

Commission Membership: Alden Mudge (Chair), Peter Reinke (Vice-Chair), Lily Kimura, Kathryn Kasch, Ralph Kanz, Andrew Wiener, Caryn Bortnick

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 6:30 p.m.

Members present: Commissioners Mudge, Reinke, Kimura, Kanz, Kasch, Wiener, and Bortnick

Staff present: Daniel Purnell, Executive Director

Mark Morodomi, Deputy City Attorney

B. Approval of Draft Minutes of the Meeting of August 30, 2004

The Commission moved, seconded and approved a motion to adopt the draft minutes of the meeting of August 30, 2004. (Ayes: Mudge, Reinke, Kimura, Kanz, Kasch, Wiener, Bortnick).

C. Open Forum

There were two speakers: Sanjiv Handa, David Mix

D. Complaints

1. A Report And Action To Be Taken In The Matter Of Complaint No. 03-02 (Mix)

The Commission moved, seconded and adopted a motion to dismiss Complaint No. 03-02 as it applies to the Chabot Space and Science Center and the Zoo Society but maintained jurisdiction over the complaint as to the Oakland Museum Department to permit Mr. Mix to identify and obtain copies of any public record he seeks from the Museum Department. (Ayes: Mudge, Reinke, Kimura, Kanz, Kasch, Wiener, Bortnick).

There were two speakers: Sanjiv Handa, David Mix

2. A Report And Action To Be Taken In The Matter Of Complaint No. 04-02 (Drake)

The Commission moved, seconded and adopted the following motions in connection with the complaint: 1) that the Oakland School Board is subject to the provisions of the Sunshine Ordinance and the Commission's authority to enforce its provisions (Ayes: All); 2) that the Executive Director schedule an evidentiary hearing before the full Public Ethics Commission to determine whether Dr. Randolph Ward and the Oakland School Board violated the Oakland Sunshine Ordinance in adopting and implementing rules for the conduct of a public meeting (Ayes: Mudge, Reinke, Kimura, Kanz, Kasch, Bortnick; Noes: Wiener); and 3) that the allegations be determined as to the Oakland School Board meeting of January 28, 2004, and

that the hearing be conducted at a location sufficient to permit public attendance and televised coverage. (Ayes: All).

The were eleven speakers: Pam Drake, Ben Visnick, Sukie Wilder, Mike Dunlap, Patricia Durham, Susan Harmon, Jim Mordecai, Paul Cobb, Michael Foster, Sanjiv Handa, Sid Walton.

E. A Report And Action To Be Taken Regarding Lobbyist Registration Committee's Proposed Amendments To The Lobbyist Registration Act

The Commission received a presentation from staff regarding the Committee's proposed amendments to the Lobbyist Registration Act. The Commission accepted staff's proposed clarifying language for Sections 3.20.060(E), (F) and (G); a new section requiring disclosure whenever a lobbyist is hired by a candidate or officeholder; and to extend the ban on lobbying for those convicted of a misdemeanor violation to include giving consultation or advice to registered clients. The Commission received a proposed amendment from Commissioner Reinke to prohibit City officers and employees from working as a lobbyist for one year after their employment with the City. The Commission directed staff to analyze Commissioner Reinke's proposed amendment and to provide the Commission with alternative approaches. The Executive Director also advised the Commission that he would prepare and propose two additional amendments providing a "severability" clause and a time period within which actions alleging violations of the ordinance could be filed.

There was one speaker: Sanjiv Handa

F. A Report Regarding Media Requests For City Employee Salary Information

The Commission received an informational report from the Executive Director regarding the facts and legal arguments involved in the case of Contra Costa Newspapers, Inc. v. City of Oakland.

There was one speaker: Sanjiv Handa

G. A Report And Action To Be Taken Regarding A Proposed Amendment To The Oakland Sunshine Ordinance Requested By The Office Of The City Clerk

The Commission directed staff to continue and re-agendize this item for the Commission's regular meeting of November 1, 2004.

There was one speaker: Sanjiv Handa

The meeting adjourned at 10:50 p.m.