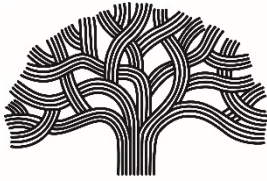


Item 7b - City Clerk's Memorandum to the PEC



CITY OF OAKLAND

MEMORANDUM

TO: HONORABLE MEMBERS OF THE
PUBLIC ETHICS COMMISSION

FROM: Asha Reed, City Clerk
Office of the City Clerk

SUBJECT: Office of the City Clerk Form 700 Compliance Plan

OVERVIEW

This memorandum serves to begin the discussion regarding the organizational structure of the Office of the City Clerk, challenges to effective coordination of data for Conflict of Interest (COI) filings, and stabilization activities in the Office of the City Clerk that will overall improve compliance and management.

Staffing in the Office of the City Clerk

The Office of the City Clerk is currently budgeted at **\$2,354,132** with **17** full time equivalent employees (FTEs). Overall staffing for the Office of the City Clerk has held at the above levels with exception to the FY 2018 budget which authorized the addition of a .75 FTE Receptionist. However, due to economic impacts related to the pandemic, the classification was ordered for layoff January 2021 by the administration to offset anticipated impacts of the pandemic. The position was deleted at the Mid-cycle budget with less than 5 months of service to the Office of the City Clerk.

Authorized Staffing for Elections Services Division

The Elections Division of the Office of the City Clerk is supported by three classifications: one (1) FTE Legislative Recorder, .25 FTE Assistant City Clerk, and .20 City Clerk. The current staffing allocation has primarily supported the Election's division since the 2008 elimination of one (1) FTE Admin Assistant II which provided year-round support to manage membership activity for City Boards and Commissions.

The Office of the City Clerk entered the pandemic with 47% of its administrative staff positions vacant. With staggered vacancies ranging up to 2 years across FTE classifications of Assistant City Clerk, Executive Assistant, Management Assistant, Administrative Analyst I, and elimination of Receptionist position in 2021, the Office of the City Clerk has experienced tremendous challenges with meeting all statutory work demands.

With staffing at critical levels, in January 2022 the City Clerk requested the City Administrator intervene to expedite recruitment and rankings to fill the vacant positions to advance getting the work done.

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Allocation of staff by division:

Division	# of FTE	Position Details
Agenda Management Unit	2.45	2 Legislative Recorders .20 City Clerk .25 ACC - Start 4/04/2022
Elections and Compliance	1.45	1 Legislative Recorder .20 City Clerk .25 ACC - Start 4/04/2022
KTOP	8.20	4 Cable Operations Technicians; 1 Cable TV Operations Chief Engineer; 1 Cable TV Production & Operations Manager; 2 Cable TV Production Assistants .20 City Clerk
Records Management	2.45	1 Admin Analyst I 1 Admin Analyst I - Start 8/08/2022 .20 City Clerk .25 ACC - Start 4/04/2022
Customer Service/Administration	2.45	1 Exec. Assistant - Start 2/22/2022 1 Management Assist – Recruitment in process .20 City Clerk .25 ACC – Start 4/4/2022

To support the most critical job duties of the vacant classifications, activities were supported by remaining filled classifications.

Organizational Changes and Coordination Across Departments

The City of Oakland has experienced significant organizational and leadership changes. Since 2008, the City has had 14 different City Administrators, various Personnel Directors, Division Managers, Controllers, Finance Directors, new department heads for nearly every department, boards and commissions liaisons, and new department payroll staff.

Through the many changes to staff, the Office of the City Clerk performs comprehensive engagement across City Departments to obtain information regarding filers for year-round and annual filing activities. Key tasks include:

- 1) Obtaining notification of new hires, separations, and promotions for required COI filers.
- 2) Presenting COI filing obligations at City New Hire orientations for all new employees who may be required to, designate staff to, or manage systems that designate COI filers.
- 3) Coordination with department payroll staff who set the designations as new employees are onboarded for appropriate designation.

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- 4) Coordination with Department heads and managers to advance oversight of department hires, promotions and separation and sharing of that data with the Office of the City Clerk Election's Division.
- 5) Coordination, upon notification, with the changing staff who serve as liaisons to the City's thirty-four (34) Boards and Commissions regarding membership activity.
- 6) Coordination with the Office of the Mayor, who as of 2008, has the only authorized staffing to support advertising, selection, appointment, and issuing notice of separated members of boards and commissions who are required to file COI statements.
- 7) Manual review and sorting of Oracle reports for employee information and spreadsheets tracking commission membership.
- 8) Data entry of new hires, promotions, and separated filers.
- 9) Coding for delivery of notifications of filing activities.

