. Are you currently or planning to endorse, support, oppose, or work on behalf of any candidate or measure in an Oakland election? Yes No
4. Are you an Oakland lobbyist or required to register as a lobbyist, or do you receive gifts or compensation from an Oakland lobbyist? Yes No
5. Have you attended a Public Ethics Commission meeting? Yes No If yes, when? _____
6. How did you hear about this vacancy? A friend forwarded to me the announcement

List the names, addresses and telephone numbers of two references:

1. Name: Corinne Allen

Address: [REDACTED] Oakland CA 94611

Phone: [REDACTED] Email: [REDACTED]

2. Name: John Herkenhoff

Address: [REDACTED] Oakland CA 94611

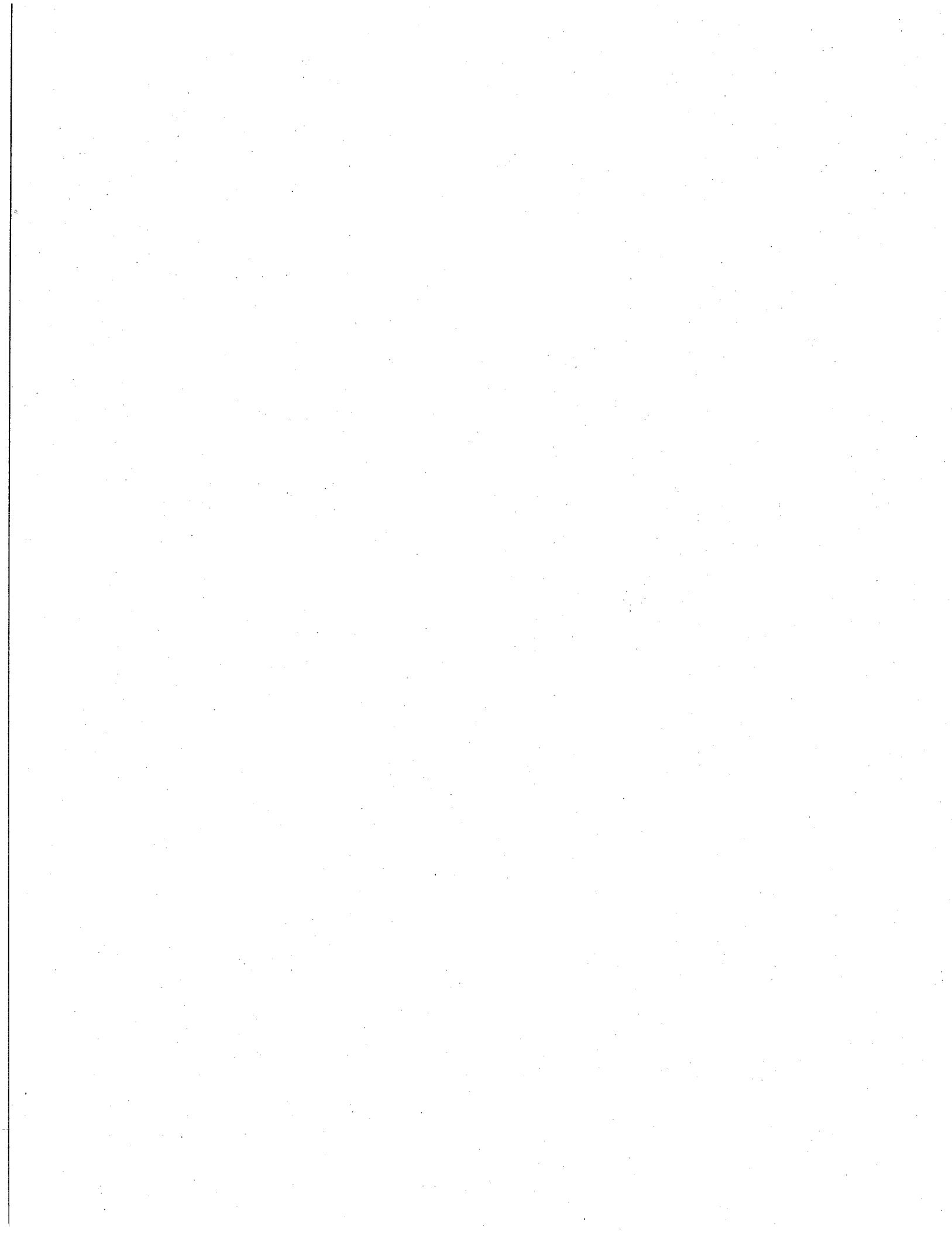
Phone: [REDACTED] Email: [REDACTED]

By signing below, I certify that all of the information included in this application and supporting materials is true to the best of my knowledge. I also understand that this application packet is a public record, subject to public inspection, and that if I proceed to the final interview with the Commission, the packet will be distributed publicly as part of the selection process.

Signature: [REDACTED]

Date: 10-10-18

See Supplemental Questions on next page →



Kimball Lane, CPCC

LinkedIn

[REDACTED] Oakland CA 94611



"Kimball has the ability to weave creative and bold plans, and put together a great team to carry them out. She knows how to find the calm center of any storm and people associated with her programs leave learning effective methods which are beneficial for any agency."

**Dan Kloke,
Campaign
Consultant**

"Kimball has an incredible ability to make fundraising easy. She helped build our confidence, showed us how to have fun, and make connections with people."

**CARAL Board
Member"**

"You provided a professional approach and direction for the Development Department, something I had not seen in previous years. Also, thanks for your help in education the Board on the need for Development" **Mark**

Professional Profile

- Has worked for 25+years with an integrated passion for creating positive social change for those organizations, social enterprises and political movements working to protect the environment, the disadvantaged, and supporting economic parity.
- Has consulted and advised with over 500 non-profit and social enterprise clients, has served on 4 boards of directors, founded 5 successful businesses and non-profits, and facilitated the operational and strategic integration of 5 mergers.
- Has coached hundreds of social entrepreneurs working to move their organizations into a position of having more social impact.
- Has 25+ years of executive and consulting experience with proven skills, identifying strategic opportunities for growth, generating resources, building coalitions and developing mission driven initiatives.
- Has held both paid and volunteer, CEO, CDM, COO, Board President, Founder and ED positions in varying non-profits and social enterprises, thus giving broad perspectives and organizational insight.

Key Qualifications

- Keen ability to assess organizations, identify success opportunities and help plan and execute actions toward mitigating risk and increasing revenue.
- Keen ability to match people who have big ideas for social change with people who possess the resources and contacts to assist in attaining targeted strategies to support their work.
- Extensive experience in developing targeted strategic and fundraising strategies and the day to day execution of organizational operations and resource development practices.
- Combines the rare qualities of a senior executive in both the corporate and non-profit sectors, with connections to and campaign experience in the environmental and political arenas, working on issues to bring about positive social and environmental impact.

Accomplishments

- Structured and oversaw the operations of 5 successful corporate and non-profit mergers
- Proven track record in all aspects of organizational and resource development, branding and operations.
- Generated over \$84M directly for community benefit organizations and small businesses. An additional \$320M in indirect revenue was generated through managed organizational efforts including Direct and Indirect Sales as well as Capital, Major Donor, Annual Giving, Planned Giving, and Endowment Campaigns with an emphasis on individual giving.
- Successfully managed general campaign, fundraising and customer service operations while hiring and training a peak staff of over 1400 employees, including new directors and managers.

**Freitas, Board
Chair LCC**

In the frenzied world of political campaigns, it is many times harder to find the nugget of importance. Through the fray, Kimball is able to zero in on the essential points, encapsulate them and move the team toward its goals. She is a great strategist and truly understands the importance personal connection."

**Bill Matson,
Public Outreach
Limited**

"I turned to Kimball Lane Coaching after I'd hit a wall in my professional life. I'd long harbored the unspoken dream of pursuing an independent consulting career, but never took the leap. Through her deft questioning, gentle prodding, imagery exercises, and step-by-step plan, Kimball guided me to put wings on my dream. 2014 marks my 10th year of consulting. I've never been happier.

Thank you

**Kimball. "Kate
Fitzsimmons,
Fitzsimmons
Communications**

"Kimball Lane's team was so supportive, knowledgeable and quickly helped move our organization onto a much more organized and productive path. They fit in as part of our team

- Founded Agoura Crisis Center and Co-founded Alive and Well Foundation, NCA Capital, The Redeemer Fund, as well as being a part of the incubation of such organizations as Pesticide Watch, Greencorps, Mass Campaign to Clean up Hazardous Waste, and the Green Century Fund.
- Has coached hundreds of entrepreneurs, and community leaders in creating more effective social organizations.

Education and Certifications

- BA in Child Psychology, BARCH (Architecture), Minors in Business Administration & Sociology University of New Mexico
- Harvard Kennedy School of Government – Political Science MA
- CPCC (Certified Co-active Coach) through Coaches Training Institute
- Tony Robbins Leadership Certification

Employment

June 1999-Current—Owner, Kimball Lane & Associates

- Kimball Lane & Associates is a consulting company working with social enterprises, non-profits, and organizational leaders to identify and leverage resources for organizational and individual transition and growth. Emphasis is on Strategic Sustainability and includes: Strategic and Transition planning, Board Development, Leadership Search, resource development plans and assessments.

Sept 2003-Current—Owner Kimball Lane Coaching

- Providing leadership coaching to individuals and organizations working in the non-profit and social service sectors who are working to fine-tune their leadership skills thus having greater impact on the effectiveness of their mission. www.kimballlanecoaching.com

Nov 2006-July 2010—Chief Development & Marketing Officer and Consultant, Lincoln Child Center

- Responsible for integrating marketing with resource development activities as well as upgrading and developing outreach systems. As part of the senior management team, provided and oversaw administrative, operations and a team responsible for the management of major donor, corporate, individual, foundation, and government funding streams. Created systems to support media, marketing and resource development.

2001-2003-- Vice President of Development and Marketing for the Boys & Girls Clubs of San Francisco—501c3

- Oversaw a staff of 8 and all development activities, merger transition as it related to funding and brand marketing, income projections, market adaptations and the generation of \$7.6 million for operational needs. As a member of the Office of the President, (3 VP's and President), responsibilities included interface with the Board of Directors, external communications with media and marketing sources, liaison with the Boys & Girls Clubs of America, and a consultant to smaller affiliates as it related to Resource Development, Board Development, and Marketing and operational needs. Received the 2003 National Marketing Achievement Award (Highest Award given amongst over 2500 chapters).

Oct. 1998-June 2000--Director of Development and Marketing, Battered Women's Alternatives—501c3

- Worked within the senior management team to develop and oversee the strategic plan, as well as, the day-to-day operations and 6 staff, with special focus on resource development, raising funds, and marketing. Served as the agency spokesperson. Responsible for eliminating the agency deficit and doubling income within the first year. Increased agency budget from \$2.6M to over \$6M.

Jan. 1995-July 1998 -- National Director of Operations- Non-profit and Political Services, The Share Group

- A Direct Marketing, fundraising and grassroots organizing corporation focusing on Environmental, Women's rights, Health related causes, and social enterprises. **Responsible for the production needs of over 400 non-profit & political clients and managed all 5 national locations. *Oversaw day-to-day operations including campaign and project strategy, list generation, pitch and campaign development, and volume/timeline/revenue projections. *Further, responsibilities included the coordination of various departments, hiring and training of over 1400 personnel, client relations, marketing, HR, P&L, union contract negotiations, and infrastructure

very quickly; definitely a part of the family!"

Roger Adams,
GlobalNet

**More testimonials
and references
upon request**

analysis. * Facilitated the operational aspects of 3 mergers. * Responsible for increasing revenue from \$3.2M to \$16 M in 2.5 years.

June 1993-Jan 2008, Fundraising and Field Strategy, Burnside & Associates

- Responsibilities included media strategy, field campaign strategy and implementation, identification of fundraising opportunities, GOTV, direct marketing assistance and general campaign management support.

Nov 1989-June 1993, Fund For Public Interest Research—MASSPIRG/CALPIRG 501c4

August 1991-April 1993, Director of Community Outreach

- An Environmentally focused organization. **Responsibilities including the oversight of general operations, media management, public relations, hiring and training of over 65 employees, including new directors and managers in call center operations, canvases and project management. *Fundraising revenue more than doubled to \$2.8 Million annually for legislation, and advocacy and legislative campaign efforts tripled to 12 annually.

