

Item 12 - Disclosure Report



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

Kellie Johnson, Executive Director

TO: Public Ethics Commission
FROM: Suzanne Doran, Lead Analyst
Jelani Killings, Ethics Analyst
Kellie Johnson, Executive Director
DATE: October 28, 2022
RE: Disclosure and Engagement Report for the November 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

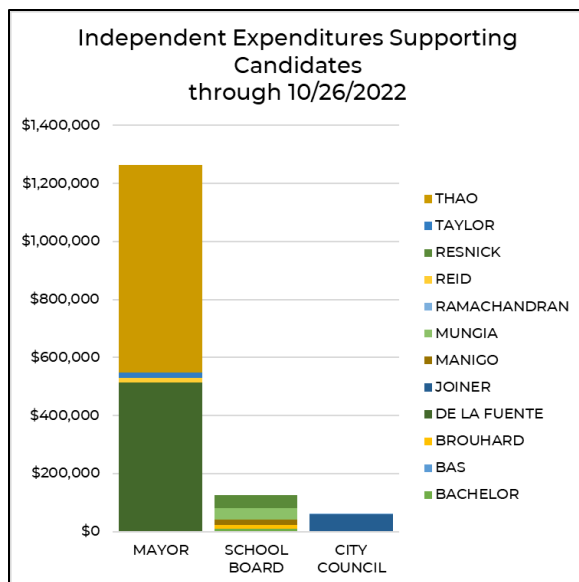
Commission staff conducts filing officer duties as required by state and local law and aims to help candidates, lobbyists and City officials submit required disclosure reports and ensure residents can easily access campaign finance, lobbyist, and ethics-related data and information. The goal is for the public and the PEC to be able to monitor filings, view information, and detect inconsistencies or noncompliance (See 2022 Disclose/Illuminate projects/activities 1).

Campaign finance disclosure – The second pre-election filing deadline for the November election fell on October 27. All candidates on the November ballot raising or spending \$2,000 or more must file campaign statements. 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.

Commission staff coordinated with the Fair Political Practices Commission (FPPC) to swiftly contact candidates that missed the first pre-election deadline. All candidates submitted their statements, and late fees were assessed against five candidates. Staff has completed facial review of over 400 campaign statements, 24-hour contribution reports, and 24-hour independent expenditure reports, and screened almost 6,000 reported contributions so far this election season to ensure timely compliance with disclosure rules and contribution limits.

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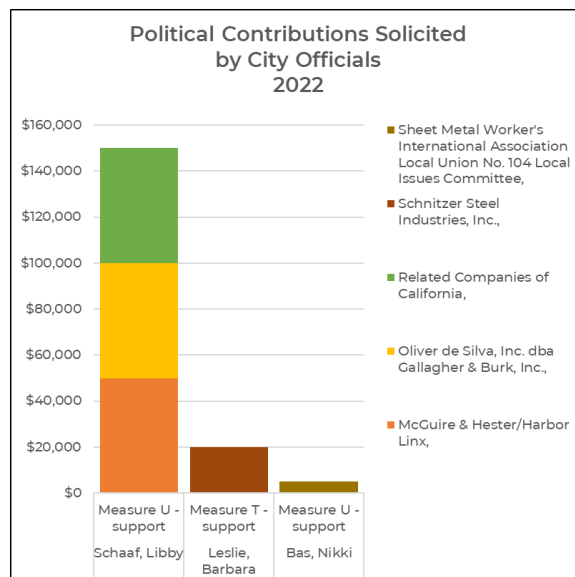
Over \$1.48 million in independent spending to influence the November Oakland election has been reported as of October 26. Independent expenditures totaling more than \$131,000 have been made by an independent committee in the race for Oakland Mayor and over \$28,000 by an independent committee in the City Council District 4, School Board District 4, and School Board District 6 races. In accordance with the Oakland Campaign Reform Act, the voluntary spending limits no longer apply to candidates seeking election to those offices once the threshold is reached, and candidates are now able to spend additional funds over the limit (see our webpage for a full [list of the 2022 expenditure ceilings for each City office](#)). Voluntary spending limits for all other races remained in effect as of October 26. Commission staff notified campaign filers as the threshold to lift the expenditure ceiling was reached for each electoral office.



