

PUBLIC ETHICS COMMISSION

PERFORMANCE PLAN AND PRIORITIES

2022-25

MISSION

The Public Ethics Commission (PEC) ensures compliance with the City of Oakland’s government ethics, campaign finance, transparency, and lobbyist registration laws that aim to promote fairness, openness, honesty, and integrity in city government.

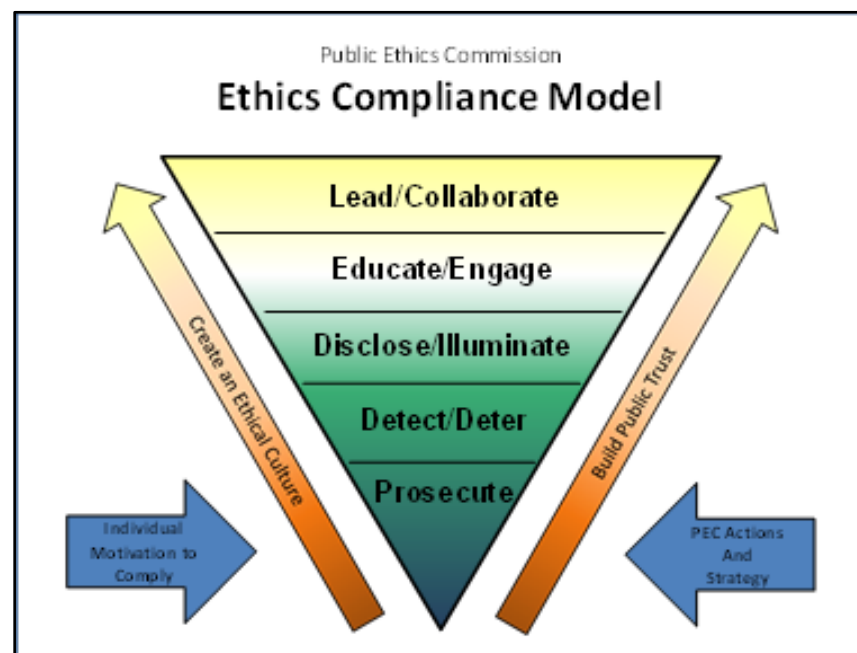
ACTIVITIES

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

Educate/Advise – Provide education, advice, technical assistance, and formal legal opinions to promote awareness and understanding of the city’s campaign finance, ethics, and transparency laws.

Outreach/Engage – Interact with Oaklanders and PEC clients to spread the word about PEC work, resources and tools, hear input on client and community needs, and identify opportunities to innovate and partner on projects.

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 PEC’s jurisdiction.

Prosecute – Obtain compliance and impose fines or penalties for violations of the laws within the PEC’s jurisdiction through administrative or civil remedies.

LEAD/COLLABORATE

DESIRED OUTCOME: Effective campaign finance, ethics, and transparency policies, procedures, and systems are in place across City agencies.

PROGRAM GOAL: PEC facilitates changes in City policies, laws, systems, and technology, and leads by example to ensure fairness, openness, honesty, integrity, and innovation.

Lead/Collaborate Activities:

- A. Identify problems or vulnerabilities within the City and take action to proactively improve or resolve.
- B. Communicate the issue and advocate for policy or operational change to incorporate best practices.
- C. Partner with other agencies or organizations to leverage opportunities to innovate and integrate improvements.

Indicators of Success:

- 1. PEC proactively communicates results of reviews to identify problems, improve compliance, or innovate.
- 2. PEC actions/joint partnerships with other agencies, leaders, jurisdictions, or community lead to substantive changes in legislation, policy or operations.

