



In-Person Meetings: Effective March 1, 2023, all City of Oakland boards and commissions will conduct in-person meetings. Please check www.oaklandca.gov for the latest news and important information about the City's [return to in-person meetings](#).

Public Comment: A member of the public may speak on any item appearing on the agenda. All speakers will be allotted a maximum of three minutes unless the Chair allocates additional time.

Members of the public may also submit written comments in advance of the meeting to EthicsPublicComment@oaklandca.gov. Please indicate the agenda item # you are commenting on in the subject line of the email.

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

Commission Staff to attend: Nicolas Heidorn, Executive Director; Suzanne Doran, Program Manager; Simon Russell, Enforcement Chief; and Alex Van Buskirk, Ethics Analyst.

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

PUBLIC ETHICS COMMISSION REGULAR MEETING AGENDA

PRELIMINARY ITEMS

1. **Roll Call and Determination of Quorum.**
2. **Staff and Commission Announcements.**
3. **Open Forum.**
 - Please state your name each time you make public comment if you wish it to be included in the meeting minutes.
 - The Commission urges members of the public not to make complaints or ask the Commission to investigate alleged legal violations at public meetings since public disclosure of such complaints or requests may undermine any subsequent investigation undertaken. Contact staff at ethicscommission@oaklandca.gov for assistance filing a complaint.

ACTION ITEM

4. **Approval of Commission Meeting Draft Minutes.**
 - a. September 16, 2024, Special Meeting Minutes. ([Meeting Minutes](#))



INFORMATION ITEM

5. **Planning And Building Department Records Presentation.** Assistant Director Albert Merid of the Oakland Planning and Building Department will provide information on the Department’s process, successes, and challenges in responding to public records requests, and answer questions from the Commission. ([PEC Letter to PBD; PBD Response](#))

ACTION ITEMS

6. **Selection of a New PEC Commissioner.** The Commission received 10 applications to serve as a PEC-appointed member of the Commission for a partial term lasting from the date of appointment through January 21, 2025, and the subsequent, full three-year term for the same seat, beginning January 22, 2025. In September, the Ad-Hoc Commissioner Recruitment and Selection of Finalists for Interviews Subcommittee reviewed these applications, interviewed 6 applicants (1 invited applicant withdrew), and selected 2 finalists to appear for a public interview before the full Commission and possible selection as a Commissioner for both the partial and full term: Tanya Bayeva and Daniel Adler.
 - a. Tanya Bayeva ([Application; CV](#))
 - b. Daniel Adler ([Application; CV](#))

Prior to selection, each finalist will have four minutes to introduce themselves and answer the following questions:

1. Why do you want to serve on the Public Ethics Commission?
2. What skills and experience do you bring?
3. What issues, projects, or goals would you like to pursue as a Commissioner?
4. What else would you like the Commission to know?

Following the finalists’ introductions, Commissioners may ask additional questions of the applicants, deliberate, and select one applicant for appointment to fill the partial term and one applicant to fill the full term:

A. Partial Term. The Commission, by a vote of at least four Commissioners, may select one applicant as a new Commissioner to fill the vacant partial term, effective upon their swearing in and ending on January 21, 2025.

B. Full Term. The Commission, by a vote of at least four Commissioners, may select one applicant as a new Commissioner to fill the vacant full term starting on January 22, 2025.



INFORMATION ITEMS

7. **Democracy Dollars Implementation.** Commission staff provides a summary of options staff is evaluating for a scaled-down pilot in the event funds are not allocated for a full program launch in 2026 for Commission review and discussion. ([Democracy Dollars Report](#))
8. **Disclosure and Engagement.** Commission staff provides a summary of compliance with disclosure requirements, education and advice, general outreach, and data illumination activities since the last regular Commission meeting. ([Disclosure Report](#))
9. **Enforcement Program.** Enforcement Chief Simon Russell provides a summary of the Commission's enforcement process, caseload, enforcement-related litigation, and case closures or dismissals. ([Enforcement Report](#))
10. **Executive Director's Report.** Executive Director Nicolas Heidorn reports on overall priorities and PEC activities, such as budget, staffing, and PEC legislative and policy initiatives not covered in other staff reports. ([Executive Director's Report; Matrix; 603\(h\) Letter](#))

DISCUSSION ITEMS

11. **Reports on Subcommittees and Commissioner Assignments.** Commissioners may discuss subcommittee assignments, create a new subcommittee, or report on work done in subcommittees since the Commission's last regular meeting. Commissioners may also discuss assignments, efforts, and initiatives they undertake to support the Commission's work.
 - a. **Commissioner Recruitment and Selection of Finalists for Interviews Subcommittee.** (ad hoc, created July 10, 2024) – Ryan Micik (Chair), Alea Gage, and Karun Tilak.
 - b. **Charter Review Subcommittee** (ad hoc, created December 13, 2023) - Ryan Micik (Chair) and Karun Tilak.

INFORMATION ITEM

12. **Future Meeting Business.** Commissioners and staff may propose topics for action or discussion at future Commission meetings.

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Regular Commission Meeting
Hearing Room 1
Wednesday, October 9, 2024
6:30 p.m.



The meeting will adjourn upon the completion of the Commission’s business.

The following options for public viewing are available:

- **Television:** KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99, locate City of Oakland KTOP – Channel 10
- **Livestream online:** Go to the City of Oakland’s KTOP livestream page here: <https://www.oaklandca.gov/services/ktop-tv10-program-schedule> click on “View”
- **Online video teleconference (via ZOOM):** Click on the link to join the webinar: <https://uso2web.zoom.us/j/89169308829>. Please note: the Zoom link and access number are to view/listen to the meetings only. Public comment via Zoom is not supported at this time.
- **Telephone:** Dial (for higher quality, dial a number based on your current location): US: +1 669 900 6833 or +1 669 444 9171 or +1 719 359 4580 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 931 3860 or +1 689 278 1000 or +1 929 205 6099 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 Webinar ID: 891 6930 8829
- **International numbers available:** <https://uso2web.zoom.us/j/kc69Y2Mnzf>

Should you have questions or concerns regarding this agenda, or wish to review any agenda-related materials, please contact the Public Ethics Commission at ethicscommission@oaklandca.gov or visit our webpage at www.oaklandca.gov/pec.

Nicolas Heidorn

9/27/24

Approved for Distribution

Date

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Regular Commission Meeting
Hearing Room 1
Wednesday, October 9, 2024
6:30 p.m.



This meeting location is wheelchair accessible. Do you need an ASL, Cantonese, Mandarin or Spanish interpreter or other assistance to participate? Please email ethicscommission@oaklandca.gov or call (510) 238-3593 Or 711 (for Relay Service) five business days in advance.

¿Necesita un intérprete en español, cantonés o mandarín, u otra ayuda para participar? Por favor envíe un correo electrónico a ethicscommission@oaklandca.gov o llame al (510) 238-3593 al 711 para servicio de retransmisión (Relay service) por lo menos cinco días antes de la reunión. Gracias.

你需要手語, 西班牙語, 粵語或國語翻譯服務嗎? 請在會議五天前電

郵 ethicscommission@oaklandca.gov or 或致電 (510) 238-3593 或711 (電話傳達服務)。

Quý vị cần một thông dịch viên Ngôn ngữ Ký hiệu Mỹ (American Sign Language, ASL), tiếng Quảng Đông, tiếng Quan Thoại hay tiếng Tây Ban Nha hoặc bất kỳ sự hỗ trợ nào khác để tham gia hay không? Xin vui lòng gửi email đến địa chỉ ethicscommission@oaklandca.gov or hoặc gọi đến số (510) 238-3593 hoặc 711 (với Dịch vụ Tiếp âm) trước đó năm ngày.



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

Commission Staff to attend: Nicolas Heidorn, Executive Director; Simon Russell, Enforcement Chief.

Legal Counsel: Farrah Hussein, Deputy City Attorney

PUBLIC ETHICS COMMISSION SPECIAL 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, Tilak, Gage, and Steele.

Staff present: Nicolas Heidorn; Simon Russell.

Legal Counsel: Farrah Hussein.

2. Staff and Commission Announcements.

There were no announcements.

Public Comment: None.

3. Open Forum.

Public Comment: Scott Law, Gene Hazzard, Assata Olugbala, Ralph Kanz.

Written public comment from Oakland Rising, Bay Rising, Asian Law Caucus, California Common Cause, Marleen L. Sacks, Sandy McCabe, Scott Law, Ralph Kanz, Caleb Smith, and Jessica Gray was received prior to the meeting.

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 ITEM



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4. Approval of Commission Meeting Draft Minutes.

a. July 10, 2024, Regular Meeting Minutes.

Tilak moved, seconded by Vice Chair Upton, to approve the July 10, 2024 Public Ethics Commission Regular Meeting Minutes.

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

Noes: None.

Vote: 5-0

Motion passed.

b. August 14, 2024, Special Meeting Minutes.

Vice Chair Upton moved, seconded by Chair Micik, to approve the August 14, 2024 Public Ethics Commission Special Meeting Minutes.

Ayes: Upton IV, Gage, Steele, Micik.

Noes: None.

Abstain: Tilak.

Vote: 4-0

Motion passed.

ACTION ITEMS

5. Proposal to Increase Contribution Limits.

Pursuant to Charter Section 603(h), Executive Director Heidorn presented on, and Commissioners discussed, a proposal by Councilmember Ramachandran and Councilmember Jenkins to temporarily raise campaign contribution limits for City and OUSD elections. Councilmembers Ramachandran and Jenkins spoke regarding the proposal.

Public Comment: Gene Hazzard, Gale Wallace, Tiffany Lassado, Assata Olugbala, Ralph



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Kanz.

Steele moved to support the Councilmembers' proposal to increase contribution limits. There was no second.

Tilak moved, seconded by Steele, to support the Councilmembers' proposal with an amendment to add an expenditure limit requirement for the 2026 election cycle. Gage suggested an amendment to ask the Councilmembers consider an evaluation after the election to see the effects of the proposal.

In order to incorporate amendments, no vote was taken.

Tilak moved, seconded by Steele, to support the Councilmembers' proposal with an amendment to add an expenditure limit requirement for the 2026 election cycle and with a request that Councilmembers evaluate data prepared by Commission staff on the impact of the higher contribution limits in the 2024 election cycle.

Ayes: Gage, Steele, Tilak.

Noes: Upton IV, Micik.

Vote: 3-2

Motion failed.

Vice Chair Upton moved, seconded by Gage, for a letter to be created by staff and sent to the City Council stating they share the concerns of Councilmembers Ramachandran and Jenkins; they appreciate the importance of being able to have enough money to run a campaign and get a message out; they have certain concerns around timing, and the Commissioners would want to have expenditure limits implemented in the 2026 election cycle if the proposal was implemented. In addition, the letter should include a noted desire of the Commissioners that this type of resolution for 2026 would come back in early 2025 and that evaluation and data should be collected following the 2024 election cycle.

Ayes: Upton IV, Gage, Micik.



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Noes: None.

Abstain: Steele, Tilak.

Vote: 3-0

Motion failed.

Chair Micik moved, seconded by Tilak, to convey a letter to City Council outlining the points summarized by the Executive Director with the modification the Commissioners are not prescribing any particular solution to the issue of a potential difference of contribution limits in 2026, but they're flagging the issue as something the PEC would like to work with City Council on. Steele suggested an amendment to include the previous vote's outcome in the letter.

In order to incorporate amendments, no vote was taken.

Chair Micik moved, seconded by Tilak, to convey a letter to City Council containing the following points:

- Commissioners share the Councilmembers' concerns about candidates having enough money to get their message out.
- Commissioners want candidates to have to agree to expenditure limits in the 2026 election cycle to get the higher contribution limits.
- There is discouragement for doing a reimbursement-based solution, but Commissioners would still like to study how to handle differences in distributions between 2025 and 2026.
- Commissioners and the PEC will continue to look into this matter.
- There are concerns regarding the timing of implementing the proposal for 2024.
- The vote regarding accepting the proposal failed 3-2.

