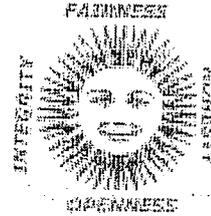


CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
REGULAR MEETING
One Frank Ogawa Plaza (City Hall)
Monday, April 2, 2012
Sgt. Mark Dunakin, Hearing Room 1
6:30 p.m.



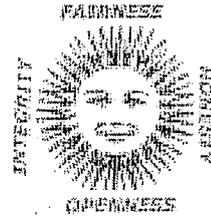
Commission Membership: Richard Unger (Chair), Amy Dunning, Lloyd Farnham, Christopher Young, Aspen Baker

Staff Members: Commission Staff - Patrick J. Caceres, Interim Executive Director;
City Attorney Representative – Alix Rosenthal, Deputy City Attorney

MEETING AGENDA

- A. Roll Call and Determination of Quorum
- B. Staff and Commission Announcements
- C. Open Forum
- D. Approval of Commission Draft Minutes
 - 1. June 6, 2011 (Attachment 1)
 - 2. March 5, 2012 (Attachment 2)
- E. Action to be Taken Regarding Elections of Chair and Vice-Chair of the Public Ethics Commission
- F. Status Discussion of Current Staffing for the Commission
 - 1. City Council Adopted Budget – January 31, 2012 (Attachment 3)
 - 2. Staff Report on Public Ethics Commission's Budget History FY '09-'10, FY '10-'11, and FY '11-'12 (Attachment 4)
- G. Status Discussion and Action Taken Regarding New Commissioner Appointees Procedures and Subcommittee Meeting Dates
 - 1. Announcement and Application (Attachment 5)
- H. Status Discussion of Outstanding Complaints
 - 1. Pending Complaints as of June 6, 2011 (Attachment 6)
 - 2. City Attorney's Memo to all City Staff: City Council Non-Interference in Administrative Affairs & City of Oakland Administrative Instruction 596 (Attachment 7)
- I. Status Discussion and Action Taken Regarding Suspension of Limited Public Financing
 - 1. How to Apply for Public Financing (Attachment 8)
 - 2. Important Dates/Calendar (Attachment 9)

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- J. Status Discussion on Mr. Purnell's June 6, 2011 Reports
1. Staff Report of Adjustment of City Council Salaries (Attachment 10)
 2. Letter to City Council to Appoint a Special Task for the Purpose of Developing Police Alternatives Regarding Future Adjustments to City Council Salaries (Attachment 11)
 3. A Staff Report and Presentation On Improving Public Access to City Records (Attachment 12)
 4. A Staff Report Regarding Pending Commission Proposals (Attachment 13)
- K. Status Discussion Annual Report
1. PEC Complaints Heard During 2011 (Attachment 14)

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

You may speak on any item appearing on the agenda; however you must fill out a Speaker's Card and give it to a representative of the Public Ethics Commission. All speakers will be allotted three minutes or less unless the Chairperson allots additional time.

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

Should you have questions or concerns regarding this agenda, or wish to review any agenda-related materials, please contact the Public Ethics Commission at (510) 238-3325 or visit our webpage at www.oaklandnet.com.

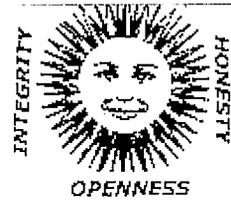
T. Coates FOR *Richard Unger, Chair*

Approved for Distribution

3/23/12

Date

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Commission Membership: Richard Unger (Chair), Ai Mori (Vice-Chair), Alex Paul, Amy Dunning, Lloyd Farnham, Christopher Young, Aspen Baker

Staff Members:

Commission Staff:

Daniel Purnell, Executive Director

Tamika Thomas, Executive Assistant

City Attorney Representative:

Alix Rosenthal, Deputy City Attorney

MINUTES OF MEETING

A. Roll Call And Determination Of Quorum

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

Members present: Unger, Mori, Paul, Dunning, Farnham

Members excused: Young, Baker

B. Approval Of Draft Minutes: Regular Meeting Of Special Meeting Of March 24, 2011; May 2, 2011; And Special Meeting Of May 18, 2011

The Commission approved by unanimous consent the minutes of March 24, 2011, May 2, 2011, and May 18, 2011.

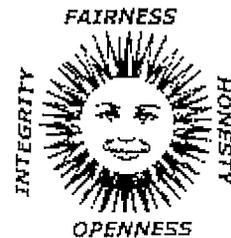
C. Executive Director And Commission Announcements

The executive director reported that former Commission executive assistant Tamika Thomas has accepted the position of Assistant City Clerk. The Commission expressed its thanks and congratulations to Ms. Thomas for many years of dedicated service.

The City Council may consider the Commission's proposed amendments to the Lobbyist Registration Act at its June 21, 2011, meeting.

The application period for the executive director position closes on June 10, 2011. The Personnel Office has expressed optimism that there would be a sufficient number of qualified applicants to proceed with the selection of a new executive director.

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Chairperson Unger announced that in light of the June 30 departure of the current executive director the Commission would cancel the scheduled July 6, 2011, regular meeting. A special meeting will be scheduled upon the hiring of a new executive director.

The executive director expressed his thanks for the opportunity to serve the Commission for the past 11 years. The Commission thanked the executive director for his service.

D. Open Forum

There were six speakers: Barbara Newcombe, Sanjiv Handa, Katherine Gavzy, Andrew Wiener, Judy Cox, Mark Morodomi

E. A Staff Report And Presentations On Improving Public Access To City Records

The Commission received a presentation from Richard Knee, chairperson of the Sunshine Ordinance Task Force, regarding proposed amendments to the San Francisco Sunshine Ordinance. The next meeting pertaining to public records will consider the City Clerk's proposed Citywide records management proposal. The Commission directed staff to prepare a summary of proposals and recommendations to date from all the hearings the Commission has convened on the subject of improving access to City records.

There were two speakers: Richard Knee; Sanjiv Handa

F. A Staff Report And Action To Be Taken Regarding 1) A Required Review And Adjustment Of City Council Salaries; And 2) Proposals To Modify Commission Authority To Adjust City Council Salaries Pursuant To City Charter §202(c)

The Commission moved, seconded and adopted a motion to approve an 2.8 percent salary increase for the Office of City Councilmember effective as of the first pay period of FY 2011-12, which increase reflects the change in the CPI for the San Francisco Bay Area for the period April 2010 through April 2011.
(Ayes: All)

The Commission expressed a unanimous desire to retain authority to adjust City Council salaries but would like to develop a proposal to expand the

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Commission's discretion in making future adjustments. The Commission directed staff to agendize this issue for the next regular Commission meeting.

There were two speakers: Barbara Newcombe; Sanjiv Handa

G. A Staff Report And Action To Be Taken Regarding Proposed Staff Reductions To The Public Ethics Commission

The Commission directed staff to send a letter on behalf of the Commission to members of the City Council requesting that they reject a proposed 50 percent reduction in funding for the position of executive assistant to the Commission. The Commission directed staff to incorporate the arguments presented by former Commissioner Andrew Wiener in his letter to the Commission dated June 1, 2011.

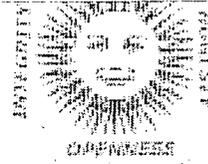
There were three speakers: Andrew Wiener; Barbara Newcombe; Sanjiv Handa

H. A Staff Report Regarding Pending Commission Proposals

The Commission received a staff report describing the status of various pending Commission proposals and actions being taken to ensure a smooth transition for the new executive director.

The meeting adjourned at 8:53 p.m.

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Commission Membership: Richard Unger (Chair), Amy Dunning, Lloyd Farnham,
Christopher Young, Aspen Baker

Staff Members: Commission Staff - Patrick J. Caceres, Interim Executive Director;
City Attorney Representative – Alix Rosenthal, Deputy City Attorney

MINUTES OF MEETING

A. Roll Call & Determination of Quorum

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

Members present: Chair Richard Unger, Commissioner Aspen Baker,
Commissioner Lloyd Farnham, Commissioner Amy Dunning, and Commissioner
Chris Young.

Staff present: Patrick J. Caceres

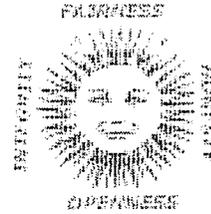
Staff excused: Alex Rosenthal

B. Staff and Commission Announcements

Mr. Caceres stated the attachments for agenda items F and G were submitted
after the ten day deadline for notices. Therefore those two attachments do not
comply with the Sunshine Ordinance, and have to be put on the agenda for the
next meeting.

Chair Unger reviewed the status of the Commission during the time it has been
dark. Initially, the Assistant to the Executive Director position was eliminated
from the budget last year. Then the Executive Director retired in June. It
wasn't until October when the subcommittee was given five candidates to
interview. The candidates were interviewed, and the recommendations were
made to the City Administrator. The candidate was hired on December 10th.
With the budgetary crisis, pink slips went out including to Ms. O'Haire. The
City Administrator then suggested combining the executives for the Public
Ethics Commission and the Citizens Police Review Board. On the 30th Ms.
O'Haire the newly appointed Executive Director resigned, and on the 31st, the
City Council accepted a revised budget. Chair Unger has not been able to get a
copy as yet, but he has been assured the budget continues funding for the

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Executive Director of the PEC, since it is a charter position. The Commission is now in the process of interviewing for a new executive director, and is re-interviewing two of the top three past candidates, both who are still interested in the position. The Commission hopes to have a new Executive Director on board soon. In the interim, Mr. Caceres has been appointed the interim Executive Director.

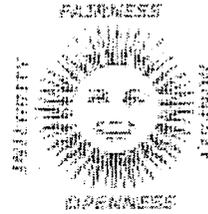
Commissioner Baker thanked the Chair for his dedication. She also wanted to recognize Mr. Sanjiv Handa who passed away while they were not meeting. She wanted to recognize his contributions to the City and the Commission. Chair Unger noted that the City Council has a second reading planned to rename the Sunshine Ordinance the Sanjiv Handa Sunshine Ordinance.

