



**In-Person Meetings:** Effective March 1, 2023, all City of Oakland boards and commissions will conduct in-person meetings. Please check [www.oaklandca.gov](http://www.oaklandca.gov) for the latest news and important information about the City's [return to in-person meetings](#).

**Public Comment:** A member of the public may speak on any item appearing on the agenda. All speakers will be allotted a maximum of three minutes unless the Chair allocates additional time.

Members of the public may also submit written comments in advance of the meeting to [EthicsPublicComment@oaklandca.gov](mailto:EthicsPublicComment@oaklandca.gov). Please indicate the agenda item # you are commenting on in the subject line of the email.

Commissioners: Ryan Micik (Chair), Francis Upton IV (Vice-Chair), Tanya Bayeva, Alea Gage, Vincent Steele, and Karun Tilak.

Commission Staff to attend: Nicolas Heidorn, Executive Director; Suzanne Doran, Program Manager; and Alex Van Buskirk, Ethics Analyst.

Legal Counsel: Christina Cameron, Partner, Devaney Pate Morris & Cameron, LLP

## **PUBLIC ETHICS COMMISSION REGULAR MEETING AGENDA**

### **PRELIMINARY ITEMS**

- 1. Roll Call and Determination of Quorum.**
- 2. Staff and Commission Announcements.**
- 3. Open Forum.**
  - Please state your name each time you make public comment if you wish it to be included in the meeting minutes.
  - The Commission urges members of the public not to make complaints or ask the Commission to investigate alleged legal violations at public meetings since public disclosure of such complaints or requests may undermine any subsequent investigation undertaken. Contact staff at [ethicscommission@oaklandca.gov](mailto:ethicscommission@oaklandca.gov) for assistance filing a complaint.

### **ACTION ITEM**

- 4. Approval of Commission Meeting Draft Minutes.**
  - a. October 9, 2024, Special Meeting Minutes. ([Meeting Minutes](#))



- b. October 9, 2024, Regular Meeting Minutes. ([Meeting Minutes](#))

### **INFORMATION ITEMS**

5. **2024 Limited Public Financing (LPF) Program Summary.** Commission staff provides a summary of participation in the LPF Program by candidates for City Council District office in the 2024 election cycle. ([Staff Memo](#))
6. **Disclosure and Engagement.** Commission staff provides a summary of compliance with disclosure requirements, education and advice, general outreach, and data illumination activities since the last regular Commission meeting. ([Disclosure Report](#))
7. **Enforcement Program.** Commission staff provides a summary of the Commission's enforcement process, caseload, enforcement-related litigation, and case closures or dismissals. ([Enforcement Report](#))
8. **Executive Director's Report.** Executive Director Nicolas Heidorn reports on overall priorities and PEC activities, such as budget, staffing, and PEC legislative and policy initiatives not covered in other staff reports. ([Executive Director's Report; Matrix](#))

### **ACTION ITEM**

9. **PEC Regular Meeting Schedule for 2025.** The Commission will consider and adopt its regular meeting schedule for 2025. ([Staff Memo](#))

### **DISCUSSION ITEMS**

10. **Filling the Vacant Commission Seat Appointed by the Mayor.** Presently, the Commission has one commissioner vacancy, which is for a seat appointed by the Mayor. The Commission will discuss whether the Commission should begin the process to appoint someone to that vacancy and, if so, the timing for taking this action.

Under recently-enacted Measure OO (2024):

“Vacancies not filled by the Mayor ... within 120 days of the occurrence of such vacancy may be filled by the Commission following a public recruitment and application process and by the affirmative vote of at least four (4) members of the Commission. The Commission's appointee shall possess the same background qualifications that would otherwise be required of an appointee of the Mayor...”



Charter Sec. 603(d)(5). Because the mayoral seat has been vacant for nearly two years, this new Charter provision permits the Commission to conduct a recruitment and immediately appoint an applicant to the vacant seat. The term for this vacant seat goes from January 22, 2023, to January 21, 2026.

11. **Streamlining PEC Commissioner Appointment Process.** The Commission is responsible for appointing 4 Commissioners to the Commission and, in some cases, vacancies in Commission seats appointed by citywide elected officials. Commissioners will discuss ways that the Commission could streamline its process for filling vacancies to the PEC, including potentially having pre-vetted applicants who could be appointed by the Commission to any vacancy that later occurs.

Commission appointments are described in Charter Section 603(d)(1)(ii) (formerly Section 603(d)(2)), which provides that:

**“Commission Appointments.** The four members of the Commission who are not appointed by the Mayor, City Attorney or City Auditor shall be appointed, following a public recruitment and application process, by the affirmative vote of at least four (4) members of the Commission. Any member so appointed shall reflect the interests of the greater Oakland neighborhood, nonprofit and business communities.”

12. **Reports on Subcommittees and Commissioner Assignments.** Commissioners may discuss subcommittee assignments, create a new subcommittee, or report on work done in subcommittees since the Commission’s last regular meeting. Commissioners may also discuss assignments, efforts, and initiatives they undertake to support the Commission’s work.

**a. Commissioner Recruitment and Selection of Finalists for Interviews Subcommittee.** (ad hoc, created July 10, 2024) – Ryan Micik (Chair), Alea Gage, and Karun Tilak. ([Purpose Statement](#); [9/5/24 Minutes](#); [9/10/24 Minutes](#); [9/17/24 Minutes](#); [9/18/24 Minutes](#); [Chair’s Termination Statement](#))

**b. Charter Review Subcommittee** (ad hoc, created December 13, 2023) - Ryan Micik (Chair) and Karun Tilak.

## **INFORMATION ITEM**

13. **Future Meeting Business.** Commissioners and staff may propose topics for action or discussion at future Commission meetings.

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

CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
One Frank Ogawa Plaza (City Hall)  
Regular Commission Meeting  
Hearing Room 1  
Wednesday, December 11, 2024  
6:30 p.m.



The following options for public viewing are available:

- **Television:** KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99, locate City of Oakland KTOP – Channel 10
- **Livestream online:** Go to the City of Oakland’s KTOP livestream page here: <https://www.oaklandca.gov/services/ktop-tv10-program-schedule> click on “View”
- **Online video teleconference (via ZOOM):** Click on the link to join the webinar: <https://uso2web.zoom.us/j/89169308829>. Please note: the Zoom link and access number are to view/listen to the meetings only. Public comment via Zoom is not supported at this time.
- **Telephone:** Dial (for higher quality, dial a number based on your current location): US: +1 669 900 6833 or +1 669 444 9171 or +1 719 359 4580 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 931 3860 or +1 689 278 1000 or +1 929 205 6099 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 Webinar ID: 891 6930 8829
- **International numbers available:** <https://uso2web.zoom.us/j/89169308829>

Should you have questions or concerns regarding this agenda, or wish to review any agenda-related materials, please contact the Public Ethics Commission at [ethicscommission@oaklandca.gov](mailto:ethicscommission@oaklandca.gov) or visit our webpage at [www.oaklandca.gov/pec](http://www.oaklandca.gov/pec).

*Nicolas Heidorn*

11/27/24

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Approved for Distribution

Date

CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
One Frank Ogawa Plaza (City Hall)  
Regular Commission Meeting  
Hearing Room 1  
Wednesday, December 11, 2024  
6:30 p.m.



This meeting location is wheelchair accessible. Do you need an ASL, Cantonese, Mandarin or Spanish interpreter or other assistance to participate? Please email [ethicscommission@oaklandca.gov](mailto:ethicscommission@oaklandca.gov) or call (510) 238-3593 Or 711 (for Relay Service) five business days in advance.

¿Necesita un intérprete en español, cantonés o mandarín, u otra ayuda para participar? Por favor envíe un correo electrónico a [ethicscommission@oaklandca.gov](mailto:ethicscommission@oaklandca.gov) o llame al (510) 238-3593 al 711 para servicio de retransmisión (Relay service) por lo menos cinco días antes de la reunión. Gracias.

你需要手語, 西班牙語, 粵語或國語翻譯服務嗎? 請在會議五天前電

郵 [ethicscommission@oaklandca.gov](mailto:ethicscommission@oaklandca.gov) or 或致電 (510) 238-3593 或711 (電話傳達服務)。

Quý vị cần một thông dịch viên Ngôn ngữ Ký hiệu Mỹ (American Sign Language, ASL), tiếng Quảng Đông, tiếng Quan Thoại hay tiếng Tây Ban Nha hoặc bất kỳ sự hỗ trợ nào khác để tham gia hay không? Xin vui lòng gửi email đến địa chỉ [ethicscommission@oaklandca.gov](mailto:ethicscommission@oaklandca.gov) or hoặc gọi đến số (510) 238-3593 hoặc 711 (với Dịch vụ Tiếp âm) trước đó năm ngày.



## **DRAFT**

Commissioners: Ryan Micik (Chair), Francis Upton IV (Vice-Chair), Alea Gage, Vincent Steele, and Karun Tilak.

Commission Staff to attend: Simon Russell, Enforcement Chief

Legal Counsel: Christina Cameron, Partner, Devaney Pate Morris & Cameron, LLP

### **PUBLIC ETHICS COMMISSION SPECIAL MEETING AGENDA**

#### **PRELIMINARY ITEMS**

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

The meeting was called to order at 5:32 p.m.

Members present: Chair Micik, Vice Chair Upton IV, Tilak, and Gage.

Members absent: Steele.

Staff present: Simon Russell.

Legal Counsel: Christina Cameron.

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

There were no announcements.

Public Comment: None.

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

Public Comment: Ralph Kanz.

A full recording of public comments is available in the meeting video. Video recordings are posted on the meeting webpage, which may be found at [www.oaklandca.gov/pec](http://www.oaklandca.gov/pec). Written public comments are posted on the meeting webpage, which may be found at [www.oaklandca.gov/pec](http://www.oaklandca.gov/pec).

#### **ACTION ITEMS**

- 4. Proposed Settlement Agreements: In the Matter of Oaklanders For Responsible**  
**12-11-2024 PEC Regular Meeting Packet - 6**



**DRAFT**

**Leadership, et al. (PEC # 22-09.01), In the Matter of Committee For An Affordable East Bay, et al. (PEC # 20-41.01), In Matter of Oakland Fund For Measure AA, et al. (PEC # 19-01.01).**

Chief Simon Russell announced that Executive Director Nicolas Heidorn had recused himself on these cases because he was friends with one of the respondents, former Mayor Libby Schaaf, and had volunteered for and contributed to her campaign.

Chief Russell presented on, and the Commission considered, the proposed settlement agreements in Enforcement cases ## 22-09.01, 20-41.01 and 19-01.01.

Eli Love, representing OAKPAC, spoke regarding the settlement agreements.

Public Comment: Ralph Kanz.

Written public comment from Marleen L. Sacks, Lance Montauk, and Ralph Kanz was received prior to the meeting. Written public comments are posted on the meeting webpage, which may be found at [www.oaklandca.gov/pec](http://www.oaklandca.gov/pec).

Upton moved, seconded by Micik, to approve the settlement agreements.

Ayes: Upton, Tilak, Micik.

Noes: Gage.

Vote: 3-1

Motion failed.

Upton moved, seconded by Tilak, to approve the settlement agreements.

Public Comment: Gene Hazzard, Ralph Kanz.

Ayes: Upton, Gage, Tilak, Micik.

Noes: None.

CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
One Frank Ogawa Plaza (City Hall)  
Special Commission Meeting  
Hearing Room 1  
Wednesday, October 9, 2024  
5:30 p.m.

## Item 4A - 10/09/2024 Draft Special Meeting Minutes



### DRAFT

Vote: 4-0

Motion passed.

The meeting adjourned at 6:48 p.m.





## **DRAFT**

Commissioners: Ryan Micik (Chair), Francis Upton IV (Vice-Chair), Alea Gage, Vincent Steele, and Karun Tilak.

Commission Staff to attend: Nicolas Heidorn, Executive Director; Suzanne Doran, Program Manager; Simon Russell, Enforcement Chief; and Alex Van Buskirk, Ethics Analyst.

Legal Counsel: Christina Cameron, Partner, Devaney Pate Morris & Cameron, LLP

### **PUBLIC ETHICS COMMISSION REGULAR MEETING MINUTES**

#### **PRELIMINARY ITEMS**

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

The meeting was called to order at 6:56 p.m.

Members present: Chair Micik, Vice Chair Upton IV, Tilak, and Gage.

Members absent: Steele.

Staff present: Nicolas Heidorn; Simon Russell; Suzanne Doran; Alex Van Buskirk; Rabab Zaidi;

Legal Counsel: Christina Cameron.

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

There were no announcements.

Public Comment: None.

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

Public Comment: Gary Winuk, Gene Hazzard, Ralph Kanz.

Written public comment from Marleen L. Sacks and Lance Montauk was received prior to the meeting.

A full recording of public comments is available in the meeting video. Video recordings are posted on the meeting webpage, which may be found at [www.oaklandca.gov/pec](http://www.oaklandca.gov/pec). Written public comments are posted on the meeting webpage, which may be found at [www.oaklandca.gov/pec](http://www.oaklandca.gov/pec).



**DRAFT**

**ACTION ITEM**

**4. Approval of Commission Meeting Draft Minutes.**

**a. September 16, 2024, Special Meeting Minutes**

Public Comment: Ralph Kanz.

Written public comment from Ralph Kanz was received prior to the meeting.

Tilak moved, seconded by Gage, to approve the September 16, 2024 Public Ethics Commission Special Meeting Minutes.

Ayes: Upton IV, Gage, Tilak, Micik.

Noes: None.

Vote: 4-0

Motion passed.

**INFORMATION ITEM**

**5. Planning And Building Department Records Presentation.**

Assistant Director Albert Merid, Assistant Director of the Oakland Planning and Building Department, as well as Jonathan Arnold, Administrative Analyst II, presented on, and Commissioners discussed, the Department's process, successes, and challenges in responding to public records requests.

Public Comment: Gene Hazzard, Ralph Kanz.

Executive Director Heidorn provided brief comments regarding the Commission's public record request processes.

**ACTION ITEMS**

**6. Selection of a New PEC Commissioner.**



**DRAFT**

The Commission considered two applications from Tanya Bayeva and Daniel Adler to serve as a PEC-appointed member of the Commission for a partial term lasting from the date of appointment through January 21, 2025, and the subsequent, full three-year term for the same seat, beginning January 22, 2025. Applicants Bayeva and Adler spoke to their qualifications and interests in serving on the Commission and answered Commissioners' questions.

Public Comment: Gene Hazzard.

Vice Chair Upton moved, seconded by Tilak, to appoint Tanya Bayeva to the partial term lasting through January 21, 2025.

Ayes: Upton, Gage, Tilak, Micik.

Noes: None.

Vote: 4-0

Motion passed.

Vice Chair Upton moved, seconded by Tilak, to appoint Tanya Bayeva to the full-term beginning January 22, 2025.

Ayes: Upton, Gage, Tilak, Micik.

Noes: None.

Vote: 4-0

Motion passed.

Commissioners provided feedback and comments to Daniel Adler regarding his candidacy.

**INFORMATION ITEMS**



## **DRAFT**

### **7. Democracy Dollars Implementation.**

Program Director Suzanne Doran provided a summary of, and Commissioners discussed, options staff is evaluating for a scaled-down pilot in the event funds are not allocated for a full program launch in 2026.

Public Comment: Gene Hazzard, Ralph Kanz.

### **8. Disclosure and Engagement.**

Compliance and Disclosure Lead Analyst Alex Van Buskirk provided a summary of, and Commissioners discussed, compliance with disclosure requirements, education and advice, general outreach, and data illumination activities since the last regular Commission meeting.

Public Comment: None.

### **9. Enforcement Program.**

Enforcement Chief Simon Russell provided a summary of, and Commissioners discussed, the Commission's enforcement process, caseload, enforcement-related litigation, and case closures or dismissals.

Public Comment: Gene Hazzard, Ralph Kanz.

### **10. Executive Director's Report.**

Executive Director Nicolas Heidorn reported on, and Commissioners discussed, overall priorities and PEC activities, such as budget, staffing, and PEC legislative and policy initiatives not covered in other staff reports.

Public Comment: Ralph Kanz, Gene Hazzard.

## **DISCUSSION ITEMS**

### **11. Reports on Subcommittees and Commissioner Assignments.**



## **DRAFT**

### **a. Commissioner Recruitment and Selection of Finalists for Interviews Subcommittee.**

Chair Micik noted the Subcommittee's work was documented in Item 6 while selecting a new PEC Commissioner.

### **b. Charter Review Subcommittee.**

Chair Micik noted the Subcommittee had not met since the last meeting.

Chair Micik noted there are still plans to create a Democracy Dollars specific Outreach Subcommittee, but appointments for that Subcommittee will be held until next meeting at both Staff's request and due to the next meeting theoretically having more Commissioners present.

Commissioner Gage noted the previous Transparency Subcommittee had planned to have the Police, Fire, and Planning Departments present on their public record request processes. Now that those presentations have been completed, there may be additional next steps. Vice Chair Upton suggested a Subcommittee may be created on the issue in the future, and he would bring additional thoughts on it to the next meeting.

Public Comment: None.

## **INFORMATION ITEM**

### **12. Future Meeting Business.**

Vice Chair Upton would like Commissioners to consider streamlining the Commission recruitment process in a way that allows for handling unexpected vacancies more quickly.

Commissioner Tilak suggested the Commission discuss or present on how to engage on the issue of the definition of significant influence over candidate-controlled committees.

Commissioner Tilak would like the IT department to present on the public records request process.

CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
One Frank Ogawa Plaza (City Hall)  
Regular Commission Meeting  
Hearing Room 1  
Wednesday, October 9, 2024  
6:30 p.m.

## Item 4B - 10/09/2024 Draft Regular Meeting Minutes



**DRAFT**

Public Comment: None

The meeting adjourned at 10:22 p.m.

# Item 5 - LPFA Program 2024 Summary



Ryan Micik, Chair  
Francis Upton IV, Vice-Chair  
Alea Gage  
Vincent Steele  
Karun Tilak  
Tanya Bayeva

Nicolas Heidorn, Executive Director

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TO: Public Ethics Commission  
FROM: Jelani Killings, Ethics Analyst  
DATE: November 26, 2024  
RE: 2024 LPF Program Summary

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This memorandum provides an overview of the disbursement of public financing through the Limited Public Financing program administered by the Public Ethics Commission during the November 2024 election.

## Background of the Limited Public Finance Act

The Limited Public Financing Act (LPFA or Act), enacted in 2024, provides District City Council candidates with public funds by way of reimbursements for qualified expenditures used for campaign expenses with the goal of helping ensure that all individuals have a fair and equal opportunity to participate in the elective and governmental process.

The stated purposes of the Act are as follows:

- To ensure that all individuals and interest groups in our city have a fair and equal opportunity to participate in elective and governmental processes.
- To reduce the influence of large contributors with a specific financial stake in matters under consideration by the city, and to counter the perception that decisions are influenced more by the size of contributions than by the best interests of the people of Oakland.
- To reduce the pressure on candidates to raise large campaign war chests for defensive purposes, beyond the amount necessary to communicate reasonably with voters.
- To encourage competition for elective office.
- To allow candidates and office holders to spend a smaller proportion of their time on fundraising and a greater proportion of their time dealing with issues of importance to their constituents and the community.
- To ensure that serious candidates can raise enough money to communicate their views and positions adequately to the public, thereby promoting public discussion of important issues involved in political campaigns.
- To help preserve public trust in governmental and electoral institutions.
- To prevent corruption or the appearance of corruption.

## 2024 Implementation

The process for applying for LPF funds began in late August after the City Clerk certified the names of all the November 2024 candidates running for City Council District offices, a total of 13. The combined

## Item 5 - LPFA Program 2024 Summary

total amount in the Election Campaign (LPF) Fund for fiscal years 2023-24 and 2024-25 was \$155,000 available for the November 2024 election.

Initially, all 13 certified candidates were invited to the LPF training and given the opportunity to participate in the LPF program. All 13 candidates and/or their representatives attended a mandatory LPF training conducted by Commission staff as required for program eligibility. All 13 candidates that attended the training opted-in to receive public financing and were permitted to apply for an initial allocation of \$11,923 each, the amount of the election fund balance divided among the 13 candidates.

To maximize the use of LPF funds by candidates, staff continued the two-phased process of reimbursement allocations first implemented in the 2014 election cycle. Under the two-phased approach, candidates were required to file their first reimbursement claim by September 20 to use their first allotment and remain eligible for a second redistribution of the remaining funds.

After the Phase 1 deadline, six of the 13 candidates were ineligible to receive funds. The six candidates became ineligible because they did not meet the required \$7,500 contribution and expenditure thresholds necessary to qualify for the program.

Therefore, the initial disbursement of \$11,923 previously allocated to the six now ineligible candidates was redistributed to the other participating candidates. This redistribution resulted in a new maximum amount of \$22,142.85 for each remaining eligible candidate, an increase of \$10,219.85 each.

Below is a list of the participating candidates and the total amount received by each through the LPF program.

