

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Regular Commission Meeting
Monday, December 2, 2019
Hearing Room 1
6:30 p.m.



Commissioners: Jodie Smith (Chair), James E.T. Jackson (Vice-Chair), Jill M. Butler, Gail Kong, Joseph Tuman, Nayeli Maxson Velázquez, 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 Hynes, Deputy City Attorney

PUBLIC ETHICS COMMISSION (PEC or COMMISSION)
REGULAR 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. November 4, 2019 Regular Meeting Minutes ([Attachment 1 – Minutes](#))
5. ***In the Matter of Shotspotter, Inc.; Complaint No. 14-29.*** Commission staff initiated this complaint in January 2015 after conducting a preliminary review into the allegations that Shotspotter, Inc., executives Ralph Clark and Joe Hawkins were lobbying City Officials on behalf of Shotspotter without registering as lobbyist and also made a contribution to a candidate-controlled ballot measure committee in violation of the contractor contribution ban. Staff determined that Shotspotter, Inc., violated the Oakland Lobbyist Registration Act and the Oakland Campaign Finance Reform Act. Staff and Respondent agreed to the attached stipulation, recommended for PEC approval, with a \$5,000 fine. ([Attachment 2 – Stipulation and Exhibit](#))
6. ***In the Matter of Jumoke Hinton Hodge; Complaint No. 17-07.*** Commission staff opened a proactive investigation on May 22, 2017, after the PEC Filing Officer reported that Jumoke Hinton-Hodge and her campaign failed to file a 2016 semi-annual campaign statement in violation of the Oakland Campaign Reform Act. Staff and Respondent agreed to the attached stipulation, recommended for Commission approval, with a \$500 fine. ([Attachment 3 – Streamlined Stipulation](#))

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7. ***In the Matter of Joseph Betesh; Complaint No. 19-07.*** Commission staff opened a proactive investigation on May 9, 2019, after the PEC Filing Officer reported that Joseph Betesh and his campaign failed to file a major donor committee campaign statement in 2018 in violation of the Oakland Campaign Reform Act. Staff and Respondent agreed to the attached stipulation, recommended for Commission approval, with a \$2,000 fine. ([Attachment 4 – Streamlined Stipulation](#))
8. ***In the Matter of Mayor Libby Schaff; Case No. M2019-02.*** The Commission received a complaint on February 19, 2019, alleging that Mayor Libby Schaff failed to timely disclose records in response to a public records requests made by the Requester. This request for mediation was related to a Formal Complaint the Requester filed in December of 2018, alleging misuse of government resources. Staff initiated its mediation program on April 18, 2019. Ultimately, the Requester received a spreadsheet with responsive information; however, the Requester wanted a copy of the actual documents (Nextdoor messages that were posted). Staff subsequently learned that the posts had been deleted by the Mayor’s Director of Communication. Staff recommends that the Commission close the mediation without further action because the original posts have been deleted and cannot be retrieved ([Attachment 5 – Mediation Summary](#))
9. ***In the Matter of the City of Oakland Planning and Building Department; Case No. M2019-06.*** On April 26, 2019, Staff received a request for mediation from the Requester alleging that on March 27, 2019, the Requester submitted a public records request through NextRequest to the City of Oakland Housing and Community Development Department but did not receive responsive documents. On April 20, 2019, Staff initiated mediation. The Housing and Community Development Department released some responsive documents on May 3, 2019, and additional records on June 11, 2019, subsequently closing the request. Staff recommends that the Commission close the mediation without further action because the responsive documents have been received and the request is closed ([Attachment 6 – Mediation Summary](#))
10. ***In the Matter of Councilmember Dan Kalb and the City of Oakland Department of Transportation; Case No. M2019-11.*** On June 13, 2019, Commission staff received a formal request for mediation from the Requester alleging that on April 18, 2019, the Requester submitted a public records request to NextRequest for the City of Oakland Department of Transportation and the Office of Councilmember Dan Kalb, but both failed to provide responsive records in a timely manner. Staff initiated mediation in an effort to assist in recovering responsive documents. On July 22, 2019, all documents



were confirmed released, and the request was closed. Staff recommends that the Commission close the mediation without further action because the responsive documents have been received and the request is closed. ([Attachment 7 – Mediation Summary](#))

DISCUSSION ITEMS

11. **Boards and Commissions Agenda Posting Compliance.** The Commission will review a report by staff summarizing a proactive compliance review of online agenda postings by City boards and commissions. The goal of the review was to assess whether any commissions were failing to meet the state and local requirement to post meeting agendas online. Staff found that 13 of the City’s 32 boards failed to meet the basic requirements earlier this Spring; since then, staff worked with the non-compliant boards to bring all but one board into compliance. ([Attachment 8 – Staff Memorandum](#))
12. **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
 - b. **Subcommittee on Partnerships** (ad hoc) – Gail Kong and Jodie Smith
 - c. **Commissioner Recruitment Subcommittee** (ad hoc) – James Jackson, Gail Kong, and Jodie Smith

INFORMATION ITEMS

13. **Disclosure and Engagement.** Lead Analyst Suzanne Doran provides a report of recent education, outreach, disclosure and data illumination activities. ([Attachment 9 – Disclosure Report](#))
14. **Enforcement Program.** Enforcement Chief Kellie Johnson reports on the Commission’s enforcement work since the last regular Commission meeting. ([Attachment 10 – Enforcement Report](#))

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- 15. Executive Director's Report.** Executive Director Whitney Barazoto reports on overall projects, priorities, and significant activities since the Commission's last meeting. ([Attachment 11 – 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.



11/22/19

Approved for Distribution

Date



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DRAFT



Commissioners: Jodie Smith (Chair), James E.T. Jackson (Vice-Chair), Jill M. Butler, Gail Kong, Joseph Tuman, Nayeli Maxson Velázquez, 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 Hynes, Deputy City Attorney

REGULAR MEETING MINUTES

1. Roll Call and Determination of Quorum.

The meeting was called to order at 6:32 p.m.

Members present: Commissioners Smith, Jackson, Kong, Maxson Velázquez, and Yan. Commissioner Tuman arrived at 7:30 p.m.

Staff present: Whitney Barazoto and Kellie Johnson.

City Attorney Staff: Trish Hynes, Deputy City Attorney

2. Staff and Commission Announcements.

There were no announcements.

3. Open Forum.

There were no public speakers.

ACTION ITEMS

4. Approval of Commission Meeting Draft Minutes.

- a. October 1, 2019 Regular Meeting Minutes

There were no public speakers.

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Commissioner Jackson moved, and Commissioner Kong seconded to approve the minutes.

The motion passed 5-0.

Commissioner Butler abstained since she was not present at the last meeting.

5. *In the Matter of Dana King for City Council 2014; Case No. 15-03(b).*

Kellie Johnson, Enforcement Chief, presented the recommendation that the Commission close this matter with an advisory letter to memorialize the violation and educate the candidate who has since closed the campaign committee.

There were no public speakers.

Commissioner Maxson Velázquez moved and Commissioner Jackson seconded to approve the recommendation.

The motion passed 6-0.

6. *In the Matter of Friends of Desley Brooks for City Council 2014; Case No. 15-04.*

Ms. Johnson recommended that the Commission close this matter with an advisory letter to memorialize the violation and educate the candidate who has since closed the campaign committee.

There were no public speakers.

Commissioner moved Jackson, and Commissioner Yan seconded to approve the recommendation.

The motion passed 6-0.

7. *In the Matter of the City of Oakland Finance Department; Case No. 18-37M.*

Ms. Johnson recommended that the Commission close the mediation without further action.

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Commissioner Kong moved, and Commissioner Butler seconded to approve the recommendation.

The motion passed 6-0.

There were no public speakers.

8. *In the Matter of the Oakland Police Department; Case No. M2019-13.*

Ms. Johnson recommended that the Commission close the mediation without further action.

Commissioners discussed the matter.

Commissioner Jackson moved, and Commissioner Kong seconded to approve the recommendation along with sending an advisory letter to the department.

The motion passed 7-0.

There were two public speakers.

9. Commission Complaint Procedures.

Chair Smith and Executive Director Whitney Barazoto summarized changes made to the draft amendments to the Commission's Complaint Procedures.

There were no public speakers.

Commissioner Maxson Velázquez moved and Commissioner Jackson seconded to approve the revised Complaint Procedures, which will be forwarded to City Council and, if no objection by 2/3 of Council, will become effective on January 3, 2020.

The motion passed 7-0.

DISCUSSION ITEMS

10. City Attorney Presentation: Rules Regarding Commissioner and Staff Work on Ballot Measure Activities.

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Deputy City Attorney Trish Hynes provided an overview of the legal restrictions regarding Commissioner and Staff involvement in ballot measure research, drafting, communications, and advocacy. These include City Charter section 603(e) (Commissioner Qualifications and Restrictions), as well as Government Ethics Act section 2.25.060 (Misuse of City Resources or Position).

There was one public speaker.

11. Reports on Subcommittees and Commissioner Assignments.

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

Commissioner Maxson Velázquez gave a brief update. Two workshops will be provided in partnership with the ACLU and PEC staff and Commissioner Maxson Velázquez.

- b. **Subcommittee on Partnerships** (ad hoc) – Gail Kong (Chair) and Jodie Smith

There were no updates.

- c. **Commissioner Recruitment Subcommittee** (ad hoc) – James Jackson, Gail Kong, and Jodie Smith

Commissioner Smith shared there are 15 applicants and recruitment has closed. The recruitment subcommittee will review applications and will invite candidates to interview.

There was one public speaker.

INFORMATION ITEMS

12. **Public Ethics Commission Regular Meeting Schedule 2020.**

The Commission reviewed and accepted a proposed schedule of regular Commission meetings planned for 2020.

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There were no public speakers.

13. Disclosure and Engagement.

Commissioners reviewed a report of recent education, outreach, disclosure and data illumination activities.

Ms. Barazoto shared that PEC Commissioners Smith, Jackson, and Maxson Velázquez, and PEC staff Jelani Killings, were part of the first episode in *Inside City Hall*, City of Oakland's new program highlighting the City's boards and commissions, which will show on KTOP Channel 10 and on KTOP's online livestream.

There were no public speakers.

14. Enforcement Program.

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

Commissioners asked questions.

There were no public speakers.

15. Executive Director's Report.

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

There were no public speakers.

The meeting adjourned 8:40 p.m.

1 KELLIE F. JOHNSON
Enforcement Chief
2 CITY OF OAKLAND PUBLIC ETHICS COMMISSION
1 Frank Ogawa Plaza, Rm. 104
3 Oakland, CA 94612
Telephone: (510) 238-4976
4

5 Petitioner

6 BEFORE THE CITY OF OAKLAND

7 PUBLIC ETHICS COMMISSION
8

9 In the Matter of

) Case No.: 14-29

10 SHOTSPOTTER., RALPH CLARK AND
11 JOE HAWKINS,

) **“NO CONTEST” STIPULATION,**
) **DECISION AND ORDER**
)

12 Respondents.
13
14

15 **STIPULATION**

16 Petitioner, the Enforcement Unit of the City of Oakland Public Ethics Commission, and
17 Respondents Shotspotter, Ralph Clark and Joe Hawkins (collectively referred to as
18 Respondents) agree as follows:

- 19 1. This Stipulation will be submitted for consideration by the City of Oakland Public
20 Ethics Commission (Commission) at its next regularly scheduled meeting;
- 21 2. This Stipulation resolves all factual and legal issues raised in this matter and represents
22 the final resolution to this matter without the necessity of holding an administrative
23 hearing to determine the liability of Respondents;
- 24 3. Respondents knowingly and voluntarily waive all procedural rights under the Oakland
25 City Charter, Oakland Municipal Code, and Public Ethics Commission Complaint
26 Procedures, including, but not limited to, the right to personally appear at an
27 administrative hearing held in this matter, to be represented by an attorney at their own
28

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1 expense, to confront all witnesses testifying at the hearing, to subpoena witnesses to
2 testify at the hearing, and to have the matter judicially reviewed;

