

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Regular Commission Meeting
Hearing Room 2
Wednesday, January 29, 2025
6:30 p.m.



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; Tovah Ackerman, Enforcement Chief; Suzanne Doran, Program Manager; and Alex Van Buskirk, Lead Analyst for Compliance, Disclosure, and Engagement;

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 6:35 p.m.

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

Members absent: None.

Staff present: Nicolas Heidorn; Tovah Ackerman; Suzanne Doran; Alex Van Buskirk;

Legal Counsel: Christina Cameron.

2. Staff and Commission Announcements.

Chair Micik changed the order of the agenda by moving Item 8 (Election of Officers (Chair and Vice-Chair) of the Commission) to the last item on the agenda.

Public Comment: None.

3. Open Forum.

Public Comment: None.

ACTION ITEM

4. Approval of Commission Meeting Draft Minutes.



a. December 11, 2024, Special Meeting Minutes

Commissioner Bayeva pointed out that in the draft 12/11/2024 Meeting Minutes, under Item 4a, Commissioners Bayeva and Steele are listed as both voting “Aye” and abstaining on a motion.

The Commission took no action on this item.

Staff will return with corrected Draft Meeting Minutes at a subsequent meeting.

Public Comment: None.

INFORMATION ITEM

5. Disclosure and Engagement.

Lead Analyst for Compliance, Disclosure, and Engagement, Alex Van Buskirk, 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.

6. 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.

The PEC’s newly hired Enforcement Chief, Tovah Ackerman, introduced herself to the Commission.

Commissioner Gage requests that updates regarding execution of settlements and collection of penalties be included in future Enforcement Reports. Commissioner Tilak asked that staff, perhaps on a quarterly basis, report to the Commission on settlements and collections on penalties outstanding.



Public Comment: None.

7. 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.

Chair Micik recommended that staff ask for more than 1 additional enforcement staffer in the budget process to address the PEC's caseload needs.

Program Manager Suzanne Doran, spoke on the status of the Democracy Dollars project and what the PEC staff are currently working on regarding it.

Chair Micik suggested a potential revenue measure to fund Democracy Dollars is something the Commission should investigate and eventually put before voters.

Public Comment: David Shor, Gail Wallace.

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. Written public comments are posted on the meeting webpage, which may be found at www.oaklandca.gov/pec.

ACTION ITEMS

9. Appointment to PEC Vacancy.

Chair Micik explained that both applicants that were intended to be considered for appointment to the PEC vacancy at this meeting had to withdraw for personal reasons or did not meet the qualifications and requirements specified for the seat appointed by the Mayor.

The Commission, with input from Executive Director Heidorn, discussed options for moving forward.

Commissioners Micik, Upton, Gage, and Tilak asked Director Heidorn to contact the Mayor and see if he has any prospective candidates in mind or would like candidates



forwarded to him or would like for the PEC to use their contact lists to ask potential candidates to contact the Mayor.

Public Comment: None.

DISCUSSION ITEMS

10. Biennial Adjustment to Campaign Contribution Limits, Voluntary Spending Limits, and Maximum Democracy Dollars Proceeds.

The Commission is responsible for adjusting Oakland's Campaign Contribution and Spending Limits as well as maximum Democracy Dollars (DD) proceeds biennially according to the increase in the Consumer Price Index for the preceding two years, pursuant to the Oakland Campaign Reform Act and Oakland Fair Elections Act.

Program Manager Suzanne Doran presented, and Commissioners discussed, the adjusted contribution limits, spending limits, and DD proceeds for the 2025-2026 election cycle.

Public Comment: None.

Commissioner Tilak moved, seconded by Gage, to adopt the staff's recommendations to approve the adjusted contribution limits, spending limits, and DD proceeds for the 2025-2026 election cycle.

Ayes: Vice Chair Upton, Bayeva, Gage, Steele, Tilak, Chair Micik

Noes: None.

Vote: 6-0

Motion passed.

11. Adjustment of the PEC's Regular Meeting Notice Period.

Executive Director Heidorn presented on, and Commissioners discussed a proposal to recommend that the City Council amend the Municipal Code to reduce from 10 days to



7 days the notice period for the posting of the PEC's Regular Meeting agendas.

Public Comment: Gail Wallace.

Commissioner Gage moved, seconded by Upton, to endorse the staff proposal to shorten the notice period for the posting of the PEC's Regular Meeting agendas.

Ayes: Vice Chair Upton, Bayeva, Gage, Steele, Tilak, Chair Micik

Noes: None.