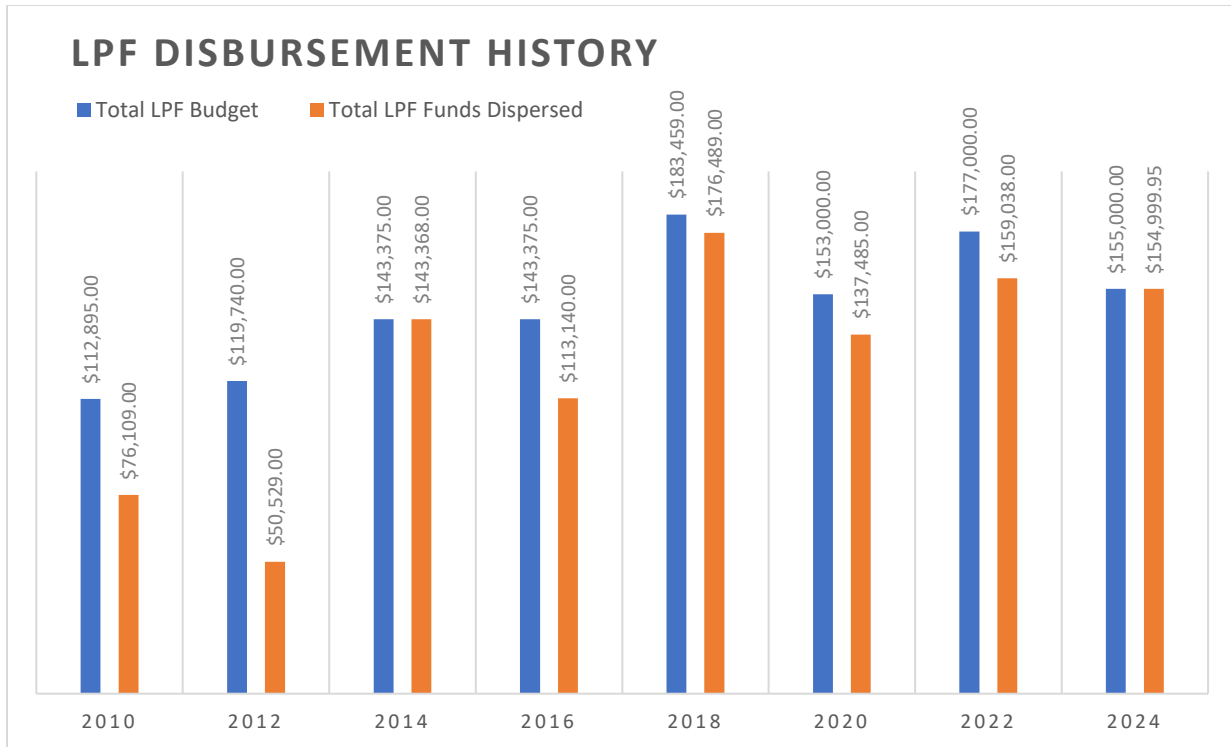
Candidate	District	Total Public Funds Received	Percent of Available Funds Claimed by the Candidate
Zac Unger	1	\$22,142.85	100%
Carroll Fife (Incumbent)	3	\$22,142.85	100%
Warren Logan	3	\$22,142.85	100%
Noel Gallo (Incumbent)	5	\$22,142.85	100%
Erin Armstrong	5	\$22,142.85	100%
Ken Houston	7	\$22,142.85	100%
Iris Merriouns	7	\$22,142.85	100%

The total amount of reimbursement funds distributed to candidates during the November 2024 election was \$154,999.95 or 99 percent of the total funds available.

In the past six elections, the percentage of total funds used and overall participation has continued to be high, which in part is attributable to the implementation of the two-phased approach in addition to more direct and earlier Commission Staff outreach to candidates. Below is a summary of the total funds available and disbursed out of the program for the last eight elections.



## Item 5 - LPFA Program 2024 Summary



The table below illustrates the number of certified candidates per election and the percentage that participated in the LPF program over the same period.

Year	Total Ballot Certified Candidates	Candidates Opted-In to LPF	LPF Opt-In Rate	Total Candidates Receiving Reimbursements	LPF Participation Percentage <sup>1</sup>
2010	12	N/A	N/A	5	42%
2012	20	15	75%	6	30%
2014	12	11	92%	8	67%
2016	9	7	78%	4	44%
2018	15	12	80%	10	67%
2020	17	15	88%	7	41%
2022	8	7	88%	5	63%
2024	13	13	100%	7	54%

### Conclusion

The continued high candidate opt-in rate and use of public funds by participating candidates during election cycles suggests that candidates find the Limited Public Financing program helpful. However, the number of candidates that were deemed ineligible due to not meeting the \$7,500 required threshold was considerably noticeable this year as it eliminated nearly half of the participating candidates. If the Limited Public Financing Program is implemented in the 2026 election, Staff will focus on early education resources to help first-time candidates understand program eligibility requirements.

<sup>1</sup> LPF participation percentage reflects candidates that met all program eligibility requirements and received public financing.

# Item 6 - 06 - Disclosure Report



Ryan Micik, Chair  
Francis Upton IV, Vice Chair  
Alea Gage  
Vincent Steele  
Karun Tilak  
Tanya Bayeva

Nicolas Heidorn, Executive Director

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**TO:** City of Oakland, Public Ethics Commission  
**FROM:** Alex Van Buskirk, Lead Analyst, Compliance and Disclosure  
Jelani Killings, Lead Analyst, Education and Engagement  
**DATE:** November 26, 2024  
**RE:** Disclosure and Engagement Monthly Report for the December 11, 2024,  
Public Ethics Commission Meeting

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This memorandum provides a summary of major accomplishments in the Public Ethics Commission's (PEC or Commission) Disclosure and Engagement program activities since the last regular meeting.

Commission staff disclosure activities focus on improving online tools for public access to local campaign finance and other disclosure data, enhancing compliance with disclosure rules, and conducting data analysis for Public Ethics Commission projects and programs as required.

Engagement activities include training and resources provided to the regulated community, as well as general outreach to Oakland residents to raise awareness of the Commission's role and services and to provide opportunities for dialogue between the Commission and community members.

## **Compliance with Disclosure Requirements**

Commission staff conducts filing officer duties as required by state and local law and aims to help candidates, lobbyists and City officials submit required disclosure reports and ensure residents can easily access campaign finance, lobbyist, and ethics-related data and information.

**Campaign Finance Disclosure** – The second pre-election deadline for the November 2024 election was October 24, 2024. All candidate-controlled committees with candidates on the November 2024 ballot raising or spending \$2,000 or more must file pre-election statements for their campaign committees as well as any other committees that they control. Ballot measure committees and other recipient committees with fundraising or spending activity connected with the November 2024 ballot (also raising or spending \$2,000 or more) must also file by the pre-election deadlines. These filings are made on the Form 460. Candidates intending to keep their campaign activity under \$2,000 must file the Form 470.

Commission staff coordinated with the California Fair Political Practices Commission (FPPC) to swiftly contact candidates that missed any pre-election deadlines. All relevant candidate-

controlled, ballot measure committees, and other select types of committees have filed their September 2024 and October 2024 First and Second Pre-Election campaign statements. Commission staff completed surface review of all 94 First and Second Pre-Election campaign statements to ensure compliance. Two of the 94 campaign statements were filed late. Commission staff is assessing the required \$10/day late fee related to these late filers. The next scheduled campaign statement in the semi-annual covering the period from October 20, 2024, through December 31, 2024, and is due January 1, 2025.

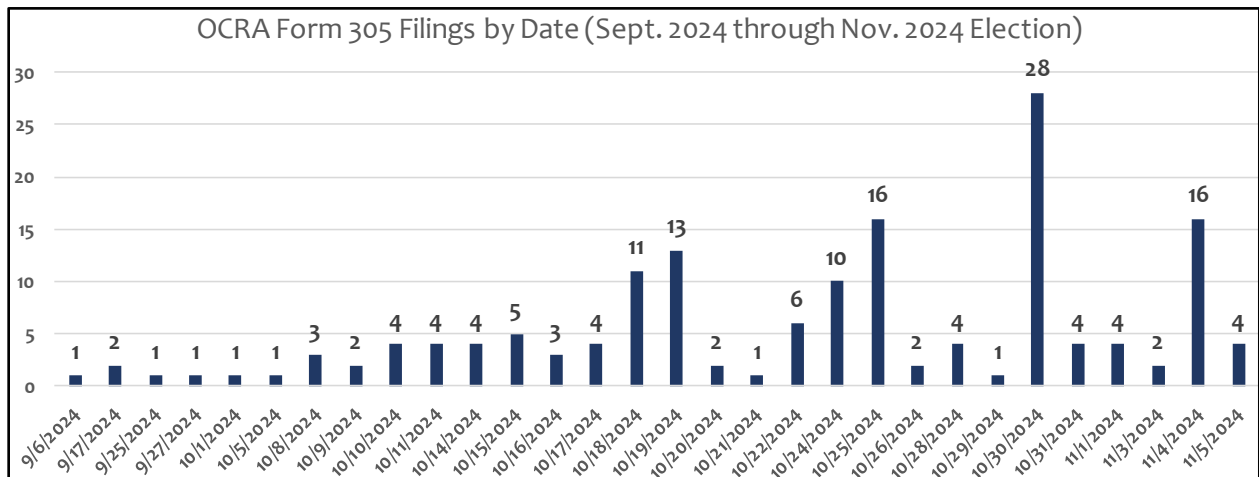
Commission staff also conducted an audit of Form 497 (24-Hour/10-Day Contribution Reports) reports and Form 460 campaign statements to ensure proper reporting occurred – where Form 497 statements reported information subsequently appeared on relevant Pre-Election Form 460 statements. All 33 committees audited that filed Form 497 (Part 1) statements reported that Form 497 information on subsequent relevant Form 460 statements.

Commission staff further conducted an audit of relevant campaign committees for overages in campaign contributions above the City of Oakland’s contribution limits related to data reported on the First and Second Pre-Election campaign statements. No committees with reportable activity during this period were found to have overages related to contributions received and the City’s contribution limits.

The Oakland Campaign Reform Act (OCRA) requires any committee or person required by state law to file a 24-hour/10-day Late Independent Expenditure Report (Form 496) with the PEC also submit a Supplemental Independent Expenditure Disclosure (OCRA Form 305), due at the same time as the corresponding Form 496. The PEC received and processed 160 OCRA Form 305 filings related to independent expenditures in all November 2024 election contests.

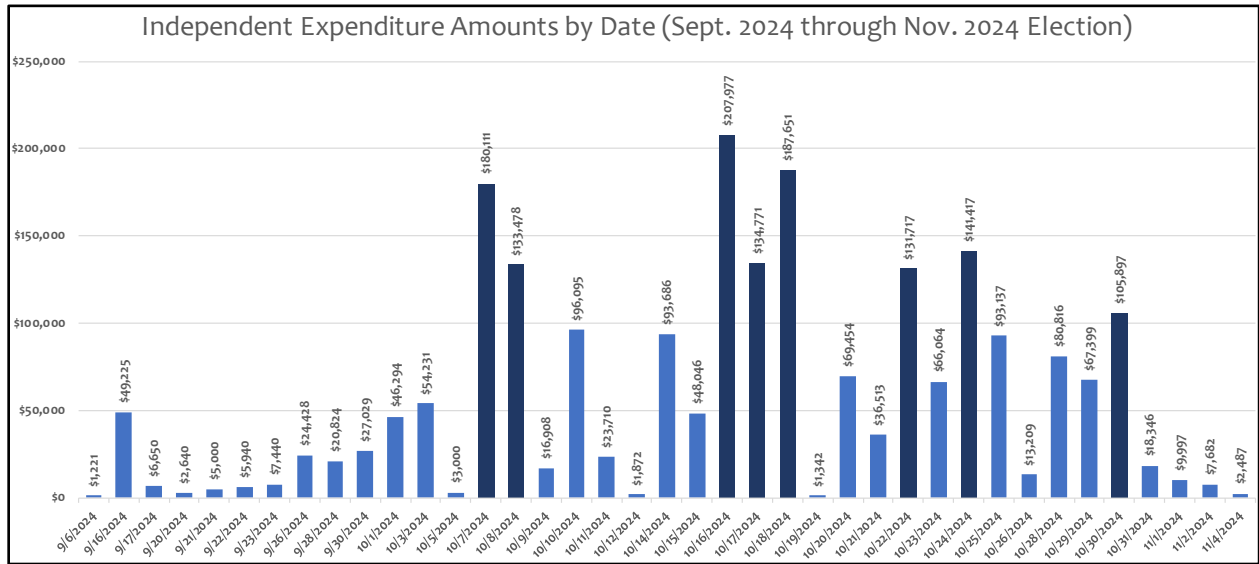
The following shows the number of OCRA Form 305 filings (i.e., dates independent expenditures were reported) through the November 2024 election.

