

CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
One Frank Ogawa Plaza (City Hall)  
Regular Commission Meeting  
Teleconference  
Wednesday October 12, 2022  
6:30 p.m.



## PUBLIC ETHICS COMMISSION (PEC or COMMISSION) MEETING

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

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

Webinar ID: 881 7147 1481

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

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

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

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

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

City Attorney Staff: Trish Shafie, Deputy City Attorney

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

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

### **PRELIMINARY ACTION ITEMS**

- 4. Virtual meetings by the Public Ethics Commission.** The Commission will review and take possible action to renew Resolution 22-01, approved at the January 12, 2022 Regular meeting, establishing certain determinations to justify the ongoing need for virtual meetings following the California State Legislature's adoption and Governor's approval of AB 361 on September 16, 2021 (Chapter 165; Statutes of 2021). ([Resolution 22-01](#))

### **ACTION ITEMS**

- 5. Approval of Commission Meeting Draft Minutes.**
  - August 24, 2022, Special Meeting Minutes ([Meeting Minutes](#))
  - September 14, 2022, Regular Meeting Minutes [Meeting Minutes](#)

### **DISCUSSION ITEMS**

- 6. Reports on Subcommittees and Commissioner Assignments.** Commissioners may discuss subcommittee assignments, create a new subcommittee, or report on work done in subcommittees since the Commission's last regular meeting. Commissioners may also discuss assignments, efforts, and initiatives they undertake to support the Commission's work.
  - Enforcement Subcommittee** (*ad hoc*, created on November 1, 2021) – Arvon Perteet (Chair), Ryan Micik and Joseph Tuman.
  - Outreach Subcommittee** (*ad hoc*, created on June 8, 2022) – Francis Upton IV (Chair), and

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Charlotte Hill.

- c. **Creation of New Subcommittee** (Discussion on creation of a potential ad hoc committee with a focus on improving department disclosure systems/response to public records requests and self-service access to public records, i.e. OPD Records) – Arvon Perteet (Chair).

### **INFORMATION ITEMS**

7. **Disclosure and Engagement.** Lead Analyst Suzanne Doran provides an overview of education, outreach, disclosure, and data illumination activities for this past month. ([Disclosure Report](#))
8. **Enforcement Program.** Acting Enforcement Chief/Investigator Simon Russell provides a monthly update on the Commission’s enforcement work since the last regular Commission meeting. ([Enforcement Report](#))
9. **Executive Director’s Report.** Executive Director Kellie Johnson reports on overall projects, priorities, and significant activities since the Commission’s last meeting. ([Executive Director’s Report](#))
10. **Future Meeting Business.** Commissioners and staff may propose topics for action or discussion at future Commission meetings.

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

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

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

A handwritten signature in blue ink that reads "Kellie Johnson".

9/30/3022

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Approved for Distribution

Date



This meeting location is wheelchair accessible. Do you need an ASL, Cantonese, Mandarin or Spanish interpreter or other assistance to participate? Please email

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[alarafranco@oaklandca.gov](mailto:alarafranco@oaklandca.gov) or call (510) 238-3593 Or 711 (for Relay Service) five business days in advance.

¿Necesita un intérprete en español, cantonés o mandarín, u otra ayuda para participar? Por favor envíe un correo electrónico a [alarafranco@oaklandca.gov](mailto:alarafranco@oaklandca.gov) o llame al (510) 238-3593 al 711 para servicio de retransmisión (Relay Service) por lo menos cinco días antes de la reunión. Gracias.

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郵 [alarafranco@oaklandca.gov](mailto:alarafranco@oaklandca.gov) 或致電 (510) 238-3593 或711 (電話傳達服務)。

Quý vị cần một thông dịch viên Ngôn ngữ Ký hiệu Mỹ (American Sign Language, ASL), tiếng Quảng Đông, tiếng Quan Thoại hay tiếng Tây Ban Nha hoặc bất kỳ sự hỗ trợ nào khác để tham gia hay không? Xin vui lòng gửi email đến địa chỉ [alarafranco@oaklandca.gov](mailto:alarafranco@oaklandca.gov) hoặc gọi đến số (510) 238-3593 hoặc 711 (với Dịch vụ Tiếp âm) trước đó năm ngày.