C. Open Forum

Mr. Ralph Kanz who attended the meeting spoke, and noted that Sanjiv Handa's passing was a huge loss to the City as well. Mr. Kanz opined that "the whole staffing debacle is unbelievable." He felt the City has frequently been slow in hiring candidates. Mr. Kanz feels the Commission needs to look at the history of ethic commissions, and this Commission's history, which he believes has never had proper staffing. Mr. Kanz feels that because of this, the Commission has never been able to fulfill its mandate. Mr. Kanz believes it is "simply a staffing issue." Mr. Kanz hopes the Commission sends this strong message to the City Council. Mr. Kanz believes the City Council "does not care," as the City Council "does not want an Ethics Commission," but that it is in the Charter. Mr. Kanz states that it is not a Commission with only an Executive Director, and no investigators or full staffing.

Chair Unger responded by stating that he went to the City Council at their last meeting and made that point regarding the diminished staffing. Chair Unger said that it is correct that this Commission has more responsibilities than any other commission in the state, yet no staff. Chair Unger also stated that former Commissioner Andrew Wiener has been speaking with the City Attorney's office, and is considering filing suit against the City for failing to adequately staff the Commission. Chair Unger will keep the Commission posted about any such further action.

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Mr. Caceres discussed the need to elect officers for this meeting, but stated perhaps they could make provisional appointments for this meeting for an interim chair and a vice chair. Chair Unger noted that they forgot to put the election of officers on the agenda; however, the charter requires that they hold elections at the first regularly scheduled meeting of the year.

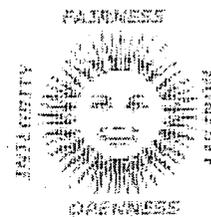
Mr. Kanz stated he believes matters should just carry over, as it is not the first regularly scheduled meeting, as there was no schedule voted on as yet. Mr. Kanz stated there is a long history of holdover officers, and because of the Sunshine law, he believes the Committee is on a slippery slope otherwise. Chair Unger's proposal was that the Commission put elections on the agenda and hold elections at the next regularly scheduled meeting. The other commissioners agreed.

D. Status of Current Staffing for the Commission

Mr. Caceres stated the City Administrator's office is going to schedule interviews next week for possible candidates. The Commission will be part of the process as well. The hope is that in the coming weeks they will have a full-time Executive Director for the Commission.

Chair Unger stated that when the proposal was initially floated of combining paid staffing of the Commission of Public Ethics with the Citizens Police Review Board, the Assistant City Administrator indicated this might be good because there might be additional staff time available from members from the CPRB or from Thomas, a previous Executive Assistant, for investigations. Chair Unger asked if this notion is still floating around. Mr. Caceres noted that in the current budget, the Assistant to the City Administrator position in the CPRB was eliminated, and its policy analyst was consequently bumped. Therefore, there is less staffing for CPRB as well, and the Council's vote has not resulted in additional capacity for the CPRB or Public Ethics Commission. There are creative uses of staff that can be used in the interim until there is a regular director. But staffing is a stretch for both boards in regards to managing of staffing at this time. Chair Unger stated that he feels this may not be a policy to follow anyway without public discussion, as there may be a problem with commingling of staff.

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Commissioner Baker clarified with Mr. Caceres that he is the interim Executive Director until one is hired.

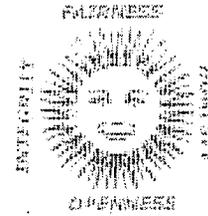
E. New Commissioner Appointees Discussion

Patrick Caceres stated there are currently five applicants the committee can begin to interview if they so choose. He can extend the opening for applicants if the Board would like. Mr. Caceres has also informed the Mayor's office that left over candidates will be presented as soon as possible as options for potential Mayoral appointees.

Chair Unger asked how these applicants came to the Commission. Mr. Caceres stated that he received some resumes when he got the file from Ms. O'Haire, and from e-mails he saw and followed up with. One or two applicants also came through an announcement by Mayor Quan. Chair Unger said it has been a tradition for the Commission to widely circulate openings. There has been a posting on the City website in the past, and he wondered about other avenues. Mr. Caceres had a copy of a past announcement to share. Mr. Caceres had also spoken with Ms. Tamika Thomas, who was the assistant to Mr. Dan Purnell. Ms. Thomas suggested putting it on line, sending it to libraries, e-subscribers of the Commission, and putting it on Craig's List, etc. Commission Dunning stated she recalled the announcement had to be posted in libraries a specific amount of time. Chair Unger said that he believes it is around 45 days, and there was a form on the Commission's website to be filled out along with the applicant resume. Chair Unger stated following subcommittee interviews, the applicants are presented to the full board for a vote.

Mr. Kanz stated that having served a full term, he believes typically the announcement was posted a minimum of 30 days, and generally 45-60 days. The notice was posted around August, and the application was due around the end of October. By mid-December the finalists would be forwarded to the Commission for a January vote. City Council members also have e-news, which is a good source for getting the announcement out. The finalists who considered fine but don't get selected by the Commission, have also been generally forwarded to the Mayor's office for consideration.

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Commissioner Farnham stated the positions need to be filled as soon as possible, and that the Commission could make a recommendation to the Mayor first to move the process along, perhaps through a subcommittee recommendation. Commissioner Farnham agrees the announcement needs to be a full public circulation. Chair Unger clarified there is one Commission appointment seat opening and one mayoral appointment commission seat opening. Chair Unger agreed that filling the positions should be done quickly. Chair Unger also stated that the Mayor indicated she would be happy to receive suggestions from anyone from the Commission or the public, and those names should be forwarded to her. Mr. Farnham stated that if there is a rule for time posting to follow that. If not, he recommended thirty days. Mr. Farnham made a motion to that effect. The motion was seconded by Commissioner Dunning, and passed unanimously by the Commissioners. Chair Unger stated that if members have other thoughts as to how publicize the announcement to contact Mr. Caceres.

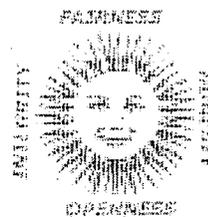
Chair Unger stated a subcommittee should be formed to review applications and interview applicants and make the recommendations to the full committee. The group should be no more than three, so that it is not considered a meeting. Commissioners Farnham, Dunning and Chair Unger volunteered for the subcommittee. Chair Unger made a motion to that effect. The motion was seconded by Commissioner Farnham, and passed unanimously.

F. Review of Outstanding Complaints & G, New Complaint Discussion

Mr. Caceres states those two items will be put on the agenda for the April meeting as noted earlier because the attachments were submitted after the ten day deadline. Mr. Caceres informed Complainant Vigilante of this, who will come to the next meeting to present his complaint.

Chair Unger asked for clarification as to how Mr. Caceres is identifying complaints that have not been responded to as yet, especially subsequent to Mr. Purnell's retirement. Chair Unger suspects there are a large number of complaints that are floating around that need to be identified. Mr. Caceres said that this is a significant challenge. Mr. Caceres has been working with Ms. Tamika Thomas to determine where the complaints would be found. Ms. Thomas said that files would be made for past complaints. Mr. Caceres is

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waiting for the pass word for the Public Ethic's Commission's e-mail and its voice mail, so that he can find additional complaints. Mr. Caceres has gone through some of Ms. O'Haire's materials, but has not found a reference to voice mail complaints in it so far. Mr. Caceres will update the Commission on this information at the next meeting. Chair Unger recommended that Mr. Caceres also get in touch with Mr. Morodomi, because Mr. Purnell had recommended that some complaints be forwarded to the City Attorney's office in the interim as well.

Mr. Kanz stated that he believes this complaint is not ready to come to the Commission as yet, as the investigation and a staff report have not been prepared relative to this complaint. Mr. Kanz believes the complaint should go back to the queue.

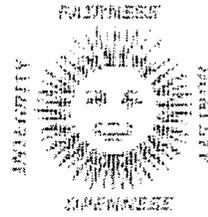
Commissioner Dunning stated that the list of complaints seems short to her, and does not properly list all the complaints. Mr. Caceres noted the list was the most recent list from the last June meeting. Both Commissioner Dunning and Chair Unger indicated that it is not the full list. Mr. Caceres will look into it. Chair Unger stated he gave Ms. O'Haire a full list when she came on. Chair Unger stated he can provide Mr. Caceres with the June meeting complaint list as well.

H. Future Education Efforts on Limited Public Financing

Mr. Caceres obtained information from the City's Budget office re the current balance of funds for campaign financing. The current balance is \$52,000.00. There is a budgeted allocation of \$77,500.00. Therefore, it is possible that the pool of money could be up to \$129,500.00. Some of the major events include the announcement of the program, when training will be conducted, when reimbursements will start to be received, and the ending date to receive reimbursements. It is anticipated reimbursements will begin in July, and reimbursements will end by the end of November. Mr. Caceres stated the Commission will want to start planning the announcement.

Chair Unger asked for the filing dates. Mr. Caceres stated the candidates are filing now, but he does not know the exact date. Mr. Caceres stated Ms. Tamika Thomas told him they are still obtaining filings. Chair Unger said there

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is a deadline for filing pursuant to the law, and the Commission needs to review the legislation to make sure they are in compliance.

Mr. Kanz stated he believes the filing date is limited to 88 days before the election, which will be sometime in August, and most of the money will be given out probably in September and October. Mr. Kanz said there are five city council races this year, and \$120,000.00 "does nothing." Mr. Kanz suggested suspending the entire program, as the City Council keeps "jerk[ing] the funding," which he believes is a "charade." Mr. Kanz had suggested in the past the program begin twelve months in advance of the election, but nothing was done to change it. Mr. Kanz feels the current rules interfere with the ability of a candidate to plan their campaign. Mr. Kanz feels the Council will "rip it out" anyway during budgeting, so public financing should be ended now so candidates know what they are dealing with come November.

