City of Oakland

Public Ethics Commission

Annual Report 2013

Public Ethics Commission
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ethicscommission@oaklandnet.com
(510) 238-3593

FAIRNESS INTEGRITY HONESTY OPENNESS

CITY OF OAKLAND

LEVERAGING PEC STRENGTHS

The Public Ethics Commission (PEC) works to ensure fairness, openness, honesty and integrity in City government. The PEC is authorized to oversee compliance with certain local ordinances aimed to achieve these goals. The Commission's core subject areas include campaign finance, transparency, and ethics. At the PEC's March 2013 retreat, Commissioners discussed the need for enhanced authority in each of these areas while brainstorming ways to use the Commission's existing platform to achieve desired outcomes in the area of enforcement, prevention, and collaboration. One of these outcomes was the PEC achieving 100% compliance by local elected officials with state-ethics training requirements and publicly posting the compliance list on the Commission's website in May 2013.

Highlights from 2013 include the addition of one full-time equivalent (FTE) position, which doubled the PEC's staff to two in the 2013-15 Budget, thanks to City Council action. The added position re-energized the Commission and allowed it to complete two major projects designed to facilitate change toward more transparent and ethical government and campaigns, increase engagement with Oakland residents on these issues, and begin to establish routine reviews of campaign forms to ensure basic filing requirements are met.

One priority project for 2013 was the Commission's review of Oakland City government transparency, resulting in a formal report and roadmap for enhancing collaborative transparency in Oakland City government. Meanwhile, the Commission also worked to address some of its limitations, making progress to increase staff, modernize its complaint procedures, and articulate the need for a local ethics ordinance and greater enforcement authority.

The Commission's focus in 2013 was to facilitate change in government transparency – from open data to opening the conversation around what the PEC can and cannot do – and to rebuild the Commission's capacity to do its work – from no staff and no office in 2012 to a full-seven member board, two full-time staff, and two interns by the end of 2013. This report summarizes the Commission's activities in these and other areas within the Commission's jurisdiction.

FACILITATING SYSTEMS CHANGE

The Public Ethics Commission fosters transparency, promotes open government, and ensures compliance with ethics laws through a comprehensive approach that emphasizes **prevention, enforcement, and collaboration.**

The PEC decided in early 2013 to focus its limited resources on key projects to improve City and PEC systems that impact its three main areas of work: transparency, ethics, and campaign finance. These include a major review of Oakland City government transparency and recommendations for improvement, as well as efforts to revamp the Commission's systems such as its own authority, engagement with the public, and enforcement procedures. With the addition of a full-time position in the Fall of 2013, the Commission expanded its enforcement activities, initiating reviews of campaign finance disclosure forms, ensuring proper disclosure of campaign data on the City's website, and uploading campaign finance data to the City's open data portal. Below is a recap of the Commission's work this past year.

COLLABORATION

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 staff culture and citizen expectations.

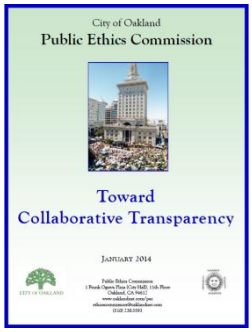
ENABLING TRANSPARENCY

In response to feedback that Commissioners and staff received about the public's ability to access City records, the Commission set out in January 2013 to improve how the City responds to public records requests. The PEC outlined a **framework for an ideal public records system** that includes a City-wide policy, clear process for responding to requests, a database for tracking requests and managing staff, and greater online availability of information. The City Administrator responded, forming a working group to address problems, issuing an Administrative Instruction (City-wide policy) on public records requests, and moving forward with creation of an online submission and database system with Code for America, a non-profit organization to promote innovation and new technology in City government.

The Commission's work on transparency broadened in June 2013 with a widely-attended **public informational hearing to assess the City's current openness**, learn about open government

innovations happening elsewhere, and develop a roadmap for how the City might expand its open government approach.

The Commission released a report**, *Toward Collaborative Transparency***, summarizing community input and outlining 25 recommendations for how the City should further open up and improve performance.


City of Oakland
Public Ethics Commission
Toward
Collaborative Transparency
January 2014

The Commission's transparency recommendations centered around four key areas:

1. Set the Default to Open
2. Proactively Disclose Information
3. Engage Citizens and Policy Makers
4. Empower City Staff, Leaders, and Community

One of the 25 recommendations called for effective records management and retention practices to ensure that records can be found when requested. In December, 2013, the Commission **reviewed the City Clerk's proposed records management program** and **issued input to City Council** regarding the proposed program.

As part of the PEC's focus on opening up City government, Commission staff joined with City administrative staff to **assist in the creation and deployment of RecordTrac**, the City's new online portal for requesting public records and searching prior requests, launched in October 2013.

