

PUBLIC TRUST

A New Ethics Commission

Since the passage of [Measure CC](#) in 2014, the Public Ethics Commission (PEC or Commission) has experienced a complete transformation. Expanded authority, greater independence, new office space on the first floor of City Hall, and new staff positions all contribute to an exciting new era for the PEC, and ultimately, the City. As part of the PEC's historic transformation, Oakland City Council also adopted a new Government Ethics Act in December 2014 that provides a comprehensive framework of ethics rules in Oakland and gives the PEC the authority to enforce these local laws.



Together, these changes mean the PEC is becoming far better equipped to provide effective training, timely advice, and strong enforcement of government ethics and campaign finance laws.

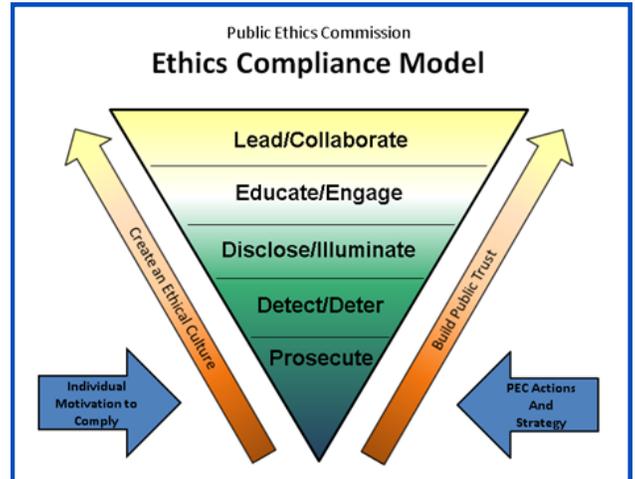
Utilizing a comprehensive ethics compliance model, the PEC works proactively to ensure that City public servants know about and understand the ethics laws that govern their work, and it also reviews and ensures that City laws, policies, and City systems support ethical conduct. This approach is based on best practices in government ethics work nationally, and it reflects the common sentiment that most City public servants want to follow the law and that an ethics commission can help further that mutual goal.

As part of the comprehensive approach, the Commission also is working to enhance the collection and accessibility of government ethics and campaign finance data. In 2014, the Commission joined with OpenOakland to create a new web application, www.opendisclosure.io, to show the City's campaign data for the then-mayoral election in a way that is interactive and easy to understand. Tools like this will be part of the Commission's ongoing work to illuminate City ethics-related data.

Along with greater enforcement authority and two new staff to conduct investigations and administrative prosecution of violations, all of these changes are positioning the PEC to effectively carry out its mission of ensuring fairness, openness, honesty, and integrity in City government.

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The PEC's new front desk and office space on the first floor of City Hall.



Director's Corner

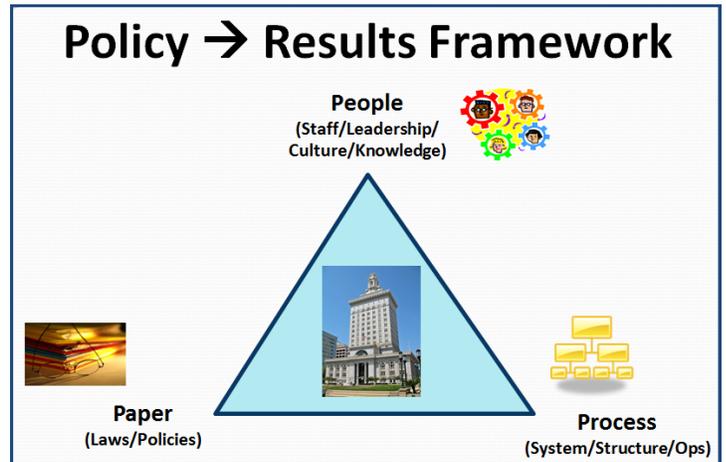
Dear City of Oakland Community,

When I was hired in 2012 as the only Public Ethics Commission staff, I understood the many challenges facing the Commission: inadequate resources and staffing, weak laws, no ethics ordinance, and a lack of organizational independence - compared with a huge mandate to "ensure fairness, openness, honesty, and integrity in City government."