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

Political Contributions Solicited by City Officials

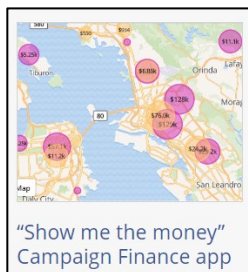
– Oakland public servants required to file a Statement of Economic Interests (Form 700) who successfully solicit a political contribution of \$5,000 or more from any person or entity that contracts or proposes to contract with the official's department must disclose the solicitation to the Public Ethics Commission within 30 days. In 2022, contributions solicited to support ballot measures have been reported by three City officials. The complete data from the reports is available on Oakland's [open data portal](#).



Lobbyist Registration and Reporting – October 30 marks the next deadline for quarterly lobbyist activity reports covering the period from July 1 through September 30, 2022. An up-to-date list of registered lobbyists with links to view and search individual reports is available at the PEC's [Lobbyist Dashboard and Data](#) webpage.

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 (See 2022 Disclose/Illuminate projects/activities 2 – 4).



Campaign Finance Disclosure Tools – With Commission-sponsored campaign finance apps [Open Disclosure](#) and [Show Me the Money](#) live with data for the 2022 election, Commission staff targeted outreach to individuals looking for information on elections and local politics with announcements and ads coinciding with election coverage and voter education. Digital and print ads are running in the East Bay Express and Oaklandside news outlets from mid-September through Election Day. Announcements have been included in East Bay Express e-alerts and Oaklandside newsletter. The sites are being promoted via social media through the Commission, City of Oakland, OpenDisclosure, and East Bay Express social media accounts. In addition, [Voter’s Edge](#), a non-partisan voter information website built by the League of Women’s Voters and Maplight, provides links to OpenDisclosure on its Oakland candidate pages.

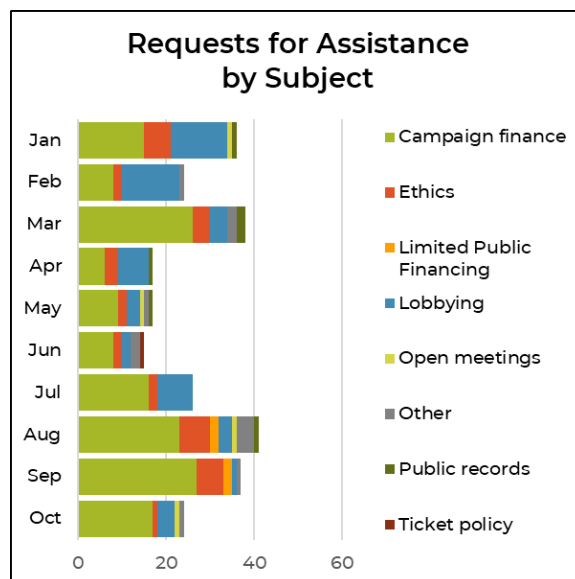
Advice and Engagement

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 (See 2022 Educate/Advise projects/activities 1 – 3, Outreach/Engage projects/activities 3).

Advice and Technical Assistance – In October, Commission staff responded to 24 requests for information, advice, or assistance regarding campaign finance, ethics, Sunshine law, or lobbyist issues, for a total of 283 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 October, Staff sent an advisory regarding the prohibition on soliciting contributions from public servants.

