

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
REGULAR MEETING
One Frank Ogawa Plaza (City Hall)
Monday, March 5, 2012
Sgt. Mark Dunakin, Hearing Room 1
6:30 p.m.
Page 1



Commission Membership: Richard Unger (Chair), Amy Dunning, Lloyd Farnham,
Christopher Young, Aspen Baker

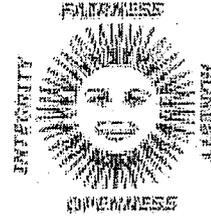
Staff Members: Commission Staff - Patrick J. Caceres, Interim Director;
City Attorney Representative – Alix Rosenthal, Deputy City Attorney

MEETING AGENDA

- A. Roll Call and Determination of Quorum
- B. Staff and Commission Announcements
- C. Open Forum
- D. Status of Current Staffing for the Commission
- E. New Commissioner Appointees Discussion
 - 1. Notice of Commission Vacancies
 - 2. Process of Mayor's Appointee
 - 3. Creation of Subcommittee for Commissioner Appointee
- F. Review of Outstanding Complaints
- G. New Complaint Discussion
 - 1. Nicholas Vigilante 10/21/12
- H. Future Education Efforts on Limited Public Financing
 - 1. Important dates
- I. Annual Report Discussion
- J. Form 700

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

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
REGULAR MEETING
One Frank Ogawa Plaza (City Hall)
Monday, March 5, 2011
Sgt. Mark Dunakin, Hearing Room 1
6:30 p.m.
Page 2



You may speak on any item appearing on the agenda; however you must fill out a Speaker's Card and give it to a representative of the Public Ethics Commission. All speakers will be allotted three minutes or less unless the Chairperson allots additional time.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the meetings of the Public Ethics Commission or its Committees, please contact the Office of the City Clerk (510) 238-7370. Notification two full business days prior to the meeting will enable the City of Oakland to make reasonable arrangements to ensure accessibility.

Should you have questions or concerns regarding this agenda, or wish to review any agenda-related materials, please contact the Public Ethics Commission at (510) 238-3325 or visit our webpage at www.oaklandnet.com.

P. Carano for Richard Unger, Chair

Approved for Distribution

2/24/12

Date

Public Ethics Commission Pending Complaints (As of 6/6/11)

Date Received	Complaint Number	Name of Complainant	Respondents	Date of Occurrence	Issues	Status
4-4-11	11-01	PEC initiated	ABC Security and/or Ana Chretien; Marina Security and/or Sam Tadesse	Various; approx. betw 3/1/10/7/10 and 7/27/10	OCRA; §3.12.140	Staff is investigating
12-7-10	10-30	Sanjiv Handa	Oakland Parking Division	Ongoing	Oakland Sunshine Ordinance -- Alleged failure to timely produce records	Staff is investigating
11-1-10	10-28	Ralph Kanz	Ala. Demo. Central Comm.; OakPAC	October 29, 2010	OCRA; §3.12.230	Staff is investigating
10-13-10	10-26	Ralph Kanz	Jean Quan Floyd Huen	June 30, 2010 and ongoing	OCRA; §3.12.050; 3.12.090	Staff is investigating
10-13-10	10-25	Ralph Kanz	Don Perata	June 30, 2010 and ongoing	OCRA; §3.12.090(A)(D)	Staff is investigating
9/14/10	10-21	Jean Quan	Don Perata, Paul Kinney; California Correctional Peace Officers Association; Ronald T. Dreisback; T. Gary Rogers; Ed DeSilva; Richard Lee	Ongoing	OCRA violations	Staff is investigating
8/2/10	10-20	Sanjiv Handa	Various Business Improvement Districts & Community Benefit Districts	Various between June 3 and August 2, 2010	Sunshine Ordinance; public meetings	Staff is investigating

11/6/08	08-18	David Mix	Raul Godinez	August 2008	Allegations involving Sunshine Ordinance -- Public Records Request	Commission jurisdiction reserved
11/6/08	08-13	David Mix	Leroy Griffin	August 2008	Allegations involving Sunshine Ordinance -- Public Records Request	Commission jurisdiction reserved
3/28/08	08-04	Daniel Vanderpriem	Bill Noland, Deborah Egerly	Ongoing since 12/07	Allegations involving production of City records	Commission jurisdiction reserved.
2/20/07	07-03	Sanjiv Handa	Ignacio De La Fuente, Larry Reid, Jane Brunner and Jean Quan	December 19, 2006	Speaker cards not accepted because they were submitted after the 8 p.m. deadline for turning in cards.	Commission jurisdiction reserved.
3/18/03	03-02	David Mix	Oakland Museum Dept.	3/11/03	Allegation of Sunshine Ordinance and Public Records Act violation.	Commission jurisdiction reserved.

