



**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.](#)**

Commissioners: Ryan Micik (Chair), Charlotte Hill (Vice-Chair), Alea Gage, Arvon J. Perteet, Vincent Steele, and Francis Upton IV.

Commission Staff to attend: Nicolas Heidorn, Executive Director; Suzanne Doran, Lead Analyst; Chris Gonzales, Commission Assistant; Simon Russell, Enforcement Chief.

City Attorney Staff: Trish Shafie, Deputy City Attorney.

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

- 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 ITEMS**

- 4. Approval of Commission Meeting Draft Minutes.**
  - a. August 9, 2023, Regular Meeting Minutes ([Meeting Minutes](#))
  - b. August 25, 2023, Special Meeting Minutes – Retreat ([Meeting Minutes](#))
- 5. Adoption of Lobbying and Campaign Finance Late Filing Fee Waiver Guidelines.**

The Commission will consider adopting guidelines for when the Executive Director may waive per diem filing fees for the late filing of lobbying statements and campaign finance statements and procedures for late filers to appeal the Executive Director's decision. ([Staff Memo; Draft Guidelines.](#))
- 6. Pursuing Grant Funding Opportunities to Support the Democracy Dollars Program.**

The Commission will consider authorizing Staff to apply for a grant from the Evelyn



and Walter Haas, Jr. Fund to support the Democracy Dollars Program. ([Staff Memo](#))

- 7. Amendment to the PEC's Limited Public Financing Act of 2024 Proposal.** The Commission will consider amending its proposal for establishing a limited public financing program in 2024, adopted at its August 9, 2023, meeting, to remove the \$155,000 cap in program funding. ([Staff Memo](#); [Draft Resolution](#); [Exhibit A](#))

## **DISCUSSION ITEMS**

- 8. 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. Transparency and Public Records Subcommittee** (ad hoc, created March 8, 2023) - Francis Upton IV (Chair), Arvon Perteet and Alea Gage. ([Subcommittee formation memo](#); [September 26, 2023, Meeting Minutes](#).)
  - b. Public Outreach 2023 Commissioner Recruitment, Enforcement Resources, Ethics Complaints, and Campaign Finance Subcommittee.** (ad hoc, created August 25, 2023) - Charlotte Hill (Chair), Alea Gage and Vincent Steele. ([Subcommittee formation memo](#); [September 8, 2023, Meeting Minutes](#))
- 9. Commissioner Recruitment.** The Commission is recruiting to fill one Commission appointed vacancy that will occur in January 2024. A second vacancy to occur at the same time will be subject to appointment by the City Attorney. Attached are a report updating the Commission on the status of applications and the next steps for filling the vacancy; the announcement and application that is being distributed widely via the Commission's website, email distribution lists, social media, and other channels; and a recruitment flyer. ([Recruitment Report](#); [Announcement and Application](#); [Recruitment Flyer](#))
- 10. Discussion of Options for Setting the Mayor's Salary.** The Commission will discuss whether the responsibility for setting the Mayor's salary should be transferred from the City Council to the Commission and, if so, what factors the Commission should follow or consider in setting the Mayor's salary. ([Staff Memo](#))

## **INFORMATION ITEMS**

- 11. Disclosure and Engagement.** Program Manager Suzanne Doran 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](#))

12. **Enforcement Program.** Enforcement Chief Simon Russell provides a summary of the Commission’s enforcement process, caseload, planned updates to caseload reports, Form 700 enforcement, staffing and caseload management, data security, enforcement-related litigation, and case closures or dismissals. ([Enforcement Report with attachment: PEC 23-30 Notice of Complaint Dismissal \(re Christopher Scyphers\)](#))
13. **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. The Director’s report includes a discussion of the near and mid-term priorities that came out of the PEC’s August retreat. The Director’s report also includes updates on waived late filing fees and late filing fees exceeding \$,1000. ([Executive Director’s Report](#))
14. **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.

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 submit written comments to [ethicscommission@oaklandca.gov](mailto:ethicscommission@oaklandca.gov).

*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://us02web.zoom.us/j/87522575306>. 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 +1 346 248 7799 or +1 253 215 8782 or +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592 Webinar ID: 843 5678 2713
- **International numbers available:** <https://us02web.zoom.us/j/kcjNykyTac>

Should you have questions or concerns regarding this agenda, or wish to review any agenda-related materials, please contact the Public Ethics Commission at

CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
One Frank Ogawa Plaza (City Hall)  
Special Commission Meeting  
Hearing Room 2  
Wednesday, October 25, 2023  
6:30 p.m.



ethicscommission@oaklandca.gov or visit our webpage at [www.oaklandca.gov/pec](http://www.oaklandca.gov/pec).

*Nicolas Heidorn*

10/19/23

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Approved for Distribution

Date

CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
One Frank Ogawa Plaza (City Hall)  
Special Commission Meeting  
Hearing Room 2  
Wednesday, October 25, 2023  
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.

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

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# Item 4a - Meeting Minutes

CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
One Frank Ogawa Plaza (City Hall)  
Regular Commission Meeting  
Hearing Room 1  
Wednesday, August 9, 2023  
6:30 p.m.

DRAFT



Commissioners: Ryan Micik (Chair), Charlotte Hill (Vice-Chair), Alea Gage, Arvon Perteet, Vincent Steele, and Francis Upton IV.

Commission Staff to attend: Nicolas Heidorn, Executive Director; Suzanne Doran, Lead Analyst; Chris Gonzales, Commission Assistant; Ana Lara-Franco, Commission Analyst; Simon Russell, Enforcement Chief.

City Attorney Staff: Trish Shafie, Deputy City Attorney.

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

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

The meeting was called to order at 6:31 p.m.

Members present: Micik, Hill, Gage, Upton IV, Perteet and Steele.

Staff present: Nicolas Heidorn, Suzanne Doran, Chris Gonzales, Simon Russell.

City Attorney Staff: Tricia Shafie.

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

Micik announced that the Public Ethics Commission (PEC) will have its annual PEC Retreat on August 25, 2023. The PEC will be taking a recess in September, so the regular PEC meeting will be cancelled.

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

Public Comment: David Shor.

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).

## **ACTION ITEMS**

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

Hill moved, and Steele seconded to approve the July 12, 2023, minutes.

Ayes: Hill, Gage, Micik, Upton IV, Perteet, Steele.

Noes: None.

Vote: Passed 6-0

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Public Comment: None.

## 5. Amendments to the Lobbyist Registration Act.

Executive Director Nicolas Heidorn presented staff's proposal that the PEC recommend that the City Council amend the Lobbyist Registration Act (LRA) to incorporate the annual registration fee recently adopted in the Master Fee Schedule; waive or reduce the annual registration fee for some lobbyists; place a cap on lobbyist report late filing fees; modify the quarterly lobbyist report filing schedule; require that lobbyists attend a training on the LRA; authorize the PEC to require additional information in quarterly reports; and other changes. Director Heidorn noted an error in the chart on page 11 of the staff report, which indicated that the lobbyist registration fee for lobbyists employed by small businesses or organizations would be reduced to \$200, when the proposal is for the fee to be reduced to \$100.

Director Heidorn also proposed the following amendment to the recommended draft ordinance language:

In Subsection D of Section 3.20.045, delete the following sentence: "Failure to file the signed declaration required by this section within 60 days of the local governmental lobbyist's initial registration shall constitute a violation of this Act." so that that subsection as amended reads as follows:

D. The Public Ethics Commission may invalidate a registration for failure to comply with this section.

Commissioners discussed the proposed recommendations.

Commissioner Perteet moved and Hill seconded a motion to approve the staff recommendation as stated in the agenda packet, with the additional changes proposed by Director Heidorn at the meeting relating to lobbyist training, and also amending the proposal to allow lobbyists employed by 501 (c) (4) organizations with less than \$750,000 in annual revenue to qualify for a lobbyist registration fee waiver on the same basis as lobbyists employed by 501 (c) (3) organizations with less than \$750,000 in annual revenue.

Ayes: Gage, Perteet.

Noes: Micik, Hill, Steele, and Upton IV

Vote: Failed 2-4

Public Comment: None.

Micik moved and Upton IV seconded a motion to adopt the staff recommendation for the

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amendment to the LRA with the additional change recommended by Director Heidorn at the meeting.

Ayes: Micik, Hill, Gage, Steele and Upton IV.

Noes: Perteet.

Vote: Passed 5-1.

Public Comment: None.

## 6. Limited Financing Act of 2024.

Director Heidorn presented the staff proposal that the Commission adopt a resolution recommending to the City Council that it establish a limited campaign public financing program in an amount not to exceed \$155,000 for the 2024 election cycle only, as well as to authorize the PEC to pilot a voter guide in the 2024 election cycle.

Director Heidorn noted that there was a typo in the draft ordinance language and recommended the following change to Exhibit A of the Resolution:

For Exhibit A, in Section 1, renumber the second Section 3.13.260 with the Section title "Sunset" to be Section 3.13.265.

Director Heidorn stated that the City Attorney's office had advised the PEC that the PEC is already authorized under existing law to create a voter guide without the proposed amendments. Based on that, Director Heidorn recommended amending the resolution and proposed draft language in Exhibit A to remove reference to a voter guide, as follows:

1. For the caption of the Resolution, delete the phrase " , AND ADDING OAKLAND MUNICIPAL CODE SECTION 3.15.050(F) (THE OAKLAND FAIR ELECTIONS ACT) TO AUTHORIZE THE COMMISSION TO CREATE A VOTER GUIDE" so that the caption as amended reads as follows:

"RESOLUTION RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE ADDING OAKLAND MUNICIPAL CODE CHAPTER 3.13 (THE LIMITED PUBLIC FINANCING ACT OF 2024) TO TEMPORARILY RESTORE PUBLIC FINANCING, OR A SUBSTANTIVELY SIMILAR ORDINANCE"

2. For the Resolution, delete the following Whereas clauses in their entirety, which are the third to last and second to last Whereas clauses:

"WHEREAS, the Commission further finds that authorizing the Commission to create a voter guide furthers the purposes of the Oakland Fair Elections Act by providing registered voters with information which may assist them in assigning their vouchers and voting; and"

"WHEREAS, the Commission finds that authorizing the Commission to create



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a voter guide furthers the purposes of expanding public participation in the local democratic process, empowering all Oakland residents with an opportunity to engage meaningfully in the campaign process, enabling candidates to communicate their views and positions adequately to the public, and assisting residents with making an informed decision about each candidate; and”

3. For the Resolution, amend the last Whereas clause to delete the phrase “and authorizing the Public Ethics Commission to create a voter guide” so that the last Whereas clause as amended reads as follows:

“WHEREAS, the Commission recommends that the City Council adopt an ordinance temporarily restoring a limited public financing program for the 2024 election;”

4. For the Resolution, amend the first Resolved clause by deleting phrase “and authorizing the Public Ethics Commission to create a voter guide” so that the first Resolved clause as amended reads as follows:

“RESOLVED, that the Commission hereby recommends that the City Council adopt an ordinance temporarily restoring a limited public financing for the 2024 election; and be it”

5. For the Resolution, amend the last Further Resolved clause by deleting the phrase “and adding Subsection (F) to Section 3.15.050 of the Oakland Municipal Code” and the comma following that phrase, so that the last Further Resolved clause as amended reads as follows:

“FURTHER RESOLVED, that, to implement this recommendation, the Commission hereby recommends that the City Council adopt an ordinance adding Chapter 3.13 of the Oakland Municipal Code, the Limited Public Financing Act of 2024, or a substantively similar ordinance, attached as Exhibit A.”

6. For Exhibit A, in Section 1, delete Section 3.13.170 in its entirety, which reads as follows:

“For the 2024 election, the Commission may create a pilot version of the voter guide provided in Section 3.15.050 (F).”

7. For Exhibit A, delete Section 2 in its entirety, which proposed adding Subsection (F) to Section 3.15.050 of the Oakland Municipal Code.

Chair Micik proposed the following amendment:

For the Resolution, amend the first Resolved clause by adding the word “program” after “public financing” so that the first Resolved clause as amended reads as follows:

“RESOLVED, that the Commission hereby recommends that the City Council adopt an ordinance temporarily restoring a limited public financing program for the 2024 election; and be it.”

Micik moved, and Gage seconded to adopt the staff recommendation to approve the proposed amendments to the Limited Financing Act of 2024, with the two additional changes proposed by Director Heidorn and the change proposed by Chair Micik.

## Item 4a - Meeting Minutes

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Ayes: Micik, Hill, Gage, Upton IV, Perteet, Steele.

Noes: None.

Vote: Passed 6-0

Public Comment: None.

### **DISCUSSION ITEMS**

#### **7. Measure W Implementation – Oakland Fair Elections Act.**

Lead Analyst Doran provided an update on activities necessary to implement Measure W, which passed the ballot on November 8, 2022, and which altered the Commission's staffing, authority, and created a newly designed public financing program to be administered by the Public Ethics Commission beginning with the 2026 regular election.

Public Comment: None.

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

**a. Measure W Equity and Outreach Subcommittee** (ad hoc, created on March 8, 2023) – Charlotte Hill (Chair), Alea Gage, Vincent Steele.

Hill reported that the subcommittee did not meet. Micik stated that there will be more discussions about the future of this subcommittee at the upcoming retreat.

**b. Transparency and Public Records Subcommittee** (ad hoc, created March 8, 2023) - Francis Upton IV (Chair), Arvon Perteet and Alea Gage.

Upton IV reported that the subcommittee did not meet.

Public Comment: None.

### **INFORMATION ITEMS**

#### **9. Commissioner Recruitment.**

Director Heidorn provided an update on Commissioner Recruitment. The application deadline for the PEC -appointed position is October 27, 2023.

Public Comment: None.

#### **10. Disclosure and Engagement.**

**October 25, 2023 PEC Special Meeting Agenda Packet 10**

## Item 4a - Meeting Minutes

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Lead Analyst Doran provided a summary of compliance with disclosure requirements, education and advice, general outreach, and data illumination activities since the last regular Commission meeting.

Public Comment: None.

### **11. Enforcement Program.**

Enforcement Chief Simon Russell provided a summary of the Commission's ongoing enforcement work, including overall caseload status, informal complaint intake, and enforcement-related litigation.

Public Comment: None.

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

Director Heidorn provided an update regarding the approval of the proposed salaries for the City Auditor and City Attorney. Director Heidorn noted that the City Council has asked that the City Administrator provide a recommendation for a potential ballot measure in November 2024 which would amend the City Charter to assign to the PEC the role of setting the Mayor's salary.

Director Heidorn provided an update on the status for the hiring of a Program Manager for Measure W and hiring for the permanent investigator position, which will likely be complete in October. Director Heidorn shared that Investigator Garrett Micheels resigned in August 2023.

Public Comment: None.

### **13. Future Meeting Business.**

Micik encouraged commissioners to prepare for the retreat by reviewing the annual report and the website, including different disclosure tools posted on the website. Micik noted that Commissioners might be asked, as an ice breaker, to come up with a slogan for the PEC. Staff will target providing materials for the PEC retreat seven days before the retreat. Chair Micik encouraged commissioners, if they have suggestions for retreat agenda topics, to send those to staff.

Public Comment: None.

The meeting adjourned at 8:30 p.m.

# Item 4b - Special Meeting Minutes, Retreat

CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
One Frank Ogawa Plaza (City Hall)  
Special Commission Meeting  
Friday, August 25, 2023  
Hearing Room 4  
3:00 p.m.

DRAFT



Commissioners: Ryan Micik (Chair), Charlotte Hill (Vice-Chair), Alea Gage, Arvon J. Perteet, Vincent Steele, and Francis Upton IV.

Commission Staff: Nicolas Heidorn, Executive Director; Suzanne Doran, Lead Analyst; Chris Gonzales, Commission Assistant; Jelani Killings, Ethics Analyst; Ana Lara-Franco, Commission Analyst; Simon Russell, Enforcement Chief.

City Attorney Staff: Trish Shafie, Deputy City Attorney

## SPECIAL MEETING MINUTES

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

The meeting was called to order at 3:01 p.m.

Members present: Micik, Hill, Gage, Perteet, Steele and Upton IV.

Perteet arrived at 3:11 pm and Gage at 3:21 p.m.

Staff present: Nicolas Heidorn, Suzanne Doran, Jelani Killings, Ana Lara-Franco, Chris Gonzales, Simon Russell.

City Attorney Staff: Trish Shafie, Deputy City Attorney

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

Executive Director Nicolas Heidorn announced the September Recess for the PEC regular meeting.

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

Public Speakers: Gene Hazzard

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).

## ACTION ITEMS

### **4. Public Ethics Commission Retreat.**

# Item 4b - Special Meeting Minutes, Retreat

CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
One Frank Ogawa Plaza (City Hall)  
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Friday, August 25, 2023  
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3:00 p.m.

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The Commission convened for its annual retreat to conduct team development, assess Commission accomplishments, and current context, participate in strategic visioning, and identify key opportunities and priorities for 2023-2025. There was discussion and decisions were made as group regarding overall PEC direction, goals activities and priorities.

## *Welcome, Goals, Icebreaker*

Executive Director Heidorn welcomed commissioners, staff, and guests to the retreat. Director Heidorn explained that the goal of the retreat was to identify agency priorities over the next 18 months to 2 years that go beyond the PEC's routine core services. He explained that he did not anticipate any votes being taken at the retreat on program priorities, but that staff would memorialize non-enforcement program priorities in a roadmap which would be brought before the Commission in October.

Chair Micik led commissioners, staff, and guests in an icebreaker exercise where participants shared something interesting about themselves and a proposed new slogan for the PEC.

## *Non-Enforcement Program Area Overview.*

### *A. Lead/Collaborate – Executive/Policy Projects & Priorities*

Director Heidorn provided an overview of current and potential executive and policy projects over the next 2 years and led participants in activities and discussion to share their thoughts and preferences for program priorities.

### *B. Disclose/Illuminate – Disclosure Projects & Priorities*

Lead Analyst Suzanne Doran provided an overview of current and potential disclosure program projects, challenges and opportunities over the next 2 years and led participants in activities and discussion to share their thoughts and preferences for program priorities.

