

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Regular Commission Meeting
Teleconference
Wednesday, March 9, 2022
6:30 p.m.



PUBLIC ETHICS COMMISSION (PEC or COMMISSION) MEETING

NOTE: Pursuant to California Government Code section 54953(e), Public Ethics Commission members and staff will participate via phone/video conference, and no physical teleconference locations are required. The following options for public viewing and participation are available:

- **Television:** KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99, locate City of Oakland KTOP – Channel 10
- **Livestream online:** Go to the City of Oakland’s KTOP livestream page here: <https://www.oaklandca.gov/services/ktop-tv10-program-schedule> click on “View”
- **Online video teleconference:** Click on the link below to join the webinar: <https://us02web.zoom.us/j/88171471481?pwd=ODIQVFFUeVRsZUtHdFU3YU5XcHVadz09>
Password: 674732
 - To comment by online video conference, click the “Raise Your Hand” button to request to speak when Public Comment is being taken on an eligible agenda item. You will then be unmuted, during your turn, and allowed to participate in public comment. After the allotted time, you will then be re-muted. Instructions on how to “Raise Your Hand” is available at: <https://support.zoom.us/hc/en-us/articles/205566129> - Raise-Hand-In-Webinar.
- **Telephone:** Dial (for higher quality, dial a number based on your current location):
US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592
Webinar ID: 881 7147 1481
International numbers available: <https://us02web.zoom.us/j/88171471481>
 - To comment by phone, please call on one of the above listed phone numbers. You will be prompted to “Raise Your Hand” by pressing *9 to request to speak when Public Comment is being taken on an eligible agenda item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted. Instructions of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663> - Joining-a-meeting-by-phone.

Members of the public may submit written comments to ethicscommission@oaklandca.gov. If you have any questions about how to participate in the meeting, please email ethicscommission@oaklandca.gov before or during the meeting.

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Commissioners: Arvon Perteet (Chair), Michael MacDonald (Vice-Chair), Charlotte Hill, Jessica Leavitt, Ryan Micik, and Joseph Tuman

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

City Attorney Staff: Trish Shafie, Deputy City Attorney

PUBLIC ETHICS COMMISSION MEETING AGENDA

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

PRELIMINARY ACTION ITEMS

- 4. Virtual meetings by the Public Ethics Commission.** The Commission will review and take possible action to renew Resolution 22-01, approved at the January 12, 2022 Regular meeting, establishing certain determinations to justify the ongoing need for virtual meetings following the California State Legislature’s adoption and Governor’s approval of AB 361 on September 16, 2021 (Chapter 165; Statutes of 2021). ([Resolution](#))

ACTION ITEMS

- 5. Approval of Commission Meeting Draft Minutes.**
 - January 12, 2022 Regular Meeting Minutes ([Meeting Minutes](#))
 - February 9, 2022 Regular Meeting Minutes ([Meeting Minutes](#))
- 6. Oakland City Council Salary Adjustment as Required by City Charter.** The Commission will discuss and take action to adjust the salaries of Oakland City Councilmembers according to the increase in the Consumer Price Index as required every two years by Oakland City Charter Section 202. ([Staff Memorandum](#); [Resolution](#))

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DISCUSSION ITEMS

7. **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.
 - a. **Enforcement Subcommittee** (*ad hoc*, created on November 1, 2021) – Arvon Perteet (Chair) and Ryan Micik
 - b. **Public Records Performance** (*ad hoc*, created on January 12, 2022) - Michael MacDonald (Chair) and Jessica Leavitt.

INFORMATION ITEMS

8. **Oakland Campaign Reform Act Guide 2022.** Commission staff presents the final updated Oakland Campaign Reform Act (OCRA) Guide for the November 2022 Election with recent changes that include updated contribution and expenditure limits, minor clarifying changes throughout, and answers to common questions received in recent years. ([OCRA Guide](#))
9. **Disclosure and Engagement.** Lead Analyst Suzanne Doran provides an overview of education, outreach, disclosure and data illumination activities for this past month. ([Disclosure Report](#))
10. **Enforcement Program.** Enforcement Chief Kellie Johnson provides a monthly update on the Commission's enforcement work since the last regular Commission meeting. ([Enforcement Report](#); [21-08 Dismissal Letter to Complainant](#); [21-08 Dismissal Letter to Commission](#))
11. **Executive Director's Report.** Executive Director Whitney Barazoto reports on overall projects, priorities, and significant activities since the Commission's last meeting. ([Executive Director's Report](#); [M2020-18 Mediation Summary](#); [M2021-18 Mediation Summary](#);))
12. **Future Meeting Business.** Commissioners and staff may propose topics for action or discussion at future Commission meetings.

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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.



2/25/22

Approved for Distribution

Date



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Quý vị cần một thông dịch viên Ngôn ngữ Ký hiệu Mỹ (American Sign Language, ASL), tiếng Quảng Đông, tiếng Quan Thoại hay tiếng Tây Ban Nha hoặc bất kỳ sự hỗ trợ nào khác để tham gia hay không? Xin vui lòng gửi email đến địa chỉ alarafranco@oaklandca.gov hoặc gọi đến số (510) 238-3593 hoặc 711 (với Dịch vụ Tiếp âm) trước đó năm ngày.

CITY OF OAKLAND
Public Ethics Commission

RESOLUTION NO. 22-01
[Proposed renewal 3-9-22]



Resolution Summary:

ADOPT A RESOLUTION DETERMINING THAT CONDUCTING IN-PERSON MEETINGS OF THE PUBLIC ETHICS COMMISSION AND ITS COMMITTEES WOULD PRESENT IMMINENT RISKS TO ATTENDEES' HEALTH, AND ELECTING TO CONTINUE CONDUCTING MEETINGS USING TELECONFERENCING IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 54953(E), A PROVISION OF AB 361.

By action of the Oakland Public Ethics Commission:

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a state of emergency related to COVID-19, pursuant to Government Code Section 8625, and such declaration has not been lifted or rescinded. See <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.4.20-Coronavirus-SOE-Proclamation.pdf>; and

WHEREAS, on March 9, 2020, the City Administrator in their capacity as the Director of the Emergency Operations Center (EOC), issued a proclamation of local emergency due to the spread of COVID-19 in Oakland, and on March 12, 2020, the City Council passed Resolution No. 88075 C.M.S. ratifying the proclamation of local emergency pursuant to Oakland Municipal Code (O.M.C.) section 8.50.050(C); and

WHEREAS, City Council Resolution No. 88075 remains in full force and effect to date; and

WHEREAS, the Centers for Disease Control (CDC) recommends physical distancing of at least six (6) feet whenever possible, avoiding crowds, and avoiding spaces that do not offer fresh air from the outdoors, particularly for people who are not fully vaccinated or who are at higher risk of getting very sick from COVID-19. See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>; and

WHEREAS, the CDC recommends that people who live with unvaccinated people avoid activities that make physical distancing hard. See <https://www.cdc.gov/coronavirus/2019-ncov/your-health/about-covid-19/caring-for-children/families.html>; and

WHEREAS, the CDC recommends that older adults limit in-person interactions as much as possible, particularly when indoors. See <https://www.cdc.gov/aging/covid19/covid19-older-adults.html>; and

WHEREAS, the CDC, the California Department of Public Health, and the Alameda County Public Health Department all recommend that people experiencing COVID-19 symptoms stay home. See <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>; and

WHEREAS, persons without symptoms may be able to spread the COVID-19 virus. See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>; and

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RESOLUTION NO. 22-01
[Proposed renewal 3-9-22]



WHEREAS, fully vaccinated persons who become infected with the COVID-19 Delta variant can spread the virus to others. See <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html>; and

WHEREAS, the City's public-meeting facilities are indoor facilities that do not ensure circulation of fresh/outdoor air, particularly during periods of cold and/or rainy weather, and were not designed to ensure that attendees can remain six (6) feet apart; and

WHEREAS, holding in-person meetings would encourage community members to come to City facilities to participate in local government, and some of them would be at high risk of getting very sick from COVID-19 and/or would live with someone who is at high risk; and

WHEREAS, in-person meetings would tempt community members who are experiencing COVID-19 symptoms to leave their homes in order to come to City facilities and participate in local government; and

WHEREAS, attendees would use ride-share services and/or public transit to travel to in-person meetings, thereby putting them in close and prolonged contact with additional people outside of their households;

Now therefore be it:

RESOLVED: that the Public Ethics Commission finds and determines that the foregoing recitals are true and correct and hereby adopts and incorporates them into this Resolution; and

RESOLVED: that, based on these determinations and consistent with federal, state and local health guidance, the Public Ethics Commission determines that conducting in-person meetings would pose imminent risks to the health of attendees; and

RESOLVED: that the Public Ethics Commission firmly believes that the community's health and safety and the community's right to participate in local government, are both critically important, and is committed to balancing the two by continuing to use teleconferencing to conduct public meetings, in accordance with California Government Code Section 54953(e), a provision of AB-361; and

RESOLVED: that the Public Ethics Commission and its committees will meet by teleconference this month and will renew these (or similar) findings at least every thirty (30) days in accordance with California Government Code section 54953(e) until the state of emergency related to COVID-19 has been lifted, or the Public Ethics Commission finds that in-person meetings no longer pose imminent risks to the health of attendees, whichever occurs first.

CITY OF OAKLAND
Public Ethics Commission

RESOLUTION NO. 22-01
[Proposed renewal 3-9-22]



CERTIFICATION RE: APPROVAL OF RESOLUTION

The foregoing Resolution was presented for renewal at a duly noticed meeting of the City of Oakland Public Ethics Commission held on March 9, 2022, where a quorum of the membership of the Commission was present. The Commission approved the resolution by a vote of ____ to ____.

I hereby certify that the foregoing is true and correct.

Whitney Barazoto, Executive Director
Oakland Public Ethics Commission

Date

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
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6:30 p.m.



DRAFT

Commissioners: Michael MacDonald (Chair), Jerett Yan (Vice-Chair), Avi Klein, Jessica Leavitt, Ryan Micik, Arvon Perteet, and Joseph Tuman

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

City Attorney Staff: Trish Shafie, Deputy City Attorney

PUBLIC ETHICS COMMISSION MEETING MINUTES

1. Roll Call and Determination of Quorum.

The meeting was held via teleconference.

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

Members present: MacDonald, Yan, Leavitt, Micik, and Perteet.
Klein and Tuman were absent.

Staff present: Whitney Barazoto, Suzanne Doran, Kellie Johnson, Ana Lara-Franco and Simon Russell.

City Attorney Staff: Trish Shafie.

2. Staff and Commission Announcements.

There were no announcements.

3. Open Forum.

There was one public speaker.

PRELIMINARY ACTION ITEMS

4. Virtual meetings by the Public Ethics Commission.

Commissioners reviewed the resolution establishing certain determinations to justify the ongoing need for virtual meetings following the California State Legislature's

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adoption and Governor's approval of AB 361 on September 16, 2021.

Leavitt moved, and Perteet seconded to approve **RESOLUTION NO. 22-01**.

Ayes: MacDonald, Yan, Leavitt, Micik, and Perteet.

Noes: None

Vote: Passed 5-0

Absent: Klein and Tuman.

ACTION ITEMS

5. Approval of Commission Meeting Draft Minutes.

- a. December 6, 2021 Regular Meeting Minutes

There were no public speakers.

Micik moved and MacDonald seconded to approve the minutes for December 6, 2021.

Ayes: MacDonald, Yan, Leavitt, Micik, and Perteet.

Noes: None

Vote: Passed 5-0.

Absent: Klein and Tuman

6. Election of Officers (Chair and Vice-Chair) of the Commission.

There were no public speakers.

Yan moved to approve the appointment of Arvon Perteet as Chair of the PEC for 2022.
Leavitt seconded the motion.

Ayes: MacDonald, Leavitt, Micik, and Perteet.

Noes: None

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Abstain: Yan

Vote: Passed 4-0.

Absent: Klein and Tuman

Micik moved to approve the appointment of Michael MacDonald for Vice-Chair. Perteet seconded the motion.

Ayes: MacDonald, Leavitt, Micik, and Perteet.

Noes: None

Abstain: Yan

Vote: Passed 4-0.

Absent: Klein and Tuman

7. *In the Matter of Jason Overman (Case No. 18-14).*

Commissioners discussed and asked questions on the matter.

There were no public speakers.

Perteet moved and Leavitt seconded to approve the staff recommendation.

Ayes: MacDonald, Yan, Leavitt, Micik, and Perteet.

Noes: None

Vote: Passed 5-0.

Absent: Klein and Tuman

8. *Proposed Amendments to the Limited Public Financing Act (OMC Chapter 3.13).*

Commission staff presented draft amendments to the Limited Public Financing Act to implement statutory amendment recommendations made by the City Auditor in her

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audits of the 2018 and 2020 implementation of the program.

There were no public speakers.

MacDonald moved and Micik seconded to adopt the recommendations.

Ayes: MacDonald, Yan, Leavitt, Micik, and Perteet.

Noes: None

Vote: Passed 5-0.

Absent: Klein and Tuman

DISCUSSION ITEMS

9. Reports on Subcommittees and Commissioner Assignments.

- a. **Enforcement Subcommittee** (*ad hoc*, created on November 1, 2021) – Arvon Perteet (Chair), Ryan Micik, Jerett Yan

MacDonald created a new *ad hoc* Public Records Performance Subcommittee. The members will include MacDonald as Chair, and Leavitt. The third member will be selected at the next meeting.

Perteet shared that the *ad hoc* Enforcement Subcommittee met last month and will continue to meet. A new member will be selected after Yan's term ends January 21, 2022.

MacDonald also mentioned that he would like to create an *ad hoc* Outreach Subcommittee. This will be discussed at a future meeting.

