



Item 12 - Disclosure Report

Ryan Micik, Chair
Charlotte Hill, Vice Chair
Alea Gage
Arvon J. Perteet
Vincent Steele
Francis Upton IV

Nicolas Heidorn, Executive Director

TO: Public Ethics Commission
FROM: Suzanne Doran, Program Manager
Jelani Killings, Ethics Analyst
DATE: January 3, 2024
RE: Disclosure and Engagement Monthly and 2023 Year-End Report for the
January 17, 2024, Regular PEC 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 2023

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 2023, the City of Oakland had 98 active political committees required to file periodic campaign disclosure statements: 50 candidate and officeholder committees, 37 general purpose committees (a.k.a., political action committees), 4 ballot measure committees, 5 independent expenditure committees, and 2 primarily-formed candidate committees.

The November 2023 Special Election to fill the vacant OUSD District 5 School Director seat added two additional pre-election deadlines for candidates, for a total of four campaign statement deadlines this year. In all, staff processed and reviewed close to 250 campaign-related filings during 2023. Staff conducted outreach to non-filers and ended the year with all 2023 candidate committees submitting the required disclosure statements. Staff assessed \$2,720 in late fees against 13 filers in 2023.

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

Supplemental Independent Expenditure Disclosure – Measure W amended the Oakland Campaign Reform Act to require that any committee or person required by state law to file a 24-hour or 10-day Late Independent Expenditure Report (FPPC Form 496) with the Public Ethics Commission also submit a supplemental independent expenditure disclosure information, including a copy of the content of the communication.

The November Special Election triggered this new disclosure requirement in August, and Commission staff developed a new online form, webpage, and targeted communications to campaign filers so that 2023 campaign filers were aware of the new requirements and could easily submit their supplemental information. Staff monitored incoming independent expenditure reports and contacted committee treasurers to encourage compliance throughout the pre-election period. Supplemental information was submitted for all independent expenditures reported for the November 2023 election.

Lobbyist Registration Program – 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 2023, 72 lobbyists were registered with the City of Oakland. Staff processed and reviewed 266 quarterly lobbyist activity reports this year.

In November 2023, the Oakland City Council adopted amendments to the Lobbyist Registration Act (LRA). Notable changes to the LRA include a new annual lobbyist registration fee as well as a requirement that lobbyists take an online training provided by the Public Ethics Commission. With the addition of lobbyist registration and late fees to Oakland’s master fee schedule, Commission staff developed procedures to assess and collect the new fees as lobbyists renew their registrations for 2024, including an option for lobbyists to pay their fees online through Oakland’s invoice payment portal and an online application for registration fee waivers or reductions in accordance with the Commission’s policies. Commission staff began work in collaboration with the IT Department to incorporate tools in the PEC’s lobbyist registration app to make compliance with new requirements simple for lobbyists and easy to monitor for Commission staff. Updates will continue incrementally throughout the coming 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). In 2023, Staff formed a working group with representatives from the City Clerk’s Office and the Department of Human Resources Management (DHRM) to improve the management of the City’s Form 700 filer database. The joint effort seeks to improve compliance among required filers by sharing data among departments, issuing joint communications, and updating the City’s Conflict of Interest Code. As a result of this project, DHRM now provides the PEC and City Clerk with monthly reports including a list of starting and leaving employees, the list of active employees, and who needs to file a Form 700, and the list of new employees assigned the PEC’s online Government Ethics Training. PEC staff now has administrative access to the City’s learning management platform NEOGOV to assign and track employee completion of ethics-related trainings.

Commission Staff also participated in two joint trainings with the City Clerk’s office to train department single point of contacts (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, as well as a presentation to City Department Heads on their role in ensuring compliance.

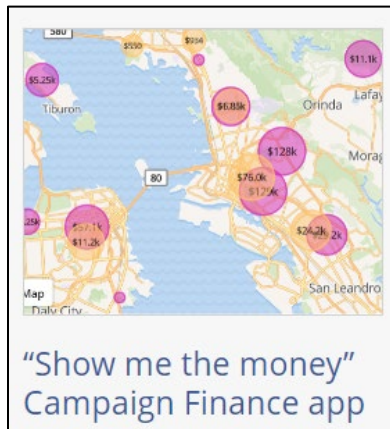
Staff conducted a compliance check of elected officials to confirm that their Form 700's were filed. In 2023, all 11 officials filed their annual statements.

