

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Regular Commission Meeting
Teleconference
Monday, May 4, 2020
6:30 p.m.



Commissioners: James E.T. Jackson (Chair), Nayeli Maxson Velázquez (Vice-Chair), Jill M. Butler, Michael MacDonald, Janani Ramachandran, Joseph Tuman, and Jerett Yan

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

City Attorney Staff: Trish Shafie, Deputy City Attorney

PUBLIC ETHICS COMMISSION (PEC or COMMISSION) MEETING

NOTE: Pursuant to the Governor’s Executive Order N-29-20 and City of Oakland Emergency Order dated March 23, 2020, suspending the Sunshine Ordinance, all members of the Commission and participating PEC staff will join the meeting via phone/internet audio conference, and 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/86187355419?pwd=V1M2cjV4aotGM01vVG5BTjVwVSsrdz09>
Password: 674732
 - 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 +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 (Webinar ID: 861 8735 5419
Password: 674732)
 - 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 at the beginning of the meeting. 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.

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Members of the public may submit written comments to ethicscommission@oaklandca.gov by 4pm the day of the meeting, per usual protocol.

If you have any questions about how to participate in the meeting, please email ethicscommission@oaklandca.gov before or during the meeting.

PEC MEETING AGENDA

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

ACTION ITEMS

4. **Approval of Commission Meeting Draft Minutes.**
 - a. March 2, 2020 Special Meeting Minutes ([Attachment 1 – Minutes](#))
5. **Public Ethics Commission Annual Report.** The Commission will review and consider approval of the annual report summarizing the PEC’s activities in 2019. ([Attachment 2 – 2019 Annual Report](#))
6. **Limited Public Financing Program Guide for City Council District Candidates.** The Commission will review and potentially approve the 2020 Limited Public Financing Program Guide for City Council District Candidates. ([Attachment 3 – LPF Program Guide](#))
7. ***In the Matter of City of the Department of Building and Planning; (Mediation Case No. M2019-17).*** On October 8, 2019, the Commission received a request for mediation from a member of the public alleging that Building and Planning Department failed to provide responsive documents to two separate public records requests. The requester initiated their respective public records requests on May 11, 2019, and August 25, 2019, seeking copies of Radio Frequency Reports that they believed were provided to the City of Oakland between January 1996 and August 2019; the department did not provide a response. Staff initiated mediation on October 16, 2019. On October 21, 2019, Staff contacted the Building and Planning Department regarding the request for mediation. Planning Department staff released some responsive documents (Permit History Telecoms) to the requester and the request was closed with a note that informed the

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requester that the information she requested was not collected by the City but by the Federal Communications Commission. In response to Staff mediation inquiries, the requester confirmed that they received some documents but believed that, according to the department procedures, there were additional documents that should be released. On February 3, 2020, Issam Shahrouri, Deputy Director of the Building Department, confirmed that the documents that the requester was seeking were not documents collected or maintained by his department. Staff recommends that the Commission close the mediation without further action. ([Attachment 4 – Mediation Summary](#))

8. ***In the Matter of The Economic and Workforce Development Department; (Mediation Case No. M2020-05)***. On February 20, 2020, the Commission received a request for mediation from a member of the public alleging that an employee from the City’s Economic and Workforce Development department failed to provide responsive documents to a public records request. Three months had passed since the request was filed and the requester did not get a response. Staff initiated mediation on March 2, 2020. On March 3, 2020 Rebecca Perry (“Perry”) with the Economic and Workforce Development Department released some responsive documents to the requester and the request was closed. In response to that mediation, the requester confirmed receipt of some documents but believed there were additional documents that should be released. On March 3, 2020, the department representative confirmed that all responsive documents were released. Staff recommends that the Commission close the mediation without further action. ([Attachment 5 – Mediation Summary](#))

DISCUSSION ITEMS

9. **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. Current or recent subcommittees include the following:
 - a. **Limited Public Finance Policy Development Subcommittee** (ad hoc) – Nayeli Maxson Velázquez (Chair), Jill M. Butler and James Jackson

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INFORMATION ITEMS

- 10. Disclosure and Engagement.** Lead Analyst Suzanne Doran provides a report of recent education, outreach, disclosure and data illumination activities. ([Attachment 6 – Disclosure Report](#))
- 11. Enforcement Program.** Enforcement Chief Kellie Johnson reports on the Commission’s enforcement work since the last regular Commission meeting. ([Attachment 7 – 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 8 – Executive Director’s Report](#))

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

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

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



4/27/2020

Approved for Distribution

Date



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ATTACHMENT 1

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DRAFT



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

City Attorney Staff: Trish Shafie, Deputy City Attorney

PUBLIC ETHICS COMMISSION (PEC or COMMISSION) **REGULAR MEETING MINUTES**

1. Roll Call and Determination of Quorum.

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

Members present: Commissioners Jackson, Butler, MacDonald, Ramachandran, Tuman and Yan.

Commissioner Maxson Velázquez was absent.

Staff present: Whitney Barazoto and Kellie Johnson.

City Attorney Staff: Trish Shafie

2. Staff and Commission Announcements.

Whitney Barazoto, Executive Director, shared that Item 7 would be pulled from the agenda and brought back at a later time.

3. Open Forum.

There were three public speakers.

ACTION ITEMS

4. Approval of Commission Meeting Draft Minutes.

- a. January 17, 2019 Special Meeting Minutes
- b. February 3, 2020 Regular Meeting Minutes

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DRAFT

There was one public speaker.

Commissioner Tuman moved, and Commissioner Ramachandran seconded to approve both minutes.

The motion passed 6-0.

5. *In the Matter of Anthony Harbaugh; Case No. 18-11.*

Kellie Johnson, Enforcement Chief, presented the matter.

The Commission asked questions and discussed the matter.

There were two public speakers.

Commissioner Ramachandran moved, and Commissioner MacDonald seconded to find probable cause.

The motion passed 6-0.

Commissioner Butler moved, and Commissioner Yan seconded to refer the matter to a hearing.

The motion passed 6-0.

6. *In the Matter of Andrew Haydel and Lane Partners; Case No. 19-24.*

Ms. Johnson presented the matter.

Commissioners discussed and asked questions.

There were four public speakers.

Zach Wasserman, representative for Andrew Haydel and Lane Partners, was available for questions.

Commissioner Tuman moved and Commissioner MacDonald seconded to table the item and request staff to go back and investigate on the intent and motive behind the contribution.

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1 aye - Tuman
4 nays - MacDonald
1 abstain – Butler, Jackson, Ramachandran, Yan

The motion failed 1-4.

Commissioner Ramachandran moved, and Commissioner Butler seconded to impose a fine of \$3,000.

Commissioners discussed the motion.

Commissioner Jackson recommended a friendly amendment to the motion to increase the fine to \$3,000 and add a warning letter.

3 ayes- Jackson, Ramachandran, Yan
3 nays- Butler, MacDonald, Tuman

The motion failed 3-3.

Commissioner Ramachandran moved, and Commissioner Jackson seconded to increase the fine to \$4,000 plus a warning letter.

3 ayes- Ramachandran, Jackson, Yan
3 nays- Butler, MacDonald, Tuman

The motion failed 3-3.

Commissioner MacDonald moved, and Commissioner Butler seconded to increase the fine to \$5,000 plus a warning letter.

The motion passed 6-0.

7. *In the Matter of The City of Oakland Police Department; (Case No. 16-15).*

This item was removed from the agenda and will be brought back later.

8. *Oakland City Council Salary Adjustment as Required by City Charter.*

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Executive Director Whitney Barazoto presented the item, which is an adjustment to the salaries of Oakland City Councilmembers per the increase in the Consumer Price Index as required by the Oakland City Charter.

There were three public speakers.

Commissioner Yan moved, and Commissioner MacDonald seconded to authorize a salary increase of 7.1 percent for the office of City Councilmember as mandated by City Charter Section 202.

The motion passed 6-0.

DISCUSSION ITEMS

9. 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. Current or recent subcommittees include the following:

- a. **Limited Public Finance Policy Development Subcommittee** (ad hoc) – Nayeli Maxson Velázquez (Chair), Jill M. Butler and James Jackson

There were no updates.

There were no public speakers.

INFORMATION ITEMS

10. Disclosure and Engagement.

Ms. Barazoto shared the report of recent education, outreach, disclosure and data illumination activities.

Ms. Barazoto shared that the PEC will host a training along with the FPPC for Candidates and Treasurers on April 8.

There were no public speakers.

11. Enforcement Program.

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Ms. Johnson reported on the Commission's enforcement work since the last regular Commission meeting.

There was one public speaker.

12. Executive Director's Report.

Ms. Barazoto submitted a report on overall projects, priorities, and significant activities since the Commission's last meeting.

Ms. Barazoto shared that the annual retreat is set for April 10, from 4:00-9:00 p.m.

There were no public speakers.

The meeting adjourned at 9:05 pm.

City of Oakland
Public Ethics Commission



ANNUAL REPORT
2019

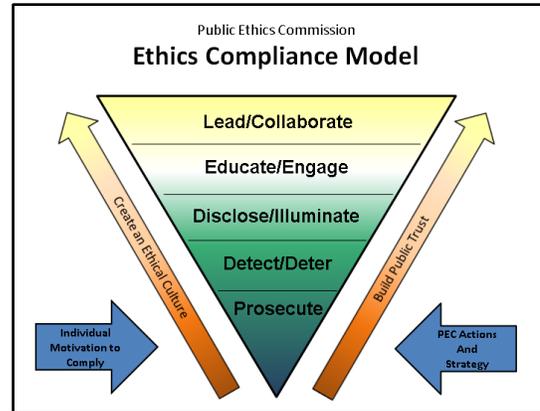
Public Ethics Commission
1 Frank Ogawa Plaza (City Hall), Room 104
Oakland, CA 94612
www.oaklandca.gov/pec
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(510) 238-3593



ATTACHMENT 2

SOLIDIFYING STRENGTH

The Public Ethics Commission is in its strongest position ever in its fifth year since the voters adopted Measure CC to augment the Commission’s authority, staffing, and independence. With over 60 cases resolved, ethics rules and education programs now institutionalized, electronic filing and visual display of campaign finance data available online, and constant policy improvement on ethics matters in City government, the Public Ethics Commission has worked hard to establish its strength and authority envisioned by Oaklanders.



Enforcement outcomes are at an all-time high, with 60 case resolutions in 2019 setting a new record, and enforcement tools ranging from warning letters to streamlined fines for minor violations to a full hearing process for final resolution on a highly contested matter. The Commission now has solid enforcement strength to uphold the laws under its jurisdiction and impose penalties where allowable under these laws, many of which have been strengthened in recent years.

One law that has not yet been bolstered is the Oakland Sunshine Ordinance, which provides stricter open meetings and public records laws than California statutes. The Commission has oversight authority, but not the authority to impose penalties, for Sunshine law violations. Nevertheless, in 2019 the Commission proactively audited City boards for compliance with state and local online agenda posting requirements and found only 19 of 31 boards in compliance in early Spring. PEC staff worked directly with board staff to overcome barriers, obtaining 100% compliance by all City boards by Fall 2019.

Further, the Commission’s enforcement team saw an uptick in requests by members of the public for assistance with their requests for City records from other departments. The PEC offers mediation to help requesters obtain public records from City departments. In 2019, the PEC completed a record 19 mediations, facilitating access to City records for many members of the public. This marked increase in Sunshine matters in 2019 inspired Commission interest in reviewing the City’s performance responding to public records requests, a project on the horizon in 2020.

In addition to strong enforcement, Commission staff continued to educate and advise on ethics issues and took on a leadership role in the state after sharing the PEC’s City Ticket Distribution report with the California Fair Political Practices Commission, which subsequently adopted new rules regarding the use of City tickets by officials for events such as those at the Oakland Coliseum and Oracle Arena.

Another important effort: staff focused on modernizing PEC filing systems, including creation of an e-filing process for Form 803 Behested Payments (charitable contributions by individuals at the behest/request of an elected official) as well as initial development of an entirely new e-filing system for lobbyist registration and reporting, to launch in 2020, with the ultimate goal of integrating all ethics-related data into a comprehensive ethics data portal to facilitate filing and public access.

In the year ahead, the Commission will continue to expand these innovations, effectively enforce PEC laws, and collaborate with City leadership on ethics policy and implementation in City government. This report summarizes the Commission’s accomplishments in 2019.

PEC MISSION AND ACTIVITIES

The Public Ethics Commission was created in 1996 to ensure fairness, openness, honesty and integrity in City government. The PEC’s work is governed by local ordinances in three main areas: campaign finance, transparency, and ethics. The Commission’s authority and ability to do its work is guided by the provisions outlined in the City Charter, as amended in 2014, as well as in each relevant ordinance, listed as follows:



- Oakland Campaign Reform Act
- Sunshine Ordinance
- Limited Public Financing Act
- Lobbyist Registration Act
- False Endorsement in Campaign Literature Act
- Government Ethics Act
- Conflict of Interest Code

TRANSFORMATION IN 2014

The legislative changes made in 2014 were designed to equip the Commission with more authority, independence, and resources to ensure compliance with ethics, transparency, and campaign finance laws.

Oakland City Charter:
Measure CC was adopted by Oakland voters on November 4, 2014, to amend the Oakland City Charter to augment the authority, independence, and staffing of the Public Ethics Commission. The new provisions became effective on January 1, 2015, and the new staff positions were budgeted in July 2015.

Government Ethics Act:
In December 2014, City Council approved the PEC’s proposed Oakland Government Ethics Act, to consolidate government ethics rules into one local ordinance and to enhance education and enforcement of those rules in and around City Hall.

The Commission’s activities, and the six-person staffing structure provided by the 2014 City Charter changes, are organized per the following ethics compliance framework to ensure a strong, effective, and fair ethics commission:

Lead/Collaborate – Lead by example and facilitate City policy, management, and technological changes to further the Commission’s mission.

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.

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.

Detect/Deter – Conduct investigations and audits to monitor compliance with the laws within the Commission’s jurisdiction.

Prosecute – Enforce violations of the laws within the Commission’s jurisdiction through administrative or civil remedies.

