



Item 7 - Executive Director Report

Ryan Welch, Chair
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Nicolas Heidorn, Executive Director

TO: Public Ethics Commission
FROM: Nicolas Heidorn, Executive Director
DATE: February 28, 2024
RE: Executive Director's Report for the March, 13 2024, 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.

Budget

The City of Oakland is beginning its Midcycle budget process for Fiscal Year 2024-2025 (July 1, 2024, to June 30, 2025). Based on January revenue reports from the Department of Finance, the City will likely need to close a significant budget deficit in the upcoming fiscal year. Presently, departments, including PEC, are providing budget information and priorities in response to requests by the City Administrator. PEC Staff submitted the Commission's budget request letter – requesting two additional investigators and an additional analyst for the Democracy Dollars program -- to the Mayor, City Administrator, and Council on January 29. The Mayor is expected to propose her FY 2024-2025 Midcycle Budget in early May.

Staffing

As discussed in the Enforcement Report, in January the PEC welcomed additional limited duration staff to assist the Enforcement Program. Alex Van Buskirk was hired as an Investigator and has already taken the lead investigatory role on several cases. The PEC hired two law clerks, Chris Nardi (who rejoins the PEC) and Graham Willard, who have both had an immediate impact assisting with the PEC's caseload and policy research. Welcome Alex, Chris, and Graham!

In early February, Administrative Assistant Chris Gonzales accepted a promotion with another City department. We are grateful for his service to the PEC and wish Chris well in his next position!

PEC staff interviewed multiple candidates to fill the Administrative Assistant position and made an offer to one candidate, who has conditionally accepted. We expect that person to begin with the PEC on March 18.

Staff also finalized the grant-funded hire of UC Berkeley Goldman School student Trishia Lim. Trishia's capstone project will focus on how the Democracy Dollars outreach and education campaign can best reach communities with historically low rates of voter participation and/or political giving so that we are intentional in reaching all of Oakland's diverse communities. Trishia has a great background to assist us in this work. She previously interned with the Berkeley Mayor's Office doing research on the

Equitable Black Berkeley initiative and as a Policy Consultant for Nourish California, researching how to increase access to CalFresh food benefits to vulnerable populations.

The Commission currently has one staff vacancy, for Interim Program Manager Suzanne Doran's temporarily vacated Ethics Analyst III position. PEC staff have identified a candidate for the position and is working with HR to fill the position.

PEC staff are also preparing to recruit for the Haas Jr. grant-funded Democracy Dollars Outreach Specialist position. We have sufficient funding for about 1 year, so will look to hire the person in May or June of this year so that their position terminates at the start of the next two-year budget cycle, when we plan to request that the City Council make the position permanent.

Police Commission Proposal

On February 1, Director Heidorn submitted the PEC's comment regarding the Police Commission proposal to Councilmember Kalb and Councilmember Jenkins, and copied the City Administrator and City Council. On February 7, Director Heidorn and Chief of Enforcement Simon Russell met with staff from the offices of the City Attorney, Councilmember Kalb, and Councilmember Jenkins to go over the PEC's recommendations, who indicated they would consider amendments to address the PEC's recommendations.

Measure W / Voter Guide Updates

Since the last regular meeting, PEC staff worked with a graphic designer to revise the first draft of the paper voter guide incorporating feedback from the Commission and user testing. Staff also worked with volunteers from civic technology group [Open Oakland](#) to explore potential designs for a mobile device-friendly online version of the guide that can be integrated into the Commission's webpages.

Staff has also been meeting with Open Oakland volunteers to design and prototype web interfaces for residents to interact with the Democracy Dollars program. The goal of the project is to conduct user testing on simple prototypes to provide opportunities for early community engagement and information gathering to enhance the design process once a vendor is selected.

