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, Paul, Mori

Members excused: Degrafinried

B. Final Interviews And Selection Of Candidates For The Commission-Appointed Seat On The Public Ethics Commission

The Commission, by written public ballot, selected Richard Unger to fill the term on the Commission beginning January 22, 2010, and ending on January 21, 2013, by four affirmative votes [Wiener, Andrews, Paul, Mori].

There were six speakers: Roger Brigham, Michael Hadley, Ed Mosley, Richard Unger, David Mix, Sanjiv Handa

(Note the departure of Commissioner Mori after this item.)

C. Approval Of The Draft Minutes Of The Regular Meeting Of December 7, 2009

The Commission approved by unanimous consent the draft minutes of the regular meeting of December 7, 2009.

There were no speakers on this item.

D. Open Forum

There were three speakers: Ralph Kanz, Sanjiv Handa, David Mix

The Commission requested staff to 1) report back on allegations of an "illegal" website for Port Commissioners, 2) produce a supplemental report on actions taken pursuant to Complaint No. 08-17, and 3) agendize for a future meeting a review of the Commission's General Complaint Procedures.

E. Complaints

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

(Note the departure of Commissioner Green-Ajufo during this item.)

The Commission moved, seconded and adopted the following motion:

1) To dismiss Complaint Nos. 09-08, 09-09, 09-10 and 09-11 on grounds that the Commission has no jurisdiction or authority to determine the alleged violations of state law or the alleged breaches of City contracts;

2) To refer to the Office of the City Attorney and the Office of the City Auditor the issue of whether the Zoological Society and/or the Museum Foundation violated any material term of their respective operating agreements with the City in connection with their campaign contributions to the Economic Stimulus for Oakland (ESO) Committee;

3) To refer to the Fair Political Practices Commission (FPPC) the issue of whether the ESO Committee or any person violated provisions of the California Political Reform Act and/or the regulations thereto in connection with the use of Form 461 by a primarily formed recipient committee;

4) To refer to the FPPC the issues of whether the Chabot Foundation or any other person violated provisions of the California Political Reform Act and/or the regulations thereto by making two contributions in excess of $100 each using a cashier's check;

5) To refer to the FPPC the issues of whether the ESO Committee or any other person violated provisions of the California Political Reform Act and/or the regulations thereto by receiving, expending and/or failing to return two Chabot Foundation contributions in excess of $100 made by cashiers' check;

6) To refer to the FPPC the issue of whether the Chabot Foundation served as the agent or intermediary for any person in making contributions to the ESO Committee and whether the Chabot Foundation and/or the ESO Committee failed to disclose the identity of any person on whose behalf such contributions were made. (Ayes: Wiener, Andrews, Stanley, Paul).

There were three speakers: David Mix, Sanjiv Handa, Ralph Kanz

2. A Staff Report And Action To Be Taken In The Matter Of Complaint No. 09-14 (Klein)

The Commission moved, seconded and adopted a motion to dismiss Complaint No. 09-14 and directed staff to agendize at a future meeting a review of the Commission's General Complaint Procedures addressing, without limitation, issues involving advance notice of staff reports, inclusion of and/or links to documents submitted in connection with a complaint. (Ayes: Wiener, Andrews, Stanley, Paul).

There were four speakers: John Klein, David Mix, Sanjiv Handa, 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 took public comment and directed staff to agendize this item for further consideration at a future meeting.

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

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 agendize this item for further consideration at a future meeting.

H. Election Of Public Ethics Commission Chair And Vice Chair For 2010
(This item was taken out-of-order prior to Item F.)

Commissioner Andrews moved that Commissioner Paul serve as Chairperson of the Commission for 2010. (Motion fails for lack of a second.)

The Commission moved, seconded and adopted a motion for Commissioner Stanley to serve as Chairperson of the Commission for 2010. (Aye: All)

Commissioner Wiener moved and Commissioner Andrews seconded a motion for Commissioner Paul to serve as Vice-Chairperson of the Commission. At the request of Commissioner Paul, the motion and second were withdrawn. The Commission then moved, seconded and adopted a motion for Commissioner Green-Ajufo to serve as Vice-Chairperson of the Commission for 2010. (Aye: All)

The meeting adjourned at 10:50 p.m.