

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Regular Commission Meeting
Hearing Room 1
Wednesday, November 8, 2023
6:30 p.m.



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 REGULAR MEETING MINUTES

1. Roll Call and Determination of Quorum.

The meeting was called to order at 6:30 p.m.

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

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

City Attorney Staff: Farrah Hussein.

2. Staff and Commission Announcements.

Chair Micik announced that the agenda would be reordered to move directly from #3 “Open Forum” to #8 “Presentation on Voter Guide Models,” then back to the normal agenda order.

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.

8. Presentation on Voter Guide Models.

Executive Director Heidorn presented on different types of voter guides used in Oakland and Seattle, and used by the League of Women Voters, and shared a tentative timeline for the PEC piloting a voter guide for the 2024 election. Sharon Stone, the Membership and Technology Manager for the League of Women Voters of California, presented on the League’s Voter’s Edge online guide

Public Comment: Gail Wallace, Louise Anderson, and Deborah Shefler.

ACTION ITEMS



4. Approval of Commission Meeting Draft Minutes.

Micik stated that since the October 11, 2023 meeting was cancelled due to lack of quorum, the October 11, 2023 Meeting Minutes do not need to be approved and voted on.

Public Comment: None.

5. Adoption of Revised Complaint Procedures and Penalty Guidelines Relating to Streamline and Diversion Programs.

Chief of Enforcement Russell presented on a staff proposal to amend the PEC Complaint Procedures and Penalty Guidelines to expand the types of violation eligible for streamline settlement, authorize the Executive Director to enter streamlined settlement agreements on their own authority, and to authorize the use of diversion to resolve streamlined cases. The Commission discussed the proposal.

Perteet moved and Upton IV seconded to adopt the revised Complaint Procedures and Penalty Guidelines as proposed by staff, except removing the ability of the Executive Director to adopt streamlined settlements on their own authority without Commission approval.

Perteet moved and Upton IV seconded to withdraw Perteet's motion.

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

Noes: None.

Vote: Passed 6-0.

Public Comment: None.

Perteet moved and Upton IV seconded to adopt the revised Complaint Procedures and Penalty Guidelines as proposed by staff, but with the addition that no later than August 31, 2024, staff shall provide a report to the Commission on the status of the program.

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

Noes: None.

Vote: Passed 6-0.

Public Comment: None.

6. PEC Meeting Schedule for 2024.

Director Heidorn presented on the Commission's 2024 meeting schedule. Director Heidorn

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recommended that the Commission generally meet twice per quarter on the second Wednesday of the month at 6:30 pm, except that he recommended that the January meeting be moved from January 10 to January 17 or January 24. Director Heidorn explained that PEC staff would work with other City staff to secure meeting space that aligns as closely as possible with the Commission's meeting day and time preferences. The Commission discussed its preferred regular meeting schedule for 2024.

Micik moved and Gage seconded to adopt the PEC meeting schedule for 2024 as proposed by staff, except that staff should attempt to schedule the Commission's January meeting for January 17 instead of January 10.

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

Noes: None.

Vote: Passed 6-0.

Public Comment: None.

DISCUSSION ITEMS

7. Reports on Subcommittees and Commissioner Assignments.

Commissioners may discuss subcommittee assignments, create a new subcommittee, or report on work done in subcommittees since the Commission's last regular meeting. Commissioners may also discuss assignments, efforts, and initiatives they undertake to support the Commission's work.

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

Upton IV stated the subcommittee met on October 23, 2023. He discussed the subcommittee's proposal to have the Executive Director invite select Department heads to present before the PEC and to answer general questions and Department-specific questions regarding their department's performance and practices for releasing public records, beginning with the Police Department in January of next year.

Public Comment: None.

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 stated the subcommittee met on November 6, 2023 and debriefed on the

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Commission's commissioner recruitment efforts and discussed outreach around the Commission's enforcement needs.

Public Comment: None.

INFORMATION ITEMS

9. Disclosure and Engagement.

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

Public Comment: None.

10. Enforcement Program.

Enforcement Chief Simon Russell provided a summary of the Commission's enforcement process and caseload since the last regular Commission meeting.

Public Comment: Eric Leong

11. Executive Director's Report.

Executive Director Nicolas Heidorn reported on overall priorities and PEC activities, including the status of the Commission's legislative proposals and its staffing situation.

Public Comment: None.

12. Future Meeting Business.

Public Comment: Eric Leong

The meeting adjourned at 9:39 p.m.