Challenges To Data Coordination

Efforts are continuous to obtain information from existing and new employees who enter and manage systems with the information for new and former required filers. The course of work is essential to obtaining the information that allows Division staff to perform systems work that notifies filers of COI filing requirements and deadlines. In addition to the changing points of contact across departments, there are several structural and procedural challenges to obtaining the essential data regarding filers. Some significant issues include:

- 1) Until June 2022, the City of Oakland did not have systems with controls for citywide onboarding that included mandatory fields for designation of Form 700 filing obligations. This resulted in conditions that allowed payroll staff to skip designation of filers when processing new hires and promotions which created incomplete and sometimes inaccurate personnel records in Oracle.
- 2) Currently, there are no standard system reports that have been developed that provide clean lists of new hires, promotions, and separation activities.
- 3) The City Clerk receives citywide reports from Oracle, which consist of 5,000+ employees. Given the inaccuracy of designations based on the prior ability to bypass designating new and promoted employees as filers, City Clerk staff must examine all 5,000+ employees and manually review data to identify new, promoted, and separated employees.
- 4) City Departments or the Mayor's Office generate and delivers notices for commission member status to the City Clerk by various spreadsheets and text reports. Since the deletion of the Boards and Commissions Assistant in the Office of the City Clerk in 2008, there has been no consistent oversight of changes to staff supporting boards, board membership information, and compliance with other Charter requirements for City boards and commissions. These factors significantly prevent timely notice and enforcement of assuming and leaving office filings.
- 5) Manual review of imprecise reports is time consuming and undermine the ability to make swift determinations on required filers resulting in the inability to provide notifications within mandatory 30-day requirements.
- 6) As a matter of process, the FPPC referral systems require filer referrals be submitted one (1) filer at a time. The process of manually referring one person to the FPPC can range from an estimated 30 minutes to 1 hour.

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- 7) As previously mentioned, vacancies and insufficient staffing levels have impacted the Office of the City Clerk's capacity to maintain planning deadlines for completion of key tasks.

2021 - 2022 GRAND JURY REPORT

The Office of the City Clerk acknowledges and agrees with many of the concerns and depictions expressed in the Grand Jury's report released in June 2022. In addition, the Office has met with the City Administrator's Office and the PEC Executive Director, Kellie Johnson to discuss the Grand Jury recommendations, to develop a report to the PEC to provide a thorough response before the Commission.

The Grand Jury Report requests a response from the Office of the City Clerk on the following findings and recommendations.

- Finding 9: The Oakland City Clerk's office is not meeting the minimum requirements of the Filing Officer under the Political Reform Act. The issues of non-compliance with the rules regarding Form 700s are long-standing and structural, resulting from inadequate funding, an inefficient system of communication of critical information to the Filing Officer, and limited staffing.
- Finding 10: A transfer of the Form 700 filing duties from the Oakland City Clerk's office to the Public Ethics Commission would require hiring an additional employee; an amendment of the City Ethics Act to identify the Public Ethics Commission as the Filing Officer for Form 700s; and the transfer of the function and payment of the City's contract with the online filing provider, NetFile, from the City Clerk's office to the Public Ethics Commission.
- Finding 12: The City of Oakland's shared electronic Human Resources platform is not used in the Form 700 process but could be customized to assist in the sharing of information between departments.
- Finding 13: The City of Oakland's new employee checklist does not include Form 700 filing requirements to the employee.
- Finding 14: The Grand Jury commends the hard work of those individuals within the Oakland City Clerk's office who are responsible for the Form 700 process. The problems with the Form 700 process are the result of structural limitations, limited staffing, and inadequate interdepartmental communication.
- Recommendation 15: The City of Oakland should transfer the Form 700 Filing Officer responsibility to the Public Ethics Commission.
- Recommendation 17: On its shared electronic Human Resources platform, the City of Oakland should add a field to the employee information section that indicates whether the employee is a required Form 700 filer and require that the field be updated upon hiring, promotion, demotion, or separation.
- Recommendation 18: The City of Oakland should ensure that the Filing Officer is able to access a current list of Form 700 designated employees through the shared electronic Human Resources platform.

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- Recommendation 19: The City of Oakland should add the notification of Form 700 status on the new employee checklist.

In addition, we recognize the PEC's interests, the importance of this discussion, and are deeply appreciative of the opportunity to present before the body and to work more directly with the Commission. The goal of this initial report was to begin the discussion and set the intention to provide the PEC and the public a thorough response.

The last 7 months the Office of the City Clerk has prioritized the coordination of the June 2022 Special Election that included processing one (1) ballot measure as well, coordinating the November 2022, General Municipal Elections activities. Those responsibilities included manually counting 36,861 signatures of one Citizens Petition, processing nine (9) ballot measures, as well thirty-eight (38) candidates for City and Oakland Unified School District (OUSD) offices. In addition, the Clerk's Office has continued supporting the very robust legislative sessions of the open and closed City Council meetings, the Committee meetings, processing of hundreds of agenda reports, ordinances and resolutions that mobilize the operations of the City.

Given the current demands of work and timing of meeting noticing deadlines for the PEC meeting of November 9, 2022, this office will prepare a supplemental report that will speak to the recommendations and will expand in discussion.

The supplemental report will be filed next week. We look forward to the discussion with the commission and the public on the path forward.

For questions regarding this memo, please contact me at AReed@oaklandca.gov

Respectfully submitted,

Asha Reed

Asha Reed, City Clerk
Office of the City Clerk

Attachment (1):

Alameda County Civil Grand Jury Report (Excerpt): "*Oakland Fails to Enforce Financial Disclosure Rules to Protect the Public*"