INFORMATION ITEMS

10. Disclosure and Engagement.

Suzanne Doran, Lead Analyst, provided an overview of education, outreach, disclosure and data illumination activities for the 2021 year, as well as an update on activities for this past month.

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There were no public speakers

11. Enforcement Program.

Kellie Johnson, Enforcement Chief, provided a year-end summary of the Commission's enforcement work, as well as a monthly update since the last regular Commission meeting.

There were no public speakers

12. Executive Director's Report.

Whitney Barazoto, Executive Director, reported on overall projects, priorities, and significant activities for the 2021 year, as well as a monthly update since the Commission's last meeting.

Ms. Barazoto thanked the two outgoing commissioners, Klein and Yan, for their service.

There were no public speakers

13. Future Meeting Business.

Perteet proposed to have a retreat in the coming months.

Ms. Barazoto shared that the City Auditor is currently recruiting to fill the upcoming vacancy.

There were no public speakers.

The meeting adjourned at 7:55 p.m.

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DRAFT

Commissioners: Arvon Perteet (Chair), Michael MacDonald (Vice-Chair), Charlotte Hill, Jessica Leavitt, Ryan Micik, and Joseph Tuman

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

City Attorney Staff: Tricia Shafie, Deputy City Attorney

PUBLIC ETHICS COMMISSION MEETING MINUTES

1. Roll Call and Determination of Quorum.

The meeting was held via teleconference.

The meeting was called to order at 6:33 p.m.

Members present: Perteet, MacDonald, Hill, Micik, and Tuman. Leavitt was absent.

Staff present: Whitney Barazoto, Suzanne Doran, Kellie Johnson, Ana Lara-Franco and Simon Russell.

City Attorney Staff: Tricia Shafie.

2. Staff and Commission Announcements.

There were no staff announcements. Perteet welcomed Hill to the Commission.

3. Open Forum.

There were no public speakers.

PRELIMINARY ACTION ITEMS

4. Virtual meetings by the Public Ethics Commission.

There were no public speakers.

MacDonald moved, and Tuman seconded to approve **RESOLUTION NO. 22-01**.

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Ayes: Perteet, MacDonald, Hill, Micik, and Tuman.

Noes: None

Absent: Leavitt

Vote: Passed 5-0

ACTION ITEMS

5. Approval of Commission Meeting Draft Minutes.

- a. January 12, 2022 Regular Meeting Minutes

There were no public speakers.

Micik moved, and MacDonald seconded to approve the January 12, 2022 Regular Meeting minutes.

Ayes: Perteet, MacDonald, and Micik.

Noes: None

Absent: Leavitt

Abstain: Hill and Tuman, who were not present at the January meeting.

Vote: Failed 3-0

Item was put over for the next meeting.

6. Public Ethics Commission Annual Report.

Suzanne Doran, Lead Analyst, presented the report to the Commission, adding that staff will make edits to Commissioner Yan's bio and also to some of the final disclosure and social media numbers.

Commissioners reviewed and asked questions about the annual report summarizing the PEC's activities in 2021.

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There were no public speakers.

Perteet moved, and Tuman seconded to approve the report with the recommended revisions.

Ayes: Perteet, MacDonald, Hill, Micik, and Tuman.

Noes: None

Absent: Leavitt

Vote: Passed 5-0

7. Proposed New City Ticket Policy Ordinance.

Whitney Barazoto, Executive Director, presented a draft proposed ordinance for Commission approval to forward to City Council to codify a new City Ticket Policy for the City of Oakland and replace City Council's existing policy (Council Resolution 82032).

Commissioners discussed the ordinance. MacDonald suggested two amendments regarding language to include the sale of tickets by public servants and changing the reporting period to 25 days instead of 45.

There was one public speaker.

MacDonald moved, and Tuman seconded to amend the proposed ordinance with the recommended revisions.

Ayes: Perteet, MacDonald, Hill, Micik, and Tuman.

Noes: None

Absent: Leavitt

Vote: Passed 5-0

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DISCUSSION ITEMS

8. Reports on Subcommittees and Commissioner Assignments.

- a. **Enforcement Subcommittee** (*ad hoc*, created on November 1, 2021) – Arvon Perteet (Chair) and Ryan Micik
- b. **Public Records Performance** (*ad hoc*, created on January 12, 2022) - Michael MacDonald (Chair) and Jessica Leavitt.

Perteet shared that the Enforcement Subcommittee met last month and are working on looking at different enforcement activities at other ethics commissions in California.

MacDonald shared that they have not met. They are waiting for the vacant commissioner position to be filled and can appoint a third member.

There were no public speakers.

INFORMATION ITEMS

9. Lobbyist Registration Act Guide 2022.

Ms. Doran presented the final updated Lobbyist Registration Act Guide with recent changes that include an overview of the PEC's electronic filing system for lobbyists as well as minor changes throughout to add clarity and answer common questions received in recent years.

There were no public speakers.

10. Oakland Campaign Reform Act Contribution Limit and Expenditure Ceiling Annual Adjustment for 2022.

Ms. Barazoto provided an updated list of Oakland's campaign contribution limits and expenditure ceiling amounts, adjusted per the increase in the Consumer Price Index as required by the Oakland Campaign Reform Act. Staff has made the required adjustments and published the 2022 limits for the public.

There were two speakers.

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11. Disclosure and Engagement.

Ms. Doran provided an overview of education, outreach, disclosure and data illumination activities for this past month.

12. Enforcement Program.

Kellie Johnson, Enforcement Chief, provided a monthly update on the Commission's enforcement work since the last regular Commission meeting.

There was one speaker.

13. Executive Director's Report.

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

The PEC's retreat is scheduled for April 21st or 22nd.

14. Future Meeting Business.

Perteet expressed appreciation of the duties fulfilled by MacDonald when he was chair. He also congratulated Tuman on his retirement.

The meeting adjourned at 8:22 p.m.



Arvon Perteet, Chair
 Michael B. MacDonald, Vice-Chair
 Charlotte Hill
 Jessica Leavitt
 Ryan Micik
 Joe Tuman

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
 FROM: Ana Lara-Franco, Commission Assistant
 Whitney Barazoto, Executive Director
 DATE: February 25, 2022
 RE: City Council Salary Adjustment as Required by Law for the March 9, 2022, PEC Meeting

Every two years, the Public Ethics Commission (PEC or Commission) is responsible for adjusting the City Councilmember salary level according to the increase in the Consumer Price Index (CPI) for the preceding two years, and for making additional salary increases as deemed necessary by the Commission.

This memorandum provides background information for the Commission to do the following:

- 1) adjust Councilmember salaries per the CPI increase as mandated by law, and
- 2) determine whether to adjust Councilmember salaries beyond the required increase up to a total of five percent per year.

Background

Oakland City Charter Section 202, as amended in 2014, requires the Public Ethics Commission to “bi-annually adjust the salary for the office of Councilmember by the increase in the consumer price index over the preceding two years.” In addition, the Commission may adjust the salaries beyond the increase up to a total of five percent for each year, and any excess of five percent per year must be approved by the voters.

Payroll adjustments take effect on the first payroll period after the beginning of the new fiscal year, which will begin in July 2022. The Commission last adjusted the salary for City Councilmembers by the CPI increase of 7.1 percent in 2020, resulting in a total annual salary of \$97,480.55.

The table below shows salary increases approved by the Commission since 2004. Note that since 2016, PEC-authorized increases were made bi-annually as required by City Charter amendments in 2014, which moved the adjustment from every year to every two years.

City Council Salary Adjustments

Year	PEC-Authorized Increase (%)	Annual Salary with Increase (\$)¹
February 2020	7.1 (CPI for two years)	97,480.55
February 2018	6.6 (CPI for two years)	91,018.25

¹ This list reflects PEC-authorized amounts; actual salary amounts received each year may differ for each Councilmember depending on whether each member accepted the increase.

Item 6a - Staff Memo

January 2016	4.7 (CPI for two years)	85,382.97
June 2014	2.4 (CPI)	81,550.11
June 2013	2.4 (CPI)	79,638.78
July 2012	2.1 (CPI)	77,772.25
June 2011	2.8 (CPI)	76,172.62
June 2010	1.7 (CPI)	74,097.88
June 2009	0.8 (CPI)	72,859.28
June 2008	2.9 (CPI)	72,281.04
June 2007	5	70,243.94
July 2006	4	66,899.04
July 2005	2.1 (CPI)	64,326.08
June 2004	5	63,003.94

As of February 2022, every councilmember currently receives a biweekly salary of \$3,749.25 which amounts to a total of \$97,480.56 annually.²

Salary Adjustment Mandated by City Charter

The Commission is required to adjust the annual salary according to the change in the Consumer Price Index for the preceding two years. The U.S. Bureau of Labor Statistics reports that the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose metropolitan area rose 6.3 percent from December 2019 – December 2021.³ This increase of 6.3 percent since the last mandated salary adjustment would result in a new authorized annual salary for City Councilmembers of **\$103,621.82**

Additional Salary Increase Option

In addition to the required increase per CPI, the Commission has the discretion to increase City Councilmember salaries beyond the CPI up to a maximum total of 5 percent per year, for a total of 10 percent for both the CPI and the discretionary increase over the two-year period. The required CPI increase at this time is 6.3 percent for the two-year period; therefore, the Commission has discretion to approve an additional increase of an additional 3.7 percent for the two-year period as provided by the City Charter.

Recommendation

Staff recommends that the Commission issue a resolution to adjust City Councilmember salaries by the required 6.3 percent increase in the Consumer Price Index as required by law, for a total annual salary of **\$103,621.82**. Following Commission approval, Commission staff will transmit the salary adjustment resolution to the City Administrator, the Department of Human Resources (to amend the salary ordinance), and the Treasury Division - Payroll (to implement the increase).

² Salary data provided by Lorna Guice, Human Resource Systems Analyst, Senior, February 14, 2022.

³ U.S. Bureau of Labor Statistics. San Francisco Region Consumer Price Index. December 2019 – December 2021.

<https://data.bls.gov/timeseries/CUURS49BSAo>. Data accessed February 11, 2022.

Formula using raw numbers: (Current year/prior year) – 1 x 100 = ____%

CITY OF OAKLAND
Public Ethics Commission



RESOLUTION NO. 22-02
[Proposed 3-9-22]

By action of the Oakland Public Ethics Commission:

WHEREAS, Oakland City Charter Section 202 requires the Public Ethics Commission (Commission) to bi-annually adjust City Councilmember salaries by the increase in the Consumer Price Index over the preceding two years and to optionally adjust salaries beyond the increase in the Consumer Price Index up to a total of five percent per year; and

WHEREAS, the Commission-authorized annual salary for Oakland City Councilmembers is \$97,480.55, effective July 2020; and

WHEREAS, the consumer price index for the San Francisco Bay Area increased by a total of 6.3 percent between December 2019 and December 2021; and

Now, therefore be it:

RESOLVED, that the Commission does hereby authorize a salary increase of 6.3 percent for the office of City Councilmember as mandated by City Charter Section 202, for a total annual salary of up to \$103,621.82 effective as of the first payroll period of Fiscal Year 2022-2023; and

RESOLVED, that the Commission does not authorize any additional increase beyond that required by the Oakland City Charter.

CERTIFICATION RE: APPROVAL OF RESOLUTION

The foregoing Resolution was presented for approval at a duly noticed meeting of the City of Oakland Public Ethics Commission held on March 9, 2022, where a quorum of the membership of the Commission was present. The Commission approved the resolution by a vote of ____ to ____.

I hereby certify that the foregoing is true and correct.

Whitney Barazoto, Executive Director
Oakland Public Ethics Commission

Date

City of Oakland Public Ethics Commission



Photo: Basil D Soufi - Own work, CC BY-SA 3.0, <https://commons.wikimedia.org/w/index.php?curid=22023379>

Oakland Campaign Reform Act Guide

2022

Public Ethics Commission
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INTRODUCTION

The Oakland Campaign Reform Act (OCRA) adds local rules and restrictions that apply to Oakland candidates and political committees in addition to the requirements and regulations of the California Political Reform Act [Gov. Code Sec. 81000 *et seq*]. Candidates for Oakland elective office must comply with both California and Oakland campaign laws.

This *Oakland Campaign Reform Act Guide* is intended to provide an overview of the Oakland Campaign Reform Act and is **advisory only**. To the extent the *Guide* conflicts with the actual ordinance, administrative regulation, or interpretation by the Public Ethics Commission (Commission), those authorities govern the implementation and enforcement of the ordinance. All legal citations are to the Oakland Municipal Code (OMC) unless otherwise noted.

The Oakland Public Ethics Commission is the administrative enforcement body for OCRA. If you have questions about this guide or your obligations under the law, contact Commission staff.

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Questions regarding the California Political Reform Act should be directed to the Fair Political Practices Commission (FPPC) at (866) 275-3772 or advice@fppc.ca.gov.

THE OAKLAND CAMPAIGN REFORM ACT

The Oakland Campaign Reform Act (OCRA), as amended in 2019,¹ establishes local contribution limits, optional campaign expenditure limits, and electronic filing requirements for Oakland candidates and committees. OCRA also bars contributions from persons negotiating certain contracts with the City. It regulates the process by which contributions can be received or returned, how contributions from closely related entities must be attributed, and sets forth certain disclosure requirements for the distribution of independent mass mailings.

Local Offices Covered Under OCRA

OCRA applies to local candidates for “city office,” which includes the office of Mayor, City Attorney, City Auditor, District and At-Large City Councilmembers, and elected Oakland School Board Directors [OMC §3.12.040].

