

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Regular Commission Meeting
Monday, February 3, 2020
Hearing Room 1
6:30 p.m.



Commissioners: James E.T. Jackson (Chair), Nayeli Maxson Velázquez (Vice-Chair), Jill M. Butler, Michael MacDonald, Janani Ramachandran, Joseph Tuman, and Jerett Yan

Commission Staff to attend: Whitney Barazoto, Executive Director; Suzanne Doran, Lead Analyst – Civic Technology and Engagement; Kellie Johnson, Enforcement Chief; Simon Russell, Investigator

City Attorney Staff: Trish Shafie, Deputy City Attorney

PUBLIC ETHICS COMMISSION (PEC or COMMISSION)
REGULAR MEETING AGENDA

1. **Roll Call and Determination of Quorum.**
2. **Staff and Commission Announcements.**
3. **Open Forum.**

ACTION ITEMS

4. **Approval of Commission Meeting Draft Minutes.**
 - a. January 6, 2019 Regular Meeting Minutes ([Attachment 1 – Minutes](#))
 - b. January 17, 2019 Special Meeting Minutes ([Attachment 2 – Minutes](#))
5. **Oakland Campaign Reform Act Guide.** The Commission will review and potentially approve the Oakland Campaign Reform Act Guide for 2020, which incorporates recent legislative changes as well as adjustments to contribution and voluntary spending limits, among other minor simplifying edits. ([Attachment 3 – Oakland Campaign Reform Act Guide 2020](#))
6. **Proposed Amendments to the PEC Ordinance (OMC Chapter 2.25).** Commission staff presents draft amendments to the Commission’s enabling ordinance (Chapter 2.25) to update the ordinance in alignment with the City Charter changes of 2014 and to add details regarding the collections process for administrative enforcement of the laws within the Commission’s jurisdiction. ([Attachment 4 – Staff Memorandum](#); [Attachment 5 – Draft Proposed Amendments to the PEC Ordinance](#); [Attachment 6 – City Charter Section 603](#))

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DISCUSSION ITEMS

7. **Reports on Subcommittees and Commissioner Assignments.** Commissioners may discuss subcommittee assignments, create a new subcommittee, or report on work done in subcommittees since the Commission’s last regular meeting. Commissioners may also discuss assignments, efforts, and initiatives they undertake to support the Commission’s work. Current or recent subcommittees include the following:
 - a. **Limited Public Finance Policy Development Subcommittee** (ad hoc) – Nayeli Maxson Velázquez (Chair), Jill M. Butler and James Jackson

INFORMATION ITEMS

8. **Oakland Campaign Reform Act Contribution Limit and Expenditure Ceiling Annual Adjustment for 2020.** Commission staff provides an updated list of Oakland’s campaign contribution limits and expenditure ceiling amounts, as adjusted according to the increase in the Consumer Price Index as required by the Oakland Campaign Reform Act. Staff has made the required adjustments and publishes the 2020 limits for the public. ([Attachment 7 – Campaign Contribution and Expenditure Limits 2020](#))
9. **Disclosure and Engagement.** Lead Analyst Suzanne Doran provides a report of recent education, outreach, disclosure and data illumination activities. ([Attachment 8 – Disclosure Report](#))
10. **Enforcement Program.** Enforcement Chief Kellie Johnson reports on the Commission’s enforcement work since the last regular Commission meeting. ([Attachment 9 – Enforcement Report](#))
11. **Executive Director’s Report.** Executive Director Whitney Barazoto reports on overall projects, priorities, and significant activities since the Commission’s last meeting. ([Attachment 10 – Executive Director’s Report](#))

The meeting will adjourn upon the completion of the Commission’s business.

A member of the public may speak on any item appearing on the agenda. All speakers will be allotted a maximum of three minutes unless the Chairperson allocates additional time.

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1/24/20

Approved for Distribution

Date



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ATTACHMENT 1

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Regular Commission Meeting
Monday, January 6, 2020
Hearing Room 1
6:30 p.m.

DRAFT



Commissioners: Jodie Smith (Chair), James E.T. Jackson (Vice-Chair), Jill M. Butler, Gail Kong, Joseph Tuman, Nayeli Maxson Velázquez, and Jerett Yan

Commission Staff to attend: Whitney Barazoto, Executive Director; Suzanne Doran, Lead Analyst – Civic Technology and Engagement; Kellie Johnson, Enforcement Chief; Simon Russell, Investigator

City Attorney Staff: Trish Hynes, Deputy City Attorney

PUBLIC ETHICS COMMISSION (PEC or COMMISSION) **REGULAR MEETING MINUTES**

1. Roll Call and Determination of Quorum.

The meeting was called to order at 6:30 p.m.

Members present: Commissioners Smith, Jackson, Kong, Butler, and Yan. Commissioner Maxson Velázquez arrived at 6:40 p.m. Commissioner Tuman was absent.

Staff present: Whitney Barazoto, Suzanne Doran, and Kellie Johnson.

City Attorney Staff: Trish Hynes

2. Staff and Commission Announcements.

There were no announcements.

3. Open Forum.

There was one public speaker.

ACTION ITEMS

4. Approval of Commission Meeting Draft Minutes.

- a. December 2, 2019 Regular Meeting Minutes

There were no public speakers.

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Commissioner Jackson moved, and Commissioner Kong seconded to approve the minutes. The motion passed 5-0. Commissioner Yan abstained since he was not present at the December meeting.

5. Election of Officers (Chair and Vice-Chair) of the Commission.

Chair Smith nominated Commissioner Jackson to serve as Chair. Commissioner Jackson accepted.

There was one public speaker.

Chair Smith moved, and Commissioner Kong seconded to approve Commissioner Jackson as Chair. The motion passed 4-0. Commissioner Jackson abstained.

Chair Smith nominated Commissioner Maxson Velázquez to serve as Vice-Chair. Commissioner Maxson Velázquez accepted.

There was one public speaker.

Chair Smith moved, and Commissioner Jackson seconded to approve Commissioner Maxson Velázquez as Vice-Chair. The motion passed 4-0. Commissioner Maxson Velázquez abstained.

6. New Commissioner Selection. The Commission's ad-hoc recruitment subcommittee met in November to interview Commissioner applicants for one PEC-appointed vacancy. Candidates were invited to share their experience and interest with the Commission at this meeting.

Sam Ferguson, Rimi Koka, Michael MacDonald, Arvon Perteet, Janani Ramachandran, Steven Selna were each given four minutes to introduce themselves to the Commission, followed by questions from Commissioners.

Commissioners voted by ballot and selected applicants Michael MacDonald and Janani Ramachandran.

There was one public speaker.

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Commissioner Maxson Velázquez moved and Commissioner Jackson seconded to appoint Michael MacDonald and Janani Ramachandran to the Commission. The motion passed 6-0.

7. In the Matter of Michael Colbruno; Case No. 16-01.

City Attorney Trish Hynes stepped away from the dais as she was involved in the hearing process. Christie Crowl, attorney from Jarvis, Fay, and Gibson, was the attorney present to answer administrative process questions from the Commission.

Kellie Johnson, Enforcement Chief, presented a recommended penalty of \$12,000

Clinton Killian and Michael Colbruno, the Respondents, spoke in front of the Commission.

The complainant, Ralph Kanz, spoke on the matter.

Commissioners asked questions and discussed the matter.

There were no other public speakers.

Commissioner Maxson Velázquez moved, and Commissioner Kong seconded to propose a fine of \$750 per violation for a total of \$9,000. There were 3 ayes, and 3 nays. The motion failed.

Commissioners further discussed the matter and the fine.

Commissioner Butler moved, and Commissioner Yan seconded to accept the hearing officer's findings of facts and impose a fine of \$10,000. The motion passed 5-1. Commissioner Jackson voted against the motion.

8. Proposed Amendments to the PEC Ordinance (OMC Chapter 2.25).

Executive Director Whitney Barazoto presented draft amendments to the Commission's enabling ordinance (Chapter 2.25) to update the ordinance in alignment with the City Charter changes of 2014 and to add details regarding the collections process for administrative enforcement of the laws within the Commission's jurisdiction. Ms. Barazoto answered questions and also asked that the draft ordinance

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be made available for consideration again on the next regular meeting agenda given the length of the January meeting and agenda materials.

There were no public speakers.

Commissioner Butler moved, and Commissioner Jackson seconded to reconsider this item at the February meeting. The motion passed 6-0.

DISCUSSION ITEMS

9. OCRA Limits adjustment Oakland Campaign Reform Act Contribution Limit and Expenditure Ceiling Annual Adjustment for 2020.

Ms. Barazoto presented an informational report regarding the annual adjustment to Oakland's campaign contribution limits and expenditure ceiling amounts according to the increase in the Consumer Price Index as required by the Oakland Campaign Reform Act. Staff provides information regarding the method of calculating the adjustment to the Commission, and, once the CPI increase is published by the Bureau of Labor Statistics, staff will subsequently make the adjustment and publish the 2020 limits for the public.

There was one public speaker.

10. Reports on Subcommittees and Commissioner Assignments. Commissioners may discuss subcommittee assignments, create a new subcommittee, or report on work done in subcommittees since the Commission's last regular meeting. Commissioners may also discuss assignments, efforts, and initiatives they undertake to support the Commission's work. Current or recent subcommittees include the following:

- a. **Limited Public Finance Policy Development Subcommittee** (ad hoc) – Nayeli Maxson Velázquez (Chair), Jill M. Butler and James Jackson

Commissioner Velázquez shared a brief update that she communicated with the coalition that is doing the work on a potential ballot measure on public financing.

- b. **Subcommittee on Partnerships** (ad hoc) – Gail Kong and Jodie Smith

There were no updates

Chair Smith dissolved the subcommittee.

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Commissioner Recruitment Subcommittee (ad hoc) – James Jackson, Gail Kong, and Jodie Smith

Chair Smith dissolved the subcommittee.

There were no public speakers.

INFORMATION ITEMS

11. Disclosure and Engagement.

Lead Analyst Suzanne Doran provided a report of recent education, outreach, disclosure and data illumination activities.

There were no public speakers.

12. Enforcement Program.

Ms. Johnson reported on the Commission's enforcement work since the last regular Commission meeting. She shared that all of 2014 and 2015 complaints have been completed.

There was one public speaker. Gene Hazard, one of the complainants, spoke to the Commission.

Chair Smith called a break.

Commissioner Maxson Velázquez requested that staff bring the dismissal of case #19-19 back at the following regular meeting.

Commissioner Jackson moved, and Commissioner Kong seconded to adjourn the meeting and move the remaining items to the next meeting.

The motion passed 6-0.

13. Executive Director's Report.

This item was moved to the next meeting.

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14. Commissioner Farewell.

This item was moved to the next meeting.

The meeting adjourned at 10:52 p.m.

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CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Special Commission Meeting
Friday, January 17, 2020
Hearing Room 4
5:30 p.m.

DRAFT



Commissioners: James E.T. Jackson (Chair), Nayeli Maxson Velázquez (Vice-Chair), Jill M. Butler, Gail Kong, Jodie Smith, Joseph Tuman, and Jerett Yan

Commission Staff to attend: Whitney Barazoto, Executive Director; Kellie Johnson, Enforcement Chief

City Attorney Staff: Ravi Patel, Deputy City Attorney

PUBLIC ETHICS COMMISSION (PEC or COMMISSION) **SPECIAL MEETING MINUTES**

1. Roll Call and Determination of Quorum.

The meeting was called to order at 5:33 p.m.

Members present: Commissioners Jackson, Kong, Smith, Tuman, and Yan. Commissioner Smith chaired the meeting at the request of Chair Jackson.

Staff present: Whitney Barazoto and Kellie Johnson.

City Attorney Staff: Ravi Patel

2. Staff and Commission Announcements.

3. Open Forum.

There was one public speaker.

CLOSED SESSION

4. Executive Director Performance.

The Commission met in closed session to discuss the Executive Director's performance. This is a personnel-related matter authorized to occur in closed session pursuant to Government Code Section 54957(b).

The Commission reconvened into open session, and Commissioner Smith said there were no announcements to make following the closed session.

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INFORMATION ITEMS

5. Reports on Subcommittees and Commissioner Assignments.

- a. **Limited Public Finance Policy Development Subcommittee** (ad hoc) – Nayeli Maxson Velázquez (Chair), Jill M. Butler and James Jackson

Commissioner Smith suggested that the Commission create a subcommittee soon to begin working on the Sunshine Report Card project.

6. Executive Director's Report.

Whitney Barazoto, Executive Director, mentioned that the Commission's annual retreat typically occurs in March and that Commissioners will receive scheduling requests soon to arrange the date.

7. Commissioner Farewell.

Ms. Barazoto thanked Commissioners Kong and Smith for their outstanding service to the Commission and the City of Oakland.

The meeting adjourned at 7:10 p.m.

City of Oakland
Public Ethics Commission



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**Oakland Campaign Reform Act
Guide**

2020

Public Ethics Commission
1 Frank Ogawa Plaza (City Hall), Room 104
Oakland, CA 94612
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ATTACHMENT 3

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INTRODUCTION

The Oakland Campaign Reform Act (OCRA) adds local rules and restrictions that apply to Oakland candidates and political committees in addition to the requirements and regulations of the California Political Reform Act (Gov. Code Sec. 81000 *et seq.*). Candidates for Oakland elective office must comply with both California and Oakland campaign laws.

This *Oakland Campaign Reform Act Guide* is intended to provide an overview of the Oakland Campaign Reform Act and is **advisory only**. To the extent the *Guide* conflicts with the actual ordinance, administrative regulation or interpretation by the Public Ethics Commission (Commission), those authorities govern the implementation and enforcement of the ordinance. All legal citations are to the Oakland Municipal Code (O.M.C.) unless otherwise noted.

The Oakland Public Ethics Commission is the administrative enforcement body for OCRA. If you have questions about this guide or your obligations under the law, contact Commission staff.

Oakland Public Ethics Commission
One Frank H. Ogawa Plaza (City Hall), Room 104
Oakland, CA 94612
(510) 238-3593
(510) 238-3315 (fax)
www.oaklandca.gov/pec
ethicscommission@oaklandca.gov

Questions regarding the California Political Reform Act should be directed to the Fair Political Practices Commission (FPPC) at (866) 275-3772 or advice@fppc.ca.gov.

THE OAKLAND CAMPAIGN REFORM ACT

The Oakland Campaign Reform Act (OCRA), as amended in 2019,¹ establishes local contribution limits, optional campaign expenditure limits, and electronic filing requirements for Oakland candidates and committees. OCRA also bars contributions from persons negotiating certain contracts with the City. It regulates the process by which contributions can be received or returned, how contributions from closely related entities must be attributed and sets forth certain disclosure requirements for the distribution of independent mass mailings.

Local Offices Covered Under OCRA

OCRA applies to local candidates for “city office,” which includes the office of Mayor, City Attorney, City Auditor, District and At-Large City Councilmembers, and elected Oakland School Board Directors. [Oakland Municipal Code (OMC) §3.12.040].

REPORTING OF CAMPAIGN ACTIVITIES

Most reporting requirements are imposed by the California Political Reform Act, and candidates, committees, treasurers, and officers should refer to the *Campaign Disclosure Manual 2* for local candidates, published by the California Fair Political Practices Commission (FPPC) and available on their website at www.fppc.ca.gov. The FPPC also provides informal legal advice to candidates and committees via its advice-line (866) ASK-FPPC (866-275-3772) or by emailing FPPC staff at advice@fppc.ca.gov.

Electronic Filing Requirement

OCRA requires any candidate or committee that is required by state or local law to file a campaign statement with the City of Oakland filing officer to file that

Filing Campaign Disclosure Statements Online



Electronic filing of campaign disclosure statements is **mandatory** in Oakland for all campaign committees required to file campaign statements with the City of Oakland under the California Political Reform Act. This includes candidate-controlled committees, ballot measure committees, and general purpose political action committees, as well as organizations or entities such as major donors required to file late contribution or independent expenditure reports with the City of Oakland.