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

**RESOLUTION NO. 22-01**  
**[Proposed renewal 10-12-22]**



**Resolution Summary:**

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

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

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

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

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

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

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

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

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

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

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

**RESOLUTION NO. 22-01**  
**[Proposed renewal 10-12-22]**



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

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

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

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

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

**Now therefore be it:**

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

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

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

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



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

**RESOLUTION NO. 22-01**  
**[Proposed renewal 10-12-22]**



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**CERTIFICATION RE: APPROVAL OF RESOLUTION**

The foregoing Resolution was presented for renewal at a duly noticed meeting of the City of Oakland Public Ethics Commission held on October 12, 2022, where a quorum of the membership of the Commission was present. The Commission approved the resolution by a vote of \_\_\_\_ to \_\_\_\_.

I hereby certify that the foregoing is true and correct.

\_\_\_\_\_  
Kellie Johnson, Executive Director  
Oakland Public Ethics Commission

\_\_\_\_\_  
Date

CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
One Frank Ogawa Plaza (City Hall)  
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Wednesday, August 24, 2022  
6:30 p.m.



DRAFT

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

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

City Attorney Staff: Trish Shafie, Deputy City Attorney

## PEC SPECIAL MEETING MINUTES

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

The meeting was held via teleconference.

The meeting was called to order at 6:37 p.m.

Members present: Perteet, Hill, Micik, and Upton. Tuman arrived at 6:41 p.m.

Staff present: Suzanne Doran, Kellie Johnson, and Ana Lara-Franco.

City Attorney Staff: Tricia Shafie

Perteet congratulated new Executive Director Kellie Johnson and thanked Suzanne Doran, Lead Analyst, for her time as acting director.

### 2. Open Forum.

There were no public speakers.

## PRELIMINARY ACTION ITEMS

### 3. Virtual meetings by the Public Ethics Commission.

The Commission approved Resolution 22-06, establishing certain determinations that affirm and justify the ongoing need for virtual meetings pursuant to the California State Legislature's adoption and Governor's approval of AB 361 on September 16, 2021 (Chapter 165; Statutes of 2021).

There were no public speakers.



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Hill moved, and Upton IV seconded to approve RESOLUTION NO. 22-06.

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

Noes: None

Vote: Passed 5-0

## **ACTION ITEMS**

### **4. Limited Public Financing Act Program 2022.**

Ms. Doran presented to the Commission the staff recommendation.

The Commission reviewed the available funds for the Limited Public Financing Program and accepted the staff recommendation about how to distribute funds to candidates running for City Council district office in the November 2022 election.

There were no public speakers.

Upton moved, and Hill seconded to accept the staff recommendation that the amount of money available in the Limited Public Financing Election Campaign Fund is not adequate to provide the *maximum* amount allowed by law to potentially eligible candidates and to divide the balance of \$177,000 available equally between all qualifying candidates.

Vote: Passed 5-0

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

Noes: None

The meeting adjourned at 6:55 p.m.

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DRAFT



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

Commission Staff to attend: Kellie Johnson, Executive Director; Suzanne Doran, Lead Analyst; Ana Lara-Franco, Commission Assistant; Simon Russell, Investigator

City Attorney Staff: Trish Shafie, Deputy City Attorney

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

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

The meeting was held via teleconference.

The meeting was called to order at 6:33 p.m.

Members present: Hill, Micik, Upton and Tuman. Perteet was absent.

Staff present: Kellie Johnson, Ana Lara-Franco, and Simon Russell.

City Attorney Staff: Tricia Shafie

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

There were no announcements.

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

There were no public speakers

### **PRELIMINARY ACTION ITEMS**

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

The Commission renewed Resolution 22-01, approved at the January 12, 2022 Regular meeting, establishing certain determinations to justify the ongoing need for virtual meetings following the California State Legislature's adoption and Governor's approval of AB 361 on September 16, 2021 (Chapter 165; Statutes of 2021).

