

Item 8 - Disclose and Engage Report



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TO: Public Ethics Commission
FROM: Suzanne Doran, Lead Analyst
Jelani Killings, Ethics Analyst
Whitney Barazoto, Executive Director
DATE: December 18, 2020
RE: Disclosure and Engagement Report

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 2020

Compliance

Contribution and Voluntary Expenditure Limits Adjustment – On January 14, the US Bureau of Labor Statistics released the 2019 CPI data used for the annual contribution and voluntary expenditure limit adjustment pursuant to the Oakland Campaign Reform Act (OCRA). Staff calculated the annual adjustment and published the new limits as required by OCRA. The adjustment increased the individual contribution limit for candidates that voluntarily accept expenditure limits from \$800 to \$900 per election.

Campaign finance disclosure – As of December 2020, the City of Oakland has 98 registered political committees required to file periodic campaign disclosure statements, 58 candidate and officeholder committees, 32 general purpose committees, 5 primarily-formed ballot measure committees, and 3 primarily-formed candidate committees. Two Oakland elections were conducted in 2020, a special election on March 3 and the general election on November 3, 2020. As a result, there were six scheduled campaign statement deadlines this year. In all, staff processed and reviewed close to 1,000 campaign-related filings during 2020.¹

During facial review staff detected 11 statements with issues requiring amendments and worked with filers to voluntarily come into compliance. Staff assessed \$600 in late fees against six filers. During the

¹ 220 Campaign Statements (Forms 460 and 461), 340 Late Contributions Reports (Form 497), and 409 Late Independent Expenditure Reports (Form 496).

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pre-election period, staff collaborated with the Fair Political Practices Commission to reach out to non-filers and ended the year with all 2020 committees having submitted the required disclosure statements. After repeated notices and outreach attempts by staff, one candidate was referred for enforcement to the FPPC for failure to file the Short Form 470 used by candidates with under \$2,000 in campaign activity.

Streamlined Signature Verification Process for Electronic Campaign Filings – When the PEC took over filing officer duties in 2017, a paper-based registration system was in place that required candidates and campaign treasurers to visit the PEC offices in-person or pay a notary to complete their paperwork before they could file their reports online. In addition, the online system required committees to manage multiple sets of PINs and complete a complicated series of steps to submit campaign filings. The signature process generated a majority of technical assistance requests in the PEC front office during the peak times for advice and assistance in the weeks of filing deadlines, and the issue became an even more immediate concern when the PEC’s public office closed due to the COVID-19 pandemic as 2020 candidates were registering their committees.

After determining there were no legal or security issues that required maintaining the in-person process, Commission staff eliminated the in-person signature card procedure and instituted a simplified form that includes an agreement to conduct all further transactions electronically and that can be signed and submitted electronically. The streamlined process allows campaign filings to be submitted without any in-person contact, which is particularly important during the COVID-19 pandemic but will continue indefinitely. Staff worked with filing system vendor NetFile to implement a simplified submission process in time for the first major filing deadline in July. In line with efforts to digitize and streamline disclosure reporting, Commission staff also implemented a digital form for candidates accepting voluntary campaign spending limits ([OCRA Form 301](#)).

Political Contributions Solicited by City Officials – Effective July 1, 2019, 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. Commission staff developed an online form for reporting solicited contributions ([OCRA Form 303](#)). Two solicited contributions were disclosed by Mayor Schaaf in connection with the November 2020 election. Both contributions were to the Committee for an Affordable East Bay (view committee on [OpenDisclosure](#)) and totaled \$107,500. The purpose listed was to support Derreck Johnson and oppose Rebecca Kaplan for City Council At Large.

Lobbyist disclosure – Since January 2018, all lobbyist forms and reports required by the Lobbyist Registration Act must be filed with the Public Ethics Commission as filing officer for the City of Oakland. Sixty-three lobbyists registered with the City of Oakland as of December 2020 representing a total of 110 clients. Staff processed close to 200 lobbyist reports this year.

Oakland lobbyists reported \$1,314,123 in payments from clients and a total of 678 contacts with City officials during the first three quarters of 2020.² Twenty-nine contributions to candidates solicited by lobbyists were reported. No employment relationships with City officials were reported.