The City of Oakland provides a free, online filing system called NetFile to complete and e-file disclosure statements and reports. Getting set up is easy:

Step 1: Register

Register with the Public Ethics Commission by filing your committee’s FPPC Form 410 Statement of Organization. We will set up an account so you can create a NetFile User Account to file electronic disclosure statements. You will automatically receive notifications in advance of filing deadlines as well as updates about changes to campaign rules. Links are provided for free training.

Step 2: E-File

Log in to your NetFile User Account to file statements. You can use NetFile’s free software to record your committee’s financial transactions and keep committee information up-to-date, or upload your campaign statements from third-party software. Contact PEC staff for advice and technical support. We’re here to help!

Step 3: E-Sign

The City of Oakland requires candidates and campaign treasurers to have a signature card on file with the Public Ethics Commission. Once your signature card is approved, you can e-sign campaign statements using your Signer ID and PIN.

¹ In June 2019, City Council adopted amendments to the Oakland Campaign Reform Act (OCRA) to increase transparency and support the public’s right to know who is directing and who is paying for campaign activities. In addition, the recent changes were intended to provide transparency to significant campaign-related activities by City staff who are in a position to leverage their City position to benefit a candidate, ballot measure, or another committee.

information in an electronic format with the Public Ethics Commission. [Oakland Charter §603(b)(5)]. Once a candidate or committee is subject to the electronic filing requirement, the candidate or committee must continue to file all subsequent campaign statements electronically, regardless of the amount of contributions or expenditures made in other reporting periods. Contact the Public Ethics Commission for information about electronic filing of campaign activity. [OMC §3.12.240].

VOLUNTARY SPENDING LIMITS

All candidates have a choice of whether to limit their campaign spending within pre-set “expenditure ceilings,” or spending limits. An “expenditure” is generally defined as any payment made to influence a voter's support or opposition to a candidate (or ballot measure). **Candidates who agree to limit their campaign spending are permitted to receive contributions in greater amounts than those who do not.**

OCRA establishes a formula that sets voluntary spending limits for each City office. Every year, the Public Ethics Commission adjusts the limits to account for changes in the cost of living (as measured by the Consumer Price Index for the San Francisco Bay Area). The Commission publishes the voluntary spending limits for all City offices on its website.

Accepting Spending Limits

Candidates must agree to the spending limit in writing **before** accepting contributions at the higher amounts (see discussion of contribution limits below). Candidates agree to the spending limit by submitting [OCRA Form 301](#) (submit online or contact the Public Ethics Commission office). OCRA Form 301 must be submitted before a candidate accepts contributions at the higher limit, and no later than the date the candidate files papers for candidacy for City office (generally 88 days before the election). [OMC §3.12.190]

File Your OCRA Form 301

Be sure to file your Form 301 before accepting any contribution at the higher contribution limit. The Form 301 declares that the candidate agrees to the voluntary expenditure ceiling and allows the candidate to accept the higher contribution limit. Failing to timely file the form will result in a monetary penalty from the Public Ethics Commission.

When Spending Limits Are Lifted

There are two situations in which a candidate who has chosen to voluntarily limit their campaign spending may nevertheless exceed the voluntary spending limit:

1. The first situation occurs if a candidate who agrees to limit spending is opposed by a candidate who does not. If the candidate who does not agree to limit their spending either makes expenditures or receives contributions equal to 50 percent of the voluntary spending limit applicable to that race, then the candidate who agreed to limit spending is no longer bound by the expenditure ceiling.
2. The second situation occurs if a political committee or individual spends more than \$27,000 on independent expenditures related to a City Council or School Board district election, or \$125,000 on independent expenditures related to a City Attorney, Auditor, City Council At-Large, or Mayoral election.²

² Spending limit amounts noted here are as adjusted for inflation, effective January 2020.

If either situation occurs, the spending limit is no longer binding on any candidate running for that same office. After the spending limit is lifted, a candidate who accepted the voluntary spending limit is still permitted to raise contributions at the higher amounts. [OMC §3.12.220]

CONTRIBUTION LIMITS

Once a candidate submits OCRA Form 301 agreeing to accept voluntary limits on campaign spending, the candidate may accept contributions in greater amounts than if they chose not to limit campaign spending. Oakland contribution limits are adjusted annually to account for cost of living increases.

Contributions to Candidates Who Agree to Limit Spending

For candidates agreeing to limit their spending, the most a candidate may receive from any **person** is \$900 per election, as of January 2020. [OMC §3.12.050(B)] A person is broadly defined as any individual, business entity, committee or other organization or group of persons acting in concert. [OMC §3.12.040]

For candidates agreeing to limit their spending, the most a candidate may receive from any **broad-based political committee** is \$1,700 per election (as of January 2020) [OMC §3.12.060(B)]. A “broad-based political committee” is any committee of persons which 1) has been in existence for more than six months, 2) receives contributions from 100 or more persons, and 3) acting in concert makes contributions to five or more candidates [OMC §3.12.040].

Broad-Based Political Action Committee

At the time OCRA was initially enacted, so-called “broad-based political committees” existed and had the same meaning under state law. This term is no longer used under state law but continues to have meaning and applicability under OCRA.

While political committees are no longer called or organized as “broad-based political committees,” some political committees, such as the recently created “small contributor committees,” may still qualify as “broad-based political committees” under OCRA. To help determine whether a political committee qualifies as a “broad-based political committee,” candidates can search the filings of state registered political committees using the California Secretary of State’s website at www.sos.ca.gov.

Contributions to Candidates Who Do Not Agree to Limit Spending

For candidates who do **not** agree to limit their spending, the most a candidate may receive from any person is \$200 per election as of January 2020. [OMC §3.12.050(A)] The most such candidates may receive from any broad-based political committee is \$400 per election as of January 2020. [OMC §3.12.060(A)]

No Limit on Personal Contributions

Regardless of whether a candidate accepts or rejects voluntary limits on campaign spending, a candidate is free to contribute to or loan their campaign **any** amount of money from their own personal funds. The United States Supreme Court ruled that the First Amendment prohibits any restriction on a candidate’s ability to contribute or loan personal funds to their campaign.

Campaign Tip: Oakland offers a program that provides limited public financing to candidates in council district races. Candidates who choose to participate in the program voluntarily agree not to contribute or

loan more than a specified amount of their personal funds as a condition of eligibility. For more information about Oakland's Limited Public Financing Program, contact the Public Ethics Commission.

Aggregation of Contributions

OCRA sets forth several circumstances in which the contributions by two or more entities are treated as coming from one person. This “aggregation” of contributions can have important consequences when determining whether contribution limits have been exceeded.

Contributions from two or more entities are aggregated (treated as coming from the same person) when one or more of the following conditions are present:

- The entities share a majority of members on their respective boards of directors;
- The entities share three or more, or a majority of, officers;
- The entities are owned or controlled by the same majority shareholder or shareholders;
- The entities are in a parent-subsidary relationship; or
- One entity finances, maintains, or controls the other entity’s contributions or expenditures [OMC §3.12.080(A)].

Aggregation also occurs in the following situations:

- Contributions made by entities that are majority-owned by any person shall be aggregated with the contributions of the majority owner and all other entities majority-owned by that person, unless those entities act independently in their decision to make contributions [OMC § 3.12.080(B)].
- The contributions of an entity whose contributions are directed and controlled by any person shall be aggregated with contributions made by that person and any other entity whose contributions are directed and controlled by that same person [OMC § 3.12.080(C)].
- If two or more entities make contributions that are directed and controlled by a majority of the same persons, the contributions of those entities shall be aggregated [OMC § 3.12.080(D)].

Campaign Tip: Candidates and their committees have a responsibility to ensure that they are not receiving prohibited contributions. Use of the sample contributor card, located in Appendix IV, can help ensure that contributors are aware of the aggregation rules and acknowledge that they are not contributing more than the allowable contribution limit.

OCRA also prohibits any committee that supports or opposes any candidate from having as officers any individuals who serve as officers on any other committee that supports or opposes the same candidate. This restriction does not apply to campaign treasurers so long as the treasurers do not participate in or control in any way decisions on which candidates receive a contribution. [OMC §3.12.080(E)]

Finally, contributions by two individuals married to each other are treated as separate contributions and are not aggregated. However, contributions by a minor child are treated as a contribution from the parent and are attributed proportionately to each one. [OMC §3.12.100]

Examples:

- The law firm of Howard, Fine & Howard wants to contribute money to Candidate Doe. Candidate Doe has agreed to expenditure ceilings and is therefore entitled to receive up to \$800 in contributions from any person. Knowing that the law firm, as an entity, is restricted from giving Candidate Doe more than \$800, the firm directs each of its ten attorneys to contribute \$800 each, and then reimburses the attorneys from the law firm's operating account. Is there a problem here?
 - A. Yes. The \$8,000 in contributions from its ten members will be attributed to the law firm since the members' contributions were financed and controlled by the firm. Thus, the firm has violated OCRA's \$800 contribution limit. In addition, the firm and its members may also be guilty of the serious crime of “money laundering” under State and local law if the true source of the contributions is not disclosed. In addition, Candidate Doe may be required to pay or “disgorge” the \$8,000 portion of the contribution to the City and State.

- MiniCorp USA makes gadgets within the City of Oakland. MicroCorp America is a nationwide finance company with branch offices in Oakland. Neither MiniCorp nor MicroCorp have anything to do with the other except that they are both majority-owned by the same holding company, MegaCorp International. Both MiniCorp and MicroCorp have received separate invitations to a \$800 a plate fundraiser from Candidate Doe. Can both companies contribute the full amount?
 - A. Since both companies are majority owned by MegaCorp their contributions will be treated as coming from one person and thus the most both companies can contribute to Candidate Doe is \$800 combined, unless the entities act independently in their decisions to make contributions.

- Castaway Enterprises is a small company in Oakland equally owned by five members. Two of its owners, MaryAnn and Ginger, want to attend Candidate Doe's \$900 a plate fundraiser. Unknown to them, the other three owners have already authorized a \$900 contribution on behalf of the company. Can MaryAnn and Ginger contribute to the fundraiser?
 - A. Yes. Since MaryAnn and Ginger do not individually or collectively represent a majority interest in Castaway Enterprises, they may contribute their own personal funds and not have their contributions aggregated with any contribution by their company.

When Loans and Unpaid Bills Become Contributions

Except for secured or guaranteed loans from commercial lending institutions made in the ordinary course of business and on terms available to everyone else, all loans to Oakland candidates are treated as **contributions**

Extension of Credit Can Count as a Contribution

Be careful of a loan automatically becoming a “contribution” under OMC §3.12.090(D). It is not unusual for candidates to spend more money than they raise before the election. Candidates often hold fundraisers after the election to pay consultants, printers, caterers and others who provided them with campaign services.

What OMC §3.12.090(D) says is that if a candidate owes a vendor more than \$1,500 for more than 90 days, then that extension of credit will be treated as a contribution under OCRA. And since the permissible contribution limit is \$800 from any person, that extension of credit (read: unpaid bill) of more than \$1,500 will automatically constitute a violation of OCRA's contribution limits unless the candidate has established a set payment schedule with the vendor.

from the maker and guarantor (if any) and may not exceed the applicable contribution limits. [OMC §3.12.090(A)(C)]

All loans must be made in writing and noted on the campaign statement on which the loan is first reported. [OMC §3.12.090(B)]

Other than commercial loans, any extension of credit in excess of \$1,500 for a period of more than 90 days also is treated as a contribution subject to the applicable contribution limits **unless** the candidate can demonstrate good faith evidence of an intent to repay through a set payment schedule that is being adhered to through repayment of the extension of credit on a regular basis. [OMC §3.12.090(D)]

Campaign Tip: OCRA creates a strong incentive to pay all outstanding bills within 90 days. If this is not possible, arrange a payment schedule in which all vendors are paid something on a regular basis. Although the amount and frequency of payments may depend on the amount of the debt and financial solvency of the campaign, payments should be great enough to dispel any reasonable allegation that the payments are merely a sham to avoid compliance with the law.

Volunteer Services and Travel Expenses

Volunteer personal services are not considered contributions or expenditures under OCRA and are not subject to its contribution limits or expenditure ceilings. Neither are travel expenses that the individual incurs without reimbursement from the campaign. [OMC §3.12.180]

Example: Candidate Doe's roommate is an accountant who charges \$150 per hour for tax preparation professionally. She recently volunteered 10 hours of time preparing Ms. Doe's campaign statements. Candidate Doe has not received a contribution exceeding OCRA's contribution limit, nor has the campaign incurred a \$1,500 expense that would be counted against the voluntary spending limit.

Soliciting, Receiving, and Returning Campaign Contributions: Required Notice on All Fundraising Material

All candidates for local office must include a notice on all campaign fundraising material with the following language:

The Oakland Campaign Reform Act limits campaign contributions by all persons (OMC §3.12.050 and §3.12.060) and prohibits contributions during specified time periods from contractors doing business with the City of Oakland or the Oakland Unified School District (OMC §3.12.140).

The above notice must be made in the equivalent of eight-point roman boldface type as shown above. The notice must also be in a color or print that contrasts with the background, so it is easily legible and contained in a printed or drawn box that is set apart from the rest of the text. [OMC §3.12.140(P)]

The notice should appear on any printed or electronic medium that solicits or instructs people how to make a campaign contribution. The notice is not required on campaign material that engages **solely** in election advocacy or the presentation or discussion of issues.

One Committee/One Checking Account Rule

A candidate may only maintain one campaign committee and one campaign checking account for each election and City office being sought. Both OCRA and state law require that all expenditures for that office be paid from that account. [OMC §3.12.110]

Example: Candidate Doe has formed and registered her campaign committee and opened a campaign checking account at a local bank. During the campaign, she occasionally receives small cash contributions that she keeps in an envelope at campaign headquarters. When small expenses are incurred, such as ordering pizza for her precinct volunteers, she uses the money in the envelope. Is this practice okay?

No. While this example does not seem like an unreasonable practice, state and local law require that **all** contributions be deposited into the campaign account before being spent. State law does permit expenditures of less than \$100 to be made in cash, but the cash must be obtained from the campaign account and not taken directly from cash contributions. State law also requires that no more than \$100 be deposited in a petty cash fund at any one time.

Campaign Tip: It is essential to establish sound record-keeping procedures for your campaign. For example, state law requires candidates to keep a record of all contributions and expenditures of more than \$25 — even if those contributions and expenditures are not required for disclosure on FPPC campaign statements!

Identification of Contributor

No contribution of \$100 or more can be deposited into a campaign checking account unless a record of the name, address, occupation and employer of the contributor is kept by the candidate. Cash contributions of \$100 or more are prohibited. [OMC §3.12.130]

State law requires candidates to itemize single or cumulative contributions over \$100 from a single contributor on their campaign statements. For individuals who contribute more than \$100 in total, the contributor's name, street address, occupation and employer must be given. If the contributor is self-employed, the campaign must provide the name of the contributor's business.

Under OCRA, local candidates may not even **deposit** a contribution without a record of the name, street address, occupation and employer of the contributor for any contribution of \$100 or more. If the campaign does not obtain the required contributor information, state law requires the contribution be returned or forfeited within 60 days.

Campaign Tip: It is a good idea to create a contribution form that includes the above information to be filled out at the time the contribution is received. See Appendix IV for sample contributor card.

PROHIBITION ON CONTRACTOR CONTRIBUTIONS

OCRA contains an extensive prohibition on contributions by persons negotiating certain contracts with the City of Oakland or Oakland Unified School District Board. OCRA prohibits contractors that meet certain OCRA criteria from making **any** contribution to candidates for local office between the time negotiations on the affected contracts begin and 180-days after the completion or termination of negotiations on the contract.

