

CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
One Frank Ogawa Plaza (City Hall)  
Regular Commission Meeting  
Teleconference  
Wednesday November 9, 2022  
6:30 p.m.



Commissioners: Arvon Perteet (Chair), Ryan Micik (Vice-Chair), Charlotte Hill, Joseph Tuman and Francis Upton IV.

Commission Staff to attend: Kellie Johnson, Executive Director; Suzanne Doran, Lead Analyst; Ana Lara-Franco, Commission Assistant; Simon Russell, Acting Enforcement Chief/Investigator

City Attorney Staff: Trish Shafie, Deputy City Attorney

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

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

The meeting was held via teleconference.

The meeting was called to order at 6:35 p.m.

Members present: Perteet, Micik, Hill and Tuman. Upton IV was absent.

Staff present: Suzanne Doran, Ana Lara-Franco, and Simon Russell.

City Attorney Staff: Tricia Shafie

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

There were no announcements.

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

There were no public speakers

## **PRELIMINARY ACTION ITEMS**

### **4. Virtual meetings by the Public Ethics Commission.**

The Commission reviewed and took possible action to renew Resolution 22-01, approved at the January 12, 2022, Regular meeting, establishing certain determinations to justify the ongoing need for virtual meetings following the California State Legislature's adoption and Governor's approval of AB 361 on September 16, 2021 (Chapter 165; Statutes of 2021).

There were no public speakers.

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Micik moved, and Hill seconded to approve the renewal of RESOLUTION NO. 22-01.

Ayes: Perteet, Hill, Micik, Tuman.

Noes: None

Absent: Upton IV

Vote: Passed 4-0

### **ACTION ITEMS**

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

a. October 12, 2022, Regular Meeting Minutes.

There were no public speakers.

Hill moved, and Tuman seconded to approve the October 12, 2022 Regular Meeting Minutes

Ayes: Perteet, Hill, Micik, Tuman.

Noes: None

Absent: Upton IV

Vote: Passed 4-0

#### **6. Public Ethics Commission Regular Meeting Schedule 2023.**

The Commission reviewed a proposed schedule of regular Commission meetings in 2023.

There were no public speakers.

Tuman moved, and Micik seconded to approve the meeting schedule for 2023.

Ayes: Perteet, Micik, Hill, Tuman.

Noes: None

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Absent: Upton IV

Vote: Passed 4-0

**7. The City of Oakland Clerk's Office Request for Reconsideration of the Public Ethics Commission's (PEC) Recommendation to Transfer Statement of Economic Interest Forms (Form 700s) Filing Duties From the City Clerk to the PEC.**

Oakland City Clerk, Asha Reed shared the memo provided in the agenda to Commissioners and requested that the PEC reconsider its recommendation to transfer the Form 700 filing duties.

Commissioners reviewed, discussed, and considered the Clerk's reconsideration request to transfer the filing duties or change its recommendation and support the Clerk's Office request to maintain filing duties over Form 700s.

There were no public speakers.

Perteet suggested that they take a straw poll to leave it with the City Clerk and do a report card at a later time and then revisit how to move forward at that time.

Ayes: Perteet, Tuman

Noes: Micik, Hill

Motion would not pass.

Tonya Gilmore, staff from the City Administrator's Office, shared that the Public Ethics would have to submit their recommendation by Thursday November 17, 2022.

First motion: Perteet moved, and Hill seconded to have the recommendation stand as written.

Ayes: Micik, Hill, Tuman.

Noes: Perteet

Absent: Upton IV

Vote: Failed 3-1

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Second motion: Tuman moved to adopt the language from the City Clerk’s request for reconsideration of the Public Ethics recommendation to transfer Form 700 filing duties from the City Clerk to the Public Ethics. There was no second, motion failed.

Third motion: Micik moved, and Hill seconded to affirm the recommendation to agree with the Grand Jury Report to transfer Form 700 filing duties from the City Clerk to the Public Ethics.

Ayes: Perteet, Micik, Hill, Tuman.

Noes: None

Absent: Upton IV

Vote: Passed 4-0

## **DISCUSSION ITEMS**

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

- a. **Outreach Subcommittee** (*ad hoc*, created on June 8, 2022) – Francis Upton IV (Chair), and Charlotte Hill.

There were no updates.

- b. **Recruitment Subcommittee** (*ad hoc*, created on October 12, 2022) – Ryan Micik (Chair), Charlotte Hill, Francis Upton IV.

8 applications were received, and the ad hoc subcommittee invited 7 for the initial interview. Interviews will be held the week of November 14, 2022.

Perteet shared that he would like to create an *ad hoc* subcommittee for Measure W. Perteet decided to hold off and revisit this in December.

There was one public speaker.

### **9. Election Results**

Suzanne Doran, Acting Director, shared that the tallies were not final.

There was one public speaker.

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**10. Administrative Hearing Training Review**

Commissioners shared that the training was great, short, and simple. Commissioners asked questions on what processes are included to decide who the hearing officer will be or if the case is referred to an administrative law judge.

There was one public speaker.

**11. Transparency and Public Records Requests Improving Responsiveness**

Upton had requested for this item to be placed on agenda.

There was one public speaker.

**INFORMATION ITEMS**

**12. Disclosure and Engagement.**

Acting Director Doran provided an overview of education, outreach, disclosure, and data illumination activities for this past month.

Micik shared he had assisted outreach event and asked if there were any other events scheduled.

There were no public speakers.

**13. Enforcement Program.**

Simon Russell, Acting Enforcement Chief/Investigator, provided a monthly update on the Commission's enforcement work since the last regular Commission meeting.

There were no public speakers.

**14. Executive Director's Report.**

Acting Director Doran reported on overall projects, priorities, and significant activities since the Commission's last meeting.

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Acting Director Doran shared that the Administrative Analyst I position has been filled and the Enforcement Chief position is close to a hire.

Perteet shared that the video for the administrative hearing training video is included in the Director's report.

There were no public speakers.

**15. Future Meeting Business.**

Perteet shared that the subcommittee for Measure W will be revisited.

Perteet would also like to continue to have at the request of Upton to continue to have the record requests as a discussion item.

There were no public speakers.

The meeting adjourned at 9:03 p.m.