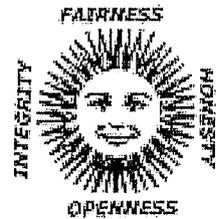


CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
One Frank Ogawa Plaza (City Hall)  
Commission Meeting  
Monday, December 3, 2012  
Sgt. Mark Dunakin, Hearing Room 1  
6:30 p.m.



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

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

### MEETING AGENDA

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

#### CONSENT ITEMS<sup>1</sup>

4. **Approval of Commission Draft Minutes.**
  - a. November 5, 2012, Meeting Minutes (Attachment 1)

#### INFORMATIONAL PRESENTATION

5. **Overview of Misuse of Public Funds Laws.** San Francisco Deputy City Attorney Andrew Shen will provide an overview of the laws regarding misuse of public funds and will discuss how the San Francisco Ethics Commission approaches these types of cases.

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#### ACTION ITEMS

6. **Complaint/Enforcement Program.** An updated list of pending cases is included. Commissioners may discuss the complaint process in general and may discuss any of the complaints listed in the attached spreadsheet. (Attachment 2)
  - a. **Dismissal of Complaints Not in Commission Jurisdiction.** Staff recommends dismissing the following cases on the grounds that each is outside of the Commission's jurisdiction (Attachment 3):
    - i. **Complaint No. 09-15** (Quan), alleging misuse of City resources via campaign and city website use.

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



- ii. **Complaint No. 12-08** (Parker), alleging respondent sent campaign donation solicitations to City employees at their City email addresses.
  
7. **In the Matter of Complaint No. 10-16, filed by Gwilym Martin on July 2, 2010.** Commission staff recommends dismissal of complaint number 10-16 on the grounds that the complainant has not responded to staff's attempts to obtain further information. (Attachment 4)
  
8. **In the Matter of Complaint No. 10-30, filed by Sanjiv Handa on December 7, 2010.** Commission staff recommends dismissal of complaint number 10-20, in which the complainant may have received the information he requested. (Attachment 5)
  
9. **Commission Staffing Plan.** Commission staff presents a draft assessment of staffing needs in preparation for budget requests for FY 2013-14. (Attachment 6)

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

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

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

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

A handwritten signature in black ink, appearing to read "William D. Brown".

11/21/12

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Approved for Distribution

Date

CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
One Frank Ogawa Plaza (City Hall)  
Commission Meeting  
Monday, November 5, 2012  
Sgt. Mark Dunakin, Hearing Room 1  
6:30 p.m.

DRAFT



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

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

### **REGULAR MEETING MINUTES**

#### **1. Roll Call and Determination of Quorum.**

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

Members present: Unger, Baker, Farnham, Johnson, and Rivera.

Staff present: Whitney Barazoto and Kathleen Salem-Boyd

#### **2. Staff and Commission Announcements.**

Executive Director Whitney Barazoto announced that staff posted the Commissioner position opening in January 2013 and is accepting applications. Ms. Barazoto added that the position announcement went out in a press release and was posted on the Commission's new Twitter and Facebook pages.

Ms. Barazoto mentioned that she plans to schedule informational hearings on two issues that the Commission should discuss: 1) the use of City funds for campaign purposes and 2) e-filing of campaign statements, both of which came up during the recent campaign season.

Ms. Barazoto mentioned that she will present the Commission's Staffing Plan at the December meeting in anticipation of budget requests in the coming fiscal year. She also plans to provide a thorough summary of the Limited Public Financing Program at the December meeting.

Commissioner Baker and Ms. Barazoto announced that Oakland has been chosen as a site for Code for America.

#### **3. Open Forum.**

The League of Women Voters of Oakland's President, Katherine Gavzy, announced that the League would host its annual luncheon on May 1, 2013 at Scott's Seafood Restaurant in Jack London Square with Code for America founder, Jennifer Pahlka, as the keynote speaker.



## CONSENT ITEMS<sup>1</sup>

### 4. Approval of Commission Draft Minutes.

The Commission approved 5-0 the September 4, 2012, meeting minutes.

## ACTION ITEMS

### 5. Complaint/Enforcement Program.

The Commission approved 5-0 to dismiss Complaints No. 12-09 (Parker) and 12-10 (Juarez).

### 6. Commissioner Recruitment Process.

Ms. Barazoto described the Commissioner recruitment process and announced that the deadline for Commissioner applications is November 16, 2012. Commissioners discussed a tentative timeline for the interview process. An ad-hoc subcommittee will conduct interviews during the second week in December, and 3 applicants will be selected to appear before the full Commission at the January meeting.