Applicable Contracts

The prohibition on contractor contributions to Oakland candidates, or “contractor ban,” applies to contracts that require City Council or School Board approval including, but not limited to the following:

1. Contracts for the procurement of professional or consulting services exceeding \$15,000;
2. Contracts for the procurement of materials, supplies, commodities, equipment or services, other than professional or consulting services, exceeding \$50,000;
3. Contracts for the sale or lease of any building or land to or from the City;
4. Amendments to any of the contracts listed above.

The list above is not exhaustive. In addition, recent changes to City Council and City Administrator purchasing authority increased the financial thresholds for contracts that require approval by Council. [OMC §2.04, §2.41, and §2.42] Ultimately, regardless of the contract amount, the contractor ban applies to any contract that requires approval by the City Council. If you have a contract moving through the City Council process, you are likely prohibited from contributing to candidates for local office, including both incumbents and candidates running against incumbents. Please seek Commission advice if you have questions about this prohibition.

OCRA further provides a list of contracts that require School Board approval including, but not limited to the following:

1. Contracts for the procurement of professional or consulting services exceeding \$25,000;
2. Contracts requiring School Board approval under Public Contract Code Section 20111;
3. Construction contracts exceeding \$25,000;
4. Contracts for the sale or lease of any building or land to or from the School District;
5. Amendments to any of the contracts listed above.

Again, the list above is not exhaustive. Therefore, regardless of the contract amount, the contractor ban applies to any contract that requires approval by the School Board.

If the contractor is an entity, such as a corporation, partnership, or LLC, the contribution ban also applies to all the entity’s principals, including, but not limited to the following:

1. The entity’s board chair, president, chief executive officer, chief operating officer, chief financial officer, and any individual that serves in the functional equivalent of one or more of those positions;
2. Any individual who holds an ownership interest in the entity of 20 percent or more; and
3. An individual employee, independent contractor, or agent of the entity authorized to represent the entity before the City regarding the contract.

When the Prohibition Applies

No person who proposes a contract that requires City Council or School District approval may make **any** contribution to a candidate for local office or current officeholder of the applicable government body from the **commencement of negotiations** until 180 days after the **completion** or **termination** of negotiations. [OMC §3.12.140(A)(B) & (C)] OCRA defines these periods as follows:

- The **commencement of negotiations** occurs when a contractor or representative formally submits a bid, proposal, qualifications or contract amendment to any elected or appointed... officer or employee or when any elected or appointed... officer or employee formally proposes submission of a bid, proposal, qualifications or contract amendment. [OMC §3.12.140(G) & (I)]
- The **commencement of negotiations** expressly does **not** include the unsolicited receipt of proposal or contract information; requests to be placed on mailing lists; routine requests for information about a particular contract, request for proposals, or any information or documents about them; or the attendance at an informational meeting. [OMC §3.12.140(J)]
- The **completion of negotiations** occurs when the City or School District executes the contract or amendment. [OMC §3.12.140(K)]
- The **termination of negotiations** occurs when 1) the contract or amendment is **not** awarded to the contractor or 2) the contractor files a written withdrawal from the negotiations which is accepted by an appointed or elected officer or employee of the respective public agency. [OMC §3.12.140(L)]

Contractor Acknowledgment

All potential and current contractors must execute a declaration acknowledging the prohibition on contractor contributions at the time they submit a bid, proposal, qualifications or contract amendment. Contracts may not be awarded to any contractors who have not signed this declaration. The declaration is typically provided by the contracting City department or agency. The Office of the City Clerk (or the School District) is required to receive and file copies of all contractor declarations and make a list of current contractors available for public inspection. [OMC §3.12.140(M)&(N)]

Campaign Tip: In addition to the required notice on all fundraising material (covered on page 10), candidates should carefully review all contributions to determine whether the party making it is bidding or negotiating for a City or School Board contract. This may require a call to the contributor or to the appropriate City or School Board staff members. Use of the sample contributor card, located in Appendix IV, can also help ensure contractors are aware of the contractor ban and acknowledge their contract status.

CONTRIBUTIONS SOLICITED BY CITY STAFF AND 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 within 30 days to the Public Ethics Commission.** [O.M.C. §3.12.117]

The disclosure requirement applies to the Mayor, members of the Council, or senior staff members to either the Mayor or members of Council when the solicitation is made to a person contracting or proposing to contract with the City of Oakland to illuminate political contributions by those who may desire to influence City action.

How to Disclose Solicitations

To report a solicitation to the PEC, file [OCRA Form 303](#) (submit online or contact the Public Ethics Commission office).

What Must Be Disclosed?

OCRA Form 303 requires the following information to be provided:

1. Public official – name, title, agency name, phone, and email
2. Contributor – contributor type (individual or business), and address
3. Recipient – committee name, FPPC ID, and committee address
4. Contribution – date of contribution, amount, type (monetary or in-kind), election date, ballot measure or candidate, and support or oppose position

All submitted information must be signed under penalty of perjury under the laws of the State of California.

INDEPENDENT EXPENDITURES

Special Notice Requirements for Persons Making Independent Expenditures

Any person who makes independent expenditures for a mass mailing, slate mailing or other campaign materials that support or oppose any candidate for city office must place the following statement on the mailing in no smaller than 14-point type:

Notice to Voters
(Required by the City of Oakland)
This mailing is not authorized or approved by any City
candidate or election official.
It is paid for by [name, address, city, state]
Total cost of this mailing is: [amount].

The requirement only applies to persons who make independent expenditures for a “mass mailing, slate mailing or other campaign materials.” State law defines a “mass mailing” as more than 200 substantially similar pieces of mail. A “slate mailing” is any mass mailing that supports or opposes a total of four or more candidates or ballot measures. While the term “other campaign material” is undefined, it may include other forms of campaign communication that do not total 200 pieces.

Disclosure of Top Two Donors

A committee, as defined by the California Political Reform Act, must disclose the names of the individuals from whom the committee received its two highest cumulative contributions of \$5,000 or more on all mass mailings and television advertisements that are independent expenditures supporting or opposing a candidate or measure being voted upon only in the City of Oakland.

California law imposes similar disclosure requirements on mass mailings. To facilitate compliance with both state and local law, the Commission has advised (PEC Advice Letter 16-01) that a committee could modify the above disclosure language slightly to read as follows:

Notice to Voters
(Required by the City of Oakland)
This mailing was not authorized, approved or paid for by a candidate for City office, a committee controlled by a candidate for City office, or an election official.
It is paid for by [name, address, city, state]
Total cost of this mailing is: [amount].

The above language, which merges the language required by the California Political Reform Act with that required by the Oakland Campaign Reform Act, satisfies Oakland's local law.

BALLOT MEASURE COMMITTEES CONTROLLED BY CANDIDATES OR ELECTED CITY OFFICIALS

A candidate-controlled ballot measure committee is a campaign committee that is established to raise and spend money on behalf of one or more ballot measures in California, and that is under the legal control of a political candidate. According to the State Fair Political Practices Commission, a ballot measure committee is controlled by a candidate if the candidate (or their representative) has significant influence on the actions or decisions of the committee. (See *FPPC Campaign Disclosure Manual 3: Information for Ballot Measure Committees*, available on the FPPC's website at www.fppc.ca.gov.)

Under OCRA, a candidate or elected City Official who controls a ballot measure committee is prohibited from doing the following:

1. Directly or indirectly using, or influencing the use of, ballot measure committee funds to support the candidate's or elected City Official's election;
2. Directly or indirectly using, or influencing the use of, ballot measure committee funds to support or oppose other candidates;
3. Transferring ballot measure committee funds to another committee supporting the candidate's or elected City Official's election or supporting or opposing other candidates. [OMC §3.12.115]

BALLOT MEASURE COMMITTEES CONTROLLED BY NON-CANDIDATES

All non-candidate-controlled committees, including ballot measure and general purpose committees, required to file campaign statements in the City of Oakland must disclose principal officers of the committee on their Statement of Organization (FPPC Form 410), a copy which must be submitted to the Public Ethics Commission. [O.M.C. §3.12.116]

A principal officer of a committee is the individual primarily responsible for approving the political activity of the committee including, but not limited to, the following activities:

1. Authorizing the content of the communications made by the committee;
2. Authorizing expenditures, including contributions, on behalf of the committee;
3. Determining the committee's campaign strategy.

If more than one individual shares in the primary responsibility for approving the political activities of the committee, each person is a principal officer.

Such disclosure must be provided for a minimum of one principal officer, and up to a total of three if applicable. Disclosure information must include the following:

1. Full name;
2. Street address;
3. Telephone number.

OFFICEHOLDER COMMITTEES AND LEGAL DEFENSE FUNDS

OCRA authorizes two additional types of accounts in addition to a campaign account. The first is an officeholder committee that every elected City Official is permitted to establish for those expenses associated with holding public office. [OMC §3.12.150(A)] The second is a legal defense fund which any candidate or elected City Official may establish to defray attorney fees and other legal costs incurred in the defense of any civil, criminal or administrative action arising directly out of a campaign, election process or the performance of governmental activities. [OMC §3.12.170(A)]

The primary significance of these funds is that expenditures can be paid from them without counting against the campaign expenditure ceilings applicable to the office being sought or held. [OMC §§3.12.150(F); 3.12.170(C)]

Officeholder Committee

State law allows local candidates who win the election to continue to maintain their campaign committee after the election to receive contributions and to use campaign funds to offset officeholder expenses. During non-election years, Form 460 is filed on a semi-annual basis if the committee remains open. State law further requires that the committee name include the candidate's last name, office sought, and year of the election, and that this name remain intact until and unless the candidate decides to run for re-

election, in which case the candidate may re-designate the committee or create a new committee for the future office sought. See FPPC *Disclosure Manual 2 – Information for Local Candidates, Superior Court Judges, Their Controlled Committees, and Primarily Formed Committees for Local Candidates*, available on the FPPC’s website at www.fppc.ca.gov.

Oakland law allows each elected City Official to maintain an officeholder committee for expenses associated with holding the office currently held by the elected City Official. Contributions to the officeholder committee must be made by separate check or other separate written instrument, and single contributions may not be divided between the officeholder committee and any other candidate committee. OCRA imposes a limit on the total amount the officeholder committee may receive in contributions per year in office as follows (OMC 3.12.150(A)):

District Councilmembers, City Auditor, and School Board Directors	\$25,000
Councilmember-At-Large	\$30,000
Mayor	\$50,000

Annual contributions received by or made to the officeholder committee are subject to the same contribution limits that apply to candidate committees; this means that an elected City Official may receive contributions from any person or broad-based political committee of up to \$200/400 annually if the candidate did **not** accept voluntary spending limits, or up to \$900/1,700 annually if they accepted spending limits. [OMC §3.12.150(E)]

Contributions to an officeholder committee must be made by check or “other separate written instrument.” The contribution must be earmarked or designated in some way as a contribution to the officeholder committee, such as a note on the “memo” line of a check or with an accompanying note or letter from the contributor.

Forming an Officeholder Committee

Establishing and using an officeholder committee can be tricky. The reason is that state law permits an elected City Official to receive contributions into only one campaign account – whether for campaign or officeholder purposes.

To accept officeholder contributions under Oakland law, a candidate must establish an “officeholder” committee by re-designating their campaign committee after the election and after all campaign related expenses and debts have been paid.

Officeholder committee funds may NOT be used for an elected City Official’s own campaign-related expenses, nor may they be transferred to another candidate committee (including one’s own).

See Officeholder Committees Fact Sheet (Appendix III) for more information.

The limits on aggregate contributions cap the total amount of contributions an officeholder committee may receive for every year in office. There is no requirement that this money be spent annually, and it may accrue for as long as the elected City Official holds elective office.

Persons and broad-based political committees may contribute, up to their permissible maximum levels, only once per election to a candidate’s campaign committee, but may make annual contributions to an officeholder committee.

Campaign Tip: Do not accept or deposit contributions to the officeholder committee unless you have something in writing from the contributor that expressly designates that the money is to be deposited into the officeholder committee.

As stated above, officeholder committees may be used for any “political, governmental or lawful purpose” for those expenses associated with holding the office currently held by the elected city officer. OCRA sets forth a long list of permissible expenditures from the officeholder committee, such as for office furniture, office rent, fundraising for the officeholder committee, donations to tax-exempt organizations, and other expenses incurred in connection with government-related activities. [OMC §3.12.150(B)]

OCRA also expressly **prohibits** officeholder committee funds being used for the following activities or purposes:

- Expenditures in connection with a future election for any city, county, regional, state or federal elective office;
- Expenditures for campaign consulting, research, polling, photographic or similar services for election to other elective office;
- Membership in any athletic, social, fraternal, veteran or religious organization;
- Supplemental compensation for city employees for performing an act that would be required or expected of them in the regular course of their city duties;
- Any expenditure that would violate the California Political Reform Act. [OMC §3.12.150(C)]

Finally, OCRA prohibits officeholder committee funds from being transferred to any candidate committee. [OMC §3.12.150(D)]

Legal Expense Fund

An elected City Official or candidate for city office may receive contributions for a separate legal expense fund for attorney fees and legal costs incurred to defend against actions arising directly out of the conduct of the campaign or election process, or the performance of the candidate's or elected City Official's governmental activities and duties. [OMC §3.12.170]

All contributions to a legal expense fund must be “earmarked” by the contributor at the time the contribution is made. The contributions must be first deposited into the elected City Official's appropriate bank account before being deposited into the legal expense fund. The legal expense fund may be in the form of certificates of deposit, interest-bearing savings accounts, money market or similar accounts, which shall be established only for the legal expense fund. [OMC §3.12.170(A)]

Unlike officeholder or campaign committees, there is no limit to the amount a person or broad-based political committee may contribute to a legal expense fund. [OMC §3.12.170(B)] There is also no limit on the total amount that a legal expense fund can receive in any given year. Expenditures made from the legal expense fund are not subject to the voluntary campaign expenditure ceilings. [OMC §3.12.170(C)]

Donation of Office Space

A related provision to officeholder committees and legal expense funds is the provision that permits a person or broad-based political committee to donate office space to elected City Officials in furtherance of their duties and responsibilities. A donation of this kind will not be considered an expenditure by, or non-monetary contribution to, an elected City Official **if** the donation is made to the City and accepted pursuant to Oakland City Charter Section 1203 for use elected City Officials (or to the School District for use by the School District board of directors), **and** the name, address, employer and occupation of the donor, and the current market value of the donated office space, are provided to the City Clerk.

ENFORCEMENT

Persons who violate the Oakland Campaign Reform Act are subject to criminal, civil, administrative, and other penalties. Note: A copy of the Public Ethics Commission's Complaint Procedures and Complaint Forms are available from the Commission and posted on its website.

Liability

In addition to a committee itself, all principal officers of the committee are jointly and severally liable for violations by the committee. For committees controlled by a candidate, the candidate and the committee's treasurers are deemed to be principal officers. When two or more parties are jointly and severally liable, each party is independently liable for the full extent of the violation.

An agent acting on behalf of a principal officer is also jointly and severally liable for violations that arise out of the agent's actions. The following are presumed to be agents of a committee: 1) a current or former officer of the committee, 2) an employee of the committee, 3) a person who has received compensation or reimbursement from the committee, and 4) a person who holds or has held a position within the committee organization that reasonably appears to be able to authorize expenditures for committee activities.

In addition, any person who receives a financial benefit because of a violation of OCRA shall be liable for disgorging to the City's general fund up to the amount of the financial benefit received as a result of the violation.

