



Item 9 - Executive Director's Report

Ryan Micik, Chair
Francis Upton IV, Chair
Tanya Bayeva, Vice Chair
Alea Gage
Ryan Micik
Vincent Steele
Karun Tilak

Nicolas Heidorn, Executive Director

TO: Public Ethics Commission
FROM: Nicolas Heidorn, Executive Director
DATE: March 5, 2025
RE: Executive Director's Report for the March 19, 2025, Regular PEC Meeting

This memorandum provides an overview of some of the Public Ethics Commission's (PEC's or Commission's) most significant activities since the last ED report and significant upcoming activities which were not included in other program reports, including a discussion of staffing, budget, and policy initiatives.

Staffing Updates

At the end of January, the PEC was informed that one of its employees would be laid off as a result of budget cuts. Although the PEC did not lose any positions in the December mid-cycle budget, because another department eliminated a position and the employee in that position had more seniority than a PEC employee in the same job classification, the PEC employee would be terminated, and the more senior employee would take their position at the PEC. Thankfully, the cut in the other department was reversed in February, so the layoff did not take place.

Late last year, the job classification for the Program Manager position was approved. Staff is working with Human Resources Management to create a selective certification (i.e., specialized type of Program Manager) so that the qualifications meet the specialized needs of the Democracy Dollars Program. Once the selective certification is complete, likely in the next several months, the PEC will begin a permanent recruitment for this position.

Staff is also exploring creating a new job classification within the PEC of "Senior Ethics Investigator." This change is modelled after the PEC's Ethics Analyst series, which includes Ethics Analyst I, Ethics Analyst II, and Ethics Analyst III. Adding an additional investigator job class creates room for career growth within the PEC and provides additional flexibility for hiring more senior staff. This process is likely to take a year or longer to approve.

FY25-27 Budget Cycle

According to a February 2025 Department of Finance report, the "City is facing a nearly \$140 million ongoing structural deficit in the General Purpose Fund," which will likely necessitate additional budget cuts in the FY25-27 budget. As part of the FY25-27 budget development process, each Department was required to provide a proposal meeting a spending target set by the Budget Office. PEC staff submitted its proposal, consistent with Commission budget priorities discussed

at the January meeting and in consultation with the Chair. Interim Mayor Jenkins is expected to submit his proposed budget to City Council by May 1; Councilmembers' proposed amendments are due by June 12; and the Budget must be adopted prior to July 1.

Measure W Updates

General Outreach and Community Engagement –Staff continued to initiate informal meetings with both internal and external stakeholders to introduce the Democracy Dollars program and identify potential partnerships to provide input into the outreach strategy for launch and increase our reach to residents with historically lower rates of voter and donor participation. In February and March, staff focused on meetings with representatives of youth-centered organizations including the [Oakland Youth Commission](#), Oakland Unified School District, and [Oakland All City Council Student Union](#). Presentations to introduce the Democracy Dollars program and opportunities to raise awareness of the program among Oakland youth are scheduled for the All City Council Student Union on April 18 and Oakland Youth Commission on April 21.

Staff met with external municipal entities including the Seattle Ethics and Elections Commission (SEEC) and the Seattle Department of Neighborhood (DON) to learn about successful community engagement practices, and programs, such as community advisory committees and community liaisons. Staff also met with Raul Macias of the Haas Jr. Fund to report on progress towards grant objectives.

On March 4, 2025 and the newly formed Democracy Dollars Engagement Plan subcommittee met for an initial discussion of subcommittee and staff roles, goals, and potential activities. Commissioners provided input to identify organizations that can assist with building program awareness and prioritizing initiating connections with those organizations that can assist with targeted outreach to residents from communities with greater barriers to participation.

Professional Development – To foster inclusive engagement practices in the Democracy Dollars outreach planning, staff attended the following trainings:

- Digital Services Academy by Granicus Experience Group to discuss best practices for service design and form design.
- Youth Empowerment and a Discussion about Adulthood by Oakland Youth Commission to learn how adults can play a significant and important role as allies to youth.
- Community Engagement 101: Policy and Foundation Training by Office of the City Administrator Communications and Engagement Team, designed to educate staff on best practices for public participation and equitable engagement.