Public Comment: Gene Hazzard.

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

Noes: None.



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Vote: 5-0

Motion passed.

INFORMATION ITEMS

6. Disclosure and Engagement.

Executive Director Heidorn provided, and Commissioners discussed, a summary of compliance with disclosure requirements, education and advice, general outreach, and data illumination activities since the last regular Commission meeting.

Public Comment: None.

7. Democracy Dollars Implementation.

Executive Director Heidorn provided, and Commissioners discussed, a summary of significant developments in the implementation of the Democracy Dollars Public Financing Program, which will be used in the 2026 election.

Public Comment: Assata Olugbala, Gene Hazzard.

8. Enforcement Program.

Enforcement Chief Simon Russell provided, and Commissioners discussed, a summary of the Commission's enforcement process, caseload, enforcement-related litigation, and case closures or dismissals.

Public Comment: Assata Olugbala, Gene Hazzard, Ralph Kanz.

9. Executive Director's Report.

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



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Public Comment: Gene Hazzard, Assata Olugbala.

A recess was taken at 9:05.

The meeting was reconvened at 9:15pm.

ACTION ITEMS

Executive Director Heidorn is recused on the following items and left the room at this time.

10. Proposed Settlement Agreement: In the Matter of Oaklanders For Responsible Leadership, et al. (PEC # 22-09).

In 2022, the PEC opened an investigation into allegations that a campaign committee called “Oaklanders For Responsible Leadership” had been a candidate-controlled committee and failed to comply with all of the necessary laws concerning candidate-controlled committees, including the contribution limit and the prohibition on receiving contributions from City contractors at certain times; as well as allegations that this and another committee called “OAKPAC, Oakland Metropolitan Chamber of Commerce” failed to accurately report intermediary contributions. Respondents have agreed to settle this matter. Enforcement Chief Simon Russell presented on, and Commissioners discussed, the proposed settlement agreement. Gary Winuk, attorney for Libby Schaaf, and Jim Sutton, attorney for Doug Linney, spoke regarding the settlement agreement.

Public Comment: Marleen Sacks, Gene Hazzard, Jorge Lerma, Caleb Smith, Jaharah, Tiffany Lassado, Unidentified Speaker, Michael Wang, Assata Olugbala, Ralph Kanz.

Steele moved, seconded by Tilak, to direct Enforcement Chief Russell to draft a settlement agreement that sets out financially what each individual would be responsible for.

Ayes: Steele, Tilak.

Noes: Upton, Gage, Micik.

Vote: 2-3



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Motion failed.

Chair Micik moved, seconded by Vice Chair Upton, to accept the settlement agreement as originally proposed.

Ayes: Upton IV, Gage, Micik.

Noes: Steele, Tilak.

Votes: 3-2

Due to procedural issues, this vote failed.

The Commission returned to this item after clarifying the procedural process for enforcement actions.

Public Comment: Ralph Kanz, Nick Sanders.

Chair Micik moved, seconded by Vice Chair Upton, to approve the settlement agreement.

Ayes: Upton IV, Gage, Micik.

Noes: Steele, Tilak.

Votes: 3-2

Motion failed.

Tilak moved, seconded by Steele, to provide direction to staff to return with a settlement that specifies how much each respondent is responsible for within the penalties assessed.

Ayes: Upton IV, Steele, Tilak.



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Noes: Gage, Micik.

Votes 3-2

Motion passed.

11. Proposed Settlement Agreement: In the Matter of Committee For An Affordable East Bay, et al. (PEC # 20-41.1).

On February 22, 2021, the PEC opened an investigation into allegations that a campaign committee called “Committee For An Affordable East Bay” had been a candidate-controlled committee and failed to comply with all of the necessary laws concerning candidate-controlled committees, including the contribution limit and the prohibition on receiving contributions from City contractors at certain times; as well as allegations that it coordinated an expenditure with another candidate-controlled committee, “Derreck Johnson For City Council 2020,” using polling data contributed to the latter from the Oakland Police Officers Association without proper disclosure. Respondents have agreed to settle this matter with or without admitting to liability on certain counts. Enforcement Chief Simon Russell presented on, and Commissioners discussed, the proposed settlement agreement. Gary Winuk, attorney for Libby Schaaf, spoke regarding the settlement agreement.

Public Comment: Ralph Kanz.

Vice Chair Upton moved, seconded by Chair Micik, to approve the settlement agreement.

Ayes: Upton IV, Gage, Micik.

Noes: Steele, Tilak.

Votes: 3-2

Motion failed.

Tilak moved, seconded by Steele, to provide direction to the Enforcement Chief to return with a settlement agreement that specifies the amount individual respondents



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will pay as penalties.

Ayes: Upton IV, Steele, Tilak.

Noes: Gage, Micik.

Votes: 3-2

Motion passed.

12. Proposed Settlement Agreement: In the Matter of William Witte (PEC # 20-41.3).

On February 22, 2021, the PEC opened an investigation into allegations that a campaign committee called “The Committee For An Affordable East Bay” had been a candidate-controlled committee and failed to comply with all of the necessary laws concerning candidate-controlled committees, including the prohibition on receiving contributions from City contractors at certain times. Respondent was a City contractor who made a contribution to The Committee For An Affordable East Bay. Respondent has agreed to settle this matter with regard to his own alleged actions, without admitting liability. Enforcement Chief Simon Russell presented on, and Commissioners discussed, the proposed settlement agreement.

Vice Chair Upton moved, seconded by Tilak, to approve the proposed settlement agreement.

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

Noes: None.

Votes: 5-0

Motion passed.

Public Comment: None.

**13. Proposed Settlement Agreement: In Matter of Oakland Fund For Measure AA, et al.
10-9-2024 PEC Regular Meeting Packet - 14**



DRAFT

(PEC # 19-01.1).

On April 2, 2020, the PEC opened an investigation into allegations that a ballot measure committee called “The Oakland Fund For Measure AA” had been a candidate-controlled committee and failed to comply with all of the necessary laws concerning candidate-controlled ballot measure committees, including the prohibition on receiving contributions from City contractors at certain times. Respondents have agreed to settle this matter without admitting liability. Enforcement Chief Simon Russell presented on, and Commissioners discussed, the proposed settlement agreement.

Gary Winuk, attorney for Libby Schaaf, spoke withdrawing the settlement agreement.

Due to the settlement agreement being withdrawn, no motion or direction was given.

Public Comment: None

14. Proposed Settlement Agreement: In the Matter of Julian Orton (PEC # 19-18).

On April 2, 2020, the PEC opened an investigation into allegations that a ballot measure committee called “The Oakland Fund For Measure AA” had been a candidate-controlled committee and failed to comply with all of the necessary laws concerning candidate-controlled ballot measure committees, including the prohibition on receiving contributions from City contractors at certain times. Respondent, a City contractor who made a contribution to the committee, has agreed to settle this matter with regard to his own alleged actions, without admitting liability. Enforcement Chief Simon Russell presented on, and Commissioners discussed, the proposed settlement agreement.

Public Comment: None.

Tilak moved, seconded by Steele, to approve the settlement agreement.

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

Noes: None.

Vote: 5-0.



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Motion passed.

DISCUSSION ITEMS

15. Reports on Subcommittees and Commissioner Assignments.

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

Chair Micik shared the Subcommittee met, reviewed the resumes of 10 candidates, and narrowed the list to 6 candidates to be interviewed. Candidates will be interviewed the week of the 16th to narrow down the list to those that will be invited to the October 9th, 2024 PEC Regular Meeting. The plan is to interview two or three candidates at that meeting.

Executive Director Heidorn returned to the chamber at 12:18.

b. Charter Review Subcommittee.

Chair Micik shared the Subcommittee met to discuss the closing documentation for the Subcommittee that will serve as a roadmap for future actions of the PEC to revise the charter.

The former Outreach Subcommittee sunset previously, and a new Subcommittee will be formed. Chair Micik plans to create a Democracy Dollars specific Outreach Subcommittee. In order to give Commissioners time to decide whether to serve on that Subcommittee, it will not be created today.

Public Comment: None.

Chair Micik moved, seconded by Vice Chair Upton, to reopen Agenda Item 5.

After discussion, Chair Micik withdrew the motion.

INFORMATION ITEM

16. Future Meeting Business.

There was no additional business brought up for future meetings by the Commission.

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Special Commission Meeting
Hearing Room 2
Monday, September 16, 2024
6:30 p.m.

Item 4 - 09/16/2024 Draft Meeting Minutes



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Public Comment: None.

The meeting adjourned at 12:26 a.m.

Item 5 - Planning And Building Department Records

CITY OF OAKLAND

ONE FRANK H. OGAWA PLAZA 10 CITY HALL 10 Suite #104 10 OAKLAND 10 CA 94612

Public Ethics Commission

(510) 238-3593

(510) 238-3315 Fax

(510) 238-325 TDD



July 10, 2024

William Gilchrist
Director
Oakland Planning and Building Department
150 Frank H. Ogawa Plaza,
Oakland, CA 94612

RE: Requested appearance at the Public Ethics Commission's September 11, 2024 meeting regarding public records requests made to the Oakland Planning and Building Department

Dear Director Gilchrist:

On behalf of the Public Ethics Commission (PEC or Commission), we would like to invite you or a designee from the Oakland Planning and Building Department (OPB) to present at the Commission's September 11, 2024, meeting to provide information on the Department's process, successes, and challenges in responding to public records requests. The Commission will meet on September 11, 2024, at 6:30 p.m. in Hearing Room 1 at City Hall.

As you likely know, the Public Ethics Commission oversees compliance with the Oakland Sunshine Ordinance and its state equivalent, the California Public Records Act. The Sunshine Ordinance, as a supplement to state law, also authorizes the PEC to mediate between requesters seeking public records and City employees responding to their requests. In addition, under the City Charter, the PEC is required to periodically study the laws within its purview to make administrative or policy change recommendations to the City Council (City Charter Section 603(b)(2) & (7)).

As part of this responsibility, the Commission is currently engaged in a study of the City's process for responding to records requests. In 2024, the Commission set a goal of inviting the three departments with the largest volume of records requests to present before the Commission on their process. We heard presentations from the Oakland Police Department in January and from the Oakland Fire Department in April.

As one of the other departments with the highest volume of requests, we would love to learn more about OPB's experiences. Our goals are to learn more about OPB's capacity and challenges, discover any commonalities between City departments, and recommend changes to improve performance and capacity with regard to public records requests. We hope to partner with you to help identify any resources you need to address challenges and potentially find efficiencies that could be implemented to benefit OPB and the public.

To this end, the Commission would appreciate hearing from you regarding the following questions:

Item 5 - Planning And Building Department Records

1. How many records requests are submitted to your department each week/month/year?
2. What percentage of requests receive a response within 10 days providing a determination of whether there are responsive records?
3. Does the department categorize the requests that are received for data and reporting purposes? If so, please list the categories your department uses and the number of requests received for each category. Are any of these categories easier or harder to respond to?
4. What is the department's existing process for responding to public records requests? How do requests typically come to your department and who handles the initial contact, ongoing communications and response to the requester?
5. What are the biggest challenges your department faces in responding to records requests?
6. Do you have any staff dedicated to responding to records requests? How many vacancies exist among total funded positions that respond to records requests? Are your total funded positions adequate to respond to records requests? If not, what positions and how many would be sufficient?
7. Does your agency provide, or have you considered providing, a self-service means of handling routine requests, i.e. having some portion of the website where a request can be made and fulfilled without human intervention?
8. What process or technology changes, if any, have you made to improve response to records requests, including but not limited to self-service access to records?
9. What training and support do you provide to employees with responsibilities in the department's records retention and public records response process? How is the performance of these employees measured with regard to public records retention and response? (Please note we are only requesting to know how performance is measured in general, and not any particular employee's performance.)
10. What is the Department's experience using the NextRequest platform to manage and respond to public records requests? Is it working? How can it be improved?
11. What additional information would you like to share with the Commission on this issue?

