MINUTES OF MEETING -- DRAFT
PUBLIC ETHICS COMMISSION
REGULAR MEETING
One Frank Ogawa Plaza (City Hall)
Monday, June 1, 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, Ai Mori

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 6:30 p.m.

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

B. Approval Of Draft Minutes Of The Regular Meeting Of May 4, 2009.

The Commission adopted a motion to approve the minutes of the regular meeting of May 4, 2009, subject to the following modifications to Item E-1:

> *The Commission moved, seconded and adopted a motion not to proceed with an evidentiary hearing on Complaint No. 08-20 and instead directed staff to dismiss the complaint and prepare alternative policy proposals for amending Section 3.20.030(D) to effect both a "narrow" and "broad" definition of local governmental lobbyists as applied to employees, officers or directors of a corporation, organization or association. The Commission directed staff to prepare and agendize for consideration a policy effecting a moratorium on enforcing existing provisions of Section 3.20.030 as they apply to uncompensated officers or directors of a corporation, organization or association at least until the City Council has an opportunity to consider and respond to the Commission's legislative proposals.*

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C. Executive Director And Commission Announcements

The Executive Director reported that he gave public records training to members of the Mayor's staff. Funding for current staffing levels for the Commission and for the Limited Public Financing Act have been included in the Mayor's proposed 2009-2011 budget.

D. Open Forum

There was one speaker: Sanjiv Handa

E. Complaints

1. A Staff Report And Action To Be Taken On Complaint No. 09-02 (Mix)

The Commission directed staff to perform additional research on the complaint, specifically whether 1) a quorum of the Rules Committee existed at the time it took action to schedule three proposed items to the Finance and Management Committee meeting of February 24, 2009; 2) whether the ten-day agenda descriptions for Rules Committee scheduling items is adequate; and 3) whether the Rules Committee's ten-day agenda should include a detailed description of any scheduling items that are known at the time the ten-day agenda is posted.

There were three speakers: David Mix, Sanjiv Handa, Helen Hutchison

2. A Staff Report And Action To Be Taken On Complaint No. 09-03 (Klein) **(SUPPLEMENTAL)**

The Commission requested its City Attorney representative to prepare and return at a subsequent meeting with a legal analysis of whether Rule 13 of the City Council Rules Of Procedures ("Open Forum at City Council Meetings") conflicts with provisions of Sunshine Ordinance Section 2.20.150(c) ("Two Minute Speaker Time Policy").

There were three speakers: Helen Hutchison, Sanjiv Handa, David Mix

3. A Staff Report And Action To Be Taken On Complaint No. 09-04 (Plazola)

The Commission moved, seconded and adopted a motion not to proceed with an evidentiary hearing on Complaint No. 09-04 on grounds that the language in LRA Section 3.20.030(D) pertaining to "salaried employee, officer or director" is ambiguous as to its applicability to those employees, officers or directors of corporations, organizations or associations who serve in an uncompensated capacity. (Ayes: All)

There were three speakers: Carlos Plazola, David Mix, Sanjiv Handa

F. A Staff Report And Action To Be Taken Regarding Required Review Of City Council Salaries

The Commission moved and seconded a motion to approve an 0.8 percent salary increase for the Office of City Councilmember effective as of the first pay period of FY 2009-2010, which increase reflects the change in the CPI for the San Francisco Bay Area for the period April, 2008 through April, 2009, and 2) authorize the Executive Director to delete paragraph 5 of the proposed Resolution before issuing the Resolution in final form (specifically, delete language stating: *"Whereas, the Commission is required to preserve the current authorized salary for Oakland City Councilmembers against increases in the cost of living"*).

After the Chair recognized a second to the motion, Commissioner Paul offered an amendment to the motion that the Commission send to Oakland City Councilmembers a copy of the chart demonstrating salaries for councilmembers in other California cities. The proposed amendment failed for lack of a second. The Commission then voted to approve the underlying motion. (Ayes: Wiener, Andrews, Stanley, Green-Ajufo, Degrafinried; Mori. Noes: Paul)

There were two speakers: Sanjiv Handa, David Mix

G. A Staff Report And Action To Be Taken Regarding Proposed Amendments To The Lobbyist Registration Ordinance And A Proposed Moratorium On Commission Enforcement Actions Pertaining To The Registration Of Certain Officers And Directors Of Corporations, Organizations And Associations

This item was continued to the July 6, 2009, meeting.

There was one speaker: Sanjiv Handa

H. A Staff Report And Action To Be Taken Regarding Proposed Amendments To O.M.C. Chapter 2.24 (Powers And Duties Of The Public Ethics Commission)

This item was continued to the July 6, 2009, meeting.

There was one speaker: Sanjiv Handa

The meeting will adjourned at 9:52 p.m.