ENHANCING PEC AUTHORITY

The PEC devoted attention in 2013 to building the Commission's capacity: assessing staffing needs, prioritizing activities to achieve the most effective outcomes with limited resources, evaluating the Commission's jurisdiction, and identifying gaps in the law and the need for new or amended ordinances.

In July, 2013, the Public Ethics Commission reviewed and discussed the Commission's authority on campaign finance, transparency, and ethics laws, noting that the Commission has no authority to enforce ethics laws. In a **letter to City Council**, the Commission **outlined the need for a local ethics ordinance** with PEC enforcement authority, as well as a staff position to support an ethics prevention and enforcement program.

Commission staff began work to **draft an ethics ordinance** in partnership with the Oakland City Attorney's office, which provides the Commission with its legal support per City law. This project will continue into 2014.

ENGAGING COMMUNITY AND OFFICIALS

Commission staff continued to augment its own public engagement in 2013 to communicate with PEC clients, including the public, elected officials, City staff, lobbyists, candidates and other interested Oaklanders. The PEC now has roughly **200 Twitter followers** since launching its handle in October 2012, and 29 likes on Facebook, also since October 2012.

Building on PEC website improvements from 2012, Commission staff **created pages designed to help citizens and government officials find information** about subject areas such as Open Government, Campaign Information, Lobbyist Information, Government Ethics, Publications, and how to File a Complaint. Each of these pages now has further information and links to portals for submitting and viewing City data.

Individual unique **visits to the homepage of the PEC's website tripled from 2011 to 2013**, with 3,401 unique page-views in 2013, up from 1,164 in 2011 (both non-election years). The average time each visitor spends on the PEC website also doubled in that same time.

One of the peaks in visits to the PEC website occurred upon San Francisco columnist Chip Johnson's mention of the PEC's video highlighting the City Council Code of Conduct created by the Commission's 2013 SPARK mentorship program 8th grade student, Akira Rodgers. The video received over 1,000 hits over the course of two days.

In 2013, the PEC received almost double the number of applicants interested in becoming a Commissioner through the **Commission-appointed recruitment process** compared with the prior year. During interviews for the two open positions in November 2013, roughly half of the applicants said they heard about the commissioner position via Twitter. The Commission selected two new Commissioners to begin in January 2014.

To provide staff assistance and opportunities for community involvement with PEC activities, the Commission created an **internship program** in 2013 and now averages two to three interns per semester.

PARTNERING WITH CIVIC TECHNOLOGISTS

Commission staff began working closely with OpenOakland on a project to **create visualizations and enhance user searchability of campaign finance data** currently collected via the City's contracted vendor, Netfile. The project, called OpenDisclosure, aims to create a product to augment campaign finance disclosure during the 2014 election.

The PEC **co-sponsored and participated in CityCamp Oakland**, hosted by OpenOakland in December 2013, to discuss open government and technology with City and community members. At CityCamp, Commission staff led a Sunshine Ordinance break-out discussion and later provided an "Ignite" presentation about the Commission's transparency project and recommended fellowship program.

TESTING NEW ENGAGEMENT TOOLS

Public engagement at PEC meetings also increased in 2013, with roughly 80 people in attendance at the Commission's June 25, 2013, Transparency hearing. At that event, the Commission experimented with multiple public engagement features:

1. **Vuact** provided online streaming and public comment on the hearing through feedback buttons.
2. PEC staff created #pecmtg **Twitter** handle for the hearing with in-the-room moderators sharing tweets to the PEC throughout the meeting.
3. **Textizen** allowed the public to provide input via text message either from home or from the audience; in-room moderators also shared Textizen feedback during the hearing.
4. **Comment cards** provided the opportunity to write questions or comments to be shared by PEC staff.
5. **Engage Oakland** is a City of Oakland public engagement portal that provided another online forum for communicating with Commission staff before and after the hearing.
6. **Open Forum** allowed for in-person public comment at the beginning and end of the discussion.

In the months following the Commission's experiment with these tools, Commission staff received requests for more information about these tools for possible integration into other City efforts to engage the public.

REVIEWING LIMITED PUBLIC FINANCING PROGRAM OUTCOMES

With the help of the U.C. Berkeley Goldman School of Public Policy, the Commission partnered with graduate student Greg Gonzales to conduct a **policy analysis of the Oakland Limited Public Financing Program** law and implementation. In June 2013, Mr. Gonzales presented his findings to the Commission, some of which were incorporated into the program implementation heading into the 2014 election.

ADJUSTING CITY COUNCIL SALARIES

Pursuant to Measure P, adopted by Oakland voters in 2004, the **Oakland City Charter requires the Public Ethics Commission to annually adjust City Council salaries** by the increase in the consumer price index over the preceding year. In June, 2013, the Commission approved a 2.4 percent salary increase – the minimum required by law – for City Council Members, putting the total salary at $79,638.78, effective for FY 2013-14.

