

# PUBLIC TRUST

## Safeguarding Public Trust in the Midst of Unprecedented Circumstances

As the City responds with compassionate action to the COVID-19 pandemic and the public outcry due to recent events, the Public Ethics Commission (PEC) continues to remind public servants of state and local ethics rules to safeguard public trust during these difficult times. We encourage public servants to continue to be mindful of ethics laws to avoid any missteps and actions that may cause you to inadvertently violate the law.

With the response to the COVID-19 pandemic requiring rapid action and opening up new avenues for the flow of money and influence, we must all remain vigilant that we are not participating in efforts where we have a financial interest or where there may be an appearance of bias, favoritism toward a particular individual or entity, or other improper influence. If you become aware of a potential conflict, please refrain from further participation and contact the Public Ethics Commission.

Also, remember that City resources can only be used for City purposes. City staff time, property, and equipment such as, phones, computers, City email lists and email system, and City letterhead cannot be used for any political or non-City purpose, including charity work that is not a City-authorized activity.

City officials and staff should be careful when working to set up or assist nonprofit organizations with fundraising or coordinating services so that city resources are not used for non-City purposes. Do not use your City title, letterhead, position, or department information for non-City purposes as it may falsely give the appearance that the City has approved or taken an official position on choosing to support a particular charity.

In addition, with current telecommuting arrange-

### IN THIS ISSUE...

2020 Election	2
NEW!!! Lobbyist Reporting App	2
Spot the Yellow Flag	3
Frequently Asked Questions	3
Activity Updates	4

ments, remember that you may not engage in non-City activities, such as working for another business or non-profit, while on the clock.

The Public Ethics Commission would like to thank you for your commitment to ensuring that we operate with integrity during this challenging time when we see an outpouring of support and collaboration with community and charitable endeavors. Our PEC continues to be here to support you in your efforts to ensure ethical conduct in your service to the public. Call or email PEC Education Analyst Jelani Killings at (510) 238-2061 or [jkillings@oaklandca.gov](mailto:jkillings@oaklandca.gov) with any questions.

### REMINDER FOR ALL CAMPAIGN AND BALLOT MEASURE COMMITTEES:

## CAMPAIGN FILING DEADLINE

# JULY 31st



## 2020 Election: Campaigns, Contributions, and Ethics

With election season in full swing, the PEC wants to ensure that candidates, committees, City employees, and the community are aware of the guidelines for campaign activity in Oakland. The [Oakland Campaign Reform Act](#) (OCRA) regulates campaign contributions, expenditures, and the filing of campaign statements in Oakland and was instituted with the purpose of ensuring that all individuals and interest groups in our city have a fair and equal opportunity to participate in elective and governmental processes.

# Campaigns & Elections

Offices for election this year include the City Attorney, Councilmember At-Large, along with Councilmembers and School Board Directors for Districts 1, 3, 5, and 7. The City's nomination period begins Monday, July 13, 2020 and will end Friday, August 7, 2020. All candidates filing nomination papers should contact our office for an ethics consultation. For more information concerning campaign requirements, visit our website and check out our Public Ethics Commission [resources for candidates](#) page.

Also be on the lookout for our 2020 Open Disclosure app — showing campaign data for all Oakland candidates and ballot measures – coming soon!

## NEW!!! Online Lobbyist Registration and Reporting

The Public Ethics Commission officially launched the City of Oakland's new [OakApps Lobbyist Registration and Reporting system](#) with a demonstration of the new application at its July 6 public meeting. The new system is now live for the July 30, 2020, filing deadline.

The online reporting system simplifies lobbyist registration and disclosure reporting and makes the data available on Oakland's open data portal.

The PEC ensures compliance with the City of Oakland's lobbyist registration law. The Lobbyist Registration Act (LRA) requires registration and activity disclosure for individuals and groups that influence public decisions by lobbying Oakland public officials and employees.

Under the Act, lobbyists must register before lobbying any City of Oakland official. Oakland lobbyists must also submit reports of their lobbying activity for each calendar quarter, including contacts with City officials to influence government decisions, employment relationships between lobbyists and City officials, and persons solicited to make contributions to elected City officials or candidates for City office.

In August 2019, Commission staff initiated a partnership with the City of Oakland's Information Technology Department (ITD) to build an electronic Lobbyist Regis-

tration and Reporting System to make compliance simpler and more convenient for lobbyists while vastly improving internal and public access to the data contained within the reports.

The resulting Lobbyist Registration and Reporting app on the City's OakApps platform enables lobbyists to submit and manage all aspects of their registration and reporting requirements online. Going forward, all registration and report documents will be filed electronically. Registration and client information is stored to reduce time spent by lobbyists on data entry. Lobbyists may view their filing history and print or download filings. Dropdown lists are provided to improve accuracy and standardize the data for greater searchability and analysis. Resources for lobbyists, such as links to the Act, our lobbyist guide, and a searchable FAQ are provided within the app. The administrative system enables Commission staff to easily track compliance with a dashboard feature and automated notifications to filers.

