City of Oakland

For Official Use Only

Public Ethics Commission

Stamp Date/Time Received:
2/17/09

COMPLAINT FORM

Complaint Number: 09-03

Please Type or Print in Ink and Complete this Form.

This complaint concerns a possible violation of: (please check all that apply)

☒ The Oakland Sunshine Ordinance, California Public Records Act or Brown Act. (Access to public meetings or documents.)

☐ Oakland Campaign Reform Act

☐ Oakland City Council's Rules of Procedure/Code of Ethics

☐ Oakland Limited Public Financing Act

☐ Oakland Conflict of Interest regulations

ATTACHMENT (

Item E-3
Date 5/4/09
Page 4 of 8

☐ Oakland Lobbyist Registration Act

☐ Oakland False Endorsement In Campaign Literature Act

☐ I am/We are not sure which specific law, ordinance or regulations apply. However, I am/We are requesting that the Ethics Commission determine if my/our complaint is within its jurisdiction.

The alleged violation occurred on or about the following date(s)

Feb. 3, 2009.

The alleged violation occurred at the following place:

During the regular meeting of the Oakland City Council

Please provide specific facts describing your complaint. (Or attach additional pages as necessary.)

See attachment.

The persons you allege to be responsible for the violation(s) are:

Jane Brunner, as President of the Oakland City Council.

Any witnesses who were involved and/or who can provide additional information are: (Please indicate names and phone numbers, if available.)

The violation occurred during a public, televised meeting.

ATTACHMENT 1

PLEASE NOTE:

There may be other laws that apply to the violation(s) you are alleging. The time limit to commence a legal proceeding to enforce those laws may not be extended by filing this complaint. You should contact an attorney immediately to protect any rights available to you under the law.

By filing this complaint with the Public Ethics Commission it, and all other materials submitted with it, becomes a public record available for inspection and copying by the public.

NAME: John Klein PHONE NO.(Day):(510) [redacted]

ADDRESS: [redacted]t Street PHONE NO.(Eve.):( )

CITY: Oakland STATE: CA ZIP: 94610

FAX NO.: ( )

E-MAIL: [redacted]@comcast.net

PLEASE RETURN THIS FORM TO:

Public Ethics Commission
One Frank Ogawa Plaza, 4th floor
Oakland, CA 94612

Phone: (510) 238-3593
FAX:(510) 238-3315

Submit by Email

Print Form

ATTACHMENT 1

Item E-3
Date 5/4/09
Page 6 of 8

Attachment to Amended John Klein, PEC complaint, 2-06-09

At the regular City Council meeting on Feb. 3, 2009, I submitted a speaker card for Open Forum. The total time allotted for Open Forum on the agenda is 15 minutes and the usual time allowed to each speaker is two minutes. However, because 12 people submitted speaker cards for Open Forum, Council President Brunner reduced speaking time to one minute per person.

When I made my comments during Open Forum, after speaking for approximately one minute and 45 seconds, Council President Brunner interrupted me and did not allow me to finish my comments.

It turned out to the be case that only seven individuals spoke, instead of 12, and when the last Open Forum speaker finished, Council President Brunner moved the meeting to the next item on the agenda. However, it was apparent to me that the allotted 15 minutes for Open Forum had not elapsed. I approached a member of the City Clerk's staff and asked her to verify whether time still remained for Open Forum and that it was my belief that a portion of the allotted 15 minutes had not elapsed. She said she was not able to verify this and informed me that, in any case, it is certain that Council President Brunner will not re-open Open Forum and that the meeting had moved on to the next item on the agenda.

I subsequently reviewed the video recording of the meeting and discovered that, in fact, Council President Brunner allowed speakers to utilize only 11 minutes of allotted 15 minutes for Open Forum. This, even though the Council President interrupted several speakers, including me, and did not allow them to finish their comments during Open Forum.

Council President Brunner should have allowed me to finish to finish my prepared comments during the remaining four minutes of the allotted time for Open Forum.

ATTACHMENT 1

SUPPLEMENTAL

City of Oakland

Meeting Agenda

Office of the City Clerk
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, California 94612
LaTonda Simmons, City Clerk

OAKLAND 1852 2002 Growing for Over 150 Years

Concurrent Meeting of the Oakland Redevelopment Agency / City Council

Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, California, 94612

City of Oakland Website: http://www.oaklandnet.com

Tuesday, February 03, 2009 | 6:00 PM | Oakland City Hall, 3rd Floor

DEFINITION OF TERMS:

CONSENT ITEM: any action item that a subject matter Committee has forwarded to the full Council with unanimous recommendation for approval and is not controversial, and does not have a high level of public interest as determined by the Rules Committee. These items are heard on the 6:00 P.M. portion of the agenda.

NON-CONSENT ITEM: any action that a subject-matter Committee has forwarded to the full Council without unanimous recommendation for approval, or having a high level of public interest, or is controversial as determined by the Rules Committee. These items are heard on the 7:00 P.M. portion of the agenda.

ACTION ITEM: any resolution, ordinance, public hearing, motion, or recommendation requiring official vote and approval of the City Council to be effective.

INFORMATIONAL ITEM: an item of the agenda consisting only of an informational report that does not require or permit Council action.

1 Pledge of Allegiance

2 Roll Call / ORA & Council

COUNCIL MEMBERS: Patricia Kernighan, Dist. 2; Nancy Nadel, Dist. 3; Jean Quan, Dist. 4; Ignacio De La Fuente, Dist. 5; Desley Brooks, Dist. 6; Larry Reid, Dist. 7; Rebecca Kaplan, At-Large, and President Jane Brunner, Dist. 1

* 3 Open Forum / Citizens Comments *
(Time Available: 15 minutes)

4 Modifications to the Consent Calendar, and requests from Councilmember(s) to pull an item from the Consent Calendar, shall be scheduled for the next-succeeding City Council meeting as a non-consent item.

5 Motion for 'Members' Requests for Reconsideration' of an Action taken at the preceding Council Meeting, shall be scheduled for the next-succeeding City Council meeting as a non-consent item. (Motion Maker must have voted on prevailing side)

Item E-3
Date 5/4/09
8 of 8

ATTACHMENT 2