City of Oakland
Public Ethics Commission

For Official Use Only

Stamp Date/Time Received:
2/9/09

Complaint Number: 09-02

COMPLAINT FORM

February 9, 2009

Please Type or Print in Ink and Complete Both Sides of this Form.

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

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

[ ] Oakland Campaign Reform Act

[X] Oakland City Council's Rules of Procedure/Code of Ethics

[ ] Oakland Limited Public Financing Act

[ ] Oakland Conflict of Interest regulations

[ ] 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):

February 5, 2009 - Rules and Legislation Committee

The alleged violation occurred at the following place:

City Hall - Rules and Legislation Committee Meeting

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

Councilmembers, Jean Quan and Patricia Kernigham submitted three items (tax issues) identified as, No. 09-0102, No. 09-0103, and No. 09-0104 (Resolutions proposing Ordinances, copies enclosed) in accordance with Council Rule #24 as provided by the Oakland City

continued

(Continued on Reverse Side)

Please provide specific facts describing your complaint. (If additional space is needed.)

Charter, Section 210, for the committee's consideration and to take the required prescribed action by majority vote of the committee to table the items, dismiss them, refer them to staff, or to forward them on to a subject-matter committee - but not limited thereto.

However, the parties involved failed to agendize any of the three items is accordance with the Brown Act and the City's Sunshine Ordinance. It is my understanding the Rules Committee moved to refer these items to the Finance and Management Committee of the 24th of February.

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

Council Members, Quan, Kernigham, and the City Clerk.

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

See K-Top recording

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: David E. Mix

ADDRESS: 1133 Glencourt Drive

CITY: Oakland STATE: CA ZIP: 94611

PHONE NO. (Day) (510) 339 1519

PHONE NO. (Eve) ( )

FAX NO. ( )

E-MAIL

PLEASE RETURN THIS FORM TO:

Public Ethics Commission
One Frank Ogawa Plaza, 4th Floor
Oakland, CA 946121

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

CITY OF OAKLAND
MEMORANDUM

TO: Rules & Legislation Committee
ATTN: Assistant to the City Administrator
FROM: Name/Contact Councilmember Quan
Phone No. 238-2004
Agency/Dept City Council
DATE: February 5, 2009

SUBJECT: REQUEST TO SCHEDULE AGENDA ITEM

(Use upper and lower case, Times Roman)

TITLE: Resolution Submitting, On The Council's Own Motion, To The Electors At A June 2, 2009 Special Election, A Proposed Ordinance Amending The Oakland Municipal Code In Order To Provide For A Two Percent Surcharge To The City's Hotel Tax (Transient Occupancy Tax) To Support The Oakland Zoo, Chabot Space And Science Center, The Oakland Museum of California, And The Cultural Arts Programs And Festivals; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication For Notice And Publication In Accordance With A June 2, 2009 Special Election

SCHEDULING RECOMMENDATION:

A. Committee Finance & Management
(Please specify Committee. Committees meet 2nd and 4th Tuesdays)

____ City Council ____ Redevelopment Agency
(Council/Agency meets on 1st, 3rd, and 5th Tuesdays)

B. Meeting Date: February 24, 2009

Is a formal public hearing required at Council? _____ Requested hearing date: _____

Is there a statutory, regulatory, financial or grant deadline? Specify:

Is a staff report required/requested? No

What is the fiscal impact on the City/Agency?

If the ten-day (Sunshine Ordinance) agenda deadline cannot be met, please indicate reason:

___ Item is an **emergency**. To place item on Supplemental (72-hour) agenda requires majority vote of Rules Comm. that emergency exists, based on facts placed in the record related to crippling disaster, work stoppage or other activity which severely impacts public health and/or safety.

___ Item is **urgent**. To place item on Supplemental (72-hour) agenda requires 2/3 vote of Rules Comm. based on facts placed in the record that the need to take immediate action came to the attention of the local body after the 10-day agenda was posted **AND** that the immediate action:

___ is required to avoid a substantial adverse impact that would occur if action was deferred to a subsequent special or regular meeting;

___ relates to federal or state legislation;

09-0102

Revised 9/05

CITY OF OAKLAND
MEMORANDUM

TO: Rules & Legislation Committee
ATTN: Assistant to the City Administrator
FROM: Name/Contact Councilmember Quan & Councilmember Kernighan
Phone No. 238-2004, 238-2002
Agency/Dept City Council
DATE: February 5, 2009

SUBJECT: REQUEST TO SCHEDULE AGENDA ITEM

(Use upper and lower case, Times Roman)

TITLE: A Resolution Submitting, On The City Council's Own Motion, To The Electors At A June 2, 2009 Special Election, A Measure To Repeal Charter Section 1300 On Kids First! Oakland Fund For Children And Youth Adopted By The Voters On November 4, 2008 (Measure OO) And Readopt Charter Section 1300 On Kids First! Oakland Fund For Children And Youth Adopted By The Voters On November 5, 1996 (Measure K), As Amended; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With A June 2, 2009 Special Election

SCHEDULING RECOMMENDATION:

A. Committee Finance & Management
(Please specify Committee. Committees meet 2nd & 4th Tuesdays)

____ City Council ✓ Redevelopment Agency
(Council/Agency meets on 1st, 3rd, and 5th Tuesdays)

B. Meeting Date: February 24, 2009

Is a formal public hearing required at Council? _____ Requested hearing date: _____

Is there a statutory, regulatory, financial or grant deadline? Specify:

Is a staff report required/requested? No

What is the fiscal impact on the City/Agency?

