

CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
One Frank Ogawa Plaza (City Hall)  
Regular Commission Meeting  
Teleconference  
Wednesday Sept 14, 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://uso2web.zoom.us/j/88171471481>
  - 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://uso2web.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 on 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](mailto:ethicscommission@oaklandca.gov). If you have any questions about how to participate in the meeting, please email [ethicscommission@oaklandca.gov](mailto:ethicscommission@oaklandca.gov) before or during the meeting.

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Commissioners: Arvon Perteet (Chair), Ryan Micik (Vice-Chair), Charlotte Hill, Joseph Tuman and Francis Upton IV.

Commission Staff to attend: Kellie Johnson, Executive Director; Suzanne Doran, Lead Analyst; Ana Lara-Franco, Commission Assistant; Simon Russell, Investigator

City Attorney Staff: Trish Shafie, Deputy City Attorney

### **PUBLIC ETHICS COMMISSION REGULAR 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 22-01](#))

#### **ACTION ITEMS**

- 5. Approval of Commission Meeting Draft Minutes.**
  - August 10, 2022, Regular Meeting Minutes ([Meeting Minutes](#))

#### **DISCUSSION ITEMS**

- 6. 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.
  - Enforcement Subcommittee** (*ad hoc*, created on November 1, 2021) – Arvon Perteet (Chair), Ryan Micik and Joseph Tuman.

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- b. **Outreach Subcommittee** (*ad hoc*, created on June 8, 2022) – Francis Upton IV (Chair), and Charlotte Hill

### INFORMATION ITEMS

7. **Disclosure and Engagement.** Lead Analyst Suzanne Doran provides an overview of education, outreach, disclosure, and data illumination activities for this past month. ([Disclosure Report](#))
8. **Enforcement Program.** Executive Director Kellie Johnson provides a monthly update on the Commission’s enforcement work since the last regular Commission meeting. ([Enforcement Report](#))
9. **Executive Director’s Report.** Executive Director Kellie Johnson reports on overall projects, priorities, and significant activities since the Commission’s last meeting. ([Executive Director’s Report](#))
10. **Future Meeting Business.** Commissioners and staff may propose topics for action or discussion at future Commission meetings.

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](http://www.oaklandca.gov/pec).

Handwritten signature of Kellie Johnson in blue ink.

9/2/2022

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Approved for Distribution

Date



This meeting location is wheelchair accessible. Do you need an ASL, Cantonese, Mandarin or Spanish interpreter or other assistance to participate? Please email [alarafranco@oaklandca.gov](mailto:alarafranco@oaklandca.gov) or call (510) 238-3593 Or 711 (for Relay Service) five business days

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in advance.

¿Necesita un intérprete en español, cantonés o mandarín, u otra ayuda para participar? Por favor envíe un correo electrónico a [alarafranco@oaklandca.gov](mailto:alarafranco@oaklandca.gov) o llame al (510) 238-3593 al 711 para servicio de retransmisión (Relay service) por lo menos cinco días antes de la reunión. Gracias.

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郵 [alarafranco@oaklandca.gov](mailto:alarafranco@oaklandca.gov) 或致電 (510) 238-3593 或711 (電話傳達服務)。

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](mailto: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 9-14-22]**



**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 9-14-22]**



**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 9-14-22]**



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**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 September 14, 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.

\_\_\_\_\_  
Kellie Johnson, Executive Director  
Oakland Public Ethics Commission

\_\_\_\_\_  
Date

# Item 5 - Meeting Minutes

CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
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Wednesday Aug 10, 2022  
6:30 p.m.



DRAFT

Commissioners: Arvon Perteet (Chair), Ryan Micik (Vice-Chair), Charlotte Hill, Joseph Tuman and Francis Upton IV.

Commission Staff to attend: Suzanne Doran, Acting Executive Director/Lead Analyst; 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 6:30 p.m.

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

Staff present: Suzanne Doran, Kellie Johnson, and Ana Lara-Franco.

City Attorney Staff: Tricia Shafie.

### **2. Staff and Commission Announcements.**

Suzanne Doran, Lead Analyst/Acting Executive Director, shared that an administrative hearing training is tentatively scheduled for September and asked Commissioners to share their availability for a training.

