

Item 10 - Disclosure Report



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Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Suzanne Doran, Lead Analyst
Jelani Killings, Ethics Analyst
Whitney Barazoto, Executive Director
DATE: December 29, 2021
RE: Disclosure and Engagement Monthly and Year-End Report for the January 12, 2022,
Meeting

This memorandum provides a summary of major accomplishments in the Public Ethics Commission's (PEC or Commission) Disclosure and Engagement program activities for the past year. 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.

Program Milestones in 2021

Compliance with Disclosure Requirements

Campaign finance disclosure – As of December 2021, the City of Oakland has 77 active political committees required to file periodic campaign disclosure statements, 42 candidate and officeholder committees, 30 general purpose committees, 1 primarily-formed ballot measure committee, 2 independent expenditure committees, and 2 primarily-formed candidate committees.

In a non-election year, all active campaign committees must file two semi-annual campaign statements ([FPPC Form 460](#)). In all, staff processed and reviewed just over 300 campaign-related filings during 2021, including amended filings. During facial review staff detected 16 statements with issues requiring amendments and worked with filers to voluntarily come into compliance. Staff assessed \$3,531 in late fees against 15 committees. One non-responsive filer, Cherisse Gash, was referred to the Fair Political Practices Commission (FPPC) for enforcement resulting in a warning letter issued to the filer by the FPPC. Campaign statements are available to view and download at the PEC's [Public Portal for Campaign Finance Disclosure](#).

Contribution and Expenditure Ceiling Limit Adjustments – As the campaign filing officer, the Commission is responsible for adjusting the contribution and expenditure ceiling limits annually to adjust for increases in the Consumer Price Index (CPI). In January, staff adjusted the contribution and expenditure limits for 2021 and published by the February 1st deadline. The annual calculation resulted

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in increases in expenditure limits for Oakland offices, but the contribution limits for individuals and broad-based committees remained the same.

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.

The PEC received 83 lobbyist registrations and 15 terminations this year, ending the year with 68 registered lobbyists. Staff processed and reviewed 205 quarterly lobbyist activity reports this year. 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.

Statements of Economic Interests – April 1, 2021, marked the deadline for City officials and designated employees within the City's Conflict of Interest Code to file their annual statement of economic interests (Form 700). Staff conducted an initial compliance check of elected officials to confirm that their Form 700's were filed. All 11 officials filed their statements on time. Staff continues to work with the Department of Human Resources Management (DHRM) to make available an accurate list of all designated employees required to file Form 700 and is developing a compliance practice for these forms modeled on the process developed for campaign finance compliance.

Behested Payments (FPPC Form 803) – California law requires Oakland elected officials to file an FPPC Form 803 report any time they fundraise or otherwise solicit payments for a legislative, governmental or charitable purpose that total \$5,000 or more in a calendar year from a single source (one individual or organization) to be given to another individual or organization. In 2021, elected officials reported 33 behested payments totaling \$4,859,000. To learn more about behested payment rules and view an interactive chart of payments visit, the PEC's [behested payments webpage](#). To access data from Oakland behested payment reports, visit Oakland's [open data portal](#).

ILLUMINATING DISCLOSURE DATA

Open Data Portal (OakData) – In 2021, Commission staff published eight new ethics-related datasets and ten interactive data visualizations on [OakData](#), the City's open data portal, including:

- Three datasets containing disclosure data submitted by lobbyists through to the PEC's lobbyist reporting app, with client information, contacts with Oakland officials, and campaign contributions solicited by lobbyists.
- Two datasets containing data from Oakland's NextRequest public records request system, with information such as the text of the request, department(s) assigned to respond to the request, request status, and closure date.
- A dataset with information from disclosure reports submitted when an Oakland elected official solicits a payment over \$5,000 from a third party for a legislative, governmental, or charitable purpose.
- Two datasets summarizing PEC enforcement and mediation cases.

The new data assets garnered over 800 visits and 29 downloads in 2021. To view or export data from the City's open data site, visit OakData (<https://data.oaklandca.gov/>).