PREVENTION

Prevention activities consist of education, outreach, and online information to help Commission clients comply with government integrity laws. Commission clients include candidates for local elective office, elected officials, public officials, City staff, Lobbyists, people doing business with Oakland, City residents, businesses, and organizations.

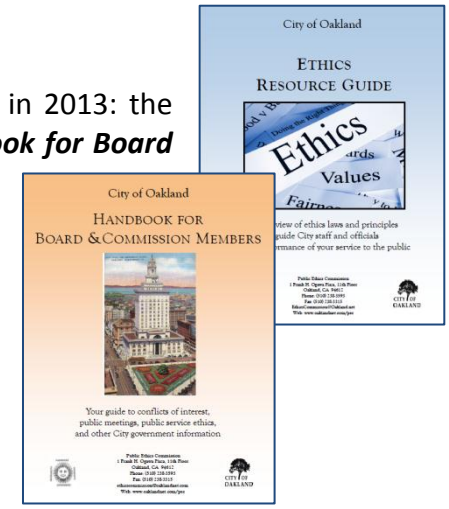
FACILITATING EDUCATION

California law requires all local elected officials to receive two hours of ethics training every two years. In May 2013, the PEC posted a list of the elected officials that completed their ethics training requirement, and though the PEC has no authority to enforce this state law, the PEC achieved **100% compliance with the state-required ethics training by local elected officials** via this method.

Following the PEC's facilitation of ethics training for local elected officials, the Commission ensured **ethics training completion by top City Administration executives** and posted a compliance list on the Commission's website. Commission staff also facilitated a discussion with City staff executives regarding how to ensure compliance with Charter section 218 regarding Non-interference by Council Members in City Administrative Affairs.

The PEC in May 2013 hosted a **public education seminar reviewing the California Public Records Act and California Ralph M. Brown Act** by CalAware Director Terry Francke, along with a **summary of the Oakland Sunshine Ordinance** by Oakland Deputy City Attorney Kathleen Salem-Boyd.

SHARING INFORMATION



The Commission updated and distributed two of its publications in 2013: the ***Ethics Resource Guide*** for City staff and officials, and the ***Handbook for Board and Commission Members***, both of which are available on the PEC website. In addition, the Commission continues to offer the following publications:

- A Guide to Lobbyist Registration
- Oakland Campaign Reform Act Guide
- Limited Public Financing Program Guide

To provide easy access to information about City laws and information on campaign finance, transparency, and ethics, Commission staff **redesigned the PEC's website** to organize the information around the PEC's services. The website also includes **information and resources for potential users** looking for compliance information: *City Staff and Officials*, *Lobbyists*, *Candidates*, and *Board and Commission Members*. The PEC's website now has far more html content that is more accessible to online users as it is picked up by common search methods such as Google, thereby connecting users directly to the information. For example, information in the *Ethics Resource Guide* now can be found in html format on the *Government Ethics* webpage, and information in the *Oakland Campaign Reform Act Guide* and other publications now is available in html format on the *Candidates* page, with direct links to forms and further resources embedded in the content on the page, as shown below.

Public Ethics Commission

About Us
- Public Ethics Commission
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Our Services
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Our Clients
- City Staff and Officials
- Lobbyists
- Candidates
- Board and Commission Members

Our Upcoming Events

Thursday, March 6, 2014

State of the City Address

Mayor Jean Quan will deliver her State of the City address from Council Chambers in Oakland City Hal... more »

City Administration > Public Ethics Commission > *Candidates*

Candidates

Campaign Information for Candidates

Congratulations on your decision to run for office in the City of Oakland! As a candidate for elective office, you now have the responsibility to adhere to a variety of state and local laws intended to ensure ethical and transparent campaign related activities. Below is a list of resources to help you get started.

Local Laws

The Public Ethics Commission can help you with the following as part of our mission to ensure compliance with local campaign finance, lobbying, and transparency laws:

1. **Oakland Campaign Reform Act** – Download and print the Guide to the Oakland Campaign Reform Act, which provides an overview of local campaign laws, or call (510) 238-3593 or email EthicsCommission@oaklandnet.com to receive a copy. Hard copies are available on the 11th floor of City Hall.
   a. OCRA Form 301 - Candidates may accept higher individual contributions from donors by agreeing to accept a limit on overall campaign spending. Form 301 must be signed and submitted to the City Clerk before accepting the higher contribution amount.
2. **Limited Public Financing for District City Council Candidates** – District City Council candidates may apply for reimbursement of campaign expenses with public funds, to begin immediately after candidate nominations are certified by the City Clerk. Refer to the Candidate Guide to Limited Public Financing for more information.
3. **Additional Advertising Restrictions Public Works Agency Procedure for Removal of Signs and Posters Placed on Public Property**(Attached)
   a. **Oakland False Endorsement in Campaign Literature** - See the Oakland False Endorsement in Campaign Literature Act
4. **Restrictions on Use of City Resources for Campaign Purposes**
   a. **Prohibition on the Use of Public Resources for Campaign Purposes**
   b. **New Rules for Campaign Related Communications by a Governmental Agency**