Awards and Professional Affiliations

2011 Environmental Impact Award—Fund for Public Interest Research

Co-Founder Bay Area Non-Profit Consultants (2003 to current)

2003 National Marketing Award, through Boys and Girls Club

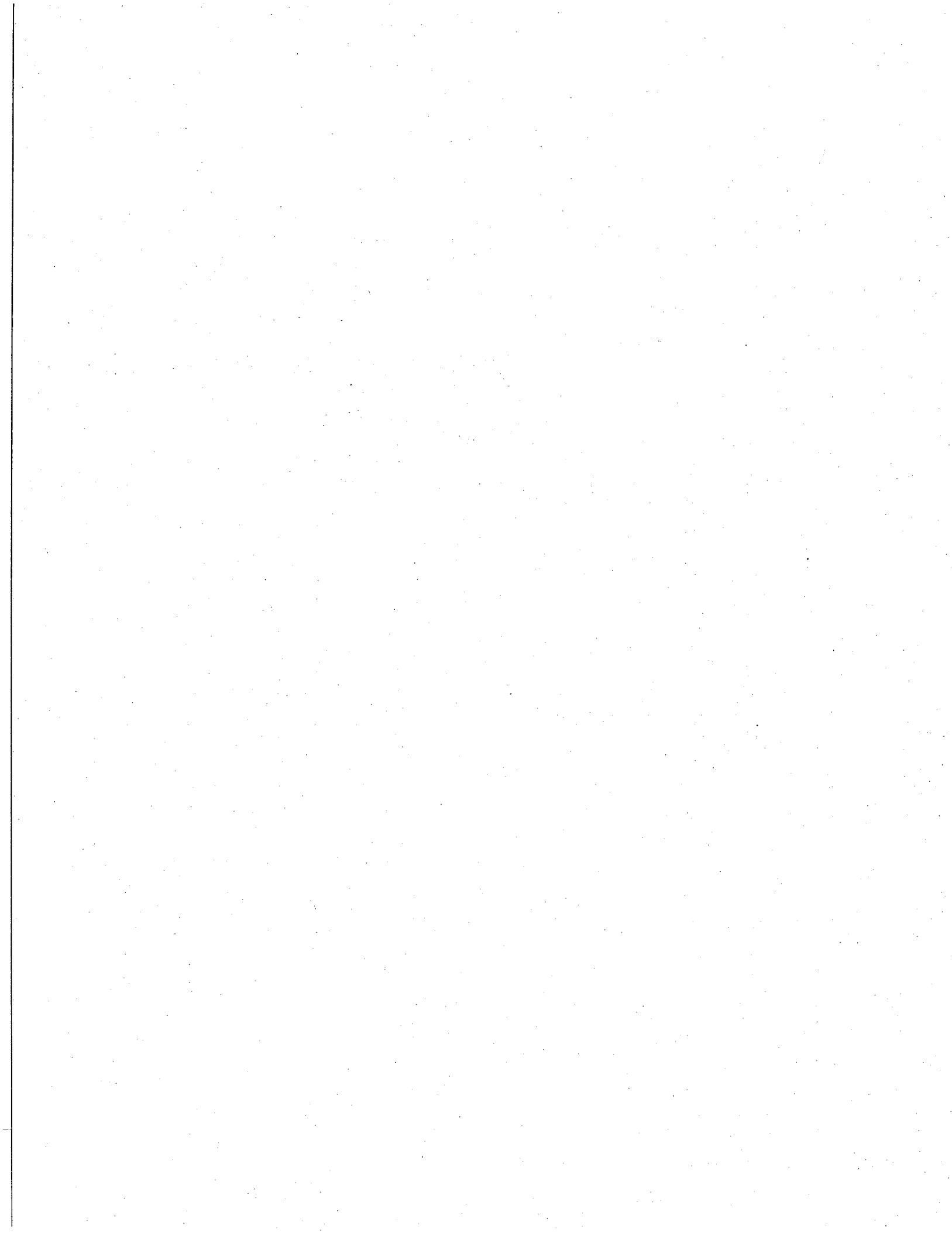
Association of Fundraising Professionals

International Coaching Federation

Founder Agoura Crisis Center

Founder Alive and Well Foundation

Pathways Institute-Leadership and Transformational Methods Coach



Kimball Lane
Partial List of Non-Profit, Corporate and Political Clients (alphabetical)

COACHING:

Over 400 non-profit, political and corporate leaders

NON-PROFIT CLIENTS

Emphasis on interim director, strategic planning, Board development and resource development positions.

Agoura Crisis Center – Founder

Alive and Well Foundation – Co-Founder

Alternative Family Services – Development Plan, Supervising Director & Consultant 2012-current

Boys & Girls Clubs of San Francisco—Consultant & Vice President of Marketing and Development, Created Post Merger Organizational Plan, Oversaw and Lead Resource Development Strategies & Brand Marketing Plan. (see resume)

California Alliance Against Domestic Violence—Interim Executive Director, Search Coordinator, Public Policy Advisory Committee, Merger Negotiations Facilitator

Children's Council of San Francisco – Interim Director of Advancement, Development assessment & plan

Community Clinic Consortia of Contra Costa- Executive Coaching & Human Resource Assessment

Contra Costa Child Care Coalition – Board facilitation/Board development

East Bay Agency for Children -- Development Assessment

Exhale – Interim Development Director and Transition Consultant.

Greenpeace – Field Fundraising Consultant

Holocaust Museum D.C. —Capital Campaign Consultant

Horizon Services – Board Development & Strategic planning

Immigrant Legal Resource Center- Strategic Fundraising Assessment and Planning, Executive Coaching, Board Development, Director Search, Transition Support, Interim Development Director

Impact HUB—Strategic Planning

Lincoln Child Center- Resource Development and Marketing Consultant, emphasis on Annual Campaign short and long term planning, and individual giving support. Director of Development and Marketing 3 years.

LEAP – Development Plan and Assessment

Legal Community Against Violence - Interim Development Director, Fundraising Plan, Executive Coaching

Northern California Innocence Project – Development Assessment & Implementation, Leadership Search support

Planned Parenthood National & Contra Costa – Regional Fundraising Strategist and consultant

Project Open Hand—Development Assessment

Rainbow Community Center – Strategic Planning, Executive Search & Transition Consultant

Redeemer Fund—Co-Founder

Santa Clara County Audubon Society-Executive & Leadership Development

San Francisco Bicycle Coalition – Strategic Planning & Facilitator

Tehiyah Day School—Interim Development Director, DOD Recruitment

The Women's Building of San Francisco – Board Development, Corporate Giving Consultant

Tony La Russa's Animal Rescue Foundation—Consultant; annual & capital campaign

Uhuru House—Major Donor and Corporate Giving consultant

We Care Services for Children- Board Development, Strategic Planning

Women's Community Clinic—Consultant; annual campaign assessment and plan

Women's Therapy Center – Board of Directors, Board Chair

Youth Leadership Institute—Board Development

WGBH Public Radio – Fundraising assessment and plan development consultant

POLITICAL CLIENTS

Emphasis on field operations, government influence and community organizing.

AB 266- Northern California Field Director

Alliance for a Better California-Special Election Field Director

America Votes-GOTV & Leadership Training consultant

Burnside and Associates—Public Outreach Consultant and Field Director

Campaign Institute—Student Leadership and Community Organizing Trainer

Californians for Health Security Prop 186—Organizer/fundraiser/Consultant

California Pesticide Reform/Prop 128—Los Angeles Director--public education, community organizing, fundraising, signature organizing

California Toxic Use Reduction Law—California Director, Lobbyist

Clinton-Gore for President – GOTV coordinator

Community Alliance, Prop C—San Diego—Political Campaign Field Director

DNC-Regional organizer and state director

Justiz for Representative—Campaign Coordinator

National Rainforest Campaign -- California Organizer and Lobbyist

National Motor Voter Bill—Public outreach/Fundraising—Massachusetts Director

National Bottle Bill— Massachusetts Director --Public Outreach/Fundraising

National Campaign for Finance Reform—Massachusetts-- Fundraising and Direct Marketing Director, & Public Education Coordinator

National Clean Air Act—Legislative Coordinator for California

New Mexico Renter's Rights Legislation—Albuquerque Organizer/Legislative Targeting

New Mexico Victory Campaign-Field Director

Obama for President -- Field Coordinator Southwest Region

Polluter Pay Law/ Massachusetts Initiative #3 —Community Organizer and Fundraising Coordinator

State Insurance Reform Campaign—Citizen Outreach and Fundraising Director—Massachusetts

CORPORATE CLIENTS

Emphasis on operations, leadership, and organizational development

Carebar.com -- Consultant for marketing and online non-profit fundraising services

EdwardsCo – Marketing consultant

Jeralize – Co-Founder, Operations and Start-up Consultant

JPD Communications—Corporate Development

Hanson Law Firm – Strategic Planning and Leadership recruitment

Harden Communications –Leadership Recruitment

LANCO — Business Development consultant

Optimal Asset –Operations and Start up consultant

Training and Management Resources – Operations consultant

TLO Entertainment – Leadership consultant

NCA Capital — Operations Consultant

Make You Better Brands- Operations Consultant

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

I am a proud resident of Oakland, and espouse, daily, the virtues and charms of our lovely "Oaktown". Its diverse communities, lovely weather, geography, the vibrant and growing art and food culture, as well as a diverse and entrepreneurial business sector, all contribute to the vibrancy that makes Oakland a wonderful place to live and where I am proud to call my home.

Oakland like most large cities also has its challenges and public relations problems. In the current political climate ethical standards are being called to question at an alarming rate. It is during this time when Oakland can be a beacon of transparency, respect, integrity, provide a moral compass, and relieve the question of whether governmental institutions are able to uphold moral practices.

I believe it is never a matter of whether we are there yet or not, but how we manage all day to day instances when we are faced with moral and ethical decisions. Conflicts will arise, it is part of bringing people together with diverse opinions, but making sure that the playing field is level, that standards are held fairly, that we allow for equal engagement, and we provide for access to all parts of our community is what I feel to be important. We are doing better each day and yet we cannot rest on our laurels. We will continue to face challenges, and how we deal with them in the future is how we will be evaluated on our ability and willingness to be a true open, transparent, safe and democratic city and society.

I have worked for charitable organizations and community benefit groups most of my life. I recognize that sometimes all you have is your reputation. My business has been built on my reputation and know that I need to hold myself to a higher level than my clients to ingratiate trust and respect. I think a city government must do the same., I have worked hard to make communities better and feel it is a good time to lend my talents to the city where I live and love.

What Skills and experience will you bring to the commission?

Please see resume attached.

What is not apparent in the resume is my drive for efficiency and effectiveness. Working with community benefit organizations as well as start-up companies I have learned how to achieve a great deal with few resources. I have learned early on that perception can become reality very quickly. If the perception is negative, then the job of running the city becomes harder and focus on important issues can be lost. Governments are responsible to utilize the tax revenue as agreed. Those who mis-use their power or status to benefit themselves rather than the community diminishes the work that all others are doing. As someone who has had to 'clean-up' organizations and first hand seen the negative impact corrupt leaders can have on good intentions, I am committed to assuring that the organizations that I work with are working at the highest ethical standards.

Experience

- Executive director
- Business leader/owner
- Chief Operating officer
- Vice President of marketing and Resource Development

Kimball Lane – Oakland Commissioner Application – Supplemental questions

- Board of directors—member and chair
- Campaign organizer

Skills

- Community organizing
- Building Corporate partnerships
- Creating and implementing policies and procedures including conflict of interest and ethic standards as well as developing and upholding COA
- Civic Engagement
- Strategic Planning
- Get out the vote efforts, local and national
- Fundraising
- Marketing
- Board development
- Budgeting
- Operations
- Executive and leadership training and coaching

See resume for specific experience

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

It is one thing to investigate an allegation that has made its way to the commission whether for nepotism, conflict of interest, inappropriate lobbying or mis-use of campaign funds—all of which are important issues to address immediately -- it is another thing to reduce the instances coming to the commission in the first place. I would like to work by heading up stream to find the most common violations, and to create a program to reduce the number of reports coming forward. Though proper and swift reaction to a problem is very important, my tendency in organizations is to do a risk assessment and find ways to reduce the instances in the first place. In the work I have done I am also very familiar with needing to leverage others to achieve important goals. Creating and developing partnerships within the business and governmental community is a skill set I would like to bring to the council and in doing so support a culture of transparency and high ethical standards across public and private sector.

Further, where appropriate to look at the possibility of sponsoring workplace summits, and work with local political parties to promote and educate candidates on campaign finance laws (I am aware that there are many people who run for office who have little knowledge of campaign finance laws and thus fumble their way through). To create mandatory training when registering as a lobbyist, bring key community leaders together to create a “pledge” of sorts that will set up a growing culture of integrity.

Some of these things exist in pieces and some do not, I want to create a process by which people can win but for which violations result in swift and expensive consequences.

Finally, I think that governments aren't good as touting their successes—that the bad comes out but the good people of the community get lost in favor of what is not happening well. I would love to start a program to highlight those who are cleaning up their

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

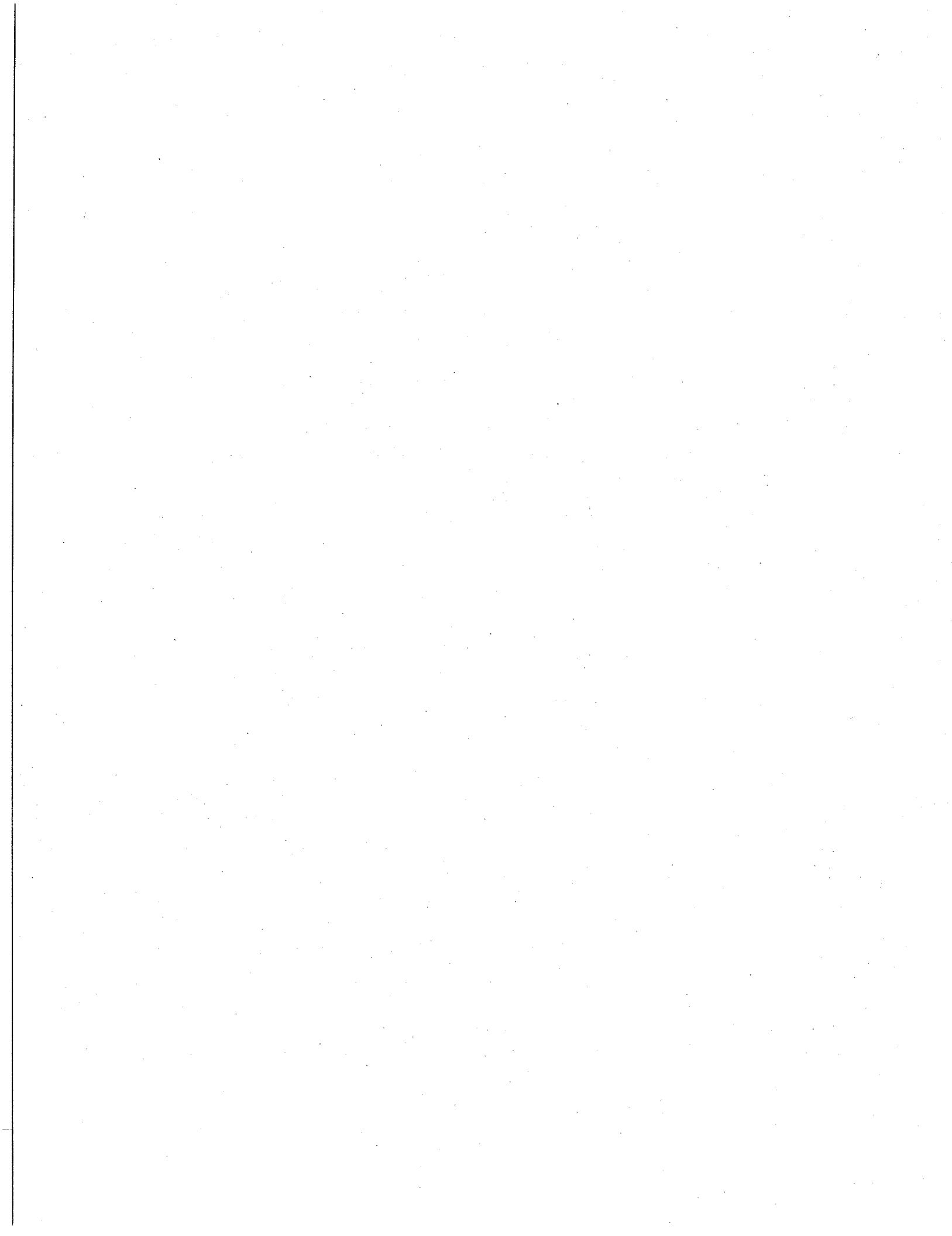
Outside forces are calling to question the integrity of all public institutions and leaders. I believe it is an important time for new beacons of democracy and transparency to come forward. During this time, it is even more important that Oakland promulgate a culture of integrity and transparency and bring trust into our communities.