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There were no public speakers.

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

Ayes: Hill, Micik, Upton, Tuman

Noes: None

Absent: Perteet

Vote: Passed 4-0

### ACTION ITEMS

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

##### a. August 10, 2022, Regular Meeting Minutes

There were no public speakers.

Tuman moved, and Upton seconded to approve the August 10, 2022 Meeting Minutes

Ayes: Hill, Micik, Upton, Tuman.

Noes: None

Absent: Perteet

Vote: Passed 4-0

### DISCUSSION ITEMS

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

##### a) **Enforcement Subcommittee** (*ad hoc*, created on November 1, 2021) – Arvon Perteet (Chair), Ryan Micik and Joseph Tuman.

Micik shared that the subcommittee met and discussed plans for commissioner to serve as hearing officers for upcoming hearings. Staff is preparing a training. A survey will go out to ask Commissioners to decide whether the training will be held live, hybrid, or recorded and if they choose to serve as hearing officers.

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

Upton shared that they met with staff in late August and went over the materials for the commissioner recruitment. Staff will prepare an outreach calendar for commissioners to sign up for different events throughout the City to share information about the PEC with the public.

There were no public speakers.

## **INFORMATION ITEMS**

### **7. Disclosure and Engagement.**

Kellie Johnson, Executive Director, provided an overview of education, outreach, disclosure, and data illumination activities for this past month. She provided an update on the number of LPF candidates who opted into the program, there are now 7.

Ms. Johnson shared that it had to come to the attention of staff that a link in the disclosure report did not work. A call to correct the link was made.

There were no public speakers.

Micik moved, and Upton seconded to amend the report with the correct link.

Ayes: Hill, Micik, Upton, Tuman.

Noes: None

Absent: Perteet

Vote: Passed 4-0

### **8. Enforcement Program.**

Ms. Johnson shared that Enforcement Investigator Simon Russell has been appointed to the position of acting Enforcement Chief and that job recruitment continues for the position of Enforcement Chief.

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DRAFT

Simon Russell, Acting Enforcement Chief, provided a monthly update on the Commission's enforcement work since the last regular Commission meeting.

There were no public speakers.

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

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

The recruitment for the Enforcement Chief has opened and the deadline is September 30, 2022.

Nicole Neditch from the Communications Department answered questions from the Commissioners regarding the pec agenda subscriber's update.

There were no public speakers.

### **10. Future Meeting Business.**

Commissioners and staff may propose topics for action or discussion at future Commission meetings.

Upton requested a discussion on providing self-service access to public records for the public, starting the focus on the Oakland Police Department.

There were no public speakers.

The meeting adjourned at 7:27 p.m.



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

Kellie Johnson, Executive Director

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TO: Public Ethics Commission  
FROM: Suzanne Doran, Lead Analyst  
Jelani Killings, Ethics Analyst  
Kellie Johnson, Executive Director  
DATE: September 30, 2022  
RE: Disclosure and Engagement Monthly Report for the October 12, 2022, Meeting

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

### **Compliance with Disclosure Requirements**

Commission staff conducts filing officer duties as required by state and local law and aims to help candidates, lobbyists and City officials submit required disclosure reports and ensure residents can easily access campaign finance, lobbyist, and ethics-related data and information. The goal is for the public and the PEC to be able to monitor filings, view information, and detect inconsistencies or noncompliance (See 2022 Disclose/Illuminate goal 1).

**Campaign finance disclosure** – The first pre-election filing deadline for the November election fell on September 29. All candidates on the November ballot must file. Candidates raising or spending \$2,000 or more file their campaign statements on FPPC Form 460. Candidates intending to keep their campaign under \$2,000 must file FPPC Form 470. Ballot measure committees and other recipient committees with fundraising or spending activity connected with the November ballot must also file for the pre-election deadline.