### *C. Educate/Engage – Public Outreach Priorities*

Ethics Analyst Jelani Killings and Vice Chair Charlotte Hill led a discussion to identify public outreach goals and conducted an exercise to develop an outreach plan to communicate the Commission's need for additional enforcement resources. Vice Chair Hill recommended that commissioners commit to doing one outreach activity per quarter.

5:54 p.m. – Micik called for a recess.

6:21 p.m. – The meeting returned from recess.

## *Ad Hoc Subcommittees Review.*

# Item 4b - Special Meeting Minutes, Retreat

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Chair Micik provided an overview of the reason for creating ad hoc subcommittees and requested that, as part of the formation of an ad hoc committee, the following questions should be addressed: 1) What is the specific goal of the committee? 2) What is the expected deliverable and in what time period? and 3) What level of staff versus commissioner work is expected?

Vice Chair Hill recommended that the Measure W Equity and Outreach Subcommittee be disbanded and that an Outreach Subcommittee, focused on implementing the outreach priorities discussed at this meeting, be created in its place. Chair Micik stated that the Measure W Equity and Outreach Subcommittee would sunset with this meeting. He also formed a new ad hoc subcommittee, the Public Outreach 2023 Commissioner Recruitment, Enforcement Resources, Ethics Complaints and Campaign Finance subcommittee. He designated Vice Chair Hill as the chair of that subcommittee with Commissioners Gage and Steele as additional subcommittee members.

Commissioner Upton recommended that the Transparency and Public Records Subcommittee continue and that its focus be on developing a long-term vision statement for government transparency in Oakland and short-term next steps to make progress towards that goal.

*Detect/Deter/Prosecute - Enforcement Program Overview, Content of Monthly Enforcement Reports, Enforcement Case Prioritization.*

Enforcement Chief Simon Russell explained how information is provided on the monthly Enforcement Reports, what information is contained in enforcement reports in other jurisdictions, and led a discussion with commissioners as to what type of information they may wish to see in monthly reports.

Enforcement Chief Russell explained the factors that the Enforcement Program uses to prioritize its caseload and led an exercise where commissioners selected which of several hypothetical enforcement matters to prioritize for investigation in an environment of limited enforcement resources.

*Wrap-Up.*

Chair Micik thanked retreat participants.

Public Speakers: Gail Wallace, Gene Hazzard, Lynda Johnston, and David Shor.

## **DISCUSSION ITEMS**

### **5. Future Meeting Business.**

## Item 4b - Special Meeting Minutes, Retreat

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*DRAFT*



Chair Micik announced the September Recess for the PEC regular meeting. The next regular PEC meeting will be held on October 11, 2023.

The meeting adjourned at 7:51 p.m.



## Item 5a - Staff Memo

Ryan Micik, Chair  
Charlotte Hill, Vice Chair  
Alea Gage  
Arvon J. Perteet  
Vincent Steele  
Francis Upton IV

Nicolas Heidorn, Executive Director

TO: Public Ethics Commission  
FROM: Nicolas Heidorn, Executive Director  
DATE: September 29, 2023  
RE: Proposed Per Diem Late Fee Waiver Guidelines

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Under the Political Reform Act (PRA) and under the Oakland Master Fee Schedule (MFS), the Public Ethics Commission (PEC or Commission) is generally required to charge a \$10/day fee for late campaign finance and lobbyist statements. (This late filing fee is in addition to any other penalties the PEC's Enforcement Program may bring for missing filing deadlines.) The Executive Director, for good cause, may waive these late fees, subject to certain limitations in State or City law. The City Charter requires the PEC to establish guidelines for the waiver of per diem late fees, which must be posted on the PEC's website, and to establish criteria for a person to appeal the Executive Director's decision to the full Commission.

**Staff is recommending that the PEC adopt the attached "Oakland Public Ethics Commission Guidelines for Waiving Late Filing Fees." This report provides a summary and explanation of these guidelines.**

### Background

A. Charter Requirements. Section 603(f)(5) of the City Charter describes the PEC's responsibilities in imposing lobbying, campaign finance, and government ethics per diem late filing fees. Under the Charter:

- The PEC must establish waiver guidelines and post them online.
- The PEC must prescribe criteria for appealing the Executive Director's decisions to not waive a late filing fee.
- A late filing that triggers the assessment of a fee of \$1,000 or more by the Commission shall be placed on a Commission meeting agenda before issuance of the fee.

Presently, the PEC only imposes per diem late fees for late campaign finance statements. With recent amendments to the Master Fee Schedule, the PEC is now authorized to assess per diem late fees for late lobbying statements. Presently, the PEC does not assess per diem late fees for any other government ethics statements.

B. Campaign Finance Statements. Under state law, candidates and political committees are required to file periodic reports disclosing their campaign activities. For candidates, this generally includes at least two semi-annual reports and two pre-election reports in election years. The PEC is the local filing officer for campaign finance disclosure statements relating to Oakland elections. (OMC 3.12.240(A).) Under Section 91013(a) of the Government Code, a person who files a late campaign finance statement or report after a deadline is liable "in the amount of ten dollars (\$10) per day after the deadline until the statement or report is filed." (See also OMC 3.12.240(D).) The PEC is not required to enforce this



liability if “on an impartial basis the filing officer determines that the late filing was not willful and that enforcement of the liability will not further the purposes of the” Political Reform Act (PRA). (GC 91013(a).)

However, the PRA prohibits a filing officer from waiving late filing fees a certain number of days after written notice has been sent to the non-filer, depending on the type of statement at issue. The PRA provides:

“no liability shall be waived if a statement or report is not filed within ... five days for a campaign statement required to be filed 12 days before an election, and 10 days for all other statements or reports, after the filing officer has sent specific written notice of the filing requirement.”

Because the PEC’s practice is to provide written notice to campaign statement non-filers on the second day that their statement is late, late fees for second pre-election statements may not be waived after day seven and late fees for other campaign finance reports may not be waived after day 12.

C. Lobbying Statements. Under the Lobbyist Registration Act (LRA), lobbyists are required to file quarterly disclosures of their lobbying activity, which is due 30 days after the end of a quarter. This year, the PEC proposed, and the City Council adopted, amendments to the Master Fee Schedule which imposed a \$10 “Late Fee per day until registration form or report is filed.” At its August meeting, the PEC proposed amendments to the LRA to:

- Incorporate this fee;
- Cap the total fee amount to \$1,000; and
- Permit the Executive Director to “reduce or waive a late filing fee under \$500 if the Executive Director determines that the late filing was not willful and that enforcement will not further the purposes of this Chapter. The Executive Director shall report any reductions or waivers of the late filing fee at the next regular meeting of the Public Ethics Commission.”

(Proposed OMC 3.20.225(B).) These proposed amendments are being considered by the City Council.

### **Other Jurisdictions’ Guidelines**

Staff has identified a number of jurisdictions that have adopted late filing fee waiver guidelines. Generally, jurisdictions have adopted a strict approach, only waiving fees where the late filing was largely outside of the control of the filer. For example, [San Francisco](#) only permits a fee waiver for late campaign finance reports in cases of “incapacitation for medical reasons, hospitalization, involvement in an accident, and death” or “other unique, unintentional factors beyond the filer’s control.” The [Fair Political Practices Commission](#) (FPPC) has adopted an almost identical standard for the late filing of Form 700 Statements of Economic Interest.

The California [Secretary of State](#), as to late campaign finance and state lobbying statements, and the [City of Laguna Beach](#), for PRA-required forms, have adopted a somewhat more lenient standard. Full waivers are only available if there is an “[u]nplanned medical incapacity or death of the filer or the filer’s immediate family” or for the “[u]navailability of records.” However, first-time filers may have 50% of their fee waived if “the filer was not using a professional or experienced treasurer at the time

## Item 5a - Staff Memo

of the filing obligation and the filer had a comparatively low level of activity that they failed to report in a timely manner” and the filer never filed statements previously.

### Proposed Oakland PEC Guidelines

Similar to the guidelines adopted by the Secretary of State, the FPPC, San Francisco, and Laguna Beach, the proposed PEC Guidelines would require that a filer demonstrate compelling reasons, beyond the filer’s control, to qualify for a good cause fee waiver. The proposed Guidelines include examples of good cause which expressly includes if the filer or their immediate family are medically incapacitated, hospitalized, or involved in a serious accident or are a victim of crime, or if the filer’s files are unavailable due to theft or destruction caused by a natural disaster, for example. The proposed Guidelines also include examples of reasons that would not constitute good cause, such as a filer not being aware of the deadline or being on vacation.

However, to alleviate some of the strictness of this standard, staff is also proposing that there be a presumption of good cause for a late filer who has no prior late filings and who is only 1-5 days late for a second campaign pre-election statement, and 1-7 days for all other campaign or lobbying statements. Where filings are only a few days late, and the filer has no prior record of late filings, it is unlikely that the violation was intentional; the harm to the public from the delayed reporting is likely to be small or non-existent; and the administrative cost of imposing and collecting a fee may exceed the value of the fee.

State law restricts the Executive Director’s ability to waive late campaign filing fees more than five days after written notice has been provided to the filer for second campaign pre-election statements and more than ten days after written notice for other campaign statements. As described above, because the PEC provides notice of a late filing on day two, the Director is unable to waive fees after day seven for second campaign pre-election statements and after day 12 for all other campaign statements. Those limitations are noted in the proposed Guidelines.

Under the proposed LRA amendments, recently recommended to the City Council by the PEC, the Executive Director may only waive late fees of less than \$500 (i.e. of less than 50 days). That proposed limitation is incorporated into these proposed Guidelines, prohibiting waiver after 49 days.

The chart below, reproduced in the proposed Guidelines, summarizes when the Executive Director may waive per diem late filing fees:

<b>2<sup>nd</sup> Pre-Election Statement</b>	<b>All Other Campaign Statements</b>	<b>Lobbying Statements</b>
<ul style="list-style-type: none"> <li>• 1-5 days late:</li> <li>~ <i>No priors</i>: good cause presumed</li> <li>~ <i>Priors</i>: for good cause</li> <li>• 6-7 days late: for good cause</li> <li>• 8+ days late: no waiver</li> </ul>	<ul style="list-style-type: none"> <li>• 1-7 days late:</li> <li>~ <i>No priors</i>: good cause presumed</li> <li>~ <i>Priors</i>: for good cause</li> <li>• 8-12 days late: for good cause</li> <li>• 13+ days late: no waiver</li> </ul>	<ul style="list-style-type: none"> <li>• 1-7 days late:</li> <li>~ <i>No priors</i>: good cause presumed</li> <li>~ <i>Priors</i>: for good cause</li> <li>• 8-49 days late: for good cause</li> <li>• 50+ days late: no waiver</li> </ul>

The Guidelines also adopt procedures for appealing the Executive Director’s decision not to waive filing fees to the full Commission. Under the proposed Guidelines, an appeal must be made within 14 days of being notified of the Executive Director’s decision. The appeal would be scheduled for the next

## Item 5a - Staff Memo

regular PEC meeting and the appellant would be required to appear in person to answer questions from the Commission. The PEC would review the Director's decision under an abuse of discretion standard.

### **Adopting Late Filing Fee Guidelines**

Under OMC 2.24.020, the PEC's adoption of "policies, procedures, and regulations for the conduct of its business" must be transmitted to the City Council within seven days of adoption. Within 60 days of adoption, the City Council may, by a two-thirds vote, veto those policies, procedures, and regulations. It is unclear whether the adoption of waiver guidelines falls under this requirement. However, in an abundance of caution, staff plans to transmit these procedures to the City Council.

### **Staff Recommendation**

Staff recommends that the Commission adopt the attached "Oakland Public Ethics Commission Guidelines for Waiving Late Filing Fees."

**Additional Attachment:** Oakland Public Ethics Commission Guidelines for Waiving Late Filing Fees

### Oakland Public Ethics Commission Guidelines for Waiving Late Filing Fees

The late filing of campaign finance and lobbying statements denies voters, the press, the public, and other stakeholders of important information that should be current and readily available. Under State and City law, the Public Ethics Commission (PEC) is generally required to charge a \$10/day fee for the late filing of campaign or lobbying statements. However, the Executive Director of the PEC may waive these per diem late fees for good cause, subject to certain limitations in State and/or City law.

#### A. Applying for a For Cause Waiver

Within 14 days of the PEC sending out a notice to a filer that they are required to pay a per diem late fee, the filer may request in writing that the Executive Director waive the fee for good cause. PEC staff may prescribe the form in which a waiver request shall be submitted.

The Executive Director shall only grant a waiver if the late filing was not willful and if there is good cause to waive the fee. The Director may require that the filer provide adequate supporting documentation that good cause exists.

The following are examples of reasons that **do constitute good cause** and are eligible for a waiver:

- ***The filer was incapacitated for medical reasons.*** Adequate documentation may include the filer providing a signed statement by a medical provider, such as a doctor or therapist, on the medical provider's letterhead identifying the filer, the nature of the filer's incapacitation, and the date(s) thereof.
- ***The filer was hospitalized.*** Adequate documentation may include the filer providing a copy of the hospital bill or physician's statement showing the filer's name and the date(s) of the hospitalization.
- ***The filer was involved in a serious accident or was the victim of a crime.*** Adequate documentation may include the filer providing a copy of a police report showing the filer's name, the date and time of the accident or incident, and, if applicable, whether or not the vehicle was disabled, in addition to a written statement by the filer explaining how the accident caused the late filing.
- ***The filer's records were lost or are unavailable due to fire, flood, theft, earthquake or similar reason.*** Adequate documentation may include a copy of a police, fire or insurance report indicating the date of the occurrence and the extent of the loss or damage.
- ***The filer was unable to file on time because they were assisting an immediate family member who was medically incapacitated, hospitalized, or involved in a serious accident or was the victim of a crime.*** Adequate documentation may include documents described above and documents indicating that the affected person(s) are an immediate family member. Immediate family is defined as the filer's spouse or registered domestic partner; sibling; sibling's spouse or registered domestic partner; child or stepchild; child or stepchild's spouse or registered domestic partner; grandchild; parent; spouse or registered domestic partner's parent; or grandparent.
- ***Other compelling reasons beyond the filer's control.***

## Item 5b - Draft Guidelines

The following are examples of reasons that **do not constitute good cause** and are not eligible for a waiver:

- ***The filer was not aware of the filing requirements.***
- ***The filer did not receive notice of the filing requirements.***
- ***The filer was not available to sign or verify forms in time for the submission of their report.***
- ***The filer sent the forms to the wrong official.***
- ***The filer did not know how to get forms or to submit their reports.***
- ***The filer did not have complete information by the filing deadline.***
- ***The filer was on vacation.***
- ***The filer was busy at work and unable to file.***

The Executive Director shall notify the PEC, at its next regular meeting, of any per diem late fees they have waived pursuant to these Guidelines.

### B. First-Time Late Filers

Notwithstanding Section A, if a filer is only 1-5 days late in filing the second campaign pre-election statement, or 1-7 days late for all other campaign or lobbying statements, and the filer has not been late filing any other statement in the prior six years for campaign statements and four years for lobbying statements, the Executive Director shall presume that the late filing was for good cause and automatically waive the late fee, without requiring the filer to apply for a waiver. For campaign statements that must be filed within a certain number of days of a qualifying contribution or expenditure, such as Form 496 or Form 497 reports, good cause will only be presumed if the statement was filed before the election.

For purposes of this Section, a prior late filing by a candidate's treasurer will preclude that candidate from receiving an automatic waiver, unless the treasurer can demonstrate that the prior violation was primarily due to the actions of others, and not the treasurer. In the absence of other proof, a treasurer may submit a sworn statement certifying that the prior violation was primarily due to the actions of others, and a description of the facts sufficiently detailed as to substantiate their claim. Knowingly filing a false statement will result in a reversal of any waiver granted, and may be used as an aggravating factor in any related Enforcement action.

### C. Non-Waiver

Notwithstanding Section A, the following late statements are not eligible for a waiver, even for good cause:

- Second pre-election campaign statements that are more than 7 days late.
- All other campaign statements that are more than 12 days late.
- Lobbyist statements that are more than 49 days late.

### D. Summary of Waiver Policy

## Item 5b - Draft Guidelines

<b>2<sup>nd</sup> Pre-Election Statement</b>	<b>All Other Campaign Statements</b>	<b>Lobbying Statements</b>
<ul style="list-style-type: none"><li>• 1-5 days late: ~ <i>No priors</i>: good cause presumed ~ <i>Priors</i>: for good cause</li><li>• 6-7 days late: for good cause</li><li>• 8+ days late: no waiver</li></ul>	<ul style="list-style-type: none"><li>• 1-7 days late: ~ <i>No priors</i>: good cause presumed ~ <i>Priors</i>: for good cause</li><li>• 8-12 days late: for good cause</li><li>• 13+ days late: no waiver</li></ul>	<ul style="list-style-type: none"><li>• 1-7 days late: ~ <i>No priors</i>: good cause presumed ~ <i>Priors</i>: for good cause</li><li>• 8-49 days late: for good cause</li><li>• 50+ days late: no waiver</li></ul>

### E. Limitations on Liability

Under the Political Reform Act, Government Code Section 91013, per diem late fees for late campaign statements shall not exceed \$10 per day up to a maximum of \$100 or the cumulative amount stated in the late statement, whichever is greater.

The PEC's policy under the Lobbyist Registration Act is to cap per diem late fees for late lobbyist statements to a maximum of \$1,000.

The per diem late fees described in these Guidelines are in addition to any other penalties or remedies established under State or City law, and do not preclude a separate enforcement action by the PEC or another enforcement entity for the late filing of campaign or lobbying statements, nor do these Guidelines limit the amount in fines that may be imposed under a separate enforcement action.

### E. Appeal

The Executive Director shall generally decide a waiver request and notify the filer within 14 days. If the Executive Director denies a filer's waiver request, the filer may appeal the Director's decision to the full Commission within 14 days. PEC staff may prescribe the form in which a waiver request shall be submitted. The appeal shall be scheduled for a public hearing before the full Commission no later than the Commission's next regular meeting that is at least 15 days after the appeal is received, and shall provide the applicant with 10 days notice of the hearing.

