



## **DRAFT**

Commissioners: Ryan Micik (Chair), Francis Upton IV (Vice-Chair), Tanya Bayeva, Alea Gage, Vincent Steele, and Karun Tilak.

Commission Staff to attend: Nicolas Heidorn, Executive Director; and Suzanne Doran, Program Manager.

Legal Counsel: Christina Cameron, Partner, Devaney Pate Morris & Cameron, LLP.

### **PUBLIC ETHICS COMMISSION REGULAR MEETING MINUTES**

#### **PRELIMINARY ITEMS**

##### **1. Roll Call and Determination of Quorum.**

The meeting was called to order at 6:34 p.m.

Members present: Chair Micik, Vice Chair Upton IV, Bayeva, Gage, Steele, and Tilak.

Members absent: None.

Staff present: Nicolas Heidorn; Suzanne Doran;

Legal Counsel: Christina Cameron.

##### **2. Staff and Commission Announcements.**

Chair Micik reminds Commissioners that the next regular meeting is in January and will include elections for Chair and Vice Chair for 2025.

The order of the agenda will be changed, moving Item 8 (Executive Director's Report) to take place after Item 3 (Open Forum). Item 8 has a guest speaker, and in order to better facilitate his time, the item has been moved up.

Public Comment: None.

##### **3. Open Forum.**

Public Comment: None.

Written public comment from Simon Russell was received prior to the meeting.

A full recording of public comments is available in the meeting video. Video recordings are



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posted on the meeting webpage, which may be found at [www.oaklandca.gov/pec](http://www.oaklandca.gov/pec). Written public comments are posted on the meeting webpage, which may be found at [www.oaklandca.gov/pec](http://www.oaklandca.gov/pec).

### **INFORMATION ITEM**

#### **8. Executive Director's Report.**

Executive Director Nicolas Heidorn reported on, and Commissioners discussed, overall priorities and PEC activities, such as budget, staffing, and PEC legislative and policy initiatives not covered in other staff reports.

Suzanne Doran, Program Manager, and Niels Thorsen, Senior User Experience Designer of Open Oakland, spoke and answered questions from Commissioners regarding the Democracy Dollars project

Public Comment: None.

### **ACTION ITEM**

#### **4. Approval of Commission Meeting Draft Minutes.**

##### **a. October 9, 2024, Special Meeting Minutes**

Public Comment: None.

Vice-Chair Upton moved, seconded by Tilak, to approve the October 9, 2024 Public Ethics Commission Special Meeting Minutes.

Ayes: Upton IV, Gage, Tilak, Micik.

Noes: None.

Abstain: Steele; Bayeva.

Vote: 4-0

Motion passed.

Executive Director Heidorn noted the Commission must approve Commissioner



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abstentions and the Commissioner should explain their reason for abstaining.

Commissioner Steele indicated he abstained because he was not present during the meeting held on October 9.

Commissioner Bayeva indicated she abstained because she was not yet a Commissioner at the time of the October 9 meeting.

Vice-Chair Upton moved, seconded by Gage, to ratify the abstentions in the previous vote regarding the October 9, 2024, Special Meeting Minutes, as well as approve the abstentions for the subsequent vote on the October 9, 2024, Regular Meeting Minutes.

Ayes: Upton IV, Bayeva, Gage, Steele, Tilak, Micik.

Noes: None.

Abstain: None.

Vote: 6-0

Motion passed.

**b. October 9, 2024, Regular Meeting Minutes**

Public Comment: None.

Tilak moved, seconded by Vice-Chair Upton, to approve the October 9, 2024 Public Ethics Commission Special Meeting Minutes.

Ayes: Upton IV, Gage, Tilak, Micik.

Noes: None.

Abstain: Steele; Bayeva.

Vote: 4-0

Motion passed.



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### **5. 2024 Limited Public Financing (LPF) Program Summary.**

Executive Director Nicolas Heidorn reported on, and Commissioners discussed, a summary of participation in the LPF Program by candidates for City Council District office in the 2024 election cycle.

Public Comment: None.