- 3 4. This Stipulation is not binding on any other law enforcement agency, and does not
4 preclude the Commission or its staff from referring the matter to, cooperating with, or
5 assisting any other government agency with regard to this matter, or any other matter
6 related to it;
- 7 5. The Commission provides the attached exhibit (Exhibit) as a true and accurate summary
8 of the facts in this matter. The Exhibit is incorporated by reference into this “No
9 Contest” Stipulation. Respondents, without denying or admitting the specific facts or
10 allegations in the Exhibit, enter this “No Contest,” Stipulation and acknowledge that the
11 Commission likely has sufficient evidence to find each Respondent in violation of the
12 Failure to Register as a Lobbyist, Unregistered Lobbyist Activity, Failure to File
13 Lobbyist Reports, and Contractor Contribution Blackout Period sections as follows:
- 14
- 15 a. Section 3.12.120(A) of the Lobbyist Registration Act in 2014 and 2015 by directly
16 communicating with Oakland City Councilmember Rebecca Kaplan and other
17 Oakland City Council members on behalf of ShotSpotter for the purpose of
18 influencing pending or proposed governmental action on the renewal contract and
19 expanded coverage for ShotSpotter without registering as a Lobbyist with the City.
 - 20 b. Section 3.20.040 by engaging in Unregistered Lobbyist Activity by actively engaging
21 with City Officials in an attempt to renew and expand a service contract with the City.
 - 22 c. Section 3.12.140 of the Oakland Campaign reform Act by making a contribution(s),
23 totaling \$200, to a committee controlled by City of Oakland elected official or
24 candidates for City of Oakland office during or within 180 days of negotiating a
25 contract with the City of Oakland that required the Oakland City Council’s approval;
26 and
 - 27 d. Section O.M.C. 3.20.110 of the Lobbyist Registration Act in 2014 and 2015 by
28 failing to timely file quarterly lobbyist reports.
6. The Commission will impose upon Respondents a total administrative fine in the
amount of \$5,000 with joint and severable liability;
7. A cashier’s check from Respondents, in said amount, made payable to the “City of
Oakland,” is submitted with this Stipulation as full payment of the administrative

ATTACHMENT 2

1 penalty, to be held by the Commission until the Commission issues its decision and
2 order regarding this matter;

3 8. In the event the Commission refuses to accept this Stipulation, it shall become null and
4 void, and within fifteen business days after the Commission meeting at which the
5 Stipulation is rejected, all payments tendered by Respondents in connection with this
6 Stipulation will be reimbursed to them; and

7
8 9. In the event the Commission rejects the Stipulation and a full evidentiary hearing before
9 the Commission becomes necessary, neither any member of the Commission, nor the
10 Executive Director, shall be disqualified because of prior consideration of this
11 Stipulation.

12
13
14
15 Dated: _____

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

16
17
18
19
20 Dated: _____

_____ Ralph Clark, individually and on behalf of
ShotSpotter Respondent

21
22
23 Dated: _____

_____ Joe Hawkins, individually and on behalf of
ShotSpotter Respondent

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DECISION AND ORDER

The foregoing “No Contest” Stipulation of the parties “In the Matter of ShotSpotter, Ralph Clark, and Joe Hawkins,” PEC Case No. 14-29, including all attached exhibits, is hereby accepted as the final Decision and Order of the City of Oakland Public Ethics Commission, effective upon execution below by the Chair.

Dated: _____

Jodie Smith, Chair
City of Oakland Public Ethics Commission

INTRODUCTION

In January of 2015, Enforcement initiated a pro-active investigation prompted by public reports that ShotSpotter, Inc. (“SST”) executives Ralph Clark and Joe Hawkins were lobbying City officials on behalf of SST without registering as lobbyists, and also made contributions to a candidate-controlled ballot measure committee in violation of the contractor contribution ban.

In June 2019, Enforcement completed its review and found probable cause that Respondents Ralph Clark and Joe Hawkins with SST, a contract services provider with the City, failed to register as lobbyists or file lobbyists quarterly reports in violation of the Oakland Lobbyist Registration Act (“LRA”) and violated the Oakland Campaign Reform Act (“ORCA”) by making contributions to a City Councilmember’s candidate-controlled ballot measure campaign during the contribution blackout period for City contractors.

I. SUMMARY OF LAW

The Oakland Lobbyist Registration Act prohibits any person from acting as a local governmental lobbyist before registering as such with the Public Ethics Commission.¹ The LRA states that all local governmental lobbyists must register annually during the month of January.²

The LRA defines “local governmental lobbyist” as any individual whose duties as a salaried employee, officer, or director, of any corporation, organization or association, include communication directly or through agents with any public official, officer, or designated employee, for the purpose of influencing any proposed or ending governmental action of the City.³ In case of any ambiguity, the definition of “local governmental lobbyist” shall be interpreted broadly.⁴

“Governmental Action” means any administrative or legislative action of the City other than an action which is ministerial in nature.⁵ “Public Official” includes an elected or appointed officer or district, or any public corporation, agency or commission.⁶

For each calendar quarter in which a local governmental lobbyist was required to be registered, he or she shall file a quarterly report with the Public Ethics Commission. The reports shall be due no later than thirty (30) days after the end of the calendar quarter.⁷

A local governmental lobbyist shall not engage in any activity on behalf of a client as a local governmental lobbyist unless such local governmental lobbyist is registered and has listed such client with the Public Ethics Commission.⁸

In some narrow circumstances, a person does not qualify as a local government lobbyist by: 1) submitting a bid on a competitive bid contract, 2) responding to the request for proposal or qualifications, or 3) negotiating the terms of a written contract once selected pursuant to a bid or request for proposal or qualifications. However, this exception does not apply if the person communicates with an elected official or member of any City board or commission, in which case the person does qualify as a local government lobbyist.⁹

¹ Oakland Municipal Code (LRA) (O.M.C.) § 3.20.040

² Id.

³ OMC § 3.20.030(D)

⁴ Id.

⁵ OMC § 3.20.030(E)

⁶ OMC § 3.20.030(H)

⁷ OMC § 3.20.110

⁸ OMC § 3.20.120(A)

⁹ OMC § 3.20.060(G)

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Under the 2014 Oakland Campaign Reform Act, no person who contracts or proposes to contract with or who amends or proposes to amend such a contract with the City for the rendition of services, for the furnishing of any material, supplies, commodities or equipment to the City, for selling or leasing any land or building to the City, or for purchasing or leasing any land or building from the City, whenever the value of such transaction would require approval by the City Council shall make any contribution to the Mayor, a candidate for Mayor, a City Councilmember, a candidate for City Council, a candidate for City Attorney, the City Auditor, a candidate for City Auditor, or committee controlled by such elected City Official or candidate at any time between commencement of negotiations and one hundred eighty (180) days after the completion of the termination of negotiations for such contract.¹⁰

Pursuant to the 2014 Oakland Campaign Reform Act O.M.C. 3.12.420 a person is defined as, an individual, proprietorship, joint venture, syndicate, business, trust, company, corporation, association, committee, and any other organization or group of persons acting in concert.

LRA Section 3.20.200 (A) provides that any person who violates this Act is subject to administrative proceedings before the Public Ethics Commission pursuant to the Public Ethics Commission's Complaint Procedures. Pursuant to LRA Section 3.20.200 (B), If the Public Ethics Commission finds a violation of this Act, the Public Ethics Commission may (1) find mitigating circumstances and take no further action; (2) issue a public statement or reprimand, or (3) impose an administrative penalty of up to one thousand dollars (\$1,000) for each violation.

OCRA provides that any person who violates any provision of this Act shall be liable in a civil action for an amount up to five thousand dollars (\$2,000) per violation, or up to three times the amount the person failed to report properly or unlawfully contributed expended, gave or received, whichever is greater.

II. SUMMARY OF FACTS

Failure to Register or File Quarterly Lobbyist Reports

Starting in 2006, the Oakland City Council authorized the purchase of SST services and products that covered 49% of the City. As time passed, maintenance fees were not paid, and the system was in serious disrepair and lost functionality. Between 2009-2011, the City was not in contract with SST and did not pay SST any fees. In July 2011, however, discussions were initiated with respect to repairing the system and upgrading current equipment.

In September 2012, the Oakland City Council approved a no-bid contract with SST for the period of September 2012 through August 2013 in the amount of \$348,000. The contract expanded the existing service coverage and included two one-year options to extend the agreement; multiple news articles imply that both options were exercised.¹¹

On March 13, 2014, the *San Francisco Chronicle* published an article stating that Oakland might not enter into another contract with SST because the Police Department believed SST was expensive and redundant in light of citizen reports of gunshots to police. The article included a quote from interim Police Chief Sean Whent stating that SST was "not a priority."

Eight days earlier, on March 5, 2014, senior SST staff had the following conversation in an internal e-mail thread titled "Oakland moving away fast". The participants are Respondent Ralph Clark (SST CEO), Respondent Joe Hawkins (SST Vice Presidents of Operations) and Lydia Barrett (SST Vice President for Account Management & Communications).

¹⁰ OMC § 3.12.140 (A)

¹¹ The 2012 City Council resolution pertaining to this contract delegates the authority to extend the contract to the City Administrator. Multiple news outlets reported that the ShotSpotter contract expired in August of 2014, implying that the City Administrator did exercise the 2013 and 2014 options.

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Ralph Clark: David, can you have Doris update an Oakland analysis report for me that we can use with city council? Joe, can you have someone from the IRC pull the top 15 most interesting Marconi reports?¹² Going to have to get on this ASAP.

Lydia Barrett: I'll also help pull reports and info on this. We've been getting some level of successful use with it, i.e. alerts to homicides, arrests, etc. Let's coordinate to have a full packet of background info for them.

I am totally confused with [Oakland City Councilmember] Desley Brooks' position on this now...if I read the Twitter world comments. Have we had a 1-1 conversation with her to see her current position, and what/how we can get her support?

Ralph Clark: We have Desley's support. We have to be careful how she uses it. She is ready to have her community folks march on city hall but we are not at that point just yet. Lydia-can you see if we can get a scheduled presentation with the public safety committee? I think approaching city council at large Rebecca Kaplan is the right approach. Unfortunately we are getting caught up and conflated in this domain awareness mess.¹³

Joe Hawkins: Do you perceive [Oakland City Councilmember] Libby Schaaf to be an adversary? My sense is she is very tough pro-law enforcement and a supporter, even if she represents a "safer" district. She does have Fruitvale I think. I can try to reach out to her as well unless you feel that is the wrong move.

That same day, SST scheduled an internal meeting using Microsoft Outlook, with the name "Oakland strategy meeting." Hawkins and Barrett were in attendance.

Between March 5-10, 2014, Barrett, Hawkins and other SST employees put together technical data on SST alerts for a presentation to City officials. Barrett sent a list of "good Marconi Alerts" and stated: "I am continuing to try and gather as many successful outcomes examples as I can find and will add those." Barrett further said:

I did do a simple incident volume analysis on slides 10 and 11 which showed a slight reduction in overall gunfire incident volume from 2012-to 2013, but on the monthly breakdown didn't necessarily show an advantage for us... I think the more high-level positive, outcomes-focused highlights we can have here the better. Those will speak to usage to make positive results as opposed to just focusing on volume of gunfire in Oakland.... I've reached out to Rebecca Kaplan to get us on the PS Committee schedule but haven't got a confirmation yet.

On March 13, 2014, Hawkins sent an e-mail City Councilmember Dan Kalb and stated that the primary purpose of his email was to invite Kalb to sit down with "Ralph Clark, SST's CEO (and fellow Oakland resident) and me for a short, informal meeting where we can discuss all things ShotSpotter." That same day, Hawkins sent an e-mail to Councilmember Schaaf stating again that the primary purpose of the email was to invite Schaaf to sit down with "Ralph Clark, SST's CEO (and fellow Oakland resident) and me for a short, informal meeting where we can discuss all things ShotSpotter."

On March 15, 2014, in response to the *Chronicle* article with the statement by Police Chief Whent that ShotSpotter was not a priority, Clark sent an internal email to other senior SST staff and stated:

¹² "Marconi reports" are generally after-action reports produced after SST gunshot alerts.

¹³ This is a likely reference to a then-current controversy in the Oakland City Council surrounding allegations by privacy advocates that SST technology could be used for general surveillance, which SST denied.