LEAD AND COLLABORATE

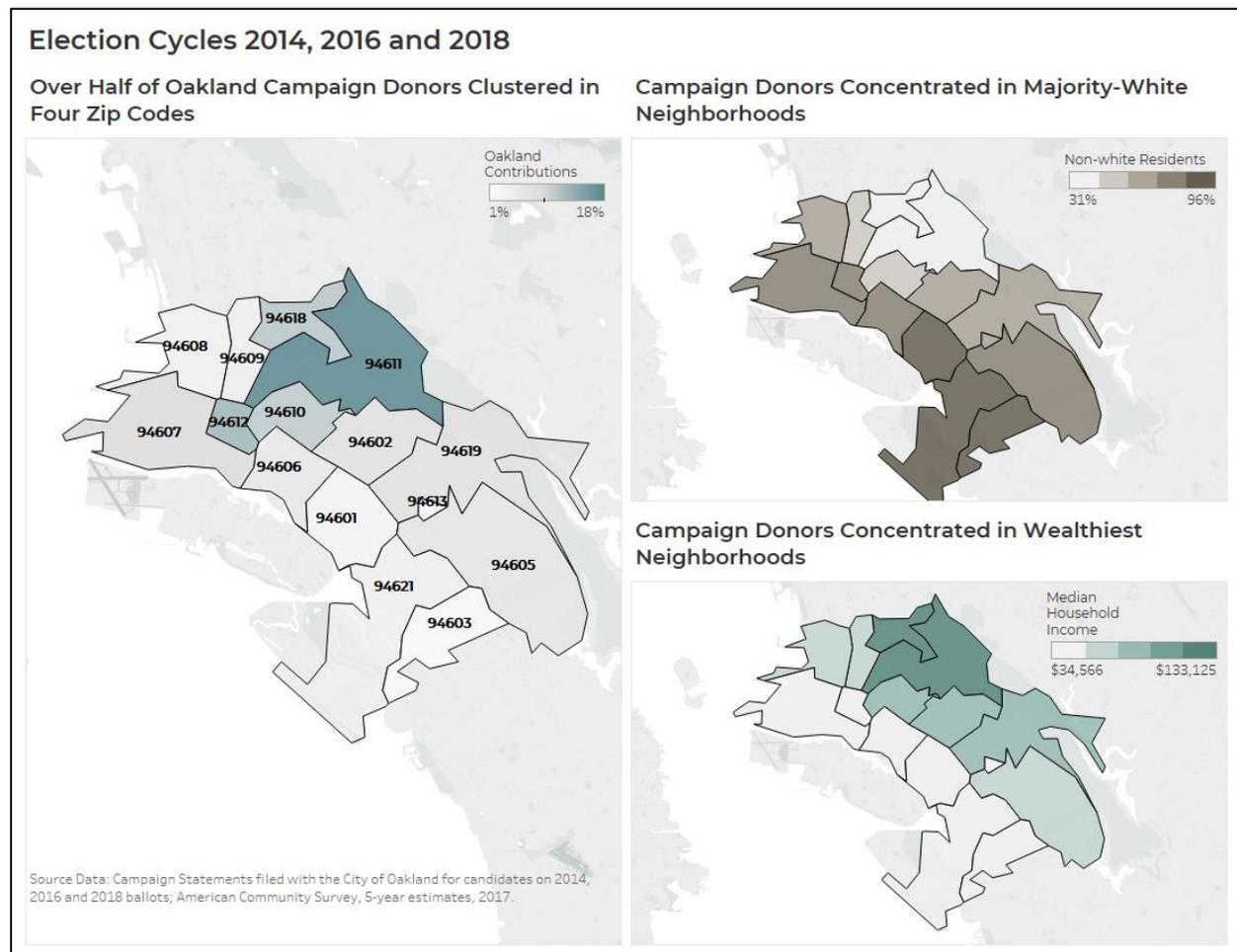
The Commission leads by example and employs collaborative approaches to facilitate changes in City laws, policies, systems, and technology to ensure fairness, openness, integrity, and innovation.

CITY TICKET DISTRIBUTION RULE CHANGES

Following the Commission’s 2017 review of the distribution and use of City tickets to Oakland Coliseum and Oracle Arena events, PEC staff presented the issue to the California Fair Political Practices Commission, the PEC’s counterpart at the state level, at the FPPC’s meeting in Oakland in January 2019. In May 2019, the FPPC addressed concerns raised by the PEC regarding the number of tickets being used by public officials and made rule changes to tighten restrictions. Now, under state law, high-level public officials are prohibited from disproportionately using tickets, and, if the use is for the inspection of facilities, the officials must provide a written report of findings and recommendations.

EXPANDING EQUITY AND PARTICIPATION IN THE CAMPAIGN PROCESS

The Commission continued to partner with the Bay Area Political Equality Collaborative to conduct community outreach about Oakland’s current public financing system in order to redesign local campaign and public financing laws to give all communities an equal opportunity to participate in and influence our local democracy. Campaign finance data shows clear disparities among racial, socio-economic, and geographic populations participating in the campaign process in recent years, as shown in the graph below. The Commission will continue to research and do outreach on this issue in 2020.

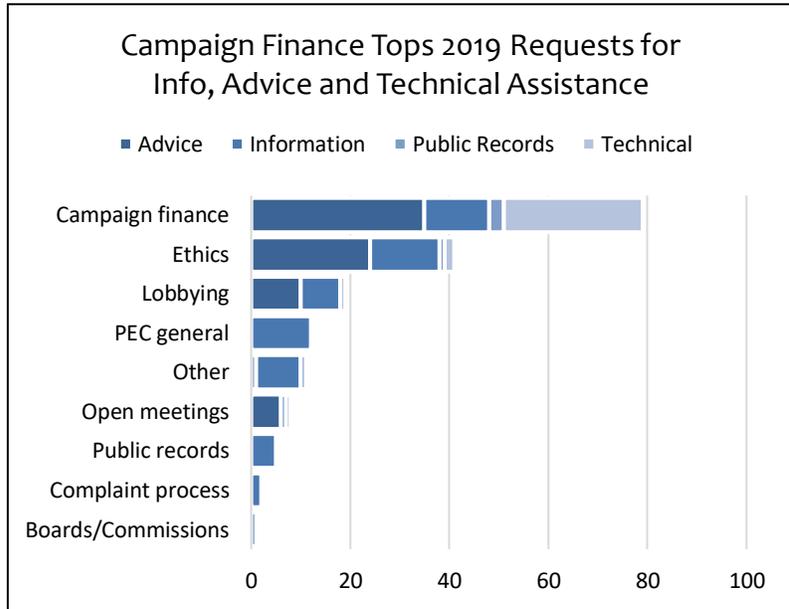


EDUCATE AND ENGAGE

Prevention activities consist of education, outreach, and online information to facilitate compliance with government integrity laws. The Commission educates and advises candidates for local elective office, elected officials, appointed officials, City staff, lobbyists, people doing business with Oakland, City residents, businesses, and organizations.

ADVICE AND ASSISTANCE

In 2019, Commission staff responded to 178 requests for information, advice or assistance regarding campaign finance, ethics, or lobbyist registration issues. That's fewer than the record 408 requests in 2018 (an election year, and the first election in which the Commission was the filing officer for campaign statements), 236 requests in 2017, 88 requests in 2016, and a mere 14 requests back in 2013 when the Commission first began tracking these requests.

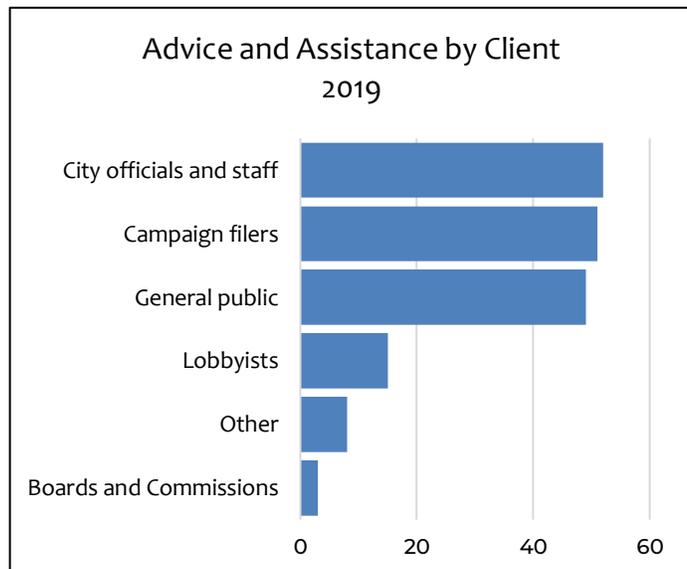


Campaign finance questions again topped all other issues among requests for advice and assistance, mostly from treasurers, candidates, and law firms seeking to comply with campaign finance laws. Other questions come from City staff and officials, lobbyists, and members of the public regarding misuse of public resources, gift restrictions, conflicts of interests, and lobbying rules, to name a few.

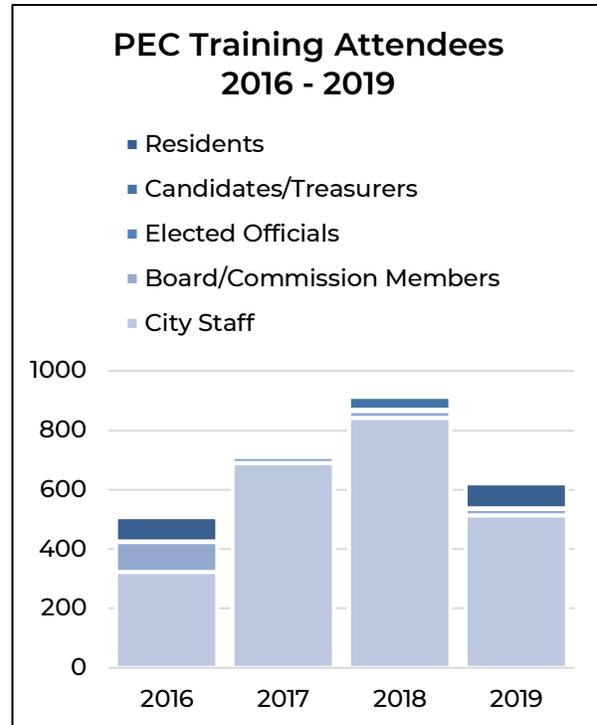
ETHICS TRAINING

Commission staff provided ethics training through various avenues to reach the following target audiences:

- Newly elected officials during the first 90 days of taking office (State-required AB 1234 training and Oakland Government Ethics Act training);
- New employees participating in monthly new employee orientation sessions provided by the City, for a total of 12 presentations and 320 new employees in 2019;
- Temporary summer employees hired by the Oakland Parks, Recreation, and Youth Development Department, for a total of 50 in 2019;



- City staff supervisors (80 in total) received a more specialized, higher-level ethics training at the City’s Supervisor Academy, which covers City policies and procedures, internal City systems, and leadership skills relating to day-to day-supervision. This forum allowed PEC staff to dive into discussions of ethical issues, scenarios and skills-based training to deal with ethical dilemmas;
- Board and Commission Members and staff received introductory ethics trainings, for a total of four boards and 82 board members and staff;
- City staff supporting boards and commissions received a comprehensive training on Ethics and Sunshine (open meetings and public records) laws, for a total of about 20 staff liaisons in 2019;
- City employees took the PEC’s one-hour online Ethics Training for Form 700 Filers, available in the City’s learning management system, Target Solutions, for a total of 93 in 2019.



While the creation, launch, and City Administrator support of the Commission’s online ethics training for Form 700 filers in 2018 was an accomplishment, as well as a reason for the surge in training attendees in 2018, ensuring actual delivery of the ethics training to all Form 700 filers remains a priority into 2019 and beyond.

OUTREACH AND PUBLICATIONS

The Commission made substantial revisions to two comprehensive guides that are intended to assist the regulated community in complying with local laws: the Government Ethics Act Guide and the Board and Commission Members Handbook. PEC staff also published two issues of its *Public Trust* newsletter highlighting the Commission’s activities to keep the Commission’s regulated community and the general public informed about the Commission’s work. The PEC newsletter was distributed to 1,517 email subscribers, and shared widely via social media and the Commission’s website, with hard-copies in the PEC office and circulated during community outreach.



Commissioners and staff participated in a variety of in-person community and speaking events, including Oakland’s Open Data Day, League of Women Voters Speaker Series, OpenOakland Day of Service, Art & Soul 2019 (shown left with Commissioner Jerett Yan, Commission Chair James Jackson, and Enforcement Chief Kellie Johnson), Community Roundtable with the City Auditor, and campaign finance education workshops in partnership with the Bay Area Political Equality Collaborative.

DISCLOSE AND ILLUMINATE

The Commission's Disclosure Program aims to help candidates submit required data and ensure Oaklanders can easily access campaign finance and ethics-related data and information that is accurate, user-friendly, and understandable so that the public and the PEC may monitor filings, view information, and detect inconsistencies or noncompliance. This program utilizes a collaborative transparency approach, which reaches beyond the traditional minimum of providing copies of filings. The Commission proactively shares data in user-centered formats, invites participation and feedback, and facilitates shared discussion around community needs.

AUDITING ACCESS TO PUBLIC MEETINGS

In 2019, PEC staff initiated a proactive review to assess whether all City board and commission websites comply with meeting notice publication according to the Oakland Sunshine Ordinance and California Brown Act. Initially, PEC staff found that only 19 of the City's 31 boards were conforming with online agenda posting requirements. PEC staff worked closely with each board liaison to educate, troubleshoot, and coordinate full compliance by all 31 boards. As of November 2019, all of the City's boards were posting meeting agendas on the City's website in compliance with open meetings laws. PEC staff further provided recommendations to the City Administrator's Office and the Mayor's Office regarding the barriers to compliance and the support board liaisons need to fulfill their duties.

