

# Item 7d - Memo from City Clerk Asha Reed re: Form 700 Supplemental



## MEMORANDUM

**TO:** THE HONORABLE PUBLIC ETHICS COMMISSION **FROM:** Asha Reed, City Clerk  
Office of the City Clerk

**SUBJECT:** Office of the City Clerk Form 700 Supplemental

### **REASON FOR SUPPLEMENTAL**

The Office of the City Clerk appreciates the opportunity to provide this supplemental information to the Public Ethics Commission (PEC) to address some of the outstanding questions as well as some of the Grand Jury recommendations. It is important to note that the Office of the City Clerk had begun addressing the issues of Conflict-of-Interest Code (COI) oversight during preparations for the 2022 filing season prior to the Grand Jury inquiries during the latter portion of 2021. Throughout the many email exchanges and calls, it was those preparations that allowed the Office of the City Clerk to provide data, detailed written and verbal responses to the inquiries of the Grand Jury. During those exchanges, the Office of the City Clerk discussed the organizational and structural challenges to this work, acknowledged the deficiencies, and provided details the Office was undertaking to stabilize (COI) referral activity and coordination.

The Office of the City Clerk is pleased and grateful that some the Grand Jury's recommendations support the Office of the City Clerk's corrective actions and stabilization strategies.

### **SUMMARY OF THE CIVIL GRAND JURY'S FINDINGS**

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

**Clerk Comment:** The Office of the City Clerk disagrees with this finding. The filing officer duties are widely generalized within the Grand Jury report. The Grand Jury Report implies that the Office of the City Clerk is not meeting their minimum requirements as the filing officer. However, according to the Political Reform Act, the City Clerk is meeting most of the requirements of the filing officer, except for subsection (d) (see below). Listed in detail are the duties of the filing officer according to the Political Reform Act, section 81010. *Duties of the Filing Officer.*

With respect to reports and statements filed with a filing officer pursuant to this title, the filing officer shall:

- (a) Supply the necessary forms and manuals prescribed by the Commission;
- (b) Determine whether required documents have been filed and, if so, whether they conform on their face with the requirements of this title;
- (c) Notify promptly all persons who have failed to file a statement in the form and at the time required by this title;
- (d) Report apparent violations of this title to the appropriate agencies; and
- (e) Compile and maintain a current list of statements filed with this office

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

**The same level of support would assist the Office of the City Clerk with increasing oversite and compliance, this is discussed in detail below.**

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

**Clerk Comment:** The platform is accessible to city employees but is not shared. The system is under the sole authority of DHRM, thus limiting immediate access to the Clerk. We continue to pursue collaboration with DHRM, this is discussed in detail below.

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

**Clerk Comment:** see comment under finding 12

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

**Clerk Comment:** We are deeply appreciative of the acknowledgment of limitations in staffing and inadequate departmental communication. We will continue to advocate for the appropriate staffing levels and resources equitable to the staffing recommendations of the PEC which we believe most efficiently and swiftly will stabilize oversite. This is discussed in detail below.

### **RECOMMENDATIONS FROM THE CIVIL GRAND JURY AND RESPONSES FROM THE CITY CLERK'S OFFICE**

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

**City Clerk's Response:** The Office City Clerk respectfully disagrees with this recommendation. The Grand Jury report stated, the Office of the City Clerk is chronically understaffed, and based on current staffing is unable to fulfill the duties regarding form 700. We recommend the Office of the City Clerk be adequately staffed to fulfill all mandated duties. The Office of the City Clerk prepared an urgent memorandum to the City Administrator to request prioritization of recruitments and authorization for interim support, in January 2021. In February 2022, the City Administrator authorized the Department of Human Resources Management (DHRM)-to fill

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three (3) of four (4) vacant positions in the Office of the Clerk to address the 47% vacancy rate and increase organizational capacity to perform mandated duties.

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

**City Clerk's Response:** The Office of the City Clerk initiated this collaborative process with the Department of Human Resources Management (DHRM) before the Grand Jury Report and discussed this solution with the Grand Jury. This feature has been implemented in the NeoGov platform. The City Administration has the authority to make this city-wide policy. The City of Oakland has incorporated Form 700 designations in the NeoGov onboarding systems that update the PAR (personnel action records) after meetings with DHRM, which is consistent with the City Clerk's Corrective Action Workplan. Currently, payroll staff can designate filers according to disclosure categories and, obtain reports via NeoGov which allows a systemic tracking of COI filers. The City Clerk's recommendation was to make this field mandatory for all employees entered in NeoGov, this was completed in October 2023.

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

**City Clerk's Response:** This authority is outside the control of the City Clerk. The Office of the City Administrator has the authority to make city-wide policies. However, the City Clerk has taken steps to acquire a list from Human Resources and Payroll to maintain the current list of COI Filers. As of October 2022, Human Resources made the Form 700 field and disclosure level mandatory and the Clerk's Office looks forward to receiving those focused reports.

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

**City Clerk's Response:** This work began prior to the Grand Jury's published report. The City has added a field in the onboarding system that allows Form 700 designation. Making Form 700 part of the employee onboarding and separation checklist ensures timeliness and puts the city ahead of the current manual processes. However, it will take time and training for DHRM to format NeoGov to the Conflict-of-Interest Code, but the goal of the Office of the City Clerk is for this change to be implemented within the next six (6) months. This aligns with the targeted timeframe provided by the DHRM, beginning of 2023. The City Administration has the authority to make this city-wide policy. Although this has been implemented for all new hires entered in NeoGov.