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Even with the Chief's public reversal I still think we should put out a statement and facilitate an OpEd by Desley... We also have a number of city council mtgs this Tuesday. I would like to have Joe (Oak resident) and [James Beldock, SST Vice President of Products & Engineering¹⁴] accompany me... Lastly, we should continue to monitor the press especially social to ensure things to get too out of whack. [*sic*] I am not worried about the whackos but selected responses where appropriate to keep the pH balance makes sense.

In an internal "Operations Hot List" dated March 17, 2014, under a section titled "Live Customers – Priority Care", SST stated in regard to Oakland that the company is "[s]upporting City Council engagement to overcome threat of non-renewal." The same day, Hawkins asked Barrett if she could "cherry pick a handful of slides for our meetings with Oakland city council people tomorrow."

On March 18, 2014, Jason Overman (Communications Director for Councilmember Rebecca Kaplan) e-mailed Clark to thank him for "our conversation about ShotSpotter... last week in my office." Overman added, "Council President Pro Tem Kaplan would really appreciate the opportunity to sit down with you and discuss the service you all have provided to the city." Clark forwarded the message to Hawkins and Beldock to see if they were interested in coming; they settled on meeting with Overman on March 20, 2014. Hawkins rescheduled a meeting with a "senior level [SST job] candidate" to attend the meeting with Kaplan.

On March 20, 2014, Kaplan and Overman met with Clark, Hawkins, and Beldock at Kaplan's City Hall office.

Subsequently, Hawkins also met with Councilmembers Gallo and Schaaf around the same time of this meeting with Kaplan.

On March 24, 2014, Councilmembers Kaplan and Larry Reid sent a letter to Oakland Mayor Jean Quan. It expressed Kaplan's and Reid's support for the City's continued and expanded use of SST technology. The authors "urge[d]" Quan to "submit to the City Council a budget that reflects that."

On March 25, 2014, Barrett sent an e-mail to SST "Executive Staff" containing a link to a news article describing Kaplan and Reid's letter to Quan. Gregg Rowland (of SST) and Hawkins then had the following e-mail exchange:

Gregg Rowland: Nice work Joe

Joe Hawkins: Thanks. Team effort though. Ralph and James really sold it, and James did all the data work which Kaplan jumped all over :)

In another email, Clark added, "Yes let's go!! These guys are hot and we don't want to lose any momentum. Kaplan and Reid just sent a letter to Kwan [*sic*] not only supporting renewal but they want to expand!"

On March 27, 2014, Hawkins e-mailed Kaplan and thanked her for "the time and energy you have spent with us over the past couple weeks and, in fact, for the past several years supporting the ShotSpotter program in Oakland." He also sent her information in response to her question during their March 20, 2014 meeting about "what it would take to expand ShotSpotter into downtown Oakland as well as the Maxwell Park and Cleveland Heights neighborhoods. Our proposal for the expansion is attached." Attached was a "budgetary price proposal for the expansion of your ShotSpotter Flex Gunfire Location, Alert and Analysis Service." A cover letter also read,

Enclosed is our pricing, which we have discounted for Oakland, along with the scope of work and terms. As you will see, the new coverage area is about double the size we estimated "on the fly" in your office, but we have managed to keep the price from growing accordingly. We greatly appreciate your strong advocacy for the ShotSpotter program

¹⁴ Beldock's LinkedIn profile states that his duties as Vice President of Products & Engineering included "Product Marketing."

ATTACHMENT 2

On April 1, 2014, Barrett sent the SST Executive and Marketing teams a link to a video interview that she described as “an awesome reference addressing many of the objections that we typically face when selling into agencies and cities.” (The subject line of her e-mail is “Excellent Video for Prospects or Customers Needing an Extra Push”). Clark replied, “Joe-can we get this team [*sic*] Kaplan and Gallo in Oakland?” Hawkins replied, “I will also send to Kaplan, Gallo and Schaaf with a personal note. Before the mayoral debate!”

The next day (April 2, 2014), Hawkins e-mailed Kaplan and Gallo and says: “Thought you might find this just released interview with Milwaukee PD Chief Flynn of interest. Milwaukee is a terrific customer and this is about the best articulated vision I’ve heard of how ShotSpotter can make a difference and is certainly doing so in the city of Milwaukee. This can be Oakland, too.”

On April 24, 2014, Overman called and left Hawkins a voicemail. Overman stated that the Public Safety Committee was going to be hearing from OPD on May 13, about ShotSpotter, and advised Hawkins that ShotSpotter should send a rep and “play a little defense.” Overman further stated “even if [ShotSpotter] hasn’t been invited or whatever, you may want to come” to the Public Safety Committee meeting.

On April 29, 2014, the *East Bay Express* published an article alleging that SST was engaged in unregistered lobbying activity.

On July 1, 2014, the City Council appropriated \$494,600 for SST products and services (\$146,600 for geographic expansion and \$348,000 for ongoing expenses).

On November 5, 2014, the City Council approved a no-bid contract totaling \$356,025.00 to extend SST’s coverage area and extend the term of their contract with the City through April 2015, with the option to renew for two additional one-year terms.

At no time during the multiple contacts with City Councilmembers between March and November 2014 did Joe Hawkins, Ralph Clark or anyone on behalf of SST register with or file a quarterly lobbyist report with the Public Ethics Commission reporting a client or lobbyist employer by the name of “ShotSpotter.” No one on behalf of ShotSpotter had registered with the City of Oakland since 2012.

Violation of the Contractor Contribution Ban

The SST submitted a proposed contractor bid on March 20, 2014 and commenced negotiations to continue to provide gunshot-detection technology to the Oakland Police Department.

On April 24, 2014, the same day that Overman advised the ShotSpotter team to come to the Public Safety Committee meeting, Overman sent Hawkins a fundraising email for Kaplan’s candidate-controlled ballot measure campaign; Hawkins said he would contribute, then forwarded the email to other SST executives and said, “Ugh. Sharing the love in case any of you feel so inclined. ;-p”

On that same day, April 24, 2014, Hawkins contributed \$100 to Kaplan’s candidate-controlled ballot measure committee, “Coalition for Safe Streets and Local Jobs.” Four days later (April 28, 2014), Clark contributed \$100 to the same committee.

At all relevant times between April 24, 2014 and April 28, 2014, the contractor 180-day blackout period extended from the date of the proposal until the completion of negotiations, in August 2014.

ATTACHMENT 2

Date Rec'd	Contributor	Name of Candidate Controlled Committee	Amount
April 24, 2014	Joe Hawkins	"Coalition for Safe streets and Local Jobs" Councilmember Kaplan's Committee	\$100
April 28, 2014	Ralph Clark	"Coalition for Safe streets and Local Jobs" Councilmember Kaplan's Committee	\$100

III. VIOLATIONS

Based on the aforementioned evidence, there is probable cause that the Respondents committed the following violations of the Oakland Lobbyist Registration Act and the Oakland Campaign Reform Act.

I. Respondent Ralph Clark, Chief Executive Officer, ShotSpotter, Inc.

Count 1: Unregistered Lobbying Activity in 2014

Respondent Ralph Clark, at all relevant times of the alleged conduct, was the Chief Executive Officer of ShotSpotter, Inc. between March 2014 through December 2014 when he directly communicated with Oakland City Councilmember Rebecca Kaplan and directed his agents to communicate with both Kaplan and Noel Gallo on behalf of ShotSpotter for the purpose of influencing pending or proposed governmental action on the renewal contract and expanded coverage for ShotSpotter Inc. in violation of O.M.C. section 3.20.120(A) of the Lobbyist Registration Act.

Count 2: Failure to Register as a Lobbyist and file a Lobbyist Registration form for 2014

Respondent Ralph Clark violated O.M.C. section 3.20.040 by failing to file with the City a lobbyist registration form before engaging in lobbying activity.

Count 3: Failure to Timely File Quarterly Lobbyist Reports for Quarter 1, 2014

Respondent Ralph Clark violated O.M.C. section 3.20.110 of the Lobbyist Registration Act by failing to timely file with the City a quarterly lobbying report for the January 1 through March 31, 2014, reporting period by April 30, 2014. Clark failed to report his communications with Rebecca Kaplan and Noel Gallo in March 2014.

Count 4: Failure to Timely File Quarterly Lobbyist Reports for Quarter 2, 2014

Respondent Ralph Clark violated section 3.20.110 of the Lobbyist Registration Act by failing to timely file with the City a quarterly lobbying report for the April 1 through June 30, 2014, reporting period by July 31, 2014, reporting that he directed an agent (Joe Hawkins) to send a favorable marketing video to City Councilmembers Rebecca Kaplan and Noel Gallo on April 2, 2014, for purposes of influencing the upcoming ShotSpotter Inc. contract decision.

Count 5: Failure to Timely File Quarterly Lobbyist Reports for Quarter 3, 2015

Respondent Ralph Clark Violated O.M.C. section 3.20.110 of the Lobbyist Registration Act by failing to timely file with the City a quarterly lobbying report for the July 1 through September 20, 2015, reporting period by October 31, 2015, reporting that on or about September 21, 2015 meeting between ShotSpotter staff and Councilmember Rebecca Kaplan in response to concerns that Kaplan would redirect the funding apportioned for the ShotSpotter contract extension.

Count 6 : Violation of the Contractor Contribution Blackout Period

The Oakland Campaign Reform Act O.M.C. 3.12.140, prohibits contributions to candidates and committees controlled by elected officials from City contractors who contract or proposes to contract with or who

ATTACHMENT 2

amends or proposes to amend such a contract with the City for the rendition of services, for the furnishing of any materials, supplies, commodities or equipment to the City, whenever the value of such transaction would require approval by the City Council. The prohibition applies from the commencement of negotiations until 180 days after the completion of negotiations. On April 28, 2014, Respondent Ralph Clark contributed \$100 to a candidate-controlled committee, "Coalition for Safe Streets and Local Jobs."

II. Respondent Joe Hawkins Vice President of Operations ShotSpotter, Inc.

Count 8: Unregistered Lobbyist Activity in 2014

Respondent Joe Hawkins, at all relevant times of the alleged conduct, was the Vice President of Operations at ShotSpotter, Inc. between March 2014 through December 2014, when he directly communicated with Oakland City Councilmembers on behalf of ShotSpotter for the purpose of influencing pending or proposed governmental action on the renewal contract and expanded coverage for ShotSpotter Inc. in violation of O.M.C. section 3.20.120(A) of the Lobbyist Registration Act.

Count 9: Failure to Register as a Lobbyist and Failure to timely file a Lobbyist Registration form for 2014

Respondent Joe Hawkins violated O.M.C. section 3.20.040 by failing to file with the City a lobbyist registration form before engaging in lobbying activity.

Count 10: Failure to File Quarterly Lobbyist Reports for Quarter 1, 2014

Respondent Joe Hawkins violated O.M.C. section 3.20.110 of the Lobbyist Registration Act by failing to timely file with the City a quarterly lobbying report for the January 1 through March 31, 2014, reporting period by April 30, 2014. Hawkins failed to report his communications, including emails, with Councilmembers Libby Schaaf, Dan Kalb and Rebecca Kaplan in March 2014.

Count 11: Failure to Timely File Quarterly Lobbyist Reports for Quarter 2, 2014

Respondent Joe Hawkins violated O.M.C. section 3.20.110 of the Lobbyist Registration Act by failing to timely file with the City a quarterly lobbying report for the April 1 through June 30, 2014, reporting period by July 31, 2014, reporting that he sent a favorable marketing video to City Councilmembers Kaplan and Gallo on April 2, 2014, and email communications to Rebecca Kaplan for purposes of influencing the upcoming ShotSpotter Inc. contract decision.

Count 12: Failure to Timely File Quarterly Lobbyist Reports for Quarter 3, 2015

Respondent Joe Hawkins Violated O.M.C. section 3.20.110 of the Lobbyist Registration Act by failing to timely file with the City a quarterly lobbying report for the July 1 through September 30, 2015, reporting period by October 31, 2015, reporting that on or about September 21, 2015 meeting between ShotSpotter staff and Councilmember Kaplan in response to concerns that Kaplan would redirect the funding apportioned for the ShotSpotter contract extension.