ILLUMINATING ETHICS DATA

The Commission collects, reviews, and provides public access to ethics-related data. As part of this responsibility, Commission staff also has worked in recent years to move to electronic filing systems to make the process easier for those who must submit the data and to put the information into a format that can be searched and displayed in easy-to-use data visuals made available for public viewing. These ethics-related data categories include the following:

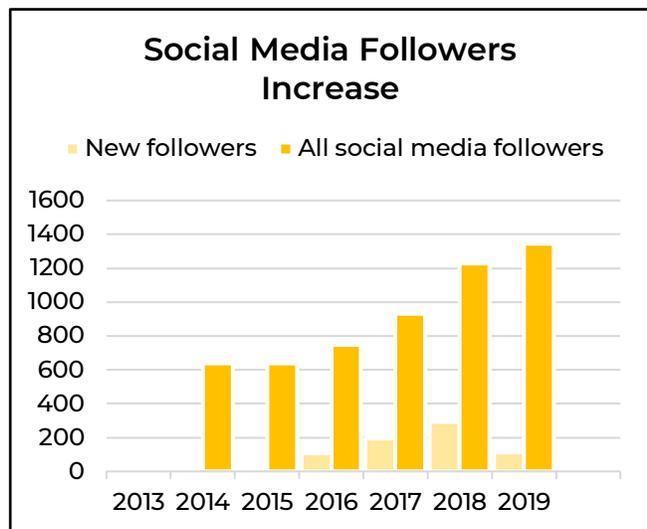
- **Campaign Finance data** includes candidate and ballot-measure campaign committee information, including contributions to and expenditures made by the committee during the election cycle. Oakland had 73 active political committees as of December 2019: 41 candidate and officeholder committees, 19 general purpose committees, 8 primarily-formed ballot measure committees, 4 independent expenditure committees, and 1 primarily-formed candidate committee. There were two reporting deadlines in 2019, a non-election year; PEC staff managed the filing process, provided technical assistance to committees, and processed and reviewed roughly 200 campaign-related filings over the course of the year.
- **Lobbying activity reports** identify who is lobbying City officials and for what purpose. In 2019, the PEC received 72 lobbyist registrations and 11 terminations, ending the year with 61 registered lobbyists disclosing over \$1,546,959 in compensation received for the purpose of influencing Oakland officials. PEC staff provides targeted outreach and assistance to lobbyists to ensure compliance with registration and reporting requirements and ensures public access to lobbyist filings by uploading the information online. Staff processed 200 quarterly lobbyist activity reports in 2019. Further, staff initiated a project to create an e-filing system for submission and public access to data regarding lobbyist registration and activities to be launched in Spring 2020.

- **Behested Payments data (Form 803)** shows who is donating to a nonprofit organization at the request or solicitation of an elected official. Elected officials who solicit such payments are required to file a Form 803 to report these payments if they amount to \$5,000 or more. Since assuming this duty in 2017, the PEC has received roughly 80 filings that disclose over \$25 million in payments made at the behest of Oakland elected officials. In 2019, Commission staff completed a prototype e-filing process for filing Form 803 reports and allowing online public access and searchability for launch in Spring 2020.
- **Form 700 Statements of Economic Interests** are filed with the City Clerk’s office but are of high interest to the PEC in ensuring compliance with ethics laws that require reporting of personal financial information by City officials, including high-level City employees. Commission staff checks for elected official compliance with filing deadlines and provides education and advice regarding Form 700 filing.

The Commission decided at its 2019 retreat to move forward with a project to create a comprehensive ethics data portal in partnership with the City’s Information Technology Department (ITD). The goal of this project is to create a seamless online filing and public access portal for all ethics-related data in a form that can be searched across multiple data-sets to maximize transparency and compliance with all government ethics laws. Commission staff initiated this work with ITD in 2019 and will continue the project into 2020.

ONLINE ENGAGEMENT AND OUTREACH

In 2019, Commission staff continued highlighting specific PEC policy areas, activities or client-groups via social media and saw a positive increase in followers and engagement with PEC-content. Social media posts generated over 500,000 impressions (views of PEC content) and more than 1,000 user engagements (likes, shares or retweets, clicks on links, and new followers). PEC social media followers continued to grow, with 115 new followers joining in 2019 for a total of 1,344 by the end of the year.



PEC staff and Commissioners partnered with the City of Oakland’s telecommunications team (KTOP) to create the first video in KTOP’s new series: Inside City Hall. The video is a 30-minute interview-style



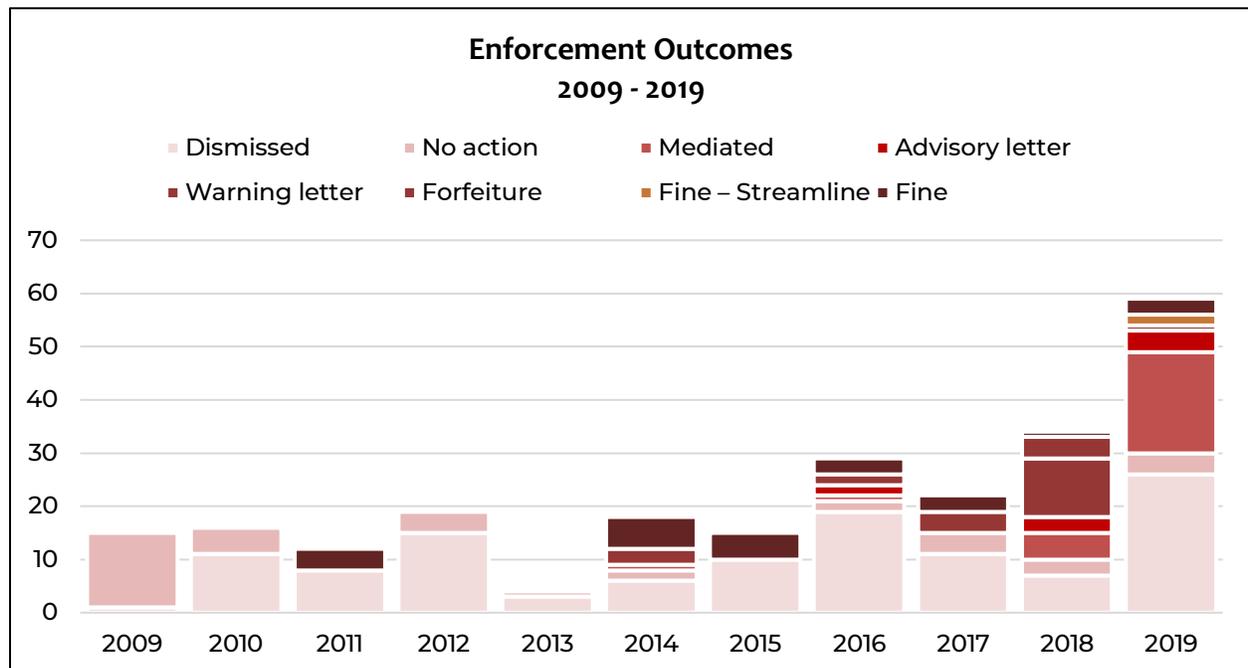
overview of the Public Ethics Commission’s role and work, starring Commissioners Smith, Jackson, and Maxson Velásquez, along with PEC Education Analyst Jelani Killings and hosted by Public Information Officer Autumn King of the City Administrator’s office. The segment provides an in-depth look at the Commission’s work to build an ethical culture in Oakland City government. The video is available online and airs periodically on Government Channel 10.

ENFORCEMENT

The Commission conducts investigations, holds public hearings, issues subpoenas, and imposes fines and penalties as provided for by ordinance. City ordinances give the Commission the authority to impose penalties for violations of ethics laws, campaign finance laws, and lobbyist registration requirements. The Commission also can mediate or recommend “cure and correction” for violations of public records and open meetings laws, respectively.

STRONG ENFORCEMENT PROGRAM SETS NEW RECORD

By the end of 2019, the Commission **resolved a record number of 60 cases, imposed \$16,500 in fines (penalties) and effected \$2,400 in forfeitures** (money wrongfully obtained and subsequently forfeited to the City General Fund), a record-setting year for the number of enforcement cases closed. Caseload completion in 2019 almost tripled since 2017, and almost doubled since 2018, and it again reflects a strong enforcement program that utilizes a broad range of enforcement tools, including forfeiture of contributions, fines, warning letters, advisory letters, and in rare cases, administrative hearings.



The 60 cases the Commission closed in 2019 were resolved as follows:

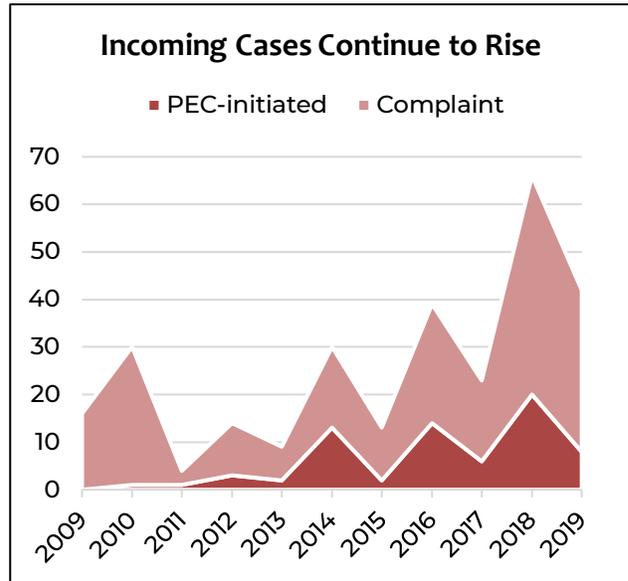
- Five fines, \$14,100
- One forfeiture, \$2,400
- One warning letter
- Four advisory letters
- 19 mediations completed (Public Records Requests)
- 30 complaints dismissed for lack of PEC jurisdiction, insufficient evidence that suggests any violation, or no violation following an investigation.

INCOMING CASES CONTINUE TO INCREASE IN NUMBER

The number of incoming cases continued to rise in 2019, compared to past non-election years, with Commission staff **receiving or initiating a total of 42 allegations** of potential violations in 2019. This compares to 66 in 2018 (an election year), 23 in 2017, 39 in 2016, 13 in 2015, 30 in 2014, nine in 2013, 14 in 2012, and four in 2011.

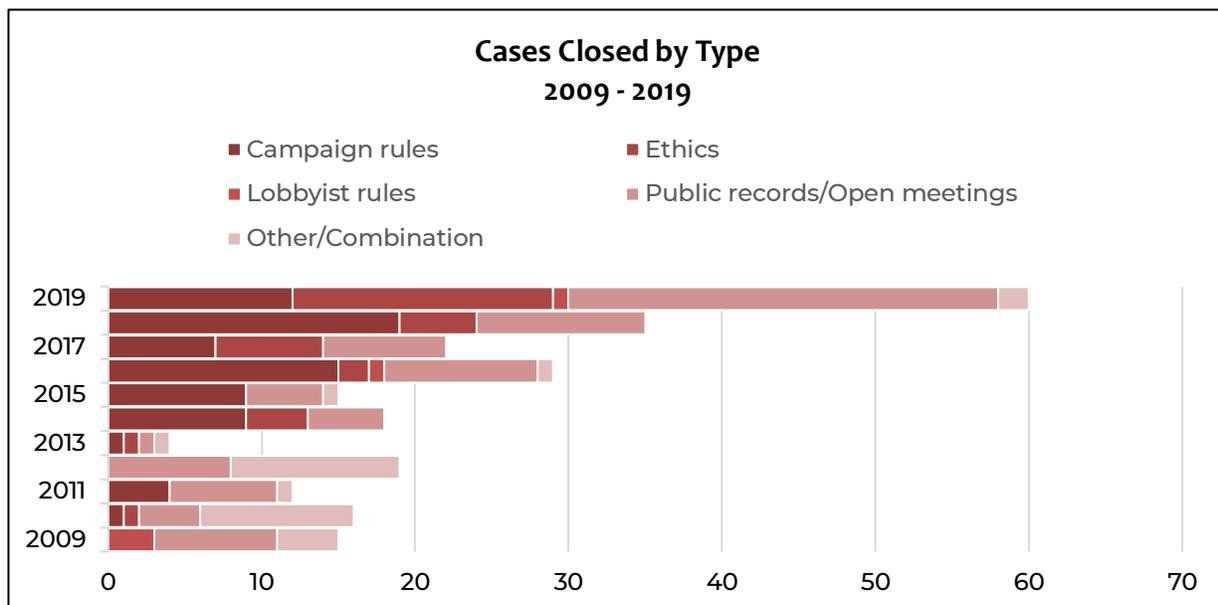
The total number of allegations reviewed or initiated in 2019 breaks down as follows: Commission staff **received 34 formal complaints submitted by members of the public** alleging violations of campaign finance, conflicts of interest, open meetings, public records, and other ethics-related laws; PEC staff **opened 8 cases proactively** based on hearing or reading of suspicious activities, receiving anonymous tips, or obtaining information from third parties.

Proactive cases show that the Commission aggressively looks into possible violations without waiting for a complaint to be submitted. Recent trends show that proactive cases have constituted roughly 30 percent of all cases opened in the past 6 years, compared with an average of .04 percent throughout the 1997-2013 timeframe.



ENFORCEMENT PRIORITIES

The Commission prioritizes enforcement activities based on the following considerations to determine priority level: 1) the extent of Commission authority to issue penalties; 2) the impact of a Commission decision; 3) public interest, timing, and relevancy; and 4) Commission resources.



ADMINISTRATION

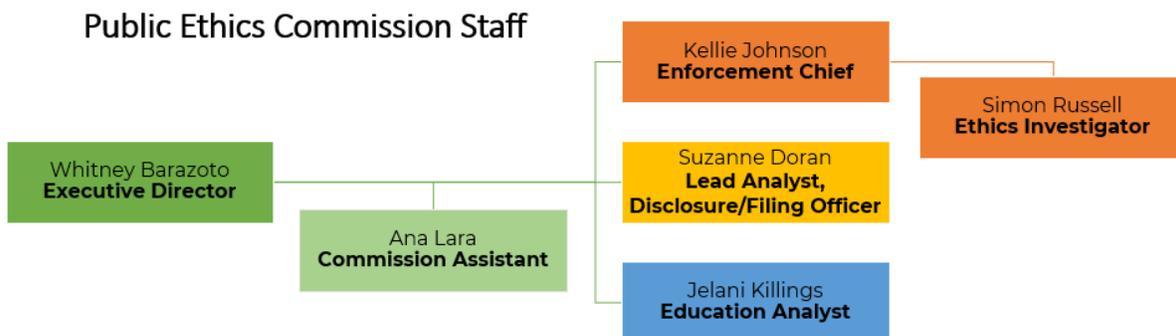
CORE VALUES

At its retreat in April 2019, the Commission participated in an inclusive leadership workshop that included discussion of how to cultivate an inclusive process and environment for Commissioners, staff, and individuals who interact with the Commission. Following that work, the Commission adopted the following core values to strive to embody in communications with each other and community:

1. **Collaborative Community** – Hear every voice and work together to solve problems
2. **Joint Accountability** – Be honest, responsible, and respectful of each other
3. **Open Mindset** – Listen carefully to fully understand the issue or person
4. **Inclusive Design** – Invite and consider all views in making difficult decisions
5. **Proactive Transparency** – Voluntarily share information and reasons for decisions

STAFFING

Commission staff are responsible for the Commission’s day-to-day operations, including investigations and enforcement casework, education and advice, data collection and illumination activities, and law and policy projects. Staff continue to participate in ongoing professional development, including opportunities through the Council of Government Ethics Laws, U.C. Berkeley, Alameda County Law Library, International Association for Public Participation, the City of Oakland, and Code for America.



