



**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, Program Manager; Teddy Teshome, Commission Analyst; Chris Gonzales, Commission Assistant; Simon Russell, Enforcement Chief.

City Attorney Staff: Farrah Hussein, Deputy City Attorney.

## **PUBLIC ETHICS COMMISSION REGULAR 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. October 25, 2023, Special Meeting Minutes. ([Meeting Minutes](#))
- b. November 8, 2023, Regular Meeting Minutes. ([Meeting Minutes](#))

### **5. Selection of a New PEC Commissioner.** The Commission received 17 applications to serve as a PEC-appointed member of the Commission for a three-year term beginning January 22, 2024. In November, the Commissioner Selection Subcommittee reviewed these applications, interviewed five applicants, and selected two finalists to appear for a public interview before the full Commission and possible selection as a Commissioner: Karun Tilak and Kevin Covarrubias.

Each finalist will have four minutes to present their qualifications and vision for the Commission.



following questions:

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

Following the finalists' introductions, Commissioners may ask additional questions of the applicants. The Commission, by a vote of at least four Commissioners, shall select one applicant as a new Commissioner starting on January 22, 2024.

- a. Karun Tilak ([Tilak Application](#); [Tilak CV](#))
- b. Kevin Covarrubias ([Covarrubias Application](#); [Covarrubias CV](#))

6. **Recommendation on Setting the Mayor's Salary.** The Commission will consider and adopt a recommendation to the City Administrator and City Council as to whether the City Charter should be amended to assign the responsibilities for setting the Mayor's salary to the Public Ethics Commission and, if so, how that should be done. Commissioners may also recommend changes to the salary-setting process for other elected officials. ([Staff Memo](#))

## **DISCUSSION ITEMS**

7. **Voter Guide Design.** Executive Director Heidorn will present a draft voter guide design concept to the Commission and share feedback received through user testing and from stakeholders. ([Draft Guide](#))
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. ([Meeting Minutes](#); [OPD Letter](#))
  - 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.



c. **Commissioner Selection Subcommittee** (ad hoc, created October 25, 2023) - Ryan Micik (Chair), Francis Upton IV and Arvon Perteet. ([Purpose Statement](#); [November 6, 2023 Meeting Minutes](#); [November 13, 2023 Meeting Minutes](#); [November 15, 2023 Meeting Minutes](#).)

## **INFORMATION ITEMS**

9. **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](#)).
10. **Enforcement Program.** Enforcement Chief Simon Russell provides a summary of the Commission's enforcement process, caseload, enforcement-related litigation, and case closures or dismissals. Note: Due to illness, a written report could not be completed by the posting deadline this month.
11. **Executive Director's Report.** Executive Director Nicolas Heidorn reports on overall priorities and PEC activities, such as budget, staffing, and PEC legislative and policy initiatives not covered in other staff reports. ([Executive Director's Report](#))
12. **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/84356782713> . 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 +1 301 775 8502

CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
One Frank Ogawa Plaza (City Hall)  
Regular Commission Meeting  
Hearing Room 1  
Wednesday, December 13, 2023  
6:30 p.m.



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

*Nicolas Heidorn*

12/1/23

---

Approved for Distribution

Date

CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
One Frank Ogawa Plaza (City Hall)  
Regular Commission Meeting  
Hearing Room 1  
Wednesday, December 13, 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.

你需要手語, 西班牙語, 粵語或國語翻譯服務嗎? 請在會議五天前電

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

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

# Item 4a - Meeting Minutes

CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
One Frank Ogawa Plaza (City Hall)  
Regular Commission Meeting  
Hearing Room 2  
Wednesday, October 25, 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, Program Manager; Chris Gonzales, Commission Assistant; Simon Russell, Enforcement Chief.

City Attorney Staff: Farrah Hussein, Deputy City Attorney.

## PUBLIC ETHICS COMMISSION SPECIAL MEETING MINUTES

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

The meeting was called to order at 6:33 p.m.

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

Members absent: Perteet.

Staff present: Nicolas Heidorn, Suzanne Doran, Chris Gonzales, Simon Russell (arrived late).

City Attorney Staff: Farrah Hussein.

### 2. Staff and Commission Announcements.

Reordered agenda. Moving directly from #3 “Open Forum” to #10 “Discussion of Options for Setting the Mayor’s Salary.”

Chair Micik, Upon, and Steele attended Art & Soul event.

### 3. Open Forum.

Public Comment: None.

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).

### 10. Discussion of Options for Setting the Mayor’s Salary.

Director Heidorn presented on the different processes for setting salaries for elected officials in Oakland and how other cities set mayoral salaries and answered Commission questions. City Administrator Justin Johnson addressed the Commission and indicated his office wanted to be as helpful as possible as the Commission considers this issue. The Commission discussed 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.

## Item 4a - Meeting Minutes

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

DRAFT



Director Heidorn indicated he would bring back a menu of options for how the PEC might set the mayor's salary at the Commission's December 2023 meeting.

Public Comment: None.

### **ACTION ITEMS**

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

Hill moved, and Upton seconded to approve the August 9, 2023, minutes.

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

Absent: Perteet.

Noes: None.

Vote: Passed 5-0.

Public Comment: None.

Upton moved, and Hill seconded to approve the August 25, 2023, special meeting minutes.

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

Absent: Perteet.

Noes: None.

Vote: Passed 5-0.

Public Comment: None.

#### **5. Adoption of Lobbying and Campaign Finance Late Filing Fee Waiver Guidelines.**

The Commission considered 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. Director Heidorn presented staff's proposal.

Gage moved, and Upton IV seconded to adopt the "Oakland Public Ethics Commission Guidelines for Waiving Late Filing Fees," as recommended by staff.

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

## Item 4a - Meeting Minutes

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

DRAFT



Absent: Perteet.

Noes: None.

Vote: Passed 5-0.

Public Comment: None.

### **6. Pursuing Grant Funding Opportunities to Support the Democracy Dollars Program.**

The Commission considered authorizing staff to apply for a grant from the Evelyn and Walter Haas, Jr. Fund to support the Democracy Dollars Program. Director Heidorn presented staff's recommendation.

Micik moved, and Steele seconded to approve the PEC pursuing 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, as recommended by staff.

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

Absent: Perteet.

Noes: None.

Vote: Passed 5-0.

Public Comment: None.

### **7. Amendment to the PEC's Limited Public Financing Act of 2024 Proposal.**

The Commission considered 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. Director Heidorn presented staff's recommendations.

Micik moved, and Upton IV seconded to approve the amendment to the PEC's Limited Public Financing Act of 2024 Proposal, as recommended by staff.

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

Absent: Perteet.

Noes: None.



# Item 4a - Meeting Minutes

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

DRAFT



Vote: Passed 5-0.

Public Comment: None.

## **DISCUSSION ITEMS**

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

**a. 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 met twice and discussed inviting the Fire Department, Planning Department, and Police Department to present to the full Commission on each department's management of public records requests, beginning next year. Upton IV indicated that the subcommittee would share some standard questions that would be asked of each department at the PEC's next meeting in November. Upton IV also shared that the subcommittee planned to work on creating a government records transparency vision statement for the Commission's consideration.

**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.

Hill reported that the subcommittee met on September 8, 2023, and provided feedback on staff's plan for Commissioner outreach, including recommending that Commissioners film videos encouraging the public to apply to the Commission. Hill indicated that the subcommittee would focus on outreach around the PEC's Enforcement needs at the next subcommittee meeting.

Micik announced the formation of an ad hoc Commissioner Selection subcommittee. The purpose of this subcommittee is to review the applications for the PEC-appointed vacancy to the Commission. The subcommittee will forward its recommended applicants to the full Commission for consideration and selection of a commissioner at its December 2023 meeting. Micik will chair the subcommittee. The other subcommittee members are Upton IV and either Perteet, if he is available to join the subcommittee, or Hill if Perteet is not available.

Public Comment: None.

The Meeting went into Recess at 8:43 p.m.

The Meeting resumed at 8:55 p.m. from the Recess.

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

Director Heidorn provided an update on commissioner recruitment for filling the PEC-

# Item 4a - Meeting Minutes

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

DRAFT



appointed vacancy to the Commission. Director Heidorn explained the PEC has received 13 applications to date. Director Heidorn complemented Analyst Killings on his outreach work.

Public Comment: None.

## **INFORMATION ITEMS**

### **11. Disclosure and Engagement.**

Program Manager Suzanne 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.

### **12. Enforcement Program.**

Enforcement Chief Simon Russell provided 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

Public Comment: None.

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

Executive Director Heidorn reported on overall priorities and PEC activities. He discussed Commission priorities coming out of the August retreat, updated the Commission on the status of the PEC's proposed legislation enacting a Limited Public Financing Act of 2024 and amending the Lobbyist Registration Act, and reported on the PEC's current staffing and efforts to hire permanent and part-time staff.

### **14. Future Meeting Business.**

Public Comment: None.

The meeting adjourned at 9:24 p.m.

## Item 4b - Meeting Minutes

CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
One Frank Ogawa Plaza (City Hall)  
Regular Commission Meeting  
Hearing Room 1  
Wednesday, November 8, 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, Program Manager; Chris Gonzales, Commission Assistant; Simon Russell, Enforcement Chief.

City Attorney Staff: Farrah Hussein, Deputy City Attorney.

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

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

The meeting was called to order at 6:30 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: Farrah Hussein.

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

Chair Micik announced that the agenda would be reordered to move directly from #3 “Open Forum” to #8 “Presentation on Voter Guide Models,” then back to the normal agenda order.

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

Public Comment: None.

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).

#### **8. Presentation on Voter Guide Models.**

Executive Director Heidorn presented on different types of voter guides used in Oakland and Seattle, and used by the League of Women Voters, and shared a tentative timeline for the PEC piloting a voter guide for the 2024 election. Sharon Stone, the Membership and Technology Manager for the League of Women Voters of California, presented on the League’s Voter’s Edge online guide

Public Comment: Gail Wallace, Louise Anderson, and Deborah Shefler.

### **ACTION ITEMS**

## Item 4b - Meeting Minutes

CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
One Frank Ogawa Plaza (City Hall)  
Regular Commission Meeting  
Hearing Room 1  
Wednesday, November 8, 2023  
6:30 p.m.

DRAFT



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

Micik stated that since the October 11, 2023 meeting was cancelled due to lack of quorum, the October 11, 2023 Meeting Minutes do not need to be approved and voted on.

Public Comment: None.

#### 5. Adoption of Revised Complaint Procedures and Penalty Guidelines Relating to Streamline and Diversion Programs.

Chief of Enforcement Russell presented on a staff proposal to amend the PEC Complaint Procedures and Penalty Guidelines to expand the types of violation eligible for streamline settlement, authorize the Executive Director to enter streamlined settlement agreements on their own authority, and to authorize the use of diversion to resolve streamlined cases. The Commission discussed the proposal.

Perteet moved and Upton IV seconded to adopt the revised Complaint Procedures and Penalty Guidelines as proposed by staff, except removing the ability of the Executive Director to adopt streamlined settlements on their own authority without Commission approval.

Perteet moved and Upton IV seconded to withdraw Perteet's motion.

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

Noes: None.

Vote: Passed 6-0.

Public Comment: None.

Perteet moved and Upton IV seconded to adopt the revised Complaint Procedures and Penalty Guidelines as proposed by staff, but with the addition that no later than August 31, 2024, staff shall provide a report to the Commission on the status of the program.

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

Noes: None.

Vote: Passed 6-0.

Public Comment: None.

#### 6. PEC Meeting Schedule for 2024.

Director Heidorn presented on the Commission's 2024 meeting schedule. Director Heidorn

## Item 4b - Meeting Minutes

CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
One Frank Ogawa Plaza (City Hall)  
Regular Commission Meeting  
Hearing Room 1  
Wednesday, November 8, 2023  
6:30 p.m.

DRAFT



recommended that the Commission generally meet twice per quarter on the second Wednesday of the month at 6:30 pm, except that he recommended that the January meeting be moved from January 10 to January 17 or January 24. Director Heidorn explained that PEC staff would work with other City staff to secure meeting space that aligns as closely as possible with the Commission's meeting day and time preferences. The Commission discussed its preferred regular meeting schedule for 2024.

Micik moved and Gage seconded to adopt the PEC meeting schedule for 2024 as proposed by staff, except that staff should attempt to schedule the Commission's January meeting for January 17 instead of January 10.

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

Noes: None.

Vote: Passed 6-0.

Public Comment: None.

### **DISCUSSION ITEMS**

#### **7. 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.

Upton IV stated the subcommittee met on October 23, 2023. He discussed the subcommittee's proposal to have the Executive Director invite select Department heads to present before the PEC and to answer general questions and Department-specific questions regarding their department's performance and practices for releasing public records, beginning with the Police Department in January of next year.

Public Comment: None.

##### **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.

Hill stated the subcommittee met on November 6, 2023 and debriefed on the

## Item 4b - Meeting Minutes

CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
One Frank Ogawa Plaza (City Hall)  
Regular Commission Meeting  
Hearing Room 1  
Wednesday, November 8, 2023  
6:30 p.m.

DRAFT



Commission's commissioner recruitment efforts and discussed outreach around the Commission's enforcement needs.

Public Comment: None.

### **INFORMATION ITEMS**

#### **9. Disclosure and Engagement.**

Program Manager Suzanne Doran provided a summary of compliance with disclosure requirements, education and advice, and general outreach activities since the last regular Commission meeting.

Public Comment: None.

#### **10. Enforcement Program.**

Enforcement Chief Simon Russell provided a summary of the Commission's enforcement process and caseload since the last regular Commission meeting.

Public Comment: Eric Leong

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

Executive Director Nicolas Heidorn reported on overall priorities and PEC activities, including the status of the Commission's legislative proposals and its staffing situation.

Public Comment: None.

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

Public Comment: Eric Leong

The meeting adjourned at 9:39 p.m.

Form Name: PEC Commissioner Application  
Submission Time: July 30, 2023 6:43 pm  
Browser: Chrome 114.0.0.0 / OS X  
IP Address: [REDACTED]  
Unique ID: [REDACTED]  
Location: [REDACTED]

**Public Ethics Commission Application**

---

**Contact Information**

---

<b>Name</b>	Karun Tilak
<b>Address</b>	[REDACTED] Oakland, CA 94609-2035
<b>Phone</b>	[REDACTED]
<b>Evening Phone</b>	[REDACTED]
<b>Email</b>	[REDACTED]

**Please answer the following questions**

---

<b>Are you an Oakland resident?</b>	Yes
<b>Years of residency in Oakland</b>	5
<b>Your City Council District</b>	District 1
<b>List any City of Oakland Boards or Commissions (including this Commission) on which you currently or have previously served:</b>	None
<b>Do you attest that you already have or will attend a PEC meeting before your final interview with the Commission?</b>	Yes
<b>If you said yes to the previous question, please let us know what date you attended or will attend.</b>	August 9, 2023
<b>Are you currently employed by the City of Oakland or do you have any direct and substantial financial interest in any work, business, or official action by the City?</b>	No
<b>Are you currently or are you planning to run for elective office in Oakland?</b>	No

## Item 5a - Tilak Application; Tilak CV

Are you currently or are you planning to endorse, support or oppose an Oakland candidate or ballot measure? No

---

Are you currently or are you planning to work on behalf of an Oakland candidate or ballot measure? No

---

Are you a registered Oakland lobbyist? No

---

Are you required to register as a lobbyist? No

---

Do you receive compensation from an Oakland lobbyist? No

---

Do you receive gifts from an Oakland lobbyist? No

---

How did you hear about this vacancy? Public Ethics Commission website

---

### Supplemental Questions

---



## Item 5a - Tilak Application; Tilak CV

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

Our democracy is only as strong as the public's trust in its institutions. Unfortunately, outright corruption, hidden conflicts of interest, political influence, and special interest funding too often undermine the public's faith in government. This can create a vicious cycle of distrust, misinformation, and apathy, which undermines the quality of government decision making, leading to an even less responsive government and even more distrust and apathy. This problem is not just one of national politics, but also affects local governments, including here in Oakland.