ATTACHMENT G

City of Oakland

For Official Use Only

Public Ethics Commission

Stamp Date/Time Received:

COMPLAINT FORM

Complaint Number: _____

2011 OCT 21 PM 12:24
OFFICE OF THE CITY CLERK
OAKLAND

Please Type or Print in Ink and Complete this Form.

This complaint concerns a possible violation of: (please check all that apply)

The Oakland Sunshine Ordinance, California Public Records Act or Brown Act. (Access to public meetings or documents.)

Oakland Campaign Reform Act

Oakland City Council's Rules of Procedure/Code of Ethics

Oakland Limited Public Financing Act

Oakland Conflict of Interest regulations

Oakland Lobbyist Registration Act.

Oakland False Endorsement In Campaign Literature Act *NV*

I am/We are not sure which specific law, ordinance or regulations apply. *NV*

However, I am/We are requesting that the Ethics Commission determine if my/our complaint is within its jurisdiction.

The alleged violation occurred on or about the following date(s)

Please see attached, eight pages.

The alleged violation occurred at the following place:

Please see attached, eight pages.

Please provide specific facts describing your complaint. (Or attach additional pages as necessary.)

Please see attached, eight pages.

The persons you allege to be responsible for the violation(s) are:

1. Mimi Rohr
2. Possibly other "No On Measure I" opponents who signed the Voter Handbook as NCPA OFFICERS

Any witnesses who were involved and/or who can provide additional information are: (Please indicate names and phone numbers, if available.)

Please see attached, eight pages.

PLEASE NOTE: There may be other laws that apply to the violation(s) you are alleging. The time limit to commence a legal proceeding to enforce those laws may not be extended by filing this complaint. You should contact an attorney immediately to protect any rights available to you under the law.

By filing this complaint with the Public Ethics Commission it, and all other materials submitted with it, becomes a public record available for inspection and copying by the public

Nicholas Vigilante 10/20/2011
 NAME: Nicholas Vigilante PHONE NO. (Day): (510) 339-6855
 ADDRESS: 7200 Saroni Drive PHONE NO. (Eve.): (510) 339-6855
 CITY: Oakland STATE: CA ZIP: 94611
 FAX NO.: () None E-MAIL: NVIGILANTE@msn.com

PLEASE RETURN THIS FORM TO:
Public Ethics Commission
One Frank Ogawa Plaza, 4th floor
Oakland, CA 94612
Phone: (510) 238-3593
FAX: (510) 238-3315

NB: Requests For Relief - see Last Page of this complaint.

Submit by Email

Print Form

FW: Monday (correction - Tuesday) Oakland Tribune Reference to Montclair NCPC In Maher Article - Page 4

From: **Nicholas Vigilante** (nvigilante@msn.com)

Sent: Mon 10/17/11 2:48 PM

To: dpurnell@oaklandnet.com

Mr. Purnell,

I would like to file an ethics complaint about this matter. Please read all the details below, and advise me of the complaint presentation procedures.

I contend that Mimi Rohr knew better because she has been involved with the Montclair NCPC for many years and during that time, there was much discussion at Board meetings about the NCPC policy (see bottom e-mail from MSIC Chair Carolyn Winters). In addition, Mimi was a Reporter for the Montclairion under Janet Levaux and this exact issue arose several time during that period. Although I may not be able to prove Mimi knew the policy or even what she was doing when she signed the voter handbook for Measure I opponents, I can prove beyond a preponderance of evidence that she should have known the NCPC policy and likely is not telling the truth if she says she did not know it.