Lobbyist e-filing – In August 2019, Commission staff initiated a partnership with the City of Oakland’s Information Technology Department (ITD) to build an electronic [Lobbyist Registration and Reporting system](#) to increase the efficiency of our lobbyist registration program and vastly improve internal and

² The filing deadline for the fourth quarter is January 30, 2021.

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public access to the data contained within the reports. The Lobbyist Registration and Reporting app went live in July 2020 on the City's OakApps platform in time for the second quarter lobbyist activity reporting deadline. The system is designed to make compliance with the disclosure requirements of the Oakland Lobbyist Registration Act simpler and more convenient for the regulated community and enables lobbyists to submit and manage all aspects of their registration and reporting requirements online. Registration and client information is stored to reduce time spent by lobbyists on data entry. Lobbyists may view their filing history and print or download filings. Dropdown lists are provided to improve accuracy and standardize the data for greater searchability and analysis. Resources for lobbyists, such as links to the Act, the PEC's lobbyist guide, and a searchable FAQ are provided within the app. The administrative system enables Commission staff to easily track compliance with a dashboard feature, automated reports, and notifications to filers.

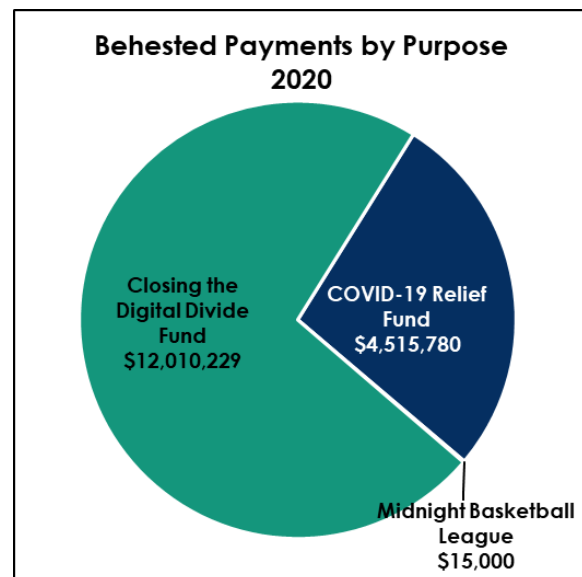
FPPC Form 803 Behested Payments – California law requires Oakland elected officials to file an FPPC Form 803 report any time they fundraise or otherwise solicit payments for a legislative, governmental or charitable purpose that total \$5,000 or more in a calendar year from a single source (one individual or organization) to be given to another individual or organization. The official must submit the FPPC Form 803 report to the campaign filing officer within 30 days. To aid compliance, Commission staff implemented an online Form 803 process so that elected officials could submit their reports digitally.

In 2020, the Commission received 38 filings from the Mayor's Office reporting a total of \$16,541,009 in solicited contributions, \$12,010,229 to the Closing the Digital Divide Fund, \$4,515,780 to Oakland's COVID-19 Relief Fund, and \$15,000 to the Midnight Basketball League.