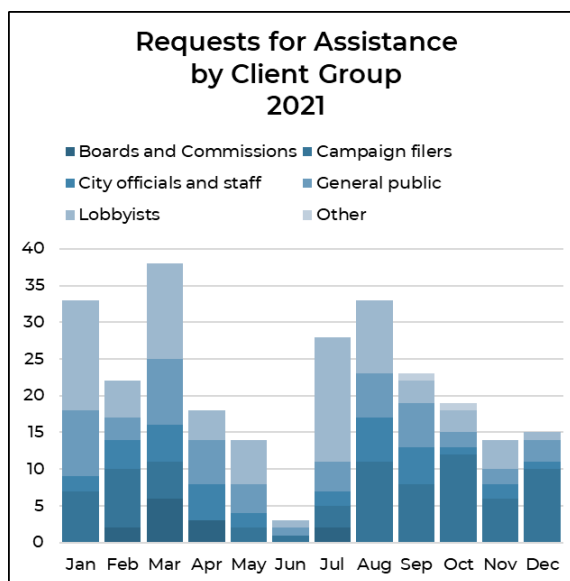
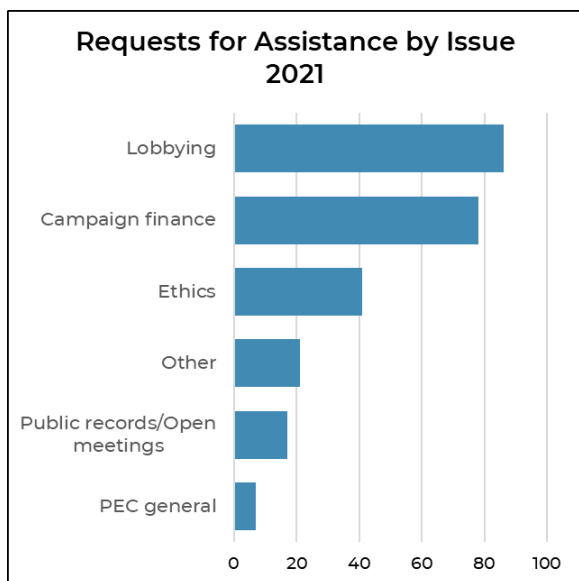
Lobbyist Dashboard and Data Portal – New features were added to the Lobbyist Dashboard and Data Portal in February enabling users to sort and filter the Lobbyist Directory and search lobbyist activity

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reports based on the client name. To view the Dashboard and Lobbyist Directory visit https://apps.oaklandca.gov/pec/Lobbyist_Dashboard.aspx.

Advice and Engagement

Advice and Technical Assistance – In 2021, Commission staff responded to 260 requests for information, advice or assistance regarding campaign finance, ethics, Sunshine law, or lobbyist issues, fielding an average 22 requests per month. Lobbyists (32 percent) and campaign filers (28 percent) made up over half of requests for advice and assistance.



Elected Officials – Commission staff continued to provide communications with elected officials and extend support with state and local ethics laws. In 2021, staff met with two council offices providing each with an ethics resource binder that included guides and fact sheets relating to the Government Ethics Act, conflicts of interests, gift restrictions, non-interference provision, and the City’s ticket distribution policy. The increased outreach and informal meetings allowed PEC staff to better understand the support needs of councilmembers and their staff in complying with local ethics laws.

New Employee Orientation – Commission staff continued to collaborate with the Department of Human Resources (DHRM) to ensure that every new City employee received introductory Government Ethics training. This year, Commission staff made 11 live presentations and one video presentation reaching approximately 290 new employees. In addition, staff presented a live ethics training at the Oakland Parks, Recreation, and Youth Development Department’s Summer Orientation reaching over 65 new employees.

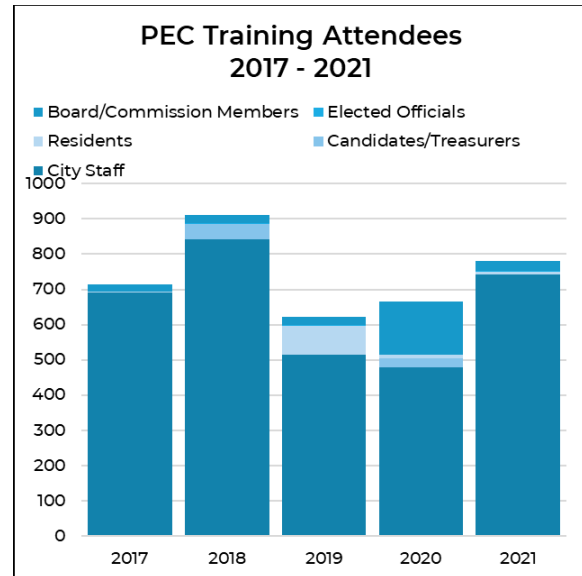
Ethics Training for Form 700 Filers – In 2021, 59 employees completed the PEC’s online Government Ethics Training for Form 700 Filers via Target Solutions, the City’s online learning management system. To provide an additional option for City employees to complete the ethics training requirement, PEC staff, in collaboration with Department of Human Resources Management (DHRM), held four live Zoom trainings that covered all the content in the PEC’s online ethics training for Form 700 filers. Approximately 70 employees attended the live Zoom trainings.

