City of Oakland

Public Ethics Commission

Toward Collaborative Transparency

JANUARY 2014

CITY OF OAKLAND

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FAIRNESS
INTEGRITY
HONESTY
OPENNESS

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January 6, 2014

Dear Oaklanders,

As part of the Public Ethics Commission's mission to ensure fairness, openness, honesty and integrity in Oakland City government, the Commission embarked on a review of Oakland's transparency in order to assess the City's performance, highlight the progress recently made, and lay out a roadmap for where the City should aim in the coming years. To that end, the attached report summarizes the Commission's findings and recommendations based on input received throughout the Commission's review, which included a public hearing on June 25, 2013, as well as personal interviews, research and small group meetings during 2013. It also builds on work completed by the Commission in past years.

In sum, we applaud the City for recent strides to open up City government, we commend the public for continuing to push the City toward more openness, and we challenge all of us to set the bar higher and reach for greater transparency in the years to come. The Commission offers the attached recommendations to all Oaklanders: citizens, elected officials, City Administrative leaders, community leaders and advocates, and City staff.

The approach we embrace is collaborative transparency, and, as we discuss in more detail in the report, this will require a team effort to achieve the goals we all seek. Our Public Ethics Commission will continue to be a partner, and a champion, in these efforts.

Sincerely,

Chairman Lloyd Farnham

Vice-Chair Aspen Baker

Commissioner Roberta Johnson

Commissioner Benjamin Kimberley

Commissioner Monique Rivera

Commissioner Eddie Tejeda

Commissioner Jenna Whitman

EXECUTIVE SUMMARY

The City of Oakland is in the midst of an open government transformation. Innovators inside government are teaming up, City leaders are interested in new approaches, new allies are forming, and citizens – as always in Oakland – are engaged. Multiple efforts are synchronizing to improve the City's openness and engagement with its residents, and to leverage new technology along the way. Meanwhile, experiments in open government across the nation give us meaningful insight into what might be possible here in Oakland.

In this report, the Public Ethics Commission reviews the City from a government transparency perspective, captures a snapshot to mark where the City is at this moment in time, and begins to paint a picture of where the City should focus in the next few years and beyond.

What the Commission heard most clearly is that moving toward greater transparency requires innovation. With innovation, comes change. And the change desired is for the purpose of performance improvement, based on the needs and goals of the community. A forward-thinking city shares information about its own performance, invites citizens to join in the process, and understands that innovation and change can present significant opportunities. While change may be uncomfortable, it is a prerequisite for improvement.

At the same time, the public must engage with the City in a productive dialogue around solutions. As the City begins to share more information and invite the public into the process, we hope that citizens will join in the effort to communicate their needs and express their views in ways that go beyond "three minutes at the microphone" at a public meeting.

The goal is collaborative transparency: government opens up and facilitates citizen understanding and participation, and community participants collaborate to bring meaningful change.

Toward this end, the Commission lays out 25 recommendations that are intended to guide Oakland in its journey to become more transparent. The recommendations fall into four general categories:

- Set the Default to Open
- Proactively Disclose Information
- Engage Citizens and Policy Makers
- Empower City Staff, Leaders, and Community

"Transparency + Participation = Accountability Effectiveness Efficiency"

-Open Government Partnership. Project Launch Video. Sept. 20, 2011. http://www.youtube.com/watch?v=Bq_ZWl1ZXA0

Oakland is ready for collaborative transparency. With its civic activism, entrepreneurial spirit, smart community leaders, and growing innovative culture, Oakland can build on recent strides in transparency to achieve what the Oakland Sunshine Ordinance and City Charter originally intended – fairness, openness, honesty, and integrity in City government – with a modern twist: meaningful public engagement that feeds performance improvement.

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ASSESSMENT: TRANSPARENCY IN TRANSITION

New momentum swept through City Hall in 2012 and 2013 as Oakland City staff and community members initiated new projects designed to open up City government and bridge the gap between government services and community needs and participation. Last year, at the direction of the City Administrator, the City's then-new Online Engagement Manager spearheaded projects such as the creation of Oakland's open data platform and the Code for America fellowship program that is leading to the design of a technology tool to facilitate public records requests. Meanwhile, local civic technologists formed OpenOakland, a Code for America Brigade, where volunteer coders and City staff work together to bring City data and information to light, and to life. At the same time, the Public Ethics Commission (PEC) made enhancing government transparency one of its top priorities for 2013 as it is at the core of the PEC's goal of ensuring fairness, openness, honesty and integrity in City government.

Oakland Was Once a Leader in Transparency

Oakland led the nation in municipal transparency policy by adopting a local Sunshine Ordinance in 1997. The City's Sunshine Ordinance builds upon the rules imposed on municipal governments by the State of California, and adds more openness requirements such as quicker response time for certain public records, the release of more City documents than is required under the California Public Records Act, and stricter meeting notice requirements than the California Ralph M. Brown Act to name a few.

Yet in 2010, half of all complaints that came to the Public Ethics Commission were transparency-related, falling within the purview of the Oakland Sunshine Ordinance.[1] The PEC held a series of hearings in early 2011, in order to consider public and City staff input on how the City can improve access to its public records. In June 2011, the Commission's staff prepared a summary of potential recommendations just before the PEC closed down for a year.[2] The Commission's process in 2011 revealed the following problems:

- Lack of a City policy on public records requests
- No ability for the PEC to issue penalties for violations of the Sunshine Ordinance
- Under-staffed mediation services for complaints filed with the PEC
- Absence of an effective and current records management policy, program, and training
- Lack of affirmative programs and policies to increase access to public information, such as online posting of elected officials' calendars, campaign statements, Form 700 – Statements of Economic Interests, various agenda materials, and an online "Citizens Guide" for accessing City records

In December 2012, the Oakland CityCamp "unconference," a collaboration between OpenOakland and the City of Oakland, produced a discussion group that generated questions and suggestions around federal Freedom of Information Act rules and Oakland's local Sunshine Ordinance language and implementation.[3]

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[1] *Oakland Public Ethics Commission 2010 Annual Report*. Page 10.
[2] *Table of Proposed Recommendations*. Prepared by outgoing Executive Director Dan Purnell. PEC files. June 2011.
[3] Notes from the CityCamp discussion regarding the Oakland Sunshine Ordinance were uploaded as photos on OaklandWiki at http://oaklandwiki.org/City_Camp_Oakland for the 2012 CityCamp event.

In discussions during and following CityCamp, PEC members and citizens discussed the Oakland Sunshine Ordinance in light of modern technology and new trends in public engagement. In general, the discussion centered around the following issues:

- No mention of "engage," "collaborate," or "public-decision" at all in the Sunshine Ordinance[4]
- Little to no proactive measures requiring online disclosure of information
- No reference to specific data that should be made available online, such as budget information
- Lack of policies or goals regarding electronic media and reducing the City's carbon footprint
- Outdated and cumbersome technology for responding to public records requests
- Records requests are not tracked and shown publicly

Overall, the feedback that PEC staff and Commissioners received as it stepped into 2013 was that the City lacked clear policy around responding to public records requests, the technology used to track and facilitate requests was outdated and cumbersome, City staff needed better guidance and support in responding to requests, and there was little to no proactive disclosure of commonly-requested information.

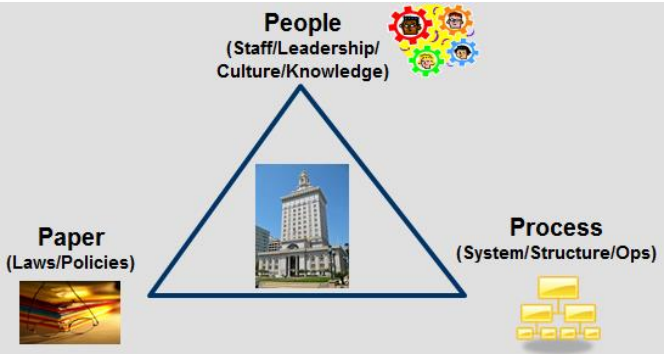
In response to public input, the Commission outlined a framework for an ideal public records system for the City Administrator's Office in January 2013. This framework acknowledged that access to public records is not just about responding to public records requests. It highlighted that access to public records is a multi-level service for the public that encompasses how the City provides information to the public through both online and traditional means, including the information available on the City's website, publications that are accessible inside a physical office, the public's understanding of where to find documents, and staff's knowledge and capacity to respond to requests. The Commission recommended a framework that took this broad, multi-dimensional approach and suggested the following be put in place:

1. **Law** – Amendments to the Sunshine Ordinance
2. **City Policy/Administrative Instruction** – A policy to affirm the Public Records Act and Sunshine Ordinance and articulate roles and procedures, identify department coordinators, and articulate penalties and incentives for compliance.
3. **Process for Responding to Requests** – A process based on the City Policy, complete with tools for staff such as instructions on how to respond to requests, sample response letters, a master list of public records coordinators for each department, a redaction guideline/checklist, and other helpful tools.
4. **System/Database for Tracking Records Requests** – Technology to facilitate the process of responding to requests, tracking information about requests, and understanding the volume and types of requests received.
5. **Online Availability of Information** – Information provided to the public through City websites in general, as well as information about how to make a specific public records request and who to call for help.

[4] Alissa Black. California Civic Innovation Project. New America Foundation. "Sunshine May Disinfect but It Does Not Always Lead to Engagement." February 13, 2013.

