

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Monday, August 6, 2012
Sgt. Mark Dunakin, Hearing Room 1
6:30 p.m.



Commissioners: Richard Unger (Chair), Aspen Baker, Lloyd Farnham, Roberta Johnson, Benjamin Kimberley, Monique Rivera

Commission Staff: Whitney Barazoto, Executive Director
City Attorney Staff: Kathleen Salem-Boyd, Deputy City Attorney

SPECIAL MEETING AGENDA

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

CONSENT ITEMS¹

4. Approval of Commission Draft Minutes
 - a. July 2, 2012 (Attachment 1)

GUEST PRESENTATION

5. **City Auditor's Ethical Climate Survey.** City Auditor Courtney Ruby will provide an overview of the Auditor's 2011 Ethical Climate Survey to the Commission.
(Attachment 2)

ACTION ITEMS

6. **Nomination and Election of Vice-Chair of the Commission.** Commissioner and Vice-Chair Amy Dunning was appointed to the Civil Service Board on July 18, 2012, and concurrently resigned from the Public Ethics Commission. Commissioners will elect a new vice-chair for the remainder of the 2012 year.
7. **Commission Priorities.** The Commission will hear input from the public and discuss the Commission's strategic direction for the coming year. Staff provides a draft workplan to outline potential Commission goals for 2012-13.
(Attachment 3 – Commission staff memorandum)
(Attachment 4 – Letter from Katherine Gavzy, League of Women Voters of Oakland)

¹ Consent items will be voted on all at once, unless a Commissioner requests removal of an item from consent prior to the vote.

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- 8. **Limited Public Financing Program.** Commission staff provides an update on the Limited Public Financing Program.
(Attachment 5)

DISCUSSION ITEMS

- 9. **Lobbyist Registration Program.** Commission staff is reviewing lobbyist filings for the past two years and updating lobbyist registration information to be posted on the Commission's website. Staff will provide an update on the status of lobbyist registration filings.
- 10. **Complaint/Enforcement Program.** An updated list of pending cases is included for informational purposes. Commissioners may discuss the complaint process in general and may discuss any of the complaints listed in the attached spreadsheet.
(Attachment 6)

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 by completing a Speaker's Card and giving it to a representative of the Public Ethics Commission. All speakers will be allotted three minutes or less unless the Chairperson allocates additional time.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the meetings of the Public Ethics Commission or its Committees, please contact the Office of the City Clerk (510) 238-7370. Notification two full business days prior to the meeting will enable the City of Oakland to make reasonable arrangements to ensure accessibility.

Should you have questions or concerns regarding this agenda, or wish to review any agenda-related materials, please contact the Public Ethics Commission at (510) 238-3593 or visit our webpage at www.oaklandnet.com/pec.

[Handwritten Signature] for Chairman Unger 7/26/12
Approved for Distribution Date

MEETING MINUTES
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Monday, July 2, 2012
Sgt. Mark Dunakin, Hearing Room 1
6:30 p.m.

DRAFT



Commissioners: Richard Unger (Chair), Amy Dunning (Vice-chair), Aspen Baker, Lloyd Farnham, Roberta Johnson, Benjamin Kimberley Monique Rivera

Commission Staff: Whitney Barazoto, Executive Director
City Attorney Staff: Kathleen Salem-Boyd, Deputy City Attorney

MEETING MINUTES

1. Roll Call and Determination of Quorum

The meeting was called to order at 6:32 p.m.

Members present: Unger, Dunning, Baker, Farnham, Johnson, and Kimberley.

Members excused: Rivera

Staff present: Whitney Barazoto and Kathleen Salem-Boyd

2. Staff and Commission Announcements

Executive Director Whitney Barazoto welcomed Commissioners Johnson and Kimberley, both of whom were appointed by the Commission.

In addition, Ms. Barazoto made the following announcements:

- The Commission's website can now be accessed directly under new web domain name www.oaklandnet.com/pec, in addition to the existing path that still exists through the City government website.
- On July 3, the City Council is considering a resolution that would suspend the salary increase recently authorized by the Commission but would allow the increase to take effect in future years.
- Welcome to Matundu Makalani, a new Commission intern.
- Commission requests for part-time staff have passed initial approvals and are awaiting final approval by the City Administrator's office.
- The Commission will meet on the first Monday in August (8/6) as usual but also will need to hold a special meeting to be announced sometime after August 15 regarding the Limited Public Financing program.

3. Open Forum

There were no speakers.



CONSENT ITEMS

4. Approval of Commission Draft Minutes

Chairman Unger noted that two pages of the two sets of minutes were collated in error and need to be reset, but that all of the text was included in the published draft.

The Commission moved, seconded, and unanimously approved the March 5, 2012, meeting minutes and the June 4, 2012, meeting minutes.

ACTION ITEMS

5. Public Access to Information

Nicole Neditch, Office of the City Administrator, presented information to the Commission about the City's Open Data project and other initiatives to open City data to the public in order to promote civic engagement, improve decision and policy making, increase government transparency, and improve access to public information.

6. Candidate Information Packets

Ms. Barazoto explained that the candidate information packet included with the agenda materials was created in order to provide an overview of state and local campaign-related laws for candidates as they run for local office, along with the packet of information about the Limited Public Financing program. The packet will be distributed to candidates during the nominations process beginning in August.

The Commission moved, seconded, and unanimously approved the candidate information packet.

7. Complaint/Enforcement Program

Ms. Barazoto said that staff reviewed all of the pending complaints in general and made suggestions about how to prioritize among them, as described in the staff memorandum. She also recommended dismissal of six complaints that are outside of the Commission's jurisdiction.

The Commission moved, seconded, and approved dismissal of the following cases: 12-05, 12-02, 12-01, 11-05, 11-04, and 11-02.



The Commission discussed the executive director's suggested prioritization of complaints as outlined in the staff memorandum attached to the agenda for this item. The Commission moved, seconded, and approved the executive director's proposed priority system for pending complaints.

DISCUSSION ITEMS

8. Zero Waste Contract Procurement Process Integrity

Ms. Barazoto provided information about the Zero Waste Contract Procurement Process developed by the Oakland Department of Public Works to ensure integrity and avoid conflicts of interest in the contracting procurement process. Commissioners asked questions about the process and the Commission's role and applauded the effort by City staff to create a fair and transparent process. The Commission directed staff to convey the Commission's appreciation for the added integrity measures to the Public Works Department. The Commission also expressed its interest in watching how the process plays out and staying informed on the outcome.

9. Commission Priorities

Ms. Barazoto proposed the Commission have a discussion of Commission priorities to occur at the next scheduled meeting. Commissioners expressed interest in having such a discussion and offered suggestions for specific issues and approaches for the discussion to occur in August.

There was one speaker, Katherine Gavzy, League of Women Voters.

10. Internship Program

Ms. Barazoto discussed her interest and goal of creating an ongoing internship program, with the help of Commissioner Roberta Johnson. Commissioners discussed potential projects, and staff encouraged Commissioners to suggest intern projects to staff as needed.

The meeting adjourned at 8:46 p.m.



Courtney A. Ruby
City Auditor
(510) 238-3378
www.OaklandAuditor.com
cityauditor@oaklandnet.com

City of Oakland

Ethical Climate Survey – 2011

“Do you think Oakland fosters an ethical work environment?”



In November 2011, City Auditor Courtney Ruby initiated Oakland’s second annual Ethical Climate Survey, again asking City employees, “Do you think Oakland fosters an ethical work environment?”

The survey showed that Oakland’s overall ethical climate remained in a good place and has improved slightly from the previous year in nearly every category. Despite these gains, Oakland’s overall score grew only marginally, and many of the problem areas carried over from the survey’s original baseline scores, showing that Oakland still has room to improve in several key areas.

The “Employee” section was again the highest-rated category, with seven of the ten statements’ scores ranking *high*, which was consistent with last year’s results. Employees positively expressed that they are expected to tell the complete truth when performing their work duties and to use ethical behaviors in getting results. No statement ranked lower than a *medium* score for this section.