Commission staff is coordinating with the Fair Political Practices Commission (FPPC) enforcement division to ensure timely compliance with pre-election disclosure requirements and swift referral of non-filers. In addition, campaign statements are being screened for untimely and un-reported late contributions, over-the-limit contributions, and contributions from prohibited sources.

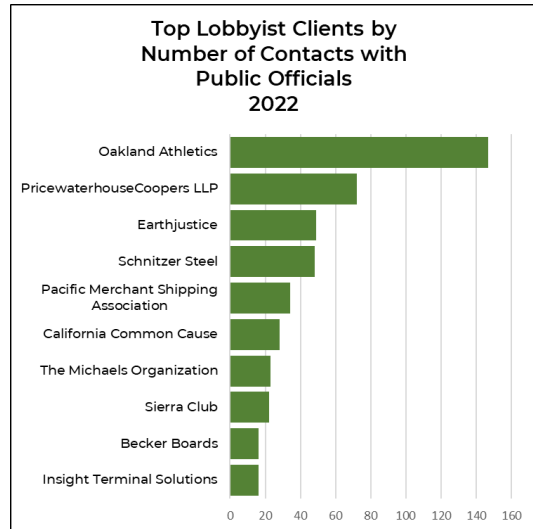


## Item 7 - Disclosure Report

Campaign statements are available to view and download at the PEC's [Public Portal for Campaign Finance Disclosure](#).

**Lobbyist Registration and Reporting** – October 30 marks the next deadline for quarterly lobbyist activity reports covering the period from July 1 through September 30, 2022. To date, 72 lobbyists representing 98 clients are registered in Oakland.

Oakland lobbyists reported \$ \$474,875 in payments from clients to influence City decisions during the first half of 2022, and a total of 625 contacts with City officials have been reported to date. No solicited political contributions were reported through the second quarter.



### ILLUMINATING DISCLOSURE DATA

The Commission collects, reviews, and provides public access to ethics-related data. As part of this responsibility, Commission staff works to put the information into formats that can be searched and displayed in easy-to-use data visualizations made available for public viewing. This program utilizes a collaborative transparency approach, which reaches beyond the traditional minimum of providing copies of filings to proactively sharing data in user-centered formats to invite participation and feedback (See 2022 Disclose/Illuminate goals 2 – 4).



**Election Disclosure Tools** – With Commission-sponsored campaign finance apps [Open Disclosure](#) and [Show Me the Money](#) live with data for the 2022 election, Commission staff began outreach in September to raise awareness of election-related disclosure tools and data including announcements on the Commission and City of Oakland websites, email distribution lists, social media posts (Facebook, Twitter, LinkedIn, and Nextdoor), and local newsletters, as well as placing digital and print ads in local press targeting election coverage pages. In addition, Staff contacted community partners such as the League of Women Voters Oakland and Voter's Edge with outreach materials to link to the campaign finance apps and share with their members.



OpenDisclosure, a nonpartisan tool developed by volunteers from civic tech group OpenOakland with advice and oversight from Commission staff, includes a notification system that sends subscribers alerts about new campaign reports, summaries of how much money candidates raise locally and from out of state donors, as well as top spenders on local ballot issues. "Show Me the Money," hosted on Oakland's open data platform, builds maps showing the

geographic source of campaign contributions to candidates, top contributors, and fund raising and spending patterns over time. Both apps are updated daily with data exported directly from the [city's campaign finance database](#). Followers of Oakland elections can find the apps online at [www.OpenDisclosure.io](http://www.OpenDisclosure.io) and [https://data.oaklandca.gov/campaign\\_finance/](https://data.oaklandca.gov/campaign_finance/) or via links on the Public Ethics Commission website.