BUDGET

The adopted budget for the Commission was \$1,160,831 for Fiscal Year 2019-20 and \$1,300,237 for Fiscal Year 2020-21. The latter includes a one-time augmentation of \$100,000 for election-related services that was added for Fiscal Year 2020-21 in response to the Commission’s request for an additional two positions for investigative and policy functions that cannot be addressed within current staffing capacity.

2019 COMMISSIONERS

Jodie Smith, Chair

Commission Appointee 6/22/2017 - 1/21/2020

Jodie Smith is an attorney with Moscone Emblidge & Otis LLP in San Francisco. She specializes in resolving civil disputes, especially public law issues. She was a fellow in the California Attorney General's Civil Law Division, a clerk in the Oakland City Attorney's Office, and an extern for the Honorable Joseph C. Spero, U.S. District Court, Northern District of California. Prior to practicing law, Jodie worked in and around state government as the Public Policy Director for Texans Care for Children, an analyst in the Texas House of Representatives, a public servant in two agencies, and an adjunct instructor in Government at Austin Community College.



Ms. Smith graduated from Texas Christian University in political science and continued on to the Harvard Kennedy School of Government for a Master of Public Policy degree. She later moved to California, where she obtained her law degree from U.C. Hastings College of the Law. Ms. Smith chairs the Civic & Judicial Appointments Committee of the Queen's Bench Bar Association and represents young people in school expulsion matters with Legal Services for Children.

James E.T. Jackson, Vice-Chair

Commission Appointee 1/22/2018 - 1/21/2021

With more than 25 years in healthcare administration, James Jackson is the Chief Operating Officer of Seton Medical Center & Seton Coastside, part of the Verity Healthcare System. Prior to this role, he served as Chief Administrative Officer of San Leandro & Alameda Hospitals, as well as the Administrator of Fairmont Hospital, both part of the Alameda Health System. Previously, Mr. Jackson was a Support Services Assistant Administrator with Kaiser Foundation Hospitals in the Diablo Service Area and the Chief Operating Officer of Saint Francis Memorial Hospital in San Francisco, California. Prior to joining Saint Francis, he held several positions at Children's Hospital and Research Center in Oakland, California, where he ultimately served as the Vice President of Ancillary and Support Services. His career in healthcare administration began with his service in the United States Navy at the Naval Hospital in Oakland, California.



Mr. Jackson has served his community as a Big Brother, was the Chair of the African American Outreach program for the local American Diabetes Association chapter, and was named Volunteer of the Year. He served as the Chair of the Blind Babies Foundation, is a director with the San Leandro Chamber of Commerce, and serves on the Alameda Chamber of Commerce as well. A Bay Area native, Mr. Jackson holds a Master's Degree in Public Health from the University of California in Berkeley and a Bachelor's Degree in Economics from Morehouse College in Atlanta, Georgia. He lives in Oakland with his wife and two children.

Jill M. Butler

City Attorney Appointee 11/13/2018 - 1/21/2021

Jill Butler is a Manager of System wide Human Resources at the University of California (UC) Office of the President. In this role, she manages a system-wide compliance policy that ensures Senior Management executives' outside activities do not pose a reputational risk nor Conflict of Interest or Commitment to the University. She is responsible for enforcing the policy and educating Senior Management executives, UC Regents and Human Resources staff at the University's ten campuses and medical centers.



Ms. Butler has over 10 years of public policy and legal experience having held Counsel and Legislative Affairs positions in the United States Congress, Social Security Administration and the American Federation of State, County and Municipal Employees (AFSCME). She graduated from U.C. Berkeley with a B.A. in Political Science, and she earned her J.D. from Seattle University School of Law.

Lisa Crowfoot

Mayoral Appointee 1/22/2017 - 1/21/2020

Lisa Crowfoot is an attorney who has practiced law and been engaged in California for almost two decades. She currently enjoys doing legal work for an international solar and storage company that is a leading innovator in the space. Previously, she was a partner at a national law firm where her litigation practice focused on representing and counseling design professionals, builders and developers. In that practice, Ms. Crowfoot gained experience regarding the various rules, regulations and limits that apply to both public servants and those seeking to do business with public entities. She also gained an appreciation for the importance of transparency and openness in governance. She joined the Public Ethics Committee with the hope of strengthening Oakland by helping to ensure fairness, openness, honesty and integrity in government.



Ms. Crowfoot obtained her B.A. degree in English Literature from the University of Colorado, Boulder and her J.D. degree from Whittier Law School. She is an active volunteer who is dedicated to supporting her community. She and her husband enjoy raising their daughter near beautiful Lake Merritt.

Gail Kong

Commission Appointee 1/22/2017 - 1/21/2020

Gail Kong is a retired nonprofit and government executive. Most recently she was founding President of the Asian Pacific Fund, a community foundation serving the San Francisco Bay Area dedicated to increasing philanthropy among Asians. As President she was responsible for raising more than \$28 million, primarily from Asian donors and designing and executing grants, education, and cultural programs. Prior to her return to the West Coast in 1990, Ms. Kong was Executive Director of the City Volunteer Corps, a demonstration program that was the precursor to AmeriCorps, and head of the New York City foster care and child protective services agency. She also held executive staff positions in the New York City Human Resources Administration. She has served on several nonprofit boards including Asian Americans Advancing Justice and the Diversity in Health Training Institute.



A graduate of Stanford University with graduate studies at Hunter College School of Social Work and the Harvard Kennedy School of Government, Ms. Kong was born and raised in Gilroy, California and is a third-generation Chinese American. She has lived in Oakland for 21 years.

Nayeli Maxson Velázquez

Commission Appointee 1/22/2019 - 1/21/2022

Maxson Velázquez is the Chief Executive Officer of the Alliance for Community Development, an Oakland-based not-for-profit dedicated to economically empowering local residents, increasing access to capital for underrepresented entrepreneurs and small business owners across the Bay Area.



Prior to joining the Alliance, Ms. Maxson Velázquez worked on political campaigns in California and Nevada, and worked for elected officials at the federal, state and local levels. She has completed the Coro Center for Civic Leadership's Public Affairs Fellowship and the Woodhull Institute for Ethical Leadership program. Ms. Maxson Velázquez formerly served on the Community Development Block Grant Board for Oakland's Central District and currently serves on the Board of Directors for Resilient Wellness (a local organization focused on providing holistic, trauma-informed care through innovative healthcare models) and on the Advisory Board for Oakland Grown (a membership organization of Oakland small businesses and organizations who support them).

Ms. Maxson Velázquez holds a Juris Doctor in Government Law and Social Justice from UC Hastings College of the Law, a Bachelors Degree in Psychology from UC Santa Cruz, a Certificate of French Fluency from Universite de la Sorbonne, and a Certificate of Intermediate Spanish from Ixchel Spanish School.

Jerett Yan

City Auditor Appointee 1/22/2019 - 1/21/2022

Jerett Yan is an attorney with Hanson Bridgett LLP in San Francisco where he provides litigation and advisory services to public entities. In that capacity, he currently serves as a deputy city attorney to the City of Millbrae and an investigator for the San Jose Board of Fair Campaign and Political Practices, where he advises on matter relating to public ethics, transparency, elections, and campaign practices. He also has particular expertise in public works contracting, public ethics, and civil rights compliance.



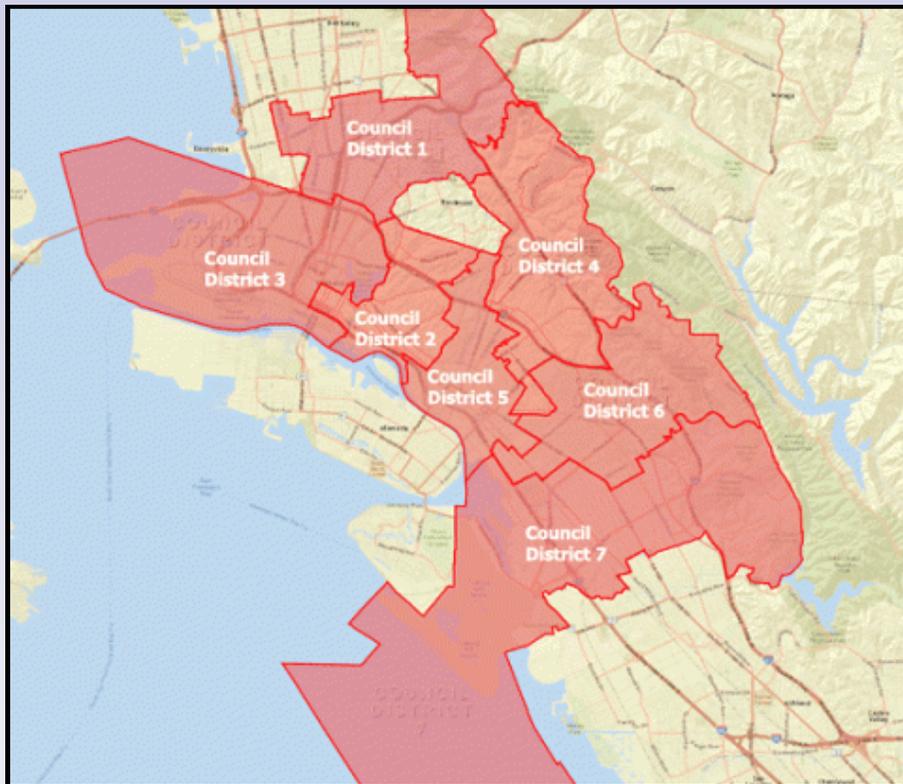
Mr. Yan has previously served as an attorney adviser to the US Environmental Protection Agency's Office of Civil Rights, where he investigated claims of discrimination in environmental permitting practices, a law clerk with the Superior Court of California, County of Los Angeles, and an Americorp VISTA in Chicago as a tenant organizer with the Metropolitan Tenants Organization.

Mr. Yan holds degrees from UC Berkeley School of Law and Northwestern University.



Public Ethics Commission
1 Frank Ogawa Plaza (City Hall), Room 104
Oakland, CA 94612
www.oaklandca.gov/pec
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(510) 238-3593

City of Oakland
Public Ethics Commission



Limited Public Financing Program
Guide for City Council District Candidates

NOVEMBER 2020 ELECTION

Public Ethics Commission
1 Frank Ogawa Plaza (City Hall), Ste. 104
Oakland, CA 94612
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ATTACHMENT 3

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INTRODUCTION

The City of Oakland Limited Public Financing Act (Act) provides a limited amount of campaign funds for candidates running for Oakland City Council District seats. The purposes of the Act include the following:

1. Ensure that people have a fair and equal opportunity to participate in elective and governmental processes;
2. Reduce the influence of large contributors with a specific financial stake in matters under consideration by the City and to counter the perception that decisions are influenced more by the size of contributions than by the best interests of the people;
3. Reduce the pressure on candidates to raise large campaign war chests for defensive purposes, beyond the amount necessary to communicate reasonably with voters;
4. Encourage competition for elective office;
5. Allow candidates and officeholders to spend a smaller proportion of their time on fundraising and a greater proportion of their time dealing with issues of importance to their constituents and the community;
6. Ensure that serious candidates are able to raise enough money to communicate their views and positions adequately to the public, thereby promoting public discussion of important issues involved in political campaigns; and
7. Help preserve public trust in governmental and electoral institutions. [Oakland Municipal Code (OMC) § 3.13.030]

Campaign Reform Act Compliance

Public financing laws work in coordination with the Oakland Campaign Reform Act (OCRA), which limits contributions, provides optional spending limits, restricts contributions from people doing business with the City, and regulates local campaign finance disclosure as a supplement to state campaign finance laws.

The Commission imposes fines for violations of campaign finance and public financing laws, such as failure to file campaign finance forms or receiving contributions over the limit. For more information about campaign rules and potential fines, see the Commission's Oakland Campaign Reform Act Guide for 2020.

The Public Ethics Commission (Commission) administers the Public Financing Program (Program) and is here to assist you in your application and reimbursement process. The application and reimbursement process is complex, so please contact Commission staff if you are a candidate for a City Council District seat who might be interested in help financing your campaign.

Oakland Public Ethics Commission

One Frank H. Ogawa Plaza (City Hall), Ste. 104

Oakland, CA 94612

(510) 238-3593

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AM I ELIGIBLE FOR PUBLIC FINANCING?

Any candidate who is certified by the City Clerk to appear on the ballot for the office of Oakland City Councilmember in Districts 1 – 7 may apply for public financing through the City. Candidates for Citywide offices, along with candidates for the Oakland Unified School District Board of Directors, are not eligible. [OMC § 3.13.060]

HOW MUCH MONEY WILL BE AVAILABLE?

The amount of money available to candidates will depend on how much money was budgeted by City Council and how many candidates are running for City Council Districts 1 – 7 in this election. This year, there is a total of roughly \$153,000 available to be distributed among eligible candidates. In past years, the amount distributed per candidate has ranged between \$8,000 and \$25,000. No candidate may receive more than 30% of Oakland’s voluntary spending limit for the office being sought.¹ Commission staff will announce the amount available to candidates following the deadline for candidates to opt in to the program (as detailed below).

HOW DO I APPLY?