Thank you in advance for your cooperation with the Commission's review pursuant to its authority under the City Charter. Could you please confirm by July 29 whether you or a Department designee (and if so who) will attend the PEC's September 11 meeting? To facilitate discussion, it would be helpful if OPB could provide written responses to the questions above by August 23, 2024, so that they may be included with the agenda for the September meeting.

Please feel free to reach out if you would like to discuss these questions, or the context for the Commission's inquiry. You may contact me directly at (510) 604-1002 or nheidorn@oaklandca.gov.

Sincerely,

/s/ *Nicolas Heidorn*

Nicolas Heidorn
Executive Director
Oakland Public Ethics Commission

Item 5 - Planning And Building Department Records

1. How many records requests are submitted to your department each week/month/year?

In 2021 we received 2712 requests. In 2022 we received 2352 requests. In 2023 we received 2265 requests. In 2024, as of September 20th, we have received 1910 requests.

2. What percentage of requests receive a response within 10 days providing a determination of whether there are responsive records?

All of our requests receive a response within 10 days. 45% of our requests are completed within 10 days, 84% of our requests are completed within 20 days, and 93% of our requests are completed within 30 days. The average number of days it takes us to complete a request is 14 days.

3. Does the department categorize the requests that are received for data and reporting purposes? If so, please list the categories your department uses, and the number of requests received for each category. Are any of these categories easier or harder to respond to?

We do not categorize by type of request for reporting purposes. Internally within the Records Team, we assign to staff based on whether the requester is asking for building plans. Building plan requests are more time consuming because we first must retrieve the plans from offsite storage. In addition, state law grants copyright protection to the Architect or Engineer who created the plans, and we are required to obtain certain signed authorizations to allow duplication of the plans.

4. What is the department's existing process for responding to public records requests? How do requests typically come to your department and who handles the initial contact, ongoing communications, and response to the requester?

Requests are handled within the NextRequest portal. We occasionally receive requests via email, and we ask the requester to submit it in NextRequest. Review staff in the Records Team are assigned to review requests daily, determine if the request is for records our department handles, and, if so, assign to a team member for research. If the request is for information handled by a different department, we reassign within NextRequest. If the request is for information from a different public agency (County, State, etc.), we provide the agency name and, if known, a link to their website.

For requests that do not involve building plans, once assigned staff complete their research, then review staff will check to ensure that documents respond to the request and have been redacted (wherever necessary) after which they will be posted to NextRequest, and the request will be closed. If the request includes building plans, then the initial document retrieval will be uploaded to NextRequest, and a message will be posted that plan information will be provided separately.

5. What are the biggest challenges your department faces in responding to records requests?

Providing email communications requests is a challenge for us. Although the new EDDR request portal that IT has provided makes submission of the requests easier, it can take up to a month or more to receive the information.

Item 5 - Planning And Building Department Records

6. Do you have any staff dedicated to responding to records requests? How many vacancies exist among total funded positions that respond to records requests? Are your total funded positions adequate to respond to records requests? If not, what positions and how many would be sufficient?

We currently have a Records Team that consists of nine (9) staff members: one Admin Analyst II, two Senior PSRs, five PSRs and one Office Assistant II.

Current vacancies are: One Admin Analyst II, and one Office Assistant II.

7. Does your agency provide, or have you considered providing, a self-service means of handling routine requests, i.e. having some portion of the website where a request can be made and fulfilled without human intervention?

We have an online permit portal where requesters can see information from the Accela database (approximately 1987 to the present). There is also an online database of microfiche that is accessible by the public. The microfiche records cover approximately 1904-1993.

Due to the legal requirements to redact certain information from records and protect the copyright of building plans, it would not be possible for our department to offer an entirely self-service system of records requests.

8. What process or technology changes, if any, have you made to improve response to records requests, including but not limited to self-service access to records?

Our online search and public-facing microfiche database have made more information readily available to the public.

Internally, over the last two years we have been working within the OneDrive system to create logs and tracking systems so that we can better track our responses to requests and ensure compliance with state and local laws and our department's KPIs.

9. What training and support do you provide to employees with responsibilities in the department's records retention and public records response process? How is the performance of these employees measured with regard to public records retention and response? (Please note we are only requesting to know how performance is measured in general, and not any particular employee's performance.)

We provide initial and on-going training and support to Records Team staff. When staff start working in the team, senior staff meet one-on-one to explain the core responsibilities of the team, we provide thorough explanations of the state and local laws that govern our work, and we have them shadow longer-term staff to learn the different tasks we perform. In addition, we conduct bi-weekly team staff meetings to go over new information, ask for input from staff for ways we can improve our work, and ask for anything staff feels they need in the way of skills training and information.

We track the number of PIR and subpoenas that are assigned to each team member.

Item 5 - Planning And Building Department Records

10. What is the Department's experience using the NextRequest platform to manage and respond to public records requests? Is it working? How can it be improved?

All our requests are handled within the NextRequest portal. The consensus within the team is that it works well. We would like to request a couple of minor additions to the pre-set responses if able.

11. What additional information would you like to share with the Commission on this issue?

We are dedicated to providing accurate records in the quickest amount of time. We have made a number of operational and digital improvements to help us meet these goals.

We are excited to take part in the City's efforts to digitize all of our records. We strongly believe digitizing our records will increase both the efficiency and the quality of our work.

PEC Commissioner Application

Submitted on 8 September 2024, 10:21PM
Receipt number 38
Related form version 2

Contact Information

First Name Tatiana

Last Name Bayeva

Street Address

Street Address Line 2

City Oakland

State California

Zip Code 94618

Phone

Evening Phone

Email

Vacancy Term

Which vacancy are you applying for (check all that apply)?

Partial Term (ends January 21, 2025)

Full Term (begins January 22, 2025 and ends on January 21, 2028)

Please answer the following questions

Are you an Oakland resident

Yes

Years of residency in Oakland

1-5 years

Your City Council District

District 4

List any City of Oakland Boards or Commissions (including this Commission) on which you currently or have previously served:

N/A

Item 06A - Tanya Bayeva Application Materials

Do you attest that you already have or will attend a PEC meeting before your final interview with the Commission?	Yes
If you said yes to the previous question, please let us know what date you attended or will attend.	10/25/2023
Are you currently employed by the City of Oakland or do you have any direct and substantial financial interest in any work, business, or official action by the City?	No
Are you currently or are you planning to run for elective office in Oakland?	No
Are you currently or are you planning to endorse, support or oppose an Oakland candidate or ballot measure?	No
Are you currently or are you planning to work on behalf of an Oakland candidate or ballot measure?	No
Are you a registered Oakland lobbyist?	No
Are you required to register as a lobbyist?	No
Do you receive compensation from an Oakland lobbyist?	No
Do you receive gifts from an Oakland lobbyist?	No
How did you hear about this vacancy?	Public Ethics Commission email subscriber

Supplemental questions

1. Why do you want to serve on the Public Ethics Commission?

By serving on the Public Ethics Commission, I aim to contribute to strengthening government transparency and accountability in Oakland and actively participate in education and community outreach efforts. I believe this work is essential for maintaining constituents' trust in local institutions and democracy itself. Given the social and economic challenges facing Oakland and the ongoing concerns about government accountability, the Commission's role is more important than ever. I am particularly interested in improving voter access and enhancing public education about ethics, and I am committed to leveraging my skills to help the Commission regain and build public trust. Serving on the Commission would be both a privilege and an opportunity to make a meaningful impact in our community.

2. What skills and experience will you bring to the Commission? (Include any governmental experience, activities with civic and business organizations, neighborhood groups, or any other experience that would contribute to your effectiveness as a Commissioner.)

I am a corporate and commercial attorney with approximately fifteen years of experience across a range of organizations, including large global law firms, technology companies, and non-profits. My background includes roles as a finance attorney at Millbank in New York and Latham & Watkins in Chicago, Senior Corporate Counsel at Veritas Technologies, and Principal Counsel at Philo. Currently, as Associate General Counsel – Impact Investments at Mission Driven Finance, I focus on unlocking capital opportunities for underserved communities and small businesses. In these roles, I have structured and executed transactions, established compliance frameworks, developed corporate policies, conducted board meetings, negotiated commercial agreements, and advised on new laws and regulations, and participated in investigation and litigation efforts. My work has involved collaborating with cross-functional teams, advocating for process improvements, and

Item 06A - Tanya Bayeva Application Materials

achieving cost efficiencies. These experiences have taught me to communicate effectively, provide practical advice, build consensus among stakeholders with divergent interests, and rigorously pursue my clients' goals. I am eager to bring these skills and experiences to the Commission. My role at Mission Driven Finance also includes working directly with small businesses and underserved borrowers to help them navigate financial challenges and access necessary capital. This experience aligns with the PEC's goals of promoting transparency and accountability, as it involves transparent decision-making processes and ensuring funds are used equitably and effectively. Additionally, I played a role in grassroots democracy support efforts. This experience involved legislative and policy advocacy, outreach to members of Congress and the executive branch, media engagement, and community organizing. These experiences in working with governmental bodies, media organizations, and community members will be valuable to the Commission. These experiences in working with governmental bodies, media organizations, and community members will be valuable to the Commission. I also bring conflict-resolution and community engagement skills from my volunteer work with Community Boards in San Francisco, where I facilitate agreements between parties with differing interests. My extensive volunteer work includes community outreach, fundraising, cultural identity programs, and disaster-relief coordination. Furthermore, my internship with the Enforcement Division of the New York Stock Exchange provided insights into enforcement processes that will benefit the PEC's objectives. I am eager to bring these skills and experiences to the Commission, contributing to its mission of enhancing transparency and accountability in local government. *

**This section was revised at the applicant's request to remove sensitive personal information.*

3. What issues, projects, or goals would you like to pursue while serving on the Commission?

I feel passionate about Commission's work on voter access and equity issues, such as implementing the Democracy Dollars Program under Measure W. I grew up in an authoritarian and corrupt society where I felt that my vote did not matter. This experience has given me a deep appreciation for projects aimed at making every constituent's voice truly count, regardless of their own or the candidates' wealth or status. In addition, I would like to be involved in Commission's outreach efforts to increase awareness about the Commission and its work among Oakland residents. This includes informing the public about the postponement of the Democracy Dollars Program, publicizing the need for additional enforcement resources, and providing guidance about the Commission's campaign finance tools and complaint filing process.

4. What do you think are the City's most pressing ethics, campaign finance, or transparency challenges?

One of the main challenges facing the City is the ability of the Enforcement Unit of the Commission to process ethics and campaign finance complaints in a timely manner. Staffing and funding challenges had led to a significant backlog of complaints. Addressing these challenges by hiring additional staff and enhancing education for Oakland's public employees, candidates for office, and lobbyists could help reduce the number of ethics and campaign finance complaints. Another key challenge facing the City is the implementation of the Democracy Dollars Program in a way that increases public participation in an equitable and transparent manner. This includes developing an inclusive outreach plan and prioritizing the use of limited funding to achieve the greatest impact.

5. What else would you like the subcommittee to know as your application is considered?

As a Belarus native and a U.S. citizen, I believe I will bring a unique perspective to the Commission, as well as a deep-rooted passion for strengthening governmental institutions and democracy. I have witnessed firsthand the devastating impact of governmental abuses on civil society when it operates without guardrails or accountability. Having undergone U.S. legal education and a career in practicing law, I have further developed my appreciation for the foundations of American society - the rule of law, separation of powers, and checks and balances - essential ingredients of a functioning democracy and the very principles on which the Commission's work is built. I am excited to bring my

Item 06A - Tanya Bayeva Application Materials

perspective and enthusiasm for strengthening democratic institutions to my service on the Commission.