To submit an appeal, an applicant must:

- Pay the applicable fee prior to filing their appeal. If the fee is not paid, the appeal shall be automatically denied.
- Submit a written application, explaining why the Director's decision was in error.
- Appear in-person at the full Commission to answer questions. If the filer does not appear, the appeal shall be automatically denied.

In any appeal, the PEC shall review the Executive Director's decision not to waive late filing fees under an abuse of discretion standard.



## Item 6 - Staff Memo

Ryan Micik, Chair  
Charlotte Hill, Vice Chair  
Alea Gage  
Arvon J. Perteet  
Vincent Steele  
Francis Upton IV

Nicolas Heidorn, Executive Director

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TO: Public Ethics Commission  
FROM: Nicolas Heidorn, Executive Director  
DATE: September 29, 2023 (Revised October 18, 2023)  
RE: Pursuing Grant Funding Opportunities to Support the Democracy Dollars Program

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The Public Ethics Commission (PEC or Commission) has been invited by the Evelyn and Walter Haas, Jr. Fund (Haas, Jr. Fund) to submit an application for a grant to fund a Democracy Dollars community engagement and outreach specialist position at the PEC for one year. This position, if funded, will enable the PEC to build a robust outreach and education plan well before the distribution of Democracy Dollar vouchers and begin building relationships with community organizations and leaders that can help educate the public and diverse communities about the Program. The grant is intended to be a proof of concept, with a goal of the City permanently supporting the position in its next budget cycle, if the concept proved successful. The outreach specialist would be a City employee or contractor reporting to the Democracy Dollars Program Manager; the Haas, Jr. Fund would have no role in directing or supervising the outreach specialist's or the PEC's outreach activities. The PEC is also considering applying to the Haas, Jr. Fund for a grant to support a graduate student's part-time work to assist with developing the Democracy Dollars Program.

**Staff is requesting the PEC's approval to submit an application to the Haas, Jr. Fund to hire an outreach specialist and a graduate student and to delegate to the Executive Director, in consultation with the Chair and the Vice Chair, the power to sign off and execute any necessary agreements to apply for and receive these grants.**

*This memo is the same as the September 29, 2023, memo for the cancelled October 11, 2023 PEC meeting, except the proposal has been updated to reflect that the PEC may also apply for funding to support a graduate student.*

### Background

In November 2022, voters passed Measure W, to replace Oakland's existing, reimbursement-based public financing system with a voucher-based public financing system, modelled off of Seattle's system, called the Democracy Dollars Program. Under the Program, eligible Oakland residents will receive four, \$25 vouchers which they may contribute to any eligible candidate running for a City or Oakland School District office. Measure W required that the City provide a specified minimum budget and at least four staff positions to the PEC to administer the Program, which was intended to be implemented in the 2024 election cycle.

However, in light of the significant budget deficit the City was facing, the City Council voted to eliminate funding for Democracy Dollars in the 2023-2025 Budget, effectively postponing the Program to 2026, and provided the PEC with one staff position to begin Program implementation, instead of the four required under Measure W. Unless the City Council provides a mid-cycle adjustment, the soonest the PEC could be budgeted the three additional positions would be in July of 2025. If it takes several months to hire for these positions, which has been the PEC's experience in

the past, these positions may not be filled until a few months before vouchers are mailed out to Oakland residents.

PEC staff has been exploring opportunities to find grant funding to enable earlier hiring of contractors or staff who can assist the PEC in preparing for Democracy Dollars implementation, with outreach and education being one crucial area that will require early planning and preparation. Measure W expressly provides that the City may accept voluntary donations to the Democracy Dollars Fund, which is the fund the voucher contributions are paid out of. (OMC 3.15.060.) The City of Oakland, although not the PEC, also routinely applies for grant funding to support specific programs or operations.

### **Contemplated Outreach Position (Updated October 18, 2023)**

A core need of the Democracy Dollars Program will be preparing a robust outreach and education program to let the approximately 245,000 Oakland registered voters know that about the Program, and how to use their vouchers. As part of its commitment to equitable outreach, and in keeping with the goals of Measure W to “expand public participation in the local democratic process and empower all Oakland residents with an opportunity to engage meaningfully in the campaign process,” it is particularly important that this outreach and education encompass all of Oakland’s diverse communities and emphasize communities that have traditionally been underserved or that have lower levels of political engagement.

Staff is proposing to apply for a grant to contract for or bring on a community engagement and outreach specialist to assist with the development and implementation of an equity-centered Democracy Dollars engagement plan to build awareness of, and encourage broad participation in, the Program, including in traditionally underserved areas of Oakland. The community engagement specialist would assist with developing the PEC’s community engagement infrastructure in the lead up to the launch of the Democracy Dollars Program and would assist in developing a communication strategy and comprehensive outreach plan for educating voters on the Program.

The PEC will seek grant funding to, at minimum, hire or contract with a specialist for one year, likely from at least July 1, 2024, to June 30, 2025. Because outreach and education will remain a critical component of the Program, if this specialist role is successful, staff anticipates requesting that the City Council continue the position permanently at the end of the grant.

The PEC is also considering applying to the Haas, Jr. Fund for a grant to support a graduate student to assist with the Democracy Dollars Program.

#### **Haas, Jr. Fund**

The Evelyn and Walter Haas, Jr. Fund is a San Francisco-based, 501(c)(3) nonprofit private foundation established by Evelyn D. Haas and Walter A. Haas Jr. in 1953. Today, the Fund’s board positions are held by the children and grandchildren of Evelyn and Walter Haas, including Board Chair Walter J. Haas. According to its mission statement, among other priorities, the Haas Jr. Fund seeks to “build a fair and inclusive democracy in which all Californians have equal opportunities for participation and representation.”

The Haas Jr. Fund has a long history of grantmaking in the Bay Area, including supporting the Bay Area Political Equality Collaborative’s (BayPEC’s) initial research into how to design a more inclusive public financing system, including the Democracy Dollars approach the Collaborative ultimately



## Item 6 Staff Memo

advocated for. The Haas, Jr. Fund also supported Maplight’s research into political giving in Oakland, and the work of the Oakland Fair Elections Coalition.

Current 2023 Bay Area grantees include \$100,000 to the East Bay Community Foundation for “the Fund for Multiracial Democracy to support City of Oakland leadership and community co-governance,” \$250,000 over two years for the Oakland Rising project “to support community engagement, leadership development, and alliance building in Oakland and Alameda County,” and \$115,000 over two years to Oakland Kids First “to support efforts to implement youth voting, activism, and leadership development in Oakland.” A list of past and current grantees may be found at the Haas, Jr. Fund’s website: <https://www.haasjr.org/grants/search>.

The Haas, Jr. Fund does not engage in or make grants in support of or opposition to political campaigns, including supporting or opposing candidates or ballot measures, and does not engage in or make grants to support lobbying.

### **Grant Approval**

The Executive Director is able to apply for and accept grants on their own authority. However, given the likely size of the grant, I am requesting the full PEC’s input and authorization in this case.

According to the City Attorney’s Office, the receipt of any grant over \$50,000 must be approved by the City Council. If the PEC receives this grant, staff will work with the City Council to finalize approval of the award.

### **Staff Recommendation (Updated October 18, 2023)**

Staff recommends that the PEC adopt a motion authorizing staff to apply for a grant or grants to fund an outreach specialist position at the PEC and a graduate student to assist the PEC with the Democracy Dollars Program and to take any necessary steps to apply for or execute the grant or grants, in consultation with the PEC Chair and Vice Chair.

**Additional Attachment:** Haas Jr., Fund Mission Statement

## Item 6 - Staff Memo

### Haas Jr., Fund Mission Statement

<https://www.haasjr.org/about/mission-statement>

*The Evelyn and Walter Haas, Jr. Fund works to advance equality and justice so every person can thrive and live life with dignity and hope.*

The Haas, Jr. family's love and deep appreciation for the vitality and beauty of the San Francisco Bay Area and its diverse people and cultures inspire our work. Guided by the values of inclusion, respect, collaboration, and courage, we are compelled to confront injustice and some of society's most difficult issues. In all [our work](#), the Fund strives to be a voice of hope and a force for positive change.

Motivated by our values, the Fund seeks to:

- Build a fair and inclusive [democracy](#) in which all Californians have equal opportunities for participation and representation.
- Make [higher education](#) more affordable so all young people have opportunities to realize the dream of a college degree.
- Help [immigrant children and youth](#) thrive and unleash their potential to shape the future of California.
- Advance full equality for [LGBT people](#) so they have the same civil rights protections other Americans take for granted.
- Build the skills of organization and movement [leaders](#) so they can advance the cause of social change
- Ensure [Crissy Field](#) remains a beautiful and beloved gathering place for all people.
- Channel the generosity of the Bay Area to provide [emergency assistance](#) for individuals and families.



## Item 7a - Staff Memo

Ryan Micik, Chair  
Charlotte Hill, Vice Chair  
Alea Gage  
Arvon J. Perteet  
Vincent Steele  
Francis Upton IV

Nicolas Heidorn, Executive Director

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TO: Public Ethics Commission  
FROM: Nicolas Heidorn, Executive Director  
DATE: September 29, 2023 (Revised October 18, 2023)  
RE: Amendment to the PEC's Limited Public Financing Act of 2024 Proposal

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Staff recommends that the Public Ethics Commission (Commission or PEC) adopt a minor amendment to its Limited Public Financing Act of 2024 (LPF) proposal, which is presently pending before the City Council, to remove the \$155,000 cap in the amount the PEC can spend on the proposed program.

*This memo is the same as the September 29, 2023, memo for the cancelled October 11, 2023 PEC meeting, except the status of the PEC's LPF legislation has been updated. The attached Resolution and the language in Exhibit A are unchanged from the prior meeting.*

### **Background (Updated October 18, 2023)**

At its August 9, 2023, meeting, the Commission adopted a proposal recommending that the City Council enact the LPF of 2024, or a substantively similar ordinance, which would establish a reimbursement-based public financing program for City Council District candidates for the 2024 election cycle only. That proposal is pending before the City Council, and may be adopted by the City Council at its November 7, 2023, meeting.

The proposed LPF ordinance, as originally proposed by the PEC, provides that “The Public Ethics Commission shall finance the public financing program from its discretionary funds *in an amount not to exceed \$155,000 over the 2023-2025 fiscal years.*” (Emphasis added.) \$155,000 is the amount that the City Council appropriated to the PEC in discretionary funding for the 2023-2025 Budget, and is consistent with the amount that has been budgeted to the PEC for its LPF program in the past.

However, it is possible that the PEC may receive additional “carry-forward” funds from the prior LPF program, or that the City Council may direct that these prior unexpended funds be made available to the PEC for the proposed LPF program. There are \$37,566.24 in unexpended candidate funds and \$21,522.39 in unexpended administrative funds from prior LPF programs. If these funds are allocated to the PEC, the PEC may not be able to use them for the proposed LPF of 2024, because of the \$155,000 cap to that proposed program. This proposed amendment would require that the PEC instead allocate a *minimum* of \$155,000 in its discretionary funding for the LPF.

The PEC was set to consider this proposed amendment at its October 11, 2023 regular meeting, prior to the City Council taking up the PEC's LPF proposal at its October 17 City Council meeting. However, the October 11 meeting was cancelled. To not delay the adoption process, in consultation with the Chair, staff recommended that the City Council adopt the amendment as part of its first reading of the ordinance on October 17. If the PEC approves the amendment proposed here at its October 25 special meeting, the LPF ordinance will be adopted as-is at the Council's November 7 meeting. If the PEC does not approve this change, staff will ask that the ordinance will be amended back on November 7, for a likely final adoption later in December or January.

### Staff Recommendation

**Staff recommends that the PEC adopt a resolution recommending to the City Council, as an *additional* alternative to its prior proposal, the adoption of the Limited Public Financing Act of 2024, but instead requiring the PEC to allocate a minimum of \$155,000 to the public financing program.**

The proposed change would only affect Section 3.13.060(B) of the proposed LPF of 2024 language that the PEC previously adopted. The proposed change would be as follows, or a substantively similar amendment:

The Public Ethics Commission shall allocate a minimum of ~~finance the public financing program from its discretionary funds in an amount not to exceed~~ \$155,000 over the 2023-2025 fiscal years from its discretionary funds to the public financing program.

While the PEC previously authorized the City Council to adopt a “substantively similar” ordinance to the language the PEC proposed for the LPF of 2024, it is possible changing the public financing spending cap to a floor may be deemed a substantive change, which would require that the PEC first recommend this change for the City Council to be able to enact it. Under Measure W, the City Council may generally only make amendments to the Democracy Dollars Program that “are consistent with its purpose and approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Councilmembers, provided that the Commission has first approved specific findings and recommendations by a two-thirds ( $\frac{2}{3}$ ) vote of the Commissioners that the City Council amend the Act.”

The attached resolution is identical to the Resolution the PEC adopted at its August 9, 2023, meeting, except for the change to Section 3.1.3.060(B) described above. This recommendation requires a two-thirds vote.

**Attachments:** Draft Resolution; Exhibit A to the Draft Resolution

## CITY OF OAKLAND Public Ethics Commission



**RESOLUTION NO. 23-07**  
**[Proposed 10-11-23]**

RESOLUTION RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE ADDING OAKLAND MUNICIPAL CODE CHAPTER 3.13 (THE LIMITED PUBLIC FINANCING ACT OF 2024) TO TEMPORARILY RESTORE PUBLIC FINANCING, OR A SUBSTANTIVELY SIMILAR ORDINANCE

By action of the Oakland Public Ethics Commission:

**WHEREAS**, on November 8, 2022, Oakland voters passed Measure W, which repealed Oakland Municipal Code Chapter 3.13, the “Limited Public Financing Act of the City of Oakland,” and replaced it with Oakland Municipal Code Chapter 3.15, the “Oakland Fair Elections Act,” which establishes the Democracy Dollars Program; and

**WHEREAS**, Section 3.15.060(E) of the Oakland Fair Elections Act mandates a minimum budget set aside for the Oakland Democracy Dollars Fund (“Fund”) and for non-staff costs for the Public Ethics Commission (“Commission”) to administer the Fund, and allows the City Council to suspend the aforesaid minimum budget set-asides for a fiscal year or two-year budget cycle, upon a finding in the budget resolution that the City is facing an extreme fiscal necessity as defined by City Council resolution, provided that the suspension is part of a general reduction in expenditures across multiple departments; and

**WHEREAS**, the City of Oakland was experiencing the largest general purpose fund shortfall in its history prior to the balancing actions contained in the Fiscal Years 2023-2025 budget; and

**WHEREAS**, in light of the extreme fiscal necessity the City was facing, the Council determined it was necessary to suspend the Charter-mandated minimum budget set-asides for the FY 2023-2025 budget cycle for the Democracy Dollars Fund and non-staff costs for the Commission to administer the Democracy Dollars Program; and

**WHEREAS**, Measure W anticipated that the Commission may not be able to implement the Democracy Dollars Program in the first election cycle following the measure’s passage, and provided in Section 3.15.050 of the Oakland Fair Elections Act that: “In the first election cycle following voter approval of this ordinance, the Commission may, by a vote of at least five (5) of its members, delay the implementation of the Program in part or in its entirety if the Commission is not able to meet all of the requirements of the Program as provided by this ordinance. In making this determination, the Commission should consider all possible alternatives to avoid delaying Program implementation in its entirety, including but not limited to partial implementation by issuing only mailed Democracy Dollars, or limiting the Program to only certain races, or changing Program components.”; and

**WHEREAS**, the Commission considered all possible alternatives to avoid delaying Democracy Dollars Program implementation in its entirety, including but not limited to partial implementation by issuing only mailed Democracy Dollars or limiting the Program to only certain races, but determined it could not do even a partial implementation for the 2024 elections. Furthermore, on July 12, 2023, the Commission voted, by a vote of 6-0, to postpone the distribution and use of Democracy Dollars vouchers for the November 2024 election; and

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



**RESOLUTION NO. 23-07**  
**[Proposed 10-11-23]**

**WHEREAS**, the Commission is working towards the full implementation of the Democracy Dollars Program for the 2026 elections; and

**WHEREAS**, Measure W anticipated that amendments to the measure may be appropriate to further the purposes of Democracy Dollars Program if they are recommended by the Commission. Section 3.15.230 of the Oakland Fair Elections Act provides that: “The City Council may make any amendments to this Act that: (1) are consistent with its purpose and approved by a two-thirds vote of the Councilmembers, provided that the Commission has first approved specific findings and recommendations by a two-thirds vote of the Commissioners that the City Council amend the Act”; and

**WHEREAS**, the City of Oakland has provided public financing to eligible candidates for City Council District office for over two decades; and

**WHEREAS**, the Commission finds that the elimination of all public financing for the 2024 election is contrary to the purposes of the Oakland Fair Elections Act; and

**WHEREAS**, the Commission finds that the temporary restoration of a limited public financing program for the 2024 election furthers the purposes of the Oakland Fair Elections Act by ensuring some type of public financing remains available while the Democracy Dollars Program is being established; and

**WHEREAS**, the Commission finds that the temporary restoration of a limited public financing program for the 2024 election furthers the purposes of building fairer elections, preventing corruption or its appearance, ensuring candidates can focus on communicating with all Oakland residents and considering policy issues rather than devoting excessive time to fundraising, ensuring that access to networks of wealthy contributors is not a prerequisite for candidates to run a competitive campaign, ensuring candidates participate in public debates, and ensuring candidates raise enough money to communicate their views and positions adequately to the public; and

**WHEREAS**, the Commission recommends that the City Council adopt an ordinance temporarily restoring a limited public financing program for the 2024 election ;

**Now, therefore be it:**

**RESOLVED**, that the Commission hereby recommends that the City Council adopt an ordinance temporarily restoring a limited public financing for the 2024 election; and be it

**FURTHER RESOLVED**, that, to implement this recommendation, the Commission hereby recommends that the City Council adopt an ordinance adding Chapter 3.13 of the Oakland Municipal Code, the Limited Public Financing Act of 2024, or a substantively similar ordinance, attached as Exhibit A.

