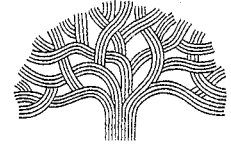


# CITY OF OAKLAND

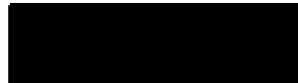


ONE FRANK H. OGAWA PLAZA • SUITE 104 • OAKLAND, CALIFORNIA 94612

Public Ethics Commission  
September 12, 2016

(510) 238-3593  
FAX (510) 238-3315  
TDD (510) 238-3254

David Mix



**Re: PEC Complaint No. 10-05; Closure Letter**

Dear Mr. Mix:

On March 3, 2010, the City of Oakland Public Ethics Commission (PEC) received your complaint alleging the City Council violated the Sunshine Ordinance by agendaizing an item for the March 2, 2010, meeting only three days prior to the meeting. We have concluded our investigation and found the following.

On February 16, 2010, the City Council conducted a special meeting to consider a "Mid Year Review of FY 2009-2010 Budget." At the end of the meeting, Council President Jane Brunner announced that two matters related to the budget that were scheduled to be discussed at the meeting would have to return to the full City Council for future consideration.

At the February 25, 2010, the City Council Rules and Legislation Committee (Rules Committee) meeting, Council President Brunner made a motion to schedule the two outstanding budget matters for the City Council's March 2, 2010, meeting. In response, the Deputy City Clerk advised the Rules Committee that in order for the Council to consider a matter at its March 2, 2010, meeting, the matter would either have to be the subject of a special meeting or the Rules Committee would have to adopt an urgency finding in order to add the matter as a supplemental agenda item to the ten-day agenda already posted for the March 2, 2010, meeting. Councilmember De La Fuente then made a motion to make an urgency finding and Councilmember Reid seconded the motion.

On February 26, 2010, the City Clerk posted and distributed the City Council's March 2, 2010, supplemental agenda, which included the outstanding budget matters as an item (Budget Item), notice that the Budget Item was added to the agenda pursuant to Section 2.20.080(E)(2) of the Sunshine Ordinance, and notice that the Rules Committee made an urgency finding regarding the Budget Item at its February 25, 2010, meeting.

At the March 2, 2010, City Council meeting, 25 people, including you, made public comments regarding the Budget Item. Following public comment and City Council debate, the City Council adopted the proposed resolutions that were included with the Budget Item.

According to the Sunshine Ordinance, a person may not file a complaint with the Commission alleging a violation of the notice provision of Section 2.20.080 if he or she attended the meeting or had actual notice of the item of business at least 72 hours prior to the meeting at which the action was taken. (Oakland Municipal Code § 2.20.270(F).)

Because you attended the March 2, 2010, City Council meeting, there is no cause of action for your complaint alleging that City Council failed to timely notice an item considered at the March 2, 2010, meeting. (O.M.C. § 2.20.270(F).) Therefore we are closing this matter without further action.

Thank you for taking the time to communicate your concerns with us, and we regret that we were not able to resolve this matter more timely. If you have any questions, please feel free to contact me at (510) 238-4976 or [mdalju@oaklandnet.com](mailto:mdalju@oaklandnet.com).

Sincerely,



Milad Dalju  
Deputy Director