## Advice and Engagement

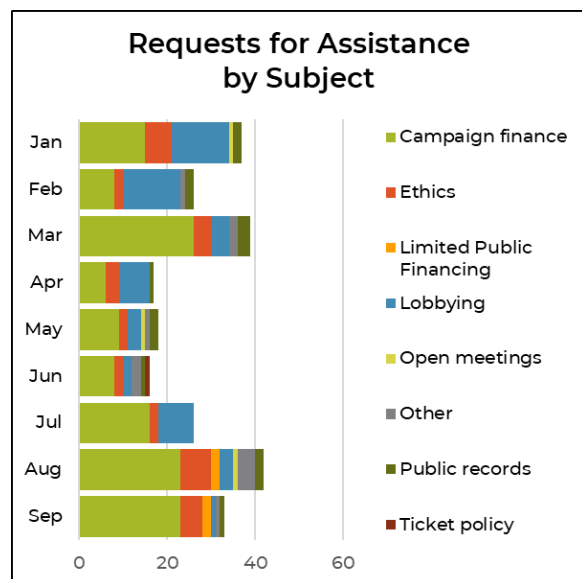
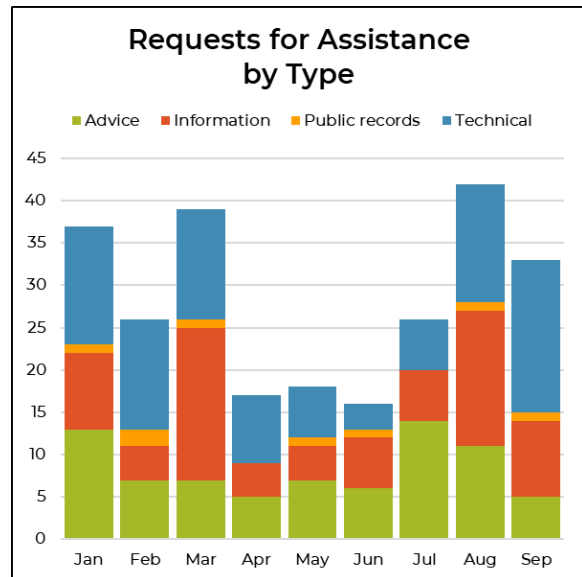
The Commission's Engagement program seeks to ensure Oakland public servants, candidates for office, lobbyists, and City contractors understand and comply with City campaign finance, ethics, and transparency laws (See 2022 Educate/Advise goals 1 – 3, Outreach/Engage goal 3).

**Advice and Technical Assistance** – In September, Commission staff responded to 33 requests for information, advice or assistance regarding campaign finance, ethics, Sunshine law, or lobbyist issues, for a total of 254 requests in 2022.

**Candidates and Campaigns** – As part of our continuing campaign education efforts, staff issues monthly advisories to ensure that candidates and committees are aware of local rules during this election season. In September, Staff sent an advisory with tips on avoiding common filing errors.

**Ethics Check-In** – On September 23, Staff met with senior staff in Councilmember Reid's office for an ethics check-in. Staff provided a brief overview of the Commission and its work and Council staff was provided links to the PEC's online ethics resource guide that includes guides and fact sheets relating to the Government Ethics Act, conflicts of interests, gift restrictions, non-interference provision, and the City's ticket distribution policy. The informal meeting allowed PEC staff to better understand the support needs of councilmembers and their staff in complying with local ethics and transparency laws.

**New Employee Orientation** – Staff continues to make presentations at the City's monthly New Employee Orientation (NEO) providing new employees with an introduction to the PEC and overview of the Government Ethics Act (GEA). On September 21, Staff trained a total of 42 new employees on GEA provisions.



### Limited Public Financing Program (LPF)

Commission staff administers the LPF program and provides training and ongoing interaction with candidates to facilitate program requirements and distribute the maximum amount of available public funds (See 2022 Educate/Advise goal 4).

The deadline for candidates to opt-in to the LPF program was September 1. Seven candidates opted-in to receive public financing. Their next step was to submit their LPF application (LPF Form 2) demonstrating that they met the program's qualification requirements along with their initial reimbursement request (LPF Form 3) by September 19.