6. **Prototype for Improving Online Information** – PEC could serve as an example of how to redesign its website to be more user-friendly and better meet the needs of its customers.
7. **Incentive/Reward System** – Measures that can be taken by management and/or the PEC to encourage and improve compliance with public records requirements.
8. **Ongoing Feedback Mechanism** – Solicit feedback on access public records issues – whether related to the availability of online information, a response or lack of response to a request, or changes needed in the law.

The Commission's framework is based on the assumption that in order to provide effective access to public records, all aspects of the public records system must be in place and working smoothly. The goal: citizens should easily find out where to go for help, City staff should be well-trained on the City's policy and how to respond, and the policies, process, and tools should align to support quick and efficient response. The framework can be summed up in three categories: paper, people, and process, with technology falling into the latter.



Here in Oakland, all three of these areas needed work as of January 2013.

Oakland Has Achieved Significant Progress

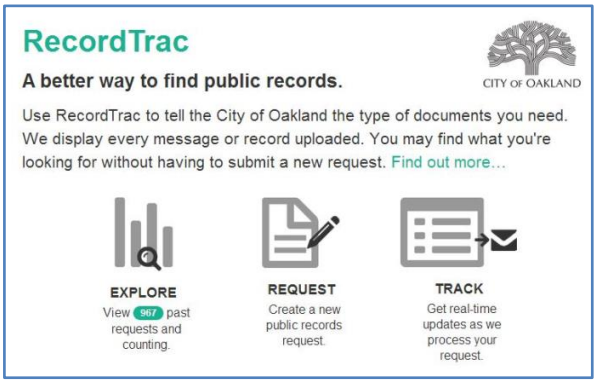
City leaders and staff have made notable progress in opening up City government here in Oakland in the last few years. In 2012, the City Administrator hired an Online Engagement Manager to spearhead projects to open up City government via online applications, engagement methods, and website improvements. As a result, the following projects have been created:

> ***"In my seventeen years with the City, never before have I seen so much progress in opening up City government as I have in the past two years."***
>
> *-Karen Boyd, Communications Director, City Administrator's Office*

- **Website Consolidation and Redesign** – the City continues to consolidate multiple web entities into one look and feel, via oaklandnet.com, and to decentralize web content updates so department staff can ensure their own web content is current. In addition, staff sought to standardize collection of content for the website in order to develop feeds and to create more intuitive interfaces that also work well with commonly used search tools like Google and social media tools such as Facebook and Twitter. The website is an ongoing project that may be overhauled in the next few years.
- **EngageOakland** – an online public forum, powered by MindMixer, to engage a broad spectrum of participation around key City issues. A community member can go online to engageoakland.com, log in with an email address or through their Facebook, Google, or LinkedIn account, and provide input on a City issue or question for the City and the public to view and contribute as well. For example, on the issue of mobile food vending, the feedback provided on EngageOakland helped

guide where mobile food vending sites were eventually placed.[5] The engagement tool was launched November 1, 2012, and has been utilized for 20 projects since then.

- **Open Data Platform** – sets of data are made public on a central City website for direct, self-serve access by citizens. The City Council passed a resolution supporting an Open Data initiative in April 2012 and requesting information from staff, and, by January 31, 2013, the City launched its Open Data portal at data.oaklandnet.com with 35 datasets. There are now over 100 datasets. The City's Department of Information Technology has been developing an Application Programming Interface (API) to begin to sync internal databases with the Open Data platform and has completed the first API integration with crime statistics. This means new crime statistics are now reported *nightly* to the Open Data portal, allowing timely, proactive, public access to crime information.
- **OaklandAnswers** – a question-driven, citizen-focused website with a simple, user-friendly design that provides answers to questions or keywords typed in the search box. Available at answers.oaklandnet.com, the site was created based on the understanding that most internet journeys begin with a "search." For this reason, the site organizes content from a citizen perspective (e.g. how a citizen might search for government information) rather than from the City's perspective (e.g. approach a search for government information rather than around the internal structure of government, as the City's website currently is designed.
- **RecordTrac** – a new web application to help the City manage and track public records requests. RecordTrac was created by Oakland's 2013 Code for America fellows and is available at records.oaklandnet.com. The new system, used by staff and departments Citywide, allows users to make and track a request for public records and to search through previous records requests and City responses. The system also provides standard responses that immediately refer people to the appropriate entity that provide non-City documents, such as birth and death records which are commonly requested but are not City records.



The City's partnership with Code for America, a national non-profit that seeks to bring modern technologies into cities and which led to the creation of RecordTrac, deserves special mention given its collaborative approach. With the help of Council Member Libby Schaaf, the City Administrator and Mayor applied for and secured three Code for America fellows who arrived in February 2013 to develop a new public records request application for the City (see RecordTrac, listed above). At that time, the City Administrator formed an internal Public Records System team to provide leadership and coordination to improve access to public records, with representatives from the City Attorney's Office, City Clerk's Office, City Administrator's Office, and the Public Ethics Commission.

The Public Records System team drafted an Administrative Instruction (internal staff policy) that was approved by the City Administrator in October 2013. The team helped make the Code for America RecordTrac application relevant and valuable by laying important policy ground and facilitating connections with line staff who offered input and piloted the new technology with the Code for America

[5] Nicole Neditch. Online Engagement Manager. City Administrator's Office. September 30, 2013.

fellows. The Public Records System team continues to meet to address remaining gaps in the City's system of ensuring public access to City records – from management to training to ongoing implementation and sustainability of the new RecordTrac tool.

In addition, new laws and policies adopted by the City Council, and actions taken by the City Administrator and City Clerk's office, have brought key leadership on specific open government initiatives:

- **Netfile System for Campaign Finance Data** – In March 2013, the Oakland City Council unanimously approved a local law to require electronic reporting of campaign information, making it easier to view and search political payments online.
- **Conflict of Interest Information** – The Oakland City Clerk also made strides to facilitate electronic filing and online accessibility of Form 700 – Statements of Economic Interests, required of roughly 1300 City staff and officials.
- **City Administrator Communications** – The City Administrator has opened up communication about the activities of the Administration by issuing periodic informational memorandums to staff and the community about issues such as new executive staff appointments and operational changes, as well as summarizing events and activities on a weekly basis in the *City Administrator's Weekly Report*, which is posted online and distributed to the Mayor, City Council, the public and local media.
- **Budget Process Transparency and Public Engagement** – The City Council adopted and followed a Budget Adoption Transparency and Public Participation Policy (resolution) providing parameters about public noticing and opportunity to engage around City budget proposals.[6]
- **Public Engagement Tools in Granicus/Legistar** – The City Clerk initiated improvements to the technology system that houses and manages the City's legislative and agenda management process, Legistar, with the goal of incorporating better engagement tools (including adding Mac-accessible video of meetings and potentially the ability to allow the public to provide input on legislation electronically)
- **Open Data Policy** – On October 15, 2013, the City Council unanimously passed a resolution outlining a City Open Data Policy that requires the City to "make every reasonable effort to ensure that City Data is published in machine readable formats using prevailing open standards for data, documents, maps, and other formats of media for the purpose of making City Data

Code for America

Founded in 2009 by Jennifer Pahlka, Code for America (CfA) is a non-profit organization designed to partner technology professionals with City government to promote innovation and new technology. CfA envisions a government that works by the people, for the people, in the 21st Century. The organization aims to improve the relationships between citizens and government, helping governments restructure to create low-risk settings for innovation, engage citizens to create better services, and support ongoing competition in the government technology marketplace.

Oakland was chosen as one of ten U.S. Cities in 2013 to receive a Code for America fellowship. The City's fellows, Richa Agarwal, Cris Cristina, and Sheila Dugan, created RecordTrac, the City's new online application for citizen requests for public records.

Code for America.
http://www.codeforamerica.org/about/.

[6] Oakland City Council Resolution 84385. May 21, 2013.

available to the greatest number of users and for the greatest number of applications in a manner that is open and accessible to the public" and to be maintained on the Open Data portal.[7]

The drafting of the Open Data Policy was itself an open and collaborative process, in coordination with the Urban Strategies Council and OpenOakland. "The actual process of creating this open data policy was itself truly open and community oriented," said Steve Spiker, Research and Technology Director at the Urban Strategies Council in an OaklandLocal piece. "It was inspiring to see how committed the people of Oakland are to making government more transparent, accountable, and collaborative."[8]

> ***"Initiatives accelerate when City leaders, City staff and the community work together."***
>
> *-Nicole Neditch, Online Engagement Manager, City Administrator's Office*

OpenOakland, formed in 2012, is a group of civic technologists, journalists, City staff, and community members "collaborating to build a better Oakland using open civic web technologies."[9] With its own weekly Tuesday evening meetings inside City Hall, OpenOakland has built a network of projects that help engage and serve the City and community through technology:

- **Oakland Wiki** – a communal website at oaklandwiki.org was installed by OpenOakland and fueled by community contributors to provide information about all things Oakland. Once installed, the website soared, thanks to community contributors who have collaborated with the Oakland Public Library and have added over 4820 pages documenting local history and activity.
- **Adopt-a-Drain** – a map-based web application that allows individuals, small businesses, and community organizations to go online at adoptadrainoakland.com and volunteer to adopt a storm drain and clear the drain when needed during the rainy season. This project launched on October 3, 2013, and is a collaborative effort between OpenOakland, Code for America, and the City's Public Works Department.
- **Open Budget Oakland** – a budget visualization website that graphically depicts budget allocations and departments in order to help the public understand and engage in a dialogue around City spending and budgeting. The tool, OpenBudetOakland.org, was launched by a group of OpenOakland members in April, 2013, and budget information was updated throughout the adoption process for Oakland's 2013-2015 City Budget.
- **Councilmatic** – provides an online forum for searching and staying current on policy issues currently pending review by the City Council. This project is in development and has not yet been released for public use.