Penalties

If, after an administrative hearing pursuant to its Complaint Procedures, the Public Ethics Commission determines that a violation under OCRA has occurred, the Commission may administer penalties and fines not to exceed \$5,000 per violation or three times the amount of the unlawful contribution or expenditure, whichever is greater. [OMC §3.12.270(B)]

Injunctive Relief

The Public Ethics Commission, or any individual residing in the City, may seek a court order to stop violations or to compel compliance with certain provisions of OCRA. [OMC §3.12.280] The court may award litigation costs or attorney's fees to a complainant or respondent who prevails in a civil action for injunctive relief. [OMC §3.12.300]

Disqualification

In addition to any other penalty, if an official receives a contribution above the contribution limits, the official shall not be permitted "to make, participate in making or in any way attempt to use their official position to influence a governmental decision in which the contributor has a financial interest." [OMC §3.12.330] This language is borrowed from the California Political Reform Act's provisions on financial conflict of interest. The significant difference is that OCRA prohibits an official from participating in any decision affecting the contributor's financial interests, while state law restricts participation only if the official's financial interests are at stake.

APPENDIX I: CAMPAIGN CONTRIBUTION AND VOLUNTARY CAMPAIGN SPENDING LIMITS

CITY OF OAKLAND CAMPAIGN CONTRIBUTION AND VOLUNTARY CAMPAIGN SPENDING LIMITS PER THE OAKLAND CAMPAIGN REFORM ACT 2020

LIMITATIONS ON CONTRIBUTIONS FROM PERSONS (§3.12.050)

For candidates who DO NOT agree to limit campaign spending (3.12.050(A))	\$200
For candidates who agree to limit campaign spending (3.12.050(B))	\$900

LIMITATIONS ON CONTRIBUTIONS FROM BROAD-BASED POLITICAL COMMITTEES (§3.12.060)

For candidates who DO NOT agree to limit campaign spending (3.12.050(A))	\$400
For candidates who agree to limit campaign spending (3.12.050(B))	\$1,700

EXPENDITURE CEILINGS FOR CANDIDATES FOR MAYOR AND OTHER CITYWIDE OFFICES WHO AGREE TO VOLUNTARY SPENDING LIMITS (§3.12.200)

Mayor	\$488,000
City Auditor	\$348,000
City Attorney	\$348,000
Council Member At-Large	\$348,000
District 1 Council Member	\$153,000
District 2 Council Member	\$153,000
District 3 Council Member	\$153,000
District 4 Council Member	\$146,000
District 5 Council Member	\$146,000
District 6 Council Member	\$146,000
District 7 Council Member	\$148,000
District 1 School Board Director	\$102,000
District 2 School Board Director	\$102,000
District 3 School Board Director	\$102,000
District 4 School Board Director	\$97,000
District 5 School Board Director	\$97,000
District 6 School Board Director	\$97,000
District 7 School Board Director	\$99,000

INDEPENDENT EXPENDITURE COMMITTEE THRESHOLD/EXPENDITURE CEILINGS LIFTED (§3.12.220)

Citywide offices	\$125,000
District offices	\$27,000

APPENDIX II: OFFICEHOLDER COMMITTEES FACT SHEET**Officeholder Committees
FACT SHEET****CA Political Reform Act/FPPC Rules for Officeholder Committees**

State law allows local candidates who win the election to continue to maintain their campaign committee after the election to receive contributions and to use campaign funds to offset officeholder expenses. During non-election years, the Form 460 is filed on a semi-annual basis if the committee remains open. State law further requires that the committee name include the candidate's last name, office sought, and year of the election, and that this name remain intact until and unless the candidate decides to run for re-election, in which case the candidate may re-designate the committee or create a new committee for the future office sought.

See FPPC *Disclosure Manual 2 – Information for Local Candidates, Superior Court Judges, Their Controlled Committees, and Primarily Formed Committees for Local Candidates*, available on the FPPC's website at www.fppc.ca.gov.

Oakland Campaign Reform Act (OCRA) Rules for Officeholder Committees

Oakland law allows each elected City Official to maintain an officeholder committee for expenses associated with holding office. Contributions to the officeholder committee must be made by separate check or other separate written instrument, and single contributions may not be divided between the officeholder committee and any other candidate committee. The Oakland Campaign Reform Act (OCRA) imposes a limit on the total amount the officeholder committee may receive in contributions per year in office as follows (OMC 3.12.150A):

District Councilmembers, City Auditor, and School Board Directors	\$25,000
Councilmember-At-Large	\$30,000
Mayor	\$50,000

In addition, annual contributions received by or made to the officeholder committee shall be subject to the contribution limits under OCRA; however, expenditures made from the officeholder committee shall not be subject to the voluntary expenditure ceilings in OCRA (OMC 3.12.150E and 3.12.150F). No funds may be transferred from the officeholder committee of an elected City Official to any other candidate committee (OMC 3.12.150D).

A contributor may contribute up to the contribution limit to the officeholder committee each year it is in existence, in addition to making contributions at the applicable limit to the elected City Official's campaign committee for a future election.

Transitioning a Campaign Committee into an Officeholder Committee

A candidate may decide to maintain the campaign committee in lieu of creating an officeholder committee; however, the candidate would be limited to the contribution limits that applied to their contributors during the election. In other words, an individual who contributed to the candidate's campaign at the maximum amount would not be able to contribute again to the campaign committee, until and unless the campaign committee is re-designated as a campaign committee for the candidate's re-election. Even then, the contributor would be limited to the maximum contribution limit for the next election.

By establishing an officeholder committee, an elected City Official can receive a new set of contribution limits as outlined above and subject to OCRA's officeholder expenditure rules listed below. The new limits are in addition to the limits allowable for campaign contributions and are applied annually rather than per-election. To trigger the ability to accept officeholder contributions, a candidate must establish an "officeholder" committee by re-designating the campaign committee as follows:

1. After the election, pay all campaign expenses and debts. Do not terminate the campaign committee.
2. After the elected official is sworn into office, file an amended Form 410 pursuant to state rules to add "Officeholder" to the committee name (the name must still include the candidate's last name, the prior office sought, and the year of the election). There is no required deadline for transitioning the committee from a campaign committee to an officeholder committee, except that, once a committee is renamed with "Officeholder," it can no longer accept campaign contributions, pay campaign debts, or make other campaign expenditures. The new "Officeholder" committee can only receive officeholder contributions and make officeholder expenditures per OMC 3.12.150 and is subject to the new annual contribution limit for "Officeholder" committees.
3. Any funds that remain in the account as it becomes an officeholder committee may not exceed the total amount the officeholder committee may receive in contributions per year in office under OMC 3.12.150A.
4. A contributor may not give to the campaign committee for the prior election and to the officeholder committee in the same calendar year; however, if and once the candidate forms a new campaign committee for their re-election or election to another office, a contributor may contribute up to the maximum amount to the officeholder committee and the future campaign committee.

Note: In lieu of the above campaign committee re-designation process, an officeholder could instead create a new campaign committee for re-election while in office, designate it with the name "officeholder," and use that committee for officeholder contributions and expenditures; however, the officeholder committee must have a zero balance before the candidate begins to accept campaign

Creating an Officeholder Committee

Establishing and using an officeholder committee can be tricky. The reason is that state law permits an elected City Official to receive contributions into only one campaign account – whether for campaign or officeholder purposes.

To accept officeholder contributions under Oakland law, a candidate must establish an "officeholder" committee by re-designating their campaign committee after the election and after all campaign related expenses and debts have been paid.

Officeholder committee funds may NOT be used for an elected City Official's own campaign-related expenses, nor may they be transferred to another candidate committee (including one's own).

contributions and make campaign expenditures for the candidate's future re-election, as OCRA prohibits any transfer of officeholder funds to another candidate committee.

Officeholder Expenditure Rules

Under OCRA section 3.12.150B, expenditures from an officeholder committee may be made for any political, governmental, or other lawful purpose such as the following:

1. Expenditures for fundraising (including solicitations by mail) for the officeholder per statute;
2. Expenditures for office equipment, furnishings and office supplies;
3. Expenditures for office rent;
4. Expenditures for salaries of part-time or full-time staff employed by the officeholder for officeholder activities;
5. Expenditures for consulting, research, polling, photographic or similar services except for campaign expenditures for any city, county, regional, state or federal elective office;
6. Expenditures for conferences, meetings, receptions, and events attended in the performance of government duties by (1) the elected City Official (2) a member of the elected City Official's staff; or (3) such other person designated by the elected City Official who is authorized to perform such government duties;
7. Expenditures for travel, including lodging, meals and other related disbursements, incurred in the performance of governmental duties by (1) the elected City Official, (2) a member of the elected City Official's staff, (3) such other person designated by the elected City Official who is authorized to perform such government duties, or a member of such person's household accompanying the person on such travel;
8. Expenditures for meals and entertainment directly preceding, during or following a governmental or legislative activity;
9. Expenditures for donations to tax-exempt educational institutions or tax exempt charitable, civic or service organizations, including the purchase of tickets to charitable or civic events, where no substantial part of the proceeds will have a material financial effect on the elected City Official, any member of their immediate family, or their committee treasurer;
10. Expenditures for memberships to civic, service or professional organizations, if such membership bears a reasonable relationship to a governmental, legislative or political purpose;
11. Expenditures for an educational course or educational seminar if the course or seminar maintains or improves skills which are employed by the elected City Official or a member of the elected City Official's staff in the performance of their governmental responsibilities;
12. Expenditures for advertisements in programs, books, testimonials, souvenir books, or other publications if the advertisement does not support or oppose the nominations or election of a candidate for city, county, regional, state or federal elective office;

13. Expenditures for mailing to persons within the city which provide information related to city-sponsored events, school district-sponsored events, an official's governmental duties or an official's position on a matter pending before the Council, Mayor, or School Board;
14. Expenditures for expressions of congratulations, appreciation or condolences sent to constituents, employees, governmental officials, or other persons with whom the elected City Official communicates in their official capacity;
15. Expenditures for payment of tax liabilities incurred as a result of authorized officeholder expense fund transactions;
16. Expenditures for accounting, professional and administrative services provided to the officeholder fund;
17. Expenditures for ballot measures.

OCRA section 3.12.150C specifically prohibits the following expenditures from officeholder committees:

1. Expenditures in connection with a future election for any city, county, regional, state or federal elective office;
2. Expenditures for campaign consulting, research, polling, photographic or similar services for election to city, county, regional, state or federal elective office;
3. Membership in any athletic, social, fraternal, veteran or religious organization;
4. Supplemental compensation for employees for performance of an act which would be required or expected of the person in the regular course or hours of their duties as a city official or employee;
5. Any expenditure that would violate the provisions the California State Political Reform Act, including Government Code Sections 89506 and 89512 through 89519.

Termination of the Officeholder Committee

The officeholder committee shall be terminated at the time the elected City Official's term of office ends or they leave that office, whichever is earlier. An officeholder committee may not transfer funds to a campaign committee for a future election or to any other campaign committee. If the elected City Official runs for re-election, the new campaign committee is a separate committee for a separate election and does not impact the existing officeholder committee. If the elected City Official wins re-election, it is advised that the campaign committee for the candidate's re-election become the candidate's new officeholder committee according to the above procedures.

APPENDIX III: SAMPLE CONTRIBUTOR CARD

[Insert Name of Candidate Committee and FPPC ID#]

Individual Contributor Verification Card

Amount of the Contribution: \$ _____ Date of the Contribution: _____

Type of contribution (check one): Monetary ____ In-kind ____

If in-kind contribution, please specify items contributed/services rendered: _____

Contributor Name (Print): _____	
Street Address (no P.O. Boxes): _____	
City/State/Zip: _____	
For donors of at least \$100 (cumulatively), the following information is required:	
Occupation: _____	Employer: _____
<small>(If self-employed, provide the name of the business)</small>	

Please verify that your contribution is not a prohibited contribution by marking the box next to each item below:

- I am not contributing more than \$900 for this election. I understand that, for purposes of contribution limits, my personal contributions are aggregated with the contributions of a business in which I own a majority interest, and that contributions from multiple entities also are aggregated when the conditions are such that the entities:
 - 1) share the majority of members of their board of directors;
 - 2) share three or more, or a majority of, officers;
 - 3) are owned or controlled by the same majority shareholder(s);
 - 4) are in a parent-subsidiary relationship; or
 - 5) one entity finances, maintains, or controls the other entity's contributions or expenditures. (OMC 3.12.080)

- I am not contracting or proposing to contract with the City or OUSD, currently or within the past 180 days, on a contract requiring approval by City Council, and I do not hold any of the following positions with an entity doing so:
 - 1) board chair, president, chief executive officer, chief operating officer, chief financial officer, or the functional equivalent of one or more of those positions;
 - 2) owner with ownership interest of 20% or more; or
 - 3) employee, independent contractor, or agent of the entity who is authorized to represent the entity before the City or OUSD in regards to the contract. (OMC 3.12.140)

Signature required of all contributors:	
I certify that this contribution is not prohibited under Oakland's Campaign Reform Act as specified above.	
X _____	
Contributor Signature	Date

ATTACHMENT 4



James E.T. Jackson, Chair
Nayeli Maxson Velázquez, Vice-Chair
Jill M. Butler
Michael B. MacDonald
Janani Ramachandran
Joe Tuman
Jerett Yan

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Whitney Barazoto, Executive Director
DATE: January 22, 2020
RE: Proposed Amendments to PEC Ordinance (O.M.C. Chapter 2.24)

Overview

This memorandum provides background information regarding the attached proposed draft amendments to the Public Ethics Commission's Ordinance (O.M.C. Chapter 2.24), which outline the Commission's administrative and operational structure and authority beyond the general framework provided by City Charter. If approved by the Commission, staff will pursue legislative approval through City Council. The revisions are intended to align the ordinance with the Oakland City Charter, as amended in 2014, including deleting duplicative sections that now appear in City Charter, and codify the Commission's administrative enforcement and collections process.

Attached are draft proposed amendments to the PEC Ordinance, and below is a narrative summary of the substantive changes.

Background

The Commission's structure and responsibilities are set out in the City's governing laws, including the Oakland City Charter, Public Ethics Commission (PEC) Ordinance (O.M.C. Chapter 2.24), and Commission Operations Policies (previously By-Laws). Until November 2014, the City Charter included a brief description of the Commission and its purpose, the ordinance laid out specific duties and responsibilities in greater detail, and the By-Laws reiterated both the Charter language and the text of the ordinance (as well as language from the Oakland Sunshine Ordinance).

With the passage of Measure CC in November 2014, the City Charter was amended to incorporate many PEC Ordinance provisions, as well as additional provisions to strengthen the Commission's authority, independence, and staffing. As a result of the new and augmented Charter language, portions of the PEC Ordinance are now redundant of some of the language that is in the Charter.

Redundant Language Deleted

Specifically, City Charter section 603(b) now includes the Commission's specific functions and duties that were previously outlined in O.M.C. section 2.24.020. The attached amendments delete the substance of this section and replace it with the prior language in section 2.24.070 (Rules, regulations, and procedures), with minor amendments.

ATTACHMENT 4

City Charter sections 603(d) and (e) now include language regarding Commissioner appointments, qualifications, and restrictions, which were previously included in O.M.C. sections 2.24.040 and 2.24.050. And City Charter section 603(f) now provides details about the Commission's enforcement authority above and beyond the provisions of O.M.C. section 2.24.030, rendering the latter obsolete. Therefore, these O.M.C. sections also are deleted in the attached amendments.

Additional Language Added

In addition, two sections have been added to the ordinance. First, language was inserted as the new section 2.24.030 to specify the Commission's role as a City entity and in relation to Commission staff. It also articulates the role and authority of the Executive Director in relation to both the Commission and the staff. These provisions now align neatly with the City Charter language and the Commission's Operations Policies.