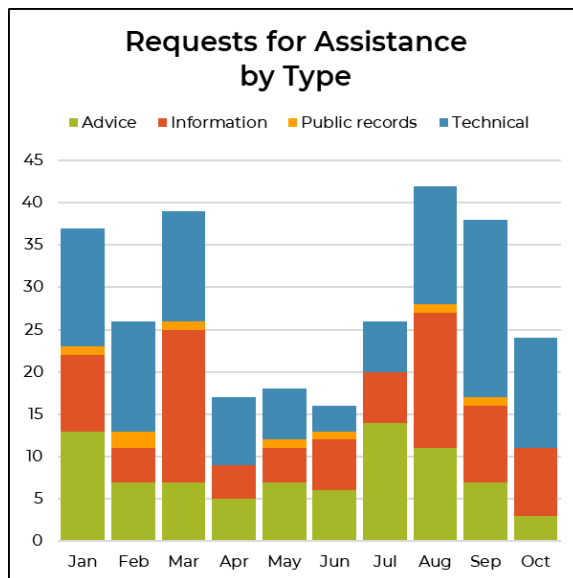
Supervisory Academy – On September 29, Commission staff facilitated an ethics discussion at the City’s quarterly Supervisory Academy. Topics of discussion included gift rules, conflicts of interest, identifying when you are being lobbied, misuse of City resources, and Form 700 filing. The discussion format allows for 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.



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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). In October, Staff trained a total of 29 new employees on GEA provisions.

Ethics Training – On September 30, Commission staff conducted an ethics presentation for the City’s Youth Commission. The presentation provided an overview of the Government Ethics Act, the Sunshine Ordinance, as well as general guidance around ethical decision-making and public service.



Housing and Community Development Meeting – On October 6, Commission staff met with staff from the Housing and Community Development Department (HCD) to discuss conflicts of interest rules and the City’s contractor ban. Commission staff will be working with HCD staff in the coming months to develop educational tools for staff and contractors.

Ticket Distribution Training – On October 7, Staff met with District 5 Councilmember Gallo and his staff for a training on the new ticket distribution policy. The training covered the purpose of the policy and recent changes to the rules including, the role of the Ticket Administrator, distribution procedures, limits on ticket use by officials, and new reporting requirements.

SPOC Academy Training – On October 11, Staff participated in a joint training with the City Clerk’s office to train department special point of contacts (SPOCs) on new ethics onboarding and exit processes. Commission staff provided SPOCs with resources to ensure that all employees receive information and understand the rules about filing Form 700 and completing the PEC’s mandatory ethics training.

Campaign Activity Training for Employees and Officials – On October 11, staff provided an ethics presentation for City employees at the request of the Department of Human Resources regarding campaign rules for City staff. The training covered the prohibition on using City resources for campaign activity, the prohibition on soliciting contributions from other public servants, ballot measure activities, and mandatory reporting requirements for solicited contributions.

Limited Public Financing Program (LPF)

Commission staff administers the LPF program and provides training and ongoing interaction with candidates to facilitate program requirements and distribute the maximum amount of available public funds (See 2022 Educate/Advise projects/activities 4).

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To date, \$67,873 of the \$177,000 available through the election fund has been claimed and processed for reimbursements to participating candidates. Each of the participating candidates can claim up to \$35,400 in reimbursements for qualified campaign expenditures.

LPF participants have until Monday, November 7 to file their reimbursement claims. Staff continues to work closely with participants to process claims.

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 (See 2022 Outreach/Engage projects/activities 2).

Community Outreach/PEC Roadshow – Staff continues to coordinate with the Neighborhood Services Department to confirm dates for Commissioner outreach presentations. To date, Commissioners and Staff presented at four Neighborhood Council meetings to share the Commission’s work and opportunities to apply for upcoming Commissioner vacancies.

Online Engagement

Social Media – Each month Commission staff post social media content to highlight specific PEC policy areas, activities, or client-groups (See 2022 Outreach/Engage projects/activities 4). In October, our posts highlighted the PEC’s election disclosure tools and data, Enforcement Chief recruitment, and Commissioner recruitment, as well as disclosure deadlines and candidate resources.