Ms. Doran shared that an agenda subscriber emailed the Public Ethics staff that they had not received the agenda for past meetings. Staff is working with Digital Services to find out what happened.

Chair Perteet shared he will not be present at the September meeting.

### **3. Open Forum.**

There was one public speaker.



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## **PRELIMINARY ACTION ITEMS**

### **4. Virtual meetings by the Public Ethics Commission.**

The Commission renewed 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).

There were no public speakers.

Hill moved, and Upton IV seconded to approve the renewal of RESOLUTION NO. 22-01.

Ayes: Perteet, Hill, Micik, and Upton

Noes: None

Absent: Tuman

Vote: Passed 4-0

### **5. Cure and Correction.**

On June 27, 2022, a Special Commission Meeting was held by teleconference. A portion of the meeting was not recorded due to staff error, during which time the Commission took action to adopt Item 4. Item 4. Was a resolution to adopt Virtual meetings by the Public Ethics Commission. The Commission adopted Resolution 22-05.

No action was required.

### **6. Cure and Correction.**

On June 20, 2022, Councilmember Kalb's staff sent an email to all PEC Commissioners regarding the honorary resolution for outgoing Executive Director Whitney Barazoto. One of the commissioners responded to all on the email, including all PEC Commissioners, in violation of the Brown Act. As a result, the PEC is issuing this cure and correct out of an abundance of caution. The attached email will be available to the public for inspection as part of the PEC's Correspondence file.

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No action was required.

## **ACTION ITEMS**

### **7. Approval of Commission Meeting Draft Minutes.**

#### **a. June 6, 2022, Special Meeting Minutes**

There was one public speaker.

Micik moved, and Upton seconded to approve the June 6, 2022, Meeting Minutes

Ayes: Perteet, Hill, Micik and Upton.

Noes: None

Absent: Tuman

Vote: Passed 4-0

#### **b. June 8, 2022, Regular Meeting Minutes**

There was one public speaker.

Hill moved, and Upton seconded to approve the June 8, 2022, Meeting Minutes

Ayes: Perteet, Hill, Micik and Upton.

Noes: None

Absent: Tuman

Vote: Passed 4-0

#### **c. June 23, 2022, Special Meeting Minutes**

There were no public speakers.

Upton moved, and Hill seconded to approve the June 23, 2022, Meeting Minutes

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Ayes: Perteet, Hill, Micik and Upton.

Noes: None

Absent: Tuman

Vote: Passed 4-0

### **d. June 27, 2022, Special Meeting Minutes**

There was one public speaker.

Upton moved, and Micik seconded to approve the June 27, 2022, Meeting Minutes

Ayes: Perteet, Hill, Micik and Upton.

Noes: None

Absent: Tuman

Vote: Passed 4-0

### **8. Election of Vice-Chair of the Commission.**

Upton nominated Micik for Vice-Chair. Micik accepted.

There were no public speakers. Perteet called for a roll call vote.

Ayes: Perteet, Hill, Micik and Upton.

Noes: None

Absent: Tuman

Vote: Passed 4-0

### **9. In the Matter of Justin Berton Case No. 18-45.**

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Kellie Johnson, Enforcement Chief, recommended that the Commission accept the staff recommendation.

There was one public speaker.

Upton moved, and Perteet seconded to approve the staff recommendation.

Ayes: Perteet, Hill, Micik, and Upton IV.

Noes: None

Vote: Passed 4-0

### DISCUSSION ITEMS

#### 10. Reports on Subcommittees and Commissioner Assignments.

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

Perteet shared there were no updates. The next meeting will be Aug 25, 2022

There were no public speakers.

- b. **Fair Elections Act Subcommittee** (*ad hoc*, created on April 13, 2022) – Charlotte Hill (Chair), Ryan Micik, and Arvon Perteet.

Hill shared there were no updates and proposed to dissolve the *ad hoc* subcommittee since the fair Elections Act has been approved by Council to be placed on the ballot. Perteet dissolved the committee.

There was one public speaker.

