MINUTES OF MEETING -- DRAFT
PUBLIC ETHICS COMMISSION
SPECIAL MEETING
One Frank Ogawa Plaza (City Hall)
Wednesday, April 7, 2010
City Council Chambers
6:30 p.m.

Commission Membership: Jonathan Stanley (Chair), Barbara Green-Ajufo (Vice-Chair), Alaric Degrafinried, Alex Paul, Ai Mori, Richard Unger, Vacancy (Mayoral)

Staff Members: Commission Staff:
Daniel Purnell, Executive Director
Tamika Thomas, Executive Assistant
City Attorney Representative:
Alix Rosenthal, Deputy City Attorney

MINUTES OF MEETING

A. Roll Call And Determination Of Quorum

The meeting was called to order at 6:33 p.m.

Members present: Stanley, Green-Ajufo, Paul, Unger

Members excused: Degrafinried

B. Approval Of Draft Minutes Of The Regular Meeting Of March 1, 2010, And Of The Special Meeting Of March 4, 2010

The Commission moved, seconded and adopted a motion to approve the minutes of the regular meeting of March 1, 2010, and of the special meeting of March 4, 2010 (Ayes: Stanley, Green-Ajufo, Paul, Unger)

C. Executive Director And Commission Announcements
(Commissioner Ai Mori arrives during this item)

The Executive Director reported that a proposal to take $225,000 from the Public Matching Fund's Election Campaign Account and use it for voter outreach and education for the upcoming RCV election in November 2010 remained unresolved in a 4-4 tie vote before the City Council. The Mayor could chose to break the tie as soon as the City Council's April 20 meeting.

A brochure detailing how to respond to public records requests has been printed and posted to the Commission's website. Distribution throughout the City will continue through April.

The Office of the City Clerk has hired a new Citywide records manager, Diedre Scott.

A meeting of the Lobbyist Registration Committee will be scheduled for late April/early May pending the completion of a staff report addressing remaining legislative issues.

Commissioner Paul announced that he would be in favor of adding a second Commission meeting per month to address the Commission's pending business.

D. Open Forum

There were two speakers: Sanjiv Handa; David Mix

E. Complaints

1. A Staff Report And Action To Be Taken On Complaint No. 09-12 (Sacks)

The Commission moved, seconded and adopted a motion to direct the Executive Director to attempt a mediation and/or a stipulated judgment to resolve the issues presented in Complaint No. 09-12 and to report back to the Commission no later than the Commission's scheduled September 8, 2010, meeting. (Ayes: All).

There were seven speakers: Marleen Sacks, David Mix, Ralph Kanz, Mark Morodomi, Barbara Newcombe, Gene Hazard, Sanjiv Handa

2. A Staff Report And Action To Be Taken On Complaint No. 10-01 (Mix)

The Commission moved, seconded and adopted a motion to dismiss Complaint No. 10-01 on grounds that there is no information to support a conclusion that Mayor Dellums or City Councilmember Jane Brunner violated provisions of the City Council's Code of Ethics or any other provision of law when Ms. Brunner voted to continue consideration of the item to nominate four members of the Paramont Theatre Board on January 5, 2010, or when Mayor Dellums requested that the item be

pulled from consideration prior to the City Council meeting of January 19, 2010. (Ayes: All).

There were three speakers: David Mix; Sanjiv Handa; Gene Hazard

3. A Staff Report And Action To Be Taken On Complaint No. 10-02 (Mix)

The Commission moved, seconded and adopted a motion to dismiss Complaint No. 10-02 on grounds that the issues contained in a December 1, 2009, email to Commission staff were either addressed in the Commission's January 14, 2010, referral to the FPPC or constitute issues outside the Commission's scope of authority to determine. (Ayes: All)

There were two speakers: David Mix; Sanjiv Handa

F. A Staff Report And Action To Be Taken Regarding A Required Review Of City Council Salaries

The Commission discussed and considered a staff report and directed staff to provide further specific information for inclusion in the May 3, 2010, agenda package including information regarding 1) the average annual salary of Oakland residents; 2) a specific salary comparison of cities with populations and general fund budgets comparable to Oakland's; and 3) the meeting schedules of those comparable cities. (Ayes: All).

There were three speakers: Gene Hazard; Sanjiv Handa; Ralph Kanz

G. A Staff Report And Action To Be Taken Regarding A Proposal By City Councilmember Ignacio De La Fuente To 1) Increase OCRA Contribution Limits From Persons From $700 to $1,000; 2) Increase OCRA Contribution Limits From Broad-Based Political Committees From $1,300 to $1,600; and 3) Increase All OCRA Voluntary Expenditure Ceilings 40 Percent From Current Limits

The Commission moved, seconded and adopted a motion to direct the Executive Director to communicate to the City Council the Commission's opposition to City Councilmember Ignacio De La Fuente's proposal to increase OCRA's contribution and expenditure limits based on the reasons set forth in a Commission staff report dated March 4, 2010, and the public commentary

received by the Commission in response to the proposal. The Commission directed staff also to state that should the City Council decide to raise the OCRA limits that any increase not become effective until after the November, 2010, election. (Ayes: All).

There were eight speakers: Susan Montack; Judy Cox; Barbara Newcombe; Iris Whittlegron; Susan Shawl; Michael Tiggus; Ralph Kanz; Sanjiv Handa

H. A Staff Report And Action To Be Taken Regarding Proposed Amendments To O.M.C. Chapter 2.24 (Powers And Duties Of The Public Ethics Commission)

The Commission reached consensus on the language proposed in a March 1, 2010, staff report and directed staff to prepare a comprehensive "redline" of all proposed amendments to the Commission's enabling ordinance for consideration at the May 3, 2010, meeting. The commission also requested staff to include a copy of the City Attorney opinion pertaining to Commissioner terms of office.

There were three speakers: Sanjiv Handa, Barbara Newcombe; Chris Peoples

The meeting adjourned at 10:20 p.m.