These steps add up to extraordinary progress for the City in recent years. Clearly, the winds are shifting toward open government in Oakland. The Commission commends the City for its progress and believes

[7] Oakland City Council Resolution 84659. October 15, 2013.
[8] OaklandLocal. Community Voices. Oakland City Council Approves Open Data Policy. http://oaklandlocal.com/2013/10/oakland-city-council-approves-open-data-policy-community-voices/.
[9] OpenOakland. http://openoakland.org/. Accessed November 12, 2013.

Oakland now has an opportunity to leverage key partners to make the City a leader in 21st century transparency.

While the City has made progress, the journey has only just begun. In some cases, admirable policy statements have been adopted, particularly regarding open data, public engagement, and budget transparency; however, operationalizing these norms throughout City government in ways that are sustainable and effective will be the challenge of the next few years. City Administrative staff acknowledges that they would like to see more City staff use the City's existing new technology features such as EngageOakland and the Open Data platform, and others advocate for better offline outreach as well. Continued success will require proactive attention to integrating tools and new methods into the activities of government staff and leaders; these efforts are essential to ensure that the City's systems and culture support the open government policies sought by the public and enacted by City leaders.

Measuring Transparency

How does a City measure its transparency? This is a difficult task given the numerous ways in which people define transparency and because it depends on myriad factors. Some organizations have attempted to define parameters, such as the documents that cities should make available on their websites, but this does not provide a complete picture of transparency for any city. While many organizations nationally are working to enhance government transparency, no entity has articulated standards for measuring the extent of a City's transparency.

Caroline Bruister, Director of the Partnership for Public Accountability with California Forward, said that a transparent government is one that 1) advertises pending decisions, 2) has an open decision making process, and 3) broadly communicates decisions and publically tracks and reports results. In California, State and local governments struggle with the lack of valid data that prevents policymakers and the public alike from making informed choices, and while innovations abound, adoption rates are slow, and well-documented problems with the legislative and budget processes linger. Bruister outlined three key areas where cities should focus their efforts, and she noted Oakland's progress in each of these areas:

1. **Expand access to reliable data on public spending, planning and outcomes.** Bruister highlighted Oakland's efforts to try to open up budget data for public use via OpenOakland and the Open Budget Oakland project, but acknowledged the challenges with ensuring budget data is accurate and comparable across multiple budget proposals as the budget moves through the City's legislative process. California Forward supports efforts to make the formatting of the data consistent across proposals so it can be easily compared with other proposals, understood, and visualized by others.
2. **Expand disclosure of campaign contributors.** Bruister noted that the State of California currently does not yet offer online filing and searchable database of Form 700 – Statements of Economic Interests; however, Oakland has forged ahead by offering online filing and search of Form 700s and campaign statements.

> ***The assumption is "if you can't search for it online and readily get information, then government must be hiding it from people."***
>
> *-Caroline Bruister, Director of the Partnership for Public Accountability, California Forward*

3. **End closed decision-making procedures.** Bruister commended Oakland for recently passing rules to prevent last minute budget amendments, previously posting the Mayor's calendar online (though not currently being posted), and for passing public participation policy as part of the budget process.

> ***"Oakland is a clear leader on multiple fronts, including Open Data, Public Budgeting and Campaign Disclosure."***
>
> *-Caroline Bruister, Director of the Partnership for Public Accountability, California Forward*

Going forward, Bruister suggested that Oakland consider providing "checkbook" style availability of spending information online. 48 states provide this level of budget transparency; the state of California does not. She added that New York City has a great model for technology that provides this kind of budget data online.[10]

Bruister added that the state-level discussion in which the California State Legislature came close to nullifying the California Public Records Act for local jurisdictions as part of 2013 budget negotiations could be an opportunity for Oakland to seize by formulating its own public records policies for the 21st century. Oakland's future policies could be designed to modernize and expand public access and engagement.

PEC Engagement to Assess Transparency

The Public Ethics Commission teamed with OpenOakland to host a public hearing at City Hall on June 25, 2013, to engage with City leaders, transparency innovators, and Oakland citizens about City government transparency. The ultimate goal of the hearing – and the Transparency Project in general – was to assess Oakland's current openness, learn about open government innovations happening elsewhere, and develop a vision for how the City might expand its open government approach. The hearing provided a forum for engaging with experts, City staff and the public, and for experimenting with a few public engagement tools designed to enhance public involvement in the process.

The Commission reached out to the Oakland community to ask how Oakland is doing on transparency and what the City could do to improve its openness. Highlights of the input the Commission received through this process include the following:

- Through **Textizen**, a text-message survey tool that enables respondents to text their answers to a question posed to them, the Commission asked participants "How Transparent is Oakland City Government?" 36 Oaklanders texted their input and averaged a B score for Oakland's transparency. When asked "what does transparency mean to you?" and given a choice between four options: A) I get answers when needed, B) City makes info public, C) My input makes a difference, or D) Other; roughly two-thirds of participants selected B or C. Of those who selected "other," here are a few comments:
    - "Transparency means knowing what government knows."
    - "Start with releasing data that is in a machine readable format like xml"
    - "The ability to generate metrics of performance."

[10] Caroline Bruister. Director of the Partnership for Public Accountability. California Forward. June 25, 2013.

- **Vuact** provided live-streaming video and the ability to comment online during the hearing through a reaction button. The resulting "heatmap" shows the level and detail of the comments on the actual video as it replays. From this tool, we heard many comments around the lack of trust in government, as well as a high level of interest in Tim O'Reilly's mention of LouieStat – Louisville's system of measuring and improving government performance through data.
- **EngageOakland**, the City's Mindmixer web tool to provide an online forum for engaging the public, brought in 8 participants and averaged a C grade for the City's transparency. Participant comments included sentiments that the City is making good progress, and that the problems are not the people but the systems, such as the information put out by boards and commissions, poor engagement, bad website and search engine functionality, and that response to public records requests need work.
- **Twitter** users numbered 36 and provided 290 tweets during the Transparency hearing. Most commonly retweated comments centered around the importance of restoring trust of community for government, being able to access the Mayor's schedule, and quotes such as "transparency is government's responsibility," "pairing slow democracy with fast technology is the future of gov transparency," "change happens really slowly, then it happens really quickly," and "Yes! Start with principles for transparency, OpenGov, and public engagement in Oakland. Then hold the city to those standards."

Transparency Gaps Remain

Oakland has made significant strides in opening up City data and information, and City leaders have adopted key policy goals that aim to enhance transparency and public participation. However, gaps remain in the City's policies, process, and culture that must be addressed in order to accelerate the City's transparency efforts. The most notable areas for improvement include the following:

- IT infrastructure to support innovative efforts to open up data and improve the City's website
- Management and retention of City records, including a clear records management policy, guidance and training
- Use of machine-readable documents and searchable data to enhance the public's ability to search, use and build applications on public information
- Management of public records responses as a whole in a manner that ensures accountability with one key manager in the City Administrator's office to provide effective guidance on this core public service
- Availability of staff resources devoted to ensuring proactive disclosure of public information and public engagement in municipal decision making
- The ability to quickly develop and deploy new open government technology or services in an efficient manner
- Maximum utilization of current and future transparency tools (i.e. EngageOakland, Granicus, etc.)

The Commission calls special attention to the management and retention of City records as a particularly important and fundamental area that needs to be addressed. Records management generally is not a Sunshine-law related issue; however, it becomes a transparency problem when the

record is not maintained properly and cannot be found. The City Council passed a resolution in July 2010 requesting that a records management program be put in place within six months. No policy is yet in place, and training and guidance on records management is not occurring. In August, 2013, the City Administrator responded to Commission inquiries and directed the City Clerk's office to submit a records management program proposal to the Commission. After PEC review, the plan is anticipated to go before the City Council in Spring 2014. Meanwhile, effective training and guidance is not in place, though staff in the City Clerk's office have prepared some training materials and could implement training elements before the proposal is approved.

Barbara Newcombe, from the League of Women Voters, told the Commission at the June 25, 2013, Transparency hearing that "in 1991, a public records management policy was passed and never codified." She said that "we need to get that immediately passed by the City Council, the sooner the better, because in September of this year, it will be 22 years since that was originally proposed and supposedly passed." Newcombe added that individual citizens should be involved in the process to ensure not only that the policy is put in place but also that it is implemented in practice.

The Records Management issue, like many of the above areas for improvement, is a foundational element that must be in place to ensure not just effective responses to public records requests, but also to allow real progress toward opening up City government in Oakland.

INNOVATIONS IN TRANSPARENCY

While the Commission's transparency work began with a focus on access to public records, the project quickly broadened as the Commission heard more about what was not working inside City government, what citizens want, and what other cities are doing to recreate what it means to be transparent. The City's openness is not just about access to public records. Instead of focusing only on improving access to City records for the sake of transparency, the better question is… *transparency for what*? What is transparency and why is it important?