- c. **Outreach Subcommittee** (*ad hoc*, created on June 8, 2022) – Francis Upton IV (Chair), and Charlotte Hill

Upton shared that they met with staff to discuss recruitment and outreach for the upcoming vacancies.

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There were no public speakers.

## **INFORMATION ITEMS**

### **11. Commissioner Recruitment.**

The Commission is recruiting to fill two Commission appointed vacancies that will occur in January 2023. A third vacancy to occur at the same time will be subject to appointment by the Mayor.

Commissioners plan to attend city events and share with their own networks recruitment materials. Staff is working on posting the recruitment material on the Public Ethics webpage and sending out to subscribers.

There were no public speakers.

### **12. Limited Public Financing Program**

Ms. Doran provided an overview of upcoming activities planned to implement the Limited Public Financing Program for the 2022 election.

There were no public speakers.

### **13. Disclosure and Engagement.**

Ms. Doran provided an overview of education, outreach, disclosure, and data illumination activities for this past month. Three advisories were emailed out to City staff and campaign filers.

There was one public speaker.

### **14. Enforcement Program.**

Ms. Johnson provided a monthly update on the Commission's enforcement work since the last regular Commission meeting.

There were no public speakers.

## Item 5 - Meeting Minutes

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### 15. Executive Director's Report.

Ms. Doran reported on overall projects, priorities, and significant activities since the Commission's last meeting. A new Executive Director has been selected and an announcement will be coming out soon.

Staff is working with the City Administrator's Office to prepare a response to the Grand Jury Report regarding Form 700 Filing.

There was one public speaker.

### 16. Future Meeting Business.

A special meeting has been scheduled for August 24, 2022, on an update on the Limited Public Financing Program for 2022.

Perteet shared he will be absent for the September meeting due to a previous commitment.

Upton requested a follow up regarding the agenda subscribers' listserv.

The meeting adjourned at 8:17 p.m.

## Item 7 - Disclosure Report



Arvon J. Perteet, Chair  
Ryan Micik, Vice Chair  
Charlotte Hill  
Joe Tuman  
Francis Upton IV

Kellie Johnson, Executive Director

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TO: Public Ethics Commission  
FROM: Suzanne Doran, Lead Analyst  
Jelani Killings, Ethics Analyst  
Kellie Johnson, Executive Director  
DATE: September 2, 2022  
RE: Disclosure and Engagement Monthly Report for the September 14, 2022,  
Meeting

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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** – On August 18, the Oakland City Clerk certified the candidates for the eight local positions on Oakland's November 8 ballot. Twenty-eight candidates qualified for ballot status, and 20 have registered campaign committees. There are also ten Oakland ballot measures on this November's ballot, and six ballot measure committees.

August 1 marked the campaign statement deadline for all registered committees, 69 in total, for activity between January 1 and June 30. All candidates on the November 2022 ballot required to file have filed their statements. Two committees were assessed late fees. Six non-filers remain, four of which are non-responsive committees from prior elections previously referred for PEC and/or FPPC enforcement. Surface review of the filings is complete and requests for amendments and enforcement referrals will be made as required.

August 10 started the 90-day period leading up to the election when late contribution reports (FPPC Form 497) and late independent expenditure reports (FPPC Form 496) must be filed within 24-hours for contributions or independent expenditures of \$1,000 or more. After the September 29 deadline, staff will screen campaign statements for untimely and un-reported late contributions and independent expenditures and assess late fees as required.

# Item 7 - Disclosure Report

Since August 10, \$363,900 in late contributions received have been reported, with the bulk of the funds (98 percent) going to ballot measure committees.

The next pre-election filing deadline for the November election falls on September 29. All candidates on the November ballot must file. Candidates raising or spending \$2,000 or more file their campaign statements on FPPC Form 460. Candidates intending to keep their campaign under \$2,000 must file FPPC Form 470. Ballot measure committees and other recipient committees with fundraising or spending activity connected with the November ballot must also file for the pre-election deadline.