Commissioners Johnson, Baker and Unger volunteered to serve on the ad-hoc subcommittee to interview applicants. Commissioner Johnson said she would yield her position on the subcommittee to Commissioner Kimberley, who was absent, if he wanted to serve on the subcommittee. Commissioner Rivera moved, Commissioner Farnham seconded, and the Commission approved 5-0 the members of the subcommittee, subject to Commissioner Kimberley's interest.

### 7. Commission Complaint Procedures.

Commissioners Johnson, Farnham and Rivera volunteered to serve on the Subcommittee to review the Commission Complaint Procedures and discuss potential amendments. The Complaint Procedures Review Subcommittee will meet in a series of publicly noticed meetings during the first part of 2013. Commissioner Rivera moved, Commissioner Farnham seconded, and the Commission approved 5-0 the members of the Subcommittee.

There were two speakers, Eddie Tejada and Norm Budman.

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

CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
One Frank Ogawa Plaza (City Hall)  
Commission Meeting  
Monday, November 5, 2012  
Sgt. Mark Dunakin, Hearing Room 1  
6:30 p.m.

DRAFT



## DISCUSSION ITEMS

### 8. Limited Public Financing Program.

Ms. Barazoto announced that staff has submitted claims for seven candidates as part of the Limited Public Financing Program, and approximately \$60,000 will be distributed in total to candidates participating in the program.

The meeting adjourned at 7:27 p.m.



**Public Ethics Commission Pending Complaints**

Date Rec'd	Case#	Complainant	Respondents	Date of Alleged Violation	Alleged Violation	Status	Priority
11/1/12	12-13	Judith Cox and Pamela Drake	Ignacio De La Fuente	9/28/2012	Alleges respondent violated Oakland's Campaign Reform Act by accepting campaign contributions in violation of the \$700 contribution limit.	Staff is reviewing	H/M 3
11/1/12	12-12	Okhoo and Ernest Hanes	Mitch Thomson (City Arborist, Tree Section, Public Works Agency) and Camille Rodgers (Vegetation Management Inspector - Oakland Fire Department)	3/20/2009 - 3/29/2012	Alleges respondents abused their City authority and misused public funds.	Staff is reviewing	H/M 3
10/18/12	12-11	Scott Alonso	Ignacio De La Fuente	July 26, 2012	Alleges respondent used his Councilman elected position and City resources for a campaign press conference.	Staff is reviewing	H/S 2
09/12/12	12-08	Anonymous	Barbara Parker	August 4, 2012	Alleges respondent sent campaign donation solicitations to City employees at their City email addresses.	Pending dismissal	H/S 2
4/26/12	12-04	City Auditor/ Anonymous	City Council Member Ignacio De La Fuente		Alleges respondent failed to report \$37,500 in payments from a campaign group tied to a lobbyist for a group competing for the Coliseum mgmt contract (alleges failure to report payment and a COI issue)	Staff is reviewing	H/L 4

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

4/4/12	12-03	City Auditor/ Anonymous	Downtown Oakland Association and Lake Merritt/Uptown District Assoc.	Dec 2009 and annually thereafter	Alleges respondents failed to provide adequate public notice about discussions and decisions related to the payment of "holiday bonuses," adds that discussion of bonuses was never put on open session agenda	Staff is reviewing	M/M
8/23/11	11-03	City Auditor/ Anonymous	City Council Member Ignacio De La Fuente	June 2011	Complaint expresses concerns about the source of concert tickets allegedly in the possession of respondent	Staff is reviewing	H/L 4
4-4-11	11-01	PEC initiated	ABC Security and/or Ana Chretien; Marina Security and/or Sam Tadesse	Various; approx. betw 3/1/107/10 and 7/27/10	Complaint alleges two contractors made impermissible campaign contributions to candidates in the Nov 2010 election (OCRA; \$3, 12, 140)	Staff is investigating	H/L 4
12-7-10	10-30	Sanjiv Handa	Oakland Parking Division	Ongoing	Oakland Sunshine Ordinance -- Alleged failure to timely produce parking records	Pending dismissal	L/S 4
11-1-10	10-28	Ralph Kanz	Aia. Demo. Central Comm.; OakPAC	October 29, 2010	OCRA; \$3, 12, 230 – Alleges 1) failure to include written disclosure required by OCRA and 2) failure to file late contribution and independent expenditure reports	Staff is investigating	H/M 3
10-13-10	10-26	Ralph Kanz	Jean Quan Floyd Huen	June 30, 2010 and ongoing	OCRA; \$3, 12, 050; 3, 12, 090 – Alleges failure to report and include information regarding respondent's loans to own campaign	Staff is investigating	H/M 3
10-13-10	10-25	Ralph Kanz	Don Perata	June 30, 2010 and ongoing	OCRA; \$3, 12, 090(A)(D) – Alleges campaign was given extension of credit of over \$1500 for more than 90 days	Staff is investigating	H/M 3
9/14/10	10-21	Jean Quan	Don Perata, Paul Kinney, California Correctional Peace Officers Association; Ronald T. Dreisback; T. Gary Rogers; Ed Desilva; Richard Lee	Ongoing	OCRA violations – Alleges respondent campaign exceeded the voluntary expenditure limit during the November 2010 election	Staff is investigating	H/L 4