Transparency is Not Just About Access to Public Records

Oakland has much to learn and much to do to become an innovative, transparency leader in practice. As the Commission learned from others in the transparency and open government community, opening up City government in Oakland is about opening the doors of City Hall, welcoming citizen "users," leading dialogue, listening to concerns, and collaborating in decision-making and action. It means transforming the process to allow better communication from the inside out but also from the outside in – through a truly collaborative model that exemplifies a government of the future and designs transparency for public engagement.

> ***"Transparency must be redefined toward a more active enterprise, beyond the passive acts of merely publishing meeting and budgetary documents."***
>
> *-Caroline Bruister, Director of the Partnership for Public Accountability, California Forward*

Government as a Platform

In his book, *Open Government*, Tim O'Reilly outlines a new approach to government services and information, saying that government is "a convener and an enabler rather than the first mover of civic action."[11] He explains that the "innovations that define each era are frameworks that enabled a whole ecosystem of participation from companies large and small," and he describes how the personal computer, the World Wide Web, and the Apple iPhone were such platforms, where the framework allowed an explosion of creativity and new applications built on top of the platform.

> ***"Change happens slowly, and then it happens all at once."***
>
> *-Tim O'Reilly, O'Reilly*

"Government at its best can also be a platform," O'Reilly told the Public Ethics Commission at its June 25, 2013, Transparency hearing. By opening the platform, opening data, and measuring what is working, government can learn a lot about what is working, what is not, and how to improve. It also can provide a framework upon which innovations can proliferate. A platform model would offer a standard platform for publishing and consuming data and services, data standards that enable aggregation, customer self-service, multiple interfaces by third parties, interfaces that are "simple, beautiful, and easy to use,"

[11] Tim O'Reilly. *Open Government: Collaboration, Transparency, and Participation in Practice*. O'Reilly Media. 2010.

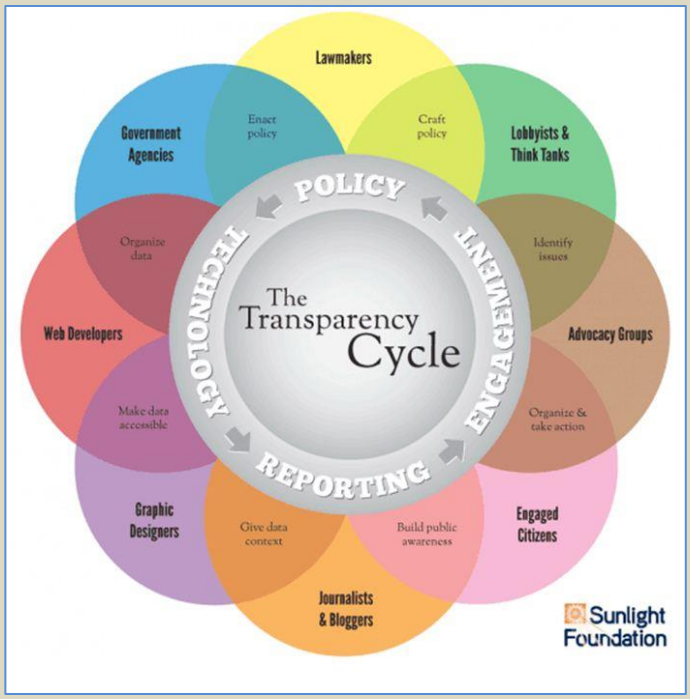
and the resulting added value from user participation. O'Reilly added that this framework can reduce costs, improve outcomes, go beyond "gotcha" to performance improvement, and support innovation from the outside.

The Cycle of Transparency

In his blog, *Introducing the Cycle of Transparency*, Jake Brewer, then-staff to the Sunlight Foundation, wrote that government transparency is the "rarest of political phenomena – a great idea with support across the political spectrum and popularity among the public. Yet, here we are in the 21st century with every tool we would need to make government more transparent and accountable, and still we are operating with a government that often behaves as it did in the 19th century." He went on to say that it is "clear that there is a breakdown between conceptual support for the idea of government transparency and enacting the changes necessary to make it so" and that "many people want to act, but they rarely know how or where to begin." Brewer articulated the fundamental question to this chasm well:

"How do we connect all the necessary parties and resources,
and how do we put them together and act on them in the right way
to actually make government more open and transparent?"

Enter *The Cycle of Transparency*, shown below, that shows the interplay of actors who must collaborate to create open government.



While laws may be a starting place, they need not be. Many open government actions can occur without new laws (such as the "Open Government Directive" by the White House), and sometimes administrative or community actions can lead to later codification of such changes into law. The cycle shows, and Brewer explains, that "each type of actor and action complements the others in the Cycle to make every other element easier, or even possible at all."

For example, if data is more easily accessible, journalists and bloggers can "dig into it, mix it up, identify relevant information and give the data context," said Brewer. "As that critical context is provided, citizens absorb it and spread the information to others – both online and face-to-face – and make the data actionable."

"Ultimately," he concluded, "informed citizen action creates greater public awareness; citizens become more effective, responsible advocates; holding government accountable becomes informed by data rather than… pundits, and better decisions can be made for our democracy."

Jake Brewer. Sunlight Foundation. *Introducing the Cycle of Transparency*. March 10, 2010. Blog post at: http://sunlightfoundation.com/blog/2010/03/10/introducing-the-cycle-of-transparency/.

Collaborative Transparency

Government transparency has evolved. What was once a focus on access to government documents for the sake of allowing the sun to shine on government activities has now shifted toward a circular, user-oriented framework that facilitates engagement and participation in the process of governing. This reflects government transparency trends nationally that seek to provide not just greater access and customer service but also enhanced participation and engagement for what is termed "third generation collaborative transparency."[12]

Collaborative transparency requires government opening its doors and sharing information proactively and in a user-friendly way, ensuring accessibility and understandability, and facilitating dialogue around key issues so that decisions are made in a transparent manner based on community needs and insights. It's not just about opening up for the sake of allowing others to see information, but for the sake of sharing, inviting feedback, assisting with the highest use of the information, all for the purpose of working together, hand in hand, to understand, manage, and make decisions in a collaborative, open way. That is collaborative transparency.

Collaborative Transparency

Archon Fung, Mary Graham, and David Weil co-lead the Transparency Policy Project at Harvard's John F. Kennedy School of Government and wrote about three generations of transparency in their book *Full Disclosure: The Perils and Promise of Transparency*. They described the three generations of transparency policies as representative of the "historic stages in the evolution of public access to information" as follows:

1. **First-generation Right-to-Know provisions** – "allow citizens and groups to pry information out of governments that would often rather keep it secret."
2. **Second-generation Targeted Transparency policies** – "represent legislators' efforts to reduce risks and improve services by judging what information people need to make better choices that will in turn improve products and practices."
3. **Third-generation Collaborative Transparency** – "will allow citizens to initiate transparency systems and to use deeply textured and varied information that is responsive to their diverse needs."

Each of these generational policies "has a place in the future of democratic governance," the authors said. "Working in combination, these three generations of transparency can, when carefully designed, deployed, and maintained, help citizens more successfully navigate the myriad economic, political, and social decisions they face in modern life. At their best, public transparency systems embody a kind of virtual partnership in which the authority of government empowers citizens to act with greater wisdom and confidence in an increasingly complex world."

Archon Fung, Mary Graham, David Weil. Full Disclosure – The Perils and Promise of Transparency. Cambridge University Press. 2007.

Proactive Disclosure

At the beginning of collaborative transparency is proactive disclosure, where, according to Laurenellen McCann, formerly of the Sunlight Foundation, "the default is set to open," and "the information comes

[12] Archon Fung, Mary Graham, David Weil. *Full Disclosure – The Perils and Promise of Transparency*. Cambridge University Press. 2007.

before the request." The Sunlight Foundation launched a new initiative in early 2013 to explore how cities and states are opening data and access to information. Sunlight also publishes an online resource for open data followers; the Open Data Policy guidelines can be found on this online living document that aims to help define what data should be public, how to make data public, and how to implement policy.[13]

At the Commission's Transparency hearing, McCann shared Sunlight's perspective on proactive disclosure:

> *From Sunlight's perspective, the long term goal of proactive disclosure means that all public information is made available online and is accessible to the public with no restriction and in formats that encourage reuse. This means everything from transportation data and meeting minutes to RFP's and crime reports to campaign finance and geo-located streets…*
>
> *It will be the execution of these technical formats in an iterative, proactive, and most importantly, public process that will reveal just how revolutionary data disclosure can be. This is the new, new frontier of transparency and open government. Non-artificial, two way communication between public servants and the public about both technical and political issues. Slow democracy paired with fast technology.*

Proactive disclosure = "the default is set to open," and "the information comes before the request"

-Laurenellen McCann, Sunlight Foundation

For short-term goals, McCann added, we must ask our local stakeholders. McCann outlined three steps to creating and reinforcing government transparency: 1) gather stakeholders, 2) let the community decide what more transparency is needed in the City and what data should be released, and 3) Iterate! Iterate! Iterate! – try, get it wrong, ask for feedback, and try again.

Steve Spiker, co-founder and brigade captain of OpenOakland, shared his suggestions for the City's next steps in opening up and engaging with the public. He said the City needed an open data policy (which passed on October 15, 2013), open government trainings and workshops, broader engagement across the City, more engagement with public data, and a more accessible City Council. Spiker also suggested the City create a budget data template for use by the Mayor and City Council when drafting budget proposals during the City budget process.

Spiker added that the City leadership needs to understand the value of technology and do more work to enhance the City's innovation capacity. Creation of a City technology commission could aid in these efforts and leverage technology expertise by community members who want to help the City innovate.