The Public Ethics Commission ("Commission") plays a central role in safeguarding the public's trust in Oakland's institutions by ensuring that our robust (and sometimes raucous) public debate remains transparent and that decisions made by our City officials are free of undisclosed conflicts or unfair advantages. As someone who has focused my career on ensuring that local government agencies comply with the law and work to protect the most vulnerable members of the community (discussed further in Question 2), I am drawn to the core work of the Commission: educating City employees and the public about ethics, transparency, and campaign finance laws; overseeing investigations of breaches of ethical obligations; and identifying ways to make City decision making accessible and responsive to everyone. And as an Oakland resident, I am excited to use my professional experience and commitment to local government service for the benefit of the community that I call home.

I am particularly interested in serving on the Commission now because of its cutting edge work to empower local democratic participation, including through the implementation of Measure W. While the funding for the Democracy Dollars component of Measure W has been set back by Oakland's budgetary shortfall, the Commission will nevertheless be engaging in critical work over the next two years to build out the infrastructure for the program and provide limited public campaign financing. That work is novel and challenging, especially because very few jurisdictions across the country have similar programs, and it will be vitally important to a successful rollout. Indeed, the Commission's work could provide a workable model for local jurisdictions across the country.

## Item 5a - Tilak Application; Tilak CV

**2. What skills and experience will you bring to the Commission? (Include any governmental experience, activities with civic and business organizations, neighborhood groups, or any other experience that would contribute to your effectiveness as a Commissioner.)**

Through my nearly 10 years of experiences as an attorney, I have not only demonstrated a commitment to government service, but have also developed substantive knowledge and skills directly relevant to the Commission's work.

?

For the last several years, I have worked as an attorney in local government--first as a fellow in the Oakland City Attorney's Office, then at the Santa Clara County Counsel's Office, and now at the San Francisco City Attorney's Office. Through these roles, I have gained significant knowledge of California and local ordinances that help ensure public officials behave ethically, including financial disclosure requirements, limitations on the acceptance or solicitation of gifts, and open meeting and public records laws. For example, at the Santa Clara County Counsel's office, I routinely advised County public safety agencies on public records law compliance and competitive contracting requirements, and advised bodies subject to the Brown Act. As a public employee, I myself have been subject to many of the same or similar financial disclosure and conflicts of interest laws that are applicable in Oakland.

Beyond substantive knowledge of relevant bodies of law, I have also gained a deep understanding of the process of local government decision making, including for example, ordinances, contracting, permit issuance, department policy development, and grant awards. I have come to appreciate the importance of ensuring that these processes remain transparent and independent of undue political influence or financial conflicts of interest. In addition, I have advised agencies on legal compliance and policy development issues of significant public interest, such as use of force policies and disclosure of law enforcement military equipment, and gained experience on navigating the development and implementation of policies that are the focus of scrutiny from the public and elected officials.

Through my work in local government, I have also used my legal skills to work collaboratively with local agencies to protect vulnerable members of the community. During a fellowship at the Oakland City Attorney's Office, for example, I worked to advance tenants' rights by litigating cases against abusive Oakland landlords. At Oakland and at Santa Clara County, I worked on the first government-initiated lawsuit against major opioid manufacturers to hold them accountable for the opioid crisis that has wrought havoc on our community. In both jurisdictions, I also worked to protect vulnerable residents during the COVID-19 pandemic, including drafting guidance for victims of domestic violence while at the Oakland City Attorney's Office and taking enforcement action against businesses that violated COVID-19 Public Health Orders in Santa Clara County. In each of these cases, it was impossible for me to simply litigate the case in a vacuum. Rather, I had to develop close working relationships with staff in City or County departments--and sometimes directly with advocacy groups or members of the public--in order to understand their concerns, gather relevant information, and work together to shape a strategy that would

## Item 5a - Tilak Application; Tilak CV

reach an outcome beneficial to the community.

Finally, my work in local government follows a career in private practice where I focused significant time on litigating cases to protect disfavored groups from harmful governmental policies. For example, during the Trump administration, I successfully represented voters from all across the country challenging President Trump's decision to add a citizenship question to the census---a measure blatantly aimed at scaring Latinx residents, depressing the census count in areas with large immigrant populations, and disenfranchising minority and immigrant members of our communities. I also represented students and advocacy groups challenging the various iterations of President Trump's travel ban policies that banned travel from certain Muslim countries and stigmatized Muslim Americans. My experience in private practice taught me the role of the public in holding government officials accountable for their actions.

I hope to bring my knowledge of local government decision making and public ethics requirements, and my passion for ensuring that our public officials maintain the public's trust, to the work of the Commission so that we can continue to protect our vibrant local democracy here in Oakland.

## Item 5a - Tilak Application; Tilak CV

### 3. What issues, projects, or goals would you like to pursue while serving on the Commission?

There are several projects and issues that I would like to prioritize if appointed to the commission.

On the legislative front, I would like to see the Public Ethics Commission work with City Administration and the City Council to pass an ordinance strengthening behested payments requirements applicable to certain City officials beyond what state law requires. San Francisco, for example, recently passed an ordinance prohibiting City department heads and Form 700 filers from soliciting behested payments from lobbyists, consultants, or other parties with business before the official's department. Such a policy makes good sense. Ethical issues are raised not just when an elected official seeks a behested payment-which is the focus of State disclosure laws and the Form 803. Similar ethical considerations also arise, for example, when a department head asks a permit applicant or prospective contractor to donate to a non-profit or another entity supported by the department head. I would like to see Oakland adopt an ordinance that addresses these ethical concerns by either prohibiting or requiring disclosure of behested payments for a broader category of City officials than is presently covered by state law.

I am also interested in contributing to the Commission's work on implementation of Measure W. I understand that Seattle has a similar democracy voucher program, and I would be interested in setting up a bilateral information-sharing relationship (to the extent one does not already exist) to help identify best practices and pitfalls as the Commission builds out the infrastructure for the distribution of Democracy Dollars for the 2026 election.

With respect to the Commission's enforcement activities, I would like to explore ways to sort through and prioritize the backlog of enforcement cases within the constraints of the Commission's budgetary limitations and short staffing. For example, I would like to consider whether technology assisted review ("TAR") products-which are increasingly used for document review in large-scale litigation-could be useful in taking a first pass through complaints and documents received as part of investigations to ease the burden on Commission staff. I would also like to consider whether it would be appropriate and economical for the Commission to contract with an outside investigator to augment the investigative capabilities of Commission staff.

Finally, with respect to public records, I would like to understand whether there are structural issues in the City's recordkeeping, collection, and review processes that create roadblocks to timely compliance with the City's Sunshine Ordinance and California Public Records Act. While recognizing the limits of the Commission's jurisdiction and the budgetary and staffing constraints of City agencies, I would like to explore whether there are fixes, such as centralization of document storage in designated databases, use of technology assisted review, and OCR recognition of PDF documents, that can expedite review and production of public records. I'd

### **Item 5a - Tilak Application; Tilak CV**

also be interested in exploring if it would be feasible for departments to identify issues or decisions of public interest and preemptively post likely public records related to those decisions, without waiting for a specific request.

## Item 5a - Tilak Application; Tilak CV

### 4. What do you think are the City's most pressing ethics, campaign finance, or transparency challenges?

The three most pressing challenges for Commission and the City are (1) beginning the implementation of Measure W despite the shortfall in the adopted budget; (2) reducing the enforcement backlog; and (3) ensuring City agencies continue to work towards better public records disclosure.

First, the Commission and City need to start the implementation process for Measure W despite the budgetary shortfall. Building the processes and technology for distribution of Democracy Dollars is likely to be a complex and novel endeavor. Indeed, no other California jurisdictions, and only one other city in the country (Seattle) have a similar program, so the Commission and the City will be treading new ground in developing the Democracy Dollars program. This endeavor will likely be even more challenging given the limited funding in the adopted budget.

Second, the Commission has a backlog of enforcement cases, a problem that has been exacerbated by the present budgetary situation. If the Commission fails to make progress on investigating and resolving enforcement cases, the public and City employees may be disincentivized from filing new complaints, thus depriving the Commission of a vital source of information regarding potential ethics violations and undermining the public's faith in the Commission.

Finally, the City needs to do better in timely responding to public records requests while still preserving privileged and confidential information where appropriate. While the large number of public records requests and the volume of potentially responsive electronic documents likely contribute to the City's public records backlog, I think the City should explore organizational and technological options to help streamline the collection and review process. Improving the City's public records request production timeliness is not just a matter of public transparency, but would also protect the City from potentially significant liability under local and state public records laws.

---

### 5. What else would you like the subcommittee to know as your application is considered?

I hope my answers to Questions 1-4 have conveyed my interest in the Commission, my relevant experience and commitment to local government service, and some of the specific issues and projects that I hope to focus on if I were selected for the Commission. I would be happy to provide any additional information that would be helpful to the subcommittee in evaluating my application. Thank you for taking the time to consider my application.

---

### Please provide two references

---

#### Reference 1

## Item 5a - Tilak Application; Tilak CV

Name	Kavita Narayan
Address	[REDACTED] [REDACTED] San Jose, CA 95110
Phone	[REDACTED]
Email	[REDACTED]

### Reference 2

Name	Erin Bernstein
Address	[REDACTED] [REDACTED] Oakland, CA 94611
Phone	[REDACTED]
Email	[REDACTED]

### Submit your resume

Upload your resume	<a href="https://www.formstack.com/admin/download/file/14978977931">https://www.formstack.com/admin/download/file/14978977931</a>
--------------------	---

### Sign and submit application

Signature	[REDACTED]
Date/Time	Jul 30, 2023

# Item 5a - Tilak Application; Tilak CV

KARUN TILAK

## EDUCATION

YALE LAW SCHOOL, J.D., 2014

Editor: Yale Law Journal Vol. 123, Yale Journal of International Law Vol. 37

Clinics: Worker & Immigrant Rights Advocacy Clinic, Immigration Legal Services Clinic

AMERICAN UNIVERSITY, B.A./B.S., 2011, *summa cum laude*, International Studies and Economics

## JUDICIAL CLERKSHIPS

Hon. Anita B. Brody, U.S. District Court, Eastern District of Pennsylvania, Philadelphia, PA 2015-2016

Hon. Jerome A. Holmes, U.S. Court of Appeals for the Tenth Circuit, Oklahoma City, OK 2014-2015

## EXPERIENCE

SAN FRANCISCO CITY ATTORNEY'S OFFICE, Deputy City Attorney June 2023-present

SANTA CLARA COUNTY COUNSEL'S OFFICE, Deputy County Counsel June 2020-June 2023

- Represented the People of the State of California in public nuisance and consumer protection litigation against opioid manufacturers. Involved in all aspects of discovery, drafted dispositive motions, and argued pretrial and trial motions. Actively involved in multi-month trial and post-trial briefing.
- Representing the County in lawsuit to enforce COVID-19 public health orders and defending the County from constitutional challenges to its enforcement action. Co-lead in drafting and strategy for summary judgment motion, and will argue the motion in February 2023.
- Lead County Counsel's Office efforts to strengthen County firearms policies, including coordinating with agencies to propose and draft ordinance code amendments and providing the Board of Supervisors with legal analyses of the impact of recent caselaw and statutes on local firearms regulations.
- Supervise Stanford Law clinic students and impact litigation fellows on a variety of impact litigation and policy projects.
- Advise public safety agencies on legal compliance and policy matters, including interfacing with agency stakeholders and responding to Board of Supervisors questions on wide-ranging issues such as jail reform, peace officer use of force, law enforcement use of military equipment, and criminal justice data privacy.

OAKLAND CITY ATTORNEY'S OFFICE, Public Rights Project Fellow July 2019-June 2020

- Assisted with the City's response to the COVID-19 pandemic. Led efforts to combat false advertising claims regarding purported coronavirus treatments, advocated for better protections for individuals held in county jails, and developed guidance for survivors of domestic violence affected by shelter-in-place order.
- Represented the City in litigation against Oakland landlord for numerous violations of tenants' rights.

COVINGTON & BURLING, LLP, Litigation Associate Aug. 2016- July 2019

- Represented individuals who challenged the Trump Administration's attempt to add a citizenship question to the 2020 Census. Developed legal theories, drafted complaint and dispositive motions, deposed Census Bureau officials, cross-examined the government's key witness at trial, and supervised post-trial briefing.
- Represented individuals and organizations who challenged President Trump's "Travel Ban" Executive Orders, including drafting trial court and appellate briefing. Coordinated and helped draft amicus brief on behalf of an interfaith coalition of religious groups in parallel case before the U.S. Supreme Court.
- Represented the State of Minnesota in natural resources damages lawsuit against the 3M Company, resulting in a \$850 million settlement on the eve of trial. Deposed senior corporate officials, worked with expert witnesses, and assisted with opening statements and witness preparation for trial.

BAR ADMISSIONS: California, New York, District of Columbia, U.S. Court of Appeals for the Tenth Circuit.



# Item 5b - K. Covarrubias Application; K. Covarrubias CV

Form Name:  
Submission Time:  
Browser:  
IP Address:  
Unique ID:  
Location:

PEC Commissioner Application  
October 23, 2023 11:08 am  
Chrome 118.0.0.0 / OS X



## Public Ethics Commission Application

---

### Contact Information

---

Name Kevin Covarrubias

---

Address [REDACTED]  
Oakland, CA 94606

---

Phone [REDACTED]

---

Evening Phone [REDACTED]

---

Email [REDACTED]

---

### Please answer the following questions

---

Are you an Oakland resident? Yes

---

Years of residency in Oakland 20

---

Your City Council District District 2

---

List any City of Oakland Boards or Commissions (Including this Commission) on which you currently or have previously served: N/A

---

Do you attest that you already have or will attend a PEC meeting before your final interview with the Commission? Yes

---

If you said yes to the previous question, please let us know what date you attended or will attend. November 8, 2023

---

Are you currently employed by the City of Oakland or do you have any direct and substantial financial interest in any work, business, or official action by the City? No

---

Are you currently or are you planning to run for elective office in Oakland? No

---

## Item 5b - K. Covarrubias Application; K. Covarrubias CV

Are you currently or are you planning to endorse, support or oppose an Oakland candidate or ballot measure? No

---

Are you currently or are you planning to work on behalf of an Oakland candidate or ballot measure? No

---

Are you a registered Oakland lobbyist? No

---

Are you required to register as a lobbyist? No

---

Do you receive compensation from an Oakland lobbyist? No

---

Do you receive gifts from an Oakland lobbyist? No

---

List any languages other than English that you speak fluently. Mandarin, Spanish

---

How did you hear about this vacancy? Newspaper article

---

Which newspaper? The Oaklandside

---

### Supplemental Questions

---

## Item 5b - K. Covarrubias Application; K. Covarrubias CV

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

As someone deeply committed to education, mentorship, and ethical practices, I am particularly drawn to the mission of the Public Ethics Commission (PEC) in ensuring that Oakland's government is transparent, honest, and accountable. My unique blend of experiences in educational consulting, political science, and multicultural research has prepared me to make meaningful contributions to the Commission's work.