I also saw a City with significant assets: a strong desire by the community to ensure government integrity, a network of talented City employees and citizens looking for opportunities to improve City government, and key City leaders who saw the value in creating an effective ethics commission.

Two and a half years later, City Councilmembers and Oakland Voters overwhelmingly supported our Commission's expansion in an amendment to the City Charter in November 2014. The following month, City Council again augmented our Commission's legal authority by passing Oakland's new Government Ethics Act, which consolidates state and local ethics laws in one place and gives the Commission the authority to enforce local ethics laws.

While these new laws give our PEC strong ethics authority, independence, and staffing, the Commission's implementation of these laws incorporates a modern, holistic approach to government ethics work that seeks alignment of the City's laws, policies, operations, culture, and leadership to achieve our desired ethics outcomes. In other words, we don't just focus on the law and violations; rather, we review the system as a whole to determine how best to achieve the compliance results we seek. Better results may require legislative changes, new policies or procedures, different technology, modeling by leadership, more training, timely outreach/communications, or operational changes that we can recommend to the City Administrator, Mayor or City Council.



This focus on results leads us back to our own Commission's performance. Commission staff recently partnered with Mills College School of Business and Public Policy graduate student Suzanne Doran to create a Performance Management System that would identify and track Commission and City progress toward specific policy goals, and provide a mechanism for reporting this progress to the public on an ongoing basis. We know that tracking performance of an ethics commission - how well it does its job of ensuring and enhancing compliance with ethics laws - is difficult but critical. It helps us evaluate the effectiveness of our activities, adjust our focus based on that data, and share our results with the community. Commission staff drafted Commission goals, activities, and "key performance indicators" and will share the proposed performance measurement system with the Commission and the public in July.

Our goal is to always strive for better government integrity outcomes for our City, and for our Commission to be part of the solution. Despite great progress, we still have work ahead to continue to build an effective ethics commission that serves as both a guide dog and watchdog for government integrity in Oakland. We welcome your suggestions and help along the way.

Very sincerely,

Whitney Barazoto

Meet Our Team - Commissioners



Left to right: Commissioners Krisida Nishioka, Stephen Shefler, Carol Wyatt, Marc Pilotin, Sonya Smith, Jonathan Stein and Dana King

The Public Ethics Commission is an independent, non-partisan board of seven volunteer Oakland residents responsible for establishing Commission policies and priorities, promoting government transparency, and serving as a quasi-judicial body that adjudicates enforcement matters investigated by staff.

Commissioners are appointed as follows:

1. The Mayor, City Attorney, and City Auditor each appoint one member subject to veto by City Council.
2. The PEC recruits and selects four members.

Commissioners are volunteers who each serve a term of three years.

Seeking New Commissioners!

The PEC will have 3 vacancies at the end of 2016 and will be accepting Commissioner applications this fall.

We seek representatives from a variety of backgrounds and professions so that the Commission as a whole provides a well-rounded perspective on Oakland City government, community building and engagement, leadership, program administration, enforcement, law, and policies related to campaign finance, ethics and transparency.

If you or someone you know has an interest in joining the Public Ethics Commission, check our website in September or request to be put on our email distribution list for upcoming announcements by sending an email to ethicscommission@oaklandnet.com.

Commission Staff

The Commission has hired four full-time staff in the past nine months, with one remaining position still to be filled. The new staffing structure is as follows:

1. Commission Assistant
2. Educator (Ethics Analyst I)
3. Open Government Technologist (Ethics Analyst II)
4. Investigator
5. Deputy Director/Enforcement Chief
6. Executive Director

Commission staff handle the day to day activities of the PEC, including administration, education/training, investigations, administrative prosecution, and policy creation and implementation.



