



## Item 11 - Disclosure Report

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TO: Public Ethics Commission  
FROM: Suzanne Doran, Acting Executive Director  
Jelani Killings, Ethics Analyst  
Ana Lara-Franco, Commission Analyst  
DATE: December 22, 2022  
RE: Disclosure and Engagement Monthly and 2022 Year-End Report for the  
January 11, 2023, PEC 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 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 2022

#### Compliance with Disclosure Requirements

Commission staff conducts filing officer duties as required by state and local law and aims to help candidates, lobbyists and City officials submit required disclosure reports and ensure residents can easily access campaign finance, lobbyist, and ethics-related data and information.

**Campaign finance disclosure** – As of December 2022, the City of Oakland had 103 active political committees required to file periodic campaign disclosure statements: 52 candidate and officeholder committees, 36 general purpose committees, 6 ballot measure committees, 3 independent expenditure committees, and 3 primarily-formed candidate committees.

Two Oakland elections were conducted in 2022, a special election on June 7 and the general election on November 8, 2022. As a result, there were six scheduled campaign statement deadlines this year. During facial review staff detected 20 statements with issues requiring amendments and worked with filers to voluntarily come into compliance. In all, staff processed and reviewed close to 1,000 campaign-related filings during 2022. During the pre-election period, staff collaborated with the Fair Political Practices Commission (FPPC) to reach out to non-filers and ended the year with all 2022 committees having submitted the required disclosure statements. Staff assessed \$910 in late fees against 11 filers.

Commission staff also conducted proactive compliance reviews of over 6,500 contributions to candidates and audited campaign websites for required disclaimers. Campaign statements were screened for untimely and un-reported late contributions, over-the-limit contributions, and contributions from prohibited sources. Staff made requests to candidates for follow-up so they could review and forfeit any questionable contributions to the City expeditiously prior to the election. PEC

staff also contacted contractors to alert them of the law and potential violations. Campaign statements are available to view and download at the PEC's [Public Portal for Campaign Finance Disclosure](#).

**Contribution and Voluntary Spending Limit Adjustments** – As the campaign filing officer, the Commission is responsible for adjusting the contribution and voluntary spending limits (i.e., expenditure ceilings) annually to adjust for increases in the Consumer Price Index (CPI). In January, staff adjusted the contribution and expenditure limits for 2022 and published by the February 1<sup>st</sup> deadline. The annual calculation resulted in increases in spending 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.

As of December 2022, 65 lobbyists were registered with the City of Oakland. Staff processed and reviewed 283 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 marks the annual 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). Throughout 2022, Commission staff worked with the Department of Human Resources to develop Citywide processes to ensure that departments are communicating ethics training and Form 700 information to every employee and consultant hired by their department. Staff collaborated with HR to add new features into the NeoGov platform to ensure all employees are properly notified and department SPOC's (single point of contact) can monitor employee compliance. Each department was directed to review staff members' status under the Conflict of Interest Code to ensure all staff are designated correctly in the City's personnel database. The database designation enables more effective noticing and tracking of Form 700 and ethics training compliance going forward. PEC ethics training assets are now integrated with the City's NeoGov Learn platform so staff can utilize features to assign training, notice employees, and track compliance ahead of future Form 700 filing deadlines.

Commission staff also developed a training for department 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. Department directors and SPOCs received a PEC notice directing them to remind their Form 700 filers of the mandatory ethics training requirement and 2022 Form 700 annual deadline.

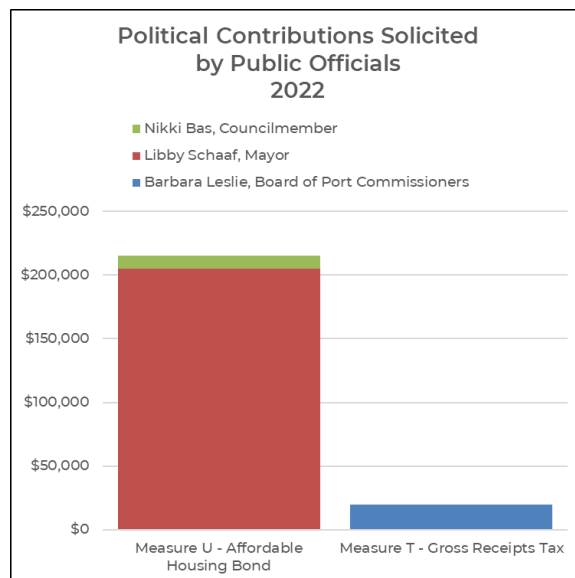
Staff also conducted an initial compliance check of elected officials to confirm that their Form 700's were filed. In 2022, all 11 officials filed their annual statements.

**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 2022, elected officials reported 15 behested payments totaling \$ \$1,935,000 benefiting the Lovelife Foundation, Oakland Parks and

Recreation Foundation, and Oakland Public Education Fund. 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](#).

