Commission Membership: Jonathan Stanley (Chair), Barbara Green-Ajufo (Vice-Chair), Ai Mori, Alaric Degrafinried, Alex Paul, 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 6:30 p.m.

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

B. Approval Of Draft Minutes Of The Regular Meeting Of January 4, 2010

The Commission approved by unanimous consent the minutes of the January 4, 2010 meeting.

C. Executive Director And Commission Announcements

The Commission chairperson welcomed Richard Unger to his first meeting of the Commission.

The Executive Director reported that the City Council's Finance and Management Committee will be considering a proposal to jump-start an earlier effort to develop a City-wide records management program.

The Office of the City Attorney filed a staff report to the City Council's Rules Committee in late January in which it proposed doubling OCRA's contribution and voluntary expenditure limits. The City Attorney argues the proposal is necessitated by the implementation of Instant Runoff Voting. The Rules Committee will decide at its meeting of February 4, 2010, whether to agendize the proposal for further consideration.

At the Commission's request, staff reviewed allegations that the Port of Oakland was maintaining an "illegal" website. Commission staff called the Commission's attention to a non-agendized staff report included in the agenda package that addressed those allegations.

There was one speaker: Sanjiv Handa

D. Open Forum

There were three speakers: David Mix; Jay Ashford; Sanjiv Handa

E. Complaints

1. A Staff Report And Action To Be Taken On Complaint No. 08-17 (Mix) **(SUPPLEMENTAL)**

The Commission reviewed, discussed and made comments regarding a proposed brochure designed to acquaint public officials and employees about obligations under the Public Records Act. The Commission directed staff to return with a final, revised version at the March 1, 2010, meeting.

There were four speakers: David Mix; Sanjiv Handa, John Klein; Ralph Kanz

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

The Commission moved, seconded and adopted a motion to continue Complaint No. 09-13 to the March 1, 2010, meeting at the request of the complainant.

There was one speaker: David Mix

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

The Commission directed staff to provide additional information pertaining to 1) the full content of the email exchange between Mr. Moglia and Ms. Quan cited in the complaint; 2) a legal assessment of whether providing a "hyperlink" on a City-maintained website to an officeholder's campaign

website violates any provision of law; and 3) the extent to which staff time or City resources are used to respond to inquiries or replies communicated to or through Ms. Quan's campaign website.

The Commission also requested staff to invite representatives from the District Attorney's Office and the City Auditor's Office to appear at a subsequent meeting to advise the Commission regarding the extent of their respective authority and jurisdiction.

There were three speakers: David Mix; John Klein; 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 1) provide a time reference for the $500 limit contained in proposed Section 2.24.010(B); 2) clarify proposed Section 2.24.040(I) so that a removal of a Commission-appointed member be subject to the Commission's discretion and/or a showing of intent to violate the provisions of proposed Section 2.24.050(B); 3) provide an alternative approach to the qualifications and restrictions contained in proposed Section 2.24.050(B) such that a Commissioner may recuse himself or herself if he or she receives a restricted benefit; and 4) highlight for consideration whether the term of a Commissioner as provided in proposed Section 2.24.040(E) be lengthened to more than three years and delete the proposed provision in Section 2.24.040(G) permitting subsequent terms.

There were four speakers: David Mix; Sanjiv Handa; Ralph Kanz; Andy Wiener

G. A Staff Report And Action To Be Taken Regarding Proposed Amendments To The Lobbyist Registration Ordinance (O.M.C. Chapter 3.20)

The Commission moved, seconded and adopted a motion to refer the redline of proposed amendments to the Lobbyist Registration Act to the Campaign Finance and Lobbyist Registration Committee for further study and review, particularly with respect to: 1) whether voluntary representatives of non-profit organizations should be required to register as lobbyists; 2) whether the LRA should regulate "persons doing business with the City" and "contractors"; 3) the current and proposed exceptions of Section 3.20.060; 4) the prohibition on personal

obligations of Section 3.20.130; 5) a listing of so-called "designated employees"; and 6) whether "emails" constitute a "communication" under the Act.

There were two speakers: John Klein; Sanjiv Handa

The meeting adjourned at 10:45 p.m.