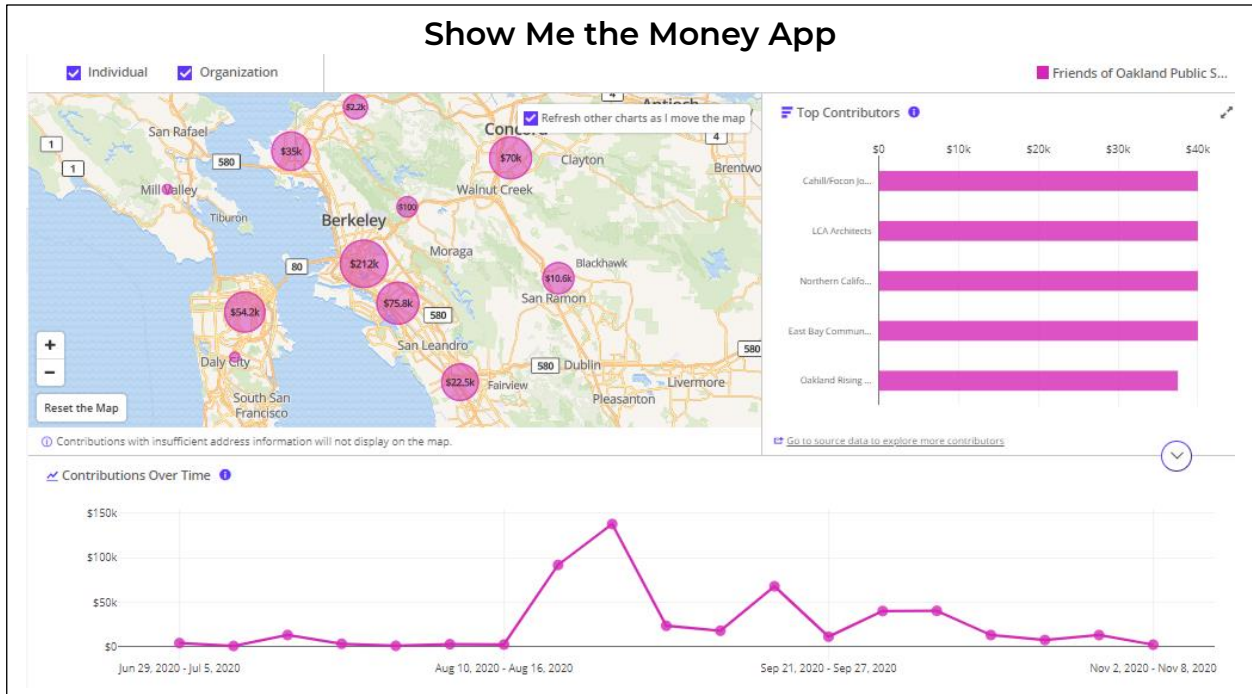
Illuminating Disclosure Data

Lobbyist Disclosure Data – As of 2020, Oakland residents have immediate online access to lobbyist disclosure data for the first time. In December, the Lobbyist Registration and Reporting app added a [public lobbyist directory](#) with a dashboard display and directory enables users to view and download lobbyist registration and activity reports from [OakApps](#).

Show Me the Money App – Over the summer, Tyler Technologies, owners of the Socrata data platform which provides the [OakData](#) portal for the City of Oakland, approached Commission staff to collaborate on the launch of an innovative new tool that maps the geographic source of campaign contributions to candidates and political committees. Users of the ["Show Me the Money"](#) app enter the name of a candidate or committee in a search box to generate a map showing the sources of campaign cash. The application also includes a bar chart of top contributors and a graph of contributions over time.¹ Up to three candidates may be selected at a time for comparison. Like the



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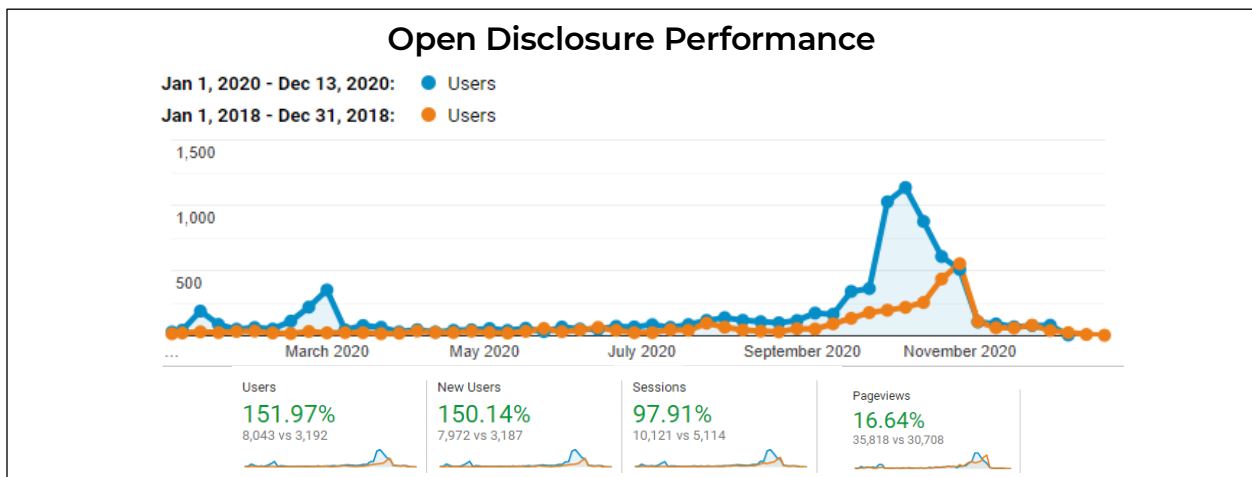


Commission’s other campaign finance projects, the data is updated daily from the City’s campaign finance database.