REPORTING OF CAMPAIGN ACTIVITIES

Most reporting requirements are imposed by the California Political Reform Act, and candidates, committees, treasurers, and officers should refer to the [Campaign Disclosure Manual for Local Candidates](#), published by the California Fair Political Practices Commission (FPPC) and available on their website at www.fppc.ca.gov. The FPPC also provides informal legal advice to candidates and committees via its advice-line (866) ASK-FPPC (866-275-3772) or by emailing FPPC staff at advice@fppc.ca.gov.

Electronic Filing Requirement

OCRA requires any candidate or committee that is required by state or local law to file a campaign statement with the City of Oakland filing officer to file that information in an electronic format with the Public Ethics

Filing Campaign Disclosure Statements Online



Electronic filing of campaign disclosure statements is **mandatory** in Oakland for all campaign committees required to file campaign statements with the City of Oakland under the California Political Reform Act. This includes candidate-controlled committees, ballot measure committees, and general-purpose political action committees, as well as organizations or entities such as major donors required to file late contribution or independent expenditure reports with the City of Oakland.

The City of Oakland provides a free, online filing system called NetFile to complete and e-file disclosure statements and reports. Getting set up is easy:

Step 1: Register

Register with the Public Ethics Commission by submitting [OCRA Form 300](#) along with a copy of your committee’s Form 410 Statement of Organization. **You must submit these forms to file electronic disclosure statements.** Then you will receive instructions to set up your account as well as notifications in advance of filing deadlines and updates about any changes to campaign rules.

Step 2: Set-up Your NetFile Account

Create a NetFile User Account. You can use [NetFile’s](#) free software to record your committee’s financial transactions and keep committee information up-to-date or upload your campaign statements from third-party software. Contact PEC staff for advice and technical support. We’re here to help!

Step 3: Keep Your Committee Account Up-to-date

Anytime a new treasurer or principal officer is added to the committee or there is a change in the committee’s contact information a new OCRA Form 300 and FPPC Form 410 must be submitted to the Public Ethics Commission.

¹ In June 2019, City Council adopted amendments to the Oakland Campaign Reform Act (OCRA) to increase transparency and support the public’s right to know who is directing and who is paying for campaign activities. In addition, the recent changes were intended to provide transparency to significant campaign-related activities by City staff who can leverage their City position to benefit a candidate, ballot measure, or another committee.

Commission [Oakland Charter §603(b)(5)]. Once a candidate or committee is subject to the electronic filing requirement, the candidate or committee must continue to file all subsequent campaign statements electronically, regardless of the amount of contributions or expenditures made in other reporting periods. Contact the Public Ethics Commission for information about electronic filing of campaign activity [OMC §3.12.240].

VOLUNTARY SPENDING LIMITS

All candidates have a choice of whether to limit their campaign spending within pre-set “expenditure ceilings,” also known as spending limits. An “expenditure” is generally defined as any payment made to influence a voter's support or opposition to a candidate (or ballot measure). **Candidates who agree to limit their campaign spending are permitted to receive contributions in greater amounts than those who do not** (See next page for details about contribution limits).

OCRA establishes a formula that sets voluntary spending limits for each City office. Every year, the Public Ethics Commission adjusts the limits to account for changes in the cost of living, as measured by the Consumer Price Index for the San Francisco Bay Area. The Commission publishes the voluntary spending limits for all City offices on its website.

Accepting Spending Limits

Candidates must agree to the spending limit in writing **before** accepting contributions at the higher amounts (see discussion of contribution limits below). Candidates agree to the spending limit by submitting [OCRA Form 301](#) using the Commission's online form. OCRA Form 301 must be submitted before a candidate accepts contributions at the higher limit, and no later than the date the candidate files papers for candidacy for City office (generally 88 days before the election) [OMC §3.12.190].

File Your OCRA Form 301

Be sure to file your Form 301 before accepting any contribution at the higher contribution limit. The Form 301 declares that the candidate agrees to the voluntary spending limit and allows the candidate to accept contributions at the higher limit. Failing to timely file the form will result in a monetary penalty from the Public Ethics Commission.

When Spending Limits Are Lifted

There are two situations in which a candidate who has chosen to voluntarily limit their campaign spending may nevertheless exceed the voluntary spending limit:

1. The first situation occurs if a candidate who agrees to limit spending is opposed by a candidate who does not. If the candidate who does not agree to limit their spending either makes expenditures or receives contributions equal to 50 percent of the voluntary spending limit applicable to that race, then the candidate who agreed to limit spending is no longer bound by the expenditure ceiling.
2. The second situation occurs if a political committee or individual spends more than \$28,000 on independent expenditures related to a City Council or School Board district election, or \$131,000

on independent expenditures related to a City Attorney, Auditor, City Council At-Large, or Mayoral election.²

If either situation occurs, the spending limit is no longer binding on any candidate running for that same office. After the spending limit is lifted, a candidate who accepted the voluntary spending limit is still permitted to raise contributions at the higher amounts [OMC §3.12.220].

CONTRIBUTION LIMITS

Once a candidate submits OCRA Form 301 agreeing to accept voluntary limits on campaign spending, the candidate may accept contributions in greater amounts than if they chose not to limit campaign spending. Oakland contribution limits are adjusted annually to account for cost of living increases.

Contributions to Candidates Who Agree to Limit Spending

For candidates agreeing to limit their spending, the most a candidate may receive from any **person** is \$900 per election, as of January 2022 [OMC §3.12.050(B)]. A person is broadly defined as any individual, business entity, committee or other organization or group of persons acting in concert [OMC §3.12.040].

For candidates agreeing to limit their spending, the most a candidate may receive from any **broad-based political committee** is \$1,800 per election, as of January 2022 [OMC §3.12.060(B)]. A **broad-based political committee** is any committee of persons which 1) has been in existence for more than six months, 2) receives contributions from 100 or more persons, and 3) acting in concert makes contributions to five or more candidates [OMC §3.12.040].

Broad-Based Political Action Committee

At the time OCRA was initially enacted, so-called **broad-based political committees** existed and had the same meaning under state law. This term is no longer used under state law but continues to have meaning and applicability under OCRA.

While political committees are no longer called or organized as **broad-based political committees**, some political committees, such as the state-defined **small contributor committees**, may still qualify as **broad-based political committees** under OCRA. To help determine whether a political committee qualifies as a **broad-based political committee**, candidates can search the filings of state registered political committees using the California Secretary of State's website at www.sos.ca.gov.

Contributions to Candidates Who Do Not Agree to Limit Spending

For candidates who do **not** agree to limit their spending, the most a candidate may receive from any person is \$200 per election as of January 2022 [OMC §3.12.050(A)]. The most such candidates may receive from any broad-based political committee is \$400 per election as of January 2022 [OMC §3.12.060(A)].

No Limit on Personal Contributions

Regardless of whether a candidate accepts or rejects voluntary limits on campaign spending, a candidate is free to contribute to or loan their campaign **any** amount of money from their own personal funds. The United States Supreme Court ruled that the First Amendment prohibits any restriction on a candidate's ability to contribute or loan personal funds to their campaign.

² Spending limit amounts noted here are as adjusted for inflation, effective January 2022.

Campaign Tip: Oakland offers a program that provides limited public financing to candidates in council district races. Candidates who choose to participate in the program voluntarily agree not to contribute or loan more than a specified amount of their personal funds as a condition of eligibility. For more information about Oakland's Limited Public Financing Program, contact the Public Ethics Commission.

Aggregation of Contributions

OCRA sets forth several circumstances in which the contributions by two or more entities are treated as coming from one person. This aggregation of contributions can have important consequences when determining whether contribution limits have been exceeded.

Contributions from two or more entities are aggregated (treated as coming from the same person) when one or more of the following conditions are present:

- The entities share a majority of members on their respective boards of directors;
- The entities share three or more, or a majority of, officers;
- The entities are owned or controlled by the same majority shareholder or shareholders;
- The entities are in a parent-subsidiary relationship; or
- One entity finances, maintains, or controls the other entity's contributions or expenditures [OMC §3.12.080(A)].

Aggregation also occurs in the following situations:

- Contributions made by entities that are majority-owned by any person shall be aggregated with the contributions of the majority owner and all other entities majority-owned by that person, unless those entities act independently in their decision to make contributions [OMC §3.12.080(B)].
- The contributions of an entity whose contributions are directed and controlled by any person shall be aggregated with contributions made by that person and any other entity whose contributions are directed and controlled by that same person [OMC §3.12.080(C)].
- If two or more entities make contributions that are directed and controlled by a majority of the same persons, the contributions of those entities shall be aggregated [OMC §3.12.080(D)].

Campaign Tip: Candidates and their committees have a responsibility to ensure that they are not receiving prohibited contributions. Use of the sample contributor card, located in Appendix IV, can help ensure that contributors are aware of the aggregation rules and acknowledge that they are not contributing more than the allowable contribution limit.

OCRA also prohibits any committee that supports or opposes any candidate from having as officers any individuals who serve as officers on any other committee that supports or opposes the same candidate. This restriction does not apply to campaign treasurers so long as the treasurers do not participate in or control in any way decisions on which candidates receive a contribution [OMC §3.12.080(E)].

Finally, contributions by two individuals married to each other are treated as separate contributions and are not aggregated. However, contributions by a minor child are treated as a contribution from the parent and are attributed proportionately to each one [OMC §3.12.100].

Examples:

- The law firm of Howard, Fine & Howard wants to contribute money to Candidate Doe. Candidate Doe has agreed to expenditure ceilings and is therefore entitled to receive up to \$900 in contributions from any person. Knowing that the law firm, as an entity, is restricted from giving Candidate Doe more than \$900, the firm directs each of its ten attorneys to contribute \$900 each, and then reimburses the attorneys from the law firm's operating account. Is there a problem here?
 - A. Yes. The \$9,000 in contributions from its ten members will be attributed to the law firm since the members' contributions were financed and controlled by the firm. Thus, the firm has violated OCRA's \$900 contribution limit. In addition, the firm and its members may also be guilty of the serious crime of "money laundering" under State and local law if the true source of the contributions is not disclosed. In addition, Candidate Doe may be required to pay or "disgorge" the \$9,000 portion of the contribution to the City and State.

- MiniCorp USA makes gadgets within the City of Oakland. MicroCorp America is a nationwide finance company with branch offices in Oakland. Neither MiniCorp nor MicroCorp have anything to do with the other except that they are both majority-owned by the same holding company, MegaCorp International. Both MiniCorp and MicroCorp have received separate invitations to a \$900 a plate fundraiser from Candidate Doe. Can both companies contribute the full amount?
 - A. Since both companies are majority owned by MegaCorp their contributions will be treated as coming from one person and thus the most both companies can contribute to Candidate Doe is \$900 combined, unless the entities act independently in their decisions to make contributions.

- Castaway Enterprises is a small company in Oakland equally owned by five members. Two of its owners, MaryAnn and Ginger, want to attend Candidate Doe's \$900 a plate fundraiser. Unknown to them, the other three owners have already authorized a \$900 contribution on behalf of the company. Can MaryAnn and Ginger contribute to the fundraiser?
 - A. Yes. Since MaryAnn and Ginger do not individually or collectively represent a majority interest in Castaway Enterprises, they may contribute their own personal funds and not have their contributions aggregated with any contribution by their company.

**Extension of Credit
Can Count as a Contribution**

Be careful of a loan automatically becoming a contribution under OMC §3.12.090(D). It is not unusual for candidates to spend more money than they raise before the election. Candidates often hold fundraisers after the election to pay consultants, printers, caterers, and others who provided them with campaign services.

What OMC §3.12.090(D) says is that if a candidate owes a vendor more than \$1,500 for more than 90 days, then that extension of credit will be treated as a contribution under OCRA. And since the permissible contribution limit is \$900 from any person, that extension of credit (read: unpaid bill) of more than \$1,500 will automatically constitute a violation of OCRA's contribution limits unless the candidate has established a set payment schedule with the vendor.

When Loans and Unpaid Bills Become Contributions

Except for secured or guaranteed loans from commercial lending institutions made in the ordinary course of business and on terms available to everyone else, all loans to Oakland candidates are treated as **contributions** from the maker and guarantor (if any) and may not

exceed the applicable contribution limits [OMC §3.12.090(A)(C)].

All loans must be made in writing and noted on the campaign statement on which the loan is first reported [OMC §3.12.090(B)].

Other than commercial loans, any extension of credit in excess of \$1,500 for a period of more than 90 days also is treated as a contribution subject to the applicable contribution limits **unless** the candidate can demonstrate good faith evidence of an intent to repay through a set payment schedule that is being adhered to through repayment of the extension of credit on a regular basis [OMC §3.12.090(D)].

Campaign Tip: OCRA creates a strong incentive to pay all outstanding bills within 90 days. If this is not possible, arrange a payment schedule in which all vendors are paid something on a regular basis. Although the amount and frequency of payments may depend on the amount of the debt and financial solvency of the campaign, payments should be great enough to dispel any reasonable allegation that the payments are merely a sham to avoid compliance with the law.

Volunteer Services and Travel Expenses

Volunteer personal services are not considered contributions or expenditures under OCRA and are not subject to its contribution limits or expenditure ceilings. Neither are travel expenses that the individual incurs without reimbursement from the campaign [OMC §3.12.180].

Example: Candidate Doe's roommate is an accountant who charges \$150 per hour for tax preparation professionally. She recently volunteered 10 hours of time preparing Ms. Doe's campaign statements. Candidate Doe has not received a contribution exceeding OCRA's contribution limit, nor has the campaign incurred a \$1,500 expense that would be counted against the voluntary spending limit.

SOLICITING, RECEIVING, AND RETURNING CAMPAIGN CONTRIBUTIONS

Required Notice on All Fundraising Material

All candidates for local office must include a notice on all campaign fundraising material with the following language:

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

The above notice must be made in the equivalent of eight-point roman boldface type as shown above. The notice must also be in a color or print that contrasts with the background, so it is easily legible and contained in a printed or drawn box that is set apart from the rest of the text [OMC §3.12.140(P)]. The notice should appear on any printed or electronic medium that solicits or instructs people how to make a campaign contribution. The notice is not required on campaign material that engages **solely** in election advocacy or the presentation or discussion of issues.

