

CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
**SUNSHINE ORDINANCE COMMITTEE**  
**SPECIAL MEETING**

One Frank Ogawa Plaza (City Hall)  
Tuesday, October 19, 2010  
Hearing Room Three  
7:00 p.m.  
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Committee Membership: Commissioners Barbara Green-Ajufo, Alex Paul, Richard Unger

Staff Members: Commission Staff:  
Daniel Purnell, Executive Director  
Tamika Thomas, Executive Assistant  
City Attorney Representative:  
Alix Rosenthal, Deputy City Attorney

**SPECIAL MEETING AGENDA**

**(NOTE: This special meeting of the Ethics Commission's "Sunshine Ordinance Committee" will follow the adjournment of a special meeting of the full Ethics Commission that will convene at 6:30 p.m. in Hearing Room Three.)**

- A. Roll Call And Determination Of Quorum
- B. Open Forum
- C. Approval Of The Minutes From The Special Meeting Of May 25, 2010
- D. Planning Discussion For A Future Commission Hearing On The Status Of Public Records Management And Public Accessibility

The meeting will adjourn upon the completion of the Committee's business.

You may speak on any item appearing on the agenda; however, you must fill out a Speaker's Card and give it to a representative of the Public Ethics Commission. All speakers will be allotted three minutes or less unless the Chairperson allots additional time.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the meetings of the Public Ethics Commission or its Committees, please contact the Office of the City Clerk (510) 238-7370. Notification two full business days prior to the meeting will enable the City of Oakland to make reasonable arrangements to ensure accessibility. In compliance with Oakland's policy for people with chemical sensitivities, please refrain from wearing strongly scented products to events.

Should you have questions or concerns regarding this agenda, or wish to review any agenda-related materials, please contact the Public Ethics Commission at (510) 238-3593 or visit our webpage at [www.oaklandnet.com](http://www.oaklandnet.com).

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Approved for Distribution

Date

MINUTES OF MEETING -- DRAFT  
PUBLIC ETHICS COMMISSION  
SUNSHINE ORDINANCE COMMITTEE  
SPECIAL MEETING  
One Frank Ogawa Plaza (City Hall)  
Tuesday, May 25, 2010  
Building Bridges Room  
7:00 p.m.



Committee Membership: Commissioners Barbara Green-Ajufo, Alex Paul, Richard Unger

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 7:00 p.m.

Members present: Barbara Green-Ajufo; Alex Paul; Richard Unger

Staff present: Dan Purnell

#### B. Open Forum

There were no speakers.

#### C. Approval Of The Minutes From The Special Meeting Of October 21, 2009

#### D. A Staff Report And Action To Be Taken Regarding A Review Of The Commission's General Complaint Procedures

The Committee discussed the content of the accompanying staff report and directed staff to begin drafting revisions to the Commission's Rules of Procedure consistent with its discussion and direction.

The meeting adjourned at 8:45 p.m.

**CITY OF OAKLAND**  
**Public Ethics Commission**

Jonathan Stanley, *Chair*  
Barbara Green-Ajufo, *Vice-Chair*  
Alaric Degrafinried  
Alex Paul  
Ai Mori  
Richard Unger  
Vacancy (Mayoral)



Daniel D. Purnell, Executive Director

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**TO:** Sunshine Committee of the Public Ethics Commission  
**FROM:** Daniel Purnell  
**DATE:** October 19, 2010

**RE:** Planning Discussion For A Future Commission Hearing On The Status Of Public Records Management And Public Accessibility

At its regular meeting of October 4, 2010, the Commission considered Complaint No. 09-12. The complaining party, Marleen Sacks, alleged that various City agencies and employees violated provisions of the Public Records Act and Sunshine Ordinance in connection with a number of public records requests Ms. Sacks had made. Part of the Commission's action with regard to Complaint No. 09-12 was to plan and convene a public hearing on the subject of public records, particularly regarding the City's ability to respond timely and thoroughly to public records requests. The Commission requested the Sunshine Committee to develop a format for this hearing.

The Commission's discussion focused on obtaining a better understanding of 1) how public records requests are currently processed, 2) issues affecting the City's ability to timely and thoroughly respond to public records requests, and 3) what procedural changes and resources are needed to improve the City's ability to respond.

In a hearing of the type that the Commission is contemplating, it is typical to invite people to attend the hearing, receive presentations, and allow for direct questioning by the panel. While the basic rules of public records law can be reduced to a relatively simple set of procedures, there are underlying complexities that can, in concert with other factors, make the subject of public records management and production broader and more complex than it may initially appear. To that end, Commission staff suggests that any hearing(s) be organized into several basic areas of inquiry, the information and findings from which can help direct subsequent areas of inquiry and investigation.

One of the first areas of inquiry should arguably involve an understanding of applicable law and the City's current procedures for responding to requests for public records. A second area would be to hear how other jurisdictions of comparable size manage their public records requests. A third area of inquiry would be to hear from people who have experienced problems with the current process and their suggestions for improvement. Another area would be to identify City representatives who can speak to particular issues the Commission would like to address (and which may have been raised by previous speakers) and invite their response. The final step would involve a discussion and formulation of findings and recommendations.

Once the Committee and/or Commission decides how to organize the nature and scope of its inquiry, Commission staff can develop a proposed hearing schedule and list of potential speakers and witnesses. While the Commission expressed a desire to complete this process by January 2011, it is possible that some of the Commission's work may run beyond that desired time frame.

The primary objective of tonight's meeting is to establish some idea of what the Commission's scope of inquiry should be. Commission staff will schedule a prompt follow-up meeting of the Sunshine Committee and/or report any Committee decision to the full Commission for consideration at the Commission's November 1, 2010, meeting.

Respectfully submitted,

Daniel D. Purnell  
Executive Director