Commission Membership: Andrew Wiener (Chair), Mario Andrews, (Vice-Chair) Barbara Green-Ajufo, Jonathan Stanley, Alaric Degrafinried, Alex Paul, Ai Mori

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: Wiener, Andrews, Green-Ajufo, Stanley, Degrafinried, Paul

Members excused: Mori

B. Approval Of The Draft Minutes Of The Regular Meeting Of November 2, 2009

The Commission moved seconded and adopted by consensus a motion to approve the draft minutes of the regular meeting of November 2, 2009, with the following modifications:

Item E -- "The Commission moved, [and] seconded and failed to adopt a motion to adopt Option 2 (relating to the treatment of gifts not subject to the annual gift limit) on page 2 of 22 of the staff report."

Item F -- "The Commission directed staff to prepare draft amendments effecting the proposals submitted by Commissioner Wiener with the following modifications: 1) as to the proposal for regulating non-compensated representatives of an organization, the Commission requested an advisory opinion from the City Attorney whether requiring such representatives would violate First Amendment protections and for staff to determine an appropriate

amount of "minimum contacts" before a registration requirement would apply; 2) the Commission directed staff to develop an appropriate location in the Municipal Code for the current restrictions on "contractors" and "persons doing business with the City"; [and] 3) analyze and propose a set of registration fees for lobbyists and/or their clients, taking into account the cost of administering the lobbyist registration program; and 4) assess whether emails constitute "communications" or "contacts" under the LRA and assess the current exemption for attorneys, engineers and architects.

C. Executive Director And Commission Announcements

The Executive Director reported that the Commission's ad hoc nominating committee interviewed the applicants for a Commission-appointed seat on the commission. The committee will present four nominees to the Commission for consideration at the January, 2010, meeting.

Representatives from the Offices of the City Clerk, City Attorney, City Auditor and Public Ethics Commission will appear at a meeting of the Finance and Management Committee next Tuesday, December 15, to renew an earlier proposal for the City to revise its procedures for establishing a City-wide records management program.

On Friday, December 7, 2009, the California Secretary of State announced that it has granted administrative approval of ranked choice voting for the 2010 November municipal election. This is a one-time approval and is subject to specific requirements in terms of voter outreach and education, plus inclusion of additional poll workers to assist voters with the new voting system. If implemented, ranked choice voting would eliminate the need for a June primary election in Oakland.

The City of Oakland will be shut down on December 28 through 31, due to the City's financial deficit.

D. Open Forum

There were three speakers: Sanjiv Handa, David Mix, Max Allstadt

E. Complaints

1. A Staff Report And Action To Be Taken In The Matter Of Complaint No. 08-13 (Mix) **SUPPLEMENTAL**

   At the request of Mr. Mix and Commission staff, the commission postponed consideration of this complaint and directed staff to re-agendize at a later meeting.

   There were two speakers: David Mix; Sanjiv Handa

2. A Staff Report And Action To Be Taken In The Matter Of Complaint No. 09-06 (Mix)

   The Commission moved, seconded and approved a motion to dismiss Complaint No. 09-06 on grounds that there are no facts to support Mr. Mix's allegations that City Council aide Susan Piper violated financial conflict of interest laws or misappropriated City resources in support of ballot measures C, D, F and H. (Ayes: All)

   There were two speakers: David Mix; Sanjiv Handa

3. A Staff Report And Action To Be Taken In The Matter Of Complaint No. 09-07 (Mix)

   The Commission moved, seconded and approved a motion to 1) dismiss Complaint No. 09-07 with respect to allegations pertaining to "conflict of interest" and "misuse of public resources" on grounds that there are no material facts on which to conclude a violation of law occurred; and 2) refer to the Office of the City Clerk issues pertaining to the late filing of pre-election campaign statements for further review pursuant to the City Clerk's authority under the Political Reform Act. (Ayes: All)

   There was one speaker: David Mix

4. A Staff Report And Action To Be Taken In The Matter Of Complaint Nos. 09-08, 09-09, 09-10 and 09-11 (Mix) **CONSOLIDATED**

   Commission staff advised that a written notice had been sent to the various respondents stating the incorrect date for the meeting. The

Commission decided to postpone this item for the January 4, 2010, meeting and directed staff to mail out another notice.

There were theree speakers: Sanjiv Handa; David Mix; Ralph Kanz

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 discussed and took public comment on a proposal from the MGO Democratic Club relating to qualifications and restrictions on Commission members. The Commission made a series of modifications to the "staff-version" of the proposal and directed staff to agendize for the January 4, 2009, meeting a complete redline of Chapter 2.24 for final Commission consideration.

There were five speakers: Ralph Kanz; Judy Cox; John Klein; Gary Sirbu; Sanjiv Handa

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 directed staff to postpone this item and re-agendize for the regular meeting of January 4, 2010.

There was one speaker: John Klein

H. A Report And Action To Be Taken Regarding Proposed 2010 Meeting Schedule

The Commission moved, seconded and approved a motion to approve the proposed 2010 regular meeting schedule.

The meeting adjourned at 9:55 p.m.