Please provide two references

Reference 1 Name Yan Xiao

Reference 1 Address

[REDACTED]

Reference 1 Phone

[REDACTED]

Reference 1 Email

[REDACTED]

Reference 2 Name

Alex Brik

Reference 2 Address

[REDACTED]

Reference 2 Phone

[REDACTED]

Reference 2 Email

[REDACTED]

Submit your resume

Upload your resume

[Tanya Bayeva_Resume.pdf](#)

Sign and submit application

Signature

[REDACTED]

Item 06A - Tanya Bayeva Application Materials

Tanya Bayeva

Oakland, CA 94618

Strategic legal advisor to senior leadership and business stakeholders on a broad range of corporate and commercial matters, consistently demonstrating initiative and transactional excellence. Experienced in establishing impactful compliance frameworks, driving innovation strategies and optimizing processes. Passionate about helping organizations driven by mission and championing social change.

EXPERIENCE

Mission Driven Finance, LLC, San Diego, CA

Associate General Counsel, Impact Investments

Jan 2024 – Present

Responsible for structuring and executing investment strategies at an investment management firm focused on innovative ways to mobilize capital for advancing inclusive economic opportunities.

- **Capital raises.** Provide legal counsel and draft documentation for new capital raising initiatives.
- **Funds formation and compliance.** Collaborate with the Capital Initiatives team to establish new funds and provide ongoing counsel throughout the fund formation process. Advise on compliance with the Investment Advisers Act.
- **Outbound investment transactions.** Oversee the drafting and negotiation of financing paperwork for outbound loan transactions. Optimize loan agreement templates, streamline closings, and identify and address process gaps.
- **Corporate governance and other corporate matters.** Counsel on establishing and optimizing board structures and other corporate governance matters. Advise on process improvements and draft new policies to enhance operational efficiency.

Philo, Inc., San Francisco, CA

Principal Counsel, Corporate Affairs, Jan 2022 – Aug 2023

- **Corporate governance.** End-to-end ownership of the corporate governance function. Served as a corporate secretary, prepared board minutes and materials, and maintained corporate books. Responsible for drafting and oversight of corporate policies.
- **Commercial transactions.** Negotiated and drafted a variety of commercial agreements, including technology licensing, marketing, vendor, and programming distribution agreements.
- **Product and privacy.** Worked closely with the Product team on product initiatives.
- **Cross-functional facilitation.** Collaborated with stakeholders across the company, such as Finance, People, Product, Support, Data Science, and Marketing teams, to accomplish broader Legal team and company goals.

Veritas Technologies LLC, Santa Clara, CA

Senior Corporate Counsel, Global Legal Affairs

Apr 2016 – Jan 2022 (*previous: Corporate Counsel*)

- **Corporate finance and securities.** Managed compliance with the company's debt and disclosure obligations, including counseling on 10-K, 10-Q, and 8-K filings, and earning release materials.
- **Corporate governance and equity compensation.** Advised the board and senior management on corporate governance matters; drafted and implemented policies, including related parties' transactions and signature and financial authority policies.
- **Subsidiary management; cross-functional facilitation.** Oversaw subsidiary management matters in more than 35 countries; managed a team of paralegals; served on the entities' boards. Worked in close collaboration with cross-functional teams.
- **M&A and other corporate matters.** Counseled on M&A transactions, led legal due diligence, and negotiated acquisition documentation. Negotiated agreements with service providers and improved contractual templates. Created guidance materials for internal stakeholders and conducted teach-ins.

Non-Public Task Force

Co-Founder, Foundation Fellow, Jun 2020 – Jan 2022

Item 06A - Tanya Bayeva Application Materials

- Outreach to the U.S. Congress and the executive branch, including legislative and policy advocacy and organizing information sessions with human rights activists and congressional staffers.
- Communication with media organizations by periodically distributing news, responding to media inquiries, and assisting journalists with sourcing subjects for their reporting.

Latham and Watkins LLP, Chicago, IL

Associate, Banking Practice, Mar 2013 – Nov 2015

- Represented lenders and borrowers in complex financing transactions.
- Pro bono representation included drafting the chapter on clients' rights under the Fair Debt Collection Practices Act and the loan documentation in connection with a client's co-investment in a social enterprise startup.

Acumen, New York, NY

In-House Counsel (Secondment), Jan – Feb 2013

- Advised on and negotiated financing documentation for non-profit venture fund's impact investments in international startups; reviewed non-disclosure agreements and advised on various in-house matters.

Milbank LLP, New York, NY

Associate, Oct 2008 – Feb 2013

Summer Associate, May – Aug 2007

- Advised global financial institutions and corporate borrowers in financing transactions.
- Drafted, reviewed, and negotiated financing documentation, escrow agreements, corporate formation, and consulting services documents; conducted closings and managed junior associates.
- Represented clients in various pro bono matters, including a landlord-tenant dispute, immigration, environmental issues, family law, non-profit incorporation, and tax exemption.

New York Stock Exchange, New York, NY

Legal Intern, Enforcement Division, Jun – Aug 2006

- Prepared legal memoranda exploring the appropriateness of a disciplinary action against a broker-dealer and the admissibility of evidence in NYSE's hearing panel proceedings; attended NYSE on-the-record testimonies.

EDUCATION AND TRAINING

Berkeley Law Executive Education, Spring – Summer 2022, "Sustainable Capitalism & ESG Online"

DelftX (Delft University of Technology), Fall 2019, "Circular X: Circular Economy"

Community Boards, San Francisco, CA, Feb 2018, "The Basics of Mediation," Volunteer Mediator

Stanford University, Continuing Studies, Palo Alto, CA

- Spring 2016, "Design Implementation – Getting to Market"
- Winter 2016, "Getting from an Early Idea to a Real Business" (2nd place in a class project evaluated by outside VC judges)

University of Michigan Law School, Ann Arbor, MI, 2005-2008

J.D. May 2008, Cum Laude

- Contributing Editor, Michigan Journal of International Law
- Grants Recipient, Olin Center for Law and Economics and Center for Russian and Eastern European Studies

Yeshiva University, Sy Syms School of Business, New York, NY, 1999-2003

B.S. in Finance 2003, Summa Cum May 2008, Summa Cum Laude; AA. in Jewish Studies

Minors: Psychology and Economics

- President, Financial Management Association

LANGUAGES

Fluent in Russian, intermediate knowledge of Spanish, basic knowledge of Hebrew

BAR ADMISSION

California State Bar Registered In-House Counsel, Member of New York and Illinois State Bars

PEC Commissioner Application

Submitted on 9 September 2024, 8:56PM
Receipt number 40
Related form version 2

Contact Information

First Name Daniel
Last Name Adler
Street Address [REDACTED]
Street Address Line 2
City OAKLAND
State California
Zip Code 94610
Phone [REDACTED]
Evening Phone [REDACTED]
Email [REDACTED]

Vacancy Term

Which vacancy are you applying for (check all that apply)?
Partial Term (ends January 21, 2025)
Full Term (begins January 22, 2025 and ends on January 21, 2028)

Please answer the following questions

Are you an Oakland resident Yes
Years of residency in Oakland 11-20 years
Your City Council District District 2
List any City of Oakland Boards or Commissions (including this Commission) on which you currently or have previously served: None

Item 06B - Daniel Adler Application Materials

Do you attest that you already have or will attend a PEC meeting before your final interview with the Commission?	Yes
If you said yes to the previous question, please let us know what date you attended or will attend.	9/16/2024
Are you currently employed by the City of Oakland or do you have any direct and substantial financial interest in any work, business, or official action by the City?	No
Are you currently or are you planning to run for elective office in Oakland?	No
Are you currently or are you planning to endorse, support or oppose an Oakland candidate or ballot measure?	No
Are you currently or are you planning to work on behalf of an Oakland candidate or ballot measure?	No
Are you a registered Oakland lobbyist?	No
Are you required to register as a lobbyist?	No
Do you receive compensation from an Oakland lobbyist?	No
Do you receive gifts from an Oakland lobbyist?	No
How did you hear about this vacancy?	Other

Supplemental questions

1. Why do you want to serve on the Public Ethics Commission?	1. I am a committed public servant and a trained public policy professional, and in the course of my career in and out of public service I have developed an abiding belief in one central tenet of good government: citizens must have trust in public institutions, or our ability to work through challenges will continuously diminish. To nurture and sustain that trust requires an absolute commitment to public ethics, both the reality of how public officials behave, but equally importantly - ever moreso now in our fractured media landscape - we must attend to the public perception of ethics, with a commitment to transparency, collaboration and accountability that meets and exceeds what citizens can rightfully expect of their leaders.
2. What skills and experience will you bring to the Commission? (Include any governmental experience, activities with civic and business organizations, neighborhood groups, or any other experience that would contribute to your effectiveness as a Commissioner.)	2. I am presently employed as Deputy Director for Climate Finance at the state Infrastructure and Economic Development Bank, where I am leading the state's efforts to build a "Green Bank" to provide capital for community-scale climate solutions. In this and previous roles elsewhere in state government, in senior leadership of a philanthropic organization, and as the Executive Director of a Bay Area nonprofit organization, I have emphasized – for myself and my team members – the importance of combining technical skills, subject matter expertise, and a commitment to robust and authentic engagement practices, which are the foundation of sound deliberation and public-minded decision making. I hope to contribute this combination of experiences and perspectives to the tasks before this Commission, rooted in my deep love for home city.
3. What issues, projects, or goals would you like to pursue while serving on the Commission?	From my perspective, Oakland residents experience a significant lack in information regarding the activities of city government. This lack of

Item o6B - Daniel Adler Application Materials

information feed distrust, which amplifies perceptions of unethical, or at least nontransparent, behavior. My first priority would be to listen and learn regarding the matters presently before the Commission, as well as the priorities of my potential colleagues and the Oakland residents bringing issues before the body. Following that, I would, at the proper time, look to support initiatives that 1) create a public poll that establishes top priorities for ethics-related issues; 2) support creation of an information clearinghouse responsive to those articulated public priorities; 3) facilitate access to deeper information for community-based organizations, working with the city offices identified as community priorities of interest, again stressing that transparency builds trust in public institutions; and 4) where feasible, working with elected leadership and senior agency officials to carry messages on ethics matters out to Oakland citizens, hopefully supporting the Commission's role as a trusted intermediary on these pivotal matters.

4. What do you think are the City's most pressing ethics, campaign finance, or transparency challenges?

4. The issues list is obviously lengthy, including the perception and reality surrounding "bundled" campaign contributions; the role of non-Oakland influences in shaping perceptions around proposed recalls; the pervasive sense that safety issues are not being managed or even necessarily prioritized. I have no illusions that the Commission alone can resolve these issues, which require both deeper resources and skilled leadership at every level of government. But in short form, my belief is that Oakland citizens feel that the city is broken, corrupt, and unaccountable to its residents. There is no trust in our institutions to turn the tide – despite what I know, from my current experience working in government, to be the tireless labor of many throughout the city family to improve matters. Transparency, communication and accountability should be part of a new foundation upon which Oakland's public ethics can be reestablished.

5. What else would you like the subcommittee to know as your application is considered?

I truly value public service as the field in which participants can be unabashedly idealistic, while holding ourselves and our peers to lofty expectations of competence, professionalism and rigor. I've reached a stage in my life, professionally but also as a father of two active, curious teenagers, where I can contribute my modest skills and boundless optimism to helping my community in what seems to be a fraught moment. In every role or project I've taken on, my first priority has been to learn from and promote the experience and goals of my colleagues aligned in a common mission. That's the spirit I would bring to this Commission; what we might pursue together would be real privilege to support.