Ticket Distribution Policy – Oakland's Ticket Distribution Policy ordinance adopted in May 2022 included changes to increase transparency and ensure free tickets for events provided to City officials are used for approved public purposes. In light of these changes, the IT Department decided to rebuild its Ticket Distribution (Form 802) database. In 2023, Commission staff worked with the IT project team to ensure the new database and public dashboard comply with the new ordinance.

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



Campaign Finance – After a Special Election was scheduled to fill the vacant OUSD District 5 School Director seat, Commission staff collaborated with volunteer developers to ensure the [OpenDisclosure](#) campaign finance website was live with data for the November 2023 Special Election. With three local elections scheduled for 2023 and 2024, the project team implemented modifications allowing visitors to the website to view data for multiple upcoming elections. OpenDisclosure is a nonpartisan tool developed by civic tech group OpenOakland in partnership with Commission staff to give all Oakland residents equal access to campaign finance data.

In addition to OpenDisclosure, Commission staff also updated its [Show Me the Money](#) app to include campaign finance data submitted by candidates running in the November 2023 Special Election. [Show Me the Money](#) builds a map showing the geographic source of campaign contributions to candidates and totals donated from that location. Followers of Oakland elections can find the [Show Me the Money](#) application via links on the Public Ethics Commission website, [OakData portal](#), and links on [OpenDisclosure](#) 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.

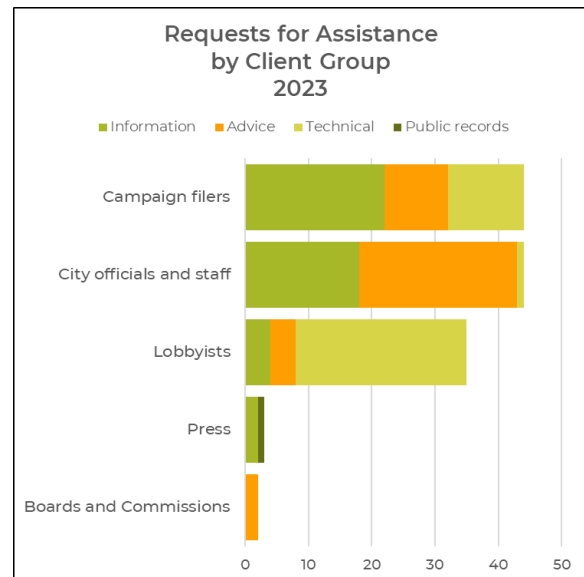
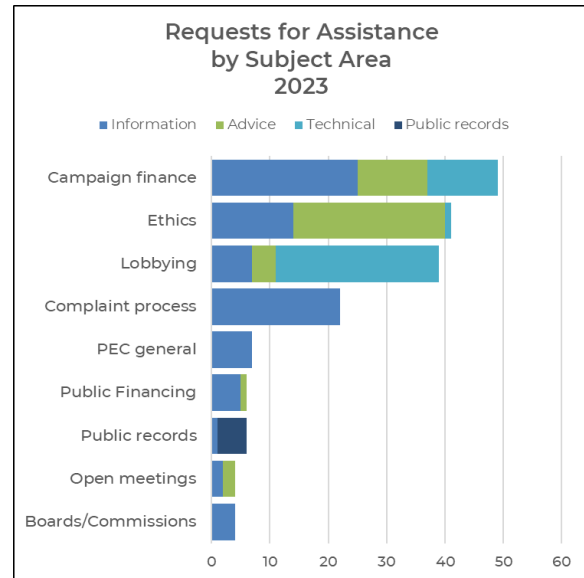
Advice and Technical Assistance – In 2023, Commission staff responded to 217 requests for information, advice or assistance regarding campaign finance, ethics, Sunshine law, or lobbyist issues, fielding an average 18 requests per month. Inquiries from campaign filers (26 percent) and City officials and staff (26 percent) made up the majority of requests for advice and assistance followed by lobbyists (20 percent).