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**CERTIFICATION RE: APPROVAL OF RESOLUTION**

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



**RESOLUTION NO. 23-07**  
**[Proposed 10-11-23]**

The foregoing Resolution was presented for approval at a duly noticed meeting of the City of Oakland Public Ethics Commission held on October 11, 2023, where a quorum of the membership of the Commission was present. The Commission approved the resolution by a vote of \_\_\_\_ to \_\_\_\_.

- AYES: GAGE, HILL, PERTEET, STEELE, UPTON AND CHAIR MICIK
- NOES:
- ABSTAIN:
- ABSENT:

I hereby certify that the foregoing is true and correct.

\_\_\_\_\_  
Nicolas Heidorn, Executive Director  
Oakland Public Ethics Commission

\_\_\_\_\_  
Date

**EXHIBIT A**

**SECTION 1**

Chapter 3.13 is added to the Oakland Municipal Code, as follows:

**Chapter 3.13 LIMITED PUBLIC FINANCING ACT OF 2024**

***Article I. Findings and Purpose***

**3.13.010 Title.**

This chapter shall be known as the "Limited Public Financing Act of 2024."

**3.13.020 Findings and declarations.**

The findings of this Act are as follows:

- A. The financial strength of certain individuals or organizations should not enable them to exercise a disproportionate or controlling influence on the election of candidates.
- B. The rapidly increasing costs of political campaigns have forced many candidates to raise larger and larger percentages of money from interest groups with a specific financial stake in matters under consideration by city government. This has caused the public perception that votes are being improperly influenced by monetary contributions.
- C. High campaign costs are forcing officeholders to spend more time on fundraising and less time on the public's business. The constant pressure to raise contributions is distracting officeholders from urgent governmental matters.

**3.13.030 Purpose of this Act.**

The purpose of this Act is to accomplish the objectives stated in Oakland's Campaign Reform Act as follows:

- A. To ensure that all individuals and interest groups in our city have a fair and equal opportunity to participate in elective and governmental processes.
- B. 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.
- C. To reduce the pressure on candidates to raise large campaign war chests for defensive purposes, beyond the amount necessary to communicate reasonably with voters.
  - D. To encourage competition for elective office.
  - E. 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.
  - F. To ensure that serious candidates are able to raise enough money to communicate their views and positions adequately to the public, thereby promoting public discussion of important issues involved in political campaigns.
  - G. To help preserve public trust in governmental and electoral institutions.
  - H. To prevent corruption or the appearance of corruption.

***Article II. Definitions***

**3.13.040 Interpretation of this Act.**

Unless the term is specifically defined in this Act or the contrary is stated or clearly appears from the text, the definitions set forth in Chapter 3.12 of this Code and in Government Code Sections 81000 et seq. as amended govern the interpretation of this Act.

For purposes of this Act, "principal residence" shall mean the place in which a person's habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning.

For purposes of this Act, "primary place of doing business" shall mean the street address of a corporation's or association's principal executive office as filed with the California Secretary of State or the street address of an unincorporated association's principal office as filed with the California Secretary of State.

***Article III. Election Campaign Fund***

**3.13.060 Establishment of public financing program.**

- A. The Public Ethics Commission shall establish a public financing program, consistent with this chapter, to fund all candidates eligible to receive public financing running for the office of district city councilmember in the 2024 general election.
- B. The Public Ethics Commission shall allocate a minimum of \$155,000 over the 2023-2025 fiscal years from its discretionary funds to the public financing program.

- C. Any unspent funds that the Public Ethics Commission allocated for the public financing program pursuant to subsection (B) at the end of the Fiscal Year 2023-2025 budget cycle shall remain in the Public Ethics Commission fund and accrue for disbursement to candidates eligible for public financing in future elections and for administrative costs.
- D. Up to seven and one-half percent of the amount allocated to the public financing program pursuant to subsection (B) may be utilized by the Public Ethics Commission to cover the anticipated cost of administering the provisions of this Act.

**3.13.065 Allocation of election campaign fund.**

No later than seven days after the city clerk has certified the names of all candidates to appear on the ballot, the public ethics commission shall determine at a publicly noticed meeting whether, based on the number of potentially eligible candidates, the amount of money in the election campaign fund is adequate to provide the maximum amount to potentially eligible candidates. If the commission determines that the election campaign fund will not be adequate to provide the maximum amount of funds to potentially eligible candidates, the commission shall order the disbursement of available funds on a pro rata or other equitable basis. The commission may at any time revise the disbursement plan consistent with these rules and prevailing law.

***Article IV. Eligibility for Public Financing***

**3.13.070 Application and withdrawal procedures.**

- A. Each candidate for district city council shall file a statement with the Public Ethics Commission on a form approved for such purpose indicating acceptance or rejection of the voluntary expenditure limits pursuant to Section 3.15.140(A).
- B. Each candidate for district city council shall file with the public ethics commission a statement of acceptance or rejection of public financing on a form approved by the public ethics commission no later than 14 calendar days after the date the city clerk has certified the names of candidates to appear on the ballot for the election in which public financing will be sought. The statement of acceptance or rejection of public financing shall advise and require that the candidate's decision to reject public financing is irrevocable for the election in which his or her name appears on the ballot. The failure to timely file a statement of acceptance or rejection of public financing shall constitute a rejection of public financing.
- C. If a candidate declines to accept the voluntary expenditure limits prescribed in Section 3.15.140(A), the candidate shall not be eligible for public financing.
- D. If a candidate agrees to accept the voluntary expenditure limits prescribed in Section 3.15.140(A), the candidate shall be eligible for public financing upon meeting the qualification requirements as provided in this Act.

- E. If a candidate declines to accept voluntary expenditure limits and receives contributions or makes qualified campaign expenditures equal to fifty (50) percent or more of the voluntary expenditure limit, or if any person makes one or more independent expenditures totaling more than \$30,000 on a district city council election, the applicable voluntary expenditure limit shall no longer be binding on any candidate running for the same office.
- F. In the event voluntary expenditure limits are lifted pursuant to Subsection (E), a candidate who accepted the voluntary expenditure limits shall be permitted to receive public financing but shall no longer be subject to the voluntary expenditure limits.

**3.13.080 Qualification procedures.**

A candidate shall be approved to receive public financing if the candidate meets all of the following requirements:

- A. The candidate has filed a timely statement of acceptance of the voluntary expenditure limits and acceptance of public financing.
- B. The candidate is certified to appear on the ballot for the election for which public financing is sought.
- C. The candidate has (1) received contributions in an aggregate amount of at least five percent of the expenditure limit for the office being sought from contributors whose principal residence or whose primary place of doing business is located within the city and which residence or business address appears on the written instrument used to make the contribution, and (2) made qualified campaign expenditures in an aggregate amount of at least five percent of the expenditure limit for the office being sought. Contributions from the candidate's own funds shall not be counted towards meeting this five percent requirement. The candidate shall provide copies of the contribution checks received and records of payments made to meet the five percent eligibility requirements.
- D. The candidate is opposed by another candidate for the same office.
- E. The candidate agrees to all conditions and requirements of this Act and to submit to any reasonable audit deemed appropriate by the public ethics commission or other civil authorities.
- F. The candidate or his or her campaign treasurer or designee attends a training program conducted or sponsored by the public ethics commission.
- G. The candidate has filed, and completely and accurately executed, all pre-election campaign statements that are due at the time public financing is payable. All candidates receiving public financing shall timely file, and completely and accurately execute, all post-election campaign statements for each election in which they received public financing.

- H. The candidate attests that he or she will personally participate in at least one public debate or forum. Only public debates or forums to which all other candidates accepting public financing for the office sought by the candidate are invited to participate shall be counted for the purposes of this section. Within five days of the candidate's participation in a qualifying public debate or forum, the candidate shall notify the Public Ethics Commission, in writing, of his or her participation in the debate or forum.

**3.13.090 Use of personal funds.**

A candidate who accepts public financing shall not receive contributions or loans from the candidate's own funds which aggregate total exceeds \$19,000 for the office being sought. If the voluntary expenditure limits for the office being sought are lifted, this provision shall not apply.

***Article V. Disbursement of Public Financing***

**3.13.100 Duties of the public ethics commission and office of the city auditor.**

- A. The public ethics commission shall develop any and all forms necessary to carry out the provisions of the Act. The public ethics commission may, in its discretion, require any document or form to be filed in an electronic format that is provided by the public ethics commission to the candidates free of charge.
- B. The public ethics commission shall review records submitted to determine a candidate's eligibility to receive public financing and requests for reimbursement promptly. For any candidate determined not to be eligible for public financing, the commission or its designee shall inform the candidate of the reasons why the candidate is not eligible and what actions, if any, the candidate may take to correct any insufficiencies.
- C. The City Auditor may conduct a discretionary audit of the Public Ethics Commission's disbursement of public financing funds to candidates or may conduct discretionary audits of the campaign committee of any candidate who receives public financing. The audit report shall be a public record and provided to the Public Ethics Commission. The City Auditor shall conduct all audits in accordance with generally accepted government auditing standards.

**3.13.110 Requests for public financing.**

- A. Public financing pursuant to this Act shall be provided solely by reimbursing eligible candidates for certain qualified campaign expenditures lawfully made by the candidate and his or her campaign committee.
- B. The qualified campaign expenditures eligible for reimbursement are:

1. Candidate filing and ballot fees;
  2. Printed campaign literature and production costs;
  3. Postage;
  4. Print advertisements;
  5. Radio airtime and production costs;
  6. Television or cable airtime and production costs; and
  7. Website design and maintenance costs.
- C. The following conditions and restrictions shall apply to any request for reimbursement:
1. All requests for reimbursement shall be made on a form authorized by the public ethics commission and shall include: (a) a copy of the billing invoice for which reimbursement is sought; (b) a copy of the check(s) by which the candidate's campaign committee made payment on the billing invoice; and (c) a copy, when applicable, of the campaign literature, advertisement, radio or television script, or website configuration.
  2. All requests for reimbursement shall include a sworn declaration by the candidate and his or her campaign treasurer that (a) the check(s) used to make payment on the billing invoice represents payment in full of the billing invoice submitted for reimbursement and that sufficient funds exist in the campaign account to provide payment, and (b) any money received from the election campaign fund has not been previously earmarked or specifically encumbered to pay or to secure payment of any loan, return of contribution or of any expenditure other than the one for which reimbursement was sought.
- D. Any decision made by the executive director to deny a request for reimbursement may be appealed to the commission whose decision shall be final. A request to agendize an appeal of the executive director's decision shall be made in writing and delivered to the office of the public ethics commission no more than ten calendar days after receiving written notice of the executive director's decision.
- E. The total amount of public financing allocated to each candidate shall not exceed 30 percent of the voluntary expenditure limit per election for the office being sought.

**3.13.120 Disbursement and deposit of public financing.**

- A. A candidate or candidate's controlled committee, certified as eligible to receive public financing, shall submit requests for reimbursement to the public ethics commission in minimum increments of \$1,000.00 or more.

- B. A candidate or candidate's controlled committee, certified as eligible to receive public financing, shall submit requests for reimbursement in minimum increments of \$500.00 or more ten calendar days before the election.
- C. The public ethics commission or its designee shall have ten calendar days to cause the review and approval or denial of the request for reimbursement and disburse funds from the election campaign fund to the candidate or candidate's controlled committee.
- D. All funds disbursed from the election campaign fund shall be made payable to the candidate's controlled committee and shall be deposited directly into the candidate's campaign checking account within thirty (30) calendar days of receipt.

**3.13.150 Return of surplus funds.**

- A. Surplus campaign funds remaining at the end of the post-election reporting period following the election for which public financing was received shall be returned to the election campaign fund no later than 31 calendar days from the last day of the semi-annual reporting period following the election in an amount specified by this section. A candidate shall not be required to return any surplus funds in an amount greater than the amount of public financing received. The amount of surplus campaign funds to be returned to the election campaign fund shall be calculated by multiplying the amount of surplus campaign funds by the percentage that total public financing received represents of total monetary contributions received for the election period.
- B. For purposes of this Act, campaign funds shall be considered "surplus" campaign funds to the extent that the total amount of contributions (excluding the receipt of public financing) exceed the total financial obligations of the candidate's campaign committee (excluding unlawful or non-qualified campaign expenditures) as of the last day of the semi-annual reporting period following the election. A financial obligation includes (1) accounts payable billed, or (2) accounts payable for which bills may be expected, for goods or services received during the election.
- C. Public financing shall not be disbursed to the certified candidate from the election campaign fund following the day of the election or the candidate's withdrawal from the election, whichever occurs first, except that public financing may be disbursed to a certified candidate after the date of the election or withdrawal provided that the candidate submitted a properly documented request for reimbursement before the date of the election or the date of withdrawal from the election.

**3.13.180 Enforcement.**

The public ethics commission is the sole body for civil enforcement of this Act. In the event criminal violations of the Act come to the attention of the public ethics commission, the

commission shall promptly advise in writing the city attorney and the appropriate prosecuting enforcement agency.

**3.13.190 Criminal misdemeanor actions.**

Any person who knowingly or willfully (1) misrepresents his or her eligibility for public financing, (2) makes a material misrepresentation in connection with a request for reimbursement, or (3) causes, aids or abets any other person to violate the provisions of this Act, is guilty of a misdemeanor. Prosecution shall be commenced within four years after the date on which the violation occurred.

**3.13.200 Enforcement actions.**

- A. Any person who intentionally or negligently (1) misrepresents his or her eligibility for public financing, (2) makes a material misrepresentation in connection with a request for reimbursement, or (3) causes, aids or abets any other person to violate the provisions of this Act, is subject to enforcement proceedings before the public ethics commission pursuant to the public ethics commission general rules of procedure.
- B. If two or more persons are responsible for any violation, they shall be jointly and severally liable.
- C. Any person alleging a violation of this Act shall first file with the public ethics commission a written complaint on a form approved for such purpose. The complaint shall contain a statement of the grounds for believing a violation has occurred. The public ethics commission shall review, investigate and make determinations regarding any alleged violation consistent with the public ethics commission's general complaint procedures.
- D. The commission has full authority to settle any action involving public financing in the interest of justice.
- E. If the commission determines a violation has occurred, the commission is hereby authorized to administer appropriate penalties and fines not to exceed \$1,000.00 per violation and to order the repayment of public financing received or expended in violation of law.
- F. The public ethics commission may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this Act.
- G. No complaint alleging a violation of any provision of this Act shall be filed more than four years after the date the violation occurred.

**3.13.220 Construction.**

The Act shall be liberally construed to accomplish its purposes.

**3.13.240 Applicability of other laws.**

Nothing in this Act shall exempt any person from applicable provisions of any other laws of the city, state or other appropriate jurisdiction.

**3.13.260 Severability.**

If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this Act are severable.

**3.13.265 Sunset.**

This Chapter shall be operative for the 2024 general election only.



# Item 8a - Subcommittee Formation Memo

## Purpose Statement:

### Transparency and Public Records Subcommittee

(ad hoc, created March 8, 2023)

**Members:** Francis Upton IV (Chair), Arvon Perteet and Alea Gage.

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

The goal of the subcommittee is to identify a long-term vision statement for government transparency in Oakland and short-term next steps to make progress towards that goal.

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

The subcommittee will draft a vision statement (or statements) and bring them back to the PEC for consideration.

The subcommittee will prepare near-term options for how to make progress towards that goal that it presents to the PEC. These will likely be proposals for staff to explore further and bring back, or proposals like having different departments come in and testify to the PEC on their transparency efforts or challenges.

**C) What level of staff vs Commissioner work is expected?** The work of this subcommittee will mostly consist of commissioner work, with some light staff work.

**Vision Statement:** Commissioners will take the lead on discussing and drafting the vision statement. Staff will participate in the discussion. Staff may do light research work, like if other cities have adopted a vision statement, in discussion with the Subcommittee and recognizing staff capacity.

**Proposals:** Commissioners will take the lead in discussing potential near-term options. Staff will assist with doing a very preliminary assessment of some of the options that the Subcommittee is most interested in.

If the PEC decides to pursue an option, this may entail significantly more staff work, which should be discussed by the PEC in recognition of our other priorities and commitments.

# Item 8b - September 26, 2023 Meeting Minutes

## Transparency and Public Records Subcommittee

(ad hoc, created March 8, 2023)

**Members:** Francis Upton IV (Chair), Arvon Perteet and Alea Gage.

### September 26, 2023 Minutes

**Attendees – Members:** Commissioners Upton IV, Perteet, Gage

**Attendees – Staff:** Director Nicolas Heidorn, Analyst Jelani Killings, Enforcement Chief Simon Russell

#### **Discussion:**

1. Discussion of Purpose statement:
  - a. Make sure we are not waiting on the vision statement to proceed. (Arvon)
  - b. Should do a workplan. (Alea)
  - c. Revised the purpose statement to give to the PEC.
2. Which departments should we ask?
  - a. Police department (Francis)
  - b. Planning – we should see what their progress is since the last time they were here. (Arvon/Alea?)
  - c. Make sure we are really briefed before bringing a department in (Alea)
3. Vision statement (some bullet points)
  - a. Transparency by default (Francis)
  - b. Systems to have the city people be successful (Francis)
  - c. Self service (Francis)
4. Goldman Students
  - a. Find best practices (overall City, systems, tech, attitude, self service)
  - b. Could be at a city or department
  - c. Could consider jurisdictions nationwide
  - d. Identify performance metrics that are useful, what does dashboard look like
  - e. Identify orgs/people they should talk with (cf. Nardi email to Francis – forwarded to subcommittee)

#### **Action Items:**

1. Create a location where subcommittee artifacts are kept (Nicolas) – can/should this be public?
2. Get data from Suzanne when she is back about volume and responsiveness to help us see who we want to talk with. (Nicolas)
3. Find out status of dashboard and possibly get presentation of it before or at the next meeting (Nicolas/Suzanne)
4. Vision statement:
  - a. Create initial draft of vision statement and circulate for comments before next meeting (Francis/Alea)
  - b. Consider Brown Act, Bagley-Keene text (Alea)
  - c. Consider previous PEC text and Oakland Sunshine Act (Francis)
5. Goldman – Nicolas/Francis work on drafting proposal
6. Start a list of questions we want to ask other jurisdictions (in conjunction Goldman work, or if Goldman work does not happen) (Francis/Alea)

# Item 8c - Subcommittee Formation Memo

**Purpose Statement:**

## **Outreach Ad Hoc Subcommittee**

**(ad hoc, created August 25, 2023)**

**Members:** Charlotte Hill (Chair), Alea Gage and Vincent Steele.

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

The purpose of the subcommittee is to help PEC commissioners and staff effectively develop and execute outreach plans related to recruiting new commissioners, securing necessary enforcement resources, increasing the knowledge and use of our campaign finance disclosure tools, and raising overall awareness of the PEC.