- Count of OCRA Form 305 filings by date from September 2024 through the November 2024 election:

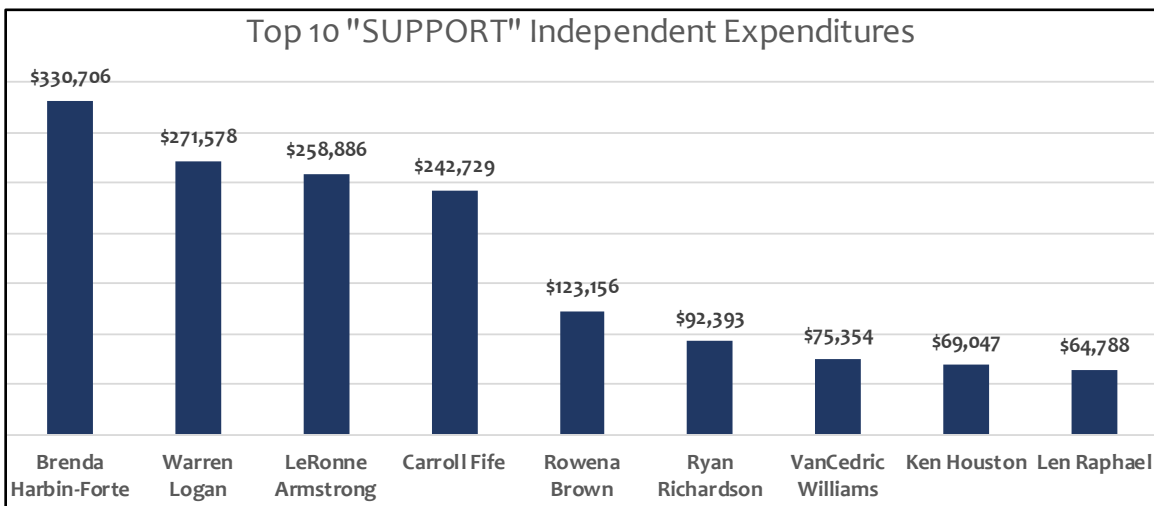


The following highlights information of interest about independent expenditure spending related to the November 2024 election.

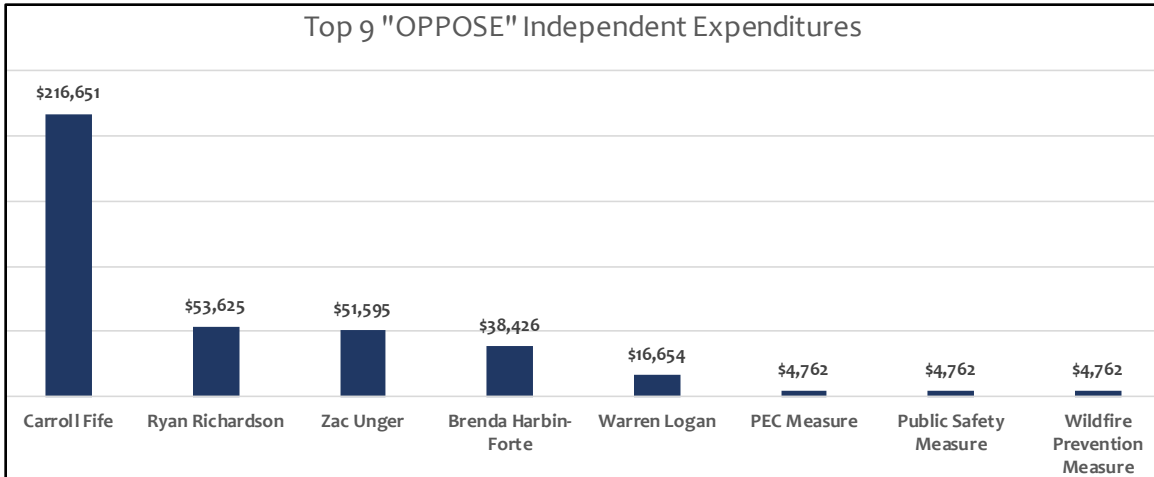
- Display of independent expenditure amounts (i.e., spending totals) by reported date of the expenditure from September 2024 through the November 2024 election. Coloring in dark blue marks spending that totaled \$100,000 or more on a given day. Totals are for all independent expenditure committees' reported spending by day:



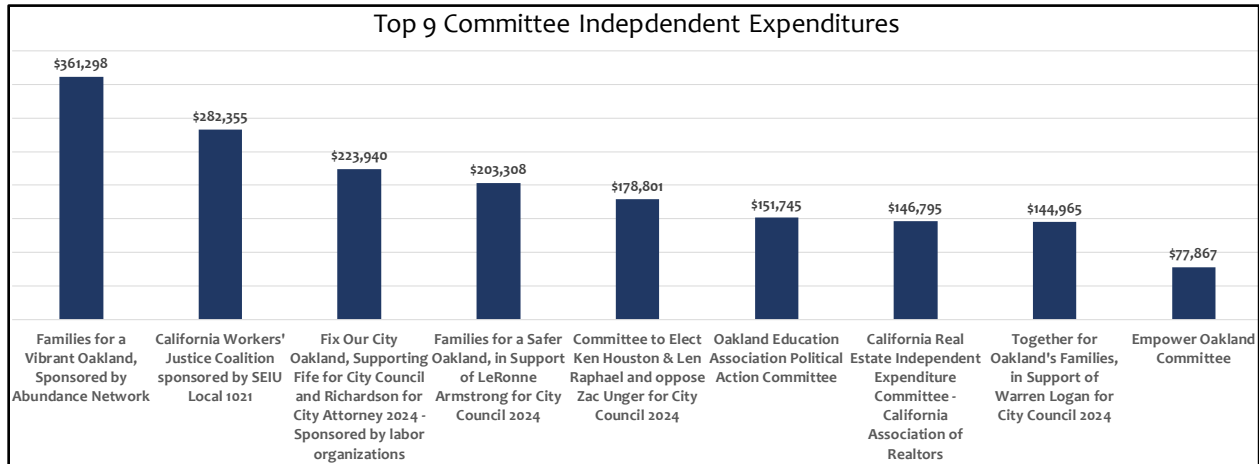
- Candidates receiving the most “support” independent expenditures related to the November 2024 election:



- Candidates with the most “oppose” independent expenditures related to the November 2024 election (there were only nine candidates/measures that received opposition spending, hence why the count is only “Top 9” as opposed to “Top 10”):



- Committees with the highest independent expenditure spending related to the November 2024 election:



It is important to note that Commission staff raised the expenditure ceiling for all applicable City Council election contests (Districts 1, 3, 5, and 7) in September 2024 and October 2024, after independent expenditures exceeded \$30,000 in each race before the November 5, 2024, election.

Campaign statements are available to view and download at the Commission's [Public Portal for Campaign Finance Disclosure](#). Campaign finance data, graphs, and visualizations are available via the [City's Open Data portal](#) and Commission-sponsored apps [Show Me the Money](#) and [Open Disclosure Oakland](#), as well as links on the Public Ethics Commission website.

**Lobbyist Registration Program** – The Oakland Lobbyist Registration Act (LRA) requires any person that qualifies as a lobbyist to register annually with the Commission before conducting any lobbying activity. Registration renewals were due January 31. To date, 54 lobbyists are currently registered with the City of Oakland for 2024.



(There have been several lobbyist registration terminations in 2024, but there have also been new lobbyists filing, resulting in the same number of total Oakland lobbyists at 54.)

October 31, 2024, marked the deadline for lobbyists to file their Quarterly Activity Report for Quarter 3. Of the 54 registered lobbyists, all filed the required Quarter 3 2024 activity report. Nine of the 54 Quarterly Activity Reports were filed late. Commission staff is assessing the required \$10/day late fee related to these late filers.

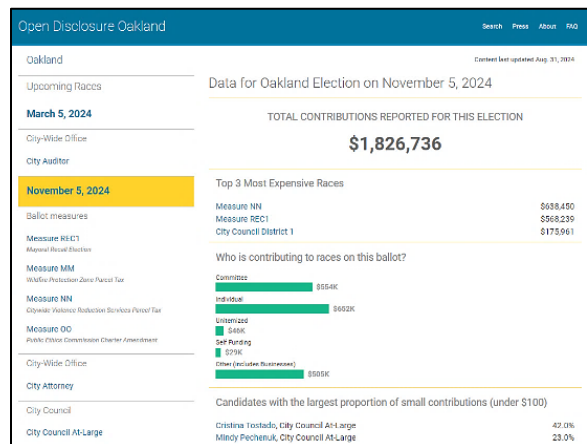
In November 2023, the Oakland City Council adopted amendments to the Lobbyist Registration Act including a new annual lobbyist registration fee as well as a requirement that lobbyists take an online training provided by the Commission. To date, 50 of 54 lobbyists have taken the online training provided by the Commission (the remaining, outstanding four are newly registered lobbyists still within the window of time to take the online training).

The Commission has received new annual lobbyist registration fees from 49 of the 54 currently registered lobbyists (one waiver was granted in mid-2024 for a current lobbyist and the remaining, outstanding four are newly registered lobbyists still within the window of time to provide payment), and one lobbyist has received a waiver. (The Commission has received registration fee payments from 55 Oakland lobbyists thus far in 2024, though some of these lobbyists have since terminated their registration.)

An up-to-date list of registered lobbyists and lobbyist activity reports with links to view and download individual reports is available at the Public Ethics Commission's [Lobbyist Dashboard and Data](#) webpage.

### Illuminating Disclosure Data

**Open Disclosure Oakland** – The [opendisclosure.io](#) campaign finance app is still live with the data for the 2023-2024 election cycle. Open Disclosure Oakland, a nonpartisan tool, was developed by volunteers from [OpenOakland](#), a civic technologist group, in partnership with Commission staff to give all Oakland residents equal access to campaign finance data. The Open Disclosure Oakland website shows funds donated to both political candidates and ballot measure committees and provides clear summaries of money raised and spent as well as financial trends for each election. The website also includes a search function that makes campaign donation records easy to search and sort and allows users to search campaign donors by name across multiple campaigns and elections.



Find out who's spending money to influence Oakland elections.

See spending for and against candidates and ballot measures.

