MINUTES OF MEETING -- DRAFT
PUBLIC ETHICS COMMISSION
REGULAR MEETING
One Frank Ogawa Plaza (City Hall)
Monday, March 1, 2010
Hearing Room One
6:30 p.m.

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

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 6:35 p.m.

Members present: Stanley, Paul, Ai, Unger

Members excused: Green-Ajufo

B. Approval Of Draft Minutes Of The Regular Meeting Of February 1, 2010

The Commission approved by unanimous consent the minutes of the February 1, 2010, meeting.

C. Executive Director And Commission Announcements
(Note arrival of Commissioner Degrafinried)

The Executive Director reminded the Commission of its special meeting of March 4, 2010, to consider a proposal to double OCRA contribution and expenditure limits.

Statements Of Economic Interests (FORM 700) will be distributed shortly to Oakland employees and members of certain boards and commissions including the Ethics Commission. Filing deadline is April 1, 2010.

The regularly scheduled meeting of the Commission will be re-scheduled for Wednesday, April 7 due to a mandatory business shutdown on Monday, April 5, 2010.

Commission staff will be organizing a meeting of the Campaign Finance and Lobbyist Registration Committee to review proposed amendments to the Lobbyist Registration Act.

Commission Chair Jon Stanley announced appointments to the Commission's two standing committees: Sunshine Ordinance Committee: Barbara Green-Ajufo, Alex Paul, Richard Unger. Campaign Finance And Lobbyist Registration Committee: Jon Stanley, Ai Mori, Alaric Degrafinried

Mr. Stanley also requested the Commission's permission and direction to send a letter to the Office of the Mayor requesting that the Mayor make his appointment to the Commission.

There was one speaker: Sanjiv Handa

D. Open Forum

There were eight speakers: Esperanza Tervalon-Daumont, Sanyika Bryant, Amber Chan, Rebecca Kaplan, John Klein, Marleen Sacks, Sanjiv Handa, Barbara Newcombe

E. Complaints

1. A Staff Report And Action To Be Taken On Complaint No. 08-17 (Mix) **(2d SUPPLEMENTAL** -- Approval Of Draft Brochure**)**

The Commission gave consensus approval for the distribution of the proposed brochure. Commission staff will provide a subsequent update to the Commission on the status of distribution and efforts to make the brochure and similar resources available electronically.

There were four speakers: John Klein, Ralph Kanz, Marleen Sacks, Sanjiv Handa

2. A Staff Report And Action To Be Taken On Complaint No. 09-13 (Drake)

Commissioner Paul moved that the Commission dismiss Complaint No. 09-13 conditioned on the following: 1) Commission staff to research and report back whether the City could adopt a local law comparable to Penal Code Section 424 and/or Section 8314, 2) Commission staff to draft and send a letter to employees of the Neighborhood Services Division advising them of state laws prohibiting the use of public funds for political or campaign purposes, 3) request that OPOA reimburse the City for the costs it incurred to promote the November 5, 2009, reception, and 4) refer to the appropriate law enforcement agency the facts of this case for further review. The motion died for lack of a second.

The Commission subsequently moved, seconded and adopted a motion dismiss Complaint No. 09-13 conditioned on the following: 1) Commission staff to research and report back whether the City could adopt a local law comparable to Penal Code Section 424 and/or Section 8314, 2) Commission staff to draft and send a letter to employees of the Neighborhood Services Division reminding them of state laws prohibiting the use of public funds for political or campaign purposes and to encourage the development of policies to ensure proper use of public funds, and 3) request that OPOA reimburse the City for the costs it incurred to promote the November 5, 2009, reception. (Ayes: Stanley, Unger, Mori, Degrafinried; Noes: Paul)

There were four speakers: Pamela Drake, Rashidah Grinage, John Klein, Sanjiv Handa

3. A Staff Report And Action To Be Taken On Complaint No. 09-15 (Moglia) **(SUPPLEMENTAL)**

The Commission moved, seconded and adopted a motion to direct staff to research and develop policy proposals regarding the use of hyperlinks from the City's websites to outside campaign and/or officeholder websites. (Ayes: All)

There were four speakers: Ralph Kanz, Richard Cowan, John Klein, Sanjiv Handa

4. A Staff Report And Action To Be Taken On Complaint No. 09-16 (Sacks)

The Commission directed staff to prepare a supplemental report addressing 1) the criteria used to include advisory boards and commissions in the City's conflict of interest code; 2) a more detailed history of recommendations made by the Measure Y Committee, and 3) whether a member of the Measure Y Committee who works for a non-profit entity that receives Measure Y funds is precluded from participating in decisions under financial conflict of interest laws, including Government Code Section 1090.

There were five speakers: Marleen Sacks, John Klein, Jeff Baker, Judy Cox, Sanjiv Handa

F. 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 directed staff to re-agendize this item for a future meeting.

G. A Staff Report And Action To Be Taken Regarding A Proposal By City Councilmembers Ignacio De La Fuente and Rebecca Kaplan To Suspend The Limited Public Financing Program (O.M.C. Chapter 3.13) And Authorizing The Transfer Of $225,000 From The Election Campaign Fund To The Instant Run-Off Voting Outreach And Education Fund For The November 2010 Municipal Election And Allocating Said Funds To Three Organizations Serving The Latino, Asian And African-American Communities

The Commission directed staff and the Commission chair to communicate to the City Council that the Commission is unable to support the proposal on grounds that there was not enough information available on which to base a recommendation. The Commission also wished to convey that only a portion of the $225,000 be made available for voter outreach and education and that sufficient funds be left available to implement a matching fund program for the November, 2010 election.

There were four speakers: Judy Cox, Barbara Newcombe, Ralph Kanz, Sanjiv Handa

H. A Staff Report And Action To Be Taken Regarding Approval Of The Commission's Annual Report For 2009

The Commission directed staff to distribute the 2009 Annual Report subject to any further comments from Commissioners.

There was one speaker: Sanjiv Handa

The meeting adjourned at 10:53 p.m.