The survey’s results showed that the “Management” section had also improved, with all scores for each statement being rated *medium* or *high*. Three statements moved from the *low* to the *medium* category, showing that employees felt management has improved in creating an environment in which staff is comfortable raising ethical concerns, appreciating staff bringing forward bad news and appointing and rewarding people on the basis of performance and contribution.

Consistent with last year’s results, the “Elected Officials” section was the lowest-scoring, with three statements being rated *low*; however, this section also saw gains with three statements moving from *low* to *medium*. In particular, employees rated elected officials as having made progress in treating all members of the public equally (regardless of political connections), allowing the staff to handle day-to-day management issues and gearing their decisions to both the spirit and letter of the law.

The survey’s lowest-scoring statement dealt with conflict of interest, specifically, elected officials excluding themselves from decisions when the public might reasonably question their ability to make a fair decision. There was almost no measurable increase in this score from last year’s survey, sharply deviating from this year’s overall trend that saw all other low scores make more robust gains. For example, last year’s lowest-scoring statement (elected officials not creating a comfortable environment for staff to raise ethical concerns) saw the greatest improvement of any question in this year’s survey.

The survey also provided employees the opportunity to provide additional thoughts and comments. A sample of these employee comments can be found in the column to the right.

In their own words... City Employees’ Survey Comments

“I believe all City employees are clear on the expectations; however, digging a little deeper, the City should be more concerned about the experiences of those confronted with ethical situations and the results of their inquiries and/or reporting.”

“I’d say the new City Administrator is very clear about ethical behavior and allowing staff to do its professional work and then letting the Council make its policy decision. Good best practice to overemphasize.”

“Create an avenue to report positive ethical climate and culture by City employees to complement the existing avenue to report unethical climate and culture (City Auditor’s FW+A Program). In this manner, employees know ethics worth reporting can go in both directions, not just bad.”

“There should be a Public Ethics Ombudsman who can be a sounding board or clearinghouse for ethical concerns.”

“The story of the City of Oakland has been the same forever, so much potential and nothing ever happens... we need to be a progressive city that solves critical problems and moves forward. We operate like a third-world country.”

“What appears to be conspiracy is often colliding incompetence... I think this applies to Oakland [as the City] appears to be unethical to many citizens due to poor management structure, outdated practices and sloppy record keeping.”

“I have worked for the City for several years and appreciate the ethics training that the City sponsored for employees and management. My suggestion is to seek funding to make [these trainings] annual and ongoing... [they were] an opportunity to have a professionally facilitated discussion with people in other departments about issues we all face.”

“The biggest challenge is Council interference in day-to-day decisions. This has decreased to some extent with the new City Administrator but remains an issue. It also appears that some policy directives might be geared to benefit specific individuals or contractors.”

Oakland's Overall Score

The chart below shows the results for each section of Oakland's second Ethical Climate Survey. Each section reflects an increase of two-three points from the baseline results of the 2010 survey. For a more complete explanation of the results below and suggested actions for Oakland to take, consult the scoring matrix located at the end of this report.

Survey Section	Rating	2010 Score	2011 Score
Employees	Medium	65	68
Executives	Medium	53	55
Elected Officials	Low	38	41
Overall	Medium	156	164

Survey Response Rate

Survey participation was voluntary and anonymous, with every level (line, supervisory and management) from all departments participating. Overall, Oakland employee participation was strong, with almost twelve percent of all employees participating.

	<u>2010</u>	<u>2011</u>
Completed Surveys	535	607
Employee Headcount	5195	5179
Response Rate	10.3%	11.7%

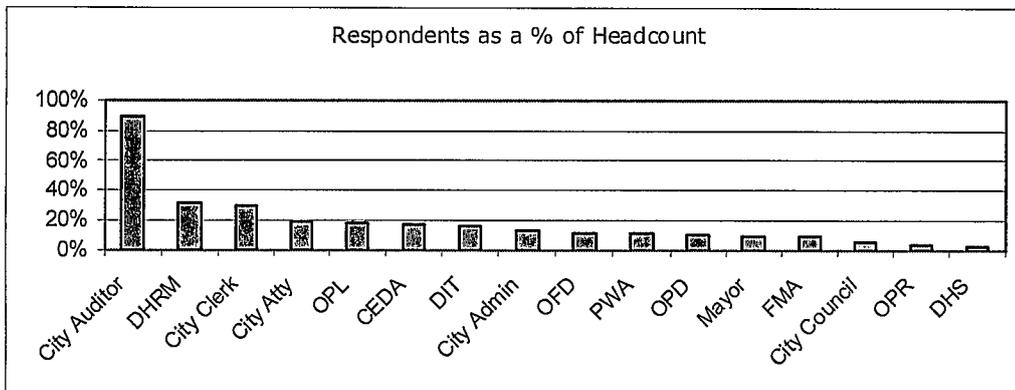
Employee Participation by Position

Five hundred employees identified their position in the survey. With respect to position level, employee participation was generally consistent with the makeup of the City's workforce.

	<u>2010</u>	<u>2011</u>
Line	65%	61%
Supervisor	24%	27%
Management	11%	12%

Employee Participation by Department

Survey participation was tremendously successful, with employees from every City department partaking. The largest department, the Oakland Police Department, had the most respondents; however, its overall response rate was less than the City's overall average of 11.7 percent.



We noted a similar trend in the Public Works Agency, the Department of Human Services (DHS) and the Office of Parks and Recreation. All of these departments have a large number of employees without a dedicated computer and/or with a large part-time workforce. To address this issue, the City Auditor's Office worked with agencies to assure hardcopy surveys were more readily available. All of these agencies' response rates increased from last year, but only the Fire Department and the Library exceeded this year's overall response rate.

The chart above shows participation by the department's total employee headcount. As you can see, other than the City Auditor's Office, the Department of Human Resource Management had the next highest participation rate of 31 percent, while DHS had the lowest rate of three percent.

Institute for Local Government "Ethical Climate Survey"

This survey, designed by the Institute for Local Government (ILG), helps local municipalities identify ethical blind spots or reassures them that their ethical house is in order. The ILG states:

The key question for local municipalities is the degree to which ethical standards influence decision-making by both the organization and individuals within the organization.

The survey is broken down into three, short sections comprised of ten questions and examines respondents' perceptions of three distinct groups: the employee (him/herself), management and elected officials.

For each section, respondents were instructed to:

Determine if a statement is "Always," "Almost Always," "Sometimes" or "Rarely" true based upon his or her experiences and perceptions working for the City of Oakland.

OR

Select "Don't Know" if she or he didn't feel as if they knew the answer.

The following pages of this report look at the results for each section of the survey, identify both positive and weak areas, as well as analyze the message staff are sending and receiving.

In my local government, I am...