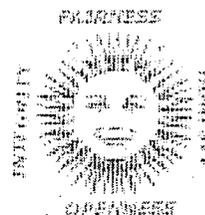
Chair Unger stated that Mr. Purnell and the Commission had made changes in the manner of fund disbursement to simplify that process, and he recommended reviewing those recommendations, review the Limited Public Financing rules to ensure compliance, and put on the agenda to discuss whether or not to pursue the program as Mr. Kanz mentioned. Chair Unger also wants the Commission to look at independent expenditure committees, a way to request notification and to verify that those expense limits had been surpassed. It needs to be reviewed and taken care of before the next election.

Commissioner Baker stated she was confused about the decision to make or discuss. While she understands the Limited Public Financing is a function of the Commission, she is unclear what is a staff function versus their function. She disagrees on suspending the program.

Chair Unger stated that the Commission solicits from candidates whether they wish to apply for the funds that are available, but the administration is handled and the provisions are handled by the staff. The Commission approves submissions from the staff. Commissioner Farnham agreed that sounded right to him.

Mr. Kanz called 2010 a "train wreck." Mr. Kanz stated the City Council was originally going to "steal" all the limited financing money, but because of public

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outcry they only "stole" half the money. The candidates all wanted to participate, but additional lost applications were found in the clerk's office. Therefore, the amount of funds kept going down. "That benefits no one," Mr. Kanz stated, when the candidate then days before the election learns they won't have the funds they planned on. Mr. Kanz believes a candidate is better off knowing now there is no funding. Mr. Kanz believes that staffing the PEC is a far better use of the funding.

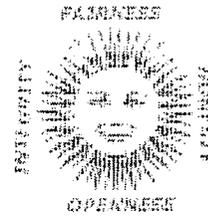
Commissioner Dunning stated she did not know who made the decision, and asked what the Commission is to do. Mr. Caceres said he believes it is the City Council's decision, and the Commission determines how to allocate funds. Mr. Caceres stated he will speak to the Clerk's Office for more information. Mr. Caceres agrees the program is a money target for budgeting. Mr. Caceres feels the challenges should be addressed in advance, so the program can be properly administered.

Chair Unger wants to add to the next agenda where the Commission stands on the Commission's recommendations for changes. Chair Unger also wants to add to the agenda whether or not to recommend to the Council to suspend the Limited Public Financing program. Commissioner Baker stated she wanted more information at the next meeting first as to how it works, how to make it better, and what the concerns are. Mr. Caceres stated he will try to have someone from the Clerks' Office at the next meeting to share information on the process. Chair Unger stated that he wants to review where the matter stands and changes to the process. Commissioner Dunning wants to be sure program dates are calendared. Mr. Caceres was directed to prepare a calendar for the next meeting.

I. Annual Report Discussion

Mr. Caceres stated that an annual report is required from the Commission. A challenge is that during half of 2011 the Commission was not meeting. Commissioner Farnham asked if there was a deadline for the report. Mr. Caceres stated he did not know, but he would check into it. Generally though, this is the time frame and it should be produced relatively soon. Chair Unger stated the minutes should be reviewed, and that Mr. Purnell should be called to "refresh our memories" as to what was done last year. Commissioner Dunning felt that the report should be as robust as possible to prove the point the

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Commission is important and needs an Executive Director. Chair Unger also suggested the commissioners share information with Mr. Caceres. Commissioner Farnham noted the town hall meetings were important last year. Chair Unger stated that Mr. Purnell had not summarized those meetings, and the best practices review had not been finished as yet, and in the future, that topic should be on the agenda. Mr. Caceres stated that a Chair's letter may be included in the annual report, with highlights listed of the Commission's accomplishments.

J. Form 700

Mr. Caceres reminded everyone to fill out a Form 700, which is legally required of everyone on a Board or Commission. The deadline is April 1, 2012. Chair Unger added you can fill out the form on line, but it must be printed out and submitted to the City Clerk's office, it cannot be submitted electronically. Chair Unger encouraged everyone to get their form in on time.

Closing Remarks:

Chair Unger stated that for the next meeting, the review of minutes from the June 6th, 2011 meeting needs to be put on the agenda, and he asked Mr. Caceres to find the minutes.

The next Commission meeting will be the first Monday of next month at 6:30 p.m.

Mr. Caceres thanked the Commission for allowing him to staff the director position for the time being, and he thanked the Commission for their patience as he is learning. Mr. Caceres stated he will provide the information requested. Chair Unger thanked Mr. Caceres as well.

The meeting was adjourned at 8:00 p.m.

OFFICE OF THE CITY CLERK
OAKLAND

12 JAN 23 AM 11:02

OAKLAND CITY COUNCIL

Approved as to Form and Legality

DRAFT

City Attorney

RESOLUTION No. _____ C.M.S.

RESOLUTION AMENDING THE CITY OF OAKLAND'S FY 2011-13 BIENNIAL BUDGET, WHICH WAS ADOPTED PURSUANT TO RESOLUTION NO. 83444 C.M.S. ON JUNE 30, 2011

WHEREAS, the City Council adopted Resolution No. 83444 C.M.S. on June 30, 2011 adopting the FY 2011-13 biennial budget, and appropriating certain funds to provide for the expenditures proposed by the said budget; and

WHEREAS, this action is required in light of the California Supreme Court ruling in which the Court upheld ABx1 26 (the redevelopment elimination bill), but struck down ABx1 27, the bill that would have allowed agencies to remain in operation as long as they made a payment to the state; and

WHEREAS, the Court's ruling essentially eliminates redevelopment effective February 1, 2012, and leaves no mechanism for reinstatement; and

WHEREAS, the decision regarding the elimination of redevelopment agencies has a broad impact on the City of Oakland, not only related to our Redevelopment Agency activity, but also on the City's operating budget since City staff will no longer be funded through the City's redevelopment funds; now, therefore be it

RESOLVED: That the City's FY 2011-13 Policy Budget is hereby amended to include adjustments presented in Exhibit A; and be it

FURTHER RESOLVED: That Exhibit A is hereby amended to include adjustments adopted by Council on January 31, 2012.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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

Council Amended Budget Fiscal Year 2011-13			
Budget Proposal by Councilmember Ignacio De La Fuente, Jane Brunner, Desley Brooks and Libby SchAAF			
ADD CUT		FY 2011-12 (Feb. 6 - June 30)	FY 2012-13
NEUTRAL	Changes to City Administrator Mayor Proposal		
	Restore funding to cultural institutions and reject proposed 40% Reduction to Zoo,		
Add Back	1 Peralta Hacienda, & Fairyland	\$0	\$288,918
Add Back	2 Restore funding for Symphony in the schools	\$0	\$10,200
Neutral	3 Alternative Reduction to Council Office	\$254,222	\$643,295
Add Back	4 Restore funding for Neighborhood Service Coordinators - No reductions (4 FTE's)	\$145,468	\$370,323
Cut	5 Eliminate Graphic Design Specialist (1 FTE)	-\$36,512	-\$102,745
Neutral	6 Transfer Public Information Officer II (1 FTE) to 50% in Fund 1760; 50% Fund 2415		
Neutral	7 2 weeks of transition (laid off employees) - Included in EOP's	-\$44,382	-\$124,890
Add Back	8 Restore funding for 211 Call Center	\$0	\$0
Cut	9 Eliminate newly proposed Program Manager III - City Administrators Office	-\$66,000	-\$201,000
Cut	10 Eliminate Urban Economic Analyst 4 (1FTE)	-\$53,084	-\$129,950
Add Back	11 Restore funding for Arts Grants	\$270,594	\$292,048
Add Back	12 Restore funding for Manager of Human Resources (1FTE) - Retirement/Benefits Manager	\$66,737	\$211,456
		\$537,043	\$1,357,655
TOTAL CHANGES TO STAFFS PROPOSAL			

ADD, CUT NEUTRAL	Changes Proposed By Council to Achieve a Balanced Budget	FY 2011-12 (Feb 6-June 30)	FY2012-13
	Savings associated with the hiring process (July 2012 - December 2012) of citizens		
Neutral	1 police review board staff hiring	\$0	\$734,079
Cut	2 Eliminate Neighborhood Watch Program Support Funds	\$0	\$ 30,000
Revenue	3 Alta Bates Summit Settlement - Remaining Funds	\$300,000	\$0
Revenue	4 Reduce GPF subsidy to Fund 1720 (Comprehensive Clean-up)	\$240,000	\$270,000
Revenue	5 Sale of the former Champion Street Fire Station	\$0	\$325,000
	TOTAL CHANGES PROPOSED BY COUNCIL	\$540,000	\$1,359,079

	FY 2011-12 (Feb 6-June 30)	FY2012-13
Final Total:	\$2,957	\$1,724
	Balanced Budget for 2011-13	

	General Policy Directives
1	Public Works – Reduce management not front line/service delivery staff
2	CPRB/ Ethics Commission - No merging of departments must be cost neutral
3	Each council district should have at minimum one permanent NSC assigned.
4	Neighborhood Services should be redesigned to integrate support of NCPs and Neighborhood Watch and provide more equitable support of both
5	Contracting limits for City Auditor \$5,000 and City Attorney \$25,000 per outside contacts. Higher expenditures need to return to council for approval.