There are two steps to applying for public financing:

1. **Opt-In** – Complete **LPF Form 1 (Acceptance/Rejection of Public Financing)** to accept or reject public financing no later than 14 days after the City Clerk has certified the names of all candidates to appear on the ballot (usually mid-August). [OMC § 3.13.070]
 - The failure to file on time **LPF Form 1** shall constitute an **irrevocable rejection** of public financing for the upcoming election.
2. **Apply for Program Participation** – Complete **LPF Form 2 (Application)** to formally apply for public financing. **LPF Form 2** requires the following:
 - **Campaign Information** – Be sure that we have all current campaign contact information as we use this information to communicate with you and your campaign staff regarding all aspects of your public financing participation, including when your check is ready.
 - **Tax ID/EIN Number** – Campaign committees will need to obtain a Taxpayer/Employer Identification Number (EIN) from the Internal Revenue Service (IRS) to receive reimbursement payments from the City. You can electronically file for an EIN as a political organization at www.irs.gov. Once you have obtained your EIN from the IRS, you will need to submit a completed IRS Form W-9 to the PEC. If you encounter any trouble obtaining your EIN, contact PEC staff for assistance.
 - **Proof of Contributions Received** – The candidate must submit copies of campaign contributions (i.e., contribution checks; not cash) demonstrating that the candidate has received contributions from Oakland donors totaling at least 5% of the voluntary spending limit for the office being sought. The written instrument used to make the

¹ The Public Ethics Commission annually adjusts the voluntary spending limits every January to reflect any increase in the Consumer Price Index. The voluntary spending limits and campaign contribution limits for 2020 are included at the end of this Guide.

contribution must demonstrate an Oakland address. Candidates may submit contributions received electronically from Oakland residents to meet the 5% contribution threshold. In that case, candidates should request that the vendor collecting the online contributions send a CSV (comma separated variable) report directly to the PEC to validate contributor and payment information. PEC staff can assist you with this process. [OMC § 3.13.080(C)]

- **Proof of Expenditures Made** – The candidate must also submit proof in the form of detailed invoices or proof of payments/receipts that he or she has made campaign expenditures totaling at least 5% of the voluntary spending limit for the office being sought. [OMC § 3.13.080(C)]

HOW DO I REQUEST FUNDS?

Funds are provided to candidates as reimbursements for certain types of campaign expenditures (see box on this page). Candidates may apply for reimbursement in minimum increments of \$1,000 or more. Within ten calendar days of the election, candidates may apply for reimbursements in minimum increments of \$500. [OMC § 3.13.120]

A candidate applies for reimbursement by completing **LPF Form 3 (Reimbursement Claim Form)** which must be accompanied by copies of the following for each item for which reimbursement is requested:

1. Billing invoices;
2. Proof of payment by the campaign committee; and
3. Campaign literature, advertisement, radio or television script, or website configuration, if applicable. [OMC § 3.13.110(C)]

Expenditures Qualifying for Reimbursement

Reimbursement will only be provided for the following campaign expenditures:

- Candidate filing and ballot fees
- Printed campaign literature and production costs
- Postage
- Print advertisements
- Radio airtime and production costs
- Television or cable airtime and production costs
- Website design and maintenance costs

[OMC § 3.13.110(B)]

All requests for reimbursement must be submitted prior to the date of the election. Claims submitted on or after the date of the election will not be considered.

Commission staff will review submissions and work closely with candidates to ensure that all documents are in order. Once the submission is complete, Commission staff will respond with payment or an explanation of denial within two weeks.

Upon approval, public financing checks will only be made payable to a candidate's campaign committee. Candidates must deposit the check into the candidate's campaign account within three business days of receipt.

A denial or limitation of a request for reimbursement by the Commission's Executive Director may be appealed to the Commission whose decision shall be final. A request to appeal the denial shall be submitted to Commission staff in writing no more than ten calendar days after receiving written notice of the denial. [OMC § 3.13.110(D)]

REALLOCATION OF THE FUND

To ensure that the full amount allocated in the general election fund is distributed to all interested candidates, the Commission provides a two-phase approach for the disbursement of LPF funds to participants.

1. Phase I – The initial phase begins once eligible candidates opt in to the LPF program and the PEC determines the amount available to each participant.
2. Phase II – The second “redistribution phase” sets an early deadline for participants to submit the first reimbursement request. Thus, **LPF Form 2** and the first **LPF Form 3** must be submitted on or before the Phase II deadline of **September 18**. Failure to timely file **LPF Form 2** and initial **LPF Form 3** by that deadline will deem the participant ineligible to receive public funds for the 2020 election.

Candidates who meet the September 18 deadline may proceed to Phase II. After the Phase II deadline, the PEC recalculates and then re-allocates funds according to the number of participants that met the Phase II requirement. The redistribution can potentially increase the allotted amount to each participant based on the number of candidates that proceed to Phase II.

POST-ELECTION PROCEDURES

The Act requires that a portion of any surplus campaign funds remaining as of December 31, 2020, be returned to the Election Campaign Fund no later than January 31, 2021. [OMC § 3.13.150] The amount to be returned shall be calculated by multiplying the amount of surplus campaign funds (less any outstanding debts) by the percentage that total public financing received represents of total monetary contributions received for the election period.

- For example, if a candidate receives \$40,000 in contributions, \$10,000 in public financing, and as of December 31 has a remaining balance of \$14,000, with \$2,000 in debt, the candidate would owe the Election Campaign Fund \$3,000. (Note: The \$40,000 in contributions does not include public financing funds. LPF funds are NOT considered monetary contributions but are listed as “miscellaneous increase to cash” on campaign statements.) See LPF Form 4 on page 19 of this guide for a breakdown of this calculation.

A candidate shall not be required to return any surplus funds in an amount greater than the amount of public financing received. Commission staff can assist you in calculating the amount that must be returned, if any.

ENFORCEMENT AND OVERSIGHT

The Public Ethics Commission is authorized to administratively enforce the provisions of the Limited Public Financing Act, which may include the imposition of fines, penalties and the return of public financing received. [OMC § 3.13.080] In addition, the City Auditor is required to complete audits of all candidates receiving public financing to ensure compliance with the rules of the program. [OMC § 3.13.100]

LPFA Program Improvement

The Commission continues to review the effectiveness of this public financing program and is taking steps in 2020 to draft a proposed redesign of public financing for future election cycles. Please be sure to provide your feedback on this program, sharing your experience as a local candidate, to Commission staff to assist with the Commission's development of proposed legislation to submit for City Council consideration.

CANDIDATE CHECKLIST FOR LPF ELIGIBILITY

Expenditure Ceiling Amount: \$ _____

5% Threshold: \$ _____

10% Limit on Personal Funds: \$ _____

Step	Program Requirement	Due Date	Completed
1	OCRA Form 301 – Candidate must sign and submit the Form 301 accepting voluntary expenditure ceilings to the City Clerk	Before receiving contributions at higher amount	
2	Candidate Certification – by City Clerk to appear on the ballot	City Clerk deadline for certification	
3	Candidate Has Opposition – Candidate is opposed by another candidate for the same office	Certification of candidates by City Clerk	
4	Candidate Received Training – Candidate or their campaign treasurer or designee has attended a PEC LPF training program	August 27, 2020	
5	LPF Form 1 – Statement of Acceptance or Rejection submitted to PEC	Within 14 days of certification by City Clerk	
6	LPF Form 2 – Initial Application for Public Financing submitted to PEC	September 18, 2020	
7	Minimum Campaign Contributions Received – Candidate has received contributions from Oakland donors totaling at least 5% of the voluntary spending limit for the office	September 18, 2020	
8	Minimum Campaign Expenditures Made – Candidate has made campaign expenditures totaling at least 5% of the voluntary spending limit for the office being sought	September 18, 2020	
9	Candidate’s Personal Funds Are Within Limits – Candidate has not made contributions or loans from personal funds in an amount exceeding 10% of the voluntary spending limit	Ongoing	
10	Campaign Fundraising Materials Comply with OCRA – Candidate included the proper notice regarding contribution limits and contribution prohibitions on contractors doing business with the City on all campaign fundraising material (See Oakland Campaign Reform Act Section 3.12.140)	Ongoing	
11	Return Surplus Funds – Following the election, the candidate must return to the City a portion of excess funds remaining in the campaign account as of December 31	January 31, 2021	

OCRA FORM 301



OCRA Form 301

Candidate Acceptance of Campaign Expenditure Ceilings Oakland Campaign Reform Act

DUE DATE: OCRA Form 301 is due before receiving any contributions at the higher amount allowed for candidates who accept the voluntary expenditure ceiling under sections 3.12.050(b) and 3.12.060(b) of the Oakland Campaign Reform Act.

FOR OFFICE USE ONLY
Date Received

ACCEPTANCE:

I, _____, hereby declare that I am a candidate for the Office of _____, in the City of Oakland’s General Municipal Election, to be held on _____, and I declare that I have established a campaign committee in order to solicit contributions towards my candidacy.

(name)

(City office being sought)

(date of election)

I, _____, hereby accept expenditure ceilings as defined in Sections 3.12.050(c), 3.12.060(c), 3.12.190, 3.12.200, 3.12.210 and 3.12.220 of the City of Oakland’s Campaign Reform Act. I agree that once accepted, the expenditure ceiling is irrevocable except as waived, pursuant to the City of Oakland Campaign Reform Act at Section 3.12.220.

I hereby certify that the above statement is true and correct.

Signature: _____ Date: _____

Sign and submit this form to:

Public Ethics Commission
1 Frank Ogawa Plaza, Room 104
Oakland, CA 94612
(510) 238-3593
ethicscommission@oaklandca.gov

Local candidates are required to follow state and local campaign finance, advertising, and ethics rules. For more detail about Oakland’s laws and public financing for City Council district candidates, contact the Public Ethics Commission.

LPF FORM 1 Acceptance or Rejection of Public Financing

I, _____ (print name), declare that I am a candidate for the Office of City Council District _____ (state district number) in the November 3, 2020, municipal election.

I hereby agree to _____ (Accept/Reject) public financing pursuant to the Limited Public Financing Act (O.M.C. Chapter 3.13) during the November 3, 2020, election.

I understand that, if I choose to **reject** public financing for the November 3, 2020, election, my decision is irrevocable, and I will not be eligible to apply for or receive public financing for the November 3, 2020, election. I further understand that, if I fail to file this form by the deadline specified in O.M.C. §3.13.070(B), my failure to do so will constitute an irrevocable rejection of public financing for the November 3, 2020, election.

I hereby certify that the above statement is true and correct.

Executed on this _____ day of _____, 2020.

Signature: _____ (Candidate)

This form must be filed in person with the Public Ethics Commission at:

Oakland Public Ethics Commission
One Frank H. Ogawa Plaza (City Hall), Room
104
Oakland, CA 94612
(510) 238-3593
(510) 238-3315 (fax)
www.oaklandca.gov/pec
ethicscommission@oaklandca.gov

This form is due no later than 14 days after the City Clerk has certified the names of all candidates to appear on the ballot.

ATTACHMENT 3

LPF FORM 2 Initial Application for Public Financing

Please type or print clearly in ink.

Candidate Name:	
District Office Being Sought:	Date of Election: Tuesday, November 3, 2020
Campaign Mailing Address:	
Phone: (Number at which candidate can be reached during business hours)	Fax: Candidate's Campaign Email:
Name of Controlled Committee	Campaign ID Number:
	Campaign EIN No.
Name of Campaign Treasurer:	Treasurer Phone:
	Treasurer Email:
Name and Address of Financial Institution	Campaign Bank Account Number

This form continues on the next two pages.

ATTACHMENT 3

I hereby apply for public financing and certify that the following information is true and correct:

1. I have executed and timely filed OCRA Form No. 301 accepting voluntary expenditure ceilings.
2. I have executed and timely filed a “Statement of Acceptance or Rejection of Public Financing” (LPF Form 1) and have agreed to accept public financing for the November 3, 2020, election.
3. I am certified to appear on the ballot for the election for which public matching funds are sought.
4. I have received campaign contributions from donors located within the City of Oakland totaling at least 5% of the voluntary spending limit for the office being sought, exclusive of any loans or contributions from my personal funds. **Copies of the checks received to meet this 5% threshold are attached.**
5. I have made qualified campaign expenditures in an aggregate amount of at least 5% of the voluntary spending limit for the office being sought. **Copies of the invoices and/or checks evidencing proof of meeting this 5% spending threshold are attached.**
6. I have not made any contribution or loan to my campaign from any personal funds in an amount exceeding 10% of the voluntary spending limit for the office being sought.
7. I or my campaign treasurer or designee has attended a training program conducted or sponsored by the Public Ethics Commission.

I understand and agree that to receive public financing I must be opposed by a candidate for the same office.

I understand and agree that as a condition of receiving public financing I must timely file, and completely and accurately execute, all pre-election campaign statements that are due at the time public financing is payable as well as timely file, and completely and accurately execute, all post-election campaign statements for the election in which I receive public financing.

I understand and agree that I must return surplus funds to the Public Ethics Commission no later than January 31 of the year following the election.

I understand and agree to all conditions of and requirements for the use of public financing set forth in this Application, the Act and any regulations adopted thereunder. I understand and agree to submit to reasonable audits deemed necessary by the Oakland Public Ethics Commission or other civil authorities as specified by the Limited Public Financing Act.

By my signature below, I certify that:

ATTACHMENT 3

1. I have read and understand the requirements and conditions set forth in this Application and the Oakland Limited Public Financing Act and understand that those requirements and conditions must be satisfied before, during and after I receive public financing.
2. I have not made and I agree to not make any expenditures in excess of the voluntary spending limits of Oakland Municipal Code Section 3.12.200. (This requirement shall not apply if the voluntary spending limits have been lifted pursuant to Oakland Municipal Code Section 3.12.220.)
3. The attached copies of documents are true and accurate copies of the original. I understand that they will be used by the Public Ethics Commission staff to determine my eligibility to apply for and receive public financing.

CANDIDATE'S DECLARATION

I declare under penalty of perjury under the laws of the State of California that my campaign committee and I have complied with all applicable contribution and expenditure limitations under the Oakland Campaign Reform Act at all times in which those limitations apply to my candidacy for the office in contest and I further declare that the representations set forth above are true and correct.

Date: _____

Candidate's Signature

Print or Type Candidate's Name

This form must be submitted to the Public Ethics Commission at:

Oakland Public Ethics Commission
One Frank H. Ogawa Plaza (City Hall), Room
104
Oakland, CA 94612
(510) 238-3593
(510) 238-3315 (fax)
www.oaklandca.gov/pec
ethicscommission@oaklandca.gov

LPF FORM 3 Reimbursement Claim Form

Please type or print clearly in ink.

I. CANDIDATE INFORMATION

Name:	District Office Sought:	Date of Election:
-------	-------------------------	-------------------

II. ATTACHMENTS

Each candidate must submit with this claim form the following:

- Copies of billing invoices for which reimbursement is sought
- Copies of the check(s) used to pay the invoices for which reimbursement is sought
- Copies of any applicable campaign literature, advertisement, radio or television script, or website configuration

Note: Any claim form that is not accompanied by the above documents will not be considered for payment.