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

The subcommittee will exist through the end of 2024. Its deliverables will include building outreach plans for each of the previously listed priorities and developing and disseminating the resources necessary for commissioners to help execute these plans.

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

Staff will take the lead on developing and executing the PEC's outreach plans. This will include presenting draft plans to the subcommittee and soliciting and integrating feedback from members. Commissioners will take the lead on identifying opportunities for commissioner involvement, determining necessary resources for commissioners, developing (if necessary) those resources, helping disseminate plans and resources to the rest of the commission, and promoting and tracking commissioner outreach.

# Item 8d - September 8, 2023 Meeting Minutes

## Outreach Subcommittee

(ad hoc, created August 25, 2023)

**Members:** Charlotte Hill (Chair), Alea Gage, and Vincent Steele.

### September 8, 2023 Minutes

**Attendees – Members:** Commissioners Hill, Gage, Steele

**Attendees – Staff:** Nicolas Heidorn, Executive Director; Jelani Killings, Ethics Analyst

#### *Discussion:*

The meeting began with a review of the current outreach plan for new commissioner recruitment. The plan includes targets for paid advertising in local media outlets, promotion partnership opportunities with other public agencies and community organizations, and ways for commissioners to promote openings to their own networks.

The subcommittee recommended spending the limited ad budget on outlets that are most likely to reach diverse communities across Oakland. They also discussed upcoming opportunities for commissioners to speak at community events and sourced ideas for additional community groups that PEC should partner with to promote vacancies and the application process.

Finally, the subcommittee developed a list of ways that commissioners could engage in outreach, including posting on social media, filming short testimonial outreach videos, and suggesting additional community partners.

#### *Action Items:*

1. Commissioners will speak at upcoming community events.
2. The PEC will partner with additional community groups to promote vacancies and the application process.
3. Commissioners will engage in outreach activities, such as posting on social media and filming short testimonial outreach videos.

#### *Next Steps:*

The subcommittee will meet again in October to review progress on action items and discuss additional outreach needs.



# Item 9a - Recruitment Report

Ryan Micik, Chair  
Charlotte Hill, Vice Chair  
Alea Gage  
Arvon J. Perteet  
Vincent Steele  
Francis Upton IV

Nicolas Heidorn, Executive Director

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TO: Public Ethics Commission  
FROM: Nicolas Heidorn, Executive Director;  
Jelani Killings, Ethics Analyst  
Ana Lara-Franco, Commission Analyst  
DATE: September 29, 2023  
RE: PEC Recruitment Efforts and Next Steps

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The Public Ethics Commission (PEC or Commission) is currently recruiting to fill a Commission-appointed vacancy to the PEC that will occur in January 2024. The application period opened in August and will close on October 27, 2023. This memorandum provides background on the requirements for a person to be appointed to the Commission, the PEC's current recruitment efforts, and the process that will be used to review applications and select an applicant to fill the vacancy at the PEC's December meeting.

## Background

Under the City Charter, four of the seven PEC commissioners are appointed by the Commission (and the remaining three are appointed by the Mayor, City Attorney, and City Auditor, respectively). The PEC must engage in a public recruitment process to fill these vacancies and the appointment must receive the affirmative vote of at least four commissioners. While Mayor, City Attorney, and City Auditor appointees are required to have specified civic or professional backgrounds, PEC-appointed members "shall reflect the interests of the greater Oakland neighborhood, nonprofit and business communities." Charter Section 603(d)(2).

Under the Charter, a PEC Commissioner must be a resident of Oakland and registered to vote in Oakland elections, and must attest in their application to having attended at least one PEC meeting. In addition, no appointed member of the Commission shall:

- "(1) Have an employment or contractual relationship with the City during the member's tenure and for a period of one year after the date of separation.
- (2) Be a registered Oakland lobbyist or be required to register as an Oakland lobbyist, or be employed by or receive gifts or other compensation from a registered Oakland lobbyist during the member's tenure and for a period of one year after the date of separation.
- (3) Seek election to any other public office in a jurisdiction that intersects with the geographic boundaries of Oakland, or participate in or contribute to an Oakland municipal campaign.
- (4) Endorse, support, oppose, or work on behalf of any candidate or measure in an Oakland election."

Charter Section 603(e).

Commissioners serve a three-year term and can serve a maximum of two consecutive terms, with some exceptions relating to partial terms.

## Recruiting Efforts

## Item 9a - Recruitment Report

In consultation with the Outreach Ad Hoc Committee and staff Equity Team, the PEC has engaged in a broad and equity-focused recruitment process, including through posting on the PEC's website and social media, emailing the PEC's distribution lists, presenting or tabling at neighborhood events, using paid advertising, and sharing this opportunity through media channels.

- **Events:** The PEC has attended 14 events, including:
  - 12 National Night Out neighborhood meetings;
  - Purchasing a table with the City Auditor at Art & Soul
  - Presenting at a District 3 Town Hall
- **Paid Advertising:** Digital ads and/or print ads were run in the *East Bay Times*, *Oaklandside*, and *Oakland Post*.
- **Earned Media:** *Oaklandside* published an [article](#) about the PEC vacancy and the Oakland League of Women Voters is expected to do so as well in an upcoming newsletter.
- **Social Media:** The PEC has made six social media posts about this vacancy, including two Commissioner recruitment videos.
- **Email Distribution:** An email announcement was sent to individuals subscribed to the PEC's agenda, disclosure, and outreach distribution lists as well as all individuals that applied to the Commission over the past two years.
- **Equity Outreach:** An email was sent to local minority bar associations and community groups representing the African American, AAPI, Hispanic, and LGBTQ communities.

### Applications Received to Date

As of September 27, the PEC has received a total of 8 applications. To assess the PEC's efforts at inclusive recruitment, the PEC will be asking applicants to voluntarily share their demographics, including race, gender, and sexual orientation, for the first time. As of this report, the PEC has not yet collected any demographic responses.

### Next Steps

At the PEC's October 11 meeting, Chair Micik will appoint an Application Review Ad Hoc Subcommittee, consisting of two to three commissioners. The Subcommittee, along with the Executive Director, will review every application received by the October 27 deadline and interview the strongest candidates in November, likely over Zoom or a similar platform. The Subcommittee will then forward its recommended candidates, likely three to five applicants, to the full Commission for a final in-person interview and selection at the PEC's December 13 meeting.

**Additional Attachment:** Recruitment flyer.

## CITY OF OAKLAND PUBLIC ETHICS COMMISSION

Ryan Micik (Chair)  
Charlotte Hill (Vice-Chair)  
Alea Gage  
Arvon Perteet  
Vincent Steele  
Francis Upton IV  
Nicolas Heidorn, Executive Director



## Public Ethics Commission Commissioner Vacancy Announcement August 2023

The City of Oakland Public Ethics Commission (PEC) is now accepting applications to fill one PEC-appointed Commissioner position, as part of its seven-member volunteer citizen board. The vacancy starts January 22, 2024, and expires on January 21, 2027. **Application deadline: October 27, 2023.**

*Please note: All applicants must attest in their application that they have attended (observed in-person or via Zoom) at least one PEC meeting. To attend a PEC meeting for this application process please check the upcoming meetings on our [webpage](#) and contact [ethicscommission@oaklandca.gov](mailto:ethicscommission@oaklandca.gov).*

### Background

The Public Ethics Commission is a seven-member board of volunteers dedicated to the City Charter goal of ensuring **fairness, openness, honesty, and integrity** in City government. Guided by duties and authority set out by City ordinance, the Commission works to achieve its goals through a three-pronged approach that focuses on prevention, enforcement, and collaboration. Specifically, the following local laws are the foundation of the Commission's responsibilities in three general areas – campaign finance, ethics, and transparency:

- Oakland Government Ethics Act
- Oakland Campaign Reform Act
- Conflict of Interest Code
- Sunshine Ordinance
- Oakland's Fair Elections Act (Democracy Dollars)
- Lobbyist Registration Act
- Oakland's False Endorsement in Campaign Literature Act

### Commissioner Requirements

A Commission member must be an Oakland resident and registered to vote in Oakland. Four Commissioners are appointed by the full Commission on a rotating schedule. Three Commissioners are appointed respectively by the Mayor, City Attorney, and City Auditor. All applicants must attend a PEC meeting (observed in-person or via Zoom) prior to their appointment. For upcoming meetings, visit [www.oaklandca.gov/pec](http://www.oaklandca.gov/pec).

Commissioners serve a three-year term and are expected to participate in monthly meetings and occasional subcommittee meetings to provide guidance to staff in the conduct of the Commission's business, make final decisions on enforcement matters, and serve as a neutral judge in cases that require an administrative hearing. Commissioners typically volunteer five to ten hours per month. Commissioners receive no compensation and may serve no more than two consecutive three-year terms.

## Item 9b - Announcement and Application

### During their tenure a Commissioner may not:

- Have an employment or contractual relationship with the City during the member's tenure and for one year after the date of separation;
- Be a registered Oakland lobbyist, be required to register as an Oakland lobbyist, or be employed by or receive gifts or other compensation from a registered Oakland lobbyist during the member's tenure and for one year after the date of separation;
- Seek election to any other public office in a jurisdiction that intersects with the geographic boundaries of Oakland, or participate in or contribute to an Oakland municipal campaign;
- Endorse, support, oppose, or work on behalf of any candidate or measure in an Oakland election.

### Desired Skills and Abilities

Commissioners should represent a variety of backgrounds and professions so that the Commission, as a whole, provides a well-rounded perspective on Oakland City government, law, community-building and engagement, leadership, program administration, enforcement, and policies related to campaign finance, ethics and transparency. Specifically, a Commissioner should be able to do the following:

- Read, analyze, and understand written information and make decisions based on the information;
- Listen to public input, assess community needs, and make decisions about how to best accomplish the Commission's goals;
- Understand the context in which the Commission operates within City government and the broader community;
- Communicate orally during a public, televised meeting;
- Collaborate effectively with other Commissioners, the public, City officials, and staff;
- Interpret rules, laws and policies and objectively apply a rule to a particular set of facts;
- Identify personal conflicts of interest or other factors that could lead to actual or perceived improper influence;
- Serve with fairness, openness, honesty, and integrity;
- Complete a Form 700 – Statement of Economic Interests annually, disclosing information such as one's financial interests in investments, property, income, and gifts;
- Adhere to all Commission-related laws and policies, including but not limited to the Oakland City Charter, Oakland Government Ethics Act, Oakland Sunshine Ordinance, Commission Complaint Procedures, and Commission Operations Policies (by-laws).

### Selection Process

New Commissioner appointments occur every year and are generally announced in the Fall. To apply for a vacancy, attend an upcoming Commission [meeting](#) in person or via Zoom and submit an application using the link below.

Apply online: <https://tinyurl.com/y6ejj4gm>

Following the application deadline, a subcommittee of Commissioners will review applications and conduct oral interviews of applicants. The top candidates will be forwarded for an interview and selection by the full Commission at the Commission's public meeting.

### For more information

For more about the Public Ethics Commission, visit us online at [www.oaklandca.gov/pec](http://www.oaklandca.gov/pec). We also suggest you attend a City Council meeting in person or watch one on local television (Channel 10). For more information about the Commission or this position, contact us at [ethicscommission@oaklandca.gov](mailto:ethicscommission@oaklandca.gov) or (510) 238-3593.



DEADLINE: OCTOBER 27, 2023

Item 9c - Recruitment Flyer

# APPLY FOR A SEAT ON THE PUBLIC ETHICS COMMISSION

BE A PART OF ACCOUNTABLE  
GOVERNMENT!

Want to learn more?  
Visit: [www.oaklandca.gov/pec](http://www.oaklandca.gov/pec)



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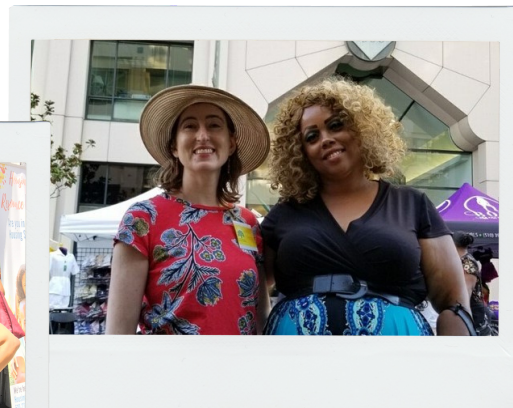
For inquiries, please contact:  
(510) 238-3593 or  
[ethicscommission@oaklandca.gov](mailto:ethicscommission@oaklandca.gov).

October 25, 2023 PEC Special Meeting Agenda Packet 49



# PASSIONATE ABOUT GOVERNMENT INTEGRITY?

## JOIN OUR TEAM!



The Public Ethics Commission (PEC) is an independent commission made up of Oakland residents dedicated to ensuring Oakland government is open, honest, fair, and trustworthy. The Commission acts as a guiding light and a watchdog to safeguard compliance with government ethics, campaign finance, lobbying, and transparency laws. The Commission:

- Educates residents and City staff on ethics-related issues
- Conducts investigations, audits and public hearings
- Imposes fines and penalties as part of enforcement activities
- Provides policy direction to Commission staff

## HELP LEAD THE PUBLIC ETHICS COMMISSION TO EVEN GREATER IMPACT

Want to learn more?  
Visit: [www.oaklandca.gov/pec](http://www.oaklandca.gov/pec)

Deadline: October 27, 2023

To apply online scan or visit:  
<https://tinyurl.com/ysfx9fuv>



For inquiries, contact: (510) 238-3593

or [ethicscommission@oaklandca.gov](mailto:ethicscommission@oaklandca.gov)



Public Ethics | CITY OF  
**OAKLAND**



## Item 10 - Staff Memo

Ryan Micik, Chair  
Charlotte Hill, Vice Chair  
Alea Gage  
Arvon J. Perteet  
Vincent Steele  
Francis Upton IV

Nicolas Heidorn, Executive Director

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TO: Public Ethics Commission  
FROM: Nicolas Heidorn, Executive Director  
Ana Lara-Franco, Commission Analyst  
DATE: September 29, 2023  
RE: Discussion of Options for Setting the Mayor's Salary

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At its July 18, 2023 meeting, the City Council passed a motion directing the City Administrator to bring back a proposal for a November 2024 ballot measure transferring the duties of setting the Mayor's salary from the City Council to the Public Ethics Commission (Commission or PEC). At its August retreat, PEC commissioners indicated that, rather than wait for the Administrator's proposal, they would prefer that the PEC recommend to the Administrator whether the PEC should take on this responsibility, and if so how.

This item was agendized to provide an opportunity for the public to provide comment, and for commissioners to discuss, what the Commission may wish to recommend. Based on this discussion, and any initial feedback, guidance, or request for additional information from commissioners, staff anticipates returning to the PEC this December with a proposal or proposals for the Commission's consideration.

To further this initial discussion, this memorandum provides background information on how the Mayor's salary is set; how the PEC sets salaries for other City elective offices; how other California jurisdictions set their mayors' salaries; and policy questions the PEC may wish to consider as part of this discussion.

### **Background - Elected Official Salary-Setting in Oakland**

Under the City Charter, the PEC sets the salaries for the City Council, City Attorney, and City Auditor. Under Section 202 of the Charter, the PEC bi-annually adjusts city councilmember salaries by the increase in the consumer price index over the preceding two years, up to a total of five percent. Under Sections 401(1) and 403(1), the PEC must annually adjust the salaries for the City Attorney and City Auditor to "provide for competitive compensation and equitable alignment," taking into account the highest paid employee in each office, other department head salaries, and salaries for comparable public officials in other California cities and counties. The PEC's authority to set the salary for the City Attorney and City Auditor is recent; voters transferred this responsibility to the PEC with the passage of Measure X in 2022. The PEC set the City Attorney and City Auditor's salaries for the first time in 2023.

The only elected City official that the PEC does not set the salary for presently is the Mayor. Under Section 300 of the Oakland City Charter, the City Council sets the Mayor's salary in every odd-numbered year, which must be "not less than 70% nor more than 90% of the average salaries of City Managers'/Chief Executive Officers of California cities within the three immediate higher and the three immediate lower cities in population to Oakland."

**Charter Provision for Elected Official Salary-Setting**

**Mayor's Salary (Sec. 300).** *The Mayor shall be nominated and elected from the City at large and shall receive an annual salary payable in equal monthly installments, and without any additional compensation or fees provided for in Section 202 of this Charter. The salary shall be set by the Council, which shall be not less than 70% nor more than 90% of the average salaries of City Managers'/Chief Executive Officers of California cities within the three immediate higher and the three immediate lower cities in population to Oakland, The Mayor's salary shall be reviewed by the City Council in odd-numbered years and may be adjusted by the Council as provided for herein.*

**Council Salaries (Sec. 202).** *The Public Ethics Commission shall bi-annually adjust the salary for the office of Councilmember by the increase in the consumer price index over the preceding two years, up to a total of five percent. If the increase in the consumer price index over the preceding two years exceeds five percent, the Commission shall have the discretion to adjust the salary for the office of Councilmember by an amount not exceeding five percent for each year, but not more than the total CPI per year.*

**City Attorney Salary (Sec. 401(1)).** *... The salary of the elected City Attorney shall be set annually by the Public Ethics Commission to provide for competitive compensation and equitable alignment and, taking into account the top of the range for the highest paid professional employee in the Office of the City Attorney and salaries for other City department heads, and shall be comparable to the salaries of City Attorneys and other comparable positions, such as County Counsel or Port Attorney, in California cities, counties and agencies selected by the Commission. The City Attorney's salary may not be reduced during the City Attorney's term of office except as part of a general reduction of salaries of all officers and employees in the same amount or proportion.*

**City Auditor Salary (Sec. 403(1)).** *... The salary of the City Auditor shall be set annually by the Public Ethics Commission, to provide for competitive compensation and equitable alignment and, taking into account the top of the range for the highest paid professional employee in the Office of the City Auditor and salaries for other City department heads, and shall be comparable to the salaries of public sector auditor positions in California cities and counties selected by the Commission. The City Auditor's salary may not be reduced during the City Auditor's term of office, except as a part of a general reduction of salaries for all officers and employees in the same amount or proportion.*

Pursuant to the Charter, the City Council last set the Mayor's salary on July 18, 2023. At the time, the Mayor was earning a salary of \$202,999. According to a staff report prepared by the City Manager, the average salary for the city managers of Fresno, Sacramento, Long Beach, Bakersfield, Anaheim, and Stockton was \$308,860. Therefore, the available 70% to 90% salary range was between \$216,202 and \$277,974. The City Council adopted the lower range of that scale.