One Committee/One Checking Account Rule

A candidate may only maintain one campaign committee and one campaign checking account for each election and City office being sought. Both OCRA and state law require that all expenditures for that office be paid from that account [OMC §3.12.110].

Example: Candidate Doe has formed and registered her campaign committee and opened a campaign checking account at a local bank. During the campaign, she occasionally receives small cash contributions that she keeps in an envelope at campaign headquarters. When small expenses are incurred, such as ordering pizza for her precinct volunteers, she uses the money in the envelope. Is this practice okay?

- A. No. While this example does not seem like an unreasonable practice, state and local law require that **all** contributions be deposited into the campaign account before being spent. State law does permit expenditures of less than \$100 to be made in cash, but the cash must be obtained from the campaign account and not taken directly from cash contributions. State law also requires that no more than \$100 be deposited in a petty cash fund at any one time.

Campaign Tip: It is essential to establish sound record-keeping procedures for your campaign. For example, state law requires candidates to keep a record of all contributions and expenditures of more than \$25 — even if those contributions and expenditures are not required for disclosure on FPPC campaign statements!

Identification of Contributor

No contribution of \$100 or more can be deposited into a campaign checking account unless a record of the name, address, occupation, and employer of the contributor is kept by the candidate. Cash contributions of \$100 or more are prohibited [OMC §3.12.130].

State law requires candidates to itemize single or cumulative contributions over \$100 from a single contributor on their campaign statements. For individuals who contribute more than \$100 in total, the contributor's name, street address, occupation and employer must be given. If the contributor is self-employed, the campaign must provide the name of the contributor's business.

Under OCRA, local candidates may not even **deposit** a contribution without a record of the name, street address, occupation, and employer of the contributor for any contribution of \$100 or more. If the campaign does not obtain the required contributor information, state law requires the contribution be returned or forfeited within 60 days.

Campaign Tip: It is a good idea to create a contribution form that includes the above information to be filled out at the time the contribution is received. See Appendix IV for sample contributor card.

PROHIBITION ON CONTRACTOR CONTRIBUTIONS

OCRA contains an extensive prohibition on contributions by persons negotiating certain contracts with the City of Oakland or Oakland Unified School District Board. OCRA prohibits contractors that meet certain OCRA criteria from making **any** contribution to candidates for local office between the time

negotiations on the affected contracts begin and 180-days after the completion or termination of negotiations on the contract.

Applicable Contracts

The prohibition on contractor contributions to Oakland candidates, or “contractor ban,” applies to contracts that require City Council or School Board approval including, but not limited to the following:

1. Contracts for the procurement of professional or consulting services exceeding \$15,000;
2. Contracts for the procurement of materials, supplies, commodities, equipment, or services, other than professional or consulting services, exceeding \$50,000;
3. Contracts for the sale or lease of any building or land to or from the City;
4. Amendments to any of the contracts listed above.

The list above is not exhaustive. In addition, recent changes to City Council and City Administrator purchasing authority increased the financial thresholds for contracts that require approval by Council [OMC §2.04, §2.41, and §2.42]. Ultimately, regardless of the contract amount, the contractor ban applies to any contract that requires approval by the City Council. If you have a contract moving through the City Council process, you are likely prohibited from contributing to candidates for local office, including both incumbents and candidates running against incumbents. Please seek Commission advice if you have questions about this prohibition.

OCRA further provides a list of contracts that require School Board approval including, but not limited to the following:

1. Contracts for the procurement of professional or consulting services exceeding \$25,000;
2. Contracts requiring School Board approval under Public Contract Code Section 20111;
3. Construction contracts exceeding \$25,000;
4. Contracts for the sale or lease of any building or land to or from the School District;
5. Amendments to any of the contracts listed above.

Again, the list above is not exhaustive. Therefore, regardless of the contract amount, the contractor ban applies to any contract that requires approval by the School Board.

If the contractor is an entity, such as a corporation, partnership, or LLC, the contribution ban also applies to all the entity’s principals, including, but not limited to the following:

1. The entity’s board chair, president, chief executive officer, chief operating officer, chief financial officer, and any individual that serves in the functional equivalent of one or more of those positions;
2. Any individual who holds an ownership interest in the entity of 20 percent or more; and
3. An individual employee, independent contractor, lobbyist, or other agent of the entity authorized to represent the entity before the City regarding the contract.

When the Prohibition Applies

No person who proposes a contract that requires City Council or School District approval may make **any** contribution to a candidate for local office or current officeholder of the applicable government body from the **commencement of negotiations** until 180 days after the **completion** or **termination** of negotiations [OMC §3.12.140(A)(B) & (C)]. OCRA defines these periods as follows:

- The **commencement of negotiations** occurs when a contractor or representative formally submits a bid, proposal, qualifications or contract amendment to any elected or appointed... officer or employee or when any elected or appointed... officer or employee formally proposes submission of a bid, proposal, qualifications or contract amendment [OMC §3.12.140(G) & (I)].
- The **commencement of negotiations** expressly does **not** include the unsolicited receipt of proposal or contract information; requests to be placed on mailing lists; routine requests for information about a particular contract, request for proposals, or any information or documents about them; or the attendance at an informational meeting [OMC §3.12.140(J)].
- The **completion of negotiations** occurs when the City or School District executes the contract or amendment [OMC §3.12.140(K)].
- The **termination of negotiations** occurs when 1) the contract or amendment is **not** awarded to the contractor or 2) the contractor files a written withdrawal from the negotiations which is accepted by an appointed or elected officer or employee of the respective public agency [OMC §3.12.140(L)].

Contractor Acknowledgment

All potential and current contractors must execute a declaration acknowledging the prohibition on contractor contributions at the time they submit a bid, proposal, qualifications, or contract amendment. Contracts may not be awarded to any contractors who have not signed this declaration. The declaration is typically provided by the contracting City department or agency. The Office of the City Clerk (or the School District) is required to receive and file copies of all contractor declarations and make a list of current contractors available for public inspection [OMC §3.12.140(M)&(N)].

Campaign Tip: In addition to the required notice on all fundraising material (covered on page 10), candidates should carefully review all contributions to determine whether the party making it is bidding or negotiating for a City or School Board contract. This may require a call to the contributor or to the appropriate City or School Board staff members. Use of the sample contributor card, located in Appendix IV, can also help ensure contractors are aware of the contractor ban and acknowledge their contract status.

CONTRIBUTIONS SOLICITED BY CITY STAFF AND OFFICIALS

Effective July 1, 2019, any Oakland public servant required to file a Statement of Economic Interests (Form 700) who successfully solicits a political contribution of \$5,000 or more from any person or entity that contracts or proposes to contract with the official's department must disclose the solicitation within 30 days to the Public Ethics Commission [OMC §3.12.117].

For the Mayor, members of the Council, or their senior staff members, the disclosure requirement applies when the solicitation is made to a person contracting or proposing to contract with any department within the City of Oakland.

How to Disclose Solicitations

To report a solicitation to the PEC, file [OCRA Form 303](#) using the Public Ethics Commission's online form.

What Must Be Disclosed?

OCRA Form 303 requires the following information to be provided:

1. Public official – name, title, agency name, phone, and email
2. Contributor – contributor type (individual or business), and address
3. Recipient – committee name, FPPC ID, and committee address
4. Contribution – date of contribution, amount, type (monetary or in-kind), election date, ballot measure or candidate, and support or oppose position

All submitted information must be signed under penalty of perjury under the laws of the State of California.

INDEPENDENT EXPENDITURES

Special Notice Requirements for Persons Making Independent Expenditures

Any person who makes independent expenditures for a mass mailing, slate mailing or other campaign materials that support or oppose any candidate for city office must place the following statement on the mailing in no smaller than 14-point type:

Notice to Voters
(Required by the City of Oakland)
This mailing is not authorized or approved by any City
candidate or election official.
It is paid for by [name, address, city, state]
Total cost of this mailing is: [amount].

The requirement only applies to persons who make independent expenditures for a “mass mailing, slate mailing or other campaign materials.” State law defines a “mass mailing” as more than 200 substantially similar pieces of mail. A “slate mailing” is any mass mailing that supports or opposes a total of four or more candidates or ballot measures. While the term “other campaign material” is undefined, it may include other forms of campaign communication that do not total 200 pieces.

Disclosure of Top Two Donors

A committee, as defined by the California Political Reform Act, must disclose the names of the individuals from whom the committee received its two highest cumulative contributions of \$5,000 or more on all mass mailings and television advertisements that are independent expenditures supporting or opposing a candidate or measure being voted upon only in the City of Oakland.

California law imposes similar disclosure requirements on mass mailings. To facilitate compliance with both state and local law, the Commission has advised (PEC Advice Letter 16-01) that a committee could modify the above disclosure language slightly to read as follows:

Notice to Voters

(Required by the City of Oakland)

This mailing was not authorized, approved, or paid for by a candidate for City office, a committee controlled by a candidate for City office, or an election official.

It is paid for by [name, address, city, state]

Total cost of this mailing is: [amount].

The above language, which merges the language required by the California Political Reform Act with that required by the Oakland Campaign Reform Act, satisfies Oakland's local law.

BALLOT MEASURE COMMITTEES CONTROLLED BY CANDIDATES OR ELECTED CITY OFFICIALS

A candidate-controlled ballot measure committee is a campaign committee that is established to raise and spend money on behalf of one or more ballot measures in California, and that is under the legal control of a political candidate. According to the State Fair Political Practices Commission, a ballot measure committee is controlled by a candidate if the candidate (or their representative) has significant influence on the actions or decisions of the committee. (See *FPPC Campaign Disclosure Manual 3: Information for Ballot Measure Committees*, available on the FPPC's website at www.fppc.ca.gov.)

Under OCRA, a candidate or elected City Official who controls a ballot measure committee is prohibited from doing the following:

1. Directly or indirectly using, or influencing the use of, ballot measure committee funds to support the candidate's or elected City Official's election;
2. Directly or indirectly using, or influencing the use of, ballot measure committee funds to support or oppose other candidates;
3. Transferring ballot measure committee funds to another committee supporting the candidate's or elected City Official's election or supporting or opposing other candidates [OMC §3.12.115].

BALLOT MEASURE COMMITTEES CONTROLLED BY NON-CANDIDATES

All non-candidate-controlled committees, including ballot measure and general purpose committees, required to file campaign statements in the City of Oakland must disclose principal officers of the committee on their Statement of Organization (FPPC Form 410), a copy which must be submitted to the Public Ethics Commission [OMC §3.12.116].

A principal officer of a committee is the individual primarily responsible for approving the political activity of the committee including, but not limited to, the following activities:

1. Authorizing the content of the communications made by the committee;
2. Authorizing expenditures, including contributions, on behalf of the committee;
3. Determining the committee's campaign strategy.

If more than one individual shares in the primary responsibility for approving the political activities of the committee, each person is a principal officer.

Such disclosure must be provided for a minimum of one principal officer, and up to a total of three if applicable. Disclosure information must include the following:

1. Full name;
2. Street address;
3. Telephone number.

OFFICEHOLDER COMMITTEES AND LEGAL DEFENSE FUNDS

OCRA authorizes two additional types of accounts in addition to a campaign account. The first is an officeholder committee that every elected City Official is permitted to establish for those expenses associated with holding public office [OMC §3.12.150(A)]. The second is a legal defense fund which any candidate or elected City Official may establish to defray attorney fees and other legal costs incurred in the defense of any civil, criminal or administrative action arising directly out of a campaign, election process or the performance of governmental activities [OMC §3.12.170(A)].

The primary significance of these funds is that expenditures can be paid from them without counting against the campaign expenditure ceilings applicable to the office being sought or held [OMC §3.12.150(F); 3.12.170(C)].

Officeholder Committee

State law allows local candidates who win the election to continue to maintain their campaign committee after the election to receive contributions and to use campaign funds to offset officeholder expenses. During non-election years, Form 460 is filed on a semi-annual basis if the committee remains open. State law further requires that the committee name include the candidate's last name, office sought, and year of the election, and that this name remain intact until and unless the candidate decides to run for re-

election, in which case the candidate may re-designate the committee or create a new committee for the future office sought. See FPPC *Disclosure Manual 2 – Information for Local Candidates, Superior Court Judges, Their Controlled Committees, and Primarily Formed Committees for Local Candidates*, available on the FPPC’s website at www.fppc.ca.gov.

Oakland law allows each elected City Official to maintain an officeholder committee for expenses associated with holding the office currently held by the elected City Official. Contributions to the officeholder committee must be made by separate check or other separate written instrument, and single contributions may not be divided between the officeholder committee and any other candidate committee. OCRA imposes a limit on the total amount the officeholder committee may receive in contributions per year in office as follows [OMC 3.12.150(A)]:

District Councilmembers, City Auditor, and School Board Directors	\$25,000
Councilmember-At-Large	\$30,000
Mayor	\$50,000

Annual contributions received by or made to the officeholder committee are subject to the same contribution limits that apply to candidate committees; this means that an elected City Official may receive contributions from any person or broad-based political committee of up to \$200/400 annually if the candidate did **not** accept voluntary spending limits, or up to \$900/1,800 annually if they accepted spending limits [OMC §3.12.150(E)].

Contributions to an officeholder committee must be made by check or “other separate written instrument.” The contribution must be earmarked or designated in some way as a contribution to the officeholder committee, such as a note on the “memo” line of a check or with an accompanying note or letter from the contributor.