Lastly, the new language includes details regarding the Commission's administrative hearing and collections procedures in order to codify existing practices and ensure consistency over time.

Recommendation

Commission staff recommends the PEC review and approve the proposed amendments to the PEC Ordinance (O.M.C. Chapter 2.24) so that staff can submit them to City Council for consideration.

Attachments

- A. Draft Proposed Amendments to the PEC Ordinance
- B. City Charter Section 603

ATTACHMENT 5

APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBER _____

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

TITLE (Indent half inch both sides and justified)

WHEREAS,
; and

WHEREAS,
; and

WHEREAS,
; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. Title 2, Chapter 2.24 of the Oakland Municipal Code containing the enabling ordinance of the Public Ethics Commission is amended to add, delete or modify sections as set forth below (section numbers and titles are indicated in bold type; additions are indicated by underscoring and deletions are indicated by strike-through type.) Portions of regulations not cited or not shown in underscoring or strike-through are not changed.

SECTION 2. Code Amendments.

Title 2, Chapter 2.24 is amended as follows:

2.24.010 - Creation.

Oakland City Charter Section ~~202603~~ ~~has~~ established the Public Ethics Commission (Commission) and proscribes its role and function, Commissioner qualifications and appointment process, enforcement and investigative authority, and staff resources, among other provisions.

ATTACHMENT 5

2.24.020 – Commission Operations.

- A. Implementation of City Charter enumerated role, functions, and duties. The Commission shall adopt policies, procedures, and regulations for the conduct of its business by a majority vote of the members present.
- B. Process. A majority vote of the Commission is required for the adoption of any motion or resolution.
- C. Transmittal. The Commission shall transmit to the City Council any rules, regulations, or procedures adopted by the Commission within seven calendar days of adoption. A rule, regulation or procedure adopted by the Commission shall become effective sixty days after the date of adoption by the Commission unless, before the expiration of the sixty day period, two-thirds of all the members of City Council vote to veto the rule, regulation, or procedure.
- D. Policies and Procedures. Policies and procedures include, but are not limited to, operations policies to guide the Commission's general operations, and complaint procedures to establish the administrative process for the investigation and enforcement of potential violations of government ethics, transparency, and campaign finance laws or policies.

~~2.24.020 – Functions and duties.~~

~~It shall be the function and duty of the Public Ethics Commission, for and on behalf of the city, its elected officials, officers, employees, boards and commissions:~~

- ~~A. — Oversee compliance with the city Campaign Reform Ordinance.~~
- ~~B. — Oversee compliance with the city Code of Ethics.~~
- ~~C. — Oversee compliance with conflict of interest regulations as they pertain to city elected officials, officers, employees, and members of boards and commissions.~~
- ~~D. — Oversee the registration of lobbyists in the city should the City Council adopt legislation requiring the registration of lobbyists.~~
- ~~E. — Oversee compliance with any ordinance intended to supplement the Brown Act or Public Records Act.~~
- ~~F. — Review all policies and programs which relate to elections and campaigns in Oakland, and report to the City Council regarding the impact of such policies and programs on city elections and campaigns.~~

ATTACHMENT 5

- ~~G. — Make recommendations to the City Council regarding amendments to the city Code of Ethics, Campaign Reform Ordinance, Conflict of Interest Code, any ordinance intended to supplement the Brown Act or Public Records Act, and lobbyist registration requirements should the City Council adopt lobbyist registration legislation, and submit a formal report to the City Council every two years concerning the effectiveness of all local regulations and local ordinances related to campaign financing, conflict of interest, lobbying, the Brown Act, the Public Records Act, and public ethics.~~
- ~~H. — Set compensation for the office of City Councilmember which shall be reviewed by the Commission and adjusted as appropriate, in odd-numbered years. In 1997, the Commission shall first establish a base salary for the Office of Councilmember at a level which shall be the same or greater than that which is currently received. Thereafter, the Commission shall fix City Councilmember compensation at a level not to exceed ten percent above the base salary as adjusted.~~
- ~~I. — Each year, and within the time period for submission of such information for the timely completion of the city's annual budget, provide the City Council with an assessment of the Commission's staffing and budgetary needs.~~
- ~~J. — Make recommendations to the City Council regarding the imposition of fees to administer and enforce local ordinances and local regulations related to campaign financing, conflict of interest, registration of lobbyists, supplementation of the Brown Act and Public Records Act and public ethics.~~
- ~~K. — Make recommendations to the City Council regarding the adoption of additional penalty provisions for violation of local ordinances and local regulations related to campaign financing, conflict of interest, registration of lobbyists, and public ethics.~~
- ~~L. — Issue oral advice and formal written opinions, in consultation with the City Attorney when necessary, with respect to a person's duties pursuant to applicable campaign financing, conflict of interest, lobbying, and public ethics laws.~~
- ~~M. — Prescribe forms for reports, statements, notices, and other documents related to campaign financing, conflict of interest, lobbying, and public ethics.~~
- ~~N. — Develop campaign financing, conflict of interest, lobbying, Brown Act, Public Records Act and public ethics informational and training programs, including but not limited to:
 - ~~1. — Seminars, when appropriate, to familiarize newly elected and appointed officers and employees, candidates for elective office and their campaign treasurers, lobbyists, and government officials, with city, state and federal laws related to campaign financing, conflicts~~~~

ATTACHMENT 5

~~of interest, the Public Records Act, the Brown Act, lobbying, and public ethics.~~

~~2. Preparation and distribution of manuals to include summaries of ethics laws and reporting requirements applicable to city officers, members of boards and commissions, and city employees, methods of bookkeeping and records retention, instructions for completing required forms, questions and answers regarding common problems and situations, and information regarding sources of assistance in resolving questions. The manual shall be updated when necessary to reflect changes in applicable city, state and federal laws related to campaign financing, conflicts of interest, lobbying, and public ethics.~~

~~O. Perform such other functions and duties as may be prescribed by the Oakland Code of Ethics, conflict of interest regulations, ordinances as they may be adopted to supplement the Brown Act and the Public Records Act or to require the registration of lobbyists in the city and Campaign Reform Ordinance.~~

~~In prescribing the above duties and functions of the Commission, it is not the intent of the Council to duplicate or overlap the functions, duties, or responsibilities heretofore or hereafter assigned to any other city board or commission or to a city department. As to such functions or responsibilities of another board or commission or of a department of the city, the Commission will render assistance and advice to such board, commission or department as may be necessary. Nothing in this section shall be construed to prevent city officers, employees, and elected or appointed officials from seeking advice directly from the City Attorney, or, when appropriate, the Fair Political Practices Commission, concerning regulations and ordinances related to campaign financing, conflicts of interest, lobbying, and public ethics.~~

2.24.030 - Authority.

~~In furtherance of the above enumerated duties and functions, the Oakland Public Ethics Commission is authorized to:~~

~~A. Conduct investigations, audits and public hearings.~~

~~B. Issue subpoenas to compel the production of books, papers and documents and take testimony on any matter pending before the Commission. The Commission may find a person in contempt as provided by the general law of the state for failure or refusal to appear, testify, or to produce required books, papers and documents.~~

~~C. Impose penalties and fines as provided for by ordinance. The Commission's decision to impose penalties and fines for violation of any regulation or ordinance over which the Commission has authority shall be appealable to~~

ATTACHMENT 5

~~a mutually agreed upon arbitrator whose decision shall be final. The decision of the arbitrator is not appealable to the City Council.~~

~~2.24.040 - Composition—Terms of office.~~

- ~~A. The Oakland Public Ethics Commission shall consist of seven members. The Commission shall be appointed as follows: Three members who represent local civic organizations with a demonstrated history of involvement in local governance issues shall be nominated for appointment by the Mayor, with confirmation by the City Council, pursuant to Section 601 of the City Charter. Four members shall be appointed, following a public recruitment and application process by the unanimous vote of the three representatives appointed by the Mayor with confirmation by the City Council. The four members so appointed shall reflect the interests of the greater Oakland neighborhood and business communities. Commissioners shall serve without compensation. Prior to appointment of a Commission member or members, by the Mayor, each member of the City Council may provide the Mayor with a list of up to three individuals qualified by experience and background to serve on the Commission. In appointing members to the Commission, the Mayor shall consider the recommendations of the City Council.~~
- ~~B. Four members shall constitute a quorum.~~
- ~~C. Members of the Commission shall be appointed to overlapping terms, to commence upon date of appointment, except that an appointment to fill a vacancy shall be for the unexpired term only. Members of the Commission shall serve for a term of three years, except that for terms commencing immediately preceding adoption of the ordinance codified in this chapter, two members shall be appointed for a one-year term, two members shall be appointed for a two-year term, and three members shall be appointed for a three-year term. No member may serve more than one consecutive three-year term.~~
- ~~D. A vacancy on the Commission will exist whenever a member dies, resigns, or is removed, or whenever an appointee fails to be confirmed by the Council within fourteen (14) days of appointment. A vacancy shall be filled no sooner than thirty (30) days and no later than sixty (60) days from the date that such vacancy occurs. Any member of the City Council who chooses to recommend a person or persons to fill a vacancy of a position appointed by the Mayor and confirmed by the City Council pursuant to subsection A of this section shall forward such recommendation to the Mayor for consideration no later than thirty (30) days from the date that a vacancy occurs.~~

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~~E. A member appointed by the Mayor may be removed pursuant to Section 601 of the Charter. A member appointed by the unanimous vote of the three members appointed by the Mayor and confirmed by the Council may be removed by the unanimous vote of the three members appointed by the Mayor and confirmed by the Council. Among other things, conviction of a felony, misconduct, incompetence, inattention to or inability to perform duties, or absence from three consecutive regular meetings except on account of illness or when absent from the city by permission of the Commission, shall constitute cause for removal.~~

~~2.24.050 – Qualifications.~~

~~Each member of the Commission shall be a resident of Oakland and registered to vote in Oakland elections. During his or her tenure, and for one year thereafter, no member of the Commission shall:~~

- ~~A. Be employed by the city or have any direct and substantial financial interest in any work or business or official action by the city.~~
- ~~B. Seek election to any other public office, or participate in or contribute to an Oakland municipal campaign.~~
- ~~C. Endorse, support, oppose, or work on behalf of any candidate or measure in an Oakland election.~~

2.24.030 - Commission Structure.

- A. Role of the Commission. The Commission, as a whole, is responsible for establishing Commission policies and priorities, promoting government ethics and transparency, and serving as a quasi-judicial body that adjudicates enforcement matters brought to the Commission by staff.
- B. Commission Staff. The Executive Director reports to the Commission Chair and the Commission and is responsible for establishing staff priorities in consultation with the Chair and consistent with policy direction provided by the Commission. The Executive Director leads and supervises Commission staff and has the authority to hire and remove employees within constraints set by the Civil Service Commission, the Department of Human Resources, and the Commission's budget.

2.24.0460 - Election of chairperson and meetings.

- A. Election of Chair and Vice-Chair. At the first regular meeting of each year, the members shall elect a chairperson and a vice-chairperson.

ATTACHMENT 5

A.B. Meetings. The Commission shall hold regular meetings at an established time and place suitable for its purpose. Other meetings scheduled for a time or place other than for regular meetings shall be designated special meetings. Written notice of special meetings shall be provided the members, the Council, and the public press at least seventy-two (72) hours before the meeting is scheduled to convene.

2.24.070 - Rules, regulations and procedures.

~~The Commission shall establish rules, regulations and procedures for the conduct of its business by a majority vote of the members present. The Commission must vote to adopt any motion or resolution. The Commission shall transmit to the City Council any rules, regulations and procedures adopted by the Commission within seven calendar days of adoption. A rule, regulation or procedure adopted by the Commission shall become effective sixty (60) days after the date of adoption by the Commission unless before the expiration of this sixty (60) day period two-thirds of all the members of the City Council vote to veto the rule, regulation or procedure.~~

2.24.0580 - Staff assistance.

The City Manager, or designees thereof, shall provide the Commission with staff assistance as necessary to permit the Commission to fulfill the functions and duties as set forth in the City Charter and in ordinances within the Commission's jurisdictionabove.

2.24.0690 - Legal assistance.

The City Attorney is the Commission's legal advisor. The City Attorney shall provide the Commission with legal assistance, to the extent such assistance does not constitute a conflict. In the event of a conflict, the City Attorney shall retain outside counsel.

2.24.070 – Procedures for Imposing Administrative Fines.

A. Purpose. This section establishes standard procedures for the imposition, enforcement, collection, and administrative review of fines and penalties for violation of any law or ordinance under the purview of the Commission. The procedures set forth in this section are adopted pursuant to Government Code Section 53069.4 and the City of Oakland's power to govern municipal affairs under Article 11 of the California Constitution. By adopting this section, the City does not intend to limit the ability of the City to use any other remedy, civil or criminal, that may be available in a particular case. The City may use the procedures set forth in this section as an alternative to, or in conjunction with, any other available remedy.

B. Complaint Procedures. The Commission shall adopt procedures to establish the administrative process for the investigation and enforcement of violations of the laws within the Commission's jurisdiction. These procedures shall dictate the process for receiving, initiating, and reviewing

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complaints, conducting investigations or audits, and resolving cases prior to an administrative hearing.

C. Administrative Hearing Process.

1. Selection of Hearing Panel or Examiner.

If the Commission decides to schedule a hearing, the Commission may either sit as a hearing panel or delegate authority to one or more members or to an independent hearing examiner.

2. Pre-Hearing Process and Submissions.

The Commission must provide notice of the hearing to the responding party and may define reasonable time limits and other requirements for submission of any proposed subpoenas, resolution of any procedural or preliminary matters not related to the truth or falsity of the factual allegations, and submission of any written materials.

3. Conduct of Hearings.

The Commission may define reasonable terms for the conduct of hearings, receipt and rules of evidence, presentation of testimony, and order of oral arguments. The Commission also may establish a process for hearing a matter in which the responding party refuses or otherwise fails to appear at a properly noticed hearing.

4. Action Upon Conclusion of Hearing.

The Commission may define reasonable time limits and other requirements for preparation and submission of findings of fact and conclusions by the hearing panel or examiner and any procedure for requesting re-hearing.

The Commission's order following a hearing may determine that any violation of law occurred only if the weight of the evidence shows that it was more likely than not that a violation occurred.

The Commission's order and any findings of facts and conclusions adopted by the Commission may include orders for corrective, remedial or punitive actions, and any appropriate fines. The Commission's decision following a hearing shall be final and shall constitute closure of the administrative process with respect to any complaint.

D. Payment of Administrative Fines.

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Any fines imposed by a final order of the Commission will be required to be paid by the due date identified in the order, but no sooner than thirty (30) days after the order is issued. Fines that remain unpaid after the due date will be subject to a late payment penalty of 10 percent plus interest at a rate of 1 percent per month on the outstanding balance.

E. Remedies for Non-Payment.

The amount of any fine not paid within the time required under this Chapter, including the amount of any applicable late payment charges, constitutes a debt to the City. The City may file a civil action or pursue any other legal remedy to collect such money. In any civil action to obtain payment of the fine, and any late payment penalties, the City shall be entitled to obtain a judgment for the amount of the unpaid fines and penalty payments and, in addition, for the costs and attorneys' fees incurred by the City in bringing any civil action to enforce the provisions of this Section.

F. Right to Judicial Review.

Any person aggrieved by the action of the hearing officer taken pursuant to this Chapter may obtain review of the administrative decision by filing a petition for review in accordance with the timelines and provisions set forth in California Government Code Section 53069.4.

If a final order of a court of competent jurisdiction determines that the City has not properly imposed a fine pursuant to the provisions of this Chapter, and if the fine has been deposited with the City during the course of the legal proceeding, the City shall promptly refund the amount of the deposited fine, consistent with the court's determination, together with interest at the average rate earned on the City's portfolio for the period of time that the City held the fine amount.