[13] Sunlight Foundation. Open Data Policy Guidelines. http://sunlightfoundation.com/opendataguidelines/.

City Technology Commission

Steve Spiker and other civic technologists in Oakland have suggested that the City create a Technology Commission to serve as an expert panel to help the City consider, create, and implement technology-related initiatives. Such a commission could inject valuable private technology industry expertise into the rather insulated operations of City government technology departments in a way that allows the City to leverage the tech talent and public-service citizen interest that abounds in Oakland.

The City of Petaluma, for example, established a Technology Advisory Commission in 2005 to assist the City in making efficient, economical, and productive use of technology and telecommunications. As a nine-member board staffed by the City's Information Technology Manager, the Commission has two purposes: 1) to ensure that the citizens of Petaluma benefit from the opportunities that today's *Information and Communication Age* technology has to offer, and 2) to promote access to electronic information and community resources for all, while protecting individual privacy and supporting free expression. The Technology Advisory Commission provides expertise to the City in the following areas:

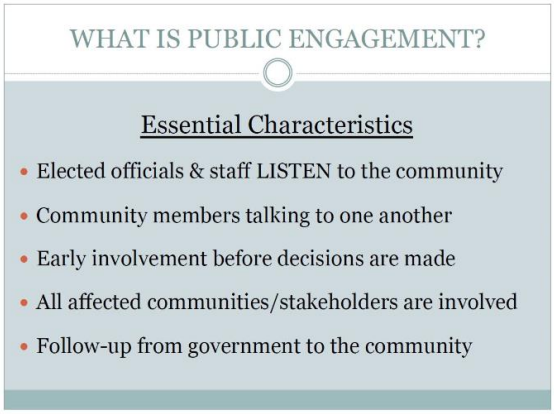
- Cable TV Access
- Broadband deployment
- Public safety and security
- New Franchise Agreements
- Equal access for all citizens
- New technology deployment
- Regulatory issues regarding wire and wireless communication systems
- Evaluation of current Telecommunications and Technology policies and programs

Phil Wolff, an OpenOakland member and technology product manager, said "a Technology Commission could bring attention to our digital divide, keeping focus on fiber initiatives, on moving Oakland up the queue for wireless broadband initiatives.." Wolff has begun outlining a possible framework for such a Commission in Oakland.

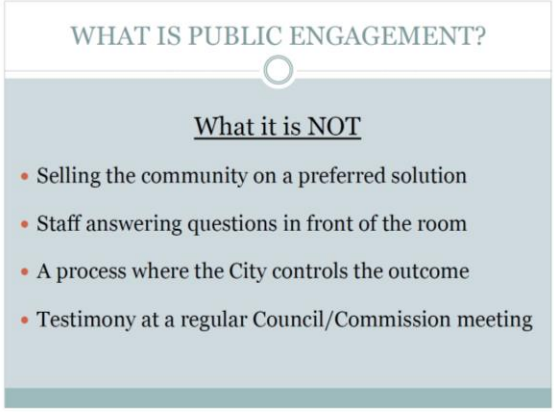
Public Participation

Collaborative transparency also requires an invited and engaged public that understands what government is doing, right now, and can provide input and know that their voice will be heard. How does this relate to transparency? Public participation is about making the *process of governing* transparent, not just *the product of* government, such as information or data.

Greg Greenway of Greenway Consulting and the Davenport Institute for Public Engagement and Civic Leadership outlined for the Commission the basic premise of public engagement: "people should have a voice in the decisions that affect them." The benefits of public engagement to the City and the public are numerous, including more credible and legitimate decisions, more durable decisions, fewer missteps, better decisions using community wisdom and creativity, and opportunity for community building and leveraging community talents.

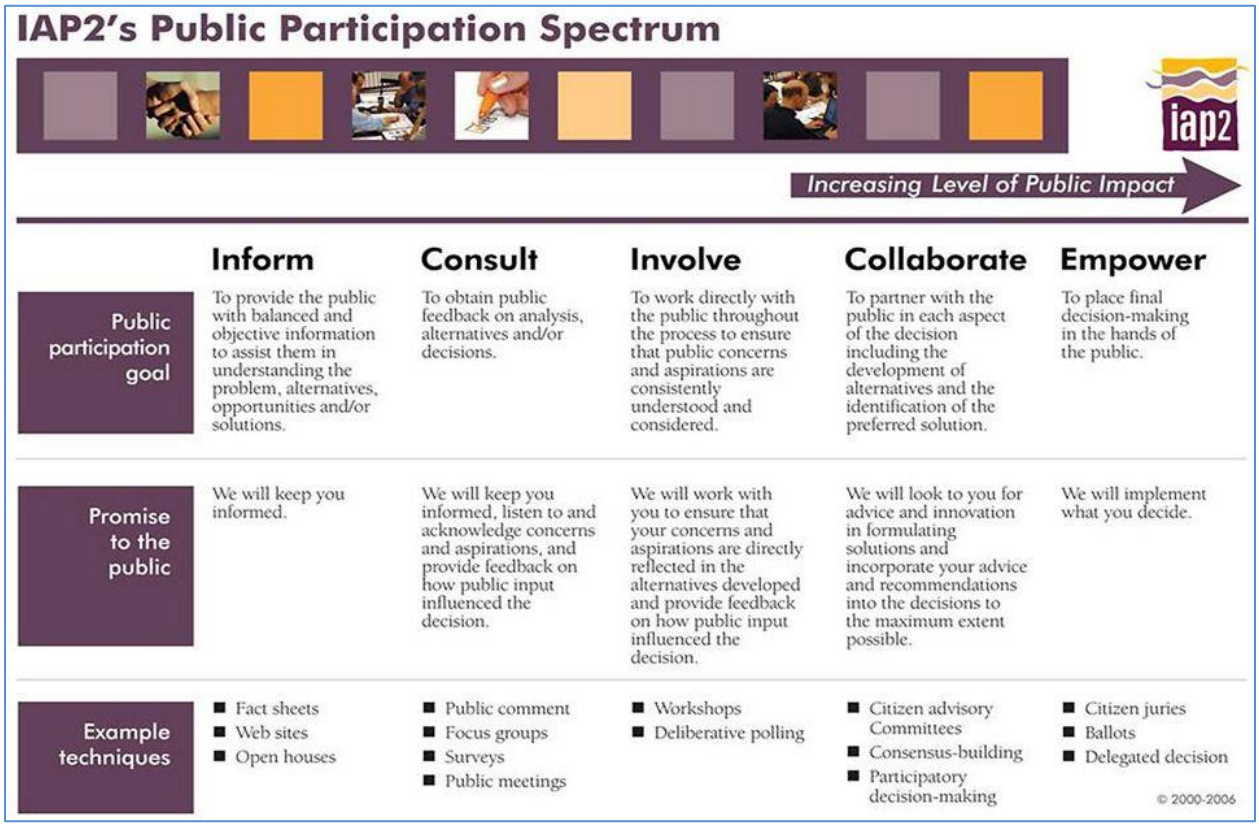


While the "three minutes at the mic" or "open forum" approach often is required by law and provides some value, it is not public engagement, Greenway said, as he presented what public engagement is and is not, as shown in his slides copied here.[14]



"If a City wants to make a broader commitment to community engagement and wants to actually have any possibility of involving more than a tiny fraction of your population in the public process, then you have to look beyond the City's business meetings… and go beyond City Hall to reach out into the community." It is about shifting control by City staff and leaders from controlling *outcomes* to instead control the *process*.

Greg Greenway told the Commission that while public engagement work may come at a cost – via staff time, contracting out for support, or technology to assist with engagement – a city can make progress with little investment, such as adopting a set of principles for public engagement. He outlined a spectrum of engagement that incorporates four levels of increasing levels of public influence: inform, consult, collaborate, and empower. Similarly, the International Association for Public Participation (IAP2) outlines five categories of public engagement, with goals and tools described in the table below, as shared by Greg Greenway.[15]



	Inform	Consult	Involve	Collaborate	Empower
Public participation goal	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
Promise to the public	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
Example techniques	■ Fact sheets ■ Web sites ■ Open houses	■ Public comment ■ Focus groups ■ Surveys ■ Public meetings	■ Workshops ■ Deliberative polling	■ Citizen advisory Committees ■ Consensus-building ■ Participatory decision-making	■ Citizen juries ■ Ballots ■ Delegated decision

© 2000-2006

[14] Greg Greenway. Greenway Consulting and the Davenport Institute for Public Engagement and Civic Leadership. Written testimony to the Public Ethics Commission. June 25, 2013.
[15] Public Participation Spectrum. International Association for Public Participation (IAP2). Shared by Greg Greenway. *Ibid*.

Public Engagement Through Social Media

(Written by Steve Spiker, OpenOakland)

In a recent Governing Magazine piece, The Demise of the Public Hearing, Larry Shooler had this to say of civic engagement in local government: "They are stuck in the check-box era… They develop a policy and put it out for comment but are not willing to incorporate those comments into the policy." This is the same situation we're faced with in Oakland, California – our systems are geared for shallow, angry engagement only and are not yielding healthy discussion and deliberation on important matters to our city. From the same piece in Governing comes a gem of insight from a local official: "Wait, this three-minutes-at-a-microphone is enabling the behavior and inviting the kind of participation we've been seeking to avoid. That means the people aren't necessarily the problem. Maybe it's the process that needs changing."