Forming an Officeholder Committee

Establishing and using an officeholder committee can be tricky. The reason is that state law permits an elected City Official to receive contributions into only one campaign account – whether for campaign or officeholder purposes.

To accept officeholder contributions under Oakland law, a candidate must establish an “officeholder” committee by re-designating their campaign committee after the election and after all campaign related expenses and debts have been paid.

Officeholder committee funds may NOT be used for an elected City Official’s own campaign-related expenses, nor may they be transferred to another candidate committee (including one’s own).

See Officeholder Committees Fact Sheet (Appendix III) for more information.

The limits on aggregate contributions cap the total amount of contributions an officeholder committee may receive for every year in office. There is no requirement that this money be spent annually, and it may accrue for as long as the elected City Official holds elective office.

Persons and broad-based political committees may contribute, up to their permissible maximum levels, only once per election to a candidate’s campaign committee, but may make annual contributions to an officeholder committee.

Campaign Tip: Do not accept or deposit contributions to the officeholder committee unless you have something in writing from the contributor that expressly designates that the money is to be deposited into the officeholder committee.

As stated above, officeholder committees may be used for any “political, governmental or lawful purpose” for those expenses associated with holding the office currently held

by the elected city officer. OCRA sets forth a long list of permissible expenditures from the officeholder committee, such as for office furniture, office rent, fundraising for the officeholder committee, donations to tax-exempt organizations, and other expenses incurred in connection with government-related activities [OMC §3.12.150(B)].

OCRA also expressly **prohibits** officeholder committee funds being used for the following activities or purposes:

- Expenditures in connection with a future election for any city, county, regional, state, or federal elective office;
- Expenditures for campaign consulting, research, polling, photographic or similar services for election to other elective office;
- Membership in any athletic, social, fraternal, veteran, or religious organization;
- Supplemental compensation for city employees for performing an act that would be required or expected of them in the regular course of their city duties;
- Any expenditure that would violate the California Political Reform Act [OMC §3.12.150(C)].

Finally, OCRA prohibits officeholder committee funds from being transferred to any candidate committee [OMC §3.12.150(D)].

Legal Expense Fund

An elected City Official or candidate for city office may receive contributions for a separate legal expense fund for attorney fees and legal costs incurred to defend against actions arising directly out of the conduct of the campaign or election process, or the performance of the candidate's or elected City Official's governmental activities and duties [OMC §3.12.170].

All contributions to a legal expense fund must be “earmarked” by the contributor at the time the contribution is made. The contributions must be first deposited into the elected City Official's appropriate bank account before being deposited into the legal expense fund. The legal expense fund may be in the form of certificates of deposit, interest-bearing savings accounts, money market or similar accounts, which shall be established only for the legal expense fund [OMC §3.12.170(A)].

Unlike officeholder or campaign committees, there is no limit to the amount a person or broad-based political committee may contribute to a legal expense fund [OMC §3.12.170(B)]. There is also no limit on the total amount that a legal expense fund can receive in any given year. Expenditures made from the legal expense fund are not subject to the voluntary campaign expenditure ceilings [OMC §3.12.170(C)].

Donation of Office Space

A related provision to officeholder committees and legal expense funds is the provision that permits a person or broad-based political committee to donate office space to elected City Officials in furtherance of their duties and responsibilities. A donation of this kind will not be considered an expenditure by, or non-monetary contribution to, an elected City Official **if** the donation is made to the City and accepted pursuant to Oakland City Charter Section 1203 for use elected City Officials (or to the School District for use by the School District board of directors), **and** the name, address, employer and occupation of the donor, and the current market value of the donated office space, are provided to the City Clerk.

ENFORCEMENT

Persons who violate the Oakland Campaign Reform Act are subject to criminal, civil, administrative, and other penalties. Note: A copy of the Public Ethics Commission's Mediation and Complaint Procedures, and Complaint Forms, are posted on its website and can be requested by contacting Commission staff.

Liability

In addition to a committee itself, all principal officers of the committee are jointly and severally liable for violations by the committee. For committees controlled by a candidate, the candidate and the committee's treasurers are deemed to be principal officers. When two or more parties are jointly and severally liable, each party is independently liable for the full extent of the violation.

An agent acting on behalf of a principal officer is also jointly and severally liable for violations that arise out of the agent's actions. The following are presumed to be agents of a committee: 1) a current or former officer of the committee, 2) an employee of the committee, 3) a person who has received compensation or reimbursement from the committee, and 4) a person who holds or has held a position within the committee organization that reasonably appears to be able to authorize expenditures for committee activities.

In addition, any person who receives a financial benefit because of a violation of OCRA shall be liable for forfeiting to the City's general fund the amount of the financial benefit received because of the violation.

Penalties

If, after an administrative hearing pursuant to its Complaint Procedures, the Public Ethics Commission determines that a violation under OCRA has occurred, the Commission may administer penalties and fines not to exceed \$5,000 per violation or three times the amount of the unlawful contribution or expenditure, whichever is greater [OMC §3.12.270(B)].

Injunctive Relief

The Public Ethics Commission, or any individual residing in the City, may seek a court order to stop violations or to compel compliance with certain provisions of OCRA. [OMC §3.12.280] The court may award litigation costs or attorney's fees to a complainant or respondent who prevails in a civil action for injunctive relief [OMC §3.12.300].

Disqualification

In addition to any other penalty, if an official receives a contribution above the contribution limits, the official shall not be permitted "to make, participate in making or in any way attempt to use their official position to influence a governmental decision in which the contributor has a financial interest" [OMC §3.12.330]. This language is borrowed from the California Political Reform Act's provisions on financial conflict of interest. The significant difference is that OCRA prohibits an official from participating in any decision affecting the contributor's financial interests, while state law restricts participation only if the official's financial interests are at stake.

APPENDIX I: CONTRIBUTION AND VOLUNTARY SPENDING LIMITS

CITY OF OAKLAND CAMPAIGN CONTRIBUTION AND EXPENDITURE LIMITS PER THE OAKLAND CAMPAIGN REFORM ACT 2022

LIMITATIONS ON CONTRIBUTIONS FROM PERSONS, BUSINESSES , AND OTHER ORGANIZATIONS (§3.12.050)

For candidates who do not adopt the expenditure ceilings (3.12.050(A))	\$200
For candidates who adopt the expenditure ceilings (3.12.050(B))	\$900

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

For candidates who do not adopt the expenditure ceilings (3.12.060(A))	\$400
For candidates who adopt the expenditure ceilings (3.12.060(B))	\$1,800

EXPENDITURE CEILINGS FOR CANDIDATES FOR MAYOR AND OTHER CITYWIDE OFFICES WHO AGREE TO VOLUNTARY SPENDING LIMITS (§3.12.200)¹

Mayor	\$512,000
City Auditor	\$366,000
City Attorney	\$366,000
Council Member At-Large	\$366,000
District 1 Council Member	\$161,000
District 2 Council Member	\$160,000
District 3 Council Member	\$161,000
District 4 Council Member	\$153,000
District 5 Council Member	\$153,000
District 6 Council Member	\$153,000
District 7 Council Member	\$155,000
District 1 School Board Director	\$107,000
District 2 School Board Director	\$107,000
District 3 School Board Director	\$107,000
District 4 School Board Director	\$102,000
District 5 School Board Director	\$102,000
District 6 School Board Director	\$102,000
District 7 School Board Director	\$103,000

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

Citywide offices	\$131,000
District offices	\$28,000

¹ 2022 voluntary spending limits may change following the Redistricting Commission's determination of new district boundaries and district population counts.

APPENDIX II: OFFICEHOLDER COMMITTEES FACT SHEET

Officeholder Committees FACT SHEET

CA Political Reform Act/FPPC Rules for Officeholder Committees

State law allows local candidates who win the election to continue to maintain their campaign committee after the election to receive contributions and to use campaign funds to offset officeholder expenses. During non-election years, the Form 460 is filed on a semi-annual basis if the committee remains open. State law further requires that the committee name include the candidate’s last name, office sought, and year of the election, and that this name remain intact until and unless the candidate decides to run for re-election, in which case the candidate may re-designate the committee or create a new committee for the future office sought.

See FPPC *Disclosure Manual 2 – Information for Local Candidates, Superior Court Judges, Their Controlled Committees, and Primarily Formed Committees for Local Candidates*, available on the FPPC’s website at www.fppc.ca.gov.

Oakland Campaign Reform Act (OCRA) Rules for Officeholder Committees

Oakland law allows each elected City Official to maintain an officeholder committee for expenses associated with holding office. Contributions to the officeholder committee must be made by separate check or other separate written instrument, and single contributions may not be divided between the officeholder committee and any other candidate committee. The Oakland Campaign Reform Act (OCRA) imposes a limit on the total amount the officeholder committee may receive in contributions per year in office as follows (OMC 3.12.150A):

District Councilmembers, City Auditor, and School Board Directors	\$25,000
Councilmember-At-Large	\$30,000
Mayor	\$50,000

In addition, annual contributions received by or made to the officeholder committee shall be subject to the contribution limits under OCRA; however, expenditures made from the officeholder committee shall not be subject to the voluntary expenditure ceilings in OCRA [OMC 3.12.150E and 3.12.150F]. No funds may be transferred from the officeholder committee of an elected City Official to any other candidate committee [OMC 3.12.150(D)].

A contributor may contribute up to the contribution limit to the officeholder committee each year it is in existence, in addition to making contributions at the applicable limit to the elected City Official’s campaign committee for a future election.

Transitioning a Campaign Committee into an Officeholder Committee

A candidate may decide to maintain the campaign committee in lieu of creating an officeholder committee; however, the candidate would be limited to the contribution limits that applied to their contributors during the election. In other words, an individual who contributed to the candidate's campaign at the maximum amount would not be able to contribute again to the campaign committee, until and unless the campaign committee is re-designated as a campaign committee for the candidate's re-election. Even then, the contributor would be limited to the maximum contribution limit for the next election.

By establishing an officeholder committee, an elected City Official can receive a new set of contribution limits as outlined above and subject to OCRA's officeholder expenditure rules listed below. The new limits are in addition to the limits allowable for campaign contributions and are applied annually rather than per-election. To trigger the ability to accept officeholder contributions, a candidate must establish an "officeholder" committee by re-designating the campaign committee as follows:

1. After the election, pay all campaign expenses and debts. Do not terminate the campaign committee.
2. After the elected official is sworn into office, file an amended Form 410 pursuant to state rules to add "Officeholder" to the committee name (the name must still include the candidate's last name, the prior office sought, and the year of the election). There is no required deadline for transitioning the committee from a campaign committee to an officeholder committee, except that, once a committee is renamed with "Officeholder," it can no longer accept campaign contributions, pay campaign debts, or make other campaign expenditures. The new "Officeholder" committee can only receive officeholder contributions and make officeholder expenditures per OMC 3.12.150 and is subject to the new annual contribution limit for "Officeholder" committees.
3. Any funds that remain in the account as it becomes an officeholder committee may not exceed the total amount the officeholder committee may receive in contributions per year in office under OMC 3.12.150A.
4. A contributor may not give to the campaign committee for the prior election and to the officeholder committee in the same calendar year; however, if and once the candidate forms a new campaign committee for their re-election or election to another office, a contributor may contribute up to the maximum amount to the officeholder committee and the future campaign committee.

Note: In lieu of the above campaign committee re-designation process, an officeholder could instead create a new campaign committee for re-election while in office, designate it with the name "officeholder," and use that committee for officeholder contributions and expenditures; however, the officeholder committee must have a zero balance before the candidate begins to accept campaign

Creating an Officeholder Committee

Establishing and using an officeholder committee can be tricky. The reason is that state law permits an elected City Official to receive contributions into only one campaign account – whether for campaign or officeholder purposes.

To accept officeholder contributions under Oakland law, a candidate must establish an "officeholder" committee by re-designating their campaign committee after the election and after all campaign related expenses and debts have been paid.

Officeholder committee funds may NOT be used for an elected City Official's own campaign-related expenses, nor may they be transferred to another candidate committee (including one's own).

contributions and make campaign expenditures for the candidate's future re-election, as OCRA prohibits any transfer of officeholder funds to another candidate committee.

Officeholder Expenditure Rules

Under OCRA section 3.12.150B, expenditures from an officeholder committee may be made for any political, governmental, or other lawful purpose such as the following:

1. Expenditures for fundraising (including solicitations by mail) for the officeholder per statute;
2. Expenditures for office equipment, furnishings, and office supplies;
3. Expenditures for office rent;
4. Expenditures for salaries of part-time or full-time staff employed by the officeholder for officeholder activities;
5. Expenditures for consulting, research, polling, photographic or similar services except for campaign expenditures for any city, county, regional, state, or federal elective office;
6. Expenditures for conferences, meetings, receptions, and events attended in the performance of government duties by (1) the elected City Official (2) a member of the elected City Official's staff; or (3) such other person designated by the elected City Official who is authorized to perform such government duties;
7. Expenditures for travel, including lodging, meals and other related disbursements, incurred in the performance of governmental duties by (1) the elected City Official, (2) a member of the elected City Official's staff, (3) such other person designated by the elected City Official who is authorized to perform such government duties, or a member of such person's household accompanying the person on such travel;
8. Expenditures for meals and entertainment directly preceding, during or following a governmental or legislative activity;
9. Expenditures for donations to tax-exempt educational institutions or tax exempt charitable, civic or service organizations, including the purchase of tickets to charitable or civic events, where no substantial part of the proceeds will have a material financial effect on the elected City Official, any member of their immediate family, or their committee treasurer;
10. Expenditures for memberships to civic, service, or professional organizations, if such membership bears a reasonable relationship to a governmental, legislative, or political purpose;
11. Expenditures for an educational course or educational seminar if the course or seminar maintains or improves skills which are employed by the elected City Official or a member of the elected City Official's staff in the performance of their governmental responsibilities;
12. Expenditures for advertisements in programs, books, testimonials, souvenir books, or other publications if the advertisement does not support or oppose the nominations or election of a candidate for city, county, regional, state, or federal elective office;

13. Expenditures for mailing to persons within the city which provide information related to city-sponsored events, school district-sponsored events, an official's governmental duties or an official's position on a matter pending before the Council, Mayor, or School Board;
14. Expenditures for expressions of congratulations, appreciation or condolences sent to constituents, employees, governmental officials, or other persons with whom the elected City Official communicates in their official capacity;
15. Expenditures for payment of tax liabilities incurred because of authorized officeholder expense fund transactions;
16. Expenditures for accounting, professional and administrative services provided to the officeholder fund;
17. Expenditures for ballot measures.

