

Item 5 - Meeting Minutes

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Regular Commission Meeting
Hearing Room 1
Wednesday, June 14, 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, Lead Analyst; Chris Gonzales, Commission Assistant; Ana Lara-Franco, Commission Analyst; Simon Russell, Enforcement Chief.

City Attorney Staff: Trish Shafie, Deputy City Attorney.

PUBLIC ETHICS COMMISSION REGULAR MEETING MINUTES

1. Roll Call and Determination of Quorum.

The meeting was called to order at 6:50 p.m.

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

Members absent: Perteet and Steele.

Staff present: Nicolas Heidorn, Suzanne Doran, Chris Gonzales, Garrett Micheels, Simon Russell.

City Attorney Staff: Tricia Shafie.

2. Staff and Commission Announcements.

Chair Micik announced that he would be leaving the meeting to provide public comment regarding the PEC Democracy Dollars budget at the concurrent City Council meeting and would request a recess at that time. The agenda will be adjusted so that Items 6 and 7 related to Measure W implementation would be discussed first, following Open Forum. After Item 6 and 7, the regular agenda will resume with Item 4, and so on.

Executive Director Heidorn stated he would be leaving the meeting to attend the concurrent City Council meeting discussion regarding the PEC budget.

In addition, Item 10 - dismissal letter 23-13 will be pulled from the agenda. Heidorn also noted the PEC annual retreat is planned in August 2023.

Micik moved that the meeting be recessed so he could leave the meeting to provide public comment at the concurrent City Council meeting, and Upton IV seconded to approve going into a recess.

Ayes: Micik, Hill, Gage, Upton IV.

Item 5 - Meeting Minutes

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Regular Commission Meeting
Hearing Room 1
Wednesday, June 14, 2023
6:30 p.m.

DRAFT



Absent: Perteet, Steele.

Noes: None.

Vote: Passed 4-0.

The meeting recessed at 7 pm.

Hill announced the meeting would continue to be recessed for an additional 15 minutes.

The meeting resumed at 7:30 pm.

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.

GUEST PRESENTATION

4. Mediation Process: Takeaways and Suggested Improvements.

Former Commission Law Clerk Chris Nardi shared an overview of his research regarding public records request mediations in Oakland and practices in other California cities as part of his internship project with the Commission.

ACTION ITEMS

5. Approval of Commission Meeting Draft Minutes.

Gage moved, and Upton IV seconded to approve the May 10, 2023 minutes.

Ayes: Micik, Hill, Gage, Upton IV.

Absent: Perteet, Steele.

Noes: None.

Vote: Passed 4-0

Public Comment: None.

DISCUSSION ITEMS

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Regular Commission Meeting
Hearing Room 1
Wednesday, June 14, 2023
6:30 p.m.

DRAFT



6. Measure W Implementation - Oakland Fair Elections Act.

Suzanne Doran, Lead Analyst, provided an update regarding staff activities to advocate for additional funding for a Democracy Dollars pilot program in 2024. The mayor's proposed budget allocates \$525,000 for the startup of the program but postpones full implementation until the 2026 election. Following the last meeting, staff met with the Council budget team, individual council members, and the mayor's staff. The budget team's amendments include funding to unfreeze the Democracy Dollars program manager position and an additional \$155,000 in discretionary funds, which may be used for a one-time Limited Public Financing-style program in 2024. CM Kalb proposed an amendment to conduct a pilot program for the At-large council seat only. However, the proposal did not include specific funding, or the additional staffing indicated in PEC estimates. Staff indicated that implementing an LPF-style program is feasible and avoids elimination of public financing in the upcoming election. Staff requested Commissioner input on whether to initiate the process to enact an LPF program for 2024, including drafting legislation and working with supportive Council members. The Commissioners indicated support for implementing an LPF program, since it does not appear a pilot will be funded.

Public Comment: None.

7. Reports on Subcommittees and Commissioner Assignments.

a. Measure W Implementation Subcommittee (ad hoc, created December 14, 2022) – Arvon Perteet (Chair), Ryan Micik, Francis Upton IV.

Upton IV reported the subcommittee met with staff on June 5, for an update on the Council's proposed budget amendments. The subcommittee discussion was supportive of pursuing a one-time Limited Public Financing-style program for 2024 in the absence of funding for a pilot if the proposed budget amendments are passed by City Council. The subcommittee will work with staff to draft the required legislation so it can be brought before Council by September.

b. Measure W Equity and Outreach Subcommittee (ad hoc, created on March 8, 2023) – Charlotte Hill (Chair), Alea Gage, Vincent Steele.

Hill reported the subcommittee met in June to continue working on the outreach plan and discussed outreach related to the Democracy Dollars budget, such as the Op Ed published on the San Francisco Chronicle. Hill noted the subcommittee would evaluate the timing and need for outreach related to Measure W once the budget and likely postponement of the full program is decided by Council.

c. Transparency and Public Records Subcommittee (ad hoc, created March 8, 2023) - Francis Upton IV (Chair) and Arvon Perteet.

Upton IV reported the subcommittee met with staff in June and received an update on the

Item 5 - Meeting Minutes

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Regular Commission Meeting
Hearing Room 1
Wednesday, June 14, 2023
6:30 p.m.

DRAFT



PEC's mediation program and discussed how data can be used to analyze department responses to mediation public record requests. The subcommittee also reviewed and provided feedback on questions that will be used when inviting city departments to make future presentations before the commission.

Public Comment: None.

8. Enforcement Case Confidentiality and Election-Related Complaints.

Enforcement Chief Simon Russell presented an informational report about the Enforcement Unit's current laws and practices regarding case confidentiality and the processing of complaints relating to ongoing elections. When the discussion concluded, Micik recommended that the Commission include a continuation of this discussion at its upcoming retreat.

Public Comment: None.

INFORMATION ITEMS

9. Disclosure and Engagement.

Lead Analyst Doran provided a summary of compliance with disclosure requirements, education and advice, general outreach, and data illumination activities since the last regular Commission meeting. Lead Analyst Doran noted the recruitment process for a commission vacancy will start in the Fall and there will be opportunities for community engagement in summer months.

Public Comment: None.

10. Enforcement Program.

Enforcement Chief Simon Russell provided a summary of the Commission's ongoing enforcement work, including overall caseload status, informal complaint intake, and enforcement-related litigation. Russell noted dismissal letter 23-13 was pulled from the agenda. He introduced new Ethics Investigator, Garrett Micheels, who joined the PEC in May 2023 to fill the vacant investigator position until recruitment for the permanent position is completed.

Public Comment: None.

11. Executive Director's Report.

Executive Director Nicholas Heidorn gave an update on the PEC budget, the status of the lobbyist registration fee proposal, and the mediation program. The mediation cases backlog has been reduced from 26 cases to 14. Additionally, Councilmember Ramachandran proposed

Item 5 - Meeting Minutes

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Regular Commission Meeting
Hearing Room 1
Wednesday, June 14, 2023
6:30 p.m.

DRAFT



a budget amendment to add one more investigator to the PEC.

Public Comment: None.

12. Future Meeting Business.

Micik stated that for the next meeting the commission will discuss the retreat in August as well as to continue discussing Measure W and the budget.

Public Comment: None.

The meeting adjourned at 9:35 p.m.