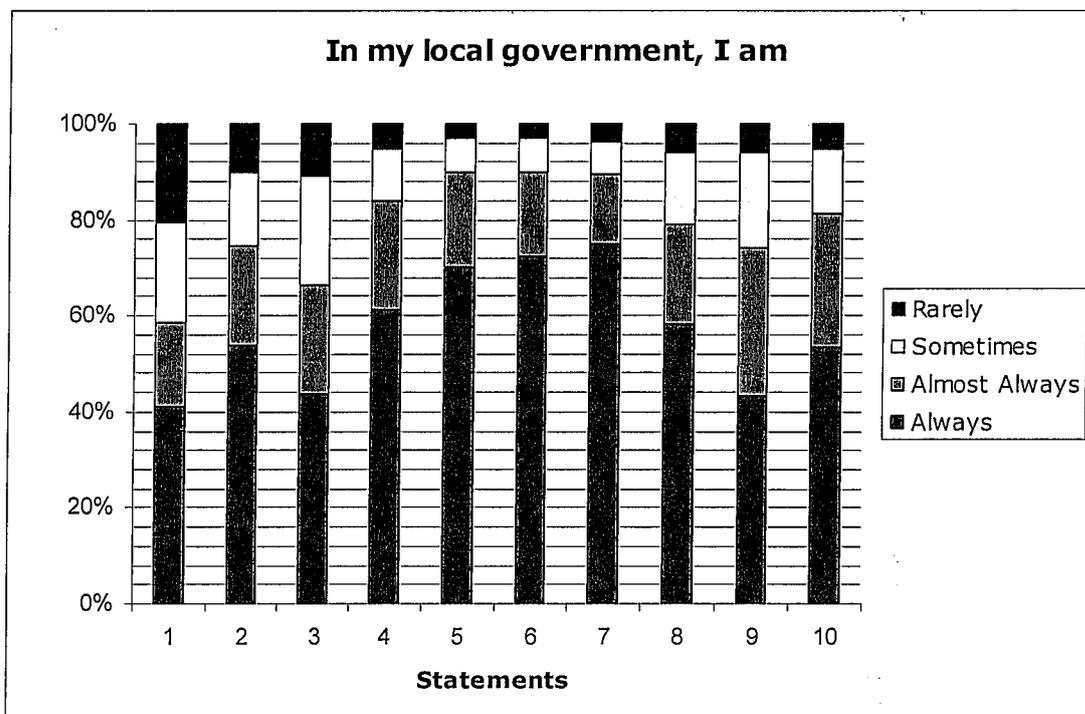
Section One: Employee

The Employee section had the best score of the three categories, with an average score of 68.

Looking at the bar graph to the right, you can see that the vast majority of responses were "Always" and "Almost Always" and met the "High" score ranking.

According to their responses, employees clearly expressed that they felt they are expected to use ethical behaviors in getting results and to tell the complete truth when performing their work.

However, it was clear from the responses that greater attention must be paid towards encouraging employees to speak up about any agency practice or policy that is ethically questionable.



NOTE: Rate of "Don't Know" responses = 4%

Good News

Respondents believe they are expected to:

- Report questionable ethical behaviors of others
- Follow the spirit as well as the letter of the law
- Use ethical behaviors to achieve results
- Tell the complete truth
- Treat everyone equally regardless of personal or political connections
- Follow stated policies, not desires of individual elected or appointed officials
- Work with one or more trusted confidantes to discuss ethical dilemmas

Bad News

Respondents indicated the lowest score for:

- Being encouraged to speak up about agency practices and policies that are ethically questionable

* Indicates tie score

Statements

Statements	Score
1. Encouraged to speak up about any agency practices and policies that are ethically questionable.	Medium
2. Expected to report questionable ethical behaviors of others.	High
3. Clear about where to turn to for advice about ethical issues.	Medium
4. Expected to follow the spirit as well as letter of the law in my work for the agency.	High
5. Expected to use ethical behaviors in getting results.	Highest*
6. Expected to tell the complete truth in my work for the agency.	Highest*
7. Expected to treat everyone who comes before the agency equally, regardless of personal or political connections.	High
8. Expected to follow stated policies of the governing body and not the desires of individual elected or appointed officials.	High
9. Surrounded by coworkers who know the difference between ethical and unethical behaviors and seem to care about the difference.	Medium
10. Working with one or more trusted confidantes with whom I can discuss ethical dilemmas at work.	High

In my local government, executives...

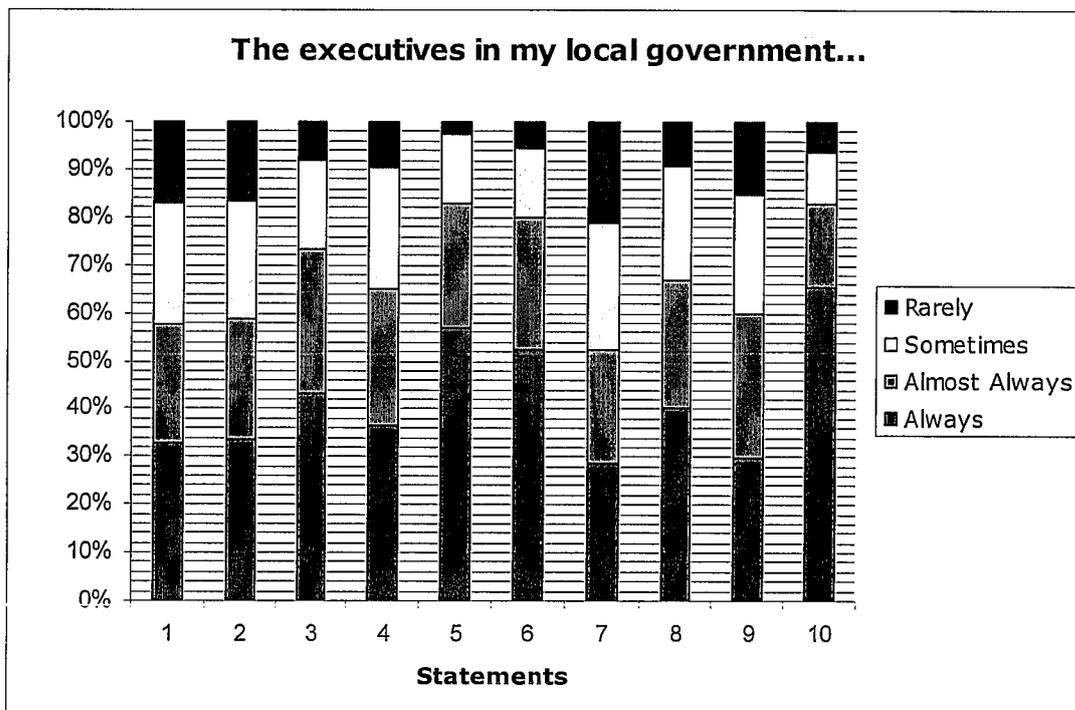
Section Two: Management

The Management section had the median score of the three categories, with an average score of 55.

Looking at the bar graph to the right, you can see that most responses were "Always" and "Almost Always."

Respondents expressed that executives treat the public with civility and respect, appropriately use public resources and refuse gifts and special treatment.

However, it was clear from the data that greater attention must be paid by management towards appointing and rewarding employees on the basis of performance and contribution to the organization's goals and services.



NOTE: Rate of "Don't Know" responses = 12%

Good News

Respondents perceived that Oakland's executives:

- Treat the public with respect
- Use public resources only for agency purposes
- Refuse to accept gifts and/or special treatment from outside vendors

Bad News

A strong ethical environment requires incorporating ethics into hiring and evaluation; however, respondents indicated the lowest score for:

- Appointing and rewarding staff performance and contribution

Statements

Statements	Score
1. Create an environment in which staff is comfortable raising ethical concerns.	Medium
2. Appreciate staff bringing forward bad news and don't "shoot the messenger" for doing so.	Medium
3. Expect staff to use ethical practices in getting results – not "whatever it takes."	Medium
4. Gear their decisions to the spirit as well as letter of the law.	Medium
5. Treat the public with civility and respect.	Highest
6. Use public resources only for agency purposes and not for their own personal or political uses (such as agency supplies, staff time and equipment).	High
7. Appoint and reward people on the basis of performance and contribution to the organization's goals and services.	Medium
8. Treat all members of the public equally, regardless of who has people "connections."	Medium
9. Help elected officials work within their policy role and stay out of day-to-day work of the agency.	Medium
10. Refuse to accept gifts and/or special treatment from those with business before the agency.	High

In my local government, elected officials...