If the ten-day (Sunshine Ordinance) agenda deadline cannot be met, please indicate reason:

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___ Item is **urgent**. To place item on Supplemental (72-hour) agenda requires 2/3 vote of Rules Comm. based on facts placed in the record that the need to take immediate action came to the attention of the local body after the 10-day agenda was posted **AND** that the immediate action:

___ is required to avoid a substantial adverse impact that would occur if action was deferred to a subsequent special or regular meeting;

___ relates to federal or state legislation;

09-0103

Revised 9/05

CITY OF OAKLAND
MEMORANDUM

TO: Rules & Legislation Committee
ATTN: Assistant to the City Administrator
FROM: Name/Contact Councilmember Jean Quan
Phone No. 238-2004
Agency/Dept City Council
DATE: February 5, 2009

HLS Health and Safety

SUBJECT: REQUEST TO SCHEDULE AGENDA ITEM

(Use upper and lower case, Times Roman)

TITLE: Resolution Submitting, on the City Council's Own Motion, to the Electors at the June 2, 2009 Special Election, a Proposed Ordinance Creating the 2009 Lighting, Parks and Trees Emergency Measure and Directing the City Clerk to Fix the Date for Submission of Arguments and Provide for Notice and Publication in Accordance with the June 2, 2009 Special Election

SCHEDULING RECOMMENDATION:

A. Committee Finance & Management
(Please specify Committee. Committees meet 2nd & 4th Tuesdays)
____ City Council ____ Redevelopment Agency
(Council/Agency meets on 1st, 3rd, and 5th Tuesdays)

B. Meeting Date: February 24, 2009

Is a formal public hearing required at Council? _____ Requested hearing date: _____

Is there a statutory, regulatory, financial or grant deadline? Specify:

Is a staff report required/requested? No

What is the fiscal impact on the City/Agency?

If the ten-day (Sunshine Ordinance) agenda deadline cannot be met, please indicate reason:

___ Item is an **emergency**. To place item on Supplemental (72-hour) agenda requires majority vote of Rules Comm. that emergency exists, based on facts placed in the record related to crippling disaster, work stoppage or other activity which severely impacts public health and/or safety.

___ Item is **urgent**. To place item on Supplemental (72-hour) agenda requires 2/3 vote of Rules Comm. based on facts placed in the record that the need to take immediate action came to the attention of the local body after the 10-day agenda was posted **AND** that the immediate action:

___ is required to avoid a substantial adverse impact that would occur if action was deferred to a subsequent special or regular meeting;

___ relates to federal or state legislation;

___ relates to ceremonial or commendatory item.

A separate request must be completed for each item for scheduling. Requests must be submitted in **electronic format** by **6:00 p.m.** of the **Tuesday** preceding the relevant Rules & Legislation Committee meeting.
Attach any supporting documentation.

09-0104

Revised 9/05

City of Oakland
Meeting Agenda
*Rules & Legislation Committee

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

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

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

Thursday, February 05, 2009 10:45 AM City Council Chambers - 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.*

***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.*

***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.*

Roll Call / Call to Order

COMMITTEE MEMBERSHIP:

Jean Quan, District 4; Vice Mayor Ignacio De La Fuente, District 5; Larry Reid, District 7; and Chairperson Jane Brunner, District 1

1 Closed Session

2 Approval of the Draft Minutes from the Committee meeting of January 22, 2009

3 Determination of Schedule of Outstanding Committee Items

4 Scheduling of Agenda Items and revisions to the agendas for the Council Committee meetings of February 10, 2009 (SUPPLEMENTAL)

5 A review of the Agendas for the Concurrent Meeting of ORA/City Council for the meeting of February 17, 2009 and the Rules and Legislation Committee for the meeting of February 19, 2009

OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

Adjournment

NOTE: Americans With Disabilities Act
If you need special assistance to participate in Oakland City Council and Committee meetings please contact the Office of the City Clerk. When possible, please notify the City Clerk 48 hours prior to the meeting so we can make reasonable arrangements to ensure accessibility. Also, in compliance with Oakland's policy for people with environmental illness or multiple chemical sensitivities, please refrain from wearing strongly scented products to meetings.

Office of the City Clerk - Agenda Management Unit
Phone: (510) 238-6406
Fax: (510) 238-6699
Recorded Agenda: (510) 238-2386
Telecommunications Display Device: (510) 839-6451 (TDD)

MATERIALS RELATED TO ITEMS ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA PACKETS MAY BE VIEWED IN THE OFFICE OF THE CITY CLERK, 1 FRANK H. OGAWA PLAZA, 1ST AND 2ND FLOOR, OAKLAND, CA 94612 FROM 8:30AM TO 5:00PM

* In the event a quorum of the City Council participates on this Committee, the meeting is noticed as a Special Meeting of the City Council; however, no final City Council action can be taken.

LATONDA SIMMONS
Agency Secretary/City Clerk
and Clerk of the Council

ORA - Oakland Redevelopment Agency
S - Supplemental Item