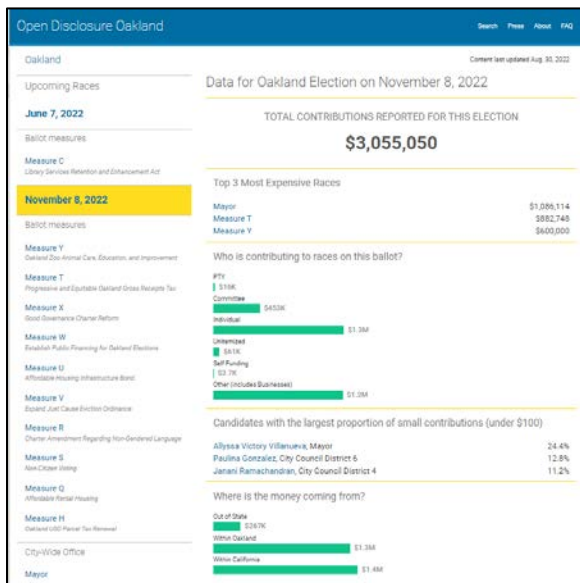
Campaign statements are available to view and download at the PEC’s [Public Portal for Campaign Finance Disclosure](#).

**Behested Payment Disclosure** – A total of \$1,380,000 in behested payments were reported during the first half of 2022. Behested payments are payments made to a charity upon the solicitation of an elected official. Behested Payment Reports must be filed with the campaign filing officer within 30 days on FPPC Form 803. Behested payment reports are available for public viewing through the [Public Portal for Campaign Finance and Lobbyist Disclosure](#). A search for filings by a public official’s name will return any behested payment reports in the database submitted by that official (identified as Form 803).

RECIPIENT	PURPOSE	AMOUNT
Lovelif Foundation	Support at-risk youth.	\$5,000
Oakland Public Education Fund	Digital Divide Fund	\$1,250,000
Oakland Public Education Fund	City of Oakland Fund	\$125,000
<b>Total</b>		<b>\$1,380,000</b>

## ILLUMINATING DISCLOSURE DATA

**Open Disclosure** – The [www.opendisclosure.io](http://www.opendisclosure.io) campaign finance app is live with data for the 2022 election. OpenDisclosure is a nonpartisan tool developed by volunteers from civic tech group OpenOakland in partnership with the Commission staff to give all Oakland residents equal access to campaign finance data. The site shows funds donated to both political candidates and ballot measure committees and provides clear summaries of money raised and spent as well as financial trends for each election.

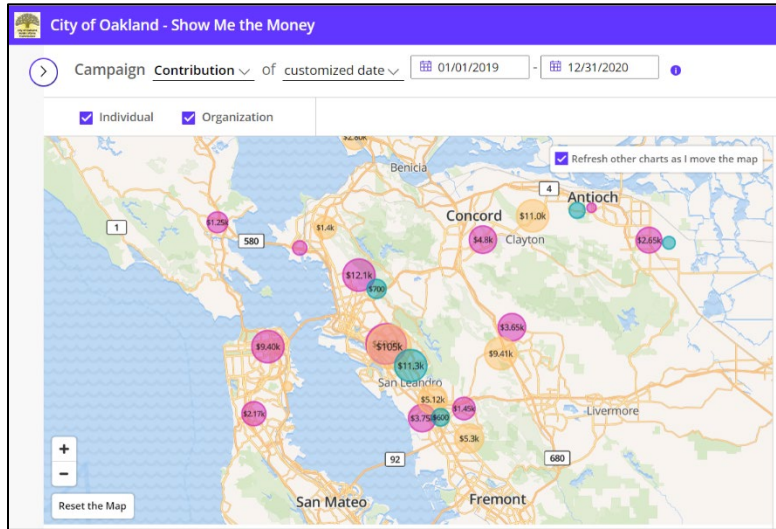




# Item 7 - Disclosure Report

function that makes campaign donation records easy to search and sort and allows users to seek campaign donors by name across multiple campaigns and elections.

**“Show Me the Money” Campaign Finance Mapping App** – The newly updated [“Show Me the Money”](#) app is live with 2022 campaign finance data. “Show me the money” builds a map showing the geographic source of campaign contributions to candidates and totals donated from that location. Oakland residents can dig deeper by clicking each location point, and the application will reveal the names of top contributors from that area. Up to three candidates may be selected at a time for comparison. New features this year allow users to compare campaign spending patterns. Like the Commission’s other campaign finance projects, the app is updated daily with data exported directly from the [city’s campaign finance database](#). Followers of Oakland elections can find the [“Show me the money”](#) application via links on the Public Ethics Commission website, [OakData](#) portal, and OpenDisclosure candidate pages.