[www.opendisclosure.io](http://www.opendisclosure.io)

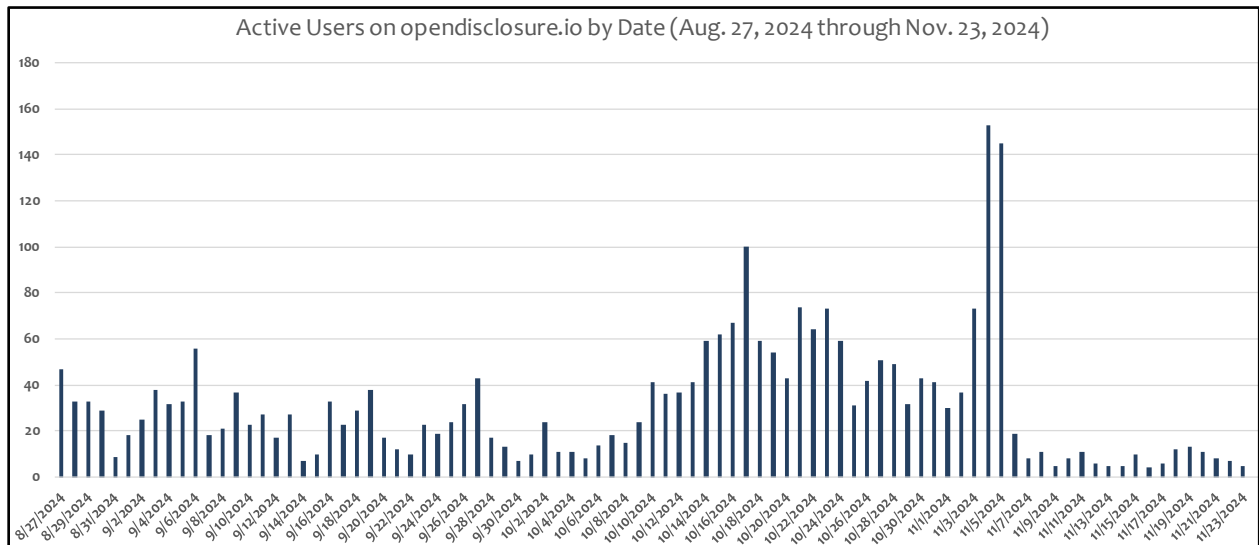
Open Disclosure Oakland is built by

Open Disclosure Oakland is updated daily regularly with data imported directly from the [City's campaign finance database](#) and includes a notification system that sends subscribers alerts about new campaign reports.

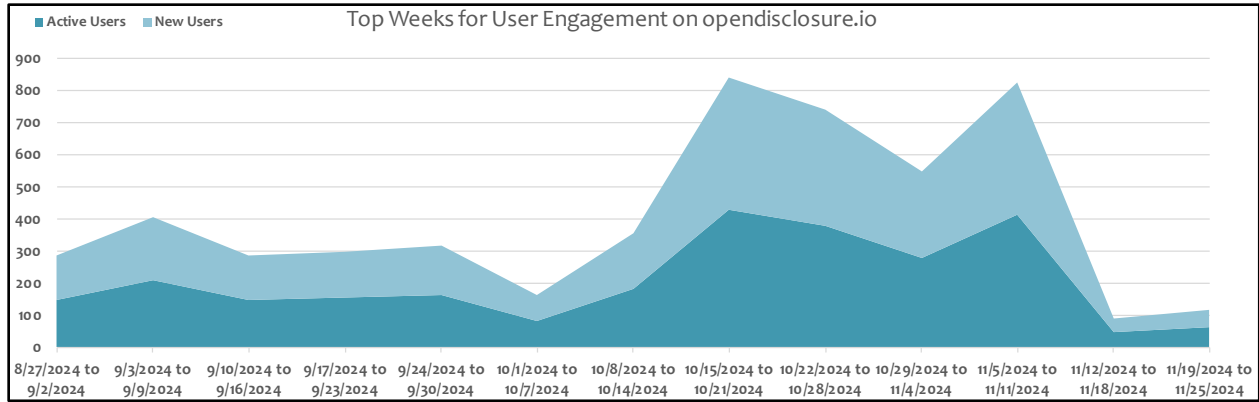
Leading up to the election, the PEC purchased digital advertisements in *The Oaklandside*, which ran from October 14, 2024, through election day, November 5, 2024, and also posted to social media to promote public awareness of the Open Disclosure Oakland platform.

**Open Disclosure Oakland Platform Usage Overview** – Commission staff analyzed activity on Open Disclosure Oakland for [opendisclosure.io](http://opendisclosure.io) based on Google Analytics data covering the period August 27, 2024, through November 24, 2024 (89 days).

- Platform engagement highlights between August 27, 2024, and November 24, 2024 (89 days) include (1) nearly 9,400 total page views across all campaign-related pages and (2) 2,687 individual “active users” who engaged with the website.



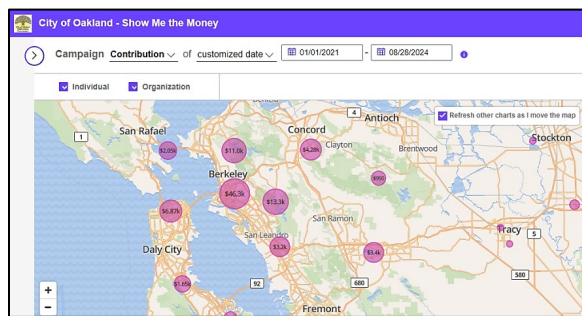
- Top weeks for user engagement include the weeks of October 15-October 21, 2024 (426 active users), October 22-October 28, 2024 (377 active users), and November 5-November 11, 2024 (414 active users).



- New users by “channel” data include 1,795 from organic searches<sup>1</sup> (76% of new users), 604 “direct traffic”<sup>2</sup> users, and 147 users through channels such as email and related referrals (which includes the PEC’s paid advertising of the Open Disclosure Oakland platform).

Open Disclosure Oakland gained 6,120 new users and generated over 20,610 pageviews in 2023-2024. Since launching Open Disclosure Oakland in 2014, the website has reached 45,655 users with 183,903 page views of Open Disclosure Oakland content.

**“Show Me the Money” Campaign Finance Mapping** – The City of Oakland [“Show Me the Money”](#) app is still live with 2024 campaign finance data. “Show Me the Money” builds a map showing the geographic source of campaign contributions to candidates and totals donated



from that location. Oakland residents can dig deeper by clicking each location point, and the application will reveal the names of top contributors from that area. Up to three candidates may be selected at a time for comparison. Features beyond the contribution map include allowing users to review campaign contribution trends and campaign spending patterns.

Like the Commission’s other campaign finance projects, this app is updated daily with data imported directly from the [City’s campaign finance database](#). Followers of Oakland elections can find the “Show Me the Money” app via links on the Commission’s website, the [City’s Open Data portal](#), and Open Disclosure Oakland candidate pages.

**“Show Me the Money” Campaign Finance Mapping Platform Usage Overview** – Commission staff is still collecting analytics data for this platform.

<sup>1</sup> This refers to sessions originating from unpaid search engine results. It includes data from search engines like Google, Bing, etc. Users find the site through keywords or phrases and click on the organic (non-ad) links displayed on the search engine results page.

<sup>2</sup> This encompasses sessions where users directly type the website’s URL into their browser or use a saved bookmark. It can also include cases where the source of traffic cannot be determined (e.g., a non-tagged link in an email, PDFs, or certain mobile apps).



### Limited Public Financing (LPF) Program

Commission staff administers the Limited Public Financing (LPF) program and provides training and ongoing interaction with candidates to facilitate program requirements and distribute the maximum amount of available public funds.

The deadline for candidates participating in the 2024 LPF Program to submit final reimbursement claims was November 4, 2024. Commission staff dispersed a total of \$154,999.95 in processed reimbursements to participating candidates out of the \$155,000 available through the election fund.

Name	District	Total Funds Dispersed
Zac Unger	1	\$22,142.85
Carroll Fife	3	\$22,142.85
Warren Logan	3	\$22,142.85
Noel Gallo	5	\$22,142.85
Erin Armstrong	5	\$22,142.85
Ken Houston	7	\$22,142.85
Iris Merriouns	7	\$22,142.85
	<b>TOTAL</b>	<b>\$154,999.95</b>

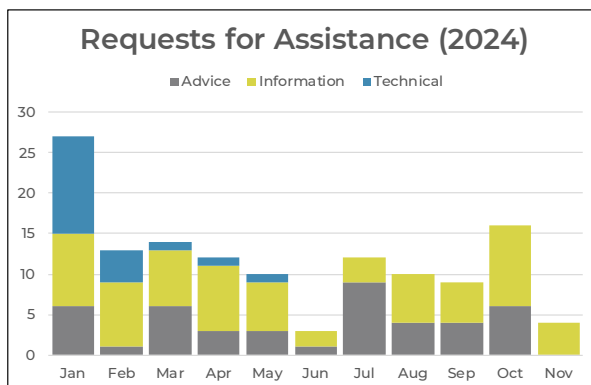
The next LPF program deadline is January 31, 2025, in which LPF participants must return any surplus funds remaining in their campaign account as of December 31, 2024. Staff will continue to work with candidates to close out the LPF program for the 2024 election.

Additional detail about participation trends in the 2024 LPF Program are included in a separate report for this meeting.

### Advice and Engagement

The Commission’s Advice and Engagement Program seeks to ensure Oakland public servants, candidates for office, lobbyists, and City contractors understand and comply with City campaign finance, ethics, and transparency laws.

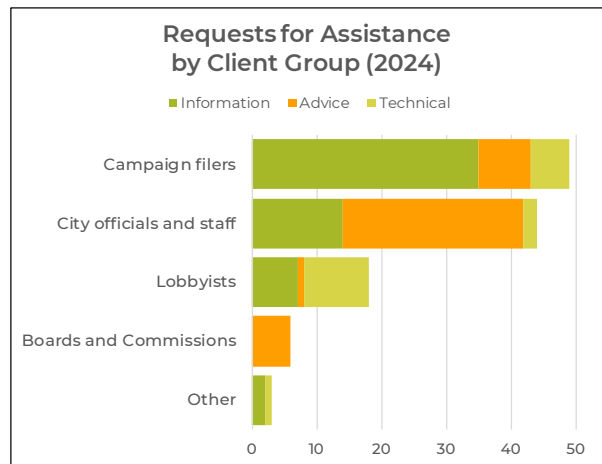
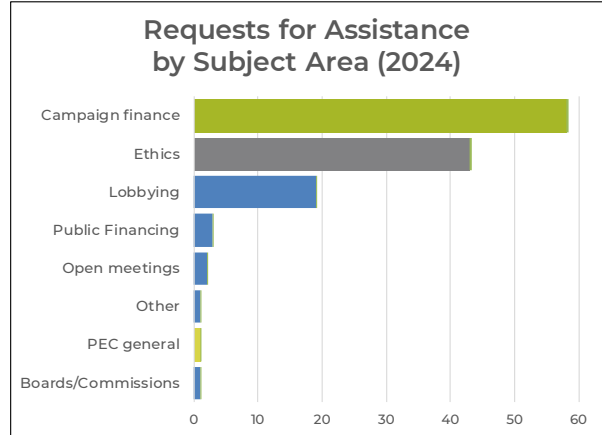
**Advice and Technical Assistance** – In the months of October 2024 and November 2024, Commission staff responded to 20 requests for information, advice or assistance regarding campaign finance, ethics, Sunshine law, or lobbyist issues.



**New Employee Orientation** – Commission staff continues to make presentations at the City’s monthly New Employee Orientation (NEO) providing new employees with an introduction to the Public Ethics Commission and overview of the Government Ethics Act (GEA).

In the months of October 2024 and November 2024, Commission staff provided an overview of the City’s ethics rules to 60 new City employees. Employees required to file Form 700 disclosure statements were also assigned the Commission’s mandatory online Government Ethics Training for Form 700 filers.

**Social Media** – Each month Commission staff post social media content to highlight specific PEC policy areas, activities, or client-groups. Communications in October 2024 specifically focused on promoting Open Disclosure and the “Show Me the Money” app.