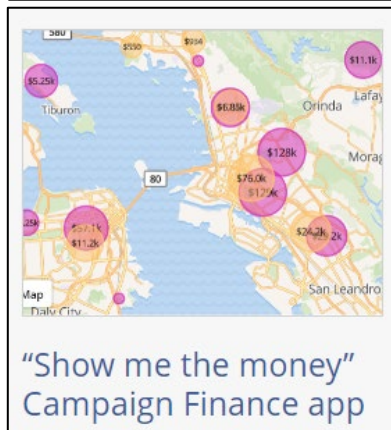
**Political Contributions Solicited by City Officials**

– 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 to the Public Ethics Commission within 30 days. Three solicited contributions totaling \$235,000 were disclosed in support of ballot measures on the November 2022 ballot.



**Illuminating Disclosure Data**

The Commission collects, reviews, and provides public access to ethics-related data. As part of this responsibility, Commission staff works to put the information into formats that can be searched and displayed in easy-to-use data visualizations made available for public viewing. This program utilizes a collaborative transparency approach, which reaches beyond the traditional minimum of providing copies of filings to proactively sharing data in user-centered formats to invite participation and feedback.



**Election Disclosure Tools** – Commission staff and Open Oakland volunteers partnered again to launch an updated 2022 [Open Disclosure](#) campaign finance website showing the flow of money in Oakland’s June and November elections in an easy to understand, interactive format. OpenDisclosure, a nonpartisan tool developed by volunteers from civic tech group OpenOakland with advice and oversight from Commission staff, includes a notification system that sends subscribers alerts about new campaign reports, summaries of how much money candidates raise locally and from out of state donors, as well as top spenders on local ballot issues. Commission staff also maintains [Show Me the Money](#), an app hosted on Oakland’s open data platform, that builds maps showing the geographic source of campaign contributions to candidates, top contributors, and fund raising and spending patterns over time. Both apps were updated daily with data exported directly from the [city’s campaign finance database](#) and were featured prominently on the Public Ethics Commission website. Outreach to raise awareness of election-related data and disclosure tools included announcements on the Commission and City of Oakland websites, email distribution lists, social media posts (Facebook, Twitter, LinkedIn, and Nextdoor), and local newsletters, as well as digital and print ads in local press targeting election coverage pages. Staff coordinated with community partners the League of Women Voters

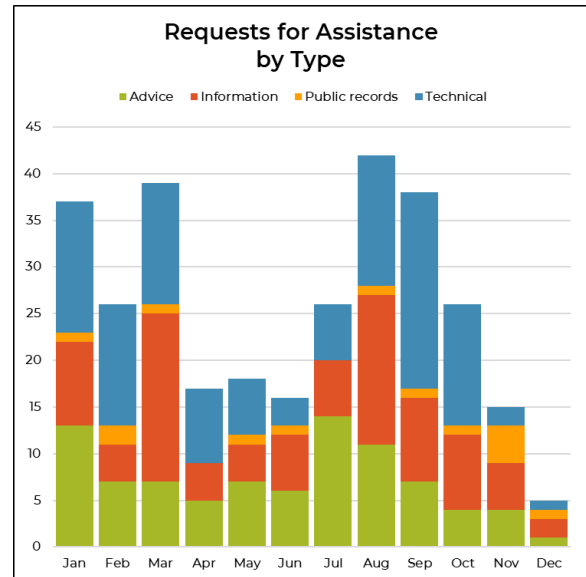
Oakland and Voter’s Edge to link to the campaign finance apps and share the resources with their members.

OpenDisclosure gained nearly 6,500 new users and generated over 21,000 pageviews in 2022. Since launching Open Disclosure in 2014, the site has reached 39,535 users with 163,293 views of Open Disclosure content.

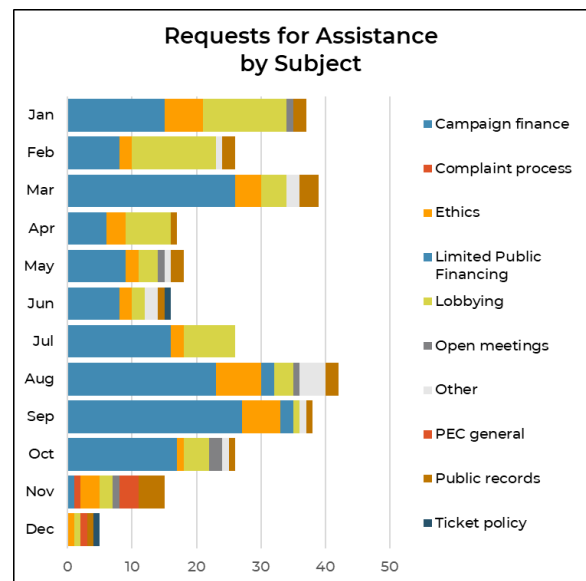
**Advice and Engagement**

The Commission’s Engagement program seeks to ensure Oakland public servants, candidates for office, lobbyists, and City contractors understand and comply with City campaign finance, ethics, and transparency laws.

