MINUTES OF MEETING -- DRAFT
PUBLIC ETHICS COMMISSION
REGULAR MEETING
One Frank Ogawa Plaza (City Hall)
Monday, December 1, 2008
Hearing Room One
6:30 p.m.

Commission Membership: Andrew Wiener (Chair), Douglas Love, (Vice-Chair)
Mario Andrews, John Ashford, Barbara Green-Ajufo,
Jonathan Stanley, Alaric Degrafinried

Staff Members: Commission Staff:
Daniel Purnell, Executive Director
Tamika Thomas, Executive Assistant
City Attorney Representative:
Mark Morodomi, Deputy City Attorney
Alix Rosenthal, Deputy City Attorney

MINUTES OF MEETING

A. Roll Call And Determination Of Quorum

The meeting was called to order at 6:32 p.m.

Members present: Wiener, Love, Andrews, Green-Ajufo, Stanley, Degrafinried

B. Approval Of Draft Minutes Of The Special Meeting Of November 3, 2008, And Of The Regular Meeting Of November 3, 2008

The Commission moved, seconded and adopted a motion to approve the minutes of the November 3, 2008, special meeting and the November 3, 2008, regular meeting with one modification to the November 3, 2008, regular meeting minutes as follows:

G. A Report And Action To Be Taken Regarding Proposed Amendments To The Lobbyist Registration Act, Specifically Proposed Exemptions For Persons 1) Communicating On Behalf Of Certain Non-Profit Corporations, And 2) Communicating At A Publicly Noticed Meeting

The Commission moved, seconded and adopted a motion to approve the two proposed exceptions to the Lobbyist Registration Act, ***with modifications,*** *and directed the Executive Director to communicate those recommendations to the City Council for consideration.*

(Ayes: All)

C. Executive Director And Commission Announcements

Mr. Morodomi introduced Alix Rosenthal as the Commission's new legal counsel. Ms. Rosenthal brings a legal background in election and open government law to the Commission. Mr. Morodomi said he will continue to stay apprised of Commission activities in his role as Ms. Rosenthal's supervisor.

The Executive Director reported that the Campaign Finance and Lobbyist Registration Committee will conduct a meeting on Thursday, December 4, 2008, to review proposed amendments to the Oakland Campaign Reform Act. Commission staff thanked Commissioners Stanley, Love and Ashford for their work on the review and revision of OCRA.

The Commission's ad hoc nominating committee has completed its interview of applicants for a seat on the Commission and will submit a list of three candidates for selection at the Commission's January 5, 2009, meeting.

The Commission's proposed revision to the Sunshine Ordinance's definition of "meeting" will go before the City Council's Finance and Management Committee on December 12, 2008. The proposal would conform provisions of the Sunshine Ordinance to recent legislative changes in the Ralph M. Brown Act.

Third Quarter Lobbyist Registration Disclosures have been posted to the Commission's website.

The Executive Director reported that the anticipated shut-down of City Hall during the New Years' Holiday should not affect production of the Commission's January agenda.

D. Open Forum

There were two speakers: Jay Ashford, Barbara Newcombe
(Note arrival of Commissioner Ashford.)

E. Complaints

1. A Staff Report And Action To Be Taken Regarding 1) Complaint

No. 08-12 (PEC-Initiated) And 2) Whether To Initiate A Commission Complaint Against One Or More Individuals For Possible Violation Of Oakland's Lobbyist Registration Act

As to allegations pertaining to violations of the Oakland Sunshine Ordinance contained in Complaint No. 08-12, the Commission directed staff to schedule an evidentiary hearing to determine the issues raised in the complaint and to agendize at the Commission's January 5, 2009, meeting 1) whether the Commission shall sit as a hearing panel or to delegate its authority to gather and hear evidence to one or more of its members or to an independent hearing examiner and 2) an update on efforts by the Community and Economic Development Committee to voluntarily cure and correct any alleged violations.

As to potential issues involving one or more representatives of the Oakland Builders Alliance under the Lobbyist Registration Act, the Commission directed staff to prepare an analysis of the current definition of "local governmental lobbyist" and other relevant terms as contained in the Lobbyist Registration Act and report back to the Commission at a subsequent meeting.

There were three speakers: Sanjiv Handa, John Klein, Ralph Kanz (Additional written materials were received from Mr. Klein and Jenny Kassan.)

F. A Report And Action To Be Taken From The Office Of The City Clerk Pertaining To Electronic Campaign Filing In The City Of Oakland

The Commission received an oral report from Deputy City Clerk Marjo Keller who advised the Commission that efforts to institute an electronic filing system were likely to be delayed in the foreseeable future due to budget reductions in the City Clerk's Office. The Commission directed staff to prepare and send a letter to the Office of the City Clerk offering the Commission's support for any funding request necessary to effect electronic filing in the budget process for FY 2009-2011.

There were three speakers: Marjo Keller, Sanjiv Handa, Ralph Kanz

G. A Report And Action To Be Taken Regarding The Office Of The City Attorney's Objection To The Commission's Proposed Amendments To O.M.C. Section 2.24.090 (Legal Assistance For The Public Ethics Commission)

The Commission received a written staff report and directed staff to develop with the City Attorney's Office alternative language to proposed Section 2.24.090 that would reconcile the concerns of the Commission and the City Attorney over the retention and selection of independent legal counsel in the event of a conflict.

There were two speakers: Sanjiv Handa, Barbara Newcombe

H. A Report And Action To Be Taken Regarding Proposed 2009 Meeting Schedule

The Commission moved, seconded and adopted a motion to approve the proposed regular meeting schedule for 2009.

The meeting adjourned at 9:05 p.m.