ERRATA SHEET

FY 11-13 PROPOSED AMENDED BUDGET

There are several small technical changes to the Proposed Budget

- Page 7 of 13:
 - OPR – The Recreation Program Director, one part-time position and the O&M for Davies Tennis Stadium may be interpreted as reductions; however these are proposed to be transfers out of the General Purpose Fund (1010) to OPR's Self-Sustaining Fund (1820), not eliminated.
 - OPR – Reduce Fairyland Subsidy reduction from \$54,600 to \$43,500, due to contract restrictions.
 - DHS – Delete the following position change: *"Add Administrative Assistant II; Delete Administrative Assistant I, PPT in Fund 2251"*
- Page 8 of 13:
 - Retain 1.0 Housing Community Development III position and 0.50 FTE Student Trainee positions currently funded by ARRA grant funds (limited duration). *"Eliminate 2.0 1.0 Housing Dev Coordinator III; Eliminate 2.0 1.50 Student Trainee"*
- Page 11 of 13:
 - Retain 0.80 Planning Intern – transfer to 2415. *"Eliminate Planning Intern."*
- Page 12 of 13:
 - PWA – Fund 7760: Change to *"Elimination of 1.0 FTE Administrative Assistant I Administrative Assistant II"*
 - PWA – Fund 4400: Change to *"Elimination of 1.0 FTE Student Trainee/Intern and 1.0 FTE Administrative Assistant I 1.0 FTE Management Intern"*
 - PWA – The savings reflected for the shift of 1.40 FTE positions to Fund 3100 is incorrectly listed as a positive number.
- Page 13 of 13:
 - PWA – Fund 2416: Change to *"Traffic Painter – Transfer to 2416 2230"*
 - PWA – Fund 2416: Change to *"Sign Maintenance Worker – Transfer to 2416 2230"*

ERRATA SHEET – January 31, 2012

FY 11-13 PROPOSED AMENDED BUDGET

There are several additional small technical changes to the Proposed Budget:

- Pages 4 & 5 of 13: FMA and DHRM: the total number of positions transferred from HR to Treasury as part of the Retirement reorg should be listed as **4.0 not 3.1**.
- Page 3 of 13: City Attorney's Office: Delete ~~*"Transfer 0.44 FTE to Fund 2211 (Deputy City Attorney III; Deputy City Attorney IV)"*~~.
- Page 9 of 13: CEDA: Delete ~~*"Administrative Assistant I"*~~ and replace with *"Office Assistant II"* in the Department of Housing & Community Development. This will result in modest savings.
- Page 10 of 13: CEDA: Add *"City Administrator Analyst"* to the Successor Agency, Office of Neighborhood Investment. This function was inadvertently not included in the proposed budget.

3 DLF Brooks & Ages, 1 No - Kerneghan, Abstain Nadel

As Amended to Attachment A of the Original Proposal w/changes herein.

Council Amended Budget Fiscal Year 2011-13			
Budget Proposal by Councilmember Ignacio De La Fuente, Uane Brunner, Desley Brooks and Libby Schaaf			
ADD/CUT/NEUTRAL	Changes to City Administrator/ Mayor Proposal	FY 2011-12 (Feb 6 - June 30)	FY 2012-13
Add Back	1. Restore funding to cultural institutions and reject proposed 40% Reduction to Zoo, Peralta, Hacienda, & Fairyland	\$0	\$288,918
Add Back	2. Restore funding for Symphony in the schools	\$0	\$10,200
Neutral	3. Alternative Reduction to Council Office	\$254,222	\$643,295
Add Back	4. Restore funding for Neighborhood Service Coordinators -- No reductions (4 FTE's)	\$145,468	\$370,323
Cut	5. Eliminate Graphic Design Specialist (1 FTE)	-\$36,512	-\$102,745
Neutral	6. Transfer Public Information Officer II (1 FTE) to 50% in Fund 1760; 50% Fund 2415	-\$44,382	-\$124,890
Neutral	7. 2 weeks of transition (laid off employees) - Included in EOP's	\$0	\$0
Add Back	8. Restore funding for 211 Call Center	\$0	\$100,000
Cut	9. Eliminate newly proposed Program Manager III - City Administrators Office	-\$66,000	-\$201,000
Cut	10. Eliminate Urban Economic Analyst 4 (1 FTE)	-\$53,084	-\$129,950
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TOTAL CHANGES TO STAFF'S PROPOSAL		\$537,043	\$1,357,655

4

ADD, CUT NEUTRAL	Changes Proposed By Council to Achieve a Balanced Budget:	FY 2011-12 (Feb 6-June 30)	FY 2012-13
Neutral	Savings associated with the hiring process (July 2012 - December 2012) of citizens	\$0	\$734,079
Cut	1 police review board staff hiring	\$0	\$ 30,000
Revenue	Eliminate Neighborhood Watch Program Support Funds	\$300,000	\$0
Revenue	Alta Bates Summit Settlement - Remaining Funds	\$240,000	\$270,000
Revenue	Reduce GPF subsidy to Fund 1720 (Comprehensive Clean-up)	\$0	\$325,000
Revenue	Sale of the former Champion Street Fire Station	\$540,000	\$1,359,079
	TOTAL CHANGES PROPOSED BY COUNCIL		

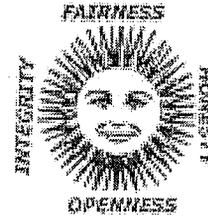
	FY 2011-12 (Feb 6-June 30)	FY 2012-13
Final Total	\$2,957	\$1,121
	Balanced Budget 2011-12	

All direction to the City Administrator

	General Policy Directives
1	Public Works - Reduce management not front line/service delivery staff
2	CPRB/ Ethics Commission - No merging of departments must be cost neutral
3	Each council district should have at minimum one permanent NSC assigned:
4	Neighborhood Services should be redesigned to integrate support of NCPCs and Neighborhood Watch and provide more equitable support of both
5	Contracting limits for City Auditor \$5,000 and City Attorney \$25,000 per outside contacts. Higher expenditures need to return to council for approval.

**CITY OF OAKLAND
Public Ethics Commission**

Richard Unger, Chair
Amy Dunning
Lloyd Farnham
Christopher Young
Aspen Baker



Patrick J. Caceres, Interim Executive Director

One Frank Ogawa Plaza, 4th Floor, Oakland, CA 94612 (510) 238-3325 Fax: (510) 238-7084

TO: Public Ethics Commission

FROM: Patrick J. Caceres

DATE: March 22, 2012

RE: Public Ethics Commission Budget History for FY '09-'10, FY '10-'11 and FY '11-'12

The following are the Revenues and Expenditures by Fund from the *City of Oakland's FY 2009-2011 and FY 2011-2013 Adopted Policy Budget*.

FY 09-10

Fund	Fund Description	Revenues	Expenditures	Personnel Services	O&M FTE
1010	General Fund	\$0	\$260,520	\$250,450	\$10,070 2

FY 10-11

Fund	Fund Description	Revenues	Expenditures	Personnel Services	O&M FTE
1010	General Fund	\$0	\$265,750	\$255,680	\$10,070 2

FY 11-12

Fund	Fund Description	Revenues	Expenditures	Personnel Services	O&M FTE
1010	General Fund	\$0	N/A	\$152,724	\$10,070 1

Respectfully submitted,
Patrick J. Caceres
Interim Executive Director

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION

Richard Unger
Amy Dunning
Lloyd Farnham
Christopher Young
Aspen Baker



Patrick J. Caceres, Interim Executive Director

One Frank Ogawa Plaza, 11th Floor, Oakland, CA 94612 (510) 238-3325 Fax: (510) 238-7084

**OAKLAND PUBLIC ETHICS COMMISSION
SEEKS CANDIDATES FOR COMMISSION VACANCY
[Application deadline is Friday, April 13, 2012]**

The City of Oakland Public Ethics Commission is accepting applications from qualified individuals for the position of Commissioner. The Public Ethics Commission consists of seven members – three nominated for appointment by the Mayor and confirmed by the City Council, and four selected by the Commission as a whole. Commissioners receive no compensation and may serve no more than one consecutive three-year term.

The Commission was created by a voter-approved City Charter amendment in 1996 to “assure fairness, openness, honesty and integrity in City government.”

The Commission is currently seeking applications to fill one of the Commission-selected seats. The term began on January 22, 2012, and will expire on January 21, 2015.

QUALIFICATIONS

Each member of the Commission must be a resident of Oakland and registered to vote in Oakland.

During his/her tenure and for one year thereafter, no member of the Commission may:

- 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. [Oakland Municipal Code §2.24.050]

DUTIES

- Attend monthly PEC meetings and one or more committee meetings;
- Oversee compliance with the Oakland Campaign Reform Act, Oakland Sunshine Ordinance, Limited Public Financing Act, Code of Conduct for City Officials, Conflict of Interest regulations, Lobbyist Registration Act, and Oakland False Endorsement In Campaign Literature Act;
- Review ethics laws and recommend amendments to the City Council;
- Develop informational, training, and public outreach programs concerning the Commission's activities; and
- Annually adjust City Council salaries.

HOW TO APPLY

Fill out the attached Application and submit it, together with a resume, to:

City of Oakland, Public Ethics Commission
One Frank Ogawa Plaza, Fourth Floor
Oakland, CA 94612

**COMPLETED APPLICATIONS AND RESUMES MUST BE RECEIVED NO LATER
THAN:
Friday, April 13, 2012 at 5:00 p.m.**

**You may also fax your application and resume to:
510-238-7084**

Or

**You may email your application and resume to:
pcaceres@oaklandnet.com**

For more information, please contact Patrick Caceres at 510-238-3325.

(Note: Persons interested in serving on the Commission are strongly encouraged to visit the Commission's website at www.oaklandnet.com (click link under "Boards and Commissions") and to attend at least one meeting each of the Commission and City Council.)

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION

APPLICATION FOR COMMISSIONER

Please fill out the form below and submit it with a copy of your resume to: City Of Oakland, Public Ethics Commission, One Frank Ogawa Plaza, Eleventh Floor, Oakland, CA 94612. Applications and resumes may also be faxed to: (510) 238-7084. **Your completed application and resume must be received no later than 5:00 p.m. on Friday, April 13, 2012, to be considered.**

Please type or print legibly. Try to limit your answer to the space provided, but you may attach additional sheets as necessary.

Please note: This application and supporting materials are not confidential and may be subject to public inspection upon request.

Name: _____

Mailing Address: _____

Daytime Phone: _____ **Evening Phone:** _____

Email: _____

Are you an Oakland resident? Yes/No **Years of Residency in Oakland:** _____

1. Why do you want to serve on the Public Ethics Commission?

2. What skills and qualifications will you bring to the Commission?

3. What interests would you like to pursue while serving on the Commission?

4. Please list any governmental experience, activities with civic and business organizations, neighborhood groups, or any other experience that would contribute to your effectiveness as a Commissioner.