Please provide two references

Reference 1 Name

Justin Homer

Reference 1 Address

[REDACTED]

Reference 1 Phone

[REDACTED]

Reference 1 Email

[REDACTED]

Reference 2 Name

Tal Klement

Reference 2 Address

[REDACTED]

Reference 2 Phone

[REDACTED]

Reference 2 Email

[REDACTED]

Item o6B - Daniel Adler Application Materials

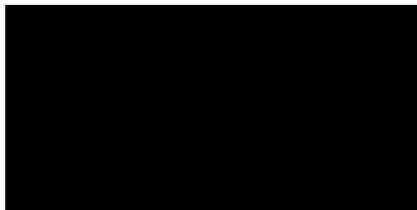
Submit your resume

Upload your resume

[Daniel Adler Resume \(2024\).pdf](#)

Sign and submit application

Signature



Item 06B - Daniel Adler Application Materials

Daniel M. Adler



Senior executive and established industry leader at the intersections of clean energy technology, policy and finance.

Deputy Director for Climate Finance

California Infrastructure and Economic Development Bank (IBank)

April 2022 - Present

Senior Advisor for Climate Finance

California Governor Gavin Newsom
Office of Business and Economic Development (GO-Biz)

July 2020-March 2022

Senior Fellow

Coalition for Green Capital

2020-2021

Vice President for Policy

Energy Foundation
San Francisco, California

2015 - 2020

- Responsible for strategic direction of policy design and advocacy, as part of a national philanthropic partnership investing \$100 million annually in clean energy solutions. Leadership of a team of senior professionals managing philanthropic portfolios that support innovations in clean electricity, energy efficiency, transportation, finance, and market design and regulation. Extensive management, stakeholder engagement and thought leadership responsibilities.

Managing Director

California Clean Energy Fund (CalCEF)
San Francisco, California

2008 - 2015

- Responsible for full range of strategic initiatives affecting the organization's core mission as senior executive, including market and policy engagement, stakeholder relations, and thought leadership around sustainable energy finance, policy and market development.

Item 06B - Daniel Adler Application Materials

President, CalCEF Ventures

2008 - 2015

- Responsible for CalCEF's investments across six funds in clean energy venture capital and project finance, leading the firm's efforts to identify catalytic new investment theses.

Managing Director, Clean Energy Advantage Partners

2010 - 2015

- Strategic engagement with the formation and development of a new multi-investor tax equity fund, increasing the pool of capital for renewable energy project development.

Vice President

2005-2008

California Clean Energy Fund (CalCEF)

Senior Analyst, Division of Strategic Planning

2001 - 2005

California Public Utilities Commission

San Francisco, California

- Responsible for the design and implementation of California's Renewable Portfolio Standard and senior staff for statewide climate change policy. Initiated and led intergovernmental collaboration for policy implementation, creating a model structure across energy agencies that enabled timely and effective execution while minimizing bureaucratic delays.

Boards and Committees (emeritus)

- Board of Advisors, American Green Bank Consortium
- Steering Committee, Energy Efficiency for All
- Co-Chairman of the Board, American Council on Renewable Energy (ACORE)
- Board of Directors, Coalition for Green Capital
- Board of Directors, Vote Solar Initiative
- Board of Advisors, Clean Tech Open
- Advisory Committee Member, Low-Carbon Fuel Standard Advisory Committee, California Air Resources Board
- Advisory Committee Member, Economic and Technology Advancement Advisory Committee, California Air Resources Board
- Advisory Committee Member, San Francisco Mayor Newsom's Clean Technology Advisory Council

Education

- Harvard University, John F. Kennedy School of Government
Master of Arts in Public Policy
- University of California at Berkeley
Bachelor of Arts in Political Science

Item 07 - Democracy Dollars Report



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

Nicolas Heidorn, Executive Director

TO: Public Ethics Commission
FROM: Suzanne Doran, Program Manager
Nicolas Heidorn, Executive Director
DATE: September 27, 2024
RE: Pilot Options for 2026 Implementation the Oakland Fair Elections Act for the
October 9, 2024, Regular PEC Meeting

With the passage of Measure W, the Oakland Fair Elections Act, the Public Ethics Commission (PEC or Commission) was charged with implementing the completely re-designed Democracy Dollars public financing program for the 2024 election. However, Measure W provides that the minimum budget for Democracy Dollars may be reduced upon a finding that “the City is facing an extreme fiscal necessity,” and the 2024 program launch was postponed when sufficient funds were not allocated for the Fiscal Years 2023-2025 Oakland Budget. This memorandum provides a summary of Democracy Dollars program elements that may be adjusted as well as options staff is evaluating for a scaled-down pilot program in the event funds are not allocated for a full program launch in 2026.

BACKGROUND

In 2022, Oakland voters overwhelmingly approved Measure W, the Oakland Fair Elections Act (OFEA), to establish the Democracy Dollars program administered by the PEC. Measure W repealed Oakland’s Limited Public Financing Program (LPF) and established a voucher public financing program in its place. Under the Democracy Dollars program, each eligible resident will receive four \$25 vouchers (for a total of \$100), which they may contribute to qualified candidates running for the offices of Oakland Mayor, City Attorney, City Auditor, City Council, or School Board. The new law outlines criteria for participation and thresholds that a candidate must meet to qualify for the program and receive assigned vouchers, including campaign spending limits and participation in a certain number of public forums. It also includes a significant outreach component, to be led by the PEC, as well as a variety of new duties for the PEC and its staff.

The baseline FY 2023-25 cost to fully implement Measure W was estimated by the City Administration at \$8 million over two years. Most of these costs are mandated by Measure W, which provides \$4 million per election cycle for campaign vouchers, a minimum of four PEC staff to administer the program, ongoing non-staff administrative costs, and other one-time startup costs. (O.M.C. 3.15.060; City Charter Section 603(g)(2)). Measure W also provides, however, that the minimum budget for the Democracy Dollars program may be reduced upon a finding that “the City is facing an extreme fiscal necessity” and provided that the reduction occurs “as part of a general reduction in expenditures across multiple departments,” which

occurred in 2023 and resulted in postponement of the Program for the 2024 election. (O.M.C. 3.16.060(E)). City Administration officials predict serious fiscal constraints will impact the City's FY 2025-27 Budget. Commission staff anticipates these constraints will critically impact funding allocation for the Democracy Dollars Program, as well.

In addition to the Commission's duty to implement and administer the Democracy Dollars program in accordance with the purposes of the OFEA, the Act anticipates and provides explicit guidance should the Commission be unable to meet all Program requirements. Among the Commission duties is the instruction that the Act be "liberally construed and vigorously enforced to ensure its purposes are fulfilled." (O.M.C. 3.15.050(B)). The OFEA expressly calls on the Commission to "consider all possible alternatives to avoid delaying Program implementation in its entirety." (O.M.C. 3.15.050(E)). If insufficient funds are available to allow disbursement of Democracy Dollars funds to candidates at the Program maximum, the Commission can disburse funds on a "pro-rata or other equitable basis." (O.M.C. 3.15.050(E)). Given the likelihood that the proposed FY 2025-27 Budget will not include sufficient funds to fully implement the Program, prudence dictates the Commission consider options that would enable a feasible pilot program for the 2026 election in advance.

Program Elements That May Be Altered by the Commission

O.M.C. 3.15.050(B) expressly provides that "following the first election after the effective date of this Act and by an affirmative vote of at least five (5) of its members, the Commission may" make certain enumerated changes to the requirements of the Program. As 2024 is the first election after the Act's effective date, the PEC is permitted to make changes for the 2026 election cycle. Additionally, O.M.C. 3.15.050(E) also allows "changing program components" in the first election cycle following approval of Measure W for the purpose of avoiding delay of program implementation if the PEC is unable to "meet all of the requirements of the program" or if insufficient funds are available to allow disbursement of Democracy Dollars funds to participating candidates at the Program maximum.

Program conditions the PEC could modify to conduct a one-time, scaled-down pilot for the 2026 election include:

1. Reduce the number of Democracy Dollars vouchers distributed per eligible resident from 4 to a lesser amount, such as 2 per resident.
2. Reduce the value of each Democracy Dollars voucher from \$25 to a lesser amount, such as \$10 per voucher.
3. Alter the date the initial distribution of Democracy Dollars to eligible residents occurs in an election year, such as delaying the packet mailing until August after candidates complete the nominations process to qualify for the ballot.
4. Issue Democracy Dollars only by mail and not provide a method to assign vouchers online.
5. Reduce the maximum amount of Democracy Dollars funds that may be redeemed by certified candidates.

6. Restrict Program eligibility to candidates for a single citywide elective office or candidates for a limited number of elective offices, such as only candidates for Council District seats.
7. Restrict Democracy Dollars voucher distribution to only a portion of Oakland residents, such as only residents in Council Districts with seats up for election in 2026, rather than all eligible residents.
8. Limit Democracy Dollars voucher assignment by residents to only participating candidates within the eligible resident's Council District (e.g., a resident in District 6 could assign their Democracy Dollars to District 6 candidates, but not District 2 candidates.).

LIMITED PILOT OPTIONS

A Democracy Dollars pilot can significantly reduce program cost by making modifications in four areas: reducing the number of eligible candidates by limiting participating offices, reducing the maximum funds available to each candidate, reducing the maximum amount of voucher funds that a resident can donate, and lastly, reducing the number of residents eligible to use vouchers in the 2026 election.

Option 1 – Mayoral election-only: A pilot limited to only Mayoral candidates would reduce voucher costs by reducing the number of offices for which vouchers could be used in the 2026 election from eight down to one. A Mayoral election will likely attract more interest and therefore voucher participation (in Seattle Mayoral election years, most residents assigned vouchers to mayoral candidates over candidates for other offices). However, the overhead costs and staff resources associated with printing, mailing, and processing returned vouchers would remain close to full program implementation since all registered voters would receive voucher packets. In addition, with a public financing maximum of \$333,333 per candidate, a mayoral-only pilot would also require the largest Democracy Dollars Fund balance, making it the least cost effective and therefore also least feasible alternative.

Option 2 – Council District election-only: A pilot limited to only Council District candidates would reduce voucher costs by reducing the number of offices for which vouchers could be used in the 2026 election from eight down to three (Districts 2, 4 and 6). In addition, a lower public financing maximum of \$100,000 per candidate, a Council District-only pilot could be conducted with a Democracy Dollars Fund balance under \$1 million dollars, a 75% reduction in cost. This pilot option would maintain the continuity of public financing for Council District candidates as provided under the current LPF, and candidate participation may benefit from Council candidates' familiarity with public financing and high level of engagement with PEC staff. Because the cost of District election campaigns is lower, the maximum funds available to candidates could be reduced if necessary while still providing more robust support than the LPF program.

Another advantage of a Council District-only pilot is that it allows for flexibility to further reduce administrative and overhead costs by limiting voucher distribution to residents within

the three Council Districts. The cost to print and mail voucher packets would be cut in half since only registered voters in the districts up for election would receive vouchers (~113,698), rather than all registered voters (~248,072). Additionally, outreach would be targeted to only District residents. Limiting the number of vouchers to District residents would also reduce the workload associated with processing vouchers and maintain administrative feasibility if staffing falls below the Charter minimum.

The table below summarizes these two pilot options ranked by the following criterion:

- Flexibility — Can pilot features be easily adapted to fiscal constraints during the budget development process?
- Feasibility — Is implementation possible with reduced staff resources?
- Cost Effectiveness — Which pilot enables candidates and residents to benefit from participation in the Democracy Dollars program while costing the least amount possible in terms of money, time, and other resources?
- Equity — What will ensure the greatest democratic participation of underrepresented Oakland populations?