At that same meeting, Councilmember Fife also moved, and the City Council approved on a 6-2 vote, a motion to have the City Administrator "return to Council in a timely manner with proposed legislation to amend the City Charter in November of 2024 to move the responsibility for setting the Mayor's salary from the City Council to the independent Public Ethics Commission, as is now the case for other elected officials, including the City Attorney, City Auditor and Councilmembers." The City Administrator is likely to bring back his recommendation to the City Council in early 2024.

**How the Mayor's Salary is Set in Other California Jurisdictions**

## Item 10 - Staff Memo

There are two types of cities in California: general law cities, which are subject to the state's general laws, and charter cities, which are cities that have adopted a city charter (akin to the city's constitution) and have some home rule autonomy from the state's general laws with regards to matters of municipal concern, including elected officials' salaries. Oakland, like most large cities, is a charter city.

For general law cities, state law sets mayoral compensation. In cities with a population of more than 250,000 residents, city councilmembers, including a mayor who is a member of the council, may be paid up to \$1,000 per month. That amount may be adjusted by no more than "5 percent for each calendar year from the operative date of the last adjustment of the salary in effect" when the salary ordinance was adopted. (Government Code Section 36516.) \$12,000 per year is very low, and likely reflects that, in most general law cities, the office of councilmember is a part-time position.

Charter cities like Oakland, however, are not governed by the State's general laws with regards to councilmember or mayoral salary. PEC staff surveyed the ten largest California cities (all of which are charter cities) and found many different approaches to mayoral salary-setting. In Fresno, the City Council has wide discretion in setting the mayor's salary. Other cities adopt a stricter approach, where there is very little discretion in salary-setting. For example, both Los Angeles and San Diego base their mayor's salaries on a superior court judge's salary. Anaheim follows the salary rules for general law cities. Other cities provide some discretion in salary amount, while setting standards for the types of factors that should be considered in setting compensation. For example, Sacramento and San Jose use appointed bodies to set salaries, while directing those bodies to take into account compensation provided in similar-sized cities.

The power and responsibilities of the mayor should also be considered in salary setting. Cities are generally described as having one of two forms of government (or a blend of both): the City Manager form of government, sometimes called the "weak mayor" form, where the city manager is the chief executive of the city and the mayor is a member of the city council, and the Mayor-City Council form of government, sometimes called the "strong mayor" form, where the mayor is the executive of the city and not a member of council. Because mayors in strong mayor cities have more power and responsibilities than mayors in weak mayor cities, they tend to have higher compensation. In California, five cities are commonly described as being either "strong mayor" cities or having "strong mayor" attributes: Fresno, Los Angeles, Oakland, San Diego, and San Francisco.

**Comparison – Mayoral Salary-Setting in the Ten Largest California Cities**

<b>Jurisdiction</b>	<b>Type of Mayor</b>	<b>Mayoral Salary Rule</b>
Anaheim	Weak	Follows rules for general law cities. <i>Charter Sec. 502.</i>
Bakersfield	Weak	Set at \$24,000/year. <i>Charter Sec. 20.</i>
Fresno	Strong	Salary set by City Council. <i>Charter Sec. 308.</i>
Long Beach	Weak	Set at \$67,500 + CPI (set in 1988). <i>Charter Sec. 203.</i>
Los Angeles	Strong	30% more than Councilmembers (who receive salaries equal to superior court judges). <i>Charter Sec. 218.</i>
Oakland	Strong	Council set salary to 70% to 90% of the average City Manager or CEO salary of 6 nearest-in-size cities. <i>Charter Sec. 300.</i>
Sacramento	Weak	Appointed Compensation Committee sets salaries that are “reasonable and consistent with other cities similar in size and structure.” <i>Charter Sec. 29.</i>
San Diego	Strong	Salary equal to salary of superior court judge. <i>Charter Sec. 24.1.</i>
San Francisco	Strong	Civil Service Commission sets salaries based on average of 5 Bay Area counties. Commission may reduce salaries if City and employee unions reduced their salaries. <i>Charter Sec. A8.409-1.</i>
San Jose	Weak	Appointed Salary Setting Commission sets salary taking “commensurate with salaries then being paid for other public or private positions having similar full time duties, responsibilities and obligations.” City Council may reduce salaries. <i>Charter Sec. 407.</i>

**Questions the PEC May Wish to Discuss**

In discussing how the mayor’s salary should be set, commissioners may wish to consider the following questions:

**1. Who should set the Mayor’s salary?**

Should the salary be set by the City Council (current law), the PEC (which sets all other City elected official salaries), or some other body (like the Civil Service Commission, as in San Francisco)?

- The City Council may provide political accountability to the voters for the process. However, it also risks politicizing the salary-setting process, where the mayor’s salary might depend significantly on whether or not his or her allies control the Council.
- A politically-insulated body, like the PEC, may lead to a fairer process where charter criteria, such as setting the salary based on compensation in peer jurisdictions, are more likely to be followed over political considerations. However, heightened scrutiny over the salary-setting process may pressure the PEC to make political decisions and subject the PEC to criticism that could undermine public trust in the PEC’s other mandates around campaign finance and government ethics compliance.

**2. How much discretion should the salary-setting body have?**

## Item 10 - Staff Memo

Should the salary-setting body have complete discretion to set the salary on whatever factors it deems relevant? Should the body have some discretion, while having to base its decision on certain charter-defined criteria, as the PEC does for the City Attorney and City Auditor? Or should there be very little to no discretion, similar to the PEC's limited role in adjusting the councilmembers' salaries for inflation or how San Diego ties mayoral pay to superior court judge compensation, or Los Angeles to a multiple of councilmember compensation?

- More discretion may enable a salary-setting body to better take into account unique circumstances, such as fiscal crises, in deciding whether to raise salaries and by how much. However, it may make the process more susceptible to abuse or accusations of abuse, and invite the salary-setting body to subjectively evaluate how well elected officials are performing, which is a political judgment.
- Conversely, less discretion narrows the opportunity for abuse, but reduces the salary-setting body's ability to address unique circumstances. If the salary-setting body has no discretion, it may not be necessary to assign salary-setting to an independent body.

### **3. What factors, if any, should or must the salary-setting entity consider?**

For the City Auditor and City Attorney, the PEC must provide for competitive compensation and equitable alignment and take into account:

- The salary for the highest paid professional employee in the official's office;
- The salary of other City department heads; and
- The salary for the same office in other California cities and counties.

Other considerations might include inflation, anticipated raises for represented employees, the financial condition of the City, or other factors.

The PEC may also wish to discuss, for the mayor, what might constitute a comparable office in other cities? Should the salary of weak mayor cities be considered, or only strong mayors? Should city manager pay be considered, or only elected official pay? Should jurisdictions outside of California be considered?

### **4. If the PEC sets the Mayor's salary, should the factors the PEC applies or considers be the same as those used for setting the salaries of the City Council, City Auditor, and/or City Attorney, or different?**

Using the same or a similar standard would likely be more administratively simple for staff and promote compensation fairness across elected offices. (This may mean recommending that the salary-setting process for the City Council, City Attorney, and City Auditor be adjusted in the same measure that reassigns mayoral salary-setting to the PEC.) On the other hand, there may be differences in the nature of the different offices that should require the application or consideration of different standards.

# Item 11 - Disclosure Report



Ryan Micik, Chair  
 Charlotte Hill, Vice Chair  
 Alea Gage  
 Arvon J. Perteeet  
 Vincent Steele  
 Francis Upton IV

Nicolas Heidorn, Executive Director

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TO: Public Ethics Commission  
 FROM: Suzanne Doran, Program Manager  
 Jelani Killings, Ethics Analyst  
 DATE: September 29, 2023 (Corrected October 18, 2023)  
 RE: Disclosure and Engagement Monthly Report for the October 25, 2023, Special Meeting

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*This memo has the same content as the September 29, 2023, memo for the cancelled October 11, 2023, PEC meeting, with the exception that the Advice and Engagement section has been corrected to remove text inadvertently added to the last line under Candidates and Campaigns.*

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 monthly 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 PEC 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.

### Filing Officer – Compliance

**Campaign finance disclosure** – On August 18, the Oakland City Clerk certified the candidates for the local positions on Oakland’s November 2023 Special Election ballot. 2 candidates qualified for ballot status and 1 has a registered campaign committee. In addition, 15 candidates have submitted statements of intent to run for office in the November 2024 General Election.

July 31 marked the campaign statement deadline for all registered committees for activity between January 1 and June 30, 2023. All candidates on the November 2023 ballot required to file have filed their statements. The following 12 committees were assessed late fees:

Committee
COALITION TO ELECT VALARIE BACHELOR FOR SCHOOL BOARD 2022
Committee to Elect Allyssa Victory for Oakland Mayor 2022
Committee to Support Pecolia Manigo for Oakland School Director 2022
East Bay Community Foundation
Kenny Session for District 6 2022
Loren Taylor for City Council 2018 Officeholder Committee
Oakland Public School Action 2020
OROZCO MAX SCHOOL BOARD DIRECTOR DISTRICT 2 2022
Sheng Thao for Oakland Mayor 2022
Van Cedric Williams for Oakland Unified School Board Seat 3, 2020
Whitaker for Oakland City Council 2018
ZAZABOI FOR OAKLAND CITY COUNCIL DISTRICT 6 2022; YAKPASUA



# Item 11 - Disclosure Report

Disclosure and Engagement Report  
September 29, 2023 (Corrected October 18, 2023)

5 non-filers remain, 2 of which are long-term, non-responsive committees from prior elections previously referred to the FPPC for enforcement. PEC staff referred the following committees to the FPPC for enforcement:

Committee	Treasurer	Candidate
Annie Campbell Washington 2014 Officeholder Committee	CAMPBELL WASHINGTON, ANNIE	CAMPBELL WASHINGTON, ANNIE
Annie Campbell Washington for Oakland City Council 2018	CAMPBELL WASHINGTON, ANNIE	CAMPBELL WASHINGTON, ANNIE
LOWE FOR CITY COUNCIL 2022; HAROLD	LOWE, ANDREA	LOWE, HAROLD
OROZCO MAX SCHOOL BOARD DIRECTOR DISTRICT 2 2022	OROZCO, MAXIMINO	OROZCO, MAXIMINO
VELASQUEZ FOR OAKLAND SCHOOL BOARD 2022; JOEL	RASMUSSEN, KRISTIN	VELASQUEZ, JOEL

The first pre-election filing deadline for the November election was on September 28, 2023. All candidates on the November 2023 ballot were required to file. Candidates raising or spending \$2,000 or more file their campaign statements on FPPC Form 460. Candidates intending to keep their campaign under \$2,000 must file FPPC Form 470. Ballot measure committees and other recipient committees with fundraising or spending activity connected with the November ballot must also file for the pre-election deadline. After the September deadline, staff will screen campaign statements for untimely and un-reported late contributions and independent expenditures and assess late fees as required.

Campaign statements are available to view and download at the PEC's [Public Portal for Campaign Finance Disclosure](#).

**Lobbyist Registration and Reporting Program** – The Oakland Lobbyist Registration Act (LRA) requires lobbyists to submit quarterly reports disclosing their lobbying activities to ensure that the public knows who is trying to influence City decisions. The next deadline for quarterly lobbyist activity reports is on October 30 and covers the period from July 1 through September 30, 2023.

Lobbyist registration and activity reports may be viewed online at the [PEC's Lobbyist Dashboard and Data webpage](#).

## Advice and Engagement

**Advice and Technical Assistance** – In the months of August and September, Commission staff responded to 51 requests for information, advice, or assistance regarding campaign finance, ethics, Sunshine law, or lobbyist issues, for a total of 172 in 2023 to date.

**Form 700 Compliance** – On August 15, Staff met with representatives from the City Clerk's Office and the Department of Human Resources Management to get an update on efforts to improve the

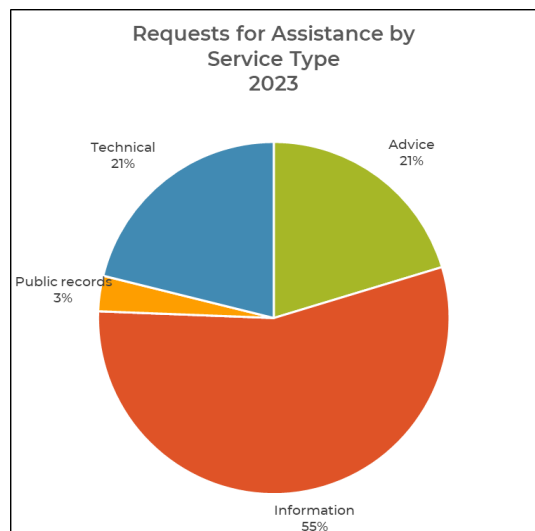
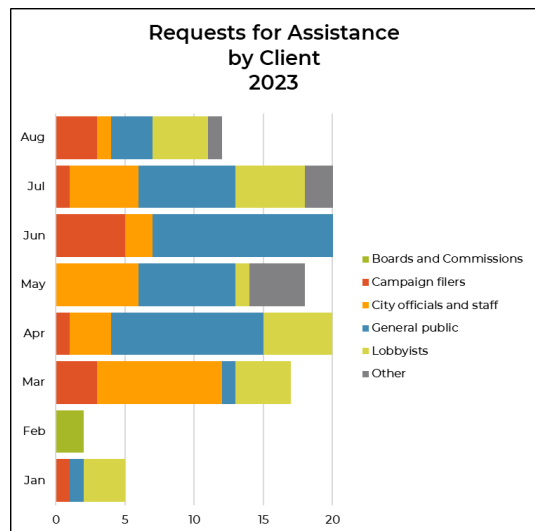
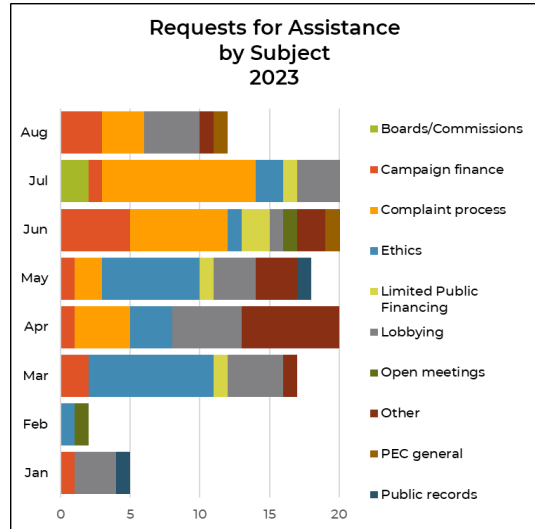
Disclosure and Engagement Report  
 September 29, 2023 (Corrected October 18, 2023)

management of the City’s Form 700 filer database. The joint effort seeks to improve compliance among required filers by sharing data among departments, issuing joint communications, and updating the City’s Conflict of Interest Code. While progress is being made with departments updating their employee filer designations, there is still a need to synchronize City data systems across departments to ensure a single, accurate Form 700 list. The working group identified the Payroll Division as needed partner in the process to update the Oracle system to require the completion of an individual’s Form 700 designation. Next Steps include sending a joint letter to the City’s Oracle Steering Committee to prioritize updating the Form 700 Filer field in Oracle.

**Candidates and Campaigns** – As part of campaign education efforts, staff issues regular advisories to ensure that candidates and committees are aware of local rules during election time. In August, staff issued an advisory about new independent expenditure disclosure requirements and provided a link to an online form.

**Lobbyists** – On September 15, in response to questions about who is required to register as a lobbyist under the City’s Lobbyist Registration Act (LRA) and concerns that some lobbyists are meeting with elected officials but not registering and disclosing their lobbying activities as required under Oakland law, Staff provided the Mayor and City Councilmembers with the PEC’s lobbyist registration brochure and a cover letter providing the registration and reporting requirements for individuals being paid to influence governmental decisions. The brochure was created as a resource to hand out when interacting with individuals that may be trying to influence any governmental or legislative decisions.

**New Employee Orientation** – Staff continues to make presentations at the City’s monthly New Employee Orientation (NEO) providing new employees with an introduction to the PEC and overview of the Government Ethics Act (GEA). On September 20, Staff trained a total of 40 new employees on GEA provisions. Employees required to file Form 700 were also assigned the PEC’s mandatory online Government Ethics Training for Form 700 Filers.



Disclosure and Engagement Report  
September 29, 2023 (Corrected October 18, 2023)

## Illuminating Disclosure Data

**Show Me the Money** – The [Show Me the Money](#) app is live with campaign finance data submitted by candidates running in the November 2023 Special Election and November 2024 General Election. [Show Me the Money](#) builds a map showing the geographic source of campaign contributions to candidates and totals donated from that location. Like the Commission’s other campaign finance projects, the app is updated daily with data exported directly from the city’s campaign finance database. Followers of Oakland elections can find the [Show Me the Money](#) application via links on the Public Ethics Commission website, [OakData portal](#), and [OpenDisclosure](#) candidate pages.

**Open Disclosure** – Commission staff continues to act as team leader for the campaign finance website [OpenDisclosure](#), produced in partnership with Open Oakland volunteers. Staff convened a meeting of the project team to plan site updates for the November 2023 Special Election and November 2024 General Election in August. Staff and volunteers began work in September to incorporate data from candidates for the upcoming elections, which will soon be live on [OpenDisclosure](#).

