

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



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

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

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

PUBLIC ETHICS COMMISSION REGULAR MEETING MINUTES

PRELIMINARY ITEMS

1. Roll Call and Determination of Quorum.

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

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

Members absent: Steele.

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

Legal Counsel: Christina Cameron.

2. Staff and Commission Announcements.

There were no announcements.

Public Comment: None.

3. Open Forum.

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

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

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



ACTION ITEM

4. Approval of Commission Meeting Draft Minutes.

a. September 16, 2024, Special Meeting Minutes

Public Comment: Ralph Kanz.

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

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

Ayes: Upton IV, Gage, Tilak, Micik.

Noes: None.

Vote: 4-0

Motion passed.

INFORMATION ITEM

5. Planning And Building Department Records Presentation.

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

Public Comment: Gene Hazzard, Ralph Kanz.

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

ACTION ITEMS

6. Selection of a New PEC Commissioner.

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

Public Comment: Gene Hazzard.

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

Ayes: Upton, Gage, Tilak, Micik.

Noes: None.

Vote: 4-0

Motion passed.

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

Ayes: Upton, Gage, Tilak, Micik.

Noes: None.

Vote: 4-0

Motion passed.

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

INFORMATION ITEMS

7. Democracy Dollars Implementation.



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

Public Comment: Gene Hazzard, Ralph Kanz.

8. Disclosure and Engagement.

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

Public Comment: None.

9. Enforcement Program.

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

Public Comment: Gene Hazzard, Ralph Kanz.

10. Executive Director's Report.

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

Public Comment: Ralph Kanz, Gene Hazzard.

DISCUSSION ITEMS

11. Reports on Subcommittees and Commissioner Assignments.

a. Commissioner Recruitment and Selection of Finalists for Interviews



Subcommittee.

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

b. Charter Review Subcommittee.

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

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

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

Public Comment: None.

INFORMATION ITEM

12. Future Meeting Business.

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

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

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

Public Comment: None

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The meeting adjourned at 10:22 p.m.