



Item 6 - Staff Memo

Ryan Micik, Chair
Charlotte Hill, Vice Chair
Alea Gage
Arvon J. Perteet
Vincent Steele
Francis Upton IV

Nicolas Heidorn, Executive Director

TO: Public Ethics Commission
FROM: Nicolas Heidorn, Executive Director
DATE: October 26, 2023
RE: Adjusting the PEC Meeting Schedule for 2024

For the 2023 calendar year, the Public Ethics Commission (PEC or Commission) held or scheduled a regular meeting for every second Wednesday of the month at 6:30 pm. This memorandum discusses options for the for the PEC's 2024 calendar year regular meeting schedule. Once the Commission has settled on a preferred meeting schedule, staff will work with the appropriate City staff to secure meeting space for next year aligning as closely as possible with Commission preferences.

Based on a survey of commissioner availability, staff recommends that regular PEC meetings continue to be held on a Wednesday beginning at 6:30 pm. However, because the current meeting schedule presents workload challenges for staff, staff recommends that the PEC schedule be adjusted to two regular meetings per quarter (i.e., 8 regular meetings per year, with additional special meetings to address time-sensitive matters as required), rather than continuing with a monthly meeting schedule.

Meeting Day and Time

Currently, PEC meetings are held on the second Wednesday of each month at 6:30 pm. PEC staff surveyed commissioners as to whether they would prefer to keep meetings on Wednesdays, or move meetings to Tuesday or Thursday, and whether they would prefer starting meetings at 6 pm or 6:30 pm. Five commissioners responded to the survey. The only day of the week that all commissioners could make is Wednesday. All commissioners indicated that they could make a 6:00 pm start time, but only one commissioner preferred that time, whereas three commissioners preferred a 6:30 pm start time.

Staff recommends that Commission meetings remain on Wednesdays at 6:30 pm. Staff will attempt to secure the same meeting day the PEC presently uses, i.e. the second Wednesday of the month, but if that is not available will request a different Wednesday.

Meeting Regularity

Currently, the PEC holds monthly regular meetings, although one regular meeting per year is generally cancelled as a Commission recess. In addition, a special meeting is generally called each year for the PEC to hold a planning retreat. Frequent regular meetings are critical to the functioning of the PEC and provide an opportunity for the Commission to stay up to date on staff activities, consider and act on policy change proposals, and consider and act on enforcement items.

However, each meeting entails a substantial amount of staff time, and the fast turnaround between meetings can sometimes make meeting preparation challenging for staff. Staff must prepare relevant reports or draft policies for each meeting, upload and post the information at least 10 days in advance of the meeting under the City's Sunshine Ordinance, and present or answer questions about their

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items at the meeting. Because the PEC meets monthly but must post materials 10 days in advance (in actuality, 12 days in advance, as the 10th day falls on a Sunday), staff generally only have two to three weeks after a meeting before the next meeting agenda posting is due.

Staff surveyed the meeting schedule of the three closest “peer” (in terms of resources) city ethics commissions in the state: Los Angeles, San Diego, and San Francisco. The PEC holds significantly more regular meetings than either Los Angeles’s Commission (6 regular meetings) or San Diego’s Commission (8 meetings), although about as many as San Francisco’s Commission (12). Significantly, the PEC is the only commission to post materials 10 days in advance; other commissions only follow the 3-day posting requirement of the Brown Act although some, like Los Angeles and San Diego, have a goal of posting 5 or 6 days before their meeting, respectively.

Regular Meeting Schedule of Ethics Commissions

City	Regular Meeting Schedule	Notes
Oakland	Monthly (11/year*)	*Traditionally the PEC takes a one month recess per year.
Los Angeles	Every other month (6/year)	
San Diego	Monthly (8/year**)	**San Diego Ethics cancelled 4 regular meetings in both 2022 and 2023.
San Francisco	Monthly (12/year)	

Staff recommends that the PEC move to a schedule of holding two regular meetings per quarter (8/year), instead of monthly meetings (11/year, including a recess). Staff believes this schedule will enable the PEC to stay up to date on staff’s work and take action on Commission priorities in a timely manner, while also freeing up staff resources to work on larger Commission projects and priorities. Eliminating one meeting per quarter will also add staff capacity to assist with the more specific work of the PEC’s subcommittees. For time-sensitive matters falling on an “off” month, the PEC would always retain the discretion to call a special meeting, which requires less advanced notice. One negative to this proposal, which the Commission should consider, is that there will likely be more items at each regular meeting as a result, so these meetings may take longer than is currently the case.

Based on a review of PEC activity in prior years, staff would recommend the following schedule (with strikethrough indicating the proposed “off” month):

<ul style="list-style-type: none"> • January 10: regular meeting • February 14: no meeting • March 13: regular meeting • April 10: regular meeting • May 8: no meeting • June 12: regular meeting 	<ul style="list-style-type: none"> • July 10: regular meeting • August 14: no meeting • September 11: regular meeting • October 9: regular meeting • November 13: no meeting • December 11: regular meeting
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Alternatively, the PEC could continue to schedule monthly meetings, but cancel meetings more frequently, perhaps with a goal of cancelling one meeting per quarter. This is the approach San Diego’s Ethics Commission has taken (as opposed to Los Angeles, which only schedules 6 meetings). However, staff recommends regularly scheduling off months, which would better enable staff to plan out their work and vacation schedules than if meeting cancellations are done in an ad hoc fashion.

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