## Item 7 - Enforcement Report



Ryan Micik, Chair  
Francis Upton IV, Vice Chair  
Alea Gage  
Vincent Steele  
Karun Tilak  
Tanya Bayeva

Nicolas Heidorn, Executive Director

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TO: Public Ethics Commission  
FROM: Nicolas Heidorn, Executive Director  
Alex Van Buskirk, Ethics Analyst  
DATE: November 26, 2024  
RE: Enforcement Program Report for the December 11, 2024, PEC Meeting

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Since the last Enforcement Unit Program Update submitted to the Commission on September 27, 2024, Commission staff received two formal (sworn) complaints, nine informal (unsworn) complaints, and initiated one pro-active (sworn) complaint. In the same period of time, Commission staff dismissed three formal complaints and three informal complaints without opening an investigation. Six informal complaints are awaiting a determination as to whether to reject or escalate them.<sup>1</sup>

The following complaints or cases have been resolved or submitted to the Commission:

1. **In the Matter of Joselyn Jones (PEC # 24-23).** Dismissed for insufficient evidence of a violation within the jurisdiction of the PEC. The complainant has alleged misconduct by Alameda County personnel who are not subject to the PEC's jurisdiction.
2. **In the Brad Seligman (PEC # 24-24).** Dismissed for insufficient evidence of a violation within the jurisdiction of the PEC. The complainant has alleged misconduct by Alameda County personnel who are not subject to the PEC's jurisdiction.
3. **In the Matter of Russell Atkinson and David Velez (PEC # 24-29).** Dismissed for insufficient evidence of a violation within the jurisdiction of the PEC. The complainant brought a performance-based complaint against City personnel but no allegation of an ethics violation. The PEC does not regulate employee performance.

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<sup>1</sup> Reasons for a delay in making this determination can include the need to contact the complainant and/or do further research in order to clarify the allegation(s) being made, and/or a decision to prioritize other matters that appear to be more time-sensitive or of greater public interest.

This brings the total Enforcement caseload to one-hundred and forty-one (141) open complaints or cases.

Enforcement's current budgeted staffing is: one (1) Enforcement Chief and one (1) Investigator. As of October 9, 2024, the Enforcement Chief position is vacant. Whitney Barazoto, the PEC's former Executive Director, was brought on as a consultant to assist the PEC in the interim on enforcement matters, with additional support from Ethics Analyst Alex Van Buskirk, who is also managing the PEC's compliance and disclosure program responsibilities. In addition, the PEC has requested additional support from the City Attorney's Office with the PEC's pending administrative hearing and in assisting with the preliminary review of some complaints.

### **Overview of the Enforcement Process**



The PEC's Enforcement Unit investigates and, where appropriate, administratively prosecutes alleged violations of the City's ethics, campaign finance, lobbying, and related laws. Violations can result in the issuance of a monetary fine, a warning letter, or some other remedy to ensure compliance with the law (e.g. a diversion agreement or injunction). Some violations can also be referred to the District Attorney for criminal prosecution.

Enforcement matters begin with a complaint. "Formal" complaints are submitted on the PEC's official complaint form and are signed under penalty of perjury. "Informal" complaints are received in any other manner (e.g. via e-mail, a phone call, etc.) and are not signed under penalty of perjury. By law, the Enforcement Unit must review all formal complaints and report to the Commission at one of its public meetings whether or not it has decided to open an investigation into a formal complaint. By contrast, Enforcement has the discretion not to review an informal complaint and does not have to report rejected informal complaints to the Commission. Commission staff may also initiate its own "pro-active" complaints.

Complaints do not automatically trigger an investigation. Instead, they enter what is called "Preliminary Review," in which Enforcement determines whether there are sufficient legal and evidentiary grounds to open an investigation. This can involve some preliminary fact-finding, usually for purposes of verifying or supplementing the facts alleged in the complaint.

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At the completion of Preliminary Review, the Enforcement Chief and the PEC Executive Director jointly decide whether to open an investigation or dismiss the complaint. All dismissals are reported to the Commission at one of its public meetings. Investigations are confidential, though complainants and respondents (the people being investigated) are usually notified that an investigation has been opened. Enforcement will usually confirm the existence of an investigation if asked, but it will not share any of its findings or analysis until it is ready to present them to the Commission or a court.

The Enforcement Chief and the PEC Executive Director jointly decide whether the evidence gathered during an investigation merits prosecution or closure of the case. This internal decision-making process is referred to as “Legal Analysis” in Enforcement’s case processing workflow. Investigative activity may also continue during this process. If Enforcement recommends closure of a case at this stage, it must present its findings to the Commission at one of its public meetings and obtain a majority vote in favor of closure.

If Enforcement chooses to prosecute a violation, it will usually try to work out a joint settlement agreement with the respondent(s). Settlement negotiations are confidential, and for administrative purposes Enforcement classifies matters at this stage as “Seeking Settlement.” Investigative activity may also continue during this process. Generally, all proposed settlement agreements must be presented to the Commission at one of its public meetings and require a majority vote for their approval.<sup>2</sup>

If Enforcement is unable to settle a case within a reasonable time (typically sixty days) or otherwise decides that a hearing is necessary, it will file an Investigation Summary with the Commission at one of its public meetings. This document, also known as a “probable cause report,” lays out the allegations that Enforcement wishes to prosecute, as well as supporting evidence. A majority of the Commission must vote to find probable cause and send the matter to an administrative hearing.

Matters at this stage are classified as “Administrative Hearing” in Enforcement’s internal workflow. The Executive Director and the hearing officer will arrange the logistical and procedural details of the hearing. All administrative hearings are open to the public, and are conducted either by the full Commission, a panel of Commissioners, a single Commissioner, a single hearing officer not from the Commission, or an administrative law judge.

After an administrative hearing, the hearing officer(s) will issue their factual findings and proposed penalty (if any). The full Commission will then vote at one of its public meetings

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<sup>2</sup> Under the Commission’s Complaint Procedures, some lower-level violations eligible for streamlined resolution process may be settled by the Executive Director.

whether to adopt those findings and impose the recommended penalty. The Commission may impose a penalty different from the one recommended by the hearing officer(s).

The Enforcement Unit's full Complaint Procedures and Penalty Guidelines can be found on our website.

**Appendix: Current Caseload by Violation Type**

The table below breaks down the precise types of violations currently involved in Enforcement’s open complaints or cases. Note that the total number below is higher than the PEC’s total number of complaints or cases, since one complaint/case can involve multiple types of violations.

Sum of Count	On Hold	Intake	Preliminary Review	Investigation	Legal Analysis	Seeking Settlement	Administrative Hearing	Grand Total
<b>Campaign Finance</b>	17	1	6	21	4	31	1	81
Campaign Using Multiple Bank Accounts	1			1				2
City Contractor Making Campaign Contribution	4			2		2	1	9
Coordination Between Candidate And "Independent" Campaign			2	1		2		5
Disguising Source Of Campaign Funding ("Campaign Money Laundering")	1		1	2		2		6
Failure To Register A Political Campaign	1			1				2
Inaccurate Reporting Of Campaign Finances	3		2	5	2	8		20
Late Filing Of Campaign Finance Report	3	1		7		5		16
Making/Receiving Campaign Contribution Over The Legal Limit	1			1	1	4		7
Misuse Of Campaign Funds For Personal Purposes	1					1		2
Inaccurate or Missing Disclaimer On Campaign Ad	2		1	1	1	7		12
<b>Government Ethics</b>	30	12	27	47	2	6	1	125
Bribery	2		2	2			1	7
Financial Conflict Of Interest		3	4					7
Holding Incompatible Public Offices			1		1			2
Inaccurate Reporting On Financial Disclosure Form 700	2		4					6
Late or Non-Filing Of Financial Disclosure Form 700	1	1		38		6		46
Misusing Official Powers For Private Gain (Coercion/Inducement)	16	4	6	5				31
Misuse Of City Resources For Personal Or Campaign Purposes	7	1	2	2				12
Receiving An Improper Gift Based On Amount	1		3					4
Receiving An Improper Gift Based On Source	1		1					2
Seeking Or Taking Job That Conflicts With City Duties ("Revolving Door")			1		1			2
Awarding City Contract To Oneself ("Self-Dealing")		1	1					2
Leak Of Confidential Info			1					1
Council Member Interfering In City Administration		1						1
Awarding City Job Or Contract To Family Member		1	1					2
<b>Lobbyists</b>				1			1	2
Failure To Register As A Lobbyist ("Shadow Lobbying")							1	1
Late Filing Of A Lobbyist Activity Report				1				1
<b>Miscellaneous</b>	3		4	2	1	3	1	14
Failure To Produce Records To Police Commission Investigators	1				1			1
Lying Or Providing False Information To PEC Investigators	1				1	3	1	6
Misuse Of City Event Tickets	1							1
Retaliation Against Ethics Whistleblower			4	2				6
Commissioner Misconduct				1				1
<b>Open Meetings &amp; Public Records</b>	6		2	1				9
Failure To Produce Public Records Or Information	2		1	1				4
Failure To Properly Agendize Or Follow Meeting Agenda	4		1					5



## Item 8 - Executive Director's Report

Ryan Mott, Chair  
Francis Upton IV, Vice Chair  
Tanya Bayeva  
Alea Gage  
Vincent Steele  
Karun Tilak

Nicolas Heidorn, Executive Director

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TO: Public Ethics Commission  
FROM: Nicolas Heidorn, Executive Director  
Jelani Killings, Lead Analyst, Education and Engagement  
DATE: November 26, 2024  
RE: Executive Director's Report for the December 11, 2024, Meeting

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This memorandum provides an overview of the Public Ethics Commission's (PEC or Commission) significant activities not included in other program reports since the last regular meeting. Attached is an overview of Commission Programs and Priorities since the last update.

### Budget

Since the adoption of the FY2024-25 Midcycle Budget in July, the City's fiscal situation has worsened. In October, the City Administrator initiated the implementation of the "contingency budget" adopted with the Midcycle Budget in case the sale of the Oakland Coliseum was not completed, which includes a hiring freeze and other restrictions on department spending. On November 15, Budget staff published a report on FY 24-25 first quarter revenues to the City Council, indicating that:

"immediate action is necessary to maintain the solvency of the General Purpose Fund. Revised estimates regarding the City's fiscal condition at the end of FY 2023-24 show the General Purpose Fund ended in a negative balance. The GPF negative balance has already obligated and intruded into its emergency reserve. ... the City Council will be required to take immediate budgetary action to reduce the General Purpose Fund by at minimum the sum of \$114.9 million (GPF Deficit) and an additional \$27.55 million for a total reduction of \$142.45 million to restore the Emergency Reserve OR declare a Fiscal Emergency."

In November, the Budget Office provided budget reduction targets to each department, which, if enacted, will require further significant cuts to the Commission's budget. No proposed revised midcycle budget has yet been released. **As the PEC has previously warned the Administration and City Council, the Commission is already severely under-budgeted and understaffed. Any further budgetary reductions will almost necessarily require either the severe reduction or elimination of a PEC core service.**



The City Council has agendized consideration of a Resolution amending the FY 2024-25 Midcycle Budget to balance the projected deficit on **December 9, 2024**, prior to this Commission's next regular meeting.

### Enforcement Staffing

On September 20, 2024, Enforcement Chief Simon Russell submitted his resignation from the PEC; his last workday was October 9. With the vacancy, PEC enforcement staffing fell to just one Investigator for a caseload of 141 complaints or cases. To address the PEC's critical understaffing and case backlog in the short term, the PEC has:

- Re-assigned Executive Director Heidorn and Ethics Analyst Van Buskirk, on a limited basis and as time allows, to conduct preliminary reviews of new and recent complaints.
- Hired former PEC Executive Director Whitney Barazoto as a consultant to assist the Enforcement Program on a part-time basis for the remainder of this fiscal year, with an emphasis on continuing work on the Commission's most significant cases.
- Requested and received additional support from the City Attorney's Office to assist with reviewing select complaints and with prosecution in an upcoming administrative hearing.
- Referred a time-sensitive campaign finance complaint that alleged potential Political Reform Act (PRA) violations to the FPPC.
- Requested that the City Administrator approve the Commission's temporary hiring of an additional investigator and two law clerks using Commission salary savings. The request is pending.