The cranes that dot our skyline also represent a threat. The desire for quick wealth can bring people who are not as invested in the community. Temptations to cut corners to bolster profits, paying bonuses based on timelines rather than quality, tempting those who have influence and power to bypass regulations, and increased opportunities for conflicts of interest are all possibilities for ethical shortfalls during economic booms.

There are also many new businesses who are moving into Oakland bringing with them possible value sets that don't prioritize the same transparency standards that Oakland is trying to achieve. Ongoing education, adhering to regulations, and setting standards quickly are important to maintaining those values that we hold dearly.

What else would you like the sub-committee to know as your application is considered?

I am someone who I think brings objectivity and fairness to organizations. I have strong opinions and yet I also can defer when prudent and necessary. I have been a spokesperson for various causes and have done quite a bit of public speaking. Democracy and difficult decisions come with the territory and I feel as though I bring a logical and creative mind to most problems. I have written hundreds of grants to national state and local governments and in doing so have learned how to bring coalitions and programs together and leverage the strengths of each of the individual players. I also have built corporate programs for organizations knowing that true social change requires representation from all sectors. I feel as though I am talented at finding the middle ground and am patient for the long haul. Ultimately it is my mission to help organizations and communities be better at what they are working to accomplish—this is my personal and business mission and I would be honored to lend my strengths to Oakland.



City of Oakland
PUBLIC ETHICS COMMISSION
Commissioner Application



Name: Nayeli Maxson

Mailing Address: [REDACTED] Oakland, CA 94601

Daytime Phone: [REDACTED] Evening Phone: [REDACTED]

Email: [REDACTED] City Council District: 4

Are you an Oakland resident? Yes No Years of Residency in Oakland: 6

List any City of Oakland Boards or Commissions (including this Commission) on which you currently or have previously served:

City of Oakland Community Development Block Grant Board, Central District (current)

Please answer yes or no to *all* the following questions:

1. Are you currently employed by the City or have any direct and substantial financial interest in any work, business, or official action by the City? Yes No
2. Are you currently or planning to seek election to any other public office, participate in, or contribute to an Oakland municipal campaign? Yes No
3. Are you currently or planning to endorse, support, oppose, or work on behalf of any candidate or measure in an Oakland election? Yes No
4. Are you an Oakland lobbyist or required to register as a lobbyist, or do you receive gifts or compensation from an Oakland lobbyist? Yes No
5. Have you attended a Public Ethics Commission meeting? Yes No If yes, when? Fall 2015/Winter 2016
6. How did you hear about this vacancy? First in PEC newsletter, then from Whitney Barazoto.

List the names, addresses and telephone numbers of two references:

1. Name: Ed Gerber

Address: [REDACTED], Oakland, CA 94611

2. Phone: [REDACTED] Email: [REDACTED]

3. Name: Ali Schwarz

Address: [REDACTED], Oakland, CA 94619

Phone: [REDACTED] Email: [REDACTED].om

By signing below, I certify that all of the information included in this application and supporting materials is true to the best of my knowledge. I also understand that this application packet is a public record, subject to public inspection, and that if I proceed to the final interview with the Commission, the packet will be distributed publicly as part of the selection process.

Signature: [REDACTED] Date: 11/15/18

See Supplemental Questions on next page →

Supplemental Questions

On a separate page, please answer the following four questions:

- 1. Why do you want to serve on the Public Ethics Commission?**
- 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.)**
- 3. What issues, projects, or goals would you like to pursue while serving on the Commission?**
- 4. What do you think are the City's most pressing ethics, campaign finance, or transparency challenges?**
- 5. What else would you like the subcommittee to know as your application is considered?**

Applications are due by 5:00 p.m. on **Friday, October 19, 2018**, and must include the following materials:

1. Signed Application
2. Answers to the Supplemental Questions
3. Your resume

Applications may be submitted by mail, email or fax to PEC staff:

Public Ethics Commission
Attn: Whitney Barazoto
1 Frank Ogawa Plaza, Room 104
Oakland, CA 94612
ethicscommission@oaklandca.gov
Fax: (510) 238-3315

For questions, please call (510) 238-3593.
Web: www.oaklandnet.com/pec

**City of Oakland
Public Ethics Commission
Commissioner Application**

Supplemental Questions - Nayeli Maxson

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

I would like to serve on the Public Ethics Commission because in my time as a staff person, resident and candidate in the City of Oakland, I have seen clearly that there is a tremendous need for community empowerment. To me, community empowerment is the result of transparency, meaningful opportunities for engagement and true decision-making power. Far too many residents feel they have little control over what happens in their City government, and often tell me they cannot trust that decisions made in Oakland City Hall are made in their best interests. They are confused by city systems, they are too busy working, taking care of family, managing their own lives to try and make sense of complex systems. They are unsure of where to begin, are daunted by the prospect of fixing these systems and doubtful of their ability to have an impact. They are often frustrated. Sometimes they express this frustration at public meetings or neighborhood forums, but most often, they simply disengage. This disengagement is a major loss to our city. Our residents' time and energy as volunteers, as critics, and as collaborators are our greatest assets. We need them informed, engaged, thinking critically and constructively, empowered.

The more empowered our entire Oakland community is — including young people, elderly residents, those living with disabilities, those living in poverty, members of immigrant communities, etc. — the stronger and more equitable our City systems will be. I have seen first hand that when residents have greater access to information, more clarity around city processes, when they have transparent decision-making rubric, they become more confident and vocal. I am determined to help increase this confidence in our systems and will push for reforms in our systems to increase this vital empowerment. In evaluating where to invest my time and energy to achieve this goal, it is clear to me that serving on the Public Ethics Commission is where I can have the greatest impact.

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.)

Skills - An undergraduate degree in psychology, with an emphasis in social psychology, trained me to analyze human decision-making and motivation with an inquisitive, objective eye. With these skills, I can contribute a neutral, science-based analysis of what may cause certain human behaviors and decision-making patterns. A law degree, with a double concentration in government law and social justice law, trained me in legal research and writing, client interview techniques, legislative process, bill drafting, bill analysis, legal ethics, negotiation and mediation. These skills allow me to bring hard skills to the table if the Commission is in need of initial legal research or analysis or if the Commission seeks assistance with drafting, for example. I also have training in project management and in innovation consulting, so I bring the skillset of designing processes for improving systems.

Non-Oakland Government Experience - While attending law school, I worked in a Congressperson's district and capitol offices (Jackie Speier), in a state senator's district office (Mark Leno), then in a California state senate committee (Public Safety). These experiences provided me with insight into what to look for in a healthy, high functioning governmental office and how to identify delivery of professional, ethical public service. After graduating, I participated in a fellowship program at the Coro Center for Civic Leadership, a non-partisan training program designed to stretch civic leaders and build coalitions across political lines. I come from a family strongly aligned with Bay Area unions and had worked on behalf of Democratic Party campaigns. With Coro, I was assigned to projects for the Bay Area Rapid Transit (BART) system working for management and for a Republican candidate running for local office in Atherton, California. These experiences helped me see strong leadership is not about one's politics, but about intention, service and integrity. These experiences also provided me with context for Oakland's systems. While many issues seem to me to be Oakland-specific, many are systemic across jurisdictions and we may find lessons and templates in the efforts of other cities and counties.

Oakland Government Experience - For one year and nine months, I worked for Oakland City Councilmember Annie Campbell Washington as a Policy Analyst and Community Liaison. In this role, I became very familiar with the internal council systems and committee structure, experience and understanding I believe would be very helpful as a Commissioner. To provide one example, I handled all public records requests for the City Council office I worked in and found this City of Oakland system to be particularly problematic in that there was very little oversight and little opportunity for accountability.

Campaign Experience - Before attending law school, I worked as an assistant director and co-director on grassroots campaigns for the Democratic National Committee and [MoveOn.org](#), running door-to-door fundraising and voter registration/persuasion campaigns, respectively. Between April and November 2018, I ran for Oakland City Council District 4, requiring fundraising, seeking endorsements, voter registration, door-to-door voter persuasion, and voter turnout activities. These experiences help me understand what aspects of local endorsement processes, campaign finance systems, signage regulation, and voter education processes are in greatest need of improvement.

Ethics-specific training - In order to become a member of the California State Bar, I studied state ethics standards for attorneys, passed a statewide ethics exam and am now required to continue my legal education in ethics periodically as an element of my bar membership. I also participated in a women's leadership program through the Woodhull Institute for Ethical Leadership in 2009. This possible incorporation of or learning from other ethical standards into any possible amendments or revisions of existing Oakland codes could be helpful to the Commission.

Community Organization Participation - Over the last 12 years, I have attended hundreds of community meetings in Oakland either as a resident, an City of Oakland staff person or employee for organizations working in Oakland. I also currently run a not-for-profit organization in Oakland, the Alliance for Community Development, a non-partisan organization focused on economic empowerment through small business and entrepreneurship support. I attend many local community meetings in my capacity with the Alliance and see this work as an important way I remain up to speed on local community empowerment efforts here in Oakland.

Collaboration with existing efforts is an important way to ensure the Commission's work is relevant and accessible.

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

The overall goal from my perspective is to increase all Oakland residents' engagement and empowerment in our City government. Projects I would like to pursue to help us achieve that goal include:

(1) Public campaign finance reform — My sense is that our current campaign finance system is at the root of much of the inaccessibility and disempowerment we see today. The Commission's current efforts on campaign finance reform are a valuable opportunity to help create incentives for candidates to engage with residents rather than the relatively small minority of individuals who fund campaigns locally, to reduce the blockages for residents of all income levels to meaningfully participate in their political process, and to ameliorate the disparity we see in the funding of campaigns. In my experience as a candidate, staff person, and active community member in Oakland, I have witnessed the detrimental effects of current campaign financing systems and am most passionate about tackling this, helping to create a new system, and then monitoring the new system to make adjustments as necessary.

I first became interested in this work in February 2017 as the recently elected (volunteer) Political Director for East Bay Young Democrats. We held robust discussions in our first two monthly Policy Committee meetings, and decided that for young people to effectively participate in local government here in Oakland, tackling local campaign finance law and term limits would be two high impact steps. On campaign finance, I was connected with Hamsini Sridharan of MAPLight, Helen Greico of Common Cause, and we began holding conference calls. I then connected with Commission Chair Jonathan Stein to better understand the campaign finance efforts already underway in Oakland. I found Commissioner Stein's March 2017 memo to be a very compelling summary and have shared this memo widely over the course of the last year and a half. If I am appointed to the Commission, I would be very interested in joining the subcommittee on Campaign Finance. I would be honored to apply my experience and skill set to move this effort forward.

(2) Increased transparency and access to objective information — In general, with more information made accessible and transparent, residents will be more likely to trust in and engage with the City. One example of a specific changes here might be: a rubric or guidebook for transparency in endorsement criteria and processes. The endorsement process is highly subjective and highly political, but at the same time is of great importance to voters. There may be a relatively easy, cost effective solution: to identify some key metrics and a rating system so that as community organizations and individuals are sharing their endorsement decisions, they have some objective measures to use in making their decision, increasing the likelihood that their decisions are made based on qualifications relevant to the job, based on demonstrated effectiveness, etc. This may help to reduce subjective decision-making, which is more prone to implicit bias and outside influence. Finally, as voters are reviewing endorsements they can use this guidebook or rubric to understand the criteria (or lack thereof) used by the endorsing entity/person.

(3) Exploration of term limits — Also in early 2017, in my capacity as Political Director of East Bay Young Democrats, I connected with a number of local young people interested in participating to a greater extent in their local government who believed term limits would be helpful to increase opportunity. We connected with a second group individuals, not attached to any organization, who had already drafted legislation for Oakland that would create specific term limits (two four year consecutive terms in one council position, then could run for a different seat, or wait one term before running again, etc.). This effort was more challenging to make progress on. Most elected officials were uninterested in taking action of this nature. Among non-electeds, there was also differences of opinion regarding the effectiveness of terms limits. A robust community-input gathering process would be the best way to proceed, rather than to proceed forward with legislation already drafted by a small number of individuals.

(4) Randomization of candidates' names by precinct — Although this may require collaboration with the County's Department of Elections, I believe this system we use wherein there is one randomized drawing on names (done by pulling slips of paper out of what is essentially a hat in City Hall) for all ballots is in great need of reform. Other jurisdictions allow for a randomization for each precinct, providing all candidates with more even placement across the ballot.

(5) Public records requests reform — As mentioned above, having managed public records requests as a City Council staff person, I have become aware of how little oversight and accountability exists in our local records request system. At the federal level, the Freedom of Information Act is a critical tool for individuals seeking transparency in government. Our local Public Records Act could be a similarly powerful tool if it had a greater degree of oversight. When I worked in City Hall, I was surprised to find that city staff search their own materials and act on what is essentially the honor system in providing documents. One possible solution here: I have been told that the IT Department has the capacity to pull information off of city computers and can then produce the documentation. Ideally, there would be a process by which the IT Department staff pulls the information for review and requests for redaction by city staff. This may bring a cost, and pushing for a budget increase here may be challenging, but in my view, is worth exploring.