Five candidates met the September 19 deadline and will move forward with public financing for the 2022 election. Staff will now reallocate the available funding per the Commission's two-phased approach, resulting in an increase of \$13,275 for each participating candidate. Participating candidates are now eligible for a maximum of \$35,400 in public financing. The table below lists the participating candidates and their respective districts:

Name	District
Nikki Fortunato Bas	2
Harold Lowe	2
Janani Ramachandran	4
Nenna Joiner	4
Kevin Jenkins	6

Staff is now verifying submitted documentation and processing reimbursement claims. Over the next several weeks, staff will work closely with each participating candidate and their treasurer to facilitate claim submission and payments to campaigns.

### General Outreach

The Commission conducts outreach activities to ensure Oakland residents and the regulated community know about the Commission and that the Commission is responsive to their complaints and questions about government ethics, campaign finance, or transparency concerns (See 2022 Outreach/Engage goal 2).

**Community Outreach/PEC Roadshow** – Staff is coordinating with the Neighborhood Services Department to confirm dates for Commissioner presentations in the months of October and November.

### Online Engagement

**Social Media** – Each month Commission staff post social media content to highlight specific PEC policy areas, activities, or client-groups (See 2022 Outreach/Engage goal 4). In September, our posts highlighted the PEC's election disclosure tools and data, Enforcement Chief recruitment, and Commissioner recruitment, as well as disclosure deadlines and candidate resources.

# Item 8 - Enforcement Report



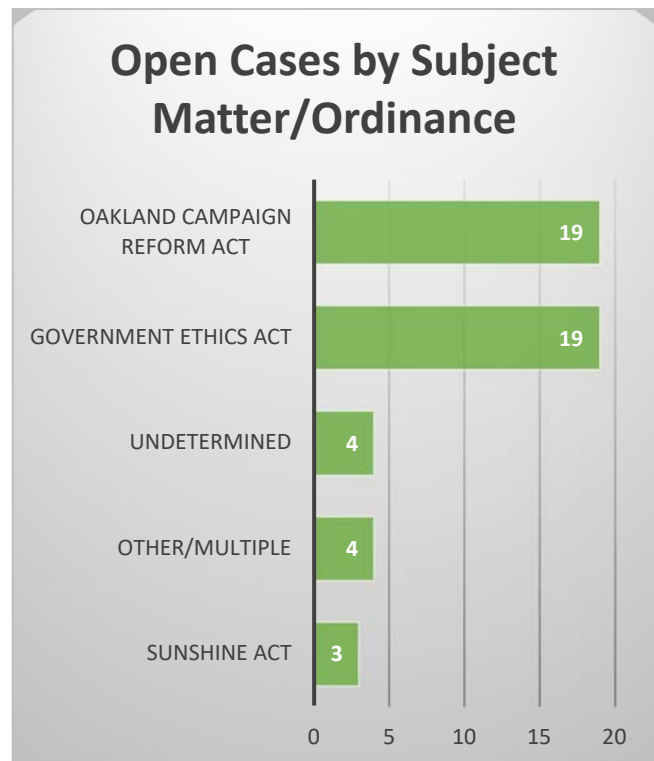
Arvon Perteet, Chair  
 Ryan Micik, Vice Chair  
 Charlotte Hill  
 Joseph Tuman  
 Francis Upton IV

Kellie Johnson, Executive Director

TO: Public Ethics Commission  
 FROM: Simon Russell, Acting Enforcement Chief  
 DATE: September 27, 2022  
 RE: Enforcement Program Update for the October 12, 2022, PEC Meeting

## Current Enforcement Activities:

Since the last Enforcement Program Update on August 31, 2022, Commission staff received 2 new complaint(s). This brings the total Enforcement caseload to 49 open cases: 6 matters in the intake or preliminary review stage, 20 matters under active investigation, 10 matters under post-investigation analysis, and 13 matters in settlement negotiations or awaiting an administrative hearing.



### Update on Progress & Priorities 2022:

As part of its “Detect/Deter” program, the Enforcement Unit has made the following progress on its 2022 priorities:

1. *Investigations*. So far this year, we have dismissed 7 complaints received from the public, referred 0 complaints for full investigation, and have received 3 complaints that are still under preliminary review. Staff has opened 8 investigations this year on its own initiative (“pro-active”), and completed 2 open investigations.