Left to right: Jelani Killings, Ana Lara-Franco, Simon Russell, Whitney Barazoto and Milad Dalju

2016 Election: Campaigns, Contributions, and Ethics

With election season in full swing, the PEC wants to ensure that candidates, committees, City employees, and the community are aware of the guidelines for campaign activity in Oakland. The [Oakland Campaign Reform Act](#) (OCRA) regulates campaign activity in Oakland and was instituted with the purpose of ensuring that all individuals and interest groups in our city have a fair and equal opportunity to participate in elective and governmental processes.

Campaigns & Elections

Offices for election this year include the City Attorney, Councilmember At-Large, along with Councilmembers and School Board Directors for Districts 1, 3, 5, and 7. The City's nomination period begins Monday, July 18, 2016 and will end Friday, August 12, 2016. We encourage all candidates filing nomination papers to stop by our office for an ethics consultation and to pick up your PEC election packet. For more information concerning campaign requirements, visit our website and check out the [candidates](#) page.

Also be on the lookout for our 2016 Open Disclosure app coming soon!

Spot the Yellow Flag!

The PEC is here to assist City employees in making ethical decisions while carrying out their duties. It is vitally important that public servants always consider the law and public perception before taking any action. If you're getting something for nothing, or you or your friend receives something – a perk, discount, free pass, ticket, free lunch, or even a City contract – because of your position with the City, that is a YELLOW FLAG! And when you see a yellow flag, we urge you to call us for advice.

Conflicts of interest laws can be complex and with the increasing probability of public servants having a number of outside financial investments, it is important to understand the restrictions around making decisions that can potentially impact your personal finances.

The City's [Conflict of Interest Code](#) identifies City officials and employees that are required to file an annual statement of economic interests (Form 700). Form 700 provides transparency to the public and serves as a reminder to public servants to be aware of their own financial interests as they make decisions that could potentially impact their own personal finances.

For more information on conflicts of interest, gift restrictions, and misuse of City resources or position, check out our summary of the City's Government Ethics Act on our [website](#).

In the meantime, here are a few tips to help you recognize an ethical dilemma and what to do if you spot a yellow flag:

1. Ask yourself, how does the public benefit from this decision?



2. Stay away from taking any action that may result in a personal benefit to you.
3. If you're not sure if you have a financial conflict of interest, call the PEC before taking any action.
4. Apply the newspaper test: How would this decision appear if it were posted on the front-page of the newspaper?
5. If you notice unethical behavior, speak up by either contacting the PEC or calling the City Auditor's Fraud, Waste, and Abuse Hotline at 888-329-6390.

The PEC offers advice and assistance to individuals that are subject to ethics laws in Oakland. If you have any questions about adhering to any government ethics law, and before you take action that could be in violation of the law, contact the PEC with your questions.

HOW TO FILE A COMPLAINT

The PEC has jurisdiction over the following laws in Oakland:

1. [Oakland Government Ethics Act](#)
2. [Oakland Campaign Reform Act](#)
3. [Oakland Sunshine Ordinance](#)
4. [Lobbyist Registration Act](#)
5. [Limited Public Financing Act](#)
6. [False Endorsement in Campaign Literature Act](#)

If you believe that an ethics violation of any law listed above has occurred, you should contact the PEC. You may submit your allegation either verbally or in writing via a formal or informal complaint. A formal complaint must be submitted using the complaint form provided by the PEC. An informal complaint may be submitted by telephone, in person, or in writing. Complaints may also be submitted anonymously.

The PEC is only required to process and review formal complaints that are submitted. The PEC retains discretion whether to process and review any informal complaints.

Upon receipt of a formal complaint, Commission staff conducts a preliminary review of the complaint to determine whether to open an investigation. After conducting a preliminary review of a complaint, the Executive Director will either open a case for investigation, resolve the complaint by way of dismissal, or recommend closure.