Working closely with the City’s IT department, Commission staff was able to set up the process to extract data from the City’s campaign finance database, transform the data into the required format, and load it to the app in time to unveil the [“Show Me the Money”](#) tool for the November election. The underlying dataset is also published on OakData, providing the public with a new dataset of campaign contribution data enhanced with geocoded contributor data as well as other election information.

Open Disclosure – Commission staff and Open Oakland volunteers launched the updated 2020 [OpenDisclosure](#) campaign finance app showing the flow of money in Oakland’s March and November elections in an easy to understand, interactive format. New features implemented for the 2020 elections included:

- Donor search across all elections and campaigns.
- Election overview pages with data highlights such as contributions reported, the three most expensive races, candidates with the largest proportion of small contributions, and a breakdown of contributions overall by source.
- Direct links to candidate data in the [“Show Me the Money”](#) app displaying the location of campaign contributors.



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8,043 users visited OpenDisclosure in 2020, generating 10,121 sessions and 38,818 pageviews between January 1 and December 14, 2020. Since launching Open Disclosure in 2014, the site has reached 29,286 users with 133,246 views of Open Disclosure content.

Advice and Engagement

Advice and Technical Assistance – In 2020, Commission staff responded to 427 requests for information, advice or assistance regarding campaign finance, ethics, lobbyist registration or public records issues.

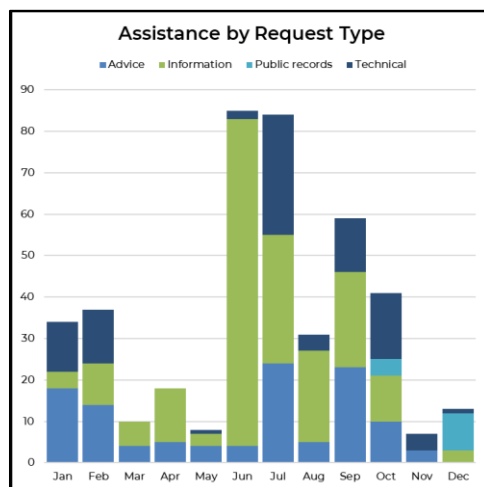
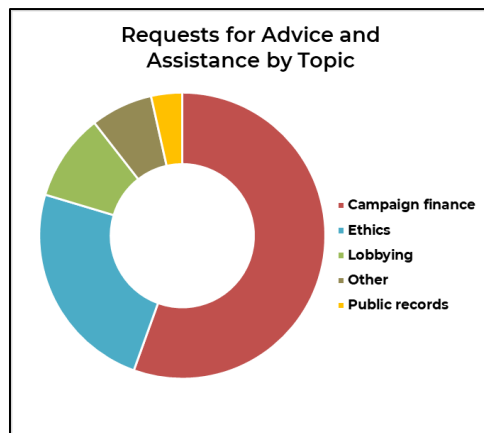
Elected Officials – Elected officials are required to take the PEC’s online Ethics Training for Form 700 Filers. All elected officials have taken the PEC’s online training.

New Employee Orientation – Commission staff continued its work with the Department of Human Resources to ensure that every new City employee receives introductory Government Ethics training. As an ongoing practice, Commission staff presents an overview of both the Government Ethics Act and the Commission’s services at every New Employee Orientation (NEO) provided by the City. These orientations typically occur monthly, and in 2020 staff conducted a total of eight presentations that reached approximately 270 new employees.³

Ethics Training for Form 700 Filers – In 2020, 148 employees completed the PEC’s online Government Ethics Training for Form 700 Filers. 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 three 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. In addition, ethics training videos on the PEC’s YouTube channel received over 1,100 views this year.

Supervisor Academy – Staff conducted ethics presentations at two Supervisor Academies, providing over 40 supervisor-level City employees with an overview of the Government Ethics Act and PEC services. This academy is a relatively new feature added by DHRM in 2017 to provide training to supervisors on City policies and procedures, internal systems, and leadership skills relating to day-to-day supervision. Supervisor Academy sessions provide an opportunity to dive into discussions of ethical issues and scenarios and provide 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 – In January, PEC staff held in-person ethics trainings for the City’s board and commission members. Between the two offered sessions, nearly 100 board and commission members received training on provisions of the Government Ethics Act including Form 700 requirements, conflicts of interests, gift rules, misuse of City resources/position, and “revolving door” rules.



