

Commission Membership: Alden Mudge (Chair), Peter Reinke (Vice-Chair), Lily Kimura, Jon Sylvester, Kathryn Kasch, Ralph Kanz

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, Sylvester, Kimura, Kasch, and Kanz

Staff present: Daniel Purnell, Executive Director  
Patrick Tang, Deputy City Attorney

#### B. Approval of Draft Minutes of the Meeting of January 5, 2004

The Commission moved, seconded and approved a motion to adopt the draft minutes of the meeting of January 5, 2004. (Ayes: Mudge, Reinke, Sylvester, Kimura, Kasch; Abstain: Kanz).

#### C. Open Forum

There were two speakers: David Mix, Sanjiv Handa

#### D. Complaints

1. Chair's Designation Regarding Subpoenas and Preliminary Matters Pursuant to Section IX (C and D) of the Commission's General Complaint Procedures In the Matter Of Complaint No. 03-15 (Grinage)

Chairman Alden Mudge announced that Commissioner Jon Sylvester will serve as his designee under Sections IX(C) and (D) of the Commission's General Complaint Procedures in the matter of Complaint No. 03-15 (Grinage) and will preside over the Commission's hearing on the complaint.

There was one speaker: Sanjiv Handa

2. A Report And Action To Be Taken In the Matter Of Complaint No. 03-12 (Kanz)

The Commission moved, seconded and approved a motion to adopt the staff recommendation to dismiss Complaint No. 03-12 on grounds that the Commission is without authority to determine violations of the California Political Reform Act and that there is no legal merit in referring a matter to the FPPC that exists well beyond the applicable statute of limitations. The Oakland Campaign Reform Act precludes the Commission's enforcement of an alleged violation occurring more than two years ago. (Ayes: Mudge, Reinke, Sylvester, Kimura, Kasch; Recused: Kanz).

There was one speaker: Sanjiv Handa

3. A Report And Action To Be Taken In the Matter Of Complaint No. 03-16 (Mix)

The Commission moved, seconded and approved a motion to adopt the staff recommendation to dismiss Complaint No. 03-16 on grounds that the facts and law fail to support a finding that a violation of the law may have occurred. The Commission declined to refer alleged violations of the California Political Reform Act to the FPPC based on the conclusions contained in their "Ewing" and "Bush" advice letters. (Ayes: Mudge, Reinke, Sylvester, Kimura, Kasch, Kanz)

There were two speakers: David Mix, Sanjiv Handa

4. A Report And Action To Be Taken To Initiate A Commission Complaint Against Oakland City Councilmember Desley Brooks

The Commission moved, seconded and approved a motion to adopt the staff recommendation to initiate a formal complaint against Oakland City Councilmember Desley Brooks for issues regarding the Oakland Campaign Reform Act (OCRA). The Commission directed staff to ensure that Ms. Brooks' campaign treasurer was apprised of the Commission's actions. (Ayes: Mudge, Reinke, Sylvester, Kimura, Kasch, Kanz)

There was one speaker: Sanjiv Handa

E. Discussion And Direction To Staff For Planning Upcoming Commission Meeting On Organizational And Policy Goals

The Commission directed staff to schedule a special meeting to discuss Commission policy goals and organization for Saturday, April 3, 2004. The Commission directed staff to explore alternative locations for the meeting. The Commission directed staff to contact various stakeholders and interested members of the public to invite them to appear at the meeting and offer their advice on how the Commission could improve its organization and effectiveness.

There were two speakers: David Mix, Sanjiv Handa

F. A Report And Action To Be Taken Regarding Waiver Of The Attorney-Client Privilege For Written Communications On The Oakland Sunshine Ordinance And Complaint No. 03-04 (Mix)

The Commission moved, seconded and approved a motion to adopt the staff recommendation to authorize the Executive Director to receive the two communications from legal counsel and thereafter make the two communications available for public distribution, inspection and copying. (Ayes: Mudge, Reinke, Sylvester, Kasch, Kanz; Noes: Kimura)

There were two speakers: David Mix, Sanjiv Handa

G. An Oral Report From The Lobbyist And Campaign Finance Committee Regarding Annual Review Of The Lobbyist Registration Act

Commissioner Jon Sylvester reported that the Lobbyist Registration and Campaign Finance Committee has held two meetings for the purpose of reviewing and proposing amendments to the Lobbyist

Registration Act. The Committee will be scheduling another meeting to consider specific amendments to the ordinance.

There was one speaker: Sanjiv Handa

The meeting adjourned at 8:45 p.m.