The attached copies document a claim for reimbursement for the following permitted categories of expenditures:

- | | |
|---|---|
| <input type="checkbox"/> Candidate filing or ballot fees | <input type="checkbox"/> Printed campaign literature and production costs |
| <input type="checkbox"/> Postage | <input type="checkbox"/> Print advertisements |
| <input type="checkbox"/> Radio airtime and production costs | <input type="checkbox"/> Television or cable airtime and production costs |
| <input type="checkbox"/> Website design and maintenance costs | |

III. CANDIDATE AND TREASURER VERIFICATION

I declare under penalty of perjury under the laws of the State of California that to the best of my knowledge:

(1) the information contained in this form and all attachments submitted herewith are true and correct; (2) the check(s) used to make payment on the billing invoice(s) submitted for reimbursement represent payment in full of said invoice(s) and that sufficient funds exist in the candidate's campaign account to provide payment on those invoices; and (3) any public financing received from the Public Ethics Commission has not been previously earmarked or specifically encumbered to pay or to secure payment of any loan, return of contribution, or of any expenditure other than the one for which reimbursement was sought.

Executed on _____ at _____

Candidate Name

Candidate Signature

ATTACHMENT 3

Executed on _____ at _____

Treasurer Name

Treasurer Signature

Name(s) of Persons Authorized to Pick up Reimbursement Checks:

FOR PEC USE ONLY

Reimbursement Totals

This Period _____

Prior Period _____

Total Reimbursement: _____

Claim Number: _____

Check request date: _____

Check Amount: \$ _____

Authorized by: _____

This form must be submitted to the Public Ethics Commission at:

Oakland Public Ethics Commission
One Frank H. Ogawa Plaza (City Hall), Room
104
Oakland, CA 94612
(510) 238-3593
(510) 238-3315 (fax)
www.oaklandca.gov/pec
ethicscommission@oaklandca.gov

LPF FORM 4 Calculation and Return of Surplus Funds

The Limited Public Financing Act requires candidates that participated in the Limited Public Financing Program to return a percentage of surplus campaign funds remaining at the end of the post-election reporting period following the election for which public financing was received (O.M.C. 3.13.150(A)).

The amount of surplus campaign funds to be returned by the candidate to the Election Campaign Fund shall be calculated by multiplying the amount of surplus campaign funds by the percentage that total public financing received represents of total monetary contributions received for the election period (O.M.C. 3.13.150(B)).

Campaign funds are considered surplus to the extent that the campaign balance exceeds the total financial obligations (debt) of the candidate’s campaign committee.

Calculating Surplus Funds to be returned:

1. Divide the total amount of LPF funds received by the total amount of contributions received by the campaign committee during the election cycle (round number to the nearest hundredth) – this is the percentage that LPF funds represent of total monetary contributions.

Ex) **LPF funds received** = \$10,000 **Total contributions received** = \$40,000
 $\$10,000/\$40,000 = 0.25 = 25\%$

2. Subtract any outstanding debt from the total funds remaining as of 12/31/20.

Ex) **Total funds remaining as of 12/31/20** = \$14,000 **Campaign debt** = \$2,000
 $\$14,000 - \$2,000 = \$12,000$

3. Multiply the amount calculated from Step 2 by the percentage calculated in Step 1 (round to the nearest hundredth) – this is the amount to be returned to the City.

Ex) $\$12,000 (.25) = \$3,000$

Campaign Name	
A. Total monetary Contributions (excluding LPF funds received)	
B. LPF Funds Received	
C. % that LPF funds represents of total monetary contributions (round to the nearest hundredth) (Line B divided by Line A)	
D. Campaign Funds remaining as of 12/31/20	
E. Outstanding Debt (if any)	
F. Total Funds remaining (Line D subtracted by Line E)	
G. Multiply by % that LPF funds represent of total monetary contributions to total funds remaining (Line F multiplied by Line C)	
H. Amount to be returned to Election Campaign Fund	

ATTACHMENT 3

Check the box that applies:

As of 12/31/20, my campaign committee had no remaining surplus funds and therefore, no surplus funds are required to be returned to the City of Oakland.

In compliance with the Limited Public Financing Act, enclosed is a check for \$ _____, representing the amount of surplus funds required to be returned to the City of Oakland.

(Make check payable to "City of Oakland" and submit to the Public Ethics Commission)

By signing below, I certify that the information above is true and correct to the best of my knowledge.

X _____
LPF participant/candidate

Date

(For PEC Staff)

The Public Ethics Commission received a check in the amount of \$ _____ from the _____ committee on _____ to be deposited into the Election Campaign Fund.

X _____
PEC Staff

X _____
Executive Director

APPENDIX 1: Limited Public Financing Act

Chapter 3.13 - LIMITED PUBLIC FINANCING ACT

Article I. - Findings and Purpose

3.13.010 - Title.

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

3.13.020 - Findings and declarations.

The findings of this Act are as follows:

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

3.13.030 - Purpose of this Act.

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

- A. To ensure that all individuals and interest groups in our city have a fair and equal opportunity to participate in elective and governmental processes.
- B. To reduce the influence of large contributors with a specific financial stake in matters under consideration by the city, and to counter the perception that decisions are influenced more by the size of contributions than by the best interests of the people of Oakland.
- C. To reduce the pressure on candidates to raise large campaign war chests for defensive purposes, beyond the amount necessary to communicate reasonably with voters.
- D. To encourage competition for elective office.
- E. To allow candidates and officeholders to spend a smaller proportion of their time on fundraising and a greater proportion of their time dealing with issues of importance to their constituents and the community.

- F. To ensure that serious candidates are able to raise enough money to communicate their views and positions adequately to the public, thereby promoting public discussion of important issues involved in political campaigns.
- G. To help preserve public trust in governmental and electoral institutions.

Article II. – Definitions

3.13.040 - Interpretation of this Act.

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

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

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

Article III. - Election Campaign Fund

3.13.050 - Election campaign fund.

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

3.13.060 - Appropriation of funds.

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

- D. Up to seven and one-half percent of the amount allocated to the election campaign fund pursuant to Subsections 3.13.060(a) and (b) may be utilized by the public ethics commission to cover the anticipated cost of administering the provisions of this Act.

3.13.065 - Allocation of election campaign fund.

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

Article IV. - Eligibility for Public Financing

3.13.070 - Application and withdrawal procedures.

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

3.13.080 - Qualification procedures.

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

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

3.13.090 - Use of personal funds.

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

Article V. - Disbursement of Public Financing

3.13.100 - Duties of the public ethics commission and office of the city auditor.

- A. The public ethics commission shall develop any and all forms necessary to carry out the provisions of the Act. The public ethics commission may, in its discretion, require

any document or form to be filed in an electronic format that is provided by the public ethics commission to the candidates free of charge.

- B. The public ethics commission shall review records submitted to determine a candidate's eligibility to receive public financing and requests for reimbursement promptly. For any candidate determined not to be eligible for public financing, the commission or its designee shall inform the candidate of the reasons why the candidate is not eligible and what actions, if any, the candidate may take to correct any insufficiencies.
- C. The city auditor shall conduct mandatory post-election audits of all candidates accepting public financing. The city auditor may chose to limit the scope of any audit to the items submitted for reimbursement. The audit report shall be a public record and provided to the public ethics commission. The city auditor shall conduct all audits in accordance with generally accepted government auditing standards.

3.13.110 - Requests for public financing.

- A. Public financing pursuant to this Act shall be provided solely by reimbursing eligible candidates for certain qualified campaign expenditures lawfully made by the candidate and his or her campaign committee.
- B. The qualified campaign expenditures eligible for reimbursement are:
 - 1.Candidate filing and ballot fees;
 - 2. Printed campaign literature and production costs;
 - 3.Postage;
 - 4.Print advertisements;
 - 5.Radio airtime and production costs;
 - 6.Television or cable airtime and production costs; and
 - 7.Website design and maintenance costs.
- C. The following conditions and restrictions shall apply to any request for reimbursement:
 - 1.All requests for reimbursement shall be made on a form authorized by the public ethics commission and shall include: (a) a copy of the billing invoice for which reimbursement is sought; (b) a copy of the check(s) by which the candidate's campaign committee made payment on the billing invoice; and (c) a copy, when applicable, of the campaign literature, advertisement, radio or television script, or website configuration.
 - 2.All requests for reimbursement shall include a sworn declaration by the candidate and his or her campaign treasurer that (a) the check(s) used to make payment on the billing invoice represents payment in full of the billing invoice submitted for reimbursement and that sufficient funds exist in the campaign account to provide payment, and (b) any money received from the election campaign fund has not been previously earmarked or specifically encumbered to pay or to secure payment of any loan, return of contribution or of any expenditure other than the one for which reimbursement was sought.
- D. Any decision made by the executive director to deny a request for reimbursement may be appealed to the commission whose decision shall be final. A request to

agendize an appeal of the executive director's decision shall be made in writing and delivered to the office of the public ethics commission no more than ten calendar days after receiving written notice of the executive director's decision.

- E. The total amount of public financing allocated to each candidate shall not exceed 30 percent of the voluntary expenditure ceiling per election for the office being sought.

3.13.120 - Disbursement and deposit of public financing.

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

3.13.150 - Return of surplus funds.

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

candidate submitted a properly documented request for reimbursement before the date of the election or the date of withdrawal from the election.

3.13.170 - Public debates.

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

3.13.180 - Enforcement.

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

3.13.190 - Criminal misdemeanor actions.

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

3.13.200 - Enforcement actions.

- A. Any person who intentionally or negligently (1) misrepresents his or her eligibility for public financing, (2) makes a material misrepresentation in connection with a request for reimbursement, or (3) causes, aids or abets any other person to violate the provisions of this Act, is subject to enforcement proceedings before the public ethics commission pursuant to the public ethics commission general rules of procedure.
- B. If two or more persons are responsible for any violation, they shall be jointly and severally liable.
- C. Any person alleging a violation of this Act shall first file with the public ethics commission a written complaint on a form approved for such purpose. The complaint shall contain a statement of the grounds for believing a violation has occurred. The public ethics commission shall review, investigate and make determinations regarding any alleged violation consistent with the public ethics commission's general complaint procedures.
- D. The commission has full authority to settle any action involving public financing in the interest of justice.
- E. If the commission determines a violation has occurred, the commission is hereby authorized to administer appropriate penalties and fines not to exceed \$1,000.00 per violation and to order the repayment of public financing received or expended in violation of law.

- F. The public ethics commission may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this Act.
- G. No complaint alleging a violation of any provision of this Act shall be filed more than four years after the date the violation occurred.

3.13.220 - Construction.

The Act shall be liberally construed to accomplish its purposes.

3.13.240 - Applicability of other laws.

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

3.13.260 - Severability.

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

APPENDIX 2: Local Contribution and Expenditure Limits

The Limited Public Financing Act applies in conjunction with the Oakland Campaign Reform Act (OCRA). OCRA, as amended in 2019, establishes, among other things, local contribution limits and optional campaign spending limits for Oakland candidates and committees.

Spending limits for Citywide offices, such as the Mayor, City Auditor, and City Attorney, as well as each individual district office, are established in correlation to the number of residents in each district and shall not exceed a specified amount per resident for each election in which the candidate is seeking office (O.M.C. 3.12.200). The PEC adjusts the contribution and spending limits annually to reflect the increase in the Consumer Price Index.

The next page provides a breakdown of the contribution and expenditure limits for 2020. To learn more about local contribution and spending limits, check out the Commission's 2020 OCRA Guide for candidates.

ATTACHMENT 3

CITY OF OAKLAND CAMPAIGN CONTRIBUTION AND VOLUNTARY CAMPAIGN SPENDING LIMITS PER THE OAKLAND CAMPAIGN REFORM ACT 2020

LIMITATIONS ON CONTRIBUTIONS FROM PERSONS (§3.12.050)

For candidates who DO NOT agree to limit campaign spending (3.12.050(A))	\$200
For candidates who agree to limit campaign spending (3.12.050(B))	\$900

LIMITATIONS ON CONTRIBUTIONS FROM BROAD-BASED POLITICAL COMMITTEES (§3.12.060)

For candidates who DO NOT agree to limit campaign spending (3.12.050(A))	\$400
For candidates who agree to limit campaign spending (3.12.050(B))	\$1,700

EXPENDITURE CEILINGS FOR CANDIDATES FOR MAYOR AND OTHER CITYWIDE OFFICES WHO AGREE TO VOLUNTARY SPENDING LIMITS (§3.12.200)

Mayor	\$488,000
City Auditor	\$348,000
City Attorney	\$348,000
Council Member At-Large	\$348,000
District 1 Council Member	\$153,000
District 2 Council Member	\$153,000
District 3 Council Member	\$153,000
District 4 Council Member	\$146,000
District 5 Council Member	\$146,000
District 6 Council Member	\$146,000
District 7 Council Member	\$148,000
District 1 School Board Director	\$102,000
District 2 School Board Director	\$102,000
District 3 School Board Director	\$102,000
District 4 School Board Director	\$97,000
District 5 School Board Director	\$97,000
District 6 School Board Director	\$97,000
District 7 School Board Director	\$99,000

INDEPENDENT EXPENDITURE COMMITTEE THRESHOLD/EXPENDITURE CEILINGS LIFTED (§3.12.220)

Citywide offices	\$125,000
District offices	\$27,000

ATTACHMENT 3



Public Ethics Commission
1 Frank Ogawa Plaza (City Hall), Ste. 104
Oakland, CA 94612
www.oaklandca.gov/pec
ethicscommission@oaklandca.gov
(510) 238-3593

ATTACHMENT 4



James E.T. Jackson, Chair
Nayeli Maxson Velázquez, Vice Chair
Jill M. Butler
Michael MacDonald
Janani Ramachandran
Joseph Tuman
Jerett Yan

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Kellie Johnson, Enforcement Chief
DATE: March 18, 2020
RE: *In the Matter of the City of Oakland Finance Department (Case No. M2019-17);*
Mediation Summary

I. INTRODUCTION

On October 8, 2019, the Commission received a request for mediation from the Requestor alleging that Building and Planning Department failed to provide responsive documents to two separate public records requests. The Requester initiated their respective public records request on May 11, 2019 and August 25, 2019, seeking copies of Radio Frequency Reports that she believed were provided to the City of Oakland between January 1996 and August 2019, the department did not provide a response.

