

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Regular Commission Meeting
Hearing Room 1
Wednesday, July 12, 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, 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 6:32 p.m.

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

Micik announced that the Public Ethics Commission is planning to have its annual retreat on August 24, 2023, from 3:00 pm – 8:00 pm. Director Heidorn announced the City of Oakland is hosting a Commissioner Appreciation mixer on July 31, 2023, from 5:00 pm – 7:00 pm, please RSVP by July 17, 2023. The city is encouraging all members of boards and commissions to attend.

3. Open Forum.

Public Comment: Assata Olugbala.

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. Detecting and Preventing “Pay-to-Play” Corruption in Local Elections.

Bridget Cervelli and Mina Koyama from the UC Berkeley Goldman School of Public Policy graduate program shared highlights from their report on the role of the Oakland Public Ethics Commission (PEC) in preventing "pay-to-play" influence in local elections and government decision.



ACTION ITEMS

5. Approval of Commission Meeting Draft Minutes.

Hill moved, and Micik seconded to approve the June 14, 2023 minutes.

Ayes: Hill, Gage, Micik, Upton IV.

Abstain: Perteet, Steele.

Noes: None.

Vote: Passed 4-0

Public Comment: None.

6. Public Ethics Commission Annual Report.

Lead Analyst Suzanne Doran noted the following edits to the PEC Annual Report:

On page 6, updated chart title to "Requests for Information, Advice, and Technical Assistance 2022".

On page 7, under "Campaign Finance Training" - re-formatted so text stays to the left of the graphic. Also on page 7, under Community Outreach, in the first sentence replace "regulated community" with "persons regulated by the Commission."

On page 9, updated the chart to make clear it shows mediation requests received versus mediations closed by year and added the total open mediations at the end of 2022 to the accompanying text.

On page 9 in the Behested Payments section, deleted an extra "\$" in the last line of the paragraph.

On page 10, updated chart title to "Incoming Cases Remain High" for clarity.

On page 11, in the box, edited "Case #" to same format throughout paragraph.

On page 12, updated PEC Budget graph so axis numbers are rounded to nearest dollar.

Perteet moved, and Upton IV seconded to approve the PEC Annual Report with the edits identified by Lead Analyst Doran.

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

Noes: None.

Vote: Passed 6-0

Public Comment: None.

7. Measure W Implementation Update; Postponement of Democracy Dollars for 2024 Election Cycle.

Director Heidorn provided an update on Measure W implementation and explained that the adopted budget did not provide funding for distribution of Democracy Dollars for 2024 .

Micik moved, and Hill seconded to approve the staff recommendation to postpone the distribution and use of Democracy Dollars vouchers for the November 2024 election.

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

Noes: None.

Vote: Passed 6-0

Micik moved, and Steele seconded to approve the staff recommendation to consider and provide options to the Commission at a subsequent meeting for establishing a limited public financing program for the 2024 election cycle only, similar to the 2022 Limited Public Financing Program.

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

Noes: None.

Vote: Passed 6-0

Public Comment: None.

DISCUSSION ITEMS

8. 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.

Perteet reported that the subcommittee did not meet. Micik disbanded the Measure W Implementation Subcommittee due to the postponed distribution of Democracy Dollars

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vouchers for 2024.

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

Hill reported that the subcommittee did not meet. Commissioners discussed whether to disband the subcommittee and agreed to postpone the decision pending discussion at the upcoming retreat.

Public Comment: Bridget Cervelli.

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

Upton IV reported that the subcommittee will be meeting on July 24, 2023. Micik appointed Gage to the Transparency and Public Records Subcommittee.

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.

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 explained the Court's decision in the "Notice of Motion and Motion for an Order to Show Cause re: Contempt (C.C.P. 1209) and Monetary Sanctions" referenced in the Enforcement Report.

Public Comment: None.

11. Executive Director's Report.

Director Heidorn provided an update noting the PEC's proposed lobbyist registration fee and late filing fees have been approved by the City Council and PEC staff will bring recommendations for a registration fee waiver policy to a future meeting.

Heidorn explained that the City Council is considering an ordinance to give the City Attorney concurrent jurisdiction to enforce all city laws. PEC staff expressed concerns to the City Attorney over potential problems caused by concurrent jurisdiction over laws within the PEC's jurisdiction and worked with the City Attorney's office to amend the proposed ordinance to

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maintain the status-quo for PEC-enforced laws.

Heidorn noted that the PEC's mediation caseload has been reduced to 13 open cases from 24 cases three months ago. He thanked Ethics Analyst Jelani Killings and Former Law Clerk Chris Nardi for all their hard work in bringing down the caseload.

Public Comment: None.

12. Future Meeting Business.

Micik announced that the regular PEC meeting would take place in August in addition to the retreat also scheduled for August.

Perteet asked for an update on the status of the Mayoral appointee vacancy at the next meeting.

Public Comment: None.

The meeting adjourned at 8:29 p.m.