2.24.100 - Protection against retaliation.

- A. No officer or employee of the city shall use or threaten to use any official authority or influence to effect any action as a reprisal against a city officer or employee for acting in good faith to report or otherwise bring to the attention of the Commission or other appropriate agency, office or department, information regarding the violation of any regulation or ordinance over which the Commission has authority.
- B. No officer or employee of the city shall use or threaten to use any official authority or influence to discourage, restrain or interfere with any other person for the purpose of preventing such person from acting in good faith to report or otherwise bring to the attention of the Commission or other appropriate agency, office or department, information regarding the

ATTACHMENT 5

violation of any regulation or ordinance over which the Commission has authority.

SECTION __. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional

SECTION __. Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

LATONDA SIMMONS

City Clerk and Clerk of the Council of the City of
Oakland, California

Date of Attestation: _____

ATTACHMENT 5

NOTICE AND DIGEST

ORDINANCE TITLE (Indent half inch both sides and justified)

Oakland City Charter**ARTICLE VI - ADMINISTRATIVE ORGANIZATION****Section 603. Public Ethics Commission.**

- (a) Creation and Role. There is hereby established a Public Ethics Commission which shall be responsible for: (1) enforcement of laws, regulations and policies intended to assure fairness, openness, honesty and integrity in City government, including compliance by the City of Oakland, its elected officials, officers, employees, boards and commissions, and other persons subject to laws within the jurisdiction of the Commission; (2) education and responding to issues regarding the aforementioned laws, regulations and policies, and; (3) impartial and effective administration and implementation of programs to accomplish the goals and purposes of the Commission as defined by this Section. Such laws, regulations, policies, and programs shall include those relating to campaign finance, lobbying, transparency, and governmental ethics, as they pertain to Oakland. The Commission shall have the power to make recommendations to the City Council on matters relating to the foregoing. Nothing in this Section shall preclude other City officials, agencies, boards and commissions from exercising authority heretofore or hereafter granted to them, with the exception of Charter Section 603(b)(5).
- (b) Functions and Duties. It shall be the function and duty of the Public Ethics Commission to:
- (1) Foster and enforce compliance with:
 - (i) Sections 218 ("Non-interference in Administrative Affairs"), 907 ("Nepotism"), 1200 ("Conflict of Interest") and 1202 ("Conflict in Office") of this Charter, for violations occurring on or after January 1, 2015;
 - (ii) The Oakland Campaign Reform Act, Limited Public Financing Act and False Endorsement in Campaign Literature Act, Oakland's Conflict of Interest Code, code of ethics and governmental ethics ordinance, the Oakland Lobbyist Registration Act, the Oakland Sunshine Ordinance, any ordinance intended to protect City whistleblowers from retaliation, and other Oakland laws regarding campaign finance, lobbying, transparency, or governmental ethics, as provided by ordinance or this Charter;
 - (iii) Related state laws including, but not limited to, the Political Reform Act, Ralph M. Brown Act, and Public Records Act, as they pertain to Oakland.
 - (2) Report to the City Council concerning the effectiveness of all local laws regarding campaign finance, lobbying, transparency, and governmental ethics.
 - (3) Issue oral advice and formal written opinions, in consultation with the City Attorney.
 - (4) Within the time period for submission of such information for the timely completion of the City's regular budget process, provide the Mayor and City Council with an assessment of the Commission's staffing and budgetary needs.

- (5) Act as the filing officer and otherwise receive and retain documents whenever the City Clerk would otherwise be authorized to do so pursuant to Chapter 4 of the California Political Reform Act of 1974 (Government Code Section 81000, et seq.), provided that this duty shall be transferred to the Commission during the 24 months following the effective date of this provision and the Commission shall be the sole filing officer for the campaign finance programs by January 1, 2017.
 - (6) Educate and promote understanding regarding the requirements under the Commission's oversight and study any significant non-compliance problems or trends with Oakland's campaign finance, lobbying, transparency, and governmental ethics laws and identify possible solutions for increasing compliance.
 - (7) Review and make recommendations regarding all City systems used for public disclosure of information required by any law within the authority of the Commission.
 - (8) Perform such other functions and duties as may be prescribed by laws of this Charter or City ordinance.
- (c) Councilmember Salary Increases. The Public Ethics Commission shall set Council compensation as provided for in Charter Section 202.
- (d) Appointment, Vacancies, Terms. The Public Ethics Commission shall consist of seven (7) members who shall be Oakland residents. Commissioners shall serve without compensation.

The Commission shall be appointed as follows in subsection (1) and (2).

- (1) Appointments by Mayor, City Attorney and City Auditor. The Mayor shall appoint one member who has represented a local civic organization with a demonstrated history of involvement in local governance issues.

The City Attorney shall appoint one member who has a background in public policy or public law, preferably with experience in governmental ethics or open government matters.

The City Auditor shall appoint one member who has a background in campaign finance, auditing of compliance with ethics laws, protection of whistleblowers, or technology as it relates to open government.

Prior to appointment, all appointees must attest in their application for appointment to attendance of at least one Public Ethics Commission meeting. The Mayor, City Attorney, and City Auditor may not appoint an individual who was paid during the past two years for work by a committee controlled by the official.

Upon the effective date of this section, the three members appointed by the Mayor prior to 2015 shall continue to serve the remainder of their terms. Vacancies in the three positions appointed by the Mayor shall be filled in the following manner: the City Attorney shall appoint a member to fill the first vacancy; the City Auditor shall appoint a member to fill the second vacancy and the Mayor shall appoint the member to fill the third vacancy. Thereafter, the

positions appointed by the Mayor, City Attorney and City Auditor shall be filled in the same manner and upon consideration of the same criteria as the initial appointments.

The appointments made by the Mayor, City Attorney, and City Auditor may be rejected by City Council Resolution within 45 days of receiving formal notice of the appointment. An appointment shall become effective once written notice is made by the appointing authority to the City Clerk. Upon receiving such written notice, the Clerk shall promptly provide formal notice to the City Council.

- (2) Commission Appointments. The four members of the Commission who are not appointed by the Mayor, City Attorney or City Auditor shall be appointed, following a public recruitment and application process, by the affirmative vote of at least four (4) members of the Commission. Any member so appointed shall reflect the interests of the greater Oakland neighborhood, nonprofit and business communities.

Prior to appointment, all appointees must attest in their application for appointment to attendance of at least one Public Ethics Commission meeting.

- (3) Terms of office. All categories of member shall be appointed to staggered terms. Members of the Commission shall be appointed to overlapping terms, to commence upon date of appointment, except that an appointment to fill a vacancy shall be for the unexpired term only. Members of the Commission shall serve for a term of three years. No member may serve more than two consecutive full three-year terms. If a member is appointed to fill an unexpired term which term is for more than 1.5 years, he/she may serve only one additional consecutive three-year term. If a member is appointed to fill an unexpired term which term is for less than 1.5 years, he/she may serve two consecutive full three-year terms.
- (4) Quorum. Four members shall constitute a quorum.
- (5) Vacancy. A vacancy on the Commission will exist whenever a member dies, resigns, ceases to be a resident of the City or absents himself/herself continuously from the City for a period of more than 30 days without permission from the Commission, is convicted of a felony, is judicially determined to be an incompetent, is permanently so disabled as to be unable to perform the duties of a member, or is removed. A finding of disability shall require the affirmative vote of at least four members of the Commission after considering competent medical evidence bearing on the physical or mental capability of the member.

Vacancies not filled by the Mayor, City Attorney, or City Auditor within 90 days of the occurrence of such vacancy may be filled by the City Council in the same manner as provided by Charter, Section 601.

- (6) Removal. Members of the Commission may be removed by their appointing authority, with the concurrence of the Council by Resolution, only for conviction of a felony, substantial neglect of duty, gross misconduct in office, inability to discharge the powers and duties of office, absence from three consecutive regular meetings except

on account of illness or when absent by permission of the Commission, or violation of this Charter section, after written notice of the grounds on which removal is sought and an opportunity for a written response.

- (e) Qualifications and Restrictions. Each member of the Commission shall be a resident of Oakland and registered to vote in Oakland elections. No member of the Commission shall:
 - (1) Have an employment or contractual relationship with the City during the member's tenure and for a period of one year after the date of separation.
 - (2) Be a registered Oakland lobbyist or be required to register as an Oakland lobbyist, or be employed by or receive gifts or other compensation from a registered Oakland lobbyist during the member's tenure and for a period of one year after the date of separation.
 - (3) Seek election to any other public office in a jurisdiction that intersects with the geographic boundaries of Oakland, or participate in or contribute to an Oakland municipal campaign.
 - (4) Endorse, support, oppose, or work on behalf of any candidate or measure in an Oakland election.
- (f) Enforcement.
 - (1) Authority. In furtherance of Charter Section 603(b)(1) and (5). the Public Ethics Commission is authorized to:
 - (i) Conduct investigations;
 - (ii) Conduct audits of compliance with disclosure requirements with the Commission;
 - (iii) Conduct public hearings as provided by the Commission's complaint procedures or other law;
 - (iv) Issue subpoenas to compel the production of books, papers, records and documents and take testimony on any matter pending before the Commission. The Commission may seek a contempt order as provided by the general law of the state for a person's failure or refusal to appear, testify, or to produce required books, papers, records and documents;
 - (v) Impose penalties, remedies and fines, as provided for by ordinance. Ordinances enforced by the Public Ethics Commission shall not be subject to the \$1,000 limit on fines provided Sections 217 and 1208 of this Charter. The Commission's decision to impose penalties and fines for violation of any regulation or ordinance over which the Commission has authority shall be appealable to the Alameda County Superior Court by filing a petition for writ of mandamus;
 - (vi) Submit referrals to other enforcement authorities, including but not limited to the Alameda County District Attorney, California Fair Political Practices Commission, and California Attorney General;
 - (vii) Seek remedial relief for violations and injunctive relief;

- (viii) By an affirmative vote of at least five members, reprimand, censure, or impose administrative remedies, as provided by a governmental ethics ordinance adopted by the City Council, for violations of Section 218 and 1202 of this Charter, according to the Commission's due process procedures as provided in the Commission's complaint procedures;
 - (ix) Reprimand, censure, or impose administrative remedies, as provided by a governmental ethics ordinance adopted by the City Council, for violations of Section 907 of this Charter, according to the Commission's due process procedures as provided in the Commission's complaint procedures;
 - (x) Perform other functions as authorized by law.
- (2) Final enforcement action. Final enforcement action by the Commission on a matter, including but not limited to the imposition of fines or dismissal of a case, shall be made by an affirmative vote of at least four members.
- (3) Investigations. Preliminary review by Commission staff of allegations shall be confidential, to the extent permitted by law, until any of the following occurs:
- (i) Placement of the item on a Public Ethics Commission meeting agenda;
 - (ii) Passage of one year since the complaint was filed;
 - (iii) Action by the Executive Director closing the file without placing it on the agenda, pursuant to the Commission's complaint procedures or policies; or
 - (iv) Expiration of the Statute of Limitations.
- (4) Penalty guidelines and Enforcement Discretion. The Public Ethics Commission shall develop a policy setting forth standards for imposing penalties and exercising enforcement discretion. Commission staff shall adhere to the policy when recommending penalties under each of the different penalty provisions that the Commission has the power to enforce.
- (5) Per diem late filing fees. Regarding per diem fees that are authorized due to the late filing of disclosure reports, including campaign finance statements, lobbyist reports, and other ethics-related disclosures filed with the Commission by law, the following shall apply:
- (i) Assessments. Any instance of late filing that triggers the assessment of a fee of \$1,000 or more by the Commission shall be placed on a Commission meeting agenda before issuance of the fee;
 - (ii) Waiver guidelines. The Commission shall establish waiver guidelines in accordance with state law, which the Commission, as the filing officer, shall follow in determining whether or not to grant a waiver. These guidelines shall be published on the Commission's website. The Commission shall prescribe criteria for appeal to the Commission of waiver decisions made by the Executive Director. At each regular Commission meeting, the Executive Director shall provide a written report,

which shall be published online, regarding any waivers decisions made since the previous regular meeting;

- (iii) Referral of final, uncollected fees to collections. Unpaid non-investigatory, per diem late filing fees for disclosure programs that are past due for more than 90 days shall be referred to a City delinquent revenue collection office.
- (6) Private right of action. Oakland residents shall have a private right of action to file suits to enforce the Oakland Campaign Reform Act, Oakland Lobbyist Registration Act, Oakland Sunshine Ordinance, and any City governmental ethics ordinance when the City does not impose or stipulate to a penalty or file suit for a particular violation. Such private right of action shall be enabled for a given ordinance once criteria for such suits, including but not limited to a required notice period, actionable violations and remedies that may be sought, are prescribed by the ordinance.
- (g) Staff Assistance & Budget.
- (1) The City shall appropriate a sufficient budget for the Public Ethics Commission to fulfill the functions and duties as set forth above.
 - (2) Sufficient staffing shall not be less than the following minimum staffing requirement. Effective July 1, 2015, the City shall meet a minimum staffing requirement for the Commission. The minimum staffing shall consist of the following full-time positions or their equivalent should classifications change: Executive Director; One Deputy Director; One Ethics Investigator; One Program Analyst I or Operations Support Specialist; One Program Analyst; One Administrative Assistant I. The minimum staffing budget set-aside may be suspended, for a fiscal year or a two-year budget cycle, upon a finding in the budget resolution that the City is facing an extreme fiscal necessity, as defined by City Council resolution.
 - (3) The Executive Director shall serve at the pleasure of the Commission. By an affirmative vote of at least four members, the Commission may terminate the Executive Director. Upon a vacancy, the Commission shall conduct a search for the Executive Director with staff assistance provided by the City Administrator. Upon completion of the search and its vetting of applicants, the Commission shall select two or three finalists and forward the selections to the City Administrator, who shall select one as the Executive Director. The City Administrator shall not have the authority to remove the Executive Director. The Commission shall periodically conduct a performance review of the Executive Director.
 - (4) The Deputy Director shall serve at the pleasure of the Executive Director. Other than the Executive Director and Deputy Director, staff shall be civil service in accordance with Article IX of the City Charter. After the effective date of this Charter provision, the Commission Executive Director shall identify special qualifications and experience that the Program Analysts and Operation Support Specialist candidates must have. Candidates for future vacancies shall be selectively certified in accordance with the Civil Service Personnel Manual, as may be amended from time to time, except that

said selective certification shall not be subject to discretionary approval by the Personnel Director.

- (5) All staff are subject to the restrictions in Charter Section 603(e), except that staff are not prohibited from employment with the City and the one-year post-service restriction shall apply only to the Executive Director.
- (h) Amendment of Laws. Prior to enacting any amendments to laws that the Commission has the power to enforce, the City Council shall make a finding that the proposed changes further the goals and purposes of the ordinance or program in question and provide specifics substantiating the finding. Absent an urgency finding akin to suspending compliance with the Sunshine Ordinance, amendments to laws that the Commission has the power to enforce and that are proposed by one or more members of the City Council shall be submitted to the Commission for review and comment, prior to passage of the amendments by the City Council.
- (i) References to Other Laws in this Section. All references to other laws in this Section shall refer to these laws as they may be amended from time to time.

(Added by: Stats. November 2014.)