7/2/10	10-16	Gwillym Martin	Joseph Yew/ Finance	June 18, 2010	Sunshine Ordinance: production of records -- Alleges department failed to provide electronic copy of City's Oracle database	Pending dismissal	H/M 3
3/23/10	10-07	Sanjiv Handa	Victor Uno, Joseph Haraburda, Scott Peterson, Sharon Cornu, Barry Luboviski, Phil Tagami	January 1, 2007 to present	Lobbyist Registration Act -- Alleges respondents failed to register as lobbyists	Staff is investigating	H/L 4
3/3/10	10-05	David Mix	Oakland City Council	3/2/10	Oakland Sunshine Ordinance -- Alleges City Council Rules Committee failed to make an "urgency finding" to schedule a decision (per Section 2.20.080)	Staff was directed to explore settlement in lieu of hearing.	M/M 4
11/17/09	09-15	Anthony Moglia	Jean Quan	Ongoing	Alleges misuse of City resources by respondent by linking an officeholder website to the City website and then linking a campaign website to the officeholder site.	Pending dismissal	M/L 5
09/16/09	09-12	Marleen Sacks	Office of the City Attorney (Mark Morodomi)	ongoing	Sunshine Ordinance; Public Records Act -- Alleges failure to provide multiple public records upon request	Final hearing set for January 3, 2013 re: Records Management Policy	M/M 5
2/7/09	09-03	John Klein	City Council President Jane Brunner	February 3, 2009	Sunshine Ordinance -- Allocation of speaker time -- Alleges City Council 15-minute total time limit on Open Forum comments is inconsistent with the Sunshine Ordinance, which authorizes 2 minutes per person	Staff is investigating	M/M 4



**CITY OF OAKLAND**  
**Public Ethics Commission**

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



Whitney Barazoto, Executive Director

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TO: Public Ethics Commission  
FROM: Whitney Barazoto, Executive Director  
DATE: November 20, 2012  
RE: Dismissal of Complaints Outside of the Commission's Jurisdiction

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Complaint numbers 9-15 (Quan) and 12-08 (Parker) are recommended for dismissal based on the grounds that the issues are outside of the Commission's jurisdiction.

Complaint No. 9-15, filed by Anthony Moglia on November 17, 2009, alleged Jean Quan misused public funds for campaign purposes. It has remained open because the Commission directed staff in March 2011 to develop a policy regarding the use of city website links to campaign websites. This issue is part of the broader discussion of what is considered "misuse of public resources" and will be discussed during the informational session planned for the December 3, 2012, meeting. I recommend that the Commission engage in this broader discussion and determine how to move forward on the larger issue. Meanwhile, this complaint is outside of the Commission's jurisdiction and should be dismissed.

Complaint No. 12-08, filed by an anonymous complainant on September 12, 2012, alleged that Barbara Parker sent a campaign solicitation to city employees on the city email system. Again, the Commission has no jurisdiction over laws related to the misuse of public funds for campaign purposes or the laws related to soliciting political contributions from city employees. See also the attached letter from San Francisco Deputy City Attorney Andrew Shen, who provided an outside analysis for this complaint (**Exhibit A**). Staff recommends dismissal of complaint number 12-08 for lack of jurisdiction.

### **Recommendation**

Since these complaints do not fall within the Commission's jurisdiction, Staff recommends that the Commission dismiss each of the above complaints at the December 3, 2012, meeting.



## CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA  
City Attorney

## OFFICE OF THE CITY ATTORNEY

ANDREW SHEN  
Deputy City Attorney

DIRECT DIAL: (415) 554-4780  
E-MAIL: andrew.shen@sfgov.org

November 16, 2012

Whitney Barazoto  
Executive Director  
Oakland Public Ethics Commission  
One Frank Ogawa Plaza (City Hall), 11th Floor  
Oakland, CA 94612

Re: Complaint No. 12-08

Dear Whitney:

You have asked our office for advice on whether Complaint No. 12-08 (the "complaint"), anonymously filed against City Attorney Barbara Parker, alleges violations of law that are within the jurisdiction of the Oakland Public Ethics Commission (the "Commission"). This Office concludes that the allegations found in the complaint are not within the enforcement authority of the Commission, but your agency may hold hearings on the issues raised by the complaint and formulate legislative proposals to address those concerns.

The complaint alleges that on August 4, 2012, Ms. Parker's campaign sent an e-mail to a number of department heads seeking support and campaign contributions from the recipients. The complaint does not specify which provision of local law Ms. Parker allegedly violated. But it appears that the central claim of the complaint is that Ms. Parker violated local law by soliciting campaign contributions from fellow City officers and employees.

Oakland Municipal Code section 2.24.020 sets forth the functions and duties of the Commission, including:

- overseeing compliance with the city Campaign Reform Ordinance;
- overseeing compliance with the city Code of Ethics;
- overseeing compliance with conflict of interest regulations as they pertain to city elected officials, officers, employees, and members of boards and commissions; and
- reviewing all policies and programs which relate to elections and campaigns in Oakland, and report to the City Council regarding the impact of such policies and programs on city elections and campaigns.

In furtherance of these duties, the Commission may conduct investigations and hold public hearings. Oakland Mun. Code § 2.24.030.

The local laws for which the Oakland Public Ethics Commission has enforcement and oversight authority do not address the activity alleged to have occurred in the complaint. The Oakland Campaign Reform Act generally governs the activities of local candidates and campaigns, such as contribution limits and reporting requirements, but does not prohibit City employees from soliciting campaign contributions from other City employees. *See* Oakland Mun. Code ch. 3.12. The city's Code of Ethics governs the members of the Oakland City

Letter to Whitney Barazoto  
Page 2  
November 16, 2012

Council, not the Oakland City Attorney.<sup>1</sup> The city's Conflict of Interest Code details which city employees must file Statements of Economic Interests (also known as Form 700s) and under which disclosure category they must disclose their financial interests. *See id.* ch. 3.16. None of these laws address whether a City employee or officer may solicit campaign contributions from other City employees or officers.

Patrick Caceres, the prior acting Executive Director, provided a copy of the City of Oakland's Citywide Code of Conduct for Non-Sworn Employees, issued by the City Administrator, for our review. That Citywide Code of Conduct, through its incorporation of Administrative Instruction 590, does prohibit City employees and officers from, directly or indirectly, soliciting campaign contributions from other City employees or officers. But as you have confirmed, the City Administrator's Code of Conduct and related Administrative Instructions do not apply to elected officials such as the City Attorney. Additionally, this Code of Conduct is not subject to the Commission's enforcement or oversight.

Notably, state law does prohibit the type of activity in which Ms. Parker allegedly engaged. California Government Code section 3205(a) provides:

An officer or employee of a local agency shall not, directly or indirectly, solicit a political contribution from an officer or employee of that agency, or from a person on an employment list of that agency, with knowledge that the person from whom the contribution is solicited is an officer or employee of that agency.

But the Government Code does not provide the Commission with any enforcement responsibilities regarding section 3205(a). Section 3205(d) specifies that the district attorney may prosecute a violation of this rule as a misdemeanor.

Nonetheless, even though the Commission does not have authority to oversee compliance with Government Code section 3205(a), the Commission may hold a hearing on the policy issues raised by the complaint under its general authority to review all policies and programs which relate to elections and campaigns in Oakland. *See Oakland Mun. Code* §§ 2.24.020(F), 2.24.030(A). During or subsequent to such a hearing, the Commission may also propose legislative recommendations to the City Council to address these issues. *See id.* § 2.24.020(G).

Please feel free to contact me with any further questions.

Very truly yours,

DENNIS J. HERRERA  
City Attorney

  
Andrew Shen  
Deputy City Attorney

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<sup>1</sup> A copy of the Code of Ethics is available at:  
[http://www.oaklandnet.com/government/public\\_ethics/code.html](http://www.oaklandnet.com/government/public_ethics/code.html).