OCRA section 3.12.150C specifically prohibits the following expenditures from officeholder committees:

1. Expenditures in connection with a future election for any city, county, regional, state, or federal elective office;
2. Expenditures for campaign consulting, research, polling, photographic or similar services for election to city, county, regional, state, or federal elective office;
3. Membership in any athletic, social, fraternal, veteran, or religious organization;
4. Supplemental compensation for employees for performance of an act which would be required or expected of the person in the regular course or hours of their duties as a city official or employee;
5. Any expenditure that would violate the provisions the California State Political Reform Act, including Government Code Sections 89506 and 89512 through 89519.

Termination of the Officeholder Committee

The officeholder committee shall be terminated at the time the elected City Official's term of office ends or they leave that office, whichever is earlier. An officeholder committee may not transfer funds to a campaign committee for a future election or to any other campaign committee. If the elected City Official runs for re-election, the new campaign committee is a separate committee for a separate election and does not impact the existing officeholder committee. If the elected City Official wins re-election, it is advised that the campaign committee for the candidate's re-election become the candidate's new officeholder committee according to the above procedures.

APPENDIX III: SAMPLE CONTRIBUTOR CARD

[Insert Name of Candidate Committee and FPPC ID#]

Individual Contributor Verification Card

Amount of the Contribution: \$ _____ Date of the Contribution: _____

Type of contribution (check one): Monetary ____ In-kind ____

If in-kind contribution, please specify items contributed/services rendered: _____

Contributor Name (Print): _____
Street Address (no P.O. Boxes): _____
City/State/Zip: _____
For donors of at least \$100 (cumulatively), the following information is required:
Occupation: _____ Employer: _____
(If self-employed, provide the name of the business)

Please verify that your contribution is not a prohibited contribution by marking the box next to each item below:

- I am not contributing more than \$900 for this election. I understand that, for purposes of contribution limits, my personal contributions are aggregated with the contributions of a business in which I own a majority interest, and that contributions from multiple entities also are aggregated when the conditions are such that the entities:
 - 1) share the majority of members of their board of directors;
 - 2) share three or more, or a majority of, officers;
 - 3) are owned or controlled by the same majority shareholder(s);
 - 4) are in a parent-subsidiary relationship; or
 - 5) one entity finances, maintains, or controls the other entity's contributions or expenditures [OMC 3.12.080].

- I am not contracting or proposing to contract with the City or OUSD, currently or within the past 180 days, on a contract requiring approval by City Council, and I do not hold any of the following positions with an entity doing so:
 - 1) board chair, president, chief executive officer, chief operating officer, chief financial officer, or the functional equivalent of one or more of those positions;
 - 2) owner with ownership interest of 20% or more; or
 - 3) employee, independent contractor, or agent of the entity who is authorized to represent the entity before the City or OUSD regarding the contract [OMC 3.12.140].

Signature required of all contributors:	
I certify that this contribution is not prohibited under Oakland's Campaign Reform Act as specified above.	
X _____	_____
Contributor Signature	Date

APPENDIX IV: SAMPLE OCRA FORM 300



CLEAR FORM

CAMPAIGN FILER – APPLICATION FOR ONLINE LOGON AND PASSWORD

COMMITTEE INFORMATION

Quetzalli Lara for Oakland City Council D5 2050 (510) 238-3593 Pending

Committee name Phone FPPC ID#

Ana Lara

Treasurer/Responsible Officer
(May be the same as above, if an individual)

rositalfranco1@gmail.com

Email *(Must match disclosure email address)*

I am entitled to file campaign statements on behalf of the above entity or person and hereby apply for the issuance of an account ID number and a password in order to file statements and reports electronically. I am submitting this application as a: *(check one)*

- Treasurer
- Assistant Treasurer
- Responsible Officer
- Major Donor

DECLARATION

- I acknowledge that electronic documents bearing my signature will be treated the same as original paper documents bearing my signature for the purposes of applicable state and local law.
- By signing and submitting this application, I acknowledge that documents filed electronically with the City of Oakland using the ID and password issued will bear my electronic signature and that I am signing such documents under penalty of perjury under the laws of the State of California.
- I also understand that I am solely responsible for the security of the ID issued to me, that sharing it with any party is done at my sole discretion, and that I assume any liability that results from sharing it with another person.

2/11/2022

Original Signature - Treasurer/Responsible Officer Date

2/11/2022

Original Signature - Candidate *(Candidate-controlled committees only)* Date

Return to:

Public Ethics Commission
ONE FRANK H. OGAWA PLAZA • Room 104 • OAKLAND • CA • 94612
(510) 238-3593 • FAX (510) 238-3315 • ethicscommission@oaklandca.gov

OCRA FORM 300/7/2020

APPENDIX V: SAMPLE OCRA FORM 301



Submission Time: February 11, 2022 5:36 pm

Acceptance of Voluntary Campaign Spending Limit - OCRA Form 301

1. Candidate Information

Name	Quetzalli Lara
Email	rositalfranco1@gmail.com
Office Sought	City Council, District 5
Election Date	November 4, 2024
Copy of Form 501 Candidate Statement Form	https://www.formstack.com/admin/download/file/12237883572

2. Declaration

I hereby declare that I have established a campaign committee in order to solicit contributions towards my candidacy. By submitting this form I accept the voluntary spending limits as defined in Sections 3.12.050(c), 3.12.060(c), 3.12.190, 3.12.200, 3.12.210 and 3.12.220 of the Oakland Campaign Reform Act. I understand that once accepted, the voluntary spending limit is irrevocable unless waived pursuant to Oakland Campaign Reform Act Section 3.12.220. I certify, under penalty of perjury under the laws of the State of California, that to the best of my knowledge, the information contained herein is true and complete.

Date/Time	Feb 11, 2022
Description Area	OCRA Form 301 (January/2020)

Unique ID: 929606079

APPENDIX VI: SAMPLE OCRA FORM 303



Submission Time: February 14, 2022 12:51 pm
 Unique ID: 930420355

Solicited Contribution Report - OCRA Form 303

1. Public Official Information

Name	Quetzalli Lara
Title	Councilmember
Agency Name	City Council
Phone	(510) 238-3593
Email	alarafranco@oaklandca.gov

2. Contributor Information

Is the contributor an individual or an entity?	Business or organization
Contributor Name - Business or organization	Xochipilli Inc
Contact Person	Itzel Franco
Contributor Address	1 San Sebastian Road Oakland, CA 94612 United States

3. Recipient Information

Committee Name	Xochitl Lara for CC 2022
FPPC ID	815436
Committee Address	123 Frank Road Oakland, CA 94612

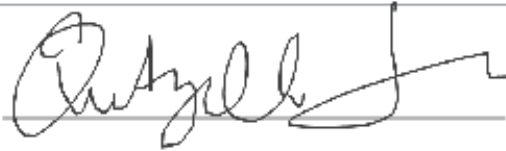
Unique ID: 930420355

4. Contribution Information

Date of Contribution	Feb 10, 2022
Amount of Contribution	20000
Contribution type	Monetary Donation
Election Date	Nov 08, 2022
Ballot Measure or Candidate	Xochitl Lara
Purpose	Support

5. Verification

I certify, under penalty of perjury under the laws of the State of California, that to the best of my knowledge, the information contained herein is true and complete.



Executed on:	Feb 14, 2022
Description Area	OCRA Form 303 (January/2020)

Unique ID: 930420355



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



Arvon J. Perteet, Chair
Michael B. MacDonald, Vice-Chair
Charlotte Hill
Jessica Leavitt
Ryan Micik
Joe Tuman

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Suzanne Doran, Lead Analyst
Jelani Killings, Ethics Analyst
Whitney Barazoto, Executive Director
DATE: February 25, 2022
RE: Disclosure and Engagement Monthly Report for the March 9, 2022, Meeting

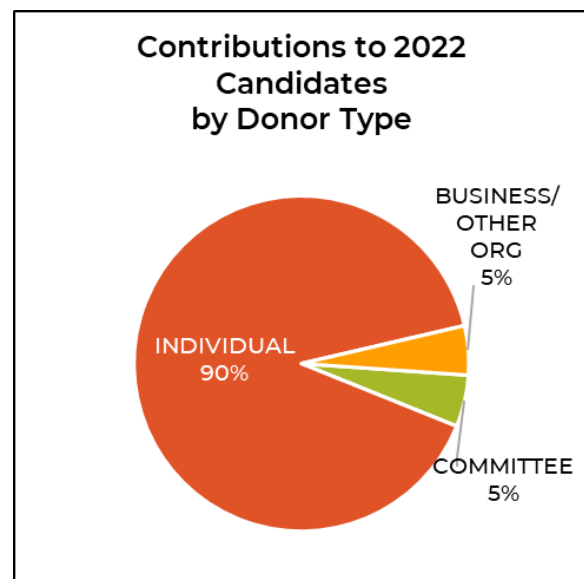
This memorandum provides a summary of major accomplishments in the Public Ethics Commission's (PEC or Commission) Disclosure and Engagement program activities since the last monthly meeting. Commission staff disclosure activities focus on improving online tools for public access to local campaign finance and other disclosure data, enhancing compliance with disclosure rules, and conducting data analysis for PEC projects and programs as required. Engagement activities include training and resources provided to the regulated community, as well as general outreach to Oakland residents to raise awareness of the Commission's role and services and to provide opportunities for dialogue between the Commission and community members.

Compliance with Disclosure Requirements

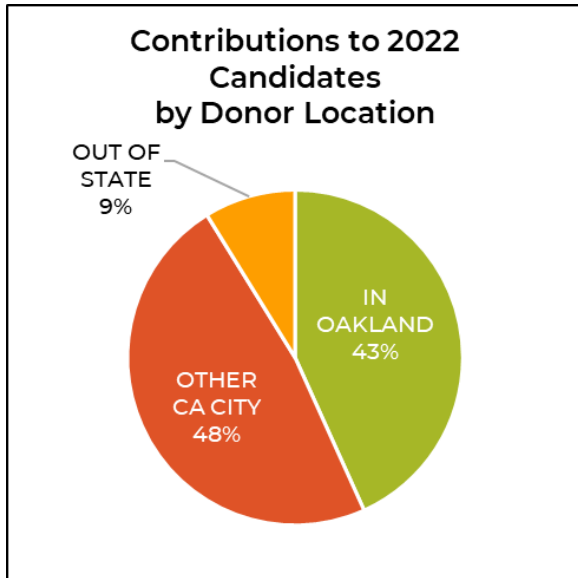
Campaign finance disclosure – A general election is scheduled this year, on November 8, 2022. Eight Oakland offices are up for election: Mayor; City Auditor; Councilmembers for Districts 2, 4 and 6; and School Board Directors for Districts 2, 4 and 6. Twenty-one candidates have now declared their intention to run, and 12 have registered campaign committees.

In an election year, there are four major filing deadlines for campaign statements, two semi-annual statements and two pre-election statements. The first 2022 deadline was January 31, and all registered committees must submit semi-annual campaign statements for the period from July 1 through December 31, 2021. Commission staff completed facial review and issued 18 amendment requests. Staff contacted five non-filers to gain compliance, and late fees and enforcement referrals will be issued as necessary.

In 2021, Oakland committees reported over \$1.1 million in contributions¹. Over \$600,000 in



¹ Calculations based on campaign activity data from January 1, 2021 – December 31, 2021 as reported through February 23, 2022. Calculations for 2022 candidates do not include terminated committees. Source: <https://data.oaklandca.gov/>.



contributions were reported by candidates running for office in 2022. Ninety percent of contributions of \$100 or more to 2022 candidates came from individuals, 5 percent from political committees, and 5 percent from businesses or other organizations. Less than half (43 percent) of contributions of \$100 or more listed a donor with an Oakland address. Of the remaining contributions, 48 percent listed a California address outside of Oakland, and 9 percent listed an out-of-state address.

So far 765 Oakland residents have contributed to 2022 candidates, and contributions of \$250 or less made up half of contributions over \$100. Campaign statements are available to view and download at the PEC’s [Public Portal for Campaign Finance Disclosure](#).

Lobbyist disclosure – The Oakland Lobbyist Registration Act (LRA) requires any person that qualifies as a lobbyist to register annually with the Public Ethics Commission before conducting any lobbying activity. It also requires lobbyists to submit quarterly reports disclosing their lobbying activities to ensure that the public knows who is trying to influence City decisions.

January 30 was the deadline for quarterly lobbyist activity reports covering the period from October 1 through December 31, 2021. Registration renewals were due January 31. All reports are filed, and all 2022 registration renewals received.

Lobbyists reported 289 contacts with Oakland public officials during the fourth quarter, for a total of 1,059 contacts in 2021. Land use decisions accounted for 66 percent of contacts and lobbying on behalf of the Oakland Athletics made up 34 percent of all contacts in 2021.

An up-to-date list of registered lobbyists and lobbyist activity reports with links to view and download individual reports is available at the PEC’s [Lobbyist Dashboard and Data](#) webpage.