Pilot Options	1: Mayoral election-only	2: Council District election-only
		<ul style="list-style-type: none"> • Reduces eligible offices from 8 to 1 • Reduces DD Fund by 55% • Does not reduce admin. overhead • All eligible residents • Flexibility to lower funding maximum or voucher value
Flexibility	Somewhat fulfills criterion	Fulfills criterion
Feasibility	Somewhat fulfills criterion	Fulfills criterion
Cost Effectiveness	Does not fulfill criterion	Fulfills criterion
Equity	Fulfills criterion	Somewhat fulfills criterion

SUMMARY

Adopting a scaled back Democracy Dollars pilot for the 2026 election, if a full program is not feasible, is consistent with the Commission’s duties under the OFEA, which expressly calls on the PEC to “consider all possible alternatives to avoid delaying Program implementation in its entirety.” A limited pilot would significantly reduce program costs and offer a responsible balance between the City’s present fiscal situation and its obligation to implement Measure W. A smaller pilot allows us to respect the will of Oakland voters in 2026 and establish the program in a measured way that allows for learning and improvement. In addition, conducting a Democracy Dollars pilot will raise awareness of the program and provide opportunities for candidate and resident participation.

Commission staff will continue to evaluate paths to a scaled-down Council District-only pilot, as outlined in this memo, to provide a viable alternative to program postponement and welcome Commissioner input.



Item 08 - Disclosure Report

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

Nicolas Heidorn, Executive Director

TO: Public Ethics Commission
FROM: Alex Van Buskirk, Lead Analyst, Compliance and Disclosure
Jelani Killings, Lead Analyst, Education and Engagement
DATE: September 25, 2024
RE: Disclosure and Engagement Monthly Report for the October 9, 2024,
Public Ethics Commission Meeting

This memorandum provides a summary of major accomplishments in the Public Ethics Commission's (PEC or Commission) Disclosure and Engagement program activities since the last regular meeting.

Commission staff disclosure activities focus on improving online tools for public access to local campaign finance and other disclosure data, enhancing compliance with disclosure rules, and conducting data analysis for Public Ethics Commission projects and programs as required.

Engagement activities include training and resources provided to the regulated community, as well as general outreach to Oakland residents to raise awareness of the Commission's role and services and to provide opportunities for dialogue between the Commission and community members.

Compliance with Disclosure Requirements

Commission staff conducts filing officer duties as required by state and local law and aims to help candidates, lobbyists and City officials submit required disclosure reports and ensure residents can easily access campaign finance, lobbyist, and ethics-related data and information.

Campaign Finance Disclosure – The first pre-election filing deadline for the November election falls on September 26, 2024. All candidates on the November ballot must file. Candidates raising or spending \$2,000 or more file their campaign statements on the FPPC Form 460. Candidates intending to keep their campaign activity under \$2,000 must file the FPPC Form 470. Ballot measure committees and other recipient committees with fundraising or spending activity connected with the November ballot must also file for the pre-election deadline.

After the September 26, 2024, pre-election deadline, Commission staff will screen campaign statements for untimely and unreported late contributions and independent expenditures and assess late fees as required.

Commission staff completed a surface review of campaign finance filings for activity between January 1, 2024, and June 30, 2024. No committees with reportable activity were found to have overages related to contributions received.

Thus far in September 2024 (through September 24, 2024), there has been a reported \$57,176 in independent expenditure spending across three City Council races, specifically for the City Council District At-Large, City Council District 1, and City Council District 3 seats.

Campaign statements are available to view and download at the Commission's [Public Portal for Campaign Finance Disclosure](#). Campaign finance data, graphs, and visualizations are available via Commission-sponsored apps [Show Me the Money](#) and [Open Disclosure Oakland](#), and links on the Public Ethics Commission website.

Note that NetFile ended functionality for its now-deprecated API endpoint utilized by the [Oakland's Open Data portal](#). Commission staff is working closely with the Information Technology Department on a remedy with NetFile's new, updated API for the Open Data portal. The Commission's most-used disclosure tools, the Public Portal for Campaign Finance Disclosure, Show Me the Money, and Open Disclosure Oakland, are not impacted.

Lobbyist Registration Program – The Oakland Lobbyist Registration Act (LRA) requires any person that qualifies as a lobbyist to register annually with the Commission before conducting any lobbying activity. Registration renewals were due January 31. To date, 54 lobbyists are registered with the City of Oakland for 2024.

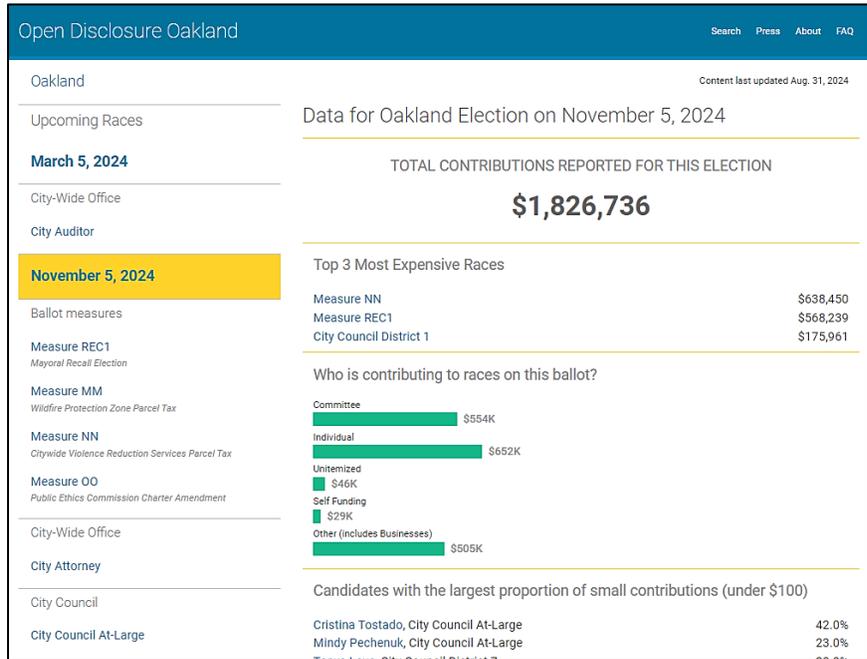


In November 2023, the Oakland City Council adopted amendments to the Lobbyist Registration Act including a new annual lobbyist registration fee as well as a requirement that lobbyists take an online training provided by the Commission. To date, all 54 lobbyists have taken the online training provided by the Commission. The Commission has received new annual lobbyist registration fees from 53 registered lobbyists, and one lobbyist has received a waiver.

An up-to-date list of registered lobbyists and lobbyist activity reports with links to view and download individual reports is available at the Public Ethics Commission's [Lobbyist Dashboard and Data](#) webpage.

Illuminating Disclosure Data

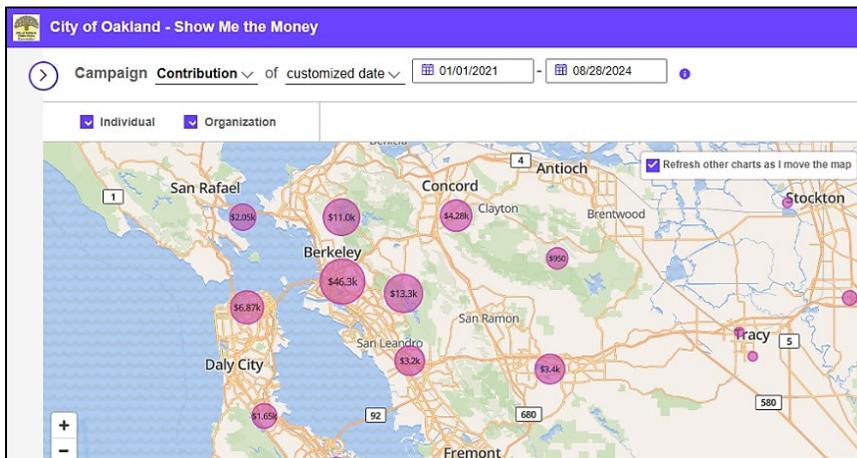
Open Disclosure Oakland – The opendisclosure.io campaign finance app is live with the data for the 2023-2024 election cycle. Open Disclosure Oakland, a nonpartisan tool, was developed by volunteers from [OpenOakland](https://OpenOakland.com), a civic technologist group, in partnership with Commission staff to give all Oakland residents equal access to campaign finance data. The Open Disclosure Oakland website shows funds donated to both political candidates and



ballot measure committees and provides clear summaries of money raised and spent as well as financial trends for each election. The website also includes a search function that makes campaign donation records easy to search and sort, and allows users to search campaign donors by name across multiple campaigns and elections.

Open Disclosure Oakland is updated daily with data imported directly from the [City's campaign finance database](#) and includes a notification system that sends subscribers alerts about new campaign reports.

“Show Me the Money” Campaign Finance Mapping – The City of Oakland [“Show Me the Money”](#) app is live with 2024 campaign finance data. “Show Me the Money” builds a map showing the geographic source of campaign contributions to candidates and totals donated from that location. Oakland residents can dig deeper by clicking each location point, and the



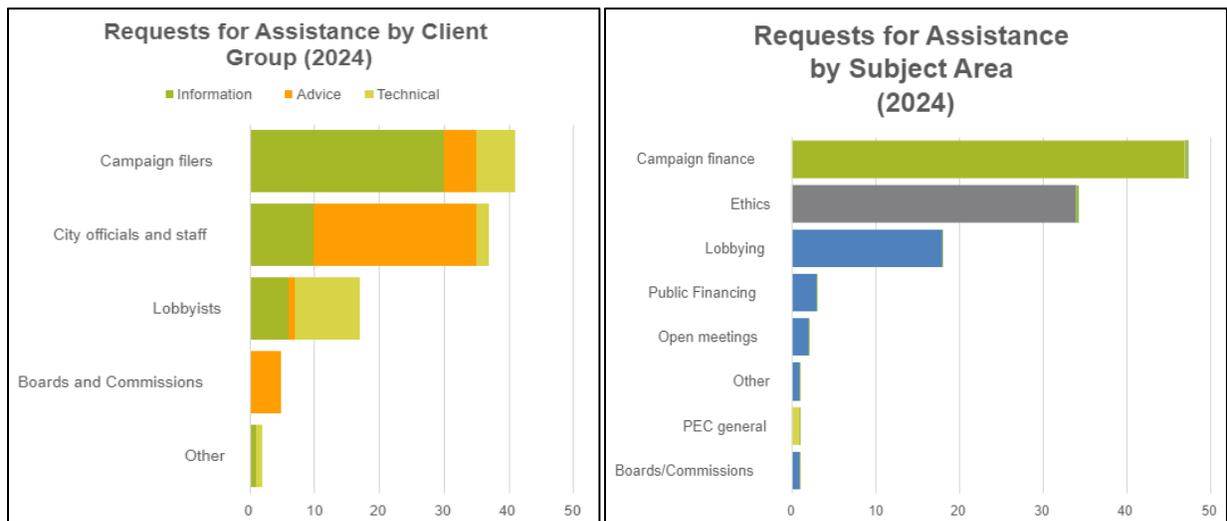
application will reveal the names of top contributors from that area. Up to three candidates may be selected at a time for comparison. Features beyond the contribution map include allowing users to review campaign contribution trends and campaign spending patterns.

Like the Commission’s other campaign finance projects, this app is updated daily with data imported directly from the [City’s campaign finance database](#). Followers of Oakland elections can find the “Show Me the Money” app via links on the Commission’s website, [Oakland’s Open Data portal](#), and Open Disclosure Oakland candidate pages.

Advice and Engagement

The Commission’s Engagement program seeks to ensure Oakland public servants, candidates for office, lobbyists, and City contractors understand and comply with City campaign finance, ethics, and transparency laws.

Advice and Technical Assistance – In September 2024, Commission staff responded to 8 requests for information, advice or assistance regarding campaign finance, ethics, Sunshine law, or lobbyist issues.



New Employee Orientation – Commission staff continues to make presentations at the City’s monthly New Employee Orientation (NEO) providing new employees with an introduction to the Public Ethics Commission and overview of the Government Ethics Act (GEA).