OpenDisclosure is a nonpartisan tool developed by volunteers from civic tech group OpenOakland in partnership with the Commission staff to give all Oakland residents equal access to campaign finance data. The site 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.

**Ticket Use by City Officials (Form 802)** – Changes to the City Ticket Distribution Policy ordinance adopted in June 2022 require modifications to the Ticket Distribution (Form 802) database maintained by the IT department. In August and September, Commission staff met with Council and IT staff to review progress on the new database and provide feedback to ensure the new database meets disclosure requirements set forth in the new policy.

## Online Engagement

**Social Media** – Each month Commission staff posts social media content to highlight specific PEC policy areas, activities, or client-groups. Posts in August and September focused on Commissioner recruitment, PEC Annual Report, Lobbyist Registration Act amendments, the Limited Public Financing Act of 2024, and PEC meetings.

## General Outreach

**Commissioner Recruitment** – Distribution of the Commissioner recruitment announcement and application started in August and will continue through the application deadline on October 27. Outreach channels include the Commission and City of Oakland websites, targeted email distribution lists, social media (Facebook, Twitter, LinkedIn, and Nextdoor), local newsletters and community publications, and as well as print and digital ads in local press outlets. Local news outlet Oaklandside also published an article on opportunities to serve on the Commission. Flyers are posted around City Hall offices frequented by the public and Oakland Public Library branches. The Commissioner recruitment webpage includes information about the Commissioner role, desired skills, links to the online application, as well as more information about the Commission. Staff and Commissioners also have attended community events including a District 3 Town Hall and Art & Soul.

## Item 12 - Enforcement Report with attachment



Ryan Micik, Chair  
Charlotte Hill, Vice Chair  
Alea Gage  
Arvon Perteet  
Vincent Steele  
Francis Upton IV

Nicolas Heidorn, Executive Director

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TO: Public Ethics Commission  
FROM: Simon Russell, Enforcement Chief  
DATE: September 27, 2023  
RE: Enforcement Unit Program Update for the October 11, 2023, PEC Meeting

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This report summarizes the PEC Enforcement Unit’s major activities since the most recent PEC meeting, to the extent permissible under our confidentiality requirements.

### 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 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

## Item 12 - Enforcement Report with attachment

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.

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. All proposed settlement agreements must be presented to the Commission at one of its public meetings and require a majority vote for their approval.

If Enforcement is unable to settle a case within a reasonable time 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 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).

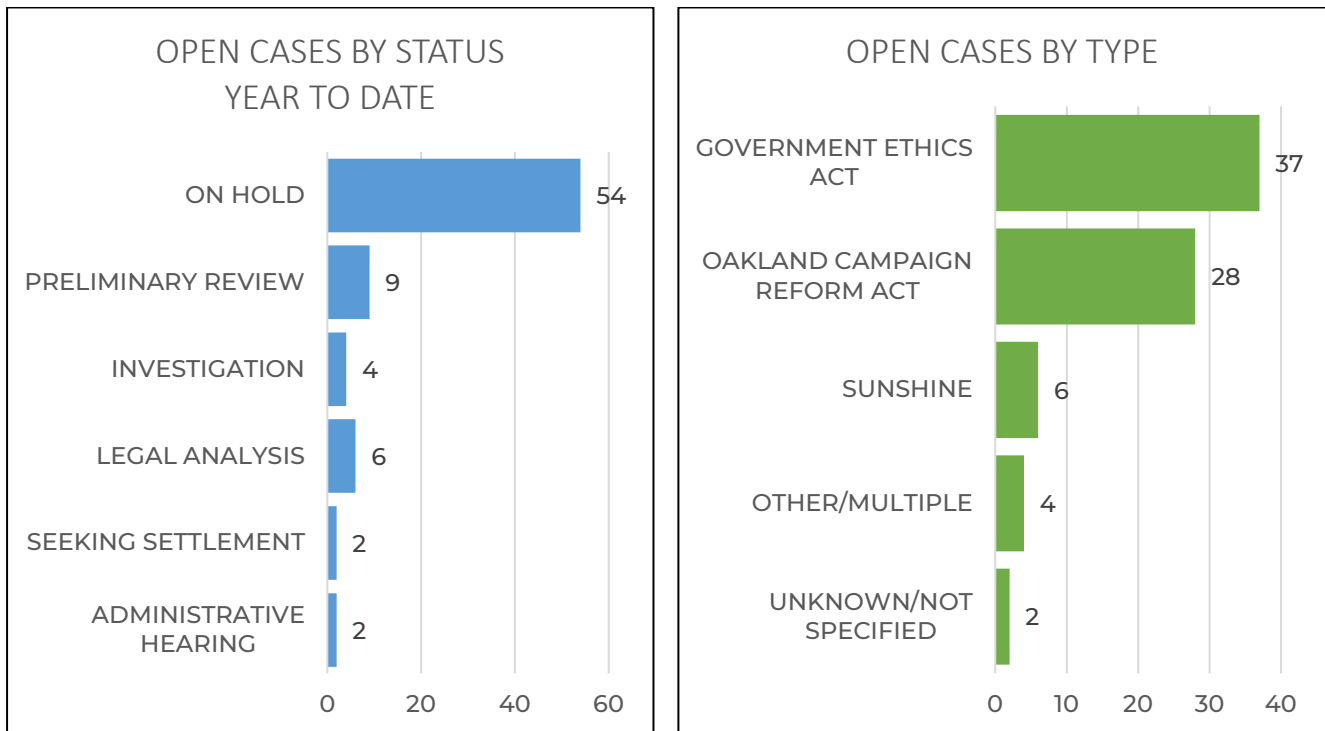
## Item 12 - Enforcement Report with attachment

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

### Current Enforcement Caseload

Since the Enforcement Unit Program Update submitted to the Commission on July 27, 2023, Commission staff received 5 formal complaints, of which 2 are under preliminary review and 3 are on hold. Enforcement also received 30 informal complaints, of which 25 were rejected, 2 are under preliminary review, 1 was opened for investigation, and 2 are still in intake (i.e. awaiting a decision on whether to reject them or escalate them to preliminary review).

This brings Enforcement’s caseload to 77 matters at all stages, from preliminary review through to investigation, settlement negotiations or administrative hearing. That includes 54 matters that are now “On Hold.” It does not include informal complaints that are still in intake.



### Updates Coming to How Enforcement Presents Caseload Data

As mentioned by the Enforcement Chief during the August 2023 PEC retreat, this year Enforcement updated and refined our internal case management system, known as the Enforcement Database. Among other things, the Enforcement Database now includes data on the specific types of violations at issue in each case. Previously, we had only tracked this information in broad categories based upon the subject matter, e.g. “GEA” (Government Ethics Act violations) or “OCRA” (Oakland

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Campaign Reform Act violations). Now, we also track the particular types of violations at issue, e.g. “Bribery,” “Lobbyist Non-Filer,” “Contribution Limit,” etc. We also now track this data for each stage of a particular case, from preliminary review through to administrative hearing. (This is helpful because violations can be added or dropped at different stages, as new evidence comes in; whereas the previous version of the Enforcement Database only tracked the violation categories at issue in the initial complaint, even if these were later amended). We have also standardized our classification scheme for different violation types.

With this data, we will be able to provide more refined caseload reports to the Commission every month. In line with the Commissioners’ suggestions during the August 2023 retreat discussion on this subject, we will be revamping the caseload information in these reports in the following ways:

- Instead of reporting “Open Cases By Type” only by broad categories (e.g. “Oakland Campaign Reform Act,” “Government Ethics Act,” etc.) we will also be reporting the number of open cases involving a particular type of violation (e.g. the number of open cases involving allegations of “Bribery,” “Lobbyist Non-Filer,” “Contribution Limit,” etc.).
- In addition to total numbers, we will be breaking down how many types of violations are at each stage in the Enforcement process (e.g., how many matters involving “Bribery” are in Preliminary Review, under Investigation, under Legal Analysis, etc.).
- We will be eliminating the “Multiple/Other” category because our new database can individually account for each particular violation in a case involving multiple types.

It is hoped that this more refined data will give the Commissioners and the public a more informed sense of the types of cases Enforcement is currently working on, the scale of Enforcement’s caseload, and the most common types of violations being reported to us or identified by Enforcement staff.

### **Stepping Up Our Enforcement of Form 700 Non-Filers**

Most City elected officials, commissioners, candidates, and employees are required to file what is called a “Form 700” every year. Essentially, a Form 700 lists all of the sources of income (including gifts and real estate interests) that might impact someone’s impartiality on the job, either because the source of income is based in Oakland or because it conducts the type of business over which the Form 700 filer has some type of governmental authority. It is meant to be a safeguard against conflicts of interest and pay-to-play politics.

Form 700s are filed with the City Clerk, though the PEC has the authority to investigate and prosecute non-filers. In the wake of an Alameda County Grand Jury report that found serious levels

of non-compliance with the Form 700 filing requirements by City staff and officials, the City Clerk and the PEC have held a number of meetings with the goal of increasing collaboration on Form 700 enforcement.

As a result of this collaboration with the City Clerk, the PEC's Enforcement Unit now has access to the list of all known City officials and staff that have not filed their required Form 700. Enforcement plans to contact all non-filers and foster their compliance with the filing requirement, primarily through the use of our streamline and diversion programs. Our goal is to raise the Citywide compliance rate to at least 90% of all known, required filers by the end of 2024; and to report to the PEC with our analysis and recommendations should we be unable to reach that target.

### **Further Matters Put On "Hold" Pending New Hires**

Currently, the Enforcement Unit has no investigators on staff. Total Enforcement staff currently consists of the Enforcement Chief (who typically handles preliminary review of complaints, legal analyses of completed investigations, prosecution of cases, and administrative and policy matters, as well as supervising investigations) and an Enforcement Assistant (who typically assists with complaint intake and administrative tasks).

As stated in previous Enforcement Unit updates to the Commission, at our current caseload we would need a minimum of two full-time investigators just to keep pace with incoming complaints (which often need an investigator assigned for initial fact-finding prior to determining whether to open a full investigation), and a total of four investigators to resolve most preliminary reviews and investigations in a timely manner (to give a sense of scale, one major investigation alone can consume much of a single investigator's daily worktime; and we currently have at least half a dozen cases on our docket that we would consider "major" in terms of their complexity and potential public impact. This does not include lower-level and mid-level cases). We would also need another staff attorney (in addition to the Enforcement Chief) to keep pace with legal analyses of incoming complaints and completed investigations, as well as conducting settlement negotiations and prosecutions (as with investigators, one major case alone can consume much of an attorney's daily worktime). These minimum staffing levels are comparable to those of other Ethics Commissions that handle a similar caseload (e.g. San Francisco, or Los Angeles on a proportional basis relative to population).

In light of this severe under-staffing in Enforcement, the Enforcement Chief (in consultation with the Executive Director and the Commission) has decided to use our limited staff resources in the following manner:

- the Enforcement Chief will personally conduct only the most serious and high-impact preliminary reviews and prosecutions currently on our docket. Regarding the latter, we



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tentatively anticipate that these cases will be presented to the Commission (either as settlements, probable cause reports, or hearing findings) in the first half of 2024;

- the Enforcement Chief will personally conduct some of our most serious and high-impact, ongoing investigations (despite this not normally being the Chief's role), until we are able to hire more investigators; and
- the Enforcement Assistant will handle much of the work on the anticipated streamline cases described in the previous section of this report.

This means that, for the short- to medium-term, the following decisions have also been made to lighten staff's workload, in addition to those previously described in the Enforcement report of April 26, 2023:

- a greater number of ongoing matters have formally been placed on hold. In April we anticipated this would be about half of our cases; it is now approximately three-quarters of our open matters, and anticipated to grow as most new complaints are automatically put on hold. Most of the complaints and cases being placed on hold are matters that – though important on their own terms – we would consider to be of low- to mid-level seriousness when compared with other cases on our docket.
- we are automatically placing the preliminary review of all but the most serious incoming complaints on hold. All new complainants and respondents are being told to expect significant delays in the processing of complaints. The Enforcement Chief is conducting preliminary review of incoming complaints as time permits, but most of these will not be completed until we hire more staff and/or resolve the major cases on our docket.
- the Enforcement Chief is no longer meeting or corresponding with complainants on all but the most serious incoming complaints, due to time severe time constraints. (Typically the Chief and/or an investigator will correspond with complainants in order to gather evidence and respond to their inquiries re: complaint processing status, as well as to explain the reasoning behind any decision to dismiss their complaint). The Enforcement Assistant is handling the bulk of such meetings and correspondence.

We anticipate hiring a permanent, full-time Investigator by the end of October, with an anticipated start date sometime in November. We are also trying to use short-term salary savings to hire a temporary investigator, with an anticipated start date by the end of 2023. We also anticipate hiring at least one management intern (typically a law student or new lawyer) to assist with Preliminary Review and Legal Analysis. Once these hires are in place, we anticipate resuming work on some matters currently on hold; though it will take time to train and onboard any new hires.

### **No Enforcement Files Leaked During Ransomware Attack; New Measures Being Implemented to Prevent and/or Mitigate Such Attacks in the Future**

In February 2023, the City of Oakland suffered a “ransomware” attack, in which hackers obtained confidential records located on the City’s internal computer system and leaked them online. After learning that the City had recently finished accounting for all of the materials included in the leak, Enforcement staff contacted the City’s response team in order to determine whether any of our own files were included in the leaked materials. After a review of all the files known to have been released online, Enforcement has determined that none of the Enforcement Unit’s files were included in the leak.

We are instituting new practices and exploring options to guard against any such potential leaks in the future, and to minimize the potential impacts of any future cyberattacks. These include:

- Enforcement staff must now use two-factor authentication before they can access our internal file-sharing system.
- We have begun making our own weekly backups of our electronic case files (in addition to any other backups made by the City) in order to mitigate any potential data loss or downtime if the City’s server ever gets taken offline again. These backups are maintained separately from the City’s server.
- Budget permitting, we are exploring the possibility of migrating Enforcement’s electronic case files from the City’s internal server to an external cloud service.
- As part of a larger, comprehensive review of Enforcement’s record-retention policies, we have begun purging older case files (e.g. those closed more than seven years ago) of sensitive data which we are no longer legally required to maintain, such as personal contact information or financial records not used as evidence. We are also organizing newer case files in a manner which will make the separation and purging of such records much easier in the future (for example, by requiring all records used as evidence during an investigation to be marked and maintained in a consistent manner across all case files, and kept separate from records not ultimately used as evidence). As part of our ongoing revision of our Complaint Procedures, we will be presenting the Commission with proposed changes to Enforcement’s records retention policy in order to clarify and mandate the purging of sensitive information not required to be retained by law.

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### Legal Actions/Litigation Update

Since the last litigation update included with the Enforcement Unit Program report on July 27, 2023, the following public court actions have been submitted or scheduled by or on behalf of the Enforcement Unit:

1. *City of Oakland Public Ethics Commission v. Silvia Zhang* (Alameda County Superior Court case no. 2RG20051424). On September 19, 2023, the PEC filed a “Request For Dismissal.” There is no hearing scheduled in the matter.

Except where otherwise noted, no allegations have yet been proved or admitted in any of the above matters, and the existence of these cases and associated litigation should not be taken as an indication that the potential respondent(s) necessarily violated any laws. This information is being provided for the PEC’s informational purposes only.

### Case Resolutions

Since the last litigation update included with the Enforcement Unit Program report on July 27, 2023, the following matters have been resolved by way of dismissal or closure:

1. **In the Matter of Christopher Scyphers (PEC No. 23-30).** On August 30, 2023, Enforcement staff received a formal complaint alleging that Planning and Building inspector Christopher Scyphers misused his City position when he attempted to conduct an inspection at a business without proper authority. Enforcement conducted a preliminary review and determined that there was insufficient evidence of any irregularity in the scheduling of the inspection, nor that Scyphers had attempted to procure any type of personal gain for himself or others in the course of the inspection. As such, we have dismissed the complaint with no further action.



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ENFORCEMENT UNIT  
1 FRANK H. OGAWA PLAZA, #104  
OAKLAND, CA 94612  
(510) 238-3593  
TDD (510) 238-3254

---

September 28, 2023

Yuan Lin  
[REDACTED]  
[REDACTED]

Via email: [REDACTED]

### **Re: Notice of Dismissal of Oakland Public Ethics Commission Complaint no. 23-30**

To Yuan Lin:

On August 30, 2023, the City of Oakland Public Ethics Commission (PEC) received your complaint (# 23-30) alleging that building inspector Christopher Scyphers had violated one or more laws under our jurisdiction.

The purpose of this current letter is to inform you that we have completed our preliminary review and have decided to dismiss the complaint, for the reasons explained below.

Your complaint alleged that Inspector Scyphers attempted to conduct an inspection of your business without proper authority. The PEC does not have the authority to enforce any internal rules or procedures at the Building Department, including whether a particular inspection was conducted properly. We take no position on whether Inspector Scyphers followed departmental procedures during the inspection in question. If you believe Inspector Scyphers may have violated an internal rule or procedure at the Building Department, you should make your complaint to either of the following people:

- David Miles (Principal Inspections Supervisor), (510) 238-6214, [DMiles@oaklandca.gov](mailto:DMiles@oaklandca.gov);
- William Gilchrist (Director of Planning and Building), (510) 238-2229, [WGilchrist@oaklandca.gov](mailto:WGilchrist@oaklandca.gov).

The only law the PEC enforces that might be applicable to your complaint is section 2.25.060(A)(2) of Oakland's Government Ethics Act. That section prohibits City employees from using their official position, or the power or authority of that position, in any manner intended to induce or coerce any person to provide any private advantage, benefit, or economic gain.

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However, for someone to violate that law, they must have acted outside the scope of their ordinary duties and/or made some sort of threat or solicitation in order to get a private benefit (for example, demanding cash in order to pass an inspection). Our preliminary fact-finding found that Inspector Scyphers was assigned the inspection by his department, therefore he was not acting outside the scope of his duties in carrying out the inspection. And in a phone call with me, you stated that Inspector Scyphers did not make any kind of private threat or solicitation during the inspection. You said that he threatened to obtain an order that would allow him to enter your property without your consent, but even if that is true, it may be a lawful order and would be for the purpose of carrying out his City duties rather than getting some kind of private benefit. As such, no violation of section 2.25.060(A)(2) occurred.