In Oakland, our people are not the problem, but our processes sure are, along with our tools, or rather our lack of tools. When the world is beginning to converse and engage rapidly, broadly and across traditional barriers via social media, our cities have to choose to go to where the people are or to bury our heads in the sand and write-off this new trend as a fad. Oakland has definitely seen the results of short periods at a microphone being the only consistent means of engagement and no officials could claim this has led to informed citizenry and constructive debates on any topic in recent years. Our process is broken. Yet there is a chance for us to do it right. It will require the city to adopt new tools, new processes and a new attitude – an attitude that says "our community has ideas, they have smarts, they have valuable insights and we need to tap them."

Social media and other online engagement tools offer a positive way forward if adopted wisely and enthusiastically. To look for examples of how cities are embracing what social media offers we can look at the city of Honolulu or Philadelphia. We should be looking at social media as a means to empower each of our departments and agencies to raise their voice, connect with their stakeholders and to both tell the community what they are doing as well as to solicit feedback. Social media by nature is a two way system – like civic engagement should be – it is a conversation and that implies two sides listening and two sides corresponding. Mayors recognized for effective use of social media include those in Kansas City and the well renowned Cory Booker. These mayors have realized that tools like Twitter allow them direct access to their communities and are not just listening – they are engaging and responding.

While health departments in Chicago are scanning Twitter for any comments mentioning the words "food + poisoning" and responding to people asking for details of the restaurant they just ate at, other cities are using curated online communities as a way to bubble up great ideas from their residents. Both iMesa in Arizona and Speak Up Austin are powerful examples of how loosely curated approaches can tap the long tail of government and bring to beat the considerable experience and creativity of their communities. Both of these governments do not simply pose canned questions of their residents – they allow residents to set the course of the discussion and to propose bold, new ideas within loosely defined categories. This results in a more genuine discourse rather than tightly controlled interactions. Both have resulted in very active communities and significant new ideas that would have not been possible with the 'three minutes at a mic' approach.

Other cities have shown what can be done and how much there is to gain through effective uses of social media and deepened civic engagement. The barriers have been collectively dealt with (archiving is simple, policies are easy to adapt) and the benefits are flowing. As with many modern technologies, Oakland needs to rethink and rebuild its IT infrastructure to effectively support the use of these new tools and processes. Cities such as Philadelphia have strong social media policies we can adapt to make the legal process smoother, but we will need to make this a priority for our IT department to support.

We also need to motivate our leaders and officials to desire genuine public discourse and engagement – to be comfortable with more open government; any effort that does not reflect the public's desires in final decisions will be seen as a fraud and the closed door processes that result in such decisions are no longer acceptable to an informed citizenry.

Oakland needs a Social Media Policy and a new attitude towards engaging its community.

Technology and Other Innovations to Open Up, Engage, and Build Trust

Cities across the nation are experimenting with open government innovations through technology, as was evident at the Code for America Summit in San Francisco on October 15-17, 2013, where Cities officials and civic technologists joined to share City government innovations. Open government innovations that enhance transparency and public engagement were at the core of the three-day discussion. As one speaker noted, "trust is tied to a good experience." If transparency is about trust, and trust requires good service, then enhancing transparency means improving the user-experience – from receiving better information from government to actually improving services and overall government performance.

Many tout the benefits of technology to facilitate government transparency, and applications like RecordTrac, EngageOakland, Adopt-a-Drain, the Open Data portal, and Netfile – all mentioned above – are great examples of how technology accelerates government transparency. Oakland has been able to adopt these new technology features, but most of this work has been achieved through the efforts of the City Administrator's Online Engagement Manager – one position within City government that has been the driver of most things open and innovative. One person cannot sustain the City's online engagement and innovation. Instead, innovative technology projects – and use of the technology currently in place – should proliferate throughout City Hall and should not just be supported but encouraged, promoted, even made competitive. A technology commission, if created, could also aid in efforts to find new ways of doing City business, just as Open Oakland continues to be a valuable resource for City staff and leaders.

Online, Digital City Checkbook

*(Written by Adam Stiles)**

In 2010, New York City launched Checkbook NYC, an online portal that gives residents unprecedented access to the city's budget. Not only can New Yorkers explore the revenues, expenditures, contracts, and payroll of their city—budget data is updated every 24 hours. While most cities' residents are lucky to get a close look at their budget once a year, New Yorkers have a near real-time snapshot of their city's finances, presented in a simple, visual way, sortable by what matters most to city staff and the general public.

Checkbook NYC's pro-active approach to open data has inspired projects like Open Budget Oakland, a collaboration between community and city staff to make Oakland's budget more accessible. Until recently, however, Checkbook-level openness for Oakland has seemed out of reach. New York City invested $3 million to build this tool—when would such a sum ever be available in Oakland, for greater transparency, no less? And then New York City did something truly innovative: they gave it away. In July, after three years of improvements and evaluation of the public's response to greater transparency, the City open-sourced Checkbook, providing an open API and making it free for any city to use and for developers to build apps that increase budget literacy and civic engagement. To speed adoption by other cities, Oracle, CGI, and REI Systems have committed more than $1 million in resources.

Oakland has an opportunity to be a leader among cities on this. Let's work together to make it happen.

*Adam Stiles is one of Open Budget's creators and a member of Oakland's Budget Advisory Committee. He is co-leading an exploratory group along with City budget and IT staff, and NYC's comptroller, to see if Checkbook is viable for Oakland. If so, Oakland would be the first city in the U.S. to adopt Checkbook, starting what NYC hopes will be a community of developer cities that will continue to improve the tool for mutual benefit.

Not all innovations, however, are technological. Esther Goolsby, from District 7, spoke to the Commission at the June 25, 2013, Transparency hearing, expressing the need for better education and

information about what Oakland City government does. She suggested better marketing to reach "the people who really need Oakland's help" and to help "see that the City can work for us and we can work for the City." She articulated the need for the City to provide information to the public in ways that work for citizens, designing outreach and services around the user, and that this is what transparency is about.

Greg Greenway articulated the need to connect with people who are not able to come to formal government meetings and who are not online. He suggested utilizing existing community groups as vehicles for engaging additional citizens. Public Ethics Commissioner Roberta Johnson advocated incorporating public libraries into the process of governing, to serve as local hubs for connecting with City government policy making. The Public Ethics Commission could help explore how the City can better engage and build trust with the public.

Enhancing the Role of City Boards and Commissions

One way to augment public participation is to leverage and empower existing City government structures such as the City's current boards and commissions. These bodies vary in size and purpose, and they can be important forums and conduits for exploring new City government policies and innovations. The League of Women Voters in 2010 reviewed Oakland boards and commissions and made recommendations to enhance the value of these important institutions. Boards and commissions can be better utilized as vehicles for outreach/involvement, as indicated by the League's report.[16]

The report made several recommendations to better integrate City board and commissions into the process of governing and to augment board and commission effectiveness and role within City government. Among other recommendations, the League suggested assigning City Council members to serve as liaisons to boards or commissions, where the liaison/Council member can be the chair or member of the committee to which the board or commission reports. The liaison/Council member would meet regularly with the board or commission and oversee appointments. In addition, the League recommended requiring each board and commission to adopt formal goals and objectives annually and post them on the City's website , along with additional information such as the following:

- Statement of authority, when created, charge, and to whom it reports
- Meeting dates and agendas
- Minutes of past meetings
- Current year budget
- Annual report
- List of members with contact information
- Staff assigned to the board or commission[17]

The Commission also heard repeated requests for posting meeting notices on a centralized, online calendar for all boards and commissions so that the public can easily see in one place all of the meetings occurring throughout City government. This approach is currently being discussed under the leadership of the City Clerk as part of an upgrade to the City's contract with Granicus, the City's vendor for its system for posting and tracking City Council meetings and legislation. Additional feedback about boards

[16] *Boards and Commissions in Oakland,* Findings and Recommendations from the League of Women Voters of Oakland. May 2010. http://www.lwvoakland.org/files/2010-05-17_B_C_report.pdf.

[17] *Boards and Commissions in Oakland,* Findings and Recommendations from the League of Women Voters of Oakland. May 2010. http://www.lwvoakland.org/files/2010-05-17_B_C_report.pdf.

and commissions revealed that the public would appreciate seeing draft minutes posted soon after the meeting and, at a minimum, vote tallies for each item posted within 24-hours of City Council meetings and possibly other board and commission meetings. If the public is asked to engage, then citizens also should be able to see the outcome in reasonable time, and without having to attend the meeting in order to know what happened.

Transparency and Technology for Performance Improvement

Jennifer Pahlka, founder of Code for America (now on leave as Deputy Chief Technology Officer for Government Innovation at the White House), shared with Commission staff how opening up government data, while uncomfortable, can lead to performance improvement. She pointed to Louisville, Kentucky, which instituted a data-driven performance measurement tool called LouieStat to help identify performance measures and collect information to guide improvement and decision making. See below for more information about the tool and process. Key to the success of Louistat, Pahlka said, is how the City supports managers in their efforts to innovate and improve performance. Also helpful is Louisville's Office of Performance Improvement, a small team of staff who meet with department directors to map out performance measures and determine which data to collect. Along the same lines, other cities like San Francisco have created an Office of Innovation to assist with the creation of new technology to facilitate City government innovations. Such offices are designed to help identify ways to innovate a City government function and make the innovation a reality.

LouieStat ***Louisville Data Drives Performance Improvement***

With the goal of creating excellence in city (Metro) government, Louisville Mayor Greg Fischer created the Office of Performance Improvement in January 2012 to help answer three key questions of his City government: 1) What are the key services Metro Government performs? 2) How well are we performing? 3) How can we perform better?