Mediation Program

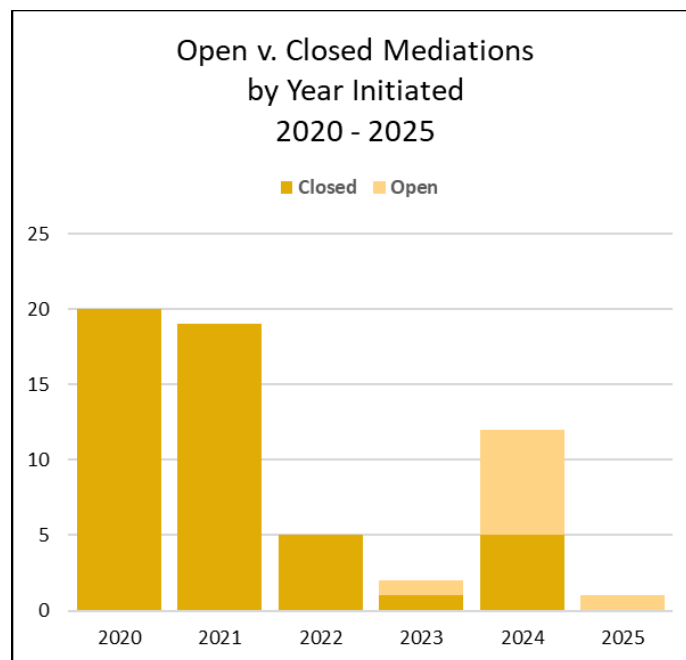
Pursuant to the Oakland Sunshine Ordinance, the Commission conducts mediation of public records requests made by members of the public to City departments for records within the department's control. The PEC currently has 9 open mediations. Since the last ED Report, the

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Commission received 1 new request for mediation, and 3 mediations were completed. The closed mediations, attached to this memo, were:

- **M2020-02:** *In the Matter of the Oakland Police Department (Mediation Case No. M2020-02; Mediation Summary)*
- **M2021-17:** *In the Matter of the City Administrator Office (Mediation Case No. M2021-17; Mediation Summary)*
- **M2022-01:** *In the Matter of the Office of the City Council (Mediation Case No. M2022-01; Mediation Summary)*

Staff is happy to report that, because of the work of Ethics Analyst Jelani Killings and Commission Analyst Teddy Teshome, all 2020, 2021, and 2022 mediation requests are now closed.



Additional Attachment: Mediations.

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Nicolas Heidorn, Executive Director

TO: Public Ethics Commission
FROM: Teddy Teshome, Administrative Analyst
Jelani Killings, Ethics Analyst
DATE: February 21, 2025
RE: *In the Matter of the Oakland Police Department (Mediation Case No. M2020-02; Mediation Summary)*

I. INTRODUCTION

On February 14, 2020, the Commission received a request for mediation alleging that the City failed to respond to public records requests made by the Requestor on November 26, 2019. Staff initiated its mediation program on February 18, 2020, pursuant to the Oakland Sunshine Ordinance.

Because the responsive department provided the Requestor with the responsive records, although a considerable amount of time had lapsed, this mediation was closed with no further action.

II. SUMMARY OF LAW

One of the primary purposes of the Oakland Sunshine Ordinance is to clarify and supplement the California Public Records Act (CPRA), which requires that all government records be open to inspection by the public unless there is a specific reason not to allow inspection.¹ The CPRA requires each agency to make public records promptly available to any person upon request.²

Any person whose request to inspect or copy public records has been denied by any City of Oakland body, agency, or department, may demand mediation of their request by Commission Staff.³ A person may not file a complaint with the Commission alleging the failure to permit the timely inspection or copying of a public record unless they have requested and participated in the Commission's mediation program.⁴

Once the Commission's mediation program has concluded, Commission Staff is required to report the matter to the Commission by submitting a written summary of the issues presented, what efforts

¹ Oakland Municipal Code § 2.20.010(C); Government Code § 7920.000 et seq.

² Government Code § 7922.530(a).

³ O.M.C. § 2.20.270(C)(1).

⁴ O.M.C. § 2.20.270(F).