Supervisor Academy – The City’s Supervisor Academy provides training for supervisors and management level employees on City policies and procedures, internal systems, and leadership skills

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relating to day-to-day supervision. In 2021, Commission staff provided ethics presentations at three Supervisor Academies, reaching nearly 100 supervisor-level City employees with an overview of the Government Ethics Act and PEC services, as well as the opportunity to dive into discussions of ethical issues and scenarios and skills-based training to deal with ethical dilemmas such as gift restrictions, lobbying activity, misuse of City resources, and public records requests.

Boards and Commissions – This past year, staff provided live introductory ethics trainings to three City boards and Commissions: The Cannabis Regulatory Commission, Library Commission, and the Commission on Homelessness. In addition, PEC staff participated in a joint effort with the Mayor’s Office, City Clerk, and City Attorney to provide a comprehensive training for City Board and Commission staff liaisons. The training covered all relevant laws and responsibilities, including Sunshine and GEA requirements, pertaining to boards and commissions to ensure understanding and compliance. Staff provided attendees with copies of the PEC’s Boards and Commission Members Handbook and shared practices used by our own Commission for onboarding new members.



In addition, PEC staff held two live Government Ethics Trainings for Form 700 Filers for the City’s board and commission members. Between the two offered sessions, nearly 150 board and commission members completed the required training. The live recorded training is also now available on demand through the PEC’s website.

Sunshine Ordinance – This year, staff launched a new online Sunshine Training covering open meetings. The on-demand training can be accessed on the PEC’s website. Topics covered include: what constitutes a meeting, agenda publishing and noticing requirements, open meeting rules, and enforcement. Since launching in October, 17 board and commission members have accessed the new online resource.

Diversion Program – In July, Staff conducted the first live training for the Commission’s new enforcement diversion program. Staff provided participants with an overview of GEA provisions related to Form 700 requirements and conflicts of interest rules. Both diversion participants successfully completed the required trainings including the Government Ethics Training for Form 700 Filers, a live Conflicts of Interests training, and a one-on-one session with the Executive Director.

Candidates and Campaigns – Targeted communications sent to campaign filers in 2021 covered the topics of contribution limits and expenditure ceilings, restrictions on post-election use of campaign funds, and the process of closing a campaign committee after the election.

Sunshine Performance/Public Records Requests

Sunshine Performance/Public Records Requests

In May, the Commission approved steps outlined in its report [Spotlight on Oakland’s Public Records System](#) to continue its work to ensure that Oakland’s public records request system is effective and ensures departmental compliance with state and local law. During the second half of 2021, Commission

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staff began implementing the report recommendation to provide an ongoing monitoring tool for public records request performance by putting into operation the technical requirements to sync real-time data from the NextRequest database to a performance webpage. Staff developed a process to clean and prepare the raw data and calculate department statistics and initial performance metrics to measure compliance with the requirements of the CA Public Records Act and Oakland Sunshine Ordinance in terms of timeliness, transparency, quality of service, and best practices.

Online Engagement

Social Media – In 2021, Commission staff continued producing social media content to highlight specific PEC policy areas, activities, or client-groups. Social media posts generated over 800 user engagements (likes, shares or retweets, clicks on links, and new followers). There were 844 views of PEC content on the Commission’s YouTube channel. Social media followers continued to grow with 205 new followers gained for a total of 1,667 at the end of 2021.

Website – Three new pages of interactive charts and tables displaying PEC enforcement and mediation outcomes were added to the Commission website in September. The interactive tables allow website users to search, sort and download summaries of [closed enforcement cases](#) and [completed mediations](#). In addition, staff published a [Case Results webpage](#) to provide an up-to-date and easy to access overview of enforcement activities.

Commission staff also expanded access to online training by offering on-demand videos covering campaign finance basics, ethics, and open meeting requirements. On-demand training options are now featured prominently on the Commission’s home page.