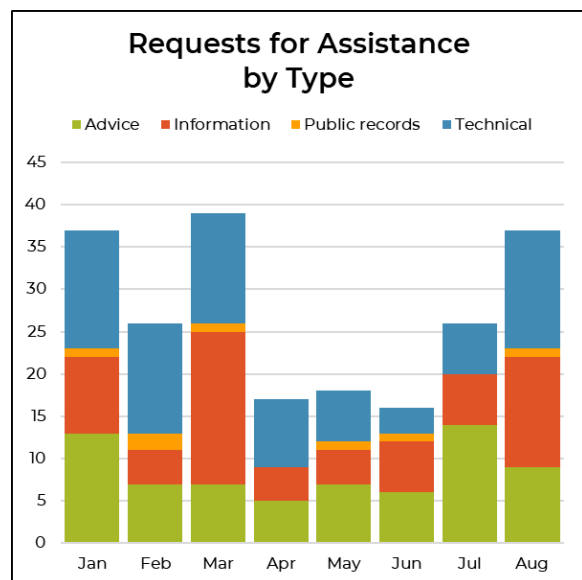


## Advice and Engagement

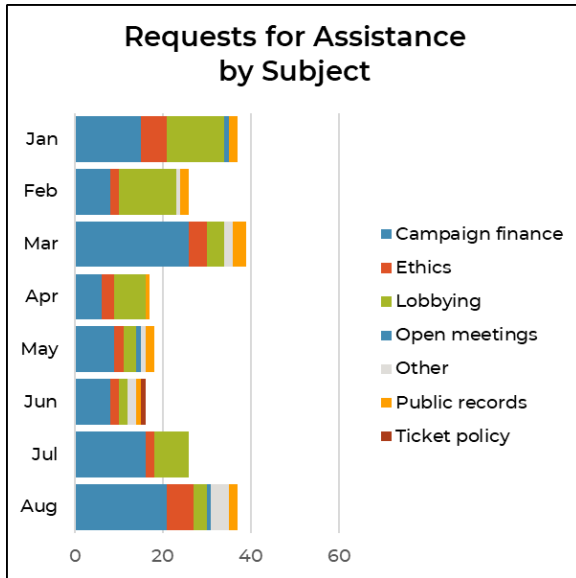
**Advice and Technical Assistance** – In August, Commission staff responded to 37 requests for information, advice or assistance regarding campaign finance, ethics, Sunshine law, or lobbyist issues, for a total of 218 requests in 2022.

**Candidates and Campaigns** – As part of our continuing campaign education efforts, staff issues monthly advisories to ensure that candidates and committees are aware of local rules during this election season. In August, Staff sent an advisory to remind campaign committees of the 24-hour reporting requirements for contributions and independent expenditures of \$1,000 or more.

On August 25 and August 26, Staff provided trainings for candidates interested in participating in the Limited Public Financing program. All ballot-certified candidates except one either attended or had a campaign



## Item 7 - Disclosure Report



representative attend the training to learn about program requirements and the payment process.

**Ethics Training** – On August 25, at the request of the Oakland Children’s Initiative Oversight Committee, Staff made an ethics presentation on rules relating to ballot measure and campaign activities. Topics covered included misuse of City resources, prohibition on soliciting contributions from public servants, and hosting candidate forums. A total of 14 committee members attended the presentation.

**Ethics Onboarding/Exit Process** – On August 8, Staff attended a meeting hosted by the HR Department to collaborate on a training module related to ethics training and Form 700 compliance for department SPOCs (single-point-of-contact). The training will cover a range of topics related to the recruitment, onboarding, and exit process for City employees, and include a PEC staff presentation for SPOCs on their role in ensuring that employees are properly identified as Form 700 filers, monitoring compliance, assigning and tracking compliance with mandatory Government Ethics Training, and providing information regarding revolving-door restrictions during the exit process.