Count 13: Violation of the Contractor Contribution Blackout Period

The Oakland Campaign Reform Act O.M.C. section 3.12.140, prohibits contributions to candidates and committees controlled by elected officials from City contractors who contract or propose to contract with or who amend or propose to amend such a contract with the City for the rendition of services, for the furnishing of any materials, supplies, commodities or equipment to the City, whenever the value of such transaction would require approval by the City Council. The prohibition applies from the commencement of negotiations until 180 days after the completion of negotiations. On April 24, 2014, during the time in which Hawkins and his colleagues were negotiating a renewal and expansion to the contract with the City, Respondent Joe Hawkins contributed \$100 to a candidate-controlled committee "Coalition for Safe Streets and Local Jobs."

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PENALTIES:

In 2014, the Oakland Campaign Reform Act authorized the Commission to impose administrative penalties/fines of \$2,000 or up to three times the amount not reported for any violation of the electronic filing requirement.

In 2014, the Lobbyist Registration Act authorized the Commission to impose administrative penalties/fines of \$1,000 per violation.

Our investigation found that both Joe Hawkins and Ralph Clark violated OCRA and LRA by failing to timely report their lobbying activity on behalf of ShotSpotter. Which means both Respondents can, independent of one another, face administrative penalties of up to \$5,000 for the LRA charges and \$2,000 for the OCRA violations for a total of \$7,000 without factoring aggravating circumstances. In this case, where the two are responsible for the violations, we recommend imposing a \$7,000 penalty jointly and severally liable.

The PEC will consider all relevant mitigating and aggravating circumstances surrounding a violation when deciding on a penalty, including, but not limited to, the following factors:

1. The seriousness of the violation, including, but not limited to, the extent of the public impact or harm;
2. The presence or absence of any intention to conceal, deceive, or mislead;
3. Whether the violation was deliberate, negligent, or inadvertent;
4. Whether the violation was isolated or part of a pattern;
5. Whether the respondent has a prior record of violations and/or demonstrated knowledge of the rule or requirement at issue;
6. The extent to which the respondent voluntarily and quickly took the steps necessary to cure the violation (either independently or after contact from the PEC);
7. The degree to which the respondent cooperated with the PEC's enforcement activity in a timely manner;
8. The relative experience of the respondent.

The PEC has broad discretion in evaluating a violation and determining the appropriate penalty based on the totality of circumstances. This list of factors to consider is not an exhaustive list, but rather a sampling of factors that could be considered. There is no requirement or intention that each factor – or any specific number of factors - be present in an enforcement action when determining a penalty. As such, the ability or inability to prove or disprove any factor or group of factors shall in no way restrict the PEC's power to bring an enforcement action or impose a penalty

For serious violations and violations that do not qualify for a warning letter or the streamlined stipulation program, the PEC will start a penalty amount with a "base-level" amount and then adjust the penalty amount based on mitigating and aggravating factors of the enforcement action. In this case, the base level penalty per violation of the Contractor Contribution Prohibition (OCRA § 3.12.140) is \$2,000. The base level for similar failure to file violations under (LRA 3.20.110 and 3.20.040) is \$1,000.

Aggravating Factors:

The aggravating factors that contributed to the aforementioned violations include: 1.) The impact to the public was great because during the multiple months ShotSpotter lobbied for their contract renewal and expanded contract there was a lack of transparency and accountability to the citizens of Oakland; 2.) The violation was a part of a pattern of activity that ShotSpotter carried on for multiple months with multiple

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councilmembers; 3.) The violation was not inadvertent both Respondent's knowingly contacted City Officials to lobby to not only renew but expand the ShotSpotter contract; and 4.) After the news article ran about ShotSpotter lobbying in Oakland, neither Respondent attempted to correct the actions.

Mitigating Factors:

The mitigating factors in this case are: 1.) The Respondents lack a prior record of violations; 2.) The Respondents cooperated with the PEC's enforcement investigation; 3.) During the time lapse between the initial preliminary review of the case and resolution neither Respondent has committed any other violations; and 4.) The circumstances at the time of ShotSpotter's lobbying activity occurred when the City was unaware of the new improvements that ShotSpotter had made to its product and that in an effort to provide information on the new improvements, the Respondents were negligent in limiting their interactions and communications with councilmembers to Councilmember initiated questions about renewal of the existing contract.

PROPOSED PENALTY

In light of the enumerated mitigating and aggravating factors described above, staff is recommending that the Commission approve Respondent's "No Contest" Stipulation to violating the aforementioned counts and imposing \$2,000 for the charge of Contractor Contribution Prohibition and \$1000 for Unregistered Lobbyist Activity, and \$500 for each count of failure to register as a Lobbyist, failure to file Lobbyist Registration Forms or Quarterly Reports, for a total penalty of \$5,000 joint and severally liable.

**PUBLIC ETHICS COMMISSION
STIPULATION, DECISION, AND ORDER
SEI Non-Filer – Streamlined Stipulation¹**

PEC CASE NO.: 17-07

RESPONDENT NAME AND POSITION: Jumoke Hinton-Hodge, Candidate

DESCRIPTION OF VIOLATION: Failure to file Semi-Annual Campaign Finance Statement, in violation of Oakland Campaign Reform Act O.M.C. 3.12.340A and Gov. Code Sec. 84215.

TYPE OF SEI	PERIOD COVERED BY SEI	DUE DATE	DATE FILED	FINE AMOUNT²
Semi-Annual Campaign Finance Statement	July 1, 2016 through December 31, 2016	Jan. 31, 2017	Not Filed	\$500

TOTAL FINE AMOUNT: \$500

Complainant, the Enforcement Unit of the Public Ethics Commission, and **Respondent** hereby agree to the following:

1. This Stipulation will be submitted for consideration by the City of Oakland Public Ethics Commission (Commission) at its next regularly scheduled meeting;
2. This Stipulation resolves all factual and legal issues raised in this matter and represents the final resolution to this matter without the necessity of holding an administrative hearing to determine the liability of Respondent;
3. Respondent knowingly and voluntarily waives all procedural rights under the Oakland City Charter, Oakland Municipal Code, and Public Ethics Commission Complaint Procedures, including, but not limited to, the right to personally appear at an administrative hearing held in this matter, to be represented by an attorney at Respondent's own expense, to confront all witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, and to have the matter judicially reviewed;
4. This Stipulation is not binding on any other law enforcement agency, and does not preclude the Commission or its staff from referring the matter to, cooperating with, or assisting any other government agency with regard to this matter, or any other matter related to it;
5. It is further stipulated and agreed that Respondent violated the Oakland Government Ethics Act as described herein.

¹ A Streamlined Stipulation provides an efficient resolution for common, low-level violations of the Oakland Government Ethics Act that meet the criteria established in the Commission's Enforcement Penalty Guidelines.

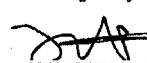
² Pursuant to Streamlined Stipulation fine amounts set by the Commission's Enforcement Penalty Guidelines.

6. The Public Ethics Commission Filing Officer referred the Respondent to enforcement for failure to file a required Semi-Annual campaign finance statement(s) for the period(s) of July 1, through December 31, 2016. After investigating Respondent's campaign filings, PEC staff determined that she and/or her committee, despite multiple warnings, had not electronically filed the required information as required by section 3.12.340 (A) of the Oakland Campaign Reform Act (OCRA).
7. The "streamline penalty formula" is \$400 per violation. The streamline penalty in this case would be \$400, without aggravating factors.
8. The PEC has broad discretion in evaluating a violation and determining the appropriate penalty based on the totality of circumstances. The PEC can consider a list of factors, although not an exhaustive list, in deciding to increase or decrease the amount of a penalty. There is no requirement or intention that each factor – or any specific number of factors - be present in an enforcement action when determining a penalty. As such, the ability or inability to prove or disprove any factor or group of factors shall in no way restrict the PEC's power to bring an enforcement action or impose a penalty.
9. The aggravating factors include the following: 1) the Respondent knew that she had an obligation to file her Semi-Annual Campaign Finance Statement forms, made promises that she would file them and failed to do so; and 2) the Respondent had enough experience with campaign filings to know that she was required to timely file the statements. The relevant mitigating factor is that the Respondent does not have a history of prior violations. For the reasons stated above, the penalty is \$500.
10. The Commission will impose upon Respondents a total administrative penalty in the amount of \$500.
11. Respondent agrees to the issuance of the Decision and Order and imposition by the Commission of a fine in the amount specified on the Stipulation, and a cashier's check or money order in said amount, payable to the "City of Oakland," has been submitted by Respondent to be held by the Commission until it issues its Decision and Order.
12. In the event the Commission refuses to accept this Stipulation, it shall become null and void, and within fifteen business days after the Commission meeting at which the Stipulation is rejected, all payments tendered by Respondent in connection with this Stipulation will be reimbursed to Respondent; and
13. In the event the Commission rejects this Stipulation and a full evidentiary hearing before the Commission becomes necessary, neither any member of the Commission, nor the Executive Director, shall be disqualified because of prior consideration of this Stipulation.

Dated: _____

Kellie Johnson, Enforcement Chief on behalf of Complainant

Dated: 11/20/2019

DocuSigned by:

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Jumokey Hinton-Hodge, Respondent

ORDER OF THE COMMISSION:

The foregoing stipulation has been adopted by a majority vote of the Public Ethics Commission as its final decision and order and is effective upon execution below by the Chair.

IT IS SO ORDERED.

Dated: _____

Jodi Smith, Commission Chair

ATTACHMENT 3

ATTACHMENT 4

PUBLIC ETHICS COMMISSION
STIPULATION, DECISION, AND ORDER
SEI Non-Filer – Streamlined Stipulation¹

PEC CASE NO.: 19-07

[Pro-Active/Referred by PEC Filing Officer]

RESPONDENT NAME AND POSITION: Joseph Betesh, Treasurer/Preparer

DESCRIPTION OF VIOLATION: Failure to timely file Major Donor Semi-Annual Campaign Statement(s), in violation of Oakland Campaign Reform Act O.M.C. 3.12.340A and Gov. Code Sec. 84215.

TYPE OF SEI	PERIOD COVERED BY SEI	DUE DATE	DATE FILED	FINE AMOUNT ²
Semi-Annual Campaign Statement	July 1 through December 31, 2018	Jan. 31, 2019	Not Filed	\$1000
Semi-Annual Campaign Statement	January 1 through June 1, 2018	July 31, 2018	Failed to File Accurate Statement	\$1000

TOTAL FINE AMOUNT: \$2000

Complainant, the Enforcement Unit of the Public Ethics Commission, and **Respondent** hereby agree to the following:

1. This Stipulation will be submitted for consideration by the City of Oakland Public Ethics Commission (Commission) at its next regularly scheduled meeting;
2. This Stipulation resolves all factual and legal issues raised in this matter and represents the final resolution to this matter without the necessity of holding an administrative hearing to determine the liability of Respondent;
3. Respondent knowingly and voluntarily waives all procedural rights under the Oakland City Charter, Oakland Municipal Code, and Public Ethics Commission Complaint Procedures, including, but not limited to, the right to personally appear at an administrative hearing held in this matter, to be represented by an attorney at Respondent's own expense, to confront all witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, and to have the matter judicially reviewed;

¹ A Streamlined Stipulation provides an efficient resolution for common, low-level violations of the Oakland Government Ethics Act that meet the criteria established in the Commission's Enforcement Penalty Guidelines.

² Pursuant to Streamlined Stipulation fine amounts set by the Commission's Enforcement Penalty Guidelines.