**CITY OF OAKLAND**  
**Public Ethics Commission**

Richard Unger, Chair  
Lloyd Farnham, Vice-Chair  
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Roberta Ann Johnson  
Benjamin Kimberley  
Monique Rivera



Whitney Barazoto, Executive Director

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TO: Public Ethics Commission  
FROM: Whitney Barazoto, Executive Director  
DATE: November 20, 2012  
RE: Dismissal of Complaint No. 10-16 (Finance Agency)

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Complaint number 10-16, filed by Gwilym Martin on July 2, 2012, alleges that the Finance and Management Agency failed to produce an electronic copy of budget information from the Agency's Oracle database.

The specific information requested was not clear on the complaint document, so Commission staff attempted to contact Mr. Martin by phone and email to clarify what the requested materials included and to determine whether his request might have been filled. Staff also sent a letter by mail to Mr. Martin. Staff received no response.

**Recommendation**

Commission staff attempted to follow up on complaint number 10-16, but because the complainant has not responded to staff requests for further information, staff recommends that the Commission dismiss complaint number 10-16 at the December 3, 2012, meeting.



**CITY OF OAKLAND**  
**Public Ethics Commission**

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Monique Rivera



Whitney Barazoto, Executive Director

---

TO: Public Ethics Commission  
FROM: Whitney Barazoto, Executive Director  
DATE: November 20, 2012  
RE: Dismissal of Complaint No. 10-30 (Parking Division)

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Complaint number 10-30, filed by Sanjiv Handa on December 7, 2010, alleges that the Parking Division in the Finance and Management Agency failed to produce records requested by Mr. Handa on August 14, 2009.

Commission staff recently contacted the Parking Division and spoke with the current director, Ira Christian, who said that they do not have any record to show whether the requested documents were provided to Mr. Handa. However, Arlette Flores-Medina, Public Records Coordinator in the City Attorney's office, said that she had worked with Mr. Handa on many records requests and that she provided Mr. Handa with an electronic copy via CD of multiple Parking Division records around mid-2011. Ms. Flores-Medina does not know whether the CD contained the specific records in Mr. Handa's complaint, but she added that he never mentioned to her that he still had outstanding Parking Division requests and that she believes he would have brought it up if he had not yet received the documents. Thus, it appears that Mr. Handa's request was fulfilled in 2011. Mr. Handa now is deceased and cannot be contacted to confirm receipt of the requested records.

### **Recommendation**

Because complaint number 10-30 may have been resolved, and because Commission staff cannot verify otherwise with the complainant, who is now deceased, staff recommends that the Commission dismiss complaint number 10-30 at the December 3, 2012, meeting.



**CITY OF OAKLAND**  
**Public Ethics Commission**

Richard Unger, Chair  
 Lloyd Farnham, Vice-Chair  
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 Roberta Ann Johnson  
 Benjamin Kimberley  
 Monique Rivera



Whitney Barazoto, Executive Director

---

TO: Public Ethics Commission  
 FROM: Whitney Barazoto, Executive Director  
 DATE: November 21, 2012  
 RE: Commission Staffing Assessment

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In anticipation of upcoming budget planning for the 2013-14 fiscal year, staff is conducting an assessment of staffing needs to fulfill the Commission's mandated duties.

Attached is a draft spreadsheet that aims to provide an overview of the range of responsibilities required by the Oakland City Charter and the Oakland Municipal Code (**Exhibit A**). In addition, the spreadsheet lists the staff work that is necessary to fulfill each duty. Each item is highlighted to show whether it is possible to complete within current staff resources. Tasks marked in red cannot be done within existing resources; green indicates what can be done with existing staff; and yellow shows the areas where some tasks are able to be completed or are being completed at a less-than-effective level.

Based on this assessment, the following full-time positions are needed to ensure the Commission has the resources needed to effectively implement the City Charter and Municipal Code requirements:

1. Administrative Assistant/Administrative Analyst
2. Program Analyst
3. Attorney
4. Investigator

Attached is a draft organizational chart that assigns the duties from the spreadsheet to each of these positions in order to see how the responsibilities would be distributed among them.  
**(Exhibit B)**

**Recommendation**

Staff requests input regarding the attached spreadsheet and proposed organizational chart, which may be used as a basis for requesting new positions for FY 2013-14.



