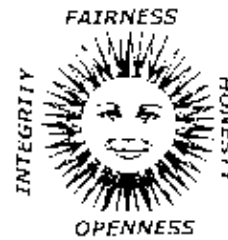


CITY OF OAKLAND
Public Ethics Commission

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Daniel D. Purnell, Executive Director

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TO: Public Ethics Commission
FROM: Daniel Purnell
DATE: March 1, 2004

RE: A Report And Action To Be Taken Regarding A Request From The City Auditor To Research And Develop A Local Law To Prohibit City Administrators From Endorsing Local Ballot Measures

I. BACKGROUND

Commission staff has received a request from Oakland City Auditor Roland Smith to consider researching whether any law prohibits City administrators from supporting ballot measures. If such laws do not exist, he requests the Commission to consider initiating one. **Attachment 1.**

Mr. Smith's request was prompted by a piece of campaign literature in support of Measure P. This Oakland ballot measure contains a series of amendments to the Oakland City Charter affecting the so-called "strong mayor" initiative, commonly known as "Measure X." Certain Oakland residents received the campaign piece in the mail on or about Saturday, February 7, 2004. The mailing consists of a single page featuring the City of Oakland's "tree" logo. The background color of the mailing is pale yellow. A campaign committee known as the "Yes On Measure P Committee" paid for the mailer. **Attachment 2.**

Among those listed on the campaign mailing in support of Measure P is "City Manager Deborah Edgerly." Ms. Edgerly has been acting as the "interim" City Manager since her appointment to that position in July, 2003, by Oakland Mayor Jerry Brown. On February 5, 2004, Mayor Brown submitted a letter to the City Council appointing Ms. Edgerly as the "permanent" City Manager. **Attachment 3.**

II. ANALYSIS

The Oakland City Charter identifies as "officers of the city" the Mayor, City Councilmembers, City Manager, City Attorney, City Clerk, City Auditor, and "such department heads, members of boards and commissions and executive officers of such boards and commissions as may be so designated by ordinance." [City Charter Section 400] The City Clerk, City Manager and the various department heads are appointed positions which are compensated through employment contracts or employment relationships with the City.

Mr. Smith questions the propriety of appointed City officers lending their name and/or their offices in support of a City ballot measure.

At the time of this writing, Commission staff has not had an opportunity to fully review whether any state or local law applies to the situation Mr. Smith presents. The Commission is requested to direct staff to research whether any state or local laws regulate political endorsements by appointed local officials and, if not, to develop a draft local ordinance to do so. Commission staff anticipates it can complete this assignment no later than the May, 2004, meeting should the Commission choose to undertake this project.

Respectfully submitted,

Daniel D. Purnell
Executive Director