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4. This Stipulation is not binding on any other law enforcement agency, and does not preclude the Commission or its staff from referring the matter to, cooperating with, or assisting any other government agency with regard to this matter, or any other matter related to it;
5. It is further stipulated and agreed that Respondent violated the Oakland Campaign Reform Act as described herein.
6. The Public Ethics Commission Filing Officer referred the Respondent to enforcement for failure to file his major donor committee campaign statement for the period of July 1, 2018 through December 31, 2018 and for failure to file a complete report on or between January 1, 2018 through June 1, 2018. After investigating the Respondent's campaign filings, PEC staff determined that he and/or his committee, despite multiple warnings and staff time helping to explain the necessary requirements and reporting obligations to correct the filing information and file the required forms, had not electronically filed the required information as required by section 3.12.340 (A) of the Oakland Campaign Reform Act (OCRA).
7. The "streamline penalty formula" is \$400 per violation, plus 1% of contributions received or expenditures made, whichever is greater. In this case, the total in expenditures made according to the Respondent's Major Donor forms was approximately \$79,000. The streamline penalty in this case would be \$400 x 2 counts plus \$790 (1% of the amount of expenditures made) which comes to a total of \$1590, without aggravating factors.
8. The PEC has broad discretion in evaluating a violation and determining the appropriate penalty based on the totality of circumstances. The PEC can consider a list of factors, although not an exhaustive list, in deciding to increase or decrease the amount of a penalty. There is no requirement or intention that each factor – or any specific number of factors - be present in an enforcement action when determining a penalty. As such, the ability or inability to prove or disprove any factor or group of factors shall in no way restrict the PEC's power to bring an enforcement action or impose a penalty.
9. The aggravating factors include the following: 1) the Respondent's conduct was part of a pattern of failing to file major donor statements; 2) the Respondent knew that he had an obligation to file the forms, made promises that he would file them and failed to do so; and 3) the Respondent had enough experience with campaign filings to know that he was required to timely file the statements. The relevant mitigating factor is that the Respondent does not have a history of prior violations. For the reasons stated above, the penalty is \$2,000.
10. The Commission will impose upon Respondents a total administrative penalty in the amount of \$2,000.
11. Respondent agrees to the issuance of the Decision and Order and imposition by the Commission of a fine in the amount specified on the Stipulation, and a cashier's check or money order in said amount, payable to the "City of Oakland," has been submitted by Respondent to be held by the Commission until it issues its Decision and Order.

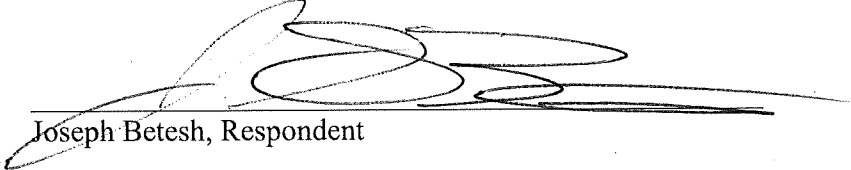
ATTACHMENT 4

12. In the event the Commission refuses to accept this Stipulation, it shall become null and void, and within fifteen business days after the Commission meeting at which the Stipulation is rejected, all payments tendered by Respondent in connection with this Stipulation will be reimbursed to Respondent; and
13. In the event the Commission rejects this Stipulation and a full evidentiary hearing before the Commission becomes necessary, neither any member of the Commission, nor the Executive Director, shall be disqualified because of prior consideration of this Stipulation.

Dated: _____

Kellie Johnson, Enforcement Chief on behalf of Complainant

Dated: 11/8/19



Joseph Betesh, Respondent

ORDER OF THE COMMISSION:

The foregoing stipulation has been adopted by a majority vote of the Public Ethics Commission as its final decision and order and is effective upon execution below by the Chair.

IT IS SO ORDERED.

Dated: _____

Jodi Smith, Commission Chair

ATTACHMENT 5



Jodie Smith, Chair
James E.T. Jackson, Vice-Chair
Jill Butler
Gail Kong
Nayeli Maxson
Joseph Tuman
Jerett Yan

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Kellie Johnson, Enforcement Chief
DATE: November 7, 2019
RE: *In the Matter of Libby Schaff (Case No. M2019-02);* Mediation Summary

I. INTRODUCTION

On November 4, 2018, the requester submitted a public records requests through NextRequest to the Mayor's office requesting copies of posts that were posted by the Mayor's office on a social networking sight "Nextdoor." In December 2018, the Requester filed a Formal Complaint alleging the Mayor's office violated the City of Oakland's Government Ethics Act by posting campaign material on Nextdoor. On December 18, 2018, Staff notified the Mayor's office of the complaint and requested more information regarding the posts in question. The Mayor's office provided a response but failed to release the requested documents to the requester.

Subsequently, on February 19, 2019, the Commission received a request for mediation alleging that Mayor Libby Schaff failed to timely disclose records in response to a public records requests made by the Requester. This request for mediation was related to the Formal Complaint the Requester filed in December of 2018, alleging misuse of government resources. Staff initiated its mediation program on April 18, 2019, pursuant to the Oakland Sunshine Ordinance.

On April 19, Staff contacted the Requester to confirm that the Requester received all responsive documents. The Requester affirmed that they received a spread sheet with responsive information; however, the Requester wanted a copy of the actual posted messages not a spread sheet of the posts in question. Staff subsequently learned that the posts were deleted by the Mayor's Director of Communication. Staff recommends that the Commission close the mediation without further action because the original posts have been deleted and cannot be retrieved.

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

ATTACHMENT 5

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 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 November 4, 2018, the 'Office of the Mayor' Nextdoor social media account added several posts advertising the endorsement of the mayor's campaign for re-election by local newspapers."

"Public Agency" accounts are granted by Nextdoor.com to public agencies under the presumption that they are in fact controlled by those agencies. Other examples of local agency accounts include an official "City of Oakland" account, the Oakland Police Department, and the East Bay Regional Parks District.

Members of Nextdoor.com who are residents of the jurisdiction of an agency account are automatically "subscribed" to updates from that agency. According to Nextdoor, at least 20% of Oakland's households are members of the site. This amounts to roughly 80,000 people who are automatically subscribed to receive one-way updates from the Office of the Mayor.

Previous posts from the "Office of the Mayor" Nextdoor account have publicized city events, touted city/mayoral achievements, and conveyed press release-style statements. Prior to September 2018, the account posted only sporadically (and appears not to have issued any posts at all in 2017). The recent uptick in posts appeared related to the mayor's re-election bid. The pace further increased in the week leading up to the November 6 election.

All four posts are dated November 4, 2018, and I have reproduced the wording of them below. The posts were as follows:

(1) November 4, 2018, at 7:10AM:

Subject: East Bay Express Endorses Libby Schaaf

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).

⁵ Complaint Procedures § IV (C)(5).

ATTACHMENT 5

Honored to earn the sole endorsement of Oakland's alt-weekly. "The city is in better financial health than when she took office and has operated more efficiently and competently under City Administrator Sabrina Landreth; violent crime has continued to trend downward; police shootings and use of force cases have declined; and the city is finally starting to build much-needed housing.

<https://www.eastbayexpress.com/oakland/our-november-2018-endorsement-guide/Content?oid=21443046>

(2) November 4, 2018, at 7:18AM:

Subject: San Francisco Chronicle Endorses Libby Schaaf

Honored and humbled to receive the sole endorsement of the San Francisco Chronicle. "Schaaf has approached each issue with a blend of tough-mindedness, humanity and perspective. As she put it, her job is to 'not just solve the crisis of the moment' but to pursue long-term solutions. She also has become Oakland's most assertive ambassador and salesperson since her former mayoral boss, Jerry Brown, held the office.

<https://www.sfchronicle.com/opinion/editorials/article/Editorial-Re-elect-Oakland-Mayor-Libby-Schaaf-13301310.php>

(3) November 4, 2018, at 7:20AM:

Subject: East Bay Times Endorses Libby Schaaf

Honored + humbled to receive the sole endorsement of our East Bay Times. "Schaaf clearly understands the scale and complexity of the problem - something none of her opponents do." <https://www.mercurynews.com/2018/10/02/editorial-heres-why-to-re-elect-oakland-mayor-libby-schaaf/>

(4) November 4, 2018, at 7:26AM:

Subject: The Bay Area Reporter Endorses Libby Schaaf

Proud to earn the sole endorsement of The Bay Area Reporter. "Oakland Mayor Libby Schaaf made a courageous decision earlier this year that her nine challengers can't touch: in late February, she tweeted that 'credible sources' told her that an immigration sweep by federal authorities was imminent and said it was her 'duty and moral obligation' to warn families ... President Donald Trump and Attorney General Jeff Sessions called her out, and Sessions said back in March that the Justice Department was looking into obstruction of justice prosecution against her See more⁶

The posts by Mayor Schaaf's account were removed. At the time, the identity of the specific person(s) managing the "Office of the Mayor" account was not known. However, the account

⁶ The words "see more" can apparently be clicked to show the rest of the post. Whoever provided the printout included with the complaint did not click "see more" before printing.

ATTACHMENT 5

does appear to be controlled by employees of the Office of the Mayor (and thus employees of the City of Oakland). After the removal of the violating posts, the Mayor's Director of Communications Justin Berton responded on Twitter to a user complaining about the Nextdoor posts.

Staff contacted the Mayor's office and asked for clarification on what happened with the posts. Schaaf's office provided the following statement in response to the PEC:

1. The Mayor's director of communication, without knowledge of Mayor Schaaf, shared a few news editorials. You can see that the postings occurred only minutes apart. He regularly posts news articles about the Mayor's governmental work, so he mistakenly posted these editorials as a part of his regular practice without thinking about the campaign related nature of the editorials.
2. These actions were not done on an Oakland business day; it was a Sunday. He only spent an incidental and minimal use of his time to do this -- a few minutes at most. Any use of city resources was insubstantial.
3. The director of communications, realizing his error, quickly removed the post - less than an hour had passed for the entire incident from start to remedy.
4. When the individual's supervisor learned of the action, she imposed formal discipline on the individual.
5. Mayor Schaaf did not direct the posting and certainly did not authorize it. She was not aware that the posting went onto the Nextdoor network until well after it was taken down....

Request 18-3820

On November 4, 2018, the City received, via NextRequest, the following public records request (No. 18-3820):

"All Nextdoor (Nextdoor) posts posted on the mayor's official account."

On November 13, 2018, Sun Kwong Sze uploaded a note to the NextRequest stating, "Additional time is required to answer your public records request. We need to search for, collect, or examine a large number of records."

The Requester did not receive another communication from the Mayor's office until February 27, 2019 when Ms. Sze uploaded the following note to NextRequest:

"Dear Requester, All the postings of the Mayor's Office are on Nextdoor.com. In the case of deleted posts, the user, i.e. our office, does not have access to them. However, we have contacted the company to retrieve those records. The company estimated they can provide us a copy of the deleted posts by the end of next week. Once we receive those records from Nextdoor, we will make them available.

ATTACHMENT 5

On March 6, 2019, Sun Kwong Sze uploaded Nextdoor documents to NextRequest and wrote, “We released all of the requested documents.”

On April 18, 2019, Staffed commenced mediation. The requester received a spreadsheet/ printout of the deleted posts but not the original individual posts.

IV. RECOMMENDATION

Staff recommends that the Commission close the mediation without further action because the Requester has received the substantive information requested.

ATTACHMENT 6



Jodie Smith, Chair
James E.T. Jackson, Vice-Chair
Jill Butler
Gail Kong
Nayeli Maxson
Joseph Tuman
Jerett Yan

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Kellie Johnson, Enforcement Chief
DATE: November 7, 2019
RE: *In the Matter of Oakland Department of Housing & Community Development*
(Case No. M2019-06); Mediation Summary

I. INTRODUCTION

On April 26, 2019, Staff received a request for mediation from the Requester alleging that on March 27, 2019, the Requester submitted a public records request (19-1568) through NextRequest to the City of Oakland Housing and Community Development Department. On April 11, 2019, the department extended the due date to April 25, 2019. Again, on April 25, the department extended the due date to May 9, 2019.

On April 20, Staff initiated mediation pursuant to the Oakland Sunshine Act.

On May 3, 2019 the Housing and Community Development Department released some responsive documents.

On May 24, 2019, Staff received correspondence from the Requester that they received a fourth request to extend the due date for the documents. On May 28th Staff contacted the Planning and Building Department to inquire when the responsive documents would be released to the Requester. On June 11, 2019, the Housing and Community Development Department released all responsive documents and closed the request. Staff contacted the Requester on August 13, 2019, to confirm that all responsive documents were provided. As of the date of this memorandum, staff has not received a response. Staff recommends that the Commission close the mediation without further action because the responsive documents have been received and the request is closed.

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 6

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

Request 19-1568

On March 27, 2019, the City of Oakland's Housing and Community Development received, via NextRequest, the following public records request (No. 19-1568):

"All documents, photos, emails, text, videos, data and other records related to 2451 Ivy Dr, Oakland, CA 94606. Please include all comments, photos. Call logs, emails, letters, etc. that have been made in reference to the property by any city employee in the past 5 years. Please include copies of all actual documents, including permit applications and permits issued. Please ensure that the documents, and not just a link to an external website, are included. Thank you."