At InGenius Prep, Scholar Launch, and Oakland Promise, I have honed skills in educational guidance and youth mentorship, working alongside former admissions officers and mentors. My work has always been underpinned by a strong commitment to ethics and integrity, values I believe are critical to the work of the PEC. Further, I specialize in helping students from diverse backgrounds, and I have a nuanced understanding of systemic inequities, being a first-generation college graduate from East Oakland and the son of immigrants myself - insights that would allow me to consider issues before the Commission from a well-rounded perspective.

With advanced degrees in Political Science (Columbia) and Chinese Linguistics and Literature (San Francisco State University), and having completed a research thesis on Sino-Latin American relations that I was invited to present at the American Association of Public Opinion Research's 2022 Young Public Opinion Stars Competition, I possess the analytical skills necessary to scrutinize documents, laws, and policies critically. These academic experiences have also equipped me with strong communication skills, both written and oral, crucial for presenting findings and collaborating effectively within a commission setting.

Moreover, as an Oakland native (Oakland Technical High School '14) and current resident, I have a vested interest in ensuring that our city government operates with the highest ethical standards. Having gained knowledge of Oakland local politics through my past internships with Congresswoman Barbara Lee (2015), former Oakland Mayor Libby Schaaf's 2014 campaign, and former Assemblymember Rob Bonta (2013), I am familiar with the context in which the Commission operates within the broader community, and I believe my background aligns closely with the desired skills and abilities for a Commissioner.

I am eager to bring my expertise in mentorship, multicultural understanding, and policy analysis to the Public Ethics Commission. I am committed to upholding the values of fairness, openness, honesty, and integrity, and I look forward to the possibility of serving my community in this impactful role.

## Item 5b - K. Covarrubias Application; K. Covarrubias CV

**2. What skills and experience will you bring to the Commission? (Include any governmental experience, activities with civic and business organizations, neighborhood groups, or any other experience that would contribute to your effectiveness as a Commissioner.)**

I bring a multidisciplinary skill set to the Public Ethics Commission, with experience in educational consulting, political science, and multicultural research. My roles as a Senior Counselor at InGenius Prep and a Research Practicum Interviewer for Scholar Launch have equipped me with strong analytical, organizational, and communication skills-key competencies for any effective Commissioner. My interactions with former admissions officers from elite educational institutions like Harvard, Yale, and UC Berkeley have enhanced my understanding of complex regulatory frameworks, honing my ability to scrutinize and interpret rules, laws, and policies critically.

Furthermore, my academic background offers a solid foundation for making well-informed, objective decisions. I hold a MA in Political Science from Columbia University, with concentrations in International Relations, Comparative Politics, and Quantitative Methods in R Programming (i.e. advanced regression analysis). This academic grounding positions me to comprehend the intricacies of government ethics and policy analysis at a nuanced and data-driven level.

As a Mentor for Oakland Promise (OP) Scholars and a community participant in Oakland, I have been actively involved in mentoring a Guatemalan OP Scholar starting his first semester at Laney College. This local engagement has provided me with insights into the needs of the Oakland community, strengthening my ability to listen to public input, assess community requirements, and make effective decisions aligned with the Commission's goals.

My experience extends globally as well, with a focus on Sino-Taiwanese-Latin American relations having participated in the US Department of State's 2022 Critical Language Scholarship Program at the National Cheng Kung University in Tainan, Taiwan. This gives me a unique vantage point on issues of ethics and transparency, informed by global perspectives. This is particularly relevant given Oakland's diverse, multicultural community, and I believe this international experience will add a unique layer to the Commission's work.

Lastly, my proficiency in multiple languages, including Mandarin and English, and my ongoing efforts to further my heritage proficiency in Spanish, underscore my commitment to multicultural fluency - a skill that can assist the Commission in engaging effectively with Oakland's diverse communities.

## Item 5b - K. Covarrubias Application; K. Covarrubias CV

### 3. What issues, projects, or goals would you like to pursue while serving on the Commission?

During my tenure on the Public Ethics Commission, I would like to focus on several key issues, projects, and goals that align with both my professional background and the pressing needs of the Oakland community.

Firstly, I'd aim to establish a robust educational outreach program targeted at high school and college students. Given my background in educational consulting and mentorship, I believe it's crucial to educate the younger generation about the importance of ethics, transparency, and civic engagement. This would include workshops, seminars, and possibly an annual Ethics Day event to encourage active participation from students and young adults in governance matters.

Secondly, transparency in campaign financing is an area that requires continuous vigilance. I would advocate for regular audits and comprehensive reports that are easily accessible to the public. Utilizing my skills in data analysis and policy interpretation, I aim to contribute to developing more streamlined and transparent mechanisms for monitoring campaign contributions and expenditures.

Additionally, I would like to explore avenues for enhanced citizen participation in Commission activities. Whether through town halls, online forums, or partnerships with neighborhood groups, increasing public input can enrich the Commission's work and make it more reflective of Oakland's diverse community. Given my previous involvement in civic organizations and my cultural-linguistic expertise in Mandarin Chinese and Spanish, I could bring unique perspectives on how to engage diverse community groups effectively.

I would also champion the need for greater ethical training among city officials and staff. This could include the creation of a comprehensive ethical training module, if not already created, that not only meets legal requirements but also addresses real-world scenarios, thereby cultivating a culture of ethical decision-making within city government.

Lastly, with cybersecurity being a growing concern across all sectors, including the City of Oakland given the recent ransomware attack, I'd advocate for a review and further strengthening of digital ethics and security protocols within Oakland's city government. Having worked on college admissions candidacy building efforts tailored toward our cybersecurity-interested students, I have gained exposure to industry trends via educational resources like the Wall Street Journal Pro's Cybersecurity column, TryHackMe, and Cybrary. Further, as I have discussed with my students the connections that exist between artificial intelligence, data science, and cybersecurity, I am confident in my ability to communicate and collaborate with cybersecurity contractors for the City of Oakland.

By focusing on these areas, I hope to contribute to strengthening the Public Ethics Commission's role as an effective watchdog and educational

## **Item 5b - K. Covarrubias Application; K. Covarrubias CV**

resource, ensuring that Oakland's governance remains transparent, ethical, and inclusive.

## Item 5b - K. Covarrubias Application; K. Covarrubias CV

### 4. What do you think are the City's most pressing ethics, campaign finance, or transparency challenges?

In my view, Oakland faces several critical challenges in the areas of ethics, campaign finance, and transparency, each with its own set of complexities.

Firstly, on the ethics front, the risk of corruption and conflicts of interest in city government remains a pressing concern. While the Public Ethics Commission serves as a watchdog, there is a need for continuous ethical training and monitoring to ensure city officials and employees act in the best interests of the public. Given my extensive background in political science and governance, I have a keen understanding of how ethical lapses can undermine public trust, such as when a former city building inspector, Thomas Espinosa, was fined \$309,600 by the Public Ethics Commission for accepting bribes from property owners and failing to report his own income and property ownership.

Secondly, in the realm of campaign finance, dark money and undisclosed contributions continue to plague the system. The source and allocation of campaign funds are often not as transparent as they should be, allowing for undue influence over elected officials. Utilizing my skills in data analysis and leveraging resources like Open Secrets, I would propose the development of real-time tracking tools and regular audits to make the campaign finance system more transparent and accountable.

Transparency, or the lack thereof, is another significant issue. Despite technological advances, there's a gap in the efficient dissemination of important public records and proceedings. Governmental opacity can lead to skepticism and can marginalize those who do not have easy access to digital platforms. Drawing from my experience in educational consulting, I see an opportunity to develop user-friendly educational resources that demystify governmental processes, thus making them more accessible to the average citizen. For instance, I'd be happy to collaborate with the Public Ethics Commission to create a series of short Instagram Reels or TikTok videos that explain the structure and functions of city government, such as the roles of the Mayor, City Council, the City Administrator, and various departments and commissions (including the Public Ethics Commission, of course).

Additionally, there may be a lack of engagement and understanding between the Commission and various community groups, from East Oakland to Rockridge. For effective governance, it's imperative that the Commission understands the unique ethical and transparency challenges faced by different communities in Oakland. Leveraging my experience in community-building and multicultural research, I aim to foster a more inclusive approach to tackling these challenges.

Finally, as mentioned earlier, I must mention that the city needs to be vigilant against the growing threat of cyber attacks, which could compromise ethical and transparent governance. Especially considering the emerging trend of AI-infused malicious cybersecurity threats like WormGPT and FraudGPT, ensuring the integrity and security of digital

## **Item 5b - K. Covarrubias Application; K. Covarrubias CV**

platforms used for public engagement and information dissemination is paramount.

In sum, addressing these challenges requires a multi-disciplinary approach that combines rigorous ethical training, technological solutions, community engagement, and robust oversight mechanisms. I believe my diverse skill set and experiences can contribute effectively to addressing these issues.



## Item 5b - K. Covarrubias Application; K. Covarrubias CV

### 5. What else would you like the subcommittee to know as your application is considered?

In addition to my skills and experiences that align closely with the responsibilities and aims of the Public Ethics Commission, I would like the subcommittee to know that I am deeply committed to the principle of public service. As a native of Oakland and a mentor to youth in the community, I have a vested interest in ensuring that our city's governance is as transparent, ethical, and equitable as possible.

I bring a unique multidisciplinary perspective to the table. My background in political science, Chinese linguistics, and educational consulting allows me to approach problems from various angles. I believe that a well-rounded approach is crucial when dealing with complex ethical issues, as it helps us to better understand the various stakeholders involved and the potential impact of our decisions.

Moreover, I'm committed to lifelong learning and adapting to new challenges. This adaptability is particularly vital in the ever-changing landscape of ethics and governance. As we move increasingly towards a digital society, ensuring the integrity and security of our public digital platforms is essential.

Furthermore, I've proven my ability to collaborate effectively across different sectors and communities. Through my work in college admissions consulting and research on Sino-Taiwanese-Latin American relations, I have built networks that can provide diverse perspectives on ethical governance. Engaging various communities within Oakland can only serve to make the Commission's work more inclusive and effective.

Lastly, I consider this role not just as a responsibility but also as an opportunity for personal growth. Serving on the Commission would provide me with the invaluable experience of working closely with professionals who share my commitment to ethical governance. I see it as a platform for shared learning and making a meaningful difference in the community.

I am excited about the possibility of contributing to the Public Ethics Commission and furthering its mission to make Oakland's government as open, honest, fair, and trustworthy as possible. Thank you for considering my application.

---

### Please provide two references

---

#### Reference 1

---

Name

Christopher Brown

---

## Item 5b - K. Covarrubias Application; K. Covarrubias CV

Address

[REDACTED]  
[REDACTED]  
New Haven, CT 06511

Phone

[REDACTED]

Email

[REDACTED]

### Reference 2

Name

Megan Bailey

Address

[REDACTED]  
[REDACTED]  
New Haven, CT 06511

Phone

[REDACTED]

Email

[REDACTED]

### Submit your resume

Upload your resume

<https://www.formstack.com/admin/download/file/15387254890>

### Sign and submit application

Signature

[REDACTED]

Date/Time

Oct 23, 2023



# Kevin Covarrubias

Educator, Chinese Language Analyst

Kevin Covarrubias (柯凯文), M.A., is a multilingual educator and quantitative social science specialist with expertise in educational consulting and international business. Fluent in Mandarin and native in Spanish, he currently serves as a Senior Counselor at InGenius Prep. Notable achievements include completing the 2022 State Department's CLS Program in Taiwan and Columbia University's 2016 Summer Business Chinese Program at the Shanghai Jiaotong University, where he also interned for Guan Pu Real Estate, LLC (Shanghai).

## Contact

### Phone

[Redacted]

### Email

[Redacted]

### Address

Oakland, CA 94606

## Education

**MA in Political Science**  
Columbia University

**MA in Chinese**  
San Francisco State University

**BA in Government**  
Claremont McKenna College

**Critical Language Scholarship (CLS)**  
National Cheng Kung University (Taiwan)

**Columbia Business Intern Program**  
Shanghai Jiaotong University (China)

## Expertise

- Educational Consulting
- Project Management (Trello)
- R Programming (Coding)
- Quantitative Research Methods
- Sales
- Property Management, Real Estate
- Public Speaking

## Language

English (Native)

Spanish (Native)

Chinese (ACTFL OPI Advanced Mid)

## Experience

### September 2022 - Present

InGenius Prep | Remote

#### Senior Counselor

- *College Admissions Advising:* Provide weekly strategic guidance to 12 high school seniors and transfer applicants on college search and personal statement development.
- *Resume and Community Involvement Coaching:* Conduct bi-weekly sessions with 13 students in grades 9-11 to enhance resume quality and community engagement.
- *AI Policy Development:* Authored a comprehensive report on AI essay detection tools such as ZeroGPT and Copyleaks, influencing company policy on emerging AI technologies like GPT-4 and BingChat.
- *Sales and Client Acquisition:* Led 7 presale calls to successfully onboard potential student clients and their families, serving as their dedicated Admissions Coach.
- *Educational Webinars:* Delivered 15-minute presentation to 15+ students on candidacy development for aspiring political science and international relations majors, receiving positive feedback for actionable insights.
- *Application Counseling Bootcamp:* Co-led 5-day bootcamp for 18 students, focusing on personal statement and University of California (UC) essays. Conducted individual 15-minute consultations and presented on essay strategies, including the importance of a "turn" in personal statements and key considerations for the UC essays.

### April 2023 - Present

Scholar Launch | Remote

#### Research Practicum Interviewer

- *Student Interviews & Counseling:* Conducted 65+ interviews of 15-30 minutes each with students applying for diverse research programs in fields such as AI, aerospace engineering, and political economy. Provided targeted advice on research proposal development and skill acquisition (e.g. Python, statistical analysis).
- *Program Guidance:* Act as a resource for applicants by answering queries about program specifics, including length, homework expectations, and research paper publication timelines.

### August 2021 - May 2022

Columbia University | New York, NY

#### Research Assistant

- *Data Collection & Analysis:* Assembled a cross-national dataset of expatriate voting records under the supervision of Dr. Chiara Superti and PhD student Beatrice Bonini.
- *Multilingual Research:* Utilized native-level Spanish language skills to cross-reference electoral data from official sources and liaise with electoral institutes in multiple countries.
- *Technical Skill Development:* Acquiring proficiency in R programming for data analysis, focusing on techniques relevant to the study's objectives.