State Requirements

Most campaign-related requirements are imposed by state law and regulated by the California Fair Political Practices Commission. See below for quick links to a few of the FPPC's resources. The FPPC provides advice to candidates, treasurers, and elected officials at 1-866-ASK-FPPC (275-

PROVIDING ADVICE

In 2013, Commission staff assisted roughly two-dozen individuals seeking **advice** on campaign finance, conflicts of interest, and lobbyist registration laws. Later in 2013, PEC staff began issuing **advisories to City staff** regarding ethics rules such as limits and reporting requirements for gifts received by staff required to file a Form 700. Commission staff also **consulted with City officials on issues** including City Council non-interference in City administration, use of public funds for campaign or personal purposes, electronic filing of campaign statements, gift limits and reporting requirements, and officeholder account rules and restrictions.

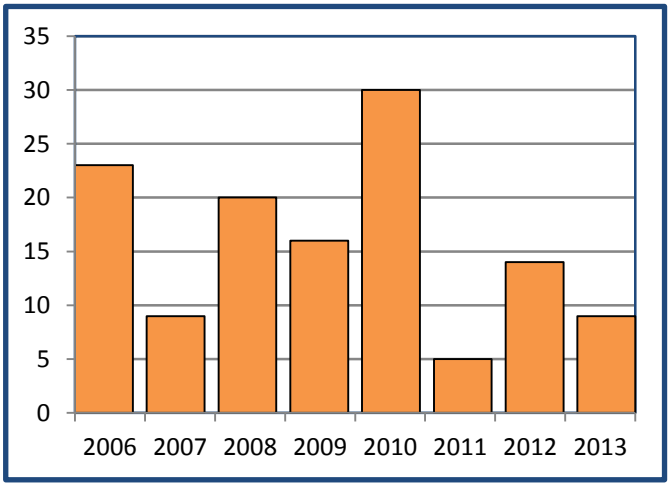
ENFORCEMENT

The Public Ethics Commission has general authority to conduct investigations, perform audits, hold public hearings, issue subpoenas, and impose fines and penalties as provided for by ordinance. City ordinances give the Commission the authority to issue penalties for selected campaign finance violations, lobbyist registration requirements, false endorsements in campaign literature, and limited ability to mediate and require "cure and correction" for violations of public records and open meetings laws respectively. The PEC has no authority to enforce violations of ethics laws. Given the Commission's lack of penalty authority, the PEC institutes additional, alternative strategies to achieve compliance, such as sharing information publicly, ensuring effective disclosure of campaign finance and lobbyist information, and referring issues to other enforcement entities where appropriate.

STREAMLINING ENFORCEMENT

In December 2013, the Public Ethics Commission **revised its Complaint Procedures in order to clarify and streamline the process** for submitting and processing complaints filed with the Commission. The amendments were the product of extensive subcommittee review and revision of the procedures, which were last amended in 2000, to ensure complaints and investigations are completed in a timely, responsive, and effective manner. The revised complaint procedures are effective February 2014.

Number of Complaints Filed by Year



COMPLAINTS

The Commission received a total of **9 complaints in 2013** alleging violations of campaigns finance, conflicts of interest, open meetings, public records, and other ethics-related laws. This is down from 14 complaints in 2012 and compares to 5 complaints in 2011,

30 complaints in 2010, 16 in 2009, 20 in 2008, 9 in 2007, and 23 in 2006. The PEC ended 2013 with a total of 22 open cases, only 7 of which were opened in 2013. The remaining 15 cases were filed in 2012 or earlier, including 5 cases that were filed in 2012, 2 cases in 2011, 6 in 2010 and 2 in 2009.

CAMPAIGN STATEMENT REVIEWS

In March 2013, the City Council passed an amendment to the Oakland Campaign Reform Act to require campaign statements to be filed electronically so that the information can be publicly searchable online. The amendment augmented the PEC's authority to issue penalties for failure to file the information by the state-imposed filing deadlines. The **PEC began to initiate reviews of electronic filing of campaign statements** by candidates in late 2013 and found five cases where candidates failed to electronically file campaign documents.

In addition, upon an inquiry by a member of the public about a campaign mailer regarding the special election in October 2013, the PEC initiated a review of the campaign's filings and found that no campaign statement had been filed by the person who paid for the advertisement. In response to PEC staff demands, the **campaign filed as an independent expenditure committee and reported its expenditures and source of funds** before the October 13, 2013, special election.