As part of its “Prosecute” program, the Enforcement Unit has made the following progress on its 2022 priorities:

1. *Conduct legal analyses, assess penalty options, negotiate settlements, make recommendations to PEC*. So far this year, staff has resolved 2 cases with a negotiated settlement.

2. *Resolve all 2016 and 2017 cases*. So far this year, 1 case from 2017 has been resolved with a dismissal, 2 cases from 2016-2017 remain under investigation, and 9 cases from 2016-2017 remain in the post-investigation analysis/negotiated resolution phase.

3. *Enforcement Subcommittee – discussion of process improvements*. The Enforcement subcommittee has been preparing a hearing officer training for current and future commissioners, which will give us a larger pool of hearing officers with which to prosecute future cases. This should allow the Enforcement Unit to move more cases to hearing if settlement negotiations do not prove fruitful.



## Item 9 - Executive Director's Report

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

Kellie Johnson, Executive Director

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TO: Public Ethics Commission  
FROM: Kellie Johnson, Executive Director  
DATE: September 28, 2022  
RE: Executive Director's Report for the October 12, 2022, PEC Meeting

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

### **PEC Staffing**

#### **Administrative Analyst I**

The Commission received one new position in the 2022-23 FY budget for Administrative Analyst I. This new position will primarily support the Enforcement program. Recruiting for the Administrative Analyst position began on July 1, 2022. Staff has initiated the interview process.

#### **Enforcement Chief**

The PEC Enforcement Investigator, Simon Russell was appointed to serve as the Acting Enforcement Chief effective September 6, 2022. On September 15, 2022, the Enforcement Chief job posting was opened, and the current closing date is September 30, 2022.

#### **Temporary Enforcement Investigator**

In consultation with the City Budget/Finance, Staff has paused efforts to open recruitment for a temporary/part-time investigator to assist with ethics investigations, because the salary savings gained with the selection of a new Executive Director did not yield enough funding to finance the position. Staff will continue to explore funding options to support a temporary/part-time investigator.

#### **Commissioner Trainings: "Formal Hearings"**

The Commission has requested that the Staff prepare a recorded training on conducting "Formal Hearings." The recording will contain hearing procedures, due process for quasi-judicial boards, scheduling procedures, preliminary hearing requirements, credibility determinations, and an overview of findings of facts, penalties, and final orders. Staff will release the completed recording to the Commission on October 14, 2022, and schedule a follow-up question and answer session for the November 9, 2022, Public Ethics Commission Meeting.

#### **Commissioner Recruitment**



The Commission is currently recruiting for new commissioners. PEC staff has been spreading the word via social media (Twitter, Facebook, and Nextdoor), email distribution to our network of followers and community group contacts, and has more recently purchased ads on Oaklandside to generate interest.

### **Mediations**

Pursuant to the Oakland Sunshine Ordinance, the Commission conducts mediation of public records requests made by members of the public to City departments for records within the department's control.

In March 2021, the Mediation Program was moved from the Enforcement team to the Education and Engagement team to address the increase in workload from both mediations and enforcement cases, facilitate staff ability to enhance education and engagement through the mediation process itself, and integrate this work with the PEC's broader Sunshine Review project to assess department performance Citywide as discussed above. PEC staff will review and revise the current mediation program. Staff will provide information regarding mediations and its program revisions at a future public meeting.

