
City Attorney

City of Oakland
Public Ethics Commission
December 12, 2005

In the Matter of)
) Complaint No. 05-10
)

James Mordecai filed Complaint No. 05-10 on October 20, 2005.

I. SUMMARY OF COMPLAINT AND ALLEGATIONS

James Mordecai filed Complaint No. 05-10 alleging that the Oakland Board of Education ("School Board") and State Superintendent Dr. Randolph Ward violated the Ralph M. Brown Act and the City of Oakland's Sunshine Ordinance at a special meeting of the School Board on October 13, 2005. Specifically, Mr. Mordecai contends that the three minutes of speaking time he was allotted to address an item on the agenda for that meeting was not a reasonable amount of time given the complexity of the item under consideration. **Attachment 1.**

II. REQUEST FOR VOLUNTARY DISMISSAL

At its regular meeting of November 7, 2005, the Commission dismissed an earlier complaint filed by Mr. Mordecai (Complaint No. 05-04) conditioned on the Commission undertaking a review of public participation at School Board meetings. Commission staff contacted Mr. Mordecai after the November 7 meeting to inquire whether he wished to proceed with this complaint in light of the Commission's action on Complaint No. 05-04. Mr. Mordecai told Commission staff that he supported the Commission's action regarding Complaint No. 05-04 and would be willing to withdraw Complaint No. 05-10 so long as the issue of speaker time is addressed in the Commission's subsequent review.

Section VII of the Commission's General Complaint Procedures provides that the Commission may retain jurisdiction over a complaint which the complainant has voluntarily requested to be dismissed. Given Mr. Mordecai's willingness to dismiss his complaint in lieu of the Commission's pending review of public participation at School Board meetings, Commission staff believes it would be appropriate for the Commission to grant Mr. Mordecai's request for dismissal.

III. STAFF RECOMMENDATION

Commission staff recommends that the Commission grant Mr. Mordecai's request for a dismissal of Complaint No. 05-10 conditioned on the Commission

conducting a legislative inquiry on public participation at School Board meetings including, but not limited to, issues of speaker time and public access, consistent with the Commission's action taken and direction given in Complaint No. 05-04.

Respectfully submitted,

Daniel D. Purnell
Executive Director

*** City Attorney approval as to form and legality relates specifically to the legal issues raised in the staff report. The City Attorney's approval is not an endorsement of any policy issues expressed or of the conclusions reached by staff on the merits of the underlying complaint.*