

# PUBLIC TRUST

## PEC Reviews Use of City-Owned Warrior’s, Raider’s, A’s Tickets

Should Oakland officials be allowed to use tickets received by the City to attend entertainment and sporting events? How often should they be allowed to go? Are they violating any ethics laws? All these questions and more arose amid news reports in 2016 of Oakland City officials attending many dozens of Golden State Warriors games using City-owned tickets and claiming they were there to “oversee the facilities.”

The City receives thousands of tickets each year for events at both Oracle Arena and the Oakland Coliseum pursuant to contract agreements with the Golden State Warriors, Oakland A’s, and Oakland Raiders. Under state law, the City can distribute those tickets to public officials to use exclusively for a “public purpose” that must be identified in a local ticket distribution policy and the official must file a form (Form 802) indicating specific information including who used the ticket, event details, and the public purpose under which the distribution was made.



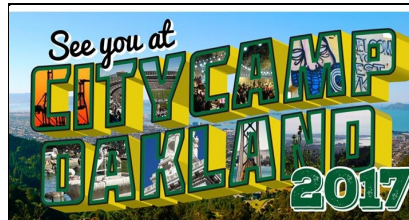
Image: <http://privatesuitenetwork.blogspot.com/>

With new enforcement authority under the Oakland Government Ethics Act, the Public Ethics Commission (PEC) opened an investigation in June 2016 into the use of City distributed tickets and also initiated a project to assess the City’s policy and process for distributing City-owned tickets.

In November 2016, the PEC held a public hearing to gather information about the City’s existing Ticket Distribution Policy as well as the process by which the City receives, tracks, and

distributes tickets provided to the City pursuant to agreements with the Coliseum Authority and the Oakland A’s, Raiders, and Warriors teams. During the public hearing, the Commission heard from practitioners and experts about the City’s current policy and process, and Commissioners drilled down on the legal, process, policy, and ethical concerns that should be addressed.

The Commission will soon release ticket policy and process recommendations to the City Administrator and City Council. You can watch the Commission’s November 30, 2016, Ticket Policy hearing on our Meetings page of the PEC website and email us your comments.



OpenOakland and the City of Oakland will host CityCamp on Saturday, March 25th at City Hall to provide a space to collaborate

on innovative civic engagement, data, and technology projects to further government transparency and effectiveness.

Oakland neighbors, young people, community leaders, local government officials and employees, artists, developers, designers, journalists, and hackers can share, learn, and find new avenues for partnership and growth. Bring your own topic or project, or join in on someone else’s great idea. Attendees help shape the events and focus for the day.

To attend, visit [www.citycampoak17.eventbrite.com](http://www.citycampoak17.eventbrite.com) or visit [www.openoakland.org/citycamp/](http://www.openoakland.org/citycamp/).

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## Community Spotlight:

### *Citizens Partnering with Government*

By Carol Wyatt, Oakland Resident and Former PEC Commissioner

I have seen first-hand that when residents and City officials work together, the outcome results in improved services and quality of life. There are many changes and challenges that the City faces, and it requires an open and effective communication model to leverage the strengths of community members with the resources provided by local government.

Oakland has several boards and commissions as well as neighborhood groups that serve as catalysts for residents to get involved and help shape how the City addresses issues. These bodies are critical in fostering collaboration between the public and City government, promoting dialogue, and identifying solutions through an inclusive process.

As Chair of the Beat 7X Neighborhood Crime Prevention Council (NCPC), I have witnessed this relationship work first hand. By engaging with OPD through NCPCs, neighborhoods are supported by law enforcement to solve problems and minimize crime. We are routinely updated on OPD's priorities



Carol Wyatt facilitates the Neighborhood Crime Prevention Council meeting for Beat 7X.

and strategies to address crime while at the same time building relationships with our patrolling officers and neighbors. Our concerns are not only heard but valued and acted upon.

The results have been impressive. Our community is seeing reductions in crime but more importantly, the open line of communication between residents and OPD has increased public trust and alleviated long held stigmas regarding police and their role in the community.

This form of citizen engagement and open communication is the key to keeping Oakland moving forward. I encourage you to get involved and join one of the City's boards/commissions or start by attending your neighborhood's NCPC meetings.

## Help Us Redesign Our PEC Website

Here at the PEC, we recognize that more and more Oakland residents look first to the digital realm to conduct their business and find services. As part of an overall effort by the City of Oakland to make government more accessible online, the PEC is partnering with skilled volunteers from the Open Oakland Civic User Testing (CUT) group to provide our website users with a site that better serves their needs. By listening to the Oakland communities we serve, we seek to understand how our website can more clearly communicate the PEC's purpose, functions and resources, particularly for those not familiar with the Commission. We also want our website organized so that it is easier for residents to navigate and find the information or service they need.

### Tell Us How You Use the PEC Website

Over the next two months, the Open Oakland CUT Group will research what parts of the current site are visited the most. The PEC and CUT Group will also work together to survey

Oakland residents, City staff, candidates and officeholders, and other key users to learn how they use the PEC's online resources. The resulting research data and a report of the CUT Group's findings and recommendations will be used for improvements to the PEC website and your participation is crucial. To participate in upcoming surveys, subscribe to PEC updates [here](#).



Open Oakland Civic User Testing group members pictured left to right: Richard Ng, Niranjana Krishnamurthi, Helen Lerums and Ronald Pineda.