In addition to the actions outlined above, staff has also taken steps to fill the Enforcement Chief vacancy as expeditiously as possible. The PEC posted the vacancy on October 3 and solicited applications through October 21. As part of its recruitment efforts, the PEC shared this job opportunity to its distribution list; posted the vacancy online to the PEC's website; advertised (through free and paid listings) the position with the Council on Government Ethics Laws, California Lawyers Association, American Bar Association, Alameda County Bar Association, California District Attorneys Association, California Daybook, California Morning Report, LinkedIn, and Indeed; and shared the posting with leaders in this field, including the Executive Director of the FPPC and of local Ethics Commissions. In total, the PEC received 11 applications and interviewed three finalists. **However, due to the City's fiscal situation, the Administration has instituted a general hiring freeze for filling staff vacancies. The Commission has requested that the City Administrator authorize the Commission to complete the hiring process.**

Although these steps ensure the Commission will continue to review, investigate, and enforce the laws under its purview, prioritizing its most serious complaints, the pace of the Commission's enforcement work will necessarily be decreased until a Chief is hired full-time,

trained, and fully onboarded, which will likely take months. Even returning to full staffing, however, will not address the Commission's structural understaffing. Staff estimates the Commission will need a minimum of 1 Enforcement Chief, 3 investigators, and 1 staff attorney to address its ongoing caseload and to make significant progress in reducing its backlog.

### Measure OO

At the November 2024 election, Oakland voters overwhelmingly passed Measure OO, with 73% voting in favor. The Council will certify the election result in December, likely December 17, at which point Measure OO will go into effect.

Among other changes, Measure OO:

- Clarifies that the PEC's mission includes promoting more inclusive, representative, and accountable democracy.
- Increases the PEC's minimum staffing from one to two Investigators effective July 1, 2026.
- Adopts new qualifications for who can serve on the Commission, including a prohibition on recent candidates for City or OUSD office, political party officials, registered lobbyists, and major donors.
- Permits the PEC to fill a vacancy in a Commission seat filled by a citywide elected official if it has been vacant for more than 120 days.
- Prohibits Commissioners from receiving gifts or having a contractual relationship with an elected official during their tenure or from serving as an officer or employee of a political party during their tenure.
- Modifies the schedule the PEC must set salaries for the City Attorney and City Auditor to every two years instead of every year. As a result, the PEC will next adopt new salaries for the City Attorney and City Auditor in 2026.
- Requires that the City Council consider PEC proposals within 180 days.
- Provides that the PEC may select outside counsel on any matter the City Attorney is conflicted out on.
- Prohibits lobbyists from making gifts to elected officials, candidates, or their immediate family of more than \$50 per year.

### Measure W

In July, the City Council adopted a resolution authorizing the City of Oakland to contract with MapLight to develop the Democracy Dollars software platform. However, contingency provisions included in the FY 2024-25 Midcycle Budget Amendments that went into effect in October included a halt on the execution of unfinalized contracts funded through the General Purpose Fund. However, staff continues moving the contract forward through the approval process so development delays do not jeopardize the future program launch. In November,

PEC staff concluded its negotiations with MapLight over the scope of work and functional requirements for the initial contract, which is now under City Attorney review. Contract finalization involves reviews by the City Attorney, IT, and Contract Administration before City Administrator approval.

In November, volunteers from civic technology group [Open Oakland](#) concluded their exploratory project conducting user testing with mock-ups of potential Democracy Dollars designs and mobile-first webpages simulating the resident experience registering and then assigning their Democracy Dollars. The Open Oakland team and PEC staff gathered feedback on the project and its findings at Open Oakland's Hack Night and meetings with Seattle Democracy Vouchers Program staff, PEC staff and Commission Chair Micik, as well as staff from City communications, community engagement, and the Department of Race and Equity. The project provided a successful model for continued user testing of core program materials with stakeholders in the next year. Project findings will help inform the Democracy Dollars communications strategy and development of outreach materials by PEC staff.

### **Ramachandran/Jenkins Contribution Limit Proposal**

In September, Councilmembers Ramachandran and Jenkins introduced a proposal to increase campaign contribution limits from \$600 to \$900 for general contributors and \$1,200 to \$1,800 for broad-based political committees. The PEC considered the proposal at its September 16, 2024, meeting and adopted comments to provide to the Council. The proposal was subsequently amended to change the proposed increase in general contribution limits to \$800 (from the original proposal of \$900) and to \$1,500 for broad-based political committees (from \$1,800).

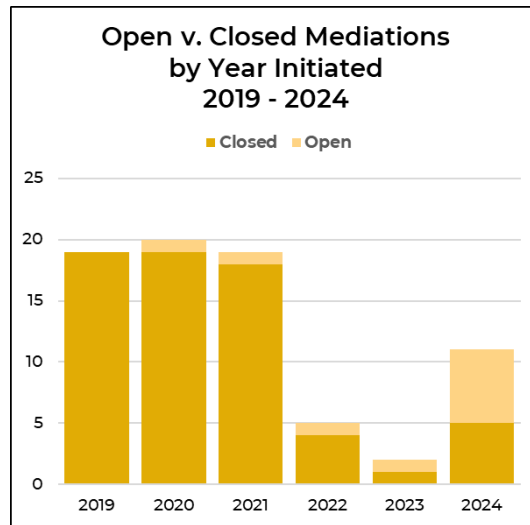
The amended proposal was heard by the full Council on October 1 for first reading and was adopted. However, due to a lack of a quorum, the proposal never received a second reading vote, so was not adopted. Although the proposal was not adopted, staff was prepared in the eventuality that it had passed. Led by Ethics Analyst Jelani Killings, staff prepared a draft advisory informing candidates of the change, a revised OCRA guide, and website updates, which were ready to be disseminated to candidates and the public had the law passed.

### **Retreat**

The Commission is likely to hold a special meeting in February 2025 for its annual board retreat. At the retreat, the Commission will discuss Commission priorities for the 2025 calendar year.

### **Mediation Program**

Pursuant to the Oakland Sunshine Ordinance, the Commission conducts mediation of public records requests made by members of the public to City departments for records within the department's control. The PEC currently has 11 open mediations. No new mediations have been opened since the last meeting.



**Attachment:** Commission Programs and Priorities.

**PUBLIC ETHICS COMMISSION**

**Programs and Priorities 2023/24 (new additions in bold)**

Program	Goal	Desired Outcome	Regular Program Activities	2023/24 Projects
<p><b>Lead/ Collaborate (Policy, Systems, Culture)</b></p>	<p>PEC facilitates changes in City policies, laws, systems, and technology and leads by example to ensure fairness, openness, honesty, integrity, and innovation.</p>	<p>Effective campaign finance, ethics, and transparency policies, procedures, and systems are in place across City agencies</p>	<ul style="list-style-type: none"> <li>○ Lead Measure W implementation</li> <li>○ Engage in review of laws PEC enforces</li> </ul>	<ul style="list-style-type: none"> <li>✓ Lobby Registration Act amendment to incorporate new fees and waiver policy</li> <li>✓ Ordinance for one-time LPF for 2024 elections</li> <li>○ Voter Guide Pilot – on hold</li> <li>✓ Mayor Salary Setting Guidance</li> <li>✓ Charter Review Options</li> <li>○ Policy Review: Lobbyist Registration Act– on hold</li> <li>✓ Ethics Commission Network</li> <li>✓ Invite Department Presentations on Records Request Responses</li> </ul>
<p><b>Educate/ Advise</b></p>	<p>Oakland public servants, candidates for office, lobbyists, and City contractors understand and comply with City campaign finance, ethics, and transparency laws.</p>	<p>The PEC is a trusted and frequent source for information and assistance on government ethics, campaign finance, and transparency issues; the PEC fosters and sustains ethical culture throughout City government.</p>	<ul style="list-style-type: none"> <li>• Regular ethics training</li> <li>• Information, advice, and technical assistance</li> <li>• Targeted communications to regulated communities</li> <li>• New trainings as needed for diversion</li> </ul>	<ul style="list-style-type: none"> <li>○ Collaboration with Clerk and HR on process improvements for ethics onboarding/exit and Form 700 compliance - ongoing</li> <li>✓ Public Records training</li> </ul>
<p><b>Outreach/ Engage</b></p>	<p>Citizens and regulated community know about the PEC and know that the PEC is responsive to their complaints/questions about government ethics, campaign finance, or transparency concerns.</p>	<p>The PEC actively engages with clients and citizens demonstrating a collaborative transparency approach that fosters two-way interaction between citizens and government to enhance mutual knowledge, understanding, and trust.</p>	<ul style="list-style-type: none"> <li>• Public Records mediations</li> <li>• Commissioner-led public outreach</li> <li>• Outreach to client groups – targeted training and compliance</li> <li>• PEC social media outreach</li> </ul>	<ul style="list-style-type: none"> <li>✓ Update OCRA, LPF, and LRA guides</li> <li>✓ Update public and stakeholders on Democracy Dollar postponement</li> <li>✓ Update Lobbyist Registration Act educational materials and share with Council</li> <li>✓ Recruit for PEC vacancy</li> <li>✓ Publicize Enforcement Needs</li> <li>✓ <b>Publicize PEC campaign finance tools</b></li> <li>○ Publicize how to file complaints</li> </ul>