### **6. Disclosure and Engagement.**

Executive Director Nicolas Heidorn reported on, and Commissioners discussed, compliance with disclosure requirements, education and advice, general outreach, and data illumination activities since the last regular Commission meeting.

Public Comment: None.

### **7. Enforcement Program.**

Executive Director Nicolas Heidorn reported on, and Commissioners discussed, the Commission's enforcement process, caseload, enforcement-related litigation, and case closures or dismissals.

Public Comment: None.

## **ACTION ITEMS**

### **9. PEC Regular Meeting Schedule for 2025.**

Executive Director Nicolas Heidorn explained, and the Commission discussed, the proposed regular meeting schedule for 2025.

Vice-Chair Upton requested a future agenda item discuss shortening the deadline for posting PEC regular meeting agendas.

Public Comment: None.

Gage moved, seconded by Steele, to approve the proposed 2025 Public Ethics Commission



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Meeting Schedule.

Ayes: Upton IV, Bayeva, Gage, Steele, Tilak, Micik.

Noes: None.

Abstain: None.

Vote: 6-0

Motion passed.

### **DISCUSSION ITEMS**

#### **10. Filling the Vacant Commission Seat Appointed by the Mayor.**

Presently, the Commission has one commissioner vacancy, which is for a seat appointed by the Mayor. Executive Director Nicolas Heidorn reported on, and Commissioners discussed, whether the Commission should begin the process to appoint someone to that vacancy and, if so, the timing for taking this action.

Commissioners Micik, Upton, Gage, Steele, and Tilak indicated a preference that the Commission should appoint someone to fill the Mayoral vacancy rather than wait until after April when a new Mayor is elected.

Public Comment: None.

#### **11. Streamlining PEC Commissioner Appointment Process.**

The Commission is responsible for appointing 4 Commissioners to the Commission and, in some cases, vacancies in Commission seats appointed by citywide elected officials. Commissioners discussed ways that the Commission could streamline its process for filling vacancies to the PEC, including potentially having pre-vetted applicants who could be appointed by the Commission to any vacancy that later occurs.

Vice-Chair Upton recommended using informal Ranked Choice Voting and keeping a list of previous applicants to reconsider for vacancies at a later date.



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Vice-Chair Upton offered to work on draft text of potential amendments to operating procedures to institutionalize a process for filling vacancies going forward, including those above. The result would be brought as an action item in a future meeting.

For the current vacancy, to select the Commissioner to fill the mayoral appointment seat, Commissioners Micik, Upton, Gage, Tilak, and Steele felt that the Commission should in January 2025 consider for appointment the runner-up candidates from the previous two Commission applicant recruitments. If neither candidate is available, the Executive Director could instead conduct a recruitment for the position.

Public Comment: None.

### **12. Reports on Subcommittees and Commissioner Assignments.**

#### **a. Commissioner Recruitment and Selection of Finalists for Interviews Subcommittee.**

The Commission is being dissolved due to having selected the new Commissioner, Tanya Bayeva.

#### **b. Charter Review Subcommittee.**

The Commission will be dissolved in the January meeting due to the successful passage of Measure OO in the recent November 2024 election. The Commission met and discussed lessons learned, the process they went through, and the path forward to recording what they did in a way that's publicly accessible and can inform future Commissions.

Executive Director Heidorn is gathering documents and putting together summaries of the proposals the Commission recommended but didn't make it into Measure OO. Chair Micik is working on a memo that will summarize those results to be available for presentation at the January meeting.

Commissioners discussed launching a new Subcommittee on recruitment based on the previous discussion regarding filling vacancies. In addition, the Commission is considering a Subcommittee on Democracy Dollars/Measure W, but will delay that Subcommittee based on the uncertainty of Measure W in the current City political environment.

Public Comment: None.

CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
One Frank Ogawa Plaza (City Hall)  
Regular Commission Meeting  
Hearing Room 1  
Wednesday, December 11, 2024  
6:30 p.m.

## Item 4a - Draft December 11, 2024 PEC Minutes



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### **INFORMATION ITEM**

#### **13. Future Meeting Business.**

Commissioners did not have any future meeting business to discuss.

Public Comment: None

The meeting adjourned at 9:05 p.m.