**Advice and Technical Assistance** – In 2022, Commission staff responded to 305 requests for information, advice or assistance regarding campaign finance, ethics, Sunshine law, or lobbyist issues, fielding an average 25 requests per month. Campaign filers (51 percent) and Lobbyists (20 percent) made up over 70 percent 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 2022, staff met with the office of District 7 Councilmember Treva Reid providing 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. Staff also met with the Mayor’s Office to provide an ethics refresher on campaign activity rules and post-employment restrictions. Outreach and informal meetings allow PEC staff to better understand the support needs of elected officials and their staff in complying with local ethics laws.



**New Employee Orientation** – Commission staff continued to collaborate with the Department of Human Resources Management (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 over 450 new employees. In addition, staff presented a live ethics training at the Oakland Parks, Recreation, and Youth Development Department’s Summer Orientation reaching nearly 100 new employees.

**Ethics Training for Form 700 Filers** – In 2022, 89 employees completed the PEC’s online Government Ethics Training for Form 700 Filers via NeoGov LEARN, the City’s new online learning management system. To provide an additional option for City employees to complete the ethics training

requirement, PEC staff, in collaboration with DHRM, held two live Zoom trainings that covered all the content in the PEC's online ethics training for Form 700 filers. Approximately 60 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 relating to day-to-day supervision. In 2022, Commission staff provided ethics presentations at three Supervisor Academies, reaching nearly 85 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 two City boards and Commissions: The Youth Advisory Commission and the Children's Initiative Oversight Commission. 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 Government Ethics Act 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.

**Ticket Distribution Policy** – In June, Staff developed a new training to educate City officials on the changes to rules and processes in the City's new ticket distribution policy. In subsequent months, Commission staff sent follow-up advisories to all elected officials and their staff informing them of the new policy and training and notice that Commission staff would review ticket distribution reports for compliance in the 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. In addition to providing the new training live to four officeholders and their staff, a recorded version of the training has been added for on-demand viewing to the City's online training platform.

**Candidates and Campaigns** – As part of campaign education efforts, staff issued monthly advisories to ensure that candidates and committees were aware of local rules during the election season. Advisories covered topics including 24-hour contribution and independent expenditure reporting, restrictions on campaign activities by City officials and employees, contribution rules, common filing errors, the contractor contribution ban, and post-election obligations.

Staff conducted a joint candidate and treasurer training with representatives from the California Fair Political Practices Commission (FPPC). The 11 attendees received a two-hour training on the CA Political Reform Act and the Oakland Campaign Reform Act. Topics covered included campaign forms, committee IDs, campaign bank accounts, recordkeeping, contribution rules, and advertising disclosures. The training was recorded and added to the PEC's website as a resource available for new candidates and committees. A post-training quiz was developed to assess learning outcomes.

**Publications** – Commission staff updated three comprehensive guides intended to assist the regulated community in complying with local laws:

- **Oakland Campaign Reform Act Guide** – Commission staff revised the Oakland Campaign Reform Act guide to include updated contribution and expenditure limits, minor clarifying changes throughout, and answers to common questions received in recent years.

- **Limited Public Financing (LPF) Guide** – Staff updated the guide for the 2022 election, updated LPF program forms along with additional edits to ensure that language is consistent with the revised Oakland Campaign Reform Act (OCRA) Guide.
- **Guide to the Lobbyist Registration Act** – Staff updated the guide to provide 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.

### Online Engagement

**Social Media** – In 2022, Commission staff continued producing monthly social media content highlighting PEC policy areas, activities, and topics of interest to specific client-groups.

**Website** – In preparation for the 2022 election season, Commission staff reviewed and updated over 15 pages of online content including educational resources for campaign finance, disclosure, and candidates and treasurers. In addition, service pages were updated using new features to make multi-step processes, such as filing campaign forms or submitting a complaint, easier for website users to navigate.

### General Outreach

The Commission conducts outreach activities to ensure Oakland residents and the regulated community know about the Commission and that the Commission is responsive to their complaints and questions about government ethics, campaign finance, or transparency concerns.

**Community Outreach/PEC Roadshow** – In the months of October and November, Staff coordinated with the Neighborhood Services Department to facilitate community presentations. Commissioners and Staff presented at five Neighborhood Council meetings to share the Commission’s work and opportunities to apply for Commissioner vacancies. Staff also updated the PEC’s outreach materials, including Commissioner talking points.

### Mediation Program

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. In 2021, the Mediation Program was moved from the Enforcement team to the Education and Engagement team to address the increase in workload from both mediations and enforcement cases, facilitate staff ability to enhance education and engagement through the mediation process itself, and integrate this work with the PEC’s broader project to improve department performance Citywide. The Commission received five new requests for mediation in 2022. Ten mediations were completed in 2022.