Results:

2016	2017	2018	2019	2020	2021	2022 (as of June 1)
PEC completes hiring of new staff (new staff of 6) per Measure CC, passed in 2014	PEC issues Ticket Policy Report and recommended policy changes	PEC seeks and becomes Filing officer for Lobbyist Forms	Hosted FPPC mtg, presented Ticket policy review	PEC issues Race for Power Report on CF data, inequities, suggested CF redesign	PEC issues report: Spotlight on Public Records Response by City Depts	New Ticket Policy adopted by City Council
PEC seeks Filing officer duty for Campaign Forms	City Council passes PEC Lobbyist Reg Act amends	PEC led project with IT to create Form 803 e-filing process	CA FPPC amended Ticket regs (ie. ban disproportionate use by officials), in response to PEC staff input on proposed changes	City Council adopts PEC’s Enabling Ordinance Amends	PEC staff begins development of public records performance online portal	Fair Elections Act ballot measure proposed by PEC partner coalition, BayPEC
PEC presents OD at CfA, COGEL, LWV	Hosted CA Ethics Commissions					

Potential Priorities 2022-2025:

- New City Ticket Policy Ordinance Implementation – facilitate online database updates per the new law, train officials
- Oakland Fair Elections Act – if passed on November 2022 ballot, PEC will implement Democracy Dollars Program
- Public Records Response Data Portal – online access to performance data, continue to review systems issues and performance across departments; Sunshine Ordinance – policy review

EDUCATE/ADVISE

DESIRED OUTCOME: PEC is a trusted and frequent source for information and assistance on government ethics, campaign finance, and transparency issues fostering and sustaining ethical culture throughout City government.

PROGRAM GOAL: Oakland public servants, candidates for office, lobbyists, and City contractors understand and comply with city campaign finance, ethics, and transparency laws.

Educate/Advise Activities:

- A. Provide trainings, assessments/surveys on campaign finance, public financing, ethics, ticket policy, lobbyist registration, and Sunshine ordinance.
- B. Conduct outreach to alert public servants to the rules and PEC education and enforcement, including announcements, newsletters, and email notifications.
- C. Provide educational materials, advice, technical assistance, and formal legal opinions.

Indicators of Success:

1. Training availability and reach – new trainings developed, number of participants receiving training, number of advice and assistance requests, tracking filer compliance
2. Training assessment results

Results:

2016	2017	2018	2019	2020	2021	2022
1,604 trained	1,216 trained	912 trained	621 trained	666 trained	781 trained	trained
99 advice requests	170 requests	294 requests	174 requests	460 requests	260 requests	136 requests
GEA intro video (new employees and Boards and Commissions)	GEA Trg for Form 700 filers	Candidate trg with FPPC instituted Sup Academy ethics module	Bd/Comm liaison trg implemented		Open Mtgs Trg created First Diversion Trgs	Ticket Policy Trg created Form 700 filer tracking

Potential Priorities 2022-25:

- Ethics onboarding/exit process improvements – project with HR to ensure employees are trained, file Form 700 upon hire
- 2022 Election – Candidate education, Public Financing program training and implementation
- Trainings – Ticket Policy Ordinance, Public Records, Lobbyist, GEA/LRA for Consultants doing business with City
- 2024 Election – Candidate education, Public Financing program training and implementation

OUTREACH/ENGAGE

DESIRED OUTCOME: 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.

PROGRAM GOAL: 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.

Outreach/Engage Activities:

- A. Interact with PEC clients and citizens to listen, share PEC mission and activities, and seek opportunities for collaboration.
- B. Conduct outreach regarding PEC policies, resources and tools for compliance and public access.
- C. Mediate public records requests by members of the public.
- D. Administer public financing for candidates running for District City Council member.

Indicators of Success:

- 1. PEC Commissioner or staff participation in outreach and speaking events
- 2. Engagement with PEC content on website and via social media
- 3. Mediations received and completed.
- 4. Public financing participants and total funds distributed.