## References

Available Upon Request



## 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

TO: Public Ethics Commission  
FROM: Nicolas Heidorn, Executive Director  
DATE: November 29, 2023  
RE: Options for Setting the Mayor's Salary

---

The City Administrator has been charged with returning to the City Council with a proposal for moving the authority to set the Mayor's salary from the City Council to the Public Ethics Commission (PEC or Commission). In this memo, staff provides six specific options for how this might be done, based on prior Commission discussion:

- **A1 – Superior Court Match:** Adjust the Mayor's salary every two years to equal a superior court judge's salary.
- **A2 – Inflation Adjustment:** Adjust the Mayor's salary every two years for inflation, by default capped at a maximum of a 5% increase.
- **A3 – Rank & File Raise Match:** Adjust the Mayor's salary every two years by the same percentage increase received by employees of the City's largest public employee union.
- **B1 – Periodic Reassessment:** Adjust the Mayor's salary every four years, taking effect in a new mayoral term, to provide comparable and equitable pay.
- **B2 – Range-Limited Periodic Reassessment:** Adjust the Mayor's salary every four years, taking effect in a new mayoral term, to provide comparable and equitable pay, but within 70 to 90% of the median salary of the chief executive in the three California cities just larger than and three cities just smaller than Oakland.
- **C – Inflation Adjustment with Option for a Limited Reassessment:** Adjust the Mayor's salary every two years for inflation, capped at a maximum 5% increase. Every fourth year, taking effect in a new mayoral term, the PEC may, in its discretion, instead adjust the Mayor's salary to provide comparable and equitable pay, but the increase may not be greater than inflation over the prior years plus 10%.

Options A1, A2, and A3 propose a more automated process where the PEC has relatively little discretion in setting the Mayor's salary, unless certain financial hardship thresholds described below are met. These options are closer to how the PEC currently adjusts the City Council's salary for inflation. Options B1 and B2 provide the PEC with greater discretion to adjust the Mayor's salary to ensure it is consistent with peer jurisdictions and that it provides greater pay equity between the Mayor and their top-paid staff and other department heads. These two options are closer to how the PEC currently adjusts the City Attorney and City Auditor's salaries based on similar criteria. Option C is a blend of both approaches, providing a regular biannual inflation adjustment but permitting the PEC to do a more comprehensive review of the Mayor's salary every four years.

## Item 6. Staff Memo

To address the concerns that the charter criteria may require the PEC to provide a raise when the City is experiencing fiscal hardship, each of these options also provide the PEC the discretion to postpone, waive, or reduce a salary increase if the General Purpose Fund (GPF) revenue is projected to decrease from the prior fiscal year or if the City Council declares that the City is facing an extreme fiscal necessity or fiscal emergency or crisis.

If the PEC is unable to agree on a specific proposal, the Commission may instead decide to provide the City Administrator with general principles that it recommends be reflected in the charter amendment. **Option D** includes some recommended principles, including that the responsibility for setting the Mayor's salary should be transferred to the PEC; the charter should provide politically-neutral, objective criteria for the PEC to follow in setting the Mayor's salary; and that the PEC should have very limited discretion to set the Mayor's salary.

### ***Staff recommends that the PEC:***

- ***Adopt one of the options above (A1 through D), or another option, to recommend to the City Administrator;***
- ***Consider whether to recommend that the salary-setting process for other offices be conformed to the proposed procedures; and***
- ***Delegate to the Executive Director and the Chair the responsibility for transmitting a letter to the City Administrator expressing the PEC's preference.***

To assist with this discussion, staff has attached the following additional resources at the end of this memo:

- A revised chart comparing the salary-setting practices of the ten largest cities in California and information about those cities, excerpts of news articles about recent mayoral raises, and a survey of local League of Women Voters chapter leaders on how controversial the process has been in their jurisdiction;
- A public comment survey the PEC conducted in mid-November soliciting commenters views and feedback on whether the PEC should take on this responsibility and how; and
- The staff memo from the PEC's October meeting providing background information on how the Mayor's salary is set, how the PEC sets salaries for other elected offices, how the ten largest California cities set their mayors' salaries, and factors the PEC may wish to consider in recommending whether and how the PEC sets the Mayor's salary.

### **Background**

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."

In July of 2023, the City Council approved a motion asking the City Administrator to provide "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." At its August retreat, the PEC decided it would like to consider and make a recommendation to the City Administrator

## Item 6. Staff Memo

as to whether or not the PEC should set the Mayor's salary and, if so, what factors the PEC might consider in setting this salary.

At its October 25, 2023, meeting, the PEC discussed this subject. While commissioners generally agreed that the PEC was an appropriate body to set the Mayor's salary, there was no consensus on how exactly that salary should be set. Commissioners generally expressed the view that the Commission should have limited discretion to set the Mayor's salary, but that this discretion should not be based on an evaluation of the Mayor's performance in office, which some Commissioners felt is a political determination best left to the voters. Several Commissioners favored a mostly automated process to minimize the risk of the process being politicized or appearing to be so, for example by primarily adjusting the salary for inflation, while other Commissioners agreed but felt the Commission should have the discretion to account for fiscal crises in the salary adjustment, or that the baseline salary should be periodically reviewed (e.g., every four to eight years) in light of other factors, like the pay for top mayoral employees. Staff said at that meeting that it would provide a menu of options for how the PEC might set the Mayor's salary at this December meeting, leaning towards creating a more automated process but with some discretion for the PEC to modify or review that process in light of current conditions.

### Salary-Setting Options

This memo presents six different salary-setting options (and a seventh "statement of principles only" option) that the Commission may wish to recommend or modify and recommend.

#### **Option A1: Match Superior Court Judge Salary**

##### *Proposal Summary:*

- Every two years, the PEC adjusts the Mayor's salary to be the same as the current salary for an Alameda County Superior Court judge (\$231,174 in FY2022-23).
- The PEC, in its discretion, may waive or reduce a salary increase for that two-year period if either (a) the City Council declares that the City is facing an extreme fiscal necessity/crisis or (b) if the General Purpose Fund (GPF) revenue for the current fiscal year is projected to decline.

This option pegs the Mayor's salary to the salary of a superior court judge. Judicial salaries are set by state law and required to be adjusted annually by the average percentage increase in salaries of all state workers. (Cal. Gov. Code Sec. 68203.) According to the National Center for State Courts, California superior court judges made \$231,174 as of July 1, 2023.<sup>1</sup> (Staff is attempting to verify this number with respect to Alameda County.) This amount is about 6.9% higher than the recently-adopted salary of \$216,202 for the Mayor.

Several other California local jurisdictions have pegged mayoral salary to the salary of superior court judges, including three of the state's five "strong" (or "strong-ish") mayor cities. In San Diego, the Mayor's pay is set to equal a superior court judge's. In Los Angeles, the Mayor makes 30% more than a superior court judge. In Fresno, Mayoral pay is set by the Council, but a recent resolution set the Mayor's pay at 160% of a Fresno County Supervisor's pay, which is itself based on superior court judge's pay, and ends up equaling 96% of a superior court judge's pay. (If the PEC wanted to use the Mayor's current salary as a baseline salary but adopt a percentage of a judge's salary that approximates the

## Item 6. Staff Memo

Mayor's current pay, this proposal could be modified to peg the Mayor's salary to 90% or 95% of a superior court judge's salary.)

Unlike these other cities, where the mayor's salary is automatically changed based on judicial salaries, this option would allow (but not require) the PEC to waive a salary increase in a two-year period if either of the following occurs:

- (a) the GPF revenue for the current fiscal year is projected to be less than the GPF revenue for the prior fiscal year, or
- (b) the City Council declares in the most recent budget resolution that the City is experiencing a severe and unanticipated financial event or an extreme fiscal necessity or is in a state of fiscal crisis or fiscal emergency.

This provision, which is included in all six options (A1 to C), is intended to allow the PEC to waive or reduce a salary increase in cases where the City is facing significant financial hardship and where it may be inappropriate or controversial to award the Mayor a large pay increase when the City is struggling. While the decision to waive or reduce the salary increase would be in the PEC's discretion, the precondition, that a financial urgency exists, would be objectively determined. GPF projections for a fiscal year are adopted in the budget and can be compared to the actual revenues from the prior year. From the 2010-11 fiscal year through the most recently completed 2022-2023 fiscal year, the GPF has declined three times.

Fiscal Year to Fiscal Year GPF Change

Fiscal Year	GPF Change
FY 10-11	-2.8%
FY 11-12	6.9%
FY 12-13	0.8%
FY 13-14	1.4%
FY 14-15	8.5%
FY 15-16	12.1%
FY 16-17	-1.2%
FY 17-18	6.9%
FY 18-19	10.0%
FY 19-20	-2.8%
FY 20-21	11.9%
FY 21-22	2.3%
FY 22-23	20.5%

The declaration of a "severe and unanticipated financial event," "extreme fiscal necessity," or "fiscal crisis or fiscal emergency" are also objectively determined, as these are official legal terms that the City Council must use in its budget resolution if it wants to waive certain minimum funding or staffing requirements – for example, to waive minimum library funding, minimum City Auditor's Office staffing, or the Democracy Dollars program minimum staffing and funding. The City Council has further defined or elaborated on these terms in Council Resolution [No. 89803](#) (Jun. 22, 2023).

## Item 6. Staff Memo

**Advantages** of this option may include that:

- The increase is mostly automatic, with very little PEC discretion except in times of fiscal crisis;
- The pay of superior court judges appears to be fairly close to the Mayor's current pay;
- Other strong mayor cities (LA, San Diego, and Fresno) use this approach, so using this approach would mean that Oakland's Mayor's pay will stay proportionally in step with these three peer jurisdictions;
- It is administratively simple to implement.

**Disadvantages** to this option may include that:

- The duties and responsibilities of a superior court judge are not comparable to a mayor;
- The Legislature may change judicial pay in the future, which could cause mayoral pay to become far too high or too low; and
- It provides the PEC with little discretion to exercise its best judgment on what is a fair and competitive salary.

### **Option A2: Adjust for Inflation, Generally Capped at 5%**

#### *Proposal Summary:*

- Every two years, the PEC increases the Mayor's salary by the change in the Bay Area Consumer Price Index (CPI, i.e., inflation), capped at no more than a 5% increase, or higher to reflect actual inflation in the PEC's discretion, but not to exceed a 10% increase.
- The PEC, in its discretion, may waive a or reduce a salary increase for that two-year period if the City Council declares that the City is facing an extreme fiscal necessity/crisis.

This option adjusts the Mayor's salary for every two years to account for inflation, but generally caps the increase at 5%, unless inflation is higher, in which case the PEC has some discretion to award a higher amount. This option mostly follows how the PEC is required to adjust the City Council's salary, pursuant to recent charter amendments, except it also allows the PEC to waive or reduce a mandated increase when the City is facing fiscal hardship.

Under current law, the PEC adjusts the City Council's salary for inflation, up to a 5% cap over a two-year period. However, if inflation exceeds 5% in that two-year period, the PEC, in its discretion, may "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." The 5% cap is new and was added when the voters approved Measure X (2022), and so has not yet been implemented by the PEC. Prior to Measure X, the PEC adjusted Councilmembers' salaries for inflation over the prior two years but could also provide up to an additional 10% salary increase in its discretion. The PEC's prior, inflation-based increases between 2022 and 2016 are displayed below; increases that exceed the new 5% cap are bolded for reference.

PEC Two-Year Council Salary Percentage Increases, 2016-2022



## Item 6. Staff Memo

Calendar Year	Annual Inflation
2022	6.3%
2020	7.1%
2018	6.6%
2016	4.7%

As the chart above demonstrates, two-year inflation has generally exceeded 5% in prior years. Because this cap is new, the PEC has yet to consider how it will exercise its discretion when inflation exceeds the cap, which it will also have to consider in setting the Mayor's salary under this option. An alternative to this option would be to adjust Mayoral salaries solely for inflation, without a cap. This would provide the PEC with less discretion over salary increases, and likely result in the Mayor receiving higher pay.

Like Option A1 (peg to superior court salary), this adjustment would be largely automatic, with some PEC discretion to go a few percentage points over the 5% cap in times of high inflation, or to waive or reduce a salary increase if the City declares a fiscal necessity/crisis. The use of an inflation adjustment to set mayoral salaries is also used in some other cities like Long Beach.

**Advantages** of this option may include that:

- The increase is mostly automatic, with the PEC's discretion limited to considering raises when inflation is high and considering pay cuts when the City experiences a financial hardship;
- The increase will generally account for increases in the cost of living;
- The bi-annual increases are likely to be incremental, rather than causing large increases which may be controversial;
- The method is similar to what the PEC uses for the City Council; and
- It is administratively simple to implement.

**Disadvantages** to this option may include that:

- Using inflation as the main driver for compensation may lead to mayors being significantly over or under-compensated compared to executives in peer jurisdictions and top staff, especially over a long period of time;
- It assumes that the mayor's current salary is about right;
- there are no criteria for when the PEC should exercise its discretion to grant raises in times of high inflation; and
- It provides the PEC with little discretion to exercise its best judgment on what is a fair and competitive salary.

### **Option A3: Adjust Based on Public Employee Salary Increases**

*Proposal Summary:*

## Item 6. Staff Memo

- Every two years, the PEC changes the Mayor's salary by the change in salary of the largest non-sworn public employee union in the City.
- The PEC, in its discretion, may waive or reduce a salary increase for that two-year period if either (a) the City Council declares that the City is facing an extreme fiscal necessity/crisis or (b) if the GPF revenue for the current fiscal year is projected to decline.

This option automatically ties the Mayor's salary increases to that of the largest non-sworn City employee union, presently SEIU 1021, except that, because the PEC would be setting the Mayor's salary every two years, the Mayor's raises would take effect months to over a year after those of City employees. For context, the current SEIU Local 1021 contract provides the following wage increases:

- 5% effective the first full pay period in July 2022;
- 2.5% effective the first full pay period in July 2023;
- 2.5% effective the first full pay period in January 2024;
- 2% effective the first full pay period in July 2024; and
- 2% effective the first full pay period in March 2025.

From staff's discussion with Budget Office staff, employee union wage increases tend to apply uniformly across the board to all represented employees in the union, although in some cases certain job classifications will receive extra compensation in the agreement. For example, in the most recent agreement, a 5 to 7.5% "special equity" pay increase was awarded to engineers. In such cases, the PEC would only consider the bargaining unit-wide increase of the largest non-sworn bargaining unit.

Staff is unaware of another city that bases mayoral salary increases on represented employee increases. However, when the PEC sets the salaries of the City Attorney and the City Auditor, it must consider the compensation of the highest paid staff in those offices. While those are likely not represented employees, PEC staff understand that in Oakland management raises generally track the raises provided to represented employees.

As with Options A1 (superior court) and A2 (inflation adjustment), the PEC would have the ability to waive or reduce the increases if the City is facing a significant fiscal hardship or revenues decrease. Another addition the PEC may consider for this option (or potentially others) is that, if the largest employee union agrees to amend its contract to reduce costs, the PEC would then be authorized or required to decrease the Mayor's salary by the same percentage as the cost reduction. San Francisco utilizes this later approach.

**Advantages** of this option may include that:

- The increase will almost always be automatic, with very little PEC discretion except in times of fiscal crisis;
- The increase matches negotiated increases with City employees, reflecting what City leadership considers to be fair to employees and affordable to the City; and
- It is administratively simple to implement.

**Disadvantages** to this option may include that:

- Basing the mayor's salary on public employee union compensation may create a conflict of interest or the appearance of a conflict if the Mayor was involved in those salary negotiations;
- Using public employee wage increases to set compensation may lead to mayors being significantly over or under-compensated compared to executives in peer jurisdictions and top staff; and
- It provides the PEC with little discretion to exercise its best judgment on what is a fair and competitive salary.

