

Commission Membership: Victor Ochoa (Chair), Alden Mudge (Vice-Chair), Barbara Newcombe, Peter Reinke, Lily Kimura, Jon Sylvester, Kathryn Kasch

Staff Members: Commission Staff:  
Daniel Purnell, Executive Director  
Judith Silverman, Executive Assistant  
City Attorney Representative:  
Mark Morodomi, Deputy City Attorney

### **MINUTES OF MEETING**

#### A. Roll Call And Determination Of Quorum

The meeting was called to order at 6:35 p.m.

Members present: Commissioners Ochoa, Reinke, Sylvester, Kimura, Mudge and Kasch

Members excused: Commissioner Newcombe

Staff present: Daniel D. Purnell, Executive Director  
Mark Morodomi, Deputy City Attorney

#### B. Approval of Draft Minutes of the Meeting of September 8, 2003

The Commission moved, seconded and approved a motion to adopt the draft minutes of the meeting of September 8, 2003, with the following correction: Item D-1 pertaining to Complaint No. 03-03 shall reflect the abstention from voting by Commissioner Kasch and the affirmative vote of all other Commissioners present. (Ayes: All).

#### C. Open Forum

There were three speakers: Ralph Kanz, Sanjiv Handa, David Mix

The Commission directed staff to agendize for a future meeting a staff report on the Commission's options in light of the FPPC's decision not to pursue further action in the matter of Commission Complaint No. 02-12 (Kanz).

#### D. Complaints

##### 1. A Report And Action To Be Taken In the Matter Of Complaint No. 03-08 (Dimon)

The Commission moved, seconded and approved a motion to adopt a staff recommendation that Complaint No. 03-08 be dismissed on grounds that the Commission has no jurisdiction to determine the issues raised in the complaint. The Commission declined to refer the matter to any other governmental or law enforcement agency. The Commission directed staff to refer AI 140 to the PSA Server Group administrators to consider whether they wish to make adherence to the City's electronic media policy a condition of Server Group membership. (Ayes: Ochoa, Sylvester, Kimura, Mudge, Kasch. Noes: Reinke)

There was one speaker: Sanjiv Handa

2. A Report And Action To Be Taken To Initiate A Complaint Against Merlin Edwards For The Alleged Failure To File A Quarterly Report On Lobbying Activities

The Commission considered a staff report and decided not to proceed with a formal complaint against registered lobbyist, Merlin Edwards, due to the fact that he had subsequently filed the quarterly report in question. (Ayes: All.)

There was one speaker: Sanjiv Handa

E. A Report And Action to Be Taken To Request Written Legal Advice From The Office Of The City Attorney Regarding The Application Of The Oakland Sunshine Ordinance And Public Records Act To The Oakland Museum Of California Foundation, Chabot Space And Science Center Foundation And The East Bay Zoological Society

The Commission moved, seconded and approved a motion to adopt a staff recommendation to request a written opinion from the Office of the City Attorney on the above question and directed staff to assist the City Attorney in obtaining the information necessary for the preparation of the opinion. (Ayes: All)

There were three speakers: Ralph Kanz, Sanjiv Handa, David Mix

F. A Report And Action To Be Taken Regarding Amendments To Public Ethics Commission Bylaws

The Commission moved, seconded and approved a motion to adopt the proposed amendments to the bylaws (together with a revision to the language in Section 10 to expressly state the amount of notice to be provided for special meetings) and directed staff to convey them to the Oakland City Council for review and consideration.

There was one speaker: Sanjiv Handa

G. A Presentation On Campaign Ethics From A Representative Of The Markkula Center For Applied Ethics

The Commission received a presentation from Tom Shanks, Ph.D. on the subject of campaign ethics and directed staff to explore the possibility of sponsoring a workshop for Oakland candidates before the March 2004 election.

There was one speaker: Sanjiv Handa

The meeting adjourned at 8:50 p.m.