LOBBYIST ACTIVITY DISCLOSURE

To ensure compliance with lobbyist reporting rules and to share information about lobbyist activities, the Commission publishes **lobbyist registration and reports of activities** on its Web site. The Oakland Lobbyist Registration Act requires all professional lobbyists to register with the City before attempting to influence a local governmental action on behalf of another person. It requires paid, professional lobbyists to file initial and quarterly reports with the City Clerk disclosing the lobbyist's clients or employer, as well as the subject of any lobbying. The Commission publishes this information online to disclose the lobbyists' clients, the subject of governmental action lobbied upon, who was lobbied, the client's position on the item being lobbied, campaign contributions solicited by a lobbyist, and employment opportunities arranged by a lobbyist.

ENFORCEMENT CAPACITY LACKING

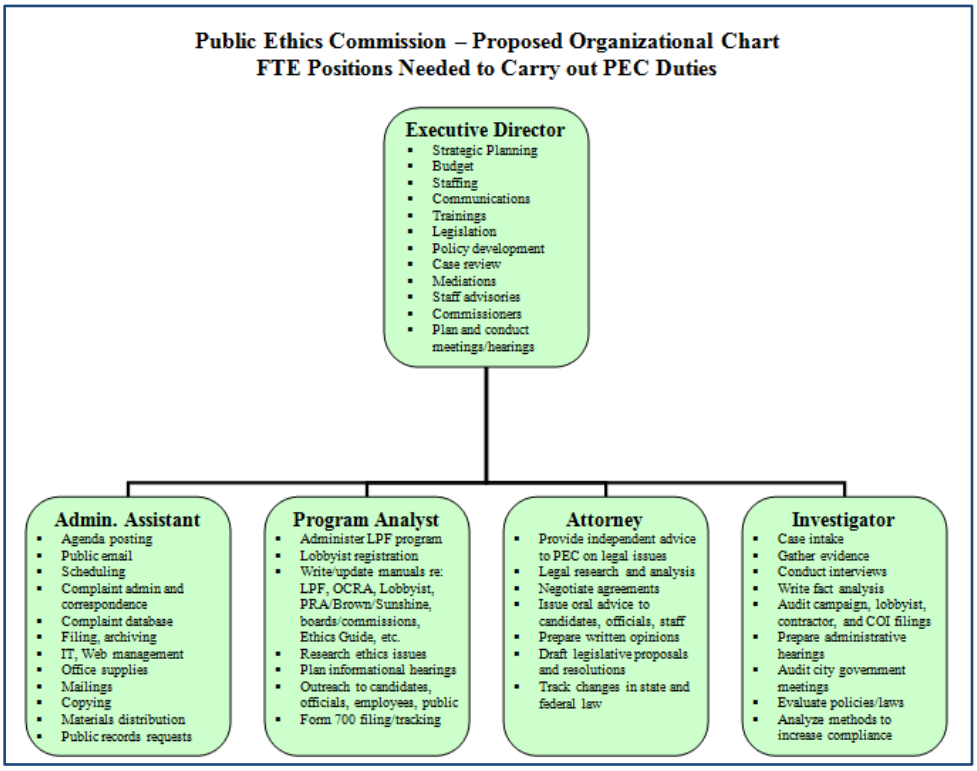
Effective enforcement continued to be a challenge in 2013 due to **lack of enforcement authority and lack of staff**. In 2013, the PEC dismissed cases for lack of enforcement authority in areas such as conflicts of interests and misuse of City resources – both of which are often assumed to be issues within the Commission's jurisdiction. In other cases, the Commission has no authority to issue penalties even though the issue falls within the Commission's general jurisdiction identified in the City Charter, such as the Sunshine Ordinance and City Council Code of Conduct.

In addition, with **only one staff for half of 2013**, the Commission chose to apportion its resources on activities to facilitate systems change in key areas (see above). The addition of one staff in September 2013 helped bring renewed focus on enforcement, leading to 5 new PEC-initiated cases heading into 2014; however, enforcement challenges continue despite the additional position. The Commission needs an investigator who can focus on gathering information, preparing case files, conducting interviews, and drafting materials for the purpose of issuing penalties and fines. Current staffing does not provide the Commission with the resources to respond to complaints and conduct Commission-initiated reviews of basic campaign reporting requirements along with all of the other Commission work.

Another challenge to enforcement is the **lack of specific authority** under laws where the Commission has general penalty authority. For example, in the context of campaign finance reporting, an explicit exemption in the Oakland Campaign Reform Act (OCRA) prohibits candidates from liability for accepting contributions over the legal limits allowed under OCRA. This means that candidates cannot be penalized for exceeding campaign contribution limits – a clear gap in the law on the issue of enforcement of campaign finance violations under local law.