(6) Use of personal email systems — My understanding is that this is an area of law currently being litigated at the national level, and there will almost certainly be changes to these governmental protocols. However, there is certainly more the City of Oakland could do to train elected leaders and staff as to exactly what the current regulatory requirements are for using City email addresses for City matters. Perhaps the work could begin by evaluating the scope of the problem with an anonymous survey of city employees. This issue may be linked to the public records request issue and the two issues could be looked at together as a set.

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

The individuals who are responsible for moving most of the aforementioned ethics, campaign finance and transparency reforms forward have come into their positions under the current system. Those who have funded these individuals' campaigns, however, are less likely to be interested in seeing these reforms move forward.

To counter this inclination to maintain the status quo, there must be a high level of public participation and inquiry coming from residents. And to increase public participation, there must be greater transparency and access to information. I see the Public Ethics Commission as a vital body in bringing that transparency and access to information in an objective, unbiased manner, building a relationship of trust with residents.

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

In all that I describe above, I carry great appreciation and respect for the City and for all the individuals who serve the City as officials and staff. It is important that criticisms always be constructive and that when we identify a problem, we are committed to also being positive and proactive in developing solutions. My intention is only to improve these systems and to increase empowerment for residents. Thank you for your consideration.

NAYELI MAXSON

[REDACTED], Oakland, CA 94601 | [REDACTED] | [REDACTED]

EDUCATION

University of California, Hastings College of the Law - San Francisco, CA

Juris Doctor, 2013

Double Concentration: Social Justice and Government Law

Ixchel Spanish School - Antigua, Guatemala

Certificate of Intermediate Spanish, 2007

La Sorbonne - Paris, France

Certificate of French Fluency, 2006

University of California at Santa Cruz - Santa Cruz, CA

Bachelor of Arts, Psychology, 2005

EXPERIENCE

The Alliance for Community Development - Oakland, CA

Executive Director/CEO, 2017 — Current

Lead Bay Area not-for-profit organization increasing access to support and capital for diverse entrepreneurs; launch and manage Bay Area Entrepreneurship Alliance, collaborate with key stakeholders to economically empower community members and increase the number of good jobs available to local residents.

Office of Vice Mayor and Councilmember Annie Campbell Washington - Oakland, CA

Policy Analyst & Community Liaison, 2015 — 2016

Conduct policy research, communicate with constituents, manage local projects, and draft legislation pertaining to public safety, women's rights, and community development.

Coro Center for Civic Leadership - San Francisco, CA

Public Affairs Fellow, 2013 — 2014

Study Bay Area public policy; provide consultation and project management in five sectors: business (real estate development), non profit (community health center), political (city council campaign), labor (building trades union) and government (transit agency).

Lens Ventures - San Francisco, CA

Research Analyst/Consultant, 2008 — 2009

Identify emerging technologies; conduct research and analyze future trends; communicate challenges to clients and develop solutions to address those challenges.

MoveOn.org - Reno, NV

Co-Director, Grassroots Campaigns, Reno, 2008

Open voter registration office in Reno, Nevada for 2008 Presidential Campaign; hire and train staff; recruited volunteers; and develop talking points for use in the field.

Democratic National Committee - San Francisco, CA

Assistant Director, Grassroots Campaigns, San Francisco, 2008

Implement canvassing model throughout the Bay Area; manage office operations and expenses; hire, train and terminate staff; and attend national fundraising training.

HONORS

Local Hero Award, City of Oakland District 4 Local Hero Ceremony, 2017

Rummel Scholarship, Academic Achievement and Community Involvement, 2012

Huntington Memorial Scholarship, Contribution to the Community, 2012

Witkin Award for Academic Excellence, Legislative Process, 2012

Award for Excellence in Leadership, Associated Students of UC Hastings, 2011

Witkin Award for Academic Excellence, Legal Writing and Research, 2010

TRAINING

Legislative Analysis, UC Hastings Legislation Clinic, 2013

Mediation, Negotiation and Conflict Resolution, UC Hastings Mediation Clinic, 2012

Community Development, UC Hastings Community Economic Development Clinic, 2011

Ethical Leadership, Woodhull Institute for Ethical Leadership, 2009

Project Management, San Francisco State University, College of Extended Learning, 2009

COMMUNITY

Resilient Wellness, Board Member, 2018

Oakland Grown, Advisory Board Member, 2018

East Bay Young Democrats, Vice President of Membership, 2018

Community Development Block Grant Board, Appointed Board Member, 2017 - 2019

California State Bar, Bar Number 294071, Admitted Dec. 2013

City of Oakland
PUBLIC ETHICS COMMISSION
Commissioner Application



Name: **Michelle McGill**

Mailing Address [REDACTED] **Oakland 94606**

Daytime Phone: [REDACTED] Evening Phone: [REDACTED]

Email: [REDACTED] City Council District: **2**

Are you an Oakland resident? Yes No Years of Residency in Oakland: **13**

List any City of Oakland Boards or Commissions (including this Commission) on which you currently or have previously served:

n/a

Please answer yes or no to *all* the following questions:

1. Are you currently employed by the City or have any direct and substantial financial interest in any work, business, or official action by the City? Yes No
2. Are you currently or planning to seek election to any other public office, participate in, or contribute to an Oakland municipal campaign? Yes No
3. Are you currently or planning to endorse, support, oppose, or work on behalf of any candidate or measure in an Oakland election? Yes No
4. Are you an Oakland lobbyist or required to register as a lobbyist, or do you receive gifts or compensation from an Oakland lobbyist? Yes No
5. Have you attended a Public Ethics Commission meeting? Yes No If yes, when? _____
6. How did you hear about this vacancy? **nextdoor.com**

List the names, addresses and telephone numbers of two references:

1. Name: **Kelly Frasier**

Address [REDACTED]

Phone [REDACTED]

Email [REDACTED]

2. Name: **Mary Luckey**

Address [REDACTED]

Phone [REDACTED]

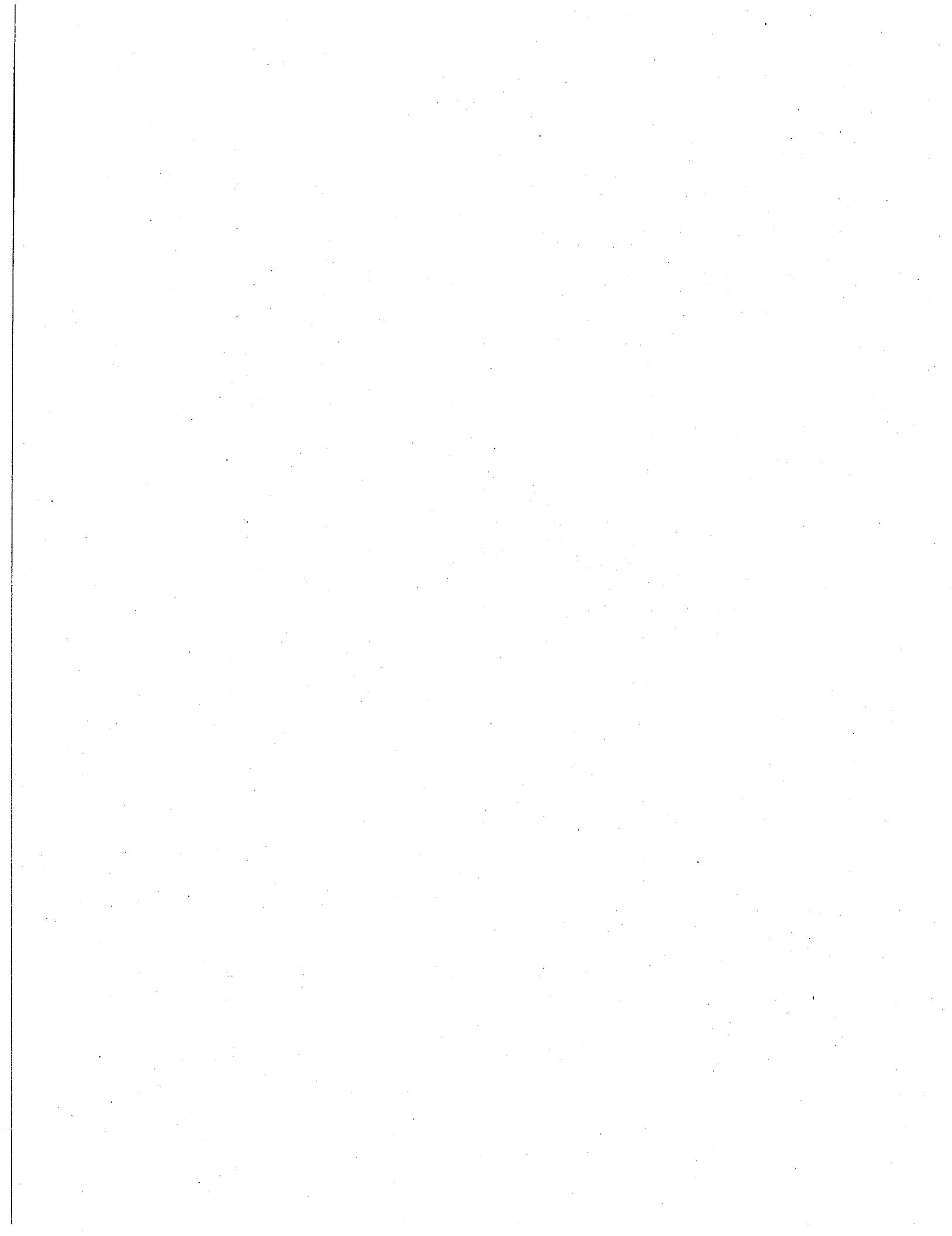
Email [REDACTED]

By signing below, I certify that all of the information included in this application and supporting materials is true to the best of my knowledge. I also understand that this application packet is a public record, subject to public inspection, and that if I proceed to the final interview with the Commission, the packet will be distributed publicly as part of the selection process.

Signature: [REDACTED]

Date: **10-18-18**

See Supplemental Questions on next page →



Michelle McGill

[REDACTED] Oakland, CA 94606
[REDACTED]
[REDACTED]

Professional Experience

Inside Sales Manager, Eva's Esthetics

October 2008 - August 2018

- Partnered with over 50 distributors to process and ship orders in a timely manner and collect payments. This required excellent organization and time management skills.
- Responsible for a minimum of \$100K in gross sales per month.
- Hired and managed 2 account executives. Worked closely with co-president of the company to set sales protocol and expectations.
- Responded promptly to a minimum of 15-20 customer service emails per day from 2 different websites (wholesale and retail). Answered general questions and offered web and product tech support.
- Processed all returns and exchanges with knowledge of the effects on inventory and accounting.

Account Executive, New Century Mortgage

April 2002 - January 2008

- Assisted the top-grossing account executive in funding \$40 million in loans per month.
- Provided customer service to more than 50 outside brokers with questions about pricing and loan programs.
- Met funding deadlines in a fast-paced, high-pressure environment.

Volunteer and Community Work

Tutor- Second Start Adult Literacy: Oakland Public Library

Design Team Member- ONiT: Oakland Neighbors Inspiring Trust

Education

Paris Beauty College

Concord, CA

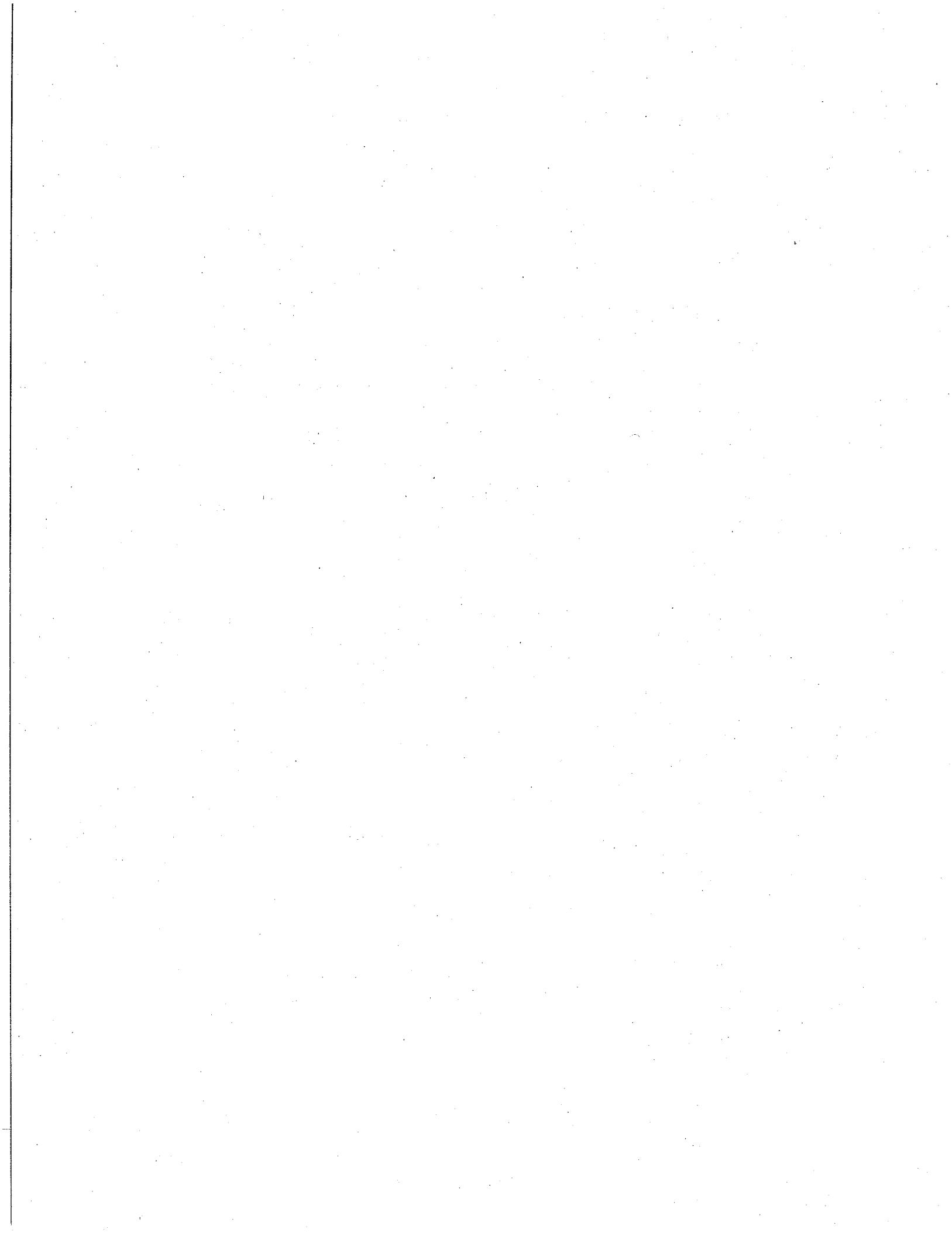
- Esthetics Certificate

Saint Mary's College

Moraga, CA

- English Major

- Proficient In: SalesForce, Fishbowl, Quickbooks, Magento, Microsoft Word, Excel, Microsoft 365



