MINUTES OF MEETING -- DRAFT
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Monday, February 9, 2009
Hearing Room One
6:30 p.m.

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

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 6:37 p.m.

Members present: Wiener, Degrafinried, Green-Ajufo, Paul
Members excused: Andrews, Stanley

B. Approval Of Draft Minutes Of The Regular Meeting Of January 5, 2009

The Commission moved, seconded and approved by consensus a motion to approve the minutes of the January 5, 2009, regular meeting. (Ayes: Wiener, Degrafinried, Green-Ajufo; Abstain: Paul)

C. Executive Director And Commission Announcements

The executive director announced that he has been providing Brown Act and Roberts Rules of Order training to a number of Oakland boards and commissions.

He participated in a panel presentation on the subject of local campaign finance reform sponsored by the Alameda League of Women Voters and will be serving on an advisory board for the California Ethics Project, a program to promote local ethics sponsored by the City Clerks Association of California.

Commission Chair Andrew Wiener announced that Alex Paul has agreed to serve on the Commission's Sunshine Committee (Membership: Andrews, Green-Ajufo and Paul), and that Alaric Degrafinried has agreed to serve on the

Commission's Lobbyist Registration and Campaign Finance Committee (Membership: Degrafinried, Stanley, Vacancy)

D. Open Forum

There was one speaker: Sanjiv Handa

E. Complaints

1. A Staff Report And Action To Be Taken On Complaint No. 08-11 (Mix)

The Commission moved, seconded and adopted a motion to dismiss Complaint No. 08-11 on grounds that the Commission has no jurisdiction to determine the issues raised in the complaint. The Commission directed staff to report back at a later meeting on the issue of local regulation of campaign signs for further study and consideration. (Ayes: All)

2. A Staff Report And Action To Be Taken On Complaint No. 08-12 (PEC)

The Commission moved, seconded and failed to adopt a motion to take no action with respect to allegations of lobbying activity by unpaid officers and directors of the Oakland Builders Alliance at a meeting of members of the City Council's CED Committee on September 12, 2008 on grounds that the Lobbyist Registration Act provided insufficient notice whether such officers and directors are required to register as lobbyists. (Ayes: Paul, Wiener; Noes: Degrafinried; Abstain: Green-Ajufo)

The Commission moved, seconded and adopted a motion simply to take no action with respect to allegations of lobbying activity by unpaid officers and directors of the Oakland Builders Alliance at a meeting of members of the City Council's CED Committee on September 12, 2008. (Aye: Degrafinried, Green-Ajufo, Wiener; Noes: Paul)

There were five speakers: David Mix; James Sutton; John Klein; Sanjiv Handa; Carlos Plazola

3. A Staff Report And Action To Be Taken On Complaint No. 08-16 (Mix)

The Commission moved, seconded and adopted a motion to retain jurisdiction over Complaint No. 08-16 and to consolidate its further consideration with other complaints filed by David Mix involving the Public Works Agency. (Ayes: All)

There were two speakers: David Mix; Sanjiv Handa

4. A Staff Report And Action To Be Taken On Complaint No. 08-19 (Mix)

The Commission moved, seconded and adopted a motion to dismiss Complaint No. 08-19 on grounds there is no legal or factual basis supporting the allegations that the City Council 1) violated the Brown Act or Sunshine Ordinance in agendizing and taking action in closed session on November 18, 2008, to initiate litigation pertaining to Proposition 8, and 2) violated its Code of Conduct/Code of Ethics in connection with that action. (Ayes: All)

There were two speakers: David Mix; Sanjiv Handa

F. A Staff 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 approved by consensus the agreed-upon language contained in the staff report pertaining to the retention of legal counsel in the event of a conflict by the City Attorney (O.M.C. Section 2.24.090).

There was one speaker: Sanjiv Handa

G. An Informational Report From The Office Of The City Attorney Regarding Recently Adopted Regulations By The Fair Political Practices Commission

The Commission directed staff to agendize the presentation on Item G for the Commission's March 2, 2009, meeting.

There were no public speakers on this item.

H. A Staff Report And Action To Be Taken Regarding Proposed Amendments To The Oakland Campaign Reform Act From The Commission's Lobbyist Registration And Campaign Finance Committee

The Commission directed staff to agendize the presentation on Item H for the Commission's March 2, 2009, meeting.

There were no public speakers on this item.

The meeting adjourned at 10:20 p.m.