Elected Officials – Commission staff continued to extend support to elected officials and their staff to support compliance with state and local ethics laws. In January 2023, staff participated in an orientation for City Councilmembers organized by Council President Bas and the City Attorney’s Office. PEC staff provided an overview of the Commission’s mission, programs, and the laws within our jurisdiction. Councilmembers were provided with a checklist of activities to complete including filing Form 700 and completing ethics training and were encouraged to schedule a time to meet with PEC staff one on one.

In addition, staff met with the offices of District 6 Councilmember Kevin Jenkins and District 7 Councilmember Treva Reid for an informal “ethics check-in.” Staff provided an overview of the Commission and its work and shared information about recent changes in both local and state ethics and transparency laws. Topics covered included gift rules, the Fair Elections Act, SB 1439 regarding limitations on campaign contributions to local elected officials from certain parties and disqualifications based on past campaign contributions, and future outreach opportunities. 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.

In response to questions about who is required to register as a lobbyist under the City’s Lobbyist Registration Act (LRA) and concerns that some lobbyists are meeting with elected officials without registering and disclosing their lobbying activities as required under Oakland law, Staff provided the Mayor and City Councilmembers with the PEC’s lobbyist registration brochure and a cover letter providing the registration and reporting requirements for individuals being paid to influence governmental decisions. The brochure was created as a resource to hand out when interacting with individuals that may be trying to influence any governmental or legislative decisions. Additionally, staff provided suggested text for a notice to be added to Council agendas to raise awareness of LRA requirements.

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 120 new employees.



Ethics Training for Form 700 Filers – In 2023, 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. 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 to provide additional opportunities to complete the requirement. Approximately 52 employees attended the live Zoom trainings.

Staff also developed a diversion training to support the Enforcement Unit’s review of Form 700 compliance utilizing the Fair Political Practices Commission’s (FPPC) Form 700 video training. The 12-minute video covers several topics including who files a Form 700, Conflict of Interest Code, filing deadlines, and disclosure requirements. Staff integrated the video recording along with a post-quiz for course completion into the City’s learning management platform NeoGov LEARN, allowing PEC staff to assign and track participation in future diversion training.

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 2023, 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 a live introductory ethics training to the Youth Advisory Commission covering the government ethics and transparency laws. 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 their understanding of and compliance with these laws.

Candidates and Campaigns – In addition to creating Oakland’s new Democracy Dollars public campaign finance program, Measure W also included important amendments to Oakland’s campaign finance, transparency, and lobbying rules. New contribution limits and disclaimer language required on political communications took effect January 1, 2023. During 2023, Commission staff issued multiple targeted communications to campaign filers to ensure awareness of new contribution limits and disclaimer rules. In addition, the Commission’s online resources for candidates and campaigns were updated to reflect new campaign finance rules.

Public Records Sunshine Training – In 2023, Staff added a new Sunshine Training on public records to the PEC’s on-demand training suite. The training covers the rules for receiving and responding to public records requests and is available through the PEC’s [website](#).

Mandatory Lobbyist Training – To ensure lobbyists are aware of, and comply with, city laws relating to lobbying, effective January 1, 2024, all lobbyists must complete the PEC’s lobbyist training within 60 days of the lobbyist’s initial registration. Commission staff developed the new training, which lobbyist can view online, as well as a post-training quiz.

Online Engagement

Social Media – In 2023, Commission staff continued producing monthly social media content highlighting PEC policy areas, activities, and topics of interest to specific client-groups.

Website – In 2023, Staff updated and created new website content to reflect changes to campaign finance and lobbying rules effected by Measure W and amendments to the Lobbyist Registration Act. New content included a “[What’s New](#)” webpage to summarize recent changes to laws and regulations in the PEC’s jurisdiction and a new section to highlight disclosure tools on the Commission’s homepage.

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.

Commissioner Recruitment – In 2023, Staff implemented a robust recruitment strategy to fill its Commission-appointed vacancy that included email blasts to PEC agenda subscribers and community organizations, paid advertisements in both online and printed media outlets, social media posts, and tabling at community events. A Total of 17 applications were received representing the highest number of submitted applications in the past five years.