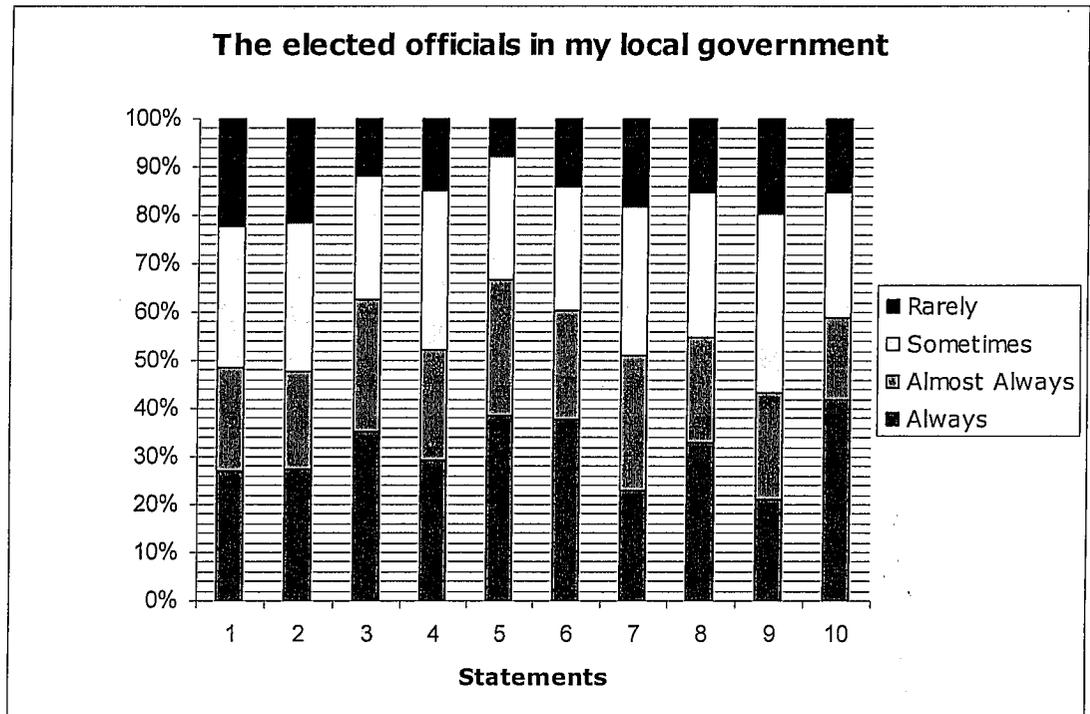
Section Three: Elected Officials

The Elected Officials section was the lowest scoring category, with an average score of 41.

Almost one quarter of all respondents did not know the answers for this section, showing that elected officials must do more to exemplify the importance of ethical behavior in government.

Positively, respondents rated highest for this section that elected officials treat the public with civility and respect.

However, it was also clear from the responses that greater attention must be paid by elected officials towards excluding themselves from decisions when reasonable members of the public might question their ability to make a fair decision.



NOTE: Rate of "Don't Know" responses = 24%

Good News

Respondents observed that elected officials made gains from last year in:

- Gearing their decisions to both the spirit and letter of the law
- Allowing the staff to handle day-to-day management issues
- Treat all members of the public equally, regardless of political connections

Bad News

Respondents continued to perceive that elected officials:

- Do not exclude themselves from decisions when they cannot reasonably be impartial
- Do not create an environment where employees are comfortable raising ethical concerns
- Do not appreciate staff bringing forward bad news

Statements

Statements	Score
1. Create an environment in which staff is comfortable raising ethical concerns.	Low
2. Appreciate staff bringing forward bad news and don't "shoot the messenger" for doing so.	Low
3. Expect staff to use ethical practices in getting results - not "whatever it takes."	Medium
4. Gear their decisions to the spirit as well as letter of the law.	Medium
5. Treat the public with civility and respect.	Medium
6. Use public resources only for agency purposes and not for their own personal or political uses (such as agency supplies, staff time and equipment).	Medium
7. Allow the staff to handle day-to-day management issues and don't try to get involved.	Medium
8. Treat all members of the public equally, regardless of who has people or political connections.	Medium
9. Exclude themselves from decisions when reasonable members of the public might question their ability to make a fair decision.	Lowest
10. Refuse to accept gifts and/or special treatment from those with business before the agency.	Medium

Answer Scoring

The Institute for Local Government's Ethical Climate Survey measures perceptions about ethics in a local government's work environment. For the purpose of scoring, ILG does not award points for "Don't Know" responses as they present an ethical gap in the organization's overall ethical climate. This survey tool has a graduated scoring algorithm that weighs responses as follows:

Always	Almost Always	Sometimes	Rarely	Don't Know
10 points	7.5 points	5 points	2.5 points	0 points

Institute for Local Government Scoring Matrix

High – Congrats!

75 – 100 per section

225 – 300 for survey



Your agency has a strong ethical environment.

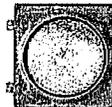
Keep up the good work, including such steps as:

1. Incorporating ethics into the hiring and evaluation process for staff
2. Conducting regular ethics-related learning opportunities, including examples of ethical dilemmas and ways to resolve them
3. Going through specific items on the assessment to identify further opportunities for positive change
4. Reinforcing the importance of ethical considerations in agency behaviors and decisions

Medium – Pause!

50 – 74 per section

150 – 224 for survey



Take a moment to reflect.

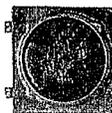
Your agency is at a good place but has room to improve by doing the following:

1. Evaluating the areas of weakness indicated by the questionnaire and considering targeted remedial actions
2. Analyzing the messages that staff and others receive and send about ethics
3. Reviewing the agency's policies, including the criteria by which staff are evaluated
4. Considering if having a code of ethics would be helpful for the agency
5. Following the best practices indicated in the box above

Low – Stop!

0 – 49 per section

0 – 149 for survey



Your agency's culture needs significant change.

Suggested activities include:

1. Identifying the aspects of the agency's culture that foster the problematic behaviors and analyzing how to remediate them
2. Consulting with your agency's attorney about potential violations of laws and agency regulations
3. Following the best practices indicated in the boxes above

CITY OF OAKLAND
Public Ethics Commission

Richard Unger, Chair
Aspen Baker
Lloyd Farnham
Roberta Ann Johnson
Benjamin Kimberley
Monique Rivera



Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Whitney Barazoto, Executive Director
DATE: July 19, 2012
RE: Commission Priorities

Last month, staff proposed engaging in a Commission discussion about priorities for the upcoming year in order to make the most effective and intentional use of our limited staff resources. This memorandum provides a draft outline of a potential direction and workplan in order to open the conversation about which issues and projects should take priority in the coming year. In drafting the workplan, staff considered the strengths of current Commissioners, staff, and City resources; the availability of resources to accomplish Commission objectives and mandated duties; the opportunities that have opened up with the new City Administration; and the challenges that may arise within each program area. Staff seeks input and discussion on the substance of the proposed workplan, which ultimately will guide staff activities and provide strategic direction toward specific and measurable Commission goals.

This process also will help identify projects or programs that the Commission is unable to accomplish within its existing resources, which will be used to assess and articulate the need for additional staff positions in future budget years.

In the past 90 days, certain issues took immediate priority, such as filling Commission vacancies, budgeting for FY 2011-12 and 2012-13, procuring computer hardware, hiring staff, initiating IT assistance, updating the PEC Website, moving offices, planning and posting meetings, addressing legal questions, preparing the Limited Public Financing program, writing the annual report, adjusting City Council salaries, reviewing and prioritizing enforcement cases, communicating with complainants, amending Commission By-laws, publishing an educational packet for local candidates, providing assistance to candidates and campaign staff, and consulting on issues such as the City Council non-interference memo and the Zero-Waste contract procurement process. Heading into the coming months, unforeseen issues will arise and demand flexibility and immediate response; however, ideally, the Commission should articulate specific goals to serve as a guide for how Commission staff will proactively apportion resources and conduct its work.