5. Please list the names, addresses and telephone numbers of two references:

Name: _____

Address: _____

Daytime Phone: _____ **Evening Phone:** _____

Name: _____

Address: _____

Daytime Phone: _____ **Evening Phone:** _____

Public Ethics Commission Pending Complaints (6/6/11)

Date Received	Complaint Number	Name of Complainant	Respondents	Date of Occurrence	Issues	Status
4-4-11	11-01	PEC initiated	ABC Security and/or Ana Chretien; Marina Security and/or Sam Tadesse	Various; approx. betw 3/1/10/7/10 and 7/27/10	OCRA; §3.12.140	Staff is investigating
12-7-10	10-30	Sanjiv Handa	Oakland Parking Division	Ongoing	Oakland Sunshine Ordinance -- Alleged failure to timely produce records	Staff is investigating
11-1-10	10-28	Ralph Kanz	Ala. Demo. Central Comm.; OakPAC	October 29, 2010	OCRA; §3.12.230	Staff is investigating
10-13-10	10-26	Ralph Kanz	Jean Quan Floyd Huen	June 30, 2010 and ongoing	OCRA; §3.12.050; 3.12.090	Staff is investigating
10-13-10	10-25	Ralph Kanz	Don Perata	June 30, 2010 and ongoing	OCRA; §3.12.090(A)(D)	Staff is investigating
9/14/10	10-21	Jean Quan	Don Perata, Paul Kinney; California Correctional Peace Officers Association; Ronald T. Dreisback; T. Gary Rogers; Ed DeSilva; Richard Lee	Ongoing	OCRA violations	Staff is investigating
8/2/10	10-20	Sanjiv Handa	Various Business Improvement Districts & Community Benefit Districts	Various between June 3 and August 2, 2010	Sunshine Ordinance; public meetings	Staff is investigating

11/6/08	08-18	David Mix	Raul Godinez	August 2008	Allegations involving Sunshine Ordinance -- Public Records Request	Commission jurisdiction reserved
11/6/08	08-13	David Mix	Leroy Griffin	August 2008	Allegations involving Sunshine Ordinance -- Public Records Request	Commission jurisdiction reserved
3/28/08	08-04	Daniel Vanderprieem	Bill Noland, Deborah Edgerly	Ongoing since 12/07	Allegations involving production of City records	Commission jurisdiction reserved.
2/20/07	07-03	Sanjiv Handa	Ignacio De La Fuente, Larry Reid, Jane Brunner and Jean Quan	December 19, 2006	Speaker cards not accepted because they were submitted after the 8 p.m. deadline for turning in cards.	Commission jurisdiction reserved.
3/18/03	03-02	David Mix	Oakland Museum Dept.	3/11/03	Allegation of Sunshine Ordinance and Public Records Act violation.	Commission jurisdiction reserved.

7/2/10	10-16	Gwilym Martin	Joseph Yew, Finance	June 18, 2010	Sunshine Ordinance; production of records	Staff is investigating
3/23/10	10-07	Sanjiv Handa	Victor Uno, Joseph Haraburda, Scott Peterson, Sharon Cornu, Barry Luboviski, Phil Tagami	January 1, 2007 to present	Lobbyist Registration Act	Staff is investigating
3/3/10	10-05	David Mix	Oakland City Council	3/2/10	Oakland Sunshine Ordinance	Staff is directed to explore settlement in lieu of hearing.
11/17/09	09-15	Anthony Moglia	Jean Quan	Ongoing	Alleged misuse of City resources	Staff is directed to develop guidelines for use of City's electronic media.
09/16/09	09-12	Marleen Sacks	Office of the City Attorney (Mark Morodomi)	ongoing	Sunshine Ordinance; Public Records Act	Commission is conducting legislative hearings in lieu of adjudication.
2/7/09	09-03	John Klein	City Council President Jane Brunner	February 3, 2009	Sunshine Ordinance -- Allocation of speaker time.	Awaiting report from City Attorney.

Caceres, Patrick

From: Announcements
Sent: Thursday, March 22, 2012 11:03 AM
To: Announcements
Subject: City Attorney Memo to all City Staff: City Council Non-Interference in Administrative Affairs

CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND,
CALIFORNIA 94612

Office of the City Attorney
Barbara Parker
City Attorney

March 22, 2012

(510) 238-3601
FAX: (510) 238-6500
TTY/TDD: (510) 238-3254

TO: All City staff, City Councilmembers, Mayor Quan, City Administrator Santana and City Auditor Ruby

FROM: City Attorney Barbara Parker

Re: City Council Non-Interference in Administrative Affairs

City of Oakland staff and City Councilmembers should be aware of the following prohibitions of the City Charter Section 218 (Non-Interference in Administrative Affairs). *Violation of these provisions of this section by a member of the Council is a criminal misdemeanor. A conviction would trigger immediate forfeiture of office.*

- A City Councilmember may only contact City administrative staff only to make inquiries. All other communications about the administration of the City must only be through the City Administrator or Mayor.
- A City Councilmember shall not give orders to any administrative employee, either publicly or privately. A City administrative staff person shall not carry out the orders of a City Councilmember. Instead, the staff person should consult and follow the direction of the City Administrator or department head.
- A City Councilmember shall not attempt to coerce or influence the City Administrator or any administrative employee in respect to any contract, purchase of supplies or any other administrative action. A City staff person should not be influenced in respect to any contract, purchase of supplies or any other administrative action by a Councilmember.
- A City Councilmember may not in any manner direct or request the appointment to or removal from office of any person by the City Administrator, City Administrator subordinates or any other such officers.
- A City Councilmember may not in any manner take part in the appointment or removal of any

administrative employee.

If you have any questions about the above or believe a violation has occurred you should contact the City Administrator's Office. Until the position of the Executive Director to the Public Ethics Commission is filled, please contact Deputy City Administrator Arturo Sanchez at 238-7542 or at asanchez@oaklandnet.com.

Or, you can anonymously call the City Auditor's Fraud, Waste, and Abuse Hotline: (888) 329-6390.

For more information about the charter power of City Councilmembers re: contracting, use of public funds and other issues, please see the series of legal opinions issued to the City Council in 2006 and posted on the City Attorney's Web site since that time at: <http://www.oaklandcityattorney.org/Ops-Reps/Opinions.html>

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Barbara Parker". The signature is written in black ink and is positioned above the printed name.

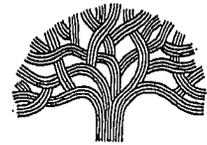
Barbara Parker
Oakland City Attorney

By:

Mark T. Morodomi
Supervising Deputy City Attorney

936311

CITY OF OAKLAND



ADMINISTRATIVE INSTRUCTION

SUBJECT	Citywide Code of Conduct - Non-sworn Employees	NUMBER	596
REFERENCE	71, 140, 523, 544, 577, 590	EFFECTIVE	October 20, 2010
SUPERSEDE	N/A		

I. PURPOSE

The purpose of this Administrative Instruction is to set guidelines for professional and courteous conduct by all non-sworn City employees. This policy applies to all non-sworn employees of all city departments and agencies while conducting City business, including conduct of supervisors and managers towards subordinates.

II. POLICY

The City of Oakland and its employees are committed to the delivery of effective, courteous, and responsible service. City residents, visitors and staff shall be treated with fairness, dignity and respect. Civic and employee pride are accomplished through constant pursuit of excellence and a workforce that values and reflects the diversity of the Oakland community. The City is committed to providing a workplace where employees treat each other and the public with respect and courtesy and perform their duties in a professional, ethical and cooperative manner.

Courtesy

One of the most important parts of the job is to be courteous at all times to all persons with whom you deal, whether in person, by telephone, or letter. Proper behavior includes promptness, efficiency and impartial treatment of the public and fellow employees.

Use of Telemedia

Prompt and courteous answer of telephone calls is very important. City phones and computers should not be used for personal telephone calls, text messages, emails and other communications, except emergencies. Employees should communicate clearly, directly and tactfully. Employees should not talk on the phone while a customer is waiting.

Confidential Information

In the performance of their duties, some employees must deal with confidential information. Employees should preserve the confidentiality of such information unless it has been approved for release by proper authority.

Professional Conduct

Discussions between employees and management concerning unsatisfactory work performance or work-related problems should, whenever practicable, be held in private or in a location sufficiently removed from the hearing and visual range of other persons.

Disruptive Behavior

The City of Oakland has a strong commitment to provide a safe work place for its employees and to promote employee health. The City is committed to providing a workplace free from acts and/or threats of violence as outlined in Administrative Instruction 544. All City employees are to refrain from rude, disrespectful, abusive and/or professionally inappropriate treatment of other employees or the public. Employees shall not scream, yell or use profanity at each other or the public.

Alcohol and Drug Use

The City has developed a policy regarding alcohol and drugs to reinforce its commitment to provide a safe work place for its employees, to promote employee health and to comply with Federal Law, specifically, the Drug-Free Workplace Act of 1988. Our goal is to establish and maintain a work environment free from adverse affects of alcohol and drug use as outlined in Administrative Instruction 577.

Dress Code

All City employees must be dressed appropriately in the performance of their duties.

Conflict of Interest

Employees must avoid conflict of interest between his/her employment and outside activities as outlined in the Personnel Manual Rule 12 – Incompatible Activities of City Employees.

City Charter section 218-Interference in Administrative Affairs

The City Charter provides that members of legislative bodies (City Council, Redevelopment Agency) shall not give direction to, or attempt to coerce or influence, employees under the jurisdiction of the City Administrator, Mayor, City Attorney or City Auditor regarding any contract, project, personnel matter or any other administrative action. In accordance with the City Charter, employees shall not take direction from members of the legislative body. If a member or members of the legislative body give direction to an employee or attempt to coerce or influence an employee regarding a contract, project, personnel matter or other administrative action, the employee shall report the violation in the manner prescribed in Section III of this AI.

Political Activities

Public employees' participation in political activities is subject to some restriction as outlined in Administrative Instruction 590.