Vote: 6-0

Motion passed.

The Commission took a ten-minute recess at 8:28pm.

The Commission reconvened at 8:38pm.

12. Amendment to the PEC's Penalty Guidelines.

Executive Director Heidorn and Lead Analyst for Compliance, Disclosure, and Engagement Alex Van Buskirk presented on, and the Commission discussed, a proposal to amend the Commission's Penalty Guidelines to adjust the amount and process for determining streamline penalties for Form 700 late- and non-filers.

Public Comment: None.

Vice Chair Upton moved, seconded by Steele, to adopt the staff recommendations.

Ayes: Vice Chair Upton, Bayeva, Gage, Steele, Tilak, Micik

Noes: None.

Vote: 6-0



Motion passed.

INFORMATION/DISCUSSION ITEMS

13. PEC Commissioner Appointment Process.

The Commission is responsible for appointing 4 Commissioners to the Commission and, in some cases, may fill vacancies in Commission seats appointed by citywide elected officials. Continuing a discussion begun at its December 11, 2024, meeting, Vice Chair Upton IV presented on, and Commissioners discussed, the process for appointing commissioners to the PEC, including proposed changes to the PEC's Operations Policies to streamline the process for filling vacancies and to use of Ranked Choice Voting in the selection process when there are more than two candidates for appointment.

Staff, with assistance of Vice Chair Upton IV, will return to the Commission with proposed language amending the Operations Policies that implements his proposal.

Public Comment: None.

14. Reports on Subcommittees and Commissioner Assignments.

a. Charter Review Subcommittee.

Chair Micik reported the Subcommittee completed most of its work and issued its recommendations for amending the charter mid-year last year. The City Council took those recommendations and created a modified set of amendments that were put into Measure OO, which was approved by voters in November 2024. However, some of the recommendations suggested by the Subcommittee were not included in Measure OO, and the Subcommittee wished to memorialize them.

The Subcommittee issued a closing document that includes those recommendations and also descriptions and lessons learned from the process of forwarding such a proposal to City Council and eventually ballots. To memorialize this work, Chair Micik requested that staff post on the Subcommittee's closure document to its website.

Vice Chair Upton noted that the procedures for how Subcommittees work may not be recorded. The PEC started doing Termination Statements for ending Subcommittees that



have proven to be useful. He suggested creating guidelines on how to run and formal guidance on Subcommittees, including possibly creating a Subcommittee to discuss how to structure and run Subcommittees.

Chair Micik created the Revenue Options Ad Hoc Subcommittee and appointed Vice Chair Upton as chair, and Micik and Gage as members.

Chair Micik created the Democracy Dollars Engagement Ad Hoc Subcommittee and appointed Commissioner Tilak as chair, and Bayeva and Gage as members.
Public Comment: None.

INFORMATION ITEM

15. Future Meeting Business.

Commissioners did not have any future meeting business to discuss.

Public Comment: None.

ACTION ITEM

8. Election of Officers (Chair and Vice-Chair) of the Commission.

Commissioner Tilak nominated Vice Chair Upton to serve as Chair of the PEC.
Commissioner Upton accepted the nomination.

Commissioner Bayeva nominated Chair Micik to serve an additional term as Chair.
Commissioner Micik declined the nomination.

Commissioner Tilak moved, seconded by Micik, to nominate Commissioner Upton as Chair of the PEC.

Public Comment: None.

Ayes: Vice Chair Upton, Bayeva, Gage, Steele, Tilak, Chair Micik

Noes: None.

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Vote: 6-0

Motion passed.

Vice Chair Upton nominated Commissioner Tilak to serve as Vice Chair of the PEC.
Commissioner Tilak declined the nomination.

Commissioner Steele nominated Commissioner Gage to serve as Vice Chair of the PEC.
Commissioner Gage declined the nomination.

Vice Chair Upton nominated Commissioner Bayeva as Vice Chair of the PEC.
Commissioner Bayeva accepted the nomination.

Vice Chair Upton moved, seconded by Micik, to nominate Commissioner Bayeva as
Vice Chair of the PEC.

Public Comment: None.

Ayes: Vice Chair Upton, Bayeva, Gage, Steele, Tilak, Chair Micik

Noes: None.

Vote: 6-0

Motion passed.

Commissioner Gage and Director Heidorn expressed their appreciation for the work
of Commissioner Micik as Chair for the past two years.

The meeting adjourned at 9:38 p.m.