Public Ethics Commission Goals for 2012-13

Staffing

1. Expand Commission staff capacity in order to help accomplish Commission goals
 - a. Hire part-time staff or interns by July 2012 to ensure staff coverage through September and October 2012
 - b. Create internship program and fill positions beginning in Spring 2013
 - c. Draft organizational assessment of program and staffing needs for FY 2013-14 budget process (Jan-Feb 2013)

Limited Public Financing Act

2. Ensure effective implementation of the Limited Public Financing (LPF) program for the 2012 election
 - a. Update LPF manual and forms
 - b. Institute new tracking systems to ensure all program requirements are met and payments made according to the law
3. Evaluate the effectiveness of the LPF program from both a policy and administrative perspective
 - a. Review LPF policy – Does the program meet the goals sought by the legislation?
 - b. Evaluate LPF administration – How can the process, forms, manuals, or law be improved or amended?

Oakland Sunshine Act/Public Records Act

4. Improve access to public records
 - a. Facilitate the formulation of a citywide policy, system, and set of procedures for responding to requests for public records
 - b. Design a process and create effective tools to help guide City staff in responding to requests
 - c. Communicate information about the process to City staff
 - i. Provide information on PEC intranet website, ensure availability on City Administrator's "Policies and Procedures" intranet webpage
 - ii. Conduct trainings based on the policy and procedure
 - d. Conduct evaluations, ensure audits/checks on organizations, ensure compliance with the law

Lobbyist Registration Act

5. Improve Lobbyist Registration rules, reporting process, and compliance
 - a. Formulate proposed amendments to the Lobbyist Registration Act, starting with the proposed amendments from June 2010
 - b. Update lobbyist registration information for Commission files and website
 - c. Institute streamlined program to ensure effective oversight and issuance of penalties where appropriate
 - d. Improve registration process, communication with lobbyists, and forms to reduce staff time to implement and increase efficiency in ensuring compliance
 - e. Institute e-filing for lobbyist registration

Enforcement

6. Process backlogged cases based on Commission determination of priority levels, with the goal of completing all pre-2012-filed cases by June 2013
7. Complete investigations of current and new cases within 6 months of the filing of the complaint
8. Improve efficiency of the enforcement process
 - a. Amend Commission Complaint Procedures to facilitate processing and timely closure of cases
 - b. Create database system for complaints in order to automate online complaint intake, tracking, and communications
9. Develop proactive enforcement programs to review compliance with the laws in priority areas
 - a. Review campaign and lobbyist filings related to entities bidding in the Zero Waste contract procurement process for potential violations to the contribution prohibition period

Public Outreach and Education

10. Redesign the Commission's website in order to improve access to information about the Commission and its programs and enhance public participation in Commission activities
 - a. Organize information around specific issue areas to facilitate access by potential users, including members of the public, City officials and staff, candidates, lobbyists, press, and other interested parties.
 - b. Provide video links for past Commission meetings

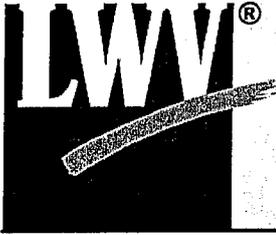
- c. Add social media elements and interactive features such as Oakland's Govdelivery, which sends notices of web updates to subscribers, and other automatic functions to enhance public interfacing
 - d. Include visual enhancements, such as photos of commissioners with commissioner biographies
11. Develop materials and connections with the media in order to share information about Commission activities, issue press releases and other informational announcements to the media
 12. Update and create new publications and web resources to provide easy-to-use guides, checklists, and resources on the laws within the Commission's jurisdiction
 - a. Develop PEC intranet page for internal information pertinent to City officials and staff

Advise and Assist Regulated Persons

13. Provide assistance to individuals seeking help in adhering to campaign financing, conflict of interest, lobbying, and public ethics laws
14. Log advice calls and staff time spent assisting candidates, lobbyists, City officials and staff, and others in order to measure staff resources spent in this area

Additional areas that could be explored:

- Ethics training
- Amendments to OCRA (amendments from prior year, Citizen's Case Impact)
- Amendments to PEC enabling ordinance
- Whistleblower protections review
- Review policies relating to elections and campaign, report to City Council re: impact on elections and campaigns
- Formal report to City Council re: effectiveness of all local regulations and local ordinances under PEC jurisdiction
- Code of Ethics compliance
- Conflicts-of-interest regulations compliance



The League of Women Voters of Oakland

July 24, 2012

To : Ms Whitney Barazoto, Executive Director,
Mr. Richard Unger, Chair
Public Ethics Commission

Re : PEC Priorities

Because action by the League of Women Voters of Oakland led directly to establishment of our Public Ethics Commission, the League will always be its close supporter. After the budget and other problems of the past months, we now look forward to renewal and offer what we believe are priorities of the League and the citizens of Oakland.

The League is pleased to respond to Director Whitney Barazoto's request for help with questions needing consideration. Before going into Missions and Goals, some of which need updating, we feel it important to address some basic operational problems.

The first and most important is staffing. We are encouraged to learn that Director Barazoto believes the City's new budget will enable her to add qualified support staff this summer and potentially more after January 2013. To expect PEC to even come close to handling the backlog of complaints and the upcoming election, trained staff are needed. It takes time to absorb all the literature that is involved with "PEC Commission Responsibilities."

This leads to the importance of training for both staff and Commissioners. We need to ensure that newly-appointed Commissioners can fulfill their duty to analyze and vote on esoteric points they will be presented with. Richard Unger will need to be an educator as well as Chair. The League suggests that arrangements can be made to invite former Commissioners to address the current PEC and answer questions. The League advocates developing tutorials for all Commissioners on the depth and meaning of their responsibilities. It is crucial that all Commissioners are well acquainted with the Enabling Ordinance. The City Attorney has a long file of past decisions so someone with knowledge of that would be a great help. Using past decisions and experience of past Commissioners will be valuable.

When it comes to prioritizing issues to be addressed given limited resources, focus on obtaining a Citywide Records Management Program. This is crucial to speeding up consideration of records request complaints and reducing the need for the public to make so many complaints. Citywide Records Manager, Deidre Scott, trains all City employees in a program that has yet to be made official policy.

Thank you for your attention to our concerns,

Katherine Gavzy, President

League of Women Voters of Oakland

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CITY OF OAKLAND
Public Ethics Commission

Richard Unger, Chair
 Aspen Baker
 Lloyd Farnham
 Roberta Johnson
 Benjamin Kimberley
 Monique Rivera



Whitney Barazoto, Executive Director

TO: Public Ethics Commission
 FROM: Whitney Barazoto, Executive Director
 DATE: July 23, 2012
 RE: Limited Public Financing Act Program 2012

The Limited Public Financing Act (LPFA) program has begun, and staff has been educating district City Council candidates about LPFA program requirements as candidates inquire with the Commission after receiving their nominations packets from the City Clerk. As the program shifts into gear, staff presents this memorandum to provide an update about the administration and schedule of the program and the apportionment of funds from the account.

The process for applying for LPF funds begins after the City Clerk certifies the names of all candidates to appear on the ballot, shortly after the close of nominations on August 10, which is 88 days before the November election. In districts where the incumbent Council member is not running, the close of nominations occurs on August 15. The Commission will need to meet within 7 days after the City Clerk certifies the names of candidates in order to determine whether the amount of money in the Election Campaign Fund is adequate to provide the maximum amount of funds to all potentially eligible candidates, and if not, the Commission will disburse available funds on a pro rata or other equitable basis. The legally-required meeting for the Commission to make that determination will likely occur sometime in mid to late August.

Following the Clerk's certification, Commission staff will be reaching out to candidates, conducting trainings, and collecting the initial LPFA Form 1 that asks whether a candidate chooses to accept or reject public financing. After the initial 14-day deadline for acceptance or rejection passes, staff will apportion the funds based on the number of candidates who accept participation in the program.