Discrimination

The City of Oakland is committed to equal employment opportunity and to ensuring that all employees have a work environment that is free of conduct that could be considered discriminatory or harassing based on an employee's background/status as outlined in Administrative Instruction 71 and non-sworn labor contracts.

III. PROCEDURES

Employees should report violations of the citywide Code of Conduct. Reports should be made to the reporting employee's immediate supervisor, department manager, department head or the City Administrator when the conduct involves the direct action of a department head or an elected official.

Upon receiving a report, the supervisor, manager or department head shall report the incident as required by the appropriate Administrative Instruction and if no Administrative Instruction exists, the report shall be made to Employee Relations. When a report is made to Employee Relations, Employee Relations staff will evaluate the report, assist the department with the investigation of the incident, determine an appropriate course of action and follow-up to ensure the appropriate action has been taken.

Notwithstanding the above, nothing in this AI relieves the supervisors and managers of their responsibility to hold employees accountable for their actions. Any disciplinary actions taken in response to this AI shall be implemented in accordance with AI 523. Please direct all questions to Employee Relations.



DAN LINDHEIM
City Administrator

CITY OF OAKLAND

**HOW TO APPLY FOR
PUBLIC FINANCING**

**A HANDBOOK OF THE
OAKLAND PUBLIC ETHICS COMMISSION**



EFFECTIVE AUGUST 2010

I. INTRODUCTION

In December 1999, the Oakland City Council adopted the Limited Public Financing Act. The Act provides a limited amount of public funds for eligible candidates to assist in running for District City Council office.

In July 2010, the City Council adopted a comprehensive set of amendments to the Act that changes the way in which public funds are made available to candidates.

The highlights of the newly amended Act are:

- The City will no longer match campaign contributions as before, but will instead reimburse District City Council candidates for certain campaign expenditures they have incurred and paid. The maximum amount a candidate can receive is 30 percent of Oakland's voluntary expenditure ceiling for the office being sought, although the actual amount of available funds is likely to be less.
- Candidates must first raise in Oakland campaign contributions, and incur in campaign expenditures, an amount equal to at least 5 percent of the voluntary expenditure ceiling for the office being sought. Eligible candidates must also agree to abide by the voluntary expenditure ceilings.

The Oakland Public Ethics Commission is authorized to implement and administer the public financing program.

Enclosed in this Handbook you will find:

- The Limited Public Financing Act
- Limited Public Financing Forms
- FPPC Guidelines for Recordkeeping
- January 2010 Contribution Limits and Expenditure Ceilings

This Handbook is intended to be advisory only. To the extent the Handbook conflicts with the actual Act or any administrative regulations, those laws shall govern the interpretation, implementation and enforcement of the public financing program.

Any questions about this Handbook or the public financing program should be directed to:

Daniel Purnell or Tamika Thomas
Oakland Public Ethics Commission
One Frank H. Ogawa Plaza, Fourth Floor
Oakland, CA 94612
Telephone: (510)238-3593 FAX: (510)238-3315

II. APPLYING FOR PUBLIC FINANCING

1. Who May Participate In The Public Financing Program?

All candidates for the office of District City Councilmember who are certified to appear on the ballot may apply for public financing. Candidates for the Oakland Unified School District Board of Directors are no longer eligible.

2. How Does A Candidate Become Eligible To Receive Public Financing?

The first step in applying for public financing is to complete and file with the Public Ethics Commission LPF Form No. 1, entitled: "Statement Of Acceptance Or Rejection Of Public Financing." **See Enclosed Form No. 1.**

The candidate must complete, execute and timely file LPF Form No. 1 no later than fourteen (14) days after the City Clerk has certified the names of all candidates to appear on the ballot. Commission staff will send candidates a notice advising them of the specific deadline for filing LPF Form No. 1. ***The failure to timely file LPF Form No. 1 shall constitute an irrevocable rejection of public financing for the election in which the candidate's name appears on the ballot.***

After the candidate has timely filed his or her "Statement Of Acceptance Or Rejection Of Public Financing" the candidate may, prior to the date of the election, submit a claim for reimbursement. In order to do so, the candidate must meet the following conditions of eligibility:

- The City Clerk must have certified the candidate's name to appear on the ballot;
- The candidate must have filed OCRA Form No. 301 with the City Clerk, in which the candidate agrees to accept voluntary expenditure limitations;
- The candidate demonstrates that he or she has received campaign contributions totaling at least five (5) percent of the voluntary expenditure ceiling for the office being sought, exclusive of any personal loans or contributions, and which contributions originate from within the City of Oakland;
- The candidate demonstrates that he or she has made campaign expenditures totaling at least five (5) percent of the voluntary expenditure ceiling for the office being sought;
- The candidate is opposed by another candidate for the same office;

- The candidate declares that he or she has not made any contributions or loans from personal funds in an amount exceeding ten (10) percent of the voluntary expenditure ceiling for the office being sought;
- The candidate declares that he or she will timely file, and completely and accurately execute, all pre-election and post-election campaign statements;
- The candidate or his or her campaign treasurer or designee has attended a training program conducted or sponsored by the Public Ethics Commission; and
- The candidate agrees to submit to any reasonable audits or reviews deemed appropriate by the Public Ethics Commission or other civil authority.

3. What Is The Voluntary Expenditure Ceiling For This Election?

The City Clerk annually adjusts the voluntary expenditure ceilings every January to reflect any increase in the Consumer Price Index. The voluntary expenditure ceilings and campaign contribution limits from January 2010 are enclosed.

4. What Types Of Expenditures Will Be Reimbursed?

Reimbursement will only be provided for the following campaign expenditures:

- Candidate filing and ballot fees
- Printed campaign literature and production costs
- Postage
- Print advertisements
- Radio airtime and production costs
- Television or cable airtime and production costs
- Website design and maintenance costs

5. How Does A Candidate Make His Or Her Claim For Reimbursement?

A candidate applies for reimbursement by completing and submitting to the Public Ethics Commission LPF Form No. 2 ("Initial Application For Public Financing") and LPF Form No. 3 ("Reimbursement Claim Form"). **See Enclosed LPF Form No. 2 and LPF Form No. 3.**

LPF Form No. 2 requires the candidate to submit copies of campaign contributions (i.e., contribution checks; not cash) demonstrating that the candidate has received contributions from Oakland donors totaling at least five (5) percent of the voluntary expenditure ceiling for the office being sought. (The written instrument used to make the contribution must demonstrate an Oakland address.) The candidate must also submit proof in the form of invoices or payments that he or she has made campaign expenditures totaling at least five (5) percent of the voluntary expenditure ceiling for the office being sought.

LPF Form No. 3 accompanies specific request(s) for reimbursement. To initiate a claim for reimbursement, candidates must include with LPF Form No. 3: (1) a copy of the billing invoice(s) for which reimbursement is sought; (2) a copy of the check(s) by which the candidate's campaign committee made payment on the billing invoice(s); and (3) a copy, when applicable, of the campaign literature, advertisement, radio or television script, or website configuration.

Once the candidate has submitted these forms to the Public Ethics Commission, Commission staff will review them to determine if they have been correctly completed and signed, and to confirm whether the conditions of eligibility have occurred.

Commission staff will notify candidates within ten days whether they have qualified to receive public financing or, if they have not, the reasons why and what actions the candidate must take to become qualified.

6. Is There A Process To Appeal A Commission Staff Decision?

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

7. **What Happens If A Candidate Decides To Withdraw Or Is Disqualified From Participating In The Election?**

Any candidate who is determined to be eligible to receive public financing but who is later disqualified from appearing on the ballot or who withdraws from the election will be suspended from receiving public financing during the remaining election period.

III. **AMOUNT OF MONEY AVAILABLE FROM THE PUBLIC FINANCING PROGRAM**

1. **What Is The Most A Candidate Can Receive?**

Eligible candidates may receive up to 30 percent of the voluntary expenditure ceiling for the office being sought. However, this maximum amount *may be less* depending on the number of candidates who qualify to receive public financing. If the money available in the Election Campaign Fund is not sufficient to permit each eligible candidate to receive the maximum individual amount, the Public Ethics Commission is authorized to allocate the available funds on a "pro rata" or other equitable basis and to revise the amounts as necessary throughout the campaign. The Public Ethics Commission will timely notify candidates if there is any change in the maximum amount a candidate may receive.

IV. **DISTRIBUTION OF PUBLIC MATCHING FUNDS**

1. **When Can A Campaign Get The Money?**

Candidates may apply for reimbursement in minimum increments of \$1,000 or more. Within ten (10) calendar days of the election, candidates may apply for reimbursement in minimum increments of \$500. Commission staff will not process claims for reimbursement for less than the required minimum amounts.

Public matching funds checks will only be made payable to a candidate's campaign committee. Candidates must deliver to the Public Ethics Commission a copy of the deposit receipt within three (3) business days of deposit into the candidate's campaign account.

2. **What Is The Deadline To Submit A Claim For Reimbursement?**

Candidates may receive public financing for properly documented claims that are submitted **prior to** the day of the election. No claim submitted on or after the date of the election will be considered.

3. Are There Any Restrictions On The Money A Candidate Receives?

Public financing is only available to reimburse the specified campaign expenditures described in Section II.4, above. Money received from the Election Campaign Fund may not be previously earmarked or specifically encumbered to pay or to secure payment of any loan, return of contribution or of any expenditure other than the one for which reimbursement was sought.

V. POST-ELECTION PROCEDURES

1. What Happens If A Campaign Has Money Left Over?

The Act requires that a portion of any surplus campaign funds remaining as of December 31, 2010, be returned to the Election Campaign Fund no later than January 31, 2011. The amount to be returned shall be calculated by multiplying the amount of surplus campaign funds by the percentage that total public financing received represents of total monetary contributions received for the election period.

- For example, if a candidate receives \$40,000 in contributions, \$10,000 in public financing, and claims a surplus of \$5,000, the candidate would owe the Election Campaign Fund \$1,250.

A candidate shall not be required to return any surplus funds in an amount greater than the amount of public financing received.