## Public Ethics Commission Responsibilities

Oakland City Charter created the Public Ethics Commission in 1996 to “be responsible for responding to issues with regard to compliance by the City of Oakland, its elected officials, officers, employees, boards and commissions with regard to compliance with City regulations and policies intended to assure fairness, openness, honesty and integrity in City government including, Oakland’s Campaign Finance Reform Ordinance, conflict of interest code, code of ethics and any ordinance intended to supplement the Brown Act, and to make recommendations to the City Council on matter relating thereto, and it shall set City Councilmember compensation...” (Oakland City Charter Sec. 202)

The Oakland Municipal Code of Ordinances outlines the functions and duties of the Commission, for and on behalf of the City, its elected officials, officers, employees, boards and commissions. (OMC Chapter 2.24) These functions are enumerated in the left-hand column below:

### Commission Duties Mandated by Ordinance

Item	Commission Duty	Staff Work Required	Comments About Capacity
A.	Oversee Compliance with the Oakland Campaign Reform Act.	<ul style="list-style-type: none"> <li>▪ Casework: receive complaints, investigate potential violations, conduct hearings, issue subpoenas, conduct interviews, prepare factual and legal analysis, and make recommendations to the Commission for case closure</li> <li>▪ Conduct trainings</li> <li>▪ Provide oral advice and written opinions to candidates</li> <li>▪ Respond to questions from the public</li> <li>▪ Conduct hearings</li> <li>▪ Audit campaign forms for prohibited or restricted activities</li> <li>▪ Recommend legislative amendments</li> </ul>	
B.	Oversee compliance with the city Code of Ethics.	<ul style="list-style-type: none"> <li>▪ Respond to staff inquiries regarding potentially inappropriate behavior</li> <li>▪ Casework: receive complaints, investigate potential violations, conduct hearings, issue subpoenas, conduct</li> </ul>	

Green = PEC staff is able to complete this task within existing resources  
Yellow = PEC staff is able to do part of this task within existing resources  
Red = PEC staff is unable to complete any of this task within existing resources

		<p>interviews, prepare factual and legal analysis, and make recommendations to the Commission for case closure</p> <ul style="list-style-type: none"> <li>▪ Provide oral advice and written opinions to Councilmembers and staff</li> <li>▪ Conduct trainings</li> </ul>	
<p><b>C.</b></p>	<p><b>Oversee compliance with conflict of interest regulations as they pertain to city elected officials, officers, employees, and members of boards and commissions.</b></p>	<ul style="list-style-type: none"> <li>▪ Casework: receive complaints, investigate potential violations, conduct hearings, issue subpoenas, conduct interviews, prepare factual and legal analysis, and make recommendations to the Commission for case closure</li> <li>▪ Provide oral advice and written opinions to city staff, public officials, and board and commission members</li> <li>▪ Research and stay abreast of changes in state conflict of interest laws</li> <li>▪ Create, maintain, and distribute an information booklet for all new board/commission members (Handbook)</li> <li>▪ Assist with preparing the City’s conflict of interest code</li> <li>▪ Help in maintaining a master list of Form 700 filers</li> <li>▪ Assist in ensuring that all required filers receive and submit their Form 700s</li> <li>▪ Track public officials’ compliance with AB 1234</li> <li>▪ Conduct trainings</li> </ul>	
<p><b>D.</b></p>	<p><b>Oversee the registration of lobbyists in the city</b></p>	<ul style="list-style-type: none"> <li>▪ Create and maintain a database of registered lobbyists</li> <li>▪ Educate lobbyists regarding their obligation to register and report their activities</li> <li>▪ Collect, track, and maintain lobbyist reports</li> <li>▪ Post lobbyist registration information and quarterly reports online</li> <li>▪ Audit lobbyist registration filings and activities</li> <li>▪ Casework: receive complaints, investigate potential violations, conduct hearings, issue subpoenas, conduct interviews, prepare factual and legal analysis, and make</li> </ul>	

Green = PEC staff is able to complete this task within existing resources  
 Yellow = PEC staff is able to do part of this task within existing resources  
 Red = PEC staff is unable to complete any of this task within existing resources