Results:

2016	2017	2018	2019	2020 ¹	2021	2022
11 Roadshows 5,069 web users 13,827 page views 740 engagements 108 new followers	7 Roadshows 5,232 web users 16,858 page views 1,293 engagements 193 new followers	7 public events 8,159 web users ² 85,003 page views 2,441 engagements 293 new followers	6 public events website analytics unknown 2,441 engagements 293 new followers	2 events website analytics unknown 1,000 engagements 118 new followers	0 events website analytics unknown 800 engagements 205 new followers	TBD
3 Mediation req's 2 Completed	4 Mediation req's 2 Completed	14 Mediation req's 5 Completed	19 Mediation req's 23 Completed	20 Mediation req's 6 Completed	19 Mediation req's 14 Completed	3 Mediation req's 9 Completed
4 LPF candidates \$113,140 total		10 LPF candidates \$176,489 total	Series Premier "Inside City Hall" starring the PEC	7 LPF candidates \$137,485 total		TBD

Potential Priorities 2022-25:

- Commissioner Outreach, PEC overview/Commissioner Recruitment video
- PEC Website – continue to build out data portals, PEC performance dashboard

¹ COVID 19 pandemic impacted in-person gatherings in 2020-21.

² Figures are for legacy site www.oaklandnet.com and www.oaklandca.gov. Note: Changes to the City website have impacted the Commission's ability to easily track PEC website performance.

DISCLOSE/ILLUMINATE

DESIRED OUTCOME: Government ethics, campaign finance, and transparency data is easily submitted and accessed in an accurate, complete, user-friendly, and understandable format.

PROGRAM GOAL: PEC website, filing and disclosure tools are user-friendly, accurate, up-to-date, and commonly used to submit and view government integrity data.

Disclose/Illuminate Program Activities:

- A. Collect, review, and maintain government ethics, campaign finance, and transparency data, including serving as “Filing Officer” under CA FPPC rules.
- B. Facilitate development of e-filing systems, web applications, digital tools, and data visualizations and analysis to enhance filing and public access and better illuminate information.
- C. Provide compliance outreach and technical assistance to filers and users of disclosure data.

Indicators of Success:

- 1. Disclosure data collected, updated, and published online in machine-readable, downloadable formats.
- 2. Proactive compliance activities, filings reviewed, late fees assessed, compliance achieved without enforcement action.
- 3. Filing/disclosure tools created or improved.

Results:

2016	2017	2018	2019	2020	2021	2022
20 datasets	20 datasets	20 datasets	20 datasets	20 datasets	28 datasets	29 datasets
Open Disclosure 2016	Lobbyist filings published online	CF Compliance Program initiated	Campaign filing streamlined	Show Me the Money, Lobbyist apps launched	10 interactive visualizations	5 late filers assessed \$500 late fees
Filing officer for campaign statemts in Jan 2017	9 late filers assessed \$4,415 late fees	12 late filers assessed \$2,330 late fees	5 late filers assessed \$1,151 late fees	7 late filers assessed \$700 late fees	18 late filers assessed \$2,260 late fees	

Potential Priorities 2022-25:

- Ticket Policy Ordinance – facilitate database upgrade with IT to implement new ordinance requirements
- Fair Elections Act System Implementation (if ballot measure passes, this will be the main focus in 2022-24)
- Lobbyist E-filing – continue to fine-tune new online system, require fees for lobbyists
- Advice database – make Q&A public
- Acquire Form 700 Filing Officer duty from City Clerk
- Contractor database

DETECT/DETER

DESIRED OUTCOME: Public servants, candidates, lobbyists, and city contractors are motivated to comply with the laws within the PEC jurisdiction.

PROGRAM GOAL: PEC staff proactively detects potential violations and efficiently investigates complaints of non-compliance with laws within the PEC jurisdiction.

Detect/Deter Program Activities:

- A. Conduct complaint and PEC-initiated investigations. Gather information, conduct interviews, and prepare investigative reports.
- B. Consult/collaborate with other government and law enforcement agencies.
- C. Review reports and articles, observe meetings and activities to assess compliance and initiate cases.
- D. Proactive, routine review of government ethics, campaign finance, and transparency activities including audits/screening.

Indicators of Success:

- 1. Investigations completed.
- 2. Investigations initiated by PEC staff.
- 3. Complexity of investigations completed.