Clients with Most Lobbying Contacts	
Oakland Athletics	34%
Schnitzer Steel	9%
Earthjustice	6%
The Michaels Organization	5%
Jobs and Housing Coalition	3%
Insight Terminal Solutions	3%
Pacific Merchant Shipping Association	3%
Bridge Association of Realtors	3%
San Francisco Housing Action Coalition	3%
Becker Boards	3%

Advice and Engagement

Advice and Technical Assistance – In February, Commission staff responded to 25 requests for information, advice or assistance regarding campaign finance, ethics, Sunshine law, or lobbyist issues, for a total of 62 requests in 2022.

Supervisory Academy – On January 27, staff facilitated an ethics discussion for the City’s quarterly Supervisory Academy. The discussions are intended to allow for more meaningful dialogue concerning ethical values in decision making with a focus on identifying ethical dilemmas that City staff face in carrying out their daily duties. Staff provided an overview of the Government Ethics Act including

conflicts of interests, gift restrictions, and postemployment restrictions. A total of 26 employees attended the training.

Form 700 Filer Training – On February 15, PEC staff conducted a live Government Ethics Training for Form 700 Filers via Zoom. The training was hosted by the Department of Human Resources (HR) and served as an alternative for employees that have not completed the PEC’s online training. A total of 16 employees attended the training.

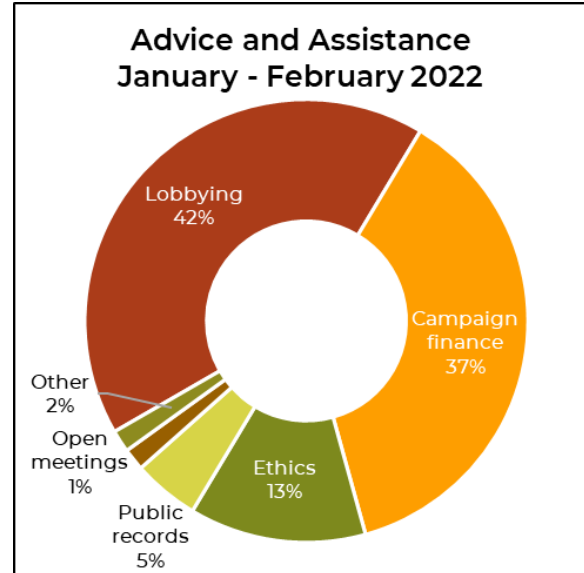
New Employee Orientation – Staff continues to make presentations at the City’s monthly New Employee Orientation (NEO) providing new employees with an introduction to the PEC and overview of the Government Ethics Act (GEA). On February 16, staff trained 61 new employees on GEA provisions.

Ethics Onboarding and Exit Process – In February, Commission staff worked with the Citywide Training Manager to complete migration of the PEC’s training assets to the City’s new NEOGOV Learn platform. The new platform will allow training assignment, notices to employees, and compliance tracking going forward.

Oakland Campaign Reform Act Guide – Commission staff updated the PEC’s comprehensive guide to the Oakland Campaign Reform Act, designed to assist the regulated community in complying with local law. The guide provides a summary of the Oakland Campaign Reform Act provisions and was updated to reflect 2022 contribution and voluntary spending limits, local disclosure forms, modifications to the filing process introduced in 2020, as well as minor edits covering issues encountered during staff advice calls.

Online Engagement

Social Media – Each month Commission staff post social media content to highlight specific PEC policy areas, activities, or client-groups. In February, our posts focused on publicizing the PEC’s 2022 accomplishments.



Item 10a - Enforcement Report



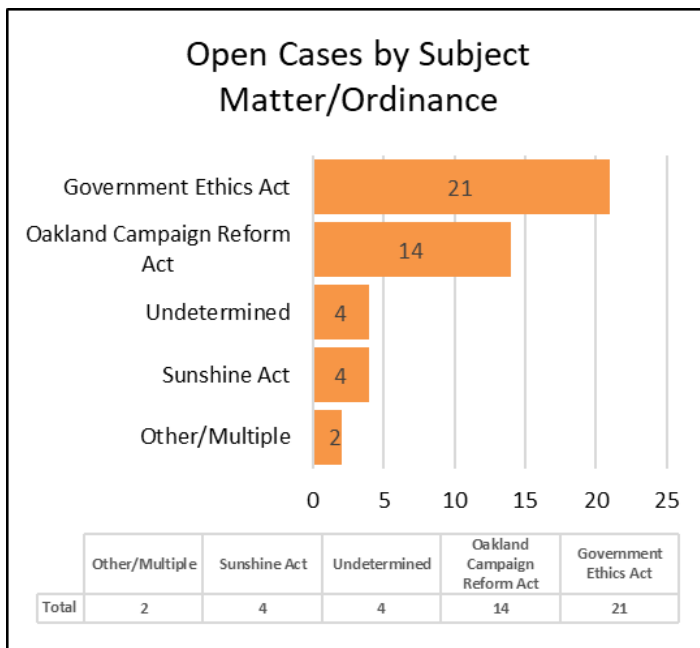
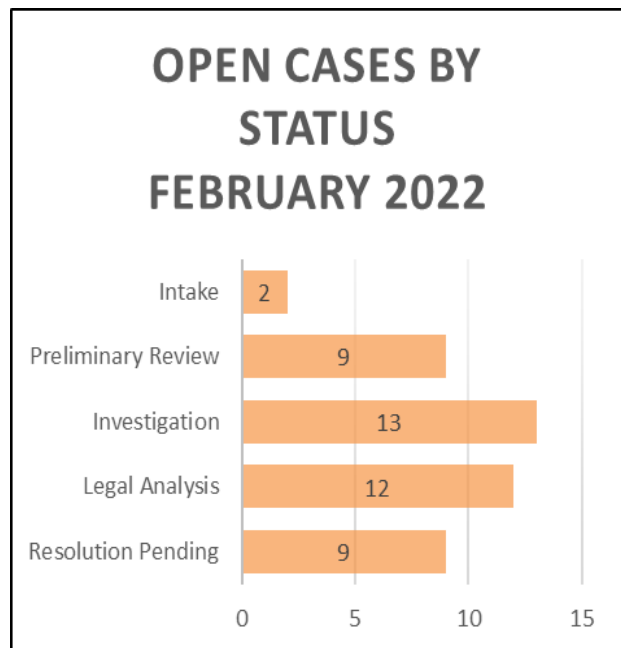
Arvon Perteet, Chair
 Michael MacDonald, Vice-Chair
 Charlotte Hill
 Jessica Leavitt
 Ryan Micik
 Joseph Tuman

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
 FROM: Kellie Johnson, Enforcement Chief
 DATE: February 23, 2022
 RE: Enforcement Program Update for the March 9, 2022, PEC Meeting

Current Enforcement Activities:

Since the last Enforcement Program Update on February 9, 2022, Commission staff received four new complaint(s). This brings the total Enforcement caseload to 45 open cases: 11 matters in the intake or preliminary review stage, 13 matters under active investigation, 12 matters under post-investigation analysis, and 9 matters in settlement negotiations or awaiting an administrative hearing.



Since the last Enforcement Program Update in February 2022, the following status change(s) have occurred:

1. ***In the Matter of The City of Oakland Redistricting Commission (Case No. 21-08)***. On December 23, 2022, the City of Oakland Public Ethics Commission (PEC) received a formal complaint which alleged that Respondent City of Oakland Redistricting Commission, violated the Oakland Sunshine Act when it failed to provide notice, an agenda and agenda-related items to its email subscriber list. Staff completed its review of the matter and after reviewing the facts, relevant law and Enforcement Procedures, the Staff found that the allegations failed to establish that the Redistricting Commission violated any actionable provision of the Sunshine Act or any other provision within the jurisdiction of the PEC. Pursuant to Enforcement Procedures the complaint was dismissed. (See Attachments)

Item 10b - Dismissal Letter to Complainant

CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • CITY HALL • 1ST FLOOR, #104 • OAKLAND • CA 94612

Public Ethics Commission
Enforcement Unit

(510) 238-5239
FAX (510) 238-3315
TDD (510) 238-3254

Ralph Kanz



Re: PEC Complaint No. 21-08; Dismissal Letter Regarding City of Oakland Redistricting Commission

Dear Mr. Kanz:

On December 23, 2021, the City of Oakland Public Ethics Commission (PEC) received your complaint (Complaint No. 21-08) that the City of Oakland Redistricting Commission may have violated an unspecified provision of the Oakland Sunshine Act and the California Brown Act by failing to post the Commission meeting notice and agenda to email subscribers for its December 13, 2021, “Special meeting.” The complaint also alleged that agenda related materials, including comments by Commission members on proposed maps or consultant plans were not made available to the public. After a close review of your complaint and relevant law, we found that there are insufficient facts to establish a violation of the Oakland Sunshine Act or any other provision within the jurisdiction of the PEC.

The Oakland Sunshine Act provides “that all local bodies calling a special meeting shall provide notice by... (3) delivering a copy of the agenda to each member of the local body, to each local newspaper of general circulation, to each agenda subscriber...” (OMC 2.20.070 (A) (1-3) Notice and Agenda requirements Special meetings).

The Sunshine Act also provides that “(n)otwithstanding any other provision of this ordinance, the failure of an agenda subscriber to timely receive the agenda or agenda-related material pursuant to this section shall not constitute grounds for invalidation of the actions of the local body taken at the meeting for which the agenda or the agenda-related material was not timely received.” (O.M.C. 2.20.090 (D) Agenda related Materials as public records: Agenda subscribers).

Lastly, the Sunshine Act provides that “No person may file a complaint with the Public Ethics Commission alleging violation of the notice provisions of Section 2.20.070 if he or she attended the meeting or had actual notice of the item at least forty-eight (48) hours prior to the meeting at which the action was taken. No person may file a complaint with the Public Ethic Commission alleging the failure to permit the timely inspection or copying of a public

Item 10b - Dismissal Letter to Complainant

record unless he or she has requested and participated in mediation as specified in Section 2.20.070 (C).” (O.M.C. 2.20.070 Limitation of Actions).

The preliminary investigation confirmed that the City of Oakland Redistricting Commission scheduled a “Special meeting” to occur on December 13, 2021. The Commission properly gave notice to the City Clerk’s Office and complied with the notice provisions of the Sunshine Act, except that the Commission did not distribute the notice, agenda and agenda-related materials to its subscriber email list.

Although the Redistricting Commission did not distribute the notice and agenda to its subscriber email list, you did have actual notice of the December 13, 2021, Special meeting. You reported that you received information about the meeting date and time from a different source and even though the meeting had already commenced (you reported you did not know how much time had elapsed from the time you joined and the commencement of the meeting), you, attended the meeting. You also gave public comment on multiple agenda items during the Special meeting, including informing the Commission that you had not received the notice or the agenda. If a complainant has actual notice (by attendance) the Sunshine Act prohibits the filing of a complaint with the Public Ethics Commission alleging a violation of the of the Sunshine Act notice provisions.

Even if you did not have actual notice, or received late notice, OMC section 2.20.090(D) absolves the Commission from having its actions invalidated merely on the grounds that an agenda subscriber failed to receive the agenda materials.

The Sunshine Act further requires that any person alleging the failure of a government body, like the Redistricting Commission, to permit the timely inspection or copying of a public record are prohibited from filing a complaint with the Public Ethic Commission, they must first request to participate in a mediation. Here, it was alleged that the Redistricting Commission failed to provide the agenda and agenda related materials including recorded (written/taped/videoed) comments by Commission members regarding proposed maps. If you had requested recorded (written/taped/videoed) comments made by Commissioners, and those records have not been provided for review, you can contact our office to request mediation.

Because the Commission’s alleged conduct does not constitute a violation of the Sunshine Act requiring action, or any other provision within the jurisdiction of the PEC, we are dismissing the allegations against the Redistricting Commission pursuant to the PEC’s Complaint Procedures. The PEC’s Complaint Procedures document is available on the PEC’s website.

We are required to inform the Public Ethics Commission of the resolution of this matter at its next public meeting, as part of our regular monthly update on Enforcement actions. That meeting will take place on March 9, 2022, at 6:30 p.m. by teleconference as will be posted on the Commission’s website in advance of the meeting. The report will be purely informational, and no action will be taken by the Commission regarding this matter, which is now closed. However, you are welcome to call-in to that meeting to listen and/or give public comment if you wish.

Item 10b - Dismissal Letter to Complainant

You may also submit written comments to us before that meeting, and we will add them to the meeting materials. Thank you for bringing this matter to our attention. If you have any questions regarding this matter, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Kellie Johnson". The signature is written in a cursive style with a large, looping initial "K".

Kellie Johnson,
Enforcement Chief



CITY OF OAKLAND

ONE FRANK H. OGAWA PLAZA • CITY HALL • 1ST FLOOR, #104 • OAKLAND • CA 94612

Public Ethics Commission
Enforcement Unit

(510) 238-5239
FAX (510) 238-3315
TDD (510) 238-3254

February 23, 2022

Oakland Redistricting Commission
C/O Corey Alvin, Environmental Coordinator
250 Frank H. Ogawa Plaza
Suite 3315
Oakland, CA 94612

Re: PEC Complaint No. 21-08; Dismissal Letter

Dear Commissioners and Mr. Alvin:

On December 23, 2021, the City of Oakland Public Ethics Commission (PEC) received a complaint (Complaint No. 21-08) that alleged the Redistricting Commission failed to provide notice and an agenda to City email subscribers for its December 13, 2021, public meeting, in violation of the Oakland Sunshine Act and the California Brown Act.