The combined total amount in the Limited Public Financing Election Campaign Fund for fiscal years 2011-12 and 2012-13 is \$129,449.68 to be available for the November 2012 election. As indicated in the Limited Public Financing Act, the Commission receives 7.5%, or \$9,708.73 to cover the costs of administering the provisions of the Act. The remaining balance of \$119,740.95 will be available for distribution to the number of candidates who opt into the program by the 14-day deadline mentioned above; there will be no reapportioning of funds after the initial apportionment.

Attached is the most recent version of the Limited Public Financing Act, as amended in 2010.

OAKLAND CITY COUNCIL

Ordinance No. _____ C.M.S.

AS ADOPTED 7/27/10

AN ORDINANCE AMENDING CHAPTER 3.13 OF THE OAKLAND MUNICIPAL CODE (AKA "THE LIMITED PUBLIC FINANCING ACT OF THE CITY OF OAKLAND") TO 1) LIMIT ELIGIBILITY TO CANDIDATES FOR DISTRICT CITY COUNCIL; 2) PROVIDE THAT PUBLIC FINANCING BE LIMITED TO THE REIMBURSEMENT OF SPECIFIED CAMPAIGN EXPENDITURES; 3) LIMIT CANDIDATES FROM MAKING CONTRIBUTIONS OR LOANS FROM PERSONAL FUNDS TO TEN PERCENT OF THE VOLUNTARY EXPENDITURE CEILING; 4) REQUIRE CANDIDATES TO RAISE IN LOCAL CONTRIBUTIONS AND MAKE IN EXPENDITURES AMOUNTS EQUAL TO FIVE PERCENT OF THE VOLUNTARY EXPENDITURE CEILING; 5) PERMIT CANDIDATES TO APPEAL TO THE PUBLIC ETHICS COMMISSION ANY REQUEST FOR REIMBURSEMENT; AND 6) REQUIRE CANDIDATES TO REPAY THE ELECTION CAMPAIGN FUND FROM ANY SURPLUS CAMPAIGN FUNDS IN AN AMOUNT NOT TO EXCEED THE PERCENTAGE THAT PUBLIC FINANCING REPRESENTS OF TOTAL CONTRIBUTIONS RECEIVED

WHEREAS, on December 14, 1999, the City Council adopted the Limited Public Financing Act of the City of Oakland (Oakland Municipal Code Chapter 3.13) in order to provide for the limited public financing of certain campaigns for public office within the City of Oakland; and

WHEREAS, the City Council has amended the O.M.C. Chapter 3.13 from time to time; and

WHEREAS, the City Council desires to amend O.M.C. Chapter 3.13 to:

- Limit public financing for District City Council races; and
- Require candidates to decide whether to participate in the public financing program within fourteen days after the City Clerk has certified their name to appear on the ballot; and
- Continue to require candidates to agree to accept voluntary expenditure ceilings as a condition of receiving public financing; and
- Limit candidates from making contributions or loans from their personal funds to no more than 10 percent of the voluntary expenditure limit; and

- ☐ Require candidates to raise in local contributions and make in expenditures in aggregate amounts equal to five percent of the voluntary expenditure ceiling for the office being sought; and
- Provide that public financing shall be provided solely by reimbursing candidates for certain lawful campaign expenditures; and
- Require that requests for reimbursement include copies of the billing invoice, the check used to pay the invoice, and the campaign literature, print advertisement, radio or television script, or website configuration for which reimbursement is sought; and
- Permit candidates to appeal to the Commission for any request for reimbursement denied by Commission staff; and
- Require candidates to repay the Election Campaign Fund from any surplus campaign funds in an amount not to exceed the percentage that public financing represents of total contributions received, as hereinafter provided; now therefore,

BE IT ORDAINED, that Oakland Municipal Code Chapter 3.13 is amended to read as follows:

Article I. Findings and Purpose

3.13.010 Title

This Act shall be known as the “Limited Public Financing Act of the City of Oakland.”

3.13.020 Findings and Declarations

The findings of this Act are as follows:

A. The financial strength of certain individuals or organizations should not enable them to exercise a disproportionate or controlling influence on the election of candidates.

B. The rapidly increasing costs of political campaigns have forced many candidates to raise larger and larger percentages of money from interest groups with a specific financial stake in matters under consideration by city government. This has caused the public perception that votes are being improperly influenced by monetary contributions.

C. High campaign costs are forcing officeholders to spend more time on fundraising and less time on the public’s business. The constant pressure to raise contributions is distracting officeholders from urgent governmental matters.

3.13.030 Purpose of this Act

The purpose of this act is to accomplish the objectives stated in Oakland’s Campaign Reform Act as follows:

A. To ensure that all individuals and interest groups in our city have a fair and equal opportunity to participate in elective and governmental processes.

B. To reduce the influence of large contributors with a specific financial stake in matters under consideration by the City of Oakland, and to counter the perception that decisions are influenced more by the size of contributions than by the best interests of the people of Oakland.

C. To reduce the pressure on candidates to raise large campaign war chests for defensive purposes, beyond the amount necessary to communicate reasonably with voters.

D. To encourage competition for elective office.

E. To allow candidates and office holders to spend a smaller proportion of their time on fundraising and a greater proportion of their time dealing with issues of importance to their constituents and the community.

F. To ensure that serious candidates are able to raise enough money to communicate their views and positions adequately to the public, thereby promoting public discussion of important issues involved in political campaigns.

G. To help preserve public trust in governmental and electoral institutions.

Article II. Definitions

3.13.040 Interpretation of this Act

Unless the term is specifically defined in this Act or the contrary is stated or clearly appears from the text, the definitions set forth in Chapter 3.12 of the Oakland Municipal Code and in Government Code sections 81000 et seq. as amended govern the interpretation of this Act.

For purposes of this Act, "principal residence" shall mean the place in which a person's habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning.

For purposes of this Act, "primary place of doing business" shall mean the street address of a corporation's or association's principal executive office as filed with the California Secretary of State or the street address of an unincorporated association's principal office as filed with the California Secretary of State.

Article III. Election Campaign Fund

3.13.050 Election Campaign Fund

There is hereby established an account within a special revenue fund of the City of Oakland to be known as the "Election Campaign Fund."

3.13.060 Appropriation of Funds

A. The Oakland City Council shall appropriate to the Election Campaign Fund, under the City's current two year budget cycle, an amount sufficient to fund all candidates eligible to receive public financing for the office of District City Councilmember.

B. The Oakland Public Ethics Commission shall provide in the form and at the time directed by the Mayor and City Administrator a written estimate of the amount necessary to be appropriated for any two-year budget cycle according to the provisions of this Act for all eligible candidates. The amount of funds to be allocated to the Election Campaign Fund shall be based on a consideration of anticipated campaign activity, anticipated administrative costs, and existing unspent funds within the account. The amount of funds to be allocated to the Election Campaign Fund shall not exceed \$500,000 for any two-year budget cycle.

C. The Election Campaign Fund shall be established as an interest bearing account. Unspent funds in the Election Campaign Fund at the end of a two year budget cycle shall remain in the Fund and accrue for disbursement to candidates eligible for public financing in future elections and for administrative costs.

D. Up to 7.5% of the amount allocated to the Election Campaign Fund pursuant to subsections 3.13.060 (a) and (b) may be utilized by the Public Ethics Commission to cover the anticipated cost of administering the provisions of this Act.

3.13.065 Allocation of Election Campaign Fund

No later than seven (7) days after the City Clerk has certified the names of all candidates to appear on the ballot, the Public Ethics Commission shall determine at a publicly noticed meeting whether, based on the number of potentially eligible candidates, the amount of money in the Election Campaign Fund is adequate to provide the maximum amount to potentially eligible candidates. If the Commission determines that the Election Campaign Fund will not be adequate to provide the maximum amount of funds to potentially eligible candidates, the Commission shall order the disbursement of available funds on a *pro rata* or other equitable basis. The Commission may at any time revise the disbursement plan consistent with these rules and prevailing law.