1. I have lived in Oakland for 13 years and love this city. I would be honored to serve on the Public Ethics Commission as I think it plays an important role in maintaining high standards of conduct by Oakland city officials and increasing the public trust. I believe that the commission has the power to serve as a true system of checks and balances which is a vital aspect of democracy.
2. My mother spent 30 years as a public employee for a city in San Diego county. She encouraged my sister and I to engage in our community in any way we could. As children we volunteered for Meals on Wheels, organized our junior high school friends to distribute food and toiletries to the homeless, and volunteered in our church. As an adult, I have chosen to continue this level of public participation here in Oakland. I volunteer as a tutor for Second Start, the adult literacy program at the Oakland Public Library. I was previously a member of the ONiT (Oakland Neighbors Inspiring Trust) design team. What began as an impromptu attempt to mediate a racially charged thread on Nextdoor.com, grew into a grassroots collective of Oakland residents attempting to bring neighbors together to learn about and discuss issues of race. ONiT disbanded several months ago, but in the nearly two years the group existed we organized roughly 15 community events, some with as many as 250 people in attendance. One of the best parts of living in Oakland is the ease with which I have been able to find my people in this large city. Whether that's joining a book club or meditation group, or learning the names and stories of the many unhoused people who have lived in my neighborhood even longer than I have, I feel my own life is made better by being an active member of this vibrant city.
3. Although I believe the Public Ethics Commission serves an important role in Oakland government, I believe the commission and the residents of Oakland would benefit from more public engagement. If selected to join the commission, I would like to work to publicize the commission so that the public is more aware of the commission's meetings and their results. I myself learned of the commission on nextdoor.com and I believe this is a great way to increase public awareness and government transparency.
4. Oakland has seen a jump in civic engagement as an increasingly large number of people run for public office. There are currently 10 candidates in the 2018 mayoral race alone! This means more choices for the people, but could also translate into more opportunities for campaign finance laws to be broken. Our democracy is ever more dependent on money and candidates in all areas of city government are doing as much

as they can to raise funds for their campaigns. It's important that all the players are following the same rules, and even more important that the public has easy access to transparent information about who is funding what.

5. I'm excited for this opportunity to become more involved in Oakland by joining the Public Ethics Commission. Although I have never attended a commission meeting, I'm looking forward to doing so in the near future. Oakland is such an amazingly diverse city with so much opportunity for growth. I would be honored to play a part in the workings of city government.

**City of Oakland
PUBLIC ETHICS COMMISSION
Commissioner Application**

Name: David B. RoeMailing Address: [REDACTED] Oakland CA 94610Daytime Phone: [REDACTED] Evening Phone: [REDACTED]Email: [REDACTED] City Council District: #2Are you an Oakland resident? Yes No Years of Residency in Oakland: 41

List any City of Oakland Boards or Commissions (including this Commission) on which you currently or have previously served:

n/aPlease answer yes or no to *all* the following questions:

1. Are you currently employed by the City or have any direct and substantial financial interest in any work, business, or official action by the City? Yes No
2. Are you currently or planning to seek election to any other public office, participate in, or contribute to an Oakland municipal campaign? Yes No
3. Are you currently or planning to endorse, support, oppose, or work on behalf of any candidate or measure in an Oakland election? Yes No
4. Are you an Oakland lobbyist or required to register as a lobbyist, or do you receive gifts or compensation from an Oakland lobbyist? Yes No
5. Have you attended a Public Ethics Commission meeting? Yes No If yes, when? _____
6. How did you hear about this vacancy? _____

List the names, addresses and telephone numbers of two references:

1. Name: Judge William FletcherAddress: [REDACTED] San Francisco 94103Phone: [REDACTED] Email: [REDACTED]2. Name: Jonathan Klein, GO Public SchoolsAddress: [REDACTED] Oakland CA 94607Phone: [REDACTED] Email: [REDACTED]

By signing below, I certify that all of the information included in this application and supporting materials is true to the best of my knowledge. I also understand that this application packet is a public record, subject to public inspection, and that if I proceed to interview with the Commission, the packet will be distributed publicly as part of the selection process.

Signature: [REDACTED] Date: 11/14/18
See Supplemental Questions on next page →

City of Oakland Public Ethics Commission
Commissioner Application submitted by David Roe 11/14/18

SUPPLEMENTAL QUESTIONS

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

Having retired from a long career of public interest law and advocacy focused at the state and federal level, I would like to contribute to effective government at the local level in my home city, where I have lived for over 40 years.

2. What skills and experience will you bring to the Commission?

My c.v. is online at www.davidroe65.com. Briefly, I served as staff attorney and senior attorney for 25 years in the California office of the Environmental Defense Fund, during which time I pioneered a number of cross-disciplinary approaches to environmental and social problems. These included persuading PG&E and other electric utilities to start investing in conservation and alternative energy sources as substitutes for new conventional power plants; persuading major U.S. chemical manufacturers to undertake a voluntary \$500 million program of toxicity testing for high-volume commercial chemicals; and authoring Proposition 65, the 1986 ballot initiative, which was enacted by a 2:1 popular vote and has succeeded in substantially reducing toxic chemical exposures without command-and-control regulation. I later opened a West Coast office for the Lawyers Committee for Human Rights (now Human Rights First), consulted to the ACLU, ran a project to bring low-cost self-financing eye surgery to the Bay Area and served as an assigned mediator for the U.S. District Court (N.D. Calif.).

My experience in these roles has included extensive participation in federal and state legislative efforts, multi-year administrative proceedings, and federal and state litigation.

I was educated at Yale, Oxford (Rhodes Scholarship), and Yale Law.

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

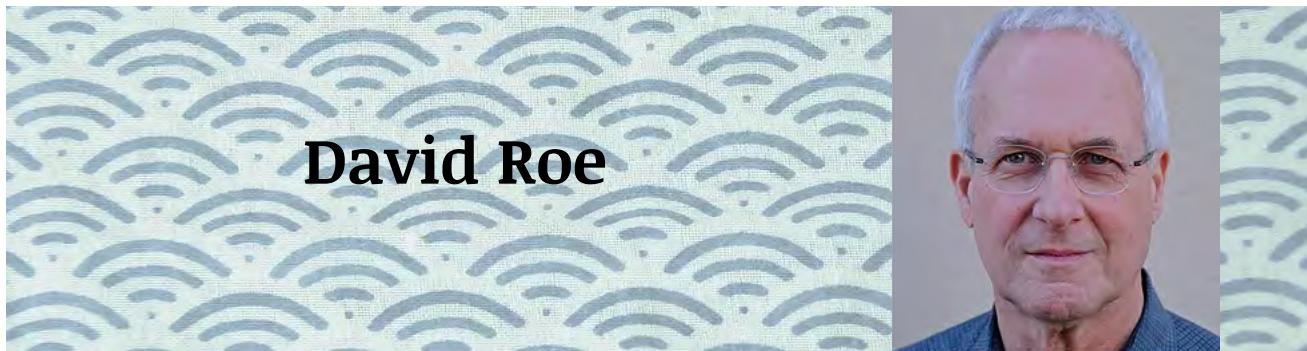
Addressing structural issues in the implementation of the Commission's duties and exploring incentives and other self-enforcing mechanisms to improve compliance.

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

Lack of visibility for, and therefore public confidence in, the effectiveness of the relevant laws and guidelines and the Commission's role in implementing them.

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

I am white, male, Ivy-educated, and a District 2 resident. If any of this is disqualifying, no need to go further. I also supported Mayor Schaaf in the recent election (although of course I plan no further political involvement in any Oakland election).

**present:**

Law Offices of David Roe

[REDACTED]

legal representation, mediation, consulting

primary public-interest employment:

Senior Attorney, Environmental Defense Fund (1976-2001)
 Senior Counsel, Human Rights First
 (formerly Lawyers Committee for Human Rights)
 founder and head, West Coast office (2001-2003)

other employment:

- 2005-06 partner, Calvo & Clark LLP (helped open San Francisco office)
- 2004 special counsel, American Civil Liberties Union of Northern California
- 2003-04 strategic consultant [representative clients: Ashoka, Public Media Center, adidas-Salomon]
- 1983 Lecturer, Harvard Law School [on sabbatical leave from Environmental Defense Fund]
- 1982 Senior Research Fellow, John F. Kennedy School of Government, Harvard University [same]
- 1975-76 associate, Steinhart, Goldberg, Feigenbaum & Ladar, San Francisco (general litigation)
- 1974 law clerk to Judge Stanley Weigel, U.S. District Court, N.D. Cal.
- 1973 consultant on constitutional issues, Drug Abuse Council, Washington, D.C.
- 1970 correspondent for *Time* magazine, Bonn, West Germany
- 1969 reporter for *Los Angeles Times*, Washington, D.C.

d**d****education:**

- law school Yale, J.D. 1974
editor, *Yale Law Journal*
- graduate Oxford University, 1969-71
(Rhodes Scholar)
- undergraduate Yale, B.A. 1969
honors with exceptional distinction (English literature)
- member of the bar: State of California; U.S. District Court (N.D. Cal.)
(E.D. Cal.) (S.D. Cal.); U.S. Court of Appeals (9th Cir.);
U.S. Supreme Court

publications**a. books**DYNAMOS AND VIRGINS (Random House, 1984)**b. studies and academic articles:***"Economics as Judo: turning self-interest to work for the environment,"* *The American Oxonian* (Winter 2015), vol. CII, no. 1, pp. 15 ff.*"Little Labs Lost: An Invisible Success Story,"* 15 *Green Bag* 2d 275 (Spring 2012)*"Yardsticks for Workers Rights: Learning from Experience"* (2003) [published online by Lawyers Committee for Human Rights]*"Ready or Not: The Coming Wave of Toxic Chemicals,"* 29 *Ecology Law Quarterly* 623 (2002)*"Toxic Chemical Control Policy: Three Unabsorbed Facts,"* *Environmental Law Reporter*, vol.32 (February 2002)*"TRI: A First Step (Commentary),"* *Environment* vol. 43, no. 9, November 2001 [Comment on M. Graham and C. Miller, "Disclosure of Toxic Releases in the United States," *Environment*, October 2001]*"Green Scholarship,"* *Green Bag* 2d vol.3, no. 1 (Autumn 1999)

[review of "Eco-Pragmatism", by Daniel Farber] [see also Farber, "Response: Green Scholarship - An Oxymoron?" *Green Bag* 2d vol. 3, no. 2 (Winter 2000)]

[Toxic Ignorance: The Continuing Absence of Basic Health Testing for Top-Selling Chemicals in the United States](#) by the Environmental Defense Fund (1997) [principal author]

"Technology and Environmental Responsibility," *Technology and Responsibility*, International Research Center for Energy and Economic Development (ICEED), University of Colorado, 1993

[Potential for Source Reduction and Recycling of Halogenated Solvents](#) [12 volumes] (Source Reduction Research Partnership: 1992) [general editor]

"An Incentive-Conscious Approach to Toxic Chemical Controls," *Economic Development Quarterly*, vol.3, no. 3 (August 1989)

"Barking Up The Right Tree: Recent Progress in Focusing the Toxics Issue," *Columbia Journal of Environmental Law*, vol. 13, no. 2 (1988)

[Approaches to Source Reduction of Hazardous Waste](#) by the Environmental Defense Fund (California Institute of Public Affairs, 1986) [general editor]

[Nowhere To Go: The Universal Failure of Class I Hazardous Waste Dump Sites in California](#) by the Environmental Defense Fund et al. (1985) [general editor]

A New Alternative to Completing Nine Mile Point Unit 2 Nuclear Station: Economic and Technical Analysis by the Environmental Defense Fund (1981) [general editor; also for similar EDF studies on other proposed generating facilities and public utility supply plans, 1978-80]

contributed chapter in [Selling the People's Cadillac: Corporate Social Responsibility and the Edsel](#) (Yale U. Press: 1976, J. Deutsch, ed.)