Results:

2016	2017	2018	2019	2020	2021	2022
16 proactive inv 9 inv completed	6 proactive inv 11 inv completed	20 proactive inv 9 completed Election 2018 Compliance audit – contribution limits	8 proactive inv 9 completed	4 proactive inv 3 completed	1 proactive inv 10 completed	5 proactive inv

Potential Priorities 2022-25:

- Election 2022 – Collaborate with PEC filing officer to detect and address low-level, inadvertent violations pre-election
- New Enforcement Assistant – training on investigation-related tasks
- New complaint database – work with IT to create new system for intake, tracking, and publishing complaint information

ENFORCE/PROSECUTE

DESIRED OUTCOME: Obtain compliance with government ethics, campaign finance and transparency laws, and provide timely, fair and consistent enforcement that is proportional to the seriousness of the violation.

PROGRAM GOAL: Enforcement is swift, fair, consistent, and effective.

Enforce/Prosecute Program Activities:

- A. Review facts, conduct legal analysis, prepare and develop recommendations.
- B. Contact respondents, obtain compliance and negotiate case settlements.
- C. Present case resolution recommendations, including settlement agreements, and obtain Commission approval.

Indicators of Success:

- 1. Cases closed, categorized by resolution outcome.
- 2. Proactive cases closed.
- 3. Total fines assessed.
- 4. Compliance obtained before/without referral to enforcement (PEC staff notifies filer of error, facilitates correction).

Results:

2016	2017	2018	2019	2020	2021	2022 (as of June 1)
29 cases resolved:	22 cases resolved:	34 cases resolved:	36 cases resolved:	39 cases resolved:	14 cases resolved:	6 cases resolved:
Dismissed 20	Dismissed 11	Dismissed 7	Dismissed 21	Dismissed 36	Dismissed 9	Dismissed 5
No action 2	No action 4	No action 3	No action 4	Fine 3	Diversion 2	Fine 1
Advisory letter 2	Warning letter 4	Advisory letter 3	Advisory letter 4		Fine 3	
Warning letter 2	Streamline fine 2	Warning letter 11	Warning letter 2			
Fine 3	Set hearing/fine 1	Forfeiture 4	Fine 5			
		Fine 1				
\$19,500 in fines	\$1,331 in fines	\$2,550 in fines	\$14,100 in fines	\$23,000 in fines	\$365,600 in fines	\$2,600 in fines
5 proactive closed	4 proactive closed	12 proactive closed	11 proactive closed	3 proactive closed	7 proactive closed	1 proactive closed

Potential Priorities 2022-25:

- Administrative Hearings – conduct hearings by full PEC for straightforward cases
- Focus enforcement on egregious cases, assess penalties commensurate with each violation

ADMINISTRATION/PERFORMANCE

DESIRED OUTCOME: PEC staff collects and uses performance data to guide improvements to program activities, motivate staff, and share progress toward PEC goals.

PROGRAM GOAL: PEC staff model a culture of accountability, transparency, innovation, and performance management.

Administration/Performance Activities:

- A. Assess and communicate PEC staffing needs to City Administration and City Council for budget requests.
- B. Track performance data, share results, and identify areas for improvement.
- C. Align employee activities with organizational priorities, develop staff, create new systems and procedures, and incorporate new practices to enhance performance.

Indicators of Success:

- 1. PEC and staff growth in relation to assessed needs.
- 2. Performance data published and shared with target audiences.

Results:

2016	2017	2018	2019	2020	2021	2022
Hired 5 full-time staff per City Charter amendments passed by voters in 2014 PEC Performance measurement development project with Mills College	Published select indicators on PEC web, newsletter, social media, annual report Presentation to City Council re: PEC growth and activities	Posted select indicators via social media, annual report PEC Perf plan and data tracking instituted	Posted select indicators via social media, annual report Developed PEC's Core Values for inclusive engagement	Posted select indicators via social media, annual report \$100,000 budget augmentation for part-time positions PEC presents at Alameda Grnd Jury	Posted select indicators via social media, annual report Published enforcement and mediation data Interactive enforcement results webpage	Posted select indicators via social media, annual report

Potential Priorities 2022-25:

- Executive Director – recruitment and hiring in June 2022
- New position (Enforcement Assistant) – recruitment and hiring after July 1, 2022
- Website dashboards to better communicate PEC performance data
- Ethical climate survey – coordinate with City Auditor to review ethical climate within City government