Page 38 of the Grand Jury's report states:

*"The City Clerk's office is chronically understaffed. Based on current staffing, the City Clerk's office is not able to fulfill the duties regarding Form 700. One person performs the Form 700 Filing Officer duties on a part-time basis, 35-50% of work*

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*hours, depending on whether a time-consuming election conducted by the City Clerk's office is occurring at the same time as Form 700 filings are due.*

*Occasionally the City Clerk, who assumed that position in March 2021 and who manages four other areas of record-keeping while supervising 10 employees, assists the Filing Officer with Form 700 duties.”*

The Office of the Clerk recognizes the concerns of consistent oversight of all COI reporting requirements. We agree with this statement of fact and appreciate the Grand Jury's acknowledgment of the structural barriers that impact the capacity and efficacy of this Office. The City Clerk's office must have staffing levels that are both enough and equitable to the demands of work. Additional resources assigned to the PEC would serve the Office of the City according to the same magnitude. Placement of staffing in the Office of the City Clerk delivers support in the place of necessity.

From Page 39 further states:

*“The chronic short staffing means the one part-time person performing City Clerk office’s Form 700 duties has been stretched thin. Because the City Clerk’s office has been short-staffed for years, the present Filing Officer has significant responsibilities other than those related to Form 700. These additional duties include the responsibilities of the acting management assistant, assistance with elections, residency verification, sole responsibility for the front desk, domestic partnerships, payroll, passports, accounts receivable, mail, answering emails, recruitment duties, and preparing intake/separation paperwork regarding the City Clerk’s office for the city.”*

### **URGENT SUPPORT TO FILL VACANCIES AND INCREASE ORGANIZATIONAL CAPACITY**

From the City Administration's authorization to fill three (3) of the four (4) vacant positions, the City Clerk was able to expedite the final steps to complete the hiring of the new Assistant City Clerk, in April 2022. The dedicated attention of the experienced and knowledgeable Assistant City Clerk is vital in expanding the oversight and management of year-round activities of the Elections and Compliance Unit. Filling this position provided the essential support to complete important corrective actions to maintain compliance.

Additionally, the Office of the City Clerk recently received authorization in October 2023 to hire a temporary staff person to further address clearing the backlog of non-referrals and assist with preparation for the April 2023 annual filing period. The recruitment for this temporary staff person is currently in process and is expected to be filled by the end of January 2023.

### **ACTION PLAN**

This action plan represents a high summary of actions to correct the issues of noncompliance and strengthen coordination regarding the Conflict of Interest Code/Form 700. This plan will

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correct the challenges of data coordination across departments and improve overall compliance management.

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<b>Goal: Collaborate with Human Resources to utilize NEO-GOV to identify City of Oakland employee Conflict of Interest Code filers with the disclosure level</b>		
<b>Objectives</b>	<b>Timeline</b>	<b>Resources</b>
Use NeoGov to identify all City of Oakland staff COI filers	Human Resources Management updated NeoGov with necessary adjustments for incoming hires. Changes to current City staff will occur in NeoGov after the COI code is updated. This process will occur Jan-Feb 2023	Human Resources Management Staff Office of the City Clerk Staff
<b>Goal: City Wide required onboarding and offboarding process that includes COI</b>		
<b>Objectives</b>	<b>Timeline</b>	<b>Resources</b>
Add Form 700 to city-wide onboarding and offboarding checklist. City staff must be aware that they are required to file according to the COI. Adding the form to the city-wide process will ensure efficient and timely filings	Complete by January 2023	DHRM and City Administration for updates to NeoGov and City Intranet  Krystal Sams and Jelani Killings (PEC): updated trainings for SPOCs
<b>Goal: On demand, accessible training for Boards and Commission Liaisons</b>		
<b>Objectives</b>	<b>Timeline</b>	<b>Resources</b>
Educate Board and Commission staff liaisons to ensure timely filings for Board and Commission members	Ongoing	Mayor's Office: Keeps track of member appointments and staff liaisons appointed to commissions. Office of the City Clerk: Filing officer, performs oaths of office  Public Ethics Commission: Enforcement Officer
<b>Goal: Acquire permanent staffing to effectively and permanently maintain COI compliance</b>		
<b>Objectives</b>	<b>Timeline</b>	<b>Resources</b>
Hire two Administrative Analyst to the Elections and Compliance Unit of the Office of the City Clerk. The office of the City clerk requested the CAO immediate	Feb-June 2023	Office of the City Clerk, Budget, City Council

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authorization for contracted support and that is currently moving through the system		
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## **INCREASED COLLABORATION WITH THE PEC**

The Grand Jury report mentions the absence of collaboration between the PEC and the Office of the City Clerk. The Office of the City Clerk strongly believes that the expansion of the PEC is essential to grounding and advancing Ethics and reporting compliance for the City of Oakland. Since 2012, the Office of the City Clerk has requested the inclusion of the PEC in essential trainings of City staff, including those elected, as well as board members. January 2021, the Office of the City Clerk requested meetings with the PEC to discuss collaborating on city-wide trainings for staff and board and commission members. At that time, collaboration was unable to form. However, in August of 2022, we began the process of collaborative training for City staff and hope to upgrade the training materials. The Clerk's office would like to continue this collaboration with the PEC on the following:

- Create a detailed city-wide filer training for new employees;
- Create an enforceable staff and commission non-filer protocol
- Ongoing board and commission responsibility liaison training (similar to what we are currently doing with the Single Point of Contacts (SPOC) for employees in the designated filer position).

Additional opportunities include joint training for elections support for candidates and election document preparations. The desire to collaborate should be balanced and cannot be one-sided. We must work together to not only maintain compliance for the City of Oakland but to also make sure COI filers are educated and understand their duty to file.

Respectfully submitted,

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Asha Reed, City Clerk  
Office of the City Clerk