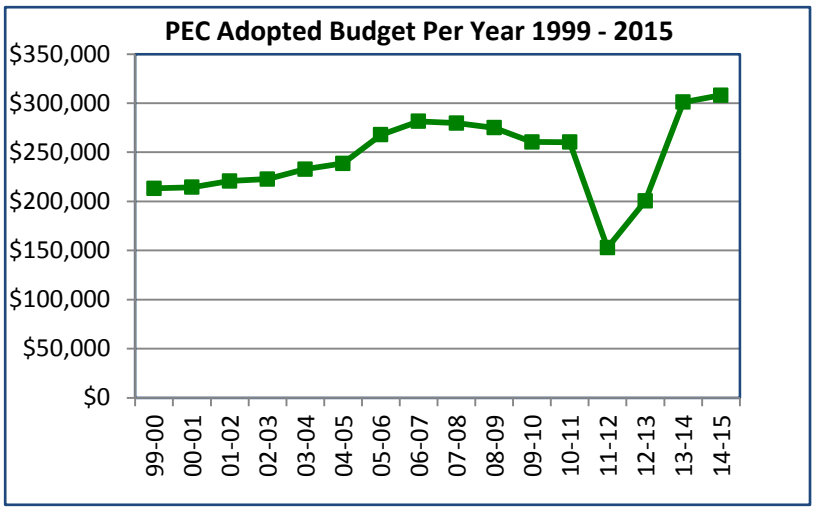
PEC RESOURCES

Staff resources continued to be a challenge for the Commission 2013. The Commission's review of existing duties under Oakland Charter and related ordinances concluded that five full-time positions are needed to effectively carry out its responsibilities as shown below.



Based on the above framework, the **Commission communicated its staffing and budgetary needs** to the City Administrator in advance of the 2013-15 budget process, specifically requesting two additional positions – a program analyst and an investigator – for FY 2013-14.

In August 2013, the **City Council approved an additional full-time program analyst position** to assist the executive director, for a total Commission budget of $305,547 for FY 2013-14, the highest amount ever budgeted for the PEC.



This augmentation has helped expand the Commission's ability to do its work, but more staff will be needed for the Commission to effectively achieve its mission. Until the PEC achieves full staffing, the Commission must continue to prioritize and choose how best to spend its limited staff time.

2014 COMMISSIONERS

Ben Kimberley, Chair

Ben Kimberley is an attorney at the law firm of Winston & Strawn LLP. Over the last four years, Mr. Kimberley has investigated and litigated a number of cases involving relationships of trust and confidence. He is currently Chair of the White-Collar Crime Subcommittee of the American Bar Association's Litigation Section's Commercial & Business Litigation Committee, and he previously chaired the Ethics Subcommittee and Alternative Dispute Resolution Subcommittee. Mr. Kimberley also previously served on the Executive Board of the Young Lawyers Association and the American Bar Association's Young Lawyers Division ("ABA-YLD"). He was also the ABA-YLD's Northern California District Representative, where he was responsible for coordinating with the Federal Emergency Management Agency to provide legal services to victims of disaster in northern California. Mr. Kimberley has provided pro bono legal service to senior citizens, veterans, and the wrongly incarcerated. He has lived in the Bay Area since 2005.

Mr. Kimberley received a B.A. in Political Science and International Studies from Northwestern University and a J.D. from the University of California, Boalt School of Law. Mr. Kimberley is a Commission appointee for the term from 6/11/2012 – 1/21/2015.

Monique Rivera

Monique Rivera is a community activist and currently manages complex projects for Kaiser Permanente. She is a former business manager for Mustang Engineers & Constructors and has extensive financial and project management experience in the construction industry. Ms. Rivera is active in the Oakland Community Action Program, Big Brothers Big Sisters, the Hispanic Employee Association, and the Hispanic Chamber of Commerce. In addition, she served as the City of Oakland Mayor's Ambassador Coordinator. Ms. Rivera also is a member of the Professional Women in Construction and Construction Management Association of America.

Ms. Rivera earned her undergraduate degree from University of California, Berkeley, in Ethnic Studies and Biology. Currently, she is completing her Masters of Business Administration at Golden Gate University. Ms. Rivera is a Mayoral appointee for the term from 1/22/2012 – 1/21/2015.

Stephen Shefler

Stephen Shefler is a retired attorney. He worked in a variety of legal and administrative positions over the course of his career including Chief Assistant United States Attorney for the Northern District of California, Deputy Assistant Secretary for Policy and International Affairs at the United States Department of Transportation, and counsel on the United States Senate Banking, Housing and Urban Affairs Committee. During more than more twenty years as an attorney in the United States Department of Justice, Mr. Shefler specialized in fraud cases brought on behalf of the United States. He was a pioneer in the development of the False Claims Act. Following his retirement from the Justice Department, Mr. Shefler taught a course on fraud as an adjunct professor at the University of San Francisco.

Mr. Shefler received both his undergraduate degree and law degree from Stanford University. Mr. Shefler is a Commission appointee for the term from 1/22/2014 - 1/21/2017.