Staff initiated the Mediation process on October 16, 2019. On October 21, 2019, Staff contacted the Building and Planning Department regarding the request for mediation. David Guillory (“Guillory”) with the Planning Department released some responsive documents (Permit History Telecoms) to the requester and the request was closed with a note that informed the Requester that the information they requested was not collected by the City but by the Federal Communications Commission. In response to that mediation, the Requester confirmed that they received some documents but believed, according to the department procedures, there were additional documents that should be released. On February 3, 2020, Issam Shahrouri the Deputy Director of the Building department confirmed that the documents that the Requester was seeking were not documents collected or maintained by his department. Staff recommends that the Commission close the mediation without further action.

II. SUMMARY OF LAW

One of the primary purposes of the Oakland Sunshine Ordinance is to clarify and supplement the California Public Records Act (CPRA), which requires that all government records be open to inspection by the public unless there is a specific reason not to allow inspection.¹ The CPRA requires each agency to make public records promptly available to any person upon request.²

¹ Oakland Municipal Code § 2.20.010(C); California Government Code § 6250 et seq.

² Government Code § 6253(b).

ATTACHMENT 4

Any person whose request to inspect or copy public records has been denied by any City of Oakland body, agency, or department, may demand mediation of his or her request by Commission Staff.³ A person may not file a complaint with the Commission alleging the failure to permit the timely inspection or copying of a public record unless they have requested and participated in the Commission's mediation program.⁴

Once the Commission's mediation program has been concluded, Commission Staff is required to report the matter to the Commission by submitting a written summary of the issues presented, what efforts were made towards resolution, and how the dispute was resolved or what further efforts Commission Staff would recommend to resolve the dispute.⁵

III. SUMMARY OF FACTS

On May 11, 2019 and August 25, 2019, the Requester made a request via the City's NextRequest system for the following (Both records requests were assigned to the Planning and Building Department):

1. May 11, 2019, Request No. 19-2426.

"On Attachment B: Standard Conditions for many telecom applications/decision letters, Item #14 - Radio Frequency Emissions is a category. "Prior to the final building permit sign-off. The applicant shall submit a certified RF emissions report stating the facility is operating within the acceptable standards established by the regulatory FCC."

I am requesting copies of the certified RF emissions reports for all telecom facilities installed in Oakland since 1996. I would like to have the reports be sorted by (1) zip code, (2) facility location address, (3) date installed and date of report, (4) facility description and (5) include the Planning and Building Departments case file identifying code and the telecom company who applied for this facility. "

On July 2, 2019, Guillory released Permit History Telecoms covering 1996-2019 and on July 31, 2019, he closed the public records request 19-2426.

2. August 25, 2019, Request No. 19-4253.

"Please provide all complete RF (Radio Frequency) Emission reports provided to the City in compliance with Ordinance 17.128.130 (b) for the period of time from 01/01/1996 to 08/20/2019."

Staff received a request for mediation on October 8, 2019.

Staff contacted Guillory with the Planning Department on October 21, 2019, and November 12, 2019.

On November 13, 2019, Guillory wrote a note to NextRequest regarding No. 19-4253 that informed the Requester of the following:

³ O.M.C. § 2.20.270(C)(1).

⁴ O.M.C. § 2.20.270(F).

⁵ Complaint Procedures § IV (C)(5).

ATTACHMENT 4

“The requested documents do not exist.”

The request was closed on November 13, 2019.

Staff contacted Guillory on November 15, 2019. Guillory confirmed that the department received guidance from its Oakland City Attorney representative that the Requester should contact the Federal Communications Commission (FCC) to get copies of any related Radio Frequency Emissions reports.

The Requester contacted the FCC to obtain a copy of the reports and was informed that the RF Emissions reports they were seeking are not maintained by the FCC, but by the respective City government.

The Planning department re-opened the request on November 18, 2019 and uploaded some responsive documents.

On December 2, 2019, Staff contacted Alexandria McBride the City of Oakland Chief Resilience Officer.

Staff contacted the requester to seek additional information about the public records request and what specific documents he believed were missing. The Requester believed the post Radio Frequency Emissions reports, per City policy, regarding tests conducted after the telecom poles were installed in specific neighborhoods were documents that were not disclosed in the public records request.

The City of Oakland Planning and Building department is subject to Oakland ordinance on Telecommunications Regulations 17.128.130 (c), which provides that:

17.128.130 - Radio frequency emissions standards.

“The applicant for all wireless facilities, including requests for modifications to existing facilities, shall submit the following verifications:

- a. With the initial application, a RF emissions report, prepared by a licensed professional engineer or other expert, indicating that the proposed site will operate within the current acceptable thresholds as established by the Federal government or any such agency who may be subsequently authorized to establish such standards.
- b. Prior to commencement of construction, a RF emissions report indicating the baseline RF emissions condition at the proposed site.
- c. Prior to final building permit sign off, an RF emissions report indicating that the site is actually operating within the acceptable thresholds as established by the Federal government or any such agency who may be subsequently authorized to establish such standards.

The Requester asked that Staff assist in obtaining a copy of any and all RF emissions reports as described in section (c) of the Radio Frequency Emissions Standards ordinance.

Staff contacted Issam Shahrouri the Deputy Director of the Building department to request a department search for any and all post installation Radio Frequency Emission reports. The Deputy Director confirmed

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that his department does not and have not collected or maintained any post Radio Frequency Emission reports.

The request was closed again on March 11, 2020 with a note that the requested documents do not exist.

The Requester wants the PEC to be aware of the enormous amount of time consumed and the frustration that resulted in attempting to get responsive documents to their public records request.

IV. RECOMMENDATION

The requester received all responsive reports that the Planning and Building department maintains on Radio Frequency Emissions, Staff recommends that the Commission close the mediation without further action.

ATTACHMENT 5



James E.T. Jackson, Chair
Nayeli Maxson Velázquez, Vice Chair
Jill M. Butler
Michael MacDonald
Janani Ramachandran
Joseph Tuman
Jerett Yan

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Kellie Johnson, Enforcement Chief
DATE: April 2, 2020
RE: *In the Matter of the Oakland Finance Dept. (Case No. M2020-05); Mediation Summary*

I. INTRODUCTION

On February 20, 2020, the Commission received a request for mediation from the requestor alleging that an employee from the City's Economic and Workforce Development department failed to provide responsive documents to a public records request. Three months had passed since the request was filed and the requestor did not get a response.

Staff initiated the Mediation process on March 2, 2020. On March 3, 2020 Rebecca Perry ("Perry") with the Economic and Workforce Development Department released some responsive documents to the requestor and the request was closed. In response to that mediation, the requestor confirmed receipt of some documents but believed there were additional documents that should be released. On March 3, 2020, the department representative confirmed that all responsive documents were released. Staff recommends that the Commission close the mediation without further action.

II. SUMMARY OF LAW

One of the primary purposes of the Oakland Sunshine Ordinance is to clarify and supplement the California Public Records Act (CPRA), which requires that all government records be open to inspection by the public unless there is a specific reason not to allow inspection.¹ The CPRA requires each agency to make public records promptly available to any person upon request.²

Any person whose request to inspect or copy public records has been denied by any City of Oakland body, agency, or department, may demand mediation of his or her request by Commission Staff.³ A person may not file a complaint with the Commission alleging the failure to permit the timely inspection or copying of a public record unless they have requested and participated in the Commission's mediation program.⁴

Once the Commission's mediation program has been concluded, Commission Staff is required to report the matter to the Commission by submitting a written summary of the issues presented, what efforts

¹ Oakland Municipal Code § 2.20.010(C); California Government Code § 6250 et seq.

² Government Code § 6253(b).

³ O.M.C. § 2.20.270(C)(1).

⁴ O.M.C. § 2.20.270(F).

ATTACHMENT 5

were made towards resolution, and how the dispute was resolved or what further efforts Commission Staff would recommend to resolve the dispute.⁵

III. SUMMARY OF FACTS

In September 19, 2019 the Requester made a public records requests for the following:

“All documents, communications, emails, contracts, etc., from, to or mentioning Sterling Heatley, and/or representatives of 2327 San Pablo LLC, Urban Value Investments LLC, S & G Capital Advisors LLC, from May 1, 2017 to September 17, 2019:

From or to the following offices and individuals:
Department of Housing and Community Development
Economic and Workforce Development
The Office of Mayor, Libby Schaaf”

The records request was assigned to the Economic and Workforce Development Department on September 19, 2019. Perry was assigned as the point of contact.

On October 7, 2019, Perry wrote a note to NextRequest that informed the Requester of the following:

“We have received your request. We are in the process of compiling the records and need the additional time.”

On October 15, 2019, a note was uploaded to the NextRequest system that informed the Requester of the following:

“10/29/2019 (was 10/14/2019). Staff requires more time for review of a large amount of records, to either release the requested records or to declare that no responsive records exist in our department.”

On November 15, 2019, a note was uploaded to the NextRequest system that informed the Requester of the following:

“11/29/2019 (was 10/29/2019). Staff continues to search manually through records for possible documents. Please allow two weeks for a release or an update.”

Once Staff received the request for mediation on February 20, 2020, Staff contacted the requester to seek additional information about the public records request and what specific documents he believed were missing and suggested he inform the department of the missing documents. Staff contacted the Economic and Workforce Development Department to request a search for any additional records. The department executive assistant did not locate any additional responsive documents and informed the respondent and Staff that all records had been provided.

IV. RECOMMENDATION

⁵ Complaint Procedures § IV (C)(5).

ATTACHMENT 5

The requester received all responsive documents, Staff recommends that the Commission close the mediation without further action.

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James E.T. Jackson, Chair
Nayeli Maxson Velázquez, Vice-Chair
Jill M. Butler
Michael B. MacDonald
Janani Ramachandran
Joe Tuman
Jerett Yan

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Suzanne Doran, Lead Analyst
Jelani Killings, Ethics Analyst
Whitney Barazoto, Executive Director
DATE: April 24, 2020
RE: Disclosure and Engagement Report

This memorandum provides a summary of 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.

Filing Officer - Compliance

Lobbyist Registration and Reporting Program – April 30 is the deadline for quarterly lobbyist activity reports covering the period from January 1 through March 31, 2020. Outreach to lobbyists this month included notices of the upcoming deadline as well as providing assistance with filing in light of challenges posed by the COVID-19-related shelter-in-place order.

Behested Payment Disclosure (“behested payments” are payments made to a charity upon the solicitation of an elected official) – To aid compliance with behested payment disclosure requirements during this time, Commission staff implemented a temporary online Form 803 process so that elected officials could submit their reports digitally. The online form will eventually be integrated into the ethics portal under development. Additionally, staff sent an advisory to all elected officials and their staff explaining behested payment disclosure requirements with links for online form submission.

Since implementing the online form, the Commission received seven filings from the Mayor’s Office reporting a total of \$2,724,000 in solicited contributions to the New Venture Fund Oakland Fund for Public Innovation. The stated purpose was donations to the Oakland COVID-19 Relief Fund.

Behested payment reports are available for public viewing through the [Public Portal for Campaign Finance and Lobbyist Disclosure](#). A search for filings by a public official’s name will return any behested payment reports in the database submitted by that official (identified as Form 803).

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Illuminating Disclosure Data

Lobbyist E-filing – Work on the [OakApps](#) lobbyist reporting app continued throughout March and April. As part of the quality assurance process, Commission staff demonstrated the app on April 22 with the IT development team for Chief Information Officer Andrew “Pete” Peterson. Approval was granted to move forward to the final testing phase, which is the last step before the app goes live.

Open Disclosure – Since the statewide shelter-in-place order was issued, OpenOakland volunteers have been meeting regularly through Zoom meetings and our OpenDisclosure Slack channel. Despite the challenges, work on the 2020 election campaign finance site continues. Major accomplishments in March and April included release of the new and improved [landing page](#) design with live data and release of a new [election summary](#) page. The new pages provide more insights from the data such as the percentage of contributions coming from Oakland, most expensive contests, and top sources of independent expenditures. Additional calculations for the summary page are in progress. Team members also conducted outreach to users of the disclosure alerts email list to better integrate the alerts with the website and learn more about users’ needs.

Advice and Engagement

Candidates and Campaigns – Due to the shelter-in-place order, staff cancelled the candidate and treasurer training scheduled for April 8. Staff has been in communication with the FPPC to re-schedule the training and offer it as a live webinar in May or June. The training will cover state and local campaign rules and include topics such as recordkeeping, campaign forms, advertisement disclaimers, local expenditure ceilings and contributions limits, and the Limited Public Financing Program.

Staff revised the Limited Public Financing (LPF) Guide for the 2020 election, making updates to LPF program forms along with additional edits to ensure that language is consistent with the recently revised Oakland Campaign Reform Act (OCRA) Guide.

Sunshine Education – Staff is developing a Sunshine training that will be used as an online resource for City staff and members of local bodies. The training will cover topics including what constitutes a meeting, agenda publishing and noticing requirements, open meeting rules, and enforcement. Staff will also develop a training on responding to public records requests to cover the public information provisions of the Sunshine Ordinance.

Advice and Assistance – Commission staff continues to respond to email and phone advice calls and requests for assistance as usual. The PEC has responded to 97 requests for advice or assistance since January 2019.