Our investigation found that the meeting notice, agenda and agenda related items for the December 13, 2021, Redistricting Commission meeting was not distributed to the agenda subscribers. While that omission does not invalidate the commission's actions per City ordinance section O.M.C. 2.20.090, the failure to distribute the notice to the Commission subscribers caused concern and could have been more openly addressed by acknowledging the error publicly and taking steps to voluntarily "cure and correct" the omission as provided the Sunshine Ordinance or otherwise show that the Commission attempted to offer more time for public review and comment at a later time in light of the omission. It is important to follow the law as well as the spirit in which the law was written, despite a technical exemption for the kind of omission that occurred – whether inadvertent or not.

In the future, when this Redistricting Commission compiles its final report and recommendations for the next group of Commission volunteers and staff, we suggest incorporating into your recommendations that Commissioners and staff should request a Public Ethic Commission training upon startup to cover not only the Government Ethics Act, but also a training on the Sunshine Ordinance and open meetings rules in particular.

Item 10c - Dismissal Letter to Commission

PEC Complaint No. 21-08; Dismissal Letter

Page 2

After careful review of the law and the facts of the complaint, we are therefore dismissing this complaint because the actions of the Commission, although concerning, do not violate the Oakland Sunshine Act.

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

Sincerely,

A handwritten signature in blue ink that reads "Kellie Johnson". The signature is written in a cursive style with a large initial "K".

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

Enclosure



Arvon Perteet, Chair
 Michael B. MacDonald, Vice-Chair
 Charlotte Hill
 Jessica Leavitt
 Ryan Micik
 Joe Tuman

Whitney Barazoto, Executive Director

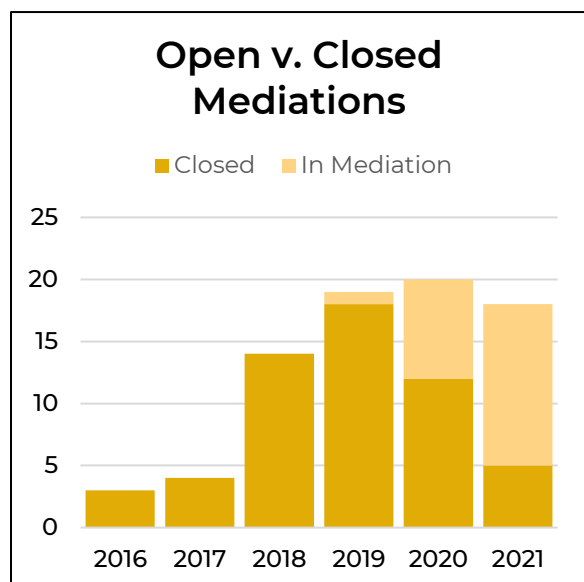
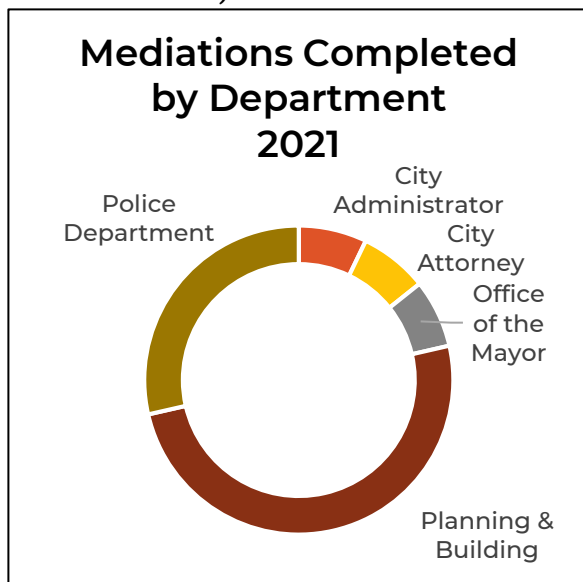
TO: Public Ethics Commission
 FROM: Whitney Barazoto, Executive Director
 DATE: February 24, 2022
 RE: Executive Director's Report for the March 9, 2022, PEC Meeting

This memorandum provides an overview of the Public Ethics Commission's (PEC or Commission) significant activities this past month that are not otherwise covered by other program reports. The attached overview of Commission Programs and Priorities includes the ongoing goals and key projects in 2022 for each program area. (Commission Programs and Priorities attached)

Mediations

Pursuant to the Oakland Sunshine Ordinance, the Commission conducts mediation of public records requests made by members of the public to City departments for records within the department's control. The PEC has 22 open mediations. Following a mediation, Commission staff provides a written summary of the mediation to the Commission and can also make recommendations for further Commission action. The following mediation was conducted by staff and subsequently closed this past month (reports attached):

1. In the Matter of Case No. M2021-18; (Mediation Summary attached)
2. In the Matter of the Finance Department (Case No. M2020-18); (Mediation Summary attached)



PEC Staffing and Budget

The Commission received one new position in the 2022-23 FY budget, and staff is in the process of preparing for the new position. Staff created a job duty statement for the Administrative Analyst I position to be added within the PEC's organizational framework, and a new job duty statement for the existing Administrative Assistant position, which will focus on supporting the Enforcement program. Recruiting for the Administrative Analyst position will begin in the new fiscal year starting on July 1.

Meanwhile, staff is preparing to hire two part-time, temporary employees: 1) an analyst to assist with election-related activities as staff gears up for the 2022 election, and 2) an assistant to help with enforcement activities during the same time-period. Both part-time positions will be funded with money that was carried forward from the 2020-21 fiscal year for election-related expenditures.

PEC Retreat

Staff is soliciting proposals for a consultant to conduct strategic visioning at its upcoming retreat set for two evenings in April (April 21 and 22). The retreat, which will be posted publicly and open to the public, will provide an opportunity for Commissioners and staff to work together to discuss a big-picture vision, review program objectives and goals, and identify key projects for PEC work in the years ahead.

PEC Legislation

Commission staff has submitted documents to City Council Rules Committee to schedule the PEC's proposed Ticket Distribution Policy Ordinance and proposed amendments to the Limited Public Financing Program to be considered by the committee, which has policy jurisdiction for PEC-related legislation. The items are slated to be discussed for scheduling at the March 3 Rules Committee meeting and potentially reviewed substantively at its next committee meeting on March 17.

Commissioner Recruitment and Onboarding

The City Auditor is in the process of interviewing for Commissioner candidates and expects to have an appointment soon.

PUBLIC ETHICS COMMISSION
Programs and Priorities 2022

Program	Goal	Desired Outcome	Key Projects for 2022
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. City Ticket Policy Ordinance 2. Limited Public Financing Act Amendment 3. Campaign Public Finance Redesign 4. Public Records Performance Tool
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. Ethics onboarding/exit process improvement 2. Ethics training and advice: a) elected officials, b) City employees (1000), b) board/commission members, and c) consultants 3. Campaign Finance Training 4. Limited Public Financing Act Training and Program Implementation 5. Sunshine training – Open meetings; public records 6. New trainings as needed for diversion
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. Public Records mediations 2. PEC Outreach – Commissioner-led public outreach 3. Communications/outreach to client groups – targeted and training and compliance 4. PEC social media outreach – focused on sharing ethics-related data and PEC services and outcomes 5. Website – PEC dashboards for enforcement cases and mediations
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. Filing Officer/Compliance – assess, follow-up, and refer 2. Government Integrity E-Data Project – Lobbyist Registration, Form 700, Form 803, Show Me the Money App, Behested Payments 3. Open Disclosure – continue coordination and development 4. Campaign Finance Data – focus on pushing out data using Socrata, City Open Data Portal, and PEC dashboards where possible for the 2022 Election
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. Investigations 2. Collaborate with other government law enforcement agencies

Item 11a - Executive Director's Report

	compliance with laws within the PEC's jurisdiction.	the laws within the PEC's jurisdiction.	
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 legal analyses, assess penalty options, negotiate settlements, make recommendations to PEC 2. Case priority: 1) the extent of Commission authority to issue penalties, 2) the impact of a Commission decision, 3) public interest, timing, and relevancy, and 4) Commission resources. 3. Resolve all 2016 and 2017 cases 4. Enforcement Subcommittee – discussion of process improvements
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. Annual Report 2. PEC Retreat 3. Budget – new Administrative Analyst position 4. Enforcement database upgrade 5. Review data to adjust activities throughout the year 6. Ongoing: professional development and staff reviews

Item 11a - M2020-18; Mediation Summary



Arvon Perteet, Chair
Michael B. MacDonald, Vice-Chair
Charlotte Hill
Jessica Leavitt
Ryan Micik
Joe Tuman

Whitney Barazoto, Executive Director

TO: Whitney Barazoto, Executive Director
FROM: Jelani Killings, Ethics Analyst
DATE: February 24, 2022
RE: *In the Matter of the Finance Department (Case No. M2020-18); Mediation Summary*

I. INTRODUCTION

On December 7, 2020, the Commission received a request for mediation alleging that the Finance Department failed to disclose records in response to a public records request made by the Requester on February 24, 2020. On December 11, 2020, Staff initiated its mediation program pursuant to the Oakland Sunshine Ordinance.

Because the responding department provided the available responsive documents and provided an opportunity for the Requester to view documents that were not available digitally, this mediation request was closed with no further action.

II. SUMMARY OF LAW

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

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

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

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).

Item 11a - M2020-18; Mediation Summary

III. SUMMARY OF FACTS

On February 24, 2020, the City received, via NextRequest, the following public records request (No. 20-1004):

I would like to access the two-year budgets as passed by City Council for the following cycles:

1997-1999

1999-2001

2001-2003

2003-2005

2005-2007

2007-2009

2009-2011

2011-2013

On February 25, 2020, the Finance Department released the link below providing access to all adopted policy budgets from fiscal years 2001 - 2011 :

(<http://oaknetnews.oaklandnet.com/departments/CityAdministrator/BudgetOffice/BudgetPublication/index.htm>) .

In addition, the Finance Department provided the following link stating:

<https://www.oaklandca.gov/documents/adopted-budget-archive>

Dear Requester,

Please see the FY 2011-2013 Adopted Policy Budget Book at the link above.

Subsequently, the Finance Department closed the public records request.

On, February 26, 2020, the Requester responded stating:

The link for oaklandca.gov only has the 2017-2019 budget. The other links are either for the page that lists all budgets, or the permalinks that go to a budget-specific page that doesn't have a download link for the document. The oaklandnet.com link does not work. I need electronic copies of these budget documents. Will I be able to obtain or create them for the pre-2001 budgets if I schedule an appointment? Thank you! -Isaiah Toney (510) 967-9330
IsaiahCToney@gmail.com

On March 9, 2020, the Finance Department reopened the public records request via NextRequest and released three additional documents including the 2011-2013, 2013-2015, and 2015-2017 adopted policy budgets.

On April 22, 2020, the Finance Department closed the public records request stating:

We released all of the requested documents.

Item 11a - M2020-18; Mediation Summary

On November 13, 2020, roughly seven months after the request was closed, the Requester responded:

I would like this request to be reopened. The link provided for the FY 2001-2011 budgets does not work.

On December 7, 2020, the Commission received a complaint alleging that the Finance Department had failed to provide all the requested documents in response to public records request. In addition, the Requester stated:

One response from staff stated that some of the documents I requested are only available in hard copy and that I would need to schedule an appointment to view them in person.

On December 11, 2020, Staff initiated its mediation program and notified the Finance Department of the mediation request.

On December 23, 2020, the Finance Department released 10 additional budget documents in pdf form related to the public records request.

On January 24, 2022, Staff followed up with the Requester via email to confirm if they had received all the requested documents and received no response.

On January 27, 2022, Staff followed up with the Requester a second time via phone and email to see if the request had been satisfied and to notify them that the mediation request would be closed.

Subsequently, after receiving no response, Staff closed the mediation request.

IV. RECOMMENDATION

Because the Finance Department provided the responsive documents and provided additional opportunities for the Requester to view documents that were not digitally available, Staff closed the mediation request with no further action. Overall, the Finance Department was responsive to the Requester in fulfilling their request by providing multiple options to view the requested documents including links, pdf documents, and the opportunity to schedule an appointment to view hard copies.

Item 11b - M2021-18; Mediation Summary



Arvon Perteet, Chair
Michael B. MacDonald, Vice-Chair
Charlotte Hill
Jessica Leavitt
Ryan Micik
Joe Tuman

Whitney Barazoto, Executive Director

TO: Whitney Barazoto, Executive Director
FROM: Jelani Killings, Ethics Analyst
DATE: February 22, 2022
RE: *In the Matter of Case No. M2021-18; Mediation Summary*

I. INTRODUCTION

On August 13, 2021, the Commission received a request for mediation stating that the Requester needed a fire incident report. On August 16, 2021, Staff initiated its mediation program pursuant to the Oakland Sunshine Ordinance.

Because the Requester did not respond to any of Staff's communications, this mediation request was closed with no further action.

II. SUMMARY OF LAW

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

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

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

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).

Item 11b - M2021-18; Mediation Summary

III. SUMMARY OF FACTS

On August 13, 2021, the Commission received a mediation request stating:

I need a fire incident report from the 4th of August for my employer at Home Depot.

On August 16, 2021, Staff notified the Requester that their mediation request had been received and requested additional information pertaining to the public records request including which City official/department the request was made to and if there was an assigned NextRequest number.

On October 26, 2021, after receiving no response to the initial email, Staff followed up with the Requester via email stating:

Our office has not received a response from you regarding the mediation request you filed on August 16, 2021. We need more information from you to proceed. If we do not hear from you by Tuesday, November 2, 2021, this matter will be closed. I have attached a copy of your request.

On November 2, 2021, Staff followed up with the Requester a third time stating:

We will be closing this request. If you wish to reopen it, please submit a new mediation request. You can download the form at Request for Mediation. Thank you.

Subsequently, Staff closed the mediation request.

IV. RECOMMENDATION

Because the Requester never responded to Staff's communications, Staff closed the mediation without further action.