



Item 12 - Executive Director's Report

Ryan Micik, Chair
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Nicolas Heidorn, Executive Director

TO: Public Ethics Commission
FROM: Nicolas Heidorn, Executive Director
DATE: July 28, 2023
RE: Executive Director's Monthly Report for the August 9, 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 for each program area.

City Attorney, City Auditor, and Mayor Salaries

In 2022, the voters adopted Measure X, which among other provisions assigns to the Commission the responsibility of setting the salaries of the City Attorney and City Auditor to "provide for competitive compensation and equitable alignment" for these offices. At its April meeting, the Commission adopted adjusted salaries for the City Attorney and City Auditor for the first time. The Commission raised the City Attorney's salary from \$243,618.72 to \$306,990.63 and the City Auditor's salary from \$181,203.12 to \$213,137.51. On July 18, the City Council passed an amendment to the Salary Ordinance adopting the salaries set by the Commission.

At that same meeting, the City Council introduced for first reading an amendment to the Salary Ordinance setting the Mayor's salary. Under the City Charter, the City Council sets the Mayor's salary 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." The City Council moved to provide the Mayor with a raise at the lower end of that range. Councilmember Fife also moved, and the City Council approved on a 6-2 vote, to have the "City Administrator to 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 PEC will discuss this proposal at its August 25 retreat.

Staffing

In July staff met with Human Resources regarding hiring for the Democracy Dollars Program Manager position and for the permanent Investigator position. For the Program Manager position, staff is still going through HR's internal approval processes to hire for the position. For the Investigator position, we currently anticipate that the application will be posted in August, with hiring likely occurring in October.

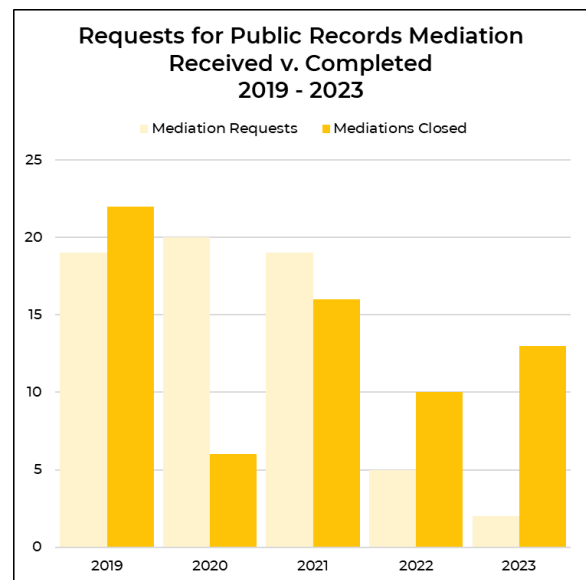
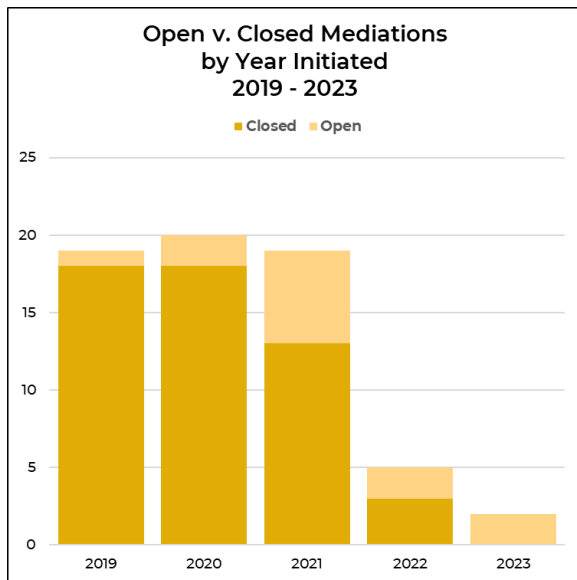
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PEC Vacancy

In July, Executive Director Heidorn met with the Mayor's Office to discuss the Mayoral appointee vacancy to the PEC. Director Heidorn went over the qualifications for this appointment. The Mayor's Office indicated that they are working on this vacancy and hope to appoint someone in the next few months.

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.



Additional Attachment: Commission Programs and Priorities.

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PUBLIC ETHICS COMMISSION Programs and Priorities 2023

Program	Goal	Desired Outcome	Program Activities	2023 Major Projects
Lead/ Collaborate (Policy, Systems, Culture)	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"> ○ Lead Measure W implementation 	<ul style="list-style-type: none"> ○ Public Records Performance Tool ○ Lobby Registration Act amendment to incorporate new fees and waiver policy ○ Ordinance for one-time LPF for 2024 elections ✓ GSPP project re contractor pay-to-play restrictions and improving disclosure
Educate/ Advise	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"> ● 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
Outreach/ Engage	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"> ● 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"> ✓ Develop content to reflect Measure W changes and Democracy Dollar Program ○ Review and update mediation procedures/staff manual ✓ Update public and stakeholders on Democracy Dollar postponement
Disclose/ Illuminate	PEC website and disclosure tools are user-friendly, accurate, up-to-date, and commonly used to view government integrity data.	Citizens can easily access accurate, complete campaign finance and ethics-related data in a user-friendly, understandable format.	<ul style="list-style-type: none"> ● Monitor compliance (campaign finance/lobbyist/ticket use) ● Proactive engagement with filers ● Technical assistance 	<ul style="list-style-type: none"> ○ Democracy Dollars admin system development/issue RFP ○ Updates to Ticket Distribution (Form 802) database

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Detect/ Deter	Filing tools collect and transmit data in an effective and user-friendly manner.	Filers can easily submit campaign finance, lobbyist, and ethics-related disclosure information.	<ul style="list-style-type: none"> • Assess late fees/refer non-filers for enforcement • Maintain data assets 	
Prosecute	PEC staff proactively detects potential violations and efficiently investigates complaints of non-compliance with laws within the PEC's jurisdiction.	Public servants, candidates, lobbyists, and City contractors are motivated to comply with the laws within the PEC's jurisdiction.	<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
Administration/ Management	Enforcement is swift, fair, consistent, and effective.	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.	<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
Administration/ Management	PEC staff collects and uses performance data to guide improvements to program activities, motivate staff, and share progress toward PEC goals.	PEC staff model a culture of accountability, transparency, innovation, and performance management.	<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