**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 August 17, a total of 27 new employees watched the PEC’s 10-minute Government Ethics Introductory Video.

**Ticket Distribution Policy** – In August, Commission staff sent a follow-up advisory to all elected officials and their staff reminding them of the new policy and that Commission staff would review ticket distribution reports for compliance in upcoming months. Staff also met with the Council President’s office for a check-in on the ticket administration process and internal controls to ensure compliance.

### Limited Public Financing Program (LPF)

The deadline for candidates to opt-in to the LPF program was September 1. Four candidates opted-in to the public financing program. The next step is for participating candidates to submit their LPF application (LPF Form 2) demonstrating that they meet program requirements along with their initial reimbursement request (LPF Form 3) by September 19.

### General Outreach

**Community Outreach/PEC Roadshow** – In August, staff created a shared calendar for potential outreach events. Neighborhood council meetings and community events are entered on the calendar to facilitate Commissioner participation in outreach activities. Staff

## Item 7 - Disclosure Report

also updated the PEC's outreach materials, including Commissioner talking points, and has made them available online on a Commissioner resources webpage. Staff is coordinating with the Neighborhood Services Department to confirm dates for Commissioner presentations in the months of September and October.

**Commissioner Recruitment** – Distribution of the Commissioner recruitment announcement and application started in August and will continue through the application deadline October 14. Outreach channels include the Commission and City of Oakland websites, targeted email distribution lists, social media (Facebook, Twitter, LinkedIn, and Nextdoor), local newsletters and community publications, and digital ads in local press outlets. Flyers are posted around City Hall offices that are frequented by the public and Oakland Public Library branches. Staff revised the Commissioner recruitment webpage to include more information about the Commissioner role, desired skills, links to the online application, as well as more information about the Commission.

### **Online Engagement**

**Social Media** – Each month Commission staff post social media content to highlight specific PEC policy areas, activities, or client-groups. In August, our posts highlighted Commissioner recruitment, the appointment of new Executive Director Kellie Johnson, as well as disclosure deadlines and candidate resources.

# Item 8 - Enforcement Report



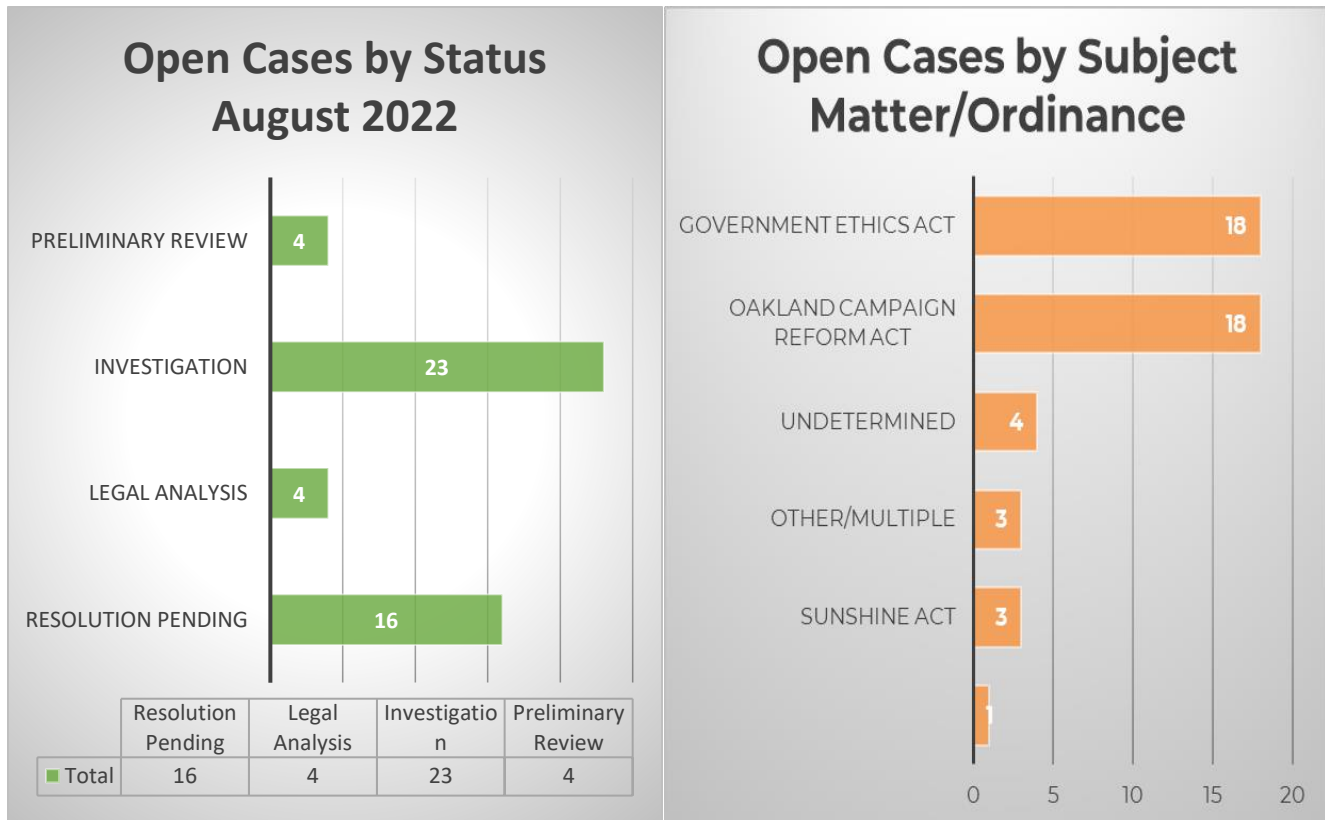
Arvon Perteet, Chair  
Ryan Micik, Vice Chair  
Charlotte Hill  
Joseph Tuman  
Francis Upton IV