2. Are There Penalties For Violations Of The Limited Public Financing Act?

Yes. The Public Ethics Commission is authorized to administratively enforce the provisions of the Limited Public Financing Act, which may include the imposition of fines, penalties and the return of public financing received.

3. Will Campaign Financial Statements Be Audited Or Reviewed?

Yes. The Limited Public Financing Act requires that the Office of the City Auditor complete audits of all candidates receiving public financing to ensure compliance with the rules of the program.

**LIMITED PUBLIC FINANCING
FUTURE EDUCATION EFFORTS
IMPORTANT DATES**

NEXT ELECTION:

November 6, 2012 for City Councilmembers for council districts 1, 3, 5 and 7;
Councilmember-at-large and City Attorney.

APPROPRIATION OF FUNDS:

The Public Ethics Commission shall provide a written estimate of the amount necessary to be appropriated for any two year budget cycle in the form and at the time directed by the Mayor and City Manager.

APPLYING FOR PUBLIC FINANCING:

A candidate must complete, execute and file Form LDF 1 no later than 14 days after the City Clerk has certified the names of all candidates to appear on the ballot.

QUALIFICATION:

The Public Commission staff will notify candidates within ten days whether they have qualified to receive public financing or if not, the reasons why and what actions the candidate must take to become qualified.

REIMBURSEMENT FOR PUBLIC FINANCING:

Candidates may receive public financing for properly documented claims that are submitted prior to the day of the election. No claim submitted on or after the date of the election are considered. Candidates may apply for reimbursement in minimum increments of \$1,000 or more. Within ten calendar days of the election, candidates may apply for reimbursement in minimum increments of \$500.00. A candidate must submit Forms LDF 2 and 3 for reimbursement.

APPEAL:

An appeal of a decision to deny or limit a request for reimbursement may be appealed in writing and delivered to the Officer of the Public Ethics Commission no more than ten calendar days after receiving written notice of the Executive Directions decision.

PROOF OF PAYMENT:

Each certified candidate or candidate's controlled committee which received public matching funds shall provide to the Public Ethics Commission sufficient proof of all

disbursements made from matching funds no later than the due date for the next campaign finance report.

RETURN OF MATCHING FUNDS:

Unencumbered matching funds must be returned to the election campaign fund no later than 31 calendar days from the earlier of the last day of the semi-annual reporting period following the election, or the candidate's withdrawal from the election.

CITY OF OAKLAND
Public Ethics Commission

Richard Unger, *Chair*
 Ai Mori, *Vice-Chair*
 Alex Paul
 Amy Dunning
 Lloyd Farnham
 Christopher Young
 Aspen Baker



Daniel D. Purnell, Executive Director

One Frank Ogawa Plaza, 4th Floor, Oakland, CA 94612

(510) 238-3593

Fax: (510) 238-3315

TO: Public Ethics Commission
FROM: Daniel Purnell
DATE: June 6, 2011

RE: A Staff Report And Action To Be Taken Regarding 1) A Required Review And Adjustment Of City Council Salaries; And 2) Proposals To Modify Commission Authority To Adjust City Council Salaries Pursuant To City Charter §202(c)

I. BACKGROUND

At its regular meetings of April 4, 2011, and May 2, 2011, the Commission considered staff reports pertaining to the Commission's duty to review and adjust City Council salaries pursuant to City Charter Section 202(c).

Under Section 202(c), the Commission is required to adjust City Council salaries by the increase in the consumer price index (CPI) over the preceding year. The Commission may adjust salaries beyond the increase in the CPI up to a total of five percent. Any increase over five percent must be approved by the voters.

At the meeting of May 2, 2011, the Commission directed staff to prepare a draft resolution authorizing a City Council salary adjustment in an amount equal to the change in the CPI. It also directed staff to include language in the proposed resolution requesting that the City Council decline to accept the mandatory adjustment in light of the City's budgetary shortfall.

II. REVISED COST OF LIVING (CPI) ADJUSTMENT

As stated in the April 4, 2011, staff report, the federal Bureau of Labor Statistics calculates changes in the CPI for the San Francisco Bay Area every two months. Last month, the Bureau calculated the annual change in the CPI between April 2010, and April 2011,

inclusive. The percentage increase in the CPI for the most recent 12-month period is 2.8 percent.

III. DRAFT RESOLUTION

At its May 2, 2011, meeting, the Commission directed staff to prepare a single draft resolution authorizing a City Council salary increase based solely on the change in the CPI for the San Francisco Bay Area for the period April 2010 through and including April 2011.

Attachment 1. If adopted by the Commission, the resolution will authorize the minimum adjustment in City Council salaries required under City Charter Section 202(c).

The Commission also directed staff to include language in the draft resolution requesting that the City Council decline the salary adjustment authorized by the attached resolution due to the City's current financial condition.

IV. POLICY OPTIONS FOR AMENDING CURRENT COMMISSION AUTHORITY

Previous staff reports reviewed options regarding how the Commission may wish to seek modification of its current authority to adjust City Council salaries. The threshold issue is whether the Commission would like to retain its authority in this area and, if so, what that authority would entail. Alternatively, the Commission could decide that the authority to adjust City Council salaries is inconsistent with its other Charter-mandated duties and request the City Council to delegate that authority to some other subsidiary body better suited to make such decisions.

There is no specific timetable required for a decision on the Commission's future role in determining City Council salaries. Commission staff has advised that if the Commission seeks to retain some authority to adjust City Council salaries then it should discuss how its existing authority should be modified. If the Commission no longer wishes to retain any authority over salaries, then it should consider sending a letter similar to the draft letter considered by the Commission last year. **Attachment 2.**

Respectfully submitted,

Daniel D. Purnell
Executive Director

**CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
RESOLUTION NO. 11-01
[Proposed]**



BY ACTION OF THE OAKLAND PUBLIC ETHICS COMMISSION:

WHEREAS, Oakland City Charter Section 202(c) previously authorized the Oakland Public Ethics Commission ("Commission") to establish a base salary for City Councilmembers; and

WHEREAS, after substantial study and review, the Commission took action in October, 1997, to establish a base salary for City Councilmembers in the amount of \$60,000 per year; and

WHEREAS, in March, 2004, Oakland voters amended City Charter Section 202(c) to provide that the Commission shall annually adjust City Councilmember salaries by the increase in the consumer price index over the preceding year, and that the Commission may adjust salaries beyond the increase in the consumer price index up to a total of five percent; and

WHEREAS, the current authorized salary for Oakland City Councilmembers is \$74,098 per year, and

WHEREAS, the consumer price index for the San Francisco Bay Area increased by a total of 2.8 percent between April 2010, and April 2011, inclusive; and

WHEREAS, a review of California cities demonstrates that Oakland City Council salaries are almost identical to the average salaries provided to councilmembers of the eight largest cities in California; and

WHEREAS, Oakland is facing a general fund budget shortfall estimated at \$58 million in FY 2011-2012, and at \$76 million in FY 2012-2013, based on current levels of service and revenues; and

WHEREAS, the City is contemplating layoffs, mandatory business shut-downs and reductions in critical and discretionary City services to bring the City's finances into balance;

NOW, THEREFORE BE IT

RESOLVED, that the Commission does hereby increase and adjust the salary for the office of City Councilmember by 2.8 percent effective as of the first payroll period of Fiscal Year 2011-2012 as mandated by City Charter Section 202(c); and

RESOLVED, that the Commission respectfully requests that the City Council decline to accept the salary adjustment mandated by City Charter Section 202(c) due to the significant budgetary shortfalls facing the City in Fiscal Years 2011-2013; and

RESOLVED, that the Commission authorizes the Executive Director to make any changes to draft versions of this Resolution as directed by the Commission and to certify and issue a final version of this Resolution without further approval by the Commission.

CERTIFICATION RE: APPROVAL OF RESOLUTION

The foregoing Resolution was presented for approval at a duly noticed meeting of the City of Oakland Public Ethics Commission ("Commission") held on June 6, 2011. A quorum of the membership of the Commission was present at the meeting. A motion approving the Resolution was made and seconded, and the motion was adopted by a majority of said quorum.

I hereby certify that the foregoing is true and correct.

Dated: June ____, 2011

Daniel D. Purnell
Executive Director
Oakland Public Ethics Commission

DRAFT -- FOR DISCUSSION ONLY

Honorable Members of the
Oakland City Council

Dear Councilmembers:

As you know, City Charter Section 202(c) authorizes and directs the Public Ethics Commission "to annually adjust the salary for the office of Councilmember by the increase in the consumer price index [CPI] over the preceding year." The Commission may, in its discretion, adjust salaries beyond the increase in the CPI up to a maximum of five percent annually, but any increase beyond five percent must be approved by public vote.

Since 2004 (when the current Charter language took effect), the Commission has made the following adjustments to City Council salaries:

June 2004	5 percent
June 2005	2.1 percent (CPI)
June 2006	4 percent
June 2007	5 percent
June 2008	2.9 percent (CPI)
June 2009	0.8 percent (CPI)
June 2010	1.7 percent (CPI)
June 2011	2.8 percent (CPI)

In recent years, the Commission has become acutely aware of the financial difficulties facing the City. The City Charter's requirement for the Commission to pass through a mandatory CPI adjustment frequently places the Commission, as well as the City Council, in a position that is arguably contrary to public perceptions of what is fair and what should constitute "shared sacrifice" during these difficult times.

This letter respectfully requests that the City Council take action to create and appoint a special task force for the purpose of reviewing Charter Section 202(c) and developing policy alternatives regarding future adjustments to City Council salaries. While the Commission has dutifully executed its obligations under current law, the Commission suggests that the job of adjusting City Council salaries might be more appropriately delegated to a board or panel with more expertise in setting levels of compensation. To Commission staff's knowledge, no other ethics commission in the country exercises this type of authority with respect to elected officials.

The Commission also notes that the City Charter provides different procedures for setting and adjusting compensation levels for the City's other elected officials. The task force authorization may wish to address whether to consolidate the authority for determining and adjusting compensation for all of Oakland's elected officials. While selection of the task force is wholly within the City Council's discretion, the Commission suggests that it could include former

and current elected officials, a member of the Commission, interested community stakeholders and be staffed by employees from the Office of Personnel and City Attorney.

