

Item 4 - Meeting Minutes

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Regular Commission Meeting
Hearing Room 1
Wednesday, January 17, 2024
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; Teddy Teshome, Commission Analyst; Treva Hadden, Ethics Investigator; 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, and Perteet.

Members absent: Steele.

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

City Attorney Staff: Farrah Hussein.

2. Staff and Commission Announcements.

Micik reordered the agenda to go directly from item #3 (“Open Forum”) to item #9 (“OPD Public Records Presentation”), then return back to item #4 and follow the regular 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.

ACTION ITEMS

4. Approval of Commission Meeting Draft Minutes.

Hill moved, and Perteet seconded, to adopt the December 13, 2024, regular meeting minutes.

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

Absent: Steele.

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Noes: None.

Vote: Passed 5-0.

Public Comment: None.

9. OPD Public Records Presentation.

Deputy Director Kiona Suttle, Acting Records Manager Nikita Williams-Pierre, and Records Supervisor Ali Banda of the Oakland Police Department provided information on the Department's process, successes, and challenges in responding to public records requests, and answered Commissioners' questions.

Public Comment: None.

5. Review and Comment on a Proposed Public Safety Ordinance

Chief of Enforcement Simon Russell presented on a proposed ordinance by Councilmembers Kalb and Jenkins which would modify the enabling ordinances for the Police Commission, the Community Police Review Agency, and the Office of the Inspector General, and which would affect the PEC's enforcement authority with respect to those offices. Commissioners reviewed and discussed the proposal.

Chair Micik called a 10-minute recess at 9:02. The Commission reconvened at 9:12.

Micik moved, and Upton IV seconded, to adopt the staff recommendation with the following changes:

- That the legislation specifies who will assign complaints of misconduct;
- That the PEC recommend only Version #2 in the staff report in terms of the procedure the PEC will use to making the findings, i.e., that it incorporate a vote of the PEC;
- That the investigator (PEC or other body) can request that a case be reassigned for lack of capacity or for lack of subject matter expertise.

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

Absent: Steele.

Noes: None.

Vote: Passed 5-0.

Public Comment: Karun Tilak

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6. PEC Midcycle Budget Priorities & Letter.

Executive Director Heidorn presented, and Commissioners discussed adopting, a proposed budget letter to Mayor Thao expressing the PEC's priorities in the upcoming midcycle budget for Fiscal Year 2024-2025. Hill requested that the letter be changed to address some formatting issues, to emphasize on page 2 the budget-cutting steps the PEC has already taken, and to update the chart on page 3 to make its message clearer.

Micik moved, and Hill seconded, to approve the draft budget letter to Mayor Thao taking into account the input of Vice Chair Hill.

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

Absent: Steele.

Noes: None.

Vote: Passed 5-0.

Public Comment: Gail Wallace (written)

7. Lobbyist Training Frequency & Deadlines

Executive Director Heidorn presented, and Commissioners discussed adopting, proposed Lobbyist Registration Act Administrative Rules requiring that lobbyists take a training on the Lobbyist Registration Act every two years and setting deadlines for the completion of that training.

Upton moved, and Perteet seconded, to adopt the proposed Administrative Rules.

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

Absent: Steele.

Noes: None.

Vote: Passed 5-0.

Public Comment: None.

8. Election of Officers (Chair and Vice-Chair) of the Commission.

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Commissioners discussed who will serve as Chair and Vice Chair of the Commission for 2024.

Hill nominated Micik for the position of Chair of the PEC. Micik accepted.

Micik moved, and Hill seconded, to appoint Micik as PEC Chair.

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

Absent: Steele.

Noes: None.

Vote: Passed 5-0.

Public Comment: None.

Hill nominated Upton IV for the position of Vice Chair of the PEC. Upton IV accepted.

Hill moved, and Micik seconded, to appoint Upton IV as PEC Vice Chair.

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

Absent: Steele.

Noes: None.

Vote: Passed 5-0.

Public Comment: None.

DISCUSSION ITEMS

10. Discussion of Process for Adjusting City Attorney, City Auditor, and City Council Salaries.

Executive Director Heidorn presented on, and Commissioners discussed, the process and methodology for how the PEC has adjusted the salaries of the City Attorney, City Auditor, and City Council in the past and possible changes to the process in 2024. For setting the City Attorney and City Auditor's salary, Director Heidorn shared that PEC staff is considering making some changes to the process for this cycle, including collecting salary data from additional peer jurisdictions and requesting salary data directly from local jurisdictions rather than using State Controller data.

Public Comment: Gene Hazzard (written)

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11. 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 stated the subcommittee met on January 8, 2024.

- 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 December 7, 2023. Hill stepped down as the Chair of the subcommittee. Gage said she would discuss with Steele who would take on the role of subcommittee chair and would share that information with Chair Micik. Micik appointed Gage the informal acting Chair of the subcommittee pending that conversation.

- c. **Charter Review Subcommittee** (ad hoc, created December 13, 2023) – Ryan Micik (Chair) and Charlotte Hill.

Micik stated the subcommittee did not meet.

- d. **Commissioner Selection Subcommittee** (ad hoc, created October 25, 2023; terminated December 13, 2023) – Ryan Micik (Chair), Francis Upton IV and Arvon Perteet.

Micik disbanded the subcommittee.

Public Comment: None.

INFORMATION ITEMS.

12. Disclosure and Engagement

Director Heidorn provided a year-end summary of compliance with disclosure requirements, education and advice, general outreach, and data illumination activities, as well as an update on activities since the last regular Commission meeting

Public Comment: None.

13. Enforcement Program.

Enforcement Chief Simon Russell provided a year-end summary of the Commission's enforcement process, caseload, enforcement-related litigation, and case closures or dismissals, as well as an update on enforcement work since the last regular Commission meeting.

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Public Comment: Gerald Cheney (written)

14. Executive Director's Report.

Executive Director Nicolas Heidorn provided a year-end summary of significant PEC activities not covered in other staff reports including budget, staffing, as well as ongoing PEC legislative and policy initiatives.

Public Comment: None.

15. Future Meeting Business.

Commissioners and staff may propose topics for action or discussion at future Commission meetings.

Public Comment: None.

The meeting adjourned at 10:39 p.m.