CITY OF OAKLAND
Public Ethics Commission

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TO: Public Ethics Commission
FROM: Daniel Purnell
DATE: February 1, 2010

RE: Informational Report On The Port of Oakland's "Commissioner Collaborative Website"

At its regular meeting of January 4, 2010, the Commission requested staff to inquire into allegations that members of the Oakland Board of Port Commissioners ("Port Board") maintain an "illegal" website.

Commission staff contacted John Betterton, secretary to the Oakland Port Board. Mr. Betterton said that the Port Board has maintained a "Commissioners Collaborative Website" for approximately four years. The website is accessible to members of the Port Board and Port staff. He said the website was established after the Port Board was served a subpoena and the Port District was required to reconstruct, at significant public expense, a record of email communications among Port Board members, staff and outside parties. Because some of the emails were sent and/or received via outside servers (such as servers maintained by the employers of several Port Board members), the website was established to provide a common "portal" by which Port Board members could communicate among themselves and Port staff while maintaining an accessible electronic record of the email traffic. In this manner, Mr. Betterton said, the website serves merely as any other email server but with a retention capacity that can be accessed when necessary by Port staff. He said that the website also contains several directories, databases and calendaring features that also can be accessed by Port Board members and staff. He insisted the website does not serve as a "blog" in which opinions and communications are mutually shared by Port Board members in a way that could violate open meeting laws.

Mr. Betterton kindly permitted Commission staff access to the website. The website appeared as Mr. Betterton described: There is a directory of Commissioner names, addresses and email addresses, a staff directory, and a list of Port vendors and tenants. There is also an electronic

calendar feature which lists dates of upcoming meetings, and a "polling" feature which allows a user to ask specified recipients a question and then automatically tallies the responses. Mr. Betterton said that this feature has only been used twice, by him, once to remind Port Board members of an upcoming meeting and the other to check members' availability for scheduling a meeting. Commission staff was able to confirm both uses on the website.

There was no indication that the website was being used to facilitate serial communications among Port Board members.

Mr. Betterton said that he is in the process of cancelling the website due to its cost and relative lack of use.

This is an informational report requiring no Commission action. Should members of the Commission have any questions they are free to contact staff or place this matter on a future Commission agenda.

Respectfully submitted,

Daniel D. Purnell
Executive Director