**PUBLIC ETHICS COMMISSION**  
**Programs and Priorities 2022**

<b>Program</b>	<b>Goal</b>	<b>Desired Outcome</b>	<b>Key Projects for 2022</b>
<b>Lead/ Collaborate (Policy, Systems, Culture)</b>	PEC facilitates changes in City policies, laws, systems, and technology and leads by example to ensure fairness, openness, honesty, integrity and innovation.	Effective campaign finance, ethics, and transparency policies, procedures, and systems are in place across City agencies	<ol style="list-style-type: none"> <li>1. City Ticket Policy Ordinance</li> <li>2. Limited Public Financing Act Amendment</li> <li>3. Campaign Public Finance Redesign</li> <li>4. Public Records Performance Tool</li> </ol>
<b>Educate/ Advise</b>	Oakland public servants, candidates for office, lobbyists, and City contractors understand and comply with City campaign finance, ethics, and transparency laws.	The PEC is a trusted and frequent source for information and assistance on government ethics, campaign finance, and transparency issues; the PEC fosters and sustains ethical culture throughout City government.	<ol style="list-style-type: none"> <li>1. Ethics onboarding/exit process improvement</li> <li>2. Ethics training and advice: a) elected officials, b) City employees (1000), b) board/commission members, and c) consultants</li> <li>3. Campaign Finance Training</li> <li>4. Limited Public Financing Act Training and Program Implementation</li> <li>5. Sunshine training – Open meetings; public records</li> <li>6. New trainings as needed for diversion</li> </ol>
<b>Outreach/ Engage</b>	Citizens and regulated community know about the PEC and know that the PEC is responsive to their complaints/questions about government ethics, campaign finance, or transparency concerns.	The PEC actively engages with clients and citizens demonstrating a collaborative transparency approach that fosters two-way interaction between citizens and government to enhance mutual knowledge, understanding, and trust.	<ol style="list-style-type: none"> <li>1. Public Records mediations</li> <li>2. PEC Outreach – Commissioner-led public outreach</li> <li>3. Communications/outreach to client groups – targeted and training and compliance</li> <li>4. PEC social media outreach – focused on sharing ethics-related data and PEC services and outcomes</li> <li>5. Website – PEC dashboards for enforcement cases and mediations</li> </ol>
<b>Disclose/ Illuminate</b>	<p>PEC website and disclosure tools are user-friendly, accurate, up-to-date, and commonly used to view government integrity data.</p> <p>Filing tools collect and transmit data in an effective and user-friendly manner.</p>	<p>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"> <li>1. Filing Officer/Compliance – assess, follow-up, and refer</li> <li>2. Government Integrity E-Data Project – Lobbyist Registration, Form 700, Form 803, Show Me the Money App, Behested Payments</li> <li>3. Open Disclosure – continue coordination and development</li> <li>4. Campaign Finance Data – focus on pushing out data using Socrata, City Open Data Portal, and PEC dashboards where possible for the 2022 Election</li> </ol>

## Item 9 - Executive Director's Report

<b>Detect/ Deter</b>	PEC staff proactively detects potential violations and efficiently investigates complaints of non-compliance with laws within the PEC's jurisdiction.	Public servants, candidates, lobbyists, and City contractors are motivated to comply with the laws within the PEC's jurisdiction.	<ol style="list-style-type: none"> <li>1. Investigations</li> <li>2. Collaborate with other government law enforcement agencies</li> </ol>
<b>Prosecute</b>	Enforcement is swift, fair, consistent, and effective.	Obtain compliance with campaign finance, ethics, and transparency laws, and provide timely, fair, and consistent enforcement that is proportional to the seriousness of the violation.	<ol style="list-style-type: none"> <li>1. Conduct legal analyses, assess penalty options, negotiate settlements, make recommendations to PEC</li> <li>2. Case priority: 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.</li> <li>3. Resolve all 2016 and 2017 cases</li> <li>4. Enforcement Subcommittee – discussion of process improvements</li> </ol>
<b>Administration/ Management</b>	PEC staff collects and uses performance data to guide improvements to program activities, motivate staff, and share progress toward PEC goals.	PEC staff model a culture of accountability, transparency, innovation, and performance management.	<ol style="list-style-type: none"> <li>1. Annual Report</li> <li>2. PEC Retreat</li> <li>3. Budget – new Administrative Analyst position</li> <li>4. Enforcement database upgrade</li> <li>5. Review data to adjust activities throughout the year</li> <li>6. Ongoing: professional development and staff reviews</li> </ol>