

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Regular Commission Meeting
Hearing Room 2
Wednesday, March 19, 2025
6:30 p.m.



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

Commission Staff in attendance: Nicolas Heidorn, Executive Director; Tovah Ackerman, Enforcement Chief; Suzanne Doran, Program Manager; and Alex Van Buskirk, Lead Analyst for Compliance, Disclosure, and Engagement.

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 6:31 p.m.

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

Members absent: None.

Staff present: Nicolas Heidorn; Tovah Ackerman; Suzanne Doran; Alex Van Buskirk;

Legal Counsel: Christina Cameron.

2. Staff and Commission Announcements.

Chair Upton adjusted the order of the Agenda to accommodate the schedules of staff. Item 10, Revenue Options to Fund the PEC, was moved to after Item 6, Form 700 Enforcement Update and Closure Recommendation.

Public Comment: None.

3. Open Forum.

Public Comment: Gene Hazzard, Francis Upton, Corean Todd.

ACTION ITEM

4. Approval of Commission Meeting Draft Minutes.



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a. December 11, 2024, Regular Meeting Minutes

Tilak moved, and Bayeva seconded, to adopt the December 11, 2024, regular meeting minutes.

Ayes: Bayeva, Gage, Micik, Steele, Tilak, and Upton IV

Noes: None.

Vote: 6-0.

Motion passed.

Public Comment: None.

b. January 29, 2025, Regular Meeting Minutes

Micik moved, and Gage seconded, to adopt the January 29, 2025, regular meeting minutes.

Ayes: Bayeva, Gage, Micik, Steele, Tilak, and Upton IV

Noes: None.

Vote: 6-0.

Motion passed.

Public Comment: None.

5. Final Action on PEC Case No. 23-28 (In the Matter of Michael Dabney).

The Commission reviewed and discussed the proposed Findings of Facts and Conclusions in *In Re Dabney*. Both Mr. Bears, representing the Enforcement Unit, and Mr. Dabney, the Respondent, spoke regarding the case.

Gage moved, and Upton seconded, to adopt Hearing Officer Tilak's Findings of Facts and Conclusions in their entirety and impose a penalty of \$1,750.00, which shall be due within 120 days of the March 19, 2025, meeting unless extended by staff for good cause.



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Ayes: Gage, Tilak, Upton.

Noes: Bayeva, Micik, Steele.

Vote: 3-3.

Motion failed.

Steele moved, and Tilak seconded, to adopt Hearing Officer Tilak's Findings of Facts and Conclusions in their entirety and impose a penalty of \$1,750.00, which shall be due within 121 days of the March 19, 2025, meeting unless extended by staff for good cause.

Ayes: Gage, Micik, Steele, Tilak, Upton.

Noes: Bayeva.

Vote: 5-1.

Motion passed.

Public Comment: Gene Hazzard; Ralph Kanz.

6. Form 700 Enforcement Update and Closure Recommendation (PEC ## 24-05.4, 24-05.11, 24-05.12, 24-05.14, 24-05.16, 24-05.19, 24-05.21, 24-05.24, 24-05.27, 24-05.30, 24-05.33, 24-05.37, 24-05.40, 24-05.43, 24-05.44, 24-05.45, 24-05.47, 24-05.50, 24-05.55) and Settlement Recommendation (PEC ## 24-05.28, 24-05.32, 24-05.34, 24-05.35, 24-05.39, 24-05.41, 24-05.42, 24-05.46).

Enforcement Staff presented, and the Commission discussed, an update on PEC staff's enforcement efforts regarding alleged non-filers of the 2023 Annual form 700 (PEC #24-05).

Micik moved, and Gage seconded, to adopt the staff recommendations to close cases against alleged non-filers with valid reasons for non-filing and to settle cases against alleged non-filers that have since filed requiring them to complete diversion training.

Ayes: Bayeva, Gage, Micik, Steele, Tilak, Upton.

Noes: None.

Vote: 6-0.



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Motion passed.

Public Comment: None.