Article IV. Eligibility for Public Financing

3.13.070 Application and Withdrawal Procedures

A. Each candidate for District City Council shall file a statement with the City Clerk on a form approved for such purpose indicating acceptance or rejection of the voluntary spending ceilings pursuant to Oakland Municipal Code Section 3.12.190.

B. Each candidate for District City Council shall file with the Public Ethics Commission a Statement of Acceptance or Rejection of Public Financing on a form approved by the Public Ethics Commission no later than fourteen (14) calendar days after the date the City

Clerk has certified the names of candidates to appear on the ballot for the election in which public financing will be sought. The Statement of Acceptance or Rejection of Public Financing shall advise and require that the candidate's decision to reject public financing is irrevocable for the election in which his or her name appears on the ballot. The failure to timely file a Statement of Acceptance or Rejection of Public Financing shall constitute a rejection of public financing.

C. If a candidate declines to accept the voluntary expenditure ceilings prescribed in Oakland Municipal Code Section 3.12.200, the candidate shall be subject to the contribution limits of Sections 3.12.050(a) and 3.12.060 (a) and shall not be eligible for public financing.

D. If a candidate agrees to accept the voluntary expenditure ceilings prescribed in Oakland Municipal Code Section 3.12.200, the candidate shall be subject to the contribution limits of Oakland Municipal Code Sections 3.12.050 (b) and 3.12.060 (b) as adjusted pursuant to Sections 3.12.050(g) and 3.12.060(g), and shall be eligible for public financing upon meeting the qualification requirements as provided in this Act.

E. In the event expenditure ceilings are lifted pursuant to Oakland Municipal Code Section 3.12.200, a candidate who accepted expenditure ceilings shall be permitted to receive public financing but shall no longer be subject to expenditure ceilings.

3.13.080 Qualification Procedures

A candidate shall be approved to receive public financing if the candidate meets all of the following requirements:

A. The candidate has filed a timely statement of acceptance of the voluntary spending ceilings and acceptance of public financing.

B. The candidate is certified to appear on the ballot for the election for which public financing is sought.

C. The candidate has (1) received contributions in an aggregate amount of at least five (5) percent of the expenditure ceiling for the office being sought from contributors whose principal residence or whose primary place of doing business is located within the City of Oakland and which residence or business address appears on the written instrument used to make the contribution, and (2) made qualified campaign expenditures in an aggregate amount of at least five (5) percent of the expenditure ceiling for the office being sought. Contributions from the candidate's own funds shall not be counted towards meeting this five percent requirement. The candidate shall provide copies of the contribution checks received and records of payments made to meet the five percent eligibility requirements.

D. The candidate is opposed by another candidate for the same office.

E. The candidate agrees to all conditions and requirements of this Act and to submit to any reasonable audit deemed appropriate by the Public Ethics Commission or other civil authorities.

F. The candidate or his or her campaign treasurer or designee attends a training program conducted or sponsored by the Public Ethics Commission.

G. The candidate has filed, and completely and accurately executed, all pre-election campaign statements that are due at the time public financing is payable. All candidates receiving public financing shall timely file, and completely and accurately execute, all post-election campaign statements for each election in which they received public financing.

3.13.090 Use of Personal Funds

A candidate who accepts public financing shall not receive contributions or loans from the candidate's own funds which aggregate total exceeds ten (10) percent of the voluntary expenditure ceiling for the office being sought. If the voluntary expenditure ceilings for the office being sought are lifted, this provision shall not apply.

Article V. Disbursement of Public Financing.

3.13.100 Duties of the Public Ethics Commission and Office of the City Auditor

A. The Public Ethics Commission shall develop any and all forms necessary to carry out the provisions of the Act. The Public Ethics Commission may, in its discretion, require any document or form to be filed in an electronic format that is provided by the Public Ethics Commission to the candidates free of charge.

B. The Public Ethics Commission shall review records submitted to determine a candidate's eligibility to receive public financing and requests for reimbursement promptly. For any candidate determined not to be eligible for public financing, the Commission or its designee shall inform the candidate of the reasons why the candidate is not eligible and what actions, if any, the candidate may take to correct any insufficiencies.

C. The City Auditor shall conduct mandatory post-election audits of all candidates accepting public financing. The City Auditor may choose to limit the scope of any audit to the items submitted for reimbursement. The audit report shall be a public record and provided to the Public Ethics Commission. The City Auditor shall conduct all audits in accordance with Generally Accepted Government Auditing Standards.

3.13.110 Requests for Public Financing

A. Public financing pursuant to this Act shall be provided solely by reimbursing eligible candidates for certain qualified campaign expenditures lawfully made by the candidate and his or her campaign committee.

B. The qualified campaign expenditures eligible for reimbursement are:

1. candidate filing and ballot fees;
2. printed campaign literature and production costs;

3. postage;
4. print advertisements;
5. radio airtime and production costs;
6. television or cable airtime and production costs; and
7. website design and maintenance costs.

C. The following conditions and restrictions shall apply to any request for reimbursement:

1. All requests for reimbursement shall be made on a form authorized by the Public Ethics Commission and shall include: (a) a copy of the billing invoice for which reimbursement is sought; (b) a copy of the check(s) by which the candidate's campaign committee made payment on the billing invoice; and (c) a copy, when applicable, of the campaign literature, advertisement, radio or television script, or website configuration.

2. All requests for reimbursement shall include a sworn declaration by the candidate and his or her campaign treasurer that (a) the check(s) used to make payment on the billing invoice represents payment in full of the billing invoice submitted for reimbursement and that sufficient funds exist in the campaign account to provide payment and (b) any money received from the Election Campaign Fund has not been previously earmarked or specifically encumbered to pay or to secure payment of any loan, return of contribution or of any expenditure other than the one for which reimbursement was sought.

D. Any decision made by the Executive Director to deny a request for reimbursement may be appealed to the Commission whose decision shall be final. A request to agendaize an appeal of the Executive Director's decision shall be made in writing and delivered to the Office of the Public Ethics Commission no more than ten (10) calendar days after receiving written notice of the Executive Director's decision.

E. The total amount of public financing allocated to each candidate shall not exceed thirty (30) percent of the voluntary expenditure ceiling per election for the office being sought

3.13.120 Disbursement and Deposit of Public Financing

A. A candidate or candidate's controlled committee, certified as eligible to receive public financing, shall submit requests for reimbursement to the Public Ethics Commission in minimum increments of 1,000 or more.

B. A candidate or candidate's controlled committee, certified as eligible to receive public financing, shall submit requests for reimbursement in minimum increments of \$500 or more ten (10) calendar days before the election.

C. The Public Ethics Commission or its designee shall have ten (10) calendar days to cause the review and approval or denial of the request for reimbursement and disburse funds from the Election Campaign Fund to the candidate or candidate's controlled committee.

D. All funds disbursed from the Election Campaign Fund shall be made payable to the candidate's controlled committee and shall be deposited directly into the candidate's campaign checking account within three (3) business days of receipt.

3.13.150 Return of Surplus Funds

A. Surplus campaign funds remaining at the end of the post-election reporting period following the election for which public financing was received shall be returned to the Election Campaign Fund no later than thirty-one (31) calendar days from the last day of the semi-annual reporting period following the election in an amount specified by this section. A candidate shall not be required to return any surplus funds in an amount greater than the amount of public financing received. The amount of surplus campaign funds to be returned to the Election Campaign Fund shall be calculated by multiplying the amount of surplus campaign funds by the percentage that total public financing received represents of total monetary contributions received for the election period.

B. For purposes of this Act, campaign funds shall be considered "surplus" campaign funds to the extent that the total amount of contributions (excluding the receipt of public financing) exceed the total financial obligations of the candidate's campaign committee (excluding unlawful or non-qualified campaign expenditures) as of the last day of the semi-annual reporting period following the election. A financial obligation includes 1) accounts payable billed, or, 2) accounts payable for which bills may be expected, for goods or services received during the election.