Eddie Tejeda, Vice-Chair

Eddie Tejeda is a self-described civic technologist who has devoted his career to building technologies to help civic institutions become more transparent, ethical, and efficient. Mr. Tejeda recently co-founded OpenOakland, a group of developers, designers, and organizers working to bring innovative solutions to Oakland governance. Serving as a 2012 Code for America fellow in New Orleans, his focus as a fellow was on building tools that encouraged civic participation. His team most recently led a successful collaboration with the City of New Orleans to develop and launch BlightStatus. Previously, Mr. Tejeda co-founded Digress.IT, a paragraph-level commenting system used by local governments and universities around the world. He also lead the development of Regulation Room, a project lead by Cornell University in collaboration with the Department of Transportation, aimed at increasing public participation in federal rule making. Mr. Tejeda worked at the Institute for the Future of the Book, a small publishing think-tank working on innovative publishing projects and developed LittleSis.org, a free database detailing the connections between powerful people and organizations.

Mr. Tejeda earned his B.A. from Hampshire College with a focus on the digital divide and wrote his senior thesis on power efficient microprocessors. He is a Mayoral appointee for the term from 1/22/2013 - 1/21/2016.

Jenna Whitman

Jenna Whitman is a legal research attorney at the Alameda County Superior Court, where she advises judges on law and motion matters in civil litigation, serving one of the court's two complex litigation departments that handle class actions and other lawsuits requiring exceptional judicial management. Before that, Ms. Whitman represented both corporate clients and class action plaintiffs in a wide variety of complex civil disputes. She has provided pro bono representation to low-income clients, and for three years served on the board of the AIDS Legal Referral Panel, a non-profit legal services organization. While in law school, Ms. Whitman clerked in the U.S. Department of Justice, Criminal Division, Economic Crimes Unit, and participated in the U.S. Department of Defense, General Counsel's Office Summer Honors Program, where she provided analysis and counsel on issues relating to ethics and conflicts of interest.

Ms. Whitman is a bay area native who earned her undergraduate degree at Yale College, majoring in American Studies, studying Russian, and competing for the varsity swimming squad, and her law degree at Georgetown University Law Center. Ms. Whitman is a Commission appointee for the term from 1/22/2013 – 1/21/2016.

Carol Wyatt

Carol Wyatt is a Director of HR and Creative Talent for a highly regarded and recognized SF Bay Area-based advertising/marketing creative communications corporation. Ms. Wyatt devotes her 25+ year people management career to the service of diverse business owners sourcing top-notch creative talent, full-cycle recruiting, corporate compliance and business management. Her work passion connects individuals from all walks of life to share their unique business experiences, professionally and socially, with the goal of designing diverse and inclusive work-life balances. An active participate within her West Oakland community, Ms. Wyatt's community service includes mentoring children and teens to showcase access to their interests, dreams and goals and engaging neighbors and community care partners in identifying creative opportunities that bridge the community, and spark discussions that advocate action toward in-common goals.

Ms. Wyatt received a B.S. in Business Administration from Long Island University, Brookly, NY. Born and raised in Brooklyn, NY and an Oakland resident for 11 years, Ms. Wyatt lives in a restored 100+ year old Victorian in West Oakland. Ms. Wyatt is a Commission appointee for the term from 1/22/2014 - 1/21/2017.

PAST COMMISSIONERS WHO SERVED IN 2013

Lloyd Farnham, Chair

Lloyd Farnham has served as an attorney with the Enforcement Division of the U.S. Securities and Exchange Commission since 2003. During his time with the SEC, Mr. Farnham has investigated and litigated cases involving securities fraud, insider trading, and violations of corporate disclosure rules.

Mr. Farnham earned his undergraduate degree from Occidental College, and his law degree from the UC Berkeley School of Law. Prior to joining the staff of the SEC, Mr. Farnham clerked for a federal district judge and spent four years practicing law at a San Francisco law firm. He and his family have lived in Oakland since 2004. Mr. Farnham is a Commission appointee serving his term from 1/22/2011 – 1/21/2014.

Aspen Baker, Vice-Chair

Aspen Baker is the founder and executive director of Exhale, an award-winning, national, nonprofit organization that has been operating out of downtown Oakland since its founding in 2000. An Oakland resident for over ten years, Ms. Baker was named a "Local Hero" by San Francisco's KQED for Women's History Month in 2009 and "Young Executive Director of the Year" by the Bay Area's Young Non-Profit Professional Network in 2005. She is a 2011 Emerge California Fellow, a former member of the Women's Health Leadership Network of the Center for American Progress, and a 2004 Fellow with the Women's Policy Institute of the Women's Foundation of California. Ms. Baker, who has been featured on T.V., radio, blogs and in print media, including *CNN Headline News, Fox National News, Ladies Home Journal, New York Times Magazine*, *National Public Radio, Oakland Local, Oakland Magazine*, and the *Oakland Tribune,* among many others.

Born in a trailer on the beach in Southern California, this U.C. Berkeley graduate holds a degree in Peace and Conflict Studies, is a former bartender and a one-time Alaska resident who can land a bush plane on a glacier. Ms. Baker is a Mayoral appointee for the term from 1/22/11 – 1/21/2014.