As for the allegation that Inspector Scyphers misled you by incorrectly citing the “City Attorney’s Office” as the agency requesting the inspection, it is doubtful that this allegation, even if true, would constitute a violation of section 2.25.060(A)(2). It is not a misuse of position to make a good-faith mistake. Inspector Scyphers told us that he simply misspoke and meant to say the “City Administrator’s Office.” Our initial fact-finding found that the inspection in question was indeed initiated by the Special Activity Permits office, in coordination with the Planning and Building Department. Both of those agencies are under the supervision of the City Administrator’s Office, which lends credibility to Inspector Scyphers’ explanation that he misspoke.

We are required to inform the Public Ethics Commission of the dismissal of this complaint at an upcoming public meeting, as part of our regular monthly update on Enforcement actions. That meeting will be on October 11, 2023, at 6:30PM, and the agenda will be posted on the Commission’s website in advance of the meeting. The report will be purely informational, and no action will be taken by the Commission regarding this matter, which is now closed. However, you are welcome to attend that meeting and give public comment if you wish. You may also submit written comments to us before that meeting, and we will add them to the meeting materials. We are also enclosing a copy of the dismissal notice that we are sending to Inspector Scyphers, as required under our Complaint Procedures.

Respectfully,



**SIMON RUSSELL** | Enforcement Chief  
**CITY OF OAKLAND** | Public Ethics Commission  
City Hall, 1 Frank Ogawa Plaza, Room 104 |  
Oakland, CA 94612  
Phone: 510.238.2213 | Cell 510.424.3200 | Fax: 510.238.3315  
Email: [rusSELL@oaklandca.gov](mailto:rusSELL@oaklandca.gov) | he/him/his  
[www.oaklandca.gov/pec](http://www.oaklandca.gov/pec)

*Enclosure: Copy of dismissal letter to C. Scyphers*



## Item 12 - Enforcement Report with attachment

ENFORCEMENT UNIT  
1 FRANK H. OGAWA PLAZA, #104  
OAKLAND, CA 94612  
(510) 238-3593  
TDD (510) 238-3254

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September 28, 2023

Christopher Scyphers  
Department of Planning and Building  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612

Via email: [CScyphers@oaklandca.gov](mailto:CScyphers@oaklandca.gov)

### **Re: Notice of Dismissal of Oakland Public Ethics Commission Complaint no. 23-30**

To Christopher Scyphers:

On September 8, 2023, the City of Oakland Public Ethics Commission (PEC) sent you a letter stating that it had received a complaint against you (# 23-30) alleging that you had violated one or more laws under our jurisdiction.

The purpose of this current letter is to inform you that we have completed our preliminary review and have decided to dismiss the complaint. We will also be notifying the complainant of this.

Specifically, we reviewed whether the allegation in the complaint – that you attempted to conduct an inspection of a business without proper authority – violated section 2.25.060(A)(2) of the Government Ethics Act. That section prohibits City employees from using their official position, or the power or authority of that position, in any manner intended to induce or coerce any person to provide any private advantage, benefit, or economic gain. We found that the inspection in question was conducted in the ordinary course of your City duties and that there was no evidence or allegation that you attempted to procure any type of private benefit from the inspection. As such, no violation of section 2.25.060(A)(2) occurred.

As for the allegation that you misled the property owner by incorrectly citing the City Attorney's Office as the agency requesting the inspection, it is doubtful that this allegation, even if true, would constitute a violation of section 2.25.060(A)(2). It is not a misuse of position to make a good-faith mistake, and we also found your explanation credible that you simply misspoke and meant to cite the City Administrator's Office. Our initial fact-finding found that the inspection in question was indeed initiated by the Special Activity Permits

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office, in coordination with the Planning and Building Department. As these are both under the supervision of the City Administrator's office, we find your explanation to be credible.

The PEC does not have the authority to enforce any internal rules or procedures at the Building Department regarding the conduct of inspections, and we take no position on whether you followed those procedures during the inspection in question.

No further action is necessary on your part; this letter is just a courtesy notice. A copy has also been provided to the complainant, as required under our Complaint Procedures.

We are required to inform the Public Ethics Commission of the dismissal of this complaint at an upcoming public meeting, as part of our regular monthly update on Enforcement actions. That meeting will take place on October 11, 2023, at 6:30 PM, and the agenda will be posted on the Commission's website in advance of the meeting. The report will be purely informational, and no action will be taken by the Commission regarding this matter, which is now closed. However, you are welcome to attend that meeting and give public comment if you wish. You may also submit written comments to us before that meeting, and we will add them to the meeting materials.

Respectfully,



**SIMON RUSSELL** | Enforcement Chief  
**CITY OF OAKLAND** | Public Ethics Commission  
City Hall, 1 Frank Ogawa Plaza, Room 104 |  
Oakland, CA 94612  
Phone: 510.238.2213 | Cell 510.424.3200 | Fax: 510.238.3315  
Email: [srussell@oaklandca.gov](mailto:srussell@oaklandca.gov) | he/him/his  
[www.oaklandca.gov/pec](http://www.oaklandca.gov/pec)



# Item 13 - Executive Director's Report

Ryan Micik, Chair  
Charlotte Hill, Vice Chair  
Alea Gage  
Arvon J. Perteet  
Vincent Steele  
Francis Upton IV

Nicolas Heidorn, Executive Director

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TO: Public Ethics Commission  
FROM: Nicolas Heidorn, Executive Director  
DATE: September 29, 2023 (Revised October 18, 2023)  
RE: Executive Director's Monthly Report for the October 25, 2023, PEC Special 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. The attached overview of Commission Programs and Priorities includes the ongoing goals and key projects for 2023 for each program area.

*This Executive Director's Report is the same as the September 29, 2023, Director's Report for the cancelled October 11, 2023 PEC meeting, except the status of the PEC's LPF and LRA legislation has been updated and a section has been added discussing the PEC's mayoral appointee vacancy.*

## PEC Priorities and Roadmap for 2023-25

At its August retreat, the PEC discussed near and mid-term project priority setting over the next one to two years in three non-enforcement program areas, relating to public policy and executive priorities, disclosure priorities, and outreach priorities. In discussion, Commissioners identified the following priorities and approximate time period for working on and completing those priorities:

### Executive/Policy Priorities

- Near Term (2023), in order of priority:
  - Work with the City Council to adopt the Limited Public Financing Program of 2024 (In Progress – High Priority)
  - Work with the City Council to adopt Lobbyist Registration Act Amendments (In Progress – High Priority)
  - Pilot a Voter Guide in the 2024 Election (High Priority)
  - Recommend whether the PEC should set the Mayor Salary (Medium)
  - Review City Charter provisions relating to the PEC with (Medium)
- Mid/Long Term (2024-25), in order of priority:
  - Bi-Annual Policy Review: LRA (High)
  - Strengthen Public Records/Mediation (High)
  - Build Ethics Commission Network (Low – begin with regular meetings)
- For Future Consideration, unordered:
  - Contributor Certification
  - Regular Auditing Program

### Disclosure Priorities

- Near Term (2023), in order of priority:



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1. Update the Lobbyist Registration and Reporting Database (Not Started – High Priority)
2. Publish a Public Records Performance Dashboard (In Progress – High Priority)
- Mid Term (2024), in order of priority
  1. Update the Open Disclosure Portal for 2023 and 2024 (In Progress – High Priority – Medium Effort)
  2. Update the Show Me the Money Application for 2023 and 2024 (In Progress – High Priority – Low Effort)
- Mid/Long Term (2024 – 2025), as higher priority projects are completed and/or increased staff capacity allow, in order of priority:
  1. Digitize Schedule O Form/Searchable Contractor Database
  2. Create a Ticket Distribution (Form 802) Database/Improved Transparency Portal

### Outreach Priorities

- Near Term (2023)
  1. Recruit for the PEC Vacancy
  2. Highlight the Need of Additional Enforcement Resources
- Mid Term (2024)
  1. Increase Awareness of the PEC's Campaign Finance Applications
  2. Increase Awareness of how to File Complaints/Anonymous Complaints with the PEC
- Additional considerations:
  1. Increase Awareness of the PEC and its Role

These priorities have been added **in bold** to the Programs & Priorities tracker (attached).

### **LPF and LRA Legislation (Updated October 18, 2023)**

At its August meeting, the PEC adopted recommendations to the City Council to (1) reinstate a limited public financing (LPF) program for the 2024 election only and (2) make changes to the Lobbyist Registration Act (LRA), including codifying in the LRA recent changes adding a lobbyist registration fee and lobbyist reporting late fees adopted in the Master Fee Schedule, proposing a fee waiver and fee reduction program for certain lobbyists, and making other administrative changes to the LRA.

The two proposals, which were co-sponsored by Council President Bas, were heard by the City Council's Rules Committee on September 28, 2023, which approved both recommendations. The proposals were then passed by the full City Council ("first reading") on October 17. The ordinance will return for adoption ("second reading") on November 7.

### **Staffing**

The PEC has experienced a number of staffing changes over the past few months and is actively engaging with Human Resources to use salary savings to bring on additional limited duration staff assistance.

In September, Lead Analyst Suzanne Doran was promoted to Acting Democracy Dollars Program Manager. Manager Doran has been leading the PEC's Measure W implementation work and has a

## Item 13 - Executive Director's Report

wealth of experience with developing and administering complex data projects. Congratulations Suzanne! The Program Manager appointment is temporary until the completion of an open civil service recruitment and selection process for hiring a permanent Program Manager.

In September, Commission Analyst Ana Lara-Franco accepted a position with another department in the City of Oakland. Analyst Lara-Franco served seven years with the PEC, assisting with the PEC's finances, compliance with City administrative requirements, review of regulatory filings, constituent services, and more. We are grateful for Ana's service, and congratulate her on her next chapter! We have begun the process with HR for hiring a new Commission Analyst.

The PEC is also making progress on hiring for its permanent investigator position. Thirty-two candidates qualified and completed applications for the position. As part of the civil service process, those applications are now being screened by a panel of experts. We expect the applicant review and subsequent Department interview process to be complete around the end of October, with a hire likely occurring in November.

To address capacity issues within the Enforcement Program, the PEC is also actively pursuing a number of temporary hires using salary savings within its budget. The PEC has submitted requests through Human Resources to hire a full-time second investigator and two part-time law clerks through the end of this fiscal year (June 30, 2024). If the PEC is budgeted a second permanent investigator as part of the mid-cycle Fiscal Year 2024-25 budget, the temporary investigator could apply for that position.

Finally, the PEC is also exploring grant funding options to hire temporary staff to assist with the development of the Democracy Dollars Program, as discussed further in another report on this agenda.

### Lobbying Rules Disclaimer

As part of its education work, the PEC updated its Lobbyist Registration Act (LRA) informational flyer and distributed 20 copies of the flyer to the offices of the Mayor and each councilmember. The PEC also drafted and submitted to Council President Bas a possible notice that could be added to City Council meeting agendas that would flag for people engaging in paid advocacy that they may be required to register as a City lobbyist. The suggested notice is as follows:

**IMPORTANT NOTE:** If you are being paid to communicate with City staff or officials to influence a government action, or lobbying is part of your duties as a salaried employee, you may first have to register as a lobbyist with the City of Oakland. To find out if you are required to register and for more information about lobbying rules and reporting requirements, consult Municipal Code Chapter 3.20 or visit the Public Ethics Commission's lobbying webpage: [www.oaklandca.gov/topics/lobbyist-rules](http://www.oaklandca.gov/topics/lobbyist-rules).

The Council President is presently reviewing the City Council's Rules and Procedures for potential updates, and will consider incorporating such a notice requirement in the Rules.

### Equity Team

Under Administrative Instruction 580 (2021), City Departments are supposed to establish a Department Equity Team consisting of department staff to "support and expand development of

## Item 13 - Executive Director's Report

department capacity for equity action.” In August, the PEC established its Equity Team, which met for the first time on August 31. The Team discussed future goals and reviewed and suggested additions to the PEC’s commissioner vacancy recruitment plans.

### **\$1,000+ Late Fees**

Under City Charter Section 603(f), any assessment of a per diem late fee of \$1,000 or more must be placed on the PEC’s agenda. Pursuant to that requirement:

- **Kenny Session for District 6 2022** received a \$1,320 late fee for filing their October 23, 2022 to December 31, 2022, semi-annual campaign statement (Form 460) 132 days late. Because the statement was filed more than ten days after the PEC notified the committee that its report was late, under state law the fee cannot be waived.

### **Late Fee Waivers**

Under City Charter Section 603(f), if the Executive Director waives any per diem fees for the late filing of campaign finance report, he or she must notify the Commission at their next regular meeting. Pursuant to that requirement:

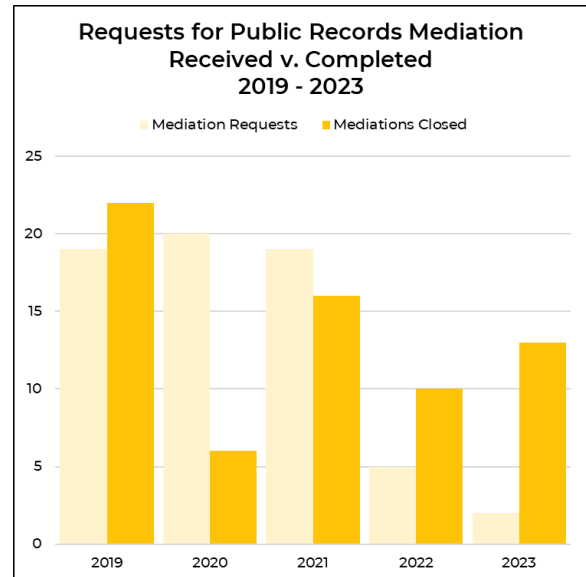
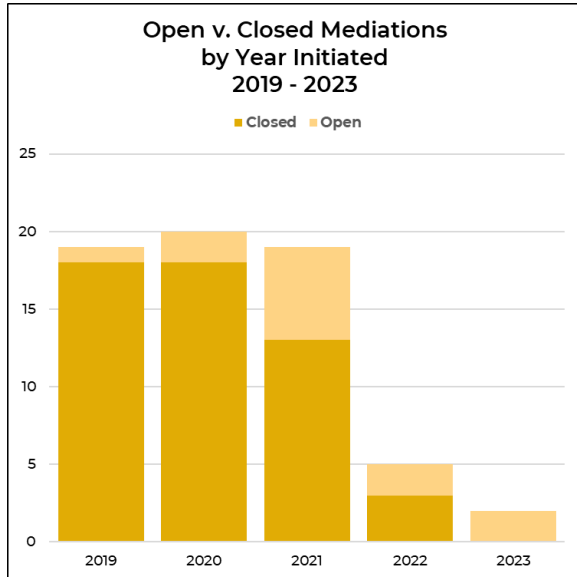
- The **East Bay Community Foundation (EBCF)** received a \$10 late fee for filing their July 1 – December 31, 2022, semi-annual campaign statement (Form 460) one day late and requested a fee waiver. Because this was EBCF’s first violation, the late filing was inadvertent and quickly corrected, and there was unlikely to have been significant public impact from the delayed disclosure, I granted the request and waived the per diem fee. Granting this waiver was also consistent with the PEC’s proposed new waiver policy, also under consideration this meeting.

### **Director Presentation**

On September 9, 2023, Executive Director Heidorn took part in a panel discussion of local ethics commissions (San Diego, Los Angeles, and Oakland were represented) at a conference held by the California Political Attorneys Association (CPAA). Heidorn explained some of the PEC’s upcoming priorities and enforcement practices.

### **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 13 open mediations. No new mediation requests were received and none completed since the last regular meeting.



**Mayoral Vacancy (Added October 18, 2023)**

The PEC currently has one commissioner vacancy, which is the position appointed by the Mayor. The Mayor's Office has indicated to PEC staff that they are hoping to fill the position before the end of this year.

**Additional Attachment:** Commission Programs and Priorities.

# Item 13 - Executive Director's Report

## PUBLIC ETHICS COMMISSION

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

Program	Goal	Desired Outcome	Regular Program Activities	2023/24 Projects
<b>Lead/ Collaborate (Policy, Systems, Culture)</b>	PEC facilitates changes in City policies, laws, systems, and technology and leads by example to ensure fairness, openness, honesty, integrity, and innovation.	Effective campaign finance, ethics, and transparency policies, procedures, and systems are in place across City agencies	<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>○ <b>Voter Guide Pilot</b></li> <li>○ <b>Mayor Salary Setting Guidance</b></li> <li>○ <b>Charter Review Options</b></li> <li>○ <b>Policy Review: Lobbyist Registration Act</b></li> <li>○ <b>Ethics Commission Network</b></li> <li>○ <b>Strengthen Records/Mediations</b></li> </ul>
<b>Educate/ Advise</b>	Oakland public servants, candidates for office, lobbyists, and City contractors understand and comply with City campaign finance, ethics, and transparency laws.	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.	<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</li> <li>✓ Public Records training</li> </ul>
<b>Outreach/ Engage</b>	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.	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.	<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 guides and trainings to reflect Measure W and LPF changes</li> <li>✓ Update public and stakeholders on Democracy Dollar postponement</li> <li>✓ Update Lobbyist Registration Act educational materials and share with Council</li> <li>✓ <b>Recruit for PEC vacancy</b></li> <li>○ <b>Publicize Enforcement Needs</b></li> <li>○ <b>Publicize PEC campaign finance tools</b></li> <li>○ <b>Publicize how to file complaints</b></li> </ul>

## Item 13 - 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 development/issue RFP</li> <li>○ Updates to Ticket Distribution (Form 802) database</li> <li>○ <b>Lobbyist App Updates</b></li> <li>○ <b>Public Records Performance Dashboard</b></li> <li>○ <b>Update Open Disclosure 2024</b></li> <li>✓ <b>Update Show Me The Money</b></li> <li>○ <b>Digitize Schedule O Form</b></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</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</li> <li>○ Develop internal Enforcement staff manual</li> <li>○ Expand streamline and diversion program</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</li> </ul>