I will also be referring this to the Alameda County Registrar of Voter for investigation, de novo, of the whole matter, which also includes the NCPCs in Rockridge, MacArthur, and San Antonio because their Officials who signed the Voter Handbook may have done something similar.

Relevant Questions:

1. Did those NCPCs take or not take a position on Measure I at the time their Officers signed their names and titles for the Voter Handbook?
2. Were the NCPC Officials speaking or not speaking for their NCPCs at the time they signed their names and titles for the Voter Handbook? If not, why did they use their NCPC titles, and did they know better, as I contend that Mimi Rohr knew better?
3. Was it a premeditated and deliberate act to mislead voters in to believing something that was not true?

Look at the Voter Handbook for the names and titles, under opposition to Measure I.

If you have questions, please contact me.

Nicholas Vigilante
339-6855

> Subject: RE: Monday (correction - Tuesday) Oakland Tribune Reference to Montclair NCPC In Maher Article - Page 4

> Date: Fri, 14 Oct 2011 12:49:44 -0700

> From: mreynolds@bayareanewsgroup.com

> To: nvigilante@msn.com

Requests For Relief

1. Immediate Correction of Voter Handbook Before Election Period Ends.
2. Monetary Penalties Assessed Against Each NCPC Leader Who Did Not Have Authority To Speak For Their NCPC At The Time They Signed Their Name and NCPC Title ~~is~~ for the Voter Handbook.
3. Any Other Relief Required Or Permitted By Laws and Regulation Found To Have Been Violated.

ARGUMENT IN FAVOR OF MEASURE I

Fair Share Parcel Tax

Oakland is making progress, and we need to keep moving forward. We can't afford to go back. Over the past five years, Oakland has cut more than \$170 million in urgently needed services, eliminated 528 positions, and cut its budget by 25%.

Measure I, for 25 cents per day, will provide \$11 million a year for the next five years, and give Oakland the ability to recover from the worst recession since the depression.

Measure I will:

- Restore longer-day services at senior centers
- Support public safety technology
- Add crews to fix potholes
- Restore park maintenance staff
- Support youth violence intervention programs
- And other urgently needed city services.

This is the final step in the City's Fair Share Budget process. After tough decisions, painful cuts and employee give backs of an additional 9% on top of previous year contributions, we ask the community to vote yes on Measure I to prepare Oakland to be poised to take off when the economy recovers.

A coalition of community advocates, business leaders, seniors, library patrons, parks supporters and Oaklanders from every district support the Measure.

Oakland is beginning to make progress in many areas. Let's help keep moving forward.

s/Jean Quan
Mayor
s/Anthony Batts
Chief of Police
s/Mark Hoffmann
Fire Chief
s/Carmen Martinez
Director Library Services
s/Susan Montauk

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE I

Continuously asking Oaklanders to pay more taxes is not the solution to getting Oakland back on track. We say this tax is the wrong solution.

Here we are again facing another regressive property tax of \$80 per parcel, being told that the City's budget has been cut by 25% and that's why we should pay more taxes. There's nothing indicating these funds will be handled any more wisely or efficiently than the last parcel tax we agreed to. To this day we don't get what we were promised in 2004 under Measure Y, yet we still pay that tax.

Proponents claim that this measure will restore or support numerous services and programs, but the measure DOES NOT require any improvements and has no accountability. The money could easily, and legally, be used to pay for pensions or salaries that are currently bankrupting the City. It does nothing to address the City's structural problems, including a \$450 million pension debt that the City has no plan on how to repay. Proponents should focus their time addressing the debt associated with our current pension system rather than asking Oaklanders to pay higher taxes.

\$80 is a lot of money (\$400 over five years), particularly for homeowners who are on the brink of foreclosure, and others who can barely make their monthly rent payments.

This is another tax-grab without proof that our tax dollars will be spent wisely or efficiently. Demand real reform; don't give the City another blank check. Vote NO.

s/Frank Castro
Chair, Greater Rockridge NCPC
s/Maria J. Vermiglio
San Antonio, NCPC, Member & Senior
s/Marleen Sacks
Attorney/Public Safety Advocate
s/Gloria Jeffery
Chair of MacArthur NCPC
s/Mimi Rohr
Montclair NCPC Vice-Chair