Special appreciation goes to Oakland's Chief Information Officer, Andrew "Pete" Peterson, for supporting the Commission's project, and to the IT development team for the creativity, diligence and skill they devoted to the project.

## Spot the Yellow Flag!

Election season is an exciting time when we see the enthusiasm for change and mobilization of Oaklanders to support candidates and measures that champion their ideals and hopes. The Public Ethics Commission wants to ensure you are aware of the rules that apply to receiving campaign contributions so that you can avoid costly missteps. In the last election, we prosecuted several enforcement cases related to prohibited contributions that resulted in fines and forfeited contributions.

It is important to remember that contribution limits are per election cycle and are not reset annually. If your 2020 campaign committee received contributions in 2019 and 2020 from the same individual or committee, the cumulative amount must not exceed the contribution limit. Make sure to track total contributions by donor for the entire election cycle to ensure that you don't inadvertently deposit contributions over the contribution limit.

The Oakland Campaign Reform Act clearly defines when contributions from two or more entities are aggregated and attributed to one entity or individual. In short, the contributions of an entity whose contributions are directed and controlled by any person are aggregated with contributions made by that person and any other entity whose contributions are directed and controlled by that same person. The rule also applies to an entity that shares the majority of its members, officers, or is owned by the same majority shareholders. Aggregation



rules are in place to prohibit individuals and entities from contributing in excess of individual contribution limits.

Whenever a contract transaction requires City Council or Oakland School Board approval, contractors are prohibited from making any contribution to any City officeholder or candidate, or any committee controlled by a City officeholder or candidate, between the start of negotiations and for 180 days after the completion or termination of negotiations regarding the contract. The prohibition applies to an individual, proprietorship, firm, partnership, joint venture, syndicate, business, trust, company, corporation, association, committee, and any other organization or group of persons acting in concert to contract with or seeking to contract with the City or Oakland Unified School District.



## ASK THE PEC

**Question:** Does Oakland have any disclaimer rules for fundraising materials?

**Answer:** Yes, all candidates for local office must include a notice on all campaign fundraising material to ensure that prohibited contributions are not received. The notice must include the following language:

*The Oakland Campaign Reform Act limits campaign contributions by all persons (OMC §3.12.050 and §3.12.060) and prohibits contributions during specified time periods from contractors doing business with the City of Oakland or the Oakland Unified School District (OMC §3.12.140).*

The notice should appear on any printed or electronic medium that solicits or instructs people how to make a campaign contribution. The notice is not required on campaign material that engages solely in election advocacy or the presentation or discussion of issues.

## Activity Updates

### Enforcement

As we all strive to stay safe and well during this time, the PEC's Enforcement Staff continues to welcome tips and complaints from City employees and members of the public to assist the Commission in the oversight of compliance with political spending, transparency and ethics laws.

In the first two quarters of 2020, the Commission has received 22 new cases and opened 18 formal complaints. Between January and June 2020, we successfully closed 11 cases as follows; 3 Campaign Reform Act violations, 4 Government Ethics Act violations, 1 Lobbyist Reform Act violation, 2 multiple violations and 1 Public Records Requests mediation.

### Sunshine Review

On May 8, Chair Jackson created an *ad hoc* Sunshine Review Subcommittee and appointed Commissioners Michael MacDonald (Chair), Jill Butler, and Joe Tuman as members.

The Sunshine Review Subcommittee will outline the project scope and steps for evaluating departmental performance in responding to public records requests.

### Lobbyist Registration

Under the Lobbyist Registration Act, registered lobbyists are required to submit quarterly reports disclosing their lobbying activities in Oakland and are required to register with the City before commencing with any lobbying activities.

To date, there are 55 registered lobbyists with the City reporting lobbying activities including compensation received as well as solicitation of contributions made on behalf of an elected official.

Find out who is being paid to influence City staff and elected officials on administrative or legislative actions in Oakland by checking out our lobbyist information page on the PEC website.

### Policy

At its regular meeting on February 3, the PEC approved amendments to the PEC's enabling ordinance that updates the ordinance in alignment with the 2014 City Charter changes and to add details regarding the collections process for administrative enforcement of the laws within the Commission's jurisdiction. The amendments are heading to the City Council for consideration.

### Education

In light of COVID-19, PEC education efforts have shifted to adapt to the current shelter-place-order. PEC staff has provided several online trainings to keep employees, officials, and candidates informed of ethics and campaign finance rules.

On May 28, the PEC held a joint training with the FPPC for candidates and treasurers regarding state and local campaign rules. The training was provided via Zoom and is available to view on the PEC's [website](#).

Be on the lookout for future training announcements!

### Social Media

Follow the PEC on Twitter and Facebook. Stay informed of important updates and join the conversation on good governance and ethics.



@OakGovEthics



@OaklandEthics

You can also subscribe to our email distribution list at [www.oaklandca.gov/pec](http://www.oaklandca.gov/pec).

**“Ensuring Fairness, Openness, Honesty, and Integrity in City Government”**