The Commission wishes to thank the City Council for its consideration of this proposal and to express its willingness to assist in any reasonable way.

Respectfully submitted,

CITY OF OAKLAND
Public Ethics Commission

Richard Unger, *Chair*
Ai Mori, *Vice-Chair*
Alex Paul
Amy Dunning
Lloyd Farnham
Christopher Young
Aspen Baker



Daniel D. Purnell, Executive Director

One Frank Ogawa Plaza, 4th Floor, Oakland, CA 94612

(510) 238-3593

Fax: (510) 238-3315

TO: Public Ethics Commission
FROM: Daniel Purnell
DATE: June 6, 2011

RE: A Staff Report And Presentations On Improving Public Access To City Records

At its regular meeting of May 18, 2011, the Commission continued its series of hearings on the subject of improving public access to City records. At its May 18 meeting, the Commission reviewed ordinances, policies and proposals from five other local agencies and received comments from representatives from the Berkeley Sunshine Task Force. The Commission requested staff to agendize this issue for tonight's meeting to continue its discussion of other sunshine ordinances and to receive comment from representatives from other jurisdictions. Commission staff anticipates that a representative from the San Francisco Sunshine Ordinance Task Force will attend tonight's meeting and provide comments on the Task Force's proposed amendments to the San Francisco Sunshine Ordinance.

The next meeting in the series will be to consider a proposed Citywide records management program developed by the Office of the City Clerk. Commission staff expects that report to be submitted for Commission review within the next 30 to 60 days.

Respectfully submitted,

Daniel D. Purnell
Executive Director

CITY OF OAKLAND
Public Ethics Commission

Richard Unger, *Chair*
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Daniel D. Purnell, Executive Director

One Frank Ogawa Plaza, 4th Floor, Oakland, CA 94612

(510) 238-3593

Fax: (510) 238-3315

TO: Public Ethics Commission
FROM: Daniel Purnell
DATE: June 6, 2011

RE: A Staff Report Regarding Pending Commission Proposals

With the pending departure of the executive director on June 30, the Commission chair requested a status report on various Commission policy proposals and complaints. With regard to these pending matters, Commission staff intends to brief the new executive director upon his or her arrival this summer and to provide whatever assistance he or she requires and requests to ensure a smooth transition into office.

I. PENDING POLICY PROPOSALS AND COMPLAINT ADMINISTRATION

A. Lobbyist Registration

In late 2010, the Commission approved a set of proposed amendments to the Lobbyist Registration Act for consideration and adoption by the City Council. The amendments were last considered in the City Council's Rules Committee on April 21, 2011. The Rules Committee afforded Commission staff and others who proposed alternative amendments (Councilmembers Brunner and Schaaf, the League of Women Voters) to discuss their positions and return at a later date for final consideration. Commission staff has had several conversations with these interested parties and has articulated the rationale for the Commission's proposals. At the time of this writing, the Rules Committee has been asked to consider the proposed amendments again at its meeting of Thursday, June 24, 2011.

B. Oakland Campaign Reform Act (OCRA)

The Commission's Lobbyist Registration and Campaign Finance Committee completed a comprehensive review of OCRA, which involved drafting a set of proposed amendments. The full Commission's review of these amendments was postponed last year in favor of its efforts to develop amendments to the Lobbyist Registration Act. Among the proposed OCRA amendments are recommendations to: 1) increase the maximum contribution limits for candidates who do not agree to voluntarily limit their campaign expenditures; 2) amend the current definition of a "broad based political committee" to be consistent with that of a "small contributor committee" under state law; 3) limit the solicitation of campaign contributions from City employees and by appointed members of City boards and commissions; 4) lower the reporting threshold for so-called "behested payments" from \$5,000 to \$1,000; 5) modify existing rules regarding so-called "contractor contributions" (aka "pay to play" provisions); 6) impose a \$600 contribution limit to legal expense funds; 7) prohibit the use of campaign and officeholder funds to pay for services provided by close family members; 8) exempt from voluntary expenditure ceilings payments for professional treasurers; 9) require disclosures on so-called "election communications"; 10) require the primary officer of a committee to certify that any independent expenditure were not made at the behest of a candidate; and 11) provide for mandatory audits of specified campaigns. The Commission is encouraged to perform a full review of these amendments.

In addition, the Commission last month completed a review and revision of OCRA Section 3.12.220 (How And When Voluntary Expenditure Ceilings Are Lifted). This review was requested by the City Council and is ready to be transmitted for the City Council's review and consideration. Commission staff is preparing an agenda report for the City Council on this item for submission by the new executive director.

C. Sunshine Ordinance

The Commission is currently conducting a series of public hearings on improving access to City records. Commission staff will prepare a memorandum for the new executive director and the Commission summarizing the findings from the hearings conducted to date. Pursuant to City Council Resolution No. 82908, the next hearing will consist of a public hearing on the subject of the City Clerk's proposed records management program. The Resolution requests the Commission to provide the City Council with "a summary of public comments, analyses and recommendations" pertaining to the proposed program.

The Commission's Sunshine Committee also considered a series of proposed recommendations to amend the Sunshine Ordinance's open meeting rules. Among the proposed amendments are proposals to: 1) require certain types of City Council decisions to be voted upon before 11 p.m.; and 2) create a class of so-called "urgent" special meetings requiring 48 hours' public notice, and "non-urgent" special meetings requiring the same ten days' notice as a regular meeting. The Committee also made proposals to: 3) require elected officials to maintain a public "sign-in" sheet for persons who meet with elected officials and to require the officials to maintain their public calendars on an electronic calendaring system; 4) require the City to respond to public records requests within three business days unless it determines that

additional time will be required; 5) provide for employee discipline in the event of a "willful" violation of the Sunshine Ordinance; and 6) mandatory employee training on open government laws. Commission staff recommends that the Commission review these recommendations after concluding its series of hearings on public record availability.

D. Limited Public Financing Act

Commission staff has prepared several slight modifications to the Limited Public Financing Act that are intended to improve administration and clarity. A copy of these amendments will be transmitted to the new executive director for future Commission review.

E. Citywide Ethics Training

During the past ten months, Commission staff has provided training to Oakland's designated employees in public ethics law and ethical decision-making in concert with representatives from the Offices of the City Attorney and City Auditor. Copies of the training material have been lodged with the City Attorney and City Auditor offices as well as with the Commission. Commission staff recommends that the Commission institute this training at least every two years.

F. Complaint Administration

There are currently nine complaints in various stages of active investigation and/or analysis. Commission staff intends to complete at least the factual investigations in all such complaints before departure, and will transmit all active complaint files to the Office of the City Attorney until the new executive director takes office.

Respectively submitted,

Daniel D. Purnell
Executive Director

PEC COMPLAINTS HEARD DURING 2011

Meeting Date	Complaint/Item	Resolution
3-Jan-11	Election of officers Appointment of new commissi	Done Done
19-Jan	9-16 Supp	Dismissed
	10-10 Supp	Dismiss with letter to Mayor reminding her of the Sunshine provision applicable to advisory task forces.
	10-14 2nd Sup	Agendize to future meeting for 1) consideration proposed replacement of PTS data base and 2) request CEDA to waive special programming fees to create requested non-confidential data base
	10-18	Dismissed with request to post Commission to discuss that Commissions meeting notice procedures.
	10-22	Requested City Attorney to develop written response to a request for City Council member's calendar
	City Council Candidates late re-quest for public financing	Request denied
7-Feb-11	10-17	Settlement of City Auditor's finding of 12 issues of alleged non-compliance with LPFA and OCRA
	10-19	Dismissed with educational activities for City-Port Liaison Committee and recommendations for public records request training to employees of the City's HR Department
	10-24	Directed to pursue negotiated settlement with Mayoral candidate
	Amending OCRA	
7-Mar-11	10-05	Schedule evidentiary hearing before full Commission to determine if City Council Rules and Legislation Committee violated Oakland Sunshine ordinance by failing to make a proper "Urgency Finding". Staff to attempt a voluntary "cure and correction" prior to scheduling Commission hearing.
	10-08	Dismissed
	10-26	Supplemental report requested
	10-29	Accepted proposed settlement
	Presentation from City Auditor regarding "Ethical Climate Survey-2010". Report and Action re Administration of LPFA	Referred to Commission Committee
	Commission Annual Report	Approved for release on April 1, 2011

Meeting Date	Complaint/Item	Resolution
4-Apr-11	10-09 Supp	Dismissed
	10-22 Supp	Dismissed
	10-26 Supp	Recommended discussion with candidate's campaign treasurer
	10-27	Set for hearing
	Whether to initiate complaint based on City Auditor's report of potential violations of OCRA	Commission to initiate complaint
	LRA	City Council Committee reviewing PEC recommendations
	Review and Adjustment of City Council Salaries	Scheduled for May agenda
	Review of Proposal to Amend OCRA (how and when voluntary expenditure ceilings are lifted).	Agendized for future Commission meeting.
	Request for Commission involvement in selection of new executive director.	Subcommittee appointed to work with city staff
2-May-11	10-24	Settlement approved
	10-27	Settlement approved
	Report Regarding Retained Complaints	Proposed disposition of complaints 03-02, 07-03, 08-04, 08-13, 08-18.
	Review and Adjustment of City Council Salaries	Recommended CPI only salary adjustment
	Proposals on modifying Commission authority to adjust Council salaries	No action
	Report and Action on modifying OCRA	Recommended amendment to OCRA Section 3.12.220 and forwarded to City Council
6-Jun-11	Report on Improving Public Access to Records	
	Review of Council Salaries	
	Proposals to modify commission authority to adjust City Council Salaries	
Special meetings		
2-Feb-11	Staff report and presentations on Improving access to City Records See report by Mr. Purnell dated Feb 2, 2011	
24-Mar-11	Received Presentations and discussed matter with five City employees who administer public records requests	
18-May-11	Review of ordinances, policies and proposals from other California jurisdictions pertaining to public records requests.	