Kellie Johnson, Executive Director

TO: Public Ethics Commission  
FROM: Kellie Johnson, Executive Director  
DATE: August 31, 2022  
RE: Enforcement Program Update for the September 14, 2022, PEC Meeting

## Current Enforcement Activities:

Since the last Enforcement Program Update on June 8, 2022, Commission staff received 1 new complaint(s). This brings the total Enforcement caseload to 47 open cases: 4 matters in the intake or preliminary review stage, 23 matters under active investigation, 4 matters under post-investigation analysis, and 16 matters in settlement negotiations or awaiting an administrative hearing.





## Item 9 - Executive Director's Report

Arvon Perteet, Chair  
Ryan Micik, Vice Chair  
Charlotte Hill  
Joe Tuman  
Francis Upton IV

Kellie Johnson, Executive Director

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TO: Public Ethics Commission  
FROM: Kellie Johnson, Executive Director  
DATE: August 31, 2022  
RE: Executive Director's Report for the September 14, 2022, PEC Meeting

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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)

### **PEC Staffing**

#### **Administrative Analyst I**

The Commission received one new position in the 2022-23 FY budget for Administrative Analyst I. This new position will primarily support the Enforcement program. Recruiting for the Administrative Analyst position began on July 1, 2022. Staff has begun the process of arranging interviews of candidates.

#### **Enforcement Chief**

With this new vacancy, Commission staff engaged the Department of Human Resources Management to open recruitment to fill the position expeditiously. Staff is working closely with the HR analyst to ensure the job posting will go up very soon so we can begin to accept applications and review potential candidates. My current estimate for making the new appointment is approximately 2 months.

#### **Temporary Enforcement Investigator**

Staff has also engaged the Department of Human Resources Management to open recruitment for a temporary/part-time investigator to assist with ethics investigations, utilizing funds from salary savings gained with the selection of a new Executive Director. Staff and our HR analyst are preparing the required class specifications for the new position.

### **Commissioner Trainings: "Formal Hearings"**

Commission staff is preparing a training on conducting "Formal Hearings" for Commissioners. The session will cover hearing procedures, due process for quasi-judicial boards, scheduling procedures, preliminary hearing requirements, credibility determinations, and an overview of findings of facts, penalties, and final orders. Staff will arrange with the Commission the date and way the training will be conducted.