Roberta Ann Johnson

Roberta Ann Johnson was Professor of Politics at the University of San Francisco from 1985 to 2008. Specializing in American politics she also raised ethical issues particularly related to corruption, whistleblowing, and social justice, Dr. Johnson has published numerous journal articles and authored three books, *The Struggle Against Corruption: A Comparative Study*, *Puerto Rico: Commonwealth or Colony?*, and *Whistleblowing: When It Works – And Why*. Traveling extensively to lecture and present papers at international ethics conferences during her tenure, Dr. Johnson also served as a Fulbright Professor in Jakarta, Indonesia in 1992 and a Fulbright Senior Specialist in São Paulo, Brazil in 2008. Dr. Johnson's academic achievements and contributions to education have been recognized by awards from the California State Senate, the San Francisco Bay Area Federal Executive Board and the University of San Francisco.

Dr. Johnson earned her undergraduate degree from Brooklyn College and her Masters and PhD in political science from Harvard University. Dr. Johnson has climbed Mt. Kilimanjaro, has been a competitive open water Masters swimmer with the Oakland Temescal Aquatic Masters, and has competed in, and continues to win, hula hoop contests. Dr. Johnson is a Commission appointee for the term from 6/11/2012 – 1/21/2014.

COMMISSION CHARGE

The Public Ethics Commission is a **seven-member board of 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. Each Commissioner may serve no more than one consecutive **three-year term**. During the tenure and for one year thereafter, no member of the Commission may do the following:

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

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.

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.

PUBLIC ETHICS COMMISSION RESPONSIBILITIES

Oakland Municipal Code section 2.24.020 enumerates the following functions and duties of the Public Ethics Commission:

A. Oversee compliance with the city Campaign Reform Ordinance.

B. Oversee compliance with the city Code of Ethics.

C. Oversee compliance with conflict of interest regulations as they pertain to city elected officials, officers, employees, and members of boards and commissions.

D. Oversee the registration of lobbyists in the city should the City Council adopt legislation requiring the registration of lobbyists.

E. Oversee compliance with any ordinance intended to supplement the Brown Act or Public Records Act.

F. Review all policies and programs which relate to elections and campaigns in Oakland, and report to the City Council regarding the impact of such policies and programs on city elections and campaigns.

G. Make recommendations to the City Council regarding amendments to the city Code of Ethics, Campaign Reform Ordinance, Conflict of Interest Code, any ordinance intended to supplement the Brown Act or Public Records Act, and lobbyist registration requirements should the City Council adopt lobbyist registration legislation, and submit a formal report to the City Council every two years concerning the effectiveness of all local regulations and local ordinances related to campaign financing, conflict of interest, lobbying, the Brown Act, the Public Records Act, and public ethics.

H. Set compensation for the office of City Councilmember which shall be reviewed by the Commission and adjusted as appropriate, in odd-numbered years. In 1997, the Commission shall first establish a base salary for the Office of Councilmember at a level which shall be the same or greater than that which is currently received. Thereafter, the Commission shall fix City Councilmember compensation at a level not to exceed ten percent above the base salary as adjusted.

I. Each year, and within the time period for submission of such information for the timely completion of the city's annual budget, provide the City Council with an assessment of the Commission's staffing and budgetary needs.

J. Make recommendations to the City Council regarding the imposition of fees to administer and enforce local ordinances and local regulations related to campaign financing, conflict of interest, registration of lobbyists, supplementation of the Brown Act and Public Records Act and public ethics.

K. Make recommendations to the City Council regarding the adoption of additional penalty provisions for violation of local ordinances and local regulations related to campaign financing, conflict of interest, registration of lobbyists, and public ethics.

L. Issue oral advice and formal written opinions, in consultation with the City Attorney when necessary, with respect to a person's duties pursuant to applicable campaign financing, conflict of interest, lobbying, and public ethics laws.

M. Prescribe forms for reports, statements, notices, and other documents related to campaign financing, conflict of interest, lobbying, and public ethics.

N. Develop campaign financing, conflict of interest, lobbying, Brown Act, Public Records Act and public ethics informational and training programs, including but not limited to:

   1. Seminars, when appropriate, to familiarize newly elected and appointed officers and employees, candidates for elective office and their campaign treasurers, lobbyists, and government officials, with city, state and federal laws related to campaign financing, conflicts of interest, the Public Records Act, the Brown Act, lobbying, and public ethics.

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

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

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.

Commission Office

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Current Commissioners

Benjamin Kimberley (Chair)
Eddie Tejeda (Vice-Chair)
Monique Rivera
Stephen Shefler
Jenna Whitman
Carol Wyatt
(one Mayor-appointment vacancy)

Commission Staff

Whitney Barazoto, Executive Director
Lauren Angius, Program Analyst (P/T)

Subscribe for Information

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.