You can learn more about the PEC's complaint procedures on our [website](#).

The form is titled "City of Oakland Public Ethics Commission Complaint Form". It includes a header with the City of Oakland logo and the Commission name. A box in the top right corner is labeled "For PEC Staff Use Only" and contains fields for "Date Received:", "PEC Staff Initials:", and "Complainant #:". Below the header is a paragraph explaining the Commission's jurisdiction and the public record status of the form. It includes instructions for formal and informal complaints and a section for contact information of the person making the complaint. At the bottom, there is a section for "Type of Alleged Violation" with checkboxes for various laws: "The Oakland Sunshine Ordinance, California Public Records Act, or Ralph M. Brown Open Meetings Act", "Oakland Campaign Reform Act", "Oakland Limited Public Financing Act", "Oakland Lobbyist Registration Act", "Oakland False Endorsement in Campaign Literature Act", and "Oakland Government Ethics Act". A note indicates that "The law which specific law, ordinance or regulation apply" should be selected.

Question: As a City employee or official, can I contribute to or volunteer for a political campaign of someone running for an office in Oakland?

Answer: Yes. Being a public servant does not diminish your rights as an American citizen to participate in the democratic process. However, there are a few rules:

- You must perform all of your political activities on your own time.
- You may not make or receive a contribution on City property
- You must not use City letterhead, supplies, equipment, or personnel for campaign or personal purposes.
- You may not solicit a political contribution from another City Public Servant, or from a person on an employment list of the City
- Your contribution may not be in return for your appointment or promotion as a public servant
- You may not participate in political activities of any kind while in your City work-related uniform

Activity Updates

Enforcement

In 2016, the Commission closed 3 cases and issued a total of \$5,100 in fines for violations of ethics laws. The Commission also opened four pro-active investigations into possible violations of the Government Ethics Act or the Campaign Reform Act.

Commission staff continues to prioritize cases based on the following priority factors: 1) the extent of Commission authority to issue penalties, 2) the impact of a Commission decision, 3) public interest, timing, and relevancy, and 4) Commission resources.

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

Outreach

Look out for the PEC Roadshow! Commissioners will be making rounds to share about the PEC's mission and efforts at neighborhood and community meetings. If you would like to have a Commissioner come speak to your community group or association, you can contact us by calling 238-3593 or sending an email to ethicscommission@oaklandnet.com.

Lobbyist Registration

The Lobbyist Registration Act was created to keep the public informed about individuals and entities that are seeking to influence governmental decisions in Oakland.

The PEC ensures compliance with lobbyist registration requirements and discloses all submitted quarterly reports to the public.

There are currently 45 registered lobbyists with the City and over \$698,451 has been reported in 2016 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

The PEC is currently drafting amendments to the Oakland Campaign Reform Act.

In October of 2015, the PEC held a Money in Politics Forum in partnership with the League of Women Voters that explored current practices and emerging trends in campaign finance reform.

The PEC aims to strengthen the current law and close existing loopholes that impact the Commission's ability to enforce the law.

Education

The PEC is providing all City boards and commissions with a presentation about the Government Ethics Act and their responsibilities under City law. To date the Commission has made 11 presentations reaching over 74 board/commission members.

The PEC worked with the City's Department of Human Resources to integrate an introduction of the City's Government Ethics Act into the City's New Employee Orientation. Approximately 100 new employees have watched the PEC's GEA introductory video and received a Government Ethics for Public Servants fact sheet outlining the provisions of the City's ethics laws.

Data

In 2014, the PEC partnered with Open Oakland, a Code for America brigade, to create an application that simplified and visualized campaign finance data to show the money that went into and out of Mayoral campaigns.

The PEC is working with Open Oakland again to provide campaign data for all City Council campaigns in the 2016 election.

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