### **Agenda Subscribers Update**

In July, Staff was notified that an agenda subscriber had not received their email copy of the Commission's public meeting agenda, notice or attachments for the regular and special meetings in June and August 2022. Staff verified that the subscriber's email was not in the record of email recipients and that the change occurred when the Citywide Communications department transferred the PEC's email subscriber lists to a new customer relations management system in late May. Staff immediately contacted Communications Department staff about the issue and made sure the subscriber was added back to the list. In addition, all PEC subscribers from the original list were added to the subscriber list on the new system as a precaution. Communications Department staff is researching why the PEC agenda subscriber list was inadvertently altered in the transfer, and a representative from the Communications department will be available to answer questions at the upcoming meeting. Commission staff is comparing the original agenda subscriber list to the records for the affected mailings to determine how many subscribers were affected and will provide an update.

# Item 9 - Executive Director's Report

## PUBLIC ETHICS COMMISSION Programs and Priorities 2022

Program	Goal	Desired Outcome	Key Projects for 2022
<b>Lead/ Collaborate (Policy, Systems, Culture)</b>	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"> <li>1. City Ticket Policy Ordinance</li> <li>2. Limited Public Financing Act Amendment</li> <li>3. Campaign Public Finance Redesign</li> <li>4. Public Records Performance Tool</li> </ol>
<b>Educate/ Advise</b>	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"> <li>1. Ethics onboarding/exit process improvement</li> <li>2. Ethics training and advice: a) elected officials, b) City employees (1000), b) board/commission members, and c) consultants</li> <li>3. Campaign Finance Training</li> <li>4. Limited Public Financing Act Training and Program Implementation</li> <li>5. Sunshine training – Open meetings; public records</li> <li>6. New trainings as needed for diversion</li> </ol>
<b>Outreach/ Engage</b>	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"> <li>1. Public Records mediations</li> <li>2. PEC Outreach – Commissioner-led public outreach</li> <li>3. Communications/outreach to client groups – targeted and training and compliance</li> <li>4. PEC social media outreach – focused on sharing ethics-related data and PEC services and outcomes</li> <li>5. Website – PEC dashboards for enforcement cases and mediations</li> </ol>
<b>Disclose/ Illuminate</b>	<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"> <li>1. Filing Officer/Compliance – assess, follow-up, and refer</li> <li>2. Government Integrity E-Data Project – Lobbyist Registration, Form 700, Form 803, Show Me the Money App, Behested Payments</li> <li>3. Open Disclosure – continue coordination and development</li> <li>4. Campaign Finance Data – focus on pushing out data using Socrata, City Open Data Portal, and PEC dashboards where possible for the 2022 Election</li> </ol>

## Item 9 - Executive Director's Report

<p><b>Detect/ Deter</b></p>	<p>PEC staff proactively detects potential violations and efficiently investigates complaints of non-compliance with laws within the PEC's jurisdiction.</p>	<p>Public servants, candidates, lobbyists, and City contractors are motivated to comply with the laws within the PEC's jurisdiction.</p>	<ol style="list-style-type: none"> <li>1. Investigations</li> <li>2. Collaborate with other government law enforcement agencies</li> </ol>
<p><b>Prosecute</b></p>	<p>Enforcement is swift, fair, consistent, and effective.</p>	<p>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.</p>	<ol style="list-style-type: none"> <li>1. Conduct legal analyses, assess penalty options, negotiate settlements, make recommendations to PEC</li> <li>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.</li> <li>3. Resolve all 2016 and 2017 cases</li> <li>4. Enforcement Subcommittee – discussion of process improvements</li> </ol>
<p><b>Administration/ Management</b></p>	<p>PEC staff collects and uses performance data to guide improvements to program activities, motivate staff, and share progress toward PEC goals.</p>	<p>PEC staff model a culture of accountability, transparency, innovation, and performance management.</p>	<ol style="list-style-type: none"> <li>1. Annual Report</li> <li>2. PEC Retreat</li> <li>3. Budget – new Administrative Analyst position</li> <li>4. Enforcement database upgrade</li> <li>5. Review data to adjust activities throughout the year</li> <li>6. Ongoing: professional development and staff reviews</li> </ol>