**Option B1: Adjust to Provide Comparable and Equitable Pay**

*Proposal Summary:*

- Every four years, taking effect at the start of a new mayoral term, the PEC adjusts the Mayor's salary considering:
  - The salaries of the chief executives (city manager or mayor in a strong mayor system) in comparable California jurisdictions;
  - The salary of the highest-paid mayoral employee;
  - The salary of City Department heads; and
  - Inflation since the last adjustment.
- The PEC, in its discretion, may postpone or temporarily reduce a salary increase in any fiscal year in which either (a) the City Council declares that the City is facing an extreme fiscal necessity/crisis or (b) the GPF revenue for the current fiscal year is projected to decline.

This option closely resembles the process the PEC already uses to set the City Auditor and City Attorney's salaries. Under this option, salary-setting would generally not be automatic, but also would not be fully discretionary. The PEC would set the Mayor's salary after weighing enumerated criteria, none of which are based on the PEC's subjective evaluation of the Mayor's performance. However, similar to its salary-setting role with respect to the City Attorney and City Auditor, the PEC would have discretion in deciding how to weigh these potentially conflicting considerations, as well as which peer California jurisdictions to select as a benchmark for a chief executive's salary.

However, selecting comparable peer jurisdictions and deciding how to account for their executives' pay may be more complicated in the context of setting the Oakland Mayor's salary than it is with respect to the City Attorney or City Auditor, which are more specialized positions that tend to have similar duties and responsibilities to other elected and non-elected city attorneys and auditors in the state. A mayor's powers and responsibilities can vary significantly between cities, which often affects compensation. Mayors are generally paid significantly more in so-called "strong mayor" cities, where the mayor is the executive of the city, and less in "weak mayor" cities, where the mayor typically is a member of council with no additional executive powers. Oakland's form of government, which includes a City Administrator rather than a city manager, is sometimes described as falling between these two systems,<sup>2</sup> which may make one-to-one comparisons more difficult. In addition, city managers are typically paid significantly more than even more traditional strong mayors. This raises the question of whether the salary of Oakland's Mayor should be set equal to other strong mayors or city managers, or at some lower rate?

## Item 6. Staff Memo

The current City Charter, for example, specifies that the mayor's pay must be between 70 to 90% of the executives in the six cities nearest to Oakland in population.

For reference, the Mayor recently-adjusted salary of \$216,202 is less than the median for city executives for the next six cities closest in size to Oakland (\$308,860); less than the median City department head (\$238,420); and about 5% more than her highest paid employee (\$205,000), although the City's management practice is for managers to make 15 to 20% more than their top paid employee.

Rather than leave the question of the appropriate target to the PEC's discretion, this option could be modified to identify what is the "goal" for each factor – e.g., identifying what percentage of the median peer executive's salary the Mayor should make, what percentage the Mayor should make above the top mayoral employee's salary, and so on. Even so, the PEC would still have to decide how to evaluate these different factors when their target salary amounts diverge; e.g., should they be averaged, create a range of salary options, establish a salary floor, or be considered in some other manner?

While similar, this proposed option B1 differs from the PEC's current responsibilities for setting the City Attorney and City Auditor's salary in a few respects. First, it adds the option for the PEC to reduce or postpone a salary increase if the City is facing a significant financial hardship, objectively defined, similar to the options previously discussed. This seeks to address one criticism of the current Charter process, which is that it required the City Council to significantly raise the Mayor's salary, despite the fact that the City was facing the largest budget deficit in its history. Second, it includes inflation since the last salary adjustment as a consideration.

Finally, under this option the Mayor's salary would only be adjusted every four years, rather than every year for the City Attorney and City Auditor, or every two years as is currently required for the Mayor. An annual salary adjustment would require more PEC staff time and may lead to a more politicized process if the salary adjustment is perceived as a referendum on the incumbent mayor's performance. Instead, a four-year cycle could be aligned so that the PEC is adopting a salary that only takes effect at the start of a new mayoral term. Because an incumbent mayor may not be running for re-election, or at least is not guaranteed reelection, this timing may shift the focus of the salary-setting discussion from being about the current officeholder to a broader discussion of what salary is in the best interests of the City.

**Advantages** of this option may include that:

- It is fairly similar to the process that the PEC already uses to set City Attorney and City Auditor salaries;
- It provides the PEC with significant discretion to exercise its best judgment on what is a fair and competitive salary, using clear guideposts;
- It makes it less likely that the Mayor's salary will fall out of step with peer jurisdictions or with top mayoral staff than a more automated process; and
- It aligns the salary adjustment to the start of a new mayoral term, which may help depoliticize the process.

**Disadvantages** to this option may include that:

- It provides the PEC significant discretion on how to set the Mayor's salary, which may require the PEC to make difficult values-based decisions on how to weigh different criteria and may lead to a far more politically contentious process;

- It provides no salary adjustments in years 2-4, which means the real value of the Mayor's salary would decrease each year of their term; and
- It is more administratively complicated than the previous options, requiring PEC staff to collect more data points, but only every four years instead of every two.

### **Option B2: Adjust to Provide Comparable and Equitable Pay but within a Range**

#### Proposal Summary:

- Every four years, taking effect at the start of a new mayoral term, the PEC adjusts the Mayor's salary to be within 70 and 90% of the executives in the three nearest California cities higher than and three nearest California cities lower than Oakland in population, and considering:
  - The salary of the highest-paid mayoral employee;
  - The salary of City Department heads; and
  - Inflation since the last adjustment.
- The PEC, in its discretion, may postpone or temporarily reduce a salary increase in any fiscal year in which either (a) the City Council declares that the City is facing an extreme fiscal necessity/crisis or (b) the GPF revenue for the current fiscal year is projected to decline.

This option is the same as the last option (B1 – periodic review), except that it sets lower and upper limits on the salary that the PEC can select. This option blends the current City Charter requirement that the Mayor's salary be between 70 and 90% of the six nearest cities to Oakland in population and has the PEC select an amount within that range largely applying the same factors that the PEC uses to set the City Attorney and City Auditor's salary. Similar to the other options, it also gives the PEC the authority to postpone or temporarily reduce the salary increase if the City is experiencing a financial hardship.

For example, in July, when the City Council last adjusted the Mayor's salary, the applicable 70% to 90% salary range was between \$216,202 and \$277,974 (up from the \$202,999 the Mayor was then making). The Council chose the lowest possible salary increase in that range. Under this proposed option, the PEC generally would have been required to also select within that range except that, because the Council declared that the City was facing a severe fiscal necessity, the PEC could have chosen to postpone or temporarily reduce the increase instead.

**Advantages** of this option are largely the same as B1, except that the PEC would generally have to set a salary within objective upper and lower bounds, limiting the PEC's discretion as to the magnitude of the salary adjustment. Having the Charter specify the salary range also resolves how the PEC should weigh executive salaries in peer jurisdictions.

**Disadvantages** to this option are largely the same as B1, except that the lower and upper limits may force the PEC to give a raise that, in consideration of the other factors, may appear unfair or inappropriate in the PEC's judgment.

### **Option C: Hybrid Option – Adjust for Inflation But Include a Periodic Review**

## Item 6. Staff Memo

### Proposal Summary:

- Every two years, the PEC increases the Mayor's salary by the change in the Bay Area CPI over the last two years, but capped at 5% (similar to Option A2) but without PEC discretion to go beyond the cap.
- Every four years, taking effect at the start of a new mayoral term, the PEC has the discretion to instead adjust the Mayor's salary to promote greater pay equity and competitive compensation (same as Option B1), but by no more than the rate of inflation over the past two years plus an additional 10 percent. In making a discretionary adjustment, the PEC shall consider:
  - The salaries of the chief executives (city manager or mayor in a strong mayor system) in comparable California jurisdictions;
  - The salary of the highest-paid mayoral employee; and
  - The salary of City Department heads.
- The PEC, in its discretion, may waive or reduce a salary increase in any fiscal year in which either (a) the City Council declares that the City is facing an extreme fiscal necessity/crisis or (b) the GPF revenue for the current fiscal year is projected to decline.

This option uses a biannual inflation adjustment as its baseline increase, with a 5% cap and no opportunity for the PEC to waive the cap but permits the PEC to do a periodic review and re-assessment of the salary every four years. To prevent large jumps in salary, that re-assessment could be capped to no more than inflation plus ten percent.

This option is somewhat similar to how San Francisco sets its Mayor's salary. In San Francisco, the Civil Service Commission sets the Mayor's salary every five years by averaging the salaries of the chief executives of five neighboring counties. (San Francisco has the highest mayoral salary in California as a result.) In the intervening four years, the Commission also adjusts the Mayor's salary for inflation. As previously mentioned, the Commission must also reduce the Mayor's salary if employee unions agree to amend their contracts to reduce costs. One significant difference between San Francisco's approach and this proposed option is that San Francisco's Commission does not appear to have any discretion in setting the Mayor's salary and only one factor – the pay of neighboring county administrators – is considered.

**Advantages** of this proposed option may include that:

- It is mostly a blend of the process that the PEC already uses to set City Attorney, City Auditor, and City Council salaries.
- It provides the PEC with significant discretion to exercise its best judgment on what is a fair and competitive salary but limits the magnitude of the increases permitted at the four-year re-assessment. This would also have the likely effect of providing more incremental pay increases than Options B1 and B2, which only have a four-year periodic review.
- It makes it less likely that the Mayor's salary will be out of step with peer jurisdictions or top mayoral staff than a more automated process; and

## Item 6. Staff Memo

- It aligns the salary re-assessment to the start of a new mayoral term, which may help depoliticize the process.

**Disadvantages** to this option may include that:

- It provides the PEC significant discretion on how to set the Mayor's salary at the four-year re-assessment, which may require the PEC to make difficult values-based decisions on how to weigh different criteria and may lead to a more politically contentious process;
- It does not provide an objective standard for when the PEC may choose to do a re-assessment rather than continue to provide inflation adjustments; and
- It is more administratively complicated than any of the prior options, requiring PEC staff to collect more data points.

### Option D: Statement of Principles

Proposal Summary: If the PEC cannot reach agreement on a specific option to recommend to the City Administrator, it may wish to provide more general statement of principles that it would like to see in a draft charter amendment, including:

- The responsibility for setting the Mayor's salary should be transferred to the PEC;
- The charter should provide politically-neutral, objective criteria for the PEC to follow in setting the Mayor's salary;
- The PEC should have limited discretion to set the Mayor's salary, with salary adjustments mostly being automatically applied based on objective criteria;
- The PEC should have the discretion to waive or reduce a salary increase if either (a) the City Council declares that the City is facing an extreme fiscal necessity or a fiscal crisis or emergency, or (b) the GPF revenue for the current fiscal year is projected to be lower than it was in the last fiscal year.
- The PEC should not adjust the Mayor's salary more frequently than once every two years.

This proposal would give general guidance to the City Administrator on the PEC's preferences, while reserving the PEC's ability to review and comment on the specific proposal the Administrator develops.

### Other Considerations

In addition to changing the Mayor's salary, the PEC may wish to consider recommending other changes to the charter around the salary-setting process, including changes for the other elected offices the PEC sets the salary for, or other non-criteria-based procedural changes.

For example, depending on the mayoral salary option the PEC selects, it may make sense to recommend that the salary-setting process for the City Council, or the City Auditor or City Attorney, be changed to conform to that new proposed process. This would simplify the administration of these different salary setting obligations for the PEC; however, depending on the different nature of the office -- for example

## Item 6. Staff Memo

the City Auditor and Attorney being more professional positions -- different processes may be appropriate. Less ambitiously, the PEC might propose more minor revisions, such as changing the City Auditor and City Attorney salary-setting process to a run on a two-year or four-year cycle rather than an annual cycle, or applying the proposal that the PEC be given the discretion to waive salary increases in times of financial hardship to all offices.

The PEC may also wish to consider whether there are other non-criteria-based procedural changes, that could strengthen the PEC's political independence in salary-setting and the transparency of this process.



## Item 6 - Staff Memo

### Appendix I. Mayoral Salary in Ten Largest California Cities and Perceived Controversy

*In response to Commissioner questions and feedback at and after the October PEC meeting, staff have updated the chart from the memo for that meeting identifying the salary setting practices of California’s ten largest cities to also include a city’s population, number of public employees, mayoral salary as of 2022, excerpts and links to recent articles about the salary-setting process in that city, and a subjective assessment by a leader of the local chapter of the League of Women Voters as to how controversial recent salary adjustments have been in that city. As to the latter, nine out of the ten local League chapter leaders identified by the State League responded to this survey.*

City & Population <sup>1</sup>	Mayor Type	City Staff <sup>2</sup>	2022 Salary <sup>3</sup>	Mayoral Salary Rule	Recent Coverage and Perceived Recent Controversy of Salary-Setting Process
Anaheim 344,461	Weak	3,286	\$10,877	Follows rules for general law cities. Charter Sec. 502.	<u>Local LWV: 1/5 controversy.</u> “[I am] not aware of any controversy. Not aware of any recent changes.” <u>Article:</u> None found
Bakersfield 410,647	Weak	2,116	\$48,211	Set at \$24,000/year. Charter Sec. 20.	<u>Local LWC: no response</u> <u>Article (Opinion):</u> “A case can be made for for increasing the pay of Bakersfield City council members, but not on the scope of Sacramento's and San Jose's. Bakersfield council members receive \$785.79 monthly, which is a combination of being given a car allowance and what compensation the Charter mandates. The mayor earns \$2,000 monthly and is given a car. But council members and the mayor also the receive fully-paid medical, dental and vision insurances costing from \$7,720.79 (single rate) to \$23,243.46 annually.” Bakersfield, 4/6/2022
Fresno 545,567	Strong	5,015	\$141,520	Salary set by City Council. Charter Sec. 308.	<u>Local LWV: N/A</u> “No I do not know of any controversy surrounding the mayor's salary in recent memory.” <u>Article:</u> “A proposal from the Fresno City Council would give elected officials a dramatic pay raise in future years. ... “This [proposal tying council and mayor pay to Fresno County supervisor pay, which is based

<sup>1</sup> U.S. Census Bureau, “Annual Estimates of the Resident Population for Incorporated Places in California: April 1, 2020 to July 1, 2022,” <https://www2.census.gov/programs-surveys/popest/tables/2020-2022/cities/totals/SUB-IP-EST2022-POP-06.xlsx>.

<sup>2</sup> State Controller, “Government Compensation in California,” <https://publicpay.ca.gov/>.

<sup>3</sup> State Controller, “Government Compensation in California,” <https://publicpay.ca.gov/>.