³ Due to COVID-19, NEOs were cancelled during the months of March through June.

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Upon request, Commission staff continued to provide introductory ethics trainings to City board and commission members. This past year, staff provided three presentations to the Oakland Fund for Children and Youth Oversight Committee, Community Development Block Grant Committees (Districts 1-7) and the City's Redistricting Commission, respectively. Staff introduced the City's Government Ethics Act and an overview of the Commission's services.

Candidates and Campaigns – In May, Staff held a joint candidate and treasurer training with the Fair Political Practices Commission (FPPC). Twenty-six attendees were provided 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.

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, contribution rules, common filing errors, ballot measure activities, and post-election obligations.

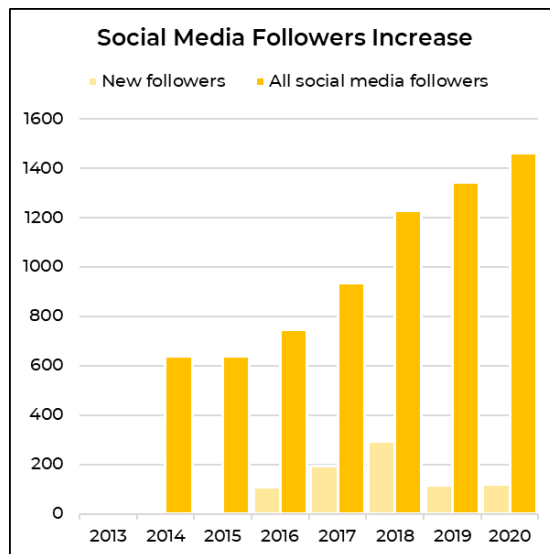
Publications – Commission staff revised two comprehensive guides intended to assist the regulated community in complying with local laws and published a new brochure:

- **Oakland Campaign Reform Act Guide** – Commission staff made substantial revisions to the guide to the Oakland Campaign Reform Act to incorporate new disclosure requirements added to the ordinance in June 2019.
- **Limited Public Financing (LPF) Guide** – Staff updated the guide for the 2020 election, making updates to LPF program forms along with additional edits to ensure that language is consistent with the revised Oakland Campaign Reform Act (OCRA) Guide.
- **Lobbyist Brochure** – Commission staff published a new brochure outlining the rules for lobbying Oakland City officials to increase awareness of the Lobbyist Registration Program among potential lobbyists as well as City staff. The purpose of the brochure is to increase awareness of the City's Lobbyist Registration Program as well as the transparency of lobbyist activities happening in Oakland.

Newsletter – The PEC published and distributed the ninth issue of its newsletter **Public Trust**. The newsletter covered a range of topics including campaign rules, use of city resources, and highlights of the PEC's program areas. The newsletter was distributed electronically to all City staff and Commission followers and shared widely via social media and the Commission's website. Through the Commission's email distribution list alone, 935 individuals received the PEC newsletter.

Online Engagement

Social Media – In 2020, Commission staff continued producing monthly social media content highlighting PEC policy areas, activities, and topics of interest to specific client-groups. Social media posts generated over 57,000 impressions (views of PEC content) and approximately 1,000 user engagements (likes, shares or retweets, clicks on links, and new followers). Our



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social media followers continue to grow with a net gain of 118 new followers for a total of 1,462 followers at the end of 2020.

Website – Commission staff collaborated with the City’s Digital Services department to gain deeper insight into user activity on our webpages and improve discoverability of key information. Based on the user research, Digital Services implemented a [service menu page](#) to improve the navigability of the City website. Website users can now find core PEC services without prior knowledge that the PEC is the service provider. PEC website content was revised this year to meet the City’s accessibility standards, such as ensuring content can be read by screen readers, simplifying vocabulary, and labeling images with alt text. Staff also updated the online mailing list subscription form so interested persons can select from multiple lists to receive updates relevant to specific client groups and issue areas.

General Outreach

In January, PEC staff accompanied Commissioners Smith and Tuman to a joint community presentation with the City Auditor’s office for the Oakmore Community Group. Commissioners Smith and Tuman shared background information about the PEC and informed attendees about key accomplishments and current work of the Commission. Commissioners and PEC staff answered questions related to public records requests, open meeting requirements, and disclosure and education programs. PEC staff provided attendees with several ethics resources to learn more about the Commission and our services.