Approved as to Form and Legality**

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City Attorney

City of Oakland
Public Ethics Commission
January 5, 2009

In the Matter of)
) Complaint No. 08-12
) **SUPPLEMENTAL**

The Public Ethics Commission initiated Complaint No. 08-12 at its regular meeting of November 3, 2008.

I. SUMMARY OF COMPLAINT

The Commission initiated Complaint No. 08-12 to determine whether the City Council's Community And Economic Development Committee ("CED Committee") conducted a meeting on September 12, 2008, without providing public notice pursuant to Section 2.20.070 of the Oakland Sunshine Ordinance.

II. UPDATE AND ACTION TO BE TAKEN

At its regular meeting of December 1, 2008, 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 CED Committee to voluntarily cure and correct the alleged violations.

On December 11, 2008, the City Council's Rules and Legislation Committee directed the CED Committee to schedule a "cure and correction" of the alleged violations arising from the September 12, 2008, gathering. The CED Committee is scheduled to conduct the cure and correction at its regular meeting of January 13, 2009.

III. STAFF RECOMMENDATION

Commission staff recommends that the Commission direct staff to dismiss Complaint No. 08-12 conditioned upon the successful completion of the cure and correction at the CED Committee meeting of January 13, 2009. In the event the CED Committee fails to consider or take action on the cure and correction, Commission staff recommends that the Commission agendize Complaint No. 08-12 at the Commission's February 2, 2009, regular meeting for the appointment of a hearing panel or hearing

examiner, and to direct staff to convene a formal evidentiary hearing to determine the issues raised in the complaint.

Respectfully submitted,

Daniel D. Purnell
Executive Director

** *City Attorney approval as to form and legality relates specifically to the legal issues raised in the staff report. The City Attorney's approval is not an endorsement of any policy issues expressed or of the conclusions reached by staff on the merits of the underlying complaint.*