## Item 6 - Staff Memo

					on superior court judge pay] provides the greatest transparency while also taking the ability to vote on future raises out of the hands of councilmembers,” [Councilmember] Maxwell said. ... The mayor’s salary — currently at \$130,000 — would be tied to the city council and earn a multiple of just over 160% of that rate. That would bump up the next mayor’s salary to \$219,447. ... Fresno Mayor Jerry Dyer is not convinced this is the best plan. “I am concerned with the message this will send to our employees as well as our tax payers, as the raises are significant. I think a more moderate approach should be taken that provides annual pay raises similar to that of employees,” Dyer.” <i>GV Wire</i> 6/21/22 [Note: proposal passed.]
Long Beach 451,307	Weak	6,705	\$169,497	Set at \$67,500 + CPI (set in 1988). <i>Charter Sec. 203.</i>	<u>Local LWW: 1/5 controversy.</u> “[N]ot aware of any controversy.” <u>Article:</u> “The council placed a voluntary pay cut item on the agenda during a Sept. 8 meeting in which the city’s budget was approved. A motion that direct money saved from elected officials’ salaries to city libraries and parks did not get approved. Instead, the forgone salaries will be distributed to the city’s general fund, which is used to pay for public services. The mayor’s salary is \$157,145.16 annually, while the council salary is \$39,290.47, according Gross. Due to federal tax laws and pension agreements, the city could not slash these salaries by 10% across the board, as workers did. Instead, the city made an approximate cut to their individual salaries to equate a 10% pay cut and called it a donation.” <i>LB Post</i> , 10/13/2020
Los Angeles 3,822,238	Strong	68,322	\$301,588	30% more than Councilmembers (who receive salaries equal to superior court judges). <i>Charter Sec. 218.</i>	<u>Local LWW: 1/5 controversy.</u> “[T]his issue is so off the radar in LA, we have so many more pressing issues, I think I can safely tell you that there has been almost no mention of it from any sector of the political spectrum.” <u>Article:</u> “The proposed pay raise, public campaign financing and ethics reforms will be linked in a single ballot measure in June, meaning that voters must grant elected officials the pay raise if they want to adopt the reforms.” <i>LAT</i> , 2/14/1990
Oakland 430,553	Strong	6,117	\$226,557	Council set salary to 70% to 90% of the average City Manager or CEO salary of	<u>Local LWW: 4/5 controversy, but “short-lived.”</u> “The only controversy over the Mayor's salary anyone, including longtime residents and committee members, could recall was the recent one in 2023 of the

## Item 6 - Staff Memo

			(Note. <sup>4</sup> )	6 nearest-in-size cities. <i>Charter Sec. 300.</i>	<p>setting of Mayor Thao's salary. People believe that may have been because the previous Mayor Schaf did not accept increases or the City Council did not comply with its mandate to review and adjust the salary at regular intervals. ... The belief is that the context of Oakland's sizeable deficit made the initial recommendation of a maximal salary increase particularly controversial. ”</p> <p><a href="#">Article</a>: “Caving to public pressure, the Oakland City Council gave the city’s mayor the smallest pay raise allowable under the law, marking the first salary bump the position has received in a decade.” <i>Oaklandside</i>, 7/19/2023</p> <p><a href="#">Editorial</a>: “The charter requires the City Council to review the mayor’s salary in odd-numbered years. The mayor’s salary under the charter is to be not less than 70% nor more than 90% of the average salaries of the city managers of the six California cities with the three immediate higher and the three immediate lower populations. It’s a nonsensical standard and comparison. City managers or administrators are usually highly trained professionals with years of education and experience in municipal management and finance. Their skill sets and responsibilities are completely different from those of a mayor.” <i>EBT</i>, 7/17/2023</p>
Sacramento 528,001	Weak	5,606	\$146,749	Appointed Compensation Committee sets salaries that are “reasonable and consistent with other cities similar in size and structure.” <i>Charter Sec. 29.</i>	<p><u>Local LWV: 1/5 controversy.</u> “The LWV Sacramento County has not found the Mayor’s salary to be publicly controversial except perhaps among the members of the commission that sets the salary for the Mayor and City Council.”</p> <p><a href="#">Article</a>: “[Mayor] Steinberg’s annual salary will increase from \$158,652 to \$164,205 starting June 17, the city’s Compensation Commission decided ... [which] was roughly 3.5%, which was the amount of the raises most unionized city employees received last year.” <i>SacBee</i>, 5/5/2023</p>
San Diego 1,381,162	Strong	12,829	\$236,851	Salary equal to salary of superior court judge. <i>Charter Sec. 24.1.</i>	<p><u>Local LWV: 1/5 controversy.</u> “The mayor's salary has not been controversial. In 2018, Measure L passed, which set the mayor's salary equal to that of California Supreme Court judges.”</p>

<sup>4</sup> Note: The State Controller’s Data does not match the City’s figures for mayoral pay. The City Council recently adopted a Mayoral salary of \$216,202.42, which was about a \$13,000 increase over the 2022 salary for this position.

## Item 6 - Staff Memo

					<p><a href="#">Article</a>: “Before voters approved Measure L, the awkwardness and potential political costs of voting to give themselves raises had prevented San Diego council members from doing so for more than 15 years.” <i>SDUT</i>, 6/2/2023</p>
San Francisco 808,437	Strong	39,238	\$357,084	<p>Every 5 years, Civil Service Commission sets salaries based on average of 5 Bay Area counties. In other 4 years, salaries are adjusted for inflation, but capped at 5%. If City employee unions amend their MOUs to save costs, the Commission shall amend the Mayor’s salary to achieve comparable savings. <i>Charter Sec. A8.409-1.</i></p>	<p><u>Local LWW: N/A</u> “LWVSF has not been part of any discussions or advocacy around mayor compensation for the past few years at least. We are aware that there is usually discussion about the mayor’s compensation by the residents and the media, such as this recent example from the San Francisco Chronicle [below] about San Francisco’s mayor being the highest-paid in California.”</p> <p><a href="#">Article</a>: “San Francisco Mayor London Breed had the highest compensation among California city mayors last year, exceeding the compensation of mayors in more populous cities, including Los Angeles, San Diego and San Jose. ... Though Breed may have an unusually high salary relative to her peers, her compensation is still a fraction of what a top manager at a private company would earn, said Steven Falk, former interim city administrator of Oakland and a longtime city official who has served in six California cities.” <i>SF Chron</i>, 7/10/2023</p>
San Jose 971,233	Weak	8,475	\$209,402	<p>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></p>	<p><u>Local LWW: N/A</u> “There is no one available who feels they have enough background/experience on this to comment for your survey.”</p> <p><a href="#">Article</a>: “A city commission on Monday unanimously approved salary increases for San Jose elected leaders, including a whopping \$58,000 raise for Mayor Sam Liccardo and a \$28,000 raise for city councilmembers. But on Tuesday morning, Liccardo rejected the raise in a new memo released by his office. Instead, Liccardo suggested aligning current and future mayoral salary increases with those typical for most employees, about 3 percent annually. ... [V]oters approved Measure U last fall [ie 2018], which removed councilmembers and the mayor from approving their own salaries — a hot button issue that voters agreed was a conflict of interest. Previously, the commission made recommendations for raises, but the City Council voted to adopt them, which became a highly-politicized affair. Now, the commission</p>

## Item 6 - Staff Memo

					approves the salaries outright, taking the decision-making out of the elected officials' hands." SJ Spotlight, 4/22/2019
--	--	--	--	--	--

# Item 6 - Staff Memo

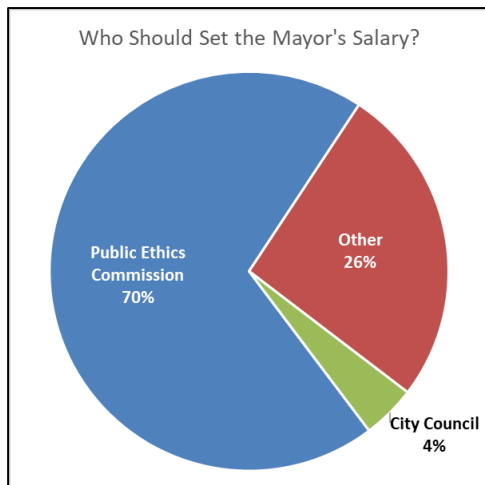
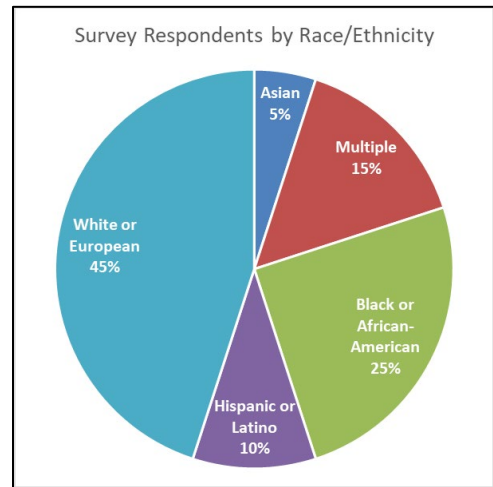
## Appendix II: Public Comment Survey on Mayor's Salary

To solicit greater public comment on this item, the PEC designed and created a survey asking respondents whether the PEC should be assigned the role of setting the Mayor's salary or not and, if so, what criteria should the PEC use, and what level of discretion should the PEC have. The survey was open from November 20 through November 29 and distributed by email to the PEC's distribution list twice, shared through the PEC's social media accounts, and posted to NextDoor.

The PEC received a total of 23 responses to its survey. Of those respondents, 20 volunteered their demographic information to the Commission. Of those, 5 percent identified as Asian, 25 percent Black or African American, 10 percent as Hispanic or Latino, 45 percent as White or European, and 15 percent identified with multiple race and ethnicity categories, and 74 percent identified as Female, and 26 percent as Male<sup>1</sup>. Because this was not a randomized sample, like traditional oral public comment at government meetings, the responses are not necessarily representative of the views of all Oaklanders.

Overall, commenters responding to this survey generally favored the PEC taking on the responsibility of setting the Mayor's salary. Public commenters seemed to generally think that all the factors the PEC has identified as potential criteria for setting the Mayor's salary were important considerations; however, the most popular consideration was the City's financial condition. Finally, public commenters were mostly split in thinking that the PEC should have some to a great deal of leeway in setting the salary.

The overall survey responses to each question are below, along with any unique answers or other volunteered comment provided by a survey respondent.



### 1. Who do you think should set the Mayor's Salary?

Answers provided for "Other":

- "All city employees should receive percentage salary increases by the same city civil service system. The mayor should be no different and should also have held the office at least two-three years. An increase a few months after taking office is ridiculous."
- "I feel both entities should set the Mayor's salary."
- "Not sure who. Definitely not Council. What would Ethics Commission consider in setting salary?"
- "Oakland property tax payers (who live in the city)"
- "Oakland registered voters"

<sup>1</sup> The survey used demographic categories used by the U.S. Census for consistency and comparability.

## Item 6 - Staff Memo

- “The voters should set the salaries for all elected officials in Oakland!”

**2. If given this responsibility, please rank how important the following factors should be in setting the salary (0 = Not at all important, 4 = Very important):**

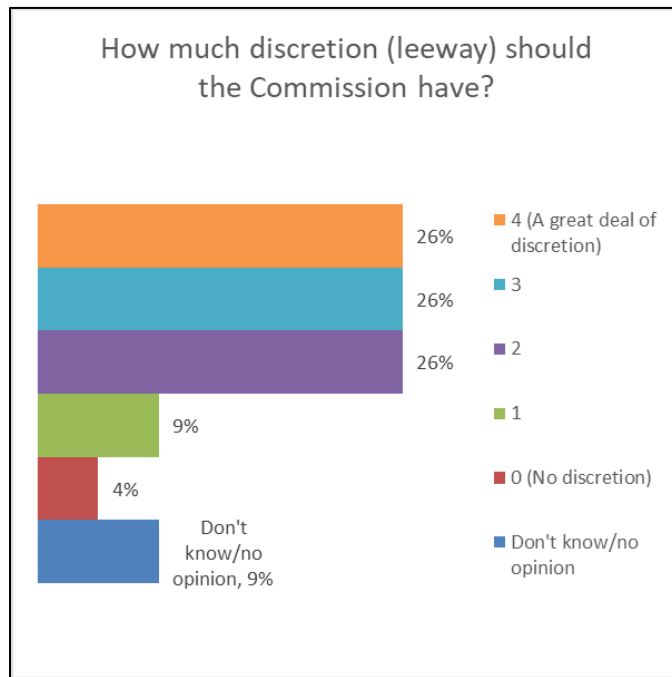
Factors for Consideration	0	1	2	3	4	Don't know/no opinion
Salary of the top-paid employee in the Mayor's Office	26%	0%	9%	4%	48%	13%
Salaries of other City Department heads	17%	4%	13%	4%	57%	4%
Salaries of chief executives in Cities similar in size to Oakland	22%	0%	22%	9%	48%	0%
Inflation since the last Mayoral salary adjustment	17%	17%	4%	9%	48%	4%
Pay increases received by civil service employees since the last Mayoral salary adjustment	22%	17%	4%	17%	39%	0%
The financial condition of the City	0%	0%	4%	9%	83%	4%

**3. Are there other important factors not listed above that should be considered when setting the Mayor's salary?**

- “Efficiency of doing the work since elected. No reason why the position shouldn't get an annual review”
- “Ethics of course “
- “How long they have been mayor”
- “I feel that the Mayor's salary should only be raised after the first two years of holding the office.”
- “No”
- “Salary should be comparable to similar jurisdictions.”
- “See my comment above.”
- “She needs to step up and clean the city, do her job as a mayor before she get a raise.”
- “Since Oakland does not have a strong mayor system, the mayor's salary should be compared against the mayoral salaries in similar sized cities who have similar responsibilities.”
- “the Mayor's performance, of course”
- “The salaries should be frozen until Oakland's problems are resolved”
- “The time in the job”
- “There should be some performance and results measurement by third party evaluator.”
- “Where Oakland ranks in crime compared to nearby cities”
- “Whether or not the mayor is effective and responds to constituents demands”
- “Yes, whether we're under a strong mayor system, or not.”

## Item 6 - Staff Memo

4. If given this responsibility, how much discretion (leeway) should the Ethics Commission have in setting the amount of the Mayor's salary?



5. What else would you like the Ethics Commission to know about this topic?

- "A goal should be to provide the greatest transparency in the mayoral salary setting process."
- "Haven't seen much ethics yet in Oakland government. Who are you? Hope we trust you?"
- "I am soooo embarrassed to admit that I live in Oakland."
- "I've lived here approx 35 years and da Mayor and da DA are taking this city down"
- "I feel that there must be 'safety nets' in place to ensure that there are no 'cozy' relationships between the Mayor and any person involved in deciding the Mayor's salary! No Commissioner should be a former/current staff person of the Mayor! We don't need or want another situation like the CPUC and PG&E!"
- "Make sure a mayor doesn't hire relatives, boyfriends, girlfriends, children, neighbors"
- "More education of public and MUCH more community engagement is needed on this matter before any vote."
- "No comments."
- "Not sure how this issue was pitched as something within this Commission's jurisdiction. Not sure what other entity in the City should do this. This is an important topic especially at this time of budget shortfalls."
- "See my first comment."
- "The current situation in Oakland re: the Mayor's salary is untenable and wholly unethical - it MUST be changed."
- "The Ethics Commission should also look at either a stipend or pay for the Planning Commission and Port Commission, even if it means going to the ballot."



## Item 6 - Staff Memo

- “This commission needs to be made of regular people living in Oakland from every demographic”
- “This topic seems to be a hot one at the moment, largely because most Oakland residents feel the City government is corrupt and our tax dollars are going anywhere except into taking care of our city. A large raise for elected officials feels like graft. Our streets are filthy and badly deteriorated. Our cars are being stolen right out of our driveways, traffic laws are a joke. So when we hear about raises for city officials, we feel violated. We want public officials that care more about fixing what's broken than getting a raise. Which makes us want public officials to have salaries more in line with what the rest of us receive--people who struggle to pay all our bills, instead of sitting in their offices feeling so important that they don't have time to answer our emails or phone calls. We trust used car salesmen more than the mayor and the dispute over her salary is one reason why.”