On March 28, 2019, Sylvia Shannon added the Planning and Building Department and on March 29, 2019 removed Planning and Building. On April 25, 2019 Ms. Shannon uploaded the following note to NextRequest:

"04/25/2019 (was 04/08/2019) Staff has identified tow case files for this property. Staff will work to copy and redact the necessary information. Please allow two weeks for release or update."

On May 3, 2019, Ms. Shannon uploaded several responsive documents. On May 10, 2019 she uploaded an eviction notice on the property from 2013.

On May 10th, Ms. Shannon also changed the due date of the request to May 24, 2019. On May 24, 2019 she changed the date to again.

On June 11, 2019, Ms. Shannon closed the request uploaded the following note to NextRequest:

"Staff has completed the search for documents with this address. All documents held by the department have been provided."

³ O.M.C. § 2.20.270(C)(1).

⁴ O.M.C. § 2.20.270(F).

⁵ Complaint Procedures § IV (C)(5).

ATTACHMENT 6

On August 13, 2019, Staff contacted the Requester by email to inquire if they received all of the documents and were satisfied with the request being closed. As of the date of this memorandum, the Requester did not respond to the Staff's inquiry.

IV. RECOMMENDATION

Staff recommends that the Commission close the mediation without further action, because the Requester has received responsive documents.

ATTACHMENT 7



Jodie Smith, Chair
James E.T. Jackson, Vice-Chair
Jill Butler
Gail Kong
Nayeli Maxson
Joseph Tuman
Jerett Yan

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Kellie Johnson, Enforcement Chief
DATE: November 12, 2019
RE: *In the Matter of the City of Oakland Department of Transportation*
(Case No. M2019-11); Mediation Summary

I. INTRODUCTION

The Requester, back in July 2018, attended a community event about the City of Oakland's "Worst Street Program." The Worst Street Program administered funds to communities in need of immediate street repair. At Councilmember Dan Kalb's community event, the Requester asked for more information on the program. The Requester followed up with Kalb's office to request any written materials on the program, but Kalb's office did not provide any documents to the Requester.

In December 2018, the Requester met with the Public Ethics Commission Staff about his concerns and made a request to file a formal complaint against Dan Kalb. Staff conducted a preliminary review and informed the Requester in February of 2019 that mediation is the first step in retrieving his responsive documents.

On June 13, 2019, Staff received a formal request for mediation from the Requester alleging that on April 18, 2019, the Requester submitted a public records request (19-1958) through NextRequest to the City of Oakland Department of Transportation and that the Office of Councilmember Dan Kalb failed to provide responsive records in a timely manner. On April 19, 2019 Dan Kalb's staff Oliver Luby removed Dan Kalb's office from the Requester's public records request. On April 23, 2019, Administrative Analyst Justine Colon extended the due date of the request to May 13, 2019.

On April 25, 2019 Justine Colon released some responsive emails related to the Requester's public records request and a CD of documents

Justine Colon extended the due date twice again on May 23 and June 5, 2019. On June 26, 2019, the public records request was still overdue.

Staff had already initiated mediation on April 8, 2019 in an effort to assist in recovering responsive documents pursuant to the Oakland Sunshine Act.

ATTACHMENT 7

On July 22, 2019, additional documents were released, and the request was closed. Staff contacted the Requester on August 13, 2019, to confirm that all responsive documents were provided. As of the date of this memorandum, staff has not received a response. Staff recommends that the Commission close the mediation without further action because the responsive documents have been received and the request is closed.

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 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

Request 19-1958

In July 2018, the Requester attended a community event sponsored by Dan Kalb regarding the administration of the "Worst Street Program." The Requester advocated that 57th Street, between San Pablo Ave and Market Street, should be added to the worst streets repair list.

The Requester followed up with Kalb's office and requested written information including evidence that 57th Street was added to the worst streets list. The Requester did not receive responsive documents from Kalb's office, so he contacted the Public Ethics Commission (PEC) to file a formal complaint against Kalb alleging government ethics violations.

PEC opened a preliminary investigation into the Requester's allegation and subsequently informed the Requester that since his complaint concerned a request for public records, his complaint was best handled through the PEC mediation program. The Requester was encouraged to file a public records request for the documents through NextRequest.

In an effort to help assist the Requester, the PEC contacted Kalb's office to attempt to retrieve the responsive documents.

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).

⁵ Complaint Procedures § IV (C)(5).

ATTACHMENT 7

On April 18, 2019 the Requester submitted a public records request (19-1958) for the following:

“As per OMC 2.20.190 this is a written request to inspect and obtain copies of all public records that have to do with the “Worst Streets Fund” (“WSP”) paving priorities for District 1 since, and including, 2013 until today. I am specifically looking for the following:

- All communications, meetings, files and records received by the OakDOT from Dan Kalb regarding which streets in my district should be repaved with available funds.
- Any records of discussions, meetings, conversations and minutes of those held by either the OakDOT Director, Assistant Director, Division Manager, and Paving Program Manager with Council member Dan Kalb.”

Justine Colon was assigned as the point of contact. On April 18, 2019 Alex Katz with the City Attorney’s office was added as support, and Kalb’s office was the Department assigned to respond to the request. Later that same day the City Attorney’s office was removed as support staff.

On April 19, 2019, Oliver Luby, staff with Kalb’s office, updated a note to NextRequest that stated the following:

“While focused on District 1 this request appears to be only for OakDOT records. All specifics are for records in the possession of OakDOT.”

On April 23, 2019, Justine Colon updated NextRequest with the following message:

“Request extended: Additional time is required to answer your public records request. We need to search for, collect, or examine a large number of records (Government Code Section 6253 (c)(2)).”

On April 23, 2019 the due date was changed from April 29, 2019 to May 13, 2019.

On April 25, 2019 a CD with Worst Street List was released to the Requester and email communications along with the following explanation:

“Attached was the running list for Council District 1 in 2017. Please note “Street saver” was not used for selection of streets for paving the “Worst Streets Fund.” The street selections were coordinated with the Council Member’s offices... Attached are emails related to a meeting with the Councilmember Kalb and the associated attachments.”

On May 23, 2019, Justine Colon uploaded the following message to NextRequest:

“An IT search for relevant records is still ending. Thank you. As soon as additional records become available, they will be uploaded. Thank you.”

On June 5, 2019, Colon uploaded the following message to NextRequest:

“The IT search for relevant communications is still pending. Thank you!”

ATTACHMENT 7

On June 13, 2019, the Requester contacted the PEC and complained that OakDOT was supposed to have his documents to him within 10-days and that it had taken 52-business days and he was still waiting for all the responsive documents.

On July 1, 2019, redacted emails were released to the Requester.

On July 22, 2019, additional sets of emails were released to the Requester with the following message:

“The Department of Transportation has released all available information.”

On August 13, 2019, Staff contacted the Requester by email to inquire if they received all of the documents and were satisfied with the request being closed. As of the date of this memorandum, the Requester did not respond to the Staff’s inquiry.

IV. RECOMMENDATION

Staff recommends that the Commission close the mediation without further action because the Requester has received all responsive documents.

ATTACHMENT 8



Jodie Smith, Chair
James E.T. Jackson, Vice-Chair
Jill M. Butler
Gail Kong
Joseph Tuman
Nayeli Maxson Velazquez
Jerett Yan

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Jelani Killings, Ethics Analyst
Whitney Barazoto, Executive Director
DATE: November 20, 2019
RE: Board and Commission Compliance with Online Agenda Posting Requirements

Earlier this year, Public Ethics Commission (Commission) staff initiated a proactive review to assess which City boards and commissions are meeting online agenda posting requirements. The goal of this review was to assess all City boards and commissions' websites for compliance with Sunshine and Brown Act requirements and furthermore, obtain compliance, and ensure board liaisons know the legal requirements.

In March, Commission staff distributed an advisory to board and commission liaisons to answer common questions and increase awareness of online agenda posting requirements under state and local law. The advisory explained agenda posting requirements under the City's Sunshine Ordinance and notified liaisons of state legislation passed in 2016 (AB 2257) that added new accessibility requirements for online agenda postings.

Following the advisory, Commission staff began to conduct a review of boards and commissions' websites and found that only 19 of the City's 31 active boards and commissions were complying. Staff subsequently reached out directly and met individually with board liaisons to discuss the online agenda posting requirement and to identify any barriers to compliance. This memorandum provides an overview of Commission staff's findings from this review and provides recommendations to the Mayor and City Administrator to improve and sustain board and commission compliance.

Review of Online Agenda Postings

Initially, 12 of the City's 31 boards and commissions were not in compliance with the online posting requirement. 4 of the boards became compliant after the initial advisory letter was sent out. The remaining 8 expressed during subsequent interviews that they were unaware of the posting requirements or didn't have direct access to posting agenda materials on the City's website. Commission staff informed liaisons that the City's website has a new meetings template to add meeting and agenda information and advised them to coordinate with the City's Digital Services Department if they did not have access to website editing. Within a matter of weeks, most liaisons worked within their departments to update their websites.

Following Commission staff's direct assistance with these remaining boards, all of the City's 31 boards and commissions subject to the Sunshine Ordinance are now in compliance with the online agenda posting requirements.

ATTACHMENT 8

Background

The Oakland Sunshine Ordinance provides requirements to assure that all meetings of local bodies are open to the public so that the people of the City of Oakland can be fully informed and meaningfully participate. The law requires that all local bodies meet specific agenda posting requirements including posting all meeting agendas on the City's website. Per the Sunshine Ordinance, local bodies include:

1. The Oakland City Council, the Oakland Redevelopment Agency, and the Board of Port Commissioners;
2. Any board, commission, task force or committee which is established by City Charter, chapter or by motion or resolution of the City Council, the Oakland Redevelopment Agency or the Board of Port Commissioners;
3. Any advisory board, commission or task force created and appointed by the Mayor and which exists for longer than a twelve (12) month period; and,
4. Any standing committee of any body specified in sections (1)(2) or (3).

Boards and commissions have a unique placement within the structure of City government that requires interactions and support from four separate offices.

- a) **Mayor's Office** – Per City Charter or by resolution of the City Council, the Mayor's Office is primarily responsible for making appointments to City boards and Commissions that are ultimately approved by City Council. The Mayor's Office manages the board and commission database via the City's agenda management platform Granicus and oversees the appointment process and filling of board vacancies.
- b) **Office of the City Clerk** – The Office of the City Clerk serves as the place where hard copies of agendas and Maddy Act notices are submitted for official hard copy publication. The Clerk's office is also responsible for swearing-in new board members, providing new members with the PEC's created Boards and Commission Member Handbook, and is the filing officer for Form 700s, which are required by all board and commission members.
- c) **Office of the City Attorney** – The City Attorney's office is available for legal support to boards and commissions on the issue of compliance with open meeting laws. The City Attorney's office also provides Sunshine trainings upon request.
- d) **Public Ethics Commission (PEC)** – The PEC oversees compliance with the City's Government Ethics Act and Sunshine Ordinance. The PEC also conducts proactive outreach and provides ethics trainings and resources for boards and commissions.

In sum, the Mayor's office works to appoint most commissioners, manage the database, and lead board liaisons in the process of getting Commissioners in place. The Mayor's office also provides a board liaison training periodically to cover laws and requirements of board liaisons. Orientation, onboarding, and training of commissioners is left to the liaisons, however, as is meeting agenda development and agenda posting and distribution.

Findings

While interviewing board liaisons, Commission heard comments about some of the issues that provide insight into some broader challenges facing board liaisons:

ATTACHMENT 8

1. **High Turnover Among Staff Liaisons** – Several individuals interviewed shared that they had been in their position for less than a year. Liaisons expressed they had not received formal training regarding their duties and were not aware of many of the ethics and transparency requirements for which they were responsible. There were a few liaisons that expressed that they were either not aware and had not attended the annual liaison training hosted by the Mayor’s Office.

Based on the information received from liaisons, Commission staff determined that the moderately high rate of liaison turnover in conjunction with a need for standardized onboarding and administrative processes for liaisons adds a layer of difficulty in complying with local transparency requirements.

