CITY OF OAKLAND
Public Ethics Commission

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Vacancy (Mayoral)

Daniel D. Purnell, Executive Director

One Frank Ogawa Plaza, 4th Floor, Oakland, CA 94612 (510) 238-3593 Fax: (510) 238-3315

TO: Public Ethics Commission
FROM: Daniel Purnell
DATE: May 3, 2010

RE: A Staff Report And Action To Be Taken Regarding Review And Proposed Revisions To The Commission's General Complaint Procedures

Members of the Commission have requested staff to agendize a review of the Commission's General Complaint Procedures (GCPs). Attached is a copy of the current procedures which have been in effect since November 2000.

The GCPs specify how the Commission and staff review and adjudicate complaints filed with the Commission. Issues of due process and fair application of law are paramount concerns whenever any local agency sits in an adjudicatory capacity. Any revision to the GCPs must therefore be consistent with these legal principles.

Commission staff has annotated the attached GCPs with observations and comments based on the Commission's experience in processing complaints under the current rules. As a general observation, Commission staff believes the GCPs could be modified to make the overall complaint process more efficient without compromising legal rights. Achieving greater efficiency becomes a critical concern in light of fixed staff resources and a general upward trend in the number and complexity of complaints filed with the Commission.

There is no way to avoid some of the legalistic language and concepts contained in the GCPs. Some of the proposed revisions will require policy direction and additional research that might best be pursued initially on a working committee basis. Additionally, there are former members of the Commission whose civil litigation experience would provide a valuable asset to this review. Therefore Commission staff recommends that the Commission authorize the Chair to appoint a temporary ad hoc committee for the purpose of reviewing the GCPs and developing recommendations for the full Commission to consider.

Daniel D. Purnell, Executive Director