

Item 4a - Meeting Minutes

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Regular Commission Meeting
Hearing Room 2
Wednesday, October 25, 2023
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; Chris Gonzales, Commission Assistant; Simon Russell, Enforcement Chief.

City Attorney Staff: Farrah Hussein, Deputy City Attorney.

PUBLIC ETHICS COMMISSION SPECIAL MEETING MINUTES

1. Roll Call and Determination of Quorum.

The meeting was called to order at 6:33 p.m.

Members present: Micik, Hill, Gage, Upton IV, and Steele.

Members absent: Perteet.

Staff present: Nicolas Heidorn, Suzanne Doran, Chris Gonzales, Simon Russell (arrived late).

City Attorney Staff: Farrah Hussein.

2. Staff and Commission Announcements.

Reordered agenda. Moving directly from #3 “Open Forum” to #10 “Discussion of Options for Setting the Mayor’s Salary.”

Chair Micik, Upon, and Steele attended Art & Soul event.

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.

10. Discussion of Options for Setting the Mayor’s Salary.

Director Heidorn presented on the different processes for setting salaries for elected officials in Oakland and how other cities set mayoral salaries and answered Commission questions. City Administrator Jestin Johnson addressed the Commission and indicated his office wanted to be as helpful as possible as the Commission considers this issue. The Commission discussed whether the responsibility for setting the Mayor’s salary should be transferred from the City Council to the Commission and, if so, what factors the Commission should follow or consider in setting the Mayor’s salary.

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Director Heidorn indicated he would bring back a menu of options for how the PEC might set the mayor's salary at the Commission's December 2023 meeting.

Public Comment: None.

ACTION ITEMS

4. Approval of Commission Meeting Draft Minutes.

Hill moved, and Upton seconded to approve the August 9, 2023, minutes.

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

Absent: Perteet.

Noes: None.

Vote: Passed 5-0.

Public Comment: None.

Upton moved, and Hill seconded to approve the August 25, 2023, special meeting minutes.

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

Absent: Perteet.

Noes: None.

Vote: Passed 5-0.

Public Comment: None.

5. Adoption of Lobbying and Campaign Finance Late Filing Fee Waiver Guidelines.

The Commission considered adopting guidelines for when the Executive Director may waive per diem filing fees for the late filing of lobbying statements and campaign finance statements and procedures for late filers to appeal the Executive Director's decision. Director Heidorn presented staff's proposal.

Gage moved, and Upton IV seconded to adopt the "Oakland Public Ethics Commission Guidelines for Waiving Late Filing Fees," as recommended by staff.

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

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Absent: Perteet.

Noes: None.

Vote: Passed 5-0.

Public Comment: None.

6. Pursuing Grant Funding Opportunities to Support the Democracy Dollars Program.

The Commission considered authorizing staff to apply for a grant from the Evelyn and Walter Haas, Jr. Fund to support the Democracy Dollars Program. Director Heidorn presented staff's recommendation.

Micik moved, and Steele seconded to approve the PEC pursuing an application to the Haas, Jr. Fund to hire an outreach specialist and a graduate student and to delegate to the Executive Director, in consultation with the Chair and the Vice Chair, the power to sign off and execute any necessary agreements to apply for and receive these grants, as recommended by staff.

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

Absent: Perteet.

Noes: None.

Vote: Passed 5-0.

Public Comment: None.

7. Amendment to the PEC's Limited Public Financing Act of 2024 Proposal.

The Commission considered amending its proposal for establishing a limited public financing program in 2024, adopted at its August 9, 2023, meeting, to remove the \$155,000 cap in program funding. Director Heidorn presented staff's recommendations.

Micik moved, and Upton IV seconded to approve the amendment to the PEC's Limited Public Financing Act of 2024 Proposal, as recommended by staff.

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

Absent: Perteet.

Noes: None.

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Vote: Passed 5-0.

Public Comment: None.

DISCUSSION ITEMS

8. 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 reported that the subcommittee met twice and discussed inviting the Fire Department, Planning Department, and Police Department to present to the full Commission on each department's management of public records requests, beginning next year. Upton IV indicated that the subcommittee would share some standard questions that would be asked of each department at the PEC's next meeting in November. Upton IV also shared that the subcommittee planned to work on creating a government records transparency vision statement for the Commission's consideration.

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 reported that the subcommittee met on September 8, 2023, and provided feedback on staff's plan for Commissioner outreach, including recommending that Commissioners film videos encouraging the public to apply to the Commission. Hill indicated that the subcommittee would focus on outreach around the PEC's Enforcement needs at the next subcommittee meeting.

Micik announced the formation of an ad hoc Commissioner Selection subcommittee. The purpose of this subcommittee is to review the applications for the PEC-appointed vacancy to the Commission. The subcommittee will forward its recommended applicants to the full Commission for consideration and selection of a commissioner at its December 2023 meeting. Micik will chair the subcommittee. The other subcommittee members are Upton IV and either Perteet, if he is available to join the subcommittee, or Hill if Perteet is not available.

Public Comment: None.

The Meeting went into Recess at 8:43 p.m.

The Meeting resumed at 8:55 p.m. from the Recess.

9. Commissioner Recruitment.

Director Heidorn provided an update on commissioner recruitment for filling the PEC-

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appointed vacancy to the Commission. Director Heidorn explained the PEC has received 13 applications to date. Director Heidorn complemented Analyst Killings on his outreach work.

Public Comment: None.

INFORMATION ITEMS

11. Disclosure and Engagement.

Program Manager Suzanne Doran provided a summary of compliance with disclosure requirements, education and advice, general outreach, and data illumination activities since the last regular Commission meeting.

Public Comment: None.

12. Enforcement Program.

Enforcement Chief Simon Russell provided a summary of the Commission's enforcement process, caseload, planned updates to caseload reports, Form 700 enforcement, staffing and caseload management, data security, enforcement-related litigation, and case closures or dismissals

Public Comment: None.

13. Executive Director's Report.

Executive Director Heidorn reported on overall priorities and PEC activities. He discussed Commission priorities coming out of the August retreat, updated the Commission on the status of the PEC's proposed legislation enacting a Limited Public Financing Act of 2024 and amending the Lobbyist Registration Act, and reported on the PEC's current staffing and efforts to hire permanent and part-time staff.

14. Future Meeting Business.

Public Comment: None.

The meeting adjourned at 9:24 p.m.