"Simple Justice" [book review], 64 *Calif. L. Rev.* 1291 (1976)

"United States Supreme Court, February Term 1824," 84 *Yale L.J.* 770 (1975) (with Russell K. Osgood)

Note, "Privacy in the First Amendment," 82 *Yale L.J.* 1462 (1973)

c. **general periodicals and other publications:**

The New Yorker, "Talk of the Town" section, [Notes and Comment](#) 9/28/81[unsigned]; various other unsigned contributions (1977-1985)

"Time to Measure This Social Experiment's Results," *Environmental Law News*, vol. 17, no. 1, p. 4 (2008)

"In Memoriam: Kurt Schork," *The American Oxonian*, fall 2000

"America's Toxic Ignorance," *Environmental Forum*, vol. 15, no. 3, May/June 1998, p. 24 (with William S. Pease) [cover article]

"Industry's Chemical Blind Spots," *Journal of Commerce*, 6/11/98, p. 5A (Opinion)

"Toxic Law: The Toxic Substances Control Act Cannot Assure Chemical Safety Since It Fails to Produce Even the Most Basic Data on Toxicity," *The Recorder: Environmental Law*, 1997, p. 22

"Take A Lead From the Past in Environmental Policy," *Environment Strategy America*, 1996/97, p. 63 (with Fred Krupp)

"California has successful model of regulatory risk assessment," *Seattle Post-Intelligencer*, 7/25/95 (with Gilbert Omenn)

"Atlas of United States Environmental Issues" [book review] *Research & Exploration* (National Geographic Society) autumn 1991

"Chasing Windmills: Post-Earth Day Solutions," *Harvard Medical Alumni Bulletin*, summer 1990

"Turning the Tables on Toxics," *Christian Science Monitor* op-ed page, 3/7/90 (with Lester B. Lave)

["What the '90s Will Bring: Thirteen state leaders share their visions of the future"](#) [section on "Environment"], *California Business*, January 1990

"What Kind of Data Does the Public Need?" *EPA Journal*, May/June 1989

"Drawing the Line on Toxics," *Recorder*, 9/15/88

"California Law Has a Built-in Toxin Alarm," *Wall St. Journal* op-ed, 4/22/88

"Don't Give a Hoot, Pollute," *Washington Post* op-ed, 11/24/85, p. C1

"We Can't Trust Firms to Clean Up Toxic Waste," *Los Angeles Times*, 2/24/85, p. 3

"Building Profits Into Conservation," *The New York Times*, Business Forum, 11/11/84

"Regulating Nuclear Power: Look at the Economics, Not the Politics," *New York Times*, Business Forum, 1/15/84

"Shopping for Electricity," *Washington Post* op-ed, 6/2/83
(with Laurence H. Tribe)

"Utilities and the Poor," *New York Times* op-ed, 2/11/83

"New Power Plants Risk Future Shock," *Wall Street Journal* op-ed, 2/3/83

[California's New Pesticide Regulations and You: A Guide to What They Say, What Your Rights Are, What You Can Do.](#) (Resources Agency, State of California: December 1982)

"Viewpoint," *Electrical World*, May 1982, p. 59 (with Irwin Stelzer)

"Battling the Big Guys at Buffalo Creek" [book review], *Litigation magazine*, fall 1976

subject of profiles in:

Wall Street Journal, "Power Struggles: Environmental Group, In Charge of Strategy, Is Stressing Economics," by John R. Emshwiller, 9/28/81, p. 1.

California Lawyer (formerly *State Bar Journal*), vol. 2, no. 4, "David Roe: A New Type of Environmental Lawyer," by Robert E. Kroll, April 1982

[Forbes, "Faces Behind the Figures," 11/14/88](#)

[House Beautiful, "Roe v. Toxins," May 1991](#)

and see collected [press coverage](#) of Scorecard website.

miscellaneous:

lead counsel for Environmental Defense Fund in litigation at all levels of federal and California courts 1976-2001

principal author, Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65)
[California initiative measure, passed November 1986 by 63%-37% popular vote];
executive committee and steering committee, "YES! on 65" [campaign organization]
(for background on Proposition 65, see "Prop 65 kit" and official CA gov't website <http://oehha.ca.gov/prop65/law/P65law72003.html>)

U.S. District Court Alternative Dispute Resolution Program, Mediation Panel, N.D. Calif.

Board of Advisers, *The Green Bag 2d* (and juror, annual Exemplary Legal Writing competition)

trustee, The Harpswell Foundation (<http://harpswellfoundation.org>)

general counsel, Fire Trade LLC (commercial venture to reduce global warming), 2003-07

[Measurement Units for Workers Rights](#) [interactive public database, published online by Lawyers Committee for Human Rights; see also ["Yardsticks for Workers Rights: Learning From Experience"](#) (2003)(same)]

Global Reporting Initiative, Advisory Panel [child labor protocol], 2002-04

Social Accountability Int'l, Guidance Revision Committee [SA 8000 Standards], 2002-04

Panel on Environmental Enforcement, National Academy of Public Administration [overseeing evaluation directed by Congress in FY2000 budget], 2000-2001

Advisory Board (original member), University of California at Santa Barbara (UCSB) Bren School of Environmental Management, 1998 - 2001

commissioner, Governor's Blue Ribbon Commission on a Unified Environmental Statute (California), 1994-1997; co-chair, Information Committee

board of directors, California League of Conservation Voters, 1990-1994

board of advisors, Environmental Health Policy Program, Center for Occupational and Environmental Health, U.C. Berkeley, 1993-1995

founder and co-administrator, Source Reduction Research Partnership (Environmental Defense Fund and Metropolitan Water District of Southern California), 1987-1992

Adviser, American Law Institute, Project on Compensation and Liability for Product and Process Injuries, 1987-1991

advisory panel, Office of Technology Assessment, Industrial Source Reduction of Hazardous Wastes, 1985-86

Committee on Electricity in Economic Growth, National Research Council of the National Academy of Sciences, 1984-1985

co-founder and board member, Coordinating Committee on Pesticides (50 health, labor, environmental, and farm groups), 1977-82

consultant to Tennessee Valley Authority (electricity supply planning), 1979

special counsel to Attorney General, State of Arkansas, 1978 (proceedings before the Arkansas Public Service Commission)

Who's Who in American Law

additional teaching:

Harvard Business School, John F. Kennedy School of Government, Stanford Law School, Boalt Hall School of Law (Berkeley), Hastings College of the Law, University of California School of Public Health, University of California School of Journalism, UC College of Agriculture (Davis), UCLA, Knight Fellows Program (Stanford), Practising Law Institute, Aspen Institute

government advisory committees (not inclusive):

U.S. Department of Energy; California Department of Food and Agriculture; California Public Utilities Commission; California Department of Water Resources; California Energy Commission; California Health and Welfare Agency; Governor's Task Force on Toxics; California Environmental Protection Agency; California Insurance Commissioner; President's Toxic Substances Advisory Committee, University of California

testimonies:

before Congressional committees, federal and state agencies, state legislative bodies (various subjects), 1976-ff. (primarily on behalf of Environmental Defense Fund)

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CITY OF OAKLAND
Public Ethics Commission

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



TO: Public Ethics Commission
FROM: Simon Russell, Investigator/Acting Chief of Enforcement
Whitney Barazoto, Executive Director
DATE: December 21, 2018
RE: Campaign Finance Compliance for the 2018 Election – Reconsideration of
Commission Action Regarding Certain Contributors

Overview

On November 5, 2018, the Commission reviewed and approved Commission staff's recommended actions resulting from staff's proactive review of campaign contributions received by candidates in excess of the contribution limit (\$800 for individuals, \$1,600 for broad-based political committees). Attached is the staff memorandum that was reviewed and approved by the Commission at its November 5, 2018, meeting. At that meeting, the Commission approved staff's recommendation that all contributors who were named in candidate campaign reports as making contributions over the limit be issued warning letters.

Following the Commission's approval to issue all the named contributors with warning letters, staff sent warning letters to the contributors informing them of the reported contributions and resulting violation as well as their right to contest the letter. Three contributors contacted staff, provided further information, and asked that their cases be reconsidered.¹

After reviewing the information shared by the contributors, staff submits this request to rescind these three warning letters and instead close these contributor cases without action. The grounds for staff's recommendation in each of these cases is given below. Additionally, staff is pro-actively recommending that a fourth contributor's warning letter be rescinded and her case closed without action, despite not being contacted by that contributor, because the circumstances of her case are similar to those of another contributor whose case we are recommending be closed.

¹ Prior to the November 5, 2018, Commission meeting, all of the contributors named in the staff memorandum were notified of staff's findings and recommendation to issue warning letters to them. The contributors were invited to contact staff with additional information and/or submit written or oral testimony for the Commission to consider when deciding upon staff's recommendation. None of the contributors contacted staff at that time, or submitted testimony to the Commission.

Cases for Reconsideration

Making or accepting a contribution to a candidate committee of more than \$800 per person, or more than \$1,600 per broad-based political committee, for each election is a violation of the Oakland Campaign Reform Act.² These amounts apply for each election cycle and include contributions made over the span of multiple years.

In its earlier memorandum, staff listed twelve contributors to four different candidate committees in the 2018 election who were reported as making contributions over the legal limit. Staff recommended that the receiving committees forfeit the overage amounts to the City, and that warning letters be sent to the contributors. The Commission approved those recommendations on November 5, 2018. Staff then issued warning letters to the contributors.

1. Katrin Wehrheim

Katrin Wehrheim made the following contributions to the committee *Sheilagh Polk “Cat Brooks” For Mayor 2018* (“*Cat Brooks 2018*”):

Contributor	Occupation & Employer	Contribution #1	Contribution #2	Amount Over the Limit
Katrin Wehrheim	Professor UC Berkeley	\$800 05/09/2018	\$54.06 05/17/2018	\$54.06

Ms. Wehrheim informed staff that the \$54.06 contribution that pushed her over the legal limit was an in-kind contribution for the purchase of tickets to a campaign event. Separately, *Cat Brooks 2018* confirmed this statement.

Ms. Wehrheim also stated that, at the time of purchasing the tickets, she was unaware that doing so constituted an in-kind contribution. Separately, *Cat Brooks 2018* also stated that, at the time of purchase, people who purchased tickets to the event were not informed that their purchase constituted an in-kind contribution to the campaign. The committee further stated that this was the result of the campaign’s unfamiliarity with campaign law at that time. When *Cat Brooks 2018* realized its error, it went back and notified all ticket purchasers that their purchases had constituted in-kind contributions. It also refunded all purchasers who had exceeded the contribution limit as a result of their purchase of tickets, including Ms. Wehrheim. All of this was done on the campaign’s own initiative, with no intervention by the PEC or other campaign finance regulators.

In light of the above, staff recommends that Ms. Wehrheim’s earlier warning letter be rescinded, and that this matter be closed without action. In support of this recommendation, Commission staff notes the following mitigating factors: 1) Ms. Wehrheim was not informed at the time of purchase that her purchase of tickets constituted an in-kind contribution to *Cat Brooks 2018*, and therefore she had no intent to exceed the contribution limit; 2) Ms. Wehrheim’s overage amount (\$54.06) was relatively small; 3) the campaign rectified the mistake on its own initiative, with no intervention required on the part of the PEC; and 4) the committee timely and accurately reported all the relevant contributions, showing no intent to conceal the overage or information about the contributions and indicating that the receipt of the overage was inadvertent.

² O.M.C. 3.12.050 and 3.12.060.

2. Cassia Stepak

Ms. Stepak made the following contributions to *Cat Brooks 2018*:

Contributor	Occupation & Employer	Contribution #1	Contribution #2	Contribution #3	Contribution #4	Amount Over the Limit
Cassia Stepak	Financial Analysis UC Berkeley	\$54.06 05/15/2018	\$500 05/17/2018	\$31 05/31/2018	\$250 06/28/2018	\$35.06

Ms. Stepak has not contacted staff to ask for a reconsideration of her case. However, staff has learned from the *Cat Brooks 2018* committee that Ms. Stepak went over the contribution limit as a result of purchasing tickets to the same campaign event as Ms. Wehrheim. In light of the similar circumstances of their two cases, staff recommends that Ms. Stepak's warning letter be rescinded and the matter closed without action, for the same reasons described above in the case of Ms. Wehrheim.

3. Scott Clifford

Cat Brooks 2018 reported that Scott Clifford ("Mr. Clifford") made the following contributions:

Contributor	Occupation & Employer	Contribution #1	Contribution #2	Amount Over the Limit
Scott Clifford	Technical Director Disney/PIXAR	\$800 08/26/2018	\$25 08/26/2018	\$825

Mr. Clifford has since informed staff that the second, \$25 contribution was attributed to him in error and was never deducted from any of his accounts. Separately, *Cat Brooks 2018* confirmed that the \$25 contribution was made at a fundraiser by a different person, and due to a clerical error it was attributed to Mr. Clifford.

Staff recommends that Mr. Clifford's warning letter be rescinded and the case against him closed with no action due to the fact that he never made a contribution over the legal limit.

4. Mark Tran

Desley Brooks for City Council 2018 ("Desley Brooks 2018") reported that Mark Tran made the following contributions:

Contributor	Occupation & Employer	Contribution #1	Contribution #2	Amount Over the Limit
Mark Tran	Owner – Travel Self Employed, VMC Travel	\$800 07/18/2017	\$800 07/18/2017	\$800

Mr. Tran has since informed staff that he never made any contributions to *Desley Brooks 2018*. Separately, *Desley Brooks 2018* informed staff that it was unable to find any records verifying that

Mr. Tran made these contributions. *Desley Brooks 2018* has subsequently amended its campaign statements to reflect that Mr. Tran never made any contributions to the committee. Commission staff is inquiring further with the campaign regarding the reporting of these contributions.

In light of the above facts, staff recommends that Mr. Tran's warning letter be rescinded and the case against him closed with no action on grounds he never made a contribution over the legal limit.

Conclusion and Summary of Recommendations

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

1. PEC Case No.18-34; *Sheilagh Polk “Cat Brooks” for Mayor 2018, Katrin Wehrheim, and Cassia Stepak* – Rescind the warning letters and instead close the cases against Ms. Wehrheim and Ms. Stepak with no action.
2. PEC Case No. 18-20; *Sheilagh Polk “Cat Brooks” for Mayor 2018 and Scott Clifford* – Rescind the warning letter and instead close the case against Mr. Clifford with no action.
3. PEC Case No. 18-21; *Desley Brooks for City Council 2018 and Mark Tran* – Rescind the warning letter and instead close the case against Mr. Tran with no action.

Attachment: Campaign Finance Compliance – November 2018 Election

CITY OF OAKLAND

Public Ethics Commission

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



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

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

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

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

Review of Campaign Filings

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

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

1. Multi-Year Contributions Resulting in Forfeiture

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

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

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

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

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

¹ O.M.C. 3.12.040 and 3.12.050.

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

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

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

2. Minor Overage Resulting in Forfeiture

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

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

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

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

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

3. Contribution Limit Errors or Overages Corrected

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

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

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

These contributions include the following:

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

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

³ O.M.C. 3.12.040 and 3.12.050.

⁴ O.M.C. 3.12.070.