## Item 8 - Executive Director's Report

Program	Goal	Desired Outcome	Regular Program Activities	2023/24 Projects
<b>Disclose/ Illuminate</b>	<p>PEC website and disclosure tools are user-friendly, accurate, up-to-date, and commonly used to view government integrity data.</p> <p>Filing tools collect and transmit data in an effective and user-friendly manner.</p>	<p>Citizens can easily access accurate, complete campaign finance and ethics-related data in a user-friendly, understandable format.</p> <p>Filers can easily submit campaign finance, lobbyist, and ethics-related disclosure information.</p>	<ul style="list-style-type: none"> <li>• Monitor compliance (campaign finance/lobbyist/ticket use)</li> <li>• Proactive engagement with filers</li> <li>• Technical assistance</li> <li>• Assess late fees/refer non-filers for enforcement</li> <li>• Maintain data assets</li> </ul>	<ul style="list-style-type: none"> <li>○ Democracy Dollars Admin System: <ul style="list-style-type: none"> <li>✓ Approval to Contract</li> <li>✓ Vendor Selected</li> <li>○ Contract Entered</li> <li>○ Work Begun</li> </ul> </li> <li>○ Updates to Ticket Distribution (Form 802) database – on hold</li> <li>✓ Implement LRA Changes</li> <li>○ Integrate Lobbyist App with Payment System</li> <li>○ Public Records Performance Dashboard – on hold</li> <li>✓ Update Open Disclosure 2024</li> <li>✓ Update Show Me The Money</li> <li>○ Digitize Schedule O Form – on hold</li> </ul>
<b>Detect/ Deter</b>	<p>PEC staff proactively detects potential violations and efficiently investigates complaints of non-compliance with laws within the PEC's jurisdiction.</p>	<p>Public servants, candidates, lobbyists, and City contractors are motivated to comply with the laws within the PEC's jurisdiction.</p>	<ul style="list-style-type: none"> <li>• Process and investigate complaints</li> <li>• Initiate proactive cases</li> <li>• Collaborate/coordinate with other government law enforcement agencies</li> </ul>	<ul style="list-style-type: none"> <li>○ Digital complaint form/ mediation request – on hold</li> <li>✓ Improve Enforcement database</li> </ul>
<b>Prosecute</b>	<p>Enforcement is swift, fair, consistent, and effective.</p>	<p>Obtain compliance with campaign finance, ethics, and transparency laws, and provide timely, fair, and consistent enforcement that is proportional to the seriousness of the violation.</p>	<ul style="list-style-type: none"> <li>• Prioritize cases</li> <li>• Conduct legal analyses, assess penalty options</li> <li>• Negotiate settlements</li> <li>• Make recommendations to PEC</li> </ul>	<ul style="list-style-type: none"> <li>○ Resolve 2016 and 2017 case backlog</li> <li>○ Review/revise policies for release of public information and election-related complaints – <b>on hold</b></li> <li>✓ Develop internal Enforcement staff manual</li> <li>✓ Expand streamline &amp; diversion</li> </ul>
<b>Administration/ Management</b>	<p>PEC staff collects and uses performance data to guide improvements to program activities, motivate staff, and share progress toward PEC goals.</p>	<p>PEC staff model a culture of accountability, transparency, innovation, and performance management.</p>	<ul style="list-style-type: none"> <li>• Annual Report</li> <li>• Budget proposal</li> <li>• Ongoing professional development and staff reviews</li> <li>• Fill staff vacancies</li> <li>• Commissioner onboarding</li> </ul>	<ul style="list-style-type: none"> <li>✓ 2023 – 2025 strategic plan preparation/retreat</li> <li>✓ Develop process for City Attorney and City Auditor Salary Adjustment and adopt resolution for Council</li> <li>○ Increase enforcement capacity - <b>ongoing</b></li> </ul>



# Item 9 - 2025 PEC Scheduling Staff Memo

Ryan McKinley, Chair  
Francis Upton IV, Vice Chair  
Tanya Bayeva  
Alea Gage  
Vincent Steele  
Tanya Bayeva

Nicolas Heidorn, Executive Director

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TO: Public Ethics Commission  
FROM: Nicolas Heidorn, Executive Director  
DATE: November 26, 2024  
RE: Adjusting the PEC Meeting Schedule for 2025

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For the 2024 calendar year, the Public Ethics Commission (PEC or Commission) held a regular meeting two times per quarter, for a total of eight regular meetings. Meetings were generally held on the second Wednesday of the month at 6:30 pm. This memorandum discusses options for the PEC's 2025 calendar year regular meeting schedule. Once the Commission has settled on a preferred meeting schedule, staff will work with the appropriate City staff to secure meeting space for next year aligning as closely as possible with Commission preferences.

**Based on a survey of commissioner availability, staff recommends that regular PEC meetings continue to be held on a Wednesday beginning at 6:30 pm. However, because the PEC is entering a rebuilding year, and the current meeting schedule presents workload challenges for staff, staff recommends that the PEC schedule be adjusted to meeting every other month (i.e., 6 regular meetings per year), with additional special meetings to address time-sensitive matters as required.**

## Meeting Day and Time

Currently, regular PEC meetings are generally held on the second Wednesday of each month at 6:30 pm. PEC staff surveyed commissioners as to which day of the week they preferred, and whether they would prefer starting meetings at 5:30 pm, 6 pm, or 6:30 pm. All six commissioners responded to the survey. The only day of the week and time that all commissioners could make is Wednesdays at 6:30 pm, which is the PEC's current meeting schedule.

***Staff recommends that Commission meetings remain on Wednesdays at 6:30 pm. With the exception of January, staff will attempt to secure the same meeting day the PEC presently uses, i.e. the second Wednesday of the month, but if that is not available will request a different Wednesday.***

## Meeting Regularity

Currently, the PEC holds two regular meetings per quarter. In addition, a special meeting is generally called each year for the PEC to hold a planning retreat. The PEC also called special meetings this year to address time-sensitive legislative and enforcement matters, or when a regular meeting had to be cancelled due to a lack of quorum. Regular meetings are critical to the functioning of the PEC and provide an opportunity for the Commission to stay up to date on staff activities, consider and act on policy change proposals, and consider and act on enforcement items.

However, each meeting entails a substantial amount of staff time, and the fast turnaround between meetings can sometimes make meeting preparation challenging for staff. Staff must prepare relevant reports or draft policies for each meeting, upload and post the information at least 10 days in advance of the meeting under the City's Sunshine Ordinance, and attend the meeting to present on their items

and answer Commissioner questions. When the PEC meets in two consecutive months, the turnaround for the second posting is especially short. Because materials must be posted 10 days in advance (in actuality 12 days in advance for a Wednesday meeting, as the 10th day falls on a Sunday), staff generally only have two to three weeks after a meeting before the next meeting agenda posting is due.

Other Ethics Commissions hold between 6 (Los Angeles) and 12 (San Francisco) regular meetings per year. However, the PEC is the only commission to post materials 10 days in advance; other commissions only follow the 3-day posting requirement of the Brown Act although some, like Los Angeles, have a goal of posting 5 or 6 days before their meeting, respectively.

***Staff recommends that the PEC move to a schedule of holding regular meetings every other month (6/year) rather than twice per quarter (8/year).*** This schedule, which is identical to Los Angeles's, will still enable the PEC to stay up to date on staff's work and take action on Commission priorities in a timely manner, while also freeing up staff resources to work on larger Commission projects and priorities, or to assist with Subcommittee work. With the departure of the Commission's prior Enforcement Chief, the PEC is entering into a period where it will be ramping back up its Enforcement capacity; additional staff capacity will be especially helpful during this transition period.

Importantly, for time-sensitive matters falling on an "off" month, the PEC would retain the discretion to call a special meeting. One negative to this proposal, which the Commission should consider, is that there will likely be more items at each regular meeting as a result, so these meetings may go longer than is currently the case.

### **Proposed Calendar**

***Based on the discussion above, staff would recommend the following 2025 regular meeting schedule:***

- January 22 (Note: 4<sup>th</sup> Wednesday)
- March 12
- May 14
- July 9
- September 10
- November 12



# Item 12 - Commissioner Recruitment Subcommittee

Purpose Statement:

## Commissioner Recruitment and Selection of Finalists for Interviews Subcommittee

(ad hoc, created July 10, 2024)

**Members:** Ryan Micik (Chair), Alea Gage, and Karun Tilak.

### **A) What is the specific goal of the committee?**

To review applications for the partial term of a vacant commissioner seat and the subsequent full-term for the same seat, select and interview semifinalists, and select finalists for the Commission's consideration.

### **B) What is the expected deliverable and in what time period?**

To review all applications for the vacant PEC commissioner seat; to interview select candidates; and to forward the top finalists to the full PEC in time for the October 9, 2024 meeting.

### **C) What level of staff vs Commissioner work is expected?**

Staff will schedule semifinalist interviews and provide support for subcommittee meetings.

## Item 12 - Commissioner Recruitment Subcommittee

### Commissioner Recruitment and Selection of Finalists for Interviews Subcommittee

(ad hoc, created July 10, 2024)

**Members:** Ryan Micik (Chair), Alea Gage, and Karun Tilak.

#### September 5, 2024 Minutes

**Attendees – Members:** Commissioners Micik, Gage, Tilak

**Attendees – Staff:** Director Nicolas Heidorn

The subcommittee discussed questions that they would ask of applicants and a timeline for holding interviews.

## Item 12 - Commissioner Recruitment Subcommittee

### Commissioner Recruitment and Selection of Finalists for Interviews Subcommittee

(ad hoc, created July 10, 2024)

**Members:** Ryan Micik (Chair), Alea Gage, and Karun Tilak.

#### September 10, 2024 Minutes

**Attendees – Members:** Commissioners Micik, Gage, Tilak

**Attendees – Staff:** Director Nicolas Heidorn

The subcommittee reviewed the written applications and decided to interview 6 candidates.

## Item 12 - Commissioner Recruitment Subcommittee

### Commissioner Recruitment and Selection of Finalists for Interviews Subcommittee

(ad hoc, created July 10, 2024)

**Members:** Ryan Micik (Chair), Alea Gage, and Karun Tilak.

#### September 17, 2024 Minutes

**Attendees – Members:** Commissioners Micik, Gage, Tilak

**Attendees – Staff:** Director Nicolas Heidorn

The subcommittee interviewed three applicants.

## Item 12 - Commissioner Recruitment Subcommittee

### Commissioner Recruitment and Selection of Finalists for Interviews Subcommittee

(ad hoc, created July 10, 2024)

**Members:** Ryan Micik (Chair), Alea Gage, and Karun Tilak.

#### September 18, 2024 Minutes

**Attendees – Members:** Commissioners Micik, Gage, Tilak

**Attendees – Staff:** Director Nicolas Heidorn

The subcommittee interviewed two applicants. Director Heidorn reported that the third applicant who was scheduled to be interviewed today had withdrawn.

The subcommittee unanimously decided to forward the applications of Tanya Bayeva and Dan Adler to the full Commission for consideration at the Commission's October meeting, pending a review of the applicants' references.

Director Heidorn will notify the two finalists that they will have a final interview at the Commission's October meeting, which they should attend in-person. The applicants will have four minutes to answer the following questions:

1. Why do you want to serve on the Public Ethics Commission?
2. What skills and experience do you bring?
3. What issues, projects, or goals would you like to pursue as a Commissioner?
4. What else would you like the Commission to know?

# Item 12 - Commissioner Recruitment Subcommittee

Chair's Termination Statement:

## Commissioner Recruitment and Selection of Finalists for Interviews Subcommittee

(ad hoc, created July 10, 2024)

**Members:** Ryan Micik (Chair), Alea Gage, and Karun Tilak.

### **A) What was the specific goal of the committee?**

To review applications for the partial term of a vacant commissioner seat and the subsequent full-term for the same seat, select and interview semifinalists, and select finalists for the Commission's consideration.

### **B) What was the expected deliverable and in what time period?**

To review all applications for the vacant PEC commissioner seat; to interview select candidates; and to forward the top finalists to the full PEC in time for the October 9, 2024 meeting.

### **C) What did the Commission accomplish?**

Over the course of one month, the Subcommittee reviewed all written applications for the vacant commissioner position; invited six applicants to interview with the Subcommittee, five of whom accepted; conducted the interviews; checked references; and forwarded two finalists to the full Commission for its review and selection at the October meeting.

### **D) Are there any recommended next steps coming out of the Subcommittee's work?**

None.

### **E) Are there any lessons learned or other comments to memorialize about the Subcommittee's work or process?**

We scheduled half-hour interviews, with each interview scheduled to take 20 minutes. The Subcommittee Chair introduced the panel and asked the first question, and then Subcommittee members alternated asking questions. The questions were modified from a pre-existing list of questions asked of prior commissioners and were the same for each applicant, although Commissioners sometimes asked individualized questions of applicants at the end.

We only forwarded two finalists to the full Commission, because we felt that those two finalists clearly formed a top tier of the applicants, and any additional finalist(s) would have no realistic chance of selection.