ATTACHMENT 7



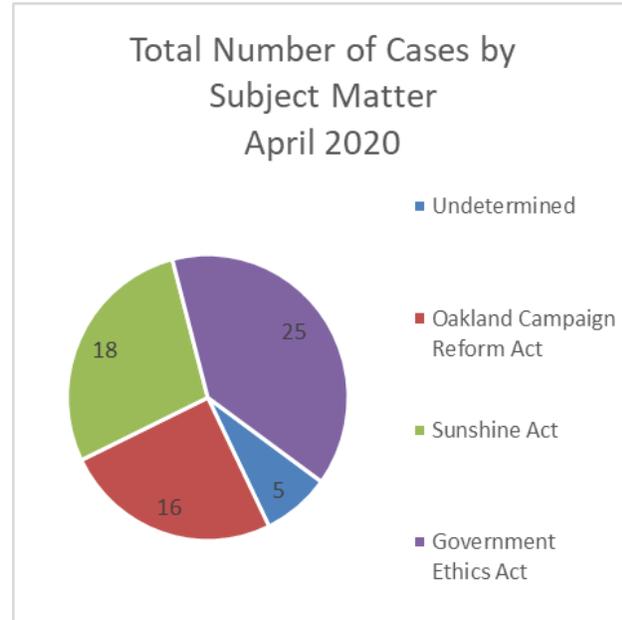
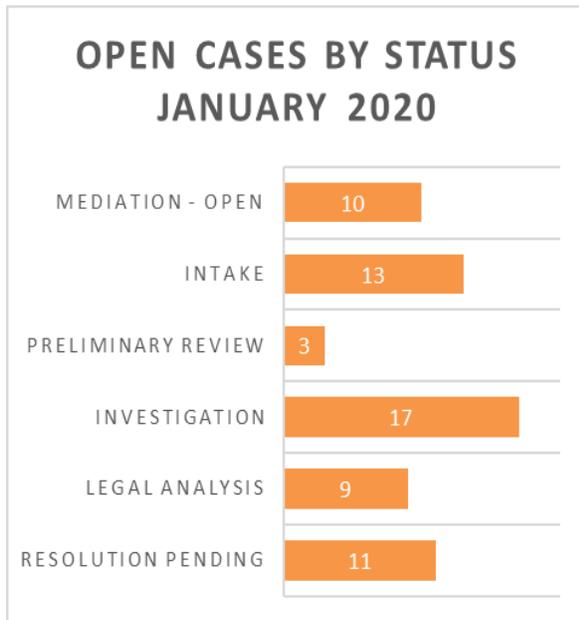
James E.T. Jackson, Chair
Nayeli Maxson Velázquez, Vice Chair
Jill M. Butler
Michael MacDonald
Janani Ramachandran
Joseph Tuman
Jerett Yan

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Kellie Johnson, Enforcement Chief
DATE: April 21, 2020
RE: Enforcement Program Update

Current Enforcement Activities:

Since the last Enforcement Program Update on March 2, 2020, Commission staff received three complaints. This brings the total Enforcement caseload to 64 enforcement and mediation cases: 16 matters in the intake or preliminary review stage, 17 matters under active investigation, 9 matters under post-investigation analysis, 11 matters in settlement negotiations or awaiting an administrative hearing, and 10 ongoing public records request mediations.



Summary of Cases:

Since the last Enforcement Program Update in March 2020, the following status changes occurred:

1. *In the Matter of Raven Bays* (Complaint No. 20-06) On February 19, 2020, the City of Oakland Public Ethics Commission (PEC) received this fourth complaint that alleged the same allegations from complaint (#19-21, 20-01, and 20-02) that an Oakland City employee with

Public Works Department (maintenance/grounds keeping) violated the Oakland Government Ethics Act by engaging in harassing, profane, sexist and racially incendiary conduct against the complainant. Complaints (#19-21, 20-01 and 20-02) were previously dismissed because the alleged conduct, even if true, did not fall within the PEC's enforcement jurisdiction. The fourth complaint filed by the complainant was reviewed pursuant to the PEC complaint policy and after review of the PEC Chair, it was determined that the complainant filed an Unmeritorious Complaint and the complaint was dismissed.

2. *In the Matter of The National Association of Realtors* (Complaint No. 20-07) On February 25, 2020, Enforcement staff received a formal complaint alleging that the National Association of Realtors, authorized and distributed ballot measure campaign literature through the mail opposing Ballot Measure Q without including its FPPC Registration Number on the mailer. Staff reviewed the facts and the law and determined that the Oakland Campaign Reform Act does not require a campaign committee include this information on a mailed advertisement and no other provision under the PEC's jurisdiction applied. The complaint was dismissed.
3. *In the Matter of The Bridge Association of Realtors* (Complaint No. 20-08) On February 25, 2020, Enforcement staff received a formal complaint alleging that the National Association of Realtors, authorized and distributed ballot measure campaign literature through the mail opposing Ballot Measure Q without including its FPPC Registration Number on the mailer. Staff reviewed the facts and the law and determined that the Oakland Campaign Reform Act does not require a campaign committee include this information on a mailed advertisement and no other provision under the PEC's jurisdiction applied. The complaint was dismissed.
4. *In the Matter of City of the Department of Building and Planning [Mediation Summary]* (Case No. M2019-17). On October 8, 2019, the Commission received a request for mediation from the Requestor alleging that Building and Planning Department failed to provide responsive documents to two separate public records requests. The Requester initiated their respective public records request on May 11, 2019 and August 25, 2019, seeking copies of Radio Frequency Reports that they believed were provided to the City of Oakland between January 1996 and August 2019, the department did not provide a response. Staff initiated the Mediation process on October 16, 2019. The Deputy Director of the Building department confirmed that the documents that the Requester was seeking were not documents collected or maintained by his department. Staff recommends that the Commission close the mediation without further action. (See Action Items)
5. *In the Matter of The Economic and Workforce Development Department [Mediation Summary]* (Case No. M2020-05) On February 20, 2020, the Commission received a request for mediation from the requestor alleging that an employee from the City's Economic and Workforce Development department failed to provide responsive documents to a public records request. Three months had passed since the request was filed and the requester did not get a response. Staff initiated the Mediation process on March 2, 2020. On March 3, 2020, the department representative confirmed that all responsive documents were released. Staff recommends that the Commission close the mediation without further action. (See Action Items)



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

April 21, 2020

Raven Bays



Re: PEC Complaint No. 20-06; Dismissal Letter

Dear Ms. Bays:

On February 19, 2020, the City of Oakland Public Ethics Commission (PEC) received your fourth complaint (#20-06) asserting the same allegations from complaint (#19-21, 20-01, and 20-02) that an Oakland City employee with Public Works Department (maintenance/grounds keeping) violated the Oakland Government Ethics Act by engaging in harassing, profane, sexist and racially incendiary conduct against you. Complaints (#19-21, 20-01 and 20-02) were dismissed because the allegations, if true, do not constitute a violation of law within the Commission's enforcement jurisdiction. As with your previous complaints, the alleged conduct does not fall within the PEC's enforcement jurisdiction, and we are therefore dismissing your complaint.

Under the Public Ethics Commission Complaints Policy, any person who has submitted (4) four complaints with the Commission within a twelve (12) month period and has had each complaint determined adversely to the person, shall be deemed a "repetitive unmeritorious complaint." Any subsequent complaint submitted by a repetitive unmeritorious complainant during the (12) twelve-month period must be reviewed by the Commission Chair, and, if deemed unmeritorious on its face, the complaint shall not be processed or reviewed. On February 26, 2020 the Chair of the Public Ethics Commission determined that the complaint you filed was unmeritorious on its face and that the case will not be reviewed further.

We are concerned about your safety. If you are being sexually harassed, assaulted or touched in an inappropriate way, you should immediately call 9-1-1. If the incident has already occurred, please call the Oakland Police report line at (510) 777-3333 to report the incident. If you need help or further assistance on your rights or protections, please call the Bay Area Rape Crisis line at (510) 845-RAPE. This is a 24-hour crisis line that can assist you with getting the help you need.

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 May 4, 2020, at 6:30 p.m. by teleconference as will be posted on the Commission's website in advance of the meeting. The report will be purely informational, and

ATTACHMENT 7

PEC Complaint No. 20-06; Dismissal Letter
Page 2

no action will be taken by the Commission regarding this matter, which is now closed. However, you are welcome to call-in to that meeting to listen and/or give public comment if you wish. You may also submit written comments to us before that meeting, and we will add them to the meeting materials. Thank you for bringing this matter to our attention.

Sincerely,

Kellie Johnson, Enforcement Chief
City of Oakland, Public Ethics Commission
KJohnson3@oaklandca.gov



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Public Ethics Commission
Enforcement Unit

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

April 23, 2020

National Association of Realtors

██████████
████████████████████

Re: PEC Complaint No. 20-07 and 20-08; Dismissal of Complaint

Dear Sir or Madam:

The City of Oakland Public Ethics Commission received the attached complaint(s) against the National Association of Realtors (Association) (20-07 and 20-08), alleging violations of the Oakland Campaign Finance Act (OCRA) for failing to include the Association's campaign committee California Fair Political Practices Commission Registration Number on mailed advertisements.

We have reviewed the complaint, the facts and the law. The allegations raised by the complainant do not provide sufficient facts to establish a violation of OCRA or a violation within the PEC's jurisdiction. Therefore, we are dismissing this complaint against the Association. No action is necessary on your part; this is just a courtesy notice.

A copy of the dismissal letter to the complainant is attached. If you have any questions regarding this matter, please feel free to contact me at (510) 238-4976 or Kjohnson3@oaklandca.gov.

Sincerely,

Kellie F. Johnson
Enforcement Chief
City of Oakland Public Ethics Commission

ATTACHMENT 7



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Public Ethics Commission
Enforcement Unit

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

April 23, 2020

Bridge Association of Realtors
[REDACTED]
[REDACTED]

Re: PEC Complaint No. 20-07 and 20-08; Dismissal of Complaint

Dear Sir or Madam:

The City of Oakland Public Ethics Commission received the attached complaint(s) against the National Association of Realtors (Association) (20-07 and 20-08), alleging violations of the Oakland Campaign Finance Act (OCRA) for failing to include the Association's campaign committee California Fair Political Practices Commission Registration Number on mailed advertisements.

We have reviewed the complaint, the facts and the law. The allegations raised by the complainant do not provide sufficient facts to establish a violation of OCRA or a violation within the PEC's jurisdiction. Therefore, we are dismissing this complaint against the Association. No action is necessary on your part; this is just a courtesy notice.

A copy of the dismissal letter to the complainant is attached. If you have any questions regarding this matter, please feel free to contact me at (510) 238-4976 or Kjohnson3@oaklandca.gov.

Sincerely,

Kellie F. Johnson
Enforcement Chief
City of Oakland Public Ethics Commission

ATTACHMENT 8



James E.T. Jackson, Chair
Nayeli Maxson Velázquez, Vice-Chair
Jill M. Butler
Michael B. MacDonald
Janani Ramachandran
Joe Tuman
Jerett Yan

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Whitney Barazoto, Executive Director
DATE: April 24, 2020
RE: Executive Director's Report

This memorandum provides an overview of the Public Ethics Commission's (PEC or Commission) significant activities completed or in progress since the Commission's last regular meeting that are not otherwise covered by other staff program reports. The attached overview of Commission Programs and Priorities includes the ongoing goals and activities for 2019-20 for each program area.

Commission Staffing and Projects During COVID-19

In light of COVID-19-related shelter-in-place restrictions issued by Governor Newsom and Interim City Administrator Stephen Falk, Commission staff are conducting PEC work remotely. All staff have been equipped with remote access and are able to communicate and coordinate on work assignments with complete access to Commission files, email, and documents. In addition, staff have pivoted on a few assignments to focus on key areas:

1. Ethics issues relevant to COVID-19 environment – Staff reached out to the Mayor's office to ensure that charitable contributions made to the COVID-19 Relief Fund at the Mayor's behest are being properly reported; staff also employed its newly-created Form 803 electronic reporting tool that had been created as a test for e-filing this document.
2. E-filing systems – Staff continue to work with IT to prepare the lobbyist registration filing system for launch in the second quarter of this year.
3. Education Webinars – Education staff is resetting the training for candidates and committees as an online webinar in coordination with our partner, the California Fair Political Practices Commission. Staff also has moved up its project to create an online web-based Sunshine training for City officials and staff.
4. Subcommittee work – Staff will soon begin convening the Sunshine Report Card subcommittee by teleconference to outline the review project criteria and steps for evaluating public records request performance by departments.

Enforcement work is continuing as before with slight modifications where direct contact, such as personal interviews, cannot occur. City response time also has slowed and is impacting investigations.

New Commissioner Orientation

Staff provided a 3-hour orientation to our two newest commissioners, Michael MacDonald and Janani Ramachandran, on March 6, 2020.

Attachment: Commission Programs and Priorities

ATTACHMENT 8

PUBLIC ETHICS COMMISSION Programs and Priorities 2019-20

Program	Goal	Desired Outcome	Key Projects for 2019-20
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. Government Integrity Data partnership
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) elected officials, b) City employees (1000), b) board/commission members, and c) consultants 2. Board/Commission member/liaison support/guidance; Sunshine/Meeting agenda posting Compliance Review v 3. Ongoing: advice calls, in-person trainings, ethics orientation for new employees (12), supervisor academy (3-4), and PEC newsletter (2) 4. Sunshine and Lobbyist education materials
Outreach/ Engage	Citizens and regulated community know about the PEC and know that the PEC is responsive to their complaints/questions about government ethics, campaign finance, or transparency concerns.	The PEC actively engages with clients and citizens demonstrating a collaborative transparency approach that fosters two-way interaction between citizens and government to enhance mutual knowledge, understanding, and trust.	<ol style="list-style-type: none"> 1. Outreach to client groups: <ul style="list-style-type: none"> -City staff/officials -people doing business with the City 2. Sustain/enhance general PEC social media outreach 3. PEC Roadshow – focus on CF project outreach (Commissioners) 4. Engage Boards/Commissions regarding Sunshine requirements (ensure/review agenda postings online)
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. Lobbyist Registration – pilot new e-filing system, create online open data format for public accessibility 2. Form 803 Behested Payments – implement e-filing process, create online open data format for public accessibility 3. Initiate/develop project plan to establish contractor database 4. Open Disclosure 2020 – campaign data visualization project 5. Government Integrity Data Project planning and development
Detect/ Deter	PEC staff proactively detects potential violations and efficiently investigates complaints of non-	Public servants, candidates, lobbyists, and City contractors are motivated to comply with	<ol style="list-style-type: none"> 1. Focus on ethics violations, proactive investigations 2. Conduct complaint intakes within 2 weeks 3. Collaborate with other government law enforcement agencies

ATTACHMENT 8

	compliance with laws within the PEC's jurisdiction.	the laws within the PEC's jurisdiction.	4. Conduct audits to identify common, across-the-board compliance issues
Prosecute	Enforcement is swift, fair, consistent, and effective.	Obtain compliance with campaign finance, ethics, and transparency laws, and provide timely, fair, and consistent enforcement that is proportional to the seriousness of the violation.	<ol style="list-style-type: none"> 1. Conduct hearings as needed 2. Complete City ticket cases 3. Expedite Sunshine Mediations ✓ 4. Amend Complaint Procedures ✓ 5. Resolve all 2014 and 2015 cases ✓ 6. Streamline and expand enforcement systems to incorporate broader tools
Administration/ Management	PEC staff collects and uses performance data to guide improvements to program activities, motivate staff, and share progress toward PEC goals.	PEC staff model a culture of accountability, transparency, innovation, and performance management.	<ol style="list-style-type: none"> 1. Revise PEC Enabling Ordinance 2. Publish performance goals and data on PEC website – dashboards 3. Review data to adjust activities throughout the year 4. Ongoing: professional development and staff reviews ✓