

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Regular Commission Meeting
Teleconference
Wednesday Aug 10, 2022
6:30 p.m.



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

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

City Attorney Staff: Trish Shafie, Deputy City Attorney

PUBLIC ETHICS COMMISSION MEETING MINUTES

1. Roll Call and Determination of Quorum.

The meeting was held via teleconference.

The meeting was called to order at 6:30 p.m.

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

Staff present: Suzanne Doran, Kellie Johnson, and Ana Lara-Franco.

City Attorney Staff: Tricia Shafie.

2. Staff and Commission Announcements.

Suzanne Doran, Lead Analyst/Acting Executive Director, shared that an administrative hearing training is tentatively scheduled for September and asked Commissioners to share their availability for a training.

Ms. Doran shared that an agenda subscriber emailed the Public Ethics staff that they had not received the agenda for past meetings. Staff is working with Digital Services to find out what happened.

Chair Perteet shared he will not be present at the September meeting.

3. Open Forum.

There was one public speaker.

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PRELIMINARY ACTION ITEMS

4. Virtual meetings by the Public Ethics Commission.

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

There were no public speakers.

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

Ayes: Perteet, Hill, Micik, and Upton

Noes: None

Absent: Tuman

Vote: Passed 4-0

5. Cure and Correction.

On June 27, 2022, a Special Commission Meeting was held by teleconference. A portion of the meeting was not recorded due to staff error, during which time the Commission took action to adopt Item 4. Item 4. Was a resolution to adopt Virtual meetings by the Public Ethics Commission. The Commission adopted Resolution 22-05.

No action was required.

6. Cure and Correction.

On June 20, 2022, Councilmember Kalb's staff sent an email to all PEC Commissioners regarding the honorary resolution for outgoing Executive Director Whitney Barazoto. One of the commissioners responded to all on the email, including all PEC Commissioners, in violation of the Brown Act. As a result, the PEC is issuing this cure and correct out of an abundance of caution. The attached email will be available to the public for inspection as part of the PEC's Correspondence file.

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No action was required.

ACTION ITEMS

7. Approval of Commission Meeting Draft Minutes.

a. June 6, 2022, Special Meeting Minutes

There was one public speaker.

Micik moved, and Upton seconded to approve the June 6, 2022, Meeting Minutes

Ayes: Perteet, Hill, Micik and Upton.

Noes: None

Absent: Tuman

Vote: Passed 4-0

b. June 8, 2022, Regular Meeting Minutes

There was one public speaker.

Hill moved, and Upton seconded to approve the June 8, 2022, Meeting Minutes

Ayes: Perteet, Hill, Micik and Upton.

Noes: None

Absent: Tuman

Vote: Passed 4-0

c. June 23, 2022, Special Meeting Minutes

There were no public speakers.

Upton moved, and Hill seconded to approve the June 23, 2022, Meeting Minutes

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Ayes: Perteet, Hill, Micik and Upton.

Noes: None

Absent: Tuman

Vote: Passed 4-0

d. June 27, 2022, Special Meeting Minutes

There was one public speaker.

Upton moved, and Micik seconded to approve the June 27, 2022, Meeting Minutes

Ayes: Perteet, Hill, Micik and Upton.

Noes: None

Absent: Tuman

Vote: Passed 4-0

8. Election of Vice-Chair of the Commission.

Upton nominated Micik for Vice-Chair. Micik accepted.

There were no public speakers. Perteet called for a roll call vote.

Ayes: Perteet, Hill, Micik and Upton.

Noes: None

Absent: Tuman

Vote: Passed 4-0

9. In the Matter of Justin Berton Case No. 18-45.

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Kellie Johnson, Enforcement Chief, recommended that the Commission accept the staff recommendation.

There was one public speaker.

Upton moved, and Perteet seconded to approve the staff recommendation.

Ayes: Perteet, Hill, Micik, and Upton IV.

Noes: None

Vote: Passed 4-0

DISCUSSION ITEMS

10. Reports on Subcommittees and Commissioner Assignments.

- a. Enforcement Subcommittee** (*ad hoc*, created on November 1, 2021) – Arvon Perteet (Chair), Ryan Micik and Joseph Tuman.

Perteet shared there were no updates. The next meeting will be Aug 25, 2022

There were no public speakers.

- b. Fair Elections Act Subcommittee** (*ad hoc*, created on April 13, 2022) – Charlotte Hill (Chair), Ryan Micik, and Arvon Perteet.

Hill shared there were no updates and proposed to dissolve the *ad hoc* subcommittee since the fair Elections Act has been approved by Council to be placed on the ballot. Perteet dissolved the committee.

There was one public speaker.

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

Upton shared that they met with staff to discuss recruitment and outreach for the upcoming vacancies.

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There were no public speakers.

INFORMATION ITEMS

11. Commissioner Recruitment.

The Commission is recruiting to fill two Commission appointed vacancies that will occur in January 2023. A third vacancy to occur at the same time will be subject to appointment by the Mayor.

Commissioners plan to attend city events and share with their own networks recruitment materials. Staff is working on posting the recruitment material on the Public Ethics webpage and sending out to subscribers.

There were no public speakers.

12. Limited Public Financing Program

Ms. Doran provided an overview of upcoming activities planned to implement the Limited Public Financing Program for the 2022 election.

There were no public speakers.

13. Disclosure and Engagement.

Ms. Doran provided an overview of education, outreach, disclosure, and data illumination activities for this past month. Three advisories were emailed out to City staff and campaign filers.

There was one public speaker.

14. Enforcement Program.

Ms. Johnson provided a monthly update on the Commission's enforcement work since the last regular Commission meeting.

There were no public speakers.

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15. Executive Director's Report.

Ms. Doran reported on overall projects, priorities, and significant activities since the Commission's last meeting. A new Executive Director has been selected and an announcement will be coming out soon.

Staff is working with the City Administrator's Office to prepare a response to the Grand Jury Report regarding Form 700 Filing.

There was one public speaker.

16. Future Meeting Business.

A special meeting has been scheduled for August 24, 2022, on an update on the Limited Public Financing Program for 2022.

Perteet shared he will be absent for the September meeting due to a previous commitment.

Upton requested a follow up regarding the agenda subscribers' listserv.

The meeting adjourned at 8:17 p.m.