CITY OF OAKLAND CAMPAIGN CONTRIBUTION AND EXPENDITURE LIMITS PER THE OAKLAND CAMPAIGN REFORM ACT 2020

LIMITATIONS ON CONTRIBUTIONS FROM PERSONS (§3.12.050)

For candidates who do not adopt the expenditure ceilings (3.12.050(A))	\$200
For candidates who adopt the expenditure ceilings (3.12.050(B))	\$900

LIMITATIONS ON CONTRIBUTIONS FROM BROAD-BASED POLITICAL COMMITTEES (§3.12.060)

For candidates who do not adopt the expenditure ceilings (3.12.060(A))	\$400
For candidates who adopt the expenditure ceilings (3.12.060(B))	\$1,700

EXPENDITURE CEILINGS FOR MAYOR AND OTHER CITYWIDE OFFICES WHO VOLUNTARILY AGREE TO EXPENDITURE CEILINGS (§3.12.200)

Mayor	\$488,000
City Auditor	\$348,000
City Attorney	\$348,000
Council Member At-Large	\$348,000
District 1 Council Member	\$153,000
District 2 Council Member	\$153,000
District 3 Council Member	\$153,000
District 4 Council Member	\$146,000
District 5 Council Member	\$146,000
District 6 Council Member	\$146,000
District 7 Council Member	\$148,000
District 1 School Board Director	\$102,000
District 2 School Board Director	\$102,000
District 3 School Board Director	\$102,000
District 4 School Board Director	\$97,000
District 5 School Board Director	\$97,000
District 6 School Board Director	\$97,000
District 7 School Board Director	\$99,000

INDEPENDENT EXPENDITURE COMMITTEE THRESHOLD/EXPENDITURE CEILINGS LISTED (§3.12.220)

Citywide offices	\$125,000
District offices	\$27,000

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James E.T. Jackson, Chair
Nayeli Maxson Velázquez, Vice-Chair
Jill M. Butler
Michael B. MacDonald
Janani Ramachandran
Joe Tuman
Jerett Yan

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Suzanne Doran, Lead Analyst
Jelani Killings, Ethics Analyst
Whitney Barazoto, Executive Director
DATE: January 24, 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 since the last monthly meeting. 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.

Filing Officer - 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 also increased the individual contribution limit for candidates that voluntarily accept expenditure limits from \$800 to \$900 per election.

Campaign finance disclosure – Two Oakland elections are scheduled this year, a special election on March 3 and the general election on November 3, 2020. Three local measures are certified for Oakland's March 3, 2020 Special Election, Measures Q, R and S. As a result, there are two additional pre-election deadlines for campaign statements this year. Oakland committees engaging in campaign activity to support or oppose measures on the March 3 ballot are subject to pre-election filing deadlines. The first pre-election deadline falls on January 23 and covers the period from January 1 through January 18. All Oakland registered committees must submit semi-annual campaign statements by January 31 for the period from July 1 through December 31, 2019. Outreach to filers this month included email notices of the upcoming deadlines and reminders via our social media accounts.

Commission staff also distributed an advisory to City staff and officials and campaign filers explaining the new disclosure requirement in effect for City officials and staff who solicit contributions to political campaigns. 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

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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.

In line with staff efforts to digitize and streamline disclosure reporting, Commission staff implemented digital forms for reporting solicited contributions ([OCRA Form 303](#)) and for candidates to accept voluntary campaign spending limits ([OCRA Form 301](#)).

Lobbyist Registration and Reporting 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. January 31 is the deadline for annual lobbyist registration renewal and January 30 is the deadline for quarterly lobbyist activity reports covering the period from October 1 through December 31, 2019. Outreach to lobbyists this month included email notices of the upcoming deadline and reminders via our social media accounts.

Commission staff also 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. Staff emailed City elected officials and their staff members regarding the new brochure and provided copies of the brochure to the City Council office. Staff will also provide the brochure to City departments as a resource to share with individuals that are conducting lobbying activities and may need to register with the Commission.

Illuminating Disclosure Data

Lobbyist e-filing – During 2019, Commission staff successfully submitted a proposal to the City of Oakland's Information Technology Department (ITD) to build an online lobbyist e-filing system and public portal to increase efficiency in processing lobbyist registration and disclosure reports and to improve internal and public access to the data contained within the reports. Commission staff continues to collaborate with IT to refine the lobbyist reporting app utilizing the [OakApps](#) portal.

Open Disclosure – Commission staff continues to act as product manager for the campaign finance website www.opendisclosure.io, produced in partnership with Open Oakland volunteers. The project team began working to update the site for both the March and November Oakland elections this month. The team plans to have a beta version ready to test when the March 2020 campaign finance data becomes available.

Advice and Engagement

New Employee Orientation – Staff continues to make presentations at the City's monthly New Employee Orientation (NEO) providing new employees with an introduction to the PEC and overview of the Government Ethics Act (GEA). On January 15, staff trained a total of 45 new employees on GEA provisions.

Single Point of Contact (SPOC) – On January 8, Staff presented at the Department of Human Resources Management's (DHRM) Single Point of Contact (SPOC) meeting. SPOCs are designated individuals within each department of the City that serve as liaisons to the DHRM to disseminate information to City departments. Staff's presentation was part of an ongoing coordination with DHRM to identify all Form 700 filers and communicate their filing and training responsibilities under the Government Ethics Act. Staff presented on Form 700 and the importance of identifying all filers for

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education and compliance purposes. Staff continues working with the DHRM to identify all Form 700 filers to ensure that they take the PEC's online ethics training.

Boards and Commissions – PEC staff will be conducting an ethics training for the City's board and commission members on January 30 and 31. The in-person training mirrors the PEC's online Government Ethics Training for Form 700 Filers currently offered to employee Form 700 filers. The training will cover key provisions of the Government Ethics Act (GEA) including Form 700 filing, conflicts of interests, gift restrictions, misuse of City resources, and revolving door rules. PEC staff worked with board staff liaisons to share the mandatory training information with their respective board members. Both training dates quickly filled as over 100 board and commission members have RSVP'd. PEC staff has informed board staff liaisons that another training will be provided in the spring for board members that were not able to attend one of the scheduled January trainings.

Oakland Campaign Reform Act Guide – Commission staff made substantial revisions to the PEC's comprehensive guide to the Oakland Campaign Reform Act, designed to assist the regulated community in complying with local law. The guide provides a summary of the Oakland Campaign Reform Act provisions and was updated and amended to incorporate new disclosure requirements added to the ordinance in June 2019.

Online Engagement

Website – Over the past several months, 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 key PEC services categorized with all City services without navigating from the PEC home page or having prior knowledge that the PEC is the service provider. The user research project showed which PEC content users are engaging with and which content is passed over or escaping notice. Staff began utilizing new website features to re-label and re-organize content based the results. Staff also started revisions to improve accessibility, such as ensuring content can be read by screen readers, simplifying vocabulary, and labeling images with alt text.

Lastly, staff updated the Commission's mailing list subscription form as part of our goal to upgrade our communications processes. Now interested persons can select from lists to receive updates relevant to specific client groups or issue areas.

Social Media – Each month Commission staff post social media content to highlight specific PEC policy areas, activities or client-groups. In January, our posts focused on campaign finance disclosure deadlines, lobbyist registration and disclosure deadlines, introducing the new Commission chair, vice chair, and new members.

General Outreach

Community Roundtable with City Auditor – On January 16, 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 the Commission's background and key accomplishments and informed attendees about the current work of the Commission. Commissioners and PEC staff answered questions related to public records requests, open meeting requirements, and the disclosure and education programs and provided attendees with several ethics resources to learn more about the Commission and our services.

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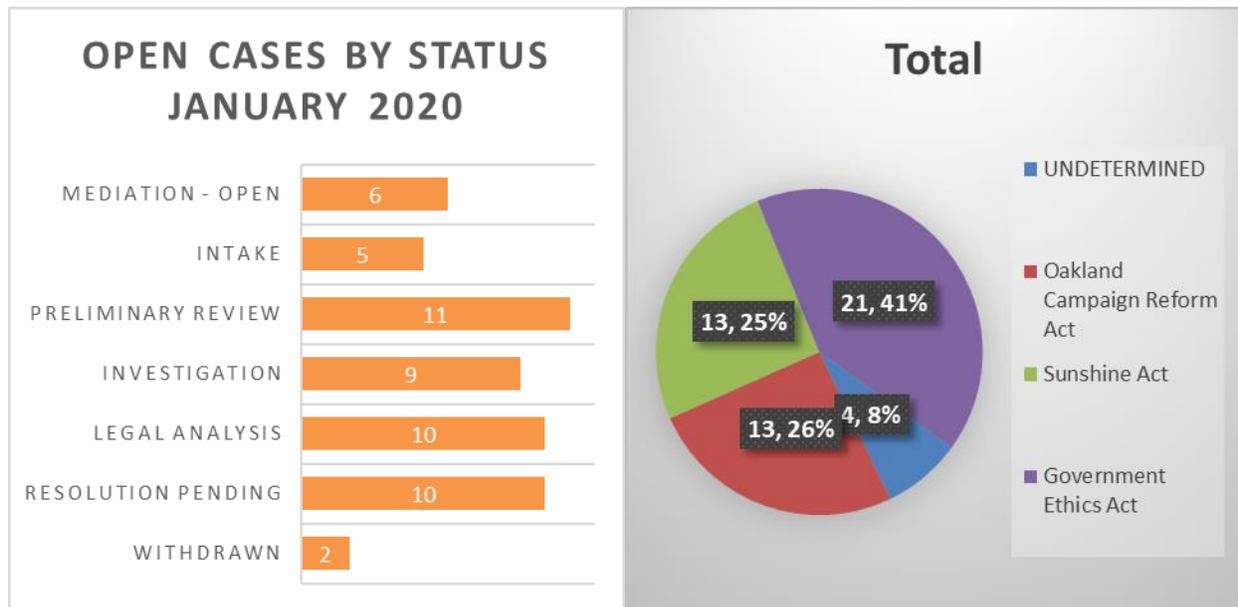
James E.T. Jackson, Chair
Nayeli Maxson Velázquez, Vice Chair
Jill M. Butler
Michael MacDonald
Janani Ramachandran
Joseph Tuman
Jerett Yan

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Kellie Johnson, Enforcement Chief
DATE: January 21, 2020
RE: Enforcement Program Update

Current Enforcement Activities:

Since the last Enforcement Program Update on January 6, 2020, Commission staff received one formal complaint. This brings the total Enforcement caseload to 51 enforcement and mediation cases: 5 matters in the intake or preliminary review stage, 9 matters under active investigation, 10 matters under post-investigation analysis, 10 matters in settlement negotiations or awaiting an administrative hearing, and 6 ongoing public records request mediations.



Summary of Cases:

Since the last Enforcement Program Update in January 2020, the following status changes occurred:

1. *In the Matter of Oakland City Council (Complaint No. 19-19)*. On November 12, 2019, the City of Oakland Public Ethics Commission received a complaint alleging that each member of the Oakland City Council violated the Oakland Government Ethics Act (GEA) when they approved the grant of funding from the City Budget to Oakland Promise during the following budget cycles: 2016-2018, 2017-2018, 2018-2019 and 2019-2020. The complainant alleged that Oakland Promise was not a state-recognized non-profit organization and that it did not have the appropriate documentation/registration until 2019 with the state to merge with East Bay College Fund (EBCF), a state-recognized non-profit organization. In the absence of being certified, the allocation of City funds to the organization was unlawful. Staff dismissed the complaint because the complainant did not allege conduct that was a violation of the Government Ethics Act. At the January 6, 2020 meeting, the Commission asked Staff to set this matter over until the next Commission meeting. Staff includes the dismissal letter again, along with a more detailed explanation of the law and the facts alleged in the complaint. (See Attachments)
2. *In the Matter of City of Oakland Public Works (Maintenance and Facilities) (Complaint No. 20-01)*. The Commission received a complaint on December 24, 2019, alleging that an Oakland City employee with the Public Works Department (maintenance and groundskeeping) violated the Oakland Government Ethics Act by engaging in harassing, profane and racially incendiary conduct against the Complainant. The Complainant had filed the same report with identical allegations in Case No. 19-21. The allegations in Case No. 19-21 were dismissed and presented for information at the January 6, 2020, PEC meeting. Likewise, Staff dismissed this complaint due to lack of PEC enforcement jurisdiction. (See Attachment)



CITY OF OAKLAND

ONE FRANK H. OGAWA PLAZA • CITY HALL • 1ST FLOOR, #104 • OAKLAND • CA 94612

Public Ethics Commission
Enforcement Unit

(510) 238-3593
FAX (510) 238-3315
TDD (510) 238-3254

December 11, 2019

Gene Hazard

Re: PEC Complaint No. 19-19; Dismissal Letter

Dear Mr. Hazard:

On November 12, 2019, the City of Oakland Public Ethics Commission (PEC) received your complaint (#19-19) alleging that each member of the Oakland City Council violated the Oakland Government Ethics Act (GEA) when they approved the grant of funding from the City Budget to Oakland Promise during the following budget cycles: 2016-17, 2017-18, 2018-19 and 2019-20. The complainant asserts that Oakland Promise was not a State recognized non-profit organization until 2019 and that Oakland Promise did not have the appropriate documentation/registration (Certificate of Agreement or Certificate of Merger) with the State to merge with East Bay College Fund (EBCF), a State recognized non-profit organization. In the absence of being a certified non-profit or merger with the EBCF, the complainant alleged that any and all allocations of funding were unlawful. After review of your complaint and the law, we have determined that the allegation you set forth does not constitute a violation of the Government Ethics Act and therefore are dismissing the complaint.

On November 19, 2019 the City of Oakland's Auditor's office released a report on its investigation into Oakland Promise. The investigation found the following:

“In 2014, Oakland Promise formed as a partnership between the Oakland Unified School District (OUSD) and the East Bay College Fund (EBCF) to improve educational and career prospects for Oakland youth and families. The East Bay College Fund (EBCF) was a nonprofit organization.

In 2015, the Mayor's Office joined OUSD and EBCF, and assumed a leadership role in collaborating with these organizations, including the Oakland Public Education Fund (Ed Fund). The Mayor's Office publicly launched the Oakland Promise multi-agency partnership in January 2016. The Oakland Public Education

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PEC Complaint No. 19-19; Dismissal Letter
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Fund (Ed Fund) is a tax-exempt nonprofit organization that raises money for Oakland public schools.

For several years, Oakland Promise existed as a partnership of organizations that individually and collaboratively developed programs toward the shared goal of tripling the number of low-income Oakland public school graduates who complete a post-secondary education. In 2016, the partnership gained more organizational capacity when one of the partner organizations – the Ed Fund – lent its status as an established nonprofit organization to set up a restricted account to receive donations and make payments on behalf of Oakland Promise, an unincorporated association. This fiscal sponsorship arrangement enabled Oakland Promise to obtain funding to staff and administer its programs. On June 27, 2019, the California Secretary of State filed articles of incorporation designating Oakland Promise as an independent nonprofit organization.”

The City Auditor’s investigation concluded that:

“The City’s financial contributions to Oakland Promise – though complex and hard to follow – were neither prohibited nor irregular. The City Council authorized \$1,518,054 of financial contributions to Oakland Promise through the Oakland Fund for Children and Youth (OFCY) for the ‘Brilliant Baby’ and ‘College and Career Access and Success’ programs. As of the date of this report (November 19, 2019), the City paid \$1,117,011 toward these Oakland Promise programs. • The City Council has authorized \$2,150,000 from the City’s General-Purpose Fund to Oakland Promise’s ‘K2College’ program. As of the date of this report, none of the authorized funding for Oakland Promise’s ‘K2College’ program has been paid.”

The Oakland Government Ethics Act section O.M.C. 2.25.060 (A) (1) prohibits a Public Servant from using, permitting others to use public resources for a campaign activity or for personal or non-city purpose not authorized by law. Further, section O.M.C. 2.25.060 (A)(2) prohibits a Public Servant from using his or her position or the power or authority of his/her office or position, in a manner intended to induce or coerce any person to provide any private advantage, benefit, or economic gain to the City Public Servant or candidate or any other person.