On September 18, Commission staff provided an overview of the City’s ethics rules to new City employees. Employees required to file Form 700 were also assigned the Commission’s mandatory online Government Ethics Training for Form 700 Filers.

Candidates and Campaigns – As part of our continuing campaign education efforts, Commission staff issues routine advisories to ensure that candidates and committees are aware of local rules during this election season. In September, Commission staff sent an advisory to remind candidates receiving public financing of the debate requirement to ensure compliance with the Limited Public Financing Act.

Item 09 - Enforcement Report



Ryan Micik, Chair
Francis Upton IV, Vice Chair
Alea Gage
Charlotte Hill
Vincent Steele
Karun Tilak

Nicolas Heidorn, Executive Director

TO: Public Ethics Commission
FROM: Simon Russell, Enforcement Chief
DATE: September 27, 2024
RE: Enforcement Program Report for the October 9, 2024, PEC Meeting

Since the last Enforcement Unit Program Update submitted to the Commission on September 6, 2024, Commission staff received two formal (sworn) complaints and five informal (unsworn) complaints. In the same period of time, Commission staff dismissed one complaint without opening an investigation.

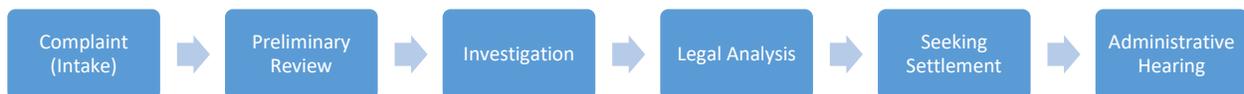
The following complaints or cases have been resolved or submitted to the Commission:

- 1. In the Matter of Libby Schaaf (PEC # 19-23).** Dismissed for insufficient evidence of a violation within the jurisdiction of the PEC.

This brings the total Enforcement caseload to one-hundred and forty open complaints or cases.

Enforcement's current staffing is: one (1) Enforcement Chief and one (1) permanent full-time Investigator.

Overview of the Enforcement Process



The PEC's Enforcement Unit investigates and, where appropriate, administratively prosecutes alleged violations of the City's ethics, campaign finance, lobbying, and related laws. Violations can result in the issuance of a monetary fine, a warning letter, or some other remedy to ensure compliance with the law (e.g. a diversion agreement or injunction). Some violations can also be referred to the District Attorney for criminal prosecution.

Enforcement matters begin with a complaint. “Formal” complaints are submitted on the PEC’s official complaint form and are signed under penalty of perjury. “Informal” complaints are received in any other manner (e.g. via e-mail, a phone call, etc.) and are not signed under penalty of perjury. By law, the Enforcement Unit must review all formal complaints and report to the Commission at one of its public meetings whether or not it has decided to open an investigation into a formal complaint. By contrast, Enforcement has the discretion not to review an informal complaint and does not have to report rejected informal complaints to the Commission. Commission staff may also initiate its own “pro-active” complaints.

Complaints do not automatically trigger an investigation. Instead, they enter what is called “Preliminary Review,” in which Enforcement determines whether there are sufficient legal and evidentiary grounds to open an investigation. This can involve some preliminary fact-finding, usually for purposes of verifying or supplementing the facts alleged in the complaint.

At the completion of Preliminary Review, the Enforcement Chief and the PEC Executive Director jointly decide whether to open an investigation or dismiss the complaint. All dismissals are reported to the Commission at one of its public meetings. Investigations are confidential, though complainants and respondents (the people being investigated) are usually notified that an investigation has been opened. Enforcement will usually confirm the existence of an investigation if asked, but it will not share any of its findings or analysis until it is ready to present them to the Commission or a court.

The Enforcement Chief and the PEC Executive Director jointly decide whether the evidence gathered during an investigation merits prosecution or closure of the case. This internal decision-making process is referred to as “Legal Analysis” in Enforcement’s case processing workflow. Investigative activity may also continue during this process. If Enforcement recommends closure of a case at this stage, it must present its findings to the Commission at one of its public meetings and obtain a majority vote in favor of closure.

If Enforcement chooses to prosecute a violation, it will usually try to work out a joint settlement agreement with the respondent(s). Settlement negotiations are confidential, and for administrative purposes Enforcement classifies matters at this stage as “Seeking Settlement.” Investigative activity may also continue during this process. All proposed settlement agreements must be presented to the Commission at one of its public meetings and require a majority vote for their approval.

If Enforcement is unable to settle a case within a reasonable time (typically sixty days) or otherwise decides that a hearing is necessary, it will file an Investigation Summary with the Commission at one of its public meetings. This document, also known as a “probable cause report,” lays out the allegations that Enforcement wishes to prosecute, as well as supporting

evidence. A majority of the Commission must vote to find probable cause and send the matter to an administrative hearing.

Matters at this stage are classified as “Administrative Hearing” in Enforcement’s internal workflow. The Executive Director and the hearing officer will arrange the logistical and procedural details of the hearing. All administrative hearings are open to the public, and are conducted either by the full Commission, a panel of Commissioners, a single Commissioner, a single hearing officer not from the Commission, or an administrative law judge.

After an administrative hearing, the hearing officer(s) will issue their factual findings and proposed penalty (if any). The full Commission will then vote at one of its public meetings whether to adopt those findings and impose the recommended penalty. The Commission may impose a penalty different from the one recommended by the hearing officer(s).

The Enforcement Unit’s full Complaint Procedures and Penalty Guidelines can be found on our website.

Appendix: Current Caseload by Violation Type

The table below breaks down the precise types of violations currently involved in Enforcement’s open complaints or cases. Note that the total number below is higher than our number of total cases, since one case can involve multiple types of violations.

	On Hold	Intake	Preliminary Review	Investigation	Legal Analysis	Seeking Settlement	Administrative Hearing	Grand Total
Campaign Finance	17		6	21	4	21	1	70
Campaign Using Multiple Bank Accounts	1			1				2
City Contractor Making Campaign Contribution	4			2			1	9
Coordination Between Candidate And "Independent" Campaign			2	1			2	5
Disguising Source Of Campaign Funding ("Campaign Money Laundering")	1		1	2			1	5
Failure To Register A Political Campaign	1			1				2
Inaccurate Reporting Of Campaign Finances	3		2	5	2		5	17
Late Filing Of Campaign Finance Report	3			7			3	13
Making/Receiving Campaign Contribution Over The Legal Limit	1			1	1		3	6
Misuse Of Campaign Funds For Personal Purposes	1						1	2
Inaccurate or Missing Disclaimer On Campaign Ad	2		1	1	1		4	9
Government Ethics	30	11	28	47	2	7		125
Bribery	2		2	2			1	7
Financial Conflict Of Interest		3	4		1			8
Holding Incompatible Public Offices			1					1
Inaccurate Reporting On Financial Disclosure Form 700	2		4					6
Late or Non-Filing Of Financial Disclosure Form 700	1	1		38		6		46
Misusing Official Powers For Private Gain (Coercion/Inducement)	17	4	7	5				33
Misuse Of City Resources For Personal Or Campaign Purposes	6		2	2	1			11
Receiving An Improper Gift Based On Amount	1		3					4
Receiving An Improper Gift Based On Source	1		1					2
Seeking Or Taking Job That Conflicts With City Duties ("Revolving Door")			1					1
Awarding City Contract To Oneself ("Self-Dealing")		1	1					2
Leak Of Confidential Info			1					1
Council member Interfering In City Administration		1						1
Awarding City Job Or Contract To Family Member		1	1					2
Lobbyists				1			1	2
Failure To Register As A Lobbyist ("Shadow Lobbying")							1	1
Late Filing Of A Lobbyist Activity Report				1				1
Miscellaneous	3		4	2	1	3		13
Failure To Produce Records To Police Commission Investigators	1							1
Lying Or Providing False Information To PEC Investigators	1				1	3		5
Misuse Of City Event Tickets	1							1
Retaliation Against Ethics Whistleblower			4	2				6
Open Meetings & Public Records	6		2	1				9
Failure To Produce Public Records Or Information	2		1	1				4
Failure To Properly Agendize Or Follow Meeting Agenda	4		1					5



Item 10 - Executive Director's Report

Ryan Mehl, Chair
Francis Upton IV, Vice Chair
Alea Gage
Vincent Steele
Karun Tilak

Nicolas Heidorn, Executive Director

TO: Public Ethics Commission
FROM: Nicolas Heidorn, Executive Director
Jelani Killings, Lead Analyst, Education and Engagement
DATE: September 26, 2024
RE: Executive Director's Report for the October 9, 2024, Meeting

This memorandum provides an overview of the Public Ethics Commission's (PEC or Commission) significant activities not included in other program reports since the last regular meeting. The attached overview of Commission Programs and Priorities also includes the ongoing goals and key projects for 2023-24 for each program area.

Enforcement Staffing

On September 20, 2024, Enforcement Chief Simon Russell submitted his resignation from the PEC, effective October 25. As Enforcement Chief, and as an investigator with the PEC before that, Chief Russell has played a critical role in investigating and prosecuting the Commission's most important cases. In addition, Chief Russell led recent efforts to modernize the PEC's Complaint Procedures and Penalty Guidelines; strengthen the Commission's case tracking process; increase the internal checks and balances on enforcement decisions; implement a training program for new investigators; improve coordination with outside enforcement agencies; and launched the Commission's more robust enforcement of Form 700 filings in response to a grand jury report. The Commission is grateful to Chief Russell for his years of exceptional work to the Commission.

Staff has begun the process of posting a job announcement to recruit for the Chief of Enforcement position, which is expected to go out in early October. In the interim, some duties of the Enforcement Chief will be taken on by the Executive Director. Staff is also evaluating potential options for bringing on additional, temporary staff while the position is vacant and reassigning Enforcement Chief responsibilities.

In the short-term, it is inevitable that the vacancy in the Enforcement Chief position will significantly slow down the Commission's ability to investigate and prosecute the majority of its new and ongoing cases, further exacerbating the growth of a backlog of cases due to severe understaffing of the Commission's Enforcement Unit.

Ramachandran/Jenkins Contribution Limit Proposal

Following its September 16, 2024, meeting, Chair Micik submitted a letter on the Commission's behalf (attached) providing the Commission's comment on Councilmembers Ramachandran and Jenkins's proposal to increase campaign contribution limits from \$600 to \$900 for general contributors and \$1,200 to \$1,800 for broad-based political committees. Executive Director Heidorn also attended the September 19, 2024, City Council Rules Committee meeting to share the Commission's perspective.

At that September 19 meeting, the proposal was amended to change the proposed increase in general contribution limits to \$800 (from the original proposal of \$900) and to \$1,500 for broad-based political committees (from \$1,800). Consistent with the PEC's recommendation, the proposal was also amended to require that, for candidates running for office in 2026, the candidate be required to accept expenditure limits to be eligible to receive the higher contribution limit amount. The proposal, as amended, was voted out of Committee on a 3-1 vote.

The amended proposal will be heard by the full Council on October 1 for first reading and, if it passes, on October 7 for second reading. Because the ordinance has an urgency clause, if enacted by a six-vote supermajority, it will go into effect on October 7. If the proposal is enacted on a non-urgency basis, it will go into effect 7 days later, on October 14.

Limited Public Financing Program (LPF)

Commission staff administers the LPF program and provides training and ongoing interaction with candidates to facilitate program requirements and distribute the maximum amount of available public funds.

The deadline for candidates to opt-in to the LPF program was September 8, 2024. 13 candidates opted-in to receive public financing. Their next step was to submit their LPF application (LPF Form 2) demonstrating that they met the program's qualification requirements along with their initial reimbursement request (LPF Form 3) by September 20.