The Office of Performance Improvement instituted LouieStat, an online city data hub that provides metrics tracking and data analysis for individual city government departments, based on specific indicators of performance for each department. Department managers meet with the Mayor and his senior leadership team every six to eight weeks to discuss the performance metrics and make changes to improve service delivery. According to the LouieStat website:

> *The identification, tracking and analysis of the most important metrics for each department, called Key Performance Indicators or KPIs for short, helps Louisville Metro Government spot areas of weakness, where we are not delivering the best services or results possible, make data-driven decisions regarding where and how to best allocate resources, and evaluate the true impact and effectiveness of the work being done across Metro Government*

The Office of Performance Improvement staff facilitate "on-boarding" departments into the data-driving framework. To get a department "on-board," OPI staff meet with the department's leadership to understand the department's mission and services and help the department answer two key questions: 1) What results are we trying to achieve?, and 2) How would we know if we were achieving them? OPI staff then work with the department to establish appropriate benchmarks and key performance indicators, and identifying related best practices in other cities. This results in a report that summarizes data for the previous and current fiscal year, the performance indicator goal, internal and external benchmarks, and overall performance to be presented to the Mayor. Per the LouieStat website "Process" page, the LouieStat forum brings "all of the key decision makers in one room, any questions or potential barriers to success are discussed and removed before time and resources are expended on a potential initiative. Through these recurring Forums, the Mayor and his senior leadership team are able to identify and spread best practices across departments, align Metro priorities, increase departmental accountability, and ultimately connect resources and actions to results."

About LouieStat. Office of Performance Improvement. Louisville Metro Government. LouisvilleKy.gov. http://louiestat.louisvilleky.gov/basic-page/about-louiestat.

Harnessing Innovation

> *"Technology is very simple; it's really about culture change."*
>
> *-Tim O'Reilly, O'Reilly Media*

How do we, in Oakland, learn from and try out these innovations in government transparency?

Karen Thorenson, President and COO of Alliance for Innovation, outlined the top six qualities needed for government to harness innovation:[18]

1. **Leadership** – at the top, in the middle, and organization-wide that is unselfish, shares credit and recognition, and looks to the next generation to sustain growth
2. **Creativity** – to unleash the potential, be unsatisfied with the status quo, look for ideas elsewhere, work on multiple fronts, be open to failure, constantly revise and change, and achieve breakthrough, even if incrementally
3. **Internal Collaboration** – in non-hierarchical, diverse teams that disrespect the silos of government bureaucracy, where staff are supported and heard, and where all members of the team want to be at the table
4. **External Partnerships** – a deep level of cross-fertilization of public, private, and non-governmental organizations that know how to disagree but are willing to trust and take risks and that understand the value of new perspectives
5. **Community Connections** – real connection – not lip service – of deep sustained involvement centered on the public interest, not "me-centric," and seeking long-term value
6. **Results Focus** – where the product is useful and serves need, the impact is sustained, and the benefits are clear and counted ("If you count it, it will change.")

It is no surprise that the Code for America project that created RecordTrac happened to hit all six of these elements. The City showed *leadership* by applying for the fellowship, securing matching funds, and setting a project goal of the creation of a new tool to facilitate public records requests. Code for America sent three fellows to the City (*external partnership*), backed by the *creativity* of the Code for America organization, to listen to community concerns and design a tool around the needs of both the City and the community (*community connections*). The City Administrator pulled together key City staff (*internal collaboration*) to help ensure that the policy and procedural pieces came together, and to continue to sustain the new tool when the fellows complete the project. The *result*: a state of the art technological tool that makes government more transparent and efficient, and that opens and facilitates the public records request process for the public. Innovation at its best.

As PEC Commissioner Benjamin Kimberley asked at the October 3, 2013, PEC meeting during which the new RecordTrac tool was presented, "how can we replicate the success of the Code for America innovation?"

The City, and the public, should think creatively about how to answer that question.

As the Code for America fellows prepared to depart the City at the close of the fellowship in November 2013, they identified the following four key areas where the City should focus their efforts in technological innovation:

[18] Karen Thorenson. *Smart Government: Top Six Ways to Harness Innovation*. Granicus Webinar. March 27, 2013.

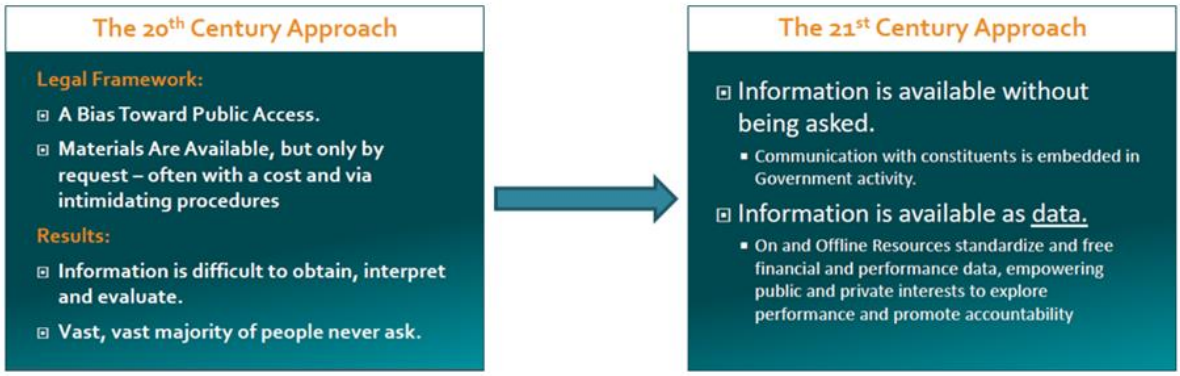
1. Redesign the City website based on design principles outlined by www.gov.uk/designprinciples.
2. Determine how to implement the City's Open Data Policy, using LouieStat as a model.
3. Enhance City staff's comfort with technology (OpenOakland expressed interest in offering skill share workshops with City staff).
4. Nurture a culture of innovation through cross-departmental office hours, other ways to create a space for innovation and knowledge sharing around City.[19]

Given the success of the Code for America project here in Oakland, and existence of the ongoing OpenOakland Code for America brigade, the City should consider creating its own local fellowship program to provide a space and network of interested community members who could assist with innovative projects within City departments and provide a bridge between City staff and OpenOakland. Projects could be focused around opening up City data, information or process, with the broader goal of enhancing transparency.

Oakland's Opportunities

With all of the momentum and progress to open up government these past few years, and with Oakland's many unique strengths, the City now has numerous opportunities to enhance transparency in creative and effective ways. Recent progress indicates that current City Administrator Deanna Santana is committed to effective transparency. "Ethical leaders shape organizations," said Santana. "The focus of ethics and transparency is critical for governing and the public good. Ethics in the workplace are the cornerstone of how we provide service, and I have supported every effort that grows and strengthens our goals."

Going into 2014, the City of Oakland is well-positioned to rethink its approach to transparency to incorporate 21st century technology and thinking around how to create a more collaboratively transparent – and more democratic – government process.



[19] Sheila Dugan. Code for America. Presentation to City Leaders on November 13, 2013. City Hall.

A TRANSPARENCY ROADMAP FOR OAKLAND

Oakland is in a position to once again lead the nation as an open government innovator. With leadership, effective partnerships, and strategic investments in innovative approaches, the City can adopt new practices that embody the spirit and open process sought by the City Charter and the Sunshine Ordinance in the context of the 21st Century. Given what we know about the evolution of transparency moving from reactive to proactive disclosure and public engagement, the City should strive to find more ways to be collaboratively transparent. Based on results achieved by other cities, collaborative transparency could lead to more effective engagement and trust by the public, as well as better outcomes and enhanced organizational performance for the City.

Taken as a whole, the Commission's suggested changes can be overwhelming: rewrite the Sunshine Ordinance, adopt an online checkbook-style reporting of budget information, invest in information technology, incorporate public engagement and be responsive and engaging back – and those are only a few of the recommendations the Commission outlines below. The goal here is not to impose the list as a "must-do now" approach; rather, the Commission provides an array of options and suggests the City begin to move forward on some of them, and to communicate its desires on others, so we can begin to take concrete steps toward the City's transparency goals and celebrate the progress along the way.

The Commission commends the City for the open government advances achieved in recent years. The City should continue to strive for greater transparency and to enhance performance and trust in the process by incorporating the following recommendations:

Set the Default to Open

1. Revise the Oakland Sunshine Ordinance to reflect 21st century technology and government transparency ideals
    a. Prescribe proactive disclosure
    b. Outline open data requirements
    c. Incorporate public engagement language into the ordinance
    d. Address the use of social media, rules for engaging online as a member of a legislative body subject to open meetings laws
    e. Reaffirm that state Public Records Act laws would be followed in Oakland in the event that state legislation nullifies local application
2. Implement effective records management and retention practices to ensure that City records are organized, maintained and appropriately retained according to state and federal law so that records can be found when requested

Proactively Disclose Information

3. Redesign the City's website from the end-user's perspective, providing open data and proactive disclosure of City information to the fullest extent possible under the law
4. Post City Council votes online within 24 hours after the meeting, providing only the official action taken (e.g. "adopted, with amendments")

5. Consider adopting a "checkbook" style budget transparency application similar to the one in New York City that provides up-to-date information about spending, budget, payroll, revenue, and contracts.
6. Publish a comprehensive list of City records available to the public and where they can be accessed
7. Implement the Open Data Policy adopted by City Council by ensuring that, at least for future records and information, "City Data is published in machine readable formats using prevailing open standards for data, documents, maps, and other formats of media for the purpose of making City Data available to the greatest number of users and for the greatest number of applications in a manner that is open and accessible to the public" and to be available on the Open Data portal.[20]
8. Where data is housed in a manner that cannot be collected in a readily usable format, consider redesigning the storage or collection of the data in a manner that can be more easily utilized by the public and the City
9. Designate a person in the City Administrator's office to manage the City's system of responding to public records requests, ensure responsiveness, set policy and provide staff and public guidance, facilitate posting of data proactively when requests show commonality and high interest, and facilitate the adoption of new technology to proactively disclose more City information.
10. Publish a Citywide organizational chart with names, titles, phone numbers of department heads and managers, and their areas of responsibility.