## 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

---

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

---

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 6. 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 6. 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?**

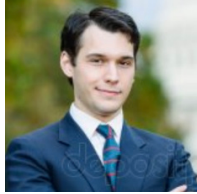
Using the same or a similar standard would likely be more administratively simple for staff and promote compensation fairness across elected offices. (This may mean recommending that the salary-setting process for the City Council, City Attorney, and City Auditor be adjusted in the same measure that 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.



CANDIDATES FOR: CITY COUNCIL DISTRICT 3

- The **City Council** is the legislative body of the City. It passes city laws and adopts the biennial budget.
- One **Councilmember** is elected "at large," while the other seven Councilmembers represent specific districts.
- This election is for the representative of **District 3**. Councilmembers are elected to serve **four-year terms**.
- There are **six candidates** running for this office.

CANDIDATE  
PERSONAL STATEMENT  
TOP PRIORITIES  
FEATURED ENDORSERS  
CAMPAIGN FINANCE  
MORE INFO



**John Smith**

Councilmember, District 3

Spruceland needs consistent leadership that sees the big picture. For the past 8 years I have fought for District 3, modernizing our infrastructure and reducing crime. In my time on City Council, crime has decreased by 20% and Spruceland is in its best fiscal situation yet. I also launched a youth sports program in the Parks Department. I would be honored to continue to represent you.

- 1. Reduce Crime:** we must hire 50 more officers by 2026.
- 2. Build Youth Career Pathways:** by starting a youth hiring program.
- 3. Stop Illegal Dumping:** by adding cameras to Main Ave.

Spruceland Mayor Janice Johnson  
Spruceland Police Cadets Association  
Spruceland Clean Streets Club

Participating in **Public Financing** (see p.2)



**See my campaign funders.**  
SCAN QR CODE

www.ReElectJohn.com  
X: @JSmith4Spruceland2024



**Jane Doe**

Registered Nurse

It's time for a change in Spruceland. Gentrification is pushing longtime residents out and it must stop. I have been a community leader in District 3 for 15 years, helping to beautify parks, create more bike paths, and reopen the medical center on 4th Street. As your next councilmember, I will prioritize evidence-based policy and people over profits. Let's make District 3 better together.

- 1. Rent Control Now:** cap rent increases to inflation.
- 2. More Parks:** let's invest in new playgrounds for a more livable City.
- 3. Office of Community Investments:** create an office to invest in low-income areas.

United Nurses Today Association  
Environment Up Spruceland  
The Spruceland Bright News Weekly

Participating in **Public Financing** (see p.2)



**See my campaign funders.**  
SCAN QR CODE

www.WeChooseJane.com  
Facebook: facebook.com/PickJane2024



**Jose Villar**

Business Owner

Spruceland has the highest sales taxes in the region. We are killing our businesses with regulations and fees. We need to let the free market create jobs, reduce the cost of housing, and end poverty. As a businessman, I can manage the books, provide leadership, and end the red tape. City Hall is the people's business, so let's send a businessman to City Hall.

- 1. Reduce Sales Taxes:** lowering taxes will spur our economy, adding jobs.
- 2. Stop Waste:** I will partner with the City Auditor to identify cost savings.
- 3. Streamline Small Business Permitting:** we need to reexamine and cut unnecessary fees.

Spruceland Fair Taxes Association  
Metro Region Hall of Commerce  
Spruceland Councilmember Bob Chen

Participating in **Public Financing** (see p.2)



**See my campaign funders.**  
SCAN QR CODE

www.SpruceUpSpruceland.com  
Phone: 555-123-4567

Spruceland elects candidates using RCV (see p. 1), where voters may rank the candidates on their ballot. How would you rank these six candidates (#1 - #6)?

Choice 1 \_\_\_\_\_

Choice 2 \_\_\_\_\_

Choice 3 \_\_\_\_\_



CANDIDATES FOR:  
**CITY COUNCIL  
DISTRICT 3**  
CONTINUED

- The **City Council** is the legislative body of the City. It passes city laws and adopts the biennial budget.
- One **Councilmember** is elected "at large," while the other seven Councilmembers represent specific districts.
- This election is for the representative of **District 3**. Councilmembers are elected to serve **four-year terms**.
- There are **six candidates** running for this office.

CANDIDATE

PERSONAL  
STATEMENT

TOP  
PRIORITIES

FEATURED  
ENDORSERS

CAMPAIGN  
FINANCE

MORE  
INFO



**Jim  
Doe**

Councilmember, District 3

Spruceland needs consistent leadership that sees the big picture. For the past 8 years I have fought for District 3, modernizing our infrastructure and reducing crime. In my time on City Council, crime has decreased by 20% and Spruceland is in its best fiscal situation yet. I also launched a youth sports program in the Parks Department. I would be honored to continue to represent you.

- 1. Reduce Crime:** we must hire 50 more officers by 2026.
- 2. Build Youth Career Pathways:** by starting a youth hiring program.
- 3. Stop Illegal Dumping:** by adding cameras to Main Ave.

Spruceland Mayor Janice Johnson  
Spruceland Police Cadets Association  
Spruceland Clean Streets Club

Participating in **Public Financing** (see p.2)



**See my campaign funders.**  
SCAN QR CODE

www.ReElectJohn.com  
X: @JSmith4Spruceland2024



**Jessica  
Smith**

Registered Nurse

It's time for a change in Spruceland. Gentrification is pushing longtime residents out and it must stop. I have been a community leader in District 3 for 15 years, helping to beautify parks, create more bike paths, and reopen the medical center on 4th Street. As your next councilmember, I will prioritize evidence-based policy and people over profits. Let's make District 3 better together.

- 1. Rent Control Now:** cap rent increases to inflation.
- 2. More Parks:** let's invest in new playgrounds for a more livable City.
- 3. Office of Community Investments:** create an office to invest in low-income areas.

United Nurses Today Association  
Environment Up Spruceland  
The Spruceland Bright News Weekly

Participating in **Public Financing** (see p.2)



**See my campaign funders.**  
SCAN QR CODE

www.WeChooseJane.com  
Facebook: facebook.com/PickJane2024



**James  
Van**

Business Owner

Spruceland has the highest sales taxes in the region. We are killing our businesses with regulations and fees. We need to let the free market create jobs, reduce the cost of housing, and end poverty. As a businessman, I can manage the books, provide leadership, and end the red tape. City Hall is the people's business, so let's send a businessman to City Hall.

- 1. Reduce Sales Taxes:** lowering taxes will spur our economy, adding jobs.
- 2. Stop Waste:** I will partner with the City Auditor to identify cost savings.
- 3. Streamline Small Business Permitting:** we need to reexamine and cut unnecessary fees.

Spruceland Fair Taxes Association  
Metro Region Hall of Commerce  
Spruceland Councilmember Bob Chen

Participating in **Public Financing** (see p.2)



**See my campaign funders.**  
SCAN QR CODE

www.SpruceUpSpruceland.com  
Phone: 555-123-4567

NOT a real election. This is a SAMPLE voter guide for testing purposes.



**Transparency and Public Records Subcommittee**

(ad hoc, created March 8, 2023)

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

**November 27, 2023 Minutes**

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

**Attendees – Staff:** Director Nicolas Heidorn

**Discussion**

1. **Questions for OPD.** We revised the draft letter by Director Heidorn based on input from Commissioners from review of the Morris settlement and other OPD documents.

**Action Items**

1. Send letter to OPD (Heidorn)

# CITY OF OAKLAND

ONE FRANK H. OGAWA PLAZA • CITY HALL • Suite #104 • OAKLAND • CA 94612

## Public Ethics Commission

(510) 238-3593

(510) 238-3315 Fax

(510) 238-325 TDD



November 29, 2023

Darren Allison  
Interim Chief  
Oakland Police Department  
Police Administration Building  
455 7th St.  
Oakland, CA 94607

**RE: Requested appearance at the Public Ethics Commission’s January 17, 2024 meeting regarding public records requests made to the Oakland Police Department**

Dear Interim Chief Allison:

On behalf of the Public Ethics Commission (PEC or Commission), we would like to invite you or a designee from the Oakland Police Department (OPD) to present at the Commission’s January 17 meeting to provide information on the Department’s process, successes, and challenges in responding to public records requests. The Commission will meet on January 17, 2024, at 6:30 p.m. in Hearing Room 1 at City Hall.

As you likely know, the Public Ethics Commission oversees compliance with the Oakland Sunshine Ordinance and its state equivalent, the California Public Records Act. The Sunshine Ordinance, as a supplement to state law, also authorizes the PEC to mediate between requesters seeking public records and City employees responding to their requests. In addition, under the City Charter, the PEC is required to periodically study the laws within its purview to make administrative or policy change recommendations to the City Council (City Charter Section 603(b)(2) & (7)).

As part of this responsibility, the Commission is currently engaged in a study of the City’s process for responding to records requests. In 2024, the Commission will be inviting the three departments with the largest volume of records requests to present before the Commission on their process, beginning with the Police Department, which receives more than half of the total records requests in the City. The Commission is also particularly interested in hearing how OPD’s process has changed in light of recent changes in state law regarding police records, including SB 1421 of 2019 and SB 16 of 2022, and the recent settlement regarding OPD records in *Morris et al. v. City of Oakland et al.*, Case No. 20072029 (settlement approved March 2022).

Our goals are to learn more about OPD’s capacity and challenges, discover any commonalities between City departments, and recommend changes to improve performance and capacity with regard to public records requests. We hope to partner with you to help identify any resources you

need to address challenges and potentially find efficiencies that could be implemented to benefit OPD and the public.

To this end, the Commission would appreciate hearing from you regarding the following questions:

1. What is the department's existing process for responding to public records requests? How do requests typically come to your department and who handles the initial contact, ongoing communications and response to the requester, and who supervises and supports the public records response when challenges arise?
2. Roughly how many requests come into your department each week/month/year? How does the department categorize the requests that are received for data and reporting purposes?
3. What challenges does your department face in responding to records requests? What changes, if any, have you made to improve retention or response to records requests?
4. What is the department's process for ensuring that the legal requirements are met before withholding any requested documents or redacting any information?
5. What training and support do you provide to employees with responsibilities in the department's records retention and public records response process? How is the performance of these employees measured with regard to public records retention and response? (Please note we are only requesting to know how performance is measured in general, and not any particular employee's performance.)
6. What is the department's experience using the NextRequest platform to manage and respond to public records requests? Is it working? How can it be improved?
7. How has your processing of records requests changed, respectively, with the adoption of (a) SB 1421 (2019), (b) SB 16 (2022), and (c) the Morris et al settlement? Has this made responding to requests easier, or more challenging?
8. Has the department considered providing data on the department's website about responsiveness to records requests so the public can see the level of responsiveness over time?
9. What capacity and expertise is there within OPD to review internal recordkeeping practices and technology with regard to records requests?
10. What additional information would you like to share with the Commission on this issue?
11. Please attach all reports OPD has provided to the City Council pursuant to *Morris et al*.

Thank you in advance for your cooperation with the Commission's review pursuant to its authority under the City Charter. Could you please confirm by December 15 whether you or a Department designee (and if so who) will attend the PEC's January 17 meeting? To facilitate discussion, it would be helpful if OPD could provide written responses to the questions above by January 3, 2024, so that they may be included with the agenda for that meeting.

## Item 8b - OPD Letter

Please feel free to reach out if you would like to discuss these questions, or the context for the Commission's inquiry. You may contact me directly at (510) 604-1002 or [nheidorn@oaklandca.gov](mailto:nheidorn@oaklandca.gov).

Sincerely,

*/s/ Nicolas Heidorn*

Nicolas Heidorn

Executive Director

Oakland Public Ethics Commission

## Item 8c - Purpose Statement

### Purpose Statement:

### **Commissioner Selection Ad Hoc Subcommittee**

(ad hoc, created October 25, 2023)

**Members:** Ryan Micik (Chair), Francis Upton IV, and Arvon Perteet.

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

To review applications for the soon-to-be vacant commissioner seat, select and interview semifinalists, and select finalists.

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

A list of up to five finalists for the commissioner seat, forwarded to the full PEC in time for the December 13, 2023 meeting.

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

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

# Item 8d - November 6, 2023, Meeting Minutes

## Commissioner Selection Subcommittee

(ad hoc, created October 25, 2023)

**Members:** Ryan Micik (Chair), Francis Upton IV, and Arvon Perteet.

### November 6, 2023 Minutes

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

**Attendees – Staff:** Director Nicolas Heidorn

#### *Discussion:*

1. Formation Document
  - a. The Subcommittee discussed the goals and deliverables of the Subcommittee:
    - i. To review the applicants for the PEC vacancy and to forward the Subcommittee's recommended candidates to the full Commission for consideration and appointment of a new commissioner at the December meeting
    - ii. To work on the interview questions that will be used for interviewing candidates
2. Review of Commission Applicants
  - a. The Subcommittee discussed the 17 applicants for the PEC vacancy and decided to invite 7 applicants to interview with the Subcommittee.
3. Scheduling
  - a. The Subcommittee decided on two Subcommittee interview dates:
    - i. Evening of Monday, November 13, 2023
    - ii. Afternoon of Wednesday, November 15, 2023
  - b. Staff will send out invitations to the invited applicants
4. Subcommittee Interview Questions
  - a. The Subcommittee reviewed the initial interview questions used in 2022 and decided to re-use those questions for this round of interviews.

# Item 8e - November 13, 2023, Meeting Minutes

## Commissioner Selection Subcommittee

(ad hoc, created October 25, 2023)

**Members:** Ryan Micik (Chair), Francis Upton IV, and Arvon Perteet.

### November 13, 2023 Minutes

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

**Attendees – Staff:** Director Nicolas Heidorn

The subcommittee interviewed two applicants.

# Item 8f - November 15, 2023, Meeting Minutes

## Commissioner Selection Subcommittee

(ad hoc, created October 25, 2023)

**Members:** Ryan Micik (Chair), Francis Upton IV, and Arvon Perteet.

### November 15, 2023 Minutes

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

**Attendees – Staff:** Director Nicolas Heidorn

The subcommittee interviewed three applicants.

Director Heidorn reported that, of the seven applicants that had been invited to interview, one applicant had withdrawn and another had not responded to interview requests. Staff has asked the non-responding applicant to respond by Thursday, November 16.

The subcommittee unanimously decided to forward the applications of Karun Tilak and Kevin Covarrubias to the full Commission for consideration at the Commission's December meeting, pending a review of the applicants references.

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

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



## Item 9 - Disclosure Report



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: Suzanne Doran, Program Manager  
Jelani Killings, Ethics Analyst  
DATE: November 29, 2023  
RE: Disclosure and Engagement Monthly Report for the December 13, Meeting

---

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** – Due to a vacancy in the office of City Auditor, a Special Election is scheduled for March 5, 2024. The nomination period for candidates opened on November 13 and closes on December 8, 2023. Pre-election campaign statements for candidates listed on the March Special Election ballot are due on January 25 and February 22, 2024, respectively. Other recipient committees with fundraising or spending activity connected with the March Special Election must also file.

In addition, committees making independent expenditures totaling \$1,000 or more to support or oppose candidates on the March ballot in the 90-days leading up to and including election day (12/6/23 – 3/5/24) must file late independent expenditure reports (Form 496) as well as a local supplemental disclosure report enacted by Measure W.