		<ul style="list-style-type: none"> <li>recommendations to the Commission for case closure</li> <li>Respond to inquiries about lobbyist filings from the public and the press</li> </ul>	
E.	Oversee compliance with [the Oakland Sunshine Ordinance].	<ul style="list-style-type: none"> <li>Assist City staff in complying with the law</li> <li>Help develop policies, protocol, and process to ensure accessibility of public records and meetings</li> <li>Conduct trainings</li> <li>Create and distribute written materials to help staff comply with the law</li> <li>Casework: receive complaints, investigate potential violations, conduct hearings, issue subpoenas, conduct interviews, prepare factual and legal analysis, and make recommendations to the Commission for case closure</li> </ul>	
F.	Review all policies and programs which relate to elections and campaigns in Oakland, and report to the City Council regarding the impact of such policies and programs on City elections and campaigns.	<ul style="list-style-type: none"> <li>Evaluate existing laws, policies and programs to determine effectiveness</li> <li>Collect and compile information</li> <li>Prepare a report for City Council</li> </ul>	
G.	Make recommendations to the City Council regarding amendments to the City Code of Ethics, Campaign Reform Act, Conflict of Interest Code, [the Sunshine Ordinance], and lobbyist registration requirements, and submit a formal report to the City Council every two years.	<ul style="list-style-type: none"> <li>Analyze current laws, policies, and programs</li> <li>Research best practices in other jurisdictions</li> <li>Prepare information for City Council</li> <li>Draft recommendations for improvements to the law, policy, or program</li> <li>Write legislation to implement the Commission's recommendations</li> <li>Attend City Council meetings as necessary</li> </ul>	
H.	Set compensation for the office of City Councilmember and adjust	<ul style="list-style-type: none"> <li>Research the cost-of-living index for the San Francisco Bay Area</li> </ul>	

Green = PEC staff is able to complete this task within existing resources  
Yellow = PEC staff is able to do part of this task within existing resources  
Red = PEC staff is unable to complete any of this task within existing resources

	every odd-numbered year.	<ul style="list-style-type: none"> <li>▪ Research current city councilmember salary information</li> <li>▪ Prepare memoranda, staff analysis, and Commission resolution to make the salary adjustment</li> </ul>	
I.	Provide the City Council with an assessment of the Commission’s staffing and budgetary needs.	<ul style="list-style-type: none"> <li>▪ Determine staffing needs based on mandated duties</li> <li>▪ Prepare staffing plan</li> <li>▪ Draft requests for positions and funding</li> </ul>	
J.	Make recommendations to the City Council regarding the imposition of fees to administer and enforce local ordinances and local regulations related to campaign financing, conflict of interest, registration of lobbyists, supplementation of the Brown Act and Public Records Act and public ethics.	<ul style="list-style-type: none"> <li>▪ Research potential fee structures in other jurisdictions</li> <li>▪ Prepare a report and draft recommendations</li> <li>▪ Write legislation</li> </ul>	
K.	Make recommendations to the City Council regarding the adoption of additional penalty provisions for violation of local ordinances and local regulations related to campaign financing, conflict of interest, registration of lobbyists, and public ethics.	<ul style="list-style-type: none"> <li>▪ Research potential penalties that could be added</li> <li>▪ Prepare a report and draft recommendations</li> <li>▪ Write legislation</li> </ul>	
L.	Issue oral advice and formal written opinions with respect to a person’s duties pursuant to applicable campaign financing, conflict of interest, lobbying, and public ethics laws.	<ul style="list-style-type: none"> <li>▪ Gather factual information from person seeking advice</li> <li>▪ Research the law</li> <li>▪ Formulate a verbal response, track verbal advice given</li> <li>▪ Draft written legal opinion, maintain searchable database of written opinions</li> <li>▪ Stay current on changes in state law</li> </ul>	
M.	Prescribe forms for reports,	<ul style="list-style-type: none"> <li>▪ Create and update forms and materials for all programs</li> </ul>	

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	<p>statements, notices, and other documents related to campaign financing, conflict of interest, lobbying, and public ethics.</p>		
<p>N.</p>	<p><b>Develop campaign financing, conflict of interest, lobbying, Brown Act, Public Records Act and public ethics informational and training programs.</b></p>	<p>Law says this includes:</p> <ol style="list-style-type: none"> <li>1. Seminars for newly elected and appointed officers and employees, candidates and treasurers, lobbyists, and government officials, with City, state and federal laws related to campaign financing, conflicts of interest, the Public Records Act, the Brown Act, lobbying, and public ethics.</li> <li>2. Preparation and distribution of manuals to include summaries of ethics laws and reporting requirements applicable to city officers, members of boards and commissions, and city employees, methods of bookkeeping and records retention, instructions for completing required forms, questions and answers regarding sources of assistance in resolving questions. Update as necessary when city, state and federal laws change.</li> </ol> <p><u>These duties require the following staff work:</u></p> <ul style="list-style-type: none"> <li>▪ Conduct individual, group, department, and board and commission member trainings</li> <li>▪ Draft manuals, training videos, and PowerPoint presentations</li> <li>▪ Research changes in city, state, and federal laws to ensure trainings and materials are current</li> </ul>	<p><b>Trainings</b></p> <ul style="list-style-type: none"> <li>▪ New Councilmember ethics overview training</li> <li>▪ Limited Public Financing Program training</li> <li>▪ New Board/Commission member training</li> <li>▪ Candidate/Treasurer training</li> <li>▪ COI training for Form 700 filers</li> <li>▪ Lobbyist training</li> <li>▪ PRA training for city employees</li> <li>▪ Brown Act training for board/commission staff</li> </ul> <p><b>Manuals</b></p> <ul style="list-style-type: none"> <li>▪ OCRA Manual (2008)</li> <li>▪ Lobbyist Reg Manual (2007)</li> <li>▪ Board/Commission Member Handbook (2007)</li> <li>▪ Limited Public Financing Program Manual (2010)</li> <li>▪ Ethics Resources Guide (?)</li> <li>▪ Campaign-Related Information for Candidates</li> <li>▪ Q and A for common questions</li> </ul>