INFORMATION/DISCUSSION ITEMS

Executive Director Heidorn suggested switching the agenda order to better accommodate public speakers. Chair Upton agrees, and adjusts the schedule to hear Item 8, Enforcement Program, next.

8. Enforcement Program.

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

Public Comment: Corean Todd; Maka Daniels Johnson.

10. Revenue Options to Fund the PEC.

Executive Director Heidorn presented, and Commissioners discussed, an update on potential options developed by the Revenue Options Ad Hoc Subcommittee for a revenue-generating ballot measure in 2026 to fund Measure W, an expanded PEC's Enforcement Unit, or the full PEC.

Public Comment: Ralph Kanz.

7. Disclosure and Engagement.

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

9. Executive Director's Report.



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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: None.

ACTION ITEMS

11. **Amendments to the PEC's Operations Policies.**

The Commission considered a proposal by Chair Upton IV and Staff to amend the PEC's Operations Policies. Among other changes, the amendments include new provisions on the commissioner selection process and the filling of Commission vacancies, a requirement that ad hoc committees keep meeting minutes, changes to the Commission meeting scheduling and noticing requirements, and changes that align the Policies with new laws enacted since the Policies were first adopted.

Bayeva moved, and Steele seconded, the recommended changes with the following amendments:

- Amend Article VI, Section 7 as follows (insertion underlined):
 - Upon the determination by a legal advisor from **or assigned by** the City Attorney's Office that a closed session is both authorized and appropriate under the circumstances, the Commission may call for a closed session. Appropriate notice must be given of all closed sessions.
- Amend Article VIII, Section 1 as follows (insertion underlined):
 - A commissioner who has been advised by the City Attorney **or their designee** to recuse himself or herself from voting on an item due to a conflict of interest must recuse him or herself and leave the dais during discussion and voting on the item. A commissioner who recuses as to a particular item is not present for purposes of determining the existence of a quorum in Article VI, section 2, above.

Ayes: Bayeva, Gage, Micik, Steele, Tilak, Upton.

Noes: None.

Vote: 6-0.



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Motion passed.

Public Comment: None.

CLOSED SESSION

12. Executive Director Performance.

The Commission met in closed session to discuss the Executive Director's performance. This is a personnel-related matter authorized to occur in closed session pursuant to Government Code Section 54957(b).

Commission adjourned to Closed Session at 8:40pm.

Commission returned from Closed Session at 9:10pm.

ACTION ITEM

13. Executive Director Compensation and Management Leave.

The Commission considered increasing the Executive Director's compensation and awarding the Executive Director additional management leave.

Micik moved, and Steele seconded, to increase the Executive Director's Compensation by 5%.

Ayes: Bayeva, Gage, Micik, Steele, Tilak, Upton.

Noes: None.

Vote: 6-0.

Motion passed.

Public Comment: None.



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Gage moved, and Tilak seconded, to award the Executive 5 days of management leave in lieu of overtime and 5 days of management leave for performance for the maximum of 10 additional days of management leave.

Ayes: Bayeva, Gage, Micik, Steele, Tilak, Upton.

Noes: None.

Vote: 6-0.

Motion passed.

Public Comment: None.

INFORMATION/DISCUSSION ITEMS

14. Reports on Subcommittees and Commissioner Assignments.

a. Revenue Options Ad Hoc Subcommittee

Chair Upton IV had no additional updates as the content was covered earlier when discussing Revenue Options in Item 10.

b. Democracy Dollars Engagement Ad Hoc Subcommittee

Commissioner Gage provided an update on the Subcommittee's activities, including that PEC Staff is working to reach out to youth organizations. Commissioners are expected to do at least 1 outreach event per quarter.

Public Comment: None.

INFORMATION ITEM

15. Future Meeting Business.

Commissioner Gage noted she'd like to continue the Commissioner's work on public transparency and public records. In addition, she'd like to invite the IT Department to discuss the issue.

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Public Comment: None.

The meeting adjourned at 9:38 p.m.