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were made towards resolution, and how the dispute was resolved or what further efforts Commission Staff would recommend to resolve the dispute.⁵

III. SUMMARY OF FACTS

On November 26, 2019, the City received the following records request via NextRequest (19-5823):

OPD Internal Affairs documents, emails, correspondence, or reports mentioning Oakland Police Commission from dates 11/14 to 11/20

That same day, the City received the following request from the same Requestor via Next Request (19-5824):

OPD Chief Anne Kirkpatrick's emails, documents, recordings, correspondence or reports mentioning Oakland Police Commission and/or Ginale Harris from dates, 11/14 to 11/21

On February 14, 2020, the PEC received a mediation request from the Requestor stating that the department's requests for extensions to produce the requested records were not credible. Subsequently, Staff initiated mediation.

On, August 11, 2020, OPD released several responsive documents to PRR 19-5824. Subsequently, OPD closed PRR 19-5824.

Approximately two years later, after several extension requests and changed due dates as a result of waiting on an EDDR request, OPD shared a Class Action Settlement with the Requestor stating:

Please see the attached notice of a Class Action Settlement that may affect your rights regarding Oakland Police Department records.

On January 9, 2023, OPD asked the Requestor if they still needed the requested information, in which the Requestor replied, yes.

In January and August of 2023, respectively, OPD released a large volume of responsive documents to the request. Subsequently, OPD closed the public records request (19-5823).

On December 19, 2024, Staff reached out to the Requestor to inquire if they were still interested in pursuing the mediation. Staff also informed them that if there was no response, the mediation would be closed. No response was received from the Requestor. A follow-up email was sent on January 27, 2025, but no response was received.

⁵ Complaint Procedures § IV (C)(5).

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IV. RECOMMENDATION

Since OPD has provided a large volume of responsive records in response to the public records requests, and the Requestor has not replied to Staff communications regarding whether they are seeking any additional documents, this mediation is closed with no further action.

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Nicolas Heidorn, Executive Director

TO: Public Ethics Commission
FROM: Teddy Teshome, Administrative Analyst
Jelani Killings, Ethics Analyst
DATE: March 4, 2025
RE: *In the Matter of the City Administrator Office (Mediation Case No. M2021-17; Mediation Summary)*

I. INTRODUCTION

On August 3, 2021, the Commission received a request for mediation alleging that the City failed to respond to several public records requests made by the Requestor spanning a period of three years. Staff initiated its mediation program on August 3, 2021, pursuant to the Oakland Sunshine Ordinance.

Because a considerable amount of time has lapsed and the Requestor has not replied to Staff communications regarding whether they are still interested in pursuing the mediation, this mediation was closed with no further action.

II. SUMMARY OF LAW

One of the primary purposes of the Oakland Sunshine Ordinance is to clarify and supplement the California Public Records Act (CPRA), which requires that all government records be open to inspection by the public unless there is a specific reason not to allow inspection.¹ The CPRA requires each agency to make public records promptly available to any person upon request.²

Any person whose request to inspect or copy public records has been denied by any City of Oakland body, agency, or department, may demand mediation of their request by Commission Staff.³ A person may not file a complaint with the Commission alleging the failure to permit the timely inspection or copying of a public record unless they have requested and participated in the Commission's mediation program.⁴

Once the Commission's mediation program has concluded, Commission Staff is required to report the matter to the Commission by submitting a written summary of the issues presented, what efforts

¹ Oakland Municipal Code § 2.20.010(C); Government Code § 7920.000 et seq.

² Government Code § 7922.530(a).

³ O.M.C. § 2.20.270(C)(1).

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were made towards resolution, and how the dispute was resolved or what further efforts Commission Staff would recommend to resolve the dispute.⁵

III. SUMMARY OF FACTS

Between May 13, 2019, and July 21, 2021 the City received a total of 11 records request via NextRequest from the Requestor:

20-4825; 21-5254; 20-1096; 19-2461; 21-2142; 21-6153; 20-4826; 20-1095; 20-4321; 21-5253;
21-6400

All the public records requests (PRR), with the exception of 21-2142, were assigned to the City Administrator. PRR 21-2142 was assigned to the Planning and Building Department.

On August 3, 2021, the PEC received a mediation request from the Requestor stating that the requests have not been responded to and often there has been no response at all from the assigned City staff. Subsequently, Staff initiated mediation.