## Spot the Yellow Flag!

### *Misuse of City resources or position for personal gain*

Remember that your City position is a public trust and paid for by public tax dollars. As a steward of public trust and resources, you are prohibited from using your City position or public resources for personal gain.

Public resources include more than money. Public resources also means any property or asset owned by the City including but not limited to buildings, equipment, supplies, vehicles, computers, travel, and City-compensated time.

Public servants are also prohibited from using their City position for political influence. This means that you cannot use your position to unfairly confer or prevent any person from securing a position, promotion, or change in compensation within the City.

Below are some examples of prohibited uses of your City position and public resources to help you identify yellow flags and avoid possible violations of the law:

1. Using City-generated email lists for any non-City purpose
2. Using City telephone to take calls for your private business
3. Writing a reference on official City letterhead for a friend who is not a current or prior City employee



4. Asking a subordinate, on City-paid time, to run a personal errand for you that is not related to City business
5. Using City computer to work on non-City related projects
6. Using your official position to persuade someone to give you a discount or perk not available to the general public
7. Promising someone that you will get them appointed to a City board

**Note:** There are very narrow circumstances where using public resources for a non-city purpose are allowable. These exceptions are for uses that are considered incidental and minimal. Calls for medical or other emergencies or an occasional telephone call are examples of incidental and minimal uses of public resources.

If you have any questions regarding provisions of the Government Ethics Act as it pertains to the use of City resources, contact the PEC for advice and/or assistance at (510)238-3593 or email us at [ethicscommission@oaklandnet.com](mailto:ethicscommission@oaklandnet.com).

## Accessing Oakland Records

Transparency in City government is vital to ensure public trust. In 2014, the Public Ethics Commission produced the report [Towards Collaborative Transparency](#) to serve as a roadmap toward a more open and transparent government. While there is more work to be done in this area where the Public Ethics Commission has no authority to impose penalties for a violation of the Sunshine Ordinance, there are existing avenues for finding key City information. Here are a few of the resources in place to help engage and inform you about public business taking place in Oakland:

### Meeting Agendas and Minutes

The City is required to post an agenda including reports and other related documents for every meeting in which a discussion and vote takes place. The City is also required to maintain meeting minutes as a record of any action taken.

You can find all meeting agendas and minutes on the City's [website](#) or request copies from the City Clerk's office.

### Disclosure Filings

There are a number of activities that require public officials, lobbyists, and those doing business with the City to disclose certain information required by law.

Go to the Open Government [page](#) on our website to check out links to various disclosure filings in the City.

### RecordTrac

All members of the public are guaranteed access to public records and documents including reports, emails, memos, and other communication that are not legally protected from disclosure. [RecordTrac](#) is a user-friendly platform that allows the City to efficiently respond to requests for information made by the public.

## Activity Updates

### Enforcement

In 2016, the Commission received 24 complaints, which led to six new enforcement cases being opened. The Commission also opened six enforcement cases pro-actively.

The PEC resolved 29 enforcement cases, including 17 complaints received in 2016 and all nine of the remaining complaints received in 2010, 2011, and 2012

The PEC issued fines of \$2,100, \$3,000, and \$14,400, totaling \$19,500, for violations of the Oakland Campaign Reform Act. As of January 31, 2017, the Commission has 27 open enforcement cases, including 20 active investigations.

The Commission now posts a list of all fines and settlement documents on the [Enforcement page](#) of its website.

### Education

2016 was a busy year for Commission staff as the PEC ramped up its education efforts. Staff continues to educate City employees, board/commission members, and elected officials about their responsibilities under the Government Ethics Act.

PEC staff is currently creating a comprehensive online ethics training for public servants in Oakland specifically designed for Form 700 filers.

### Lobbyist Registration

Under the Lobbyist Registration Act, registered lobbyists are required to submit quarterly reports disclosing their lobbying activities in Oakland and are required to register with the City before commencing with any lobbying activities.

In 2016, there were 47 registered lobbyists with the City, and over \$2,374,775.19 was reported for compensation received by lobbyists to lobby City officials.

Find out who is trying to influence City officials regarding issues and governmental decisions in Oakland by checking out our [lobbyist information](#) page on the PEC website.

### Policy

On November 29, 2016, the Oakland City Council unanimously approved Commission-proposed amendments to the Oakland Campaign Reform Act (OCRA).

Changes to the Oakland Campaign Reform Act more than double penalties for campaign finance violations; expand the statute of limitation period so that the Commission can prosecute violations as far back as four years ; and enable the Commission to require forfeiture of contributions received illegally.

### Outreach

The PEC has been actively engaging the community through a series of presentations known as the Roadshow. The community presentations aim to educate the public about the PEC's prevention and policy work, share information about recent enforcement actions, and hear from the community about issues that are important to them.

If you would like to have a Commissioner come speak to your community group or association, contact Jelani Killings at (510) 238-3593 or at [jkillings@oaklandnet.com](mailto:jkillings@oaklandnet.com).



### Social Media

Follow the PEC on Twitter and Facebook. Stay informed of important updates and join the conversation on good governance and ethics. We want to hear from you.



@OakGovEthics



@OaklandEthics

You can also subscribe to our email distribution list at

[www.oaklandnet.com/pec](http://www.oaklandnet.com/pec).

**“Ensuring Fairness, Openness, Honesty, and Integrity in City Government”**