\$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 a disclosure report, including a campaign finance or lobbying report, he or she must notify the Commission at their next regular meeting. Pursuant to the PEC's [Guidelines for Waiving Late Filing Fees](#), I waived the following fees:

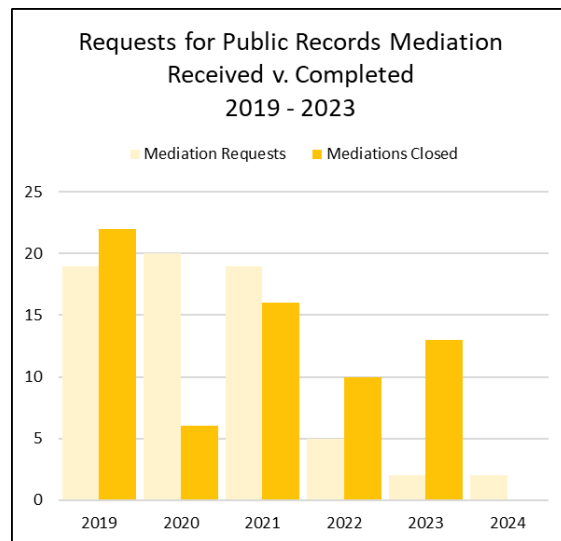
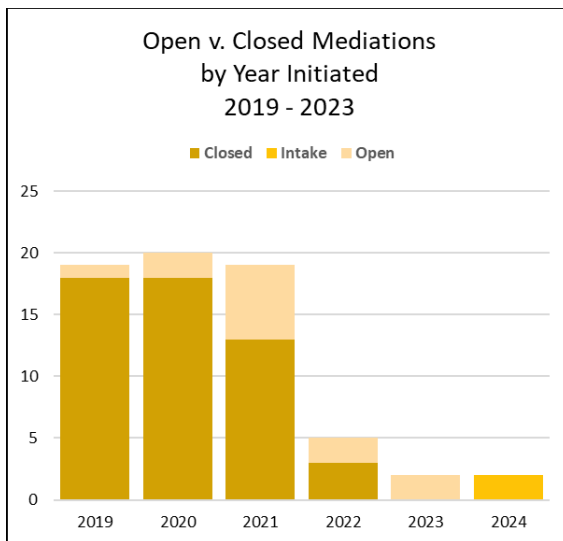
- Lobbyist Report Late Fees:

Lobbyist	Report	Waiver Eligibility	Days Late	Amount Waived
Sanchez, Arturo	Quarter 4 2023	NO PRIORS	1	\$10
Sickler, Heidi	Quarter 4 2023	NO PRIORS	1	\$10
Sullivan, Sean	Quarter 4 2023	NO PRIORS	5	\$50

- Campaign Finance Report Late Fees: None.

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 15 open mediations. Two new mediation requests were received and none completed since the last regular meeting.



Additional Attachment: Commission Programs and Priorities.

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PUBLIC ETHICS COMMISSION

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

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

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Program	Goal	Desired Outcome	Regular Program Activities	2023/24 Projects
				<ul style="list-style-type: none"> ○ Publicize how to file complaints
Disclose/ Illuminate	<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"> ● Monitor compliance (campaign finance/lobbyist/ticket use) ● Proactive engagement with filers ● Technical assistance ● Assess late fees/refer non-filers for enforcement ● Maintain data assets 	<ul style="list-style-type: none"> ○ Democracy Dollars admin system development/issue RFP ○ Updates to Ticket Distribution (Form 802) database ✓ Lobbyist App Updates ○ Public Records Performance Dashboard ○ Update Open Disclosure 2024 ✓ Update Show Me The Money ○ Digitize Schedule O Form
Detect/ Deter	<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"> ● Process and investigate complaints ● Initiate proactive cases ● Collaborate/coordinate with other government law enforcement agencies 	<ul style="list-style-type: none"> ○ Digital complaint form/ mediation request ✓ Improve Enforcement database
Prosecute	<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"> ● Prioritize cases ● Conduct legal analyses, assess penalty options ● Negotiate settlements ● Make recommendations to PEC 	<ul style="list-style-type: none"> ○ Resolve 2016 and 2017 case backlog ○ Review/revise policies for release of public information and election-related complaints ○ Develop internal Enforcement staff manual ✓ Expand streamline and diversion program
Administration/ Management	<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"> ● Annual Report ● Budget proposal ● Ongoing professional development and staff reviews ● Fill staff vacancies ● Commissioner onboarding 	<ul style="list-style-type: none"> ✓ 2023 – 2025 strategic plan preparation/retreat ✓ Develop process for City Attorney and City Auditor Salary Adjustment and adopt resolution for Council ○ Increase enforcement capacity