The table below provides a status summary of the 11 public records requests by the Requestor:

NextRequest Number	NextRequest Status	Documents added after mediation notification	Additional Notes
20-4825	Closed	Yes	
21-5254	Closed	Yes	
21-1096	Overdue	No	No updates
19-2461	Closed	Yes	
21-2142	Closed	No	Planning/Bldg.
21-6153	Closed	Yes	
20-4826	Closed	No	No responsive documents
20-1095	Overdue	No	No updates
20-4321	Overdue	No	No updates
21-5253	Closed	Yes	
21-6400	Overdue	No	No updates

On December 19, 2024, Staff reached out to the Requestor to inquire if they were still interested in pursuing the mediation. Staff also informed them that if there was no response, the mediation would be closed. No response was received from the Requestor. A follow-up email was sent on January 27, 2025, but no response was received.

IV. RECOMMENDATION

⁵ Complaint Procedures § IV (C)(5).

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Seven of the 11 public records requests (PRR) have been closed in NextRequest. Since the remaining PRR are over three years old and the Requestor has not replied to Staff communications regarding whether they are still interested in pursuing the mediation, this mediation is closed with no further action.

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Nicolas Heidorn, Executive Director

TO: Public Ethics Commission
FROM: Teddy Teshome, Administrative Analyst
Jelani Killings, Ethics Analyst
DATE: March 4, 2025
RE: *In the Matter of the Office of the City Council (Mediation Case No. M2022-01; Mediation Summary)*

I. INTRODUCTION

On March 25, 2022, the Commission received a request for mediation alleging that four City Council offices failed to respond to individual public records requests made by the Requestor. Staff initiated its mediation program on March 28, 2022, pursuant to the Oakland Sunshine Ordinance.

Because records were released for three of the four requests, and the Requestor has not replied to Staff communications regarding whether they are still interested in pursuing the mediation, this mediation was closed with no further action.

II. SUMMARY OF LAW

One of the primary purposes of the Oakland Sunshine Ordinance is to clarify and supplement the California Public Records Act (CPRA), which requires that all government records be open to inspection by the public unless there is a specific reason not to allow inspection.¹ The CPRA requires each agency to make public records promptly available to any person upon request.²

Any person whose request to inspect or copy public records has been denied by any City of Oakland body, agency, or department, may demand mediation of their request by Commission Staff.³ A person may not file a complaint with the Commission alleging the failure to permit the timely inspection or copying of a public record unless they have requested and participated in the Commission's mediation program.⁴

Once the Commission's mediation program has concluded, Commission Staff is required to report the matter to the Commission by submitting a written summary of the issues presented, what efforts

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were made towards resolution, and how the dispute was resolved or what further efforts Commission Staff would recommend to resolve the dispute.⁵

III. SUMMARY OF FACTS

On March 2, 2022, the City received a total of four records request via NextRequest from the Requestor to individual City Councilmembers (22-1612, 22-1613, 22-1614, 22-1615):

Please follow all applicable state and local laws and produce the following public records

--all SMS texts sent or received from work or personal phone device of Council Member [Kalb, Taylor, Reid, Thao] during the March 1, 2022 Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, from 1:30 pm to 10pm and/or the end of the meeting.

--all emails sent or received from work or personal email of Council Member [Kalb, Taylor, Reid, Thao] during the March 1, 2022 Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, from 1:30 pm to 10pm and/or the end of the meeting.

-- all direct messages sent or received from Twitter account of Council Member [Kalb, Taylor, Reid, Thao] during the March 1, 2022 Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, from 1:30 pm to 10pm and/or the end of the meeting.

On March 25 ,2022, the PEC received a mediation request from the Requestor stating that the individual council offices failed to respond to the public records requests. Subsequently, Staff initiated mediation.

The table below provides a status summary of the four public records requests by the Requestor:

NextRequest Number	NextRequest Status	Documents added after mediation notification	Additional Notes
22-1612	Overdue	Yes	
22-1613	Overdue	No	No response
22-1614	Overdue	Yes	
22-1615	Closed	Yes	

On December 19, 2024, Staff reached out to the Requestor to inquire if they were still interested in pursuing the mediation. Staff also informed them that if there was no response, the mediation would be closed. No response was received from the Requestor. A follow-up email was sent on January 27, 2025, but no response was received.

⁵ Complaint Procedures § IV (C)(5).

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IV. RECOMMENDATION

Responsive documents were provided for three of the four public records requests (PRR). Since the remaining PRR is three years old and the Requestor has not replied to Staff communications regarding whether they are still interested in pursuing the mediation, this mediation is closed with no further action.