C. Public financing shall not be disbursed to the certified candidate from the Election Campaign Fund following the day of the election or the candidate's withdrawal from the election, whichever occurs first, except that public financing may be disbursed to a certified candidate after the date of the election or withdrawal provided that the candidate submitted a properly documented request for reimbursement before the date of the election or the date of withdrawal from the election.

3.13.170 Public Debates

While not a condition for receiving public financing, candidates receiving public financing are strongly encouraged to participate in one or more nonpartisan candidate debates for each election.

3.13.180 Enforcement

The Public Ethics Commission is the sole body for civil enforcement of this Act. In the event criminal violations of the Act come to the attention of the Public Ethics Commission, the Commission shall promptly advise in writing the City Attorney and the appropriate prosecuting enforcement agency.

3.13.190 Criminal Misdemeanor Actions

Any person who knowingly or willfully 1) misrepresents his or her eligibility for public financing, 2) makes a material misrepresentation in connection with a request for reimbursement, or 3) causes, aids or abets any other person to violate the provisions of this Act, is guilty of a misdemeanor. Prosecution shall be commenced within four (4) years after the date on which the violation occurred.

3.13.200 Enforcement Actions

A. Any person who intentionally or negligently 1) misrepresents his or her eligibility for public financing, 2) makes a material misrepresentation in connection with a request for reimbursement, or 3) causes, aids or abets any other person to violate the provisions of this Act, is subject to enforcement proceedings before the Public Ethics Commission pursuant to the Public Ethics Commission General Rules of Procedure.

B. If two or more persons are responsible for any violation, they shall be jointly and severally liable.

C. Any person alleging a violation of this Act shall first file with the Public Ethics Commission a written complaint on a form approved for such purpose. The complaint shall contain a statement of the grounds for believing a violation has occurred. The Public Ethics Commission shall review, investigate and make determinations regarding any alleged violation consistent with the Public Ethics Commission's General Complaint Procedures.

D. The Commission has full authority to settle any action involving public financing in the interest of justice.

E. If the Commission determines a violation has occurred, the Commission is hereby authorized to administer appropriate penalties and fines not to exceed \$1,000 per violation and to order the repayment of public financing received or expended in violation of law.

F. The Public Ethics Commission may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this Act.

G. No complaint alleging a violation of any provision of this Act shall be filed more than four (4) years after the date the violation occurred.

3.13.220 Construction

The Act shall be liberally construed to accomplish its purposes.

3.13.240 Applicability of Other Laws

Nothing in this Act shall exempt any person from applicable provisions of any other laws of the city, state or other appropriate jurisdiction.

3.13.260 Severability

If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this Act are severable.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2010

PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and
PRESIDENT BRUNNER

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

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

Public Ethics Commission Pending Complaints

Date Rec'd	Case #	Complainant	Respondents	Date of Alleged Violation	Alleged Violation	Status	Priority
6/19/12	12-06	Ralph Kanz	Public Ethics Commission	5/16/12	Alleges respondent Commission's subcommittee meeting of 3 members should have been noticed under Sunshine and Brown Acts because at the time, the Commission had only five members.	Complaint received	H/S 2
4/26/12	12-04	City Auditor/ Anonymous	City Council Member Ignacio De La Fuente		Alleges respondent failed to report \$37,500 in payments from a campaign group tied to a lobbyist for a group competing for the Coliseum mgmt contract (alleges failure to report payment and a COI issue)	Complaint received	H/L 4
4/4/12	12-03	City Auditor/ Anonymous	Downtown Oakland Association and Lake Merritt/Uptown District Assoc.	Dec 2009 and annually thereafter	Alleges respondents failed to provide adequate public notice about discussions and decisions related to the payment of "holiday bonuses," adds that discussion of bonuses was never put on open session agenda	Complaint received	M/M 4
8/23/11	11-03	City Auditor/ Anonymous	City Council Member Ignacio De La Fuente	June 2011	Complaint expresses concerns about the source of concert tickets allegedly in the possession of respondent	Complaint received	H/L 4
4-4-11	11-01	PEC initiated	ABC Security and/or Ana Chretien; Marina Security and/or Sam Tadesse	Various; approx. betw 3/1/10/7/10 and 7/27/10	Complaint alleges two contractors made impermissible campaign contributions to candidates in the Nov 2010 election (OCRA; §3.12.140)	Staff is investigating	H/L 4
12-7-10	10-30	Sanjiv Handa	Oakland Parking Division	Ongoing	Oakland Sunshine Ordinance -- Alleged failure to timely produce parking records	Staff is investigating	L/S 4

* Priority code is based on a dual determination: 1) level of priority (High, Medium or Low, based on criteria such as public interest, complainant interest, timing of complaint, statute of limitations, and impact of Commission decision), and 2) amount of staff time likely needed (Small, Medium, or Large amount of time).

11-1-10	10-28	Ralph Kanz	Ala. Demo. Central Comm.; OakPAC	October 29, 2010	OCRA; §3.12.230 – Alleges 1) failure to include written disclosure required by OCRA and 2) failure to file late contribution and independent expenditure reports	Staff is investigating	H/M 3
10-13-10	10-26	Ralph Kanz	Jean Quan Floyd Huen	June 30, 2010 and ongoing	OCRA; §3.12.050; 3.12.090 -- Alleges failure to report and include information regarding respondent's loans to own campaign	Staff is investigating	H/M 3
10-13-10	10-25	Ralph Kanz	Don Perata	June 30, 2010 and ongoing	OCRA; §3.12.090(A)(D) – Alleges campaign was given extension of credit of over \$1500 for more than 90 days	Staff is investigating	H/M 3
9/14/10	10-21	Jean Quan	Don Perata, Paul Kinney; California Correctional Peace Officers Association; Ronald T. Dreisback; T. Gary Rogers; Ed DeSilva; Richard Lee	Ongoing	OCRA violations -- Alleges respondent campaign exceeded the voluntary expenditure limit during the November 2010 election	Staff is investigating	H/L 4
8/2/10	10-20	Sanjiv Handa	Various Business Improvement Districts & Community Benefit Districts	Various between June 3 and August 2, 2010	Sunshine Ordinance; public meetings – Alleges respondent districts held meetings without notice	Staff conducted trainings as settlement	H/S 2
7/2/10	10-16	Gwilym Martin	Joseph Yew, Finance	June 18, 2010	Sunshine Ordinance; production of records – Alleges department failed to provide electronic copy of City's Oracle database	Staff is investigating	H/M 3
3/23/10	10-07	Sanjiv Handa	Victor Uno, Joseph Haraburda, Scott Peterson, Sharon Cornu, Barry Luboviski, Phil Tagami	January 1, 2007 to present	Lobbyist Registration Act – Alleges respondents failed to register as lobbyists	Staff is investigating	H/L 4

3/3/10	10-05	David Mix	Oakland City Council	3/2/10	Oakland Sunshine Ordinance -- Alleges City Council Rules Committee failed to make an "urgency finding" to schedule a decision (per Section 2.20.080)	Staff is directed to explore settlement in lieu of hearing.	M/M 4
11/17/09	09-15	Anthony Moglia	Jean Quan	Ongoing	Alleges misuse of City resources by respondent by linking an officeholder website to the City website and then linking a campaign website to the officeholder site.	Staff is directed to develop guidelines for use of City's electronic media.	M/L 5
09/16/09	09-12	Marleen Sacks	Office of the City Attorney (Mark Morodomi)	ongoing	Sunshine Ordinance; Public Records Act -- Alleges failure to provide multiple public records upon request	Commission is conducting hearings on public access in lieu of adjudication.	M/M 5
2/7/09	09-03	John Klein	City Council President Jane Brunner	February 3, 2009	Sunshine Ordinance -- Allocation of speaker time -- Alleges City Council 15-minute total time limit on Open Forum comments is inconsistent with the Sunshine Ordinance, which authorizes 2 minutes per person	Awaiting report from City Attorney	M/M 4