Engage Citizens and Policy Makers

11. Continue to ask the public: What information and data should City government proactively share and how?
12. Broaden the City's use of the MindMixer platform (EngageOakland) for community engagement around ideas, projects, and policy questions
13. Incorporate public engagement practices and tools that weave public participation into the legislative process (i.e. Granicus Public Engagement feature)
14. Rethink how to engage citizens who are not online, as well as those who do not come to a public meeting to express their views
15. Redesign the public comment allowed during public meetings to allow comments on meeting items to be provided in writing, in advance and at the meeting, shared publically online, and captured in the record
16. Establish a standard budget template for budget proposals so that after the Mayor and City Administrator propose a budget, Council members can formulate their own counter-proposals using the template and the public can see the data in consistent and comparable frameworks

[20] Oakland City Council Resolution 84659. October 15, 2013.

Empower City Staff, Leaders, and Community

17. Enhance City staff's comfort with technology/digital literacy through skill shares and staff development workshops
18. Nurture close interaction between the City's information technology department, online engagement manager, City departments, and the City's innovative technology community so that programmatic needs are addressed in the most innovative and effective way
19. Hire a future-oriented Chief Information Officer who will advocate for innovative public-facing tools and user-friendly interfaces for government process and transparency
20. Leverage the expertise of OpenOakland and other open government community groups by identifying, sharing, and inviting participation in potential projects that seek to open up City information, data, process or services
21. Create effective communication and engagement between the City's boards and commissions, the City Council, and the community
    a. Require online posting and electronic distribution of City board and commission meetings, and consider providing a shared, online calendar of Board and Commission meetings on the City's website
    b. Require each board and commission to adopt formal goals and objectives annually through a cooperative process and post the information on the City's website
    c. Deepen connections with City Council members via Councilmember liaisons who can participate in regular meetings with a Commission representative
    d. Encourage Commissioners to connect with citizens who are not reached by the City's online engagement
22. Cultivate a culture of innovation inside City Hall through cross-departmental collaborations and support and space for innovative projects
23. Consider a Transparency Fellowship program to provide technology and project management support inside City departments, working with OpenOakland and Citywide partners
24. Establish performance metrics for each department and use data to evaluate and improve performance and to ensure informed decision making by policy makers
25. Create an Oakland Technology Commission to provide leadership and technological expertise to the City as it pursues and develops innovative technologies to carry out its functions

The Path Forward

Transparency, and particularly transparency in Oakland, is one of the most challenging government issues to define, adopt, and practice. This is because government transparency relies on various elements: willing government leaders, supportive technology, appropriate legal framework and guidance (state and local), established city employee capacity and culture, and an informed and engaged public and press. Productive transparency requires City leaders who embrace vulnerably opening up and are strong enough to lead in an open environment. It also demands that the public proactively

engage with government as a partner, sharing responsibility towards creative and collaborative problem solving. In sum, transparency needs, and feeds, collaboration.

At its most basic level, transparency is about trust. And trust in Oakland City government is heavy with history. We cannot ignore the complexities, history, and deeply entrenched divides that exist between citizens and government.

But, we can move forward.

The City has achieved impressive gains in recent years. With leadership, smart choices, and community commitment, it can continue to grow the potential of new policies, technological possibilities, and citizen interest to create a truly collaborative, transparent Oakland City government.

APPENDIX 1 – Background

Access to Public Records Subcommittee of the PEC

The Public Ethics Commission formed the Access to Public Records Subcommittee to review the City's system of responding to public records requests and make recommendations for improvement. Given the advancements by City staff on the access to public records system following the Commission's January 2013 recommendations, the subcommittee initiated this Transparency Project to go beyond access to records and to examine how to achieve greater transparency and open government overall.

The subcommittee reached out to the Oakland community to ask how Oakland is doing on transparency and what the City could do to improve its openness. The subcommittee also sought input from government transparency innovators around the nation to hear about emerging practices in other locales. The PEC teamed with OpenOakland to host a public hearing at City Hall on June 25, 2013, to engage with City leaders, transparency innovators, and Oakland citizens about City government transparency.

The ultimate goal of the hearing – and the Transparency Project in general – was to assess Oakland's current openness, learn about open government innovations happening elsewhere, and develop a vision for how the City might expand its open government approach. The hearing provided a forum for learning, assessing, and engaging with experts, City staff and the public, and for experimenting with a few public engagement tools designed to enhance public participation in the process.

Public Ethics Commission

The Public Ethics Commission (PEC) fosters transparency, promotes open government, and ensures compliance with ethics laws through a comprehensive approach that emphasizes prevention, enforcement, and collaboration. The Commission consists of seven Oakland residents who volunteer their time to participate on the Commission. Three members are appointed by the Mayor and confirmed by the City Council, and four members are recruited and selected by the Commission itself.

The Commission was created in 1996 with the goal of ensuring **"fairness, openness, honesty and integrity"** in City government and specifically charged with overseeing compliance with the following laws and policies:

- Oakland's Campaign Reform Act (OCRA)
- Conflict of Interest Code
- City Council Code of Conduct
- Sunshine Ordinance
- Limited Public Financing Act
- Lobbyist Registration Act
- Oakland's False Endorsement in Campaign Literature Act

Some of these ordinances grant the Commission specific powers of administration and enforcement. The citizens of Oakland have also entrusted the Commission with the authority to set the salary for Oakland City Council Members and the duty to adjust the salary by the Consumer Price Index annually.

The Commission administers compliance programs, educates citizens and City staff on ethics-related issues, and works with City staff to ensure policies are in place and are being followed. The Commission also is authorized to conduct investigations, audits and public hearings, issue subpoenas, and impose fines and penalties to assist with its compliance responsibilities.

Beyond prevention and enforcement, the Public Ethics Commission enhances government integrity through collaborative approaches that leverage the efforts of City and community partners working on similar or overlapping initiatives. A collaborative approach recognizes that lasting results in transparency and accountability are achieved not through enforcement alone, but through a comprehensive strategy that aligns all points in the administration of City government – including clear policies and process, effective management and provision of staff resources, technology that facilitates the process, and an understanding of citizen expectations.

The Commission meets on the first Monday of every month at 6:30 p.m. in City Hall, and meetings are open to the public and broadcast locally by KTOP, Oakland's cable television station.

APPENDIX 2 – Open Data Policy Guidelines

Open Data Policy

The Sunlight Foundation created a living document to articulate a broad vision for an open data policy. The policy directives are divided into the following three sections:

What Data Should Be Public

1. Set the default to open
2. Reference and build on existing public accountability and access policies
3. Mandate the release of specific new information
4. Stipulate that provisions apply to contractors or quasi-governmental agencies
5. Appropriately safeguard sensitive information
6. Require exemptions to data release be balance-tested in the public interest
7. Require code sharing or publishing open source

How To Make Data Public

8. Mandate open formats for government data
9. Require public information to be posted online
10. Remove restrictions for accessing information
11. Remove restrictions on reuse of information
12. Require publishing metadata or other documentation
13. Mandate the use of unique identifiers
14. Require digitization and distribution of archival materials
15. Create a portal or website devoted to data publication or policy
16. Publish bulk data
17. Create public APIs for accessing information
18. Mandate electronic filing
19. Mandate ongoing data publication and updates
20. Create permanent, lasting access to data
21. Build on the values, goals, and mission of the community and government

How To Implement Policy

22. Create or appoint oversight authority
23. Create binding regulations or guidance for implementation
24. Create new legal rights or other mechanisms
25. Incorporate public perspectives into policy implementation
26. Set appropriately ambitious timelines for implementation
27. Create processes to ensure data quality
28. Create a public, comprehensive list of all information holdings
29. Ensure sufficient funding for implementation
30. Tie contract awards to transparency requirements for new systems
31. Create or explore potential public/private partnerships
32. Mandate future review for potential changes to this policy

Sunlight Foundation. Open Data Policy Guidelines. http://sunlightfoundation.com/opendataguidelines/.

Public Ethics Commission

At a Glance

Commission Meetings

The Commission meets regularly on the first Monday of every month at 6:30 p.m. and may hold additional meetings as necessary throughout the year. Meetings generally are held in Hearing Room 1 of City Hall.

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Roberta Johnson
Benjamin Kimberley
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Jenna Whitman
Eddie Tejeda

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Whitney Barazoto, Executive Director
Lauren Angius, Program Analyst

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To receive meeting notices and other Commission announcements, please email the Commission at ethicscommission@oaklandnet.com or subscribe on the Commission's Web page at www.oaklandnet.com/pec.