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

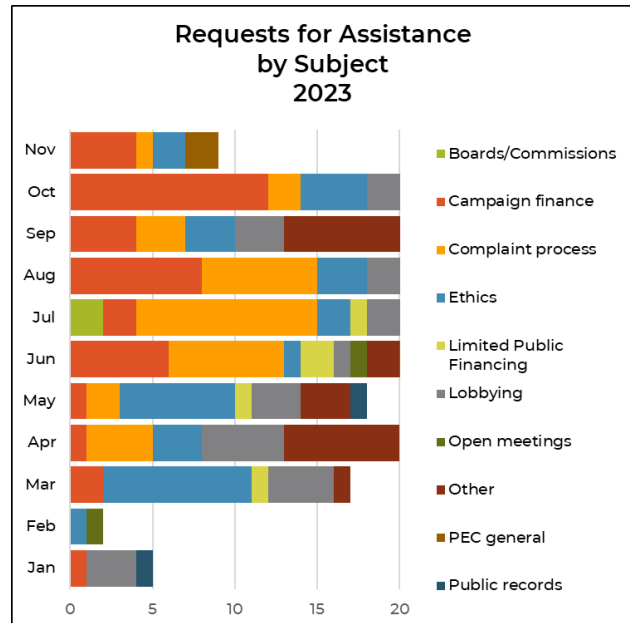
**Lobbyist Registration and Reporting Program** – The Oakland Lobbyist Registration Act (LRA) requires lobbyists to submit quarterly reports disclosing their lobbying activities to ensure that the public knows who is trying to influence City decisions. October 30 marked the deadline for quarterly lobbyist activity reports covering the period from July 1 through September 30, 2023. Currently 70 lobbyists are registered with the City of Oakland. Eighty-two

percent (59) reports were submitted for the third quarter, and staff is contacting the remaining 13 lobbyists to gain compliance. Lobbyist registration and activity reports may be viewed online at the [PEC's Lobbyist Dashboard and Data webpage](#).

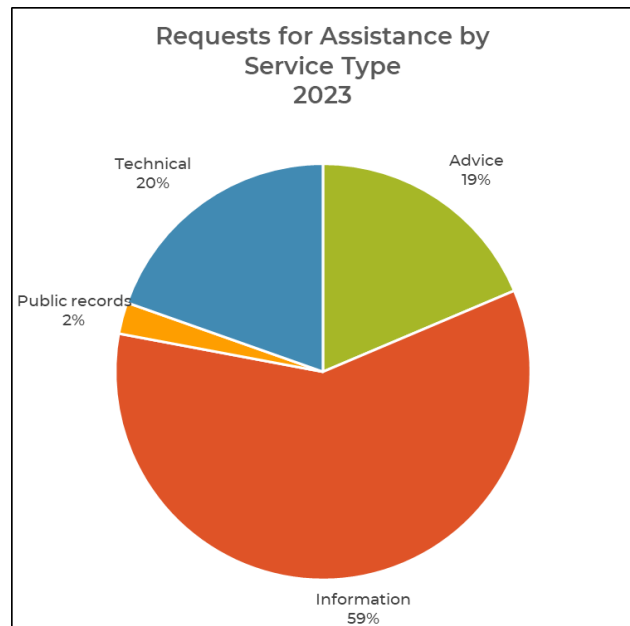
## Advice and Engagement

**Advice and Technical Assistance** – In the month of November, Commission staff responded to nine requests for information, advice, or assistance regarding campaign finance, ethics, Sunshine law, or lobbyist issues, for a total of 204 in 2023 to date.

**Form 700 Diversion Training** – As part of our Form 700 compliance efforts, staff developed a diversion training utilizing the FPPC's Form 700 video training. The 12-minute video covers several topics including who files a Form 700, Conflict of Interest Code, filing deadlines, and disclosure requirements. Staff uploaded the FPPC's video recording to the City's learning management platform NEOGOV LEARN and included a post-quiz for course completion. Staff can assign City employees and track training completion via NEOGOV.



**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 November 15, Staff trained a total of 30 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.



## General Outreach

**Commissioner Recruitment** – On October 27, the Commission closed the recruitment and application period to fill the upcoming Commissioner-appointed vacancy. Staff implemented a robust recruitment strategy

## Item 9 - Disclosure Report

Disclosure and Engagement Report  
December 2023

that included email blasts to PEC agenda subscribers and community organizations, paid advertisements in both online and printed media outlets, social media posts, and tabling at community events. Staff is pleased to share that this year's recruitment efforts yielded the highest number of submitted applications in the past five years. The tables below provide some insight into our recruitment efforts.

### Total Applicants by Year

2019	2020	2021	2022	2023
15	10	4	8	17

### Applicants by District

District 1	4	23.53%
District 2	3	17.65%
District 3	2	11.76%
District 4	3	17.65%
District 5	1	5.88%
District 7	4	23.53%
<b>Total</b>	<b>17</b>	<b>100.00%</b>

### How Did You Hear About This Vacancy?

City of Oakland	1	5.88%
Commission Email subscriber	4	23.53%
Ethics Commissioner/Staff Outreach	2	11.76%
internet	1	5.88%
Newspaper article	3	17.65%
Other: Flyer at City Hall	1	5.88%
Other: North Hills Community Association email	1	5.88%
Other: Oaklandside	1	5.88%
Other: Town Hall Meeting	1	5.88%
Planning Commissioner Vince Sugrue	1	5.88%
Public Ethics Commission website	1	5.88%
<b>Total</b>	<b>17</b>	<b>100.00%</b>

### Applicants by Race (provided voluntarily)

Asian	2	18.18%
Black or African American	2	18.18%
Hispanic or Latino	2	18.18%
White or European	1	9.09%
Two or More	4	36.36%
<b>Total</b>	<b>11</b>	<b>100.00%</b>

Disclosure and Engagement Report  
December 2023

### Online Engagement

**Social Media** – Each month Commission staff posts social media content to highlight specific PEC policy areas, activities, or client-groups. November posts focused on the November meeting agenda and the Mayor’s salary survey.



# Item 11 - 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

---

TO: Public Ethics Commission  
FROM: Nicolas Heidorn, Executive Director  
DATE: November 29, 2023  
RE: Executive Director's Report for the December 13, 2023, PEC Regular Meeting

---

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 2023-24 for each program area.

## 2024 Meeting Schedule Approved

At its November meeting, the PEC adopted a preferred regular meeting schedule for 2024, which staff submitted to facilities. The PEC's scheduling request was approved. For 2024, the PEC will meet on the following Wednesdays:

- January 17
- March 13
- April 10
- June 12
- July 10
- September 11
- October 9
- December 11

Meetings will be held at City Hall in Hearing Room 1 beginning at 6:30 pm.

## Legislative Update: LPF of 2024 and LRA Update Become Law

In the second half of this year, the PEC recommended two legislative proposals to the City Council: (1) the Limited Public Financing (LPF) Act of 2024, which would reinstate a limited public financing program for the 2024 election cycle only, and (2) an update to the Lobbyist Registration Act (LRA), which would provide a more equitable lobbyist fee structure and made other administrative changes to the LRA, including requiring that lobbyists periodically take a PEC training on the LRA. At its November 7 meeting, the City Council unanimously adopted both proposals.

PEC staff has begun working on the implementation of both laws:

- In late October, I met with the City Administrator to request that \$59,088 in unexpended funds from the prior limited public financing program be carried over and added to the \$155,000 available for candidates running for office next year under the LPF of 2024. This request was approved in November.

## Item 11 - Executive Director's Report

- In November, Ethics Analyst Jelani Killings created a draft lobbyist training to fulfill the requirements of the new LRA amendments and Program Manager Suzanne Doran worked on updating the lobbyist registration portal to accommodate the new fee structure.

### **PEC Receives \$210,000 in Grants from Haas Jr. to Support Democracy Dollars Implementation**

At its October 25, 2023, meeting, the PEC authorized staff to apply for two grants from the Evelyn and Walter Haas, Jr. Fund (Haas Jr. Fund) to support a graduate student research project and hire an outreach specialist to develop an inclusive outreach strategy for the Democracy Dollars Program. Staff, in coordination with Chair Micik and Commissioner Hill, submitted both applications in October. In November, the Haas Jr. Fund approved both applications and awarded the PEC \$10,000 to support a graduate student and \$200,000 to hire an outreach specialist.

The City requires that departments receive the approval of the City Administrator to accept grants under \$50,000 and the approval of the City Council for grants over \$50,000. The City Administrator signed off on the \$10,000 graduate student grant in November. The \$200,000 outreach specialist grant is expected to go before the City Council later in December.

These grants will be a tremendous asset to the PEC as we prepare to implement the Program in 2026. On behalf of the PEC, I expressed my gratitude to the Haas Jr. Fund for its generous support. I also want to acknowledge the excellent work of Democracy Dollars Program Manager Suzanne Doran, who took the lead in preparing and submitting these applications.

### **Hiring Completed or In-Progress for Three New Staff and Two Part-Time Law Students**

Since the last Executive Director's report, the PEC made significant progress in filling staff vacancies and adding temporary staffing capacity to support the Enforcement Program. Compared with October 2023, by early next year, the PEC is likely to have five new people working for the PEC, including two new permanent employees, one limited duration employee, and two part-time law students.

In November, the PEC hired Teddy Teshome as our new Commission Analyst. Analyst Teshome comes to the PEC from Oakland's Department of Violence Prevention and has extensive accounting, fiscal, and budgetary experience that will be a significant asset to our Commission. We're very excited to have him. Welcome Teddy!

Also in November, the PEC extended an offer to an applicant for the vacant permanent investigator position. The candidate has accepted and is scheduled to start with the PEC in December. The PEC has also used some of its budgetary savings to recruit for a second, limited duration investigator position, which will go through June 30, 2024; the PEC will request, as part of the mid-cycle budget process, that the position be made permanent. The PEC is currently conducting interviews for this second investigator position and anticipates filling the role in December or January.

The PEC is also using budgetary savings to hire two part-time law clerk positions. Staff anticipates sending out offer letters soon and filling both positions by December or January. The law clerks will assist with legal and policy research, resolving public records mediations, and processing enforcement complaints.

## Item 11 - Executive Director's Report

Finally, the PEC is also working with HR to:

- Hire a limited duration Ethics Analyst to fill the role temporarily vacated by Suzanne Doran when she was appointed interim Democracy Dollars Program Manager.
- Hire a limited duration outreach specialist, likely around July 2024, to assist with the implementation of the Democracy Dollars Program using the grant funding awarded by the Haas Jr. Foundation.
- Use Haas Jr. Foundation grant funding to support a graduate student research project in the first half of 2024 focused on identifying outreach strategies for harder to reach communities to maximize participation in the Democracy Dollars program.

### **First Quarterly Meeting of California Ethics Commissions Executive Directors**

Following up on one of the priorities coming out of the PEC's August planning retreat, PEC staff have organized quarterly meetings with the executive directors of the Oakland, San Francisco, San Diego, and Los Angeles ethics commissions. These informal meetings will be an opportunity for directors to update each other on their respective commissions' current work and priorities and to solicit advice or compare best practices on areas of mutual interest. The first meeting will occur on December 1.

### **Measure W / Voter Guide Updates**

PEC staff solicited public and stakeholder feedback on the draft voter guide in November. On November 14, PEC staff and staff from the Center for Civic Design and a volunteer from Open Oakland conducted user testing of a draft voter guide at the Dimond Branch library. Staff spoke with 24 patrons to gather their input about what would be useful to them in a voter guide.

Later in November, I also met with members of the BayPEC coalition to show them a draft of the voter guide and solicit their feedback.

### **\$1,000+ Late Fees / Late Fee Waivers**

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. The PEC did not issue any late fees exceeding that amount since the last reporting period.

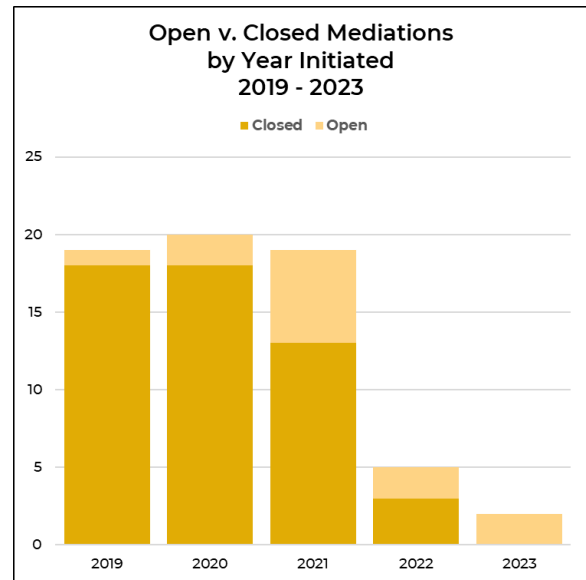
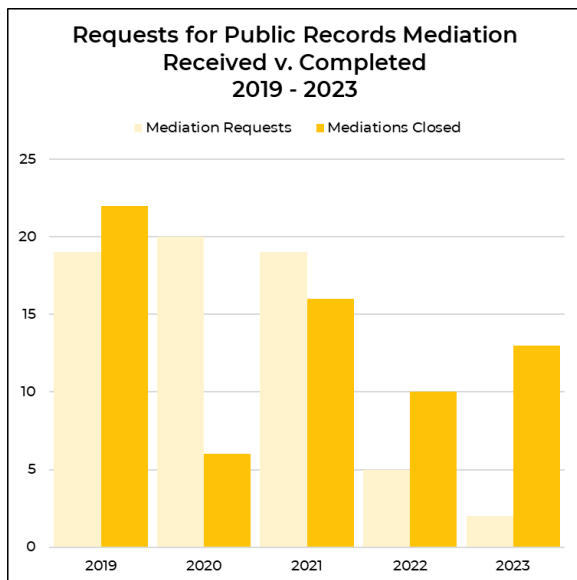
Under City Charter Section 603(f), if the Executive Director waives any per diem fees for the late filing of campaign finance report, he or she must notify the Commission at their next regular meeting. I have not waived any late fees since the last reporting period.

### **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.

# Item 11 - Executive Director's Report

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





# Item 11 - 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>✓ <b>Lobby Registration Act amendment to incorporate new fees and waiver policy</b></li> <li>✓ <b>Ordinance for one-time LPF for 2024 elections</b> <ul style="list-style-type: none"> <li>○ Voter Guide Pilot</li> <li>○ Mayor Salary Setting Guidance</li> <li>○ Charter Review Options</li> <li>○ Policy Review: Lobbyist Registration Act</li> </ul> </li> <li>✓ <b>Ethics Commission Network</b></li> <li>✓ <b>Invite Department Presentations on Records Request Responses</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>✓ Recruit for PEC vacancy</li> <li>○ Publicize Enforcement Needs</li> <li>○ Publicize PEC campaign finance tools</li> <li>○ Publicize how to file complaints</li> </ul>

## Item 11 - 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>○ Lobbyist App Updates</li> <li>○ Public Records Performance Dashboard</li> <li>○ Update Open Disclosure 2024</li> <li>✓ Update Show Me The Money</li> <li>○ Digitize Schedule O Form</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>✓ <b>Improve Enforcement database</b></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>✓ <b>Expand streamline and diversion program</b></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>