2. **Board Liaisons Desire Additional Support** – Nearly all interviewed liaisons stated that there is a need for more liaison support and to standardize processes for staffing City boards. For most board liaisons, supporting their respective board is not the primary duty of their City employment, and liaisons further expressed that some department heads do not fully understand or communicate the responsibilities of serving as a board liaison when assigning individuals. Many expressed that liaison trainings or meetings should happen more than once a year and suggested that a board liaison manual be created to ensure that responsibilities and processes are clear and consistent. Many liaisons expressed that they did not feel equipped or knowledgeable of all the tasks for which they were responsible.
3. **No Access for Website Management** – 8 individuals stated that they did not have access permissions to upload meeting agendas to City website and that someone else within department was responsible for managing website content. A few liaisons that did have website management access expressed confusion whether to utilize the City’s online agenda platform Granicus or to upload meeting agenda and materials directly to the City’s website. Since the launch of the City’s new website in 2018, the Digital Services Department has worked to ensure standardization of all department webpages and included a citywide meeting calendar to increase accessibility. Although these additional features have been added, not all staff liaisons are aware of the new process or have access to post agendas to the system.

Recommendations

While boards are now following online agenda posting requirements, board liaisons have continued to express a need for additional support in fulfilling duties and ensuring compliance with transparency and ethics laws. Improved coordination and communications would provide board liaisons with needed resources and support to address frequent questions and share best practices. Specifically, Commission staff recommends the following:

1. **Quarterly or Semi-Annual Liaison Trainings**

Currently, the Mayor’s Office brings together staff from the City Clerk’s Office, City Attorney’s Office, and the Public Ethics Commission to provide an annual training for board and commission liaisons. The training includes presentations from each office that covers the Brown Act/Sunshine Ordinance, agenda and records management, as well as Form 700 filing and the Government Ethics Act. Liaisons have continued to express a desire for additional support and ongoing communications to address questions related to processes that they were unfamiliar with, primarily agenda postings, filling vacancies, and onboarding their commissioners.

ATTACHMENT 8

Attendance records provided by the Mayor's Office show that more than half of the City's 31 boards and commissions did not have a liaison present at one of the last two provided trainings. Combined with anecdotal information from liaison interviews, it appears that some liaisons never received word of the training, suggesting the Mayor's office's list of board liaisons may be outdated.

The Mayor's Office, in collaboration with the offices involved with conducting liaison training, should increase the frequency of trainings/meetings held for liaisons. Ideally, liaison support meetings should be held quarterly or at the least semi-annually. This will open feedback loops among liaisons and departments responsible for various processes relating to board management and compliance.

2. Comprehensive Staff Liaison Manual

While the current boards and commission liaison training provides attendees with presentation slides and various handouts, board liaisons have continued to express the desire to have one consolidated, comprehensive manual that provides step-by-step instructions of liaison responsibilities, relevant laws and deadlines, standardized processes, and contact information. The liaison training team should collaborate to consolidate training presentation materials, best practices, FAQs, and other pertinent information into one user-friendly guide. As indicated in the training attendance numbers, not all staff liaisons are receiving information about and attending the annual training put on by the Mayor's office, so a comprehensive manual for board liaisons would provide a valuable resource to ensure standardized processes for anyone serving in a liaison role, regardless of whether they learn about, or attend, a training.

3. Consistent Web-Posting Process and Expectations

Clear direction should be given to board liaisons on which City system should be used for online meeting and agenda management. As stated earlier, liaisons expressed confusion with how to utilize the City's online agenda platform Granicus and how it interacts with the requirement to upload meeting agendas and materials directly to the City's website.

Granicus is the City's contracted online meeting and agenda management system. The application serves as a storing house where board liaisons can create meeting events, upload meeting agendas and minutes, archive video recordings, and create links to mentioned items for posting on the City's website. Although all boards and commissions can utilize Granicus to manage meetings and agendas, only the Public Ethics Commission has a public facing Granicus meeting portal that displays uploaded content directly onto City webpage. All other boards and commissions are limited to creating links that must then be added onto the City's website. While conducting interviews, Commission staff received feedback from liaisons that they would like a public-facing meeting and agenda calendar system like the City Council's Legistar page that provides all upcoming meetings, agendas, minutes and recordings for the City's boards and commissions on one searchable webpage.

Upon launch of the City's new website and newly implemented standardization practices, liaisons can now create meeting events directly on the City's website. Meeting agendas, minutes, and recordings can be uploaded directly by creating individual meeting events and are included on the City's public facing meetings calendar and archived on the respective boards and commissions webpage. 26 boards and commissions are now utilizing the added feature but several liaisons initially expressed that they were not aware of it.

ATTACHMENT 8

Although the new website provides features that eliminate the need for utilizing Granicus for many boards and commissions, nearly half of the boards and commissions must rely on Granicus for its video recording links and archive. This creates additional work for several liaisons that have been accustomed to utilizing Granicus for agenda management and must now also utilize the new City website format. Commission staff recommends that the public-facing Granicus features be expanded to include all City boards and Commissions. If not, clear direction must be given to board liaisons on which system should be utilized and how to post material depending on which system(s) should be used.

Conclusion

Overall, boards and commissions are now complying with local and state online agenda posting requirements. However, the findings and recommendations provided in this report highlight the need to provide board liaisons with additional support to ensure that processes and responsibilities of board liaisons are standardized and sustained over time. This will improve compliance with local transparency and ethics laws, at a minimum, and may also lead to greater improvements in the way board and commission liaisons are supported overall.

ATTACHMENT 8

Boards and Commission Compliance Table

Board/Commission	Online Agenda Requirement Met (Pre-Audit)	Online Agenda Requirement Met (Post-Audit)
Affordable Housing & Infrastructure Bond Public Oversight Committee	No	Yes
Alameda County – Oakland Community Action Partnership Administration Board	No	Yes
Bicyclist & Pedestrian Advisory Commission	Yes	Yes
Board of Port Commissioners	Yes	Yes
Budget Advisory Commission	No	Yes
Business Tax Board of Review	No	Yes
Cannabis Regulatory Commission	Yes	Yes
Children’s Fund Planning and Oversight Committee	No	Yes
City Planning Commission	Yes	Yes
Civil Service Board	Yes	Yes
Commission on Aging	No	Yes
Commission on Persons with Disabilities	Yes	Yes
Community Policing Advisory Board	Yes	Yes
Cultural Affairs Commission	Reinstated July 2019	N/A (board has not yet met since being reinstated)
Head Start Advisory Board	No	Yes
Housing, Residential, Rent and Relocation Board	Yes	Yes
Landmarks Preservation Advisory Board	Yes	Yes
Library Advisory Commission	Yes	Yes
Oakland – Alameda Coliseum JPA Commission	Yes	Yes
Oakland Army Base Jobs Oversight Committee	No	Yes
Oakland Housing Authority	Yes	Yes
Oakland Workforce Development Board	No	Yes
Parks and Recreation Advisory Commission	Yes	Yes

ATTACHMENT 8

Police and Fire Retirement Board	No	Yes
Police Commission	Yes	Yes
Privacy Advisory Commission	Yes	Yes
Public Art Advisory Commission	Yes	Yes
Public Ethics Commission	Yes	Yes
Public Safety & Services Violence Prevention Oversight Commission – 2014	Yes	Yes
Sugar Sweetened Beverage Community Advisory Board	No	Yes
Youth Advisory Commission	No	Yes

ATTACHMENT 9



Jodie Smith, Chair
James E.T. Jackson, Vice-Chair
Jill M. Butler
Gail Kong
Joe Tuman
Nayeli Maxson Velázquez
Jerett Yan

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Suzanne Doran, Lead Analyst
Jelani Killings, Ethics Analyst
Whitney Barazoto, Executive Director
DATE: November 19, 2019
RE: Disclosure and Engagement Report

This memorandum provides an update of the Public Ethics Commission's (PEC or Commission) Disclosure and Engagement program activities. 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.

Improving Filing Tools and Access to Disclosure Data

Lobbyist e-filing – Commission staff continued working with Information Technology Department (ITD) staff to refine the online form for lobbyists to register and submit their reports for the lobbyist filing system utilizing the [OakApps](#) portal. Work has also begun work on the design for the new ethics data portal, where members of the public will be able to view key metrics, view the latest filings, and search and download the data.

Engagement and Outreach

KTOP Video Series Highlights Commission – On November 1, the first ever episode of KTOP's new video series *Inside City Hall* premiered online, featuring the Public Ethics Commission as its first highlighted City commission. The show takes an in-depth look at the City's boards and commissions through talk show-style interviews with commission representatives. A special thank you to Commissioners Maxson Velazquez, Jackson, and Smith for participating and sharing the Commission's work and their experience serving on the Commission. Watch the video on KTOP's [YouTube channel](#) or KTOP TV Channel 10.

Ethics Training – On October 30, staff made an ethics presentation at the request of the City's Police and Fire Retirement Board. Staff provided board members with information about the Commission and its services, gave an overview of the Government Ethics Act, Form 700 filing requirements, and provided a summary of the Sunshine Ordinance.

Staff continues to make presentations at the City's monthly New Employee Orientations (NEO) providing new employees with an introduction to the PEC and overview of the Government Ethics Act. On November 19, staff trained 22 new employees on GEA provisions.

Candidate Engagement – Commission staff started outlining our engagement plan for the 2020 election. In addition to reviewing and updating our education materials, such as guides and checklists, and planning future trainings for candidates and treasurers, staff is working to automate and streamline processes where appropriate and enhance our online resources for campaign filers utilizing new features developed by the Digital Services department.

Advice and Technical Assistance – To date, Commission staff has fielded 156 requests for information, informal legal advice, or technical assistance this year.

Public Finance Workshop – Commissioner Nayeli Maxson Velázquez along with PEC staff participated in a workshop organized by the ACLU with about ten community members. The purpose of the workshop was to share the outcomes produced by Oakland's current campaign system and hear from residents regarding their views on local elections and key issues facing Oakland, along with discussing public financing options as a partial solution. The workshop included a presentation by Commissioner Maxson Velázquez along with staff research and data visualizations utilizing Oakland's campaign finance data. Participants were engaged and joined in a lengthy and thoughtful discussion.

Website – During November, PEC staff members attended several trainings conducted by the City's Digital Services Department related to website content management and streamlining services through automation. Topics included how to make sure web content can be easily discovered on the internet, using images effectively and legally, customizing webpage layouts, and integrating forms and automated communication tools. Collaboration with Digital Services is ongoing and staff expects to implement updates based on user research conducted by Digital Services to increase the effectiveness of our PEC webpages in the first part of 2020.

Social media – Each month, Commission staff selects focus areas to promote in posts to the Commission's social media accounts. November focused on Commissioner recruitment and promoting the PEC newsletter and the inaugural episode of *Inside City Hall* profiling the PEC.