Seven candidates met the September 20 deadline, demonstrating program eligibility, and will move forward with public financing for the 2024 election. Commission staff will now reallocate the available funding per the Commission's two-phased approach, resulting in an increase of \$10,219 for each participating candidate. Participating candidates are now eligible for a maximum of \$22,142 in public financing. The table below lists the participating candidates and their respective districts:

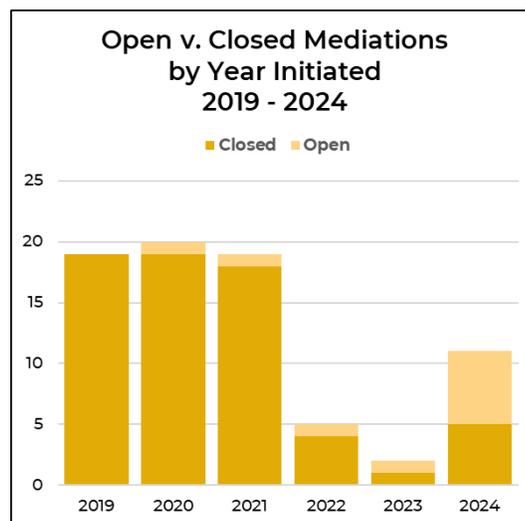
Candidate	District
Zac Unger	1
Carroll Fife	3
Warren Logan	3
Noel Gallo	5
Erin Armstrong	5

Ken Houston	7
Iris Merriouns	7

Commission staff is in the process of verifying submitted documentation and processing reimbursement claims. Over the next several weeks, Commission staff will work closely with each participating candidate and their treasurer to facilitate claim submission and payments to campaigns.

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 11 open mediations. One new mediation has been opened since the last meeting.



Additional Attachment: Commission Programs and Priorities.

PUBLIC ETHICS COMMISSION

Programs and Priorities 2023/24 (new additions in *bold*)

Program	Goal	Desired Outcome	Regular Program Activities	2023/24 Projects
<p>Lead/ Collaborate (Policy, Systems, Culture)</p>	<p>PEC facilitates changes in City policies, laws, systems, and technology and leads by example to ensure fairness, openness, honesty, integrity, and innovation.</p>	<p>Effective campaign finance, ethics, and transparency policies, procedures, and systems are in place across City agencies</p>	<ul style="list-style-type: none"> ○ Lead Measure W implementation ○ Engage in review of laws PEC enforces 	<ul style="list-style-type: none"> ✓ Lobby Registration Act amendment to incorporate new fees and waiver policy ✓ Ordinance for one-time LPF for 2024 elections ○ Voter Guide Pilot – on hold ✓ Mayor Salary Setting Guidance ✓ Charter Review Options ○ Policy Review: Lobbyist Registration Act– on hold ✓ Ethics Commission Network ✓ Invite Department Presentations on Records Request Responses
<p>Educate/ Advise</p>	<p>Oakland public servants, candidates for office, lobbyists, and City contractors understand and comply with City campaign finance, ethics, and transparency laws.</p>	<p>The PEC is a trusted and frequent source for information and assistance on government ethics, campaign finance, and transparency issues; the PEC fosters and sustains ethical culture throughout City government.</p>	<ul style="list-style-type: none"> • Regular ethics training • Information, advice, and technical assistance • Targeted communications to regulated communities • New trainings as needed for diversion 	<ul style="list-style-type: none"> ○ Collaboration with Clerk and HR on process improvements for ethics onboarding/exit and Form 700 compliance - ongoing ✓ Public Records training
<p>Outreach/ Engage</p>	<p>Citizens and regulated community know about the PEC and know that the PEC is responsive to their complaints/questions about government ethics, campaign finance, or transparency concerns.</p>	<p>The PEC actively engages with clients and citizens demonstrating a collaborative transparency approach that fosters two-way interaction between citizens and government to enhance mutual knowledge, understanding, and trust.</p>	<ul style="list-style-type: none"> • Public Records mediations • Commissioner-led public outreach • Outreach to client groups – targeted training and compliance • PEC social media outreach 	<ul style="list-style-type: none"> ✓ Update OCRA, LPF, and LRA guides ✓ Update public and stakeholders on Democracy Dollar postponement ✓ Update Lobbyist Registration Act educational materials and share with Council ✓ Recruit for PEC vacancy ✓ Publicize Enforcement Needs ○ Publicize PEC campaign finance tools ○ Publicize how to file complaints

Item 10 - Executive Director's Report

Program	Goal	Desired Outcome	Regular Program Activities	2023/24 Projects
Disclose/ Illuminate	<p>PEC website and disclosure tools are user-friendly, accurate, up-to-date, and commonly used to view government integrity data.</p> <p>Filing tools collect and transmit data in an effective and user-friendly manner.</p>	<p>Citizens can easily access accurate, complete campaign finance and ethics-related data in a user-friendly, understandable format.</p> <p>Filers can easily submit campaign finance, lobbyist, and ethics-related disclosure information.</p>	<ul style="list-style-type: none"> • Monitor compliance (campaign finance/lobbyist/ticket use) • Proactive engagement with filers • Technical assistance • Assess late fees/refer non-filers for enforcement • Maintain data assets 	<ul style="list-style-type: none"> ○ Democracy Dollars Admin System: <ul style="list-style-type: none"> ✓ Approval to Contract ✓ Vendor Selected ○ Contract Entered ○ Work Begun ○ Updates to Ticket Distribution (Form 802) database – on hold ✓ Implement LRA Changes ○ Integrate Lobbyist App with Payment System ○ Public Records Performance Dashboard – on hold ✓ Update Open Disclosure 2024 ✓ Update Show Me The Money ○ Digitize Schedule O Form – on hold
Detect/ Deter	<p>PEC staff proactively detects potential violations and efficiently investigates complaints of non-compliance with laws within the PEC's jurisdiction.</p>	<p>Public servants, candidates, lobbyists, and City contractors are motivated to comply with the laws within the PEC's jurisdiction.</p>	<ul style="list-style-type: none"> • Process and investigate complaints • Initiate proactive cases • Collaborate/coordinate with other government law enforcement agencies 	<ul style="list-style-type: none"> ○ Digital complaint form/ mediation request – on hold ✓ Improve Enforcement database
Prosecute	<p>Enforcement is swift, fair, consistent, and effective.</p>	<p>Obtain compliance with campaign finance, ethics, and transparency laws, and provide timely, fair, and consistent enforcement that is proportional to the seriousness of the violation.</p>	<ul style="list-style-type: none"> • Prioritize cases • Conduct legal analyses, assess penalty options • Negotiate settlements • Make recommendations to PEC 	<ul style="list-style-type: none"> ○ Resolve 2016 and 2017 case backlog ○ Review/revise policies for release of public information and election-related complaints ✓ Develop internal Enforcement staff manual ✓ Expand streamline & diversion
Administration/ Management	<p>PEC staff collects and uses performance data to guide improvements to program activities, motivate staff, and share progress toward PEC goals.</p>	<p>PEC staff model a culture of accountability, transparency, innovation, and performance management.</p>	<ul style="list-style-type: none"> • Annual Report • Budget proposal • Ongoing professional development and staff reviews • Fill staff vacancies • Commissioner onboarding 	<ul style="list-style-type: none"> ✓ 2023 – 2025 strategic plan preparation/retreat ✓ Develop process for City Attorney and City Auditor Salary Adjustment and adopt resolution for Council ○ Increase enforcement capacity

CITY OF OAKLAND
Public Ethics Commission

1 Frank H. Ogawa Plaza • City Hall • Suite #104 • Oakland • CA 94612
(510) 238-3593



September 18, 2024

Honorable City Council
City Hall
1 Frank H. Ogawa Plaza
Oakland, CA 94612

RE: Ramachandran/Jenkins Contribution Limits Proposal

Dear Council President Bas and Members of the City Council,

On September 12, 2024, Councilmembers Ramachandran and Jenkins introduced legislation which would amend the Oakland Campaign Reform Act (OCRA), a law the Public Ethics Commission (Commission) enforces, to temporarily increase campaign contribution limits in City of Oakland and Oakland Unified School District (OUSD) elections from \$600 to \$900 as to most contributors, and from \$1,200 to \$1,800 as to broad-based political committees. The change would go into effect immediately upon adoption, including for the November 2024 elections, and would sunset on January 1, 2027, or earlier on January 1, 2026, as to candidates running for offices for which Democracy Dollars are available, as specified.

Under Charter Section 603(h), “amendments to laws that the Commission has the power to enforce ... shall be submitted to the Commission for review and comment, prior to passage of the amendments.”¹ Consistent with its charter mandate, on September 16, 2024, the Commission met to review the proposed changes.

The Commission takes no position on supporting or opposing the proposal.² However, commissioners voted unanimously to convey the following points to the City Council:

- Commissioners share the authors’ concern that candidates should be able to raise sufficient funds to get their campaign message out while Democracy Dollar funding is unavailable.

¹ Oakland City Charter Section 603(h) provides in full: “Amendment of Laws. Prior to enacting any amendments to laws that the Commission has the power to enforce, the City Council shall make a finding that the proposed changes further the goals and purposes of the ordinance or program in question and provide specifics substantiating the finding. Absent an urgency finding akin to suspending compliance with the Sunshine Ordinance, amendments to laws that the Commission has the power to enforce and proposed ballot measures that would amend such laws shall be submitted to the Commission for review and comment, prior to passage of the amendments or approval of the proposed measures for the ballot by the City Council.”

² At the September 16 meeting, commissioners were split on the proposal. One motion to support the proposal failed for lack of a second. Another motion to support the proposal if amended to require that 2026 candidates accept expenditure limits, and recommending that the effects of increasing limits in the 2024 cycle be studied, failed on a 3-2 vote (Ayes: Gage, Steele, Tilak; Noes: Micik, Upton). The Commission has 7 seats, so 4 votes are needed for a motion to pass.

Item 10 - Executive Director's Report

- Commissioners are concerned about the timing of the proposal, which, for the 2024 election cycle, would change campaign finance rules in the last month of an election, and divert Commission staff resources during a period of peak demand for Commission services.
- The Commission recommends that, if there are higher limits for the 2026 election cycle, candidates should have to accept expenditure limits as a precondition to fundraising at those higher limits. This was previously the rule under OCRA through the 2022 election, until a single lower limit was adopted with the passage of Measure W (2022).
- Under this proposal, if Democracy Dollars are available for an office in the 2026 election cycle at a sufficient funding level, contribution limits as to that office will return to the lower levels currently in effect (as adjusted for inflation) beginning on January 1, 2026. One consequence of this is that candidates who enter a race in 2025 are advantaged over candidates who only enter that race in 2026, as the former candidates could for several months raise funds at the higher contribution limits. The Commission recommends that the Council look at alternative ways to structure the proposed policy so that early-entry and late-entry candidates are treated similarly, but for administrative reasons the Commission has concerns about requiring that early-entry candidates reimburse funds raised at higher limits if the limits are later lowered.
- The Commission recommends, if this proposal is adopted, that the effects of any change in contribution limits for the 2024 election cycle be evaluated so that policy changes for the 2026 election cycle may be considered later this year or early in 2025.

You may review video of the Commission's full discussion of this proposal at the Commission's website at <https://www.oaklandca.gov/boards-commissions/public-ethics-commission/meetings>. In addition, a copy of the Commission's staff report analyzing this proposal may be downloaded here: https://cao-94612.s3.us-west-2.amazonaws.com/documents/05-Proposal-to-Increase-Contribution-Limits-Packet-H_2024-09-13-212026_xomg.pdf. (Please note, however, that the Commission did not adopt the staff report recommendation to oppose the proposal.)

Thank you for the opportunity to provide the Commission's perspective. If you have any questions or would like further information, please feel free to contact Executive Director Nicolas Heidorn at nheidorn@oaklandca.gov or 510.604.1002.

Sincerely,

Ryan Micik

Ryan Micik
Chair
Oakland Public Ethics Commission