On these facts, even though the “Fiscal Sponsorship Agreement” between Oakland Promise and the Ed Fund was complicated, the complaint provides no information or evidence that members of the City Council, by approving funds to the Ed Fund for the purpose of assisting an Oakland Promise program, was for personal or non-city purposes. Further, the complainant provides no information that any particular councilmember used their position to coerce or induce a person to provide a private advantage, benefit or economic gain to the councilmember or any other person.

Because the allegations in your complaint, if true, do not constitute a violation of the Government Ethics Act, we are dismissing your complaint pursuant to our Complaint Procedures. The PEC’s Complaint Procedures are available on the PEC’s website, and a copy has been included with this

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PEC Complaint No. 19-19; Dismissal Letter
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letter for your reference. I am also including a complete copy of the Oakland City Auditor's Report on Oakland Promise, issued in November 2019. In the Auditor's Report, the City Auditor explains the complicated but lawful Fiscal Sponsorship Agreement.

We are required to inform the Public Ethics Commission of the resolution of this matter at its next public meeting, as part of our regular monthly update on Enforcement actions. That meeting will take place on January 6, 2020, at 6:30 p.m. in Hearing Room 1 of Oakland City Hall (1 Frank Ogawa Plaza). The report will be purely informational, and no action will be taken by the Commission regarding this matter, which is now closed. However, you are welcome to attend that meeting and/or give public comment if you wish. You may also submit written comments to us before that meeting, and we will add them to the meeting materials.

Thank you for bringing this matter to our attention. If you have any questions regarding this matter, please feel free to contact me.

A large black rectangular redaction box covers the signature area. Above the box, there are faint, handwritten scribbles that appear to be the initials 'J.S.'.

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ATTACHMENT 9



James E.T. Jackson, Chair
Nayeli Maxson Velazquez, Vice-Chair
Jill M. Butler
Michael B. MacDonald
Janani Ramachandran
Joe Tuman
Jerett Yan

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Kellie F. Johnson, Enforcement Chief
DATE: January 23, 2020
RE: *In the Matter of Oakland City Council and Mayor Libby Schaff (Case No. 19-19);* PEC Memorandum on Decision to Dismiss an Information Item

PROCEDURAL/FACTUAL BACKGROUND

The Enforcement Unit of the City of Oakland Public Ethics Commission (“Staff”) pursuant to the PEC’s complaint procedures Section II (C)(1)¹ conducted an intake review and dismissed Case No. 19-19 because the allegations the Complaint set forth does not constitute a violation of the Government Ethics Act.

The Complainant made a general allegation, without citing any specific area of the Oakland Charter or ordinances, that every member of the Oakland City Council since 2016, including the Mayor and Councilmembers no longer in office, engaged in unethical and unlawful activity by approving funding in the City Budget for Oakland Promise during the following budget cycles: 2016-2017, 2017-2018, 2018-2019 and 2019-2020.

When a complaint fails to cite a specific statute, provision or ordinance, Staff proactively evaluates whether the allegation constitutes a violation within the Commission’s jurisdiction.²

Here, the closest potential laws that could be applied in this case include Government Ethics Act (GEA) 2.25.060 (A)(1) Misuse of City Resources and/or Misused City Position GEA 2.25.060 (A)(2). O.M.C. 2.25.060(A)(1) prohibits a Public Servant from using or permitting others to use public resources for a campaign activity or for personal or non-city purposes authorized by law.³

¹ The Staff may dismiss a complaint if the allegations do not warrant further action for reasons that may include, but are not limited to, the following: a. allegations, if true, do not constitute a violation of law within the Commission’s enforcement jurisdiction, b. the complaint does not include enough information to support further investigation, c. the allegation in the complaint are already under investigation or already have been resolved, by the Commission or other law enforcement agency, d. the complaint should be referred to another governmental or law enforcement agency better suited to address the issue.

² After a thorough review of the City Charter, Municipal Code provisions and the PEC’s jurisdictional authority, no other applicable laws appear relevant

³ O.M.C. 2.25.060 (A)(1)

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The allegations set forth in the complaint fail to establish a violation of Misuse of Public Resources in the following ways:

1. No factual evidence that any member of City Council between 2016 and today used or permitted others to use public resources for campaign activity.
2. No factual information that any member of City Council between 2016 and today used or permitted others to use public resources for a personal purpose.
3. No factual information that any member of City Council between 2016 and today used or permitted others to use public resources for a non-city purpose not authorized by law.

Likewise, O.M.C. 2.25.060 (A)(2) prohibits a Public Servant from using his or her position or the power or authority of his/her office or position, in a manner intended to induce or coerce any person to provide any private advantage, benefit, or economic gain to the City Public Servant or candidate or any other person.

The allegations set forth in the complaint failed to establish a violation of Misuse of Position in the following ways:

1. No factual evidence that any member of the City Council between 2016 and today used his/her position or the power or authority of his/her office to induce or coerce any person to provide a private advantage, benefit, or economic gain to the City Public Servant.
2. No factual evidence that any member of the City Council between 2016 and today used his/her position or the power or authority of his/her office to induce or coerce any person to provide a private advantage, benefit, or economic gain to any other person.

DISMISSAL SUMMARY

The complaint fails to provide any new information, factual, legal or otherwise that would establish Commission jurisdiction in this case.

The Complaint includes a letter from the State of California Department of Justice, dated September 17, 2019. . The letter provides information that Oakland Promise “has never filed any documentation indicating the organization is a 501(C)(3), non-profit public benefit corporation.” Although helpful information, the letter does not provide evidence of a violation. Furthermore, the Oakland City Auditor has conducted an investigation and made findings that the Oakland City Council did not allocate funds to Oakland Promise.

The City Council allocated funds in the amount of \$1,518,054 in financial contributions to the Oakland Fund for Children and Youth (OFCY) a state recognized non-profit public benefit corporation. The OFCY then provided funding for Oakland Promise’s ‘Brilliant Baby’ and ‘College and Career Access and Success’ programs. The City Council has authorized \$2,150,000 from the City’s General-Purpose Fund to the Education Fund that in turn provided funding to Oakland Promise’s ‘K2College’ program.

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Oakland Promise had a “fiscal sponsorship arrangement” with the Ed Fund that enabled Oakland Promise to obtain funding to staff and administer its programs. The City Auditor’s office made findings that although the “fiscal sponsorship agreement” between Oakland Promise, the Ed Fund, and OFCY was complicated and on first blush hard to follow, The City’s financial contributions to Oakland Promise “were neither prohibited nor irregular.”⁴

In sum, the letter the Complainant provided to Staff and the Commission from the Department of Justice, although it accurately states Oakland Promise was not a state registered non-profit organization, does not establish the City Council unlawfully allocated funds to an organization that was not a state recognized non-profit organization. Even if true, that fact alone does not establish the violation of Misuse of Public Resources because it does not prove that the allocation was for a campaign or for personal use or for a non-city purpose. Moreover, none of the information alleged by the Complainant, including the letter, establish that a Councilmember, by allocating the funds as part of a full Council vote, coerced or induced anyone to provide a private advantage, benefit or economic gain to themselves or any other person.

A copy of the dismissal letter is included in the Enforcement Report for your review. In addition to the dismissal letter, Staff provided the Complainant with a copy of the City Auditor’s report and findings.

Lastly, Staff notes that the Enforcement team is investigating allegations against Mayor Schaff and her alleged allocation of public resources and the grant of use of City property to Oakland Promise as well as other conduct that was disclosed in the City Auditor’s Oakland Promise report. Staff cannot comment on the details of that investigation until it has concluded and is brought to the Commission for resolution or other action.

⁴ Oakland Promise Audit Report 2019

ATTACHMENT 9



CITY OF OAKLAND

ONE FRANK H. OGAWA PLAZA • CITY HALL • 1ST FLOOR, #104 • OAKLAND • CA 94612

Public Ethics Commission
Enforcement Unit

(510) 238-3593
FAX (510) 238-3315
TDD (510) 238-3254

January 16, 2020

Raven Bays



Re: PEC Complaint No. 20-01; Dismissal Letter

Dear Ms. Bays:

On December 24, 2019, the City of Oakland Public Ethics Commission (PEC) received your complaint (#20-01) asserting the same allegations from complaint (#19-21) that an Oakland City employee with Public Works Department (maintenance/grounds keeping) violated the Oakland Government Ethics Act by engaging in harassing, profane, sexist and racially incendiary conduct against you. Complaint (#19-21) was dismissed on January 6, 2020, because the allegations, if true, do not constitute a violation of law within the Commission's enforcement jurisdiction. As with your previous complaint, the alleged conduct does not fall within the PEC's enforcement jurisdiction, and we are therefore dismissing your complaint.

I have called and left messages on your phone to explain to you directly the PEC's lack of jurisdiction. Unfortunately, I was not able to reach you and you have not returned my calls. If you have additional questions, I encourage you to contact me directly by telephone or email, both of which are contained in this letter.

We are required to inform the Public Ethics Commission of the resolution of this matter at its next public meeting, as part of our regular monthly update on Enforcement actions. That meeting will take place on February 3, 2020, at 6:30 p.m. in Hearing Room 1 of Oakland City Hall (1 Frank Ogawa Plaza). The report will be purely informational, and no action will be taken by the Commission regarding this matter, which is now closed. However, you are welcome to attend that meeting and/or give public comment if you wish. You may also submit written comments to us before that meeting, and we will add them to the meeting materials. Thank you for bringing this matter to our attention.

Sincerely,

Kellie Johnson, Enforcement Chief
City of Oakland, Public Ethics Commission
KJohnson3@oaklandca.gov

ATTACHMENT 10



James E.T. Jackson, Chair
Nayeli Maxson Velázquez, Vice-Chair
Jill M. Butler
Michael B. MacDonald
Janani Ramachandran
Joe Tuman
Jerett Yan

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Whitney Barazoto, Executive Director
DATE: January 24, 2020
RE: Executive Director's Report

This memorandum provides an overview of the Public Ethics Commission's (PEC or Commission) significant activities since the Commission's last regular meeting that are not otherwise covered by other staff program reports. The attached overview of Commission Programs and Priorities includes the ongoing goals and activities for 2019-20 for each program area.

New Commissioner Onboarding

On January 6, 2020, the Commission selected Michael MacDonald and Janani Ramachandran as the Commission's two newest members to replace outgoing Commissioners Jodie Smith and Gail Kong. Commissioners are scheduled to be sworn in and provided with a brief orientation on January 29, 2020, and seated at the February 3, 2020, regular Commission meeting.

Commission Intern

Ryan Sim came to the Commission staff team in November as a part-time intern with a current schedule of two days per week. Ryan graduated from Harvard in May, 2019, with an A.B. in Government, Secondary in Psychology. He is planning to begin law school in the Fall of 2020 and will be working with us voluntarily until May. His experience includes interning with the FBI in their Financial Crimes Division, serving as a Civic Leadership Democracy fellow with RepresentUs in San Francisco, and working as a fellow with the Alameda County Office of Sustainability, among other experience. Ryan is assisting with enforcement investigations and is conducting research for policy and operational projects, including the Commission's campaign finance project and upcoming Sunshine Report Card.

Alameda County Grand Jury Association

On January 31, 2020, Commission staff provides a presentation to the Alameda County Grand Jury Association on the PEC's 5-year progress since the new City Charter amendment was adopted by Oakland voters in 2014. The Alameda County Grand Jury Association was formed in 2016 as a nonprofit chapter of the California Grand Jurors Association and consists of former grand jurors from throughout the county. The Association's goals are to support the grand jury system in Alameda County and promote local government accountability.

Attachment: Commission Programs and Priorities

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PUBLIC ETHICS COMMISSION Programs and Priorities 2019-20

Program	Goal	Desired Outcome	Key Projects for 2019-20
Lead/ Collaborate (Policy, Systems, Culture)	PEC facilitates changes in City policies, laws, systems, and technology and leads by example to ensure fairness, openness, honesty, integrity and innovation.	Effective campaign finance, ethics, and transparency policies, procedures, and systems are in place across City agencies	<ol style="list-style-type: none"> 1. Adoption of PEC-drafted City Ticket Distribution policy and process changes 2. Campaign Finance/Public Financing Act Project to expand participation in the campaign process 3. Government Integrity Data partnership
Educate/ Advise	Oakland public servants, candidates for office, lobbyists, and City contractors understand and comply with City campaign finance, ethics, and transparency laws.	The PEC is a trusted and frequent source for information and assistance on government ethics, campaign finance, and transparency issues; the PEC fosters and sustains ethical culture throughout City government.	<ol style="list-style-type: none"> 1. Online ethics training for Form 700 filers – ensure training delivered to a) elected officials, b) City employees (1000), b) board/commission members, and c) consultants 2. Board/Commission member/liaison support/guidance; Sunshine/Meeting agenda posting Compliance Review v 3. Ongoing: advice calls, in-person trainings, ethics orientation for new employees (12), supervisor academy (3-4), and PEC newsletter (2) 4. Sunshine and Lobbyist education materials
Outreach/ Engage	Citizens and regulated community know about the PEC and know that the PEC is responsive to their complaints/questions about government ethics, campaign finance, or transparency concerns.	The PEC actively engages with clients and citizens demonstrating a collaborative transparency approach that fosters two-way interaction between citizens and government to enhance mutual knowledge, understanding, and trust.	<ol style="list-style-type: none"> 1. Outreach to client groups: -City staff/officials -people doing business with the City 2. Sustain/enhance general PEC social media outreach 3. PEC Roadshow – focus on CF project outreach (Commissioners) 4. Engage Boards/Commissions regarding Sunshine requirements (ensure/review agenda postings online)
Disclose/ Illuminate	<p>PEC website and disclosure tools are user-friendly, accurate, up-to-date, and commonly used to view government integrity data.</p> <p>Filing tools collect and transmit data in an effective and user-friendly manner.</p>	<p>Citizens can easily access accurate, complete campaign finance and ethics-related data in a user-friendly, understandable format.</p> <p>Filers can easily submit campaign finance, lobbyist, and ethics-related disclosure information.</p>	<ol style="list-style-type: none"> 1. Lobbyist Registration – pilot new e-filing system, create online open data format for public accessibility 2. Form 803 Behested Payments – implement e-filing process, create online open data format for public accessibility 3. Initiate/develop project plan to establish contractor database 4. Open Disclosure 2020 – campaign data visualization project 5. Government Integrity Data Project planning and development
Detect/ Deter	PEC staff proactively detects potential violations and efficiently investigates complaints of non-	Public servants, candidates, lobbyists, and City contractors are motivated to comply with	<ol style="list-style-type: none"> 1. Focus on ethics violations, proactive investigations 2. Conduct complaint intakes within 2 weeks 3. Collaborate with other government law enforcement agencies

ATTACHMENT 10

	compliance with laws within the PEC's jurisdiction.	the laws within the PEC's jurisdiction.	4. Conduct audits to identify common, across-the-board compliance issues
Prosecute	Enforcement is swift, fair, consistent, and effective.	Obtain compliance with campaign finance, ethics, and transparency laws, and provide timely, fair, and consistent enforcement that is proportional to the seriousness of the violation.	<ol style="list-style-type: none"> 1. Conduct hearings as needed 2. Complete City ticket cases 3. Expedite Sunshine Mediations ✓ 4. Amend Complaint Procedures ✓ 5. Resolve all 2014 and 2015 cases ✓ 6. Streamline and expand enforcement systems to incorporate broader tools
Administration/ Management	PEC staff collects and uses performance data to guide improvements to program activities, motivate staff, and share progress toward PEC goals.	PEC staff model a culture of accountability, transparency, innovation, and performance management.	<ol style="list-style-type: none"> 1. Revise PEC Enabling Ordinance 2. Publish performance goals and data on PEC website – dashboards 3. Review data to adjust activities throughout the year 4. Ongoing: professional development and staff reviews ✓