ATTACHMENT 10



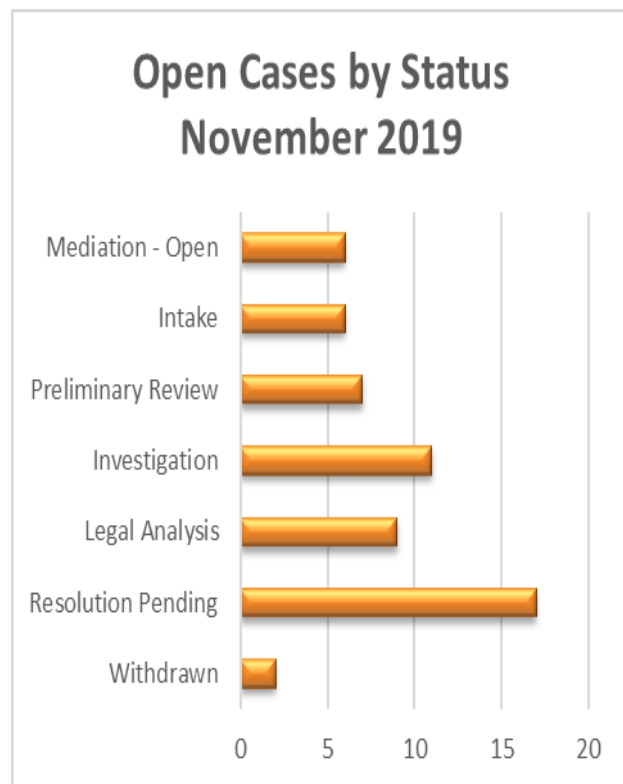
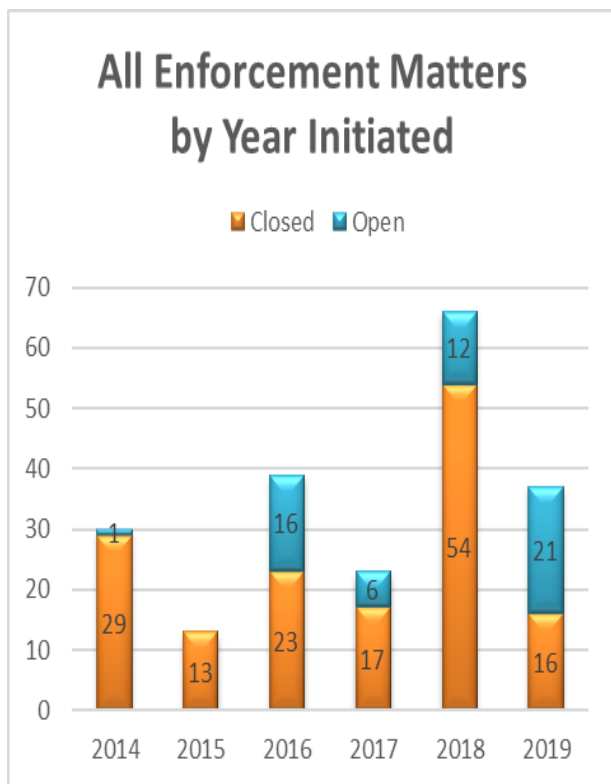
Jodie Smith, Chair
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Jerett Yan

Whitney Barazoto, Executive Director

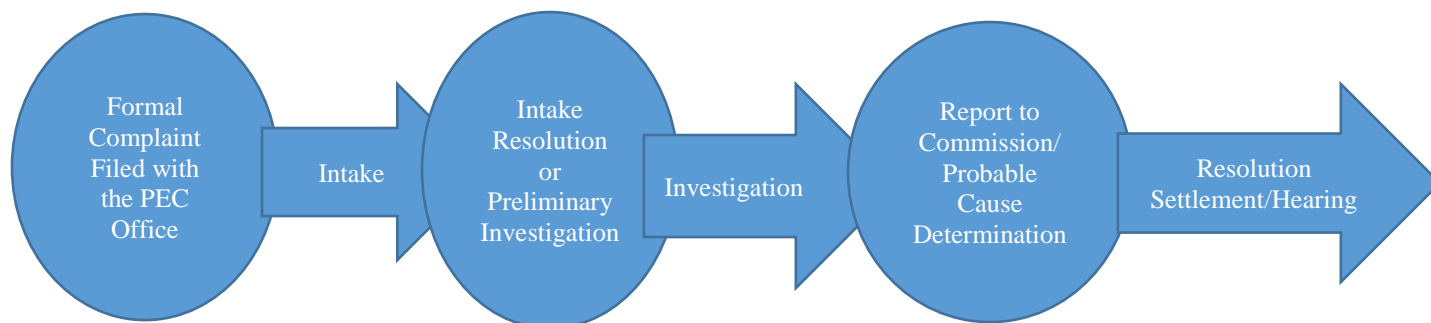
TO: Public Ethics Commission
FROM: Kellie Johnson, Enforcement Chief
DATE: November 20, 2019
RE: Enforcement Program Update

Current Enforcement Activities:

Since the last Enforcement Program Update on November 4, 2019, Commission staff received three formal complaint and two requests for mediation. This brings the total Enforcement caseload to 58 enforcement and mediation cases: 6 matters in the intake or preliminary review stage, 11 matters under active investigation, 9 matters under post-investigation analysis, 17 matters in settlement negotiations or awaiting an administrative hearing, and 6 ongoing public records request mediations.



General Overview of the Ethics Enforcement Formal Complaint Process:



Summary of Cases:

Since the last Enforcement Program Update in September 2019, the following status changes occurred:

1. *In the Matter of Shotspotter* (Complaint No. 14-29). Staff initiated this complaint in January 2015, after a conducting a preliminary review and investigation into the allegations that Shotspotter, Inc. (SST) executives Ralph Clark and Joe Hawkins were lobbying City Officials on behalf of SST without registering as lobbyist and also made a contribution to a candidate-controlled ballot measure committee in violation of the contractor contribution ban, Staff determined that Shotspotter acted in violation of the Oakland Lobbyist Registration Act and the Oakland Campaign Finance Reform Act. Staff recommends that the PEC approve a stipulation with a \$5,000 penalty. (See Action Items)
2. *In the Matter of Jumoke Hinton Hodge*(Complaint No. 17-07). Staff opened a proactive investigation on May 22, 2017, into Hinton-Hodge and her campaign's failure to file a 2016 Semi-Annual Campaign Finance Statement in violation of the Oakland Campaign Reform Act. Staff recommends that the PEC approve a stipulation with a \$500 penalty. (See Action Items)
3. *In the Matter of Joseph Betesh* (Complaint No. 19-07). Staff opened a proactive investigation on May 9, 2019, into Betesh and his campaign's failure to file major donor committee campaign statement in 2018 in violation of the Oakland Campaign Reform Act. Staff recommends that the PEC approve a stipulation with a \$2,000 penalty. (See Action Items)
4. *In the matter of the City of Oakland Planning Department* (Mediation No. M2019-06). On April 26, 2019, Staff received a request for mediation from the Requester alleging that on March 27, 2019, the Requester submitted a public records request through NextRequest to the City of Oakland Housing and Community Development Department but did not receive responsive documents. On April 20, Staff initiated mediation. On May 3, 2019 the Housing and Community Development Department

released some responsive documents. On June 11, 2019, the Housing and Community Development Department released all responsive documents and closed the request. Staff recommends that the Commission close the mediation without further action because the responsive documents have been received and the request is closed. (See Action Items)

5. *In the Matter of Mayor Libby Schaff (Mediation No. M2019-02)*. The Commission received a complaint on February 19, 2019, alleging that Mayor Libby Schaff failed to timely disclose records (printout of social media posts on NextDoor) in response to a public records requests made by the Requester. This request for mediation was related to a Formal Complaint the Requester filed in December of 2018, alleging misuse of government resources. Staff initiated its mediation program on April 18, 2019. Ultimately, the Requester received a spread sheet with responsive information; however, the Requester wanted a copy of the actual posted messages not the spread sheet. Staff subsequently learned that the posts were deleted by the Mayor's Director of Communication. Staff recommends that the Commission close the mediation without further action because the original posts have been deleted and cannot be retrieved (See Action Items)
6. *In the Matter of City Councilmen Dan Kalb and the City of Oakland Department of Transportation (Mediation No. M2019-11)*. On June 13, 2019, Staff received a formal request for mediation from the Requester alleging that on April 18, 2019, the Requester submitted a public records request to NextRequest for the City of Oakland Department of Transportation and the Office of Councilmember Dan Kalb, but both failed to provide responsive records in a timely manner. Staff initiated mediation in an effort to assist in recovering responsive documents. On July 22, 2019, all documents were confirmed released, and the request was closed. Staff recommends that the Commission close the mediation without further action because the responsive documents have been received and the request is closed. (See Action Items)
7. *In the Matter of Renee Sykes (Complaint No. 19-15)*: This complaint was dismissed after Staff determined that the complaint did not allege any violation of any laws under the PEC's enforcement jurisdiction. (Attachment)

ATTACHMENT 10

ATTACHMENT 10

From: [Johnson, Kellie](#)
To: [Elise Bernstein](#)
Cc: [Barazoto, Whitney](#); [Lara-Franco, Ana](#)
Subject: Follow-up from telephone call and Dismissal of Preliminary Review
Date: Tuesday, August 13, 2019 3:14:00 PM
Attachments: [image001.jpg](#)

Dear Ms. Bernstein:

Thank you for speaking with me today. On August 8, 2019, the City of Oakland Public Ethics Commission (PEC) received your email complaint alleging that Renee Sykes violated the Brown Act/Oakland Sunshine Law in her role as the Neighborhood Services Coordinator for the Neighborhood Community Policing Council in East Oakland (NCPC) when she called a meeting of Board members excluding other community members.

We have reviewed your complaint and determined that it does not allege any violation of the laws within the jurisdiction of the PEC. The Brown Act and the Oakland Sunshine Law, as interpreted by the Oakland City Attorney's Office, is applicable to "local bodies" established by 1. Charter, or 2. Action of the council, 3. By the Mayor if the body exists for more than one year, and or 4. A subcommittee created by a local body that was established in one of the foregoing manners. (See O.M.C. 2.20.030 (E)) The NCPC was created by resolution and delegated authority to residents to establish neighborhood councils and appoint its own steering committees, therefore the Brown Act does not apply to the NCPC's, because neither the council nor the Mayor or responsible for appointing the NCPC.

Because your complaint does not make an allegation within the jurisdiction of the PEC, we are dismissing your complaint.

Thank you for bringing this matter to our attention. If you have any questions regarding this issue, please feel free to contact me.

Sincerely,

Kellie

KELLIE JOHNSON | Enforcement Chief
CITY OF OAKLAND | Public Ethics Commission
City Hall, 1 Frank Ogawa Plaza, Room 104 |
Oakland, CA 94612
Phone: 510.238.238-4976 | Fax: 510.238.3315
www.oaklandca.gov/pec



Ensuring fairness, openness, honesty, and integrity in City government.

ATTACHMENT 10



Jodie Smith, Chair
James E.T. Jackson, Vice-Chair
Jill M. Butler
Gail Kong
Joe Tuman
Nayeli Maxson Velázquez
Jerett Yan

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Whitney Barazoto, Executive Director
DATE: November 21, 2019
RE: Executive Director's Report

This memorandum provides an overview of the Public Ethics Commission's (PEC or Commission) significant activities 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.

Commissioner Recruitment

The Commission received 15 applications for two PEC-appointed Commissioner vacancies to open on January 22, 2020. The PEC Recruitment Subcommittee (Jodie Smith, James Jackson, and Gail Kong) interviewed all applicants, with the exception of one applicant who was not eligible for a Commissioner seat because she was a current City employee. Interviews were held on November 19 and 20, 2019, and the subcommittee will soon announce a short list of finalists who will be invited to interview with the full Commission at its January 6, 2020, Commission meeting.

In addition to the two PEC-appointed vacancies, there is one Mayoral-appointed vacancy opening at the same time in January. Staff will be in touch with the Mayor's office regarding her future appointment.

Selection of PEC Officers

At the January meeting, Commissioners will determine who will be the next Chair and Vice-Chair for the 2020 calendar year. To provide some background in preparation for that meeting, below is an excerpt from the Commission's Operations Policies regarding the selection of officers:

ARTICLE IV – OFFICERS

Section 1: Election of Officers

The officers of the Commission are the Chair and Vice Chair. At the first regular meeting of each year, commissioners must elect a Chair and Vice Chair. At the meeting, a commissioner may nominate any commissioner to serve in the office of Chair or Vice Chair. If more than one commissioner is nominated for an office, each nominee may speak regarding their qualifications and willingness to serve and answer questions of commissioners or the public. The Commission may discuss the nominations and, when the vote is called, each commissioner may cast a single vote for each office.

Section 2: Chair

The Chair presides at all meetings of the Commission and is an ex-officio member of all standing committees. The Chair is accountable to the Commission as a whole in setting policy.

Section 3: Vice Chair

The Vice Chair performs the duties and responsibilities that may be delegated by the Chair. In the absence or disability of the Chair, the Vice Chair will perform the duties and responsibilities of the Chair.

To facilitate the process outlined above, Commission staff will include notice on the January meeting agenda explaining that the Commission will take action to elect the next Chair and Vice-Chair.

PEC Enabling Ordinance

Commission staff has been working with the City Attorney's office to draft revisions to Public Ethics Commission enabling ordinance (OMC 2.24). The City Charter changes in 2014 placed much of the language of the ordinance into the Charter, and the enabling ordinance had not been amended to account for the City Charter changes. Staff is drafting amendments to delete obsolete and duplicative language, add new operational and enforcement-related sections, and better reflect the Commission's current authority and process. Staff is now aiming to bring draft amendments to the Commission for consideration at its January meeting.

Attachment: Commission Programs and Priorities

ATTACHMENT 11

PUBLIC ETHICS COMMISSION Programs and Priorities 2018-19

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: -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 11

	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 ✓