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

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

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

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

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

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

4. Self-Loan – No Violation

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

⁵ O.M.C. 3.12.040 and 3.12.050.

⁶ O.M.C. 3.12.040 and 3.12.050.

⁷ O.M.C. 3.12.090.

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

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

Conclusion and Summary of Recommendations

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

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



Jonathan Stein, Chair
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Krisida Nishioka

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Suzanne Doran, Lead Analyst
Whitney Barazoto, Executive Director
DATE: December 24, 2018
RE: Disclosure Program

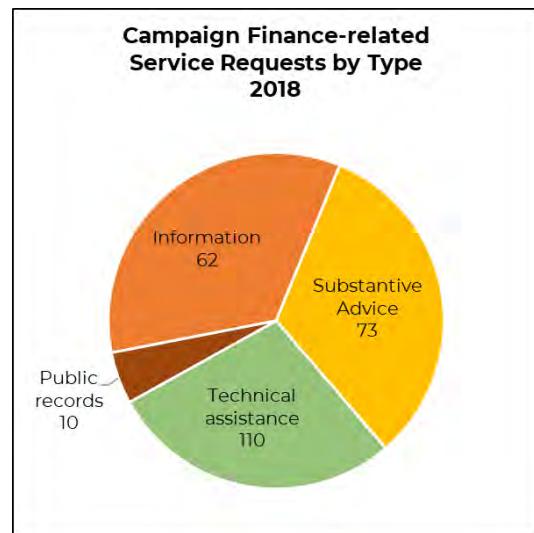
This memorandum provides a summary of major accomplishments in the Public Ethics Commission's (PEC or Commission) Disclosure program activities for the past year. Commission staff activities focus on improving online tools to access local campaign finance and other disclosure data, enhancing compliance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

Program Milestones in 2018

Filing Officer

Campaign disclosure – 2018 was the Commission's first election year as filing officer and included both a June and November election with a total of six major filing deadlines. Program goals for 2018 centered on proactive outreach to filers and effective management of the filing officer program and e-filing system to maximize voluntary compliance and timely disclosure of campaign finance activity.

- **Outreach** – Candidate outreach and proactive communication with filers constituted a major component of our 2018 campaign finance compliance program. Commission staff sent 10 monthly advisories to campaign filers over the course of the year timed to coincide with issues as they arose during the campaign cycle, such as contribution and expenditure limits, campaign rules governing City employees and officials, avoiding common filing errors, and after-the-election disclosure requirements. The Commission's social media activity also highlighted training opportunities and resources, upcoming filing deadlines, and articles directed at campaign committees in the PEC newsletter. As part of the transition to the new City website, staff reorganized and expanded our online resources for campaign filers.
- **Technical assistance and advice** – An increase in campaign finance-related contacts fielded by Commission staff indicated the success of PEC outreach efforts directed at campaign filers. Commission staff responded to 255 campaign finance-related requests for information, substantive advice, or technical assistance, making up about 64 percent of requests received in 2018.
- **Compliance** – As of December 2018, the City of Oakland had 91 active committees required to file periodic campaign disclosure statements, 54 candidate and officeholder committees, 21 general purpose committees, 10 primarily-formed ballot measure committees, 4 independent expenditure committees, and 2 primarily-formed candidate



committees. In all, staff processed and reviewed nearly 1,000 campaign-related filings during 2018. During facial review staff detected 19 statements with issues requiring amendments and worked with filers to voluntarily come into compliance. Staff assessed \$2,330 in late fees against ten filers, and we ended the year with all candidate-controlled and ballot measure committees in compliance with no enforcement referrals required. In addition to facial review, Commission staff utilized campaign finance data for the first time to screen for potential contribution violations during the pre-election period enabling resolution of enforcement referrals prior to the election.

Lobbyist disclosure – In 2018, City Council adopted minor amendments to the Oakland Lobbyist Registration Act (LRA) to change the location for filing lobbyist forms from the City Clerk's Office to the Public Ethics Commission. As of January 16, 2018, all lobbyist forms and reports required by the Lobbyist Registration Act must now be filed with the Public Ethics Commission, and as a result, staff processed 186 filings this year.

This year, Commission staff concentrated on solidifying filing officer processes such as noticing deadlines, tracking non-filers, enforcement referrals, and records management using the campaign filing program as a template and gathering information to ease movement to a future e-filing system. New features were implemented to the NetFile system so that the software could be utilized to efficiently manage the additional administrative and recordkeeping functions associated with filing officer status. Utilizing NetFile also allowed the PEC to provide searchable online public access to filings for the first time. Staff uploaded prior years' filings to the public access system and improved the content on Commission webpages for lobbyist rules, registration and disclosure. Commission staff sent targeted communications to lobbyist filers to raise awareness of the change in filing officer and highlight online resources for lobbyists, such as fillable report forms. Overall, lobbyist registration and filing compliance went smoothly in the first year with 44 out of 45 registered lobbyists in compliance through the third quarter and only one report outstanding.

FPPC Form 803 Behested Payments – California law requires an Oakland elected official to file an FPPC Form 803 report any time he or she fundraises or otherwise solicits 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. The official must submit the FPPC Form 803 report within 30 days to the campaign filing officer. As campaign filing officer, the PEC has received approximately 80 filings disclosing over \$25 million in payments at the behest of elected Oakland officials. At present, officials must submit paper forms with a wet signature, and neither the filings nor the data they contain is readily available online. Staff maintains a binder at the front desk with copies of Form 803 filings for public inspection and provides copies in PDF format when requested.

In 2017, Commission staff started a project to illuminate this little-known process through which private donors make payments "at the behest of" Oakland elected officials. Commission staff initiated development of an online system to allow Oakland public officials to quickly and easily file their FPPC Form 803, improve efficiency by reducing paper and streamlining the process, and create greater access to and usability of disclosure information for PEC staff and the public. Working with the City's IT Department (ITD), Commission staff developed a prototype for user-testing using the results to inform ongoing refinements to make the filing process simpler and more intuitive. Expanding the NetFile system to allow users to search for and view Behested Payment filings using the Campaign Finance and Lobbyist Disclosure Portal was also explored.

Illuminating Disclosure Data

Open Disclosure – Commission staff and Open Oakland volunteers launched the 2018 www.OpenDisclosure.io campaign finance app in September showing the flow of money in Oakland elections in an easy to understand, interactive format. New elements provided a more comprehensive picture of campaign spending by highlighting third-party spending to support and oppose candidates and providing links to view contributors to those committees in addition to those of candidates. 1,808 new users visited and actively engaged with the site generating 3,010 sessions and 19,664 pageviews between September 1 and November 6. All measures of user engagement with Open Disclosure

content, such as time spent on the site and number of pages viewed per session, showed significant improvement over past election years.

Open Disclosure Performance 2018

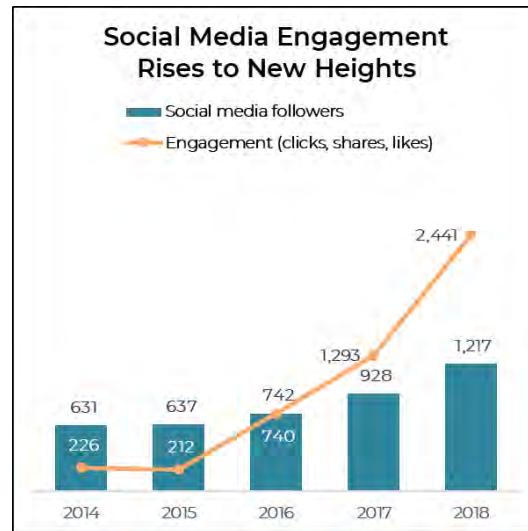


Source: Google Analytics, 12/24/2018

Online Engagement and General Outreach

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

Website Redesign – In 2018 after a multi-year process, the City of Oakland launched a new content management system (CMS) aimed at improving accessibility of website content and maximize the success of user searches. Staff worked diligently to complete the transition and the new website, www.OaklandCA.gov/pec, went live on April 23rd as the first City department to complete the migration process and sunset its legacy site.



General outreach – Commission staff participated in the following events designed to promote the use of projects utilizing campaign finance and government integrity data:

- CityCamp** – Commission staff organized a well-attended panel discussion on the Commission's work and partnerships with OpenOakland and MapLight to tell the stories within our Oakland campaign finance data and highlight our campaign finance/public participation project at OpenOakland's annual CityCamp event. The panel included Commissioner James Jackson, our UC Berkeley student consultant Dyana Mardon for the PEC Campaign Finance project, Elina Rubiliak for OpenDisclosure, and Hamsini Sridharan of MapLight and was moderated by PEC Lead Analyst Suzanne Doran.
- Open Data Day** – Commission staff hosted a PEC table at OpenOakland's Open Data Day event at the Oakland Main Library to raise awareness of the City's open data resources and needs.

CITY OF OAKLAND

Public Ethics Commission

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Whitney Barazoto, Executive Director



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

This memorandum provides a summary of the Public Ethics Commission's (PEC or Commission) education and outreach efforts in 2018 as staff continued to develop and expand the Commission's training, advice, and outreach program.

Campaign Finance Education

Direct Candidate Support – During the 2018 election cycle, Commission staff provided assistance and resources to candidates running in the 2018 election by proactively reaching out to candidates and ensuring easy access for candidates to come in and ask questions. Staff distributed 39 PEC candidate resource binders to candidates and their campaign representatives, including a new campaign finance checklist, the FPPC's campaign manual for local elections, an FAQ on campaign-related activities, the PEC's Oakland Campaign Reform Act Guide (republished in December 2017), and the Limited Public Financing Guide (republished in January 2018), along with an in-person overview of local campaign laws.

In preparation for the 2018 campaign season, staff made substantial revisions and republished the *2018 Limited Public Financing Program Guide*, which provides an overview of the City's Limited Public Financing program including candidate eligibility requirements, the reimbursement process, and program forms. The guide was amended to consolidate information into a user-friendly format and provide updated program forms.

Candidate and Treasurer Trainings – In April 2018, staff planned and conducted a candidate and treasurer training in coordination with the FPPC to provide information on both state and local campaign rules all at once. 25 local candidates and/or their campaign representatives attended the training, which covered topics such as recordkeeping, campaign forms, advertisement disclaimers, local expenditure ceilings and contributions limits, and the Limited Public Financing Program.

Limited Public Financing Training and Administration – In August 2018, Staff provided a training for candidates and/or their campaign representatives interested in participating in the

2018 Limited Public Financing (LPF) program. A total of 21 candidates and/or campaign representatives attended the training to learn about the program's requirements and the reimbursement process, representing 14 of the 15 candidates who were certified on the 2018 ballot. A total of 10 candidates ultimately participated in the public financing program, each of whom received all or most of the \$18,345 that was available to them to help fund their respective campaigns. For more information on the Limited Public Financing Program administration, see the relevant report (item 6) from the Commission's December public meeting.

Advice and Technical Assistance

Information and Advice Calls – Commission staff responded to and logged approximately 400 requests for information, advice, or technical assistance in 2018, which amounts to a 70% increase over requests received last year (251) and a thirty-fold increase from 2013 (14 calls). Of these varied requests, 130 consisted of requests for substantive legal advice, which range from ethics to campaign finance questions and more.



Ethics Training Milestones

Online Ethics Training – Staff rolled-out the newly created one-hour online ethics training for the City's Form 700 filers in January 2018. The training includes a comprehensive, interactive training module that provides case studies, hypothetical scenarios, and short quizzes to educate public servants and increase comprehension of local and state ethics laws. Staff collaborated with the City's Department of Human Resources Management (DHRM) to integrate the training into the City's learning management system Target Solutions. Staff was not able to reach its goal of ensuring that the training was delivered to all staff/officials, board/commission members, and consultants contracting with the City. In fact, only 190 employees have completed the online training through Target Solutions in 2018. Based on the employee lists available, it is unclear

exactly how many City employees are required to file a Form 700; however, we estimate that between 500-750 employees should be filing the Form.¹

While the creation, launch, and City Administrator support of the Commission's online ethics training for Form 700 filers is an accomplishment, Commission staff is unsatisfied with the number of employees receiving the training. With the 2018 campaign season and attention to candidate education behind us, staff will now shift its attention back to the delivery of ethics training, assessing options and determining next steps to ensure the effective delivery of the training to all Form 700 filers – City employees as well as consultants and board/commission members – in 2019.

New Employee Orientation – Commission staff continued its work with the Department of Human Resources to ensure that every new City employee receives introductory Government Ethics training. As an ongoing practice, Commission staff presents an overview of both the Government Ethics Act and the Commission's services at every New Employee Orientation provided by the City. These orientations typically occur monthly, and, in 2018, amounted to a total of 12 presentations that reached approximately 333 new employees. This service did not exist prior to 2016.

Supervisor Academy – Staff conducted ethics presentations at two Supervisor Academies, providing over 40 supervisor-level City employees with what began as an overview of the Government Ethics Act and PEC services. This academy is a new feature added by DHRM in 2017 to provide training to supervisors on City policies and procedures, internal systems, and leadership skills relating to day to day supervision. These Supervisor Academy sessions provide an opportunity to dive into discussions of ethical issues and scenarios and skills-based training to deal with ethical dilemmas.

Additional Ethics Trainings – In January 2018, Staff conducted ethics trainings on ballot measure activities and misuse of City resources for 115 library staff and 15 members of the library commission in relation to the June ballot measure for the Oakland library.

Commission staff also provided ethics training to 160 new employees of the Oakland Parks, Recreation, and Youth Development Department during their summer staff orientation.

Board and Commission Support – Upon request, Commission staff continued to provide introductory ethics trainings to City board and commission members as part of a program that began in 2016. This past year, staff provided two in-person presentations to the newly created Affordable Housing and Infrastructure Public Oversight Committee and the Oakland Fund for Children and Youth Oversight Committee, introducing the City's Government Ethics Act and an overview of the Commission's services.