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**Additional Duties**

Item	Commission Duty	Staff Work Required	Comments About Capacity
	<p><b>PEC Administration</b></p>	<ul style="list-style-type: none"> <li>▪ Commission – communicate with Commissioners, facilitate new member recruitment and selection, participate in applicant interviews, prepare orientation materials, maintain commissioner information, keep commissioners informed and updated on city and PEC-related news and information.</li> <li>▪ Meetings – establish meeting schedule, reserve hearing rooms, coordinate video-recording with KTOP, prepare agenda and related materials, write meeting minutes, maintain/update agenda subscriber list, post meeting agendas (email, mail, submit to clerk, and post on the Commission’s website).</li> <li>▪ Assist City officials and staff in drafting policies related to government integrity</li> <li>▪ Prepare annual report</li> <li>▪ Suggest and facilitate amendments to Commission by-laws</li> <li>▪ Respond to public and press inquiries</li> <li>▪ Create and maintain Commission website, organize information, scan documents and upload them to web, ensure website materials are current</li> <li>▪ Establish intranet page for the Commission to provide ethics and open government information to city employees</li> <li>▪ Attend meetings on behalf of the Commission</li> <li>▪ Hire and manage PEC staff</li> <li>▪ Facilitate intern assistance</li> <li>▪ Represent the Commission before city and other entities</li> </ul>	

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	<p><b>Limited Public Financing Act (adopted in 1999)</b>          (allows PEC to retain up to 7.5% of the LPF program funds to cover the costs of administering the program)</p>	<ul style="list-style-type: none"> <li>▪ Administer the public financing program</li> <li>▪ Reach out to candidates and provide information</li> <li>▪ Conduct trainings</li> <li>▪ Respond to questions from the public</li> <li>▪ Create and update forms and LPF program manual</li> <li>▪ Collect signed forms and requests for reimbursement</li> <li>▪ Track information for each candidate</li> <li>▪ Verify candidate eligibility and qualifying contributions and expenditures</li> <li>▪ Confirm requirements are met by candidate</li> <li>▪ Process payments through the city’s accounting department</li> <li>▪ Maintain accounting of reimbursement requests and payments</li> <li>▪ Facilitate reimbursements for candidates</li> <li>▪ Review campaign forms</li> <li>▪ Assist auditor in auditing candidates who received public financing</li> <li>▪ Evaluate program effectiveness</li> <li>▪ Recommend legislative amendments</li> </ul>	
	<p><b>False Endorsement in Campaign Literature Act (adopted in 2003)</b></p>	<ul style="list-style-type: none"> <li>▪ Casework: receive complaints, investigate potential violations, conduct hearings, issue subpoenas, conduct interviews, prepare factual and legal analysis, and make recommendations to the Commission regarding whether to request the District Attorney to prosecute an alleged misdemeanor violation</li> </ul>	
	<p><b>Enforcement/Complaint Process</b></p>	<ul style="list-style-type: none"> <li>▪ Enforcement/complaint administration – maintain/update complaint database and status report, follow complaint procedures and timelines, communicate with complainants and respondents, create and maintain case files, and draft and send correspondence.</li> <li>▪ Review complaint procedures, facilitate subcommittee</li> </ul>	<p>The Commission currently has 19 open cases (as of 11/20/12), 15 of which predated current staff. Current staff cannot keep up with incoming cases while also reviewing old cases.</p>

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		meetings to amend procedures, draft amendments, solicit input, and submit legislative amendments to City Council	
		▪ Complete casework and close cases in a timely manner	

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## Public Ethics Commission Organizational Chart - Proposed