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

PEC staff also participated in a joint effort with the Mayor's office, City Clerk, and City Attorney to provide a comprehensive training for City Boards and Commissions staff liaisons. The training covered all relevant laws and responsibilities, including Sunshine and GEA requirements, pertaining to boards and commissions to ensure understanding and compliance. Staff provided the 17 attendees with copies of the PEC's Boards and Commission Members Handbook and shared practices used by our own Commission for onboarding new members.

General PEC Outreach

Website Revisions – Staff restructured and enhanced learning elements on the PEC website to expand education resources to PEC clients and help users quickly find information about laws under the PEC's jurisdiction. Also, to increase access to the newly developed training for Form 700 filers and overcome technical glitches with the City's learning management system, Staff created a video of the online training that is linked to the Commission's website.

PEC Newsletter – In 2018, the PEC designed and distributed the sixth volume of its *Public Trust* newsletter. The newsletter highlights the Commission's activities and covers relevant topics to keep our regulated community and the general public informed about the Commission's work. The newsletter is distributed electronically to all City staff and Commission followers, shared widely via social media and the Commission's website, and made available in hard-copy in the PEC office and at outreach events. Through the Commission's email distribution list alone, 1,428 individuals received the PEC newsletter. Moving forward, Staff intends to publish the newsletter semi-annually.

2018 Lobbyist Registration Act Guide – Staff revised and republished the Commission's guide summarizing the Oakland Lobbyist Registration Act, which was significantly amended by City Council in January following the Commission's Lobbyist Registration Act ad-hoc subcommittee's work.

Next Month

Contribution and Expenditure Ceiling Limit Adjustments – As the campaign filing officer, the Commission is responsible for adjusting the contribution and expenditure ceiling limits annually to adjust for increases in the Consumer Price Index (CPI). Staff will provide a memo at the February Commission meeting with an update of the new 2019 limits.

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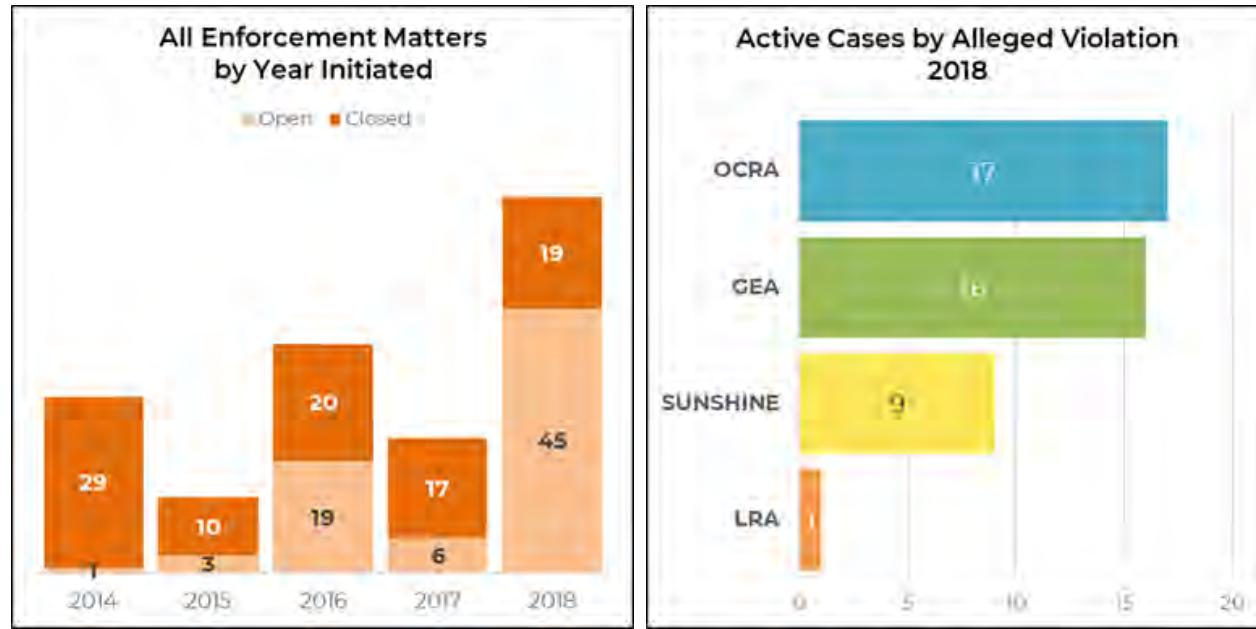


Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Simon Russell, Investigator/Acting Chief of Enforcement
Whitney Barazoto, Executive Director
DATE: December 24, 2018
RE: Enforcement Program Update

Summary of Enforcement Activities in 2018

As of December 22, 2018, the Commission has a record 72 enforcement matters pending preliminary review, investigation, or resolution, including 1 remaining from 2014, 3 from 2015, 18 from 2016, 6 from 2017, and 44 from 2018 (13 of which were received or initiated during the last quarter). The Commission received or initiated a total of 50 matters in 2018 alone – also a record – and closed 33 matters to date in 2018 (which included cases from 2018 and prior years).



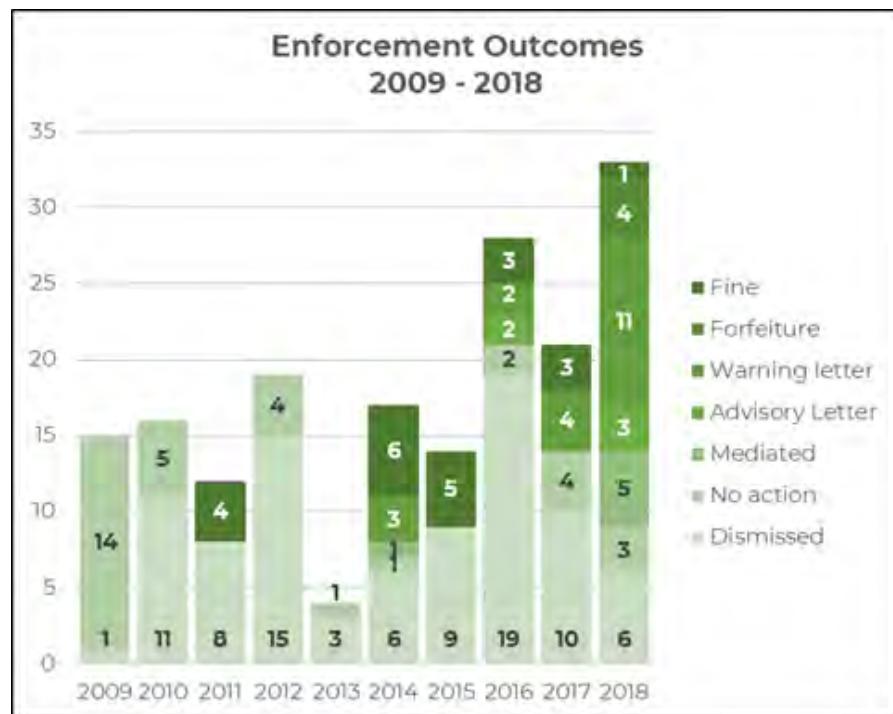
A few highlights from 2018 include the following:

- **In the Matter of Thomas Espinosa, PEC Case No. 16-14** – Completion of a multi-year investigation into bribery and other corruption activities involving a City building inspector. As a result of that investigation, staff found 47 counts of Government Ethics Act violations, and the Commission approved staff's request to proceed to an

administrative hearing for adjudication of the violations. Meanwhile, the Enforcement division continues its investigation into other allegations of ethics violations that derived from that investigation.

- **Election Compliance Review 2018** – The Enforcement division, with assistance from the PEC’s filing officer, undertook its first comprehensive review of contributions made to all candidate committees in the 2018 election in order to ensure compliance with contribution limits, obtain forfeitures for any over-the-limit contributions, and report out all of staff’s findings to the public before the November election. Candidate committees forfeited \$5,425 in total for their receipt of duplicate or mistakenly received contributions in excess of the legal limit, and Commission staff received forfeiture checks, closed and reported information about candidate committee overages more than 10 days in advance of the election.
- **In the Matter of Lynette Gibson McElhaney, PEC Case No. 15-07** – Completion of an administrative hearing and final decision by the Commission to impose a \$2,550 fine on Council Member Lynette Gibson McElhaney for receiving an unlawful gift from a company doing business with the City, voting on a contract related to that company, and failing to report the gift on required income disclosure records, in violation of the Oakland Government Ethics Act.
- **Mediation Program Activities** – Completion of 5 Sunshine mediation cases, consisting of staff work to mediate between individuals requesting public records from the City, in which the complainant ultimately obtained all of the records initially requested. These activities were made possible with the help of a law clerk from UC Hastings College of the Law to assist with the Commission’s Sunshine Mediation Program.

Overall, the Commission continues to utilize a broader range of enforcement tools to impose penalties that are commensurate to the violation, showing increased strength in both depth and breadth of enforcement activities in 2018 and recent years.



Current Enforcement Activities

Commission Staff continues to prioritize cases based on the following priority factors: 1) the extent of Commission authority to issue penalties, 2) the impact of a Commission decision, 3) public interest, timing, and relevancy, and 4) Commission resources.

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

1. *In the Matter of Amber Danielle-Rose Todd (Complaint No. 16-41)*: This public records complaint was withdrawn by the complainant after the records in question were produced.
2. *In the Matter of Libby Schaaf for Mayor 2018, Michael Stephens, et al. (Case No. 18-22)*: In accordance with the Commission's vote at its meeting on December 2, 2018, respondent Michael Stephens was issued a warning letter. This case is now closed.
3. *In the Matter of Jim Lowrie, et al. (Complaint No. 18-43)*: This ethics complaint was withdrawn by the complainant after it was learned that the person named in the complaint is not a City of Oakland employee.
4. *In the Matter of Courtney Ruby (Complaint No. 18-47)*: Commission Staff received this complaint, completed its preliminary review, and dismissed the complaint for lack of jurisdiction. (Attachment 1)
5. Complaint Nos. 18-47, 18-48, 18-49, and 18-50: Commission Staff received four formal complaints, dismissed one per above, and is conducting a preliminary review of the remaining three allegations.



CITY OF OAKLAND

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

Public Ethics Commission
Enforcement Unit

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

December 21, 2018

Karina Winkler

[REDACTED]
[REDACTED]

Re: PEC Complaint No. 18-47; Dismissal Letter

Dear Ms. Winkler:

On December 5, 2018, the City of Oakland Public Ethics Commission (PEC) received your complaint (#18-47) alleging that Courtney Ruby, a candidate for City Auditor in the 2018 election, may have misrepresented her job title on her official ballot line.

No laws under the PEC's jurisdiction regulate the content of the ballot, which is prepared by the County. You might try contacting the County to see if anyone can be of assistance there.

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

We are required to inform the Public Ethics Commission of the resolution of this matter at its next public meeting, as part of our regular monthly update on Enforcement actions. That meeting will take place on January 7, 2019, at 6:30PM in Hearing Room 1 of Oakland City Hall (1 Frank Ogawa Plaza). The report will be purely informational, and no action will be taken by the Commission regarding this matter, which is now closed. However, you are welcome to attend that meeting and/or give public comment if you wish. You may also submit written comments to us before that meeting, and we will add them to the meeting materials.

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

Sincerely,

Simon Russell, Acting Chief of Enforcement

cc: Courtney Ruby

CITY OF OAKLAND

Public Ethics Commission

Jonathan Stein, Chair

Jodie Smith, Vice-Chair

Jill Butler

Lisa Crowfoot

James E. T. Jackson

Gail Kong

Krisida Nishioka



TO: Public Ethics Commission
FROM: Whitney Barazoto, Executive Director
DATE: December 24, 2018
RE: Executive Director's Report

This memorandum provides an overview of the Public Ethics Commission's (PEC or Commission) programs and activities for 2018, as well as significant activities since the Commission's last regular meeting that are not otherwise covered by staff program reports. These activities and more will be summarized in the Commission's annual report for 2018, coming soon. Also ahead is the Commission's annual retreat in the Spring to review its strategic plan and discuss priorities for the year and beyond. The attached overview of Commission Programs and Priorities includes the main goals for 2018-19 for each program area.

2018 Overview

Education, Outreach, Disclosure – With the 2018 election, the Commission's focus this year included a variety of activities around campaign finance education, outreach, compliance, and enforcement as outlined in staff reports. This year was the Commission's first election cycle as filing officer, allowing our team to provide direct assistance to candidates and committees in their attempts to comply with campaign finance laws and address minor violations expeditiously. Staff contacts with our service-area clients increased substantially as a result, with staff responding to roughly 400 calls for information, advice, or technical assistance in 2018, compared with 251 in 2017.

Enforcement – The Commission's enforcement team continued to focus on ethics cases, completing an administrative hearing that led to a PEC-imposed fine and completing a significant investigation of a City employee that is now headed to its own administrative hearing, among a variety of other enforcement activities. The PEC staff team also took an aggressive approach to reviewing all candidate committees for basic contribution limit violations with completion of staff findings and forfeitures in advance of Election Day. While the enforcement team has taken on more complex and impactful cases, we also experienced a significant increase in the number of enforcement matters received or initiated – totaling 50 so far in 2018 alone.

Policy – On the policy leadership side of our work, we continued to revise the laws within our jurisdiction, including amending the Lobbyist Registration Act (and revising our Lobbyist Guide accordingly) and taking on the filing officer duty for lobbyist registration reports. In addition, the Commission conducted significant outreach and collaboration in furtherance of its project to

review the City's campaign finance and public financing laws in preparation for a broad redesign to enhance equity and participation in the campaign process – a project that continues into the new year.

Staffing

The Commission has six budgeted positions to carry out its policy development, education, disclosure, investigative, and administrative enforcement activities.



Based on the Commission's significantly increased workload in 2018, Commission staff will request two new positions during the upcoming budget process: 1) a Senior Investigator to lead complex investigations and draft case resolutions, and 2) an Ethics Analyst III to lead the Commission's public-facing education, advice, outreach, and disclosure activities and provide policy assistance. Budget requests are made in January to be considered for the Mayor's proposed budget, which will be considered by City Council before the new fiscal year begins in July 2019.

Attachment: Commission Programs and Priorities

PUBLIC ETHICS COMMISSION
Programs and Priorities 2018-19

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

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